

Wetlands on Ag Land in Minnesota

U.S. and Minnesota laws were enacted a couple of decades ago to address the draining and filling of wetland areas. Both sets of laws rely on the knowledge and actions of landowners to assure compliance with their requirements. It is important for agricultural producers to be aware of these regulations in order to limit their risk. Landowners need to know that just because you're in compliance with the one program doesn't always mean you're in compliance with others.

What are federal requirements (i.e. Swampbuster)?

Since 1985, the Wetland Conservation provision of the federal farm bills (Swampbuster) requires all agricultural producers to protect the wetlands on the farms they own or operate in order to be eligible for USDA farm program benefits. Producers will not be eligible if they plant an agricultural commodity on a converted wetland that was converted by drainage, leveling, or any other means after December 23, 1985, or convert a wetland for the purpose of or to make agricultural commodity production possible after November 28, 1990.

What is the state law (i.e. Wetland Conservation Act)?

The Minnesota Wetland Conservation Act (WCA) is a state law that regulates activities that result in the draining, filling, or excavating of wetlands in Minnesota, including those on agricultural land. It is administered by local government units; in rural areas this is usually the County or Soil and Water Conservation District (SWCD). SWCDs also provide technical assistance to landowners.

What should agricultural landowners do before starting a project, including drainage and maintenance, that may impact a wetland?

1. Complete your "AD1026" form for your local USDA office.
2. Bring a copy to the SWCD and explain what you plan to do.

The SWCD can advise you if your project is allowed under the state law, WCA, or if you need to submit an application to the local government. **Involving your local SWCD is the easiest and best way to avoid problems.**

Request a field visit by the local government that administers WCA. This can help identify regulated wetlands on your property, and regulations that could affect your project. Many wetlands do not contain standing water or are only saturated for part of the year, and can be difficult for landowners to identify.

Tell your contractor to submit a "Contractor Liability form". Contractors who conduct projects that will impact a wetland are required to notify the local government. The Contractor Responsibility and Landowner Statement Form is available at www.bwsr.state.mn.us/wetlands/forms (see "Replacement Plan Forms") and must be mailed to the local government prior to starting work.

Communication is the key! Compliance with USDA does not mean compliance with other wetland laws. A quick call or stop at your SWCD or local government office prior to beginning your project will help you comply with the laws and save a project from potential additional costs and delays.



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