

**Memorandum of Agreement  
Between Stearns County SWCD and North Fork Crow River Watershed District  
for Administration of the MN State Buffer Law**

This Memorandum of Agreement (MOA) is made between Stearns County SWCD (SWCD) and North Fork Crow River Watershed District (NFCRWD) for administration of the Minnesota Buffer Rule, pursuant to authorizing resolutions of the boards of the SWCD and NFCRWD.

NFCRWD Resolution 2017-07 dated June 12, 2017 provides the NFCRWD's election of jurisdiction to enforce the provisions of Minn. Stat. Chapter 103F.48 (Buffer Law) on all public drainage ditches within the District's boundary for which it is the drainage authority; all public drainage ditches within the District's boundary that are not under the jurisdiction of County enforcement; and all public drainage ditches for which enforcement has been delegated to the District by a County.

The NFCRWD buffer enforcement rule "NORTH FORK CROW RIVER WATERSHED DISTRICT BUFFER ENFORCEMENT RULE PURSUANT TO STATUTES SECTION 103F.48" provides adequate procedures for enforcement of the buffer law.

The Drainage Law and Buffer Law have overlapping responsibilities for drainage authorities and SWCDs in instances where a system has acquired permanent strips of perennial vegetation under section 103E.021. This duplication specifically exists relative to efforts for inspection and notification of noncompliance of buffers once acquired by the system.

This agreement is intended to clarify and streamline responsibilities between the SWCD and NFCRWD for these systems. This clarification is needed to ensure both parties are fulfilling their statutory obligations as well as provide cost efficiencies to the public. In general, the NFCRWD is responsible for determining compliance and completing enforcement actions on all noncompliant parcels along public ditches.

Therefore, the SWCD and NFCRWD agree as follows:

**A. The NFCRWD Agrees to:**

1. Provide a map to the SWCD identifying all 103E drainage systems administered by NFCRWD which are within the SWCD and have a permanent strip of perennial vegetation established under section 103E.021. This map will be updated in the event new systems are acquired by the NFCRWD.
2. Carry out the provisions of 103E related to the inspections, corrective actions and enforcement of these perennially vegetated strips as needed on these systems consistent with the Rule adopted by NFCRWD and 103E. As a result, the NFCRWD is carrying out the compliance monitoring on these systems which would otherwise be completed by the SWCD under 103F.48.
3. Complete buffer compliance inspections under 103F.48 for other public drainage ditches within the NFCRWD.
4. Adhere to the requirements of 103F.48.

5. Notify the SWCD upon any determination that changes the compliance status of a parcel and provide the SWCD with a copy of that determination for review.
6. Send a copy of Corrective Action Notices sent to landowners to Stearns SWCD.
7. In the event the NFCRWD identifies potential noncompliance on a public water, it will provide notification to SWCD.
8. Provide opportunity to the SWCD to comment on any proposed changes to buffer enforcement plan developed by NFCRWD pursuant to 103F.48.

**B. The SWCD agrees to:**

1. Assist landowners and NFCRWD as requested by the NFCRWD in the implementation and review of water resource riparian protection requirements. This includes planning, technical assistance, implementation of approved alternative practices, and tracking progress toward compliance with these requirements.
2. Review compliance determinations as received from NFCRWD.
3. In the event the SWCD identifies potential noncompliance on public ditch systems it will provide notification to NFCRWD.
4. Provide information needed to the NFCRWD Ditch Inspector for writing the Corrective Action Notices as requested by NFCRWD.
5. At the request of NFCRWD, review documentation submitted from a parcel owner on the correction of a violation set forth in a Corrective Action Notice and document compliance.
6. Maintain current parcel compliance status in the MN BuffCAT tracking system for public ditches.
7. Notify NFCRWD of any changes to the SWCD's buffer compliance plan.

This MOA may be amended by mutual agreement of Stearns SWCD and North Fork Crow River Watershed District by resolutions of their respective boards.

This MOA shall become effective upon signature of all duly authorized signatures and shall remain in effect until terminated by agreement of the parties or thirty days after written notice of termination by either party to the order.

This MOA may be executed in two or more counterparts, each of which is considered an original, but all of which constitute one and the same MOA.

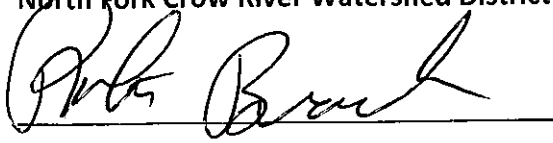
Stearns County Soil and Water Conservation District

Chuck Yshoff  
Signature

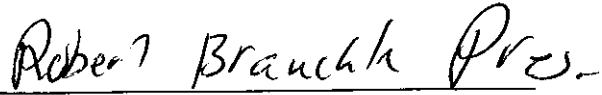
Chair, Stearns SWCD  
Name and Title

8/13/19  
Date

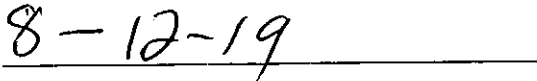
North Fork Crow River Watershed District



Signature



Name and Title



Date