



minnesota inter-
county association



Association of
Minnesota Counties



January 19, 2017

The Honorable Dan Fabian
359 State Office Building
100 Rev. Dr. Martin Luther
King, Jr. Boulevard
Saint Paul, Minnesota 55155

The Honorable Bill Ingebrigtsen
Minnesota Senate Building
Room 3207
95 University Avenue W
Saint Paul, Minnesota 55155

The Honorable Carrie Ruud
Minnesota Senate Building
Room 3233
95 University Avenue W
Saint Paul, Minnesota 55155

RE: Minnesota Federal Clean Water Act Section 404 Permit Program Feasibility Study

Dear Chairs:

The Association of Minnesota Counties (AMC), Minnesota Inter-County Association (MICA), and Minnesota County Engineers Association (MCEA) would like to thank you for your support of legislation passed during the 2015 Session that called for the study and feasibility of state assumption of the Section 404 permit program. From the beginning, our associations have supported this study to explore options to more efficiently run the Section 404 permit program.

AMC, MICA, and MCEA anticipated the final feasibility report would provide information to determine if state assumption of the 404 permit program would be feasible and advisable. Unfortunately, our associations are not able to answer that key question because of shortcomings in the Section 404 Permit Program Feasibility Report. We have highlighted some of these shortcomings below:

- The report concludes that administration of the Wetland Conservation Act (WCA) must be assumed by the state and reduces or eliminates duties of local units of government (LGUs). Our associations do not agree that this conclusion has been thoroughly vetted. Furthermore, this section of the report includes costs associated with the state administration of WCA by adding 23 or 53 state employees under two different options. We would assert the number of employees the state estimates could be significantly less based on models used by LGUs. Additionally, the report does not mention any savings that could potentially occur by a reduction in Army Corps of Engineers staffing levels.
- The fiscal analysis in the report is incomplete. Savings to the LGUs are not reflected anywhere in the report. These savings relate to the time value of money (inflationary savings) that could be captured by advancing projects more quickly and efficiently through a streamlined permit process.

- An electronic permitting system to administer the permit process was included in the fiscal analysis of this report, when that is something that should be pursued regardless of state assumption of the Section 404 permit program.
- In general, the timelines for this project were difficult to meet and many of the issues raised at the end of the process were not thoroughly discussed or vetted due to time constraints.

Would state assumption of the federal Section 404 permit program make our permit processes more efficient? As stated above, our associations participated in this study with a very open mind to learn more, and this report does not get us to the point where we can properly answer this question. We are open to discussing this matter further, to gather more information, and hopefully reach a conclusion on whether it makes sense for the state to assume jurisdiction of the federal Section 404 permit program.

Thank you for the opportunity to share with you our concerns with the Minnesota Federal Clean Water Act Section 404 Permit Program Feasibility Study.

Sincerely,



Gary Hendrickx,
Swift County Commissioner
*President, Association of
Minnesota Counties*



Keith Carlson,
Executive Director
Minnesota Inter-County Association



Mark J. Krebsbach, P.E.,
Dakota County Transportation
Director/Highway Engineer
*President, Minnesota County
Engineers Association*