

8420.0810 REPLACEMENT WETLAND MONITORING.

Subpart 1. **Purpose.** The purpose of replacement wetland monitoring is to measure replacement wetland success relative to the goals of the approved replacement or banking plan and to identify any needed corrective actions during the monitoring period.

Subp. 2. Responsibilities.

A. Monitoring of replacement wetlands is the responsibility of the landowner of the property where the replacement wetland is located. Any agreement to transfer monitoring responsibilities from the landowner to a local government unit or other party must be in writing and signed by both parties and does not release the applicant from the responsibility to provide replacement as specified in the approved replacement plan.

B. For project-specific replacement in which the wetland impact site occurs in a different local government unit from the replacement site, the local government unit for the impact site may assume the monitoring enforcement responsibility for the replacement site upon written agreement between the local government units.

Subp. 3. Duration of monitoring.

A. Monitoring may, at the discretion of the local government unit, begin upon construction certification, but must begin no later than the first full growing season following construction certification. Monitoring must continue for five full growing seasons or until the local government unit determines, with the concurrence of the technical evaluation panel, that the replacement is successful, but in no case may the determination be made before the end of the third full growing season.

B. If the goals of the approved plan have not been achieved after the fifth season of monitoring but, in the written opinion of the technical evaluation panel, may be achieved with more time, the local government unit may, through written notification of the applicant, extend the monitoring period for not more than an additional five growing seasons. The local government unit's notification of extension must specify the reasons for the extension and any corrective actions necessary to bring the replacement wetland into compliance with the approved plan.

C. For project-specific replacement plans, if the local government unit determines that, at any time during the monitoring period and based on the recommendation of the technical evaluation panel, the goals of the approved replacement plan have not been achieved, and will not be achieved with more time, the local government unit must pursue one or more corrective actions identified in part 8420.0820, subpart 1.

Subp. 4. Monitoring reports.

A. Following the first full growing season after construction certification, the applicant must submit annual monitoring reports documenting the progress of the

replacement wetland during the monitoring period. The first annual monitoring report must include any monitoring required by the local government unit during the previous year. The applicant must submit the annual report to the appropriate local government unit on a date determined by the local government unit, but no later than December 31. The local government unit must ensure that copies of the monitoring report are distributed to the technical evaluation panel. For wetland banking projects, the applicant must also submit the annual report to the board's wetland banking administrator. The monitoring reports must be submitted annually, or biannually if the local government unit determines that, after the third full growing season, biannual reports are sufficient for long-term monitoring, until the local government unit determines the replacement has been successful.

B. The purpose of the annual report is to describe actual wetland restoration or creation activities completed during the past year, activities planned for the upcoming year, and the success of the replacement activities in achieving identified goals and performance standards. The annual report must, at a minimum, include:

- (1) a project location map with legal description;
- (2) a description of replacement wetland goals and performance standards in terms of size, replacement credit amount, wetland types, hydrology, and wetland functions and a comparison of the current replacement wetland to these goals and standards;
- (3) a description of activities completed during the past year;
- (4) a description of activities planned for the upcoming year;
- (5) hydrology measurements during the growing season, including water level elevations at fixed, repeatable locations representative of the replacement wetland types or areal coverage measurements of inundation for replacement wetlands with deeper hydrologic regimes;
- (6) a map of plant communities within the boundaries of the replacement site, including estimates of square footage or acreage of each and identification of areas of invasive or nonnative vegetation;
- (7) color photographs of all replacement areas taken during the growing season from fixed, repeatable reference locations that are representative of each plant community type;
- (8) a delineation and survey of the replacement wetland areas, if applicable, for the final monitoring season; and
- (9) other information specified in the approved monitoring plan or subsequently requested by the local government unit.

Statutory Authority: *MS s 103G.2242*

History: *34 SR 145*

Published Electronically: *August 26, 2009*