

**WETLAND PERMIT APPLICATION PROCEDURE
FOR THE CITY OF INDEPENDENCE**

There are a number of steps in the wetland permit application process. Each step is dependent upon the extent and condition of wetland(s) on the property, the extent of potential wetland impacts, type and location of proposed wetland mitigation, and other required regulatory permits or approvals.

A critical component of the application process includes completing the checklist below.

The following items must be completed and submitted with the Wetland Permit Application:

Checklist Items:

1. **A wetland replacement plan and alteration application form (State form)** signed by the applicant and **all** property owners along with payment of the proper City filing fee. See the following web address for a copy of the State application form.

<http://www.bwsr.state.mn.us/wetlands/wca/index.html>

Under Application-Joint Application Form for MN

2. **Contact Information** for authorized agents or representatives, engineer, surveyor, designer of the plans and any other relevant associates.

3. **An explanation** of the proposed project, including alternatives to impacting the wetland that were considered and why they are not proposed.

4. **Site map and grading plan** providing information regarding your site and proposal, including the following details:

Known location of delineated wetland boundaries, shore land zone, floodplain boundary, primary and secondary septic locations, drainage and utility easements, drain tile, road right-of-way

Extent of grading area (including all disturbed areas) showing dimensions and locations

Erosion control measures (including at a minimum silt fence and final stabilization plan)

Location of disposal area (including on-site and off-site areas as applicable for material being excavated)

1. The information provided in this document is intended to be a correct statement of the law as set forth in the Independence City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

- 5. **Wetland Delineation Report** from qualified wetland professional
- 6. **A specific wetland replacement plan*** in compliance with MN Rule 8420.0540
- 7. **Anticipated work schedule** (if the work schedule changes you must notify the City Administrator via phone or in writing)
- 8. Any **other information** required by City Staff, Commissioners, or Council Members necessary to provide a complete review of the request. Information deemed critical to the review process not listed in this handout may be requested. Staff will list requirements.

*All information, except for item 6, is required for exemption determination and approval. If wetland replacement is proposed via purchase of bank credits, appropriate credit withdrawal forms must be provided; banking information is available at <http://www.bwsr.state.mn.us/wetlands/wcamanual/index.html> (see Wetland Bank Procedures)

WETLAND IDENTIFICATION

The purpose of a wetland review is to determine if wetlands are present on a site and to provide the landowner with guidance on the permit requirements if actions are proposed within or near the wetland(s). There are two levels of boundary determination, both of which may require a review by a Technical Evaluation Panel (TEP).

Off-site Determination (used for preliminary planning purposes)

Based on existing data, including Hennepin Conservation District wetland inventory, National Wetland Inventory maps, DNR Protected Waters maps, Hennepin County Soil Survey, City aerial photography and other available information, an educated assessment of the potential wetland locations can be identified for each site. It is the responsibility of the applicant to have a qualified representative complete an off-site wetland determination.

Wetland Delineation (required when wetland impacts are proposed)

On-site delineation of wetland boundaries requires documentation of the vegetation, soils, and water signatures following the process outlined by the U.S. Army Corps of Engineers’ 1987 Wetlands Delineation Manual. Wetland delineations must be conducted by a qualified wetland delineator, and a delineation report and survey identifying the boundaries (flagged by the delineator) must be provided to the City for review.

2 Number of copies, size, and other such administrative details may also be imposed when requiring additional information.

VERIFICATION BY THE CITY

The City may conduct an informal site review to confirm or verify the results of an off-site wetland determination or on-site delineation. The City will not conduct formal wetland delineations for any applicant, but may provide advice to applicants as to which areas would not likely require wetland permits or mitigation (e.g., wetland replacement).

PERMIT REQUIREMENTS

The timing of a permit is dependent on the type and amount of impact proposed. The permit requirements listed below are based on the Minnesota Wetland Conservation Act (WCA), which is the regulation that must be administered by the City. Other agencies may have different permit requirements, and it is the responsibility of the applicant to coordinate with other agencies for compliance.

EXEMPTIONS

WCA identifies several wetland impact types that are exempt from the need for mitigation. The most common exemptions used in Independence are described below. Check with a wetland professional to determine if other exemptions may apply to your project. It is the responsibility of the applicant to provide adequate information to support a determination that an exemption applies to their proposed actions.

De Minimis Exemptions

Wetland Type and Location	Exempt if impact less than
Type 1, 2, or 6 and outside shore land zone and building setback	1,000 sq.ft.
Type 1, 2, or 6 and within shoreland zone and building setback	400 sq.ft.
Type 3, 4, 5, or 7 and outside building setback	100 sq.ft.
Type 3, 4, 5, or 7 and within building setback	20 sq.ft.

Agricultural Exemptions

Check with the City regarding these exemptions.

Wildlife Pond Exemption

Generally, a replacement plan for wetlands is not required for wildlife habitat improvements provided that:

- (i) the area of deposition, and area of excavation, if within the permanently and semi-permanently flooded areas of type 3, 4, and 5 wetlands, does not exceed five percent of the wetland area or one-half acre, whichever is less, and the soil is stabilized and permanently seeded to prevent erosion;
- (ii) the project does not have an adverse impact on any species designated as endangered or threatened under state or federal law; and

- (iii) the project will provide wildlife habitat improvement as certified by the soil and water conservation district.

In order for a project to qualify for this exemption, it must meet the specified size criteria and it must be certified by the county soil and water conservation district (SWCD) as a wildlife habitat improvement. Ultimately, the goal is to ensure that projects authorized under the exemption are in fact improving wildlife habitat and to achieve more consistency in the application of this exemption statewide.

For more information regarding constructing wildlife ponds within wetlands, refer to the following web address:

<http://independence.govoffice.com> (see Water Resources).

STEPS IN PERMIT REVIEW PROCESS

Projects with minimal impacts (<1000 sq.ft.)-such as a driveway access

Step 1: Request that City Water Resource Staff review the data and conduct a site visit to determine if wetland is present and if wetland impacts can be avoided. Water Resource Staff would provide necessary documentation for a determination of no impact, or qualification for exemption.

- If no impact, a wetland permit is not required.
- If exemption criteria are met, applicant must provide City with details documenting how the project meets applicable criteria, and the City would issue a certificate of exemption for the record.
- If the project doesn't meet these criteria, then the applicant proceeds to step 2.
- The project proposer would be billed by the City for the review (see fee schedule).

Step 2: Project proposer hires a qualified wetland consultant to provide documentation of the wetland delineation, estimated impacts, and wetland replacement plan application for anticipated impacts.

Projects with impacts greater than 1000 sq.ft.

Step 1: Project proposer hires a qualified wetland consultant to provide a wetland delineation, delineation report, and a wetland replacement plan application or certificate of exemption request, as applicable.

Step 2: Submit delineation report to the City for review. A Technical Evaluation Panel (TEP) review of the delineation may be required, depending on the clarity and completeness of the report and the complexity of the wetland boundary. The wetland replacement plan application may be submitted at the same time as the delineation report or after the TEP review is completed.

After an application for a certificate of exemption or wetland replacement plan is determined by the City to be complete, the City will make a permit decision within 60 days of receiving a complete application, and will notify the applicant.

NOTES

Projects located within wetlands may also require permits or approvals from other agencies. Other agencies that may require additional permits include, but not limited to, the U.S. Army Corps of Engineers, the Minnesota DNR, Pioneer-Sarah Creek Watershed Management Commission, Minnehaha Creek Watershed District, and the Minnesota Pollution Control Agency. See the list of Water Resource Contacts provided at the following web address:

<http://independence.govoffice.com/> (see Water Resources).

City Water Resource Staff can further assist the project proposer to identify the required documentation and review process. For specific requirements, see the state wetland regulations at the following web address:

<http://www.bwsr.state.mn.us/wetlands/index.html> (see MN Rules Chapter 8420).

A list of qualified wetland delineators can be found at the following web address:

<http://www.mnwetlandprofessionals.org/>

Please contact Becky Wozney (763-427-5860), City Water Resource Staff, if you have any questions.

Thank You!