

Permit Number

2023-3167
Amended

Public Waters Work Permit

Expiration Date: 03/18/2029

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: Brown's Creek Restoration	County: Washington	Watershed: Lower St. Croix River	Resource: Stream/River: Brown's Creek (M-050-012)
Purpose of Permit: Channelization/Realignment, Bioengineering		Authorized Action: Complete Brown's Creek Restoration Project, including floodplain re-connection, bank shaping, re-meandering, installation of root wads and grade-control rock riffles, and vegetation of stream banks and adjacent native vegetation buffer; All in accordance with the permit application, associated reports, and plans received 11/20/2023 and 1/26/2024, and the conditions of this permit.	
Permittee: BROWN'S CREEK WATERSHED DISTRICT CONTACT: KILL, KAREN, (651) 275-1136 x26 455 HAYWARD AVE N OAKDALE, MN 55128 (651) 330-8220 x26		Authorized Agent: EMMONS AND OLIVIER RESOURCES CONTACT: MAJESKI, MIKE, (651) 203-6033 1919 UNIVERSITY AVE SUITE 300 ST PAUL, MN 55104 (651) 770-8448	
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 512286m east, 4990864m north (centroid), NWSW of Section 20, T30N, R20W, NESE of Section 19, T30N, R20W PID #1903020410001 (City of Stillwater); PID #2003020320020 (State of Minnesota - DNR); PID #2003020320015 (Van Tassel); PID #2003020320023 (State of Minnesota - DNR)			
Issued Date: 03/18/2024		Effective Date: 03/18/2024	
Expiration Date: 03/18/2029			
Authorized Issuer: Daniel Scollan	Title: Area Hydrologist	Email Address: daniel.scollan@state.mn.us	Phone Number: 651-259-5732

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

CONDITIONS (Continued from previous page)

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.

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.

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.

CONDITIONS (Continued from previous page)

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.

FISHERY PROTECTION - EXCLUSION DATES: No activity affecting the bed of the protected water may be conducted between September 1 and April 1, 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.

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.

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.

NATURAL HERITAGE REVIEW LETTER: Please refer to the attached Natural Heritage Review letter dated February 2, 2024 (Correspondence # MCE 2023-00785) for required measures to avoid take of threatened and endangered species.

cc: John Gleason, EWR District Manager
Sanders, Shawn, Contact; City of Stillwater
DeBates, Timothy, Contact; MNDNR Fisheries - Central Region
Van Tassel, Barbara, Landowner or Government Unit
MNDNR Fisheries - Central Region, Landowner or Government Unit
City of Stillwater, Landowner or Government Unit
Scott Arntzen, Conservation Officers, Forest Lake
Ben Meyer, BWSR Wetland Specialists, Washington
Melissa Collins, DNR Regional Environmental Assessment Ecologist, Region 3
Jim LaBarre, DNR Wildlife, Forest Lake
TJ DeBates, DNR Fisheries, East Metro Area
Stephanie Souter, County, Washington
Daniel Elder, County, Washington
Jessica Collin-Pilarski, County, Washington
Karen Kill, Watershed District, BROWNS CREEK WD
Corps of Engineers, Corps of Engineers, Washington
Jay Riggs, SWCD, Washington Conservation District
Joe Kohlmann, City, Stillwater