

# Buffer law's 3-year progress report



## How seven SWCDs across Minnesota worked with landowners to increase compliance



Efforts made by local government staff across Minnesota to bring land into compliance with the state's riparian buffer law are paying off. Recent reporting shows high levels of compliance — particularly in areas that faced challenges early in the implementation process.

In 2015, the Minnesota Legislature passed a law requiring perennial vegetative buffers of up to 50 feet along lakes, rivers and streams, and of 16.5 feet along ditches. Riparian buffers help filter out phosphorus, nitrogen and sediment, and are an important conservation practice for helping to keep water clean. The deadline for

buffer implementation on public waters was Nov. 1, 2017.

As of December 2020, 28 of Minnesota's 87 counties are fully compliant with the law. On a statewide level, compliance on public waters exceeds 99%; compliance on all waters is over 98%. Tom Gile, resource conservation section manager for the Minnesota Board of Water and Soil Resources (BWSR), said the remaining counties are actively working to bring remaining parcels into compliance.

"Soil and water conservation districts have been instrumental in determining compliance and assisting landowners

*Landowners collaborated with SWCD staff throughout Minnesota over the past several years to implement riparian buffers such as this Pennington County filter strip.*  
**Photo Credit:**  
Pennington SWCD



with implementation,” Gile said. “This includes planning, technical assistance, implementation of approved alternative practices and tracking progress toward compliance.”

If an SWCD determines that a landowner is not in compliance, SWCD staff must notify the enforcement entity (which can be a county, watershed district, or BWSR) with jurisdiction over the noncompliant parcel of land. SWCD staff contact landowners to offer options and assistance to help bring parcels into compliance voluntarily before issuing a notification of noncompliance to the enforcement entity.

According to BWSR data, between the initial 2017 deadline and 2020, more than 50,000 parcels moved from noncompliant to compliant. Here’s a look at several SWCDs that have made significant progress toward increased compliance in counties around the state during that timeframe.

### Blue Earth County

2017 compliance rate: 82.4%

2020 compliance rate: 99.8%

Blue Earth SWCD and Blue Earth County jointly received a Clean Water Fund grant in 2011 to plant shoreland buffers, providing a head start on buffer implementation. The grant helped both local government units install 50-foot vegetated buffers along rivers, streams and lakes in agricultural areas — the same standard required by the buffer law passed four years later. After the law was passed, Blue Earth SWCD staff worked with landowners to come up with specific plans for each affected parcel. Jake Fritz, conservation specialist for Blue Earth SWCD, said alternative practices offered some flexibility for



Riparian buffers are pictured in Blue Earth County, **top**, and Faribault County, **middle**. **Bottom**: A Polk County buffer is seeded. **Photo Credits:** Blue Earth SWCD, Faribault County, West Polk SWCD

landowners.

“Every SWCD in the state has had an unhappy landowner or two, however, when good communication and accurate information is given out and there is trust there between two different sides, anything

is possible,” Fritz said.

### Faribault County

2017 compliance rate: 58.1%

2020 compliance rate: 99.8%

According to Faribault

County project manager Dustin Anderson, common alternative practices provide flexibility, allowing landowners to comply with the law while delivering water quality benefits comparable to buffers. Faribault County SWCD has made significant progress toward total compliance since 2017: as of late December 2020, only four parcels in the county were considered noncompliant.

“Utilize your resources,” Anderson said. “Often, there is at least someone in the office that knows the landowner or land renter. We can reach out to the landowner or renter to better understand the reasons for noncompliance.”

### Pennington County

2017 compliance rate: 39%

2020 compliance rate: 93%

According to Pennington SWCD staff, the best way to work with landowners to bring them into compliance with the buffer law is to meet them on site and discuss options that will work for their operation. On-site visits also offer the opportunity to discuss other resource concerns unrelated to the buffer law.

### Polk County

2017 compliance rate: 73%

2020 compliance rate: 98.7%

Landowners in Polk County were contacted by staff from the two SWCDs that operate in the county: East Polk SWCD and West Polk SWCD.

According to West Polk SWCD manager Nicole Bernd, her staff sent a series of letters annually to parcel owners with noncompliant land, which helped start conversations about what needed to be done to bring land into compliance on a parcel-by-parcel basis. SWCD staff also met weekly





Riparian buffers are pictured in Swift County, **left**, and Stearns County, **right**. **Photo Credits:** Swift County SWCD, Stearns County SWCD

to discuss developments in buffer implementation.

“We took it upon ourselves to prove to landowners that our goal is to work with them to come into compliance,” Bernd said. “Establishing that trust went a long way towards promoting the cooperation that was needed to get us as far as we’ve gotten. The time and effort we invested in getting this right from the beginning is paying off.”

East Polk SWCD took a similar approach, sending multiple letters that included maps of individual properties to notify landowners that the SWCD was available and willing to help bring their parcels into compliance. SWCD staff performed site visits where they spoke with landowners about customized plans that fit their operations. SWCD

staff regularly reviewed buffers as new imagery became available and by conducting roadside reviews.

“I think if there was one thing that made us stand out, it is the customer service we offered to landowners when they came in or called,” said Rachel Klein, East Polk SWCD manager. “We wanted landowners to know that we were here to help.”

**Stearns County**

*2017 compliance rate: 80%*

*2020 compliance rate: 99%*

Stearns County SWCD staff used aerial review data to compile a list of roughly 300 landowners who appeared to be out of compliance, then created individual maps for each parcel identifying areas that appeared to be out of compliance. The maps were

sent to each landowner, along with a letter outlining options to make these areas compliant. Ben Ruley, GIS conservationist with Stearns County SWCD, said landowners received letters, phone calls, and were invited to public meetings to get more information. The SWCD also helped 150 landowners implement alternative practice plans.

“I felt the SWCD role was to provide as much information to the landowners as possible so they could make an informed decision on how they wanted to move forward,” Ruley said.

**Swift County**

*2017 compliance rate: 45%*

*2020 compliance rate: 100%*

Swift County SWCD reached out to landowners via

public meetings, phone calls and letters to increase compliance. A buffer committee comprised of county and SWCD staff was established; its members reached out individually to landowners to explore options and offer assistance. The SWCD also created a landowner and parcel database for ongoing monitoring and tracking purposes.

“I think being persistent and reaching out to people and not giving up really helped,” District Manager Andy Albertsen said. “At the end of the day, I always give all the credit to the landowner and operator. They were the ones having to make a potential change, I was just trying to help make that change go as smoothly as possible.”