STATE OF MINNESOTA

EXECUTIVE DEPARTMENT

MARK DAYTON
GOVERNOR

Executive Order 12-04

Supporting and Strengthening Implementation of the State's Wetlands Policy

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, Minnesota Statutes, section 103A.201, subdivision 2(b) states that wetlands of Minnesota provide public value by conserving surface waters, maintaining and improving water quality, preserving wildlife habitat, providing recreational opportunities, reducing runoff, providing for floodwater retention, reducing stream sedimentation, contributing to improved subsurface moisture, helping moderate climatic change, enhancing the natural beauty of the landscape, and are important to comprehensive water management; and

Whereas, the same law states that it is in the public interest to achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands; increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands; avoid direct or indirect impacts from activities which destroy or diminish the quantity and biological diversity of wetlands; and replace wetland values where avoidance of activity is not feasible and prudent; and

Whereas, wetland conservation and protection responsibilities are shared between federal, state and local agencies and private sector organizations; and,

Whereas, wetlands types in Minnesota vary considerably and are distributed quite differently across the State; and,

Whereas, wetland protection and enhancement is an integral part of accomplishing the State's clean water and outdoor heritage goals envisioned by the 2008 Legacy Amendment as prescribed in Article XI, Section 15 of Minnesota's Constitution.

Now, Therefore, I hereby order the Board of Water and Soil Resources, in cooperation with the Department of Natural Resources, the Department of Transportation, the Minnesota Pollution Control Agency, the Minnesota Department of Agriculture, and with the invited participation of stakeholders, to undertake the following steps by December 15, 2012, regarding how to maintain No Net Loss of Wetland as a State goal under the Wetland Conservation Act and to further advance the long-term protection and enhancement of Minnesota's wetland resources:

1. Assess potential changes to current policies that will improve wetland conservation in Minnesota in a manner that maintains and restores the integrity Minnesota's wetlands, while recognizing that the ecology, distribution and type of wetland resources vary statewide.

2. Evaluate and develop recommendations to improve current wetland protection, restoration, and mitigation provisions regarding:

    a. de minimis exemption allowances and flexibility options allowable with Board-approved Comprehensive Wetland Management Plans according to Minnesota Statutes, section 103G.2243;
    b. alignment of pre-settlement wetland zones on watershed boundaries
    c. consistent review, approval, and implementation for projects subject to wetland replacement requirements;
    d. the adequacy of funding mechanisms to cover costs of inspection, monitoring and oversight of wetland bank sites; and
    e. the costs and benefits of wetland mitigation targeted to specific watershed.

3. Develop recommendations to provide for the continued restoration of drained wetlands using various funding sources to achieve the multiple benefits that wetlands provide for strategic conservation purposes.

4. Identify opportunities to improve coordination of wetland regulatory efforts between state and federal agencies by improving the processes for landowners, permit applicants, local governments and regulators so that greater efficiency and cost-effectiveness are realized.

Other state departments and agencies shall cooperate as requested with the agencies charged with the execution of this Order. The agencies charged with execution of this Order shall use existing information to the greatest extent practicable before generating any new data or analysis.

Under Minnesota Statutes, section 4.035, subdivision 2, this Executive Order is effective 15 days after publication in the State Register and filing with the Secretary of State and shall remain in effect until December 15, 2012.

In Testimony Whereof, I have set my hand on this 3rd day of May 2012.

Mark Dayton
Governor

Filed According to Law:

Mark Ritchie
Secretary of State