

**Memorandum of Agreement
Between
Pope SWCD and Sauk River
Watershed District
For Administration of the Pope County Buffer Ordinance on
JD1, CD6, and CD11**

This agreement is made between Pope SWCD, hereinafter called SWCD and Sauk River Watershed District, hereinafter called SRWD for administration of the Buffer Rule, pursuant to authorizing resolutions of the boards of the SWCD and SRWD.

Sauk River Watershed District Resolution #04-17 provides the SRWD's election of jurisdiction to enforce the provisions of Minn. Stat. Chapter 103F.48 (Buffer Law) on those Minn. Stat. Chapter 103E (Drainage Law) drainage systems for which it is the drainage authority.

On November 21, 2017 SRWD adopted a rule which provides adequate procedures for enforcement of the buffer law.

The Drainage Law and Buffer Law have overlapping responsibilities for drainage authorities and SWCDs in instances where a system has acquired permanent strips of perennial vegetation under section 103E.021. This duplication specifically exists relative to efforts for inspection and notification of noncompliance of buffers once acquired by the system.

This agreement is intended to clarify and streamline responsibilities between the SWCD and SRWD for these systems. This clarification is needed to ensure both parties are fulfilling their statutory obligations as well as provide cost efficiencies to the public.

Therefore, the SWCD and SRWD agree as follows:

A. The SRWD Agrees to:

1. Provide a map to the SWCD identifying all 103E drainage systems administered by SRWD which are within the SWCD and have a permanent strip of perennial vegetation established under section 103E.021. This map will be updated in the event new systems are acquired by the SRWD.
2. Carry out the provisions of 103E related to the inspections, corrective actions and enforcement of these perennially vegetated strips as needed on these systems consistent with the Rule adopted by SRWD and 103E. As a result the SRWD is carrying out the compliance monitoring on these systems which would otherwise be completed by the SWCD under 103F.48.
3. Send Corrective Action Notices to Pope County Land and Resource Management, and the Pope SWCD on these systems.

B. The SWCD agrees to:

1. Assist landowners and SRWD as requested by the SRWD in the implementation and review of water resource riparian protection requirements. This includes planning, technical assistance, implementation of approved alternative practices, and tracking progress toward compliance with these requirements.
2. Review compliance determinations as received from SRWD

3. In the event the SWCD identifies potential noncompliance on these systems it will provide notification to SRWD.
4. Provide information needed to the SRWD Ditch Inspector for writing the Corrective Action Notices as requested by SRWD.
5. Review documentation submitted from a parcel owner on the correction of a violation set forth in a Corrective Action Notice and document compliance at the request of SRWD.

This agreement may be amended by mutual agreement of Pope SWCD and SRWD by resolutions of their respective boards.

This agreement shall become effective upon signature of all duly authorized signatures and shall remain in effect until terminated by agreement of the parties or thirty days after written notice of termination by either party to the order.

Board Chair Pope SWCD

Date

Date

Board Chair SRWD
