

Minnesota Wetland Conservation Act Replacement Order

Pursuant to Minn. Stat. § 103G.2372 and MN Rule part 8420.0900, this order is being issued by the Minnesota Department of Natural Resources to replace wetland that was impacted in violation of the Minnesota Wetland Conservation Act. **Violation of this order is a misdemeanor.**

Reference Number: _____

This order is issued to:

Name:
Address:

This order is for wetland impacts that have occurred at the following location:

County:
Legal Description:
Address or Parcel ID:

Findings of Fact (facts that demonstrate the existence of a violation): *Attach additional sheets if narrative exceeds space provided.*

Commented [A1]: To be completed by enforcement officer.

Commented [A2]: Typically completed by SWCD in consultation with the LGU. Assistance from the TEP is recommended. Include any TEP findings and recommendations. A separate TEP findings document can be referenced in this section and attached. Findings should include the following:

- Description of the wetland impacts including applicable estimates of impact size and type.
- Concise summary of site visits, meetings, field investigations, analysis, etc. that resulted in violation discovery and conclusions. Include timeline.
- Description of any WCA exemption or no-loss provisions that were considered in the analysis.
- Explanation of why restoration is not possible or prudent.

You are hereby ordered to replace impacted wetlands in accordance with the following requirements (specifications for replacement including any referenced attachments): *Attach additional sheets if narrative exceeds space provided.*

Commented [A3]: Completed by SWCD in consultation with the LGU. Assistance from the TEP is recommended. Identify specific replacement requirements including amount, type and location of replacement as applicable. Avoid requiring the use of credits from a specific wetland bank, but identify acceptable options as warranted. WCA rules require after-the-fact replacement at twice the ratio otherwise required unless the LGU and enforcement authority concur that a lesser ratio is acceptable. It may be necessary to explain any replacement ratio variations associated with different replacement options such as an increased ratio for replacing outside the BSA of impact.

This order must be complied with by this date:

Compliance Options:

- Comply with the replacement order by the date indicated above.
- Submit an after-the-fact application to the Local Government Unit (see following instructions)

This Order was Prepared by:

Name:	
Organization:	
Address:	
E-mail:	
Signature:	Date:

Commented [A4]: Completed by SWCD in consultation with the LGU. Must be at least 31 days from the date issued. Consider construction/seeding constraints related to the time of year, weather and other factors when designating a reasonable date for compliance. If communication has been established prior to order issuance, discuss compliance timing with the landowner.

Commented [A5]: Completed by SWCD.

This Order was Served by:

Officer:	
Badge Number:	
<input type="checkbox"/> In-person <input type="checkbox"/> By certified mail	
Signature:	Date:

Commented [A6]: Completed by DNR Enforcement Officer.

After-the-Fact Application Instructions

If you wish to submit an after-the-fact application for Wetland Conservation Act compliance, you need to submit all required application materials per Minnesota Rules 8420 and any local requirements to the following Local Government Unit (LGU) that administers the Wetland Conservation Act for this area by the date indicated.

Due Date for After-the-Fact Application Submittal:
LGU Name:
LGU Representative:
LGU Address:
LGU e-mail:

Commented [A7]: Completed by SWCD or LGU. Due date must be at least 31 days from the date issued.

Appeal Information

If you wish to appeal this order, you must provide a written request within 30 calendar days of the date you received the order. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this order, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the terms and conditions of the order are in error. Send to:

Executive Director c/o Appeals and Regulatory Compliance Coordinator
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155
travis.germundson@state.mn.us

Cc: DNR Conservation Officer
DNR Water Resource Enforcement Officer
BWSR Wetland Specialist
Local Government Unit Representative
Soil and Water Conservation District