

Minnesota's Buffer Law and a County's Role and Responsibilities

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In 2015, the state enacted buffer legislation, regulating land use adjacent to specific public waters and public drainage system ditches. The legislation's intent was to protect public waters from erosion and runoff pollution, and to stabilize soils, shores, and banks.

Buffer Law Basics

Landowners whose property is adjacent to public waters must maintain a continuous perennial vegetation buffer with a **50-foot average width and 30-foot minimum width** along public waters by **November 1, 2017**. Public waters may include lakes, wetlands, and watercourses as defined in [state law](#) and identified on the [buffer protection map](#).

Landowners whose property is adjacent to a public drainage system ditches must maintain a continuous perennial vegetation buffer with a **16.5-foot minimum width** along the drainage system ditch by **November 1, 2018**. Buffers may not be necessary along all drainage system ditches, but are required around the ditches identified on the [buffer protection map](#).

Landowner Assistance

Properties that require buffers are identified on a map managed by the Minnesota Department of Nature Resources. An up-to-date map can be found on the [DNR's Buffer Mapping Project website](#). Landowners can receive [technical and financial assistance](#) through federal, state, and local programs. In some cases, landowners can avoid establishing buffers by [adopting alternative practices](#).

The County's Role in Buffer Law Compliance

Soil and Water Conservation Districts (SWCD) are required to provide landowners with planning, technical assistance, and tracking compliance. Counties and watershed districts may choose to assume jurisdiction over enforcing compliance with the buffer law. If the county or watershed district forgoes its authority, the Board of Water and Soil Resources is responsible for compliance enforcement. Compliance enforcement includes issuing corrective actions and deadlines to noncompliant land owners and assessing monetary penalties for continued noncompliance. Counties may opt in or out of enforcement responsibilities at any time.

Before deciding whether to assume jurisdiction, counties should consider:

- What is the extent of current buffer compliance in our county? How much enforcement will be needed?
- Do we currently have the staff capacity to enforce compliance or will we need to add new staff?
- Will our residents prefer to work with county staff or the state about compliance issues?
- Will the state funding via Riparian Protection Aid cover the costs our county will incur if we assume jurisdiction of enforcement duties?
- What are our expected the enforcement costs? Will they change over time? Will the state funding continue into the future?
- How will assuming jurisdiction impact our county's current land use plan or planning and zoning ordinances?
- Is it important to our residents and to the enforcement of this law that our county maintains local control over buffer compliance? ■



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