



Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetlands Policy

Project Framework and Process

Background

Governor Dayton has directed the Board of Water and Soil Resources with support from the Department of Natural Resources, Department of Transportation, Mn Department of Agriculture and Pollution Control Agency to assess and evaluate policy options to maintain the State goal of no net loss of wetlands as well as to advance the long-term protection and enhancement of Minnesota's wetland resources.

Intentions

The expected end results that will be used to judge the long-term success of this project.

1. Changes and improvements to wetland regulations, including interagency coordination, to:
 - a. Ensure that regulatory processes are efficient and equitable; and
 - b. Ensure that regulatory processes optimize the health of the wetland resource of all types across the State of Minnesota.
2. Informed and effective investments in the conservation and restoration of wetland resources to achieve multiple benefits such as improved wildlife populations and associated recreational opportunities, improved water quality, and improved management of hydrological flows in Minnesota watersheds.

Outcomes

The expected outcomes of this Project.

1. Recommendations for changes to the Wetland Conservation Act (WCA).
2. Recommendations regarding coordination of resources to support wetland restoration to achieve multiple benefits.
3. Identify and recommend additional opportunities for improved coordination of wetlands regulation by local, state and federal government agencies.
4. Identify and recommend additional opportunities to refine Minnesota wetlands policy to enhance wetland resources.
5. Identify issues that warrant further consideration.

Values

Principles and tradeoffs that are guiding the Project.

- Meet the Governor's Expectations for meaningful recommendations.
- Complete the process with sufficient time for BWSR Board review and submission to the Governor by Dec 15.
- Decision making and public input processes will be supported with existing and readily available information.

Focus

What is in and out of scope of for the project in terms of breadth and perspectives.

Includes actions that:

- BWSR and cooperating state agencies can do under discretionary authority.
- BWSR and cooperating state agencies can do under existing rule making authority.
- BWSR and cooperating state agencies can do in partnership with federal agencies.
- BWSR and cooperating state agencies can do with statute changes.

Excludes:

- The development of new or revised wetland data and plans.
- New detailed data analysis or modeling or detailed spatial wetland targeting.
- Federal policy proposals or initiatives.

Context

The setting of the project – risks, assumptions, constraints, and other elements required to understand the project.

This project is being pursued after intense legislative debate over specific changes to the Wetland Conservation Act that were considered 2012, some of which were enacted. The time frame remaining is very limited and no budget resources were appropriated to complete this project. At the same time there are a range of concurrent stakeholder processes that require time and energy from many of the key stakeholders. This effort will seek to achieve efficiency with targeted and focused stakeholder input opportunities. It is assumed that diverse voices from different sectors and regions of the state will help BWSR and cooperating agency staff frame and develop recommendations quickly.

While specific recommendations may result from this process, it is likely that there will be ideas and concepts forwarded for additional work beyond December 15. When the report's recommendations include continued discussions, it will provide information on the processes that will be used to further these recommendations.

This project does face certain risks. State agencies have a history of partnership with federal agencies in wetlands regulation and conservation, but there is little ability to drive federal compliance with state recommendations. Also stakeholder perspectives and concerns regarding wetlands regulation and conservation are diverse and often intense. Any recommendations made, will have accounted for the concerns and interests expressed, but may not represent deep and broad consensus.

Stakeholder Engagement Process

Input will be solicited from stakeholders through a range of meetings. These meetings will be based on three strategies. Input and insights captured from these different meetings will be documented and made available to other stakeholders to ensure transparency.

1. **Sector Outreach:** BWSR will seek to leverage existing multi-organizational forums and umbrella groups that have a stake in wetlands policy. Targeted discussions that address the issues identified in EO 12-04 will be tailored around those sector's perspective and concerns. These meetings will be scheduled as soon as possible with much of the work anticipated to occur in September. The time frame for discussion will be based on the availability and interest of the organization and their scheduling. Sectors identified include:
 - a. Agriculture (First Meeting: August 27)
 - b. Environmental and Conservation Groups (TBD)
 - c. Business and industry (TBD)
 - d. Local Government (TBD)

2. **Regional Outreach:** BWSR will convene four regional meetings to invite input from stakeholders. These forums will be tailored to draw out different regional perspectives on the issues identified in EO12-04 in the context of the regional economies, wetland resources, and related natural resource or environmental conditions. BWSR will invite diverse stakeholders from these regions. Forums will be held in:
 - a. Mankato – Target Dates: September 25 or 27
 - b. Bemidji – Target Dates: October 10 or 11
 - c. Iron Range (likely Chisholm) – Target Dates: October 10 or 11
 - d. Twin Cities – Target Date: October 16

Additional meetings may be scheduled.

3. **Core Stakeholder Meetings:** BWSR will convene two meeting in the Twin Cities (in a north metro location) of the identified stakeholder groups to develop input and cross interest dialogue regarding wetlands policy in Minnesota.
 - a. *Preliminary Input Meeting:* The first meeting (tentative date September 19) will seek to help frame the issues needing to be addressed and capture a range of input and insights from the participants relating to the issues identified in EO 12-04.
 - b. *Review and Response Meeting:* The second meeting (tentative date October 23) will be focused on reviewing and responding to 1) input captured by BWSR and 2) preliminary or draft recommendations developed by BWSR and the interagency team.

BWSR and cooperating agencies will also encourage organizations to develop and submit written comments as appropriate throughout the process. Summaries of key input received in various forums will be provided to the broader list of stakeholders to ensure transparency. E-mail will be the primary form of communication in order to ensure transparency and elicit consensus or consent were possible and appropriate.

Development of the report will occur in October and November. All input received in this process will be considered in the development of the report. A draft of the final document will be presented to the BWSR Wetlands Committee and the report as recommended by the Committee will be submitted to the BWSR Board for their review on December 13.

Invited Stakeholders

Agriculture

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

Business

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

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 Conservation District Employees
- 30) Minnesota Association of Soil and Water Conservation Districts
- 31) Minnesota Association of County Planning and Zoning Administrators
- 32) Minnesota Association of Townships
- 33) Minnesota Association of Watershed Districts
- 34) Minnesota County Engineers Association
- 35) Minnesota Rural Counties Caucus

Other Organizations

- 36) Minnesota Association of Professional Soil Scientists
- 37) Minnesota Viewers Association
- 38) Wetland Professionals Association

Federal Government

- 39) U.S. Army Corps of Engineers
- 40) U.S. Fish and Wildlife Service
- 41) USDA Natural Resources Conservation Service
- 42) U.S. Environmental Protection Agency