COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: March 26, 2018
AGENDA NUMBER: 15
ITEM: BWSR Correspondence Election of Jurisdiction

AGENDA: Discussion

ACTION REQUESTED
Clarification of/Update on Board’s position on assuming responsibility for enforcement of the “Buffer Law” within the Coon Creek Watershed District.

BACKGROUND
On March 19 the District received an email indicating that requesting clarification on the assumption of enforcement responsibilities for the “Buffer Law” and lays out steps that should be taken in the event the district would choose to elect jurisdiction for the upcoming fiscal year.

If the decision is to not elect, no action is needed.

ISSUES/CONCERNS
Anoka County: A request for clarification of the County’s position and intent was made Thursday March 22.

PRIOR DECISIONS
On June 26, 2017 after two failed motions to adopt jurisdiction backing up Anoka County in enforcement, the Board took no action.

OPTIONS
1. Receive the report & Take No Action: If the decision is to not elect jurisdiction
2. Table: Await clarification from Anoka County and bring issue back at the April 9 meeting
3. Pursue jurisdiction: direct staff to begin process described in the attached letter

RECOMMENDATION
Table: Await clarification from Anoka County and bring issue back at the April 9 meeting
DATE  **Sent Via Email:** To Watershed District Lead staff/Buffer Law primary contact.

**RE: Election of Jurisdiction.**

Our records indicate that your watershed district has not elected to manage the enforcement provisions of Minn. Stat §103F.48 (the buffer law) at this time.

The Board of Water and Soil Resources (BWSR) must certify to the commissioner of revenue, *each year*, which counties and watershed districts have affirmed their jurisdiction under section 103F.48 and the proportion of centerline miles of public watercourses, and miles of public drainage system ditches on the buffer protection map, within each county and each watershed district within the county with affirmed jurisdiction.

If this is an option the watershed would like to pursue please provide us with the following no later than June 15, 2018.

Following adoption by the county board and in accordance with Procedure 9: BWSR’s Review of County and Watershed District Buffer Rules, Ordinances and Official Controls, please submit the ordinance and supporting documentation needed to make a final determination on adequacy and/or consistency as provided below:

- Resolution or other formal decision of the county board electing jurisdiction to enforce the buffer law. (A sample resolution can be found under the Election of Jurisdiction heading [here](#))
- Include in your resolution the #of miles of 103E Drainage systems your watershed administers by county.
- The BWSR board must issue a determination that the county or watershed district has adopted a rule, ordinance, or official controls providing procedures for the issuance of administrative penalty orders, enforcement, and appeals for purposes of this section and section 103B.101, subdivision 12a.

*Counties and watershed districts must submit the following information to BWSR, ideally to this email address buffers.bwsr@state.mn.us, prior to the effective date, if possible of the rule, ordinance or other official control which includes:

  i. The resolution or other formal decision of the county or watershed district governing body documenting adoption of the rule, ordinance or other official control;
  ii. The rule, ordinance or other official control adopted by the county or watershed district governing body; and
  iii. If applicable, a document that describes how the rule, ordinance or other official control departs from the model ordinance or rule developed by BWSR.

  a. A model ordinance can be found at the [BWSR buffer webpage](#).*

*We recommend that a draft version of your official control be provided in advance of watershed district board action for preliminary review and comment.*

Please note, BWSR has coordinated the development of the buffer model ordinance and the state agency review process of the county’s official controls with the Department of Natural Resources (DNR). In addition to the submitting the county’s buffer ordinance to BWSR, you should also submit any amendments...
to the county’s shoreland management ordinance to you DNR Area Hydrologist when amending the shoreland management ordinance or substantially deviating from the model county buffer ordinance.

Thank you for your cooperation on this matter. Should you have any questions, please contact me at (507) 206-2894, or at tom.gile@state.mn.us.

Sincerely,

Tom Gile
Buffer and Soil Loss Operations Supervisor.

Cc: BWSR, Board Conservationists
    MAWD, Emily Javens
    AMC, Jennifer Berquam