



Grazing and haying of buffers

Buffer Law Implementation Guidance

September 27, 2016

Purpose and Considerations

To provide Soil and Water Conservation Districts (SWCDs) charged with implementing the Buffer Law the direction to help landowners establish buffers that may be hayed or grazed in compliance with the Buffer Law) and consistent with Drainage Law .

Statutory References

The Buffer Law does not explicitly restrict the use of grazing or haying established buffers so long as it is done in a manner that maintains the perennial vegetation. Additionally, Subd. 5(6) of this law allows for a temporary, non-vegetated condition due to “drainage tile installation and maintenance, alfalfa or other perennial crop or planting seeding, or construction of conservation projects authorized by a federal, state or local government unit”.

For buffers established within a Public Drainage Systems Minnesota Statutes §103E.021, Subd. 2 allows reseeding and harvesting of perennial vegetation from buffers:

The authority having jurisdiction over the repair and maintenance of the drainage system shall supervise all necessary reseeding. The permanent strips of perennial vegetation must be maintained in the same manner as other drainage system repairs. Harvest of the vegetation from the permanent strip in a manner not harmful to the vegetation or the drainage system is the privilege of the fee owner or assigns. The drainage inspector shall establish rules for the fee owner and assigns to harvest the vegetation.

Implementation of buffers using conservation program assistance, financial compensation, easements or formal processes under any existing federal, state, or local laws are subject to the restrictions of those specific programs and are to be addressed on a case by case basis. It is the responsibility of a landowner or authorized agent or operator of a landowner to be aware of any programmatic assistance, financial assistance or easements used to establish buffers on their land which may further restrict the use of the riparian buffer areas.

Grazing

If a land owner intends to manage the buffer as a part of a grazing operation they are encouraged to develop a management plan in coordination with SWCD staff. The management plan should give consideration to the following:

- Frequency and duration of livestock access to the buffer area
- Livestock exclusions or controlled access to the water body for crossing or watering purposes
- Nutrient management of the buffer area
- Likelihood of inundation and appropriately tolerant species/mix
- Frequency of scheduled tillage or rotation
- Seeding rates
- Use of a nurse/cover crops for establishment

- Bank stability and soil compaction

NOTE: Overgrazing of a buffer or traffic by livestock to the point where the vegetation is significantly inhibited or cannot sustain itself could constitute non-compliance with the Buffer Law and may require corrective actions.

Haying

If a landowner or authorized agent or operator of a landowner intends to manage the buffer as a part of a perennial crop planting or seeding, they are encouraged to develop management plan in coordination with local SWCD staff which gives consideration to the following:

- Likelihood of inundation and appropriately tolerant species/mix
- Frequency of scheduled tillage or rotation
- Seeding rates
- Use of a nurse/cover crops for establishment
- Bank stability and soil compaction

NOTE: Under no circumstances would annual crops be an acceptable standalone crop in a rotation in where a buffer strip is being used for grazing or haying.