



US Army Corps
of Engineers
St Paul District

REFER TO: City of Sauk Rapids CWPMP
2011-00350-RMM

Special Public Notice

ISSUED: November 9, 2011
SECTION: 404 - Clean Water Act

NOTICE OF PREPARATION OF THE CITY OF SAUK RAPIDS COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLAN

1. PURPOSE OF THIS PUBLIC NOTICE. The City of Sauk Rapids has prepared a Comprehensive Wetland Protection and Management Plan (CWPMP) with input from the St. Paul District Army Corps of Engineers (Corps), as well as State and local review agencies. The purpose of this public notice is to advise interested parties that the Corps will be utilizing the CWPMP in its Clean Water Act (CWA) Section 404 permit evaluations within the area addressed by this CWPMP.
2. BACKGROUND. The City of Sauk Rapids prepared this CWPMP under provisions of the Minnesota State Wetland Conservation Act (WCA). Attached to this public notice are maps which indicate the City of Sauk Rapids CWPMP study area.

The Corps and other agencies attended scoping meetings and suggested ways to enhance the CWPMP's watershed-based approach to aquatic resource management, and to make the methodologies and criteria in this CWPMP compatible with the CWA Section 404 regulatory framework. The Corps issued a public notice on September 21, 2011 inviting interested parties to provide comments and/or suggestions on issues or concerns that should be addressed within the CWPMP.

The CWPMP takes into consideration the findings and recommendations in the 2001 National Research Council (NRC) report entitled "Compensating for Wetland Losses under the Clean Water Act." This report concluded that a watershed approach would improve permit decision making, and stated that wetland functions must be understood from a watershed perspective to fulfill the objectives of the CWA. The watershed approach may be used in a structured consideration of watershed needs and how wetland types in specific locations can fulfill those needs.¹

The goal of aligning the CWPMP with both state and federal wetland regulations is to achieve effective, consistent, regulation of aquatic resources under federal, state, and local requirements, while reducing the public and private costs of compliance with those regulatory requirements.

3. CWPMP PURPOSE. The CWPMP has been developed to provide the City with additional information about its wetland resources and to develop policies related to wetland management. The purpose of the CWPMP is to complement and be used with the City's Natural Resource Inventory (NRI) to provide guidance and support of the City's Comprehensive Land Use Plan. This approach to land use planning will provide for the protection and management of wetlands within the City and concurrently support the growth and change that the City has experienced over the last decade. The CWPMP provides flexibility and control over wetland management and

¹ Federal Register, Vol. 71, No 59, March 26, 2006. Compensatory Mitigation for Losses of Aquatic Resources; Proposed Rule.

Operations - Regulatory (2011-00350-RMM)

SUBJECT: City of Sauk Rapids CWPMP

protection, identifies potential wetland restoration areas, identifies regional wetland mitigation sites, and provides management strategies for different types of wetlands.

4. CWA Section 404 Consistency of the CWPMP. The Corps believes the following components of the CWPMP are consistent with CWA Section 404 requirements:

- The CWPMP includes a wetland inventory and preliminary assessment of aquatic resources in the study area, to aid in watershed-based wetland management.
- The CWPMP identifies, on a landscape level, a network of waterways, wetlands, and adjacent uplands for preservation, restoration, and/or establishment.
- The CWPMP includes compensatory wetland mitigation guidelines, based upon wetland impact type, location and the degree of wetland resource degradation, that are applicable to projects permitted within the study area.
- A site review and a wetland delineation in conformance with the U.S. Army Corps of Engineers Wetland Delineation Manual (January 1987) and applicable Supplements, as amended and updated, will be required as part of the application for any potential wetland impact or development activity.

To further ensure consistency with the CWA, individual development proposals will be required to demonstrate avoidance and minimization of wetland impacts to the maximum extent practicable. This means that development proposals involving discharges of dredged or fill material in jurisdictional wetlands within the CWPMP study area would need to overcome the CWA presumption that alternative upland sites are available, and that the use of an upland site would be less environmentally damaging.

Individual applicants must also consider off-site and on-site alternatives to their proposed action with the goal of avoiding and minimizing water or wetland impacts. Depending on the project purpose, the analysis of off-site alternatives may require evaluating sites outside of the CWPMP study area.

It is important to note that proposing a project that complies with the CWPMP does not guarantee that a Corps permit will be issued for that project, but ideally Corps approval should be facilitated by adhering to the conditions within the CWPMP.

As outlined in the CWPMP, compensatory mitigation in the study area will be maintained at an overall 2:1 ratio. The city will consult with the Corps every 3 years to ensure that the required compensatory mitigation ratio is maintained. If the City's net quantity of compensatory mitigation is less than the 2:1 ratio, the City will resolve the deficiency by providing additional compensation to achieve an overall 2:1 compensation ratio.

5. DOCUMENT AVIALABILITY. This public notice is available on the Corps' internet website at <http://www.mvp.usace.army.mil/regulatory/>

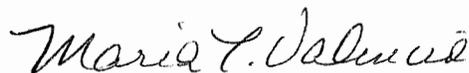
Operations - Regulatory (2011-00350-RMM)

SUBJECT: City of Sauk Rapids CWPMP

6. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR CRITICAL HABITAT. The U.S. Fish and Wildlife Service did not comment on the previous Public Notice. However, any comments the FWS may provide as a result of future notices for individual projects will be considered in our assessment of those projects.
7. HISTORICAL/ARCHAEOLOGICAL. This public notice is being provided to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer. The Corps will take the steps necessary to comply with Section 106 of the National Historic Preservation Act when individual projects within the study area are reviewed. Separate public notices will be issued for any subsequent individual permit application received in the CWPMP study area, to solicit site-specific information regarding any known cultural resources that may be affected by individual proposed projects.
8. PUBLIC INTEREST REVIEW. The decision whether to issue a given permit for a proposed project within the City of Sauk Rapids CWPMP study area will be based on an evaluation of the probable impacts, including cumulative impacts, of each individual proposal on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments.

Separate public notices will be issued for any subsequent individual permit applications received in the CWPMP study area, to solicit site-specific information regarding potential impacts to water/wetland resources.

9. POINT OF CONTACT. Questions about the CWPMP or about any part of this public notice may be addressed to St. Paul District, Corps of Engineers, ATTN: OP-R/RMM, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678. Questions may be directed to Ryan Malterud, at telephone (651) 290-5286, email address ryan.m.malterud@usace.army.mil.



Tamara E. Cameron
for Chief, Regulatory Branch

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.