Western Minnesota

County expects buffer law resistance

Yellow Medicine board will face decisions when enforcing requirements

By Tom Cherveny
Forum News Service

Like many counties, Yellow Medicine County accepted responsibility for enforcing Minnesota's new buffer law with an eye to keeping as much local control as possible. Members of the Yellow Medicine County Board of Commissioners believe the choice will set them up for some difficult decisions this year when it comes to carrying out that responsibility.

Although they believe an overwhelming majority of landowners in the far western Minnesota county intend to comply with the law, the commissioners said they also expect that some will deliberately flout the law. The buffer legislation gave counties the choice of enforcing the law or allowing the state to do so.

During discussions at a county board meeting last week, Commissioner Gary Johnson said he had been told by four landowners to date that they do not intend to install buffers. He represents the northeastern section of the county. Commissioner Ron Antony, who represents the central portion of the county, said he also believes there will be a few landowners in his district choosing not to comply.

Buffers were to have been planted by Nov. 1 along public waterways and must be planted along public ditches by Nov. 1, 2019.

Tyler Knutson, a director with the Yellow Medicine Soil and Water Conservation District, said a company will be taking aerial photographs of the county in late April and early May. The photography will make it possible for the SWCD to determine compliance.

The commissioners noted that wet conditions this past fall kept some landowners from installing buffers. They said they expect many of them will plant them this spring, and that the number of property owners not in compliance with the buffer requirement for public waters is expected to be small.

But it was also noted that the county's ordinance to enforce the buffer requirements includes a civil penalty of $250 per month per parcel not in compliance for the first six months, and it grows to $500 after a year if not brought into compliance. At that point, the county can file criminal charges.

Or, the commissioners noted, they also reserve the authority to forgive penalties.

The commissioners informally agreed to revisit the issue early in the year with intentions of sending letters as a reminder of the buffer requirements, and not to scold those believed to not be in compliance.