COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: June 12, 2017
AGENDA NUMBER: 13
ITEM: Buffer Strip Update

AGENDA: Policy

ACTION REQUESTED
Direction to staff

BACKGROUND
The 2017 Legislative session adopted legislation that included aid for buffer law enforcement for those County and Watershed Districts electing jurisdiction. Allocations are made based on the proportional number (miles/ acres) of ditches, streams, and wetlands covered by the bill. It doesn’t matter whether the buffer width is 50 or 16.5’ and all of the lakes and wetlands are not being accounted for.

The Anoka County total for FY 18 will be about $40k, and $50k annually from FY 19 on. According to the DNR Buffer shapefiles, the county has 442.52 miles of buffer map channels. CCWD has 120.83 miles of ditch on that map which should result in about $11k in FY 18 funding and $13,500 from then on. The miles of channel may vary some, especially between the District (who has conducted a detailed inventory) and DNR’s (Although we have corrected them twice and I believe received confirmation from them). Ultimately DNR will be providing a summary of all of the stream and ditch miles by entity, and that will be the official set of numbers they fund by.

The funding bill had no stipulation on receiving FY 18 funding if you’re only electing jurisdiction on ditches from the Nov 1, 2018 date. This means watershed districts can elect for jurisdiction by June 28, get FY 18 money, and still not have to worry about taking enforcement action until the following year.

ISSUES/CONCERNS
Hypothesized Compliance: There are very few properties that are not currently in compliance with the standards for the buffer law (26 properties along approximately 8.1 miles of ditch). A common hypothesis which has developed over the last several months is that most individuals will voluntarily come into compliance and that only a small number will push enforcement to the maximum.

Anoka County: Discussions with Jerry Soma, County Administrator indicates that with funding provided, the County may well reconsider and assume enforcement responsibility. This issue was discussed at the County Transportation Committee on June 5, and will be discussed by the full County Board Thursday June 15.
The County has also expressed concern that citizens may get a little easier treatment if enforcement is through the County than if it is through the BWSR.

**Rice Creek WD:** Rice Creek has indicated that it *will not* be involved with the buffer program at all.

**Use of Funds:** The District would stand to receive approximately $11,000 for FY 18 and approximately $13,500 for FY 19. These are state fiscal years: July to June.

The obvious use of these funds would be for salaries to compensate the District for time spent enforcing a state program.

Staff has also wondered if that money could be used for local grants to assist in bringing property into compliance. This no small arrangement.

**PRIOR DECISIONS**

- **1/12/17:** Board provided Update and Key Dates on Buffer Law Implementation. The Board’s general preference was to let BWSR deal with the Buffer Law for a while.

- **2/13/17:** Board provided a BWSR Memo on proposed schedules and actions expected of local government. This official update indicates the March 31, 2017 may not be a hard date to elect jurisdiction.

- **2/24/17:** Board provided an update on Buffer Program. The staff report provided to the Board identified the following issues and concerns: the enforcement mechanism, lack of funding, withholding of funding by BWSR, quantity of resources, and the ever-changing guidance and policies associated with the Buffer Law. Board direction was to wait until further clarifications from BWSR are received before making a decision to elect jurisdiction.

- **5/8/17:** BWSR continues to provide information on the enforcement options for the buffer program.

**OPTIONS**

To qualify for the Riparian Aid (funding) BWSR must have received the following items to BWSR by 4:30 p.m. on June 28, 2017:

- A **signed resolution** accepting jurisdiction to enforce the Buffer Law by your Board (examples can be found on BWSR website); and
- The identification of a point of contact for ongoing Buffer Program implementation within the county.
RECOMMENDATION
Review and discuss the merits of Assuming enforcement responsibility for the state buffer law.
If the Board wishes to pursue enforcement responsibility, direct staff to prepare the proper resolution for adoption at the June 26 Board meetings.