RESOLUTION 2016-24

RESOLUTION OF THE RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS

Recommending a Resolution to the MAWD Board Regarding Amendments to the Wetland Conservation to Restore Watershed-Based Implementation of Replacement Siting of Waters restorations

Manager Waller offered the following Resolution and moved its adoption, seconded by Manager Haake:

WHEREAS, watershed-scale water resource management is a principle of common importance to Watershed Districts; and

WHEREAS, prior to August 2011, the Wetland Conservation Act (WCA) allowed siting of replacement wetlands for wetland impacts occurring in the seven-county metropolitan area according to the following priority order: “(1) in the affected county; (2) in another of the seven metropolitan counties; or (3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.” (see Laws 2007, Chap. 57, sec. 121); and

WHEREAS, statutory amendments to WCA in 2011 (see Laws 2011, Chap. 107, sec. 67) eliminated the prior siting priority and adopted a requirement that “Impacted wetlands in a 50 to 80 percent area must be replaced in a 50 to 80 percent area or in a less than 50 percent area. Impacted wetlands in a less than 50 percent area must be replaced in a less than 50 percent area.” The 2011 amendments went on to require the following replacement siting priority for all wetland impacts: “(1) on site or in the same minor watershed as the impacted wetland; (2) in the same watershed as the impacted wetland; (3) in the same county or wetland bank service area as the impacted wetland; (4) in another wetland bank service area; and statewide for public transportation projects (with certain restrictions); and

WHEREAS, the 2011 amendments departed from a longstanding principle of watershed-level water resource management by using a county boundary based assessment of percentage of remaining, pre-statehood wetlands (see Rule 8420.0120). This departure and the statutory amendment that followed failed to recognize that several major watersheds in Minnesota straddle different pre-statehood wetland percentage areas; and

WHEREAS, despite the availability of wetland replacement opportunities, and established banks, within a major watershed, replacement for impacts in the major watershed may now occur in a different watershed and, most likely, in a different bank service area, solely because the pre-statehood wetland percentage areas were drawn on county boundaries; and

WHEREAS, this result violates two fundamental principles of water resource management (1) that replacement should occur as close to the impact site as possible, and (2) that water resources should be managed on a watershed scale – and not, as here, by political boundary.
THEREFORE BE IT RESOLVED, that the Rice Creek Watershed District approves submitting a resolution to MAWD urging its support of statutory amendments to restore watershed-based restoration siting priorities; and

FURTHER, a draft of the proposed MAWD resolution is attached but may be modified prior to submission based on coordination with Board of Water and Soil Resources staff.

The question was on the adoption of the Resolution and there were 5 yea and 0 nays as follows:

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Upon vote, the Chair declared the Resolution passed.

Michael Bradley, Secretary

Dated: October 12, 2016

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I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above Findings and Order with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 12th day of October 2016.

Michael Bradley, Secretary