



# Wetland Regulation: Who Do You Want to Tend Your Garden?

April 2015 Snapshots

Imagine your neighbor accidentally destroys your carefully-tended, ready-to-harvest vegetable garden while doing a landscaping project. The neighbor is willing to do what it takes to make things right. What do you ask your neighbor to do to compensate for the loss of your garden? You could ask him to plant and tend your garden the following summer, but if he has no gardening expertise you might not see great results. Sure, you could train and supervise him, but it is likely most efficient for both of you if he pays you to rebuild your own garden.

A similar choice is currently being debated in a new wetland bill at the State Legislature. The bill proposes a number of changes to wetland regulation, including an in-lieu fee (ILF) proposal. An ILF program would allow those who need to replace/mitigate a wetland loss to pay a **fee in lieu** of trying to replace the lost wetland themselves. A qualified program sponsor (a government entity or nonprofit organization) then uses the fee to restore wetlands to replace the one that was destroyed. The ILF program allows experts to exercise their skills in restoring wetlands, rather than spend their time supervising and regulating others' work. In the context of our gardening example, an ILF allows the non-gardening neighbor to pay for the garden rather than trying to tend it himself.

Currently, the Board of Water and Soil Resources and other government entities spend a lot of time and effort ensuring mitigation efforts result in a good-quality wetland. There are great examples of private wetland restorations worked on by well-qualified and highly-motivated private consultants. That said, there are also many people impacting wetlands that, while experts in their own fields (e.g., building houses, roads, or pipelines), do not have much experience or interest in wetland restoration. The result of their restoration are often wetlands that minimally satisfy regulatory requirements, but nothing more.

The key difference in the proposed ILF program is this shift of motivations. Individuals running the ILF program, because they are both trained and interested in wetland science, are motivated to produce the best wetland restorations possible, not just do enough to satisfy a regulatory requirement. The ILF program transfers restoration funding and responsibility to a motivated, experienced party, which is charged with replacing the public value of the lost wetland (flood control, water quality protection, wildlife habitat, etc.).

So, who do you want to tend your garden? Someone who satisfies your basic requirements, or someone who has the skills and expertise to make it the best possible? A well-run ILF program can be an effective tool for mitigating wetland losses in Minnesota.



*Wildlife and vegetation flourish at this wetland banking site in Polk County.*