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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1490

03/05/2015 Authored by Rarick; Torkelson; Johnson, C.; McNamara; Dill and others

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to natural resources; providing for comprehensive watershed
1.3 management; amending Minnesota Statutes 2014, sections 103A.206; 103B.101,
1.4 by adding a subdivision; 103C.101, by adding a subdivision; 103C.401,
1.5 subdivision 1; 103C.501, subdivision 5; proposing coding for new law in
1.6 Minnesota Statutes, chapter 103B.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2014, section 103A.206, is amended to read:

1.9 **103A.206 SOIL AND WATER CONSERVATION POLICY.**

1.10 Maintaining and enhancing the quality of soil and water for the environmental and
1.11 economic benefits they produce, preventing degradation, and restoring degraded soil and
1.12 water resources of this state contribute greatly to the health, safety, economic well-being,
1.13 and general welfare of this state and its citizens. Land occupiers have the responsibility to
1.14 implement practices that conserve the soil and water resources of the state. Soil and water
1.15 conservation measures implemented on private lands in this state provide benefits to the
1.16 general public by reducing erosion, sedimentation, siltation, water pollution, and damages
1.17 caused by floods. The soil and water conservation policy of the state is to encourage land
1.18 occupiers to conserve soil, water, and the natural resources they support through the
1.19 implementation of practices that:

1.20 (1) control or prevent erosion, sedimentation, siltation, and related pollution in
1.21 order to preserve natural resources;

1.22 (2) ensure continued soil health, as defined under section 103C.101, subdivision
1.23 10a, and soil productivity;

1.24 (3) protect water quality;

1.25 (4) prevent impairment of dams and reservoirs;

- 2.1 (5) reduce damages caused by floods;
- 2.2 (6) preserve wildlife;
- 2.3 (7) protect the tax base; and
- 2.4 (8) protect public lands and waters.

2.5 Sec. 2. Minnesota Statutes 2014, section 103B.101, is amended by adding a
2.6 subdivision to read:

2.7 Subd. 16. **Water quality practices; standardized specifications.** The Board of
2.8 Water and Soil Resources shall work with state and federal agencies, academic institutions,
2.9 local governments, practitioners, and stakeholders to foster mutual understanding and
2.10 provide recommendations for standardized specifications for water quality and soil
2.11 conservation protection and improvement practices and projects. The board may convene
2.12 working groups or work teams to develop information, education, and recommendations.

2.13 Sec. 3. **[103B.801] COMPREHENSIVE WATERSHED MANAGEMENT**
2.14 **PLANNING PROGRAM.**

2.15 Subdivision 1. **Definitions.** The definitions under section 103B.3363, subdivisions 2
2.16 to 4, apply to this section.

2.17 Subd. 2. **Program purposes.** The purposes of the comprehensive watershed
2.18 management plan program under section 103B.101, subdivision 14, paragraph (a), are to:

2.19 (1) align local water planning purposes and procedures under chapters 103B, 103C,
2.20 and 103D on watershed boundaries to create a systematic, watershed-wide, science-based
2.21 approach to watershed management;

2.22 (2) acknowledge and build off existing local government structure, water plan
2.23 services, and local capacity;

2.24 (3) incorporate and make use of data and information, including watershed
2.25 restoration and protection strategies under section 114D.26;

2.26 (4) solicit input and engage experts from agencies, citizens, and stakeholder groups;

2.27 (5) focus on implementation of prioritized and targeted actions capable of achieving
2.28 measurable progress; and

2.29 (6) serve as a substitute for a comprehensive plan, local water management plan, or
2.30 watershed management plan developed or amended, approved, and adopted, according
2.31 to chapter 103B, 103C, or 103D.

2.32 Subd. 3. **Coordination.** The board shall develop policies for coordination and
2.33 development of comprehensive watershed management plans. To ensure effectiveness

3.1 and accountability in meeting the purposes of subdivision 2, these policies must address,
3.2 at a minimum:

3.3 (1) a boundary framework consistent with section 103B.101, subdivision 14,
3.4 paragraph (a), and procedures, requirements, and criteria for establishing or modifying
3.5 the framework consistent with the goals of section 103A.212. The metropolitan area, as
3.6 defined under section 473.121, subdivision 2, may be considered for inclusion in the
3.7 boundary framework. If included, the metropolitan area is not excluded from the water
3.8 management programs under sections 103B.201 to 103B.255;

3.9 (2) requirements for coordination, participation, and commitment between local
3.10 government units in the development, approval, adoption, and implementation of
3.11 comprehensive watershed management plans within planning boundaries identified
3.12 according to this subdivision;

3.13 (3) requirements for consistency with state agency-adopted water and natural
3.14 resources-related plans and documents required by chapters 103A, 103B, 103C, 103D,
3.15 103E, 103F, 103G, and 114D; and

3.16 (4) procedures for plan development, review, and approval consistent with the intent
3.17 of sections 103B.201, 103B.255, 103B.311, 103B.321, 103D.401, and 103D.405. If the
3.18 procedures in these sections are contradictory as applied to a specific proceeding, the
3.19 board must establish a forum where the public interest conflicts involved can be presented
3.20 and, by consideration of the whole body of water law, the controlling policy can be
3.21 determined and apparent inconsistencies resolved.

3.22 Subd. 4. **Plan content.** (a) The board shall develop policies for required
3.23 comprehensive watershed management plan content consistent with comprehensive local
3.24 water management planning. To ensure effectiveness and accountability in meeting the
3.25 purposes of subdivision 2, plan content must include, at a minimum:

3.26 (1) an analysis and prioritization of issues and resource concerns;

3.27 (2) measurable goals to address the issues and concerns, including but not limited to:

3.28 (i) restoration, protection, and preservation of natural surface water and groundwater
3.29 storage and retention systems;

3.30 (ii) minimization of public capital expenditures needed to correct flooding and
3.31 water quality problems;

3.32 (iii) restoration, protection, and improvement of surface water and groundwater
3.33 quality;

3.34 (iv) establishment of more uniform local policies and official controls for surface
3.35 water and groundwater management;

4.1 (v) identification of priority areas for wetland enhancement, restoration, and
 4.2 establishment;

4.3 (vi) identification of priority areas for riparian zone management and buffers;

4.4 (vii) prevention of erosion and soil transport into surface water systems;

4.5 (viii) promotion of groundwater recharge;

4.6 (ix) protection and enhancement of fish and wildlife habitat and water recreational
 4.7 facilities; and

4.8 (x) securing other benefits associated with the proper management of surface water
 4.9 and groundwater;

4.10 (3) a targeted implementation schedule describing at a minimum the actions,
 4.11 locations, timeline, estimated costs, method of measurement, and identification of roles
 4.12 and responsible government units;

4.13 (4) a description of implementation programs, including how the implementation
 4.14 schedule will be achieved and how the plan will be administered and coordinated between
 4.15 local water management responsibilities; and

4.16 (5) a land and water resource inventory.

4.17 Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by
 4.18 June 30, 2016, a transition plan for development, approval, adoption, and coordination
 4.19 of plans consistent with section 103A.212. The transition plan must include a goal of
 4.20 completing statewide transition to comprehensive watershed management plans by 2025.
 4.21 The metropolitan area may be considered for inclusion in the transition plan.

4.22 (b) The board may use the authority under section 103B.3369, subdivision 9, to
 4.23 support development or implementation of a comprehensive watershed management
 4.24 plan under this section.

4.25 Subd. 6. **Authority.** Notwithstanding any laws to the contrary, the authorities
 4.26 granted to local government through chapters 103B, 103C, and 103D are retained when
 4.27 a comprehensive watershed management plan is adopted as a substitute for a watershed
 4.28 management plan required under section 103B.231, a county groundwater plan authorized
 4.29 under section 103B.255, a county water plan authorized under section 103B.311, a
 4.30 comprehensive plan authorized under section 103C.331, or a watershed management plan
 4.31 required under section 103D.401 or 103D.405.

4.32 Sec. 4. Minnesota Statutes 2014, section 103C.101, is amended by adding a
 4.33 subdivision to read:

4.34 Subd. 10a. **Soil health.** "Soil health" means the continued capacity of soil to
 4.35 function as a vital living system that sustains plants, animals, and humans. Indicators

5.1 of soil health include water infiltration capacity; organic matter content; water holding
5.2 capacity; biological capacity to break down plant residue and other substances and
5.3 to maintain soil aggregation; nutrient sequestration and cycling capacity; carbon
5.4 sequestration; and soil resistance.

5.5 Sec. 5. Minnesota Statutes 2014, section 103C.401, subdivision 1, is amended to read:

5.6 Subdivision 1. **Powers and duties.** In addition to the powers and duties of the state
5.7 board provided by other law, the state board shall:

5.8 (1) offer to assist the district boards to implement their programs;

5.9 (2) keep the district boards of the state informed of the activities and experience of
5.10 other districts and facilitate cooperation and an interchange of advice and experience
5.11 among the districts;

5.12 (3) coordinate the programs and activities of the districts with appropriate agencies
5.13 by advice and consultation;

5.14 (4) approve or disapprove the plans or programs of districts relating to the use of
5.15 state funds administered by the state board;

5.16 (5) secure the cooperation and assistance of agencies in the work of the districts
5.17 and develop a program to advise and assist appropriate agencies in obtaining state and
5.18 federal funds for erosion, sedimentation, flooding, and agriculturally related pollution
5.19 control programs;

5.20 (6) develop and implement a public information program concerning the districts'
5.21 activities and programs, the problems and preventive practices relating to erosion control,
5.22 sedimentation, agriculturally related pollution, flood prevention, and the advantages of
5.23 formation of districts in areas where their organization is desirable;

5.24 (7) consolidate districts without a hearing or a referendum;

5.25 (8) assist the statewide program to inventory and classify the types of soils in the
5.26 state as determined by the Minnesota Cooperative Soil Survey;

5.27 (9) identify research needs and cooperate with other public agencies in research
5.28 concerning the nature and extent of erosion, sedimentation, flooding and agriculturally
5.29 related pollution, the amounts and sources of sediment and pollutants delivered to the
5.30 waters of the state, and long-term soil productivity;

5.31 (10) develop structural, land use management practice, and other programs to reduce
5.32 or prevent soil erosion, sedimentation, flooding, and agriculturally related pollution;

5.33 (11) develop a system of priorities to identify the erosion, flooding, sediment, and
5.34 agriculturally related pollution problem areas that most need control systems;

- 6.1 (12) ensure compliance with statewide programs and policies established by the state
 6.2 board by advice, consultation, and approval of grant agreements with the districts; ~~and~~
 6.3 (13) service requests from districts to consolidate districts across county boundaries
 6.4 and facilitate other agreed-to reorganizations of districts with other districts or other
 6.5 local units of government, including making grants, within the limits of available funds,
 6.6 to offset the cost of consolidation or reorganization; and
 6.7 (14) develop and implement a state-led technical training and certification program.

6.8 Sec. 6. Minnesota Statutes 2014, section 103C.501, subdivision 5, is amended to read:

6.9 Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share
 6.10 basis to furnish financial aid to a land occupier or to a state agency for permanent systems
 6.11 for erosion or sedimentation control or water quality or water quantity improvements that
 6.12 are consistent with the district's comprehensive and annual work plans.

6.13 (b) A district board, with approval from the state board and consistent with state
 6.14 board rules and policies, may contract on a cost-share basis to furnish financial aid to a
 6.15 land occupier for nonstructural land management practices that are part of a planned
 6.16 erosion control or water quality improvement plan.

6.17 ~~(b)~~ (c) The duration of the contract must, at a minimum, be the time required to
 6.18 complete the planned systems. A contract must specify that the land occupier is liable for
 6.19 monetary damages and penalties in an amount up to 150 percent of the financial assistance
 6.20 received from the district, for failure to complete the systems or practices in a timely
 6.21 manner or maintain the systems or practices as specified in the contract.

6.22 ~~(e)~~ (d) A contract may provide for cooperation or funding with federal agencies.
 6.23 A land occupier or state agency may provide the cost-sharing portion of the contract
 6.24 through services in kind.

6.25 ~~(d)~~ (e) The state board or the district board may not furnish any financial aid for
 6.26 practices designed only to increase land productivity.

6.27 ~~(e)~~ (f) When a district board determines that long-term maintenance of a system or
 6.28 practice is desirable, the board may require that maintenance be made a covenant upon
 6.29 the land for the effective life of the practice. A covenant under this subdivision shall be
 6.30 construed in the same manner as a conservation restriction under section 84.65.