

1.1 A bill for an act
1.2 relating to natural resources; modifying water resources riparian protection
1.3 requirements; amending Minnesota Statutes 2016, section 103F.48, subdivision
1.4 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 103F.48, subdivision 3, is amended to read:

1.7 Subd. 3. **Water resources riparian protection requirements on public waters and**
1.8 **public drainage systems.** (a) Except as provided in paragraph (b), landowners owning
1.9 property adjacent to a water body identified and mapped on a buffer protection map must
1.10 maintain a buffer to protect the state's water resources as follows:

1.11 (1) for all public waters, the more restrictive of:

1.12 (i) a 50-foot average width, 30-foot minimum width, continuous buffer of perennially
1.13 rooted vegetation; or

1.14 (ii) the state shoreland standards and criteria adopted by the commissioner under section
1.15 103F.211; and

1.16 (2) for public drainage systems established under chapter 103E, a 16.5-foot minimum
1.17 width continuous buffer as provided in section 103E.021, subdivision 1. The buffer vegetation
1.18 shall not impede future maintenance of the ditch.

1.19 (b) A landowner owning property adjacent to a water body identified in a buffer protection
1.20 map and whose property is used for cultivation farming may meet the requirements under
1.21 paragraph (a) by adopting an alternative riparian water quality practice, or combination of
1.22 structural, vegetative, and management practices, based on the Natural Resources

2.1 Conservation Service Field Office Technical Guide or other practices approved by the board,
2.2 that provide water quality protection comparable to the buffer protection for the water body
2.3 that the property abuts. Included in these practices are retention ponds and alternative
2.4 measures that prevent overland flow to the water resource. A landowner, authorized agent,
2.5 or operator may request the soil and water conservation district to make a determination
2.6 whether a specific alternative water quality practice would meet the applicable requirements
2.7 under this section. If a landowner, authorized agent, or operator has requested, at least 90
2.8 days before the applicable effective date under paragraph (e), that the soil and water
2.9 conservation district make a determination, then the landowner must not be found
2.10 noncompliant until the soil and water conservation district has notified the landowner, agent,
2.11 or operator in writing whether the practice would meet the applicable requirements.

2.12 (c) The width of a buffer on public waters must be measured from the top or crown of
2.13 the bank. Where there is no defined bank, measurement must be from the edge of the normal
2.14 water level. The width of the buffer on public drainage systems must be measured as provided
2.15 in section 103E.021, subdivision 1.

2.16 (d) Upon request by a landowner or authorized agent or operator of a landowner, a
2.17 technical professional employee or contractor of the soil and water conservation district or
2.18 its delegate may issue a validation of compliance with the requirements of this subdivision.
2.19 The soil and water conservation district validation may be appealed to the board as described
2.20 in subdivision 9.

2.21 (e) Buffers or alternative water quality practices required under paragraph (a) or (b)
2.22 must be in place on or before:

2.23 (1) November 1, 2017, for public waters; and

2.24 (2) November 1, 2018, for public drainage systems.

2.25 (f) Nothing in this section limits the eligibility of a landowner or authorized agent or
2.26 operator of a landowner to participate in federal or state conservation programs, including
2.27 enrolling or reenrolling in federal conservation programs.