

Amended

Public Waters Work General Permit

Expiration Date: 03/02/2027
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 part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. This permit supersedes the original permit and all previous amendments.

Project Name: Statewide Flood Damage Repair General Permit	County: All Counties in Minnesota	Watershed: All Watersheds in Minnesota	Resource: All Public Waters, with DNR Consultation
Purpose of Permit: Repair and/or replacement of structures and facilities damaged by flooding.		Authorized Action: Upon application through MPARS and authorization by the DNR Area Hydrologist, repair and/or replace damaged bridges, culverts, roadways, 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 has authorized the use of this permit; Fill authorized by this permit is allowed subject to the fill-specific conditions and all other requirements of this permit; All in accordance with the conditions of this permit.	
Permittee: Governmental Subdivisions and the General Public		Authorized Agent: N/A	
Property Description (<i>land owned or leased or where work will be conducted</i>): Various. The permittee must own, control, or have permission to access and use all lands on which the repair or replacement is located.			
Issued Date: 03/04/2022	Effective Date: 03/02/2022	Expiration Date: 03/02/2027	
Authorized Issuer: Tom Hovey	Title: Water Regulations Unit Supervisor	Email Address: tom.hovey@state.mn.us	Phone Number: 651-259-5654

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

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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 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.

GP AUTHORIZATION - APPLY USING MPARS: The permittee shall apply for prior authorization for all projects to be constructed under this General Permit using the MNDNR Permitting and Reporting System (MPARS) at www.mndnr.gov/mpars/signin. Users will need to create an account the first time they access the system. Once created, click on the link for 'Apply for a New Permit/Authorization' under the Actions box and complete the application questions.

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

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. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at www.mndnr.gov/invasives/ais/infested.html. A list of prohibited invasive species is available at www.mndnr.gov/invasives/laws.html#prohibited.

WATER LEVEL MAINTENANCE: During construction, water levels shall be maintained at normal elevations relative to the time of year. Additionally, flow through the dam structure shall remain run of the river.

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

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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. 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.

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 - SAFE MATERIALS: The structure shall be constructed with materials that will not have a detrimental impact on aquatic organisms or water quality.

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.

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 the 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 to 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 applications.

TROUT STREAMS: Work affecting designated trout streams or tributaries to designated trout streams requires consultation with DNR Division of Ecological and Water Resources staff prior to potential authorization.

REVEGETATION: In the event the site cannot be stabilized with vegetation before October 15, all exposed soil shall be adequately mulched at a rate of not less than 3,500 lbs/acre leaving no more than 20 percent visible soil surface and maintained until seeding/sodding can be achieved.

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 the erosion and sediment control conditions of this permit.

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 diversion, 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.

NAVIGATION MAINTAINED: Permittee is responsible for maintaining existing navigation to meet public needs for use of and access to public waters.

FLOW AND GRADIENT MAINTAINED: No change in the existing flowline or gradient of any watercourse or channel will

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occur unless specifically authorized by the DNR Division of Ecological and Water Resources prior to construction.

NOTIFY LGU IF WORK ABOVE OHW: The permittee will contact the responsible local government unit if any grading or filling is to be conducted above (landward) of the ordinary high water mark.

FLOOD STAGES / DAMAGES NOT INCREASED: For the replacement of existing structures, stage increases for the regional (100-year) flood may be allowed up to that created by the existing structure, provided that there are no structures in the reach affected by the stage increase.

WILDLIFE FRIENDLY EROSION CONTROL MATERIALS: Due to entanglement issues with small animals, use of erosion control blanket shall be limited to biodegradable or "natural net" types, and specifically not allow products containing plastic mesh netting or other plastic components. In the 2018 MnDOT Standards Specifications for Construction, Category 3N or 4N products meet these concerns. The new 2020 Standard Specifications no longer have plastic mesh in any temporary rolled product, as plastic mesh has been eliminated from all these categories. Thus all categories of temporary rolled products now meet these concerns. Be aware that hydro-mulch products may contain small plastic fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, mulch products containing plastic fiber additives should not be used in areas that drain to Public Waters.

INVASIVE SPECIES – TRANSPORT, POSSESSION, AND DISPOSAL: To comply with Minnesota's invasive species laws and associated rules, the permittee or contractor may need to obtain an additional permit to possess, transport and dispose of prohibited and regulated invasive species. Please contact your regional Invasive Species Specialist for assistance or fill out a permit application for Prohibited and Regulated Invasive Species at:
http://www.dnr.state.mn.us/permits/invasive_species/prohibited_regulated.html.

INVASIVE SPECIES – INFESTED WATERS DIVERSION OR TRANSPORT: To comply with Minnesota's invasive species laws and associated rules, the permittee or contractor may need to obtain an additional permit to take or transport any amount of infested water from designated infested waters, even if the amount of water to be taken is less than the amount that triggers a water appropriation permit. There are no Fees for these permits. Applications are reviewed and issued through the DNR Invasive Species Program. To apply for a permit to appropriate, divert, or transport water from designated infested waters, download and print the following application form or request that a form be sent by mail. Complete the form furnishing all requested information and supporting documents. Submit the application per the instruction on the form. There are no fees for this permit. Minnesota Rules allow up to 90 days for the Department to act upon the permit application. Please contact your regional Invasive Species Specialist for assistance or to fill out a permit application at http://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/permits.html#infested.
