

# Bois de Sioux Watershed District

## Buffer Rule

On March 28, 2019, the Bois de Sioux Watershed District (the "District") held a public hearing on the proposed adoption of the Riparian Protection and Water Quality Practices Rule (the "Buffer Rule"). The Buffer Rule, which is required by the State of Minnesota, was modeled after the State's Buffer Law provided under Minn. Stat. § 103F.48. This document is a summary of the District's Buffer Rule, which was originally heard on March 28, 2019, and tabled to April 18, 2019, where it was subsequently approved and adopted. For the full text, please click [here](#).

As required by Minnesota law, the District submitted the proposed Buffer Rule to the Board of Water and Soil Resources ("BWSR") and public transportation authorities that have jurisdiction within the watershed district for their respective review and comment. In addition, the District published notice for a public hearing on the proposed Buffer Rule for its March 28, 2019, meeting. The District modified its proposed Buffer Rule to comply with BWSR's requested revisions. Neither the public transportation authorities nor members of the public provided any written or oral testimony in favor of or opposed to the Buffer Rule at the March 28, or April 18, meetings.



After closing the public hearing on April 18, 2019, the District approved and adopted the Buffer Rule. The adopted Buffer Rule applies to all legal drainage systems which the District is the drainage authority (legal drainage systems are green lines on the [DNR Buffer Map](#)). The District serves as the drainage authority in Traverse County and portions of Wilkin County and Grant County (indicated in a red solid line [here](#)).

## Purpose

1. Protect state water resources from erosion and runoff pollution;
2. Stabilize soils, shores, and banks; and
3. Protect or provide riparian corridors.

Soil and Water Conservation Districts (SWCDs) are tasked with assisting landowners with ways to come into compliance with the law if a buffer or alternative practice is missing. For questions, please contact:

**Big Stone County SWCD**  
320-839-6149

**Grant County SWCD**  
218-685-5395

**W. Otter Tail County SWCD**  
218-998-5300

**Stevens County SWCD**  
320-589-4886

**Traverse County SWCD**  
320-563-8128

**Wilkin County SWCD**  
218-643-2933

### General Provisions:

- Landowners must establish and maintain a permanent vegetative buffer strip with a width of at least sixteen and one half feet (16.5') adjacent to legal public drainage systems.
- The permanent vegetative buffer strip is measured outward from the top edge of the constructed channel, or to the crown of the leveled spoil bank, whichever is the greater.
- The permanent vegetative buffer strip must be planted with perennial vegetation. Harvesting the vegetation from the permanent vegetative buffer strip in a manner not harmful to the vegetation or the drainage system is the privilege of the fee owner or assigns.

The Buffer Law was signed into law by Governor Dayton June 2015.

# Exemptions

## Exemptions:

- Land enrolled in the federal Conservation Reserve Program.
- Land used as a public or private water access or recreational use area.
- Land covered by a road, trail, building, or other structures.
- Land that is part of a water-inundation cropping system.
- Land in a temporary, nonvegetated condition due to drainage tile installation and maintenance.
- Alfalfa or other perennial crop.
- Land under construction or conservation projects authorized by a federal, state, or local government units.
- Land regulated by a national pollutant discharge elimination system/state disposal system ("NPDES/SDS") permit.

# Alternative Practices

## Alternative Practices:

A landowner practicing cultivation farming may demonstrate compliance with the Buffer Rule by establishing and maintaining an alternative riparian water quality practice, or combination of structural, vegetative, and management practices which provide water quality protection comparable to the water quality protection provided by a required permanent vegetative buffer strip. Contact your local SWCD for options in your county. The adequacy of any alternative practice is based on the following:

1. Natural Resources Conservation Service ("NRCS") Field Office Technical Guide ("FOTG");
2. Practices based on local conditions approved by the Soil and Water Conservation District ("SWCD") that are consistent with the NRCS FOTG; or
3. Other local practices adopted by BWSR.

## Determination of Compliance:

Compliance with the Buffer Rule will be determined on a parcel by parcel basis, documented by the applicable SWCD. When the SWCD identifies potential noncompliance with the buffer requirement or receives a third-party complaint from a private individual or entity, or from another public agency, it will consult with the District to determine the appropriate course of action to document compliance status.

## Noncompliance:

If the SWCD determines a parcel is not in compliance, the SWCD is required to notify the District and BWSR. The District will provide the landowner a list of corrective actions and a timeline; this information must also be provided to BWSR.

## Enforcement:

The District may seek remedies against any landowner or responsible party for noncompliance with the Buffer Rule, including referral to the county attorney for criminal misdemeanor prosecution in the county where the offense occurred.



**Bois de Sioux Watershed District**

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