



US Army Corps
of Engineers
St Paul District

APPLICANT: Premier Horticulture

Public Notice

ISSUED: September 26, 2013

EXPIRES: October 25, 2013

REFER TO: MVP-2013-02958-JTF

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into 314 acres of wetlands adjacent to the Little Tamarack, Prairie, and East Savanna Rivers for the purpose of horticultural peat extraction.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Mr. Ron Richard
Premier Horticulture
1320 Kalli Road
Cromwell, Minnesota 55726

PROJECT LOCATION: The project site is located in Sec(s). 16, 17, 20, 21, 27, 28, 29, T. 49N., R. 21W., Carlton County, Minnesota. The approximate UTM coordinates are latitude 46.710898, longitude -93.018818.

DESCRIPTION OF PROJECT: Premier Horticulture, Inc. proposes to develop the Wright Bog located three miles west of their existing Black Lake (Peatrex) horticultural peat harvesting operation to provide sphagnum moss peat for their existing processing plant located west of Cromwell in Carlton County, Minnesota. The company plans to develop a total of 314 acres including 275 acres of peat harvesting areas, eight acres for a drainage ditch north of the site, six acres for sedimentation basins, 18 acres for access roads with the harvesting area, five acres for access roads to the harvesting area, and two acres for an equipment yard.

The proposed development areas would be cleared and ditched, with drainage water conveyed through the ditch system, sedimentation basins, and the north drainage ditch eventually discharging into the Little Tamarack River. Sphagnum moss peat would be harvested by the vacuum method currently used at the Black Lake operation and transported via covered trucks to be processed at the existing plant facilities. It is estimated that the Wright Bog would support a horticultural peat harvesting operation for approximately 25 years. At the conclusion of the peat harvesting, the site would be restored to an open bog (Type 8) wetland according to the "Canadian Approach."

QUANTITY, TYPE, AND AREA OF FILL: Activities required for peat harvesting would result in the discharge of dredged and fill material during peat harvesting, drainage ditching, sedimentation basins, access roads, and an equipment yard construction. The affected resources include 314 acres of fresh meadow, shrub swamp, and bog wetlands.

VEGETATION IN AFFECTED AREA: Interspersed within extensive tamarack and black spruce swamps are smaller areas of sedges and sphagnum moss as wells as a scatter of low level to gentle

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rolling islands which support a mixture of white spruce, fir, and northern hardwoods. Many of the upland areas around the peat bogs have been cleared for cropland and pasture.

SOURCE OF FILL MATERIAL: Any off-site fill utilized for the project would come from an existing commercial source.

SURROUNDING LAND USE: The project site consists of woods, open space, and wetlands. In general, the project area is surrounded by woods, and the Tamarack, Prairie, and east Savanna Rivers.

DESCRIPTION OF DREDGING OR EXCAVATION: For horticultural development the bog must be sufficiently drained to allow for vehicle travel and to dry the surface layers of the peat for harvest. A number of ditches of varying sizes would be required. Settling basins would be excavated in the drainage networks for peat operations in order to remove the suspended solids from discharge waters. Fill would be required for the creation of a network of roads throughout the peat harvesting site.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Fuel, hydraulic fluid, lubricants, coolant and other fluids commonly used by construction equipment would be expected to be present for construction of the project.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The proposed project would be conducted in compliance with the state's erosion control and stormwater best management practices to prevent sediment from leaving the site during and after construction. The site reclamation plans include the seeding, re-seeding, and use of fertilizer on reclaimed slopes.

MITIGATION: The 314 acre wetland provides storm/floodwater attenuation functions and a host of ecological functions including wildlife habitat and water quality functions. Premier Horticulture has proposed temporal mitigation for the temporal loss of wetland functions that occur on site while peat harvesting takes place. Generally this requires restoration or enhancement of another impacted wetland totaling approximately 10% of the size of the peat harvesting site.

According to the current permit for Premier's nearby existing Black Lake Bog, the original area developed does not have to be returned to in-kind or bog vegetation, only "wetland or typical peatland species." In order to comply with federal temporal mitigation requirements for the Wright Bog project Premier has, and would continue to devote the additional time and resources necessary for in-kind restoration of the current Black Lake Bog operation to bog wetlands. Premier also requested wetland replacement credit for the in-kind restoration it has already completed on the Black Lake Bog. The Wright Bog project will impact an estimated 314 acres of wetland and therefore an area totaling approximately 31 acres may provide adequate temporal mitigation. The Corps has not made a determination if the proposed mitigation would suffice as complete mitigation for the project.

The applicant proposes to use a site reclamation plan to compensate for impacts from the proposed project in the long term. This plan includes surface preparation to aid in hydrology, vegetation planting and monitoring. The reclaimed area would have ditches plugged, a wetland seed mix applied and covered in mulch.

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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, Highway 2, Suite 2, Two Harbors, Minnesota 55616.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Josh Fitzpatrick at the Two Harbors office of the Corps, telephone number (651) 290 - 5694.

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. However, Carlton County is within the known or historic range of the following Federally-listed threatened (T) species:

<u>Species</u>	<u>Habitat</u>
Canada Lynx (T)	Boreal Forest

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>.

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

Minnesota Department of Natural Resources

Environmental Assessment Worksheet: draft partially completed
Permit to Mine: application to be submitted
Water Appropriation Permit: application to be submitted

Minnesota Pollution Control Agency

NPDES/SDS Stormwater Permit (for construction): application to be submitted
NPDES Wastewater Permit (for facility discharges): application to be submitted
Section 401 Water Quality Certification: not yet approved

Surveys

Rare Plant Survey: completed
Minnesota Natural Heritage Information System Survey: completed
State Historic Preservation Office Survey: completed

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, Resource Management and Assistance Division,
Attention: 401 Certification, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

7. HISTORICAL/ARCHAEOLOGICAL.

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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.

A 2006 archeological reconnaissance survey did not reveal any archeological sites within the proposed project area.

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.

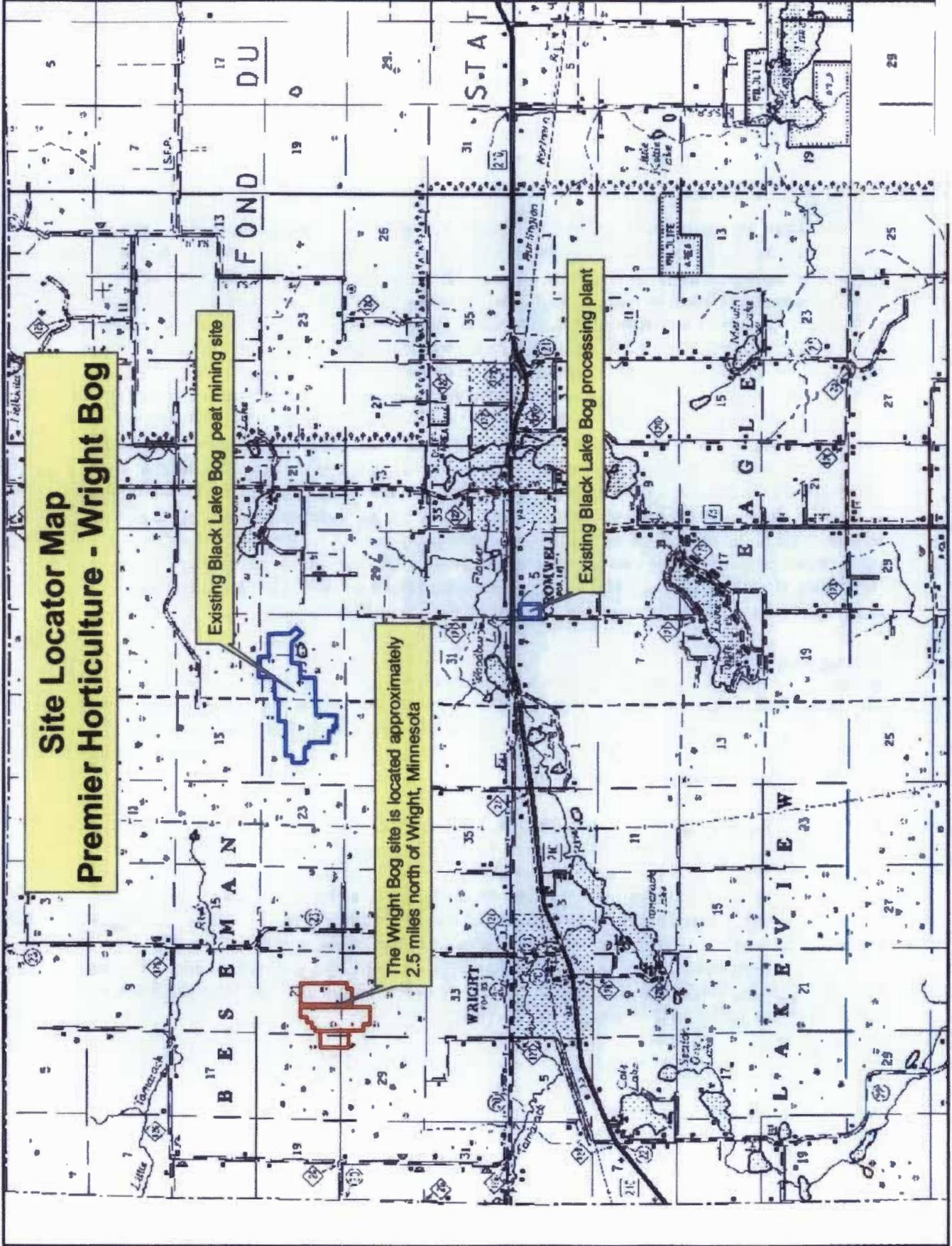
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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.

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Jeff Olson
Chief, Southwest Section

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



**Site Locator Map
Premier Horticulture - Wright Bog**

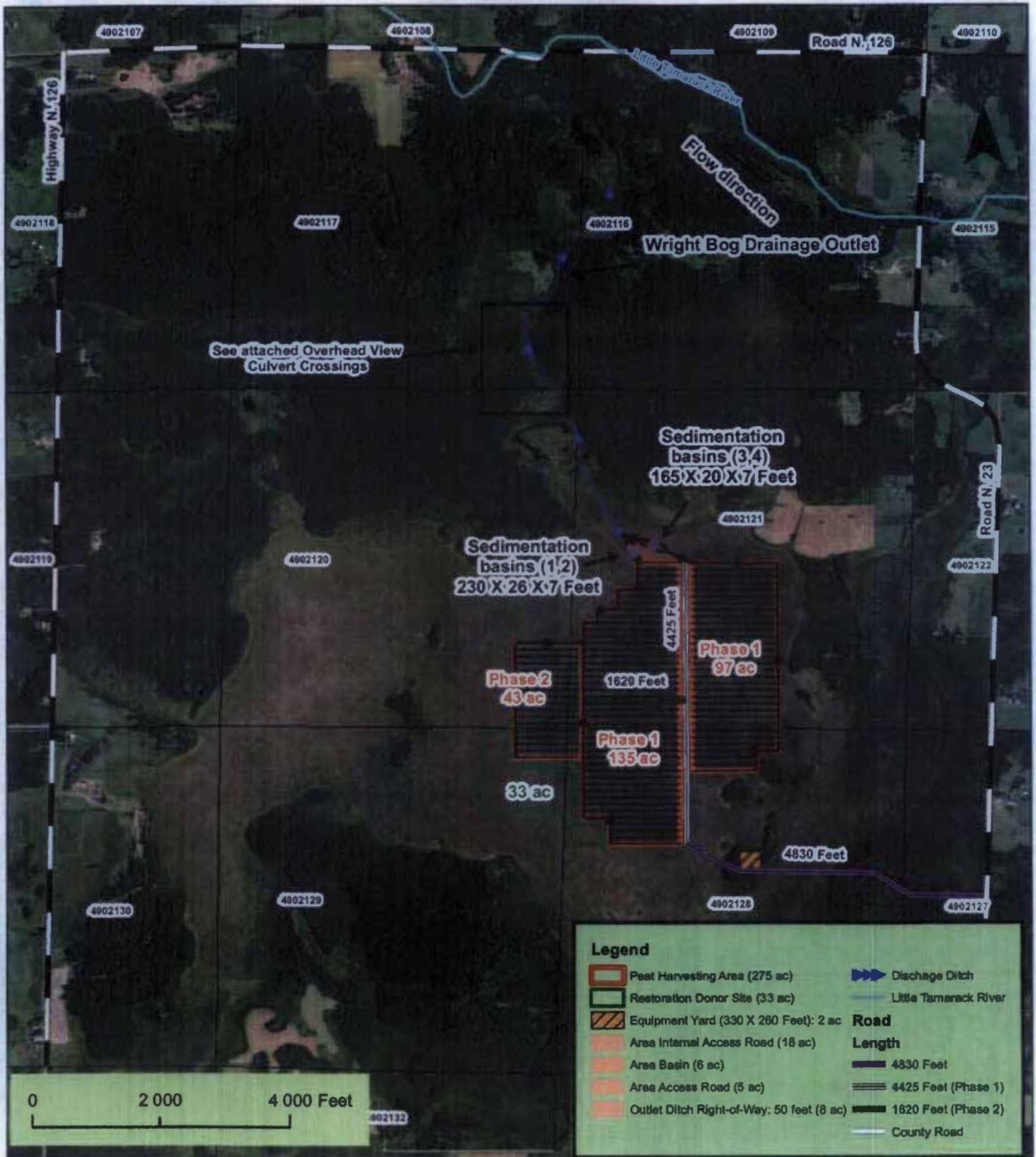
Existing Black Lake Bog peat mining site

The Wright Bog site is located approximately 2.5 miles north of Wright, Minnesota

Existing Black Lake Bog processing plant

Overhead View Wright Bog

2013-03-05



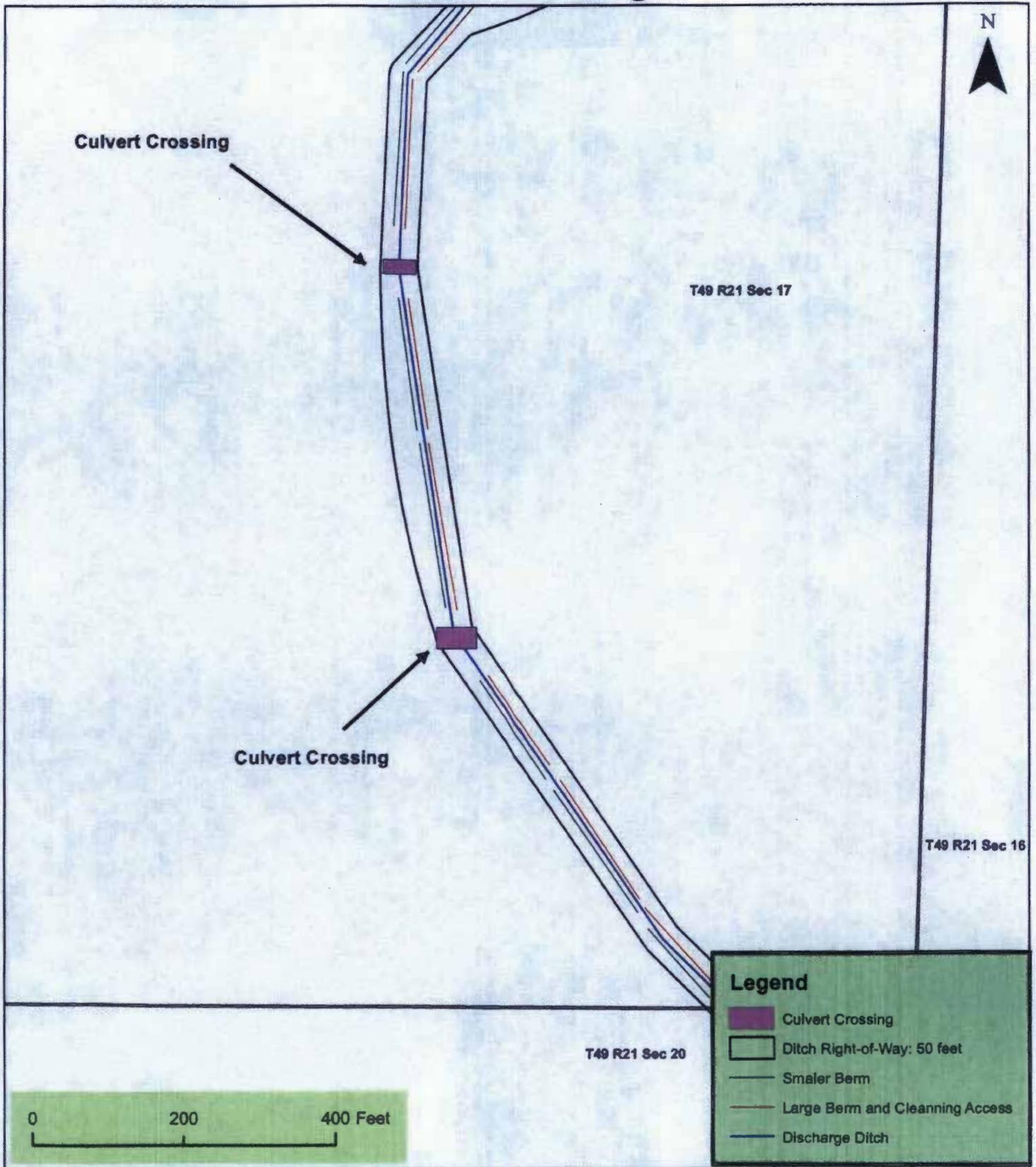
Geographical Projection: UTM Zone 15 Northern Hemisphere

Author: SANP

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Drawing 2 of 10

Overhead View Culvert Crossings

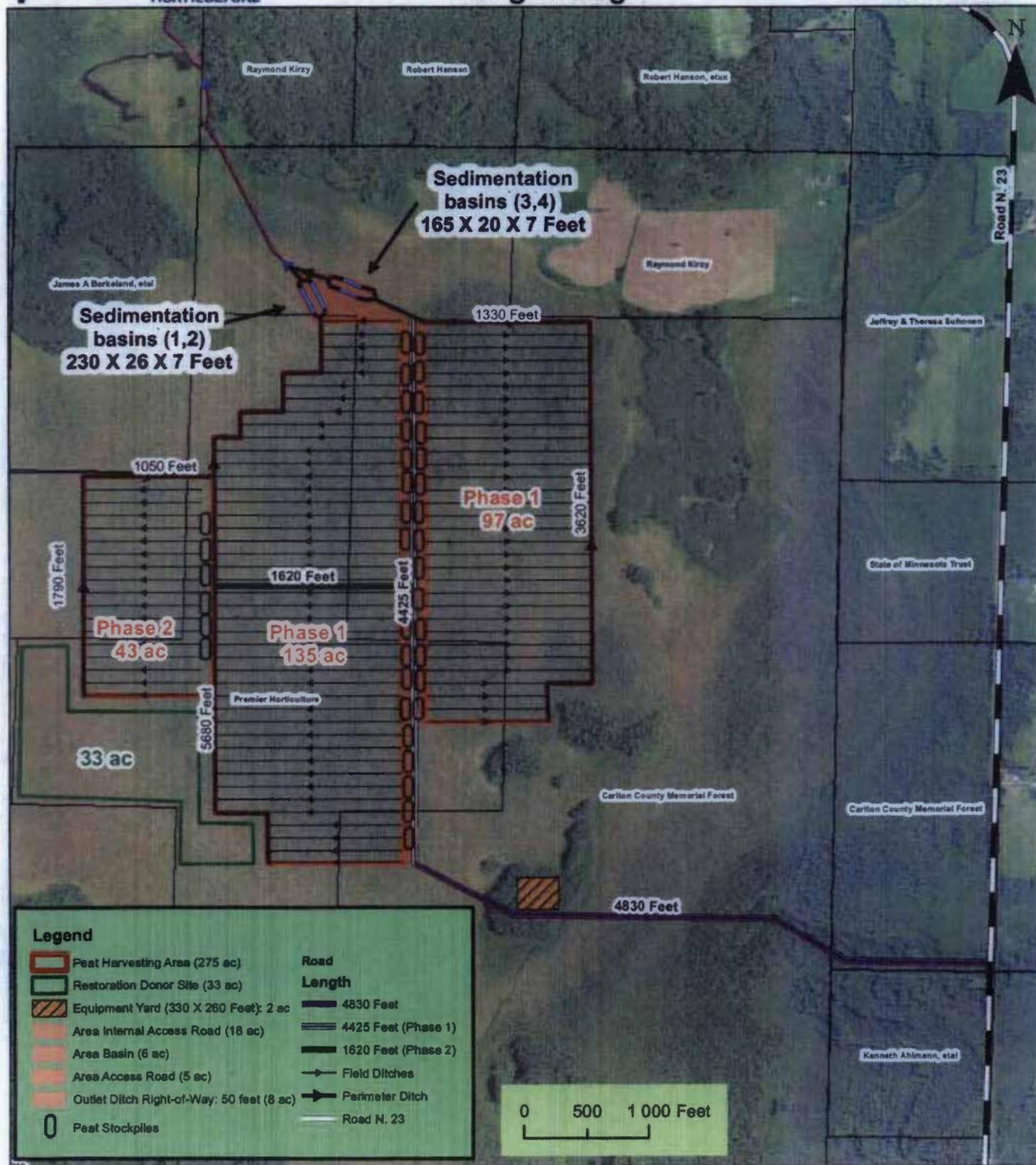
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Geographical Projection: UTM Zone 15 Northern Hemisphere

Author: SANP

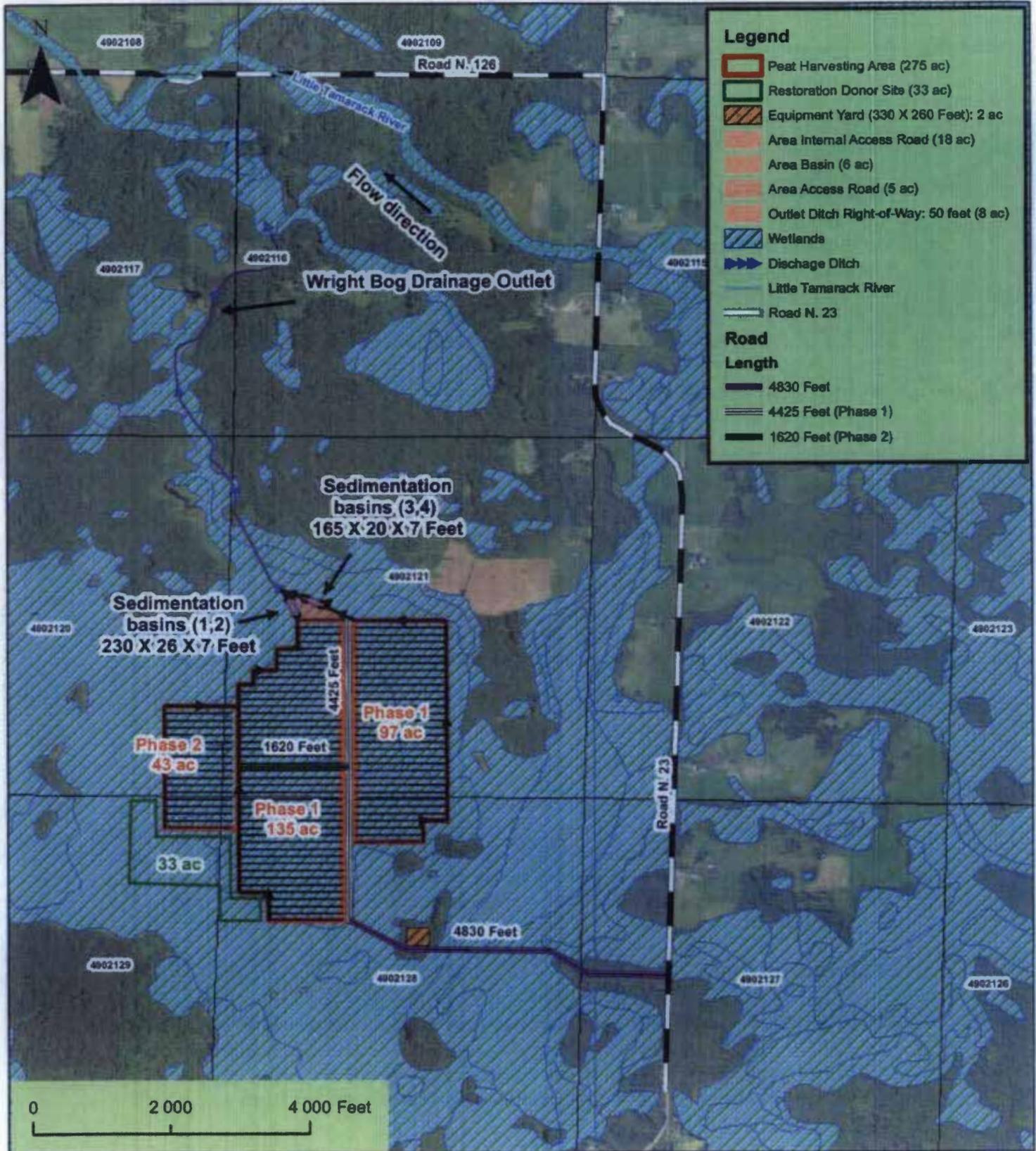
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Drawing 3 of 10



Geographical Projection: UTM Zone 15 Northern Hemisphere

Author: SANP

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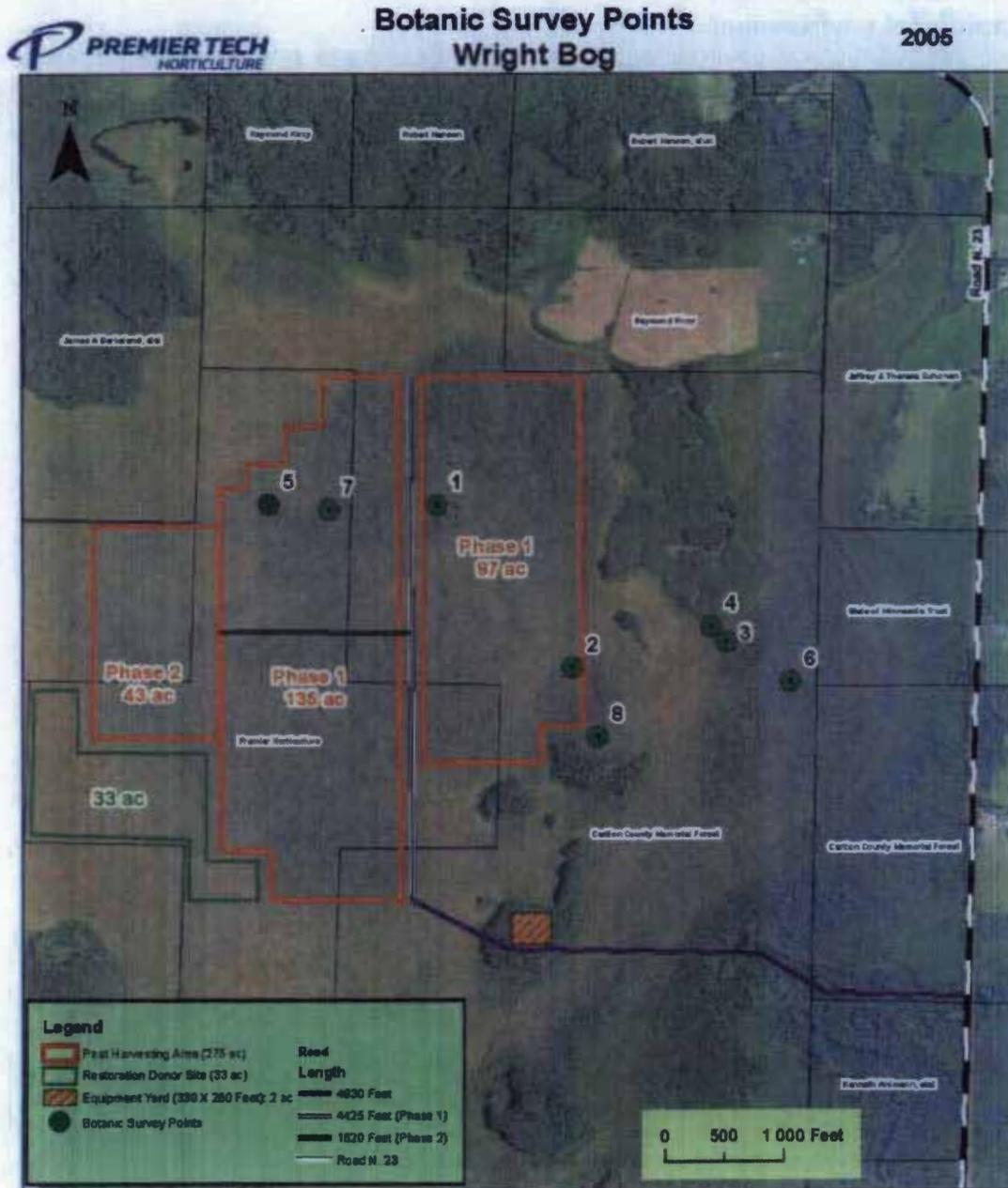


Geographical Projection: UTM Zone 15 Northern Hemisphere

Author: SANP

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Wright Bog Restoration (Minnesota)



Geographical Projection: UTM Zone 15 Northern Hemisphere

Author: SANP

Figure 5: Botanic Survey Point Map

Wright Bog Restoration (Minnesota)

b) Hydrological environment

About the hydrological environment, to avoid the loss of water, we must close 3 ditches and/or the final ditch block. It is important to know that our only potential source of water is the rain.

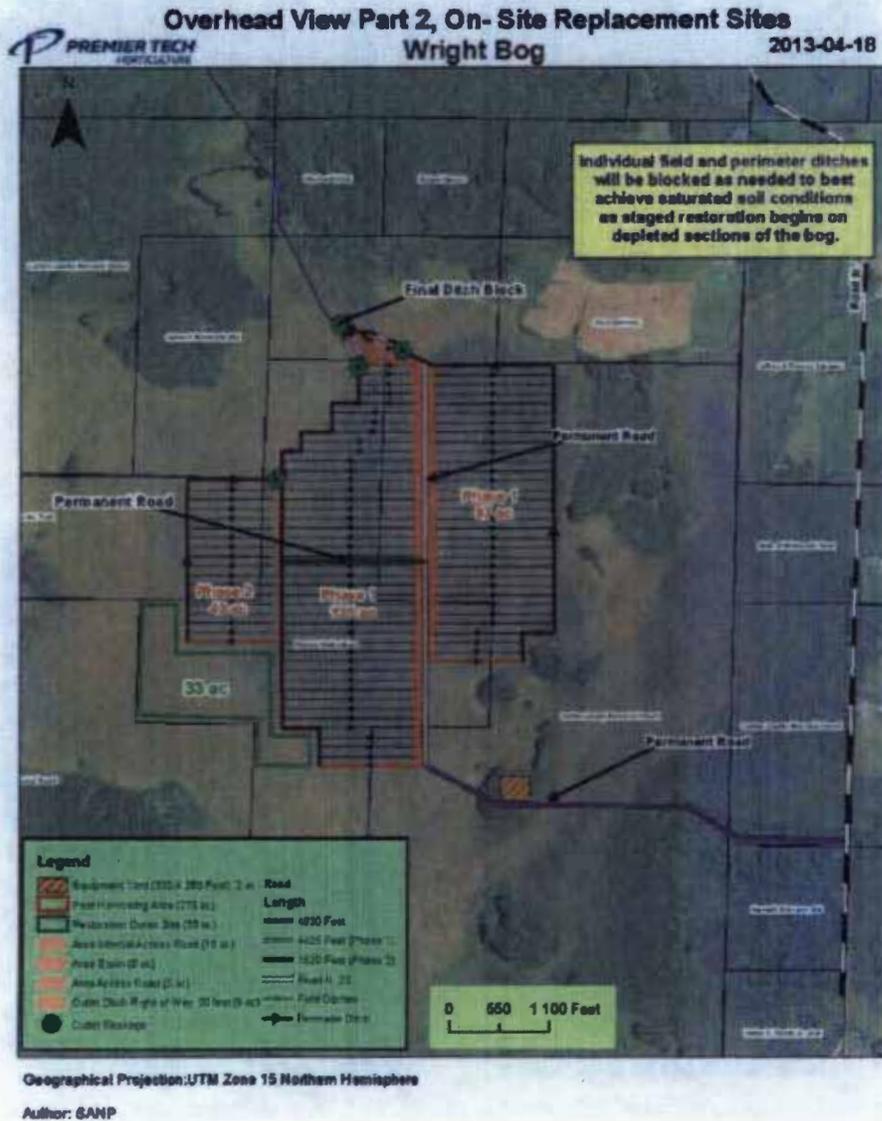


Figure 6: Overhead View Part 2, On – Site Replacement Sites (Wright Bog)

Wright Bog Restoration (Minnesota)



Geographical Projection: UTM Zone 15 Northern Hemisphere

Author: SANP

Figure 10: Map of the donor site for Wright bog

Wright Bog Restoration (Minnesota)



Figure 25: Overhead View - Part 2, Replacement and Temporal Mitigation Sites at Black Lake Bog