

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

Project Identification No.: \_\_\_\_\_

# Minnesota Wetland Bank Plan Application

## PART B: WETLAND BANK PLAN SUPPLEMENT

### GENERAL INSTRUCTIONS TO APPLICANTS

To seek approval for the establishment of a wetland bank, applicants must complete and submit both Part A (*Scoping Document*) and Part B (*Bank Plan Supplement*) of this application package. An approved wetland bank application does not guarantee the success of a wetland bank project, nor does it guarantee how many wetland credits will result from the project.

**Approval of both Part A and Part B constitutes an approved Wetland Bank Plan Application.**

Instructions for completing a Wetland Bank Application and how to submit it for review can be obtained from the BWSR web site at ([www.bwsr.state.mn.us](http://www.bwsr.state.mn.us))

Project Name:	County:
---------------	---------

The following supporting documents are **required components** of Part B of the Minnesota Wetland Bank Plan Application. Please refer to each respective appendix for specific details of the information required.

- Appendix 1 - Design and Construction Plan Requirements**
- Appendix 2 - Vegetation Establishment and Management Plan Requirements**
- Appendix 3 - Summary of Existing Wetlands and Credits Expected**
- Appendix 4 - Monitoring Plan Requirements**

The applicant is responsible for providing all information required in the Wetland Bank Plan Application, which includes all required information from the appendices listed above. These appendices may include supplemental reports, maps, plans, drawings, narratives, figures, and other information.

Part B of the Wetland Bank Plan Application **will be considered incomplete** if it is not signed or if any appendix, or a component of an appendix, is not completed and submitted to the Local Governmental Unit administering the Wetland Conservation Act (WCA LGU).

**Do not proceed** with your project until you have received approval of your completed Wetland Bank Plan Application from your WCA LGU. **Wetland bank sites that are restored or created prior to WCA LGU approval of a completed Wetland Bank Plan Application are not eligible for deposit into the State Wetland Bank.**

### APPLICANT'S AFFIDAVIT

The undersigned Applicant hereby applies to the designated Local Governmental Unit administering the Wetland Conservation Act (WCA LGU) to establish the above-described wetland banking credits with the intention of ultimately depositing such credits in the Minnesota Wetland Bank. As a condition for the deposit, the Landowner/Applicant represents, acknowledges and attests as follows:

- I hold, or will hold prior to restoring or creating the wetland bank, a fee simple or other sufficient interest in the real property described above on which the proposed wetland bank project will be established. Any property interest held by the landowner/applicant must include the rights to restore the bank site in accordance with the enclosed plans, specifications, and supporting documents, as well as granting of a perpetual conservation easement to the State of Minnesota (State) in accordance with item (2) below.
- I agree to grant, convey and warrant to the State a **perpetual easement**, which must include provisions for reasonable access, prepared by the State prior to any request to deposit eligible credits that result from the successful implementation of the approved bank plan.
- I understand that the sale of any portion of or interest in the real property prior to granting and recording of a perpetual easement to the State could jeopardize the establishment of an account in the State Wetland Bank unless I as the seller have reserved the rights and interests sufficient to protect the interests of the applicant and the State.
- I agree to provide at my cost a **legal description of the easement boundary, including a description for a legal access** that is acceptable to the state as part of conveying the perpetual easement to the State. I also agree to establish and maintain visible monuments such as signs, fence posts and/or survey posts at prominent locations along the easement boundary.

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

Project Identification No.: \_\_\_\_\_

5. I agree to provide a **Policy of Title Insurance** for the benefit of the State of Minnesota and naming the State of Minnesota as insured, which shall include such terms and be subject to only such exceptions as are acceptable to the State. To ensure acceptability of said policy to the State, a **Commitment to Insure** shall be provided to the State within **thirty (30)** days from the date the Grantor receives a written request for the Commitment to Insure. The Grantor will be responsible for obtaining all consents and subordinations to the easement for all mortgages, liens and other holders of interests in the Grantor’s property, as required by the State. I understand that I will be responsible for all costs associated with obtaining the **Commitment to Insure** and **the Policy of Title Insurance**, including but not limited to the cost of updating the abstract of the property being acquired.
6. That all other holders of interests in the real property on which the proposed wetland bank, or any necessary access easement, will be located (e.g., spouses, mortgagees, fee owners, etc.) if any, will either join in the conveyance or consent by signing a Consent and Subordination Agreement or similar document, which will be recorded with the perpetual easement.
7. That there are no hazardous substances, pollutants, and contaminants in or on the proposed wetland bank area or within 200 feet of it.
8. That any abandoned vehicles, junkpiles, or other dumpsite materials on or within 200 feet of the proposed wetland bank area will be cleaned up with the items properly removed or otherwise disposed of in accordance with local ordinances and state codes prior to or as part of implementing the wetland bank project.
9. That the proposed wetland bank area was not previously restored or created under a prior approved replacement plan.
10. That the proposed wetland bank area was not or will not be restored for other unrelated regulatory purposes.
11. That the proposed wetland bank area was not drained or filled under an exemption during the previous ten years.
12. That the proposed wetland bank area was not or will not be restored or designed with financial assistance from a public conservation program, or if it was or will be, the public conservation program was or will be fully reimbursed. Further, no portion of the proposed wetland bank area is currently enrolled in a public conservation program. (“Public conservation program” includes the Federal Conservation Reserve Program (CRP), the Federal Wetland Reserve Program (WRP), the Reinvest in Minnesota (RIM) Program, the Federal or State of Minnesota Water Bank programs, or other similar conservation programs.)
13. That the proposed wetland bank area was not previously restored using private funds other than those of the landowner, 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.
14. I understand that the said easement to be conveyed to the State requires that I or my successors will be responsible for establishing and maintaining the wetlands and plant communities identified in the Wetland Bank Plan Application.
15. I accept and agree to comply with the monitoring conditions identified in Appendix 4 of this Wetland Banking Application document and as defined in Minnesota Rules Chapter 8420.0600 to 8420.0630.
16. I am aware of and agree to pay to the BWSR all fees assessed for managing wetland bank accounts and transactions, as defined in Minnesota Statutes 103G.2242, Subd. 14 and Minnesota Rules Chapter 8420.0720, Subp. 13.
17. I understand that the State or local government units, and the officers, employees, and agents thereof, make no warranty or representation as to the value of wetland banking credits.
18. I understand that the use of wetland banking credits is subject to compliance with regulatory requirements, including but not limited to the requirement that the user of credits must obtain approval from the Local Governmental Unit (LGU) for a replacement plan or other regulatory approval that designates the use of the credits as the means of replacement or mitigation.

**I hereby accept the conditions and affirm that this application and affidavit are correct and truthful to the best of my knowledge.**  
*(please provide in writing and attach as necessary any further explanation or clarification regarding any of the above items)*

Signature of Landowner/Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**NOTE: The landowner of the proposed wetland bank property must sign this block. Anyone other than the landowner signing the block must have power of attorney for the landowner (include copy of power of attorney).**