

Buffer Program Announcement

Rule and Ordinance Revisions

July 31, 2026

Background

The Minnesota Board of Water and Soil Resources (BWSR) adopted an amended Administrative Penalty Order (APO) Plan ([Buffer APO Plan](#)) on December 19, 2024. The amended plan incorporates revised procedures for issuing APOs by counties, watershed districts, and BWSR. The plan specifically increases the penalty amount that can be assessed and makes adjustments to the fee structure.

On January 28, 2026, BWSR also updated its program procedures ([Buffer Program Procedures](#)) that guide Buffer Law implementation. These revisions are intended to promote consistent and effective program administration while providing greater clarity regarding jurisdictional responsibilities, compliance timelines, and enforcement requirements.

These updates were prompted by statutory revisions requiring BWSR to revise both the Buffer APO Plan and Program Procedures. As part of this effort, BWSR also updated its comprehensive model ordinances and rule templates to align with the statutory changes and to support enforcement entities in implementing and complying with the revised requirements [Model Templates](#).

Rule and Ordinance Revisions

Counties and watershed districts with jurisdiction [Election of Jurisdiction Map](#) that have adopted a rule, ordinance, or other official control must revise their local controls to incorporate the required changes identified in the posted templates. Entities may either adopt the template language as written or amend their existing ordinance or rule to incorporate the revisions.

If submitting revisions to existing controls, a redline version showing all changes with strikethrough and underline formatting must be provided to BWSR for review. BWSR will track the review process from initial submittal through the final determination of adequacy.

Process

Required revisions to county ordinances and watershed district rules will be reviewed by BWSR in accordance with *Procedure 2 BWSR's Review of County and Watershed Districts Buffer Rules, Ordinances, and Official Controls*. BWSR will allow counties and watershed districts that elected jurisdiction until **July 31, 2027** - 12 months from the announcement of the of the rule and ordinance model templates - to revise their existing official controls. The revision and review process should include the following steps:

1. Proceed to adopt the BWSR's 2026 model ordinance or rule template as written or revise your existing ordinance or rule to incorporate the required changes set forth in the model template using track changes. Consideration of the additional recommended changes outlined in the model template is also encouraged.
2. Send the draft ordinance or rule revisions to your Buffer and Soil Loss Specialist for review and copy this email address Jurisdiction.BWSR@state.mn.us. BWSR staff will provide comments as soon as practicable. When submitting your draft, please include any scheduled public hearing dates or other key meetings for which BWSR comments would be beneficial.
3. Incorporate the revisions recommended by BWSR staff into the draft ordinance or rule, as appropriate.
4. If there are any disagreements regarding the proposed revisions, it is strongly encouraged that those comments or issues be discussed and resolved with BWSR staff prior to adoption.
5. Following board adoption, submit the final ordinance or rule to BWSR staff for final review no later than July 31, 2027. BWSR will issue an adequacy and/or consistency determination within 60 days of receiving the final ordinance or rule, as provided in *Procedure 2*.

As with the initial review and approval process in 2017, this process is designed to promote early and ongoing communication with BWSR staff throughout the review and approval process.

Your primary contacts for review are your Buffer and Soil Loss Specialists.

[Buffer and Soil Loss Specialist Work Areas](#)

Variations in Language

Every county and watershed district has its own approach to implementing and administering its regulations, and there is not necessarily a single "right way" to do so. Alternative language to that provided in the model ordinance or rule is generally acceptable, provided the alternative language maintains the same intent and achieves the objectives of the model ordinance or rule. In other words, the specific wording may vary as long as the underlying purpose and requirements are preserved.

Relationship with Shoreland Management

Counties that have incorporated Buffer Law provisions into their local shoreland controls should consult their DNR area hydrologist when amending a shoreland management ordinance or making substantial deviations from the model county buffer ordinance. Questions may be directed at your BWSR Buffer and Soil Loss Specialist.

As stated previously, frequent communication among counties, watershed districts, soil and water conservation districts, and BWSR will help ensure that this process of incorporating these required changes is done in a manner that works for landowners and local government alike.

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