

Authorization Number
2018-2478

General Permit Number
2004-3100

Public Waters Work General Permit Authorization

Expiration Date: 07/18/2023

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. Applicant must comply with all conditions listed in the above referenced General Permit.

Project Name: CR 202 over Elm Creek	County: Hennepin	Watershed: Mississippi River - Twin Cities	Resource: Stream/River: Elm Creek (M-062)
Purpose of Permit: Bridge Construction/Modification/Replacement		Authorized Action: Replace the CR202 bridge over Elm Creek in the City of Dayton, Mn using the design and specifications shown on the construction plans dated 06/11/2018.	
Permittee: HENNEPIN COUNTY TRANSPORTATION DEPARTMENT CONTACT: EKOLA, JOHN, (612) 596-0370 1600 PRAIRIE DRIVE MEDINA, MN 55340-5421 (612) 596-0300		Authorized Agent: N/A	
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 465686m east, 5001171m north, NENW of Section 35, T120N, R22W			
Issued Date: 07/18/2018	Effective Date: 07/18/2018	Expiration Date: 07/18/2023	
Authorized Issuer: Jason Spiegel	Title: Area Hydrologist	Email Address: jason.spiegel@state.mn.us	Phone Number: 651-259-5822

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

Applicant must comply with all conditions listed in General Permit 2004-3100.

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.

FISHERY PROTECTION - EXCLUSION DATES: No activity affecting the bed of the protected water may be conducted between March 15 and June 15, 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. Should work begin elsewhere in the project

CONDITIONS (Continued from previous page)

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.

cc: Jeanne Daniels, EWR District Manager
Tim Maass, Conservation Officers, Osseo
Ben Carlson, BWSR Wetland Specialists, Hennepin
Erica Hoaglund, DNR Regional Nongame Specialists, Central - North
Leslie Parris, DNR Regional Environmental Assessment Ecologist, Region 3
Becky Horton, DNR Regional Environmental Assessment Ecologist, Region 3
Scott Noland, DNR Wildlife, Forest Lake
Daryl Ellison, DNR Fisheries, West Metro Area
Karen Galles, County, Hennepin
Jason Swenson, Watershed District, ELM CREEK WMO
Corps of Engineers MN Requests Email, Corps of Engineers, Hennepin
Melissa Jenny, Corps of Engineers, Hennepin
Stacey Lijewski, SWCD, Hennepin Conservation District
Tina Goodroad, City, Dayton

Amended

Public Waters Work General Permit

Expiration Date: 11/30/2018

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: Hennepin County Bridges/Culverts	County: Hennepin	Watershed: North Fork Crow River, South Fork Crow River, Mississippi River -Twin Cities, Lower Minnesota River	Resource: All Public Waters within Hennepin County	
Purpose of Permit: Erosion control, road repair, stormwater outfalls, culvert and bridge crossings, and sediment removal.		Authorized Action: Construct, replace and repair natural rock riprap, bioengineered shoreline protection and erosion control, incidental road fill, storm sewer outfalls, retaining walls, culvert crossings and bridges, and remove sediment and debris from public waters and public waters wetlands; all in accordance with the Conditions of the permit.		
Permittee: HENNEPIN COUNTY DEPARTMENT OF TRANSPORTATION CONTACT: GRUBE, JAMES 1600 PRAIRIE DRIVE MEDINA, MN 55340 (612) 596-0300		Authorized Agent: N/A		
Property Description (land owned or leased or where work will be conducted): Various within Hennepin County				
Authorized Issuer: Tom Hovey	Title: Water Regulations Unit Supervisor	Issued Date: 01/24/2014	Effective Date: 01/24/2014	Expiration Date: 11/30/2018

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

GENERAL PERMIT CONDITIONS *(Continued from previous page)*

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.

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.

CONSTRUCTION DEWATERING - GENERAL: 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. All worksite discharge water must be treated for sediment reduction prior to return to the surface water. 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

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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 - 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.

MAINTENANCE - GENERAL PERMITS: Maintenance of work covered by this general permit may be performed upon receipt of separate authorization or amended authorization under this permit.

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

INTAKE AND STORM SEWER OUTFALL PROJECTS: 1. The project must meet all applicable local requirements. 2. Outfall structures within Public Waters or Public Water Wetlands shall incorporate a stilling-basin, surge-basin, energy dissipater, placement of ungrouted natural rock riprap or other devices to minimize disturbance and erosion of natural shoreline and bed resulting from peak discharges. 3. The outfall structure must allow for discharge of only water that has been treated in accordance with local water plans. 4. A maintenance agreement shall be submitted for: stormwater treatment ponds that outlet to Public Waters or Public Waters Wetlands, outlet structures for such ponds, and/or culverts and outfall structures that connect to a Public Water or Public Water Wetland. This maintenance agreement shall specify the methods, schedule and responsible parties for maintenance. 5. For intakes, an appropriate sized screen must be used to prevent fish and debris intake. 6. A separate DNR permit is required for any intake that acts as an outlet of a public water or public water wetland.

RIGHT TO REVIEW: The Division of Ecological and Water Resources reserves the right to require a separate individual permit for projects that could meet the conditions of this General Permit.

INCIDENTAL FILL FOR ROADWAY: 1. Fill shall only be allowed for the purpose of repair or improvement of an existing roadway. 2. Areas of fill in excess of 400 square feet per basin in Public Waters or Public Waters Wetlands shall be mitigated consistent with the guidelines of the Wetland Conservation Act. 3. The permittee shall submit plans for all projects involving fill to the DNR Area Hydrologist at the earliest possible time for determination of need for individual permit.

BRIDGES AND CULVERT CROSSINGS: 1. The project must meet all applicable local requirements. 2. The bridge or culvert crossing must not cause or contribute to significant increases in flood elevations and flood damages either upstream or downstream. The hydraulic capacity of the structure must be established by a competent technical study. 3. If the proposed structure would result in a change of 0.00 feet or more in the designated flood profile for the community where the project is located (or an adjoining community), the design must be reviewed by the Area Hydrologist for consistency with state and federal floodplain regulations. If applicable, the community must request a Letter of Map Revision from the Federal Emergency Management Agency (FEMA). 4. 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. 5. The bridge or culvert crossing must meet all applicable floodplain requirements of the community. 6. The project must not involve channel re-alignments above and beyond minor modifications in the immediate vicinity of the bridge or culvert necessary to improve hydraulic entrance or exit conditions. 7. The bridge or culvert crossing must not obstruct reasonable public navigation or create a water safety hazard during and after construction. For bridges over public watercourses, three feet of clearance over the calculated 50-year flood will ordinarily satisfy navigational requirements. For bridges over public waters and public waters wetlands, and all culverts, three feet of clearance above the ordinary high water elevation will ordinarily satisfy navigational requirements. 8. Walkways or bridges to provide access to islands are prohibited. 9. The structure shall provide for game fish movement, unless the structure is intended to impede rough fish movement. 10. The DNR Area Fisheries Manager (952) 826-6756 shall approve the adequacy of the structure design for fish movement. 11. For new crossings, no approach fill for a crossing shall encroach upon a community designated floodway. 12. Cofferdams, access roads, fill, excavation or

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temporary channel diversions below OHW, and dewaterings: 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 Division of Ecological and Water Resources prior to installation, placement, construction, or pumping. All such works shall be temporary, and original conditions shall be restored upon completion of the construction authorized by this permit. 13. Flowline/gradient not changed: No change in the existing flowline/gradient of any stream or channel shall occur unless specifically authorized by the Division of Ecological and Water Resources prior to construction.

EXCAVATION FOR BIOENGINEERING: 1. If aquatic plants (seed or root stock) are proposed to be transplanted from another basin or supplied by a vendor, an Aquatic Plant Management permit must be obtained (no fee) from the DNR Area Fisheries office (651-259-5816) . 2. The project shall not involve methods that encroach on the floodway . 3. Acceptable bioengineering practices that combine both natural and structural elements, including minimal bank/shoreline shaping for placement of structural and/or bioengineering methods include the following : natural rock riprap with vegetation interplantings, gabions, "A-Jacks , terraces, fish lunkers, wing deflectors, live wattles (facines), willow wattles, willow posts, brush layering, brush mattresses , branch packing, vegetated crib walls , vegetated geogrids, revetment wall, live stakes, brush and fiber roll breakwaters, silt wedge, plant carpets or blankets, bog mats, fiber mats, jute or coir netting or similar material, tree revetments, cover logs, rootwads, biogabions, and aquatic plants and plant plugs.

RETAINING WALLS: Retaining walls are generally discouraged, however, they may be permitted if the following conditions are met. 1. The project must meet all applicable local requirements . 2. Existing or expected erosion problems shall preclude the use of bioengineering or riprap shore protection with a finished slope of 2:1 (horizontal to vertical), or more gentle, due to: steep banks, nearby structures or other extenuating circumstances; or there shall be a demonstrated need for direct shoreland docking. 3. Design shall be consistent with existing uses in the area. Examples are: riverfront commercial-industrial areas having existing structures of this nature, dense residential areas where similar retaining walls are common, or where barges are utilized to carry equipment and supplies . 4. Adequate engineering studies shall be performed of foundation conditions, tiebacks, internal drainage, construction materials, and protection against flanking. 5. The facility shall not be an aesthetic intrusion upon the area and is consistent with all applicable local, state, and federal management plans and programs for the water body. 6. Encroachment below the ordinary high water elevation shall be limited to the absolute minimum necessary for construction.

RIPRAP SHORELINE PROTECTION PROJECTS: The preference is to have projects meet the DNR conditions for when a DNR permit is not required. However, it is recognized that site conditions vary and that it is not always feasible or practical to meet those conditions. The following conditions provide some flexibility for the County to allow for projected designs that exceed what can be done without a DNR permit, while recognizing that steeper slopes, further encroachment on the lake, etc. are not to be encouraged. 1. The project must meet all applicable local requirements. 2. The riprap materials shall consist of a gradation of natural rock of sufficient size, quality, and thickness to withstand ice and wave action. Riprap shall be ungrouted. 3. The minimum finished slope shall be no steeper than 2:1 (horizontal to vertical). Any rock/boulder stabilization project with a proposed finished slope steeper than 2:1 (horizontal to vertical) shall be evaluated in accordance with the conditions for Retaining Walls. 4. A filter consisting of geotextile fabric and well-graded gravel or crushed stone is installed to prevent undercutting of the riprap. 5. The encroachment into the water shall be the minimum amount necessary to provide protection and does not unduly interfere with the flow of water. The maximum encroachment waterward of the ordinary high water elevation is 10 feet. 6. The site soils are not classified as organic soils or peat, or the project is designed, in consultation with a qualified soils specialist, to allow the soils to be capable of supporting riprap. 7. The riprap shall conform with the natural alignment of the shoreline (i.e., maintaining an undulating or meandering shoreline). The permittee shall routinely inspect the authorized project and complete any needed maintenance work. Prior to commencing any maintenance work, the permittee shall advise the Area Hydrologist of the extent and method of maintenance. Maintenance shall not be commenced until permittee receives approval from the Area Hydrologist.

OTHER GOVERNMENTAL UNITS: This General Permit is not valid within those Watershed Districts, Watershed Management Organizations, or Cities where Division of Ecological and Water Resources General Permits have been issued for similar work in public waters. The permittee shall seek approval of these other governmental units rather than authorize the project under this permit.

NOTIFICATION TO OTHER AGENCIES: Local watershed authorities and zoning officials shall be given at least seven (7) days notice by the permittee, prior to commencing work.

PURPLE LOOSESTRIFE: The permittee shall monitor all disturbed areas for the presence of purple loosestrife and control the plant. The DNR aquatic plant manager should be contacted at (651) 259-5816 for permit needs and additional

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information.

AQUATIC VEGETATION REMOVAL OR DESTRUCTION: No removal or destruction of aquatic vegetation is permitted unless an Aquatic Management Permit is obtained from DNR Regional Fisheries Office at (651) 259-5816, or the removal consists of mechanical (i.e., not chemical) removal of submerged or floating aquatic vegetation that meets the conditions for not requiring a permit (i.e., mechanical removal of submerged or floating aquatic vegetation in an area of less than 2,500 square feet). Note: Removal of any amount of emergent vegetation is prohibited unless an aquatic plant management permit has been obtained from DNR Fisheries.

FISHERY PROTECTION - EXCLUSION DATES: No activity affecting the bed of the public water may be conducted between April 1 and June 30 in lakes, and between March 15 and June 15 on streams, 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 at 952-826-6756.

REPORT / ANNUAL MEETING: The permittee shall report annually to the Area Hydrologist, 1200 Warner Road, St. Paul, MN 55106-6793 concerning work accomplished under this permit, and projects subject to this permit as may be anticipated in the coming year or in subsequent years. The report shall be filed prior to January 15 of each year. The permittee shall meet to discuss the report with the Department of Natural Resources prior to April 15 of each year. If emergency or unforeseen projects arise that are not included in the annual report, the permittee shall contact the Area Hydrologist at the earliest opportunity to provide details and discuss project design and applicable performance standards.
