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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.

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 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.