

## Michael Lewis

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**From:** Ben Carlson [benc@arrowheadec.com]  
**Sent:** Wednesday, April 22, 2009 10:45 AM  
**To:** Ken Powell (BWSR); Les Lemm (BWSR); David Weirens (BWSR)  
**Subject:** WCA comments

Greetings Ken, Les, and Dave,

I haven't been keeping up on the WCA rule changes (as far as comment periods an such) so this may be a moot point...I'll bring it up anyway.

Why is the De minimis exemption based on type rather than quality of the wetland?

For example:

I'm working on a road expansion project, there is wetland on both sides of the road. The north wetland (north side of the road) is a type 3, low quality wetland that is 100% narrow-leaved cattail. The wetland on the south side of the road is a native sedge meadow (type 2) wetland....under De minimis the client can impact 1,000 sq ft of the "nice" wetland (type 2) but only 100 sq ft of the low quality wetland (type 3). What is the reasoning behind this??

Perhaps De minimis should be based more on wetland quality rather than type.

I personally hate MnRAM and dont think performing a MnRAM for every impacted wetland is the answer (I have done about 100 MnRAM's and they all come out as medium...).

Perhaps wetlands exhibiting native vegetation and "greater" function should have a lower De minimis amount than a wetland dominated by non-native species ( I realize my basis is on vegetation only and there are many other variables when determining the value of a wetland).

So...that's my gripe for the day...just a thought.

Thanks guys and keep up the good work, I think we are moving in the right direction with the rule changes...while you're at it...convince LGU's that banking is better than onsite mitigation....banking is the way to go...

Thanks

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