

Buffer Cost Share

Version: 1.3

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Frequently Asked Questions for Soil and Water Conservation Districts

Q1. Can Buffer Cost Share funds be used for compliance with the Buffer Law?

A: Yes. Buffer Cost Share funds can only be used to assist landowners with implementing buffer strips or alternative practices required by Minnesota Statutes §103F.48 Riparian Protection and Water Quality Practices, also known as the Buffer Law.

Q2. What practices are eligible for Buffer Cost Share?

A: Practices eligible for these funds include the installation of buffers and/or alternative practices as described in the BWSR [Common Alternative Practices Technical Guidance](#) and required by Minnesota Statutes §103F.48 Riparian Protection and Water Quality Practices, also known as the Buffer Law. Any practices or portion of a practice that exceeds compliance with the law must use other funding sources or be done at the cost of the landowner.

Q3. Can the Buffer Cost Share funds be used to cost share for compliance after the deadlines for the Buffer Law have passed?

A: Yes.

Q4. What if a landowner wants buffer larger than required by the law or already has a buffer and wants to install an alternative practice?

A: If a compliant buffer already exists, Buffer Cost Share funds cannot be used for a buffer of greater width beyond the requirement of the law or to install another type of practice in the area; these funds can only be used to reach compliance. In either of these examples, other funding sources can be used.

Q5. Can a landowner who has already met the requirements of the Buffer Law be reimbursed for their expenses with Buffer Cost Share?

A: No. Landowners who are in compliance with the Buffer Law are not eligible to receive Buffer Cost Share. However, the Buffer Law allows that for legal ditch systems the provisions of Minnesota Statutes §103E.011, subdivision 5; §103E.021; and §103E.715 may be used in advance or retroactively to acquire or provide compensation for all or part of the buffer strip establishment or alternative riparian water quality practices.

Q6. Is haying allowed on buffers installed with Buffer Cost Share?

A: For native plantings, haying is allowed, but only during times that will minimize impact to ground-nesting birds (outside the nesting season, which is generally considered to be between April 15th and August 1st for state and federal programs). See the [BWSR Native Vegetation Establishment and Enhancement Guidelines](#) (page 37), for additional considerations for haying native vegetation. Grazing of native vegetation is not allowed for this program. For non-native forage plantings (following NRCS practice standard [512 Forage/Biomass Planting](#), or [327 Conservation Cover](#)), vegetation can be harvested or grazed during other times of the year, as appropriate, to encourage dense growth, maintain an upright growth habit and remove nutrients and other contaminants that are contained in the plant tissue. When grazing is planned, guidance in practice standard [528 Prescribed Grazing](#) should be followed. After the effective life of the practice for Buffer Cost Share (10 years from the installation of the buffer) haying and grazing is governed by the applicable guidance for Haying and Grazing Buffers on the [BWSR Buffer Program](#) webpage.

Q7. What is the life expectancy for practices installed with Buffer Cost Share?

A: Practice life expectancy when using Buffer Cost Share funds is set in the fiscal year 2018 Clean Water Fund Policy. Structural practices, including installation of a buffer, have a life expectancy of 10 years and management practices have a duration of at least 3 years. However, the Buffer Law requirements are perpetual.

Q8. What is the payment rate for buffers?

A: If a flat rate payment is used, the maximum rate is \$300/acre. If a percentage-based rate is used, the maximum of state funds is 75%. See also the FY2018 Clean Water Fund Policy, section 7.

SWCDs may also establish a local policies for minimum flat rate payments for small buffers as long as the rate doesn't exceed \$300/acre prorated to the area, or for a maximum amount a given landowner could receive.

Q9. Can a SWCD set a lower flat rate payment for Buffer Cost Share funds? And if so, do we need BWSR approval?

A: Yes, SWCDs can set a flat rate payment lower than that allowed in the FY2018 CWF policy. Any locally-set rate lower than the maximum allowed (\$300/acre), does not need to be approved by BWSR, but should be set and applied consistently by the SWCD Board through policy or resolution.

Q10. If non-structural practices such as conservation tillage or cover crops with a vegetated filter strip are implemented as alternative practices, how does an SWCD handle Buffer Cost Share grant payments for these practices?

A: Implementing conservation tillage or cover crops with a vegetated filter strip (e.g. [Common Alternative Practice #6](#)) should follow [Procedure #4: Alternative Practices Implementation](#) when assessing application of an alternative practice and Section 5.3 of the [FY2018 Clean Water Fund Policy](#) when determining incentive payments and duration. Because there is not a work plan associated with Buffer Cost Share Grants, consult with your Board Conservationist for projects proposing incentives.

Q11. When do the BWSR Native Vegetation Establishment and Enhancement Guidelines apply?

A: Always.

Q12. Do those guidelines allow any use of non-native, non-invasive species?

A: For Buffer Cost Share, native vegetation should be the first priority for planting. However, local conservation professionals can make decisions about when perennial non-native, non-invasive forage species (perennial rye grass, timothy, Kentucky bluegrass, orchard grass, smooth brome grass, red clover, alsike clover, white clover, etc.) can be used for buffers and/or alternative practices that will be planted for honey bee habitat, hayed, grazed, or exposed to pesticides. Contact BWSR with questions or when additional flexibility is needed. Invasive species, state Noxious Weeds and aggressive species, such as reed canary grass, sweet clover, Phragmites species and Miscanthus species cannot be used. This flexibility is included for buffers and/or alternative practices installed with Buffer Cost Share in the [BWSR Native Vegetation Establishment and Enhancement Guidelines](#) because these practices are typically small in size, commonly integrated into agricultural production systems where frequent disturbance or pesticide drift can harm pollinators and other wildlife species, and inhibit the establishment of native vegetation.

Q13. Can Buffer Implementation funds granted to Soil and Water Conservation Districts be used for cost share with landowners to achieve compliance with the Buffer Law?

A: Yes, if consistent with the established work plan associated with the Buffer Implementation grant, these funds can include cost-share/incentive payments to landowners.

Q14. Can Riparian Aid funds sent to counties and watershed districts be used for cost share with landowners to achieve compliance with the Buffer Law?

A: Riparian aid funds are intended for counties and watershed districts which have accepted jurisdiction to implement the Buffer Law, such as ordinance or rule development and carrying out actions necessary for enforcement of the law. Counties and/or watersheds are not precluded from sending these funds to the SWCD to offer financial assistance to landowners.

Q15. What policy does the Buffer Cost Share Grant Program follow?

A: Buffer Cost Share follows the fiscal year 2018 Clean Water Fund Policy adopted by the BWSR Board on June 28, 2017.

Q16. How about Buffer Implementation Program – what policy does this program follow?

A: Fiscal year 2018 Buffer Program Implementation grants to SWCDs follows the fiscal year 2018 Clean Water Fund Policy adopted by the BWSR Board on June 28, 2017. Earlier fiscal years of Buffer Implementation funds follow the Clean Water Fund Policy from the given fiscal year.

Q17. How about Riparian aid – what policy does this program follow?

A: Riparian aid payments made to counties and watershed districts are made directly from the MN Dept. of Revenue; therefore, they do not follow BWSR policies or procedures.

Q18. Do we need to complete a work plan in eLINK for the Buffer Cost Share?

A: No eLINK work plan is required for the Buffer Cost Share Funds.

Q19. The Buffer Cost Share does not have a match requirement, but the policy limits financial assistance to 75% when using percentage based assistance. How do we report or track this?

A: Local governments receiving Buffer Cost Share grants do not need to provide match for these funds; however, financial assistance through state funds to a land occupier is limited to 75% of the cost of installing the practice (note that Riparian aid is also considered state funds). Land occupier contributions should be tracked consistent with the procedures in the *Implementing Contracts with Land Occupiers* section of the [BWSR Grant Administration Manual](#) and reported in eLINK.

Q20. I see that the Technical and Administrative expenses for Buffer Cost Share are limited to actual expenditures of up to 20% of the grant. Is this like State Cost Share where the 20% can be taken off the top of the grant, or is the 20% tied to specific projects?

A: Technical and administrative costs are limited to 20% of the total grant; however, anticipated costs must be tracked to each landowner on the Record of Requests for Buffer Cost Share. If any Buffer Cost Share funds are to be returned to BWSR on March 1, 2018, only the technical and administrative amount on the Record of Requests can be retained. If actual expenses for technical and administrative ultimately end up less than what was retained, the difference can be used for additional Buffer Cost Share projects or returned to BWSR.

Q21. If my actual technical and administrative costs exceed 20%, can I use Buffer Implementation funds to cover this?

A: Yes.

Q22. Is there eLINK reporting for Buffer Cost Share grants?

A: Yes, eLINK reporting on activities and expenditures is required by February 1 and within 30 days of completion of the grant and should be consistent with how State Cost Share Conservation Practice Contracts are reported in eLINK. Installed practices do need to be mapped in eLINK; individual BMPs are not tracked in BuffCAT so we would not have sufficient information to report Clean Water Fund outcomes if BuffCAT were used for mapping grant activities.

Q23. What about reporting the list – why do we have to submit the list twice, only 2 months apart?

A: The legislature made these funds available to assist landowners with meeting the requirements of the Buffer Law. The list submitted by December 31, 2017 allows BWSR to report to the legislature. The list submitted on March 1, 2018 should reflect all landowners who have requested cost share from the SWCD by this date and is intended to include final expression of interest in these funds.

Annual February 1 reporting in eLINK (and final grant reporting) is to reflect actual activities and expenditures only.

Q24. Do I resubmit information in March that I already submitted in December?

A: Yes. The full list should be resubmitted with updated information.

Q25. Can Buffer Cost Share be used for water quality monitoring, or subwatershed analysis with an emphasis on identifying locations for alternative practices?

A: No. Buffer Cost Share grant funds can only be used to assist landowners install buffers and/or alternative practices required by Minnesota Statutes §103F.48 Riparian Protection and Water Quality Practices, also known as the Buffer Law.

Q26. Can Buffer Implementation funds or Riparian aid be used for water quality monitoring, or subwatershed analysis with an emphasis on identifying locations for alternative practices?

A: Buffer Implementation grant funds are for implementing and complying with riparian protection and excessive soil loss requirements, which does not include monitoring or analysis.

Riparian aid payments do not come with the same statutory limitation as other buffer implementation funds.

Q27. Can the new Buffer Cost Share be used to maintain existing practices to improve effectiveness for alternative practices credit?

A: If an accepted alternative practice is functioning as designed, then it is not eligible for buffer cost share as it is already compliant with the buffer law regardless of when it was installed/what funds were used to install it.

If an accepted alternative practice is not functioning as designed and needs to be brought up to standard so that it is in compliance with the buffer law, these may be achieved through: 1) required landowner maintenance if practice is within the effective life of an existing state or federal cost share contract, or 2) through application of buffer cost share because no cost share contract exists.

Q28. How does Technical Quality Assurance apply to Buffer Cost-Share for Buffer Law projects? BWSR

A: Technical Quality Assurance policy in the [Grants Administration Manual](#) and the [CWF Policy](#) identify Job Approval Authority (JAA) as one way (a good way), but not the only way, for SWCDs to provide for technical quality assurance. In this case, it is the SWCD's responsibility to ensure that its staff are adequately qualified to plan buffer projects. BWSR encourages the use and development of JAA, but recognizes other ways for the LGU / SWCD to fulfill their responsibility for Technical Quality Assurance. Under the time constraints for Buffer Cost-Share, online training resources, on-the-job training, and other forms of peer-to-peer training can be used to the extent feasible for SWCD staff to develop adequate technical expertise for Buffer Cost-Share technical assistance, as approved by the SWCD Board.

Q29. What Practice Standards should be used?

A: For one rod buffers and non-native mixes, CPS-327 [Conservation Cover](#) or CPS-512 [Forage and Biomass Planting](#) (when they will be hayed). For native or non-native filter strips to meet the avg. 50 ft. buffer requirement, CPS-393 [Filter Strip](#). For native buffer plantings with higher diversity goals, CPS-327

[Conservation Cover](#), or CPS-643 [Restoration of Rare or Declining Natural Communities](#). For tree and shrub buffer plantings, CPS-391 [Riparian Forest Buffer](#).

Q30. What seed mixes should be used for projects?

A: Table 11 (page 21) of the NRCS [Herbaceous Vegetation Establishment Guide](#) has native and non-native seed mix suggestions for critical area stabilization and guidance for other practice standards. BWSR encourages the development of regionally specific custom mixes for projects and has developed [BWSR Pilot Seed Mixes](#) that include a low diversity buffer mix (to meet the 393 standard), as well as a shallow rooted mix for over a water distribution tile in a saturated buffer, an urban buffer mix, and a native forage buffer mix.

Q31. What reference materials are available on buffer installation/management?

A: Quick reference fact sheets that provide guidance on buffer establishment and management practices can be found at the BWSR [Farm Bill Assistance Program](#) webpage. BWSR's [Buffer Establishment and Management Toolbox](#) also provides detailed information.

Q32. What are the inspection requirements for Buffer Cost-share projects?

A: Grants Administration Manual (GAM) [requirements for inspections](#) apply. GAM guidance recommends inspections in year one, as well as 33% and 66% of the project contract period, but allows some flexibility. To meet the GAM and [Buffer Law Procedure 2](#), for a ten year practice, every three years would meet requirements. However, the frequency of actual inspections should be specific to the site, project installed, and findings on previous inspections.

Q33. What can be done to prevent Palmer Amaranth in seed mixes?

A: Page 11 of BWSR's [Native Vegetation Establishment and Enhancement Guidelines](#) summarizes prevention measures for the invasive weed Palmer Amaranth.

Contact

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