

May 12, 2009

Hon. Steven M. Mihalchick  
Administrative Law Judge  
Resources  
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Dave Weirens and Les Lemm  
Board of Water & Soil

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Dear Judge Steven M. Mihalchick and Messrs. Weirens and Lemm:

This letter provides comments on behalf of the Minnesota Division of the Izaak Walton League of America on the proposed amendments to state rules relating to the Wetland Conservation Act Rules, Minnesota Rules, Chapter 8420. The Minnesota Division of the Izaak Walton League of America is a non-profit organization based in Minnesota that is committed to preserving and protecting Minnesota's environment and outdoor heritage. We appreciate the opportunity to comment on WCA rules.

Our primary concern is that the current draft rules would improperly eliminate reporting of wetland loss due to exemptions to the WCA. Our organization, along with numerous other organizations and individuals, lobbied for WCA exemption reporting requirements during the 2007 legislative session. That language, contained in Minnesota Statute 103G.2241, Subd. 11(d), directs BWSR to "develop rules that address the application and implementation of exemptions and that provide for estimates and reporting of exempt wetland impacts." If the proposed rule does not include provisions requiring reporting of exemption use, then it does not comply with Minnesota law.

Without data on exempt wetland losses, it is not possible to accurately assess BWSR's administration of the WCA. The goal of the WCA is "no-net-loss of wetlands," and yet under the current draft of these rules, landowners would not be required to report on any wetlands loss that ostensibly falls under an exemption. Such policy is neither sound nor within the intent of the law. The Minnesota Division of the Izaak Walton League urges inclusion of provisions requiring reporting of exempt wetland losses. Thank you for giving us the opportunity to comment on the proposed rules.

Sincerely,

Curt Leitz  
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