MN Wetland Professional Certification Program Regional Training

BOARD OF WATER AND SOIL RESOURCES

Minnesota Wetland Professional Certification Program

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2023 MWPCP Schedule

- WCA Regulatory Training- St Cloud MNDOT Training Facility- April 20
- Regional Training: Rochester - May 16-17
- Wetland Delineation and Regulation Basic Class: Arden Hills- June 12-16
- Floristic Quality Assessment (FQA)- MNDOT Shoreview Training Center – June 20
- Basic Wetland Plant ID- Farmington (July 18) or Brainerd (July 20)
- Wetland Delineation Refresher- Prairie Woods ELC- Spicer- August 8
- Regional Training: Fergus Falls – August 15-16
- Wetland Delineation and Regulation Basic Class: Brainerd - September 11-15

Minnesota Wetland Professional Certification Program

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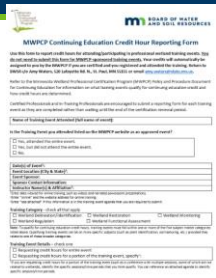
End of the current renewal period

- Current certification renewal period ends on December 31, 2023 for all who transferred to the MWPCP from the U of MN Wetland Delineation Certification Program.
- Credit reporting deadline for this renewal period is January 1, 2024.
- Submit the Credit Hour Reporting Form with proof of attendance no later than January 1, 2024.
- Not required to submit a credit hour reporting form for MWPCP courses.
- COVID-related temporary continuing education policies will lapse at the end of 2023.



MWPCP Continuing Education Credit Hour Reporting Form

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Next renewal period

- The next credit renewal period begins January 1, 2024 and ends on December 31, 2026.
- MWPCP Continuing Education policy, requires 18 credit hours of MWPCP-approved training.
- Six of those may be online training.

BOARD OF WATER AND SOIL RESOURCES

April 27, 2022

Continuing Education for MWPCP – Policies and Procedures

This document explains specific Minnesota Wetland Professional Certification Program (MWPCP) policies and procedures related to Continuing Education.

Terminology:

Certified Professionals – Individuals that are recognized by the MWPCP as having a certain level of knowledge, expertise, and experience in MWPCP subject matter areas related to conducting and/or reviewing professional work associated with wetland regulatory compliance in Minnesota.

Certified In-Training Professionals – Individuals that are recognized by the MWPCP as having a certain level of knowledge and training in MWPCP subject matter areas related to conducting and/or reviewing professional work associated with wetland regulatory compliance in Minnesota.

Certification Renewal – The process of renewing certification of MWPCP Certified Professionals and In Training Professionals every three years through attendance of professional wetland training events.

Credit Hours – Number of hours (to the nearest half hour) associated with an MWPCP-qualifying continuing education training event minus scheduled breaks.

Approved Training Event – Professional wetland training event where the MWPCP has determined the number of credit hours participants will receive for certification renewal if they attend/participate.

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Minnesota Wetland Professional Certification Program

MWPCP Regional Training- Rochester

Day One:

- Urban wetland management panel discussion
- Incidental wetlands
- Ag bank review process- what to look for in a potential site
- Lunch
- Submitting & reviewing WCA applications
- Public waters and WCA
- Public waters and floodplain wetlands site visit along Zumbro River

Day Two:

- The Paleozoic plateau- How hydroscapes influence wetlands
- Common Data Sheet Errors & mapping sloped wetlands
- Hydric soil indicators
- Lunch
- Decorah edge
- Field exercise- small group delineation exercise along Decorah edge

Class Portal: https://bwsr.state.mn.us/node/4681

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Urban Wetland Management Panel Discussion

Panelists:

- Ben Scharenbroich- Water Resources Supervisor, City of Plymouth
- Rebecca Haug- Senior Project Manager- Water Resources, WSB
- Patrick Hughes- Permit Coordinator/Wetland Specialist, Rice Creek Watershed District

Format:

- Introduce topic
- Panelists discuss
- Open Q/A from audience
- Next topic
- Open Q/A at end

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Panel Discussion Topics

- Local wetland ordinances
- Watershed Districts
- Interdepartmental coordination of projects impacting wetlands
- Status and challenges of wetland mitigation in the metro (replacement siting)
- Reviewing replacement plans in heavily developed areas
- Stormwater basins and incidental wetland determinations
- Common projects
- Common issues

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Local wetland ordinances

- WCA sets minimum standards
- Local ordinances can be more restrictive
- Comprehensive wetland management plan can also be developed

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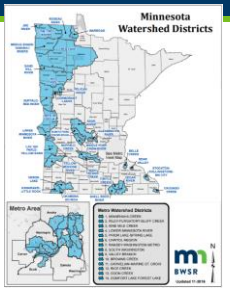
Watershed Districts

- WCA implementation in areas with watershed districts- perspective on working with watershed districts both as the LGU and not
- Differences among WD
- Coordination with WD and TEP
- Know where you are- who has jurisdiction?



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Interdepartmental coordination of projects

- Importance of working other departments like planning, parks, and public works on wetland projects.

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Wetland mitigation

- Status and challenges of wetland mitigation
- replacement siting- what does replacement siting look like in your work area
- role of local ordinance?

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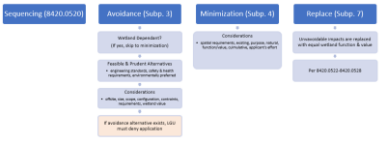
Replacement Plans

- Reviewing replacement plans in heavily developed areas
- Offsite alternatives
- Sequencing flexibility
- Indirect impacts
- Avoidance alternatives
- T&E and special considerations



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Stormwater basins and incidental wetland determinations

- common scenarios
- when to submit a formal application
- TEP involvement
- what offsite resources do you use?
- Documentation
- Past records and plans

Incidental wetlands: "are wetland areas that the landowner can demonstrate, to the satisfaction of the LGU, were created in nonwetland areas solely by actions, the purpose of which was not to create wetland."

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Open Forum

- What's the most common project type or landowner conversation you have?
- What is the most common missing information from applications?
- What is the most common issue you see in your role administering WCA?
- Other questions from audience?

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Incidental Wetlands - Definition

8420.0100 Scope Subp. 2 Applicability D.

WCA does not regulate impacts to incidental wetlands. They "are wetland areas that the landowner can demonstrate, to the satisfaction of the LGU, were created in nonwetland areas solely by actions, the purpose of which was not to create wetland."

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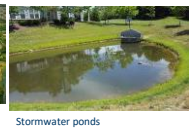
Incidental Wetlands - Definition

"Incidental wetlands include: effluent, stormwater, drainage, SWCD practices"

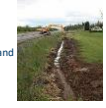
Sewage treatment wetlands



Stormwater ponds

Grassed waterway

Roadside ditch in upland



WASCOB

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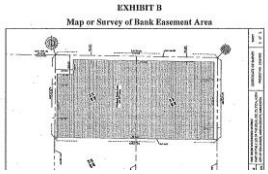
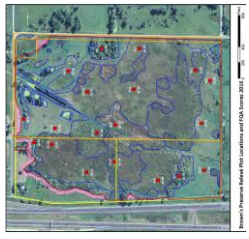
Incidental Wetlands - Definition

- "…and not as part of a wetland replacement process that may, over time, take on wetland characteristics."





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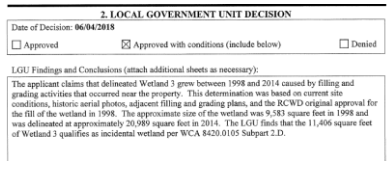
Role in determination

"…to the satisfaction of the LGU"



2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: **06/04/2018**

☐ Approved ☒ Approved with conditions (include below) ☐ Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

The applicant claims that delineated Wetland 3 grew between 1998 and 2014 caused by filling and grading activities that occurred near the property. This determination was based on current site conditions, historic aerial photos, adjacent filling and grading plans, and the RCWD original approval for the fill of the wetland in 1998. The approximate size of the wetland was 9,583 square feet in 1998 and was delineated at approximately 20,989 square feet in 2014. The LGU finds that the 11,406 square feet of Wetland 3 qualifies as incidental wetland per WCA 8420.0105 Subpart 2.D.

- LGU role in determination
  - TEP review
  - Findings
  - Make decision
- Applicant role in determination: provide exhibits, do research

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Documentation constructed in upland

- "to the satisfaction of t
- NWI, Soils, Historic aer

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Use of aerials

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Construction plans

- Previous plans

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Stormwater Ponds and WCA

- WCA Topic of Week - Stormwater Ponds and Wetlands 3-1-2021.pdf (state.mn.us)
- Are they wetlands?
- Are they regulated under WCA?
- How do you determine?
- Maintenance

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How are they regulated?

Key Concepts

- Constructed or created in (historic/existing) wetland
- Constructed in upland
  - Use soil surveys, aerial photos, topography

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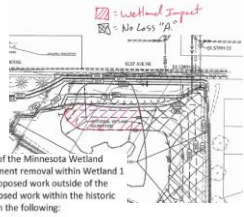
How do you determine if they can be maintained?

MN Rule 8420.0415 No Loss E. excavation limited to removal of deposited sediment in wetlands that are currently utilized as storm water management basins…



The LGU finds the proposed excavation within Wetland 3 not under the scope of the Minnesota Wetland Conservation Act per 8420.0105 subp. 1. The LGU also finds the proposed sediment removal within Wetland 1 to meet no-loss under 8420.0415 parts A and E; whereas, the portion of the proposed work outside of the historic wetland boundary meets no-loss under 8420.0415 part A and the proposed work within the historic wetland boundary meets 8420.0415 part E. The no-loss finding is conditional on the following:

a) Appropriate erosion control measures are taken to prevent sedimentation of the wetland or of any

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How to map ditches

- Delineate if meets 3 parameters
- If not wetland, identify as OAR

  Refer to TOTW

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Ditches

WCA Wetland Determinations for Channels, Streams, Ditches 12-14-22

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Ditch through wetland

Legally maintained as ditch under MN Rule 8420.0420 Subp. 3 A

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Ditch through upland

- Landscape position
- What is adjacent?
- What is across the road?
- Mapped soils?

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Maintaining ditches

- Drainage exemption per MN Rule 8420.0420 Subp. 3 A.

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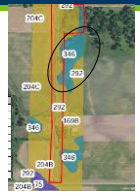
Using mapping tools for determination

- Soils
- LIDAR
- Aerial
- NWI



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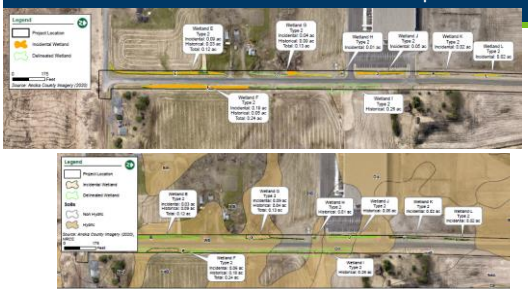
Example of wet ditch



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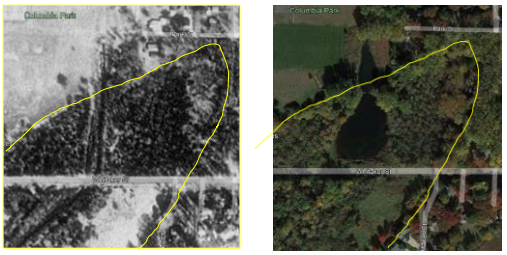
Wetlands utilized as storm ponds



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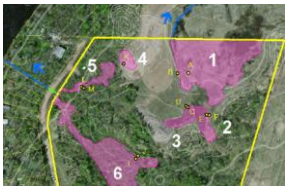
Gravel pit example

- Legally permitted gravel/sand pits



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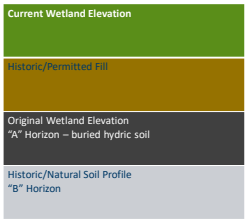
Wetland on filled area

- Legal fill – changed to upland
- Pre-WCA



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Topographic Cross Sections

- Topographic cross sections allow us to view delineated basins from another perspective to see where they sit relative to nearby natural aquatic features
- Cross sections can easily be obtained by the MnTOPO website and utilizing the "Elevation Tools" button
  - MnTOPO will generate a graphic that shows the elevations along a point or line
  - These graphics can be easily inserted into a delineation report or application to support your incidental determination
  - Available elevation data on MnTOPO is not always up to date*

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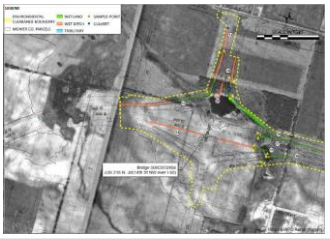
Topographic Cross Sections



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Topographic Cross Sections

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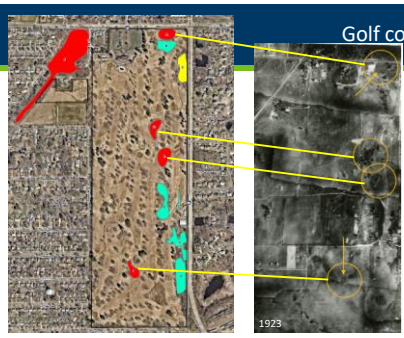
Golf course example



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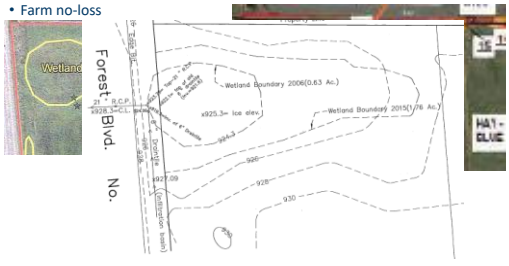
Wetland legally drained then comes back example

- Farm no-loss



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Agricultural Wetland Bank
a.k.a. Ag Bank

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Agricultural Banking

- What is it?
- Using the Ag Bank
- Creating an Ag Bank
- Reviewing a Proposed Ag Bank Project

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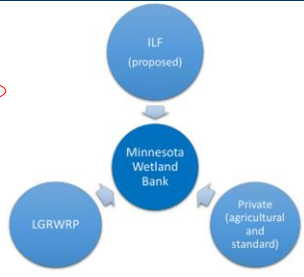
What is it? Bank types

1.) Private
- Standard Banks
- Agriculture Wetland Bank

2.) Local Government Road Wetland Replacement Program

3.) In-lieu Fee (proposed)



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Example Ag Bank site

- Restored Wetland
- Protected by Easement
- Upland Buffer
- Credits

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Use:
What kind of wetlands does the Ag Bank replace?

- Use of the ag bank limited to farmed wetlands (FW's) OR
- Degraded agricultural wetlands (W's)
- Guarantees compliance with both State and Federal (NRCS) requirements.
- Must remain in Agricultural Use
- BWSR-NRCS Memorandum of Understanding

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Ag Bank

- Funding: Private or NRCS Grant
  - Restoration – Bank Plan
  - Monitoring- Performance Standards
  - Long Term Mgmt- Landowner
- Generates Wetland Credits (1:1 replacement*)
- Priority Areas? Bank Service Areas 4,5,7,8,9. Not Score Based
- $$ Return: % Credit per acre, Market Driven, Supply & Demand of Credits
- Landowner Effort: High or hire Consultant
- Expiring CRP only

CREP / RIM

- Funding: Public
  - Restoration - Practice Standards
  - Monitoring -
  - Long Term Mgmt- Landowner/BWSR
- Generates Acres of Habitat, may offset loss indirectly
- Priority Areas: 54 Southern & Western Counties, Score Based Location
- $$ Return: Payment Rates & Incentives
- Landowner Effort: Depends on the landowner
- CRP for 1st 14-15 years

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Using the Ag Bank: Functional Assessment Tool

Evaluate potential ag bank sites and proposed wetland impacts.

Ensures functions gained > functions lost.

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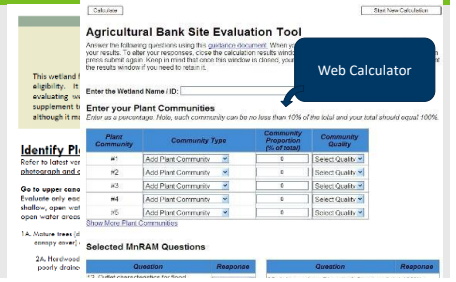

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Replacement Standards

- Replace the public value of wetlands lost as a result of an impact.

	Use of the Ag Bank credits (i.e. Impacted wetlands)	Eligible to establish an Ag Bank (i.e Replacement wetlands)
Water Quality, Flood Storage, Wildlife Habitat	1 low and 0 high/exceptional	2 mediums or 1 high/exceptional
Vegetative Ranking	low	medium/high

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Current Status

- 123 credits available*
- __credits = average annual demand (2013-2021)

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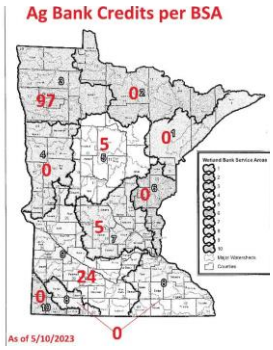
- 10 existing or new Ag Banks generating credits (7/3)
- More coming, but Grant ending



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Creating an Ag Bank- Eligibility Criteria

- **Restored Wetland**
- **Restoration of Natural Hydrology**
- **Native, Noninvasive Vegetation**
- **Expired Contract or Easement**

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Focus of Site Selection – Prior Converted Cropland

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Focus of Site Selection – Expiring CRP

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Examples of Ag Bank sites

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LGU and SWCD Responsibilities for Ag Banks

Creating an Ag Bank Site:

✓Insuring Ag Bank meets the eligibility of the program;

✓Review and comment to applicant;

✓Approve mitigation plan.

Use of Ag Bank:

- Review and understand the NRCS/BWSR MOU
- Review and understand the Ag Bank Site Evaluation Tool

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How are Ag Banks Processed ?

Ag Banks are processed:

✓**Draft Prospectus** submitted for review and comment by TEP;

✓**Prospectus** submitted for review and comment by TEP and BWSR Engineering staff;

✓**Mitigation Plan** submitted for review and approval by LGU.

Differences with Ag Bank vs. Standard:

- No USACE review and approval;
- BWSR may act as consultant and engineer for eligible sites;
- More local review throughout the process.

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Evaluating a Potential Ag Bank Site

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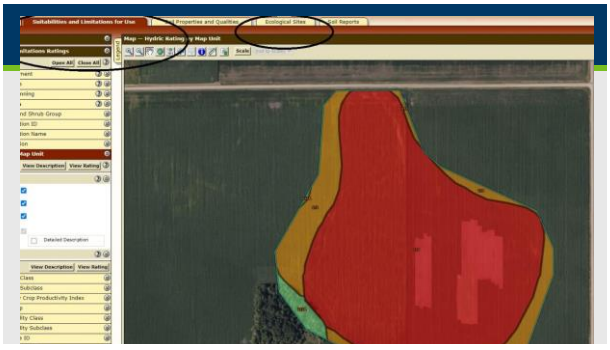

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DOVRAY SERIES

The Dovray series consists of deep poorly and very poorl
inches, and mean annual air temperature is about 44 degr

TAXONOMIC CLASS: Fine, smectitic, frigid Cumulic

TYPICAL PEDON: Dovray clay with a nearly level cor

Ap--0 to 10 inches; black (N 2/0) clay; moderate fine sub

A--10 to 33 inches; black (N 2/0) clay; few fine prominer

ABg--33 to 43 inches; very dark gray (5Y 3/1) clay; mod

Bg--43 to 56 inches; olive gray (5Y 5/2) clay; many med

Cg--56 to 60 inches; light olive gray (5Y 6/2) clay; many

TYPE LOCATION: Lac qui Parle County, Minnesota;

RANGE IN CHARACTERISTICS: The sola are 28 to
or both. Some pedons have an O horizon as thick as 4 incl
results in an average between 35 and 40 percent; it has le

The A horizon has hue of 10YR, 2.5Y or 5Y, value of 2 o

The Bg horizon has hue of 2.5Y or 5Y, value of 3 to 6, an

The C horizon has hue of 2.5Y or 5Y, value of 4 to 6, and
alkaline. It lacks secondary carbonates in some pedons.

COMPETING SERIES: There are no competing series.

USDA Natural Resources Conservation Service

Ecological site R102AY001SD
Shallow Marsh

Accessed: 05/12/2023

General information

Provisional. A provisional ecological site description has undergone quality control and quality assuranc
contains a working state and transition model and enough information to identify the ecological site.

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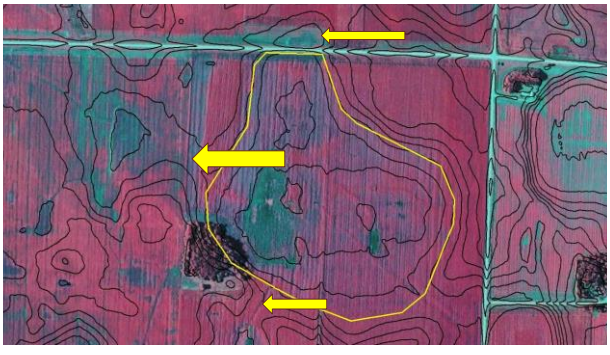

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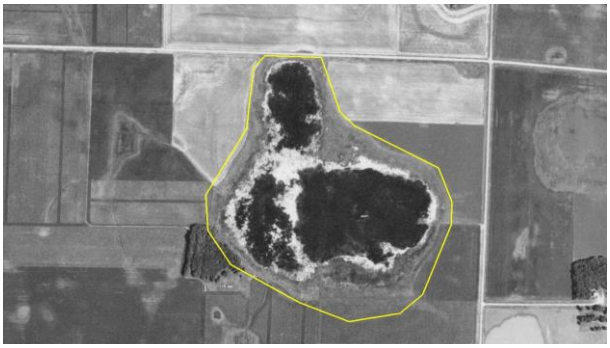

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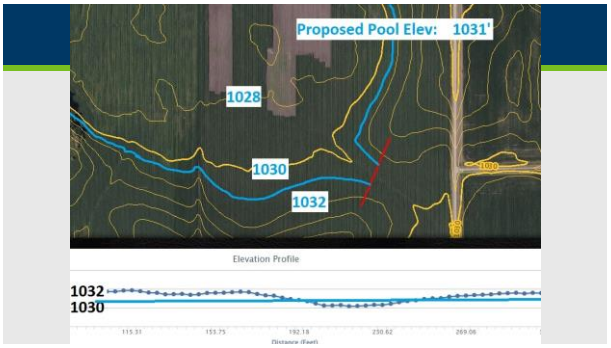

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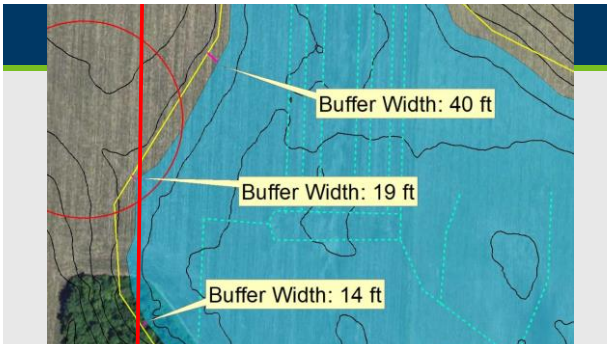

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Findings and Recommendations

FINDINGS:

- 3 Potential Offsite Impacts
- Natural Hydrology
- Buffer Requirements not met currently
- Reduced Credit Areas
  - Road
  - Trees

RECOMMENDATION:

TEP recommends applicant move forward with project if these scenarios can be adequately addressed.

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WCA Applications – Process and Content

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BWSR Wetland Section | bwsr.state.mn.us

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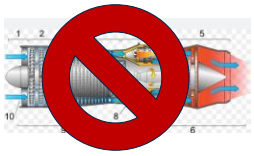
Session Purpose

Overview of WCA Application process

Highlight and discuss "Relevant Content"



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Session Outline

- Quick overview of application process.
- LGU/applicant responsibilities.
- Relevant Content – what to include and what to look for
- Project/Application examples and lively discussion

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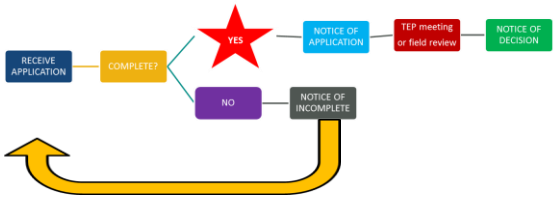
WCA Review Process



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WCA Applications - Review

- Applicants must apply to the LGU for replacement plans, wetland boundary/type and banking plans.
- Applicants *may* apply to the LGU for exemptions and no-loss applications.
- LGUs can require applicants to apply for exemptions and no-loss applications under their own local ordinances/rules.

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WCA Applications - Review

Notice of Application (NOA)

- Copy of application and a BWSR notice form sent to the usual suspects (BWSR, DNR, SWCD, members of public who request).
- Identifies a comment period deadline & where to submit comments.
- Required for banking plans, replacement plans, sequencing, and wetland delineations, optional for other application types.
  - Check local government requirements…

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WCA Applications - Review

Notice of Decision (NOD)

- Summary of LGU's decision on a BWSR form sent to the usual suspects (BWSR, DNR, SWCD, members of public who request).
- Must include information on the appeal process and time period to appeal the decision.
- Required for all WCA decision types.
- Must be sent within 10 business days of decision.

72

WCA Applications - Review

Statute 15.99

- The Minnesota statute regarding a time deadline for agency action.
- Applies to WCA decisions.

73

WCA Applications - Review

Statute 15.99 Basics

- Decision within **60** days.
- Clock starts upon receipt of a complete application.
- Clock does not start if the application is determined to be incomplete and notice of incomplete is sent to applicant within **15 business days**.

74

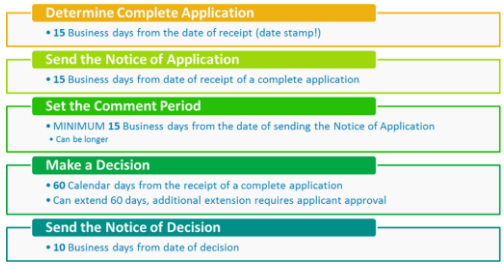
Extensions

Statute 15.99 Basics

- Can be extended by LGU up to an additional **60 days** if notice sent to applicant with reasons for extension.
- Can be extended beyond **120 days** if applicant agrees to extension.

75

Timelines and deadlines- MN Statute 15.99



76

Determining Application Completeness

- Notice of Application is for a **complete application**
- Determining an application to be complete simply means that upon initial, cursory review the application has the basic required elements
- It's a review for **completeness, *not* adequacy**.
- Applicants – Submit a detailed and well-documented application
  - streamlines the review process
  - minimize potential delays due to information requests
- The completeness determination should not be used to delay application review or avoid a review/decision.

77

Determining Application Completeness

A consequence of calling an inadequate application complete is that the timeline starts.

That's okay. It is supposed to start! That's why the statute is there.

If applicant does not supply the right info in the decision timeframe, then ask them to agree to extension or face denial of application.

78

IMPORTANT!

More information can be requested after an application has been determined to be complete!

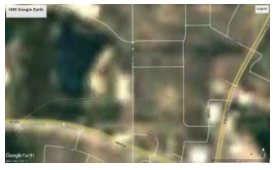
- **But…this can increase the review time.**
  - **Applicants: put the detailed/necessary information in the application in the beginning to streamline the review and make your client happy.**

Application Examples and Dynamic Discussion

Observed "issues" with wetland applications

- Poor exhibits/figures – show what is needed
  - Impact area, location map, delineation, etc.
- Second avoidance alternative
- No loss/exemption specifics
- Purpose and need not well defined… or not at all
- Local Road Wetland Replacement Program Applications

Poor Exhibits



Useful Location Map

Second Avoidance Alternatives

- No build can be one
- Second alternative must be **good faith**
- Repair/rehab of existing infrastructure only requires one alternative

The other "no build" alternative

Avoidance

W1: No impacts will happen to this wetland. This wetland is avoided, it is 904,669 square feet in area. This area is avoided.

W2: This wetland was originally 12,914 square feet in area prior to the reconstruction of 586th Avenue. The remaining wetland is 1,760 square feet in area. The wetland has been tilled and planted since before 1939. The taking of the westerly portion of the site for the reconstruction of Avenue removed the core of the wetland leaving only the fringe. As the wetland stands it may not be viable. Therefore, avoidance is irrelevant. The remanent should be mitigated.

85

The other "no build" alternative

Remember…

- **TWO** avoidance alternatives – only ***one*** can be "no build"

No build alternative

The no build alternative is not considered to be a viable option because benefits such as increased livestock grazing area and agricultural equipment transportation convenience would go unrealized if the project were not to proceed. The location of the project connecting primary livestock grazing areas makes this an ideal location for the roadway.

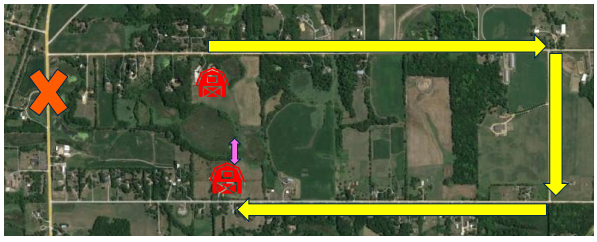
No Impact alternative

The no impact alternative with no road connection is not considered to be a viable option because the project needs a roadway connection between the large upland areas for efficient farm use

86

The other "no build" alternative

- **2nd** avoidance alternatives – go around…



87

No Loss – Temporary Impacts

- What should be included for Temporary Impacts (8420.0415, Subp. H)?
  - Project description
  - Grading Plans – Pre/Post project
  - Project timelines
  - Seed mix information and methodology
  - Plan set with descriptive restoration plan for the contractor
  - Etc.…?

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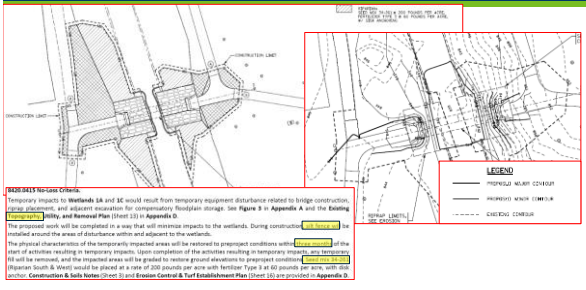
No Loss – Temporary Impacts



89

Purpose and Need - *demonstrate* sequencing

- Clearly define the **purpose and need** of the project.
- Identify the physical, economic, engineering, etc. **requirements** of the project.
- Tell the "non experts" about the project. Help the reviewers understand the details and nuance.
- **Justify** why this project should or must go on this site.
- Show (concept plans, discarded grading plans, etc.) and describe other *reasonable* **alternatives** that were considered or could be considered.

TELL YOUR STORY

90

Purpose and Need – A or B?

A

Project Purpose:
The purpose of the project is for [redacted] to expand their current campus to the south and provide a facility for other supporting businesses to expand and develop within the same industrial development as [redacted] currently has warehouse facilities located in other locations across the southwest metro and is looking to consolidate those facilities and provide a more cohesive campus for their employees and vendors. The purpose of the two additional buildings is to provide a facilities for additional businesses that support [redacted] and can be collocated within the same industrial development to streamline deliveries and provide a cohesive campus for [redacted] will retain an ownership interest in the entire industrial park.

Project Need:
The parcel has been owned by [redacted] since the original facility was constructed and is zoned for light industrial. Currently, [redacted] facility does not house all of activities within one campus area and they are currently split across multiple sites. The existing [redacted] facility is fully utilized and does not have room to expand to provide space the additional warehousing and sub assembly needed for their current business. Given the sustained growth [redacted] is experiencing, space for additional warehousing and light industrial uses from existing supporting businesses who service [redacted] at other facilities in the metro area are needed to provide a more cohesive streamlined campus for [redacted]. See additional information is Attachment C.

The buildings have been sized to meet [redacted] requirements for warehousing and light industrial based on what is currently being used at other facilities across the metro. The intent of developing the parcel to the south is to create campus complex for [redacted] and supporting businesses to streamline deliveries, provide a collaborative industrial development with connections to the main [redacted] campus and utilize the land currently owned by [redacted]

91

Purpose and Need – A or B?

B

[redacted] *is proposing to construct a residential development within the Project Area. The proposed development will create 54 residential lots. There are existing residential developments located south and west of the Project Area and the proposed development will match the surrounding land use.*

92

ANSWER IS…… : Purpose and Need – A or B?

A!

Project Purpose:
The purpose of the project is for [redacted] to expand their current campus to the south and provide a facility for other supporting businesses to expand and develop within the same industrial development as [redacted] currently has warehouse facilities located in other locations across the southwest metro and is looking to consolidate those facilities and provide a more cohesive campus for their employees and vendors. The purpose of the two additional buildings is to provide a facilities for additional businesses that support [redacted] and can be collocated within the same industrial development to streamline deliveries and provide a cohesive campus for [redacted] will retain an ownership interest in the entire industrial park.

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93

LGRWRP

- Joint Application 1-5, Attachment C, D (if applicable), E
- Provide project details – state or federal engineering standards, current project deficiencies, proposed conditions, safety standards, etc. *Tell your story.*
- Demonstrate impact minimization
- TEP must review minimization and delineation decisions
- Changes to impacts must be reported to BWSR within 6 months
- Ensure Attachment E has only WCA impacts listed for replacement
- NO LGU DECISION NECESSARY – PUBLIC ROAD AUTHORITY ONLY

94

LGRWRP

Project Purpose: The purpose of this project is to provide a safe adequate road crossing over unnamed stream.

Project Need: Due to the age (102 Years) and overall deterioration, mainly where the barrel and end treatment (Wing Walls) meet has resulted in a bridge that needs repair or replacement.

Current Bridge No. [redacted] is a single line 10ft span x 5ft rise cast in place box culvert, located on 90th Ave. in [redacted] township [redacted], Minnesota. This bridge was built in 1920. Due to the age (102 Years) and overall deterioration, mainly where the barrel and end treatment (Wing Walls) meet has resulted in a bridge that needs repair or replacement. To provide a safe adequate road crossing over unnamed Stream. This bridge is to be replaced with new Bridge No. [redacted] (Double line of 10ft span x 5ft rise Precast Concrete Box Culvert) and Approach Grading.

Current Bridge No. [redacted] is a double line 10ft span x 8ft rise cast in place box culvert set a 30-degree skew, located on [redacted] boulevard in [redacted], Minnesota. This bridge was built in 1900. Headwalls of this structure have failed causing guardrail failure and edges of the road to fall off, resulting in a narrow road top. To provide a safe adequate road crossing over unnamed tributary to th [redacted] This bridge is to be replaced with new Bridge [redacted] (Double line of 10ft span x 8ft rise Precast Concrete Box Culvert) and Approach Grading.

95

LGRWRP

The project will reconstruct the roadway to meet MnDOT state aid standards which requires that rural, undivided roadways consist of two 11' wide traffic lanes, 1' wide shoulders, 1:4 inslopes, and a clear zone of 6' measured from edge of shoulder. The existing roadway does not conform to this and must be replaced.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T)[2]	Size of Impact[3]
WL-1	Wetland	Fill	(P)	0.02 acre
WL-2	Wetland	Fill	(P)	0.05 acre
WL-3	Wetland	Fill	(P)	0.01 acre
WL-4	Wetland	Fill	(P)	0.01 acre
RR-1	Stream	Excavate	(P)	0.02 acre
RR-1	Stream	Fill	(P)	0.02 acre
RR-2	Stream	Excavate	(P)	0.01 acre
RR-2	Stream	Fill	(P)	0.01 acre

Wetland Impact ID (same as noted in **Part 4** and on overhead view)	Type of Impact (fill, excavate, or drain) – *Choose only one per line*	Size of Impact (square feet or acres to 0.01)	Existing Plant Community **Type(s)** in Impact Area[1] – *Choose only one per line*
WL-1	Fill	0.03 acre	Type 1
WL-2	Fill	0.02 acre	Type 1
WL-3	Fill	249 ft2	Type 1
WL-4	Fill	0.01 acre	Type 1
WL-5	Fill	0.01 acre	Type 1
[redacted]	TOTAL	0.07 acre	[redacted]

The project included minimization measures such as:

- Utilizing 1:3 slopes where feasible to minimize wetland impacts.
- Urban roadway design will minimize wetland impacts by reducing the overall footprint of the roadway, which would be larger if roadside ditches were incorporated throughout.
- Stormwater will be routed to existing ponds or ponds currently under construction in adjacent developments, so no additional ponding is required.
- The 8 to 10-foot trail is located generally proposed close to the roadway (with minimum boulevard) or abutting the roadway.

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Other "issues" – open for discussion

- Other no loss/exemption specifics
- Others….?

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BOARD OF WATER AND SOIL RESOURCES

QUESTIONS?

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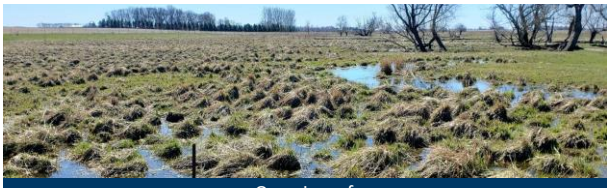

Overview of
Wetland Conservation Act &
Public Waters Work Permit Program

DEPARTMENT OF NATURAL RESOURCES
BOARD OF WATER AND SOIL RESOURCES

Minnesota Wetland Professional Certification Program

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Water Regulatory Programs in Minnesota

- Minnesota Wetland Conservation Act (WCA)
- Public Waters Program (PWP)
- Additional programs:
  - Section 404 of the Clean Water Act (404) - Corps
  - Section 401 of the Clean Water Act (401) - Corps
  - Swampbuster provisions of the Food Security Act – USDA

100

Quiz Question: DNR Wetland or WCA Wetland?

DNR Wetland

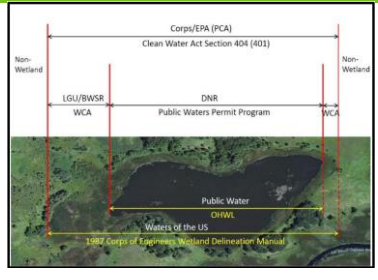
WCA Wetland

Both DNR and WCA Wetland

Can't Tell

101

Jurisdiction of Main Wetland Regulatory Programs in MN



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COMPARISON OF PROGRAMS	Wetland Conservation Act (WCA)	DNR Public Waters Program (PWP)
Basis of Authority	MN Statutes 103A, B, E, F & G and MN Rules Chapter 8420	MN Statute 103G.245 – Work in Public Waters (Rules developed to implement statute – 6115.0150 – 6115.0280)
Regulated Waters	Wetlands except incidental and wetland areas of Public Waters (unless waived)	Public waters (which include lakes, wetlands, rivers, and streams)
Jurisdictional Boundaries	3 key factors: hydrophytic vegetation; hydric soils; wetland hydrology (Wetland Delineation per 87 Manual)	OHWL
Regulated Actions	Fill, drain, excavate (semi-perm. Flooded areas of type 3, 4, 5)	Changes in course, current or cross-section of the bed of a public water
Program Administration	LGU implementation, BWSR oversight, DNR enforcement	DNR implementation; DNR enforcement
Type of Approvals	Decision from the LGU	Public waters permit authorizations (some activities may meet no permit required criteria)
Applying for Approval	Application or request for decision	MPARS online application

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Public Waters Program and Public Waters Permitting

Overview

BOARD OF WATER AND SOIL RESOURCES

Minnesota Wetland Professional Certification Program

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Public Waters

- Public waters – The lakes, wetlands, rivers, and streams that are regulated by DNR under Minnesota's public waters statutes and rules
- Definition of public waters: Minn. Statute Section 103G.005 subd. 15
  - Water basins assigned a shoreland management classification
  - Designated trout lakes and game lakes
  - Water basins designated as Scientific and Natural Areas (SNAs)
  - Water basins located within and totally surrounded by public lands (wetlands outside Type 3, 4 and 5)
  - Water basins where the state or federal government holds title to any of the beds or shores
  - Water basins where there is a publicly owned and controlled access intended to provide public access
  - Natural and altered watercourses (have bed and bank) with a total drainage area > 2 square miles
  - Designated trout streams
  - Public waters wetlands

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Public Waters Wetlands

- Definition of public waters wetlands: Minn. Statute Section 103G.005 subd. 15a
  - All type 3, 4, and 5 wetlands as defined in USFWS Circular No. 39 (1971 edition) that are 10 acres or more in size in unincorporated areas or 2.5 acres or more in size in incorporated areas
- Designation of public waters with "P" or "W" – doesn't necessarily indicate whether a public water is a wetland or not
  - Relic from the 1979 PWI inventory process
  - All public waters are regulated the same

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Public Waters Inventory

- The Public Waters Inventory (PWI) is a tool to help determine if a water is a public water (not perfect)
  - County PWI maps (historic)
  - County PWI lists (historic)
  - GIS layer on MN Geospatial Commons:
    - *Public Waters (PW) Basin and Watercourse Delineations*
      - Displayed on DNR's NWI Wetland Finder online map
    - *State Designated Trout Streams (and Tributaries)*
      - Consult your local Area Hydrologist
  - LakeFinder (https://www.dnr.state.mn.us/lakefind/index.html)

NWI Wetland Finder online map
https://arcgis.dnr.state.mn.us/ewr/wetlandfinder/

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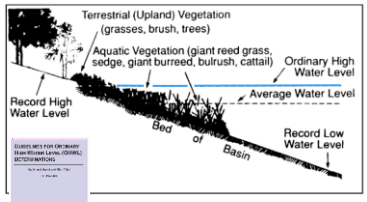
OHWL

- OWHL = Ordinary High Water Level (determined by DNR)
  - The highest water level that has been maintained for a sufficient period of time to leave evidence on the landscape, commonly the point where natural vegetation changes from predominantly aquatic to predominantly terrestrial
  - Top of bank for watercourses
- The OHWL elevation is DNR's regulatory and jurisdictional boundary



Guidance available online - *Guidelines for Ordinary High Water Level (OHWL) Determination*

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Boundaries

	Wetland Delineation Boundary	OHWL Boundary
Key Factors	1. Hydrophytic vegetation 2. Hydric soils 3. Wetland hydrology (Wetland Delineation per 87 Manual)	Point where natural vegetation changes from predominantly aquatic to predominantly terrestrial or top bank of the channel
Boundary Location	Line representing change from where all 3 parameters are present to where one or more parameters is absent	Elevation representing where high water left evidence on the landscape
Determination	Applicants/consultants make determination, regulatory agencies review and approve	DNR establishes OHWL

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Jurisdictional Boundaries

- **Wetlands** are transitional lands between terrestrial and aquatic systems
  - Wetland boundary is upper limit of where all 3 parameters are found:
    1. Hydrophytic vegetation
    2. Hydric soils
    3. Wetland hydrology
- **Public waters** include wetland areas below the OHWL
  - The OHWL is DNR's jurisdictional boundary

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WCA Jurisdiction on a Wetland that is Not a Public Water

- On a wetland that is not a public water, WCA jurisdiction extends into the open water part of the wetland

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Answer to Question

The jurisdictional boundary of public waters is the Ordinary High Water Level (OHWL). This is relevant to the WCA because:

A. Wetlands landward of the OHWL are under WCA jurisdiction.

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Rules - Work in Public Waters

- Statutory authority - Minn. Statute 103G.245 (Work in Public Waters)
- Minn. Rule 6115.0150 – 6115.0280
  - Standards and criteria for granting permits to change the course, current, or cross-section of public waters
  - Activities below the OHWL – fill, excavation, structures, restoration, water level control structures, bridges/culverts/intakes/outfalls
- How the rules are structured:
  - General standards - prohibited activities, no permit required, permit required – criteria
  - Specific standards

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Applying for a Public Waters Permit

- Apply through Minnesota Permit Application Reporting System (MPARS), an online permit system
- DNR has schedule of application fees online
- Application is noticed to city, SWCD, watershed district (required by rule), and other agencies, including BWSR (as a courtesy)
- DNR Area Hydrologist reviews and makes permit decision
- Timeline for decision: generally 45 – 60 days after a complete individual permit application is submitted (includes 30-day comment period)

MPARS
MNDNR PERMITTING AND REPORTING SYSTEM

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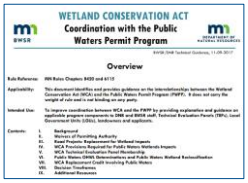
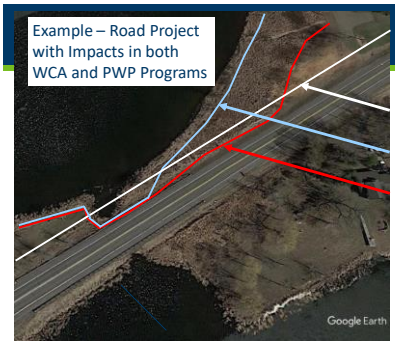
Waiving Jurisdiction between WCA and PWP

- Impacts to wetland areas can be waived between jurisdictions
  - WCA → PWP
  - PWP → WCA
- Coordination and communication is key (TEP)
- Situations where waiver is appropriate:
  - Can only waive wetland areas, not deepwater habitats and watercourses
- 2017 guidance document online – *WCA Coordination with the Public Waters Permit Program*


WETLAND CONSERVATION ACT
Coordination with the Public Waters Permit Program
Overview

115

Boundaries



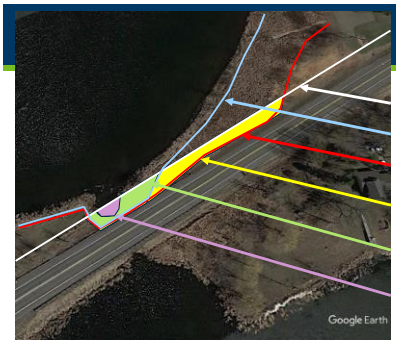
Boundary of fill for road widening (white)

Boundary of Public Water (OHWL) (blue)

Boundary of Wetland (red)

116

Areas of Fill



Boundary of fill for road widening (white)

Boundary of Public Water (OHWL) (blue)

Boundary of Wetland (red)

Wetland fill outside Public Water (yellow). This is a WCA wetland.

Wetland fill within Public Water (green)

Non-Wetland fill within Public Water (pink)

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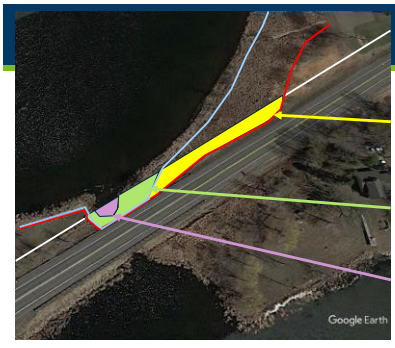
Waiving Jurisdiction



Wetland fill outside Public Water (yellow) ***Can*** **be waived to PWP for permitting or retained by WCA**

Wetland fill within Public Water (green) ***Can*** **be waived to WCA for permitting or can be retained by DNR**

Non-Wetland fill within Public Water (pink). ***Cannot*** **be waived to WCA for permitting because it is not wetland**

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Summary of Waiving Jurisdiction

- Most common scenarios:
  - When majority of wetland impacts are in public water, with smaller impact to WCA wetlands (WCA → PWP)
  - With a public road project expanding into both WCA wetlands and public water with wetland impacts (PWP → WCA)
- Key to process – good coordination between LGU and DNR

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Quiz Question

The jurisdictional boundary of public waters is the Ordinary High Water Level (OHWL). This is relevant to the WCA because:

A. Wetlands landward of the OHWL are under WCA jurisdiction.

B. Wetlands below the OHWL elevation are special considerations.

C. Wetlands on both sides of the OHWL are under WCA jurisdiction.

D. The presence of the OHWL means that there are no wetlands under WCA jurisdiction at this location.

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Site Visit

- Jurisdiction
- Floodplain wetlands
- Soils
- Hydrology Indicators
- Permitting roads and trails

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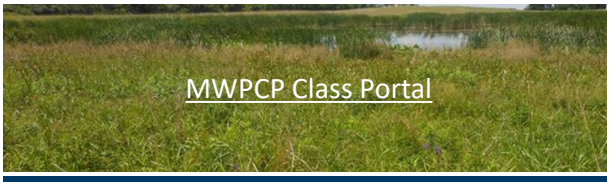

Questions?

bwsr.state.mn.us/minnesota-wetland-professional-certification-program

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Minnesota Wetland Professional Certification Program

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