



US Army Corps  
of Engineers  
St Paul District

APPLICANT: **Menard, Inc.**

# **Public Notice**

**ISSUED: 12 February, 2013**

**EXPIRES: 14 March, 2013**

**REFER TO: 2013-00158-CLJ**

**SECTION:404 - Clean Water Act**

1. APPLICATION FOR PERMIT TO discharge dredged or fill material into 4.42 acres of wetlands adjacent the Rainy River for the purpose of expanding the existing Menards retail store.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Menard Inc.  
5101 Menards Drive  
Eau Claire, Wisconsin 54703

AGENT: Ethan Harvey, Widseth  
Smith Nolting

AGENT'S ADDRESS: 7804 Industrial Park Road  
Baxter, Minnesota 56425

PROJECT LOCATION: The project site is located in NW 1/4 Sec. 5, T. 70N., R. 24W., Koochiching County, Minnesota. The approximate UTM coordinates are Latitude 48.587 and Longitude -93.443.

DESCRIPTION OF PROJECT: The International Falls Menards store location is currently part of the International Mall complex located west of Highway 71 within the City of International Falls, Minnesota. Due to the atypical layout of the store within the mall, the store has limited floor space and storage area. A typical Menards store has 170,000 square feet of retail sales floor and internal warehouse area, 42,000 square feet of drive-through warehouse, and approximately 174,000 square feet of outside storage yard. The International Falls store currently has 104,936 square feet of retail space and internal warehouse area, a 71,285 square foot outside yard, and no drive-through warehouse. Currently, the City of International Falls contains a few local hardware stores, building/home materials suppliers, and lumber yards. The Menards stores is the only large retailer of its kind located in or near the City of International Falls.

The International Falls Menards expansion project proposes to help this store reach the same operating potential as a prototypical store. This expansion will include the addition of 54,585 square feet of new retail space which will utilize the existing indoor space. The expansion also includes approximately 205,376 square feet of outdoor yard/storage areas including a drive-through warehouse. The outdoor yard will be paved and surrounded by 14-ft high pallet racking backed by a wooden fence for outdoor storage. The majority of the land subject to the proposal is currently owned by Menard, Inc. and is primarily composed of wetlands. Currently open space, some of this land will become the new yard, warehouse, retail area, and additional stormwater treatment. The city right-of-way to the south of the store will be used to access the outdoor yard area. The proposed expansion plan will allow the International Falls Menards store to accommodate the growing demand for products and storage space,

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as well as allowing the store to conform to the structure of a typical Menards store. The resulting larger store will provide the community of International Falls the potential to increase the number of jobs at the store.

**QUANTITY, TYPE, AND AREA OF FILL:** Direct impacts to wetlands associated with the expansion include placing fill material in approximately 4.42 acres of wetland for the construction of the warehouse and outdoor storage area (3.63 acres), access road (0.40 acres), and a stormwater treatment system (0.39 acres). The access road will be constructed with class 5 as a base and finished with asphalt. All other components of the proposal will utilize sand material for the base.

**VEGETATION IN AFFECTED AREA:** Wetlands found in the project area include Scrub-Shrub (Type 6) which, in the project area, mainly supports willow species as well as reed canary grass, and wild parsnip. The project area also comprises wooded swamps (Type 7) which are dominated by Northern white cedar.

**SOURCE OF FILL MATERIAL:** Fill material will be purchased from a local commercial source.

**SURROUNDING LAND USE:** The project is an expansion of an existing Menards retail store. The existing facility, east of the expansion, is located in a mall complex which extends to the northeast. The area to the northwest of the expansion is predominately composed of residential housing.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** The project would not require the use of any potentially toxic materials.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** Best Management Practices to protect water quality in the form of temporary and permanent erosion and sediment control measures will be used throughout the project area. Because the applicant will disturb greater than one acre of soil, they will be required to prepare a Storm Water Pollution Prevention Plan for this project.

**MITIGATION:** The total permanent wetland impacts subject to compensatory mitigation is 4.42 acres (2.88 acres of Type 6 and 1.54 acres of Type 7). The applicant proposes compensatory mitigation for the 4.42 acre permanent loss through off-site means by purchasing wetland credits from the Corps approved City of International Falls Wetland Bank in Bank Service Area 2.

**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.

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Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Craig Jarnot at the Bemidji Regulatory field office of the Corps, telephone number (218) 444 - 6381.

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

[Email Notification of Public Notices](#)

on the left side of the web site under Notices.

**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) species:

<u>Species</u>	<u>Habitat</u>
Canada lynx <i>Lynx Canadensis</i> (T)	Northern Forested 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 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 Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. 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. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated waterbody/wetland impacts and compensatory mitigation requirements identified above. An ***approved jurisdictional determination*** will be made prior to reaching a permit decision, and will be posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/>.

Based on the results of a preliminary jurisdictional determination this project comes under the regulatory jurisdiction of the Corps of Engineers because wetlands in the project area are adjacent to the Rainy River.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: Wetland Conservation Act, MPCA Storm water permit, City of International Falls building permit

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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, 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.

**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

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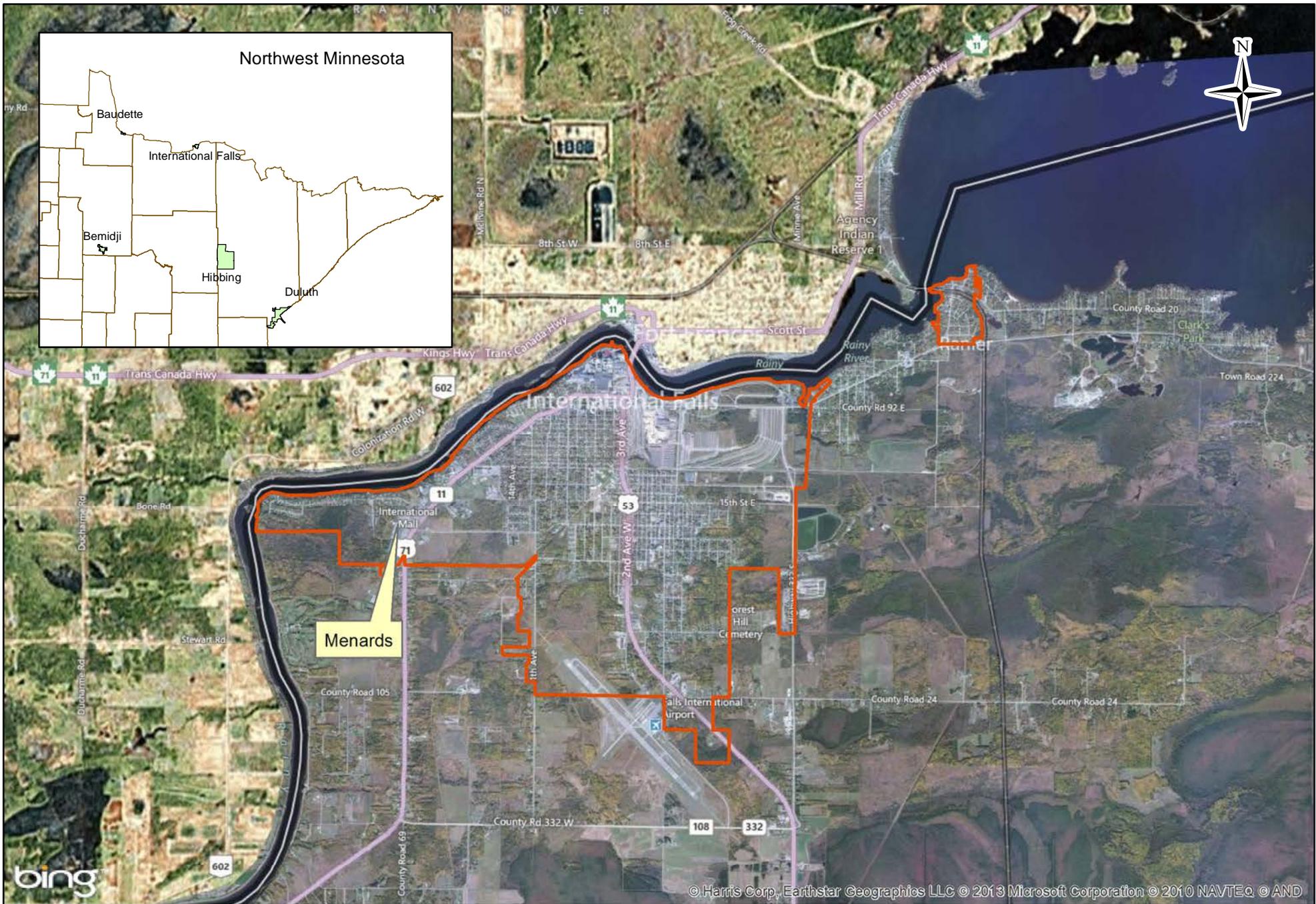
reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, 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.

Kelly J. Urbanek  
Chief, Northwest Section

Enclosures

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

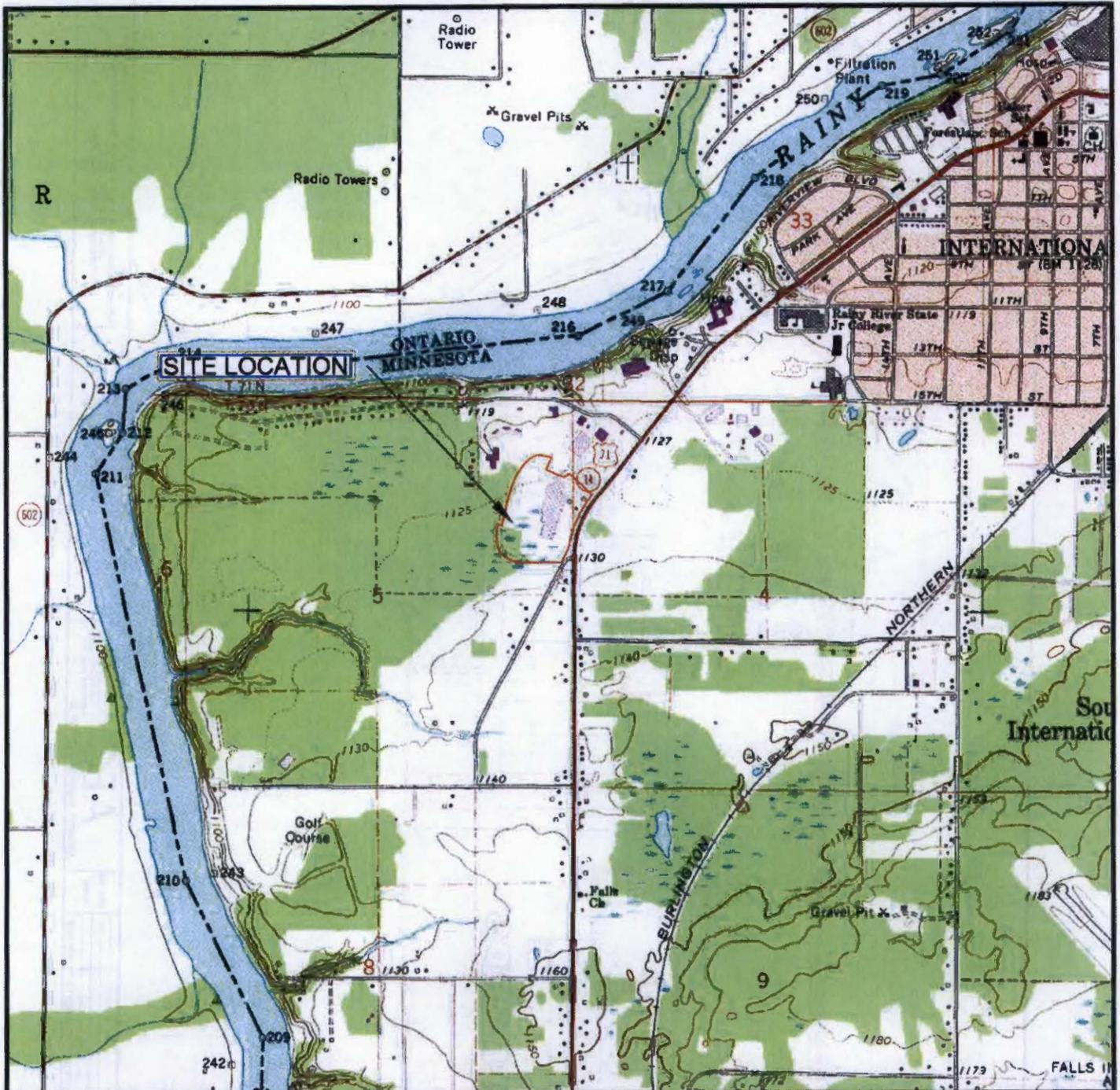


## Location of Menards Expansion

Koochiching County, Minnesota



 Municipality Boundaries



TN  
MN DEGREE  
UMT Grid & Magnetic  
North Declination at

U.S.G.S. QUADRANGLE MAPS:  
INTERNATIONAL FALLS, MN-ONT

PUBLISHED: 1969  
PHOTOREVISED: 1983



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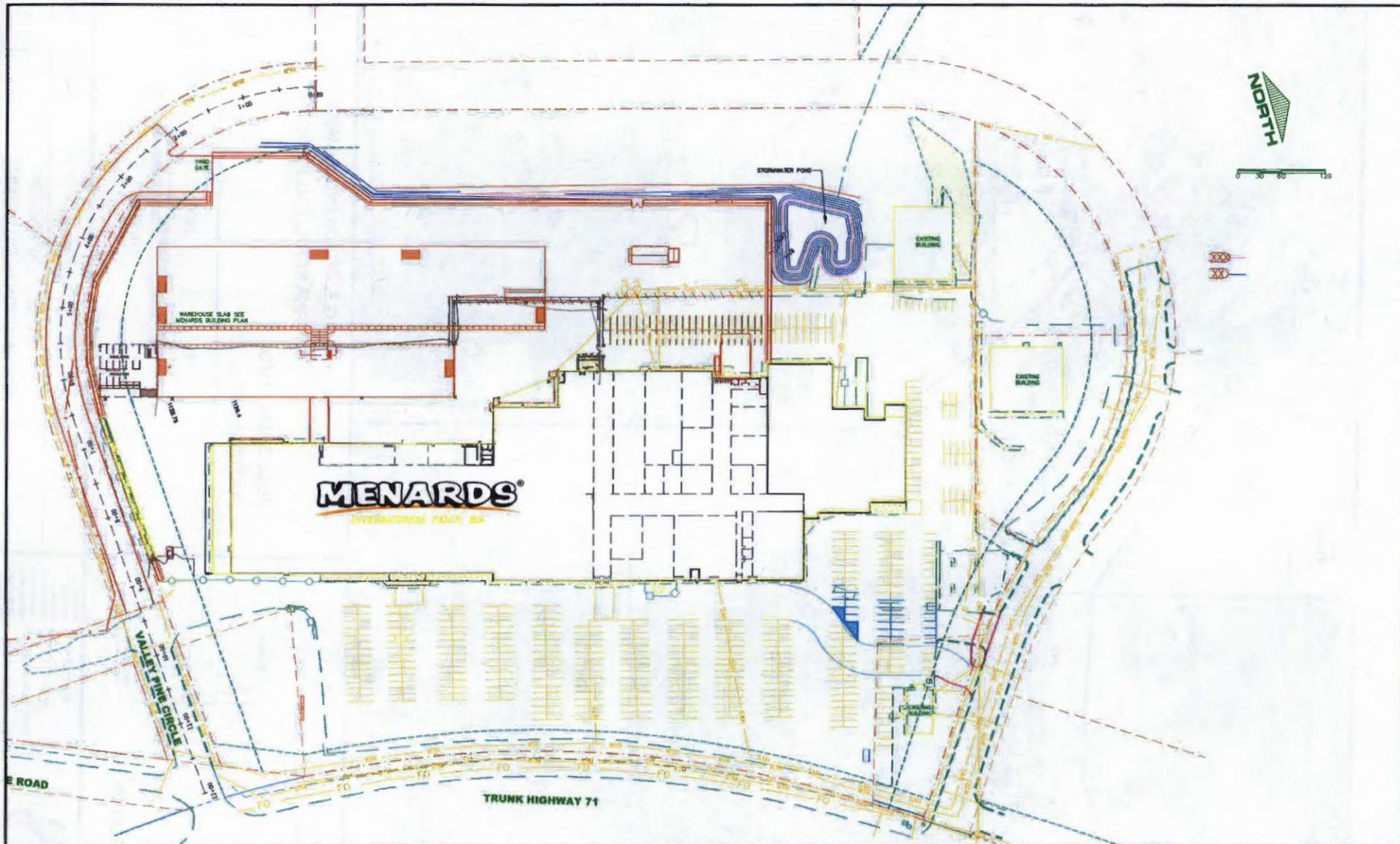


ENGINEERS  
ARCHITECTS  
LAND SURVEYORS  
ENVIRONMENTAL SERVICES

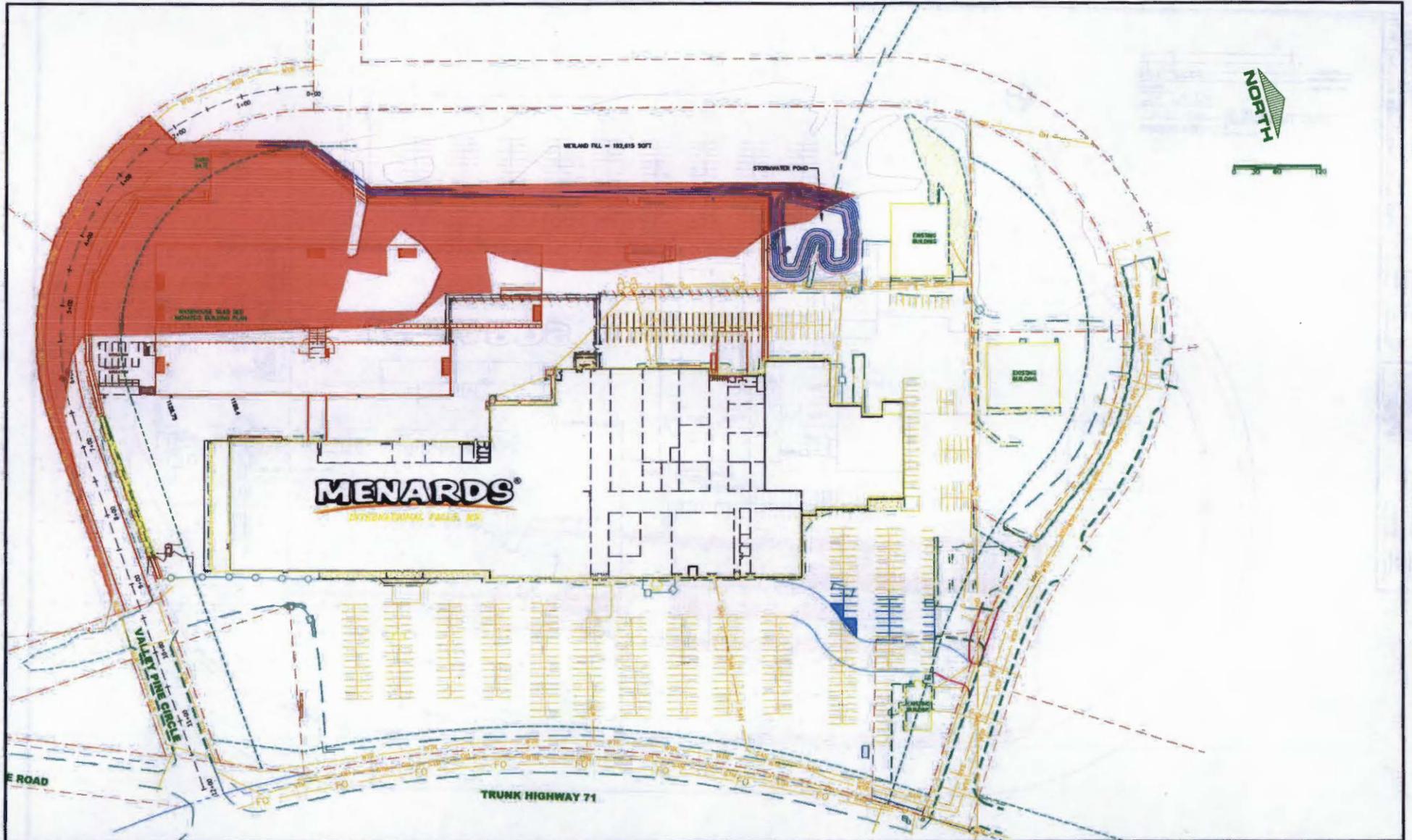
ALEXANDRIA, MN  
BEMIDJIE, MN  
SHARPEL, MN  
CROOKSTON, MN  
GRAND FORKS, ND  
ROCHESTER, MN  
SOUR FALLES, SD

SITE LOCATION MAP  
MENARD INC. EXPANSION  
INTERNATIONAL FALLS, MN

FIGURE 1  
DEC. 2012



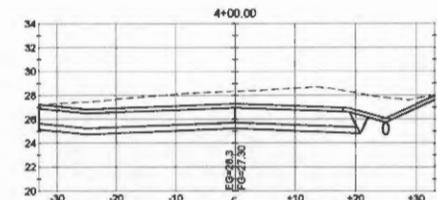
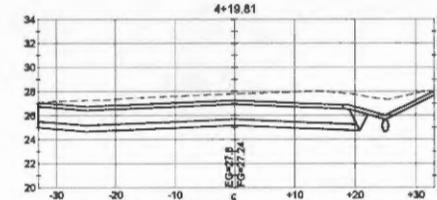
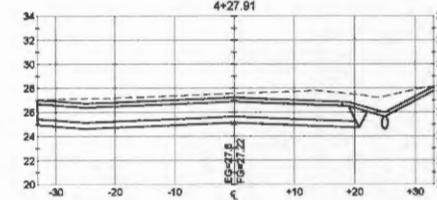
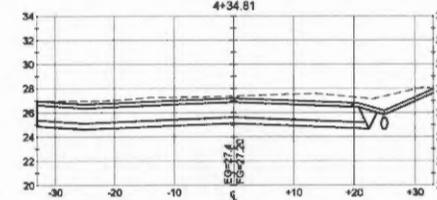
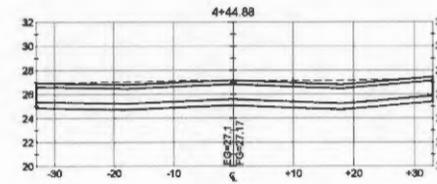
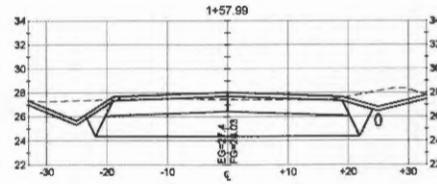
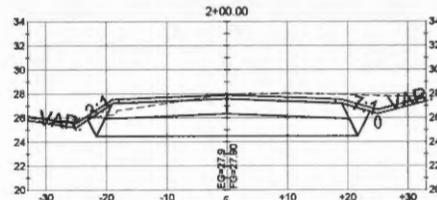
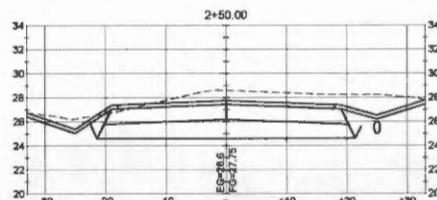
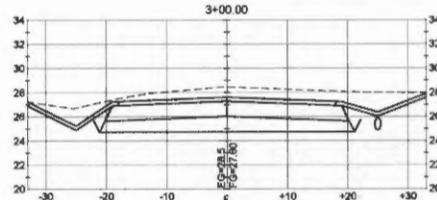
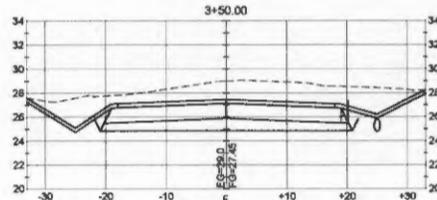
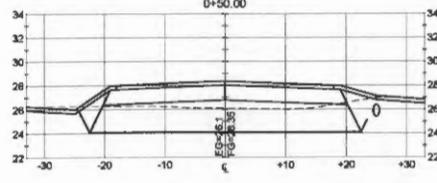
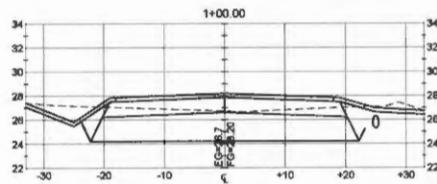
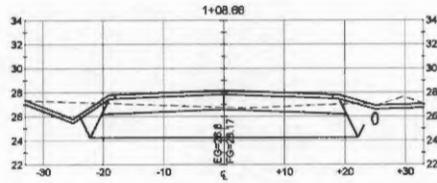
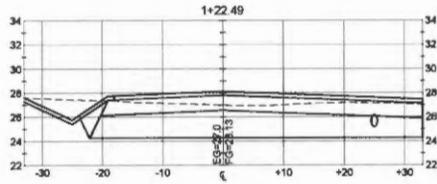
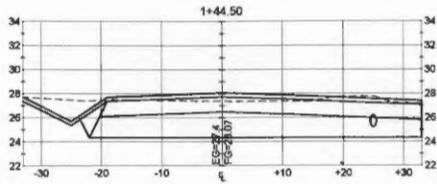
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NO.	DATE	REVISIONS	DRAFTED BY	DESIGN BY	CHECKED				



				PROJ. NO. 12096	<b>AEC</b> 635 FAIRFAX ST ALTONNA, WI 54720 PH 715-352-0330 COPYRIGHT 2012 AEC LLC	WETLAND IMPACT DETAIL	MENARDS INTERNATIONAL FALLS YARD EXPANSION 2012 1985 VALLEY PINE CIRCLE INTERNATIONAL FALLS, MINNESOTA	DWG NAME 12096 WETLAND
NO.	DATE	REVISIONS	DRAFTED BY	DESIGN BY	CHECKED			DATE 8/2012

FIG. 2A





5'  
10'  
SCALE

ASSOCIATES  
 ENGINEERS  
 ENVIRONMENTAL SERVICES  
 LAND SURVEYORS  
 WATER RESOURCES

WILSHIRE  
 SOUTH  
 MINNESOTA

VALLEY PINE CIRCLE  
 CITY OF INTERNATIONAL FALLS  
 INTERNATIONAL FALLS, MINNESOTA  
 VALLEY PINE CIRCLE CROSS SECTIONS

SHEET NO. 1  
 1 of 7