

# Riparian Protection Aid Work Plan For FY19 Funds

## Statutory Authorization

- (i) **Statutory authorization.** The buffer law is pursuant to the authorization and policies contained in Minn. Stat. §103F.48, the Buffer Law. The County planning and zoning enabling legislation in Minn. Stat. chapter 394 allows establishments of ordinances and other means of enforcing the Buffer law and other laws of the state.
- (ii) **Purpose and Intent of the Buffer Law:**
  - (1) (a) Provide for riparian vegetated buffers and water quality practices to achieve the following purposes:
    - (a) Protect state water resources from erosion and runoff pollution;
    - (b) Stabilize soils, shores and banks; and
    - (c) Protect or provide riparian corridors.
  - (2) Coordinate the implementation and enforcement of the water resources riparian protection requirements of Minn. Stat. §103F.48 with the Shoreland management rules and ordinances adopted under the authority of Minn. Stat. §103F.201 to 103F.227 and the management of public drainage systems established under Minn. Stat. chapter 103E where applicable; and
  - (3) Provide efficient and effective direction to landowners and protection of surface water quality and related land resources.

**Riparian Protection Aid Funds** were provided to counties for FY18 and FY19 that have assumed buffer enforcement responsibilities. Funds are directly from the MN Department of the Treasury and only basic guidance was provided for their use; only that they support the buffer law Minn. Stat. §103F.48. Using this direction the following plan was developed.

## How will funds be used in Todd County?

### 1. Buffer Enforcement

Buffer rules will be enforced using Planning and Zoning staff.  
Todd County will adopt the Administrative Penalty Order approach for enforcement  
The process for this has been drafted and will be part of the ordinance amendment (#3).

### 2. Enhanced Shoreland Permitting

Allocation of funds to allow increased staff time to be spent on Shoreland applications and toward board of adjustment requests to ensure riparian areas are protected.

### 3. Revision of Shoreland Ordinances within Todd County

Provisions relative to county ordinance and buffer enforcement will be added to the ordinance.  
The Shoreland ordinance section will be reviewed and revised with an effort to identify what can be done to streamline implementation of the ordinance to obtain increased compliance and understanding by the public.

### 4. Riparian Education and Outreach

This category will be administered by SWCD. Increase connection and contact with area lake associations, develop and deliver presentations, newsletter articles, other programs to raise awareness of riparian area protection such as development of a Shoreland publication and outreach program to lake owners may be completed.

### 5. Riparian Protection Projects

This category will be administered by SWCD for cost share with landowners. Cost share projects that reduce sediment and nutrient loading to state waters and ditches. Project reductions in sediment and nutrients will be calculated and tracked.

Budget for FY18 and FY19 Riparian Protection Aid Funds

<b>Activity</b>	<b>Prior Year Budget Amount FY18</b>	<b>Current Work Plan Amount FY19</b>
Administration	\$5,000	\$5,000
Buffer Enforcement	\$30,000	\$20,000
Shoreland Alteration Permitting	\$10,000	\$10,000
Shoreland Ordinance Revision	\$10,000	\$10,000
Education and Outreach - Riparian Protection *	\$15,000	\$30,000
Riparian Protection Projects*	\$43,583	\$66,979
<b>Total*</b>	<b>\$ 113,583</b>	<b>\$141,979</b>

- Un-spent funds are carried forward into the next fiscal year and applied to same category.
- Education and Outreach and Riparian Projects funds are administered by SWCD.

**Extra Notes**

**Projects**

In Todd County project funds will be applied to areas zoned Shoreland that pose a risk of nutrient and sediment release to state waters. The rationale for this is that the commonly accepted definition of riparian zone includes the areas adjacent to public waters and also the floodplains, wetlands, and lands closely associated with them. Working only on the shore line, or only in the first 50’ from the water would be short sighted and be counter to the “watershed approach” being promoted widely in Minnesota.

Projects along ditches or streams leading to state waters but not in “shore land” zoning may be considered by staff and funded if the nutrient and sediment reductions are significant relative to other applications.

Projects will be administered by SWCD. Project selection will be made by staff.

Follow normal process and rules for state cost share (rates, etc) will be used.

**Riparian Zone – USDA NRCS Definition**

Riparian zones are the areas bordering rivers and other bodies of surface water. They include the floodplain as well as the riparian buffers adjacent to the floodplain. Riparian zones provide many environmental and recreational benefits to streams, groundwater and downstream land areas. Groundwater is usually found at shallower depths in riparian zones than in the surrounding landscape. Riparian zones are visually defined by a greenbelt with a characteristic suite of plants that are adapted to and depend on the shallow water table.

**How Riparian Areas Are Protected**

Regulatory Approaches

*Shoreland Rules* overseen by MN DNR and through County Planning and Zoning staff.

*Wetland Conservation Act (WCA)* protects wetlands in Shoreland areas

*Buffer Law* – recently established for state waters and public ditches statewide

Voluntary Approaches

SWCD education and outreach activities

Lake Associations and other non-profit groups and organizations

One-on-one with landowners and by providing technical assistance through Zoning and SWCD staff.