

Information for File #2013-02680-ERH

Applicant: City of Sleepy Eye

Corps Contact: Eric Hanson

Address: 180 5th Street East, Suite 700 St. Paul, MN 55101

E-Mail: eric.r.hanson@usace.army.mil

Phone: (651) 290-5386

Primary County: Brown

Section: 30

Township: 110N

Range: 32W

Information Complete on: January 20, 2015

Posting Expires: February 20, 2015

Authorization Type: LOP-05-MN

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. A 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:

The City of Sleepy Eye, in cooperation and partnership with Brown County and the Minnesota Department of Transportation (MnDOT) is proposing to construct a 10-foot wide bituminous surfaced pedestrian trail along TH 4 in the north part of the City. This trail project is the second phase of the overall trail that was completed in 2008.

This trail project will be constructed between the existing west shoulder of Trunk Highway 4 (TH4) and Sleepy Eye Lake. To comply with Federal and State rules and guidelines, a 24-foot wide total separation zone is required between the new trail and the existing driving lane. There is an existing 10-foot wide shoulder; therefore a 14-foot wide separation zone addition is needed as part of the project. In order to construct the new trail and the

required additional separation zone, fill will need to be placed into the lake waters and into a wetland area on the north side of the lake.

Name, Area and Types of Waters (Including Wetlands) Subject to loss:

A total of 0.814 acres of Sleepy Eye Lake shoreline and 0.081 acres of a Shallow Marsh (Type 3) wetland abutting Sleepy Eye Lake are proposed to be filled to construct the trail and zone of separation between the trail and TH4.

Alternatives Considered:

There are no feasible off-site alternatives that would meet the applicant's objective of completing the bike/pedestrian trail connection around all of Sleepy Eye Lake.

On-site alternatives currently proposed involve a narrower zone of separation combined with curb and gutter. This option would have required less fill in the lake; however, the applicant states that curb would interfere with proper snow removal and storm drainage of TH4, and there is a concern that adding curb would create an additional hazard for TH4 vehicle traffic. The applicant also considered a narrower zone of separation alone, but this alternative was rejected by the applicant because it would not provide the safety improvement that is desired.

The applicant considered the "No Build" or "No Action" alternative, but dismissed this alternative stating that it would not accomplish their basic project objective, which is to connect the trail and leaving conditions as they are today would not address the safety issue of pedestrians and bikes traveling on TH4 along with vehicles.

Other Alternatives (not yet considered):

The Corps of Engineers feels that there are other alternatives available that were not described in the submitted application. These additional alternatives are listed below and the Corps will coordinate with the applicant to obtain additional information regarding these other alternatives. Other alternatives not yet considered include:

- 1) TH4 could be re-located further from Sleepy Eye Lake to the east to accommodate trail construction along the shoreline of the lake. This alternative would not require the placement of additional fill into Sleepy Eye Lake.
- 2) The trail could be constructed on the other side (to the east) of TH4. This alternative would require trail crossings across TH4 at the start and end points of the proposed trail construction project. This alternative would not require the placement of fill into Sleepy Eye Lake.
- 3) A bridge could be constructed along the current proposed trail alignment. This alternative may include the placement of some fill into Sleepy Eye Lake for necessary support structures, but would not require the placement of fill in the lake to extent currently proposed.

Compensatory Mitigation:

The applicant is proposing to provide compensatory mitigation for the unavoidable impacts associated with the proposal by purchasing wetland bank credits from the Raney Wetland Bank (Bank # 1091) in Watonwan County.

Review under Section 7 of the Endangered Species Act:

The County Distribution of Federally-Listed Threatened, Endangered, Proposed, and Candidate Species includes the listing of two species for Brown County, Minnesota as described below:

| | | |
|---|------------------------|--|
| <u>Northern long-eared bat</u> <i>Myotis septentrionalis</i> | Proposed as Endangered | Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer. |
| <u>Prairie bush-clover</u> <i>(Lespedeza leptostachya)</i> | Threatened | Native prairie on well-drained soils |

The Corps permit evaluation process will include a review of the potential affects to the species listed above. Any affirmative affect determinations will be coordinated with the USFWS where appropriate and consultation will be initiated if required.

Review under Section 106 of the National Historic Preservation Act:

The applicant did not provide any supporting information regarding the proposals potential affects to archaeological resources or historic properties. However, the Corps permit evaluation process will include a review of the potential affects to historic properties and archaeological resources and any affirmative affect determinations will be coordinated with the Minnesota State Historic Preservation Office where appropriate and consultation will be initiated if required.

Drawings: MVP-2013-02680-ERH, Figure 1 of 4 through Figure 4 of 4.



Map Document: Microsoft Word 1641311-ERH2013-Master1113k_Location_Map.mxd
Date Saved: 01/14/2013 8:48:20 AM



Legend

- Study Boundary
- LIDAR Contours
 - Index
 - Intermediate

City of Sleepy Eye

Sleepy Eye Lake
Trail - Phase 2

Site Topography
LIDAR

Exhibit B

January 2014

Source: 2011 FAS photo, M-DoT



Legend

- Study Boundary
- NWI Wetlands

Source: 2011 FSA photo, MnDOT, MNDNR

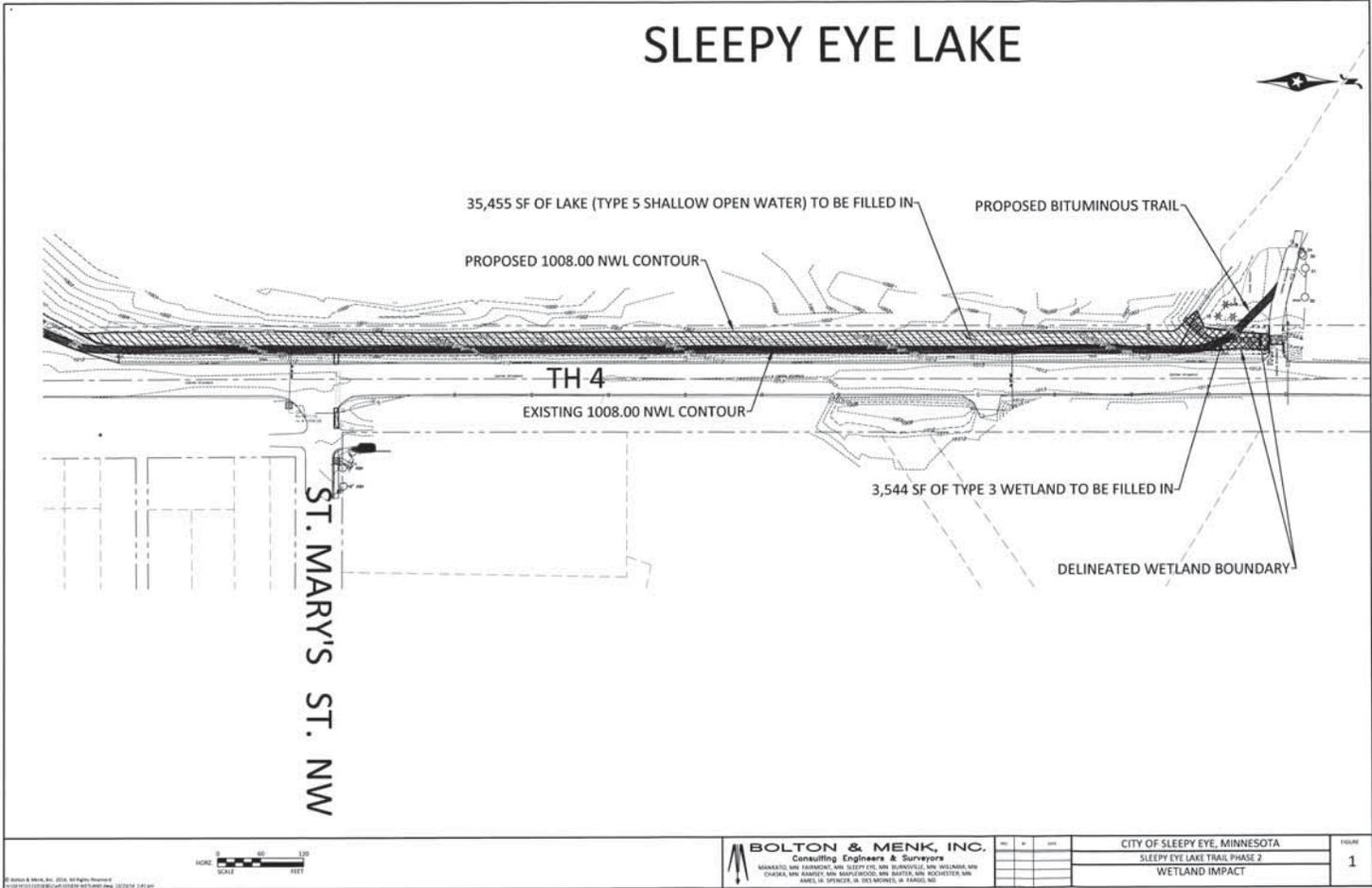
City of Sleepy Eye

Sleepy Eye Lake Trail - Phase 2

National Wetland Inventory

Exhibit C

January, 2014



BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 MINNEAPOLIS, MN; FARMINGTON, MN; SLEEPY EYE, MN; DUNROVILLIE, MN; WELLSAND, MN
 CHASKA, MN; RAINY LAKE, MN; WATKINSVILLE, MN; BAUTLER, MN; ROCHESTER, MN
 AMES, IA; SPENCER, IA; DES MOINES, IA; FARGO, ND

| | | |
|-------------------------------|-------|---|
| CITY OF SLEEPY EYE, MINNESOTA | SHEET | 1 |
| SLEEPY EYE LAKE TRAIL PHASE 2 | | |
| WETLAND IMPACT | | |

© Bolton & Menk, Inc. 2014. All Rights Reserved.
 C:\Users\jmc\Documents\BOLTON & MENK\2014\2014-02-26-2014-03-04\2014-03-04.dwg