

Minnesota  
Board of Water and Soil Resources

**Part IV (a) Road Program**

Road Authority Workshop  
September 2011

# The “Local Government Wetland Replacement Program” (LGRWRP)

We’ll just call it the  
“Road Program”

# Road Program presentation

- I – what is it/whom does it serve?
- II – eligibility – what’s eligible & what isn’t?
- III – Process – early coordination
  - - notification (road authority)
  - - review (TEP and Corps)
  - - concurrence (TEP)
  - - securing replacement (BWSR)
- IV - Closure

# Program Authority

The BWSR road program was established in response to a statutory directive of the State to replace wetlands lost through public road improvement projects done to meet state or federal design or safety standards.

- Implemented via -WCA 1996 Amendment

# THE ROAD PROGRAM WAS ESTABLISHED FOR

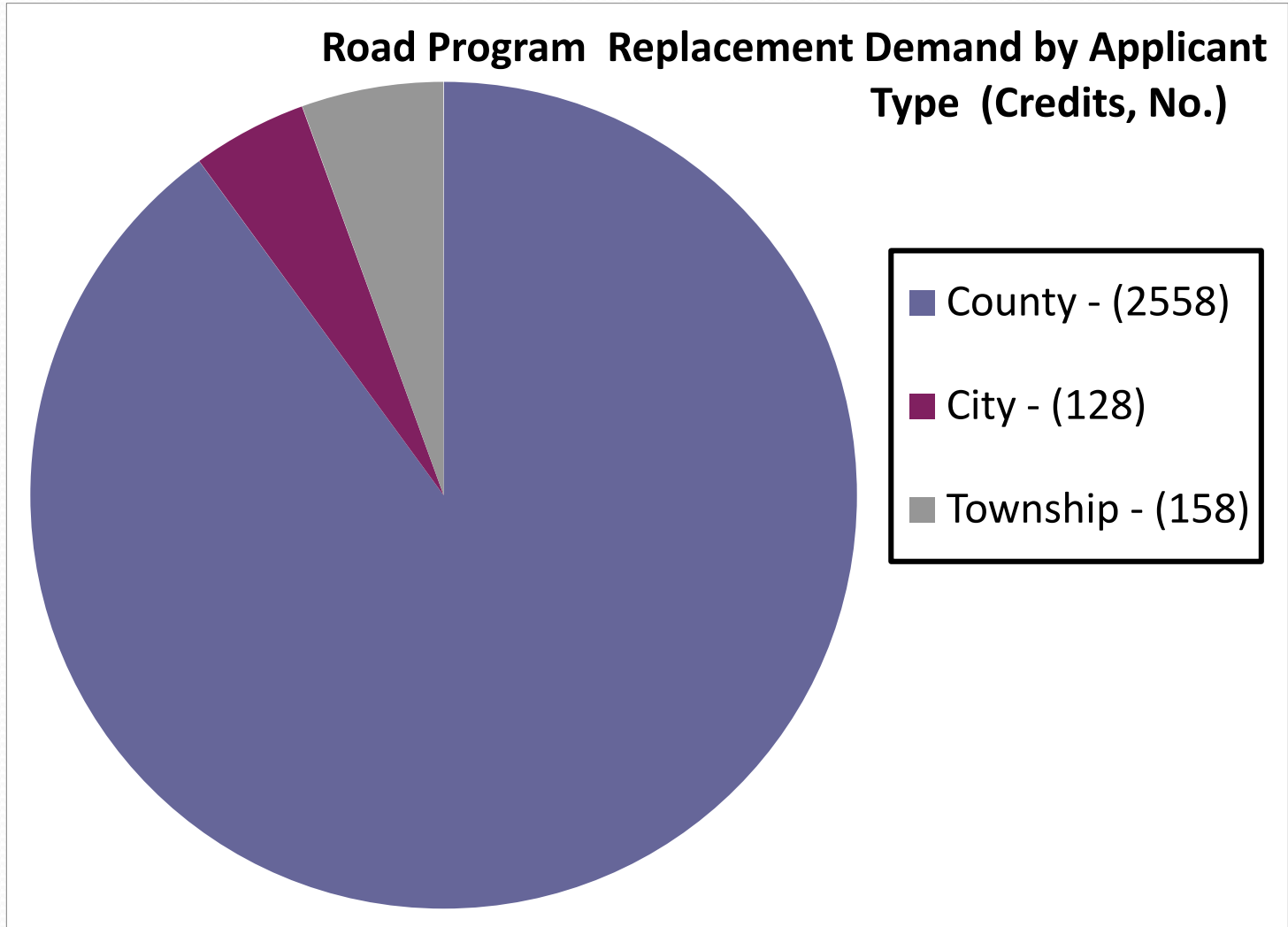
the repair, rehabilitation, reconstruction, or replacement of a:

- currently serviceable, existing city, county, or town road
- as determined necessary by the public road authority to meet state or federal design or safety standards or requirements.

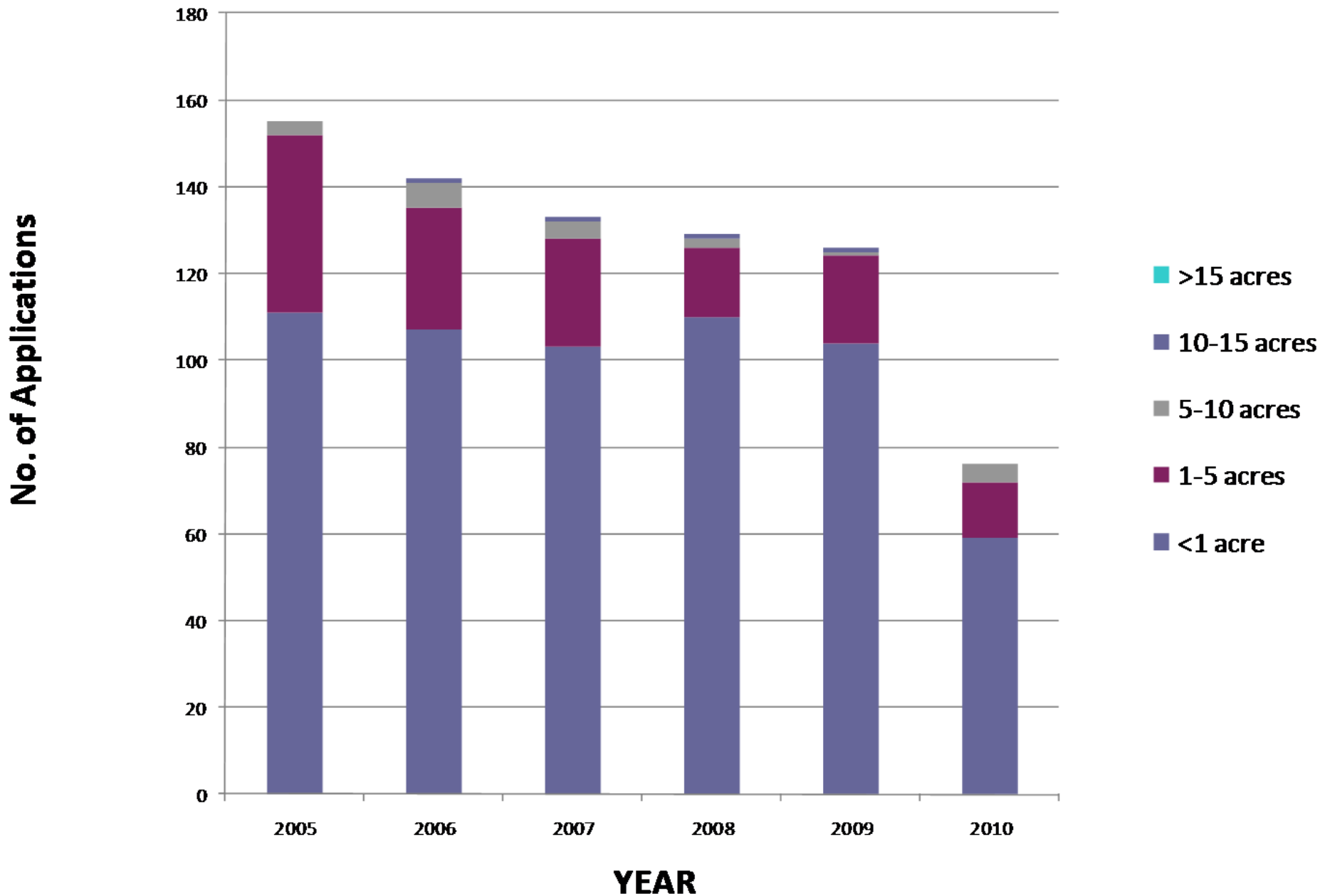
# Groups Served by the Program?

3 groups  
currently  
use the  
program:

Counties,  
Cities, and  
Townships



# Road Impact Applications, by Impact Size



# WETLAND IMPACTS REPLACED BY ROAD PROGRAM

FILL – YES

DRAINAGE – YES \*

EXCAVATION – YES \*\*

TEMPORARY – NO

WETLAND TYPE CONVERSION – (Case by case basis)

\*Not for general drainage improvement.

– Differentiate between road projects and drainage projects.

\*\*Typically only in wetland types 3,4,5 or conversion of any type to “deepwater habitat.”



# ELIGIBILITY requirements for the program

1. Use the State or Federal design and safety standards/requirements to meet project goals.
2. Minimize wetland impacts where practicable.
3. Consider replacing important wetland functions onsite.
4. Provide project-specific plans and information (i.e. send out a notice/application) to the board's bank administrator, TEP members, the Department of Natural Resources, and members of the public requesting a copy.

# OPTIONS FOR MINIMIZING WETLAND IMPACTS *(variances may be required)*

- Public road authorities, at their discretion, may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid impacts, provided that public safety is not unreasonably compromised (MN Rule 8420.0544).

*\* Under this item, the local road authority and its employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the road...*

- Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the design standards for State-Aid roads (MN Rule 8820.9920, 9922, 9926).

# ELIGIBILITY: activities the road program typically will cover

- Repairing or replacing culverts and bridges.
- Realigning existing roads, including straightening curves, shifting bridge locations.
- Expanding lane widths, improving shoulders, installing curbs, and expanding and constructing turn lanes.
- Constructing storm-water ponds to meet current state or federal design requirements.

# ELIGIBILITY: activities the road program typically will cover

- Additional traffic capacity lanes are eligible only if needed for safety purposes documented by current Average Daily Traffic counts.
- Relocation of existing trails and sidewalks is eligible only if the relocation is caused by eligible projects.

# ELIGIBILITY: activities the road program typically will not cover \*

- New roads and roads expanded by added traffic lanes solely for increased capacity.
- Wetlands mined for road-building material.
- Airport facilities including runways and perimeter fence.
- Transportation facilities including buildings and parking lots.
  
- \* Replacement Plan required

# ELIGIBILITY: activities the road program typically will not cover\*

- Increased drainage (except when necessary to maintain the structural integrity of the road).
- Projects on roads under state, federal or Tribal ownership.
- New trails and sidewalks.
- Projects started prior to application review and approval.
- \* Replacement Plan required

# ROAD PROGRAM PROCESS – Early Coordination

- What if you're not sure that a project qualifies for the road program?
- When a project does not clearly fall into one of the listed categories, discuss the project's eligibility with the TEP before preparing your notice/application.

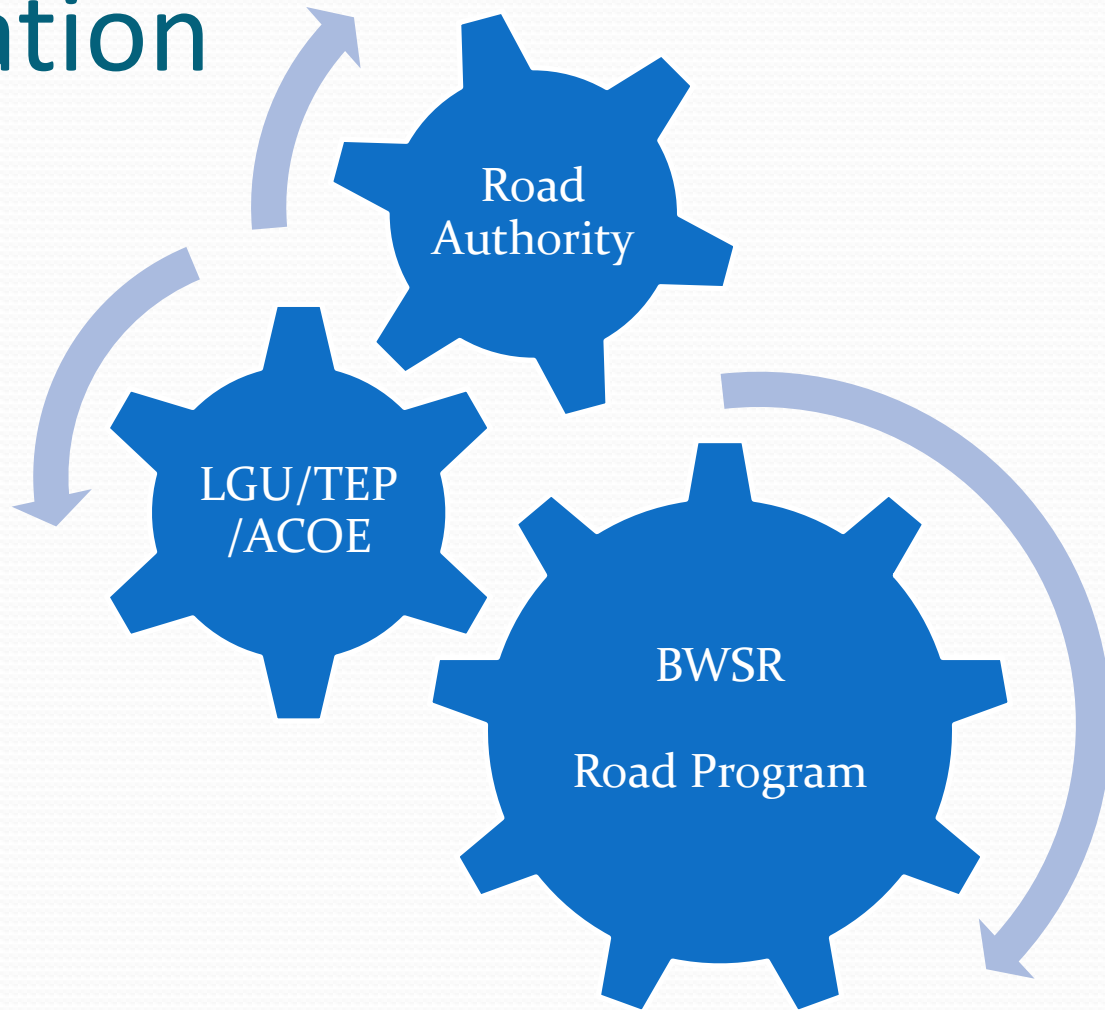
# ROAD PROGRAM PROCESS – Early Coordination

Early coordination can help put your project on the right path!

- 1) If the TEP indicates the project does not qualify, submit a Replacement Plan to the LGU.
  - 2) If the TEP indicates the project is eligible, send out the notice/application. No decision is required from the LGU.
- \* “hybrid” projects should be coordinated with the TEP



# Three key participants for each application



# ROAD PROGRAM PROCESS - Notification

**Project Notification is the responsibility of the Road Authority.**

**Notification consists of sending out “project-specific plans and information” – in other words the “joint application form.”**

\* The current joint application form will be revised to include a discussion of purpose & need as well to classify impacts into the 5 different types.

# ROAD PROGRAM PROCESS - Notification

- The “joint form” serves various purposes:
  - - Corps 404 & DNR PWWPP permit application
  - - WCA Replacement Plan application
  - - WCA Public Road Project notification
- \* same content – different cover letters

# ROAD PROGRAM PROCESS - Notification

**Notification includes information that describes the project and helps to establish its eligibility for the road program**

- Project location,
- Wetland boundaries,
- Amount and type of wetlands impacted,
- Demonstration of wetland impact minimization,
- Information on the purpose and need of the project, including safety and design standards, and
- Other information that may be helpful.

# ROAD PROGRAM PROCESS - Notification

## Public Road Authority's responsibility:

- Send out the project notice to the TEP, the DNR and members of the public requesting a copy
- Use Public Road Project Notice cover letter form for the WCA distribution (handout).
- Send out the application to the Corps for the 404 permit & DNR for the PWWPP permit.

# Alternative option in lieu of sending out project notifications

Public Road Authorities are encourage to use annual meetings to review all proposed road projects to be commenced during the upcoming year. (8420.0544 Subpart (D) 2b)



# ROAD PROGRAM PROCESS – Review to avoid delays.....

Complex projects and larger projects should be reviewed and discussed with the TEP and Corps at a joint “pre-application” meeting.



# ROAD PROGRAM PROCESS - Review

## The LGU's responsibilities:

- Process Replacement Plans (non-eligible projects)
- Coordinate the TEP review of eligible projects.

**Note:** An LGU decision is not required for for projects the TEP determines are eligible for the Road Program.

**Note:** An LGU can't require a separate replacement plan for a project that qualifies for the road program.





# ROAD PROGRAM PROCESS – Review & Concur

## The TEP's responsibility:

- Review submitted documentation
- Concur if project is eligible for road program (TEP sign off)
- Note - TEP & Corps have similar interests

What will the TEP look at?

- wetland boundaries and accuracy of delineation
- minimization of wetland impacts
- wetland impact calculations
- purpose and need of project (i.e. safety standards)
- other items specific to the project

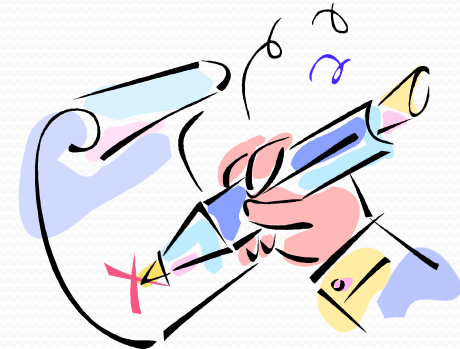
# ROAD PROGRAM PROCESS - Concurrence

- Once the TEP has concurred that the project qualifies for the road program, a TEP form is signed and given to the Road Authority.
- The Road Authority is responsible for sending the signed TEP form and a copy of the notification to the BWSR bank administrator.
- The Road Authority should send a copy of the Corps permit to the BWSR bank administrator.

# ROAD PROGRAM PROCESS - Debiting

What happens after the TEP signatures are submitted to the board's bank administrator?

- The bank administrator conducts a final review of the project's qualifications and approves use of road program credits.
- Projects impacting 10,000 square feet or more, without TEP concurrence, documented by signature, will not be processed.
- Changes to the original application, positive or negative, must be re-notified.



# ROAD PROGRAM PROCESS - Debiting

Once the use of the road bank is approved, the project is considered “in the system” and BWSR has committed to replacing impacts.



# ROAD PROGRAM PROCESS – Debiting

1. Projects are entered on the “approved” list on the BWSR website. “Approved” status means that replacement is guaranteed but a withdrawal is yet to be made.
2. Projects may be on the “**approved**” list for up to two years before their impacts are matched with existing bank credits.
3. Upon receipt of the Corps permit, road program staffs send a letter verifying approved status to both the road authority & Corps project manager

# ROAD PROGRAM PROCESS – Debiting

3. TWO YEAR “MATCH-UP PERIOD” – why is this beneficial?
    - Projects often completed later or not completed/cancelled due to another reason
    - Better matching of type/location
    - Banks “online” but not certified
    - New/pending banks can be better targeted to needs
  4. Once project impacts are debited, the projects are on the “**certified**” list on the BWSR website \*
- \* compliance with Corps conditions required

# RE-CAP: WCA PROCESS FOR ROAD PROJECTS

Public road projects can be handled in two ways:

1.) Public road projects involving maintenance or repair of existing roads can take an expedited pathway and use the “road program” for replacement needs.

2.) Public road projects involving new roads or expansion solely for traffic capacity on existing roads are subject to the WCA Replacement Plan requirements.

# ADDITIONAL INFORMATION

See the BWSR website for current program guidance

- new guidance will be developed after these sessions.

Road Program Contacts:

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