



Lyon County

Soil and Water Conservation Department

1424 E College Drive, Suite 600, Marshall, MN 56358



Buffer Law Compliance Implementation Plan

1. **Compliance tracking of all parcels subject to the buffer law at least once every three years.**
 - a. Review all parcels once every 3 years using the most recent aerial imagery available and/or a site visit with landowner.
 - b. Lyon County SWCD will review 1/3 of the parcels each year by monitoring each township cluster in Buffer Areas. Buffer Area 1 will include Eidsvold, Westerheim, Vallers, Lucas, Nordland, and Grandview Townships. Buffer Area 2 will include Fairview, Stanley, Island Lake, Lynd, Lake Marshall, Clifton, and Coon Creek Townships. Buffer Area 3 will include Lyons, Sodus, Amiret, Shelburne, Rock Lake, Custer, and Monroe Townships.
2. **Random Spot Checks (aerial or on-site)**
 - a. Random spot checks will be done in addition to the tracking of all parcels within a three year span. These checks may be conducted via aerial photo review or on-site review depending on availability of updated aerial photos, and the practice that is being check and the access to properties. A combination of both aerial and on-site review may also be used. The SWCD will conduct 20-30 parcels on a random spot check each year outside of the scheduled area.
 - b. Examples of Random Spot Checks
 - i. Previously non-compliant
 - ii. No-till/Conservation tillage or cover crop alternative practice plans
 - iii. Cost-shared funds
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.
4. **Compliance Determinations**
 - a. Compliance determination will be completed using the most recent aerial imagery available and/or a site visit with landowner.
 - i. An On-site visit will be conducted when the new aerial flight indicates non-compliance.
 - ii. If non-compliant, proceed to **5. Non- Compliance Process** (below)
 - b. Compliance will be tracked using BuffCAT.
 - c. Unless previously non-compliant, no additional record of compliance will be maintained in the SWCD office.
 - d. The SWCD will issue a Validation of Compliance, dated from day of aerial imagery or site visit.



Lyon County

Soil and Water Conservation Department

1424 E College Drive, Suite 600, Marshall, MN 56358



5. Non-Compliance Process

- a. If a review of aerial imagery and/or site visit indicates a parcel is out of compliance, SWCD staff will document the findings and begin non-compliance proceedings
 - i. Documentation of non-compliance status
 1. Aerial imagery and/or photos
 2. Staff name, date and method of inspection
 3. Extent of non-compliance
 4. Other information deemed relevant
- b. Upon determination of non-compliance, SWCD staff will contact landowner of record from current Lyon County parcel records via certified mail.
 - i. A description of the non-compliance, including aerial imagery used and any other relevant documentation, will be sent to the landowner
 - ii. An explanation of status required to get into compliance.
 - iii. Timelines and enforcement procedures.
- c. Landowner will be given 30 days to contact the SWCD office to contest non-compliance determination or begin compliance.
 - i. **IF** landowner does not contact the SWCD within 30 days
 1. SWCD staff will inform the SWCD Board at the next scheduled Board Meeting
 2. Upon notification and approval of the SWCD Board, Notification of Noncompliance will be sent to Lyon County and/or BWSR
 - ii. **IF** landowner contacts the SWCD within 30 days and refuses to comply:
 1. SWCD staff will inform the SWCD Board at the next scheduled Board Meeting
 2. Upon notification and approval of the SWCD Board, Notification of Noncompliance will be sent to Lyon County and/or BWSR
 - iii. **IF** landowner contacts the SWCD within 30 days, contest non-compliance or seeks to get into compliance, and permits a site visit:
 1. SWCD staff may determine parcel is compliant based on the site visit.
 2. If non-compliance is confirmed, proceed to item **5c.ii** (above) or **5d** (below) as appropriate.



Lyon County

Soil and Water Conservation Department




1424 E College Drive, Suite 600, Marshall, MN 56358



- d. SWCD may provide technical assistance to the landowner to achieve compliance.
 - i. A timeline and other requirements for buffer establishment consistent with Buffer Law guidelines will be set by the SWCD.
 - 1. If landowner does not come into compliance within the two deadlines of June 31st or December 31st, depending on when compliance determinations happens, SWCD staff will inform the SWCD Board at the next scheduled Board Meeting.
 - 2. Upon notification and approval of the SWCD Board, Notification of Noncompliance will be sent to Lyon County and/or BWSR
 - ii. Cost-Share may be available for seeding of the Buffer Strip
- e. Once Notification of Non-compliance has been submitted to Lyon County and copy BWSR, all relevant reports, evidence, and other data may be shared with those organizations for enforcement purposes.

Buffer Area Map



-  Buffer_Area1
-  Buffer_Area2
-  Buffer_Area3