

Minnesota Board of Water and Soil Resources
Wetland Conservation Act 2021 Annual Reporting Form
For reporting WCA activities during calendar year 2021

Use the tab key to navigate between fields.

Local Government Unit (LGU): Lac qui Parle – Yellow Bank Watershed District	Organization Type: Watershed District	County (or Counties if WMO) Lac qui Parle
Name of Person Completing Report: Mitch Enderson	Title: WD Coordinator	Contact Phone #: 320-598-3319
Your Employer Name (if submitting report on behalf of an LGU): e.g. name of consulting firm		

Does your LGU receive WCA funding from the Natural Resources Block Grant (NRBG)? Yes, transferred from county or SWCD

NOTE: Completion of this report is required for all WCA LGUs. It must be received at WCA_Reporting@state.mn.us on or before **February 4, 2022**. See the accompanying instructions for details.

- Number of landowner contacts in which wetland-related technical assistance was provided during the calendar year: 300 *(Please provide your best estimate.)*
- Number of applications/requests of each type listed below that were approved and denied (via issuance of a Notice of Decision) and withdrawn by the applicant after submittal but before a decision was made:

Type of Application:	# Approved	# Denied	# Withdrawn
A. Boundary or Type	0	0	0
B. No-Loss	0	0	0
C. Exemption	7	0	0
D. Sequencing	0	0	0
E. Replacement Plan*	0	0	0

*Do not include local road authority notifications for projects that qualify for replacement under the BWSR Local Government Roads Wetland Replacement Program according to MN Rule 8420.0544.

- Number of exemptions approved and square feet of wetland impact for each category from MN Rule 8420.0420 (provide best estimate for impacts that are not easily quantified):

Type of Exemption:	Number of Approved Exemptions	Sq. Ft. of Wetland Permanently Impacted
Subp. 2. Agricultural Activities	2	621,601.2
Subp. 3. Drainage	1	2,091,000
Subp. 4. Federal approvals	0	0.00
Subp. 5. Restored wetlands	0	0.00
Subp. 6. Utilities	0	0.00
Subp. 7. Forestry	0	0.00
Subp. 8. De minimis	0	0.00
Subp. 9. Wildlife habitat	0	0.00

Subp. 2g. Agricultural wetland bank exemption*	4	235,224
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*See WCA reporting instructions.

4. Number of replacement plans **approved** that replace impacts by the following methods:

A. Use Wetland Bank Credits:	0
B. Project-Specific Replacement:	0
C. Combination of Wetland Bank Credits and Project-Specific Replacement:	0

5. Square feet of wetland to be **impacted** via an approved replacement plan: 0

6. For approved replacement plans, list project-specific replacement only* in square feet and corresponding credit amounts as approved in the following categories from MN Rule 8420.0526:

Action Eligible for Credit:	Square Feet	Repl. Credit
Subp. 2. Upland buffer areas.	0	0.00
Subp. 3. Restoration of completely drained or filled wetland areas.	0	0.00
Subp. 4. Restoration of partially drained or filled wetland areas.	0	0.00
Subp. 5. Vegetative restoration of farmed wetlands.	0	0.00
Subp. 6. Protection of wetlands previously restored via conservation easements.	0	0.00
Subp. 7. Wetland creations.	0	0.00
Subp. 8. Restoration and protection of exceptional natural resource value.	0	0.00
Subp. 9. Preservation of wetlands	0	0.00

*For question 6, report project-specific replacement only. Replacement via banking is accounted for via BWSR's banking database.

7. For project-specific replacement wetlands, list the number of each completed or received:

A. Construction Sites Inspected	B. Corrective Actions Ordered	C. Monitoring Reports Received	D. Findings of Satisfactory Replacement
0	0	0	0

8. Number of **potential WCA violation sites** investigated: **3**

9. Number of **enforcement actions** that were taken under local ordinances and/or that did not result in DNR-issued cease and desist, restoration, or replacement orders (including informal resolution of violations): **0**

10. Number of **local appeals** heard: 0

11. **Optional:** Please provide information regarding unusual circumstances, time spent on enforcement or major violations, banking application reviews, known exempt activity for which a formal decision was not made, additional detail or clarification of above data, or any other information or comments you would like to share. The two Agricultural Activities exemptions approved were applied for in 2020 but not approved until 2021. The one approved Drainage exemption was associated with a County Ditch Improvement project. Three landowners inquired about potential bank sites but have not moved forward. One agricultural bank full mitigation plan was submitted utilizing the assistance of the newly formed Agricultural Wetland Bank Technical Assistance Program. The plan was approved and an initial credit request has been signed and returned to the applicant. An interim credit release was approved for bank account 1633 for 2.35 credits. 9.235 credits were released to bank account 1641. A monitoring report was received for account 1633. 211 drainage permits were reviewed for WCA compliance, and approximately 75 additional various inquiries were responded to, including some locations with multiple inquiries. Approximately thirty-five activities known to be exempt were not issued formal decisions, and twenty-eight additional permits were given restrictions such

as setbacks. Cropping history was requested for 2 drainage permit applications to verify eligibility for an exemption. Seven permit applications were instructed to contact DNR due to the presence of a Public watercourse or basin. Three permit applications deemed not eligible for an exemption were provided Joint Applications. One violation reported in late 2020 was issued a restoration order, and the case is still currently open with a pending court hearing in early 2022. Two new potential violations associated with DNR public watercourse violations were reported and are being investigated.

Minnesota Board of Water and Soil Resources
Wetland Conservation Act 2021 Annual Reporting - Instructions

Requirement

Annual reporting of Wetland Conservation Act (WCA) implementation activities is required for **all** of Minnesota's WCA local government units (LGUs) in accordance with MN Rule [8420.0200, Subp. 2, Item I](#). This reporting requirement applies regardless of whether or not the LGU obtains any WCA funding from BWSR.

Important Submittal Instructions

If you are a County entity (such as an SWCD, County Environmental Services, Planning Dept., etc.) and serve as LGU or otherwise represent the County and other specific cities/townships in the County, then you need only complete *one form* for all activities covering all of the entities you represent. Just put the name of your entity in the LGU box and do not list the entities you are reporting for. We will assume that you are reporting for all entities you are identified as representing in the [BWSR LGU List](#).

If you are a consultant representing more than one LGU, then you must complete a separate form for each LGU you represent.

If you are a watershed district (WD) or watershed management organization (WMO), you can submit one form for your entire WD/WMO. If there are cities/townships within your WD/WMO that are their own LGU, they will be responsible for submitting their own separate form and you should not include their activities in your reporting form.

If you are a City or Township that has some, but not all, areas within a WD/WMO in which the WD/WMO is the LGU for those areas, then you should submit a form for only those activities that occurred within your city/township but outside of the WD/WMO.

If you are expecting another entity to report on your behalf, confirm with that entity that they are reporting on your behalf and ask for a copy of their reporting form to document compliance with WCA rule.

- 1) Complete and save the form to your computer/network (**do not convert to .pdf or other format**). Retain the form for future reference or needed corrections.
- 2) E-mail the completed form to WCA_Reporting@state.mn.us to be received by BWSR no later than **February 4, 2022**. The "sent" date of the e-mail will be used to track the date of receipt. **Use your LGU name as the subject line of the e-mail.** Note: Only send completed reporting forms to this address. Do not direct questions or other correspondence to this email address, instead contact your [BWSR Wetland Specialist](#).
- 3) Your Wetland Specialist will review the data and may contact you with questions or possible corrections.

Relationship to Natural Resources Block Grant (NRBG)

Completion and submittal of this form is required of **all LGUs** regardless of whether or not NRBG funding is provided. However, it is also a condition of the grant for those LGUs who receive NRBG funding. LGUs who fail to submit the form will not receive NRBG grant funds. For those local governments that receive NRBG WCA funding and distribute it to multiple LGUs, each LGU for which NRBG WCA funds have been transferred should be listed in the NRBG eLINK report. The local government must also ensure that WCA activity reporting for each LGU for which NRBG WCA funds have been transferred is completed according to the instructions above.

Timeframe and Context

In general, the data provided should be based on WCA activities for which the LGU has issued a final decision, application withdrawn, or issue resolved during the **2021 calendar year** (see question 1 guidance for exception). The approved activities need not have been implemented in order to be reported. Projects still under review but not

approved by the LGU at the end of the calendar year should not be reported until the year in which a decision has been made or they are otherwise resolved.

Question-Specific Guidance

The following guidance items are numbered to correspond to the numbered items in the reporting form:

1. The purpose of this question is to gather information on LGU workload. Landowner is a general term meant to include agents, consultants, and developers that are proposing or contemplating projects regardless of their legal ownership of the land. In addition to landowners for which WCA applications were processed during the calendar year, LGUs should report the number of landowner contacts for which they answered questions related to wetlands or WCA, provided preliminary review of projects potentially affecting wetlands, provided advice on wetland boundaries or exemption applicability, or other landowner consultation related to WCA or wetland. Meeting with one landowner four times on the same project would count as four landowner contacts for the purpose of answering this question. Newsletters or other such general correspondence do not constitute technical assistance provided to a landowner. Please provide your best estimate.

2. For purposes of this question, “withdrawn” means that the applicant has submitted an application but withdrew it prior to the LGU making a decision.

Replacement plans (Item 2E) do not include local road authority notifications for projects that qualify for replacement under the BWSR Local Government Roads Wetland Replacement Program (road program) according to MN Rule 8420.0544. These notifications are reported separately and accounted for in BWSR’s road program tracking database. However, non-qualifying road projects completed under a replacement plan (or a combination of banking/project-specific and the BWSR road program) should be reported here.

The total number of Replacement Plans approved (question 2E) must equal the total Replacement Plans Approved under question 4.

3. The purpose of this question is to gather data on the amount of wetland lost due to approved exemptions and the frequency of exemption use. The exemptions are organized consistent with the WCA rule order. LGUs should only report exempt impacts for which a decision has been made to approve the exempt impacts. Known wetland impacts due to exemptions for which the LGU has not formally made a decision can be reported under question 11. Report impacts in square feet.

Please note the addition of Subp. 2G Agricultural wetland bank exemption. This exemption has been separated from the others because the impacts are being replaced, and not permanently lost. Regardless, the amount of wetland impacted under this exemption should be reported.

LGUs should only report the square feet of wetland *permanently lost* due to exempt activity. For example, true drainage maintenance in accordance with MN Rule 8420.0420, Subpart 3, Item B generally does not require reporting. Reporting temporary impacts each time the ditch or tile is maintained can lead to multiple reporting of impacts to the same square feet over time, which is misleading and skews the resulting data. However, exempt wetland impacts due to new ditches or tile lines, existing drainage that has been improved, or deposition of spoil in wetland areas beyond the existing square feet of deposition must be reported. Wetlands drained under Item C of the drainage exemption will almost always require reporting.

The number of Exemptions Approved (question 2C) should equal the Total Number of Approved Exemptions under question 3.

Check your work to ensure it is correct – the total number of approved exemptions in #3 should equal the sum of approved exemptions in #2. The only exception is when a true drainage maintenance project is not reported in question #3 per the above paragraph.

4. Item A is NOT referring to wetland bank or LGRWRP applications, but rather replacement plans that utilize bank credits for replacement. Check your work - the sum of A+B+C should equal the number of replacement plans approved under question #2E.

5. The purpose of this question is to collect data on the quantity of wetland in square feet lost under approved replacement plans. LGUs should sum the number of square feet of approved wetland impact (drainage, fill, or regulated excavation) that require replacement. Report total wetland impacts in square feet. *Do not* include square feet of wetland impact that do not require replacement by WCA (such as exempt or no-loss activities).
6. Report the total *square feet* of replacement and the corresponding number of approved *credits*, *remember acres do not always equal credits*, associated with each action eligible for credit in MN Rule 8420.0526 (the actions are organized consistent with the WCA rule order). This item pertains to project specific replacement under approved replacement plans only – do not report credit approved under a banking plan or a replacement plan using banking credits.

Example: If an application was approved to restore a 435,600 sq. ft. (10-acres) of partially drained wetland at 50% credit, and 348,480 sq. ft. (8 acres) of upland buffer at 25% credit, the LGU would report the following:

- 1) 435,600 sq. ft. (10 acres) under the “square feet” column, and since it is at 50% credit ($10 * 0.5$) = 5 credits under the “Repl. Credit” column for *restoration of partially drained or filled wetland areas*, and
 - 2) 348,480 sq. ft. (8 acres) under the “square feet” column, and since it is at 25% credit ($8 * 0.25$) = 2 credits under the “Repl. Credit” column for *upland buffer areas*.
7. The purpose of this question is to gather data on replacement monitoring compliance and track LGU oversight of replacement plan projects. Note that “construction sites inspected” and “corrective actions ordered” are specific to *project specific replacement wetlands* only.
 Note: LGUs should be tracking all approved replacement sites and comparing them with actual monitoring reports received in order to identify issues of non-compliance.
 8. This question is related to LGU workload associated with enforcement activities that may or may not get reflected in formal actions or decisions. For this question, LGUs should report potential WCA violation site inspections regardless of what initiated the inspection (DNR enforcement flight, landowner complaint, found by LGU, etc.) or the end result (no violation, cease and desist, restoration order, resolved locally, etc.). This should include site inspections performed by the SWCD separately from the LGU, however, care should be taken not to duplicate numbers. Site investigations resulting from DNR-submitted Resource Protection Notice “RPNs” should also be included in this item.
 9. This question is intended to collect data on those instances where the LGU resolves violations informally, through local channels, or through an enforcement order issued by a non-DNR enforcement officer (i.e. a deputy sheriff). Violations that result in the issuance of an order by a DNR enforcement officer should not be reported because that information will be obtained directly from the DNR.
 10. Do not include appeals to BWSR.
 11. This is your chance to report anything you feel is relevant or important that may not be captured in other questions. Please attempt to limit this information to the maximum 2,500 characters, however, if you have additional relevant information, provide it on a separate document and attach it to the e-mail.

Differences due to implementation of an approved Comprehensive Wetland Protection and Management Plan should be reported on a separate document generated by the LGU.

Contact your BWSR Wetland Specialist with any questions regarding completion of the reporting form.