



December 12, 2016

Board of Water and Soil Resources

Notice of Request for Comment on Proposed Policies and Draft Model County Ordinance and Watershed District Rule for the Implementation of the Minnesota Buffer Program

The Minnesota Board of Water and Soil Resources (BWSR) is requesting public review and comment on proposed policies and a draft model county ordinance and draft model watershed district rule to support the implementation of Minnesota Statutes 103F.48, relating to water resources riparian protection requirements on public waters and public drainage systems.

The Buffer Program was enacted in 2015, subsequently amended in 2016, and includes the following provisions:

- Requires landowners to establish and maintain buffers adjacent to public waters and public drainage ditches;
- Requires soil and water conservation districts to identify other waters for inclusion in local water plans;
- Exempts certain land uses and areas from the riparian protection requirement;
- Allows landowners to meet the buffer requirements through other conservation practices that will protect water quality;
- Requires soil and water conservation districts to assist landowners in complying with the riparian protection requirement; and
- Authorizes counties and watershed districts to elect to enforce the buffer requirements via, ordinance, rule, or administrative penalty order and BWS;
- Provides for enforcement by BWSR when a county or watershed districts elect not to; and
- Provides for an appeal of an administrative penalty order to BWSR.

BWSR is considering the following policies for Buffer Program implementation relating to:

- Policy 8: Initial Election of Jurisdiction; and
- Policy 9: Enforcement Procedures and Administrative Penalty Order Plan

These proposed policies are located on the BWSR website (www.bwsr.state.mn.us/buffers).

In addition, BWSR is developing model regulatory tools for use by counties and watershed districts exercising jurisdiction under Minnesota Statutes 103F.48, these are:

- A model county ordinance; and
- A model watershed district rule.

The draft model county ordinance and draft model watershed district rule are located on the BWSR website (www.bwsr.state.mn.us/buffers).

Information and comments will be accepted until 4:30 p.m. on January 9, 2017. Comments may be submitted via email to buffers.bwsr@state.mn.us. Alternatively, comments may be submitted by U.S. mail as follows:

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