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Overview

This bill makes modifications to the buffer law originally passed in 2015 that required permanent vegetative buffers or alternative water quality practices to be installed along certain waters and drainage ditches. It also establishes a riparian aid payment to counties assuming jurisdiction for enforcing the requirements.

Section

- 1 Authority to issue penalty orders.** Amends § 103B.101, subd. 12a. Removes the administrative penalty order (APO) authority of counties and watershed districts for purposes of enforcing the buffer requirements.
- 2 Authority.** Amends § 103F.411, subd. 1. States that the model ordinance and rules adopted by the Board of Water and Soil Resources (BWSR) for soil loss serve as a guide to local governments that have adopted a soil loss ordinance (current law states that it should serve as a guide to local governments generally).
- 3 Definitions.** Amends § 103F.48, subd. 1. Modifies the definition of “public waters” for purposes of the buffer law to apply only to waters on the public waters inventory prepared by the Department of Natural Resources (DNR). Makes changes to the definition of “with jurisdiction” to remove reference to BWSR making a determination that the county or watershed district has assumed jurisdiction and instead requiring the board to be notified and makes other changes to the definition to reflect the removal of the APO authority of counties and watershed districts in section 1.

Section

- 4** **Water resources riparian protection requirements on public waters and public drainage systems.** Amends § 103F.48, subd. 3. Modifies buffer requirements by applying the 50-foot average buffer requirement to public waters that have a shoreland classification, and the 16.5-foot buffer to public drainage systems and public waters that do not have a shoreland classification. Makes the deadline for both buffer requirements November 1, 2018 (current law requires those requiring a 50 foot buffer to be in place by November 1, 2017).
- 5** **Corrective actions.** Amends § 103F.48, subd. 7. Prohibits enforcement of buffer requirements unless federal or state assistance is available to the landowner paying 100 percent of the cost to establish the buffers or other water resource protection measures approved by the board.
- 6** **Riparian protection aid.** Amends § 477A.21. Establishes an aid program for watershed districts and counties that have assumed jurisdiction for enforcing the buffer requirements. Requires BWSR and DNR to provide certain information to the Department of Revenue (DOR) to use in determining eligibility for and calculating the payments. Provides a formula for calculating the payments based upon the total number of acres of certain agricultural land and the miles of public watercourses and public drainage system ditches. Payments must not be greater than \$200,000 or less than \$50,000 and only counties assuming jurisdiction for enforcing the buffer requirements (or counties where a watershed district has assumed jurisdiction) are eligible for the payments. States that the aid that would otherwise go to a county or a portion of a county not assuming jurisdiction for enforcing the buffer requirements goes to BWSR. Requires the payments to be made along with other local government aid payments. Appropriates \$10 million each year for purposes of the payments that begin with aids payable in 2017.