



MEMO

Date: June 2, 2017
To: County and Watershed District Staff and Officials
From: John Jaschke, Executive Director BWSR
RE: Buffer Program Update – Election of Jurisdiction and Riparian Aid

The purpose of this memo is to provide a brief update on the Riparian Aid funding authorized during the legislation session. An additional purpose is to communicate important next steps and timing which directly affects your election of jurisdiction for compliance and enforcement of the Buffer Law and ability of your county or watershed district to receive the Riparian Aid funds for those purposes.

Legislative Action on Riparian Aid

On May 30, 2017 Governor Dayton signed two bills (tax bill and environment omnibus bill) authorizing Riparian Aid to counties and watershed districts that elect jurisdiction to enforce the Riparian Protection (Buffer) Law. In fiscal year 2018 (which begins July 1, 2017) the amount available is \$8 million and in fiscal year 2019, and annually thereafter, the amount is \$10 million.

The law also prescribes the funding distribution and process. The Board of Water and Soil Resources (BWSR) must certify to the commissioner of revenue, on or before July 1 of each year, which counties and watershed districts have affirmed their jurisdiction under Minnesota Statutes section 103F.48. As a part of that process BWSR must identify the proportional miles of public waters and public drainage ditches on the buffer protection map, within each county and each watershed district. Within each watershed district BWSR needs to know the miles of public drainage ditches that lie within each overlapping county. If a county or watershed district does not elect jurisdiction, then the law specifies the State of Minnesota, through BWSR must enforce the buffer law.

Action Needed for Funding Distribution

Most counties and watershed districts have been waiting for the legislative session to conclude, and funding known, to determine their election of jurisdiction. With the enactment of the relevant legislation, **notification of local board action to elect jurisdiction must be received by BWSR by 4:30 p.m. on June 28, 2017 to receive Riparian Aid funding.**

Notification means that by 4:30 p.m. on June 28, 2017, BWSR has received:

- a signed resolution accepting jurisdiction to enforce the Buffer Law by your respective boards; and
- the identification of a point of contact for ongoing Buffer Program implementation within your county or watershed district.

Template board resolutions for counties are available on the Association of Minnesota Counties (AMC) website:

http://www.mncounties.org/information_and_jobs/county_library_and_information_center/environment_and_natural_resources/index.php#revize_document_center_rz222

A template board resolution for counties and watershed districts are available on the BWSR website at: <http://bwsr.state.mn.us/buffers/> under the election of jurisdiction header.

Additional information for Watershed Districts can be found on the MAWD website at <http://www.mnwatershed.org/>.

Action Needed for Funding Estimates

We have an estimate of the funding that each county is eligible for if they elect jurisdiction from the Minnesota Department of Revenue. However, to tabulate the portion of those funds that would be passed on to an overlapping watershed district that has elected jurisdiction we need the following information by **June 14 at 4:30 p.m.** emailed to Buffers.BWSR@state.mn.us:

- A list of total miles of public drainage ditches in each watershed district for which they are the drainage authority.
- That (watershed district administered public drainage ditches ONLY) number then needs to be broken up by the number of miles that exist in each county which overlaps boundaries with the watershed district.

We will be able to generate estimates of Riparian Aid payable to each county and watershed district based on the information we receive.

Watershed District (Name):	Total	County A (Name):	County B (Name):	County C (Name):	County D (Name):	County E (Name):
Miles of 103E Public Drainage Ditch which the WD is the drainage authority	XXX	XXX	XXX	XXX	XXX	XXX

PLEASE NOTE, that in order to be eligible for funding in 2017 a county or watershed district simply needs to elect jurisdiction to enforce the Buffer Law. The local official control does not need to be in place and affirmed by BWSR by the June 28, 2017 deadline. Those official controls still need to be finalized prior to the effective dates of the Buffer Law and will be reviewed via current procedures found on the BWSR website http://bwsr.state.mn.us/buffers/policy/Buffer_Policy_9.pdf.

Please send an original signed board resolution to both your BWSR Board Conservationist AND copy to, BWSR at: Buffers.BWSR@state.mn.us received no later than 4:30 p.m. on June 28, 2017.

If you do not notify BWSR by June 28, 2017, you can still elect jurisdiction at any time, however you will not be eligible for Riparian Aid funding until fiscal year 2019 (July 1, 2018).

Thank you for your efforts and your ideas. We look forward to connecting with you over the summer and as always if you have any comments or questions please don't hesitate to contact Tom Gile, BWSR Buffers and Soil Erosion Program Coordinator or your Board Conservationist.