



US Army Corps
of Engineers
St Paul District

APPLICANT: Mr. Dean Hadrich

Public Notice

ISSUED: 4-MAR-2013

EXPIRES: 4-APR-2013

REFER TO: 2011-05346-RMM

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO RETAIN FILL MATERIAL DISCHARGED IN WETLANDS ADJACENT TO AN UNNAMED TRIBUTARY OF THE MISSISSIPPI RIVER AND TO DISCHARGE ADDITIONAL FILL MATERIAL FOR THE INSTALLATION OF DRAINAGE TILE TO IMPROVE THE SITE FOR PRODUCTION OF AN AGRICULTURAL COMMODITY.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Mr. Dean Hadrich
38402 – 170th Avenue
Avon, Minnesota 56310

PROJECT LOCATION: The project site is located in E ½ SE ¼ Sec. 6, T. 126N., R. 30W., Stearns County, Minnesota. The approximate UTM coordinates are Northing 5067376, Easting 383733. Approximate Decimal Degree coordinates for this site are Latitude 45.750164, Longitude -94.494816.

DESCRIPTION OF PROJECT: Mr. Hadrich proposes to retain dredged or fill material previously discharged and discharge additional dredged or fill material into wetlands adjacent to an unnamed tributary to South Two River, a tributary of the Mississippi River, to install drainage tile in farmed wetlands to improve the site for production of an agricultural commodity. These discharges would affect approximately 6.5 acres of farmed wetlands.

In 2011 and 2012, the Corps investigated a Clean Water Act violation at the Mr. Hadrich property. At the conclusion of the investigation the Corps determined that the unauthorized work had affected approximately 24 acres of wetlands and 3,300 linear feet of ditch. The purpose of the work was to bring additional land into agricultural production and improve drainage of wetlands that were in agricultural production at the time the unauthorized discharges occurred.

In early 2013, the Corps and Mr. Hadrich executed a settlement agreement to resolve the violations at the site. As part of the settlement agreement, Mr. Hadrich has agreed to restore approximately 17.5 acres of wetlands where farming had not previously occurred and apply for an after-the-fact permit for discharges associated with the drainage of 6.5 acres of farmed wetlands in areas C and D (see attached figure). A permit application and signed tolling agreement was received from Mr. Hadrich on January 30, 2013. The application requests authorization for the following: (1) an after-the-fact authorization for the discharges associated with the installation of perforated drain tile in areas C and D; (2) authorization for discharges of dredged or fill material to reconnect the perforated tile in Area to the ditch that bisects the property; (3) authorization for discharges of dredged or fill material to construct

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an outlet for the tile in the ditch. This work is shown on the attached map labeled “MVP-2011-05346-RMM, Figure 2”.

Approximately 1,500 linear feet of 6” perforated and 875 linear of 6” non-perforated tile would be installed at a depth of 3’ using a tile plow at the locations shown on the attached map labeled “MVP-2011-05346-RMM, Figure 2”. Installation of this tile using a tile plow would result in the discharge of dredged material into wetlands and the draining of approximately 6.5 acres of wetlands. The installation of the new tile would include excavation to connect the new tile into the existing tile.

QUANTITY, TYPE, AND AREA OF FILL: A small amount of fill material (less than 1 cubic yard) would be used at the single tile outlet location shown on the attached map labeled “MVP-2011-05346-RMM, Figure 2”. The proposed fill material is excavated soil. This fill material would directly affect less than 100 square-feet of wetlands.

VEGETATION IN AFFECTED AREA: The proposed work area has historically been row cropped with crops such as corn and soy beans.

SOURCE OF FILL MATERIAL: Fill material would be obtained from an upland area of the site.

SURROUNDING LAND USE: The project area is surrounded by other agricultural operations and several farmsteads.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: No potentially toxic materials were required for the completed work at the site or anticipated to be found at the site.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant is required to seed Areas A and B as a condition of the settlement agreement. This would include the areas where discharges are proposed as part of this application. No seeding is proposed in Areas C and D since these areas are subject to farming. No other precautions have been proposed by the applicant.

MITIGATION: No mitigation has been proposed to offset the function associated with the draining of 6.5 acres of farmed wetlands. Mr. Hadrich has stated that mitigation is not necessary because “those 6.5 acres have been farmed for over 20 years” and “there will be no environmental benefit if we leave the tile disabled since the 6.5 acres will be row cropped regardless of the outcome of this permit.”

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

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Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Ryan Malterud at the St. Paul District office of the Corps, telephone number (651) 290 - 5286.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area.

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial 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. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

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Any comments relative to MPCA's Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency, Municipal Division,
Attention 401 Certification, 520 Lafayette Road North,
St. Paul, Minnesota 55155-4194.

7. HISTORICAL/ARCHAEOLOGICAL.

The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

The latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general

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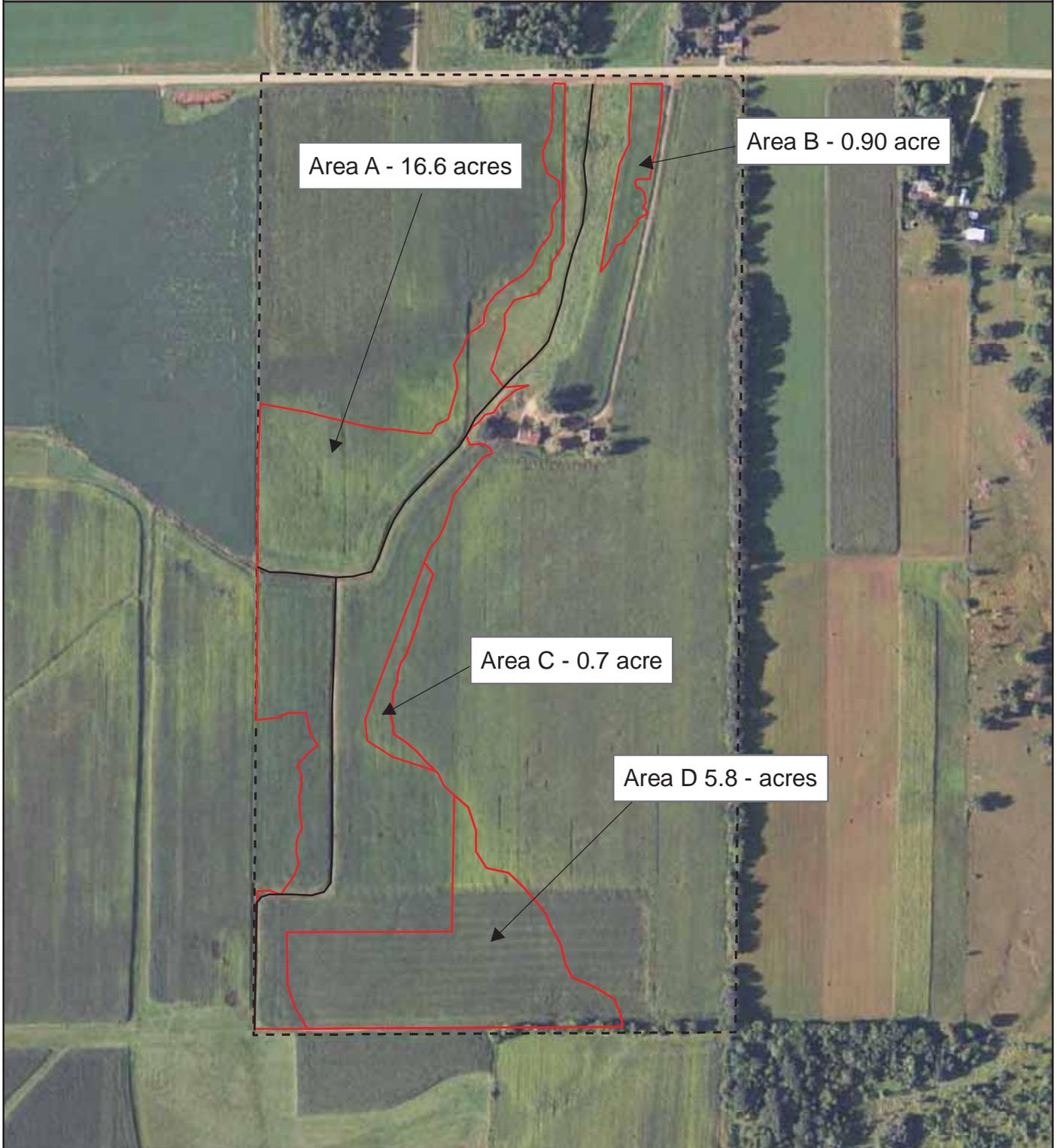
environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Chad Konickson
Chief, Southwest Section

Enclosures

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

MVP-2011-05346-RMM Impact Areas



Legend

~ Postimpact Flowpath

Wetland Impacts

Site

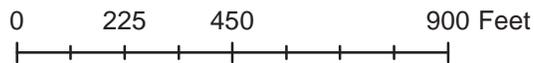
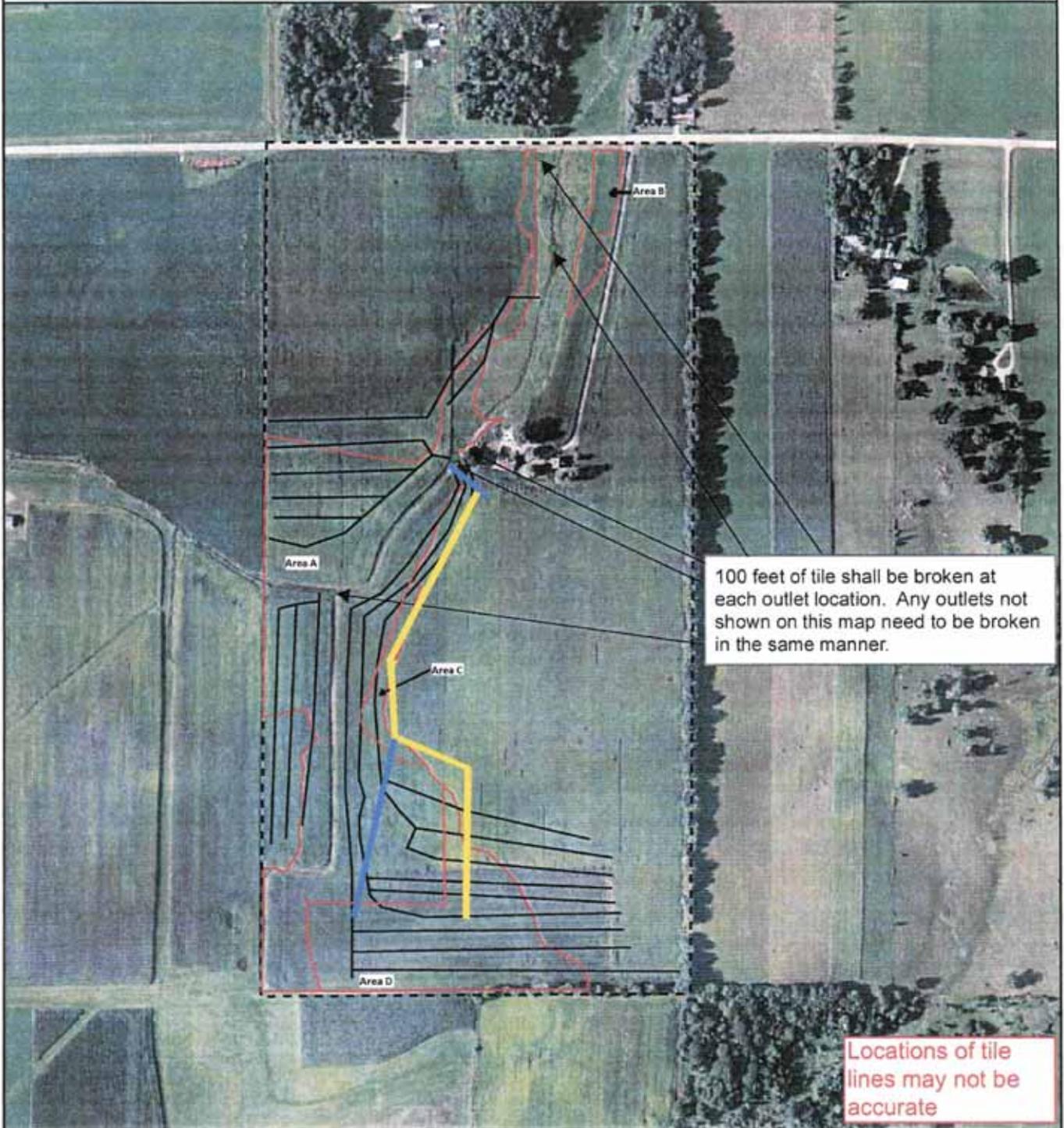


Image Source: Farm Service Agency, 2010

MVP-2011-05346-RMM Figure 2



Legend

-  Perforated Tile
-  Non-perforated Tile
-  Tile Outlets
-  Wetland Impacts
-  Site
-  Known Tile

Known Tile and Outlets

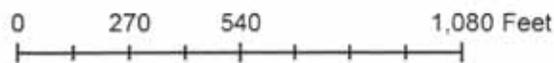


Image Source: Farm Service Agency, 2010

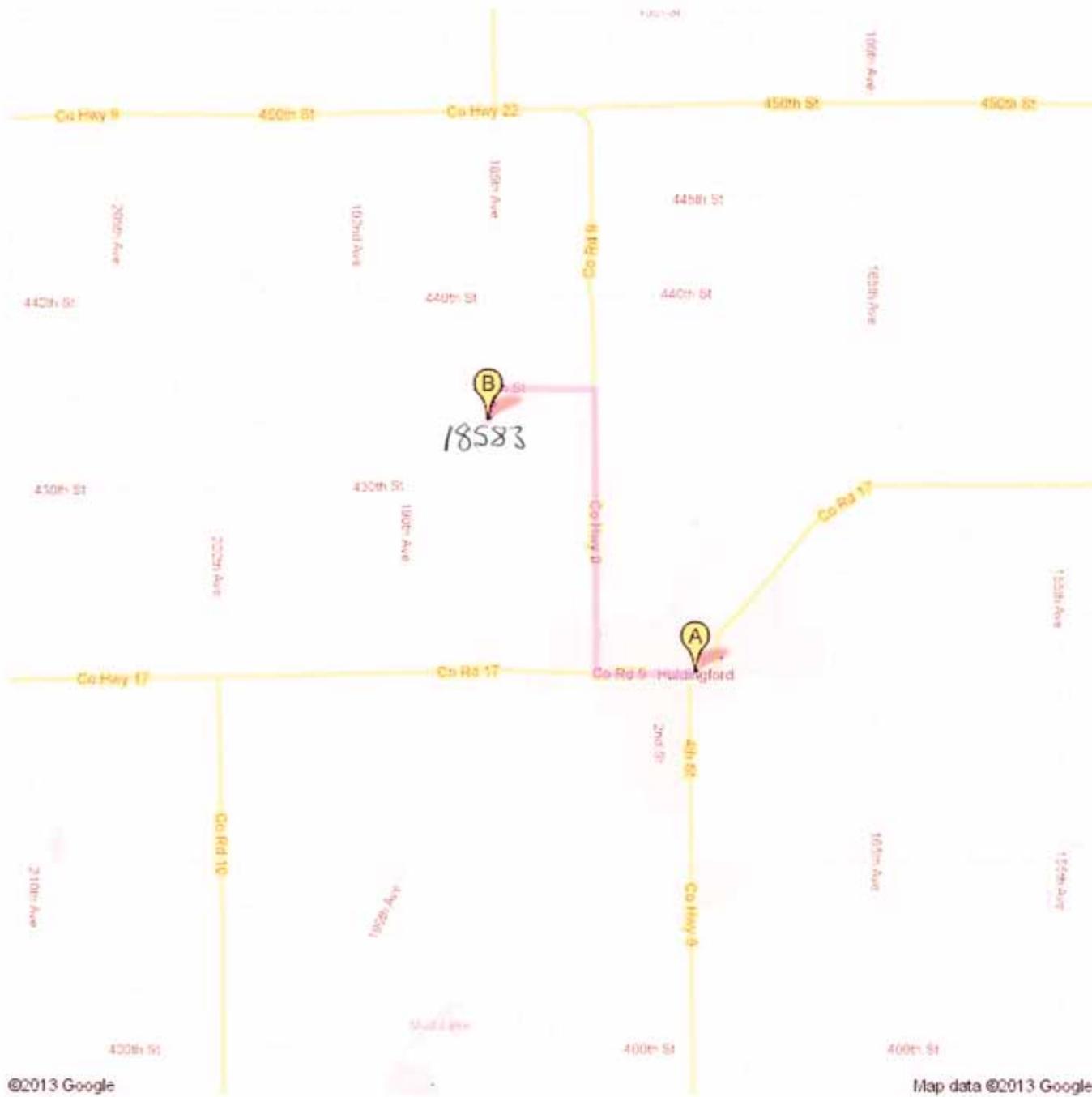




Project location

Directions to Unknown road
2.8 mi - about 7 mins

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Figure 3 of 4



©2013 Google

Map data ©2013 Google

A Holdingford, MN

- 1. Head **west** on **420th St/River St** toward **4th St/Co Rd 9**
Continue to follow River St
About 1 min go 0.5 mi
total 0.5 mi
-  2. Turn right onto **Co Rd 9**
About 3 mins go 1.5 mi
total 2.1 mi
-  3. Turn left onto **435th St**
About 2 mins go 0.5 mi
total 2.6 mi
-  4. Turn left go 0.2 mi
total 2.8 mi

B Unknown road

3rd Place on the left side of 435th St.

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2013 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.