

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1551

(SENATE AUTHORS: WEBER)

DATE	D-PG	OFFICIAL STATUS
02/21/2019	479	Introduction and first reading
		Referred to Environment and Natural Resources Policy and Legacy Finance
03/13/2019	807	Comm report: To pass and re-referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to natural resources; clarifying application of soil loss limits; establishing

1.3 conflict resolution process for certain damage to buffers or alternative practices;

1.4 amending Minnesota Statutes 2018, section 103F.48, by adding a subdivision;

1.5 proposing coding for new law in Minnesota Statutes, chapter 103F.

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

1.7 Section 1. **[103F.452] APPLICABILITY.**

1.8 Sections 103F.415 to 103F.455 are not applicable without the adoption of an ordinance

1.9 by the county or local government unit.

1.10 Sec. 2. Minnesota Statutes 2018, section 103F.48, is amended by adding a subdivision to

1.11 read:

1.12 Subd. 12. **Conflict resolution; buffer affected by excessive soil loss.** (a) An adversely

1.13 affected landowner may submit a written complaint to the county or watershed district with

1.14 jurisdiction and to the board if conditions exist that indicate there is soil loss from a tract

1.15 of land that affects the buffer or alternative practice of another tract of land. The written

1.16 complaint must contain:

1.17 (1) the name and address of the landowner whose land is affecting the buffer or alternative

1.18 practice of another tract of land;

1.19 (2) the location of the tract of land that is affecting the buffer or alternative practice of

1.20 another tract of land; and

1.21 (3) a description of the buffer or alternative practice that is affected by the soil loss.

2.1 (b) The county, watershed district, or board must submit the complaint to the soil and
2.2 water conservation district for a soil loss determination.

2.3 (c) The soil and water conservation district must determine the average soil loss in tons
2.4 per acre per year of the tract of land cited in the complaint and report the determination to
2.5 the county or watershed district with jurisdiction and to the board. Representatives of the
2.6 soil and water conservation district may enter public or private land to inspect for determining
2.7 soil loss. The landowner must be notified of the time of the inspection and be given an
2.8 opportunity to be present when the inspection is made.

2.9 (d) If the soil and water conservation district report shows that there is soil loss from a
2.10 tract of land that affects the buffer or alternative practice of another tract of land and
2.11 alternative practices are available to reduce the soil loss, the county, watershed district, or
2.12 board must request the allegedly offending landowner to participate in mediation with the
2.13 county, watershed district, or board. The landowner and the county, watershed district, or
2.14 board or its agent must attempt to agree on conservation practices and times to implement
2.15 the practices that will reduce soil loss to the affected buffer or alternative practice. A mediated
2.16 settlement must be in writing and filed with the county, watershed district, or board. If the
2.17 county, watershed district, or board and the landowner do not agree to a mediated settlement
2.18 or if the landowner refuses to participate in mediation, the county, watershed district, or
2.19 board must forward the complaint to the county attorney.

2.20 (e) The landowner has 90 days after a settlement is filed to apply for a state cost-sharing
2.21 grant. If the landowner does not apply within 90 days after the settlement is filed, the cost
2.22 share is reduced to 50 percent unless the soil and water conservation district or the board
2.23 provides an extension. An extension must be granted if state cost-sharing grants are not
2.24 available.

2.25 (f) If the landowner and the county, watershed district, or board do not agree to a mediated
2.26 settlement or if the landowner refuses mediation, the county attorney may petition the district
2.27 court for a hearing. The landowner must have the opportunity to present the landowner's
2.28 conservation plan and time schedule as an alternative to the county, watershed district, or
2.29 board conservation plan and time schedule. The court must order the landowner to implement
2.30 the conservation plan and time schedule that is the least burdensome to the landowner and
2.31 will reduce soil loss to the affected buffer or alternative practice. The court may amend the
2.32 county's, watershed district's, board's, or landowner's conservation plan and time schedule
2.33 or develop a new conservation plan and time schedule. The court must set times to implement,
2.34 make satisfactory progress, and complete the conservation plan.

3.1 (g) If the court orders implementation of the landowner's conservation plan and time
3.2 schedule or amends the landowner's conservation plan and time schedule or if the court
3.3 develops a new conservation plan and time schedule, the landowner is eligible to apply for
3.4 a 75 percent cost-share state grant for permanent conservation practices. The landowner
3.5 must apply for the cost-sharing grant within 90 days after the court order. If the landowner
3.6 does not apply within 90 days, the cost share is reduced to 50 percent. The court must
3.7 establish a time after which the landowner is no longer eligible for a state cost-sharing grant
3.8 if an application is not made. If the court orders a plan and time schedule developed by the
3.9 soil and water conservation district in its report, the landowner is eligible for a 50 percent
3.10 cost-share state grant if the landowner applies within 90 days after the court order.