



December 17, 2015

Mr. Les Lemm
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Mr. Lemm,

I am submitting this letter on behalf of the Builders Association of the Twin Cities (BATC), in response to the Minnesota Board of Water and Soil Resources' recently noticed process for amending the Wetland Conservation Act Rules (MN Rule Chapter 8420). By way of background, BATC represents over 1,100 member firms engaged in all phases of the home building, land development and remodeling industries in the Twin Cities area, including contractors, sub-contractors and suppliers. BATC is dedicated to providing a diverse selection of quality and affordably-priced homes in our region.

BATC has been a long-time stakeholder and participant in BWSR policy forums and looks forward to participating in the upcoming rulemaking process. We reserve specific comment for the rulemaking process itself, but offer the following general comment as this two-year process commences.

Wetland Stakeholder Coordination

The 2014 legislative directive for BWSR to work with wetland stakeholders 'to foster mutual understanding and provide recommendations for improvements to the management of wetlands...' is strongly supported by BATC. The establishment of a standing work-group is an important step to formalize communications channels and to develop policy recommendations. BATC seeks representation on the standing work-group and looks forward to providing Twin Cities regional development perspective to BWSR and fellow work-group members.

In-Lieu Fee Program

The establishment of an in-lieu fee (ILF) program and the requirement that an ILF be approved by the US Army Corps of Engineers (COE) provides project flexibility and a common-sense approach for wetland replacement. Acknowledging the likelihood of a lengthy implementation period for the ILF program to achieve appropriate federal approval, BATC emphasizes the need to craft the ILF program with language that provides for the presence of an essential nexus and reasonable fee structure.

Mitigation Fees Established

BWSR now has the authority to recoup costs associated with establishing easements or other long-term protection mechanisms on land used for wetland replacement. In the upcoming rulemaking process, BATC supports the creation a fee structure that is fair, reasonable and proportionate to the costs associated with the underlying activity.

Conclusion

BATC supports the goals of WCA improvement that will result in a more efficient process and improved conservation outcomes. Concurrently, BATC challenges BWSR and its fellow stakeholders to consider the cost impacts on the end users impacted by the WCA rules. For BATC members, these are Twin Cities homeowners looking to build their home while facing regulatory costs that are among the highest in the nation. As we enter into this process we aim to keep this issue at the forefront as we attempt to balance conservation goals and affordability for homeowners.

Respectfully,

A handwritten signature in black ink, appearing to read "David Siegel". The signature is fluid and cursive, with a large initial "D" and "S".

David Siegel
Executive Director