



US Army Corps  
of Engineers  
St Paul District

# Public Notice

**APPLICANT:** Tim Erickson,  
Lake of the Woods  
Public Works  
Department

**ISSUED:** February 13, 2014  
**EXPIRES:** March 14, 2014

**REFER TO:** 2013-02742-CLJ

**SECTION:**404 - Clean Water Act

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1. APPLICATION FOR PERMIT TO discharge dredged and fill material into approximately 30.66 acres of unnamed wetlands for the reconstruction of 12.55 miles of County State Aid Highway (CSAH) 17 (SP 039-617-008) from the Junction with State Highway 11 to Lake of the Woods in Lake of the Woods County, Minnesota.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Mr. Tim Erickson  
Lake of the Woods Public Works Department  
306 8<sup>th</sup> Avenue  
Baudette, Minnesota 56623

PROJECT LOCATION:

T. 161N., R 34W., Section 6;  
T. 161N., R 35W., Section 1;  
T. 162N., R 34W., Sections 6, 7, 18, 19, 30, 31;  
T. 162N., R 35W., Sections 1, 12, 13, 24, 36;  
T. 163N., R 34W., Sections 8, 17, 19, 20, 29, 30, 31;  
T. 163N., R 35W., Sections 8, 17, 19, 20, 29, 30, 31

The approximate decimal degrees for this project begin at Latitude 48.8002 and Longitude -95.0903 and end at Latitude 48.9595 and Longitude -95.0677.

**DESCRIPTION OF PROJECT:** The applicant proposes to reconstruct approximately 12.55 miles of CSAH 17 from State Highway 11 to near Lake of the Woods in Lake of the Woods County, Minnesota. Currently, CSAH 17 is a rural, two lane bituminous surfaced road with two – 11-foot wide driving lanes, 3-foot wide shoulders, 3:1 (H:V) inslopes, and variable width roadside ditches.

The applicant proposes to reconstruct CSAH 17 to minimum design standards for a roadway with a projected ADT of 381 vehicles per day. The reconstruction would include road surface reconstruction, shoulder widening, replacement of roadside ditches, and flattening of side slopes. The project as proposed would create 12-foot wide driving lanes with 2-foot wide paved shoulders and 4-foot wide aggregate shoulders at a 55 mph design speed. Roadway inslopes would be constructed at 4:1 (H:V) with a variable ditch bottom and backslopes. State Aid 8820.9920 Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects for this category of projected ADT indicate

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a minimum lane width of 12 feet; minimum shoulder width of 4 feet; inslope of 4:1; clear zone of 15 feet; and a design speed of 40-60 MPH with a paved surface. The project as proposed exceeds the minimum design standards established by State Rule. The applicant has indicated the wider shoulders are necessary due to the high volume of agricultural related traffic using the roadway.

The applicant proposes to construct ditches along the majority of the roadway. The applicant has indicated that the ditch will be graded to approximately the same elevations as the 1963 grading plan. Ditch bottom elevations will be built to within one foot of the existing elevation to limit lateral effects where the ditches are constructed in wetlands. The applicant has also identified the use of broken inslopes where possible to reduce fill impacts into wetlands.

A more detailed set of design plans are available by contacting the St. Paul District, Corps of Engineers, Bemidji Regulatory Field Office at (651) 290-5337.

The Federal Highway Administration (FHWA), Minnesota Division, and the Minnesota Department of Transportation (MnDOT) have developed a programmatic agreement (PA) to describe the policy and procedures to demonstrate compliance with the National Environmental Policy Act (NEPA) for environmental processing of certain actions, including categorical exclusions. These are actions which are normally found to have no significant social, economic, and environmental effects. MnDOT will act in place of the FHWA in determining that federal environmental requirements for NEPA are met on the types of categorical exclusion actions identified in the PA and shall prepare the appropriate documentation. Documentation as referred to in the agreement is the appropriate engineering and environmental documentation required for a federally funded highway project. The Corps will utilize the information in the NEPA document to assist in the permit evaluation process.

**QUANTITY, TYPE, AND AREA OF FILL:** Approximately 30.66 acres of aquatic resource would be impacted due to activities associated with the reconstruction of CSAH 17. Of the 30.66 acres of total impact to aquatic resources, 23.65 acres of impact to wetlands would be permanent (fill and excavation) and 5.02 acres of impact would be temporary. Reconstruction activities would also impact approximately 1.99 acres of ditches exhibiting wetland characteristics which have been excavated in upland areas.

Fill impacts associated with road widening include 6.78 acres of fresh wet meadow (Type 2) wetland, 1.39 acres of shrub-carr (Type 6) wetland, and 1.30 acres of wooded swamp (Type 7) wetland.

Excavation impacts with construction of roadside ditches include 10.89 acres of fresh wet meadow (Type 2) wetland, 1.78 acres of shrub-carr (Type 6) wetland, and 1.51 acres of wooded swamp (Type 7) wetland.

Temporary stockpiling of soil in area beyond the top of the backslope would temporarily impact approximately 5.02 acres of wetlands.

**VEGETATION IN AFFECTED AREA:** The project corridor is dominated by fresh wet meadow (Type 2) wetland, shrub-carr (Type 6) wetland, and wooded swamp (Type 7) wetland.

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Fresh wet meadows are poorly drained, shallow depressions that typically have standing water only during floods or snowmelt. Fresh wet meadows often form a transition between aquatic communities and upland areas, and are dominated by forbs, grasses, and sedges. Plant species found in the the fresh wet meadow basins along the project corridor include reed canary grass, fowl bluegrass, and cattails species.

Shrub-carrs include wetland plant communities composed of tall, deciduous shrubs growing on saturated or seasonally flooded soils. Plant species found in shrub-carr wetlands along the project corridor include balsam poplar, autumn willow, and sandbar willow.

Hardwood swamps are dominated by mature conifers and lowland hardwood trees and have soils that are saturated during much of the growing season, and may be inundated by as much as a foot of standing water. Vegetation species identified in wooded swamps throughout the project corridor include balsam fir and black ash.

**PROPOSED MITIGATION:** The applicant proposes to provide compensatory mitigation for wetland impacts through the debit of credits from the BWSR Road Replacement Program mitigation bank. Areas of temporary impacts to wetlands will be restored to previous conditions and elevations and the area will be seeded with an appropriate seed mix.

**SOURCE OF FILL MATERIAL:** The applicant has indicated that fill material would be clean material either excavated on site or purchased from commercial sources.

**SURROUNDING LAND USE:** There are numerous residences located along the roadway corridor. Much of the land use along the roadway is agriculture and pasture, or forested. The existing roadway is used primarily by local residents and farmers.

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

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** Best Management Practices, contained in the Minnesota Department of Transportation standard specifications, would be followed to reduce erosion and protect water quality. The applicant would be required to prepare a Storm Water Pollution Prevention Plan, as this proposal would disturb greater than one acre of soil.

### **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 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.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, portions of Lake of the Woods County are 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) <i>Lynx canadensis</i>	Northern forests
Piping plover (T) <i>Charadrius melodus</i>	Sandy beaches, islands

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/Missions/Regulatory.aspx>.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b)(1) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: **WCA, MPCA**

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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.

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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.

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.

Jeffrey M. Olson  
Chief, Northwest Section

Enclosures

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

# CSAH 17 Reconstruction Project (2013-02742-CLJ)

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Area Enlarged

Project Begin

Project End

Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

## Legend

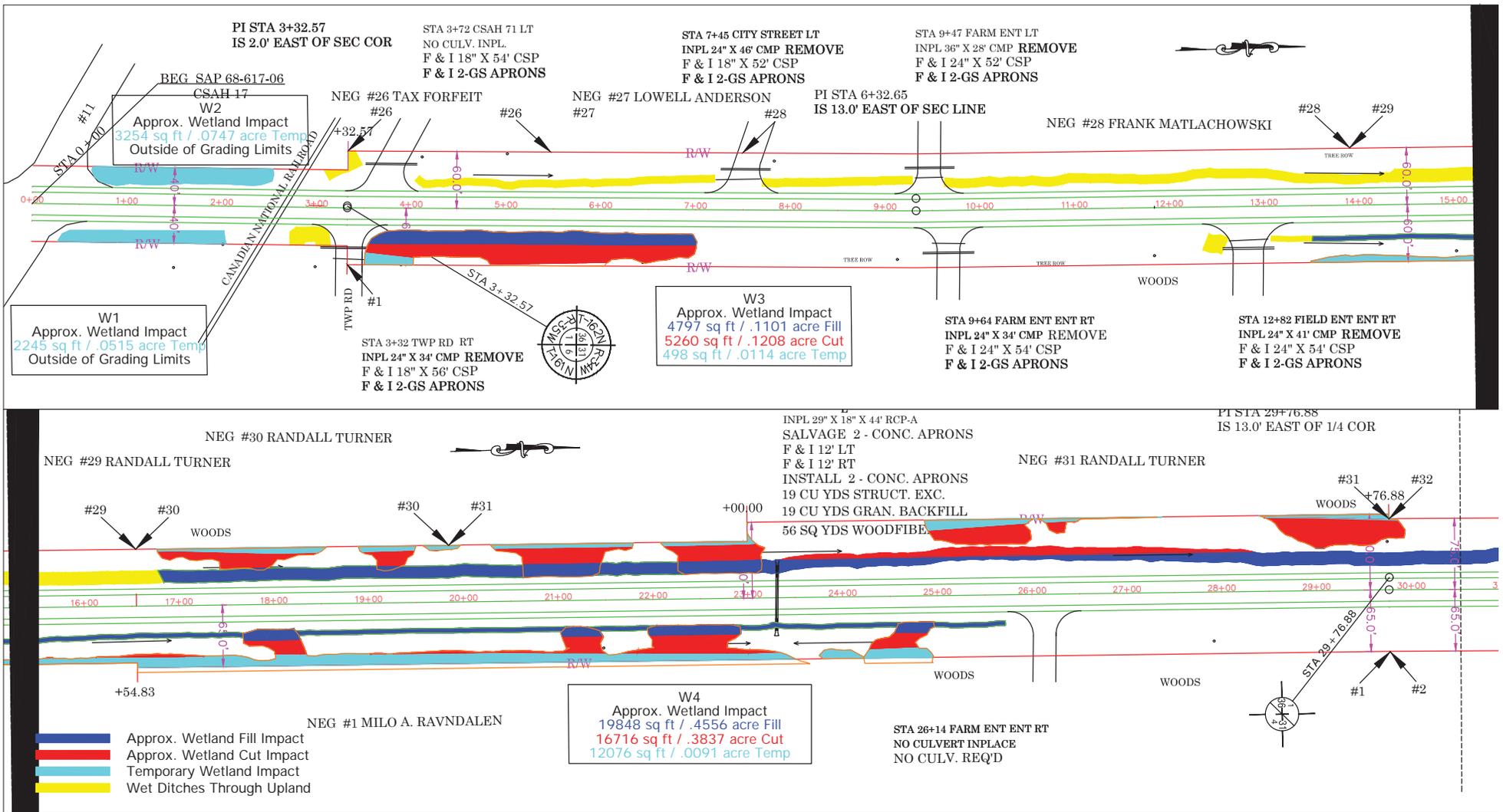
- Wetland Impact
- Reconstruction Project

## Overview of Proposed Wetland Impacts



More detailed plan sheets are available. please contact the Regulatory Project Manager listed in the Public Notice for more information.

ORIGINAL IN COLOR



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PROFESSIONAL ENGINEER:

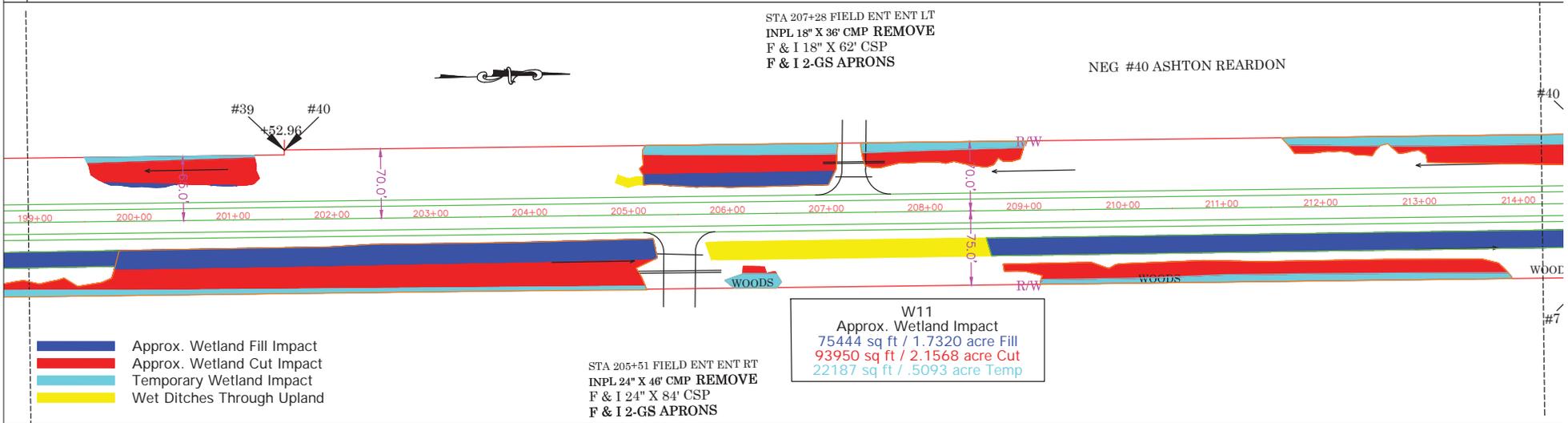
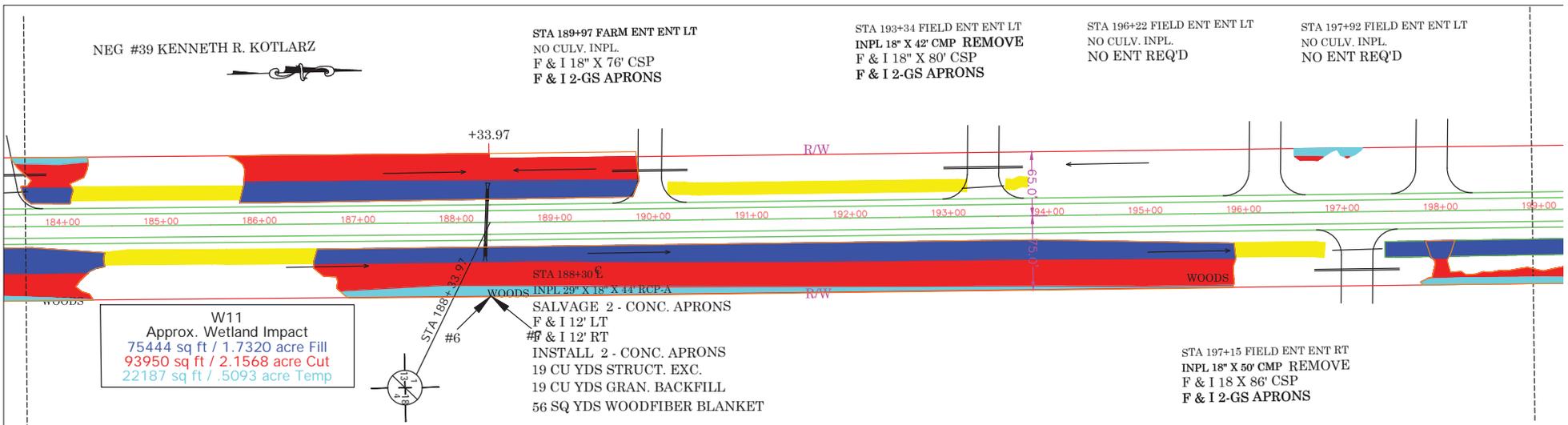
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DATE 2013

SHEET NO. 1 OF 22 SHEETS

STATE PROJ. NO. 068-017-06 LAKE OF THE WOODS COUNTY

ORIGINAL IN COLOR



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PROFESSIONAL ENGINEER:

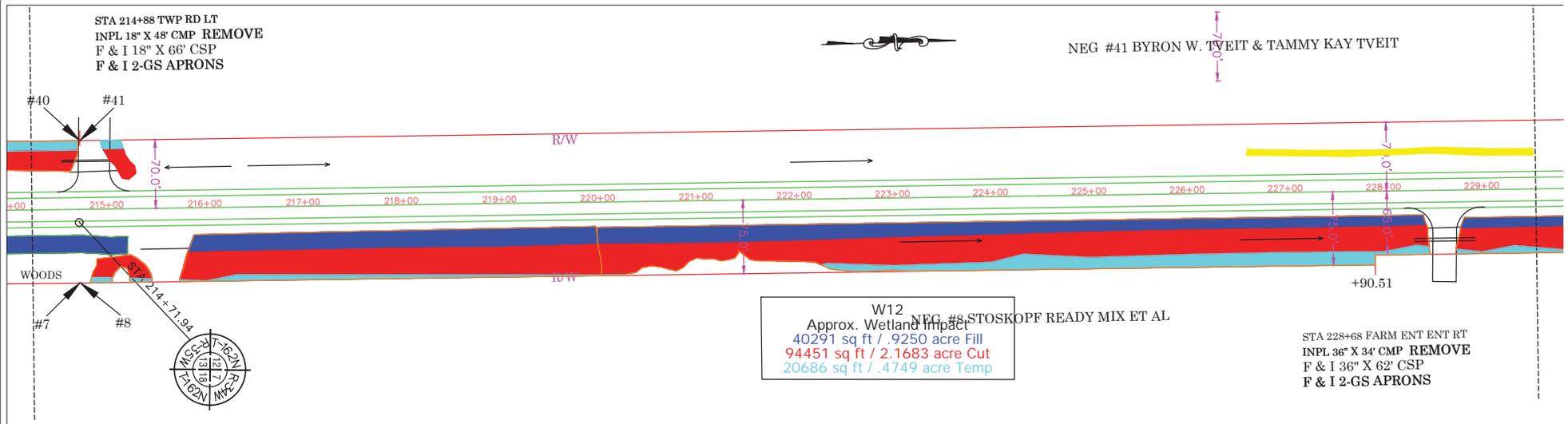
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DATE 2013

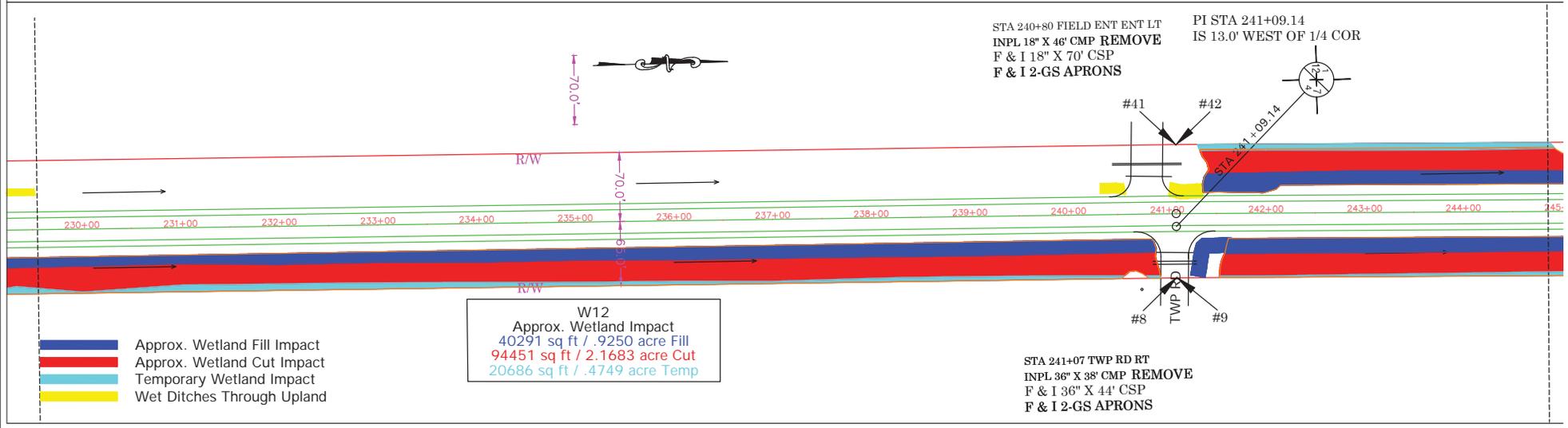
SHEET NO. 7 OF 22 SHEETS

STATE PROJ. NO. 068-017-06 LAKE OF THE WOODS COUNTY

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W12  
 Approx. Wetland Impact  
 40291 sq ft / .9250 acre Fill  
 94451 sq ft / 2.1683 acre Cut  
 20686 sq ft / .4749 acre Temp

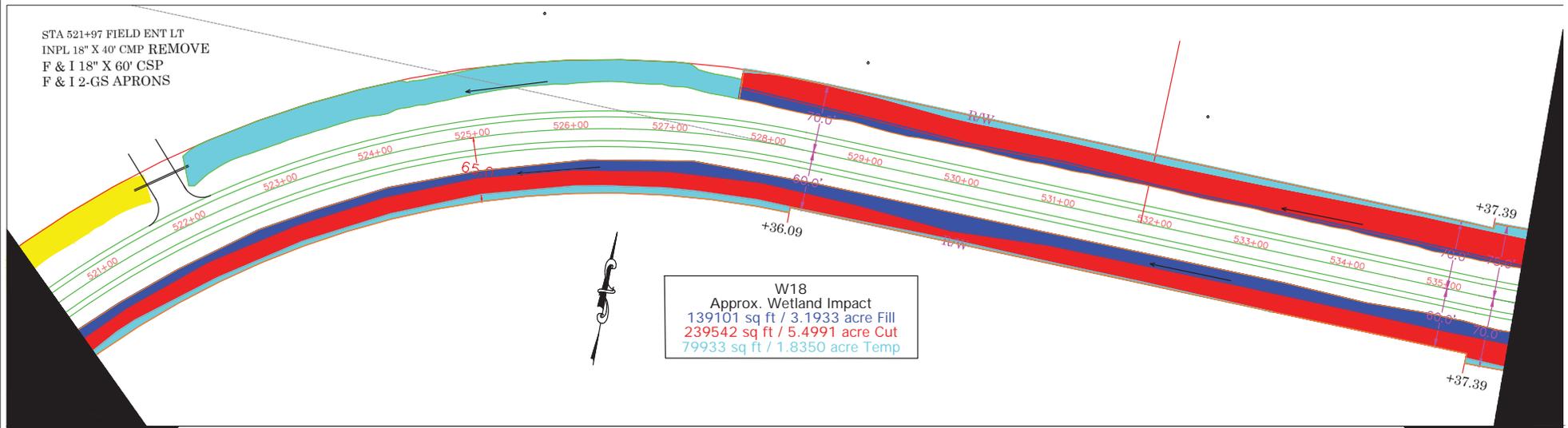


W12  
 Approx. Wetland Impact  
 40291 sq ft / .9250 acre Fill  
 94451 sq ft / 2.1683 acre Cut  
 20686 sq ft / .4749 acre Temp

- Approx. Wetland Fill Impact
- Approx. Wetland Cut Impact
- Temporary Wetland Impact
- Wet Ditches Through Upland

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STA 521+97 FIELD ENT LT  
INPL 18" X 40' CMP REMOVE  
F & I 18" X 60' CSP  
F & I 2-GS APRONS

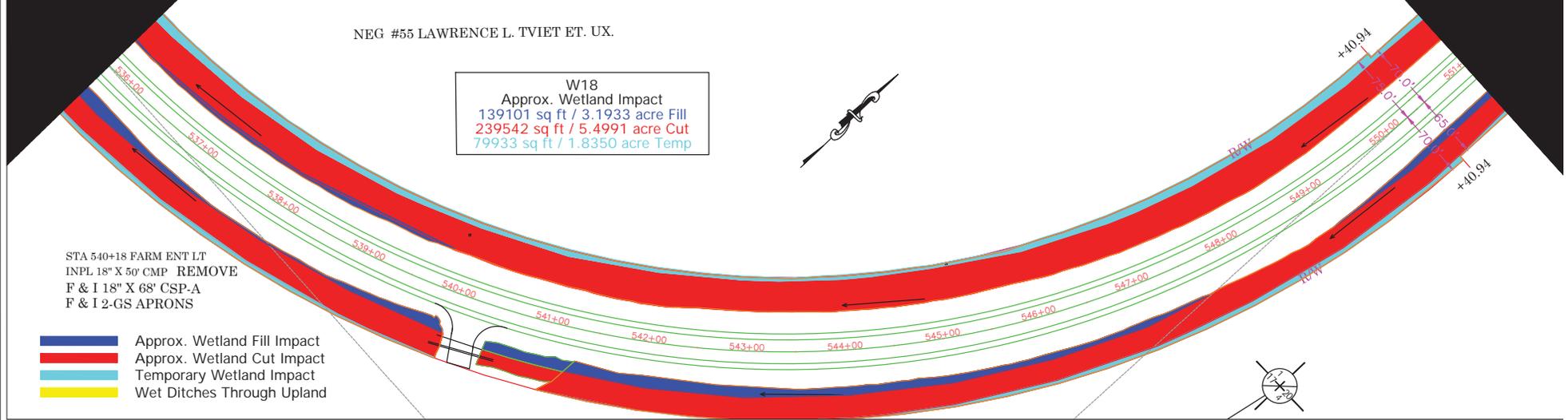


W18  
Approx. Wetland Impact  
139101 sq ft / 3.1933 acre Fill  
239542 sq ft / 5.4991 acre Cut  
79933 sq ft / 1.8350 acre Temp

NEG #55 LAWRENCE L. TVIET ET. UX.

W18  
Approx. Wetland Impact  
139101 sq ft / 3.1933 acre Fill  
239542 sq ft / 5.4991 acre Cut  
79933 sq ft / 1.8350 acre Temp

STA 540+18 FARM ENT LT  
INPL 18" X 50' CMP REMOVE  
F & I 18" X 68' CSP-A  
F & I 2-GS APRONS



- █ Approx. Wetland Fill Impact
- █ Approx. Wetland Cut Impact
- █ Temporary Wetland Impact
- █ Wet Ditches Through Upland

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PROFESSIONAL ENGINEER:

LIC. NO. 47613

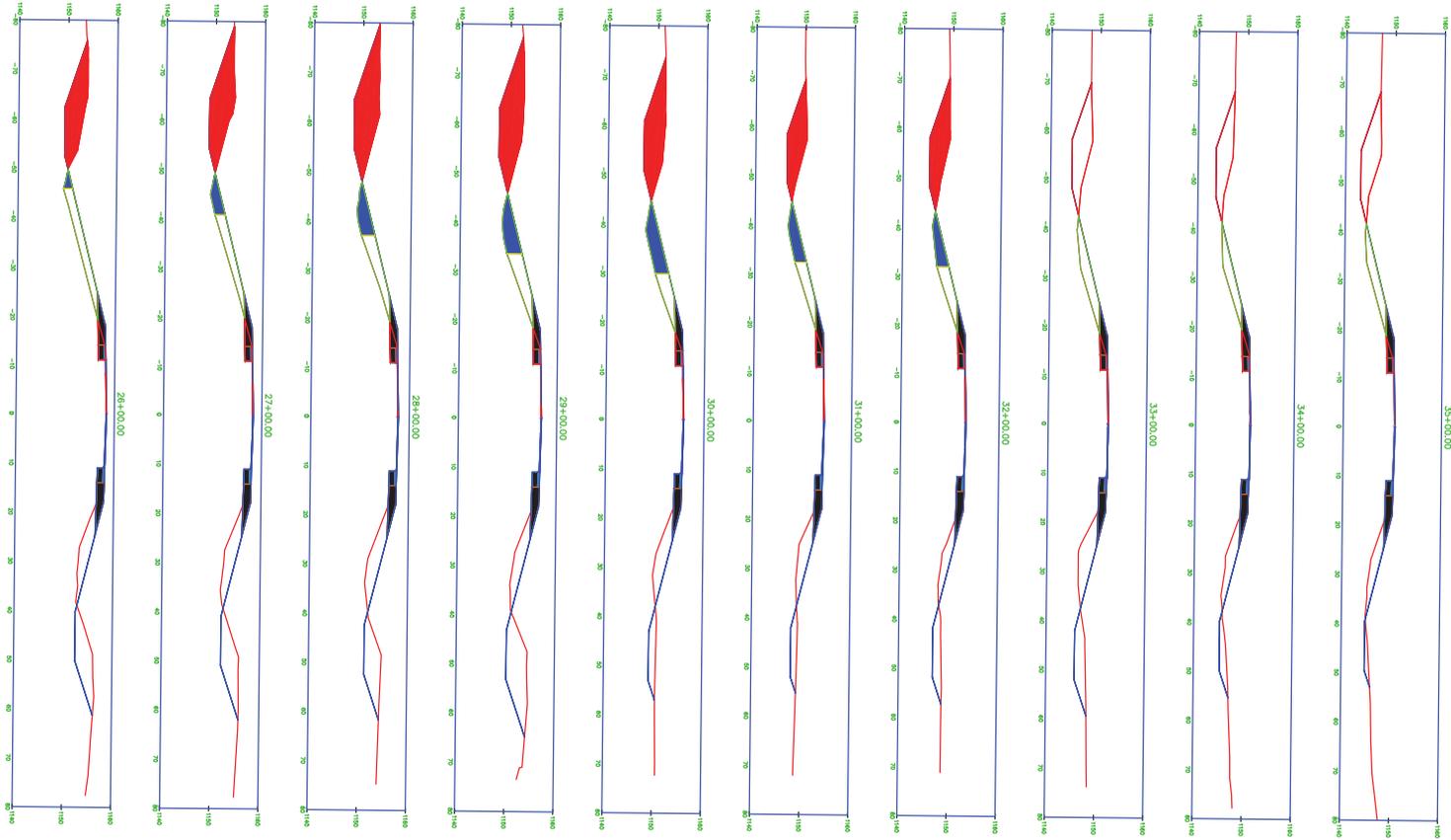
DATE 2013

SHEET NO. 18 OF 22 SHEETS

STATE PROJ. NO. 068-017-06 LAKE OF THE WOODS COUNTY

ORIGINAL IN COLOR

\*Subset of Cross-Sections



Wetland Impact - Fill  
 Wetland Impact - Cut

W4  
 STA 13+50 to 32+38  
 Type 2

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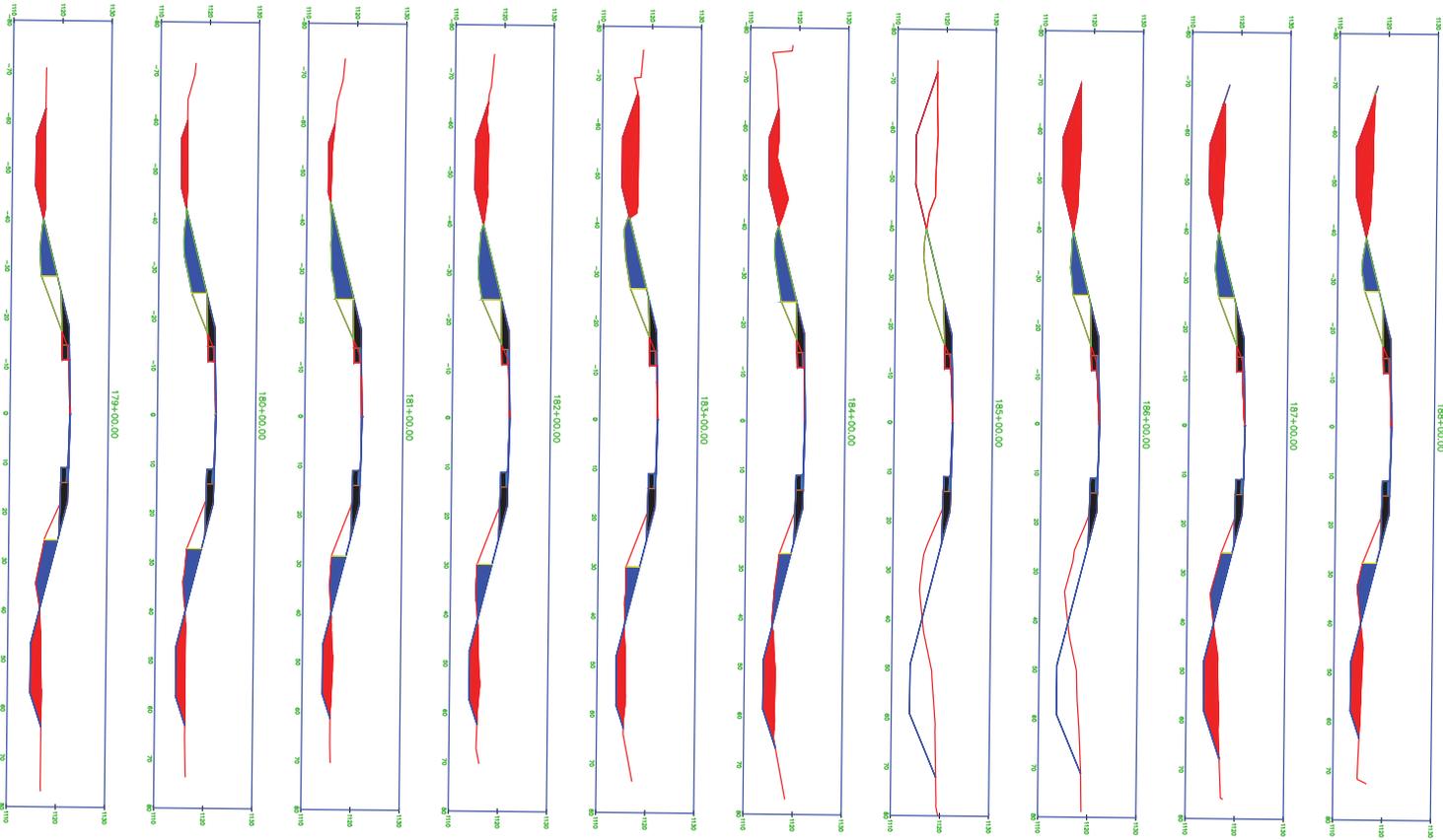
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SHEET NO. 3 OF 41 SHEETS

STATE PROJ. NO. 068-017-06 LAKE OF THE WOODS COUNTY

ORIGINAL IN COLOR

\*Subset of Cross-Sections



Wetland Impact - Fill  
 Wetland Impact - Cut

W11  
 STA 178+30 to 215+47  
 Type 2 & 7

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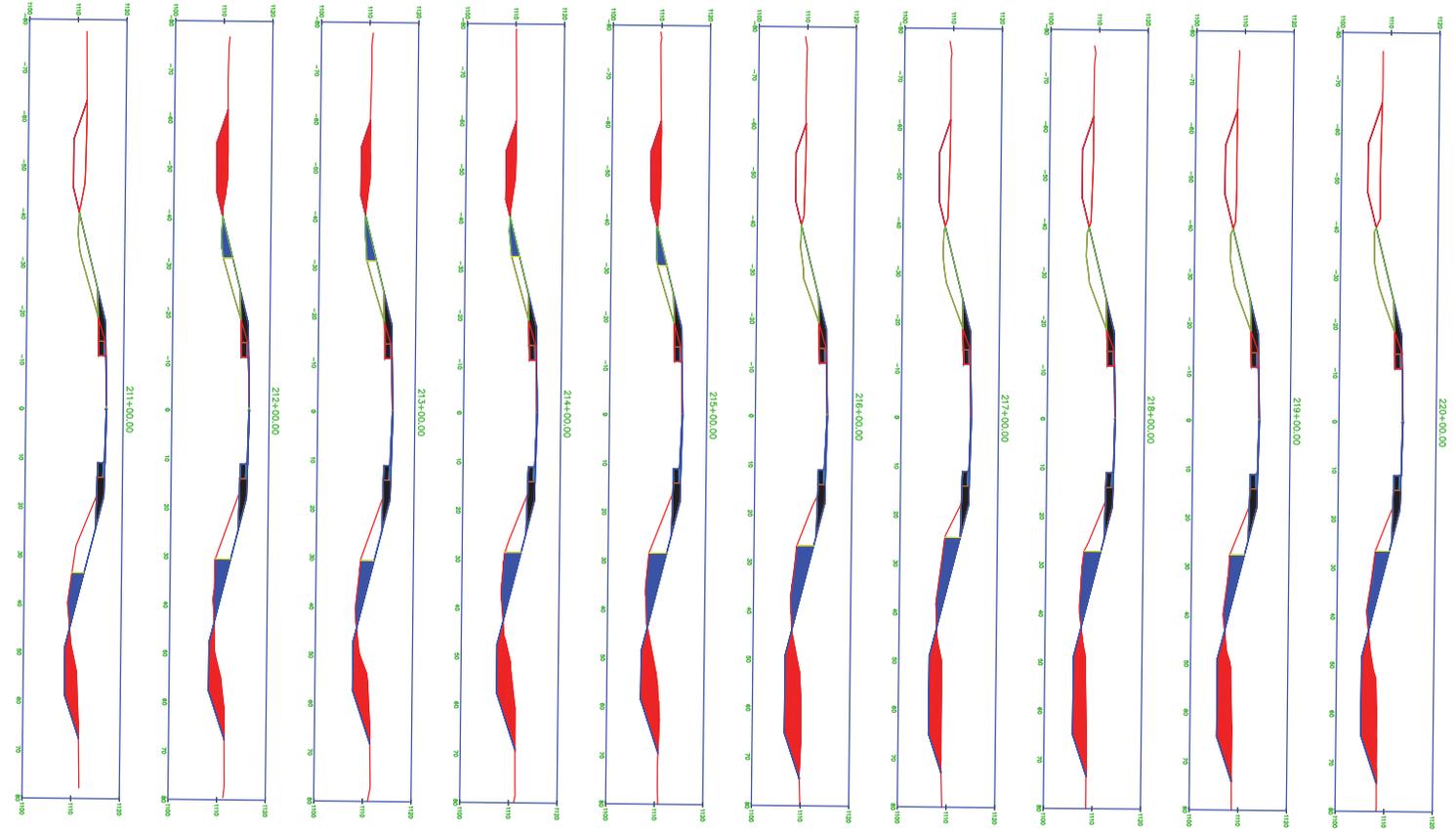
DATE 2013

SHEET NO. 12 OF 41 SHEETS

STATE PROJ. NO. 068-017-06 LAKE OF THE WOODS COUNTY

ORIGINAL IN COLOR

\*Subset of Cross-Sections



Wetland Impact - Fill  
 Wetland Impact - Cut

W11  
 STA 178+30 to 215+47  
 Type 2 & 7

W12  
 STA 215+75 to 257+61  
 Type 2

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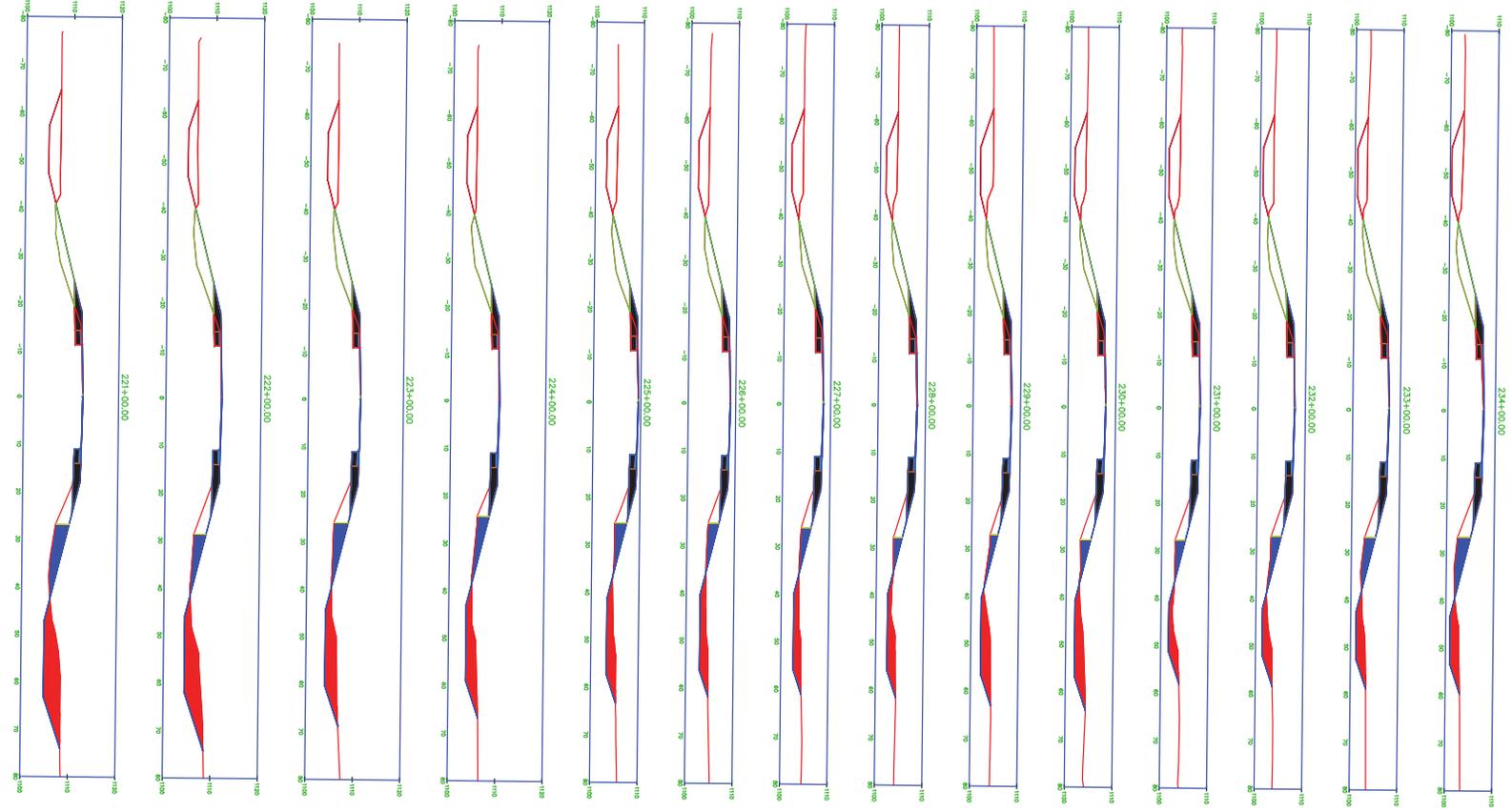
DATE 2013

SHEET NO. 15 OF 41 SHEETS

STATE PROJ. NO. 068-017-06 LAKE OF THE WOODS COUNTY

ORIGINAL IN COLOR

\*Subset of Cross-Sections



Wetland Impact - Fill  
 Wetland Impact - Cut

W12  
 STA 215 + 75 to 257 + 61  
 Type   2  

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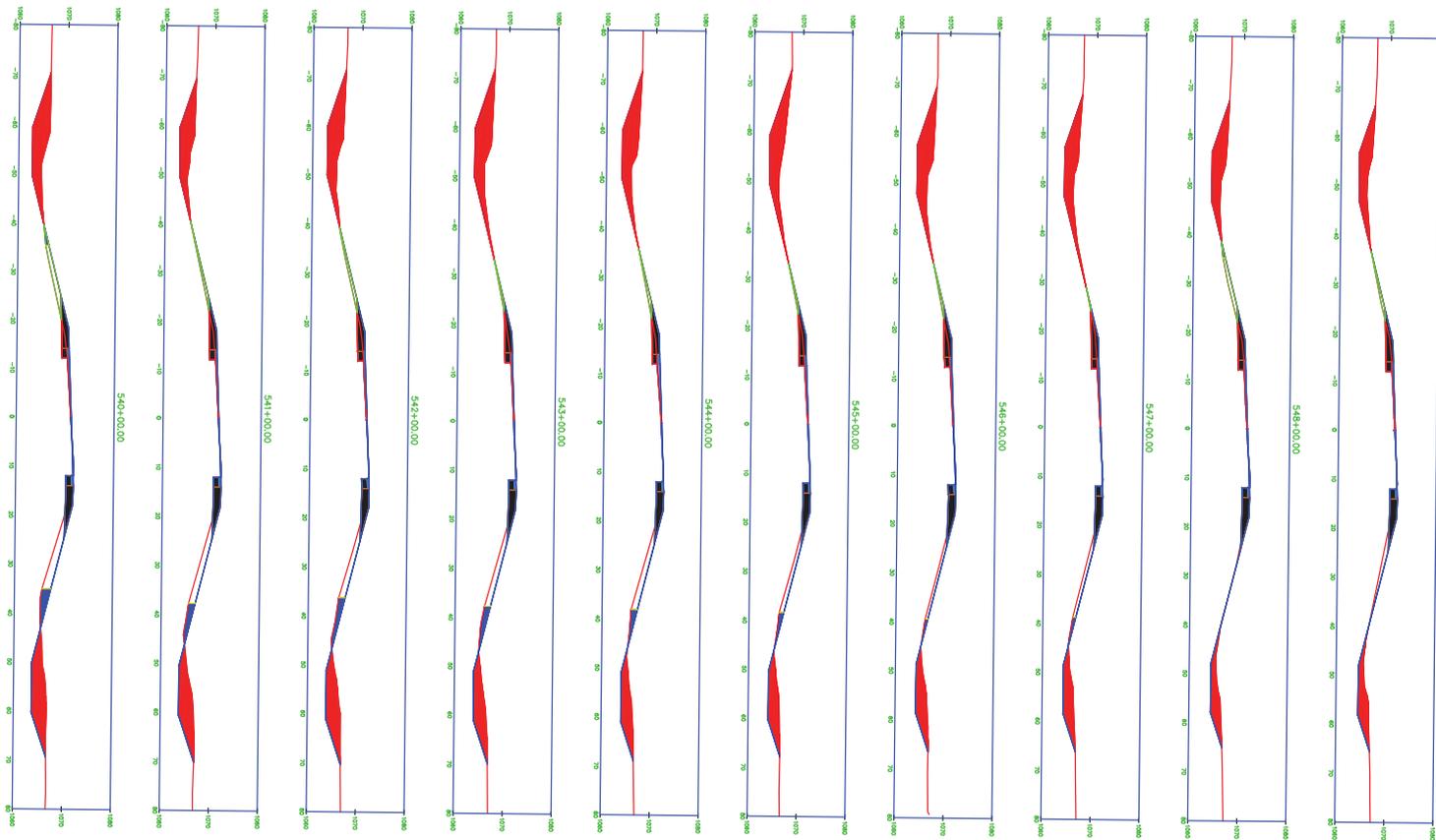
DATE 2013

SHEET NO. 16 OF 41 SHEETS

STATE PROJ. NO. 068-017-06 LAKE OF THE WOODS COUNTY

ORIGINAL IN COLOR

\*Subset of Cross-Sections



Wetland Impact - Fill  
 Wetland Impact - Cut

W18  
 STA 499+84 to 593+10  
 Type 2 & 7

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PROFESSIONAL ENGINEER:

LIC. NO 47613

DATE 2013

SHEET NO. 35 OF 41 SHEETS

STATE PROJ. NO. 068-017-06 LAKE OF THE WOODS COUNTY