



US Army Corps  
of Engineers  
St Paul District

APPLICANT Carver County  
: Public Works

# Public Notice

ISSUED: 10/20/2014

EXPIRES: 11/03/2014

REFER TO: 2013-00692-MMJ

SECTION:404 - Clean Water Act

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1. APPLICATION FOR PERMIT TO: discharge fill material into approximately 6.36 acres of wet meadow and shallow marsh type wetland associated with the Southwest Reconnection Project (reconstruction of CSAH 61 and the Highway 101 crossing over the Minnesota River.)

The majority of the wetland fill associated with this project, including 4.96 acres of permanent wetland fill, was previously authorized under MN-LOP-05 on June 13, 2014. At the applicant's request, this authorization was modified on August 18, 2014 to include the installation of temporary trestle structures in wetland alongside the existing Highway 101 causeway to facilitate crane access and bridge construction activities. This first permit modification did not include the additional discharge of fill material.

The applicant recently applied for a second permit modification, requesting authorization for the temporary discharge of fill material into an additional approximately 1.40 acres of shallow marsh type wetland adjacent to the causeway and trestle structures to improve crane access, safety and overall constructability of the project. All temporary fill would be removed at completion of the project and the temporarily impacted areas would be restored to pre-construction conditions.

With this additional work, the Southwest Reconnection Project would result in the total discharge of fill material into approximately 6.36 acres of wetland, making it in-eligible for authorization under LOP-05-MN. The project must now be authorized with a Department of the Army Standard Permit, requiring issuance of this Public Notice.

## 2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 11360 Hwy 212, Suite 1  
Cologne, Minnesota 55322

AGENT: Short Elliot Hendrickson      AGENT'S ADDRESS:  
(SEH, Attn: Deric Deuschle)      3535 Vadnais Center Drive  
St. Paul, Minnesota 55110-5196

PROJECT LOCATION: The project site is located in the eastern ½ of Section 35 and the western ½ of Section 36 in Township 116 North, Range 23 West in Cities of Chanhassen and Shakopee, Carver County, MN; and the northern ½ of Section 1 in Township 115 North, Range 23 West in Shakopee, Scott County, MN

**Operations - Regulatory (2013-00692-MMJ)**  
**SUBJECT: Notice of Application for Permit**

**DESCRIPTION OF PROJECT:** In summary, the Southwest Reconnection Project would elevate the Highway 101 crossing above the 100-year flood elevation of the Minnesota River, and would include construction of a new four-lane bridge spanning the river floodplain area between the Cities of Shakopee and Chanhassen. The new 4,226-foot long bridge would be shifted slightly to the southwest, but would run parallel with the existing Highway 101 crossing/causeway. The existing causeway would be removed and the area would be restored to historic floodplain wetland conditions post-construction.

Related roadway and intersection safety improvements are also proposed along Carver County State Aid Highway (CSAH) 61 (Flying Cloud Drive). These improvements would include adding a four-lane roadway section between the Highway 101 “Wye” intersection on the east and Bluff Creek Road on the west. Two new roundabout intersections are proposed at the Highway 101 “Wye” and Bluff Creek Drive intersections, which would replace the current lighted intersections; a traffic signal would remain at the Highway 101 (American Boulevard)/Flying Cloud Drive intersection.

For more details please see the original internet posting that was completed for the project in March 2014: <http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/MN-LOP/2013000692L.pdf>

**QUANTITY, TYPE, AND AREA OF FILL:** In total, the project would result in the discharge of fill material into approximately 6.36 acres of wet meadow and shallow marsh type wetland, including the permanent discharge of fill material into 4.96 acres of wetland (detailed in the posting referenced above), and the newly proposed temporary discharge of fill material into approximately 1.40 acres of wetland to improve crane access, safety and overall constructability of the project. These temporary access fills would involve extending the width of the construction zone parallel to the west side of TH 101 by 12 feet, resulting in the temporary discharge of fill material into approximately 0.89 acre of shallow marsh type wetland, and extending fill material an additional 10 feet at almost all of the proposed piers to allow for crane access/transition to the trestle structures, resulting in the temporary discharge of fill material into an additional 0.51 acre of shallow marsh type wetland. All temporarily impacted areas would be restored to pre-construction conditions at completion of the project. A maximum of 14 trestles and associated temporary fill would be placed in the wetland at any one time, and would be moved down the line as construction is completed along the crossing.

**VEGETATION IN AFFECTED AREA:** The site consists of large areas of Minnesota River backwater, floodplain, Rice Lake, and other unnamed wetland areas. This area is composed of a diverse assemblage of habitats and vegetation. The majority of the Highway 101 crossing is located within backwater areas composed of shallow and deep marsh type wetlands

**SOURCE OF FILL MATERIAL:** The applicant/contractor would be required to use suitable fill material, free from toxic pollutants in toxic amounts.

**SURROUNDING LAND USE:** The large portion of the project area lies adjacent to wildlife management areas; US Fish and Wildlife Service (FWS) MN Valley National Wildlife Refuge and the DNR Raquet Wildlife Management Area (WMA). The portion of the project area that crosses the Minnesota River floodplain as had no previous development except for the construction of Highway 101. The floodplain habitat found adjacent to the highway corridor primarily consists of forested wetlands and grasslands. Along Carver CSAH 61 (Flying Cloud Drive), there are scattered private

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parcels with recent land disturbances that can be characterized as more rural commercial and residential development

DESCRIPTION OF DREDGING OR EXCAVATION: All temporary fill material would be removed and the temporarily impacted wetland areas would be restored to pre-construction elevations and conditions. In addition, the project would involve removal of the existing causeway/land crossing resulting in the restoration of approximately 9.82 acres of wetland and floodplain area.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The project would incorporate BMPs to prevent the increase of suspended particulates/turbidity within the creek and adjacent wetland areas during construction. In water BMPs would include using the existing causeway to prevent any movement of material downstream; it will remain in place until the project is completed. In addition, the entire causeway would be surrounded with floating silt curtain.

MITIGATION: The applicant has compensated for the majority of the unavoidable permanent wetland impacts associated with this project via the Minnesota Board of Water and Soil Resources Local Road Replacement Program. All remaining required compensatory mitigation (trail impacts, 0.08 acre) have been completed via purchase of wetland credits from a Corps approved wetland bank located within Bank Service Area 9, the Minnesota River Basin. The applicant has not proposed compensatory mitigation for the newly proposed temporary wetland impacts. All temporarily impacted areas would be restored to pre-construction conditions at completion of the project.

**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 Melissa Jenny at the St. Paul office of the Corps, telephone number (651) 290-5363.

To receive Public Notices by e-mail, go to: [http://mvp-extstp.mvp.usace.army.mil/list\\_server/](http://mvp-extstp.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. However, Carver and Scott 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>
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Northern long-eared bat (P)

Caves and mines in fall & winter, upland forests in 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 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: The applicant has already obtained numerous local and state permits for this project, see list below. They have recently requested MnDNR approval for the newly proposed temporary wetland fill.

Unit of government	Type of application	Status
<b>Federal</b>		
U.S. Army Corps of Engineers	Section 404 Permit	Pending mod
U.S. Fish & Wildlife Service	Special Use Permit – Bluff Creek Realignment	Complete
<b>State</b>		
Minnesota Pollution Control Agency	National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit	Complete
	401 Water Quality Certification	Pending
Department of Natural Resources	Public Waters Work Permit	Pending mod
	Water Appropriations Permit - Dewatering	Complete
	Utilities Crossing Permit (River)	Complete
	Land Transfer	Complete
<b>Local</b>		
Carver County	EAW Approval	Complete
	EIS Need Decision	Complete
City of Chanhassen	Wetland Conservation Act (WCA)	Pending mod
City of Shakopee	Wetland Conservation Act (WCA)	Pending mod
Lower Minnesota River Watershed District	Preliminary Layout/Water Quality Treatment Review	Complete

**6. STATE SECTION 401 WATER QUALITY CERTIFICATION.**

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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, Resource Management and Assistance 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. There are known archaeological sites located within or adjacent to this project site that have been determined eligible for listing on the National Register of Historic Places. The Corps has considered effects of this project on these eligible sites, in coordination with the State Historic Preservation Office, the State Archaeologist, and numerous Tribes. 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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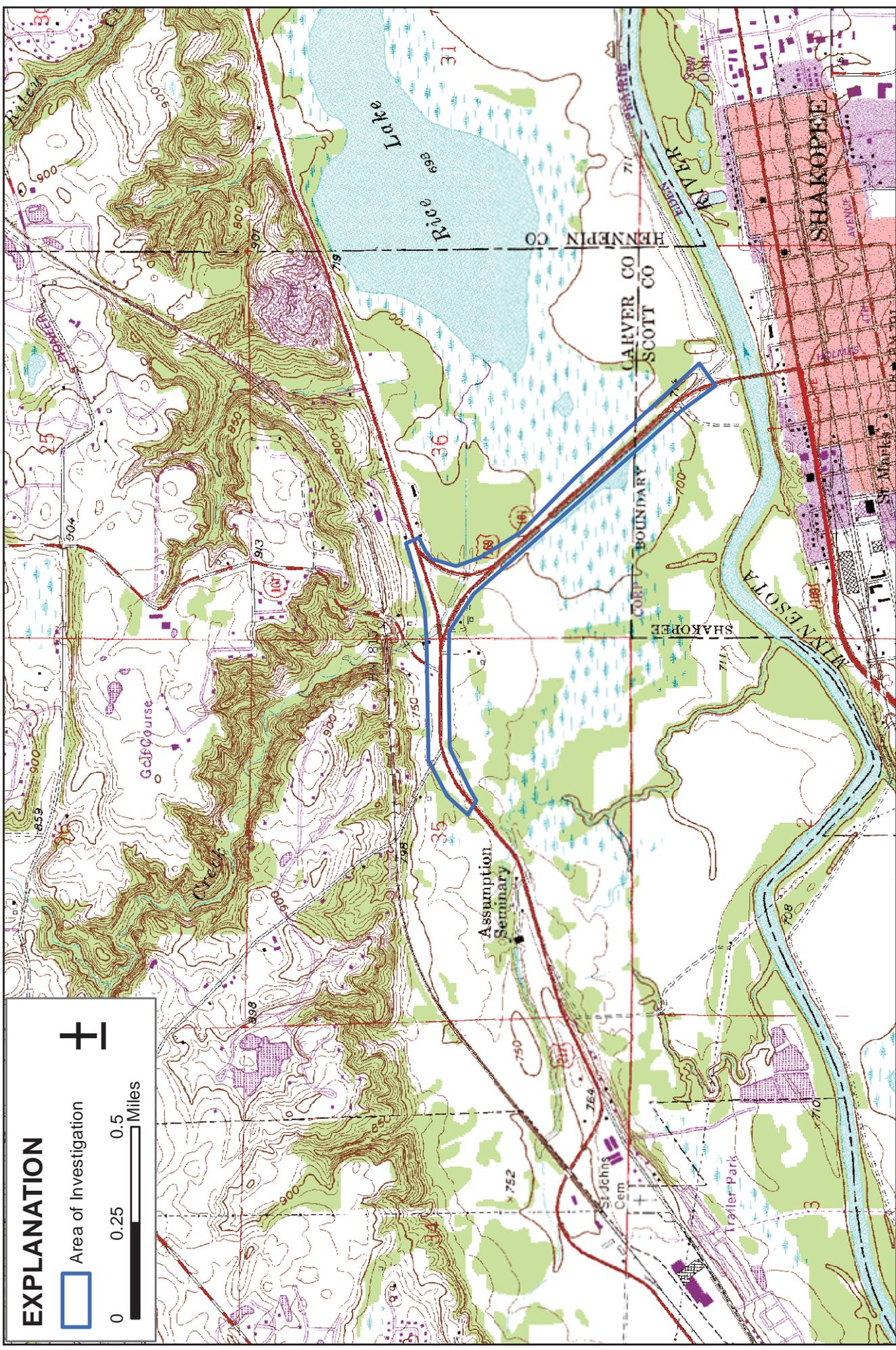
and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

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.

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.



**EXPLANATION**

Area of Investigation

+

0    0.25    0.5    Miles

3535 VADNAIS CENTER DR.  
 ST. PAUL, MN 55110  
 PHONE: (651) 490-2000  
 FAX: (888) 908-8166  
 TF: (800) 325-2055  
 www.sehinc.com

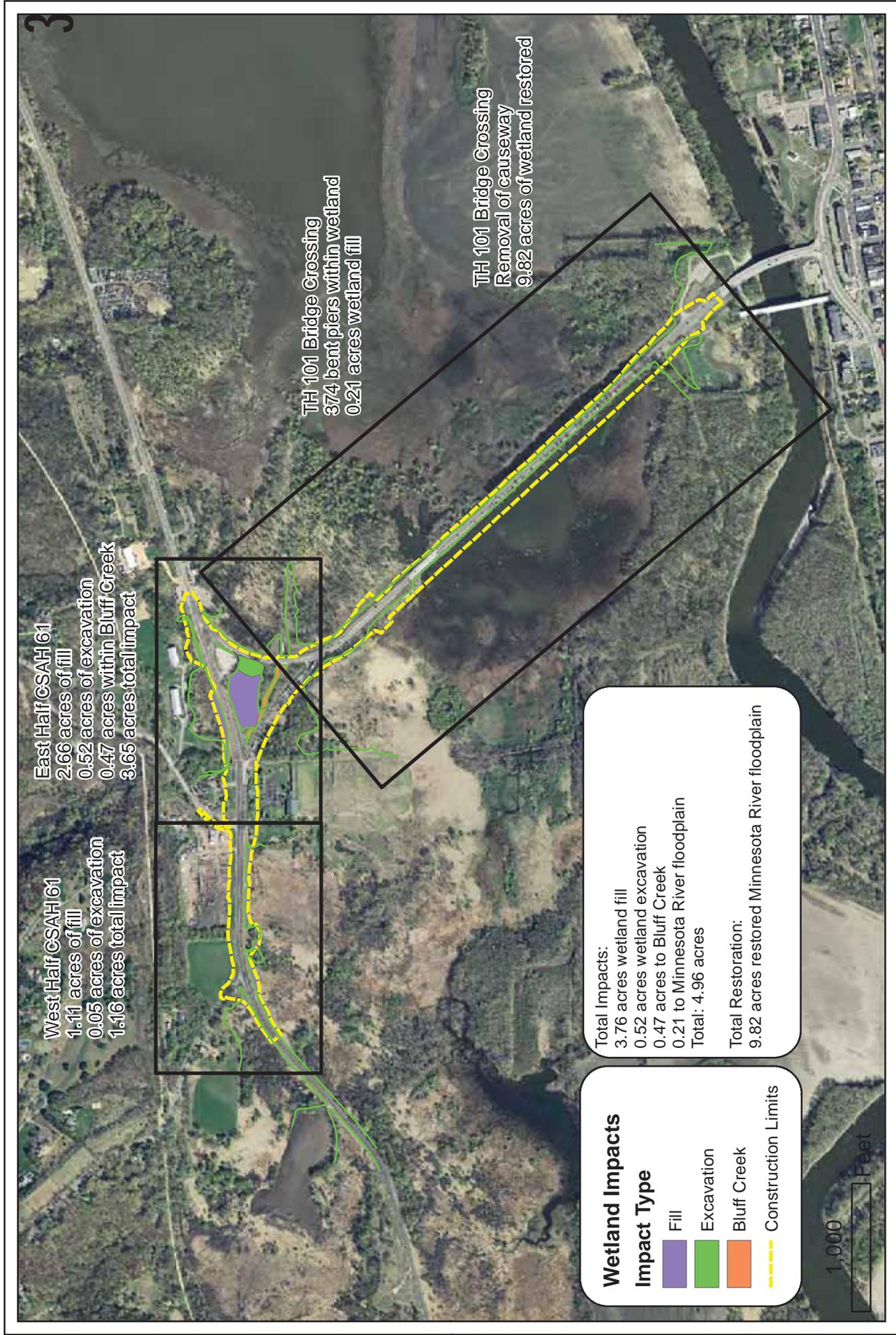


Project: CARVR 119938  
 Print Date: 7/18/2013)  
 Map by: RB/BJP  
 Projection: UTM NAD83 15N  
 Source: MnDOT, SEHinc  
 Background: USGS 24K Topo

**Site Location and Topographic Map**  
**Minnesota River Flood Plain Bridge Replacement and Improvements**  
**Carver & Scott Counties, Minnesota**

Figure 1

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.



**Wetland Impacts - Overall Project**  
 TH 61 and CSAH 101 Roadway Improvements  
 Carver and Scott Counties, Minnesota

Project: CARVR 119938  
 Print Date: 12/20/2013  
 Map by: drt  
 Projection: UTM NAD 83  
 Source: LMC

3535 VADNAIS CENTER DR.  
 ST. PAUL, MN 55110  
 PHONE: (651) 490-2000  
 FAX: (651) 490-2150  
 WATTS: 800-325-2055  
 www.sehinc.com

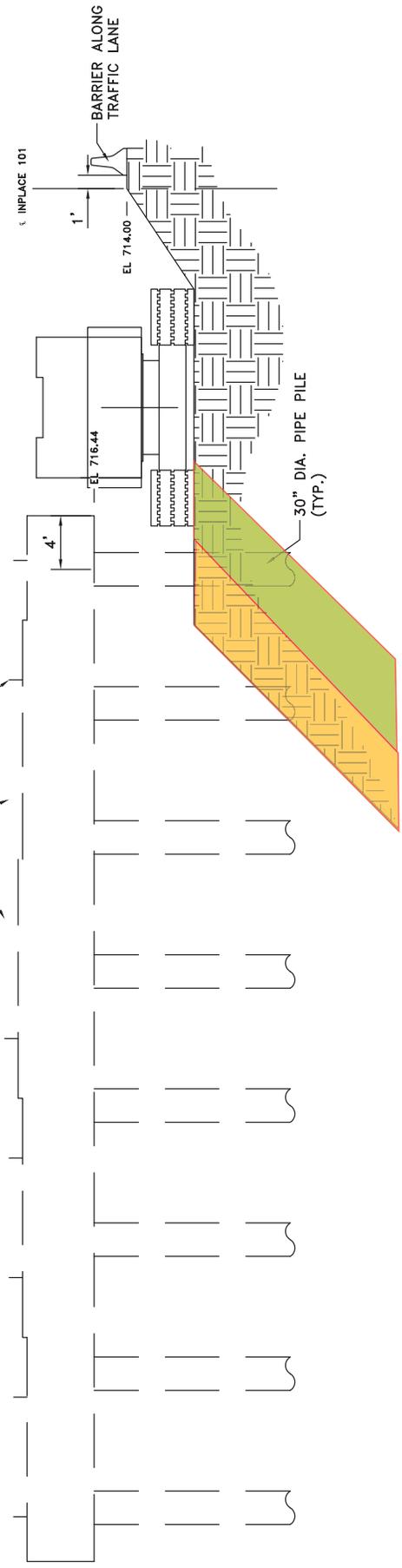
**SEH**

Figure 6

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources based on the map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, mapping, or any other purpose requiring accurate measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.

Additional fill required to allow crane to traverse the project corridor, and to allow rotation to access the trestle, while keeping the crane from crossing into the traffic lanes, which will remain open during construction.

ε BEAM (TYP.)



10' Extension at Trestle 12' Extension of Causeway

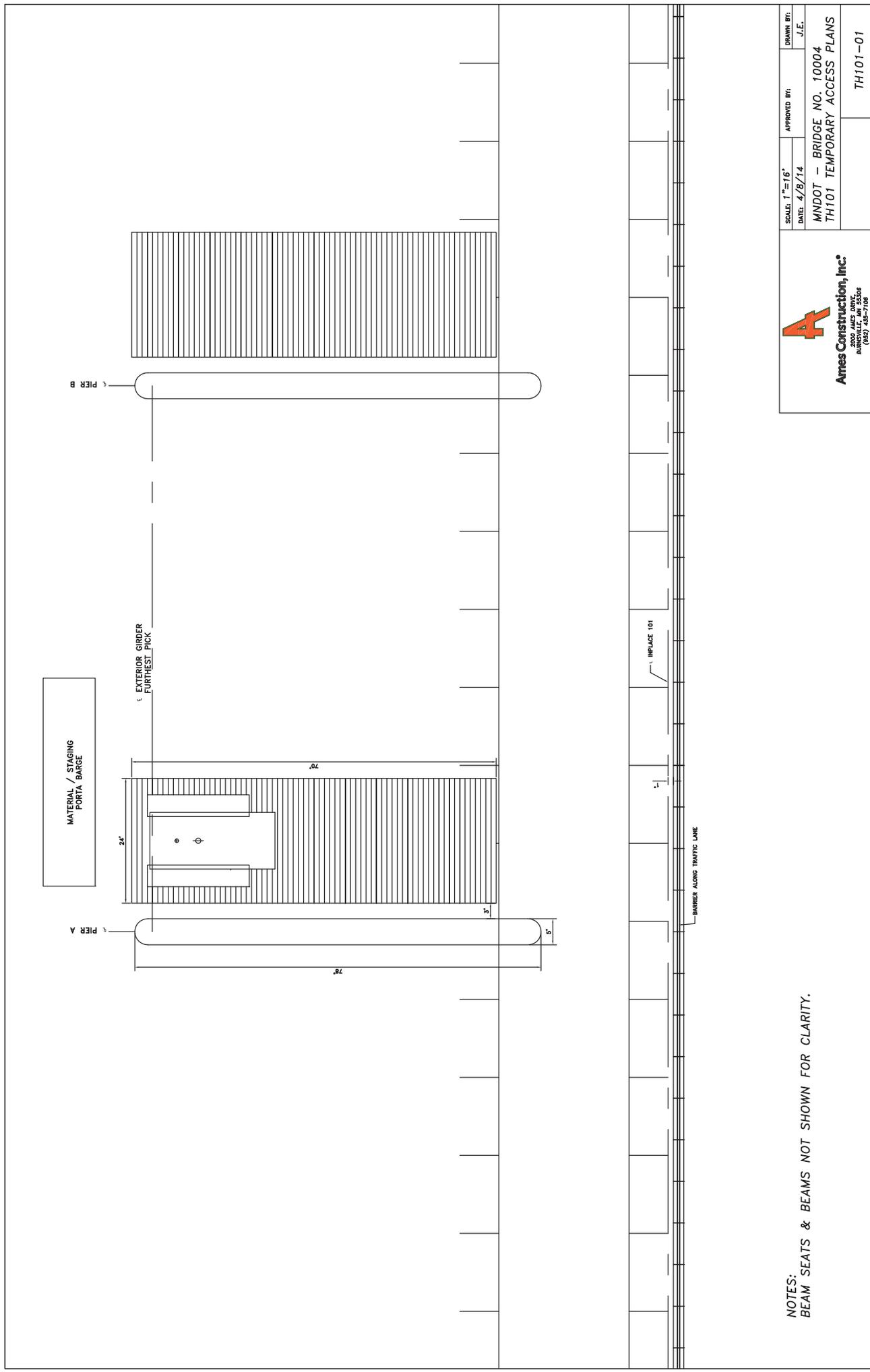
ELEVATION VIEW  
AT PIER 4  
OTHER PIERS SIMILAR

NOTES:  
BEAM SEATS & BEAMS NOT SHOWN FOR CLARITY.

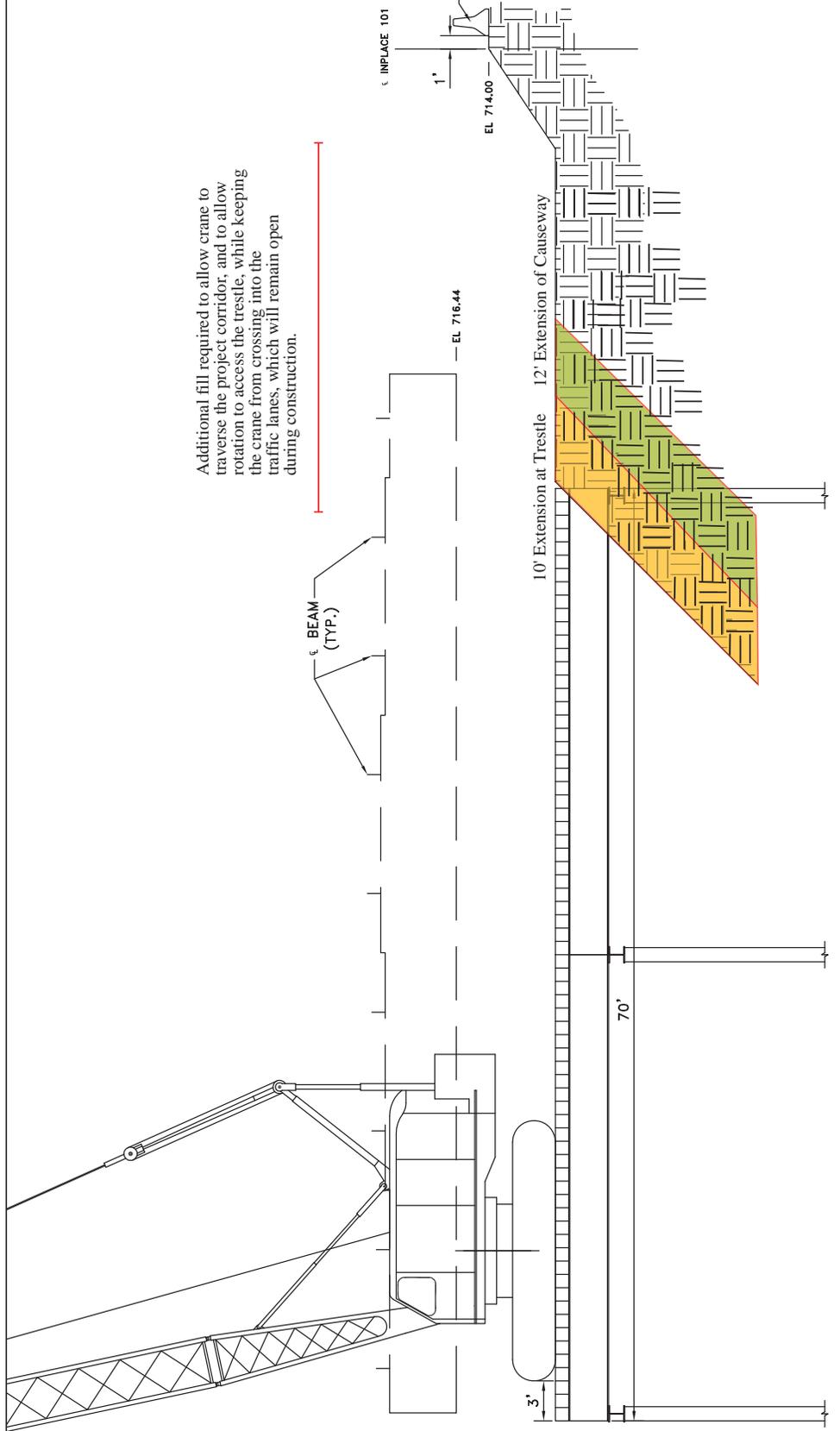


**Ames Construction, Inc.**  
2000 AMES DRIVE,  
BIRMINGHAM, AL 35206  
(205) 982-7128

SCALE: 1"=8'	APPROVED BY:	DRAWN BY:
DATE: 4/8/14	J.E.	
MNDOT - BRIDGE NO. 10004 TH101 TEMPORARY ACCESS PLANS		
		TH101-04



NOTES:  
BEAM SEATS & BEAMS NOT SHOWN FOR CLARITY.



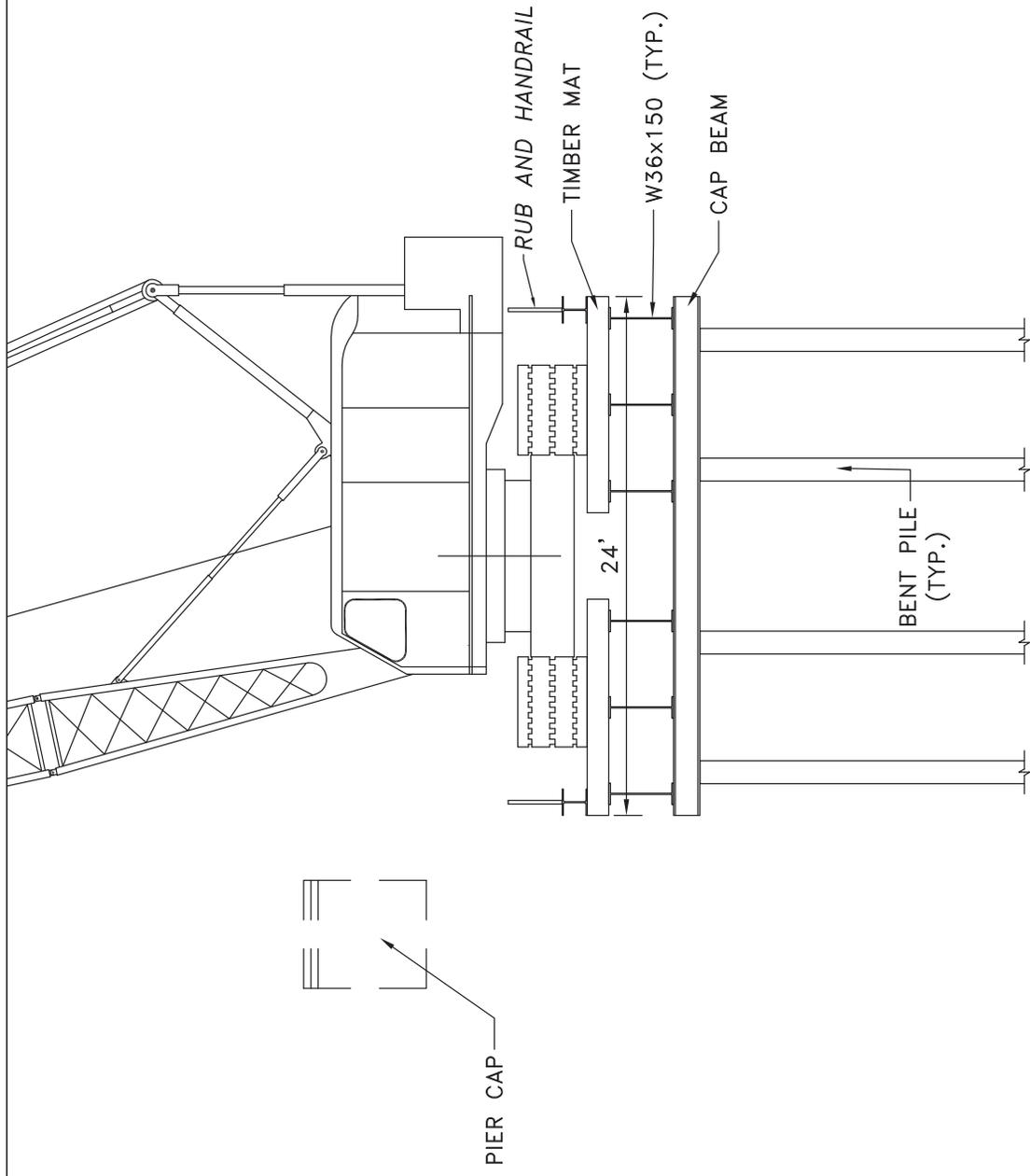
Additional fill required to allow crane to traverse the project corridor, and to allow rotation to access the trestle, while keeping the crane from crossing into the traffic lanes, which will remain open during construction.

ELEVATION VIEW  
AT PIER 4  
OTHER PIERS SIMILAR

NOTES:  
BEAM SEATS & BEAMS NOT SHOWN FOR CLARITY.

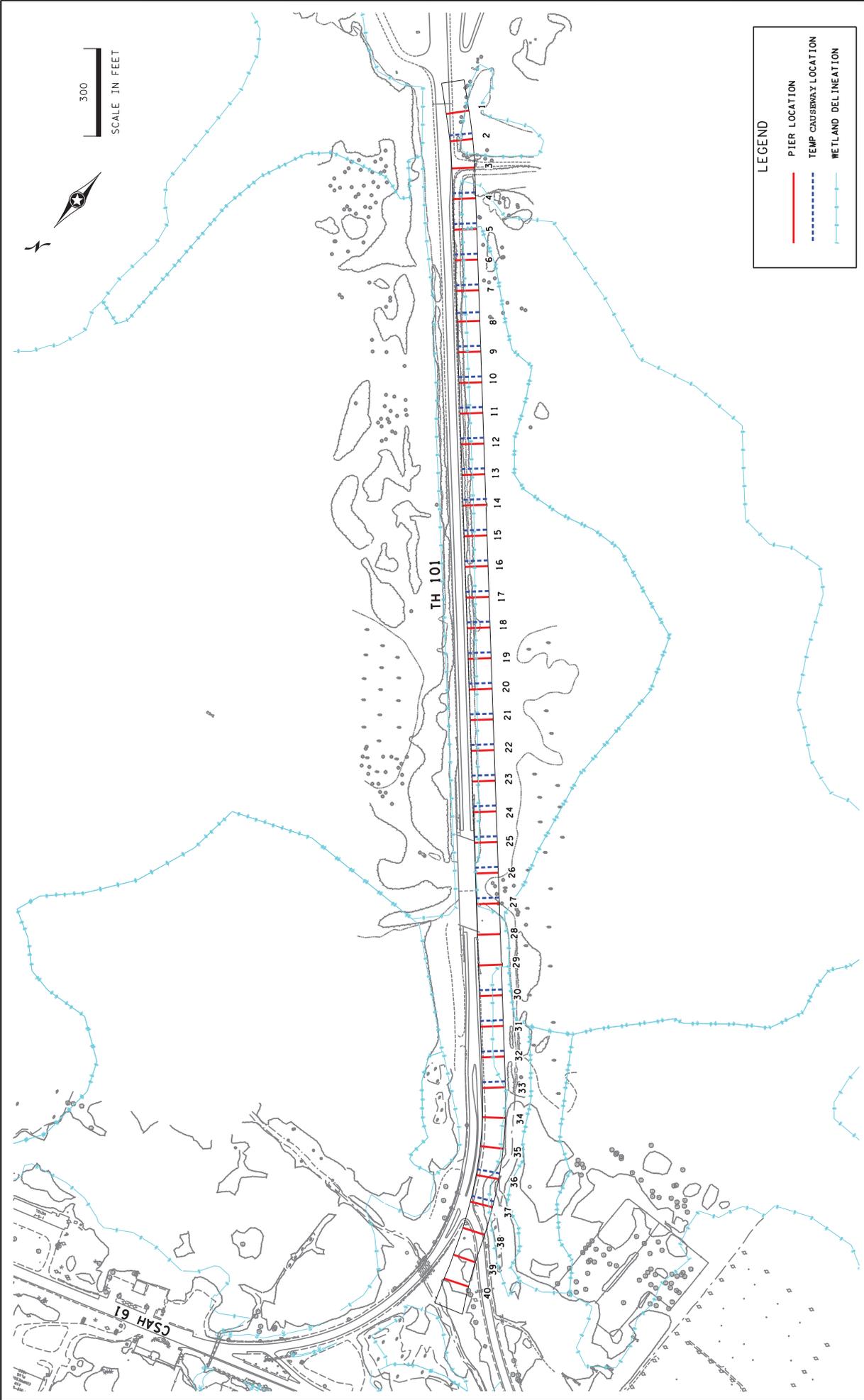
**Ames Construction, Inc.**  
2000 AMES DRIVE,  
BIRMINGHAM, AL 35206  
(205) 982-7128

SCALE: 1"=8'	APPROVED BY:	DRAWN BY:
DATE: 4/8/14	J.E.	J.E.
MNDOT - BRIDGE NO. 10004 TH101 TEMPORARY ACCESS PLANS		
		TH101-02



 <b>Ames Construction, Inc.</b> 2000 AMES DRIVE, BIRMINGHAM, AL 35206 (205) 982-7128	SCALE: 1"=5'-4"	APPROVED BY:	DRAWN BY:
	DATE: 4/8/14	J.E.L.	
MNDOT - BRIDGE NO. 10004 TH101 TEMPORARY ACCESS PLANS			TH101-03

**BENT CROSS SECTION VIEW**  
OTHER BENTS SIMILAR



SEH  
 PHONE: (651)490-2000  
 3535 YAMMIE CENTER DR.  
 ST. PAUL, MN 55110

CARVER COUNTY, MN

**CSAH 101 AND CSAH 61**

**TH 101 BRIDGE CONSTRUCTION**  
 LOCATION OF PIERS AND TEMPORARY TRESTLES  
 CHANHANSEN, MN

## Permit Modification No. 2

Table 2: Trestle Entrance Impacts

Location	Base Width of Entrance	Extension into Wetland (feet)	Impacts (sf)	Impacts (acres)
Pier 1	No Impacts			
Pier 2	66	10	660	0.02
Pier 3	No Impacts			
Pier 4	78	10	780	0.02
Pier 5	78	10	780	0.02
Pier 6	78	10	780	0.02
Pier 7	78	10	780	0.02
Pier 8	78	10	780	0.02
Pier 9	78	10	780	0.02
Pier 10	82	10	820	0.02
Pier 11	86	10	860	0.02
Pier 12	86	10	860	0.02
Pier 13	90	10	900	0.02
Pier 14	94	10	940	0.02
Pier 15	94	10	940	0.02
Pier 16	94	10	940	0.02
Pier 17	94	10	940	0.02
Pier 18	94	10	940	0.02
Pier 19	94	10	940	0.02
Pier 20	98	10	980	0.02
Pier 21	98	10	980	0.02
Pier 22	98	10	980	0.02
Pier 23	98	10	980	0.02
Pier 24	98	10	980	0.02
Pier 25	98	10	980	0.02
Pier 26	98	10	980	0.02
Pier 27	78	10	780	0.02
Pier 28	No Impacts			
Pier 29	No Impacts			
Pier 30	No Impacts			
Pier 31	No Impacts			
Pier 32	No Impacts			
Pier 33	No Impacts			
Pier 34	No Impacts			
Pier 35	No Impacts			
Pier 36	No Impacts			
Pier 37	No Impacts			
Pier 38	No Impacts			
Pier 39	No Impacts			
Pier 40	No Impacts			
MNDNR Public Water Impacts			15,040	0.35
USACE Impacts			22,060	0.51

Red indicates the pier is within a MNDNR Public Water

## Permit Modification No. 2

Table 1: Causeway Widening Impacts

Location	Length of fill along Causeway	Extension into Wetland (feet)	Impacts (sf)	Impacts (acres)
Pier 1 to 12	977	12	11,724	0.27
Pier 12 to 27	1,440	12	17,280	0.40
Pier 27 to 37	822	12	9,864	0.23
MNDNR Public Water Impacts			17,280	0.40
USACE Impacts			38,868	0.89

Red indicates the pier is within a MNDNR Public Water