



US Army Corps  
of Engineers  
St Paul District

APPLICANT: Riverview Dairy, LLP

# Public Notice

ISSUED: December 22, 2016

EXPIRES: January 23, 2017

REFER TO: 2014-00324-MLV

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material into 4.8 acres of wetlands for the purpose of improving row-crop production on the 160-acre site, known to be the Riverview Dairy property. The direct impacts consist of the filling of approximately 0.16 acre of wetlands from the installation of approximately 3,312 linear feet of drain tile. Secondary impacts include the draining and thereby conversion to uplands of 4.8 acres of wetlands as a result of tile installation.

## 2. SPECIFIC INFORMATION.

### APPLICANT'S ADDRESS:

Riverview Dairy, LLP  
26406 470<sup>th</sup> Avenue  
Morris, Minnesota 56267

PROJECT LOCATION: The project site is located in NW 1/4 SE 1/4 Sec. 36, Township 124 North, Range 44 East, Stevens County, Minnesota, as shown on the attached figures labeled MVP-2014-00324-MLV Page 1 of 5 through 5 of 5. Latitude 45.50232, Longitude -96.13255.

DESCRIPTION OF PROJECT: Riverview Dairy is proposing to improve row-crop production on a 160-acre property they presently own and use for agricultural production. The project involves installing drain tile via a tile plow within two wetland basins that are Natural Resources Conservation Service (NRCS)-designated farmed wetlands. The drain tile is intended to improve drainage which will increase row crop production success in those areas of the property. Three new inlet structures are also proposed. All proposed tile lines will connect to an existing drain pipe that outlets to County Ditch No. 18.

QUANTITY, TYPE, AND AREA OF FILL: As proposed, fill material would be permanently discharged into 4.8 acres of wetlands. There are no temporary wetland impacts associated with the proposal.

VEGETATION IN AFFECTED AREA: The two wetland basins in the project area are comprised of agricultural crops. The basins were planted with corn during the last growing season. Other years the vegetation may include alfalfa and soy beans. The wetlands would be classified as seasonally flooded basins (Type 1).

SOURCE OF FILL MATERIAL: The applicant has stated that all material to be used as fill will be from onsite materials. Any offsite sources of borrow provided for by the contractor would need to be identified, sampled, and tested.

## **Operations - Regulatory (2014-00324-MLV)**

**SURROUNDING LAND USE:** The proposed project is located in an agricultural setting in Baker Township, Stevens County, Minnesota. The nearest town (Chokio) is approximately five miles to the northwest of the site. There are two residents within one mile of the proposed operation. Residence A is 5,141 feet to the west and north and Residence B is 5,189 feet to the south and west. Stevens County Road 8 borders the south property line of the site. There are township roads 789 feet to the west, 2,596 feet to the north, and 2,060 feet to the east. The proposed site is situated in an agricultural area. All surrounding properties are in agricultural production.

**EXCAVATION:** There are no proposed impacts to aquatic resources associated with excavation.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** The project would not require the use of any potentially toxic materials.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:**

**MITIGATION:** The total permanent wetland impacts subject to compensatory mitigation are 4.8 acres of seasonally flooded wetland. The applicant proposed to meet compensatory mitigation requirements by securing credits at a 1:1 ratio from a Corps-approved bank in Bank Service Area 9.

### **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 Marissa Vine at the St. Paul office of the Corps, telephone number (651) 290 - 5362.

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.

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.

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### **5. JURISDICTION.**

This application is being reviewed in accordance with current practices for documenting Corps jurisdiction under Section(s) 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

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

Minnesota Pollution Control Agency (MPCA) – Section 401 Water Quality Certification  
NRCS/USDA – AD1026

### **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 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. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

The latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

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### **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.

Kristen Hafer  
Chief, Southwest Section

Enclosures

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



# MVP-2014-00324-MLV Riverview Dairy

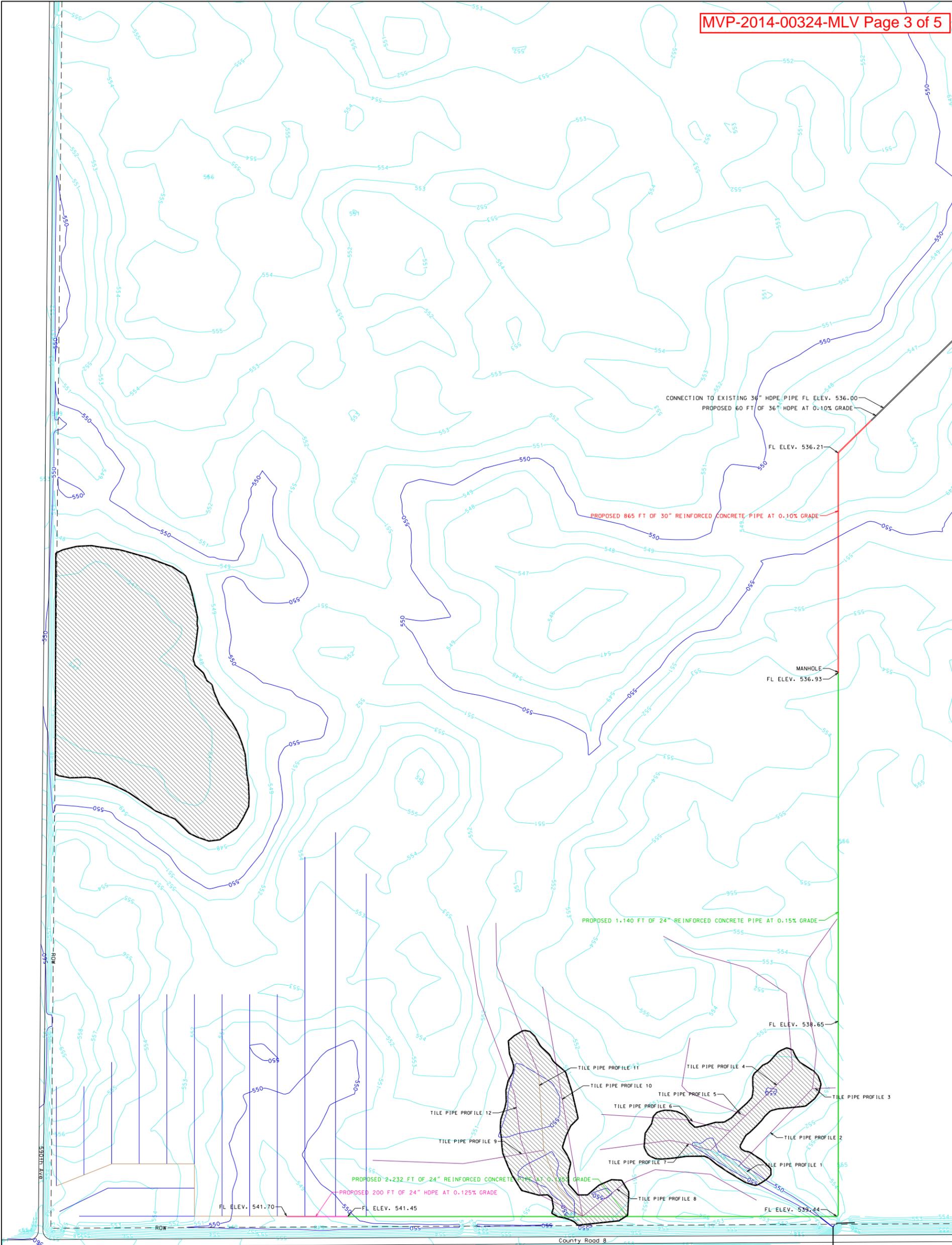


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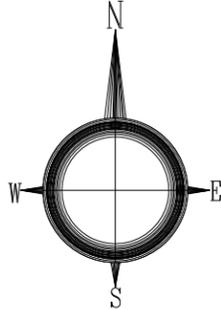


### Legend

-  Project Area
-  Wetlands



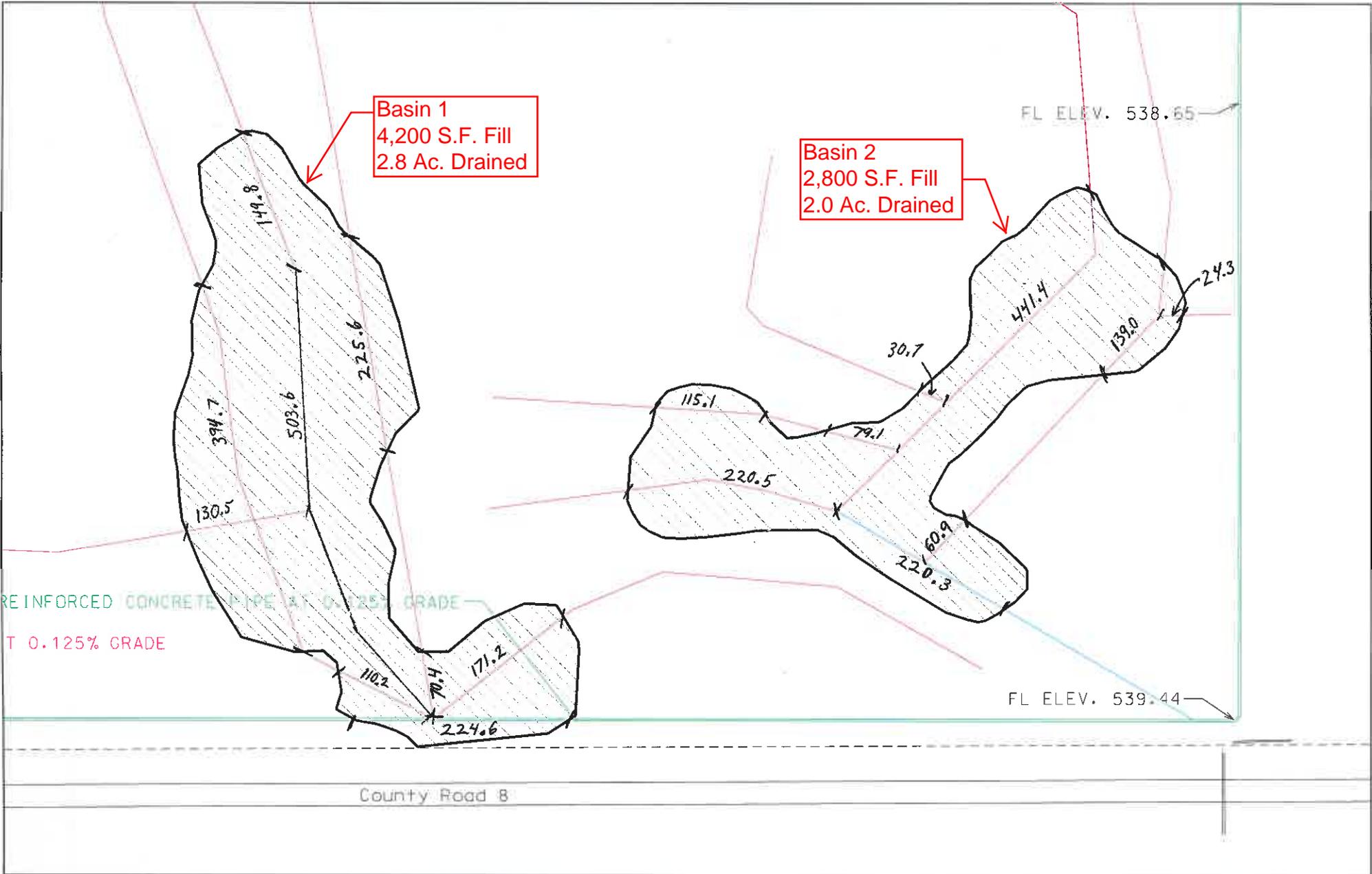
- 36" HDPE PIPE
- 30" REINFORCED CONCRETE PIPE
- 24" REINFORCED CONCRETE PIPE
- 24" HDPE PIPE
- 12" TILE PIPE
- 6" TILE PIPE
- 5" TILE PIPE
- 4" TILE PIPE
- ▨ WETLAND AREA



SCALE: 1"=300'

1 FOOT CONTOUR INTERVAL  
LOCAL GRID SYSTEM

**TILE PIPE PLAN**  
**BAKER TOWNSHIP**  
 SW 1/4, SEC 36, T 124 N, R 44 W  
**STEVENS COUNTY**  
**SETTJE AGRI SERVICES**  
**AND ENGINEERING, INC.**



# Baker 36, Stevens Co.

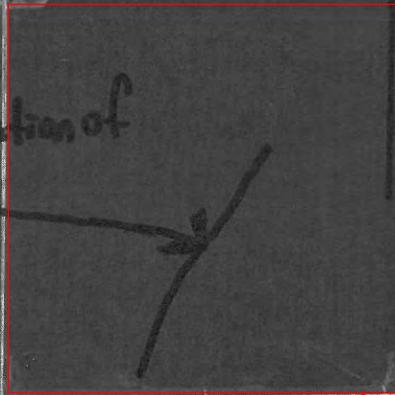
Existing tile lines and ditches

← Existing Co. Ditch

County Ditch No. 18

← Approx. location of existing tile to be connected to.

Approx. location of existing tile to be abandoned.



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Project Area

