

## 2024 WCA Legislation – Things for the TAC to Know

The changes to WCA will go into effect on August 1, 2024

- WCA’s regulatory authority will be expanded to include deep water habitats that are not designated as public waters. Generally speaking, these are permanently flooded lands with a water depth of greater than 8.2 ft.
- Clarification has been added that MnDOT is responsible for wetland replacement for public road projects on state roads regardless of what agency the project lead is.
- The drainage exemption will now apply to draining and filling activities resulting from maintenance and repair of any existing drainage system – public or private – unless the wetland has been in existence for more than 25 years.
- The utility exemption will now only apply to wetland impacts that are covered under an Army Corps of Engineers section 404 permit, but the exemption can apply to projects of any size.
- The de minimis exemption thresholds will change significantly and are now based on presettlement area, the shoreland protection zone, shoreland building setback zone, and permanently or semi-permanently flooded areas. The table below shows the allowed de minimis amounts based on those parameters. CCWD is within the 50% - 80% presettlement area.

Shoreland Protection Zone	Shoreland Building Setback Zone	Permanently or semi-permanently flooded area	Presettlement Area	Allowed De minimis Amount
Out	Out	Out	>80%	1/4 acre or 10,890 sqft
Out	Out	Out	50% - 80%	1/10 acre or 4,356 sqft
Out	Out	Out	<50%	1/20 acre or 2,178 sqft
Out	Out	In	All	400 sqft
In	Out	All	All	100 sqft
In	In	All	All	20 sqft