



Stearns County Soil & Water Conservation District

Stearns County SWCD
110 2nd Street South – Suite 128
Waite Park, MN 56387

Tel. (320)251-7800 ext. 3
www.StearnsCountySWCD.net

RESOLUTION #1906-01

RESOLUTION UPDATING BUFFER COMPLIANCE PLAN

WHEREAS, Stearns County SWCD is obligated under Minnesota statute and rules to establish and implement a plan to ensure ongoing landowner compliance with the Buffer Law; and

WHEREAS, Resolution #1901-01 established a buffer compliance plan which this resolution replaces in its entirety;

THEREFORE BE IT RESOLVED that the Stearns County SWCD adopts the following buffer compliance plan:

Buffer Law Compliance Implementation Plan

- 1. COMPLIANCE TRACKING OF ALL PARCELS SUBJECT TO THE BUFFER LAW AT LEAST ONCE EVERY 3 YEARS.**
 - a. Review all parcels once every 3 years using most recent aerial imagery available and/or a site visit with landowner.
- 2. RANDOM SPOT CHECKS (aerial or on-site)**
 - a. The SWCD will review parcels of emphasis yearly. Examples:
 1. Previously non-compliant
 2. No-till, cover cropped
 3. Altered buffer width (alternative practice)
 4. Cost-shared funds (year 1,5,9)
- 3. PROCESS TO HANDLE COMPLAINTS**
 - a. Upon noticed complaint, SWCD will verify if parcel is on DNR buffer map and reference any existing documentation.
 - b. SWCD will determine compliance per the determination procedure below.
 - c. Identity of complainant may be public information.
- 4. COMPLIANCE DETERMINATIONS**
 - a. Compliance determination will be completed using the most recent aerial imagery available and/or a site visit with landowner.
 1. If non-compliant, proceed to **5. Non-Compliance Process** (below)
 - b. Compliance will be tracked using BuffCAT or other interactive mapping system.
 - c. Unless previously non-compliant, no additional record of compliance will be maintained in the SWCD office.

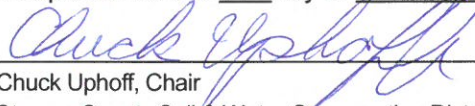
- d. The SWCD may issue a Validation of Compliance if requested by landowner, dated from day of aerial imagery or site visit.

5. NON-COMPLIANCE PROCESS

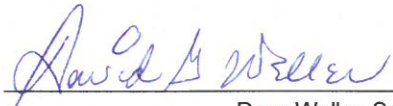
- a. If a review of aerial imager and/or site visit indicates a parcel is out of compliance, SWCD staff will document the findings and begin non-compliance proceedings
 - 1. Documentation of non-compliance status
 - a. Aerial imagery and/or photos
 - b. Staff name, date and method of inspection
 - c. Extent of non-compliance
 - d. Other information deemed relevant
- b. Upon determination of non-compliance, SWCD staff will contact landowner of record from current Stearns County parcel records via certified mail.
 - 1. A description of the non-compliance, including aerial imagery used and any other relevant documentation, will be sent to the landowner.
 - 2. An explanation of status required to get into compliance.
 - 3. Timelines and enforcement procedures.
- c. Landowner will be given 30 days contact the SWCD office to contest non-compliance determination or begin compliance.
 - 1. If landowner does not contact the SWCD within 30 days
 - a. SWCD staff will inform SWCD Board at next scheduled Board Meeting.
 - b. Upon notification and approval of SWCD Board, Notification of Noncompliance will be sent to the Watershed District and/or BWSR.
 - 2. If landowner contacts the SWCD within 30 days and refuses to comply:
 - a. SWCD staff will inform SWCD Board at next scheduled Board Meeting.
 - b. Upon notification and approval of SWCD Board, Notification of Noncompliance will be sent to the Watershed District and/or BWSR.
 - 3. If landowner contacts the SWCD within 30 days, contests non-compliance or seeks to get into compliance, and permits a site visit:
 - a. SWCD staff may determine parcel is compliant based on the site visit.
 - b. If non-compliance is confirmed, proceed to item **5c.2** (above) or **5d** (below) as appropriate.
- d. SWCD may provide technical assistance to the landowner to achieve compliance.
 - 1. A timeline and other requirements for buffer establishment consistent with Buffer Law guidelines will be set by the SWCD.
 - a. If landowner does not come into compliance within the given timeline, SWCD staff will inform SWCD Board at next scheduled Board Meeting.
 - b. Upon notification and approval of SWCD Board, Notification of Noncompliance will be sent to the Watershed District and/or BWSR.
 - 2. Financial assistance may only be available for structural (engineered) improvements to address concentrated flow or gullies.

- e. Once Notification of Noncompliance has been submitted to the Watershed District and/or BWSR, all relevant reports, evidence, and other data may be shared with those organizations for enforcement purposes.
- f. If Stearns County elects to enforce the Minnesota Buffer Law at a later date, all references to 'Watershed District and/or BWSR' above will be interpreted to include Stearns County.

Passed by the Stearns County SWCD Board of Supervisors this 11th day of June 2019.



Chuck Uphoff, Chair
Stearns County Soil & Water Conservation District

ATTEST: 

Dave Weller, Secretary
Stearns County Soil & Water Conservation District