

Information for File # 2012-03431-LED

Applicant	City of Tower
Corps Contact	Leslie Day
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Phone	(651) 290-5693
Primary County	St. Louis County
Section	Section 32
Township	T. 62N.
Range	R. 15W.
Information Complete On	March 31, 2014
Posting Expires On	May 1, 2014
Authorization Type	Letter of Permission – 05 – Minnesota

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

Project Description and Purpose:

The City of Tower has proposed to reestablish navigation access of the City's harbor to and from Lake Vermilion via the East Two River that was disconnected when the Minnesota Department of Transportation (MnDOT) realigned Trunk Highway (TH) 169 in the late 1940s.

The basic purpose of the project is navigation. The overall project purpose is to restore navigation between the City of Tower and Lake Vermilion. The project involves the discharge of dredged and fill material in wetlands abutting the East Two River for the restoration and expansion of the existing Harbor at Tower, dredging activities in four portions of the East Two River, and dredging activities at the mouth of the East Two River on the bed of Lake Vermilion, a Section 10 waterway.

The current proposal, known as Phase III of the Harbor at Tower Project, is related to Phases I and II of the Harbor at Tower Project, but has independent utility from these previous phases. MnDOT was the applicant for Phase I of the Tower at Harbor project, which included replacing the TH 169 bridge over the East Two River; reconstructing ½ mile of TH 169 for the bridge approaches; dredging and stabilization of the river banks for bridge supports; abandonment of a portion of TH 135 south of the City of Tower; realignment of TH 135 to the west of the city; and, the restoration of wetlands within a portion of the abandoned TH 135. FHWA, as lead federal agency for Phase I, determined that Phase I had independent utility from future phases as the purpose of Phase I was to improve transportation on TH 135.

Project Involves:

The project would result in the loss of some terrestrial habitat (primarily shrub dominated habitat) for a variety of wildlife, including the Canada lynx, a federally-listed threatened species. This species could use the area as a travel corridor. Due to the urban and touristy nature of the majority of the area, it is unlikely that the Canada lynx uses the area for hunting, feeding, resting, or raising young.

The project is located within the 1854 Ceded Territory as determined by the Treaty of 1854. The project is in close proximity to the Vermilion Lake Indian Reservation.

Name, Area and Types of Waters (including wetlands) Subject to Loss:

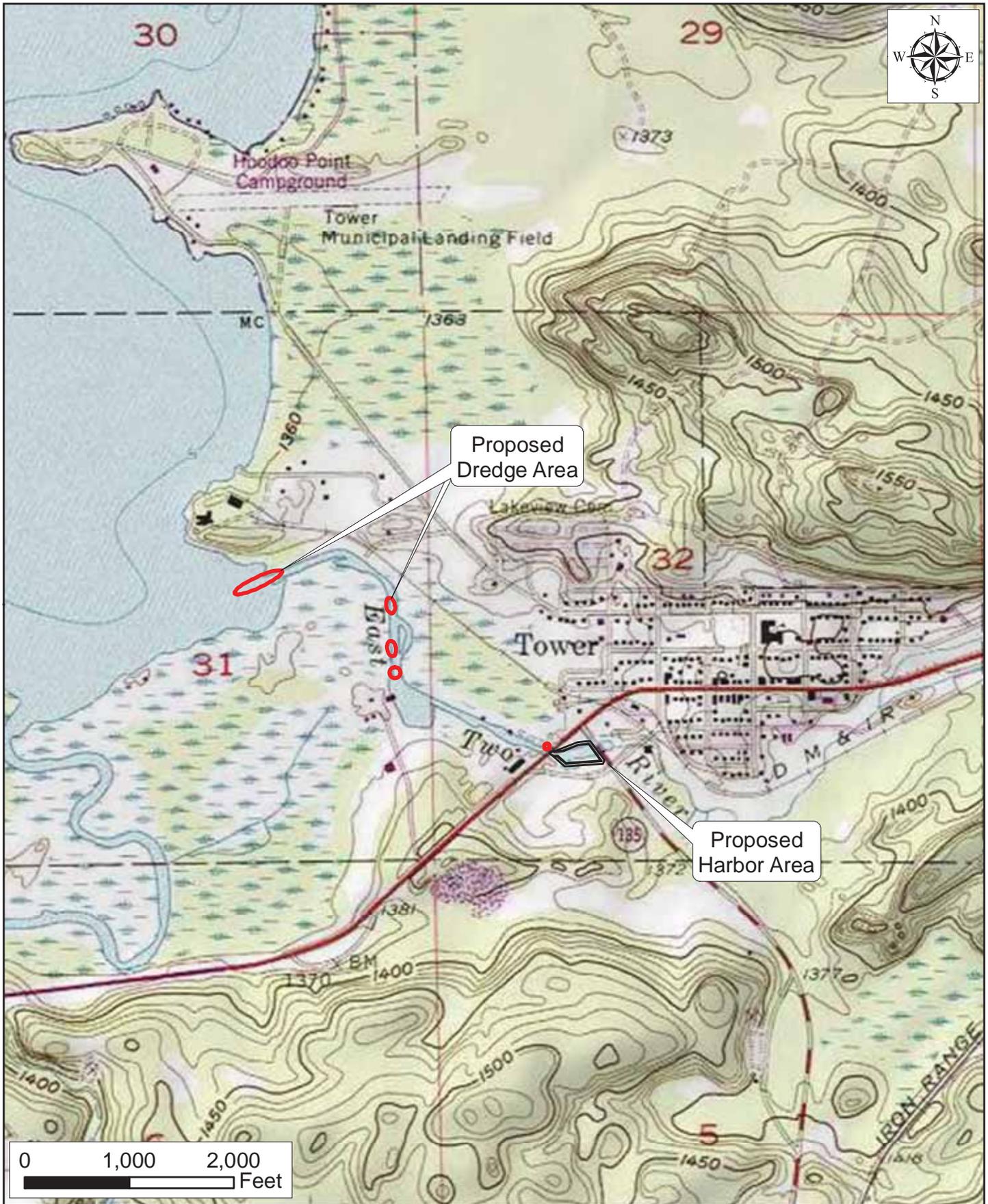
Based on a wetland delineation report of the Harbor at Tower area completed by SEH in 2007 and field verified by the Corps on October 5, 2009, the project would result in work in approximately 1.71 acres of waters of the United States. The work includes the discharge of dredged and fill material in approximately 0.44 acres of wetlands abutting East Two River. This would include impacts to 8,609 square feet (0.20 acres) alder thicket (Type 6), 8,825 square feet (0.20 acres) shallow marsh (Type 3), and 1,827 square feet (0.04 acres) of deep marsh (Type 4) wetlands within the Harbor at Tower expansion area. The project would also involve dredging activities within 0.7 acres of the East Two River and 0.57 acres of Lake Vermilion at the mouth of the river.

Compensatory Mitigation:

Compensatory mitigation for the approximately 0.44 acres of permanent wetland impacts would be required for the project under Section 404 of the Clean Water Act. As compensation for permanent impacts to 0.44 acres of wetlands abutting East Two River (Bank Service Area 2), the applicant is proposing to debit credits from a Corps approved Wetland Mitigation Road Bank in BSA 2, specifically from BWSR Account Number 1415.

The applicant has proposed that no compensatory mitigation be required for the five dredge work areas within Lake Vermilion and East Two River as there would be no resulting loss of functions and values or result in a change in wetland type.

Drawings See attached.

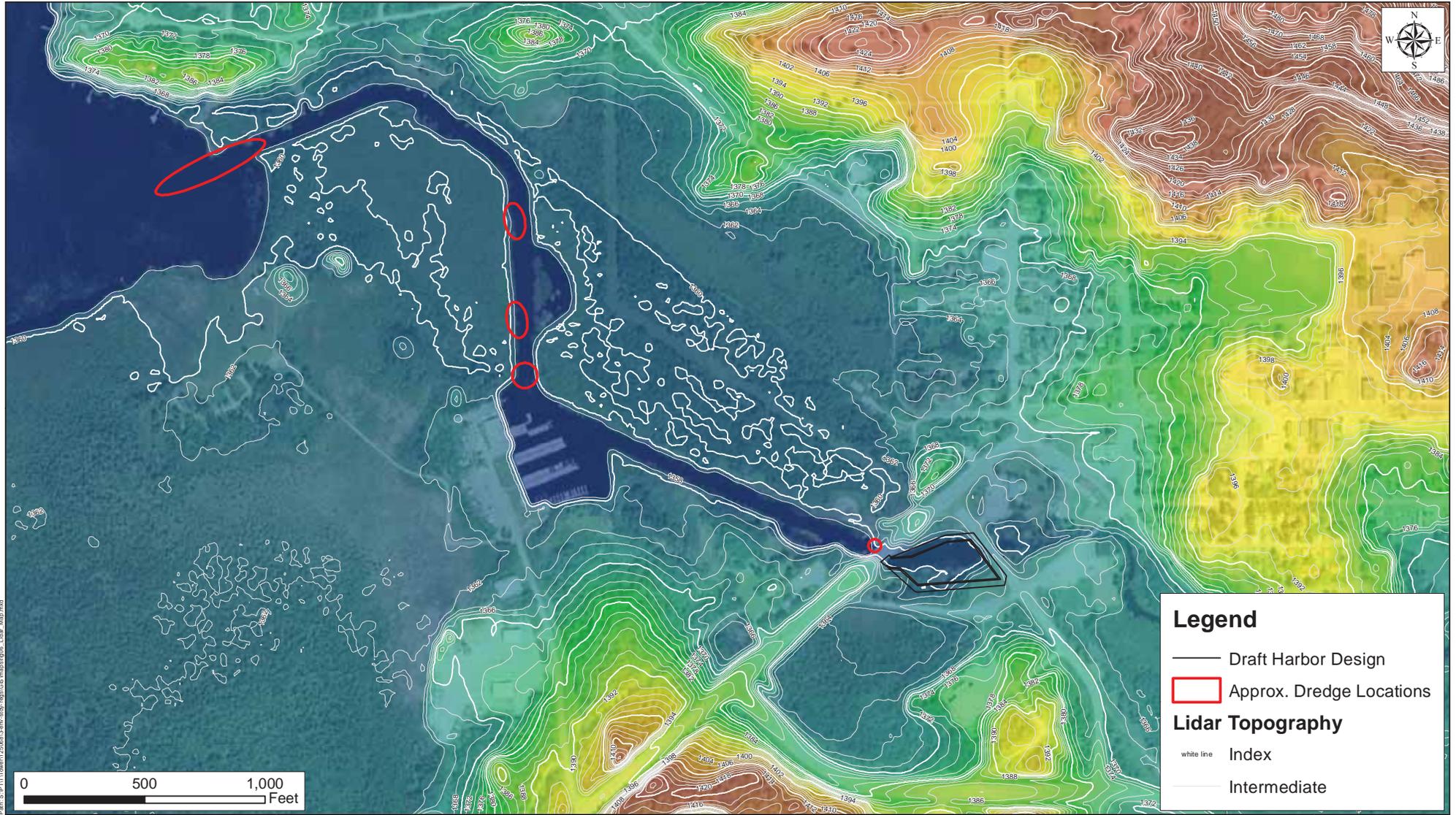


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	<p>3535 VADNAIS CENTER DR. ST. PAUL, MN 55110 PHONE: (651) 490-2000 FAX: (888) 908-8166 TF: (800) 325-2055 www.sehinc.com</p>	<p>Project: TOWER 125068 Print Date: 3/20/2014 Map by: btolcser Projection: St. Louis Co. (MN) Source: MnDNR, SEHinc Background: USGS 24k Topo</p>	<p>SITE LOCATION MAP THE HARBOR AT TOWER (PHASE 2) City of Tower, Minnesota</p>	<p>Figure 1</p>
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This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.



Legend

- Draft Harbor Design
- Approx. Dredge Locations

Lidar Topography

- white line Index
- Intermediate

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	Map by: Molzser Projection: St. Louis Co. (MN) Source: MnDNR, SEHinc, USDA Background: 2013 FSA	

Lidar-Based Topography (2-ft)
 THE HARBOR AT TOWER (PHASE 2)
 City of Tower, Minnesota

Figure 6

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Type of Impact	Acres	Square Feet
Wetland Impact - Type 3	0.20	8,825
Wetland Impact - Type 4	0.04	1,827
Wetland Impact - Type 6	0.20	8,609
Total Wetland Impacts	0.44	19,261
Public Water Impacts	1.02	44,227



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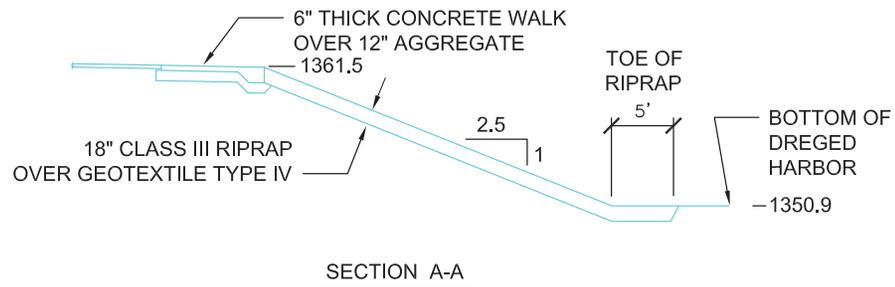
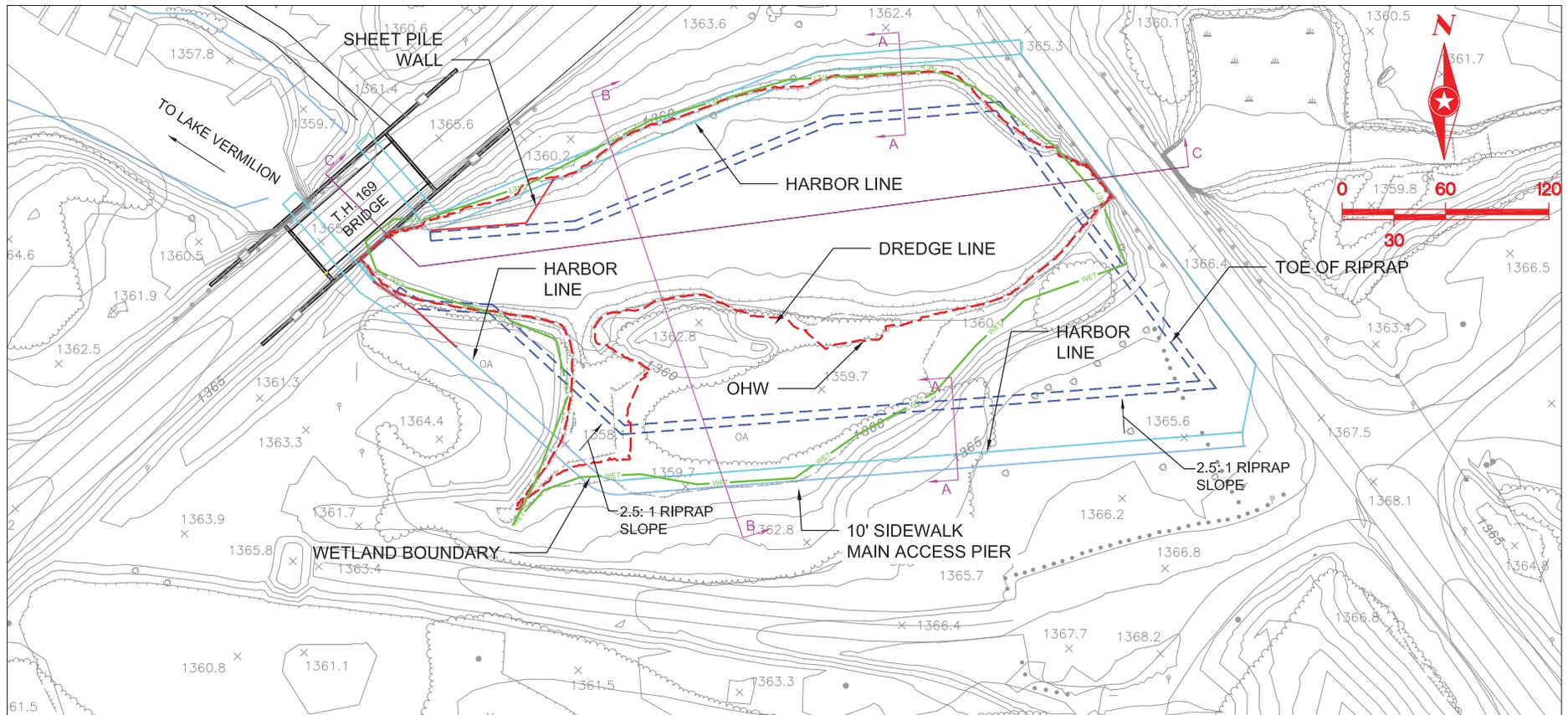
WETLAND IMPACTS

THE HARBOR AT TOWER (PHASE 2)

City of Tower, Minnesota

Figure
8

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PROPOSED HARBOR LINE AREA = 84251.5 SF.

OHW = 1359.23 CONTOUR AREA = 44816.9 SF.

DATUM = NAVD 1988

LAKE VERMILION OHW (NAVD 1988) = 1359.23
 LAKE VERMILION OHW (NGVD 1929) = 1358.40

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**TOWER
MINNESOTA**

TOWER HARBOR

PERMIT

FILE NO.
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