

5. Repairing and updating existing individual sewage treatment systems to comply with local, state and federal regulations.

### Forestry

Temporary roads or permanent roads constructed to provide access to conduct silvicultural activities with several limitations.

### De Minimis

The following exemptions are applicable to Stearns County. The amounts may vary in other areas.

1. In areas outside of shoreland, 2,000square feet of type 1,2, or 6 wetlands; 100 square feet of type 3, 4, 5, 7 and 8 and white cedar and tamarack.
2. In areas within shoreland but outside the building setback zone, 400 square feet of type 1, 2 or 6; 100 square feet of type 3, 4, 5, 7 or 8 and white cedar and tamarack.
3. In areas within shoreland and within the building setback zone, 20 square feet of any type of wetland.

De minimis amounts may not be combined on a project.

The exemption no longer applies when the cumulative area drained or filled since 1/1/92 is the greater of the amounts listed above (if the landowner owns the entire basin), 5% of the landowner's portion of a basin; or 400 square feet.

### Wildlife Habitat

1. Spoil deposition resulting from excavation within a wetland for wildlife habitat improvement as certified by the Stearns County Soil and Water Conservation District with several conditions.
2. Duck blinds.

If you think that one of these exemptions applies, contact Stearns County Environmental Services. The above list of exemptions is a brief summary for your reference.



Please note that the information in this brochure is only a summary. Contact the Stearns County Environmental Services Department for more complete information.

This guide was developed by the Anoka Conservation District through the 2002 Agricultural Preservation Program and adapted for the residents of Stearns County by Stearns County Environmental Services.

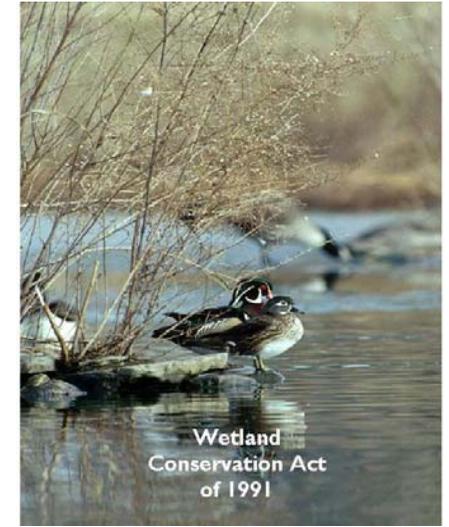
## Brochures in the Series

1. Purchasing & Developing Land
2. What's Regulated & Who Regulates
3. Exemptions
4. Wetland Impact Avoidance & Minimization
5. Wetland Replacement and Appeals
6. Wetland Banking
7. Ditch Maintenance, Pond Excavation & Mining
8. Violations and Enforcement

All Stearns County Environmental Services programs and services are available without regard to race, color, national origin, religion, sex, age, marital status, or handicap. Copies of this brochure are available in their entirety at

[www.co.stearns.mn.us](http://www.co.stearns.mn.us)

## Exemptions



## Brochure #3

Stearns County Environmental Services

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St. Cloud, MN 56303

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Information is current as of April, 2011

## WETLAND EXEMPTIONS

This brochure has been developed to provide a summary of wetland activities that are either not regulated by the Wetland Conservation Act (WCA) or are exempt from the wetland replacement requirements of WCA. It is the responsibility of the Local Government Unit's (LGU) to determine if a project is exempt based on information provided by the applicant. If the proposed wetland impacts are not exempt, the sequencing process described in Brochure 4 begins. Compliance with the WCA does not supersede the need to notify other regulatory agencies, which may include the MN Department of Natural Resources and the US Army Corps of Engineers.

### Activities Not Regulated by the Wetland Conservation Act

1. The WCA does not prevent the use of wetlands for pasture or cropland if agricultural use does not result in the draining, filling or excavation of wetlands.
2. The WCA does not prevent filling to accommodate wheeled booms on irrigation devices (if fill does not impede normal drainage).
3. The WCA does not prevent control of noxious weeds if the control does not drain, fill or excavate wetlands.

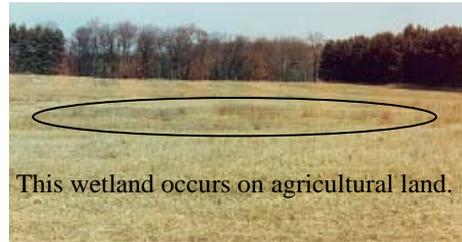


The WCA does not apply to the DNR Public Waters inventory mapped waters and wetlands.

5. The WCA does not apply to peat mining that is subject to mining and reclamation permit requirements of MN Statute, Sec 93.44-93.51. Mining projects are generally greater than 40 acres in size.

### Scope of Exemptions

1. No exemptions apply to calcareous fens as identified by the DNR commissioner.
2. Exemptions cannot be combined on a project.
3. Wetlands cannot be partially drained, excavated, or filled in order to claim an exemption or no-loss determination on the remainder.
4. Wetlands drained or filled without replacement under an agricultural or drainage exemption cannot be used other than as agricultural land for 10 years after draining or filling, unless first replaced.



5. Wetlands may not be altered through draining or filling in order to claim an exemption on the remainder of the basin that would not have applied to the original basin.
6. No exemptions apply to wetlands that have been previously restored or created for an approved replacement plan.
7. Persons conducting an exempt activity in a wetland shall ensure that; appropriate erosion control measures are taken to prevent sedimentation of waters, the activity does not block fish activity in a watercourse, the activity complies with all other local, state and federal requirements including best management practices and water resource protection requirements of MN Statute chapter 103H.

### Exemption Summary

The following are only summaries and more in depth understanding of WCA should be pursued if an exemption is desired. Wetland replacement is generally not required for impacts to wetlands as follows:

#### Agriculture

1. Wetlands that have been cropped (type 1 and 2 wetlands only) at least 6 of the 10 years prior to January 1, 1991.
2. Type 1 wetlands used for agricultural pasture land except bottomland hardwood type 1, and activities in a type 2 or 6 wetland less than 2 acres in size and in pasture.
3. Activities in a wetland conducted as part of normal farming practices. This does not include activities that result in draining of wetlands.
4. Soil and water conservation practices that do not permanently drain or fill a wetland and that are approved by SWCD after review by the TEP.
5. Aquaculture activities authorized by the US Army Corps of Engineers.
6. Wild rice production projects authorized by the US Army Corps of Engineers.

#### Drainage

For purposes of this part, "public drainage system" means a drainage system as defined in Minnesota Statutes, Section 103E.005, Subd. 12, and any ditch or tile lawfully connected to the drainage system.

1. Type 1 wetlands, or up to 5 acres of type 2 or 6 wetlands, in unincorporated areas on land assessed drainage benefits for a public drainage system provided: During the 20 years ending 1/1/92 there was an expenditure from the drainage system account for the public drainage system; the public drainage systems was repaired or maintained as approved by the drainage authority; or no repair or maintenance was required under Minnesota Statute, section 103E.705, subd.1, as determined by the public drainage authority provided: the wetlands are not drained for conversion to: platted lots; planned unit, commercial or industrial development; any development with more than one residential unit per 40 acres.

2. Public drainage system maintenance and repair work that does not drain, excavate or fill type 3, 4 and 5 wetlands that have existed for more than 25 years approved by the public drainage authority.

3. Nonpublic drainage system maintenance and repair work that does not drain or fill wetlands that have existed for more than 25 years.

4. Draining agricultural land that was planted with annually seeded crops in 8 out of 10 most recent years prior to impact.

#### Federal Approvals

1. Certain activities exempted by USCOE Section 404 regulation under United States Code, title 33, section 1344(f) as in effect 1/1/91. This exemption does not apply to a project with the purpose of converting a wetland to a nonwetland.

2. Activities authorized under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, or section 10 of the Rivers and Harbors Act of 1899, United States Code, title 33, section 403.

#### Wetland Restoration

Wetlands restored for conservation purposes under a contract or easement with the explicit right to subsequently drain the restored wetland.

#### Utilities/Public Works

1. The placement, maintenance, repair, enhancement, or replacement of utility service if the impact of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible and the project alters less than 0.5 acres of wetland.
2. Interstate pipeline operations, maintenance, or repair projects within the right-of-way.
3. Utility line placement, maintenance, repair, enhancement, or replacement, provided impacts have been minimized as possible and been kept to less than 0.5 acres of wetland.
4. Utility line and pipeline right-of-way maintenance projects causing no additional wetland intrusion.