

Official Notice

MN Board of Water and Soil Resources

Notice of Public Comment Period for the Proposed Minnesota In-Lieu Fee Wetland Mitigation Program

The Minnesota Board of Water and Soil Resources (BWSR) is seeking public comments on its proposal to develop an in-lieu-fee (ILF) mitigation program in Minnesota. BWSR recently completed a Prospectus and draft compensation planning framework for the ILF program which has been submitted to the U.S. Army Corps of Engineers, St. Paul District (Corps) for review in accordance with the Federal Mitigation Rule (33 CFR 332.8). BWSR is issuing this notice to provide the public in Minnesota an opportunity to comment on the proposed ILF program and its operation as a form of wetland replacement under the Wetland Conservation Act (WCA). The ILF program must comply with the requirements of the Federal Mitigation Rule, and the Corps is conducting a concurrent review under the Federal Clean Water Act via public a notice that is posted on the Corps Regulatory Branch webpage.

An ILF is an alternative mechanism for the public to satisfy wetland replacement requirements under WCA and Section 404 of the Clean Water Act. An ILF program involves the restoration, creation, enhancement, and/or preservation of wetlands through funds paid to a governmental entity to satisfy a replacement requirement. Similar to a wetland mitigation bank, an ILF program sells wetland credits to applicants/permittees whose replacement obligation is then transferred to the program sponsor.

The ILF program proposal is intended to focus primarily on wetland replacement for the Local Government Roads Wetland Replacement Program. However, BWSR has proposed to make ILF wetland credits available to the public when wetland bank credits are not available in the bank service area where the impact occurs in accordance with the Federal rules governing the operation of an ILF program. The ILF program will initially be limited to the St. Croix River watershed until other watersheds are added to the program via development and approval of compensation planning frameworks for those watersheds. A copy of the ILF Prospectus and draft compensation planning framework for the St. Croix River Watershed can be downloaded from the BWSR website at <http://www.bwsr.state.mn.us/wetlands/index.html>

Comments on the proposed ILF program will be accepted from March 19, 2018 through April 18, 2018. Comments should be sent to the following address:

Minnesota Board of Water and Soil Resources
ATTN: Tim Smith
520 Lafayette Road North
Saint Paul, MN 55155