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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **1466**

02/20/2017 Authored by Torkelson  
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act  
1.2 relating to natural resources; providing aid to counties and watershed districts to  
1.3 assume jurisdiction for implementation and enforcement of the buffer law;  
1.4 appropriating money; amending Minnesota Statutes 2016, section 103F.48,  
1.5 subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 477A.

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

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

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

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

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

1.15 (ii) the state shoreland standards and criteria adopted by the commissioner under section  
1.16 103F.211; and

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

1.20 (b) A landowner owning property adjacent to a water body identified in a buffer protection  
1.21 map and whose property is used for cultivation farming may meet the requirements under  
1.22 paragraph (a) by adopting an alternative riparian water quality practice, or combination of  
1.23 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.

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

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

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

2.16 (1) November 1, 2017 of the first year that aid payments are made under section 477A.21,  
 2.17 for public waters; and

2.18 (2) November 1, 2018 of the year following the first year that aid payments are made  
 2.19 under section 477A.21, for public drainage systems.

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

2.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.24 **Sec. 2. [477A.21] RIPARIAN PROTECTION AID.**

2.25 **Subdivision 1. Definitions.** For purposes of this section, the following terms have the  
 2.26 meanings given:

2.27 (1) "buffer protection map" has the meaning given under section 103F.48, subdivision  
 2.28 1; and

2.29 (2) "public watercourses" means natural and altered watercourses described under section  
 2.30 103G.005, subdivision 15, clauses (9) and (10).

2.31 **Subd. 2. Certifications to commissioner.** (a) The Board of Water and Soil Resources  
 2.32 must certify to the commissioner of revenue, on or before July 1 each year, which counties

3.1 and watershed districts have affirmed their jurisdiction under section 103F.48, and the  
3.2 proportion of centerline miles of public watercourses, and miles of public drainage system  
3.3 ditches on the buffer protection map, within each county and each watershed district within  
3.4 the county with affirmed jurisdiction.

3.5 (b) On or before July 1 each year, the commissioner of natural resources shall certify to  
3.6 the commissioner of revenue the statewide and countywide number of centerline miles of  
3.7 public watercourses and miles of public drainage system ditches on the buffer protection  
3.8 map.

3.9 Subd. 3. **Distribution.** (a) A county that is certified under subdivision 2, or that portion  
3.10 of a county containing a watershed district certified under subdivision 2, is eligible to receive  
3.11 aid under this section to enforce and implement the riparian protection and water quality  
3.12 practices under section 103F.48. Each county's preliminary aid amount is equal to the  
3.13 proportion calculated under paragraph (b) multiplied by the appropriation amount for the  
3.14 appropriate year under subdivision 5.

3.15 (b) The commissioner must compute each county's proportion. A county's proportion is  
3.16 equal to the ratio of the sum in clause (1) to the sum in clause (2):

3.17 (1) the sum of the total number of acres in the county classified as class 2a under section  
3.18 273.13, subdivision 23, the countywide number of centerline miles of public watercourses  
3.19 on the buffer protection map, and the countywide number of miles of public drainage system  
3.20 ditches on the buffer protection map; and

3.21 (2) the sum of the statewide total number of acres classified as class 2a under section  
3.22 273.13, subdivision 23, the statewide total number of centerline miles of public watercourses  
3.23 on the buffer protection map, and the statewide total number of public drainage system  
3.24 miles on the buffer protection map.

3.25 (c) Aid to a county shall not be greater than \$200,000 or less than \$50,000. If the sum  
3.26 of the preliminary aids payable to counties under paragraph (a) is greater or less than the  
3.27 appropriation under subdivision 5, the commissioner of revenue must calculate the percentage  
3.28 of adjustment necessary so that the total of the aid under paragraph (a) equals the total  
3.29 amount available for aid under subdivision 5, subject to the minimum and maximum amounts  
3.30 specified in this paragraph.

3.31 (d) If only a portion of a county is certified as eligible to receive aid under subdivision  
3.32 2, the aid otherwise payable to that county under this section must be multiplied by a fraction,  
3.33 the numerator of which is the buffer protection map miles of the certified watershed districts

4.1 contained within the county and the denominator of which is the total buffer protection map  
4.2 miles of the county.

4.3 (e) Any aid that would otherwise be paid to a county or portion of a county that is not  
4.4 certified under subdivision 2 shall be paid to the Board of Water and Soil Resources for  
4.5 enforcing and implementing the riparian protection and water quality practices under section  
4.6 103F.48.

4.7 Subd. 4. **Payments.** The commissioner of revenue must compute the amount of riparian  
4.8 protection aid payable to each eligible county and to the Board of Water and Soil Resources  
4.9 under this section. On or before August 1 each year, the commissioner must certify the  
4.10 amount to be paid to each county and the Board of Water and Soil Resources in the following  
4.11 year, except that the payments for 2017 must be certified by July 15, 2017. The commissioner  
4.12 must pay riparian protection aid to counties and to the Board of Water and Soil Resources  
4.13 in the same manner and at the same time as aid payments under section 477A.015.

4.14 Subd. 5. **Appropriations.** \$10,000,000 each year is appropriated from the general fund  
4.15 to the commissioner of revenue to make the payments required under this section.

4.16 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
4.17 applies to aids payable in 2017 and thereafter.