

Minnesota Viewers Association Policy Statement

With consideration of 2015 Buffer Law (Minnesota Statutes Section 103F.48) and the potential impacts on the demand for compensation to the landowners affected by the required installation, we herewith state our Policy and Position.

The Minnesota Viewers Association has promoted the redetermination of benefits on public drainage systems to update the benefits and create a more equitable distribution of maintenance costs to all properties that use a ditch system as an outlet.

The Minnesota Viewers Association supports the establishment of vegetative buffers adjacent to ditches for reduced maintenance and improved water quality, and recognizes the viewers' role in determining benefits and damages under the drainage code.

The Minnesota Viewers Association has worked to enhance the historically accepted process of determining benefits and damages for public drainage systems. The Association provides education on viewing methods to Viewers, Drainage Authorities, and Landowners. As currently applied, these methods provide an equitable, credible, and defensible value determination to fairly distribute the costs of drainage system establishment, improvements, and drainage system maintenance.

The Minnesota Viewers Association is concerned with any failure for in the taking of land rights without reasonable compensation for the loss of value. The payment by the owners of property benefitting by a ditch system's existence for the reduction of long term maintenance costs on the drainage system, but the water quality benefits, if any, are not based upon the same rational as the maintenance savings. Water quality and quantity contribution do not equate to the same value increase as the drainage of lands for a different use.

The Minnesota Viewers Association cannot, and does not, encourage Drainage Authorities to undertake the redetermination of benefits process through any method that will not fairly distribute future drainage system costs solely to accommodate the state mandate for buffer strip

establishment. Provisions were made to statute (Minnesota Statutes Section 103E.351) to provide reimbursement to landowners who have established buffers to comply with 103F.48, when a redetermination of benefits is completed.

The Minnesota Viewers Association supports a statutory change in Chapter 103E to allow drainage authorities to acquire and establish buffer strips with apportionment of the costs on a per acre basis equally among all lands in the contributing watershed of the drainage system, regardless of land use. This was included in the Recommendations for *Accelerating Public Drainage System Acquisition and Establishment of Buffer Strips and Alternative Practices* subcommittee recommendations, but was not included in the final version lacking full Drainage Work Group consensus, when submitted to the BWSR board. The Minnesota Viewers Association recommends that, in our opinion, this special purpose one-time charge would more accurately distribute the cost of the buffer strip acquisition, establishment, purpose, and value, when compared to assessing the costs based upon the drainage benefit from a drainage system. The determination of a charge could quickly and easily be established utilizing current county and state data.

The Minnesota Viewers Association supports all measures increasing public cost share for the water quality and wildlife benefits from the establishment of the vegetative buffers and additional multi-purpose projects.

The Minnesota Viewers Association supports that the Association of Minnesota Counties and the Minnesota Association of Watershed Districts, in association with other partners, should develop an educational program for Drainage Authorities, Legislators, and Landowners to promote a better understanding of Minnesota Drainage Law and procedures.

Minnesota Viewers Association Methodology Support

The Minnesota Viewers Association has existed for more than 30 years. Most Viewers in the state are active members. Many Counties and Watershed Districts support the organization as Associate members. The organization is recognized at the state level as the educational organization for viewing.

The Minnesota Viewers Association has enhanced the historic methods by developing criteria acceptable to most Drainage Authorities as the recognized method and that it establishes a fair distribution of costs to properties benefitting from the drainage systems.

With 103F.048, the buffer strip statute, some individuals and groups have been attempting to develop alternative methods to complete the process faster. It is questioned if these methods provide creditable results.

Therefore, it is recommended that any new or alternative method be reviewed by the Minnesota Viewers Association and that the organization approve, promote, enhance, and provide education on the application of the methods or make recommendations that the method should not be applied.

The Minnesota Viewers Association strives to include new technologies and procedures in the viewing process, but only when the end results are equitable, credible, and defensible.