

FACT SHEET | Governor Dayton's Buffer Initiative

Common Questions and Answers

Governor Dayton has proposed requiring 50-foot water quality buffer strips around Minnesota's lakes, rivers, and streams. The Governor's buffer initiative is designed to prevent pollution from entering the state's waters – an effort essential to the health of Minnesotans, the protection of our drinking water, and the long-term sustainability of our environment.

Overview

- **What is the purpose of the Buffer Initiative?**
State policy is to protect all waters from threats of serious pollution. The Buffer Initiative supports state policy by establishing a 50-foot vegetated buffer that reduces erosion and runoff to Minnesota's waters.
- **How does the new buffer requirement work with the existing Shoreland Rules and Drainage law?**
The new buffer law will provide a simple, uniform buffer requirement across all of Minnesota's waters. It does not alter existing shoreland rules or drainage law.
- **How many watercourses do not currently require buffers?**
There are 67 Minnesota counties that have at least 30% agricultural land. It is estimated that 64% of waters in these counties are not subject to buffer requirements.
- **How much additional land will require the 50-foot buffers under the new law?**
It is estimated that nearly 125,000 acres of new land will be put into permanent vegetation under the law.
- **Why use 50 feet as the universal minimum standard?**
50-feet of vegetated cover next to watercourses has been shown to achieve the water quality outcomes our state is working toward. It's also consistent with existing Shoreland rules.

Scope

- **Which waters are included in the proposed buffer requirement?**
All perennial waters, statewide, will be subject to the requirement. Perennial waters have a defined bed and bank, and have flowing water during the majority of the growing season in most years.
- **What type of vegetation is required to meet the minimum standard?**
Any perennial – a plant that lives more than two years – rooted vegetation meets the requirement. Incentives will be available for planting diverse native species, but this is not a requirement.
- **What agricultural land uses will be allowed in the 50 foot buffer area?**
As long as permanent vegetation is maintained, there are no restrictions. Haying and grazing are permitted, as well as travel on the buffer with farm machinery or other equipment.
- **What about forest land uses in the buffer area?**
As with agricultural land uses, typical activities would be permitted as long as they don't result in bare soil.
- **If a landowner demonstrates they can achieve the same results with a different practice, will they still be subject to the buffer requirement?**
A landowner can seek approval for an alternate practice or buffer width if they can demonstrate it protects or improves water quality. To do so they must work with their local soil and water conservation districts.

Exemptions

- **Will any general exemptions to the 50 foot buffer requirement be considered?**

Yes. The following areas would be exempt:

- Land enrolled in the federal Conservation Reserve Program (CRP)
- Public or private water access or recreational use areas
- Areas covered by a road, building or other structures
- Municipalities or others in compliance with federal and state storm sewer or storm water law

Assistance

- **Will this new law affect landowner eligibility for voluntary buffer programs?**

No. Landowners may still apply for any local, state or federal cost-share, grants or loans available to establish buffers.

- **What kind of technical assistance is available to help landowners?**

Soil and Water Conservation Districts have successfully worked with landowners for decades to install and sustain buffers. They will continue to provide their expertise and support under this law.

- **Is there financial assistance available for landowners?**

There are many programs at the local, state, and federal level that provide assistance for establishing buffers. Initially, the program relies on federal Farm Bill resources to support implementation.

Oversight

- **When do landowners have to be in compliance with the law?**

Buffers need to be in place by September 1, 2016.

- **Are there any exceptions to this date?**

If landowners have applied for financial assistance to install buffers, they will receive a conditional compliance waiver from their local SWCD that gives them until September 1, 2017.

- **If a landowner is suspected of being out of compliance, what happens?**

The DNR may issue an order requiring the violations to be corrected. There is also the possibility of assessing monetary penalties for violations.