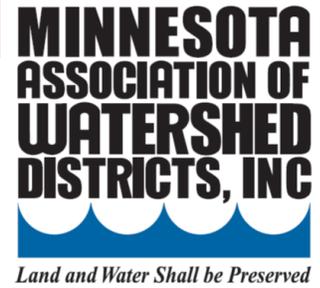


Resolutions Hearing Packet



DATE: November 2, 2020
 TO: MAWD members
 FROM: MAWD Board and Resolutions Committee
 RE: **Resolutions Hearing**

The Resolutions Committee met online at 2 p.m. on Friday, September 18, 2020 to review the resolutions submitted by MAWD members this year. There were six resolutions: one was a renewal of a resolution that was set to expire, two were repeats from last year, and 3 were new. The MAWD Board recommended two resolutions at their board meeting on September 25th meeting that were reviewed by the committee via email. The committee feedback is summarized in the table below and are discussed further after each resolution. Members (2 delegates from each watershed organization) will vote on the resolutions at the annual business meeting on December 4, 2020.

As a reminder, the objective of the resolutions committee is to complete the following tasks:

1. Determine if any proposed resolutions are duplicative of current policy. If so, they should not be forwarded to the members for a vote at the annual meeting.
2. Determine if any resolutions are so similar that they should be combined into one. If so, MAWD staff will work with the watersheds who submitted the resolutions to rewrite them into one resolution.
3. Determine if the “THEREFORE, BE IT RESOLVED” statements are written in a way that directs HOW or WHEN to do the work. If so, the committee should propose new language that simply states what the organization supports or opposes.
4. Debate the merits of each resolution and make recommendations to the membership on whether each resolution should be adopted or rejected. A summary committee position is forwarded to members with the resolutions. Note: the committee is not responsible to determine if MAWD resources are to be allocated for an issue. The committee only recommends whether the resolution fits the mission of MAWD and its members. If a resolution is adopted as MAWD policy, it just means we support the idea. It is up to the MAWD Board to determine how much time, money, and energy is put behind each area.

Resolutions Committee Recommendations

#	Resolution Title	Committee Recommendation
1	Creating an Easier Appeals Process for Corrections to the Public Waters Inventory	Support
2	Limiting Wake Boat Activities that Directly Cause Shoreline Erosion and Spread Aquatic Invasive Species	Oppose – voted down Dec 2019
3	Banning the Use of Carcinogenic Pesticides and Herbicides on Residential and Commercial Lawns	Oppose – voted down Dec 2019
4	Requiring Soil Health Goals in Watershed Management Plans and Ten-Year Plan Amendments	Oppose – one size doesn’t fit all
5	Limiting Excessive Use of Groundwater for the Purpose of Watering Urban and Suburban Landscapes During the Summer Months	Oppose – one size doesn’t fit all
6	Permitting Water Storage on Wetlands Controlled by the DNR During Major Flood Events	Support
7	Watershed Districts Agriculture Drainage Bond Funding	Support
8	Watershed-Based Implementation Funding through Coordinated Comprehensive Watershed Plans	Support

BACKGROUND INFO on MAWD RESOLUTION 2020-01

Creating an Easier Appeals Process for Corrections to the Public Waters Inventory

Proposing District: Upper Minnesota River WD
Contact Name: Amber Doschadis
Phone Number: 320-839-3411
Email Address: Amber.Doschadis@midconetwork.com

Background that led to submission of this resolution:

[Public waters](#) are all water basins and watercourses that meet the criteria set forth in [Minnesota Statutes, Section 103G.005](#), subd. 15 that are identified on Public Water Inventory maps authorized by Minnesota Statutes, Section 103G.201.

The MN DNR website states the following regarding corrections to the inventory-

“Anyone who wants to challenge inclusion of a watercourse segment in the public waters inventory should provide documentation that the watercourse in question did not meet the definition of a public water at the time of the inventory. This information should be submitted to DNR’s area hydrologist, along with a request to remove the watercourse segment from the public waters inventory.

DNR will review the information provided, along with information from our public waters designation files and other relevant information (e.g., aerial photographs, USGS maps, original land survey information). We will determine if the public watercourse segment being challenged was designated in error.

If we determine the watercourse segment was designated in error we will remove it from the public water inventory and buffer protection map. If we determine it was correctly designated a public water, it will remain in the public water inventory and on the buffer protection map. Those who request removal of waters from the public waters inventory will be informed of DNR’s decision and will be given our reasons for the decision.”

We submit this resolution to show our support for future legislation that would provide landowner’s with a more formal process to appeal DNR’s decision 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.

Ideas for how this issue could be solved:

Anticipated support or opposition from other governmental units?

This issue is of importance (Check one):

To the entire State: _____
Only our Region: _____
Only our District: _____

MAWD RESOLUTION 2020-01

Creating an Easier Appeals Process for Corrections to the Public Waters Inventory

WHEREAS, the Public Water Inventory (PWI) maps were created in the late 1970s when the best topographical information available were USGS topographic maps with 10' contour lines; and

WHEREAS, today's technology more accurately predicts the flow of water by utilizing maps with one-foot contours lines; and

WHEREAS, the PWI incorrectly classifies some land as meeting (and conversely not meeting) the definition of public water in MN Statute 103G.005; and

WHEREAS, in some circumstances, incorrect classifications require some land to be set aside in 50' buffers when 16.5' buffers would be adequate; and

WHEREAS, there is no mechanism to update errors made by analyzing drainage patterns determined using the 10' contour maps.

THEREFORE, BE IT RESOLVED that MAWD 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.

Notes: The resolutions committee recommends adoption of this resolution.

BACKGROUND INFO on MAWD RESOLUTION 2020-02

Limiting Wake Boat Activities that Directly Cause Shoreline Erosion and Spread Aquatic Invasive Species

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Claire Bleser, Administrator
Phone Number: 952-607-6512
Email Address: cbleser@rpbcwd.org

Background that led to submission of this resolution:

Riley Purgatory Bluff Creek Watershed District seeks to address erosion and shoreland health challenges through the water quality strategies included in its 2018 10-Year Watershed Management Plan, issues that fall within one of the plan's primary focus areas: improving and protecting water quality. In its Watershed Management Plan, the District maintains that healthy shoreland areas are a key element of healthy hydrologic systems and provide habitat to support wildlife viability. Shoreland benefits can be compromised by erosion and sedimentation, among other resource threats. The District seeks to minimize the negative impacts of erosion and sedimentation – decreasing water depth, degrading water quality, smothering of fish and wildlife habitat – that result in major contributions to water pollution, recognizing that erosion and sedimentation are often accelerated by human activities. The District also seeks to minimize the spread and reduce the adverse ecological impacts of aquatic invasive species (AIS).

Public groups and the scientific community have observed water quality issues, including scouring of lake bottoms by boat waves, sediment disturbance and damage to aquatic plants, damage to shoreline areas, and negative impacts to aquatic animals, that are linked to the large wakes created by wake boats on lakes. The current design of many wake boat ballast tanks does not enable the tanks to be completely drained or fully decontaminated, presenting an additional concern about transport of AIS. While most of the discussion has focused on wake boats, the same issues may arise with any water craft designed or operated in a manner to create wakes larger than wakes created by ordinary boats, including but not limited to boats with ballast, fins, trim tabs, or similar design features.

A 2019 University of Minnesota Aquatic Invasive Species Research Center study showed that that large volume water holding ballast tanks of wake boats, which have the capacity to take on the most water of similar recreational boats, provide zebra mussels and larvae the greatest opportunity for inter-lake transport. These boats are not designed to fully drain all ballast tank water.¹

A 2018 report from the Oregon State Legislature summarizes studies on the various effects of wake boats, noting that boat speed is a primary factor in influencing wave size.² Also cited in this report is a report by the Scientific and Technical Advisory Committee to the Chesapeake Bay Program that demonstrates a positive correlation between the size of boat wakes and the extent of shoreline erosion as well as sediment resuspension and nearshore turbidity.³

A report to the City Council of Prior Lake, Indiana assesses environmental impacts from high speed boats on the state's lakes. The report summarizes studies focused on ecological impacts caused by waves, including shore and bank erosion, decreased water clarity, water quality degradation, and harm to aquatic plant and animal species. Shallow waters feel

¹ Dave Orrick. (2019) Zebra Mussel's Best Friend: Wakeboard Boats, New U Study Finds. Livewell also Tested. Accessed through the Minnesota Aquatic Invasive Species Research Center (MAISRC), <https://www.maisrc.umn.edu/news/wakeboards>.

² Item E: Staff report on safety around wake sports statewide. (2018) Oregon State Legislature. Available online: <https://olis.leg.state.or.us/liz/2018R1/Downloads/CommitteeMeetingDocument/144261>.

See also Sara MercierBlais & Yves Prairie. (2014) Project evaluation of the impact of the waves created by the type of boats wakeboat on the shores of Lake Memphremagog and Lovering; Ruprecht, Glamore, Cogland. (2015) Wakesurfing: Some Wakes are More Equal than Others. Available online: https://www.researchgate.net/publication/294799932_Wakesurfing_Some_Wakes_are_More_Equal_than_Others.

³ Id. See also USDA NRCS. (1997) Slope Protection for Dams and Lakeshores: Minnesota Technical Note 2 (reviewing shoreline erosion processes and causes).

the most direct impacts of boat wakes, as well as shoreline areas adjacent to less than 1,000 feet of open water, making near-shore habitat where water depth is approximately 10 feet or less– the littoral zone—the most important to protect.⁴

In spring 2019, Vermont considered legislation presented in Senate Bill 69 “to restrict or prohibit the use of wake boats in certain public waters.”⁵ The bill as introduced proposes to limit wake boat speed within 200 feet of shoreline, imposing a \$500 fine per violation, and proposes to restrict use of wake boats in certain public waters based on the size of the water body, the use of adjacent land, scenic beauty, or other recreational factors.⁶ While the bill did not progress in the 2019 session, it may be re-introduced during a future session.

Ideas for how this issue could be solved:

We have identified three potential concurrent solutions:

1. Limiting wake boats to areas of lakes sufficiently distanced from shorelines to allow boat-generated waves to adequately dissipate and lessen energy before coming into impact with lake shorelines; and
2. Banning wake boats wakes in shallow lake areas where waves created by wake boats detrimentally impact sediment, aquatic vegetation, and aquatic habitat; and
3. Requiring wake boats to be designed, and existing boats to be modified, to enable complete drainage and decontamination of ballast tanks to stop the spread of AIS.

Anticipated support or opposition from other governmental units?

Minnesota DNR is already engaged in an education campaign, “Own Your Wake – for Everyone’s Sake,” encouraging responsible boat use near shorelines. DNR also actively promotes state AIS law, requiring boat ballast tanks to be emptied by a shoreline or waterway before being transported. We anticipate seeking DNR support for and leadership of legislation reflecting joint ideas of how to solve issues caused by wake boating.

This issue is of importance (Check one):

To the entire State: X

Only our Region:

Only our District:

⁴ City of Prior Lake, Agenda Item #16. Information Item: A review of environmental impacts from high speed boats on Indiana’s public freshwater lakes; Administrative Cause no. 10-029V. Available online: <https://www.cityofpriorlake.com/documents/WSUM/info17.pdf>.

⁵ Bruce Durgin. (2019) Wakeboard Boats Believed to Damage Lakes. The Federation of Vermont Lakes and Ponds. Available online: <http://vermontlakes.org/wp-content/uploads//FOVLAP-Newsletter-Spring-2019-Final-digital.pdf>

⁶ Vermont Legislature (2019). Bill as Introduced: S.69. Available online: <https://legislature.vermont.gov/Documents/2020/Docs/BILLS/S-0069/S-0069%20As%20Introduced.pdf>

2020 MAWD RESOLUTION 2020-02

Limiting Wake Boat Activities that Directly Cause Shoreline Erosion and Spread Aquatic Invasive Species

WHEREAS, watershed districts engage in conserving the state’s natural resources “by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources.” Minn. Stat. 103D.201, subd. 1;

WHEREAS, wake boats driven in Minnesota lakes result in scouring of lake bottoms, disturbance of lake sediment and damage to aquatic plants, erosion of lake shoreline, disturbance of and damage to aquatic animals, and transfer of water in boat ballast tanks – many of which are not designed to drain completely or to be decontaminated – that results in transfer of aquatic invasive species (AIS) among Minnesota lakes;

WHEREAS, opportunities to limit the water quality impacts of wake boats include: restricting where within and in what waterbodies wake boats are allowed; defining the depth of water in which wake boats are allowed to create a wake; and requiring wake boats to be designed, and existing boats to be modified, to enable complete drainage and decontamination of ballast tanks to stop the spread of AIS; Whereas the Minnesota Department of Natural Resources is engaged in an education campaign, "Own Your Wake - for Everyone's Sake," encouraging responsible boat use near shorelines, and also actively promotes state AIS law, requiring boat ballast tanks to be emptied by a shoreline or waterway before being transported;

WHEREAS, the University of Minnesota’s St. Anthony Falls Laboratory plans to measure the height and energy of waves generated by wakesurfing boats and other large watercraft, as well as the turbulence created by propellers, to provide insight into the impact of wakesurfing boats on Minnesota lakes and shorelines;

WHEREAS, other states have begun to regulate wake boat minimum distance from shoreline requirements and limit in what water bodies wake boating may take place; these regulations can serve as guidelines for regulations in Minnesota;

THEREFORE, BE IT RESOLVED that MAWD supports legislation:

- a) limiting wake boating to areas of lakes sufficiently distanced from shorelines to allow boat generated waves to adequately dissipate and lessen energy before coming into impact with lake shorelines;
- b) banning wake boats wakes in shallow lake areas where waves created by wake boats detrimentally impact sediment, aquatic vegetation, and aquatic habitat; and
- c) requiring new and existing wake boats to be able to completely drain and decontaminate their ballast tanks.

Notes: The resolutions committee recommends RPBCWD withdraw the resolution since members voted this down less than one year ago and no substantial changes were made since that time. They oppose the resolution.

BACKGROUND INFO on MAWD RESOLUTION 2020-03

Banning the Use of Carcinogenic Pesticides and Herbicides on Residential and Commercial Lawns

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Claire Bleser, Administrator
Phone Number: 952-607-6512
Email Address: cbleser@rpbcwd.org

Background that led to submission of this resolution:

Riley Purgatory Bluff Creek Watershed District seeks to address groundwater health challenges through the strategies included in its 2018 10-Year Watershed Management Plan to promote the sustainable management of groundwater resources. The District recognizes that groundwater can be contaminated by fertilizer and pesticide applications, and that surface water and groundwater resources are interdependent. (10-Year Plan, 2.3.6.2, 2-21). While these relationships are challenging to quantify, contaminated water from one source can impact the water quality of the other. The District is focused on prevention of groundwater contamination through best management practices, recognizing that groundwater clean-up, when feasible, is both expensive and complex.

Pesticides and herbicides used on both commercial and residential lawns have been linked to human health problems, and some studies have connected pesticides and herbicides with carcinogenic properties, including promotion of tumors.⁷ A variety of pesticide and herbicide products pose health concerns, and some pesticides include known endocrine-disrupting compounds that affect how natural hormones function in the body and interfere with the body's regulation of the endocrine system.⁸

There are two primary pathways to pesticide and herbicide exposure, both directly and via drinking water through groundwater contamination. Contaminated surface water moving through the soil carries pollutants into groundwater resources, resulting in an underground plume of polluted groundwater that may become unsuitable for drinking water.⁹ In Minnesota, pesticides shown to disrupt hormone activity have been detected in surface waters.¹⁰

Some municipalities in Canada have restricted pesticide use for aesthetic purposes, including on golf courses, due to health effects concerns including the relation between surface-applied pesticide exposure and occurrence of cancer.¹¹ A 2006 study reviewing medical literature on herbicide and pesticide exposure notes that "the balance of epidemiological research suggests the 2,4-D [a common herbicide used to kill weeds in grass] can be persuasively linked to cancers, neurological impairment and reproductive problems. These may arise from 2,4-D itself, from breakdown products or dioxin contamination, or from a combination of chemicals."¹² The University of Texas MD Anderson Cancer Center also notes that, although evidence is limited, the International Agency for Research on Cancer linked certain herbicides, such

⁷ Dich, J., Zahm, SH, Adami, HO. (1997). Pesticides and Cancer. *Cancer Causes Control*. May; 8(3), 420-43.

⁸ Swackhamer, D. et al. (2010). Understanding Sources of Aquatic Contaminants of Emerging Concern. LCCMR Project Addendum. Available online: https://www.lccmr.leg.mn/documents/peer_review/2010/addendums/subd_5a_swackhamer_v1.pdf.

⁹ See Joyce Latimer, Mike Goatley, Greg Evanylo, Bonnie Appleton. (2009). Groundwater Quality and the Use of Lawn and Garden Chemicals by Homeowners. Virginia Tech and Virginia State University: Virginia Cooperative Extension. Available online: <https://www.pubs.ext.vt.edu/426/426-059/426-059.html>.

¹⁰ Swackhamer, D. et al. (2010). Understanding Sources of Aquatic Contaminants of Emerging Concern. LCCMR Project Addendum. Available online: https://www.lccmr.leg.mn/documents/peer_review/2010/addendums/subd_5a_swackhamer_v1.pdf.

¹¹ Loren D. Knopper & David R.S. Lean. (2010) Carcinogenic and Genotoxic Potential of Turf Pesticides Commonly used on Golf Courses. *Journal of Toxicology and Environmental Health, Part B*. Vol. 7, 2004: 4, 267-279. Available online: <https://www.tandfonline.com/doi/full/10.1080/10937400490452697?scroll=top&needAccess=true>.

¹² Meg Sears, C. Robin Walker, Richard HC van der Jagt, Paul Claman. (2006) Pesticide assessment: Protecting public health on the home turf. *Pediatrics & Child Health*, vol. 11: 4, 229-234. Available online: <https://academic.oup.com/pch/article/11/4/229/2648275>.

as those containing glyphosate (2,4-D) with an increased risk of cancer.¹³ According to the non-profit group Beyond Pesticides, of the 36 most commonly used lawn care pesticides registered prior to 1984, “14 are probable or possible carcinogens, 15 are linked with birth defects, 21 with reproductive defects, 24 with neurotoxicity, 22 with liver or kidney damage, and 3 are sensitizers and/or irritants.”¹⁴ Additionally, “[a] child in a household using home and garden pesticides is 6.5 times more likely to develop leukemia than in a home that does not.” A 2012 National Institute of Health study of companion animals exposed to lawn care products demonstrated an association between use of specific law care products and a greater risk of canine malignant lymphoma.¹⁵

Ideas for how this issue could be solved:

We have identified one potential solution:

1. Ban the use of carcinogenic pesticides and herbicides on residential and commercial lawns and encourage adoption of alternatives such as PRFCT lawns.

Anticipated support or opposition from other governmental units?

Minnesota Department of Health lists pesticides as a chemical of special concern to children’s health and many be interested in partnering on legislation. The Minnesota Department of Agriculture offers voluntary turfgrass pesticide use Best Management Practices “to bring awareness to homeowners and lawn care companies on proper and judicious use of pesticides for homeowners, lawn care companies, and gold course managers to help protect water resources, humans, and non-target organisms including pollinators.” These BMPs include using non-chemical pest control methods.

This issue is of importance (Check one):

- To the entire State: X
- Only our Region:
- Only our District:

¹³ Kellie Bramlet. (2016) Lawn Care and Your Cancer Risk. University of Texas MS Anderson Cancer Center. Available online: <https://www.mdanderson.org/publications/focused-on-health/lawncare-cancer-risk.h26Z1590624.html>.

¹⁴ Beyond Pesticides. Commonly Asked Questions About Chemical Lawn Care. Available online: <https://www.beyondpesticides.org/programs/lawns-and-landscapes/overview/faq-chemical-lawn-care>.

¹⁵ Takashima-Uebelhoer BB, Barber LG, Zagarins SE, Procter-Gray E, Gollenberg AL, Moore AS, Bertone-Johnson ER. (2012) Household chemical exposures and the risk of canine malignant lymphoma, a model for non-Hodgkin’s lymphoma. 112:171-176. Available online: <https://www.ncbi.nlm.nih.gov/pubmed/22222006>.

MAWD RESOLUTION 2020-03

Resolution to Ban the Use of Pesticides and Herbicides that are Known Carcinogens on Residential and Commercial Lawns

WHEREAS, watershed districts engage in conserving the state’s natural resources “by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources.” Minn. Stat. 103D.201, subd. 1;

WHEREAS, human and environmental health concerns arise from the use of health harming and potentially carcinogenic pesticides and herbicides on commercial and residential lawns because surface application exposes humans and animals to potential carcinogens, and surface water carries pesticide and herbicide pollution through soil and into groundwater sources that can affect drinking water and environmental health;

WHEREAS, eliminating the use of specific pesticides and herbicides on lawns will reduce surface interaction with these health-harming, potential carcinogens, and limit their entry into groundwater; and

WHEREAS, the Minnesota Department of Health lists pesticides as a chemical of special concern to children’s and the Minnesota Department of Agriculture promotes turfgrass pesticide use BMPs including using non-chemical pest controls.

THEREFORE, BE IT RESOLVED that MAWD supports legislation banning the use of carcinogenic pesticides and herbicides on residential and commercial lawns.

Notes: The resolutions committee recommends RPBCWD withdraw the resolution since the members voted this down less than one year ago and no substantial changes were made since that time. They oppose the resolution.

BACKGROUND INFO on MAWD RESOLUTION 2020-04

Requiring Soil Health Goals in Watershed Management Plans and Ten-Year Plan Amendments

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Claire Bleser, Administrator
Phone Number: 952-607-6512
Email Address: cbleser@rpbcwd.org

Background that led to the submission of this resolution:

Riley Purgatory Bluff Creek Watershed District seeks to address the decline of soil health, “the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans,”¹⁶ and the closely related negative impacts to water quality, due to the spread of impervious surfaces and general compaction of urbanized soils.

Excessive rainfall and resultant flooding, threatening food security, public health, and natural resources, are anticipated as rainfall amounts continue to increase. Soil organic matter is a known effective antidote to the negative water resources impacts of soil erosion and flooding that accompany increased rainfalls.¹⁷ For example, a 1% increase in soil organic matter has the ability to hold 20,000 gallons of additional water per acre. Increasing the organic carbon content in soil significantly benefits water quality, along with the public health more broadly.¹⁸ Healthy soils contain “a diverse population of beneficial organisms, high levels of decomposed organic matter, low levels of toxic compounds, adequate (rather than excessive) levels of nutrients, a sufficiently porous surface, and good tilth.”¹⁹

According to the Natural Resources Conservation Service,

“Soil helps control where rain, snowmelt, and irrigation water goes. Water and dissolved solutes flow over the land or into and through soil... The minerals and microbes in soil are responsible for filtering, buffering, degrading, immobilizing, and detoxifying organic and inorganic materials, including industrial and municipal by-products... Soil structure provides a medium for plant roots.”²⁰

Currently, Minnesota Rule 8410.0800 lists required goals for water management plans and ten-year plan amendments, including for water quantity, water quality, public drainage systems, groundwater, and wetlands. Missing from this list of required goals is soil health.

Minnesota Statutes Section 103B.231, subd. 4(c) states:

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

¹⁶ Natural Resources Conservation Service - Soils. Soil Health. USDA. *Available online:*

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>.

¹⁷ See Desai, Danika. 2018. Soil Conservation in California: An Analysis of the Healthy Soils Initiative. NYU Environmental Law Journal. *Available online:* <https://www.nyuelj.org/2018/02/soil-conservation-in-california-an-analysis-of-the-healthy-soils-initiative/>

¹⁸ Bryant, Lara. 2015. Organic Matter Can Improve Your Soil’s Water Holding Capacity. NRDC. *Available online:*

<https://www.nrdc.org/experts/lara-bryant/organic-matter-can-improve-your-soils-water-holding-capacity>.

¹⁹ *Id.*

²⁰ Natural Resources Conservation Service - Soils. Soil Health. USDA. *Available online:*

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>.

Section 103B.231, subd. 4(c) provides a statutory basis for revising Minnesota Rule 8410.0080 to include soil health goals in watershed management plans, given the hydrogeologic connection between soil health and impervious surface water runoff and compaction of urbanized soils;

Ideas for how this issue could be solved:

Ask the Minnesota Board of Water and Soil Resources to amend Minnesota Rule 8410.0080 to include a goal for soil health in watershed management plans and ten-year plan amendments. A metropolitan watershed district would then be required to include soil health in its watershed management plan or ten-year plan amendment, and to implement policies to assess, protect, and restore soil health within the district.

Anticipated support or opposition from other governmental units?

This issue is of importance (Check one):

To the entire State: X

Only our Region:

Only our District:

MAWD RESOLUTION 2020-04

Requiring Soil Health Goals in Watershed Management Plans and Ten-Year Plan Amendments

WHEREAS, watershed districts engage in conserving the state’s natural resources “by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources.” Minn. Stat. 103D.201, subd. 1;

WHEREAS, soil health, “the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans,”²¹ is connected to the health of water resources, specifically water quality, and soil health has declined in urbanized areas due to the spread of impervious surface and the general compaction of urbanized soils; further, improving soil organic matter in soil can significantly help to absorb additional water due to excessive rainfall, reducing erosion and flow rates to water resources;

Whereas Minnesota Rule 8410.0060 includes soil inventory as a required element of a metropolitan watershed plan, but Minnesota Rule 8410.0080, listing goals to be included in watershed management plans and ten-year plan amendments, does not include soil health among the listed goals of water quantity, water quality, public drainage systems, groundwater, and wetlands;

Whereas Minnesota Statutes Section 103B.231, subd. 4(c) provides a statutory basis for revising Minnesota Rule 8410.0080 to include soil health goals in watershed management plans by providing that watershed management plans consider “the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated water management problems in the watershed”;

THEREFORE, BE IT RESOLVED that MAWD supports amending Minnesota Rule 8410.0080 to include a goal for soil health in watershed management plans and ten-year plan amendments.

Notes: The resolutions committee does not support the resolution because soil health may not be a focus area of some watershed districts. Local priorities determine why a district exists and directs the type of work it completes.

²¹ Natural Resources Conservation Service - Soils. Soil Health. USDA. Available online: <https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>.

BACKGROUND INFO on MAWD RESOLUTION 2020-05

Limiting Excessive Use of Groundwater for Urban and Suburban Landscapes During the Summer Months

Proposing District: Riley Purgatory Bluff Creek Watershed District
Contact Name: Claire Bleser, Administrator
Phone Number: 952-607-6512
Email Address: cbleser@rpbcwd.org

Background that led to the submission of this resolution:

Riley Purgatory Bluff Creek Watershed District seeks to address depletion of valuable groundwater resources in Minnesota. 60% of homeowners with irrigation systems in the Twin Cities Metro Area used far more water than they needed to water their lawns²². The use of groundwater to irrigate urban and suburban lawns during particular hours of the day during the summer poses needless use of such water during times when evaporation rates are highest, thus wasting precious water resources, many of which take thousands of years to replenish.

Watering lawns (either via landscape irrigation system or manual watering) between noon and sundown generally results in higher evaporation rates than watering morning hours. Watering lawns in the evening has the potential to make lawns susceptible to disease when hot and humid conditions are combined with excess moisture. Watering lawns in the early morning is the most ideal as evaporation demands are low and wind deflection is less of an issue.²³

Irrigating urban and suburban lawns during or shortly after precipitation events, when soils are saturated, not only wastes a significant amount of groundwater, but also increases runoff and potential pollution of streams, lakes and wetlands.

Ideas for how this issue could be solved:

Encourage the Department of Minnesota Natural Resources to investigate statewide regulations of urban and suburban lawn watering practices. Including but not limited to:

- Restricting the hours during which irrigation of lawns is allowed (with the exception of irrigation from water capture and reuse systems)
- Enforcement of Minnesota State Statute 103G.298 requiring that “all automatically operated landscape irrigation systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture. The technology must be adjusted either by the end user or the professional practitioner of landscape irrigation services.”
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to be trained and certified in the installation and use of EPA water sense technologies.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to register with the DNR and pay an annual fee to be divided among the cities and counties in which they do business based upon the amount of business done in each city and county.
- Require all companies engaged in the installation or maintenance of landscape irrigation systems to certify that the systems comply with restrictions regarding sensor technology as well as time restrictions.

²²University of Minnesota Extension, *Planting Grass Seed? Most Twin Citians water lawns ‘way too much’*, 2017, <https://twin-cities.umn.edu/planting-grass-seed-most-twin-citians-water-lawns-way-too-much>

²³ University of Minnesota Extension Turfgrass Science and Metropolitan Council, *Efficient Water Use On Twin Cities Lawn Through Assessment, Research, and Demonstration*, 2016, <https://metro council.org/Wastewater-Water/Publications-And-Resources/WATER-SUPPLY-PLANNING/Twin-Cities-Lawn-Irrigation-System-Surveys-And-Ass.aspx>

Anticipated support or opposition from other governmental units?

Cities faced with providing adequate water supplies should support reasonable restrictions on the use of ground water to avoid the expense of drilling new wells and building new treatment facilities.

This issue is of importance (Check one):

To the entire State: _____

Only our Region: _____

Only our District: _____

MAWD RESOLUTION 2020-05

Limiting Excessive Use of Groundwater for Urban and Suburban Landscapes During the Summer Months

WHEREAS, groundwater resources are often used in excess to water urban and suburban landscapes, primarily lawns;

WHEREAS, evaporation rates are highest during the hours between noon and dusk and watering landscapes in the evening has the potential to increase susceptibility to plant diseases;

WHEREAS, the ideal time to water lawns and urban and suburban landscapes is in the early morning, due to the low evaporation demands and lessened effects of wind deflection; and

WHEREAS, excess watering of urban and suburban landscapes can cause increased runoff and therefore pollution to streams, wetlands, and lakes.

THEREFORE, BE IT RESOLVED that MAWD supports statewide regulations of urban and suburban lawn watering practices including but not limited to:

- Restricting the hours during which irrigation of lawns is allowed (with the exception of irrigation from water capture and reuse systems).
- Requiring all companies engaged in the installation or maintenance of landscape irrigation systems to be trained and certified in the installation and use of EPA water sense technologies.
- Requiring all companies engaged in the installation or maintenance of landscape irrigation systems to register with the DNR and pay an annual fee to be divided among the cities and counties in which they do business based upon the amount of business done in each city and county.
- Requiring all companies engaged in the installation or maintenance of landscape irrigation systems to certify that the systems comply with restrictions regarding sensor technology as well as time restrictions.
- Enforcement of Minnesota State Statute 103G.298 requiring that “all automatically operated landscape irrigation systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture. The technology must be adjusted either by the end user or the professional practitioner of landscape irrigation services.”

Notes: The resolutions committee opposed the resolution because it is the responsibility of each municipality to review water usage and set their own guidelines based on the specifics of their systems. A one-size-fits-all approach does not seem appropriate.

BACKGROUND INFO on MAWD RESOLUTION 2020-06

Permitting Water Storage on Wetlands Controlled by the DNR during Major Flood Events

Proposing District: Wild Rice WD
Contact Name: Kevin Ruud, Administrator
Phone Number: 218-784-5501
Email Address: kevin@wildricewatershed.org

Background that led to submission of this resolution:

The Red River Basin is an international, multi-jurisdictional basin of approximately 45,000 square miles, with 80% of the basin contained within the United States and the remaining 20% of the basin located in Canada. The region is frequently impacted by flooding along the Red River and its tributaries like the Wild Rice River. Impacts experienced along the Red River main stem are a result of combined tributary sub-watershed contributions, which includes the Wild Rice Watershed.

The increase in frequency and magnitude of flooding in the Red River basin is unmistakable. The spring flood of 1997 decimated the metro center of Grand Forks-East Grand Forks and gravely threatened many other areas throughout the basin. Since 2000, the basin has experienced damaging flooding in nearly every year. Since 1997, most sites along the mainstem have seen levels of flooding at or close to 100-year levels and many tributary areas have experienced up to 500-year flood levels.

After the record Red River Floods of 2009 state legislators in North Dakota and Minnesota asked the Red River Basin Commission (RRBC), as an international basin-wide organization, to spearhead the effort to develop a comprehensive, proactive plan that responds to and mitigates flooding throughout the watershed.

The Red River Basin Commission's Long-Term Flood Solutions Plan identifies a 20% peak flow reduction goal along the Red River main stem that includes flow reduction goals for the Wild Rice Watershed District (WRWD).

To assist in addressing both local and regional flood damages, the WRWD has a desire to cooperatively work with other state agencies to promote temporarily storing flood water from major events on land which is already publicly owned. The WRWD believes that entities can work together to incorporate flood storage on these state owned properties to maximize benefits to the residents and wildlife living in and around the lands.

Ideas for how this issue could be solved:

Districts could work together with agencies to incorporate gated and ungated storage on public lands to enhance wildlife habitat areas and also maximize flood storage potential. This effort could be completed on a state-wide basis to assist in providing additional flood damage reduction and wildlife enhancement.

Anticipated support or opposition from other governmental units?

We feel that the DNR would favor partnering to enhance publicly owned land to maximize benefits for citizens and wildlife within the State. This effort would also receive support from the Red River Watershed Management Board and Red River Basin Commission since it would greatly assist in them achieving their goals and objectives. Other watersheds state-wide could benefit from a similar effort in their watersheds.

This issue is of importance (Check one):

To the entire State: _____

Only our Region: _____

Only our District: _____

MAWD RESOLUTION 2020-06
Permitting Water Storage on Wetlands Controlled by the DNR
During Major Flood Events

WHEREAS, the Wild Rice Watershed District (WRWD) discussed the frequent, severe floods within the State of Minnesota and the desire to devise plans to reduce flood impacts; and

WHEREAS, it is the WRWD's desire for watershed districts and other drainage authorities within the State of Minnesota to develop a plan with the DNR to temporarily store water on existing wetlands controlled by the DNR in the times of major flood events as so doing would reduce flood impacts to both private and public property.

THEREFORE, BE IT RESOLVED that MAWD supports temporarily storing water on existing wetlands controlled by the DNR in times of major flood events.

Notes: The resolutions committee supports the renewal of this resolution.

BACKGROUND INFO on MAWD RESOLUTION 2020-07

Agricultural Drainage Financing for Watershed Districts

Proposing District: MAWD Board
Contact Name: Mary Texer, President or Emily Javens, Executive Director
Phone Number: 320-979-0084
Email Address: metexer@gmail.com or emily@mnwatershed.org

Background that led to submission of this resolution:

There is one watershed district struggling to find permanent financing for a petitioned drainage improvement project. Once a project has met all statutory requirements, a watershed district provides notice to the county and the county will bond for the project. In this instance, the county has refused to do so stating they do not have capacity to finance it given their current and projected debt load. They believe the drainage project should have been stopped and deemed infeasible based on this. Since rural WDs can only assess up to a \$250,000 general levy per year, the bond companies charge higher rates and they quickly reach their own bonding limits. Since most of the drainage systems across Minnesota are 100 years old and many of them are in dire need of improvement, it is projected this could easily impact the ability of watershed districts and counties to conduct the work assigned to them in drainage law.

Ideas for how this issue could be solved:

Several ideas could be explored in further detail including setting up a revolving loan program for drainage improvements, increasing WD levy limits to support greater levels of bonding, etc.

Anticipated support or opposition from other governmental units?

This issue is of importance (Check one):

To the entire State: _____
Only our Region: _____
Only our District: _____

MAWD RESOLUTION 2020-07

Agricultural Drainage Financing for Watershed Districts

WHEREAS, watershed districts have assumed authority of all or some of their local agricultural drainage ditches within their boundaries;

WHEREAS, watershed districts have relied on the counties involved to utilize their bonding authority to provide revenue to properly repair and improve said drainage ditches on behalf of the landowners,

WHEREAS, at least one county has been unwilling to provide bond funding for watershed district drainage ditch repairs or improvements due to their present or planned high bonding indebtedness;

WHEREAS, watershed districts need access to bonding authority to comply with our duties as drainage authorities;

THEREFORE, BE IT RESOLVED that MAWD supports administrative, legislative, or legal solutions in conjunction with other stakeholders to resolve this agricultural drainage bond funding issue.

Notes: The resolutions committee recommends adoption of this resolution.

BACKGROUND INFO on MAWD RESOLUTION 2020-08

Watershed-Based Implementation Funding through Coordinated Comprehensive Watershed Plans

Proposing District: MAWD Board
Contact Name: Mary Texer, President or Emily Javens, Executive Director
Phone Number: 320-979-0084
Email Address: metexer@gmail.com or emily@mnwatershed.org

Background that led to submission of this resolution:

The MAWD Board and many members were disappointed that BWSR allowed annual SWCD work plans to be listed as eligible plans for watershed-based implementation funding. These plans did not meet the same rigorous requirements outlined in statute for comprehensive watershed management plans. They were not approved by the BWSR Board and there was very little access and response for public comment.

To be clear, this resolution would not say SWCD projects would not be eligible for watershed-based implementation funding. It simply states that the work must be coordinated and identified in a comprehensive plan that has provided adequate opportunities for public comment and approved by the BWSR Board.

Ideas for how this issue could be solved:

If metro SWCD programs and projects are not already identified in a watershed's comprehensive plan, one option would be for the SWCD to work with the watershed to coordinate their work and get the work added to the plan through an amendment.

Anticipated support or opposition from other governmental units?

The SWCDs may oppose this process.

This issue is of importance (Check one):

To the entire State: _____
Only our Region: _____
Only our District: _____

Although the issue started in the 7-county metro area, the same policy could potentially be applied to the rural counties.

MAWD RESOLUTION 2020-08

Watershed-Based Implementation Funding through Coordinated Comprehensive Watershed Plans

WHEREAS, watershed districts are responsible for developing comprehensive watershed management plans that outline the work to protect and restore natural resources within their boundaries;

WHEREAS, watershed districts are required to solicit public participation to prioritize work that is done in the watershed;

WHEREAS, once developed, the comprehensive plans are put out for public comment and reviewed by state agencies and boards;

WHEREAS, comprehensive watershed plans must be approved by the Board of Water and Soil Resources and updated every ten years;

WHEREAS, the Clean Water Fund has allocated millions of dollars to directly fund the work in comprehensive watershed management plans;

WHEREAS, in Fiscal Years 20-21, the MN Board of Water and Soil Resources made an exception to the watershed based implementation fund program to allow annual metro Soil and Water Conservation District work plans to be equally eligible for funding in the program;

WHEREAS, the annual plans written by Soil and Water Conservation Districts do not require the rigorous effort to solicit and consider public input and do not require state board-level approval;

THEREFORE, BE IT RESOLVED that MAWD opposes watershed-based implementation fund program dollars being distributed for work not coordinated with a multi-year comprehensive watershed management plan.

Notes: The resolutions committee recommends adoption of this resolution.