



Wetland Conservation Act

Development of Detailed Recommendations for Legislative Consideration in 2015

August 4, 2014

Background: In December 2012, the *Executive Order 12-04, Supporting and Strengthening the Implementation of the State's Wetland Policy*, Report was issued by the Board of Water and Soil Resources (BWSR) which included recommendations addressing the following issues:

- De minimis Exemption
- Alignment of Pre-Settlement Zones on Watershed Boundaries
- Consistent Review, Approval and Implementation
- Adequacy of Wetland Bank Program Funding
- Costs and Benefits of Wetland Mitigation Targeted to Specific Watershed
- Strategic Use of Funding Sources and Tools to Achieve Continued Restoration of Drained Wetlands
- No Net Loss
- Agricultural Drainage

The full report is available on the [BWSR website](#).

An interagency team began evaluating issues relative to wetland mitigation in northeast Minnesota in March 2012 and the Team's report was issued in March 2014. The report *Siting of Wetland Mitigation in Northeast Minnesota* included recommendations addressing the following issues:

- Wetland Mitigation Search Criteria
- Alternative Options for Compensatory Mitigation within NE Minnesota Watersheds
- Replacement Wetland Siting Criteria
- Other Recommendations for Program Improvement
- Alternative Mechanisms for Providing Compensatory Mitigation

The full report is available on the [BWSR website](#).

Both of these documents included significant stakeholder involvement, an evaluation of issues and options for policy adjustments to improve wetland protection and management in Minnesota.

In 2014, legislation was introduced and several hearings were held, but no action was taken. However, agencies were directed to work with stakeholders to develop proposals for legislative consideration in 2015. At the legislative hearings there was significant agreement on many of the "concepts" included in the Northeast Minnesota Report; however those concepts need further refinement in order to support and inform legislative action.

Scope.

Input and recommendations can include all aspects of WCA, but the following will help focus and guide this effort:

- The concepts contained in the report, “Siting of Wetland Mitigation in Northeast Minnesota” will serve as the foundation and starting point.
- The report developed for Executive Order 12-04 - Supporting and Strengthening the State's Wetland Policy will serve as a resource.

Outcomes.

This is intended to be a process led by BWSR, with the assistance of other agencies with wetland/water regulatory responsibilities, to develop specific recommendations in consultation with stakeholders. The goal is to generate a consensus among agencies and stakeholders for implementation in 2015. It is anticipated that these changes can be implemented via a combination of statute, rule, policy, or other administrative action.

Process.

The following work teams and stakeholder groups will be formed to generate input and facilitate the development of recommendations for potential changes to WCA in 2015:

Program Team: BWSR, as the State agency primarily responsible for WCA implementation via MN Rule 8420, will establish a core program management team consisting of the two BWSR WCA program coordinators, two representatives of the Department of Natural Resources (DNR), and a representative from the U.S. Army Corps of Engineers (Corps). This core team will be responsible for coordinating the technical review and development of specific proposals, including the review and utilization of input received from stakeholder organizations.

Technical Team: This Team will consist of technical professionals with WCA experience, including BWSR staff, local governments, consultants, and others when appropriate (e.g. Mn Pollution Control Agency (MPCA), Mn Department of Agriculture, U.S. Environmental Protection Agency; U.S. Natural Resources Conservation Service). The primary responsibilities of this team will be to analyze and vet options, and develop specific and implementable recommendations for the Program Team. The interagency team that developed the report, “Siting of Wetland Mitigation in Northeast Minnesota” will also be utilized for issues pertaining to the recommendations contained in that report. The Technical Team will meet as needed throughout the process.

Stakeholder Groups: Stakeholder organizations will be invited to participate in at least one meeting of each “sector group” (Agriculture, Business and Industry, Environment and Conservation, Local Government) to provide input and direction regarding WCA implementation initiatives and proposals developed by the Program Team. All stakeholder organizations will also be invited to participate in all-sector meetings to ensure cross-interest communication, assist in achieving intended outcomes, and minimizing disagreements on proposed changes to be forwarded to the Legislature in 2015 and/or addressed via rulemaking, policy or other administrative action.

Proposed Timeline.

June, 2014	Program and Technical Teams begin meeting (meet throughout process)
July, 2014	Sector Group Meetings
August, 2014	Sector Group Meetings
September, 2014	First All-Sector Group Meeting

October, 2014	Second All-Sector meeting
November, 2014	Final All-Sector Group Meeting
December, 2014	Consensus Recommendations Issued

Additional sector or all-sector meetings may be scheduled as necessary.

Sector Groups.

Agriculture

- 1) Minnesota Agricultural Water Resources Center
- 2) Minnesota Association of Wheat Growers
- 3) Minnesota Corn Growers Association
- 4) Minnesota Farm Bureau Federation
- 5) Minnesota Farmers Union
- 6) Minnesota Soybean Growers Association

Business and Industry

- 7) Aggregate Ready-Mix Assoc. of Minnesota
- 8) Builders Association of Minnesota
- 9) Builders Association of the Twin Cities
- 10) Iron Mining Association of Minnesota
- 11) Mining Minnesota
- 12) Minnesota Association of Realtors
- 13) Minnesota Chamber of Commerce
- 14) Minnesota Timber Producers Association/Minnesota Forest Industries

Environment/Conservation

- 16) Audubon Minnesota
- 17) Fish and Wildlife Legislative Alliance
- 18) Izaak Walton League - Minnesota Division
- 19) Minnesota Center for Environmental Advocacy
- 20) Minnesota Conservation Federation
- 21) Minnesota Ducks Unlimited
- 22) Minnesota Environmental Partnership
- 23) Minnesota Sierra Club - North Star Chapter
- 24) Minnesota Waterfowl Association
- 25) Pheasants Forever

Local Government

- 26) Association of Minnesota Counties
- 27) League of Minnesota Cities
- 28) Minnesota Inter-County Association
- 29) Minnesota Association of Soil and Water Conservation Districts
- 30) Minnesota Association of Townships
- 30) Minnesota Association of Watershed Districts
- 31) Minnesota Rural Counties Caucus