



US Army Corps
of Engineers
St Paul District

APPLICANT: Andy Datko, Bois Forte
Tribal Council

Public Notice

ISSUED: February 25, 2015

EXPIRES: March 27, 2015

REFER TO: 2012-04868-CLJ

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge approximately 3.12 acres of dredge and fill material in the Nett River and its adjacent wetlands for the purpose of restoring historic meanders and providing fish passage.
2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS:

Department of Natural Resources
5344 Lakeshore Drive, PO Box 16
Nett Lake, Minnesota 55772

AGENT: Ed Matthiesen,
Wenk Associates, Inc.

AGENT'S ADDRESS: 1800 Pioneer Creek Center
Maple Plain, Minnesota 55359

PROJECT LOCATION: The project site is in Section 17, 18, & 20, T65N, R22W, Koochiching County, Minnesota. The approximate UTM coordinates are UTM Y 5329159, UTM X 5329159

DESCRIPTION OF PROJECT: The applicant proposes to restore portions of the Nett River as well as provide fish passage which is currently inhibited by the Nett Lake dam. The original stop-log dam was installed in 1936 in an attempt to better manage water levels in Nett Lake for the purposes of wild rice production. The dam did not provide the anticipated increase in wild rice production. After many years of funding requests and analysis, it was determined that the river channel downstream was not allowing water to pass fast enough which led to increased water levels in the lake. Between 1986 and 1987, the river channel immediately downstream of the dam was channelized which included cutting-off nine meanders and reducing the overall stream length from 4 miles to 2.3 miles. In addition, the slope of the channel was increased by 75% and the channel width was increased to 80-feet. The dam was also reconstructed to include two 25-foot wide gated bays with a 47-foot wide emergency spillway.

The proposal would include restoring four of the meanders to allow this stretch of river to flow more naturally, and restore habitat for fish and waterfowl. Meanders would be restored by excavating portions of the historic meander, now an oxbow, and constructing diversion berms within the river to direct flow through the historic meander. When the river was channelized in 1986, an access road was constructed along the north side of the channel. Restoration of meanders 1 and 3 will encroach into the existing access road, requiring the access road to be relocated at these locations. Realignment of the access road would occur in upland and no aquatic resources would be impacted as a result of the road realignment.

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The existing dam currently acts as a fish passage barrier. The proposal would include installing a fish passage structure which would allow fish to pass around the existing dam. The fish passage structure would include installing an approximately 90-foot long box culvert with manually operated gates. A 270-foot meandering side channel would be excavated to allow fish to pass through the gated structure between the Nett River and Nett Lake.

QUANTITY, TYPE, AND AREA OF FILL: Restoration of the four meanders would include 1.04 acres of fill material required to construct the diversion berms and 2.01 acres of excavation required for restoring the original meanders. Diversion berms would be constructed using material excavated from the original meanders with riprap installed to protect against scour and erosion. Approximately 3,200 square feet of rock riprap will be placed on the downstream end of the dam to reduce scour/erosion around the dam.

VEGETATION IN AFFECTED AREA: The project site includes emergent vegetation found in shallow marsh (Type 3) wetlands and riverine systems. The surrounding area is dominated by wooded swamp and forested upland.

SOURCE OF FILL MATERIAL: Construction of the diversion berms will utilize material excavated from the original meanders. Riprap material placed on the diversion berms, downstream of the dam, and required for construction of the fish passage structure would be purchased from a commercial source.

SURROUNDING LAND USE: The project site is located on the Nett Lake/Bois Forte Reservation. The adjacent area is predominantly undeveloped wooded swamp or forested upland.

DESCRIPTION OF STRUCTURE: The fish passage structure includes a 90-foot long box culvert with 6 manually operated gates. A 270-foot long side channel will be excavated adjacent to the Nett River which will bring fish to and from Nett Lake.

DESCRIPTION OF DREDGING OR EXCAVATION: Approximately, 2.01 acres of the original meanders would be excavated to restore the meanders and provide material for the diversion berms. The fish passage side channel would include approximately 5,900 square feet of excavation located in the upland area adjacent to the Nett River.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: The applicant has indicated that only clean fill material or material excavated on site would be used. No use of toxic materials has been identified by the applicant.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant has indicated that BMPs such as silt fence, floating silt curtain, and erosion control blankets would be used to reduce and potential effects to water quality.

MITIGATION: The applicant has indicated that the project includes a restoration of the original meanders which will restore and enhance fish habitat. The project would also allow fish passage

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between the Nett River and Nett Lake. The applicant has proposed no additional compensatory mitigation.

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. Craig Jarnot at the Bemidji Office of the Corps of Engineers. The telephone number is: (651) 290-5337.

To receive Public Notices by e-mail, go to: 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, Koochiching 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 (T)	Northern forests
Gray Wolf (T)	Northern forests
Northern long-eared bat (Proposed as Endangered)	Roosts in upland forests during spring and summer

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 and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to

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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:

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state or EPA water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The Section 401 authority on non-reservation lands in Minnesota is the Pollution Control Agency (MPCA) and within the Nett Lake/Bois Forte Reservation, the U.S. Environmental Protection Agency.

The EPA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under the Clean Water Act. Any comments relative to the EPA 401 certification for the activity proposed in this public notice may be sent to: Ms. Janice Cheng, U.S. EPA, Watersheds & Wetlands Branch, WW-16J, 77W. Jackson Blvd., Chicago IL 60604; email: cheng.janice@epa.gov.

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.

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

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and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

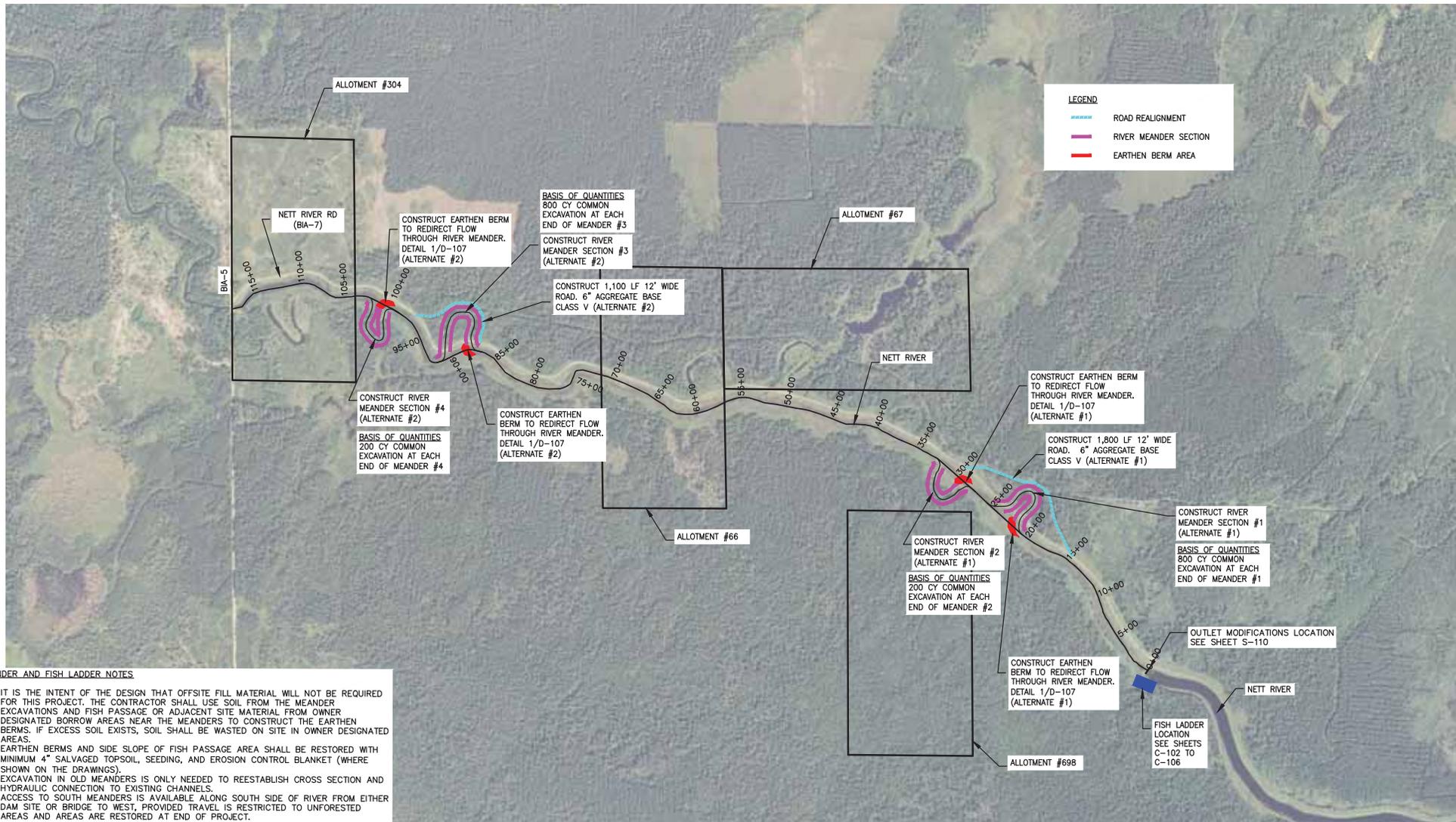
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine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

Benjamin Cox,
Chief, Northwest Section

Enclosures

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

Plot Date & Time: 8 October 2014 11:21 AM

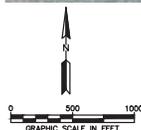


MEANDER AND FISH LADDER NOTES

- IT IS THE INTENT OF THE DESIGN THAT OFFSITE FILL MATERIAL WILL NOT BE REQUIRED FOR THIS PROJECT. THE CONTRACTOR SHALL USE SOIL FROM THE MEANDER EXCAVATIONS AND FISH PASSAGE OR ADJACENT SITE MATERIAL FROM OWNER DESIGNATED BORROW AREAS NEAR THE MEANDERS TO CONSTRUCT THE EARTHEN BERMS. IF EXCESS SOIL EXISTS, SOIL SHALL BE WASTED ON SITE IN OWNER DESIGNATED AREAS.
- EARTHEN BERMS AND SIDE SLOPE OF FISH PASSAGE AREA SHALL BE RESTORED WITH MINIMUM 4" SALVAGED TOPSOIL, SEEDING, AND EROSION CONTROL BLANKET (WHERE SHOWN ON THE DRAWINGS).
- EXCAVATION IN OLD MEANDERS IS ONLY NEEDED TO REESTABLISH CROSS SECTION AND HYDRAULIC CONNECTION TO EXISTING CHANNELS.
- ACCESS TO SOUTH MEANDERS IS AVAILABLE ALONG SOUTH SIDE OF RIVER FROM EITHER DAM SITE OR BRIDGE TO WEST. PROVIDED TRAVEL IS RESTRICTED TO UNFORESTED AREAS AND AREAS ARE RESTORED AT END OF PROJECT.

GENERAL NOTES

- ALL EXPOSED SOIL AREAS MUST BE STABILIZED AS SOON AS POSSIBLE TO LIMIT SOIL EROSION BUT IN NO CASE LATER THAN SEVEN (7) DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.
- RESTORE ALL DISTURBED AREAS WITH 4" TOPSOIL AS SPECIFIED.
- PERMANENT RESTORATION SHALL OCCUR AT THE EARLIEST POSSIBLE STAGE.



REV	REVISION DESCRIPTION	DWN	APP	REV DATE
1	ISSUED FOR BIDS	MJS	DMP	10/8/14

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.
 PRINT NAME DAVID M. PARENTEAU
 SIGNATURE _____
 DATE 10/8/2014 LICENSE # 41243

PRIME CONSULTANT

 Wenck
 Consulting Engineers
 1800 PIONEER CREEK CENTER
 MAPLE PARK, MN 55359
 PH: (763) 479-4200
 FAX: (763) 479-4242

PROJECT TITLE
PHASE II IMPROVEMENTS- NETT RIVER MEANDER RESTORATION, FISH LADDER, AND OUTLET MODIFICATIONS
 BOIS FORTE - RTC
 NETT LAKE RIVER

SHEET TITLE
RIVER MEANDER GRADING PLAN

DWN BY	CHK'D	APP'D	DWG DATE
MJS	EAM	DMP	AUG 2014
PROJECT NO.	SHEET NO.	SCALE	AS SHOWN
1046-07	C-101		
			REV NO.
			1

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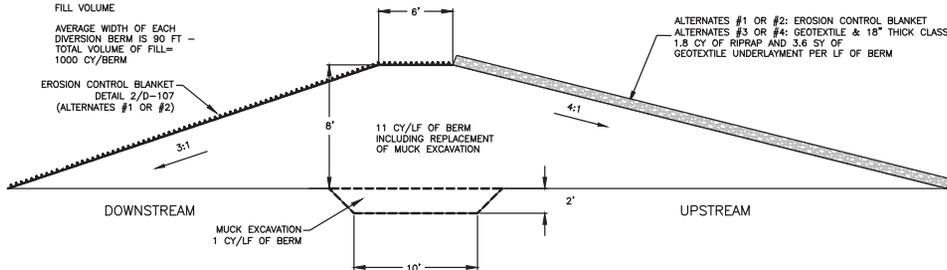
BASIS OF QUANTITIES

FILL VOLUME

AVERAGE WIDTH OF EACH DIVERSION BERM IS 90 FT -
 TOTAL VOLUME OF FILL = 1000 CY/BERM

EROSION CONTROL BLANKET
 DETAIL 2/D-107
 (ALTERNATES #1 OR #2)

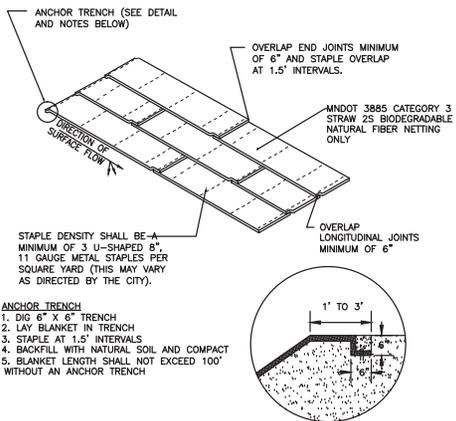
ALTERNATES #1 OR #2: EROSION CONTROL BLANKET
 ALTERNATES #3 OR #4: GEOTEXTILE & 18" THICK CLASS II RIPRAP
 1.8 CY OF RIPRAP AND 3.6 SY OF GEOTEXTILE UNDERLAYMENT PER LF OF BERM



TYPICAL FILL SECTION - RIVER MEANDER EARTHEN BERM 1

NOT TO SCALE

1
D-107



EROSION CONTROL BLANKET DETAIL 2

NOT TO SCALE

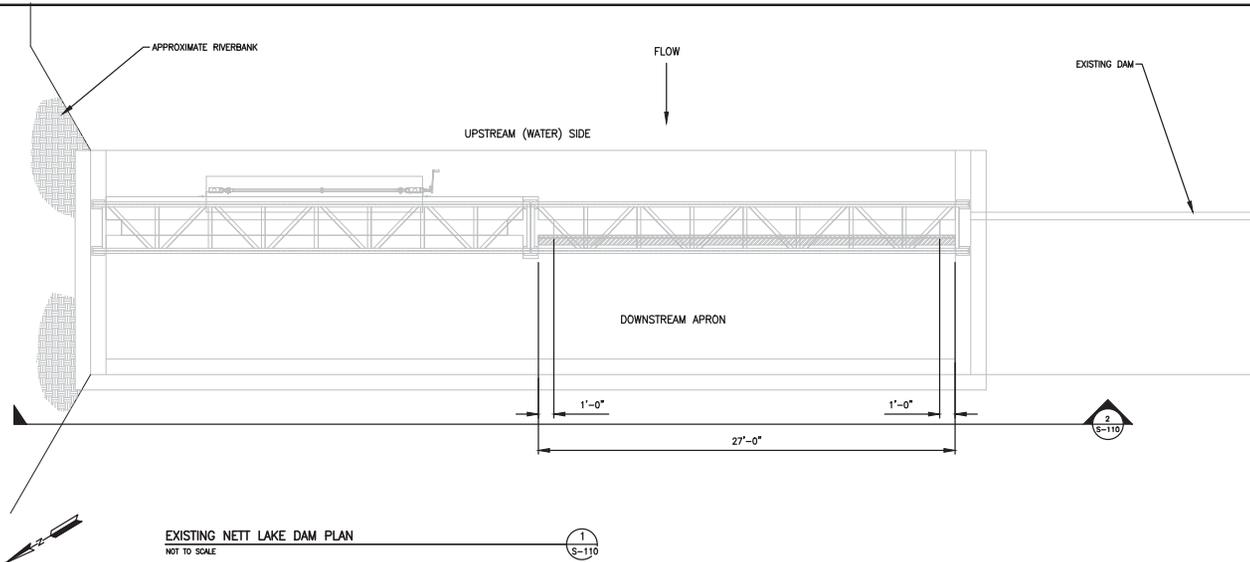
2
D-107

						SEAL
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						PRINT NAME <u>DAVID M. PARENTEAU</u>
						SIGNATURE _____
						DATE <u>10/8/2014</u> LICENSE # <u>41243</u>
REV	REVISION DESCRIPTION	DWN	APP	REV DATE		
1	ISSUED FOR BIDS	MJS	DMP	10/8/14		

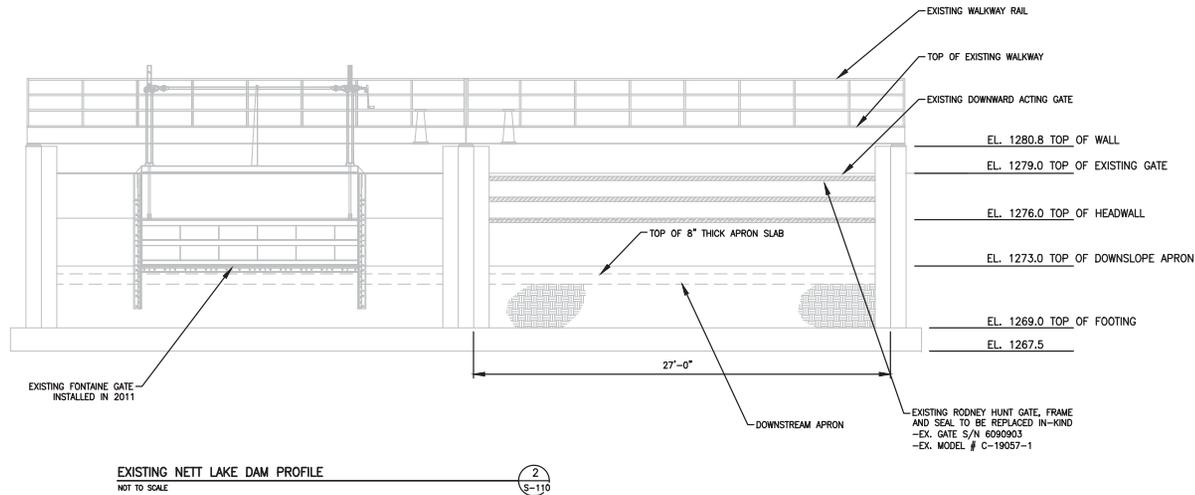
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 1600 PONDERS CREEK CENTER
 WAPLE PAVIL, MN 55359
 Web Site: www.wenck.com
 PH: (763) 479-4200
 FAX: (763) 479-4242

PROJECT TITLE		SHEET TITLE	
PHASE II IMPROVEMENTS- NETT RIVER MEANDER RESTORATION, FISH LADDER, AND OUTLET MODIFICATIONS		RIVER MEANDER DETAILS	
BOIS FORTE - RTC NETT LAKE RIVER		DWN BY MJS	CHK'D EAM
PROJECT NO.	SHEET NO.	APP'D DMP	DWG DATE AUG 2014
1046-07	D-107	SCALE AS SHOWN	REV NO. 1



EXISTING NETT LAKE DAM PLAN
NOT TO SCALE



EXISTING NETT LAKE DAM PROFILE
NOT TO SCALE

GATE REPLACEMENT NOTE: LAKE LEVEL CAN BE DRAWN DOWN TO DOWNSTREAM SILL ELEVATION TO FACILITATE CONSTRUCTION.

NOTE: THESE ELEVATIONS AND DIMENSIONS ARE TAKEN FROM TKDA (10/29/1986) NETT RIVER PLAN/SECTIONS, SHEETS 1 AND 2. FIELD VERIFY THESE ELEVATIONS PRIOR TO CONSTRUCTION.

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PRINT NAME <u>DAVID M. PARENTEAU</u>				SIGNATURE <u>[Signature]</u>			
DATE <u>10/8/2014</u>				LICENSE # <u>41243</u>			
1	ISSUED FOR BIDS	MJS	DMP	10/8/14			
REV	REVISION DESCRIPTION	DWN	APP	REV DATE			

PRIME CONSULTANT

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PROJECT TITLE
PHASE II IMPROVEMENTS- NETT RIVER
MEANDER RESTORATION, FISH LADDER,
AND OUTLET MODIFICATIONS

BOIS FORTE - RTC
NETT LAKE RIVER

SHEET TITLE				OUTLET EXISTING CONDITIONS PLAN & PROFILE			
DWN BY MJS	CHK'D EAM	APP'D DMP	DWG DATE AUG 2014	DWG SCALE AS SHOWN			
PROJECT NO. 1046-07	SHEET NO. S-110	REV NO. 1					

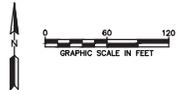
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Plot Date & Time: 8 October 2014 11:22 AM



FISH PASSAGE DESIGN HAS BEEN MODIFIED. SEE FIGURES 1 AND 2 FOR DETAILS

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REV	REVISION DESCRIPTION	DWN	APP	REV DATE
1	ISSUED FOR BIDS	MJS	DMP	10/8/14

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 SIGNATURE _____
 DATE 10/8/2014 LICENSE # 41243

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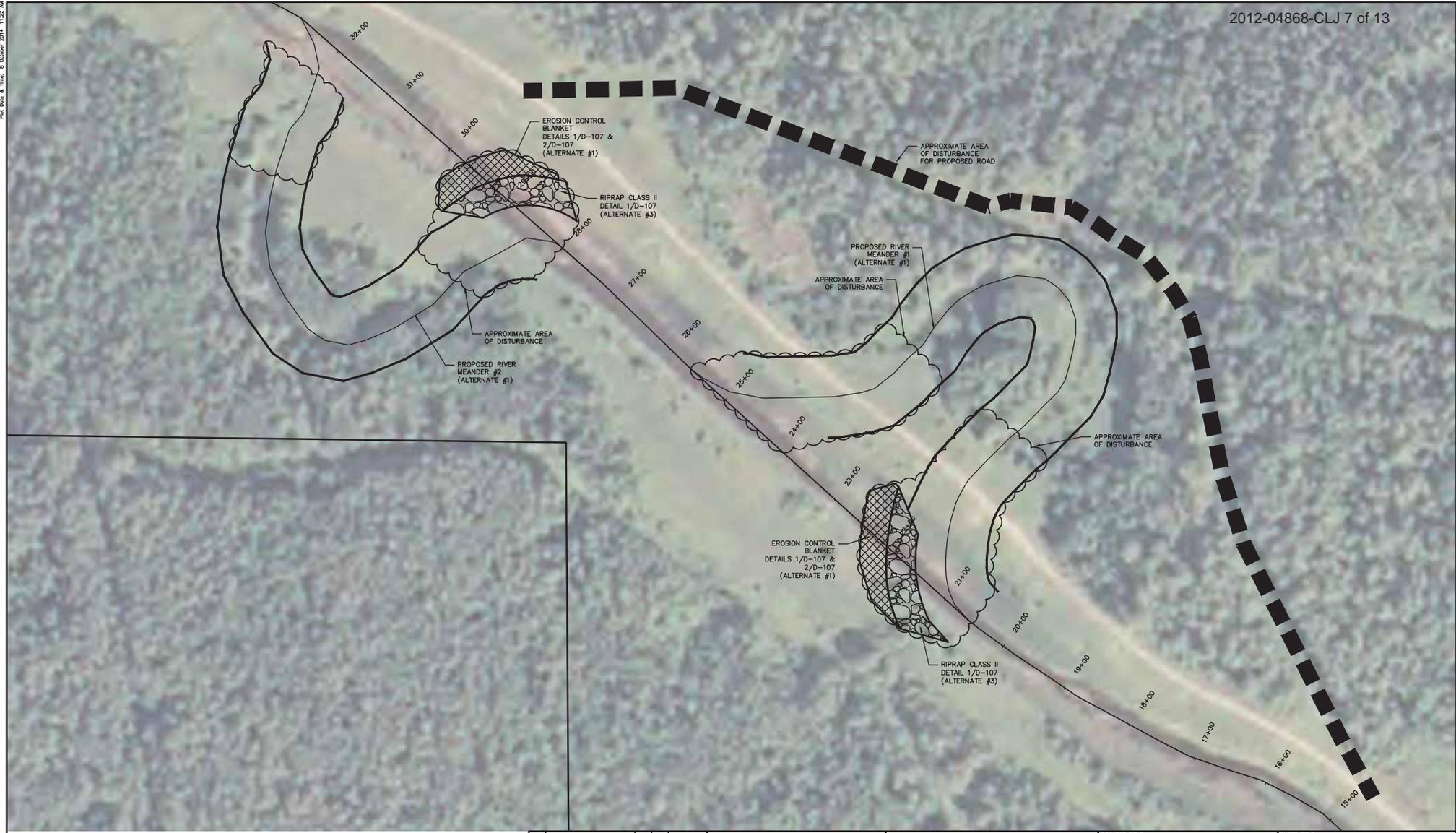
Wenck
 Wenck Associates, Inc.
 Consulting Engineers
 1800 PONDIC OREGON CENTER
 WIPLE PLAN, MN 55359
 PH: (763) 479-4300
 FAX: (763) 479-4242

PROJECT TITLE
PHASE II IMPROVEMENTS- NETT RIVER MEANDER RESTORATION, FISH LADDER, AND OUTLET MODIFICATIONS

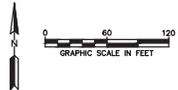
BOIS FORTE - RTC
 NETT LAKE RIVER

SHEET TITLE			
EROSION CONTROL PLAN			
DWN BY	CHK'D	APP'D	DWG DATE
MJS	EAM	DMP	AUG 2014
PROJECT NO.		SCALE	
1046-07		AS SHOWN	
SHEET NO.		REV NO.	
EC-112		1	

Plot Date & Time: 8 October 2014 11:22 AM



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REV	REVISION DESCRIPTION	DWN	APP	REV DATE
1	ISSUED FOR BIDS	MJS	DMP	10/8/14

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PRINT NAME DAVID M. PARENTEAU

SIGNATURE _____

DATE 10/8/2014 LICENSE # 41243

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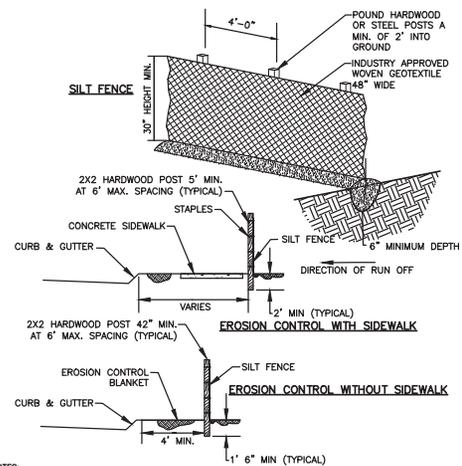
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PROJECT TITLE
PHASE II IMPROVEMENTS- NETT RIVER MEANDER RESTORATION, FISH LADDER, AND OUTLET MODIFICATIONS

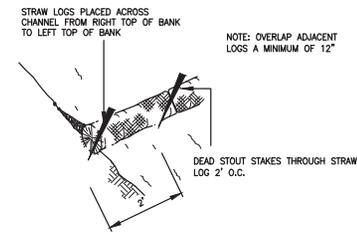
BOIS FORTE - RTC
NETT LAKE RIVER

SHEET TITLE				EROSION CONTROL PLAN			
DWN BY	CHK'D	APP'D	DWG DATE	DWG DATE	SCALE	AS SHOWN	REV NO.
MJS	EAM	DMP	AUG 2014	AUG 2014	AS SHOWN		
PROJECT NO.		SHEET NO.		SHEET NO.		REV NO.	
1046-07		EC-113		EC-113		1	

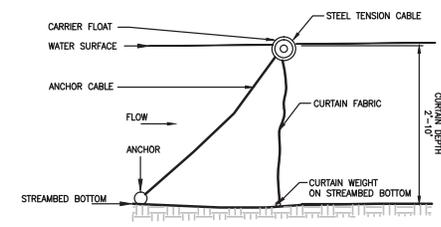


- NOTES:
1. INSTALL SILT FENCE PER PLAN SET BEFORE BEGINNING CONSTRUCTION AND MAINTAIN PER SHEET C201.
 2. REPLACE TORN, OVERBURDENED, OR DECOMPOSING SILT FENCE WITHIN 24 HOURS.
 3. TO JOIN SECTIONS OF SILT FENCE, POSITION POSTS TO OVERLAP. FABRIC SHOULD FOLD AROUND EACH POST ONE FULL TURN.

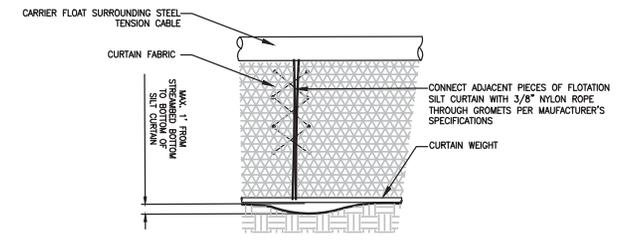
SILT FENCE DETAIL 1 EC-115
 NOT TO SCALE



BIOROLL DETAIL 2 EC-115
 NOT TO SCALE



SECTION



PROFILE

FLOTATION SILT CURTAIN DETAIL 3 EC-115
 NOT TO SCALE

1	ISSUED FOR BIDS	MJS	DMP	10/8/14
REV	REVISION DESCRIPTION	DWN	APP	REV DATE

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 Web Site: www.wenck.com

PROJECT TITLE
PHASE II IMPROVEMENTS- NETT RIVER MEANDER RESTORATION, FISH LADDER, AND OUTLET MODIFICATIONS

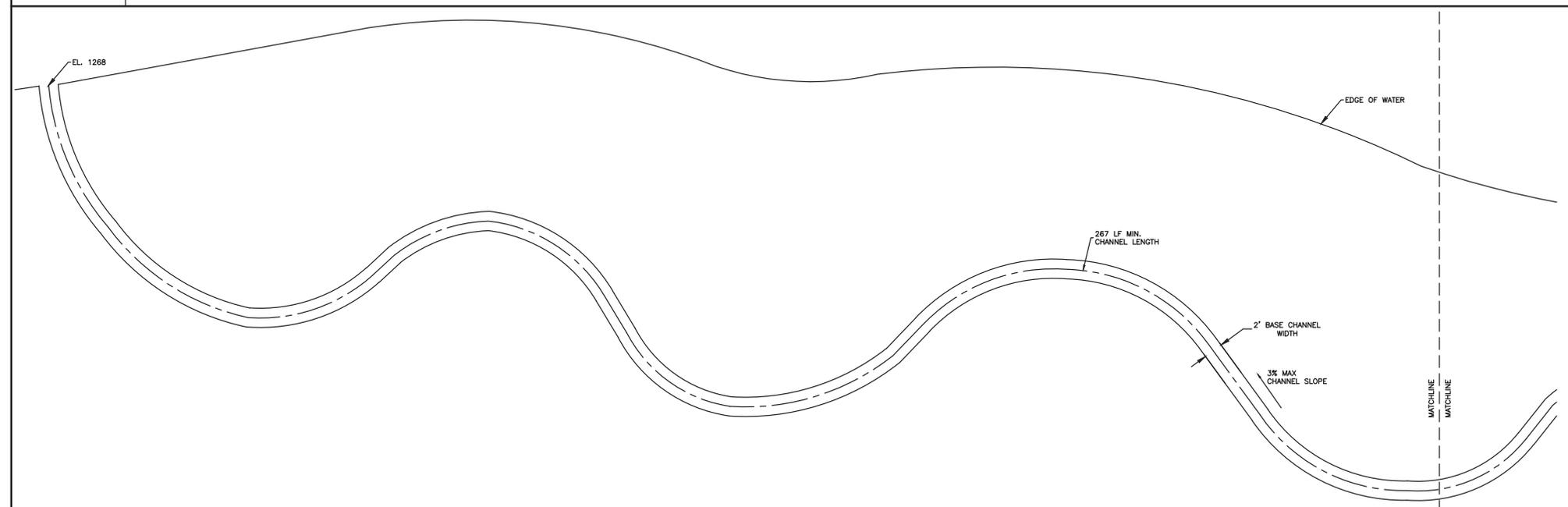
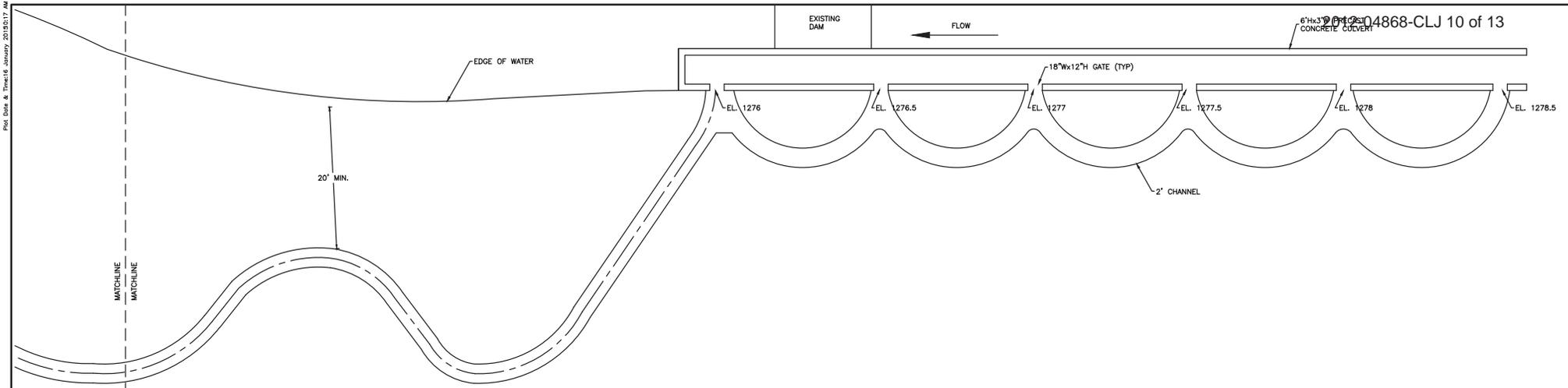
BOIS FORTE - RTC
 NETT LAKE RIVER

SHEET TITLE
EROSION CONTROL DETAILS

DWN BY	CHK'D	APP'D	DWG DATE	AUG 2014
MJS	EAM	DMP	SCALE	AS SHOWN
PROJECT NO.	SHEET NO.	REV NO.		
1046-07	EC-115			1

Plot Date & Time: 18 January 2018 0:17 AM

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REV	REVISION DESCRIPTION	DWN	APP	REV DATE	SEAL

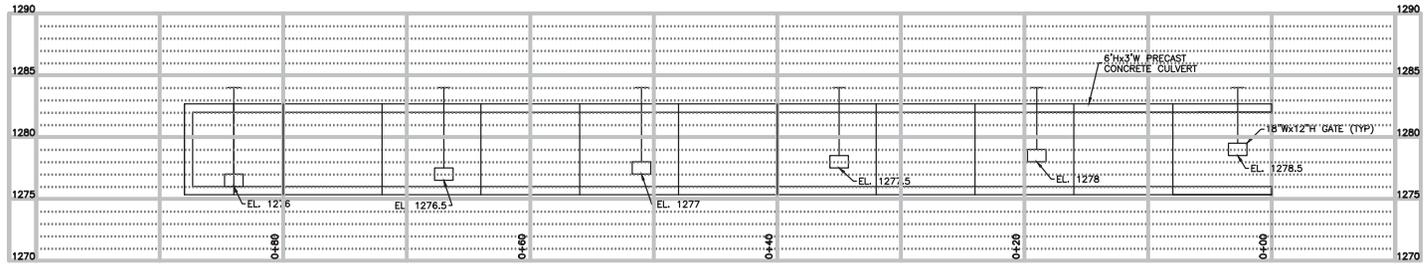
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Wenck

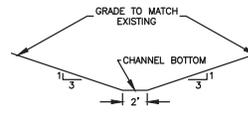
PROJECT TITLE	SHEET TITLE
	FISH LADDER DETAILS

DWN BY	CHK'D	APP'D	DWG DATE
MJS			SCALE
PROJECT NO.	SHEET NO.		REV NO.
			FIGURE 1

941204868-CLJ 10 of 13



CULVERT PROFILE VIEW



TYPICAL CHANNEL SECTION

REV	REVISION DESCRIPTION	DWN	APP	REV DATE

SEAL

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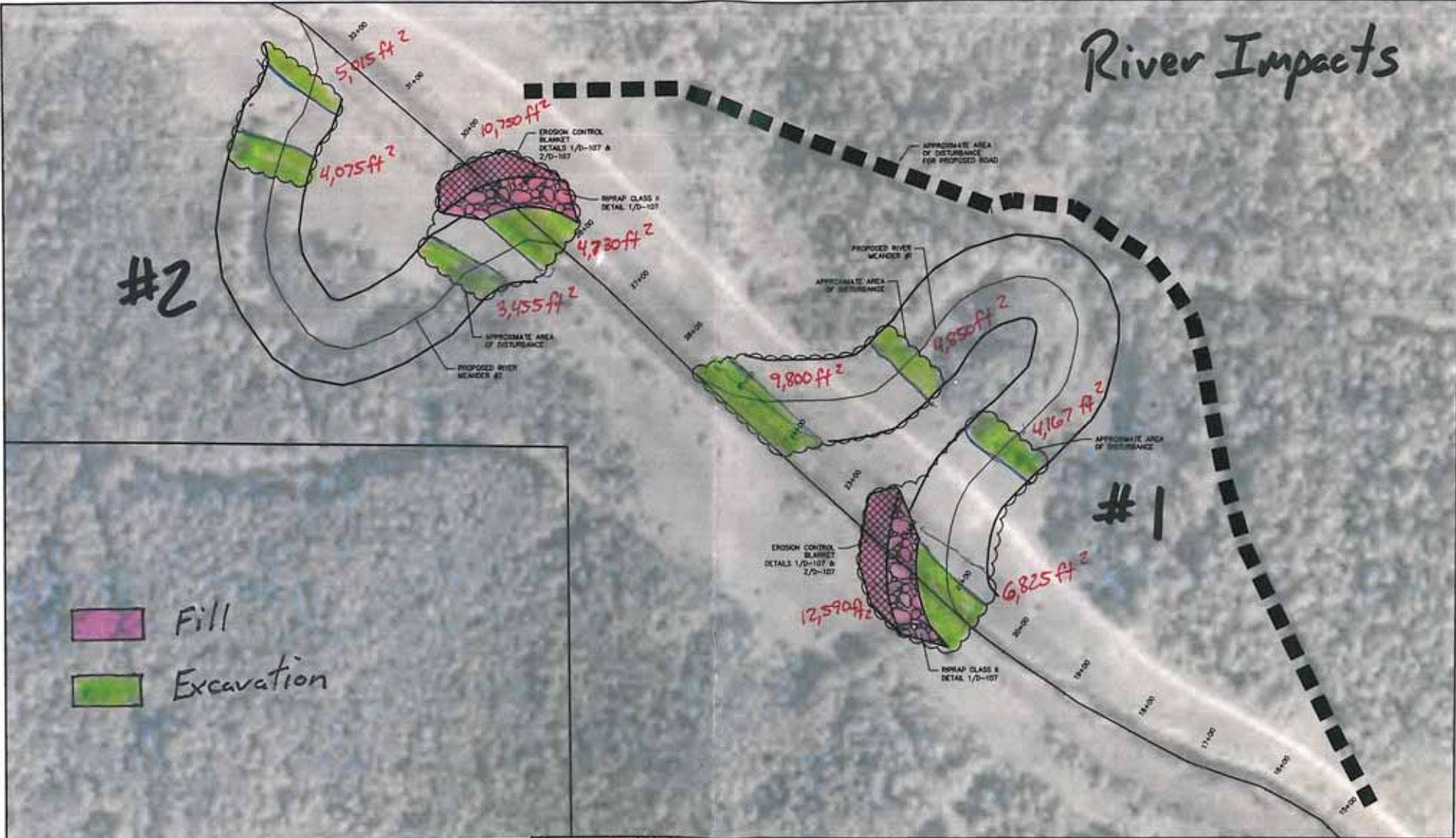
PROJECT TITLE

SHEET TITLE

FISH LADDER
DETAILS

DWN BY MJS	CHK'D	APP'D	DWG DATE
PROJECT NO.	SHEET NO.	SCALE	REV NO.
FIGURE 2			

River Impacts



Fill
Excavation



REV	REVISION DESCRIPTION	ENR	APP	REV DATE
1	ISSUED FOR BIDS	MJD	DMP	10/8/14

I HEREBY CERTIFY THAT THE PLANS SPECIFICATIONS AND PARTICULARS INDICATED BY ME OR UNDER MY SUPERVISION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I AM A duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: DAVID W. PARENTSAU
 Signature: _____
 Date: 10/8/2014 License # 41243

PRIME CONSULTANT

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PROJECT TITLE
PHASE 3 IMPROVEMENTS - NETT RIVER MEANDER RESTORATION, FISH LADDER, AND OUTLET MODIFICATIONS

BOIS FORTÉ - RTC
 NETT LAKE RIVER

SHEET TITLE
EROSION CONTROL PLAN

ENR BY	ENR D	APP'D	ENR DATE
MJD	ENM	DMP	AUG 2014
PROJECT NO.	SHEET NO.	SCALE	REV NO.
1048-07	EC-113	AS SHOWN	1

