



Buffer Mapping and Implementation



Darren Newville District Manager
East Otter Tail & Wadena SWCDs– Perham, MN



Highlights

- LGU-DNR Mapping Coordination
 - Mapping issues
- Pre -2015 Buffer Program – Otter Tail County
 - Timeline
 - Process
 - Partnership
- Post-2015 Buffer Law Adjustments – Otter Tail County
- County/SWCD Differences

LGU – DNR Mapping Coordination

- DNR had contacted LGUs via email/letter about the process and timeline in December.
- DNR requested public ditch information from Counties in mid-December
- DNR is updating maps on their website
 - Updated maps this past week.
- Local concerns about the limited contact and public input process.



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL OFFICE

Date: 12/10/2015

SWCDs, Counties, Cities and Watershed Districts

We are reaching out to you because you are an important public sector partner for the DNR.

We need your help in producing buffer protection maps. The maps are required by the new buffer law passed last legislative session. This letter will explain our buffer mapping project and the role we are asking you to play in it.

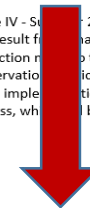
We are using a four-phased approach to producing buffer protection maps by July 2016. We need your help in Phase II and Phase III of the project, as described below.

Phase I - Fall 2015: The DNR will use existing digital data to identify public waters and associated buffer requirements. **This is now available for viewing at www.mndnr.gov/buffers.**

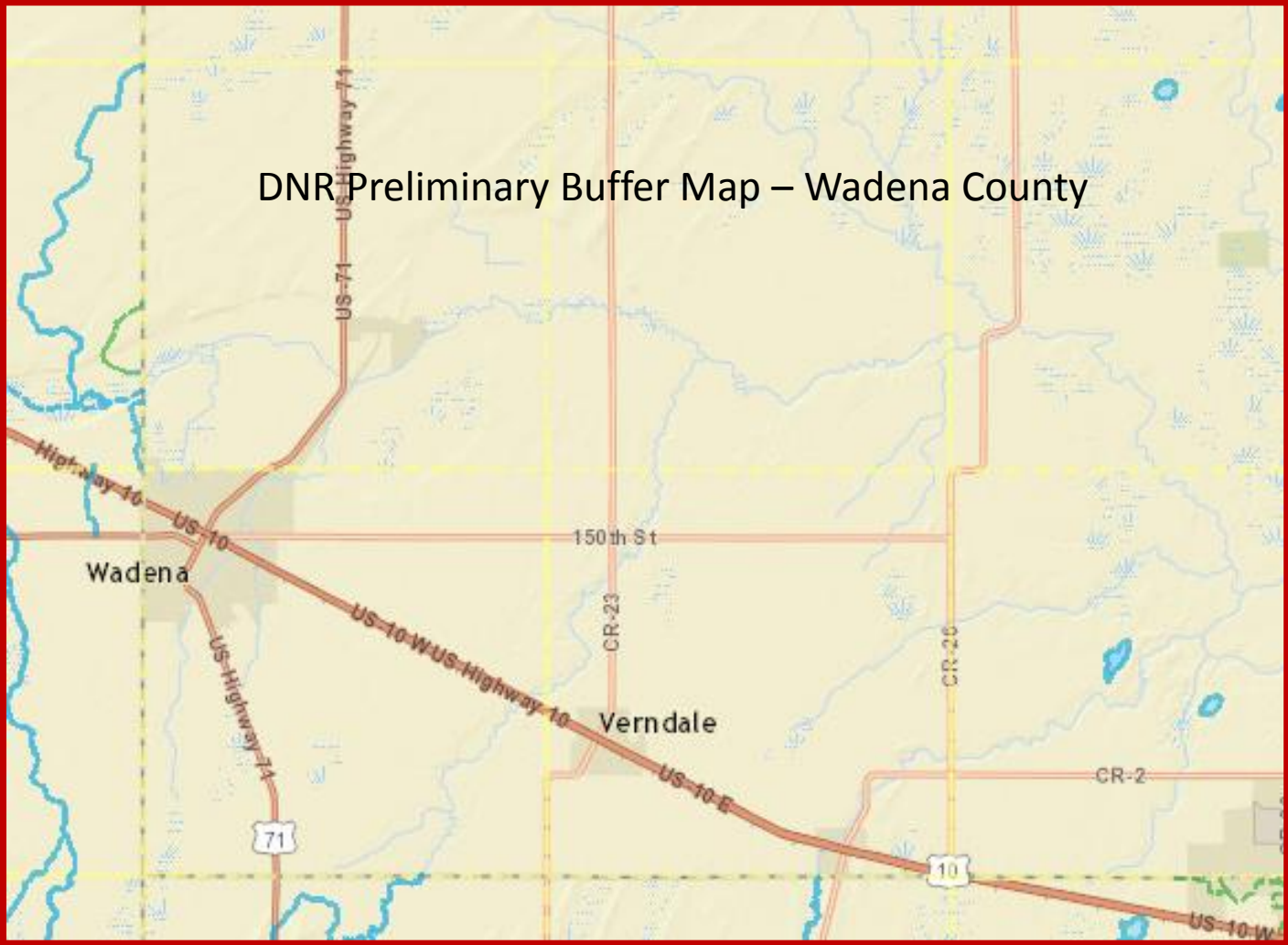
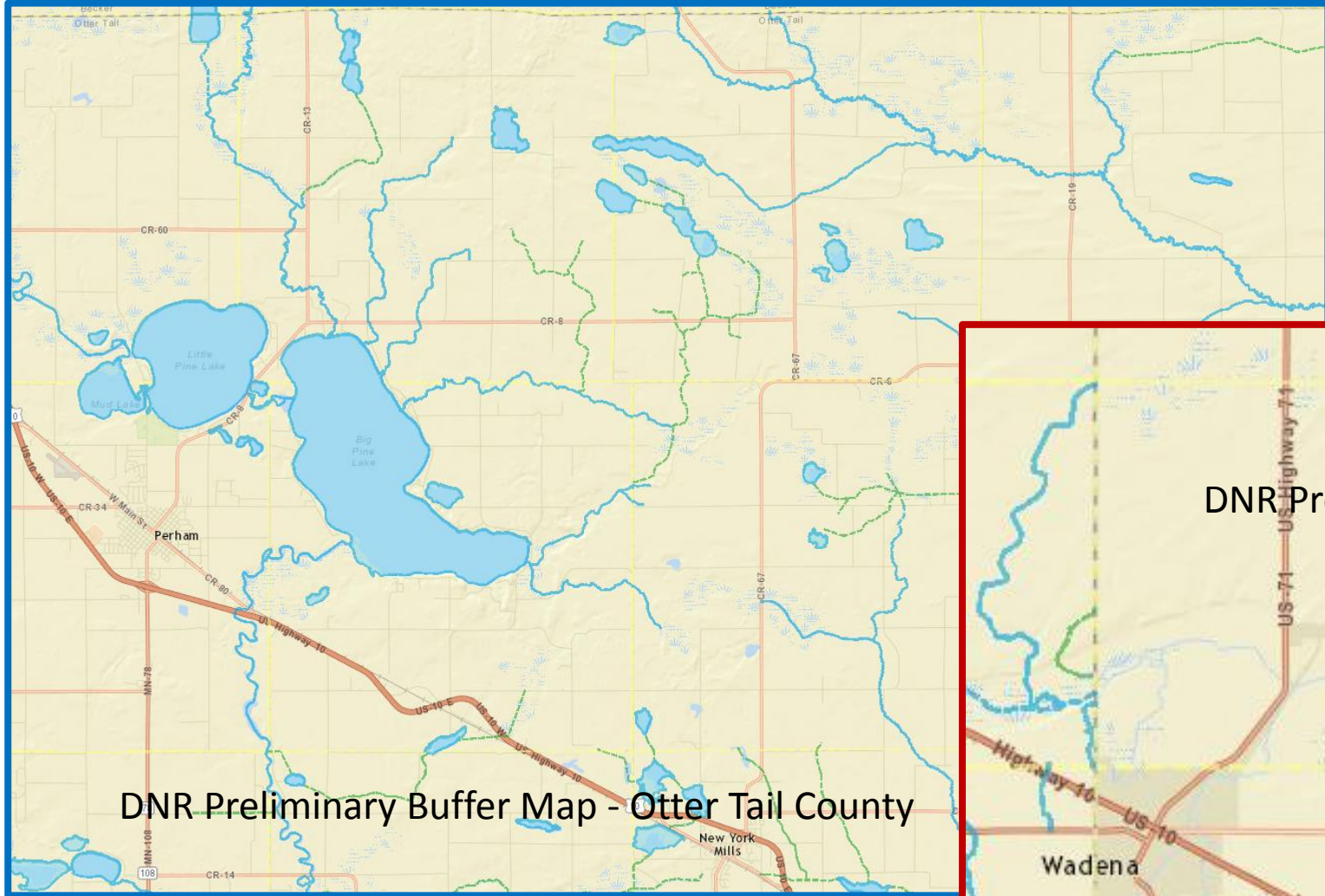
Phase II - Winter 2015: The DNR will coordinate with counties and watershed districts to transfer local information on benefited areas and ditches within public drainage systems into digital data. This will be used to identify ditches that require a buffer. We will contact you and other local government units about this process later this month.

Phase III - Winter 2015 / 2016: The DNR will take the combined public water data and ditch system data and produce preliminary buffer protection maps. Local units of government will review the preliminary maps and provide comments to the DNR. The DNR will provide an efficient process for public comment on preliminary buffer protection maps. **We need your help in reviewing the preliminary buffer protection maps. We will talk with you further about this review process in mid-January.**

Phase IV - Summer 2016: The DNR Commissioner will approve the buffer protection maps that result from Phase III comments and refinements. The DNR will deliver buffer protection maps to the Board of Water and Soil Resources (BWSR), Soil and Water Conservation Districts (SWCDs), Drainage Authorities and other local governments for use in the implementation process. You will have an important role in the implementation process, which will be led by BWSR and supported by the buffer protection maps.



maps. We need your help in reviewing the preliminary buffer protection maps. We will talk with you further about this review process in mid-January.



Mapping Issues We Have Found



Aerial Photo



DNR Protected Water



County Corrected

Mapping Issues We Have Found



Aerial Photo



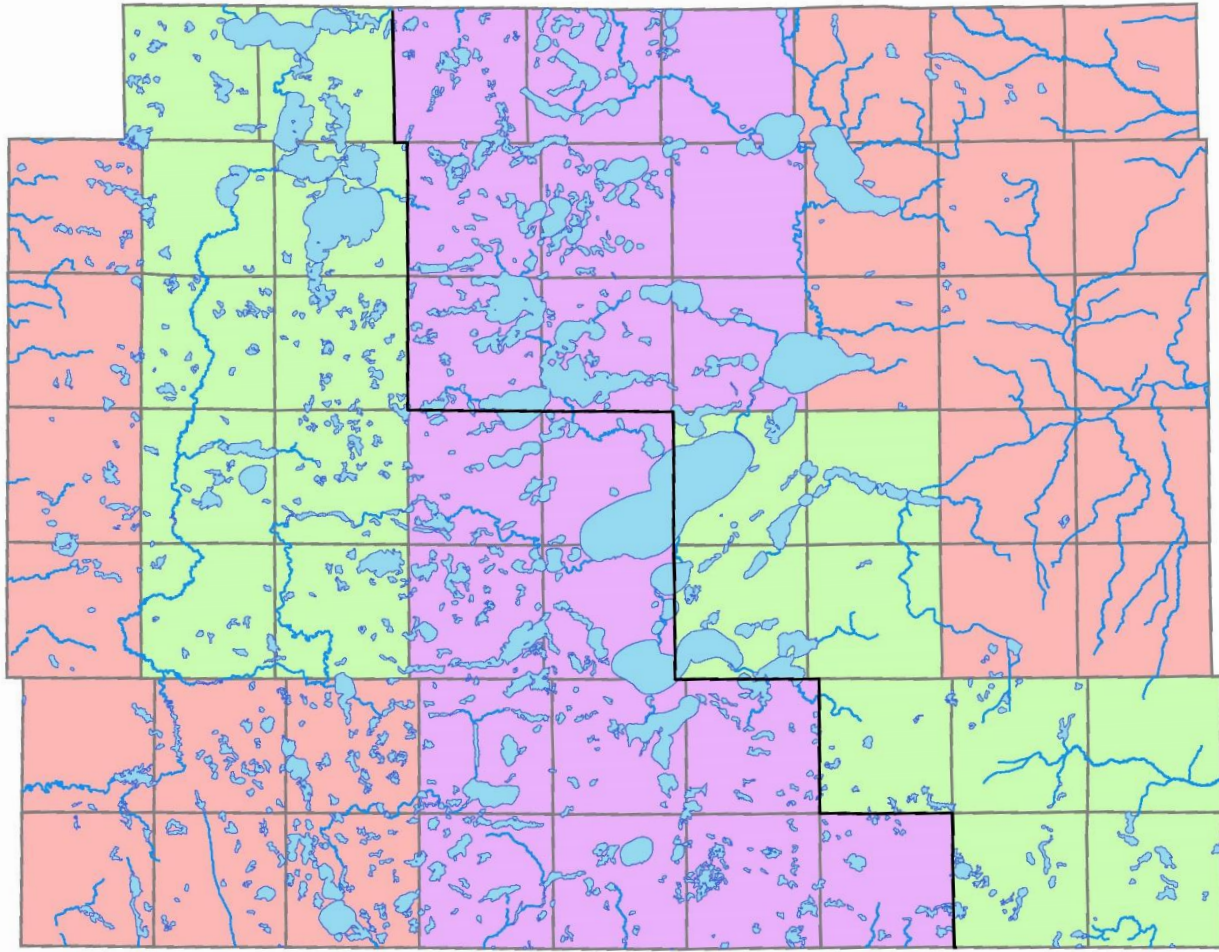
DNR Protected Water



County Corrected



OTTER TAIL COUNTY BUFFER INITIATIVE



Feb. 2014

March 25th, 2014

- WOT SWCD & EOT SWCD present Buffer Initiative to Public Works Committee.

- Resolution to adopt the **OTC Buffer Initiative Implementation Schedule** by the Board of Commissioners of Otter Tail County.

- ⇒ 9 year plan with 3 phases (Each Phase will take 3 years to complete)

- ⇒ 3 letters will be sent to landowners with County letterhead &

Chairman signatures (1 letter for each Phase)

- ⇒ Enforcement plan tied to the end of the 3rd Phase

- ⇒ County Encourages SWCD's to pursue additional Grant opportunities using funding from County as local match \$

**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**
Government Services Center, Commissioners' Room
515 W. Fir Avenue, Fergus Falls, MN
March 25, 2014
9:30 a.m.

Call to Order

The Otter Tail County Board of Commissioners convened at 9:30 a.m. Tuesday, March 25, 2014 at the Government Services Center in Fergus Falls, MN, with Commissioners Wayne Johnson, Chairman, Roger Froemming, Vice-Chairman; John Lindquist, Lee Rogness, and Doug Huebsch present.

Approval of Agenda

Chairman Johnson called for approval of the March 25, 2014 agenda. Motion by Froemming, second by Lindquist, and unanimously carried to approve the Board of Commissioners agenda of March 25, 2014 with the following additions:

- 10:00 a.m. - Westridge Mall Tax Court Judgment Discussion
- Several Meeting Updates

Consent Agenda

Motion by Huebsch, second by Froemming, and unanimously carried to approve the Consent Agenda items as follows:

- March 11, 2014 Board of Commissioners' Minutes
- Warrants/Bills for March 25, 2014 (Attachment A)
- Human Services Bills/Claims
- Notice of Bois de Sioux WD Public Hearing
- MN Finnish American Historical Society Application for Exempt Permit Waiving the 30-day Comment Period
- On-Sale Seasonal (6 Month) Liquor License for Zorbaz on Ottertail Lake, Inc., Elks Point Bar & Grill, Inc., and Guzzlers, Inc.
- On-Sale Seasonal (9 month) Liquor License for Fair Hills Resort
- Absentee Ballot Board Appointments

Administrator Updates

Larry Krohn, County Administrator, reported on John Dinamore's mobility assignment with the State of Minnesota Department of Human Services. Mr. Dinamore will maintain the Community Services Director portion of his County position and Deb Sjostrom, Human Services Supervisor, will be promoted to County Human Services Director on an interim basis starting April 1, 2014.

Mr. Krohn reported that surrounding counties are discussing the most efficient way to assist each other during interim periods when key employees are being replaced. The counties will explore the need for a multi-county Human Services Regional Director position. Administrators from the counties will put together a committee to develop a process and identify a facilitator. Commissioner Huebsch expressed an interest in serving on this committee.

Buffer for Public Waters Program

After meeting with the Public Works Committee, Brad Mergens and Darren Newville, SWCD Managers, submitted a written proposal for the Otter Tail County Buffer Initiative Implementation schedule. The purpose of the initiative is to assist landowners and the County to move to 100% compliance with State and County shoreland rules as noted in Section IV.4.B. on page 17 of the Otter Tail County Shoreland Management Ordinance (8/1/13). Phase 1 is a three year plan with an anticipated start date of April 1, 2014. All interested parties are encouraged to contact the SWCD for more information.

Dec. 2014

Jan. 2015

- Pheasant Summit is held, Buffers become a focal point and a hot topic.
- WOT SWCD, in partnership with Otter Tail County & EOT SWCD, are awarded over \$290,000 in funding from the MN Board of Water & Resources (BWSR) through Clean Water, Land & Legacy Amendment for the Acceleration of the Otter Tail County Buffer Initiative.
 - ⇒ Takes 9 yr. plan & accelerates it to a 5 yr. plan.



**West Otter Tail
Soil and Water Conservation District**

506 Western Ave N Fergus Falls MN, 56537 Phone: (218)739-4694 ext. 4
www.wotswcd.org Fax: (218)739-1309

Clean Water Fund grant awarded to West Otter Tail SWCD for Otter Tail County Buffer Initiative

Fergus Falls, Minn – West Otter Tail Soil and Water Conservation District (SWCD) is honored to announce that the Otter Tail County Buffer Initiative has been awarded over \$290,000 in funding from the Minnesota Board of Water and Soil Resources (BWSR) through the Clean Water, Land and Legacy Amendment.

In March 2014, the West Otter Tail SWCD, East Otter Tail SWCD, and Otter Tail County developed and adopted the Otter Tail County Buffer Initiative. Otter Tail County is unique in that there are 1,049 lakes, more than any other county in the United States, and 1,174 miles of rivers, streams, and ditches which totals 4,618 miles of shoreline. Because of this unique resource West Otter Tail SWCD, East Otter Tail SWCD and Otter Tail County are working in cooperation to protect the water resources within Otter Tail County.

The Otter Tail County Buffer Initiative was developed to address the resource concern for Agricultural Use Standards, as outlined in Otter Tail County's Shoreland Management Ordinance and Minnesota Shoreland Management Rules for shoreland areas along public waters. The Agricultural Use Standards states that 50 feet of permanent vegetation must be maintained along all public waters.

Through the awarded Clean Water Fund grant, this initiative will accelerate the inventory of public waters and identify compliance with Shoreland Management Ordinance. This initiative aims to educate landowners and provide conservation programs to move in the direction of 100% compliance.

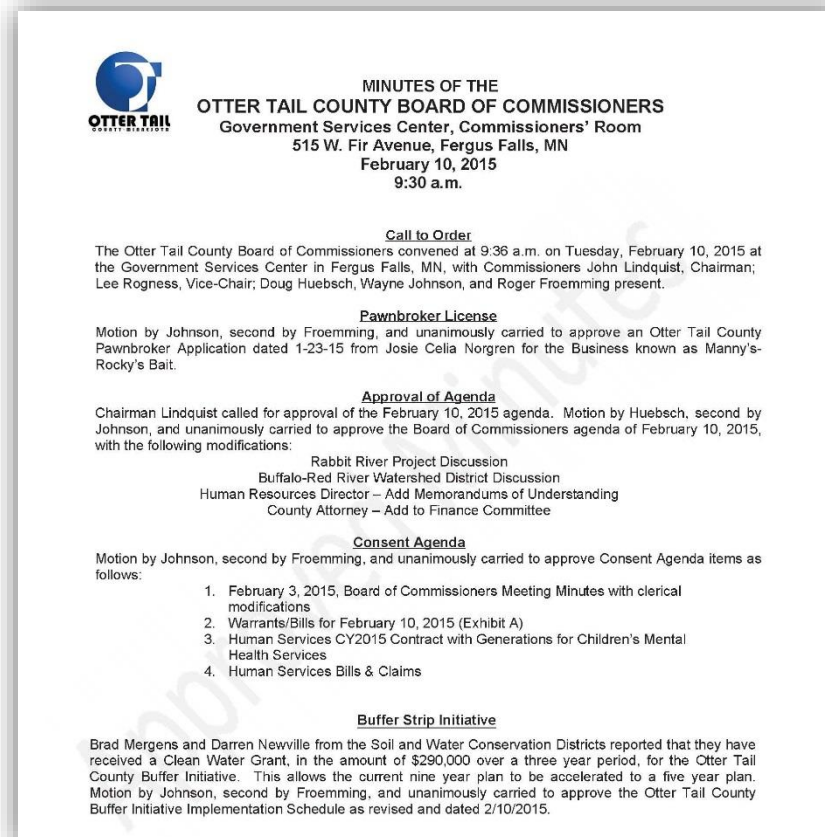
"Otter Tail County's abundance of lakes, river, and community," Brad Mergens, District Manager said work to protect and restore water quality. We're



Feb. 10th, 2015

March 9th, 2015

- 2nd resolution from the Otter Tail County Board of Commissioners to the Otter Tail County Buffer Initiative Implementation Schedule to go from 9 year plan to a 5 year plan.



**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS**
Government Services Center, Commissioners' Room
515 W. Fir Avenue, Fergus Falls, MN
February 10, 2015
9:30 a.m.

Call to Order
The Otter Tail County Board of Commissioners convened at 9:36 a.m. on Tuesday, February 10, 2015 at the Government Services Center in Fergus Falls, MN, with Commissioners John Lindquist, Chairman; Lee Rogness, Vice-Chair; Doug Huebsch, Wayne Johnson, and Roger Froemming present.

Pawnbroker License
Motion by Johnson, second by Froemming, and unanimously carried to approve an Otter Tail County Pawnbroker Application dated 1-23-15 from Josie Cella Norgren for the Business known as Manny's-Rocky's Bait.

Approval of Agenda
Chairman Lindquist called for approval of the February 10, 2015 agenda. Motion by Huebsch, second by Johnson, and unanimously carried to approve the Board of Commissioners agenda of February 10, 2015, with the following modifications:
Rabbit River Project Discussion
Buffalo-Red River Watershed District Discussion
Human Resources Director – Add Memorandums of Understanding
County Attorney – Add to Finance Committee

Consent Agenda
Motion by Johnson, second by Froemming, and unanimously carried to approve Consent Agenda items as follows:

1. February 3, 2015, Board of Commissioners Meeting Minutes with clerical modifications
2. Warrants/Bills for February 10, 2015 (Exhibit A)
3. Human Services CY2015 Contract with Generations for Children's Mental Health Services
4. Human Services Bills & Claims

Buffer Strip Initiative
Brad Mergens and Darren Newville from the Soil and Water Conservation Districts reported that they have received a Clean Water Grant, in the amount of \$290,000 over a three year period, for the Otter Tail County Buffer Initiative. This allows the current nine year plan to be accelerated to a five year plan. Motion by Johnson, second by Froemming, and unanimously carried to approve the Otter Tail County Buffer Initiative Implementation Schedule as revised and dated 2/10/2015.

- Gov. Dayton announces Buffer proposal.

Buffer Timeline

June 2016

- MN DNR will have produced and published maps of all required water bodies that will be required to establish a buffer.

November 1st, 2017

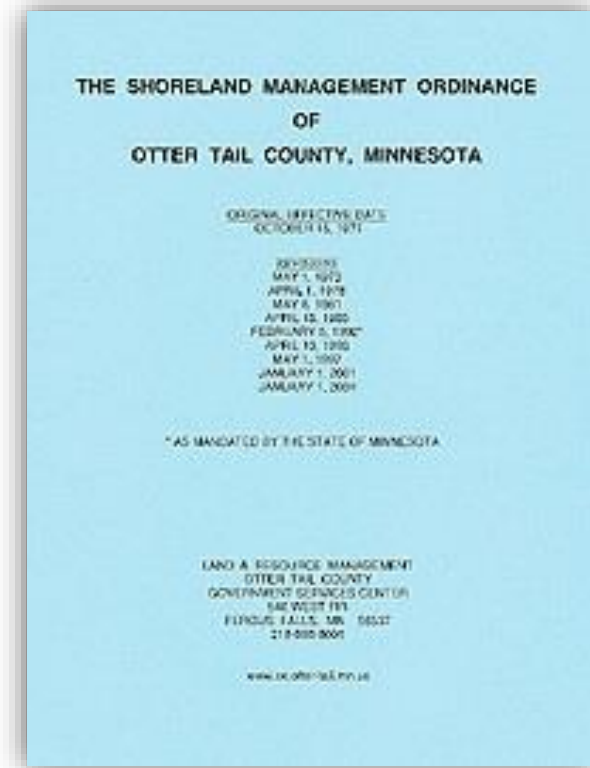
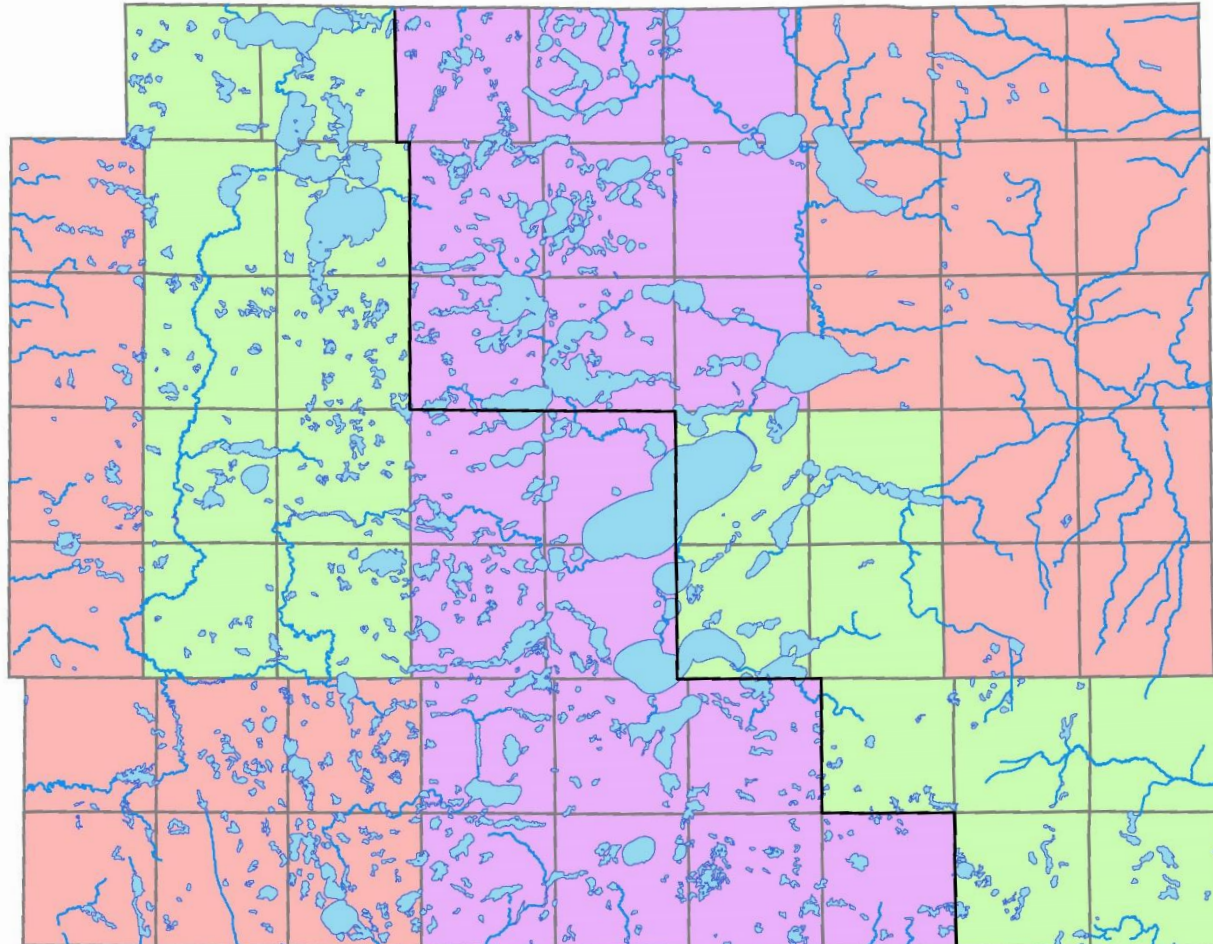
- Buffers must be established on all public waters. Required buffers no longer eligible for CRP.

November 1st, 2018

- Buffers must be established on all public ditches. Required buffers no longer eligible for CRP.



- Waters subject to current ordinance are lakes, rivers, and streams that have been classified and that are under the zoning provisions of the OTC Shoreland Management District.
- Otter Tail County is an extensive work load to inventory, over 1,049 lakes (more than any County in US), and 1,174 miles of rivers, streams and ditches.



OTTER TAIL COUNTY BUFFER INITIATIVE



**OTTER TAIL COUNTY
BOARD OF COMMISSIONERS**

www.co.ottertail.mn.us

GOVERNMENT SERVICES CENTER
515 WEST FIR AVENUE
FERGUS FALLS, MN 56537



3/26/2015

«AddressBlock»

Re: County Shoreland Ordinance – DNR Protected Waters

Dear Landowner,

This letter is to inform you about property you own within the shoreland district of a DNR protected water. Shoreland districts include land located within 1000 feet from lakes and 500 feet from streams and rivers. In shoreland districts, County Ordinance and State Rules require a 50-foot buffer of permanent vegetation in agricultural areas.

Otter Tail County is working in conjunction with the Otter Tail County Soil and Water Conservation Districts (SWCD) on this new initiative to ensure there are 50-foot buffers along all public waters in Shoreland Districts within Otter Tail County.

Using mapping tools and the latest aerial photos, the East and West Otter Tail SWCD completed an inventory of all shoreland areas to determine compliance with the buffer standard. Based on this information it appears that your property may **not** have a 50-foot buffer that meets these requirements. A copy of an aerial photo with your property identified is enclosed with this letter.

Otter Tail County and the SWCDs are interested in working with each landowner to determine what conservation measures must be applied to the property to achieve compliance. The SWCD is prepared to assist you in selecting the best options that fit your farming operation. The actual size and shape of any area enrolled into a program will be determined by assessing your farming operation and working within program limitations.

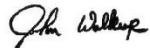
We ask that you contact Casey Gwost (218)739-4694 ext. 4, at the SWCD to discuss steps towards compliance and available options.

Thank you for your continued interest in protecting Otter Tail County's water resources.

Sincerely,



John Lindquist
County Commissioner Chairman



John Walkup
WOT SWCD Chairman

Douglas A. Huesch
First District

Wayne D. Johnson
Second District

John D. Lindquist
Third District

Roger Froemming
Fourth District

Leland R. Rogness
Fifth District

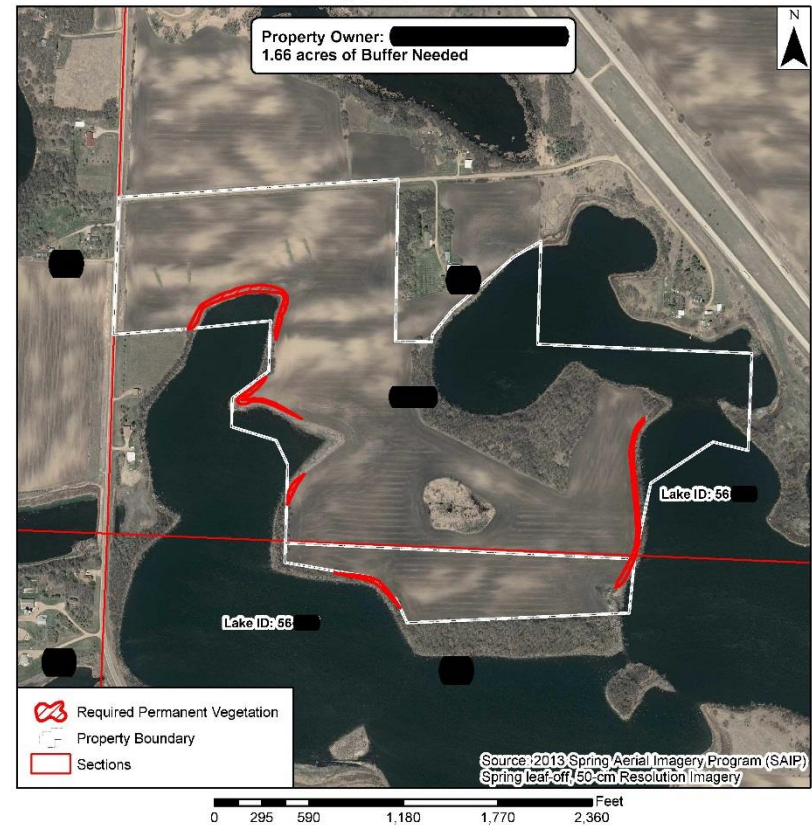
OTTER TAIL COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER



Cropland Without Required Shoreland Buffer
Section [redacted] of [redacted] Township



This map identifies the location and approximate acres of buffers required.
For more information contact Casey Gwost, West Otter Tail SWCD 218-739-4694 ext. 4.




Maps and data are to be used for reference purposes only, and Otter Tail County, Minnesota, along with the West Otter Tail SWCD, is not responsible for any inaccuracies herein contained. The information on cadastral maps is used to locate, identify and inventory parcels of land in Otter Tail County for reference only and is NOT to be construed or used as a legal description.

OTTER TAIL COUNTY BUFFER INITIATIVE


Landowner Options

- ⇒ Landowner's are encouraged to seek available conservation programs (i.e. CRP, RIM, MN State Cost-Share). This allows landowner's financial assistance to establish the required permanent vegetation, and also may give the landowner an annual payment for 10-15 years to help compensate taking marginal ag land out of production.
- ⇒ Landowners may choose to establish the required permanent buffer on their own. If they choose to do it own their own, they have to sign an agreement between themselves and the County. This compliance agreement will be kept on file and acknowledges that the landowner is aware of the Ordinance, and has taken appropriate steps to come into compliance with the Ordinance.
- ⇒ The local SWCD Offices can come out and stake the areas that maybe lacking the permanent vegetation buffer.



West Otter Tail
Soil and Water
CONSERVATION DISTRICT


Filter Strip CP21



USDA

Continuous CRP Practices

- Field windbreak
- Grassed Waterway
- Shallow Water Area for Wildlife
- Contour Grass Strip
- Shelterbelt
- Living Snow Fence
- Filter Strip**
- Riparian Buffer
- Cross Wind Trap Strips
- Wetland Restoration
- Wetland Buffer
- State Acres For wildlife Enhancement



Description: The purpose of this practice is to remove nutrients, sediment, organic matter, pesticides and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification. This practice will protect surface water and subsurface water quality while enhancing wildlife habitat.

Cover Requirement: Grass & Forbs

Practice Length: 10 to 15 years

Payment Schedule: An annual payment based on the calculated soil rental rate times the amount of acres enrolled in the practice. Plus an additional financial incentive of 20% of the calculated soil rental rate is available.

Cost-share: 50% of the eligible cost of establishing a permanent cover.

Eligible: Signing Incentive Payment (SIP) of \$100 per acre.

Eligible: Practice Incentive Payment (PIP) equal to 40% of the eligible installation costs.

Guidelines: Eligible adjacent & parallel to:

- Permanent water bodies that provide water cover throughout the year
- Perennial and seasonal streams
- Drainage ditches that meet the definition of perennial or seasonal streams
- Sinkholes
- Wetlands, identified being appropriate references and verified in the field

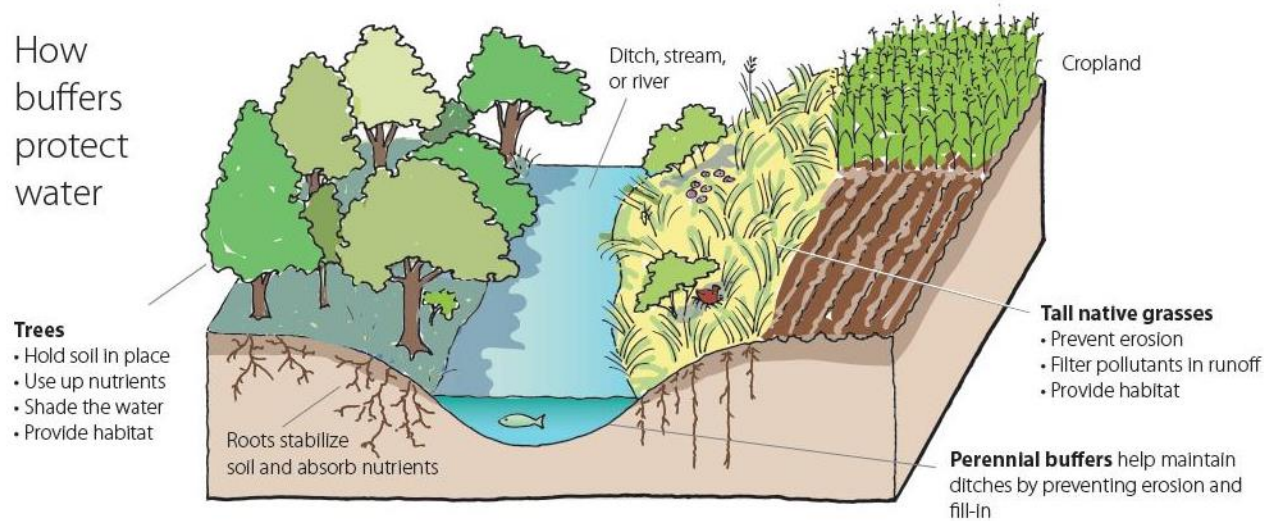
Minimum filter strip width is required to be 30 feet for water quality purposes.

Maximum average width should not exceed 120 feet unless a documented water quality reason exists.

Drainage ditches that meet the definition of a perennial or seasonal stream could be eligible if impacted by surface water runoff or subsurface flow from the adjacent field.

Continuous CRP is a USDA establish long-term resource County SWCD at (218) 735

Public Outreach



Buffer Strips are planted strategically between fields and surface waters (rivers, streams, lakes, and drainage ditches). They provide a wide variety of environmental benefits ranging from protecting water quality, soil conservation, to wildlife habitat. They can also benefit farming operations by squaring/straightening field edges and providing turnaround areas for equipment.

This Initiative is a 5 year plan (Otter Tail County Buffer Initiative Implementation Schedule Revised (2/10/2015)). To accomplish the goal of 100% compliance, the Initiative is broken down into 3 phases. These phases are orientated towards the soft approach, and aim for voluntary compliance before the County begins enforcement.

Phase 1:

- ⇒ Inventory/Map areas that may be lacking the required permanent vegetation within the Shoreland management areas. This will be done by using high resolution imagery.
- ⇒ The inventory will be a systematic approach, technicians will inventory the public waters section by section, township by township.
- ⇒ Landowner's will be mailed a letter and map of areas that may be lacking the permanent vegetation and educating them on the State Shoreland Rule and County Shoreland Ordinance.
- ⇒ Landowners are encouraged to contact local Soil & Water Conservation Districts (SWCDs) to work toward in correcting the issue.

Phase 2:

- ⇒ Assess and inventory areas that still may be out of compliance. Landowner's who did not respond or did not move towards compliance will be contacted a second time.
- ⇒ A second letter will be sent highlighting the success of the 1st Phase and will be worded strong to inform that the County will be moving into enforcement after this initiative.
- ⇒ Landowners are encouraged to contact local Soil & Water Conservation Districts (SWCDs) to work toward in correcting the issue.

Phase 3:

- ⇒ Assess and inventory areas a final time. A final letter will highlight the success of Phases 1 and 2.
- ⇒ The final letter will inform landowners this is their final notice to voluntarily comply with the State Rule and County Ordinance before the County starts enforcement of the Rule and Ordinance.

Landowner Response

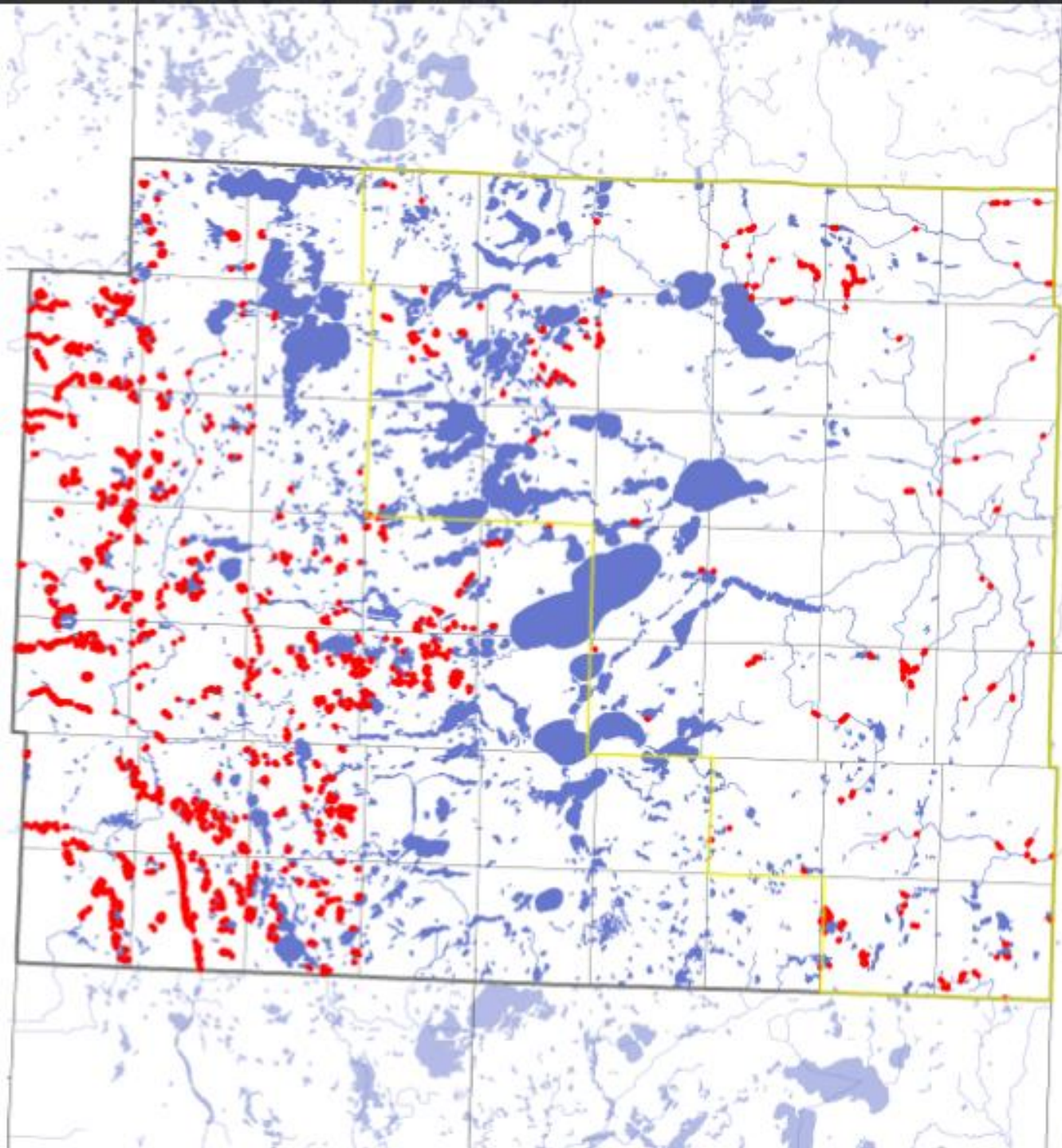
- ⇒ About 40% of landowners contacted with the first letter have contacted the SWCD offices.
- ⇒ Most want to know what they need to do to come in compliance and if they would be eligible for a program.
- ⇒ Some landowners request an on site visit to verify need for a buffer. This also allows time for SWCD staff to make a determination in the field with the landowner and visit about Conservation Programs.

Post Buffer Law Adjustments

- Continued to Map Buffers on Protected Waters with Shoreland Classification and contact landowners.
- Increased our communication with County Ditch Administrator.
- Waiting for DNR mapping (Public Ditch) – Adjust as needed.

Differences Between Counties

- Staff Resource and Capabilities
- Varying Water Resources
- Land Use
- Local Priorities - SWCD and County Boards
- Local Support for SWCDs
- Local Politics
- Tax base



Summary – Key Points

- **DNR Mapping**
 - DNR has contacted LGU's – Progress is being made on mapping initiative.
 - Questions about public input process and what our role.
 - Issues with GIS layers not matching aerial photos
- **Otter Tail County Buffer Implementation Project / Pre Buffer Law**
 - Timeline compared to Buffer Law
 - Local Process – SWCD role in getting voluntary compliance
 - Strong County/SWCD Partnership – Boards and Staff – Local Funding – Leveraging CWF
- **Adjustments Post Buffer Law**
 - Continuing as planned with Pubic Waters with Shoreland Classification
 - Communication with Ditch Administrator
 - Waiting on DNR Mapping to be complete
- **County Differences**
 - Definitely differences between Counties
 - Resource differences within a County



For more Information Contact:

**Darren Newville, District Manager
East Otter Tail & Wadena Soil & Water
Conservation Districts
801 Jenny Ave SW
Perham, MN 56573
(218) 346-4260 ext. 3**



East Otter Tail
Soil & Water Conservation District