

Amended

Public Waters Work Permit

Expiration Date: 05/08/2025

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: Knife River Reach 4	County: Lake	Watershed: Lake Superior - South	Resource: Stream/River: Unnamed Stream (S-017-007.1); Stream/River: Knife River (S-017)
Purpose of Permit: Waterward Navigation Channel Excavation, Stream Barbs/Vanes/J Hooks, Erosion/Flood Prevention, Erosion Control/Stabilization Fill & Grading, Channelization/Realignment		Authorized Action: Completion of a previously begun approximately 6800 linear foot project to a stable dimension, pattern and profile using natural channel design methodology consisting of the excavation and filling of material to realign sections of river, remove woody and cobble debris, create riffles and pools, place rock grade-control structures, construct toe-wood bank stabilization areas, and create floodplain areas. All work shall be done according to the plan modifications reviewed and approved by DNR and any necessary onsite field corrections determined by DNR field staff during construction, and in compliance with the conditions of this permit. This amended permit authorizes restoration of the lower reach from station 32+00 through station 68+00 according to plan revisions approved by DNR and attached to this permit file.	
Permittees (2): LAKE COUNTY LAND DEPT CONTACT: EIDE, NATE, (218) 834-8340 601 3RD AVE TWO HARBORS, MN 55616 (218) 834-8346 MN DNR CONTACT: TILLMA, JEFF, (218) 328-8834 1201 EAST HIGHWAY 2 GRAND RAPIDS, MN 55744 (218) 327-4452		Authorized Agent: CRAIG WILSON 3825 GRAND AVENUE DULUTH, MN 55816-0034 (218) 349-5906 cwilson@etsmn.com	
Property Description (land owned or leased or where work will be conducted):			

UTM zone 15N, 593670m east, 5212593m north (centroid),
 SWNW of Section 20, T53N, R11W,
 SENW of Section 20, T53N, R11W,
 NESW of Section 20, T53N, R11W,
 NWSW of Section 20, T53N, R11W,
 NWSE of Section 20, T53N, R11W,
 SWSE of Section 20, T53N, R11W,
 UTM zone 15N, 593672m east, 5212591m north (centroid),
 SWNW of Section 20, T53N, R11W,
 SENW of Section 20, T53N, R11W,
 NESW of Section 20, T53N, R11W,
 NWSW of Section 20, T53N, R11W,
 NWSE of Section 20, T53N, R11W,
 SWSE of Section 20, T53N, R11W,
 UTM zone 15N, 593666m east, 5212599m north (centroid),
 SWNW of Section 20, T53N, R11W,
 SENW of Section 20, T53N, R11W,
 NESW of Section 20, T53N, R11W,
 NWSW of Section 20, T53N, R11W,
 NWSE of Section 20, T53N, R11W,
 SWSE of Section 20, T53N, R11W,
 UTM zone 15N, 593492m east, 5213034m north,
 SWNW of Section 20, T53N, R11W,
 UTM zone 15N, 593491m east, 5213038m north,
 SWNW of Section 20, T53N, R11W

Issued Date: 05/08/2020		Effective Date: 05/08/2020		Expiration Date: 05/08/2025	
Authorized Issuer: Cliff Bentley		Title: Area Hydrologist		Email Address: cliff.bentley@state.mn.us	
				Phone Number: 218-834-1441	

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

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

NO CHANGES: The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed 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

CONDITIONS (Continued from previous page)

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.

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 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.

FISHERY PROTECTION - EXCLUSION DATES: No activity affecting the bed of the protected water 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. 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 complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters.

MAINTENANCE: Maintenance of this project to originally authorized conditions may be authorized by amendment to this permit.

RIGHT TO REVIEW: The Minnesota Department of Natural Resources Division of Ecological and Water Resources reserves the right to review this permit as additional hydrologic data becomes available and to issue any further order as

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may become necessary to protect the public interest.

EXECUTIVE ORDER COMPLIANCE: Issuance of this permit does not exempt you from compliance with pertinent laws, ordinances and regulations, including Executive Orders that limit public activities. Permittees should not assume that the DNR issuing a permit allows them to conduct their work. They should consult the Minnesota Department of Employment and Economic Development, who will determine whether an activity is exempt.

cc: Anna Hess, EWR District Manager
Don Murray, Conservation Officers, Two Harbors
Erin Loeffler, BWSR Wetland Specialists, Lake
David Demmer, BWSR Wetland Specialists, Lake
Gaea Crozier, DNR Regional Nongame Specialists, Region 2
Margi Coyle, DNR Regional Environmental Assessment Ecologist, Region 2
Nancy Hansen, DNR Wildlife, Two Harbors
Deserae Hendrickson, DNR Fisheries, Duluth Area
Karen Tucker, SWCD, Lake County SWCD