

Wetland Mitigation Fee Policy Addendum

Policies for Single-User Accounts and Stewardship of Large Mitigation Sites

I. Background.

This document is an addendum to the Minnesota Board of Water and Soil Resources (BWSR) “2017 Wetland Mitigation Fee Policy,” effective June 1, 2017 (2017 Policy). The purpose of this addendum is to:

- 1) use the flexibility provided in Minn. Stat. § 103G.2242, Subd. 14(b) to define the type, amount, and collection of fees associated with credit transfers of more than 100 wetland banking credits to a single-user account; and
- 2) modify the determination and collection of the Easement Stewardship Fee for mitigation sites with easement areas in excess of 300 acres.

II. Definitions.

A “single-user wetland bank account” or “single-user account” means a wetland banking account established by a single entity (person, business, or organization) where the credits transferred or deposited into the account will be used solely to provide wetland replacement for that entity. Upon establishment of a single-user account the account holder agrees that credits transferred or deposited into the account may not be sold or transferred to another entity.

III. Single-user Account Fees.

This section implements Minn. Stat. § 103G.2242, Subd. 14(b), which allows BWSR to establish wetland banking fees at or below the amount prescribed in statute for single-user or other dedicated wetland banking accounts. For the transfer of more than 100 wetland bank credits into a single-use account, the following fees will not be collected for the account: annual maintenance fee, account establishment fee, or transfer fee. The amount of the withdrawal fee will not be prescribed as provided in Section III, Paragraph D of the 2017 policy and will be determined according to the following table:

Number of Credits Transferred into the Single-user Account	Percent of Withdrawal Fee Applied to Transferred Credits
Up to 100	100%
101-200	75%
201-300	50%
301+	25%

The withdrawal fee prescribed in this policy addendum applies to all credits transferred within the identified range. For example, for a 500 credit transfer, the withdrawal fee would be 100% of the existing fee for the first 100 credits, plus 75% of the existing fee for the second 100 credits, plus 50% of the existing fee for the third 100 credits, plus 25% of the existing fee for the remaining 200 credits. The fee for multiple transfers from a single bank into the same single-use account will be determined on a cumulative basis (i.e. all such transfers will count towards the number of transferred credits associated with the fee determination tiers).

For transfers that qualify for the withdrawal fee under this section, the fee will be collected in its entirety at the time of transfer, unless the transfer account holder and BWSR agree in writing to an alternative fee payment mechanism prior to the transfer of credits into the single-user account or within 120 days of the effective date of this fee policy addendum.

By making the transfer and accepting the modified withdrawal fee described in this section, the account holder agrees that the transferred credits are now subject to single-user account limitations (see Section II. Definitions).

IV. Easement Stewardship Fee.

This section describes the mitigation easement stewardship payment determination and collection mechanisms for large mitigation sites. For wetland mitigation sites with more than 300 acres under easement BWSR will determine a site-specific easement stewardship financial contribution amount, unless the bank sponsor requests that the fee be determined and collected according to Section III, Paragraphs G and I of the 2017 Policy. In determining the amount of the financial contribution, the BWSR will consider the factors prescribed in Minn. Stat. § 103B.103, Subd. 3. Appropriate stewardship calculators or tools may be used to aid in determining the appropriate amount of financial contribution.

For site-specific easement stewardship payment determinations under this section, the financial contribution will be assessed in its entirety at the time of the first credit deposit, unless the account holder and BWSR agree in writing to an account-specific contribution amount collected at the time of credit withdrawal or other alternative collection mechanism. No withdrawals will be processed until the easement stewardship payment has been received by BWSR or an account-specific mechanism is in place.