

Buffer Initiative Legislative Summary

June 2015

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| Exemptions and areas and activities not requiring buffers | <ul style="list-style-type: none"> ■ Roads, trails, building and structures. ■ Inundated crops, alfalfa seeding, enrolled in CRP. ■ Tile line installation and maintenance. ■ Areas covered by NPDES water-quality permits. ■ “No-fault” clause to address acts of nature. ■ No permit, permission needed; SWCD validation optional. <i>Lawns, forests, hayed land and other areas with perennial vegetation meet requirement.</i> |
| Maps | <ul style="list-style-type: none"> ■ DNR will create buffer protection maps for public waters and public drainage systems subject to buffer requirement. |
| Waters covered and buffer widths | <ul style="list-style-type: none"> ■ Public waters – 50-foot average buffer width with a 30-foot minimum width. ■ Public ditches - 16.5-foot minimum width. <ul style="list-style-type: none"> ● Or alternative practices (applies to both public waters and public ditches). ■ Other waters determined by SWCDs and adopted into water management plans to accomplish targeted voluntary or local regulatory measures. |
| Compliance | <ul style="list-style-type: none"> ■ SWCDs provide correction letters when noncompliance identified. ■ Local/state \$500 administrative penalty for public waters, ditches. ■ State program funds can be withheld for failure to implement. |
| Soil erosion | <ul style="list-style-type: none"> ■ Local/state enforcement with \$500 administrative penalty order, without local ordinance, unless cost share not available. |
| Timeline | <ul style="list-style-type: none"> ■ Public ditch buffer requirements not dependent on redetermination trigger. ■ Buffers need to be installed on Public Waters by November 2017; on Public Drainage Systems by November 2018. ■ Landowners who have applied for conservation programs or initiated a ditch authority process can be granted a one-year extension. |
| Program funding: DNR mapping and BWSR/SWCD implementation | <ul style="list-style-type: none"> ■ Legacy Bill’s Clean Water Fund includes: <ul style="list-style-type: none"> ● \$5 million to BWSR for local government implementation; ● \$650,000 to DNR for mapping. |
| Landowner financial assistance | <ul style="list-style-type: none"> ■ Drainage law more flexible to provide compensation for buffers. ■ RIM buffer easements – Clean Water Fund and Outdoor Heritage Fund in Legacy bill. ■ U.S.D.A. Conservation Reserve Program (CRP) -- federal funds available for contracts to riparian landowners. ■ RIM/CREP easements -- Clean Water Fund in Legacy bill; SWCDs are point of contact for requirements and technical assistance. |



Implementing the 2015 Buffer Legislation

Summer 2015

In June of this year, Governor Dayton signed into law a new buffer initiative aimed at enhancing protection of Minnesota's waters. The buffer initiative will help protect the state's water resources from erosion and runoff pollution by establishing roughly 110,000 acres of buffer along waterways while providing flexibility and technical support to landowners for installation and maintenance.

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.

Why buffers?

Studies by the Minnesota Pollution Control Agency show that buffers are critical to protecting and restoring water quality and healthy aquatic life, natural stream functions and aquatic habitat due to their immediate proximity to the water.



A grass buffer strip in Redwood County.

What is required?

Under the law, buffer widths will be:

- An average of 50 feet, minimum of 30 feet, on public waters
- A minimum of 16.5 feet on public drainage systems
- Buffer recommendations for other waters will be determined by soil and water conservation districts (SWCDs)



A buffer in Olmsted County.

How will I know if buffers are required?

The Department of Natural Resources is in the process of mapping all waters subject to the new requirements. The buffer protection maps are expected to be completed by July 2016.

How will the program work?

The Minnesota Board of Water and Soil Resources, which will oversee the new law, is working to get program details developed. Landowners may install buffers on their own at any time, or can wait until the buffer protection maps are complete in 2016. The local SWCD will provide technical assistance and answer questions about financial assistance options. Landowners also have the option of working with their SWCD to determine if other alternative practices aimed at protecting water quality can be used.



The stream on the left has insufficient buffer coverage. Areas circled in red should have a buffer.

The stream on the right has sufficient buffer coverage. 50 feet of perennial vegetation borders the entire shoreline.

Is there financial assistance available?

Yes. The 2015 Buffer Law 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. Landowners may use federal Farm Bill resources, such as the Conservation Reserve Program (CRP), Continuous CRP, and the Environmental Quality Incentives Program to get buffers installed. State resources include programs such as the Reinvest in Minnesota (RIM) easement program, Conservation Cost-Share, and the Minnesota Agricultural Water Quality Certification Program.

What's the timeline?

The new law specifies:

- November 1, 2017: Buffers in place on all public waters
- November 1, 2018: Buffers in place on all public drainage systems

Who is responsible for enforcement?

Counties or watershed districts will be the first point of contact when noncompliance is identified. If a landowner fails to install buffers on identified waters, penalties may include a \$500 fine.

Where do I go for more information?

Contact your local SWCD for more information about buffers and local requirements. For more information on the new buffer law, please visit: www.bwsr.state.mn.us/buffers/.



Alternative Practice Options for Landowners

2015 Buffer Initiative

Summer 2015

The 2015 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 can be pursued via assistance, review, and validation, if requested from the local soil and water conservation district (SWCD).

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 SWCD offices.

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 \(412\)](#)
- [Tree and Shrub Establishment \(612\)](#)
- [Vegetated Treatment Area \(635\)](#)
- [Windbreak Shelterbelt Establishment \(380\)](#)

* Variable width buffers: If a filter strip is installed according to this practice standard, the width will range from 30 to 120 feet based on site conditions. The filter strip practice is the standard applied for enrollment in the Continuous Conservation Reserve Program (under Conservation Practice 21).

Structural/Engineered Practice Standards

- [Constructed Wetland \(656\)](#)
- [Denitrifying Bioreactor \(747\)](#)
- [Diversion \(362\)](#)
- [Fencing \(382\)](#)
- [Grassed Waterway \(412\)](#)
- [Grade Stabilization \(410\)](#)
- [Sediment Basin \(350\)](#)
- [Stream Crossing \(578\)](#)
- [Streambank & Shoreline Protection \(580\)](#)
- [Terrace \(600\)](#)
- [Water Sediment Control Basin \(638\)](#)
- [Wetland Restoration \(657\)](#)

Management Practice Standards

- [Access Control \(472\)](#)
- [Conservation Crop Rotation \(328\)](#)
- [Contour Farming \(330\)](#)
- [Contour Strip Cropping \(585\)](#)
- [Drainage Water Management \(554\)](#)
- [Forage and Harvest Management \(511\)](#)
- [Nutrient Management \(590\)](#)
- [Prescribed Grazing \(528\)](#)
- [Residue Management \(329\)](#) - includes conservation tillage, no-till and ridge tillage
- [Strip Cropping \(585\)](#)

For More Information

Contact your local SWCD for more information about buffers and local requirements. For more information on the new buffer law, please visit: www.bwsr.state.mn.us/buffers/.



Options for Landowner Financial & Technical Support

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The 2015 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.

State

Board of Water and Soil Resources

- **Reinvest In Minnesota Reserve Program (RIM)** - Conservation easement program offers permanent easements to restore and protect wetlands, riparian buffers, and other lands. Provides easement payment and restoration costs.
- **Conservation Cost-Share Program** - Provides grants and contracts through soil and water conservation districts for soil and water quality protection.



A buffer in Olmsted County.

Department of Agriculture

- **Agriculture BMP Loan Program (AgBMP)** - Water quality program provides low interest loans to farmers, rural landowners, and agriculture supply businesses. The purpose is to encourage agricultural Best Management Practices that prevent or reduce runoff from feedlots, farm fields and other pollution problems identified by the county in local water plans.
- **Minnesota Agricultural Water Quality Certification Program (MAWQCP)** - Voluntary opportunity for farmers and agricultural landowners to implement conservation practices that protect water. Those who implement and maintain approved farm management practices will be certified and in turn obtain regulatory certainty for a period of ten years.

Local

Local Governments (such as Soil and Water Conservation Districts, Watershed Districts, and Counties)

- Programs that offer financial assistance for restoration and protection practice implementation.
- Technical assistance that provides conservation planning to identify resource concerns and practice options.

Where do I go for more information?

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