

Minnesota Wetland Conservation Act
Declaration of Restrictions for Impacted Wetlands on Agricultural Lands

THIS Declaration of Restrictions for Impacted Wetland Under Drainage Exemption ("Declaration") is made this ____ day of _____, _____ by the undersigned, hereinafter referred to collectively as the "Declarant."

WITNESSETH:

WHEREAS, Declarant is the fee owner of property containing a wetland located on agricultural land (as defined in Minn. Rules part 8420.0110, Subp. 54) and Declarant is also any other party defined as a Landowner under Minn. Rules part 8420.0110, Subp. 29 who had the necessary rights to impact the wetland without replacement under an exemption in Minn. Rules part 8420.0122, Subp. 2, items B and E or replaced following replacement sequencing procedures in Minn Rules part 8420.0520, subpart 8; and

WHEREAS, the draining, excavating, or filling of the wetland (hereinafter referred to as "Impacted Wetland" as defined in Minn. Rules part 8420.0110, Subp. 24) was completed on _____; and

WHEREAS, the Local Government Unit ("LGU") which certified the exemption or approved the replacement, if such certification occurred, is _____, which address is _____; and

WHEREAS, the Impacted Wetland is located on the following described property, to-wit: [Insert legal description of smallest parcel of land possible containing the Impacted Wetland as determined by the LGU];

Said Impacted Wetland may cover only a portion of the parcel described above. The specific Impacted Wetland area is identified as the "IMPACTED WETLAND AREA" on Exhibit "1A", attached hereto and incorporated herein. and

WHEREAS, Declarant can make no use of the Impacted Wetland other than as agricultural land (as defined in Minn. Rules part 8420.0110, Subp. 4) for ten years after the impact unless the Impacted Wetland is first replaced under the requirements of Minn. Stat. § 103G.222(g), pursuant to Minn. Rules part 8420.0115; and

WHEREAS, Declarant may not restore the Impacted Wetland for replacement credit for ten years from the date of the draining or filling pursuant to Minn. Rules part 8420.0115.

NOW, THEREFORE, Declarant makes the following declaration as to restrictions for the Impacted Wetland, which restrictions shall run with the land and shall be binding on the Declarant, his heirs, successors and assigns:

1. The Declarant shall not make use of the Impacted Wetland other than as agricultural land for ten years from the date that the impact on the wetland was completed, unless the Impacted Wetland is first replaced under the requirements of Minn. Stat. §103G.222(g). The ten-year period shall expire on _____.

2. The Impacted Wetland may not be restored for replacement credit for ten years from the date of the impact. The ten-year period shall expire on _____.

Further, this Declaration may be modified only upon the joint written approval of the LGU and the Minnesota Board of Water and Soil Resources. Such modification may include the release of land contained in the above legal description if it is determined that land other than the Impacted Wetland has been encumbered by this Declaration.

Finally, this Declaration may be enforced by the LGU or the State of Minnesota, by and through its agents.

IN WITNESS WHEREOF, the Declarant has set his hands.

DECLARANT (fee owner)(s)

ACKNOWLEDGEMENT OF DECLARANT (fee owner)(s)

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____
by _____.

Notary Public

Notary Stamp or Seal

My Commission Expires:

DECLARANT (if other than fee owner)

ACKNOWLEDGEMENT OF DECLARANT (if other than fee owner)

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____
by _____.

Notary Public

Notary Stamp or Seal

My Commission Expires:

This instrument was drafted by:
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155