

City of Stillwater  
Washington County, Minnesota

**CERTIFICATE GRANTING APPROVAL OF NO RISE CERTIFICATE FOR  
BROWN'S CREEK RESTORATION PROJECT (PROJECT NO. CD 2024-013)**

**RECITALS**

1. The City of Stillwater received an application for No Rise Certificate Approval from Brown's Creed Watershed District; and
2. City Code Section 28-296 Subd. (10) (Floodplain Overlay District; Administration) states that the Community Development Director (or their designee) shall enforce these floodplain regulations; and
3. On March 18, 2024, the Minnesota Department of Natural Resources (MnDNR) approved a Public Waters Permit, confirming that there was no rise in floodplain elevation; and
4. Pursuant to City Code 28-296, a floodplain certificate of no rise may be approved administratively if all conditions are met.

**APPROVAL**

Based on the material provided, the Community Development Director of the City of Stillwater **hereby approves** the floodplain certificate of no rise, subject to the conditions stated below.

**FINDINGS**

The approval of the Floodplain Certificate of No Rise is based on the following findings:

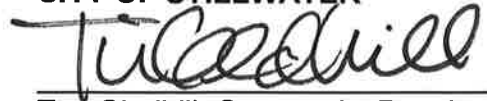
1. A No Rise Analysis was completed by Emmons and Oliver Resources, Inc. (EOR) dated January 26, 2024.
2. EOR submitted the required Minnesota "No Rise" Certification, dated January 26, 2024.
3. The proposed project completed an Environmental Assessment Worksheet (EAW).
4. The proposed project received a Public Waters Work Permit from the Minnesota Department of Natural Resources.
5. The proposed project has been approved by Browns Creek Watershed District.
6. The Community Development Department has conducted an administrative review.

The approval is subject to the Applicant's compliance with these Conditions of Approval:

1. The Applicant shall comply with all provisions Minnesota Department of Natural Resources Public Waters Work Permit #2023-3167.
2. The Applicant shall comply with all required mitigation items from the Environmental Assessment Worksheet dated January 10, 2024.

Approved by the Community Development Director on this 1<sup>st</sup> day of April, 2024.

**CITY OF STILLWATER**

A handwritten signature in black ink, appearing to read "Tim Gladhill". The signature is written in a cursive style with a horizontal line underneath it.

Tim Gladhill, Community Development  
Director

## EXHIBIT A

### Legal Description of the Property

PID: 1903020410001

Property Type: Abstract

That part of the E ½ of the NE ¼ of the SE ¼ lying North of the northerly R/W line of BN Railroad Col, Section 19, T30N, R20W)

PID: 2003020320020

Property Type: Abstract

That part of the West 315.00 feet of the Northwest Quarter of the Southwest Quarter (W 315 feet NW 1/4 SW 1/4) of Section Twenty (20), Township Thirty (30) North, Range Twenty (20) West, Washington County, Minnesota, lying northerly of the northerly right-of-way line of the Burlington Northern Railroad (formerly known as the Northern Pacific Railroad Company) and southerly of the following described line:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on a bearing based on the 1983 Washington County Coordinate System (1986 Adjustment), of South 00 degrees 01 minute 56 seconds West along the west line - of said Northwest Quarter of the Southwest Quarter 503.37 feet to a 3/4 inch by 24 inch rebar with a plastic cap stamped "MN DNR LS 17003" (DNR MON) and the POINT OF BEGINNING; thence South 89 degrees 58 minutes 04 seconds East 315 feet to a DNR MON on the east line of said West 315 feet of the Northwest Quarter of the Southwest Quarter and there terminating; containing 1.44 acres, together with all hereditaments and appurtenances belonging thereto, subject to easements, covenants, conditions and restrictions of record, if any.

PID: 2003020320015

Property Type: Abstract

That part of the Northwest Quarter of the Southwest Quarter (NW V\* SW V\* ) of Section Twenty (20), Township Thirty (30) North, Range Twenty (20) West, Washington County, Minnesota, lying Northerly of the Northerly right-of-way line of the Burlington Northern Railroad (formerly known as the Northern Pacific Railroad Company), except therefrom the West 630feet thereof, subject to an easement for the existing County Road No, 64 along the North line, and other restrictions, easements and reservations of record, if any.

LESS AND EXCEPT THE FOLLOWING:

Parcel No. 2 and Parcel No. 3 of Washington County Highway Right of Way Plat No. 85. Said parcel being within the Northwest Quarter of the Southwest Quarter (NW YA SW VA) of Section Twenty (20), Township Thirty (30) North, Range Twenty (20) West, Washington County, Minnesota. Said Plat No. 85 is filed and recorded in the Washington County Recorder's Office as Document No. 714569.

PID: 2003020320023

Property Type: ROW

Parcel C, Washington County R/W Plat #170, BROWNS CREEK TRAIL

**Exhibit B**  
**Minnesota "No-Rise" Certification**

## MINNESOTA "NO-RISE" CERTIFICATION

This is to certify that I am a duly qualified professional engineer licensed to practice in the State of Minnesota.

It is further to certify that the attached technical data supports the fact that the proposal

to construct the Brown's Creek Park Stream Restoration project, including remeandering, channel  
enhancements, and floodplain invasive management between McKusick Rd. and the Brown's Creek  
Recreational Trail (development name / short project description)

will not impact the floodway width or 100-year flood elevation (will not raise or lower by more than 0.00 feet) on Brown's Creek (Name of stream) at published sections in the Flood Insurance Study for the City of Stillwater (Name of Community) dated February 3, 2010 (Study Date) and will not impact the 100-year flood elevation (will not raise or lower by more than 0.00 feet) at unpublished cross-sections in the vicinity of the proposed development / project.

Attached are the following documents that support my findings:

Brown's Creek Park No-Rise Analysis memo and Construction Drawings

Date: 1/26/2024

Signature: 

{SEAL}

Title: Nicholas Hayden, Water Resources Engineer, MN P.E. # 60550

**Exhibit B**  
**No Rise Analysis (EOR)**

## BROWN'S CREEK PARK NO-RISE ANALYSIS

**Project Name** | Brown's Creek Park Stream Restoration Project (#041-0418) **Date** | 1/26/2024  
**To / Contact info** | Tim Gladhill (City of Stillwater - Director of Community Development Department)  
**Cc / Contact info** | Mike Majeski, Dan Mosing (EOR); Minnesota DNR Floodplain Department; Brown's Creek Watershed District  
**From / Contact info** | Nick Hayden, P.E. (WI, MN)  
**Regarding** | Supporting Documentation for No-Rise Determination

### Background

The following is an analysis for a No-Net Rise determination for floodplain permitting for a project designed by Emmons & Olivier Resources, Inc. (EOR). Brown's Creek Watershed District (BCWD) proposes to enhance approximately 2,500 feet of stream along Brown's Creek and reconnect several cutoff oxbow channels in the City of Stillwater, Washington County, Minnesota. The project area includes the reach of Brown's Creek beginning immediately south of McKusick Road and ending just downstream of the Brown's Creek State Trail. The project elements are shown on the attached **Construction Drawings** and will include earthwork to reconnect the creek with the floodplain (approximately 1 to 2.7 feet of cut depending on existing creek bank heights) and to reconnect several cutoff oxbow channels. Several new stream meanders will also be implemented to increase stream length and sinuosity to reestablish a natural meandering stream channel. The project will also include invasive tree and shrub harvest and installation of tree trunks, brush bundles, and rock riffles for fish and macroinvertebrate habitat. Grade-control riffles will emulate natural rock riffles and will be installed in the creek to increase the baseflow water elevation to restore riparian hydrology that has been impacted by channel incision. In general, earthwork and selective tree harvest will occur within 50 feet of the creek, but invasive shrub harvest is proposed up to 200 feet from the stream where dense stands of common and glossy buckthorn occur.

The project reach is in a Zone AE Floodplain as shown on DFIRM panels 27163C0253E and 27163C0254E (both effective February 3, 2010). **Figure 1** shows the overlay of the project limits and the two named FEMA cross-sections (I and J) over these two FIRMs. No hydraulic model was available through DNR's "FEMA Hydraulic Model Download Application." At EOR's request, DNR staff provided two effective models in HEC-2 format, WASHTN1.dat and WASHTN2.dat, along with an overlay of the Flood Insurance Study profiles to help locate the model cross-sections along the stream profile. Both models appear to have been completed in January 1973 per the FIS, and only contain cross-sections immediately adjacent to the three crossings within the project reach.



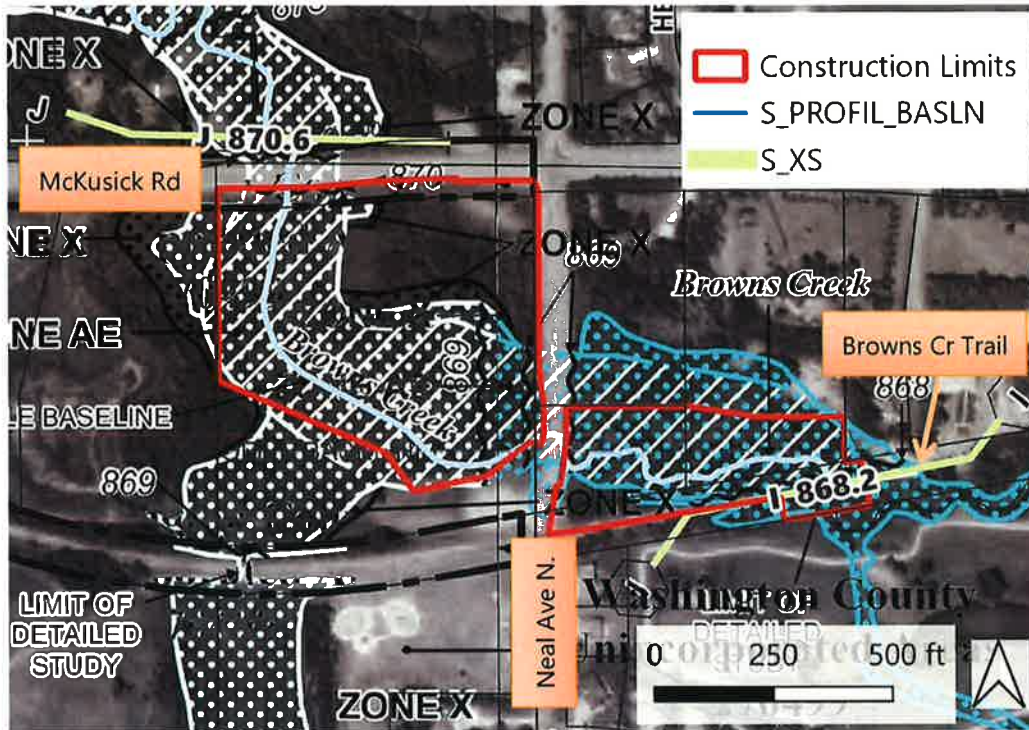


Figure 1. Project Area with FEMA Cross-Sections and Floodplain.

## Methods

This section describes the hydraulic analysis methods, which were conducted using USACE HEC-RAS software, version 6.4.1. Table 1 summarizes the main modeling steps and model names.

Table 1. Model Scenarios.

Model Scenario	Description	Plan Name
Effective Model	The HEC-2 file received from DNR.	WASHTN1.dat
Duplicate Effective Model	The HEC-2 file imported into HEC-RAS. Errors due solely to software conversion were fixed.	"Duplicate Effective Model" (BrownsCreek.p05)
Corrected Effective Model aka Pre-Project Model	A truncated, georeferenced model covering the project area, with XS and structure geometry originally from the Duplicate Effective Model. Many intermediate channel XSs were added (based on topo survey and lidar) to represent project locations in more detail. McKusick Road crossing (rebuilt since FIS) was updated.	"Corrected Truncated" (BrownsCreek.p06)
Post-Project Model	The Pre-Project model, updated to include proposed improvements (floodplain clearing, riffles, re-meandering).	"Post-Project" (BrownsCreek.p07)

### ***Duplicate Effective Model***

The two HEC-2 .dat files were imported into HEC-RAS 6.4.1. Both required adjustments of bridge widths and upstream bridge distances as well as removing erroneous low chord values outside of the actual structure opening, both of which are typical with HEC-2 conversions. Once the models were running, water surfaces in the WASHTN1.dat file provided by DNR more closely matched the values in the FIS Floodway Data Table for Brown's Creek, so that model was used for the analysis and considered as the Duplicate Effective model. Table 2 shows the agreement between the Duplicate Effective model and the FIS for the base flood Water Surface Elevation (WSE) was generally within 0.2' and was even closer in the project area of interest (RS 24 to RS 30).

Table 2. FIS and Duplicate Model Comparison.

<b>Model Location</b>	<b>FIS WSE (ft)</b>	<b>Duplicate Effective Model WSE (ft)</b>	<b>FIS minus Duplicate Effect. (ft)</b>
RS7	831.8	831.76	0.04
RS11	843.1	843.08	0.02
RS15	855	855.13	-0.13
<b>RS24*</b>	<b>868.2</b>	<b>868.2</b>	<b>0</b>
<b>RS30*</b>	<b>870.6</b>	<b>870.59</b>	<b>0.01</b>
RS33	882	882.12	-0.12
RS34	884.2	884.39	-0.19

\* bounds of project area

### ***Corrected Effective Model***

The Duplicate Effective model is not georeferenced and does not contain any channel cross-sections in the project area. A truncated, georeferenced model was created to serve as the Corrected Effective model. The model begins ~50' downstream of the FEMA cross-section I (RS 24 in the effective model) and ends at FEMA cross-section J (RS 30 in the effective model), with a normal depth boundary condition at the downstream end. The model was not continued further upstream because there was no change to the water surface or energy grade upstream of cross-section J. The 1% Annual Exceedance Probability (AEP) WSE at RS 247 of the truncated model, which is the approximate location of FIS RS 24, is within 0.05' of the Duplicate Effective Model, verifying that the truncated model and boundary condition reasonably match the FIS at the lower end of the model.

The cross-sections and bridge data from the Duplicate Effective model were retained, but all added cross-sections were based on EOR topographic survey and Washington County lidar-based digital elevation model. Manning's roughness values and loss coefficients from the original model were applied to the new cross-sections.

McKusick Road at the upper end of the project was rebuilt since the FIS and original model. In correspondence with DNR staff, they requested that our Corrected Effective include the updated crossing geometry. The raised roadway and culvert were added to the model based on survey (culvert) and Lidar

(roadway). As expected, the raised roadway creates higher WSEs above McKusick Road compared to the outdated, lower roadway in the Effective model. Since that was the single major change within the reach since the FIS was published, there was no need to create a separate "Pre-Project" model since the Corrected Effective described current conditions.

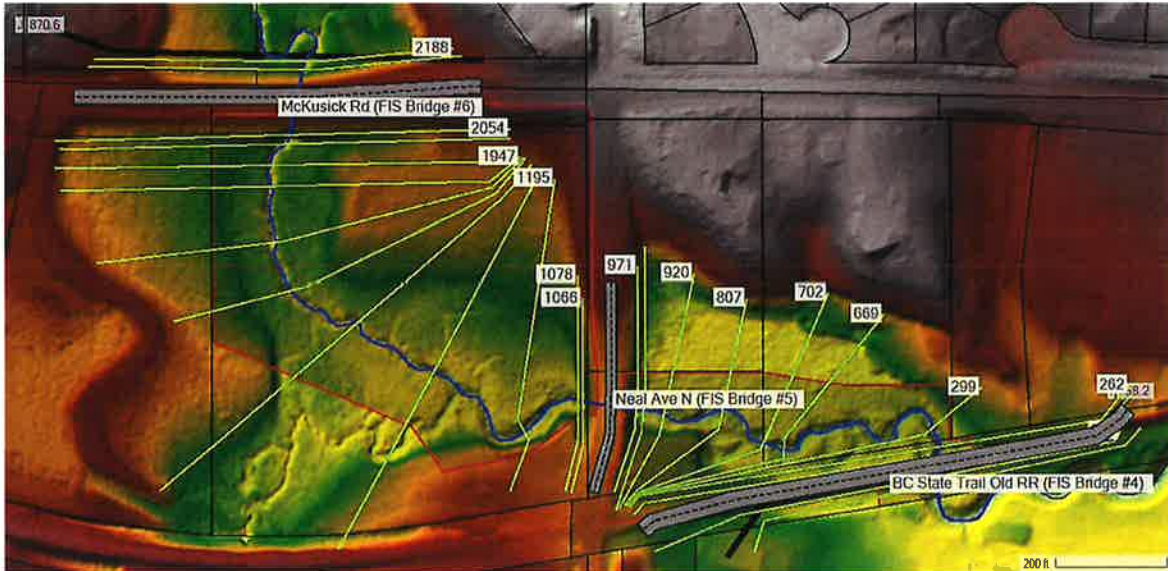


Figure 2. Extent of Georeferenced Corrected Effective Model compared to FEMA Cross-sections (Black)

### ***Post-Project Model***

The Corrected Effective model was copied to serve as the base for the Post-Project model. The following changes, (see sheets indicated on **Construction Drawings**) were then made to represent the project:

- The added meanders (see Sheets 16-19) were added to the river centerline, increasing the reach length by approximately 530 ft. Cross-sections were re-stationed based on these changes, meaning that the two models no longer share the exact same cross-section stationing, but their cross-section locations have not changed.
- For each cross-section within the project area, the following changes were made (where applicable):
  - Reduction to existing model overbank manning's  $n$  roughness by 0.01 to represent the buckthorn and box elder clearing proposed across most of the floodplain in the project area (see Sheets 4-6). The 0.01 number was chosen after reviewing HEC-RAS guidance for "light brush" and "medium brush" cover, as well as the "Effect of Vegetation" influences in USGS Water-Supply Paper 2339. This 0.01 number likely underestimates the immediate post-project change but allows for the roughness of the wet meadow sedges being proposed for shrub removal areas, that the amount of shrub and tree removal varies spatially, and the fact that some amount of invasives may return to the site unless it is

heavily managed in perpetuity. Roughness changes were limited to within the project's construction limits.

- Changes to channel dimension and bank roughness for areas with proposed channel narrowing, floodplain benching, and/or added habitat/stability elements (brush toe, toewood, etc.) as shown on Sheets 16-19.
- Raising channel inverts to represent the new proposed grade line created by the constructed riffles (Sheets 16-19).

Since not all the representative cross-sections had all the proposed elements, the changes made to each cross-section are described further in the "Description" section of each cross-section when viewed in HEC-RAS's Geometry editor.

## Results

Table 3 displays the results of the Corrected Effective (Pre-Project) and Post-Project models for the 1% Annual Exceedance Probability discharges (aka 100-yr event). For simplicity, the stationing used is from the Corrected Effective model.

Table 3. Pre- and Post-Project Results.

River Station	Discharge (cfs)	Pre-Project				Post-Project			
		WSE (ft)	Energy Grade Line (ft)	Channel Velocity (fps)	Effect. Top Width (ft)	WSE (ft)	Energy Grade Line (ft)	Channel Velocity (fps)	Effect. Top Width (ft)
2188	1378	874.99	875.00	0.6	529	874.99	874.99	0.6	529
2173	1378	874.99	875.00	0.7	588	874.99	874.99	0.7	588
2110	McKusick Road								
2054	1378	869.80	869.90	4.2	562	869.76	869.86	4.3	560
2036	1378	869.83	869.85	1.8	585	869.79	869.80	1.5	584
1986	1378	869.81	869.83	1.3	536	869.77	869.78	1.5	526
1947	1378	869.78	869.81	2.1	452	869.74	869.76	1.6	451
1843	1378	869.72	869.75	2.2	372	869.69	869.71	1.8	372
1751	1378	869.67	869.69	2.0	295	869.64	869.66	1.6	295
1602	1378	869.64	869.65	1.2	315	869.60	869.61	1.0	315
1427	1378	869.62	869.62	0.9	551	869.59	869.59	0.8	551
1195	1894	869.57	869.59	1.7	298	869.54	869.56	1.5	298
1078	1894	869.35	869.49	3.8	237	869.34	869.47	3.7	237
1066	1894	868.80	869.35	7.6	194	868.80	869.32	7.7	194
1000	Neal Ave								
971	1894	868.09	868.37	5.5	267	868.11	868.34	5.1	269
958	1894	868.19	868.25	2.9	319	868.19	868.24	2.7	319
920	1894	868.19	868.22	2.0	292	868.19	868.21	1.8	292
807	1894	868.17	868.19	1.7	277	868.17	868.19	1.5	277

River Station	Discharge (cfs)	Pre-Project				Post-Project			
		WSE (ft)	Energy Grade Line (ft)	Channel Velocity (fps)	Effect. Top Width (ft)	WSE (ft)	Energy Grade Line (ft)	Channel Velocity (fps)	Effect. Top Width (ft)
702	1894	868.17	868.18	1.3	405	868.17	868.18	1.1	405
669	1894	868.16	868.17	1.0	462	868.16	868.17	0.9	459
299	1894	868.16	868.16	0.9	525	868.15	868.16	0.8	527
262	1894	868.15	868.16	1.0	562	868.15	868.16	1.0	565
247	1894	868.15	868.16	0.5	732	868.15	868.16	0.4	732
218	Browns Creek Trail								
209	1894	861.60	861.71	4.3	369	861.60	861.68	3.4	369
194	1894	861.57	861.66	3.5	449	861.57	861.64	3.2	449

**Table 4** compares the results between the two models. The values shown are the change caused by the project (the post-project values minus the pre-project values). Locations where the WSE and Energy Grade Line values were reduced are highlighted green, while locations where the WSE or Energy Grade Line values were increased are highlighted red. Nearly all locations saw no change or a slight decrease to these values, with only a single location (RS 971) showing a slight increase in the WSE but a decrease in the Energy Grade. Velocities are generally decreased.

Table 4. Project Impacts.

River Station	Project Impacts (Post- minus Pre-Project)		
	WSE (ft)	Energy Grade Line (ft)	Channel Velocity (fps)
2188 (~FEMA XS J)	0.00	-0.01	0.0
2173	0.00	-0.01	0.0
2110	McKusick Road		
2054	-0.04	-0.04	0.0
2036	-0.04	-0.05	-0.3
1986	-0.04	-0.05	0.3
1947	-0.04	-0.05	-0.5
1843	-0.03	-0.04	-0.4
1751	-0.03	-0.03	-0.4
1602	-0.04	-0.04	-0.2
1427	-0.03	-0.03	-0.1
1195	-0.03	-0.03	-0.2
1078	-0.01	-0.02	-0.1
1066	0.00	-0.03	0.1
1000	Neal Ave		
971	0.02	-0.03	-0.4
958	0.00	-0.01	-0.2
920	0.00	-0.01	-0.2

River Station	Project Impacts (Post- minus Pre-Project)		
	WSE (ft)	Energy Grade Line (ft)	Channel Velocity (fps)
807	0.00	0.00	-0.2
702	0.00	0.00	-0.2
669	0.00	0.00	-0.1
299	-0.01	0.00	-0.1
262 (~FEMA XS I)	0.00	0.00	0.1
247	0.00	0.00	-0.1
218	Browns Creek Trail		
209	0.00	-0.03	-0.9
194	0.00	-0.02	-0.3

Figure 3 displays the WSE profiles through the project reach to provide an additional comparison of results, showing that the small decreases to the WSE occur primarily between the Neal Ave. and McKusick Rd. crossings.

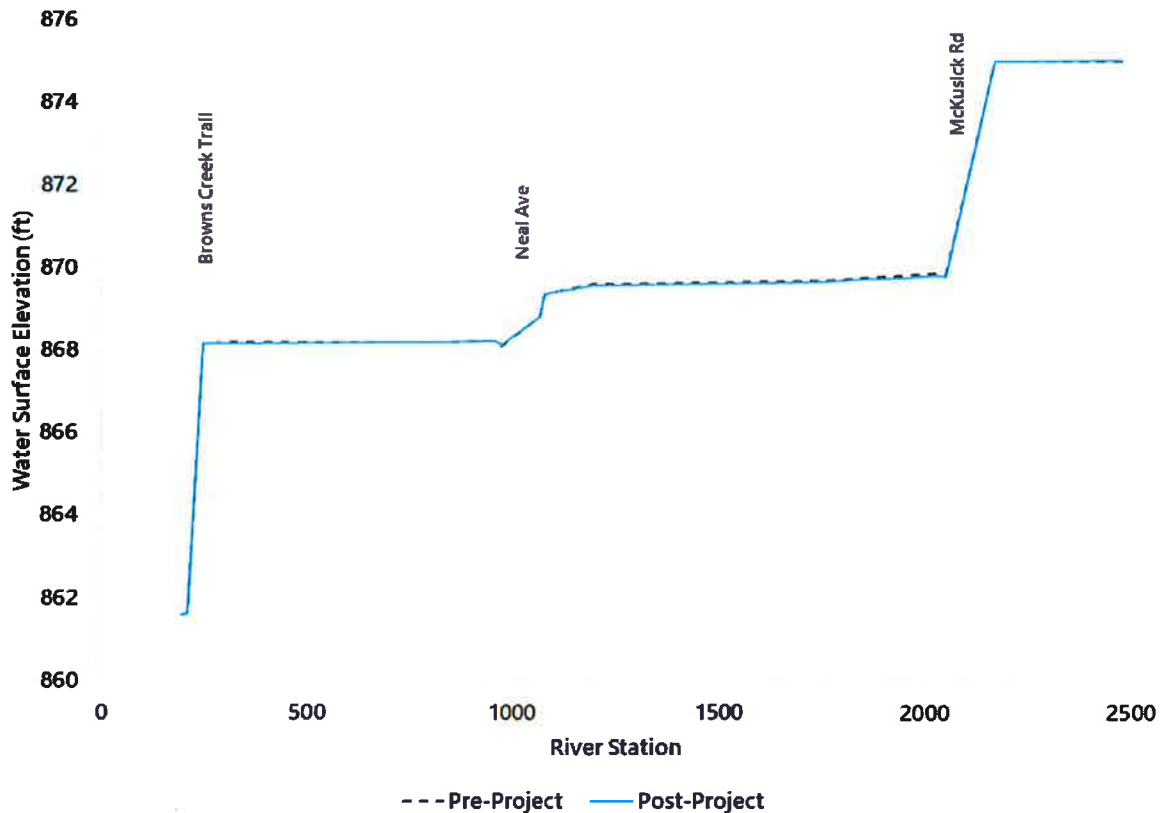


Figure 3. Pre- and Post-Project 100-yr WSE Profiles.

## Conclusions

Based on the hydraulic modeling, EOR believes that the Brown's Creek Park Stream Restoration project is eligible for a "no-net rise" determination by the local Floodplain Administrator (City of Stillwater), based on the following justifications:

- There is no impact (+/- 0.00 feet) to the 100-year flood elevation at published sections in the Flood Insurance Study for Washington County, MN, dated February 3<sup>rd</sup>, 2010.
- There are changes of greater than 0.00 feet to the 100-year flood elevation at many of the added cross-sections, as would be expected given the proposed changes to the channel and floodplain and the added density of cross-sections. But these changes are both miniscule (<0.05 feet) and almost all decrease flood risk (lower WSEs), and we believe that DNR guidance allows for these minor impacts without the need for a FEMA LOMR/CLOMR process. Specifically, the DNR "LOMC Guide" states that:
  - Decreases in the WSE that are greater than 0.1 ft require a LOMR, but smaller decreases can be allowed by Community Approval. We believe this applies to the 11 cross-sections with decreases, all of which were smaller than 0.05 ft.
  - A WSE rise of up to 0.02 ft is acceptable if the Energy Grade Line is not increasing at that location. The one location with a WSE rise (+0.02 ft) has an Energy Grade Line decrease of 0.03 ft. Additionally, that location (RS 971) is a structure-bounding cross-section (downstream of Neal Avenue). In our experience, hydraulic model results immediately adjacent to structures are prone to small irregularities, which is likely the reason why lettered FEMA cross-sections and profiles do not include those bounding cross-sections.

## Attachments

Minnesota "No-Rise" Certification

Construction Drawings

(Models can be provided upon request)

**Exhibit C**  
**Minnesota Department of Natural Resources Public Waters Permit #2023-3167**



**Permit Number**  
**2023-3167**

## 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.

<b>Project Name:</b> Brown's Creek Restoration	<b>County:</b> Washington	<b>Watershed:</b> Lower St. Croix River	<b>Resource:</b> Stream/River: Brown's Creek (M-050-012)
<b>Purpose of Permit:</b> Channelization/Realignment, Bioengineering		<b>Authorized Action:</b> 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.	
<b>Permittee:</b> BROWN'S CREEK WATERSHED DISTRICT CONTACT: KILL, KAREN, (651) 275-1136 x26 455 HAYWARD AVE N OAKDALE, MN 55128 (651) 330-8220 x26		<b>Authorized Agent:</b> EMMONS AND OLIVIER RESOURCES CONTACT: MAJESKI, MIKE, (651) 203-6033 1919 UNIVERSITY AVE SUITE 300 ST PAUL, MN 55104 (651) 770-8448	
<b>Property Description (land owned or leased or where work will be conducted):</b> 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)			
<b>Issued Date:</b> 03/18/2024	<b>Effective Date:</b> 03/18/2024	<b>Expiration Date:</b> 03/18/2029	
<b>Authorized Issuer:</b> Daniel Scollan	<b>Title:</b> Area Hydrologist	<b>Email Address:</b> daniel.scollan@state.mn.us	<b>Phone Number:</b> 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 the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized

## **CONDITIONS** (Continued from previous page)

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](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](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](http://www.mndnr.gov/invasives/contacts.html). A list of designated infested waters is available at [www.mndnr.gov/invasives/ais/infested.html](http://www.mndnr.gov/invasives/ais/infested.html). A list of prohibited invasive species is available at [www.mndnr.gov/invasives/laws.html#prohibited](http://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.

**EXCAVATED MATERIALS - FLOODPLAIN CONCERN:** Excavated material shall not be permanently placed within

**CONDITIONS** (Continued from previous page)

community designated floodplain areas or shoreland areas, unless all necessary local permits and approvals have been obtained.

**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.

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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  
Tim Gladhill, City, Stillwater