KOOCHICHING COUNTY
ENVIRONMENTAL SERVICES
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March 10, 2026

To the Honorable Members of the Minnesota Legislature:

Re: Changes to Minnesota Wetland Conservation Act

The Koochiching County Board of Commissioners writes to express our **support for reinstating the "8-out-of-10 Rule" previously included in Minnesota Statute 103G.2241, subdivision 2, before its removal during the 2024 Legislative Session**. Our support aligns with the concerns and rationale outlined by Lake of the Woods County regarding the changes in the Minnesota Wetland Conservation Act.

As noted in the Lake of the Woods County resolution, the removal of the 8-out-of-10 Rule has placed additional burdens on agricultural producers by requiring a Certified Determination (CD) from the Natural Resources Conservation Service (NRCS) in order to access drainage exemptions. Due to staffing shortages and the time required to issue CDs — in some cases up to two years or more — producers face unnecessary delays and unequal access based on their participation in federal farm programs.

Reinstating the 8-out-of-10 Rule would:

- Provide farmers with the intended reasonable pathway to qualify for drainage exemptions.
- Restore fairness between Farm Program and non-program agricultural producers.
- Maintain appropriate protections by limiting applicability to highly disturbed wetland areas located on agricultural fields, without compromising intact or environmentally sensitive wetlands.

Koochiching County supports the effort to reintroduce legislative language during the 2026 Minnesota Legislative Session to reinstate this rule and provide clarity, predictability, and fairness for agricultural operations in northern Minnesota.

Thank you for your consideration. Should additional information be required, we remain available for further discussion.

Sincerely,

Ricky Roche, Chairman
Koochiching County Board of Commissioners

Ricky Roche