

# Buffer Legislation at a Glance

June 2015

<b>Exemptions and areas and activities not requiring buffers</b>	<ul style="list-style-type: none"> <li>■ Roads, trails, building and structures.</li> <li>■ Inundated crops, alfalfa seeding, enrolled in CRP.</li> <li>■ Tile line installation and maintenance.</li> <li>■ Areas covered by NPDES water-quality permits.</li> <li>■ “No-fault” clause to address acts of nature.</li> <li>■ No permit, permission needed; SWCD validation optional. <i>Lawns, forests, hayed land and other areas with perennial vegetation meet requirement.</i></li> </ul>
<b>Maps</b>	<ul style="list-style-type: none"> <li>■ DNR will create buffer protection maps for public waters and public drainage systems subject to buffer requirement.</li> </ul>
<b>Waters covered and buffer widths</b>	<ul style="list-style-type: none"> <li>■ Public waters – 50-foot average buffer width with a 30-foot minimum width.</li> <li>■ Public ditches - 16.5-foot minimum width.               <ul style="list-style-type: none"> <li>● Or alternative practices (applies to both public waters and public ditches).</li> </ul> </li> <li>■ Other waters determined by SWCDs and adopted into water management plans to accomplish targeted voluntary or local regulatory measures.</li> </ul>
<b>Compliance</b>	<ul style="list-style-type: none"> <li>■ County or watershed district provides correction letters when noncompliance identified.</li> <li>■ Local/state \$500 administrative penalty for public waters, ditches.</li> <li>■ State program funds can be withheld for failure to implement.</li> </ul>
<b>Soil erosion</b>	<ul style="list-style-type: none"> <li>■ Local/state enforcement with \$500 administrative penalty order, without local ordinance, unless cost share not available.</li> </ul>
<b>Timeline</b>	<ul style="list-style-type: none"> <li>■ Public ditch buffer requirements not dependent on redetermination trigger.</li> <li>■ Buffers need to be installed on Public Waters by November 2017; on Public Drainage Systems by November 2018.</li> <li>■ Landowners who have applied for conservation programs or initiated a ditch authority process can be granted a one-year extension.</li> </ul>
<b>Program funding: DNR mapping and BWSR/SWCD implementation</b>	<ul style="list-style-type: none"> <li>■ Legacy bill’s Clean Water Fund includes:               <ul style="list-style-type: none"> <li>● \$5 million to BWSR for local government implementation;</li> <li>● \$650,000 to DNR for mapping.</li> </ul> </li> </ul>
<b>Landowner financial assistance</b>	<ul style="list-style-type: none"> <li>■ Drainage law more flexible to provide compensation for buffers.</li> <li>■ RIM buffer easements – Clean Water Fund and Outdoor Heritage Fund in Legacy bill.</li> <li>■ U.S.D.A. Conservation Reserve Program (CRP) -- federal funds available for contracts to riparian landowners.</li> <li>■ RIM/CREP easements -- Clean Water Fund in Legacy bill; SWCDs are point of contact for requirements and technical assistance.</li> </ul>
<b>SWCD base funding</b>	<ul style="list-style-type: none"> <li>■ \$11 million annually in fiscal years 2016 and 2017 from Clean Water Fund in Legacy bill.</li> </ul>