



US Army Corps  
of Engineers  
St Paul District

# Public Notice

ISSUED: May 15, 2007

SECTION: 404–Clean Water Act  
10–Rivers and Harbors Act

REFER TO: 2007-1408-MTV

## REISSUANCE OF GP-001-MN

1. PURPOSE OF THIS PUBLIC NOTICE. The purpose of this public notice is to announce that the St. Paul District has re-issued regional general permit number GP-001-MN, with minor updates and clarifications, so that it is **effective until May 15, 2012.**

2. BACKGROUND. Since 1984, GP-001-MN has been used by the St. Paul District to efficiently authorize activities that are regulated and approved by the Minnesota Department of Natural Resources (MDNR) under Minnesota's Protected Waters Statutes (Minnesota Statute 103G). The objectives of this GP are to reduce the public and private costs and burdens of Federal regulation by eliminating unnecessary regulatory duplication between similar State and Federal regulatory programs in Minnesota. The GP has proven highly effective in accomplishing these objectives by eliminating the need for approximately 250 projects per year to be reviewed under the Corps' more costly and time-consuming individual permit procedures.

3. ADDITIONAL INFORMATION. GP-001-MN is limited to projects that impact three acres or less of water/wetland area. Existing GP procedures would not be changed. GP-001-MN procedures include coordinating proposed projects with the U.S. Fish and Wildlife, the Minnesota Pollution Control Agency, the State Historic Preservation Officer and any potentially affected Indian Tribes. The existing 30-day interagency review and comment period would remain unchanged.

Application procedures are specified on page 3 of the attached GP-001-MN permit. Applicants must receive a project-specific GP-001-MN confirmation letter from the Corps before work is authorized.

A copy of GP-001-MN is attached and is also posted on the District's Internet web site at <http://www.mvp.usace.army.mil> under the Regulatory Section

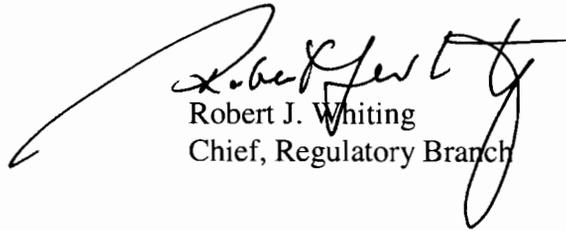
Changes that have been made are:

- 1) Distinction between possible reevaluation of a particular authorization made under this GP and reevaluation of the GP itself;
- 2) Specific mention of applicable state statutes;
- 3) Re-ordering of paragraphs;
- 4) In the "How To Apply" section, we make a specific request for identification of the location proposed for upland disposal of dredged material;

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5) Incorporation of exclusions previously requested by the Minnesota Pollution Control Agency: projects that impact greater than three acres of waters of the U.S. by fill, drainage, excavation, or inundation; projects that include dam construction or dam removal involving structures with water head exceeding six feet in height, or impounding more than 15 acre-feet of water; and projects that alter over 500 linear feet of a natural water course by channelizations, diversion, or placement of riprap for bank stabilization are not eligible for authorization under this GP. Note that in our March 26 public notice, we proposed to drop the exclusion of bank stabilization projects that exceed 500 feet in length. However, at the request of the Minnesota Pollution Control Agency, we have included it.

Questions about GP-001-MN may be addressed to the St. Paul District, Corps of Engineers, ATTN: OP-R, 190 Fifth Street East, St. Paul, MN 55101-1638. Questions may also be directed to Marita Valencia at telephone (651) 290-5364, or email address [maria.t.valencia@usace.army.mil](mailto:maria.t.valencia@usace.army.mil).



Robert J. Whiting  
Chief, Regulatory Branch

Enclosure (GP-001-MN)

**NOTICE TO EDITORS:** This public notice is provided for your information only and is not a request for publication.

## DEPARTMENT OF THE ARMY PERMIT

Permittee: The General Public in Minnesota

Permit No.: GP-001-MN

Issuing Office: St. Paul District, U.S. Army Corps of Engineers

Issuance Date: May 15, 2007

Expiration Date: May 15, 2012

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with all terms and conditions specified below.

**Project Description:** The general public in the State of Minnesota is authorized to perform certain work that is regulated and approved by the Minnesota Department of Natural Resources (MDNR) pursuant to Minnesota Statute 103G.245 and Minnesota Rules Chapter 6115 in waters of the United States, **subject to the following exclusions and conditions.**

**Project Location:** All waters of the U.S. in the State of Minnesota that are regulated by the Minnesota Department of Natural Resources, except as excluded below.

**Excluded Activities:** The following activities are not eligible for authorization under GP-001-MN:

1. Activities that are denied any required local, State, Tribal or Federal authorization.
2. Activities subject to an MDNR permit decision that is overturned by a court of law.
3. Activities in Navigable Waters of the U.S. (Federal "Section 10" waters) that, in the opinion of the St. Paul District of the Corps of Engineers, would have an unacceptable adverse effect on navigation.
4. Activities that the St. Paul District of the Corps of Engineers determines warrant Federal evaluation to address the government's trust responsibility to American Indian Tribes.

5. Activities that the St. Paul District of the Corps of Engineers determines have potential to cause unacceptable adverse impacts on aquatic resources of national importance.

6. Activities that would have an adverse effect on a known archaeological site or on Federally-listed endangered or threatened wildlife or plants, or their critical habitat.

7. Activities that impact greater than three acres of waters of the U.S. by fill, drainage, excavation, or inundation.

8. Projects that include dam construction or dam removal involving structures with water head exceeding six feet in height, or impounding more than 15 acre-feet of water.

9. Projects that alter over 500 linear feet of a natural water course by channelization, diversion or bank stabilization.

**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the work authorized ends upon expiration of the Minnesota Department of Natural Resources authorization/approval for the work. This general permit expires on May 15, 2012, unless sooner revoked, reissued, or modified.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit and the Minnesota Department of Natural Resources authorization for the activity. You are not relieved of this requirement if you abandon the permitted activity.

3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. Your project must comply with the special conditions that are part of the water quality certification for the general permit (see below).

5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of the GP.

## **HOW TO APPLY FOR AND RECEIVE AUTHORIZATION UNDER GP-01-MN:**

To receive authorization under this general permit, the applicant must submit an application for MDNR authorization to the MDNR and provide a copy of the application to the Corps of Engineers St. Paul District. Applications to conduct dredging must include specific identification of the dredged material disposal site. The Corps will provide the applicant a letter confirming whether or not the project is eligible for authorization under this general permit. The Corps will provide coordination copies of its general permit confirmation letter to the MDNR, Minnesota Pollution Control Agency, State Historic Preservation Office, U.S. Fish and Wildlife Service and any potentially affected Indian Tribes for review and comment. By agreement with an agency, the Corps may implement electronic coordination procedures with that agency or post GP-001-MN confirmation letters and related information on the District's web page for agency and/or public review.

The Corps authorization under this general permit will become valid for the project when the MDNR authorization is granted or 30 days after the date of the Corps confirmation letter for the project, whichever is later, unless the Corps notifies the applicant otherwise during the 30 day period.

The District's web page address is: <http://www.mvp.usace.army.mil/>.

## **SPECIAL CONDITIONS APPLICABLE TO THIS GENERAL PERMIT:**

1. Dredging in areas identified by the Minnesota Pollution Control Agency (MPCA) as being polluted shall be authorized by this general permit only after the project proponent notifies the MPCA of the proposed work and obtains any required MPCA approvals/authorizations in addition to MDNR authorization. These areas presently are Lake Pepin and Pool 2 on the Mississippi River, the Minnesota River downstream from Savage, Minnesota, Duluth Superior Harbor and the St. Louis Bay area of the river extending to Spirit Lake, the Warroad River Upper Harbor extending from the mouth of the river to CSAH 11, and the Red River of the North from Wahpeton to the Canadian border.
2. If the activity would occur in a hydroelectric project water, the applicant must consult with and obtain any required approvals from the Federal Energy Regulatory Commission.
3. All work or discharges to a watercourse, particularly from hydraulic dredging, must meet applicable Federal, State, and local water quality and effluent standards on a continuing basis.
4. Measures must be adopted to prevent potential pollutants from entering the watercourse. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter the watercourse as a result of spillage, natural runoff, flooding, or any other means.

5. For projects that include placement of dredged or excavated material in an upland disposal site (above the ordinary high-water mark) the site must be securely diked or contained by some other acceptable method that prevents the return of potentially polluting materials to the watercourse by surface runoff or by leaching. The containment area must be fully completed prior to placement of any material.

6. Upon completion of earthwork operations all exposed slopes, fills, and disturbed areas must be given sufficient protection by appropriate means such as landscaping, or planting and maintaining vegetative cover to prevent subsequent erosion.

7. All fill (including riprap) must consist of suitable material free from toxic pollutants in other than trace quantities. In addition, rock or fill material used for activities dependent upon this permit and obtained by excavation must be obtained from existing quarries or, if a new borrow site is opened to obtain material, the State Historic Preservation Officer (SHPO) must be notified prior to disturbing the earth at the new site. Evidence of this consultation with the SHPO must be forwarded to the St. Paul District Office by the permittee.

8. If cultural, archaeological or historical resources are unearthed during activities authorized by this permit, work must cease immediately and the St. Paul District must be contacted for further instruction.

**9. STATE WATER QUALITY CERTIFICATION CONDITIONS.** The MPCA has provided the following state water quality certification under Section 401 of the Clean Water Act for this re-issuance of GP-001-MN. Conditions of this certification apply to all GP-001-MN authorizations. These state Section 401 conditions are:

The general permit is applicable for activities that are regulated and approved by the MDNR that take place within designated Public Waters and Public Waters Wetlands. This certification is applicable to determinations and authorization made under the Public Waters Work Permit Program as issued by the MDNR. This certification does not apply to determinations for Public Waters Work Permits that are waived by the MDNR to Local Government Units.

The MPCA certifies the referenced general permit because there is reasonable assurance that the activities authorized by the Corps and the MDNR will be conducted in a manner that will not violate applicable water quality standards, provided the following conditions are included in the general permit authorization and complied with:

1. This certification is limited to projects that involve less than three acres of wetland impact by fill, drainage, excavation, or inundation.
2. This certification is limited to projects that include dam construction or dam removal involving structures with water head less than six feet in height, or impounding less than 15 acre-feet of water.
3. This certification is limited to projects that alter less than 500 linear feet of a natural watercourse by channelization or diversion and placement of riprap for bank stabilization.
4. Best Management Practices (BMPs) to control erosion during construction, as detailed in the MPCA document Protecting Water Quality in Urban Areas - Best Management Practices for Dealing With Storm Water Runoff

From Urban, Suburban and Developing Areas of Minnesota dated March 1, 2000, (view at <http://www.pca.state.mn.us/water/pubs/sw-bmpmanual.html>) and the Minnesota Stormwater Manual, dated September 2006, (view at <http://www.pca.state.mn.us/water/stormwater/stormwater-manual.html>) must be incorporated into all projects.

5. Projects that will disturb one acre or more of land are required to obtain an MPCA National Pollutant Discharge Elimination System Permit (NPDES)/State Disposal System (SDS) General Stormwater Permit for discharging stormwater during construction activity. Both the owners and operators of construction activity disturbing one acre or more of land are responsible for obtaining the NPDES/SDS General Stormwater Permit prior to commencing construction activities. Sites disturbing less than one acre within a larger common plan of development or sale that is more than one acre also need permit coverage. A detailed Stormwater Pollution Prevention Plan, containing both temporary and permanent sediment erosion control plans, must be prepared prior to submitting an application for the NPDES/SDS General Stormwater Permit. For more information regarding the requirements of the NPDES/SDS General Stormwater Permit, please visit the following Web page: <http://www.pca.state.mn.us/publications/wqstrm2-05.pdf>.
6. Project proposals that include dredge and the disposal of dredge material from waters of the state must apply for and obtain an MPCA SDS Permit that authorizes the disposal of the dredged material.
7. For projects that include new bridges or reconstruction of existing bridge decking, the roadway approach and deck stormwater drainage must be directed to an off end drainage system. For roads with over 500 heavy vehicles per day provisions for containment of toxic or hazardous material spills that will prevent direct runoff of such substances to waters of the State shall be provided.
8. This Clean Water Act Section 401 Water Quality Certification is applicable to existing MDNR permits including: General Permits, Programmatic Permits, or permits delegated to local governments; these include any permits that have been promulgated to allow for MDNR issuance of Public Waters Work Permit Authorization to the general public, to Local Units of Government, or other political subdivisions. Any new MDNR General Permits, Programmatic Permits, or permits delegated to local governments developed subsequent to this certification must be submitted to the MPCA and receive MPCA approval in order to be considered certified under the scope of the GP-001.
9. Projects that include construction of a new stormwater discharge outlet or outlets (not including maintenance actions or replacement of existing outfalls), with discharge pipe(s) greater than 36 inches in diameter, must provide stormwater treatment as detailed in the the Minnesota Stormwater Manual, dated September 2006, (view at <http://www.pca.state.mn.us/water/stormwater/stormwater-manual.html>). These practices include, but are not limited to; water quality and quantity measures such as detention ponds, infiltration basins, rain gardens, and grit removal. For proposals that do not include Best Management Practices as indicated above, the MPCA may submit additional water quality conditions to the Corps within 30 days of the Corps authorization of a project under GP-001, to address stormwater treatment that will be included as an addendum to the GP-001 for that specific project.
10. For projects that will potentially impact: (a) Outstanding Resource Value Waters, as listed in Minn. R. 7050.0180; (b) a water listed as impaired on the Section 303(d) list, based on standards defined in Minn. R. 7050.0220; or (c) trout waters, as identified in Minn. R. 7050.0240, the MPCA may submit additional water quality conditions to the Corps within 30 days of the Corps notice of authorization of a project under GP001, which will be included as an addendum to the GP-001 for that specific project.

The MPCA acknowledges that in some instances the movement of soils within a water column may result in some turbidity, discoloration or suspended solids. Based on the information available, such effects, if any, would probably be localized to the area of soil movement, temporary in nature and of insignificant impact. In any case, when such violations are observed, the project permittee must take the appropriate actions to restore compliance with applicable water quality standards.

This certification includes and incorporates by reference the general conditions of Minn. R. 7001.0150, subp. 3.

This action does not exempt the applicant from the responsibility of complying with all applicable local, state and federal requirements, nor does it grant any right to violate personal or property rights.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to (as applicable):

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and/or

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of

this permit.

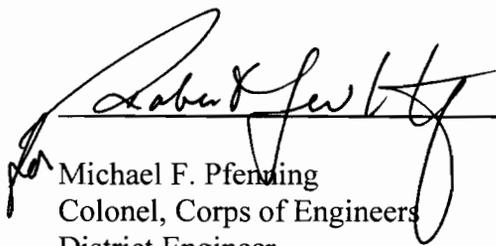
4. **Reevaluation of Decision.** This office may reevaluate its decision on an authorization at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

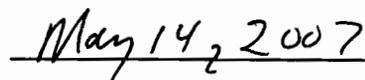
- a. The applicant fails to comply with the terms and conditions of this general permit.
- b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring the permittee to comply with the terms and conditions of the permit and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by this office, and upon failure to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill the permittee for the cost.

6. This office may also reevaluate its decision to issue General Permit 001 - MN at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following: significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
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Michael F. Pfennig  
Colonel, Corps of Engineers  
District Engineer

  
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Date