



US Army Corps
of Engineers
St Paul District

APPLICANT: Olmsted County
Environmental Services

Public Notice

ISSUED: October 9, 2015

EXPIRES: November 9, 2015

REFER TO: 2012-01213-DAS

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into the Middle Fork Zumbro River and the South Branch Middle Fork Zumbro River, and adjacent wetlands, for the purpose of the removal of the existing Oronoco Dam, the construction of an embankment along Highway 52, the construction of a rock rapid near the existing dam site, and the restoration of stream meanders.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 2116 Campus Drive SE
Rochester, MN 55904

AGENT: Mr. John Smyth
Stantec Consulting

AGENT'S ADDRESS: 2335 West Highway 36
St. Paul. MN 55113

PROJECT LOCATION: The project site is located in Sections 7, 8, 17, and 18, T. 108N., R. 14W., Olmsted County, Minnesota. The approximate UTM coordinates are Zone 15, X Coordinate: 537180.14, Y Coordinate: 4890008.39.

DESCRIPTION OF PROJECT: The applicant has proposed the restoration of the Middle Fork Zumbro River at the confluence of the South Branch Middle Fork Zumbro River and the Middle Fork Zumbro River near the city of Oronoco. The Oronoco Dam was originally constructed in 1856 as a wooden dam and was reconstructed in 1937. Over the years, sedimentation has accumulated in the impoundment above the dam, known as Shady Lake. A flood event in September of 2010 resulted in a breach of the north core wall. The restoration would total approximately 4,650 linear feet of existing stream channel. This includes approximately 3,250 feet of the Middle Fork Zumbro River, approximately 800 feet of the South Branch Middle Fork Zumbro River and approximately 600 feet downstream of the confluence of the Middle Fork and the South Branch to the current dam location. Woody debris toe protection, constructed riffles, and boulder J-hooks, would be used to help restore natural functioning stream meanders.

Riparian restoration would stabilize the stream profile following dam removal, improve biological integrity, increase dissolved oxygen, stabilize stream banks, and reduce both sediment and nutrient loads.

The proposed project involves restoring a meandering river channel, pools, riffles, associated floodway, woodland areas and establishing a series of rock weir sections to drop the flows in the steep grade where the dam would be removed.

Operations - Regulatory (2012-01213-DAS)

The river restoration involves excavation in the pre-existing impoundment area to develop a meandering channel, pools and floodway. This excavation would be 3 – 5 feet deep to re-establish the floodplain and an additional 3 – 4 feet deep to re-establish the river channel, pools and rock riffle sections. The proposed new channel would replace the channel that has developed recently since the dam failure. The current channel is relatively straight and does not represent a stable river system.

QUANTITY, TYPE, AND AREA OF FILL:

Proposed Permanent Wetland Impact: The sediment that would be removed from the river restoration will be used to develop an embankment along Highway 52. The embankment would result in the proposed filling of 3.21 acres of seasonally flooded wetland. The embankment is proposed to allow the material to stay on-site to stay within the projects budget and to meet the screening and future trail goals for the site. The proposed 40 foot bench on the embankment is to allow trees to be planted at a higher elevation to screen Highway 52 views from the pre-existing impoundment area.

Proposed Temporary Wetland Impact: Temporary wetland impacts are proposed in staging areas for the excavated spoil to allow it to dewater prior to placement in the permanent fill location along the Highway 52 embankment. Temporary wetland impacts are also necessary for haul roads for the construction equipment. The staging areas require 6.39 acres and the haul roads requires 2.22 acres of temporary disturbance to the wetland areas. Access roads would be de-compacted prior to final seeding. The staging areas and haul road would be restored back to pre-construction contours and seeded with State Mix 34-261 (Riparian South & West) in the frequently flooded areas and State Mix 34-262 (Wet Prairie) in areas that are periodically flooded.

Proposed Excavation and Fill for River Restoration: The 4,050 lf of the existing channel that has developed through the old lake bed would be filled and result in removal of 3.5 acres of channel. This will be replaced with the restoration of a new meandering channel that is 4,685 linear feet and approximately 7.2 acres in size. The portion of the existing river south of the confluence down to the dam, which is approximately 600 linear feet and 2.4 acres, would be partially filled as part of the rock rapid development. The proposed fill is contained to the channel area and will not impact wetland.

The floodway would be developed by excavating material adjacent to the proposed channel in an area measuring approximately 17 acres in size to allow this area to frequently flood. The frequently flooded areas are proposed to be seeded with State Mix 34-261 (Riparian South and West) and the disturbed area above the frequently flooded zones will be seeded with State Mix 34-262 (Wet Prairie). The applicant has identified the area in the proposed floodway as wetland and would continue to be wetland.

VEGETATION IN AFFECTED AREA: The wetland areas are dominated by water smartweed, reed canary grass, rice-cut grass, cottonwood seedlings, curly dock, with lesser amounts of narrow-leaf cattail, stinging nettle, horsetweed, primrose, bull thistle, and mullein.

SOURCE OF FILL MATERIAL: It is anticipated the source of the fill material will be from on-site and from commercially available sources.

Operations - Regulatory (2012-01213-DAS)

SURROUNDING LAND USE: The current land use surrounding the restoration site is agricultural, residential, and mixed use.

DESCRIPTION OF STRUCTURE: The existing dam structure that would be removed was constructed in 1937 with a height of 19 feet. The structure includes a 50-foot wide concrete spillway constructed to elevation 950.3, and five gate sections constructed to elevation 940.0. The impoundment water level before the breach had an approximate water level of 949. The breach described above has resulted in a current water level at approximate elevation 942.

The dam structure would be removed down to an elevation of 931.55 and replaced with a series of rock arch rapids extending approximately 550 linear feet up gradient of the existing structure. Sediment would be excavated and the rock arch rapids would be constructed to provide a more stable stream profile.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Fuel and lubrication used for construction equipment would be used during construction.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The existing conditions actively contribute an unnatural sediment load downstream. This could result in impacts to habitat for a variety of species including, but not limited to fish and invertebrates. The proposed channel restoration would improve water quality conditions. Erosion control measures including mulching and seeding, silt fence, erosion control blankets, constructed haul roads, and ditch check biologs would be incorporated during construction.

MITIGATION: The applicant has proposed the purchase of 6.42 acres of fresh wet meadow wetland credit from the McNallan Real Estate Wetland Bank as compensatory mitigation for the wetland impacts described above. The bank is located approximately 25 miles northeast of the project site in Sec. 36, T. 110N, R. 11 W, Wabasha County, Minnesota.

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 Mr. David Studenski at the La Crescent office of the Corps, telephone number (651) 290 - 5902.

To receive Public Notices by e-mail, go to: http://mvp-extsttp/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.

Olmsted 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>
Northern long-eared bat <i>Myotis septentrionalis</i> (T)	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Leedy's roseroot <i>(Rhodiola integrifolia ssp. leedyi)</i>	Cool, wet groundwater-fed limestone cliffs
Prairie bush clover <i>(Lespedeza leptostachya)</i>	Native prairie on well-drained soils

Any comments received 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 current practices for documenting Corps jurisdiction under Section(s) 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

We have made a preliminary determination that the aquatic resources that would be impacted by the proposed project are subject to Corps of Engineers jurisdiction under Section(s) 9 & 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. If an approved jurisdictional determination is completed as part of the review process for this application, a copy will be posted on the St. Paul District web page at the following link:

<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: The Minnesota Department of Natural Resources has issued a Dam Safety and Public Water Work Permit for the project.

The Olmsted Soil and Water Conservation District, acting as the local government unit, has approved the replacement plan for the subject project.

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

Operations - Regulatory (2012-01213-DAS)

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.

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 Oronoco Dam was evaluated in 2011 by the Corps and determined eligible for inclusion in the National Register of Historic Places. Removal of the dam would constitute an adverse effect; therefore we are coordinating this project with the State Historic Preservation Office.

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

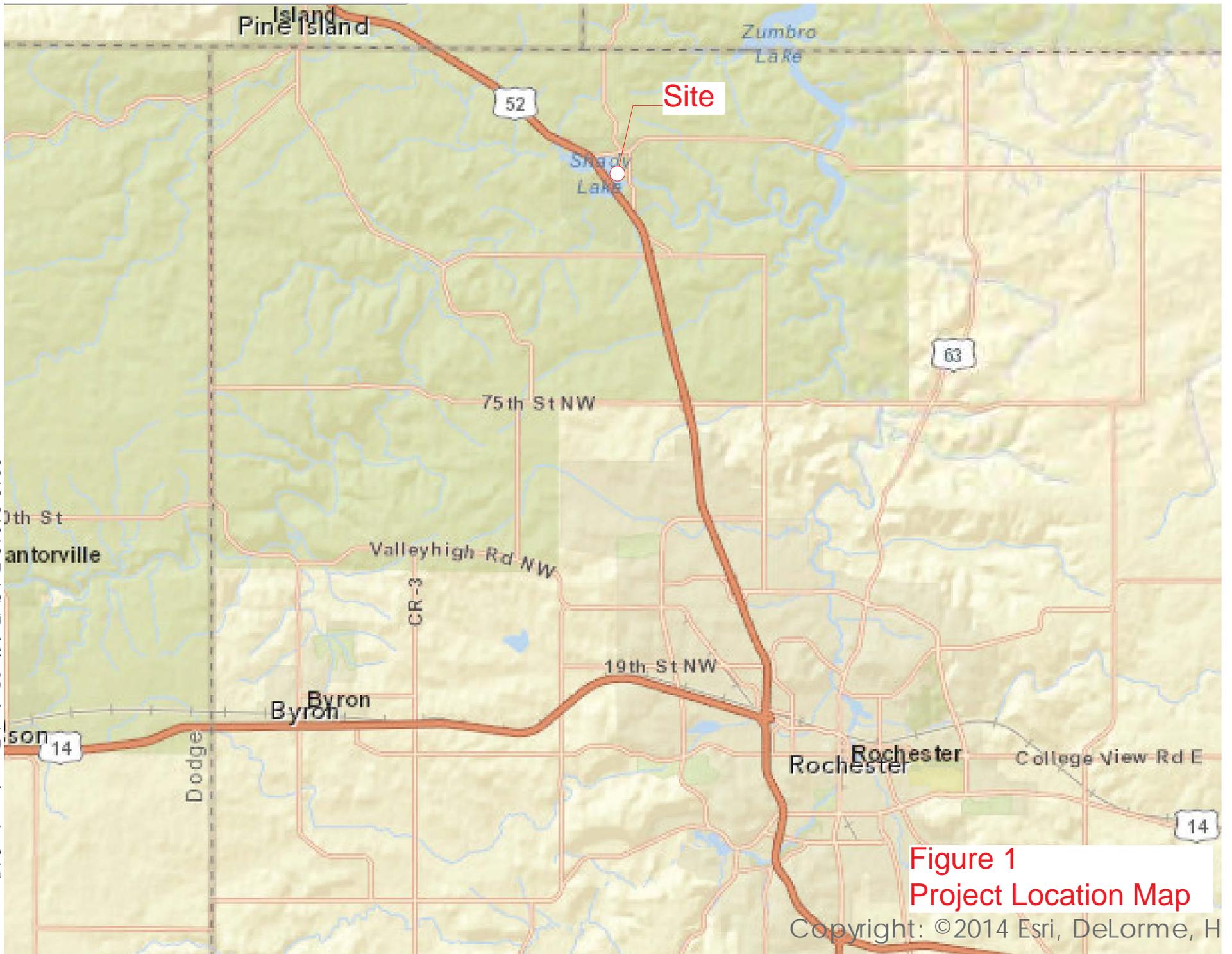
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environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food 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.

Chad Konickson
Chief, Southwest Section

Enclosures



2012-01213-DAS (Public Notice) Drawing 1 of 15

Figure 1
Project Location Map

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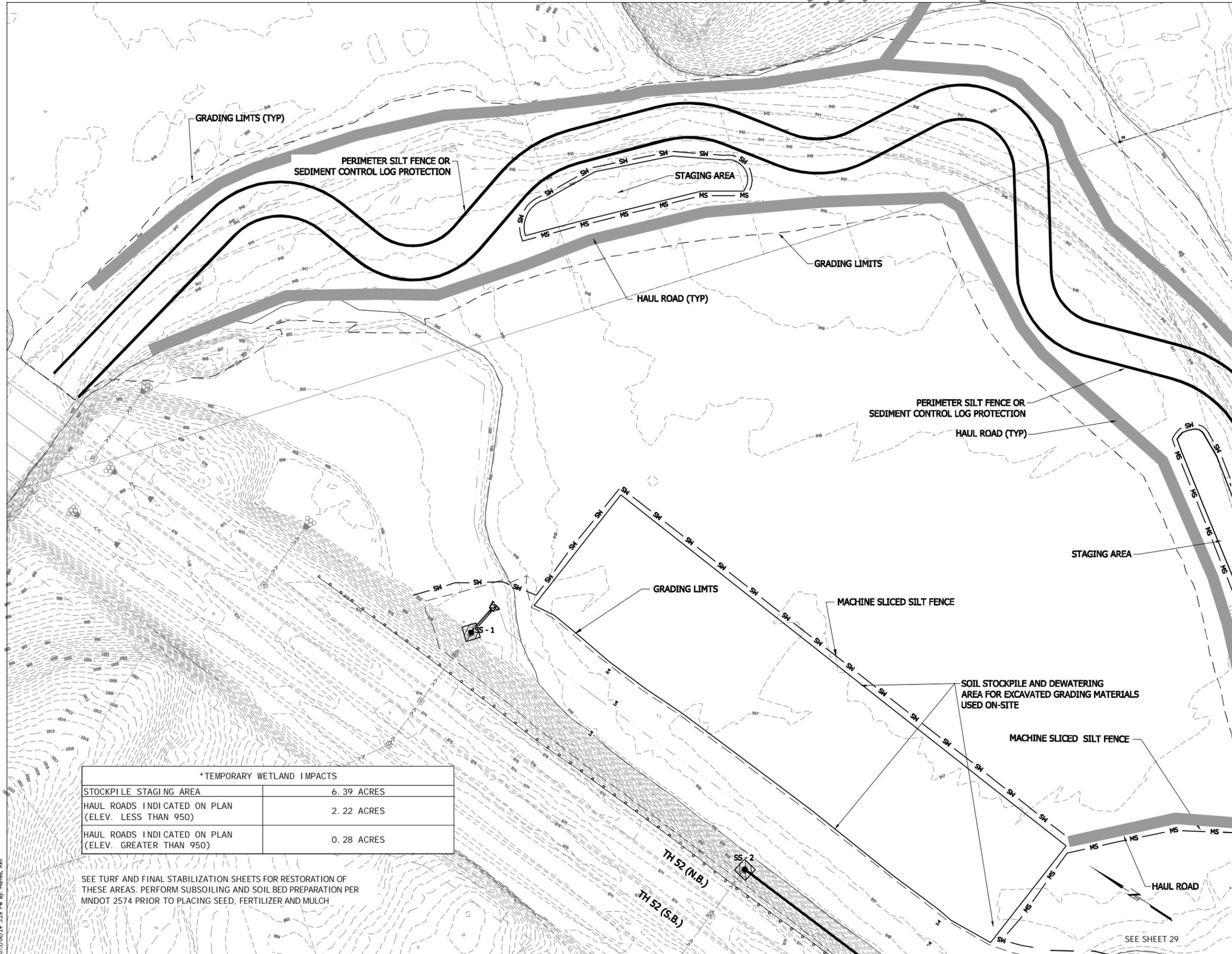
Client/Project
 OLMSTED COUNTY

**ZUMBRO RIVER RESTORATION
 AND OLD SHADY LAKE DAM REMOVAL
 ORONOCO, MN**

Title
 EROSION CONTROL PLAN

Project No. 193802086 Scale

Drawing No. Sheet 28 of 64 Revision

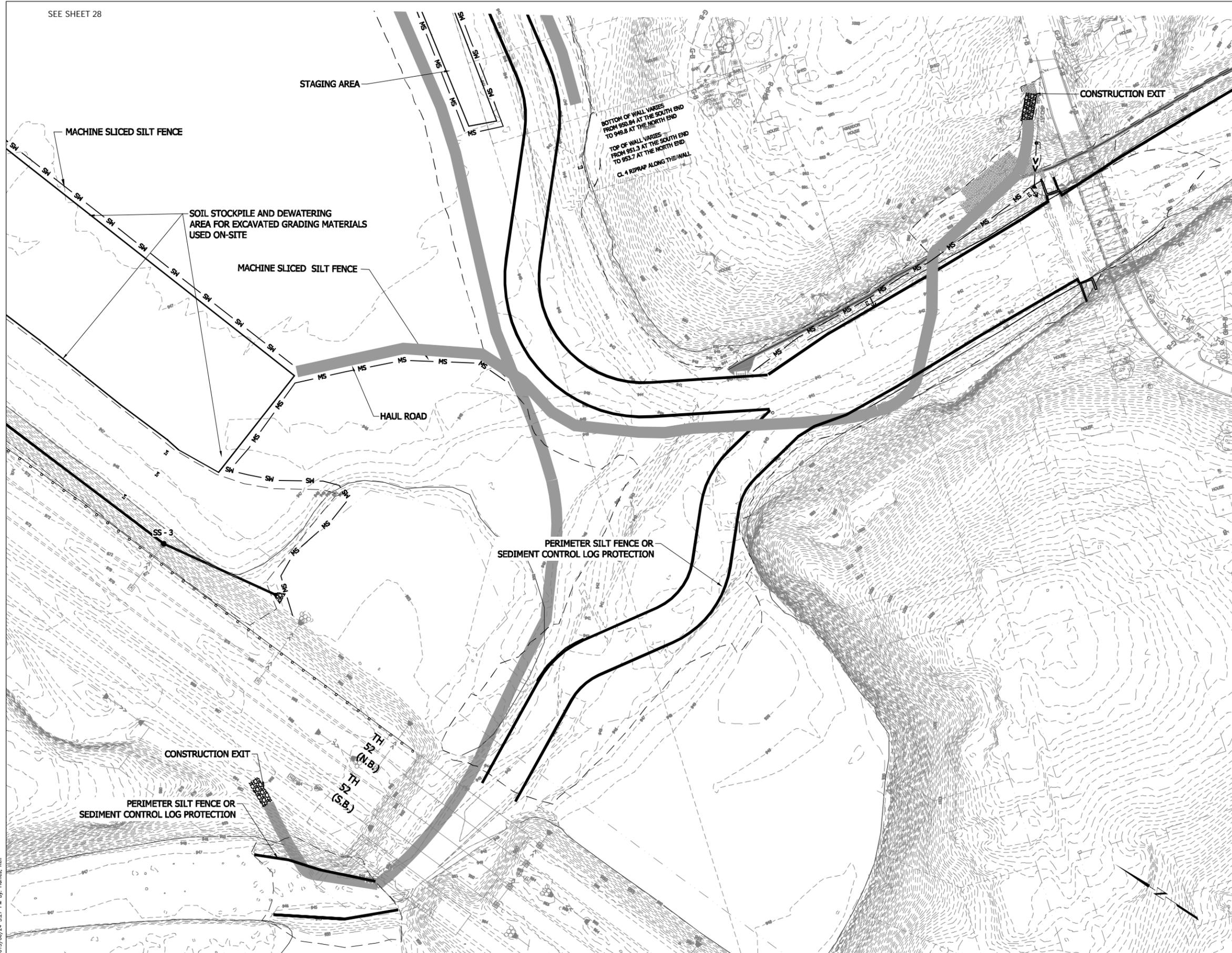


*TEMPORARY WETLAND IMPACTS	
STOCKPILE STAGING AREA	6.39 ACRES
HAUL ROADS INDICATED ON PLAN (ELEV. LESS THAN 950)	2.22 ACRES
HAUL ROADS INDICATED ON PLAN (ELEV. GREATER THAN 950)	0.28 ACRES

SEE TURF AND FINAL STABILIZATION SHEETS FOR RESTORATION OF THESE AREAS. PERFORM SUBSOILING AND SOIL BED PREPARATION PER MNDOT 2574 PRIOR TO PLACING SEED, FERTILIZER AND MULCH

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**ZUMBRO RIVER RESTORATION
 AND OLD SHADY LAKE DAM REMOVAL
 ORONOCO, MN**

Title
 EROSION CONTROL PLAN

Project No. 193802086	Scale
Drawing No.	Sheet 29 of 64
	Revision

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ORIGINAL SHEET -- AND 0



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Notes

- Channel Fill
- Channel Excavation

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SIGNATURE: [Signature]
DATE: 6/24/15 LIC. NO: 50308

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OLMSTED COUNTY

ZUMBRO RIVER RESTORATION AND
OLD SHADY LAKE DAM REMOVAL

Title

PLAN PROFILE SHEETS
MIDDLE FORK UPSTREAM

Project No.

193802086

Scale

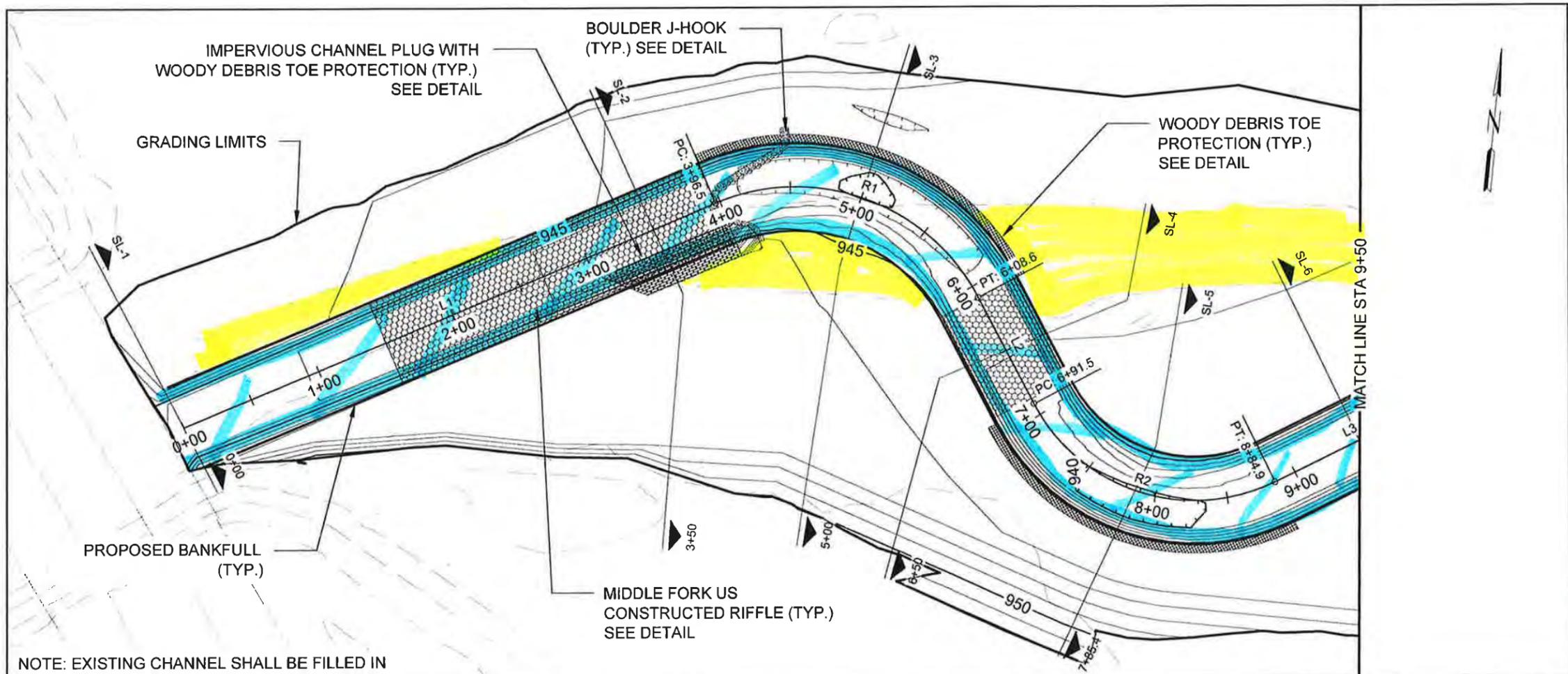
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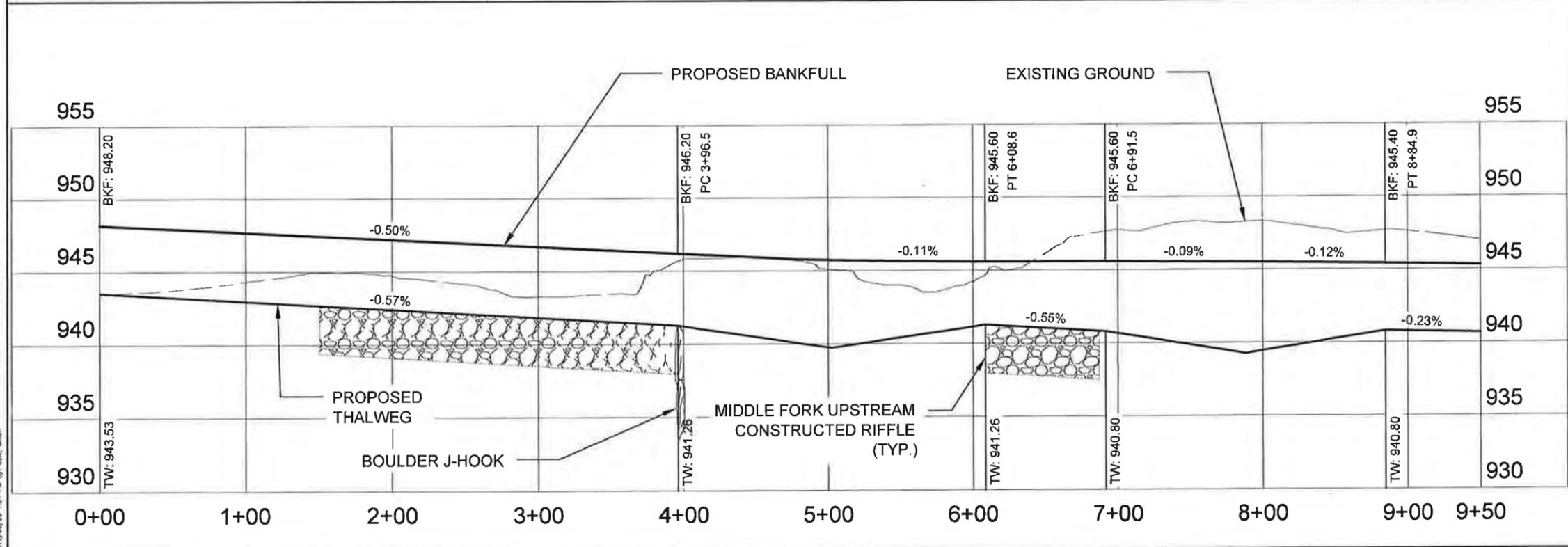
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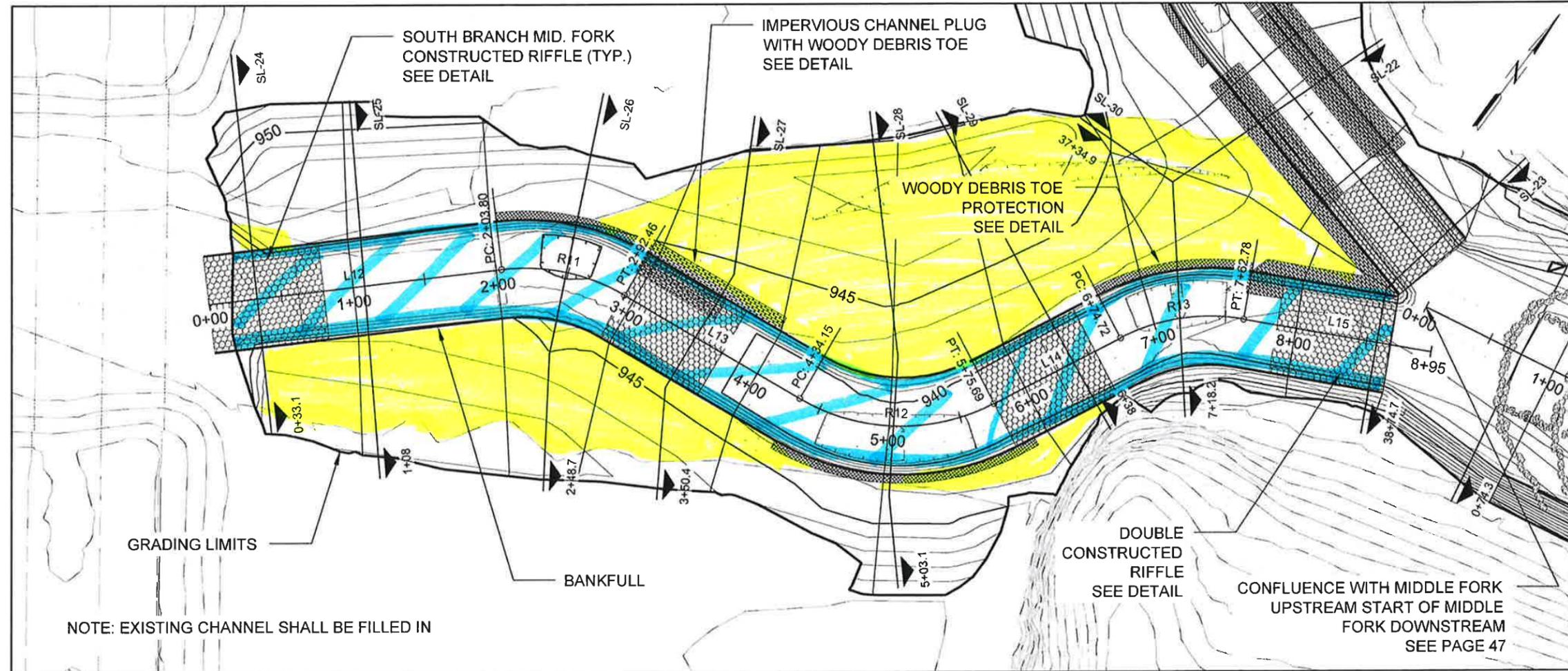
39 of 64



NOTE: EXISTING CHANNEL SHALL BE FILLED IN



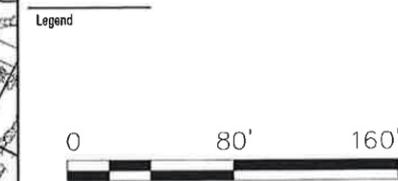
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 **Channel Fill**
 **Channel Excavation**

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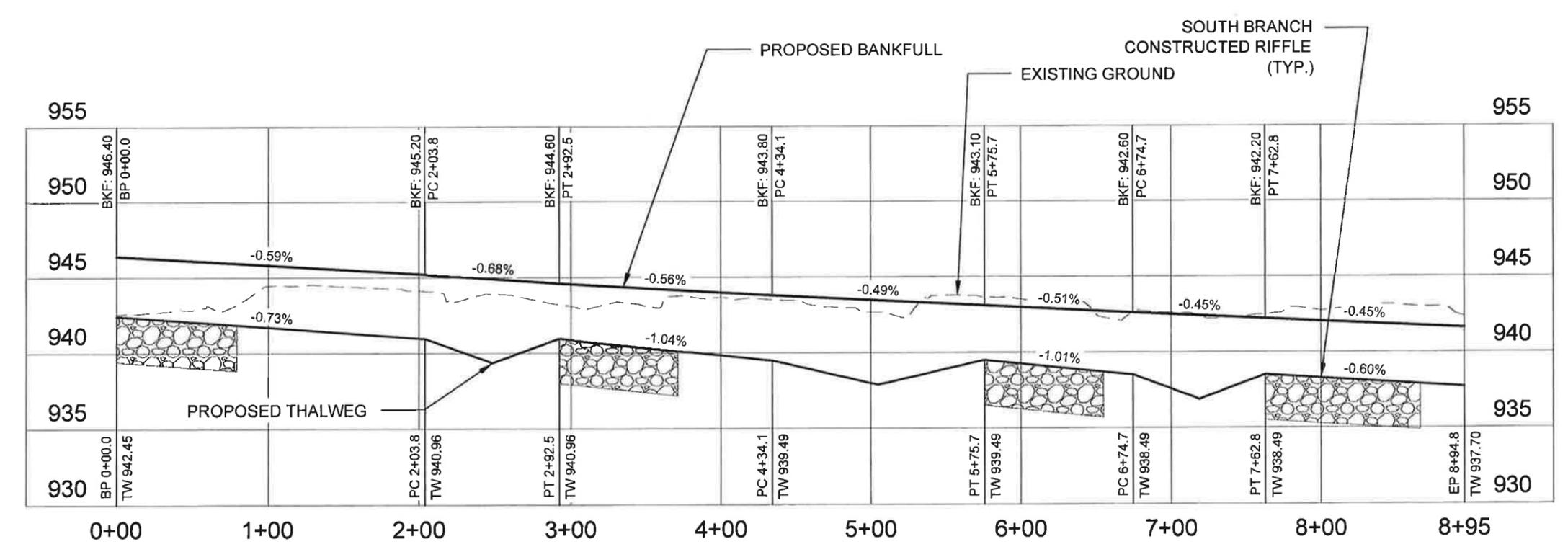
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 SIGNATURE: Nathan J. Dean
 DATE: 12/21/15 LIC NO.: 50308

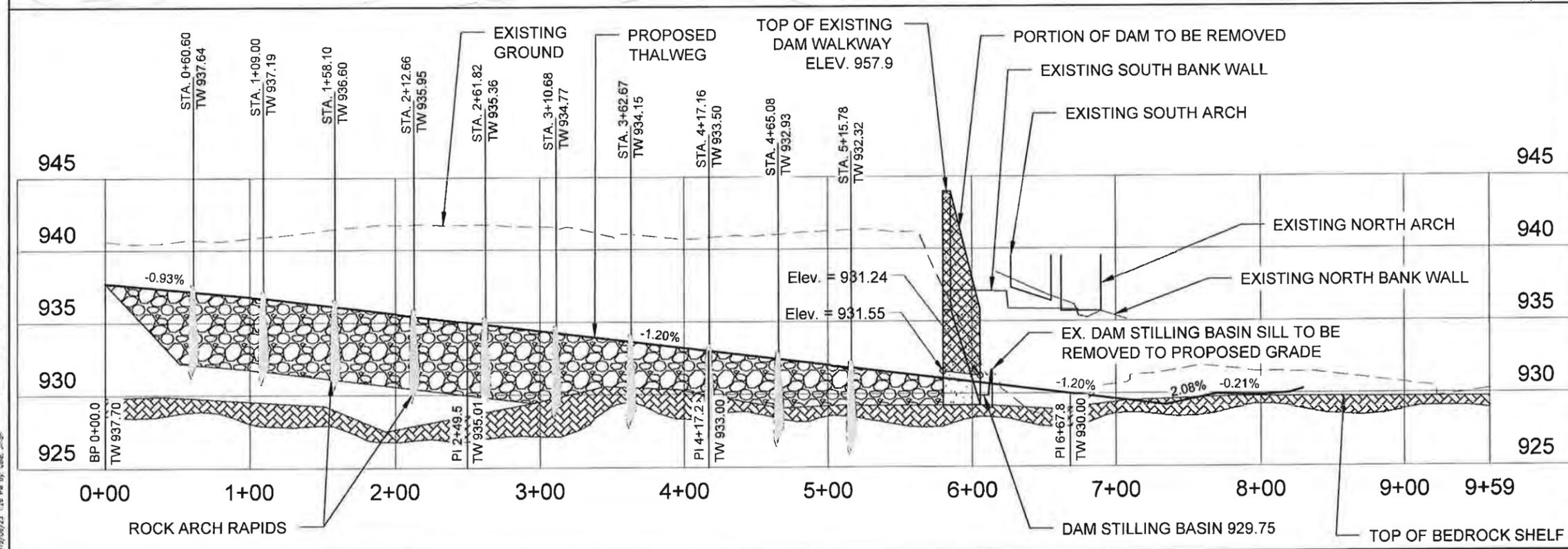
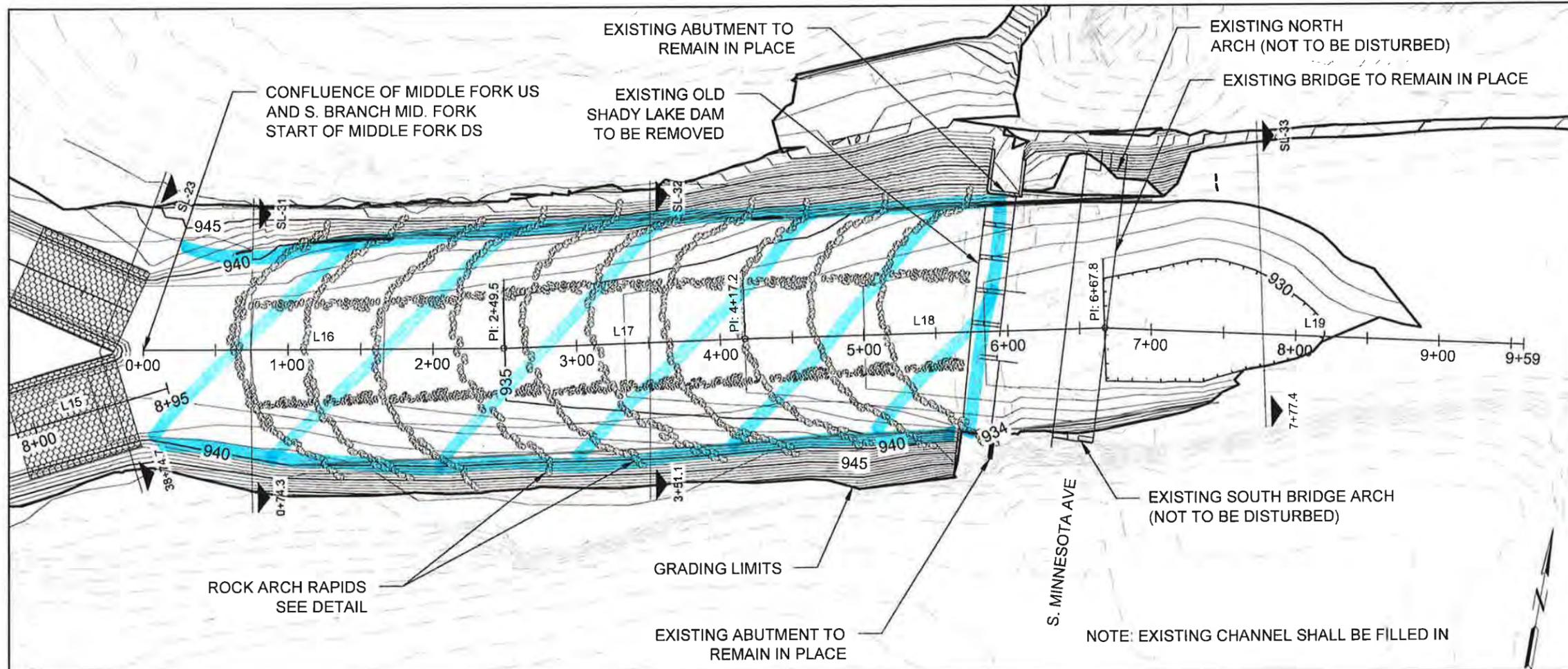
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 OLMSTED COUNTY
 ZUMBRO RIVER RESTORATION AND
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Title
 PLAN AND PROFILE SHEETS
 S. BRANCH MID. FORK

Project No. 193802086 Scale 1" = 80'
 Drawing No. _____ Sheet _____ Revision _____

44 of 64






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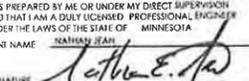
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Notes
 Channel
 Excavation

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 ZUMBRO RIVER RESTORATION AND
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Title
 PLAN AND PROFILE SHEETS
 MIDDLE FORK DOWNSTREAM

Project No. 193802086 Scale 1" = 80'
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45 of 64