



Buffer Program Update

February 21, 2017

Local Government Staff,

The last few months have been a whirlwind for the Buffer Program. Your feedback and questions have been a great help; please continue reaching out with concerns or ideas to help make things work more effectively and efficiently. Here's the latest:

Enforcement Options

BWSR is planning to provide a draft copy of Policy #9 (Standards of review and approval of local enforcement mechanisms) for 30 day public comment in March. At that time we also plan to re-post the APO Plan (now Policy #10) for an additional 30-day public comment period given the substantive changes that have been made.

We are working toward a May 2017 goal for Board action on these policies. Updated copies of the county model ordinance and watershed district model rule that reflect comments received during the last round of reviews will also be available on the buffer website soon.

Local Government Communication

It's impossible to overemphasize the importance of County/WD/SWCD coordination and the benefits of the landowner/SWCD working relationship. If everyone works together, the landowner will be best served. We encourage you to set up local committees or staff teams and establish regular communication so everyone is on the same page. Many of you are already doing this, and it is also a good opportunity to engage local partners in the preliminary decision process for election of jurisdiction so that when/if funding is available you are ready. Remember a County or WD has the option to change their mind on electing jurisdiction in the future.

Landowner Communications

Many SWCDs have been diligently working to provide information to landowners about their responsibilities under the buffer law. These efforts range from letters, open houses, small workgroup meetings, and one-on-one interactions in the office and on the farm. As the first compliance deadline approaches, I encourage you to continue this work and build on it. These outreach efforts are vital pieces in spreading the word and providing information and options to landowners around the state.

BuffCAT Inventory

Thank you for stepping up and completing your preliminary inventories this past fall. I whole heartedly appreciate the effort this took by many; the information has already been extremely valuable as we communicate the progress and successes of this program. We have an updated guidance video on the BWSR webpage which provides a visual overview of how to export BuffCAT data into your own GIS system. The layer within BuffCAT does not contain landowner information so in order to use this for

contacting landowners some GIS assessments will need to be done locally in order to generate mailing lists or contact information.

Our last large maintenance update included some very significant processing of the BuffCAT compliance data layer. As a result, the “Date of edit” and “User edit” features, which are used to track who makes changes and when, will be overwritten with the date the new layer was updated and show all edits by Aaron Spence. This is not an issue, as the system will still track new changes going forward, but any “old” date changes and user changes will not be visible within the tool.

Alt Practices Coming

BWSR has been asked to provide examples of alternative practices to increase the efficiencies of SWCDs and landowners when considering what practices may be possible. This doesn’t account for all alternative practices scenarios, rather it will provide some common options, including:

1. USDA Practice Standard 393
2. Dry – Grassed waterway
3. Berm with negative slope (Public Drainage Ditch)
4. Berm with negative slope (public Water)
5. Buffer plus conservation tillage

Our goal is to provide these scenarios in March or early April. We will continue working on several other options through the spring.

Buffer map inquiries help

Review and refinement of the buffer map is progressing rapidly and DNR hopes to have the next map release in late February. Over 4000 comments have been registered on the buffer mapping application. Some of these comments cover the same water resource, including field reviews and redundant comments.

Please be sure your comment or a landowner’s concern has not already been addressed in the buffer application tool before entering a new comment. DNR greatly appreciates your local expertise. DNR will maintain the buffer map in the future by incorporating changes to public ditches and public waters. If you have questions on the maps or need further information on the process please contact Bill Huber with the MN DNR, (651) 345-5601 X 227 or bill.huber@state.mn.us.

Other waters status

SWCDs need to adopt an “other watercourses” map/inventory by July 1st, 2017. If you have not organized a meeting with your local water management authorities, I encourage you to do so and begin working through that process. The [“Other watercourses guidance”](#) on the BWSR website may be used as a guide for this process. It includes some data sets and discussions about things to consider during inventory development.

As a reminder, it is the policy of the Board of Water and Soil Resources that each SWCD must take the following steps:

(Please feel free to use these steps as a checklist of sorts to be comfortable you have completed the inventory adequately)

1. Consult with the local water management authorities within its jurisdiction.
2. Consider watershed data, water quality and land use information.
3. Assess the water quality benefits that buffers or alternative practices could provide to local water resources that were not included on the Buffer Protection Map.
4. Prepare a rationale for inclusion or exclusion of waters that were not included on the Buffer Protection Map prior to adoption of the summary of watercourses.
5. Adopt a resolution establishing the summary of watercourses in map or list form and submit it to all local water management authorities within their jurisdiction and to BWSR by July 1, 2017.

CRP eligibility, etc.

Now that we have a finalized CREP agreement, we have additional direction related to the potential options for CRP eligibility with the Buffer Law in place. We now plan on reopening our conversations with the State FSA office related to CRP eligibility on riparian lands which are subject to the Buffer Law. Please continue to inform landowners of the CRP program as a potential option for them as they implement the Buffer Law.

Thank you

As always, thank you all for your efforts and your patience. It can be challenging working on programs when we don't have all the answers, but rest assured we will continue to make positive progress and put forth a workable program.

If you have any comments or questions please don't hesitate to contact me at (507) 696-1974 or tom.gile@state.mn.us.