



CITY OF DULUTH
 Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
 Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	15-075	Contact	Steven Robertson, 218 730 5295	
Application Type	Concurrent Use Permit	Planning Commission Date	May 12, 2015	
Deadline for Action	Application Date	May 1, 2015	60 Days	June 30, 2015
	Date Extension Letter Mailed	May 5, 2015	120 Days	August 29, 2015
Location of Subject	8400 Block of Grand Avenue			
Applicant	Spirit Mountain Area Recreation Authority	Contact		
Agent	Brandy Ream, Executive Director	Contact	bream@spiritmt.com	
Legal Description	See attached			
Site Visit Date	May 2, 2015	Sign Notice Date	April 28, 2014	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

The applicant is proposing to locate a 36 inch water line for the Spirit Mountain Area Recreation Authority within the public right of way of an unimproved alley.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped	Neighborhood Commercial
North	R-1	Highway	Preservation/Traditional Neighborhood
South	I-G	Undeveloped/Trail	Traditional Neighborhood
East	I-G	Undeveloped/Trail	Traditional Neighborhood
West	R-1	Undeveloped/Highway	Neighborhood Commercial

Summary of Code Requirements (reference section with a brief description):

UDC Section 50-37.7C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
2. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

III.C-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Future Land Use - Neighborhood Commercial. Small- to moderate scale commercial, serving primarily the adjacent neighborhood (s). May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicant is proposing to locate a 36 inch water line for the Spirit Mountain Area Recreation Authority within the public right of way of an unimproved alley.
- 2) The Spirit Mountain Area Recreation Authority will construct a water line to draw approximately 65,000,000 gallons of water per year (November 1 to January 31) for snow and ice making. The line will cross private property, and a platting alley right of way (platted in the Ironton First Division subdivision plat from 1890).
- 3) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
- 4) The area proposed for concurrent use permit will not take away from the public's ability to use the public right of way.
- 5) The City of Duluth requires Concurrent Use Permits to include liability insurance to indemnify the City against occurrences in the right of way.
- 6) Concurrent Use Permits are approved by the City Council via an ordinance. Unlike street right of way vacations, concurrent use permits are not recorded at the County as they are voidable agreements between the city and property owners. Approved concurrent use permits lapse if the project or activity authorized by the permit is not begun within 1 year.
- 7) No comments were received from city or government agencies or citizens on this proposal.

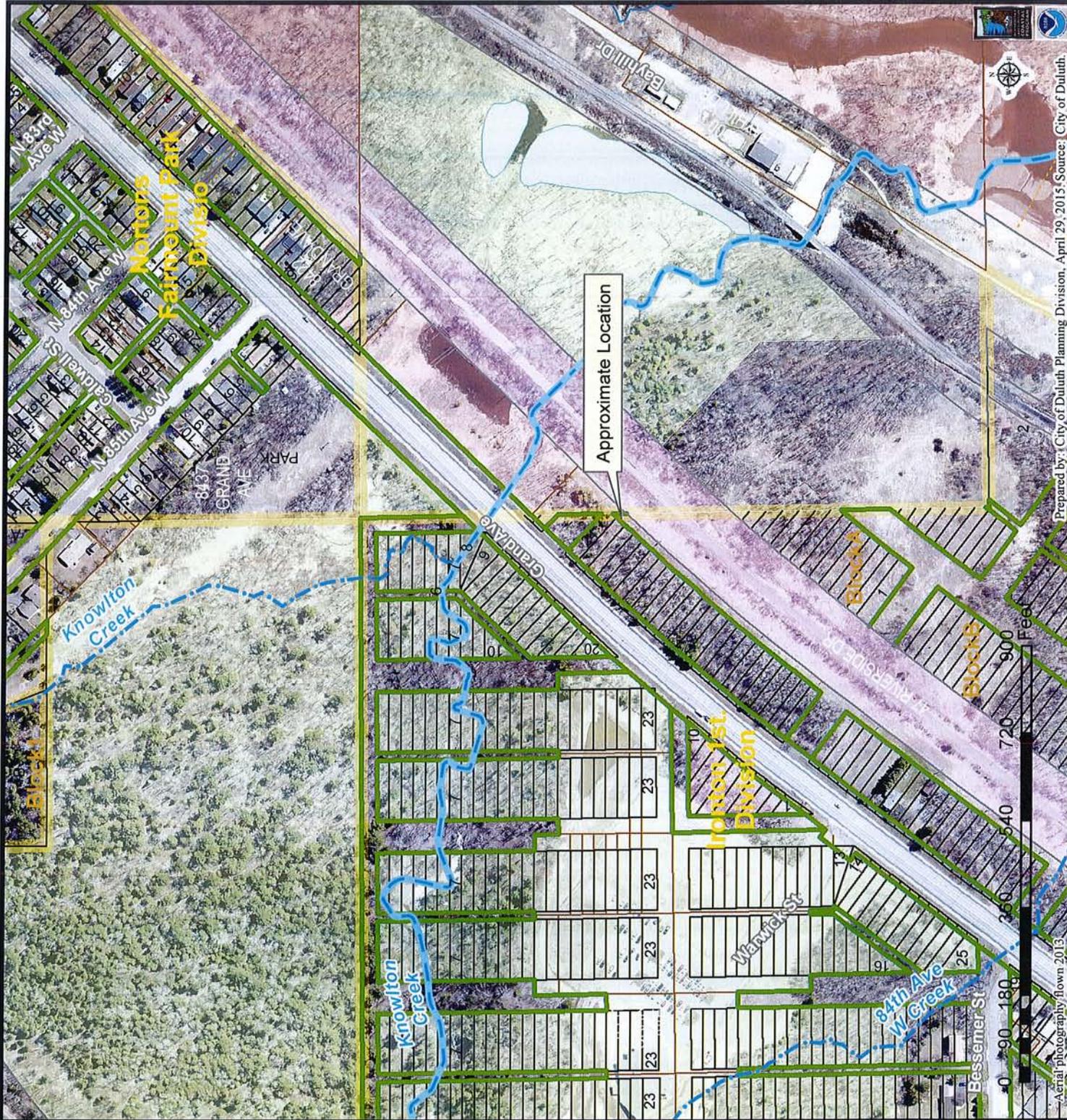
Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the Concurrent Use Permit with the following conditions:

- 1) Applicant construct and maintain the project as identified in exhibit dated March 24, 2015
- 2) Applicant provide proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 4) The structure will need to comply with any applicable building code requirements.
- 5) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

C-2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



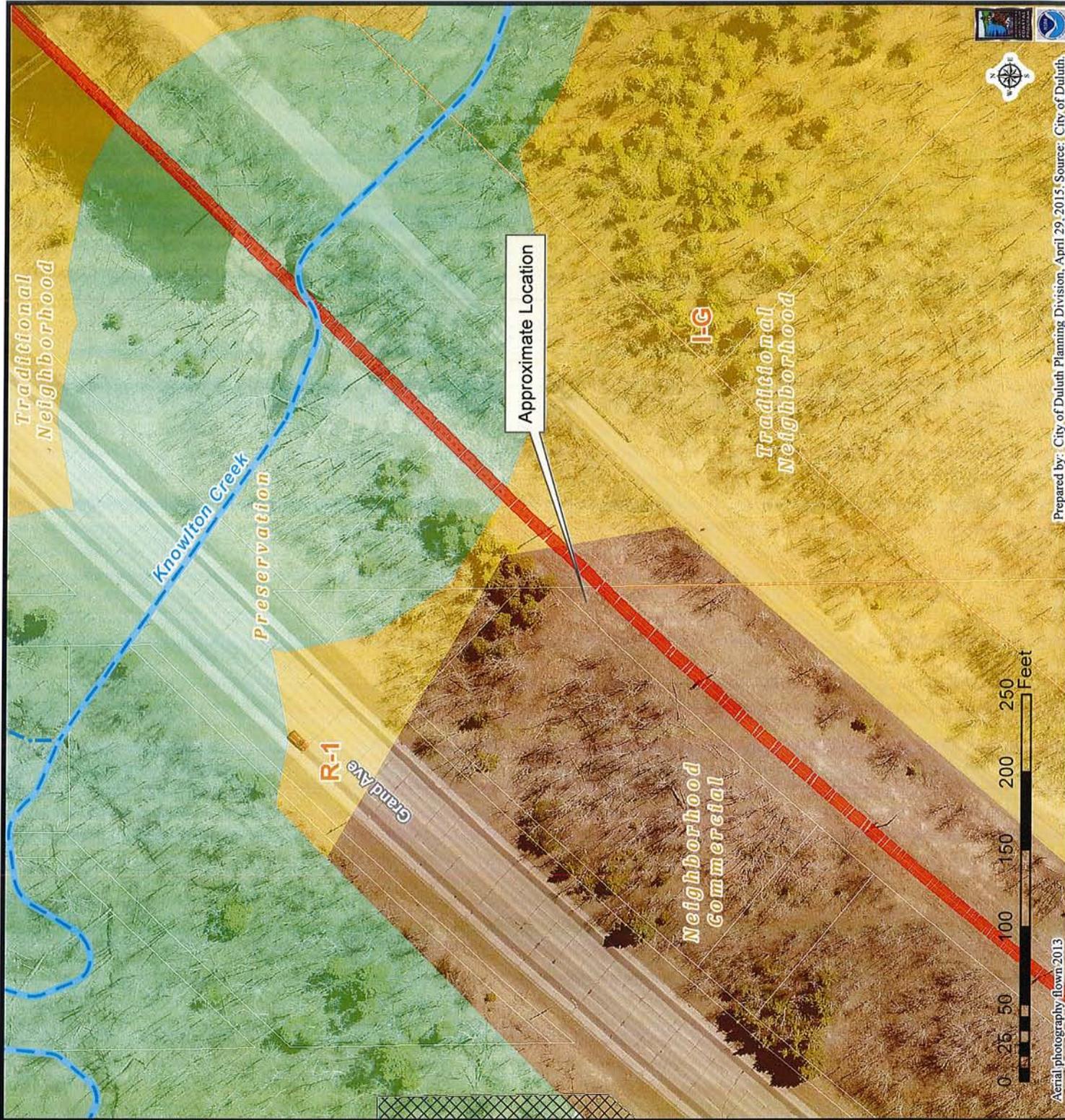
Legend

- Trout Stream (GPS)
- - - Other Stream (GPS)

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with use of this information contained within.

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Future Land Use**
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities



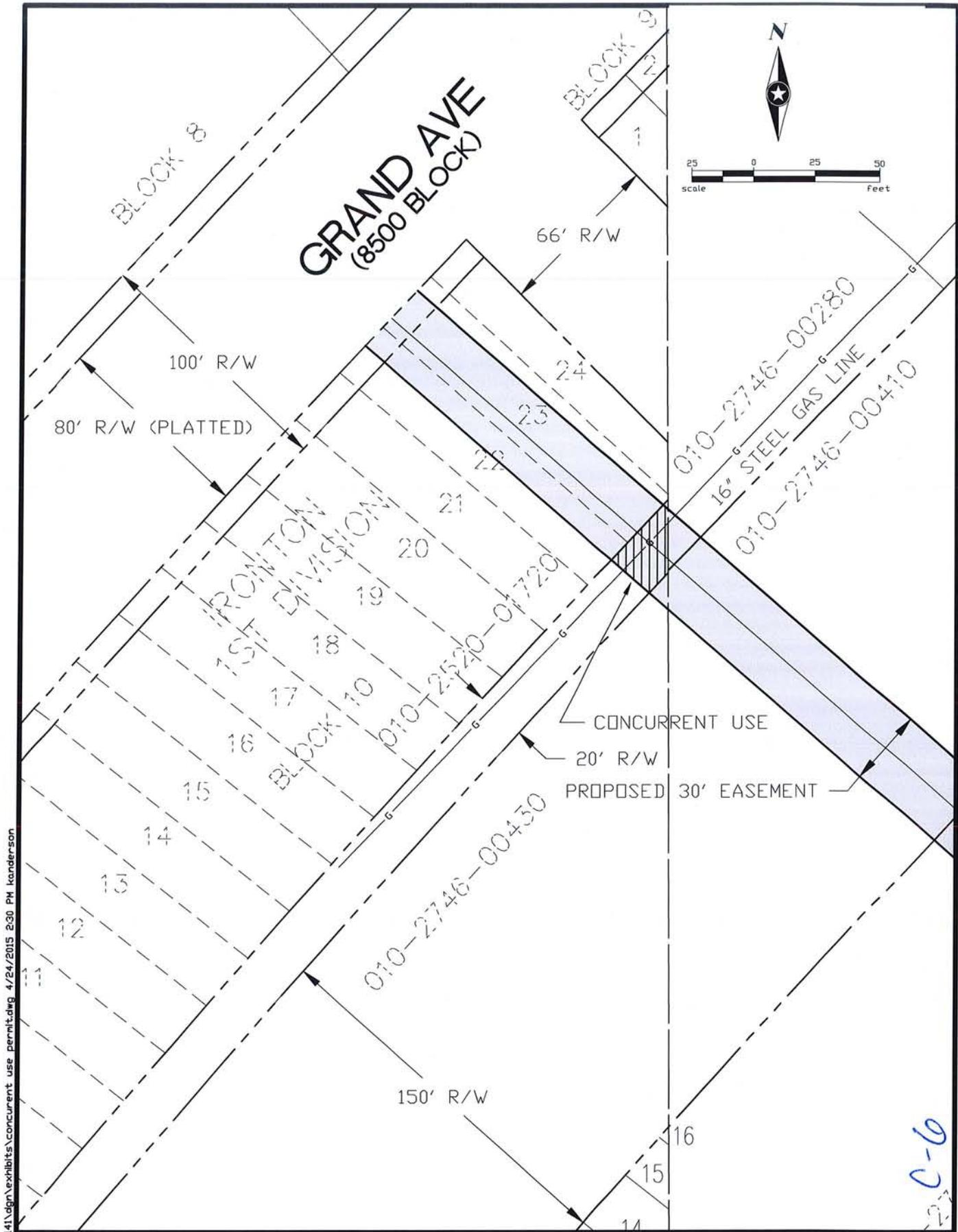
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Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Water Distribution System**
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Gas Distribution Main**
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes
- Storm Sewer Collection System**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement

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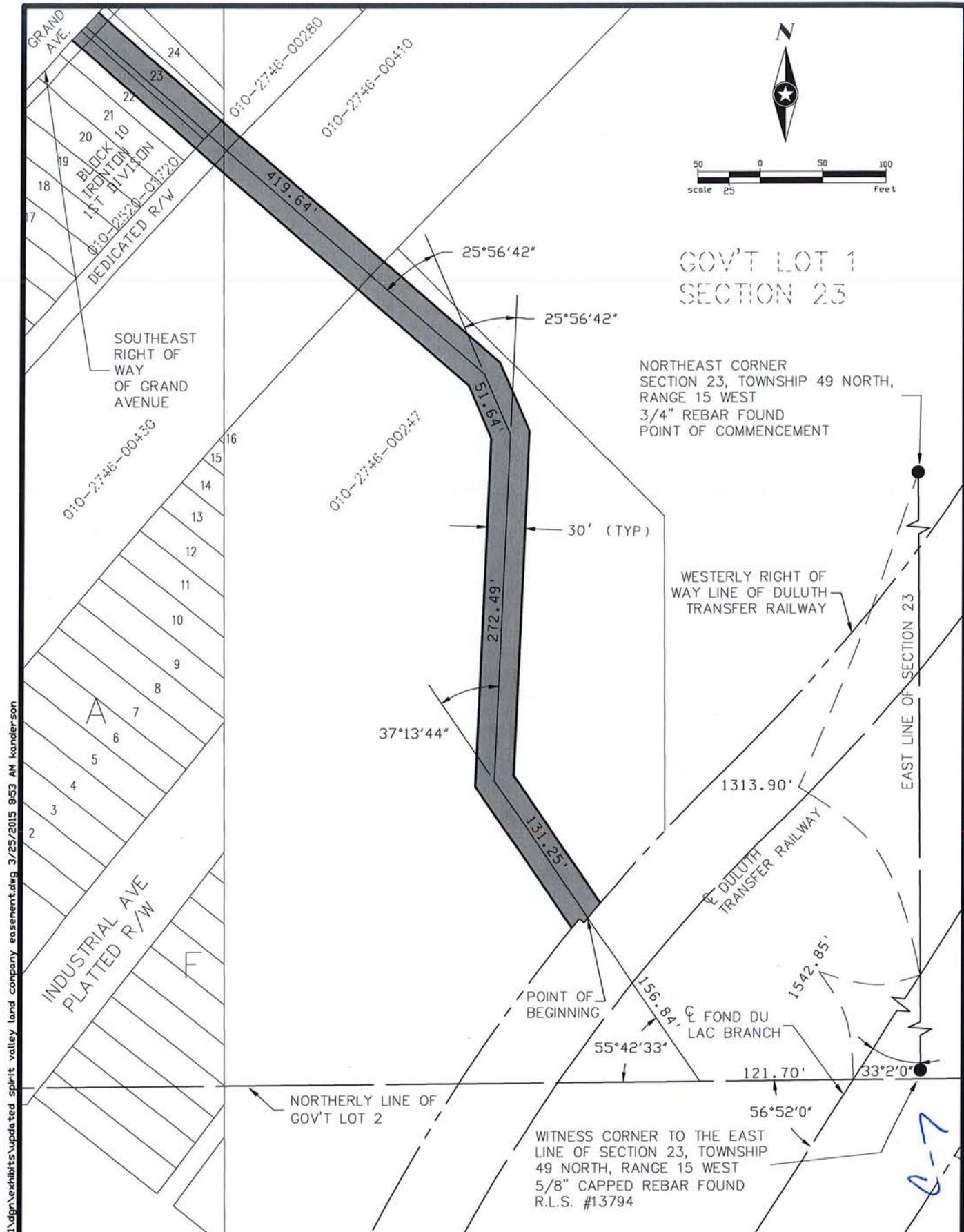




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C-6

 <p>PHONE: 218.279.3000 418 W SUPERIOR ST STE 200 DULUTH, MN 55802-1512 www.sehinc.com</p>	<p>FILE NO. FDSJJ 129137</p>	<p>CONCURRENT USE PERMIT DULUTH, MN</p>	<p>EXHIBIT</p>
	<p>DATE: 4-24-15</p>		



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SEH
 PHONE: 218.279.3000
 418 W SUPERIOR ST STE 200
 DULUTH, MN 55802-1512
 www.sehinc.com

FILE NO. FDSJJ 129137
DATE: 3-23-15

**SPIRIT VALLEY LAND COMPANY
 UTILITY EASEMENT
 DULUTH, MN**

**EXHIBIT
 NO. 1A**

A 30 foot wide easement for utility purposes over, under and across part of Government Lot 1 and part of the southwest quarter of the northeast quarter, Section 23, Township 49 North, Range 15 West, Saint Louis County and part of Lots 22 and 23 in Block 10 in the plat of IRONTON DIVISION. The centerline of said easement is described as follows:

Commencing at the Northeast corner of said Section 23; thence southerly along the easterly line thereof for a distance of 1313.9 feet to the intersection of the easterly section line and the centerline of the Fond Du Lac Branch line; thence deflect 33 degrees 2 minutes right in a southwesterly direction along the centerline of said Fond Du Lac branch for a distance of 1542.85 feet to the northerly line of said Government Lot 2; thence deflect 56 degrees 52 minutes right in a westerly direction along the said northerly line of Government Lot 2 for a distance of 121.70 feet; thence deflect 55 degrees 42 minutes 33 seconds right in a northwesterly direction for a distance of 156.84 feet to the westerly line of the Duluth Transfer Railway Right of Way and the POINT OF BEGINNING of the centerline to be described; thence continue along said centerline for a distance of 131.25 feet; thence deflect 37 degrees 13 minutes 44 seconds right in a northerly direction for a distance of 272.49 feet; thence deflect 25 degrees 56 minutes 42 seconds left in a northwesterly direction for a distance of 51.64 feet; thence deflect 25 degrees 56 minutes 42 seconds left in a northwesterly direction for a distance of 419.64 feet more or less to the platted southeast Right of Way Line of Grand Avenue and there terminating. Containing 0.60 acres. Subject to restrictions and easements of record. The sidelines of said easement shall be prolonged or shortened to terminate on the southeast Right of Way Line of Grand Avenue and the northwest Right of Way Line of the Duluth Transfer Railway.

C-8

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FILE NO. FDSJJ 129137
DATE: 3-23-15

**SPIRIT VALLEY LAND COMPANY
UTILITY EASEMENT
DULUTH, MN**

**EXHIBIT
NO. 1B**



May 1, 2015

To Whom it My Concern,

We are submitting a request for a concurrent use permit in regards to our Water Infrastructure Improvement Project. This project will allow for Spirit Mountain to utilize the St. Louis River as our water source for snowmaking. This pipe will then be reversed and collect the spring snow melt, run-off and storm water and place directly back into the river, helping with erosion and sediment control which benefits Knowlton Creek watershed.

This project is completely funded via grants from Sustain our Great Lakes and National Fish and Wildlife as well as bonding from the City of Duluth and the State of Minnesota.

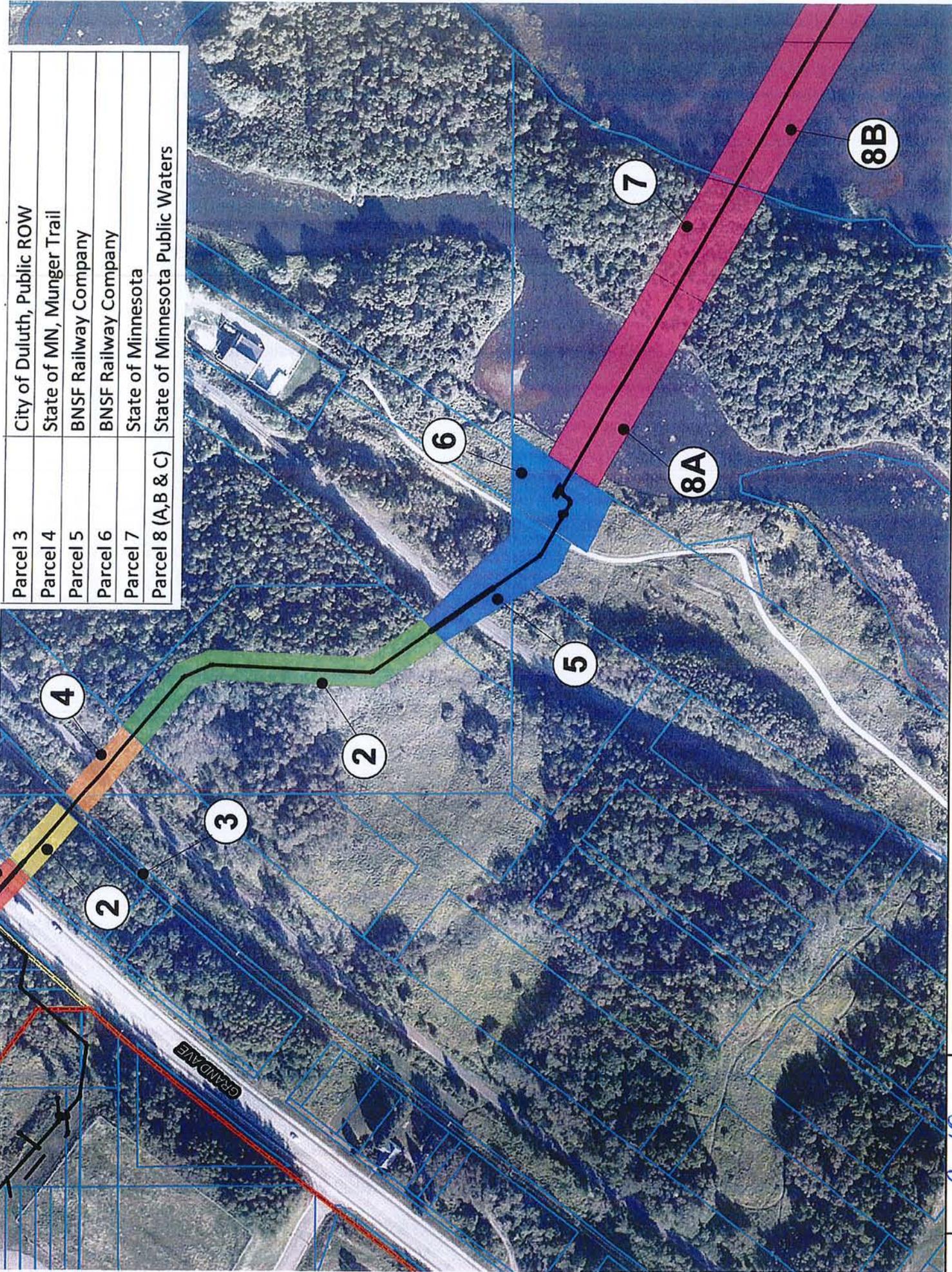
With Regards,

Brandy Ream

Executive Director

Attachment: map of project

C-9



Parcel 3	City of Duluth, Public ROW
Parcel 4	State of MN, Munger Trail
Parcel 5	BNSF Railway Company
Parcel 6	BNSF Railway Company
Parcel 7	State of Minnesota
Parcel 8 (A,B & C)	State of Minnesota Public Waters

C-10



Permit Number
2015-0961

Water Appropriation Permit

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: 129137 - FOSJJ Spirit Mountain Appropriation	County: St. Louis	Watershed: St. Louis River	Resource: Lake: St. Louis River Estuary (69129100)	
Purpose of Permit: Snow/Ice Making		Authorized Action: Withdrawal of up to 65.0 million gallons of water per year for snow/ice making. Water appropriation is authorized on a seasonal basis from November 1 to January 31 of each year.		
Permittee: SPIRIT MOUNTAIN RECREATION AREA CONTACT: REAM, BRADY, (218) 624-8501 9500 SPIRIT MOUNTAIN ROAD DULUTH, MN 55810 (218) 628-2891		Authorized Agent: SEH INC - DULUTH CONTACT: HANSON, KYLE, (218) 249-1554 418 W SUPERIOR ST STE 200 DULUTH, MN 55802 (218) 279-3000		
To Appropriate From: Lake: St. Louis River Estuary (69129100) : by means of a stationary pump at a rate not to exceed 6000 gpm Point(s) of Taking UTM zone 15N, 561520m east, 5173451m north Section 24, T49N, R15W				
Authorized Issuer: Anna Hess	Title: District Manager	Issued Date: 04/24/2015	Effective Date: 04/24/2015	Expiration Date: Long-Term Appropriation

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

LIMITATIONS: (a) Any violation of the terms and provisions of this permit and any appropriation of the waters of the state in excess of that authorized hereon shall constitute a violation of Minnesota Statutes, Chapter 103G. (b) This permit shall not be construed as establishing any priority of appropriation of waters of the state. (c) This permit is permissive only. No liability shall be imposed upon or incurred by the State of Minnesota or any of its employees, 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 relating to any matter hereunder. 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, 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, for violation of or failure to comply with the provisions of the permit or applicable provisions of law. (d) In all cases where the doing by the Permittee of anything 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 therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests necessary therefore. (e) This permit shall not release the Permittee from any other permit requirements or liability or obligation imposed by Minnesota Statutes, Federal Law, or local ordinances relating thereto and shall remain in force subject to all conditions and limitations now or hereafter imposed by law. (f) Unless explicitly specified, this permit does not authorize any alterations of the beds or banks of any public (protected) waters or wetlands. A separate permit must be obtained from the Department of Natural Resources prior to any such

C-12

CONDITIONS (Continued from previous page)

alteration.

WATER USE REPORTING: (a) FLOW METER The Permittee shall equip each installation for appropriating or using water with a flow meter, unless another method of measuring the quantity of water appropriated to within ten (10) percent of actual amount withdrawn is approved by the Department. (b) REPORTS Monthly records of the amount of water appropriated or used shall be recorded for each installation. Such readings and the total amount of water appropriated or used shall be reported annually to the Director of DNR Ecological and Water Resources, on or before February 15 of the following year, via the MNDNR Permitting and Reporting System (MPARS) at www.mndnr.gov/mpars/signin. Any processing fee required by law or rule shall be submitted with the records whether or not any water was appropriated during the year. Failure to report shall be sufficient cause for terminating the permit 30 days following written notice. (c) TRANSFER OR ASSIGNMENT Any transfer or assignment of rights, or sale of property involved hereunder shall be reported within 90 days thereafter to the Director of DNR Ecological and Water Resources. Such notice shall be made by the transferee (i.e., new owner) and shall state the intention to continue the appropriation as stated in the permit. This permit shall not be transferred or assigned except with the written consent of the Commissioner. (d) MODIFICATION The Permittee must notify the Commissioner in writing of any proposed changes to the existing permit. This permit shall not be modified without first obtaining the written permission from the Commissioner.

COMMISSIONER'S AUTHORITY: (a) The Commissioner may inspect any installation utilized for the appropriation or use of water. The Permittee shall grant access to the site at all reasonable times and shall supply such information concerning such installation as the Commissioner may require. (b) The Commissioner may, as he/she deems necessary, require the Permittee to install gages and/or observation wells to monitor the impact of the Permittee's appropriation on the water resource and require the Permittee to pay necessary costs of installation and maintenance. (c) The Commissioner may restrict, suspend, amend, or cancel this permit in accordance with applicable laws and rules for any cause for the protection of public interests, or for violation of the provisions of this permit.

PUBLIC RECORD: All data, facts, plans, maps, applications, annual water use reports, and any additional information submitted as part of this permit, and this permit itself are part of the public record and are available for public inspection at the offices of DNR Ecological and Water Resources. The information contained therein may be used by the Division as it deems necessary. The submission of false data, statements, reports, or any such additional information, at any time shall be deemed as just grounds for revocation of this permit.

MONITORING REQUIREMENTS: Minnesota Statutes 103G.282 authorizes the Department of Natural Resources to require permittees to install and maintain monitoring equipment to evaluate water resource impacts from permitted appropriations. You may be required to modify or install automated measuring devices and keep records for each installation. The frequency of measurements and other requirements will be based on quantity of water appropriated, source of water, potential connections to other water resources, nature of concern, and other relevant factors.

DROUGHT PLANNING: In accordance with M.S. 103G.293, all permits must be consistent with the drought response plan detailed in the Statewide Drought Plan at http://files.dnr.state.mn.us/natural_resources/climate/drought/drought_plan_matrix.pdf.

WATER USE CONFLICT: If notified by the DNR that a water use conflict is suspected and probable from your appropriation, based on confirmation of a formal well interference complaint or a preliminary hydrologic assessment, all appropriation authorized by this permit must cease immediately until the interference is resolved. The permittee may be required to obtain additional data to support the technical analysis, such as domestic well information within a radius of one and one-half miles of the production well. The permittee and impacted party may engage in a negotiated settlement process and there may be modifications made to this permit in support of conflict resolution.

SUSPENSION: The Department may require the suspension of appropriation during periods of low water in order to maintain minimum water levels within the basin/watercourse/watershed.

CONTINGENCY: If directed by DNR Ecological and Water Resources to cease pumping, the permittee agrees to withstand the results of no appropriation as stated in the contingency statement submitted with the application.

INTAKE: All pump intakes must be screened to prevent fish from being drawn into the system.

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

C-13

CONDITIONS (Continued from previous page)

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.

INFESTED WATERS - WATER TREATMENT REQUIREMENTS: Surface water appropriation from waters listed as containing invasive species (see www.mndnr.gov/invasives/ais/infested.html) are required to contact 651-259-5100 or 1-888-MINN-DNR to obtain information from the DNR Division of Ecological and Water Resources on specific invasive species water treatment requirements.

WATER CONSERVATION: All practical and feasible water conservation methods and practices must be employed to promote sound water management and use the least amount of water necessary, such as reuse and recycling water, water-saving devices, and water storage.

DISCHARGE AUTHORIZATION: This permit is valid only in conjunction with all required discharge authorizations from local, state, or federal government units.

cc: Anna Hess, EWR District Manager
Kramer, Allyz, Contact; SEH Inc - Duluth
Michael Peloquin, Regional Manager, DNR EWR
Patricia L. Fowler, Area Hydrologist, DNR EWR
Amy Marrier, Realty Specialist, DNR LAM
Andy Schmidt, Conservation Officers, Brookston
Lynda Peterson, BWSR Wetland Specialists, St. Louis
Maya Hamady, DNR Regional Nongame Specialists, Northeast
Rian Reed, DNR Regional Environmental Assessment Ecologist, Region 2
Chris Balzer, DNR Wildlife, Cloquet
Deserae Hendrickson, DNR Fisheries, Duluth Area
Daryl Wierzbinski, Corps of Engineers, St. Louis (South)
Catherine Voce, Corps of Engineers, St. Louis (South)
R.C. Boheim, SWCD, St. Louis SWCD - South
Cindy Voigt, City, Duluth
Kieth Hamre, City, Duluth

C-14



Permit Number
2015-0912

Public Waters Work Permit

Expiration Date: 04/23/2020

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: 129137 - FOSJJ Spirit Mountain	County: St. Louis	Watershed: St. Louis River	Resource: Lake: St. Louis River Estuary (69129100)
Purpose of Permit: Other Structure or Facility, Intake/Outfall Structure		Authorized Action: Install approximately 935 feet of 36-inch HDPE pipe below the bed of the St. Louis River and a combined intake (supply line) and outfall (runoff collection system) structure. All in accordance with the following plans: plan set - dated 10/17/2014; plan sheet D000846678 - dated 3/18/2105; and revised sheet 9 - dated 1/27/2015.	
Permittee: SPIRIT MOUNTAIN RECREATION AREA CONTACT: REAM, BRADY, (218) 624-8501 9500 SPIRIT MOUNTAIN ROAD DULUTH, MN 55810 (218) 628-2891		Authorized Agent: SEH INC - DULUTH CONTACT: HANSON, KYLE, (218) 249-1554 418 W SUPERIOR ST STE 200 DULUTH, MN 55802 (218) 279-3000	
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 561519m east, 5173451m north, Section 24, T49N, R15W			
Authorized Issuer: Patricia Fowler	Title: Area Hydrologist	Issued Date: 04/24/2015	Effective Date: 04/24/2015
		Expiration Date: 04/23/2020	

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,

C-15

CONDITIONS (Continued from previous page)

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: <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.

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.

C-16

cc: Anna Hess, EWR District Manager
Kramer, Allyz, Contact, SEH Inc - Duluth
Amy Marrier, Realty Specialist , DNR LAM
Anna Hess, District Manager, DNR EWR
Andy Schmidt, Conservation Officers, Brookston
Lynda Peterson, BWSR Wetland Specialists, St. Louis
Maya Hamady, DNR Regional Nongame Specialists, Northeast
Rian Reed, DNR Regional Environmental Assessment Ecologist, Region 2
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C-17