

## **Watershed district authority created in 1955<sup>1</sup>**

<sup>1</sup> Minnesota State Statutes Chapter 112, now repealed and reorganized in Chapter 103D

Recognizing the need to manage water on a broader basis than municipal or county boundaries, the Minnesota State Legislature established the Watershed Act Act1 in 1955. This act provided the means to create watershed districts anywhere in the state. As outlined by statute, the purposes of watershed districts are:

To conserve the natural resources of the state 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.

Watershed districts are special purpose units of local government whose boundaries follow natural watershed divides. Watershed districts have been given broad authorities, including the authority to:

- Adopt rules with the power of law to regulate, conserve, and control the use of water resources within the district.
- Contract with units of government and private and public corporations to carry out water resource management projects.
- Hire staff and contract with consultants.
- Assess properties for benefits received and levy taxes to finance district administration.
- Accept grant funds, both public and private, and encumber debt.
- Acquire property needed for projects.
- Acquire, construct, and operate, drainage systems, dams, dikes, reservoirs, and water supply systems.
- Enter upon lands within and without the district to make surveys and conduct investigations

Since the inception of the Watershed Act, 47 watershed districts have been created through a process of citizens or local governments petitioning to the state. They range in size from 40 to 6,000 square miles, and together they cover approximately 30 percent of Minnesota's land area.

### **Metropolitan Surface Water Management Act**

In 1982, the legislature approved the Metropolitan Surface Water Management Act. The act was originally included in chapter 509 (and was commonly referred to as "509" planning) and was later recodified as MS 103B. Authority to administer this act now rests with the Board of Water and Soil Resources (BWSR).

Since passage of the act, all local units of government in the seven-county metropolitan area have been involved in the preparation and implementation of comprehensive surface water management plans. Participation by LGUs in local water planning and implementation happens through partnership or membership in one of three kinds of watershed management organizations (WMO): 1) a joint powers agreement between the LGUs within a natural watershed, 2) a watershed district, or 3) a separate local unit of government (e.g. county).

Under the Metropolitan Surface Water Management Act WMOs are responsible for preparing and implementing plans that:

- protect, preserve, and use natural surface and groundwater storage and retention systems;
- minimize public capital expenditures needed to correct flooding and water quality problems;
- identify and plan for means to effectively protect and improve surface and groundwater quality;
- establish more uniform local policies and official controls for surface and groundwater management;
- prevent erosion of soil into surface water systems;
- promote groundwater recharge;
- protect and enhance fish and wildlife habitat and water recreational facilities; and
- secure the other benefits associated with the proper management of surface and groundwater.

In 1992, the Board of Water and Soil Resources developed rules (Minnesota Rules Chapter 8410) impacting plan process and content. WMOs/WDs used these rules in plan revisions commonly referred to

as second-generation plans. Plan updates are required every 5 to 10 years. The rules require, among other items, more specificity in citizen participation, control of erosion and sedimentation, wetland assessment, and the design of new storm water conveyance, ponding, and treatment systems.

Plans are reviewed at the local level and by a number of state agencies and the Metropolitan Council. After plan approval by the Board of Water and Soil Resources, the WMO/WD formally adopted the plan and required each city or township within the WMO/WD to create and implement their own local water management plan consistent with the WMO/WD plans that cover.

## **Clean Water Legacy Act - final language**

S.F. No. 762, 5th Engrossment - 84th Legislative Session (2005-2006) Posted on May 20, 2006

2.7 Sec. 2. [114D.05] CITATION.

2.8 This chapter may be cited as the "Clean Water Legacy Act."

2.9 Sec. 3. [114D.10] LEGISLATIVE PURPOSE AND FINDINGS.

2.10 Subdivision 1. Purpose. The purpose of the Clean Water Legacy Act is to protect,  
2.11 restore, and preserve the quality of Minnesota's surface waters by providing authority,  
2.12 direction, and resources to achieve and maintain water quality standards for surface waters  
2.13 as required by section 303(d) of the federal Clean Water Act, United States Code, title 33,  
2.14 section 1313(d), and applicable federal regulations.

2.15 Subd. 2. Findings. The legislature finds that:

2.16 (1) there is a close link between protecting, restoring, and preserving the quality of  
2.17 Minnesota's surface waters and the ability to develop the state's economy, enhance its  
2.18 quality of life, and protect its human and natural resources;

2.19 (2) achieving the state's water quality goals will require long-term commitment and  
2.20 cooperation by all state and local agencies, and other public and private organizations  
2.21 and individuals, with responsibility and authority for water management, planning, and  
2.22 protection; and

2.23 (3) all persons and organizations whose activities affect the quality of waters,  
2.24 including point and nonpoint sources of pollution, have a responsibility to participate in  
2.25 and support efforts to achieve the state's water quality goals.