

Oppose Rollbacks to Buffer Protections Vote No on SF1693 (Weber)

SF1693 Rolls Back Buffer Protections for Water Quality and Wildlife Habitat

Background

The 2015 Buffer Law (103F.48) requires 50-foot buffers or comparable "alternative practices" on all public waters and 16.5-foot buffers on public drainage systems. Fifty-foot buffers provide significant benefits for water quality and wildlife. The 16.5-foot buffers are largely a ditch maintenance feature. Counties, watershed districts and the Board of Water and Soil Resources have responsibilities for implementation and enforcement.

Oppose Large Decrease in Buffer Miles & Acres

SF1693 rolls back 50-foot buffer requirement by limiting it to public waters that also have "shoreland classification." DNR's early estimate is that this would remove 48,000 miles of watercourses from the public waters inventory, including unaltered natural watercourses and headwaters.

This is a rollback of such magnitude that it will result in far less buffer protection on public waters than was required prior to enactment of the 2015 Buffer Law.

Oppose Funding Without Landowner Cost Share

SF1693 requires that federal or state assistance cover 100% of the cost of establishing buffers. Prohibits the buffer law being enforced unless the landowner has declined state or federal assistance to pay for 100% of the cost.

- While there are state, local, and federal programs available (CRP, CREP, RIM, BWSR grants and cost share programs) to fund some of the costs to install buffers, it is fair and appropriate that landowners also pay some part of the cost.
- Public-private partnerships have always been the basic financial approach to water pollution control, e.g. municipal wastewater treatment facilities, stormwater infrastructure, and septic systems. (Many businesses pay the full cost). It is fair and appropriate to adopt the same public-private approach for agricultural producers.
- Requiring state or federal assistance to cover 100% of the cost also rewards those who have held out against implementing the 2015 law, those who have complied with the pre-existing shoreland law, and many who have voluntarily installed buffers for sustainability and environmental protection. BWSR reports that 80-90% of buffer compliance is in place. There is no reason to reward late compliers or those who intend to not comply unless others pay all their costs.



Oppose Weakened Enforcement

SF1693 removes Administrative Penalty Order (APO) authority from counties and watershed districts.

- Enforcement is critical to implementation of the Buffer Law. MCEA hears frequently from state environment agencies that there is a 3-5% landowner populace that is just not going to comply with the law. Full compliance is important to water quality, wildlife habitat and for basic fairness to the 95+% of the state's law-abiding landowners. It is probably true that few, if any, counties or watershed districts will use this authority (opting instead to use their own less punishing rules and ordinances), but it is important to have stronger sanctions available if necessary.

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Oppose Delayed Deadlines

SF1693 changes the deadline for all buffers or alternative practices to be installed to November 1, 2018

BWSR indicates 80+% implementation of buffer law is already on the ground. There is no need to turn back now. Moreover, DNR and BWSR have made it clear that there will be no enforcement action taken until disagreement over mapping or alternative practices is resolved.



For Further Information, Contact:



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