

Dear Landowner,

The Minnesota Board of Water and Soil Resources (BWSR) requests your response regarding Minnesota Statute §103F.48 – “The Buffer Law.” Statute requires landowners owning property adjacent to a water body identified and mapped on the buffer-protection map to maintain a buffer width of a 50 foot average, 30 foot minimum, or implement an approved alternative practice to protect the state's water resources.

On March 14, 2019 the Watonwan Soil and Water Conservation District (SWCD) sent BWSR formal notification stating that they had not been able to get ahold of you to determine buffer compliance on your parcel #xxxxxxxxxx.

From aerial photography review, we are able to determine that in 2017, you had some buffer in place already, but not an average of 50 feet and it is unclear if any other practices exist on site which may qualify as an “alternative practice” under the law. Local staff have not been able to access the site to more accurately determine the presence or absence of a buffer, and based on the available imagery as well as the SWCD Notification of Non Compliance, your parcel is currently considered non-compliant. To more accurately assess the existing buffer and determine if additional width is needed to become compliant or if you are eligible for a reduced buffer width via alternative practice options, the SWCD and/or BWSR must obtain either verbal or written permission to access your property. Alternative practices are determined on a parcel-by-parcel basis. They take into consideration site specific characteristics including soil types, drainage features, topography, and farming practices. Following a site-visit, we will be able to give you a list of options to become compliant, or if you meet an approved alternative practice option already, we will determine you are in compliance with the buffer law and provide you with written documentation stating so.

We (BWSR) are encouraging voluntary compliance which would include your willingness to work with either the local SWCD office or BWSR to assist you in understanding what would be needed to bring your parcel into compliance with the buffer law within a reasonable and an agreed upon timeframe, or to determine it is currently in compliance. The SWCD has attempted to contact you a number of times via letters and now we (BWSR) have attempted to reach out to you via phone calls and voicemails left on April 8, 2019 and April 11, 2019. If we do not receive a response from you within 30 days of receipt of this letter, we will be forced to begin the enforcement process.

The enforcement process starts with a Corrective Action Notice (CAN) from BWSR which starts the 11-month timeframe the landowner then has to install a buffer or alternative practices without accrual of monetary fines. Following the CAN, an Administrative Penalty Order (APO) will be issued highlighting the schedule for accrual of fines that will continuously be assessed until a buffer is installed.

Deadline to respond: *May 16, 2019*

The BWSR contact is Kevin Roth. He can be reached at 651-706-3673 or by email at kevin.roth@state.mn.us

The Watonwan SWCD contact is Chad Hildebrand. His contact information is - Cell: 507-621-0094 Office: 507-375-2552 or by email at chad.hildebrand@co.watonwan.mn.us