

Quiz

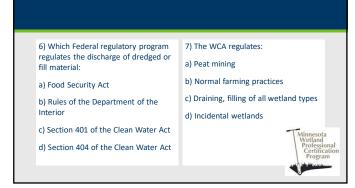
- 1) The Wetland Conservation Act is a:
- a) Federal Law passed in 1972.
- b) State Rule, passed as a bipartisan statute in 1991, implemented by Local Government Units.
- c) State Rule, passed in 1991, which is administered by the MNDNR.
- d) Recommended set of best management practices for activities in wetlands.
- 2) When describing a soil profile, which of the following steps should a delineator do first?
- a) Texture all layers in profile
- b) Determine matrix and redoximorphic colors of all layers
- c) Apply hydric soil indicator
- d) Determine all hydrology indicators present within the borehole

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- 3) Which Agency has administrative oversight and Rulemaking authority for
- a) Local Government Units
- b) MN Board of Water and Soil Resources
- c) MN Department of Natural Resources
- d) Local Soil & Water Conservation Districts



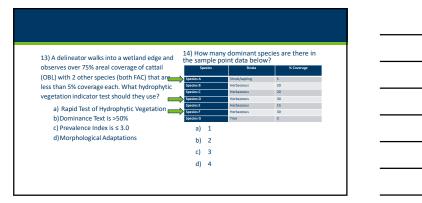
| 4) While most wetlands are non-navigable, they still may be considered the following and thus regulated under the Federal Clean Water Act: a) Incidental wetlands b) Perpetual Conservation Easement c) Upland d) Waters of the United States Minnesota Wetland Certification Program | 5) Which regulatory program defines it's jurisdictional boundary by the ordinary high water level? a) Section 404 of Clean Water Act b) Wetland Conservation Act c) Section 401 of Clean Water Act d) Public Water Works Permitting Program |
|---|---|
| | |

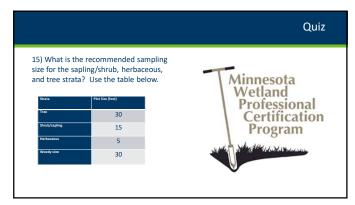


| 8) Which of the following is not a LGU's role in administering the WCA: | 9) The role of the Technical Evaluation Panel <u>does not</u> include: |
|---|--|
| a) Make decisions on applications made under the WCA | a) Operate objectively. |
| b) Completely fill out a joint application for the landowner | Perform LGU duties such as noticing applications. |
| c) Coordinate TEP meetings when needed | Generate findings as requested by the LGU. |
| d) Provide knowledgeable and trained staff | d) Make recommendations to the LGU based their findings. |
| | |

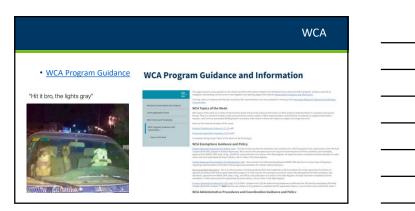
| 10) For a project in a shoreland area, the Technical Evaluation Panel consists of: a) The LGU, Army Corps and DNR. b) The LGU, SWCD, BWSR and Army Corps. c) The LGU, SWCD, BWSR and DNR. d) The Army Corps and DNR. | Technical Evaluation Panel "TEP" ROBLET BWSR SWCD DNR TABLET STATE OF THE PARENCE SWITTER TO S |
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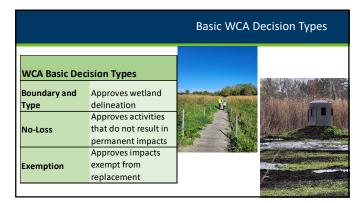
| 11) What are the 3 general types of adaptations that plants have made to grow in anaerobic soil conditions: | 12) In the table, place the following plant indicators from most likely to least likely to occur in a wetland. |
|---|--|
| Morphologic, reproductive, physiologic | FAC |
| | FACU UPL |













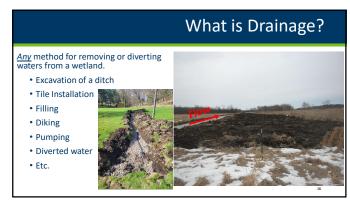
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What is regulated by WCA?

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.





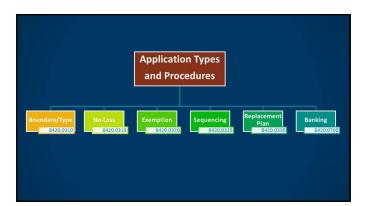
What is Fill? Any solid material added or redeposited in a wetland • Alters cross-section or hydrological characteristics, • Obstructs flow patterns, • Changes Boundary, or • Converts to non-wetland.

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Does not include posts for walkways, bridges, powerline poles, etc. Does not include slash or woody vegetation as long as it originated from vegetation growing in the wetland and does not impair flow or circulation of water. Wetland Fill Does not include posts for walkways, bridges, powerline poles, etc.







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)
- 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



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.)
- <u>Temporary</u> impact if: Returned to previous conditions. Activity completed within 6 months (8420.0415 Subp H.)



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No-Loss

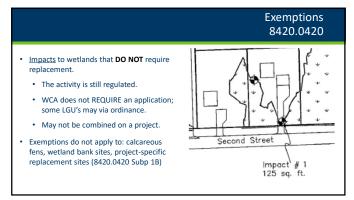
- Temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest as part of a forest management activity, so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activity does not result in the construction 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)



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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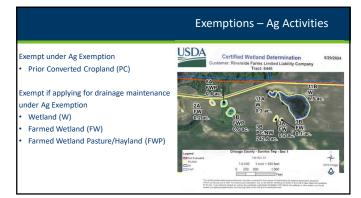
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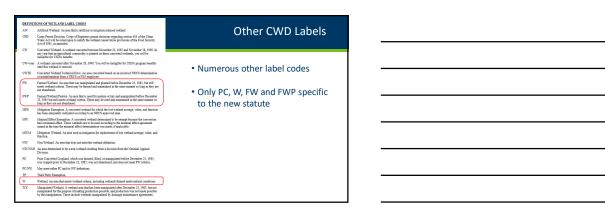
"Agricultural land" means land devoted to the following uses and includes any contiguous land associated with the uses: (1) pasture or hayland for domestic livestock or dairy animals; (2) producing agricultural crops; (3) growing nursery stocks; or (4) animal feedlots.

NEW Agricultural Exemption Statute • impacts to wetlands on <u>agricultural land labeled prior-converted (PCPRDAIS and and Impacts to wetlands resulting from designed and Impacts to wetlands on agricultural land labeled prior-converted (PCPRDAIS) and Impacts to wetlands on agricultural land labeled prior-converted (PCPRDAIS).</u> Replacement plan for wetlands is not required for: impacts to wetlands resulting from <u>drainage maintenance activities authorized by the Natural Resources Conservation Service</u>, on areas labeled <u>farmed wetland</u>, <u>wetland pasture</u>, 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 certification Service to share related information with, the local government unit and the board for purposes of verification:

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verification;



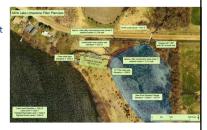


Exemptions – Agricultural Activities

Subp. 2. C.

Impacts resulting form 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.



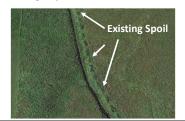
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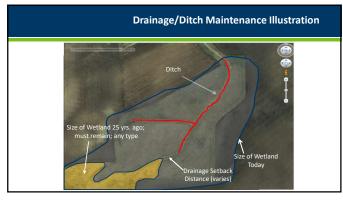
Drainage/Ditch Maintenance

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.





Ditch Maintenance

CONDITIONS:

- Spoil must be placed and <u>stabilized</u> to <u>minimize</u> impacts.
 - remove
 - place on existing spoil
 - incorporate
 - side cas
- Ditch must be stable and not degrade water quality downstream.



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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

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 utilitytype 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 | Greater than 80 percent area | One-quarter (1/4) | 10,890 |
| Protection Zone | 50 to 80 percent area | One-tenth (1/10) | 4,356 |
| | Less than 50 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 wetlands | Statewide | N/A | 400 |

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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



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:
 - \bullet Deposition is less than 5% or ½ 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: Level 1, 2, 3 or comprehensive.
- No-loss: activity that does not result in wetland impacts
- Exemptions: wetland impacts that are exempt from replacement

| | INORKES |
|--|--------------------------------------|
| D | LEVEL 2 WETLAND ELINEATION REPORT |
| Shenano Lino Lakes, N | loah Park Wetland BMP |
| September 6. | 2021 |
| Prepared for City of Line L 500 Town Ce Line Lakes, 8 | Ans. der Parkway. |
| well pack | TINO DINUDUOD |

| | | | E | xempt? |
|--|--|--|---|-----------------------------------|
| • Located in >80% area | Impacts to wetlands, excluding permanent and semipermanently | Presettlement area of state | Impact area up to (acres): | Impact area up to: (square feet): |
| Not in shoreland | flooded areas of wetland. Outside of Shoreland Wetland Protection Zone | Greater than 80 percent area 50 to 80 percent area Less than 50 percent area | One-quarter (1/4) One-tenth (1/10) One-twentieth (1/20) | 10,890 4,356 2,178 |
| Wetland =154,223 SF Proposed impact=7,490 SF | Figure 3. Proposed Drivery | MN Rule 84 | r de minimis e 120.0420 Subp than ¼ acre (: | exemption b. 8 |

| | De mini | mis - Examples |
|------------------------------|--|---|
| mis exemption amounts t | or per MS 103G.2241 (Au | ıg. 1, 2024) |
| Presettlement 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-tenth (1/10) | 4,356 |
| Less than 50 percent area | One-twentieth (1/20) | 2,178 |
| Statewide | N/A | 100 |
| Statewide | N/A | 20 (100) |
| Statewide | N/A | 400 |
| | Presettlement area of state Greater than 80 percent area 50 to 80 percent area Less than 50 percent area Statewide Statewide | mis exemption amounts for per MS 103G.2241 (Au Presettlement area of state impact area up to (acres): Greater than 80 percent area One-quarter (1/4) 50 to 80 percent area One-twentite(1/20) Less than 50 percent area One-twentieth (1/20) N/A Statewide N/A |

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Scenario 1

A project is located outside of shoreland in a 50-80% area of the State and proposes to fill and impact 4,975 ft^2 of saturated mineral flat wetland for a driveway access.





Scenario 2

A project is located within the building setback zone within shoreland in a >80% area of the State and proposes to fill and impact 320 ft^2 of a lacustrine fringe wetland.

Does not Qualify:

De minimis statewide for all wetland types within building setback is up to 20 sf.



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Scenario 3

A project is located outside of shoreland in a greater 80% area of the State and proposes to fill and impact 5,800 ft^2 of a mineral flat wetland.

Qualifies: De minimis is up to 10,890 sf (1/4 acre)



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Scenario 4

A project is located in the less than 50% area of the State and proposes to excavate 175 ft^2 of a permanently flooded area of wetland.

Not enough info to determine: What is the shoreland status?







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

Application Contents

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



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Application Contents Continued...

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





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Application Contents Continued...

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

Special Considerations (8420.0515)

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

- Endangered and threatened species (DNR natural heritage/nongame)
- Rare natural communities (DNR natural heritage)https://mce.dnr.state.mn.us/
- Special fish and wildlife resources (fish spawning, water birds, waterfowl, deer wintering/wildlife corridor)
- Archaeological, historic, or cultural resource sites (National Register of Historic Places, State Historical Preservation Office) https://mn.gov/admin/shpo/
- Groundwater sensitivity (Decorah edge, Geologic Sensitivity)



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Special Considerations Continued...

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

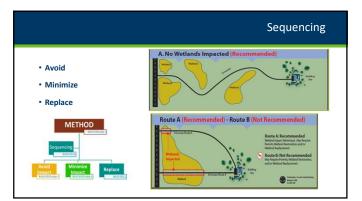


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Sequencing: 8420.0520

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

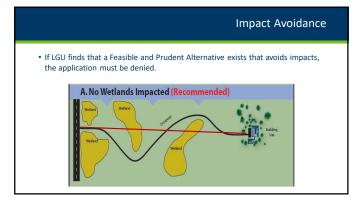




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How does applicant demonstrate sequencing?

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



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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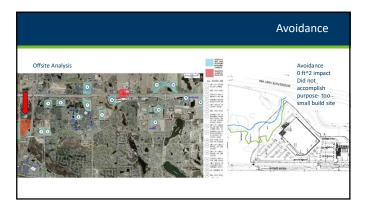
Evaluating Alternatives (continued)

- 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.)?

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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Alternatives Analysis Continued... Future considerations when reviewing a site and potential off-site impacts United Map When the Continued Map Concept Earth Concept Earth

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Alternatives Analysis Continued...

• Direct and secondary impacts:

A wetland may not be directly impacted (filled/drained/excavated) but can be impacted through loss of hydrology (storm pond, curb/gutter, pipes, etc.)



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What if an avoidance alternative does NOT exist?

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

Impact Rectification

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



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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;
- Upland site of the project or replacement has greater function and value:
- 4. Human health and safety is a factor.





Sequencing – Replacement

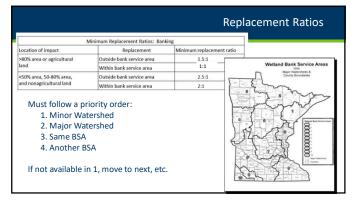
Final Review Step

LGU must evaluate if unavoidable impacts will be adequately <u>replaced</u> AND if correctly <u>sited</u>.

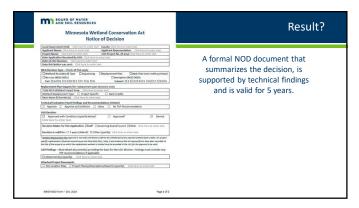
Adequate Replacement

- 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.)

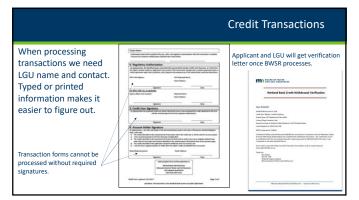
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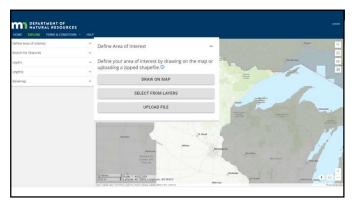


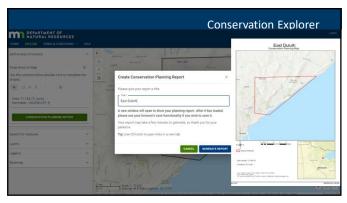


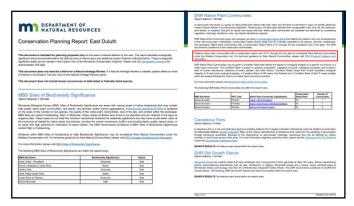


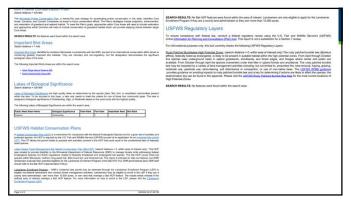










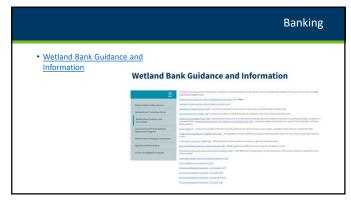


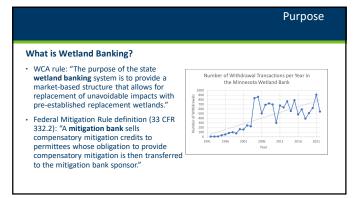










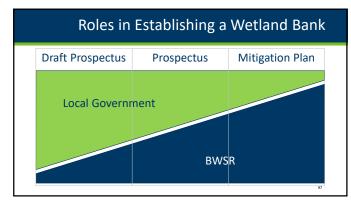






| Actions Eligible for Credit 8420.0526 | | | |
|---------------------------------------|--|----|--|
| Subpart | Action | | |
| 2 | Buffer | | |
| 3 | Restoration, Completely Drained or Filled | | |
| 4 | Restoration, Partially Drained or Filled | | |
| 5 | Vegetative Restoration of Farmed Wetland | | |
| 6 | Protection of Wetlands Previously Restored | | |
| 7 | Wetland Creation | | |
| 8 | ENRV | | |
| 9 | Preservation | 95 | |









Draft Prospectus

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

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Prospectus Crediting Topographic Information Wed Wetland Back Credit Allocation Table Wetland Determination Wetland Determination Title Opinion Title Opinion Site Hydrology Information Topographic Information Wetland Determination Wetl

Roles for reviewing prospectus

TEP/LGU Roles:

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

BWSR Role:

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

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Review

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



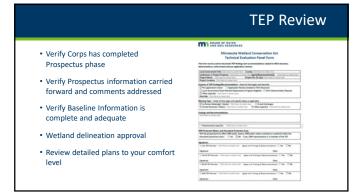
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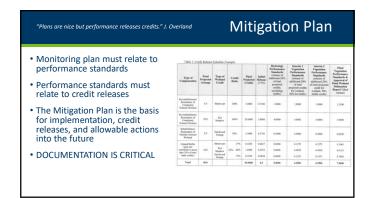
Wetland Mitigation Proposal Mitigation Plan (Full Application) BWS R Union to the proposal proposal

Mitigation Plan

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

Required: • Detailed vegetation plans • Detailed construction plans • Detailed monitoring plans • Performance standards • Credit release schedule





Mitigation Plan Decision * Track 15.99 time limits, extensions needed **Track 15.99 time limits, extensions needed

- Most Mitigation Plans will require some revision
- Make final decision in accordance with
- section 15.99
- Clearly identify and retain approved Mitigation Plan

 When possible the WCA and Corps approved plans should be the same

| Minneso | rta Wetland Conservation Act | | | |
|---|--|--|--|--|
| Natice of Decision | | | | |
| and foreness into | Charles | | | |
| Special Service | Applicat Superadistrial | | | |
| Date Complete Application Received | In case of the part of the par | | | |
| Date of cold fluctuation. There has fluctuate one factor. | | | | |
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| With Decision Spen, cheef of the age | Parties Charteston for Chet Factor out and a | | | |
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| Market Report Securiors | e Service See See N | | | |

109

Easement Acquisition

GENERAL PROCESS INFORMATION



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

110

LGU role in Easement Acquisition

- Help the sponsor find the "Conservation Easement Acquisition Overview for Private Wetland Banks"
- BWSR easement staff will take it from there



Easement Acquisition

The significant steps in the easement acquisition process include:

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

112

Construction Certification \bullet LGU $\underline{\text{must}}$ certify the initial constructionDitch M12 ~Sta. 50 • Documentation: · as-built drawing seed tags • Site Visit with TEP • Recommend TEP Findings of Fact

113

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

Local Government Road Wetland Replacement Program

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



115

What projects Qualify?

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



116

Reviewing Local Road Projects Receive joint approve Local Road Projects Receive joint approve Local Road Authority Receive joint approve eligible for program TEP signs Attachment E Authority Authority TEP signs (Corporation Attachment E plant to the program) Authority Receive joint approve eligible for program TEP signs (Authority SWR Central SWR Central

| | Joint Application Form |
|--|---|
| Joint Application Form for Activities Affecting Water Resources in Microscott. In Microscott. See the Committee of Commi | For Local Road Projects: • Parts 1-5; Attachments C and E • May need Attachment D if there will be impacts that do not meet the Local Road Program eligibility requirements |
| Minimal recognity from National Agenciates from National State Confession | 118 |

Application Requirements

Local Road Unit should provide TEP the following:

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



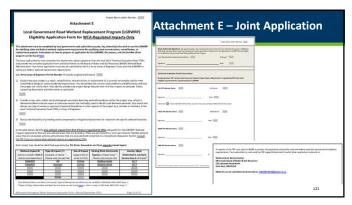
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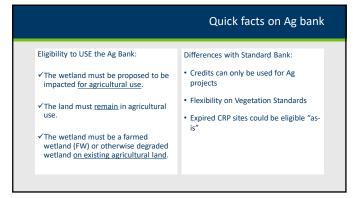
Good Example

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

| | Existing | Required | Proposed |
|------------------------|----------|----------|----------|
| Lane Width (ft) | 12 | 11-12 | 12 |
| Shoulder Width (ft) | 0-6 | 8 | 8 |
| In-Slope | 1:4 | 1:4 | 1:4 |
| In Stope | 4.4 | 1.4 | 1 |

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





122

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



Overview of Wetland Bank Monitoring Onstruction Certification Duration of monitoring Deposit of Credits Maintenance responsibilities Monitoring reports Timeline Reports Corrective Actions

125

General Monitoring roles once wetland bank is approved

LGU/Corps roles:

- certify construction
- certify credits for deposit
- review monitoring reports
- may require corrective actions as needed

Sponsor/landowner roles:

- Sponsor responsible for maintenance
- Submitting as-built documentation
- Submitting wetland credit deposit transaction form(s)
- Submitting monitoring reports
- Paying administrative fees

Monitoring must begin no later than first full growing season after construction certification Must continue for at least 5 full growing seasons If unsuccessful, the LGU may extend the monitoring period (<5 additional years) Actual monitoring schedule may vary for different bank types (restoration vs preservation) Actual monitoring schedule may vary for different bank types (restoration vs preservation)

127

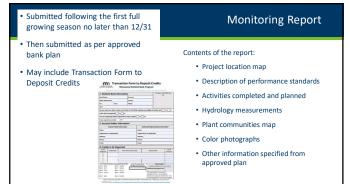
Performance Standards

 Performance standard: observable or measurable physical (including hydrological), chemical and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

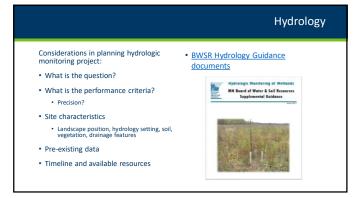
Examples:

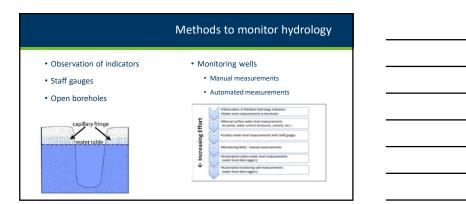
- Vegetation
 - "85% of the site is vegetated by planted species and/or regenerated species as per approved plan by end of 5th complete growing season"
- Hydrology
 - "Hydrology must meet wetland definition of 1987 Corps of Engineers Manual with saturation to the surface of the soil for at least 31 days of the growing season."

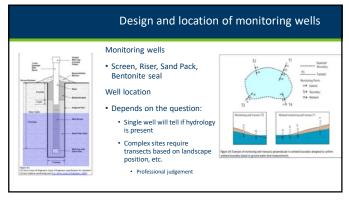
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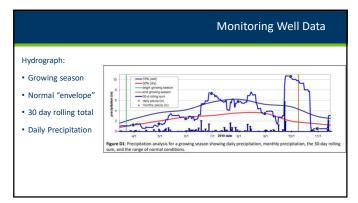


| Reviewing Monitoring Repo | | | | | | |
|--|--|--|--|--|--|--|
| | | 3447 | | Know performance standards | | |
| Success Criteria | Measured Criteria | Success Criberia | Comments | Know performance standards | | |
| undorsh used for 2011 | - 2016 | , seater | | Interpret data to determine whether t | | |
| Water between 6- inches above and one foot below ground surface | Measured hydrology is between 6 inches above and one foot below ground surface | Tes | Formal hydrology manifoling not required for 2017. | site meets those standards | | |
| Majority of the growing season | Hydrology was within the depred range for the majority of the growing season. | Yes | direct site observations | • If not, document with data what is no | | |
| | | | | meeting standard | | |
| Manamum of five native species | 79 native species have been observed | Yes | Species diversity increased from 2016 to 2017 | meeting standard | | |
| resides and two graces | Eight sedges and eight grasses. have been identified | Yes | Species composition stable | Consult with TEP & Corps | | |
| No more than 10% total cover | Total cover of investive species is less than 30%, and has been effectively controlled. | Yes | Reed cartery grass is less than 5% coverage. | Then corrective actions should be | | |
| No single areas greater than one- quarter acre in size | invasive species remain under control with no single area greater than one-quarter acre in size | Yes | Slight increase of along disches, but sprayed again in fall 2017 to control | recommended | | |
| | Success Criteria Sta Success Criteria understand success control Water between 50 suches showed and one that below ground unface. Majority of the growing season. Maramum Sta profess and favo grazes. Sta chart cover. Sta single areas greater than con- | Source Official Measured Offici | Sources Crimins Sourcehow and Coverned Ministe for 2411. Sources Crimins Sourcehow and Coverned Ministe Sourcehouse Control C | Criteria Numerary Accrete Climic Standards and Current Metrics for 2417. Microsot Climic Management Metrics for 2417. Microsot Climic Management Metrics Managemen | | |

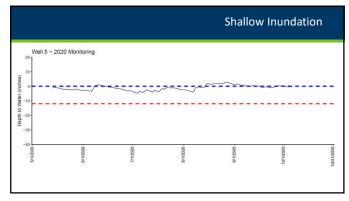


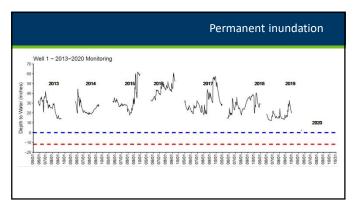


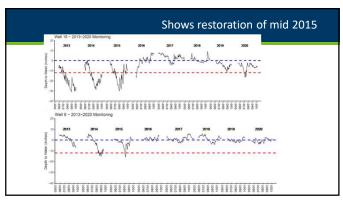


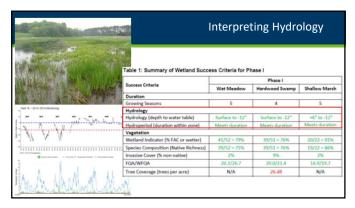




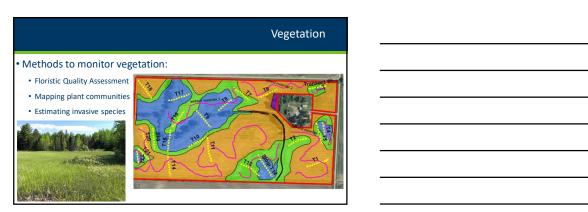


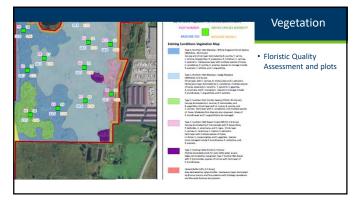






Vegetation Monitoring for Compensatory Wetland Mitigation Sites Developing a vegetation monitoring plan Sampling methods Where and when to monitor Monitoring plan considerations Reporting monitoring results



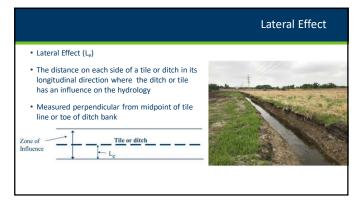


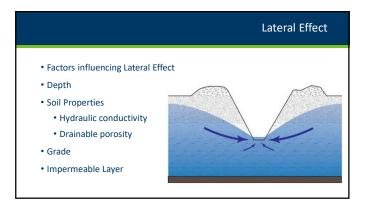
Interpreting vegetation data Indicator status (% FAC or wetter) Composition (% native species richness) Invasive cover (%) Floristic Quality Assessment (index rating) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Invasive cover (%) - Floristic Quality Assessment (index rating) - Floristic Quality Assessment (index rating) - Flority Cover (%) - Floristic Quality Assessment (index rating) - Flority Cover (%) - Flority Cover (%)

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Corrective Actions If, during the monitoring period, the LGU/Corps or TEP determine that a bank site does not meet the approved plan's specifications, the LGU must require corrective actions BWSR can freeze accounts by restricting deposits, withdrawals, transfers until the LGU determines the site is in compliance Noncompliance of bank sites is subject to enforcement procedures







Effectively Drained

- A condition where ground or surface water has been removed by artificial means to the point that an area no longer meets the wetland hydrology criterion
- "Artificial means" is usually a ditch, tile or diversion
- The area will not support a dominance of hydrophytes but hydric soil will persist

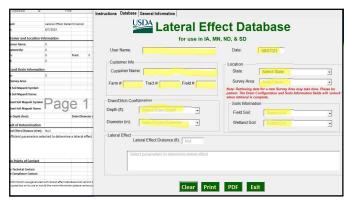
148

Drainage Setback Tables

- Developed by NRCS using the van Schilfgaarde equation from the ND-Drain program
- Setback distance is the minimum distance from the wetland boundary to the tile line or ditch necessary to minimize adverse hydrologic impacts to adjacent wetlands
- Developed by NRCS to advise farmers

149







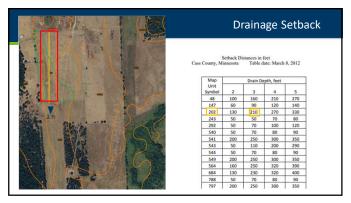
152

Drainage Setback Tables

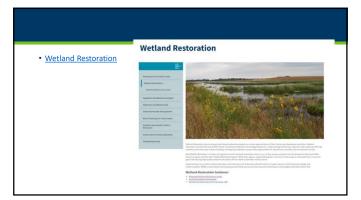
- County-specific
- MN NRCS uses setback distance rather than lateral effect.
- Setback distance and lateral effect are not the same thing!!
- Setback tables not directly applicable for use in determining drainage impact.
- https://bwsr.state.mn.us/lateral-effect-drainage-setback

1) Determine if hydrology indicators are present 2) Overlay drains on soil map 3) Determine average depth of drain per soil type 4) Determine setback distance for each soil type using NRCS table 5) Delineate setback corridor for drain 6) Identify wetlands within or adjacent to setback corridor 7) Consider all variables to determine potential wetland impact











Setting function-based restoration goals and performance standards.

Establishing Goals & Measurable Outcomes:

- Restore natural hydrology
- Reestablish native plant community to site
- Performance Standards (banking)measurable attributes to determine if restoration goals are met

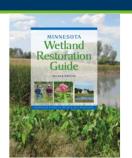


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MN Wetland Restoration Guide

MN Wetland Restoration Guide:

- Planning
- Site Assessment
- Design and Construction
- Vegetation establishment
- Site Management & Monitoring

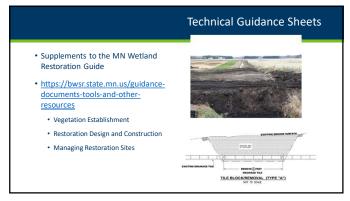


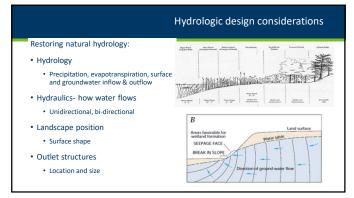
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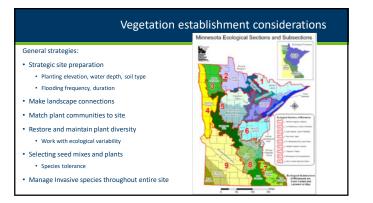
General considerations for wetland restoration

- Identifying and selecting projects
 - Restoration over creation
- Consider potential complications from degraded sites
- Adjacent land uses (present and future?)
- Changes to adjacent landowners?
- Location of area ditchesPublic or private?
 - Drainage Law?
- Understand soil conditions of site (permeability, chemistry)
- Water quality



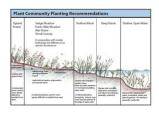






Developing a vegetation plan

- Consider topography and elevations to promote natural hydroperiods for plant species and communities
- <u>Native Vegetation Establishment and</u> <u>Enhancement Guidelines</u>
 - Comprehensive Guidebook



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Selecting seed mixes and plants

- State Seed Mixes lists
- Grassland mixes (NW, SW, SE)
- Woodland mixes (S&W, Central, NE, NW)
- Wetland mixes (NE, South & West)

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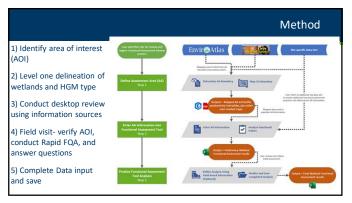
Managing Restoration Sites

- <u>Technical Guidance Documents</u>:
- Herbicide application
- Prescribed burning
- Mowing, grazing & haying
- Water level management (flooding & drawdown)
- Plant Care
- Inspecting and maintaining outlet structures
- Animal Control

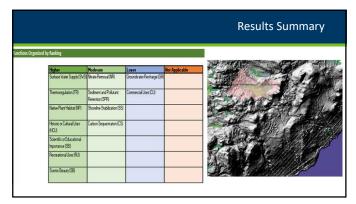




Developed by Committee of MN, Wisconsin and Federal Agencies Released for public comment in 2024 Tool assesses 17 wetland functions under five categories: hydrologic, water quality, ecological, climate, anthropogenic | Water Guality | Security | Secu



| assessment Area Information | | house the short of other to be and | the state of | 200 | 40 | | | Security |
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Key concepts: Species conservatism-tolerance to degradation Coefficients of Conservatism (C-value) Floristic Quality Index Species richness and mean C-values Sampling methods Rapid FQA Full Method

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• Coefficients of Conservatism • Numeric rating of an individual species fidelity in relationship to disturbance • C-values range from 0-10 • 0= most tolerant, found in wide variety of plant communities • 10= least tolerant, found in narrow range of plant communities • Non-native species = 0 • Reed Canary Grass (introduced) C=0 • Ostrich Fern (FAC, NCNE) C=5 • Pink lady slipper C=9

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FQA Sampling Protocol: • Map Assessment Area • Determine Plant community types • Conduct timed meander (rapid) or plot-based sampling • Conduct shoreland sampling (if necessary) • Make Areal cover estimations • Calculations

| | | | | Metrics |
|-----------------------|---|--|--|--|
| | Contract Special | | Rapid FQA Data Form | |
| Variables: | General Information (Internal Information (Internal Information | P* | Fortune Quality manuser (No. | Floristic Quality Index |
| • Number of species = | Community information SARRY Treet Tout Community Told #1) #2 | NESS PROTECTION | MIN ININ DATES | Integral measurement of FQA |
| Species Richness | Species Checklist consumptions Species District consumptions | reget i has being more | 123 | $FQI = \overline{C}\sqrt{S}$ |
| Mean C-value | - Divine displaces - Large Holls - area Holls - Holls Rafia - Macris Large | Personal strate Personal strates Personal strates Personal strates Personal strates Personal strates | - Numerica Strongston - Strongs carbon | mean C value |
| Mean C-value | And regards See related | Telephone Principles Principles | Commerciale Deliverage Deliverage Deliverage | S= number of species (i.e. species richness) |
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Add slides NWI Soil survey Ecological site description

