

Navigating Permit Authorities: Minimizing Project Permitting Headaches and Setting the Stage for Beneficial Partnering Opportunities

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“tell them
what you’re
going to tell
them”



Participate in local watershed planning



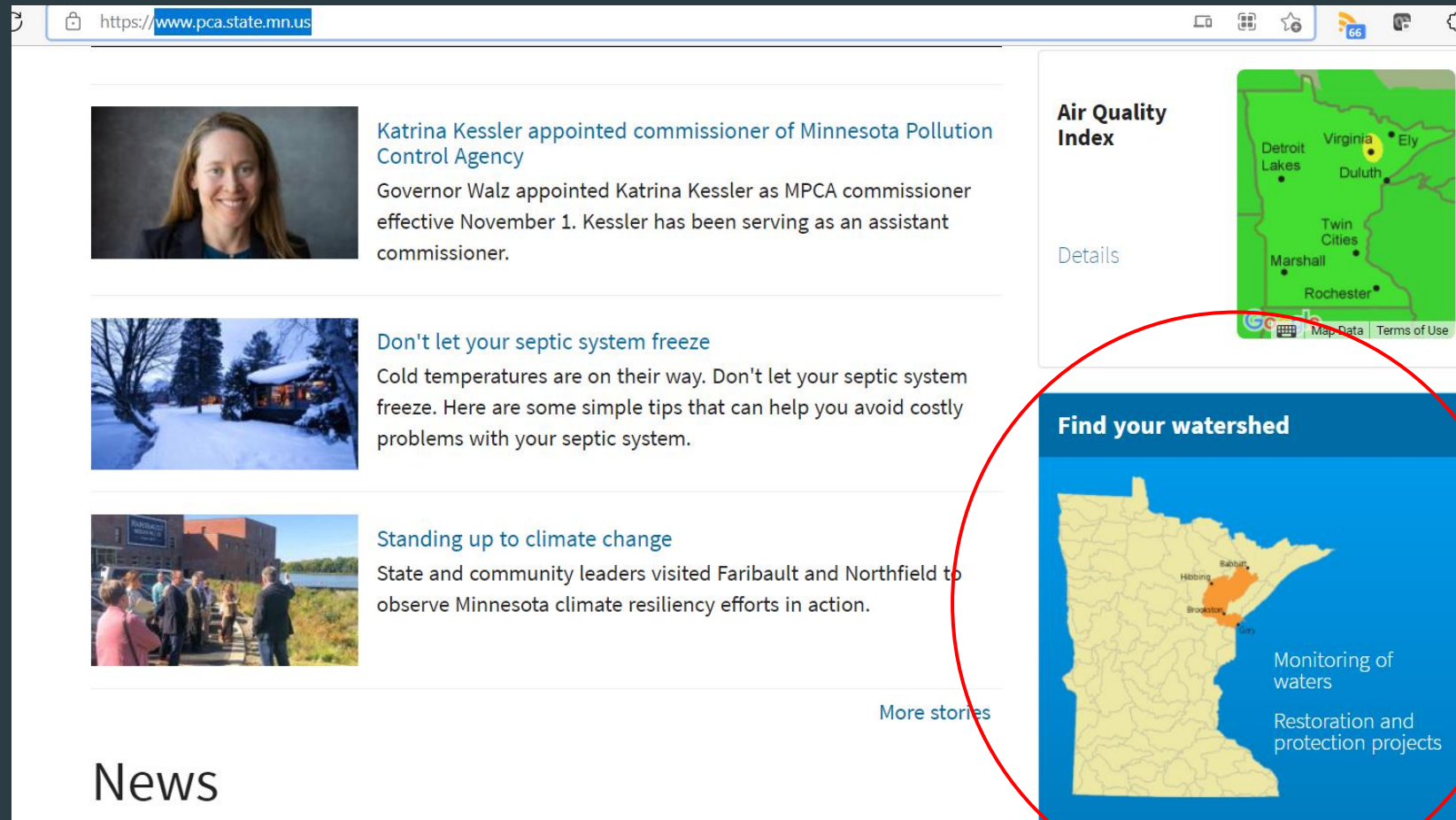
Share information and coordinate with permit staff as early as possible; document discussions and agreements



Recognize unusual situations that require more lead time and ensure your own staff know those situations

Where to find watershed planning info

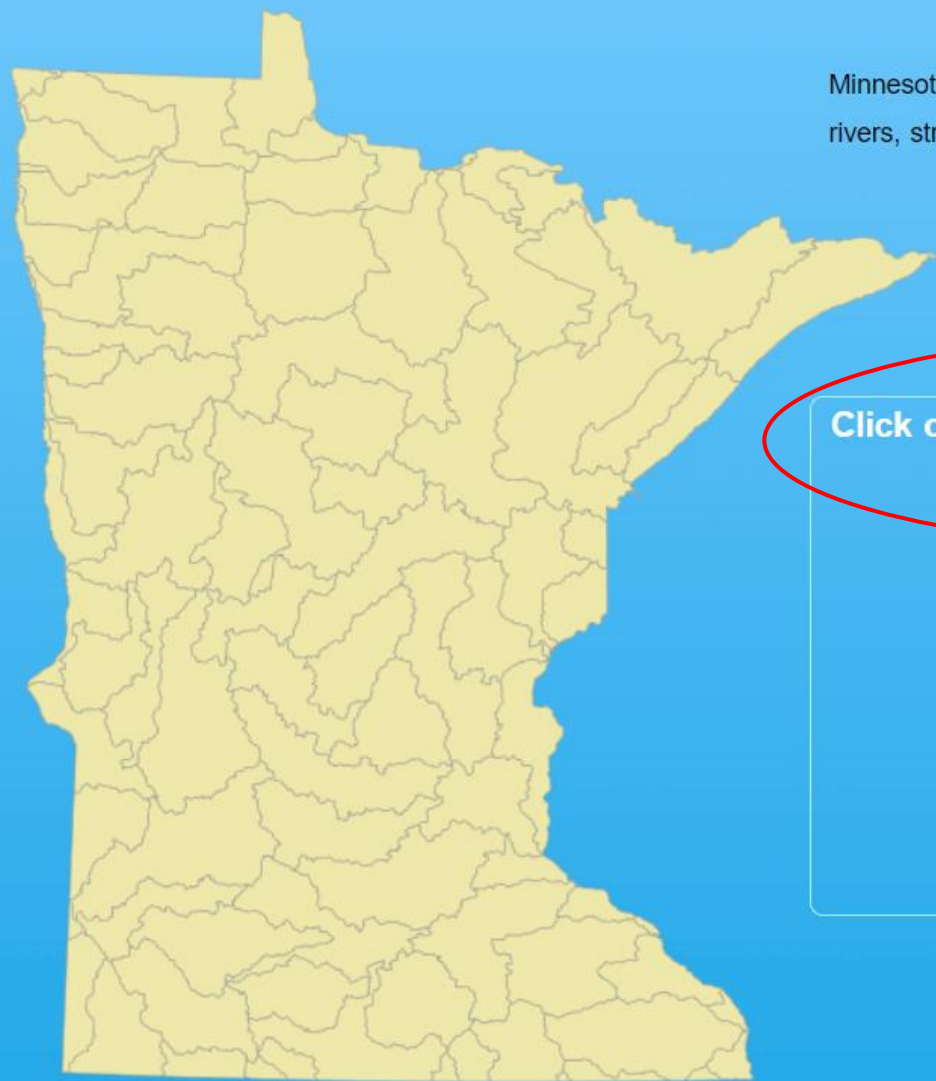
www.pca.state.mn.us



The screenshot shows the homepage of the Minnesota Pollution Control Agency website. The browser address bar displays <https://www.pca.state.mn.us>. The page features a 'News' section on the left with three articles:

- Katrina Kessler appointed commissioner of Minnesota Pollution Control Agency**
Governor Walz appointed Katrina Kessler as MPCA commissioner effective November 1. Kessler has been serving as an assistant commissioner.
- Don't let your septic system freeze**
Cold temperatures are on their way. Don't let your septic system freeze. Here are some simple tips that can help you avoid costly problems with your septic system.
- Standing up to climate change**
State and community leaders visited Faribault and Northfield to observe Minnesota climate resiliency efforts in action.

A 'More stories' link is located below the news articles. On the right side of the page, there is an 'Air Quality Index' section with a map of Minnesota showing various regions (Detroit Lakes, Virginia, Ely, Duluth, Twin Cities, Marshall, Rochester) and a 'Details' link. Below this is a 'Find your watershed' section, which is circled in red. It features a map of Minnesota with several watersheds highlighted in orange and labels for Hibbing, Sabinville, Brookston, and Tracy. Text next to the map reads: 'Monitoring of waters' and 'Restoration and protection projects'.



Minnesota has 80 major watersheds. Each is defined by rivers, streams, lakes, and wetlands.

Click on a watershed to learn more about it.

Typical watershed reports on MPCA website

1. Watershed Monitoring and Assessment
2. Stressor Identification some road crossing cause “stress” for fish
3. Watershed Restoration and Protection Strategies (WRAPS)
4. Total Maximum Daily Load (TMDL) - impaired waters, EPA approved

On BWSR website = 1 Watershed 1 Plan (1W1P)



Long Prairie River Watershed Stressor Identification Report



Figure 37: Unnamed Creek culvert outlet on County Road 14 on July 2, 2013, and July 18, 2013 after heavy rainfall.

A longitudinal survey was conducted at this site to determine the slope of the channel and the position of the CR14 culvert in regards to the stream channel profile. This survey shows that the culvert is placed higher than the natural stream channel and is affecting the upstream slope of the stream channel and acting as a partial fish barrier. Figure 38 shows the stream channel profile with water surface slope and channel bankfull stage. Water surface slope is low upstream of the CR14 culvert and increases downstream of the culvert. The surveyed stream section also had a history of beaver dam activity. Figure 39 shows the remains of a beaver dam that was removed at approximately station 330+00. Further downstream there are two other culverts that need to be investigated. One is just downstream and flows under a private driveway. The second culvert is near Lake Miltona located off of North Lake Miltona Drive. Both culverts could be impeding fish passage and require further review.

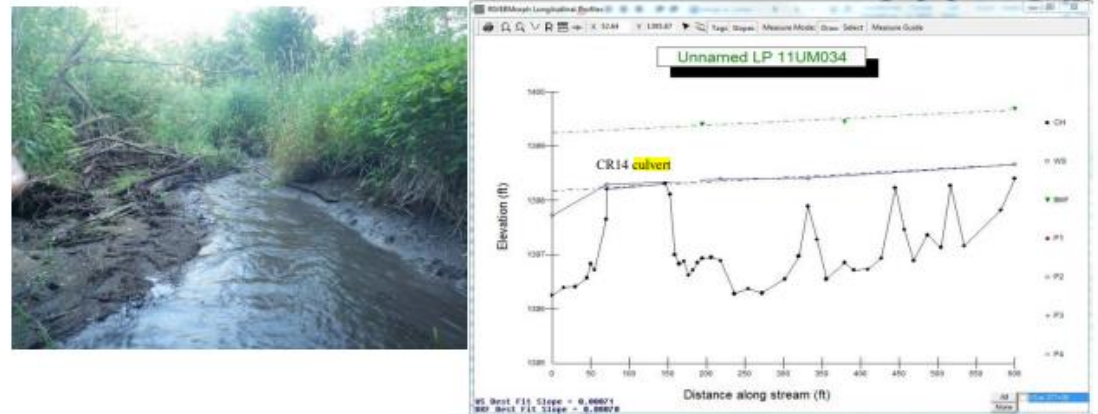


Figure 38: Stream channel profile of Unnamed Creek at CR 14 road crossing. Also picture of old beaver dam located at approximately stream station 330+00.

One Watershed, One Plan Participating Watersheds



MENU

One Watershed, One Plan ▾

One Watershed, One Plan Participating Watersheds

One Watershed, One Plan Policies

One Watershed, One Plan Resources

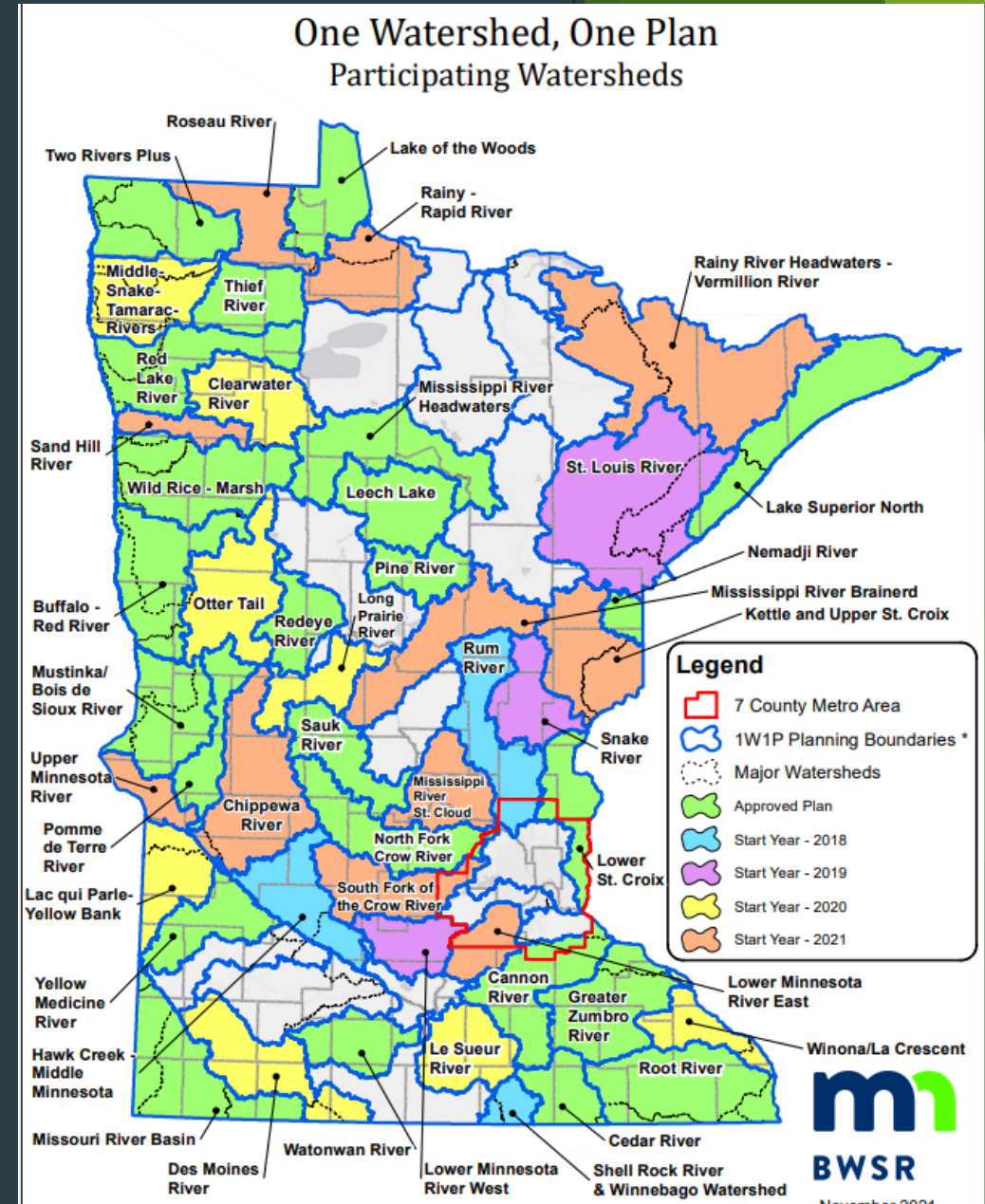
One Watershed, One Plan is a voluntary program. Local governments may form a planning partnership and begin planning at any time. BWSR offers a limited number of planning grants annually to support planning. [One Plan Operating Procedures](#)

[Map of Participating Watersheds \(pdf\)](#)

Scroll down for an interactive map of participating watersheds.

APPROVED PLANS

PLANS IN FINAL (90-DAY) REVIEW





Benefits of participating in local watershed planning

- ▶ Get to know key players - MPCA, BWSR, SWCD, DNR, other county staff, township leaders...
- ▶ Make connections that help with early project coordination for regular projects and opportunities for joint projects
- ▶ Tip: share your CIP widely - avoid surprises and find opportunities to collaborate

Humphrey Creek



**Undersized Culvert =
Downstream erosion/sediment transport issues**



**Ditched portion =
poor habitat/sedimentation/no brook trout**



**Upstream of ditched area =
excellent habitat / many large brook trout**



Current Channel (ditched)

Project area – Reconnect stream to historic channel

**¼ mile of natural channel
disconnected from Humphrey Ck via
roadside ditch**

EXAMPLE ROAD/STREAM CROSSING

CIP IS SUBJECT TO CHANGE!



BRIDGE WORK AND
RESTORATION AREA

\$\$\$ ROAD FUNDING \$\$\$

A diagram showing a blue stream crossing a grey road. A yellow rectangle highlights a section of the stream and road. A dashed blue line follows the stream's path. Text labels are positioned to the right of the stream.

STREAM WORK AND RESTORATION AREA

\$\$\$ STREAM FUNDING \$\$\$
CANNOT REPAVE THE WHOLE ROAD



Carlton County Water Quality and Transportation Joint Projects

- ▶ 6 Projects (past and ongoing) since 2015
 - ▶ Additional per project funds ranging from \$76,000-\$500,000
 - ▶ Total additional project funding totaling 1.4 Million

Projects Include Things Like:

- ▶ Streambank/road stabilization projects
- ▶ Bridge designs
- ▶ The development of GIS applications (culvert inventory, road erosion control projects)

Bridge and Stream Interface Stabilization



Road shoulder stabilization via natural channel approach



Road Stabilization



Recent St. Louis County Water Quality and Transportation Joint Projects

- ▶ Replacement of perched and/or undersized culverts -
 - ▶ 3 projects totaling \$935,000 from DNR Conservation Partners Legacy Grants
 - ▶ County staff time or consultant cost for design, permit and construction oversight time used for grant match

St. Louis County CSAH 56 over Keene Creek BEFORE



Big wide plunge pool

Clean Water Partnership \$205,000



Keene Creek



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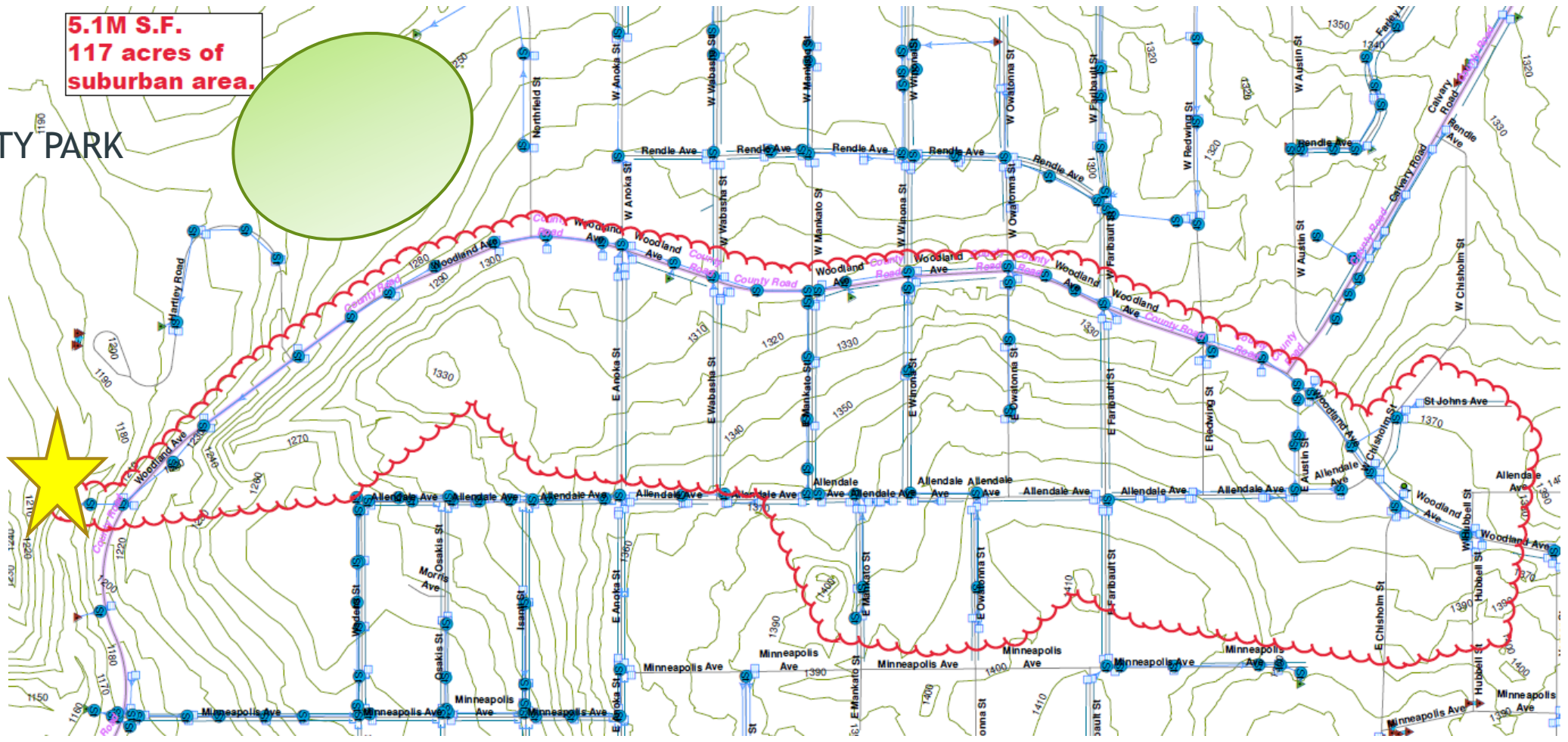


Recent St. Louis County Water Quality and Transportation Joint Projects

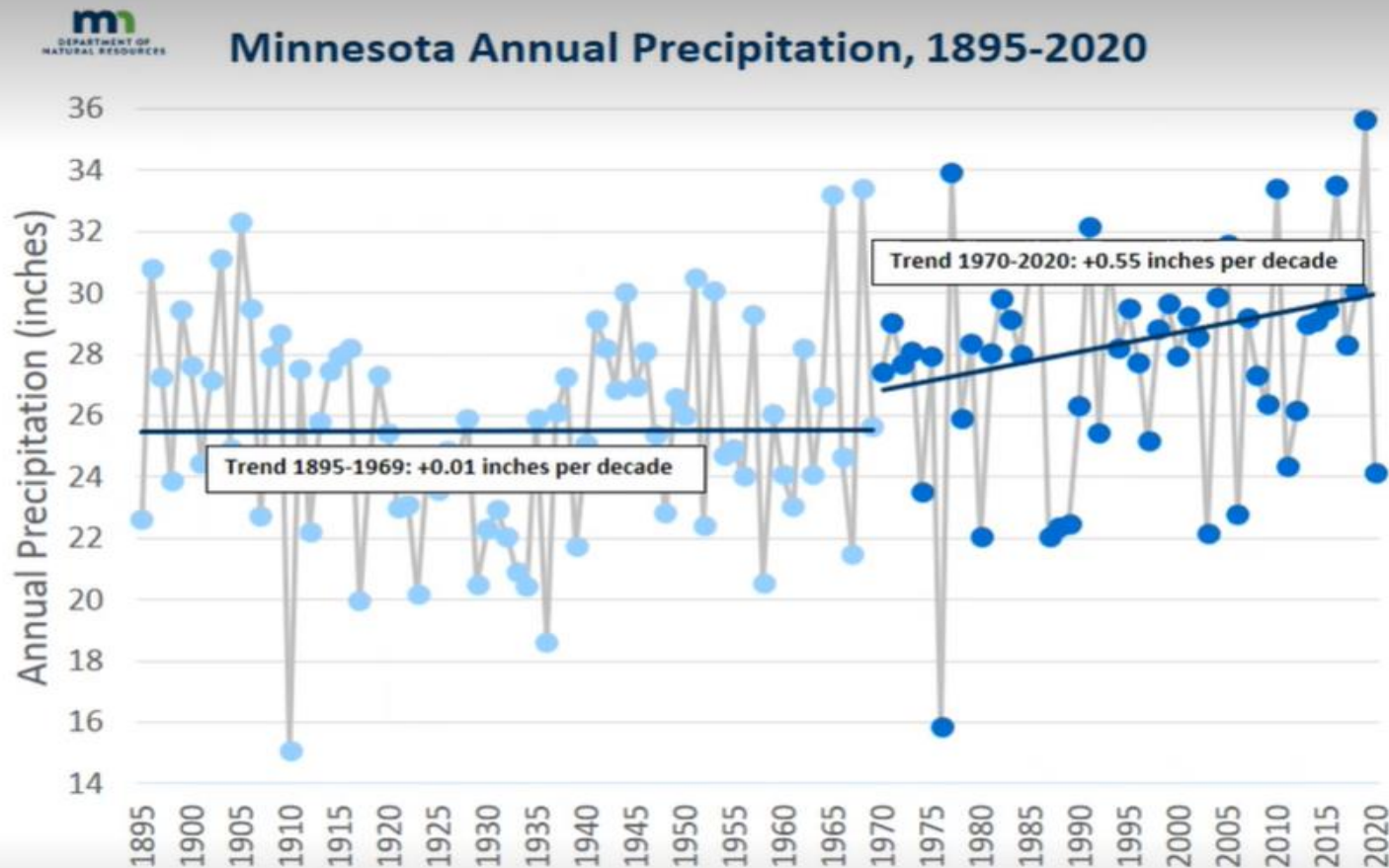
- ▶ Installation of stormwater treatment - maybe!
 - ▶ 110 acres drainage area currently with direct discharge to trout stream
 - ▶ \$800,000 grant funding offered - Great Lakes Restoration \$ via US Army Corps
- ▶ Watershed planning participation led to
 - ▶ Realization that an opportunity exists
 - ▶ Easily obtained letters of support

5.1M S.F.
117 acres of
suburban area.

CITY PARK



Best bets: GREEN INFRASTRUCTURE or other projects that improve INFRASTRUCTURE RESILIENCY



In summary, watershed planning participation helps

- ▶ Make connections
- ▶ Think outside the box
- ▶ Identify opportunities for projects that benefit the road and natural resources

#2: Early project coordination = key to any project

- ▶ Shortens permitting timeframe
- ▶ May identify funding resources beyond transportation \$\$\$
- ▶ How?
 - ▶ Annual meeting
 - ▶ Field visits
 - ▶ Email, call, MPARs ...



Things you might identify or agree on through early coordination

- ▶ Applicability of general permit vs. need for individual permit
- ▶ Whether a culvert is a water control structure
- ▶ Need for site visit
- ▶ Replacement structure - bridge or culvert
- ▶ Related data DNR or other agencies can provide
- ▶ “no permit needed” (< 5 sq mi drainage, not trout water or water level control structure)
- ▶ Need for full wetland delineation vs. desktop only
- ▶ Work in waters allowed timeframe

Early project coordination with DNR, USACE

- ▶ Document points of agreement and key information
 - ▶ Assume staff will change
 - ▶ 1W1P can provide a tracking mechanism to keep everyone on the same page
- ▶ For counties with a lot of projects and trout streams, look 2+ years out and work with DNR Fisheries staff to request start date waivers



Foster trust

When problems arise work with agencies in timely fashion to resolve



Minimize the # of rush project so when have real emergencies you haven't exhausted regulators good will to help



#3: Recognize unusual situations that require more lead time

- ▶ Located on TRIBAL LAND
- ▶ Requires coordination with a city or township
- ▶ May require a FEMA Conditional Letter of Map Revision
- ▶ Triggers preparation of an EAW



TRIBAL LAND –

- ▶ NPDES Construction Stormwater permit timeline is much longer than MPCA system. Submit SWPPP and application early to EPA and the tribe.
- ▶ Different allowed seed mixes
- ▶ Having a good relationship with local tribe environmental staff helps a lot



Determine GP eligibility ASAP

- ▶ Army Corps - non-TRGP projects take a lot more time including 401 certification by MPCA
- ▶ DNR – Some projects do not qualify for your general permit
 - ▶ Projects connected to a LAKE
 - ▶ Water level control structure – even if not, proving its not takes time; add up to a year lead time

More possible triggers of longer lead time

- ▶ Trout, other streams where DNR will require substrate placement during construction
- ▶ Cultural resources review likely to require field work
- ▶ Threatened and endangered species
 - ▶ NLEB and tree clearing; use winter tree clearing
 - ▶ T&E review may require field work



CSAH 41 over Captain Jacobson Creek or The Culvert to Heaven

