

8420.0255 LOCAL GOVERNMENT UNIT APPLICATION AND DECISION PROCEDURES.

Subpart 1. **General.** Notices and local government unit decisions made under this chapter must be in compliance with Minnesota Statutes, section 15.99.

Subp. 2. **Determination of complete application.** The local government unit must determine that an application is complete based on parts 8420.0305 to 8420.0330. For incomplete applications, the local government unit must notify the applicant within 15 business days of receipt of the application and list in writing what items or information is missing.

Subp. 3. **Notice of application.**

A. Within 15 business days of receipt of a complete application, the local government unit must send a copy of the application and a notice of application on a form provided by the board to members of the technical evaluation panel; the watershed district or water management organization, if there is one; the commissioner; and individual members of the public who request a copy. The notice must identify the type of application, the date the comment period ends, and where to submit comments. Individual members of the public who request a copy must be sent a summary of the application that includes information to identify the applicant and the location and scope of the project. The comment period must be at least 15 business days from the date the notice of application is sent. Revisions of an approved and valid replacement plan must be noticed according to this subpart by sending a summary of the proposed revisions if:

(1) the wetland area to be impacted under the revised replacement plan is:

(a) increased by more than ten percent;

(b) a different type;

(c) part of a different wetland; or

(d) more than 500 feet from the location of the previously approved

wetland impact; or

(2) the replacement is:

(a) a different type;

(b) more than 500 feet from the location of the previously approved

replacement; or

(c) a different action eligible for credit.

B. This subpart does not apply to exemption or no-loss applications. However, a local government unit may issue a notice for an exemption or no-loss application following the requirements in this part when the local government unit believes that input from those

required to receive notice will be useful in determining whether an exemption or no-loss applies.

Subp. 4. **Decision.** The local government unit's decision must be based on the standards and procedures required by this chapter and on the technical evaluation panel's findings and recommendation, when provided. The local government unit must consider and include in its record of decision the technical evaluation panel's recommendation, when provided, to approve, modify, or deny the application. The local government unit must also consider any comments received from those required to receive notice. The local government unit's decision must be made in compliance with the time period prescribed by Minnesota Statutes, section 15.99, which, on the effective date of this part, generally requires a decision in 60 days. The local government unit may make on-site exemption and no-loss decisions if the decisions are noticed according to subpart 5 and project details are provided sufficient to document eligibility. The local government unit's decision is valid for three years or as otherwise specified in the local government unit's decision when the technical evaluation panel advises that a longer period is justified in accordance with the standards in parts 8420.0100 to 8420.0935.

Subp. 5. **Notice of decision.** The local government unit's decision must be mailed to the landowner within ten business days of the decision. A summary of the local government unit's decision, in a format prescribed by the board, must be sent within ten business days of the decision to those required to receive notice of the application. The notice of decision must include information on the process and time period to appeal the decision of the local government unit.

Subp. 6. **Decisions and notice for replacement via banking.** For replacement plan applications proposing the use of banking credits, the local government unit must verify, before approving the application, that the credits to be withdrawn are available and the applicant has a purchase agreement with the seller. For an approval of a replacement plan using banking credits as replacement, the local government unit must notify the board's banking administrator of the approval. The notification must be sent concurrent with the notice of decision and must include the bank account, the user of credits, and the amount of credit approved for withdrawal.

Statutory Authority: *MS s 103G.2242*

History: *34 SR 145*

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