



# Policy 5: Other Alternative Practices Approved by the Board

## Buffer Law Implementation

August 25, 2016

### Policy

It is BWSR's policy that alternative practices which do not exist within the NRCS Field Office Technical Guide will be considered for use as a practice statewide as follows:

1. Via a proposal form, in a format prescribed by the Board, for the purposes of evaluating:
  - A) Proposed practices to provide comparable water quality protection; and
  - B) Methods that may serve as evidence that comparable water quality protections will be achieved.
2. Within 90 days of receiving a completed proposal form, the BWSR Executive Director will convene a technical advisory team to review the proposal for the purposes of developing a recommendation to the BWSR Buffers, Soils and Drainage Committee.
3. The ad-hoc technical team may include staff representation from the following agencies:
  - a. Board of Water and Soil Resources
  - b. Minnesota Department of Natural Resources
  - c. Minnesota Pollution Control Agency
  - d. Minnesota Department of Health
  - e. Minnesota Department of Agriculture
  - f. University of Minnesota
  - g. USDA – Natural Resources Conservation Service

The Executive Director may invite other experts to participate or provide input.

4. The BWSR Board will consider a recommendation from the Buffers, Soils and Drainage Committee for inclusion of the practice(s) or method(s) as a Board-approved alternative water quality practice within 90 days of a Committee recommendation.
5. This policy becomes effective January 1, 2017.

### Background

The Buffer Law allows use of alternative practices approved by the board on property which is used for cultivation farming and provide comparable water quality benefit to that of a buffer.

#### Policy Need:

- 1) A process must be established for Board of Water and Soil Resources (BWSR) Board consideration of alternative water quality practice(s) not found in the NRCS Field Office Technical Guide so they may be used as an alternative to the standard buffer widths.

## 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.

This 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. 8. Funding subject to withholding
- Section 103B.101 Subd. 12(a). Administrative Penalty Orders