

CONSERVATION NEWS WETLANDS AND CONSTRUCTION SITES

July 2006

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 has been conducting wetland violation detection flights all over Minnesota. DNR Conservation Officers flew over St. Louis County in late May and early June.

Several violations were detected in our area from these flights. It's a lot easier for everyone involved to apply ahead of time for any wetland impacts. If you are unsure if your project will impact wetlands we encourage you to contact the SWCD, county, or city staff prior to the start of your project.



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 \(Cont Respon\).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:

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.

Permanent Stormwater

While working on erosion and sediment control issues we have come across sites that are not including plans for permanent stormwater management. Where a project's ultimate development replaces vegetation and/or other pervious surfaces with one or more acres of cumulative impervious surface, a water quality volume of ½ inch (1 inch for Special Waters discharges) of runoff from the new impervious surfaces created by the project must be treated by a method outlined in Part III.C.1 through Part III.C.5 of the construction stormwater permit.

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

The SWCD is sponsoring two upcoming workshops for contractors, developers, engineers, and local government officials.

**Innovation Stormwater Management
If You Were a Raindrop:
A Tour of Non-Point Source Reduction Projects
in the Western Lake Superior Watershed**
Friday September 8, 2006
1—4 PM

This is a bus tour that will visit sites highlighting innovative solutions to stormwater runoff. The tour will include BMPs such as grassed swales, rain gardens, pervious pavement, and construction and erosion controls. More specific information will be available soon. Contact us for more information.

*If you have a BMP design that you would like to present during the tour contact us we may be able to add it to the agenda.

**Erosion and Sediment Control
Installer/Inspector Certification Workshop**
Wednesday September 20, 2006
7AM—4:15PM

We recently sent out registration material. See our website or contact us for more information or if you need to register.

For more information contact:
Nicole Barg
South St. Louis SWCD
218.723.4867
nicole.barg@southstlouisswcd.org