

Amended

Public Waters Work Permit

Expiration Date: 06/30/2028

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. This permit supersedes the original permit and all previous amendments.

Project Name: Latsch Island Boathouse Mooring	County: Winona	Watershed: Mississippi River - Winona	Resource: Stream/River: Mississippi River (MR) (85036a)
Purpose of Permit: Boathouse		Authorized Action: Maintain and operate a mooring facility for no more than 101 boathouses in a manner consistent with Minnesota Statute 103G.245 Subd. 4.	
Permittee: WINONA, CITY OF CONTACT: SOMMER, CHAD, (507) 457-8231 207 LAFAYETTE STREET PO BOX 378 WINONA, MN 55987 (507) 457-8269		Authorized Agent: N/A	
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 609503m east, 4879234m north, Section 23, T107N, R7E Those portions of Public Waters historically used as boathouse mooring sites and the boathouses moored therein.			
Issued Date: 05/16/2023	Effective Date: 06/30/2023	Expiration Date: 06/30/2028	
Authorized Issuer: Lucas Youngsma	Title: Area Hydrologist	Email Address: lucas.youngsma@state.mn.us	Phone Number: 651-299-4020

This permit is granted **subject to** the following **CONDITIONS**:

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

NO CHANGES: The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed

CONDITIONS *(Continued from previous page)*

necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

COMPLETION DATE: Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

WRITTEN CONSENT: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

PERMISSIVE ONLY / NO LIABILITY: This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

EXTENSION OF PUBLIC WATERS: Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

WETLAND CONSERVATION ACT: Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

CONTRACTOR RESPONSIBILITY: The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit. Contractors must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: https://bwsr.state.mn.us/sites/default/files/2019-01/Wetland_WCA_Contractor_Responsibility_Form.doc

INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at www.mndnr.gov/invasives/ais/infested.html. A list of prohibited invasive species is available at www.mndnr.gov/invasives/laws.html#prohibited.

COMPLIANCE WITH MN STATUTES 103G.245 : As a recognized area of historic use for boathouses, ongoing mooring of boathouses and all actions involving repair or replacement of boathouses in existence on Public Waters prior to January 1, 1997 shall be accomplished under the authority of this permit in accordance with Minnesota Statutes 103G.245 Subd. 4.

MINNESOTA STATUTES AND RULES: Minnesota Statutes 103G.245 Subd. 4. and all future revisions or future rulemaking are to be consulted in executing this permit. Should questions arise, consult the DNR Area Hydrologist on interpretation of Minnesota Public Water Law or this permit.

RELOCATION OF BOATHOUSES: This permit authorizes ongoing occupation of Public Waters by up to 101 Boathouses. Boathouses must receive an individual permit prior to be relocated from Latsch Island to another location in Minnesota Public Waters.

REPAIR AND REPLACEMENT OF BOATHOUSES: A boathouse covered under this permit may be repaired or replaced in accordance with the Winona Boathouse Association Inc. bylaws, license agreement with the City of Winona, the City of Winona Boathouse Ordinance, and this permit. Upon receiving the necessary approvals under this permit, boathouses to be replaced are to be completely removed from Public Waters prior to construction commencing on the replacement

CONDITIONS *(Continued from previous page)*

boathouse unless the boathouse is utilized as a primary residence in which case the boathouse must be completely removed from Public Waters within thirty days.

cc: John Gleason, EWR District Manager
John Gleason, EWR District Manager
Ubl, Chad, Contact; Winona, City of
Steinfeldt, Kristy, Contact; Winona, City of
Menton, Patrick, Contact; Winona, City of
McMartin, Lucy , Contact; Winona, City of
Act Tom Hemker, Conservation Officers, Winona
Jed Chesnut, BWSR Wetland Specialists, Winona
Erica Hoaglund, DNR Regional Nongame Specialists, Region 3 - South
Liz Rasmussen, DNR Regional Environmental Assessment Ecologist, Region 3
Melissa Collins, DNR Regional Environmental Assessment Ecologist, Region 3
Brandon Schad, DNR Wildlife, Rochester
Kevin Stauffer, DNR Fisheries, Lake City Area
Lew Overhaug, County, Winona
Ross Dunsmore, County, Winona
Corps of Engineers, Corps of Engineers, Winona
Amanda Gentry, SWCD, Winona County SWCD
Chad Ubl, City, Winona
Scott Sherman, City, Winona
Carlos Espinosa, City, Winona
Brian DeFrang, City, Winona