

Wetland Conservation Act rulemaking process advances, BWSR seeks feedback



The Minnesota Board of Water and Soil Resources (BWSR) is making progress toward updating rules for the state's Wetland Conservation Act (WCA) after receiving public feedback on a preliminary draft of the updated rules. A second preliminary draft is expected to be published on BWSR's website for public review later this spring.

Wetlands' many ecological benefits include improving water quality, storing water on the landscape after flooding, and providing fish and wildlife habitat. In 1991, the Minnesota Legislature passed WCA into law, consistent with the public interest to achieve no net loss in the quantity, quality and biological diversity of Minnesota's wetlands. The WCA is a statewide, comprehensive wetland protection and mitigation program that operates independently of federal water and wetland protection programs.

Local governments implement WCA rules. With assistance and oversight from BWSR, local government staff work with landowners to avoid and

minimize impacts to wetlands, and to replace wetlands impacted by development with wetlands of equal or greater function and value.

Numerous amendments to WCA statutes have been passed since its enactment, and the rules have undergone multiple revisions. The [most recent statute changes](#) (enacted in 2024) revised exemptions and added additional authority over certain deepwater habitats and certain stream reaches, among other changes. Details about WCA statute changes are available on [BWSR's website](#).

The primary purpose of the current rulemaking effort is to incorporate statutory changes made after the current rules were adopted in 2009. The current effort may also consider amendments to clarify requirements and procedures, update and modernize outdated rules provisions, improve wetland mitigation outcomes, increase consistency with federal wetland regulations, and implement other changes to improve rules' efficiency, effectiveness and outcomes.

Wetlands such as these, from left, in Blue Earth, Anoka and Otter Tail counties offer multiple benefits including water storage, improved water quality and enhanced fish and wildlife habitat. BWSR is updating rules for the state's Wetland Conservation Act to reflect statutory changes made since the current rules were adopted in 2009. **Photo Credits:** BWSR

The current WCA rulemaking process was initiated in 2015. Since then, BWSR has published three requests for public comment in the Minnesota State Register, and has engaged in extensive stakeholder coordination and public engagement.

Those efforts have included forming a Wetland Advisory Committee, which advises BWSR staff on rulemaking topics and amendments as they are developed. BWSR staff also hosted a virtual informational session for wetland bankers; held numerous meetings involving state and federal agencies, organizations

and interested individuals; and engaged with Tribal Governments and staff members.

BWSR staff hosted multiple webinars and training sessions about the 2024 statute changes, and conducted listening sessions in November and December 2024 to gather feedback from local government staff about rulemaking.

BWSR will continue to engage with stakeholders and the public throughout the rulemaking process.

“Our goal is to be as transparent as possible,” said Les Lemm, BWSR

wetlands section manager. “We want to obtain as much early feedback as we can prior to board adoption of draft rules.”

A first preliminary draft of the WCA rules was posted to BWSR’s website for public comment on Nov. 12, 2024. BWSR staff members are considering that feedback as they develop a second preliminary draft, which is expected to be completed later this spring and published on the BWSR website. BWSR will again seek feedback from the public on the potential rules amendments before developing a final draft.

The final phase of rulemaking will begin when the BWSR Board adopts a final draft of the rules, which is anticipated to happen later this year. The rules will then be published in the Minnesota State Register, as required under the Minnesota Administrative Procedure Act. Additional opportunities for public review and comment will be provided before the rules become law.

[Learn more about WCA rulemaking.](#)

BWSR staff members write and produce Snapshots, a monthly newsletter highlighting the work of the agency and its partners.