



# Working with the Wetland Conservation Act

May 2016 Snapshots

Wetlands are protected by federal, state and sometimes local laws and regulations. In Minnesota, the primary state wetland protection law is the Wetland Conservation Act (WCA). WCA was passed by the legislature in 1991 to protect wetlands and the benefits they provide, as part of the legislature's larger goal of achieving no-net-loss of wetland quantity, quality, and biological diversity. It is one of the most comprehensive wetland protection laws in the country, administered by the Board of Water and Soil Resources (BWSR) and implemented by local governments – cities, counties, water management organizations, soil and water conservation districts, and townships – statewide.

The Wetland Conservation Act has been amended many times since it was first passed. In its most recent update, 2015 statute changes included direction to improve the targeting and outcomes of wetland mitigation. In some cases, the draining or filling of wetlands is allowed when the lost functions and values of those wetlands are adequately replaced by restoring wetlands elsewhere. This process is commonly referred to as “mitigation.” The overall goals of WCA, and State policy, are not met when mitigation wetlands do not adequately replace the functions and values lost to approved wetland impacts. Thus the importance of mitigation and the focus on improving it.

BWSR initiated the administrative rulemaking process in October 2015 to update the WCA rules. As part of this process, BWSR began seeking out stakeholder input and feedback to develop a legislative providing direction as to how the 2015 statute changes could be implemented. The report, which was submitted to the legislature in March, provides a potential framework and a context for implementing:

- high priority areas for wetland mitigation,
- in-lieu fee wetland replacement (a mitigation program similar to wetland banking),
- improved replacement wetland siting,
- modified replacement ratios and targeting, and
- changes to actions eligible for credit

The full report can be found at:

[http://www.bwsr.state.mn.us/wetlands/2016\\_Leg\\_Report/2016\\_WCA\\_Report\\_to\\_the\\_Legislature.pdf](http://www.bwsr.state.mn.us/wetlands/2016_Leg_Report/2016_WCA_Report_to_the_Legislature.pdf)

BWSR is now beginning to move forward with the next phase of WCA rulemaking. Through this process, BWSR will seek to develop the details for implementation of the above initiatives as outlined in the legislative report, and to address other policy changes to improve the overall efficiency and effectiveness of WCA.



In order to actually achieve the goal of improved, more targeted wetland mitigation outcomes, it will be critical to obtain the necessary implementation funding. This funding is necessary for the inventory, planning, and prioritization of wetlands and wetland mitigation opportunities in watersheds, which will be incorporated into a statewide Compensation Planning Framework to guide mitigation decisions. BWSR will work through the biennial budget process and other potential sources to pursue funding for this initiative.

Rulemaking and statutory changes can be challenging, but Minnesota has a proud tradition of recognizing the importance of our wetland resources. BWSR intends to continue working closely with our partners to explore other ideas and proposals to strengthen the law, and position it to best meet the significant and ambitious goals set forth by the State legislature.