

Regulations	Shoreland	Public water	Special Protection Areas (for manure application)	Water of the state
Feedlot regulations 7020.0300 subp. 19a 7020.0350 subp. 2; 7020.2003; 7020.2005; 7020.2015; 7020.2125; 7020.0405 subp. 1C; 7020.2225 subp 1; 7020.2225 subp 5A; 7020.2225 subp 6	- Registration >10 AUs; - No new feedlots; - No expansion >1000AU; - Unused feedlot restrictions	Not used in 7020, except to determine which wetlands have special protection areas for land application of manure setbacks and phosphorus management.	- Land application setbacks; - phosphorus mgmt when over 21 ppm Bray; - 6 yr retention of land application records; - Interim permit if >6% slopes and >300 AU	- Discharge limits for feedlot runoff; - Stockpile discharge restrictions and setbacks; - Pollution hazard def. - Prevent pollution during land application
	Distance from OHWL where above rules apply	Is it a public water?*	Distance from OHWL where above rules apply	Does this water type apply to the above rules?
1. Stream, River, Creeks	300 feet, or to floodplain boundaries where they extend beyond 300'	Yes*	300 feet	Yes
2. lakes, ponds and flowages over 25 acres	1000 feet	Yes*	300 feet	Yes
3. Type III, IV, V wetlands over 10 acres in rural areas	1000 feet if designated shoreland by Co. or DNR (usually over 25 acres)	Yes*	300 feet (public waters wetlands*)	Yes
4. Wetlands type III, IV, V under 10 acres (in rural areas)	NA	Not unless connected hydrologically to larger waters*	NA, except that MMPs must consider appropriate BMPs	Yes
5. Type II wetlands that are farmed	NA	No	NA	No, unless hydrologically connected to other waters
6. Type II wetlands that are not farmed	NA	No	NA	case-by-case
7. Type I wetlands	NA	No	NA	No
8. Intermittent streams that are not grassed waterways	NA	No, unless natural or altered watercourse w/ drainage >2 sq. miles	300 feet	Yes
9. Intermittent streams that are grassed waterways	NA	No	NA	Yes
10. Grassed waterways and road ditches that are not mapped as an intermittent stream	NA	No	NA	case by case
11. Road ditches that are mapped as intermittent streams	NA	No, unless natural or altered watercourse w/ drainage >2 sq. miles	300 feet	Yes
12. Drainage ditches (off field)	NA	No	300 feet (bermed ditches not included)	Yes
13. In-field drainage channels (e.g. Red River Valley)	NA	No	NA	No
14. Open tile intakes and side inlets through ditch berms	NA	No	300' incorp. zone and P mgmt required – not defined as a special protection area	Yes
15. Private farm ponds created to control erosion	NA	No	NA	No
16. Private ponds created for wildlife habitat	NA	No	NA	Yes
17. Ground water **	NA	NA	NA	Yes
18. Sinkhole **	NA	NA	50' setback and 300' incorp zone – not defined as a special protection area	Yes, if direct conduit to ground water

* see public waters web site at www.dnr.state.mn.us/watermgmt_section/pwi/maps. Note: most wetlands on pwi maps do not have shoreland designated. Consult with county offices to determine which waters have shoreland protection.

** “sensitive areas” triggering mandatory EAWs at expansions of 500+ animal units (instead of 1000 AU) include: shoreland, land within 1000 ft of sinkholes and other karst features, areas within Drinking Water Supply Management Areas where the aquifer is vulnerable, and other identified areas in Minn. R. ch. 4410.4300 subp. 29. The term “sensitive areas” is also used in NRCS standards to include a wide range of land that has the potential to readily transport runoff and/or leachate to surface waters or ground waters.

OHWL - Ordinary high water level. "Ordinary high water level" means the boundary of water basins, watercourses, public waters, and public waters wetlands, and: (1) the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial; (2) for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and (3) for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. (Minnesota Statutes 103G.005 Subd. 14)

Public waters wetlands. "Public waters wetlands" means all types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas. (103G.005 subd. 15a). Maps of public waters wetlands and other public waters can be found at www.dnr.state.mn.us/waters/watermanagement_section/pwi

Note: Public waters are sometimes referred to as DNR protected waters.

Shoreland. "Shoreland" means land located within the following distances from the ordinary high water elevation of public waters:

A. land within 1,000 feet from the normal high water mark of a lake, pond*, or flowage; and

B. land within 300 feet of a river or stream or the landward side of floodplain delineated by ordinance on such a river or stream, whichever is greater. (Minn. Statutes, section 103F.205, subdivision 4, and duplicated in 7020.0300 subp. 21)

**ponds are those determined by DNR to be over 25 acres, or otherwise designated by local government as shoreland.*

Special protection area. "Special protection area" means land within 300 feet of all:

A. protected waters and protected wetlands as identified on Department of Natural Resources protected waters and wetlands maps; and

B. intermittent streams and ditches identified on United States Geological Survey quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams which are grassed waterways. (Minn. R. ch. 7020.0300 subp. 23)

Waters of the state. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the

state or any portions of the state. (Minn. R. ch. 7020.0300 subp. 26)**Waters of the state.** "Waters of the state" means surface or underground waters, except surface waters that are not confined but are spread and diffused over the land. (Minn. Statutes 103G.005 Subd. 17)

Wetland types. "Wetland type" means a wetland type classified according to Wetlands of the United States, U.S. Fish and Wildlife Service Circular 39 (1971 edition), as summarized in this subdivision (Minn. Statutes 103G.005 Subd. 17b).

"Type 1 wetlands" are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses, and in which vegetation varies greatly according to season and duration of flooding and includes bottomland hardwoods as well as herbaceous growths.

"Type 2 wetlands" are inland fresh meadows in which soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of surface. Vegetation includes grasses, sedges, rushes, and various broad-leaved plants. Meadows may fill shallow basins, sloughs, or farmland sags, or these meadows may border shallow marshes on the landward side.

"Type 3 wetlands" are inland shallow fresh marshes in which soil is usually waterlogged early during a growing season and often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side and are also common as seep areas on irrigated lands.

"Type 4 wetlands" are inland deep fresh marshes in which soil is usually covered with six inches to three feet or more of water during the growing season. Vegetation includes cattails, reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads, coontail, water milfoils, waterweeds, duckweeds, waterlilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or they may border open water in such depressions.

"Type 5 wetlands" are inland open fresh water, shallow ponds, and reservoirs in which water is usually less than ten feet deep and is fringed by a border of emergent vegetation similar to open areas of type 4 wetland.