

Permit Number
2024-1680

Public Waters Work Permit

Expiration Date: 08/27/2029

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.

Project Name: ATF MN Point Resident Sand Removal	County: St. Louis	Watershed: Lake Superior - South	Resource: Lake: Superior (16000100)
Purpose of Permit: Erosion Control/Stabilization Fill & Grading		Authorized Action: After the fact authorization to bring unpermitted sand removal/grading work conducted by private landowners or their contractors on City property into compliance. This authorization covers work that occurred between June 2023 and June 2024 and does not authorize any future sand removal/grading work.	
Permittee: CITY OF DULUTH - PROPERTY & FACILITIES MANAGEMENT CONTACT: KUBIAK, KATE, (218) 580-9150 1532 W. MICHIGAN STREET DULUTH, MN 55806 (217) 730-4435		Authorized Agent: N/A	
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 569371m east, 5180858m north (centroid), Section 34, T50N, R14E			
Issued Date: 08/27/2024	Effective Date: 08/27/2024	Expiration Date: 08/27/2029	
Authorized Issuer: Bri Speldrich	Title: Area Hydrologist	Email Address: brianna.speldrich@state.mn.us	Phone Number: 218-302-3246

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

CONDITIONS (Continued from previous page)

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 https://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.

cc: Cliff Bentley, EWR District Manager
Shoberg, James, Contact; City of Duluth - Property & Facilities Management
Ondrik, Jennifer, Contact; City of Duluth - Property & Facilities Management
David Demmer, BWSR Wetland Specialists, St. Louis
Gaea Crozier, DNR Regional Nongame Specialists, Region 2
Jessica Parson, DNR Regional Environmental Assessment Ecologist, Region 2
Sophia Musiak, DNR Regional Environmental Assessment Ecologist, Region 2
Chris Balzer, DNR Wildlife, Cloquet
Cory Goldsworthy, DNR Fisheries, Lake Superior
Mark Lindhorst, County, St. Louis
Corps of Engineers, Corps of Engineers, St. Louis (South)
R.C. Boheim, SWCD, St. Louis SWCD - South
Cindy Voigt, City, Duluth
Ryan Pervenanze, City, Duluth
Cari Pedersen, P.E., City, Duluth
Jason Mozol, City, Duluth
David Montgomery, City, Duluth
Kate Kubiak, City, Duluth
Tom Johnson, City, Duluth
Jim Filby Williams, City, Duluth