

Monitoring Plan for Buffer Compliance Tracking

1. COMPLIANCE TRACKING OF ALL PARCELS SUBJECT TO THE BUFFER LAW

MN Statute 103F.48 Requires all parcels in the County to be reviewed within a 3-year timeframe. To track compliance of the parcels in Aitkin County subject to Riparian Protection and Water Quality Practices required by the buffer law, Aitkin County SWCD has developed a **Buffer Compliance Tracking Plan**. The Aitkin County SWCD will review ~1/3 of the parcels adjacent to Public Waters / Public Ditches each year. The County will be divided into thirds from North to South, and the order in which these areas are checked may change from year to year. (Refer to the Buffer Compliance Tracking Plan Map). Parcels meeting the criteria of exemptions provided within 103F.48 will be exempt from review. The three monitoring areas for evaluation, divided by Township boundaries, are as follows:

Area 1: 52, 51, 50 and 49 Townships, Ranges 22-27

Area 2: 48, 47 and 46 Townships, Ranges 22-27

Area 3: 45, 44 and 43 Townships, Ranges 22-27

2. RANDOM SPOT CHECKS

Random spot checks are also required to be performed in addition to the tracking of all parcels within a 3-year span. These checks may be conducted via aerial photo review or on-site review depending on availability of updated aerial photos, the practice that is being checked, and consent for physical access to affected parcels. A combination of both aerial and on-site review may be used.

The Aitkin County SWCD will conduct random spot checks on 100-200 parcels each year outside of each scheduled area.

Additionally, the Aitkin County SWCD will review parcels of emphasis more frequently. Parcels of emphasis may include:

- Previously non-compliant parcels
- No-till/Conservation tillage or cover crop alternative practice plans
- Variable width buffers planned utilizing BWSR approved Decision Support Tools
- Other implemented Alternative Practice Plans
- Cost-share funded projects
- Parcels warranting further emphasis (indications of potential violation)
- Parcels with changes in ownership

3. PROCESS TO HANDLE COMPLAINTS

Complaints brought forward to the Aitkin County SWCD regarding parcel non-compliance will be addressed with initial aerial photo review, landowner contact and on-site review if consent for physical access to the parcel(s) in question is granted. If a parcel is deemed non-compliant the Aitkin County SWCD will notify the landowner of legal requirements of 103F.48, explain options and offer available technical and/or financial assistance for achieving compliance. Should all efforts to achieve parcel compliance voluntarily be exhausted, non-compliant landowners will be referred to the Aitkin County attorney for enforcement proceedings under the provisions of 103F.48 and the Aitkin County Buffer Ordinance, page 7, 6.0

“6.0 ENFORCEMENT

6.1 A landowner who does not comply with the corrective action notice issued under section 5.0 shall be remedied as a misdemeanor and shall be punishable as defined by law.

6.2 Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any other provisions of this ordinance shall be guilty of a misdemeanor, punishable by \$1000.00 and/or 90 days imprisonment or both. Each day that a violation is permitted to exist shall constitute a separate offense. The County Attorney shall have the authority to prosecute any and all violations of this Ordinance.

6.3 In the event of a violation or a threatened violation of this ordinance, Aitkin County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations. The County may and is empowered to issue citations for violations of this Ordinance.”

Upon completion of the evaluation of a parcel, if the parcel is determined to be compliant, Aitkin County SWCD may issue a Validation of Compliance to the landowner, Aitkin County, and BWSR if requested, or if corrective actions have been deemed satisfied.”