



US Army Corps
of Engineers
St Paul District

APPLICANT: City of Burnsville

Public Notice

ISSUED: 20 January 2015

EXPIRES: 20 February 2015

REFER TO: MVP-2012-05870-RMM

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged an fill material into 8.98 acres of wetlands (3.22 acres of permanent impact and 5.76 acres of temporary impact) for the purpose of constructing a 10-foot wide pedestrian/bicycle trail along approximately 3.72 miles of Black Dog Road/Xcel Energy Power Plant access road between Interstate 35W (I-35W) and Trunk Highway 77 (Cedar Avenue). Details of the project design features and wetland impacts are shown on the attached drawings labeled MVP-2012-05870-RMM, Page 1 of 11 through Page 11 of 11.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: City of Burnsville
100 Civic Center Parkway
Burnsville, Minnesota 55337

AGENT'S ADDRESS: WSB & Associates, Inc.
c/o Alison Harwood
701 Xenia Avenue South, Suite 30
Minneapolis, Minnesota 55416

PROJECT LOCATION: The project site is located in Sec. 18, 22-24, T. 27N., R. 24W., Dakota County, Minnesota. Latitude 44.81232, Longitude -93.25929.

DESCRIPTION OF PROJECT: The 3.72 mile long trail project would primarily be constructed within the Black Dog Road corridor. The project would also include the construction of a trailhead and parking area along with a wildlife viewing overlook on Black Dog Lake. The trail would begin on the west end of the corridor by connecting to an existing off-street trail that parallels the east side of I-35W. The trail would continue on an off-street trail alignment across Bridge #19564. The trail would roughly parallel the Minnesota River for 0.7 miles before crossing to the south side of Black Dog Road. The trail continues along the south side of Black Dog Road for 1.1 miles. The trail crosses to the north side of Black Dog Road as it passes the Xcel power plant. Immediately east of the power plant, and continuing for 1.2 miles, the trail will generally be located within the existing road right of way. The existing road will be abandoned for use by motorized vehicles, and the right of way will be used for the new trail facility and a minimal use access driveway for Xcel. At the east end of the corridor, the trail will utilize existing Bridge #L5773, with some slight modifications, to provide a bicycle and pedestrian railing on the bridge.

QUANTITY, TYPE, AND AREA OF FILL: The project would include the permanent discharge of dredged and fill material into 1.63 acres of floodplain forest and 1.59 acres of fresh (wet) meadow and

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SUBJECT: Notice of Application for Permit

the temporary discharge of dredged and fill material into 2.67 acres of floodplain forest 3.09 acres of fresh (wet) meadow.

VEGETATION IN AFFECTED AREA: The vegetation in the wetland areas consisted of silver maple and eastern cottonwood in the tree stratum; box elder and red osier dogwood in the sapling/shrub stratum; common buckthorn seedlings, green ash seedlings, reed canary grass, and meadow horsetail in the herbaceous layer; and river bank grape in the woody vine stratum.

SOURCE OF FILL MATERIAL: The source of fill material is proposed to be from a licensed facility or obtained from onsite.

SURROUNDING LAND USE: The proposed project is located in the Minnesota Valley National Wildlife Refuge. The Minnesota River is adjacent to the project site. There is also an existing Xcel Energy Power Plant in the vicinity of the project.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: No toxic materials are proposed within the project area.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Best management practices have been proposed. Silt fences will be utilized during construction to minimize off-site impacts resulting from siltation. Disturbed areas will be stabilized within 7 days following the completion of construction and will be seeded with appropriate native seed mixes.

MITIGATION: The applicant has proposed to provide compensatory mitigation for all permanent impacts. The applicant has proposed to purchase 3.22 wetland credits from Minnesota Wetland Bank account 1468, 2.23 wetland credits from Minnesota Wetland Bank account 1078, and 0.99 wetland credits from Minnesota Wetland Bank account 1149.

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 Ryan Malterud at the St. Paul office of the Corps, telephone number (651)290-5286.

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, Dakota County is within the known or historic range of the following Federally-listed threatened (T), endangered (E), and proposed (P) species:

<u>Species</u>	<u>Habitat</u>
Northern long-eared bat (P)	Caves and mines and upland forests
Higgins' eye pearlymussel (E)	Mississippi Rivers
Prairie bush clover (T)	Native prairie on well-drained soils

This project is receiving federal funds. The funding agency, the Federal Highway Administration has delegated its responsibilities to the Minnesota Department of Transportation (MnDOT). MnDOT has coordinated their determination with the USFWS and based on their discussions it has been determined that the proposed project is not likely to jeopardize the continued existence of the Northern long-eared bat.

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:

1. Wetland Conservation Act replacement plan
2. NPDES permit
3. DNR Public Waters permit

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,

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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 project was reviewed by the Minnesota Department of Transportation (MnDOT) pursuant to their Federal Highway Administration (FHWA)-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800), and as per the terms of the Programmatic Agreement (PA) between the FHWA and the Minnesota State Historic Preservation Office. MnDOT has determined that there will be no historic properties affected by this project as currently proposed.

This information is documented in our administrative record in a July 28, 2012, letter from Teresa Martin, MnDOT Archaeologist with the Cultural Resources Unit.

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.



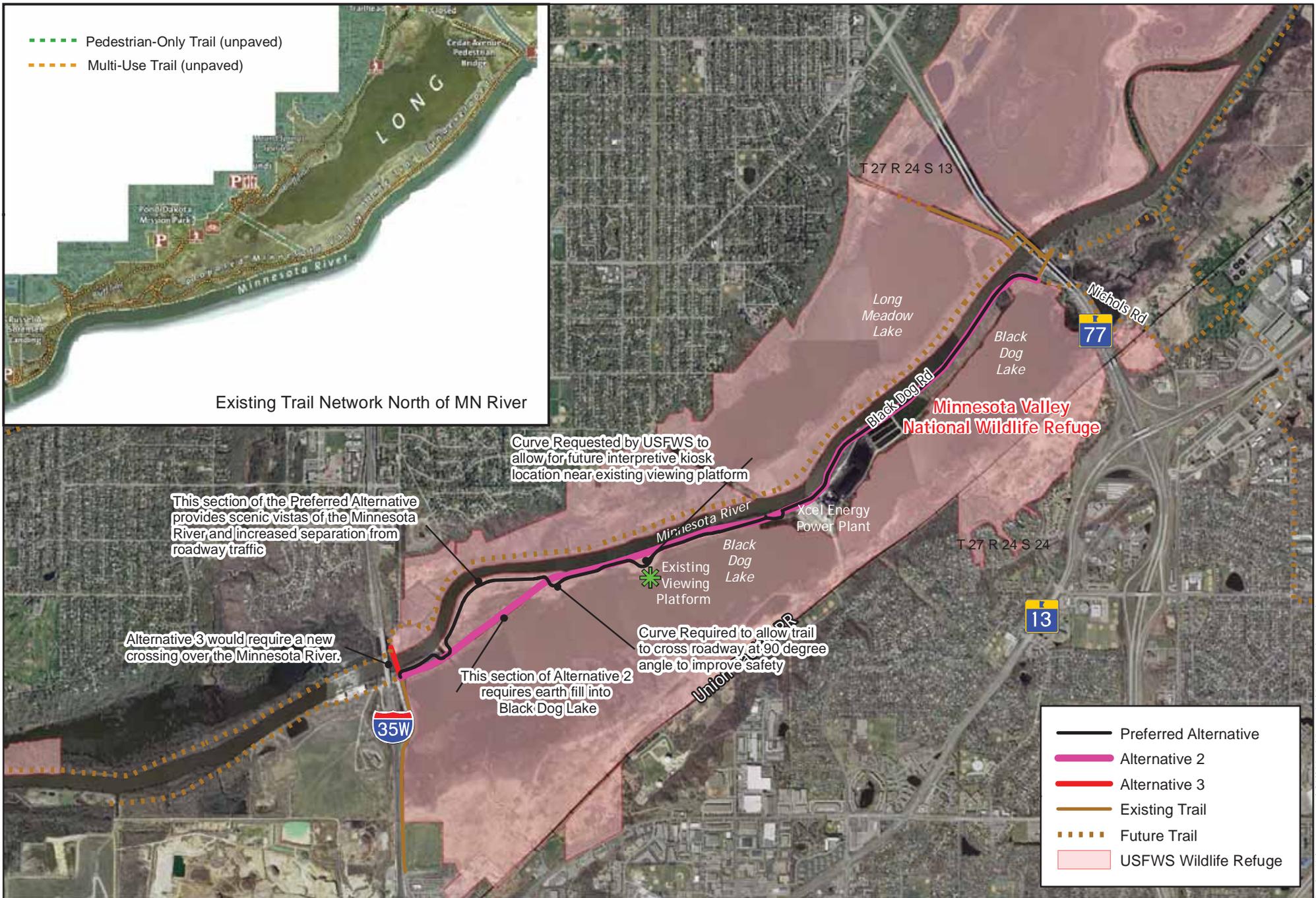
Big Rivers Regional Trail - Black Dog Segment
 S.P. 179-090-004
 City of Burnsville, Minnesota



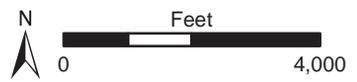
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Figure 1
Project Location

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Big Rivers Regional Trail - Black Dog Segment
 S.P. 179-090-004
 City of Burnsville, Minnesota



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Figure 2
Project Alternatives

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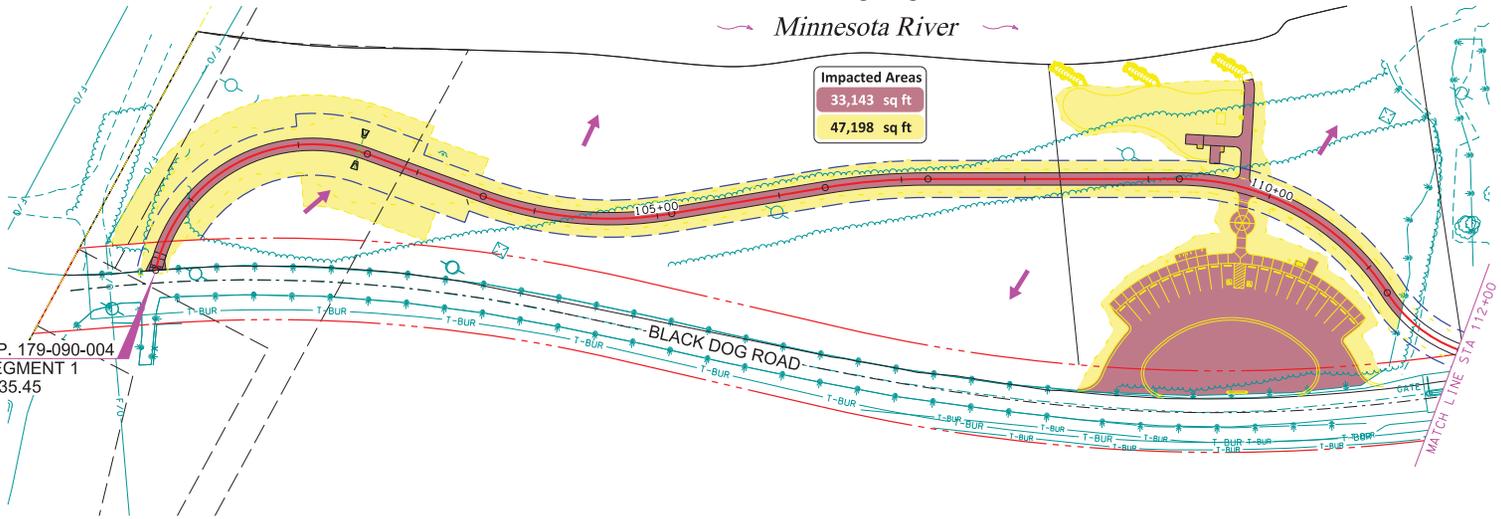


Black Dog Segment 1

Minnesota River

Impacted Areas
 33,143 sq ft
 47,198 sq ft

BEGIN S.P. 179-090-004
 BEGIN SEGMENT 1
 STA 100+35.45



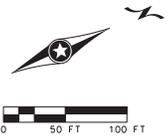
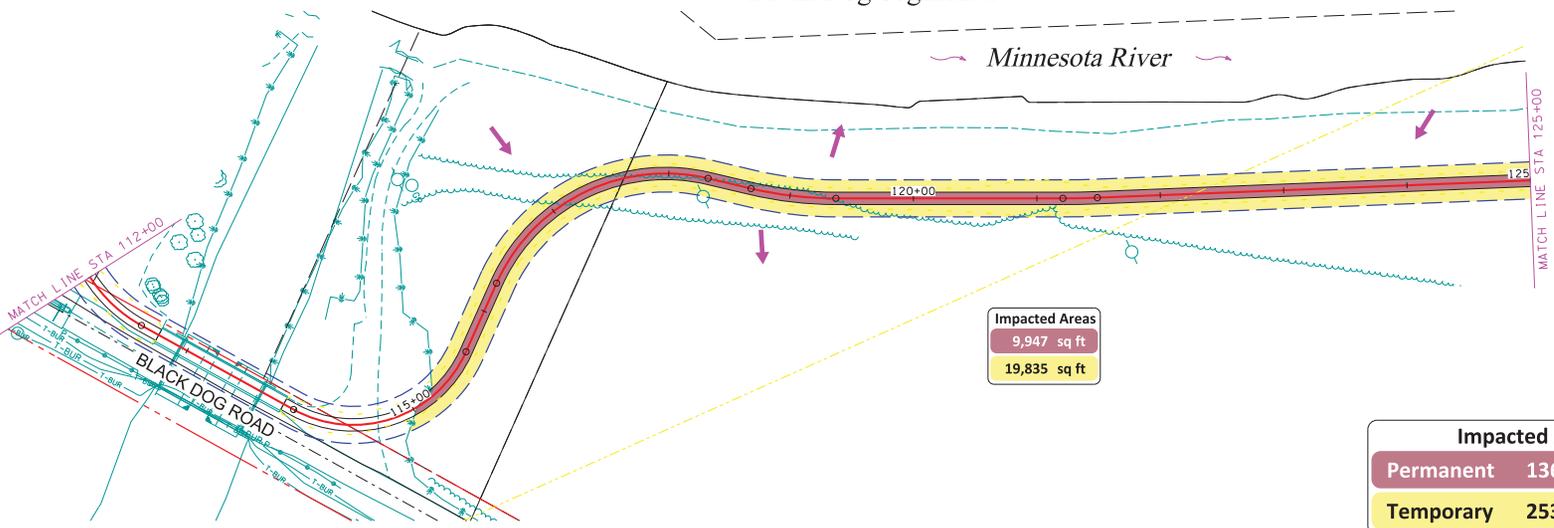
LEGEND

- PERMANENT WETLAND IMPACT
- TEMPORARY WETLAND IMPACT

Black Dog Segment 1

Minnesota River

Impacted Areas
 9,947 sq ft
 19,835 sq ft



Impacted Areas - Project Totals		
Permanent	136,813 sq ft	3.15 acres
Temporary	253,599 sq ft	5.83 acres

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**Big Rivers Regional Trail
 Black Dog Segment**
 City of Burnsville, Minnesota

CITY OF BURNSVILLE
 SEGMENT 1 - STA 100+00
WETLAND IMPACTS
 S.P. 179-090-004

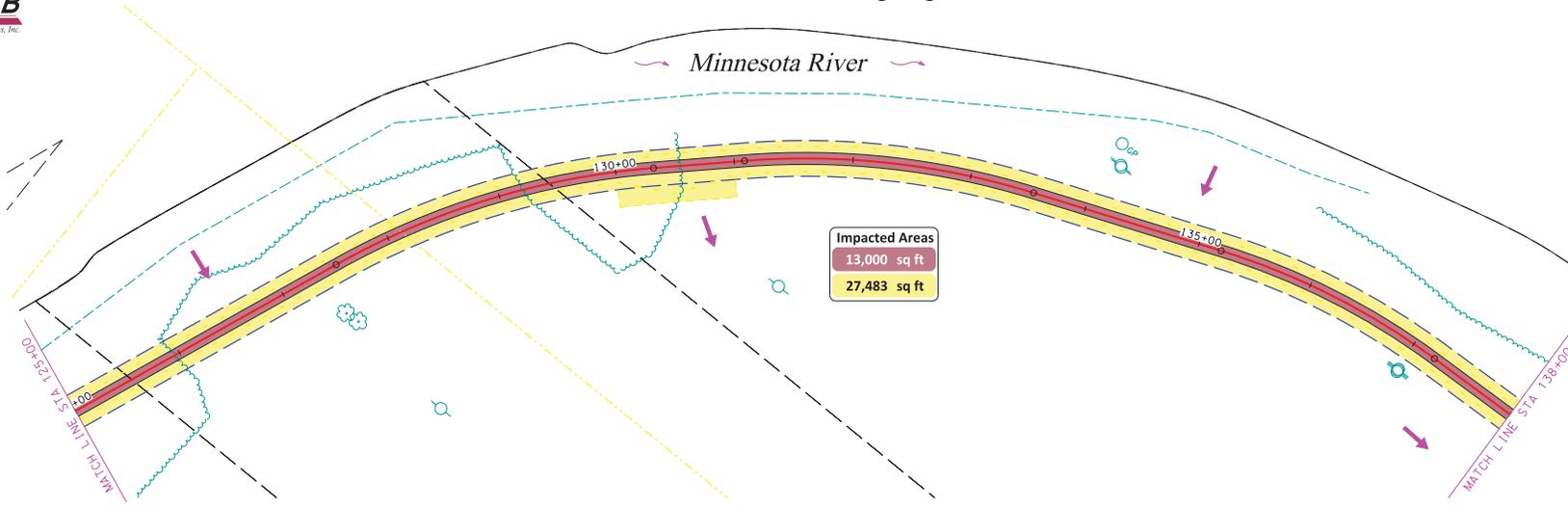
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Black Dog Segment 1

Minnesota River



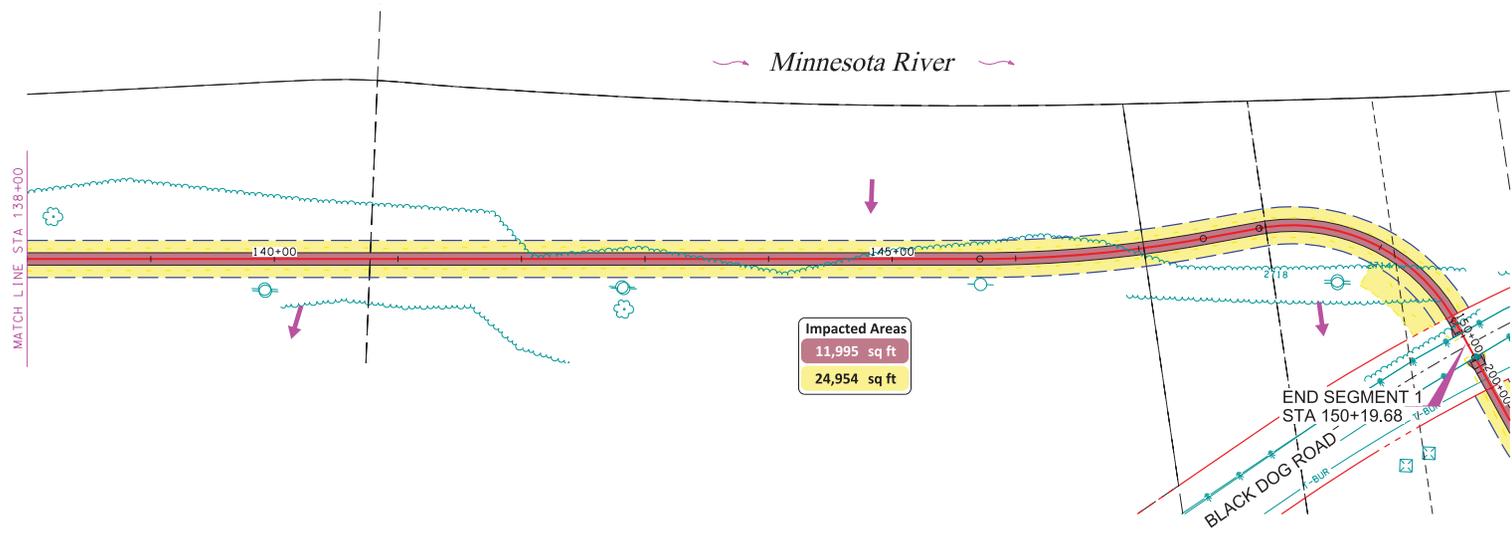
Impacted Areas
 13,000 sq ft
 27,483 sq ft

LEGEND

- PERMANENT WETLAND IMPACT
- TEMPORARY WETLAND IMPACT

Black Dog Segment 1

Minnesota River



Impacted Areas
 11,995 sq ft
 24,954 sq ft

END SEGMENT 1
 STA 150+19.68

BLACK DOG ROAD

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Big Rivers Regional Trail
Black Dog Segment
 City of Burnsville, Minnesota

CITY OF BURNSVILLE, MN
 SEGMENT 1 - STA 125+00 TO STA 150+00
WETLAND IMPACT
 S.P. 179-090-004

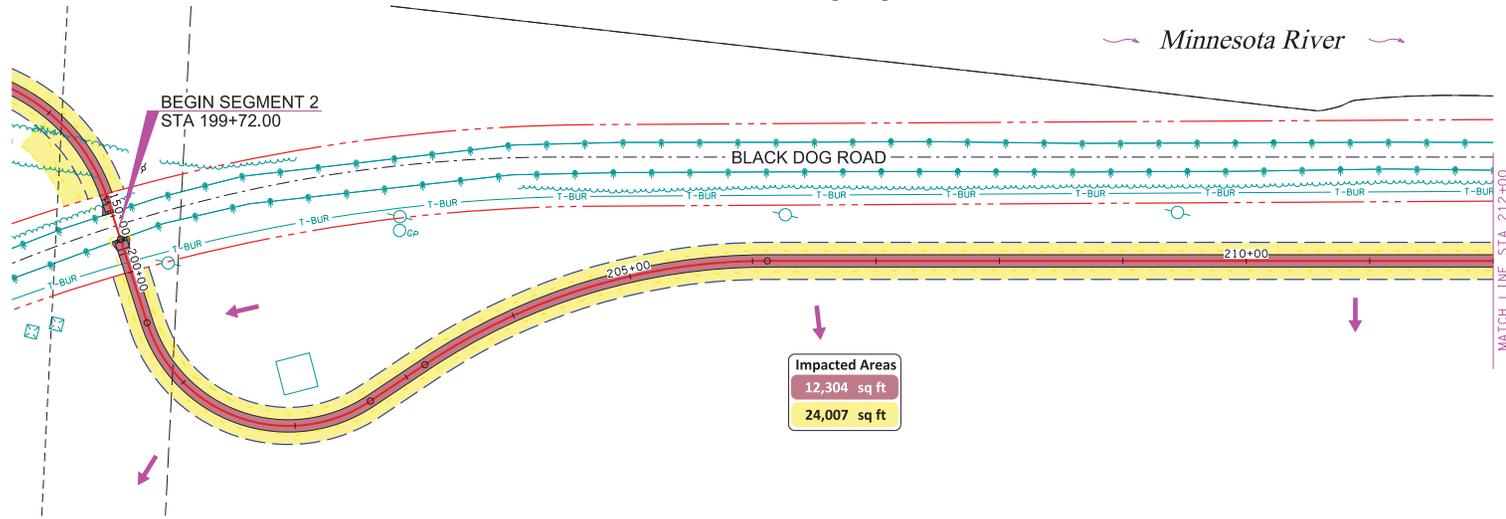
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SHEETS



Black Dog Segment 2

Minnesota River

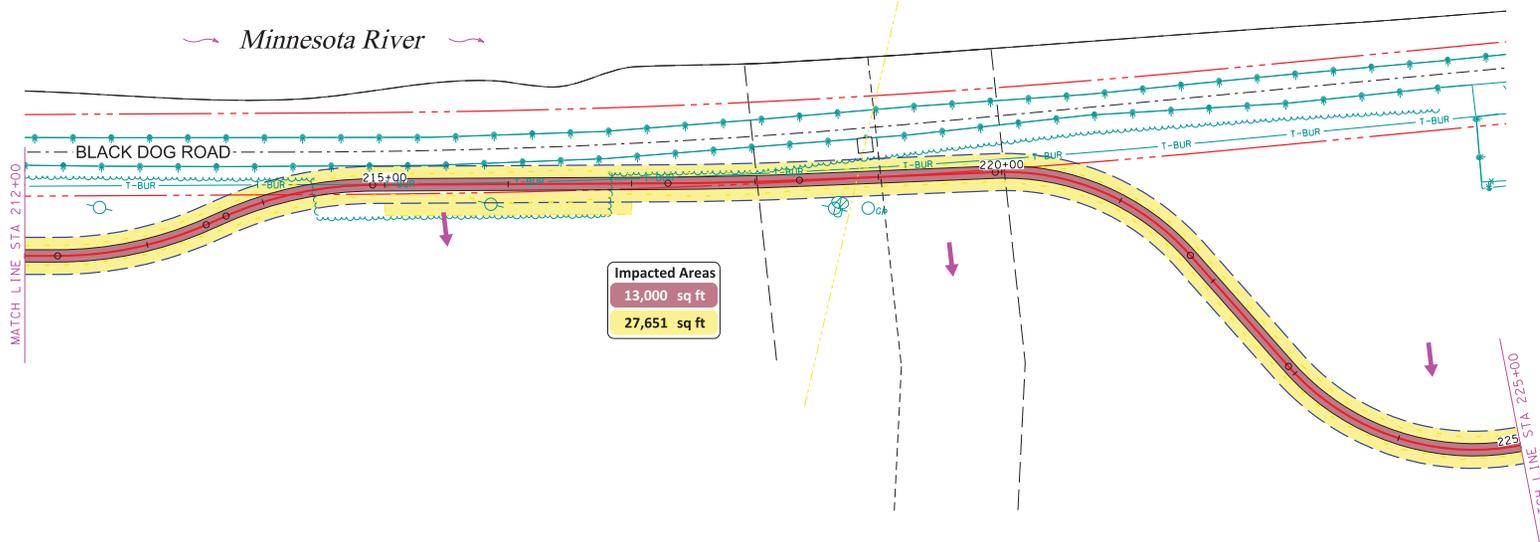


LEGEND

- PERMANENT WETLAND IMPACT
- TEMPORARY WETLAND IMPACT

Black Dog Segment 2

Minnesota River



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Big Rivers Regional Trail
Black Dog Segment
 City of Burnsville, Minnesota

CITY OF BURNSVILLE, MINN.
 SEGMENT 2 - STA 200+00
WETLAND IMPACTS
 S.P. 179-090-004

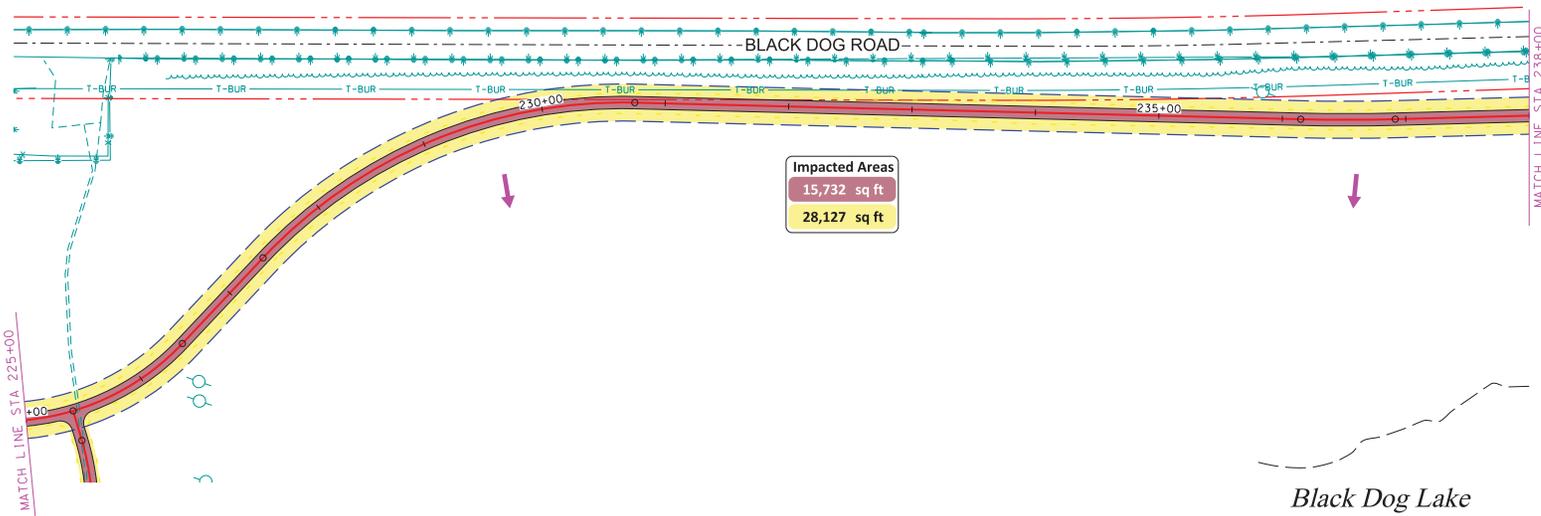
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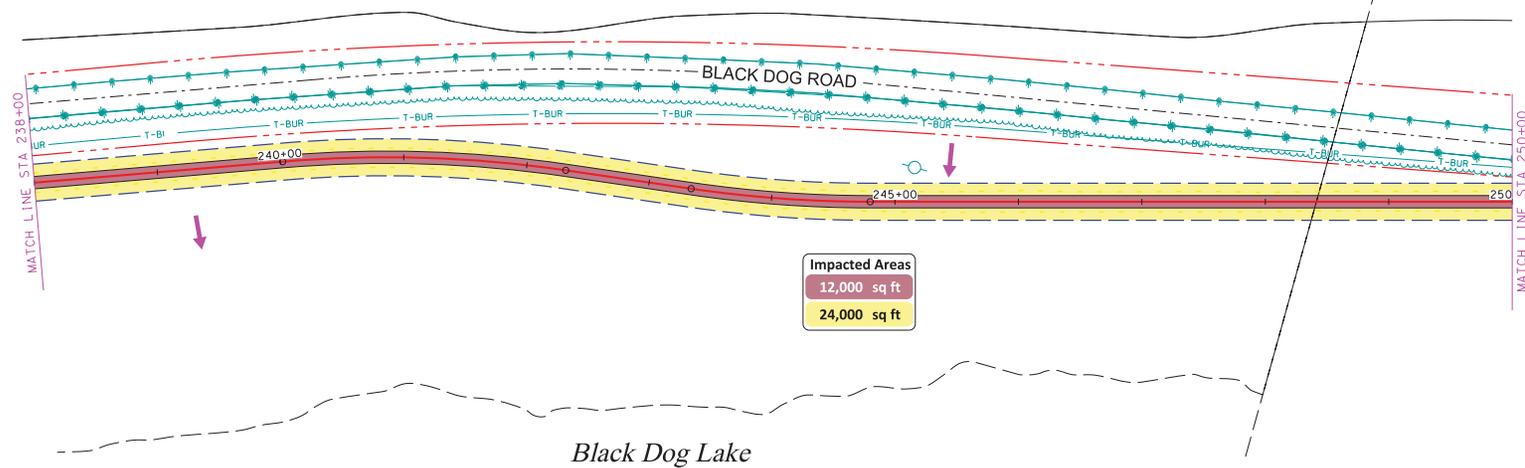
Minnesota River

Black Dog Segment 2



Black Dog Segment 2

Minnesota River



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Big Rivers Regional Trail
Black Dog Segment
 City of Burnsville, Minnesota

CITY OF BURNSVILLE
 SEGMENT 2 - STA 225+00
WETLAND IMPACTS
 S.P. 179-090-004

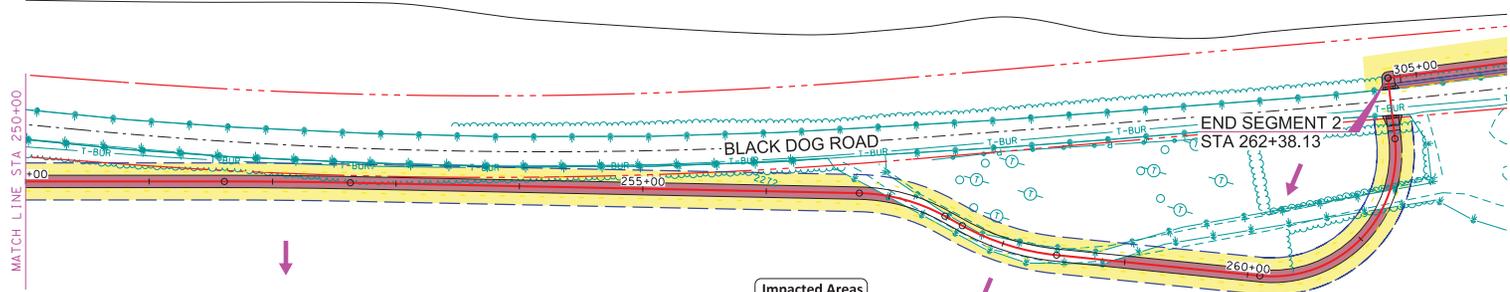
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Black Dog Segment 2

Minnesota River



Impacted Areas
10,015 sq ft
22,820 sq ft

LEGEND	
	PERMANENT WETLAND IMPACT
	TEMPORARY WETLAND IMPACT

Black Dog Lake

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**Big Rivers Regional Trail
Black Dog Segment**
City of Burnsville, Minnesota

CITY OF BURNSVILLE,
SEGMENT 2 - STA 250+00
WETLAND IMPACTS
S.P. 179-090-004

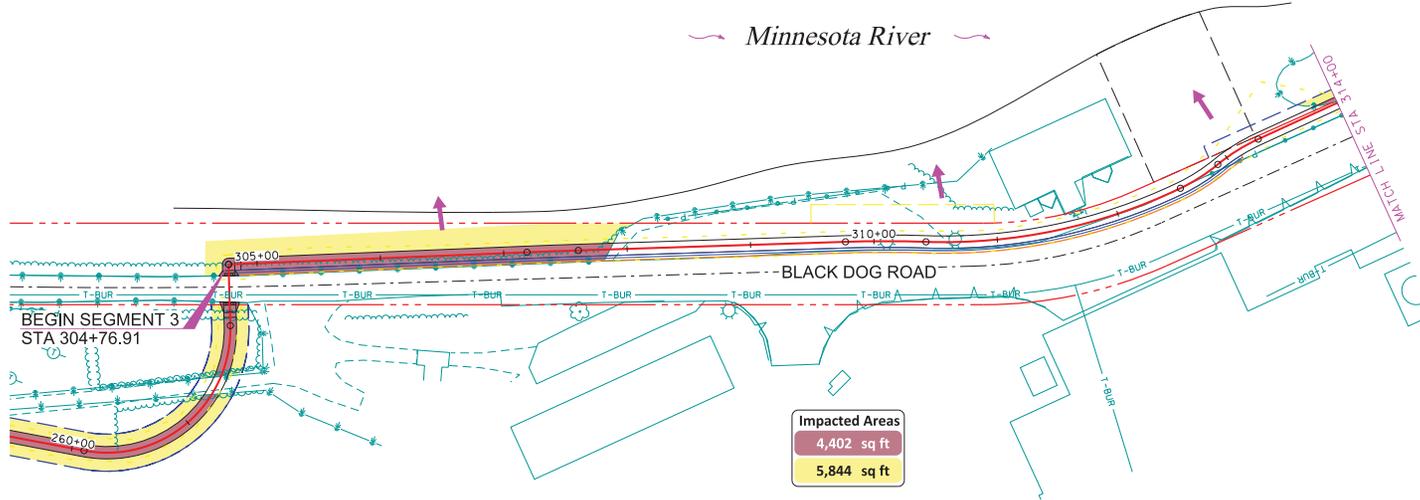
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Black Dog Segment 3

Minnesota River

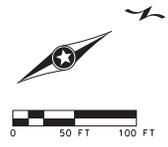
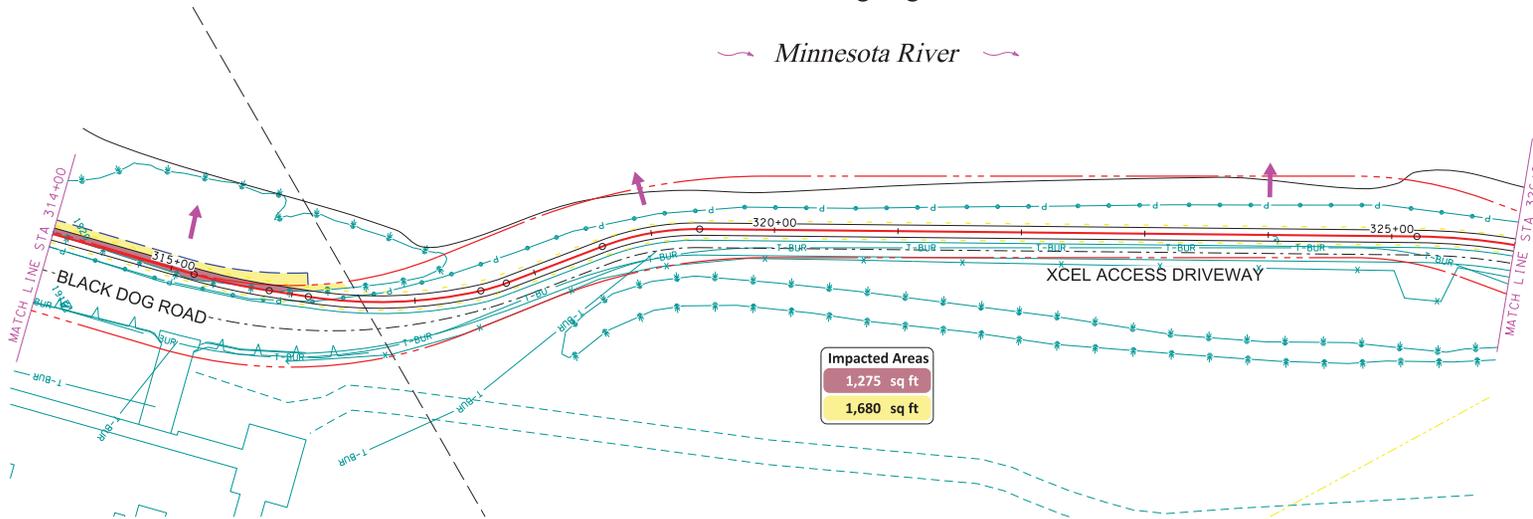


LEGEND

- PERMANENT WETLAND IMPACT
- TEMPORARY WETLAND IMPACT

Black Dog Segment 3

Minnesota River



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 **Big Rivers Regional Trail**
Black Dog Segment
 City of Burnsville, Minnesota

CITY OF BURNSVILLE, MN
 SEGMENT 3 - STA 305+00
WETLAND IMPACTS
 S.P. 179-090-004

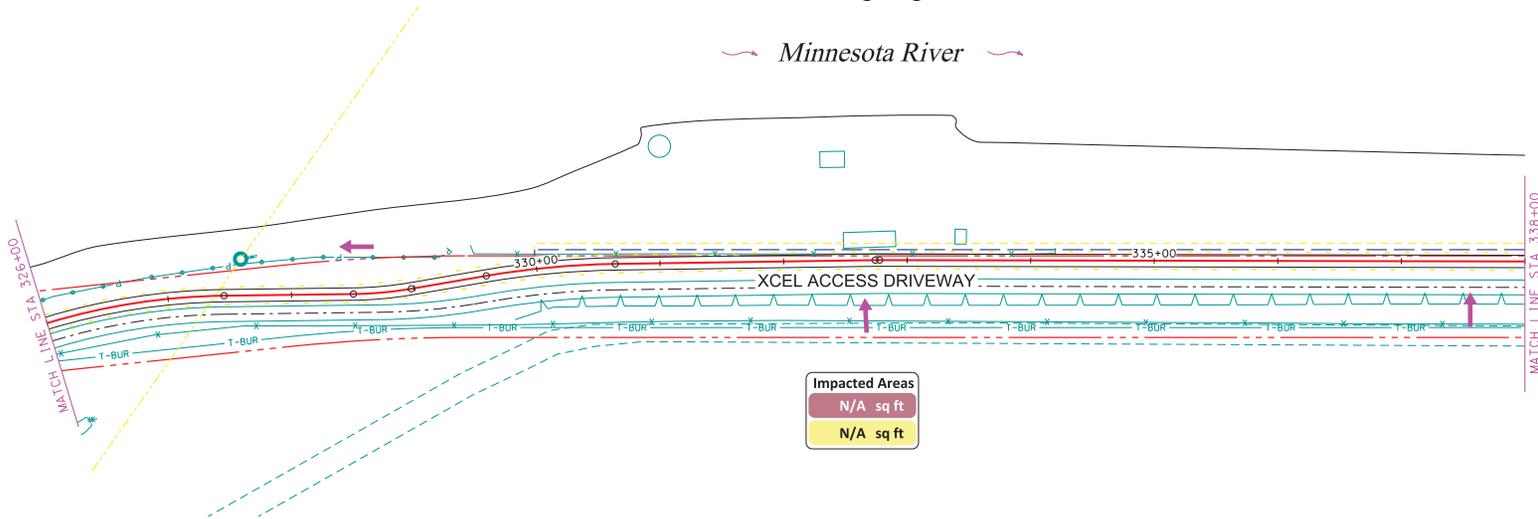
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Black Dog Segment 3

Minnesota River



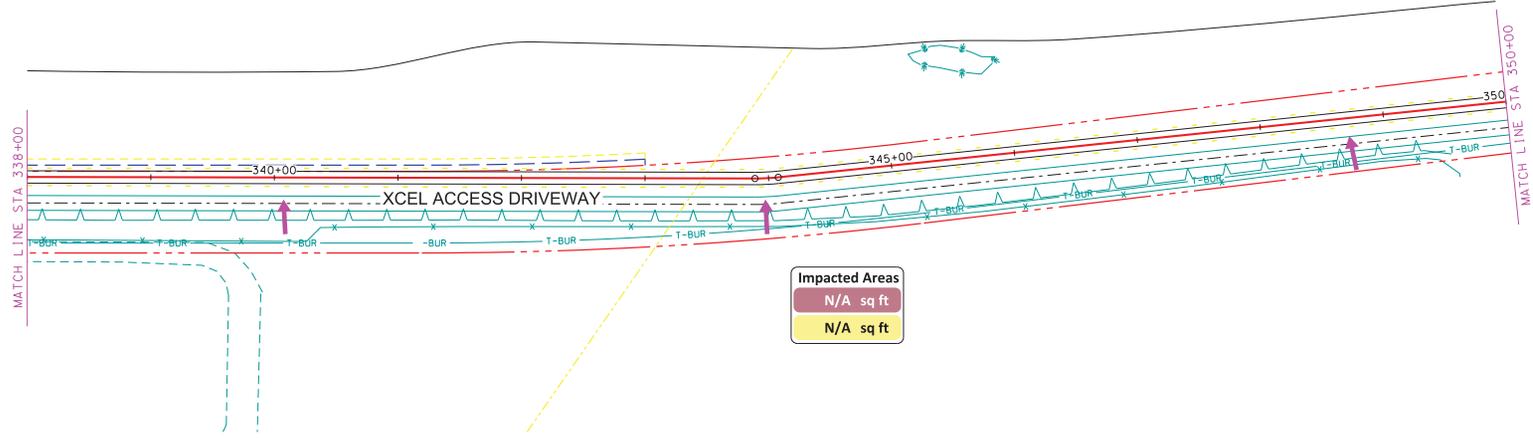
Impacted Areas	
N/A	sq ft
N/A	sq ft

LEGEND

- PERMANENT WETLAND IMPACT
- TEMPORARY WETLAND IMPACT

Black Dog Segment 3

Minnesota River



Impacted Areas	
N/A	sq ft
N/A	sq ft

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Big Rivers Regional Trail
Black Dog Segment
 City of Burnsville, Minnesota

CITY OF BURNSVILLE,
 SEGMENT 3 - STA 326+00
WETLAND IMPACTS
 S.P. 179-090-004

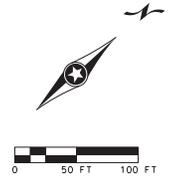
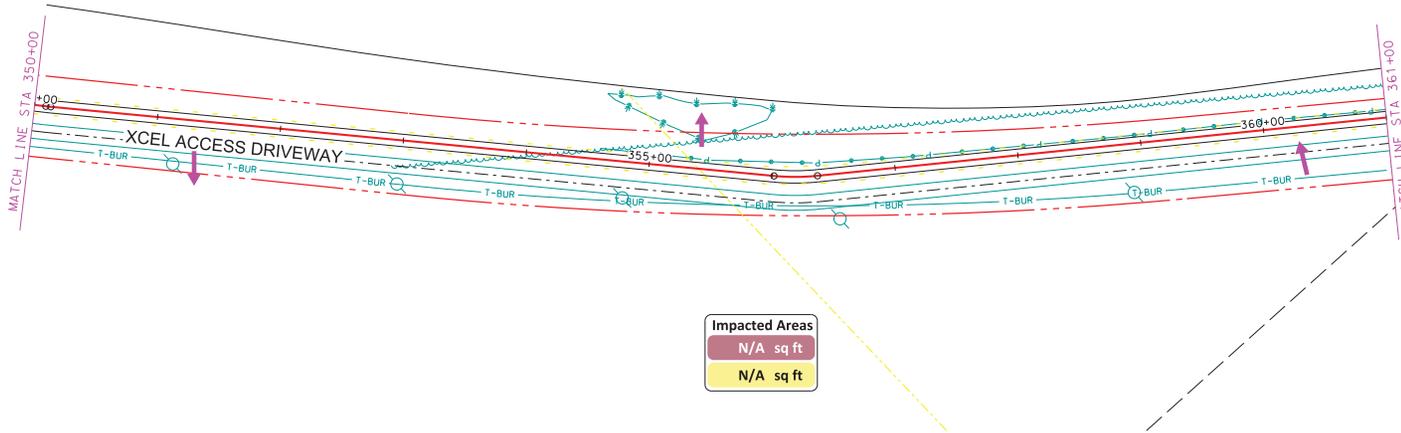
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Black Dog Segment 3

Minnesota River

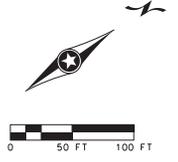
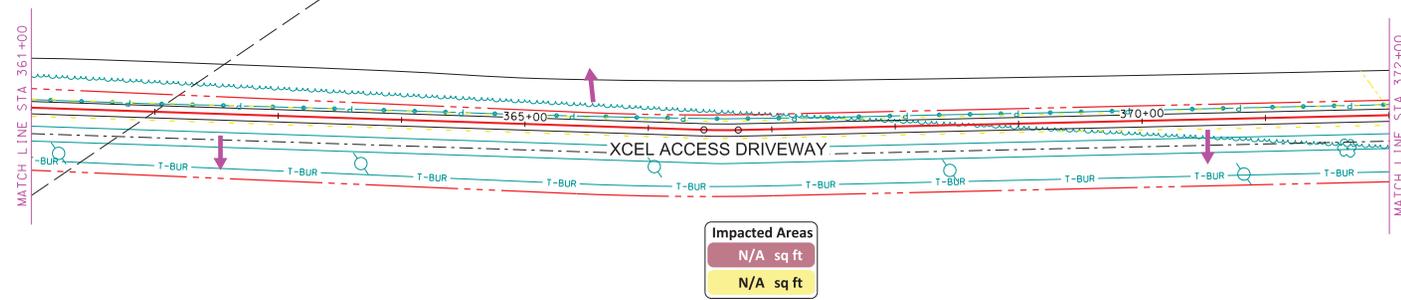


LEGEND

- PERMANENT WETLAND IMPACT
- TEMPORARY WETLAND IMPACT

Black Dog Segment 3

Minnesota River



Impacted Areas
 N/A sq ft
 N/A sq ft

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**Big Rivers Regional Trail
 Black Dog Segment**
 City of Burnsville, Minnesota

CITY OF BURNSVILLE,
 SEGMENT 3 - STA 350+00
WETLAND IMPACTS
 S.P. 179-090-004

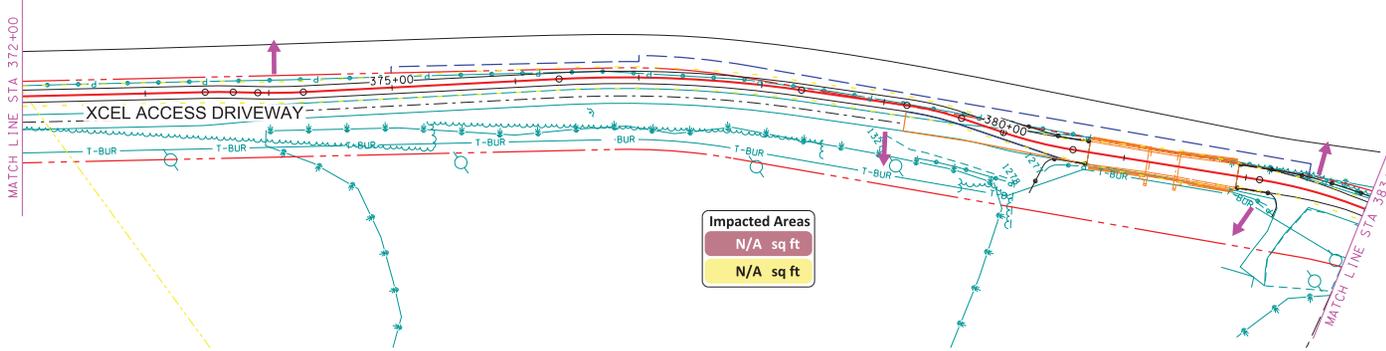
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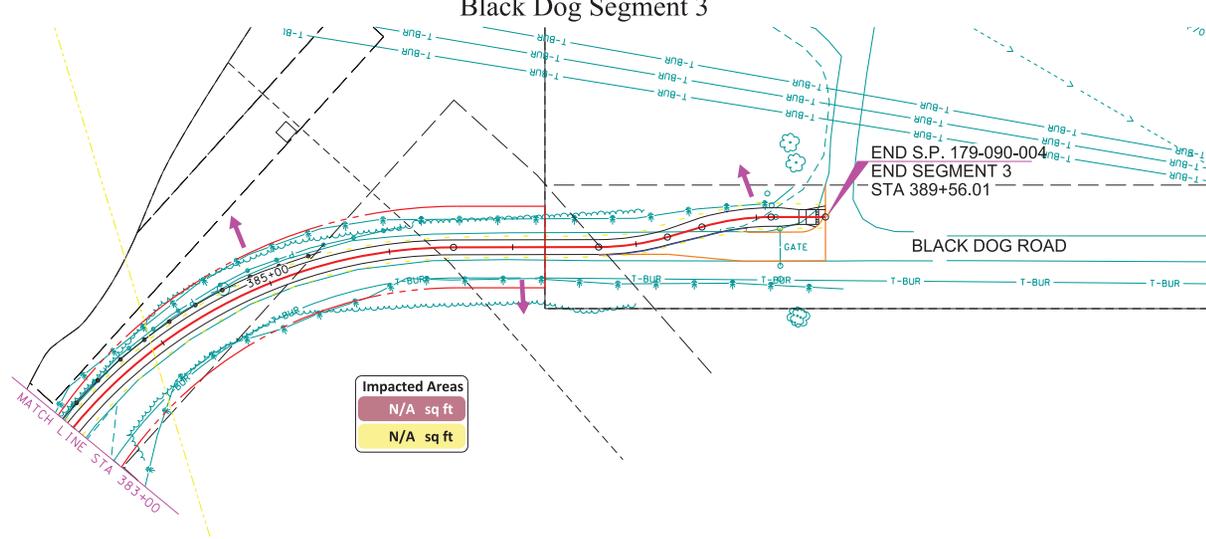
Black Dog Segment 3

Minnesota River



Black Dog Segment 3

Minnesota River



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Big Rivers Regional Trail
Black Dog Segment
 City of Burnsville, Minnesota

CITY OF BURNSVILLE,
 SEGMENT 3 - STA 372+00
WETLAND IMPACTS
 S.P. 179-090-004

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