



Home > Ecological and Water Resources (Waters) > Water Management >

Division of Ecological and Water Resources (Waters)

- [Main page](#)
- [Contact us](#)
- [Permits](#)
- [Water resources data](#)
- [Publications](#)
- [Water education \(Project WET\)](#)
- [Water Statutes and Rules](#)
- [External links](#)

Buffer Mapping Project



<http://dnr.state.mn.us/buffers>



Buffer Map Viewing Application

This application shows a preliminary buffer map created from two sources of data; the Public Waters Inventory and a public ditch layer created from data received from local drainage authorities.

This map will be continually updated as more local data are incorporated. If you have specific comments about the accuracy of the preliminary buffer map, please work with your local Soil and Water Conservation District.

If you have general comments about the DNR buffer mapping project, please email: buffermapping.dnr@state.mn.us.

Phase III – Spring 2016

- Preliminary buffer map available
- Local units of government are reviewing and providing comments
- Online viewing application available and comment collection in process

Phase IV - Summer 2016

- DNR Commissioner will approve the buffer protection map
- DNR will deliver buffer protection maps to BWSR, SWCDs, Drainage Authorities, and other local governments for use in the implementation process
- Buffer map will be available on the Geo Commons (late summer or early fall)
- DNR will establish a scheduled update process

Common buffer questions

Click on questions below to show answers. Click again to hide.

What are Public Waters?

Public waters are all lakes, wetlands and watercourses that meet the criteria set forth in Minnesota Statutes 103G.005, subd. 15 and are designated on public waters inventory maps.

How will Public Waters be mapped?

All Public Waters will be mapped as requiring a 50-foot buffer, with two exceptions:

- Public Water Watercourses that are also a Public Ditch, and do not have a DNR assigned shoreland classification (will be mapped as a requiring 16.5-foot buffer).
- Public Water Wetlands that do not have a DNR assigned shoreland classification (will not be mapped).

Why aren't all wetlands shown on the Buffer map?

Public waters wetlands include all type 3, 4, and 5 wetlands (as defined in U.S. Fish and Wildlife Service Circular No. 39, 1971 edition) that at the time of designation were 10 acres or more in rural areas or 2-1/2 acres or more in cities and are designated on the DNR's public waters inventory. Wetlands not meeting this definition are not displayed on the map viewer, as they are not specifically addressed in the 2015 buffer law. Additionally, the DNR has determined that the 2015 buffer law did not intend mandatory buffers for public water wetlands without a shoreland classification. For those reasons, the map does not depict many public water wetlands as requiring a buffer.

Does the clarification bill make it clear that private ditches are exempt from the new buffer law?

It does. However, there may be cases where a landowner thinks he or she has a private ditch, but it's actually a public water. In relation to the buffer law, the term "public water" means waters that are on the DNR public water inventory map, which can be viewed [here](#).

Map criteria

Why does the location or boundary representing a lake, wetland or stream in the map viewer not match what is shown on the aerial photograph? Which information takes precedence?

Buffers should be installed adjacent to the actual water feature.

The public waters inventory maps were created in the late 1970s and early 1980s using paper base maps with a less precise scale than is possible with the Internet-based map viewer now being used. The mapped location or boundary of a public water lake, wetland or stream may not align exactly with the actual location or boundary. The stream lines on the map viewer may not match the actual location of the stream because the stream may have changed course over time. The change in the stream location may have occurred naturally or by human alteration.

How is it determined whether a watercourse is required to have an average 50-foot buffer or a 16.5-foot buffer?

The DNR has developed criteria for buffer width requirements shown on the buffer map. The criteria incorporate public waters inventory, public ditch and shoreland classification information. The 2015 buffer law ([103F.48, Subd. 3 \(a\) \(1\)](#)) specified that vegetative buffers with a minimum width of 30 feet and an average of 50 feet are required on public waters, unless state shoreland standards under 103F.211 are more restrictive. The 2015 buffer law also requires 16.5-foot buffers along all Chapter 103E public drainage ditches.

All Public Waters will be mapped as requiring a 50-foot buffer, with two exceptions:

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- Public Water Wetlands that do not have a DNR assigned shoreland classification (will not be mapped).

State shoreland rules have included requirements for buffers prior to the 2015 buffer law. Shoreland rules apply to all public waters to which the DNR has assigned a shoreland classification and are subject to local shoreland ordinances. Some public ditches are assigned a DNR shoreland classification and will continue to be subject to buffer requirements in local ordinances. The DNR will work with local SWCD staff for a smooth transition between the required buffer widths.

Please note: For purposes of the buffer protection map, altered natural watercourses that are part of a public drainage system and have been assigned a shoreland class of 'tributary' in local shoreland ordinances require a buffer of 16.5 feet. Please consult with your local shoreland ordinance administrator for requirements that exceed the buffer law.

The watercourse shown on the viewer only has water in it a few times a year. What requirements apply?

If the watercourse is a public water or part of public drainage system, a buffer or alternative riparian water quality practice is required.

Watercourses with intermittent flows still serve important ecological and water quality functions, especially in the upper reaches of watersheds. Groundwater recharge areas, ephemeral channels and other areas where runoff collects are important areas to buffer, in order to prevent erosion and soil loss and help protect or provide riparian corridors.

Landowner questions

I was never notified that the watercourse, wetland or lake on my private property is public water. Can I challenge a public water designation?

If the waterbody met the definition of public water at the time of the inventory, it is usually not eligible to be removed from the Public Waters Inventory.

Proposed changes to the Public Waters Inventory are reviewed on a case-by-case basis. The DNR will correct errors in the Public Waters Inventory maps.

Public waters were designated in the 1980s through a legal process that included a DNR inventory and a county-led public review and appeal process. Public waters and the public waters inventory process were defined in [Laws of Minnesota 1979, Chapter 199](#).

Under this law, the inventory was mandatory for both the DNR and the 87 counties of Minnesota. The law established a deadline of December 31, 1982 for the DNR to complete the preparation of a statewide inventory and established a procedure for public review. The law did not require individual landowner notification.

The public water shown on the map no longer exists on the ground or does not meet the definition of a public water. How can I get it removed from the map?

Please work with [your county's Soil and Water Conservation District \(SWCD\)](#) to review this situation.

The original public waters inventory was conducted in the late 1970s and early 1980s. Changes are allowed to correct errors in the original inventory. If the waterbody met the definition of public water at the time of the inventory, it is usually not eligible to be removed from the inventory. If a Public water basin, wetland or watercourse has been tilled, drained or otherwise impacted without legal permissions, restoration of the water may be required. Proposed changes to the public waters inventory data are reviewed on a case-by-case basis. The SWCD should discuss this specific situation with the [DNR Area Hydrologist](#).

Why is my private ditch shown as a public water?

If a ditch met the statutory definition of a public water at its time of inclusion (late 1970s) and was determined to be a public water on the DNR public water map, it is therefore being included on the buffer protection map.

I have a public water shown on my land, but a tile line exists there now and I farm the area. Do I need to install a buffer or alternative riparian water quality practice?

Please work with [your Soil and Water Conservation District](#) and [DNR Area Hydrologist](#) to review this situation. There may be associated questions about public waters inventory mapping or public waters work permitting.

The map viewer shows road ditches bordering or crossing my property. Will buffers be required along road ditches?

Permanent buffers are required along road ditches if those ditches are: 1) a public water, or 2) part of a public drainage system.

Riparian buffer zones are also required when construction projects take place near "special" waters as defined in the Minnesota Pollution Control Agency's construction stormwater general permit. These waters include trout streams, trout lakes, fens, and more.

If I think there is an error on the map, what can I do to have it corrected?

To suggest a correction to the preliminary buffer map, contact [your local Soil and Water Conservation District](#). SWCDs are ready to work directly with landowners on these issues.

Local units of government will have an opportunity to review preliminary maps, identify errors, and provide comments to the DNR. The DNR will also provide a process for public comment on preliminary buffer protection maps. Once the preliminary maps are approved, the local Soil and Water Conservation Districts will notify the DNR when errors are identified. The DNR will make corrections as appropriate and will maintain accurate maps. Both the Buffer Law and Shoreland Rules allow for alternative practices that may allow varying buffer widths, assuming alternative practices offer similar protection.