



US Army Corps
of Engineers
St Paul District

APPLICANT: Stearns County
Highway Department

Public Notice

ISSUED: March 1, 2013

EXPIRES: April 1, 2013

REFER TO: 2013-00254-RMM

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged or fill material into 6.83 acres of wetlands for the purpose of reconstructing County State Aid Highway (CSAH) 4 from CSAH 2 to CSAH 3. Details of the project design features and wetland impacts are shown on the attached drawings labeled 2013-00254-RMM, drawings 1 of 15 through 15 of 15.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Stearns County Highway Department
455 – 28th Avenue South
Waite Park, Minnesota 56387

PROJECT LOCATION: The project site is located in Sec. 4, 5, 6, 8, 9, 15, 16, 22, 23, T. 125N., R. 29W., Stearns County, Minnesota. The approximate UTM coordinates are N 5055542, E 395130. Latitude 45.645501, Longitude -94.345775.

DESCRIPTION OF PROJECT: The Stearns County Highway Department is proposing to reconstruct CSAH 4 from CSAH 2 to CSAH 3 in Stearns County, Minnesota. CSAH 4 was last reconstructed in 1955 and was last resurfaced in 1986. The existing geometrics do not meet minimum State Aid standards for rural, tow lane, undivided road. Specifically, it does not meet minimum shoulder widths, 1:4 in-slopes, or 10-ton structural design strength. The existing shoulder widths are typically 0-feet to 2-feet in width; the existing in-slopes are steeper in most areas; and the structural capacity is currently 9 tons. The project purpose is to meet minimum State Aid safety standards. The project will include the construction of 6-foot wide paved shoulders, 1:4 in-slopes, and four curves will be upgraded from 45-mph to 50-mph. Additionally, the subgrade has experienced localized failure in several locations throughout the project limits, resulting in differential settlement and an uneven road surface. The project will include subcutting the existing road bed 3.0' in order to ensure consistent suitable subgrade material which will provide for a smoother road surface that will be safer for the traveling public.

CSAH 4 is a two-lane major collector roadway with an existing 55-mph. The proposed roadway will remain a two-lane major collector with the same speed limit. The road serves agricultural, heavy commercial, and commuter traffic. Volumetric capacity is not a concern for this roadway and the proposed project is not intended to address volumetric capacity in any significant way. The structural capacity will be increased from a 9 ton road (7 ton axle weight limit during road restrictions) to a 10 ton road (9 ton during road restrictions) as per State Aid standards, and will better serve agricultural and commercial interests.

Operations - Regulatory (2013-00254-RMM)
SUBJECT: Notice of Application for Permit

There will be grading (excavating and filling) throughout the project limits as the overall roadway width is being widened to accommodate the required 6-foot shoulders and 1:4 in-slopes. The existing road ditches will be reconstructed further from the centerline to accommodate the widening. However, the original design intent and function of the road ditches is not changing.

QUANTITY, TYPE, AND AREA OF FILL: As proposed, fill material would be permanently discharged into 4.21 acres of wetlands. Also 2.62 acres of wetlands would be temporarily impacted in the temporary easement areas. The temporary impacts are associated with the excavation and grading of new road side ditches.

VEGETATION IN AFFECTED AREA: Wetlands found in the project area include fresh wet meadow (Type 2), which, in the project area, mainly supports reed canary grass. The project area also comprises shallow marsh (Type 3) which is dominated by cattails.

SOURCE OF FILL MATERIAL: The contractor will be responsible for supplying all necessary additional suitable borrow material from permitted facilities. All offsite sources of borrow provided for by the contractor will be identified, sampled, tested and permits verified in accordance with Minnesota Department of Transportation standards and local zoning ordinances.

SURROUNDING LAND USE: A majority of the adjacent land use is agricultural operations. Through the middle of the project area there is a large wetland complex known as the Saint Wendel Swamp Scientific and Natural Area.

DESCRIPTION OF STRUCTURE: The proposed reconstruction of CSAH 4 will include a 7.3 mile stretch from CSAH 2 to CSAH 3. The project will include two 12' lanes, shoulder widths 6', in-slopes of 1:4, and a clear zone of 30'.

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.

MITIGATION: The total permanent wetland impacts subject to compensatory mitigation are 4.21 acres (2.87 acres of Type 2 and 1.34 acres of Type 3). The applicant proposes compensatory mitigation for the 4.21 acres of permanent loss through off-site means by purchasing wetland credits from a Corps approved bank in Bank Service Area 7. The exact bank is not currently known at this time. Before work commences the bank purchase agreement and credit withdrawal form will be submitted to our office. No mitigation is proposed for the temporary impacts.

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

Operations - Regulatory (2013-00254-RMM)

SUBJECT: Notice of Application for Permit

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://www2.mvp.usace.army.mil/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.

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 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>.

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

Operations - Regulatory (2013-00254-RMM)
SUBJECT: Notice of Application for Permit

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.

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. There are three structures adjacent to the road that are listed as unknown. These sites will be coordinated with our Cultural Resource Manager.

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.

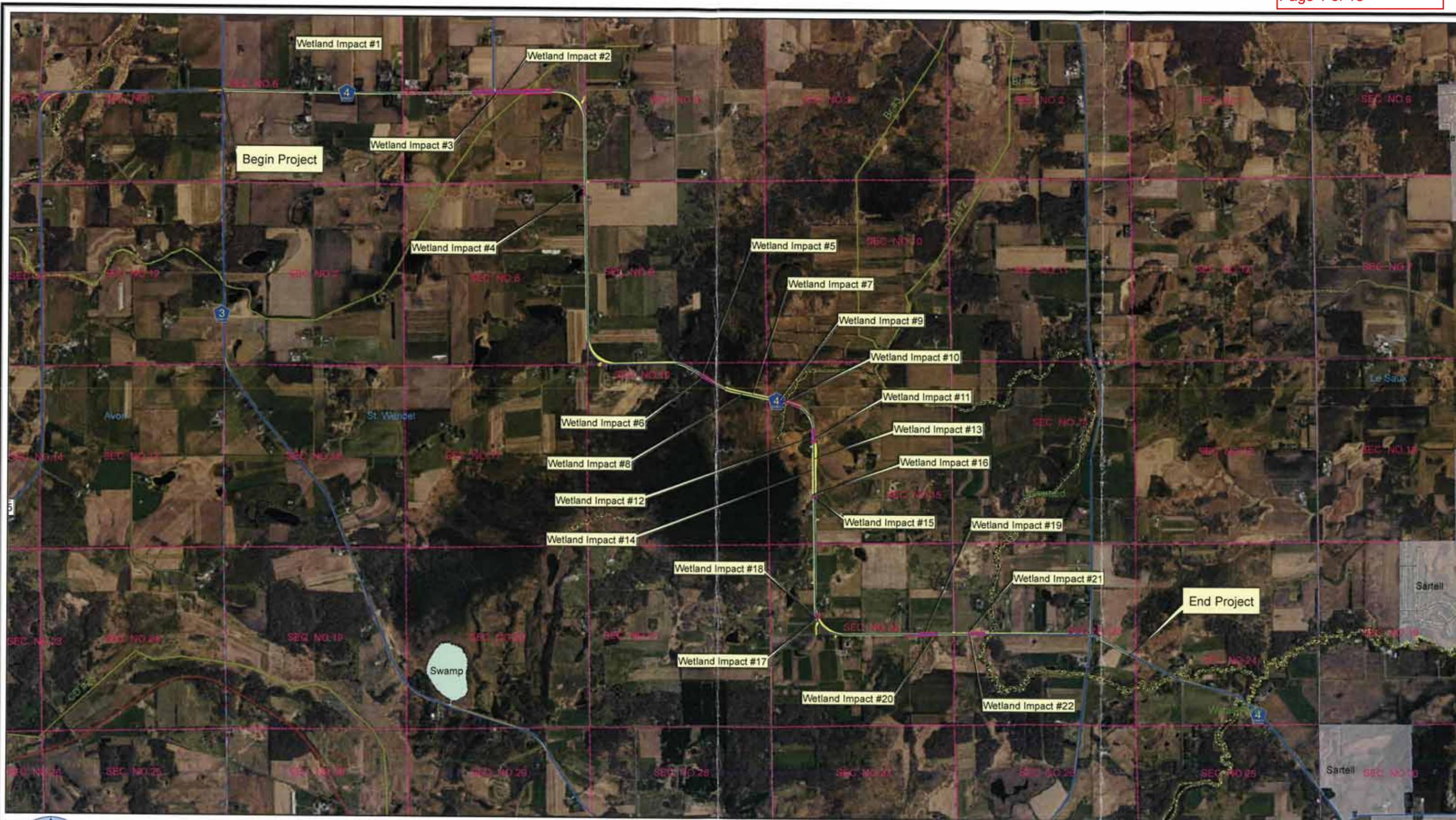
Operations - Regulatory (2013-00254-RMM)
SUBJECT: Notice of Application for Permit

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

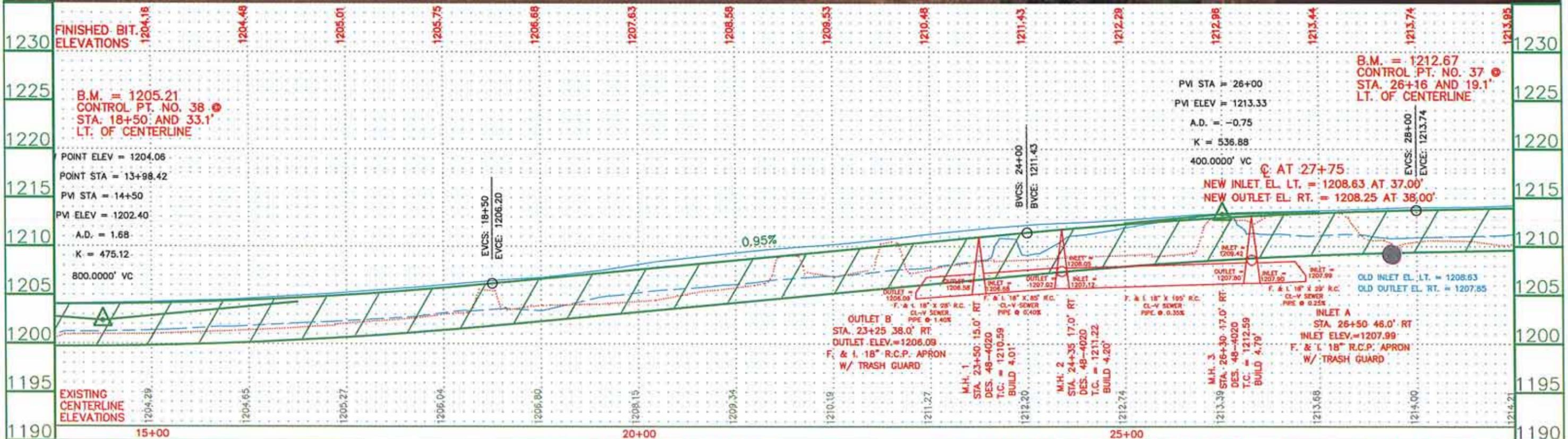
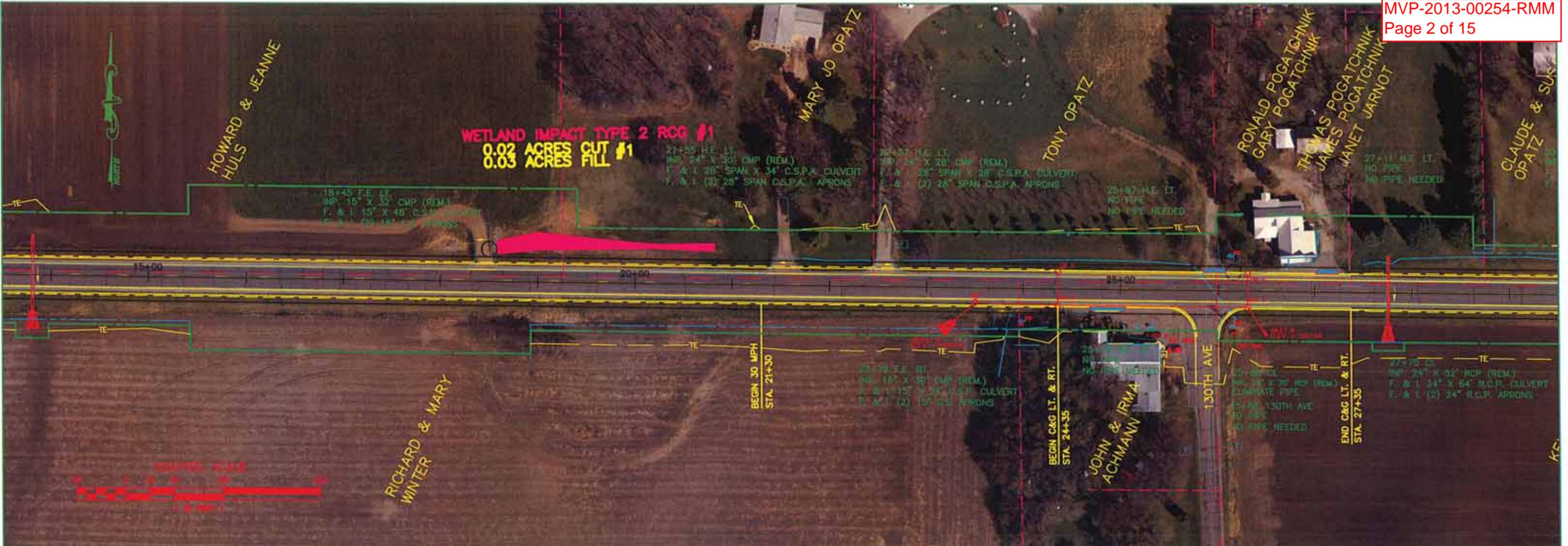
Enclosures

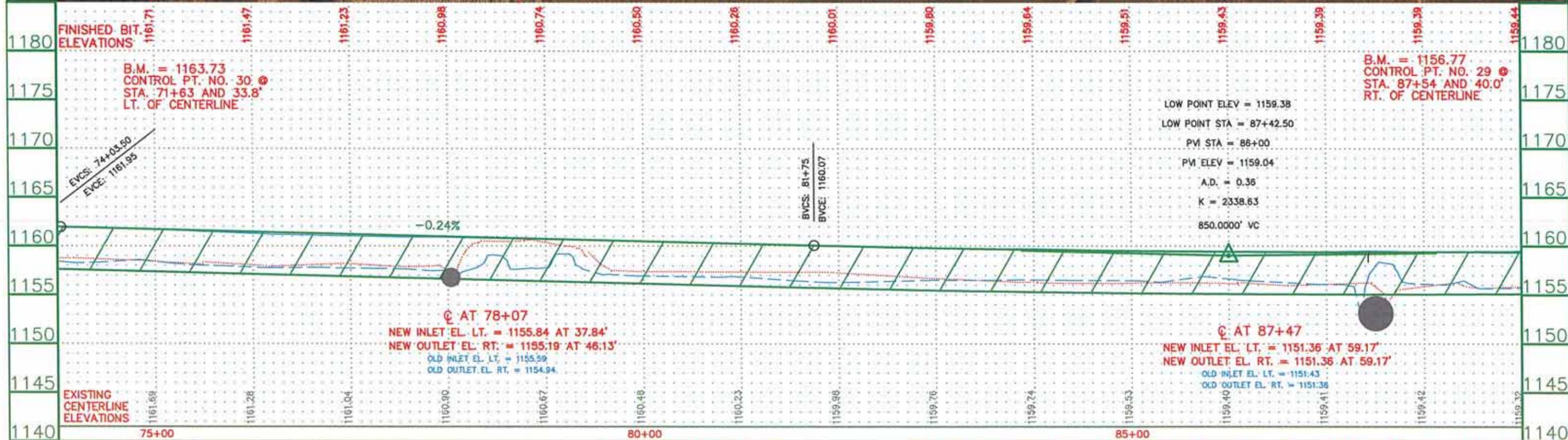
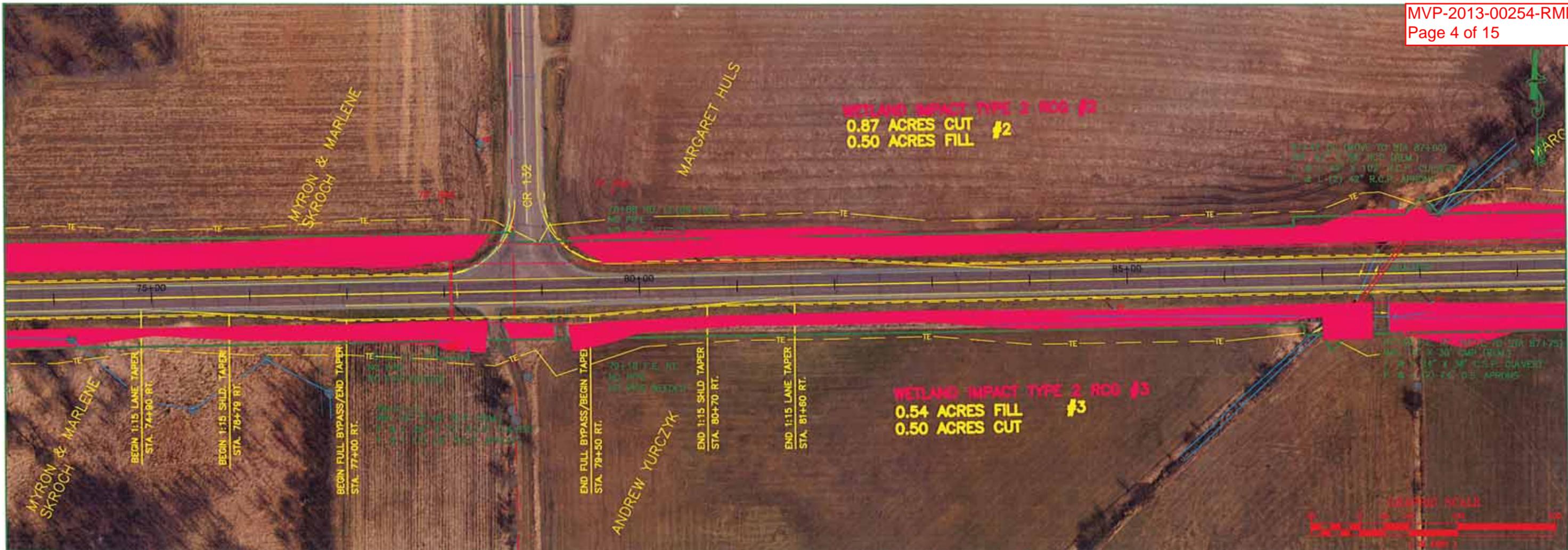
NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

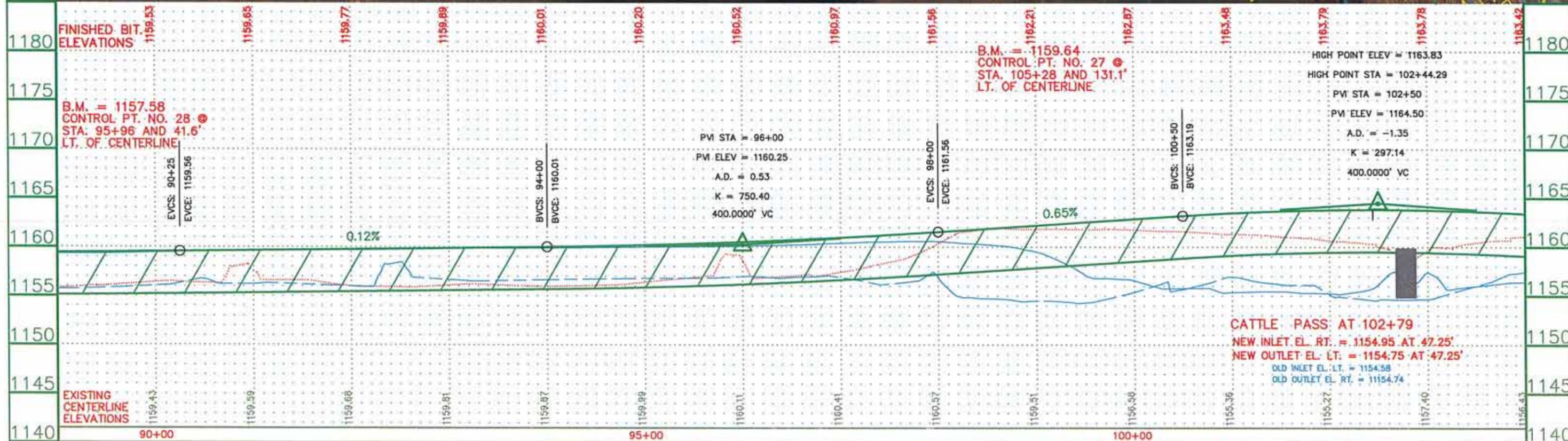


CSAH 4











WETLAND IMPACT TYPE 2 RCG #4
0.05 ACRES FILL #4
0.02 ACRES CUT

