

# Comprehensive Wetland Protection and Management Plan of St. Louis County Minnesota

## *Excerpts*

**4.08 Wetland protection levels:** The establishment of different wetland protection levels is important to allow flexibility in the application of the Wetland Conservation Act regulations to project proposers on a case-by-case basis. With the establishment of different wetland protection levels, the County places emphasis on protecting higher functioning wetlands that have a higher value to County residents. Conversely, the County places less emphasis on protecting lower functioning wetlands that have a lower value to County residents. Four levels of wetland protection will be implemented under this policy - **Priority, High, Moderate, Low**. There are 4 characteristics that vary within each level - **Mitigation ratio, Sequencing, Location of mitigation, Mitigation alternatives allowed**. The following table summarizes categories of each characteristic based on the protection level. “F”

Protection level	Mitigation ratio	Sequencing	Mitigation location	Mitigation alternatives
Priority	2:1	WCA sequencing standards, sequencing flexibility not allowed	Prioritization standards enforced*	Creation or restoration, upland enhancement not to exceed 25% of the total replacement area
High	1.5:1	WCA sequencing standards, sequencing flexibility allowed	Prioritization standards enforced	Creation or restoration, upland enhancement not to exceed 50% of the total replacement area
Moderate	1:1	WCA sequencing standards, sequencing flexibility allowed	Prioritization standards enforced	Creation or restoration, upland enhancement not to exceed 50% of the total replacement area
Low	0.5:1	WCA sequencing standards, sequencing flexibility allowed	Prioritization standards not enforced	Creation or restoration, upland enhancement not to exceed 50% of the total replacement area

## **Policies**

1. Projects shall be evaluated using the procedure outlined in Addendum #1.
2. On a case-by-case basis, the WTAC shall determine if proposed action(s) meet the definition of wetland restoration, wetland enhancement, and upland enhancement and protection.
3. On a case-by-case basis, the WTAC shall determine the percent mitigation credit allowed for proposed wetland enhancement and/or upland enhancement and protection (up to the maximum designated for each protection category). The WTAC will evaluate this based on the relative contribution a proposed action will have on improving and/or maintaining wetland functions that are valued by the citizens of the County.
4. On a case-by-case basis, the WTAC shall determine the width of proposed upland enhancement and protection that will be considered for mitigation credit.
5. The County recommends that sequencing be applied to all wetland impacts, however, it will only be required for impacts that are above the de minimis amount and are not subject to other exemptions.
6. The requirements listed for wetlands under the 4 protection categories shall apply only if none of the standards listed in the Implementation Policies are applicable.

### **4.09 Combining wetland functions with values: “F”**

Wetland functional rankings are only useful when viewed in context of their value to something or someone (i.e., society, the ecosystem, etc.). The wetland functions chosen for assessment by the County’s evaluation method (*Floodflow Alteration, Sediment Stabilization, Groundwater Recharge, Groundwater Discharge, Sediment/Toxicant Retention, Wildlife Habitat, and Aquatic Habitat*) were not assessed in terms of value. Note that the wetland functions of *Education/Recreation* and *Commercial* uses were not addressed in the functional assessment due to their close connection with value judgments. However, these 2 functions/values are addressed in this section of the plan.

Wetland values were assessed in terms of their importance to the citizens of St. Louis County. The following guidelines will be used for placing wetlands into different protection levels. The basis for these guidelines is the data collected on St. Louis County citizen values (surveys and meetings), and current laws and regulations affecting some aspect of wetland regulations (i.e., Endangered Species Act, MPCA Rules Ch. 7050, etc.).

The following system of assigned wetland protection levels to wetlands based on functions and values is set up for the user to start with determining if the wetland fits within the guidelines for the Priority protection level followed by the High and then Low protection levels. If the wetland does not fit within the guidelines for any of these 3 levels, then it is assigned to the Moderate protection level. The guidelines for these levels are not absolute. There should be flexibility to allow for unique circumstances with specific projects when it is warranted. The St. Louis County WTAC will make final decisions on which protection category is most appropriate for a particular wetland based on these guidelines and any extenuating circumstances.

It should be noted that it is not the intent of this system to place an overall ranking on a particular wetland. It is intended to aid in making management decisions based on the functions

a particular wetland performs and the value that has been placed on these functions in different instances.

### **Priority Protection Level**

Wetlands with a known population or populations of State and/or Federally listed threatened or endangered plants or animals.

Wetlands that affect wild rice beds.

Wetland within a designated wildlife refuge, wildlife management area, park, or designated historical site.

Wetlands with a high Wildlife Habitat functional ranking that serve as a waterbird nesting area or migratory staging area.

Wetlands adjacent to designated trout streams that have a high Aquatic Habitat, Sediment Stabilization, or Sediment/Toxicant Retention functional ranking.

Wetlands in designated shoreland areas which have a high Stabilization or Sediment/Toxicant Retention functional ranking.

Wetlands adjacent to perennial rivers or streams with a high Floodflow Alteration, Sediment Stabilization, or Sediment/Toxicant Retention functional ranking.

Wetlands in areas of shallow wells with a high Groundwater Recharge functional ranking and a high functional ranking for at least one other function.

Wetlands in minor watersheds with fewer than 80% of pre-settlement wetlands remaining.

Wetlands that are within 300 feet of a trout stream or a trout stream tributary, as defined in the DNR protected waters inventory.

### **High Protection Level**

Wetlands with a high ranking for at least 4 of the 7 functions evaluated.

Wetlands with a known population or populations of DNR “special concern” plant or animal species and a high Wildlife Habitat or Aquatic Habitat functional ranking.

Wetlands adjacent to designated trout streams with a high functional ranking for at least 2 of the 7 functions evaluated.

Wetlands officially being used for educational purposes (i.e., outdoor classrooms for nature centers or schools).

Wetlands used by and accessible to the general public for recreational purposes (fishing, boating, etc.).

Wetlands with a high potential for commercial uses such as horticultural peat, wild rice production, etc.

Wetlands in designated shoreland areas with a high functional ranking for at least 2 of the 7 functions evaluated.

Upstream wetlands located adjacent to streams or rivers that flow through towns or cities and have a high Floodflow Alteration functional ranking.

Wetlands in areas of shallow wells with a high Groundwater Recharge functional ranking.

Wetlands that have a high Groundwater Discharge functional ranking where water eventually outlets to a stream or river.

Wetlands with a high Floodflow Alteration functional ranking that are located in the designated 100-year floodplain of a stream or river.

Wetlands with a high Aquatic Habitat and Wildlife Habitat functional ranking.

Wetlands adjacent to Coldwater Lake Habitats as determined by the WTAC.

Wetlands with plant communities that rank high in floral diversity/integrity.

All wetlands within shoreland protection zones (300 feet of rivers and 1000 feet of lakes).

### **Moderate Protection Level**

Wetlands not falling within the guidelines listed for Priority, High, or Low protection levels.

Wetlands with plant communities that rank moderate in floral diversity/integrity.

### **Low Protection Level**

Type 6 wetlands that have a low or moderate functional ranking for 5 or more of the 7 functions evaluated.

Partially drained wetlands that have a low or moderate functional ranking for 5 or more of the 7 functions evaluated.

Wetlands located in zoned commercial or industrial areas that have a low or moderate functional ranking for 5 or more of the 7 functions evaluated.

Wetlands currently being used for horticultural peat that have a low or moderate functional ranking for 5 or more of the 7 functions evaluated.

Wetlands located in zoned residential areas that have a low or moderate functional ranking for 6 or more of the 7 functions evaluated.

Wetlands located in crop fields that do not have a high Aquatic Habitat or Wildlife Habitat functional ranking.

Wetlands in designated mining areas that have a low or moderate functional ranking for 5 or more of the 7 functions evaluated.

Wetlands with a low functional ranking for 5 or more of the functions evaluated.

**“F”**

**Addendum #1**

**Project Evaluation Procedure  
for  
Wetland Impacts**

Step 1 Determine the extent of wetland area the project will impact.

Step 2 Determine the de minimis exemption from the following:

Shoreland, between the OHWL and the principal structure setback:	No exemption
Types 3, 4, 5, 8, wetlands with a predominance of cedar or tamarack, and shoreland wetlands, non-isolated, or with a surficial connection to a public water:	400 sq. ft.
Shoreland, other:	1000 sq. ft.
Non-shoreland, other:	10,000 sq. ft.

If a project's wetland impact exceeds the de minimis exemption, proceed to step 3.

Step 3 Determine the wetland protection level using first the list in section 4.08 of the Plan, then the St. Louis Wetland Assessment Guide (SWAG).

The highest protection level applies.

If low or moderate, the 1-2-6 exemption may apply. (See 4.04)

Step 4 Determine mitigation options using the mitigation matrix in the Plan.

Step 5 Submit a replacement plan to the WTAC for all non-exempt impacts.