



**Wetland Conservation Act 101
Virtual Training**

mn BOARD OF WATER AND SOIL RESOURCES

Minnesota Wetland Professional Certification Program

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Wetland Conservation Act 101 Virtual Training Agenda

Day One	Day Two
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

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
- questions & answers after each section and end of day
- If your question is not answered or you want to follow-up email: 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



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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 to be added to list

MWPCP maintains a waitlist for all full classes



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Certification Updates

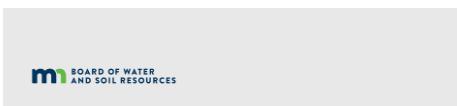
- Current renewal period ends on December 31, 2026 for individuals who passed exams or renewed in 2023.
- Need 18 continuing education hours (6 online)
- **NEW- Certification Renewal Fee** (\$100 professionals, \$50 In-training per renewal period)
 - due January 31, 2027 (for 2026 renewal period)
- Do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



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Basic WCA Decision Types



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Basic WCA Decision Types

WCA Basic Decision Types	
Boundary and Type	Approves wetland delineation
No-Loss	Approves activities that do not result in permanent impacts
Exemption	Approves impacts exempt from replacement



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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 in all types or by excavation in semipermanently and permanently flooded areas.*



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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.



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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.



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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.



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Wetland fill *does not* include:

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



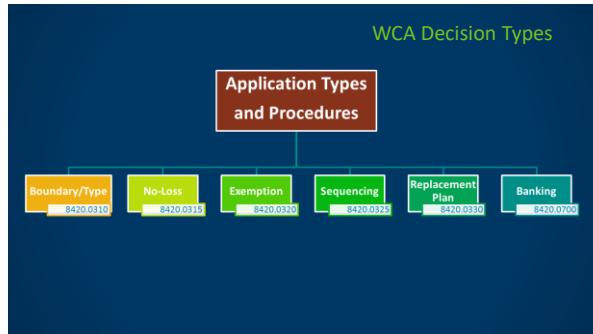
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What is Excavation?

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



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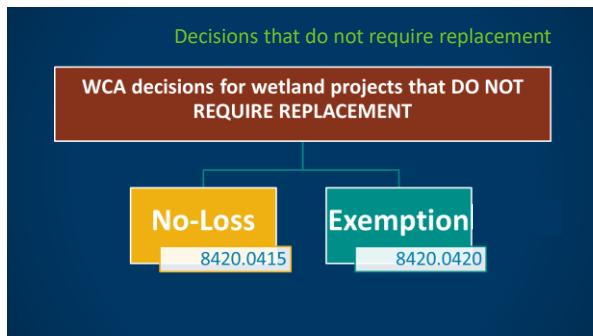
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Boundary/Type Applications: Where wetland regulation meets science

- Boundaries must be delineated using USACE 1987 Manual and Supplements (8420.0405 subp 1)
- Wetland Types must be identified using HGM (WCA) and Eggers and Reed (Corps)
- Level 1, 2, or 3 delineation
- Requires NOA and NOD.
- Technical Decision- one member of TEP must make a site visit



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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



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No Loss Activity Basics

Defined:

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



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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.)



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No-Loss

- **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)
- **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)



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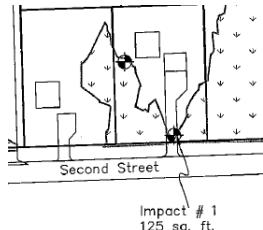
General Exemption Requirements for ALL

- 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.

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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 via ordinance.
 - 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)



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Exemptions – Agricultural Activities

"Agricultural land" means land devoted to the following uses and includes any contiguous land associated with the uses:

- (1) pasture or hayland for domestic livestock or dairy animals;
- (2) producing agricultural crops;
- (3) growing nursery stocks; or
- (4) animal feedlots.



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Agricultural Exemption Statute

Replacement plan for wetlands is not required for:

- impacts to wetlands on agricultural land labeled prior-converted (PC) land and
- impacts to wetlands resulting from drainage maintenance activities authorized by the Natural Resources Conservation Service, on areas labeled farmed wetland, farmed wetland pasture, and wetland.

The prior-converted cropland, farmed wetland, farmed-wetland pasture, or wetland **must** be labeled on a valid final certified wetland determination issued by the Natural Resources Conservation Service.

Landowner is responsible to provide a copy of the final certified wetland determination (026 and CWD map) to, and allow the Natural Resources Conservation Service to share related information with, the local government unit and the board for purposes of verification;

Provision 1
Provision 2

Applies to both

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Certified Wetland Determination
Bass Slough
Pawpaw Tree #10

Surveyor:
[Redacted]

USDA Natural Resources Conservation Service

United States Department of Agriculture
Natural Resources Conservation Service

CERTIFIED WETLAND DETERMINATION

Name: [Redacted]	Executive County [Redacted]
Address: [Redacted]	Address County [Redacted]
Request Power: AGI-1208	Face Number: [Redacted]
Request Date: 6/10/2008	Trust Number: [Redacted]

This certifies that the above information is true to the knowledge and best information of the USDA Natural Resources Conservation Service. This document has been developed specifically for the use of the USDA Natural Resources Conservation Service.

Request	Label	Description	Area	Acres
1	AGI-1208	Wetland Area (100-150 Acre)	1	1

8. Remarks:

Legend: The above observations are sufficient for the purpose of making a determination of eligible land for the Conservation Reserve Program (CRP) and the Wetland Reserve Program (WRP) in the Northern Great Plains.

14. Person Designated to Verify: Name: **[Redacted]**
Title: **MARSHALER** Date: **2/25/2005**

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Other CWD Labels

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Exemptions – Agricultural Activities

Subp. 2. C.

Impacts resulting from soil and water conservation projects that are certified by the SWCD staff after review by TEP

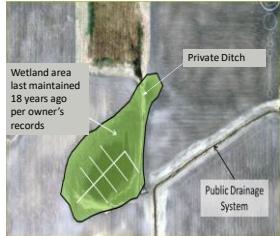
- The projects must minimize impacts to the hydrologic and biologic characteristics of the wetland.



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Exemptions – Drainage Exemption

A replacement plan is not required for draining or filling of wetlands, except for draining wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing drainage systems, including public drainage systems.



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Drainage/Ditch Maintenance

Replacement not required for maintenance or repair of existing drainage systems

WHEN:

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



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Drainage/Ditch Maintenance Illustration



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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.

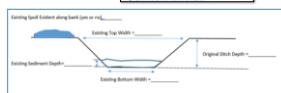


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Drainage/Ditch Maintenance

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

- Past records of maintenance (receipt to contractors)
- Aerial Photo review
- Amount of Sediment Proposed to be removed(can be critical)
- Depth of ditch/soil types
- Culvert elevation and location
- Site visit
- Lateral Effect Calculations or estimates



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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, broadband, etc.

• Utilities MS 103G.2241

A replacement plan for wetlands is not required for wetland impacts resulting from:

- new placement or maintenance, repair, enhancement, realignment, or replacement of existing utility or utility-type service, including pipelines, when wetland impacts are authorized under and conducted in accordance with a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act

- Repair and updating existing septic systems to comply with local, state and federal regulations



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Exemptions – de minimis

- The de minimis exemption covers small impacts to wetlands typically used for driveways, culverts, small projects by landowners, etc.

- Very specific requirements depending on location in state, local area, shoreland, etc.

Table 1: Maximum de minimis exemption amounts for per MS 103G.2241 (Aug. 1, 2024)

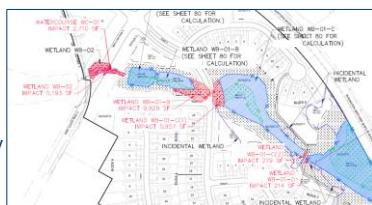
Impacts to wetlands, excluding permanent and semipermanently flooded areas of wetland.	Presettlement area of state	Impact area up to (acres):	Impact area up to: (square feet):
Outside of Shoreland Wetland Protection Zone	Greater than 80 percent area	One-quarter (1/4)	10,890
	50 to 80 percent area	One-tenth (1/10)	4,356
	Less than 20 percent area	One-twentieth (1/20)	2,178
Within Shoreland Protection Zone, but beyond structure setback	Statewide	N/A	100
Within Shoreland Protection Zone and structure setback	Statewide	N/A	20 ▲(100)
Impacts to permanent and semipermanently flooded areas of wetland	Statewide	N/A	400

▲ increased amount 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.

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De Minimis Exemption

- Can't be combined
- If total area of impacts exceed de minimis, a replacement plan is required for the entire amount.
- May not divide property simply to get more



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Exempt?

- Located in >80% area
- Not in shoreland
- Wetland =154,223 SF
- Proposed impact=7,490 SF

Figure 3: Proposed Detourway

Predevelopment area of state	Impact area up to [acres]	Impact area up to [square feet]
Greater than 80 percent area	One-quarter (1/4)	10,890
50 to 80 percent area	One-half (1/2)	21,780
Less than 50 percent area	One-hundredth (1/100)	2,178

Qualifies for de minimis exemption
MN Rule 8420.0420 Subp. 8

Yes, less than $\frac{1}{4}$ acre (10,890 SF)

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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.

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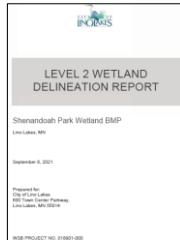
Exemptions

- **Wildlife Habitat** 8420.0420 Subp 9
- Excavation or the associated deposition of spoil within a wetland for the primary purpose of wildlife habitat, if:
 - Deposition is less than 5% or $\frac{1}{2}$ acre
 - No adverse effect on Threatened & Endangered Species
 - Certified by SWCD or TEP
 - All spoil must be stabilized with native, noninvasive vegetation.

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Summary of Basic WCA Decisions

- Boundary/Type: approving wetland delineation that used Corps manual: routine levels 1, 2, 3 (hybrid) or comprehensive method.
- No-loss: activity that does not result in wetland impacts
- Exemptions: wetland impacts that are exempt from replacement



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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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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.

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

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Application Contents

PART FOUR: Aquatic Resource Impact¹

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Application Contents

For the impacted Wetland (info can come from delineation report):

- Soil survey of site, identify hydric soils
- Hydrologic inlets and outlets, adjacent Public Waters (shoreland), floodplain



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Application Content - Special Considerations

These factors must be considered by the applicant before submitting a replacement plan and by the LGU during the review: 8420.0515 Subp 1-10

- Sub 2. Endangered and threatened species
- Sub 3. Rare natural communities
- Sub 4. Special fish and wildlife resources (fish spawning, water birds, waterfowl, deer wintering/wildlife corridor)
- Sub 5. Archaeological, historic, or cultural resource sites
- Sub 6. Groundwater sensitivity (Decorah edge, Geologic Sensitivity)
- Sub 7. Sensitive surface waters (trout streams)



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Application Content - Special Considerations

Subp 8. Education or research use (Cedar Creek, Anoka Co)

Subp 9. Waste disposal site (former dump, superfund, TCAAP/AHATS)

Subp 10. Consistency with other plans (watershed management, land use, planning and zoning)



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Application Contents

PART FIVE: Applicant Signature

Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature: _____ Date: _____

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

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Application Contents

• Attachment C – Avoidance and Minimization

- Project purpose, need and requirements
- Avoid
- Minimize
- Offsite Alternative

• More on this in a moment....

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Application Contents

• Attachment D – Replacement/Compensatory Mitigation

Replacement/Compensatory Mitigation via Wetland Banking. Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits

- 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 (more on this later...)

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Application Contents

• Attachment D – Replacement/Compensatory Mitigation

Project-Specific Replacement/Permittee Responsible Mitigation. Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit ¹	Corps Mitigation Compensation Technique ¹	Acres	Credit % Requested	Credits Anticipated ¹	County	Major Watershed #	Bank Service Area #

- Project Specific Replacement – rarely used as the replacement option due to complexities, difficulties, and past failures.

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Application Contents

• Key Concept – COMPLETE APPLICATION

- LGU's should not send a Notice of Application for Replacement Plan Applications that are incomplete.

- Next up.....Reviewing the application - SEQUENCING

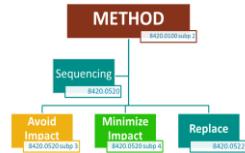
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Sequencing: 8420.0520

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

- Avoid
- Minimize
- Rectify/Reduce
- Replace



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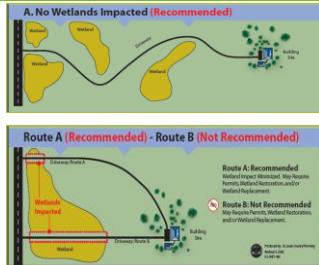
Key Concepts

- Sequencing is a MUST for all replacement plans
- **TWO** avoidance alternatives – only one can be “no build”
- Evaluate projects...can wetlands be avoided?
- Are impacts minimized?
- Long term effects
- 8420.0520 Subp C – Page 45 of 2009 Rule book

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Sequencing

- Avoid
- Minimize
- Rectify/Reduce
- Replace



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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.

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Alternatives Analysis

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

• 8420.0520 Subp. 3



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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

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Evaluating Alternatives (continued)

• LGU must consider (8420.0520 subp 3C(3)):

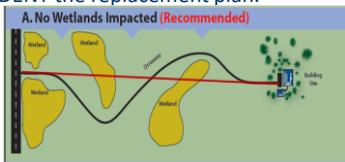
- Could the size, configuration, or density of the project be modified to avoid wetlands?
- Has the applicant made efforts to remove constraints (zoning restrictions, ordinance requirements, etc.) that are causing wetland impacts (i.e. request for variances, PUD, conditional use permit, etc.)?



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What if an avoidance alternative DOES exist?

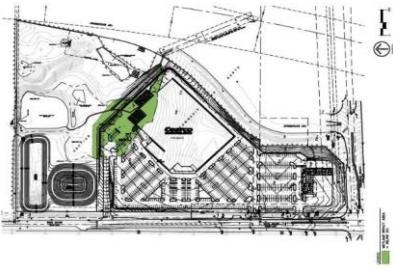
- If the LGU determines that a feasible and prudent alternative exist that avoids wetland impacts, it **MUST DENY** the replacement plan.



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Project Example

- Proposed “Preferred” Alternative
- Impact Area = 86,190 sq ft
- Narrative states “avoidance is not possible”
- Front facing street
- 2nd Avoidance alternative was NOT provided
- Offsite analysis was provided



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Project Example

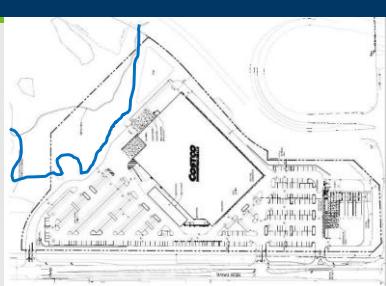
Offsite Analysis



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Project Example

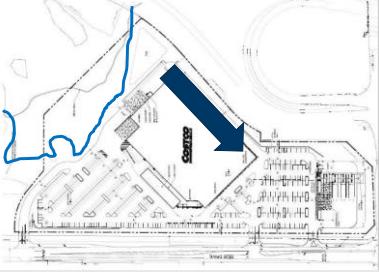
- Applicant is reminded that 2 avoidance alternatives are **required**
- Avoidance Alternative
- NO impact
- Did not accomplish purpose- too small build site
- Not enough parking
- No space for large trucks



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Project Example

- Applicant is reminded that 2 avoidance alternatives are required
- Avoidance Alternative
- NO impact
- Did not accomplish purpose- too small build site
- Not enough parking
- No space for large trucks



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Project Example

- Avoidance was not feasible
- Next Step – evaluate **minimization**

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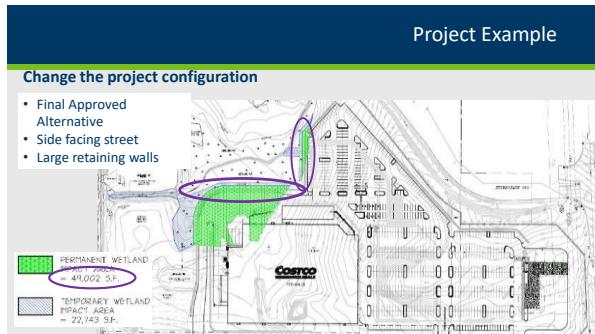
Project Example

Change the project configuration

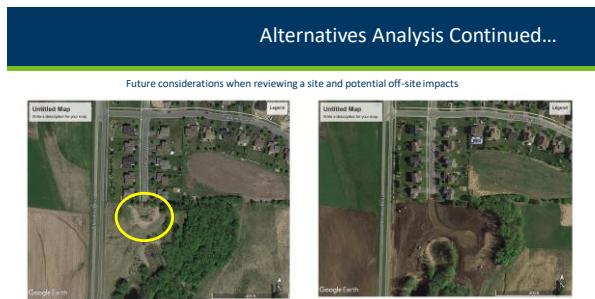
- Final Approved Alternative
- Side facing street
- Large retaining walls



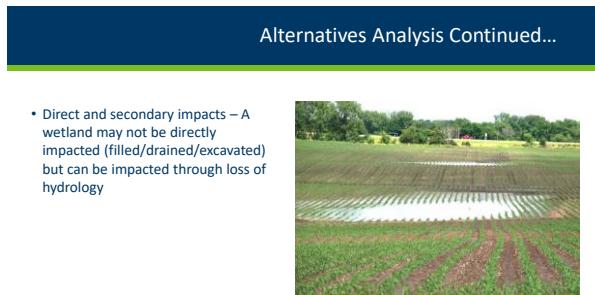
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What if an avoidance alternative does NOT exist?

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

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Impact Rectification

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



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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



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Sequencing Flexibility

- 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.
- Alternatives must still be considered by the applicant and evaluated by the LGU 8420.0520 Subp 7a(B)

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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.)

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- Must follow a priority order:
 - Minor watershed as impacted wetland
 - Major watershed as impacted wetland
 - Same BSA (presettlement area restrictions DO NOT apply) of impacted wetland
 - Another BSA (presettlement area restrictions apply)

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Replacement Ratios - Banking

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

- ★ Agricultural land must remain in agricultural use

The LGU may reduce the ratio by 0.5 if the replacement is from within the BSA



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Application to withdraw wetland credits

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Result?

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

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

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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

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Overview

Wetland Bank Guidance and Information

- Wetland Bank
Guidance and
Information



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Overview

State and Federal regulations require that wetland impacts be replaced with another wetland of at least equal function and value



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Overview

Replacement Types

- Project-Specific (PRM)
- In-Lieu Fee (ILF)
- Wetland Bank



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Overview

Replacement Types

- Project-Specific (PRM)

- In-Lieu Fee (ILF)
- Wetland Bank

- The person impacting a wetland is fully responsible for providing replacement
- Design, build, manage, maintain, and monitor
- Directly tied to the replacement site for at least 5 years

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Overview

Replacement Types

- Project-Specific (PRM)

- In-Lieu Fee (ILF)
- Wetland Bank

- Once the fee is paid (ILF) or credits are purchased (Bank), the person impacting a wetland is done.
- The ILF or bank “Sponsor” takes on the replacement responsibility and must manage, maintain, and monitor the site.

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Quick ILF Facts

In-Lieu Fee

- Credits released and sold BEFORE project is completed or performance standards are met
- Only open to government and NGOs
- Corps involved in finances
- Compensation Planning Framework (CPF) required before approval

Wetland Bank

- Credits released and sold AFTER project is completed and performance standards are met
- Open to anyone
- Corps not involved in finances
- No CPF

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Quick ILF Facts

Minnesota's In-Lieu Fee Program

- Wetland replacement requirements are satisfied by payment to BWSR or a BWSR-approved sponsor to develop wetland replacement credits.
- Targeted at LGRWRP.
- Not approved yet.

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Overview

Replacement Types

- Project-Specific (PRM)
- In-Lieu Fee (ILF)
- **Wetland Bank**

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What are Wetland Banks

- Market-based commodity system using “Credits”
- Credits are generated by wetland restoration, enhancement, creation, or preservation
- Deposited into account
- Sold to others to offset wetland losses

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Why are Banks Preferred

Wetland banks are the preferred replacement type

- Larger more ecologically valuable sites
- Approved using rigorous scientific and technical analysis, planning, and implementation
- Entire site permanently protected by BWSR conservation easement
- Success demonstrated BEFORE credits are released
- Reduced risk and uncertainty

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Why are Banks Preferred



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Why are Banks Preferred



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Wetland Bank Types

MN Wetland Bank Types

- Standard (SWC)
- Private
- LGRWRP
- Agricultural (AGC)



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Quick Ag Bank Facts

Establishing an Ag Bank:

- Must use restoration credit action
- Mostly state approved
- Lower Vegetation Standards

Using Ag Credits (AGC):

- Impact on “agricultural land”
- Impact remains in agricultural use
- Impact is:
 - WCA exemption
 - “FW” or “FWP”
 - “W” < 5 acres and “degraded”

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Local Government Road Wetland Replacement Program (LGRWRP)

- Standard credits (SWC) with single user (BWSR)
- Qualifying local road projects are exempted from WCA wetland replacement plan requirements
- BWSR replaces qualifying impacts, not the road authority
- LGRWRP credits can satisfy Corps permit requirements



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LGRWRP Qualifications

- Repair, Rehabilitation, Reconstruction or Replacement of currently serviceable existing local public road, provided:
 - Impacts are minimized
 - Plans provided to the LGU
- What does not qualify?
 - New roads
 - Roads expanded solely for additional capacity or traffic lanes



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Application Requirements

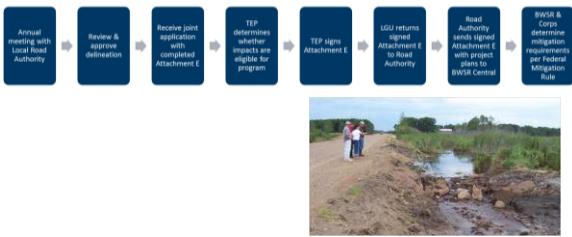
Road authority should provide the following:

- Project plans showing wetland boundaries
- Description of wetland impacts by type
- Information demonstrating impact minimization
- One alternative



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LGRWRP Project Review



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Attachment E

- Fill in table

- Include project/SAP number

- Signatures

- E-mail to

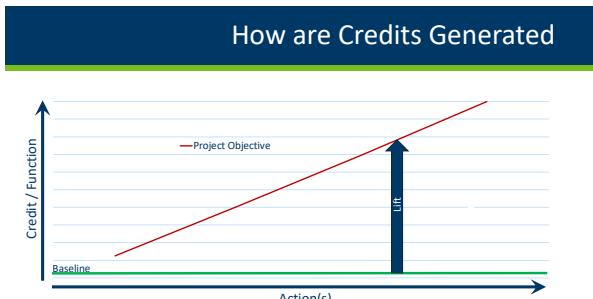
LGRWRP.BWSR@state.mn.us

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How Credits are Generated

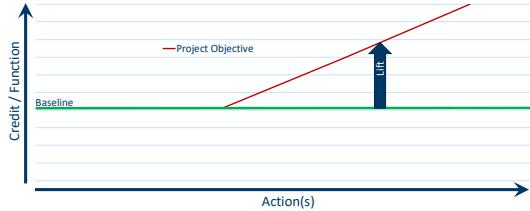
110



How are Credits Generated

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How are Credits Generated



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How are Credits Generated

WCA Credit Actions

Subp. 2 – Buffer
Subp. 3 – Restoration, completely drained
Subp. 4 – Restoration, partially drained
Subp. 5 – Vegetation on farmed wetland
Subp. 6 – Protection, previously restored
Subp. 7 – Creation
Subp. 8 – ENRV
Subp. 9 – Preservation

Corps Credit Actions

Buffer
Re-Establishment
Rehabilitation
Enhancement
Extended Restoration
Establishment
Any or None
Preservation

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What about the new Cultivated Field Credit (CFC)?

WCA Credit Actions

Subp. 2 – Buffer
Subp. 3 – Restoration, completely drained
Subp. 4 – Restoration, partially drained
Subp. 5 – Vegetation on farmed wetland
Subp. 6 – Protection, previously restored
Subp. 7 – Creation
Subp. 8 – ENRV
Subp. 9 – Preservation

Corps Credit Actions

Buffer
Re-Establishment
Rehabilitation
Enhancement
Extended Restoration
Establishment
Any or None
Preservation

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What about the new Cultivated Field Credit (CFC)?

Guidance Document

- Wetlands must be drained
- Subject to effects of cultivation
- Read and use the guidance document

Call it "CFC – Rehabilitation"



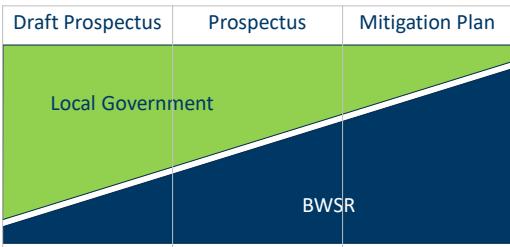
115

Establishing a Wetland Bank



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Establishing a Wetland Bank



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 Idaho National Laboratory U.S. Department of Energy	Wetland Mitigation Proposal Draft Prospectus	 BWSR
<p>Project Name: Wetland Mitigation Proposal Draft Prospectus</p> <p>Project Address: 1000 E. Idaho Falls Drive, Idaho Falls, ID 83402</p> <p>Project Description: Proposed mitigation for the Idaho National Laboratory (INL) Project 1000 E. Idaho Falls Drive, Idaho Falls, ID 83402. This mitigation is proposed to offset the loss of wetland area and habitat resulting from the proposed construction of a new 1000 E. Idaho Falls Drive facility. This mitigation will be developed and implemented in accordance with the Idaho Department of Environmental Quality's (DEQ) Mitigation Guidelines for the Idaho National Laboratory (INL) Project.</p> <p>Project Contact: John C. Johnson, DEQ, Idaho Falls Office, (208) 526-5700, john.johnson@deq.idaho.gov</p> <p>Project Status: Proposed</p> <p>Project Type: Wetland Mitigation</p> <p>Project Number: 1000 E. Idaho Falls Drive</p> <p>Project ID: 1000 E. Idaho Falls Drive</p> <p>Project URL: http://www.inl.gov/1000eifalls/</p> <p>Project Description (continued): Information on the Project Number assigned by DEQ.</p>		
<p>PROJECT NAME: Project Name: Wetland Mitigation Proposal Draft Prospectus</p> <p>PROJECT ADDRESS: Project Address: 1000 E. Idaho Falls Drive, Idaho Falls, ID 83402</p> <p>PROJECT DESCRIPTION: Project Description: Proposed mitigation for the Idaho National Laboratory (INL) Project 1000 E. Idaho Falls Drive, Idaho Falls, ID 83402. This mitigation is proposed to offset the loss of wetland area and habitat resulting from the proposed construction of a new 1000 E. Idaho Falls Drive facility. This mitigation will be developed and implemented in accordance with the Idaho Department of Environmental Quality's (DEQ) Mitigation Guidelines for the Idaho National Laboratory (INL) Project.</p> <p>PROJECT CONTACT: Project Contact: John C. Johnson, DEQ, Idaho Falls Office, (208) 526-5700, john.johnson@deq.idaho.gov</p> <p>PROJECT STATUS: Project Status: Proposed</p> <p>PROJECT TYPE: Project Type: Wetland Mitigation</p> <p>PROJECT NUMBER: Project Number: 1000 E. Idaho Falls Drive</p> <p>PROJECT ID: Project ID: 1000 E. Idaho Falls Drive</p> <p>PROJECT URL: Project URL: http://www.inl.gov/1000eifalls/</p> <p>PROJECT DESCRIPTION (CONTINUED): Information on the Project Number assigned by DEQ.</p>		
<p>PROJECT LOCATION (Include a Map Location Map in Figure 2):</p> <p>Project Location: 1000 E. Idaho Falls Drive, Idaho Falls, ID 83402</p> <p>Project Location Description: Proposed mitigation for the Idaho National Laboratory (INL) Project 1000 E. Idaho Falls Drive, Idaho Falls, ID 83402. This mitigation is proposed to offset the loss of wetland area and habitat resulting from the proposed construction of a new 1000 E. Idaho Falls Drive facility. This mitigation will be developed and implemented in accordance with the Idaho Department of Environmental Quality's (DEQ) Mitigation Guidelines for the Idaho National Laboratory (INL) Project.</p> <p>Project Location URL: http://www.inl.gov/1000eifalls/</p> <p>Project Location Map: Map Location Map in Figure 2</p>		
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Draft Prospectus

- Optional
- No decisions required
- Complex or difficult projects
- Minimal investment

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Draft Prospectus

Draft Prospectus

BWSR Role:

- Staff review and comments
- Identify easement issues
- Identify opportunities and constraints
- Evaluate general feasibility

TEP/LGU Role:

- Provide and compile comments
- Site visit
- TEP meeting to discuss and review comments
- Provide local input
- TEP writes Findings and recommendation for bank sponsor

*Comments commensurate with information provided**

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Prospectus

- Not required by WCA
- Required by Corps
- Baseline Information
- Concept Plans
 - Justify Credit Actions
 - Justify Credit Allocation

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Prospectus

General Considerations

- Use the form, read the headings, and provide the requested information
- Focus on Baseline Information to justify credit actions and allocations (objectives)
- Some credit actions require more or specific information
- Concept considered but detailed plans not required

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Prospectus

BWSR Role:

- Evaluate easement issues
- Staff comments now include engineering
- Statewide consistency
- Technical answers and interpretations
- Coordination with Corps

TEP/LGU Roles:

- Verify previous comments addressed
- Verify sponsor adequately described the site
- Review wetland delineation or determination
- Review ag history (if necessary)
- Provide local perspective

*Comments commensurate with information provided**

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Mitigation Plan

 A screenshot of a 'Mitigation Plan (Full Application)' form. The form includes sections for 'PROJECT NAME', 'Mitigation Plan Description', 'Mitigation Plan Objectives', 'Mitigation Plan Components', 'Mitigation Plan Implementation', 'Mitigation Plan Monitoring', 'Mitigation Plan Evaluation', and 'Mitigation Plan Reporting'. There are also sections for 'Mitigation Plan Approval' and 'Mitigation Plan Monitoring and Evaluation'.

- Required (WCA Notices)
- LGU Decision Required*
- Section 15.99 time-limits!
- Detailed vegetation, construction and monitoring plans
- Final Crediting and performance standards

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Mitigation Plan

General Considerations

- Button-up baseline information
- Accurate credit calculations
- Credit release schedule
- Performance standards
- Detailed vegetation establishment and management plans
- Detailed construction plans
- Detailed monitoring plans

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Mitigation Plan

BWSR Role

- Evaluate easement issues
- Verify all components are acceptable and meet WCA requirements
- Engineering review of final plans

TEP/LGU Roles

- Follow WCA notification and decision procedures
- Track 15.99 time-limit and extend as needed (it will be needed)
- Coordinate TEP meeting and site visit
- Compile and evaluate all comments
- TEP findings and recommendation

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Mitigation Plan

- If approval is not recommended comments should be addressed in a revised Mitigation Plan
- Most projects will include multiple plan submittals
- If approval is recommended the LGU makes their decision and sends an NOD
- Clearly identify and retain the approved Mitigation Plan
- WCA and Corps should approve the same plans whenever possible

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Certification and Credit Releases

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Easement Acquisition



BWSR Easement staff will lead this process

Typically initiated after Mitigation Plan approval

Often takes 6 months or more

No easement = no bank = no credits

No credits can be deposited until a perpetual conservation easement is granted to and accepted by the state

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Easement Acquisition

Key Step	Description	BWSR Processing Time	Cost
Easement Initiation	Preliminary ownership and boundary review	15 - 30 Days	\$1,000 (Initial Easement Acquisition Fee)
Legal Boundary Survey	Easement boundary surveyed; certificate of survey provided for BWSR review and comment	30 - 60 Days	\$3,000 - \$6,000 (Surveyor defined)
Title Commitment	Title commitment prepared for BWSR review and comment; title must be cleared by landowner as directed by BWSR	45 - 90 Days	\$1,500 - \$3,000 (Title Agent defined)
Easement Recording / Title Insurance Policy	Easement executed by landowner and state and sent to title agent for recording and title policy	30 - 60 Days	\$2,400 (Final Easement Acquisition Fee)
		120 - 240 Days	\$7,900 - \$12,400

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Construction Certification

Construction as-built documentation provided to LGU:

- Surveyed elevations of slopes, contours, outlets, and embankments
- Seed tags and contractor receipts
- Site preparation activities described
- Surveyed construction and seeding maps
- Construction photos showing relevant work
- Evidence engineered features were designed, overseen, and certified by licensed PE
- Comparison of as-built vs. design specifications and rationale for significant changes

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Construction Certification

Once as-built documentation is received the LGU must:

- Complete an on-site inspection
- Determine whether as-built conditions comply with construction specifications in the approved plan
- Ensure an engineer has certified the construction
- If not in compliance, notify the bank sponsor what is needed to gain compliance
- If in compliance, the initial credit release can be authorized

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Deposits

- Up to 15% of credits can be deposited after construction certification and easement is accepted
- Remaining credits released based on schedule and performance standards in the approved Mitigation Plan
- Releases reviewed by the TEP and LGU
- Deposit form and fee is sent to BWSR banking administrator for entry into the state wetland bank

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Deposits

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Withdrawals

- Submitted to LGU as part of a Replacement Plan
- Reviewed and approved by the LGU with TEP input
- Processed and entered in state ledger by BWSR
- BWSR sends a confirmation email and coordinates ledger transactions with Corps



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Withdrawals

Make sure all requested information is provided and accurate

Make sure account information is accurate, each column is filled out, and credits are available in the account.

BWSR will take care of the fees

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Withdrawals

BWSR cannot process transaction forms without required signatures

Contact information typed or printed so we can confirm it and provide confirmation email

Missing or incomplete information will delay transactions

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Withdrawals

Once completed a withdrawal confirmation is sent by BWSR

This confirmation allows approved impacts to occur

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Review

- Wetland bank credits have preference over other replacement types
- Wetland bank credits are released when success is demonstrated
- “Functional Lift” is the basis for credit potential and WCA actions eligible for credit incorporate functional lift
- Wetland banks exist to offset permanent wetland impacts elsewhere and help WCA meet its no-net-loss goal

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Review

- Bank establishment has three phases
 - Draft Prospectus
 - Prospectus
 - Mitigation Plan
- Resource needs increases with each phase
- Mitigation Plan phase is required and 15.99 applies
- Extensions will be needed; plan for them and keep track of time limits

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Review

- Easement must be accepted by BWSR before credits can be released
- LGUs must certify construction before credits can be released
- Use TEP deposit forms to help with release requests
- Transaction forms need to be completed, accurate, and signed for BWSR to process them

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Which Phase of the Wetland Bank Approval Process Requires a LGU Decision?

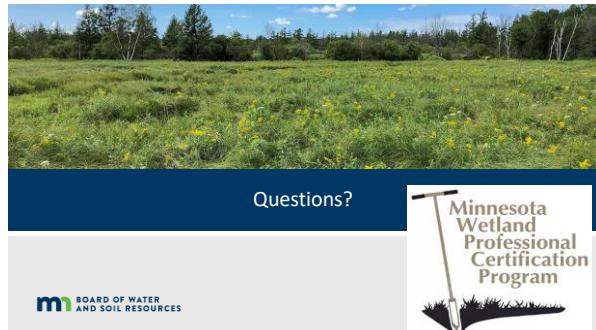
- A) Draft Prospectus
- B) Prospectus
- C) Mitigation Plan
- D) Conservation Easement

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Which Phase of the Wetland Bank Approval Process
Requires a LGU Decision?

- A) Draft Prospectus
- B) Prospectus
- C) Mitigation Plan
- D) Conservation Easement

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