



US Army Corps
of Engineers
St Paul District

APPLICANT: Wesley Herman

Public Notice

ISSUED: October 4, 2013

EXPIRES: November 3, 2013

SECTION: 404 - Clean Water Act

REFER TO: 2012-04681-MTS

1. APPLICATION FOR PERMIT TO DISCHARGE DREDGED AND FILL MATERIAL IN AN UNNAMED TRIBUTARY AND WETLANDS ABUTTING UNNAMED TRIBUTARY TO SAND CREEK, FOR A PROPOSED WATER QUALITY IMPROVEMENT PROJECT IN JORDAN, MINNESOTA.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Mr. Wesley Herman
16586 Johnson Memorial Drive
Jordan, Minnesota 55352

PROJECT LOCATION: The project area is situated immediately east of U.S. Highway 169, north of 173rd Street, and south of 166th Street, located in Section 4, Township 114 N., Range 23 W., Scott County, MN. The approximate UTM coordinates for this site are Northing 4950395.145, Easting 453077.506. Approximate Decimal Degree coordinates for this site are Latitude 44.705396, Longitude -93.592320.

DESCRIPTION OF PROJECT: The applicant proposes to fill and eliminate an existing (man-made) diversion channel, create a new channel alignment through a series of sediment ponds, excavate and remove accumulated sediments within wetlands for the purpose of improving downstream water quality.

Since the diversion channel was constructed in 1957, the channel has become elevated considerably due to the deposition of sediment, caused by natural events and routine maintenance (side-casting of spoils). The reduction of hydraulic capacity has caused flooding of adjacent agricultural land and has contributed extensive amounts of nutrients and sediment to downstream wetlands.

The existing diversion channel bisects the applicant's property. As proposed, the new channel would be situated immediately adjacent and parallel to U.S. Highway 169 (see enclosures). The proposal would include construction of two sediment ponds, six plunge pools, and installation of two weir structures. The project is designed to slow the water's energy and allow the sediment and nutrients to settle out of solution prior to reaching downstream wetlands and waters.

The wetland and newly excavated channel would be seeded with a Minnesota Department of Transportation (MNDOT) seed mix (#280). Appropriate erosion control measures would be utilized on all exposed soil and along channel slopes. The work is being proposed in cooperation with the Scott County Soil and Water Conservation District, the Scott County Watershed Management Organization, and the MNDOT.

Operations - Regulatory (2012-04681-MTS)
SUBJECT: Notice of Application for Permit

QUANTITY, TYPE, AND AREA OF FILL: As proposed, fill material would be discharged into approximately 1.85 acres of the existing channel and wetlands abutting the channel.

VEGETATION IN AFFECTED AREA: The wetland in the project area is primarily dominated by reed canary grass (*Phalaris arundinacea*) and giant goldenrod (*Solidago gigantea*).

SOURCE OF FILL MATERIAL: All fill material would be obtained on-site from the areas excavated. Excess material would be deposited on-site in an upland location.

SURROUNDING LAND USE: Land use in the vicinity of the project area is primarily commercial/industrial to the north and west, and some residential to the south and east.

DESCRIPTION OF STRUCTURES: The proposed weirs are rock structures, approximately 30 feet wide by 10 feet in length. Please see enclosures for details.

DESCRIPTION OF DREDGING OR EXCAVATION: Proposed excavation and grading within the existing wetland would be approximately 6.5 acres to remove accumulated sediment and to create variable bottom elevations in the wetland.

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

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The project is intended to improve water quality by reducing sediment and nutrients into downstream waters. During pre- and post-construction, erosion control blankets, vegetative seeding would be used to minimize erosion and sedimentation.

MITIGATION: As proposed, impacts to aquatic resources are approximately 8.35 acres; however, only 1.85 acres are considered permanent impacts (e.g. filling of the existing diversion channel and its abutting wetlands).

The applicant claims there would be approximately 1.6 acres of newly created wetland resulting from the construction of the new channel and sediment ponds. The applicant believes the newly created wetland area along with anticipated water quality benefits offset any functional losses that may result from this proposal.

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.

Operations - Regulatory (2012-04681-MTS)
SUBJECT: Notice of Application for Permit

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Michael Setering at the Saint Paul District office of the Corps, telephone number (651) 290 - 5396.

To receive Public Notices by e-mail, go to the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory> and sign up by clicking on the left side of the web site under Notices.

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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.

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered species 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 a preliminary 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>.

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

Operations - Regulatory (2012-04681-MTS)
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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, Municipal 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. 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.

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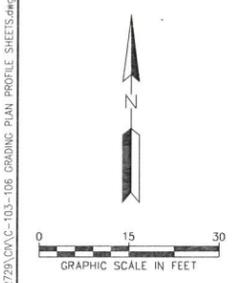
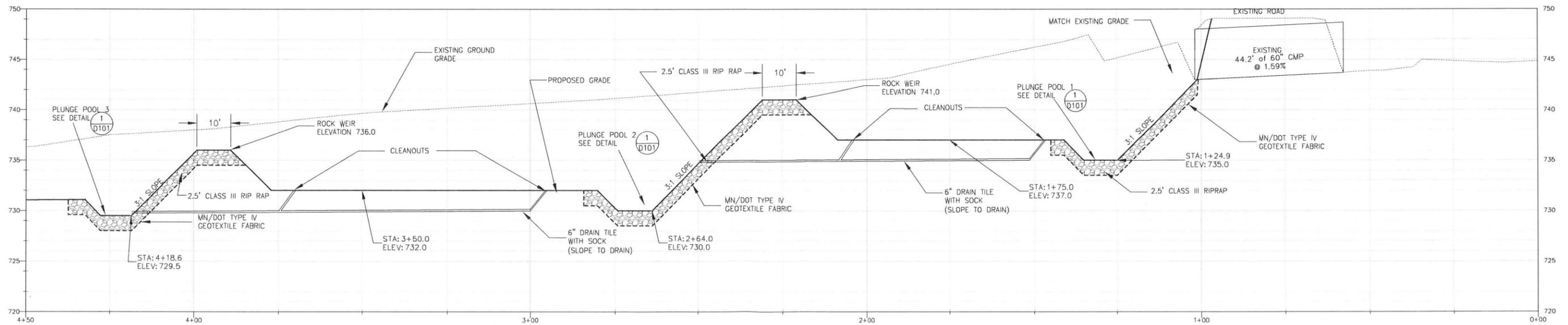
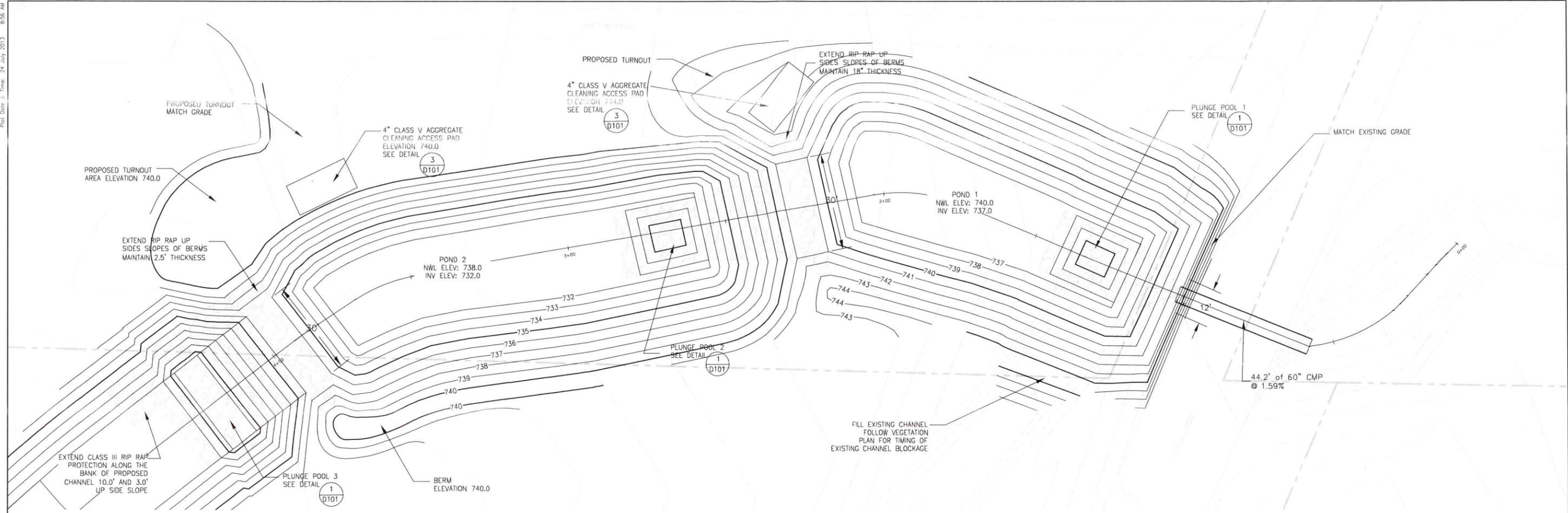
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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.

Plot Date: 24 July 2013 8:56 AM



REV	REVISION DESCRIPTION	DWN	APP	REV DATE
4	FINAL PLANS	BWC	BWC	7/24/2013
3	MNDOT COMMENTS	BWC	BWC	7/10/2013
2	FOR AGENCY REVIEW	BWC	BWC	5/16/2013
1	DRAFT PLANS	KDK	BWC	7/2/2012

SEAL
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Bryce W. Groey
 Bryce W. Groey
 DATE 7/24/2013 REG. NO. 49210

PRIME CONSULTANT

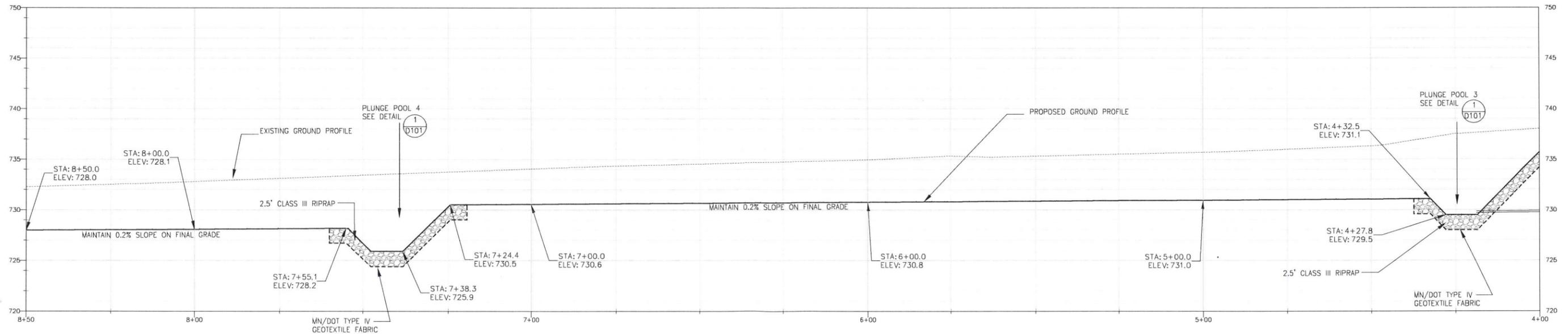
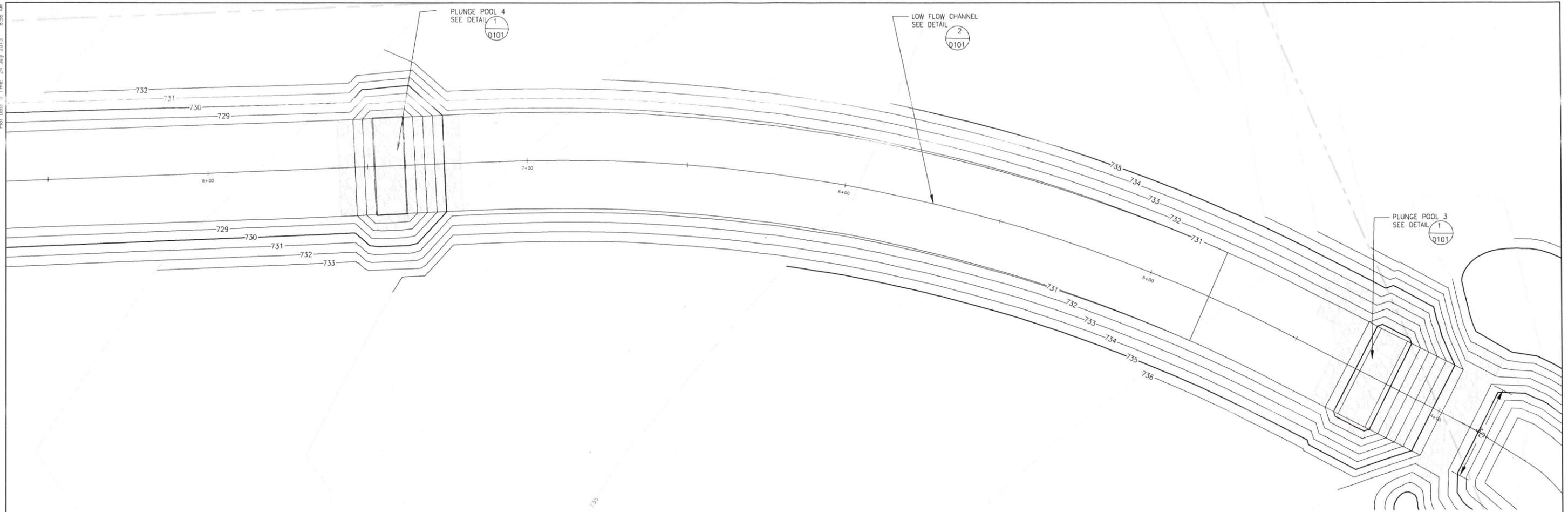
 Wenck Associates, Inc.
 Consulting Engineers
 1800 PIONEER CREEK CENTER
 MAPLE PLAIN, MN 55559
 (763)-479-4200
 (763)-479-4242
 www.wenck.com

PROJECT TITLE
WES HERMAN SEDIMENT POND DESIGN
 SCOTT COUNTY SOIL AND WATER CONSERVATION DISTRICT

SHEET TITLE			
GRADING PLAN PROFILE SHEET			
STA 0+00 TO 4+00			
DWN BY BWC	CHK'D EAM	APP'D BWC	DWG DATE 7/2/2012
PROJECT NO. 2729-3		SCALE AS NOTED	
SHEET NO. C-103		REV NO. 4	

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Bryce W. Ervey
 Bryce W. Ervey
 DATE 7/24/2013 REG. NO. 49210

PRIME CONSULTANT

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 1800 PIONEER CREEK CENTER
 MAPLE PLAN, MN 55359
 (763)-479-4200
 (763)-479-4242

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WES HERMAN SEDIMENT POND DESIGN
 SCOTT COUNTY SOIL AND WATER CONSERVATION DISTRICT

SHEET TITLE			
GRADING PLAN PROFILE SHEET STA 4+00 TO 8+50			
DWN BY	CHK'D	APP'D	DWG DATE
BWC	EAM	BWC	7/2/2012
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2729-3		AS NOTED	
SHEET NO.		REV NO.	
C-104		4	