



1880 Main Street, Centerville, MN 55038

651-429-3232 or Fax 651-429-8629

March 31, 2006

Robert Whiting, Chief, Regulatory Branch
Army Corp of Engineers
190 Fifth Street East
St. Paul, MN 55101-1683

Re: Permit Acceptance

Dear Mr. Whiting:

Enclosed are two signed copies of the permit number 5002-7188-TJF. Please return one copy to me when it has been signed by the District Engineer. Thank you.

Yours truly,

Dallas Larson, Administrator

Enc.

Cc: Mike DeRuyter, Kjolhaug Environmental



KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

Providing Sound, Balanced, Comprehensive Natural Resource Solutions

Letter of Transmittal

TO:	NAME	COMPANY	Project
	Dallas Larson	City of Centerville	Industrial Park Connector Road
CC:			

FROM:	NAME	DATE	Copies	Description
	Mike DeRuyter	March 28, 2006	1	COE Permit

RE:	For your signature/files
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FYI For Your Review Please Reply As We Discussed

● Comments:

Dallas-

Enclosed is the wetland permit from the Corps of Engineers. It is **NOT VALID** until you sign both copies of the enclosed conditions (stapled copies) and send to the Corps- the instructions are in the first page of the permit. Please feel free to call me with any questions.

Thanks

Mike

RECEIVED

MAR 29 2006



DEPARTMENT OF THE ARMY

St. Paul District Corps of Engineers
190 Fifth Street East
St. Paul, Minnesota 55101-1683

MAR 24 2006

REPLY TO
ATTENTION OF

Operations
Regulatory (2005-7188-TJF)

Mr. Mike DeRuyter
Kjolhaug Environmental Services
26105 Wild Rose Lane
Shorewood, Minnesota 55331

Dear Mr. DeRuyter:

A favorable determination has been made on the application for a Department of the Army permit for the City of Centerville to construct a roadway and develop industrial park lots east of County Road 54. The project site is located south of County Road 14 in the SW ¼ of the NW ¼ of Section 24, T31N, R22W, Anoka County, Minnesota.

The Minnesota Pollution Control Agency (MPCA) has waived water quality certification for this project. The MPCA has not waived your responsibility to comply with the water quality standards contained in Minn. R. 7050 and other applicable MPCA statutes. A copy of the MPCA waiver is enclosed for your convenience.

Your permit and a Notification of Administrative Appeal Options and Process and Request for Appeal are enclosed. If the permit, with all conditions, is acceptable, the permittee or authorized representative should sign each copy on the line above the word "PERMITTEE", date, and return both forms to this office. The District Engineer, or his designated representative, will then sign both copies and return one to you for your records. The permit is not valid without that signature.

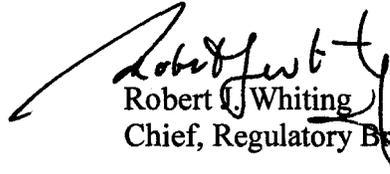
If you disagree with the enclosed jurisdictional determination, you may provide new information. Please follow the directions in Section D of the enclosed Notification of Administrative Appeal Options and Process and Request for Appeal.

If this permit is not acceptable and you would like to appeal the permit decision, please follow the directions in Section A of the enclosed Notification of Administrative Appeal Options and Process and Request for Appeal.

The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision.

If you have any questions, contact Mr. Tim Fell at (651) 290-5360. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


Robert J. Whiting
Chief, Regulatory Branch

DISTRICT OFFICE: St. Paul District

FILE NUMBER: 2005-7188-TJF

PROJECT LOCATION INFORMATION:

State: Minnesota

County: Anoka

Center coordinates of site (latitude/longitude): SW 1/4 of the NW 1/4 of Section 24, T31N, R22W

Approximate size of area (parcel) reviewed, including uplands: 20 acres.

Name of nearest waterway: County Ditch 55

Name of watershed: Clearwater Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination



Date: March 20, 2006

Site visit(s)



Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands/waters on the site include a large wetland complex that is adjacent to Anoka County Ditch 55. Ditch 55 is tributary to Clearwater Creek, which flows into Rice Creek, which is a primary tributary of the Mississippi River, a navigable water of the United States.*

FILE NUMBER:**Lateral Extent of Jurisdiction:** (Reference: 33 CFR parts 328 and 329)

- Ordinary High Water Mark indicated by:
- clear, natural line impressed on the bank
 - the presence of litter and debris
 - changes in the character of soil
 - destruction of terrestrial vegetation
 - shelving
 - other:
- High Tide Line indicated by:
- oil or scum line along shore objects
 - fine shell or debris deposits (foreshore)
 - physical markings/characteristics
 - tidal gages
 - other:
- Mean High Water Mark indicated by:
- survey to available datum; physical markings; vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

Basis For Not Asserting Jurisdiction:

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
 - Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
 - Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
 - Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
 - Isolated, intrastate wetland with no nexus to interstate commerce.
 - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
 - Other (explain):

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated _____, prepared by (company):
Kjølhaug Environmental Services
- This office does not concur with the delineation report, dated _____ p prepared by (company):

- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
 - U.S. Geological Survey 7.5 Minute Topographic maps:
 - U.S. Geological Survey 7.5 Minute Historic quadrangles:
 - U.S. Geological Survey 15 Minute Historic quadrangles:
 - USDA Natural Resources Conservation Service Soil Survey:
 - National wetlands inventory maps:
 - State/Local wetland inventory maps:
 - FEMA/FIRM maps (Map Name & Date):
 - 100-year Floodplain Elevation is: _____ (NGVD)
 - Aerial Photographs (Name & Date):
 - Other photographs (Date):
 - Advanced Identification Wetland maps:
 - Site visit/determination conducted on:
 - Applicable/supporting case law:
 - Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: City of Centerville	File Number: 2005-7188-TJF	Date: MAR 24 2006
Attached is:		See Section below
<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A. INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approve jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B. PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D. APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E. PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTION OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Tim Fell
U. S. Army Corps of Engineers, Regulatory Branch
190 Fifth Street East,
Saint Paul, MN 55101-1638

Telephone (651) 290-5360

If you only have questions regarding the appeal process you may also contact:

Division Engineer
c/o Martha S. Chieply, Appeal Review Office
CEMVD
P. O. Box 80
Vicksburg, MS 39181-0080
Telephone (601) 634-5820

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
Signature of appellant or agent.		

DEPARTMENT OF THE ARMY PERMIT

Permittee City of Centerville, Minnesota

Permit No. 2005-7188-TJF

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.

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

Project Description: The City of Centerville is authorized to discharge dredged and fill material into 2.03 acres of wetlands to facilitate the construction of a west to east connector roadway between 20th and 21st Avenue, and to create 3 industrial park lots. The permit also authorizes the filling and realignment of approximately 750 feet of County Ditch 55. In addition, grading/scraping is authorized within 2.53 acres of degraded on-site wetland as part of the overall wetland mitigation proposal.

The authorized work is shown on the attached drawings, labeled 2005-7188-TJF, pages 1 of 3 through 3 of 3.

Project Location: The project site is located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, T31N, R22W, Anoka County, Minnesota.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2009. 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 one month before the date is reached.
2. You must maintain the activity authorized by this permit 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 in compliance with General Condition 4 below. 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.

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

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. 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 your permit.

Special Conditions:

1. The permittee shall provide a total of 2.53 acres of compensatory wetland mitigation to offset the permanent wetland fill impacts associated with the construction of the connector roadway and the creation of 3 industrial park lots.

The permittee has proposed to mitigate the 2.03 acres of wetland fill impacts through the following: 0.7 acre of wetland mitigation bank credits would be debited from the Minnesota Board of Water and Soil Resources Road Replacement Bank Program to offset the road construction impacts; 1.9 acres of new, in kind wetland will be created on site; over 750 feet of new realigned ditch will be constructed; and 2.53 acres of existing degraded wetland would be enhanced by scraping/grading topsoil and reseeding to create wet meadow and shallow marsh habitat. These measures would offset the proposed permanent fill impacts to Corps of Engineers jurisdictional wetlands at at least a 1.5 to 1 ratio.

The Corps of Engineers will accept this compensatory wetland

mitigation proposal, provided the permittee submits evidence within 6 months of the date of this permit that 0.7 acre of credit has been debited from the BWSR bank.

2. The 1.9 acres of on site wetland replacement shall create Type 2/3 (wet meadow/shallow marsh) habitat. This will be created as shown on the attached permit drawings. This mitigation work shall be performed prior to or concurrent with wetland fill activities at the project site; and all earthwork, construction and planting on the mitigation sites shall be completed no later than 120 days after the work authorized by this permit is completed.

The on site mitigation must establish a successful wet meadow and shallow marsh wetland complex using the following Success Criteria:

a. Hydrology:

1) Fresh (Wet) Meadows, Sedge Meadows and Wet Prairies (Mineral Soils). Hydrology shall consist of saturation at or within 12 inches of the surface for a minimum of 30 consecutive days, or two periods of 15 consecutive days, during the growing season under normal to wetter than normal conditions (70 percent of years based on most recent 30-year record of precipitation). Inundation during the growing season shall not occur except following the 10-year frequency or greater storm/flood event. The depth of inundation shall be 6 inches or less and the duration of any inundation event shall be less than 15 days. An exception can be made for sites with hummocky microtopography -- hollows between hummocks can have standing water depths of up to 6 inches for extended duration.

2) Shallow Marshes. Hydrology shall consist of saturation to the surface, to inundation by up to 6 inches of water, for a minimum of 60 consecutive days or two periods of 30 consecutive days or four periods of 15 consecutive days, during the growing season under normal to wetter than normal conditions (70 percent of years based on most recent 30-year record of precipitation). During the growing season, inundation by up to 18 inches of water following the 2-year or greater storm/flood event is permissible provided that the duration does not exceed 30 days (e.g., water depth drops from 18 inches to 6 inches within the 30 days).

b. Vegetation: Wet meadow and shallow marsh wetland communities shall be seeded with MnDOT or BWSR seed mixes. The area shall be dominated by species of native grasses, sedges, rushes, forbs and/or ferns and achieve approximately 60% or more areal coverage of the total mitigation site by year 5. More than 75% of all plant species within the wetland communities of the mitigation site shall be facultative (FAC) or wetter (FACW or OBL) excluding FAC-). A minimum of 1.9 acres of wetlands shall be established by the end of the post-construction monitoring period, as

determined by a wetland delineation of the mitigation site that you shall conduct and submit to the Corps during the final year of monitoring.

3. Control of Invasive and/or Non-Native Species: Control of invasive and/or non-native plant species in the mitigation areas shall be carried out for five full growing seasons. Control shall consist of mowing, burning, disking, mulching and/or herbicide treatments. By the third growing season, any areas one-quarter acre in size or larger that have greater than 50 percent areal cover of invasive and/or non-native species shall be treated (e.g., herbicide) and/or cleared (e.g., disked) and then reseeded. Follow-up control of invasive and/or non-native species shall be implemented as stated above. At the end of the fifth growing season, the vegetative community shall not contain greater than 20 percent areal cover of invasive and/or non-native species, which includes but is not limited to the following: reed canary grass (*Phalaris arundinacea*), Canada thistle (*Cirsium arvense*), bull thistle (*Cirsium vulgare*), smooth brome grass (*Bromus inermis*), giant ragweed (*Ambrosia trifida*), common ragweed (*Ambrosia artemisiifolia*), quack grass (*Elytrigia repens*), sweet clovers (*Melilotus alba* and *M. officinalis*). The mitigation site shall have no purple loosestrife (*Lythrum salicaria*) present at the end of the monitoring period. If purple loosestrife is observed in the mitigation areas it shall be removed as soon as possible (before seed germination occurs) by hand or through use of approved herbicides. Failure to meet any of the above criteria may be cause to extend the permittee's responsibility for monitoring and control of invasive/non-native species within the compensation site.

4. If the performance criteria outlined above are not met at any time during the monitoring period, the permittee must provide the Corps with a proposal detailing corrective actions and/or maintenance actions proposed (if any) and an implementation schedule for those actions. The permittee shall implement the necessary corrective measures following review and approval/modification of those measures by the Corps.

5. The permittee shall assume all liability for accomplishing corrective work should the District Engineer determine that the compensatory mitigation has not been completed satisfactorily. Remedial work may include regrading and/or replanting the mitigation site. This responsibility shall extend for a period of 5 years beginning upon completion of mitigation site construction.

6. The permittee shall provide the Corps with an annual status report on the progress of the establishment of the mitigation site(s). The report shall describe the plant communities and hydrologic conditions at the site(s) and shall include representative color photographs taken during the growing season.

The reports shall be provided annually for 5 consecutive growing seasons (years). The first report shall be submitted 1 year following the first growing season after construction of the mitigation areas.

7. The monitoring reports shall include the following:

a. All plant species along with their percent cover, identified using standard plots and/or transects, with at least one representative plot/transect in each plant community within the mitigation site including upland buffers. In addition, the presence and percent cover of invasive and/or non-native species, such as purple loosestrife and common buckthorn, in any of the plant communities shall be noted.

b. Vegetation cover maps at an appropriate scale shall be submitted for each reported growing season.

c. Photographs showing all representative areas of the mitigation site taken at least once each reported growing season during the period of July 1 to September 30. Photographs shall be taken from a height of approximately five to six feet from at least one location per acre. Photos must be taken from the same reference point and direction of view each reporting year.

d. Surface water and groundwater elevations in representative areas recorded at least once each week for the first 10 weeks during the first growing season; and at least once each month during each growing season until year 5. The location of each monitoring site shall be shown on a plan view of the site.

8. To ensure that the mitigation areas remain in a natural condition, the permittee shall provide the Corps with a copy of the permanent conservation easement or covenant being used to ensure preservation of the mitigation areas.

9. To avoid potential impacts to fisheries in downstream waters, the permittee shall not conduct work in County Ditch 55 during fish spawning season between 1 April and 15 June. The MnDNR may be contacted for further information regarding possible variances in these dates.

10. Refer to Standard Conditions attachment.

Further Information:

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

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

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

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

2. Limits of this authorization.

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

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

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

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

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

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

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

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

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

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

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

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. General condition 1 establishes a time limit for the completion of the activity authorized by this 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.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE SIGNATURE)

(DATE)

(PERMITTEE PRINTED OR TYPED NAME)

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

(DISTRICT ENGINEER)

(DATE)

Michael F. Pfenning
Colonel, Corps of Engineers
District Engineer

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE SIGNATURE)

(DATE)

(TRANSFEREE PRINTED OR TYPED NAME)

In addition to general and special conditions, this permit is subject to the following standard conditions, as applicable:

1. 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.
2. 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.
3. 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.
4. 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.
5. All fill (including riprap), if 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, the State Historic Preservation Officer (SHPO) must be notified prior to the use of the new site. Evidence of this consultation with the SHPO will be forwarded to the St. Paul District Office.
6. 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.
7. An investigation must be made to identify water intakes or other activities that may be affected by suspended solids and turbidity increases caused by work in the watercourse. Sufficient notice must be given to the owners of property where the activities would take place to allow them to prepare for any changes in water quality.
8. 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 Department of Natural Resources and the U.S. Coast Guard at telephone number (800) - 424-8802.



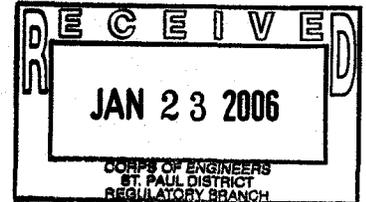
Minnesota Pollution Control Agency

January 18, 2006

Mr. Robert J. Whiting
Regulatory Branch, St. Paul District
U.S. Army Corps of Engineers
190 Fifth Street East
St. Paul, Minnesota 55101-1638

Mr. Dallas Larson
City of Centerville
1880 Main Street
Centerville, Minnesota 56425

RE: CENCS-CO-R 05-7188-TJF
City of Centerville – Industrial parking lots
Anoka County
Section 401 Certification Waiver



Dear Mr. Whiting and Mr. Larson:

This letter is submitted by the Minnesota Pollution Control Agency (MPCA) under authority of Section 401 of the Clean Water Act (33 USC 1251 et seq.), Minn. Stat. chs.115 and 116, and Minn. R. 7001.1400-1470. The referenced project involves a proposal to construct three industrial parking lots located in Section 24, T 31N, R 22W, Anoka County, Minnesota.

The MPCA waives its authority to certify the referenced project application.

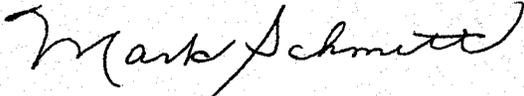
This action does not eliminate, waive or vary the applicant's responsibility of complying with all water quality standards and requirements contained in Minn. R. 7050 and all other applicable MPCA statutes and rules regarding water quality in the construction, installation and operation of the project. In addition, this action does not waive MPCA's authority to take necessary actions, including enforcement actions, to ensure that the applicant and the project's construction, installation and operation comply with water quality standards and all other applicable MPCA statutes and rules regarding water quality.

This MPCA decision is made, in part, on the applicant's representations that environmental review under the Minnesota Environmental Quality Control Board's (EQB) rules, Minn. R. chapter 4410 is not needed for the project or alternatively, that all necessary environmental reviews and related decisions have been completed and made. If environmental review for this project is needed and has not been completed, this MPCA waiver decision is null and void and of no legal effect. In that situation, MPCA reserves the right to make a section 401 decision when the environmental review process is completed.

Mr. Robert Whiting
Mr. Dallas Larson
Page 2

This action 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.

Sincerely,

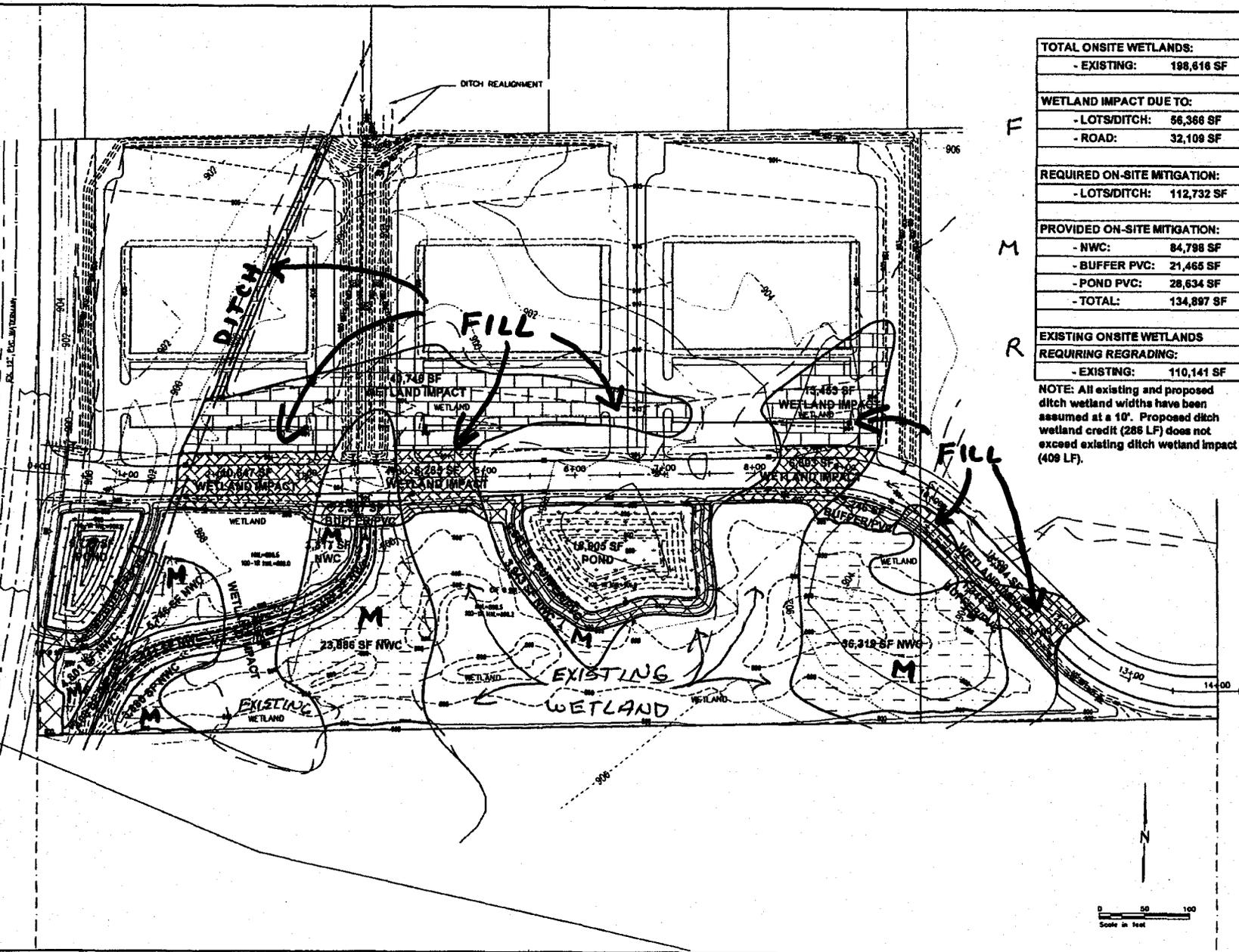


Mark Schmitt, Manager
Stormwater and Wastewater Policy Section
Municipal Division

MS:jgo

Cc: Mike DeRuyter, Kjolhaug Environmental Services Company
Kevin M. Pierard, U.S. Environmental Protection Agency, Chicago
Dan Stinnet, Field Supervisor, U.S. Fish and Wildlife Service
Kent Lokkesmoe, Director, DNR Waters
Steve Colvin, Ecological Services, Environmental Review, MDNR

20th AVENUE (CO. RD. No. 54)



		ACRES
TOTAL ONSITE WETLANDS:		
- EXISTING:	198,616 SF	4.56
WETLAND IMPACT DUE TO:		
- LOTS/DITCH:	56,366 SF	1.29
- ROAD:	32,108 SF	.74
REQUIRED ON-SITE MITIGATION:		
- LOTS/DITCH:	112,732 SF	2.59
PROVIDED ON-SITE MITIGATION:		
- NWC:	84,798 SF	1.95
- BUFFER PVC:	21,466 SF	.49
- POND PVC:	28,634 SF	.66
- TOTAL:	134,897 SF	3.10
EXISTING ONSITE WETLANDS REQUIRING REGRADING:		
- EXISTING:	110,141 SF	2.53

NOTE: All existing and proposed ditch wetland widths have been assumed at a 10'. Proposed ditch wetland credit (286 LF) does not exceed existing ditch wetland impact (408 LF).

St. Paul Office
2335 West Highway 35
St. Paul, MN 55113
Phone: 651-436-1311
Fax: 651-436-1311

Bonestroff
Rosendin
Anderson &
Associates
Professional Services

CENTERVILLE, MINNESOTA
INDUSTRIAL PARK UTILITIES
INDUSTRIAL PARK STREET
WETLAND IMPACTS & MITIGATION

FIG. 4

Note: Site boundaries on this figure are approximate and do not constitute an official survey product.

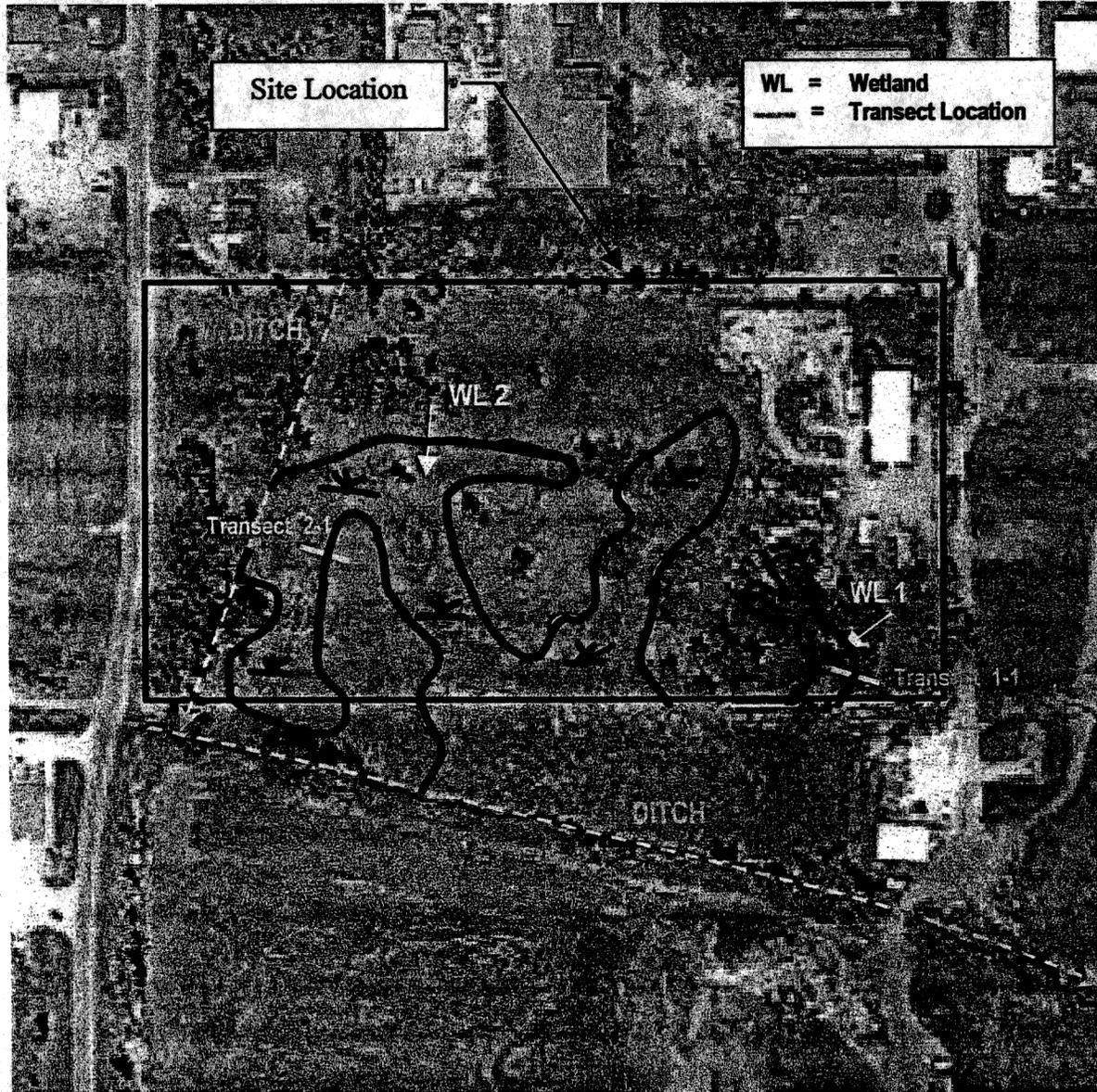


Figure 2 – 2003 Aerial Photograph



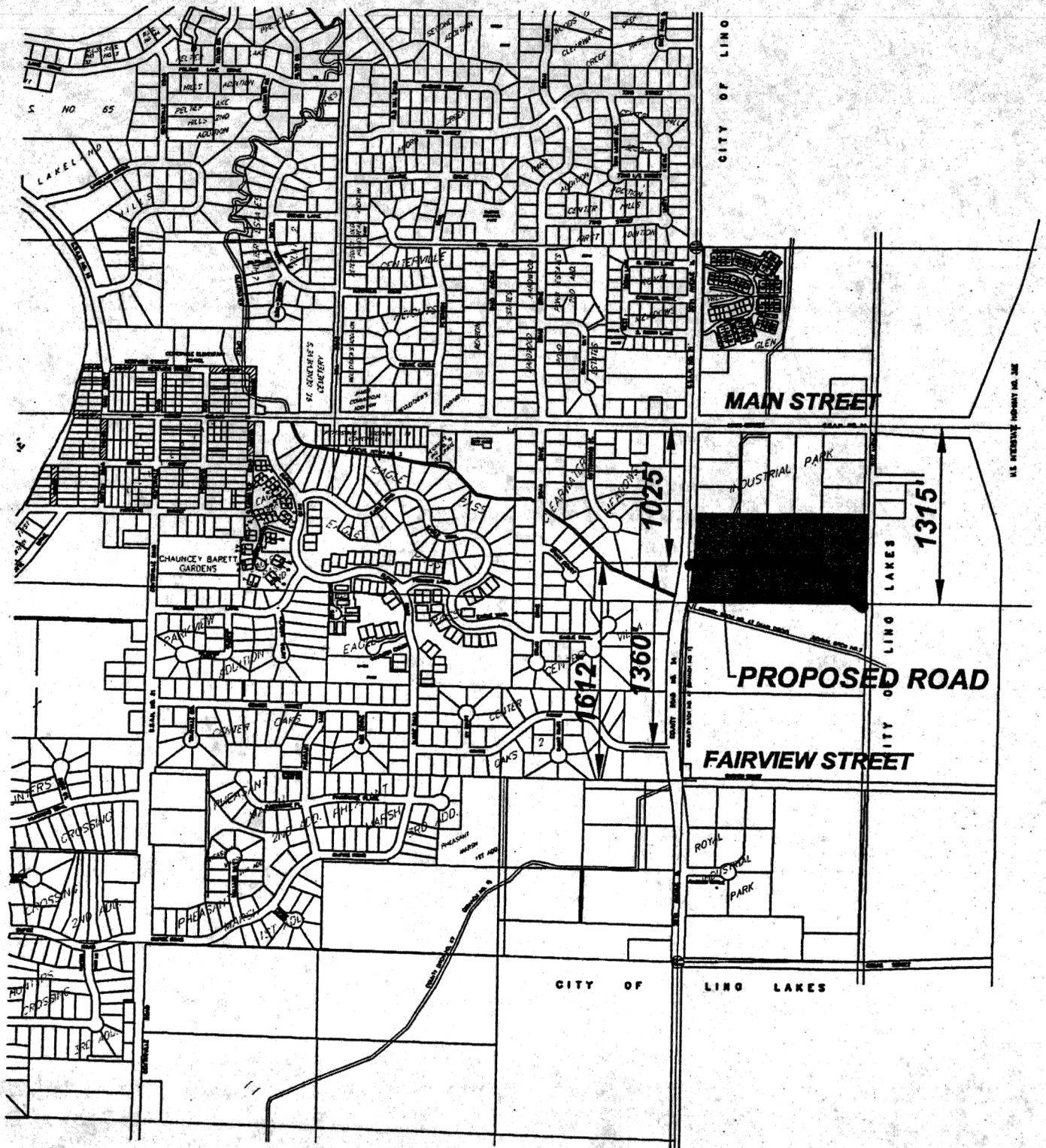
KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

Lloyd Drilling Site (KES No. 2004-048)
Centerville, Minnesota



1 inch ~ 300 feet

2005-7188-TJF
Page 2 of 3



PROJECT LOCATION AND ROAD SPACING

CENTERVILLE, MINNESOTA

FIGURE 1

INDUSTRIAL PARK STREET IMPROVEMENTS

2005-7188-TJF

61605143F02.DWG

DATE: 11/14/05

COMM: .

Page 1 of 3



0 500 1000
Scale in feet

**Bonestroo
Rosene
Anderlik &
Associates**
Engineers & Architects

FIGURE 4