



Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-4010

November 26, 2008

Minnesota Department of Transportation
Attn: Frank Pafko
Office of Environmental Services, Mail Stop 620,
395 John Ireland Blvd. - St. Paul, MN 55155

RE: Amended Statewide General Permit 2004-0001 for Minnesota Department of Transportation

Enclosed is Amended General Public Waters Work Permit (GP) 2004-0001 issued to the Minnesota Department of Transportation (MnDOT) for projects to replace or repair bridges, culverts or stormwater outfalls on Public Waters. The permit has been amended to extend the expiration date to November 30, 2013, to extend the authorized work to all Public Waters and to include stormwater outfalls. This General Permit is mutually beneficial and should continue to improve methods and procedures that result in protecting the physical and biological characteristics of Public Waters.

An important aspect of reviewing MnDOT projects for compliance with GP 2004-0001 has been the combining of DNR early environmental review and permit review into MnDOT's internal Early Notification Memo process. Early guidance on meeting provisions of GP 2004-0001 is provided to MnDOT at this early planning stage. Projects can then be authorized under GP 2004-0001 at any time the project is deemed to meet its conditions, often prior to final design of a project. Specific written authorization is provided for each project to show compliance with GP 2004-0001 (a template of this authorization form is attached). Peter Leete, DNR Transportation Hydrologist will continue to be the point of contact for this permit.

GP 2004-0001 is valid until November 30, 2013. The success to continuation of this general permit is contingent upon commitment of staff in MnDOT to assure compliance with its terms and conditions. Projects previously authorized under GP 2004-0001 that have not been completed by November 30, 2008, are authorized under this permit reissue. The reissued General Permit is available on the DNR Waters website: <http://www.dnr.state.mn.us/waters/forms.html>.

The manual, *Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001* is being updated. The manual provides guidance on meeting the conditions of the GP, though is not intended to be utilized in its entirety for every project. The information in the manual will continue to be developed to aid MnDOT in addressing DNR concerns in their specifications, designs and construction methods. The manual is at:
http://files.dnr.state.mn.us/waters/watermgmt_section/pwpermits/DNR_GP_Guidance_Manual.pdf

Please do not hesitate to contact Peter Leete, Transportation Hydrologist at (651) 366-3634 or peter.leete@dot.state.mn.us if you have any comments or questions regarding General Permit 2004-0001.

Sincerely
DNR WATERS

Kent Lokkesmoe
Director

Attachments

cc: U. S. Army Corps of Engineers
Minnesota Association of Soil & Water Conservation Districts
Minnesota Association of Watershed Districts
League of Minnesota Cities
MN Pollution Control Agency
DNR Area & Regional Hydrologists
DNR Fisheries

DNR Forestry
DNR Wildlife
DNR Enforcement
DNR Ecological Resources
DNR Trails and Waterways
DNR Waters, Permits Unit



GENERAL PUBLIC WATERS WORK PERMIT

Amended
General
Permit Number
2004-0001

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made a part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform the work as authorized below:

Public Water Name All Waters shown on the Public Waters Inventory Location maps: http://www.dnr.state.mn.us/waters/watermgmt_section/pwi/download.html	County All counties in Minnesota
Name of Permittee Minnesota Department of Transportation, Attn: Frank Pafko	Telephone Number (Include Area Code) 651-366-3602
Address (No. & Street, RFD, Box No., City, State, Zip Code) Office of Environmental Services, Mail Stop 620, 7 th Floor Transportation Building, 395 John Ireland Blvd., St. Paul, MN 55155	
Authorized Work: Replace or repair bridges, culverts, or stormwater outfalls on Public Waters, where all conditions and provisions specified herein are met. This permit is valid from the date of issuance until November 30, 2013. Projects authorized under this permit that have not been completed by the expiration date of this permit will require the project engineer to request an extension as noted in condition #7.	
Purpose of Permit Bridge, Culvert or Stormwater Outfall Repair or Replacement	Expiration Date of Permit November 30, 2013
Property Described As: The Permittee or it's authorized agent must own, control or have permission to access and use all lands affected by the project.	

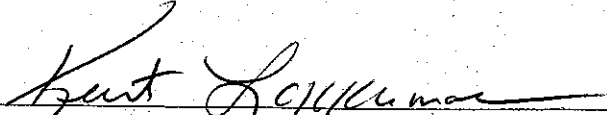
This permit is granted **subject to** the following **CONDITIONS**:

1. The **permittee** is not released from any rules, regulations, requirements, or standards of any applicable federal or state agencies; including, but not limited to, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Board of Water and Soil Resources, MN Pollution Control Agency, or watershed districts.
2. This permit is not assignable by the **permittee** except with the written consent of the Commissioner of Natural Resources.
3. The **permittee** shall notify the DNR Transportation Hydrologist or Area Hydrologist at least five days in advance of the commencement of the work authorized hereunder and notify him/her of its completion within five days. The Notice of Permit issued by the Commissioner shall be kept securely posted in a conspicuous place at the site of operations.
4. The **permittee** shall make no changes, without written permission previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.
5. The **permittee** shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

6. This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable law of this permit, unless otherwise provided in the Permit.
7. Construction work authorized under this permit shall be completed on or before the date specified above. The **permittee** may request an extension of time to complete the project, stating the reason thereof, upon written request to the Commissioner of Natural Resources.
8. In all cases where the **permittee** by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the **permittee**, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.
9. This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the **permittee** or any of its agents, employees, or contractors. This permit shall not be construed as stopping or limiting any legal claims or right of action of any person other than the state against the **permittee**, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as stopping or limiting any legal claim or right of action of the state against the **permittee**, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable provisions of law.
10. Any extension of the surface of Public Waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.
11. Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the **permittee** shall not initiate any work under this permit until the **permittee** has complied with the Wetland Conservation Act, any applicable Executive Order, its replacement, or subsequent state policy or law.

See Attachment A: ADDITIONAL CONDITIONS

cc: U. S. Army Corps of Engineers
 Minnesota Association of Soil & Water Conservation Districts
 Minnesota Association of Watershed Districts
 League of Minnesota Cities
 MN Pollution Control Agency
 DNR Area & Regional Hydrologists
 DNR Fisheries
 DNR Forestry
 DNR Wildlife
 DNR Enforcement
 DNR Ecological Resources
 DNR Trails and Waterways
 DNR Waters, Permits Unit

Authorized Signature	Title	Date
	Director, Division of Waters	11-26-08

By: Kent Loken

Date: 11-26-08

Attachment A: ADDITIONAL CONDITIONS
Bridge and Culvert General Permit No. 2004-0001

12. **Notification and Project authorization.** This permit provides conditions to aid project planning and facilitate initial design to streamline DNR regulatory approval. A project must be reviewed by the DNR Transportation Hydrologist through the MnDOT Early Notification Memo (ENM) process in order for it to qualify for authorization under this permit. The existing framework of MnDOT environmental review by the applicable DNR personnel will be utilized to review projects at the earliest possible stage for permit needs and additional conditions. Additional design information may be required of MnDOT during this process. If a project cannot meet the conditions of this permit, a separate individual permit will be required. If emergency or unforeseen projects arise that can not include the framework of environmental review (ENM), the permittee shall contact the DNR Transportation Hydrologist or Area Hydrologist immediately to provide details and discuss project design and applicable standards for authorization under this permit. **Work shall not commence until written approval that the project will meet these (and any additional written) permit conditions is received from the applicable DNR Hydrologist.**
13. **Applicable Projects.** Except as allowed by Condition #15, this permit applies only to the replacement, reconstruction, or repair (including associated minor channel work) of existing structures in Public Waters that are designed under the supervision of a registered professional engineer. A project not meeting applicable conditions of this permit or a project the DNR identifies as having the potential for significant resource impacts is not authorized herein. Rather, such projects will require an individual permit application.
14. **Environmental Review.** If the bridge/culvert construction is part of a road project that requires mandatory environmental review pursuant to MN Environmental Quality Board rules, then the permit is not valid until environmental review is completed.
15. **Maintenance Projects.** Prior to commencing structural or hydraulic maintenance at Public Waters, the Permittee shall discuss with the DNR Transportation Hydrologist or Area Hydrologist the extent and method of required maintenance. Maintenance work shall not be commenced until permittee receives approval from the applicable DNR Hydrologist.
16. **Notification of Wetland Work Above OHW.** The MnDOT Project Manager or designee shall notify the MnDOT District wetland contact or other MnDOT personnel having Wetland Conservation Act oversight if any grading or filling is to be done in wetlands above (landward) the ordinary high water mark.
17. **Photos and As-Builts.** Upon completion of the authorized work, the permittee may be required to submit a copy of established benchmarks, representative photographs, and may be required to provide as-built surveys of Public Watercourse crossing changes.
18. **Invasive Species.** All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants *prior* to being transported into or within the state and placed into state waters. All equipment, used in state waters known to contain aquatic invasive species that are designated as infested waters, shall be inspected by MnDOT or its contractors and adequately decontaminated *prior* to being transported. The DNR is available to train MnDOT site inspectors and/or assist in these inspections. A list of designated infested waters can be found at <http://files.dnr.state.mn.us/eco/invasives/infestedwaters.pdf>.

Basic measures to prevent the spread of aquatic invasive species are:

- A. Before transporting equipment from a work site, inspect all equipment that had been in contact with the water and remove all visible aquatic remnants [plants, seeds, mud, soil, and animals]. Powerwashing followed by drying (7 days) is an acceptable method to ensure killing and removal of invasive species.
- B. Before transporting equipment from a work site, drain all water from equipment where water may be trapped, such as tanks, pumps, hoses, silt curtain, and water-retaining components of boats/barges.
- C. After spraying and draining, dry equipment that has been in infested waters for a minimum of 7 days before reuse.

Should the methods above not be able to be met, contact the DNR Transportation Hydrologist to determine alternative treatments.

By: Kent Lohman

Date: 11-26-08

Permit 2004-0001, Attachment A continued

19. **State & Federal Listed Species Prohibition.** If there are unresolved concerns regarding impacts to federally or state listed species (endangered, threatened, or special concern), the general permit is not applicable, and the project must be submitted as a separate permit application. Compliance with DNR and federal guidelines established for a listed species (e.g. Topeka Shiner conditions) would constitute a resolved concern.
20. **Preliminary Engineering.** This permit authorizes preliminary engineering studies in the water associated with bridge planning (EG core sampling). All core holes must be sealed in accordance with Department of Health well sealing requirements. On infested waters, all equipment in contact with the water must be decontaminated per condition #18.
21. **Demolition and Construction methods.** Temporary work below the OHW such as channel diversions, placement of fill for temporary work pads, bypass roads, or coffer dams to aid in the demolition or construction of any authorized structure shall be reviewed and approved in writing by the DNR Transportation Hydrologist or Area Hydrologist prior to beginning work. Where permitted, temporary fill shall be washed inorganic material free of pollutants or nutrients and all such material shall be removed prior to project completion. Hydrologic modeling may be required to show impacts to the 100yr flood elevation (see provision #25), or contingency plans developed to ensure all construction equipment and unsecured construction materials are removed to prevent impacts to the 100yr flood elevation or from being swept away by flood waters.
22. **Navigation Maintained or Improved.** The structure's final design will not obstruct reasonable public navigation, as determined by the DNR. For bridges, three feet above the calculated 50-year flood stage ordinarily satisfies navigational clearance requirements. For culverts, three feet of clearance above the ordinary high water level (top of the bank) ordinarily satisfies navigational requirements. All work on navigable waters shall be so conducted that free navigation of waterways will not be interfered with, except as allowed by permits issued by the proper public authority. [See MnDOT Standard Specifications for Navigable Waters (spec #1709) of MnDOT Standard Specifications for Construction, 2005 edition, or its successor <http://www.dot.state.mn.us/tecsup/spec/>.]
23. **Dewatering.** Temporary dewatering for bridge, culvert, or stormwater outfall work is authorized by this permit. Stream diversion water must be kept separate from worksite dewatering. All worksite discharge water must be treated for sediment reduction prior to return to the waterbody (see condition #30). Stream diversion water shall be immediately returned to the original channel downstream. On infested waters, pumped water shall not be utilized in a manner that could spread invasive species (such as dust control), and all equipment in contact with the water must be decontaminated per condition #18.
24. **Flowline/Gradient not changed.** Replacement of culverts or crossings are to follow (or be restored to) the natural alignment and profile of the stream. Changes from the existing flowline, gradient or alignment must be consistent with Conditions 27 & 32 and authorized by the DNR Transportation Hydrologist or Area Hydrologist.
25. **Hydrologic/Hydraulic data reporting.** Unless waived by the DNR Transportation Hydrologist or Area Hydrologist, hydrologic modeling to show the impacts of the structure on the 100yr flood elevation is required. Additional modeling may also be required for temporary fill or temporary structures required during demolition or construction. Calculations showing calculated velocities through the structures at 2-year peak flows may also be required.
26. **Flood stages/damages not increased.**
 - A. No approach fill for a crossing shall encroach upon a DNR approved community designated floodway. When a floodway has not been designated or when a floodplain management ordinance has not been adopted and approved, increases in flood stage in the regional flood of up to one-half of one foot shall be approved if they will not materially increase flood damage potential. Additional increases may be permitted if: a field investigation and other available data indicate that no significant increase in flood damage potential would occur upstream or downstream, and any increases in flood stage are reflected in the floodplain boundaries and flood protection elevation adopted in the local floodplain management ordinance as determined by the applicable DNR Hydrologist;
 - B. If the existing crossing has a swellhead of one-half of one foot or less for the regional flood, the replacement crossing shall comply with the provisions for new crossings in (A). If the existing crossing has a swellhead of more than one-half of one foot for the regional flood, stage increases up to the existing swellhead may be allowed if field investigation and other available data indicate that no significant flood damage potential exists upstream from the crossing based on analysis of data submitted by the applicant. The swellhead for the replacement crossing may exceed the existing swellhead if it complies with the provisions found in (A) above.

By: Kurt Sommer
Date: 11-26-08

Permit 2004-0001, Attachment A continued

27. **Water Level Control.** Permittee is responsible for maintaining existing water level control elevations.
28. **Material Handling.** Except as allowed under Condition #21, project materials must be deposited or stored in an upland area, in a manner where the materials will not be deposited into the public water by reasonably expected high water or runoff.
29. **State Trails.** Projects proposed near an existing or proposed state trails system should be consistent therewith.
30. **Erosion and Sediment Control.** In all cases adequate measures [Best Management Practices (BMPs)] to control sediment from leaving the worksite shall be installed adjacent to Public Waters and on in-water work areas. Adequate erosion control BMPs, and/or sediment control BMPs, such as mulches, blanket, temporary coverings, silt fence, silt curtains/barriers, vegetation preservation, redundant BMPs, isolation of flow, or other engineering practices shall be installed concurrently or within 24hrs after the start of the project. These measures shall be maintained (or improved if needed) for the duration of the project in order to prevent sediment from leaving the worksite. Adequate measures are provided:
- A. For projects that have worksites one acre or greater; MPCA's General Stormwater Permit for Construction Activity (MN R100001) requirements and enforcement actions apply. A copy of the Stormwater Pollution Prevention Plan (SWPPP) and a Site Plan (per MnDOT Spec #1717) shall be submitted to the DNR Transportation Hydrologist or Area Hydrologist for review. Failure to prevent sediment from entering Public Waters may result in both MPCA and DNR enforcement actions.
 - B. For projects with worksites less than one acre (when an MPCA General Stormwater Permit for Construction Activity is not required); Part IV Construction Activity Requirements of the MPCA General Stormwater Permit for Construction Activity can be utilized to meet DNR Erosion and Sediment Control requirements [see <http://www.pca.state.mn.us/publications/wq-strm2-51.doc>]. A Site Plan (per MnDOT Spec #1717) shall be submitted to the DNR Transportation Hydrologist or Area Hydrologist for review. Failure to prevent sediment from entering Public Waters may result in DNR enforcement actions.
 - C. All projects must also adhere to MnDOT Standard Specifications for Construction, 2005 edition, (eg. specs 1701, & 1717), its supplements or its successor [see <http://www.dot.state.mn.us/tecsup/spec/>].

Should differing requirements, specifications, or measures exist, the more restrictive shall apply. DNR requirements may be waived in writing by the DNR Transportation Hydrologist or Area Hydrologist based on site conditions, expected weather conditions, and/or project completion timelines.

31. **Work Exclusion Dates for Fish Spawning and Movement:** Work within Public Waters may be restricted due to fish spawning and migration concerns. Dates of fish spawning and migration vary by species and location throughout the state. Specific dates for each DNR Region may be found on page 1-2 of the manual, *Best Practices for Meeting DNR General Waters Work Permit GP2004-0001*:
http://files.dnr.state.mn.us/waters/watermgmt_section/pwpermits/DNR_GP_Guidance_Manual.pdf
Work in the water is not allowed within these dates. The DNR Transportation Hydrologist, Area Hydrologist, or Area Fisheries Supervisor shall be contacted about waiving work exclusion dates where work is essential or where MnDOT demonstrates that a project will minimize impacts to fish habitat, spawning, and migration.
32. **Fish Passage:** Bridges, culverts and other crossings shall provide for fish movement unless the structure is intended to impede rough fish movement or the stream has negligible fisheries value as determined by the Transportation Hydrologist or Area Hydrologist in consultation with the Area Fisheries Manager. The accepted practices for achieving these conditions include:
- A. Where possible a single culvert or bridge shall span the natural bankfull width adequate to allow for debris and sediment transport rates to closely resemble those of upstream and downstream conditions. A single culvert shall be recessed in order to pass bedload and sediment load. Additional culvert inverts should be set at a higher elevation. All culverts should match the alignment and slope of the natural stream channel, and extend through the toe of the road side slope. "Where possible" means that other conditions may exist and could take precedence, such as unsuitable substrate, natural slope and background velocities, bedrock, flood control, 100yr flood elevations, wetland/lake level control elevations, local ditch elevations, and other adjacent features.
 - B. Rock Rapids or other structures may be used to retrofit crossings to mimic natural conditions.

By: Kent L. Lohmeier

Date: 11-26-08

Permit 2004-0001, Attachment A continued

33. **Species Movement.** Structures shall not be detrimental to significant wildlife habitat. In some cases the DNR may require crossings be designed for species movement. If the crossing is located at a significant wildlife travel corridor as determined by DNR Wildlife or Ecological Services Staff, the crossing shall be designed to minimize concerns. Generally, bridges are preferred over culverts because they accommodate wildlife movement as long as there is adequate clearance for passage beneath road decks, and /or the presence of a stream bank (dry ground) at normal flow conditions.
34. **Nesting Birds.** MnDOT adherence to existing federal migratory bird protection programs will suffice for DNR concerns. Should active nests be encountered on the project (including swallow nests attached to bridges or culverts), contact MnDOT Office of Environmental Services (jason.alcott@dot.state.mn.us, ph; 651-366-3605), for specific guidance relating to Federal Threatened and Endangered Species and U.S. Fish and Wildlife Service coordination.
35. **Native Plant Communities and Sites of Biodiversity Significance.** If DNR Ecological Resources staff determines that Native Plant Communities or Sites of Biodiversity Significance are present in or adjacent to Public Waters, precautions must be implemented to ensure protection and restoration of vegetation. MnDOT Standard Specifications for Protection and Restoration of Vegetation (spec #2572) of MnDOT Standard Specifications for Construction, 2005 edition, or its successor must be followed to minimize disturbance to such areas [see <http://www.dot.state.mn.us/tecsup/spec/>]. This may include, but is not limited to, the following: (1) During the project, parking, placement of temporary structures or material shall not be allowed outside the existing road right-of-way; (2) Place temporary fence at the construction limits and at other locations adjacent to vegetation designated to be preserved; (3) Minimize vehicular disturbance in the area (no unnecessary construction activities); (4) Leave a buffer of undisturbed vegetation between the critical resource and construction limits; (5) Precautions should be taken to ensure that borrow and disposal areas are not located within native plant communities; and (6) Revegetate disturbed soil with native species suitable to the local habitat and selected in consultation with DNR Ecological Resources staff.