

# Crash Course in WCA Administration Virtual Training



Minnesota Wetland Professional Certification Program ▾

Wetland Training Opportunities ▾

MWPCP Class Portal

≡ « MENU

## Online Training

The MWPCP has developed the following training videos related to wetland identification and Wetland Conservation Act regulatory administration. Viewing of these videos is not eligible for MWPCP continuing education credits because they do not provide verification of who viewed them. However, they provide useful information, particularly for individuals that are relatively new to WCA and wetland science.

### Wetland Delineation Videos:

[The Three Wetland Parameters](#) (10 mins, 37 sec)

[Wetland Classification Systems](#) (32 mins, 27 sec)

[Offsite Methods](#) (19 mins, 2 Sec)

### Wetland Conservation Act (WCA) Videos:

[WCA 101 - Basic WCA Administration](#) (12 mins, 33 sec)

[WCA Application Procedures](#) (14 mins, 5 sec)

[WCA Basic Decisions](#) (16 mins, 44 sec)

[Wetland Replacement Plans](#) (38 mins, 29 sec)

[WCA Enforcement- Procedures & Roles](#) (22 min, 31 sec)

### Recorded Presentations:

The following videos are recorded presentations from the spring 2021 MWPCP virtual training courses:

[Drainage Projects and WCA](#) (43 mins, 55 sec)

[Local Government Road Wetland Replacement Program](#) (51 mins, 50 sec)

[Overview of Wetland Conservation Act & Public Waters Work Permit Program](#) (50 mins, 10 Sec)

The following videos are excerpts of presentations MWPCP trainers gave during a recent Wetland Restoration webinar in collaboration with the [BWSR Technical Training and Certification Program](#):

[Wetland Functions and Values](#) (8 mins, 37 sec)

[Introduction to the Hydrogeomorphic Method \(HGM\)](#) (8 mins, 19 sec)

# Crash Course in WCA Administration Virtual Training- February 15-16

## Day One

Wetland Regulatory Programs 101

LGU Duties & TEP Procedures

Application Procedures

Enforcement Procedures

Q/A & Quiz

## Day Two

Basic Decisions

Replacement Plans

Wetland Banking

Q/A & Quiz



[bwsr.state.mn.us/minnesota-wetland-professional-certification-program](http://bwsr.state.mn.us/minnesota-wetland-professional-certification-program)



# Basic WCA Decision Types

# Basic WCA Decision Types

- Boundary and Type
- No Loss
- Exemption



- 1 • Is it a *Wetland*?
- 2 • Is the activity *Regulated*?
- 3 • Is the activity an *Impact*?

# What is regulated by WCA?

## What is considered Impact?

A loss in quantity, quality, or biological diversity of a wetland *caused by* draining or filling or by excavation in types 3, 4, or 5.



# What is Drainage?

Any method for removing or diverting waters from a wetland

- Excavation of a ditch
- Tile Installation
- Filling
- Diking
- Pumping
- Diverted water
- Etc.



# What is Fill?

Any solid material added or redeposited in a wetland

- Alters cross-section or hydrological characteristics,
- Obstructs flow patterns,
- Changes Boundary, or
- Converts to non-wetland.



# Wetland Fill

- Does not include posts for walkways, bridges, powerline poles, etc.



- Does not include slash or woody vegetation as long as it originated from vegetation growing in the wetland and does not impair flow or circulation of water.



- Wetland fill *does not* include posts and pilings unless it turns wetland into a nonaquatic use or significantly alters its functions and value.



# What is Excavation?

Removal of soil by any method if it results in an impact\*.



## Application Types and Procedures

Boundary/Type  
8420.0310

No-Loss  
8420.0315

Exemption  
8420.0320

Sequencing  
8420.0325

Replacement  
Plan  
8420.0330

Banking  
8420.0700

# Boundary/Type Applications: Where wetland regulation meets science

- Boundaries must be delineated using USACE 1987 Manual and Supplements  
(8420.0405 subp 1) 8420.0405
- Types must be ID'd using FWS Circular 39 and Eggers and Reed (8420.0405 subp 2)
- Requires NOA and NOD.  
\*\* Should include site visit for confirmation
- Technical Decision



## **WCA decisions for wetland projects that DO NOT REQUIRE REPLACEMENT**

**No-Loss**

8420.0415

**Exemption**

8420.0420

# No Loss Activity Basics

## Defined:

No permanent loss of, or impact to, wetlands from an activity.



# No-Loss Criteria

"No-loss" means no permanent loss of, or impact to, wetlands from an activity according to the criteria in this part.

- **Will not impact a wetland** (8420.0415 Subp A.)
- **Excavation limited to removal of sediment or debris** Trees logs, beaver dams, trash, blockage of culverts (8420.0415 Subp B.)
- **Water level management** (8420.0415 Subp C.)
- **Excavation limited to removal of sediment** in wetlands utilized as storm water basins. (8420.0415 Subp E.)
- **Operation, Maintenance or Emergency Repair.** (culverts) (8420.0415 Subp F.)
- **Temporary impact** if: Returned to previous conditions. Activity completed within 6 months (8420.0415 Subp H.)



- **Temporarily crossing or entering a wetland to perform silvicultural activities**, including timber harvest as part of a forest management activity, so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activity does not result in the construction of dikes, drainage ditches, tile lines, or buildings; and the timber harvesting and other silvicultural practices do not result in the drainage of the wetland or public waters (8420.0415 Subp G. G.)
- **Activity conducted as part of an approved replacement or banking plan, conducted or authorized by public agencies for the purpose of wetland restoration or fish and wildlife habitat restoration** (8420.0415 Subp D. D.)



# No-loss and exemption conditions

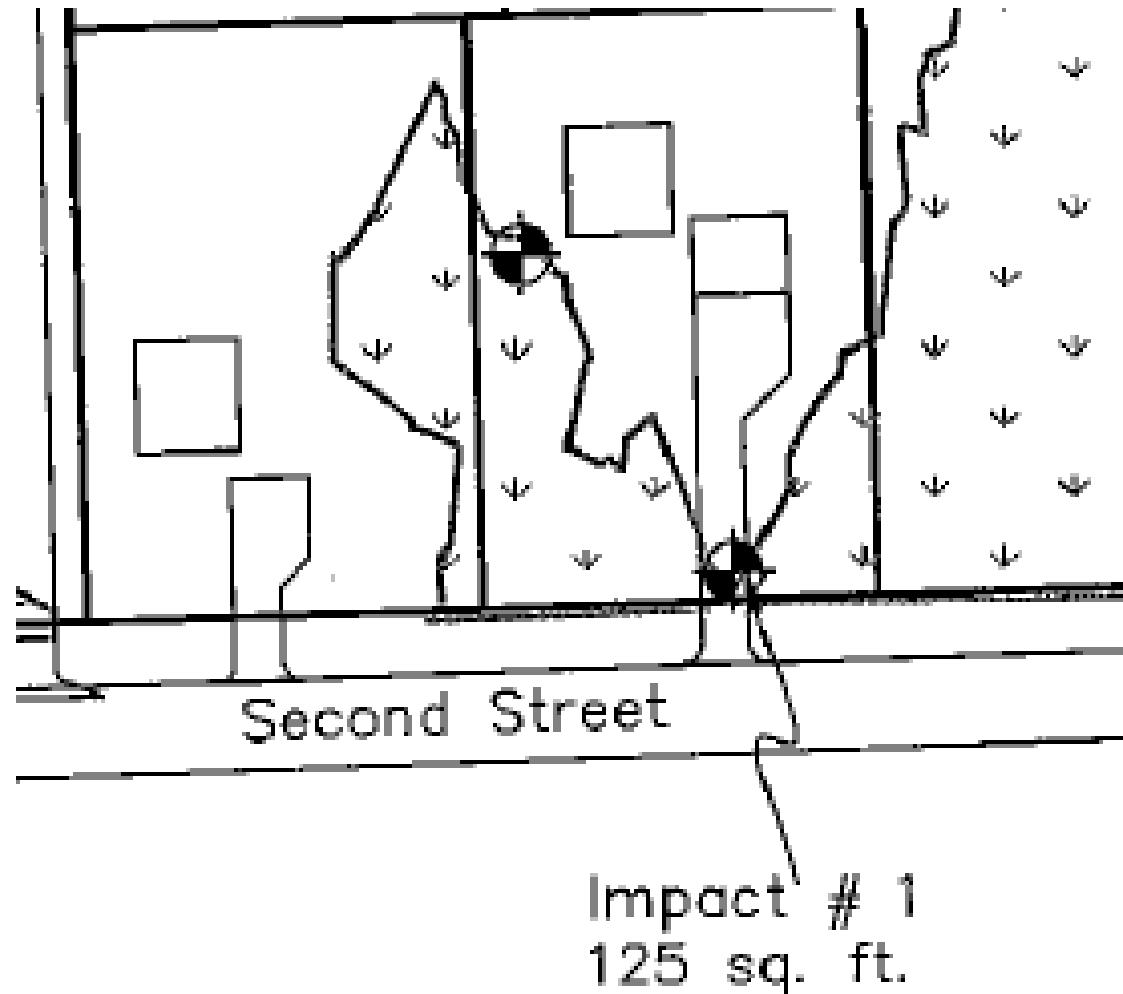
- Every activity in wetland, regardless of whether an application is submitted must:
  - Implement erosion control measures to prevent sedimentation of wetlands
  - Not block fish activity
  - Comply with all other applicable local, State, Federal requirements, including best management practices
- Exemptions cannot be combined on a project!

# General Exemption Requirements for ALL

- Only has to fit one; not disqualified if not exempt by another
- If impacts exceed max allowed = nothing is exempt
- Max may not apply to all situations or wetlands-**very specific**
- May not be combined on a project
- Must stabilized to prevent sedimentation/erosion.

# Exemptions 8420.0420

- Impacts to wetlands that DO NOT require replacement
  - The activity is still regulated.
  - WCA does not REQUIRE an application; some LGU's may.
  - May not be combined on a project.
- Exemptions do not apply to: calcareous fens, wetland bank sites, project-specific replacement sites (8420.0420 Subp 1B)



# Exemptions

## Impacts from Agricultural Activities

- 8420.0420 Subp 2

(A) Type 1,2 Planted 6 of 10 prior to 1991

(B) Agricultural pasture land, except bottomland hardwood type 1

(C) SWCD conservation practices

(D) Wheeled booms on irrigation

(E) Aquaculture

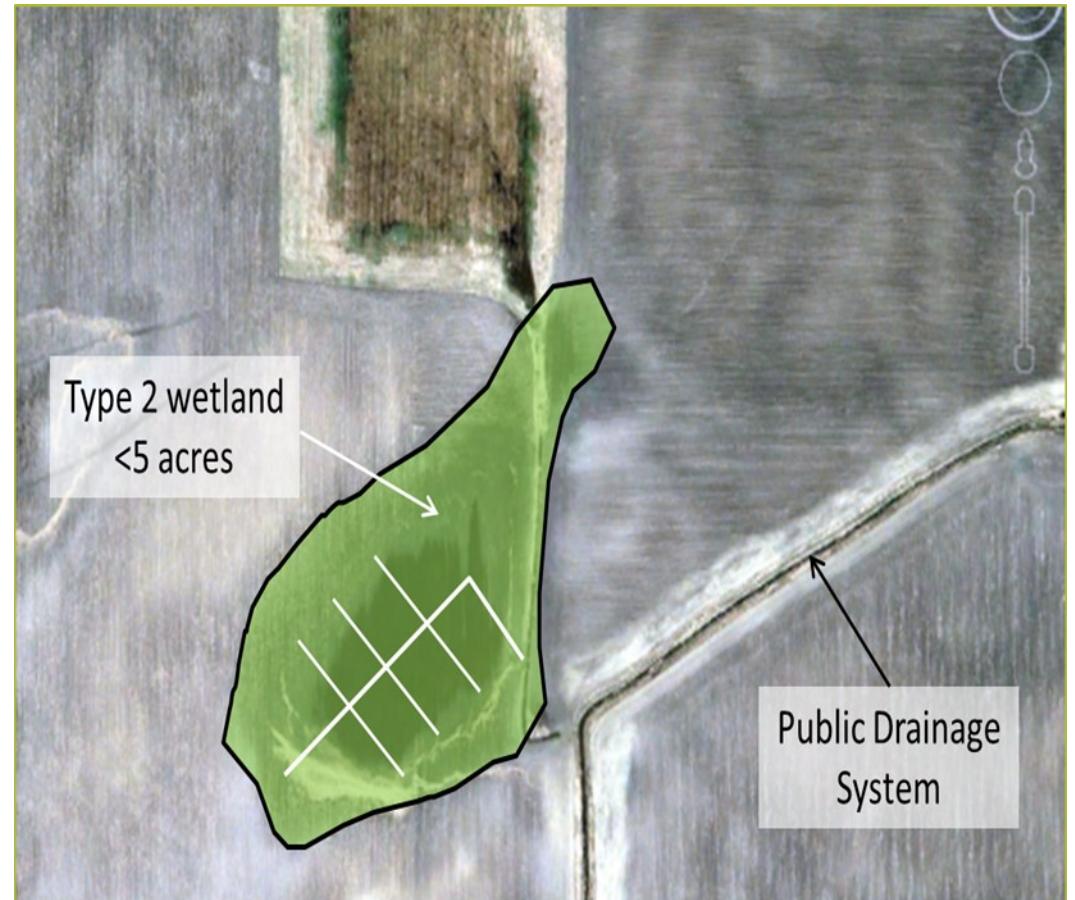
(F) Wild rice

(G) Farm program MOU



# Exemptions

- Drainage Exemption
  - 8420.0420 Subp 3
- Public drainage maintenance
- Private drainage maintenance
- Planted 8 of 10 years
- Assessed benefits
- *Reminder – review the WCA language details and project specifics*



# Private Drainage/Ditch Maintenance

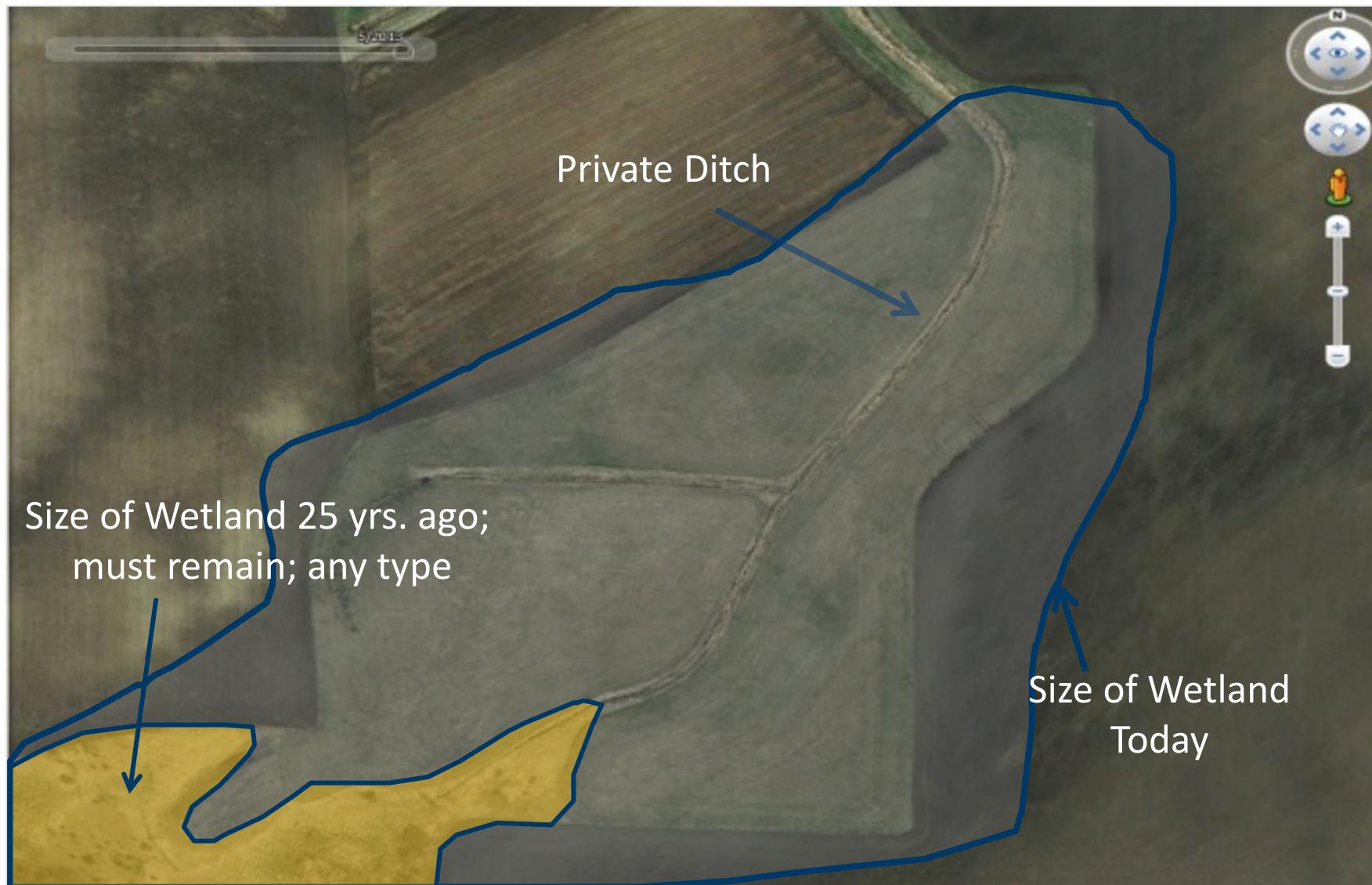
Replacement not required for maintenance or repair of existing private drainage systems

## WHEN:

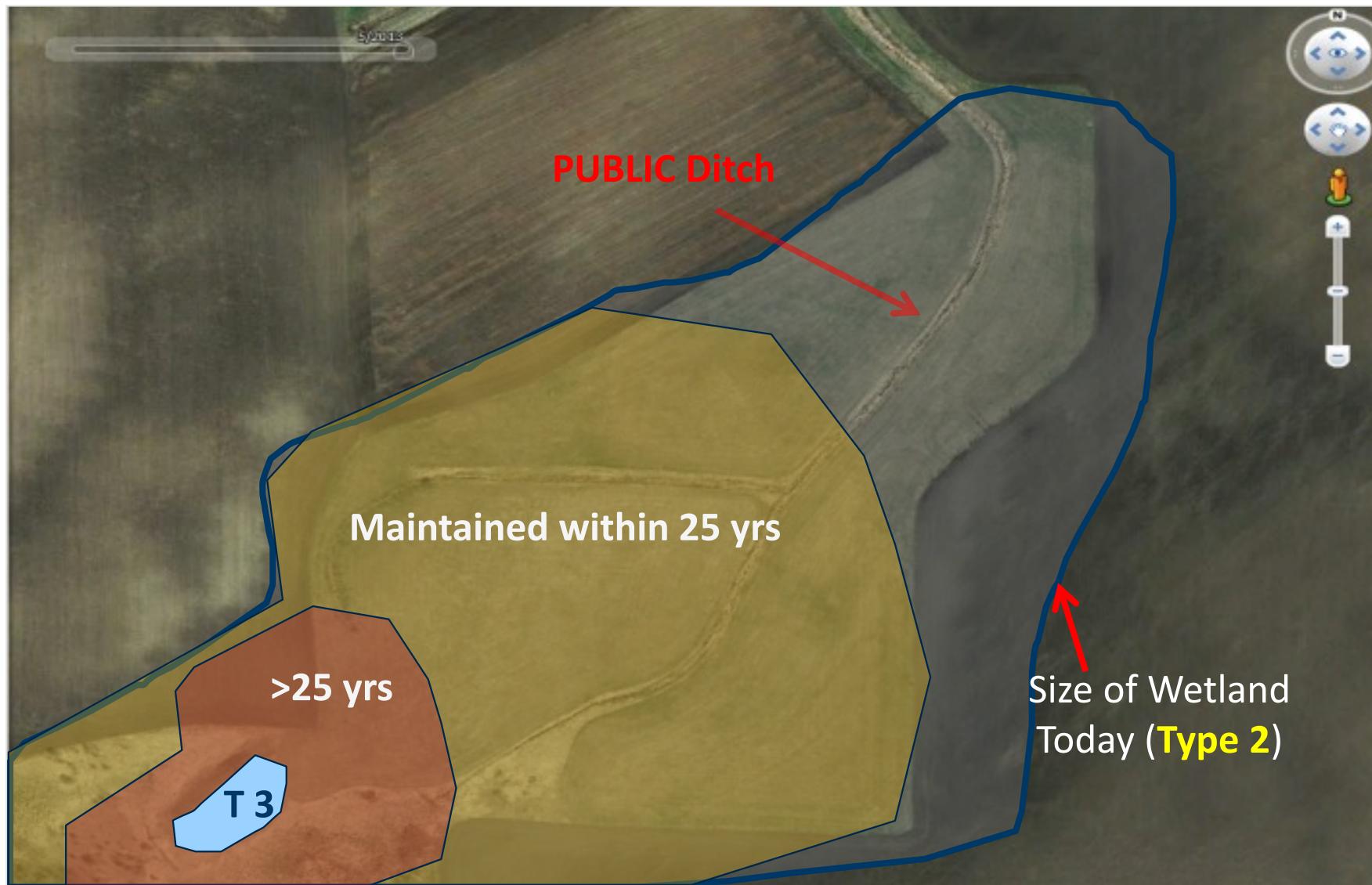
The work does not drain Wetland that have existed more than 25 years.



# Private Drainage/Ditch Maintenance Illustration



# Private VS. Public Drainage Ditch Maintenance Illustration



# Ditch Maintenance

## CONDITIONS:

- Spoil must be placed and stabilized to minimize impacts.
  - ~ Remove
  - ~ place on existing spoil
  - ~ incorporate
  - ~ side cast
- Ditch must be stable and not degrade water quality downstream.



# Private Drainage/Ditch Maintenance

What items may be needed to demonstrate this exemption is met?

- Past records of maintenance (receipt to contractors)
- Aerial Photos with review
- Amount of Sediment Proposed to be removed(can be critical)
- Depth of ditch/soil types
- Site visit/confirmation of wetland type (growing season)
- Lateral Effect Calculations or estimates

# Exemptions

- **Federal Approvals** 8420.0420 Subp 4

- Impacts authorized by Corps of Engineers that meet standards agreed to by BWSR, Dept. of Ag., DNR, and MPCA.
  - Pipelines, electrical, telephone, etc.

- **Utilities** 8420.0420 Subp 6

- Installation, maintenance, repair or replacement of utility lines if impacts are avoided and minimized and less than  $\frac{1}{2}$  acre.



# Exemptions

Table 1: Base de minimis exemption amounts for all of Minnesota

Non-Shoreland Areas	Types 1, 2, 6, 7 (excluding white cedar and tamarack wetland and any Type 7 wetland in a < 50% metro county)	10,000 ft <sup>2</sup> in all > 80% counties
		5,000 ft <sup>2</sup> in non-metro 50-80% counties
		2,500 ft <sup>2</sup> in metro 50-80% counties
		2,000 ft <sup>2</sup> in non-metro < 50% counties
		1,000 ft <sup>2</sup> in metro < 50% counties
	Types 3, 4, 5, 8, and white cedar and tamarack wetland (excluding any Type 7 wetland in a < 50% metro county)	100 ft <sup>2</sup>
Within Shoreland, but beyond structure setback	Types 1, 2, 6, 7	400 ft <sup>2</sup> *(1,000 ft <sup>2</sup> )
	Types 3, 4, 5, 8, and white cedar and tamarack wetland	100 ft <sup>2</sup>
Within Shoreland and structure setback	All wetland types	20 ft <sup>2</sup> *(100 ft <sup>2</sup> )

\*Increased amounts shown in parenthesis may be allowed if wetland is isolated from the public water, or if permanent water runoff retention or infiltration measures are established in proximity to the impact and approved by the shoreland management authority.

- De minimis 8420.0420 Subp 8
  - The de minimis exemption covers small impacts to wetlands typically used for driveways, roads, small projects by landowners, etc.
  - Very specific requirements depending on location in state, local area, shoreland, etc.
  - Review all nuances of each part for every project

# De Minimis Exemption

- Can't be combined
- 5% limitation if shared
- May not divide property simply to get more



# Exemptions

- Subp. 7. **Forestry.** The exemption under this subpart is for roads and crossings solely constructed, and primarily used, for the purpose of providing access for the conduct of silvicultural activities. A replacement plan is not required for impacts resulting from construction of forest roads and crossings so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not include, or result in, the access becoming a dike, drainage ditch, or tile line; impacts are avoided wherever possible; and there is no drainage of the wetland or public waters.

# Exemptions

- **Wildlife Habitat 8420.0420 Subp 9**

- Lesser of 5% or  $\frac{1}{2}$  acre of Type 3,4,5
- No adverse effect on T&E
- Certified by SWCD or TEP
- All spoil must be stabilized with native, noninvasive vegetation.



Excavation in Types 1, 2, 6, 7, 8 not regulated unless deeper than 8.2 feet depth

# Exempt?

- Located in >80% area
- Not in shoreland
- Proposed impact=7,490 SF
- Landowner's portion=154,223 SF



-0010-01480

Figure 3: Proposed Driveway

■ Delineation Area  
■ Delineated Wetland

# Exempt?

- Located in >80% area
- Not in shoreland
- Proposed impact=7,490 SF
- Landowner's portion=154,223 SF



-0010-01480

Figure 3: Proposed Driveway

■ Delineation Area  
■ Delineated Wetland

Yes.  
5% of 154,223=7,711  
Proposed impact is less  
Qualifies for de minimis exemption  
MN Rule 8420.0420 Subp. 8 C (2)

# Summary of Basic WCA Decisions

- Boundary/Type: approving wetland delineation that followed 3 parameter approach
- No-loss: activity that does not result in wetland impacts
- Exemptions: wetland impacts that are exempt from replacement



# Replacement Plan Applications

**Transaction Form to Withdraw Credits**  
BOARD OF WATER  
AND SOIL RESOURCES  
Minnesota Wetland Bank Program

If the layout of this form looks incorrect, click on View, Edit Document, then save it to your computer.

**1. Credit User**

Name:	Organization:	<i>This space for BWSR use only.</i>
Address:	Email:	
Phone:	LGU File #:	
Consultant:		

**2. Wetland Impact Information**  
To be completed for the project impacting wetlands and with which this withdrawal is intended to replace.

Project Name:	Impact Size (acres):
Impact County:	Impact Wetland type:
Impact Major Watershed/BSA: ____ / ____	Replacement Ratio:
Sec/Twp/Range: <small>*Projects with multiple locations should use the most central location in relation to the project as a whole.</small>	
Are Federally authorized credits required for this impact? Yes / No	
Corps Regulatory File Number: MVP-_____	
Comments:	

**3. Credits to be Withdrawn** To be completed by the seller of the credits (account holder)

Account Information

Account:	County:	Bank Service Area:		
Credit Subgroup	Wetland Type/Plant Community Type	Federally Approved?	Cost per Credit	Credit Amounts

Per Credit Withdrawal Fee by BSA	Enter the Withdrawal Fee for the BSA of the account:	Total Credits:
BSA 1 \$520	BSA 6 \$1,083	(Withdrawal Fee x total credits)
BSA 2 \$371	BSA 7 \$1,992	Withdrawal Fee:
BSA 3 \$725	BSA 8 \$2,577	(Easement Stewardship fee x total credits)
BSA 4 \$1,412	BSA 9 \$2,628	Easement Stewardship Fee:
BSA 5 \$685	BSA 10 \$3,099	Total Fees:

Please make checks payable to the Minnesota Board of Water and Soil Resources. BWSR does not accept cash.  
BWSR fee policy: [http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee\\_and\\_sales\\_data/Wetland\\_Banking\\_Fee\\_Policy\\_Effective\\_June\\_1\\_2017.pdf](http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee_and_sales_data/Wetland_Banking_Fee_Policy_Effective_June_1_2017.pdf)

BWSR form updated 5/31/2017

Page 1 of 2

Disclaimer: All transactions in the Wetland Bank system are public information

# Sequencing

8420.0520

**Avoid Impact**  
8420.0520 subp 3

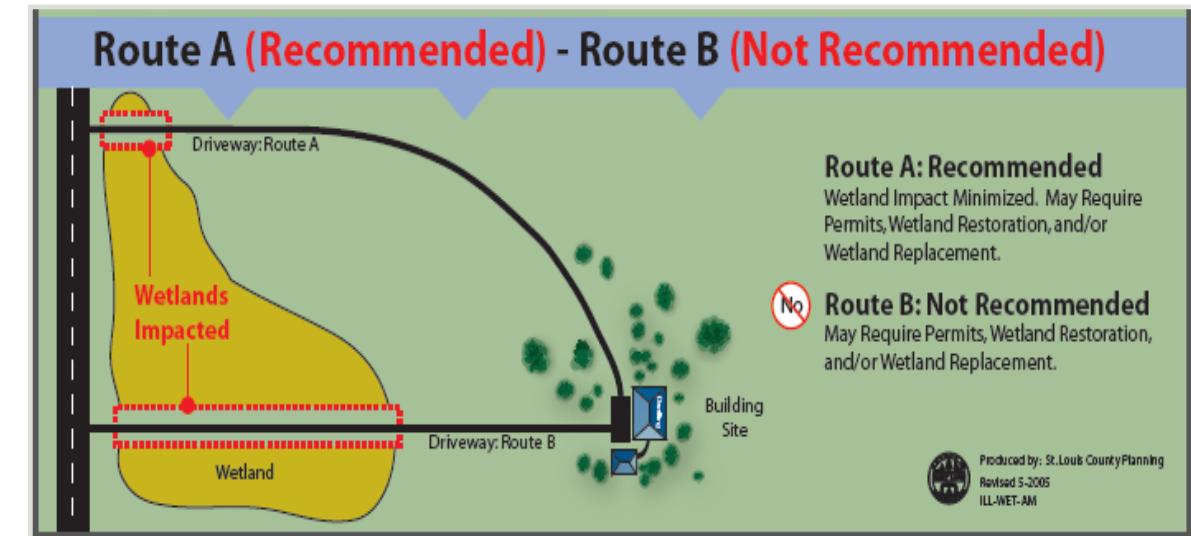
**Minimize Impact**  
8420.0520 subp 4

**Replace**  
8420.0522

# Replacement Plans

## 8420.0330 REPLACEMENT PLAN APPLICATIONS.

**Subpart 1. Requirement.** A landowner proposing a wetland impact that requires replacement under this chapter must apply to the local government unit and receive approval of a replacement plan before impacting the wetland.

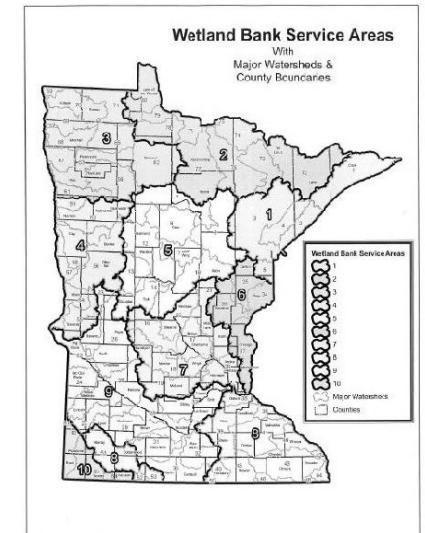


# Preapplication Meeting

- Prior to preparation of an application;
- Meet with the LGU/TEP, provide basic information of the project
- LGU/TEP inform the applicant of sequencing requirements and criteria to evaluate the replacement plan

# Application Contents

- Information necessary to be considered a complete application (a lot of this info can be pulled from the delineation report)
- For the impacted Wetland:
  1. The amount of wetland impact (in sq ft or acres) by type
  2. Minor/Major watershed, County, and Bank Service Area (BSA)
  3. Soil survey of site, identify hydric soils
  4. Hydrologic inlets and outlets, adjacent Public Waters (shoreland), floodplain



# Application Contents Continued...

5. Information pertaining to special considerations (8420.0515) (T & E, rare communities, cultural resources, etc.)
6. List of known local, state, and federal permits required for the activity
7. Identify project purpose and need and alternatives considered



- C. for the replacement wetland when the replacement consists of wetland bank credits:
  - (1) the wetland bank account number;
  - (2) the minor watershed, major watershed, county, and bank service area; (3) the amount of credits to be withdrawn in square feet; and
  - (4) a completed application for withdrawal of wetland credits from the wetland bank in a form provided by the board or a purchase agreement signed by the applicant and bank account holder; and
- D. a description of the required replacement as determined according to the proposed replacement actions and the replacement standards in part 8420.0522.

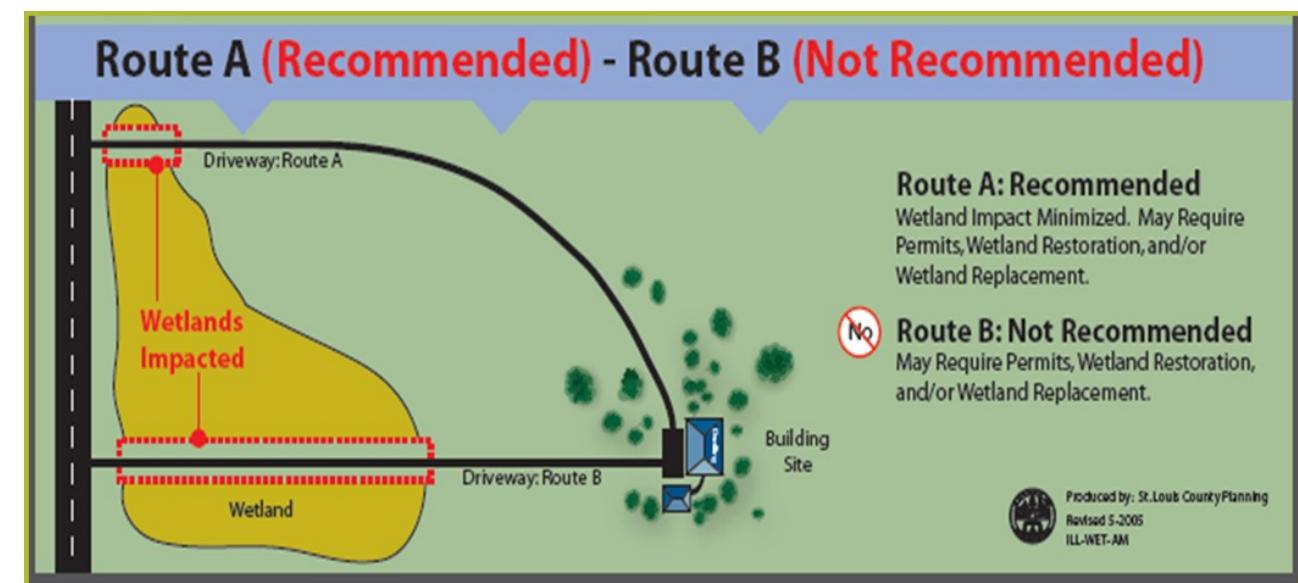
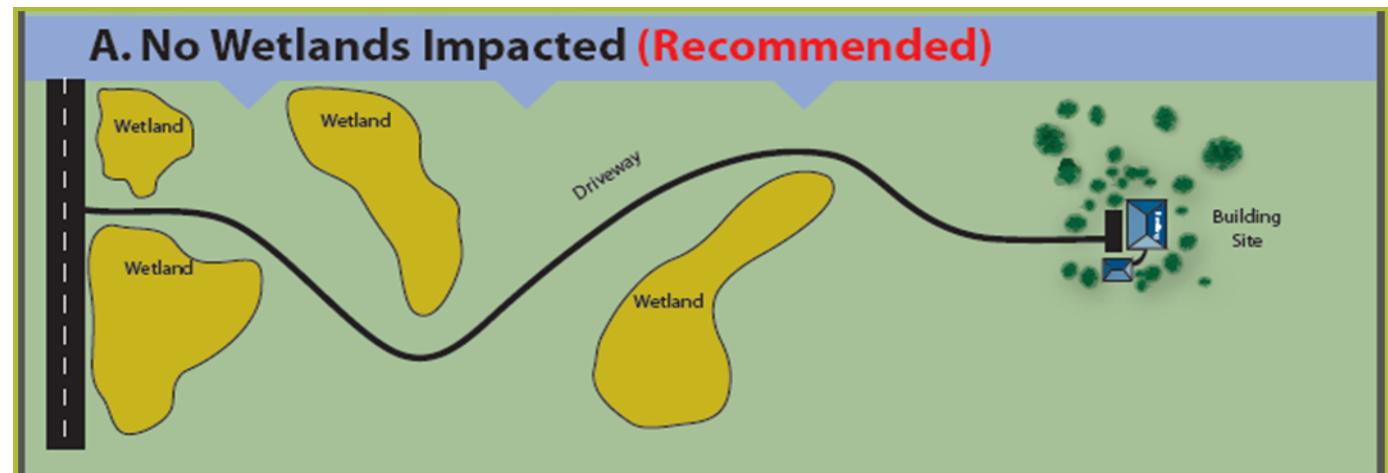
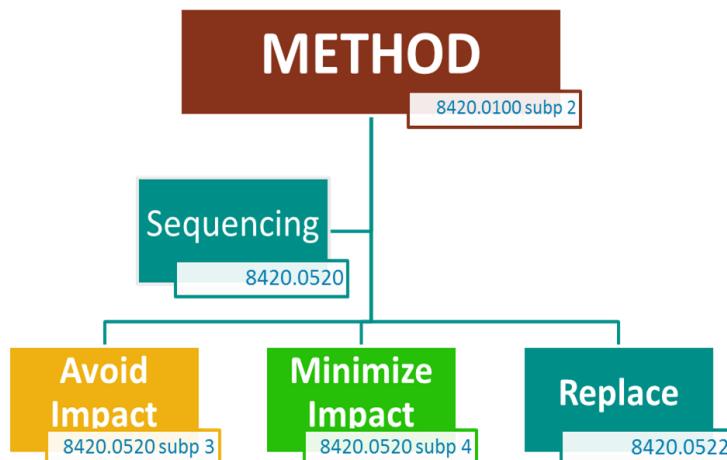
- **LGU MUST NOT** approve a wetland replacement plan unless the LGU finds the project complies with sequencing.

# Key Concepts

- Sequencing is a MUST for all replacement plans
- TWO avoidance alternatives
- Evaluate projects...can wetlands be avoided?
- Are impacts minimized?
- Long term effects
- 8420.0520 Subp C – Page 45 of 2009 Rule book

# Sequencing

- Avoid
- Minimize
- Replace

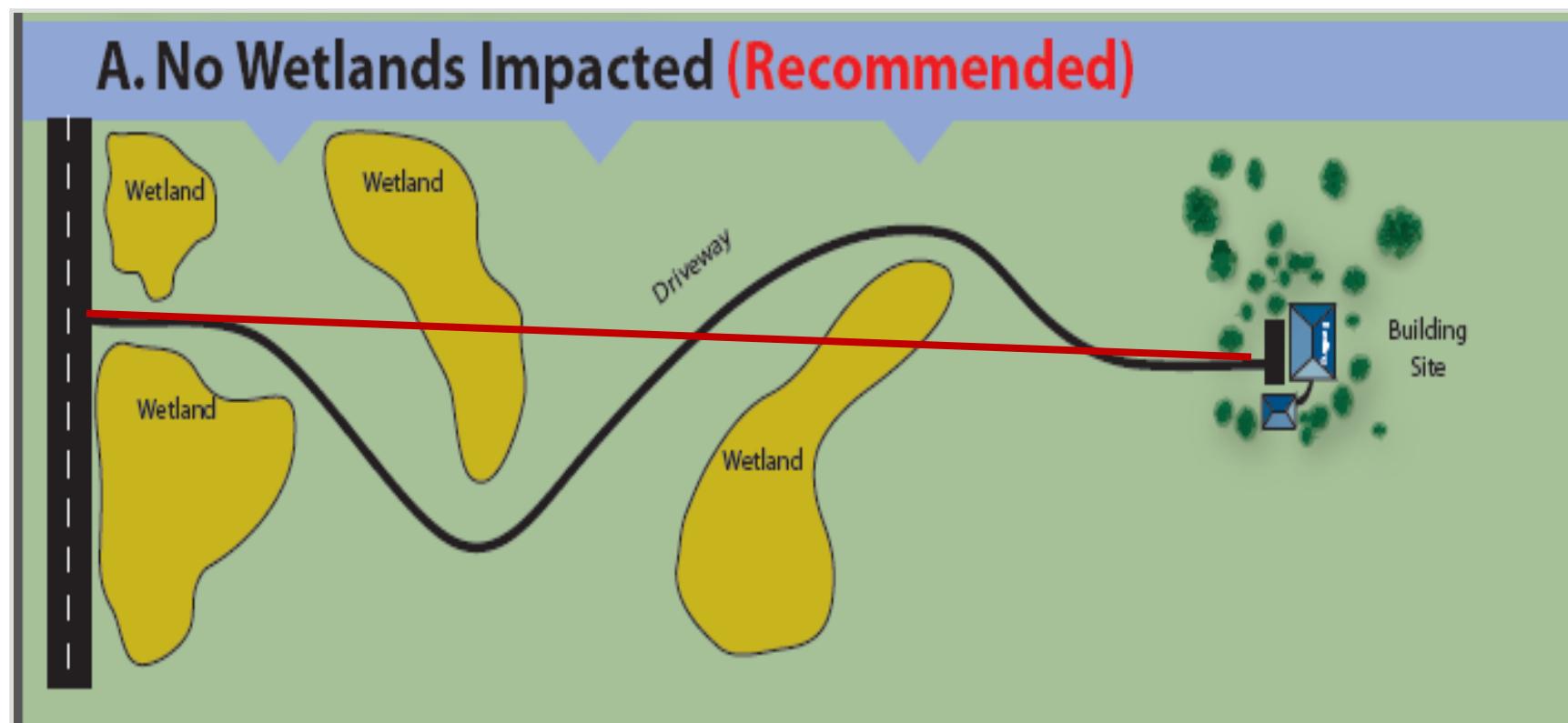


# How does applicant *demonstrate* sequencing?

- Clearly define the **purpose** of the project.
- Identify the physical, economic, and/or demographic **requirements** of the project.
- **Justify** why this project should or must go on this site.
- Show (concept plans, discarded grading plans, etc.) and describe other *reasonable alternatives* that were considered or could be considered.

# Impact Avoidance

- If LGU finds that a Feasible and Prudent Alternative exists that avoids impacts, the application must be denied.



## Alternatives Analysis

- LGU must determine if feasible and prudent alternatives are available that avoid wetland impact

# Alternatives Analysis

What is *feasible* and *prudent*?

**WCA rule tells us** (8420.0520 subp 3C(2)):

- Can be done from an engineering perspective
- Is in accordance with accepted engineering standards and practices
- Is consistent with public health, safety, and welfare requirements
- Is environmentally preferable based on social, economic, and environmental impacts
- Would not create any truly unusual problems

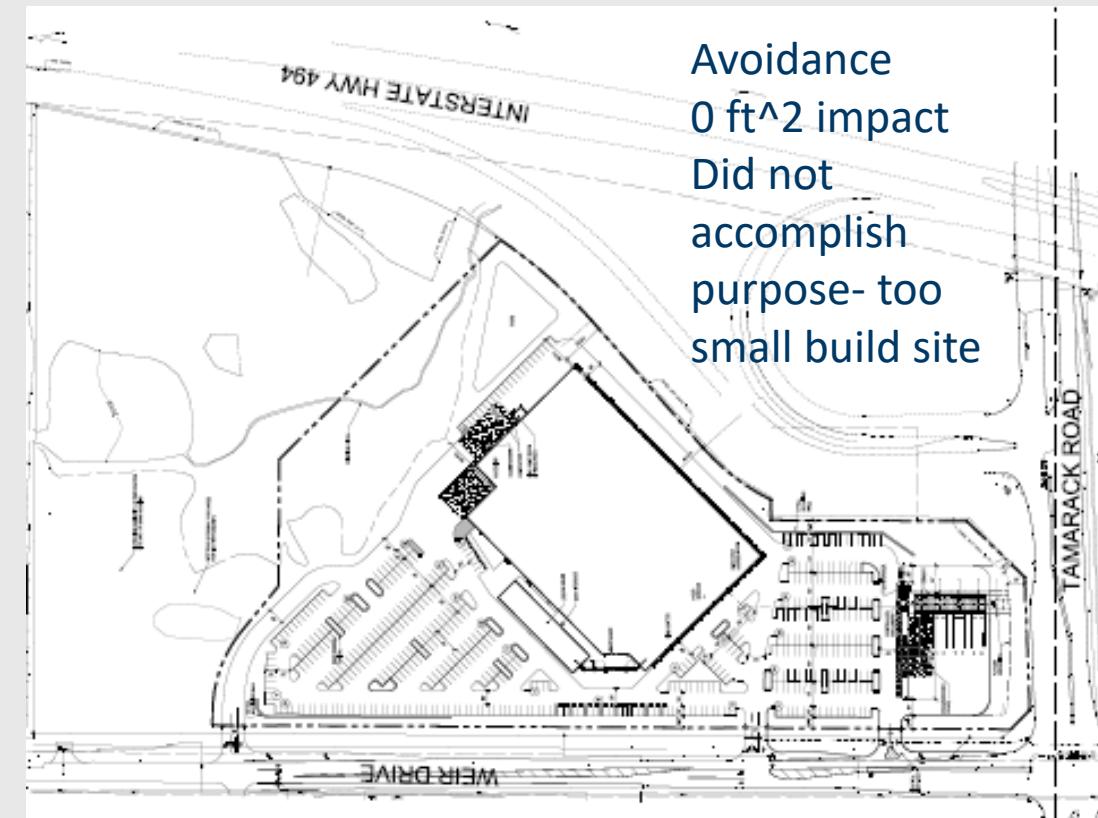
# Evaluating Alternatives (continued)

- LGU must consider (8420.0520 subp 3C(3)):
  - Could the size, configuration, or density of the project be modified to avoid wetlands?
  - Has the applicant made efforts to remove constraints (zoning restrictions, ordinance requirements, etc.) that are causing wetland impacts (i.e. request for variances, PUD, conditional use permit, etc.)?

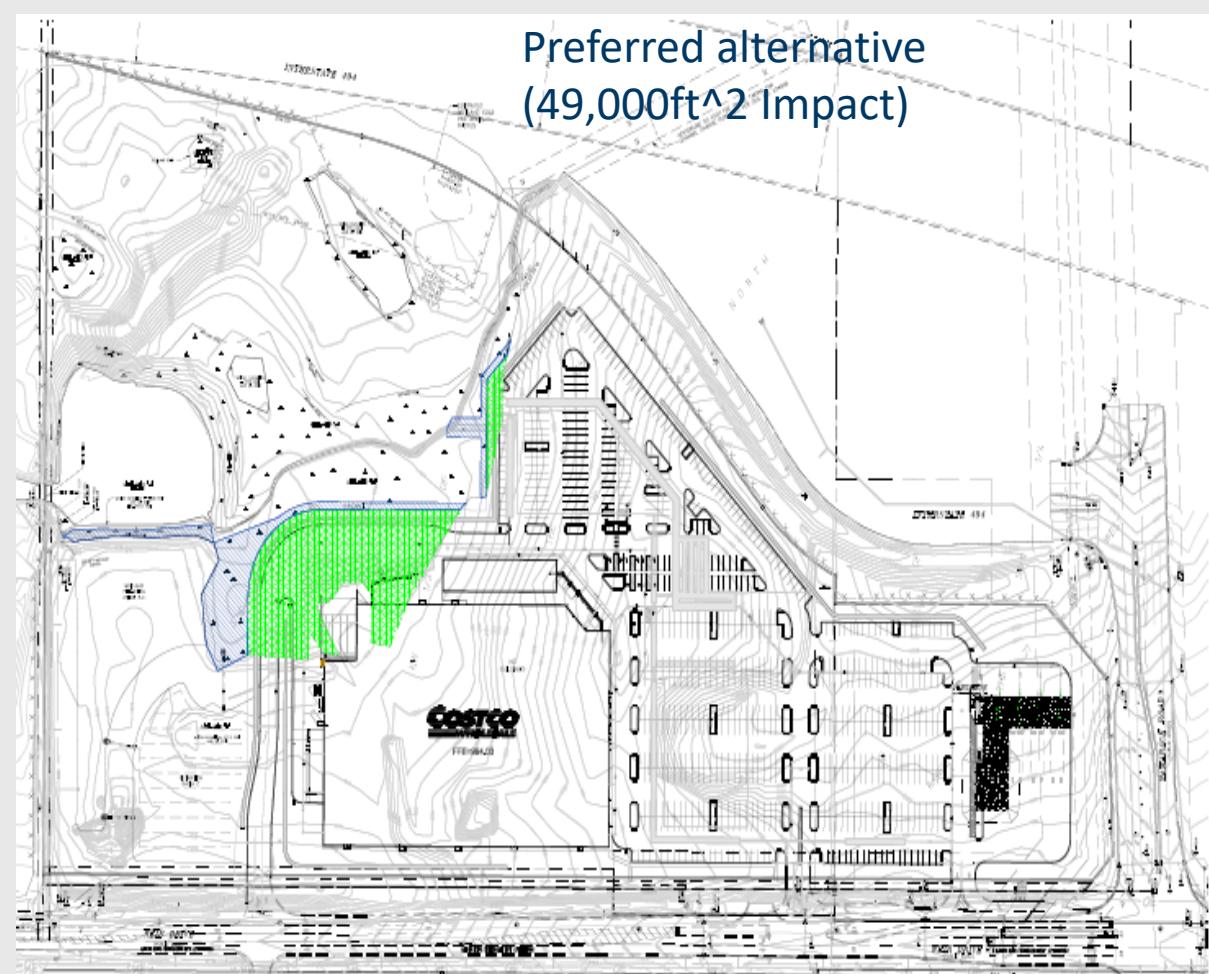
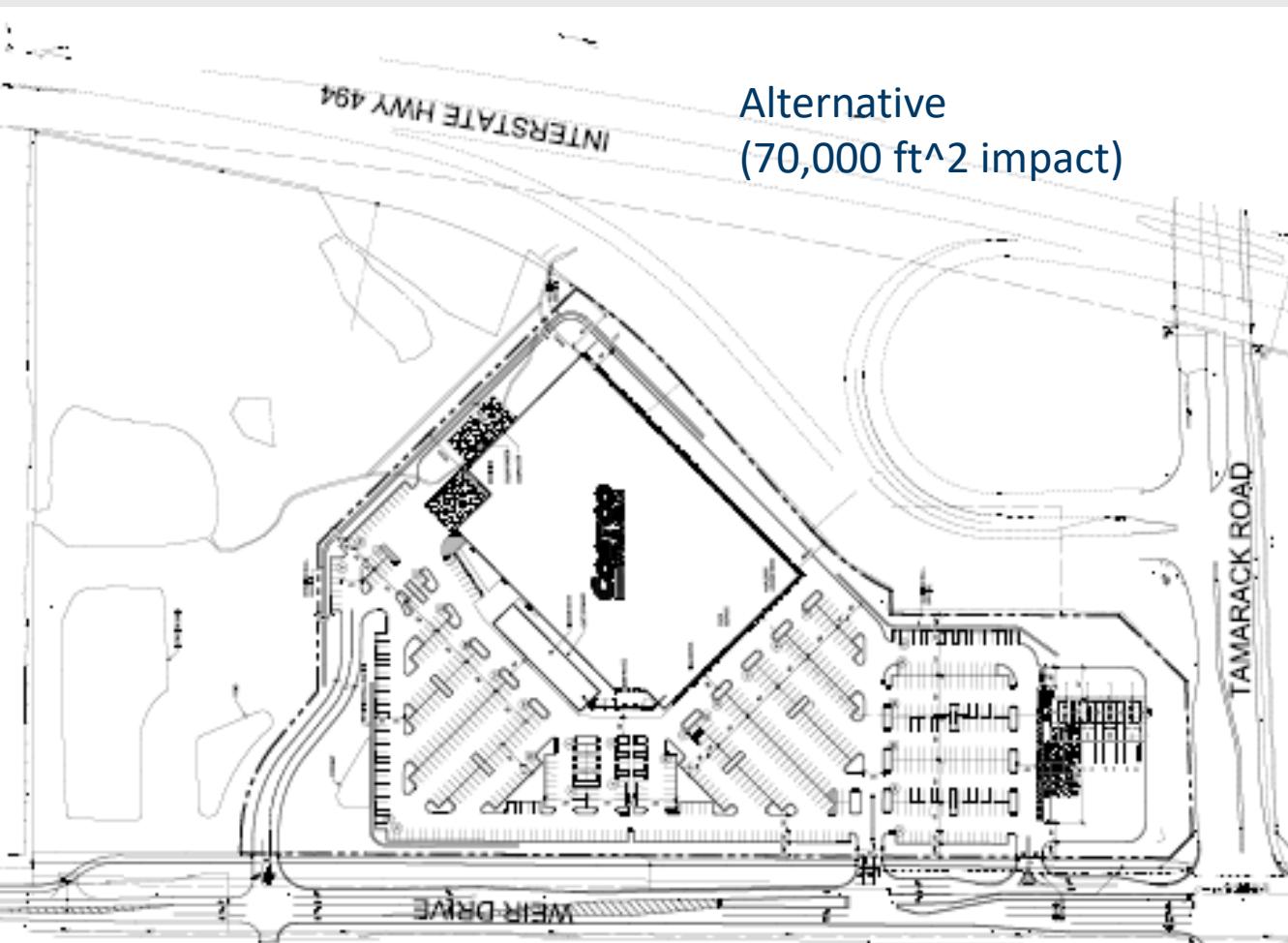
## What if an avoidance alternative DOES exist?

- If the LGU determines that a feasible and prudent alternative exist that avoids wetland impacts, it **MUST DENY** the replacement plan.

## Offsite Analysis

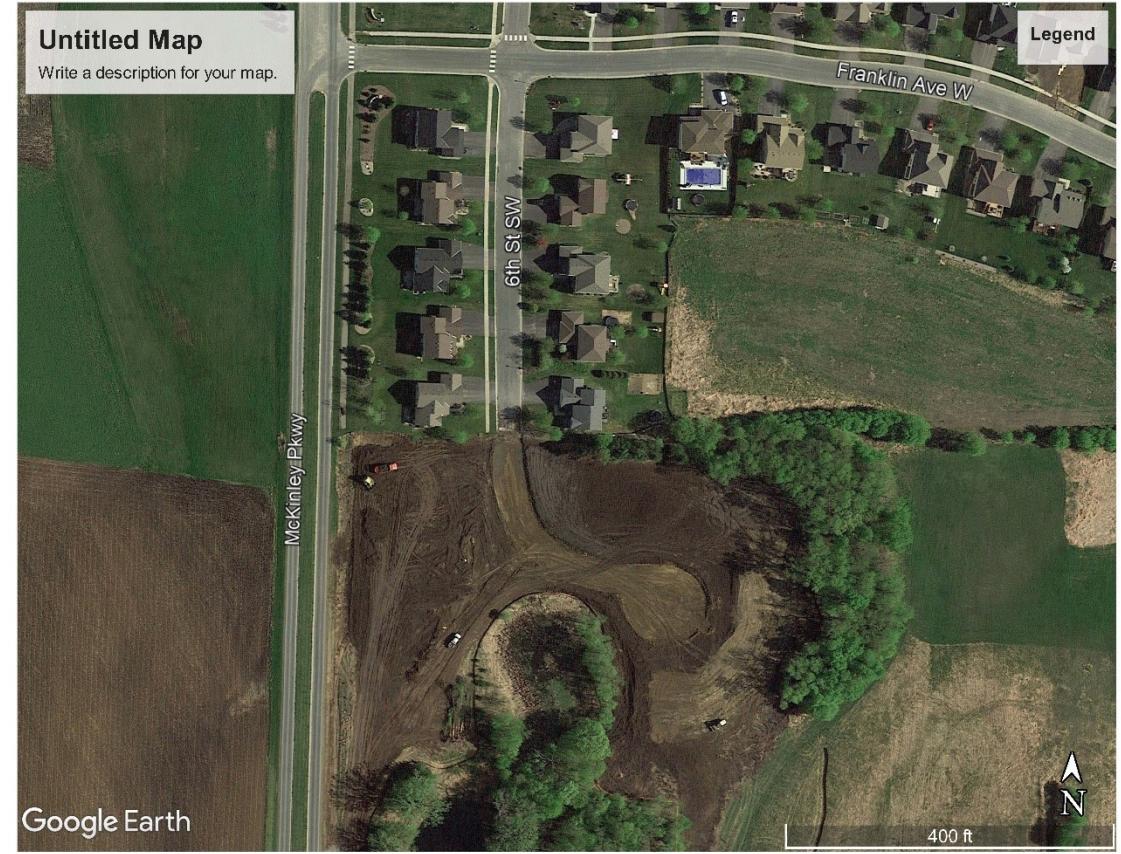
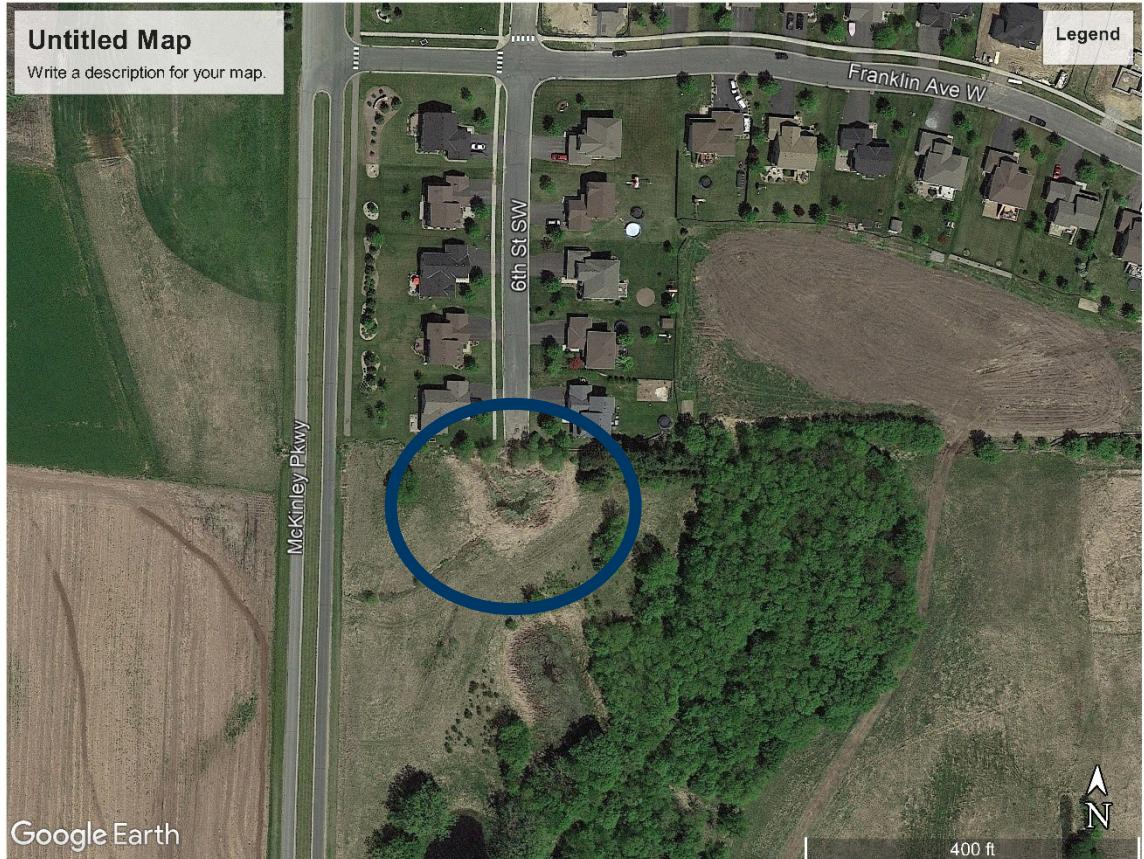


Avoidance  
0 ft<sup>2</sup> impact  
Did not  
accomplish  
purpose- too  
small build site



# Alternatives Analysis Continued...

Future considerations when reviewing a site and potential off-site impacts



# Alternatives Analysis Continued...

- Direct and secondary impacts – A wetland may not be directly impacted (filled/drained/excavated) but can be impacted through loss of hydrology



# What if an avoidance alternative does NOT exist?

- LGU evaluates:
  - Minimization
  - Rectification
  - Reduction/Elimination of impacts over time
  - Replacement

# Impact Rectification

- Temporary impacts must be rectified by repairing, rehabilitating, or restoring the affected wetland to pre-project conditions



# Reduction or Elimination of Impacts Over Time

- Once complete, further impacts must be reduced or eliminated and preserve or maintain wetland functions
- Best Management Practices (BMP)
- Silt fence
- Storm-ponds
- Buffers
- Rip-Rap



- Allowed at the discretion of the LGU if:
  1. Impacted wetland degraded;
  2. Avoidance results in severe degradation;
  3. Upland site of the project or replacement has greater function and value;
  4. Human health and safety is a factor.

# Special Considerations

These factors must be considered by the applicant before submitting a replacement and by the LGU during the review

1. Endangered and threatened species (DNR natural heritage/nongame)
2. Rare natural communities (DNR natural heritage)
3. Special fish and wildlife resources (fish spawning, water birds, waterfowl, deer wintering/wildlife corridor)
4. Archaeological, historic, or cultural resource sites (National Register of Historic Places, State Historical Preservation Office)
5. Groundwater sensitivity (Decorah edge, Geologic Sensitivity)



# Special Considerations Continued...

6. Sensitive surface waters (trout stream)
7. Education or research use (Cedar Creek, Anoka Co)
8. Waste disposal site (former dump, superfund, TCAAP/AHATS)
9. Consistency with other plans (watershed management, land use, planning and zoning)



# Sequencing – Replacement

## Final Review Step

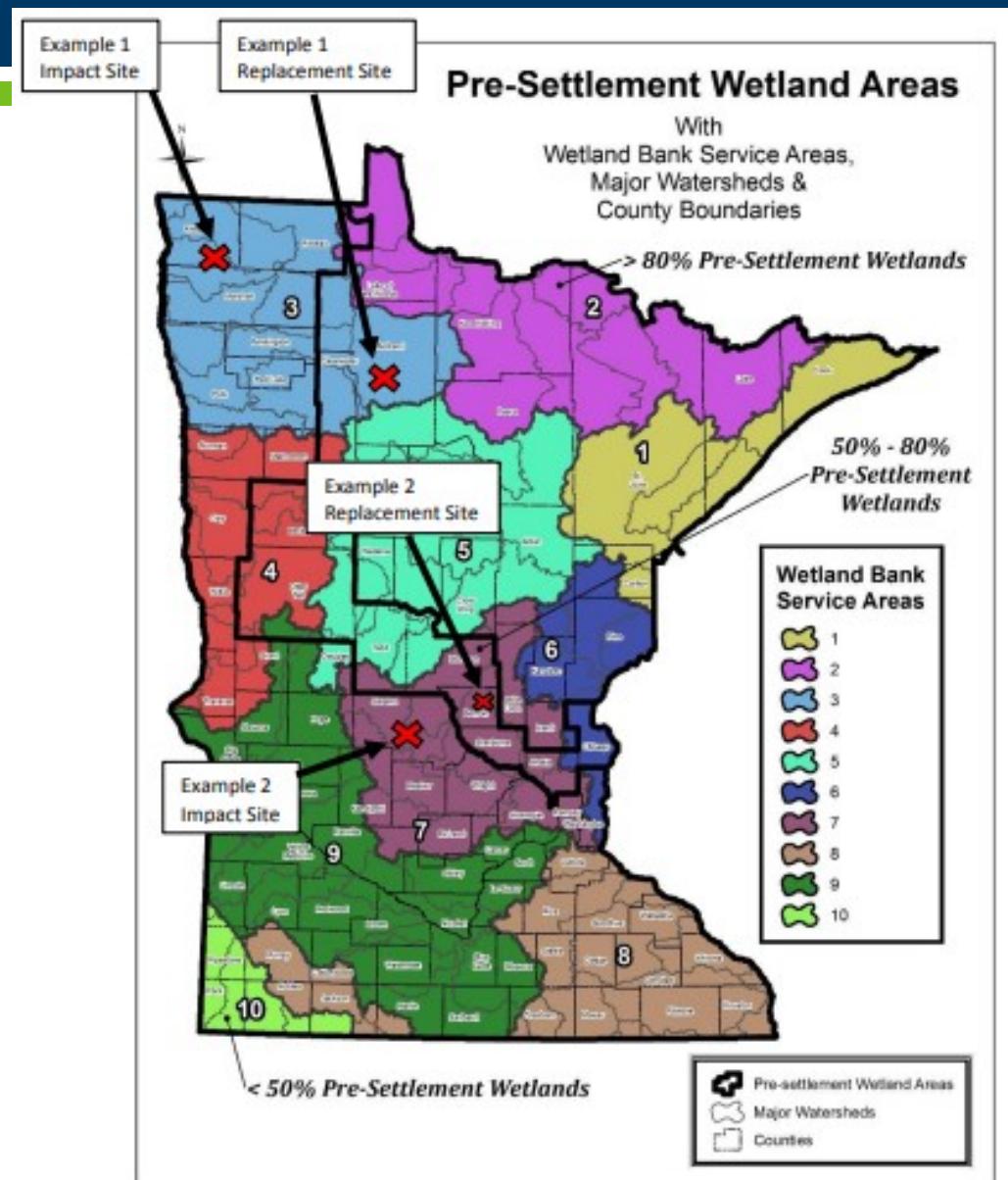
LGU must evaluate if unavoidable impacts will be adequately replaced AND if correctly sited.

### Adequate Replacement

- Must replace the functions and values at an equal or greater level than that which was lost.
- Uses wetland area as the unit of measurement (acreage or sq. ft.)

# Replacement Siting

- Must follow a priority order:
  - Minor watershed
  - Major watershed
  - Same BSA
  - Another BSA

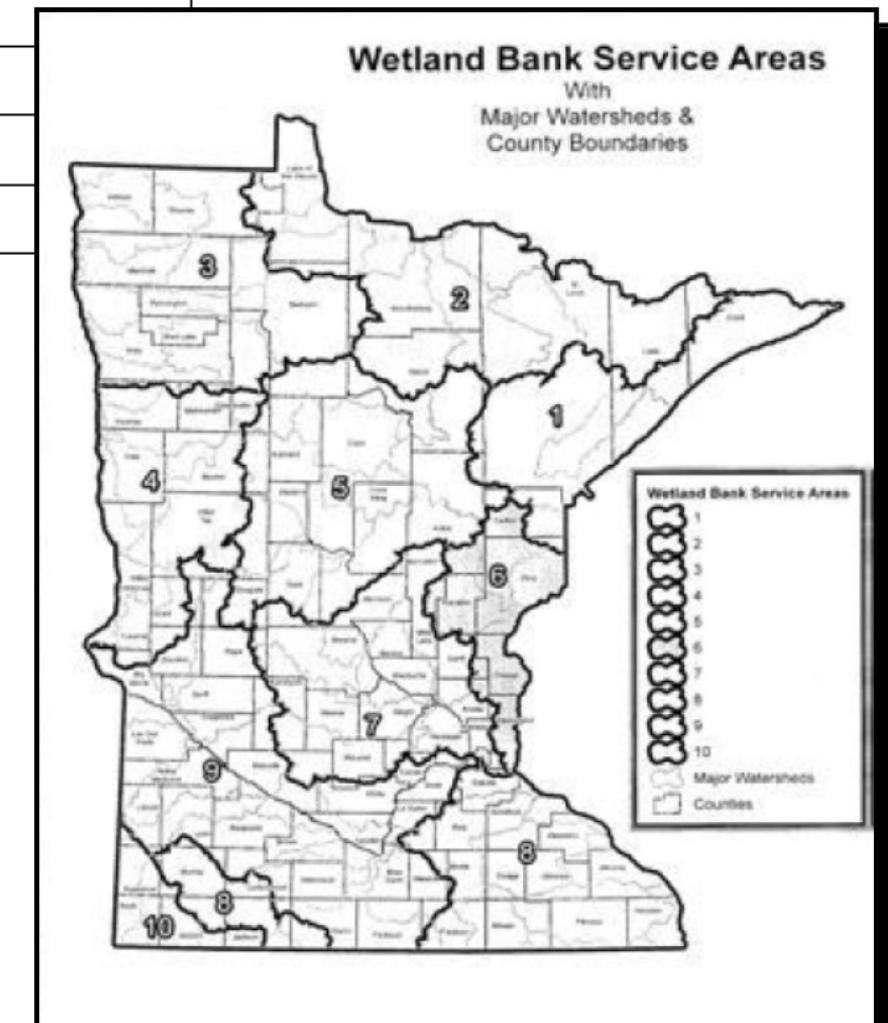


# Replacement Ratios

Minimum Replacement Ratios: Banking		
Location of impact	Replacement	Minimum replacement ratio
>80% area or agricultural land	Outside bank service area	1.5:1
	Within bank service area	1.1
<50% area, 50-80% area, and nonagricultural land	Outside bank service area	2.5:1
	Within bank service area	2:1

Must follow a priority order:

- Minor Watershed
- Major Watershed
- Same BSA
- Another BSA



## Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit: <a href="#">Click here to enter text.</a>	County: <a href="#">Click here to enter text.</a>
Applicant Name: <a href="#">Click here to enter text.</a>	Applicant Representative: <a href="#">Click here to enter text.</a>
Project Name: <a href="#">Click here to enter text.</a>	LGU Project No. (if any): <a href="#">Click here to enter text.</a>
Date Application Received By LGU: <a href="#">Click here to enter text.</a>	
Date of LGU Decision: <a href="#">Click here to enter text.</a>	
Date this Notice was sent: <a href="#">Click here to enter text.</a>	
<b>WCA Decision Type – Check all that apply</b>	
<input type="checkbox"/> Wetland Boundary & Type <input type="checkbox"/> Sequencing <input type="checkbox"/> Replacement Plan <input type="checkbox"/> Bank Plan (not credit purchase)	
<input type="checkbox"/> No-Loss (8420.0415) <input type="checkbox"/> Exemption (8420.0420)	
Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H	Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9
<b>Replacement Plan Impacts (for replacement plan decisions only)</b>	
Total WCA Wetland Impact Area: <a href="#">Click here to enter text.</a>	
Wetland Replacement Type: <input type="checkbox"/> Project Specific <input type="checkbox"/> Bank Credits	
Bank Name & Number(s): <a href="#">Click here to enter text.</a>	
<b>Technical Evaluation Panel Findings and Recommendations (Attach)</b>	
<input type="checkbox"/> Approve <input type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny <input type="checkbox"/> No TEP Recommendation	
<b>LGU Decision</b>	
<input type="checkbox"/> Approved with Conditions (specify below) <sup>1</sup> <input type="checkbox"/> Approved <sup>1</sup> <input type="checkbox"/> Denied	
<a href="#">Click here to enter text.</a>	
Decision-Maker for this Application: <input type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other <a href="#">Click here to enter text.</a>	
Decision is valid for: <input type="checkbox"/> 5 years (default) <input type="checkbox"/> Other (specify): <a href="#">Click here to enter text.</a>	
<small><sup>1</sup> Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.</small>	
<b>LGU Findings – Must attach document(s) providing the basis for the LGU decision. Findings must consider any TEP recommendations if applicable.</b>	
<input type="checkbox"/> Attachment(s) (specify): <a href="#">Click here to enter text.</a>	
<b>Attached Project Documents</b>	
<input type="checkbox"/> Site Location Map <input type="checkbox"/> Project Plan(s)/Descriptions/Reports (specify): <a href="#">Click here to enter text.</a>	

# Result?

A formal NOD document that summarizes the decision, is supported by technical findings and is valid for 5 years.

# Application to withdraw wetland credits

**Transaction Form to Withdraw Credits**  
Minnesota Wetland Bank Program

If the layout of this form looks incorrect, click on *View*, *Edit Document*, then save it to your computer.

<b>1. Credit User</b>		<i>This space for BWSR use only.</i>		
Name:	Organization:			
Address:	Email:			
Phone:	LGU File #:			
Consultant:				
<b>2. Wetland Impact Information</b>				
To be completed for the project impacting wetlands and with which this withdrawal is intended to replace.				
Project Name:	Impact Size (acres):			
Impact County:	Impact Wetland type:			
Impact Major Watershed/BSA: ____ / ____	Replacement Ratio:			
Sec/Twp/Range: <small>*Projects with multiple locations should use the most central location in relation to the project as a whole.</small>				
Are Federally authorized credits required for this impact? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Corps Regulatory File Number: MVP.				
Comments:				
<b>3. Credits to be Withdrawn</b> To be completed by the seller of the credits (account holder)				
Account Information				
Account:	County:	Bank Service Area:		
Credit Subgroup	Wetland Type/Plant Community Type	Federally Approved?	Cost per Credit	Credit Amounts
Per Credit Withdrawal Fee by BSA	Enter the Withdrawal Fee for the BSA of the account:	Total Credits:		
BSA 1 \$520	BSA 6 \$1,083	(Withdrawal Fee x total credits)		
BSA 2 \$371	BSA 7 \$1,992	Withdrawal Fee:		
BSA 3 \$725	BSA 8 \$2,577	(Easement Stewardship fee x total credits)		
BSA 4 \$1,412	BSA 9 \$2,628	Easement Stewardship Fee:		
BSA 5 \$685	BSA 10 \$3,099	Stewardship Fee:		
		Total Fees:		

Please make checks payable to the Minnesota Board of Water and Soil Resources. BWSR does not accept cash.

BWSR fee policy: [http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee\\_and\\_sales\\_data/Wetland\\_Banking\\_Fee\\_Policy\\_Effective\\_June1\\_2017.pdf](http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee_and_sales_data/Wetland_Banking_Fee_Policy_Effective_June1_2017.pdf)



## Wetland Banking

- Purpose of Wetland Banking
- Types of Wetland Banks
- Actions Eligible for Credit
- Establishing a Wetland Bank
- Certification and deposit of credits
- Withdrawals and transfers
- Replacement for Public Road Projects



- Wetland Bank Guidance and Information

## Wetland Bank Guidance and Information



This page contains guidance and general information on wetland banking in Minnesota. Forms associated with wetland banking can be found on the [WCA Forms and Templates](#) page.

[Vegetation Monitoring for Wetland Banks Guidance \(pdf\) \(New\)](#)

[Establishing a Wetland Bank \(pdf\)](#) - Comprehensive guidance document on the process of establishing a wetland bank.

[Generating Wetland Credits \(pdf\)](#) - Summary of different methods to generate wetland credit in accordance with WCA rules.

[Crediting in Cultivated Fields \(pdf\)](#) - Special guidance document on alternative crediting method for wetland restorations involving hydrologic restoration in cultivated fields. [Purpose & Need Summary for Crediting in Cultivated Fields \(pdf\)](#) - Document explaining the basis and need for the crediting in cultivated fields guidance.

[Aerial Imagery](#) - link to aerial imagery from the University of Minnesota. There are many aerial images available via this link from around the state.

[Preservation Site Selection - BWSR/Corps \(pdf\)](#) - Joint guidance issued by BWSR and Corps on selecting preservation sites as a means to generate wetland credits.

[Preservation Guidance - BWSR \(pdf\)](#) - BWSR guidance on preservation as a means to generate wetland credits.

[Exceptional Natural Resource Value Guidance \(pdf\)](#) - BWSR guidance on ENRV as a means to generate wetland credits.

[Performance Standards and Credit Release Schedules \(pdf\)](#) - Joint BWSR and Corps guidance on standards and credit release schedules required for most wetland banks.

[Frequently Asked Questions on Wetland Banking \(pdf\)](#)

[Wetland Bank Service Areas Map \(pdf\)](#)

[Minnesota Mitigation Newsletter - Spring 2021 \(pdf\)](#)

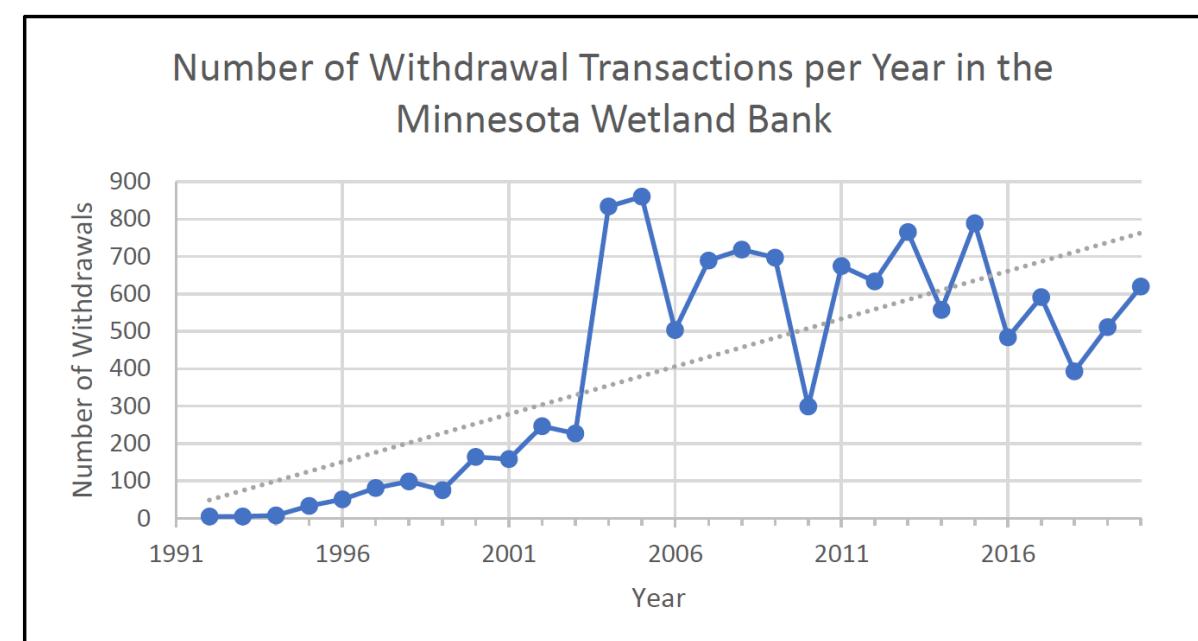
[Minnesota Mitigation Newsletter - Fall 2020 \(pdf\)](#)

[Minnesota Mitigation Newsletter - Spring 2020 \(pdf\)](#)

[Minnesota Mitigation Newsletter - Fall 2019 \(pdf\)](#)

## What is Wetland Banking?

- WCA rule: “The purpose of the state **wetland banking** system is to provide a market-based structure that allows for replacement of unavoidable impacts with pre-established replacement wetlands.”
- Federal Mitigation Rule definition (33 CFR 332.2): “A **mitigation bank** sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the mitigation bank sponsor.”



- Private

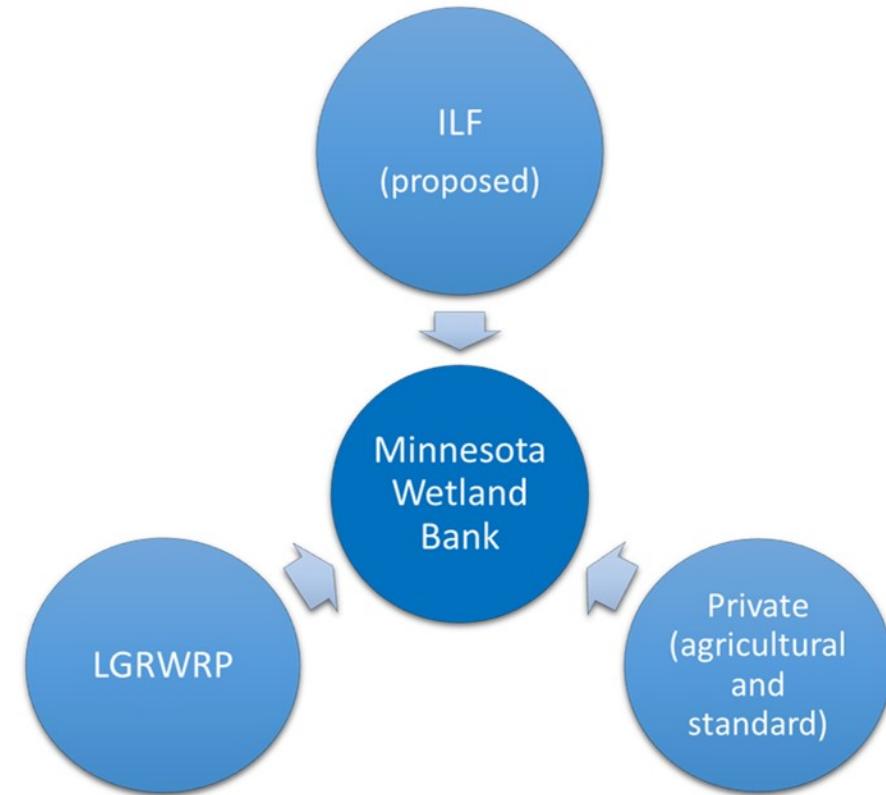
- Standard- Landowners establish bank on private land to mitigate impacts on non-ag or transportation projects
- Agriculture- Credits can only be used for Ag projects

- In-lieu Fee (proposed)

- Open to only government and NGOs, mitigation completed in advance, requires compensation planning framework

- Local Government Road Wetland Replacement Program

- Replaces impacts resulting from local transportation projects



# Quick facts on ILF (as proposed)

## Minnesota In-Lieu Fee Program

*A program in which wetland replacement requirements are satisfied through payment of money to the board or a board-approved sponsor to develop replacement credits according to section 103G.2242, subdivision 12. (Minn Stat.)*

### In-lieu fee versus banking, major differences

- Mitigation is completed in advance with banking, after sale of credits with ILF
- Banking is for profit, ILF is open only to government and NGOs
- Corps is involved in finances with ILF, no involvement in banking
- ILF requires development of a compensation planning framework for program approval, banking does not

# Quick facts on Ag bank

## Eligibility to USE the Ag Bank:

- ✓ The wetland must be proposed to be drained for agricultural use.
- ✓ The land must remain in agricultural use.
- ✓ The wetland must be a farmed wetland (FW) or otherwise degraded wetland on existing agricultural land.

## Differences with Standard Bank:

- Credits can only be used for Ag projects
- Flexibility on Vegetation Standards
- Expired CRP sites could be eligible “as-is”

# Local Government Road Wetland Replacement Program

- WCA exempts certain local road projects from State wetland replacement requirements
- BWSR is required to replace the associated wetland impacts so the local governments don't have to
- These wetland credits also satisfy Corps of Engineers' Section 404 permit requirements

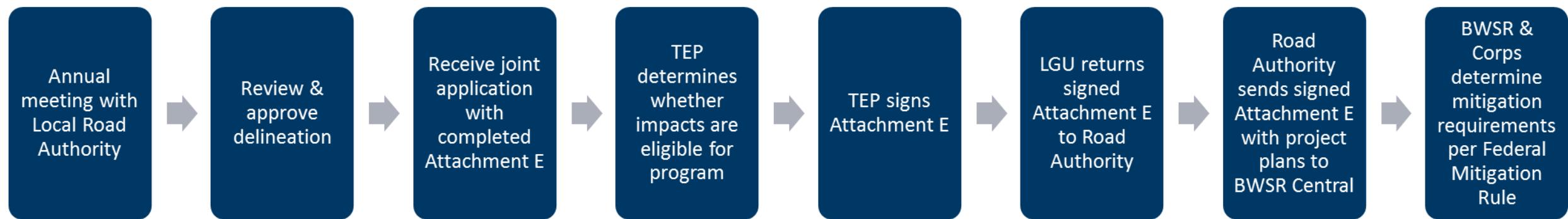


# What projects Qualify?

- **Repair, rehabilitation, reconstruction or replacement of currently serviceable** existing State, City, County or Town public road.
  - Provided that:
    - Project **minimizes impacts**
    - **Plans are provided** to the LGU
- What doesn't qualify?
  - New roads
  - Roads expanded solely for additional capacity lanes



# Reviewing Local Road Projects



# Joint Application Form

## Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits MUST use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

### Regulatory Review Structure

#### Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

#### State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

### Required Information

Prior to submitting an application, applicants are strongly encouraged to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

## For Local Road Projects:

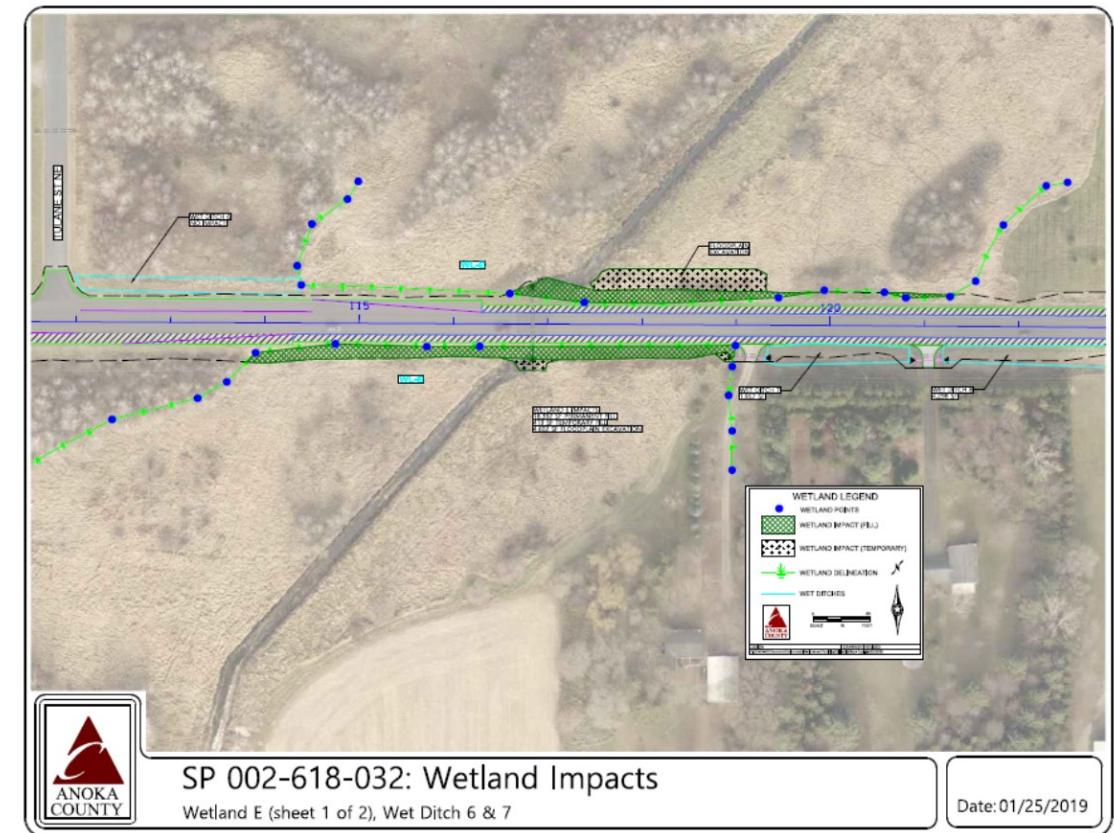
- Parts 1-5; Attachments C and E
- May need Attachment D if there will be impacts that do not meet the Local Road Program eligibility requirements



# Application Requirements

Local Road Unit should provide TEP the following:

- Project plans depicting wetland boundaries
- Description of wetland impacts by type
- Information demonstrating wetland impact minimization
- Only one alternative is required



# Good Example

MnDOT's Road Design Manual (2000) also recommends turn and/or bypass lanes for rural undivided roadways with traffic volumes over 1,500 ADT and speed limits above 45 mph. Current road condition compared with required and proposed are laid out in the table below.

	Existing	Required	Proposed
<b>Lane Width (ft)</b>	12	11-12	12
<b>Shoulder Width (ft)</b>	0-6	8	8
<b>In-Slope</b>	1:4	1:4	1:4

This project is proposed to improve CSAH 18 to meet today's State Aid Standards and improve safety along the corridor.

# Attachment E – Joint Application

## Attachment E Local Road Replacement Program Qualification

Complete this part if you are a local road authority (county highway department, city transportation department, etc.) seeking verification that your project (or a portion of your project) qualifies for the MN Local Government Road Wetland Replacement Program (LGRWRP). If portions of your project are not eligible for the LGRWRP, then Attachment D should be completed and attached to your application.

Discuss how your project is a repair, rehabilitation, reconstruction, or replacement of a currently serviceable road to meet state/federal design or safety standards/requirements. Applicants should identify the specific road deficiencies and how the project will rectify them. Attach supporting documents and information as applicable:

Provide a map, plan, and/or aerial photograph accurately depicting wetland boundaries within the project area. Attach associated delineation/determination report or otherwise explain the method(s) used to identify and delineate wetlands. Also attach and discuss any type of review or approval of wetland boundaries or other aspects of the project by a member or members of the local Technical Evaluation Panel (TEP) or Corps of Engineers:

In the table below, identify only the wetland impacts from Part 4 that the road authority has determined should qualify for the LGRWRP.

Wetland Impact ID (as noted on overhead view)	Type of Impact (fill, excavate, drain)	Size of Impact (square feet or acres to 0.01)	Existing Plant Community Type(s) in Impact Area <sup>1</sup>	County, Major Watershed #, and Bank Service Area # of Impact <sup>2</sup>

<sup>1</sup>Use Wetland Plants and Plant Community Types of Minnesota and Wisconsin 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>2</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

Project Name and/or Number:	Project Name and/or Number:  Use SAP/AP Number and Project Name
Technical Evaluation Panel Concurrence:	TEP member: <b>LGU Admin has to sign</b> Representing: Concur with road authority's determination of qualification for the local road wetland replacement program? <input type="checkbox"/> Yes <input type="checkbox"/> No  Signature: _____ Date: _____
TEP member: <b>SWCD Rep (if applicable)</b> Representing: Concur with road authority's determination of qualification for the local road wetland replacement program? <input type="checkbox"/> Yes <input type="checkbox"/> No  Signature: _____ Date: _____	TEP member: <b>BWSR Wetland Specialist must sign</b> Representing: Concur with road authority's determination of qualification for the local road wetland replacement program? <input type="checkbox"/> Yes <input type="checkbox"/> No  Signature: _____ Date: _____
TEP member: <b>DNR Rep signs if w/in 300 feet of PW</b> Representing: Concur with road authority's determination of qualification for the local road wetland replacement program? <input type="checkbox"/> Yes <input type="checkbox"/> No  Signature: _____ Date: _____	Upon approval and signature by the TEP, application must be sent to: Wetland Bank Administration Minnesota Board of Water & Soil Resources 520 Lafayette Road North Saint Paul, MN 55155  Can also be sent via email to Amy Waters: Amy.Waters@state.mn.us  Submit: -Signed Attachment E -Copy of project plans -Copy of application

# Actions Eligible for Credit

- Restoration of completely drained wetland
- Restoration of partially drained wetland
- Vegetative restoration of farmed wetlands
- Protection of wetland previously restored via conservation easements
- Wetland Creations
- Restoration and protection of Exceptional Natural Resource Value
- Preservation of wetlands
- Upland buffer areas



# Actions Eligible for Credit 8420.0526

Subpart	Action
2	Buffer
3	Restoration, Completely Drained or Filled
4	Restoration, Partially Drained or Filled
5	Vegetative Restoration of Farmed Wetland
6	Protection of Wetlands Previously Restored
7	Wetland Creation
8	ENRV
9	Preservation

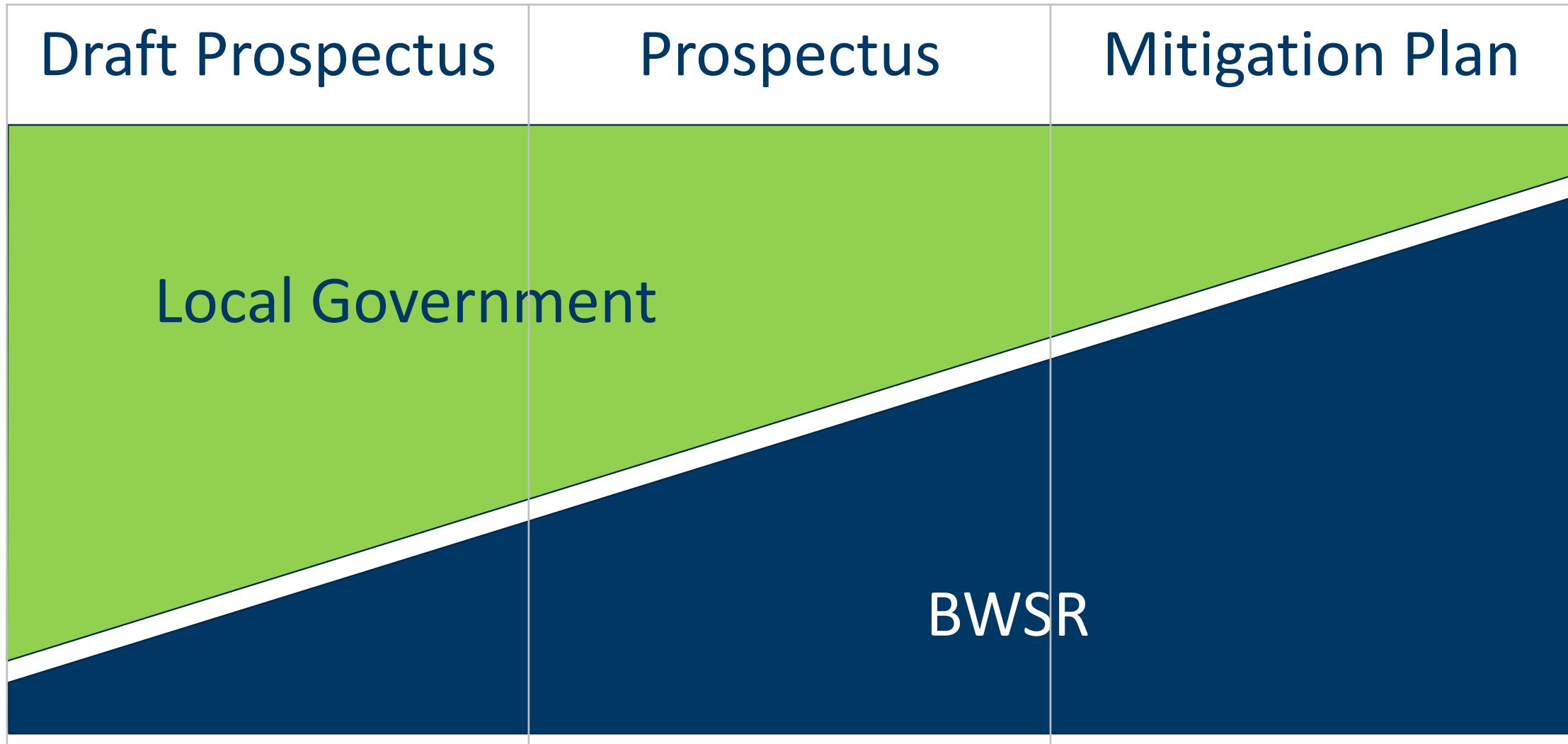
# Establishing a Wetland Bank

## State and Federal Review Process in Minnesota

- Draft Prospectus
  - State: Optional
  - Federal: Optional
- Prospectus
  - State: Optional
  - Federal: Required
- Mitigation Plan/Draft MBI
  - State and Federal: Required
- Final Mitigation Plan and MBI
  - Federal only and required



# Roles in Establishing a Wetland Bank





US Army Corps  
of Engineers®  
St. Paul District

## Wetland Mitigation Proposal Draft Prospectus



Submit this document to the [Corps of Engineers](#) and Wetland Conservation Act (WCA) [Local Government Unit \(LGU\)](#) to begin the mitigation proposal review process. This document allows early review based on limited, easily obtained information so you can identify project opportunities, issues, and potential problems before investing significant time and resources. This document can be prepared without help from professional consultants; however, review quality and recommendations made will be commensurate with the level of information provided. Findings and recommendations provided do not constitute final mitigation plan approval or guarantee success.

PROJECT NAME <small>Click to enter text.</small>	Project Type <input checked="" type="checkbox"/> Wetland Bank <input type="checkbox"/> In Lieu Fee <input type="checkbox"/> Project Specific (PRM)
---	---

### SPONSOR INFORMATION Agent Information

Sponsor's Full Name <small>Click to enter text.</small>	Authorized Agent's Name and Title (if applicable) <small>Click to enter text.</small>				
Company <small>Click to enter text.</small>	Company <small>Click to enter text.</small>				
Street Address <small>Click to enter text.</small>	Street Address <small>Click to enter text.</small>				
City <small>Click to enter text.</small>	City <small>Click to enter text.</small>	State <small>Click</small>	Zip Code <small>Click to enter</small>		
Phone (Primary) <small>Click to enter</small>	Phone (Secondary) <small>Click to enter</small>	Phone (Other) <small>Click to enter</small>	Phone (Primary) <small>Click to enter</small>	Phone (Secondary) <small>Click to enter</small>	Phone (Other) <small>Click to enter</small>
E-mail Address <small>Click to enter text.</small>		E-mail Address <small>Click to enter text.</small>			
Sponsor's Relationship to Property <input type="checkbox"/> Fee Title Owner <input type="checkbox"/> Contract for Deed <input type="checkbox"/> Contract or agreement with fee owner <input type="checkbox"/> Other: (describe)					

### STATEMENT OF AUTHORIZATION (required if agent is authorized to represent, and sign for, sponsor)

I hereby authorize, \_\_\_\_\_ to act on my behalf as my agent in the processing of this document and to furnish, upon request, supplemental information in support of this document.

\_\_\_\_\_  
Signature of Sponsor \_\_\_\_\_ Date \_\_\_\_\_

### PROJECT LOCATION (Include a Site Location Map)

County <small>Choose an item.</small>	Est. Easement Size (acres) <small>Click to enter text.</small>	Watershed Name/No. or HUC 8 <small>Choose an item.</small>	Bank Service Area <small>Choose an item.</small>	
Latitude: °N	Longitude: °W	Section No. <small>Click to enter</small>	Township No. <small>Click to enter</small>	Range No. <small>Click to enter</small>

- Check this box if you are only requesting review under WCA.
- Check this box if this is a Minnesota Agricultural Wetland Bank proposal.

# Draft Prospectus

- Optional
- No decision required
- Help sponsors
- Complex or difficult projects
- Minimal investment

- Basic project information
- Easement questionnaire
- Basic Features
- Why is it a good bank project
- Constraints
- Existing wetlands



- BWSR provides “Discussion Items”
- WS uses discussion items at TEP meeting
- TEP writes Findings based on discussion
- Sponsor receives TEP findings and decides what to do



**US Army Corps  
of Engineers®**  
St. Paul District

# Wetland Mitigation Proposal Prospectus



Submit this document to the [Corps of Engineers](#) and Wetland Conservation Act (WCA) [Local Government Unit](#) (LNU). This document provides baseline information, documentation of credit eligibility and allocation, and strategies to restore or establish vegetation and hydrology. Preparation of this document generally requires assistance from professional consultants and/or other wetland science, engineering, and vegetation professionals. This document must provide enough detail to generate informed public and agency review. Provide full and complete answers and information for all requested items on this form, even if previously addressed at the Draft Prospectus phase.

Findings and recommendations provided do not constitute final mitigation plan approval or guarantee success.

<b>PROJECT NAME</b> Click to enter text.	<b>Project Type</b> <input type="checkbox"/> Wetland Bank <input type="checkbox"/> In Lieu Fee Site <input type="checkbox"/> Project Specific (PRM)
---	--

## SPONSOR INFORMATION

### Agent Information

Sponsor's Full Name Click to enter text.			Authorized Agent's Name and Title (if applicable) Click to enter text.				
Company			Company Click to enter text.				
Street Address Click to enter text.			Street Address Click to enter text.				
City Click to enter text.		State Click	Zip Code Click to enter	City Click to enter text.		State Click	Zip Code Click to enter
Phone (Primary) Click to enter	Phone (Secondary)	Phone (Other)		Phone (Primary) Click to enter	Phone (Secondary)	Phone (Other)	
E-mail Address Click to enter text.				E-mail Address Click to enter text.			
Sponsor's Relationship to Property							
<input type="checkbox"/> Fee Title Owner <input type="checkbox"/> Contract for Deed <input type="checkbox"/> Contract or agreement with fee owner <input type="checkbox"/> Other: (describe)							

**STATEMENT OF AUTHORIZATION** (required if agent is authorized to represent, and sign for, sponsor)

I hereby authorize, \_\_\_\_\_ to act on my behalf as my agent in the processing of this document and to furnish, upon request, supplemental information in support of this document.

**PROJECT LOCATION (Include a Site Location Map)**

County Choose an item.	Est. Easement Size (acres) Click to enter text.	Watershed Name/No. or HUC 8 Choose an item.	Bank Service Area Choose an item
Latitude: °N	Longitude: °W	Section No. Click to enter	Township No. Click to enter

Check this box if you are only requesting review under WCA.

Check this box if this is a Minnesota *Agricultural Wetland Bank* proposal

# Prospectus

- Required by Corps
- No decision required
- Baseline Information
- Justify Credit Actions
- Justify Credit Allocation
- General Concept Plans

# Prospectus

- Crediting
- Topographic Information
- Wetland Determination
- Title Opinion
- Site Hydrology Information

Map ID	Credit Action <sup>2</sup>	Acres <sup>3</sup>	WCA Wetland Bank Credit Allocation Table			
			Credit Allocation		Credit Allocation	
			Minimum Credit <sup>4</sup>	Maximum Credit <sup>5</sup>	% Credit	Credit Amount
1	Subp 4 A/Rehabilitation	21.4	75	16.0500	100	21.4000
2	Subp 4 A/Rehabilitation	16.2	75	12.1500	100	16.2000
3	Subp 4 B/Rehabilitation	3.3	25	0.8133	50	1.6266
4	Subp 4 B/Rehabilitation	1.7	25	0.4307	50	0.8614
5	Subp 4 B/Rehabilitation	1.2	25	0.3068	50	0.6135
6	Subp 2/Upland Buffer	0.8	10	0.0774	25	0.1934
7	Subp 2/Upland Buffer	17.6	10	1.7648	25	4.4121
8A	Subp 2/Upland Buffer	2.2	10	0.2162	25	0.5405
8B	Subp 2/Upland Buffer	2.7	10	0.2728	25	0.6821
9	Earthen Embankment	0.5	0	-	0	-
	TOTAL EASEMENT SIZE	67.6	TOTAL:	32.0820	TOTAL:	46.5296

# Roles for reviewing prospectus

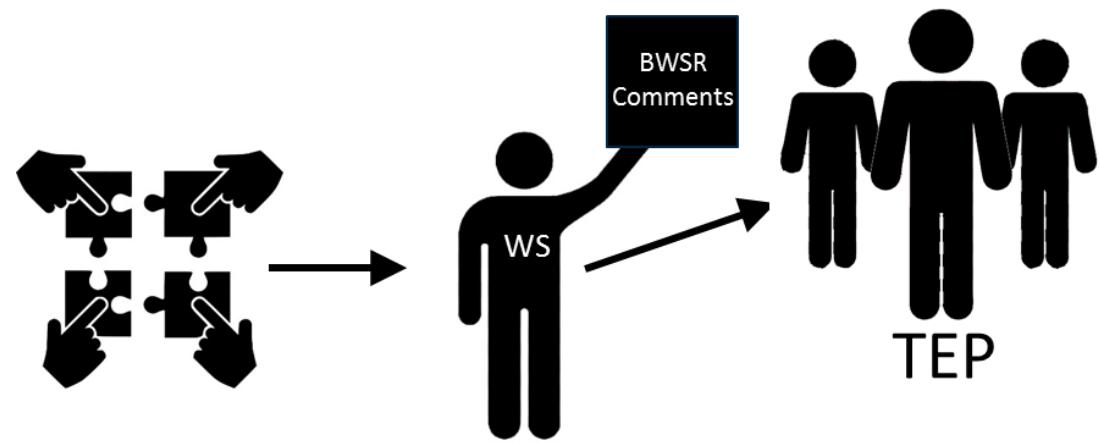
## TEP/LGU Roles:

- Verify previous comments addressed
- Verify sponsor adequately described the site
- Review wetland delineation or determination
- Review crop history (if necessary)
- Provide LOCAL perspective on project and eligibility

## BWSR Role:

- Evaluate easement issues
- Vegetation, Engineering, and Bank Coordinator comments included
- Statewide consistency
- Technical answers and interpretations
- Coordination with Corps

- Comments become more direct
- Baseline information must justify credit actions and allocations
- Some credit actions require more information
- Project takes shape but detailed plans not required
- Balance information needs versus sponsor's cost



Wetland Mitigation Proposal  
Mitigation Plan (Full Application) **BWSR**



Submit this document to the [Corps of Engineers](#) and Wetland Conservation Act (WCA) [Local Government Unit](#) (LGU).

<b>PROJECT NAME</b> Click to enter text.	<b>Project Type</b> <input type="checkbox"/> Wetland Bank <input type="checkbox"/> In Lieu Fee Site <input type="checkbox"/> Project Specific (PRM)
---	--

**SPONSOR INFORMATION**

<b>Agent Information</b>					
Sponsor's Full Name Click to enter text.		Authorized Agent's Name and Title (if applicable) Click to enter text.			
Company Click to enter text.		Company Click to enter text.			
Street Address Click to enter text.		Street Address Click to enter text.			
City Click to enter text.	State Click	Zip Code Click to enter	City Click to enter text.	State Click	Zip Code Click to enter
Phone (Primary) Click to enter	Phone (Secondary) Click to enter	Phone (Other) Click to enter	Phone (Primary) Click to enter	Phone (Secondary) Click to enter	Phone (Other) Click to enter
E-mail Address Click to enter text.		E-mail Address Click to enter text.			
Sponsor's Relationship to Property <input type="checkbox"/> Fee Title Owner <input type="checkbox"/> Contract for Deed <input type="checkbox"/> Contract or agreement with fee owner <input type="checkbox"/> Other: (describe)					

**STATEMENT OF AUTHORIZATION** (required if agent is authorized to represent, and sign for, sponsor)

I hereby authorize, \_\_\_\_\_ to act on my behalf as my agent in the processing of this document and to furnish, upon request, supplemental information in support of this document.

\_\_\_\_\_  
Signature of Sponsor

\_\_\_\_\_  
Date

**PROJECT LOCATION** (Include a Site Location Map)

County Choose an item. Click to enter text.	Est. Easement Size (acres) Click to enter text.	Watershed Name/No. or HUC 8 Choose an item.	Bank Service Area Choose an item.	
Latitude: °N	Longitude: °W	Section No. Click to enter	Township No. Click to enter	Range No. Click to enter

Check this box if you are only requesting review under WCA.

Check this box if this is a Minnesota *Agricultural* Wetland Bank proposal.

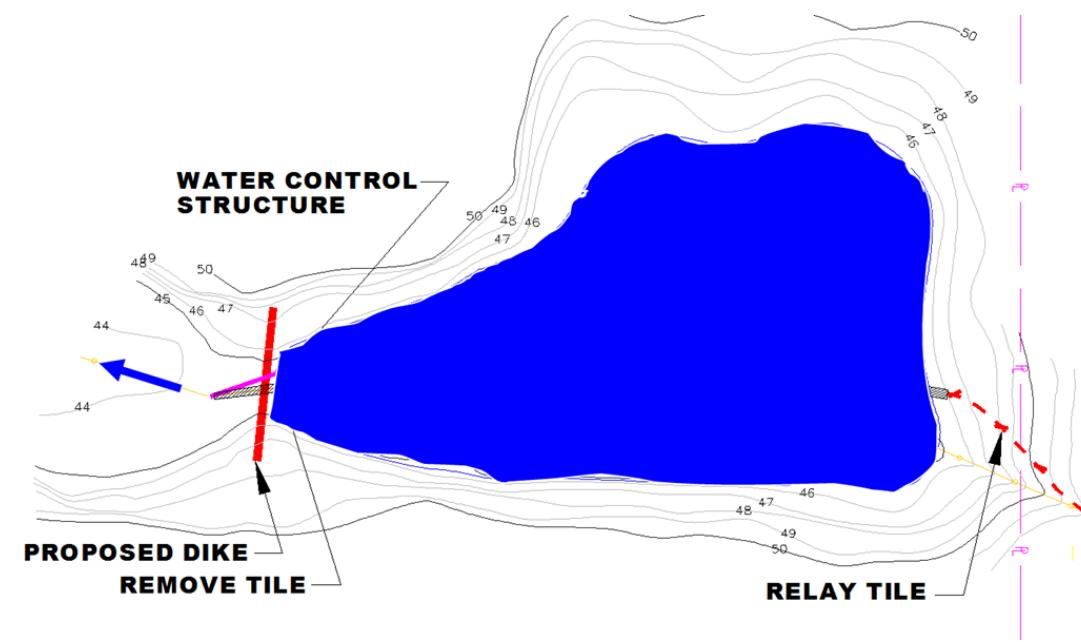
# Mitigation Plan

- Document of record
- Required for both programs
- LGU Decision Required
- Section 15.99 time limits!
- Attached to Corps' MBI

# Mitigation Plan

## Required:

- Detailed vegetation plans
- Detailed construction plans
- Detailed monitoring plans
- Performance standards
- Credit release schedule



# TEP Review

- Verify Corps has completed Prospectus phase
- Verify Prospectus information carried forward and comments addressed
- Verify Baseline Information is complete and adequate
- Wetland delineation approval
- Review detailed plans to your comfort level



## Minnesota Wetland Conservation Act Technical Evaluation Panel Form

This form can be used to document TEP findings and recommendations related to WCA decisions, determinations, enforcement and pre-application reviews.

Local Government Unit: <a href="#">Click here to enter text.</a>	County: <a href="#">Click here to enter text.</a>
Landowner or Project Proposer: <a href="#">Click here to enter text.</a>	Agent/Representative(s): <a href="#">Click here to enter text.</a>
Project Name: <a href="#">Click here to enter text.</a>	Project No. (if any): <a href="#">Click here to enter text.</a>
Project Location: <a href="#">Click here to enter text.</a>	

Purpose of TEP Findings/Recommendation - check all that apply and describe

<input type="checkbox"/> Pre-application review	<input type="checkbox"/> Application Review (related to WCA Decision)
<input type="checkbox"/> Local Government Road Wetland Replacement Program Eligibility	<input type="checkbox"/> WCA Determination Request
<input type="checkbox"/> Other (specify): <a href="#">Click here to enter text.</a>	

Describe: [Click here to enter text.](#)

Meeting Type – check all that apply and specify dates as applicable

<input type="checkbox"/> In-Person Meeting(s) Date(s): <a href="#">Click here to enter text.</a>	<input type="checkbox"/> E-mail Exchanges
<input type="checkbox"/> Onsite Review(s) Date(s): <a href="#">Click here to enter text.</a>	<input type="checkbox"/> Other (specify): <a href="#">Click here to enter text.</a>

Findings and Recommendations

[Click here to enter text.](#)

Attachment(s) (specify): [Click here to enter text.](#)

DNR Protected Waters and Shoreland Protection Zone

Will the project/activity affect DNR public waters, DNR public waters wetlands or wetlands within the shoreland protection zone?  Yes  No If yes, DNR representative is a member of the TEP.

Signatures

<input type="checkbox"/> LGU TEP Member: <a href="#">Click here to enter text.</a>	Agree with Findings & Recommendations: <input type="checkbox"/> Yes <input type="checkbox"/> No
Signature:	Date:
<input type="checkbox"/> SWCD TEP Member: <a href="#">Click here to enter text.</a>	Agree with Findings & Recommendations: <input type="checkbox"/> Yes <input type="checkbox"/> No
Signature:	Date:
<input type="checkbox"/> BWSR TEP Member: <a href="#">Click here to enter text.</a>	Agree with Findings & Recommendations: <input type="checkbox"/> Yes <input type="checkbox"/> No
Signature:	Date:
<input type="checkbox"/> DNR TEP Member: <a href="#">Click here to enter text.</a>	Agree with Findings & Recommendations: <input type="checkbox"/> Yes <input type="checkbox"/> No
Signature:	Date:

*“Plans are nice but performance releases credits.” J. Overland*

# Mitigation Plan

- Monitoring plan must relate to performance standards
- Performance standards must relate to credit releases
- The Mitigation Plan is the basis for implementation, credit releases, and allowable actions into the future
- DOCUMENTATION IS CRITICAL

Table 1: Credit Release Schedule Example

Type of Compensation	Total Projected Acreage	Type of Wetland Credit	Credit Ratio	Final Projected Credits	Initial Release (15%)	Hydrology Performance Standards (release of additional 20% of total projected credits, excluding buffer)	Interim 1 Vegetation Performance Standards (release of additional 20% of total projected credits for wetland, 30% for buffer)	Interim 2 Vegetation Performance Standards (release of additional 20% of total projected credit for wetland, 30% buffer credit)	Final Vegetation Performance Standards & Approval of Final Wetland Delineation Report <sup>4</sup> (final release)
Re-establishment/ Restoration of Completely Drained Wetland	5.0	Shrub-carr	100%	5.0000	0.7500	1.0000	1.0000	1.0000	1.2500
Re-establishment/ Restoration of Completely Drained Wetland	20.0	Wet Meadow	100%	20.0000	3.0000	4.0000	4.0000	4.0000	5.0000
Rehabilitation/ Restoration of Partially Drained Wetland	5.0	Hardwood Swamp	50%	2.5000	0.3750	0.5000	0.5000	0.5000	0.6250
Upland Buffer (may not contribute to more than 25% of total bank credits)	10.0	Shrub-carr Wet Meadow Hardwood Swamp	17% 25% 17%	0.4250 1.6500 0.4250	0.0637 0.2475 0.0638	0.0000 0.0000 0.0000	0.1275 0.4950 0.1275	0.1275 0.4950 0.1275	0.1063 0.4125 0.1062
Total	40.0			30.0000	4.5	5.5000	6.2500	6.2500	7.5000

# Mitigation Plan Decision

- Track 15.99 time limits, extensions needed
- Most Mitigation Plans will require some revision
- Make final decision in accordance with section 15.99
- Clearly identify and retain approved Mitigation Plan
- When possible the WCA and Corps approved plans should be the same



## Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit:	County:
Applicant Name:	Applicant Representative:
Project Name:	LGU Project No. (if any):
Date Complete Application Received by LGU:	
Date of LGU Decision:	
Date this Notice was Sent:	

### WCA Decision Type - check all that apply

<input type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Bank Plan (not credit purchase)
<input type="checkbox"/> No-Loss (8420.0415)		<input type="checkbox"/> Exemption (8420.0420)	
Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H		Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9	

### Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area:
Wetland Replacement Type: <input type="checkbox"/> Project Specific Credits: <input type="checkbox"/> Bank Credits:
Bank Account Number(s):

### Technical Evaluation Panel Findings and Recommendations (attach if any)

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve w/Conditions	<input type="checkbox"/> Deny	<input type="checkbox"/> No TEP Recommendation
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### LGU Decision

<input type="checkbox"/> Approved with Conditions (specify below) <sup>1</sup>	<input type="checkbox"/> Approved <sup>1</sup>	<input type="checkbox"/> Denied
List Conditions:		

Decision-Maker for this Application:  Staff  Governing Board/Council  Other:

Decision is valid for:  5 years (default)  Other (specify):

<sup>1</sup> Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.

### LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision<sup>1</sup>.

<input type="checkbox"/> Attachment(s) (specify): <input type="checkbox"/> Summary:
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<sup>1</sup> Findings must consider any TEP recommendations.

### Attached Project Documents

<input type="checkbox"/> Site Location Map	<input type="checkbox"/> Project Plan(s)/Descriptions/Reports (specify):
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## GENERAL PROCESS INFORMATION

- Easement acquisition is typically initiated after mitigation plan approval
- Easement acquisition does not have to be completed prior to construction
- The process is managed at BWSR by Easement Section Staff, not Wetland Specialists
- It is the responsibility of the sponsor/landowner to initiate the easement acquisition process



# LGU role in Easement Acquisition

- Help the sponsor find the [“Conservation Easement Acquisition Overview for Private Wetland Banks”](#)
- BWSR easement staff will take it from there



# Easement Acquisition

## The significant steps in the easement acquisition process include:

1. **Sponsor** submits initial \$1,000 Easement Acquisition Fee **to BWSR** along with application
2. **BWSR** performs a preliminary review of ownership information to identify potential issues
3. **Sponsor provides** DRAFT Certificate of Survey in required format **for BWSR review & comment**
4. **BWSR provides** sponsor with instructions to obtain Title Commitment
5. **Sponsor (landowner) provides** Title Commitment **to BWSR** for State Attorney General (AG) review & comment
6. **BWSR prepares** Conservation Easement document to be signed by landowner
7. **Landowner signs Easement and returns to BWSR** with \$2,400 Easement Acquisition Fee balance
8. **BWSR sends** instructions to record the Easement and issue a Title Insurance Policy
9. **BWSR notifies sponsor** that easement acquisition process is complete

# Construction Certification

- LGU must certify the initial construction

- Documentation:

- as-built drawing
  - surveyed map
  - Delineation
  - seed tags
  - construction photos

- Site Visit with TEP

- Recommend TEP Findings of Fact



Ditch M12 ~Sta. 50



# Credit Deposits

- Up to 15% of the credits are eligible for deposit after the certification of construction
- Remaining credits are eligible for deposit based on the credit release schedule and performance standards in the approved bank plan
- Subject to review by the LGU & TEP
- After certifying the credit for deposit, the LGU must forward to BWSR banking administrator

 **Transaction Form to Deposit Credits**  
Minnesota Wetland Bank Program

If the layout of this form looks incorrect, click on *View, Edit Document*, then save it to your computer.

<b>1. Wetland Bank Information</b>		<i>This space is for BWSR use only.</i>		
Bank Name:	Account:			
Major Watershed:	County:			
Sec:	Twp:	Range:		
LGU:				
Do you want your bank credits to be listed on the BWSR website as available for public sale? Yes / No				
Is this the final deposit? Yes / No				
Are you requesting federal approval for these credits? Yes / No				
Corps regulatory number: MVP- _____				
<b>2. Account Holder Information</b>				
Account Holder Information		Authorized Representative Information		
Name:	Name:			
Organization (if applicable):	Organization (if applicable):			
Address:	Address:			
Phone:	Phone:			
Email:	Email:			
<b>3. Credits to be Deposited</b>				
Credit Subgroup <sup>1</sup>	Credit Type <sup>2</sup>	Plant Community Type <sup>3</sup>	Credit Action	Credit Amounts
A				
B				
C				
D				
E				
Per Credit Establishment/Deposit Fee by BSA	Enter Fee Amount for the BSA of the account:	Total Credits: <i>(Establishment/Deposit Fee x total credits)</i>		
BSA 1 \$520	BSA 6 \$1,083		Establishment/Deposit Fee:	
BSA 2 \$371	BSA 7 \$1,992			
BSA 3 \$725	BSA 8 \$2,577			
BSA 4 \$1,412	BSA 9 \$2,628			
BSA 5 \$685	BSA 10 \$3,099			
<i>The initial deposit is assessed an establishment fee. All subsequent deposits are assessed a deposit fee. Fees for each deposit are not to exceed \$1000</i>				

*Please make checks payable to the Minnesota Board of Water and Soil Resources. BWSR does not accept cash*  
BWSR fee policy: [http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee\\_and\\_sales\\_data/Wetland\\_Banking\\_Fee\\_Policy\\_Effective\\_June\\_1\\_2017.pdf](http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee_and_sales_data/Wetland_Banking_Fee_Policy_Effective_June_1_2017.pdf)

# Credit Withdrawal and Transfer

- Submitted as part of Replacement Plan to LGU with jurisdiction of impact site
- Reviewed and approved by the LGU with TEP input
- Processed and entered into official ledger by BWSR
- BWSR coordinates approved transactions with Corps



# Credit Transactions

Help us improve transaction processing efficiency.

Make sure all requested information is provided

Make sure account information is provided and each column is filled out

Don't worry about fees – BWSR will handle that

**mn Transaction Form to Withdraw Credits**  
BOARD OF WATER AND SOIL RESOURCES  
Minnesota Wetland Bank Program

If the layout of this form looks incorrect, click on View, Edit Document, then save it to your computer.

**1. Credit User**

Name:	Organization:
Address:	Email:
Phone:	LGU File #:
Consultant:	

**2. Wetland Impact Information**

To be completed for the project impacting wetlands and with which this withdrawal is intended to replace.

Project Name:	Impact Size [acres]:
Impact County:	Impact Wetland type:
Impact Major Watershed/BSA: ____ / ____	Replacement Ratio:

Sec/Twp/Range:  
\*Projects with multiple locations should use the most central location in relation to the project as a whole.

Are Federally authorized credits required for this impact? Yes No

Corps Regulatory File Number: MVP-

Comments:

**3. Credits to be Withdrawn** To be completed by the seller of the credits (account holder)

Account Information

Account:	County:	Bank Service Area:		
Credit Subgroup	Wetland Type/Plant Community Type	Federally Approved?	Cost per Credit	Credit Amounts

Per Credit Withdrawal Fee by BSA      Enter the Withdrawal Fee for the BSA of the account:      Total Credits:

BSA 1 \$520	BSA 6 \$1,083	(Withdrawal Fee x total credits)
BSA 2 \$371	BSA 7 \$1,992	Withdrawal Fees:
BSA 3 \$725	BSA 8 \$2,577	Easement Stewardship Fee: (Easement Stewardship fee x total credits)
BSA 4 \$1,412	BSA 9 \$2,628	Stewardship Fee:
BSA 5 \$685	BSA 10 \$3,099	Total Fees:

Please make checks payable to the Minnesota Board of Water and Soil Resources. BWSR does not accept cash.

BWSR fee policy: [http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee\\_and\\_sales\\_data/Wetland\\_Ranking\\_Fee\\_Policy\\_Effective\\_June1\\_2017.pdf](http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee_and_sales_data/Wetland_Ranking_Fee_Policy_Effective_June1_2017.pdf)

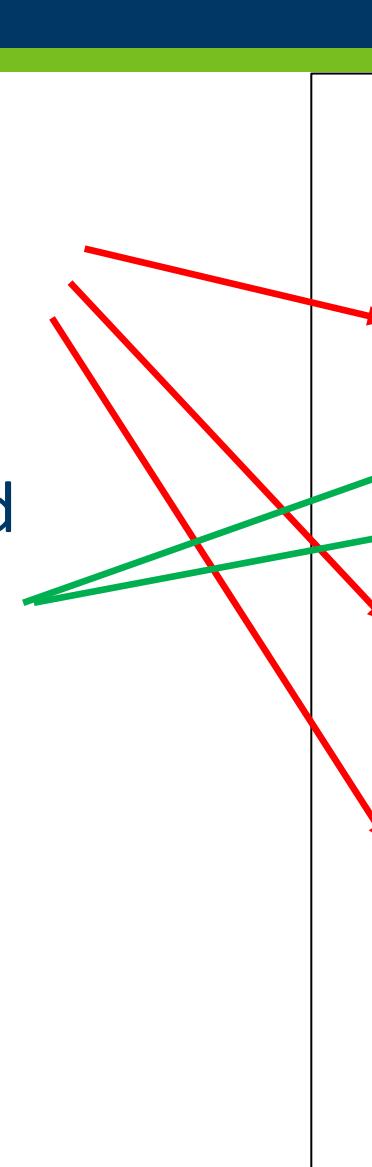
BWSR form updated 5/31/2017

*Disclaimer: All transactions in the Wetland Bank system are public information*

# Credit Transactions

Transaction forms cannot be processed without required signatures

When processing transactions we need LGU name and contact. Typed or printed information makes it easier to figure out



**mn BOARD OF WATER AND SOIL RESOURCES**

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**Wetland Bank Credit Withdrawal Verification**

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Date: 9/10/2019

Wetland Bank Account #: 1634

Credit User: Dalluge, Crandell, Goehring

Project Name: DCG Replacement Plan 1904A

County (Project Location): Lake

Amount and Type of Wetland Credits Withdrawn: 0.025 Wooded Swamp

Corps Regulatory #: 2019-01267-ARC

BWSR Transaction #: 11406W

The Board of Water and Soil Resources (BWSR) has received your Transaction Form to Withdraw Credits from the Minnesota Wetland Bank and completed the withdrawal transaction. This verification serves as notification that the accounting transaction required pursuant to MN Rule 8420.0745 subd. 4 was completed on the date identified above.

If you need a copy of the fully executed Transaction Form please send an email request to [amy.waters@state.mn.us](mailto:amy.waters@state.mn.us).

Thank you,

Amy Waters  
651-297-7748  
Wetlands Program Assistant  
Minnesota Board of Water and Soil Resources

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- Types of Wetland Banks
  - Standard
    - Private and Agriculture
  - In Lieu of Fee (proposed)
  - Local Road Program
- Replacement for Public Road Projects
  - Repair, rehabilitate, reconstruction of currently serviceable roads
- Actions Eligible for Credit
  - Restoration of drained wetlands, vegetation restoration, protection, ENRV, Preservation, upland buffer
- Establishing a Wetland Bank
  - Draft Prospectus
  - Prospectus
  - Mitigation Plan
- LGU and TEP procedures for banking
- Construction Certification, deposit of credits, withdrawal of credits



# Questions?

BWSR Wetland Section | [www.bwsr.state.mn.us/wetlands](http://www.bwsr.state.mn.us/wetlands)

An exemption is:

- a) An activity that no matter how large of an impact requires replacement.
- b) A regulated activity that does not require replacement.
- c) An activity that requires an application everywhere in the State.
- d) An activity occurring in a calcareous fen.

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During the review of a replacement plan application, LGUs must use this process to determine whether a project avoids, minimizes then replaces wetland impacts:

- a) No-loss criteria
- b) Sequencing
- c) Exemption standards
- d) Replacement order

During the review of a replacement plan application, LGUs must use this process to determine whether a project avoids, minimizes then replaces wetland impacts:

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# Which member of TEP is responsible for writing a WCA restoration Order?

- a) LGU
- b) BWSR
- c) SWCD
- d) Army Corps

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- a) LGU
- b) BWSR
- c) SWCD
- d) Army Corps