



Board of County Commissioners Agenda Request

5J
Agenda Item #

Requested Meeting Date: January 8, 2019

Title of Item: MN Rules 4410.4300, Subp 27

<input type="checkbox"/> REGULAR AGENDA	Action Requested:	<input type="checkbox"/> Direction Requested
<input checked="" type="checkbox"/> CONSENT AGENDA	<input type="checkbox"/> Approve/Deny Motion	<input type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY	<input checked="" type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Hold Public Hearing* <i>*provide copy of hearing notice that was published</i>

Submitted by: Terry Neff, Environmental Services Director	Department: Environmental Services
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Presenter (Name and Title): Terry Neff, Environmental Services Director	Estimated Time Needed: N/A
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Summary of Issue:

Attached is a resolution opposing amendments to MN Rules 4410.4300, Subp 27.

The proposed amendments are to the Environmental Review Rules that require Environmental Assessment Worksheets to be prepared for projects that may have significant environmental effects. MN Rules 4410.4300, Subp 27, pertain to projects that effect wetlands and public waters. As currently proposed the allowed impacts to wetlands would be reduced from 5 acres of impact to 1 acre of impact; and the types of wetlands impacted would increase from types 3 thru 8 wetlands to types 1 thru 8 wetlands. The combination of these changes would increase the time and cost in our road projects and other large scale projects.

Alternatives, Options, Effects on Others/Comments:

By not opposing the proposed amendments we will be agreeing with the more restrictive regulations and costs to larger projects that effect wetlands.

Recommended Action/Motion:

Adopt the resolution opposing the proposed amendments to MN Rules 4410.4300. Subp 27.

Financial Impact:

Is there a cost associated with this request? Yes No

What is the total cost, with tax and shipping? \$

Is this budgeted? Yes No Please Explain:

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED January 8, 2019

By Commissioner: xx

20190108-0xx

Opposition to Amendments to MN Rules 4410.4300, Subp 27

WHEREAS, Aitkin County has a land area of 1.17 million acres and approximately 725,000 acres are wetlands, and

WHEREAS, Aitkin County is the Local Governing Unit for the Wetland Conservation Act (WCA), and

WHEREAS, on November 13, 2018, the Minnesota Environmental Quality Board published Notice of Intent to adopt proposed amendments to the Rules Governing Environmental Review, and

WHEREAS, MN Rules 4410.4300, Subp 27, Wetland and Public Waters are being proposed to be amended, and

WHEREAS, the proposed amendments to MN Rules 4410.4300, Subp 27, will reduce the allowed wetland impact amount from 5 acres to 1 acre, and the types of wetland are now increased from type 3 through 8 to type 1 through 8, and

WHEREAS, the proposed amendments to MN Rules 4410.4300, Subp 27, will have a significant impact on the time and cost in our road projects and other large scale projects, and

WHEREAS, the proposed amendments to MN Rules 4410.4300, Subp 27, will require an EAW for accessing suitable building sites for some residential properties, and

WHEREAS, through the WCA, all of these wetland activities are reviewed and must follow an approved process. We believe that the proposed language, with added and duplicative wetland scrutiny, is unnecessary, and

WHEREAS, reducing the threshold from 5 acres of impact to 1 acre, and expanding the types of wetland to include types 1 and 2 is not practical for Aitkin County, or many other counties with a large portion of their land area still remaining in wetlands.

BE IT RESOLVED, that the Aitkin County Board of Commissioners opposes any amendment to MN Rules 4410.4300, Subp 27.

Commissioner xx moved the adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT

All Members Voting Yes

STATE OF MINNESOTA}
COUNTY OF AITKIN}

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 8th day of January 2019, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 8th day of January 2019

Jessica Seibert
County Administrator