



STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

April 9, 2018

Dear Members of the Board of Water and Soil Resources:

I was surprised and disturbed to learn about your proposed Administrative Penalty Order for the Buffer Law that is out for public comment. The proposed fines are unreasonable. They have come as a shock to not only myself, but also to Minnesota farmers.

The Buffer Law protects our shared water resources, which is essential to supporting a strong and healthy rural economy and community. The goal has been to reach implementation through support for landowners, using enforcement only as a last resort. That is why Legislators and I worked in a bipartisan effort to provide funding for a cost share program for buffers, land easements through the Conservation Reserve Enhancement Program, and support for Soil and Water Conservation Districts, watersheds, and counties. It is also why we worked together last session to create a waiver program, recognizing that hardships and weather could delay buffer implementation.

The existing Administrative Penalty Order is designed to work with landowners and to use penalties only as a last resort. Even if a penalty is issued, it is forgivable when the landowner comes into compliance. If landowners are out of compliance, they are given eleven months before any action is taken against them. During this time, the local Soil and Water Conservation District is available to help landowners determine the best approaches on their land for buffers or alternative practices. If, after eleven months, a landowner is still out of compliance, a fine can be issued. However, the program's aim is to never reach this point.

Up until now, the Board has used practical considerations to create buffers throughout Minnesota through support for landowners. I urge the Board to take swift action to reconsider this new proposed Administrative Penalty Order. If the Board perceives a need for further options, I urge you to conduct thorough public engagement. The success of the Buffer Law, so far, has occurred without penalties. Let us continue to work together with the agriculture community to maintain that approach to the fullest extent possible.

Sincerely,

A handwritten signature in black ink that reads "Mark Dayton".

Mark Dayton
Governor