

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 3000

DATE: March 23, 2016

Version: Delete everything amendment (H3000DE1)

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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.** Amends § 103B.101, subd. 12a. Defines “with jurisdiction” for purposes of the new administrative penalty order authority provided to counties and watershed districts for purposes of enforcing the new buffer requirements.
- 2 **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 when determining compensation for damages arising from their installation.
- 3 **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.
- 4 **Water resources riparian protection requirements on public waters and public drainage systems.** Amends § 103F.48, subd. 3. Modifies the application of the 50 foot average buffer requirement to apply to public waters with a shoreland management classification.

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 the types of buffer vegetation required and that the

Section

vegetation shall 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.

- 5 **Local water resources riparian protection.** Amends § 103F.48, subd. 4. Provides flexibility to local water management authorities when revising local plans to incorporate watercourses identified by soil water conservation districts as required under the buffer law.
- 6 **Corrective actions.** Amends § 103F.48, subd. 7. Allows counties and watershed districts to enforce the buffer requirements by rule or ordinance in addition to the administrative penalty order authority provided. Requires a soil and water conservation district to notify the Board of Water and Soil Resources (BWSR) of violations of the buffer requirements when a county or watershed district has not assumed jurisdiction for enforcing the requirements by adopting procedures for issuing administrative penalty orders.
- 7 **Funding subject to withholding.** Amends § 103F.48, subd. 8. Modifies a provision allowing the state to withhold funds from a local water management authority that fails to implement the buffer requirements to narrow its application to only BWSR and eliminates reference to specific programs subject to withholding.
- 8 **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.
- 9 **Riparian protections; supplemental aid.** Adds § 477A.21. Establishes an aid program for counties to implement the buffer requirements and establishes a statutory appropriation to the commissioner of revenue from the general fund to provide the funding beginning with aids payable in 2018.