

## APPLICATION FOR MINNESOTA WETLAND CONSERVATION ACT (WCA) DECISIONS AND PROCEDURE REQUIREMENTS

A \$75.00 LRRWMO initial application fee and the appropriate escrow deposits (determined in accordance with Attachment W3) must accompany this permit application for any Wetland Conservation Act (WCA) decisions. These are separate and in addition to permit and escrow fees for Grading, Stormwater Management, and Erosion/Sediment Control permit application, if applicable.

Permits are to be processed at the same time as the site plan, preliminary plat or other city land use or building application submitted to the city in which the work or project is located.

Wetland permit processing takes longer than other permit processing. The permit application and supporting documentation should be submitted to the LRRWMO AT LEAST 60 DAYS PRIOR TO THE REGULARLY SCHEDULED MONTHLY LRRWMO MEETING AT WHICH A DECISION IS REQUESTED. A PERMIT NUMBER WILL NOT BE ASSIGNED UNTIL CITY AUTHORIZATION IS RECEIVED.

**Project Name:** \_\_\_\_\_

**Address/Location:** \_\_\_\_\_

**Project Description/Purpose:** \_\_\_\_\_

<b>Name of Applicant (Site Owner or Property Owner)</b>	
_____	
<b>Address</b>	
_____	
<b>City, State, Zip</b>	
_____	
<b>Phone</b>	<b>Fax</b>
_____	_____
<b>Email</b>	
_____	

<b>Applicant's Contact</b>	<b>Organization Name</b>
_____	_____
<b>Address</b>	
_____	
<b>City, State, Zip</b>	
_____	
<b>Phone</b>	<b>Fax</b>
_____	_____
<b>Email</b>	
_____	

### Submittal Requirements

Complete applications are to be submitted as per LRRWMO attachments W1 (Permit Requirements), W2 (Office Procedure), and W3 (Fees, Deposit, and Sureties for Wetland Conservation Act) included with this application. Projects may also require a LRRWMO Grading, Stormwater Management, and Erosion/Sediment Control Permit (separate application and fee/escrow amounts)

### PROJECT SUBMITTALS (check all that apply):

<input type="checkbox"/>	WETLAND BOUNDARY DELINEATION AND TYPE CONCURRENCE
<input type="checkbox"/>	REQUEST FOR NO LOSS OR EXEMPTION UNDER THE WETLAND CONSERVATION ACT (WCA)
<input type="checkbox"/>	WETLAND REPLACEMENT PLAN AND/OR SEQUENCING
<input type="checkbox"/>	WETLAND BANKING PLAN
<input type="checkbox"/>	OTHER

START OF  
PROJECT: \_\_\_\_\_

EST. COMPLETION  
DATE: \_\_\_\_\_

APPROVAL  
DATE: \_\_\_\_\_

**By signing this Permit Application, the undersigned consents and agrees on behalf of the Applicant that:**

1. The permit application fee is non-refundable. Escrow deposits will be held by the LRRWMO until the project has been completed and all conditions of issuance of the permit are satisfied. The Applicant is responsible for all expenses incurred by the LRRWMO in the processing, administration and enforcement of the permit application and permit. The escrow deposit will be used to reimburse the LRRWMO for all expenses incurred by the LRRWMO in processing, administering and enforcing the permit application and permit, including engineering, legal and other consultant costs. If such expenses exceed the escrow deposit, the LRRWMO will bill the Applicant or Permittee for such excess amount and payment will be due within twenty (20) days of mailing the invoice. Timely payment of such invoices is a condition of all permits and work may be stopped on the project for failure to make payments when due.
2. The undersigned, its agents, principal, assigns and/or representatives (hereinafter "Permittee") shall abide by all the standard conditions and special terms and conditions of the LRRWMO.
3. Any work that violates the terms of the permit may result in the LRRWMO or the City in which the work is being done immediately causing the work on the project relating to the permit to cease and desist. All work on the project shall cease until the permit conditions are met and approved by the LRRWMO and/or the City in which the work is being done.
4. The Permittee agrees to be bound by the terms of the LRRWMO permit requirements, final permit, standard conditions, and special conditions required by the LRRWMO for approval of the permit. The undersigned has the authority to bind the permit holder, the owner of the property and/or any entity performing work on the property pursuant to the terms of LRRWMO permit, and shall be responsible for complying with terms of the LRRWMO permit.

"I certify that I have thoroughly read and understand the above information."

Signature of property owner or designated Agent (no agent without a letter of authority)	Date	Signature of applicant if different from property owner	Date
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Print Signer's name	Print Signer's name
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**Application Acknowledged by City:**

Name of City Official	City	Date
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SIGNATURE OF LRRWMO CHAIRMAN: \*\* \_\_\_\_\_

**\*\*NOTE: Subject to conditions as designated in the WCA Notice of Decision as recommended by the Technical Evaluation Panel and Barr Engineering (see attached)**

PERMIT IS NOT VALID IF PROJECT HAS NOT STARTED WITHIN ONE YEAR FROM DATE OF APPROVAL

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**LRRWMO Attachment W1****PERMIT REQUIREMENTS**

APPLICATION DEADLINE: Third Thursday of the month for consideration at the following regularly scheduled monthly LRRWMO board meeting on third Thursday of month.

REQUIRED SUBMITTALS:

1. Completed Permit Application Form (attached)
2. \$75 LRRWMO initial application fee plus an escrow deposit determined in accordance with Attachment W3 for any Wetland Conservation Act (WCA) decisions.
3. Wetland Permitting Information
  - a. The permit applicant is responsible for ensuring wetland applications are in complete compliance with the Wetland Conservation Act of 1991 and applicable documentation is provided as listed on the Minnesota Board of Water and Soil Resources (BWSR) website:

<http://www.bwsr.state.mn.us/>.

Permit applicants shall refer to the BWSR website for sample application forms and check lists. These forms will be used for reviewing wetland applications. Failure to provide a complete application will result in delays in permit review.

- b. When working near DNR public waters, applicants shall submit information indicating the OHW (ordinary high water) level and the wetland boundary according to the WCA of 1991. Availability of OHW information is available from the MDNR Area Hydrologist. When working in DNR Public Waters, an online Minnesota DNR Permitting and Reporting System (MPARS) application may also be required by the DNR.

SUBMITTAL NOTES:

- Permit applicants shall submit the attached Joint Application Form for Activities Affecting Water Resources in Minnesota (Attachment W4).
- Failure to fully follow the application requirements of the Wetland Conservation Act will result in delays in permit review.
- Applicants can expect a 60-day review period provided all applicable materials have been submitted and reviews are completed within the growing season, if applicable.

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LRRWMO Attachment W2

OFFICE PROCEDURE

**Procedure to Accept LRRWMO Permit:**

1. Complete LRRWMO Permit Application for Minnesota Wetland Conservation Act (WCA) Decisions and Procedure Requirements form. **Requires signature of acknowledgement from City official prior to submittal to LRRWMO. For appropriate City contact information refer to the LRRWMO website at [www.lrrwmo.org/](http://www.lrrwmo.org/)**

NOTE: See "PROJECT SUBMITTALS" section of Application

2. Submit Application, \$75 initial application fee plus an escrow deposit\* in accordance with LRRWMO Attachment W3 for Wetland Conservation Act applications, as applicable, payable to the Lower Rum River WMO, and one (1) set of plan submittals (electronic) to:

Lower Rum River WMO  
City of Anoka  
2015 First Street N.  
Anoka, MN 55303  
763-576-2773

(This set of plans is for LRRWMO file copy) \*escrow deposits: *The LRRWMO costs related to the project will be charged to permit escrow fund. Funds remaining in the permit escrow account when the project is closed will be returned to the applicant.*

3. Forward electronic copy of Application and associated submittals to:

Karen Wold  
Barr Engineering Co.  
[kwold@barr.com](mailto:kwold@barr.com)

4. Wetland permit decisions are usually made within 60 days from receipt of a complete application.

**Procedure to Request Return of Permit Fund Balance:**

1. When project reaches status of 100% completion (as contained in Quarterly Report), the respective City prepares a written request to LRRWMO for return of escrow deposit balance with copy to Anoka's Finance Department. The request must be submitted prior to the third Thursday of each month to meet the next month regular meeting agenda deadline.

**LRRWMO ATTACHMENT W3**

**Fees, Deposit and Sureties for Wetland Conservation Act (WCA) Applications**  
Updated *April 2011*

**FEES**

<b>Activity</b>	<b>Fee</b>
<b>Initial WCA Application Fee</b>	<b>\$75</b>
Office and Field Review of Wetland Boundary Delineation or Type Determination (Applicant is responsible for submitting a complete Wetland Delineation Report, according to BWSR guidance).	Evaluation Area < 10 acres and less than 3 wetlands being evaluated \$1,000 <i>Escrow</i>
	Evaluation Area < 100 acres and < 6 wetlands being evaluated \$1,500 <i>Escrow</i>
	Evaluation Area =/> 100 acres and/or =/> 6 wetlands being evaluated \$2,000 <i>Escrow</i>
Review of WCA exemptions and No Loss requests.	\$1,000 <i>Escrow</i>
Review of Wetland <b>Replacement Plans</b> (needed for all projects requiring replacement for wetland impacts).	\$1,000 <i>Escrow</i> plus \$100/acre of wetland plus \$5,000/acre of wetland impact plus \$5,000 for mitigation monitoring review
Creating a Wetland Bank	\$15,000

**Note:** escrow amounts are cumulative if more than activity is being reviewed.

**Cash Surety Deposit for Performance**

For Wetland Replacement Plans:

The Permittee or owner shall provide a cash surety (***or an automatically renewable Letter of Credit from a bank approved by the Treasurer of the LRRWMO***) in an amount determined by the LRRWMO, so that, if needed, a third party has the funds to create, manage, and monitor the wetland replacement area should the applicant fail to comply with the required creation of the wetland mitigation site. If the Letter of Credit is not honored by the issuer, the LRRWMO may choose litigation to obtain the necessary funds or to obtain a court order to require the permittee or owner to create the wetland mitigation area. The LRRWMO will determine a cash surety (***or letter of credit***) amount in addition to the permit application fee and escrow deposit.

**Proposed WCA LRRWMO Surety Amount**

Activity	Performance Surety Amount
Wetland Replacement	<b><i>\$1 per sq. ft. of mitigation with a minimum of \$5,000 unless a higher or lower amount is deemed necessary by the LRRWMO.</i></b>

- The permit application, fee escrow deposit and cash surety deposit may be in one check payable to the Lower Rum River Watershed Management Organization.
- Only actual work done by the LRRWMO or its consultants will be charged against the escrow deposit or performance security.
- The performance surety may be waived if approved wetland banking credits are purchased for fulfilling the required mitigation provisions of the permit.

# Joint Application Form for Activities Affecting Water Resources in Minnesota

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

## Regulatory Review Structure

### Federal

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

### State

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

## Required Information

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

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

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

## Submission Instructions

Send the completed joint application form and all required attachments to:

**U.S Army Corps of Engineers.** Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and select "Minnesota" from the contact Information box.

Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

**Section 401 Water Quality Certification:** Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

**Wetland Conservation Act Local Government Unit:** Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site ([www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)) to determine the appropriate LGU.

**DNR Public Waters Permitting:** In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (<https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>).

Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

## PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

**Applicant/Landowner Name:**

**Mailing Address:**

**Phone:**

**E-mail Address:**

**Authorized Contact (do not complete if same as above):**

**Mailing Address:**

**Phone:**

**E-mail Address:**

**Agent Name:**

**Mailing Address:**

**Phone:**

**E-mail Address:**

## PART TWO: Site Location Information

**County:**

**City/Township:**

**Parcel ID and/or Address:**

**Legal Description (Section, Township, Range):**

**Lat/Long (decimal degrees):**

**Attach a map showing the location of the site in relation to local streets, roads, highways.**

**Approximate size of site (acres) or if a linear project, length (feet):**

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

[http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform\\_4345\\_2012oct.pdf](http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf)

## PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted *prior to* this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.



## PART FOUR: Aquatic Resource Impact<sup>1</sup> Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) <sup>1</sup>	Size of Impact <sup>2</sup>	Overall Size of Aquatic Resource <sup>3</sup>	Existing Plant Community Type(s) in Impact Area <sup>4</sup>	County, Major Watershed #, and Bank Service Area # of Impact Area <sup>5</sup>

<sup>1</sup>If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

<sup>2</sup>Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

<sup>3</sup>This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

<sup>4</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>5</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

## 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.

<sup>1</sup> The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

## Attachment A

# Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

**Wetland Type Confirmation**

**Delineation Concurrence.** Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

**Preliminary Jurisdictional Determination.** A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

**Approved Jurisdictional Determination.** An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).

<http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx>

## **Attachment B**

# **Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation**

Complete this part *if* you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR *if* you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

## Attachment C

### Avoidance and Minimization

**Project Purpose, Need, and Requirements.** Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

**Avoidance.** Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

**Minimization.** Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

**Off-Site Alternatives.** An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

## Attachment D Replacement/Compensatory Mitigation

Complete this part *if* your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

**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

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

**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 <sup>1</sup>	Corps Mitigation Compensation Technique <sup>2</sup>	Acres	Credit % Requested	Credits Anticipated <sup>3</sup>	County	Major Watershed #	Bank Service Area #

<sup>1</sup>Refer to the name and subpart number in MN Rule 8420.0526.

<sup>2</sup>Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.

<sup>3</sup>If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):

Project Name and/or Number:

Attach a map of the existing aquatic resources, associated delineation report, and any documentation of regulatory review or approval. Discuss as necessary:

For actions involving construction activities, attach construction plans and specifications with all relevant details. Discuss and provide documentation of a hydrologic and hydraulic analysis of the site to define existing conditions, predict project outcomes, identify specific project performance standards and avoid adverse offsite impacts. Plans and specifications should be prepared by a licensed engineer following standard engineering practices. Discuss anticipated construction sequence and timing:

For projects involving vegetation restoration, provide a vegetation establishment plan that includes information on site preparation, seed mixes and plant materials, seeding/planting plan (attach seeding/planting zone map), planting/seeding methods, vegetation maintenance, and an anticipated schedule of activities:

For projects involving construction or vegetation restoration, identify and discuss goals and specific outcomes that can be determined for credit allocation. Provide a proposed credit allocation table tied to outcomes:

Provide a five-year monitoring plan to address project outcomes and credit allocation:

Discuss and provide evidence of ownership or rights to conduct wetland replacement/mitigation on each site:

Quantify all proposed wetland credits and compare to wetland impacts to identify a proposed wetland replacement ratio. Discuss how this replacement ratio is consistent with Corps and WCA requirements:

By signature below, the applicant attests to the following (only required if application involves project-specific/permittee responsible replacement):

- All proposed replacement wetlands were not:
  - Previously restored or created under a prior approved replacement plan or permit
  - Drained or filled under an exemption during the previous 10 years
  - Restored with financial assistance from public conservation programs
  - Restored using private funds, other than landowner funds, unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement.
- The wetland will be replaced before or concurrent with the actual draining or filling of a wetland.
- An irrevocable bank letter of credit, performance bond, or other acceptable security will be provided to guarantee successful completion of the wetland replacement.
- Within 30 days of either receiving approval of this application or beginning work on the project, I will record the Declaration of Restrictions and Covenants on the deed for the property on which the replacement wetland(s) will be located and submit proof of such recording to the LGU and the Corps.

Applicant or Representative:

Title:

Signature: \_\_\_\_\_

Date:

## Attachment E

### Local Road Replacement Program Qualification

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

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

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

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

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

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

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

Discuss the feasibility of providing onsite compensatory mitigation/replacement for important site-specific wetland functions:

Please note that under the MN Wetland Conservation Act, projects with less than 10,000 square feet of wetland impact are allowed to commence prior to submission of this notification so long as the notification is submitted within 30 days of the impact. The Clean Water Act has no such provision and requires that permits be obtained prior to any regulated discharges into water of the United States. To avoid potential unauthorized activities, road authorities must, at a minimum, provide a complete application to the Corps and receive a permit prior to commencing work.

By signature below, the road authority attests that they have followed the process in MN Rules 8420.0544 and have determined that the wetland impacts identified in Part 4 are eligible for the MN Local Government Road Wetland Replacement Program.

Road Authority Representative:

Title:

Signature: \_\_\_\_\_

Date:

**Technical Evaluation Panel Concurrence:**

Project Name and/or Number:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program?  Yes  No

Signature: \_\_\_\_\_

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program?  Yes  No

Signature: \_\_\_\_\_

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program?  Yes  No

Signature: \_\_\_\_\_

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program?  Yes  No

Signature: \_\_\_\_\_

Date:

Upon approval and signature by the TEP, application must be sent to: **Wetland Bank Administration  
Minnesota Board of Water & Soil Resources  
520 Lafayette Road North  
Saint Paul, MN 55155**