

St. Louis County TEP/TAC

Technical Evaluation Panel (TEP) Procedures

- Each LGU has a TEP consisting of a representative from
 1. BWSR
 2. SWCD
 3. Technical professional with expertise in water resource management appointed by the LGU
- Two Members of TEP must be knowledgeable and trained in wetland functions.

TEP Procedures Cont.

- Provides technical findings and recommendations to the LGU on
 1. Replacement and banking plan applications
 2. Exemption and no loss standards
 3. Enforcement matters
- LGU must consider findings and recommendations provided by the TEP when making final decision.

Technical Advisory Committee (TAC)

- No longer an official County Committee to provide recommendations to the Planning Director on Wetland related projects.
- Current role:
 1. To discuss applications and provide comments to TEP
 2. Meet on an as needed basis.
 3. Consist of members of the TEP, Army Corp of Engineers, DNR, and other county and state agencies.

Wetland Preservation and Exceptional Natural Resource Value

An overview of two methods for obtaining replacement
credits under the Wetland Conservation Act

1. Wetland Preservation-MN Rule 8420.0526, Subp 9

- Wetland preservation helps achieve the purpose of WCA by maintaining wetland quality and biological diversity through permanently protecting the functions of relatively pristine northeastern Minnesota wetlands including forested swamps, bogs and fens.

Important functions

- Particularly important for rare and valuable wetland types that are difficult to replace, where created or restored wetlands can replace the acres of wetlands lost to an impact but not the lost function, thus the loss of public value
 - Drawback- more costly with less certainty of success
 - Consequence- wetlands often replaced with a different type, resulting in long term loss of the functions provided by those wetlands

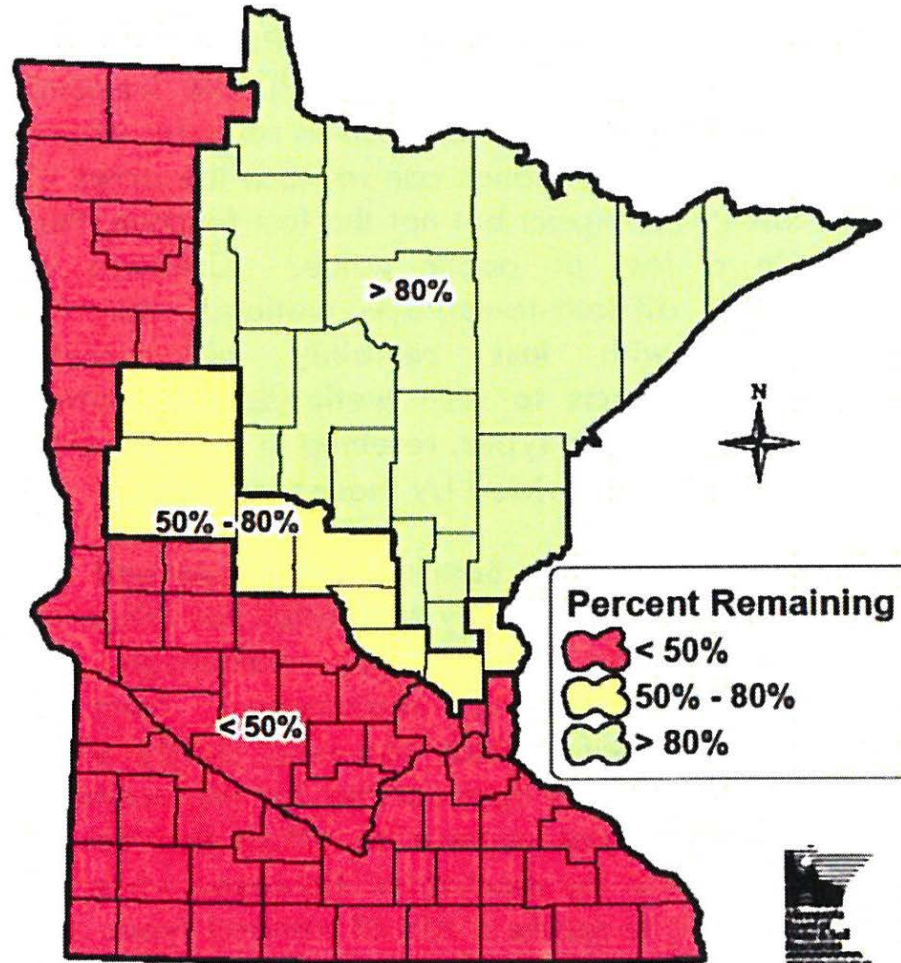
Watershed Perspective

- Both WCA rule and federal rule on Compensatory Mitigation for Losses of Aquatic Resources encourage replacement from a watershed perspective which can help determine when wetland preservation is appropriate for replacement.
- Wetland replacement acreage might not necessarily be offset but the long-term goal is to secure a mix of wetland types and locations that will most benefit the watershed

Proximity to Impact

- Replacement under WCA should occur as close to the impact as reasonably possible
- Preservation is an additional option only available to greater than 80 percent pre-settlement wetland areas in Minnesota where many exceptional wetlands exist and traditional wetland restoration opportunities are scarce.
- Approved wetland preservation projects can be allocated for up to 12.5 percent credit of the area preserved.

Minnesota Wetland Conservation Act Pre-Settlement Wetland Areas



May 2009

“Demonstrable Threat”

- In addition to a wetland being eligible according to the criteria, the TEP must determine that there is a high probability the wetland will be degraded or impacted if not preserved. This is referred to as demonstrable threat.

Key Considerations for demonstrable threat

- Fragmentation
- Accessibility for Development
- Unsustainable use of exceptional forested wetlands.
- Fragmentation from subdivision or development
- Scientific and Natural Areas
- Excavation
- Degradation from unregulated activities

Fragmentation by use of exemptions

- Maintenance of legally installed drainage ditches or tile lines where maintenance rights will be vacated.
- Areas where use of de minimis exemptions will likely result in numerous minor impacts such as roads, building or infrastructure that will fragment and degrade the wetland over time.

Accessibility for development

- TEPs must determine whether a wetland is readily accessible for development (served by a public road)
- Landlocked parcel would be less vulnerable

Unsustainable use of exceptional forested wetlands

- White cedar swamps
- Tamarack
- Spruce bogs
- Mosaics of various exceptional species

Fragmentation from Subdivision or Development

- Wetland impacts
- Degradation from isolation
- Removal of habitat connections
- Decreased water quality
- (Must be preservation of upland habitat along with the adjacent wetland to protect the wetland's ability to function over time)

Scientific and Natural Areas

- Buyout of timber and/or mineral rights on DNR watershed protection areas or lands adjacent to SNAs that will enhance long term protection and sustainability of wetlands within the SNA

Excavation

- Potential mining of peat, gravel or other material from an exceptional wetland can be considered a threat of degradation for purposes of wetland preservation.

Degradation from unregulated activities

- Expansion of farming
- Removal or alteration of natural vegetation
- Overgrazing

2. Exceptional Natural Resource Value (ENRV)

- Exceptional resources include habitat for state-listed endangered or threatened species
- Rare native plant communities
- Special fish and wildlife resources
- Sensitive surface waters
- Any others as per MN Rule 8420.0526 Subp 8

Exceptional Resources

- Are somewhat rare and of special value to the public because of the function it provides.
- Are typically difficult to replace resulting in a permanent loss of function when impacted (white cedar swamps, bogs)
- LGU and TEP must determine that the resource is exceptional with the context of the watershed, region or state and consistent with local priorities
- The actions proposed must improve long-term function and sustainability to justify WCA replacement credit.

Determining Ecological Suitability

- Wetland types or characteristics that have been significantly lost in the watershed including current trends in wetland and habitat loss, fragmentation or degradation
- Habitat connectivity and proximity to public lands or natural areas
- Scientific and Natural Areas
- Wildlife habitat requirements for important species.
- Compatibility with adjacent land use
- Watershed needs and benefit of the project to the watershed functions

Lake Superior Wetland Bank (Sax-Zim Bog)

- First project of this type in the County
- Largest in the state of Minnesota
- Finishing the concept proposal stage with much agency collaboration
- Final application not yet received
- Challenges for the TEP/LGU (large area, significant constraint on staff time, ability to access for monitoring, certification for credit)

Any Questions?