

# Minnesota Watersheds

## Legislative Committee Meeting

December 9, 2022

Via Zoom

Meeting participants: Chair Jackie Anderson, MW Board (Comfort Lake-Forest Lake WD); Region 1 Manager Linda Vavra, MW Board (Bois de Sioux WD); Region 1 Manager Gene Tiedemann, MW Board (Red Lake WD); Region 3 Manager Shawn Murphy, Capitol Region WD; Region 3 Administrator Nick Voss sitting in for Phil Belfiori, Vadnais Lake Area Watershed Management Organization; and Jan Voit MW Interim Executive Director.

Absent: Region 1 Administrator Dan Money (Two Rivers WD); Region 2 Administrator Michelle Overholser, Yellow Medicine River WD. The Region 2 Manager position is vacant.

### **WELCOME AND INTRODUCTIONS**

Jackie Anderson called meeting to order at 9:02 a.m. She explained that the purpose of the meeting was to review the 2022 resolutions and develop a final 2023 legislative platform, discuss the upcoming legislative event and talking points, and make suggestions for the legislative event. and determine any known changes. The final platform recommendation will be sent to the MW Board in early January 2023 for approval.

### **TASK ONE. REVIEW ACTIVE RESOLUTIONS AND RECOMMEND A LEGISLATIVE PLATFORM FOR 2023**

The Legislative Committee received an update from Ray Bohn, MAWD Lobbyist, on his thoughts regarding the upcoming Legislative Session. Of greatest importance right now is that Representative Fisher has agreed to carry the general levy bill. The language is being drafted. Ray will need to find a senator or representative from the Democrat party as co-author.

Discussion was held regarding the resolutions hearing results.

### **Resolution #1 Minnesota Watersheds Membership on the Minnesota Department of Health's Workgroup – Passed (as amended)**

- 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.

The committee recommended including this as Priority C: Top Priorities for 2023 Administrative Lobbying Resources. Ray will contact John Hanson to discuss this resolution. There have been two volunteers to serve on the workgroup.

### **Resolution #2 Amend State Law to Provide Limited Liability Protection to Smart Salting-certified Commercial Salt Applicators and the Property Owners Who Employ Them – Passed**

- 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.

The committee recommended including this as a Priority B: Legislation to Support, replacing Resolution 2017-04. The committee also recommended Ray meeting with representatives of organizations supporting this legislation and including staff from Nine Mile Creek WD and Bassett Creek WMC.

### **Resolution #3 Increased Support and Participation for the Minnesota Drainage Work Group (DWG) – Passed**

- Minnesota Watersheds communications increase awareness of DWG (meeting dates and links, topics, minutes, reports) amongst Minnesota Watersheds 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 MAWD event.
- In preparation for Minnesota Watersheds member legislative visits, Minnesota Watersheds 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 BWSR visits, Minnesota Watersheds staff regularly seek updates on how facilitation of the DWG is leading to improvements for member drainage authorities and convey this information to Minnesota Watersheds members.

Ray and Linda reported on the importance of the DWG, the proposed drainage registry, and newly proposed legislation regarding early coordination by the Department of Natural Resources. The committee recommended including this as the number one Priority C: Top Priorities for 2023 Administrative Lobbying Resources. The committee also recommended adding the DNR's proposed legislation for early coordination under Legislation to Defeat. Ray will work with Jan and Linda on issues that arise during the legislative session.

**Resolution #4 Clarification of Watershed District Project Establishment - Passed**

- Minnesota Watersheds supports working with the Board of Water and Soil Resources to clarify Minnesota Statute § 103D.605, Subd. 5.

The committee recommended including this as a Priority A: Top Priorities for 2023 Legislative Action.

**Resolution #5 Obtain Stable Funding for Flood Damage Reduction and Natural Resources Enhancement Projects – Passed**

- Minnesota Watersheds collaborate 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.

The committee recommended including this as a Priority A: Top Priorities for 2023 Legislative Action.

**Resolution #6 Limit Wake Boat Activities that Cause Shoreline Erosion, Reduce the Efficacy of In-lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species - Passed**

- Minnesota Watersheds will work with the Minnesota Department of Natural Resources 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 in which wake boats may operate.
  - Require new and existing wake boats to be able to completely drain and decontaminate their ballast tanks.
  - Provide funding for additional research on the effects of wake boats on aquatic systems.

The committee recommended including this as a Priority A: Top Priorities for 2023 Legislative Action, replacing Resolution 2016-08.

**Resolution #7 Limit Excessive Use of Groundwater – Tabled**

No action was taken by the committee.

**Resolution #8 Increased Flexibility in Open Meeting Law to Utilize Interactive Technology – Failed**

No action was taken by the committee.

2023 Minnesota Watersheds' Legislative Lobbying Platform - FINAL		
<b>PRIORITY A: TOP PRIORITIES FOR 2023 LEGISLATIVE ACTION</b>		
TAX BILL	2018-02	Increase or remove the \$250k General Fund tax levy Limit
	2021-01, 02	Seek capacity funding for the \$250k capped rural WDs and SWCDs from state and county general funds
	2021-06	Require 60-day review periods when state agencies adopt new policies
	2021-04, 07	Use CWFs for implementation, not capacity; require metro watershed-based implementation grants to go through approved 103B plans
23 Bonding Bill	2022-03, 2016-08	Obtain stable funding for Flood Damage Reduction and Natural Resources Enhancement Projects
	2022-04	Clarification of watershed district project establishment
<b>PRIORITY B: LEGISLATION TO SUPPORT</b>		
	2022-02	Limited liability for Smart Salting-certified Commercial Salt Applicators
	2021-03	Allow greater flexibility in open meeting law for virtual attendance, not just during a pandemic
	2021-05	Change crop insurance provisions to cover crop losses within impoundment areas
	2020-01	Allow appeals for public waters designations
	2022-06	Limiting negative impacts from wake boats by supporting scientific studies by the University of Minnesota
<b>PRIORITY C: TOP PRIORITIES FOR 2023 ADMINISTRATIVE LOBBYING RESOURCES</b>		
	2022-03	Increased support and participation for the Minnesota Drainage Work Group
	2022-01	MDH - WD/WMO representation on Stormwater Reuse Task Force
	LGWRT	CWC - Increase Clean Water Funding for watershed-based implementation programs
	2020-04	DNR - temporary water storage on DNR wetlands during major flood events
<b>Resolutions for the Parking Lot (Support if opportunities arise)</b>		
	2018-04	Require WD Permits for the DNR
	2019-04	Clarify county financing obligations and allow WD G.O. bonds for drainage systems
	2017-06	Stable General Fund allocation for flood damage reduction projects
	2017-05	WD general operating levy adjustment: Middle Fork Crow River
	2019-08	WD general operating levy adjustment: Heron Lake
	2019-09	WD general operating levy adjustment: Shell Rock River
	2019-10	WD general operating levy adjustment: Pelican River
	2019-11	WD general operating levy adjustment: Buffalo Red River
	2018-06	DNR - ensure timely updates to Wildlife Management Area (WMA) plans
	2017-02	DNR - temporary lake quarantine authorization to control the spread of aquatic invasive species
	2019-07	DNR - change Chinese Mystery Snail designation and support research needs
	2019-01	DNR - streamline DNR permit process
	2018-08	DNR - reinforce existing rights to maintain/repair 103E drainage systems
	2020-03	BWSR - require soil health goals in metro watershed management plans
	2019-05	BWSR - WD Membership on Wetland Technical Evaluation Panels
	2019-03	BWSR - Support watershed-based management in MN River Basin through increased storage
	2018-03	BWSR - require timely appointments to the BWSR Board
	2019-02	MPCA - default classification for artificial watercourses that serve as public drainage ditches
<b>LEGISLATION TO DEFEAT - This legislation died at the end of the session. Watch to see if reintroduced.</b>		
HF 0368/SF 0711	Green/Utke	Remove eminent domain powers for WDs
HF 0884/SF 1539	Green/Utke	Requires county commissioners to only appoint county commissioners to serve as WD managers
HF 0989/SF 0881	Marquart/Ruud	\$22M CWF appropriation to SWCDs
HF 1586/SF 2214	Torkelson/Johnson	Fund a SWCD/WD merger study once a 1W1P is approved
HF 1718	Fischer	Establish SWCD account in the special revenue fund, \$12M/year for capacity, 1% for BWSR administration
HF 2030/SF 1835	Nelson/Kiffmeyer	Modifying uses of positive general fund; removes CWF payback from \$22M SWCD capacity funds
HF 4274, 4274A	Lippert/Hansen	Drainage registry information portal
	DNR	Incorporating environmental, land use, and multipurpose water management criteria M.S. 103E.015 requirements

## TASK TWO. 2023 LEGISLATIVE EVENT

The event will be held on February 15 and 16 at Capitol Ridge in St Paul.

## TASK THREE. TALKING POINTS

The talking points from 2022 event will be distributed to the committee. Committee members were asked to submit ideas for talking points for the Priority A: Top Priorities for 2023 Legislative Action by December 16.

## TASK FOUR. OPEN FORUM

Ray and Jan provided an overview of the structure for the upcoming Legislative event. Capitol Ridge is a better location for this event. We will invite all legislators. We will provide updates to members at the legislative briefing and ask committee chairs to explain issues at the breakfast. Members are responsible for scheduling meetings with their legislators.

The intent is to get talking points to members well in advance of this event. The committee suggested scheduling regional meetings by Zoom after the talking points are distributed. This would be done to help members feel more comfortable talking with legislators about our issues.

The meeting adjourned at 10:34 a.m. Notes submitted by Jan Voit