



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, December 20, 2023

Agenda Item

Item 9. B. – 2024 Legislative Agenda

Prepared By

Linda Loomis, Administrator

Summary

MN Watershed distributed its legislative agenda at the Minnesota Association of Watershed Administrators meeting (and Annual Conference). A copy of the document is attached for the Board's information. The LMRWD could develop a similar document for its legislative priorities.

LMRWD legislative liaison, Lisa Frenette and I will develop a document for the Board to review and discuss at the January Board of Managers meeting. The 2023 Legislative Session does not begin until February 12, 2024.

Attachments

MN Watershed Draft Legislative Platform

Recommended Action

Provide Direction to Staff



Memorandum

DATE: October 27, 2023
TO: Minnesota Watersheds Members
FROM: Linda Vavra, Minnesota Watersheds President
RE: **Proposed Legislative Platform**

In accordance with our Strategic Plan, the Minnesota Association of Watershed Administrators (MAWA) Legislative Platform Committee developed a draft Legislative Platform. The Strategic Plan also states that this work should be done in conjunction with the Resolutions Committee. The purpose of the Legislative Platform is to provide a document that clearly articulates legislative policies so our members and our representatives on the Board of Water and Soil Resources board, Clean Water Council, and the Local Government Water Roundtable can accurately state our positions.

The draft document was presented to the Resolutions Committee on October 10 and the Minnesota Watersheds Board of Directors (Board) on October 23. The committee and the Board recommend adoption of the Legislative Platform with the understanding that this is a living document. Each year, the sunset resolutions will be removed and newly adopted resolutions will be added. The document will be reviewed annually by the MAWA Legislative Platform Committee and the Resolutions Committee. Any recommended additions or corrections will be brought to the membership for consideration. The Legislative Platform will be updated and voted on by the membership each year at the annual business meeting.

Questions regarding these proposed changes should be directed to Linda Vavra at 320-760-1774 or lvavra@fedtel.net or Jan Voit jvoit@mnwatersheds.com or 507-822-0921.

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MINNESOTA WATERSHEDS

Connecting People. Protecting Water.

DRAFT LEGISLATIVE PLATFORM

Abstract

This document articulates clearly defined legislative policies so members and Minnesota Watersheds representatives on the Board of Water and Soil Resources Board, Clean Water Council, and Local Government Water Roundtable can accurately state our positions.

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Purpose

Minnesota Watersheds represents both watershed districts and watershed management organizations (collectively referred to as Watersheds). That representation underscores the necessity of protecting Watershed powers, duties, and planning responsibilities on a watershed basis.

This legislative platform outlines Minnesota Watersheds positions on legislative matters and serves as the foundation for our organization to support or oppose various local, state, and federal legislation. It also articulates clearly defined legislative policies so members and Minnesota Watersheds representatives on the Board of Water and Soil Resources Board, Clean Water Council, and Local Government Water Roundtable can accurately state our positions.

Finance

Watershed organizations are tasked with many responsibilities by Minnesota statute and the local priorities set by their boards. To effectively perform those duties, adequate funding is necessary. Although some Watersheds have levy authority, there are many other avenues of funding that are important for achieving local water management, as well as water quality and quantity goals.

1. Capacity

- a. Support Clean Water Funds for implementation, not capacity (Resolution 2021-01B)
- b. Support capacity funding for watershed districts (Resolution 2021-02)
- c. Support General Fund repayment of Soil and Water Conservation District capacity funds to the Clean Water Fund (Legislative Platform Committee recommendation)

2. Grant Funding

- a. Support metro watershed-based implementation funding for approved 103B plans only (Resolution 2021-07)
- b. Support a more equitable formula for watershed-based implementation funding in the metro (Legislative Platform Committee recommendation)
- c. Lobby for watershed-specific grant funding (Legislative Platform Committee recommendation)

Urban Stormwater

Watersheds and land use management partners work to reduce polluted stormwater runoff and/or increase infiltration from urbanization and hard surfaces. Many Watersheds in the state have adopted regulatory standards and/or official controls to successfully manage urban stormwater when land alterations occur. Watersheds also implement a variety of urban stormwater management practices to treat runoff before it enters our lakes, streams, and wetlands.

1. Stormwater Quality Treatment

- a. Support limited liability for certified commercial salt applicators (Resolution 2022-02)
- b. Support, partner/collaborate with MS4s (if/where appropriate) in permit compliance activities (Legislative Platform Committee recommendation)
- c. Support the use of green infrastructure and minimizing impervious surfaces, where practical, in urban development and planning (Legislative Platform Committee recommendation)

- d. Where it may exist, support removing duplication of urban stormwater regulatory standards and controls (Legislative Platform Committee recommendation)
- e. Support the rescission of the Department of Labor and Industry/Plumbing Board Final Interpretation of Inquiry PB0159, storm drainage surcharge to return to common engineering practice for stormwater pond design (Legislative Platform Committee recommendation)

2. Water Reuse

- a. Support creation of a Stormwater Reuse Task Force and for the Minnesota Department of Health to complete a review process (Resolution 2022-01)
- b. Support efforts to clarify and simplify State Plumbing Board rulings and requirements to facilitate more reuse of rainwater/stormwater (Legislative Platform Committee recommendation)

Water Quantity

Watersheds are directed by statute to conserve the natural resources of the state by land use planning, flood control, and other conservation projects. Specific purposes refer to flood damage reduction, stream flows, water supply, drainage ditches, to identify and plan for effective protection and improvement of surface water and groundwater, and to protect and enhance fish and wildlife habitat and water recreational facilities. Numerous past, present, and future legislative initiatives have affected how water quantity issues are managed at the local level. This very broad-based topic includes management of the volume of water (drought, flooding, water supply), the flow of water (drainage, channel restoration, habitat), and recreation (lakes, rivers, wetlands) activities like fishing, boating, and hunting.

1. Drainage

- a. Support the current statutory requirements for notification and coordination in the development of petitioned repairs, drainage improvement projects, and new drainage systems (Legislative Platform Committee recommendation)
- b. Support the addition of a classification for public drainage systems that are artificial watercourses (Resolution 2019-02)
- c. Reinforce existing rights to maintain/repair 103E drainage systems (Resolution 2018-08)
- d. Seek increased support for and participation in the Drainage Work Group (Resolution 2022-03)
- e. Oppose the drainage registry information portal (Legislation to defeat)
- f. Oppose incorporating increased environmental, land use, and multipurpose water management criteria (M.S. 103E.015 requirements (Legislation to defeat)
- g. Comply with the legislative mandate to review outlet adequacy and notification requirements in the Drainage Work Group

2. Funding

- a. Obtain stable funding for flood damage reduction and natural resources enhancement projects (Resolution 2022-05)
- b. Clarify county financing obligations and/or authorize watershed district general obligation bonding for public drainage projects (Resolution 2019-04)

3. Flood Control

- a. Support crop insurance to include crop losses within impoundment areas (Resolution 2021-05)

4. Regulation

- a. Support temporary water storage on Department of Natural Resources wetlands during major flood events (Resolution 2020-04)
- b. Support managing water flows in Minnesota River Basin (statewide) through increased water storage and other strategies and practices (Resolution 2019-03)
- c. Work with Minnesota Department of Transportation to support flood control and how to handle increased water volume issues along state and federal highway systems (example from Bemidji district of MnDOT) (Legislative Platform Committee recommendation)

5. Policy

- a. Support funding for watershed-based climate resiliency projects and studies (Legislative Platform Committee recommendation)
- b. Support funding for best management practices that protect and enhance groundwater supply (Legislative Platform Committee recommendation)

Water Quality

Protecting and improving the quality of surface and ground water in our Watersheds is an essential component of managing water resources on a watershed basis

1. Lakes

- a. Support limiting wake boat activities (Resolution 2022-06)
- b. Support designation change and research needs for the Chinese Mystery Snail (Resolution 2019-07)
- c. Support temporary lake quarantine authorization to control the spread of aquatic invasive species (Resolution 2017-02)
- d. Support streamlining permit applications for rough fish management (Legislative Platform Committee recommendation)
- e. Support dredging as a best management practice to manage internal phosphorus loads in lakes (Legislative Platform Committee recommendation)

2. Wetlands

- a. Support a statutory requirement for water level control structures in wetland restorations and wetland banks (Legislative Platform Committee recommendation)
- b. Support federal, state, and local funding for wetland restoration and protection activities (Legislative Platform Committee recommendation)

3. Rivers and Streams

- a. Support a statutory deadline for Department of Natural Resources Public Waters Work Permit (45-60 days) (Legislative Platform Committee recommendation)
- b. Support automatic transfer of public waters work permits to Watersheds (M.S. Chapter 103G.245 Subd.5 (Legislative Platform Committee recommendation)

4. Policy

- a. Support funding for watershed-based climate resiliency projects and studies (Legislative Platform Committee recommendation)
- b. Support funding for best management practices that protect groundwater quality (Legislative Platform Committee recommendation)

Watershed Management and Operations

Protecting, enhancing, defending, and supporting existing Watershed statutory powers, duties, and planning responsibilities is necessary for effective and efficient watershed management and operations. Specific Watershed powers, duties, and planning responsibilities are contained in Minnesota Statutes [Chapter 103B](#) and [Chapter 103D](#).

1. Watershed Powers

- a. Support and defend eminent domain powers for watershed districts (Legislation to defeat)
- b. Support Watershed powers to levy property taxes and collect special assessments (Legislative Platform Committee recommendation)
- c. Support a watershed district's power to accept the transfer of drainage systems in the watershed; to repair improve, and maintain the transferred drainage systems; and to construct all new drainage systems and improvements of existing drainage systems in the watershed (Legislative Platform Committee recommendation)
- d. Support a Watershed's power to regulate the use and development of land within its boundaries (Legislative Platform Committee recommendation)

2. Watershed Duties

- a. Support a Watershed's duty to initiate projects (Legislative Platform Committee recommendation)
- b. Support a Watershed's duty to maintain and operate existing projects (Legislative Platform Committee recommendation)
- c. Support increased flexibility in the open meeting law (Resolution 2021-03)

3. Watershed Planning

- a. Support a Watershed's ability to jointly or cooperatively manage and/or plan for the management of surface and ground water (Legislative Platform Committee recommendation)
- b. Support watershed autonomy during and following a One Watershed, One Plan development process (Legislative Platform Committee recommendation)
- c. Support the connection between watershed-based implementation and funding (Legislative Platform Committee recommendation)
- d. Support development of a soil health goal for metropolitan watershed management plans (Resolution 2020-03)

Agency Relations

Watershed organizations work with many federal and state agencies to accomplish their mission. While relationships vary from administrative to funding and regulatory, agency policies and procedures can have a major impact on Watershed operations and projects. Maintaining strong, positive relations and

ensuring Watersheds have a role in policy making is key to successful watershed management and operations.

1. Advocacy

- a. Require a 60-day review periods when state agencies adopt new policies related to water and watershed management (Resolution 2021-06)
- b. Increase collaborative efforts between Minnesota Watersheds and all state agencies involved in water management (Legislative Platform Committee recommendation)

2. Representation

- a. Support timely appointments of qualified individuals to represent Watersheds on the Board of Water and Soil Resources Board (Resolution 2018-03)
- b. Support representatives of Watersheds on the Clean Water Council being an administrator, manager, or commissioner of an active Minnesota Watersheds member (Resolution 2018-09)
- c. Support watershed district managers being appointed, not allowing county commissioners to serve as managers (Legislative Platform Committee recommendation)

3. Regulation

- a. Streamline the Department of Natural Resources permitting process (Resolution 2019-01)
- b. Require watershed district permits for the Department of Natural Resources (Resolution 2018-04)

Regulations

Watershed representation on state and local panels and committees and the ability for Watersheds to regulate development and use of land within the organization's boundaries without prohibitive regulatory restrictions is necessary.

- a. Oppose legislation that forces spending on political boundaries (Legislation to defeat)
- b. Support the ability to appeal public water designations (Resolution 2020-01)
- c. Seek Watershed membership on Wetland Technical Evaluation Panels (Resolution 2019-05)

Natural Resources

Minnesota Statutes direct Watersheds to conserve the natural resources of the state. Some of the purposes listed in statute are to conserve water in streams and water supply, alleviate soil erosion and siltation of water courses or water basins, regulate improvements by riparian property owners of the beds, banks, and shores of lakes, streams, and wetlands for preservation and beneficial public use; protect or enhance the water quality in water courses or water basins; and protect and preserve groundwater resources.

1. Planning

- a. Ensure timely updates to Wildlife Management Area plans (Resolution 2018-06)
- b. Support Watershed inclusion in development of state plans (i.e., Prairie Plan, State Water Plan, etc.) related to water and watershed management (Legislative Platform Committee recommendation)

2. Policy

- a. Support funding for climate resiliency (Legislative Platform Committee recommendation)

3. Habitat

- a. Clarify buffer rule issues (Legislative Platform Committee recommendation)
- b. Support funding to reduce erosion and sedimentation (Legislative Platform Committee recommendation)
- c. Support funding for the enhancement, establishment, and protection of stream corridors and riparian areas (Legislative Platform Committee recommendation)
- d. Support funding for the enhancement and protection of habitats (Legislative Platform Committee recommendation)