

8420.0840 WETLAND PRESERVATION AREAS.

Subpart 1. **Purpose and eligibility.** The purpose of this part is to provide local governments with a tool to promote the preservation of high-valued wetlands and the restoration and enhancement of wetland areas that will contribute toward meeting watershed-based goals identified in a local water management plan. Wetlands located in high-priority areas as identified in part 8420.0835 and a local water plan are eligible for enrollment as wetland preservation areas. A wetland so enrolled is exempt from property tax. Sites identified as high-priority areas for wetland restoration and establishment are eligible for wetland preservation area designation only after restoration of the wetland. Wetland areas receiving replacement credit are not eligible for designation as a wetland preservation area.

Subp. 2. **Landowner application for wetland preservation area.** A landowner may apply to the county or watershed district, if the county or watershed district chooses to accept wetland preservation areas, for designation of a wetland as a wetland preservation area on forms provided by the board. The applicant must include a buffer strip that meets the minimum width requirements of part 8420.0522, subpart 6, around the perimeter of the wetland. The applicant may include up to four acres of upland for each acre of wetland. The application must be accompanied by a restrictive covenant on a form provided by the board. The covenant must contain the same limitations on use that are provided in Minnesota Statutes, section 103F.515, subdivision 4, including a covenant that the enrolled upland area must be vegetated by the landowner to permanent vegetation other than noxious weeds. The covenant must be signed, acknowledged, and ready for recording.

Subp. 3. **County or watershed district review of application.** Upon receipt of a complete application, the county or watershed district must send a copy of the application to the county assessor, the board, and the soil and water conservation district where the land is located. The soil and water conservation district must prepare an advisory statement of existing and potential preservation problems or conflicts and send the statement to the owner of record and to the county or watershed district. The county or watershed district may accept the application if the wetland is in a high-priority region and high-priority area, the application provides for the minimum required buffer strip, and the application is accompanied by the proper covenant. The county or watershed district may limit or reject additional upland proposed to be included according to criteria identified in the approved plan and standards the county may establish. The county or watershed district may reject the application if the application does not qualify or may require modification and resubmittal of the application. If the application qualifies, the county or watershed district may approve it and mark the date of approval on the application. The county or watershed district must notify the landowner of the acceptance or denial of the application within 60 days from the date of the application. Within five business days of approval of the application, the county or watershed district must forward it to the county recorder for recording of the restrictive

covenant or memorialization of the application on the certificate of title. The county or watershed district must also send a copy of the approved application to the county assessor for entry in the assessor's records as a wetland preservation area. The county or watershed district must also send copies of the approved application to the soil and water conservation district, the local government unit, and the board.

Subp. 4. **Applicable statutes.** In addition to this chapter, wetland preservation areas are subject to Minnesota Statutes, sections 103F.612 to 103F.616, and the property tax provisions of Minnesota Statutes, section 272.02, subdivision 11.

Subp. 5. **Commencement of wetland preservation area.** A wetland is a wetland preservation area commencing 30 days after the date the county notifies the landowner of acceptance of the application under subpart 3.

Subp. 6. **Fee.** The county or watershed district may require an application fee to defray administrative costs of the program.

Subp. 7. **Maps.** Counties having approved wetland preservation areas within their legal boundaries must maintain maps illustrating land covenanted as wetland preservation areas.

Subp. 8. **Reimbursement of unpaid taxes.** A county or watershed district with an approved wetland preservation area shall be reimbursed for lost tax revenue according to Minnesota Statutes, section 275.295.

Statutory Authority: *MS s 103G.2242*

History: *34 SR 145*

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