



Basic WCA Administration Exemption Example

BWSR Academy

October 27, 2010

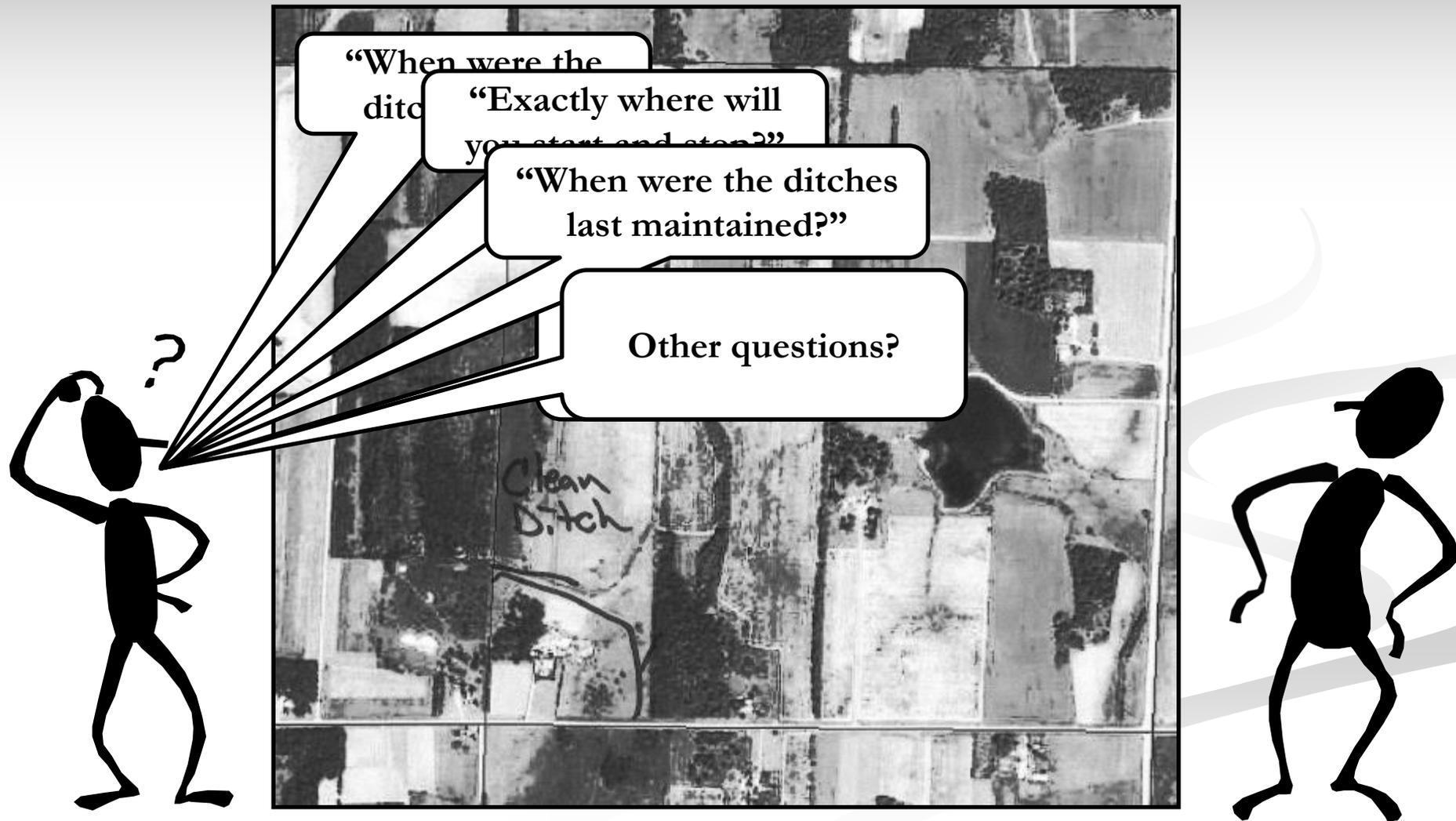
Landowner brings in photo



"I want to clean my ditches."



History and Background

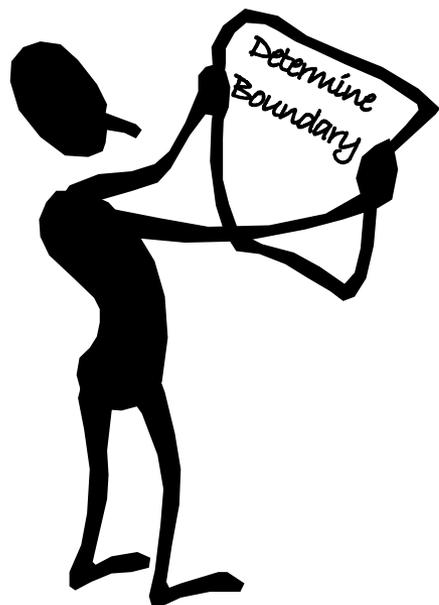
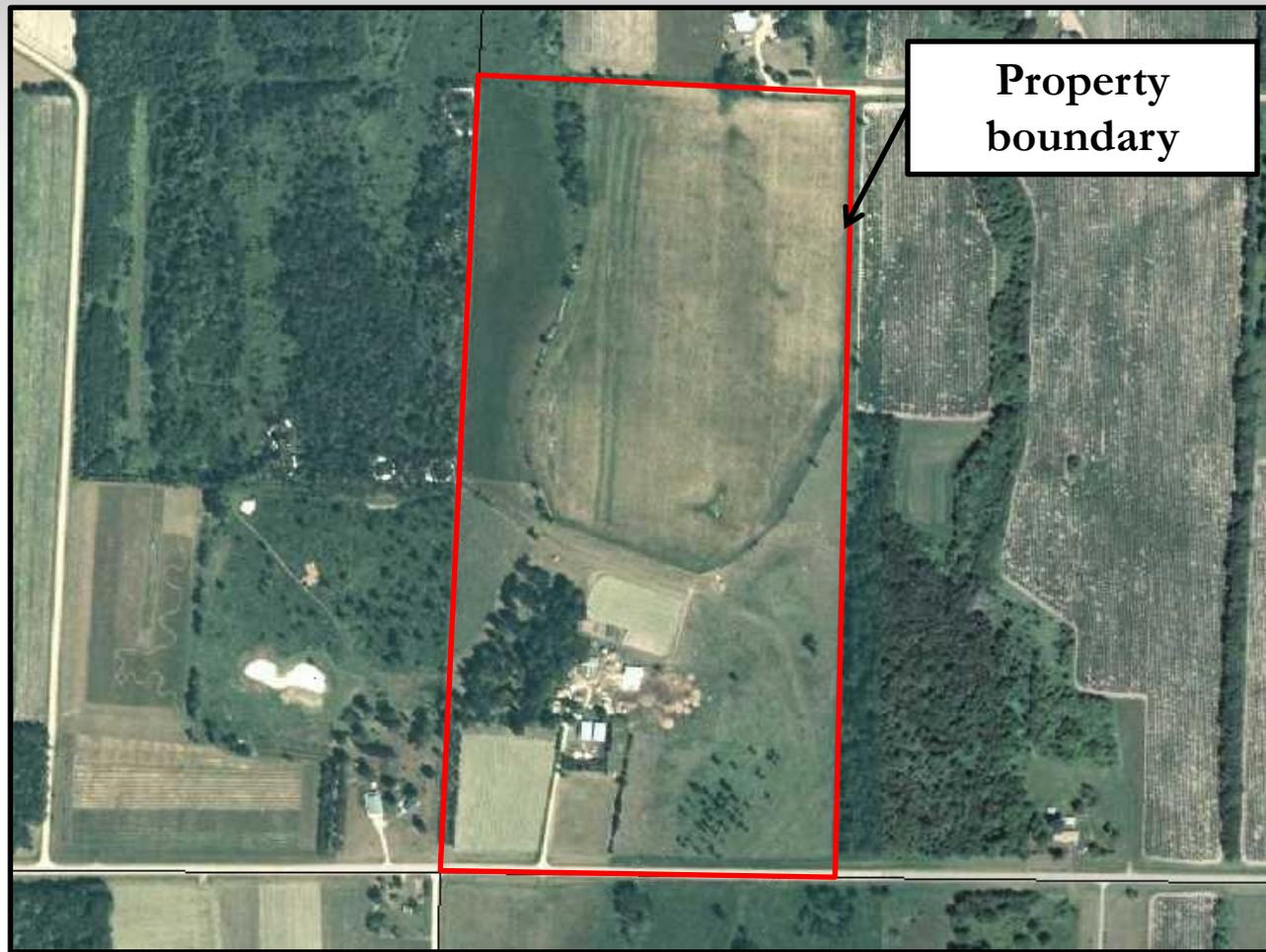


Review Information

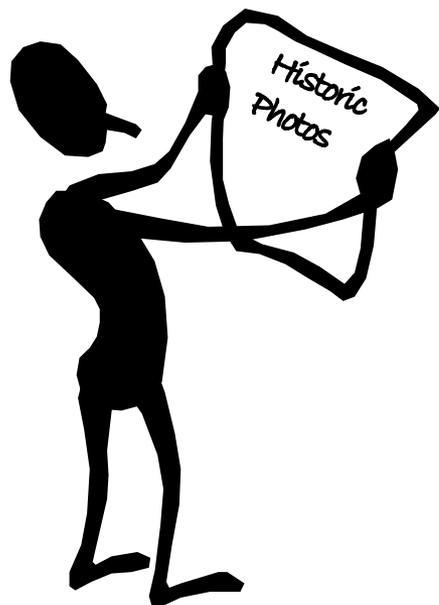


- Past activities or exemptions
- Maps
- Air photos
- Cropping slides
- Soils maps
- Others depending on exemption criteria.

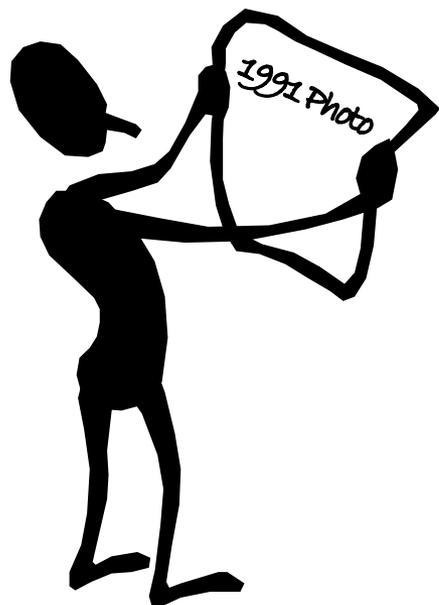
Review Information



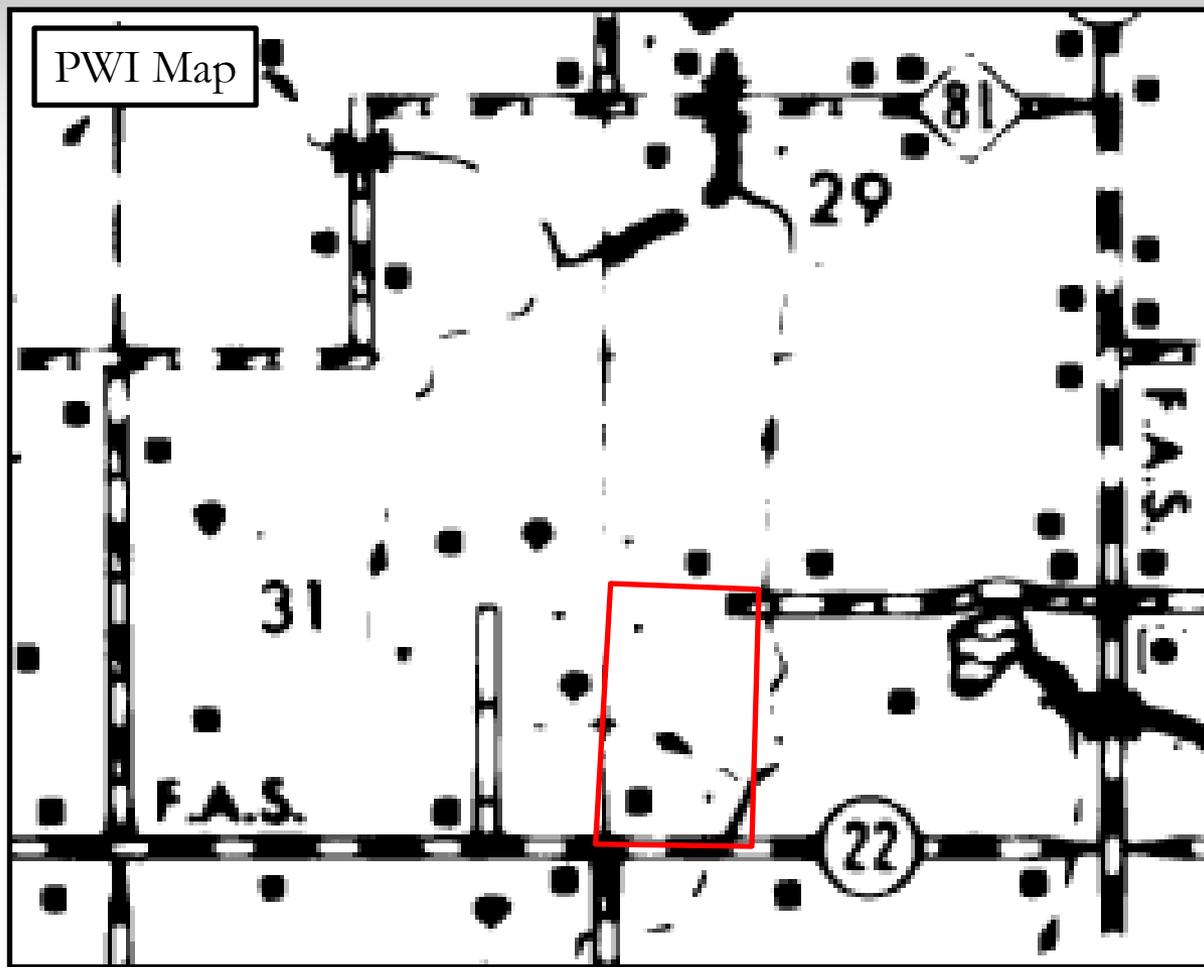
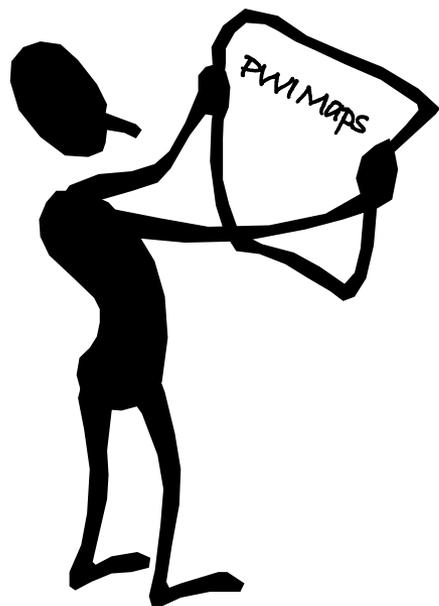
Review Information



Review Information



Review Information



Discuss with Landowner





Review Exemption Criteria

- Conditions for ALL no-loss and exemption projects (8420.0410)
 - Erosion control
 - Fish activity
 - Compliance with other local, state, or federal requirements, including BMPs



Review Exemption Criteria

- **Exemption standards (8420.0420, Subp. 1)**
 - **Calcareous fens**
 - **Wetland banks**
 - **Replacement credit**
 - **Partially impacted**
 - **Cannot combine exemptions**
 - **Conversion from agricultural land use**



Review Exemption Criteria

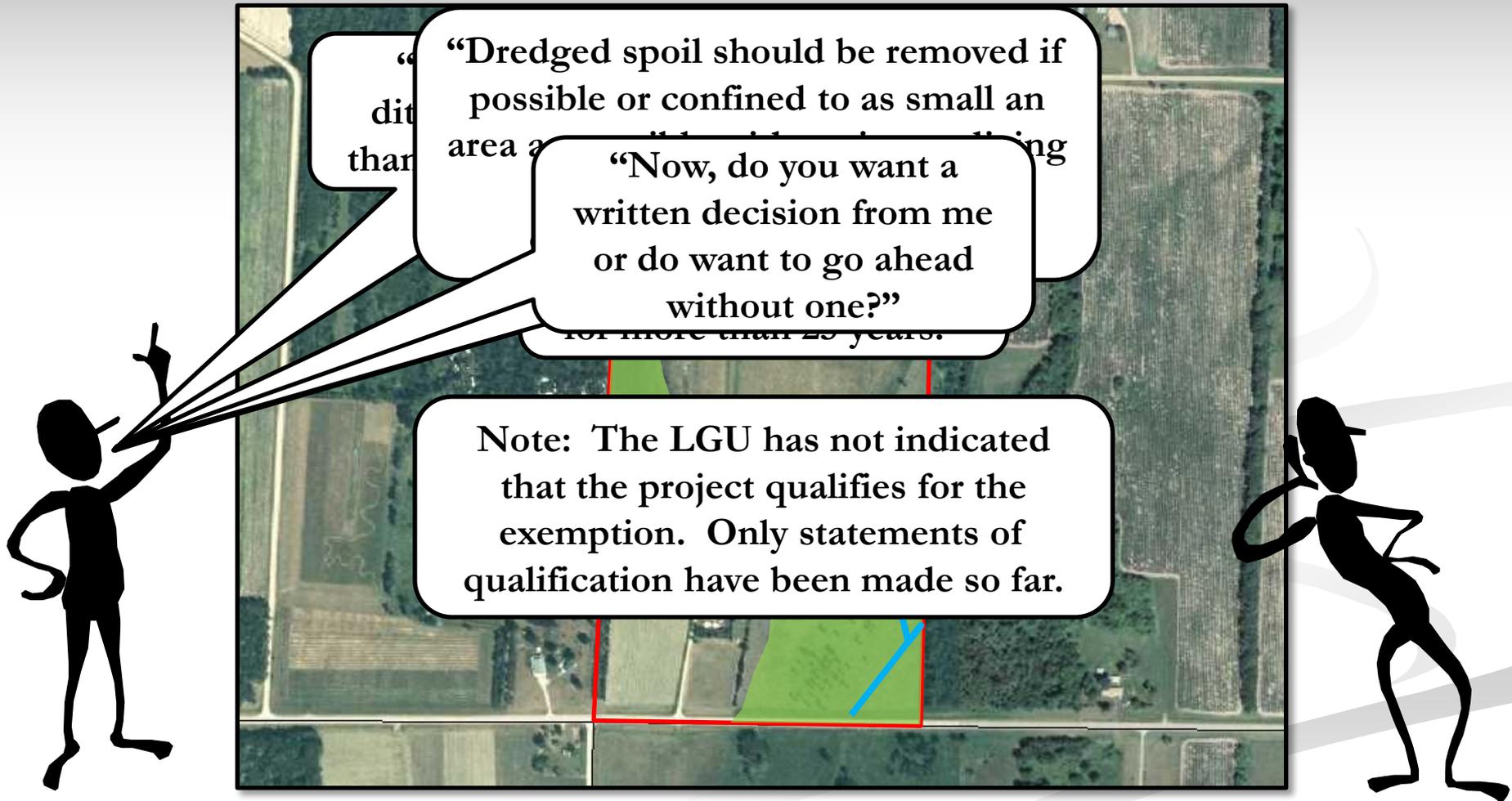
- **Private drainage maintenance exemption (8420.0420, Subp. 3, Item B (2))**
 - **Maintenance or repair of existing**
 - **Non-public system**
 - **25 year existence**



Review Exemption Criteria

- **Other drainage exemption requirements (8420.0420, Subp. 3, Item D)**
 - **Spoil placed and stabilized to minimize impacts**
 - **Maintain stability of ditch and water quality**

Review Exemption Criteria





Decision vs. Evaluation Only

- **Warning:** Any statement of consent or agreement (verbal or written) may be interpreted as LGU approval
- **BWSR strongly recommends that an LGU decision be made whenever possible**

Decision

- Application preferred but not necessary
- TEP if needed
- Make decision
- Document review & qualification
- Complete NOD and incorporate findings and decision details
- Send NOD within 10 business days





Notice of Decision

Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit (LGU) Your LGU Name Here	Address Your Address Your Town, MN XXXXX
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1. PROJECT INFORMATION

Applicant Name Joe Bean	Project Name Bean Ditch Repair	Date of Application 10/1/10	Application Number
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<input checked="" type="checkbox"/> Attach site locator map.
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Type of Decision:

<input type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input checked="" type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		



Notice of Decision

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: **10/8/10**

Approved

Approved with conditions (include below)

Denied

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

Applicant can maintain ditches on property (see attached Project Plan) to original depth and width. It is estimated that 10 to 14 inches of sediment is present in the ditch. No culverts associated with the ditch can be lowered. All dredged spoil must be placed next to the ditch or removed from the wetland. Dredged materials placed in the wetland cannot be spread more than 16 feet in width and must be stabilized to prevent erosion.



Question

- A decision was made before expiration of the 15 business day comment period required for a NOA, can this be done?

YES

NOA is not required for exemption or no-loss decisions and the LGU can make on-site exemption and no-loss decisions.



Notice of Decision

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

Appeal of an LGU staff decision. Send petition and **\$500.00** fee (if applicable) to:
Your LGU Name
Your Address
Your Town, MN XXXX

Appeal of LGU governing body decision. Send petition and \$500 filing fee to:
Executive Director
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155



Notice of Decision

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687
or send to:

US Army Corps of Engineers
St. Paul District, ATTN: OP-R
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:
Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

Site locator map.

Project plan.

Evaluation Only

- Use this option with extreme caution
- Statements of criteria and conditions only
- Any affirmative qualification statement (written or verbal) may be treated as approval
- Document all discussions and retain for your records





Questions?

