Minnesota Buffers Initiative

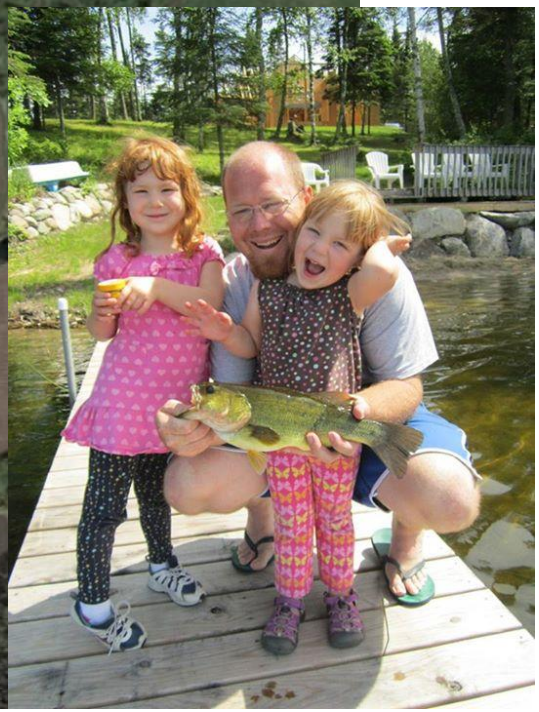
Buffers Program Overview

Tom Gile, Buffers and Soil Erosion Program Coordinator

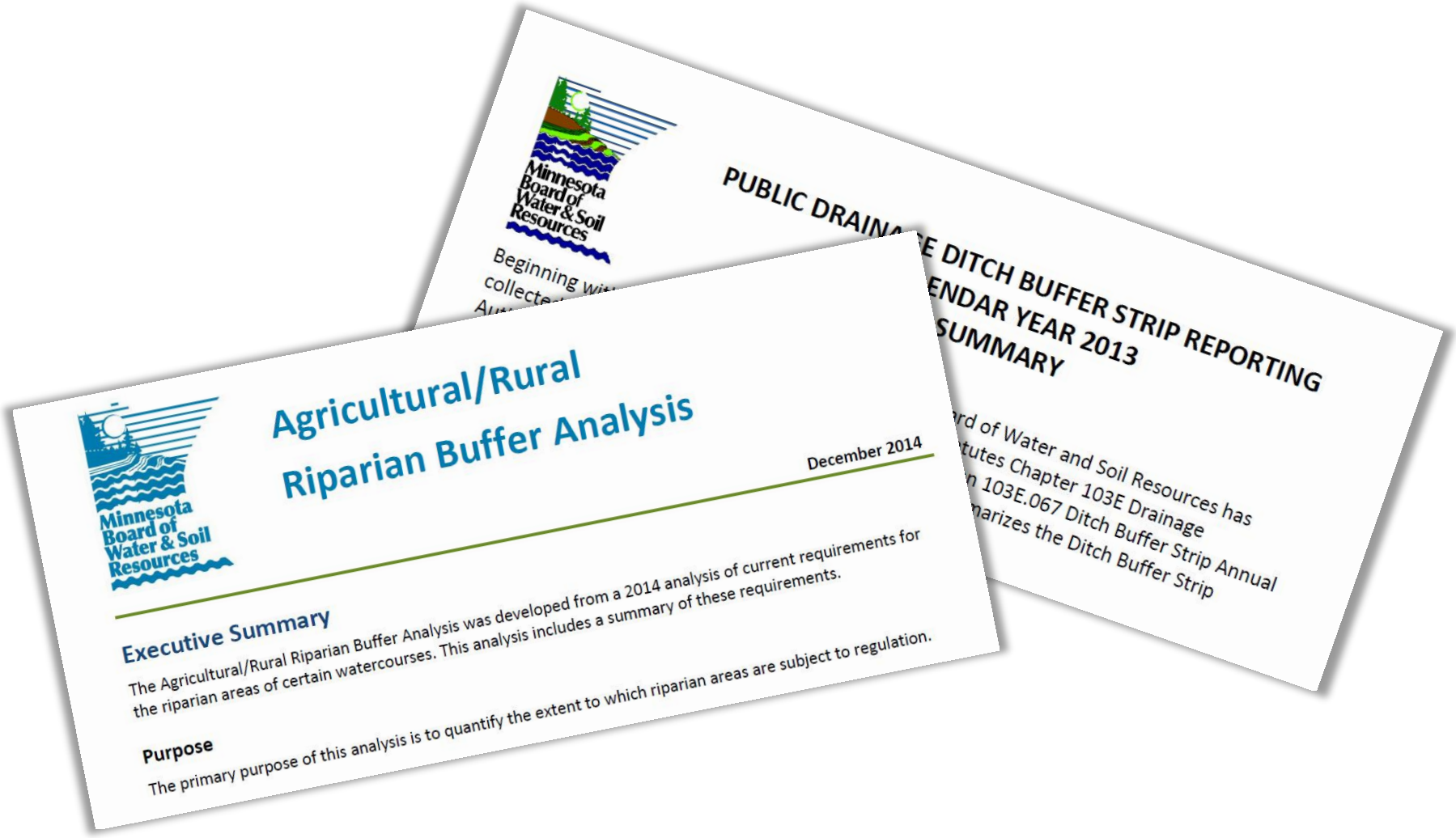
Improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.

Minnesota Board of Water & Soil Resources

Minnesota Board of Water & Soil Resources

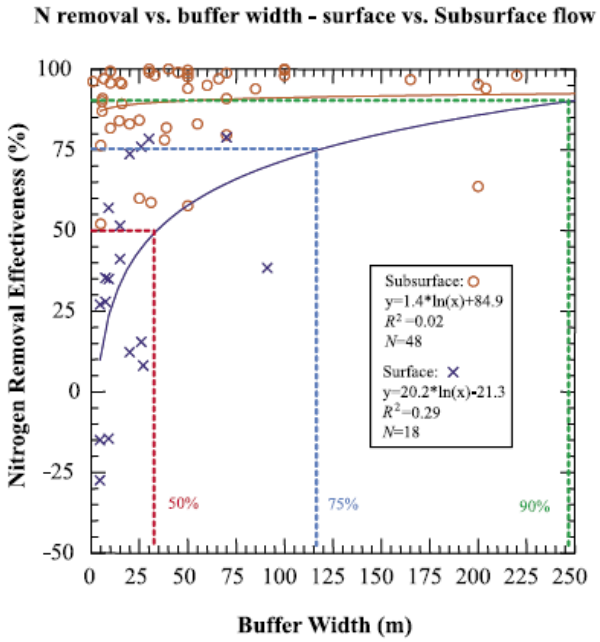


Buffers: Existing Rules and Laws



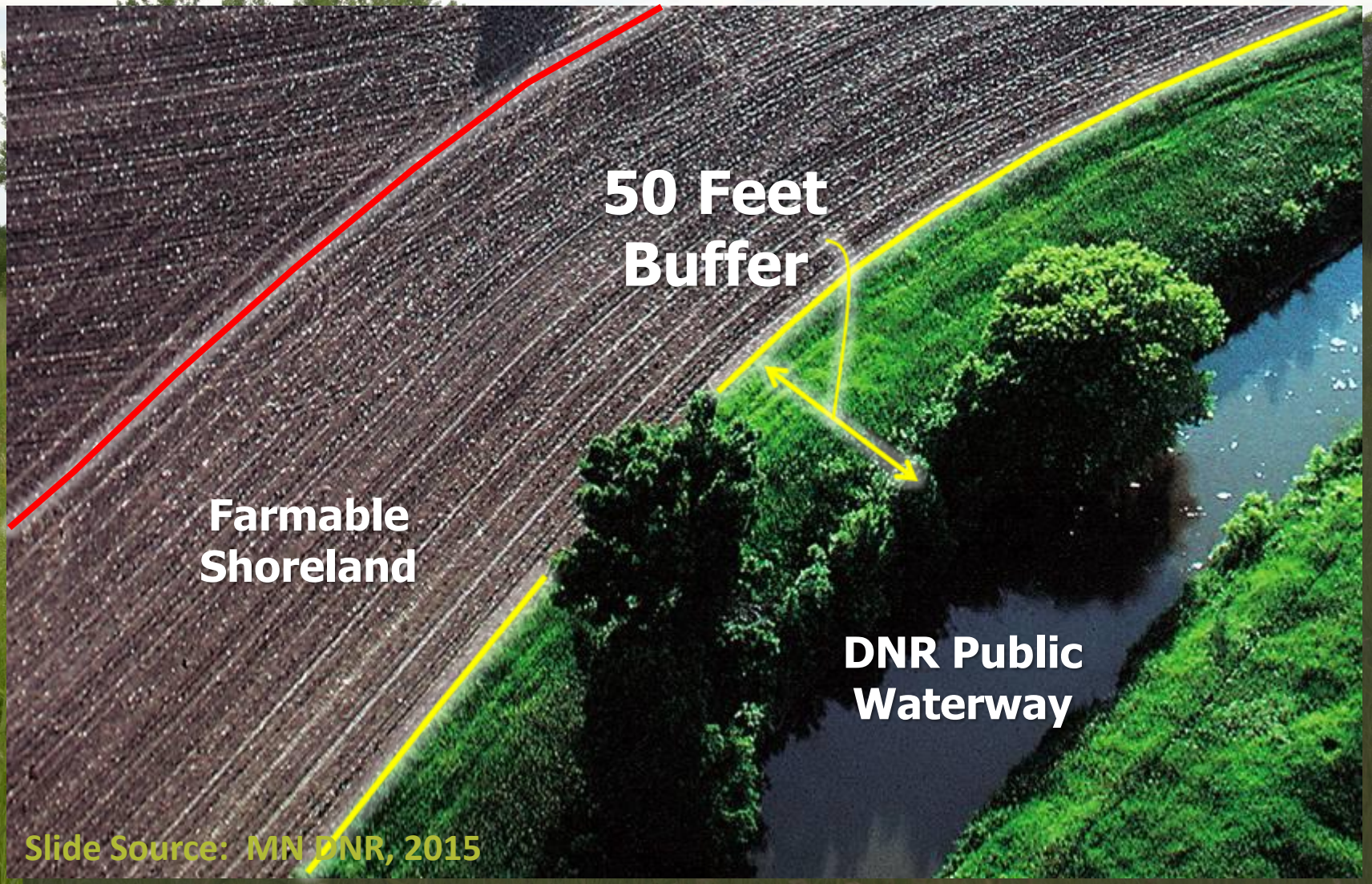
Buffers Improve Water Quality

Buffers Improve Water Quality



Drainage law sometimes requires 16.5 feet on public drainage ditches

Shoreland Zoning Rules require a 50 foot buffer.



Governor Dayton's Buffer Initiative

2015 Buffer Legislation

103F.48 RIPARIAN PROTECTION AND WATER QUALITY PRACTICES.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given them.

(b) "Board" means the Board of Water and Soil Resources.

(c) "Buffer" means an area consisting of perennial vegetation, excluding invasive plants and noxious weeds, adjacent to all bodies of water within the state and that protects the water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and protects or provides riparian corridors.

(d) "Buffer protection map" means buffer maps established and maintained by the commissioner of natural resources.

(e) "Commissioner" means the commissioner of natural resources.

(f) "Executive director" means the executive director of the Board of Water and Soil Resources.

(g) "Local water management authority" means a watershed district, metropolitan water management organization, or county operating separately or jointly in its role as local water management authority under chapter 103B or 103D.

(h) "Normal water level" means the level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.

(i) "Public waters" has the meaning given in section 103G.005, subdivision 15. The term public waters as used in this section applies to waters that are on the public waters inventory as provided in section 103G.201.

(j) "With jurisdiction" means a board determination that the county or watershed district has adopted a rule, ordinance, or official controls providing procedures for the issuance of administrative penalty orders, enforcement, and appeals for purposes of this section and section 103B.101, subdivision 12a.

2015 Buffer Legislation

Subd. 2. **Purpose.** 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.

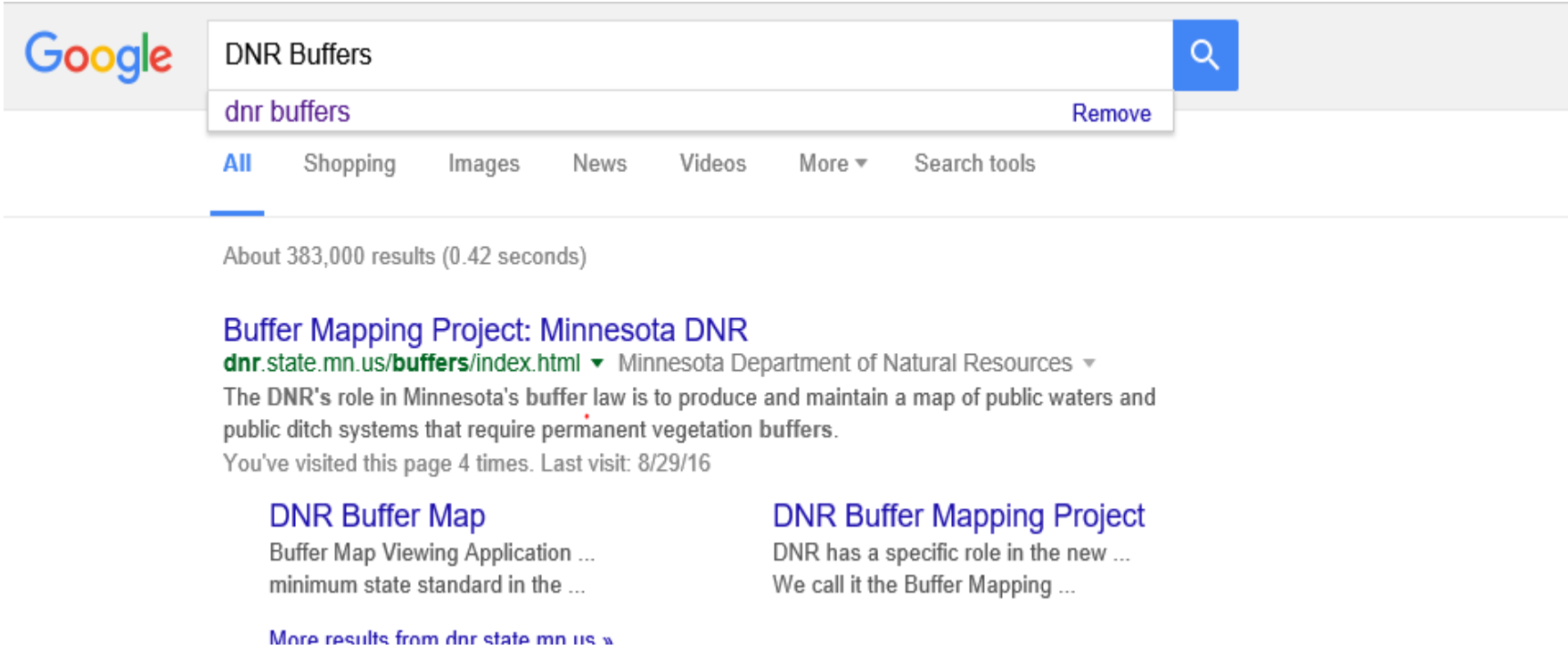
Where are buffers required?

- 50 foot average for public waters (30’ min)
  - As Identified on the Public Waters Inventory (2016 amendment)
- 16.5 foot minimum for chapter 103E Public Drainage Systems

Where are buffers NOT required?

Subd. 4. **Local water resources riparian protection.** In consultation with local water management authorities, on or before July 1, 2017, the soil and water conservation district shall develop, adopt, and submit to each local water management authority within its boundary a summary of watercourses for inclusion in the local water management authority's plan. A local water management authority that receives a summary of watercourses identified under this subdivision must ~~revise~~ incorporate an addendum to its comprehensive local water management plan or comprehensive watershed management plan to ~~incorporate~~ include the soil and water conservation district recommendations by July 1, 2018. The incorporation to include the summary of watercourses provided by the soil and water conservation district does not require a plan amendment as long as a copy of the included information is distributed to all agencies, organizations, and individuals required to receive a copy of the plan changes. A local water management authority that receives a summary of watercourses identified under this subdivision must address implementation of the soil and water conservation district recommendations when revising its comprehensive local water management plan as part of a regularly scheduled update to its comprehensive local water management plan or development of a comprehensive watershed management plan under section 103B.801.

Buffer Protection Map



Buffer Protection Map

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- LakeFinder
- Recreation Compass

Buffer Mapping Project

Minnesota's Buffer Protection Map

Buffer Map

Statewide Data Layer

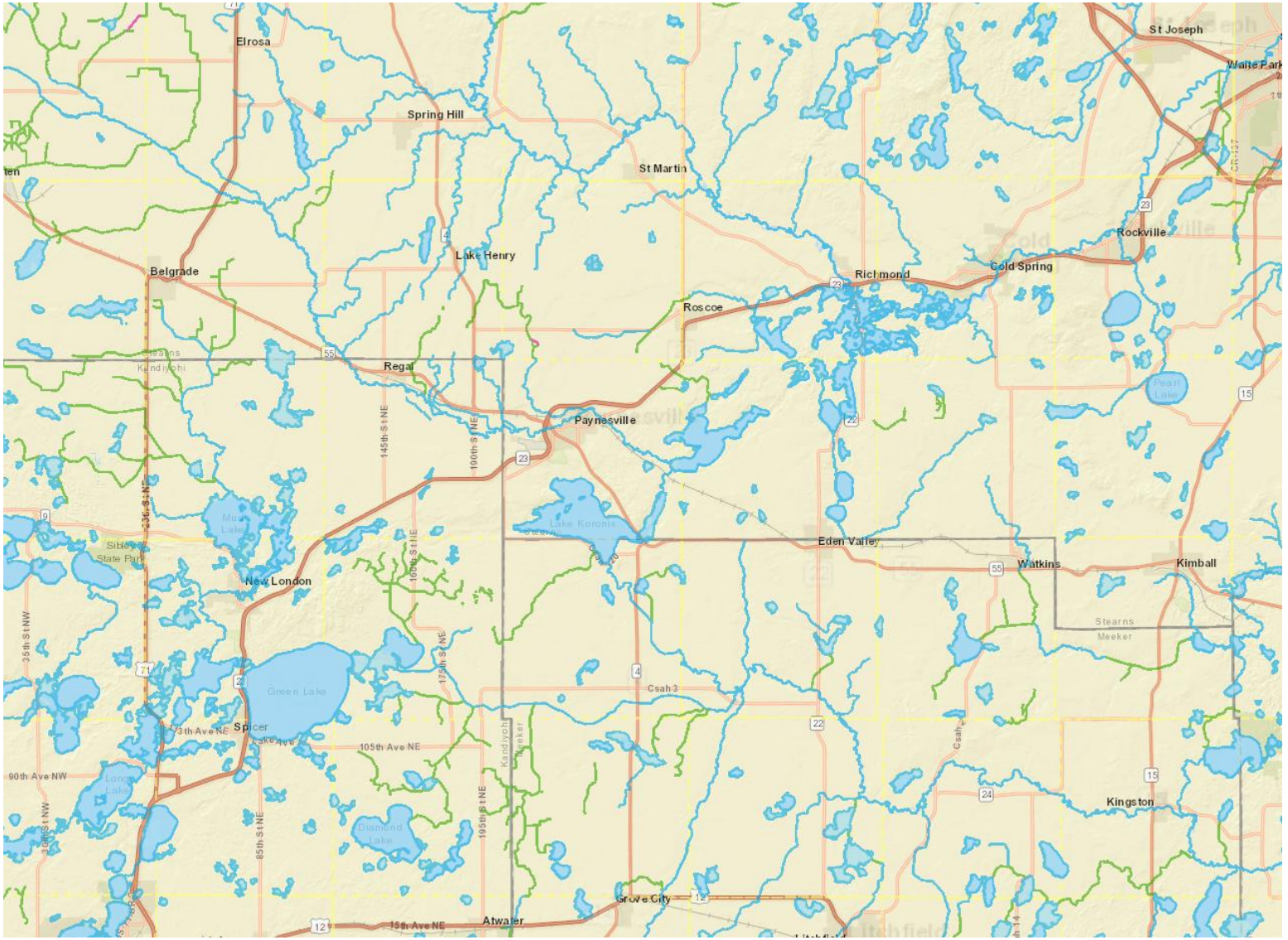
Minnesota's buffer law establishes new perennial vegetation buffers of up to 50 feet along rivers, streams and ditches that will help filter out

Common buffer questions

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

- What are Public Waters?
- How will Public Waters be mapped?
- Why aren't all wetlands shown on the buffer map?

Buffer Protection Map



When are buffers required?

Subdivision 3 States;

(e) Buffers or alternative water quality practices required under paragraph (a) or (b) must be in place on or before:

(1) November 1, 2017, for public waters; and

(2) November 1, 2018, for public drainage systems.

When are buffers required?

Sec. 146. **INITIAL IMPLEMENTATION; WAIVERS.**

A soil and water conservation district must grant a conditional compliance waiver under Minnesota Statutes, section 103F.48, to landowners who have applied for and maintained eligibility for financial assistance within one year of the dates listed in Minnesota Statutes, section 103F.48, subdivision 3, paragraph (e), according to Minnesota Statutes, section 103F.48. A conditional compliance waiver also must be granted to landowners who are subject to a drainage proceeding commenced under Minnesota Statutes, sections 103E.011, subdivision 5; 103E.021, subdivision 6; and 103E.715. The conditional compliance waiver is valid until financial assistance is available for buffer installation, but not later than November 1, 2018.

How will the program work?

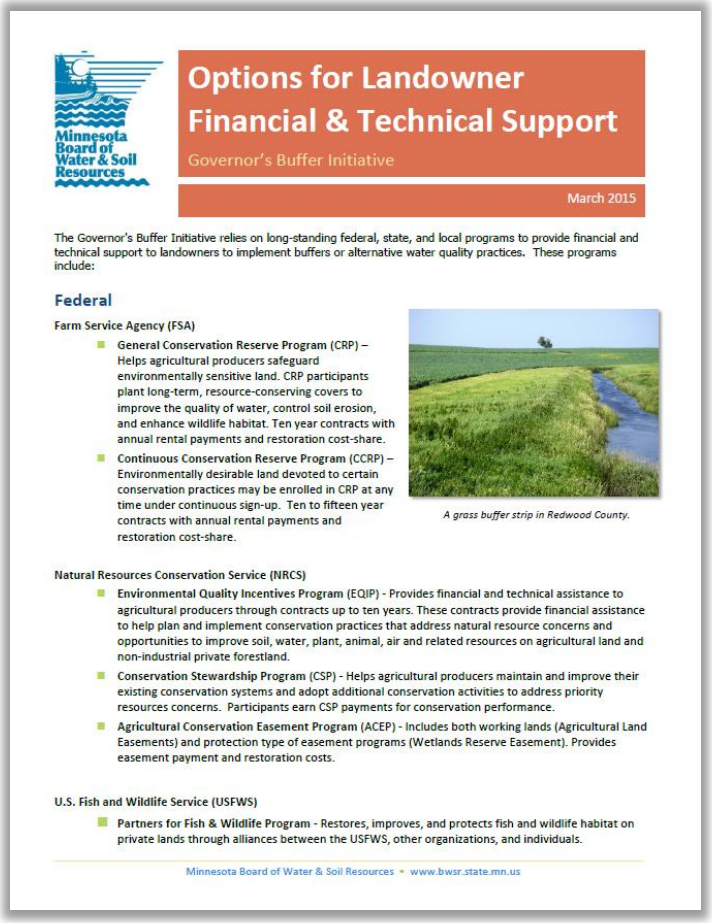
How will the program work?

Subd. 6. **Local implementation and assistance.** (a) Soil and water conservation districts must assist landowners with implementation of the water resource riparian protection requirements established in this section. For the purposes of this subdivision, assistance includes planning, technical assistance, implementation of approved alternative practices, and tracking progress towards compliance with the requirements.

2015 Buffer Legislation

Is there financial assistance available for landowners?

There are many programs at the local, state, and federal level that provide assistance for establishing buffers.



Minnesota Board of Water & Soil Resources

Options for Landowner Financial & Technical Support

Governor's Buffer Initiative

March 2015

The Governor's Buffer Initiative relies on long-standing federal, state, and local programs to provide financial and technical support to landowners to implement buffers or alternative water quality practices. These programs include:

Federal

Farm Service Agency (FSA)

- **General Conservation Reserve Program (CRP)** – Helps agricultural producers safeguard environmentally sensitive land. CRP participants plant long-term, resource-conserving covers to improve the quality of water, control soil erosion, and enhance wildlife habitat. Ten year contracts with annual rental payments and restoration cost-share.
- **Continuous Conservation Reserve Program (CCRP)** – Environmentally desirable land devoted to certain conservation practices may be enrolled in CRP at any time under continuous sign-up. Ten to fifteen year contracts with annual rental payments and restoration cost-share.

A grass buffer strip in Redwood County.

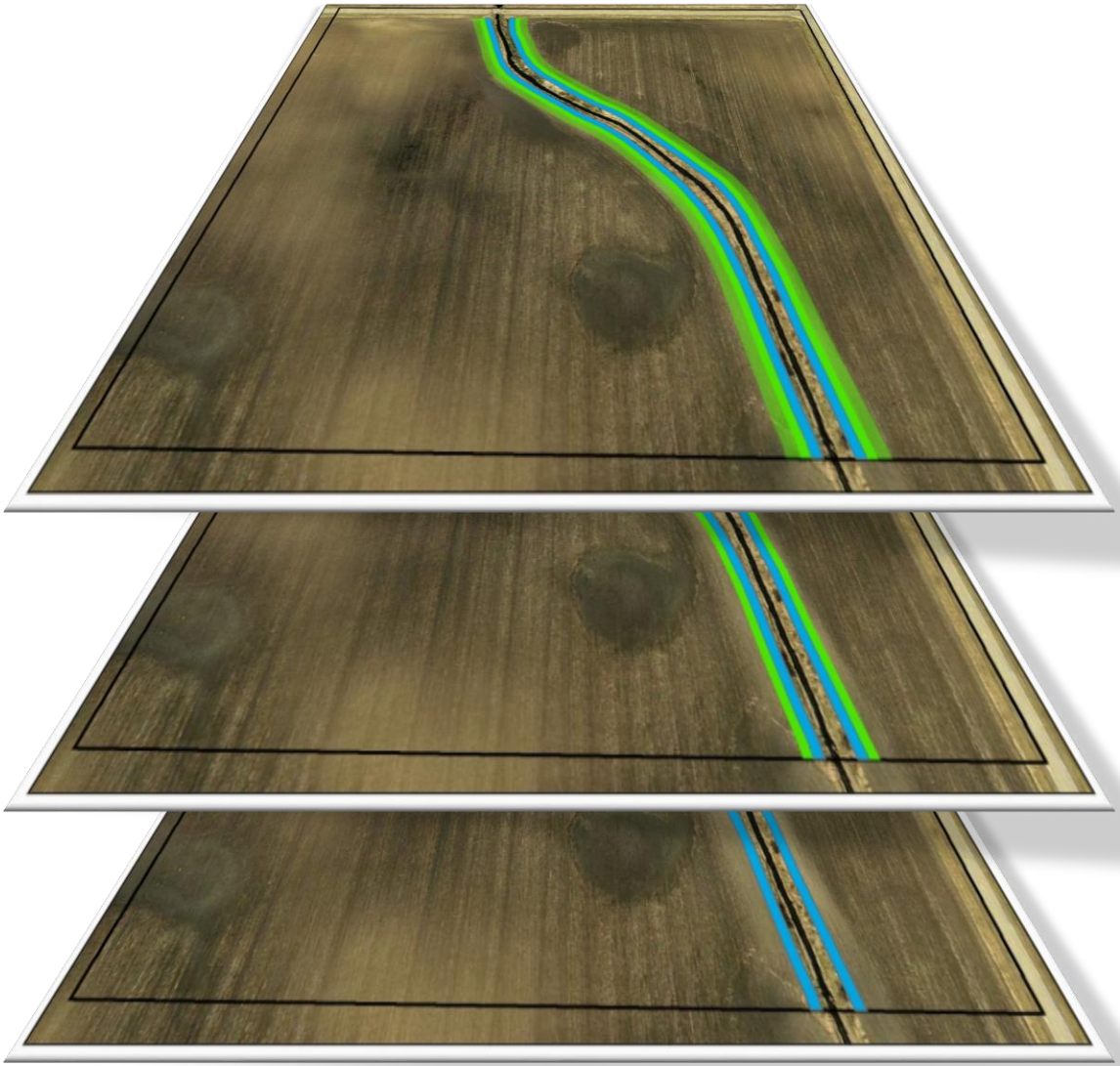
Natural Resources Conservation Service (NRCS)

- **Environmental Quality Incentives Program (EQIP)** - Provides financial and technical assistance to agricultural producers through contracts up to ten years. These contracts provide financial assistance to help plan and implement conservation practices that address natural resource concerns and opportunities to improve soil, water, plant, animal, air and related resources on agricultural land and non-industrial private forestland.
- **Conservation Stewardship Program (CSP)** - Helps agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities to address priority resources concerns. Participants earn CSP payments for conservation performance.
- **Agricultural Conservation Easement Program (ACEP)** - Includes both working lands (Agricultural Land Easements) and protection type of easement programs (Wetlands Reserve Easement). Provides easement payment and restoration costs.

U.S. Fish and Wildlife Service (USFWS)

- **Partners for Fish & Wildlife Program** - Restores, improves, and protects fish and wildlife habitat on private lands through alliances between the USFWS, other organizations, and individuals.

Funding Sources and Buffer Widths



Reinvest in MN (RIM) Reserve Riparian Buffer Easement

•Buffer width minimum 50’ up to 100’ (Flooded areas up to 350’, wildlife supplemental up to 200’.)

Continuous CRP Buffer

•Buffer width minimum 30’, max 120’

One Rod (16.5’) Ditch Buffer Easement

Slide Source: Faribault SWCD

Buffers can be enrolled in CRP or other conservation programs.

Credit: Robb Collett MN DNR- Phillip Gitter Farm
Slide Source: MN DNR 2015

Buffers can be grazed or hayed.

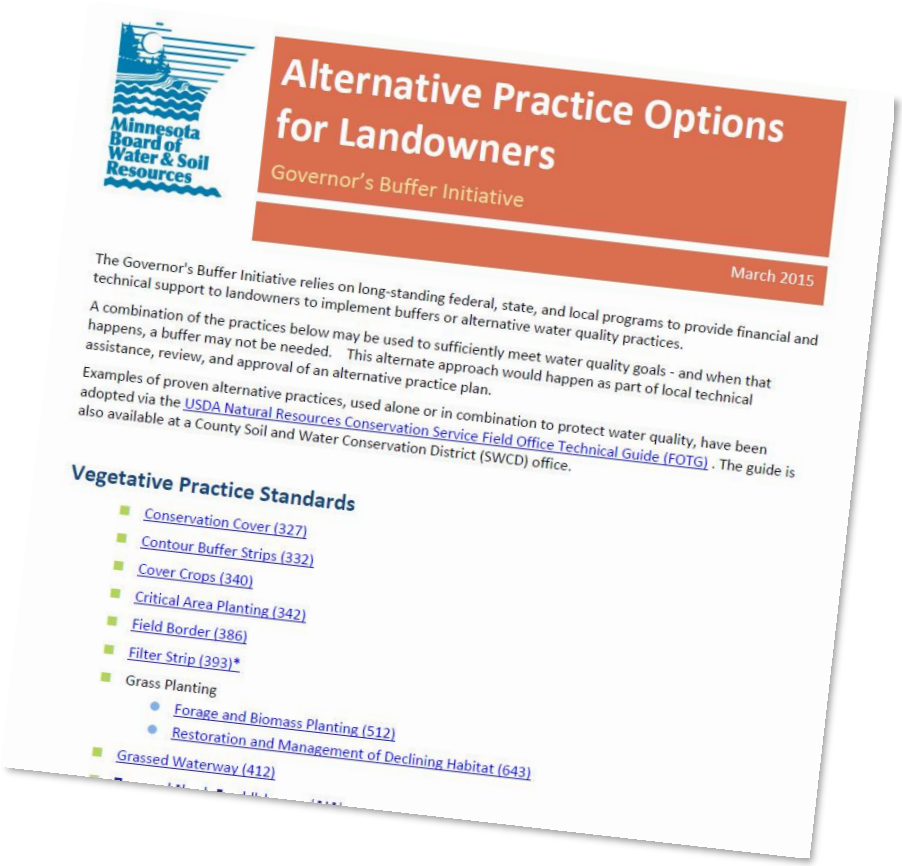
Slide Source: MN DNR 2015

Buffers can be grazed or hayed.

Slide Source: MN DNR 2015

2015 Buffer Legislation

Alternative water quality practice, or combination of practices, may be used to sufficiently meet water quality goals. In these instances, buffers may not be needed.



Minnesota Board of Water & Soil Resources

Alternative Practice Options for Landowners

Governor's Buffer Initiative

March 2015

The Governor's Buffer Initiative relies on long-standing federal, state, and local programs to provide financial and technical support to landowners to implement buffers or alternative water quality practices.

A combination of the practices below may be used to sufficiently meet water quality goals - and when that happens, a buffer may not be needed. This alternate approach would happen as part of local technical assistance, review, and approval of an alternative practice plan.

Examples of proven alternative practices, used alone or in combination to protect water quality, have been adopted via the USDA Natural Resources Conservation Service Field Office Technical Guide (FOTG). The guide is also available at a County Soil and Water Conservation District (SWCD) office.

Vegetative Practice Standards

- Conservation Cover (327)
- Contour Buffer Strips (332)
- Cover Crops (340)
- Critical Area Planting (342)
- Field Border (386)
- Filter Strip (393)*
- Grass Planting
  - Forage and Biomass Planting (512)
  - Restoration and Management of Declining Habitat (643)
- Grassed Waterway (412)

Exemptions

Will any general exemptions to the 50 foot buffer requirement be considered?

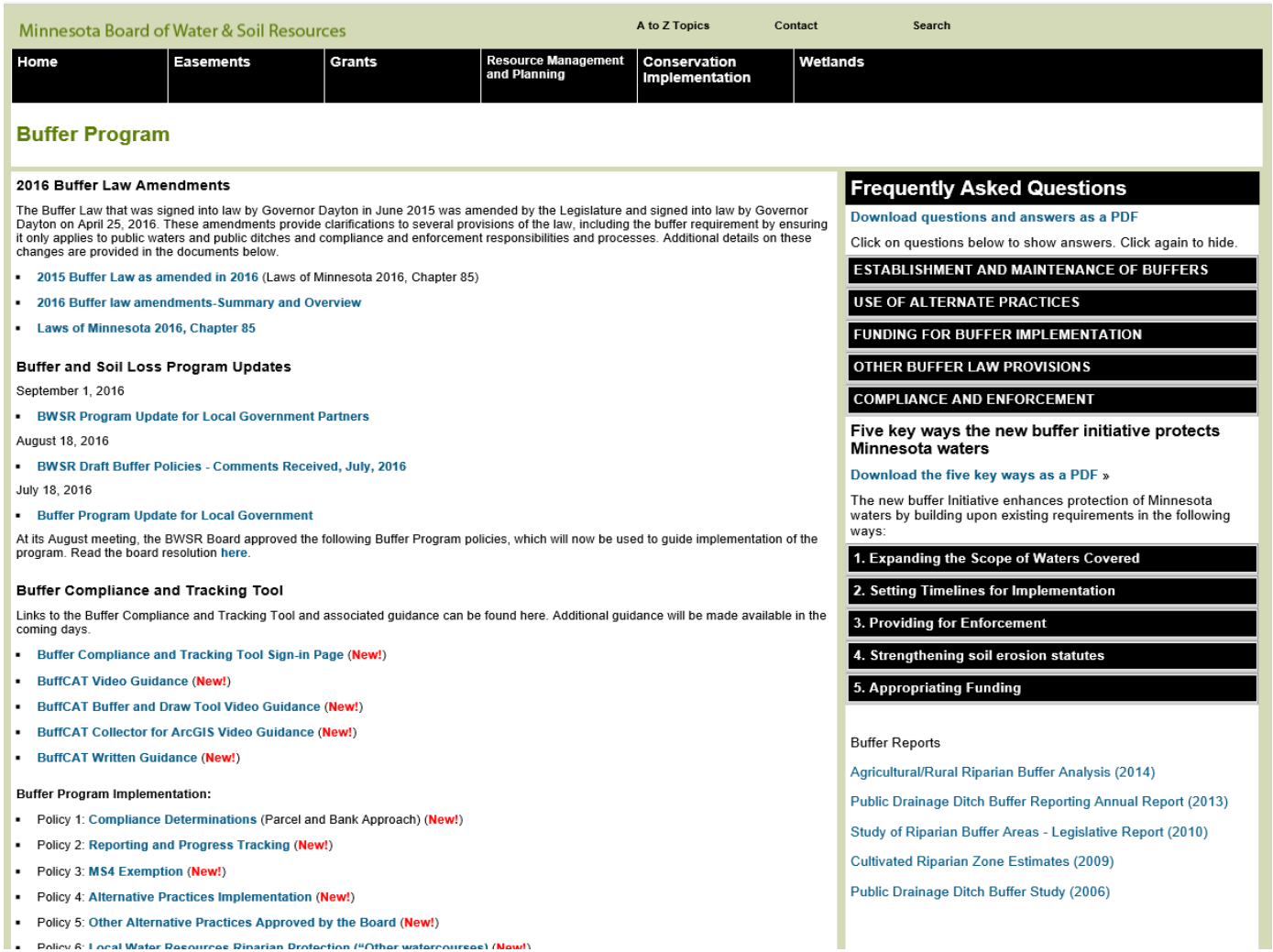
Yes. The following areas would be exempt:

- Land enrolled in the federal Conservation Reserve Program (CRP)
- Public or private water access or recreational use areas
- Areas covered by a road, building or other structures

Many farmers practice good conservation.

Credit: Cannon River Watershed Partnership, 2008
Slide Source: MN DNR 2015

2015 Buffer Law



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Buffer Program

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

September 1, 2016

- BWSR Program Update for Local Government Partners

August 18, 2016

- BWSR Draft Buffer Policies - Comments Received, July, 2016

July 18, 2016

- Buffer Program Update for Local Government

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

Buffer Compliance and Tracking Tool

Links to the Buffer Compliance and Tracking Tool and associated guidance can be found here. Additional guidance will be made available in the coming days.

- 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 Program Implementation:

- 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!)

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)

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

QUESTIONS???

Minnesota Board of Water & Soil Resources

Water Quality: Buffers

status update of the recently passed "Buffer Law." What exactly does the language say? What are the plans for its implementation?

November 19, 2015

Rochester, MN

Tom Gile, Board Conservationist

Buffers Improve Water Quality

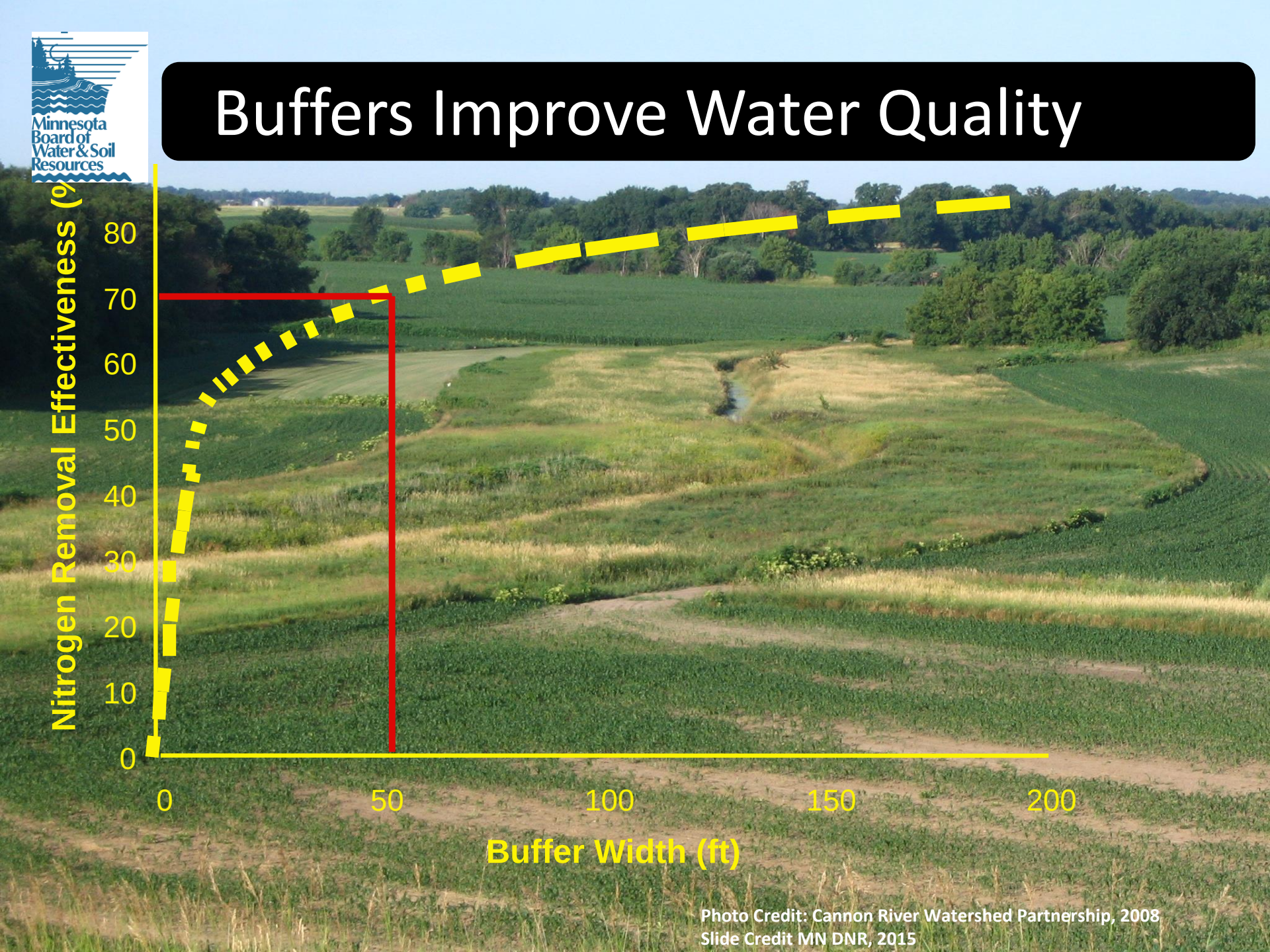

Photo Credit: Cannon River Watershed Partnership, 2008
Slide Credit MN DNR, 2015