

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

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

SRWD Resolution #04-17 dated June 20, 2017 provides the SRWD'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 SRWD buffer enforcement rule "SAUK 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 SRWD 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 SRWD is responsible for determining compliance and completing enforcement actions on all noncompliant parcels along public ditches.

Therefore, the SWCD and SRWD agree as follows:

- A.** The SRWD Agrees to:
  - 1. Provide a map to the SWCD identifying all 103E drainage systems administered by SRWD 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 SRWD.
  - 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 SRWD and 103E. As a result, the SRWD 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 SRWD.
  - 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 SRWD 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 SRWD pursuant to 103F.48.

**B. The SWCD agrees to:**

1. Assist landowners and SRWD as requested by the SRWD 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 SRWD.
3. In the event the SWCD identifies potential noncompliance on public ditch systems it will provide notification to SRWD.
4. Provide information needed to the SRWD Ditch Inspector for writing the Corrective Action Notices as requested by SRWD.
5. At the request of SRWD, 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 SRWD of any changes to the SWCD's buffer compliance plan.

This MOA may be amended by mutual agreement of Stearns SWCD and Sauk 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**

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Signature

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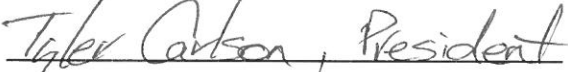
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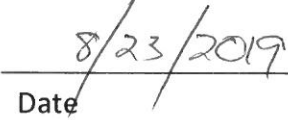
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Date

Sauk River Watershed District

  
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Signature

  
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Name and Title

  
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Date