

Minnesota Local/State/Federal Application Forms for Water/Wetland Projects

USE THIS APPLICATION FOR ANY PROJECT AFFECTING A LAKE, RIVER, STREAM OR WETLAND, INCLUDING:

Local Government Unit Approval Pursuant to Minnesota Wetlands Conservation Act (WCA)
 Minnesota Department of Natural Resources (DNR) Permit to Work in Public Waters
 Department of the Army Permit (33 CFR 325)

Note: The U.S. Army Corps of Engineers (COE) will forward application forms to the Minnesota Pollution Control Agency (MPCA) for processing if state water quality certification is required from the MPCA. You **do not** need to send this application to the MPCA.

This application packet includes :

Part I: The **BASIC APPLICATION** and the **COE APPLICATION** to be filled out by all applicants (see Instructions).

PART II: The **REPLACEMENT PLAN SUPPLEMENT** to be completed *only for* projects that impact wetlands and require a replacement plan for wetland mitigation. **If you're not sure** whether your project requires a replacement plan, call your Local Government Unit (LGU) or Soil and Water Conservation District (SWCD) office for guidance.

Do not proceed with your project until you have received all required approvals from your LGU, the DNR and the COE. If you wish to confirm the status of your application at any time, contact the agencies directly (see Instructions, page 2). **Proceeding with work before all required authorizations are obtained may result in fines or other penalties, and may include a requirement to restore the project site to original condition.**

If you have questions or need assistance with filling out these forms, contact your local SWCD office, your LGU, your Area DNR Waters office, or your COE field office (see Instructions, page 2).

If you believe that your project may be subject to watershed district, local zoning, or any other local regulations besides those of your LGU, contact those office(s) directly. **If you are a Federal Farm Program participant** and your project affects a wetland or water body on agricultural land, your eligibility for USDA benefits may be affected. Contact a Natural Resources Conservation Service office for further information.

A QUICK LOOK AT THE PROJECT APPLICATION PROCESS

Electronic files: Forms can be downloaded and filled out using Microsoft Word. Your input will be restricted to fill-in fields where users can enter text or check boxes. These areas appear gray on the screen, but not on the printed document.

Send copies of these completed application forms to your LGU, your Area DNR Waters office, and your COE regulatory office.

Any of the agencies may make initial contact with you to: a) inform you that it has no jurisdiction over your project; b) request additional information needed; or c) inform you of applicable fees.

When your application is considered complete and appropriate fees have been received (if requested) it will be distributed for appropriate review.

Following agencies' reviews, you will be informed if it has been approved, approved with changes or conditions, withdrawn, or denied.

For information about state laws, rules and regulations that direct this process go to the web site www.revisor.leg.state.mn.us. For information on U.S. Army Corps of Engineers regulations go to the web site www.mvp.usace.army.mil.

Instructions for Part I

HELP 1: Every applicant must fill out Section 1. The applicant is the person, agency, company, corporation, or other organization that owns, leases, or holds other legal rights to the land where the project is located. Indicate names of multiple applicants on a separate sheet.

HELP 1A: Fill out Section 1A only if you have designated an authorized agent. An authorized agent may be an attorney, builder, consultant, contractor, engineer, or any other person or organization designated by the applicant to represent him/her in this process. An agent is not required.

HELP 5: Purpose, description and dimensions of project: State briefly (in a sentence or two) what you propose to do and why it is needed. Also, describe whether your project will involve any of the following:

- Construction of structures, filling, draining, dewatering, removing, excavating or repair.
- Construction of an access path, bridge, culvert, dam, ditch, dock, driveway, riprap, road, sand blanket, shore protection, or tile line.
- Construction of any structures on fill, piles or a float-supported platform. If so, describe.
- Dredging or discharging (placing fill material) into a wetland or other water body (including the temporary placement of material). If so, explain the specific purpose of the placement of the material (such as erosion control) and indicate how it will be done (such as with a backhoe or dragline). If dredged material is to be discharged on an upland site, identify the location of the site.

Include an overhead view drawing showing the work to be undertaken and its relative location on the property. Show items such as property boundaries or lot dimensions; location and extent of shoreline, wetlands and water; location and dimensions and footprint of the proposed project, structure or activity (include length, width, elevation and other measurements as appropriate); points of reference such as existing homes, structures, docks or landscape features; indication of north; and location of spoil and disposal sites (if applicable). Hand drawn, computer generated or professionally prepared drawings are acceptable, as long as they contain all necessary information clearly, accurately, and in adequate detail. Please include specific dimensions whenever possible. You may also include photos, if you wish. Paper copies should be limited to maximum dimensions of 11" by 17". Computer files should be viewable in a PDF format; contact the agency for other usable formats.

HELP 7: For information regarding adjacent landowners, contact the tax assessor where the project is to be developed.

HELP 8: If any part of the work has already been completed, describe the area already developed. Include a description of structures completed; any dredged or fill material already discharged (including type of material and volume in cubic yards); acres or square feet filled (if a wetland or other water body); and whether the work was done under an existing permit (if so identify the authorization, if possible).

HELP 9: Other permits, reviews or approval related to the project may include the following: conditional use permit; plat approval; zoning variance; National Pollutant Discharge Elimination System permit; state disposal system permit (includes dredged material disposal); watershed district/watershed management organization permit (stormwater, erosion, floodplain); environmental assessment worksheet/environmental impact statement; hazardous waste site; feedlot permit; groundwater appropriation permit; or county/township driveway/road permit. Are you aware of any archeological or cultural resource determinations or surveys completed concerning the project or replacement site by the State Historic Preservation Office (SHPO) or others? If yes, please explain on a separate sheet or attach a copy of any determinations or surveys.

Final Checklists (Part I)

- Have you completed all of Part I** (Page 1), plus the Federal application (Page 2)?
- Did you (and your agent, if applicable) sign Section 10** on page 1?
- Have you signed the Application for the Department of the Army Permit** (Page 2) to seek Federal authorization of your project?
- Have you included the necessary attachments for Part I?**

Attachments must include:

- Site Locator Map (Section 3)
- Type of Project (Section 4) (if additional space was needed)
- Overhead View of Project (Section 5 and HELP 5)
- Project Purpose, Description and Dimensions (Section 5) (if additional space was needed)

Attachments may also include:

- Applicant Contact Information (HELP 1) (if additional space was needed)
- Project Location (Section 3) (if additional space was needed)
- Project Alternatives (Section 6) (if additional space was needed)
- Photographs
- Adjoining Property Owners (Section 7) (if additional space was needed)
- Work Already Completed Section (Section 8) (if you answered YES)
- State Historic Preservation Office determination or survey

Submitting Your Application

Make three copies of the entire application and all attachments. Keep the original, and mail a complete copy of your application to each of the local, state, and Federal entities listed below. Be sure to include Part I and all attachments with each application.

LOCAL: Send to the appropriate Local Government Unit (LGU). If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site (www.bwsr.state.mn.us) to determine the appropriate LGU.

STATE: Send to your Area DNR Waters office, attention Area Hydrologist. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the DNR website (www.dnr.state.mn.us) to locate the Area Hydrologist for your location, or contact a Regional DNR office:

NW Region:	NE Region:	Central Region:	Southern Region:
2115 Birchmont Beach Road N.E. Bemidji, MN 56601 Phone: 218-755-3973	1201 East Highway 2 Grand Rapids, MN 55744 Phone: 218-327-4416	1200 Warner Road St. Paul, MN 55106 Phone: 651-772-7910	261 Highway 15 South New Ulm, MN 56073 Phone: 507 359-6053

FEDERAL: Send to the appropriate U.S. Army Corps of Engineers regulatory field office:

Brainerd: U.S. COE, Regulatory Branch 10867 E. Gull Lake Drive N.W. Brainerd, MN 56401-9051 Phone: 218-829-8402	St. Paul: U.S. COE, Regulatory Branch Army Corps of Engineers Centre 190 5 th Street East St. Paul, MN 55101-9051 Phone: 651-290-5375	La Crescent: U.S. COE, Regulatory Branch 1114 South Oak Street La Crescent, MN 55947-1338 Phone: 507-895-8059	Two Harbors: U.S. COE, Regulatory Branch 1554 Highway 2, Suite 2 Two Harbors, MN 55616 Phone: 218-834-6630
--	--	--	---

WEB SITES: BWSR: www.bwsr.state.mn.us U.S. ACOE: www.mvp.usace.army.mil DNR: www.dnr.state.mn.us MPCA: www.pca.state.mn.us

Minnesota Local/State/Federal Application Form for Water/Wetland Projects

For Internal Use Only			
Application No.	Field Office Code	Date Initial Application Received	Date initial Application Deemed Complete

PART I: BASIC APPLICATION

“See **HELP**” directs you to important additional information and assistance in Instructions, Page 1.

1. LANDOWNER/APPLICANT CONTACT INFORMATION (See Help 1)

Name: _____ Phone: _____

Complete mailing address: _____

1A. AUTHORIZED AGENT (See Help 1A) (Only if applicable; an agent is not required)

Name: _____ Phone: _____

Complete mailing address: _____

2. NAME, TYPE AND SIZE OF PUBLIC WATERS or WETLANDS IMPACTED (Attach Additional Project Area sheets if needed)

Name or I.D. # of Waters Impacted (if applicable; if known): _____

(Check all that apply): Lake River Circular 39 Wetland type: 1, 1L, 2, 3, 4, 5, 6, 7, 8

Wetland plant community type¹: shallow open water, deep marsh, shallow marsh, sedge meadow, fresh meadow, wet to wet-mesic prairie, calcareous fen, open bog or coniferous bog, shrub-carr/alder thicket, hardwood swamp or coniferous swamp, floodplain forest, seasonally flooded basin

Indicate size of entire lake or wetland (check one): Less than 10 acres (indicate size: _____) 10 to 40 acres Greater than 40 acres

3. PROJECT LOCATION (Information can be found on property tax statement, property title or title insurance):

Project street address: _____		Fire #: _____	City (if applicable): _____
¼ Section: _____	Section: _____	Township #: _____	Range #: _____
Lot #: _____	Block: _____	Subdivision: _____	Watershed (name or #) _____
		UTM location: N _____ E _____	

Attach a simple site locator map. If needed, include on the map written directions to the site from a known location or landmark, and provide distances from known locations. Label the sheet *SITE LOCATOR MAP*.

4. TYPE OF PROJECT: Describe the type of proposed work. Attach *TYPE OF PROJECT* sheet if needed.

5. PROJECT PURPOSE, DESCRIPTION AND DIMENSIONS: Describe what you plan to do and why it is needed, how you plan to construct the project with dimensions (length, width, depth), area of impact, and when you propose to construct the project. **This is the most important part of your application. See HELP 5 before completing this section; see What To Include on Plans** (Instructions, page 1). Attach *PROJECT DESCRIPTION* sheet.

Footprint of project: _____ acres or _____ square feet drained, filled or excavated.

6. PROJECT ALTERNATIVES: What alternatives to this proposed project have you considered that would avoid or minimize impacts to wetlands or waters? List at least **TWO** additional alternatives to your project in Section 5 that avoid wetlands (one of which may be “no build” or “do nothing”), and explain why you chose to pursue the option described in this application over these alternatives. Attach *PROJECT ALTERNATIVES* sheet if needed.

7. ADJOINING PROPERTY OWNERS: For projects that impact more than 10,000 square feet of water or wetlands, list the complete mailing addresses of adjacent property owners on an attached separate sheet. (See **HELP 7**)

8. PORTION OF WORK COMPLETED: Is any portion of the work in wetland or water areas already completed? Yes No. If yes, describe the completed work on a separate sheet of paper labeled **WORK ALREADY COMPLETED**. (See **HELP 8**)

9. STATUS OF OTHER APPROVALS: List any other permits, reviews or approvals related to this proposed project that are either **pending** or **have already been approved or denied on a separate attached sheet**. See **HELP 9**.

10. I am applying for state and local authorization to conduct the work described in this application. I am familiar with the information contained in this application. To the best of my knowledge and belief, all information in Part I is true, complete, and accurate. I possess the authority to undertake the work described, or I am acting as the duly authorized agent of the applicant.

_____	_____	_____	_____
<i>Signature of applicant (Landowner)</i>	<i>Date</i>	<i>Signature of agent (if applicable)</i>	<i>Date</i>

This block must be signed by the person who desires to undertake the proposed activity and has the necessary property rights to do so. If only the Agent has signed, please attach a separate sheet signed by the landowner, giving necessary authorization to the Agent.

¹See *Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed, 1997)* as modified by the Board of Water and Soil Resources, United States Army Corps of Engineers.

The public burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of these addresses. Completed applications must be submitted to the District engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT: Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, 33 USC 1413, Section 103. Principal purpose: Information provided on this form will be used in evaluating the application for a permit. Routine uses: This information may be shared with the Department of Justice and other Federal, state, and local government agencies. Submission of requested information is voluntary; however, if information is not provided, the permit application cannot be evaluated nor can a permit be issued.

ITEMS 1 THROUGH 4 TO BE FILLED IN BY THE CORPS

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

YOU DO NOT NEED TO COMPLETE ITEMS 6-10 and 12-25 in the SHADED AREAS.

All applicants must complete **non-shaded** items 5 and 26. If an agent is used, **also** complete items 8 and 11. This optional Federal form is valid for use **only** when included as part of this entire state application packet.

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required)
---------------------	---

6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
------------------------	--------------------

7. APPLICANT'S PHONE NO.	10. AGENT'S PHONE NO.
--------------------------	-----------------------

11. STATEMENT OF AUTHORIZATION (if applicable; complete **only** if authorizing an agent)

I hereby authorize _____ to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE: _____ DATE: _____

12. PROJECT NAME OR TITLE (see instructions)
--

13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
---	--

15. LOCATION OF PROJECT

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)
--

17. DIRECTIONS TO THE SITE	18. NATURE OF ACTIVITY
----------------------------	------------------------

19. PROJECT PURPOSE	20. REASON(S) FOR DISCHARGE
---------------------	-----------------------------

21. TYPES OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS

22. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED
--

23. IS ANY PORTION OF THE WORK ALREADY COMPLETE? YES _____ NO ____ IF YES, DESCRIBE COMPLETED WORK.

24. ADDRESSES OF ADJOINING PROPERTY OWNERS,

25. LIST OF OTHER CERTIFICATIONS OR APPROVALS/DENIALS RECEIVED FROM OTHER FEDERAL, STATE OR LOCAL AGENCIES FOR WORK DESCRIBED IN THIS APPLICATION.
--

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Signature of applicant

Date

Signature of agent (if any)

Date

The application must be signed by the person who desires to undertake the proposed activity (applicant), or it may be signed by a duly authorized agent if the statement in Block 11 has been filled out and signed. **18 U.S.C. Section 1001** provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up with any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

ENG FORM 4345, Jul 97

EDITION OF FEB 94 IS OBSOLETE.

(Proponent: CECW-OR)

FOR LGU USE ONLY:

Determination for Part 1:

- No WCA Jurisdiction
- Exempt: No. ____ (per MN Rule 8420.0122)
- No Loss: ____ (A,B, . . .G, per MN Rule 8420.0220)
- Wetland Boundary or type
- Replacement required – applicant must complete Part II

COMPLETE THE SECTION BELOW ONLY IF REPLACEMENT IS NOT REQUIRED:

Application is (check one): Approved Approved with conditions (conditions attached) Denied

Comments/Findings: _____

LGU official signature *Date*

Name and Title

For Agricultural and Drainage exemptions (MN Rule 8420.0122 Subps. 1 and 2B), LGU has received proof of recording of restrictions (per MN Rule 8420.0115):

County where recorded *Date* *Document # assigned by recorder*

LGU official signature *Date*

Minnesota Wetland Conservation Act Contractor Responsibility and Landowner Statement Form

Pursuant to Minnesota Statutes Chapter 103G .2212 an agent or employee of another may not drain, excavate or fill a wetland, wholly or partially, unless the agent or employee has obtained a signed statement from the property owner stating that the wetland replacement plan required for the work has been obtained, or that a replacement plan is not required; **AND** this statement is mailed to the local government unit (LGU) with jurisdiction over the wetland.

Work in violation of the above statement and Minnesota Statutes § 103G.2212 to § 103G.237 is a misdemeanor punishable by up to a \$700 fine and 90 days in jail.

A replacement plan is required for any wetland draining, excavation, or filling activity that is not exempted under Minnesota Rules Chapter 8420.0122.

National wetland inventory maps are available for review at the County Soil and Water Conservation District (SWCD) offices. Many wetlands may not be identified on the maps but are still restricted from draining, excavating, or filling.

Contact the LGU or SWCD office for assistance. You can also call the Board of Water and Soil Resources at 651-296-3767 for LGU or SWCD location information.

Property Owner Name

Address

Phone

Work Site Location:
(address or property location)

Contractor Name: (by company and individual):

Address:

Phone:

Description of Work:

This form is continued on the next page.

I certify that, as the owner of the property listed on this form, I have contacted the LGU and contact person listed on this form, and a WCA replacement plan:

- has been obtained**, or
- is not required**,

for the work described and at the location listed on this form.

Property Owner Name

Signature _____ Date

Contractor Owner Name

Signature _____ Date

Local Government Unit (LGU):

Address:

Phone:

LGU Person Contacted:

**This statement is invalid if any of the above information is not supplied or is inaccurate.
Work in violation of Minnesota Statutes § 103G.2212 to § 103G.237 is a misdemeanor
punishable by up to a \$700 fine and 90 days in jail.**

NOTE: Keep a copy of this form for your records, and send the original to the Local Government Unit.