



MINNESOTA WATERSHEDS

Connecting People. Protecting Water.

2025 TALKING POINTS – TOP TWO LEGISLATIVE PRIORITIES

DEVELOP LEGISLATION TO IMPLEMENT A 60-DAY PERMIT REVIEW PERIOD FOR THE DEPARTMENT OF NATURAL RESOURCES AND MINNESOTA POLLUTION CONTROL AGENCY

- As political subdivisions of the State of Minnesota, watershed organizations are required to have a state-approved Watershed Management Plans (WMP). The plans are reviewed by the Department of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), and other state agencies. Comments from state agencies on the plans are addressed in the WMP approval process.
- Projects identified in WMPs are eligible for grant funds and bonding dollars.
- Many watershed organizations have permitting authority with a statutory responsibility to issue permits to landowners, contractors, and developers. Those permits must be issued within a 60-day timeframe.
- Minnesota Statute § 15.992 requires that state agencies have a 60-day deadline to take final action on a written permit request, except the statute excludes an application requiring one or more hearings on an Environmental Impact Statement or Environmental Assessment Worksheet.
- Watershed organizations are experiencing considerable delays in the permit approval process, well in excess of the 60-day statutory requirement, which creates cost overruns, project delays, wasting taxpayer funds, and in some cases loss of state and federal grant funds.
- Watershed organizations are concerned about the unpredictability of, lack of transparency in, and inconsistency of not just the DNR permitting process, but also that of the MPCA.
- Minnesota Watersheds supports a framework, not just in the isolated case of Minnesota Statute § 15.99, but that requires all state agencies to conduct permit reviews in a predictable, transparent, and consistent manner.

DEVELOP REGULATORY APPROACHES TO REDUCE CHLORIDE CONTAMINATION

- There is no easy way to remove chloride from our lakes, rivers, and wetlands once it gets there. Prevention is our best and really our only option for limiting the negative impacts of excess chloride in our waters.
- For several years, Minnesota Watersheds and others have pursued an incentive-based approach to reducing chloride use by supporting legislation that would provide a liability limitation for those who are certified by the MPCA as applicators trained to apply the correct amount of salt to achieve safe surface conditions and who document their practice of protective low-salt maintenance techniques.
- During the 2024 session, Minnesota Watersheds worked with several metro-area watersheds to secure the endorsement of the Minnesota Center for Environmental Advocacy, Freshwater Society, Minnesota Association for Justice (which represents trial lawyers) and Stop Over Salting on a legislative approach that provided owners and applicators with protection to the extent of negligence.
- The Minnesota Nursery and Landscape Association, which represents property-maintenance providers, would not join the coalition, arguing for a bill that provided more extensive liability protection, less frequent training and certification, and looser trainer controls.
- The trial lawyers' lobbyist has indicated they would strongly oppose the more extensive liability protection; in addition, allowing for protection when a provider is in fact negligent is contrary to sound public policy.
- Minnesota Watersheds supports working with the state, counties, cities, and watershed organizations to develop a regulatory approach to reducing chloride contamination.

2025 LEGISLATIVE EFFORTS TO SUPPORT

SUPPORT CLEAN WATER LAND AND LEGACY FUNDING

- Minnesota Watersheds supports water quality improvement and natural resources protection projects recommended by the Clean Water Council, Lessard Sams Outdoor Heritage Council, and the Environment and Natural Resources Trust Fund.

SUPPORT THE DRAINAGE WORK GROUP

- Minnesota Watersheds supports the Drainage Work Group consensus process to work cooperatively with drainage stakeholders and state agencies to address state policy issues related to M.S. Chapter 103E drainage.

SUPPORT LEGISLATION REGARDING DNR REGULATORY AUTHORITY OVER PUBLIC DRAINAGE MAINTENANCE AND REPAIRS

- The public waters inventory was never intended to restrict the right to maintain existing drainage systems. The legislature specifically exempted repairs from DNR permitting, gave the DNR a mechanism to ensure proposed work was repair; and directed the DNR to provide for the lawful function of public drainage systems that affected public waters.
- The DNR adopted a rule exempting repairs from permitting and announced a policy in 1980 that stated repair of public drainage systems should be allowed without permits.
- More recent DNR practices have departed from the 1980 policy and clear language in both statute and rule.
- The DNR issued a new guidance document in February of 2018 that was intended to provide clarity for both DNR staff and drainage authorities on the role of the DNR regarding public drainage activities. The guidance has had the opposite effect.
- There is a lack of clarity and consistency in DNR's role on public drainage system repairs across the state.
- Clarifying legislation is needed to reinforce existing law regarding the DNR and the drainage authorities' roles and responsibilities when maintaining public drainage systems and reduce the unnecessary expenditure of dollars by the drainage authority and DNR.

SUPPORT 2025 BONDING REQUESTS AND STABLE FUNDING FOR MULTIPURPOSE FLOOD MITIGATION AND WATER STORAGE PROJECTS

- Inconsistent and inadequate Flood Hazard Mitigation Program (FHMP) funding affects timing and coordination of local, state, and federal funds to construct multipurpose flood mitigation and water storage projects, as well as placing increased pressure on local government to fund projects through local taxes.
- Flooding and climate-related impacts are not going away. Magnitude, frequency, and intensity of rainfall events are increasing. Continued deferred FHMP funding reduces local government's ability to meet climate resiliency goals and reduce downstream impacts.
- Frequent flooding greatly diminishes and severely erodes equity, financial resources, and capital acquired over decades by farmers and landowners in rural areas. Consistent and adequate FHMP funding is needed for the future of Minnesota to remain strong.

SUPPORT STREAMLINING THE FLOOD HAZARD MITIGATION PROGRAM

- The FHMP is a primary funding source for multipurpose flood mitigation and water storage projects statewide.
- The FHMP needs to be modernized and applications should be scored, ranked, and prioritized adequately by the DNR. Applicants do not have knowledge of the scoring, ranking, and prioritization process.
- Minnesota Watersheds supports action requiring the DNR to establish transparent scoring, ranking, and funding criteria for the FHMP and asks the Minnesota Legislature to fully fund the state's share of eligible projects that are on the DNR's project list within each two-year bonding cycling.

Thank you for sharing these issues with your legislators! We'd appreciate hearing about your interactions.