



MN "Buffer Law"

Compliance Fact Sheet

Fall 2018

Aimed at enhancing protection of Minnesota's waters., Minnesota Statute 103F.48 (commonly referred to as Minnesota's "Buffer Law") was signed into effect in June of 2015. To compliant with this relatively new legislation, landowners were to have buffers in place on all public waters by November 1, 2017 and in place on all public drainage systems by November 1, 2018.

What is a buffer?

A buffer, also known as a riparian filter strip, is vegetated land adjacent to a stream, river, lake or wetland. Buffers help filter out phosphorus, nitrogen, and sediment, and are an important conservation practice for helping keep water clean.

What is required?

- ◆ An average width of 50 feet, minimum 30 feet of perennial vegetation adjacent to public waters
- ◆ A minimum of 16.5 feet of perennial vegetation adjacent to public drainage systems



I have to do this now?

Yes, time has come. Buffers were to be in place on all public waters by November 1, 2017 and in place on all public drainage systems by November 1, 2018. While 12 month compliance waivers were issued in 2017 to landowners that requested them, they will no longer remain valid past October 31st of this year, and State Law requires buffers or approved alternative practices must be in place on public waters and public ditch systems by November 1st, 2018. Non-compliant parcels are required to be referred to the County or applicable Watershed District for enforcement under the provisions of their adopted ordinance.

Do I have any options?

Its not too late but act fast. As your local SWCD, we're here to help you help the land with a variety of technical and financial assistance options. We can also help you explore potential alternative practices that not only may satisfy the requirements of the law, could possibly be a better fit for your land and/or farming operation.



Minnesota Buffer Law

Frequently Asked Questions



ESTABLISHMENT AND MAINTENANCE OF BUFFERS

1. **Q:** *Can a landowner till the buffer area to establish or re-establish alfalfa or other perennial vegetative cover?*
A: Yes, temporary tillage for alfalfa establishment is an exempt activity.
2. **Q:** *How do landowners know where to measure the buffer width? Is it the same for ditches, creeks, rivers, lakes and wetlands?*
A: The buffer width for all water bodies covered under the law is measured from the top of the bank or from the normal water level if there is no defined bank. The SWCD can assist with buffer width measurements if requested.
3. **Q:** *For buffer requirements on Public Waters, how is the "50-ft average width" be determined?*
A: The 50-ft average, 30-ft minimum width provision is meant to be a practical way to accommodate meanders in streams and other landscape characteristics to ensure that buffers provide water quality benefits. The average of 50 feet of buffer with a 30 foot minimum must be achieved within a parcel to meet the requirement.
4. **Q:** *Does this law allow for haying or grazing of the buffer?*
A: Yes, haying and grazing practices that maintain perennial vegetative cover are allowable uses.
5. **Q:** *Does the buffer law address cattle entering the water or require exclusionary fencing?*
A: No, other voluntary practices such as fencing and watering systems can address that concern. Use of the buffer to graze livestock cannot result in the elimination of perennial vegetation on the buffer.
6. **Q:** *Is fertilizer application or pesticide spraying allowed on the buffer area?*
A: Existing requirements and best management practices for fertilizer and pesticide application are unchanged by the new buffer strip requirement.

USE OF ALTERNATE PRACTICES

- Q:** *What constitutes an "alternative practice" and what will be used to determine if a practice is sufficient?*
A: Additional definition and guidance on "alternative practices" based on the NRCS Field Office Technical Guide is available. The SWCD will validate alternative practices that meet requirements if requested.
2. **Q:** *Can landowners implement alternate practices without local government approval?*
A: An alternate practice validation is provided by the SWCD if requested but is not required. A landowner that implements an alternate practice is recommended to maintain design, contract or other records for the installed alternate practice.
 4. **Q:** *If a landowner installed a water quality practice via a USDA design, will that be considered an acceptable or sufficient alternate practice?*
A: Potentially. An alternate practice validation can be requested from the SWCD prior to or after a project or practice is in place. An alternate practice validation can last as long as the project or practice is functioning adequately as compared to the as-designed specification. If a landowner disagrees with a SWCD decision it can be appealed administratively to BWSR.

FURTHER ASSISTANCE

The Becker SWCD is here to help! Contact our office today at **(218) 846-7360** or stop and see us at 809 8th St SE in Detroit Lakes. You can also find further information from the MN DNR at www.dnr.state.mn/buffers and from the MN Board of Soil and Water Resources at www.bwsr.state.mn/buffers
