



US Army Corps  
of Engineers  
St Paul District

**APPLICANT:**  
MN Department of Veteran Affairs

# **Public Notice**

**ISSUED: January 6, 2015**

**EXPIRES: February 6, 2015**

**REFER TO: 2011-00677-DWW**

**SECTION:404 - Clean Water Act**

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1. APPLICATION FOR the proposed discharge of dredged and fill materials into 7.31 acres of wetlands to construct a State Veterans Cemetery in the northeastern part of Minnesota.

2. SPECIFIC INFORMATION:

APPLICANT'S ADDRESS: Minnesota Department of Veteran Affairs  
15550 Highway 115  
Little Falls, Minnesota 56345

AUTHORIZED AGENT: Stantec Consulting Services, Inc.  
2335 Highway 36 West  
St. Paul, Minnesota 55113

PROJECT LOCATION: The proposed project site is in Sec(s). 36, T. 51N., R. 16W., Saint Louis County, Minnesota.

DESCRIPTION OF PROJECT: The State of Minnesota Department of Veteran Affairs (MnDVA) is proposing to construct a State Veterans Cemetery on a 105-acre property located 4.7 miles northwest of the City of Hermantown and 7.0 miles northwest of the City of Duluth in Grand Lake Township. The cemetery would be accessible from U.S. Highway 53 and Caribou Lake Road. Approximately 40 acres of the property would be used for the cemetery and the remaining 65 acres of the property would be used as a natural open space. At completion, the northeastern Minnesota State Veterans Cemetery would provide 25,000 burial sites.

The purpose and need of the project is to construct a veteran's cemetery for burials of veterans in the northeastern part of Minnesota. The major goal of the MnDVA is to have veteran population of 90% within a 70 mile radius of a veteran's cemetery. The construction would be funded through a federal grant by the U.S. Department of Veteran Affairs.

The overall phases for the construction of the cemetery and the associated wetland impacts for each of the phases are proposed in one application. The cemetery would be comprised of these structures and features: administration and/or public information center, maintenance building, storage building and storage area, honor guard building, committal service shelter, memorial walkway, flag assembly area, the burial plots and columbaria, ornamental gates, fencing and signs, irrigation system, a stormwater management system, water wells, septic system, utility infrastructure, and roads to serve the cemetery. The construction of the cemetery would result in the discharge of dredged and fill materials into 7.31 acres of wetlands.

**Operations - Regulatory (2011-00677-DWW)**

**SUBJECT: MN Veterans State Cemetery**

**VEGETATION IN AFFECTED AREA:** The project would result in the discharge of dredged and fill material into 7.31 acres of wetlands: 2.74 acres of forested wetlands comprised of black ash, quaking aspen, balsam fir; 2.68 acres of open bog wetlands comprised of black spruce, Labrador tea, sphagnum moss, with a mix of balsam fir, black ash, and red maple; 1.37 acres of alder thicket comprised of quaking aspen, red maple, speckled alder, bluejoint, bladder sedge; and 0.52 acre of fresh wet meadow wetlands comprised of bluejoint and fowl blue grass.

**FILL AREA:** The project would result in the discharge of dredged and fill materials into 7.31 acres of wetlands within 40 acres of a 105-acre property for the construction of a veteran's cemetery. The work within wetlands would cover all of the temporary and permanent structures for the construction of the cemetery, and the staging areas to facilitate construction activities. The wetlands within the project site are adjacent to an unnamed tributary to the St. Louis River, a navigable water of the United States.

**EXCAVATION:** There would be excavation activities for the construction of retention ponds, storm sewers, irrigation systems, water systems, septic systems, road beds, parking lots, buildings, and burial sites.

**SURROUNDING LAND USE:** Surrounding land use would include; open spaces, rural and urban residences, and commercial businesses.

**WETLAND REPLACEMENT:** The project area and proposed 7.31 acres of wetland impacts are in Bank Service Area (BSA) 1. The MnDVA has proposed to provide wetland mitigation for the 7.31 acres of proposed wetland impacts with the purchase of wetland bank credits from a wetland bank in BSA 3. MnDVA has proposed to purchase 10.97 credits (1.5:1 ratio) of fresh wet meadow wetlands from the Corps of Engineers approved wetland bank #1266 (Agassiz Wild Rice).

**PROJECT ALTERNATIVES:** According to the applicant, a search to acquire a suitable property for the veteran's cemetery has been underway for several years in the northeastern region of Minnesota. Eleven (11) site selection criteria from the Federal Grant program were used in the search and includes the following: 1) proximity, 2) size, 3) shape, 4) accessibility, 5) utilities and water, 6) surrounding land use, 7) soils, 8) topography, 9) aesthetics, 10) restrictions to development, and 11) site suitability and acceptability.

MnDVA staff has reviewed over 30 parcels in Duluth and the Duluth surrounding area for possible locations of the veteran's cemetery. The 105-acre property met almost all of the necessary criteria for a cemetery site, and the other 29 sites had multiple issues that made them unusable for a cemetery.

Five (5) proposed design layouts of the cemetery on the 105-acre property were proposed and Concept 5 was the preferred alternative. Concepts 1, 2, 3, and 4 were rejected because of the conceptual use of the property and amount of wetland impacts. Overall, Concept 1 would impact 9.96 acres of wetlands, Concept 2 would impact 8.02 acres of wetlands, Concept 3 would impact 7.55 acres of wetlands, and Concept 4 would impact 7.37 acres of wetlands.

The no build alternative was rejected as it does not fulfill the purpose and need of the project.

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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 Daryl W. Wierzbinski at the Duluth office of the Corps, telephone number (218) 720-5291 EXT 35401.

To receive Public Notices by e-mail, go to: [http://mvp-extstp/list\\_server/](http://mvp-extstp/list_server/) and add your information in the New Registration Box.

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, St. Louis 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>
Canada lynx ( <i>Lynx Canadensis</i> ) (T)	Northern forested areas (critical habitat)
Gray Wolf ( <i>Canis Lupus</i> ) (T)	Northern forested areas (critical habitat)

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 Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01.

A jurisdictional review and a final jurisdictional determination could result in modifications to the scope of the project's regulated wetland impacts and compensatory mitigation requirements identified above. An approved jurisdictional determination may be completed prior to reaching a permit decision, and would be posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/>.

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**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.

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 Regional Environmental Management Division,  
Attention 401 Certification, 520 Lafayette Road, North St. Paul, Minnesota 55155-41946.

**7. HISTORICAL/ARCHAEOLOGICAL.**

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, 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.**

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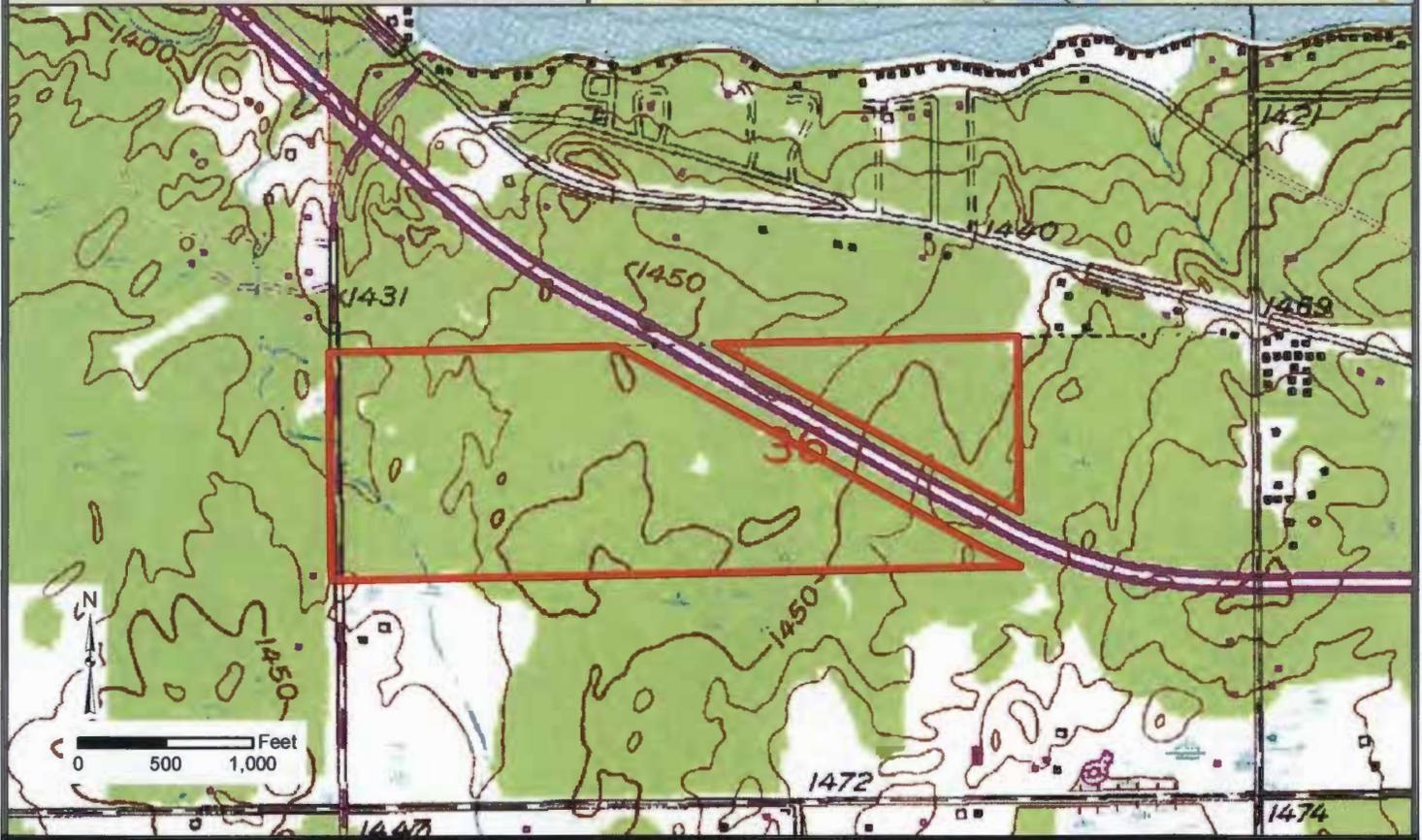
The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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 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.

Tamara E. Cameron  
Chief, Regulatory Branch

Enclosures

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



**SITE LOCATION AND TOPOGRAPHY**

**State Veterans Cemeteries  
St. Louis County, Minnesota**



Stantec Consulting  
2335 Highway 36 W  
Saint Paul, MN 55113  
tel 651.636.4600  
fax 651.636.1311

October 2013

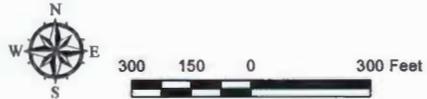
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The information on this map has been compiled by Stantec staff from a variety of sources and is subject to change without notice. Stantec makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information.



Figure 3. Pike Lake Site - Wetland Delineation

State Veterans Cemeteries  
St. Louis County, Minnesota



- Sample Point
- Wetland - Wet Spot
- Delineated Wetland
- Culvert
- Waterway
- Subject Site Boundary
- DNR Public Watercourse (Tributary to Mud Creek)

October 23, 2013



Source: St. Louis County GIS - Parcels  
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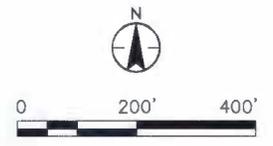




**EXHIBIT D**



- 12.00 AC  PROPOSED BURIAL AREA
- 7.55 AC  PROPOSED WETLAND IMPACT AREA



**CEMETERY PRELIMINARY CONCEPT**

MN DEPT. VETERANS AFFAIRS  
PIKE LAKE SITE - NE MN STATE VETERANS CEMETERY

CONCEPT 3



Date: Nov 2013      PROJ. NO.: 193800401

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DATE: 11/15/2013 10:11:11 AM  
USER: J. WATSON



**EXHIBIT D**



- 17.05 AC  PROPOSED BURIAL AREA
- 7.31 AC  PROPOSED WETLAND IMPACT AREA



**CEMETERY PRELIMINARY CONCEPT**

MN DEPT. VETERANS AFFAIRS  
 PIKE LAKE SITE - NE MN STATE VETERANS CEMETERY

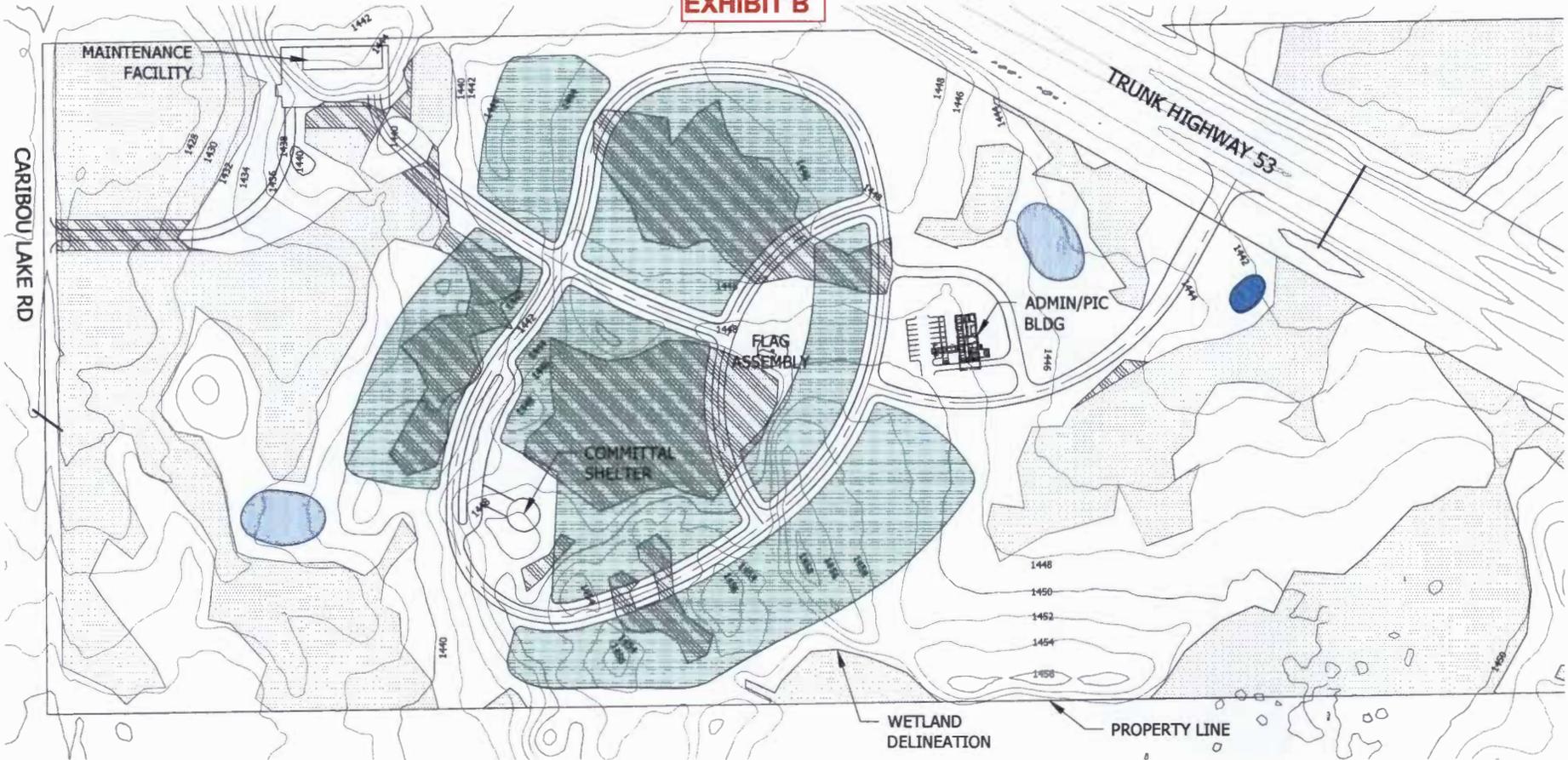
CONCEPT 5



Date: DEC 2013      PROJ. NO.: 193800401

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**EXHIBIT B**



- 17.05 AC PROPOSED BURIAL AREA
- 7.31 AC PROPOSED WETLAND IMPACT AREA



**PROPOSED CEMETERY PRELIMINARY PLAN**

MN DEPT. VETERANS AFFAIRS  
 PIKE LAKE SITE - NE MN STATE VETERANS CEMETERY

FINAL CONCEPT



Date: DEC 2013      PROJ. NO.: 193800401

## EXHIBIT C

MN Department of Veterans Affairs  
 NE MN State Veterans Cemetery  
 Property Search Matix  
 February 13, 2014

No.	PROPERTY	Proximity	Size	Shape	Access	Utilities H2O	Adjacent Land Use	Soils	Topo	Aesthetics	Development Restrictions	Addtl. Evaluation
1	Jay Cooke - 3 sites	✓	✓	✓	✓	✗	✓	✗	✗	✓	topo, bedrock	
2	Jay Cooke-Wrenshall	✓	✓	✓	✓	✗	✓	✗	✓	✓	access	
3	Airport	✓	✓	✓	✗	✗	✗	✗	✓	✗	location	
4	St. Louis Co. tax forfeit-5 sites	✓	✓	✓	✗	✗	✗	✗	✓	✗	soils, wetlands, location	
5	Arlington	✓	✓	✓	✓	✗	✓	✗	✗	✓	topo, wetlands	
6	Skyline	✓	✓	✓	✗	✗	✓	✗	✓	✓	bedrock, wetlands	
7	Carlton Co. business park	✓	✓	✓	✗	✗	✓	✗	✓	✓	wetlands, access	
8	Fond du Lac State Forest	✓	✓	✓	✗	✗	✓	✗	✗	✓	topo, access	
9	Hwy 45 St. Louis River	✓	✓	✓	✓	✗	✓	✗	✓	✓	bedrock, wetlands	
10	Hwy 45 opposite river	✓	✓	✓	✓	✗	✓	✗	✓	✓	bedrock	
11	Seven bridges	✓	✓	✓	✗	✗	✓	✗	✓	✓	access, location	
12	Nopeming	✓	✓	✓	✓	✗	✓	✗	✓	✓	demolition	
13	NERC-3 sites	✓	✓	✓	✗	✗	✗	✗	✓	✓	access, location	
14	Pike Lake	✓	✓	✓	✓	✗	✓	✓	✓	✓	wetlands	