

**Permit Number**  
**2019-0463**

## Public Waters Work Permit

**Expiration Date: 11/12/2022**

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 part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below.

<b>Project Name:</b> Enbridge Line 3 Replacement Project - Willow River Bridge	<b>County:</b> Aitkin	<b>Watershed:</b> Mississippi River - Grand Rapids	<b>Resource:</b> Stream/River: Willow River (M-117)
<b>Purpose of Permit:</b> Bridge Construction/Modification/Replacement		<b>Authorized Action:</b> <p>Construction of a single 117-foot span, steel pony truss bridge with laminated timber deck. The bridge will bear on cast-in place concrete abutments on helical piles above the Ordinary High Water Level (OHWL).</p> <p>The banks of the Willow River will be resloped for stability. Both abutment banks will be sloped to a 2H:1V. Class III riprap of 410 cubic yards will be placed under the bridge at 18" thick with a layer of geotextile fabric (type 7) underneath.</p> <p>The lowest member of the bridge will be set at elevation 1244.00.</p> <p>Three 21-inch concrete arch culverts will be placed in the road up to the bridge to alleviate over topping of the bridge at 100 year events (floodplain culverts).</p> <p>Existing private bridge will be removed after completion of the new bridge over Willow River. Work shall take place during winter time to minimize impacts to the bed and banks of the river.</p> <p>Project is to be completed per the final plans submitted by Enbridge on October 2, 2020, dated March 6, 2020 and signed by Robert Lisi, Reg. No. 46176.</p>	
<b>Permittees (3):</b>		<b>Authorized Agent:</b>	

ENBRIDGE ENERGY, LIMITED PARTNERSHIP CONTACT: SIMONSON, BARRY, (218) 522-4825 26 E. SUPERIOR STREET SUITE 313 DULUTH, MN 55802 (218) 464-5600  BOBBY HAHN 26 E. SUPERIOR STREET SUITE 125 DULUTH, MN 55802 (218) 522-4751 bobby.hahn@enbridge.com  JULIANNE MOTIS 11 E. SUPERIOR STREET SUITE 125 DULUTH, MN 55802 (218) 522-4652 julianne.motis@enbridge.com	MERJENT, INC. CONTACT: BERGLAND, BRITTA, (612) 746-3673 1 MAIN STREET SE SUITE 300 MINNEAPOLIS, MN 55414 (612) 746-3660
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**Property Description (land owned or leased or where work will be conducted):**  
UTM zone 15N, 467090m east, 5189906m north,  
SWNE of Section 31, T51N, R24W

<b>Issued Date:</b> 11/10/2020	<b>Effective Date:</b> 11/12/2020	<b>Expiration Date:</b> 11/12/2022
<b>Authorized Issuer:</b> Steve Colvin	<b>Title:</b> Division Director	<b>Email Address:</b> steve.colvin@state.mn.us
		<b>Phone Number:</b> 651-259-5709

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

**APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS:** 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.

**NOT ASSIGNABLE:** This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

**NO CHANGES:** The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

**SITE ACCESS:** 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.

**TERMINATION:** 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, unless otherwise provided in the permit.

**COMPLETION DATE:** Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

**WRITTEN CONSENT:** 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.

**PERMISSIVE ONLY / NO LIABILITY:** 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

## **CONDITIONS** (Continued from previous page)

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 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.

**EXTENSION OF PUBLIC WATERS:** 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.

**WETLAND CONSERVATION ACT:** 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 obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

**CONTRACTOR RESPONSIBILITY:** The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit. Contractors must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: [https://bwsr.state.mn.us/sites/default/files/2019-01/Wetland\\_WCA\\_Contractor\\_Responsibility\\_Form.doc](https://bwsr.state.mn.us/sites/default/files/2019-01/Wetland_WCA_Contractor_Responsibility_Form.doc)

**INVASIVE SPECIES - EQUIPMENT DECONTAMINATION:** 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 designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at [http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best\\_practices\\_for\\_prevention\\_ais.pdf](http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf). Contact your regional Invasive Species Specialist for assistance at [www.mndnr.gov/invasives/contacts.html](http://www.mndnr.gov/invasives/contacts.html). A list of designated infested waters is available at [www.mndnr.gov/invasives/ais/infested.html](http://www.mndnr.gov/invasives/ais/infested.html). A list of prohibited invasive species is available at [www.mndnr.gov/invasives/laws.html#prohibited](http://www.mndnr.gov/invasives/laws.html#prohibited).

**CONSTRUCTION DEWATERING - WATERCOURSE CROSSING:** All construction dewatering in excess of 10,000 gallons per day or one million gallons per year must be authorized by a separate water appropriation permit. When flows of stream are diverted for construction purposes, the diverted water must be kept separate from worksite dewatering. All worksite discharge water must be treated for sediment reduction prior to return to the surface water. Stream diversion water shall be immediately returned to the original channel downstream. Water from designated infested waters shall not be diverted to other waters, transported on a public road, or transported or appropriated off property riparian to infested waters without a DNR permit specifically for this use. All equipment in contact with infested waters must be decontaminated upon leaving the site.

**EROSION AND SEDIMENT CONTROL:** In all cases, methods that have been determined to be the most effective and practical means of preventing or reducing sediment from leaving the worksite shall be installed in areas that slope to the water and on worksite areas that have the potential for direct discharge due to pumping or draining of areas from within the worksite (e.g., coffer dams, temporary ponds, stormwater inlets). These methods, such as mulches, erosion control blankets, temporary coverings, silt fence, silt curtains or barriers, vegetation preservation, redundant methods, isolation of flow, or other engineering practices, shall be installed concurrently or within 24 hours after the start of the project, and will be maintained for the duration of the project in order to prevent sediment from leaving the worksite. DNR requirements may be waived in writing by the authorized DNR staff based on site conditions, expected weather conditions, or project completion timelines.

**EROSION AND SEDIMENT CONTROL - SILT CURTAIN:** Any work below the water level shall be encircled by a flotation sediment curtain to prevent sediment from being transported beyond the construction site. An example of an appropriately constructed silt curtain is illustrated in Chapter 6.32 Treatment Measures: Flotation Silt Curtains, found in the document Protecting Water Quality in Urban Areas (2000), at [www.pca.state.mn.us/index.php/view-document.html?gid=7157](http://www.pca.state.mn.us/index.php/view-document.html?gid=7157). Curtain should be held close to shoreline, encircling the work area, and not interfere with main flows in channels. The barrier shall be removed upon completion of the work after the silt has settled.

**EXCAVATED MATERIALS - FLOODPLAIN CONCERN:** Excavated material shall not be permanently placed within community designated floodplain areas or shoreland areas, unless all necessary local permits and approvals have been obtained.

## **CONDITIONS** (Continued from previous page)

**FISHERY PROTECTION - EXCLUSION DATES:** No activity affecting the bed of the protected water may be conducted between April 1 and June 30, to minimize impacts on fish spawning and migration. If work during this time is essential, it shall be done only upon written approval of the Area Fisheries Manager. See contact list at: [http://files.dnr.state.mn.us/fisheries/management/dnr\\_fisheries\\_managers.pdf](http://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf). Should work begin elsewhere in the project area within these dates, all exposed soils that are within 200 feet of Public Waters and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters.

**PHOTOS AND AS-BUILTS:** Upon completion of the authorized work, the permittee shall submit representative photographs and any as-built surveys, as appropriate, of the project area to the DNR Division of Ecological & Water Resources.

**EXCAVATED MATERIALS - RUNOFF CONCERN:** Excavated materials must be deposited or stored in an upland area, in a manner where the materials will not be redeposited into the public water by reasonably expected high water or runoff. Departure from any previously approved spoil disposal plans may be allowed only through permit amendment.

**STRUCTURES - HYDROLOGIC OR HYDROGRAPHIC DATA:** When certain in-water construction details such as temporary access fill, excavation or fill for barge access, and workpads are not known at the time of permitting, a hydrologic/hydraulic data report for projects with the potential to alter the hydraulic characteristics of the structure shall be provided by the permittee. This report, along with one set of construction plans, must be submitted to the Area Hydrologist at least 15 working days prior to commencing construction. This condition may apply to temporary structures and fill used in demolition and construction, and will generally not be applicable for maintenance and in-kind culvert replacements. Construction contractors bidding on this project shall be made aware of this requirement.

**BEST PRACTICES - MNDOT:** Please refer to the manual "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001" for guidance to meeting these and other conditions of this General Permit. A PDF version is available at: [http://www.dnr.state.mn.us/waters/watermgmt\\_section/pw\\_permits/gp\\_2004\\_0001\\_manual.html](http://www.dnr.state.mn.us/waters/watermgmt_section/pw_permits/gp_2004_0001_manual.html).

**SMOOTH TRANSITION / MINIMUM ENCROACHMENT:** At each end of the stabilized shoreline, the finished slope of the riprap shall be varied in a fashion to produce a smooth transition with the natural shoreline. Also, riprap encroachment into the water is to be limited to the minimum amount necessary and shall not create an obstruction to normal flows.

**NATIVE VEGETATION:** Revegetation of disturbed soils should include native mixes on the project. Please utilize the native species recommendations as described in the Planting Plan (Appendix A of the November 2020 Post Construction Vegetation Management Plan (VMP)) received November 6, 2020.

**EROSION CONTROL :** All use of erosion control blankets shall be limited to 'bio-netting' or 'natural netting' types, and specifically not allow plastic mesh netting. These are Category 3N in the 2016 Minnesota Department of Transportation (MNDOT) Standards Specifications for Construction.

**BEST MANAGEMENT PRACTICES:** All Best Management Practices (BMPs) shall be installed and maintained in accordance with the general stormwater permit, the November 2020 Enbridge's Environmental Protection Plan (EPP) received on November 06, 2020 and the Stormwater Pollution Prevention Plan (SWPPP) along with local regulations.

**EXISTING BRIDGE REMOVAL:** The existing private bridge over the Willow River must be removed within one (1) year of the completion of the new Willow River bridge. Removal of the bridge shall occur in the winter to minimize impacts the bed and banks of the river. The removal of the existing bridge is authorized under this permit.

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cc: Jess Richards, EWR  
Corps of Engineers, Corps of Engineers, Aitkin  
Anna Hess, EWR  
Randall Doneen, EWR  
Taylor Hochstein, Conservation Officers, Hill City  
Brian Leitinger, DNR Forestry  
David Demmer, BWSR Wetland Specialists, Aitkin  
Andrew Herberg, DNR Regional Nongame Specialists, Region 2  
Gaea Crozier, DNR Regional Nongame Specialists, Region 2  
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Russ Reisz, DNR Wildlife, Aitkin  
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