



**US Army Corps
of Engineers**
St Paul District

APPLICANT: Prairie Island Indian
Community, c/o Ms.
Summer Ryan

Public Notice

ISSUED: February 7, 2014
EXPIRES: March 7, 2014

REFER TO: 2010-04660-SEW

**SECTION:404 - Clean Water Act
10- Rivers and Harbors Act**

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into approximately 0.42 acre of the bed of Sturgeon Lake, retain a 1.3-acre fill area in Sturgeon Lake, and to mechanically dredge approximately 15,000 cubic yards of accumulated sediment from a 1.99-acre area of the bed of Sturgeon Lake, a backwater of the Mississippi River.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS:

Ms. Summer Ryan
Prairie Island Indian Community
d/b/a Treasure Island Marina
5734 Sturgeon Lake Road
P.O. Box 75
Welch, Minnesota 55066

PROJECT LOCATION: The project site is located in NW ¼ of Section 32, T. 114N., R. 15W., Goodhue County, Minnesota. The approximate coordinates are -92.643904W., 44.639544N.

DESCRIPTION OF PROJECT: The Prairie Island Indian Community (PIIC) received a Corps permit on April 18, 2011 to discharge dredged and fill material into approximately 1.5 acres of the bed of Sturgeon Lake for the construction of a vegetated jetty. The purpose of the jetty was to protect the Treasure Island Marina dock structures from damage caused by floating debris and ice, and to reduce the need for maintenance dredging at the marina. The jetty was constructed, and an as-built survey of the jetty reveals the jetty affects approximately 1.3 acres of the lake bed, and is approximately 740 feet long with a 20-foot top width and 3:1 slopes. The top elevation of the jetty ranges between 680-681.5 feet, while the bottom ranges between 666-670 feet. The built jetty extends about 75 feet farther lake-ward than planned, and is about 35 feet shorter than planned on the shoreline side. Riprap was placed on the north (upstream) side of the jetty from the base to about midway between the top of the jetty and the normal pool elevation, which is approximately 674.5 feet in this location. The jetty was topped with fine-grained material, and seeded and planted with a native prairie mix and native shrubs and trees. Approximately 1.5 acres of maintenance dredging was also authorized under the April 18, 2011 permit, but the authorized maintenance dredging was not conducted.

The existing jetty was designed to leave a gap between the shoreline and the jetty to prevent water from stagnating in the marina. According to the applicant, the jetty has been successful in diverting some sediment and protecting the marina from debris, but about half the incoming flows making contact with the jetty are still dispersed through the opening between the jetty and shoreline, resulting in sediment and debris inputs, increased flows and increased erosion in the marina. In 2001,

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water flows were modeled with the jetty connected to the shoreline and with a gap between the jetty and the shoreline. The modeled gap scenario did not indicate as much flow being dispersed into the gap as is being experienced with the current jetty. This could be partially the result of the jetty being constructed further from shoreline than presented in the 2011 permit application.

Thus, to further divert high flows and sediment around the marina, the applicant proposes to extend the jetty to the shoreline by constructing a 175-foot long jetty section that would match the existing jetty cross-section and materials. The applicant also proposes to mechanically dredge approximately 15,000 cubic yards of accumulated sediment from 1.99 acres of Sturgeon Lake on the upstream side of their docks. The area would be dredged to a 10 foot depth to allow for guests of the marina to moor their recreational boats. A recent survey has revealed that water depths in this location are 3-6 feet deep at normal water levels. A portion of the proposed dredging area has been authorized by the Corps to be dredged to a depth of 10 feet three times since 2000. All of the proposed work, including jetty construction and dredging, would occur from barges. A portion of the dredged material would be used to top-dress the new section of the jetty for planting purposes, while the majority of the material would be permanently placed in an existing upland spoil disposal site on the applicant's property that has been approved by the Corps in the past for dredged spoil placement.

QUANTITY, TYPE, AND AREA OF FILL: The core of the new jetty section would consist of 7,500 cubic yards of granular sand, with 350 tons of class IV riprap placed along the north (upstream) side of the jetty to match the elevation of the riprap on the existing jetty. The new jetty section would affect up to 0.42 acre of the bed of Sturgeon Lake. The existing jetty affects approximately 1.3 acres of the Sturgeon Lake bed, and consists of approximately 16,900 cubic yards of granular sand, with class IV riprap placed along the north side of the jetty as described above.

VEGETATION IN AFFECTED AREA: Submergent vegetation may be present in the proposed fill area on the lake bed, though Sturgeon Lake has experienced emergent and submergent vegetation loss.

SOURCE OF FILL MATERIAL: Sand for the new jetty section would be obtained from a gravel pit owned by the PIIC; the pit is located approximately three miles north of the marina and would be trucked to the site. Riprap for the new jetty section would be obtained from a commercial facility and would also be trucked to the site. Sand for the existing jetty was obtained from stockpiles of sand dredged from the Mississippi River by the Corps of Engineers, and was delivered to the site via barge. Rock material for the existing jetty was also obtained commercially. All materials for the jetty would be and were placed on barges; no new access roads or staging areas would be or were needed to deliver fill material to the jetty site.

SURROUNDING LAND USE: Surrounding land includes Sturgeon Lake, the Mississippi River, PIIC reservation land (including the Treasure Island Casino/Marina facilities), undeveloped wooded land and wetlands, agricultural land, and residential development. Approximately 1.2 miles downstream of the jetty is Xcel Energy's Prairie Island Nuclear Generating Plant. The Mississippi River Lock and Dam 3 is approximately 2.6 miles downstream of the jetty.

DESCRIPTION OF STRUCTURE: See the above "Description of Project" for a description of the jetty.

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DESCRIPTION OF DREDGING OR EXCAVATION: See the above "Description of Project" for a description of the proposed maintenance dredging in Sturgeon Lake.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Construction of the jetty and the maintenance dredging activity may involve potentially toxic materials from the use of equipment, such as fuels, lubricants, and solvents. Specific types of products, quantities, and specific applications of these materials were not provided with the application. In 2008, the applicant conducted contaminant testing in the area to be dredged, including tests for copper, PCBs, arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver; all contaminants were below detection or below the Dredged Material Management Level 1 thresholds defined by the Minnesota Pollution Control Agency, meaning the material would be suitable for use or reuse on properties with a residential or recreational use category.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: No specific measures were provided by the applicant in their recent application materials for the new jetty section. However, the application for the original jetty indicated the sand and topsoil placed on top of the jetty would be stabilized with standard erosion control practices, such as erosion control blanket, straw mulch, disk anchoring, and a winter wheat cover crop. The jetty would be permanently stabilized with vegetation, as it would be seeded with a native mesic short prairie seed mix, shrubs, and trees. The vegetation plan that has and would be used on the jetty has been successfully used on Corps-constructed islands in Mississippi River Pool 8.

MITIGATION: Compensatory mitigation was not required for the original jetty construction. The applicant has not proposed mitigation for the new jetty section. The original island jetty was designed to enhance the habitat restoration project being planned by the Corps of Engineers in North and Sturgeon Lakes (Pool 3, Mississippi River). The Corps' habitat restoration project includes the construction of several small islands within the two lakes (see <http://www.mvp.usace.army.mil/Missions/CivilWorks/ProgramsProjectManagement/DistrictProjects.aspx>, under Environmental Projects, "Habitat Restoration: North and Sturgeon Lakes").

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.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Sarah Wingert at the St. Paul office of the Corps, telephone number (651) 290-5358.

To receive Public Notices by e-mail, go to: http://mvp-extstp.mvp.usace.army.mil/list_server/ and add your information in the New Registration Box.

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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. However, Goodhue County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
Dwarf trout lily (E)	North-facing slopes and floodplains in deciduous forests.
Higgins' eye pearl mussel (E)	Mississippi River.
Northern long-eared bat (Proposed as E)	Hibernates in caves and mines, swarming in surrounding wooded areas in autumn; roosts and forages in upland forests during spring and summer.
Prairie bush-clover (T)	Native prairie on well-drained soils.

The Corps has coordinated this application with the U.S. Fish and Wildlife Service (FWS). FWS indicated that they did not expect Higgins eye or any other federally listed species to be present in the area that would be affected by this project. Any additional comments FWS 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 and/or Section(s) 9 & 10 of the Rivers and Harbors 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>.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: Minnesota Department of Natural Resources Public Waters Work Permit (issued).

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

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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.

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, Resource Management and Assistance Division,
Attention: 401 Certification, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. 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. If necessary, 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.

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.

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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 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.



**2010-04660-SEW
Treasure Island Marina Jetty
Goodhue County**

U.S. Army Corps of Engineers
St. Paul District

2010-04660-SEW, Figure 1 of 6:
Project Location



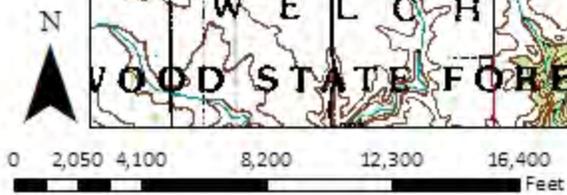
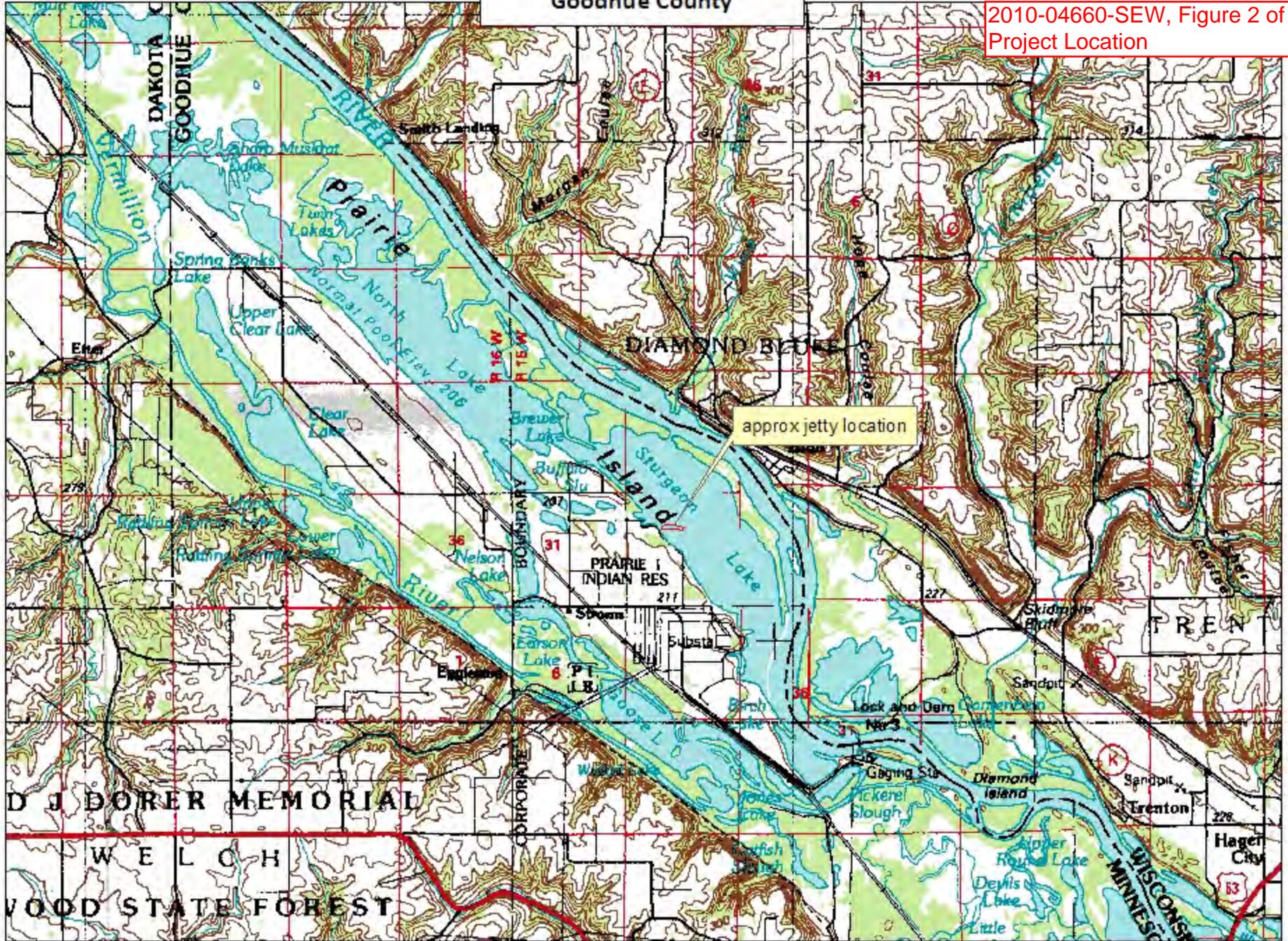
Base Map Source: NAIP aerial photo - July 18, 2013



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Treasure Island Marina Jetty
Goodhue County

U.S. Army Corps of Engineers
St. Paul District

2010-04660-SEW, Figure 2 of 6:
Project Location



Base Map Source: USGS topo
(USGS topo, 1:100K)



Figure 2
Debris Deflector Plan - Treasure Island Marina

CURRENT DREDGING DISPOSAL SITE

BUILD-UP BAMP UNLOADING AREA

Frazier St



2010-04660-SEW, Figure 5 of 6:
As-Built Jetty Plan-View

S t u r g e o n L a k e

EL 681± TOP OF JETTY (~20' WIDE)
APPROX. FOOTPRINT 1.3 AC.

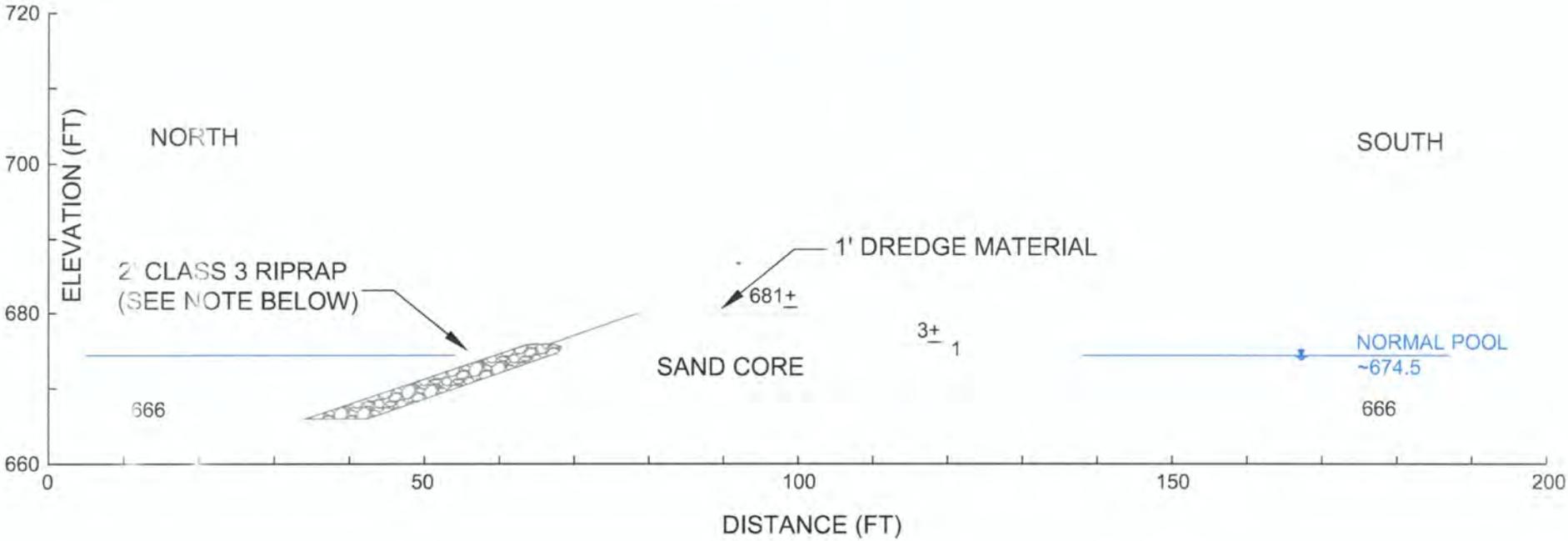
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Figure 1.
DEBRIS DEFLECTOR AS-BUILT PLAN
Treasure Island Marina



NOTE: SURFACES OF DEBRIS DEFLECTOR NOT RIPRAPED AND ABOVE NORMAL WATER LINE WERE PROTECTED WITH EROSION CONTROL MATTING AND PLANTED WITH PLANTINGS.

Figure 2.
SECTION A A'
DEBRIS DEFLECTOR AS-BUILT
TREASURE ISLAND MARINA