



MEMORANDUM

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TO: Wright County Board of Commissioners
FROM: Greg T. Kryzer, Assistant Wright County Attorney
DATE: April 16, 2019 
RE: **Repeal of § 131.07 of the Wright County Code of Ordinances
Ordinance Number 19-2**

Ordinance Number 19-2 included a repealer which provided Section 131.07 of the Wright County Code of Ordinance was to be repealed in the event the Commissioner of the Minnesota Department of Natural Resources did not formally authorize the Wright Regional Inspection Program as required under Minn. Stat. § 84D.105 Subd. 2(g) (2018). The repealer include a deadline of April 15, 2019 for the Commissioner to formally authorize the program.

On April 5, 2019, the Commissioner of the Minnesota Department of Natural Resources denied the expansion plan as codified and amended in Ordinance Number 19-2.

As of the issuance of this memorandum the Commissioner has not changed her opinion and has not formally authorized the Wright Regional Inspection Program. **Due to the lack of authorization from the Commissioner, section 131.07 of the Wright County Code of Ordinances is hereby repealed in its entirety.**

A copy of the denial letter from the Commissioner is attached hereto and incorporated herein by reference.



**DEPARTMENT OF
NATURAL RESOURCES**

April 5, 2019

**Luke Johnson, District Manager
Wright Soil and Water Conservation District
311 Brighton Avenue, Suite C
Buffalo, Minnesota 55313**

Dear Mr. Johnson:

Thank you for meeting with us on March 21, 2019 to discuss the Wright County Water-Related Equipment Inspection Pilot Plan (Plan) and for your follow-up letter dated March 27, 2019. The proposed Plan, submitted on February 20, would continue the centralized watercraft inspection program pilot, expand the geographic area of the pilot, and create new self-inspection and storage certification programs. As you know, the Minnesota Department of Natural Resources (DNR) is responsible for ensuring that all pilot programs meet statutory requirements. DNR also provides technical support to pilot operators and measures the success of pilot programs within Minnesota.

The DNR has carefully considered the Wright County SWCD's proposed 2019 Plan, as well as the supplemental information contained in your March 27 letter. To assist you in revising your proposed 2019 Plan, the DNR offers the following guidance:

- 1. Due to the previously identified performance and data issues associated with the 2018 program, the DNR cannot justify an expansion of your pilot program in 2019. As a result, DNR will not approve the expansion of the pilot program to six additional lakes (Moose, Sugar, Cedar, Bass, Granite, Maple) as outlined in the Plan. Therefore, we suggest that you eliminate the proposed expansion in your revised 2019 Plan. It is important to thoroughly understand and evaluate the strengths and weaknesses of the current centralized inspection model during the pilot process on the three existing lakes prior to considering any proposals for expansion.**
- 2. DNR will not approve the proposed new self-inspection and storage certification programs. The inclusion of these new variables to the pilot would change procedures over the multi-year course of the pilot program. This would make it extremely difficult to evaluate the success of the pilot. Therefore, we suggest that you eliminate the proposed self-inspection and certification programs in your revised 2019 Plan.**
- 3. Your March 27 letter explains how the SWCD will address inspector performance. These steps appear reasonable to DNR, and we encourage you to amend these procedures in your revised 2019 Plan.**
- 4. DNR will not require the SWCD to implement a seven-day expiration for seals and receipts. However, the SWCD must identify an alternate way of successfully addressing the gaps DNR has identified in the seal and receipt process. We do not believe that adding additional spot checker hours, as you proposed in your March 27 letter, will close these gaps. DNR staff are available to discuss alternative ideas you may have.**
- 5. The 2019 Plan must include an evaluation process for the pilot program. When creating the evaluation process, please identify specific parameters to be monitored and how they will be evaluated during the**

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2019 season. Per our discussion on March 21, the evaluation criteria should include an assessment of whether the pilot program could be replicated in areas beyond Wright County.

6. The 2019 Plan must include a comparison of inspection costs at public accesses versus those at the regional inspection station, assessing both the cost per inspection and the cost per hour. We recognize that this cost comparison is challenging; however, to effectively evaluate the pilot, this information is crucial. DNR will assist the SWCD with this process and can help estimate pre-pilot costs.
7. Your March 27 letter asks DNR to provide the basis for the requirement to perform inspections of watercraft entering an access, prior to launch. The January 31, 2018 delegation agreement requires inspectors to follow DNR watercraft inspection procedures (number 2. Tasks and Responsibilities, part D). These procedures include offering both entrance and exit inspections. Therefore, we encourage you to update the Plan to offer a watercraft inspection to any watercraft user at the public water access. This should include incoming watercraft that do not show evidence of having gone through the centralized inspection and all exiting watercraft.

Thank you for your continued partnership on this effort. We look forward to receiving a revised Plan addressing the issues outlined above. DNR will continue to work with the Wright County SWCD to address these issues and to develop steps you will take to measure the success of the current program over the 2019 season. If you would like to discuss any of the issues we identified in this letter, your ideas for addressing specific items or any other considerations, please contact Heidi Wolf, Invasive Species Unit Supervisor, at Heidi.Wolf@dnr.state.mn.us or 651-259-5152.

Sincerely,



Sarah Strommen
Commissioner

- C: Heidi Wolf, Invasive Species Unit Supervisor
Commissioner Christine Husom, Wright County
Commissioner Darek Vetsch, Wright County
Commissioner Mark Daleiden, Wright County
Commissioner Michael Potter, Wright County
Commissioner Charles Borrell, Wright County