MINNESOTA POLLUTION CONTROL AGENCY

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

Date, 2026

VIA EMAIL

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

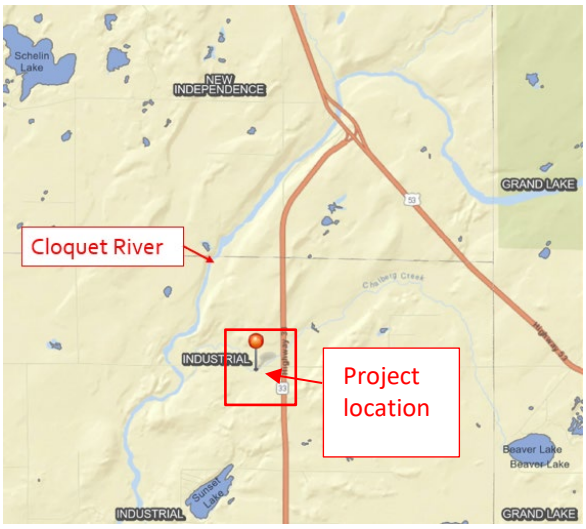
Sam Cook
St Louis County Public Works
4787 Midway Rd
Duluth, MN 55811

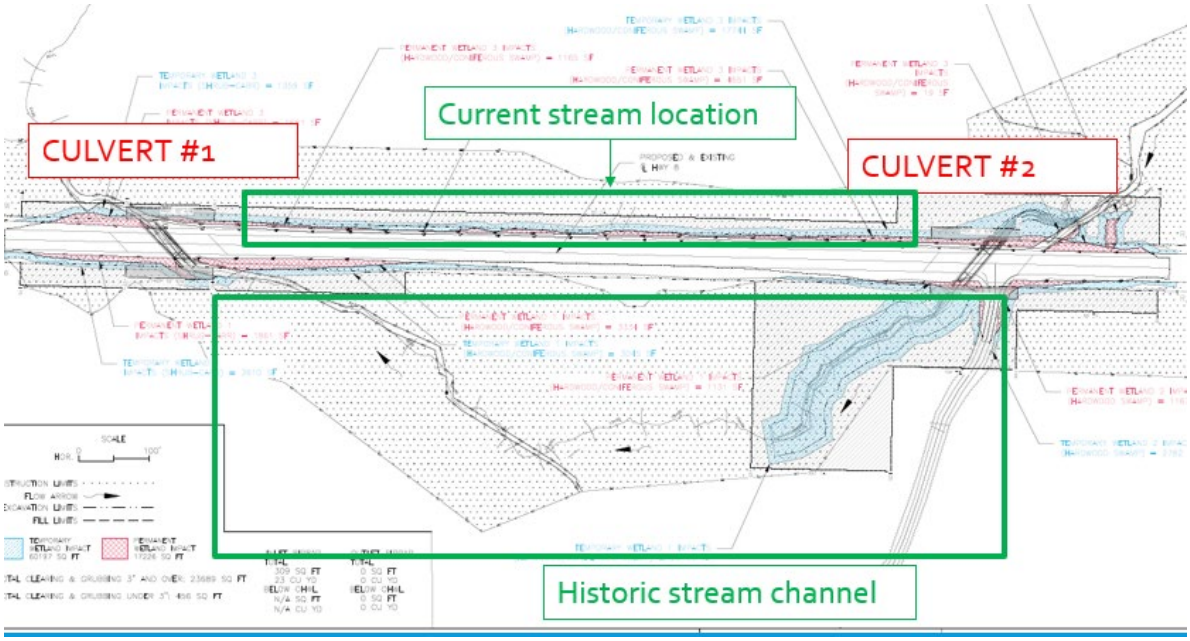
RE: U.S. Army Corps of Engineers Project #2013-03401-BLK St Louis County CSAH 8 Chalberg Creek Culverts
St Louis County, Minnesota
Section 401 Water Quality Certification

Dear Brian Korman and Sam Cook:

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, St. Louis County Public Works, for the permanent dredge and discharge of fill material into 0.4 acres of wetlands and 1.38 acres of temporary impact. Chalberg Creek currently runs along the north side of CSAH 8 but historically flowed beneath the road and crossed under it again to the west before its confluence with the Cloquet River. The historic stream bed is still intact, and the county proposes restoring the stream to that flow path which will require the installation of a culvert and then a replacement of a second culvert. The project also includes a small amount of dredging needed where sediment has filled in over time and seeding of native vegetation where the native seed bank has been overtaken. The western (downstream) culvert will be 14 feet by 6 feet with a 42-foot barrel length and 22-foot end sections. The eastern (upstream) culvert will be 12 feet by 6 feet with a 42-foot barrel length and 21-foot end sections. Both culverts will be embedded 2 feet into the substrate. All permanent impacts will be mitigated at a 1:1 ratio.





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 Department of Natural Resources (DNR) Fisheries work exclusion dates without the written permission of the DNR area fisheries manager. These dates can be found in the *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 ensure that any fill placed in water be clean fill that is free of solid waste, toxic or hazardous contaminants including the fill to be used for embedding the culverts in the stream bed. Any deviation from this requirement such as seeking beneficial reuse of materials, requires case-specific beneficial use determinations by MPCA for debris and soil with contaminant levels appropriate for the placement setting. The applicant must also ensure that any fill will not promote the spread of invasive species as defined in Minn. Stat. ch. 84D and

Minn. R. 6216 and is free of those species identified as "prohibited species" in the Minnesota Noxious Weeds publication https://www.mda.state.mn.us/plants-insects/minnesota-noxious-weed-list. The applicant must ensure all construction equipment, construction matting, erosion control devices and best management practices (BMPs) brought to the site are free of the same prohibited species.

4. All equipment used in water must follow DNR Aquatic Invasive Species (AIS) BMPs and be inspected and cleaned ahead of use in the water. More information on BMPs and identification of AIS may be found here: Clean In Clean Out | Minnesota DNR

5. Temporary stockpiles must be properly located in upland areas and have silt fences around them to control and prevent sediment movement. All sediment in upland areas must be managed in accordance with the National Pollution Discharge Elimination System/State Disposal System (NPDES/SDS) General Construction Permit. https://www.pca.state.mn.us/business-with-us/construction-stormwater

6. If stream diversion will be necessary for the excavation or fill of the stream banks, a Stream Diversion Plan (SDP) will be required. Prior to construction, stream diversion water procedures must be in place to ensure that discharge points are adequately protected from erosion and scour. In addition, the SDP must address erosion prevention and sediment control, comply with water quality requirements, and meet in-water best construction practices. The MPCA reserves the right to add additional conditions if necessary to accommodate and address specific design requirements and to maintain water quality standards (Minn. R. chs 7050, 7001).

7. To the extent practicable, construction and temporary diversions should be staged in the manner that causes the least amount of impact to the stream including both size and duration of impacts. Approved temporary impacts to aquatic resources must be returned to original conditions. This includes timing and staging that allows for exposed soils to be quickly stabilized throughout the project area.

8. No additional fill or excavation in the stream is approved outside of the planned features. Any proposed change to the quantity of hard armoring or in-stream features must be submitted in writing to the MPCA for approval prior to installation.

9. The permittee must stabilize all exposed soil areas whenever any construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days (Minn. R. chs. 7050, 7001).

10. To the extent practicable and known, work should be conducted during low water times of the year to avoid excessive impacts of erosion and scour from high flows.

11. Trees and excess soils from bank grading that are being stockpiled on site must be stored in upland areas and secured with BMPs that prevent sediment or debris from entering the stream.

12. The applicant must ensure that any dewatering activities do not create nuisance conditions as defined in Minn. R. 7050.0210, subp. 2. The applicant must use BMPs that minimize total suspended solids (TSS) and sedimentation by removing solids in the water before discharging

the water. The applicant must document BMPs prior to beginning any dewatering; this documentation may be stand-alone or part of an Erosion Control Plan, Construction Plan, or other relevant construction document. During the dewatering activity, the applicant must visually check and photograph the discharge at the beginning and at least once every 24 hours of operation to ensure adequate treatment has been obtained and nuisance conditions are not observed in accordance with the NPDES/SDS Construction Stormwater permit. Any unplanned dewatering that must occur due to site conditions at the time of construction should be noted on the Stormwater Pollution Prevention Plan or other relevant construction documents (Minn. R. chs. 7050, 7001).

13. The applicant or its contractor must perform daily visual inspections to observe turbidity levels, weather, and stream 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.

14. The applicant must install in-water BMPs to the extent practical and feasible, to minimize TSS and sedimentation for any work conducted below the ordinary high-water level as defined in Minn. Stat. § 103G.005, subp. 14, of any water or within the delineated boundaries of wetlands.

    The applicant must document the in-water BMPs to be used during the authorized work prior to disturbing any land at the site; this documentation may be stand-alone or part of an Erosion Control Plan, Construction Plan, or other relevant construction document. This documentation is not required to be submitted to the MPCA but must be kept on-site during active construction by the contractor until the project is complete. Proper installation of BMPs is required before conducting the authorized in-water activities and must be properly maintained until the project is complete. This includes maintenance of in-water BMPs along with the establishment and maintenance of any erosion prevention, sediment control or site stabilization features included in the project plan or this certification. While conducting the authorized work, the permittee must visually monitor the BMPs to ensure that the BMPs are working as intended to reduce TSS or sedimentation. If the project activities cause an observable increase in TSS or sedimentation as described in Minn. R. 7050.0210, subp. 2, outside or downstream of the authorized defined working area, then the project activities must immediately cease and any malfunctioning BMPs must be repaired, or alternative BMPs must be implemented. This Certification does not authorize the violation of applicable water quality standards outside or downstream of the defined work area. Minnesota water quality standards are defined in Minn. R. chs. 7050, 7001. Information on types of BMPs that may be suitable for in-water work is located in the DNR Manual titled *Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001,* located at:
    https://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html

15. The applicant must ensure that the authorized activities do not exacerbate any existing impairments of a CWA 303(d) listed impaired water. Prior to beginning any authorized activities, the Applicant must first identify whether their project area is in, or near, any impaired waters and waters with the U.S. Environmental Protection Agency - approved total maximum daily loads. When working in, or near, impaired waters, the Applicant must deploy redundant BMPs

as necessary to ensure the authorized construction activities will not exacerbate existing impairments. The following MPCA webpage contains more information and search tools available to determine which waters in Minnesota are impaired: https://www.pca.state.mn.us/air-water-land-climate/minnesotas-impaired-waters-list. The applicable water quality standards are in Minn. R. chs. 7050, 7001.

16. The applicant must provide: a) a copy of the Certification; b) documentation of any required best management practices (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.

17. 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.

18. The applicant is responsible for ensuring that all requirements of this Certification are met.

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

20. 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 401 Program at 401Certification.pca@state.mn.us.

Sincerely,

[Type e-Signature]

This document has been electronically signed.

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)
Kim Boland, 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