

**COPY OF RESOLUTION OF  
NORTHERN COUNTIES LAND USE COORDINATING BOARD  
ADOPTED DECEMBER 4, 2008**

---

**Resolution to Oppose Proposed Wetland Conservation Act Rules  
Regarding Exemptions**

WHEREAS, the Wetland Conservation Act (WCA), including portions of Minnesota Statutes, chapters 103A, 103B, 103E, 103F, and 103G, became effective on January 1, 1992, and is administered by local government units (LGUs) with technical assistance from Soil and Water Conservation Districts (SWCDs) and oversight by the Board of Water and Soil Resources (BWSR); and

WHEREAS, Minnesota Statutes and current Rule 8420 exempt certain activities from regulation under WCA and an exemption applies whether or not the LGU has made an exemption determination; and

WHEREAS, the current Rule 8420 does not require landowners to gain approval or report activities that are exempt from WCA; and

WHEREAS, the 1994 and 1996 amendments to WCA which resulted in the exemptions that are contained in current Rule 8420, and assurances that landowners conducting exempt activities would truly be exempt without additional requirements, were a significant reason for northern counties to adopt WCA; and

WHEREAS, the BWSR draft rule 8420 now proposes to require landowner reporting of all exemptions; and

WHEREAS, the Rule proposal requires a level of technical expertise that landowners do not possess; and

WHEREAS, in order to comply with the requirement, landowners will request assistance from the LGU or SWCD; and

WHEREAS, the amount of technical assistance required will be greater in rural areas, particularly in northern Minnesota where wetlands are abundant; and

WHEREAS, the current amount of funding provided for implementation of WCA is insufficient to implement effectively the program requirements under current rules; and

WHEREAS, the proposed WCA rule provision to require landowner reporting of exemptions will result in increased costs to LGUs without any increase in funding for implementation proposed or likely considering a projected state budget deficit; and

WHEREAS, the proposed Rule language to require landowner reporting of exempt activities is in direct conflict with Minnesota Statute 103G.2241, subdivision 11 and the intent and spirit of WCA;

BE IT THEREFORE RESOLVED that counties affiliated with the Northern Counties Land Use Coordinating Board oppose any changes to WCA rules to require landowners to report exempt activities.

Commissioner Beckel moved and Commissioner Pavleck seconded the motion for the adoption of the resolution and it was declared adopted upon the following vote:

Ayes: Beckel, Fink, Johnson, Lepper, Napstad, Pavleck, Raukar, J. Swanson,

Nays: None

Absent: Fenwick, Forsman, Jensen, Larson, O. Swanson

---

Commissioner Dennis Fink, Chairman Northern Counties Land Use Coordinating Board

Northern Counties Land Use Coordinating Board

P. O. Box 136

Ranier, Minnesota 56668