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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2011

03/04/2019 Authored by Wagenius, Fischer, Hansen and Sandell
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy
03/14/2019 Adoption of Report: Re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to water; modifying planning requirements for watershed management
1.3 organizations; modifying purpose of watershed districts; amending Minnesota
1.4 Statutes 2018, sections 103B.201; 103B.231, subdivisions 3a, 4, 6; 103B.235,
1.5 subdivision 2; 103B.255, subdivision 7; 103D.201, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2018, section 103B.201, is amended to read:

1.8 103B.201 METROPOLITAN WATER MANAGEMENT PROGRAM; PURPOSE.

1.9 The purposes of the water management programs required by sections 103B.205 to
1.10 103B.255 are to:

1.11 (1) protect, preserve, and use natural surface and groundwater storage and retention
1.12 systems;

1.13 (2) minimize public capital expenditures needed to correct flooding and problems with
1.14 water quality ~~problems~~ and quantity;

1.15 (3) identify and plan for means to effectively protect and improve surface and
1.16 groundwater quality;

1.17 (4) establish more uniform local policies and official controls for surface and groundwater
1.18 management;

1.19 (5) prevent erosion of soil and vegetation into surface water systems;

1.20 (6) slow the movement of water and promote groundwater recharge;

1.21 (7) protect and enhance fish and wildlife habitat and water recreational facilities; ~~and~~

2.1 (8) protect and enhance surface water and groundwater resources used for drinking
 2.2 water; and

2.3 ~~(8)~~ (9) secure the other benefits associated with the proper management of surface water
 2.4 and groundwater.

2.5 Sec. 2. Minnesota Statutes 2018, section 103B.231, subdivision 3a, is amended to read:

2.6 Subd. 3a. **Priority schedule.** (a) The Board of Water and Soil Resources in consultation
 2.7 with the state review agencies and the Metropolitan Council may develop a priority schedule
 2.8 for the revision of plans required under this chapter.

2.9 (b) The prioritization should be based on but not be limited to status of current plan,
 2.10 scheduled revision dates, anticipated growth and development, existing and potential
 2.11 problems, and regional ~~water quality~~ goals and priorities for water quality and quantity.

2.12 (c) The schedule will be used by the Board of Water and Soil Resources in consultation
 2.13 with the state review agencies and the Metropolitan Council to direct watershed management
 2.14 organizations of when they will be required to revise their plans.

2.15 (d) In the event that a plan expires prior to notification from the Board of Water and
 2.16 Soil Resources under this section, the existing plan, authorities, and official controls of a
 2.17 watershed management organization shall remain in full force and effect until a revision is
 2.18 approved.

2.19 (e) Watershed management organizations submitting plans and draft plan amendments
 2.20 for review prior to the board's priority review schedule, may proceed to adopt and implement
 2.21 the plan revisions without formal board approval if the board fails to adjust its priority
 2.22 review schedule for plan review, and commence its statutory review process within 45 days
 2.23 of submittal of the plan revision or amendment.

2.24 Sec. 3. Minnesota Statutes 2018, section 103B.231, subdivision 4, is amended to read:

2.25 Subd. 4. **General standards.** (a) The watershed management plan must specify the
 2.26 period covered by the plan and must extend at least five years but no more than ten years
 2.27 from the date the board approves the plan. Plans that contain revision dates inconsistent
 2.28 with this section must comply with that date, provided it is not more than ten years beyond
 2.29 the date of board approval.

2.30 (b) The plan must be reviewed for consistency with an adopted county groundwater
 2.31 plan, and revised to the degree necessary to become compliant with the groundwater plan
 2.32 no later than two years after adoption by the county. A one-year extension may be granted

3.1 by the board. Upon the request of a watershed management organization, the county shall
 3.2 provide a written statement that:

3.3 (1) identifies any substantial inconsistencies between the watershed plan and the
 3.4 groundwater plan and any substantial adverse effects of the watershed plan on the
 3.5 groundwater plan; ~~and~~

3.6 (2) evaluates, estimates the cost of, and recommends alternatives for amending the
 3.7 watershed plan to rectify any substantial inconsistencies and adverse effects; and

3.8 (3) provides recommendations to improve groundwater quality and quantity and storm
 3.9 water management from high rainfall events.

3.10 (c) The plan shall contain the elements required by subdivision 6. Each element shall
 3.11 be set out in the degree of detail and prescription necessary to accomplish the purposes of
 3.12 sections 103B.205 to 103B.255, considering the character of existing and anticipated physical
 3.13 and hydrogeologic conditions, land use, and development and the severity of existing and
 3.14 anticipated water management problems in the watershed.

3.15 (d) Existing plans of a watershed management organization shall remain in force and
 3.16 effect until amended or superseded by plans adopted under sections 103B.205 to 103B.255.

3.17 (e) Watershed management organizations shall coordinate their planning activities with
 3.18 contiguous watershed management organizations and counties conducting water planning
 3.19 and implementation under sections 103B.101 and 103B.301 to 103B.355.

3.20 Sec. 4. Minnesota Statutes 2018, section 103B.231, subdivision 6, is amended to read:

3.21 Subd. 6. **Contents.** (a) The plan ~~shall~~ must:

3.22 (1) describe the existing physical environment, land use, and development in the area
 3.23 and the environment, land use, and development proposed in existing local and metropolitan
 3.24 comprehensive plans;

3.25 (2) present information on the hydrologic system and its components, including drainage
 3.26 systems previously constructed under chapter 103E, and existing and potential problems
 3.27 related thereto;

3.28 (3) state objectives and policies, including management principles, alternatives and
 3.29 modifications, surface water and groundwater quality, groundwater recharge goals, and
 3.30 protection of natural characteristics;

3.31 (4) set forth a management plan, including the hydrologic and water quality conditions
 3.32 that will be sought and significant opportunities for improvement;

- 4.1 (5) describe the effect of the plan on existing drainage systems;
- 4.2 (6) identify high priority areas for wetland preservation, enhancement, restoration, and
4.3 establishment and describe any conflicts with wetlands and land use in these areas;
- 4.4 (7) describe conflicts between the watershed plan and existing plans of local government
4.5 units;
- 4.6 (8) identify actions and improvements necessary to manage high rainfall events;
- 4.7 ~~(8)~~(9) set forth an implementation program consistent with the management plan, which
4.8 includes a capital improvement program and standards and schedules for amending the
4.9 comprehensive plans and official controls of local government units in the watershed to
4.10 bring about conformance with the watershed plan; and
- 4.11 ~~(9)~~(10) set out procedures and timelines for amending the plan.
- 4.12 (b) The board shall adopt rules to establish standards and requirements for amendments
4.13 to watershed plans. The rules must include:
- 4.14 (1) performance standards for the watershed plans, which may distinguish between plans
4.15 for urban areas and rural areas;
- 4.16 (2) minimum requirements for the content of watershed plans and plan amendments,
4.17 including public participation process requirements for amendment and implementation of
4.18 watershed plans;
- 4.19 (3) standards for the content of capital improvement programs to implement watershed
4.20 plans, including a requirement that capital improvement programs identify structural and
4.21 nonstructural alternatives that would lessen capital expenditures; and
- 4.22 (4) how watershed plans are to specify the nature of the official controls required to be
4.23 adopted by the local units of government, including uniform erosion control, storm water
4.24 retention, and wetland protection ordinances in the metropolitan area.
- 4.25 Sec. 5. Minnesota Statutes 2018, section 103B.235, subdivision 2, is amended to read:
- 4.26 Subd. 2. **Contents.** (a) Each local plan, in the degree of detail required in the watershed
4.27 plan, shall:
- 4.28 (1) describe existing and proposed physical environment and land use;
- 4.29 (2) define drainage areas and the volumes, rates, and paths of storm water runoff;
- 4.30 (3) identify areas and elevations for storm water storage adequate to meet performance
4.31 standards and groundwater recharge goals established in the watershed plan;

5.1 (4) define water quality and water quality protection methods adequate to meet
5.2 performance standards established in the watershed plan;

5.3 (5) identify regulated areas; and

5.4 (6) set forth an implementation program, including a description of official controls and,
5.5 as appropriate, a capital improvement program.

5.6 (b) The Board of Water and Soil Resources shall adopt rules establishing minimum local
5.7 plan standards and a model environmental management ordinance for use by local
5.8 government units in implementing local water plans. The standards apply to plan amendments
5.9 made to conform to changes in the watershed plans that are adopted under the board rules
5.10 required by section 103B.231, subdivision 6.

5.11 Sec. 6. Minnesota Statutes 2018, section 103B.255, subdivision 7, is amended to read:

5.12 Subd. 7. **Contents.** A groundwater plan must:

5.13 (1) cover the entire area within the county;

5.14 (2) describe existing and expected changes to the physical environment, land use, and
5.15 development in the county;

5.16 (3) summarize available information about the groundwater and related resources in the
5.17 county, including existing and potential distribution, availability, quality, recharge rates,
5.18 and use;

5.19 (4) state the goals, objectives, scope, and priorities of groundwater protection in the
5.20 county, including goals to slow the movement of water to improve water quality and increase
5.21 groundwater recharge;

5.22 (5) contain standards, criteria, and guidelines for the protection of groundwater from
5.23 pollution and for various types of land uses in environmentally sensitive areas, critical areas,
5.24 or previously contaminated areas;

5.25 (6) describe relationships and possible conflicts between the groundwater plan and the
5.26 plans of other counties, local government units, and watershed management organizations
5.27 in the affected groundwater system;

5.28 (7) set forth standards, guidelines, and official controls for implementation of the plan
5.29 by watershed management organizations and local units of government; and

5.30 (8) include procedures and timelines for amending the groundwater plan.

6.1 Sec. 7. Minnesota Statutes 2018, section 103D.201, subdivision 2, is amended to read:

6.2 Subd. 2. **Specific purposes.** (a) A watershed district may be established for any of the
6.3 following purposes:

6.4 (1) to control or alleviate damage from floodwaters;

6.5 (2) to improve stream channels for drainage, navigation, and any other public purpose;

6.6 (3) to reclaim or fill wet and overflowed land;

6.7 (4) to provide a water supply for irrigation;

6.8 (5) to regulate the flow of streams and conserve the streams' water;

6.9 (6) to divert or change all or part of watercourses;

6.10 (7) to provide or conserve water supply for domestic, industrial, recreational, agricultural,
6.11 or other public use;

6.12 (8) to provide for sanitation and public health, and regulate the use of streams, ditches,
6.13 or watercourses to dispose of waste;

6.14 (9) to repair, improve, relocate, modify, consolidate, and abandon all or part of drainage
6.15 systems within a watershed district;

6.16 (10) to control or alleviate soil erosion and siltation of watercourses or water basins;

6.17 (11) to regulate improvements by riparian property owners of the beds, banks, and shores
6.18 of lakes, streams, and wetlands for preservation and beneficial public use;

6.19 (12) to provide for hydroelectric power generation;

6.20 (13) to protect or enhance the water quality in watercourses or water basins; ~~and~~

6.21 (14) to provide for the protection of groundwater and regulate its use to preserve it for
6.22 beneficial purposes; and

6.23 (15) to slow the movement of water to protect surface waters and recharge groundwater
6.24 resources.

6.25 (b) Once established, a watershed district must slow the movement of water to protect
6.26 surface waters and recharge groundwater resources consistent with sound watershed
6.27 management objectives.