

2015 Legislative Session Report

by Ray Bohn, MAWD Coordinator

The 2015 Legislative Session was certainly a historical ride by anyone's measure. The Clean Water Funding started out well, but turned into a bit of a disaster for WD's, and the Governor's surprise buffer initiative that we all had great hopes for was passed but included some bad public policy and even a worse funding source, the Clean Water Fund, all this calumniated by the postponement of our sales tax exemption from Jan 1, 2016 to Jan. 1, 2017 via the Education Bill. This was all done with little or no input from local governments.

Now all they ask is that we do the work to try and make sense of it all and make it work. I will explain in greater detail a bit later in this update.

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1. HF2, SF4, Chapter 5, Bonding Legislation;

- * \$10 million for Ottertail County for FHM, \$13.549 million for other projects as prioritized by DNR.

- * \$1.2 million for Prior Lake-Spring Lake WD for the Prior Lake Outland Channel repair.

- * RIM - \$4.7 million

- * Erosion, sediment and water quality control: \$10.6 million

- * BWSR to work with various stakeholders to "foster mutual understanding and provide recs" on water quality and soil conservation protection.

- * Comp Watershed Management Planning Program; 1Wa-tershed/1Plan program update requiring BWSR to develop policies for coordination and development on comp plans, develop content requirements, and timelines.

- * Modified membership on CW Council to withdraw voting membership from the U of M member and the Met Council, and both now make their own appointment instead of Governor.

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3. HF4, SF5, Chapter 4, Ag, Environment & Natural Resources - Budget & Policy Bill

After a Governor’s veto on the Legislative Session legislation, several provisions were removed or reworked and the following bill emerged:

*Funding for the various state agencies budgets

*AIS .. Modified version of the AIS training that will replace the trailer decal requirement with a requirement for affirmation of the person’s knowledge on AIS law when a person purchases a watercraft license and when a non- resident purchases a MN fishing license.

* *AIS - replaces the word “listed” with “designated” where it refers to species ID’d as prohibited, regulated, unlisted, and unregulated invasive species; allows the DNR to require decontamination, allows DNR to issue decontamination permits under the invasive species law, allows money in the invasive species account to be used for habitat improvement, WCA changes and Buffer MAWD and the Assn of MN Counties were both left out of the final negotiations and do not own one word in the buffer legislation so I can only report what the end result is. In addition, it is our understanding that three statewide farm groups did sign off on the buffer legislation so I guess our input wasn’t needed.

The basic premise behind this legislation is that it is landowner driven and the responsibility for putting in the buffers actual lies with the landowner ... thus Chapter 103F ... but, WD’s and counties are clearly expected to participate in and provide guidance in that effort, even though we can legally decide not to participate in the buffers program.

SWCDs actually received funding to work with individual landowners (\$22 m) to assist and encourage them to put in buffers, but we did not support it coming from the Clean Water Fund.

If the landowner doesn’t, or refuses to put in buffers, they are referred to the WD or County (if implementing) for penalty through a newly acquired APO authority that allows for a \$500 penalty for violators (if WDs and Coun- ties apply for that authority). But, we are told that local governments can decide if they want to take on the imple- mentation role under Chapter 103F, or County passes on participation in the program, the WD or County then forwards the offending party to BWSR for them to take enforcement action.

WD’s and counties have no responsibility under the drainage law under this legislation, but can consider reimbursing landowners back for their buffers on ditches when a redetermination of benefits occurred.

The only mandate that WD’s and counties have with this legislation is to place the buffer map that DNR is creating into their local plans.

We have a load of questions regarding how this law will be interpreted, and under what authority are they doing it?

Because BWSR believes rules are not needed, I believe they are going to be in for a big surprise when this complex and confusing law is implemented And they and anyone involved is going to face large legal bills unless some serious changes are made in the future.

Presently the MAWD Board recommends that all WDs not take any action in terms of moving toward implementation of this legislation at this point. We need to see a lot more in writing and presently the law puts all state funding provided to WDs at risk of being defunded if you are not properly implementing their buffers program. I am sure we will know more about this program by our Annual Meeting and that will allow us to have some more informed discussions on this legislation and where it is going or not going to take us. I will try to keep you informed of any developments until then.

Other pertinent legislation includes:

Exempts the need for a public water work permit to replace a culvert of like size and elevation.

Modifies the dates when the DNR must not restrict groundwater permits, unless the water appropriation will endanger a domestic water supply.

Allows for a 404 feasibility study to assume 404 authorities by the state. Would allow the state to issue federal permits for draining and filling wetlands under federal jurisdiction.

*Eliminates MPCA Citizen Board

*Directs the MPCA, after consultation with MMB, to contract for an analysis of the increased cost of PCA water quality rules.

Directs the DNR to develop a proposal to be submitted to the Lessard Sams Council and the LCCMR for significant large-scale flood water retention projects.

Directs the DNR to submit a report to the LWC on recommending standards for negative impacts to surface water from ground water use.

Misc Legislation: HF1, SF3, Chapter 3, Education Bill, Article 6, Sect 7. Page 162 changes the effective date of special units of government sales tax exemption from Jan 1, 2016 to Jan1, 2017