

Draft* BOARD ORDER*Minnesota Wetland Conservation Act, MN Rules Chapter 8420****PURPOSE**

To authorize staff to publish the notice of intent to adopt amendments to Minnesota Rules Chapter 8420 (WCA rule) in the State Register and to complete the steps necessary for the Board of Water and Soil Resources (Board) to adopt a final rule under the Administrative Procedure Act (APA).

RECITALS/FINDINGS OF FACT

- A. Minnesota Statutes § 103G.2242, Subd. 1 authorizes the Board to adopt rules implementing the Wetland Conservation Act (WCA).
- B. The current WCA rule has been in effect since August 3, 2009.
- C. Amendments to WCA statutes occurred in 2011, 2012, 2015, 2017, and 2024.
- D. Amending the WCA rule is necessary to make the rule consistent with statute and to improve the efficiency, effectiveness, and outcomes of the rule.
- E. The Board has engaged extensively with the public and stakeholders, including through the publishing of multiple requests for comments, preliminary draft versions of the rule, and the use of an advisory committee. Feedback received was used in the development of the proposed rule.
- F. The Board has consulted with Minnesota Tribal Governments pursuant to Minn. Stat. § 10.65 in the development of the proposed rule.
- G. The proposed rule has been certified to form by the Office of the Revisor of Statutes in accordance with Minn. Stat. § 14.07, Subd. 2.
- H. The APA provides the requirements and procedures for a state agency to adopt administrative rule, including the publication of a notice of intent to adopt in the State Register.
- I. The Board's Wetland Conservation Committee met on August 20, 2026, and recommends that the Board authorize staff to publish the notice of intent to adopt amendments to the WCA rule in the State Register and complete the steps necessary for the Board to adopt a final rule under the APA.

ORDER

The Board hereby:

- 1. Authorizes staff to publish the notice of intent to adopt amendments to the WCA rule in the State Register and to conduct the steps necessary for the Board to adopt a final rule under the APA.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____