

Information for File # 2007-00035-RQM

Applicant: Mille Lacs Lake Band of Ojibwe

Corps Contact: Robert Q. Maroney

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Phone: (651) 290-5766

Primary County: Mille Lacs County

Section: 19

Township: 43 North

Range: 27 West

Information Complete On: 26 March 2015

Posting Expires On: 6 April 2015

Authorization Type: LOP-10-R

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. We have made a preliminary determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated waterbody/wetland impacts and compensatory mitigation requirements identified above. An approved jurisdictional determination will be made prior to reaching a permit decision, and will be posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/>.

PROJECT DESCRIPTION AND PURPOSE:

Purpose:

The purpose of this project is to construct streets and public utilities to accommodate a new residential subdivision to house members of the Mille Lacs band of Ojibwe. The project also involves grading of lots to provide buildable pads with appropriate drainage. The subdivision also includes several larger lots which are set aside for future Tribal buildings.

Description:

The project will include bituminous streets with concrete curb and gutter and concrete sidewalk. Sanitary sewer, water main and storm sewer will be installed in the proposed right-of-way, including culverts and riprap. Rain gardens will be constructed to provide stormwater treatment for the development. Dewatering is anticipated to install portions of the sanitary sewer. Excavation of material will be necessary to install the public utilities. The material will be replaced and compacted as installation of the utilities progresses. Excavation and fill will be

necessary to construct a roadway with appropriate grades, and to construct building sites with positive drainage. Structures will be constructed by others after the completion of the project, some of which will be placed on fill, depending on the lot. Fill will be placed in wetlands in some locations to accommodate the grading described above. Placement of fill will be done using scrapers, backhoes, dozers and compactors. Erosion and sediment control measures will be implemented to prevent sediment from being deposited in wetlands and from leaving the site. The second phase is expected to be constructed within 5 years.

NAME, AREA AND TYPES OF WATERS (INCLUDING WETLANDS) SUBJECT TO LOSS:
The aquatic resources impacted by the project include approximately 1.95 acres of wetland. The amount and plant communities impacted by the project include: 0.06 acres of seasonally flooded basin (type 1), 0.98 acres of sedge meadow (type 2), 0.11 acres of shallow marsh (type 3), 0.52 acres of shrub-carr (type 6), 0.14 acres of hardwood swamp (type 7) and 0.14 acres of bog (type 8).

ALTERNATIVES CONSIDERED: (as described by the applicant's agent)

Alternative 1 – Revised Layout

Another layout for the development has been considered. This alternate layout is shown on the following page. The wetland impacts from this layout were analyzed to determine if they would be reduced. The impacts for this layout were calculated to be approximately 144,500 sq. ft., or about 1.37 acres more than the proposed layout.

Due to the amount of wetlands on the site and their locations, it would not be feasible to construct a development of this nature while avoiding all impacts to wetlands. The proposed layout is believed to create the fewest impacts.

Alternative 2 – Do Nothing

If the project were not constructed, all impacts to wetlands would be avoided. This is not a feasible alternative for the Band, however, as it does not accomplish its goals of development and housing for its members. The no-build alternative will be carried through the analysis to be compared with the applicant preferred alternative.

COMPENSATORY MITIGATION: The Mille Lacs Band of Ojibwe has purchased 1.95 standard wetland credits from state account #1287. Wetland bank #1287 is Corps approved and is located in Bank Service Area 7 in Benton County, Minnesota.

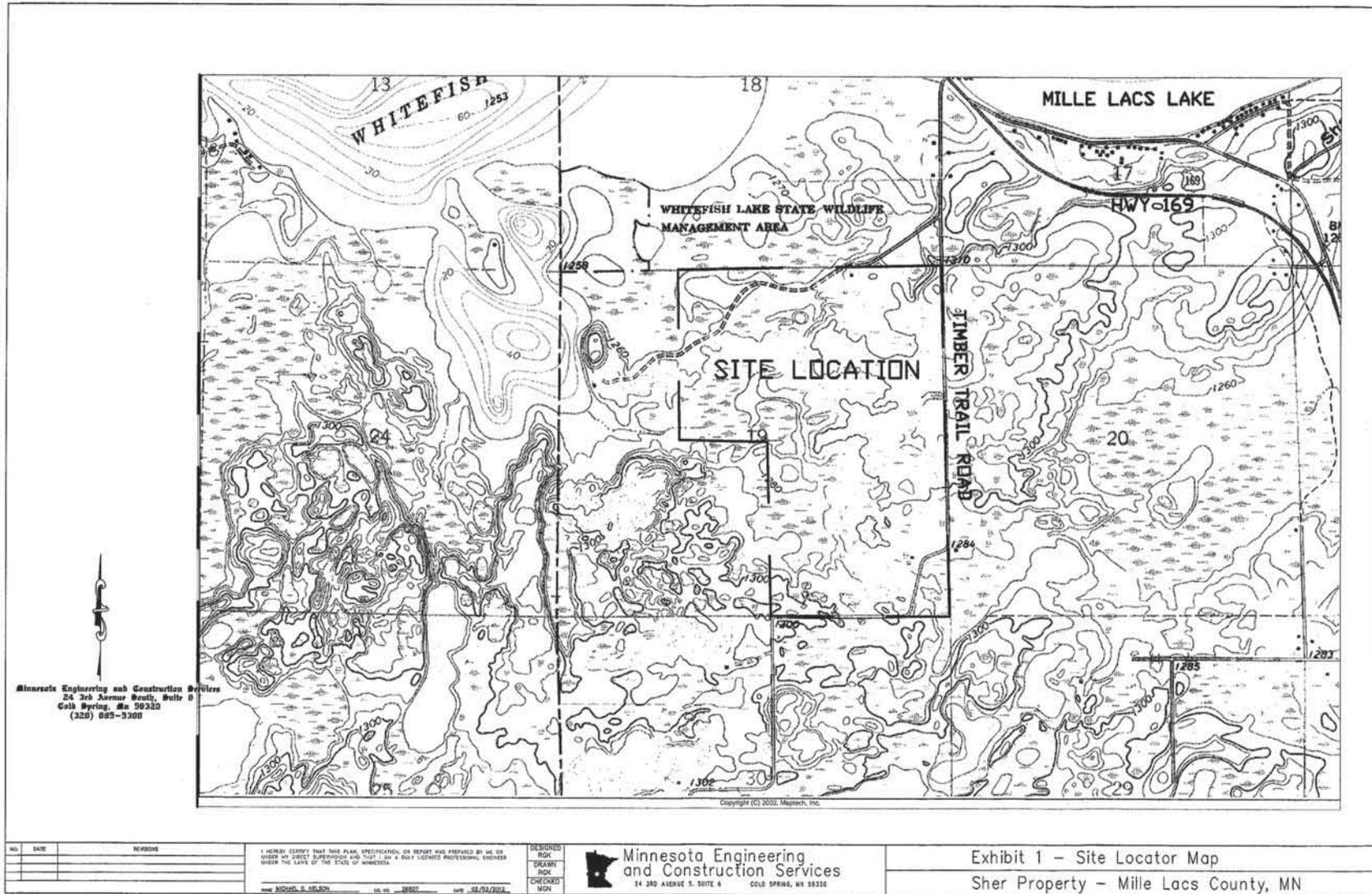
National Historic Preservation Act (Section 106)

The Bureau of Indian Affairs is providing funding for the project and is therefore the federal agency required to address the requirements of Section 106 of the National Historic Preservation Act. The State Historic Preservation Office and the Tribal Historic Preservation Office have provided determinations of no effect for this project.

Endangered Species Act

The Bureau of Indian Affairs is providing funding for the project and is therefore the federal agency required to address the requirements of the Endangered Species Act.

Drawings See attached.



NO.	DATE	REVISIONS

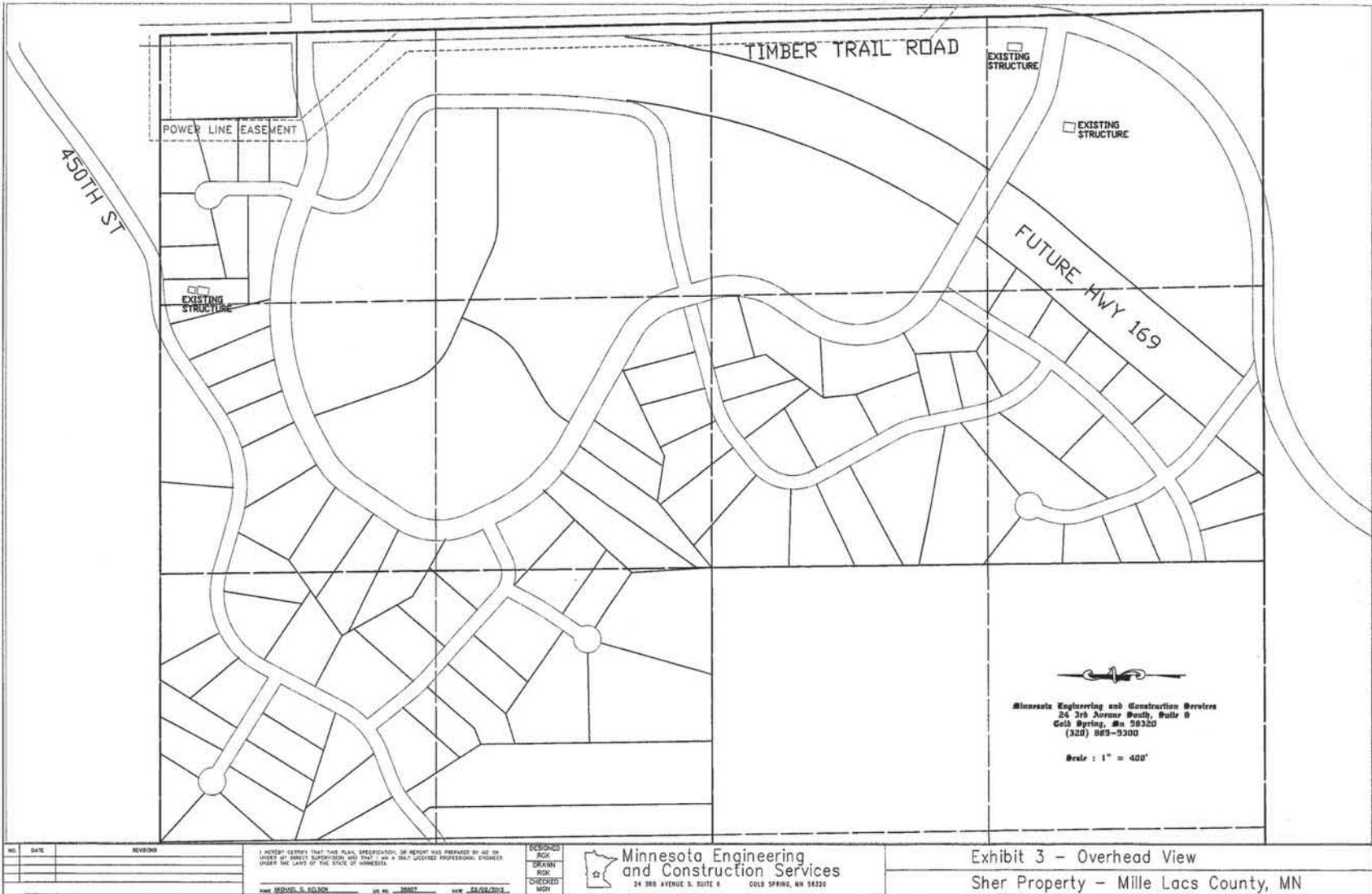
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

NAME: MICHAEL A. NELSON LIC. NO.: 28822 EXP. DATE: 08/03/2014

DESIGNED: RJK
DRAWN: RJK
CHECKED: MJK

Minnesota Engineering and Construction Services
 14 3RD AVENUE S. SUITE 6 COLD SPRING, MN 56330

Exhibit 1 - Site Locator Map
 Sher Property - Mille Lacs County, MN



NO.	DATE	REVISIONS

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

NAME MICHAEL S. HILTON JOB NO. 20007 DATE 24/02/2013

DESIGNED: RJK
 DRAWN: RJK
 CHECKED: MGN

Minnesota Engineering and Construction Services
 24 3RD AVENUE S. SUITE 6 COLD SPRING, MN 55320

Exhibit 3 - Overhead View
 Sher Property - Mille Lacs County, MN

