

HOUSE RESEARCH

Bill Summary

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Overview

This bill would require a 50-foot buffer of perennial vegetation on certain waters.

Section

1 Riparian buffers. Adds § 103F.46.

Subd. 1. Definitions. Defines “buffer” and “perennial waters” for purposes of the new buffer law. “Perennial waters” are defined as public waters (defined under chapter 103G) and other watercourses that have defined beds and banks, have evidence or indicators of flow during the majority of the growing season and are mapped by the DNR.

Subd. 2. Purpose. States the purpose of the section.

Subd. 3. Buffers required. Requires a 50-foot buffer on all perennial waters and specifies how to determine where the measurement is taken. Requires the buffers by September 1, 2016 or within a year of the water being designated as a perennial water. States that buffer requirements do not give the public a right to enter or use the buffer area.

Subd. 4. Maps of perennial waters. Requires the commissioner of natural resources to establish and maintain an inventory of waters subject to the buffer requirement for each county. Requires initial maps to be prepared by April 1, 2016 and final maps to be published by August 1, 2016. Requires the maps to be updated every five years. Requires the commissioner to provide the initial maps to affected local governments and allows those governments to provide comments or suggested adjustments (within 60 days).

Section

Subd. 5. Alternative practices. Allows a landowner to seek approval for an alternative water quality conservation plan or best management practice if a 50-foot buffer will not protect or improve water quality.

Subd. 6. Exemptions. Exempts certain areas from the buffer requirements, including areas: enrolled in the federal Conservation Reserve Program (CRP); used as a public or private water access or recreational use area; covered by roads, buildings or other structures; and regulated by certain national pollutant discharge elimination system/state disposal system (NPDES/SDS) permits.

Subd. 7. Local implementation. Requires soil and water conservation districts (SWCDs) to implement the buffer requirement and allows the districts to delegate all or part of their implementation duties to another local unit of government. Requires initial delegation agreements to be submitted to the Department of Natural Resources (DNR) and Board of Water and Soil Resources (BWSR) by March 1, 2016. States that the DNR and BWSR must provide sufficient funds to SWCDs to implement this section.

Subd. 8. Authority to issue penalty order. Allows the DNR to issue administrative penalty orders (APOs) for violations of this section.

Subd. 9. Failure to implement. Allows the state, upon recommendation of the DNR, to withhold funds from SWCDs or its delegate if it fails to implement this section as required and specifies the types of funds that may be withheld.

Subd. 10. Financial assistance. States that a landowner may apply for local, state or federal grants, contracts or loans to establish buffers.

Effective date. States that subdivision 4, requiring the DNR to prepare maps, is effective the day following final enactment.

2 **Initial implementation; waivers.** Requires SWCDs to grant a conditional buffer compliance waiver to landowners who have applied for financial assistance to establish a buffer by September 1, 2016. The waiver is valid until the assistance is available but no later than September 1, 2017.