



US Army Corps  
of Engineers  
St Paul District

**APPLICANT: Sanford Hoff**

# **Public Notice**

**ISSUED: September 17, 2014**

**EXPIRES: October 20, 2014**

**REFER TO: 2014-01267-WMS**

**SECTION: 404 - Clean Water Act  
10 – Rivers & Harbors Act**

---

1. APPLICATION FOR PERMIT TO discharge dredged and fill material on the bed of the St. Louis River in the Duluth Harbor for improvements to Pier B and Slip 2.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Pier B Holdings, LLC.  
301 West First Street, Suite 715  
Duluth, MN 55802

AGENT: Chad Scott  
AMI Consulting Engineers  
91 Main Street  
Superior, WI 54880

PROJECT LOCATION: The project site is located in Section 34, T. 50N., R. 14W., St. Louis County, Minnesota. The approximate UTM coordinates are N 46.776364, W 92.103364.

DESCRIPTION OF PROJECT: The proposed improvements to Pier B and Slip 2 involve several components that require Department of the Army authorization to include;

- The installation of steel sheet pile along 525 linear feet of Pier B dockwall and associated backfilling.
- Filling Slip 2 to cap contaminated sediments with dredged material to provide dockwall stabilization and shallow the water depth from approximately 20 feet deep to 5-10 feet deep.
- The construction of a steel sheet-pile wall or rock berm across the front of slip 2 for wave attenuation and to provide sediment stability.
- The construction of bridge support structures for a bridge connecting Pier B to Bayfront Park.
- Modification of the Pier B dockwall along Slip 2.
- The construction of a marina with twelve 6-foot wide floating piers
- The construction of a boat ramp approximately 70 feet long by 31 feet wide with an additional 12-foot wide floating pier.
- The construction of a beach area for canoe and kayak access.

QUANTITY, TYPE, AND AREA OF FILL: The applicant proposes to discharge approximately 990 cubic yards of granular fill into 0.03 acres of the St. Louis River for backfilling behind the steel sheet-pile wall, 40,000 cubic yards of granular fill into 2.1 acres for capping Slip 2, 850 cubic yards of

**Operations - Regulatory (2014-01267-WMS)**  
**SUBJECT: Notice of Application for Permit**

granular fill into 0.05 acres for the construction of a rock berm, and 1590 cubic yards of granular fill into 0.04 acres for the construction of bridge support structures.

**SOURCE OF FILL MATERIAL:** The fill material used to fill Slip would be from dredged material removed from the Federal Navigation Channel by the USACE under an existing harbor maintenance contract. The material to be dredged has been analyzed by the USACE – Detroit District and it is expected to be 68-96% sand and meet the criteria for in-water placement. Fill material used for backfilling behind the dockwall, bridge support structures, rock berm wave attenuator, beach area and boat ramp would come from a commercial source.

**SURROUNDING LAND USE:** The surrounding lands are generally comprised of industrial and commercial properties associated with the Duluth Harbor. The City of Duluth's Bayfront Park is located immediately north of the project site.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** Potentially toxic materials are not anticipated to be used at the project site. However, prior sediment assessments have identified that contaminated sediments are located within Slip 2 and require remediation or capping. Capping would isolate the contaminated sediments and prevent future contact with aquatic organisms and further migration into Lake Superior.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** The dredged material would be discharged into Slip 2 using specialized low impact procedures that have been developed to minimize disturbance to in-place contaminated sediments. A submerged rock berm and/or steel sheet-pile wall would also be constructed across Slip 2 to stabilize the capped contaminated sediments and prevent further water quality impairments.

**MITIGATION:** The construction of the bridge support structures and improvements to the dockwall are anticipated to result in the loss of approximately 0.07-acre of waters and is anticipated to be relatively minor individually and cumulatively. Therefore, compensatory mitigation is not required. The capping of contaminants within Slip 2 would help achieve important restoration goals for the St. Louis River Area of Concern (AOC) and would result in 2.1 acres of improved shallow water habitat.

### 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, 15954 Rivers Edge Drive, Suite 240, Hayward, WI 54843.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Bill Sande at the Hayward office of the Corps, telephone number (651) 290 - 5882.

**Operations - Regulatory (2014-01267-WMS)**  
**SUBJECT: Notice of Application for Permit**

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, St. Louis County is within the known or historic range of the following Federally-listed threatened (T), proposed threatened (PT), endangered (E) and proposed endangered (PE) species:

<u>Species</u>	<u>Habitat</u>
Canada Lynx (T)	Northern Forest - designated critical habitat.
Northern long-eared bat (PE)	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Piping Plover (E)	Sandy beaches; bare alluvial and dredge spoil Islands.
Rufa red knot (PT)	Coastal areas along Lake Superior

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>.

**Operations - Regulatory (2014-01267-WMS)**  
**SUBJECT: Notice of Application for Permit**

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

Minnesota Department of Natural Resources - Public Waters Work Permit  
Minnesota Pollution Control Agency – Volunteer Investigation and Cleanup (VIC) Program Approval  
City of Duluth – Planning Commission Environmental Assessment Worksheet (EAW)

**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.**

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. Within the area of potential effect for the project, the Corps has identified two properties, Slip 2 and Slip 3, which are eligible for inclusion in the National Register of Historic Places and a third property, the Atlas Cement Plant, which has not yet been evaluated to determine its eligibility for inclusion in the National Register. The Corps is currently working on an agreement with the Minnesota State Historic Preservation Office (SHPO) that would allow portions of the project to proceed while evaluation of the Cement Plant and assessment of effects on Slip 2 and Slip 3 are completed. Any resulting adverse effects on these properties will be resolved in consultation with the SHPO. The Corps encourages any member of the public to comment on the potential effects to the properties mentioned above or provide information on other properties that they believe may be affected by the project.

**Operations - Regulatory (2014-01267-WMS)**  
**SUBJECT: Notice of Application for Permit**

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.

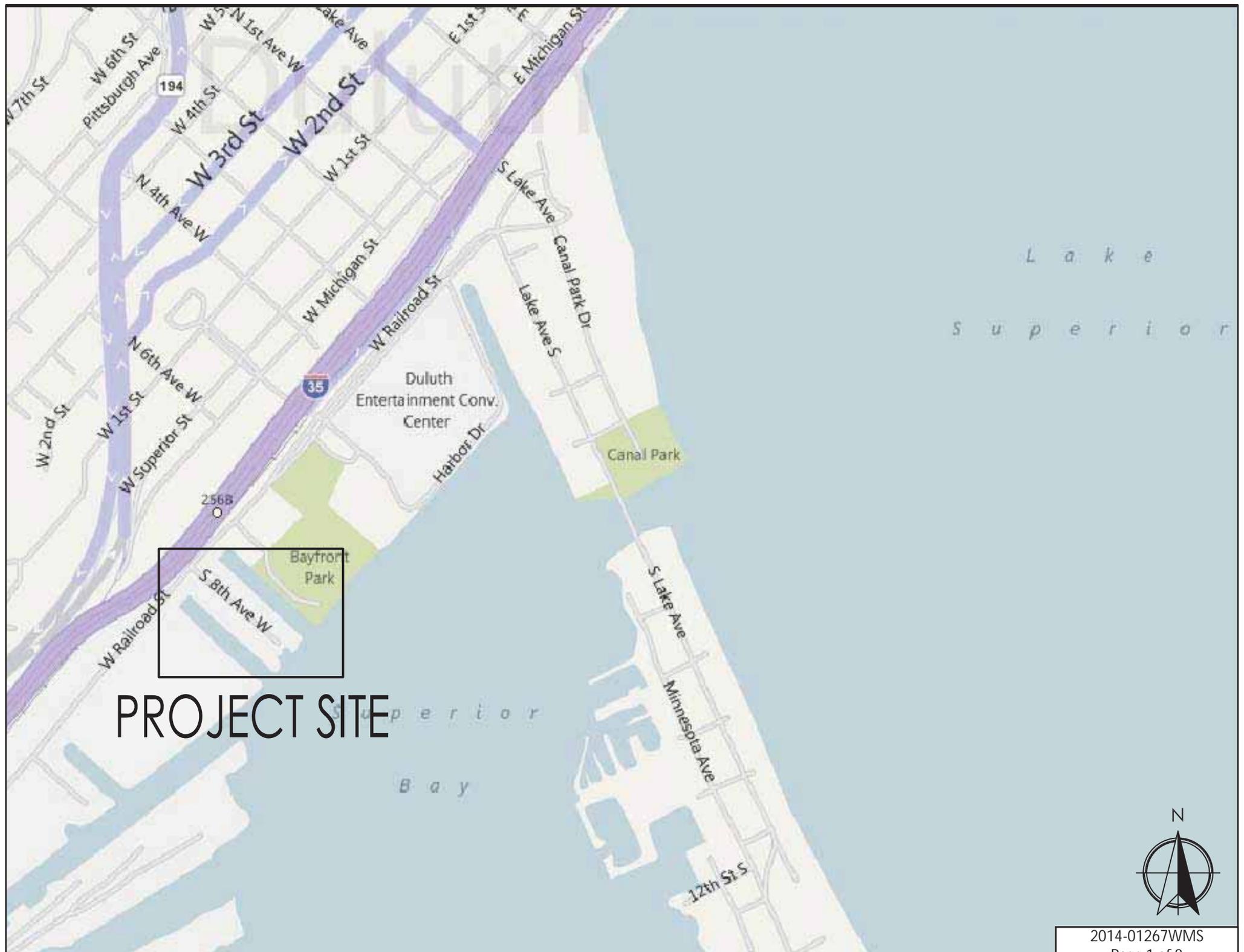
The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably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

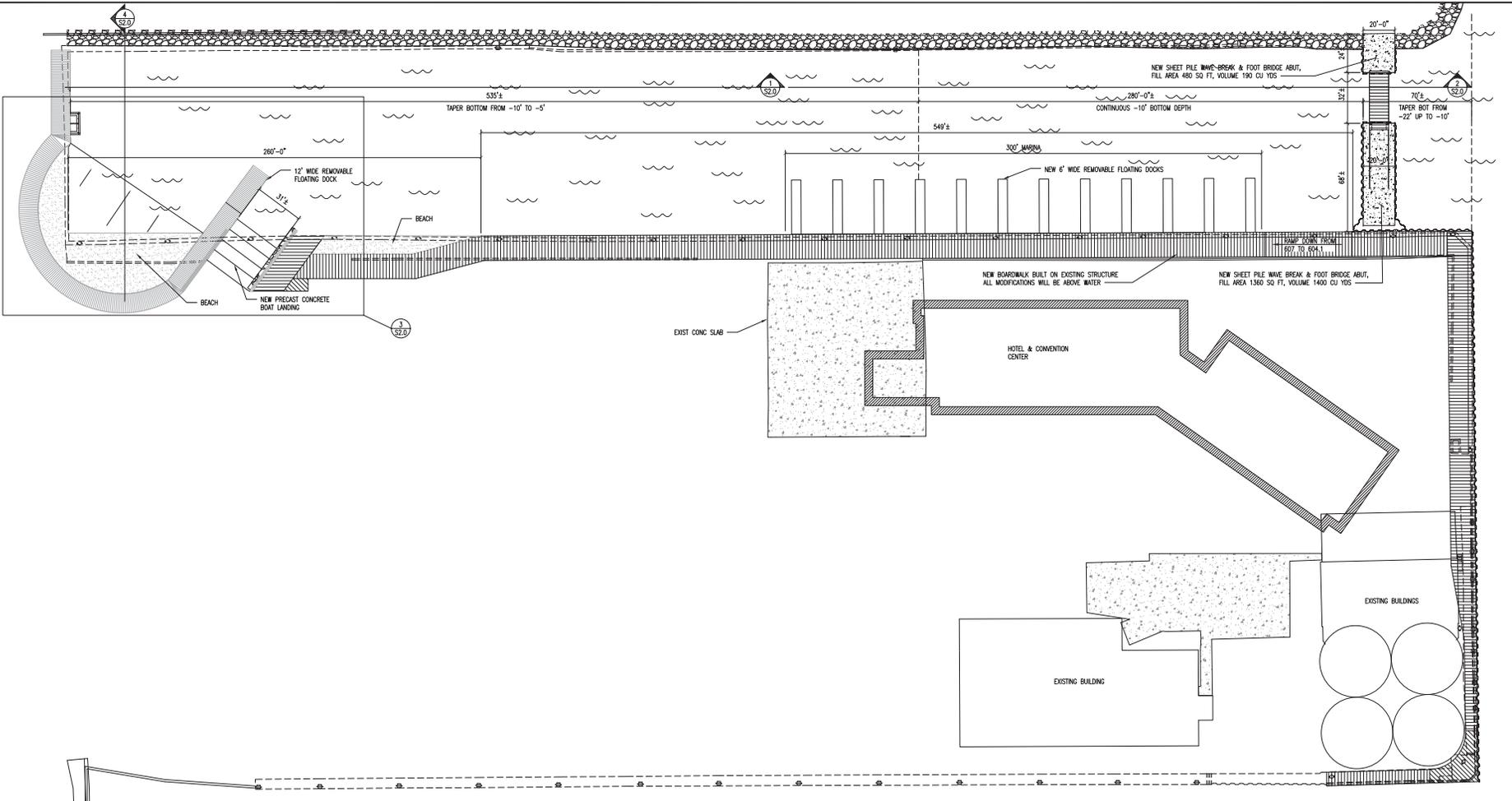


# PROJECT SITE



© COPYRIGHT - ALL RIGHTS RESERVED BY AMI, INC.

2014-01-26 10:45 AM



1 PROPOSED SITE PLAN  
1/32" = 1'-0"



1. I HEREBY CERTIFY THAT THE PLAN, SPECIFICATION, CONTRACT DOCUMENTS AND THAT I AM A duly Licensed Professional Engineer in the State of Minnesota.  
 NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
 DATE: \_\_\_\_\_

DATE	REV.	DESCRIPTION	REV. BY:

PIER 8 HOTEL & CONDOMINIUMS  
DOCK REHABILITATION  
DULUTH, MINNESOTA  
PLAN

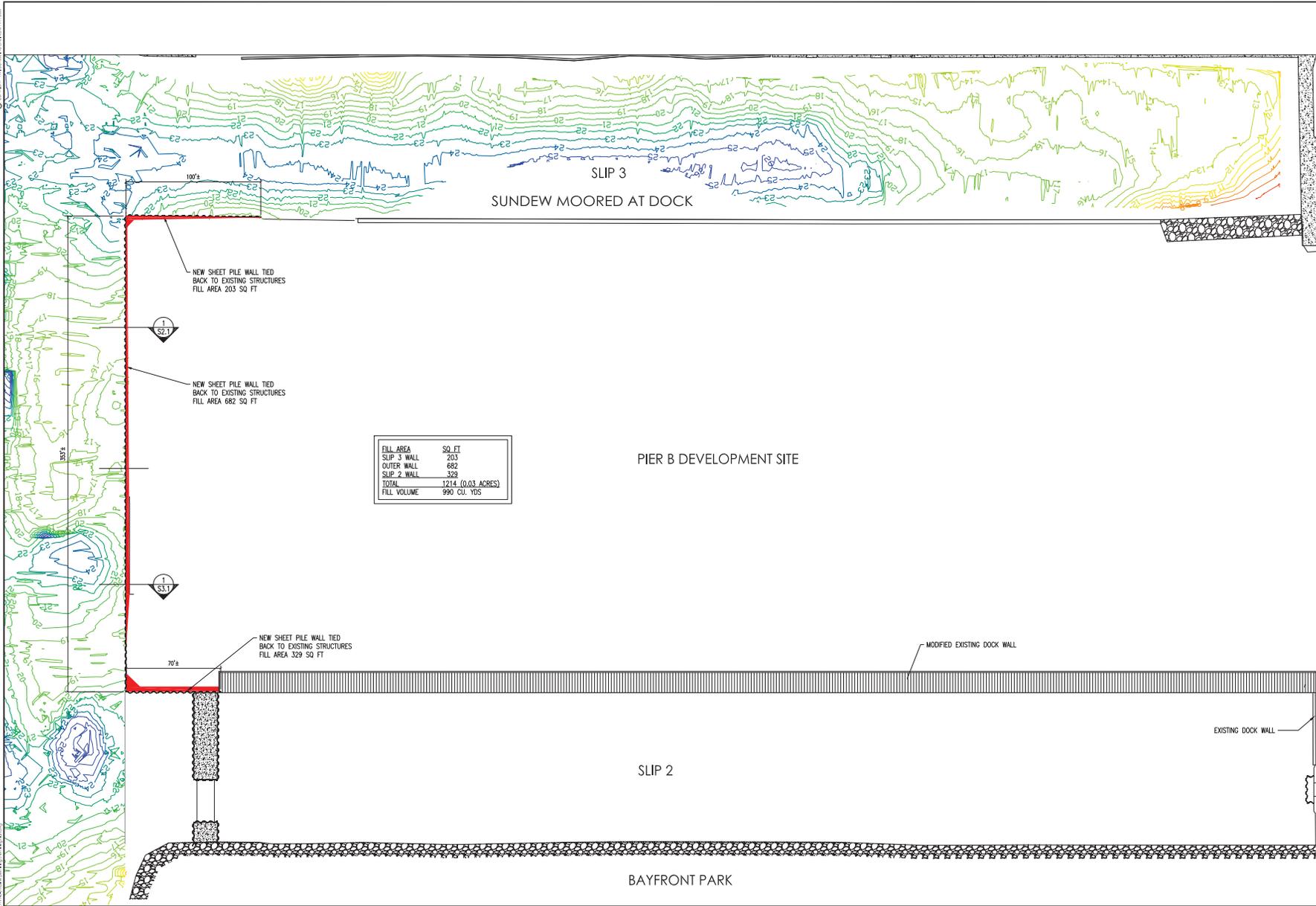
JOB No: 111140-3  
DATE: 8-21-14  
DRAWN BY: SGS/SAJ  
DESIGNED BY: CES

SHEET:  
**S1.0**



© 2014 AMI CONSULTING ENGINEERS P.A.

DATE: 4-14-14  
DRAWN BY: SAJ  
DESIGNED BY: CHWS



1 PROPOSED SITE PLAN  
 1/32" = 1'-0" ON A 24"x36" PLAN

2014-01267WMS  
 Page 4 of 8



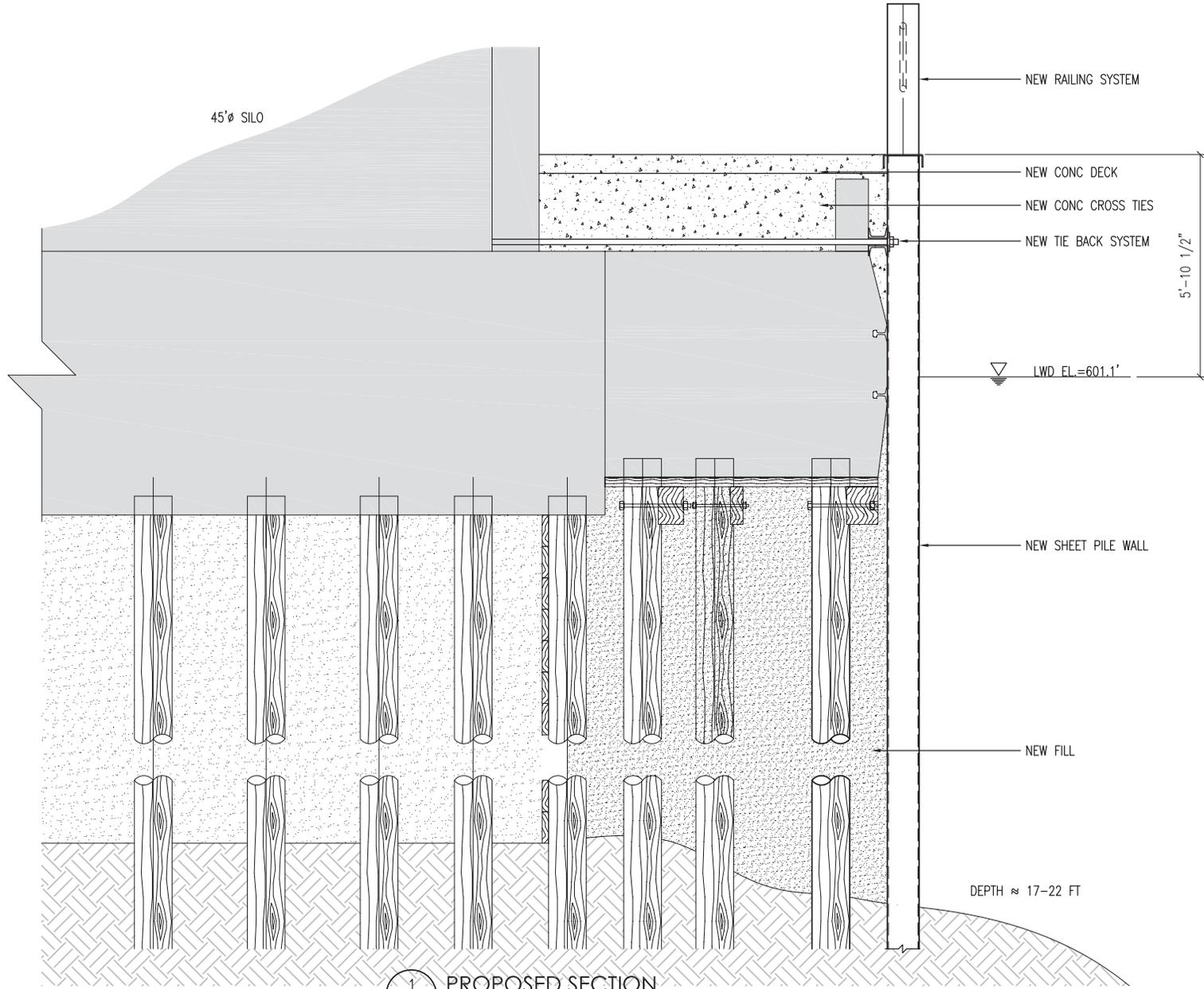
NOT FOR CONSTRUCTION  
 PRELIMINARY

REV. NO.	DESCRIPTION	DATE	BY

Pier B Hotel & Condominiums  
 Dock Rehabilitation  
 Project Permitting  
 Duluth, Minnesota  
 Proposed Site Plan

JOB NO: 111140  
 DATE: 4-14-14  
 DRAWN BY: SAJ  
 DESIGNED BY: CHWS

SHEET: C2.0



1  
S2.1 PROPOSED SECTION  
3/8" = 1'-0"

2014-01267WMS  
Page 5 of 8



DATE	REV	DESCRIPTION	BY

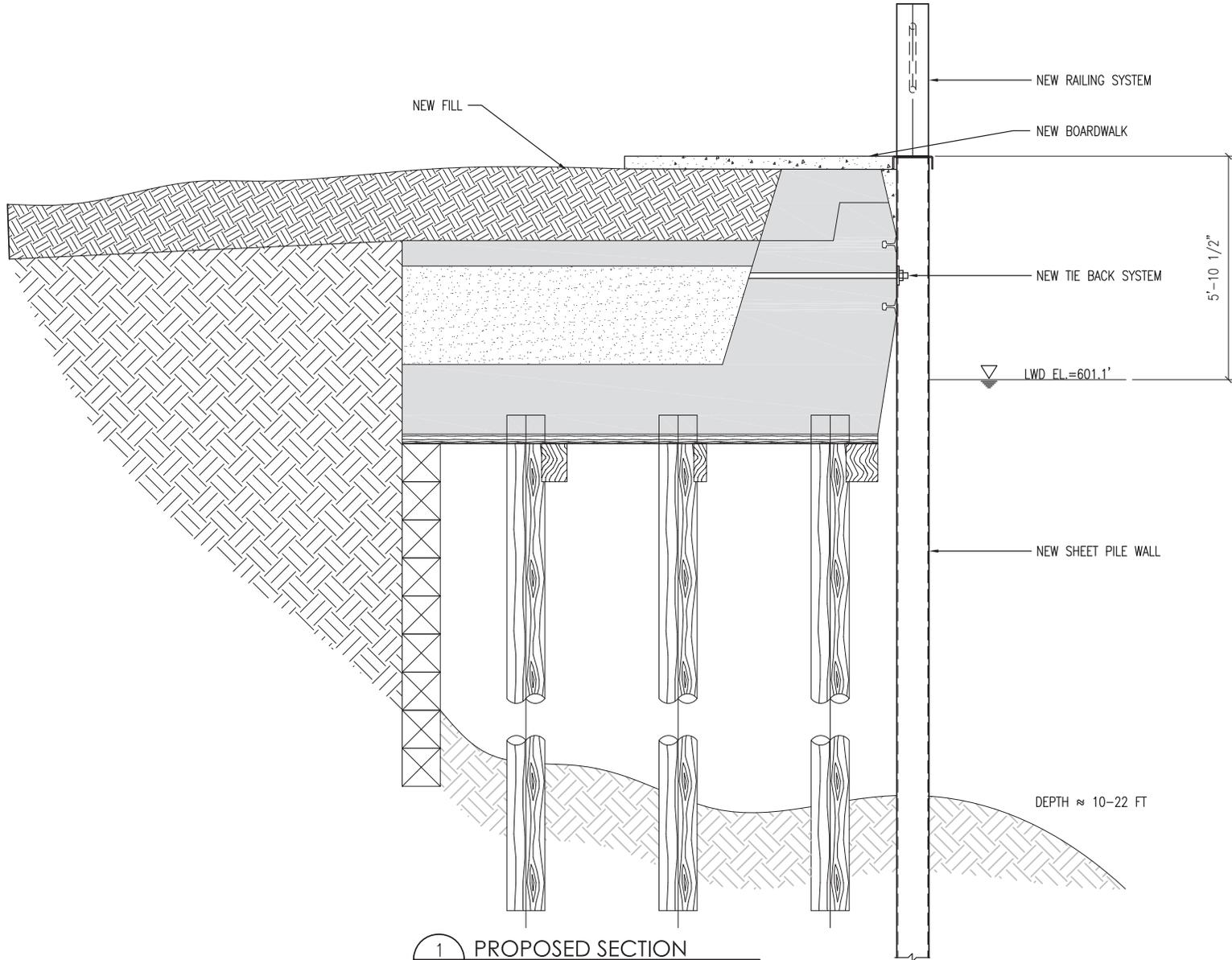
Pier B Hotel & Condominiums	
Dock Rehabilitation	
Project Permitting	
Duluth, Minnesota	
Proposed Section	

JOB No: 111140
DATE: 4-14-14
DRAWN BY: SAJ
DESIGNED BY: CWS

SHEET:
<b>S2.1</b>



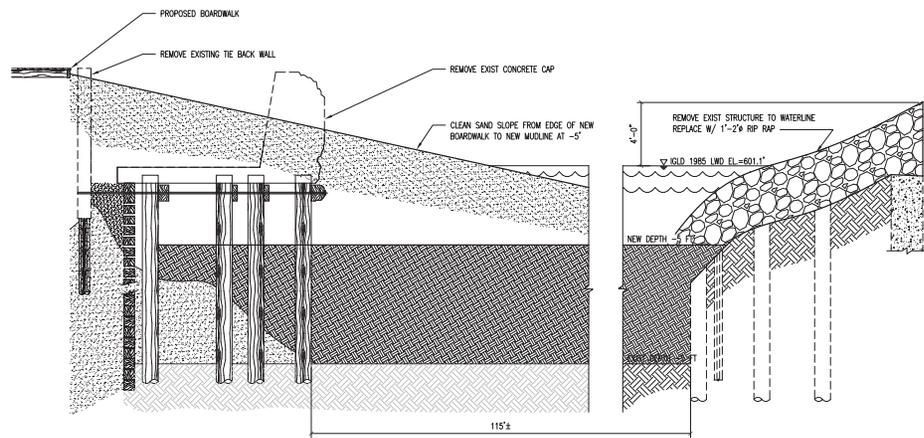
1 PROPOSED SECTION  
S3.1 3/8" = 1'-0"

2014-01267WMS  
Page 6 of 8

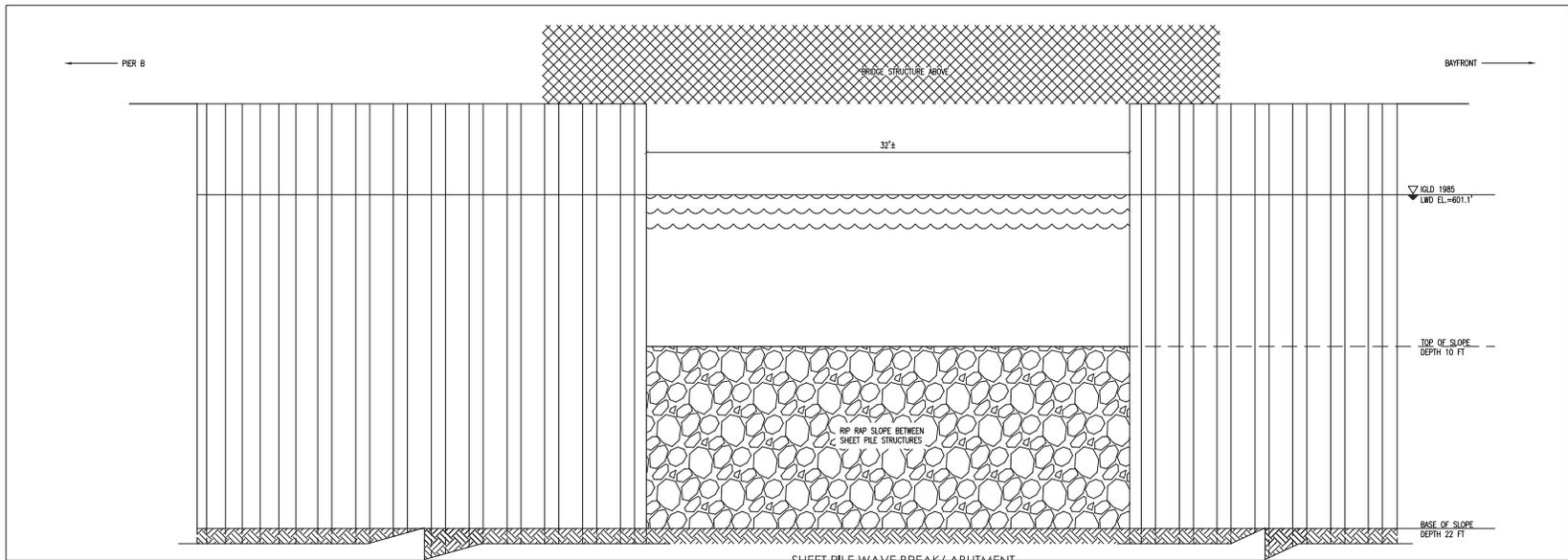


DATE:	REV:	DESCRIPTION:	BY:
Bier B Hotel & Condominiums Dock Rehabilitation Project Permitting Duluth, Minnesota		Proposed Section	
JOB No: 111140 DATE: 4-14-14 DRAWN BY: SAJ DESIGNED BY: CWS			
SHEET:		S3.1	

© 2014 AMI CONSULTING ENGINEERS P.A. 200  
 8/28/2014 10:27 PM  
 C:\Users\jgordon\OneDrive\Documents\2014\2014-01267\2014-01267-WMS\2014-01267-WMS-07.dwg



**1**  
 S3.0  
 SLIP 2- BEACH  
 CROSS SECTION  
 SCALE: 1/4" = 1'-0"



**2**  
 S3.0  
 SHEET PILE WAVE BREAK / ABUTMENT  
 ELEVATION DETAIL  
 SCALE: 1/4" = 1'-0"

2014-01267WMS  
 Page 7 of 8



I HEREBY CERTIFY THAT THE DESIGN OR PREPARATION  
 OF THIS REPORT WAS PREPARED BY ME OR UNDER MY  
 DIRECT SUPERVISION AND THAT I AM A LICENSED  
 PROFESSIONAL ENGINEER IN THE STATE OF WISCONSIN.  
 NAME: \_\_\_\_\_ DATE: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_

REV. BY:	DESCRIPTION:	DATE:	REV.:

**PIER B HOTEL & CONDOMINIUMS  
 DOCK REHABILITATION**  
 DULUTH, MINNESOTA  
 CROSS SECTIONS & DETAILS

JOB No: 111140-3  
 DATE: 8-28-14  
 DRAWN BY: SCG/SAJ  
 DESIGNED BY: CES

SHEET:  
**S3.0**

