|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Minnesota WetlandConservation Act **Replacement Order** | DNR_Logo_V_RGB | |  |  | | --- | --- | | REF# |  | | CDO# |  | | RPN# |  | |

The Commissioner of Natural Resources hereby orders  and his/hers/its heirs, successors, and assigns to complete replacement of the wetland located at (**legal description**)     ;       County

State of Minnesota.

|  |  |  |
| --- | --- | --- |
| Name: |  | |
| Address: | |  |

Findings of Fact:

This order is issued pursuant to Minn. Stat. § 103G.2372 and MN Rule part 8420.0900.

**VIOLATION OF THIS ORDER IS A MISDEMEANOR**

**AND A DEED RESTRICTION COULD BE PLACED ON THE PROPERTY**.

**You must either:**

1. Provide for replacement of the wetland in the manner required by this order. Complete replacement must be accomplished on or before      ; **or**

**B.** Submit a complete wetland replacement plan, exemption, or no-loss application to the       within       days of receipt of this order.

Replacement shall be accomplished by doing the following:

**Attachments are a part of this document (check one)**  **Yes**  **No**

**Attachment List:**

The enforcement authority shall rescind this order if the landowner obtains approval for an after-the-fact replacement plan, exemption determination, or no-loss determination from the **.** The contact person isat (     )     . If an after-the-fact approval is not received, the landowner/responsible party must replace the wetland as specified in this order. Upon completion of the replacement required by this order, the landowner must contact       at the       County Soil and Water Conservation District (     )      and request that a Certificate of Satisfactory Completion be issued.

If you choose to appeal the terms or conditions of this order, a written request must be submitted to the Minnesota Board of Water and Soil Resources (BWSR) Executive Director within 30 days of receiving this order, along with a minimum filing fee of $500. If a written request and filing fee is not submitted to BWSR within 30 days, this replacement order shall become final.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Order**  **Prepared by** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_ |
|  | Signature |  | Printed Name | Date |
|  |  |  |  |  |
| **Order**  **Served by** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_ |
|  | Conservation Officer Signature | Badge # | Printed Name | Date |

# Officer Issuance Record: in person; or by certified mail on      /     /

[Date]

**Distribute Copies To:** **Appeal and fee can be mailed to:**

DNR Conservation Officer Minnesota BWSR

DNR Water Resources Enforcement Officer Executive Director

BWSR Wetland Specialist 520 Lafayette Road North

Local Government Unit (LGU) St. Paul, MN 55155

Soil and Water Conservation District (SWCD)

Landowner

**Instructions for filling out Replacement Order (RO):**

*(Fill in your specific County information and save this form as your template.)*

1. Cease and Desist Order (CDO) or Resource Protection (RPN) number, if applicable. If no CDO or RPN was issued, enter N/A.
2. Enter full name.
3. Location: Give legal description, GPS coordinates, and/or address of the impacted wetland violation. Make sure you double-check the location description for accuracy. Do not count on the CDO or RPN to be correct.
4. Enter County and County #. Example: *Mille Lacs (48)*
5. Full name, date of birth (DOB), and mailing address of the person receiving the replacement order.
6. Findings of Fact: Be specific and detailed. List type of wetland, size and type of impact area,

what the violation was.

Example:  *A site visit was conducted at the location described above on 9/11/05 by the Mille Lacs County Technical Evaluation Panel (TEP). A determination was made that approximately 32,000 square feet (footprint) of fill was placed in a Type 2 wetland. The fill is approximately 1 foot deep throughout most of the impacted area. The fill consisted of Class 5 gravel and cement. The fill appears to be part of a road. The entire wetland basin is 3.5 acres. The fill was placed without an approved replacement plan and no exemption would apply to this type of impact.*

1. Date: Provide a date to replace; make no less than 31 days, but it depends on what the violation is.

Larger violations may require more than 31 days; or the time of year (spring too wet) might require a longer time frame. Remember, the enforcement officer can grant an extension if needed; but try to keep these moving.

1. Enter the official office information that would receive an After-the-Fact Replacement Plan.
2. Date for the individual to submit a replacement plan application. This should be about 21 days, however the time of year and other factors could come into play to provide a longer time.
3. Replacement completion: Again, be very specific and detailed and always include “replace to pre-altered condition”.

Example: *You must replace the wetland to its pre-altered condition. This shall be accomplished by removing all of the fill material located in the wetland boundary as shown in the aerial photo down to original soil level. The fill must be removed to an upland site. No additional excavation is allowed. Once the fill material has been removed to an upland site, you must seed the exposed area with XXXX. You must use best management practices while accomplishing the replacement order. You must contact the SWCD Office upon completion of the replacement.*

1. Attachments: List all of the attachments. If yes, you need to list what they are and be specific.
2. Enter Local Government Unit (LGU) office name.
3. Name of LGU contact.
4. LGU area code and telephone number.
5. Name of SWCD contact.
6. County of SWCD office
7. SWCD area code and telephone number.

When you are done with the order, it must be given to a Water Resources Enforcement Officer (WREO), Conservation Officer (CO), or other licensed peace officer for serving.