

Public Waters Work General Permit

Expiration Date: 08/07/2022

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below.

Project Name: Retaining/Dock Wall Wharf Structure: Maintenance, Repair, and Replacement	County: St. Louis	Watershed: St. Louis River	Resource: Lake: St. Louis River Estuary (69129100)
Purpose of Permit: Retaining Wall, Dock/Dock Platform/Pier/Wharf		Authorized Action: Upon notice to and approval of Ecological and Water Resources staff, perform maintenance, repair, and replacement of existing vertical or nearly vertical retaining/dock wall structures associated with wharf structures in the Duluth harbor: where adjacent bed of public waters is 10 feet in depth or greater (from LWD 601.1 IGLD 85). Please note that work exclusion dates for fishery protection apply to projects where the bed of public waters are less than 15 feet in depth, unless waived in writing by the Area Fisheries Manager. Where the bed conditions are uniformly 15 feet in depth or greater and erosion and sediment controls do not affect fish migration within the slip, no work exclusion date will apply.	
Permittee: Port Authority and private interests associated with port commerce.		Authorized Agent: N/A	
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 569848m east, 5177707m north, Section 11, T49N, R14E Various within the established jurisdiction of the Duluth Port and consistent with locations shown on Attachment A			
Issued Date: 03/02/2018	Effective Date: 03/02/2018	Expiration Date: 08/07/2022	
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

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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.

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: <http://www.bwsr.state.mn.us/wetlands/wca/index.html#general>.

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/eco/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

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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.

APPLICABLE PROJECTS: Dockwall repair/maintenance work shall extend no greater than 6 feet waterward of the existing wall for the demonstrated purpose of providing safe work space. Projects not meeting applicable conditions of this permit or a project the DNR identifies as having potential for significant resource impacts, is not authorized herein. Projects not qualifying for this general permit must be submitted as a separate, individual permit application.

PUBLIC WATER :: Through this permit, the state of Minnesota is not relinquishing ownership interest in the bed of St Louis River Estuary (Duluth-Superior Harbor) occupied by the existing wharf facility.

ENVIRONMENTAL REVIEW: If the work is part of a project for which an environmental assessment worksheet (EAW) is required or for which a petition for an EAW is under review, this permit is not valid until the environmental review is complete, consistent with Minnesota Rules, part 4410.3100. The outcome of the environmental review may affect work authorized by this permit.

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

FISHERIES PROTECTION - WORK EXCLUSION DATES : For projects where the bed of public waters is less than 15 feet in depth, no activity affecting the beds may be conducted between April 1 and June 30, to minimize impacts on fish spawning and migration. If work during this time is essential, it shall be done only upon written approval of the Area Fisheries Manager. See contact list at: http://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf. Where the bed conditions are uniformly 15 feet in depth or greater and erosion and sediment controls do not affect fish migration within the slip, no work exclusion date will apply. Should work begin in upland areas between April 1 and June 30, all exposed soils that are within 200 feet of a public water and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering the public water.

cc: Anna Hess, EWR District Manager
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David Demmer, BWSR Wetland Specialists
Gaea Crozier, DNR Regional Nongame Specialists
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