

## Buffer Program Update: August 2018

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### BuffCAT Inventory

BuffCAT is back up and running from a two-week maintenance window in late July. We have included all of the updated compliance data from the SWCDs using this system or their own GIS system.

Through the remainder of this year, we ask that SWCDs please work to make use of the BuffCAT system a part of your regular buffer workload. It will be extremely helpful to be able to keep track of progress through this fall's November 1, 2018 compliance deadline.

Currently, we are sitting at about 99% compliance on Public Waters statewide, including the remaining waivers that are documented in BuffCAT. Our overall compliance rate is at approximately 95.3% on all water bodies.

While these numbers show great progress, there is still a lot of work to be done in the coming year. With that in mind, the SWCD, County and Watershed District staff working on the Buffer Program around the state are due a significant thanks for their efforts.

Even more than that, the landowners around the state who have brought their parcels into compliance or are in the planning/implementation steps of doing it on their properties deserve a HUGE THANK YOU!!

### Buffer Enforcement Options

Seventy five counties have elected jurisdiction to enforce the Buffer Law, and 73 of those have an adopted local official control in place for enforcement. Two additional counties recently elected and are currently developing their official control.

Of the 73 adopted official controls, 14 are using previously established enforcement provisions in their ordinance, 22 are using APO only, and 37 are using a combination of these options.

Fourteen of the state's watershed districts have elected to enforce on their 103E public drainage systems beginning November 1, 2018. Of those, seven have already adopted a rule and the remaining 7 are currently in the development process.

Thank you to all of the counties and watershed districts who have chosen to take on the enforcement provisions of the buffer law at the local level.

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| <b>Bemidji</b>   | <b>Brainerd</b>  | <b>Detroit Lakes</b>   | <b>Duluth</b>   | <b>Mankato</b>  | <b>Marshall</b>   | <b>Rochester</b>   | <b>St Cloud</b>   |
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## Enforcement Communications

**SWCDs:** Please remember that according to the buffer law language in Minn Stat 103F.48 Subd 7 (a), if the soil and water conservation district determines a landowner is not in compliance with this section, the district must notify the county or watershed district with jurisdiction over the noncompliant site and the board.

This means that even when BWSR is not the entity enforcing, we are required by statute to receive a copy of any notifications to a county or watershed district.

**Counties and Watershed Districts:** Please remember that according to the buffer law language in Minn Stat 103F.48 Subd 7 (a), the county or watershed district with jurisdiction (or the board) must provide the landowner with a list of corrective actions needed to come into compliance and a practical timeline to meet the requirements in this section. The county or watershed district with jurisdiction must provide a copy of the corrective action notice to the board.

This means that even when BWSR is not the entity enforcing the law, we are required by statute to receive a copy of any Corrective Actions Notices from a county or watershed district to a landowner.

When an SWCD, county, or watershed district is copying BWSR on the communications listed above please CC your respective [Buffer and Soil Loss Specialist](#) and your [Board Conservationist](#).

## Buffers and Alternative Practices Pictures

We are always looking for good pictures of Buffers and Alternative Practices before, during, and after installation. Please send any pictures you may have or that you take in the coming months to me at [tom.gile@state.mn.us](mailto:tom.gile@state.mn.us). We have seen some great pictures this spring and are particularly interested in pictures of alternative practices. I look forward to seeing what comes in!

## Other watercourses status

A few Counties and WDs are still in the process of adding their “other watercourses” to their local water management plans. Please remember when incorporating the summary as an addendum to the water plan, by adopting the summary submitted by the SWCD and providing notice to the agencies, organizations, and individuals that are required to receive a copy of the plan changes (including BWSR). This option assumes no additional changes, beyond incorporation of the summary of watercourses, are being made to the water plan.

If you have any questions on this process, please contact your BC or Buffer and Soil Loss Specialist.

## Thank you

Thank you all for your efforts and your ideas. We look forward to connecting with you over the summer and as always if you have any comments or questions please don't hesitate to contact Tom Gile at [tom.gile@state.mn.us](mailto:tom.gile@state.mn.us) or (507) 206-2894.