



Policy 4: Alternative Practices Implementation

Buffer Law Implementation

August 25, 2016

Policy

It is the policy of the Board of Water and Soil Resources that assessments of the water quality benefit provided by an alternative riparian water quality practice(s) for compliance with the water resources riparian protections of 103F.48 must be applied to each bank within a parcel and must:

Achieve water quality benefit via: (a) documentation of the assessment method used; (b) a map or diagram of the practices; and (c) documentation that the water quality protection is comparable to a buffer for the water resource it abuts.

Water quality protection comparable to a buffer means that the alternative practice(s) proposed or implemented must:

1. Treat all water running off of a parcel which would otherwise be treated by a 103F.48 prescribed buffer prior to entering a waterbody identified on the Buffer Protection Map.
2. Demonstrate treatment or protections from erosion and runoff pollution, including suspended solids, sediment and sediment associated constituents at least equivalent to that which the buffer would provide; and
3. Consider the stability of soils, shores and banks.

Background

The Buffer Law allows use of alternative practices approved by the board on agricultural lands which provide comparable water quality benefit to that of a buffer.

A buffer, as described in the NRCS Field Office Technical Guide, provides treatment along the entire frontage of a water body where overland flows move towards the water resource. Buffers may also provide a surface water protection setback for application of pesticides and crop nutrients based on specific product label best management practices. In addition, a buffer's established root structure can provide shore and bank soil stability.

Policy Need

- 1) Provide a consistent basis for determining "comparable water quality benefit" including the scale at which these benefits will be assessed.
- 2) To establish a process for consideration of a proposed/implemented alternative practice(s) to be validated by the SWCD per MS§103F.48 Subd. 3 (d).
- 3) SWCDs and local governments need to validate the sufficiency of the alternative practices should corrective actions be needed.

Statutory Basis

Minnesota Statutes §103F.48, the Buffer Law, includes the following purposes:

- (1) protect state water resources from erosion and runoff pollution;
- (2) stabilize soils, shores, and banks; and
- (3) protect or provide riparian corridors.

The law allows use of alternative practices approved by the board on agricultural lands which provide comparable water quality benefit to that of a buffer as follows:

(b) A landowner owning property adjacent to a water body identified in a buffer protection map and whose property is used for cultivation farming may meet the requirements under paragraph (a) by adopting an alternative riparian water quality practice, or combination of structural, vegetative, and management practices, based on the Natural Resources Conservation Service Field Office Technical Guide or other practices approved by the board, that provide water quality protection comparable to the buffer protection for the water body that the property abuts. Included in these practices are retention ponds and alternative measures that prevent overland flow to the water resource.

For further reference:

- Section 103F.48 Subd. 3(b). 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