

Date, 2026

VIA EMAIL

Daryl Wierzbinski
U.S. Army Corps of Engineers
332 Minnesota St, Suite E 1500
St Paul, MN 55101

Bethany Chaplin
Minnesota Department of Natural Resources
1568 Highway 2
Two Harbors, MN 55616

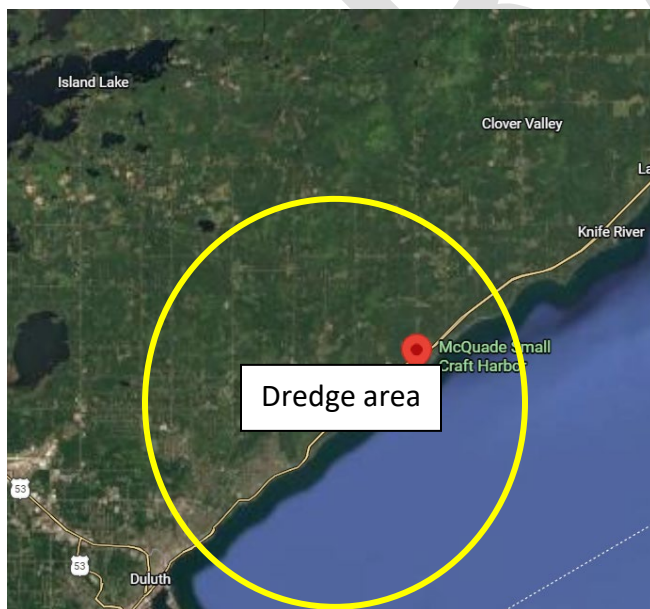
RE: U.S. Army Corps of Engineers Project #2026-00605-DWW McQuade Harbor Dredging
St Louis County, Minnesota
Section 401 Water Quality Certification

Dear Daryl Wierzbinski and Bethany Chaplin:

This 401 Water Quality Certification decision (Certification) is made by the Minnesota Pollution Control Agency (MPCA) under authority of Section 401 of the Clean Water Act, or CWA (33 USC 1251 et seq.), Minn. Stat. chs. 115 and 116 and Minn. R. chs. 7001.1400 to 7001.1470, 7050, 7052, and 7053.

Project description:

The MPCA has examined the application and other information furnished by the applicant, Minnesota Department of Natural Resources (DNR), for the permanent dredge of 0.2 acres of material from the entrance of McQuade Harbor in Lake Superior. DNR proposes to remove this material and dispose of it in a landfill for the purpose of maintaining the entrance depth of the harbor. No mitigation is required, a silt curtain will be deployed during the proposed dredging work.



Decision:

The MPCA certifies the referenced project and has determined that it satisfies the antidegradation standards in Minn. R. 7050.0265. The MPCA has examined the application and other information, including the antidegradation assessment information required under Minn. R. 7050.0285, and bases its decision on the evaluation of this information and the relevance to water quality considerations. The MPCA believes that there is reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards provided that the applicant complies with the conditions listed below.

1. Before any land disturbance at the site, the applicant must ensure that all aquatic resources (wetlands, ditches, lakes, or streams) in the vicinity of the construction area that are not authorized to be impacted by the project are clearly identified. This may be done through demarcation of those resources on plan sheets or through typical methods of marking boundaries in the field, for example construction staking or the use of silt fences along boundaries.
2. No work may take place in water during the Minnesota Department of Natural Resources (DNR) Fisheries work exclusion dates unless the applicant has written permission from the DNR area fisheries manager or the Lake Superior Fisheries manager to work within the general exclusion dates for the project location. The fisheries work exclusion dates can be found in *Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001* (Chapter 1, page 3) or by contacting the DNR area fisheries office.
https://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf?20231121-02
3. The applicant must, to the extent practicable conduct this work during calm conditions on the lake to ensure controlled removal of dredge material and minimal suspended sediment.
4. The applicant may only remove the amount of material that is necessary to restore the entrance to the harbor to its original bathymetric contours. No additional material may be removed or relocated.
5. All practicable best management practices (BMPs) must be used when in-water work is being performed to ensure minimal disturbance and sediment pollution to Lake Superior. If the project's activities cause an observable increase in total suspended solids (TSS) or sedimentation as described in Minn. R. 7050.0210, subp. 2 outside of the authorized impact area, then the project activities must immediately cease and any malfunctioning BMPs must be repaired, or alternative BMPs must be implemented. Approved temporary impacts to aquatic resources must be returned to original conditions. This Certification does not authorize the violation of applicable water quality standards outside the defined work area. Minnesota water quality standards are defined in Minn. R. ch. 7050.
6. The contractor and/or DNR must perform daily visual inspections to observe turbidity levels, weather, and lake conditions to ensure required BMPs are correctly deployed and functioning as intended. These BMPs must be installed and maintained in a manner that ensures sediment and debris do not leave the work site.
7. The applicant must provide: a) a copy of the Certification; b) documentation of any required BMPs under the above conditions; and c) any written demarcation of waters to any primary

contractor responsible for completing the project's authorized activities. The applicant must also ensure that there is a mechanism in place requiring each primary contractor to provide the same information to all subcontractors, at any level, responsible for fabricating or providing any material for the project or performing work at the project site. In addition, copies of these documents and any other relevant regulatory authorizations related to impacts to waters must be available at or near the project site for use by contractors and staff responsible for completing the project work and must be available within 72 hours when requested by MPCA staff.

8. The applicant must allow representatives from the MPCA to inspect the project site and the authorized activity to ensure that the project is constructed, and BMPs maintained, in accordance with this Certification.
9. The applicant is responsible for ensuring that all requirements of this Certification are met.
10. This Certification includes and incorporates by reference the general conditions of Minn. R. 7001.0150, subp.3.
11. The applicant must inform the MPCA of any proposed additional water quality impacts this project may have, before they occur, to determine if further review or authorization is required. This includes any additional dredging, excavation, fill, additional structures, and temporary impacts not shown in the final plans or expressly authorized by the U.S. Army Corps of Engineers Project Section 404 permit or the Section 401 Certification from the MPCA.

A Section 401 Certification does not release or limit the applicant from obtaining all necessary federal, state, and local permits, nor does it limit more restrictive requirements set through any such program. It does not eliminate, waive, or vary the applicant's obligation to comply with all other laws and state water statutes and rules through the construction, installation, and operation of the project. This letter does not release the applicant from any liability, penalty, or duty imposed by Minnesota or federal statutes, regulations, rules, or local ordinances, and it does not convey a property right or an exclusive privilege.

This MPCA decision is made, in part, on the applicant's representations that environmental review under the Minnesota Environmental Quality Board's Rules, Minn. R. ch. 4410, is not needed for the project or, alternatively, that all necessary environmental reviews and related decisions have been completed. If environmental review for this project is needed and has not been completed, the MPCA does not have legal authority to issue a Certification. In that situation, the MPCA reserves the right to make a Section 401 Certification decision when the environmental review process is completed.

The MPCA reserves the right to revisit or revoke the Certification due to new or additional information, updated information, changes in technology, or any other changes that could render the project as incompatible with Minnesota's water quality standards. If you have any questions regarding this Certification, please contact the MPCA 401 program at 401Certification.pca@state.mn.us.

Sincerely,

(Type e-Signature)

This document has been electronically signed.

Daryl Wierzbinski
Bethany Chaplin
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Maggie Wenger
Supervisor
Agency Rules Unit
Resource Management and Assistance Division
MW/KB:kj

cc: U.S. Environmental Protection Agency (electronic)
U.S. Fish and Wildlife Service (electronic)
Tom Hovey, DNR (electronic)
Bri Speldrich, DNR (electronic)
Chris Holm, Bois Forte Band of Chippewa (electronic)
Grace Leppink-Walz, Fond du Lac Band of Lake Superior Chippewa (electronic)
Robert Deschampe, Grand Portage Band of Ojibwe (electronic)
Agatha Armstrong, Grand Portage Band of Ojibwe (electronic)
April McCormick, Grand Portage Band of Ojibwe (electronic)
Marie Spry, Grand Portage Band of Ojibwe (electronic)
Toby Stephens, Grand Portage Band of Ojibwe (electronic)
Margaret Watkins, Grand Portage Band of Ojibwe (electronic)
Leech Lake Band of Ojibwe (electronic)
John Coleman, Great Lakes Indian Fish and Wildlife Commission (GLIFWC) (electronic)
Red Cliff Band of Lake Superior of Chippewa (electronic)
Darren Vogt, 1854 Treaty Authority (electronic)
Jordan Donatell, MPCA
Bill Cole, MPCA
Brandon Smith, MPCA
Brandon Montgomery, MPCA
Amy Adrihan, MPCA