

APPENDIX D

SECTION 404 OF THE CLEAN WATER ACT

GENERAL PERMIT: RGP-03-MN



**US Army Corps
of Engineers**
St Paul District

Public Notice

ISSUED: August 1, 2006

SECTION: 404–Clean Water Act

REFER TO: RGP-003-MN (2005-6862-RJA)

ISSUANCE OF REGIONAL GENERAL PERMIT RGP-03-MN IN THE STATE OF MINNESOTA EXCEPT WITHIN THE EXTERIOR BOUNDARIES OF INDIAN RESERVATIONS.

1. PURPOSE OF THIS PUBLIC NOTICE.

The purpose of this public notice is to announce the issuance of a regional general permit, GP-003-MN, for the state of Minnesota (attached).

2. BACKGROUND.

On November 14, 2005, the St. Paul District issued a public notice that described and requested public comment on its proposal to replace the general permit portion of GP/LOP-98-MN with RGP-03-MN throughout the state of Minnesota, except within the exterior boundaries of Indian Reservations.

In the year 2000, the St. Paul District replaced all of the Corps Section 404 nationwide permits (NWPs) in the states of Minnesota and Wisconsin with a combination of regional general permits (GPs) and letter-of-permission evaluation procedures (LOPs): GP/LOP-98-MN and GP/LOP-98-WI, respectively. In addition, a similar GP/LOP-98-R was issued for all Indian reservations in both states. GP/LOP-98-MN originally scheduled to expire on April 16, 2005, was re-authorized and expires on July 31, 2006.

The St. Paul District will continue to use Section 404 GPs and LOPs in place of the nationwide general permits. However, instead of combining the GPs and LOP procedures into an integrated package, we are issuing GPs and LOP procedures as separate and distinct documents. Some changes to RGP-03-MN were made in response to comments received on the public notice, including:

The RGP contained in the public notice excluded work adversely impacting federally endangered species or critical habitat. The final version contains more details on endangered species and critical habitat.

Category A. Maintenance Activities.

For those projects where mitigation is required under standard condition 1, a requirement to notify the Corps was added.

Category C. Utility Line Discharges.

Language was added to clarify that maintenance of existing utility lines are included in this category.

Category I. Stream and Wetland Restoration Activities.

A notification requirement was added for trout stream restoration projects, and discharges for the revision of restored areas under category (i).

Category P. Maintenance of Existing Public Roads.

This category was re-written to clarify acreage limits and reporting requirements. For category i., it was clarified that projects eligible for this category are those regulated by MDNR, or those that require reporting to the MDNR Area Fisheries staff. The original language in this category could have been interpreted to say that reporting to the MDNR Area Fisheries staff, even for those projects that do not require reporting, would be sufficient.

Standard Conditions, General

We re-numbered a few of the standard conditions to make it easier for the public to locate and understand them. For example, originally endangered species issues were addressed in conditions 7 and 26. In the final version, endangered species conditions are now next to each other and numbered 25 and 26.

Standard Condition 1.

Originally this condition stated that the acreage impact and mitigation data would be recorded in the district database. While we plan on tracking this information, we have decided to delete this requirement from the general permit. The requirements to track this information are established on a programmatic basis, and we will track this information in a manner consistent with those requirements.

Standard Condition 2. Suitable fill Material.

When opening new borrow sites coordination with the State Historic Preservation Office may be necessary. We modified this condition clarifying that the notification should be to the Corps, who will take the lead on determining the need for a cultural survey.

Standard Condition 5. Removal of temporary fills.

We clarified the amount of time temporary fills may remain in place. Under the final version temporary fills are allowed to remain in place for 3 months. However, upon written request this time may be extended to a total of 180 days, where appropriate.

Standard Condition 6.b.

We clarified that activities specifically excluded from authorization under RGP-03-MN are not authorized under the non-reporting categories. For example, projects impacting designated

critical habitat of Federally listed endangered species are not authorized by this RGP even though they may otherwise meet the criteria for a non-reporting activity.

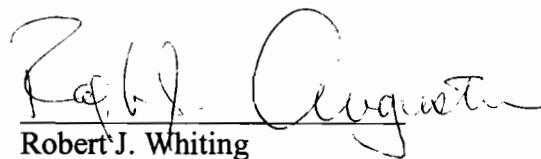
Standard Conditions 26. This condition originally included conditions for projects located in Topeka shiner critical habitat. This condition was re-written to identify endangered species, regions of known populations, and critical habitat of those endangered species that may be impacted by Corps permits. Conditions to assure projects do not adversely affect endangered species will be added to letters confirming authorization under RGP-03-MN in lieu of being contained in the body of the RGP.

3. ADDITIONAL INFORMATION

RGP-03-MN is issued according to the provisions of Section 404 of the Clean Water Act and includes consideration of the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

RGP-003-MN does not affect any existing or future Department of the Army Section 10 of the Rivers and Harbors Act NWP's, or any other regional GPs in Minnesota.

RGP-03-MN may be viewed on the District Internet web site at: <http://www.mvp.usace.army.mil> under the "Permits" section. The list of state designated calcareous fens and state designated trout streams referred to in the RGP are attached as enclosures to this PN, and will also be posted at this site with the RGP. Questions may be directed to Mr. Ralph Augustin in our St. Paul office at 651-290-5378. Inquiries may also be submitted through the web site or mailed to: Regulatory Branch, St. Paul District, Corps of Engineers, 190 Fifth Street East, St. Paul, Minnesota, 55101-1638.

for 
Robert J. Whiting
Chief, Regulatory Branch

DEPARTMENT OF THE ARMY PERMIT

Permittee: The General Public in Minnesota

Permit No. RGP-3-MN

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

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.

Project Description: The general public in Minnesota is hereby authorized to discharge dredge and fill material into waters of the United States, including jurisdictional wetlands, for the specified activities listed below. This authorization is subject to the enclosed terms, conditions, and limitations.

Project Location: RGP-03-MN project worksites are located in various waters of the United States, including jurisdictional wetlands, at various locations in Minnesota.

Activities Specifically Excluded From RGP-03-MN: RGP-03-MN authorization is not valid for any activity that:

1. Would permanently alter over 500 linear feet of a natural watercourse by channelization or diversion;
2. Is located within a component of a designated Federal Wild and Scenic River, when the responsible Federal Agency has determined that the project would have a direct and adverse impact on the values that made the designated river eligible. (See standard condition 19);
3. Is in a calcareous fen, or in wetlands adjacent to and within 300 feet of, a state designated calcareous fen. A list of calcareous fens can be found at http://files.dnr.state.mn.us/publications/waters/Calcareous_Fen_List.pdf;
4. Is part of a project that would divert more than 10,000 gallons per day of surface or ground water into or out of the Great Lakes Basin;
5. Except as noted below, is in a state designated trout stream; or in a water of the U.S., including jurisdictional wetlands that are adjacent to, or contiguous with, and within 300 feet of state designated trout streams. This restriction does not apply to work performed under *Category P, Maintenance of Public Roads*; or trout stream restoration projects performed under *Category I, Stream and Wetland Restoration Activities*. A current list of designated trout streams can be found at <http://www.revisor.leg.state.mn.us/arule/6264/0050.html>
6. Is within the exterior boundaries of Federally-recognized Indian Reservations; or
7. May impact federally endangered species or designated critical habitat of the Topeka Shiner (*Notropis Topeka*), grey wolf (*Canis lupis*), or piping plover (*Charadrius melodus*); or specific regions of Minnesota where unrecorded populations of the Western prairie fringed orchid (*Platanthera praeclara*) or the Minnesota dwarf trout lily (*Erythronium propullans*) may be present, (until notified by the District that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. See special condition 25 and 26 for more detail.

OTHER INFORMATION

1. **DISCRETIONARY AUTHORITY.** As allowed under 33 CFR 325.2(e)(2), the Corps retains discretionary authority to require an individual permit review of any activity eligible for authorization under RGP-03-MN based on concern for the aquatic environment or for any other factor of the public interest.

2. **CALCULATING AQUATIC IMPACT THRESHOLDS.** For those activities with threshold limits, impacts shall be determined by calculating the area of waters of the U.S. where dredged or fill material has been discharged, plus the impacts to waters of the U.S. that are excavated, inundated, or drained as a result of the regulated discharge.

3. **AUTHORITIES.** Authorizations under RGP-03 are limited to Section 404 of the Clean Water Act. Work also requiring authorization under Section 10 of the Rivers and Harbors Act must obtain that authorization separately through other general permits or individual reviews.

4. **HOW TO APPLY.** For instructions on how to apply see standard condition 6.

5. **DEFINITIONS.**

Single and Complete Project. For purposes of RGP-3-MN, the term, "single and complete project" means the total project proposed by the project proponent. For example, if construction of a residential development or linear project such as a road or utility line affects several different areas of waters/wetlands, the cumulative total of impacted waters of the U.S., including jurisdictional wetlands, is the basis for deciding the project's total wetland/water impact. For "phased" developments, each phase may constitute a single and complete project if it has independent utility and would accomplish its intended purpose whether or not other phases were constructed.

Wetland Creation- This refers to the construction of a wetland in an area that was not wetland in the recent past.

Enhancement- This refers to management techniques that increase one or more of the functions of an existing wetland, such as by conducting prescribed burns. Work resulting in a change in type does not constitute enhancement.

Restoration- This refers to reestablishment of the wetland conditions that historically existed at a site which currently provides reduced or no wetland functions due to filling, drainage, cropping, etc.

Exchange- This refers to the conversion of one wetland type to another, for example flooding a sedge meadow to create a deep marsh.

Previously Authorized- For the purposes of this RGP, this refers to projects that have previously received authorization under Section 404 of the CWA. This includes projects authorized by non-reporting general permits but does not include projects constructed under CWA exemptions, projects constructed prior to enactment of the CWA, or unauthorized fills.

Section 10- Refers to Section 10 of the Rivers and Harbors Act of 1899. This act controls activities in navigable waters of the United States.

Real Estate Subdivision- Any land that is divided for the purposes of disposition into two or more lots, parcels, units, or interests.

Special Aquatic Site- Special aquatic sites most frequently found in Minnesota include wetlands, riffle-pool complexes, and vegetated shallows.

**ACTIVITIES AUTHORIZED
BY THE RGP-3-MN:**

A. Maintenance activities.

Discharges of dredged or fill material for the repair, rehabilitation, or replacement of any currently serviceable structure or fill that impacts not more than 1/2 acre of waters of the U.S., including jurisdictional wetlands, in addition to the area that has already been disturbed by the structure or fill to be maintained. Minor deviations, up to the 1/2-acre limit, are allowed where necessary to conform with modern construction practices, materials, construction codes, or safety standards.

Discharges to repair or replace structures or fills destroyed by storms, floods, fire or other discrete events are included, provided the work is commenced or under contract to commence within two years of the date that the damage occurred.

Notification Requirements:

The applicant must notify the District Engineer in accordance with standard condition 6a, if any of the following criteria are met:

The structure or fill being maintained or repaired is more than 50 years old; has not been previously authorized under Section 404 of the CWA, impacts to waters of the U.S., including jurisdictional wetlands, exceed 0.1 acre, or the mitigation requirements identified in standard condition 1 are exceeded.

B. Bank Stabilization. Discharges of dredged or fill material for bank stabilization activities provided that no material is placed in wetlands and the bank stabilization activity is less than 500 feet in length and will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark.

Notification Requirements.

The applicant must notify the District Engineer in accordance with general condition 6a, if any of the following criteria are met:

More than 50 feet of existing bank is disturbed by grading or reshaping.

C. Utility Line Discharges.

Discharges of dredged or fill material associated with excavation, backfilling or placement of bedding material for the construction or maintenance of utility lines including outfall and intake structures for a single and complete project provided there is no change in preconstruction contours. A utility line is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose, and any cable, line, or wire for the transmission of electrical energy, telephone, and telegraph messages, and radio or television communication. The term utility line does not include activities which drain a water of the U.S. Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the US, provided that the material is not placed in such a manner that it is dispersed by currents or other forces. The District Engineer may extend the period of temporary side casting not to exceed a total of 180 days, where appropriate. In wetlands, the top 6" to 12" of the trench shall normally be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the U.S. (e.g. backfilling with extensive gravel layers, creating a French drain effect). For example, utility line trenches can be backfilled with clay blocks to ensure that the trench does not drain the waters of the US through which the utility line is installed. Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each water body.

Notification Requirements.

The applicant must notify the District Engineer in accordance with standard condition 6a, if any of the following criteria are met:

The portion of the utility line that is in waters of the U.S. totals more than 500 feet in length, or mechanized land clearing of forested wetlands would occur.

D. U.S. Coast Guard Approved

Bridges. Discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided such discharges have been authorized by the U.S. Coast Guard as part of the bridge permit. Causeway and approach fills are not included.

Notification Requirements.

The applicant must notify the District Engineer in accordance with standard condition 6a.

E. Return Water From Upland Contained Disposal Areas. Return water from an upland contained dredged material disposal area where the discharge has been approved by the Minnesota Pollution Control Agency.

F. Oil/Hazardous spills. Activities required for the containment and cleanup of oil and hazardous substances which are subject to the National Oil and Hazardous Substances Pollution Contingency Plan, (40 CFR Part 300), provided that the work is done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR 112.3 and any existing State contingency plan and provided that the Regional Response Team (if one exists in the area) concurs with the proposed containment and cleanup action.

Notification Requirements.

The applicant must notify the District Engineer in accordance with standard condition 6a, prior to the start of work if possible, but in all cases within 24 hours of the start of work.

G. Structural Discharges.

Discharges of material such as concrete, sand, rock, etc. into tightly sealed forms or cells where the material will be used as a structural member for support for standard pile supported structures such as a utility pole foundation, bridge support, or pier supports. This activity does not include building foundations or other structures such as pilings intended for use as building supports.

Notification Requirements.

The applicant must notify the

District Engineer in accordance with standard condition 6a.

H. Completed Enforcement

Actions. Discharges of dredged or fill material remaining in place, or undertaken for mitigation, restoration, or environmental benefit in compliance with the terms of a final formal written Corps non-judicial settlement agreement resolving a Section 404 violation or the terms of an EPA 309(a) order or consent decree or a judicial decree resolving a violation of Section 404 of the CWA, and that require Section 404 authorization from the Corps of Engineers. This RGP covers only those discharges not authorized under EPA's statutory authority under Section 309(a) of the Clean Water Act.

I. Stream and Wetland

Restoration Activities. Activities in waters of the U. S. associated with the restoration and enhancement of former non-tidal wetlands and riparian areas, the enhancement of degraded wetlands and riparian areas, the creation of wetlands and riparian areas, and the restoration and enhancement of non-Section 10 streams and open water areas; (i) on non-Federal public lands and private lands, in accordance with the terms and conditions of a binding wetland enhancement, restoration or creation agreement between the landowner and the U.S. Fish and Wildlife Service or the Natural Resources Conservation Service (NRCS) or voluntary wetland restoration, enhancement, and creation actions documented by the NRCS pursuant to NRCS regulations; or (ii) on any Federal land; or (iii) by or funded by a state agency on any public or private land. Such activities include, but are not limited to, the removal of accumulated sediments, the installation, removal and maintenance of small water control structures, dikes and berms; the installation of current deflectors; the enhancement, restoration, or creation of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or create stream meanders; the backfilling of artificial channels and drainage ditches; the removal of existing drainage structures; the construction of small nesting islands; the construction of open water areas;

activities needed to reestablish vegetation, including plowing or discing for seed bed preparation; mechanized land-clearing to remove undesirable vegetation; and other related activities. This RGP cannot be used to authorize activities for the conversion of a stream to another aquatic use, such as the creation of an impoundment for waterfowl habitat. This RGP cannot be used to channelize a stream and does not authorize the conversion of natural wetlands to another aquatic use, such as creation of waterfowl impoundments where a forested wetland or fresh meadow previously existed. However, this RGP may be used to relocate aquatic habitat types on the project site, provided there are net gains in aquatic resource functions and values. **Reversion:** For enhancement, restoration and creation projects conducted under paragraphs (ii) and (iii), this RGP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit at that time would be required for any reversion.

Notification Requirements.

The applicant must notify the District Engineer in accordance with standard condition 6a, if any of the following criteria are met:

More than 1 acre of waters of the U.S. including jurisdictional wetlands would be impacted, or the project is a trout stream restoration project.

Notification is also required for any future discharge of dredged or fill material associated with the reversion of areas previously restored or enhanced under paragraph (i).

J. Moist soil management for

wildlife. Discharges of dredged or fill material and maintenance activities that are associated with moist soil management for wildlife performed on Federally/tribal-owned or managed and state-owned or managed property, for the purpose of continuing ongoing, site-specific, wildlife management activities where soil manipulation is used to manage habitat and feeding areas for wildlife. Such activities include, but are not limited to: the repair, maintenance or

replacement of existing water control structures; the repair or maintenance of dikes; and plowing or discing to impede succession, prepare seed beds, or establish fire breaks. Sufficient vegetated buffers must be maintained adjacent to all open water bodies, streams, etc., to preclude water quality degradation due to erosion and sedimentation. This RGP does not authorize the construction of new dikes, roads, water control structures, etc. associated with the management areas. This RGP does not authorize converting wetlands to uplands, impoundments or other open water bodies.

K. Minor discharges (that impact 400 square feet or less of jurisdictional wetland/water area) for other purposes.

Discharges of dredged/fill material, for a single and complete project, that would result in filling, draining, excavating or inundating not more than 400 square feet of waters of the U.S., including jurisdictional wetlands. This authorization may NOT be used more than once by the permittee or property owner so as to impact more than 400 square feet of the same wetland basin.

L. Linear transportation

Crossings. Discharges required for the construction, expansion, modification, or improvement of public and private linear transportation projects, providing the discharge into waters of the U.S. including jurisdictional wetlands does not exceed 0.5 acre. The width of the crossing must be limited to the minimum necessary for the actual crossing, and shall be culverted, bridged or otherwise designed to prevent the restriction of and withstand the expected high flows and prevent the restriction of low flows and provide for the movement of organisms.

Notification Requirements.

The applicant must notify the District Engineer in accordance with standard condition 6a, if any of the following criteria are met:

There is any discharge into a special aquatic site, including wetlands.

M. Grass waterways-Discharges

associated with the installation of grassed waterways in waters of the United States, including jurisdictional wetlands, under the technical supervision of NRCS, for the purpose of erosion control on agricultural land planted to annual commodities for at least 3 of the previous 5 years. Eligible sites shall have less than 10% woody vegetation. No annual cropping or grazing shall take place after construction, and mowing shall be restricted to July 15-August 15. Written confirmation from the Corps is not required prior to the start of work. The waterway shall be seeded with a native seed mix designed for swales and ditches.

Notification Requirements.

The applicant must notify the District Engineer in accordance with standard condition 6a, if any of the following criteria are met:

Reporting is required on projects that have segments with slopes of less than 1%.

N. Wildlife Ponds-Discharges incidental to the excavation of wildlife ponds that result in impacts, both temporary and permanent, to less than 1/2 acre of waters of the U.S., including jurisdictional wetlands, or 5% of the wetland within which the wildlife pond is created, whichever is less. The wildlife pond shall be constructed with irregular shorelines, shallow sideslopes (e.g., 8-foot horizontal to 1-foot vertical or flatter) over 60% of the shoreline. The pond shall be dominated by shallow water depths of 4 feet or less over 80% pond surface area. All excess excavated material must be placed at an upland location and no temporary stockpiling of excavated material is allowed outside the footprint of the pond site. The primary purpose of this activity must be wildlife habitat improvement. The creation of nesting islands is not authorized and impacts to forested wetlands are not authorized under this category.

Notification Requirements.

The applicant must notify the District engineer in accordance with standard condition 6a.

O. Residential, Commercial,

Agricultural and Institutional Developments-Discharges of dredged and fill material into waters of the U.S. for a single and complete projects for the construction or expansion of residential, commercial, agricultural, or institutional operations.

Activities authorized include building foundations, building pads, and attendant features. Attendant features include but are not limited to roads, parking lots, garages, utility lines, yards, stormwater management facilities, culvert installation, and recreational facilities that are integral to the development, provided the following criteria are met: The discharge does not result in impacts to more than 0.5 acre of waters of the U.S.

For any development or subdivision, the aggregate total loss of waters of U.S. authorized under this category can not exceed 0.5 acre.

Notification Requirements.

The applicant must notify the District Engineer in accordance with standard condition 6a.

P. Maintenance of Existing Public Roads:

The discharge of fill material into up to 1/3 acre of waters of the U.S., including jurisdictional wetlands, for the maintenance of existing public roads. This authorized fill is in addition to the areas that have already been previously disturbed by the structure or fill to be maintained. Projects eligible for authorization under this category must be one of the following:

i. Discharges Regulated by

MDNR. Discharges into waters of the U.S. that are part of maintenance or repair project that require a permit from the Minnesota Department of Natural Resources (MDNR). MDNR general permits that require reporting to the MDNR Area Fisheries by the project proponent at least 5 calendar days before work begins are included in this category.

Exclusions contained in RGP-03 regarding work in trout streams and their adjacent wetlands do not apply to this category as long as the other terms and conditions of this GP and state authorizations are followed.

Notification Requirements

for P(i): Work authorized under category P(i) must be reported to the local Corps field office 5 calendar days before work starts. Written confirmation from the Corps is not required prior to the start of work. Notification shall include a statement that the work will be done under Category P(i) of RGP-03.

(ii) Discharges associated with culvert replacement projects on existing public roads.

For this category each culvert replacement is considered a single and complete project, unless it is part of a project, such as road re-construction, that includes other impacts to waters of the U.S., including jurisdictional wetlands.

The exclusions to work in trout streams and adjacent wetlands do not apply to this category as long as the work is in compliance with all other terms and conditions of this RGP and there is no change in culvert invert elevations.

Notification Requirements

for P(ii) Notification to the District Engineer in accordance with standard condition 6a is required if new temporary or permanent impacts to waters of the U.S., including jurisdictional wetlands, are in excess of 600 square feet; or culverts are installed on a new alignment or different invert elevation that would impact the flow or circulation of waters of the U.S.

For projects in trout streams and adjacent wetlands where the authorized fill, in addition to the areas that have already been previously disturbed by the structure or fill to be maintained, is less than 600 square feet, work authorized under this category must be reported to the local Corps field office 5 calendar days before work starts. However, written confirmation from the Corps is

not required prior to the start of work. Notification shall include a statement that the proposed work is will be done under Category P(ii) of RGP-03.

Note: Categories A and P authorize discharges for the repair, rehabilitation, or replacement of structures or fill that do not qualify for the Section 404(f) exemption for maintenance.

STANDARD CONDITIONS

All RGP-03-MN authorizations are subject to the following standard conditions, as applicable. These conditions must be satisfied for any RGP authorization to be valid:

1. Mitigation/Sequencing.

Discharges of dredged or fill material into waters of the United States **must be minimized or avoided to the maximum extent practicable.**

Wetland mitigation shall be required for projects that impact more than:

400 square feet in a shoreland wetland protection zone,

2,000 square feet in a "less-than-50 percent" county,

5,000 square feet in a "50%-to-80%" county, and

10,000 square feet in a "greater than 80%" county.

as designated pursuant to the Minnesota Wetlands Conservation Act, and shown on the attached map labeled enclosure 5:

When the above project thresholds are exceeded, the compensatory mitigation requirement applies to the project's total wetland impacts, including the threshold amounts specified above. Use of Corps-approved mitigation banks and in-lieu fee procedures may generally be acceptable methods of providing compensatory mitigation for small projects having compensatory mitigation requirements of 1/4 acre or less. However, the District will determine appropriate compensatory mitigation requirements on a case-by-case basis in accordance with Federal

guidelines and established District policy. Compensatory mitigation required by other Federal or state programs may, but will not necessarily, satisfy this Clean Water Act requirement.

Compensatory mitigation shall be designed to replace the functions lost as result of the project. Generally, for mitigation performed in place, in kind, and in advance, one acre of wetland mitigation shall be provided for each acre of wetland adversely impacted or lost. Mitigation for stream and lake impacts may be required on a case-by-case basis.

When determining the least damaging practical on-site alternative, impacts to all resources including jurisdictional waters, non-jurisdictional waters, and high quality uplands should be considered.

2. Suitable fill material. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). All fill (including riprap) authorized under this permit, 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 either be obtained from existing quarries or, if a new borrow site is opened up to obtain fill material, St. Paul District must be notified prior to the use of the new site to determine whether a cultural survey of the site is necessary.

3. Proper maintenance. Any structure or fill authorized shall be properly maintained, including maintenance, to ensure public safety.

4. Erosion and siltation controls. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark, must be permanently stabilized at the earliest practicable date. Work should be done in accordance with state-approved, published practices, such as defined in Minnesota Pollution Control Agency Document, PROTECTING WATER QUALITY IN URBAN AREAS - BEST MANAGEMENT PRACTICES FOR

MINNESOTA.

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.

Cofferdams shall be constructed and maintained so as to prevent erosion into the water. If earthen material is used for cofferdam construction, sheet piling, riprap or a synthetic cover must be used to prevent dam erosion.

5. Removal of temporary fills.

Temporary fills are allowed to remain in place for up to three months. Upon request the District Engineer may extend this period allowing temporary fills to remain in place for up to a total of 180 days, where appropriate.

At the end of the specified timeframe, temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

6. HOW TO APPLY FOR AUTHORIZATION UNDER RGP-03-MN:

a. Reporting Activities- Where required by the terms of this RGP, the prospective permittee must notify the District Engineer with a pre-construction notification (PCN), and shall not begin the activity until notified by the St. Paul District that the project is eligible for authorization under this RGP and work may proceed with any special conditions imposed by the District Engineer, or his designated representative.

Contents of the notification-The notification must be in writing and include the following information: (1)Name, address, and telephone numbers of prospective permittee; (2)Location of the proposed project; (3) Brief description of the proposed project, direct and indirect adverse environmental effects the project would cause, a delineation of any effected special aquatic sites, and the presence of any other effected aquatic resources; (4) any other general or individual permits used or intended to be used to authorize the project.

b. Non-Reporting Activities-Non-reporting activities authorized by this RGP may commence when project

proponents have carefully confirmed that the activity will be conducted in compliance with all of the terms and conditions of RGP-03-MN. No application to the Corps is required; however, if requested, the Corps will confirm whether or not proposed work is authorized by the RGP. Persons proposing to do work should note that conditions of the RGP require that adverse impacts on water and wetland resources be avoided and minimized to the maximum extent practical. Activities that would adversely affect Federal endangered plant or animal species, certain cultural/archaeological resources, or activities specifically excluded from authorization under RGP-03-MN are excluded from authorization under the non-reporting categories of this RGP.

General Information-Information about Federal Endangered species may be obtained by contacting the U. S. Fish and Wildlife Service at (612) 725-3548. The District's web page (www.mvp.usace.army.mil) will also contain a link to the U.S. Fish and Wildlife Service. Information concerning cultural resources may be obtained by contacting the State Historic Preservation Office at (651) 296-5462. Project proponents are encouraged to contact these agencies early in project planning because doing so can help avoid violations of Federal law and potentially lengthy permitting delays. Persons performing work should be aware that Federal or state regulations concerning endangered species and cultural resources may apply to their projects whether or not the work requires a Corps permit.

If referenced web sites are unavailable or the necessary information is not available on the referenced web site, the Corps contact for your county can be found on our web site referenced above, or you may call 651-290-5375.

7. Other permit requirements. No Corps RGP-03-MN authorization eliminates the need for other local, state or Federal authorizations, including but not limited to National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permits from the Minnesota Pollution Control Agency, public waters work permits from the

Minnesota Department of Natural Resources, or Wetland Conservation Act authorizations from the applicable local governmental unit.

8. Historic properties, cultural resources. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR part 325 Appendix C. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

9. Cultural resources. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.

10. If you discover any previously unknown historic or archaeological remains while accomplishing the authorized activity 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.

11. Spawning areas. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

12. Obstruction of high flows. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

13. Adverse effects from impoundments. If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

14. Waterfowl breeding areas.

Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

15. Navigation. No activity may cause more than a minimal adverse effect on navigation.

16. Aquatic life movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water.

17. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

18. Tribal rights. No activity or its operation may impinge or abrogate reserved treaty rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

19. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency with direct management responsibility for such river has determined that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service.)

20. Water quality standards. All work or discharges to a watercourse resulting from permitted construction activities, particularly hydraulic dredging, must meet applicable Federal, State, and local water quality and effluent standards on a continuing basis.

21. Preventive measures. 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, or flooding.

22. Spill contingency plan. A contingency plan must be formulated that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at 1-800-422-0798 and the U.S. Coast Guard at telephone number (1-800) 424-8802.

23. Disposal sites. If dredged or excavated material is placed on an upland disposal sight (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, whether bulkhead or upland disposal sight, must be fully completed prior to the placement of any dredged material.

24. Water intakes/activities. No activity, including structures and work in waters of the U.S. or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

25. Endangered Species.
a. No activity is authorized which is likely to adversely affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

b. Authorization of an activity under RGP-03-MN does not authorize the take of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their World Wide Web pages on the Internet.

c. If it becomes apparent that a federally listed endangered plant or animal species will be affected by work authorized by this permit, work must be stopped immediately and the St. Paul District of the Corps of Engineers must be contacted for further instruction.

26. Known populations and critical habitat of threatened and endangered species.

a. Designated Critical Habitat.

i. Designated critical habitat for the Topeka shiner. This includes streams, side channels, cut-off channels, oxbows, abandoned channels, and wetlands that are at least periodically tributary components of **THE BIG SIOUX OR ROCK RIVER WATERSHEDS IN LINCOLN, PIPESTONE, MURRAY, ROCK AND NOBLES COUNTIES.** See enclosure 1.

ii. Designated critical habitat for grey wolf (*Canis lupis*). Critical habitat includes forested areas in Cook, Lake, St. Louis, Koochiching, Lake of the Woods, Beltrami, Itasca, and Roseau Counties in northern Minnesota, see enclosure 2 for boundaries.

iii. Designated critical habitat for the piping plover.

Specifically designated areas of critical habitat include Interstate Harbor in the Duluth-Superior Harbor; and

Morris Point, Pine and Curry Islands, and Rocky Point in Lake of the Woods County.

Work on projects that may affect designated critical habitat shall not begin until notified by the District that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

b. Known populations of federally threatened or endangered species.

i. Piping Plover. There are breeding populations of piping plover present in a few locations along the shore of Lake of the Wood in Lake of the Woods County. The recurring presence of piping plover has been documented at Minnesota Point and other areas in Duluth Harbor. Projects that impact beach and shallow water habitat of these areas must be coordinated with the St. Paul District to assure endangered species will not be affected.

ii. Western Prairie Fringed Orchard. Populations of the western prairie fringed orchard are present in the portions of Clay, Kittson, Lincoln, Nobles, Norman, Pennington, Pipestone, Polk, Red Lake, and Rock Counties shown in enclosure 3.

iii. Topeka shiner. There are known populations of Topeka shiner present outside the designated areas of critical habitat in the Big Sioux and Rock River watersheds in Lincoln, Pipestone, Murray, Rock and Nobles counties.

iv. Minnesota dwarf trout lily. Recorded populations of Minnesota dwarf trout lily occur along the Cannon River, Little Cannon River, Zumbro River, North Fork Zumbro River, and Prairie Creek watersheds in Goodhue, Rice, and Steele Counties Minnesota in those areas shown on enclosure 4.

Projects that impact waters of the U.S, including jurisdictional wetlands within the areas described in 26.b must be coordinated with the St. Paul District to assure endangered species will not be affected.

c. Other

Canada Lynx. Notification to the Corps is required for projects that impact mature coniferous forest in Cook, Koochiching, Lake, and St. Louis Counties.

Bald Eagle. Notification to the Corps is required for projects within 0.5 miles of an eagles nest. There are about 1300 bald eagle nests distributed among 64 or Minnesota's 87 counties. In Minnesota bald eagles typically nest in old large diameter trees within about 500 feet of a water body.

27. The time limit for completing work authorized by RGP-03-MN ends upon the expiration date of RGP-03-MN. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least three months before the expiration date is reached.

28. You must maintain the authorized activity in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

29. 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 RGP-03-MN.

30. State Section 401 Water quality Certification. The Minnesota Pollution Control Agency has waived Section 401 certification for RGP-03-MN.

31. Coastal Zone Management consistency determination. The State of Minnesota has determined that GP-03-MN is consistent with the Minnesota CZM program.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. RGP-03-MN does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. RGP-03-MN does not grant any property rights or exclusive privileges.

c. RGP-03-MN does not authorize any injury to the property or rights of others.

d. RGP-03-MN does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In authorizing work, the Federal Government does not assume any liability, including but not limited to the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or un-permitted 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 un-permitted 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. Reliance on Applicant's Data: The determination of this office that a proponent's project is authorized by RGP-03 will be made in reliance on the information provided by the applicant.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the

following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

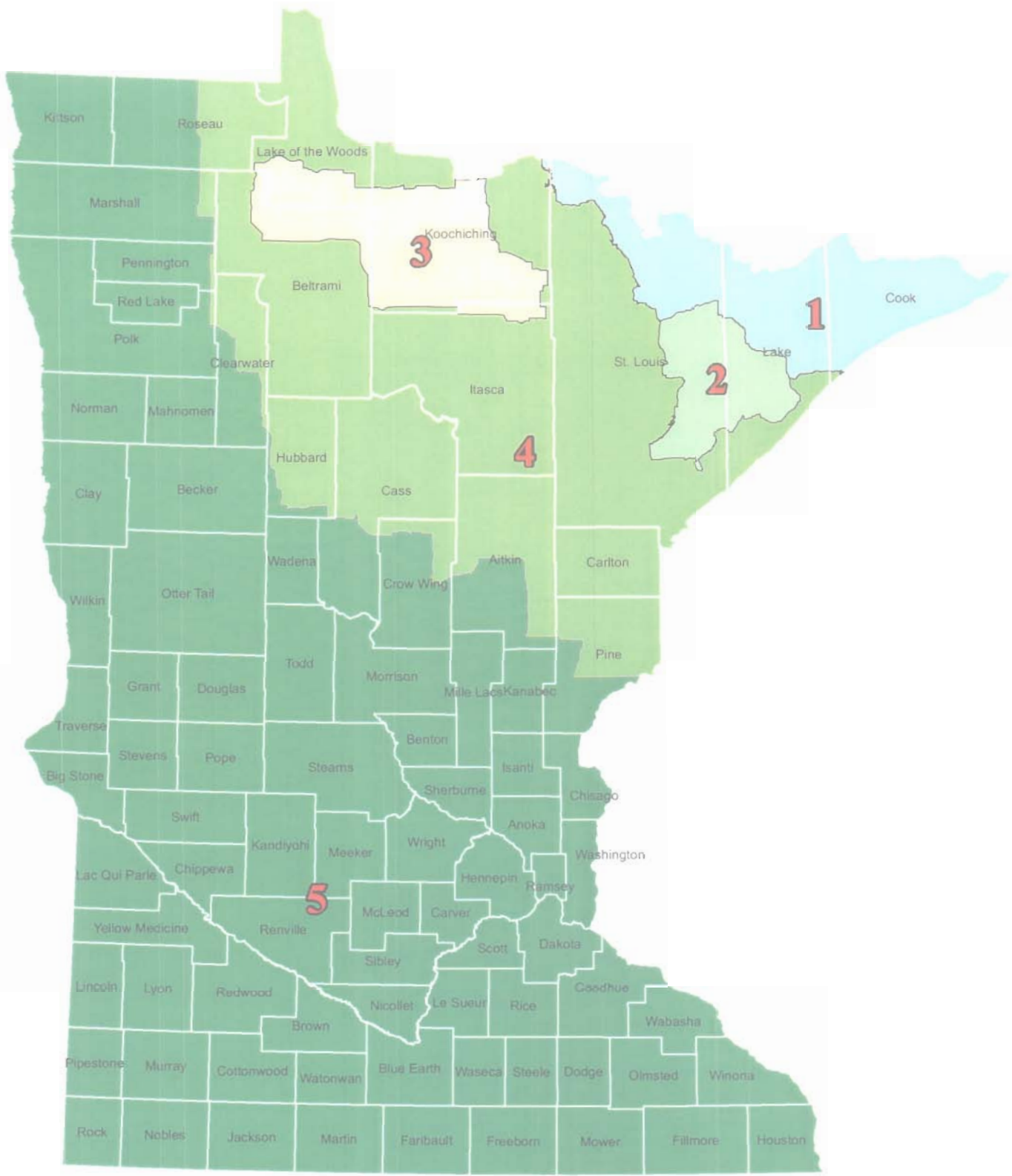
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement 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 you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail 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 you for the cost.

6. Extensions. Standard condition 27 above, establishes a time limit for the completion of the activity authorized by this general permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit. This permit becomes effective upon the issuance date specified after the Federal official, designated to act for the Secretary of the Army, has signed below. This general permit remains in effect for five years unless it is otherwise modified, suspended, or revoked.



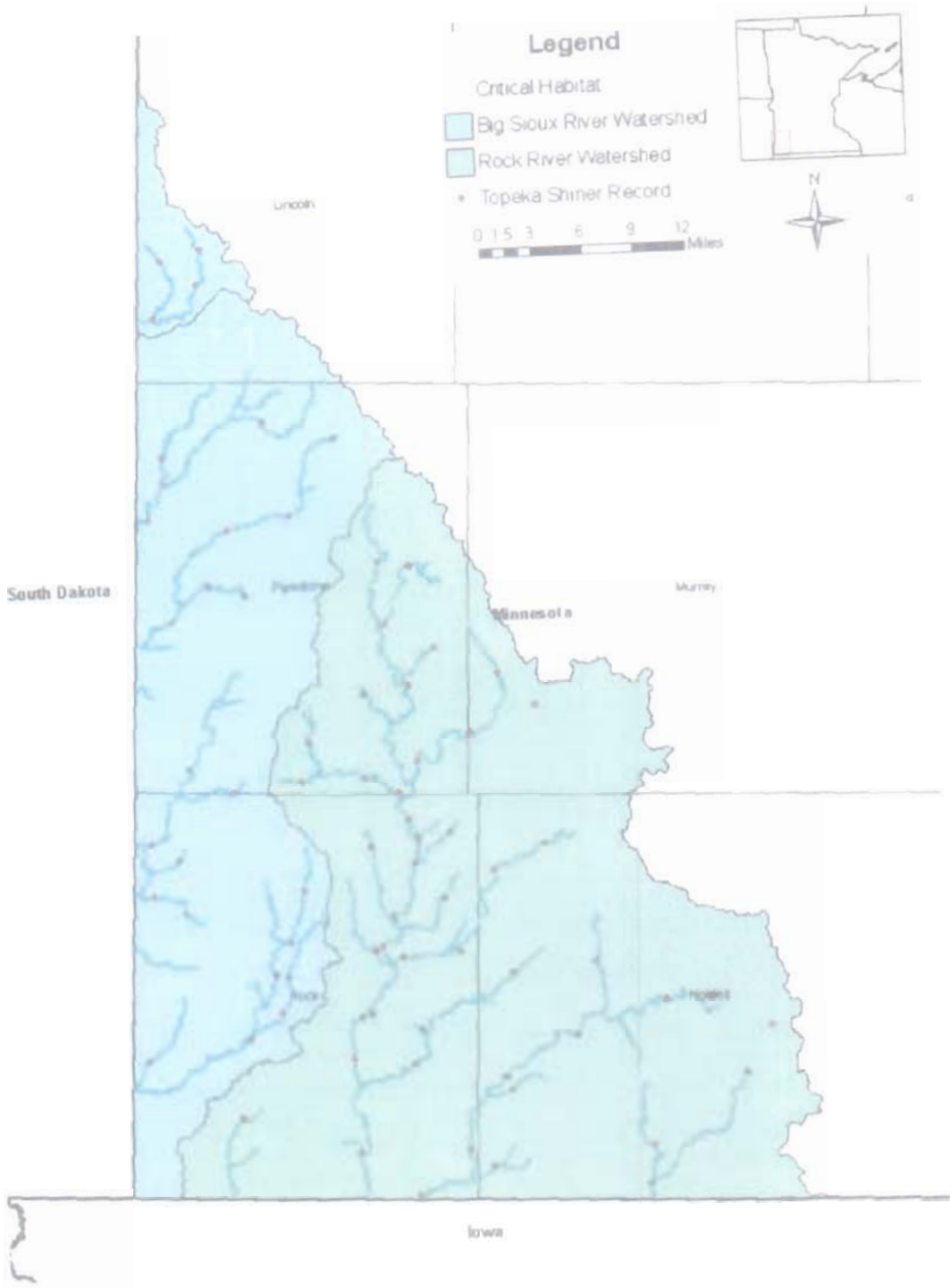
Judith L.A. DesHarnais
Acting District Commander

1 Aug 2006



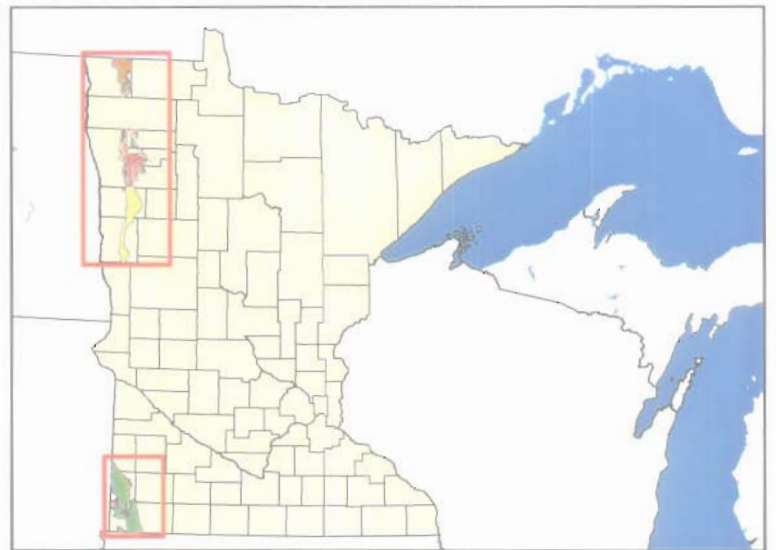
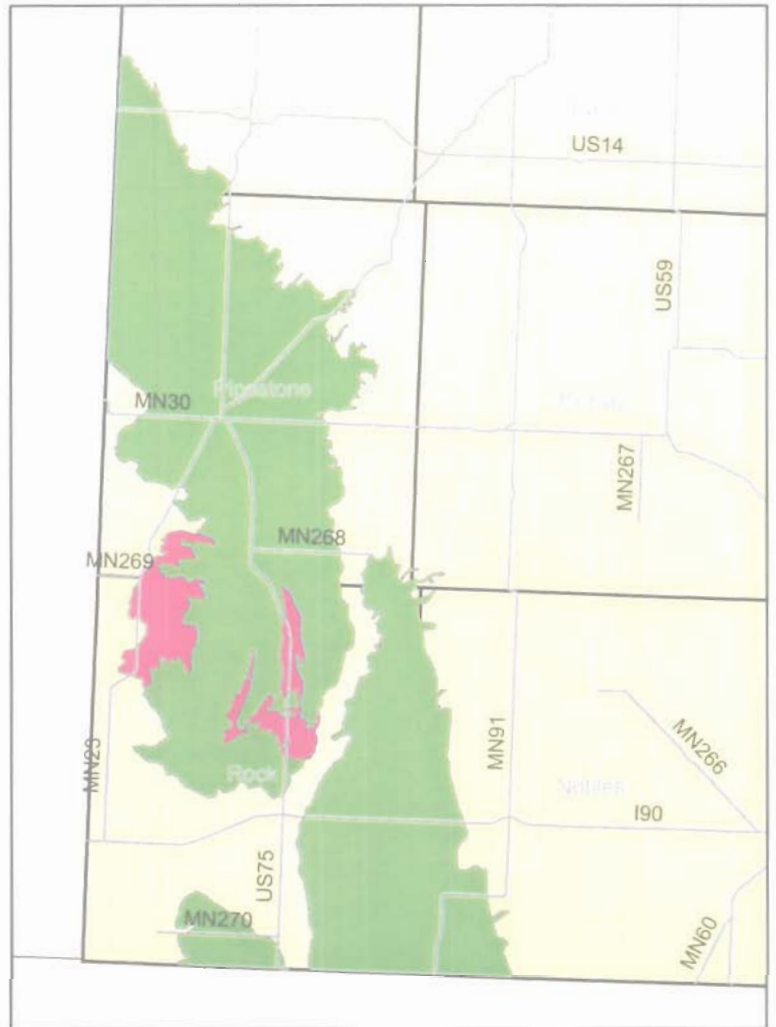
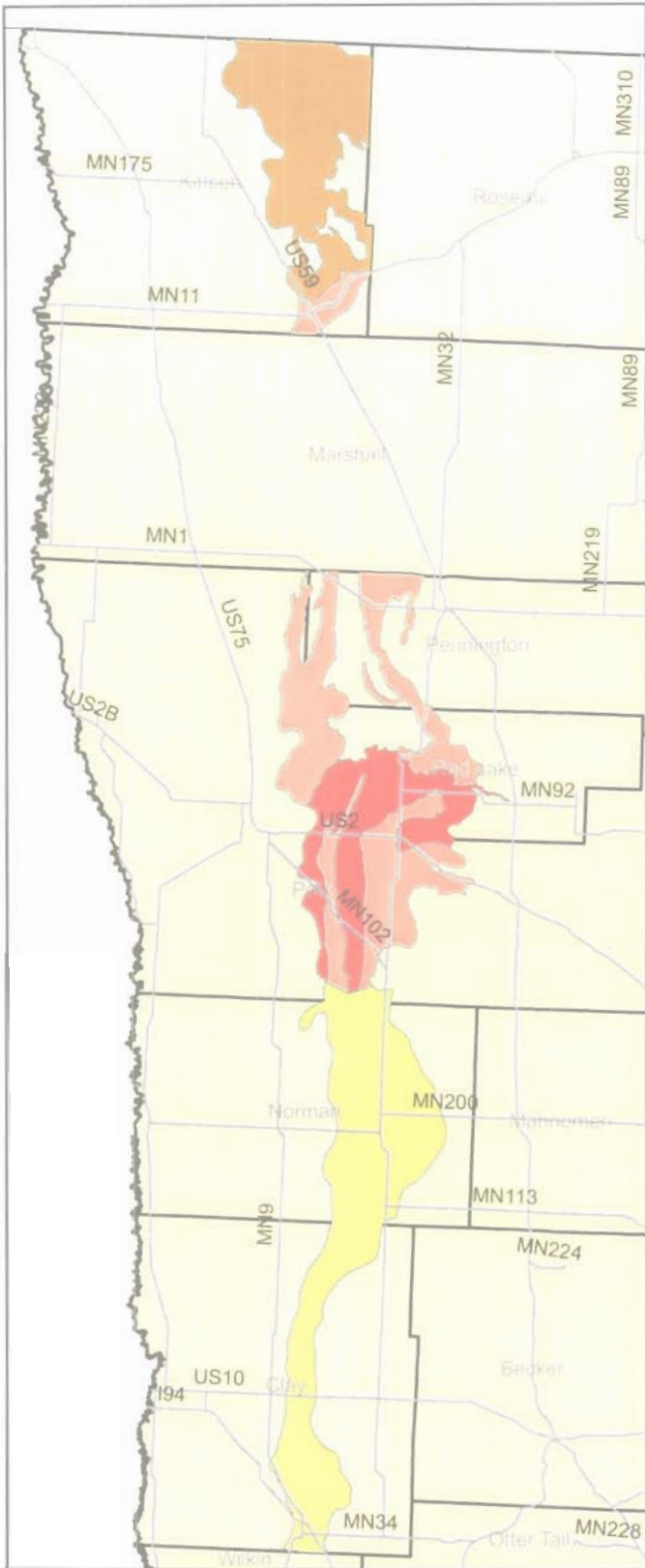
Federal Designated Critical Habitat for Wolf in Minnesota
 (Zone 1,2,3,4 are Critical Habitat)





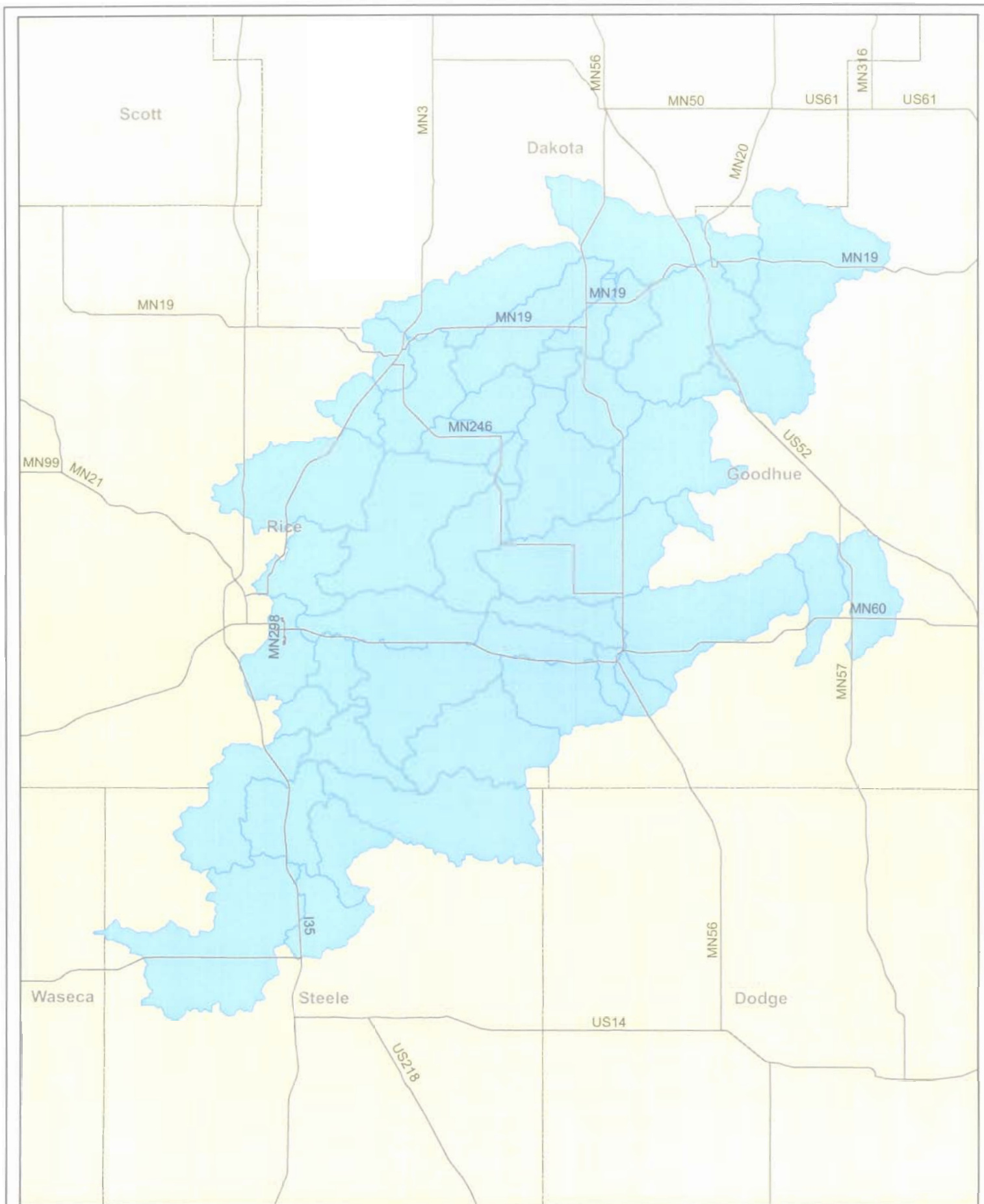
Federally Designated Critical Habitat and recorded Occurrences of Topeka Shiner

Enclosure 2 to RGP-03-MN



Land Types Associated with Western Prairie Fringed Orchid Populations



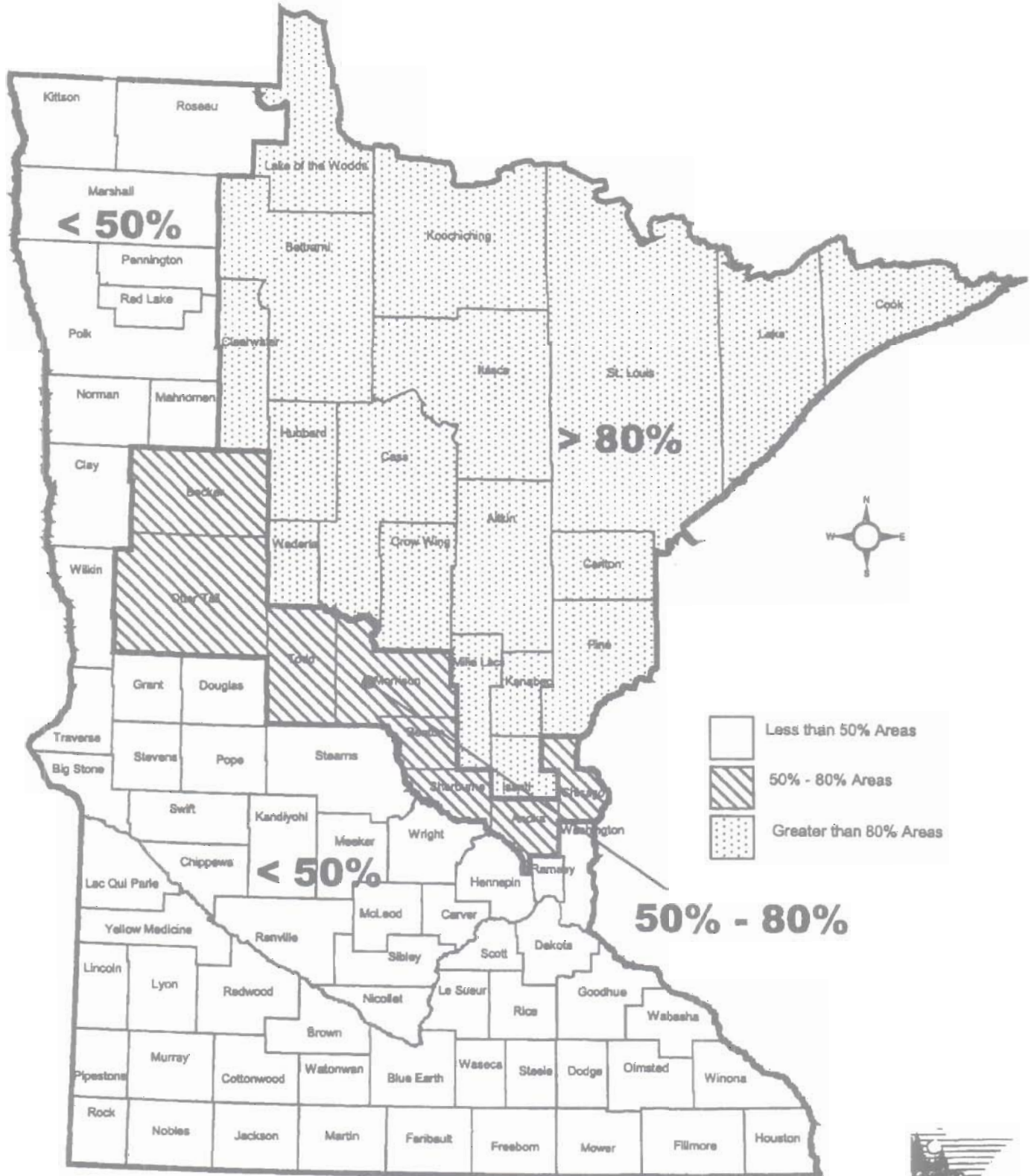


Known Range of the Dwarf Trout Lily



Minnesota Wetland Conservation Act

Pre - Statehood Wetland Areas



Department of Natural Resources

Identification of Known Calcareous Fens Order No. 05-001

Pursuant to the provisions of *Minnesota Statutes*, section 103G.223, the following described lands contain calcareous fens as defined in *Minnesota Rules*, part 8420.1020.

Additional sites may be added to this list as new calcareous fens are discovered and existing sites may be removed from the list if it is determined that the wetland no longer meets the definition of a calcareous fen. Revisions to the list will be published in the *State Register*. The current list will also be posted on the DNR's web site at:

http://files.dnr.state.mn.us/publications/waters/Calcareous_Fen_List.pdf

County	Calcareous Fen Site Name	Fen ID No.	Township	Located in:	
				Range	Section(s)
Becker					
	Spring Creek WMA South	28184	T142N	R42W	SWNE12
	Spring Creek WMA South	28183	T142N	R42W	NWSE13
	Spring Creek WMA South	251	T142N	R42W	NENE13
	White Earth 5	19104	T142N	R41W	NW05
	White Earth 1	19181	T142N	R41W	NE06
	Waubun WMA	28221	T142N	R42W	NENE01
	Anderson WPA	28540	T139N	R42W	NWNE01
Big Stone					
	Stony Run	19784	T121N	R45W	ESENE19
Carver					
	Raquet WMA	20977	T116N	R23W	NESWSW35
	Seminary Fen	20975	T116N	R23W	SWNESE34
	Seminary Fen	14498	T116N	R23W	SW35
Chippewa					
	Chippewa River Fen	18688	T118N	R41W	SWSE23
	Kragero 26	26001	T119N	R42W	NESW26
	Watson Sag East	18689	T119N	R42W	SE36
	Tunsberg 10	25999	T118N	R41W	SWNW10
	Montevideo Fen	26005	T117N	R41W	NESW01
	Rosewood 31	25195	T118N	R40W	NESE31
	Watson Sag SW	18687	T118N	R41W	SESW16
	Watson Sag East	18692	T118N	R41W	NWNW06
	Zion Church Prairies	18686	T118N	R41W	NSW06
Clay					
	Barnesville Swamp Main	13722	T137N	R45W	SESE01

County	Calcareous Fen Site Name	Fen ID		Located in:	
		No.	Township	Range	Section(s)
Clay (cont'd)					
	Barnesville Swamp Main	246	T137N	R44W	NWNW18
	Barnesville Swamp Main	6625	T137N	R44W	SWSW18
	Barnesville Swamp Main	18814	T137N	R44W	SESWSW07
	Barnesville Swamp Main	1973	T137N	R44W	NSW07
	Felton Prairie B Bar B Ranch	252	T141N	R46W	E13
	Felton Prairie County Land	7726	T142N	R45W	SNW31
	Felton Prairie Felton WMA	247	T142N	R46W	ESE36
	Felton Prairie Flowing 24	7723	T141N	R46W	WNWSE24
	Haugtvedt WPA South Unit	21259	T137N	R44W	SWSE32
Clearwater					
	Clearbrook Fen	249	T149N	R37W	NW17
Cottonwood					
	Delton 20	31977	T107N	R35W	SESE20
	Amo 13	31985	T106N	R37W	SWSW13
Dakota					
	Black Dog Lake Area	242	T027N	R24W	NW34, NWNW34
	Black Dog Lake Area	14373	T027N	R24W	NNW34
	Black Dog Lake North	16550	T027N	R24W	SENE24
	Gun Club Lake North	20941	T028N	R23W	WSE33
	Gun Club Lake South	244	T027N	R23W	W04
	Nicols Meadow Area	243	T027N	R23W	NESW18
	Nicols Meadow Area	20942	T027N	R23W	NWSESW18
	Nicols Meadow Area	20943	T027N	R23W	SWSESW18
	Black Dog Lake Area	31929	T027N	R24W	SESE27, NENE34
Dodge					
	Pheasants Forever WMA	28257	T107N	R17W	SWSE24
	Wasioja WMA	28258	T107N	R17W	SESWSW17
Fillmore					
	Chester Fen	9623	T101N	R13W	SW24
Goodhue					
	Holden 1 West	13336	T110N	R18W	SENE01
	Perched Valley Wetlands	13101	T112N	R13W	SENEWSW08
	Red Wing 21	14378	T113N	R15W	SSE21
	Wanamingo 22	29025	T110N	R17W	NW22
Houston					
	Houston 26	14371	T104N	R06W	NNW26

County	Calcareous Fen Site Name	Fen ID No.	Township	Located in:	
				Range	Section(s)
Houston (cont'd)					
	Sheldon 16	15209	T103N	R06W	NWNE16
Jackson					
	South Heron Lake Wetlands	9198	T103N	R36W	NESESW29
	Des Moines River North	2892	T103N	R35W	NWNW08
	Kilen Complex	239	T103N	R35W	SENW17
	Belmont NW	240	T103N	R35W	NENE07
	Belmont NW	24443	T103N	R35W	NESE07
	Petersburg Prairie SE	25443	T101N	R34W	NWSE27
Kandiyohi					
	New London 13	31989	T121N	R34W	SWNWNE24
	Genessee 21	25251	T119N	R33W	SENESE21
Le Sueur					
	Ottawa Bluffs Preserve	10567	T110N	R26W	NWSE03
	Ottawa WMA	13725	T110N	R26W	NWNW11
	Ottawa WMA	14372	T110N	R26W	NWSE14
	Ottawa WMA	19552	T110N	R26W	ESWSE11
	Ottawa WMA	19512	T110N	R26W	NNNE14
Lyon					
	Shelburne 22	28259	T109N	R43W	SE22
Mahnommen					
	Rosedale 36	15996	T144N	R41W	SE36
	Waubun WMA	13721	T143N	R42W	NWSW25
	Waubun WMA - South	19190	T143N	R42W	SESE36
	Waubun WMA East	19130	T143N	R41W	SE30, ENE31
	Waubun WMA East	19186	T143N	R41W	SWSE30
	Waubun WMA East	19188	T143N	R41W	SE30
	Waubun WMA East	19185	T143N	R41W	NENWNE31
	Waubun WMA East	27834	T143N	R41W	SWNE31
	Waubun WMA East	27833	T143N	R41W	NENW31
Marshall					
	Tamarac River	14381	T157N	R46W	SESW02
	Viking 18	14377	T155N	R45W	NE18
	Viking 20	15297	T155N	R45W	SESWNW20
	Viking Strip 4	14379	T154N	R45W	NW04
Martin					
	Perch Creek WMA	1228	T104N	R30W	SWSE07

County	Calcareous Fen Site Name	Fen ID No.	Township	Located In:	
				Range	Section(s)
Murray					
	Lost Timber Prairie	13672	T105N	R43W	SWSE02
Nicollet					
	Fort Ridgely State Park	1225	T111N	R32W	NWSE06
	Le Sueur Fen	1227	T111N	R26W	NENE16
Nobles					
	Westside 11 (Adrian)	10568	T102N	R43W	SWSW11
Norman					
	Agassiz-Olson WMA	13677	T146N	R45W	SWNW22
	Faith WMA	13674	T144N	R43W	SENE26
	Faith WMA	13675	T144N	R43W	NW35
	Faith Prairie	7893	T144N	R43W	SWNW25
	Green Meadow 26	6131	T145N	R45W	SESE22
	Green Meadow 26	3942	T145N	R45W	WNW26
	Green Meadow 35	13676	T145N	R45W	SW36, SESE35
Olmsted					
	Airport Wetland	8275	T105N	R14W	NENENE15
	Dover 13	2936	T106N	R12W	NENESW13
	Dover 7	8257	T106N	R11W	NESWSW07
	High Forest 35	8276	T105N	R14W	NENESW35
	Joyce Park Fen	31964	T106N	R13W	NWSW8
	Marion 30	8274	T106N	R13W	NWSWNW30
	Nelson Fen WMA	13727	T105N	R15W	SWSE16
	Rochester 23	31980	T106N	R14W	SWNW23
	Rock Dell 23 Fen	20563	T105N	R15W	NW23
	Rock Dell 23 Fen	8278	T105N	R15W	SWNWNW23
	Stonehedge Fen	31983	T107N	R13W	NENW19
Otter Tail					
	Eagle Lake 22 SW	31197	T131N	R40W	NWSW22
	Eagle Lake 27 NW	31199	T131N	R40W	NWNW27
	Eagle Lake 27 NW	31198	T131N	R40W	NENE28
	Eagle Lake 22 SE	31200	T131N	R40W	SESE22
	Eagle Lake 27 NE	31201	T131N	R40W	SENE27
	Haugtvedt WPA South Unit (Ottetail)	21259	T136N	R44W	NENE6
	Erlandson WMA	28155	T131N	R43W	SENE25
	Aastad 23	28156	T131N	R43W	SWSW23

County	Calcareous Fen Site Name	Fen ID No.	Township	Located in:	
				Range	Section(s)
Pennington					
	Sanders Fen North	14301	T153N	R44W	WNE07
	Sanders Fen North	14440	T153N	R44W	EWSE07
	Sanders Fen South	14297	T153N	R44W	SE18, NE19
Pipestone					
	Burke WMA	10566	T106N	R44W	SESE28
	Hole-in-the-mountain Prairie (Altona WMA)	13726	T108N	R46W	NENW01
Polk					
	Chicog WMA East	6403	T148N	R45W	NWSWSE28
	Chicog WMA East	6404	T148N	R45W	SWNE33
	Chicog WMA East	6406	T148N	R45W	NENE33
	Chicog WMA West	6405	T148N	R45W	NE29, WSE20
	Enerson WMA	16306	T149N	R40W	NENW17
	Godfrey Prairie	16268	T148N	R44W	NWSE09, NE09
	Gully 22	16326	T150N	R39W	SWNE27
	Gully 22	16303	T150N	R39W	NE22, WSE22
	Gully 23	16307	T150N	R39W	SE23
	Gully 23	16312	T150N	R39W	NWNE25
	Kertsonville WMA	6402	T149N	R45W	SSESW16
	Chester 29	18396	T150N	R40W	S29
	Kittleson Creek Mire	10149	T147N	R44W	SS06, 0W07
	Onstad WMA	16270	T147N	R45W	W01
	Pankratz Prairie South	245	T149N	R45W	SWNE17
	Pembina Trail: Crookston	1226	T149N	R44W	SSW19
	Pembina Trail: TNC	17211	T149N	R44W	ESWNW30
Pope					
	Ordway Prairie	13682	T123N	R36W	SWSW29
	Blue Mounds 15	13755	T124N	R39W	SW14, SESE15
	Blue Mounds 15	28931	T124N	R39W	SENESE15
	Ordway Prairie	27364	T123N	R36W	NENESW30
	Ordway Prairie	11550	T123N	R36W	SENW30
	Ordway Prairie	28889	T123N	R37W	SENESE25
	Nora 29	30146	T126N	R40W	NESW29
	Gilchrist 26	28896	T123N	R37W	SWNE26
Redwood					
	Swedes Forest 19	13724	T114N	R37W	SW20, NESE19
	Redwood Fen	13723	T114N	R37W	SW22, NENW27

County	Calcareous Fen Site Name	Fen ID No.	Township	Located in:	
				Range	Section(s)
Rice					
	Rice County Wilderness Area	238	T111N	R20W	NE34
	Rice County Wilderness Area	12448	T111N	R20W	SESENE22
Roseau					
	Bemis Swamp SW	13668	T160N	R38W	ENW01
	Bemis Swamp Main	13669	T161N	R37W	SE29, NWNE32
Scott					
	Savage Fen	241	T115N	R21W	SNE17
	Savage Fen	14375	T115N	R21W	SWNW16
	Savage Fen	14374	T115N	R21W	SENE17
Stearns					
	Big Lake SW	24729	T123N	R31W	NESWSW33
	Roscoe North	24694	T123N	R32W	NESE24
	Spring Hill Fen	24043	T124N	R33W	N16, SE16, NWSW15
	St. Wendel Swamp SW	23987	T125N	R29W	S17
Steele					
	Pogones WMA	28256	T105N	R19W	NWNWSE18
Swift					
	Do Not Enter Fen	27178	T122N	R37W	NE12, NWSE12
	Do Not Enter Fen	27114	T122N	R37W	NESW12
	Kerkhoven 11	27113	T122N	R37W	SENE11
	Kerkhoven 11	27109	T122N	R37W	SWSE02
	Kerkhoven 2	27112	T122N	R37W	NENW11
Wabasha					
	McCarthy Lake	31975	T109N	R10W	W02
Wilkin					
	Anna Gronseth Prairie - Akron 10	7072	T134N	R45W	W10
	Rothsay Prairie	7074	T135N	R45W	ENW16, E16
	Rothsay Prairie	7073	T135N	R45W	ENE09
	Rothsay Prairie - Prairie View 33	7070	T136N	R45W	S33
	Rothsay WMA - Akron 4	7040	T134N	R45W	NE04
	Town Hall Prairies	7071	T134N	R45W	NENW15
Winona					
	Wiscoy 15	10569	T105N	R07W	SESW15
	Wiscoy Valley East	18395	T105N	R07W	SNWSW03

County	Calcareous Fen Site Name	Fen ID No.	Township	Located in:	
				Range	Section(s)
Yellow Medicine					
	Fortier 6	19337	T114N	R46W	SENWSE06
	Fortier 5	19334	T114N	R46W	SESWSW05
	Fortier 20	27211	T114N	R46W	SESENW20
	Fortier 22 Fens	2758	T114N	R46W	SWNWSW22
	Fortier 8	19331	T114N	R46W	SWSWSW08
	Mound Springs Prairie	250	T115N	R46W	NE18
	Sioux Nation WMA	248	T114N	R46W	W17

NOW THEREFORE, IT IS HEREBY ORDERED that calcareous fens are identified as described above.

Dated: March 4, 2005

Gene Merriam, Commissioner
Department of Natural Resources

Listing of designated trout streams available upon request. It is posted on our web page at:

<http://www.mvp.usace.army.mil/regulatory/>

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 5TH ST. EAST STE 401
ST. PAUL, MINNESOTA 55101-1638

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OPERATIONS REGULATORY BRANCH

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