

2/12/2019

Name
Address
City, State, Zip

RE: Notification of Noncompliance – Name (“Landowner”)

Parcel ID(s): XXXXXXXXXXXX (“Property”) Rice County

Dear Landowner,

On 9/10/2018 the Rice Soil and Water Conservation District (SWCD) staff determined that the Property described above is not in compliance with the Riparian Protection and Water Quality Practices according to Minn. Stat. § 103F.48, also known as the Buffer Law, and has identified the following noncompliance.

NONCOMPLIANCE

1. Minn. Stat. § 103F.48, **RIPARIAN PROTECTION AND WATER QUALITY PRACTICES.**

Subd. 3. Riparian protection; requirements on public waters and public drainage systems.

(a) Except as provided in paragraph (b), landowners owning property adjacent to a water body identified and mapped on a buffer-protection map must maintain a buffer to protect the state's water resources as follows:

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

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

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

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

(b) A landowner owning property adjacent to a water body identified in a buffer-protection map and whose property is used for cultivation farming may meet the requirements under paragraph (a) by adopting an alternative riparian water quality practice, or combination of structural, vegetative, and management practices, based on the Natural Resources Conservation Service Field Office Technical Guide, common alternative practices adopted and published by the board, other practices approved by the board, or practices

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based on local conditions approved by the local soil and water conservation district that are consistent with the Field Office Technical Guide, that provide water quality protection comparable to the buffer protection for the water body that the property abuts. Included in these practices are retention ponds and alternative measures that prevent overland flow to the water resource.

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

FINDINGS OF FACT

To date, the Rice SWCD has sent a total of four letters to Landowner, regarding the status of this property as it pertains to the buffer law. The most recent of these letters was sent via mail on September 11th 2018. This letter stated that this property was non-compliant with the buffer law

based on aerial photography, and that Rice SWCD has not yet received correspondence from the land owner or land operator to discuss buffer law compliance. The letter went on to state that if Rice SWCD does not receive a response, the next course of action will be a notification of non-compliance.

Based on this Notification of Noncompliance, Minn. Stat. § 103F.48, subd. 7 provides that Rice County will provide the landowner with a list of corrective actions needed to come into compliance and a timeline for completing the requirements.

If you have questions or need assistance, please contact me by telephone at (507) 332-5408 or by email at travis.hirman@riceswcd.org.

Sincerely,

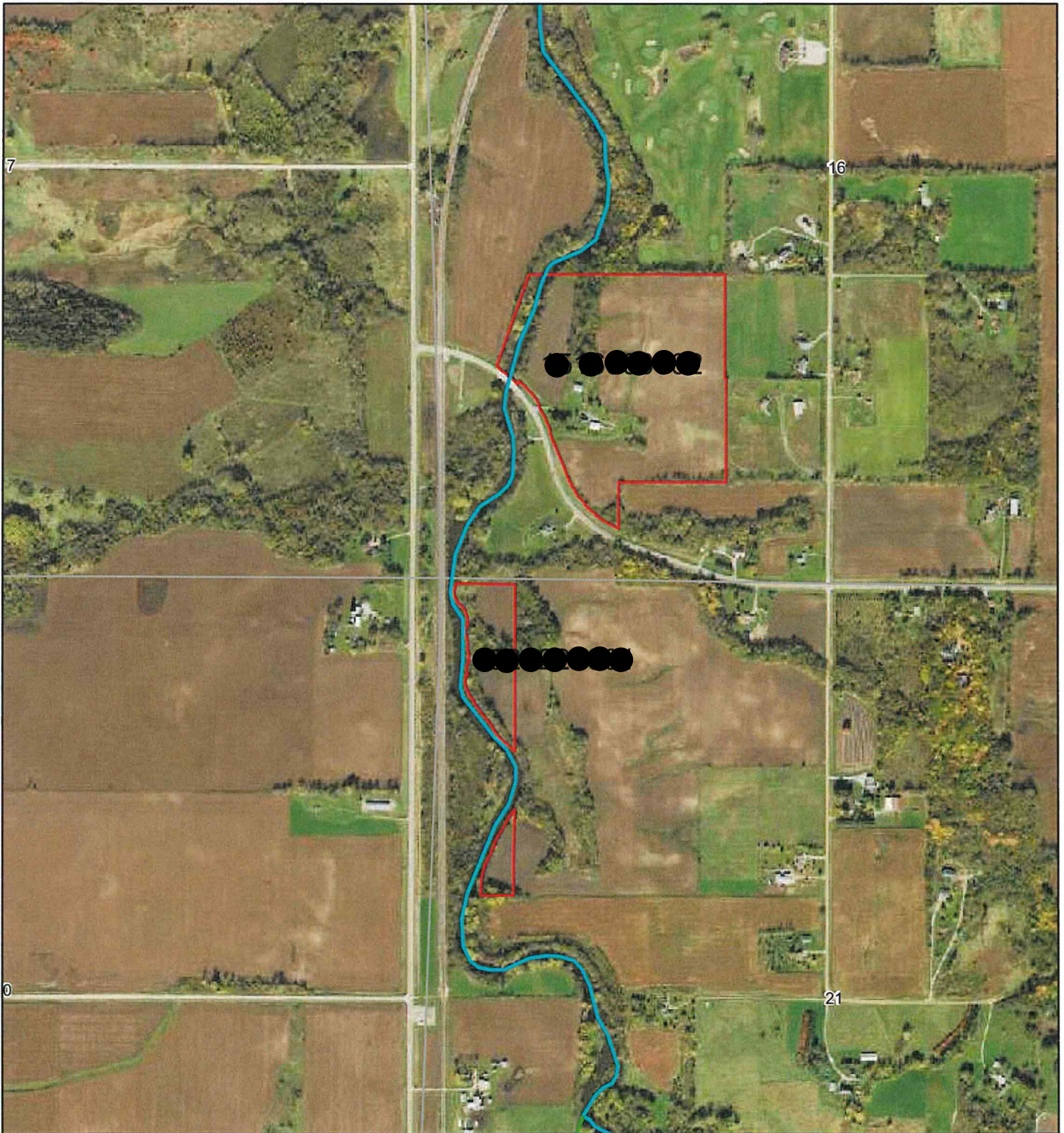


Travis Hirman
District Technician
Rice Soil and Water Conservation District
1810 30th St NW
Faribault, MN 55021

Enclosure: Aerial photograph of parcel

cc: Rice County, Trent McConnell, Zoning Administrator (w/enclosure[s])
Rice SWCD, Steven Pans, District Manager (w/enclosure[s])
BWSR: Kevin Roth Buffer & Soil Loss Specialist (w/enclosure[s])

Name T-R-S



2/12/2019, 2:55:08 PM

Watercourses

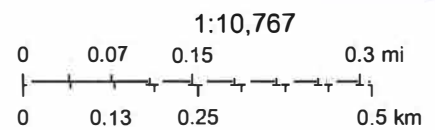
50-ft Buffer

16.5-ft Buffer

Compliance Tracking Parcels - Outline

Counties

PLS Sections



State of Minnesota