

Minnesota Wetland Conservation Act

Guidance on the Application of the Wetland Conservation Act to Impacts on Rare Natural Communities

Minnesota Board of Water and Soil Resources
November 2003, rev. Aug. 2004

I. Background

The rules for the Wetland Conservation Act (WCA) contain the following provision under “Special Considerations”:

Minn. Rules 8420.0548 Subp. 3. **Rare natural communities.** A replacement plan for activities that involve the modification of a rare natural community as determined by the Department of Natural Resources' natural heritage program must be denied if the local government unit determines that the proposed activities will permanently adversely affect the natural community.

The DNR’s Natural Heritage Program (NHP), in collaboration with the Minnesota County Biological Survey (MCBS) identifies, describes and maps rare and high quality native plant communities (referenced in the above rule as “natural communities”) in the Natural Heritage Information System (NHIS). Since the WCA rule provision above was originally promulgated, the NHP and MCBS have, and continue to refine the NHIS. Changes in the NHIS classification and ranking system have created questions about how the above rule provision is to be applied. This guidance is provided to clarify the types of native plant communities applicable to Subp. 3 above. Note that the “Special Considerations” provisions apply to both impact and proposed replacement sites (8420.0548, Subp. 1).

II. “Rare Natural Communities”

The DNR’s Natural Heritage Program has determined that the following qualify as “rare natural communities” for the purposes of M.R. 8420.0548 Subp. 3.

Native plant communities having a state element rank of S1, S2, or S3 that are mapped or determined by the NHP or MCBS to be eligible for mapping in the Natural Heritage Information System;

or

Any native plant community that is contained within an area mapped or determined by the MCBS to be eligible for mapping in the Natural Heritage Information System as a Site of Outstanding or High Biological Diversity.

The native plant community classification system and associated state element ranks for all native plant communities in Minnesota are currently under revision.

Until this revision is completed and published, contact Doug Norris, DNR Wetlands Program Coordinator (651-296-0779, doug.norris@dnr.state.mn.us) for information on a particular community that appears in the NHIS that may be affected by a wetland replacement plan or wetland banking plan application.

Wetland replacement plan applicants are encouraged to consult the NHIS to determine if any listed elements (rare native plant communities, threatened & endangered species) are present at proposed impact or replacement sites. Copies of the NHIS are available at all county soil and water conservation district offices, or refer to the NHIS web page at:

http://www.dnr.state.mn.us/ecological_services/nhnrp/nhis.html
for information on how to submit a search request.