

CHAPTER 114A

SOUTHERN MINNESOTA RIVERS BASIN BOARD

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114A.01 LEGISLATIVE FINDINGS; POLICY. Subdivision 1. Because of recurring flood damage, and because of other problems such as pollution, deficiencies in recreational and conservational opportunities, planning and projects, and deficiencies in planning and coordinating for economic growth, a southern Minnesota rivers basin board is hereby created and charged with the obligation to guide the creation and implementation of a comprehensive environmental conservation and development plan for the southern Minnesota rivers basin. The board may utilize all available scientific, economic, legal, and social resources so as to make effective the purposes and policy of sections 114A.01 to 114A.09.

Subd. 2. For the purposes of sections 114A.01 to 114A.09, the southern Minnesota rivers basin is defined to include the area within the watersheds of rivers and streams tributary to the Minnesota river, and the areas within the watersheds of rivers tributary to the Mississippi river on the westerly side of the Mississippi south of its confluence with the Minnesota river. The planning for development of the southern Minnesota rivers basin will have considerable impact within the boundaries of Minneapolis and St. Paul.

[1971 c 705 s 1; 1975 c 271 s 6]

114A.02 DEFINITIONS. Subdivision 1. For the purposes of sections 114A.01 to 114A.09, the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Person" includes any firm, partnership, association, or corporation, and any public or political subdivision of the federal or state governments.

Subd. 3. "Board" means the governing body of the southern Minnesota rivers basin board.

Subd. 4. "Local governmental unit" means a county, town, city, or a political division or subdivision of the state.

Subd. 5. "Public health" includes any act or thing tending to improve the general sanitary conditions of the basin.

Subd. 6. "Public welfare", "general welfare", and "public benefit" include any act or thing tending to improve or benefit or contribute to the enhancement of the environment, the safety or well being of the general public or benefit the inhabitants of the basin.

Subd. 7. "Basin" means the area within the watersheds of rivers and streams tributary to the Minnesota river, and the areas within the watersheds of rivers tributary to the Mississippi river on the westerly side of the Mississippi south of its confluence with the Minnesota river.

Subd. 8. "County auditor" means the county auditor of any county located in whole or in part within the boundaries of the basin.

Subd. 9. "Interested party" means any person having an interest in the subject matter pending or involved, and shall include any official of any state agency or subdivision of the state.

Subd. 10. "Project" or "improvement" means any work or works for construction, maintenance, repairs, study or studies undertaken by the board.

[1971 c 705 s 2; 1973 c 123 art 5 s 7; 1975 c 271 s 6]

114A.03 PURPOSE AND INTENT. Subdivision 1. The southern Minnesota rivers basin board is hereby established to serve as the regional organization for guiding the creation and implementation of a comprehensive environmental conservation and development plan for the basin. All state departments and agencies are hereby directed to cooperate with the board, and to assist it in the performance of its duties. In

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cooperation with all federal agencies, including but not limited to the United States departments of agriculture and interior and the corps of engineers, all state agencies, departments, and commissions, including but not limited to the department of natural resources, Minnesota geological survey, water resources board, state planning agency, department of transportation, state soil and water conservation board, pollution control agency, department of economic development, department of agriculture, and the institute of agriculture of the University of Minnesota, and local governments and citizens within the basin, the board shall initiate, coordinate and prepare its overall comprehensive environmental conservation and development plan. The Minnesota soil and water conservation board and local soil and water conservation districts and watershed districts within the basin shall provide technical assistance to the board in the creation and implementation of the plan. Upon the request of the board, the governor or the legislature may require any other department or agency of the state to furnish assistance, technical or otherwise, to the board in the performance of its duties or in the exercise of its powers authorized by law. The plan may include, but is not limited to, planning for the following purposes:

- (1) Control or alleviation of damages by flood waters;
- (2) Improvement of stream channels for handling of surface waters, navigation, and any other public purposes;
- (3) Reclaiming or filling of wet and overflowed lands;
- (4) Regulating the flow of streams and conserving the waters thereof;
- (5) Diverting or changing watercourses in whole or in part;
- (6) Providing and maintaining water quality and supply for municipal, domestic, industrial, recreational, agricultural, aesthetic, wildlife, fishery, or other public use;
- (7) Providing for sanitation and public health and regulating uses of streams, ditches, or watercourses for the purpose of disposing of waste and maintaining water quality;
- (8) Repair, improvement, relocation, modification, consolidation or abandonment in whole or in part of previously established public drainage systems within the territory;
- (9) Imposition of prevention or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;
- (10) Regulation of improvements and land development by abutting landowners of the beds, banks, and shores of lakes, streams, watercourses, and marshes by permit or otherwise in order to preserve the same for beneficial use; such regulation to be in accordance with state department of natural resource standards and criteria;
- (11) Regulation of construction of improvements on and prevention of encroachments in the flood plains of the rivers, and the lakes, marshes and streams of the basin; such regulation to be in accordance with state department of natural resource standards and criteria.

Subd. 2. Upon reviewing and approving the overall comprehensive environmental conservation and development plan for the basin, the board shall be the coordinating agency for the implementation of the plan and it may designate and request any local unit of government, including but not limited to counties, cities, soil and water conservation districts and watershed districts, to initiate, implement and carry out any phase, project or improvement provided for in the board's plan. The board may engage in public education programs.

[1971 c 705 s 3; 1973 c 123 art 5 s 7; 1973 c 609 s 1; 1975 c 271 s 6; 1976 c 149 s 59; 1976 c 166 s 7]

114A.04 BOARD. Subdivision 1. **Appointment, compensation.** The board shall consist of eleven members, all of whom shall be residents within the basin. Five members, who may be county commissioners, shall be elected by an advisory council, which shall consist of one person appointed by the county board of each of the counties lying wholly or partly within the basin. Each of these members shall serve fixed terms of not to exceed three years, as determined by the advisory council, and vacancies of these members shall be filled by the advisory council. Five members shall be appointed by the governor with two original members appointed for a term of one year and two members appointed for two years and one member appointed for three

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years. Thereafter, the term for each member appointed by the governor shall be for a period of three years, and until his successor is appointed and qualified. The last remaining member of the board shall be its chairman who shall be appointed by and serve at the pleasure of the governor. The compensation of the members of the board shall not exceed \$35 per day, and each member shall be entitled to reimbursement for all traveling and other expenses necessarily incurred in the manner provided for state employees.

Subd. 2. Officers, procedures, time and place of meeting. Except for its chairman, the board shall select from among its members all necessary officers for terms of one year. The board shall adopt, and from time to time amend its own rules of procedure. The board shall determine the place and time of its meeting. The board shall meet with not less frequency than once every month.

Subd. 3. Seal, records, annual report. The board shall adopt a seal and shall keep a record of all proceedings, minutes, official papers and all other business transacted or actions taken by the board, which record shall be, at all reasonable times, open to public inspection. The board annually shall file a report of the progress of the comprehensive plan for the preceding year with each regional development board in the basin.

[1971 c 705 s 4; 1975 c 271 s 6]

114A.05 BOARD; POWERS, DUTIES. In order to give effect to the purposes of Laws 1973, Chapter 609, the board shall have the power to adopt guidelines and regulations to coordinate natural resources management so as to prevent the pollution, impairment or destruction of the air, water, land or other natural resources located within the basin, assuring that the board's activities will not unnecessarily overlap or conflict with any similar activities authorized by the legislature and performed by established agencies. The board shall develop and coordinate an efficient system whereby the political subdivisions, commissions, departments, agencies, local units of governments and other authorities within the basin having the necessary powers may carry out, in an efficient and coordinated manner, all activities reasonable and necessary to prepare and approve the board's comprehensive environmental conservation and development plan for the basin and thereafter to foster and promote its implementation by the various federal, state and local units of governments thereby affected.

[1971 c 705 s 5; 1973 c 609 s 2; 1975 c 271 s 6]

114A.06 PERPETUAL EXISTENCE. The southern Minnesota rivers basin board created hereunder shall have perpetual existence, with the power to sue and be sued.

[1971 c 705 s 6; 1975 c 271 s 6]

114A.07 GOVERNMENT UNITS TO COOPERATE. Each local and regional governmental unit, its officers and employees, and each regional development commission, its officers and employees, shall cooperate with the board in accomplishing its purposes as established by sections 114A.01 to 114A.09. Such unit may aid the board by furnishing staff, services, property, or financial support to the board.

[1971 c 705 s 7; 1975 c 271 s 6]

114A.08 BUDGET. The board shall, prior to each session of the legislature, submit a budget request for funds to be used for its general expenses to accomplish the purposes of sections 114A.01 to 114A.09. Said budget request shall be presented by the board to the governor and the legislature of the state of Minnesota on or before November 15 of each year that the legislature is in session.

[1971 c 705 s 8; 1975 c 271 s 6]

114A.09 POLLUTION CONTROL AGENCY. Nothing in sections 114A.01 to 114A.09 shall be construed to in any way supersede the powers and duties of the Minnesota pollution control agency under chapters 115 and 116, or to affect the validity of any standard, regulation, stipulation, order or permit heretofore or hereafter adopted or issued pursuant thereto.

[1971 c 705 s 10]