

## Legislature Approves Revisions to Buffer Requirements

After lengthy debate and numerous public meetings, the Minnesota legislature has sent to the Governor a bill including several revisions to buffer requirements. If signed into law, the legislation will:

1. require that buffers of perennial vegetation averaging 50 feet, with a minimum of 30 feet, must be installed along all public shorelands by November 2017;
2. require that buffers of perennial vegetation of 16.5 feet must be installed along all public drainage ditches by November 2018;
3. provide for penalties of up to \$500 for noncompliance.

The legislation continues the current drainage ditch buffer width requirements under Minnesota statute 103E, but accelerates implementation with the November 2018 deadline. The legislation thus requires that some ditch buffers will be put in place prior to redetermination of benefits, the process by which all benefited landowners are allocated their portion of the expenses associated with establishing buffers and other ditch maintenance costs and which provides compensation to the landowners required to install the buffer.

Anti-agricultural groups had sought to increase the ditch buffer requirement from 16.5 feet to 50 feet and to expand the requirement to all types of watercourses, including intermittent streams that may only be wet a few days in a normal year.

The legislation does NOT allow for public access to buffer areas for hunting or other purposes.

The legislation calls for implementation by counties, primarily through local SWCDs, who “must assist landowners with implementation” of the plan. SWCDs will also be required to work with landowners on the implementation of alternative practices where comparable water quality protection can be achieved and in tracking progress toward compliance with the requirements. It is anticipated that state funds will be made available to county SWCDs to aid in implementation, but such legislation has not yet been finalized.

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## Follow-up to the Great Buffer Debate- Implications for Farmland Owners and Operators

Governor Dayton has made it very clear that buffer strips are a high priority for him and the discourse has elevated public attention on both buffers and farmers. Unfortunately, little appreciation was shown for the thousands of farmers and farmland owners who already have buffer strips in place and have taken many other efforts to protect water quality. As a farm advocate, I do extend a sincere thank you.

The challenge over the next 2-3 years is clear. I encourage farmers and farmland owners to identify those places you own or operate where buffers will need to be installed. Compliance may allow flexibility, but it is not optional. If you are unsure, talk to someone at your local SWCD office.

Explore your options. Some of you will prefer to install buffers totally on your own. If you do so, you retain the ability to hay or graze the buffer area. Or, if you prefer, you can explore cost-share assistance through state or federal programs, recognizing that if you apply cost-share, you will be subject to the requirements of those

programs, including possible limitations on management options. Your local SWCD staff can help guide you through the process.

If a buffer seems out of the question, talk to your local SWCD staff about possible alternative practices. Perhaps a smaller width buffer combined with other conservation practices such as a reduction in tillage intensity in the adjacent fields will achieve the same result. Other practices to consider include grass waterways or terraces. Along ditches, look for culverts, inlets or low spots in the ditch berm where water may flow. These spots may need special attention.

Landlords and tenants need to talk. Rental agreements may need to be evaluated and possibly adjusted to reflect changes in tillable acres or other details. Owners and operators will have to be on the same page relative to buffer installation and maintenance and potential alternative practices.

The importance of good working relationships between farmers and local SWCD staff will be elevated by this new emphasis on buffers. This is a two-way street. I encourage farmers to do your best to work with your local SWCD team. If you encounter resistance or program obstacles, talk to your preferred farm organization. They can often help, but only if they are aware of the problem.

Minnesota farmers were well represented through the process that led to the new buffer legislation. The leaders of Minnesota Farm Bureau, Minnesota Farmers Union, Minnesota Corn Growers and Minnesota Soybean Growers were exceptionally engaged, attending numerous meetings with legislators and the Governor. Numerous other farm groups also provided support. Their message was consistent from the beginning, showing clear support for effective water quality programs that also allow for successful farm operations, and preserving the flexibility for farmers to achieve conservation goals through largely voluntary programs.

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The MAWRC is a non-profit research and education corporation comprised of 24 agricultural organizations working together to address water issues. For more information, go to [www.mawrc.org](http://www.mawrc.org).

