



CONSERVATION NEWS WETLANDS AND CONSTRUCTION SITES

January 2008

WETLANDS

The South St. Louis SWCD has many roles when it comes to wetland regulation. One of most importance is to provide you with updated information. We wanted to take this opportunity to inform you of a few things you should be aware of.

DNR Enforcement Flights

Enforcement of the Wetland Conservation Act (WCA) and other natural resources regulations is handled by the Department of Natural Resources Enforcement Division (DNR). Throughout the spring and summer of 2006 the DNR conducted wetland violation detection flights all over Minnesota. DNR Conservation Officers flew over St. Louis County in late May and early June. This will likely occur again in 2008.

WCA Rule Changes

Important Change

- Reduction of de minimus exemption in Types 3, 4, 5, 8 outside of building setback from 400 sq. ft. to 100 sq. ft.

Changes can be found at:

<http://www.bwsr.state.mn.us/wetlands/index.html>

I get to fill 10,000 sq. ft right?

Answer: **NO!**

Reason: There are several factors that go in to calculating your de minimus exemption and it is not safe to assume that you can impact up to 10,000 sq. ft.

Contractor's Liability

Under the WCA contractors are liable for any wetland violation resulting from a project. Even if a landowner instructs a contractor to do certain work or tells the contractor that all of the wetland issues have been addressed. The contractor will receive a fine and could be responsible for any wetland restoration or replacement that may be ordered.

We encourage contractors to obtain a signed *Contractor Responsibility and Landowner Statement Form* before starting any work.

The form can be downloaded from the internet at :

[http://www.bwsr.state.mn.us/wetlands/wcamanual/BWSR_Form_WCA_Enforcement_5\(Cont_Respons\).doc](http://www.bwsr.state.mn.us/wetlands/wcamanual/BWSR_Form_WCA_Enforcement_5(Cont_Respons).doc)
or

<http://www.bwsr.state.mn.us/wetlands/index.html>

Wetland Impact Applications

Almost any wetland impact greater than 400 square feet requires prior approval. Even though the WCA does have several exemptions that may apply to your project. The U.S. Army Corps of Engineers also regulates wetlands throughout Minnesota. There are no exemptions under federal rules that allow for impacts greater than 400 square feet without prior notice and approval. Make sure you are informed of all regulations and have the correct approval before starting any work in or around wetlands.

Applications can be downloaded from the internet at:

<http://www.bwsr.state.mn.us/wetlands/wcaforms/index.html>

or picked up at the SWCD office located at 215 North 1st Avenue East, Room 301, Duluth, MN 55802.

CONSTRUCTION STORMWATER

In 2004 the South St. Louis SWCD entered into a partnership with the Minnesota Pollution Control Agency (MPCA) to implement the National Pollutant Discharge Elimination System (NPDES) General Stormwater Permit for Construction Activity. That's erosion, sediment, and stormwater control at construction sites and developments. We've probably already met with you on your construction site. Our main goal in this partnership is to increase awareness and compliance with the construction stormwater permit.

Things to Remember:

When do I need this permit?

This permit is required for **storm water** discharges associated with construction activity and with **small construction activity**.

Small construction activity includes clearing, grading and excavation, that disturbs land of equal to or greater than one (1) acre.

- does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Appendix A – Special Waters

Discharges to special or impaired waters require additional BMPs and enhanced runoff controls. These discharges include any areas on a project draining to a discharge point that is within 2000 feet of and flows toward a special water. In our area Lake Superior and trout streams are special waters. We encourage you to use the Special and Impaired Water Search at <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html> to determine if your project fits in this category. The project must also ensure that the requirements of Appendix A of the construction stormwater permit are followed.

Stabilization Schedule

Without a doubt the number one non-compliant issue we find is failure to follow the stabilization schedule. Remember, if an area is within 200 lineal feet of a surface water, ditch, gutter, stormwater system or other water of the state it needs to be temporarily or permanently stabilized according to the following schedule.

<u>Type of Slope</u>	<u>Time</u>	<u>Near Special Waters</u>
Steeper than 3:1	7 Days	3 Days
10:1 to 3:1	14 Days	7 Days
Flatter than 10:1	21 Days	7 Days

(Maximum time and area can remain open when the area is not actively being worked)

SAVE THE DATE — UPCOMING WORKSHOPS

Erosion and Sediment Control Workshop

Friday, February 29th, 2008
9am—1pm

This workshop is the SWCD's annual workshop that reviews permit requirements, forms, and design. The workshop also allows a lot of time for discussion with inspectors, contractors, developers, and engineers.

Erosion and Sediment Control Installer/Inspector Certification Workshop

Thursday, March 13th, 2008
8am—4:30Ppm

University of Minnesota Certification Course
Refer to link below for more information
<http://www.erosion.umn.edu/courses/schedule.htm>

For more information contact:
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