



**Wetland Conservation Act 101
Virtual Training**

mi BOARD OF WATER AND SOIL RESOURCES

Minnesota Wetland Professional Certification Program

1

MN Wetland Professional Certification Program

Program goal: Provide relevant, accessible and affordable technical and administrative training for all wetland professionals.

- Nationally recognized voluntary training program that certifies 500 individuals working in both private and public sectors from the upper midwest and beyond.
- Provide technical wetland delineation training and administrative training for implementing the MN Wetland Conservation Act.
- Certified individuals must pass In-training and Professional exams and complete continuing education during 3-year renewal periods.

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

Minnesota Wetland Professional Certification Program

2


2025 MWPCP Training Courses

Introduction to Wetland Delineation and Regulations

- Introduction to Wetland Delineation and Regulations:** MNDOT Training Center, Shoreview, MN- June 9-13
- Introduction to Wetland Delineation and Regulations:** Northland Arboretum, Baxter, MN - September 8-12
- Introduction to Wetland Delineation and Regulations:** MNDOT Training Center, Shoreview - October 6-10

Professional Exams

MWPCP Exams will be offered at 1pm on: June 13 in Shoreview, September 12 in Baxter, October 10 in Shoreview



3


2025 MWPCP Training Courses

Regulatory Training

- WCA 101 virtual training:** February 4-5 (2 half days) (3 online CEC per day)
- WCA 201 Virtual training:** February 19 (1 half day) (3 online CEC)
- TEP Academy:** St Cloud MNDOT training center- April 16 & 17- Two one-day classes (6 CEC per day)

This virtual training will provide an overview of the 2024 statute amendments relevant to the Wetland Conservation Act. Topics to be discussed include wetland classification, jurisdiction of deepwater habitat, agricultural activities exemption provisions and changes to the drainage, de minimis and utility exemptions.

This course is intended for professionals who serve on a Technical Evaluation Panel (TEP) implementing WCA. The course is designed to focus on rules, procedures, important concepts and some common scenarios TEP members encounter. Participants should have some basic level knowledge of how the WCA is implemented but direct experience on a TEP is not required. The content is introductory to intermediate. Participants can choose either dates they will be identical courses.



4

2025 MWPCP Training Courses

Technical Training

- **Soils on the Landscape**- Robert Nye Regional Park -April 29 & 30- Two one-day classes (6 CEC per day)
- **Wetland Delineation Methods w Field Practicum**- Cloquet Forestry Center- May 20-22 (18 CEC)
- **Plant ID**- Shoreview MNDOT Training Center (July 14) and Cloquet Forestry Center (July 16)-Two one-day classes (6 CEC per day)
- **MWPCP Regional Wetland Training- Northeast MN**- Hermantown City Hall- August 12-13 (6 CEC per day)
- **Hydrogeomorphic Method of Classifying Wetlands** - Hartley Nature Center, Duluth- October 28-29- Two one-day classes (6 CEC per day)
- **Wetland Banking & Monitoring for Consultants**- Shoreview MNDOT Training Center- November 12-13 (12 CEC)



5

Registration Information

Registration for 2025 MWPCP courses will be staggered and open on the following dates:

- Registration for Virtual Training Courses- 8am on January 21
- Registration for Introduction to Wetland Delineation & Regulation classes- 8am on February 24
- Registration for April- June Classes- 8am on March 3
- Registration for July-October classes- Week of June 16

Email reminders will go out to the MWPCP and BWSR Wetland Conservation Act (WCA) email contact lists for registration dates.

- Email bwsr.mwpcp@state.mn.us to be added to list

MWPCP maintains a waitlist for all full classes



6

Certification Updates

- Need 18 continuing education hours (6 online)
- Current renewal period ends on December 31, 2025 for individuals who passed exams in 2022.
- Do not need to report MWPCP classes
- Use Credit Reporting Form
- List of approved classes on MWPCP page
- If not listed, use Credit Determination Form
- Notify us if you change jobs or email



7

Wetland Conservation Act 101 Virtual Training - February 4-5

Day One

- Wetland Regulatory Programs of MN
- Local Government Unit Duties & Technical Evaluation Panel Procedures
- WCA Application Procedures
- Enforcement Procedures
- Q/A & Quiz

Day Two

- Basic Decisions
- Replacement Plans
- Wetland Banking
- Q/A & Quiz



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8



Wetland Regulatory/Compliance Programs in Minnesota



9

Programs

- Public Waters Work Permit Program (PWPP) - DNR
- Section 404 of the Clean Water Act (404) - USACE
- Swampbuster provisions of the Food Security Act (FSA) - NRCS
- Minnesota Wetland Conservation Act (WCA) – Local Government Unit/BWSR

10

Jurisdiction



11



Public Waters Work Permit Program (PWPP)

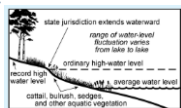
Overview



12

Public Waters Work Permit Program

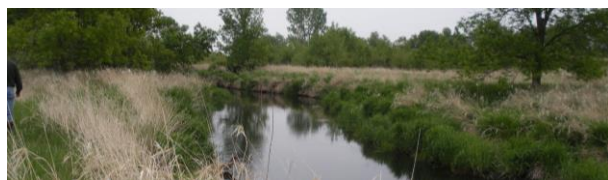
- **Regulates:** changes to "course, current or cross-section"
- **Administered by:** DNR – Area Hydrologists
- **Authorities:** M.S. 103G; M.R. Chapter 6115
- **Jurisdictional boundary:** "Ordinary High Water Level"
- **Review standards:** Public interest; reasonable/practical, Riparian rights, Availability of feasible & prudent alternatives, Compensatory mitigation
- **Appeals:** Contested case hearing
- **Enforcement:** DNR Conservation Officers; cease & desist, restoration orders
- **Application:** on-line via "MPARS"



13

Program Element	WCA	PWWPP
Basis of Authority	Mn Rules Chapter 8420 and associated statutes	Mn Rules Chapter 6115 and associated statutes
Regulated Waters	Wetlands except incidental and wetland areas of Public Waters (unless waived)	Public Waters and Public Waters Wetlands (which includes deepwater habitats, streams and wetlands)
Jurisdictional Boundaries	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
Program Administration	LGU implementation, BWSR oversight, DNR enforcement	DNR implementation
Type of Approvals	WCA decisions	Permit authorizations
Applying for Approval	WCA application or request for decision	MNPARS online application

14



Section 404 Clean Water Act (in MN)

Overview



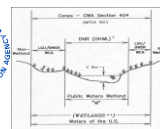
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Clean Water Act Section 404

- **Regulates:** Discharges of dredged or fill material, including redeposit
- **Administered by:** U.S. Army Corps of Engineers – St. Paul District
- **Authorities:** 33 U.S.C. §1251; 33 CFR Parts 320-332; 40 CFR Part 230
- **Jurisdictional boundary:** 1987 Corps of Engineers Wetland Delineation Manual
- **Review Standards:** Sequencing, public interest, adequate compensatory mitigation
- **Appeals:** COE administrative appeal
- **Enforcement:** COE and USEPA; administrative orders
- **Application:** Joint Application Form for Activities Affecting Water Resources in Minnesota



US Army Corps of Engineers



16

Program Element	WCA	404
Basis of Authority	State statutes and rule (Mn Rules Chapter 8420)	Clean Water Act
Regulated Waters	Wetlands except incidental and wetland areas of Public Waters (unless waived)	Waters of the U.S. (WOTUS)
Regulated Actions	Fill, drain, excavate (semi-perm. Flooded areas of type 3, 4, 5)	Discharges of dredged or fill material
Program Administration	LGU implementation, BWSR oversight, DNR enforcement	Corps Districts implement, EPA oversight
Type of Approvals	WCA decisions	Permit authorizations via IPs, GPs, NWPs
Applying for Approval	WCA application or request for decision	Pre-Construction Notification (PCN) for GPs/NWPs, Application for IP
Mitigation for Impacts	Replacement	Compensatory Mitigation

17



18

How Does NRCS Evaluate Compliance?

Primarily through Certified Wetland Determination (CWD).

Involves identifying wetlands and then assigning a label that has implications for compliance. For example, if producer drains a wetland for crop production, that would result in a label change that could result in producer being ineligible.

19

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20



Wetland Conservation Act (WCA)

Overview




21

Wetland Conservation Act

- **Regulates:** draining, filling, some excavation
- **Administered by:** Local Government Units including Cities, SWCDs, Watershed Districts
- **Oversight by:** MN Board of Water and Soil Resources
- **Authorities:** M.S. 103A, 103B, 103G; M.R. Chapter 8420
- **Jurisdictional boundary:** 1987 Corps of Engineers Wetland Delineation Manual
- **Review standards:** Avoid, minimize, replace (sequencing)
- **Enforcement:** DNR Conservation Officers; cease & desist, restoration orders
- **Application:** Joint Application Form for Activities Affecting Water Resources in Minnesota

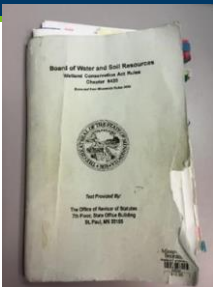




22

What is it?

- Series of laws passed in 1991
- Major component – wetland regulatory provisions, Minnesota Rules Chapter 8420.
- Regulatory provisions implemented under temporary rules in 1991 and permanent rules in 1993.



23

Purpose?

- Maintain and *increase* the quantity, quality and biological diversity of Minnesota's wetlands. (QQB)
- *Avoid* wetland impacts from activities that negatively effect quantity, quality and biological diversity.
- *Replace* wetland values where avoidance is not feasible and prudent.
- The sequence of avoid, minimize and then replace for wetland impacts is referred to as **Sequencing** in WCA rules.

24

What does WCA regulate?

- **Wetland Impacts** are defined in WCA rule.
- **Wetlands** are identified and their boundaries determined by 87 Manual.
- Two exceptions:
 - Incidental wetlands
 - Wetland areas of DNR public waters and public waters wetlands unless regulatory jurisdiction waived by DNR to WCA.

25

25

Incidental Wetlands

- Wetlands created in naturally non-wetland areas not on purpose.



Temporary puddles



Stormwater ponds



Sewage treatment wetlands



Roadside ditch in upland



26

26

WCA Wetlands vs Public Waters

- DNR public waters regulated by the DNR Public Waters Work Permit Program (PWWPP) are generally pre-determined (they are on a map).
- WCA wetlands are identified and determined via the 87 Manual on a case-by-case basis.

27

27

WCA - Implementation Structure

- Local Government Units (LGUs) are primarily responsible for implementing WCA.
- BWSR provides oversight and assistance to LGUs. BWSR implements certain limited provisions of WCA.
- DNR has an enforcement role in WCA.

28

28

Implementation by LGUs

- LGU can be:
 - County, City/Town
 - Township (in certain 7-county metro areas only)
 - Watershed district, management organization or commission
 - State agency on state owned or state-administered lands
- For projects that require a Permit to Mine under state law, DNR's Division of Lands and Minerals administers the provisions of the WCA under their Permit

Applications and Decisions

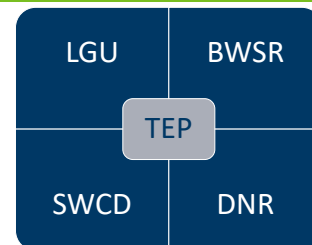
- In general, applicants demonstrate compliance with WCA through their submitted application.
- An LGU's decision to approve, deny or approve with conditions is saying if the project complies with WCA or not.
- An LGU can take the WCA decision process and fold it into a permit that they issue for a project. This is optional, but common among watershed districts and counties that issue permits for various other things.
- In general, LGUs can have more restrictive local requirements, but not less restrictive requirements.

WCA Decision Types and Application Requirements

Decision Type	Application Requirement
Wetland Boundary/Type	Application required
Exemption or No-Loss Provision	Application not required (unless LGU has more restrictive local requirement)
Replacement Plan	Application required
Banking Plan	Application required

Technical Evaluation Panel

- Plays a key role in implementation.
- Representative from LGU, SWCD, BWSR and DNR (if project effects public waters and/or in shoreland zone).
- Primary role is to advise LGU on decisions. Some decisions depend on TEP recommendation/concurrence.
- TEPs often advise landowners/applicants during pre and post application reviews.



Key Roles in WCA Implementation

- **LGU** – make WCA decisions, leads Technical Evaluation Panel
- **SWCD** – serve on TEP, write restoration plans for violation orders
- **BWSR** – serve on TEP, hear appeals, administer wetland bank, oversee and train LGUs.
- **DNR** – serve enforcement orders and coordinate/collaborate with TEP, LGU and SWCD on enforcement process.

33

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How many jurisdictions?



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How many jurisdictions?



35

WCA 101

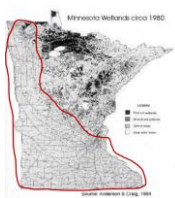
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36

WETLAND CONSERVATION ACT (WCA) OF 1991

- Bipartisan Bill**
- Passed in 1991
 - Effective 1992
- MN Statutes **103G** and parts of 103A,B,E,F
- MN Rule **8420**
- Statute changes
 - Guidance Documents



37

WCA Authority on Tribal Lands?

- Tribes have legal status as sovereign nations
- Many tribes have enacted their own environmental regulations
- Federal regulatory environmental laws apply on Tribal Lands
- Tribal lands are composed of Trust lands, allotted trust lands, fee lands

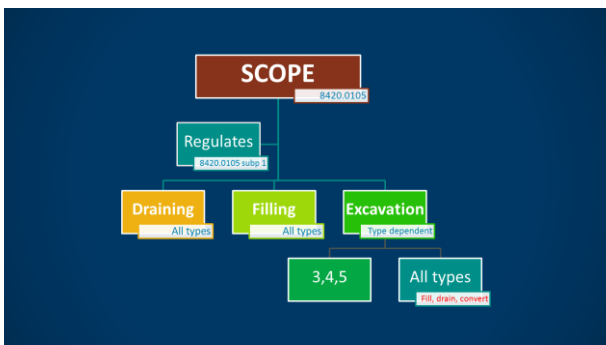


- WCA does not have jurisdiction on Trust lands
- Fee lands are held by an owner (tribal member or not)
- Authority of state environmental laws limited to fee lands held by a non-tribal owner

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What Does WCA Regulate?

Draining or filling of wetlands (wholly or partially)

Excavation of wetlands (under certain conditions)



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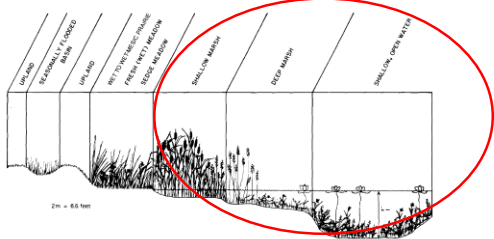
Excavation

WCA regulates excavation in *permanently* and *semi-permanently* flooded areas of wetlands and in all wetland areas if the excavation results in conversion to nonwetland (i.e. deepwater habitat which is defined as average water depth of 8.2 feet or greater).

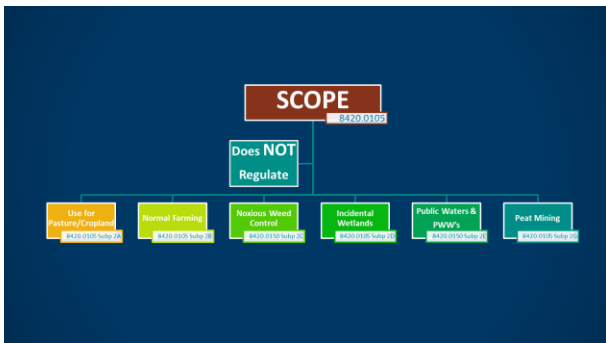
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Excavation

What is permanently and semi-permanently flooded?



43



44

What WCA Does NOT Regulate

- The use of wetlands for pasture or cropland
- Normal farming practices (plowing, seeding, timber harvesting, etc.)
- Control of noxious weeds
- Impacts to created (non-natural) wetlands (ditches, ponds, etc. created in upland areas)
 - Incidental wetlands



45

WCA Does NOT regulate

DNR Public Waters & PWW

- DNR can waive to WCA for public water wetlands



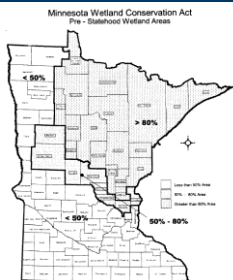
Peat Mining

- Subject to DNR permit to mine under MN Statute 93.44-93.51
- WCA applies if project does not require DNR permit to mine



46

Where you are in the State matters



Different regulations apply depending on whether you are in a <50% area, 50 – 80% area, or >80% area.

47


Bank Service Areas



- Used in wetland mitigation siting

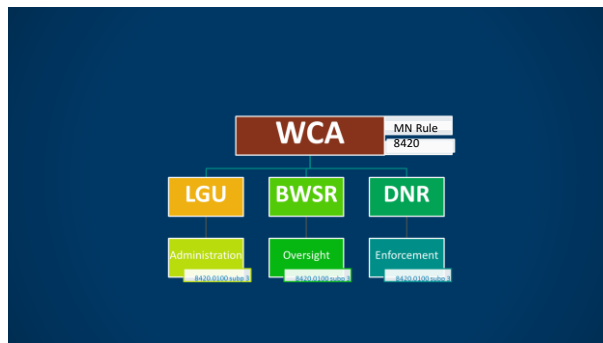
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Watersheds

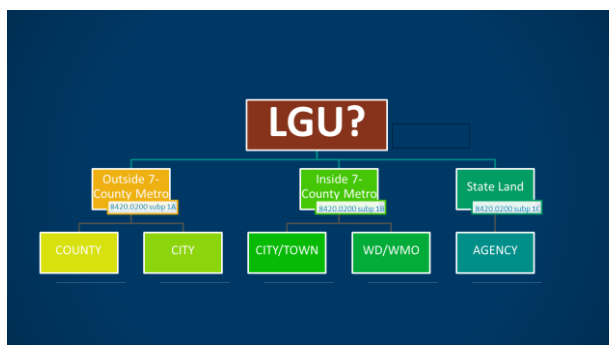


- Factored into project-specific replacement siting

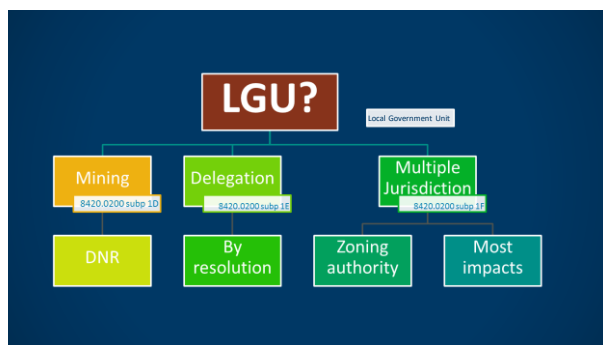
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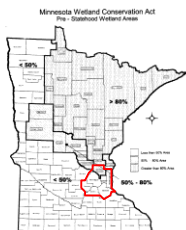
51



52

Who is the LGU?

- Outside the 7-County Metro area – County or City
- Inside 7-County Metro – City, town, or WMO



53

Who is the LGU (cont.)

- In 7-County Metro, watershed plan will indicate LGU, but lacking an indication, LGU must be City or town.
- For activities on State land, the LGU is the State agency with administrative responsibility for the land (e.g. DNR, MnDOT). However, State agencies must coordinate with LGU that would otherwise have jurisdiction.

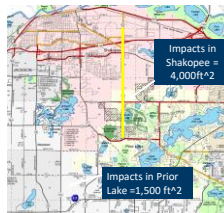
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Who is the LGU (cont.)

- LGU's can delegate some or all of their authority to another entity provided that both parties pass resolutions (see BWSR website for example resolutions).
- If project overlaps LGU jurisdiction, then the LGU is:
 - One with zoning authority over the project
 - If both have zoning authority, then the one in which the most impact occur.
 - Both LGUs can maintain separate jurisdiction if agreed upon.

55

Example



Scenario 1 – Cities agree that both review and approve application within their respective jurisdictions, and both administer LGU duties.

Scenario 2 – Cities agree to have Shakopee review entire application and be responsible for LGU duties (most impact).

56

BWSR Website

Wetland Conservation Act Contacts

WCA Contacts

Wetland Conservation Act Contacts

- Joint Application Form
- WCA Permit Application
- WCA Permit Renewal and Information

The regulatory provisions of Wisconsin's Wetland Conservation Act (WCA) are primarily administered by local government units (LGUs) with oversight by the Board of Water and Soil Resources (BWSR). State agencies administer WCA in order-related or controlled lands. Each LGU has an associated Technical Evaluation Panel (TEP) to provide technical advice and site recommendations to the LGU or BWSR compliance. The TEP includes a BWSR member appointed as an observer from the Wisconsin Department of Natural Resources (DNR). The local and the BWSR Compliance Staff (BWSR) and the LGU staff provide enforcement for the regulatory provisions of the act. The following information is key contact information.

WCA Local Government (WCA) Directory - This is where you determine the LGU that makes WCA decisions in different geographic areas in the state.

WCA Directory (PDF 10/16/2024) | [WCA Directory \(PDF 10/16/2024\)](#) | [WCA Directory \(PDF 10/16/2024\)](#)

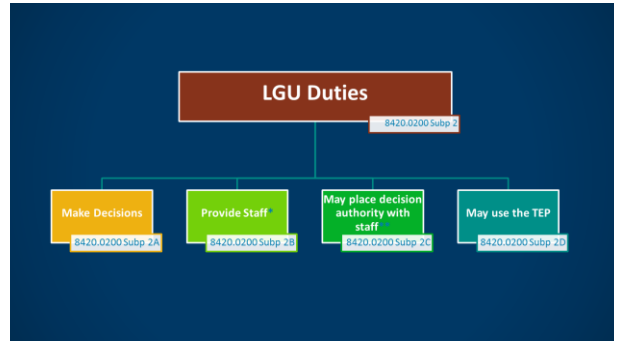
The BWSR, BWSR Staff, and other administrative management authorities in the 7-county Wisconsin-IL. Each item area should be used in conjunction with the LGU contact for determining the appropriate LGU for a project or property in those counties.

Other Wetland Contacts

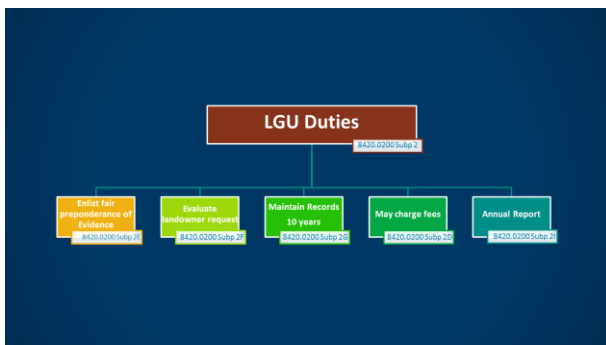
- BWSR Wetland Section Staff (BWSR) - (608) 785-1000
- DNR DNR Wetland Section Staff (DNR) - (608) 785-1000
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BWSR Wetland Section | www.bwsr.state.wi.us/wetlands

57



58



59

Delegation of Decision-Making Authority to Staff

- Decision authority by default rests with the elected/appointed governing board (City Council, County Board, WMO Board, etc.)
- However, the LGU may, through resolution, rule, or ordinance, place decision-making authority with staff according to procedures it establishes.

60

Failure to Apply Law

If the LGU is not following WCA:

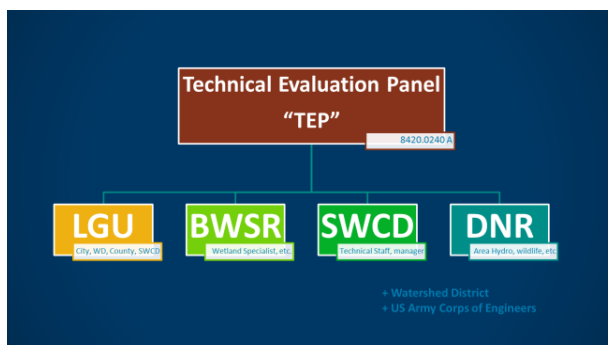
- 1) BWSR notify LGU in writing of its concerns
- 2) File Review spot check
- 3) Can then impose moratorium on making decisions

61

Local Wetland Ordinances

- WCA provides minimum standards
- Local governments may require more procedures and more wetland protection, but not less

62



63



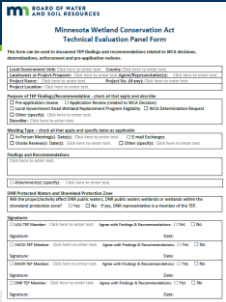
64

TEP Roles

- Determine technical issues
- Generates findings, Documents specific evidence
- Makes recommendations to LGU
- Operate objectively, clearly, concisely, and timely

The TEP does not:

- Make decisions
- Perform LGU duties (notices, extensions, etc.)




65

TEP

Who can Request a TEP?

- LGU
- TEP member
- Landowner

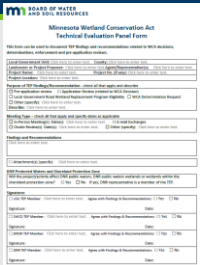


66

TEP Meetings

- Step 1: Define purpose of TEP discussion/review (set a formal agenda)
- Step 2: Have an open discussion (there will be disagreements)
- Step 3: Summarize and agree to conclusions (find common ground)
- Step 4: Write Findings Report (be clear and concise)





67

TEP recommendations

- TEP may recommend approval, approval with conditions or denial
- LGU must consider TEP findings and recommendations
- TEP cannot make findings without having at least one member make a site visit
- Findings and recommendations must be endorsed by a majority of members

68

What if the LGU doesn't agree with TEP?

- The LGU must provide detailed reasons for rejecting the [TEP] finding of fact or recommendation in its record of decision; otherwise, the LGU has not sufficiently considered the TEP report.

I'm not arguing,
I'm just explaining
why I'm right.

69

Detailed reasons for not following TEP recommendation?

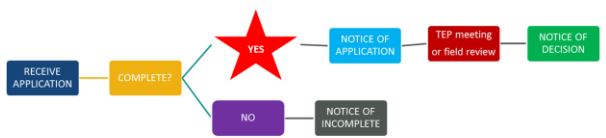
"The Board felt that the TEP's recommendation to deny the application was unreasonable and therefore we approve the application."

70

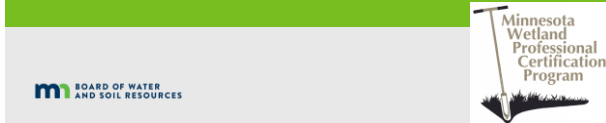
Reasons for not following TEP recommendation

"The Board finds that the TEP's recommendation to reject the application based on the availability of a reasonable and prudent alternative alignment to the proposed road (impacting less wetland) did not give due consideration to the decreased public safety associated with alternative alignments. The alternative alignments mentioned in the TEP's recommendation result in unsafe sighting distances at road intersections according to national safety standards. Therefore, the Board finds that there are no feasible and prudent alternatives and approves the application."

71



WCA Application Procedures

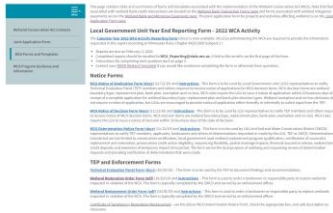


72

BWSR website

- [WCA Forms and Templates](#)

WCA Forms and Templates

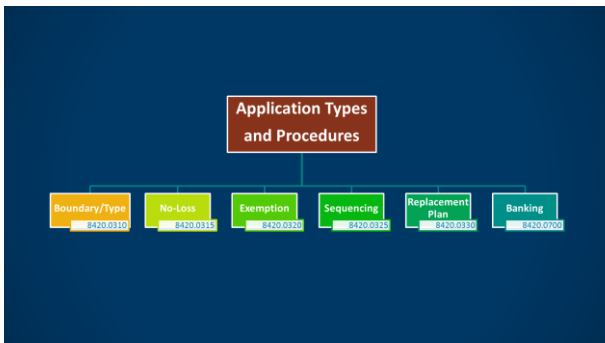


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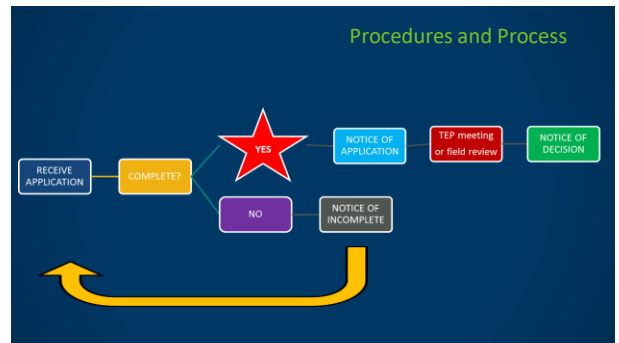
WCA Application Procedures



74



75



76

Timelines and deadlines

- Determine Complete Application**
 - 15 Business days from the date of receipt (date stamp)
- Send the Notice of Application**
 - 15 Business days from date of receipt of a complete application
- Set the Comment Period**
 - MINIMUM 15 Business days from the date of sending the Notice of Application
 - Can be longer
- Make a Decision**
 - 60 Calendar days from the receipt of a complete application
 - Can extend 60 days, additional extension requires applicant approval
- Send the Notice of Decision**
 - 10 Business days from date of decision

77

Appeal a Decision

- 30 Calendar days from the date of decision

How long is the Decision Valid?

- 5 Years
- Unless longer is specified by LGU when TEP advises longer period

How long do I (LGU) keep all this paperwork?

- 10 Years

78

Now you've got yourself an application

- You should receive:
 - A "Joint Application"
 - Applicable attachment(s)
 - Supporting documentation

Joint Application Form for Activities Affecting Water Resources in Minnesota

PART FOUR: Aquatic Resource Values Summary

Category	Value	Score	Weight	Weighted Score
Wetland	High	10	1.0	10.0
Water Quality	High	10	1.0	10.0
Wildlife	High	10	1.0	10.0
Historic Resources	High	10	1.0	10.0
Other	High	10	1.0	10.0
Total				50.0

Attachment A
Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

I, the undersigned, hereby request that you conduct a delineation review, wetland type determination, or jurisdictional determination for the above described property. I understand that you will charge a fee for this service. I agree to pay this fee. I understand that you will charge a fee for this service. I agree to pay this fee.

79

Is the application complete?

- Application must contain sufficient/required information found on 1st page of application
- Consider what is being asked, where it fits in Rule, what information the Rule requires
- Local application requirements such as fees?

Joint Application Form for Activities Affecting Water Resources in Minnesota

The purpose of this form is to provide a means for reviewing the proposed project and to determine if the project is consistent with the Minnesota Water Resources Act. This form is to be completed by the applicant and submitted to the Minnesota Department of Natural Resources (DNR). The DNR will review the application and determine if it is complete and if it meets the requirements of the Minnesota Water Resources Act. If the application is not complete, the DNR will issue a notice of reopening. If the application is complete, the DNR will issue a notice of decision. If the applicant is not satisfied with the notice of decision, they may appeal the decision. If the applicant is not satisfied with the notice of reopening, they may request a hearing. If the applicant is not satisfied with the hearing, they may request a review by the Minnesota Department of Natural Resources.

80

Application Review

- Use checklists/guidance
- Missing Information = Incomplete Application
- Notify applicant
 - Within 15 business days of receipt
 - Provide list of what is missing

81

It's Complete! Notice of Application

- Complete BWSR form
- Mark all decision types
- Specify comment Period (min 15 days)
- Decision time information
- Send to applicant, agent, TEP and others who requested notice

82

NOA Use

Summary of LGU Application Types		
Decision Type	NOA Required	NOD Required
Boundary or Type	Yes	Yes
No-Loss	No	Yes
Exemption	No	Yes
Sequencing	Yes	Yes
Replacement Plan	Yes	Yes
Bank Plan	Yes	Yes

83

Technical Evaluation Panel "TEP"

8420.0240-2

- LGU** (City, WD, County, SWCD)
- BWSR** (Wetland Specialist, etc)
- SWCD** (Technical Staff, mailage)
- DNR** (Area Hydro, wildlife, etc)

+ Watershed District + US Army Corps of Engineers

84

Notice of Decision

Notice of Decision (NOD) should include:

- Summarize the project- Decision type requested, proposed impact including wetland type and amount
- Clearly state the decision
- Applicable rule citation(s)
- TEP findings
- Conditions of approval
- Location map



85

LGU Decision

- Based on standards and procedures in WCA, TEP Findings, and Recommendation.
- Must occur within 60 days of complete application (or as extended)
- Requires a Notice of Decision within 10 days



86

General Appeal Process

- 30 day appeal window following NOD
 - Any work completed during this period may be at risk.
- 30 days starts from postmarked date of mailing or date of electronic transmission
- Extension possible by mutual agreement

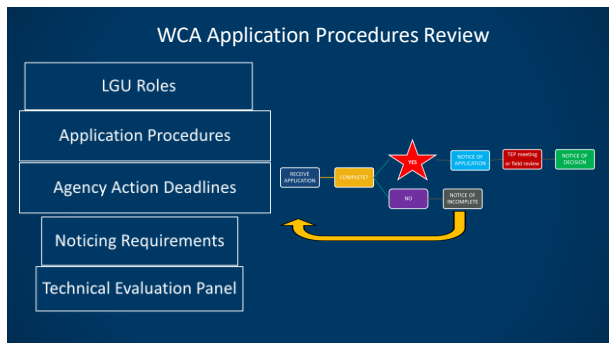


87

General Appeal Process

- Appeals may be made by
 - landowner,
 - those required to be noticed (TEP/other*)
 - 100 residents in county where wetland is located.
- Appeal goes to BWSR – specific staff.
- Heard by Dispute Resolution Committee with final decision by full BWSR Board.

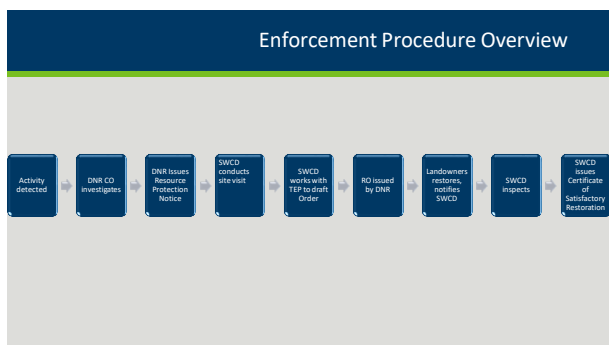
88



89



90



91

8420.0900 Subp. 3. Restoration and Replacement orders.

- B. Promptly upon being informed by the enforcement authority or the local government unit of the need, a soil and water conservation district staff person **must** inspect the site and prepare a plan in consultation with the local government unit and the enforcement authority for restoring the site to its prealtered condition.

92

SWCD Role in a violation

- Landowner contact for CDO or RPN
- Site visit- gather information/evidence
- Prepare Restoration/Replacement Order
- Monitor restoration/ replacement site.
- Certificate of Satisfactory Completion
- Track the cases.

93

LGU Role in a violation

- Help Determine if site has permit for work or prior work done.
- Assist SWCD on Restoration/Replacement Orders
- Assist with gathering evidence
- Receive application from landowner for exemption, no-loss determinations, and replacement plans
- Track the cases

94

BWSR's Role in a violation

- Rule interpretation
- Bounce ideas back and forth (appropriate seed mixes)
- May contact more specialist BWSR staff to assist in difficult projects
- Assist SWCD/LGU in developing RO's
- Assist in technical findings

95

DNR Enforcement Role

- Landowner contact if Cease and Desist Orders
- Write Summary of information on violation
- Gather Evidence of the violation including contractors info
- Issue Restoration and Replacement Order
- Grant Extensions
- Initiate enforcement action
- Follow and track all violation cases
- Issue RPN for after the fact cases. (not in progress)

96

ENR ENFORCEMENT
Resource Protection Notification

DATE: 1/17/25

TO: [Redacted]

FROM: [Redacted]

CLASSIFICATION: [Redacted]

PROJECT: [Redacted]

ACTIVITY: [Redacted]

LOCATION: [Redacted]

STATUS: [Redacted]

REMARKS: [Redacted]

AGENCY: [Redacted]

DATE: [Redacted]

BY: [Redacted]

APPROVED: [Redacted]

Resource Protection Notices

97

Minnesota Department of Natural Resources
Wetland
CEASE AND DESIST ORDER

DATE: 1/17/25

TO: [Redacted]

FROM: [Redacted]

CLASSIFICATION: [Redacted]

PROJECT: [Redacted]

ACTIVITY: [Redacted]

LOCATION: [Redacted]

STATUS: [Redacted]

REMARKS: [Redacted]

AGENCY: [Redacted]

DATE: [Redacted]

BY: [Redacted]

APPROVED: [Redacted]

ANY VIOLATION OF THIS ORDER IS A MISDEMEANOR

Cease & Desist Orders

98

Data Collection

Who – landowner and/or responsible party, contractor

- RO will go to all

What – type of disturbance or activity that occurred

- Useful for determining impact

Why – purpose of action? Were goals achieved? (i.e. some drainage is not effective...)

99

Data Collection

When – estimated time of activity occurrence

- Helpful in determining responsible party if ownership change has occurred
- Aerial photos/PID information
- Did the activity work?

Where – Property location (critical), but also landscape position, slope, etc.

100

Data Collection

- Maps
- Illustrations
- TEP Findings and Recommendation
- Discussions with landowner/responsible party
- Survey information
- You may only have one opportunity to be on site

101

The RO

Restoration Order Gives the Landowner Options

- Restore
- Apply for replacement, exemption, no-loss
- Appeal- w/in 30 days + \$500 fee
- Court/Deed Restriction if no action is taken by landowner

After-the-fact replacement ratio must be twice the ratio otherwise required

102

The RO

- Send RO to the Officer OR WREO ASAP Enforcement will serve the order (must be served in person or certified mail)
 - We recommend to officers to use only certified mail
 - Easy for everyone to track time line
- **MAKE SURE YOU SIGN YOUR COPY BEFORE SENDING IT TO CO OR WREO.**
- Extensions are issued **only** by enforcement and if:
 - The landowner has a good reason for not getting it done
 - Has made some progress
 - Maybe weather related (heavy rains, early freeze)
 - Submitted application
 - Filed an Appeal

103

Is a formal Restoration Order Always Required?

- No, voluntary restoration is allowed but should consider
 - Willingness to cooperate
 - Past history
 - Shortened timeframe for completion to allow for formal RO process
 - Some kind of written plan or agreement with deadlines
 - Communication and agreement with DNR Enforcement

104

Voluntary Restoration

Washington Conservation District

Voluntary Restoration

Project Description: This form is for restoring the natural resources of a project... (text partially obscured)

Voluntary Restoration Requirements:

- 1. The project must be for the purpose of restoring natural resources.
- 2. The project must be for the purpose of restoring natural resources.
- 3. The project must be for the purpose of restoring natural resources.

Permit Information:

Project Name: [Redacted]

Project Location: [Redacted]

Project Start Date: [Redacted]

Project End Date: [Redacted]

105

Certificate of Satisfactory Restoration

Prepared and issued by the SWCD

Minnesota Wetland Conservation Act

Determination Notice Form

Project Description: [Redacted]

Determination: [Redacted]

Remarks: [Redacted]

Project Information:

Project Name: [Redacted]

Project Location: [Redacted]

Project Start Date: [Redacted]

Project End Date: [Redacted]

106

RO Non-Compliance

The landowner does not comply with the RO. Now what?

- Enforcement will work with you!
 - CO Sends a Letter
 - CO Makes a Phone call
 - Deed restriction in some cases
 - Landowner Served a Criminal Citation
 - Court

107

Contractors Responsibility

- Prior to working they:
 - Must have obtained signed statement from landowner
 - Mailed a copy to the LGU
 - They do not need to verify if the landowner has a permit or not. Just have the signed form and mailed it.

108

Appeals

- Landowner has 30 days to appeal Order
- RO must allow >30 days to comply with Order

109

Which of the following is not a LGU's role in administering the WCA:

- Make decisions on applications made under the WCA
- Completely fill out a joint application for the landowner
 - Coordinate TEP meetings when needed
 - Provide knowledgeable and trained staff

110

Which of the following is not a LGU's role in administering the WCA:

- Make decisions on applications made under the WCA
- Completely fill out a joint application for the landowner
 - Coordinate TEP meetings when needed
 - Provide knowledgeable and trained staff

111

Sometimes referred to as the "60 day Rule", this Minnesota State Statute determines the agency action deadline for all WCA LGUs to make a decision on a wetland application:

- MN Statute 8420
- MN Statute 15.99
- MN Statute 404
- MN Statute 103G

112

Sometimes referred to as the "60 day Rule", this Minnesota State Statute determines the agency action deadline for all WCA LGUs to make a decision on a wetland application:

- a) MN Statute 8420
- b) MN Statute 15.99
- c) MN Statute 404
- d) MN Statute 103G

113

For a project in a shoreland area, the Technical Evaluation Panel consists of:

- a) The LGU, Army Corps and DNR.
- b) The LGU, SWCD, BWSR and Army Corps.
- c) The LGU, SWCD, BWSR and DNR.
- d) The Army Corps and DNR.

114

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- b) The LGU, SWCD, BWSR and Army Corps.
- c) The LGU, SWCD, BWSR and DNR.
- d) The Army Corps and DNR.

115