



Policy 1: Compliance Determinations (Parcel and Bank Approach)

Buffer Law Implementation

August 25, 2016

Policy

It is the policy of the Board of Water and Soil Resources that SWCDs will perform compliance reviews at the following scales:

1. An overall status of “Compliant” or “Not Compliant” will be determined and tracked on a parcel basis as identified by a unique locally defined property identification number or description.
2. Each bank, or edge, of a water body on an individual parcel will be reviewed independently to determine if a compliant buffer or alternative practice(s) has been installed.

Background

The Buffer Law establishes buffer widths or required alternative water quality practices based on the classification of the waters identified on the Buffer Protection Maps.

It is the landowner’s responsibility to establish and maintain a buffer or alternative practice. It is necessary to prescribe the scale at which a buffer or alternative practice would be reviewed to assess compliance with the law for SWCDs. This policy provides a consistent legal basis for the scale at which Soil and Water Conservation Districts (SWCDs) determine compliance. In addition, it provides clarification for the scale at which the entity “with jurisdiction” would pursue any necessary corrective actions.

Policy Need:

- 1) Landowners subject to monitoring or corrective actions need to know at what scale those determinations will occur.
- 2) It provides a consistent legal basis for the scale at which the Counties, SWCDs and Watershed Districts determine buffer compliance.
- 3) It provides a consistent legal basis for the SWCD to issue a validation of compliance if requested by a landowner.

Statutory Basis

- Section 103F.48 Subd. 3(a). Water Resource protection requirements
- Section 103F.48, Subd. 6. Local implementation and assistance
- Section 103F.48 Subd. 7. Corrective Actions
- Section 103F.48 Subd. 8. Funding subject to withholding
- Section 103B.101 Subd. 12(a). Administrative Penalty Orders