Minnesota Watersheds
2025 Annual Meeting on Resolutions and Petitions
August 25, 2025
Via Zoom

Member Meeting Materials

Enclosed are the following items:

1. Notice of Annual Meeting on Resolutions and Petitions
2. Delegate Appointment Form
3. List of Delegates Appointed for the March Special Meeting
4. Annual Meeting on Resolutions and Petitions Agenda
5. Proposed Legislative Platform Updates
6. Proposed Resolutions
7. Active Resolutions

Please note that the Delegate Appointment Forms are REQUIRED. For the Annual Meeting on Resolutions and Petitions to be held, a quorum of 22 delegates MUST be present and must include at least one delegate from each of the three regions. Please return your Delegate Appointment Forms to Jan Voit at jvoit@mnwatersheds.com at your earliest convenience.

Delegates appointed for the special meeting may serve as delegates for the Annual Meeting on Resolutions and Petitions and the Annual Business Meeting. *Email confirmation of those delegates is required from each organization*.

This packet has been distributed to administrators and managers via email. No paper copies of this packet will be sent via the U.S. Postal Service.

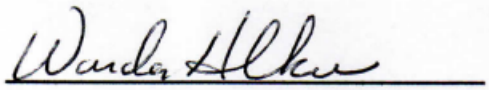
We are looking forward to your participation in this year's virtual Annual Meeting on Resolutions and Petitions!

Minnesota Watersheds
2025 Annual Meeting on Resolutions and Petitions Notice

NOTICE IS HEREBY GIVEN that the 2025 Annual Meeting on Resolutions and Petitions will be held by Zoom beginning at 10:00 a.m. on Monday, August 25 for the following purposes:

1. to consider and act upon proposed Legislative Platform updates; and
2. to consider and act upon proposed Resolutions.

Sincerely,



Wanda Holker
Secretary

Minnesota Watersheds
2025 Delegate Appointment Form

The _____ hereby certifies that it is
name of watershed organization
a watershed district or watershed management organization duly established and in good standing pursuant to Minnesota Statutes 103B or 103D and is a member of Minnesota Watersheds for the year 2025.

The _____ hereby further certifies
name of watershed organization
the following individuals have been appointed as delegates, or as an alternate delegate, all of whom are managers in good standing with their respective watershed district or watershed management organization.

Delegate #1: _____

Delegate #2: _____

Alternate: _____

Authorized by: _____
Signature **Date**

_____
Title

** Please return this form to mnwatershed@gmail.com at your earliest convenience. **

REGION 1	**Delegate 1**	**Delegate 2**	**Alternate**
Bois de Sioux Watershed District	Linda Vavra	Allen Wold	
Buffalo-Red River Watershed District	Peter Fjestad	Cathy Affield	
Cormorant Lakes Watershed District			
Joe River Watershed District			
Middle-Snake-Tamarac Rivers	Bill Petersen	Lein Schiller	Keith Szczepanski
Pelican River Watershed District	Laurie Olson	Chris Jasken	Charlie Jasken
Red Lake Watershed District	LeRoy Ose	Gene Tiedemann	Allan Page
Roseau River Watershed District	Jim Johnson	LaVerne Voll	
Sand Hill River Watershed District	Don Andringa		
Two Rivers Watershed District	Gerald Olsonawski		
Warroad River Watershed District			
Wild Rice Watershed District	Mike Christensen	Duane Erickson	Curt Johannsen
REGION 2	**Delegate 1**	**Delegate 2**	**Alternate**
Buffalo Creek Watershed District			
Cedar River Watershed District			
Clearwater River Watershed District			
Crooked Creek Watershed District			
High Island Creek Watershed District			
Kanaranzi-Little Rock Watershed District			
Lac Qui Parle-Yellow Bank Watershed District	Andrew Weber		
Middle Fork Crow River Watershed District	Ruth Schaefer	Jeff Gertgen	
North Fork Crow River Watershed District	Bob Brauchler	Jim Wuertz	Jim Barchenger
Okabena Ocheda Watershed District			
Shell Rock River Watershed District	Brad Kramer	Joe Pacovsky	Mike Lee
Turtle Creek Watershed District			
Upper Minnesota River Watershed District	Wanda Holker		
Yellow Medicine River Watershed District	Bill Briggs	Randy Kamrath	Darwyn Bach
REGION 3	**Delegate 1**	**Delegate 2**	**Alternate**
Bassett Creek WMC	Joan Hauer	Shaun Kennedy	RJ Twiford
Brown's Creek Watershed District	Celia Wirth	Klayton Eckles	Chuck LeRoux
Capitol Region Watershed District	Shawn Mazanec	Hawona Sullivan Janzen	Joe Collins
Carnelian Marine St. Croix Watershed District	Paul Richert		
Comfort Lake - Forest Lake Watershed District	Jackie Anderson	Steve Schmaltz	
Coon Creek Watershed District	Jim Hafner		
Minnehaha Creek Watershed District	Sherry White	William Olson	Eugene Maxwell
Mississippi WMO			
Nine Mile Creek Watershed District	Peggy Kvam	Chris-Ann Lauria	
Prior Lake Spring Lake Watershed District	Ben Burnett	Bruce Loney	
Ramsey Washington Metro Watershed District	Val Eisele	Benjamin Karp	
Rice Creek Watershed District	Mike Bradley	Marcie Weinandt	
Riley Purgatory Bluff Creek Watershed District	David Ziegler	Jill Crafton	Tom Duevel
South Washington Watershed District	Mike Madigan	Brian Johnson	
Vadnais Lake Area WMO			
Valley Branch Watershed District	Don Pereira	Ed Marchan	John Brach

MINNESOTA WATERSHEDS
Connecting People. Protecting Water.

Annual Meeting on Resolutions and Petitions
AGENDA

Monday, August 25, 2025
10:00 a.m.

Join online: CLICK HERE Meeting ID: 837 1967 3264
Join by phone: +1 312 626 6799 Passcode: 992222

GENERAL BUSINESS

10:00 a.m. Call to Order and Process Overview – Brad Kramer
10:05 a.m. Approval of Agenda (Action) – Brad Kramer

ACTION ITEMS

10:10 a.m. **LEGISLATIVE PLATFORM** (Action) – Brad Kramer

10:30 a.m. **RESOLUTIONS HEARING** (Action) – Don Pereira

Note: If you wish to testify "FOR" or "AGAINST", please raise your hand. You must be recognized by the meeting host before you speak. Limit your comments to two (2) minutes. Voting on each resolution will be done by hand raising.

Resolution 1 – Supporting a Legislative Amendment to Expand the Wetland Conservation Act Exemption of Public Drainage System Repairs
Resolution 2 – Seeking Revision to MN Statute 383B.79 to Include Watershed Management Organizations
Resolution 3 – Seeking Legislative Reform to Increase MDNR and MPCA Efficiency and Define Permit Application Completeness

12:00 p.m. **ADJOURNMENT**

MINNESOTA WATERSHEDS

Connecting People. Protecting Water.

DRAFT 2025-2026 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.

Adopted December 6, 2024

Contents

Purpose 3

Emerging Issues 3

Finance 3

1. Capacity 3
2. Grant Funding 3

Urban Stormwater 4

1. Stormwater Quality Treatment 4
2. Water Reuse 4

Water Quantity 4

1. Drainage 5
2. Funding 5
3. Flood Control 5
4. Regulation 5
5. Policy 5

Water Quality 6

1. Lakes 6
2. Wetlands 6
3. Rivers and Streams 6
4. Policy 6

Watershed Management and Operations 6

1. Watershed Powers 6
2. Watershed Duties 7
3. Watershed Planning 7

Agency Relations 7

1. Advocacy 7
2. Representation 7
3. Regulation 7

Regulations 8

Natural Resources 8

1. Planning 8
2. Policy 8
3. Habitat 8

DRAFT

2024 Results 9
Water Quantity 9
Drainage 9
Watershed Management and Operations 9
Watershed Planning 9

DRAFT

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. The legislative platform is based on adopted resolutions and emerging issues as identified by the MAWA Legislative Platform Committee and the Minnesota Watersheds Resolutions and Legislative Committees and adopted by the membership. It also is designed to clearly articulate 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.

Emerging Issues

New or developing problems or concerns may arise that require attention before or during the legislative session. Those problems or concerns likely have not been addressed through the resolutions process, may or may not be identified in the legislative platform, but will need to be addressed by the lobbying team and executive director through attendance and meetings, written comments, testifying at hearings, or legislation. Flexibility is necessary so that the lobbying team and executive director can be proactive on behalf of Minnesota Watersheds with state agencies, non-governmental organizations, and at the legislature.

The Minnesota Watersheds Manual of Policy and Procedures states: *In the event legislation or state agency policy is introduced that may cause harm to Minnesota Watersheds members and there is no policy adopted by Minnesota Watersheds on the issue, the Minnesota Watersheds Board of Directors may review the legislation or policy and adopt a temporary position on the issue on behalf of the organization. The policy position will be in effect until the next annual resolutions hearing. At that time, the membership must review the policy position and vote on whether it should become a permanent policy position or should expire.*

Finance

Watersheds are tasked with many responsibilities by Minnesota statute and local priorities are 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 2021-01A and B)
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

2. Grant Funding

a. Support metro watershed-based implementation funding for approved 103B plans only (Resolution 2021-07)

DRAFT

b. Support a more equitable formula for watershed-based implementation funding in the metro
c. Lobby for watershed-specific grant funding
~~c.~~d. Lobby for the flood hazard mitigation grant program

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 a municipal separate storm sewer system (MS4s – municipal separate storm sewer system) (if/where appropriate) in permit compliance activities
c. Support the use of green infrastructure and minimizing impervious surfaces, where practical, in urban development and planning
d. Where it may exist, support removing duplication of urban stormwater regulatory standards and controls
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

2. Water Reuse

a. Support the 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

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, and drainage systems, as well as 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, storm water, channel restoration, habitat), and recreational (lakes, rivers, wetlands) activities like fishing, boating, and hunting.

DRAFT

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
b. Support the addition of a classification for public drainage systems that are artificial watercourses
c. Seek increased support for and participation in the Drainage Work Group (Resolution 2022-03)
d. Oppose the drainage registry information portal
e. Oppose incorporating increased environmental, land use, and multipurpose water management criteria (M.S. 103E.015 requirements)
f. Support new legislation modeled after HF2687 and SF2419 (2018) regarding Department of Natural Resources regulatory authority over public drainage maintenance and repairs (Resolution 2023-03)
g. Oppose mandatory Environmental Assessment Worksheets for drainage projects
h. Investigate ways of maintaining water flow during periods of drought and explore opportunities for aquifer recharge.

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

3. Flood Control

a. Support crop insurance to include crop losses within impoundment areas (Resolution 2021-05)
b. Seek action for streamlining the Department of Natural Resources Flood Hazard Mitigation Grant Program (Resolution 2023-04)

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 the Minnesota River Basin (statewide) through increased water storage and other strategies and practices
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 the Minnesota Department of Transportation)

5. Policy

a. Support funding for watershed-based climate resiliency projects and studies
b. Support funding for best management practices that protect and enhance groundwater supply
c. Seek the ability to allow resale of acquisition buyout property (Resolution 2024-04)

DRAFT

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
c. Support temporary lake quarantine authorization to control the spread of aquatic invasive species
d. Support streamlining permit applications for rough fish management
e. Support dredging as a best management practice to manage internal phosphorus loads in lakes

2. Wetlands

a. Support a statutory requirement for water level control structures in wetland restorations and wetland banks
b. Support federal, state, and local funding for wetland restoration and protection activities
c. Seek clarification of the statutorily modified definition of wetlands and the effects on watershed implementation of the Wetland Conservation Act (Minnesota Laws 2024, Chapter 90, Article 3, section 77)

3. Rivers and Streams

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

4. Policy

a. Support funding for watershed-based climate resiliency projects and studies
b. Support funding for best management practices that protect groundwater quality
c. Support development, adoption, and implementation of regulatory approaches to reducing chloride contamination in waters of the state (Resolution 2024-01)

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
b. Support Watershed powers to levy property taxes and collect special assessments
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

DRAFT

d. Support a Watershed's power to regulate the use and development of land within its boundaries

2. Watershed Duties

a. Support a Watershed's duty to initiate projects
b. Support a Watershed's duty to maintain and operate existing projects
c. ~~Support increased flexibility in the open meeting law (Resolution 2023-05)~~
d. Allow alternative notice of watershed district proceedings by publication on the district's website (Resolution 2024-02)

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
b. Support the connection between watershed-based implementation and funding
c. Support development of a soil health goal for metropolitan watershed management plans (Resolution 2020-03)
d. Support education and outreach to encourage formation of watershed districts in unserved areas (Resolution 2023-06)

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 period before 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

2. Representation

a. Support watershed district managers being appointed, not allowing county commissioners to serve as managers

3. Regulation

a. Streamline the Department of Natural Resources permitting process by increasing responsiveness, decreasing the amount of time it takes to approve permits, providing a detailed fee schedule prior to application, and conducting water level management practices that result in their reaction more quickly to serious, changing climate conditions
b. Require watershed district permits for all state agencies (Resolution 2023-01)
c. Oppose mandatory Environmental Assessment Worksheets for drainage projects
d. Request support to request new legislation to set permit review time limits upon the Department of Natural Resources (Resolution 2024-13)

DRAFT

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
b. Support the ability to appeal public water designations (Resolution 2020-01)
c. Seek Watershed membership on Wetland Technical Evaluation Panels (Resolution 2024-03)

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
b. Support Watershed inclusion in development of state plans (i.e., Prairie Plan, State Water Plan, etc.) related to water and watershed management

2. Policy

a. Support funding for climate resiliency
b. Seek clarification in the statutory language regarding funding for and updating the public waters inventory (Minnesota Laws 2024, Chapter 116, Article 3, section 47)
c. Seek the Department of Natural Resources to establish a "Comprehensive Guideline for Calcareous Fen Management" (Resolution 2024-05)
d. Seek the Department of Natural Resources to adopt a program to incentivize calcareous fen management on private lands (Resolution 2024-07)
e. Seek a formal process to distribute a complete list of calcareous fens annually (Resolution 2024-10)
f. Seek the development of a calcareous fen work group (Resolution 2024-12)

3. Habitat

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

DRAFT

~~2024~~ Results

This section will document when an issue is resolved.

Water Quantity

Drainage (2024)

- Comply with the legislative mandate to review outlet adequacy and notification requirements in the Drainage Work Group
    - During the 2023 legislative session (Minnesota Laws 2023, Chapter 60, Article 5, section 21), BWSR and the DWG were directed by the legislature to evaluate and develop recommendations on the definition and application of outlet adequacy as provided in M.S. Chapter 103E.261 and public notice requirements for drainage activities, including a drainage registry portal. The report was developed during DWG meetings following the 2023 legislative session. The report was submitted to the legislature on February 1, 2024 as required by the statutory language.

Watershed Management and Operations

Watershed Duties (2025)

- Support increased flexibility in the open meeting law
    - During the 2025 legislative session, the Open Meeting Law was amended to remove some of the requirements for remote meeting participation using interactive technology. Watershed boards and other local government bodies may conduct their meetings using interactive technology so long as:
        - all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;
        - members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;
        - at least one member of the body is physically present at the regular meeting location; and
        - all votes are conducted by roll call so each member's vote on each issue can be identified and recorded.

Watershed Planning (2024)

- Support watershed autonomy during and following a One Watershed, One Plan development process
    - Changes were made to clarify and modernize M.S. Chapter 103D during the 2024 legislative session (Minnesota Laws 2024, Chapter 90, Article 3, section 42). M.S. Chapter 103D.401 was clarified that a watershed district maintains the authority to adopt a plan even when participating in a comprehensive watershed management planning program under section 103B.801 (One Watershed, One Plan/1W1P).

DRAFT

Resolutions and Legislative Committee Recommendations

The committee's recommendations on resolutions are as follows.

#	Resolution Title	Committee Recommendation
1	Supporting a Legislative Amendment to Expand the Wetland Conservation Act Exemption of Public Drainage System Repairs	Recommends adoption
2	Seeking Revision to MN Statute 383B.79 to Include Watershed Management Organizations	Recommends adoption
3	Seeking Legislative Reform to Increase MDNR and MPCA Efficiency and Define Permit Application Completeness	Recommends adoption

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2025-01

Resolution Supporting a Legislative Amendment to Expand the Wetland Conservation Act (WCA) Exemption for Public Drainage System Repairs

Proposing District: Rice Creek Watershed District
Contact Name: Nicholas Tomczik, Administrator
Phone Number: 763-398-3079
Email Address: ntomczik@ricecreek.org

Background that led to submission of this resolution:
The Wetland Conservation Act (WCA) currently exempts potential impacts to wetlands that have existed for less than 25 years resulting from public drainage system repairs. However, many public drainage systems state-wide at the discretion of the Drainage Authority have been unmaintained or undermaintained for more than 25 years, and repairs determined to be necessary now or at a future date to these systems can trigger the need for extensive investigation to determine the potential for wetland impact and mitigation requirements. Determining the impacts from public drainage system repairs is inexact at best, and as a result the regulatory pathways to accomplish these repairs are often inconsistent and inconclusive. To address these complications, RCWD would like the WCA to be modified to extend this exemption to all public drainage system repairs. This would simplify regulatory engagement for drainage system repairs and reduce costs for drainage authorities and benefiting landowners.

Balancing efficient drainage repairs with wetland preservation is critical, especially as infrastructure needs grow due to increased flood risks and climate impacts. This issue is important to ensure timely repairs while protecting water resources.

Relevant regulatory documents include Minnesota Statute 103G.2241 and MN Rule 8420.0420, detailing the current exemptions and processes under the WCA.

Efforts to solve the problem
The RCWD has had extensive dialog with the Board of Water and Soil Resources (BWSR) staff for many years on the topic of evaluating wetland impacts from public drainage system repairs. Recent 2024 legislation attempted to simplify WCA, but did not address this specific issue.

Is legislative action the best means of addressing the matter? If yes, what is the purpose or intent of your proposal? If not, what advocacy steps could be taken with state or local government officials?
Yes, legislative action is the appropriate means. The purpose of the proposal is to amend existing statutes to expand the 25-year wetlands exemption to include all public drainage repair activities.

If legislative action is not pursued, advocacy efforts could focus on engaging with local and state officials to promote administrative modifications or policy adjustments. This might include informing DNR and BWSR of the importance of balancing repair efficiency with wetland preservation, emphasizing the economic and flood mitigation benefits of streamlined repairs.

Potential solutions include
- Advocating for amendments to Minnesota Statutes 103G.2241 and MN Rules 8420.0420 to expand exemptions.
- Developing policies that support expedited drainage repair approvals without compromising wetland protections.

Anticipated support or opposition
Other Watershed Districts that are Drainage Authorities for public drainage systems might support this issue. State agencies such as BWSR or DNR, wetland conservation special interest groups might oppose this effort.

This issue: (check all that apply)

Applies only to our district:		Requires legislative action:	X
Applies only to 1 or 2 regions:		Requires state agency advocacy:	
Applies to the entire state:	X	Impacts MW bylaws or MOPP:	

MINNESOTA WATERSHEDS RESOLUTION 2025-01
Resolution Supporting a Legislative Amendment to Expand the Wetland Conservation Act (WCA) Exemption for Public Drainage System Repairs

WHEREAS, the Wetland Conservation Act (WCA) currently exempts potential impacts to wetlands that have existed for less than 25 years resulting from public drainage system repairs; and

WHEREAS, many public drainage systems statewide, at the discretion of the Drainage Authority, have been unmaintained or undermaintained for more than 25 years; and

WHEREAS, repairs determined to be necessary now or at a future date to these systems can trigger the need for extensive investigation to determine the potential for wetland impact and mitigation requirements; and

WHEREAS, determining the impacts from public drainage system repairs is inexact at best, and as a result, the regulatory pathways to accomplish these repairs are often inconsistent and inconclusive; and

WHEREAS, to address these complications, RCWD proposes that the WCA be modified to extend this exemption to all public drainage system repairs, which would simplify regulatory engagement for drainage system repairs and reduce costs for drainage authorities and benefiting landowners; and

WHEREAS, balancing efficient drainage repairs with wetland preservation is critical, especially as infrastructure needs grow due to increased flood risks and climate impacts; and

WHEREAS, this issue is important to ensure timely repairs while protecting water resources; and

WHEREAS, relevant regulatory documents include Minnesota Statute 103G.2241 and MN Rule 8420.0420, which detail the current exemptions and processes under the WCA; and

WHEREAS, the Rice Creek Watershed District has had extensive dialog with the Board of Water and Soil Resources (BWSR) staff for many years on the topic of evaluating wetland impacts from public drainage system repairs, and recent 2024 legislation attempting to simplify WCA did not address this specific issue; and

WHEREAS, legislative action is the appropriate means of addressing this matter, with the purpose of amending existing statutes to expand the 25-year wetlands exemption to include all public drainage repair activities; and

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds supports the introduction of new legislation to amend Minnesota Statute 103G.2241 and MN Rule 8420.0420 to expand the WCA exemption to include all public drainage system repairs and commits its staff to further discussion through the Drainage Work Group in 2025 and to promote passage of such legislation in upcoming sessions.

Notes: Committee recommends adoption

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2025-02

Resolution Seeking Revision to MN Statute 383B.79 to Include Watershed Management Organizations

Proposing District: Bassett Creek Watershed Management Commission
Contact Name: Laura Jester, Administrator
Phone Number: 952-270-1990
Email Address: laura.jester@keystonewaters.com

Background that led to the submission of this resolution

MN Statute 383B.79 Multijurisdictional Program gives Hennepin County the ability to create multijurisdictional reinvestment programs in partnership with certain jurisdictions in the county including watershed districts that are wholly or partially in the county. The statute does not include watershed management organizations in the list of jurisdictions allowed to officially participate in these programs.

The Bassett Creek Valley lies in the lower end of the watershed in the city of Minneapolis and receives stormwater runoff from over 20,000 acres of upstream and surrounding drainage areas. It lies within a natural low area that is plagued by historic contamination, poor soils, and high groundwater. In addition, the 100-year floodplain within the Bassett Creek Valley extends up and beyond the creek's channel and into surrounding neighborhood and commercial areas, negatively impacting existing properties and hindering redevelopment opportunities.

Improved conditions in the Bassett Creek Valley are a high priority for the BCWMC. Since 2019, the BCWMC has been working with the City of Minneapolis, Minneapolis Park and Recreation Board, Hennepin County, and other partners to study the valley and develop plans for regional stormwater and floodplain management, ecological improvements, and community access to the creek. The County has expressed interest in convening a multijurisdictional partnership to implement a Community Works Project that would bring together science, partners, community planning, and funding to realize vast improvements in the Bassett Creek Valley. The BCWMC seeks to be an official partner in this endeavor. However, the statute does not provide authority for joint powers watershed management organizations to participate in such endeavors.

Efforts to solve the problem

No actions have been taken on this issue to date.

Is legislative action the best means of addressing the matter? If yes, what is the purpose or intent of your proposal? If not, what advocacy steps could be taken with state or local government officials?

A change to the statute would require legislative action. BCWMC advocates for a change to the statute language to add "watershed management organizations entirely or partially located in Hennepin County" to the list of political subdivisions contained in MN Statutes 383B.79, Subdivision 1.

Anticipated support or opposition

Hennepin County is likely to support this resolution. No known opposition.

This issue (check all that apply)

Applies only to our district:		Requires legislative action:	X
Applies only to 1 or 2 regions:	X	Requires state agency advocacy:	
Applies to the entire state:		Impacts MW bylaws or MOPP:	

X This would apply to any watershed management organization wholly or partially in Hennepin County.

MINNESOTA WATERSHEDS RESOLUTION 2025-02

Resolution Seeking Revision to MN Statute 383B.79 to Include Watershed Management Organizations

WHEREAS, Minnesota Statute 383B.79 Multijurisdictional Program gives Hennepin County the ability to create multijurisdictional reinvestment programs in partnership with certain political subdivisions in the county, including watershed districts that are wholly or partially in the county; and

WHEREAS, a high priority goal of the Bassett Creek Watershed Management Commission (a joint powers WMO) is to collaborate on evaluation, sequencing, and implementation of multi-beneficial projects within the Bassett Creek Valley to create regional flood storage, reduce floodplain by at least 8 acres, improve regional stormwater management and improve creek access; and

WHEREAS, Hennepin County has expressed interest in utilizing the multijurisdictional program to implement a Community Works Project that would bring together partners, science, community planning, and funding to realize vast improvements in the Bassett Creek Valley; and

WHEREAS, the Bassett Creek Watershed Management Commission wishes to participate as an official jurisdiction on the Community Works Project; and

WHEREAS, Minnesota Statute 383B.79 does not expressly include joint powers watershed management organizations (WMOs) in the list of political subdivisions allowed to officially participate in these programs.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds seeks a revision to Minnesota Statutes, section 383B.79, Subd 1. to explicitly include "joint powers watershed management organizations entirely or partially located in Hennepin County" to the list of political subdivisions that can participate in the county's multijurisdictional reinvestment programs.

Notes: Committee recommends adoption

BACKGROUND INFORMATION ON MINNESOTA WATERSHEDS RESOLUTION 2025-03

(which combines several resolutions submitted in 2024 and 2025)

Resolution Seeking Legislative Reform to Increase MDNR and MPCA Permit Efficiency and Define Permit Application Completeness

Proposing District: Resolutions and Legislative Committee
Contact Name: Jan Voit, MW Executive Director
Phone Number: 507-822-0921
Email Address: jvoit@mnwatersheds.com

Background that led to submission of this resolution

In 2024, resolutions from Middle Snake Tamarac Rivers Watershed District and Shell Rock River Watershed District brought to light permitting issues with the Minnesota Department of Natural Resources (MDNR). These included inconsistency in following Minn. Rule 8420.0935 regarding the list of calcareous fens and the exclusion of a timeline in M.S. 15.992 for an application requiring one or more public hearings or an environmental impact statement or environmental assessment worksheet. Again in 2025, resolutions from Coon Creek Watershed District address problems with timely permit issuance, lack of acknowledgement of existing and approved plans, and unclear or nonexistent criteria for determining permit application completeness.

In meetings with MDNR and MPCA leadership, Minnesota Watersheds has learned that MDNR conducts both their review of permit application completeness, and project compliance with state standards, at the same time. The current process has created an environment of potential years-long requests for data, information, and additional costs with no certainty of obtaining approval.

Efforts to solve the problem

In January, February, March, and May, a small group representing Minnesota Watersheds interests met with MDNR and MPCA assistant commissioners, division directors, and lead program staff to review, discuss, and work together on resolving these issues. The meetings and communications have yet to foster any practical or feasible alternatives or clear paths or actions for reducing the risk and uncertainty to a public permit applicant engaged in required water resource management projects potentially involving public funds.

Is legislative action the best means of addressing the matter? If yes, what is the purpose or intent of your proposal? If not, what advocacy steps could be taken with state or local government officials?

We believe that legislation is required to amend Minnesota Statutes 15.992, 84.027, and 116.03 to

- structure the permit review process by separating the determination of a complete application from review of that application's compliance with established standards,
- develop permit submittal standards that the agencies will use to determine permit application completeness for protected waters and threatened and endangered species,
- implement a 60-day permit review limit following a negative declaration on an Environmental Assessment Worksheet,
- provide deference to accept existing approved plans and studies as sufficient evidence and disclosure on the need and reasonableness of local water management projects that are the product of a planning or environmental review process, have been reviewed and generally vetted by local and state agencies, coordinated with local, state, and federal water management efforts, and potentially obtained state and local funding,
- require a state agency to notify an applicant, in writing, whether an application is complete or incomplete within 30 days,
    - if deemed complete, the 90- or 150-day compliance timeline begins,
    - if deemed incomplete, the state agency must specifically enumerate all deficiencies, citing specific provisions of the applicable rules and statutes, and advise the applicant on how the deficiencies can be remedied, and

- require state agencies to attend a preapplication meeting to review site specific restraints, constraints, and problems and identify practical and feasible actions for completing the project

In the end, uncertainty will be reduced by making explicit the requirements for a complete application and the ability to gauge permit review timelines with the goals of endling late-stage surprises, reducing excessive costs that waste taxpayer dollars, lessening the risk to our state's natural resources, and eliminating adversarial interaction at the local and state level.

Anticipated support or concern

Support

- Association of Minnesota Counties
- Association of County Highway Engineers
- League of Minnesota Cities
- Minnesota City Stormwater Coalition
- Minnesota Association of Soil and Water Conservation Districts

Concern

- Minnesota Department of Natural Resources
- Minnesota Pollution Control Agency

This issue (check all that apply)

Applies only to our district:		Requires legislative action:	X
Applies only to 1 or 2 regions:		Requires state agency advocacy:	
Applies to the entire state:	X	Impacts MW bylaws or MOPP:	

MINNESOTA WATERSHEDS RESOLUTION 2025-03

Resolution Seeking Legislative Reform to Increase MDNR and MPCA Permit Efficiency and Define Permit Application Completeness

WHEREAS, the review, findings of permit application completeness, and timelines for review of those permit applications by the Minnesota Department of Natural Resources (MDNR) is guided in part by Minnesota Statutes 84.027, subdivisions 14, 14a; and permit applications to the Minnesota Pollution Control Agency (MPCA) are guided by Minnesota Statute 116.03, subdivision 2b; and Minnesota Statutes 15.99 for both agencies, and

WHEREAS, under Minnesota Statutes 15.992, state agencies have a 60-day deadline to take final action on a written request, except the statute excludes an application requiring one or more public hearings or an environmental impact statement or environmental assessment worksheet, and

WHEREAS, under Minnesota Rule 8420.0935, the commissioner "must provide technical assistance to landowners or project sponsors in the development of management plans; and the commissioner must provide an updated list of calcareous fens to the Board of Water and Soil Resources for further distribution", and

WHEREAS, under Minnesota Statutes 84.027, Subd. 14, it is part of the MDNR's mission that "within the department's resources the commissioner shall endeavor to: (1) prevent the waste or unnecessary spending of public money;" and,

WHEREAS, watershed projects statewide have had projects delayed and found that the review time period was never started, and

WHEREAS, as an authoritative political subdivision within the State of Minnesota with significant legislative authority and routine vetting and approval of comprehensive watershed management plans within a watershed, with similar goals and authority as the state to protect and preserve the natural resources within the watershed district, watershed district permit applications should be provided deference in the review process and be expedited, and

WHEREAS, implementation of the comprehensive watershed management plan involves a combination of direct and indirect best management practices that may involve construction to build, repair, and/or restore natural features, and

WHEREAS, implementing those practices and projects may require permits from the MPCA and/or the MDNR, and

WHEREAS, projects statewide to implement channel restoration, floodplain reconnection, riparian habitat rehabilitation, dredging, wetland restoration, water quality improvement, and reduce flooding to name a few, have experienced prolonged permitting delays during MPCA and MDNR review processes, with no clear criteria for application completeness, inconsistent communication, and repeated requests for additional information that jeopardizes public funding, project timelines, and environmental outcomes, and

WHEREAS, conversations with the MDNR have indicated that review of application completeness and compliance with state standards is performed simultaneously, resulting in circumventing statutory review timelines, and

WHEREAS, efforts by Minnesota Watersheds with support from the Coon Creek, Shell Rock River, and Valley Branch Watershed Districts to engage with MDNR and MPCA leadership in early 2025 failed to yield clear, feasible alternatives or timelines to resolve these system issues.

NOW, THEREFORE, BE IT RESOLVED that Minnesota Watersheds shall pursue legislation to amend Minnesota Statutes 15.99, 84.027, and 116.03 to:

- separate permit completeness review from compliance standards review so that statutory deadlines for permit decisions are meaningfully triggered.
- require MDNR and MPCA to develop and publish a list of practical, reasonable information and criteria that constitutes a complete permit application.
- mandate that, once submitted by the applicant, the application is deemed complete and allows review timelines to begin.
- require MDNR and MPCA to notify an applicant in writing, within 30 days of receiving a permit application, whether the application is complete or incomplete. If the agency determines the application is incomplete, specific

provisions of applicable rules and statutes must be cited, an explanation of what additional information is needed must be provided, and the agency must advise the applicant how the deficiencies can be remedied. If action on the permit application is not completed within 150 days, the permit is deemed to be granted.
- define the applicant's burden and the agency's expectations in terms of compliance with state standards once completeness is confirmed.
- establish a 60-day permit review limit following a negative declaration on an Environmental Assessment Worksheet.

BE IT FURTHER RESOLVED that:
- the Board of Water and Soil Resources establish a formal process to distribute, on an annual basis, an accurate and complete list identifying Calcareous Fens to all watershed districts, watershed management organizations, and soil and water conservation districts.
- pre-application meetings shall be required upon request by a qualified local agency with a project identified in state-approved plans, Watershed Restoration and Protection Strategies, or other recognized water quality studies. Such meetings shall be scheduled within four weeks of the request.
- local agencies requesting such meetings must provide 10% - 20% design-level plans with sufficient specificity to identify natural resource concerns and constraints.
- failure of either MDNR or MPCA to attend a requested pre-application meeting shall be construed as satisfaction of relevant permitting standards, allowing the project to proceed toward final design and permitting.

Notes: Committee recommends adoption

Active Minnesota Watersheds Resolutions

December 1, 2024

FINANCE

Capacity

2021-01A: Support SWCD Capacity Fund Sources

Minnesota Watersheds supports SWCD capacity funds to come from county and state general funds.

2021-01B: Support Clean Water Funds for Implementation, Not Capacity

Minnesota Watersheds supports Clean Water Funds being used for implementation and not for capacity.

2021-02: Support Capacity Funding for Watershed Districts

Minnesota Watersheds supports capacity base funding resources directed to non-metro watershed district who request this assistance, to implement the activities as outlined in approved watershed district watershed management plans or comprehensive watershed management plans.

Grant Funding

2021-07: Support Metro Watershed-based Implementation Funding (WBIF) for Approved 103B Plans Only

Minnesota Watersheds supports BWSR distribution of metro WBIF among the 23 watershed management organizations with state-approved comprehensive, multi-year 103B watershed management plans. Those plans implement multijurisdictional priorities at a watershed scale and facilitate funding projects of any eligible local government unit (including soil and water conservation districts, counties, cities, and townships).

URBAN STORMWATER

Stormwater Quality Treatment

2022-02 Limited Liability for Certified Commercial Salt Applicators

Minnesota Watersheds supports enactment of state law that provides limited liability protection to commercial salt applicators and property owners using salt applicators who are certified through the established state salt-applicator certification program and follow best management practices.

Water Reuse

2022-01 Creation of a Stormwater Reuse Task Force

Minnesota Watersheds supports administratively or legislatively including at least one Minnesota Watersheds member on the Minnesota Department of Health's workgroup to move forward, prioritize, and implement the recommendations of the interagency report on reuse of stormwater and rainwater in Minnesota.

WATER QUANTITY

Drainage

2022-03: Seek Increased Support and Participation for the Minnesota Drainage Work Group (DWG)

- Minnesota Watersheds communications increase awareness of the DWG (meeting dates and links, topics, minutes, reports) amongst members.

- Minnesota Watersheds training opportunities strongly encourage participation in the DWG by watershed staff and board managers (for watersheds that serve as ditch authorities or work on drainage projects) – for e.g., add agenda space for DWG member updates, host a DWG meeting as part of a regular event.
- In preparation for Minnesota Watersheds member legislative visits, staff add a standing reminder for watershed drainage authorities to inform legislators on the existence, purpose, and outcomes of the DWG, and reinforce the legitimacy of the DWG as a multi-faceted problem-solving body.
- During Minnesota Watersheds staff Board of Water and Soil Resources (BWSR) visits, regularly seek updates on how facilitation of the DWG is leading to improvements for member drainage authorities and convey this information to members.

2023-03: Support New Legislation Modeled after HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs

Minnesota Watersheds supports the introduction of new legislation modeled after HF2687 and SF2419 and commits its lobbying efforts toward promoting the passage of the bills in subsequent sessions.

Funding

2022-05: Obtain Stable Funding for Flood Damage Reduction and Natural Resources Enhancement Projects

Minnesota Watersheds supports collaborating with the Red River Watershed Management Board and state agencies to seek funding from the Minnesota Legislature to provide stable sources of funding through existing or potentially new programs that provide flood damage reduction and/or natural resources enhancements. A suggested sustainable level of funding is $30 million per year for the next 10 years.

Flood Control

2021-05: Support Crop Insurance to Include Crop Losses Within Impoundment Areas

Minnesota Watersheds supports expansion of Federal Multi-Peril Crop Insurance to include crop losses within impoundment areas.

2023-04 Seeking Action for Streamlining the DNR Flood Hazard Mitigation Grant Program

Minnesota Watersheds seeks action requiring the DNR to establish transparent scoring, ranking, and funding criteria for the Flood Hazard Mitigation Program (M.S. Chapter 103F) and asking the Minnesota Legislature to fully fund the state's share of eligible projects that are on the DNR's list within each two-year bonding cycle. Information regarding scoring, ranking, and funding should be provided annually to project applicants.

Policy

2024-04: Seeking the Ability to Allow Resale of Acquisition Buyout Property

Minnesota Watersheds seeks federal legislation to allow the conveyance by an LGU of flood acquisition buyout real estate to a public entity or to a qualified conservation organization, or alternatively a resale to a private taxpayer, subject to the FEMA Model Deed Restrictions as stated in Exhibit A.

WATER QUALITY

Lakes

2022-06: Limit Wake Boat Activities

Minnesota Watersheds supports working with the Minnesota Department of Natural Resources (DNR) to utilize the research findings from the St. Anthony Falls Laboratory and seek legislation to achieve one or more of the following:

- Limit lakes and areas of lakes in which wake boats may operate;
- Require new and existing wake boats to be able to completely drain and decontaminate their ballast tanks; and
- Providing funding for additional research on the effects of wake boats on aquatic systems.

Policy

2024-01: Regulatory Approaches to Reducing Chloride Contamination

Minnesota Watersheds supports development, adoption, and implementation of regulatory approaches to reducing chloride contamination in waters of the state.

WATERSHED MANAGEMENT AND OPERATIONS

Duties

2023-05: Support Increased Flexibility in Open Meeting Law

Minnesota Watersheds hereby supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location that is not noticed, without limit on the number of times such remote participation may occur; and allowing public participation from a remote location by interactive technology, or alternatively from the regular meeting location where interactive technology will be made available for each meeting, unless otherwise noticed under Minnesota Statutes Section 13D.021; and that Minnesota Watersheds supports changes to the Open Meeting Law requiring watershed district to prepare and publish procedures for conducting public meetings using interactive technology.

2024-02: Alternative Notice of Watershed District Proceedings by Publication on the District's website

Minnesota Watersheds supports amending Watershed Law to provide for publication on a watershed district's website as an alternative to publication in a legal newspaper.

Watershed Planning

2023-06 Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas

Minnesota Watersheds, in consultation with its membership, will develop a framework for education and outreach intended to encourage petition and advocacy for the formation of watershed districts in areas of the state not presently served by watershed-based public agencies.

AGENCY RELATIONS

Advocacy

2021-06: Support 60-day Review Required for State Agencies on Policy Changes

Minnesota Watersheds supports requiring state agencies to provide a meaningful, not less than 60-day review and comment period from affected local units of government on new or amended water management policies, programs, or initiatives with a response to those comments required prior to adoption.

Regulation

2023-01 Require Watershed District Permits for all State Agencies

Minnesota Watersheds supports amending Minnesota Statutes § 103D.345, Subd. 5 to read as follows: **Subd. 5. Applicability of permit requirements to state**. A rule adopted by the managers that requires a permit for an activity applies to all state agencies, including the Department of Transportation.

2024-13 Request New Legislation to Set Permit Review Time Limits upon the DNR

Minnesota Watersheds supports amending Minnesota Statutes to implement a 60-day permit review limit following a negative declaration on an EAW.

REGULATIONS

2024-03: Provide for Watershed Management Organization Representation on Wetland Technical Evaluation Panels
Minnesota Watersheds supports amendment of Minnesota Statutes 103G.2242, subdivision 2 to include a watershed management organization representative on TEPs that are convened in cases where the organization is not the WCA LGU.

NATURAL RESOURCES

Policy

2024-5: Seeking the DNR to Establish a "Comprehensive Guideline for Calcareous Fen Management"
Minnesota Watersheds supports DNR establishing a "Comprehensive Guideline for Calcareous Fen Management" as a tool for project proposers to analyze a project's feasibility or cost effectiveness.

2024-7: Seeking the DNR to Adopt a Program to Incentivize Calcareous Fen Management on Private Lands
Minnesota Watersheds supports the Minnesota Department of Natural Resources adopting a program through which a fee is paid to landowners to incentivize them to manage the quantity and quality of the Calcareous Fens on private lands, which program is made similar to the USDA Conservation Reserve Program or similar to a perpetual easement through the Board of Water and Soil Resources Reinvest in Minnesota.

2024-10: Seeking a Formal Process to Distribute a Complete List of Calcareous Fens Annually
Minnesota Watersheds supports the Board of Water and Soil Resources establishing a formal process to distribute on an annual basis an accurate and complete list identifying Calcareous Fens to all watershed districts, watershed management organizations, and soil and water conservation districts.

2024-12: Seeking the Development of a Calcareous Fen Work Group
Minnesota Watersheds supports the relevant state agencies, together with relevant stakeholders (including watershed districts), convene a work group to develop by consensus clear, objective and measurable criteria for determining the presence and quality of Calcareous Fen, which criteria shall thereafter be used by all state and local units of government.

Resolutions to Sunset

Effective December 31, 2025

All resolutions cease to be active at the end of the fifth year following the resolution's adoption.

2020-01 Appealing Public Water Designations
Minnesota Watersheds supports legislation that would provide landowners with a more formal process to appeal decisions made by the DNR regarding the designation of public waters including the right to fair representation in a process such as a contested case proceeding which would allow landowners an option to give oral arguments or provide expert witnesses for their case.

2020-03 Soil Health Goal for Metropolitan Watershed Management Plans
Minnesota Watersheds supports amending Minnesota Rule 8410.0080 to include a goal for soil health in watershed management plans and ten-year plan amendments.

2020-04 Temporary Water Storage on DNR Wetlands during Major Flood Events
Minnesota Watersheds supports the temporary storage of water on existing DNR-controlled wetlands in the times of major flood events.