



Carlton County

THE WETLAND CONSERVATION ACT AND WETLAND REGULATIONS IN CARLTON COUNTY

By Scott Staples

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Most people know that Carlton County is full of wetlands and some people also know that work done in wetlands is regulated in some way. When I say work, I mean excavating, draining, or filling. I have been working in Carlton County for over the past nine years and I have seen my share of wetland violations. You may know of or heard from a relative, friend or neighbor whose house I stopped by looking to see if they were in compliance with the law when they were doing some bulldozing in their backyard. If there was a violation, I tried to work with them to get the violation into compliance. Most of these violations could have been avoided by making a phone call to the Soil and Water Conservation District Office, the Carlton County Zoning Office, or, if in Cloquet, the Cloquet Planning Office. Over the past 4 or 5 years, the number of violations in this County went way up. I can only speculate why, but one thing I do know is that there are a lot of people out there that don't understand what the regulations are. I would like to take this opportunity to give you a brief overview of the Wetland Conservation Act as it applies to the wetlands in Carlton County in hopes this prevents anyone from violating the law in the future.

Before I get into any legal aspects of the Wetland Conservation Act you must understand what a "wetland" is. When most people think wetland, they think of a pothole with water in it and cattails around the edges. Yes, that is a wetland. But what most people don't know is that Minnesota classifies eight different types of wetlands and the pothole with cattails is only one kind. They include inland fresh meadows, shallow marshes, deep marshes, bogs, wooded swamps, shrub swamps, seasonally flooded basins, and open water wetlands (or your cattail pond). Some of these are easy to identify, and others are not. Essentially a wetland must meet three criteria to be identified as a wetland: 1) The area must have mostly hydric soils, which are soils that are inundated or saturated to the surface for more than two weeks during the growing season in most years; 2) The area must be inundated or saturated to the surface for at least 5% of the growing season (or approximately 2 weeks) in most years; 3) The prevalent vegetation in the area are plants that have adapted to the conditions stated above. These plants are known as macrophytes. Descriptions and pictures of wetland types are in the "Wetland Information Guide," which is available at the Carlton County Zoning Office.

The Wetland Conservation Act went into effect in 1991 and regulates excavation, filling, and draining done in wetlands ensuring that there is a no net loss of wetlands in Minnesota. There are some exemptions to the Wetland Conservation Act. The exemptions vary depending on the wetland type, what you want to do in the wetland and are best applied to a specific situation. Along with the Wetland Conservation Act there are also Federal wetland and water regulations that need to be followed. These are enforced by the Army Corps of Engineers. In most cases work in wetlands will require some sort of determination and/or permit. The best thing a landowner can do is call the Carlton County Zoning Office to see if your project would meet an exemption, no-loss, require a replacement plan and how to contact the Army Corp of Engineers.

One other thing I would like to mention is what is called "contractor responsibility." What this is is actually a form that has to be filled out by contractors doing work for you in a wetland area. The form is signed by both the property owner and the contractor and states that the property owner has followed up and obtained the necessary

permits (if needed) for the work to be done in wetland. Contractors are required to have this form filled out and sent in to the local government unit or whoever has jurisdiction over the wetland prior to doing any work in wetland. They can be cited if they fail to do this. If any work completed in wetland is a violation of the Wetland Conservation Act, they can also be held accountable for that.

Now you might ask why should wetlands be protected? Well, wetlands play a very important part of our ecosystem and serve a variety of important roles. They reduce flooding by slowing excess water runoff. They improve the quality of our water by filtering pollutants out of water before it washes into rivers and lakes. They provide habitat for plants and animals that can only live in these types of environments. They also provide good recreational opportunities like hunting, fishing, and trapping. Most important is they are the direct link to our drinking water we pull from our wells every day. If we want good clean drinking water we need to protect the wetlands. The environment does not recognize property lines. The government has a responsibility to protect our environment for the good of all the people in the State of Minnesota. We are doing that with the Minnesota Wetlands Conservation Act.

I know you are probably thinking that this law is complicated. What I would like everyone to do is to ask before doing the work. Even if you are not sure it is a wetland, it is better to be safe than sorry. The best places to ask for advice would be the Carlton County Soil and Water Conservation District Office or the Carlton County Zoning Office. You can even give me a call. Even though my abilities to help are limited, if I don't know, I will find out for you or point you in the right direction. The process of asking is much simpler than finding yourself in violation. After that has happened, several other agencies get involved and it turns into more of a bother than it would be to just ask. If you know of anyone that has gone, or is going through this, you know what I am talking about.

I can't begin to explain everything about the Wetland Conservation Act. So if you have questions, please feel free to call. The DNR is currently working on getting flights over the county this summer and fall to detect and take care of these types of violations. So if everyone complies, it will make everyone's life a whole lot easier and our habitat will benefit.

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