***Template - Corrective Action Notice & Cover Letter***

***Delete the above text, any red-italicized instructions, and fill in the brackets before finalizing. Delete any listed examples.***

CERTIFIED MAIL #\_\_\_\_\_\_\_\_\_\_

[Today’s Date]

[Landowner First Name and Last Name]

[Address]

[Or – if the landowner is a business:

Executive Officer Title – e.g. CEO, President, or Registered Agent of a corporation or Manager of an LLC.

Legal name of the business from Secretary of State’s Office website]

[Address]

RE: Corrective Action Notice – [Name of Landowner] (“Landowner”)

[Property Identification Number - list parcel identification number for the individual parcel of property] or [list address & legal description of the parcel of property] (“Property”) [County]

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

Enclosed is a Corrective Action Notice that is being issued to [Name of Landowner] (“Landowner”) in accordance with the Riparian Protection and Water Quality Practices statute, Minn. Stat. § 103F.48, also known as the Buffer Law. This Corrective Action Notice describes the noncompliance and identifies actions that must be completed to correct the noncompliance and the timeline for completing the requirements. **If the Landowner completes the corrective actions within 11 months of the date of this Corrective Action Notice, no penalty will be assessed.**

If you have any questions or need assistance, contact Board of Water and Soil Resources staff member \_\_\_\_\_\_\_\_\_\_\_­­­\_\_by telephone at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or by email at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Sincerely,

[Type name]

Buffer and Soil Loss Specialist

Board of Water and Soil Resources

[XX:xx]

Enclosure

cc: [Applicable SWCD Staff] (w/enclosure)

 BWSR: David Weirens, Tom Gile (w/enclosure)

***Before finalizing, delete any red-italicized instructions, and fill in the information required from the brackets. Delete any listed examples.***

**STATE OF MINNESOTA**

**BOARD OF WATER AND SOIL RESOURCES**

**CORRECTIVE ACTION NOTICE**

**In the Matter of: [List Name of Landowner] & [list Parcel ID Number or list the address and Legal Description of the Parcel of Property] (“Property”) [County]**

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| **To: [Name of Landowner] [If landowner is a business entity, insert legal name of the business from the Secretary of State’s website] (“Landowner”)** |

**PLEASE BE ADVISED**, that the Board of Water and Soil Resources (“BWSR”) has documentation indicating that the Property, as 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. This Corrective Action Notice provides a list of corrective actions and a timeline to correct the 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.*

1. *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:*
2. *for all public waters, the more restrictive of:*
3. *a 50-foot average width, 30-foot minimum width, continuous buffer of perennially rooted vegetation; or*
4. *the state shoreland standards and criteria adopted by the commissioner under section 103F.211; and*
5. *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 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**

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| [Describe the facts of the noncompliance from the Notification of Noncompliance, **but do not attach the Notification of Noncompliance**. The facts should describe what was observed on the inspection (if an inspection was conducted), or what was determined based on other evidence, the noncompliance, and the facts supporting why the situation on the ground is not in compliance with the Buffer Law. If the width is insufficient, state the actual width observed. If the buffer is only partial (rather than continuous), describe how much of the buffer was not in compliance and where the noncompliance occurred. If the vegetation is not perennially rooted vegetation, describe what types of vegetation, if any, that is present and why that does not meet the requirement of perennially rooted vegetation. If applicable, state that an alternative practice was not present on the Property or, if an alternative practice is present, why the alternative practice was not adequate. List the name of the water body and whether the water body is identified and mapped on the Buffer Protection Map.]  |

**CORRECTIVE ACTIONS**

To address the noncompliance cited above, the Landowner is required to complete the following corrective actions:

[List the corrective actions that are required to come into compliance. The corrective actions should be specific and clearly stated such that there is no ambiguity as to what is required to be done and when the corrective are to be completed. Each corrective action should include a requirement to submit specifically listed proof of completion of the requirement (e.g. photographs, or any other tangible evidence).]

[Example: To comply with the Buffer Law, you must (1) establish a 50-foot average width, 30-foot minimum width, continuous buffer of perennially rooted vegetation on the Property adjacent to the water body, or if your Property is used for cultivation farming, you may adopt an alternative riparian water quality practice as provided in the Buffer Law, (2) complete the corrective actions within 11 months after the date of this Corrective Action Notice, and (3) submit to BWSR photographs or other evidence showing that the corrective actions have been implemented. If you have questions, you may consult with the \_\_\_\_\_\_\_ Soil and Water Conservation District.]

**TIMELINE FOR COMPLIANCE**

**If the Landowner completes the corrective actions within 11 months of the date of this Corrective Action Notice, no penalty will be assessed.** If the Landowner does not complete the corrective actions within 11 months of the date of this Corrective Action Notice, the Landowner may be issued an Administrative Penalty Order (APO) with penalties that will continue to accrue until the violation is corrected.

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**NOTICE**

**THEREFORE**, the Landowner is hereby given notice that BWSR has documented the above alleged noncompliance. This Corrective Action Notice and the Landowner’s response does not preclude BWSR from issuing an Administrative Penalty Order under Minn. Stat. § 103B.101, subd. 12a if the Landowner does not comply with the Corrective Action Notice.

 Additionally, if the Landowner believes that the allegations of noncompliance in this Corrective Action Notice are incorrect, please respond in writing within 30 days after receiving this Corrective Action Notice and explain any inaccuracies and provide supporting documentation that the Landowner is already in compliance. If the Landowner does not respond, BWSR will conclude that the alleged noncompliance exists as set forth in the Corrective Action Notice.

**STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES**

|  |  |  |
| --- | --- | --- |
| Dated at Saint Paul, Minnesota, this [date] of [month], [year] |  |  [Type name][Title]  |
|  |  |

[XX/XX:xx]

Address questions and submittals requested above to:

[Name]

Buffer and Soil Loss Specialist

Board of Water and Soil Resources

[Address]

[Phone Number]

[Email address]