

Wetland Water Depth Guidance

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This document is intended to provide a practical standard for distinguishing wetlands from deepwater habitats (such as lakes and ponds) for Wetland Conservation Act (WCA) implementation and compliance.

Background and Need

The WCA regulates impacts to wetlands. Wetlands are defined by the 1987 Corps of Engineers Wetlands Delineation Manual (87 Manual) and subsequent supplements and clarifying guidance. Since WCA implementation in 1991, wetland identification and delineation has focused primarily on distinguishing wetlands from uplands. Little clarification or guidance has been developed to distinguish wetlands from deepwater habitats. From a functional perspective, there may sometimes be little difference between a wetland with deep water and a shallow lake or pond. However, WCA jurisdiction is limited to wetlands which requires a clear and practical approach for distinguishing wetlands regulated by WCA versus deepwater habitats that are not regulated by WCA. In addition to determining if a water body or portions of a waterbody are subject to WCA regulation, the distinction between wetlands and deepwater habitats is important for the following:

- When wetland excavation is proposed, how deep can the wetland be excavated before it is considered as converted to a deepwater habitat?
- When designing wetland restorations or creations for WCA replacement, what is the maximum water depth allowed for it to still be considered wetland and eligible for wetland replacement?

Criteria for Wetland vs Deepwater Habitat

The 87 Manual references and in part relies on the Cowardin wetland classification system that was developed around the same time. The 87 Manual says that consideration should be given to the relationship between the technical guideline for wetlands and the Cowardin classification system, presumably anticipating changes to the system over time. The Cowardin classification system was updated in 2013, and the upper limit of water depth was changed for wetlands. This limit is based on the definition of “soil” and the growth limitations of emergent versus aquatic plants. Using this limit as a basis, BWSR recommends the following approach for distinguishing wetlands from deepwater habitats for purposes of WCA implementation:

- If the area in question has emergent vegetation (and meets all other wetland requirements of hydric soils, hydrophytic vegetation, wetland hydrology per 87 Manual), it is wetland, regardless of water depth.
- If the area in question does not have emergent vegetation (but otherwise meets other wetland requirements of hydric soils, and wetland hydrology per 87 Manual), then the water depth at which emergent vegetation normally grows and soils are present (8.2 feet) is used to approximate the boundary between deepwater habitat and wetland. To be considered deepwater habitat there must be evidence that the area is deeper than 8.2 feet under normal circumstances (i.e. normal water levels)

accounting for antecedent moisture conditions). Evaluating normal circumstances follows the same procedures and considerations as with any assessment of wetland hydrology (outlet elevations, air photos, hydrology indicators, 30-day rolling totals, NRCS antecedent precipitation analysis method, etc.). Detailed water depth data is necessary to delineate the deepwater habitat from the wetland for purposes of implementing WCA regulations, otherwise the area is assumed to be wetland.

This approach is a practical means to consistently incorporate updated wetland/aquatic resource classification definitions and to implement WCA as it relates to wetlands and deepwater habitats. This guidance does not apply to or otherwise affect the classification of Public Waters or Public Waters Wetlands under the Public Waters Work Permit Program as administered by the Minnesota Department of Natural Resources.