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**Wetland Conservation Act 101 Virtual Training Agenda**

<b>Day One</b>	<b>Day Two</b>
Wetland Regulatory Programs of MN	Basic Decisions
Local Government Unit Duties & Technical Evaluation Panel Procedures	Replacement Plans
WCA Application Procedures	Wetland Banking
Enforcement Procedures	Q/A & Quiz
Q/A & Quiz	



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

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**WCA 101 Virtual Training**

- Participants are muted
- Cameras off
- Use of chat encouraged!
- BWSR staff will monitor questions
- Time for questions & answers after each section and end of day
- If your question is not answered or you want to follow-up please email: [bwsr.mwpcp@state.mn.us](mailto:bwsr.mwpcp@state.mn.us)



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2026 MWPCP Training Courses

Introduction to Wetland Delineation and Regulations

- Introduction to Wetland Delineation and Regulations: MNDOT Training Center, Shoreview, MN- June 8-12
- Introduction to Wetland Delineation and Regulations: Cloquet Forestry Center, Cloquet – August 31-September 4
- Introduction to Wetland Delineation and Regulations: Northland Arboretum, Baxter, MN - September 14-18

Professional Exams

MWPCP Exams will be offered at 1pm on: June 12 in Shoreview, September 4 in Cloquet & September 18 in Baxter



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2026 MWPCP Training Courses

- WCA 101 virtual training- February 3-4
- TEP Academy- St Cloud - April 16 & 17
- Hydrogeomorphic Method of Classifying Wetlands -Baxter- April 23 & 24
- Hydrogeomorphic Method of Classifying Wetlands-Rochester- April 28 & 29
- Soils on the Landscape- North Branch- May 20 & 21
- Plant ID & Rapid FQA- Cloquet- July 7
- Plant ID & Rapid FQA- Lino Lakes- July 21
- Functional Assessment Method - Shoreview -Oct 13 & 14
- WCA Rule virtual training- November 18
- New Normal?: Emerging Topics in the Wetland World -St Paul- December 8



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Registration Information

Registration for 2026 MWPCP courses will be staggered and open on the following dates:

- Registration for Introduction to Wetland Delineation & Regulation classes opens 9am on March 9
- Registration for remaining classes opens 9am on March 16
- Registration for WCA Rule Update virtual training will open in summer

Email reminders will go out to the MWPCP email contact lists for registration dates.

- Email [bwsr.mwpcp@state.mn.us](mailto:bwsr.mwpcp@state.mn.us) to be added to list
- MWPCP maintains a waitlist for all full classes



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Certification Updates

- Current renewal period ends on December 31, 2026 for individuals who passed exams or renewed in 2023.
- Need 18 continuing education hours (6 online)
- **NEW- Certification Renewal Fee** (\$100 professionals, \$50 In-training per renewal period)
  - due January 31, 2027 (for 2026 renewal period)
- Do not need to report MWPCP classes
- Use Credit Reporting Form for others
- Notify us if you change jobs or email



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Better Names for Animals



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Better Names for Animals



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## Programs

- Minnesota Wetland Conservation Act (WCA) – Local Government Unit/BWSR
- Public Waters Work Permit Program (PWPP) - DNR
- Section 404 of the Clean Water Act (404) - USACE
- Swampbuster provisions of the Food Security Act (FSA) - NRCS

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## Jurisdiction



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### Wetland Conservation Act

- **Regulates:** draining, filling, some excavation
- **Administered by:** Local Government Units including Cities, SWCDs, Watershed Districts
- **Oversight by:** MN Board of Water and Soil Resources
- **Authorities:** M.S. 103A, 103B, 103G; M.R. Chapter 8420
- **Jurisdictional boundary:** 1987 Corps of Engineers Wetland Delineation Manual
- **Review standards:** Avoid, minimize, replace (sequencing)
- **Enforcement:** DNR Conservation Officers; cease & desist, restoration orders
- **Application:** Joint Application Form for Activities Affecting Water Resources in Minnesota





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### What is it?

- Series of laws passed in 1991
- Major component – wetland regulatory provisions, Minnesota Rules Chapter 8420.
- Regulatory provisions implemented under temporary rules in 1991 and permanent rules in 1993.

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## What does WCA regulate?

- **Wetland Impacts** are defined in WCA rule.
- **Wetlands** are identified and their boundaries determined by 1987 Manual.
- Two exceptions:
  - Incidental wetlands (more on that later)
  - Wetland areas of DNR public waters and public waters wetlands unless regulatory jurisdiction waived by DNR to WCA.

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## Public Waters Work Permit Program (PWWPP)

Overview

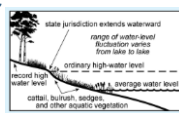
**m** BOARD OF WATER AND SOIL RESOURCES



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## Public Waters Work Permit Program

- **Regulates:** changes to "course, current or cross-section"
- **Administered by:** DNR – Area Hydrologists
- **Authorities:** M.S. 103G; M.R. Chapter 6115
- **Jurisdictional boundary:** "Ordinary High Water Level"
- **Review standards:** Public interest; reasonable/practical, Riparian rights, Availability of feasible & prudent alternatives, Compensatory mitigation
- **Appeals:** Contested case hearing
- **Enforcement:** DNR Conservation Officers; cease & desist, restoration orders
- **Application:** on-line via "MPARS"



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Crosswalk Table- WCA and Public Waters Program		
Program Element	WCA	PWWPP
Basis of Authority	Mn Rules Chapter 8420 and associated statutes	Mn Rules Chapter 6115 and associated statutes
Regulated Waters	Wetlands except incidental and wetland areas of Public Waters (unless waived)	Public Waters and Public Waters Wetlands (which includes deepwater habitats, streams and wetlands)
Jurisdictional Boundaries	Wetland Delineation per 87 Manual	OHWL
Regulated Actions	Fill, drain, excavate (semi-perm. Flooded areas of type 3, 4, 5)	Changes in course, current or cross-section
Program Administration	LGU implementation, BWSR oversight, DNR enforcement	DNR implementation
Type of Approvals	WCA decisions	Permit authorizations
Applying for Approval	WCA application or request for decision	MNPARS online application

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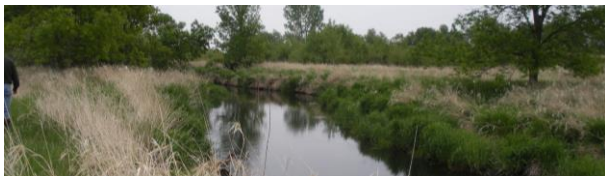
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### Section 404 Clean Water Act (in MN)

Overview

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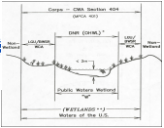
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### Clean Water Act Section 404

- Regulates:** Discharges of dredged or fill material, including redeposit
- Administered by:** U.S. Army Corps of Engineers – St. Paul District
- Authorities:** 33 U.S.C. §1251; 33 CFR Parts 320-332; 40 CFR Part 230
- Jurisdictional boundary:** 1987 Corps of Engineers Wetland Delineation Manual
- Review Standards:** Sequencing, public interest, adequate compensatory mitigation
- Appeals:** COE administrative appeal
- Enforcement:** COE and USEPA; administrative orders
- Application:** Joint Application Form for Activities Affecting Water Resources in Minnesota

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Crosswalk Table- WCA and Section 404		
Program Element	WCA	404
Basis of Authority	State statutes and rule (Mn Rules Chapter 8420)	Clean Water Act
Regulated Waters	Wetlands except incidental and wetland areas of Public Waters (unless waived)	Waters of the U.S. (WOTUS)
Regulated Actions	Fill, drain, excavate (semi-perm. Flooded areas of type 3, 4, 5)	Discharges of dredged or fill material
Program Administration	LGU implementation, BWSR oversight, DNR enforcement	Corps Districts implement, EPA oversight
Type of Approvals	WCA decisions	Permit authorizations via IPs, GPs, NWPs
Applying for Approval	WCA application or request for decision	Pre-Construction Notification (PCN) for GPs/NWPs, Application for IP
Mitigation for Impacts	Replacement	Compensatory Mitigation

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Food Security Act (Wetland Conservation Provisions)





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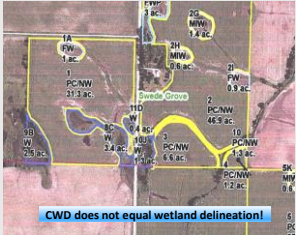
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How Does NRCS Evaluate Compliance?

Primarily through Certified Wetland Determination (CWD).

Involves identifying wetlands and then assigning a label that has implications for compliance. For example, if producer drains a wetland for crop production, that would result in a label change that could result in producer being ineligible.



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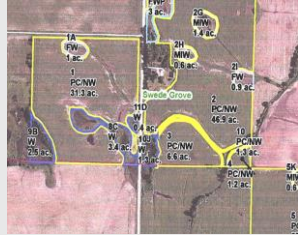
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### QUICK QUIZ: How Does NRCS CWD relate to WCA?

Certified Wetland Determination (CWD).

ANSWER: Agricultural exemption



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### QUICK QUIZ: How many jurisdictions?



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### QUICK QUIZ: How many jurisdictions?



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QUICK QUIZ: How many jurisdictions?



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QUICK QUIZ: How many jurisdictions?



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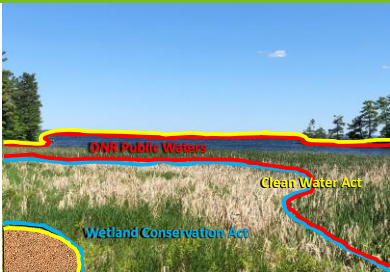
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QUICK QUIZ: How many jurisdictions?



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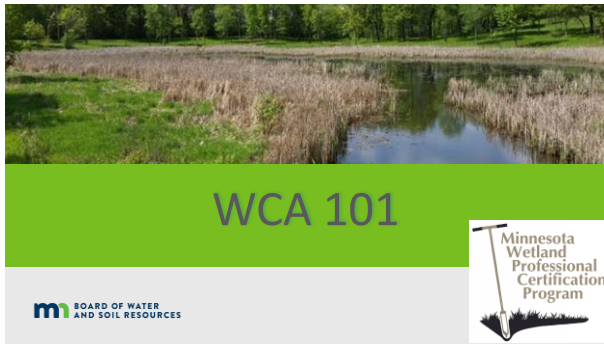
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### WETLAND CONSERVATION ACT (WCA) OF 1991



**Bipartisan Bill**

- Passed in 1991
- Effective 1992

MN Statutes **103G** and parts of 103A,B,E,F

MN Rule **8420**

- Statute changes
- Guidance Documents

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### WCA Authority on Tribal Lands?

- Tribes have legal status as sovereign nations
- Many tribes have enacted their own environmental regulations
- Federal regulatory environmental laws apply on Tribal Lands
- Tribal lands are composed of Trust lands, allotted trust lands, fee lands



- WCA does not have jurisdiction on Trust lands
- Fee lands are held by an owner (tribal member or not)
- Authority of state environmental laws limited to fee lands held by a non-tribal owner

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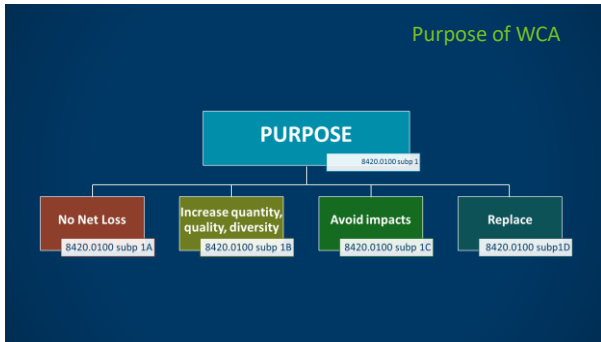
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## Purpose of WCA



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## Purpose?

- Maintain and *increase* the quantity, quality and biological diversity of Minnesota's wetlands. (QQB)
- *Avoid* and *minimize* wetland impacts from activities that destroy or diminish quantity, quality and biological diversity.
- *Replace* wetland values where avoidance is not feasible and prudent.
- The sequence of avoid, minimize and then replace for wetland impacts is referred to as **Sequencing** in WCA rules.

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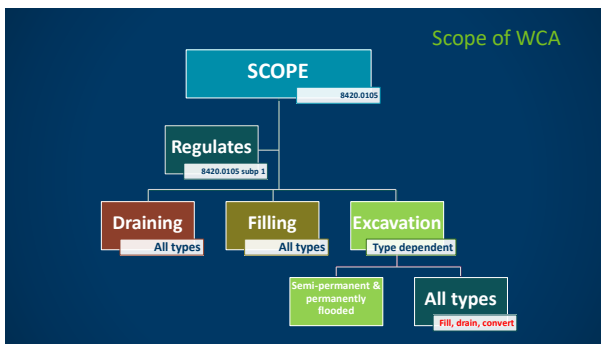
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## Scope of WCA



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## What Does WCA Regulate?

- Draining or filling of wetlands (wholly or partially)
- Excavation in *permanently* and *semi-permanently* flooded areas of wetlands and in all wetland areas if the excavation results in conversion to nonwetland



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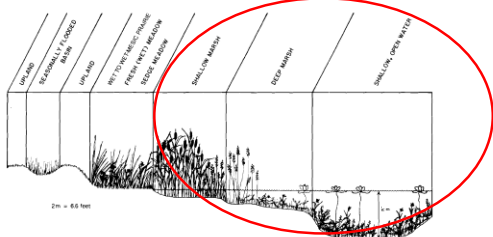
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## Excavation

What is permanently and semi-permanently flooded?



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## SCOPE

8420.0103

Does NOT  
Regulate



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### What WCA Does NOT Regulate

- The use of wetlands for pasture or cropland
- Normal farming practices (plowing, seeding, timber harvesting, etc.)
- Control of noxious weeds
- Impacts to created (non-natural) wetlands (ditches, ponds, etc. created in upland areas)
  - Incidental wetlands



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### Incidental Wetlands

- Wetlands created in naturally non-wetland areas not on purpose.



Temporary puddles



Stormwater ponds



Sewage treatment wetlands



Roadside ditch in upland



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### WCA

### Does NOT regulate

#### DNR Public Waters & PWW

- DNR can waive to WCA for public water wetlands

#### Peat Mining

- Subject to DNR permit to mine under MN Statue 93.44-93.51
- WCA applies if project does not require DNR permit to mine



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### Key Roles in WCA Implementation

- **LGU** – Implement WCA, make WCA decisions, leads Technical Evaluation Panel
- **SWCD** – serve on TEP, write restoration plans for violation orders
- **BWSR** – serve on TEP, hear appeals, administer wetland bank, oversee and train LGUs.
- **DNR** – serve enforcement orders and coordinate/collaborate with TEP, LGU and SWCD on enforcement process.

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### Implementation by LGUs

- LGU can be:
  - County, City/Town
  - Township (in certain 7-county metro areas only)
  - Watershed district, management organization or commission
  - State agency on state owned or state-administered lands
  - For projects that require a Permit to Mine under state law, DNR's Division of Lands and Minerals administers the provisions of the WCA under their Permit

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### Applications and Decisions

- In general, applicants demonstrate compliance with WCA through their submitted application.
- An LGU's decision to approve, deny or approve with conditions is saying if the project complies with WCA or not.
- An LGU can take the WCA decision process and fold it into a permit that they issue for a project. This is optional, but common among watershed districts and counties that issue permits for various other things.
- In general, LGUs can have more restrictive local requirements, but not less restrictive requirements.

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WCA Decision Types and Application Requirements

Decision Type	Application Requirement
Wetland Boundary/Type	Application required
Exemption or No-Loss Provision	Application not required (unless LGU has more restrictive local requirement)
Replacement Plan	Application required
Banking Plan	Application required

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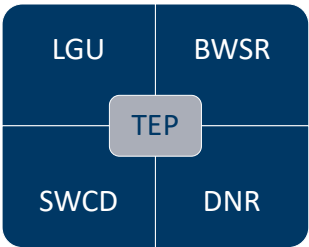
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Technical Evaluation Panel

- Plays a key role in implementation.
- Representative from LGU, SWCD, BWSR and DNR (if project effects public waters and/or in shoreland zone).
- Primary role is to advise LGU on decisions. Some decisions depend on TEP recommendation/concurrence.
- TEPs often advise landowners/applicants during pre and post application reviews.



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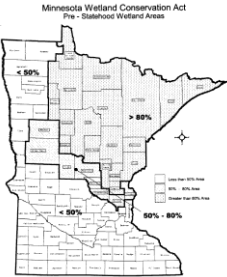
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Where you are in the State matters



Different regulations apply depending on whether you are in a <50% area, 50 – 80% area, or >80% area.

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**Wetland Bank Service Areas**  
With Major Watersheds & County Boundaries

### Bank Service Areas

- Used in wetland mitigation siting
- Priority is on replacement within the same bank service area
- Replacement ratios vary based on replacement siting & location in State

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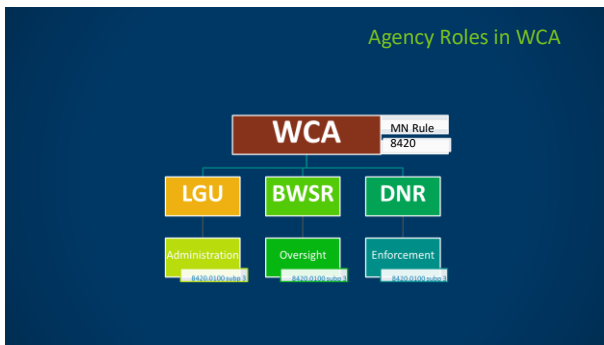
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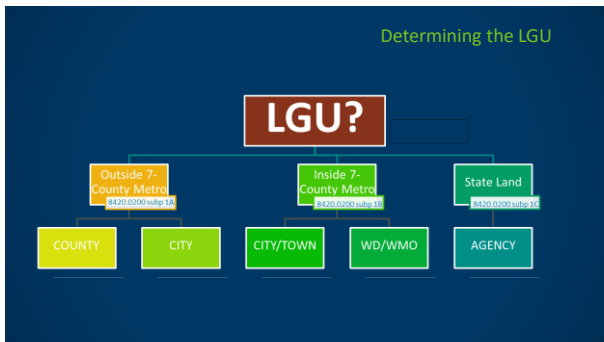
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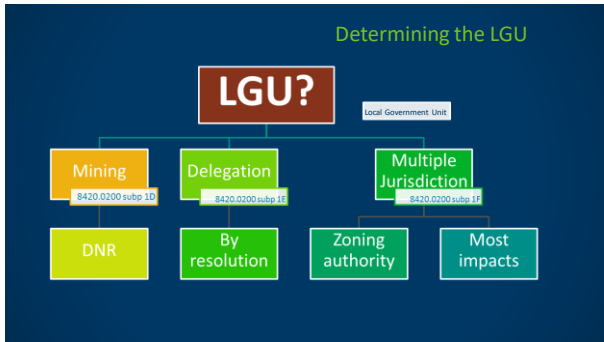
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### Who is the LGU?

- Outside the 7-County Metro area – County or City
- Inside 7-County Metro – City, town, or WMO

Minnesota Wetland Conservation Act  
Plan - Watershed Wetland Areas

Legend:  
 < 50%  
 50% - 60%  
 60% - 70%  
 70% - 80%  
 80% - 90%  
 > 90%

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### Who is the LGU (cont.)

- In 7-County Metro, watershed plan will indicate LGU, but lacking an indication, LGU must be City or town.
- For activities on State land, the LGU is the State agency with administrative responsibility for the land (e.g. DNR, MnDOT). However, State agencies must coordinate with LGU that would otherwise have jurisdiction.

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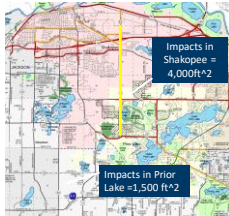
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## Who is the LGU (cont.)

- LGU's can delegate some or all of their authority to another entity provided that both parties pass resolutions (see BWSR website for example resolutions).
- If project overlaps LGU jurisdiction, then the LGU is:
  - One with zoning authority over the project
  - If both have zoning authority, then the one in which the most impact occur.
  - Both LGUs can maintain separate jurisdiction if agreed upon.

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## Example



Scenario 1 – Cities agree that both review and approve application within their respective jurisdictions, and both administer LGU duties.

Scenario 2 – Cities agree to have Shakopee review entire application and be responsible for LGU duties (most impact).

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## BWSR Website

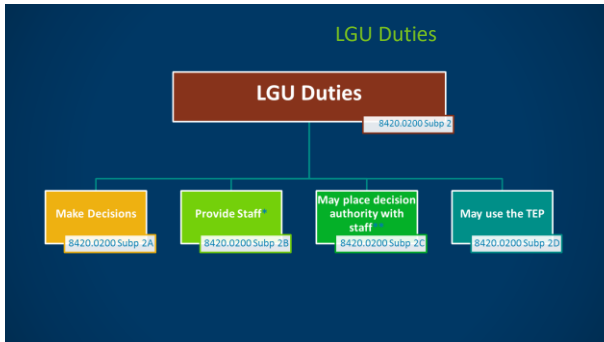
### Wetland Conservation Act Contacts

#### WCA Contacts

<p><b>Wetland Conservation Act Contacts</b></p> <p>WCA Application Forms</p> <p>WCA Forms and Templates</p> <p>WCA Program Guidance and Information</p>	<p>The regulatory provisions of Minnesota's Wetland Conservation Act (WCA) are primarily administered by local government units (LGUs) with oversight by the Board of Water &amp; Soil Resources (BWSR). State agencies administer WCA on state-owned or controlled lands. Each LGU has an associated Technical Evaluation Panel (TEP) to provide technical review, advice and make recommendations to the LGU on WCA compliance. The TEP includes a BWSR representative available as well as representatives from the Minnesota Department of Natural Resources (DNR), the local water and forest conservation districts (WCAADs) and the local DNR project enforcement for the regulatory provisions of the WCA. The following documents provide key contact information.</p> <p><b>WCA Local Government WCA District Directory</b> - This is where you determine the LGU that makes WCA decisions in effect of geographic areas in the state.</p> <p><b>WCA Decision Tree</b> - This is a decision tree to help you determine the appropriate LGU for a project or property in those counties.</p> <p><b>Other Wetland Contacts</b></p> <p><b>BWSR Wetland Section</b> - <a href="mailto:Wetland@bwsr.state.mn.us">Wetland@bwsr.state.mn.us</a> or 612.247.3102</p> <p><b>BWSR WCA Regional Office</b> - <a href="mailto:WCA@bwsr.state.mn.us">WCA@bwsr.state.mn.us</a> or 612.247.3102</p> <p><b>BWSR WCA Regional Office</b> - <a href="mailto:WCA@bwsr.state.mn.us">WCA@bwsr.state.mn.us</a> or 612.247.3102</p> <p><b>BWSR WCA Regional Office</b> - <a href="mailto:WCA@bwsr.state.mn.us">WCA@bwsr.state.mn.us</a> or 612.247.3102</p> <p><b>BWSR WCA Regional Office</b> - <a href="mailto:WCA@bwsr.state.mn.us">WCA@bwsr.state.mn.us</a> or 612.247.3102</p> <p><b>BWSR WCA Regional Office</b> - <a href="mailto:WCA@bwsr.state.mn.us">WCA@bwsr.state.mn.us</a> or 612.247.3102</p>
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BWSR Wetland Section | [www.bwsr.state.mn.us/wetlands](http://www.bwsr.state.mn.us/wetlands)

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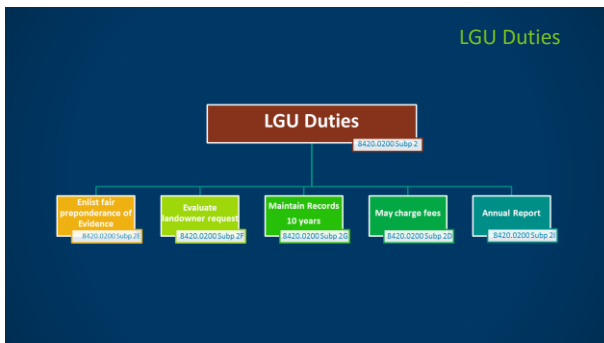
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### Delegation of Decision-Making Authority to Staff

- Decision authority by default rests with the elected/appointed governing board (City Council, County Board, WMO Board, etc.)
- However, the LGU may, through resolution, rule, or ordinance, place decision-making authority with staff according to procedures it establishes.

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### Failure to Apply Law

If the LGU is not following WCA:

- 1) BWSR notify LGU in writing of its concerns
- 2) File Review spot check
- 3) Can then impose moratorium on making decisions

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### Local Wetland Ordinances

- WCA provides minimum standards
- Local governments may require more procedures and more wetland protection, but not less

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Which of the following is not a LGU's role in administering the WCA:

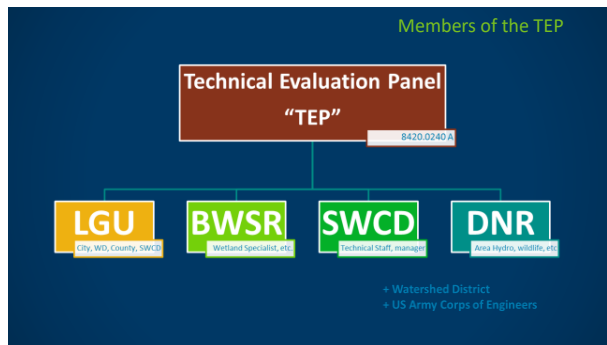
- a) Make decisions on applications made under the WCA
- b) Completely fill out a joint application for the landowner
  - c) Coordinate TEP meetings when needed
  - d) Provide knowledgeable and trained staff

63

Which of the following is not a LGU's role in administering the WCA:

- a) Make decisions on applications made under the WCA
- b) Completely fill out a joint application for the landowner
- c) Coordinate TEP meetings when needed
- d) Provide knowledgeable and trained staff

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### TEP recommendations

- TEP may recommend approval, approval with conditions or denial
- LGU must consider TEP findings and recommendations
- TEP cannot make findings without having at least one member make a site visit
- Findings and recommendations must be endorsed by a majority of members

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### What if the LGU doesn't agree with TEP?

- The LGU must provide detailed reasons for rejecting the [TEP] finding of fact or recommendation in its record of decision; otherwise, the LGU has not sufficiently considered the TEP report.

I'm not arguing,  
I'm just explaining  
why I'm right.

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### Detailed reasons for not following TEP recommendation?

"The Board felt that the TEP's recommendation to deny the application was unreasonable and therefore we approve the application."

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### Reasons for not following TEP recommendation

"The Board finds that the TEP's recommendation to reject the application based on the availability of a reasonable and prudent alternative alignment to the proposed road (impacting less wetland) did not give due consideration to the decreased public safety associated with alternative alignments. The alternative alignments mentioned in the TEP's recommendation result in unsafe sighting distances at road intersections according to national safety standards. Therefore, the Board finds that there are no feasible and prudent alternatives and approves the application."

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### For a project in a shoreland area, the Technical Evaluation Panel consists of:

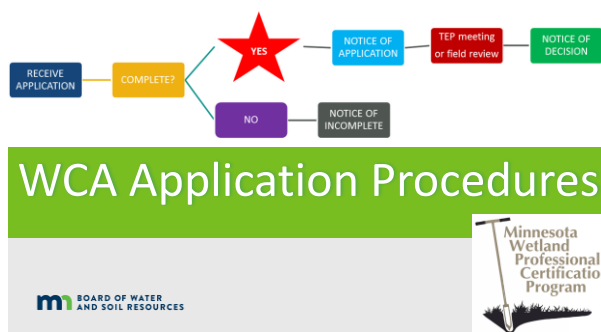
- a)The LGU, Army Corps and DNR.
- b)The LGU, SWCD, BWSR and Army Corps.
- c)The LGU, SWCD, BWSR and DNR.
- d)The Army Corps and DNR.

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### For a project in a shoreland area, the Technical Evaluation Panel consists of:

- a)The LGU, Army Corps and DNR.
- b)The LGU, SWCD, BWSR and Army Corps.
- c)The LGU, SWCD, BWSR and DNR.
- d)The Army Corps and DNR.

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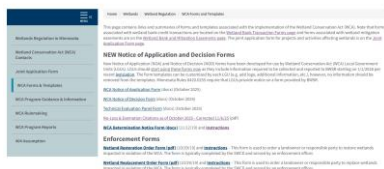
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BWSR website

- [WCA Forms and Templates](#)

## WCA Forms and Templates



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## WCA Application Procedures



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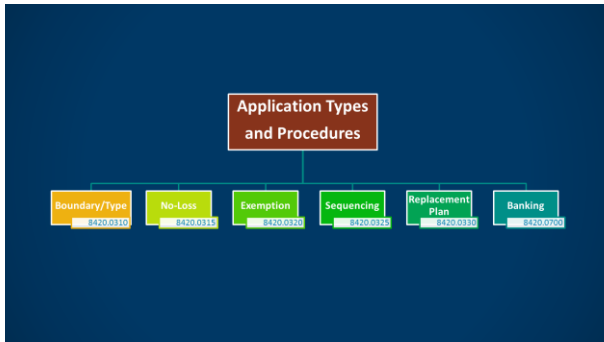
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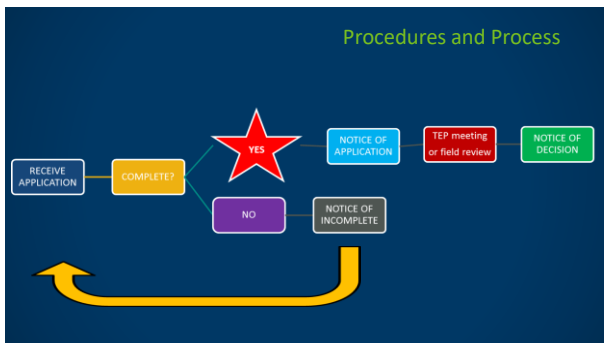
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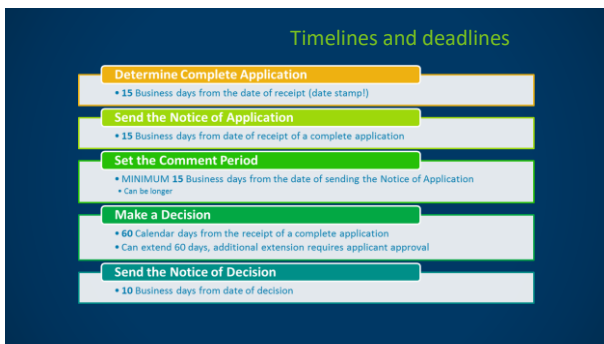
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### Application Review

- Use checklists/guidance
- Missing Information = Incomplete Application
- Notify applicant
  - Within 15 business days of receipt
  - Provide list of what is missing

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### It's Complete! Notice of Application

- Complete BWSR form
- Mark all decision types
- Specify comment Period (min 15 days)
- Decision time information
- Send to applicant, agent, TEP and others who requested notice

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## NOA Use

Summary of LGU Application Types		
Decision Type	NOA Required	NOO Required
Boundary or Type	Yes	Yes
No-Loss	No	Yes
Exemption	No	Yes
Sequencing	Yes	Yes
Replacement Plan	Yes	Yes
Bank Plan	Yes	Yes

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## Rule Citations

### WCA Forms and Templates



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## LGU Decision

- Based on standards and procedures in WCA, TEP Findings, and Recommendation.
- Must occur within 60 days of complete application (or as extended)
- Requires a Notice of Decision within 10 days



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## General Appeal Process

- 30 day appeal window following NOD
  - Any work completed during this period may be at risk.
- 30 days starts from postmarked date of mailing or date of electronic transmission
- Extension possible by mutual agreement



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- Appeals may be made by
  - landowner,
  - those required to be noticed (TEP/other\*)
  - 100 residents in county where wetland is located.
- Appeal goes to BWSR – specific staff.
- Heard by Dispute Resolution Committee with final decision by full BWSR Board.

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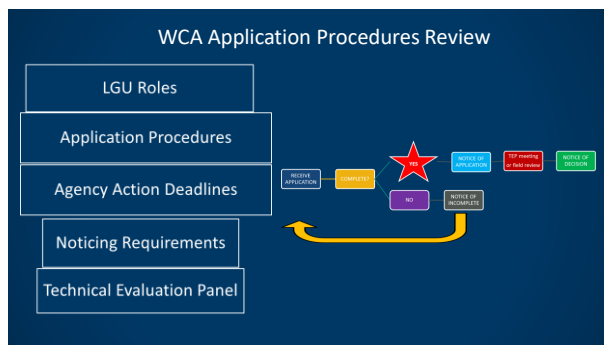
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Sometimes referred to as the “60 day Rule”, this Minnesota State Statute determines the agency action deadline for all WCA LGUs to make a decision on a wetland application:

- a) MN Statute 8420
- b) MN Statute 15.99
- c) MN Statute 404
- d) MN Statute 103G

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Sometimes referred to as the “60 day Rule”, this Minnesota State Statute determines the agency action deadline for all WCA LGUs to make a decision on a wetland application:

- a)MN Statute 8420
- b)MN Statute 15.99
- c)MN Statute 404
- d)MN Statute 103G

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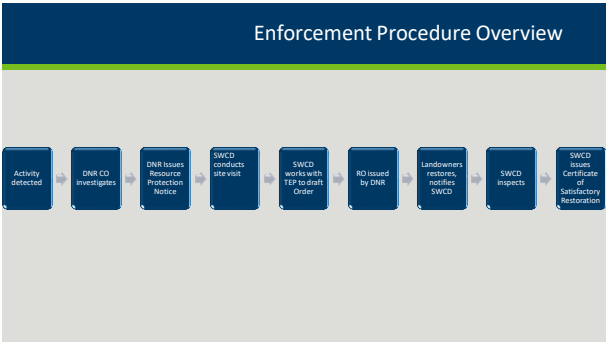
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### 8420.0900 Subp. 3. Restoration and Replacement orders.

- B. Promptly upon being informed by the enforcement authority or the local government unit of the need, a soil and water conservation district staff person **must** inspect the site and prepare a plan in consultation with the local government unit and the enforcement authority for restoring the site to its prealtered condition.

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### SWCD Role in a violation

- Landowner contact for CDO or RPN
- Site visit- gather information/evidence
- Prepare Restoration/Replacement Order
- Monitor restoration/ replacement site.
- Certificate of Satisfactory Completion
- Track the cases.

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### LGU Role in a violation

- Help Determine if site has permit for work or prior work done.
- Assist SWCD on Restoration/Replacement Orders
- Assist with gathering evidence
- Receive application from landowner for exemption, no-loss determinations, and replacement plans
- Track the cases

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### BWSR's Role in a violation

- Rule interpretation
- Bounce ideas back and forth (appropriate seed mixes)
- May contact more specialist BWSR staff to assist in difficult projects
- Assist SWCD/LGU in developing RO's
- Assist in technical findings

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### DNR Enforcement Role

- Landowner contact if Cease and Desist Orders
- Write Summary of information on violation
- Gather Evidence of the violation including contractors info
- Issue Restoration and Replacement Order
- Grant Extensions
- Initiate enforcement action
- Follow and track all violation cases
- Issue RPN for after the fact cases. (not in progress)

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### Resource Protection Notices

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## Data Collection

- Maps
- Illustrations
- TEP Findings and Recommendation
- Discussions with landowner/responsible party
- Survey information
- You may only have one opportunity to be on site

**MINNESOTA WETLAND CONSERVATION ACT**  
**Determination Notice Form**

This form must be used to provide notice of a Wetland Determination, a Wetland Alteration, or a Wetland Restoration. It is used to provide notice to the landowner, the responsible party, and the public. The form is used to provide notice of a Wetland Determination, a Wetland Alteration, or a Wetland Restoration. It is used to provide notice to the landowner, the responsible party, and the public.

**Project Information:**

Project Name: \_\_\_\_\_  
 Project Location: \_\_\_\_\_  
 Project Date: \_\_\_\_\_  
 Project Type: \_\_\_\_\_

**Project Description:**

Project Description: \_\_\_\_\_  
 Project Purpose: \_\_\_\_\_  
 Project Impact: \_\_\_\_\_

**Project Location:**

Project Location: \_\_\_\_\_  
 Project Coordinates: \_\_\_\_\_  
 Project Map: \_\_\_\_\_

**Project Status:**

Project Status: \_\_\_\_\_  
 Project Date: \_\_\_\_\_  
 Project Type: \_\_\_\_\_

**Project Information:**

Project Name: \_\_\_\_\_  
 Project Location: \_\_\_\_\_  
 Project Date: \_\_\_\_\_  
 Project Type: \_\_\_\_\_

**Project Description:**

Project Description: \_\_\_\_\_  
 Project Purpose: \_\_\_\_\_  
 Project Impact: \_\_\_\_\_

**Project Location:**

Project Location: \_\_\_\_\_  
 Project Coordinates: \_\_\_\_\_  
 Project Map: \_\_\_\_\_

**Project Status:**

Project Status: \_\_\_\_\_  
 Project Date: \_\_\_\_\_  
 Project Type: \_\_\_\_\_

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## The RO

## Restoration Order Gives the Landowner Options

- Restore
- Apply for replacement, exemption, no-loss
- Appeal- w/in 30 days + \$500 fee
- Court/Deed Restriction if no action is taken by landowner

**MINNESOTA WETLAND CONSERVATION ACT**  
**Restoration Order**

This form is used to provide notice of a Restoration Order. It is used to provide notice to the landowner, the responsible party, and the public. The form is used to provide notice of a Restoration Order. It is used to provide notice to the landowner, the responsible party, and the public.

**Project Information:**

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 Project Type: \_\_\_\_\_

**Project Description:**

Project Description: \_\_\_\_\_  
 Project Purpose: \_\_\_\_\_  
 Project Impact: \_\_\_\_\_

**Project Location:**

Project Location: \_\_\_\_\_  
 Project Coordinates: \_\_\_\_\_  
 Project Map: \_\_\_\_\_

**Project Status:**

Project Status: \_\_\_\_\_  
 Project Date: \_\_\_\_\_  
 Project Type: \_\_\_\_\_

After-the-fact replacement ratio must be twice the ratio otherwise required

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## The RO

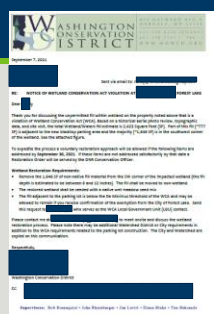
- Send RO to the Officer OR WREO ASAP Enforcement will serve the order (must be served in person or certified mail)
  - We recommend to officers to use only certified mail
  - Easy for everyone to track time line
- **MAKE SURE YOU SIGN YOUR COPY BEFORE SENDING IT TO CO OR WREO.**
- Extensions are issued **only** by enforcement and if:
  - The landowner has a good reason for not getting it done
  - Has made some progress
  - Maybe weather related (heavy rains, early freeze)
  - Submitted application
  - Filed an Appeal

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## Is a formal Restoration Order Always Required?

- No, voluntary restoration is allowed but should consider
  - Willingness to cooperate
  - Past history
  - Shortened timeframe for completion to allow for formal RO process
  - Some kind of written plan or agreement with deadlines
  - Communication and agreement with DNR Enforcement

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September 7, 2022

TO: [Redacted] SWCD DISTRICT

FROM: [Redacted] SWCD DISTRICT

RE: NOTICE OF RESTORATION CONSIDERATION ACT VIOLATION BY [Redacted]

Washington Conservation District is pleased to inform you that your property is located within a Washington Conservation District. As such, you are subject to the provisions of the Washington Conservation Act, which require you to maintain the natural resources of the district in a healthy condition.

To comply with the provisions of the Washington Conservation Act, you are required to submit a plan of restoration to the Washington Conservation District for review and approval. The plan should include a description of the restoration project, a timeline for completion, and a budget for the project.


Within Restoration Requirements:

- Restore the natural resources of the district to a condition that is equal to or better than the condition that existed prior to the violation.
- The restoration project should be completed within a reasonable time frame.
- The restoration project should be completed in a manner that does not cause any adverse effects on the natural resources of the district.

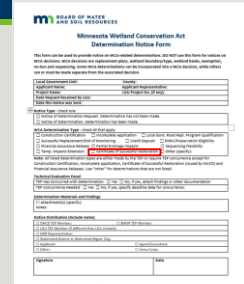
Please contact your local Washington Conservation District office for more information regarding the restoration process. If you have any questions, please contact the Washington Conservation District at [Redacted] or [Redacted].

Respectfully,  
[Redacted] SWCD DISTRICT

### Voluntary Restoration



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**Minnesota Wetland Conservation Act**  
**Determination Notice Form**

This form is to be used to determine if a proposed project is a wetland project. If it is, the project must be approved by the Minnesota Wetland Conservation Act before construction can begin. If it is not a wetland project, the project can proceed without approval.

Project Name: [Redacted]  
Project Location: [Redacted]  
Project Description: [Redacted]  
Project Date: [Redacted]

Project Owner: [Redacted]  
Project Manager: [Redacted]  
Project Engineer: [Redacted]

Project Status: [Redacted]  
Project Phase: [Redacted]  
Project Budget: [Redacted]


Project Description: [Redacted]  
Project Location: [Redacted]  
Project Date: [Redacted]

Project Owner: [Redacted]  
Project Manager: [Redacted]  
Project Engineer: [Redacted]

Project Status: [Redacted]  
Project Phase: [Redacted]  
Project Budget: [Redacted]

### Certificate of Satisfactory Restoration

Prepared and issued by the SWCD



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## RO Non-Compliance

The landowner does not comply with the RO. Now what?

- Enforcement will work with you!
  - CO Sends a Letter
  - CO Makes a Phone call
  - Deed restriction in some cases
  - Landowner Served a Criminal Citation
  - Court

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## Contractors Responsibility



- Prior to working they:
  - Must have obtained signed statement from landowner
  - Mailed a copy to the LGU
  - They do not need to verify if the landowner has a permit or not. Just have the signed form and mailed it.

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## Appeals

- Landowner has 30 days to appeal Order
- RO must allow >30 days to comply with Order

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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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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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