

Wetland Mitigation Banking Opportunity for Agriculture

Minnesota Board of Water and Soil Resources

USDA Natural Resources Conservation Service



USDA Wetland Compliance Background

- Farm Bill requirements since December 1985.
- History of mitigation under USDA
 - mostly reactive to conversions \ problems
 - little proactive or voluntary

Wetland Mitigation History

- Prior preference for on-site, “project-specific” mitigation has often resulted in poor or low quality, unsustainable replacement wetlands.
- Wetland Banking is now preferred under recent State and Federal rules.

BWSR and NRCS

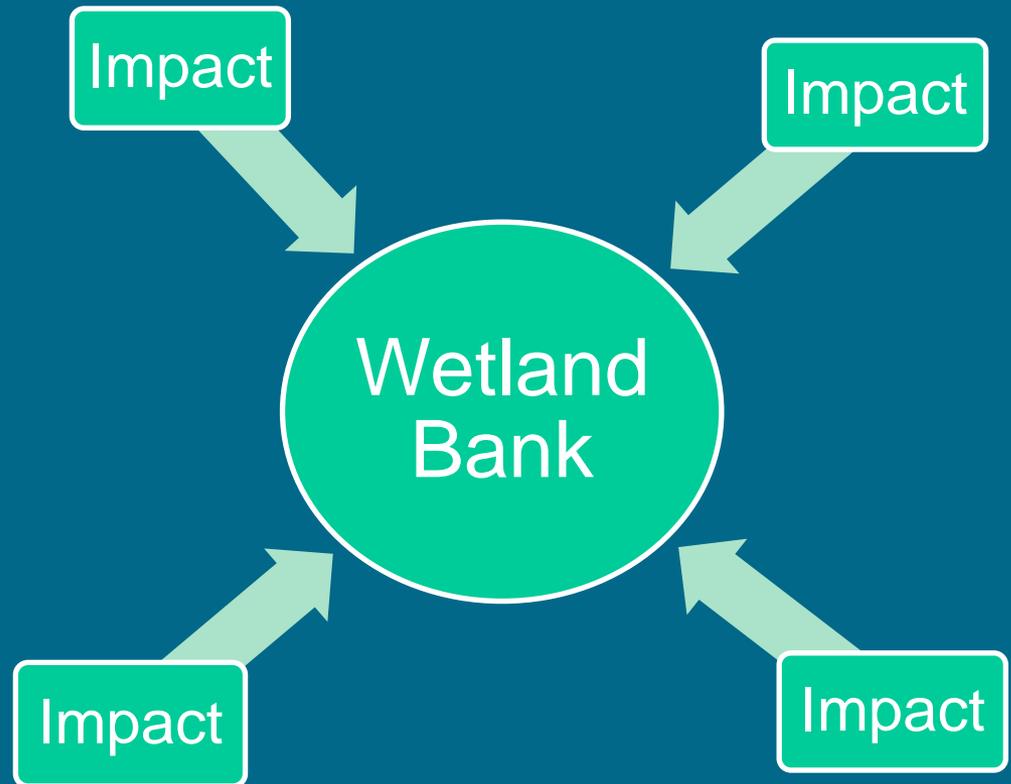


What is Wetland Banking?



What is Wetland Banking?

- Banking provides a market-based structure that allows for replacement of multiple wetland impacts with pre-established wetlands.



Benefits of Wetland Banking

- Alternative to “project-specific” replacement – not every landowner has the opportunity or capability to establish a replacement wetland.
- Better target restorations
- Larger sites with multiple benefits



Benefits of Wetland Banking

- Impacted wetlands are replaced with pre-established mitigation wetlands.
- Credits can be used to satisfy multiple program requirements.
- Approving agencies agree on eligibility, crediting, etc, ahead of time.

Use of the Bank for Mitigation



Why a Unique Bank for Ag?

- Obtain wetland credit availability in ag areas where they are needed.
- Competition improves prices.
- Take advantage of flexibility allowed in law.
- Opportunities for increased efficiency.
- Improved natural resources.

BWSR-NRCS MOU

Wetland Mitigation Specifics

- a) Target eligibility to wetlands degraded due to agricultural activities.
- b) Banking according to WCA standards provides acceptable mitigation for WCA and Swampbuster.
- c) BWSR conservation easement and monitoring sufficient for NRCS.

Eligibility to USE the Ag Bank

- ✓ At present time, the USACOE has not adopted the Ag Bank for use on sites subject to the Clean Water Act (CWA). The “regular” BWSR mitigation bank may be an option.
- ✓ The wetland must be proposed to be drained for agricultural use.
- ✓ The land must remain in agricultural use.
- ✓ The drainage activity is legal and approved as part of a wetland replacement plan.

Eligibility to USE the Ag Bank

- ✓ The site is a Farmed Wetland (FW), (FWP) on existing agricultural land.
- ✓ The site is a Wetland Cropped Under Natural Conditions (W) on existing agricultural land.
 - ✓ Meets WCA agricultural exemption, or
 - ✓ Is <5 acres in size and is predominantly bordered by land cropped 8 of last 10 years and is degraded according to a functional assessment.

Eligibility to USE the Ag Bank

- Other degraded wetlands on existing agricultural land.
 - Converted Wetland (2012 and older) – when pre-conversion condition was (FW) or (W) frequently cropped prior to the year of conversion.
 - Any available credits are eligible.

Eligibility to USE the Ag Bank

- Other degraded wetlands on existing agricultural land.
 - Converted Wetland (2012 and older) – Sites not manipulated and cropped prior to conversion will require an assessment be completed by the landowner to determine pre-conversion condition.
 - Wetland replacement credits must be on a wetland type for type basis.

Eligibility to USE the Ag Bank

- Other degraded wetlands on existing agricultural land.
 - ❑ Converted Wetland (2013 and older) – Not eligible for the AgBank

Available Credits

- Available ag bank credits will be posted on the BWSR website wetlands page under “Agricultural Wetland Banking.”
- Credits can also be purchased from the existing “regular” bank if a mutually satisfactory price can be negotiated. **You have options!**

Available Credits

Agricultural Wetland Banking Program Status 3-5-13

Wetland Bank Service Areas

With
Major Watersheds &
County Boundaries

Bank Service Area 3

- 105 acres of credit available now.
- 93 acres of credit approved, pending CRP expiration.
- Roughly 230 additional acres of credit in various application stages.

Bank Service Area 4

- 130 acres of credit approved, first deposit expected this month.
- 104 acres of additional credit in initial application stages.

Bank Service Area 5

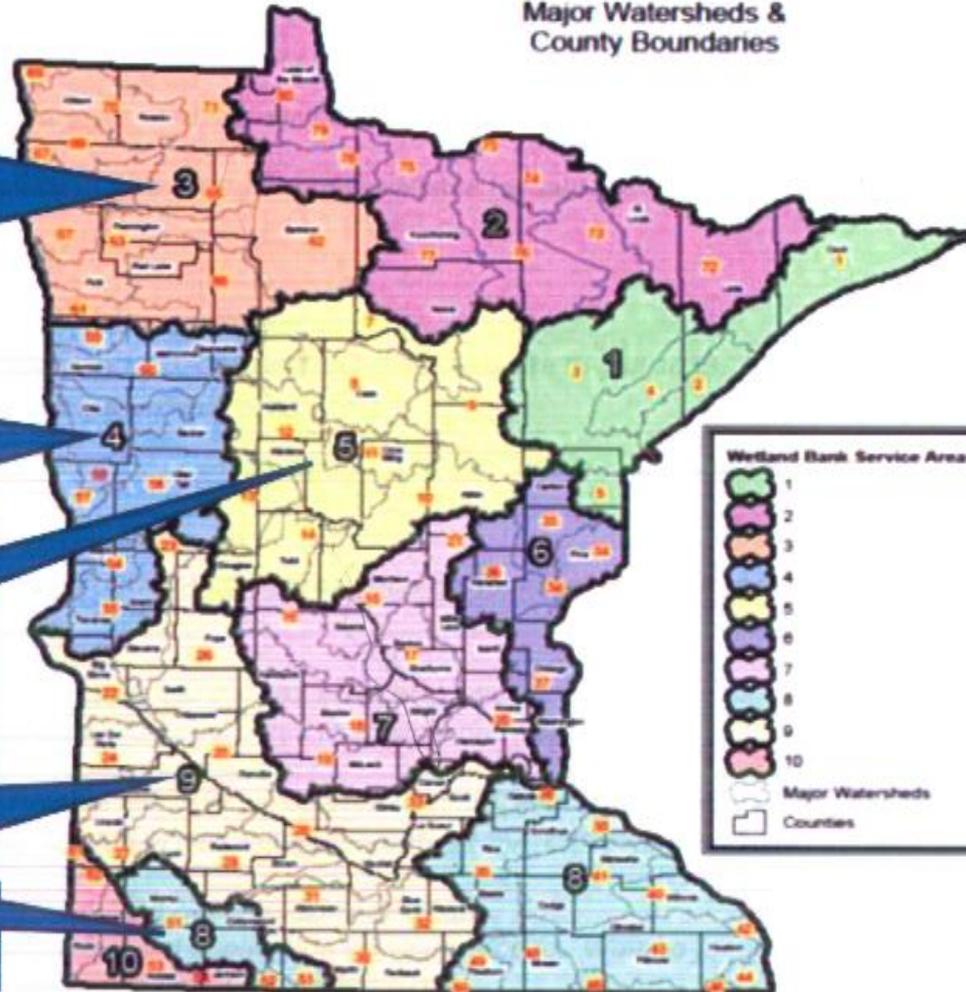
- 3 acres of credit available now.
- Roughly 70 acres in early stages.

Bank Service Area 9

- 5 acres of credit available now.
- 34 additional acres likely & other potential sites under review.

Bank Service Areas 8/10

- 10 acres of credit available now.



Steps in Wetland Replacement using the Ag Bank

1. Agency Contact. Check with your local NRCS office and WCA Local Government Unit (usually the SWCD). Determine wetland credit needs, etc.
2. Find Credits. Contact bank owners, negotiate price, and obtain a purchase agreement.
3. Application/Approval. Submit completed Ag Bank Wetland Replacement Plan and obtain approval(s).
4. Purchase Credits. Pay for your credits and provide the signed form to the bank account owner who will sign and send to BWSR along with the appropriate fee.
5. Withdrawal Confirmation. BWSR will debit the account, stamp the form, and send it back.
6. Complete your project!