9 MILE CREEK WATERSHED DISTRICT

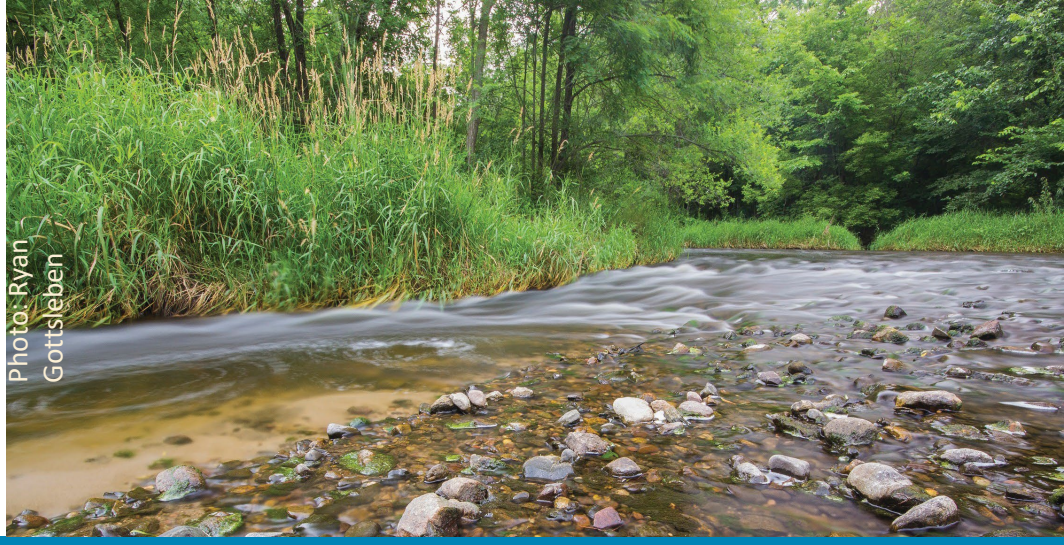


Photo: Ryan Gottsleben

This guide references rule

3.4

Wetland Buffers

All projects except existing single-family plats

Importance:

Wetlands give us filtered groundwater, flooding resilience, and important wildlife habitat. A wetland buffer helps keep pollutants out of a wetland that can negatively affect these (and other) functions. For existing single family parcels (plats), see *Wetland Buffers Single Family Home Properties* guidance.

When is a permit needed?

- Properties within the buffer radius of a wetland needs a buffer when a permitted project triggers any of the following:
    - Rule 2.0 (Floodplain Management)
    - Rule 3.0 (Wetlands Management) Wetland Conservation Act in Edina, Eden Prairie, Hopkins, or Richfield
    - Rule 4.0 (Stormwater Management)
    - Rule 6.0 (Waterbody Crossings and Structures)
    - Rule 7.0 (Shoreline and Streambank Improvements)
    - Rule 8.0 (Sediment Removal)

Note, triggering Rule 5.0 (Sediment and Erosion Control) alone does not trigger a wetland buffer. In a case where a wetland is upgradient (rare) or unaffected by construction activity, a buffer is not needed. Contact NMCWD for assistance.

continued

Nine Mile Creek Watershed District
ninemilecreek.org

12800 Gerard Drive
Eden Prairie, MN
55346

Buffer Width and Locations

- Have a MnRAM (Minnesota Routine Assessment Method) on the wetland in question and a delineation current within 5 years.
- The width of a buffer is based on the taking the results of a MnRAM (Minnesota Routine Assessment Method) and comparing them to NMCWD's Appendix 3b. Appendix 3b's result will tell you a Value Level:

	Buffer Width (from delineated edge)	
Value Level (Appendix 3b)	*Average Width*	*Minimum Width*
Low	20 feet	10 feet
Medium	40 feet	20 feet
High	60 feet	30 feet

- How to calculate the average buffer area?
  - Buffer cannot be less than the minimum width, except in places where a buffer goes all the way to the property line and it still does not meet the minimum
  - Anything over twice the average width cannot count towards the average calculation. See graphic below. This means for a medium value wetland (40-foot average width), anything buffer between 40 and 80 feet from the delineated edge can count to meet the average.
  - Example on next page

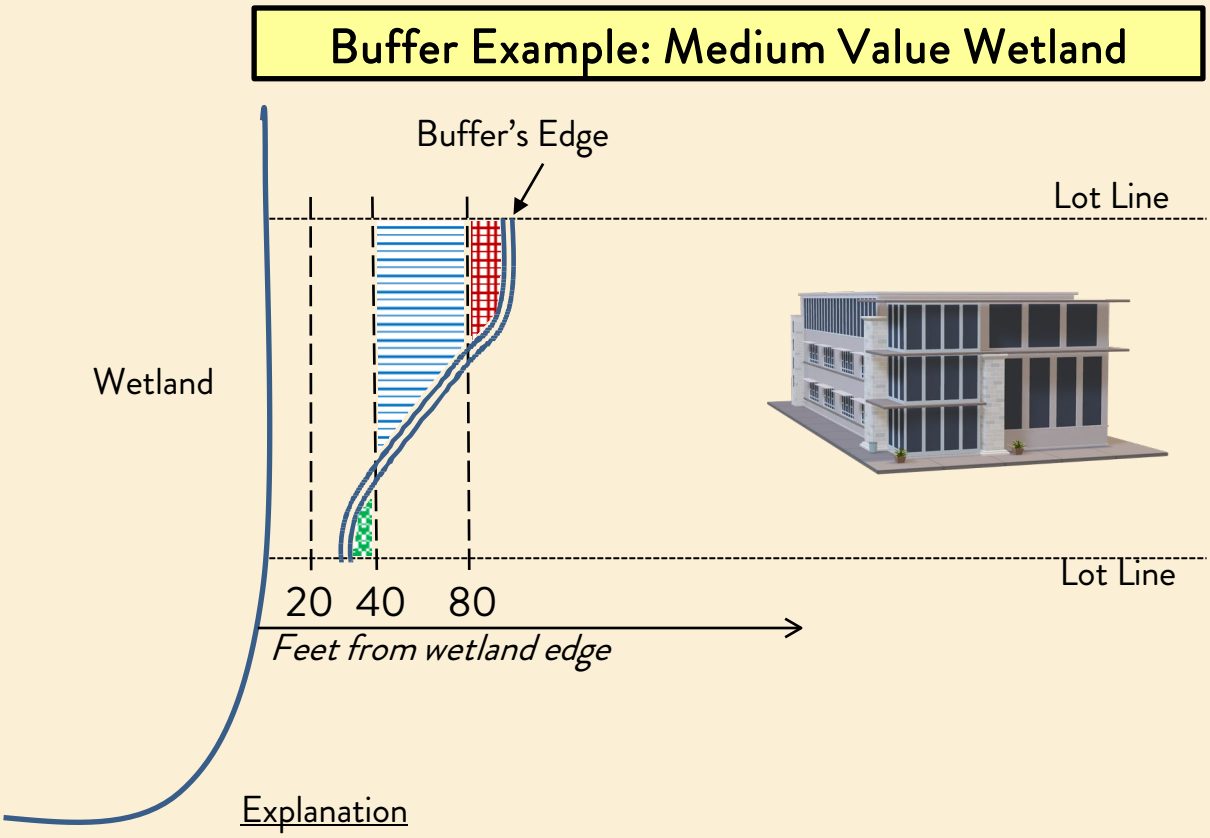
- What if the buffer area has steep slopes (12% or greater)?
  - Where a buffer is on all or part of a slope averaging 12% or greater over 50 feet of distance, the buffer will extend to the top of the slope or the value level (table above), whichever is greater.
  - See NMCWD Rule 3.4.2

continued

Buffer Width and Locations cont.

- Example: A MnRAM (Minnesota Routine Assessment Method) for the wetland in question was compared to Appendix 3b in the NMCWD Rules. It came out as a medium value wetland. That means an average buffer width of 40-feet, and a minimum width of 20-feet. This example does not have slopes 12% or greater.

	Buffer Width (from delineated edge)	
Value Level (Appendix 3b)	*Average Width*	*Minimum Width*
Low	20 feet	10 feet
Medium	**40 feet**	**20 feet**
High	60 feet	30 feet



Explanation

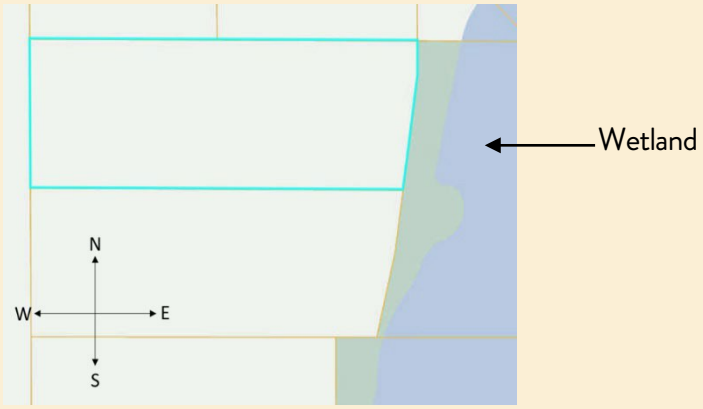
- 20 feet is the minimum buffer width.
- 40 feet is the required average width, while any buffer above 80 feet (average x 2) does not count toward calculating the average.
- Blue striped area brings the applicant far above the 40-foot average. The area needed to be made up for is the green dots below 40 feet.
- In this example, the red grid demonstrates an area that does not count toward meeting the 20-foot average buffer width. This is because it is over 40 feet out (40 feet average width x 2 = 80 feet). It is unnecessary to meet requirements.

continued

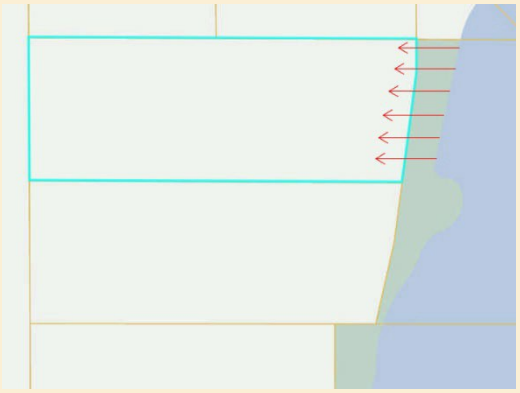
Buffer Width and Locations cont.

- What if the wetland is off my property?
  - You only put buffer on property you own
  - The buffer on your property is the overlapping area between your property and the buffer radius. See example below.

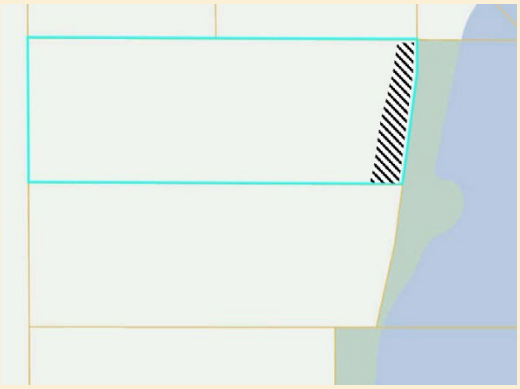
1. Bright blue outlines lot lines. Notice wetland is off property to the east.



2. Measure average buffer width from the offsite wetland's edge toward the property. Here, the buffer width is represented with the red arrows.



3. Buffer must be in the area that overlaps with the property in question, represented with the black stripes.



continued

What is allowed in a buffer?

- Impervious surface in a buffer (shed, etc.) that exists at the time of the project does not need to be removed
- New development may not be added, except trails and boardwalks for nonmotorized use. NMCWD also allows stormwater facilities (BMPs) in buffers. Some cities do not, however.
- Ideally, buffers are populated with native plant species with invasive species kept to a minimum. NMCWD can provide suggested plant lists upon request.
- Other requirements:

Uses not allowed	*Uses allowed*
• Cropping • Cultivations • Pasture • Holding yard waste • Mowing (some exceptions) • Filling or excavating • Fertilizing • Mulching • Adding hard surfaces or new structures (except nonmotorized boardwalks or trails with District approval)	• Periodic controlled burning to promote buffer health • Actions to address invasive species or diseases • Use of pesticides according to MN Dept. of Agriculture rules • Temporary disturbance to public utility work • Mowing for public safety • Other actions to maintain or improve buffer quality allowed subject to prior District approval

Where should buffer markers go?

- NMCWD requires buffer markers on buffers to permanently indicate where buffer management takes place. In short, they should be at the end of the buffer on each lot line, and no more than 200 feet in between.
- See the companion guidance document Wetland Buffer Markers for instructions and examples.

continued

Exhibits to include with permit application for Rule 3.4:

CHECK LIST:

- ❑ A plan showing:
  - ❑ Delineated wetland edge. Single family properties do not need a level 2 delineation if wetland impacts are not proposed.
  - ❑ Property lines
  - ❑ Existing and proposed contours, minimum and average buffer widths, and buffer location(s)
  - ❑ Erosion control plan complying with Rule 5.0 (Sediment and Erosion Control)

How should I present exhibits to the District?

Email electronic application and exhibits to *permitting@ninemilecreek.org*