US Army Corps of Engineers
St Paul District

Public Notice

APPLICANT: **Kelly Bengtson, Kittson County Highway Department**

REFER TO: **2013-02904-CLJ**

ISSUED: December 3, 2013
EXPIRES: January 3, 2014

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into approximately 18.78 acres of unnamed wetlands for the reconstruction of 4.0 miles of County State Aid Highway (CSAH) 14 from the Junction with CSAH 7 to the Junction with CSAH 10 in Kittson County, Minnesota.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Mr. Kelly Bengtson
Kittson County Highway Department
401 2nd Street Soutwest
Hallock, Minnesota 56728

PROJECT LOCATION:
The project site is located in Sections 1, 12, 13 & 24, T. 160N., R 46W., and Sections 6, 7, 18 & 19, T. 160N., R. 45W., Kittson County, Minnesota.

The approximate decimal degrees for this site begin at Latitude 48.659 and Longitude -96.518 and end at Latitude 48.717 and Longitude -96.517.

DESCRIPTION OF PROJECT: The applicant proposes to reconstruct approximately 4 miles of CSAH 14 from the Junction with CSAH 7 to the Junction with CSAH 10 in Kittson County, Minnesota. Currently, CSAH 14 has a 24 to 26-foot wide aggregate driving surface and 1:3 inslopes. The upper portion of the embankment of the roadway includes large rocks and frost boils which create unsafe driving conditions, especially during the spring thaw.

The applicant proposes to remove the large rocks and peat soils from the embankment and replace the unsuitable materials with granular borrow or granular common excavation materials which are less susceptible to frost heaving. Reconstruction of CSAH 14 (SAP 35-614-05) would also include constructing a 28-foot wide aggregate driving surface and 1:4 inslopes which meet minimum design standards for a roadway with an Average Daily Traffic (ADT) of 66 vehicles. State Aid 8820.9920 Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects for this category of projected ADT indicate a minimum lane width of 11 feet; minimum shoulder width of 3 feet; inslope of 1:4; clear zone of 9 feet; and a design speed of 40-60 MPH.

The reconstruction project would also include excavation of approximately 30 to 40-foot wide roadside ditches. The applicant has identified the abnormally wide roadside ditches as a cost savings measure

for obtaining material for building the flattened inslopes versus hauling in borrow material from an outside source which is cost prohibitive.

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.

QUANTITY, TYPE, AND AREA OF FILL: Approximately 18.78 acres of wetland would be impacted due to activities associated with the reconstruction of CSAH 14. Of the 18.78 acres of total impact to wetlands, 14.79 acres of impact would be permanent (fill and excavation) and 3.99 acres of impact would be temporary.

Fill impacts associated with road widening include 2.19 acres of seasonally flooded (Type 1) wetlands and 1.10 acres of shallow marsh (Type 3) wetland.

Excavation impacts associated roadside ditches for borrow material include 7.11 acres of seasonally flooded (Type 1) wetland and 4.39 acres of shallow marsh (Type 3) wetland.

There would be temporary impacts associated with this project due to soil stockpile areas beyond the top of the backslope. Estimated temporary impacts include 3.99 acres of wetlands.

VEGETATION IN AFFECTED AREA: The project corridor is dominated by seasonally flooded basin (Type 1) wetland and shallow marsh (Type 3) wetland.

Seasonally flooded basins are poorly drained, shallow depressions that typically have standing water for a few weeks each year, but are usually dry for much of the growing season. Plant species found in the seasonally flooded basins along the project corridor include marsh horsetail, cattail, American slough grass, reed canary grass, and freshwater cord grass.

Shallow marsh plant communities have soils that are saturated to inundated, by standing water up to 6 inches in depth, throughout most of the growing season. Plant species found in the shallow marsh wetlands along the project corridor include cattail, reed canary grass, and freshwater cord grass.

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 contours 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: Three residences are present along CSAH 14. The remainder of the land is mostly 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.
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/ 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 Kittson County are within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

Species	Habitat
Western Prairie Fringed Orchid (T) *Platanthera praeclara*	Wet prairies and sedge meadows

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**

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.

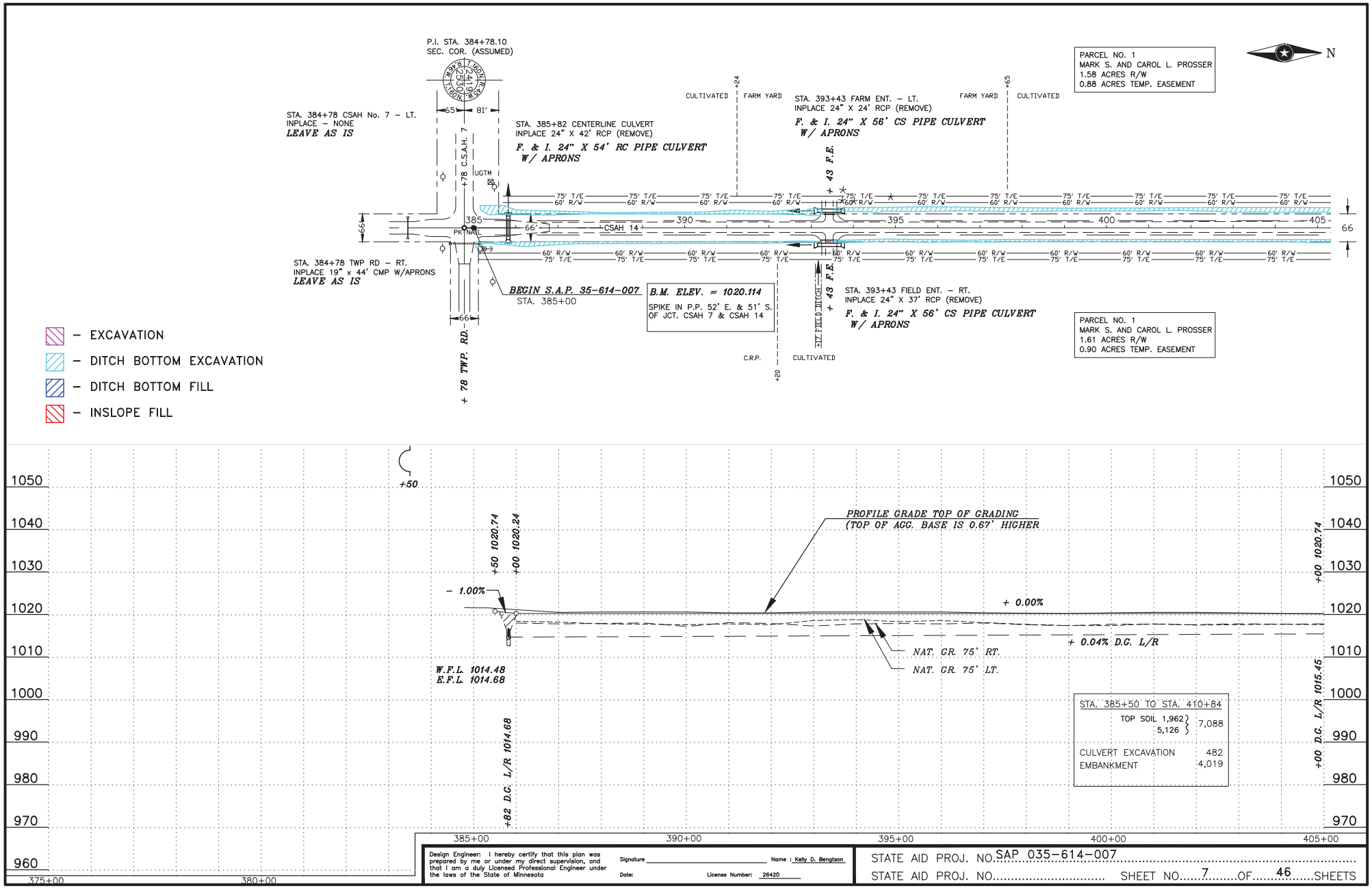
The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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, Northeast Section

Enclosures

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



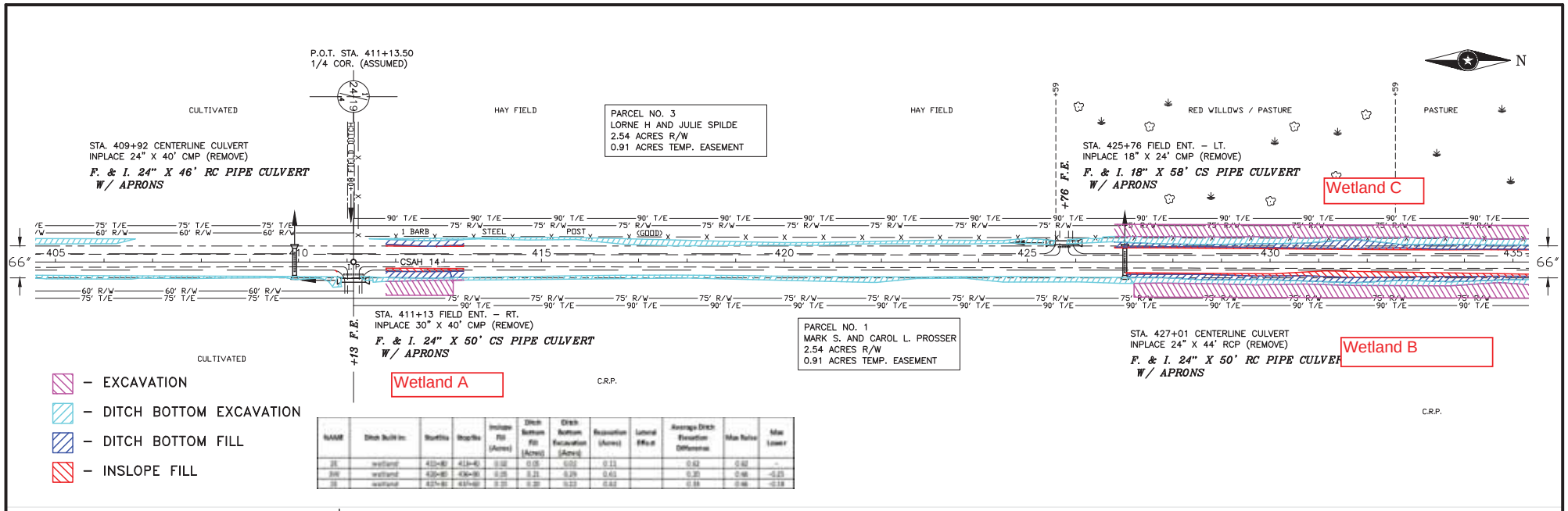
Design Engineer: I hereby certify that this plan was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Signature _____ Name : Kelly D. Bengtson

Date: License Number: 26420

STATE AID PROJ. NO. SAP 035-614-007

STATE AID PROJ. NO. ..... SHEET NO. 7 OF 46 SHEETS



NAME	Ditch Built In:	Startline	Stopline	Inslope Fill (Acres)	Ditch Bottom Fill (Acres)	Ditch Bottom Excavation (Acres)	Excavation (Acres)	Lateral Effect	Average Ditch Elevation Difference	Max Raise	Max Lower
[illegible]	wetland	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	-
[illegible]	wetland	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]
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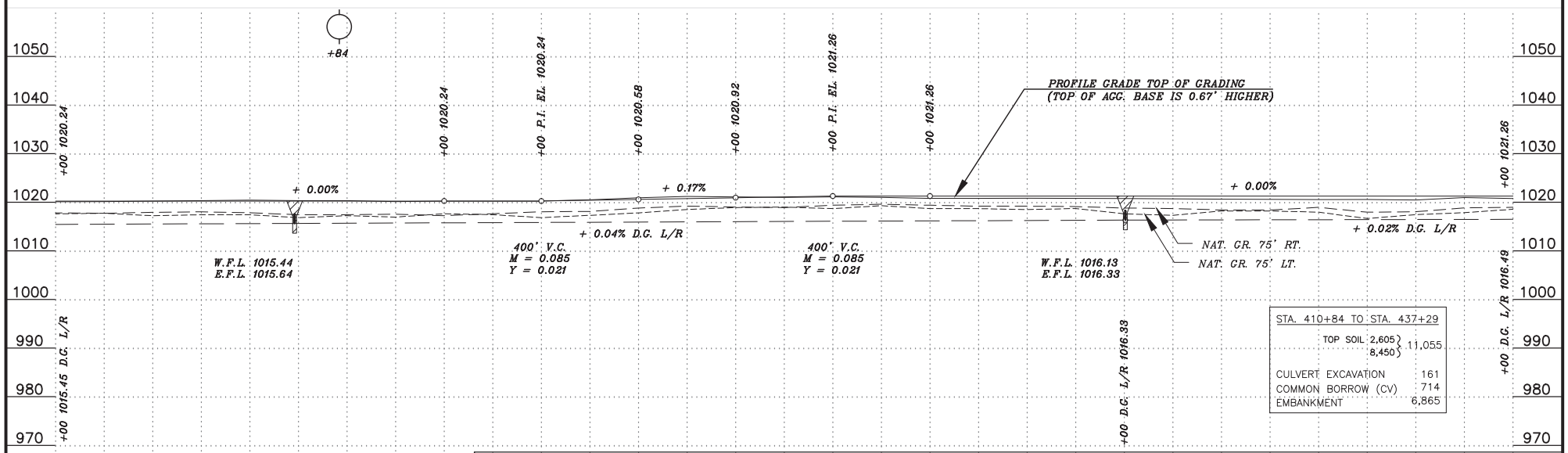

STA. 410+84 TO STA. 437+29

TOP SOIL	2,605 / 8,450	11,055
CULVERT EXCAVATION		161
COMMON BORROW (CV)		714
EMBANKMENT		6,865

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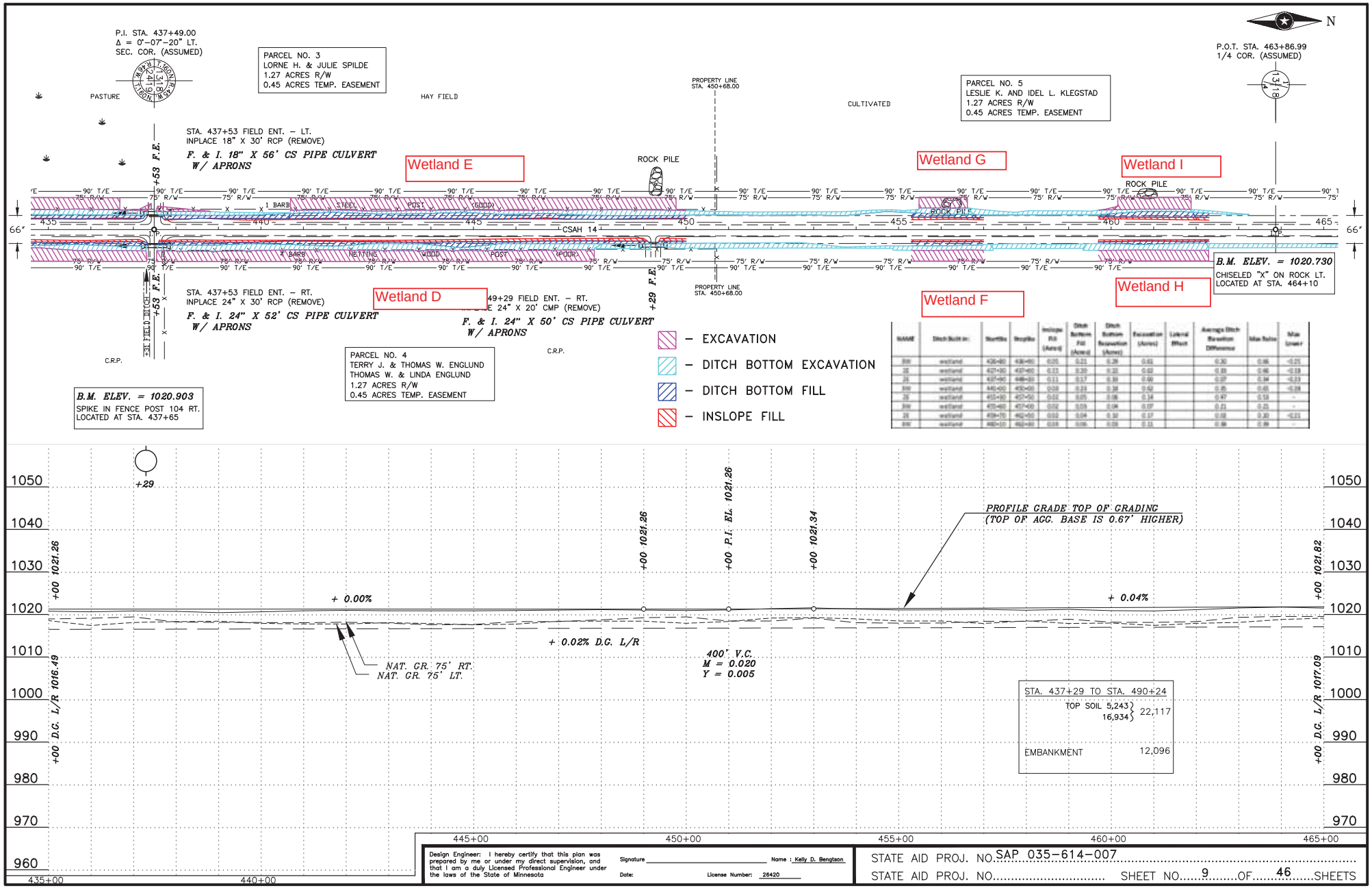

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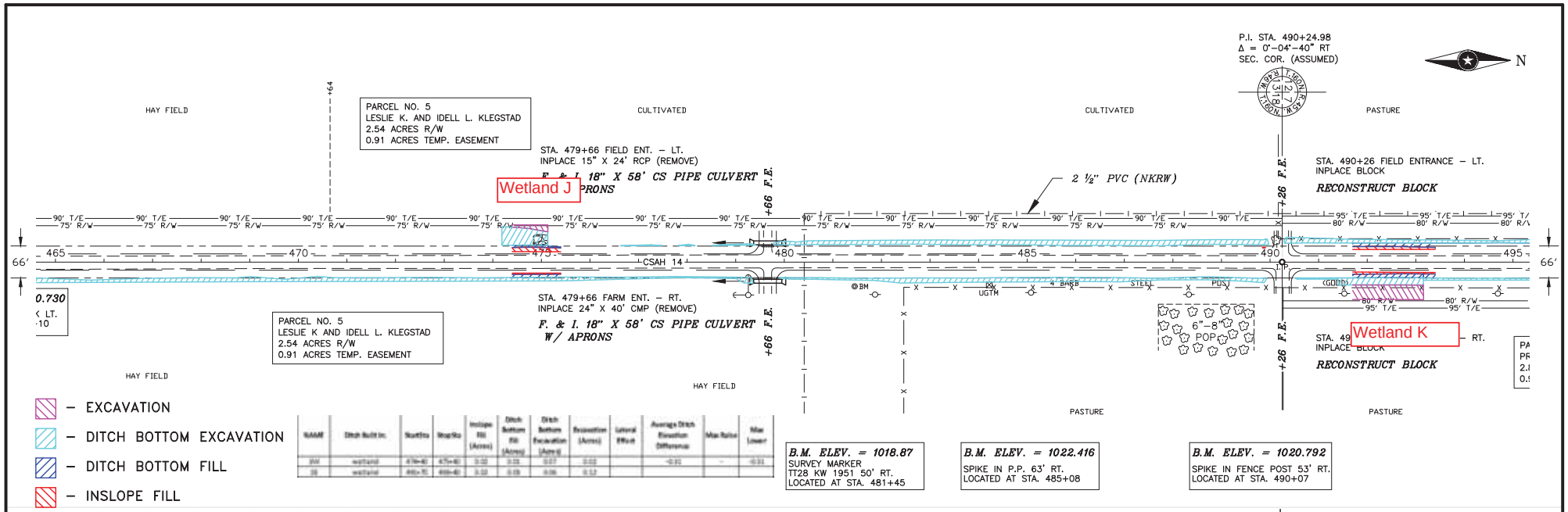

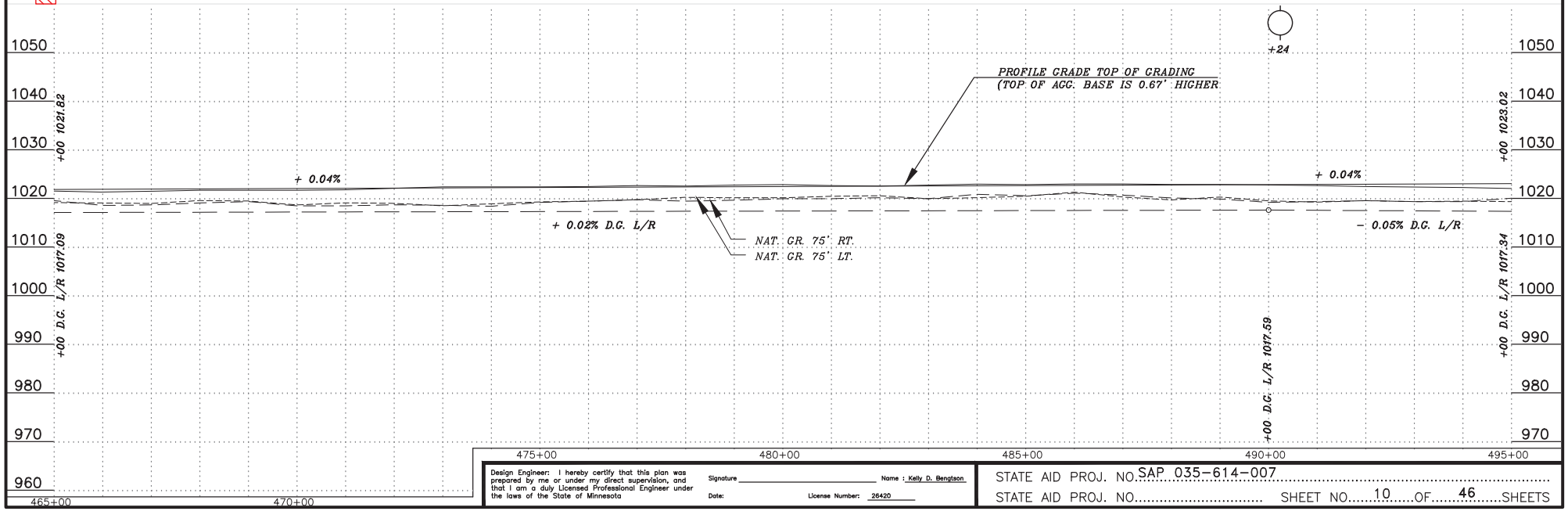

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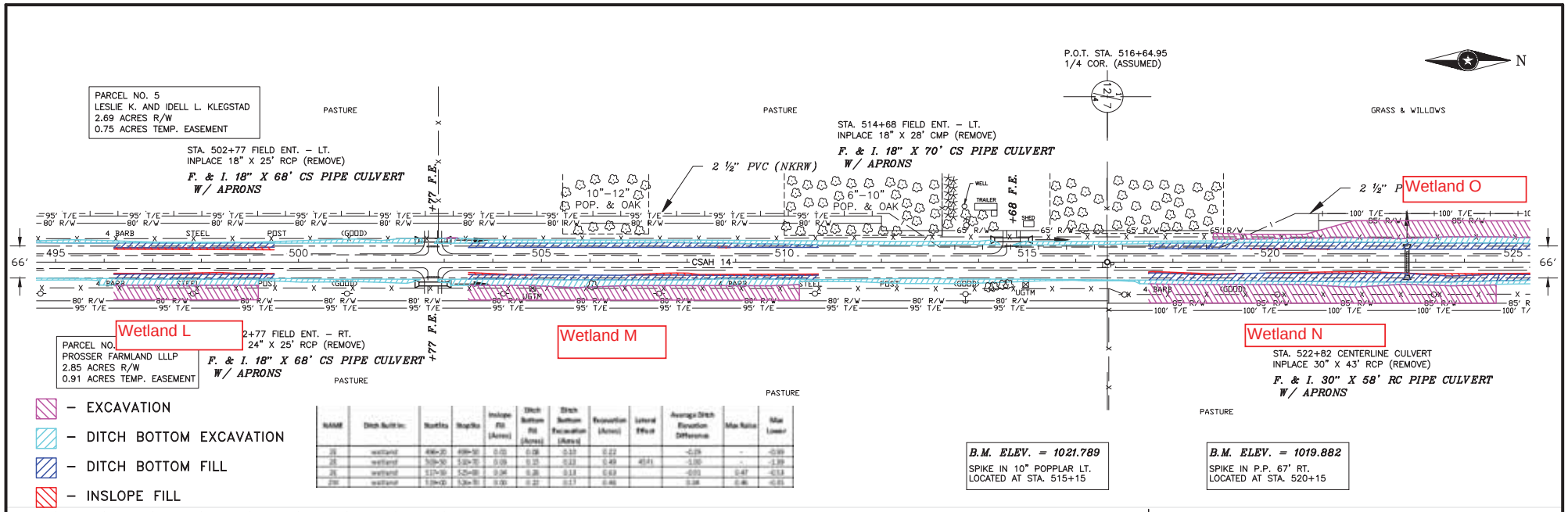
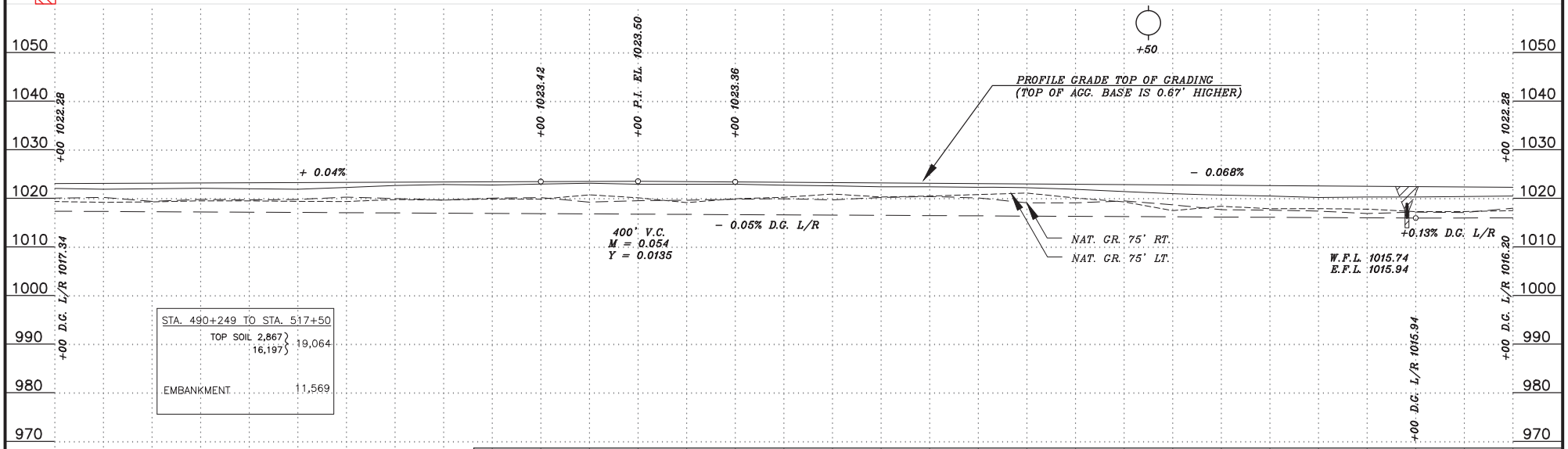


NAME	Ditch Built In:	Start Sta	Stop Sta	Inslope Fill (Acres)	Ditch Bottom Fill (Acres)	Ditch Bottom Excavation (Acres)	Excavation (Acres)	Lateral Effect	Average Ditch Elevation Difference	Max Raise	Max Lower
2E	wetland	498+20	498+50	0.01	0.08	0.10	0.22		-0.29	-	-0.99
2E	wetland	509+30	510+70	0.09	0.15	0.23	0.49	4541	-1.00	-	-1.39
2E	wetland	517+10	525+80	0.34	0.26	0.13	0.63		-0.01	0.47	-0.13
2W	wetland	519+00	520+70	0.00	0.22	0.17	0.46		0.08	0.46	-0.01



STA. 490+249 TO STA. 517+50

TOP SOIL	2,867	19,064
	16,197	
EMBANKMENT		11,569

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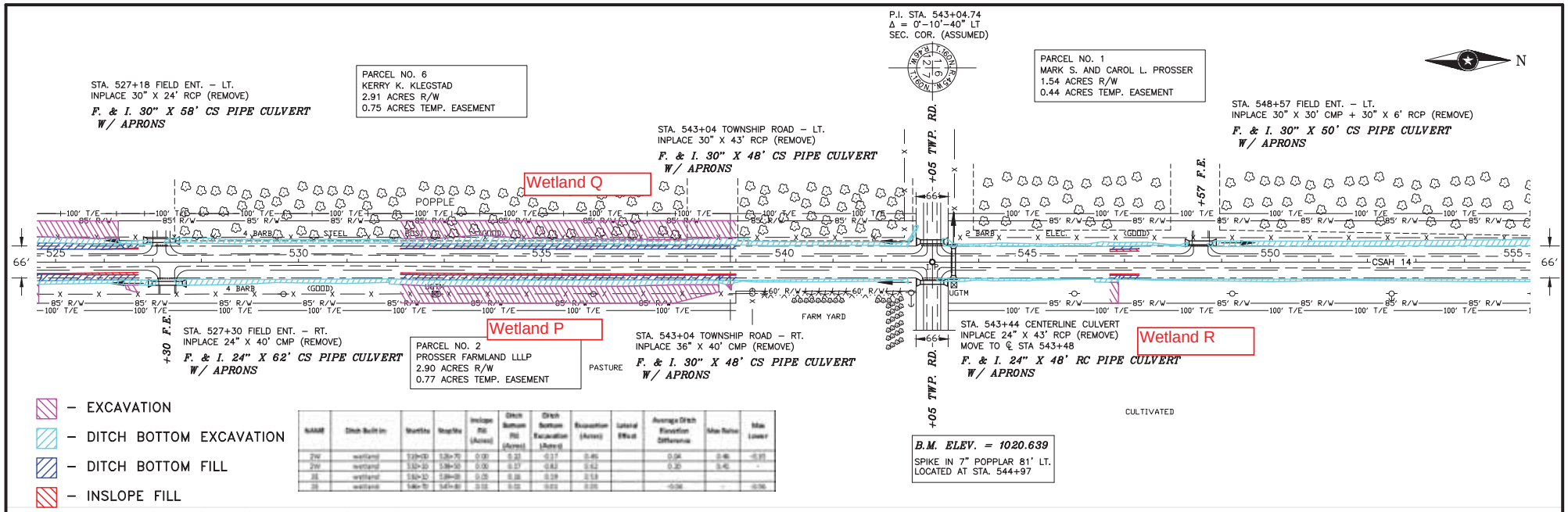

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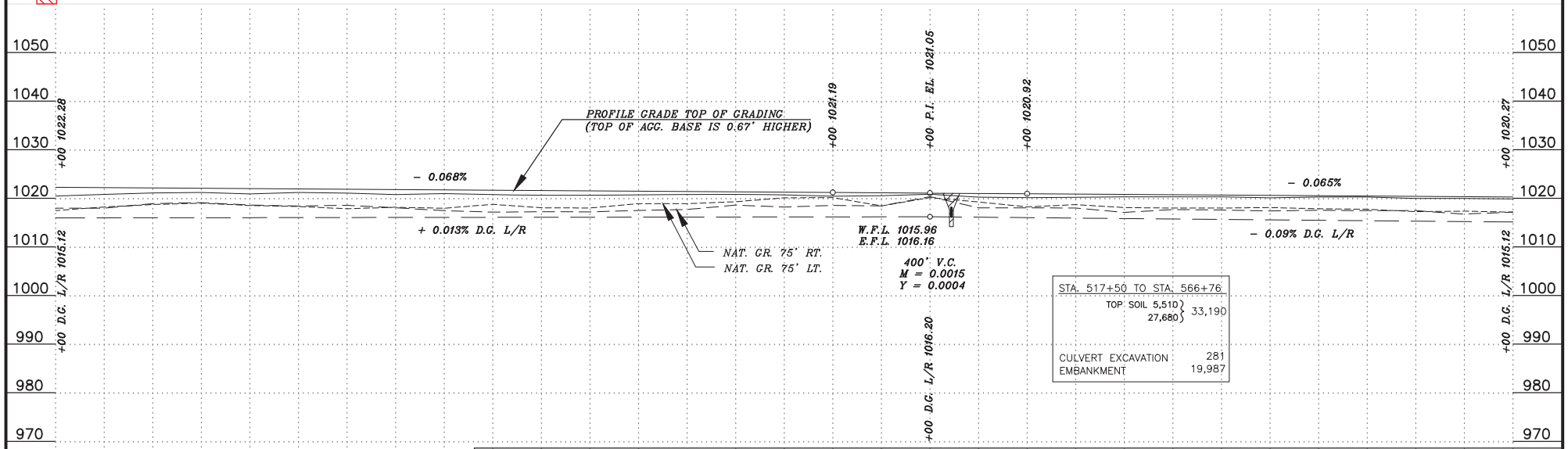

STA. 517+50 TO STA. 566+76

TOP SOIL	5,510	33,190
	27,680	
CULVERT EXCAVATION	281	
EMBANKMENT	19,987	

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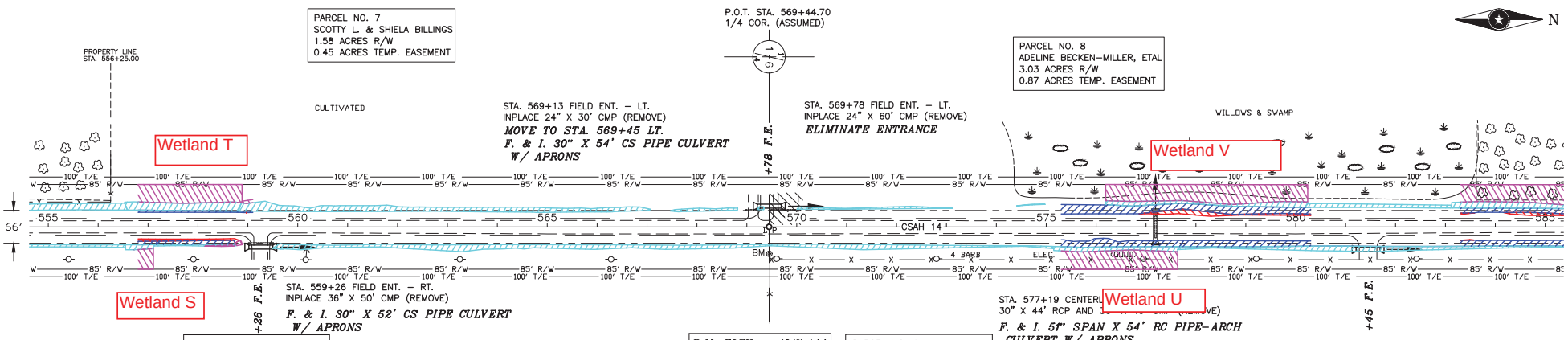

- EXCAVATION
- DITCH BOTTOM EXCAVATION
- DITCH BOTTOM FILL
- INSLOPE FILL

NAME	Ditch Built In	Startline	Stopline	Inslope Fill (Acres)	Ditch Bottom Fill (Acres)	Ditch Bottom Excavation (Acres)	Excavation (Acres)	Lateral Effect	Average Ditch Elevation Differences	Max Raise	Max Lower
[illegible]	wetland	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	-
[illegible]	wetland	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	-	[illegible]
[illegible]	wetland	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]
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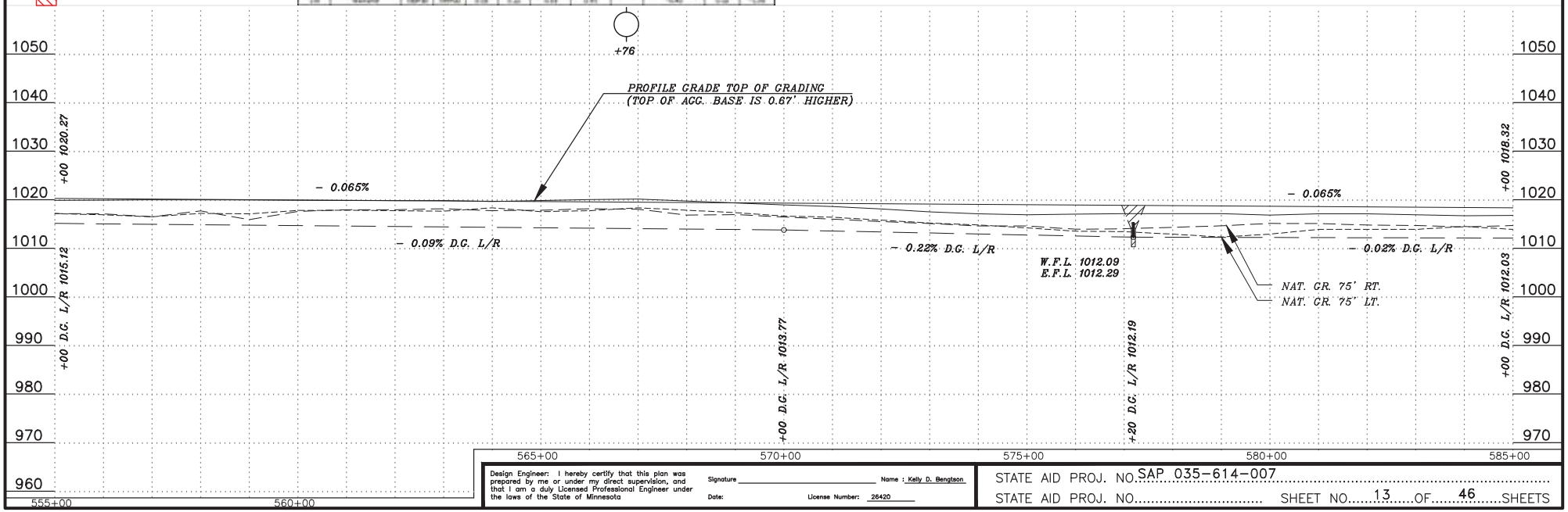
[illegible]	wetland	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]



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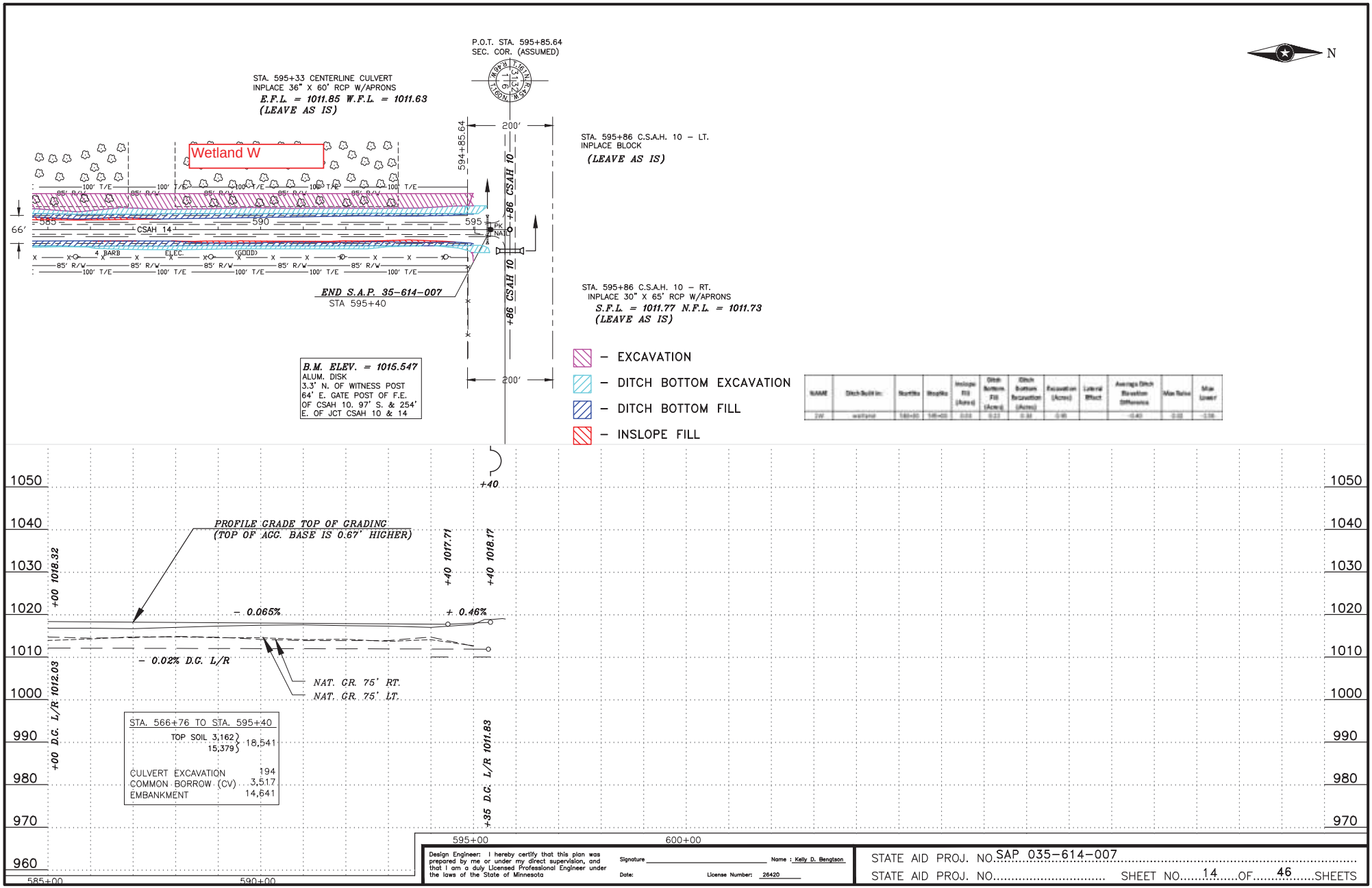

NAME	Ditch Built In:	Startlite	Stop/Ko	Inslope Fill (Acres)	Ditch Bottom Fill (Acres)	Ditch Bottom Excavation (Acres)	Excavation (Acres)	Lateral Effect	Average Ditch Elevation Difference	Max Raise	Max Lower
2W	wetland	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]

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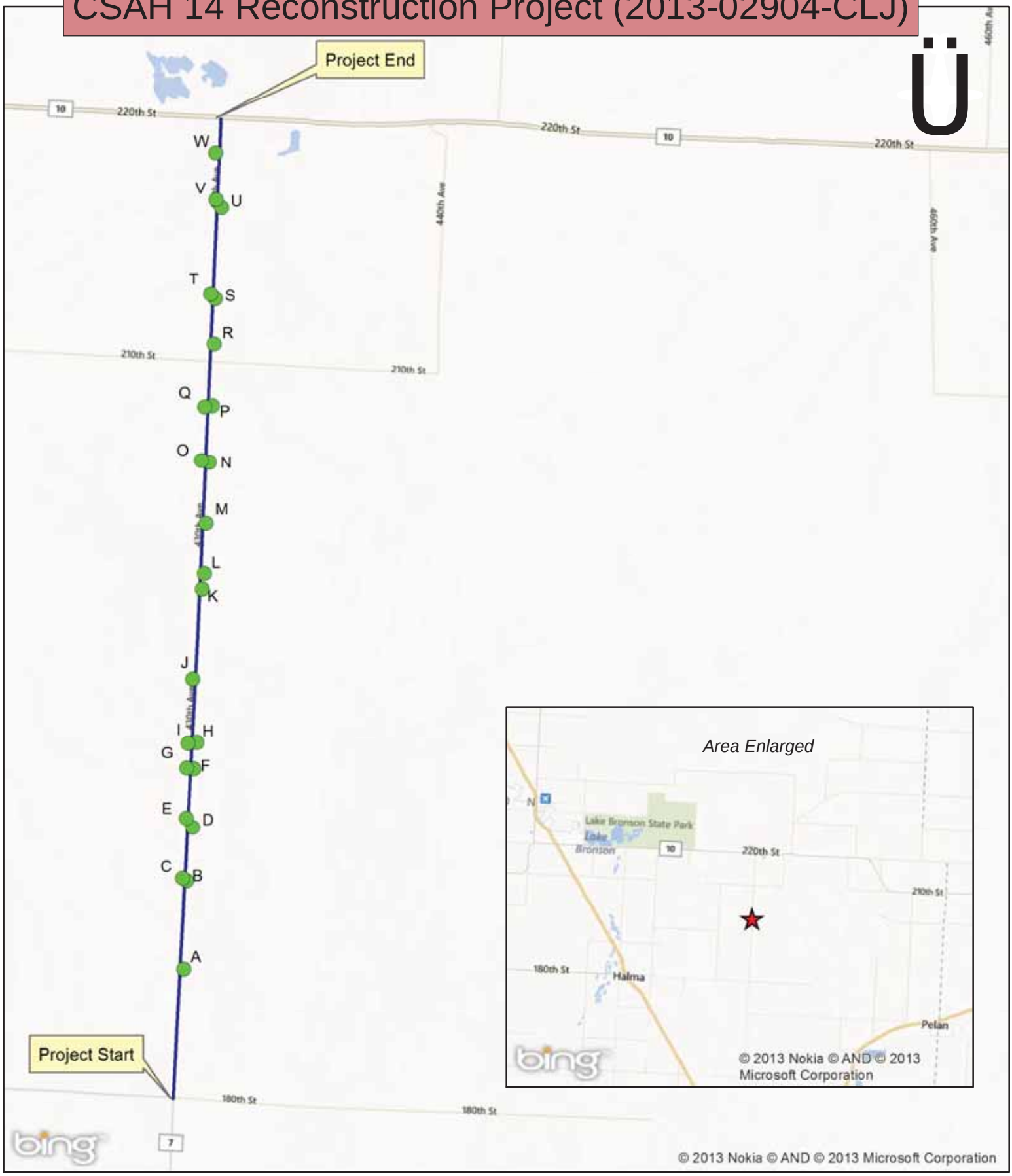
STATE AID PROJ. NO. ..... SHEET NO. 14 OF 46 SHEETS

CSAH 14 Reconstruction Project (2013-02904-CLJ)



Legend

Weltand Impact

Reconstruction Project

Overview of Proposed Wetland Impacts

0 0.5 1 Miles

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

CSAH 14 Reconstruction Project (2013-02904-CLJ)

Legend

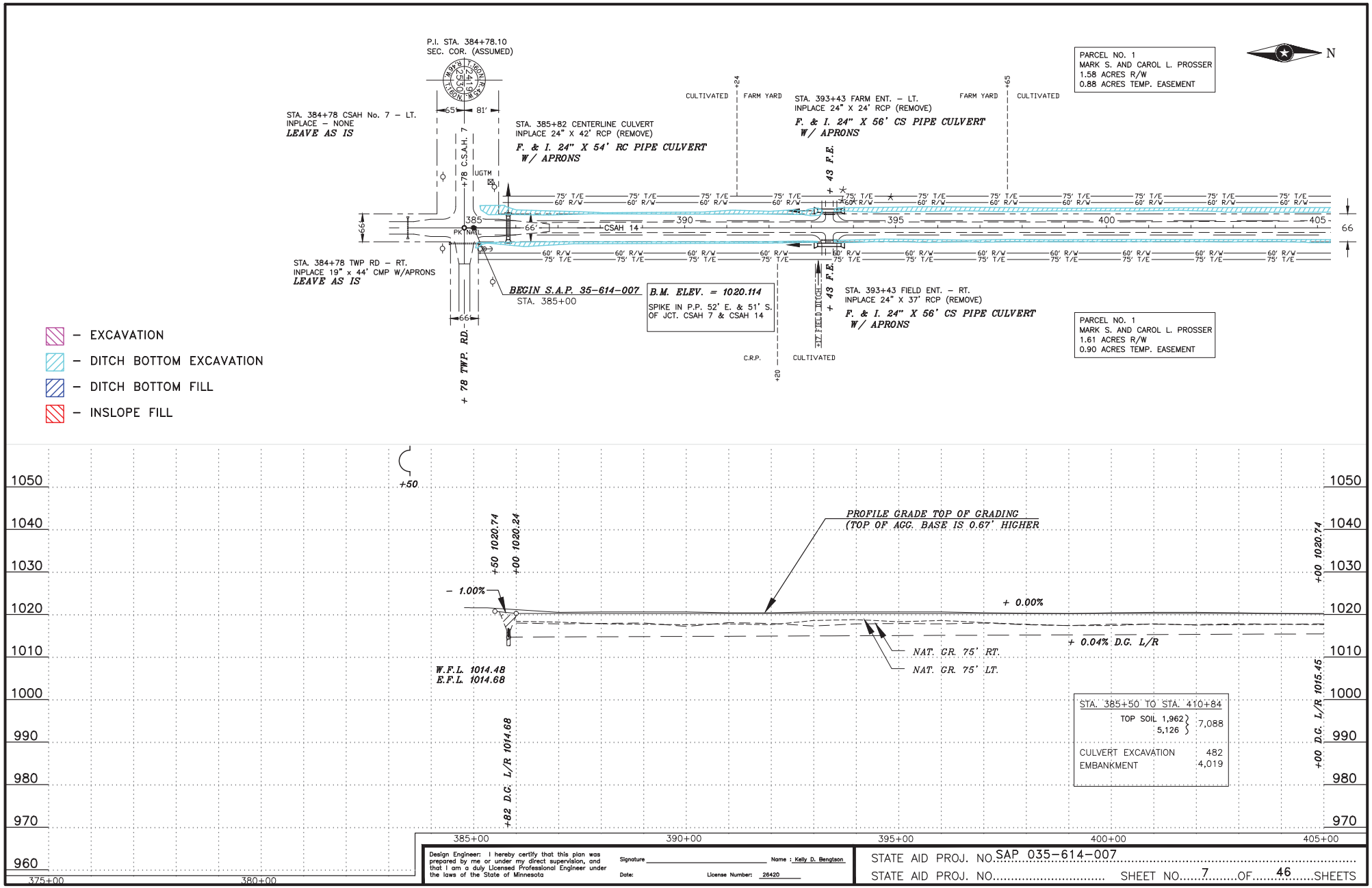
Weltand Impact

Reconstruction Project

Overview of Proposed Wetland Impacts

0 0.5 1 Miles

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



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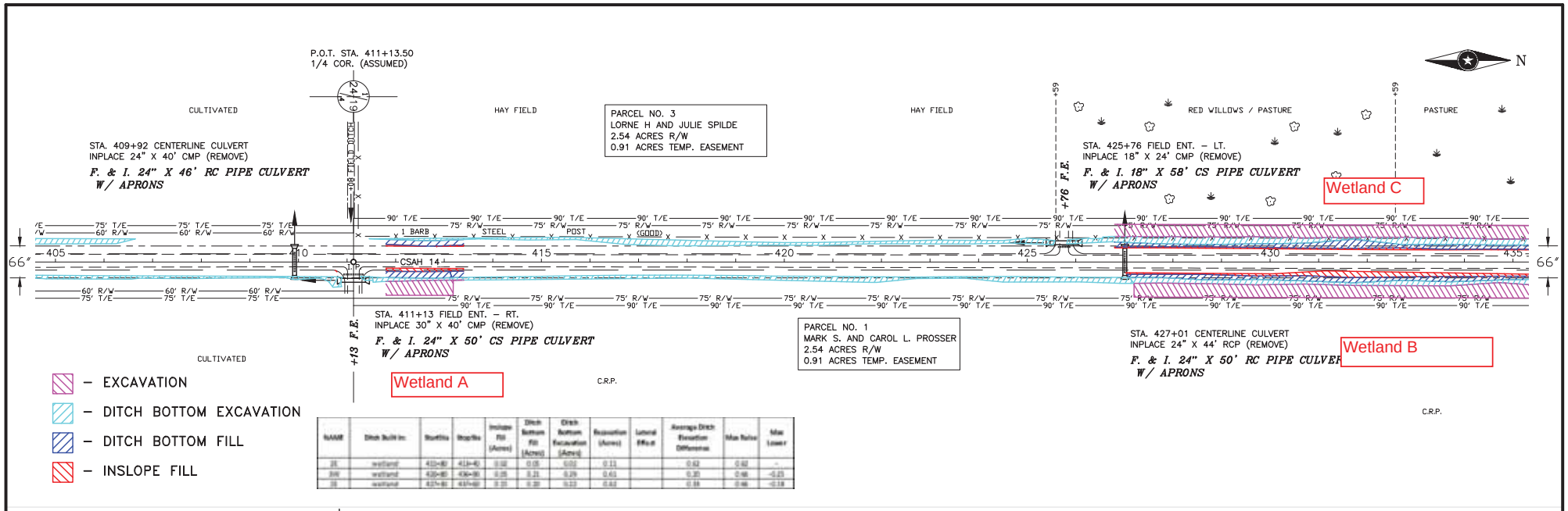
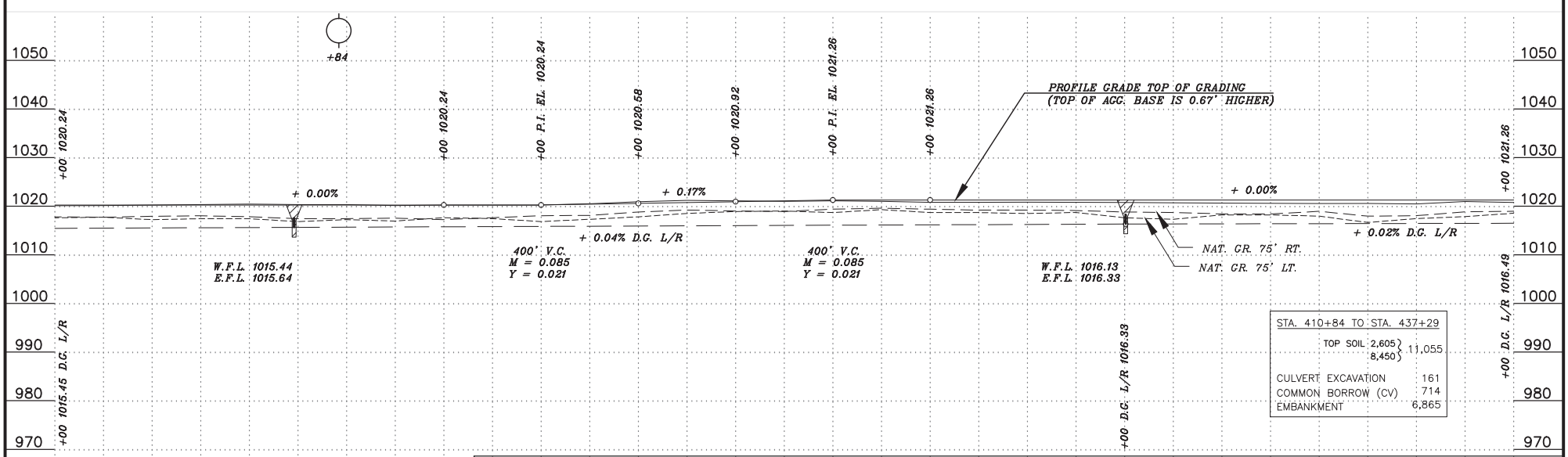


NAME	Ditch Built In:	Startline	Stopline	Inslope Fill (Acres)	Ditch Bottom Fill (Acres)	Ditch Bottom Excavation (Acres)	Excavation (Acres)	Lateral Effect	Average Ditch Elevation Difference	Max Raise	Max Lower
2E	wetland	410+80	414+40	0.02	0.05	0.02	0.11		0.62	0.62	-
3W	wetland	420+80	436+00	0.05	0.21	0.29	0.61		0.20	0.66	-0.25
3E	wetland	427+80	437+60	0.15	0.20	0.23	0.62		0.18	0.66	-0.18



STA. 410+84 TO STA. 437+29		
TOP SOIL	2,605 / 8,450	11,055
CULVERT EXCAVATION		161
COMMON BORROW (CV)		714
EMBANKMENT		6,865

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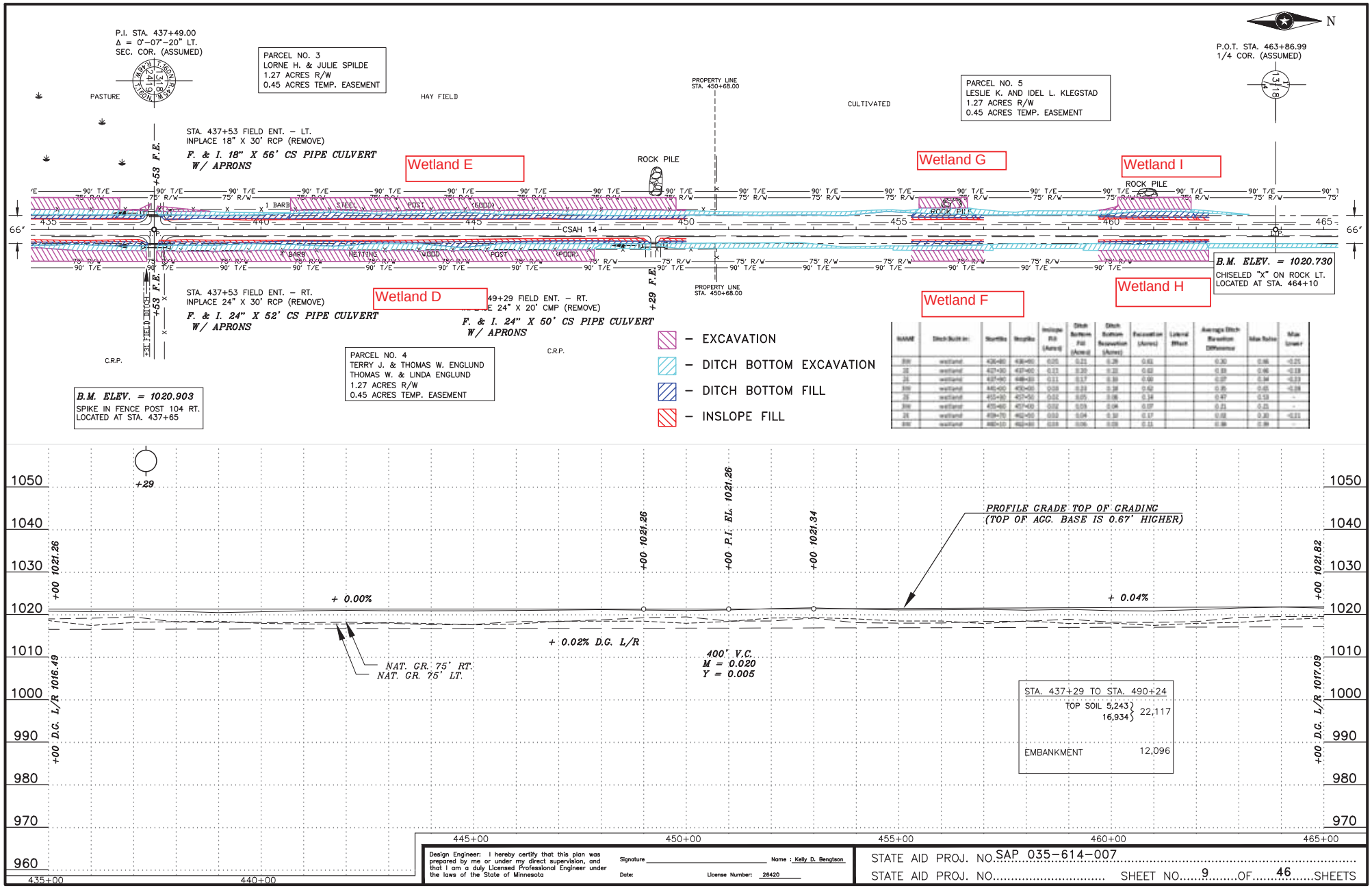
STATE AID PROJ. NO. SAP 035-614-007

STATE AID PROJ. NO. ..... SHEET NO. 8 OF 46 SHEETS



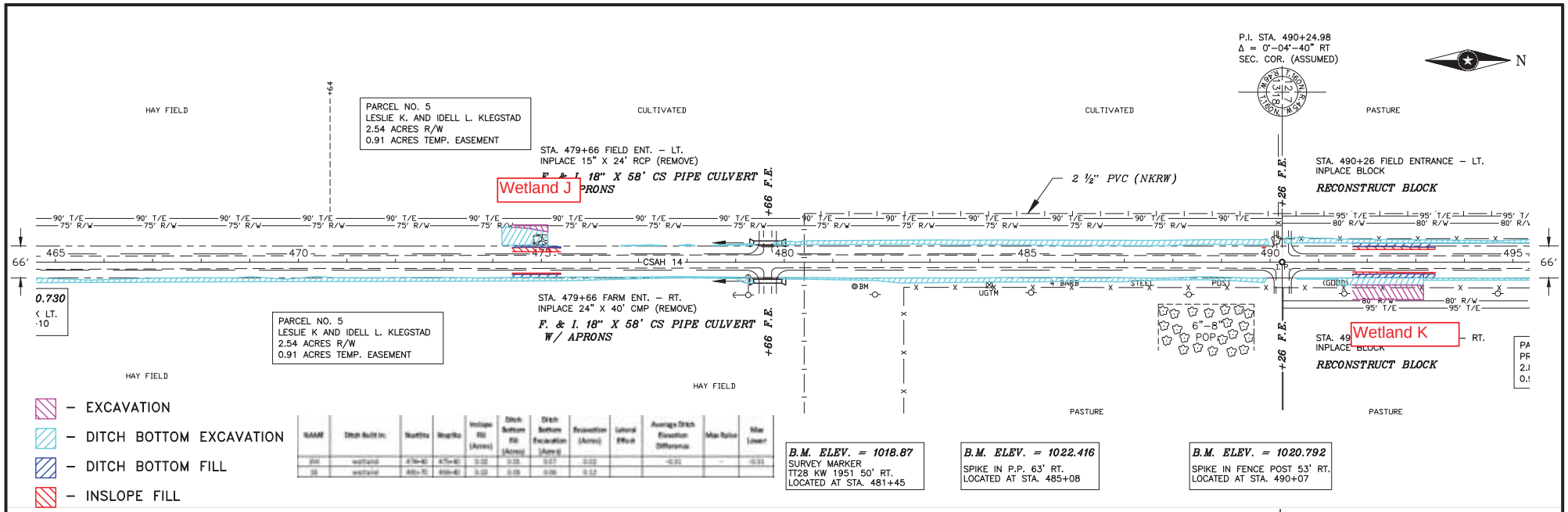
Design Engineer: I hereby certify that this plan was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

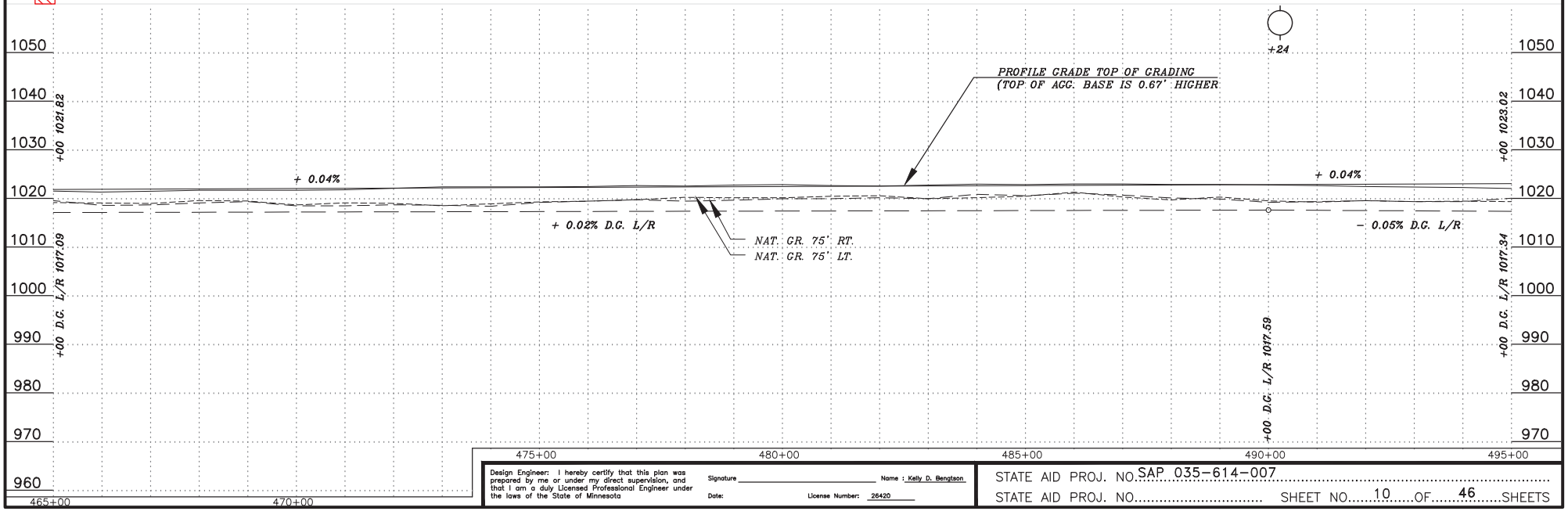
Signature _____ Name : Kelly D. Bengtson

Date: License Number: 26420

STATE AID PROJ. NO. SAP 035-614-007

STATE AID PROJ. NO. ..... SHEET NO. 9 OF 46 SHEETS





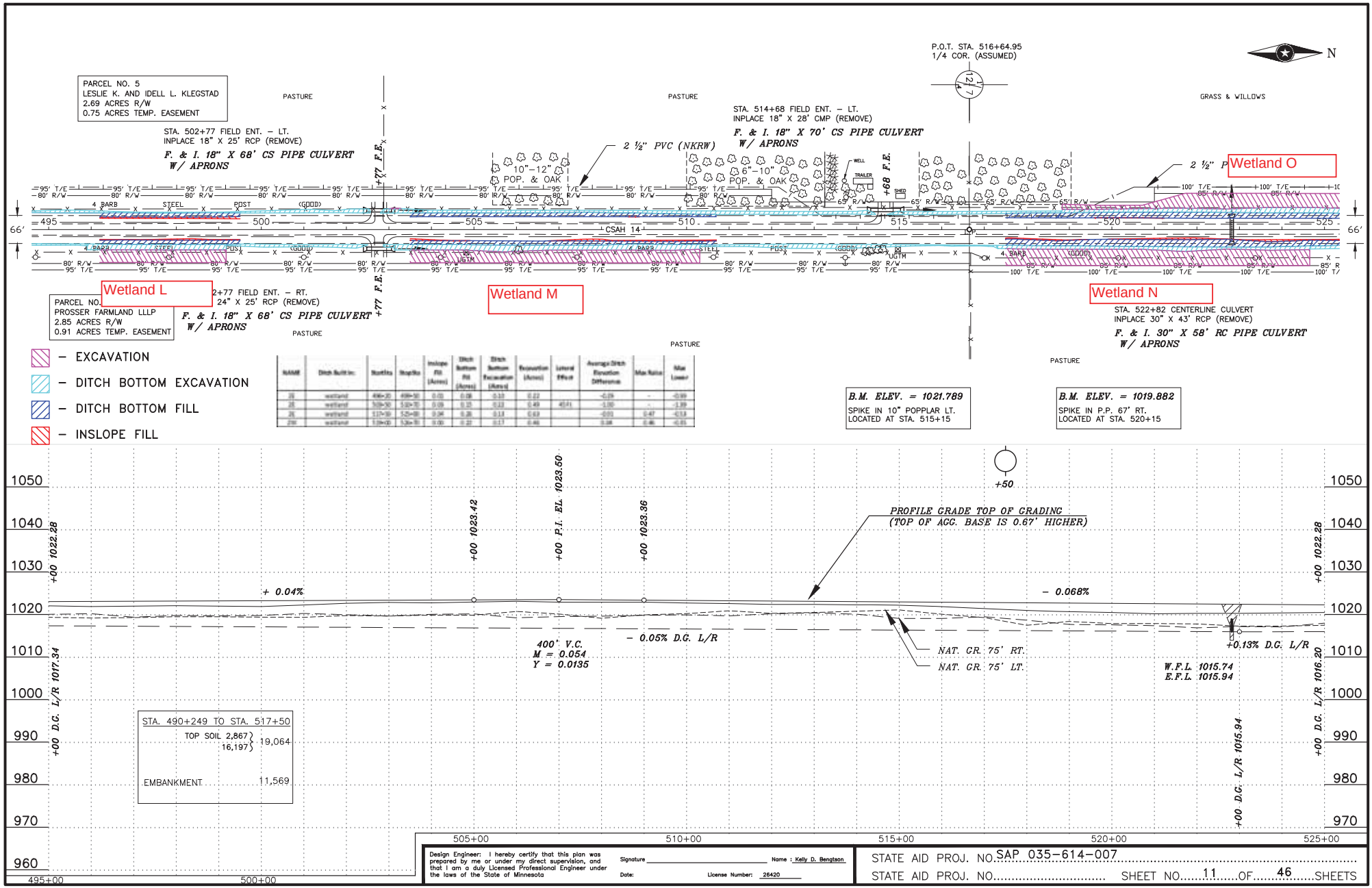
Design Engineer: I hereby certify that this plan was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Signature _____ Name : Kelly D. Bengtson

Date: License Number: 26420

STATE AID PROJ. NO. SAP 035-614-007

STATE AID PROJ. NO. ..... SHEET NO. 10 OF 46 SHEETS



NAME	Ditch Built in:	StartSta	StopSta	Inslope Fill (Acres)	Ditch Bottom Fill (Acres)	Ditch Bottom Excavation (Acres)	Excavation (Acres)	Lateral Effect	Average Ditch Elevation Difference	Max Raise	Max Lower
[illegible]	wetland	[illegible]	[illegible]	0.01	0.08	0.10	0.22		-0.09	-	-0.99
[illegible]	wetland	[illegible]	[illegible]	0.09	0.15	0.23	0.49	4141	-1.00	-	-1.39
[illegible]	wetland	[illegible]	[illegible]	0.04	0.28	0.13	0.63		-0.01	0.47	-0.13
[illegible]	wetland	[illegible]	[illegible]	0.00	0.22	0.17	0.46		0.08	0.46	-0.01

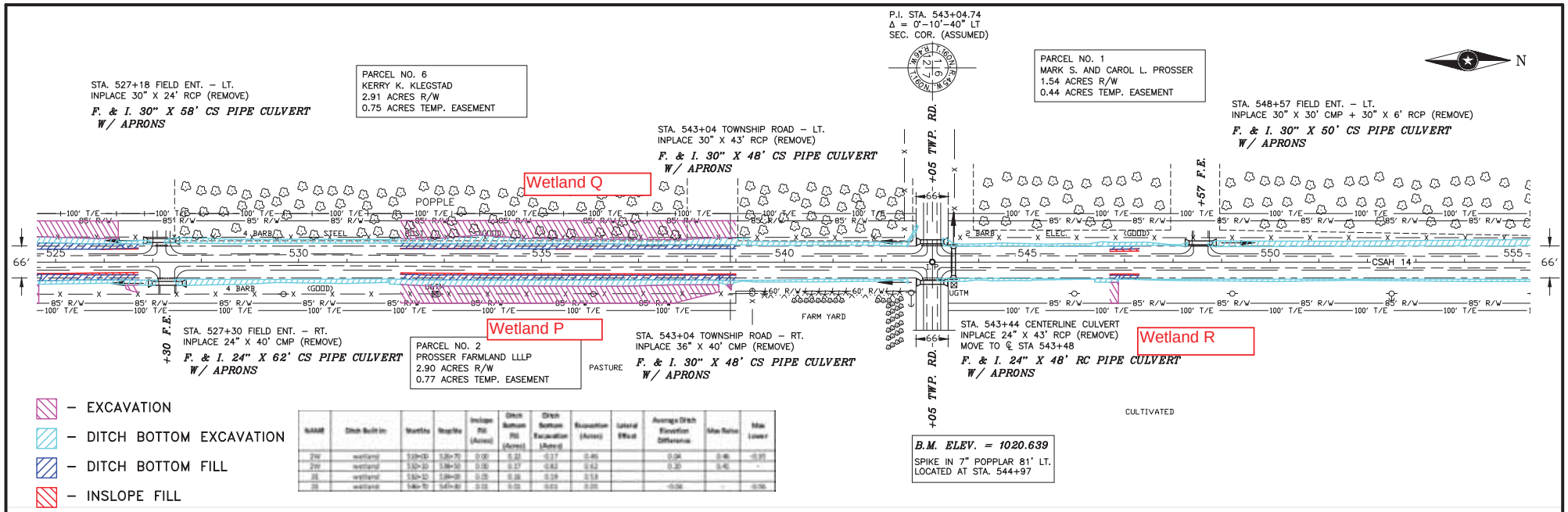
Design Engineer: I hereby certify that this plan was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

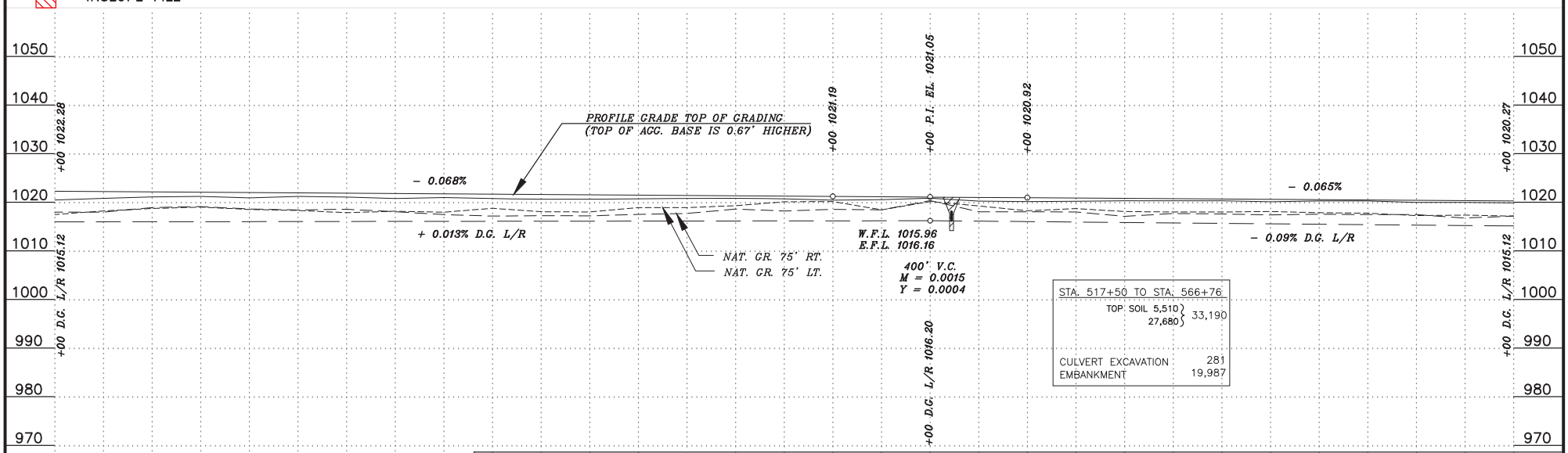
Signature _____ Name : Kelly D. Bengtson

Date: License Number: 26420

STATE AID PROJ. NO. SAP 035-614-007

STATE AID PROJ. NO. ..... SHEET NO. 11 OF 46 SHEETS





STA. 517+50 TO STA. 566+76

TOP SOIL 5,510 / 27,680	33,190
CULVERT EXCAVATION	281
EMBANKMENT	19,987

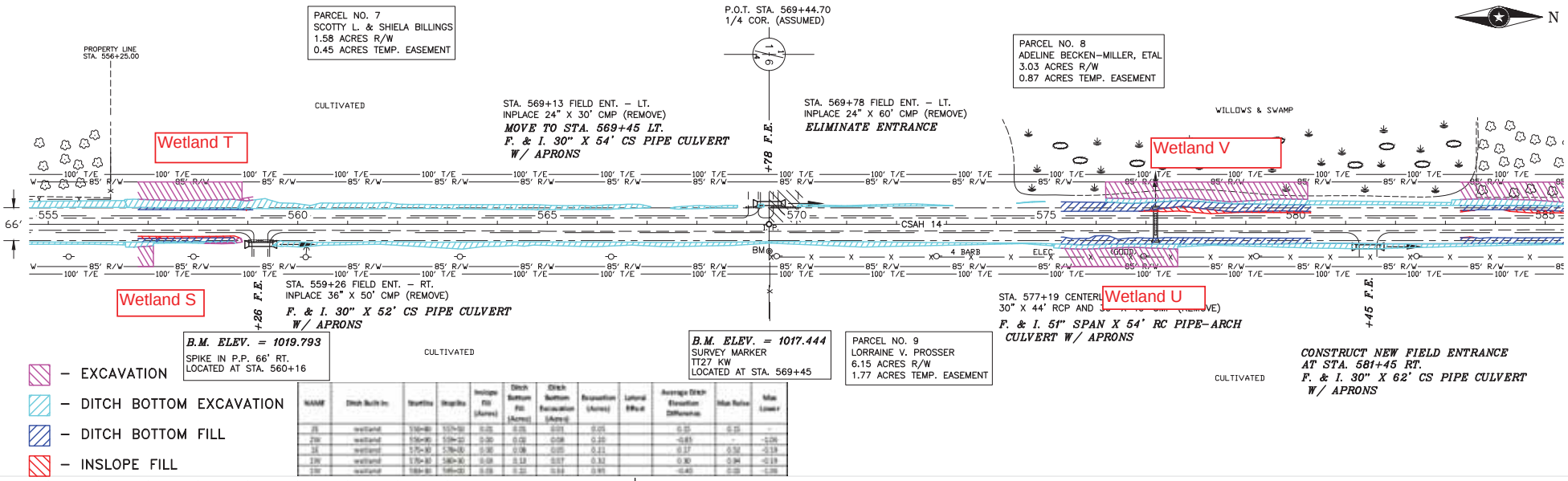
Design Engineer: I hereby certify that this plan was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

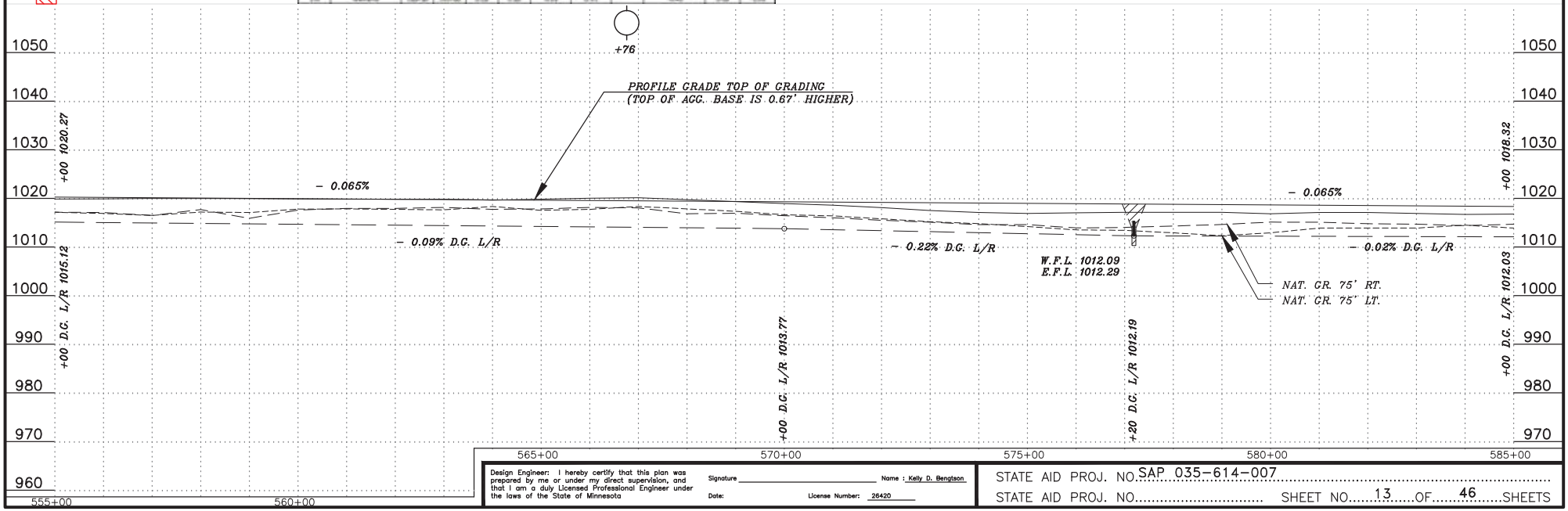
Signature _____ Name : Kelly D. Bengtson

Date: License Number: 26420

STATE AID PROJ. NO. SAP 035-614-007

STATE AID PROJ. NO. ..... SHEET NO. 12 OF 46 SHEETS





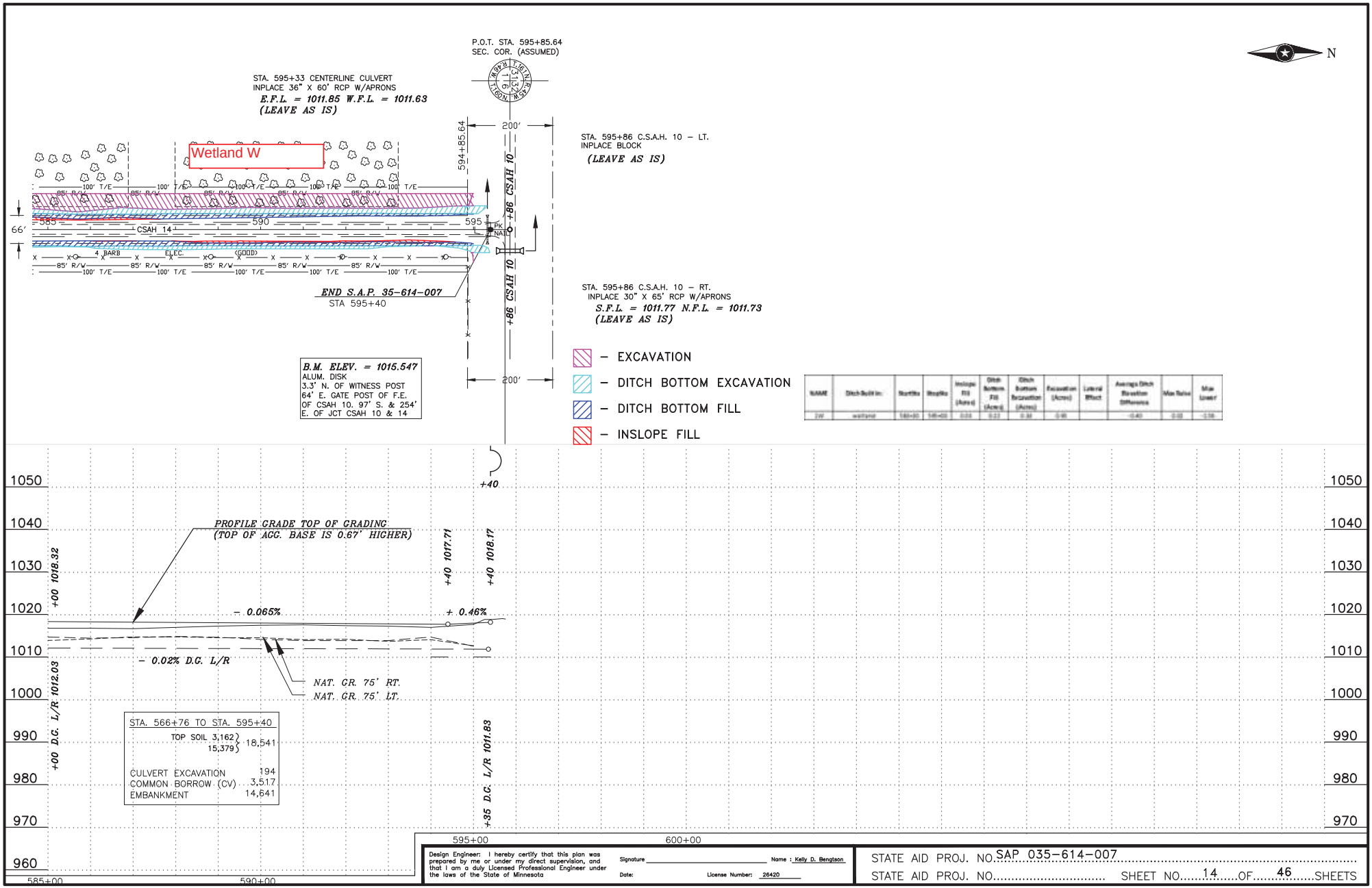
Design Engineer: I hereby certify that this plan was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Signature _____ Name : Kelly D. Bengtson

Date: License Number: 26420

STATE AID PROJ. NO. SAP 035-614-007

STATE AID PROJ. NO. ..... SHEET NO. 13 OF 46 SHEETS



NAME	Ditch Built In:	Startlite	Stop/Ko	Inslope Fill (Acres)	Ditch Bottom Fill (Acres)	Ditch Bottom Excavation (Acres)	Excavation (Acres)	Lateral Effect	Average Ditch Elevation Difference	Max Raise	Max Lower
2W	wetland	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]

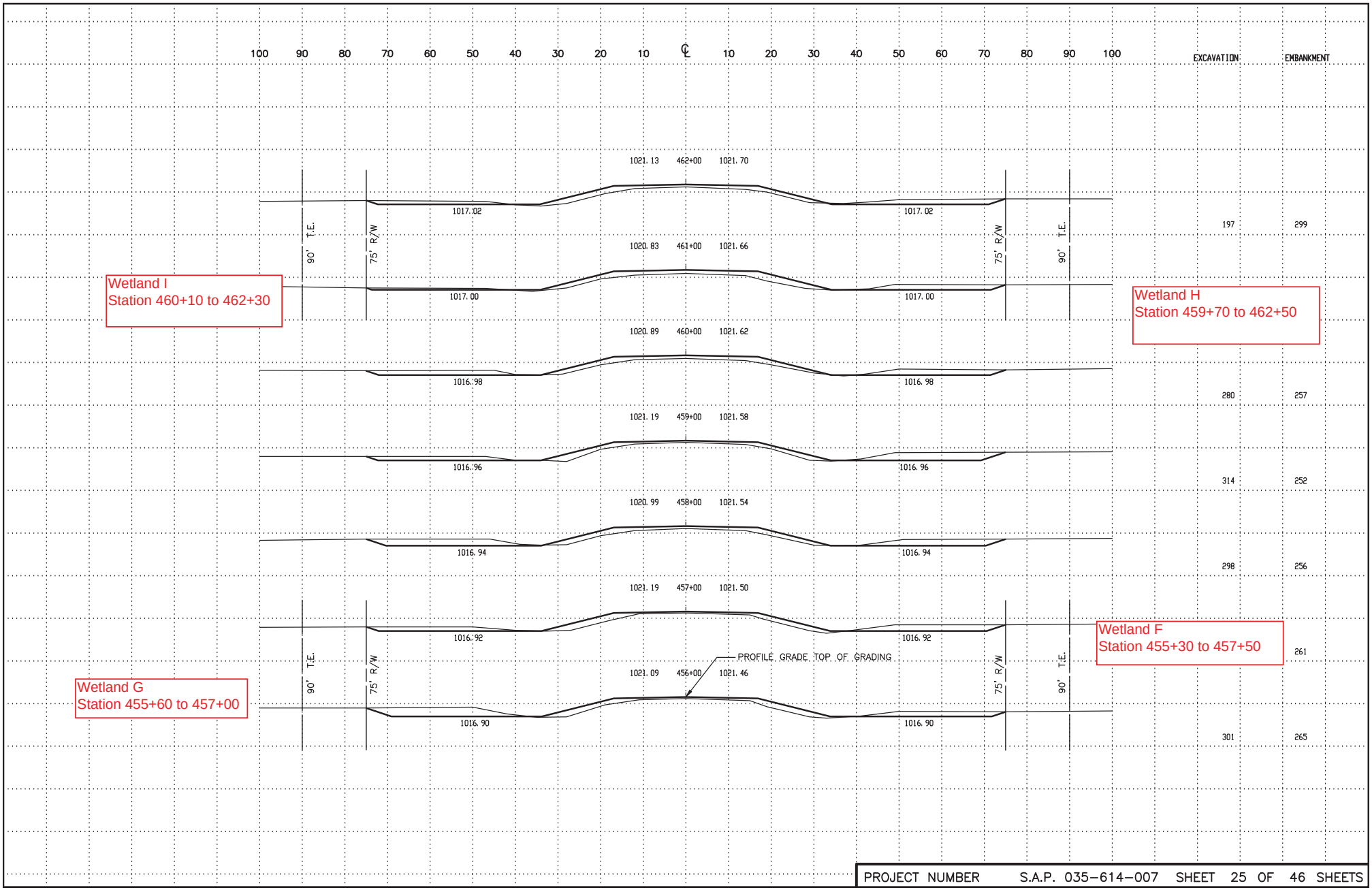
Design Engineer: I hereby certify that this plan was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Signature _____ Name : Kelly D. Bengtson

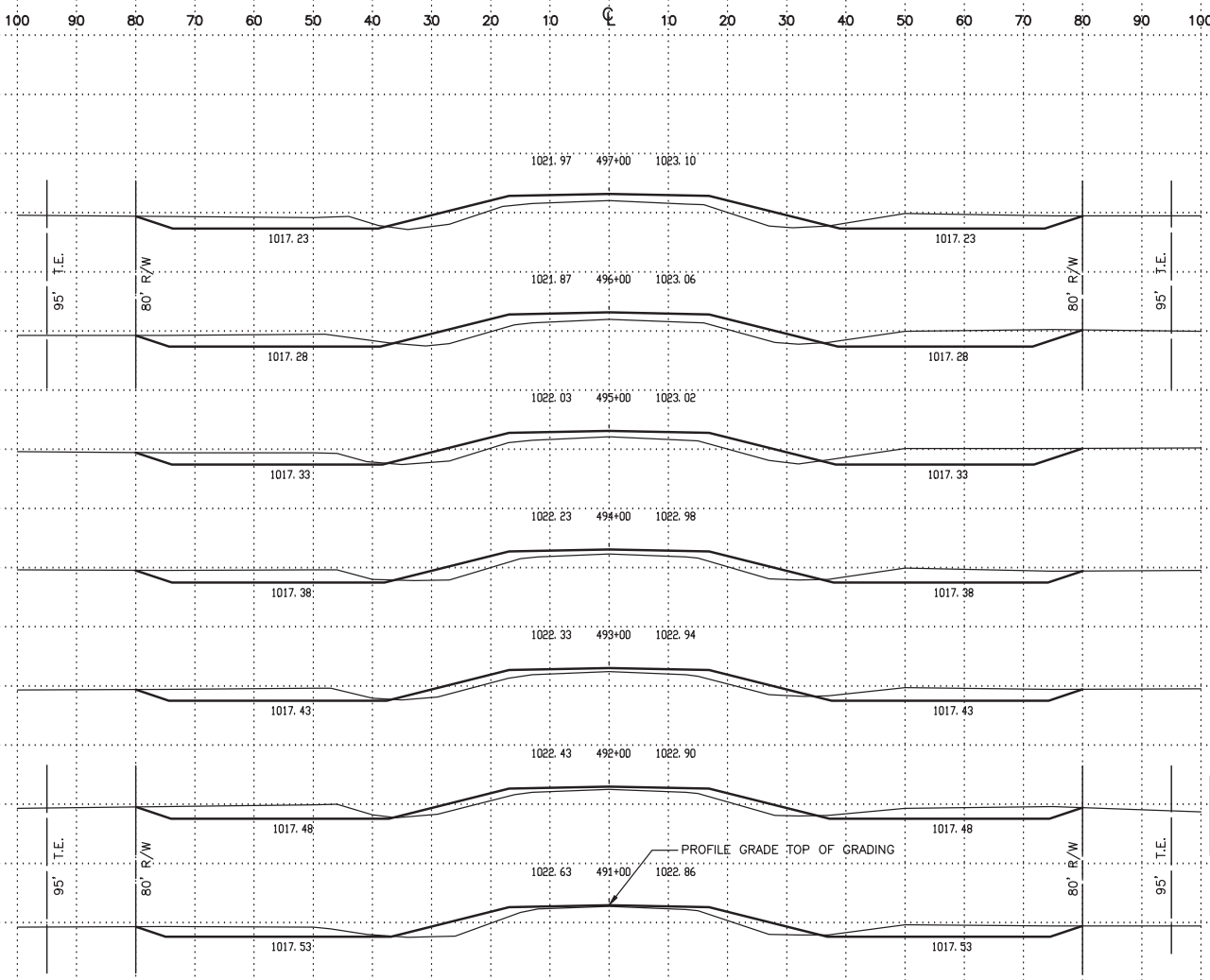
Date: License Number: 26420

STATE AID PROJ. NO. SAP 035-614-007

STATE AID PROJ. NO. ..... SHEET NO. 14 OF 46 SHEETS



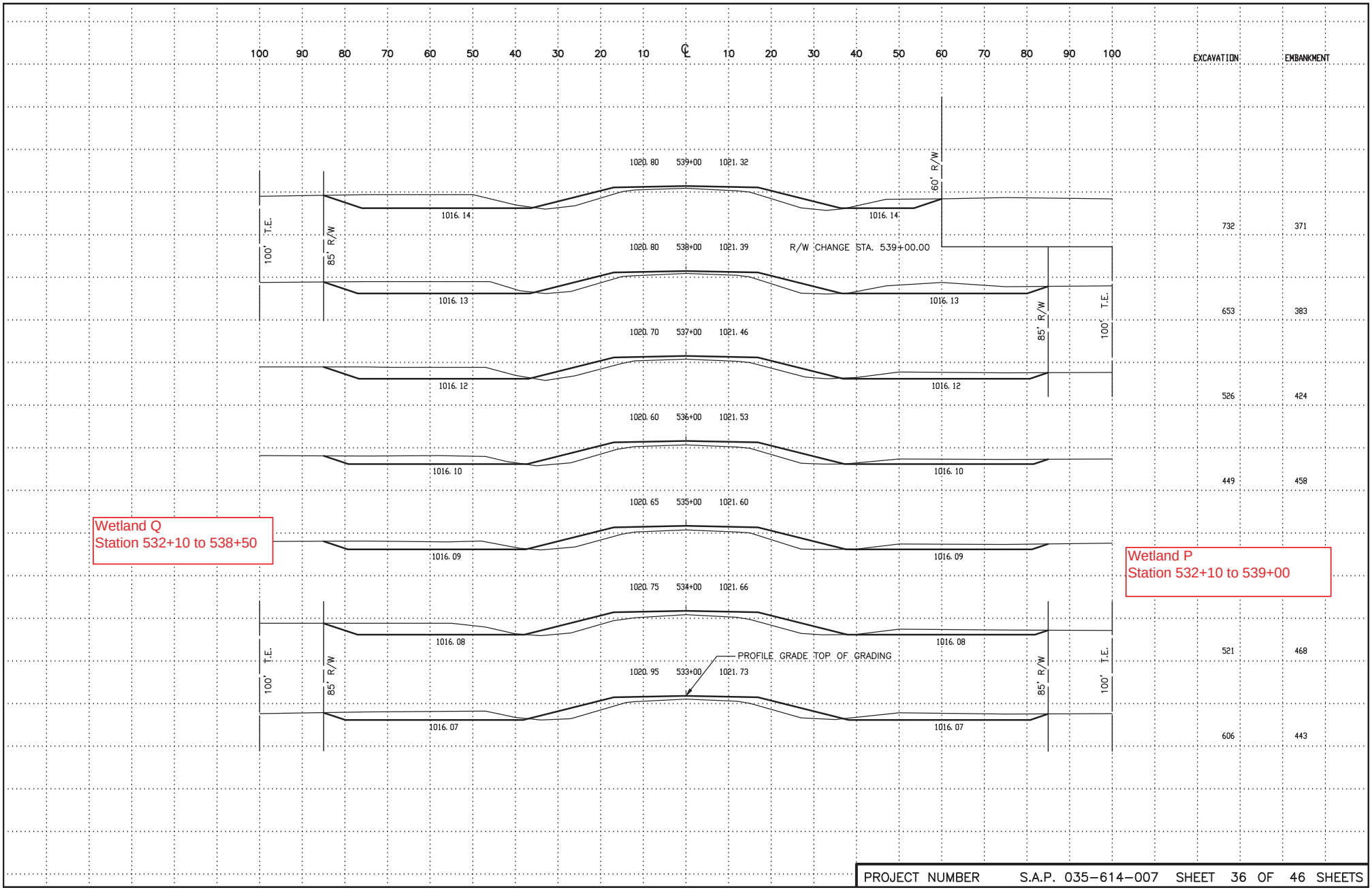
PROJECT NUMBER S.A.P. 035-614-007 SHEET 25 OF 46 SHEETS



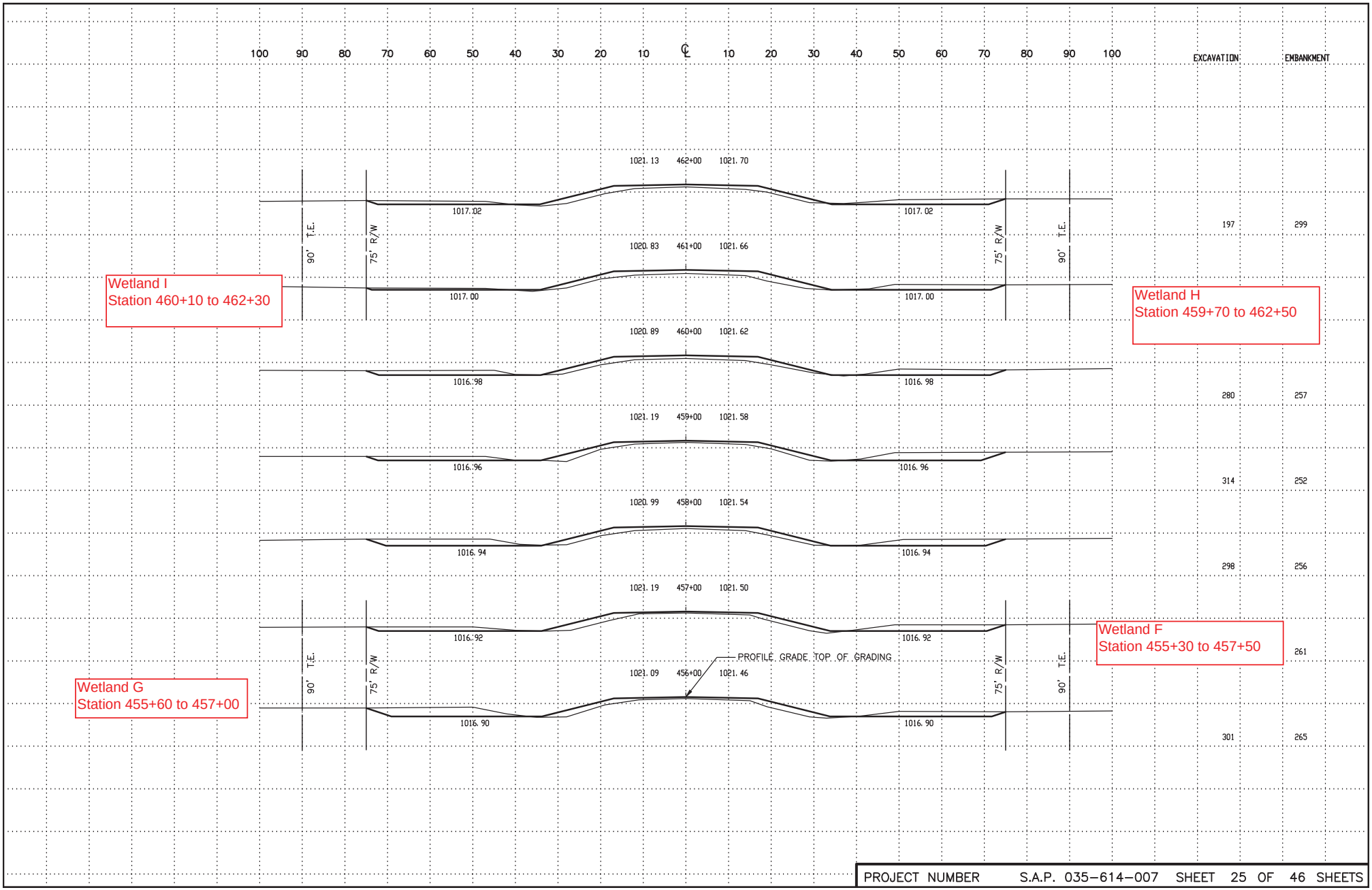
EXCAVATION	EMBANKMENT
603	453
583	417
553	358
541	310

Wetland L
Station 496+20 to 499+50

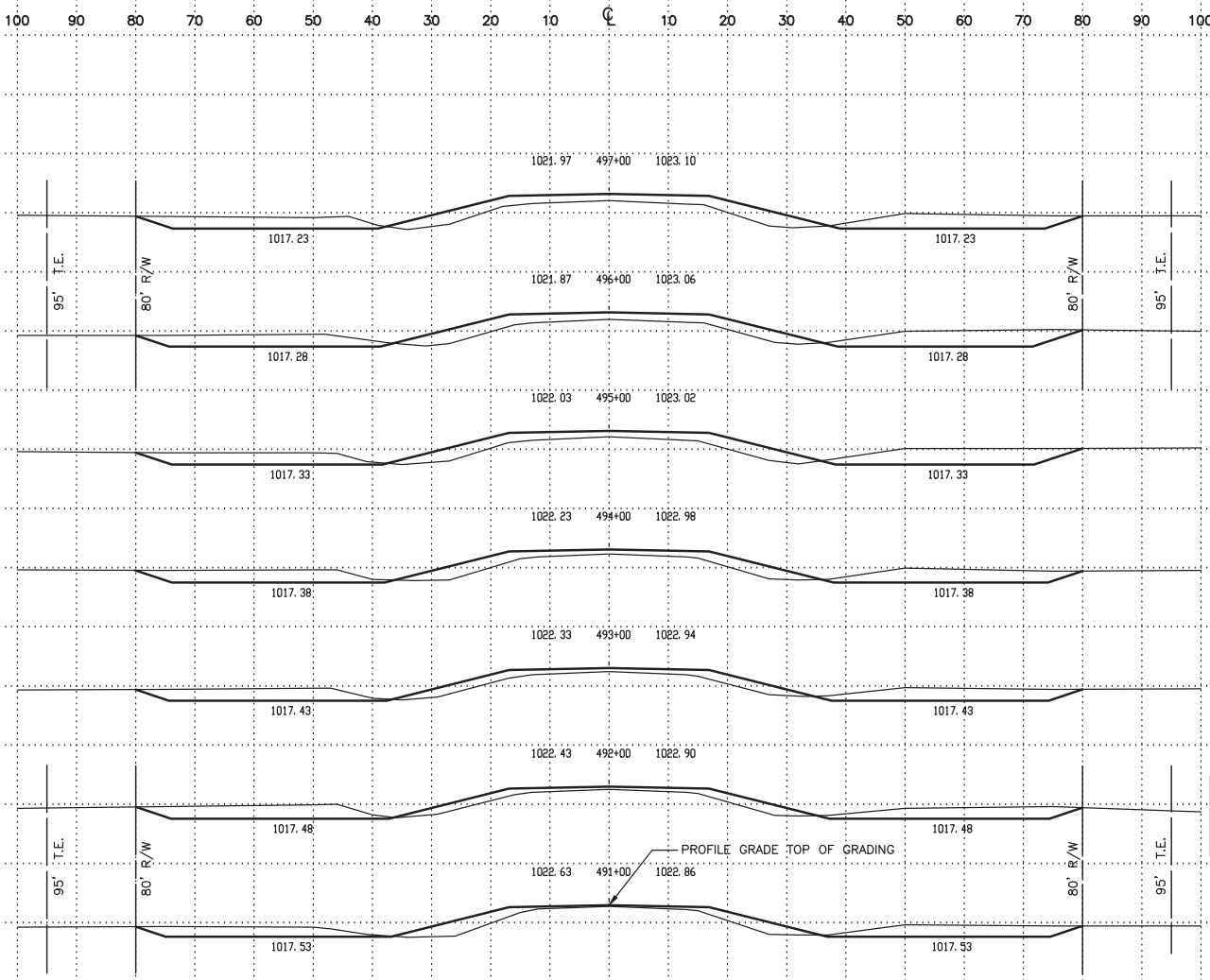
Wetland K
Station 491+70 to 493+40



PROJECT NUMBER S.A.P. 035-614-007 SHEET 36 OF 46 SHEETS



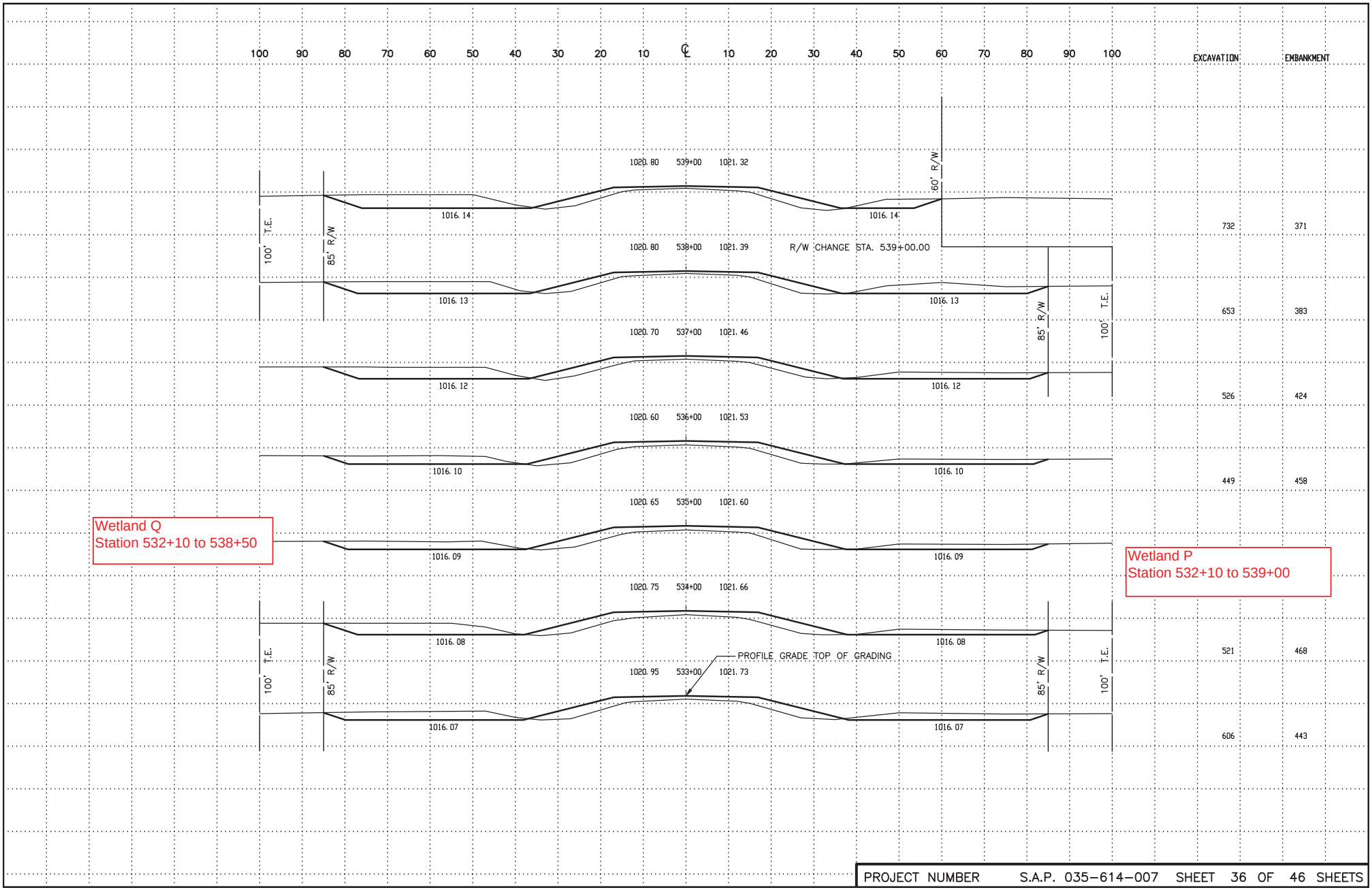
PROJECT NUMBER S.A.P. 035-614-007 SHEET 25 OF 46 SHEETS



EXCAVATION	EMBANKMENT
603	453
583	417
553	358
541	310

Wetland L
Station 496+20 to 499+50

Wetland K
Station 491+70 to 493+40



PROJECT NUMBER S.A.P. 035-614-007 SHEET 36 OF 46 SHEETS