

Wetland Excavation (ponds)



Landowners frequently inquire about ways to improve land for wildlife and wonder if excavating or deepening existing wetlands to provide more open water will help and what permits are needed. The first step is to determine the type of wetland that is planned to be excavated. Wetland type determinations are routinely performed by Land Services staff as well as private consultants. Please refer to the wetland types factsheet also available online. Below is general guidance for wetland excavation based on the type of wetland.

Excavation in Type 1, 2, 6, 7, 8 Wetlands

- Excavation is technically a non-jurisdictional activity per the Wetland Conservation Act (WCA), and therefore no permit is required.
- The maximum depth of the excavated area is less than or equal to 8' 2" or 2.5 meters in depth.
- Spoils must be deposited in an upland area and stabilized
- No side-casting of material is allowed. This means that no other manipulation or altering of the wetland can occur. No created islands or other manipulation of the wetland are allowed.
- A Shoreland Alteration permit is required if spoils are deposited in the Shoreland District (1000 feet from a lake, 300 feet from a stream).
- Excavation is allowed anywhere within the Shore Impact Zone (SIZ), which is the "building setback", unless the pond connects to, or has a connective affect on, a public water.

Excavation in Type 3, 4, 5 Wetlands

- If the applicant wishes to excavate for wildlife improvement, no more than 5% of the total wetland area or 1/2 acre (regardless of ownership boundaries), whichever is less, can be excavated and the following steps must be taken:
 - A wildlife improvement plan must be submitted to the Crow Wing SWCD or TEP panel that includes a wildlife improvement plan narrative and map/sketches that show a side-profile and overhead view of the proposed project.
 - The Crow Wing SWCD or TEP panel must certify that the excavation provides wildlife habitat improvement
 - Spoils are stabilized and seeded with native, non-invasive vegetation
 - Project does not have an adverse effect on any species designated as endangered or threatened under state / federal law
- If the applicant does not wish to excavate for wildlife improvement, or the Crow Wing SWCD or TEP panel does not certify that the excavation provides wildlife habitat improvement:
 - Excavated area can be up to 20 sq. feet within the building set-back or 100 sq. feet anywhere outside the building setback.

For all excavations in type 3, 4, & 5 wetlands:

- Requires a \$150 wetland exemption permit
- It is exempt from Crow Wing County Ordinance regulating dirt moving (Article 11)
- Requires a Shoreland Alteration permit if spoils are deposited in the Shoreland District
- The maximum depth of excavated area is 2.5 meters (less than or equal to 8' 2")
- The Crow Wing SWCD can be contacted at **218-828-6197** and is located in the lower level of the Land Services Building, 322 Laurel Street, Brainerd, MN 56401

