

## Siting of Wetland Mitigation in Northeast Minnesota

### Issues, Recommendations, and Alternatives from the Interagency Northeast Mitigation Siting Team

#### Summary of Comments Received on Draft Concepts

March 7, 2014

#### Summary of Comments Received during 11-20-13 and 1-15-14 Stakeholder Meetings.

General Concept	Reference	Comment	Response
Wetland Mitigation Search Criteria	Opportunity	I would not plan on any implementation of any this until the legislature adjourns 2014.	The plan and timeline for implementation will be determined by agency leadership. Also, there are no plans for an agency-sponsored bill in 2014, but nothing prevents individual legislators from proposing legislation.
Wetland Mitigation Search Criteria	Opportunity	How are you going to measure if the replacement wetland resulted in no loss function. If you eliminate 10 acres of wetland in a 5000 ac complex you cannot even measure the last function to begin with.	Intent of comment unclear. Also appears to be outside the scope of the Team's effort.
Wetland Mitigation Search Criteria	Challenges	The agencies need to define what is an "adequate search" for wetland mitigation opportunities in NE MN.	Included as one of the recommendations of the report.
Wetland Mitigation Search Criteria	Challenges	WQ improvements (by MPCA, DNR) can and should be clearly defined, reduced Hg methylation, improved in stream habitat, improved hydrology to protect/restore wild rice.	This level of detail was not discussed by the Team, but would be part of the discussion if a decision is made to move forward with the recommendation.
Wetland Mitigation Search Criteria	Challenges	If you are considering water quality as the most important factor, working in NE MN or the PPR will both improve/maintain WQ. Is WQ the currency? Who defines the worth of each wetland or value of their functions?	Moving mitigation from one area to the other transfers the WQ function. Other functions are important as well, but given the amount of resources in the NE that are associated with high WQ (e.g. trout streams), that function is particularly important.
Wetland Mitigation Search Criteria	Challenges	Land identified for possibly available for mitigation is also "for sale" by owner.	Fee-title purchase/ownership of property is not required for mitigation. An easement, or in some cases a deed restriction, is sufficient.
Wetland Mitigation Search Criteria	Challenges	How would the group incentive applicants to keep mitigation efforts in the same area.	Siting criteria, replacement ratio penalties, and the availability of alternative mitigation options.
Wetland Mitigation Search Criteria	Challenges	Mitigation Search – amplify on "cost consideration" limiting search for sites? How would this work? Key details missing.	Practicability is defined in the federal CWA 404(b)(1) guidelines, which include cost as a consideration. The Team has provided additional details pertaining to the influence of cost on practicability in the report, and recommends the development of further guidance as needed.
Wetland Mitigation Search Criteria	Challenges	Even with an agreed-upon definition of "practicability" that definition is too subjective and uncertain. More certainty and detailed guidelines are needed. Mitigation siting criteria must be applied to a single, specific mitigation planning project with a decision made upon request with specific reasons why the effort is not enough if that is the decision.	It is not possible to eliminate subjectivity, but the report does provide more detail and recommends further guidance as needed which will help to minimize that subjectivity.

Wetland Mitigation Search Criteria	Question	It is stated that water quality impacts must be mitigated within the watershed. Don't NPDES permits and 7050 rules require that no limited water quality impacts occur with a project?	NPDES dischargers apply best practices to comply with water quality standards, but this may not protect watersheds for all wetland water quality uses, thus Ch 7050 also requires wetland mitigation.
Wetland Mitigation Search Criteria	Opportunity	Mitigation should be based on value, e.g. a project that uses 10 acres in a wetland rich county should be allowed to develop wetlands at a lesser amount in a wetland poor county.	The replacement of lost public value is the ultimate goal of State wetland regulations, but many factors influence the functionality and corresponding value of a wetland, including size and location. Replacement ratios and "value" were beyond the scope of the Team's work, but this comment will be forwarded to the appropriate agencies for later consideration.
Wetland Mitigation Search Criteria	Opportunity	The different options (preservation, restoration of riparian corridors/streams, fee in lieu of, etc.) are great, but should be optional – not required.	All mitigation options are optional.
Wetland Mitigation Search Criteria	Opportunity	There are numerous sites within the St. Louis River Estuary in need of habitat restoration. The vast majority of these are shallow wetlands.	Comment forwarded to appropriate agencies.
Wetland Mitigation Search Criteria	Challenge	Fewer wetland restoration opportunities in NE MN? As compared to . . . ? So what's the plan for restoration opportunities that are greater in other areas (assuming there are)? Who's going to give up money, agricultural land?	As compared to the rest of the State. Remainder of comment is unclear.
Wetland Mitigation Search Criteria	Challenge	We need the agencies to develop criteria to help permittees understand what it means to demonstrate "no practicable mitigation options are available."	Included in the recommendations of the report.
Wetland Mitigation Search Criteria	Challenge	Removing "subjectability" from the practicability definition/process.	Removing "subjectability" is not possible, but the report recommends further clarifying guidance.
Wetland Mitigation Search Criteria	Challenge	Time to get PCA, DNR & BWSR on the same page – get rid of 7050.0186 – it's duplicative, and no enforcement. BWSR should be the lead agency on mitigation. (DNR – sticks to PWI lakes and streams).	Comment forwarded to appropriate agencies.
Wetland Mitigation Search Criteria	Questions	What happened to the NE MN mitigation phase 2 siting analysis recommendations? *Note: The commenter indicated that this comment was relevant to other general concept areas as well, but is only listed here.	The Phase II Final Assessment Report is on the BWSR website: <a href="http://www.bwsr.state.mn.us/wetlands/wca/NE_mitigation.html">http://www.bwsr.state.mn.us/wetlands/wca/NE_mitigation.html</a> . Several of the Team's recommendations align with the recommendations of that report.
Expanding the Eligibility for Preservation Credit	Opportunity	Great – anything helps.	Comment acknowledged.
Expanding the Eligibility for Preservation Credit	Opportunity	The applicants fund restoration projects that the MPCA, DNR, ACOE approve and are willing to implement.	Intent of comment unclear.
Expanding the Eligibility for Preservation Credit	Challenges	Expanded credit. Question: Are you proposing to maintain requirement for <u>threat</u> , before preservation credit is possible? (It should be.)	Changing the criteria for "demonstrable threat" was not discussed by the Team and is not included in the report.
Expanding the Eligibility for Preservation Credit	Challenges	Alternative restoration concepts should be legal for LGU's to implement on public lands. LGU's should then receive credits for use or sale. Need legislation.	All mitigation options are applicable to both private and public lands.

Expanding the Eligibility for Preservation Credit	Challenges	How much of this is already addressed through ENRV? Does more liberal use of ENRV include these alternatives? *Note: The commenter indicated that this comment was relevant to other general concept areas as well, but is only listed here.	Some of the recommended alternative options can be applicable under ENRV, but ENRV is only in WCA.
Expanding the Eligibility for Preservation Credit	Challenges	Adding non-wetland mitigation alternatives to the site search will make that effort unreasonable unless an inventory is developed/maintained with such opportunities. The level crediting for these mitigation alternatives will determine actual feasibility. *Note: The commenter indicated that this comment was relevant to other general concept areas as well, but is only listed here.	1) The alternatives are optional. 2) Establishing an inventory is one of the Team's recommendations. 3) We agree that crediting can affect feasibility.
Expanding the Eligibility for Preservation Credit	Question	Would the creation of a riparian conservation easement equal preservation?	It depends on the circumstances, but in some cases, yes.
Expanding the Eligibility for Preservation Credit	Question	To expand use of preservation, would the demonstrable threat concept be eliminated in state and federal wetland programs?	No.
Expanding the Eligibility for Preservation Credit	Question	Would uplands preserved also meet the threat thresholds that unique wetland and stream habitats must?	Changing the criteria for "demonstrable threat" was not discussed by the Team and is not included in the report.
Expanding the Eligibility for Preservation Credit	Question	How will you credit preservation projects in such a way that they are a feasible alternative to restoration? If credits are too low, then preservation projects (which are more efficient use of \$) than restoration will not be implemented?	Crediting was not discussed by the Team, but we agree that crediting can affect feasibility. Implementation details, including crediting, will be determined after a decision is made to move forward.
Expanding the Eligibility for Preservation Credit	Question	To what extent will upland credits be expanded? Are we looking at capping % uplands per bank site, or by some other means?	This level of detail was not discussed by the Team, but would be part of the discussion if a decision is made to move forward with the recommendation.
Expanding the Eligibility for Preservation Credit	Opportunity	NE watersheds and water quality are impacted by SSTS more than wetland loss. Allow credits for SSTS upgrades or installation of municipal treatment	In accordance with State and Federal law, credits cannot be allocated for compliance with unrelated regulatory programs. The adequacy of current SSTS treatment requirements is more relevant to MN Rule 7080. As such, this comment will be forwarded to MPCA.
Expanding the Eligibility for Preservation Credit	Challenge	Preservation is an opportunity, however, it is really not economical when it received credits at 8:1. If preservation is really going to be pushed as the answer to this problem in NE MN, you will need to drop the ratio.	Changing the credit allocation for preservation was outside of the scope of the Team's work.
Expanding the Eligibility for Preservation Credit	Challenge	Comment on "traditional approaches" to mitigation. What does "traditional approaches" mean? Restoration opportunities NE Minn. should not be pigeonholed into what's been done in other parts of the state.	"Traditional" is defined in the report.
Expanding the Eligibility for Preservation Credit	Challenge	How many acres of wetland currently exist in BSA areas 1 & 2 and what fraction of these wetlands represent the 5,250 acres of impacts over the next 20 years?	Consult the DNR Data Deli to obtain data estimates pertaining to existing wetlands.

Expanding the Eligibility for Preservation Credit	Challenge	Preservation” seems very subjective and thus unpredictable. Are you suggesting shore-land/ riparian conservation easements?	In some circumstances, yes.
Expanding the Eligibility for Preservation Credit	Challenge	Replacement wetland siting criteria (expand opportunities). #3 – agree – MN River, Red River Valley areas with less than 50% of pre-settlement wetlands...much greater public benefit statewide – gets back to original perception of wetlands by general public.	Comment acknowledged.
Expanding the Eligibility for Preservation Credit	Challenge	On the example (page 34) are the alternatives being allowed in NE (bank Service Areas 1 or 2) only, or are you allowing them in adjacent counties?	NE MN (BSA 1 & 2) only.
Expanding the Eligibility for Preservation Credit	Challenge	Will the in-lieu fee program eliminate the 1.5.1 penalty?	Beyond the scope of the Team's work.
Restore/Protect Riparian Corridors/Streams	Opportunity	Should be included in options especially reductions in peak velocities	Comment acknowledged.
Restore/Protect Riparian Corridors/Streams	Challenges	Good projects don't equate to replacing wetland values	Comment acknowledged.
Restore/Protect Riparian Corridors/Streams	Question	How do we measure functional gain in areas already operating at a high function? *Note: The commenter indicated that this comment was relevant to other general concept areas as well, but is only listed here.	Assuming this question is in reference to "protection" rather than restoration, functional gain is measured by preventing the loss of function over time due to unregulated activities. For restoration activities, credit should be allocated commensurate with the level of functional gain.
Restore/Protect Riparian Corridors/Streams	Question	Alternatives – streams, riparian – will this credit be based on actual functional assessments? (of both wetland impact & restoration benefit?) *Note: The commenter indicated that this comment was relevant to other general concept areas as well, but is only listed here.	Functional assessments could be a consideration, but are not necessarily an appropriate method to assign credit. Credit would likely be assigned by achieving specified site-specific criteria, although these details were not discussed by the Team.
Restore/Protect Riparian Corridors/Streams	Challenge	Restoration of existing or previously degraded wetlands in place of mitigation is a good idea. However, it doesn't help the mom & pop or small business owner who needs an acre or two.	This option would be available for all landowners and for all mitigation types (including banking and potentially an ILF program). As such, it could provide more available credits which results in more opportunities for "mom & pop."
Hydrology Stabilization of Altered Waterways	Opportunity	Good Concept to allow implementation of water plan to get credits. How much credit will determine success.	Comment acknowledged.
Hydrology Stabilization of Altered Waterways	Opportunity	Another good option, but restoration of riparian corridors should also be retained	Comment acknowledged.
Hydrology Stabilization of Altered Waterways	Challenge	The reality of this is exciting – the challenge – getting over “(1:1)” type replacement concepts as the measurement won't work.	Comment acknowledged.
Hydrology Stabilization of Altered Waterways	Questions	Concerned that the allowance of credit for peatland hydrology will be abused. There are many counties that must be involved in determining the potential credits. In most cases, the altered peatland is surrounded by wetland and therefore would be in conflict with #6 of the proposed guiding principles (earlier slide).	The Team agrees that crediting for this action will be extremely important.

Peatland Hydrology Restoration	Opportunity	How will you ensure that all wetland functions are replaced?	Every wetland and wetland restoration will provide different functions to varying degrees. The purpose of this action is to target water quality improvements in NE watersheds.
Peatland Hydrology Restoration	Opportunity	Peatland hydrology restoration: tremendous potential in NE MN. Although still wetlands, they have been impacted (hydrology, function, WQ, aquatic life use).	Comment acknowledged.
Peatland Hydrology Restoration	Challenges	Significant research is needed on technical feasibility of restoring peatlands (along with possibly a demonstration project to prove feasibility) along with determining potential crediting before this is likely to become a major mitigation technique. There needs to be regulatory agreement.	The Team agrees and the report recommends development of a functional evaluation technique for NE peatlands.
Peatland Hydrology Restoration	Question	For peatlands, has credit for carbon sequestration been considered?	Beyond the scope of the Team's work.
Peatland Hydrology Restoration	Question	How do you restore a peatland?	The actions required to restore a peatland, or any other wetland, depend on what prior activities have degraded the particular wetland in question. In the context of this proposal, restoration of hydrology and related water quality functions is the focus.
Peatland Hydrology Restoration	Opportunity	The opportunity to fulfill the need for mitigation credits to assist with economic development and growth.	Comment acknowledged.
Peatland Hydrology Restoration	Opportunity	Currently permits for peatland mining only require reclamation of the site post mining. Should require full restoration of the site!	Comment forwarded to appropriate agencies.
Peatland Hydrology Restoration	Opportunity	Should look at ditching of peatlands around and south of Meadowlands, MN.	Comment forwarded to appropriate agencies.
Peatland Hydrology Restoration	Opportunity	Good idea – for large business but no help for small business and lower credit use.	This option would be available for all landowners and for all mitigation types (including banking and potentially an ILF program). As such, it could provide more available credits which results in more opportunities for "low credit users."
Peatland Hydrology Restoration	Opportunity	Opportunities are as vast as the peatlands currently ditched. Time for LGU's etal to get over "its' still wetland" because it has been affected – loss of water, carbon storage is ongoing even if it is "still wet".	Comment acknowledged.
Peatland Hydrology Restoration	Challenge	A reasonable challenge would be to commit resources to restore the judicial ditch system down-stream to re-establish, needed agricultural lands and subsequent economic opportunities.	Comment acknowledged.
Credit for Certain Watershed Plan Projects	Opportunity	Approved Watershed Plan Implementation – clear opportunities in NE MN and within critical major watersheds (SLR, Lake Superior). Include AOC restoration, BUI de-listing	Comment acknowledged.

Credit for Certain Watershed Plan Projects	Opportunity	Develop a bank cost cap compared to other mitigation bank service areas so that BSA 1+2 credits could be competitive.	Bank credit sales are purely market driven. They cannot and should not be mandated by the government. As reported, current sale prices in the NE are lower than most of the state.
Credit for Certain Watershed Plan Projects	Opportunity	How can the applicant be charged with CWA responsibility, e.g. TMDL implementation?	They wouldn't be. This action would only provide flexibility and be a voluntary mitigation option for instances when other actions are not practicable.
Credit for Certain Watershed Plan Projects	Opportunity	Local groups responsible for implementing watershed plans know the "lay of the land" better than applicants, and have a lower cost structure, and could therefore achieve more ecosystem services benefits per \$ spent (if allowed to do so).	Comment acknowledged.
Credit for Certain Watershed Plan Projects	Opportunity	If mitigation opportunities in NE MN are not available, mitigation in priority areas should be available at a 1:1 ration for any wetland replacement project if mitigation is done in advance of the impact. In-kind mitigation should not be a requirement for the 1:1 ratio in certain cases such as forested wetland impacts in NE MN likely cannot be, or should not be replaced in a prairie pothole.	Replacement ratios were beyond the scope of the Team's work, but this comment may be relevant to future agency discussions.
Credit for Certain Watershed Plan Projects	Opportunity	Is the "currency" money, area or function?	Functional gains.
Credit for Certain Watershed Plan Projects	Question	How can the agencies guarantee that the loss of wetlands are mitigated in perpetuity when it may be a short-term watershed (TMDL) project?	The details have not yet been determined, but long-term sustainability should be part of the eligibility criteria.
Credit for Certain Watershed Plan Projects	Question	How do you measure the functional gain of a water quality project and compare it to the functions of a wetland lost?	The water quality project would only address one function (WQ), and would only be one part of the mitigation package. However, we acknowledge the difficulty in determining appropriate credit allocation.
Credit for Certain Watershed Plan Projects	Question	Focus in wrong service banks i.e. public value for all of Minn!?	The Team agrees that out-of-watershed mitigation should be targeted to areas that maximize public value, but believes that, when available, we should take reasonable steps to maintain water quality and other important functions in the NE (don't intentionally degrade one part of the state to benefit another).
Credit for Certain Watershed Plan Projects	Opportunity	If preservation is important it shouldn't be at an 8-1 ratio.	Beyond the scope of the Team's work.
Credit for Certain Watershed Plan Projects	Opportunity	If watershed plan includes public sewer then allow wetland credits for installation.	In accordance with State and Federal law, credits cannot be allocated for compliance with unrelated regulatory programs. Sewage treatment is already a regulatory requirement.
Credit for Certain Watershed Plan Projects	Opportunity	If the state goal is to create or restore wetlands in the prairies it should have greater credit.	Replacement ratios were beyond the scope of the Team's work, but this comment may be relevant to future agency discussions.
Credit for Certain Watershed Plan Projects	Opportunity	You mention "water quality" many times throughout the presentation – do septic systems qualify as a means of addressing water quality.	Not for wetland mitigation credit.

Credit for Certain Watershed Plan Projects	Opportunity	High needs areas should receive a better ratio than (1:1). Promoting the areas will be needed since they have higher value land values.	Replacement ratios were beyond the scope of the Team's work, but this comment may be relevant to future agency discussions.
Credit for Certain Watershed Plan Projects	Challenge	Determination of "credits" from habitat improvement for "wildlife" and recreation. Is the Corps on board?	Corps staff have been involved with all aspects of the Team's work and support further consideration of the recommendations included in the report.
Credit for Certain Watershed Plan Projects	Questions	For alternative mitigation options how would ratios be developed/converted?	Crediting would be based on estimates of functional gain. The Team acknowledges that determining the appropriate credit allocation for watershed projects will be difficult.
Replacement Wetland Siting Sequence	Opportunity	The NE can stand some impacts. The rest of the state needs restoration. Restoring outside NE should be given bonus credit.	Replacement ratios were beyond the scope of the Team's work, but this comment may be relevant to future agency discussions.
Replacement Wetland Siting Sequence	Opportunity	You are not listening! The benefits siting outside 1, 2, 5, are significant. The costs are also significant. Forget 1:1 .5:1 or less. If the state has identified priority areas create policies for success.	Replacement ratios were beyond the scope of the Team's work, but this comment may be relevant to future agency discussions.
Replacement Wetland Siting Sequence	Challenges	Priority for in-kind, in-watershed. Hierarchy should flow down from this priority (stay w/in watershed) before considering other BSAs or Priority Areas.	The Team's recommendations maintain this priority order.
Replacement Wetland Siting Sequence	Challenges	Additional steps should not add complexity or process time.	Comment acknowledged.
Replacement Wetland Siting Sequence	Question	Exporting wetland mitigation outside the watershed doesn't only effect water quality – if an applicant mitigates at a 1:1 ratio there is a greater loss of other functions of a wetland – e.g. habitat, differences b/w pothole X bog Co2 sequestration.	Differences in function from wetlands lost in the NE to wetlands replaced in other areas, and its relevance to replacement ratios, was beyond the scope of the Team's work. However, this comment may be relevant to future agency discussions.
Replacement Wetland Siting Sequence	Question	With the amount of mitigation options proposed under this plan, why is an out-of-watershed option needed?	There are numerous factors that determine whether a <i>possible</i> mitigation option is in fact practicable or feasible at any given time. Despite greater opportunities, there will undoubtedly be cases where applicants will need to look elsewhere for at least some of their credit needs.
Replacement Wetland Siting Sequence	Opportunity	If mitigation within the same BSA or NE MN priority area at a ratio of 1:1 is not available, mitigation outside of those areas should be allowed at a ratio of 1:1. This will avoid unnecessary economic impacts to permittees who have no opportunity to mitigate within the BSA or NE MN priority area. This would also promote mitigation in areas where it is needed most. Priority areas and areas with few wetlands.	Replacement ratios were beyond the scope of the Team's work, but this comment may be relevant to future agency discussions.
Replacement Wetland Siting Sequence	Opportunity	Siting Criteria – a) Rules require a proposer look in same BSA and replace 1:1. b) if not "practicable" then should replace 1:1 in a priority area. C) no need for some additional project in project BSA or a higher ratio, as rules require we start project BSA. USACE said no law requiring 1.5:1.	Replacement ratios were beyond the scope of the Team's work, but this comment may be relevant to future agency discussions.

Replacement Wetland Siting Sequence	Opportunity	Explain the logic of 1.5:1 in priority restoration area versus 1:1 in NE. Does not make sense.	Replacement ratios were beyond the scope of the Team's work, but this comment may be relevant to future agency discussions.
Replacement Wetland Siting Sequence	Opportunity	Making a "one stop-shop" that takes permitting through all agencies i.e. MPCA, BWSR, DNR & USACE.	Comment acknowledged.
Replacement Wetland Siting Sequence	Opportunity	Consider MnRAM, if low quality wetlands are to be impacted & replaced by high functioning wetlands. Can decrease credit ratio. This will be an incentive to choose project sites that have impacts on the least healthy wetlands if possible. Why should an impact to a very poor wetland that will be replaced by high quality wetland have a ratio for replacement be greater than 1:1 could be .75:1 or even equal 1:1.	Comment acknowledged.
Replacement Wetland Siting Sequence	Opportunity	What level of effort is suitable to demonstrate to regulatory agencies, that nonpracticable mitigation options are available? What will the permittee have to show?	Additional details pertaining to practicability are provided in the report. The Team also recommends the development of further guidance as needed.
Replacement Wetland Siting Sequence	Challenge	There needs to be more thought into simplifying process to landowners – small projects such as driveways & bldg. pads.	Simplifying the process for small projects was not a specific Team task. However, some of the recommendations within the report (increased mitigation options, ILF, etc.) should improve the process for small projects.
Replacement Wetland Siting Sequence	Challenge	More thought needed on when alternative options are available. Think of potential legal challenges.	Comment acknowledged.
Replacement Wetland Siting Sequence	Challenge	Corps & MN. State Agency must have same wetland technical mitigation process so results – needs going into process.	Comment acknowledged.
Replacement Wetland Siting Sequence	Challenge	Siting wetlands in high priority areas rather than NE will be much more expensive and much more valuable to the public. Ratio lower than 1.5:1 must be done.	Replacement ratios were beyond the scope of the Team's work, but this comment may be relevant to future agency discussions.
Replacement Wetland Siting Sequence	Challenge	It seems as if through the mitigation requirements of the different regulatory agencies are conflicting. DNR, BWSR, MPCA, USACE & EPA all seem to require different thing, making it difficult and time consuming e.g. WCA may require 1.5:1 ratio while CWA requires 1.25:1.	Mitigation requirements are currently very similar, but not exactly the same. Developing consistent solutions that acceptable for both State and federal programs is a goal, and hopefully an eventual outcome, of this effort.
Replacement Wetland Siting Sequence	Questions	What is going to be done when many of our counties pass legislation preventing wetland creation?	We are not aware of such an effort, but it is beyond the scope of the Team's work.
Replacement Wetland Siting Sequence	Questions	This whole presentation makes way too much sense. That is why it has little chance of success.	We hope you are wrong!
Replacement Wetland Siting Sequence	Questions	Has any thought been put into changing state statues for wetland mitigation to be more in line with CWA mitigation ratios? Currently a project that is replacing in-kind but out of the watershed might get a 1.25:1 ratio w/a USACE permit, but 1.5:1 by DNR/WCA requirements. This requires proposers to have two sets of books.	Currently, the most restrictive requirement would apply. However, developing consistent solutions that acceptable for both State and federal programs is a goal, and hopefully an eventual outcome, of this effort.



Replacement Wetland Siting Sequence	Questions	Why are there three state agencies having wetland oversight that citizens have to deal with and counties or LGU's have to implement?	Comment forwarded to appropriate agencies.
Replacement Wetland Siting Sequence	Questions	Why do all the companies need to keep doing the same search in the same service areas with no assurances that the agencies will release them from that service area? Even while all agencies state opportunities are very limited.	The report includes a Team recommendation to establish an inventory to aid in the search process and reduce duplicate searches. Regarding the "agency release," it is important to note that the vast majority of mitigation projects in recent years have been <i>leaving</i> NE service areas.
Replacement Wetland Siting Sequence	Questions	Mn River, Red River Valley, areas with less than 50% of presettlement wetlands . . . Much greater public benefit statewide. Gets back to original perception of wetlands by general public.	Comment acknowledged.
Inventory of Potential Mitigation Sites	Opportunity	An inventory would be helpful if it contains specific functional benefits.	That level of detail could be beyond the scope of an inventory, although general info pertaining to function/actions could potentially be included.
Inventory of Potential Mitigation Sites	Challenges	Is land "for sale" by owner – or does LGU's have moratorium on wetland mitigation.	Intent of comment is unclear.
Inventory of Potential Mitigation Sites	Opportunity	The Red River Valley should have more priority for mitigation. Flood damage reduction enhances water quality, wetland & wildlife. Everybody wins!	The Red River Valley is part of the general priority area of the Prairie Pothole Region identified in several State planning documents.
Inventory of Potential Mitigation Sites	Challenge	State must take responsibility for ID alternative projects, mitigation sties and in many instances implement improvements.	The State can provide alternatives, regulatory flexibility, and process improvements to maximize efficiency, etc. However, outside of an ILF program, the responsibility to find and implement projects lies with the applicant.
Inventory of Potential Mitigation Sites	Challenge	Anticipate increase in land values in BSA 1 & 2 and subsequent "high priority" areas?	Changes in land values will undoubtedly occur as a result of agricultural commodity prices, housing, and other factors that influence supply and demand. Mitigation sites are generally targeted to less productive land and a small fraction of total area, and thus are a relatively insignificant factor.
Rapid Response Interagency Review Team	Opportunity	Define rapid	This recommendation refers to an initial review prior to development of a complete application with a focus on site suitability.
Rapid Response Interagency Review Team	Opportunity	Opportunity – yes! Do it	Comment acknowledged.
Rapid Response Interagency Review Team	Opportunity	Rapid Response Team – good idea!	Comment acknowledged.
Rapid Response Interagency Review Team	Challenges	NE MN has many LGU's. How do you propose consistent application of this guidance, and what if they do not agree with the changes? Local resistance may be present.	Technical Evaluation Panels are already established in statute and rule. This recommendation would utilize existing TEPs in a coordination with the federal IRT to provide pre-application review and feedback.
Rapid Response Interagency Review Team	Challenges	When it takes so long for a project to go through the permitting process and develop mitigation sites, there is a lot of agency turnover and loss of knowledge. It could be helpful for agencies to have a plan for transfer of knowledge and meeting timelines and agreements.	Two of the Team's recommendations will help in this regard: the increased interagency coordination resulting from the rapid response interagency review team, and the inventory of sites reviewed.

Rapid Response Interagency Review Team	Question	How is the "rapid response" IRT different from the current prospectus review?	The rapid response IRT would apply to initial site scoping reviews conducted prior to the development of a prospectus.
Rapid Response Interagency Review Team	Question	How would the "rapid response" IRT be any different from the IRT involved in wetland bank scoping/ preliminary prospectus process?	Many of the members would be the same, but the timing, focus, and coordinated response to the review would differ.
Rapid Response Interagency Review Team	Opportunity	Involve PFA on review team. IP municipality has failing system or lacks funding to improving existing treatment system utilize mining restoration dollars to fund improvements in exchange for credits.	In accordance with State and Federal law, credits cannot be allocated for compliance with unrelated regulatory programs. Sewage treatment is already a regulatory requirement.
Rapid Response Interagency Review Team	Challenge	There always seems to be a shortage of resources (people) in one agency or another.	Comment acknowledged.
Rapid Response Interagency Review Team		There needs to be more than agency "agreement". There needs to be rules and a responsible agency.	Comment acknowledged.
Rapid Response Interagency Review Team		Until rules are written in a way that all agencies agree with and address quickly and consistently, it will still be status quo.	Comment acknowledged.
Rapid Response Interagency Review Team	Questions	What is the definition of practicability?	See federal Clean Water Act Section 404(b)(1) guidelines.
Promote Private Wetland Banking	Opportunity	If more banks are available, and allowed to compete, the cost to purchase credits should go down. Currently the scarcity of credits drives a higher cost.	Comment acknowledged.
Promote Private Wetland Banking	Opportunity	Mine's ability to do own mitigation and banking must remain.	The Team's recommendations apply to all applicant and project types equally, and would not remove the ability of any one particular applicant or project type to provide mitigation as long as it complies with program standards.
Promote Private Wetland Banking	Challenges	Several wetland banks have been denied in NE MN. Would these folks now be reconsidered?	We are only aware of one bank denial in the last 5 years. LGU decisions must be made based on the standards contained in the WCA rules.
Promote Private Wetland Banking	Challenges	Umbrella bank does not do anything current banks are not already doing. It still does not address high costs.	An umbrella bank is a potentially more efficient and deliberate option for credit users with similar needs to pool resources for the purpose of developing in-advance credits.
Promote Private Wetland Banking	Challenges	It will be virtually impossible to effectively promote wetland banking when the process takes 1-2 years to get through.	Beyond the scope of the Team's work.
Promoting Private Wetland Banking	Opportunity	Koochiching County is losing valuable upland converting old farms to wetland banks. Counties with a high % of wetlands do not necessarily promote banking!	The alternative mitigation options proposed in the report would provide opportunities to protect or improve wetland function without necessarily providing more wetland acres.
Promoting Private Wetland Banking	Opportunity	Red River Valley watersheds already have very advanced water plans with flood control & restoration sites identified. We should have more focus on the less than 50% priority areas.	The Team's recommendations reflect this suggested focus.

Promoting Private Wetland Banking	Challenge	Wetland Banking was sold as a free market system. In some cases bank credit holders are being told what their credits are worth and what price they should be sold for.	We are not aware of any such mandates, nor does government have such authority. Credit price is determined solely by negotiation between the buyer and seller.
NE Regional Wetland Mitigation Cooperative	Opportunity	NE MN Umbrella bank opportunity – good idea.	Comment acknowledged.
NE Regional Wetland Mitigation Cooperative	Challenges	These concepts of doing alternatives to replacement of wetlands are not compatible with no net loss.	The Team disagrees with the comment.
NE Regional Wetland Mitigation Cooperative	Challenges	Must be 1 option but leave mines able to still mitigate own.	The Team's recommendations apply to all applicant and project types equally, and would not remove the ability of any one particular applicant or project type to provide mitigation as long as it complies with program standards. In fact, such a cooperative could very well be an umbrella bank developed by agreement between mining companies.
NE Regional Wetland Mitigation Cooperative	Challenges	If functions + values lost in BSA 1 are replaced in other BSAs, then how does that conform to non-degradation in BSA 1?	They are <i>already</i> being replaced in other BSAs. The Team actually recommends an increased focus on the NE before jumping to a different BSA.
NE Regional Wetland Mitigation Cooperative	Challenge	Mines must have their mitigation conducted by the DNR. Multiple agency mitigation & permitting creates more road-blocking in an already burdensome process.	Outside of the scope of the Team's work.
In Lieu Fee Program	Opportunity	Great Concept W.P.	Comment acknowledged.
In Lieu Fee Program	Challenges	Cost could rise if 1 or 2 entities buy up all credits to control bank.	An ILF program does not work in the manner suggested by the comment - there are no credits to "buy up" or "control."
In Lieu Fee Program	Challenges	Any In-Lieu Program must be limited to type-neutral replacement.	This comment is outside the scope of the Team's work. These details would be part of the Corps-approved ILF instrument.
In Lieu Fee Program	Challenges	In lieu program – best idea yet.	Comment acknowledged.
In Lieu Fee Program	Question	Does change to proposed siting criteria (inserting new #4) facilitate flexibility to move outside the BSA or does it just focus mitigation in high priority areas once mitigation is allowed outside the BSA?	As recommended in the report, the change to the siting criteria would focus mitigation in high priority areas once mitigation is allowed to leave the BSA. It would not lessen the requirement to look within the BSA first.
In Lieu Fee Program	Opportunity	This should not be at a premium price. Payment ahead of time should allow better mitigation opportunities whether it is replacement, preservation, etc.	The price would be set to fully account for the costs associated with obtaining the required mitigation. We agree that it would substantially improve the ability to secure better mitigation opportunities.
In Lieu Fee Program	Opportunity	The money generated could be used to put flood control impoundments on the ground in the Red River Valley. This would alleviate use of bonding \$\$ and provide quality wetlands, wildlife meccas, great water quality benefits.	Beyond the scope of the Team's work. However, it should be pointed out that an ILF program would be required to establish wetland mitigation, which can have flood control benefits, but which also differs from impoundments.
In Lieu Fee Program	Opportunity	Best opportunity for mitigation – simplifies landowner process.	Comment acknowledged.
In Lieu Fee Program	Opportunity	In lieu program can only be optional. If requirement or mandate – costs will soar or be bought up by large groups.	Participation in an ILF would be optional.

In Lieu Fee Program	Challenge	Will mitigation costs increase? Litigation by environmental groups	Intent of comment is unclear.
In Lieu Fee Program	Challenge	State needs to take responsibility for approving mitigation and banking sites.	Comment acknowledged.
In Lieu Fee Program	Challenge	In-lieu could be a good idea but must be administered by state agency.	Comment acknowledged.
In Lieu Fee Program	Challenge	The cost to the companies will need to be reasonable & controlled.	Comment acknowledged.
In Lieu Fee Program	Challenge	In-lieu fee program is a bad idea. It directly competes against private for profit business.	An ILF program can contract with private business for the development of credits, and even purchase established credits from private interests.
In Lieu Fee Program	Questions	Will mines be "required" to use this system or be given the option to participate?	As recommended by the Team, it would be an option.
General Comment	emailed general comment	NE MN is heavily naturally wetlands, we cannot continue remake it to suit human desires without harming its function as a system that we as humans also depend upon. I think that you have to look at the percentage of wetlands in a particular watershed and you have to maintain no net loss in that watershed. This is regardless of the lack created by human activities in another area. I do not think that the wetlands that are "created" are functional except for limited purposes.	Largely beyond the scope of the Team's work, however, the Team's recommendations include a greater focus on providing mitigation within the watershed of impact before moving out of the watershed.
General Comment	emailed general comment	Minnesota Trout Unlimited and its several thousand members across the state are keenly interested in this issue. When and how wetlands in a given watershed or basin (for example, the Lake Superior basin) are replaced is very important to the productivity and sustainability of aquatic communities, especially fragile cold-water aquatic communities. Our members are sportsmen and sportswomen who live and/or recreate in the affected watersheds. We would greatly appreciate the opportunity to offer input on the draft concepts and this issue moving forward. Please let me know how I/Minnesota Trout Unlimited can participate in these important discussions in the future.	Comment acknowledged.
Other Comments		Reduce the 20-year cropping rule for mitigation sites.	This was not discussed by the Team, but the comment will be forwarded to the appropriate agencies for consideration at the appropriate time.
<b>Summary of Written Comments Received Outside of Stakeholder Meetings</b>			
<b>Report Recommendation</b>	<b>Reference</b>	<b>Comment</b>	<b>Response</b>
General	letter page 1 para. 2	Agrees with basic premise that current mitigation efforts in NE MN are not working. MCEA believes the goal of the process should be to preserve the functional values of the wetlands in the Lake Superior and Rainy River watersheds.	Comment acknowledged.

General	letter page 1 para. 2	MCEA's primary concern is that the agencies are too ready to sacrifice values in Lake Superior and Rainy River watersheds to raise revenue for unrelated projects in other parts of the state.	The Team's recommendations actually are to increase the focus on mitigation within the Lake Superior and Rainy River watersheds over the current situation.
Alternative mechanisms for providing mitigation	letter page 1 para. 3	Agrees that an umbrella bank for NE MN should be actively pursued and a 3rd party ILF should be seriously evaluated.	Comment acknowledged.
Alternative options for compensatory mitigation within NE MN watersheds	letter page 2 para. 1	Alternative projects with measureable and significant aquatic resource benefits to BSAs 1 and 2 may have potential as mitigation but only if they are appropriately evaluated and credited.	We agree that eligibility details and appropriate crediting will be important.
Alternative mechanisms for providing mitigation (ILF)	letter page 2 para. 3	ILF project sites must be identified and the type of work thoroughly described prior to project approval.	The ILF process is described in the federal mitigation rule and all projects would follow the rules and the conditions of the approved ILF instrument.
Alternative mechanisms for providing mitigation (ILF)	letter page 2 para. 3	The functional loss of an aquatic resource must be fully evaluated, described, and understood prior to making a determination that the proposed mitigation would offset the loss of the resource. High quality aquatic resources should be mitigated at a ratio greater than 1:1 or a functional or condition assessment could be used to determine the required amount.	Beyond the scope of the Team's work, but will be forwarded to the appropriate agencies for consideration.
Alternative mechanisms for providing mitigation (ILF)	letter page 2 para. 3	To address temporal lag construction and planting must occur within one growing season of the exchange of funds.	Beyond the scope of the Team's work.
Alternative mechanisms for providing mitigation (ILF)	letter page 3 para. 1	An ILF program's collected fees must fully cover all costs associated with the mitigation site (examples provided in comment letter). NO funds should be allowed to be used for site selection efforts, research or education and admin costs must be minimal.	The ILF process is described in the federal mitigation rule and all projects would follow the rules and the conditions of the approved ILF instrument.
Alternative mechanisms for providing mitigation (ILF)	letter page 3 para. 2	Financial assurances must be provided for all ILF projects and must cover all costs (examples provided in the comment letter).	The ILF payment is, in effect, a financial assurance. Any ILF program would operate in accordance with the federal mitigation rule and the approved ILF instrument.
Alternative mechanisms for providing mitigation (ILF)	letter page 3 para. 3	All ILF sites must be protected in perpetuity through an appropriate protection mechanism.	In MN, a perpetual conservation easement would be required.
Alternative mechanisms for providing mitigation (ILF)	letter page 3 para. 4	Accounting practices must be transparent and regularly scheduled.	The ILF process is described in the federal mitigation rule and all projects would follow the rules and the conditions of the approved ILF instrument.
Alternative mechanisms for providing mitigation (ILF)	letter page 3 para. 5	The ILF must decrease risk by addressing the following items: identification of a responsible party for the site; detailed and comprehensive implementation schedule; monitoring schedule; description of the types of impacts the site could mitigate; details on how fees would be assessed; specification of the BSAs that would be served by the site; detailed long-term and adaptive management plans.	The ILF process is described in the federal mitigation rule and all projects would follow the rules and the conditions of the approved ILF instrument.

General	letter page 4 para. 2	Out of watershed mitigation should not be allowed when in-watershed opportunities exist.	According to current policy, practicable in-watershed opportunities must be pursued first.
General	letter page 4 para. 3	Applicants with large-scale impacts should be held to a higher standard with respect to practicability determinations for compensatory mitigation alternatives.	Beyond the scope of the Team's work.
General	letter page 5 para. 1	Wetland mitigation through reclamation of the mineland landscape should be considered as an alternative to providing at least part of the mitigation requirements.	Comment acknowledged.
General	letter page 5 para. 2	Agencies should require mining companies to focus on a larger suite of in-watershed opportunities including wetland banking, on-site wetland mitigation and ILF development.	The Team's work was not limited to impacts from mining, but the report recommendations do address this comment.
General	letter page 5 para. 3	A more accurate analysis of the range of functions provided by wetlands within NE MN is needed and should be pursued by the agencies.	The Team's work focused on mitigation (not impacts), but this comment will be forwarded to the appropriate agencies for consideration.
General	letter page 5 para. 4	Restoration potential in the prairie pothole region should be addressed through implementation of the regulatory programs in those areas.	The Team's recommendation for the establishment of high priority areas could apply to impacts in those areas as well.
General	letter item 1	Wetland mitigation plans for mining should be subject to final review by BWSR.	Beyond the scope of the Team's work, but will be forwarded to the appropriate agencies for consideration.
General	letter item 2	A more rigorous process must be undertaken to avoid and minimize impacts to wetlands, including reuse and restoration of already-impacted sites in the region.	Beyond the scope of the Team's work, but will be forwarded to the appropriate agencies for consideration.
General	letter item 3	Updated inventories of aquatic resources should be completed along with functional assessments for these sites.	Beyond the scope of the Team's work, but will be forwarded to the appropriate agencies for consideration.
Alternative options for compensatory mitigation within NE MN watersheds	letter item 4	Open to discussing creative options for replacing lost functions but more details are needed.	Many details are yet to be determined, but the Team agrees they will be important.
Alternative mechanisms for providing mitigation (UB)	letter item 5	Support improvements to banking and umbrella could have merit. Expressed concern over preservation of wetlands with severed mineral rights.	Comment acknowledged.
Alternative mechanisms for providing mitigation (ILF)	letter item 6	ILF has greater risk than banking and should only be pursued after other options are exhausted.	A properly organized ILF program should have the similar (or even less) risk as wetland banking.
General	letter item 7	Out of watershed mitigation should not be allowed when in-watershed opportunities exist and based on the NE MN Inventory options are currently available to meet the forecasted demand.	The NE Inventory was a "first step" inventory of possible opportunities. It did not determine if those opportunities were in-fact restorable, creditable, and practicable at any given point in time.
General	letter page 1 last para	IWLM desires high quality mitigation for lost functions.	We agree.
General	letter page 2 para. 2	EA of affected areas should be completed before additional impacts are allowed to occur.	Beyond the scope of the Team's work, but will be forwarded to the appropriate agencies for consideration.
Projected Future Impacts	letter page 2 para. 3	The impact estimates in the report vastly understate the potential wetland destruction that likely to occur	Comment acknowledged.

General	letter page 2 first bullet	Disagree with any measures that would allow any decrease in wetland function and quality within the Lake Superior or Rainy River watersheds.	The Team did not address impacts, but mitigation recommendations are aimed at improving the current situation of mitigation leaving the watersheds to non-priority areas.
General	letter page 2 second bullet	Disagree with treating Lake Superior and Rainy River as one watershed for mitigation purposes.	This issue was not addressed by the Team, but the comment will be forwarded to the appropriate agencies.
General	letter page 2 third bullet	Efforts to restore North Shore streams should not come at the expense of impacts to the St. Louis River.	Comment acknowledged.
Restoration of Hydrology	letter page 2 fourth bullet	If credit is given for restoration of hydrology in ditched areas it must be shown that the restoration will provide functions that do not currently exist.	Credit is, and would be, allocated for functional gain.
Prioritization and targeting out-of-watershed mitigation	letter page 3 first bullet	Opposed to mitigating large wetland losses in NE MN by restoration of wetlands in other high priority areas of the state.	The Team has recommended greater focus on mitigation in the NE, but when practicable opportunities are not available, the mitigation should be targeted to high priority areas rather than non-priority out of watershed areas as currently is the case.
Alternative mechanisms for providing mitigation (ILF)	letter page 3 second bullet	Opposed to ILF program for the destruction of wetlands for private gain.	Comment acknowledged.
General	letter page 3 third para.	Full cost of wetland destruction must be borne by the parties that profit from the destruction.	Beyond the scope of the Team's work.
General	email point 1	I applaud the efforts to try and address the issues of needing wetland credits in an area that has extensive wetland resources and limited wetland restoration possibilities.	Comment acknowledged.
General	email point 2	I think that it is also necessary to have uniform rules between the state agencies (BWSR and DNR) for wetland mitigation with Banking and site specific projects, especially site specific projects under a permit to mine.	Some of the Team's recommendations should help to address your comment, however, it will also be forwarded to the appropriate agencies for consideration.
Alternative mitigation options	email point 3	I am extremely interested in the "Alternative mitigation options" that will still have a positive impact on water quality in the same bank service area/watershed/region through projects that may not necessarily restore wetlands. I do not believe that WCA should be acre for acre, but more reflective of functions.	Comment acknowledged.
Prioritization and targeting out-of-watershed mitigation	email point 4	"Replacement Wetland Siting Sequencing" is a common sense approach, which I think needs to be allowed.	Comment acknowledged.
alternative mechanisms for providing mitigation (ILF)	email point 5	The In-Lieu Fee Program is an excellent idea.	Comment acknowledged.
General	email first bullet	DNR Forestry finds the information on the proposed changes to wetland law to be generally positive and a benefit to all organizations in NE MN that need to do wetland mitigation.	Comment acknowledged.

Expanding the Eligibility for Preservation	email second bullet	<p>We agree with the concept that activities on adjacent uplands may negatively impact wetlands and that protection/preservation of these areas could benefit wetlands. However, we are concerned about what activities would be allowed in these protected parcels. We are also concerned that public forest lands would be heavily targeted for implementation of this practice and may result in loss of a timber management options such as harvesting, or prevent the crossing of these lands for seasonal access to adjacent forest lands. Greater clarification is needed for what is included in "protection" and "preservation" and that forest management options that retain the land in a forested land use be allowed within protected areas.</p>	<p>This comment falls outside of the scope of the Team's work. However, what is included in "protection" and "preservation" depends on the particular action and the particular site in question. The conservation easement established for wetland banking (or a potential ILF program) references the approved bank plan, in which management activities can be described and allowed as long as they are consistent with use of the site for wetland mitigation and do not compromise the long term sustainability of the protected/preserved wetland functions. Such concerns can be addressed during the development, review, and approval of the bank plan.</p>
Restoration and/or protections of Riparian Corridors & Streams	email third bullet	<p>We agree with the concept and significance of protecting riparian corridors. However we are concerned about what activities would be allowed in these corridors. We are also concerned that public forest lands would be heavily targeted for implementation of this practice and may result in loss of a timber management options such as harvesting, or prevent the crossing of these lands for seasonal access to adjacent forest lands. Greater clarification is needed for what is included in "protection" and "preservation" and that forest management options that retain the land in a forested land use be allowed within protected areas.</p>	<p>See above response.</p>
Peatland Hydrology Restoration	email fourth bullet	<p>We agree that there are areas of ditched peatlands where turn of the century ditching was ineffective for the intended purpose or that could be restored to a pre-ditched condition. Similar to what is stated above, we are concerned that public forest lands would be heavily targeted for implementation of this practice and may result in loss of a timber management options such as harvesting, or prevent the crossing of these lands for seasonal access to adjacent forest lands. Greater clarification is needed for what management activities would be included within these restored areas and that forest management options (including harvesting and seasonal access) that retain the land in a forested land use be allowed within protected areas.</p>	<p>See above response. In addition, the Team recommendation is aimed at peatland (bog) areas that typically have little value for timber harvest.</p>



General	email fifth bullet	Finally, while wetlands and wetland mitigation might not seem like a "Forestry" issue at first glance, they definitely are a Forestry issue in the context of the alternatives that are being suggested. We ask that you include both me and DNR Forestry Director Forrest Boe on future communications so that DNR Forestry can be at the table to help find the best alternatives for wetland mitigation in the NE.	Comment acknowledged.
Siting Criteria	first page final paragraph	Supports the concept of an interagency coordinated and clarified criteria for wetland mitigation siting.	Comment acknowledged.
Alternative mitigation options	second page first paragraph	Supports the interagency effort to identify alternative mitigation options. Requests more specific details on ratios, success criteria, management, and monitoring.	Comment acknowledged.
Replacement Wetland Siting Sequence	second page second paragraph	Supports concept of mitigating at high priority sites outside BSAs 1 and 2.	Comment acknowledged.
alternative mechanisms for providing mitigation (ILF)	second page third paragraph	Supports concept of NE MN Cooperative and ILF program.	Comment acknowledged.
General	second page fourth paragraph	The interagency team should develop details on how the various options would be implemented.	Details will be developed after decisions are made on which recommendations to pursue.
General	first page fourth paragraph	it's unclear if the potential solutions for alternative options would go outside the defined NE boundaries. There are a lot of good ideas, but it would not be appropriate to use the alternative standards in Aitkin County to compensate for impacts in the NE region, unless it was in the small area of Aitkin that is in the NE. These alternate standards should be confined to the Lake Superior and Rainy River drainage basins.	As recommended by the Team, they are limited to BSAs 1 & 2.
Replacement Wetland Siting Sequence	first page fifth paragraph	The whole idea of opening up the process so replacement can be done in high priority areas is a very positive step and seems to open the door to a discussion of wetland impacts based on a loss of functions and values and not just acreage. However, if someone is replacing wetlands in the prairie pothole region, or in southern Minnesota, or in a county that has only 2% of its presettlement wetlands, they should not have to replace more than 1:1, which under the current proposal, they would. There is a strong feeling that replacing in the wetland-deprived counties should be allowed at a less than 1:1 because they are replacing a much greater function and value to that area.	Replacement ratios were out of the scope of the Team's work and will be addressed by the agencies later.

Replacement Wetland Siting Sequence	second page first paragraph	The 2nd sequencing criteria should be either in an adjacent minor watershed, or to go to an area of high priority in the state.	Once mitigation leaves the minor watershed, which of the other minor watersheds within the major is largely irrelevant. The Team supports the current state and federal sequence for minor and major watersheds.
Peatland Hydrology Restoration	second page third paragraph	One of the alternative options, peatland hydrology restoration, could have very negative impacts on Aitkin County if the map titled "NE MN Peatland Ditch Systems" was used as guidance. We would be inundated with poor quality mitigation in Aitkin County.	True peatland restoration can be done anywhere, but the increased focus on this action as recommended by the Team would be limited to BSAs 1 & 2. The intent of this recommendation, however, is not poor quality mitigation.
alternative mechanisms for providing mitigation (ILF)	second page fourth paragraph	There is a lot of support for the in lieu fee for greater than 80% counties only.	Comment acknowledged.
General	second page fifth paragraph	Another area of discussion at the meeting was if one of the agencies would drop out and help streamline the process. Maybe the MPCA can trust that BWSR, the Corps and the DNR will take care of the wetland issues in the state. This is an example of multiple agency involvement that frustrates and angers the public.	Each agency has specific directives and authorities established by the legislature (this is outlined in the Team's report).
General	second page sixth paragraph	It would be nice if more local field staff would be included in these team discussions. They are more familiar with the intricacies of the local issues.	The intent of the Team process was for staff of the agencies with programmatic authority to develop ideas and options that can be presented to stakeholders, including local staff, for feedback and input. After the recommendations are finalized, participation by local field staff and other stakeholders would be part of rule development, etc.
General	third page first paragraph	How is practicable defined?	Practicability is defined in the federal CWA 404(b)(1) guidelines.
General	third page first paragraph	Can mitigation credit be obtained for writing a resource management plan?	No.
General	resolution 1	The interagency team should be expanded to include all stakeholders affected by wetland impacts in NE MN.	The Team was not intended to be a forum, but has and will obtain stakeholder input and involvement as appropriate, including during rulemaking.
General	resolution 2	Add the revised problem statement contained in the resolution to the concept document.	The issues identified in the proposed problem statement have been included and addressed in the Team's report.
Alternative options for compensatory mitigation within NE MN watersheds	resolution 3	The alternative compensatory mitigation options should be limited for use only in BSAs 1 and 2.	As recommended by the Team, they are limited to BSAs 1 & 2.
Replacement Wetland Siting Sequence	resolution 4	Wetland impacts in BSAs 1 and 2 that cannot be practicably mitigated in the watershed of impact should be required to be sited in high priority areas of the state that have less than 80% pre-settlement wetlands. Mitigation for these impacts, even at higher ratios, should not be allowed in greater than 80% counties.	We agree that impacts leaving BSA 1 & 2 should be targeted to high priority areas that, according to existing state planning documents, would typically be outside of >80% areas. However, the mechanism to achieve such targeting can be replacement ratios or other criteria. There was disagreement among Team members regarding the proposal to prohibit out-of-watershed mitigation from occurring in >80% areas.

Replacement Wetland Siting Sequence	resolution 5	Aitkin County is adamantly opposed to allowing wetland mitigation for impacts in BSAs 1 and 2 in areas of the state that have greater than 80% pre-settlement wetlands remaining.	See above response.
Replacement Wetland Siting Sequence	resolution 6	Mitigation should be based on a no net loss of wetland functions and values rather than a no net loss of wetland area.	Comment acknowledged.
Alternative mechanisms for providing mitigation (ILF)	resolution 7	Aitkin County supports the concept of an ILF for mitigation of wetland impacts in BSAs 1 and 2.	Comment acknowledged.