



Local Road Wetland Replacement Program: Notification of Wetland Bank Service Area Closure

Bank Service Area 9 – Minnesota River

January 3, 2017

Effective February 2, 2017, the following Wetland Bank Service Area will be closed and until further notice, the Board of Water and Soil Resources (BWSR) will not provide wetland replacement for Local Road Wetland Replacement Program (LRWRP) eligible road projects due to a lack of available wetland replacement credits:

- Bank Service Area 9 – Minnesota River

The closure of Wetland Bank Service Area 9 is in addition to the closure of the following Wetland Bank Service Areas that went into effect December 2, 2016:

- Bank Service Area 4 – Upper Red River
- Bank Service Area 6 – St. Croix River

BWSR is closing Wetland Bank Service Area 9 and issuing this notice pursuant to the Local Road Wetland Replacement Program: Status and Management Plan that was adopted under Board Resolution 16-86 on October 25, 2016.

Wetland replacement through BWSR's LRWRP is provided to eligible county, city and township road projects on a watershed basis using Wetland Bank Service Area (BSA) boundaries (see attached figure) to manage the allocation of replacement credits. BSAs 4, 6 and 9 have a zero credit balance, and therefore BWSR will not be able to provide wetland replacement credits at the time an eligibility determination is approved by a Technical Evaluation Panel (TEP) or a permit application is submitted to the U.S. Army Corps of Engineers (Corps). The Corps requires that the source of wetland replacement credits be identified during their review of a permit application, and that Corps approved wetland credits be debited from a wetland bank account prior to or concurrent with the wetland impacts of a project. The LRWRP cannot be a source of wetland credits for wetland impacts in BSAs with a zero credit balance.

BWSR is identifying BSAs with a zero credit balance as "closed" since there are no credits available, and no funding available to develop new credits, that can be used to offset wetland impacts from eligible projects in those BSAs.

Note that closure of BSAs to the use of BWSR-supplied wetland credits does not affect the process by which local road authorities apply and report qualifying impacts to BWSR according to MN Rule 8420.0544, the process for TEP review, or the exemption for qualifying projects from the replacement plan requirements of State law under the LRWRP. However, because of the lack of LRWRP credits in these BSAs, local road authorities in these areas will have to work directly with the Corps to identify and obtain appropriate wetland replacement credits to satisfy Corps' permit requirements. Replacement could be required under other State programs as well, such as the Public Waters Permit Program administered by the Department of Natural Resources.

BWSR will continually evaluate the availability of wetland credits in each BSA and will take action to open and/or close BSAs in response to changing levels of credit availability in the LRWRP. County, city, and township transportation authorities, as well as other state and federal agencies, will be notified of any future action to open or close BSAs.

Additional information on the status of the LRWRP is available on the BWSR website at http://www.bwsr.state.mn.us/wetlands/wetlandbanking/road_replacement.html.

Please contact Tim Smith, BWSR Wetland Bank Coordinator, at 651-600-7554 or tim.smith@state.mn.us for more information.

This order is issued under Board Resolution 16-86, adopted on October 25, 2016.

A handwritten signature in black ink, appearing to read "John Jaschke", followed by a horizontal line extending to the right.

John Jaschke, Executive Director

12-23-16
Date

Wetland Bank Service Areas

With
Major Watersheds &
County Boundaries

