

8420.0820 LOCAL GOVERNMENT UNIT MONITORING RESPONSIBILITIES.**Subpart 1. Monitoring oversight.**

A. The local government unit must evaluate all monitoring reports for compliance with report requirements and must determine if the goals of the approved plan can be met within the specified monitoring period based on the current condition of the replacement wetland and the applicant's proposed management activities for the following growing season.

B. For project-specific replacement, if the local government unit determines that the goals of the approved replacement plan will not be met, it must take one or more of the following actions:

- (1) order specific corrective actions on the replacement wetlands;
- (2) order the applicant to prepare and implement a new or revised replacement plan;
- (3) request the enforcement authority to issue a cease and desist order on the wetland impact activity if it has not been completed;
- (4) request the local soil and water conservation district and enforcement authority to order restoration of the impacted wetland;
- (5) use any financial assurance collected from the applicant to replace the lost wetland function and value;
- (6) pursue a district court order requiring the applicant to fulfill the replacement plan; or
- (7) other actions that the local government unit determines necessary to achieve the goals of the replacement plan.

C. If the landowner fails to submit the annual report associated with a project-specific replacement plan in accordance with part 8420.0810, the local government unit responsible for monitoring oversight must either pursue enforcement actions under item B or prepare the annual report for the applicant. The local government unit may charge fees for preparing the report or use any financial assurance the applicant had provided to complete monitoring requirements.

Subp. 2. Certification of successful replacement and completion of monitoring. Upon completion of the minimum monitoring period, the applicant may request a field review by the local government unit and technical evaluation panel of the success of the replacement wetland. If the replacement is determined successful, the local government unit must provide written notification to the applicant that the replacement has been certified and the monitoring requirements have been fulfilled.

Statutory Authority: *MS s 103G.2242*

History: *34 SR 145*

Published Electronically: *August 26, 2009*