

Water Quality Buffer Initiative

Common questions and answers

Date: 6/18/15

Q: What is the bill's purpose and who helped craft it?

- **Improving Water Quality** – The Buffer Initiative will protect Minnesota's water resources from erosion and runoff pollution by establishing 110,000 acres of perennial vegetative cover adjacent to Minnesota's waters.
- **Cooperation and Compromise** – This proposal was crafted with input from agriculture groups, environmental groups, local government groups, legislators from both parties, and landowners.
- **A Multi-Agency Effort** – The four lead state agencies are: Minnesota Department of Agriculture, Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, and the Minnesota Pollution Control Agency.

Q: Will it improve water quality?

- **Yes.** Studies by the Pollution Control Agency show that buffer are critical to protecting and restoring water quality and healthy aquatic life, natural stream functions and aquatic habitat due to its immediate proximity to the water. However, buffers will not solve every water-quality problem.

Q: What is required?

- **110,000 Acres of Vegetation** – The bill will establish perennial vegetation buffers of up to 50 feet along lakes, rivers, streams and ditches.
 - The buffer width will be an average of 50 feet on public waters.
 - The buffer width will be a minimum of 16.5 feet on public ditches
 - Buffer widths on other waters will be determined by soil and water conservation districts (SWCDs)
- **Landowner Control** – Landowners retain use of the buffer, as long as perennial vegetation is maintained.
- **Landowner Choice** – Landowners may choose to adopt other practices aimed at protecting water if those practices provide the same level of protection as a buffer.
- **Additional Flexibility** – There are exceptions for areas covered by a road, buildings or other structures; areas enrolled in the Conservation Reserve Program (CRP); public or private water access or recreational use areas; and municipalities in compliance with federal and state storm water requirements.

Q: Where are buffers required?

- Buffers will be required on public waters and public drainage systems. The DNR will establish and maintain a map of each county that shows the waters that are subject to the buffer requirements. Additionally, other waters may be subject to local requirements established by SWCDs.

Q: How will the new law be implemented, and enforced?

- **Local Implementation** – SWCDs will implement the buffer requirement, including planning, technical assistance to landowners, approval of alternative practices, and tracking and reporting progress.
- **Help with Compliance** – If a landowner is out of compliance with the requirement, the county or watershed district will provide a correction letter and work with the landowner on a reasonable timetable for completion.
- **Penalties for Noncompliance** – Counties and watershed districts, with assistance from the Minnesota Board of Water and Soil Resources (BWSR), may issue an order requiring violations be corrected and administratively assess monetary penalties for violations.
- **State Level Enforcement** – The state may withhold funds from a local government for failure to implement buffer requirements.
- **Additional Enforcement Authority** – If the local government chooses not to take action, BWSR can use its Administrative Penalty Order authority and issue a penalty and fine.

Q: When will this take effect?

- **July 2017** – Local water resources riparian protection requirements will be developed by July 1, 2017
- **November 2017** – Buffers on public waters will be in place by November 1, 2017
- **November 2018** – Buffers on public drainage systems will be in place by November 1, 2018

Q: How will this be paid for?

- **Funds for Landowners** – Landowners can use federal Farm Bill resources, such as CRP, to get buffers installed. Other state program conservation dollars, such as Reinvest in Minnesota (RIM) easements are also available. Landowners may also be eligible to be reimbursed by the drainage authority.
- **Additional Federal Funds** – Governor Dayton is committed to working with the federal government to provide funds through the Conservation Reserve Enhancement Program (CREP). This allows landowners to take their land out of production in exchange for payments. He has proposed \$20 million in bonding to match the \$18 million appropriated through the 2016-17 Legacy Amendment bill.

- **Funds for Local Agencies** – The initiative provides \$5 million from the Clean Water Fund for SWCDs to work directly with landowners in order to find the best solution for their property. SWCDs are also receiving \$22 million from the Clean Water Fund to boost local capacity. It is anticipated that this funding will be transferred to the General Fund in the next biennium.

Q: How will the DNR map areas that will now require buffers?

- A: The DNR will create a buffer protection map that will include the public waters subject to the statewide 50' average width buffer requirement and the Public Drainage System ditches that are subject to the statewide 16.5 minimum width buffer requirement. The DNR is receiving \$650,000 from the Clean Water Fund in order to complete the maps.

Q: And when will that happen?

- A: The DNR anticipates completing the buffer protection map by about July 2016.

Q: How will public water be defined under the law?

- A: The buffer protection map will depict public waters, as defined in Minnesota Statute 103G.005, subdivision 15, that are subject to the requirements of the new buffer law. The buffer protection map does not otherwise update the Public Waters Inventory as it relates to any other requirements.