



**SIBLEY SOIL AND WATER  
CONSERVATION DISTRICT**

# MN BUFFER LAW

**JULY 2015**

## What You Need to Know

Governor Mark Dayton's new landmark buffer initiative was recently signed into law, designating an estimated 110,000 acres of land for water quality buffer strips statewide. The law established new perennial vegetation buffers up to 50 feet along rivers, streams, and ditches that will help filter out phosphorus, nitrogen, and sediment. The new law provides flexibility for landowners to install and maintain buffers, and boost compliance with buffer laws across Minnesota.

### What we know....

- The Department of Natural Resources (DNR) will map all public waters and ditches that will be subject to buffers by July 2016.
- 50 foot buffers must be installed on public waters by November 2017.
- 16½ foot buffers must be installed on public ditches by November 2018.
- Many small streams, headwaters and ditches aren't "public." It will be up to the state's 90 county soil and water conservation districts (SWCD's) to identify those that need buffers.
- Landowners retain use of the buffer (unless the area is enrolled in a Federal or State program such as CRP, RIM, CREP) as long as perennial vegetation is maintained.
- Landowners may choose to adopt other conservation aimed at protecting water if those practices provide the same level of protection as a buffer.
- Over the first two years, the SWCD's will share \$22 million from the Legacy Amendment's Clean Water Fund for technical assistance costs. After the first two years, funding comes from the state's general fund.
- The state Board of Water and Soil Resources (BWSR) can withhold funds to SWCD's that fail to implement the law.
- Counties, watershed districts or BWSR will enforce the law, and fines up to \$500 can be issued; multiple fines could be issued. "You can't just pay to not have a buffer," said John Jaschke, BWSR executive director.
- No new money is in the bill to pay landowners to take cropland out of production to plant buffers, but there is \$33 million from the Clean Water Fund and the Outdoor Heritage Fund available for easements and other financial assistance to help landowners meet or exceed buffer requirements. The federal Conservation Reserve Program (CRP) and state Reinvest in Minnesota (RIM) program can provide annual or easement payments.