

Prepared on 6/1/08

## **Basic Local Government Unit (LGU) Duties associated with administration of the Minnesota Wetland Conservation Act (WCA)**

The following list is not comprehensive (see WCA rules for all details), but it is representative of the most common LGU duties and associated knowledge requirements to fulfill those duties.

1. Review and approve **wetland delineations and determinations**
  - Requires technical knowledge of soils, plants, and hydrology
  - Can be coordinated with the Technical Evaluation Panel (TEP) depending on the level of difficulty and the technical abilities of the reviewer.
  - A notice of application is not required to be sent to the TEP, but it is recommended that the LGU do so. Decision notice to the TEP is required.
2. Review and approve **wetland exemption/no-loss applications**
  - This decision type generally requires a wetland delineation/determination approval as well.
  - Some proposals can be reviewed and approved with limited technical knowledge, others require technical knowledge. All require good knowledge of WCA rules.
  - Many exemption determinations are coordinated with the TEP, some simpler ones and no-losses can be done without TEP coordination.
  - A notice of application is not required to be sent to the TEP, but it is recommended that the LGU do so. Decision notice to the TEP is required.
3. Review and approve **wetland replacement plan applications**
  - This decision type requires technical knowledge of wetland design criteria, seeding specifications, soil suitability for wetlands, hydrologic calculations, etc. Also requires knowledge of replacement and sequencing requirements and actions eligible for credit.
  - These are typically coordinated with the TEP.
  - Notice of application and Decision notice are required to be sent to the TEP.
4. Coordinating and arranging **TEP meetings** for pre-application reviews and other WCA-related items.
  - This requires no technical knowledge, but knowledge of rules governing TEP procedures in the WCA.

5. Properly send **application notices** to the TEP
  - Replacement plan applications all require official noticing to the TEP (SWCD, BWSR, DNR, Watershed, and members of the public requesting it). Notice must be sent within 15 days of application receipt. LGU must determine if application is complete or not within the 15 days. Comment period is set and LGU receives comments for consideration.
  - This requires no technical knowledge, but knowledge of replacement plan procedures and requirements in the WCA rule.
6. Properly send **decision notices** to the TEP
  - All WCA decisions must be noticed to the TEP within 10 days of the decision.
  - This requires no technical knowledge, but knowledge of replacement plan procedures and requirements in the WCA rule.
7. Enforce **replacement wetland monitoring requirements**, review monitoring reports, and certify replacement wetlands.
  - Replacement and banking plans require 5 years of monitoring with monitoring reports sent to the LGU annually. LGU must certify replacement as-built plans and completion of replacement after monitoring.
  - Requires technical knowledge of soils, plants, and hydrology
8. Work with DNR and SWCD to identify and enforce WCA **violations**.
  - DNR provides enforcement and SWCD issues restoration orders. LGU can establish a local enforcement process as well. LGU provides TEP member to evaluate and review violation sites.
  - Requires technical knowledge of soils, plants, and hydrology as well as extensive knowledge of WCA rules.