

Buffer Legislation at a Glance

June 2015

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