

8420.0500 PURPOSE AND REQUIREMENT.

Subpart 1. **Purpose.** Parts 8420.0500 to 8420.0544 specify the procedures and criteria for avoiding and minimizing impacts and for ensuring adequate replacement of lost public value from unavoidable impacts.

Subp. 2. **Requirement.** No person may impact a wetland, wholly or partially, without being eligible for an exemption or no-loss, or first having a wetland replacement plan approved by the local government unit. Before approval of a replacement plan, the local government unit must ensure that the applicant has exhausted all possibilities to avoid and minimize wetland impacts according to sequencing in part 8420.0520. The applicant must demonstrate to the local government unit that the replacement plan complies with this part and parts 8420.0515 to 8420.0528. A replacement plan that fails to meet the requirements of this chapter is inadequate in replacing lost function and value and must be denied by the local government unit.

Subp. 3. **Alternative evaluation methodologies.** The local government unit may evaluate the replacement plan using a scientifically accepted methodology that evaluates all wetland functions specified in Minnesota Statutes, section 103B.3355, for both the impacted and replacement wetlands. The alternative methodologies must be approved and listed by the board, in consultation with the commissioners of natural resources and agriculture and local government units. When using alternative evaluation methodologies to evaluate replacement plans, the ratio of replacement credit to impacted wetland must not be less than the minimum requirements listed in part 8420.0522, subpart 4, except as provided for in part 8420.0830.

Statutory Authority: *MS s 14.06; 103B.101; 103B.3355; 103G.2242*

History: *18 SR 274; 34 SR 145*

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