



Wetland Bank Plan Application Instructions

OVERALL PROCESS

To establish a wetland bank in Minnesota, approval of a wetland bank plan must first be obtained. There is a three-step process for obtaining approval of a wetland bank plan under Minnesota Wetland Conservation Act (WCA) program requirements. The three steps are as follows:

1. Wetland Bank Plan Scoping Document
2. Wetland Bank Plan Concept Document
3. Wetland Bank Plan Full Application

The WCA Local Government Unit (LGU) is responsible for making decisions on bank plan applications. The local Technical Evaluation Panel (TEP) is responsible for making recommendations to the LGU on bank plan applications. The Board of Water and Soil Resources (BWSR) has a representative on the TEP and provides additional review of bank plans by an engineer, vegetation specialist, wetland banking coordinator, and other technical staff.

STEP 1- SCOPING

Potential bank plan applicants must first submit a scoping document to the LGU to initiate the bank plan review process. This scoping document review will help the project sponsor identify project opportunities, issues, and potential problems, and will result in findings and recommendations regarding overall suitability of the project site for wetland banking. Early review and input as part of this scoping review allows a potential project sponsor to make an informed decision on the suitability of the site and whether to continue with the application process prior to a substantial investment of time and resources. LGU staff and other TEP members can provide assistance in completing this document and compiling the necessary information. This step in the process can be initiated by a landowner without the assistance of professional consultants.

The project sponsor will receive a copy of the findings and recommendations that result from this this scoping review. These findings and recommendations do not constitute final approval of a wetland bank plan or guarantee success should the project continue with the review process.

STEP 2- CONCEPT PLAN

After completing Step 1, a concept bank plan will need to be developed and a concept plan document completed and submitted to the LGU for review. Review of this document will help identify any potential issues with the project design, proposed easement, credit amount, credit criteria, credit release schedule, and any other issues prior to investing the time and expense necessary to complete a final plan and full application. This step in the process generally requires the assistance of professional consultants and/or others with expertise in wetland science, engineering, and vegetation restoration depending on the nature of the project. Some of the same information and figures required in scoping is also required for the concept plan. If some information has not changed, the applicable information can be copied directly from the scoping document to the concept plan document.

The project sponsor will receive a copy of the findings and recommendations that result from this concept plan review. These findings and recommendations do not constitute final approval of a wetland replacement project or guarantee success should the project continue with the review process.

STEP 3- FULL APPLICATION

Submittal of this document to the LGU will initiate the formal wetland bank plan review and approval process under WCA rules. Only the approval of a full application by the LGU constitutes approval of a wetland bank plan for WCA purposes. Some of the same information and figures required in the concept plan is also required for the full application, but with more detail. If some information has not changed, the applicable information can be copied

directly from the concept document to the full application form. It is important to provide full and complete answers to all items in the form regardless of whether or not they were addressed at previous stages of review.

Upon receipt of a complete application, there will be a formal notice of application issued by the LGU with a comment period specified in the notice. For most projects, the requirements of a full application require the assistance of professional consultants and/or others with expertise in wetland science, engineering, and vegetation restoration depending on the nature of the project. For projects requiring the development of construction plans, applicants should be aware of Minnesota Statutes 326.02 making it unlawful to practice or offer to practice engineering services without qualified licensure or certification.

SPECIAL PROJECT TYPES

Certain special types of projects such as those involving wetland preservation only, exceptional natural resource value projects, and agricultural banking projects will require applicants to review and address applicable guidance documents in their submittals. Applicants should consult the BWSR website for current applicable guidance documents (<http://www.bwsr.state.mn.us/wetlands/>).

U.S. ARMY CORPS OF ENGINEERS APPROVAL OF WETLAND BANK PLANS

The instructions and associated documents and forms described above can also be used to seek approval of a wetland bank plan by the U.S. Army Corps of Engineers (Corps) for purposes of banking wetland credits for use under Section 404 of the Clean Water Act. Wetland bank credits approved by both WCA and the Corps have increased utility and hence more value than only WCA-approved credits.

The Corps has a separate federal process for reviewing and approving wetland bank plan applications, but their requirements and process are similar to the State process. If Corps approval is sought, applicants should indicate it on the submittal documents and forms (check box provided) and provide a copy to the Corps project manager for the area where they are proposing a wetland bank. Corps project managers can inform applicants of minor differences in requirements and procedures associated with seeking federal approval.

AFTER BANK PLAN APPROVAL

If the full bank plan application is approved by the LGU, the following will be required before a wetland bank account with available wetland credits can be established:

- Legal boundary survey of easement
- Commitment to Insure and Policy of Title Insurance naming State of Minnesota as insured (BWSR-approved)
- Recorded Wetland Bank Conservation Easement (BWSR-approved)
- Initial project implementation per the approved bank plan
- Construction certification by the LGU (if applicable)
- Request to Deposit Wetland Credits approved by the LGU

Applicants with approved bank plans will need to contact BWSR to initiate the items listed above. Check the BWSR website for more information.