



US Army Corps
of Engineers
St Paul District

Aitkin County Highway
APPLICANT: Department

Public Notice

ISSUED: 20-November-2014

EXPIRES: 22-December-2014

REFER TO: 2014-00717-RQM

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged or fill material into approximately 10.86 acres of waters of the United States in conjunction with improvements to a 5.6 mile segment of CSAH 3 in Aitkin County, Minnesota.

2. SPECIFIC INFORMATION

APPLICANT'S ADDRESS:

1211 Airport Drive
Aitkin, Minnesota 56431

PROJECT LOCATION:

Aitkin County, Minnesota:

Sections 24-26 Township 49N Range 25W, Sections 19-22, 27-30, Township 49N, Range 24W

DESCRIPTION OF PROJECT: The proposed project is on CSAH No. 3 (formerly TH No. 232} from the intersection with CSAH No. 5 in the City of Palisade to 14 miles west of the intersection with County Road No. 62 in Workman Township. The purpose of the proposed project is to reconstruct this 5.6-mile section of CSAH No. 3 (a major collector route) to provide an improved paved road that will adequately meet projected increased traffic trends. The majority of the project will follow the footprint of the existing roadway with the exception of a new horizontal realignment near the west end of the project that will eliminate two extremely sharp curves to provide safer driving conditions and meet minimum design standards.

The project will include: bituminous milling; reclaiming; grading; shoulder widening; centerline and approach culvert replacements; one centerline culvert extension in County Ditch No. 38; placing aggregate base over the reconstructed roadbed; and, bituminous surfacing. This project is tentatively scheduled for the 2015 construction season.

PURPOSE OF THE PROJECT: The purpose of this project is to provide safer traveling conditions on this major collector highway section. This roadway serves the general public as a major access route between the City of Palisade and TH No. 65 and is routinely used by mail carriers, school buses, agricultural vehicles, logging trucks and commercial vendors. Based on projected increasing traffic trends, the following improvements will be made: Horizontal realignments to avoid two sharp corners; new ditch construction while maintaining current drainage patterns; replacing all culverts under and adjacent to the road; and, widening the roadbed to meet design standards for traffic lanes and shoulders.

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The need for this project is based on the existing deficiencies of the road: The existing roadway consists of two 11-foot deteriorating bituminous traffic lanes with 3-foot aggregate shoulders making this narrow roadway increasingly hazardous for the traveling public; the culverts under and adjacent to the road are deteriorating and no longer functioning properly; and, the two sharp corners near the west end of the project do not meet design speed criteria and are very hazardous to motorists. To meet minimum State Aid design requirements we will construct two 12-foot bituminous traffic lanes with 6-foot shoulders, 4 feet of which will be paved and realignment of the previously mentioned sharp corners to meet minimum design speed standards.

QUANTITY, TYPE, AND AREA OF FILL, DREDGING OR EXCAVATION: The aquatic resources impacted by this project total approximately 10.86 acres. Impacts to wetlands include 3.00 acres of fresh (wet) meadow, 1.51 acres of shrub-carr, and 0.01 acres of hardwood swamp, and 6.34 acres of wetlands contained within ditches.

1. Approximately 10.74 acres of permanent fill material will occur in conjunction with road widening activities and approximately 0.12 acres of permanent fill will occur in conjunction with culvert replacement activities.

VEGETATION IN AFFECTED AREA: The wetlands proposed to be impacted include, ditches with wetland characteristics, fresh wet meadows, shrub-carr wetlands and one hardwood swamp.

SOURCE OF FILL MATERIAL: The source of the fill material is proposed to be from a licensed facility.

SURROUNDING LAND USE: The surrounding land use is primarily agricultural. Some forested areas occur along the highway right of way.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:

The potentially toxic materials anticipated to be used at the project site would include materials typical of construction areas such as diesel fuel and gasoline.

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

The applicant has indicated that a Stormwater Pollution Prevention Plan would be developed for the project.

MITIGATION: The applicant has proposed that impacts to waters of the United States would be mitigated through the Minnesota State Local Road Replacement Program.

3. REPLIES/COMMENTS.

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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, Brainerd Field Office 10867 East Gull Lake Drive Northwest, Brainerd, Minnesota 56401

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Robert Maroney at the Brainerd office of the Corps, telephone number (651) 290-5766.

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.

The Northern Long-eared Bat (a proposed species) may occur within Aitkin County. The St. Paul District has determined that the project will not jeopardize the Northern Long-eared Bat. No critical habitat is currently proposed for the Northern Long-eared Bat.

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. As requested by the applicant, the Corps will prepare a preliminary jurisdictional determination prior to making a permit decision.

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

<u>Unit of government</u>	<u>Type of application</u>	<u>Status</u>
Wetland Conservation Act / BSWR	Wetland Conservation Act	Pending
USACE	CWA Section 404	Pending

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MPCA	NPDES	Submitted by chosen contractor prior to beginning project
MPCA	CWA Section 401	Pending

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. On May 28, 2014, the applicant requested a Historical Review from the State Historic Preservation Office (SHPO). The SHPO response letter dated July 1, 2014 indicated that there are no historic/architectural properties within the project limits. However, the SHPO did recommend that a Phase I archaeological survey be completed due to the nature and location of the proposed project. On July 15, 2014 the applicant requested proposals from 3 consultants to complete a Phase I archaeological survey. Once the applicant receives the completed survey, the results will be sent to the US Army Corp of Engineers Project Manager reviewing this application.

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.

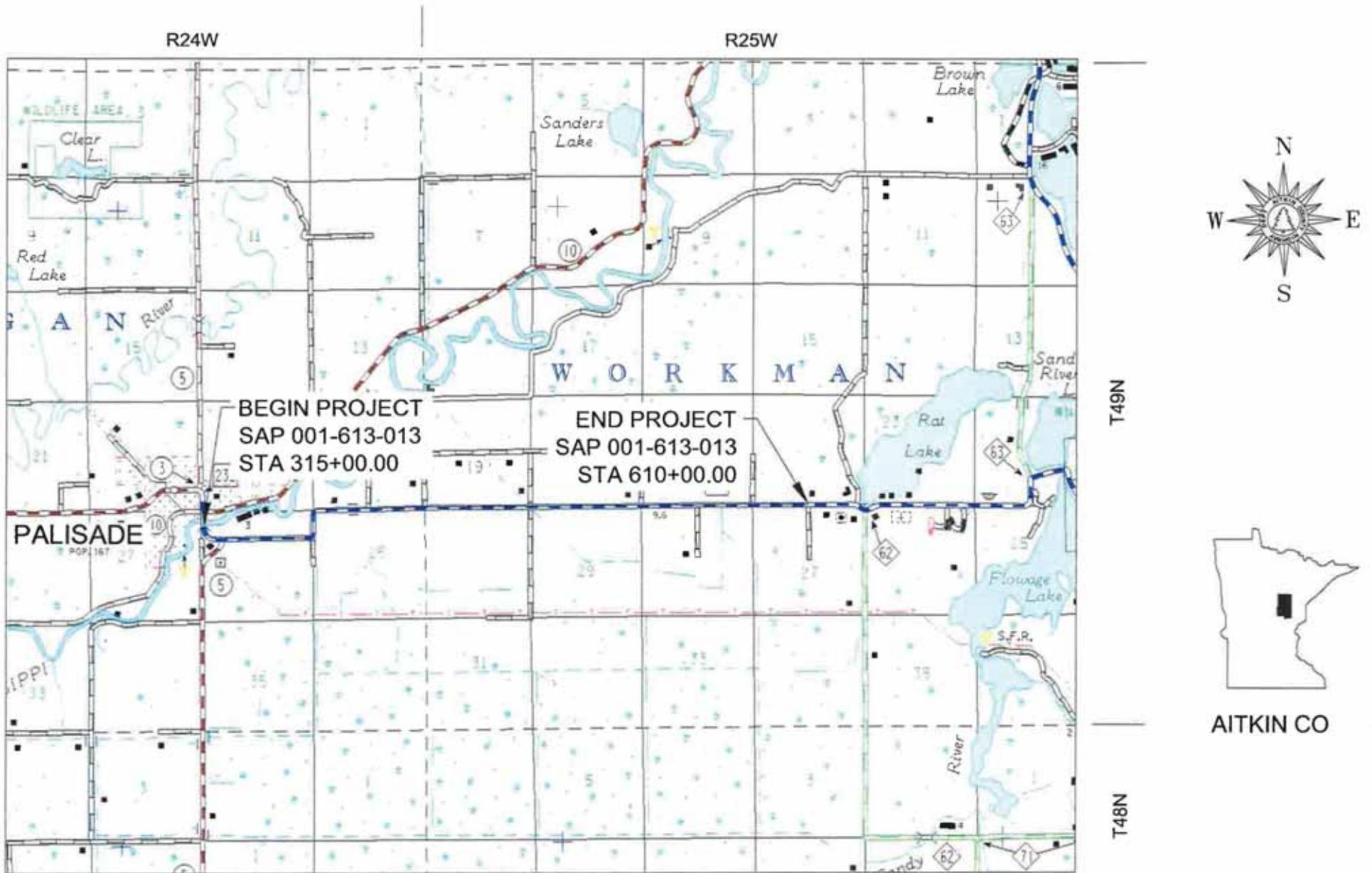
The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably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

Mr. Ben Cox
Chief, Northwest Section

Enclosures: Drawings Labeled (2014-00717-RQM Page 1 of 11 to Page 11 of 11)

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



Project Location Map







Map File: P:\2014\00717\00717_03_Figure5-3_WetlandDelineation_10/17/14_10.mxd











