



Buffer Program Update

November 29, 2016

Existing Guidance and Policy

Based on feedback received it seems that published BWSR guidance and policies are addressing many of your questions related to preliminary implementation topics. We expect that in the coming months there will be some minor revisions to some of the current guidance documents as work continues to make them as useful for as many situations as possible.

Developing Guidance and Policy

Anticipating additional program needs, we are expecting several more policies to be developed in the next six months. Specifically, policies are needed for election of jurisdiction and enforcement. Our goal as these policies are developed would be to use a 30-day public review and comment period as was used for previously approved implementation policies. We expect to post the first of the additional proposed policies sometime in mid-December for public comments, aiming for final approval at the January 2017 Board meeting.

Alternative practices

As you all know, this is one of, if not the most, challenging aspects of implementing the Buffer Law. We are making incremental progress on guidance and examples for this aspect of the program. The truth is, the ability to quantify the benefits of a buffer on many landscapes is complex and there isn't an individual approach that will precisely address the number of varying scenarios in the landscape. We are still optimistic we will be able to develop useful examples, but they will necessarily have limits on site-specific applicability. However, we are also broadening our efforts. We are planning to work with several other organizations to come up with some potential "pre-approved" combinations of practices based on literature reviews and other science. These will provide additional options for landowners in selecting combinations of structural, vegetative and management practices applicable to their circumstances. There is still much work to be done in this arena to effectively assist our local partners and landowners in implementing this aspect of the law.

We welcome thoughts and ideas related to options for applying alternative practices. If you or those you know have a good idea, or thoughts about how alternative practices can be installed and verified in a relatively simple, repeatable and defensible fashion, please contact Tom Gile at tom.gile@state.mn.us or ((507) 206-2894).

BuffCAT (Buffer Compliance and Tracking)

BuffCAT continues to run smoothly. We currently have more than 220,000 parcels statewide listed as compliant or clearly compliant. Soil and Water Conservation District staff using the tool have been working diligently to get their preliminary inventories done. Many are already complete. More than 200 registered users representing 88 out of 90 SWCDs are using the system. In one day earlier this month, over 10,000 parcels were edited. Thank you SWCD staff for your efforts, which will go a long way in

helping identify the workload anticipated in the coming months and the high level of compliance already achieved by Minnesota landowners.

APO/Enforcement

We are on track to have a Draft APO plan, Model Rule, Model Ordinance and enforcement procedures available for review and comment in mid-December. As with the policies, these documents will be posted for public review and comment. We are working toward approval at the January BWSR Board meeting.

Our goal with development of policy and guidance is to provide enough context and substance to support a repeatable and defensible process while allowing enough flexibility for exercising judgement in making decisions locally or in the field. We encourage field staff to review these documents and provide us feedback.

Thank you

As always, thank you all for your efforts and don't hesitate to contact Tom Gile as we continue to develop the components of Minnesota's State Buffer Program.