

**8420.0800 REPLACEMENT WETLAND CONSTRUCTION CERTIFICATION.**

Subpart 1. **Purpose.** The local government unit must certify the initial construction of replacement wetlands before replacement wetland monitoring begins. The local government unit may require a preconstruction meeting before replacement wetland construction begins and may inspect the replacement wetland at any time during construction. This part applies to both wetland banking and project-specific replacement.

Subp. 2. **Construction as-built documentation.** Upon completion of initial construction or restoration activities, the landowner must provide the local government unit with as-built information that documents compliance with the approved replacement plan. As-built information includes:

- A. surveyed elevations of slopes, contours, outlets, and dikes;
- B. seed tags and contractor receipts or other documentation of seeding or planting;
- C. a description of site preparation activities, such as mulching, seedbed preparation, seeding methods, or initial weed control activities;
- D. a survey map showing relevant areas of seeding and construction activities;
- E. construction photos showing relevant restoration work;
- F. evidence that, for projects including dams, dikes, or other impoundment features, the construction was designed, overseen, and certified by a licensed professional engineer; and
- G. a comparison of the as-built documentation versus the design specifications and a description and rationale for any significant changes.

Subp. 3. **Construction inspection and certification.** Upon receipt of as-built documentation from the landowner, the local government unit must inspect the replacement wetland to determine whether the as-built conditions comply with the construction specifications of the approved replacement plan. The local government unit may inspect the replacement wetland at any time during the construction and monitoring periods to assess its long-term viability. If the local government unit determines that the construction is not in compliance with the approved plan, it must promptly notify the landowner of the deficiencies and actions required to gain compliance. For projects involving the practice of engineering, the local government unit must ensure an engineer has certified the construction. When the local government unit certifies that the construction specifications have been met, the local government unit must notify the applicant and technical evaluation panel. Upon construction certification, the local government unit may release a portion of any financial assurance the applicant had provided, while retaining a sufficient amount to ensure compliance with monitoring and replacement requirements.

**Statutory Authority:** *MS s 103G.2242*

**History:** *34 SR 145*

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