



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners and Alternate Commissioners
From: Administrator Jester
Date: February 6, 2024

RE: Discuss Submittal or Review of Wetland Impacts and Buffers During Development Reviews

Recently commissioners have voiced questions about wetland impacts or wetland buffer establishment resulting from development or redevelopment projects reviewed by the Commission Engineer. These are good questions. However, the current BCWMC project review process does not require project proposers to submit wetland impact information (unless the BCWMC is the local government unit responsible for administering the Minnesota Wetland Conservation Act (WCA)*) or wetland/stream buffer information, and the process does not include direction to the Commission Engineer to review or report wetland or buffer information. (Currently the BCWMC acts as the local government unit for administering the WCA for the cities of Medicine Lake, Robbinsdale, and St. Louis Park.)

While there are existing State and Federal wetland protection and mitigation programs, including the WCA, there may be advantages for additional Commission involvement in reviewing wetland impacts or strengthening wetland/stream buffer requirements during development. The Commission should identify potential gaps in existing wetland protection and buffer programs. Staff believes the exercise of gap identification is best accomplished during development of the 2025 Watershed Management Plan, which is currently underway. If changes to the Commission's policies or wetland-related requirements are appropriate, staff recommends updating policies and requirements at the same time as other potential updates to Commission requirements.

If there is a desire by the Commission to review wetland impact and/or buffer information right now, before the 2025 Watershed Plan is adopted, the Commission should provide clear direction on what information should be submitted by developers and what the Commission Engineer should report during project reviews. Updates to the BCWMC Requirements Document and project submittal form would be needed and a reassessment of project review fees may also be appropriate.

For further information on existing policies and requirements, below is the excerpt from the [BCWMC Requirements for Improvements and Development Proposals](#) regarding wetlands.

Section 2.5: Lakes, Streams, and Wetlands

Proposed projects that may affect the water surface elevation, outlet storage capability, shoreline or streambank, or be incompatible with existing or proposed land use around the lakes, streams, and wetlands in the Bassett Creek watershed shall be submitted to the BCWMC for review. The BCWMC will defer wetland issues in cases where the municipality acts as the local government unit (LGU) for

administering the Wetland Conservation Act, unless BCWMC involvement is requested by the municipality. Lakes, Streams, and Wetlands requirements are included in Section 8.0.

The BCWMC does not specifically review buffers for proposed projects, but requires that member cities maintain and enforce wetland and streambank buffer requirements at least as stringent as the BCWMC requirements laid out in Appendix B. Specific wetland and stream buffer requirements and submittal information should be coordinated with the member city in which the project is located. BCWMC Buffer Requirements are included in Appendix B.

Additionally, the BCWMC policies regarding stream and wetland buffer requirements are found in Section 4 of the [2015 Watershed Management Plan](#).

Section 4.2.5 Stream Restoration and Protection Policies

Policy 64: Member cities shall maintain and enforce buffer requirements adjacent to priority streams for projects that will result in more than 200 yards of cut or fill, or more than 10,000 square feet of land disturbance. Buffer widths adjacent to priority streams must be at least 10 feet or 25 percent of the distance between the ordinary high water level and the nearest existing structure, whichever is less.

Allowable land uses, and vegetative criteria for buffers are specified in the BCWMC's Requirements for Development and Redevelopment (BCWMC, 2015, as amended). Member cities may allow exemptions for public recreational facilities parallel to the shoreline (e.g., trails) up to 20 feet in width, with that width being added to the required buffer width.

Section 4.2.6 Wetland Management Policies

Policy 68: Member cities shall maintain and enforce buffer requirements for projects containing more than one acre of new or redeveloped impervious area. Average minimum buffer widths are required according to the MnRAM classification (or similar classification system):

- An average of 75 feet and minimum of 50 feet from the edge of wetlands classified as Preserve (or comparable classification if BWSR's MnRAM is not used)*
- An average of 50 feet and minimum of 30 feet from the edge of wetlands classified as Manage 1 (or comparable classification if BWSR's MnRAM is not used)*
- An average of 25 feet and minimum of 15 feet from the edge of wetlands classified as Manage 2 or 3 (or comparable classification if BWSR's MnRAM is not used).*

Allowable land uses and vegetative criteria for buffers are specified in the BCWMC's Requirements for Development and Redevelopment (BCWMC, 2015, as amended).

Member cities may allow exemptions for public recreational facilities parallel to the shoreline (e.g., trails) up to 20 feet in width, with that width being added to the required buffer width.

Finally, although it was last updated in 2019, this publication by the MN Department of Natural Resources about wetland regulation in Minnesota is a good overview of the current State and Federal regulations:

https://bwsr.state.mn.us/sites/default/files/2019-04/WETLAND_General_Wetlands_Regulation_in_Minnesota_v2.1_March_2019.pdf