

Board Action Request

23-0457

Item Description:

Delegate authority to County Administrator to prepare and post guidelines for using Soil and Water Conservation Aid

Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners delegates authority to the County Administrator to prepare annual guidelines for using soil and water conservation district aid to implement the statutory duties of a soil and water conservation district; and that the County Administrator be authorized to post the guidelines on the county website.

Background:

Hennepin County is the soil and water conservation district (conservation district) for the county and performs all duties and authorities of a conservation district (Minn. Stat. §383B.761; Hennepin County Resolution 14 0212). Environment and Energy Department staff are performing the following soil and water conservation services:

- Providing technical and financial assistance to residents to improve the quality, quantity, distribution, and sustainability of natural resources including surface water, groundwater, soil, and ecological resources;
- Assisting other units of local government with implementing wetland protection laws;
- Participating in local water planning and coordinating with other water management partners like cities, watershed districts, and watershed management organizations;
- Providing technical expertise regarding local resources;
- Providing information, education, and outreach about the benefits of soil and water conservation;
- Assisting landowners with technical and financial resources for natural resources projects;
- Providing technical review and comment on permits and development plans relating to soil and water conservation; and
- Monitoring and inventorying to collecting data that informs understanding of the condition of natural resources and the changes to resources over time.

In 2023, the Minnesota Legislature approved a dedicated local aid funding source to replace the annual Local Capacity Services grants (Laws of Minnesota 2023, Chapter 64, Article 4, Section 20, Soil and Water Conservation District Aid). The Minnesota Department of Revenue will automatically disburse this aid in two payments per year to every conservation district.

To receive the aid, the county board must adopt annual guidelines for using the payments received to implement duties and services of a soil and water conservation district. The attached guidelines are based on a template provided by the Minnesota Association of Soil and Water Conservation Districts and are based on statutory language defining the roles and responsibilities of conservation districts.

The Soil and Water Conservation District Aid calculation includes a base amount plus a variable amount calculated based on the amount of nonpublic land located in a conservation district, and the population of that

conservation district. In each fiscal year 2024 and 2025, Hennepin County will receive about \$200,000. While this amount is about double what the county usually received in Local Capacity Services grants, it covers only a small fraction of the department's cost to administer these services. After fiscal year 2025, this amount will be reduced and more similar to current funding levels of between \$100,000 to \$120,000 annually.

Current Request:

Delegate authority to the County Administrator to prepare annual guidelines for using soil and water conservation district aid to implement the statutory duties of a soil and water conservation district. The request is also to authorize the administrator to post the guidelines on the county website.

Impact/Outcomes:

This action allows Hennepin County to meet the requirement to receive the state Soil and Water Conservation District Aid funding.

The county's work as a conservation district contributes to climate action goals by working with residents to implement conservation projects that protect and improve water quality and habitat, store stormwater in the landscape, mitigate flooding, and sequester carbon.

Recommendation from County Administrator: Recommend Approval

Guidelines on the use of Soil and Water Conservation District Aidⁱ

Minn. Stat. §477A.23, subd. 4(b)

Soil and Water Conservation District Aid payments will be used by Hennepin County, in its capacity as a Soil and Water Conservation District, to pursue the mission and conservation goals of the Environment and Energy Department, as described in its Natural Resources Strategic Plan, and consistent with Minn. Stat. §477A.23 (2023).

Soil and Water Conservation Districts are authorized under Minn. Chapter 103C, the Soil and Water Conservation District Law, which enumerates the following authorities and duties

- perform resource surveys;
- implement voluntary soil and water conservation measures on private property;
- provide conservation equipment and supplies to partners and residents;
- construct, install, improve, maintain, and operate conservation structures;
- conduct comprehensive and annual planning;
- acquire land for conservation projects; and
- work in cooperation with the local, state, and federal government on conservation projects.

The state's soil and water conservation policy (Minn. Stat. §103A.206) is to encourage land occupiers to conserve soil and water, and the natural resources they support, through the implementation of practices that:

- (1) control or prevent erosion and sedimentation;
- (2) ensure continued soil productivity;
- (3) protect water quality;
- (4) prevent impairment of dams and reservoirs;
- (5) reduce damages caused by floods;
- (6) preserve wildlife;
- (7) protect the tax base; and
- (8) protect public lands and waters.

Hennepin County will implement strategies that assist land occupiers in accomplishing these goals. In addition, soil and water conservation districts must fulfill duties prescribed by law, including:

- (1) provide technical and financial assistance to landowners;
- (2) provide technical assistance to implement the Soil Erosion Law (Minn. Stat. §§103F.401 to 103F.48);

- (3) serve on technical evaluation panels to implement wetland laws (Minn. Stat. §103G.2242);
- (4) administer the Reinvest in Minnesota Reserve Program (Minn. Stat. §103F.515);
- (5) administer elements of the Wetland Conservation Act (Minn. Stat. §§103G.221 to 103G.2375);
- (6) participate in water planning and implementation (Minn. Stat. §103B);
- (7) participate in the comprehensive watershed management planning program (Minn. Stat. §103B.801);
- (8) participate in disaster response efforts (Minn. Stat. §12A);
- (9) provide technical recommendations to the Department of Natural Resources on general permit applications (Minn. Stat. §103G.301);
- (10) implement the agricultural water quality certification program (Minn. Stat. §§17.9891 to 17.993);
- (11) provide technical assistance for the agricultural land preservation program under (Minn. Stat. §40A);
- (12) maintain compliance with section (Minn. Stat. §15.99) of deadlines for agency action;

In carrying out the aforementioned duties, Hennepin County will use Soil and Water Conservation District Aid to support delivery of the following services as outlined in Minn. Stat. §103C.332, subd. 2. Including but not limited to:

- (1) perform administrative services, including comprehensive and annual work planning, administering grants, leveraging outside funding, establishing fiscal accountability measures, reporting accomplishments, human resources management, and staff and supervisor development;
- (2) enter into cooperative agreements with the United States Department of Agriculture, Natural Resources Conservation Service, and other United States Department of Agriculture agencies to leverage federal technical and financial assistance;
- (3) provide technical expertise, including knowledge of local resources, performing technical evaluations and certifications, assessing concerns, and providing oversight in surveying, designing, and constructing conservation practices;
- (4) provide information and education outreach, including increasing landowner awareness and knowledge of soil and water conservation program opportunities to protect soil and water resources and publicizing the benefits of soil and water conservation to the general public;
- (5) facilitate regulatory processes for impacted landowners and providing technical review and comment on regulatory permits and development plans for regulations relating to soil and water conservation;
- (6) administer projects and programs, including but not limited to the nonpoint source pollution abatement programs; Reinvest in Minnesota Reserve conservation easement

program; disaster response; local water management and comprehensive watershed management planning; and projects related to floodplains, lakes, streams and ditches, wetlands, upland resources, and groundwater resources, to maintain and improve the quality, quantity, distribution, and sustainability of natural resources, including surface water, groundwater, soil, and ecological resources;

- (7) monitor and inventory to collect data that provide a baseline understanding of resource conditions and changes to the resources over time and analyzing and interpreting the data to support program implementation; and
- (8) maintain a modern technology infrastructure that facilitates planning and projects, including geographic information systems, modeling software, mobile workstations, survey and design equipment and software, and other technology for linking landowners with conservation plans.

ⁱ These guidelines are based on a template provided by the Minnesota Association of Soil and Water Conservation Districts and are based on statutory language defining the roles and responsibilities of Soil and Water Conservation Districts.