

DESCRIPTION

Landowners in Mille Lacs County frequently seek to excavate existing wetlands in order to create ponds for wildlife. The permitting requirements for this type of excavation are based on the type of wetland that will be excavated. Wetland type determinations are performed by Environmental Resources staff, as well as private consultants. For additional guidance on wetland types, please refer to the [Wetlands in Minnesota](#) fact sheet prepared by the Minnesota Board of Water and Soil Resources.

EXCAVATION IN WETLAND TYPES 1, 2, 6, 7, & 8

Excavation in these types of wetlands is typically allowed without a permit if the regulations below are followed:

- The maximum depth of the excavated area is no more than 2 meters (approximately 6' 5");
- Spoil is hauled off-site or placed in an upland area and stabilized with native, non-invasive vegetation;
- No other manipulation of the wetland is taking place;
- Excavation takes place outside of the Shore Impact Zone (half of the building setback to public waters); and
- Any excavation or placement of materials within shoreland (1,000 feet from a lake or public water wetland, and 300 feet from a river or stream) may require a Shoreland Alteration permit.

EXCAVATION IN WETLAND TYPES 3, 4, & 5

Excavation projects in these wetland types may be exempt from replacement if they qualify for the wildlife habitat exemption. A complete Joint Application for Activities Affecting Water Resources in Minnesota may be submitted to Mille Lacs County Environmental Resources for review, along with payment of the application fee. Approval of the application is based on the criteria below:

- The excavated area does not exceed 5% of the total wetland area, or ½ acre, whichever is less;
- Spoil is hauled off-site or placed in an upland area and stabilized with native non-invasive vegetation;
- The project does not have an adverse effect on any species designated as endangered or threatened under state or federal law; and
- The project will provide a wildlife habitat improvement, as certified by the Mille Lacs County Soil and Water Conservation District or Technical Evaluation Panel.

REGULATIONS

This fact sheet outlines the regulations established by Minnesota Administrative Rules, Chapter 8420, referred to as the Wetland Conservation Act. Additional regulations may apply to your project under the Federal Clean Water Act.

