

GUIDANCE AND INSTRUCTIONS FOR PREPARING A Minnesota Wetland Bank Plan Application

USE THIS APPLICATION FOR ANY WETLAND BANKING PROJECT FOR WETLAND CONSERVATION ACT (WCA) OR ARMY CORPS OF ENGINEERS SECTION 404:

A Wetland Bank Plan Application includes two general components:

PART A: WETLAND BANK SCOPING DOCUMENT. *Part A* of the application packet facilitates an opportunity for a preliminary review of site information and the proposed wetland banking project. A Technical Evaluation Panel (TEP), and possibly a field *representative* of the U.S. Army Corps of Engineers (COE), completes this preliminary review. The TEP consists of both state and local government officials who will be responsible for overseeing and approving the project. This review provides the applicant with general feedback regarding feasibility of the project and its likelihood of success.

PART B: WETLAND BANK PLAN SUPPLEMENT. *Part B* of the application packet requires specific information about site conditions, wetland design, construction specifications, vegetation establishment and management, monitoring requirements, and other details of the project. The information required to complete *Part B* of this application may require expending significant resources for engineering, as well as developing plans for construction, seeding, weed control, and other practices. Therefore, it is highly recommended that applicants complete *Part A* of the application and meet with the TEP and COE prior to completing *Part B* of the application.

Do not proceed with your project until you have received approvals for both *Part A* and *Part B* from the local governmental unit (LGU) official responsible for WCA administration. **Wetland credits restored or created prior to gaining WCA LGU approval of a completed Wetland Bank Plan Application are not eligible for deposit into the State Wetland Bank.**

If you have questions or need assistance with filling out these forms or you wish to confirm the status of your application, contact your WCA LGU directly. 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) to determine your WCA LGU.

If you believe that your project may be subject to watershed district, local zoning, or any other local regulations besides those of your WCA LGU, contact those office(s) directly. If you are a Federal Farm Program participant and your project affects a wetland or water body on agricultural land, your eligibility for USDA benefits may be affected. Contact your local Natural Resources Conservation Service office [Minnesota NRCS](#) for further information.

OVERVIEW OF THE PROJECT APPLICATION PROCESS

Electronic files: Wetland Bank Plan Application forms and instructions can be downloaded from the [BWSR web-site](#) and filled out using Microsoft Word. Your input will be restricted to fill-in fields where users can enter text or check boxes. These areas appear gray on the screen, but not on the printed document. Copies can also be printed out and completed using a pen.

Detailed instructions for completing *Part A* of the Wetland Bank Plan Application are included below. Instructions for completing *Part B* of the Wetland Bank Plan Application are included within the *Part B* application document and its appendices.

Following the TEP's review of *Part A*, you will be informed if the TEP recommends continuing the project, continuing the project with conditions, or if they recommend ceasing project activity. If the project continues, the applicant will need to complete the requirements of *Part B* and submit completed Wetland Bank Plan Application to their WCA LGU for agency review. An application will only be submitted for agency review if the WCA LGU deems that both *Parts A and B* are fully completed and if required, appropriate fees have been received by the LGU. The Wetland Bank Plan Application will be subject to agency review and WCA LGU approval before the project can begin.

Your WCA LGU office will likely request additional copies of the completed and prepared application materials for notification and distribution to reviewing agencies.

Following agency review of the completed application you will be informed by the WCA LGU if the application has been approved, approved with changes or conditions, denied, or you will receive confirmation if the application is withdrawn. An approved wetland bank application **does not guarantee the success** of your wetland bank project, **nor does it guarantee how many wetland credits** will result from the project.

For information about state laws, rules and regulations that direct wetland banking, go to the BWSR web site (www.bwsr.state.mn.us). For information on U.S. Army Corps of Engineers regulations go to the St. Paul District web site (www.mvp.usace.army.mil/regulatory).

SUBMITTING YOUR APPLICATION

LOCAL: Copies of the completed application documents and associated attachments must be submitted to the appropriate local **WCA LGU** for review and processing. Please retain all your original documents. Your **WCA LGU** office will likely request additional copies of the completed application for notifications and distribution to reviewing agencies. Please inquire with your **WCA LGU** regarding the number of copies that will be needed prior to submitting either **Part A** or **Part B** your application. Note that the **WCA LGU** will likely require more copies for the **Part B** submittal than for **Part A**.

FEDERAL: The applicant will be responsible for seeking and obtaining approval from the U.S. Army Corps of Engineers (COE) for their project. **The WCA LGU is not responsible for this.** Contact your local COE Project Manager (Permit Staff) for this function (<http://www.mvp.usace.army.mil/regulatory/>) or send your completed application to the COE Regional Office in St. Paul.

ST. PAUL REGIONAL OFFICE:

U.S. COE, Regulatory Branch
Army Corps of Engineers Centre
190 5th Street East
St. Paul, MN 55101-9051
Phone: 651-290-5375

APPLICATION CHECKLISTS

Use the checklists prepared for **Part A** and **Part B** to ensure you have completed each required component and have included all necessary attachments before submitting your application. Incomplete applications will not be processed and will lead to project delays.

(Part A)

- Have you completed all of Part A?
- Did you (or your agent, if applicable) sign Section 15?
- Have you contacted the Army Corps of Engineers to seek Federal authorization of your project?
- Have you included the necessary attachments for Part A?

Attachments *must* include:

- Site Locator Map (Item 2)
- Evidence of Ownership (Item 3)
- Concept Plan (Section 8)
- Site Map (Item 10)
- County Soil Survey Map (Item 11)
- Wetland Determination (Item 12)
- Analysis of Crop History (Item 12) (*if applicable*)

(Part B)

- Have you attached a copy of the Part A application documents?
- Have you fully completed all Appendices for Part B, including all necessary attachments?

Appendix 1 – Design and Construction Plan Requirements.

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| <input type="checkbox"/> Definition of Existing Conditions; | <input type="checkbox"/> Construction Plans and Specifications; and |
| <input type="checkbox"/> Design Report; | <input type="checkbox"/> Construction Inspection and Certification Plan. |

Appendix 2 – Vegetation Establishment and Management Plan Requirements.

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| <input type="checkbox"/> Site Preparation; | <input type="checkbox"/> Seeding/Planting Methods; |
| <input type="checkbox"/> Seed Mixes and Plant Materials; | <input type="checkbox"/> Vegetation Maintenance; and |
| <input type="checkbox"/> Seeding/Planting Zone Map; | <input type="checkbox"/> Schedule of Activities. |

Appendix 3 – Summary of Existing Wetlands and Credits Expected.

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| <input type="checkbox"/> Wetland Delineation; | <input type="checkbox"/> Wetland Credit Areas; and |
| <input type="checkbox"/> Existing Wetland Map; | <input type="checkbox"/> Summary Table. |

Appendix 4 – Monitoring Plan Requirements.

- The Plan.

Instructions for Completing Part A Minnesota Wetland Bank Plan Application

1. **LANDOWNER INFORMATION.** The landowner or “applicant” is the person, agency, company, corporation, or other organization that owns, leases, or holds other legal rights to the land where the bank site is located. When more than one land parcel is involved with the proposed wetland bank project, a separate wetland bank plan application form is required for each parcel of property.
- 1A. **APPLICANT INFORMATION.** Fill out Item 1A only if the “applicant” representing the project is not the landowner. Please note that unless the applicant has power of attorney for the landowner, the landowner must sign the application form.
2. **PROJECT INFORMATION.** This section contains a number of informational items for the proposed bank site.
 - ?? Project name is assigned by the applicant and should be unique to the proposed bank site.
 - ?? Watershed name and number can be provided by the LGU, County SWCD office or found on the [DNR web site](#).
 - ?? The site location information for the bank site can be found on a property tax statement, property title, title insurance, or in your County plat book.
 - ?? The *Site Locator Map* must show the project location relative to the surrounding area and may consist of a USGS topographic map, County Highway map, or other regional map. The specific location of the bank site must be identified on the map. An example of a *Site Locator Map* can be found at www.bwsr.state.mn.us.
3. **TYPE OF PROPERTY INTEREST HELD BY APPLICANT.** Indicate the type of property interest held by the applicant on the bank site by checking the appropriate box. Evidence of ownership or property rights is required to show that the applicant has the necessary property rights to complete the bank project. This can consist of a copy of the property title, abstract, previous year’s tax statement, or contract for deed. Include the evidence of ownership information as an attachment to Part A.
4. **OTHER PROPERTY INTERESTS.** Property interests such as pipelines, mineral rights, utility easements, and access easements can make a project infeasible and therefore, must be known as early in the process as possible. If there are others with an interest in the property, a consent and subordination agreement, or similar document, may be required in order for the bank plan application to be approved.
5. **OTHER PERMITS OR APPROVALS REQUIRED:** Other permits, reviews or approvals related to the bank project may include conditional use permits; plat approval; zoning variance; [NPDES Stormwater permit](#); state disposal system permit (includes dredged material disposal); watershed district/watershed management organization permit (storm water, erosion, floodplain); environmental assessment worksheet/environmental impact statement; Section 404 permit from the Corps of Engineers; or groundwater appropriation permit. If the applicant is aware of any archeological or cultural resource issues on the bank site, the State Historic Preservation Office (SHPO) should be contacted. If any cultural resource determinations or surveys have already been completed on the bank site, include these items as an attachment to Part A.
6. **PROPOSED START/COMPLETION DATE.** Enter the anticipated start date for construction and seeding activities (month and year) and anticipated completion date for construction and seeding activities (month and year). The dates are not deadlines for either the applicant or the TEP, but serve to help coordinate planning and review.
7. **TOPOGRAPHIC SURVEY AND MAPPING.** Required to aid in the evaluation of all proposed wetland banking projects. This survey work is a required component of a completed Wetland Bank Plan Application and will be critical to the site planning as well as any design and construction components identified in Part B of the application process. Because of the value a detailed topographic map provides when scoping and planning the project, it is required this work will be completed during this scoping phase of the project. The mapping work produced from the topographic survey should be incorporated into the “Concept Plan” requirements described in item (8) of the application form.
8. **CONCEPT PLAN, DESCRIPTION, AND DIMENSIONS.** Briefly describe the wetland bank project, how you propose to achieve the project’s goals and objectives, the size and scope of the bank project, and what wetland credits you hope to gain from the project. Describe these expectations with respect to the surrounding land use, existing vegetation (upland and wetland) and site conditions, adjacent public roads, drainage infrastructure, and potential problem areas or conflicts that may arise from the project. In particular, describe whether your project will involve water control structures, culverts, dams or dikes, tile lines, dewatering, water appropriation from off-site, excavation, or repair of existing water control structures. If any excavation or dredging is proposed in wetland or upland areas, identify the locations of these areas and the method and location for disposal of the excavated materials. Also include information about the existing and anticipated plant communities (wetland and upland) on the bank site. This description should be detailed enough for reviewers to understand your project’s objective and desired outcome; however,

detailed construction plans or specifications are not necessary at this point. Additional details of the bank plan will be addressed in Part B of this application.

9. **ACTIONS ELIGIBLE FOR CREDIT.** The actions eligible for credit are as identified in MN. Rules 8420.0541 (ADD LINK). If you require assistance in determining what credits may result from your bank project, contact your [WCA LGU](#).
10. **RECENT AERIAL PHOTO.** The air photo of the site should show the general work to be undertaken and its relative location on the property. Show items such as property and project boundaries; existing and proposed wetland areas; reference such as existing homes, structures, landscape features; indication of north; and access routes when applicable. The aerial photo should be labeled “*Site Map*” as instructed on the application form. See an example of a *Site Map* at www.bwsr.state.mn.us/wetlands/wcamanual/index.html.
11. **COUNTY SOIL SURVEY MAP.** Include a copy of the *County Soil Survey Map* (if available) with a key identifying all mapped soil units on the bank site. The soil map must also show the approximate location of the wetland bank site. Copies of the County Soil Survey maps may be obtained at your local [county SWCD office](#), or at the [NRCS Soil Data Mart](#). See an example of a *County Soil Survey Map* at www.bwsr.state.mn.us/wetlands/wcamanual/index.html.
12. **WETLAND DETERMINATION.** In this section, include information about the location, extent, and type of any known, or possible, wetland areas on the bank site. If the applicant is unsure whether an area is wetland or not, identify the area as a possible wetland or seek assistance from the LGU or TEP. **A formal wetland delineation is not required at this stage of the application.** However, if a wetland delineation has been completed already, include the delineation information and map with this form. If the project is located on agricultural land, a copy of the NRCS wetland mapping should be included as well as some documentation of cropping history (available free to the landowner). If wetlands are present on the bank site, or if the TEP recommends that additional documentation is necessary for a determination, a formal wetland delineation (in accordance with the Corps of Engineers 1987 Manual) will be required for Part B of this application package. See an example of a *Wetland Determination* at www.bwsr.state.mn.us/wetlands/wcamanual/index.html.
13. **SPECIAL CONSIDERATIONS:** The Minnesota WCA has identified various “Special Considerations” which, when present, must be taken into consideration by the LGU when making a WCA determination. For each special consideration question answered with a “Yes”, include a detailed narrative explaining why the consideration is not a problem, or is resolvable. Attach additional sheets to Part A if necessary. Again, your local [county SWCD office](#) can assist you with addressing many of these questions. The following web links may also be of some help when addressing questions 1 and 15; [Federal](#) or [state](#)-listed endangered or threatened species and [designated floodplain](#) or shoreland areas
14. **ACKNOWLEDGEMENT OF FUTURE REQUIREMENTS:** The future requirements section is presented here as information only and no action is required on any of these items at this stage of the application process. However, the applicant is encouraged to investigate each of the requirements identified in this section and be prepared to address each of them in the future.
15. **REQUEST FOR SCOPING DOCUMENT APPROVAL:** The landowner must complete this section by signing to affirm their intent to gain approval to complete a wetland bank project on their property. If the individual signing this application is not a landowner, they must have power of attorney to represent the landowner.