

**Subject** Board of Water and Soil Resources Policy

**Authors** Hansen, R.

**Analyst** Janelle Taylor

**Date** April 25, 2023

## Overview

This bill includes a number of provisions impacting the Board of Water and Soil Resources (BWSR).

## Summary

Section	Description
1	<p><b>Powers and duties.</b></p> <p>Allows BWSR to acquire conservation easements on behalf of the state and federal government consistent with Camp Ripley's Sentinel Landscape program and related conservation programs. Allows the board to enter into agreements with Tribal Nations, federal agencies, higher education institutions and others to carry out its programs and responsibilities.</p>
2	<p><b>Conservation practices; standardized specifications.</b></p> <p>Requires BWSR to work with Tribal Nations to foster mutual understanding and provide recommendations for standardized specifications for certain conservation practices, projects, and systems as required for other government entities, academic institutions, and stakeholders. Specifies the types of practices, projects, and systems that are subject to the requirement in more detail.</p>
3	<p><b>Guidelines for establishing and enhancing native vegetation.</b></p> <p>Requires BWSR to work with state and federal agencies, Tribal Nations, academic institutions, and others to foster mutual understanding and provide recommendations for standardized specifications for establishing and enhancing native vegetation. Allows BWSR to convene working groups or work teams to develop information, education, and recommendations.</p>
4	<p><b>Easement stewardship accounts.</b></p> <p>Allows two easement stewardship accounts (the water and soil conservation easement stewardship account and the mitigation easement stewardship account) that provide money to BWSR for costs associated with managing easements held by</p>

<b>Section</b>	<b>Description</b>
	the board to be used for repairing and replacing structures. Also requires BWSR to include the estimated costs for repairing and replacing structures when calculating the financial contributions made to the accounts when easements are acquired.
<b>5</b>	<b>Habitat-friendly utilities program.</b> Allows BWSR to provide financial and technical assistance to promote the successful establishment of native vegetation as part of utility projects. Requires BWSR to establish criteria for grants or payments awarded and allows priority to be given to proposals for protecting high-priority natural resources and wildlife species. Allows the board to collaborate and enter into agreements with government agencies, Tribal Nations, utility companies, nonprofit organizations, and contractors.
<b>6</b>	<b>Habitat enhancement landscape program.</b> Allows BWSR to provide financial and technical assistance to establish or enhance areas of diverse native vegetation for certain purposes, including to support pollinators. Requires BWSR to establish criteria for grants or payments awarded and allows priority to be given to proposals for protecting endangered or threatened pollinator and other species. Allows the board to collaborate and enter into agreements with government agencies, Tribal Nations, utility companies, nonprofit organizations, and contractors.
<b>7</b>	<b>Program authorization.</b> This and sections 8 to 10 modify the state cost-share program (also known as the erosion control and water management program) which provides assistance to soil and water conservation districts (SWCDs). This section allows BWSR to allocate money for additional purposes, including improvements to water quantity, habitat enhancement, plant biodiversity, energy conservation, and climate adaptation. The term “cost-share” is also removed from this and the other sections related to the program.
<b>8</b>	<b>Use of funds.</b> Allows money allocated under the program to be used for activities identified in certain state-approved plans related to water and natural resources.
<b>9</b>	<b>Contracts by districts.</b> Allows an SWCD to provide technical and financial assistance for the additional purposes added under section 7. Eliminates certain restrictions that apply when an SWCD contracts to provide the assistance, including the requirement that BWSR approve contracts and provisions establishing certain contract terms. Allows an SWCD to require a long-term maintenance covenant upon land (only BWSR is allowed to do so under current law).

Section	Description
10	<p><b>Policies and rules.</b></p> <p>Updates BWSR’s rulemaking authority under the program to conform with the changes to the program.</p>
11	<p><b>Inspections.</b></p> <p>Requires an SWCD or the district’s delegate to conduct site inspections of conservation practices installed to determine compliance (a rule requiring similar inspections is repealed in section 19).</p>
12	<p><b>Establishment order.</b></p> <p>Requires watershed district managers, rather than BWSR, to establish, by order, certain watershed district projects.</p>
13	<p><b>Soil health practices program.</b></p> <p>Establishes the soil health practices program.</p> <p><b>Subd. 1. Definitions.</b> Defines “board,” “local units of government,” and “soil health” for purposes of the program.</p> <p><b>Subd. 2. Establishment.</b> Requires BWSR to establish a program providing financial and technical support to produce soil health practices that achieve water quality, soil productivity, climate change resiliency, or carbon sequestration benefits, or reduce pesticide and fertilizer use. Requires the program to include certain practices sanctioned by BWSR or the United States Department of Agriculture’s (USDA) Natural Resources Conservation Service (NRCS).</p> <p><b>Subd. 3. Financial and technical assistance.</b> Allows BWSR to provide financial assistance to local units of government, private sector organizations, and farmers to establish soil health practices and related practices with climate and water-quality benefits. Requires BWSR to establish practices and costs eligible for financial and technical assistance under the program.</p> <p><b>Subd. 4. Program implementation.</b> Allows BWSR to hire staff and enter into agreements to implement the program. Requires BWSR to assist local units of government in achieving the objectives of the program.</p> <p><b>Subd. 5. Federal aid availability.</b> Requires BWSR to regularly review and optimize the availability of federal funds and programs to supplement or complement local and state efforts under the program.</p>

Section	Description
	<b>Subd. 6. Soil health practices.</b> Allows BWSR to cooperate with the USDA, other state and federal agencies, local governments, and private sector organizations to establish soil health goals for the state.
14	<b>Purpose and policy.</b> Modifies the purpose and policy of the reinvest in Minnesota (RIM) reserve program.
15	<b>Grasslands.</b> Establishes a definition of “grasslands” for purposes of the RIM reserve program.
16	<b>Restored prairie.</b> Establishes a definition of “restored prairie” for purposes of the RIM reserve program.
17	<b>Reinvest in Minnesota working lands program.</b> <b>Subd. 1. Establishment.</b> Allows BWSR to establish a reinvest in Minnesota working lands program in addition to the existing RIM reserve program. Requires lands selected for the program to be based on the land’s potential to achieve certain outcomes. <b>Subd. 2. Applicability.</b> States that provisions of the existing RIM reserve program apply except as provided under subdivisions 1, 3, and 4. <b>Subd. 3. Nature of property rights acquired.</b> Allows BWSR to authorize managed haying, managed grazing, perennial and winter annual cover crop production, forest management, or other activities the board determines are consistent with the purpose and policy of the RIM reserve program or appropriation conditions/criteria. <b>Subd. 4. Payments for easements.</b> Requires BWSR to establish payment rates for acquiring easements and related practices. Requires BWSR to consider market factors as well as easement terms when establishing rates.
18	<b>Rules.</b> Allows BWSR to adopt rules as part of the state’s wetland banking program that include provisions for the mitigation and banking of other water and water-related resources in addition to wetlands.
19	<b>Repealer.</b> Repeals provisions of the state cost-share program related to funding applications and a number of the rules pertaining to the program.



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155