



Partnering for Efficiency and Effectiveness

March 2015 Snapshots



Wetlands are so important that both state and federal agencies regulate activities within their boundaries. In Minnesota, state regulation falls under the Wetland Conservation Act (WCA), overseen by the Board of Water and Soil Resources (BWSR). The Federal program is Section 404 of the Clean Water Act, administered by the U.S Army Corp of Engineers. While the programs operate in the public's best interests, navigating the different rules can sometimes be a challenge for landowners and agencies alike.

For example, say you are a landowner who wants to construct a driveway, or building on your land and in order to complete the project safely, you need to fill a minor amount of wetland. In many instances, you will need separate permits from both state and federal agencies; despite the likelihood that their reviews will come to the same conclusion. This is frustrating for landowners and a resource drain for the agencies.

These programs regulate different types of wetland resources with different rules, but have long worked together to mirror each other's wetland regulatory programs. Recognizing that there are cases where both agencies need not be involved, BWSR and U.S Army Corps have established an Interagency Personnel Agreement (IPA) to reduce regulatory redundancy.

The goal of the IPA is to identify redundant rules and determine who is best suited to regulate a particular situation, this will in turn:

1. Ease regulatory burden for the public
2. Improve project review efficiency for the agencies
3. Improve the consistency of regulatory decisions

BWSR staff is going through both programs' rules, using real world scenarios and decisions, comparing results, and then determining if there is redundancy.

Ultimately, the intent is to identify those rules and situations where an applicant should be able to obtain a single wetland alteration permit that satisfies both programs. In other words, if you obtain your WCA permit, it would satisfy USACE permit requirements and vice versa.

As a first step, the IPA is looking at smaller wetland impacts, shifting the review of "Mom and Pop" projects from both WCA and Section 404 to just the WCA. As this evolves, other wetland regulations will be considered.

This is a positive shift for both programs as now there are people that are employed by both agencies who are familiar with both programs, and can provide unique perspective to find the common ground. BWSR and the Corps are committed to making these positions be effective in improving the efficiency and effectiveness of wetland regulation in Minnesota.



Wetland Planner Natasha DeVoe is one of four BWSR staff who work with the Corps under an IPA.