



Procedure 2: Reporting and Progress Tracking

Buffer Law Implementation

June 28, 2017

This document was adopted by the Board of Water and Soil Resources (BWSR) pursuant to Minn. Stat. §103F.48, subd. 6 to describe how soil and water conservation districts should track progress toward compliance with the requirements of this section. It is a guide; not a rule. It is not a statement of general applicability and future effect. It is not designed to amend statute. Statutes are subject to change and if the language of this procedure differs from statute, the statute controls. In addition, users of the document are encouraged to obtain legal advice of an attorney regarding their specific application of Minn. Stat. §103F.48 and their own legal authorities.

Procedure

Soil and water conservation districts (SWCD) are required to provide reporting to BWSR to ensure they are “tracking progress towards compliance.” This policy provides a consistent process through which SWCDs can understand those expectations. Progress reporting must be accomplished as follows:

1. Buffer compliance reporting must be submitted, in a form prescribed by BWSR, by the following dates:
 - a. January 1, 2018
 - b. July 1, 2018
 - c. January 1, 2019
2. Beginning January 1, 2019 reporting must be submitted annually.
3. SWCDs who commit to using the BWSR Buffer Compliance Tracking Tool, and provide all of the needed information to support it meet the reporting requirements listed in Items #1 and #2.
4. Starting November 2, 2018, ongoing local compliance tracking of all parcels subject to the Buffer Law, at least once every 3 years, via a local monitoring plan adopted by the SWCD and resulting from requests for validations of compliance, spot checks, and complaints to ensure riparian protections continue to be in place.
5. Each SWCD will adopt a plan for ongoing tracking of compliance, posted to the SWCD website, no later than November 2, 2018.

Background

The Buffer Law requires SWCDs to assist landowners with implementation of the water resources riparian protection requirements.

SWCDs

- A. Pursuant to Minn. Stat. §103F.48, subd. 6 SWCDs must provide assistance to landowners which includes:
 - a. *planning assistance*
 - b. *technical assistance*
 - c. *implementation of approved alternative practices, and;*
 - d. *tracking progress toward compliance with the requirements.*

A consistent process provides a framework for landowner compliance reviews and reporting by local governments.

Program Need:

- 1) Landowners need assurance of consistent and equitable enforcement of the Buffer Law.
- 2) SWCDs need to consistently collect information regarding compliance that can be used to measure implementation progress statewide.
- 3) BWSR needs a clear basis for withholding funds from a water management authority or SWCD that fails to implement the law.

Statutory Basis.

- Minn. Stat. §103F.48, subd. 6 Local implementation and assistance
- Minn. Stat. §103F.48. subd. 8 Funding subject to withholding.
- Minn. Stat. §103B.101, subd. 12(a) Administrative Penalty Orders.