

applicant to implement Best Management Practices (e.g. silt fences) to protect wetland functions and values. The Stearns County Soil and Water Conservation District has information on appropriate Best Management Practices for Stearns County.



A good example of a Best Management Practice — an erosion blanket along with plantings

Unavoidable Impacts

All non-exempt and unavoidable wetland impacts that remain after sequencing must be replaced by restoring or creating wetland areas with equal or greater public values.

All decisions on draining or filling of wetlands are also subject to MN Statute, chapter 116B and 116D, which provides that an action that is likely to have material adverse effects on natural resources must not be allowed if there is a feasible and prudent alternative consistent with the requirements of the public health, safety and welfare and the state's paramount concern for the protection of its natural resources. Economic considerations alone do not justify wetland fill.

Replacement

The wetland replacement brochure (#5) outlines wetland replacement, the final part of the sequencing process.



Please note that the information in this brochure is only a summary. Contact the Environmental Services Department for more information.

This guide was developed by the Anoka Conservation District through the 2002 Agricultural Preservation Program and adapted for the residents of Stearns County by Stearns County Environmental Services.

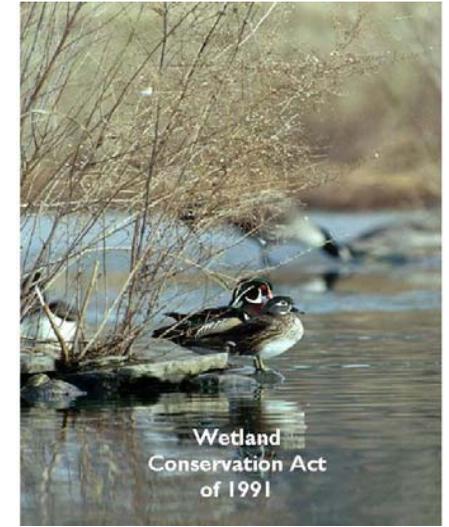
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www.co.stearns.mn.us

Wetland Impact Avoidance & Minimization



Brochure #4

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SEQUENCING

Prior to receiving approval, most proposed impacts to wetlands must undergo a process known as “sequencing”. Sequencing entails, in descending order:

- Avoidance
- Minimization
- Elimination of impacts over time
- Replacement.

A Local Government Unit (LGU) may not approve a wetland replacement plan unless it ensures that the applicant has exhausted all possibilities to avoid and minimize wetland impacts, that temporary impacts will be restored, and that all future impacts will be reduced or eliminated.

Special Considerations

Some wetland projects must be denied even if sequencing is met. Projects which impact the following must be denied:

- Endangered or threatened species
- Rare natural communities as identified by the DNR’s Natural Heritage Program
- Special fish and wildlife resources, such as fish passage and spawning, colonial water bird nesting colonies, migratory waterfowl concentration areas, deer wintering areas, or wildlife travel corridors.



Trumpeter Swans

- Sites with archaeological or historical significance
- Groundwater quality.
- Wetland used for education or research

- Sensitive surface waters, such as waters of outstanding resource value waters listed in MN Rules 7050.0180 or on trout streams



Some streams are considered sensitive surface waters

- Waste disposal sites. Activities involving known or potential hazardous wastes or contaminants must be conducted according to applicable federal and state standards.

Avoidance

The first step in sequencing is to determine if the project is wetland dependent or if wetland impacts can be avoided.

Wetland Dependence Determination

If a project is determined to be wetland dependent by the LGU, it is exempt from the analysis of avoidance alternatives explained below. A project is wetland dependent when wetland features, functions, or values are essential to fulfill the basic purpose of the project (e.g. wild rice production).



Wild rice production can be exempt from WCA sequencing

Alternative Analysis

The applicant shall provide the LGU with documentation describing at least two alternatives in addition to the proposed project that would avoid wetland impacts.

The LGU shall then determine if feasible and prudent alternatives exist to avoid wetland impacts by considering:

- using a different site in the same area,
- the general suitability of alternative sites,
- modifying the size, scope, configuration or density of the project,
- efforts to remove restraints through requests for conditional use permits, variances, planned unit developments, etc.
- physical, economic and demographic requirements of the site (economic considerations alone do not make an alternative not feasible).

The LGU must deny a Replacement Plan if a "feasible and prudent" alternative exists that would avoid wetland impacts.

An alternative is determined "prudent and feasible" if it:

- is capable of occurring according to acceptable engineering standards and practices,
- is consistent with reasonable standards of public health, safety and welfare,
- is environmentally preferred to the proposed project based on a review of social, economic and environmental impacts,
- and would not create any truly unusual problems.

Minimization

If the LGU determines that wetland impacts are unavoidable, the applicant must then demonstrate that the project minimizes wetland impacts. The LGU will determine if sufficient effort was made to minimize impacts by considering:

- spatial requirements of the project,

- location of existing structural or natural features that may dictate the placement or configuration of the project,
- the purpose of the project and how the purpose relates to the placement, configuration or density,
- sensitivity of the site design to the natural features of the site including: topography, hydrology, existing vegetation, and the value, function and spatial distribution of wetlands on the site.
- an applicant’s efforts to: modify the size, scope, configuration or density of the project, remove or accommodate site constraints including zoning, infrastructure, access or natural features

If the LGU finds that the applicant has not complied with the requirements to minimize wetland impacts, the LGU will list in writing its objections to the project. The applicant has 30 days to respond to the LGU's comments, at which time the objections constitute a denial.

Temporary Impacts

Temporary impacts may be approved by the LGU if the activity is completed and the physical characteristics of the wetland are restored within six months from the start of the activity. A performance bond would need to be provided to the LGU for an amount sufficient to cover the cost of restoring the wetland to pre-project conditions.

Reduction or Elimination of Impacts Over Time

Further impacts from draining or filling must be reduced or eliminated by managing the project in a manner that preserves remaining wetland functions and values. Also, the LGU must require the