

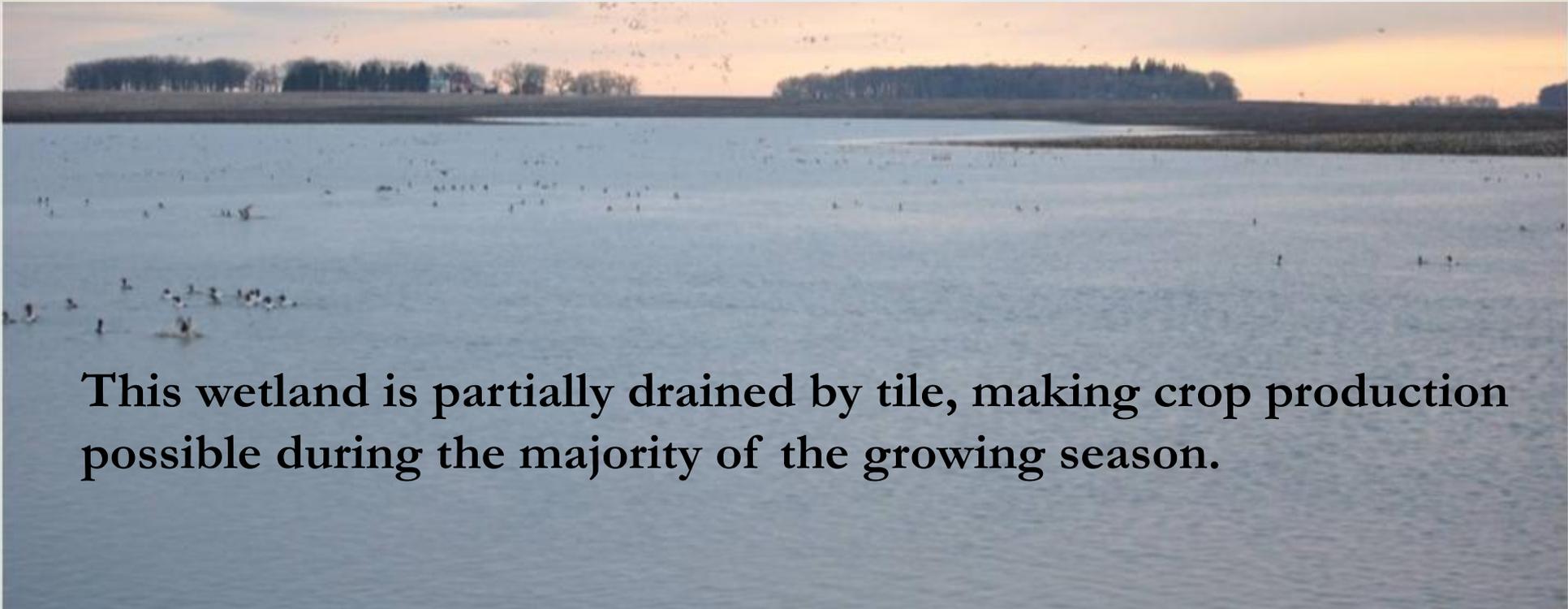
# The Essentials of Ag Wetland Banking



# Eligibility for Banking Credit

---

- ☞ In general, the site must contain a wetland that has been drained, filled, or degraded by cropping, that can now be restored.



This wetland is partially drained by tile, making crop production possible during the majority of the growing season.

# General Eligibility



- ❧ Must be approved before restoration activities begin.
- ❧ Modification or conversion of non-degraded wetlands from one type to another is not eligible.
- ❧ Wetlands drained or filled in violation of WCA or Swampbuster are not eligible.
- ❧ Wetlands impacted under a WCA exemption may not be restored for replacement credit for ten years.

# Conservation Easement



- ❧ A permanent conservation easement must be granted to and accepted by BWSR before wetlands can be deposited in the State wetland bank.
- ❧ BWSR will ensure the application is consistent with WCA and that engineering designs are adequate prior to accepting the easement.

# What the Easement Allows



- ❧ Site inspections by BWSR staff for long term monitoring.
- ❧ Hunting, fishing, hiking, bird watching, and other activities that do not degrade the wetland.
- ❧ Seed collection (by hand).
- ❧ Activities identified in the approved banking plan.
- ❧ Sale of the property.

# What the Easement Restricts



- ❧ Draining or filling.
- ❧ Buildings and structures.
- ❧ Cropping, haying, or mowing.
- ❧ Any activity that will degrade the wetland and associated buffer.

**The easement does not grant access to the public.**



# Sequencing/Eligible Actions



- ☞ Typically WCA applicants for mitigation need to demonstrate Sequencing (Avoidance and Minimization)
- ☞ State law allows for flexibility for Ag Impacts when they are to be replaced through the restoration of naturally occurring wetland.
- ☞ Fully restored naturally occurring wetlands will provide greater benefits than wetlands degraded by farming
- ☞ Because of this flexibility only restored wetlands will be eligible for the Ag wetland bank

# Actions Eligible for Wetland Credit



# Crediting



- ❧ The more a wetland is degraded, the more credit can be allocated to its restoration.
- ❧ Each action eligible for credit identifies specific potential credit amounts.
- ❧ Actual credits are allocated as success is achieved in restoring the site.

# Restoration of completely drained or filled wetland areas



2006



2011



# Restoration of partially drained or filled wetland areas

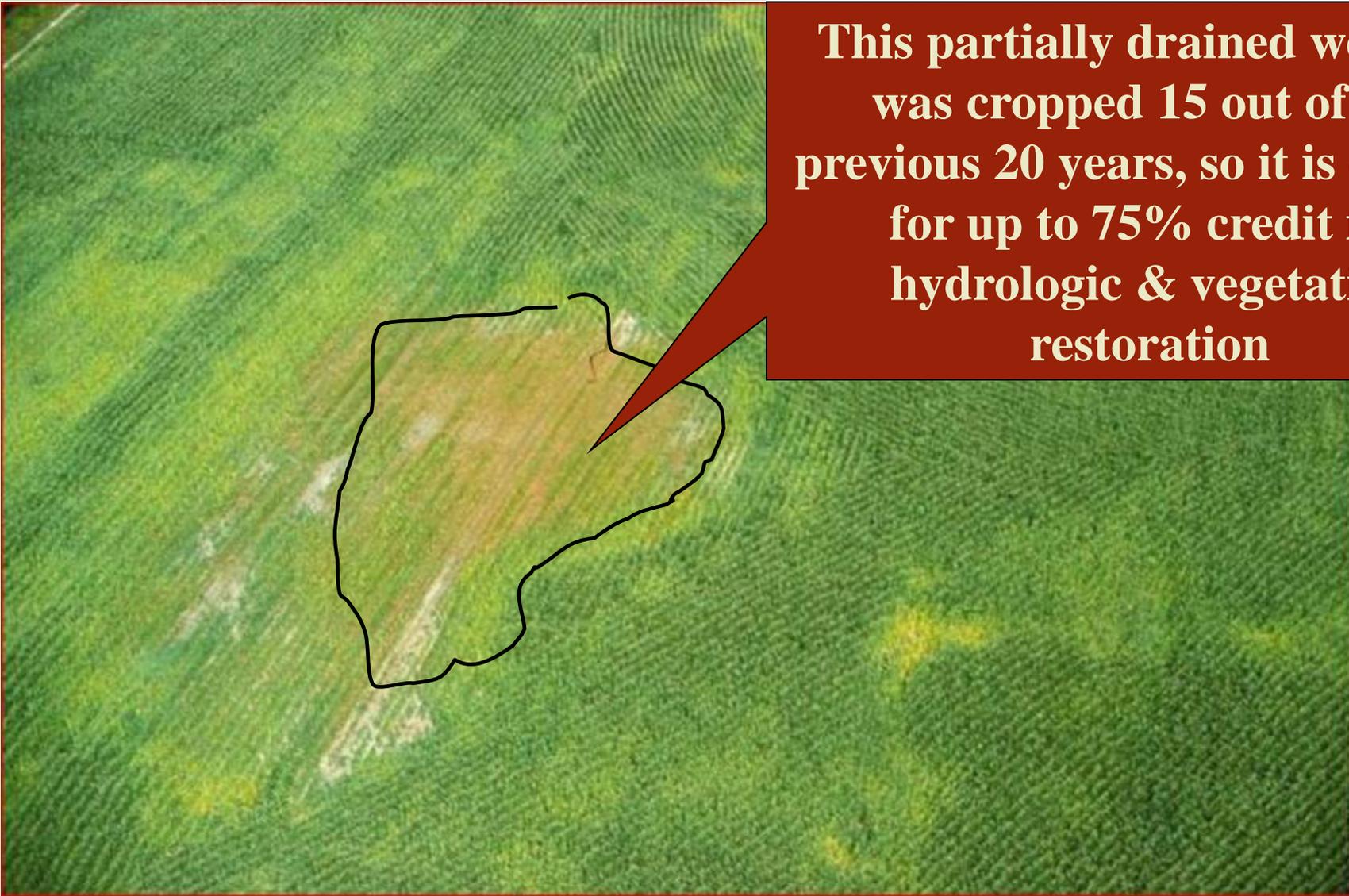


# Restoration of partially drained or filled wetland areas



- ❧ A. any wetland area substantially degraded by partial drainage or fill that was planted with annually seeded crops... in at least 10 of the last 20 years before the date of application is eligible for replacement credit in a percentage equivalent to the percent of time the wetland area was annually seeded...; and
- ❧ B. all other wetland areas substantially degraded by partial drainage or fill are eligible for replacement credit of up to 50% of the wetland area restored.

# Restoration of partially drained or filled wetland areas (cont'd)



**This partially drained wetland was cropped 15 out of the previous 20 years, so it is eligible for up to 75% credit for hydrologic & vegetative restoration**

# Vegetative restoration of farmed wetlands



# Vegetative restoration of farmed wetlands



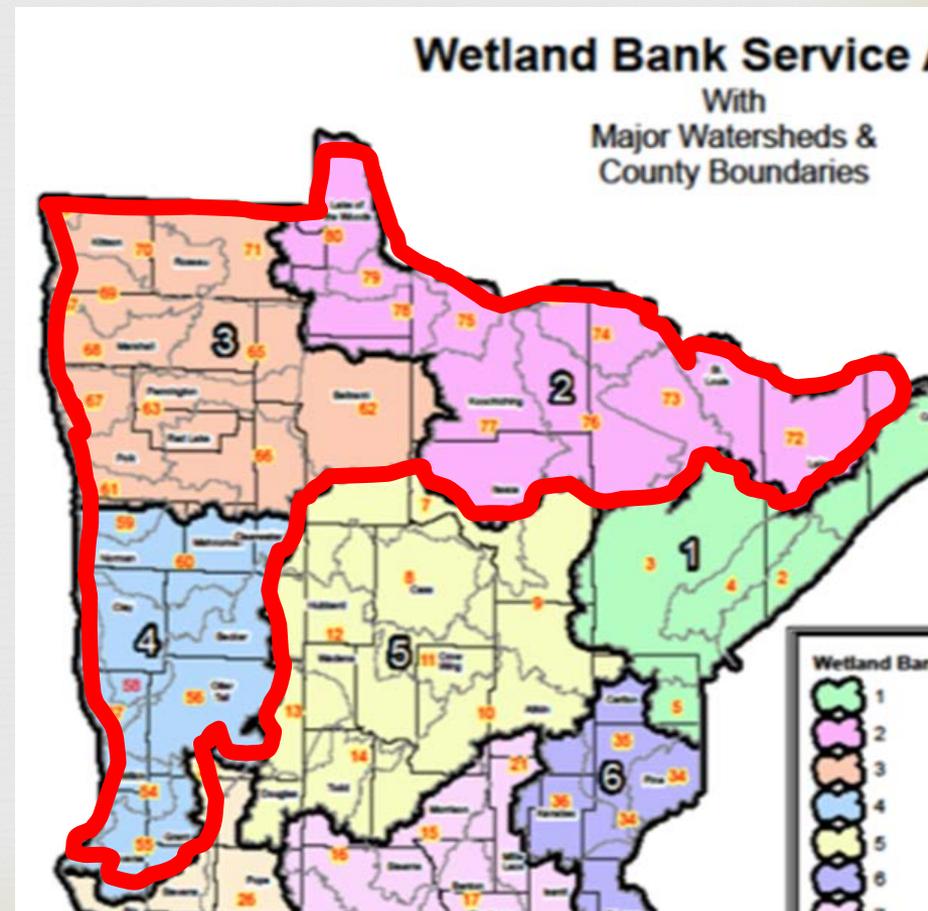
☞ Reestablishment of permanent native, noninvasive vegetative cover on farmed wetland areas that have not been affected by prior drainage or filling is eligible for replacement credit for:

A. up to 50% of the area restored for wetland areas that were planted with annually seeded crops, were in a crop rotation seeded to pasture grasses or legumes, or were required to be set aside to receive price supports or equivalent payments in at least 10 of the last 20 years...; or

# Vegetative restoration of farmed wetlands



⌘ B. up to 90% of the area restored for wetland areas in BSAs 2, 3, and 4 in a percentage equivalent to the percent of time the wetland areas were planted with annually seeded crops... during the 20-year period prior...



# Protection of wetlands previously restored via conservation easements



# Example: Expiring CRP



- ❧ The site must contain a wetland that was restored under CRP or naturally over the life of the contract.
- ❧ Pre-contract conditions can be assessed by reviewing the contract, aerial photos, cropping history, drainage system records, and other available info.
- ❧ The mere existence of a wetland on CRP does not necessarily qualify.

# CRP Example: Hydrology



- ❧ Replacement wetlands must be fully restored to the natural hydrologic conditions whenever feasible.
- ❧ The site may contain ditches or other drainage features that were not fully disabled.
- ❧ Fully disabling the drainage features could be required.

# Wetland creations



- Wetland created in an upland area;
- Wetlands established via mineral extraction **Not for the Ag Bank on**; and
- Water quality improvement areas.

“A wetland created in an upland area is eligible for replacement credit in an amount of 5% of the total wetland area created.”

# ENRV



- ❧ Exceptional Natural Resource Value
  - ❧ Habitat for state-listed or threatened species
  - ❧ Rare native plant community
  - ❧ Special fish and wildlife resources
  - ❧ Sensitive surface waters
  - ❧ Other as determined by TEP
- ❧ Requires concurrence from the TEP
- ❧ Utilize the guidance on BWSR website for crediting

# Upland Buffer Areas



- ☞ Up to 10% credit for nonnative vegetation.
- ☞ Up to 25% credit for native vegetation.
- ☞ The area of buffer for which credit is granted must not exceed the area of the replacement wetland.
- ☞ Establishment of buffer around existing wetland adjacent to the replacement wetland is eligible for credit when the minimum required widths are maintained and the maximum buffer area is not exceeded.

# Example Buffer Credit



**Buffer Area = 2  
acres x 25%**

**= 0.5 acres of  
credit**

**(For native, non  
invasive  
vegetation)**

# Increased Credit for Buffer

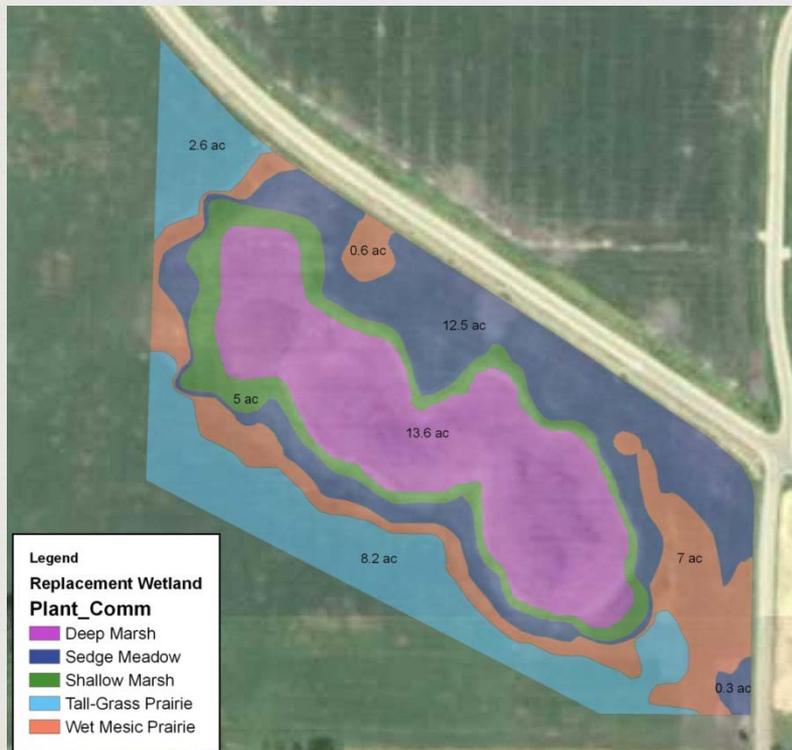


For buffer areas of native, noninvasive vegetation, the LGU may increase the amount of credit to a maximum of 50% if the TEP finds that additional buffer will improve replacement wetland sustainability and provide significant functional benefits.

# Actions Eligible



Can be combined on a project

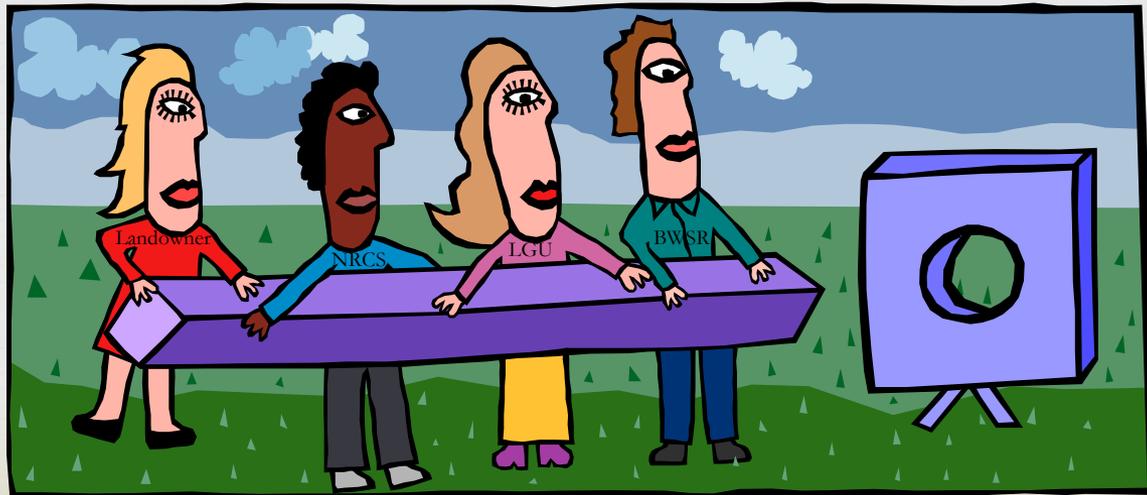


Credit Yield				
NWC				
Plant Community	%	Credits	ACREAGE	Subpart
Deep Marsh	75%	8.46		11.28 Subpart 5
Deep Marsh	100%	2.35		2.35 Subpart 2
Sedge Meadow	75%	1.07		1.43 Subpart 5
Sedge Meadow	100%	11.38		11.38 Subpart 2
Shallow Marsh	75%	1.60		2.14 Subpart 5
Shallow Marsh	100%	2.83		2.83 Subpart 2
Wet Mesic Prairie	80%	0.24		0.30 Subpart 5
Wet Mesic Prairie	100%	7.29		7.29 Subpart 2
		35.23		39.01
Buffer				
Plant Community	%	Credits	ACREAGE	Subpart
Tall-Grass Prairie	25%			2.71 Subpart 6

# Ecological Suitability and Sustainability



- Restored wetlands should emulate the hydrology and vegetation of the pre-settlement wetland condition.
- A preferred site takes advantage of naturally occurring hydrogeomorphic conditions with minimal landscape alteration and is most likely to result in a wetland area that functions wholly, perpetually, and naturally.



# Factors Affecting Site Suitability

---

- ⌘ Affect on adjacent properties
- ⌘ Drainage rights - private and public (MN Stat. 103E)
- ⌘ Other programs or easements
- ⌘ Adjacent land use

# What makes a good Ag bank site?





**T  
H  
E  
  
E  
N  
D**