

Minnesota Wetland Conservation Act De Minimis Calculation Worksheet

- 1) Determine the appropriate Circ. 39 wetland type for all wetlands proposed to be impacted by the project, based on predominance of hydrology. For wetlands >40 acres, wetland type may be determined by the deepest water regime, in the basin, and within a 300-foot radius of the proposed impact area. (Note: use a single Circ. 39 Wetland Type for each wetland)

Impact wetland 1: _____ Impact wetland 2: _____ Impact wetland 3: _____ Impact wetland 4: _____

- 2) Determine the pre-project size of the wetland(s) (as of January 1, 1992) within the project property that are proposed to be impacted by the project. (Note: 1 acre = 43,560 square feet)

Total Wetland Area _____ ft² 5% of the Total Wetland Area: _____ ft²

- 3) Determine the applicable de minimis exemption amount for the project from either a) or b) below. ***If more than one de minimis amount is applicable to the project, the exemption amount is the lesser of these.***

- a) For projects where all wetlands proposed to be impacted are under single ownership and entirely within the project property, the applicable de minimis exemption amount is determined using the following table.

Wetland Type (circular 39)	Shoreland Class	Pre-Statehood Wetland Area	De Minimis Amount ⁽³⁾
1, 2, 6, or 7* *(excluding white cedar and tamarack wetlands)	Non-Shoreland	> 80% ⁽¹⁾	10,000 ft ²
		50 – 80% ⁽¹⁾	5,000 ft ²
		< 50% ⁽¹⁾	2,000 ft ²
1, 2, 6, or 7* *(excluding white cedar and tamarack wetlands)	Shoreland-Outside Building Setback	Any	400 ft ² ⁽⁴⁾
7* (white cedar and tamarack wetlands only)	Shoreland-Outside Building Setback	Any	100 ft ²
3, 4, 5, or 8	Shoreland-Outside Building Setback	Any	100 ft ²
Any Wetland Type	Shoreland-Inside Building Setback	Any	20 ft ²
1, 2, 6, or 7* *(excluding white cedar and tamarack wetlands)	Non-Shoreland	> 80% ⁽²⁾	10,000 ft ²
		50 – 80% ⁽²⁾	2,500 ft ²
		< 50% ⁽²⁾	1,000 ft ²

(1) Outside of the 11-county metropolitan area: Counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright

(2) Inside the 11-County Metropolitan Area

(3) If more than one de minimis amount is applicable to the project, the exemption is the lesser of these

(4) Can be increased to 1000 ft² by LGU's in >80% areas for certain types of wetlands

- b) For projects where any wetlands proposed to be impacted extend outside of the project property (multiple landowners), the applicable de minimis exemption amount is the lesser of the following:

- i. The amount identified in the above table,
- ii. 5% of the total wetland area within the project property, but in no case less than 400 ft².

De Minimis Exemption Amount _____ ft²

4) Determine the cumulative impacts (previous and proposed) to the landowner's portion of the wetland since January 1, 1992:

Previous exempt impacts (from all projects)	_____ ft ²
Current proposed impacts	+ _____ ft ²
Cumulative Impacts	= _____ ft²

5) Is the applicable de minimis exemption amount (3) greater than, or equal to, the cumulative impacts (4)?

- Yes** If yes, then the de minimis exemption can be claimed for the project and the proposed impacts can occur without a replacement plan for wetlands.

- No** If no, then the de minimis exemption cannot be claimed for the project.

NOTE: If, at any time, total project impacts exceed the applicable de minimis exemption amount, this exemption is no longer valid and all wetland impacts associated with the project are subject to the replacement plan provisions of the Wetland Conservation Act (8420.0500 to 8420.0630).