



C.P.R. for Wetlands: *Conserve, Protect, and Restore* Breathing new life into our sense of place

Community Involvement in Wetland Protection MINNESOTA

Regulation

Minnesota's wetlands play a crucial role in maintaining water quality, providing habitat for an enormous variety of plant and animal life, affording public recreation and commercial benefits, and flood control. Minnesota has lost over 52% of its original wetlands, with some areas having lost more than 90%. An estimated 11-13 million acres of wetlands are left in Minnesota. Federal regulations govern wetlands in order to ensure that the benefits they offer continue for generations to come.

Federal Laws

The primary federal legislation governing wetlands is Section 404 of the Clean Water Act (CWA), enacted in 1972. Since its inception, the Clean Water Act and its broad protections of wetlands have slowed the destruction of wetlands throughout the nation. The federal program is administered by the U.S. Army Corps of Engineers with oversight by the U.S. Environmental Protection Agency (EPA). In addition to Section 404 of the Clean Water Act, the federal farm programs, the Endangered Species Act, and other sections of the CWA (Sections 401 and 402) can help protect wetlands.

State Laws

In 1991, reacting to public concern about Minnesota's disappearing wetlands, the Minnesota legislature passed the Wetland Conservation Act (WCA), one of the most sweeping wetlands protection laws in the country. In the WCA, local government units implement the act locally. The Minnesota Board of Water and Soil Resources administers the act statewide, and the Department of Natural Resources enforces it.

To retain the benefits of wetlands and reach the legislation's goal of no-net-loss of wetlands, the Wetland Conservation Act requires anyone proposing to drain, fill, or excavate a wetland to avoid, minimize and mitigate. The law states that the person must first try to avoid disturbing the wetland; second, try to minimize any impact on the wetland; and, finally, replace any lost wetland acres, functions, and values. Certain wetland activities are exempt from the act, allowing projects with minimal impact or projects located on land where certain pre-established land uses are present to proceed without regulation.

Recent court decisions have weakened the Clean Water Act and threatened the protection of certain isolated wetlands (those wetlands not connected to major water ways), and as a result, many states, including states in the Great Lakes basin, have responded by strengthening their wetlands protections. Minnesota, however, has not altered the Wetland Conservation Act (WCA) in any way and the laws remain the same.

Local Regulations

Local government units (LGUs) are the last regulatory barriers in wetlands protection. They are required to follow the federal and state laws, and some LGU's have regulations in place that are stricter than either the federal or state protections. Depending on geographic location, cities, counties, watershed management organizations, soil and water conservation districts, and townships, have local jurisdiction over wetlands.



Local governments may also have their own wetland ordinances that are more extensive than the Clean Water Act and the Wetland Conservation Act. Land-use decisions across the state are often made on a local level, so local government unit's involvement in wetlands protection and regulation is very important.

To find out who carries out the Wetland Conservation Act in your area, contact your county soil and water conservation district – listed in the government section of the phone book – or the main office of the Board of Water and Soil Resources.

Get Involved

Citizens can get involved in wetland protection in many ways, from reviewing and commenting on proposed projects to working on restoration projects. Here are several ways you can protect wetlands in your area:

- Educate yourself and others about proper wetlands stewardship by learning the details of wetlands regulations, get to know your local environmental groups, learn where the wetlands in your area are. Contacting the Army Corps of Engineers, the Board of Soil and Water Resources, the Natural Resources Conservation Service, and local planning commissioners is a great way to start.
- Review and comment on public notices of wetland alteration applications. There is a 30-day comment period on any application submitted to the Corps. Contact the Army Corps of Engineers or the Board of Water and Soil Resources for more information.
- Get involved in wetland restoration projects in your area. The Minnesota DNR and county agencies often have restoration projects in progress. Many grassroots citizens groups also work to protect and restore wetlands.

- Participate in wetland management on public lands through the DNR and the U.S. Forest Service.
- Promote permanent protection of land through conservation easements and purchase. Organizations such as The Nature Conservancy and Minnesota Land Trust protect land through easements.
- Get out and enjoy your area wetlands! Bring your children and expose them to these fantastic ecosystems. Educating others about wetlands and their protection will build a solid base of people who care, today and in the future.

For More Information

- Army Corps of Engineers St. Paul district (covers the whole of Minnesota)-for information on federal regulations, go to www.mvp.usace.army.mil/or call (651)290-5200.
- Minnesota DNR Wetlands Program-for information on Minnesota's wetland regulatory program, go to www.dnr.state.mn.us/ecological_services/wetlands.html or call (651) 296-6157 or (888) MINNDNR.
- Minnesota Board of Soil and Water Resources-for more information on Minnesota's wetland regulations, go to <http://www.bwsr.state.mn.us/wetlands/index.html> or call (651) 296-3767 (this is the central office's number, they can redirect you to your local office if necessary).
- Natural Resources Conservation Service on the web at www.nrcs.usda.gov/ or check your local phone book for a regional office.
- The Nature Conservancy Minnesota Chapter-for information on conservation easements, go to www.nature.org/wherewework/northamerica/states/minnesota/.
- Minnesota Land Trust-for further information on easements, go to www.mnland.org/ or call (651) 647-9590.
- For more information regarding the state of wetlands in Minnesota, go to the MPCA Wetlands Monitoring page at www.pca.state.mn.us/water/biomonitoring/bio-wetlands.html. Also check out the Minnesota Wetland Management District's Comprehensive Management Plan at www.midwest.fws.gov/planning/minn_wetlanddistrictstop.htm.
- Contact the planning department of your municipality for more information on local regulatory programs.