



# Board of Water and Soil Resources

## Wetland Conservation Act Rule Amendments August 2007

### De minimis Exemption

(Minnesota Rule 8420.0115, subpart 9)

Area (s)	Wetland Types	Shoreland Zone	Conditions	De minimis Amounts
>80% (including Isanti County)	1, 2, 6 or 7	Outside	▪ Not White Cedar & Tamarack	10,000 sq. ft.
		Inside	▪ Not White Cedar & Tamarack ▪ Outside Bldg. Setback Zone	400 sq. ft. (LGU may increase to 1,000 if no surficial connection)
			▪ Inside Bldg. Setback Zone	20 sq. ft.
	3, 4, 5, 8 (and White Cedar & Tamarack)		▪ Outside Bldg. Setback Zone	100 sq. ft.
			▪ Inside Bldg. Setback Zone	20 sq. ft.
	50-80% (Outside of the 11-County Metropolitan Area)	1, 2, 6 or 7	Outside	▪ Not White Cedar & Tamarack
Inside			▪ Not White Cedar & Tamarack ▪ Outside Bldg. Setback Zone	400 sq. ft.
			▪ Inside Bldg. Setback Zone	20 sq. ft.
3, 4, 5, 8 (and White Cedar & Tamarack)			▪ Outside Bldg. Setback Zone	100 sq. ft.
			▪ Inside Bldg. Setback Zone	20 sq. ft.
< 50% (Outside of the 11-County Metropolitan Area)		1, 2, or 6	Outside	
	Inside		▪ Outside Bldg. Setback Zone	400 sq. ft.
	7		▪ Outside Bldg. Setback Zone	100 sq. ft.
	3, 4, 5, 8 (and White Cedar & Tamarack)		▪ Outside Bldg. Setback Zone	100 sq. ft.
			▪ Inside the Bldg Setback Zone	20 sq. ft.

- The above applies if the landowner owns the entire wetland basin.
- If the landowner does not own the entire basin, the landowner's De minimis is based on 5% of the wetland area owned.
- This exemption may not be combined with another exemption on a project.
- Property may not be subdivided solely to increase the amounts listed in A.

## 11-County Metropolitan Area

(Counties of: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.)

Area(s)	Wetland Types	Shoreland Zone	Conditions	De minimus Amounts	
<b>50-80%</b> (Inside of the 11-County Metropolitan Area)	1, 2, 6 or 7	Outside	▪ Not White Cedar & Tamarack	2,500 sq.ft.	
		Inside	▪ Not White Cedar & Tamarack	400 sq.ft.	
			▪ Outside Bldg. Setback Zone ▪ Inside Bldg. Setback Zone	20 sq. ft.	
	3, 4, 5, 8 (and White Cedar & Tamarack)			▪ Outside Bldg. Setback Zone	100 sq. ft.
				▪ Inside Bldg. Setback Zone	20 sq. ft.
<b>&lt; 50%</b> (Inside of the 11-County Metropolitan Area)	1, 2, or 6	Outside		1,000 sq. ft.	
		Inside	▪ Outside Bldg. Setback Zone	400 sq. ft.	
	7 3, 4, 5, 8 (and White Cedar & Tamarack)			▪ Outside Bldg. Setback Zone	100 sq. ft.
				▪ Outside Bldg. Setback Zone	100 sq. ft.
				▪ Inside the Bldg Setback Zone	20 sq. ft.

- The above applies if the landowner owns the entire wetland basin.
- If the landowner does not own the entire basin, the landowner's De minimus is based on 5% of the wetland area owned.
- This exemption may not be combined with another exemption on a project.
- Property may not be subdivided solely to increase the amounts listed in A.