



Frequently Asked Questions on Wetland Banking

December 11, 2013

This document provides answers to frequently asked questions from the BWSR wetland banking program. Further inquiries should be directed to the BWSR Bank Coordinator and/or the local BWSR Wetland Specialist servicing the area where a particular wetland banking project is being proposed or contemplated.

Question:

What if a wetland bank was approved under old Wetland Conservation Act (WCA) rules and a credit deposit/release is being proposed with new WCA rules in effect?

In general, crediting will proceed under the rules in place at the time of the bank plan approval as long as that approval is still valid (there may be time limits for approval depending on which rules the bank plan was approved under and conditions of that approval). Necessary conversions (e.g. Public Value Credits to Single Wetland Credit for example) would be made per current rule stipulations.

Question:

What if a wetland bank approved under old WCA rules is proposed to be expanded and/or amended with new WCA rules in place, which rules apply?

If the bank plan amendment involves putting additional land under easement or conducting additional restoration actions (such as breaking new tile, raising to a new outlet elevation, etc.) not previously part of the bank plan approval, then the proposed amended/expanded area would be credited and considered under current WCA rules. This includes any and all standards or requirements for wetland banks (such as minimum buffer widths).

Question:

Can some vegetation management activities associated with a wetland bank be initiated while the bank plan is still being reviewed by the regulatory agencies?

It depends. In general, implementation of a wetland bank plan prior to plan approval makes the plan ineligible for banking. However, at the discretion of the local Technical Evaluation Panel (TEP) and Local Government Unit (LGU), some minor activities may be allowed during the application review. It is important to clearly establish existing or "baseline" conditions of the proposed banking area prior to conducting any activities. Reviewing agencies will base decisions on credit amount and type on the change from baseline conditions to restored conditions. Changing baseline conditions prior to the bank plan approval could decrease credit amount. Any and all activities conducted on the proposed bank site prior to final approval of the bank plan must be approved in writing by the TEP/LGU, otherwise the project may no longer be eligible for banking.

Question:

Are trails allowed within a wetland bank easement?

Trails are only allowed within a wetland bank easement if they are identified in an approved wetland bank plan. The easement restricts the construction of trails unless it is specified in the approved bank plan. Wetland bank credit cannot be derived from the area occupied by a trail, so that area must be subtracted from credit calculations.

Question:

Can native seed be harvested from a wetland bank area under easement?

Harvesting of native seed from wetland bank areas under easement is allowed only if done by hand. Use of motorized vehicles and other mechanical means to harvest native seed is not allowed under the terms of the easement.

BWSR Guidance – December 11, 2013. The primary author of this guidance document is Ken Powell, State Wetland Banking Coordinator. This document is available on the BWSR website and may be revised periodically. Check the BWSR website for the most current version (www.bwsr.state.mn.us/wetlands).