



Making Wetland Banking work

November 2015 Snapshots

On Wednesday, September 16, representatives from the public, private, and nonprofit sectors gathered in Zim, Minnesota, for the groundbreaking of the Lake Superior Mitigation Bank. This unique wetland bank in central St. Louis County made the news for many reasons: its size (23,000 acres), some of the restoration techniques that will be used in the bank, and how credits will be determined. When completed, the Lake Superior Mitigation Bank will be the largest in Minnesota, and quite possibly the nation.

The truth is that every proposed wetland bank, regardless of its size or significance, is a unique entity. The process set forward through the Wetland Conservation Act (WCA) determines whether a site is viable or not, and the Minnesota Board of Water and Soil Resources (BWSR) plays a key role in making that determination.



BWSR Assistant Director Assistant Director for Programs and Policy Dave Weirens (white polo, center) joined other partners for the groundbreaking of the Lake Superior Mitigation Bank on September 16.

If you are familiar with WCA, you will know that this program is administered by more than 300 local units of government across the state. These local governments (LGUs) are also responsible for approving wetland bank plans, and additional decisions that follow (i.e. approving construction, applications to deposit credits, etc.).

At the state level, BWSR plays several important roles in administering WCA. Agency staff serve on technical evaluation panels and wetland banking plans with a focus on how they propose to restore wetland functions. These technical aspects of the wetland bank plan are critical to achieving its purpose: to sustainably restore naturally-occurring wetland functions and values. BWSR's technical review is used to advise the LGU in their decision-making. The review also helps inform applicants of potential issues with obtaining a perpetual easement, a requirement of all wetland banks after the plan is approved by the LGU.

One of the key elements of the wetland bank review process is analyzing the site to make sure it can provide wetland functions and values with minimal need for human intervention. For the Lake Superior Wetland Mitigation Bank and other sites like it, BWSR reviews the application, serves on the Technical Evaluation Panel, and reviews and approves the easement. BWSR also collects wetland banking fees which help support wetland bank program administration.

Most wetland banks also require approval from the U.S. Army Corps of Engineers, and may require interaction with other state agencies such as the Department of Natural Resources. BWSR staff work closely with staff from these state and federal agencies to ensure that all relevant laws and rules are complied with, and work closely with local government partners throughout the process. Wetland banking is the preferred method of wetland replacement under the Clean Water Act, and increasingly the preferred method to meet the requirements of WCA.

The importance of wetland banking to these regulatory programs makes it imperative that wetland banking be a good option for landowners from an economic and land use perspective. BWSR staff continually evaluate the wetland banking process and requirements with an eye to balancing the need to ensure that projects will provide high quality wetland functions in perpetuity with not making requirements onerous to the point of discouraging private interests from developing wetland banks. Balancing these private and public interests is often challenging. Successful wetland banks show, however, that the end result can be beneficial for all.