Proposed Wetland Conservation Act rules open for public comment through Jan. 29



This restored wetland in Blue Earth County offers water storage and wildlife habitat.
Photo Credits: BWSR

A 60-day public comment period for proposed amendments to the state's Wetland Conservation Act (WCA) rules began Nov. 30 and will conclude Jan. 29. Public comments can be submitted online.

The Minnesota Board of Water and Soil Resources (BWSR) is responsible for enforcing WCA, a state law that operates independently of federal water regulations to protect Minnesota's wetlands, which encompass more than 10 million acres. In 1991, the Minnesota Legislature passed WCA into law, with the goal of achieving no net loss in the quantity, quality and biological diversity of Minnesota's wetlands.

"The main purpose of WCA is to avoid and minimize impacts to wetlands, and to replace any wetlands impacted by development with wetlands of equal or greater value and function," said Les Lemm, BWSR wetlands section manager.

Wetlands offer numerous ecological benefits, such as improving water quality, storing water on the landscape after flooding, and providing fish and wildlife habitat.

Since oversight began more than 35 years ago, the state legislature has passed numerous statutory amendments to the WCA, and associated WCA rules have undergone multiple revisions. The current rulemaking effort's primary purpose is to incorporate statutory changes made after the current rules were adopted in 2009. Statutory changes were made to the WCA in 2011, 2012, 2015, 2017 and 2024. Details about WCA statute changes are available on BWSR's website.

"Updating the WCA rules will help



Minnesota's Wetland Conservation Act helps protect the more than 10 million acres of wetlands found throughout the state, including this wetland in Redwood County.

clarify implementation, improve mitigation outcomes and remove outdated, confusing and redundant language," Lemm said.

BWSR staff initiated the current rulemaking process in 2015. Lemm said that engaging groups that could potentially be impacted by the changes has been key to the process.

Multiple Outreach and engagement mechanisms were used to solicit feedback on the drafting of the rule amendments, including the formation of a Wetlands Advisory Committee to advise BWSR staff on rulemaking topics and amendments as they were developed. The committee was comprised of representatives from agricultural, environmental, industry, local government, and professional organizations, as well as county and SWCD staff. BWSR also gathered feedback from Tribal Governments, state and federal agencies and their staff, and numerous other interested organizations and individuals through online and in-person meetings throughout the rulemaking process.

At its August meeting, the BWSR Board authorized wetland staff to publish in the state register the Notice of Intent to Adopt Rules, one of the final steps in the rulemaking process. The notice was formally posted Nov. 30, initiating the public comment period.

After the public comment period, BWSR staff will monitor and respond to comments received, and a hearing will be held on March 2, 2027. Necessary final revisions are expected to be made in early 2027. Lemm said he anticipated the rules would be finalized and take effect sometime next year.

More information about WCA rulemaking, including how to submit comments and attend the public hearing, is available on the Wetland Conservation Act Rulemaking webpage.

BWSR staff members write and produce Snapshots, a monthly newsletter highlighting the work of the agency and its partners.