

Amended

Public Waters Work General Permit

Expiration Date: 12/05/2024
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 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: MNDOT Statewide General Permit	County: All counties in Minnesota	Watershed: All watersheds in Minnesota	Resource: All waters shown on the Public Waters Inventory
Purpose of Permit: Bridge, culvert, or stormwater outfall repair or replacement.		Authorized Action: Upon notification to and of approval by the DNR Transportation Hydrologist or Area Hydrologist, replace or repair of bridges, culverts, install riprap, or construct stormwater outfalls on Public Waters, where all conditions and provisions specified herein are met.	
Permittee: MN DEPARTMENT OF TRANSPORTATION CONTACT: MARNI KARNOWSKI, (651) 366-3602 OFFICE OF ENVIRONMENTAL STEWARDSHIP 395 JOHN IRELAND BLVD, MS 620 ST. PAUL, MN 55155 (651) 366-3600		Authorized Agent: N/A	
Property Description (land owned or leased or where work will be conducted): The Permittee or its authorized agent must own, control, or have permission to access and use all lands affected by the project.			
Issued Date: 12/10/2019	Effective Date: 12/05/2019	Expiration Date: 12/05/2024	
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 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

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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.

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.

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.

APPLICABLE PROJECTS: This permit applies only to the replacement, reconstruction, or repair (including associated minor channel or shoreline work) of existing bridges, culverts, stormwater outfalls, or riprap 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.

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 can not 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 the ENM process, 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.

RESPONSIBILITY: The permittee is responsible for satisfying all terms and conditions of this permit. When a project is awarded to a said third party (contractor) for work to be completed, the permittee may notify the DNR in order to administratively amend the project authorization form to include the said third party as a co-permittee for joint responsibility in compliance with this permit.

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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 this permit is not valid until environmental review is completed.

DNR NOTIFICATION: The permittee shall notify the DNR Transportation Hydrologist or Area Hydrologist at least five days in advance of the commencement of the work. An email notification of the pre-construction meeting will suffice for this notification.

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.

STATE & FEDERAL LISTED SPECIES PROHIBITION: If there are unresolved concerns regarding impacts to federally or state listed species (endangered, threatened, or special concern), this 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.

PRELIMINARY ENGINEERING: This permit authorizes preliminary engineering studies in the water associated with bridge planning (e.g., core sampling). All core holes must be sealed in accordance with Department of Health well sealing requirements. On designated infested waters, all equipment in contact with the water must be decontaminated per the Invasive Species condition.

HYDROLOGIC/HYDRAULIC DATA REPORTING: Unless waived by the DNR Transportation Hydrologist or Area Hydrologist, hydrologic modeling to show the impacts of the structure(s) on the 100-yr (1% chance) flood elevation is required. Calculations showing velocity and depths through the structures at 2-year peak flows may also be required.

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.

STATE TRAILS: Projects proposed near an existing or proposed state trail system should be consistent therewith.

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 the Water Level Control and Fish Passage conditions and authorized by the DNR Transportation Hydrologist or Area Hydrologist.

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.

WATER LEVEL CONTROL: Replacement or modification of crossings that function as a water level control for existing basins must perform with significantly the same hydraulic properties and runoff elevation."

FISH PASSAGE: Bridges, culverts and other crossings shall provide for game fish movement unless the structure is intended to impede rough fish movement, aquatic invasive species movement, or the stream has negligible fisheries value as determined by the Transportation Hydrologist or Area Hydrologist in consultation with the Area Fisheries Manager. Culvert and bridge openings will be designed and constructed to span the bankfull channel width or slightly greater. Important factors in designing for fish passage include: A. Design culverts to match the alignment and slope of the stream

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channel. B. Design flow depths comparable to the natural channel depth (not over wide and too shallow). Multiple culverts may need to be offset allow flow in only one culvert at normal/low flow conditions. C. Mimic streambed habitat by providing a continuous roughness similar to the natural channel. Depending on conditions, streambed formation may be allowed to develop via sediment deposition or need to be created during culvert installation. Introducing a headcutting situation will not be allowed. D. Rock Rapids or other structures that mimic natural conditions may be utilized to aid in fish passage. Other factors may exist and could take precedence, such as unsuitable substrate, natural slope and background velocities, bedrock, flood control, 100-yr (1% chance) flood elevations, wetland/lake level control elevations, local ditch elevations, and other adjacent features. The Publication 'Minnesota Guidance for Stream Connectivity and Aquatic Organism Passage through Culverts' has been compiled by the University of Minnesota and can be utilized for meeting culvert design concerns. This document is located on the DNR website:
<https://files.dnr.state.mn.us/waters/publications/culvert-stream-connectivity.pdf> and the MNDOT website:
<http://www.dot.state.mn.us/research/reports/2019/201902.pdf>.

TERRESTRIAL SPECIES MOVEMENT: Structures shall not be detrimental to significant wildlife habitat. If the crossing is located at a significant wildlife travel corridor as determined by DNR Wildlife or Ecological & Water Resources staff, the crossing shall be designed to minimize concerns. Typically this is accomplished with the presence of a walkable surface (dry ground) at normal flow conditions. For bridges current practices are to include a 'passage bench' or 'aggregate surfacing' into bridge abutment riprap. On multiple culvert installations, outer culvert inverts can be set at an elevation higher than normal flow to allow terrestrial species use during non-flood conditions. A Passage Bench design is incorporated into MnDOT Standard sheet (Figure 5-397.309) and available at
<http://www.dot.state.mn.us/bridge/pdf/cadd/files/bdetailspart2/pdf/fig7309e.pdf>. Also see 'Passage Bench Design' as well as other species protection measures in Chapter 1 of the collection of "Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001"
http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html.

RESTORATION OF VEGETATION: On areas of disturbed soil adjacent to Public Waters, final vegetation plans should include native species suitable to the local habitat. This may include trees, shrubs, grasses, and/or forbs. Project design should utilize MnDOTs 'Vegetation Establishment Recommendations' and 'Native Seed Mix Design for Roadsides' (<https://www.dot.state.mn.us/environment/erosion/vegetation.html>), or utilize the native recommendations as developed by BWSR (<https://bwsr.state.mn.us/vegetation-establishment-and-management>). In addition, for meeting DNR concerns, shoreline revegetation may include native woody vegetation (trees and shrubs) in addition to native grasses and/or forbs.

TEMPORARY IMPACTS DURING CONSTRUCTION: Construction methods not finalized at the time of project review shall be submitted for review and approval at a later date. Temporary work below the Ordinary High Water (OHW) elevation, such as channel diversions, placement of temporary fill, structures for work pads/dock walls, bypass roads, coffer dams, or staging areas to aid in the demolition or construction of any authorized structure shall be submitted for review and approval in writing by the DNR Transportation Hydrologist or Area Hydrologist prior to beginning work. This is normal procedure for bridge or culvert projects as we recognize that final project designs are often posted for bid without final construction/ demolition plans. The following conditions must be met:

A. AQUATIC 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 <https://www.dnr.state.mn.us/invasives/ais/infested.html>. A list of prohibited invasive species is available at <https://www.dnr.state.mn.us/invasives/laws.html#prohibited>

B. 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 3 of Chapter 1 of in the manual: Best Practices for Meeting DNR General Waters Work Permit GP2004-0001.
http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html. 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. The MPCA NPDES general permit for authorization to

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discharge stormwater associated with construction activities (Permit MN R10001) recognizes the DNR “work in water restrictions” during specified fish migration and spawning time frames for areas adjacent to water. During the restriction period, all exposed soil areas that are within 200 feet of the water’s edge and drain to these waters, must have erosion prevention stabilization activities initiated immediately after soil disturbing activity has ceased, be completed within 24 hours, and maintained for the duration of the project.

C. HYDROLOGIC MODELING: Hydrologic modeling of temporary fill or temporary structures may be required by DNR Transportation Hydrologist or Area Hydrologist in order to evaluate impacts to the 100-yr (1% chance) flood elevation. Contingency plans may also be required to ensure all construction equipment and unsecured construction materials are moved out of the floodplain to prevent impacts to the 100-yr (1% chance) flood elevation or from being swept away by flood waters.

D. TEMPORARY FILL: If approved, temporary fill shall be free of organic material or any material that may cause siltation or pollute the waterbody. All such material shall be removed and the area restored to pre-existing profiles prior to project completion.

E. WETLAND PROTECTION: Should MnDOT or its contractors chose to do work in association with this project that is outside MnDOT project area right-of-way (EG excavation, grading, fill, vegetation alterations, utility installations, etc), they 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/wca-forms-and-templates>

F. STORAGE/STOCKPILES: 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.

G. NAVIGATION: 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, 2018 edition, or its successor: <http://www.dot.state.mn.us/pre-letting/spec> .

H. EROSION PREVENTION AND SEDIMENT CONTROL: In all cases, erosion prevention and sediment control 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 are within 200 feet of the water’s edge and drain to these waters, and on worksite areas that have the potential for direct discharge due to pumping or draining of areas from within the worksite (EG 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 shall be maintained for the duration of the project in order to prevent sediment from leaving the worksite. Due to entanglement issues with small animals, any use of erosion control blanket shall be limited to ‘bio-netting’ or ‘naturalnetting’ types (such as category 3N or 4N, as identified in 2018 MnDOT Standards Specifications for Construction, or its successor), and specifically not allow plastic mesh netting. Also be aware that hydro-mulch or hydro-seed products may contain small plastic fibers to aid in its matrix strength. These loose fibers could re-suspend and be transported to Public Waters. As such, mulch products containing plastic fiber additives should not be used in areas that drain to Public Waters. DNR requirements may be waived in writing by the authorized DNR staff based on site conditions, expected weather conditions, or project completion timelines.

I. MPCA WATER QUALITY REQUIREMENTS: MPCA administers the requirements of the National Pollutant Discharge Elimination System and the State Disposal System (NPDES/SDS) requirements. To ensure state water quality standards during construction are not violated, check with the MPCA Stormwater Program www.pca.state.mn.us/stormwater for permit application requirements, pollution prevention guidance documents, and additional measures required for work in Special or Impaired Waters.

J. TEMPORARY DEWATERING: A separate water use permit is required for withdrawal of more than 10,000 gallons of water per day or 1 million gallons per year from surface water or ground water. GP1997-0005 (temporary water appropriations) covers a variety of activities associated with road construction and should be applied if applicable. An individual appropriations permit may be required for projects lasting longer than one year or exceeding 50 million gallons. Information is located at: http://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/permits.html .

K. PROTECTION OF VEGETATION: If DNR Ecological & Water Resources staff determine that Native Plant

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Communities, Sites of Biodiversity Significance, other Areas of Environmental Sensitivity are present in or adjacent to Public Waters (or included in mitigation agreements), precautions must be implemented to ensure protection, restoration, and/or enhancement of these areas. This may include, but is not limited to the following: (1) Place temporary fence or equivalent at locations adjacent to areas designated to be preserved in order to prevent parking, utility relocation work, storage area use, or other unnecessary construction activities; and (2) revegetate disturbed adjacent soil with native species suitable to the local habitat. Use of MnDOT Specifications for Protection and Restoration of Vegetation, Standard Construction Specification #2572 (2018 edition, or its successor) will ordinarily meet these requirements.

L. NESTING BIRDS/ROOSTING BATS: MnDOT shall adhere to existing state and federal protection programs. Should active nests or roosting bats be encountered on the project, contact the MnDOT Wildlife Ecologist located in MnDOT Office of Environmental Stewardship (ph; 651-366-3605), for specific guidance and coordination with DNR and U.S. Fish and Wildlife Service.

cc: Soberg, Jon, Contact; MN Department of Transportation - Primary
MN Department of Transportation, Landowner or Government Unit

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