



522 South Johnson Drive • Litchfield, MN 55355

320.693.7287

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March 1, 2022

BWSR Wetlands Section Manger
Less Lemm
520 Lafayette Road North
St. Paul, MN 55155

RE: WCA Rulemaking Comments

Mr. Lemm,

There have been positive strides made in recent years with the working relationship with NRCS/Swampbuster provisions and WCA as it relates to wetland replacement. The use and implementation of the Agricultural Wetland Bank has streamlined the wetland replacement process for both staff and landowners. This works well when the Certified Wetland Determination matches wetlands that are also regulated by WCA.

Many of the "old" Certified Wetland Determinations have matched up well with what would be regulated by WCA. More often, these wetlands would be on a Certified Wetland Determination, and they would end up meeting a WCA Exemption. Due to the NRCS process, a number of these Wetland Determinations have been considered "Not Certified" for several different reasons and have required a new wetland determination to be completed. These redeterminations have changed many of the labels for the wetlands, and in a number of cases, completely removed Wetland and Farmed Wetland labels.

These redeterminations have caused confusion for landowners. Many landowners now get the impression that their fields are free of any wetland restrictions, and neglect to check with other agencies with interest in wetlands before new drainage work is planned and completed. While it does state on the NRCS forms that landowners need to check with other State and Federal Agencies concerning wetland compliance, often this is overlooked. This can be a very costly mistake for landowners, in some cases costing hundreds of thousands of dollars to correct.

From a landowner perspective this can be extremely confusing. Why would a wetland be a wetland for one agency and not another? As a landowner I would get the impression that if it is a wetland, it's a wetland, and if its not, its not.

We understand each agency has a different process for how these determinations are made. Due to these different processes, we have different outcomes. This is a problem.



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Meeker SWCD is requesting that there is unity among agencies making wetland determinations for Wetlands in a cultivated field/Wetlands located on agricultural land. There are several options that could be considered that would allow for agencies to have a unified front on these wetland situations. A few considerations we have discussed locally would be to introduce a new exemption that would align Certified Wetland Determinations and WCA regulated wetlands on agricultural land. Or a process could be developed with NRCS to allow for WCA review of Certified Wetland Determinations before they are sent to the landowners.

Meeker SWCD welcomes the opportunity to further discuss this issue and possible solutions during this rulemaking process.

Thank you,

Joe Norman
District Technician
Meeker SWCD

Robert Schiefelbein
Board Chair
Meeker SWCD