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### Overview

This bill would make modifications to the buffer law passed last session that required permanent vegetative buffers or alternative water quality practices to be installed along certain waters and drainage ditches.

#### Section

- 1 Authority to issue penalty orders; generally.** Amends § 103B.101, subd. 12. Clarifies the administrative penalty order (APO) authority of the Board of Water and Soil Resources (BWSR) and allows APOs issued for violations of the new buffer law to be appealed under the same provisions BWSR's other APOs may be appealed.
- 2 Authority to issue penalty orders; riparian protection requirements.** Amends § 103B.101, subd. 12a. Requires all proceeds collected from APOs issued for violations of the new buffer requirements to be remitted to the county or watershed district with jurisdiction over the noncompliant site or to BWSR. Requires BWSR to adopt a plan with the procedures for the board and local units of government for issuing APOs.
- 3 Extent of damages.** Amends § 103E.315, subd. 8. Requires viewers and drainage authorities to consider land use prior to implementing buffer or alternative water quality practices on drainage ditches when determining compensation for damages arising from their installation.
- 4 Definitions.** Amends § 103F.48, subd. 1. Modifies the definition of "public waters" for purposes of the buffer requirements to mean public waters that appear on the Department of Natural Resources' (DNR) public waters inventory, and "with jurisdiction" for purposes of the new buffer requirements.

## Section

- 5**      **Water resources riparian protection requirements on public waters and public drainage systems.** Amends § 103F.48, subd. 3. Modifies the application of the 16.5 foot buffer requirement for drainage ditches by removing language referencing “ditches in the benefited area” to remove potential application to private ditches, specifies that the buffers are required to meet the same requirements applicable under existing drainage law for drainage ditches required to have buffers currently, states that the buffer vegetation must not impede ditch maintenance, and requires alternative riparian water quality practices allowable to include retention ponds and alternative measures that prevent overland flow to the water resource. States that nothing in the section limits a landowner’s eligibility for federal or state conservation programs.
- 6**      **Local water resources riparian protection.** Amends § 103F.48, subd. 4. Requires local water management authorities to incorporate an addendum to their local water management plans to include watercourses identified by soil water conservation districts by July 1, 2018. Requires incorporation of the watercourses when the local water management authority revises its plan or develops a comprehensive watershed management plan.
- 7**      **Corrective actions.** Amends § 103F.48, subd. 7. Requires a soil and water conservation district to notify BWSR of violations of the buffer requirements. Requires counties and watershed districts to affirm their jurisdiction for enforcement of the buffer requirements to BWSR by March 31, 2017. Allows counties or watershed districts to enforce the buffer requirements using the APO authority granted in the buffer law or by rule, ordinance, or other official control of the county. Requires counties using APO authority to adopt a plan for the use of APO authority consistent with the plan adopted by BWSR. Requires BWSR to enforce the requirements under the APO authority granted when a county or watershed district has failed to adopt a plan, rule, ordinance, or official control to do so.
- 8**      **Funding subject to withholding.** Amends § 103F.48, subd. 8. Modifies a provision allowing the state to withhold funds from a local water management authority or soil and water conservation district that fails to implement the buffer requirements to narrow its application to only funds from BWSR and eliminates reference to specific programs subject to withholding.
- 9**      **Landowner financial assistance and public drainage system procedure.** Amends § 103F.48, subd. 10. Removes the ability of a drainage authority to compensate landowners for installation of buffers or other water quality practices above the project cost limits applicable under the drainage law.