

# Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-40\_\_



June 1, 2011

Association of Minnesota Counties  
125 Charles Avenue  
St. Paul, Minnesota 55103

League of Minnesota Cities  
145 University Avenue West  
St. Paul, Minnesota 55103

Minnesota Association of Townships  
Edgewood Professional Building  
805 Central Avenue East  
P.O. Box 267  
St. Michael, Minnesota 55376

Minnesota Association of Watershed Districts  
540 Diffley Road  
St. Paul, Minnesota 55123

Minnesota Association of Soil and Water  
Conservation Districts  
790 Cleveland Avenue South, Suite 201  
St. Paul, Minnesota 55116

RE: General Permit No. 2001-1172, Flood Damage Repair

To whom it may concern:

Enclosed is a copy of General Permit No. 2001-1172 and its project verification form (Attachment A) that has been updated and reissued by DNR Ecological and Water Resources. This permit allows political subdivisions, agencies, and private landowners to restore structures and property below the ordinary high water level of public waters that have been damaged by flood events. A copy of this permit, project verification form and Area Hydrologist contacts can also be viewed at: <http://www.dnr.state.mn.us/permits/water/index.html>.

Please note the following:

- 1) Specific project notification to and authorization by the DNR Ecological and Water Resources Area Hydrologist prior to commencing work is required as part of this permit to work in public waters.
- 2) In-kind replacement is authorized by this permit. Deviations from in-kind replacement can be authorized by the Area Hydrologist if specifically identified within the permit authorization.
- 3) The permit expires on June 1, 2016.



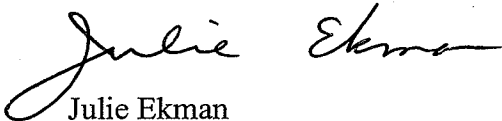
General Permit for Flood Damage Repair

June 1, 2011

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Please contact Public Waters Hydrologist Tom Hovey at [tom.hovey@state.mn.us](mailto:tom.hovey@state.mn.us) or 651.259.5654 if you have any questions regarding this permit.

Sincerely,  
DNR Ecological and Water Resources



Julie Ekman  
Water & Aquatic Plant Management Permit Programs Supervisor

Enclosures

c:     Cities  
       Counties  
       SWCDs  
       USCOE  
       DNR Conservation Officers  
       DNR Fisheries  
       DNR Wildlife  
       DNR Central Office Permits Unit  
       Watershed Districts  
       Dave Schad, Commissioner's Office  
       Ed Boggess, Fish and Wildlife  
       Jim Konrad, Enforcement  
       Terry Zien, U.S. Corps of Engineers  
       John Jaschke, BWSR



# PUBLIC WATERS WORK GENERAL PERMIT

**GENERAL  
Permit Number  
2001-1172**

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:

<b>Public Water</b> All Public Waters	<b>County</b> All
<b>Name of Permittee</b> Governmental Subdivisions and the General Public	<b>Telephone Number (Include Area Code)</b> N.A.
<b>Address (No. &amp; Street, RFD, Box No., City, State, Zip Code)</b> Various	
<b>Authorized Work:</b> Upon notice to and approval by the DNR Ecological and Water Resources Area Hydrologist, replacement or repair of damaged bridges, culverts, shore protection measures, structures, stream channels, or other facilities in areas that have been declared a disaster by the Federal Government, or when localized conditions exist and the DNR Ecological and Water Resources Director or Regional Manager authorizes the use of this permit. Fill authorized by this permit is allowed subject to Conditions 14 and 15 and all other requirements of this permit. Work may not commence unless or until the Notice and Verification Form (Attachment A) is completed and signed by the Area Hydrologist.	
<b>Purpose of Permit:</b> Repair of structures and facilities damaged by flooding	<b>Expiration Date of Permit</b> June 1, 2016
<b>Property Described As:</b> Various. The permittee must own, control, or have permission to access and use all lands on which the repair or replacement is located.	

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, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning. This permit does not release the **permittee** of any permit requirement of the St. Paul district, U.S. Army Corps of Engineers, Army Corps of Engineers Centre, 190 Fifth Street East, St. Paul, MN 55101-1638.
2. This permit is not assignable by the **permittee** except with the written consent of the Commissioner of Natural Resources.
3. The **permittee** will notify the 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 will be kept securely posted in a conspicuous place at the site of operations.
4. The **permittee** will 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** will 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 laws of this permit, unless otherwise provided in the conditions.

7. Construction work authorized under this permit will be completed on or before the date specified above. The permittee may request an extension of the 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 will 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, will obtain the written consent of all persons, agencies, or authorities concerned, and will acquire all property, rights, and interests needed for the work.
9. This permit is permissive only. No liability will 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 will not be construed as estopping 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 estopping 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 conditions.
11. Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee will not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.
12. Applicable Projects. This permit applies only to those bridges, culverts, roadways, structures, shore protection devices, stream channels, other facilities, infrastructures and associated fill damaged by flooding, and the repair or replacement of the damaged structure or roadway with the same kind, size and dimension of structure or roadway. Variation of the same kind of replacement requirement may be authorized by DNR Division of Ecological and Water Resources provided that the proposed change would have minimal impact upon public waters. No project may be included in this general permit which would do any of the following: seek approval for unauthorized construction already started or completed, channelize or realign a stream, work in or impact a designated trout stream, enlarge drainage ditches, block, divert, or appropriate stream water, alter a water level control, convert a bridge crossing to a culvert crossing, or excavate fill from public waters without consultation and approval of DNR Division of Ecological and Water Resources. Projects not qualifying for this general permit must be submitted as separate, individual permit application.
13. Erosion and Sediment Control. Erosion control methods, to the extent practicable, will be designed for site characteristics in accordance with "The Minnesota Stormwater Manual", MPCA, November 2005, and as revised in future. An erosion control fence running parallel to the contours will also be constructed next to the water body prior to initiation of construction and will be maintained in a properly working manner throughout the construction period. Such fence will be removed from the site as soon as adequate vegetation has been re-established. All disturbed areas exposed to flowing water both above and below the Ordinary High Water Level (OHW) will be sodded, seeded, or riprapped as needed to prevent erosion and sedimentation. Rock riprap will be clean, natural field stone, and will be toed-in two feet below grade around the inlets and outlets of culverts. When no work will be done for 10 days or more on any portion of a project having exposed soils that could deliver silt or sediment to a lake or stream, the exposed soil will be mulched. The mulch can be incorporated into the soil or removed when work resumes or just prior to final grading. Where sod or seed is used to stabilize areas above the OHW, seeding and mulching, or sodding and staking will be conducted within five working days after grading and leveling are completed.
14. Placement of Fill. Any fill placed to repair roadways, bridge approaches, side slopes, structures, shore protection devices, other facilities, infrastructure and associated fill damaged by flooding, etc., will match the former site cross-section and profile, unless approved by DNR Division of Ecological and Water Resources, prior to construction. Side slope cross-sections may be reduced in area provided adequate erosion control and bank stabilization methods are employed according to Condition No. 13 of this permit.
15. Coffer dams, access roads, fill, excavation or temporary channel diversions below OHW and dewatering. The need for any coffer dam, access road, placement of fill or temporary work platforms, excavation of fill washed into public waters, temporary channel diversions, or temporary dewatering in excess of 10,000 gallons per day or 1,000,000 gallons per year, to aid in construction of any project below the OHW of public waters must be approved by the DNR Division of Ecological and Water Resources prior to installation, placement, construction, or pumping. All such work will be temporary, and will be removed upon completion of the construction authorized by this permit.

16. 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 and adequately decontaminated prior to being transported. 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:

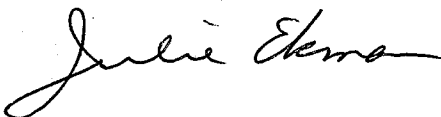
- Before transporting equipment from a work site, inspect all equipment that had been in contact with the water and remove all visible aquatic remnants [plants, seeds, mud, soil, and animals]. Power washing followed by drying (7 days) is an acceptable method to ensure killing and removal of invasive species.
- 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 and barges.
- After spraying and draining, dry equipment that has been in infested waters for a minimum of 7 days before reuse.

17. Navigation maintained. Permittee is responsible for maintaining existing navigation to meet public needs for use of and access to public waters.

18. Flow and gradient maintained. No change in the existing flowline or gradient of any watercourse or channel will occur unless specifically authorized by the DNR Division of Ecological and Waters Resources prior to construction.

19. Notify LGU if work is above OHW. The permittee will contract the responsible local governmental unit if any grading or filling is to be conducted landward of the ordinary high water level.

- c: Cities  
 Counties  
 SWCDs  
 USCOE  
 DNR Conservation Officers  
 DNR Fisheries  
 DNR Wildlife  
 DNR Central Office Permits Unit  
 Watershed Districts

Authorized Signature	Title	Date
 Julie Ekman	Water & Aquatic Plant Management Permit Programs Supervisor	6-1-2011



# DEPARTMENT OF NATURAL RESOURCES

## General Permit Notification and Verification Form

General Permit No. \_\_\_\_\_ ; \_\_\_\_\_  
(description of General Permit)

### Notification – To be completed by Applicant

General Permit \_\_\_\_\_ requires that the DNR be notified at least 5 days in advance of any work being done under the terms of this General Permit. Please provide all information requested below and email, fax or mail this form to the appropriate DNR official. Note: Work may NOT commence until this form is signed by the appropriate DNR staff person, and the signed form must be available on site to be presented to any DNR Official while the authorized work is being done. Failure to have a verified copy of this form on site will be considered a violation of Minnesota Law, subject to specified penalties for doing work without a permit.

Applicant Name (property owner):	Contact Person or Agent:
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Address: \_\_\_\_\_

Email address:	Telephone Number:
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Purpose of Proposed Work: \_\_\_\_\_

Description of Proposed Work: (include project dimensions, and attach maps and diagrams as needed)

Name of Waterbody (if applicable):	PWI ID No.:
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Location of Project: \_\_\_\_\_ ¼; \_\_\_\_\_ ¼; Section \_\_\_\_\_, Township \_\_\_\_\_; Range \_\_\_\_\_; County: \_\_\_\_\_

PIN number from Property Tax statement: \_\_\_\_\_

Address of Project site, if different than above: \_\_\_\_\_

UTM Location : N \_\_\_\_\_; E \_\_\_\_\_

(Please include a map or airphoto showing the location of the project)

Signature of Applicant (By signing, I certify that the information submitted is true and correct, to the best of my knowledge)	Date:
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### Verification – to be completed by the DNR Staff, as required in the General Permit

DNR Code # \_\_\_\_\_

The DNR Official listed below has reviewed the above proposed work and has determined that it meets the conditions set forth in the General Permit and is authorized under that permit, subject to the conditions listed below:

Extra Conditions and/or comments (if any): \_\_\_\_\_

Verification Signature: I hereby verify that the above described project qualifies under the General Permit	Date:
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Title of Authorized DNR Signatory:  
(must be as required on attached General Permit)

**Email, Fax, or mail this form to the appropriate DNR staff person, so that it is received by them at least 5 days prior to when the work is scheduled to start. NOT VALID UNTIL SIGNED BY THE DNR.**

Enclosure: Copy of General Permit

ec: DNR Ecological and Water Resources, Regional Office  
Area Conservation Officer