

## **MINNESOTA**

### **Wetland Definition**

All wetlands are considered waters of the state for the purposes of Minnesota Rules 7050.0186 pertaining to water quality. More specifically, wetlands are defined:

B. "Wetlands" are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

- (1) a predominance of hydric soils;
- (2) inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
- (3) under normal circumstances, support a prevalence of such vegetation.

### **Wetland Water Quality Standards**

Minnesota pollution control regulations provide, in part, that

“7050.0450 Multiclassifications.

All surface waters of the state are classified in more than one class, and all the water quality standards for each of the classes apply. If the water quality standards for particular parameters for the various classes are different, the more restrictive of the standards apply.”

In 1994, the state codified narrative wetland water quality standards incorporating wetlands as Waters of the State. Wetlands are included in the state use classification system and include 2D Aquatic-Life Use, 3D Industrial Consumption, 4C Agricultural and Wildlife, class 5 Aesthetic Enjoyment and Navigation, class 6 Other Uses, and Class 7 Limited Use Waters.

### **Designated Uses**

As cited above, the state has designated use classifications for the state’s wetlands. Unless specified otherwise, wetlands are protected for class 2, 3, 4, 5 and 6 uses.

State regulations provide, more specifically, with regard to designated uses that:

“7050.0186 WETLAND STANDARDS AND MITIGATION.

Subpart 1. Policy and wetland beneficial uses. It is the policy of the state to protect wetlands and prevent significant adverse impacts on wetland beneficial uses caused by chemical, physical, biological, or radiological changes. The quality of wetlands shall be maintained to permit the propagation and maintenance of a healthy community of aquatic and terrestrial species indigenous to wetlands, preserve wildlife habitat, and support biological diversity of the landscape. In addition, these waters shall be suitable for boating and other forms of aquatic recreation as specified in part 7050.0222, subpart 6; general industrial use as specified in part 7050.0223, subpart 5; irrigation, use by wildlife and livestock, erosion control, groundwater recharge, low flow augmentation, stormwater retention, and stream sedimentation as specified in part 7050.0224, subpart 4; and aesthetic enjoyment as specified in part 7050.0225, subpart 2.”

### **Narrative and/or Numeric Criteria**

Minnesota pollution control regulations provide, in part, that

“Subp. 1b. Wetland pollution prohibited. Wetland conditions shall be protected from chemical, physical, biological, or radiological changes to prevent significant adverse impacts to the designated beneficial uses listed in subpart 1. The nondegradation provisions in this chapter are applicable to wetlands.”

### **Antidegradation Policy**

Wetlands are explicitly included in the State’s non-degradation policy which states, in part:

“7050.0185 Nondegradation for All Waters.

Subpart 1. Policy. The beneficial uses inherent in water resources are valuable public resources. It is the policy of the state to protect all waters from significant degradation from point and nonpoint sources and wetland alterations and to maintain existing water uses and aquatic and wetland habitats. Existing beneficial uses and the water quality necessary to protect the existing uses must be maintained and protected from point and nonpoint sources of pollution.”