Continuous Improvement for Regulation of Stream Restoration/Enhancement Projects

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- Regulatory Landscape for Stream Restoration/Enhancement Projects

- Environmental Review and Work in Public Water Permit Timeliness

- Current Continuous Improvement (CI) Efforts

- Recommendations for Potential Future Cooperative CI Efforts

Authorizations Potentially Needed:

- Environmental Review

- Work in Public Waters Permit

- Threatened and Endangered Species Takings Permit

- USACE 404 permit and MPCA 401 water quality certification

- Wetland Conservation Act

- SHPO/ASO requirements

- Various local government authorizations

Environmental Review and Work in Public Waters

- Longstanding regulatory processes

- Provide neutral evaluation of projects

- Projects measured against applicable laws and rules to determine compliance

- Intent of project is not a significant factor, besides meeting the minimal impact solution to achieve project purpose

EAW Mandatory Categories

- Stream realignment of 500' of natural watercourse or any realignment of a trout stream

- Changing the course, current, or cross-section of one acre or more of public water

- No exemption for beneficial projects

- Stream restoration/enhancements are physical manipulation of the environment that require governmental approvals.

- Environmental Review can ensure or improve proper design and construction techniques.

- Provides the public with systematic access to governmental decision makers

Minnesota Rules require specific standards for restoration of public waters

- Goals – protection of habitat, preserve natural character, water quality, etc.

- Prohibitions - obstructs navigation, non-essential creation of upland, adversely impacting public infrastructure

- Minimal impact solution

- Consistency with floodplain and shoreland standards

- Specific standards for different types of restoration activities

Environmental Review – EAW

- Complete data submittal by proposer

- 30-day public comment period

- 30-day timeline to decide on the need for an EIS

- Timeline depends on proposer data submittal completeness, proposer responsiveness to RGU with needed information, and number/nature of public comments received.

- 11 stream/habitat restoration/enhancement projects needed ER

  - 9 < 8 months

  - 1 = 10 months

  - 1 = 2 years

Work in Public Waters

- 30 days to determine application completeness

- 30 days for request for comments from DNR technical staff/LGUs

- 150-day statutory goal to issue a decision (from date of complete application)

  - 150 stream restoration/enhancement permits

    - 132 (88%) timely

    - Some within 200 days

    - Some 200-400

    - 3 = >400

Work in Public Waters

- Common reasons for not meeting the 150-day goal

  - Need for final designs/responsiveness of the proposer

  - Changes in project proposal

  - Need to address technical issues such as Threatened and Endangered species or floodplain regulations

  - Staffing shortages

Current Continuous Improvement Efforts

- Parallel processes when possible

- Continual efforts to increase efficiency and effectiveness (ex. monthly field hydro meetings, Operation Dashboard Relief, annual programmatic training)

- Staffing increases

- Evaluating areas of potential rule revision, such as additional allowances for use of natural materials

- Early coordination

Environmental Review

- EAW mandatory category

- Specialized EAW forms or alternative environmental review processes

- EQB approval required

- Other?

Work in Public Waters

- General Permit

- Project management efficiencies (ex. checklist)

- Permit Streamlining CI

- Other?

- Stakeholder/partner collaborative engagement

  - Establish group - February

  - Initial meeting to share info, gather additional CI ideas, plan - March

  - Collect data, discuss, map processes, identify potential solutions - April

- LSOHC update – May

- Project completion - November

Thank You!

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