

Buffer law approaching 100% compliance, BWSR staff focuses on maintenance and relationships

Nearly a decade after Minnesota’s buffer law was enacted, 99.8% of parcels adjacent to Minnesota waters are in compliance with the law. Passed in June 2015, the law aims to protect Minnesota’s waters by requiring landowners to install perennial vegetative buffers of 50 feet in width along lakes, rivers and streams, and of 16.5 feet bordering ditches.

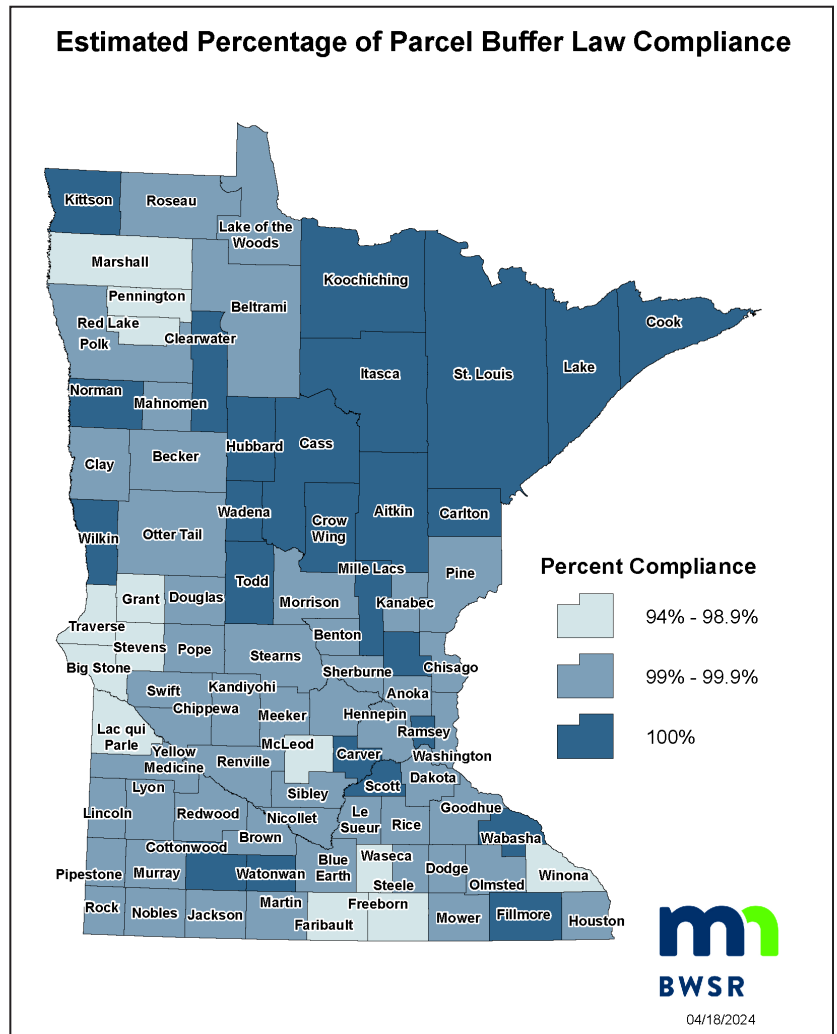
Buffers stabilize banks, curb erosion, and help to keep sediment and the pollutants it carries — such as phosphorus and nitrogen — out of the water. Buffers also provide wildlife habitat.

Now, three Minnesota Board of Water and Soil Resources (BWSR) buffer and soil loss specialists have turned their attention to working with local government units (LGUs) and landowners to help maintain buffers. Ethan Dahl works in the northern region of the state, Laura DeBeer covers the southern region and Chad Hildebrand covers the eastern region. Buffer and soil loss specialists help implement the law by educating landowners and guiding LGU staff through buffer-related projects. They also provide resources and training to LGUs, and track compliance in the Buffer Compliance and Tracking Tool (BuffCAT) — a GIS database and mapping system. Soil and water conservation districts also use BuffCAT in their counties to track compliance status and progress with landowners on individual parcels.

“We bring together a variety of backgrounds, strengths and experiences,” Dahl said of the buffer and soil loss specialists. “We will continue to work with local government units and landowners to bring compliance of the buffer law even closer to 100 percent.”

Prior to BWSR, Hildebrand worked at the Watonwan SWCD and the Goodhue SWCD focusing on buffers, watershed planning and implementation.

“Me being new to the buffers specialist position, my goal right now is to introduce



myself, hopefully in person to my counties and just build that relationship with them,” said Hildebrand, who joined BWSR in April.

Hildebrand’s experience complements the work of Dahl, who began his career as a hydrogeologist in the private sector. Dahl later transitioned to the Minnesota Department of Natural Resources before joining the Renville County SWCD as a buffer technician, later taking on more roles and responsibilities. DeBeer worked as a water resources specialist focusing on wellhead protection and soil health programs at the Pipestone SWCD. Prior

This map reflects buffer law compliance rates across Minnesota’s 87 counties. Map Credit: BWSR

to that, she was a district technician for the Lyon SWCD and temporarily worked for BWSR doing wetlands work.

Working individually with each LGU is important because each county may have its own buffer ordinance, and each soil and water conservation district and watershed district may have a unique buffer law implementation plan.

“One-on-one and face-to-face is our most effective method of training,” DeBeer said, adding that having a fully staffed BWSR buffer law team makes offering individual assistance to LGUs more efficient. “Having those LGUs within a reasonable distance allows us to be effective and efficient so that we can have that personal connection and build relationships with each of our LGUs.”

The training BWSR buffer and soil loss specialists offer helps LGUs maintain existing buffers. These trainings include orientation meetings with LGU staff new to the buffer law.

“Anytime there’s a new technician that comes in, I always try to get out there and meet them within two or three weeks, so they have a little time to settle into the position and just go over the history of the buffer law, and the main duties and everything,” Dahl said.

With transitions in land



Dahl



Hildebrand



DeBeer

ownership and changes in LGU staffing, continued buffer law training will be needed to maintain existing buffers and bring other parcels into compliance.

“I think there’s always the need (for training), even though the compliance is getting there. A well-running buffer program would maybe have one or two parcels that they find out of compliance. You go through the process, they come into compliance and you’re probably always going to have those couple each year,” DeBeer said, adding that BWSR buffer law staff encourages LGUs to keep that process going.

As of May, 1,004 parcels were out of compliance statewide. Some of these parcels are now going through the enforcement process, meaning enforcement procedures are being implemented and pursued. Many landowners with noncompliant parcels have plans in place to seed the sites, or to implement an alternative conservation practice this spring. The buffer law provides flexibility for [alternative practices](#) that provide comparable water-quality

benefits and may be better suited for some sites.

Statewide buffer law compliance rates have improved steadily over the years. In February 2017, compliance was at about 87%, with 67,477 noncompliant parcels bordering public watercourses and public ditches. BWSR records show that in May 2024, 74 of Minnesota’s 87 counties were 99% to 100% compliant with the buffer law. The deadline for implementation for buffers on public waters was Nov. 1, 2017. The deadline for public ditches was Nov. 1, 2018.

Buffer law implementation typically starts with SWCDs working to help landowners voluntarily comply with the law. If an SWCD determines that a landowner is not in compliance, SWCD staff must notify the enforcement entity with jurisdiction over the noncompliant parcel — which can be a county, watershed district or BWSR. Before they issue a notification of noncompliance to the enforcement entity, SWCD staff offer landowners options and technical assistance to help bring

parcels into compliance voluntarily.

“I would say (the) majority of the compliance has been for the most part done voluntarily,” said Travis Germundson, BWSR’s appeals and regulatory compliance coordinator. “(There have) been difficult situations on the landscape, like high-water issues where the water keeps encroaching farther and farther into the farm field, and then where do you put the buffer at that point in time?”

While the goal is to gain 100% voluntary compliance, enforcement action may be needed in some situations.

Most of the counties or watershed districts act as the enforcement entity. Twelve counties chose BWSR as their enforcement entity. Germundson explained that noncompliance issues are handled locally and BWSR acts as the administrative agency.

As of May, counties, watershed districts and BWSR had provided guidance and assistance on over 3,000 parcels that have become compliant after previously being non-compliant since the buffer law was enacted. In some cases, enforcement was carried out to ensure compliance. Over 2,000 of the 3,000 parcels requiring corrective action are now in compliance.