

## INSTRUCTIONS

# Construction & Earthwork Request Form (CERF)

### SECTION 1

Definitions  
and Points to  
Remember

### SECTION 2

Requirements  
and Process

### SECTION 3

Site Sketch  
Requirements  
and Sample

If you have questions regarding the Construction & Earthwork Request Form,  
please contact Dave Marciniak—Land Management Specialist at Minnesota Power.

218.393.8511 | [dmarciniak@allete.com](mailto:dmarciniak@allete.com)

# Your project requires a Construction & Earthwork Request Form

## Does it require a permit?

Your Construction or Earthwork request is governed by the terms of your Lease with Minnesota Power. This form and process do not change or amend your Lease. In the event that Minnesota Power grants approval for your Construction or Earthwork project, the responsibility remains with you to obtain local, state and federal authorizations or permits as required by law and to comply with all applicable laws, including building codes and ordinances. Minnesota Power complies with all local, state and federal ordinances and follows zoning and planning permit processes.

ALL shoreline and earth-disturbing work, structures and utilities on Minnesota Power lands require completion of a Minnesota Power Construction & Earthwork Request Form (CERF), AND, when applicable, governmental (federal, state, city, township, or other agency) permit applications and approval before the project begins. It is your responsibility to determine which governmental permits and approvals are needed for your project. Some of the most common construction projects that require governmental permits include:

Aquatic vegetation removal	Driveway	Saunas
Boathouse	Excavation	Septic
Boat landing	Garage	Shoreline restoration/riprap
Bunkhouse	Gazebo/screen house	Storage/fish cleaning buildings
Decks	House	Tree/shrub removal
Docks	Land alteration	Walkways
Dredge	Road	Well

The leaseholder CANNOT rely on the contractor to obtain Minnesota Power approval and governmental permits if permits are required. It is the leaseholder's responsibility to ensure that the necessary permits are obtained, completed and provided to Minnesota Power. **Check with your township board, county planning commission, Department of Natural Resources or other appropriate agency to determine what permits you will need.**

## Important information to understand

### The role of FERC:

Minnesota Power's hydro electric projects are licensed by the Federal Energy Regulatory Commission (FERC), an independent federal agency that regulates and oversees energy industries in the economic, environmental and safety interests of the American public. As a licensee, Minnesota Power must follow FERC regulations regarding the lands and waters within its projects.

FERC gives Minnesota Power the authority to grant permission for certain types of use and occupancy of hydroelectric project lands and waters and to transfer interests in those lands and waters for certain other types of use and occupancy without prior approval from FERC. But Minnesota Power can only grant permission if the proposed use and occupancy is consistent with the overriding purposes of protecting and enhancing the scenic, recreational and other environmental values of the hydroelectric project. Minnesota Power is also responsible for supervising and controlling the use and occupancies for which it grants permission and to ensure compliance with leases, easements or other legal property documents.

## Important information to understand (continued)

### **From your lease paragraph 15(c). Construction (abridged):**

No vegetation removal, earthwork, construction, relocation, repair, replacement or exterior remodeling of permitted buildings or fences nor construction, repair, or replacement of septic systems or privies will be permitted without written approval of all jurisdictional governmental authorities and Minnesota Power. Requests for approval of construction shall be detailed on forms supplied by Minnesota Power and must be approved prior to commencement of work.

### **Penalties:**

Construction or earthwork that occurs on Minnesota Power property without a completed CERF and the proper governmental permits, shall be considered a default of the lease and may be subject to any or all of the following (above and beyond any penalties incurred by governmental agencies having jurisdiction over the construction and earthwork project): the cost of structure removal, restoration of land and wetland contours and features, penalty fees and lease termination.

### **The Ordinary High Water Level (OHWL):**

In order to complete lakeshore setback measurements for CERF site drawings and governmental permits, it is critical to properly identify the Ordinary High Water Level (OHWL) on your lease lot. The OHWL is commonly considered the point where the natural vegetation changes from predominately aquatic to predominantly terrestrial. On reservoirs, government agencies often consider the OHWL as the operating pool elevation. Construction or earthwork projects on either side of the OHWL require Minnesota Power approval (at a minimum) and may require local zoning and/or additional governmental agency permits. For example, the Minnesota DNR regulates activities that could change the current, cross-section, or contour of a public waterway, including the shoreline. Any work below the OHWL requires consultation with the DNR area hydrologist.

### **Storm Water Best Management Practices (BMP):**

Disturbance of any soil can lead to erosion and sedimentation into wetlands, streams, rivers, and lakes. Erosion control on projects, using Best Management Practices (BMP), will help save lake lot property, stabilize plant and tree species and will limit the risk of sedimentation flowing into wetlands, streams, rivers and lakes. Depending on the amount of area disturbed, development of a Storm Water Pollution Prevention Plan (SWPPP) and a construction storm water permit may be needed, which would require BMPs along with monitoring of the site. There may be lower thresholds with different local or governmental agencies; therefore Minnesota Power requires that you plan BMPs for every project and ask the necessary local governmental agencies whether any additional permits are needed. The leaseholder will need written (or email) confirmation from the governmental agencies having jurisdiction on storm water control activities that indicates whether a permit is needed. For more information see the included Contact List.

### **Wetlands:**

It can be difficult to determine if wetlands exist on your lease lot since there are multiple types of agency-classified wetlands. When in doubt, a wetland delineator should be consulted to mark (delineate) the edges of any wetlands in the vicinity of proposed projects. Wetland plants provide habitat for aquatic species, slow water runoff, help control erosion, and can provide a natural water filter. If wetland impacts are unavoidable, a combined local, state, and federal permit application must be submitted and approved before work begins and any wetlands are impacted. In addition, wetland mitigation through the purchase of wetland banking credits may be required. The leaseholder will need written (or email) confirmation from the governmental agencies having jurisdiction on wetland impacts that indicates whether a permit is needed. See Contact List (included) for wetland agencies and delineators.

# Requirements and process

## Requirements

Complete the process as indicated below. Include all current contact information. Incomplete or inaccurate information will result in the form being returned to you. It is very important that measurements of all structure, septic and drinking water well setbacks and dimensions be recorded accurately.

Include an accurate drawing showing existing structures (including power poles and overhead power lines) and the proposed construction/earthwork in relation to the lease lot boundaries, roads, driveways, wells, septic system and Ordinary High Water Level (OHWL) of the flowage, lake, reservoir or river.

## Process

1. Identify property setbacks, lot dimensions, parcel limitations and other restrictions before preparing application and drawing your sketch.
2. Fill out page 2 of form; write clearly and concisely; provide complete information.
3. Discuss your CERF with Minnesota Power staff prior to submission if you have any questions.
4. Mail your completed CERF to:  
MP ShoreLand  
30 W. Superior St.  
Duluth, MN 55802.
5. All requests will be reviewed by the Minnesota Power Land and Real Estate Department. A preliminary field inspection of the building site may be scheduled to meet you onsite for review.
6. If you receive preliminary approval for construction from Minnesota Power, please follow the steps outlined below. If your request is not approved, you will be informed of the reasons.
  - a. Apply for applicable governmental permits through the appropriate agencies, which may include:
    - Works in the water (DNR), land alteration (county/township), building (county/township), well and septic (health department/county environmental services); see contact page.
7. After you have received permission for your project from all applicable governmental agencies, you must send the original permits or evidence of such permits to Minnesota Power along with the signed CERF.
  - a. If you receive permits back from any governmental agency and the "Final Approval" section of the CERF is not signed please send all paperwork to Minnesota Power so copies can be made for your lease file.
8. Upon satisfactorily completing all prior steps outlined above, Minnesota Power will review all governmental permits to ensure consistency and accuracy to the CERF application. If the CERF is approved by Minnesota Power, a copy of the form together with all necessary permits will be returned to you.
9. Completion of construction or earthwork requires a follow-up inspection by Minnesota Power to close each CERF file. Call 218-393-8511 for final inspection. If projects are not closed out, future construction requests will be rejected.

# Leaseholder and Minnesota Power responsibilities

## Before you start the project

Leaseholder	Request a Construction & Earthwork Request Form (CERF). ShoreLand office   218-723-3981   1-888-526-3648 (toll-free)   landinfo@mpland.com
Minnesota Power	Provide CERF upon request and start internal processes.
Minnesota Power	Meet with leaseholder and contractor. Minnesota Power may provide information and guidance on requirements for your project.
Minnesota Power	Re-identify lot lines for correct layout on CERF sketch (as needed).
Leaseholder	Submit completed CERF to Minnesota Power for pre-approval.

## Get the proper permits

Minnesota Power	If pre-approval is granted, return CERF to leaseholder.
Leaseholder	Fill out and finalize required governmental permit applications before project begins. Leaseholder <u>CANNOT</u> rely on the contractor to get necessary permits ( <i>see page 1</i> ).
Leaseholder	Ensure completed CERF and copies of governmental agency approved permits are sent to MP ShoreLand office for review and processing.

## Get MP written approval to begin project

Minnesota Power	Review completed CERF and governmental agency approved permits. If deemed satisfactory, mail forms to or otherwise contact leaseholder.
-----------------	--

## Project completion

Leaseholder	When the project is completed, contact Minnesota Power for final inspection. Dave Marciniak–Land Management Specialist I   218-393-8511  If a CERF is not on file at MP ShoreLand, leaseholder won't be allowed to pursue any future projects. Projects completed without permits are considered a lease violation and may be subject to additional fees or removal at leaseholder's expense.
Minnesota Power	Inspect completed project. Close project file.

# Site sketch requirements

## Purpose, description and dimensions of project

Describe whether your project will involve any of the following:

- ▶ Construction of structure(s), dumping, filling or removing of earthen material, drilling, draining, excavating, install or repair.
- ▶ Excavating, dredging or discharging (placing fill/dump 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.
- ▶ Construction of an access path, bridge, culvert, dam, ditch, dock, driveway, riprap, road, sand blanket, or shore protection.
- ▶ If requesting permission for pole building construction, please include height and color of building, in addition to the length and width dimensions.
- ▶ Construction and/or earthwork occurring near any power poles or underneath any overhead power lines.

## Include the following in a sketch of project

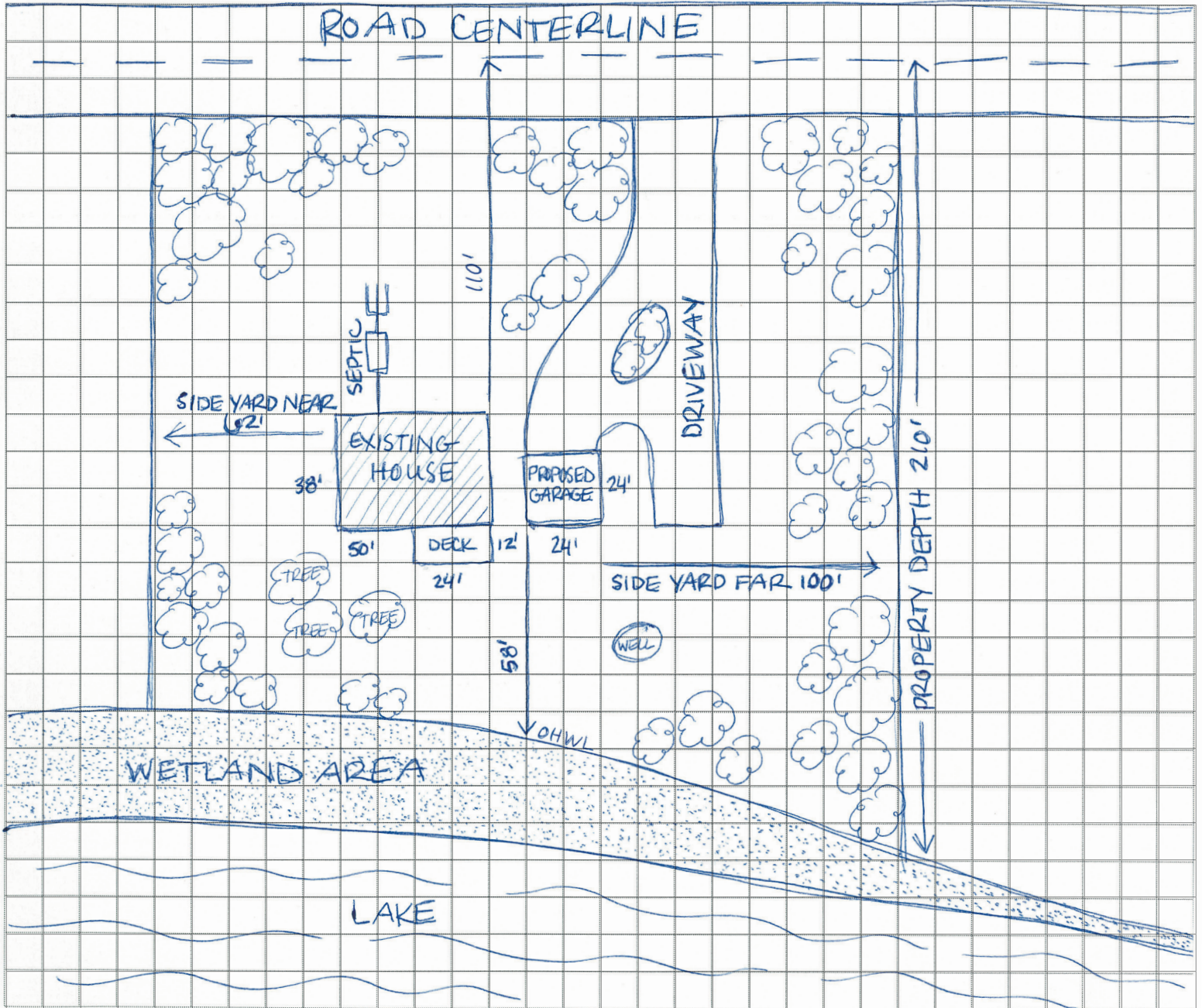
1. Draw lot boundaries with all dimensions
2. Draw roads with names and any lakes/rivers etc.
3. Draw and identify existing structures and structure dimensions (if any)
4. Draw and identify location of proposed construction including dimensions
5. Draw and identify driveways and all property accesses
6. Identify distances of existing and proposed construction/structures from the shoreline, side yard far, side yard near, and road center line
7. Draw and identify existing or proposed septic location and future expansion area
8. Draw and name any drinking water well locations and dimensions from any septic systems (including neighbors)
9. Identify existing power poles, overhead power lines and the name of the utility provider that said power poles and lines belong to
10. Identify existing and proposed fencing, berms or other natural barriers
11. Identify setbacks for all structures (sides, rear and shore)
12. Show erosion/sediment control measures (if any)

# Site Sketch – EXAMPLE ONLY

## Project setbacks

Side yard near	62'
Side yard far	100'

Rear yard/road center line	110'
Shoreline/OHWL	58'



Name John Doe

Date MM/dd/yy

Project New garage

Scale 1 inch = 50 feet

(Example: 1 inch = 100 feet)

## INSTRUCTIONS

# INSTRUCTIONS

# Construction & Earthwork Request Form (CERF)

## TIPS

- ▶ **Discuss** your CERF with Minnesota Power staff before submitting.
- ▶ **Research** governmental permits needed, property setbacks, lot dimensions and parcel limitations before preparing your CERF and site sketch.
- ▶ **Know** your property dimensions and site boundaries. It's your responsibility to ensure that you don't trespass on your neighbor's property.
- ▶ **Write** clearly.
- ▶ **Provide** complete information when describing your project.

## GENERAL COMMENTS

- ▶ Topography such as bluffs or wetlands can alter setback standards.
- ▶ Minnesota Power staff is not responsible for providing critical information that may be missing from the CERF or governmental permit applications.
- ▶ CERFs may be returned to applicants if the forms are incomplete, the site sketch is difficult to understand or handwriting is illegible.
- ▶ Minnesota Power is unable to accelerate the permit review process of governmental agencies. Weather and contractors' schedules are unpredictable, so start the CERF and permitting process early.

## GENERAL DISCLAIMER

Minnesota Power's approval of your project **DOES NOT** determine whether the project complies with applicable laws and regulations. You must work with local, state and federal governmental agencies to obtain any necessary permits and to fulfill any requirements related to your project.