

Amended

Public Waters Work General Permit

Expiration Date: 03/16/2027
General Permit Number
2001-6009

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: Minnehaha Creek Watershed District General Permit	County: Carver and Hennepin Counties	Watershed: Mississippi River -Twin Cities	Resource: All Public Waters
Purpose of Permit: Natural rock riprap, bank or shoreline zone restoration, bioengineering, sand blankets, retaining walls, ice ridge removal, boat ramps, construction, reconstruction, or relocation of bridges, culverts, or other crossings, intakes/outfalls, and the removal of sediment.		Authorized Action: Construct or reconstruct natural stone riprap; shape banks/shorelines for placement of riprap or bioengineering; perform bank/shoreline stabilization using bioengineering techniques; restore natural stream geomorphology through installation of minor grade stabilization structures such as cross-vanes, install flow diversions such as boulder vanes and bendway weirs; install sand blankets; construct or reconstruct retaining walls; remove ice ridges; construct boat ramps; construct, reconstruct, or relocate bridges, culverts, and other crossings; construct or reconstruct intakes and outfalls; and perform excavation; all in accordance with the Conditions of this permit. For the authorized actions addressed by this General Permit, no separate General Permit Authorization is required from the DNR if Permittee has obtained a permit from the Minnehaha Creek Watershed District.	
Permittee: Riparian and shoreline property owners within the Minnehaha Creek Watershed District who have obtained a permit from the Minnehaha Creek Watershed District for the authorized actions.		Authorized Agent: N/A	
Property Description (land owned or leased or where work will be conducted): Various within Minnehaha Creek Watershed District			
Issued Date: 11/23/2022	Effective Date: 11/10/2022	Expiration Date: 03/16/2027	
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

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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 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.

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

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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 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.

AQUATIC PLANT MANAGEMENT: For projects where vegetation is placed waterward of the ordinary high water level, a separate Aquatic Plant Management (APM) permit is needed from the DNR Regional APM Specialist. See contact list at: <http://www.dnr.state.mn.us/apm/index.html>. A permit shall be obtained (no fee required) for each site in order to monitor plant source, species, and planting location. Vegetation must be appropriate for the site and free of invasive species. This condition does not apply when only woody vegetation is used, such as willow and dogwood.

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.

NOTIFICATION TO DNR OF ISSUED PERMITS: Before proceeding with work under this permit, the permittee shall provide a copy of the associated Minnehaha Creek Watershed District permit to the DNR Area Hydrologist, Conservation Officer, and Area Fisheries Manager with the following information, if applicable, included in the permit copy supplied to the DNR: permittee name and address; project location; brief project description; and public water resource name Public Waters Inventory (PWI) number.

REPORTING REQUIREMENTS: Minnehaha Creek Watershed District also will cooperate to make available all MCWD permits associated with General Permit 2001-6009 upon request by the DNR Area Hydrologist, the DNR Conservation Officer, and/or the DNR Area Fisheries Manager, upon request.

APPROVALS REQUIRED BEFORE CONSTRUCTION: All required licenses, permits, and authorizations from the Minnehaha Creek Watershed District and from the City that is the zoning authority for the proposed project, must be obtained prior to beginning construction of the project.

SEPARATE DNR INDIVIDUAL PERMIT REQUIRED FOR ALL PUBLIC WATERS OUTLETS: A separate DNR individual permit is required for any bridge, culvert, or intake that acts as an outlet of a public water or public waters wetland by controlling levels or affecting the ordinary high water level (OHWL) of the basin.

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APPLICABLE PROJECTS: 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 DNR permit application.

FISHERY PROTECTION - EXCLUSION DATES: No work activity affecting the bed of a protected watercourse may be conducted between March 15 and June 15, to minimize impacts on fish spawning and migration. On designated trout streams and their tributaries, no work activity may be conducted between September 1 and April 1. No work activity affecting the bed of a protected public water basin or public water wetland may be conducted between April 1 and June 30. 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 area within these dates, all exposed soils that are within 200 feet of Public Waters and drain to those waters must have erosion control measures in place within 24 hours of its disturbance to prevent sediment from entering Public Waters.

ENVIRONMENTAL REVIEW: If the project proposal is part of a project that requires mandatory environmental review pursuant to MN Environmental Quality Board rules, then the permit is not valid until environmental review is completed.

HYDROLOGIC / HYDRAULIC DATA REPORTING: Unless waived by the DNR Area Hydrologist, hydrologic modeling to show the impacts of a bridge or culvert constructed in a Public Water to the 100-year flood elevation is required. Additional modeling may also be required for temporary fill or temporary structures required during demolition or construction. Calculations showing calculated velocities through the structures at 2-year peak flows may also be required.

EXCAVATED MATERIALS: No material excavated by authority of this permit nor material from any other source, except as specified herein, shall be placed on any portion of the bed of said waters which lies below the Ordinary High Water (OHW) elevation.

CONSTRUCTION AIDS: No construction of temporary channel diversions or placement of fill below the OHWL for temporary work pads, bypass roads, or cofferdams to aid in construction of any authorized structure is allowed unless specifically approved in writing by the DNR Area Hydrologist. Only clean, non-erosive fill shall be used and all such materials shall be removed upon project completion.

COFFERDAMS: The use of cofferdams to aid in construction of any project is not allowed unless specifically authorized in writing by the Division of Ecological and Water Resources.

ACCESS ROADS AND TEMPORARY CHANNELS: No access roads or temporary channel diversions to aid in construction of any project are allowed below the OHWL of public waters unless specifically authorized in writing by the DNR Area Hydrologist.

NAVIGATION MAINTAINED OR IMPROVED: A bridge, culvert, or other crossing will be designed as to not obstruct reasonable public navigation, as determined by the local surface water authority, or a DNR Conservation Officer, or the Area Hydrologist. For bridges, three (3) feet above the calculated 50-year flood stage ordinarily satisfies navigational clearance requirements. For culverts, three (3) feet of clearance above the ordinary high water level (top of the bank) ordinarily satisfies navigational requirements. 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.

FLOWLINE / GRADIENT NOT CHANGED: Replacement of culverts or crossings are to follow, or be restored to the natural alignment and profile of any Public Watercourse. Changes from the existing flowline, gradient or alignment must be consistent with the Erosion and Sediment Control Condition and the Fish Passage Condition and authorized by the DNR Area Hydrologist.

FLOOD STAGES / DAMAGES NOT INCREASED: No approach fill for a crossing shall encroach upon a Division of Ecological and Water Resources 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 DNR Hydrologist; 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. 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

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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 above.

STREAM FLOW: The permittee is required to maintain stream flow at all times during construction via use of a temporary bypass pipe/culvert or channel. High-capacity pumps, and/or siphons can be used, provided approval is obtained from the DNR Area Fisheries Supervisor. If a temporary channel is utilized, erosion must be controlled by use of protective devices such as floating silt curtains, non-permeable liners, etc. After the new crossing is completed, the temporary bypass shall be removed and restored to its original condition within 72 hours.

FISH PASSAGE: Bridges, culverts and other crossings shall provide for fish movement unless the structure is intended to impede rough fish movement or the stream has negligible fisheries value as determined by the DNR Area Hydrologist in consultation with the Area Fisheries Manager. The accepted practices for achieving these conditions include: Where possible a single culvert or bridge shall span the natural bankfull width adequate to allow for debris and sediment transport rates to closely resemble those of upstream and downstream conditions. A single culvert shall be recessed in order to pass bedload and sediment load. Additional culvert inverts should be set at a higher elevation. All culverts should match the alignment and slope of the natural stream channel, and extend through the toe of the road side slope. "Where possible" means that other conditions may exist and could take precedence, such as unsuitable substrate, natural slope and background velocities, bedrock, flood control, 100-year flood elevations, wetland/lake level control elevations, local ditch elevations, and other adjacent features. Rock Rapids or other structures may be used to retrofit crossings to mimic natural conditions.

CITIES OUTSIDE OF MINNEHAHA CREEK WATERSHED: This General Permit is valid in a City outside the boundaries of the Minnehaha Creek watershed when the City has a written agreement with the Minnehaha Creek Watershed District that authorizes the MCWD to issue a permit for the work subject to this General Permit.

MAINTENANCE: The permittee is authorized to maintain the approved work to the dimensions herein described. Prior to commencing any maintenance work, the Permittee shall advise the MCWD of the extent and method of maintenance. Maintenance work shall not be commenced until the permittee receives an MCWD permit or written notice from the MCWD that the work does not require an MCWD permit.

WILDLIFE FRIENDLY EROSION CONTROL MATERIALS: Due to entanglement issues with small animals, use of erosion control blanket shall be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components. These are Category 3N or 4N in the 2016 & 2018 MnDOT Standards Specifications for Construction. Also, be aware that hydro-mulch products may contain small synthetic (plastic) fibers to aid in its matrix strength. These loose fibers could 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.

USE OF NATIVE VEGETATION: Revegetation of disturbed soils shall include native mixes in areas that are not proposed for mowed turf grass. Utilize the native recommendations developed by BWSR (http://www.bwsr.state.mn.us/native_vegetation/) or MnDOT in the Vegetation Establishment Recommendations — dated September 25, 2015 (<http://www.dot.state.mn.us/environment/erosion/seedmixes.html>). For meeting DNR concerns, revegetation may include woody vegetation (trees and shrubs) in addition to grasses and/or forbs. The use of erosion control blankets during revegetation shall be limited to bio-netting or natural netting types. Plastic mesh netting is specifically not allowed. Category 3N or 4N (in the 2016 MnDOT Standards Specifications for Construction) must be utilized.

AQUATIC PLANT REMOVAL: No removal or destruction of aquatic vegetation is permitted unless an Aquatic Plant Management (APM) permit is obtained from DNR Fisheries (<http://www.dnr.state.mn.us/apm/index.html>), 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). Removal of any amount of emergent vegetation is prohibited unless a DNR APM permit has been obtained.

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) 259-5800 for permit needs and additional information.

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

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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.

MINNESOTA RULES: Minnesota Rules Sections 6115.0150 to 6115.0280 and all future revisions, are to be consulted regarding standards for this General Permit. Should questions arise, consult the DNR Area Hydrologist on interpretation of the Minnesota Public Waters Work Permit Rules. Each permit application for authorization under this General Permit requires that the application contain the information required under Minnesota Rules 6115.0240 Subpart 3.

RIPRAP - NO DNR PERMIT REQUIRED CRITERIA: Under Minnesota Rules 6115.0215 Subpart 4 E, no DNR permit is required to install natural rock riprap and associated filter materials where there is a demonstrated need to prevent erosion or to restore eroded shoreline, when there is a demonstrated need for such work if the following conditions are met: (1) The rock is sized appropriately with the erosion potential of the wave or current action of the particular water body, but in no case shall the rock average less than six inches in diameter or more than 30 inches in diameter; (2) The rock is placed so that it conforms to the natural alignment of the shoreline zone; (3) The finished slope, as measured on top of the rocks, is not steeper than three to one (horizontal to vertical); (4) No materials are placed more than six feet waterward of the OHWL, unless the commissioner determines that this dimension may be measured from another point due to the particular nature of water levels of the public water; (5) The total length of shoreline to be affected does not exceed 200 feet for public waterbasins or public water wetlands or five times the width of the public watercourse measured at bank full conditions; (6) The riprap does not cover emergent vegetation, unless authorized by a DNR aquatic plant management permit; (7) The riprap does not obstruct navigation or the flow of water; (8) A filter, consisting of crushed rock, gravel, or suitable filter fabric material is placed underneath the rock; and (9) The rock and any filter material are free from organic material, soil, clay, debris, trash, or any material that may cause siltation or pollute the waterbody.

RIPRAP PERMIT REQUIREMENTS: Under Minnesota Rules 6115.0216 Subpart 2, a DNR permit is required for the placement of natural rock riprap if the conditions under Minnesota Rules 6115.0215 Subpart 4E cannot be met. The preference is to have projects meet these conditions, but DNR recognizes that site conditions vary and that there are a very limited number of situations where it is not feasible or practical to meet these conditions. General Permit 2001-6009 is applicable to riprap placement, contingent on the following conditions: A. The riprap materials are of sufficient size, quality, and thickness to withstand ice and wave action. The riprap must be placed with a minimum amount of space between the larger materials and the space between them must be filled with firmly seated smaller rocks or gabion baskets to procure a uniform surface; B. The site soils are capable of supporting riprap and a filter consisting of well-graded gravel, crushed stone, or fabric is installed to prevent undercutting of the riprap; C. When site conditions warrant, the toe end of the riprap is installed in a trench excavated into the bed of the public water to anchor the riprap from ice and wave action, with all excavated materials either used to back fill behind the riprap or removed from the bed of the public water; D. The encroachment into the water is the minimum amount necessary to provide protection and does not unduly interfere with the flow of water; E. Adequate engineering studies are done to certify the adequacy of the design of the riprap project.

BANK OR SHORELINE ZONE RESTORATION WORK - NO DNR PERMIT REQUIRED CRITERIA: Under Minnesota Rules 6115.0215 Subpart 4 A, no DNR permit is required to perform bank or shoreline zone restoration work using willow wattles, willow posts, brush matting, brush layering, fiber roll breakwaters, plant carpets, root wads, and other natural materials installed by hand for the purpose of shoreline zone restoration work if the following conditions are met: (1) The project is designed or reviewed by the local soil and water conservation district or Minnehaha Creek Watershed District; (2) The design does not interfere with navigation or other riparian uses of the waterbody; (3) The project is done during times of the year when it will not interfere with fish spawning or the nesting of protected bird species; (4) Local origin native plant species, adapted for the site, are used; (5) A DNR aquatic plant management permit is obtained, when aquatic macrophytes are used; (6) The waterward encroachment is the minimum necessary for the purpose of the project; (7) A

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maintenance plan is developed for the project and a copy submitted for review to the DNR area fisheries office.

BANK OR SHORELINE ZONE RESTORATION WORK PERMIT REQUIREMENTS: Under Minnesota Rules 6115.0216 Subpart 3, a DNR permit is required for the grading or filling of materials below the OHWL to facilitate the installation or use of willow wattles, willow posts, brush matting, brush layering, fiber roll breakwaters, plant carpets, root wads, and other natural materials for erosion protection and shoreline zone restoration. General Permit 2001-6009 authorizes the above-described actions for erosion protection and shoreline zone restoration, contingent on the following conditions: A. The methods and materials used are designed in consultation with DNR or local government staff experienced in the use of such materials; B. Excavation and fill placement needed in conjunction with bioengineering projects are minimized and are subject to all requirements related to fill and excavation in Minnesota Rules 6115.0190, 6115.0191, 6115.0200, and 6115.0201; C. A separate DNR aquatic plant management permit is obtained whenever the project involves planting aquatic plants other than willow and dogwood. Under Minnesota Rules 6115.0216 Subpart 4, a DNR permit is required for the installation of rock gabions, A-jacks, cable concrete, bendway weirs, interlocking concrete blocks, eddy rocks, deflectors, gravel riffles, or other structural methods of erosion control or bank stabilization. General Permit 2001-6009 authorizes these installations for structural erosion control, contingent on the following conditions: A. adequate engineering studies are performed to determine the suitability for use of any of these types of erosion control projects, as determined by the department; B. the project is not an aesthetic intrusion upon the area and is consistent with all applicable local, state, and federal management plans, programs, and ordinances relating to the affected waterbody; C. encroachment below the ordinary high water level is limited to the minimum necessary for the construction project; D. when the project involves the removal of aquatic plants, a separate aquatic plant management permit is obtained; E. the project does not adversely impact native plants, trees, or animals; and F. any retaining wall complies with requirements for structures under parts 6115.0210 and 6115.0211.

BEACH SAND BLANKET – NO DNR PERMIT REQUIRED CRITERIA: Under Minnesota Rules 6115.0190 Subpart 4 A, no DNR permit is required to install a beach sand blanket if the following conditions are met: (1) the sand or gravel layer does not exceed six inches in thickness, 50 feet in width along the shoreline, or one-half the width of the lot, whichever is less, and does not extend more than ten feet waterward of the OHWL; (2) the beach sand blanket does not cover emergent vegetation, unless authorized by an aquatic plant management permit; and (3) local watershed district and local zoning officials are given at least seven days notice by the landowner. No DNR permit is required for one additional installation of a sand or gravel layer subsequent to an initial installation at the same location and not exceeding the same amounts and dimensions allowed outlined above.

BEACH SAND BLANKET PERMIT REQUIREMENTS: Under Minnesota Rules 6115.0190 Subpart 5 and 6115.0191 Subpart 8, a DNR permit is required for the installation of a beach sand blanket if the conditions under Minnesota Rules 6115.0190 Subpart 4 A cannot be met. The preference is to have projects meet these conditions, but DNR recognizes that site conditions vary and that there are a very limited number of situations where it is not feasible or practical to meet these conditions. General Permit 2001-6009 authorizes an oversized sand blanket, contingent on the following conditions: The criteria listed in 6115.0190 Subpart 5, and A. The intended purpose of the fill is reasonable with respect to all other alternatives and there are no feasible and practical means to attain the intended purpose without filling; and B. The proposal will adequately protect public safety and promote the public welfare.

PROHIBITED PLACEMENT OF STRUCTURES: Minnesota Rules 6115.0210 Subpart 3 prohibits the placement of structures, temporary structures, and floating structures when: A) it will obstruct navigation or create a water safety hazard; B) it will be detrimental to significant fish and wildlife habitat. Construction is prohibited in posted fish spawning areas; C) it is designed or intended to be used for human habitation or as a boat storage structure; D) it is designed or intended to include walls, a roof, or sewage facilities; or E) it will take threatened or endangered species listed in chapter 6134 without authorization by the commissioner according to parts 6212.1800 to 6212.2300.

RETAINING WALL PERMIT REQUIREMENTS: Under Minnesota Rules 6115.0211 Subpart 5, a DNR permit is required for the construction or reconstruction of all retaining wall structures. The construction of retaining walls is discouraged because their appearance is generally not consistent with the natural environment and their construction and maintenance cost is generally greater than riprap. General Permit 2001-6009 authorizes retaining walls, contingent on the following conditions: A. Existing or expected erosion problems shall preclude the use of riprap shore protection, there is a demonstrated need for direct shoreland docking, or the design is consistent with existing uses in the area; B. Adequate engineering studies are performed of foundation conditions, tiebacks, internal drainage, construction materials, and protection against flanking; C. The facility is not an aesthetic intrusion upon the area and is consistent with all applicable local, state, and federal management plans and programs for the water body; D. Encroachment below the OHWL is held to the absolute minimum necessary for construction.

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ICE RIDGE REMOVAL: The preference is to have projects meet the DNR "no permit required" conditions for ice ridge removal specified in Minn. Rules part 6115.0215, Subpart 4 B. Grading in the shoreline area is not to be encouraged. However, it is recognized that site conditions vary and that it is not always feasible or practical to meet those conditions. The following options provide some flexibility for ice ridge removal that exceeds what can be done without a DNR permit. Option a: Complete removal of the ice ridge material and disposal at a site found that is not below the OHWL of a public water or public waters wetland, is not a wetland subject to the Wetland Conservation Act of 1991, or not a floodplain, unless the floodplain storage is compensated in accordance with Minnehaha Creek Watershed District rules. Option b: If the ice ridge material consists of inorganic materials free from pollutants, it may be regraded to conform to the original cross-section of the lakebed. Option c: Grading of the ice ridge material landward and incorporated in a riprap shoreline protection project for which the Minnehaha Creek Watershed District has issued a permit under its rules for riprap shoreline protection projects. No additional fill material shall be placed on the site except where incorporated in a riprap shoreline protection project as approved by the District.

BOAT RAMP – NO DNR PERMIT REQUIRED CRITERIA: Under Minnesota Rules 6115.0210 Subpart 4 B, no DNR permit is required to construct or reconstruct a boat launching ramp if the following conditions are met: (1) privately owned ramps do not exceed 12 feet in width and do not extend more than ten feet beyond the shoreline or into water more than four feet in depth, whichever is less. Excavations five cubic yards or less, and placement of up to five cubic yards of crushed rock, gravel, clean sand, or small stone are allowed to provide a stable base or maintain use of the ramp; (2) publicly owned ramps do not exceed 36 feet in width and do not extend more than 30 feet waterward of the shoreline or into water more than four feet in depth, whichever is less. Excavations of 200 cubic yards or less, and placement of up to 80 cubic yards of crushed rock, gravel, clean sand, or small stone are allowed to provide a stable base or maintain use of the ramp. The use of coffer dams constructed of metal sheet piling or other portable materials is allowed to construct and maintain public boat launching ramps if all materials are completely removed from public waters within 30 days of completion of the project; (3) the ramp is constructed of gravel, natural rock, concrete, steel matting, or other durable inorganic material not exceeding seven inches in thickness; and (4) the ramp is not located on a federally designated wild and scenic river.

BOAT RAMP PERMIT REQUIREMENTS: Under Minnesota Rules 6115.0211 Subpart 6, a DNR permit is required for the installation of a boat launching ramp if the conditions under Minnesota Rules 6115.0210 Subpart 4 B cannot be met. The preference is to have projects meet these conditions, but DNR recognizes that site conditions vary and that there are a very limited number of situations where it is not feasible or practical to meet these conditions. General Permit 2001-6009 authorizes a boat launching ramp that does not meet the conditions of the cited subpart, contingent on the following conditions: A. the applicant demonstrates a need for a launching facility; B. the proposed ramp is of the minimum dimensions necessary for launching of watercraft; C. the proposed ramp does not obstruct flowing water; and D. construction does not necessitate alteration of shoreland that could result in substantial erosion and sedimentation.

PROHIBITED CROSSINGS: Under Minnesota Rules 6115.0230 Subpart 3, crossings are prohibited when the project: A. will obstruct navigation or create a water safety hazard; B. will cause or contribute to significant increases in flood elevations and flood damages either upstream or downstream; C. involves extensive channelization above and beyond minor stream channel realignments to improve hydraulic entrance or exit conditions, except when a separate permit is obtained according to part 6115.0201 Subpart 7; will be detrimental to water quality or significant fish and wildlife habitat; E. will take threatened or endangered species listed in chapter 6134 without authorization by the commissioner according to parts 6212.1800 to 6212.2300; or F. will provide private access to an island.

BRIDGE AND CULVERT CROSSINGS PERMIT REQUIREMENTS: Under Minnesota Rules 6115.0231 Subpart 2, a DNR public waters permit is required for the construction, reconstruction, or relocation of all bridge and culvert crossings over public waters, except as provided in Minnesota Statute 103G.245 Subdivision 2 (3) (culvert restoration or replacement of the same size and elevation, if the restoration or replacement does not impact a designated trout stream) and Minnesota Rules 6115.0230 Subpart 4. DNR authorizes the construction, reconstruction, or relocation of all bridge and culvert crossings over public waters, contingent on the following conditions (see Minnesota Rules 6115.0231 Subpart 2 for the entire rule language, the following is an abbreviated version of the language of the conditions): A. The hydraulic capacity of the structure is established by a competent technical study. Sizing shall not be based solely on the size of existing upstream and downstream structures; B. New crossings and replacements of existing crossings comply with local floodplain management ordinances, with provisions of Minnesota Rules 6120.5700, Subpart 4 A, and with the following: (1) For new crossings, no approach fill for a crossing shall encroach upon a community designated floodway. When a floodway has not been designated, 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; (2) for replacement of existing crossings, 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. If the existing crossing has a swellhead of more than one-half of one foot for

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the regional flood, stage increases up to the existing swellhead shall be allowed if data indicate that no significant flood damage potential exists upstream; (3) the decks and approaches to bridges or culverts on major transportation routes and on roads that provide access to development at urban densities shall be no lower than two feet below the flood protection elevation as defined in Minnesota Rules 6115.5700, Subpart 5, unless it can be shown that alternative routes or access can be provided during the regional flood; C. The structure provides for game fish movement, unless the structure is intended to impede rough fish movement or the stream has negligible fisheries value; D. The structure will not obstruct reasonable public navigation. For bridges over public watercourses, three feet above the calculated 50-year flood stage ordinarily satisfies navigational clearance requirements. For bridges over public water basins or public water wetlands, and all culverts, three feet of clearance above the OHWL ordinarily satisfies navigational requirements. E. Any project proposed near an existing or proposed segment of the state trails system should be consistent therewith; and F. Bridges and walkways to islands comply with the following: (1) bridges and walkways over watercourses to islands must be designed to cause negligible backwater effects during floods and must be securely anchored or otherwise capable of withstanding the dynamic forces of flowing water, ice, and debris; and (2) permits for reconstruction of existing bridges or walkways over public waterbasins and public water wetlands to islands that are intended to provide public access shall be issued only if the existing crossing provides the only existing land access to the island, there is existing development on the island, and the design provides for any public navigational needs and is consistent with the natural surroundings.

BRIDGE AND CULVERT CROSSINGS – ADDITIONAL PERMIT REQUIREMENTS: In addition to the conditions listed in Minnesota Rules 6115.0231 Subpart 2, DNR also requires the following permit requirements for the construction, reconstruction or relocation of all bridge and culvert crossings issued permits by Minnehaha Creek Watershed District : 1. All projects must be designed under the supervision of and plans signed by a registered professional engineer; 2. The permittee shall contact DNR Area Fisheries and Wildlife Managers to determine opportunities to enhance habitat prior to commencing any work authorized by this permit; 3. The hydraulic report, along with one set of construction plans, must be submitted to the DNR Area Hydrologist at least 15 working days prior to commencing construction, for written approval; 4. Upon completion of the authorized work, the permittee shall submit representative photographs and as-built surveys, of the project to the DNR Area Hydrologist.

INTAKES/OUTFALLS: Under Minnesota Rules 6115.0231 Subpart 3, a DNR permit is required for the installation of intake and outfall structures. General Permit 2001-6009 authorizes the construction, reconstruction, or relocation of all water intake and sewer outfall structures placed in public waters if all of the following criteria are met: A. adequate attention is given to methods of screening the structure from view as much as possible from the surface of the public water through the use of existing vegetation or new plantings; B. the project is not detrimental to public values, including but not limited to fish and wildlife habitat, navigation, water supply, water quality, or storm water retention; C. no site conditions will require frequent future disruption of the beds of public waters; D. adequate precautions are planned during and after construction to prevent silt, soil, and other suspended particles from being discharged into public waters; E. adjacent to the intake structure, the banks and bed of the public water are protected from erosion and scour by placement of suitable riprap shore protection; F. the banks are revegetated by seeding and/or sodding; G. the structure is designed by a professional engineer; H. for intake structures, excavation is detailed in the application and on design plans. When necessary, a water appropriation permit must be obtained from the department prior to operation of the intake structure. An appropriate sized screen must be used to prevent fish intake; and I. outfall structure design: (1) when necessary, incorporates a stilling-basin, surge-basin, energy dissipator, or other device or devices to minimize disturbance and erosion of natural shoreline and bed resulting from peak flows; (2) when feasible, utilizes discharge to storm water treatment ponds, artificial stilling or sedimentation basins, or other devices for entrapment of floating trash and litter, sand, silt, debris, and organic matter prior to discharge to public waters; and (3) when feasible, maximizes use of natural or artificial ponding areas to provide water retention and storage for the reduction of peak flows into public waters.

SEDIMENT REMOVAL – PROHIBITED EXCAVATION: Under Minnesota Rules 6115.0200 Subpart 3, excavation (sediment removal) is prohibited in the following cases: A. where it is intended to gain access to navigable water depth when such access can be reasonably attained by alternative means which would result in less environmental impact; B. where inland excavation is intended to extend riparian rights to nonriparian lands, or to promote the subdivision and development of nonriparian lands; C. when the proposed excavation will be detrimental to significant fish and wildlife habitat and there are no feasible, practical, or ecologically acceptable means to mitigate the effects; D. when the proposed excavation will take threatened or endangered species listed in chapter 6134 without authorization by the commissioner according to parts 6212.1800 to 6212.2300; E. where it is intended to provide fill materials for development purposes except as provided under 6115.0280; F. where the excavation would not provide an effective solution to a problem because of recurrent sedimentation and there are feasible and practical alternative solutions which do not require excavation; G. unless the excavation project includes provisions for acceptable disposal of excavated materials as provided in these rules; or H. where the excavation would cause increased seepage of water which would lower the water

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level of public waters and result in subsurface drainage.

STORM WATER SEDIMENT REMOVAL – NO DNR PERMIT REQUIRED CRITERIA: Under Minnesota Rules 6115.0230 Subpart 4 D, no DNR permit is required to remove sediment build-up at storm water outfalls into public waters if the following conditions are met: work is done to maintain the hydraulic adequacy of the storm water outfalls, if such work does not alter the original alignment, slope, or cross-section of the beds, banks, or shores of any public water. No material excavated by authority of this permit nor material from any other source, shall be placed on any portion of the bed of public waters below the OHWL elevation.

SEDIMENT REMOVAL – PERMIT REQUIRED CRITERIA: Under Minnesota Rules 6115.0200 Subpart 5, a DNR permit is required for the excavation of any materials from public waters or any excavations extending into or out of public waters, except as provided in 6115.0200 Subpart 3 (Prohibited Excavation) and Subpart 4 (No Permit Required). General Permit 2001-6009 authorizes sediment removal if the following criteria are met: A. the project is reasonable and practical based upon geologic and hydrologic conditions, including but not limited to: (1) quantity and quality of local drainage at the site; (2) type of sediment/soil strata and underground formations in the vicinity; (3) life expectancy of the excavation with respect to bedload, longshore drift, and siltation patterns in the project vicinity; and (4) protection of the water body from increased seepage, pollution, and other hydrologic impacts; B. the disposal of excavated materials is subject to the requirements listed under 6115.0200 Subpart 5 B; C. the proposed project represents the "minimal impact" solution to a specific need with respect to all other reasonable alternatives and does not exceed more than a minimum encroachment, change, or damage to the environment, particularly the ecology of the waters; D. the excavation is limited to the minimum dimensions necessary for achieving the desired purpose; E. when excavation is proposed in a public water that is perched on an impervious stratum, soil borings show that the proposed excavation will not rupture the impervious stratum; F. the biological character of the waters and surrounding shorelines is affected to the minimum degree feasible and practical; G. adverse effects on the physical or biological character of the waters are subject to feasible and practical measures to mitigate the effects; H. the water supply, navigational, and drainage characteristics of the waters is protected to ensure that the interests of the public and of private riparian landowners are not adversely affected by the proposed excavation; I. the proposed excavation is consistent with applicable floodplain, shoreland, and wild and scenic rivers management standards and ordinances for the waters involved; J. the proposed excavation is consistent with plans and management programs of local and regional governments, provided that such plans are consistent with state plans and programs; and K. for harbors, boat slips, and other mooring facilities, the excavation is appropriately sized to provide a single mooring space for each riparian lot to be served. The number of mooring spaces to be provided shall generally be the amount of natural shoreline to be served divided by the lot requirements of the local land use control authority and the state shoreland management standards.

EXCAVATION FOR NAVIGATION PROJECTS: Excavation for Navigation Projects must meet the following specific conditions, as well as the specific criteria outlined in Section III of the "Lake Minnetonka Dredging Joint Policy Statement" that was entered into on April 28, 1993 by the Watershed District, DNR and the Lake Minnetonka Conservation District. Some of the conditions noted below are a reiteration of items covered in the Joint Policy Statement. a. The project must meet all applicable requirements of the Minnehaha Creek Watershed District. b. The proposed project must meet the "minimal impact" solution to gaining navigational access with respect to all other alternatives, including docking the entire or partial distance out, aquatic vegetation removal without excavation, alternative locations on the property and agreements with neighboring properties. Excavations for accesses from shorelines to reach navigable depth shall not be allowed if access could reasonably be obtained through use of a dock to reach navigable depths. c. The proposed project shall not involve inland excavation that is intended to extend riparian rights to nonriparian lands, or to promote the subdivision and development of nonriparian lands. d. The maximum channel width is 15 feet, however, a wider channel may be authorized where conditions are such that a wider channel is best for overall protection of the natural resources. e. The maximum depths on Lake Minnetonka are: 924.6' for individual channels and mooring spaces, 923.6' for multiple user channels and mooring/maneuvering areas, and 921.6' for public channels maintained by Hennepin County. (Information Point: These maximum depths are 4 feet for individual channels/mooring spaces, 5 feet for multiple user areas and 7 feet for public channels, as measured from the Grays Bay dam control elevation of 928.6'.) On all other lakes (besides Lake Minnetonka) the maximum depth is four feet below the ordinary high water elevation. Deeper depths may be considered only if it is demonstrated that excavation of the area in question was historically permitted at a lower elevation or greater depth is required for a type of watercraft that has historically been used in that area of the basin. The side slopes of the excavated channels and mooring/maneuvering areas should be 3:1 (horizontal to vertical), unless substrate conditions and other mitigating factors warrant a steeper or gentler slope. f. The length and area to be excavated shall be minimized to the minimum area required to provide navigational access. g. No excavation shall be in beds of Yellow Lotus, or in an area close enough to the Yellow Lotus that these state-protected wildflowers would be negatively impacted. h. The spoil disposal site must be identified and not be below the OHW of a public water or a wetland subject to the Wetland

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Conservation Act of 1991, or in a floodplain, unless the floodplain storage is compensated in accordance with Minnehaha Creek Watershed District rules. All excavated material must be deposited or stored in a manner where the material will not be redeposited into the public water by reasonably expected high water or runoff. i. The project must be approved by the DNR Area Fisheries Supervisor. If applicable, an Aquatic Plant Management Permit must be obtained from DNR Fisheries - Aquatic Plant Management Section. j. Any projects involving hydraulic dredging must be approved by the Minnesota Pollution Control Agency (MPCA). k. If a permit from MPCA is required; and a sediment analysis is performed, a copy of the analysis shall be submitted to the Minnehaha Creek Watershed District and the DNR Area Hydrologist.

cc: John Gleason, EWR District Manager