



Minnesota Buffer Law Overview

December 14, 2016

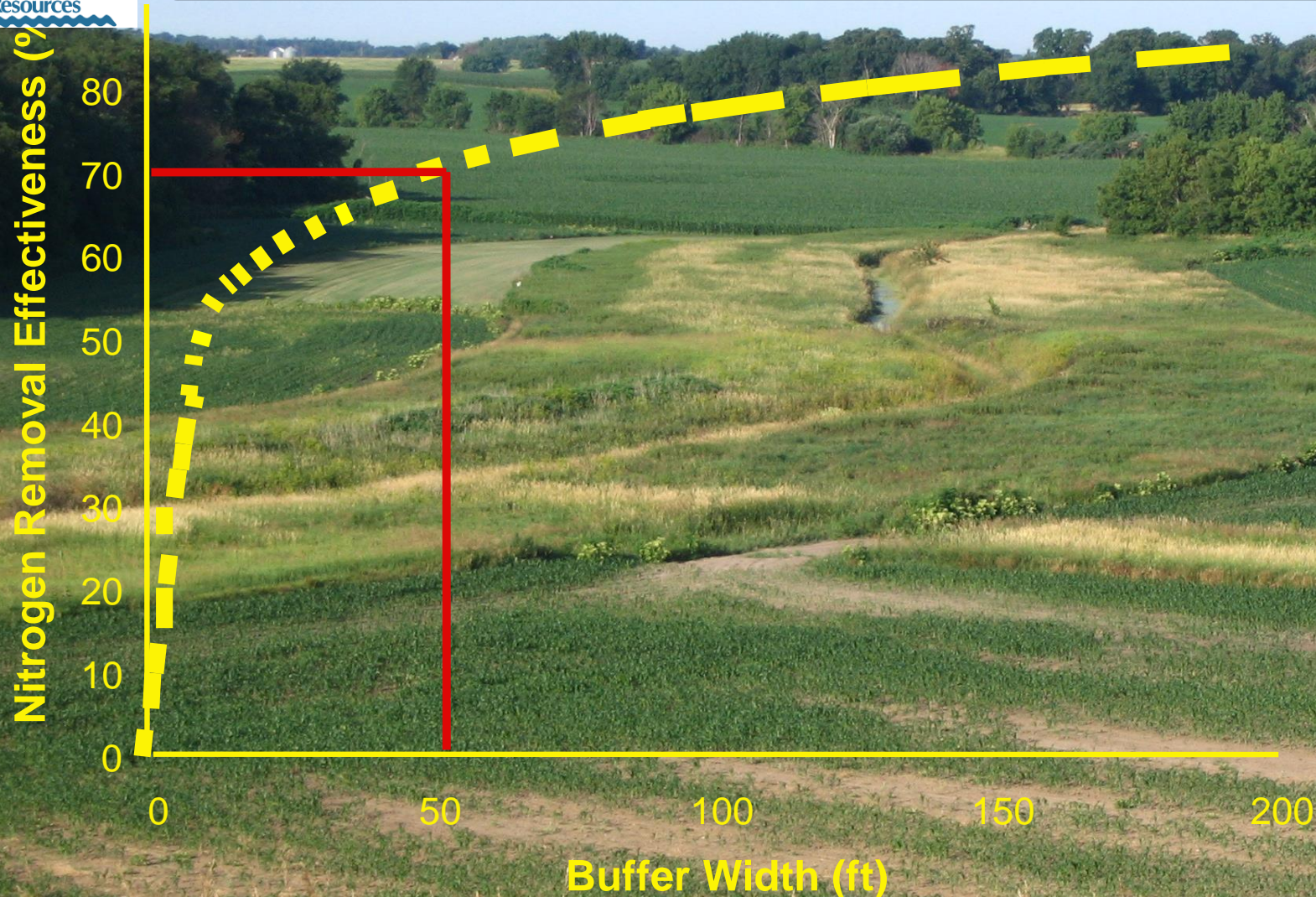
Canola Symposium

Matt Fischer, Board Conservationist



Improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.

Buffers Improve Water Quality





Buffers: Existing Rules and Laws



Beginning with
collected
August

PUBLIC DRAINAGE DITCH BUFFER STRIP REPORTING CALENDAR YEAR 2013 SUMMARY

Board of Water and Soil Resources has
statutes Chapter 103E Drainage
in 103E.067 Ditch Buffer Strip Annual
summarizes the Ditch Buffer Strip



Agricultural/Rural Riparian Buffer Analysis

December 2014

Executive Summary

The Agricultural/Rural Riparian Buffer Analysis was developed from a 2014 analysis of current requirements for the riparian areas of certain watercourses. This analysis includes a summary of these requirements.

Purpose

The primary purpose of this analysis is to quantify the extent to which riparian areas are subject to regulation.



Buffer: The Law

2016 Minnesota Statutes

103F.48 RIPARIAN PROTECTION AND WATER QUALITY PRACTICES.



**Buffer and Soil Loss Statutes,
as amended in 2016 by
Laws of Minnesota 2016, Chapter 85 (S.F. 2503)**

April 25, 2016

1.1

Section 1. [477A.21] RIPARIAN PROTECTION AID.

HF848 - 2016 Tax Bill



Buffer: The Law

➤ Purpose statement:

It is the policy of the state to establish riparian buffers and water quality practices to:

- (1) protect state water resources from erosion and runoff pollution;
- (2) stabilize soils, shores, and banks; and
- (3) protect or provide riparian corridors.



BWSR Program Development

Buffer Program Key Dates

Timeline	Milestone
July 12, 2016	"Field Ready" DNR Buffer Protection Maps released
September 2016	Release of Buffer Implementation Guidance/Templates
September 15, 2016	Buffer Compliance and Tracking Tool available to SWCD users
November 2016	Alt Practices Guidance, Draft Enforcement Options, Draft BWSR APO Plan
December 2016/ January 2017	Formal approval as needed for enforcement aspects of law
January 1, 2017	All Ag Lands identified which are substantially compliant
March 31, 2017	Co/WD preliminary deadline to notify BWSR if they are electing jurisdiction
July 1, 2017	"Other Waters Map" developed and approved By SWCD
Jan 1, 2018	
July 1, 2018	"Other Waters Map" adopted into Water Management Plan
July 1, 2018	
November 1, 2017	Compliance Dates for Public Waters
November 1, 2018	Compliance Dates for Public Ditches (& Public Waters where a Conditional Compliance Waiver takes effect)
January 1, 2019	Annually from this date forward

Key:

Red: Timelines established in, or related to Buffer Law 103F.48

Black: Buffer Program Development Goals

Blue: Reporting Deadlines

BWSR Program Development

- Local role maximization
- Voluntary Implementation/
Compliance pre-deadlines
- Process/Decision
Transparency
- Provide consistency needed
- Provide guidance requested
- Public/LGU understanding



BWSR Program Development

- Policy
- Supporting Guidance
- Templates:
 - Ordinance/Rule/Forms
- Tracking Tool





BWSR Program Development

Buffer Compliance and Tracking Tool

Links to the Buffer Compliance and Tracking Tool and associated guidance can be found here.

- [Buffer Compliance and Tracking Tool Sign-in Page \(New!\)](#)
- [BuffCAT Video Guidance \(New!\)](#)
- [BuffCAT Buffer and Draw Tool Video Guidance \(New!\)](#)
- [BuffCAT Collector for ArcGIS Video Guidance \(New!\)](#)
- [BuffCAT Written Guidance \(New!\)](#)
- [Buffer Compliance Reporting Requirement Data Standards \(New!\)](#)
- [BuffCAT Compliance Tracking Fields \(New!\)](#)

Buffer Program Implementation Guidance

Additional Implementation Guidance is under development. Please check back regularly for updates and new documents.

- [Grazing and Haying of Buffers \(New!\)](#)
- [Local Development and Inclusion of Summary Watercourses "Other Watercourses" \(New!\)](#)
- [Buffer Measurement for a Public Drainage Ditch \(New!\)](#)
- [Average Width Buffers \(New!\)](#)
- [Compliance Determinations \(New!\)](#)
- [Conservation Reserve Program Exemption Guidance \(New!\)](#)
- [Determining Top or Crown of a Bank \(New!\)](#)
- [Vegetative Establishment Goals \(New!\)](#)
- [Determining Normal Water Level \(New!\)](#)

Buffer Program Implementation:

At its August meeting, the BWSR Board approved the following Buffer Program policies, which will now be used to guide implementation of the program.

- Policy 1: [Compliance Determinations](#) (Parcel and Bank Approach) (New!)
- Policy 2: [Reporting and Progress Tracking](#) (New!)
- Policy 3: [MS4 Exemption](#) (New!)
- Policy 4: [Alternative Practices Implementation](#) (New!)
- Policy 5: [Other Alternative Practices Approved by the Board](#) (New!)
- Policy 6: [Local Water Resources Riparian Protection](#) ("Other watercourses") (New!)
- Policy 7: [Failure to Implement](#) (Amended to replace Board Resolution 15-95) (New!)

Compliance Dates

November 2017 

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

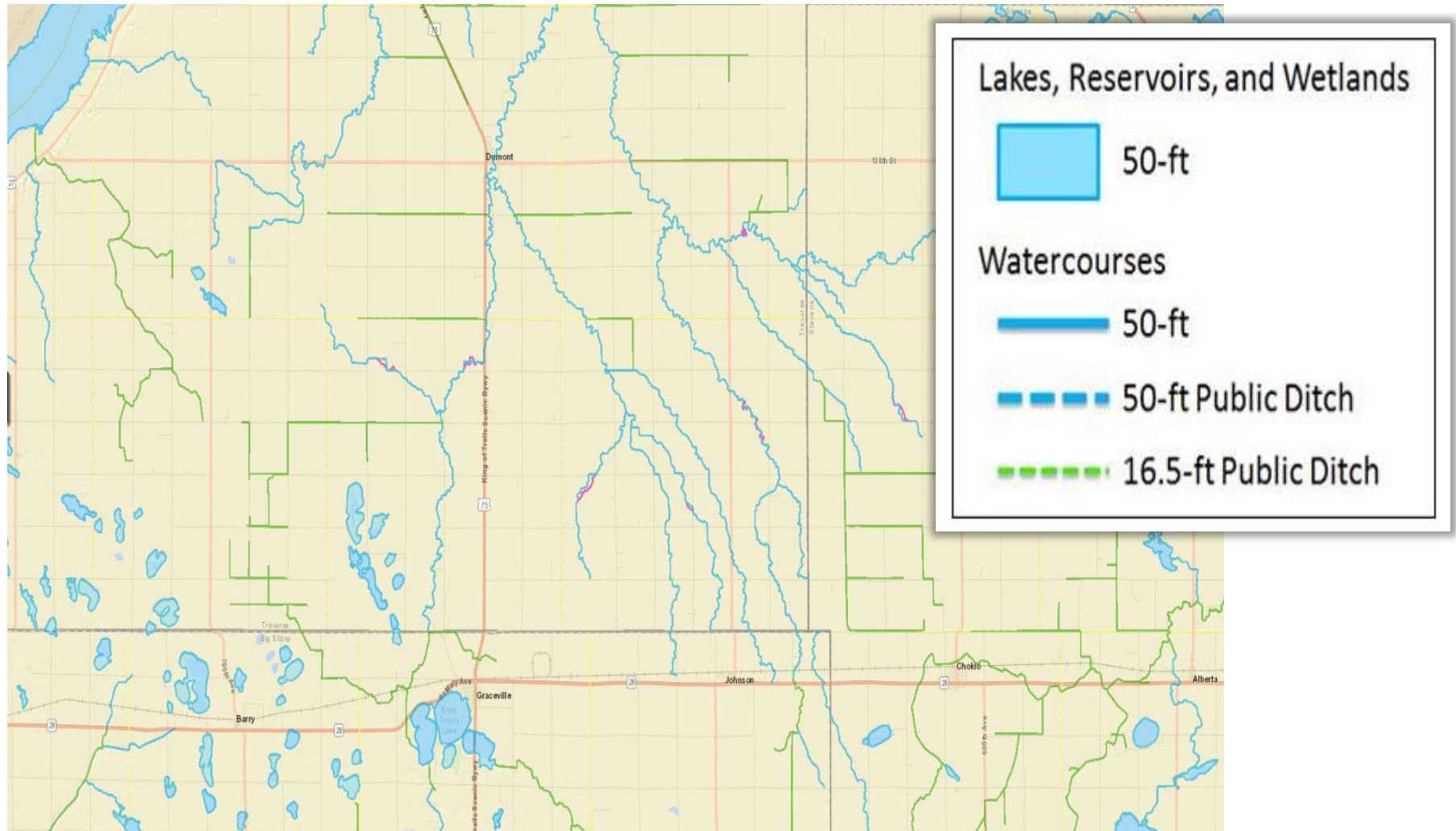
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- Practices Installed on Public Waters
- Compliance waiver for Financial Assistance until 2018

November 2018

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

- Practices Installed on Public Ditches





“Other waters” maps/lists

➤ Buffer Law Does NOT Require Buffers on these waters

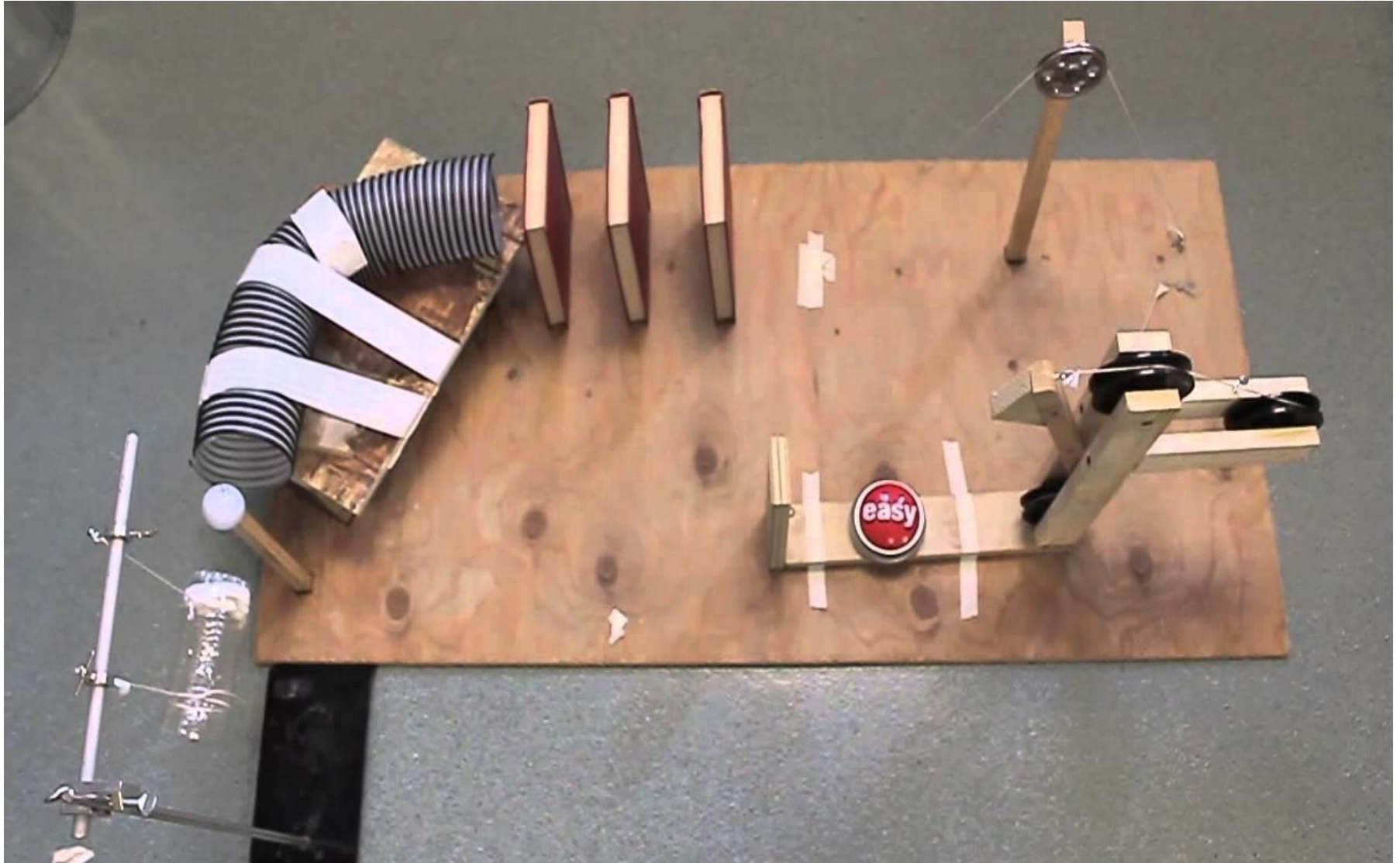
SWCD Role

- In consultation with local water management authorities
- on or before July 1, 2017
- the SWCD shall develop a summary of watercourses

Local Water Management Authority Role

- For Inclusion in the local water management authority's plan.
- LWM Authority Must incorporate an addendum by July 1, 2018.
- Must address SWCD implementation recommendations at next Regular plan update

Alternative Ag Practices





Alternative Ag Practices

Where

- On land used for Cultivation Farming

What

- Practices based on NRCS Field Office Tech Guide
- “Other practices” approved by BWSR Board.
- Must provide comparable water quality benefit.

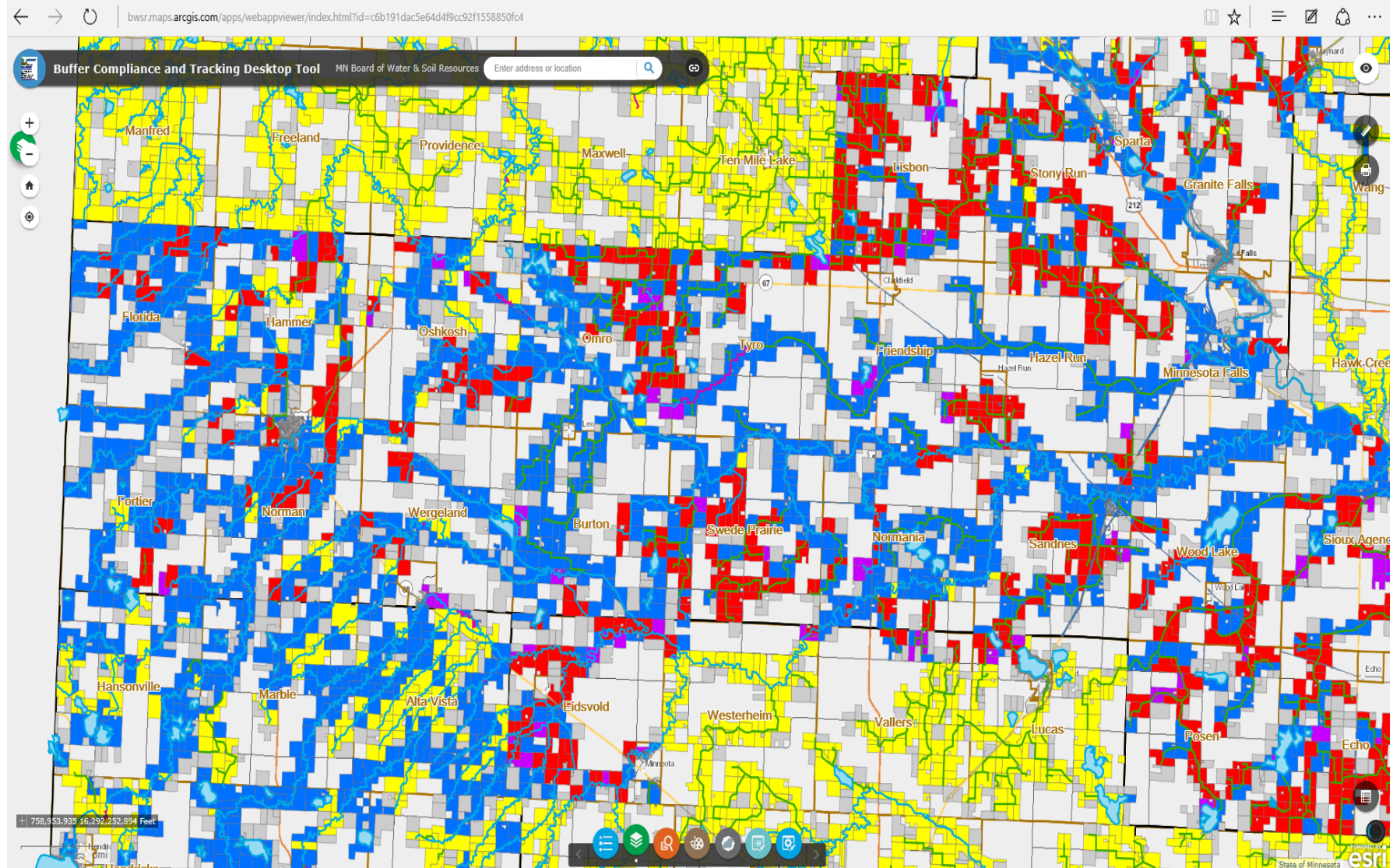


BWSR Buffer Enforcement Program

jurisdiction
&



Buffer Tracking





2015 Buffer Law

For more information:

Minnesota Board of Water & Soil Resources

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2016 Buffer Law Amendments

The Buffer Law that was signed into law by Governor Dayton in June 2015 was amended by the Legislature and signed into law by Governor Dayton on April 25, 2016. These amendments provide clarifications to several provisions of the law, including the buffer requirement by ensuring it only applies to public waters and public ditches and compliance and enforcement responsibilities and processes. Additional details on these changes are provided in the documents below.

- 2015 Buffer Law as amended in 2016 (Laws of Minnesota 2016, Chapter 85)
- 2016 Buffer law amendments-Summary and Overview
- Laws of Minnesota 2016, Chapter 85

Buffer and Soil Loss Program Updates

At its March 23, 2016 meeting, the BWSR Board reviewed several documents that provide a timeline and details on the Buffer and Soil Loss Programs and authorized seeking public comment on BWSR's implementation plans. At this time, BWSR is seeking public comment on the following components of Buffer and Soil Loss Program implementation:

Buffer Program Implementation:

Administrative Procedures

- Buffer Enforcement and Compliance
- Local Resource Riparian Protections (Other Waters)
- Technical Requirements

Excessive Soil Loss Program Implementation

- Draft Interim Guidance

Supporting Documents:

- Buffer and Soil Loss Program Comments Received, April/May 2016
- Buffer and Soil Loss Program Implementation Planning
- Preliminary Schedule

Comments will be accepted through May 4, 2016, and will be considered during program development. Comments may be submitted via email to buffers.bwsr@state.mn.us or via U.S. mail to David Weirns, Asst. Director for Programs and Policy, BWSR, 520 Lafayette Road, St. Paul, MN 55155.

Why is this important?

A new Minnesota Pollution Control Agency study found that few southwest Minnesota waters meet swimmable, fishable standards.

The Buffer Initiative web page and the information contained here is a collaboration with the Minnesota Board of Water and Soil Resources and the Minnesota Department of Natural Resources. The state departments of Agriculture and the Pollution Control Agency were also instrumental in formulating this initiative, a process that involved consultation with stakeholder groups, counties and other local governments.

Read study »

Local Government Resources

Frequently Asked Questions

Download questions and answers as a PDF

Click on questions below to show answers. Click again to hide.

ESTABLISHMENT AND MAINTENANCE OF BUFFERS

USE OF ALTERNATE PRACTICES

FUNDING FOR BUFFER IMPLEMENTATION

OTHER BUFFER LAW PROVISIONS

COMPLIANCE AND ENFORCEMENT

Five key ways the new buffer initiative protects Minnesota waters

Download the five key ways as a PDF »

The new buffer Initiative enhances protection of Minnesota waters by building upon existing requirements in the following ways:

1. Expanding the Scope of Waters Covered

2. Setting Timelines for Implementation

3. Providing for Enforcement

4. Strengthening soil erosion statutes

5. Appropriating Funding

Buffer Reports

Agricultural/Rural Riparian Buffer Analysis (2014)

Public Drainage Ditch Buffer Reporting Annual Report (2013)

Study of Riparian Buffer Areas - Legislative Report (2010)

Cultivated Riparian Zone Estimates (2009)

Public Drainage Ditch Buffer Study (2006)

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Buffer Mapping Project



<http://bwsr.state.mn.us/buffers/>

<http://dnr.state.mn.us/buffers/index.html>



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