



US Army Corps  
of Engineers  
St Paul District

**APPLICANT: Scott County**

# **Public Notice**

**ISSUED: February 02, 2015**

**EXPIRES: March 03, 2015**

**REFER TO: MVP-2014-02068-RMM**

**SECTION: 404 - Clean Water Act**

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into 5.45 acres of wetland for the purpose of reconstructing approximately 3 miles of County State Aid Highway (CSAH) 8 from Vernon Avenue to the Scott and Dakota County Line. Details of the project design features and wetland impacts are shown on the attached drawings labeled MVP-2014-02068-RMM, Page 1 of 13 through Page 13 of 13.

## 2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Scott County  
600 Country Trail East  
Jordan, Minnesota 55352

AGENT'S ADDRESS: WSB & Associates, Inc.  
c/o Alison Harwood  
701 Xenia Avenue South, Suite 30  
Minneapolis, Minnesota 55416

PROJECT LOCATION: The project site is located in Scott County, Minnesota. The center point of the project is located at Latitude 44.64005, Longitude -93.33406.

DESCRIPTION OF PROJECT: The purpose of this project is to reconstruct the two-lane rural roadway to a two-lane roadway with a minimum eight-foot shoulders and a separate multi-use trail, to improve safety. The roadway reconstruction project will begin just west of CSAH 91 to the Scott/Dakota County line. There will be a roundabout at the CSAH 91 intersection and a trail along the roadway reconstruction area, with the trail extending in to Dakota County to the Keswick Loop. The preferred alternative would improve safety and the overall access spacing in the project area.

Changes to access as part of the project include the following:

- Elimination of one public street access, Lucerne Trail (frontage road will be constructed to connect Lucerne Trail to France Boulevard).
- Remove private driveways where possible.

The preferred alternative will include the following features:

- At a minimum 8' shoulders.
- Roundabout at CSAH 8 and CSAH 91 intersection.
- Left and right turn lanes at Monterey Avenue, Wagon Wheel Trail, and France Boulevard.
- Improved vertical and horizontal geometry.
- Improved curve warning signing.
- Separate bituminous trail.

**Operations - Regulatory (2014-02068-RMM)**

**SUBJECT: Notice of Application for Permit**

- Storm water improvements.
- Street Lighting.

**QUANTITY, TYPE, AND AREA OF FILL:** The project would include the permanent discharge of dredged and fill material into 5.11 acres of fresh (wet) meadow, shallow marsh, and shallow open water, and the temporary discharge of dredged and fill material into 0.34 acres of seasonally flooded basin, fresh (wet) meadow, shallow marsh, and shrub carr.

**VEGETATION IN AFFECTED AREA:** The vegetation in the wetland areas generally consisted of reed canary grass, Kentucky bluegrass, green bulrush, Canada golden-rod, common plantain, and stinging nettle.

**SOURCE OF FILL MATERIAL:** The source of fill material is proposed to be from a licensed facility or obtained from onsite.

**SURROUNDING LAND USE:** The surrounding land use in the project area is primarily residential use with some agricultural, open space, and a golf course.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** No toxic materials are proposed within the project area.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** Best management practices have been proposed. Silt fences will be utilized during construction to minimize off-site impacts resulting from siltation. Disturbed areas will be stabilized within 7 days following the completion of construction and will be seeded with appropriate native seed mixes.

**MITIGATION:** The applicant has proposed to provide compensatory mitigation for all permanent impacts. The applicant will be utilizing the MN Local Government Road Wetland Replacement Program (LGRWRP) for most of the impacts. The remaining impacts that are not covered by the LGRWRP are proposed to be purchased from the Minnesota State Wetland Bank Account #1175, a Corps-approved bank.

**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 Ryan Malterud at the St. Paul office of the Corps, telephone number (651)290-5286.

**Operations - Regulatory (2014-02068-RMM)**  
**SUBJECT: Notice of Application for Permit**

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**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, Dakota County is within the known or historic range of the following Federally-listed threatened (T), endangered (E), and proposed (P) species:

<u>Species</u>	<u>Habitat</u>
Northern long-eared bat (P)	Caves and mines and upland forests
Higgins' eye pearl mussel (E)	Mississippi Rivers
Prairie bush clover (T)	Native prairie on well-drained soils

This project is receiving federal funds. The funding agency, the Federal Highway Administration has delegated its responsibilities to the Minnesota Department of Transportation (MnDOT). MnDOT has coordinated their determination with the USFWS and based on their discussions it has been determined that the proposed project is not likely to jeopardize the continued existence of the Northern long-eared bat.

**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>.

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

1. Wetland Conservation Act replacement plan
2. NPDES permit

**Operations - Regulatory (2014-02068-RMM)**  
**SUBJECT: Notice of Application for Permit**

**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 project was reviewed by the Minnesota Department of Transportation (MnDOT) pursuant to their Federal Highway Administration (FHWA)-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800), and as per the terms of the Programmatic Agreement (PA) between the FHWA and the Minnesota State Historic Preservation Office. MnDOT has determined that there will be no historic properties affected by this project as currently proposed.

This information is documented in our administrative record in a May 5, 2014, letter from Renee Barnes, MnDOT Historian with the Cultural Resources Unit.

**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.

**Operations - Regulatory (2014-02068-RMM)**  
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9. PUBLIC INTEREST REVIEW.

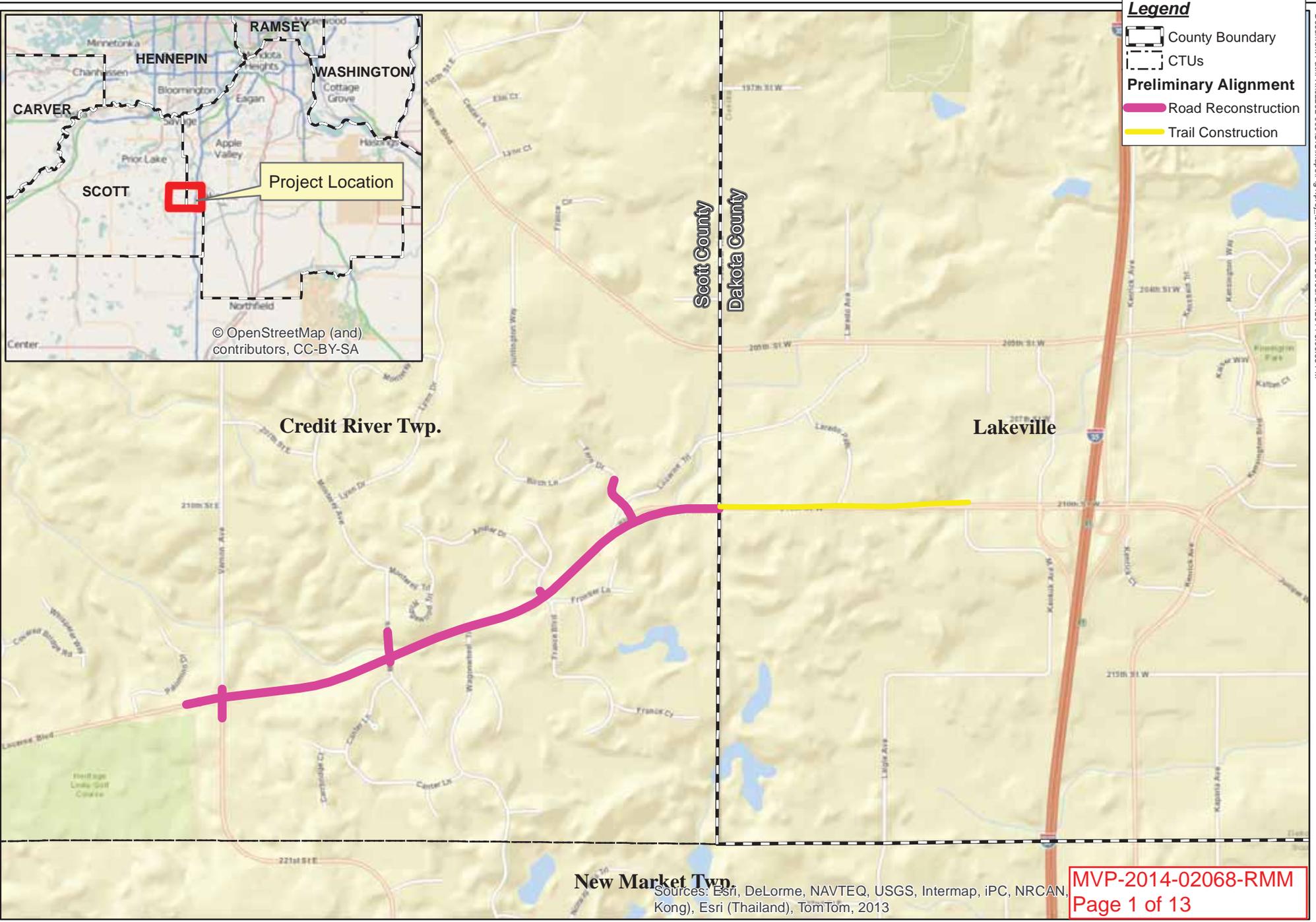
The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably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

Chad Konickson  
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-2014-02068-RMM  
Page 1 of 13

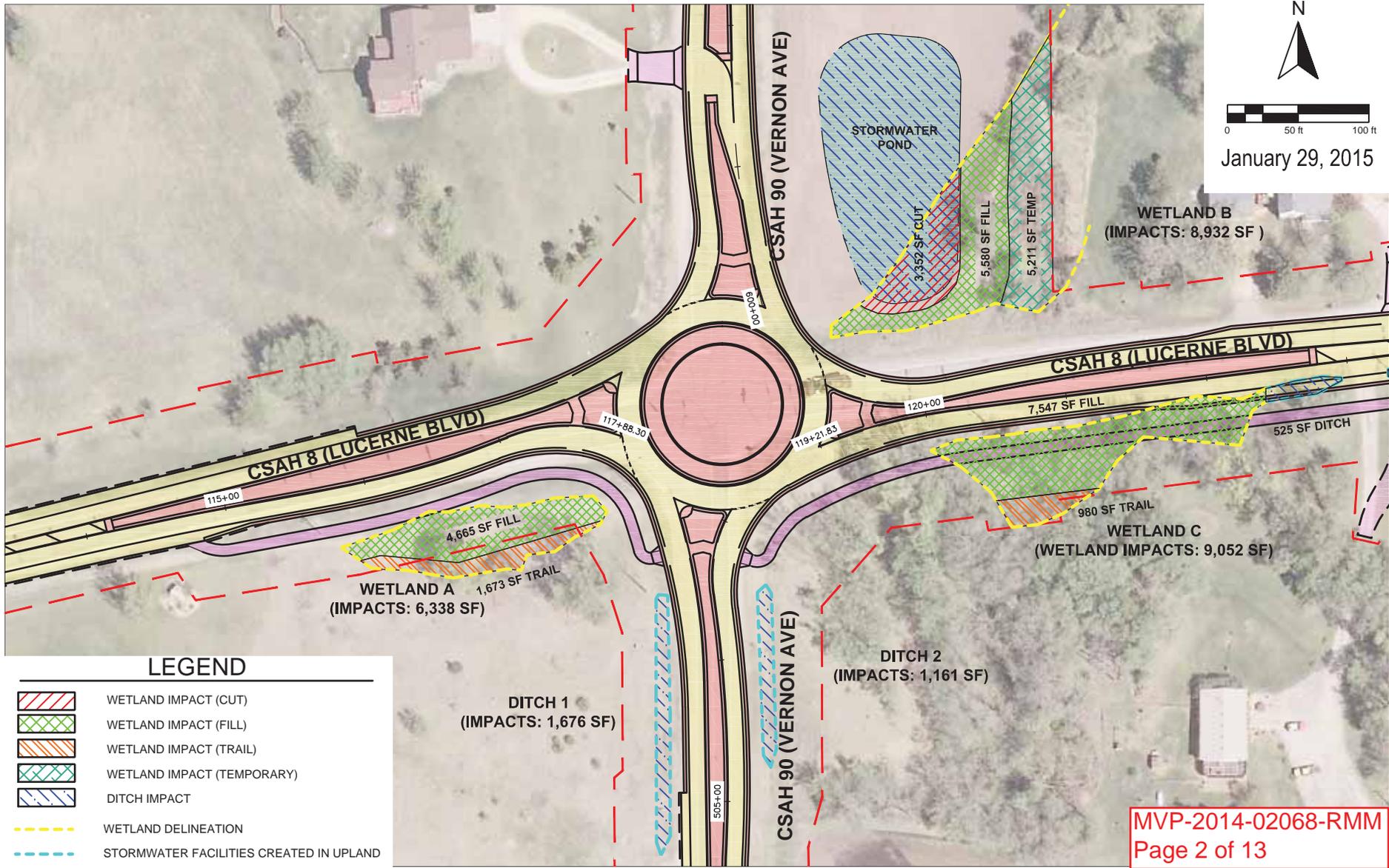
**Figure 1. Project Location Map**  
**CSAH 8 Improvements (C.P. No. 08-12/S.P. 070-608-022)**  
 Credit River Township/City of Lakeville  
 Scott County/Dakota County, MN

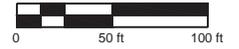


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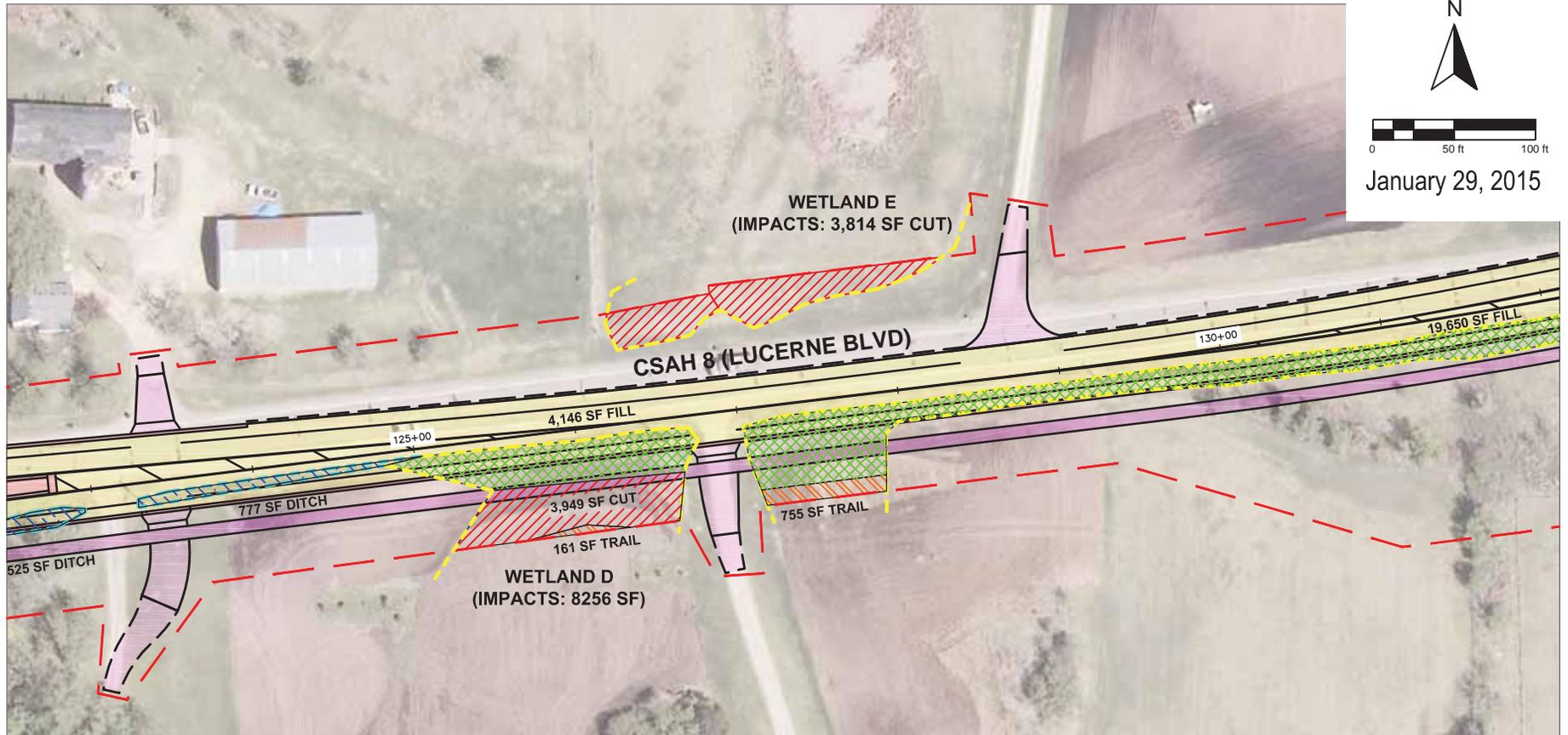


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January 29, 2015



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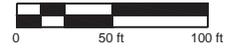
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- WETLAND IMPACT (TRAIL)
- WETLAND IMPACT (TEMPORARY)
- DITCH IMPACT
- WETLAND DELINEATION
- STORMWATER FACILITIES CREATED IN UPLAND
- CONSTRUCTION LIMITS

MVP-2014-02068-RMM  
 Page 3 of 13

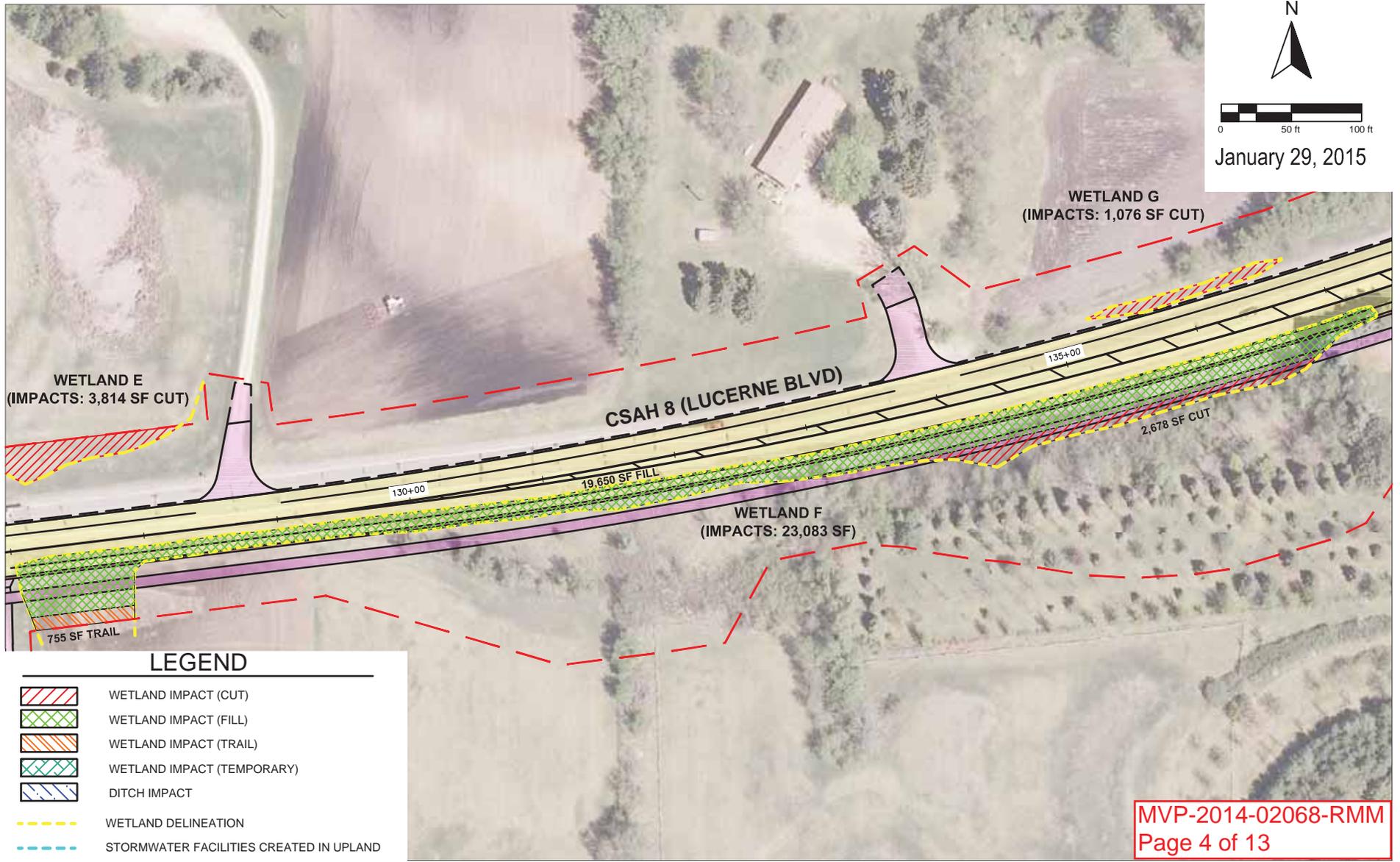


CSAH 8 Improvements  
 Scott County, Minnesota

Wetland Impacts  
 Wetlands D & E



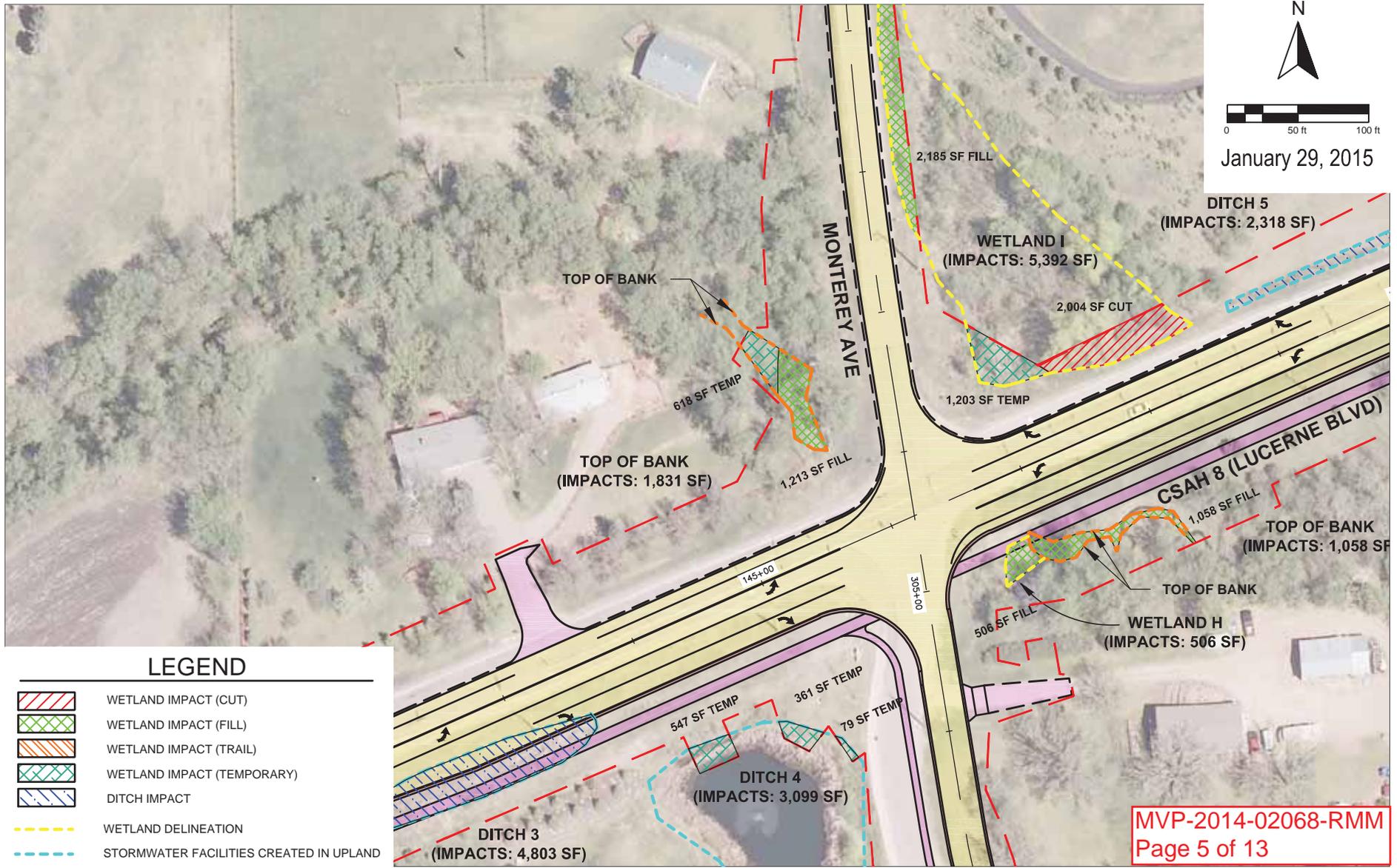
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CSAH 8 Improvements  
Scott County, Minnesota

Wetland Impacts  
Wetlands F & G

N  
 0 50 ft 100 ft  
 January 29, 2015



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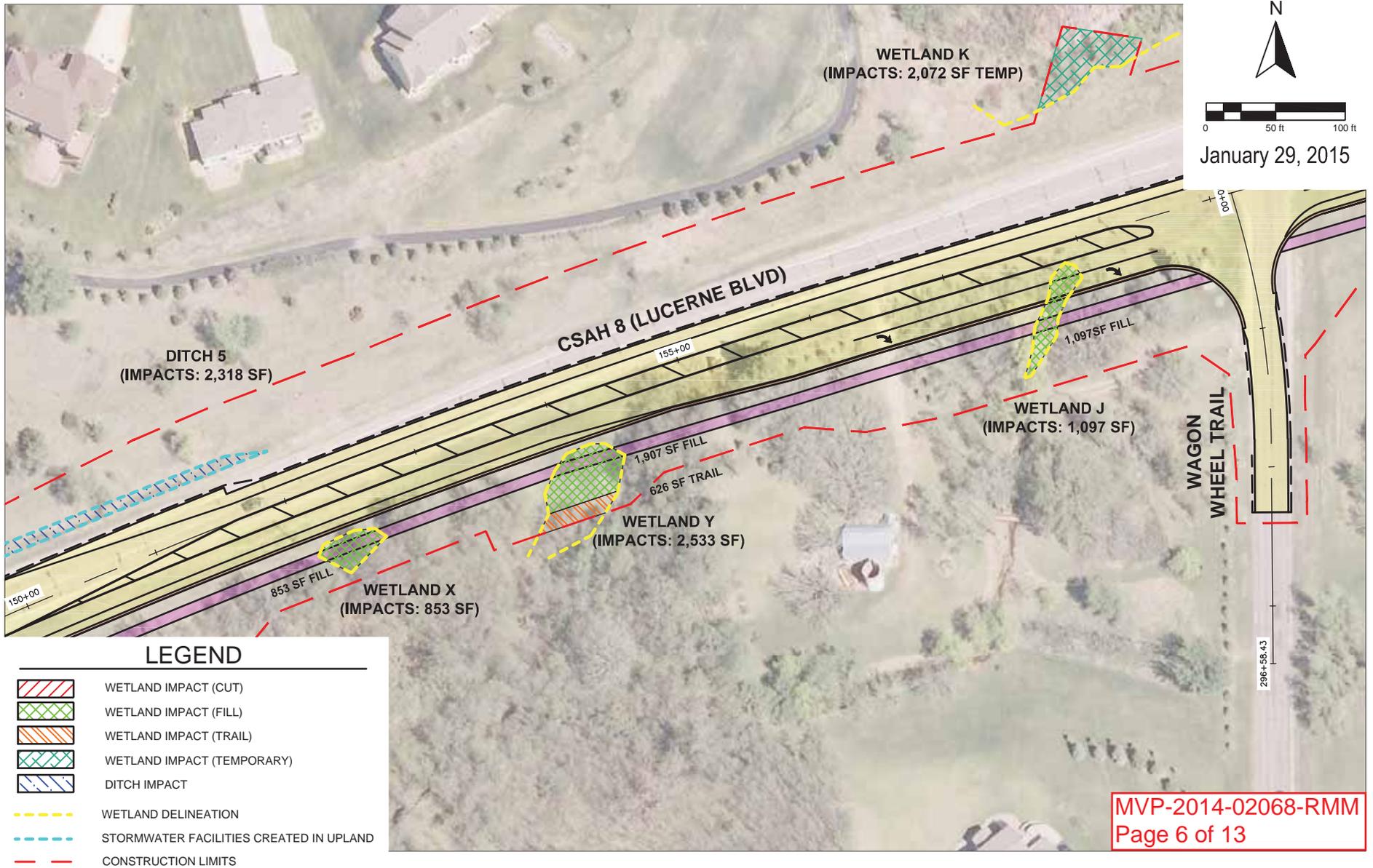
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MVP-2014-02068-RMM  
 Page 5 of 13



CSAH 8 Improvements  
 Scott County, Minnesota

Wetland Impacts  
 Wetlands H & I



N

0 50 ft 100 ft

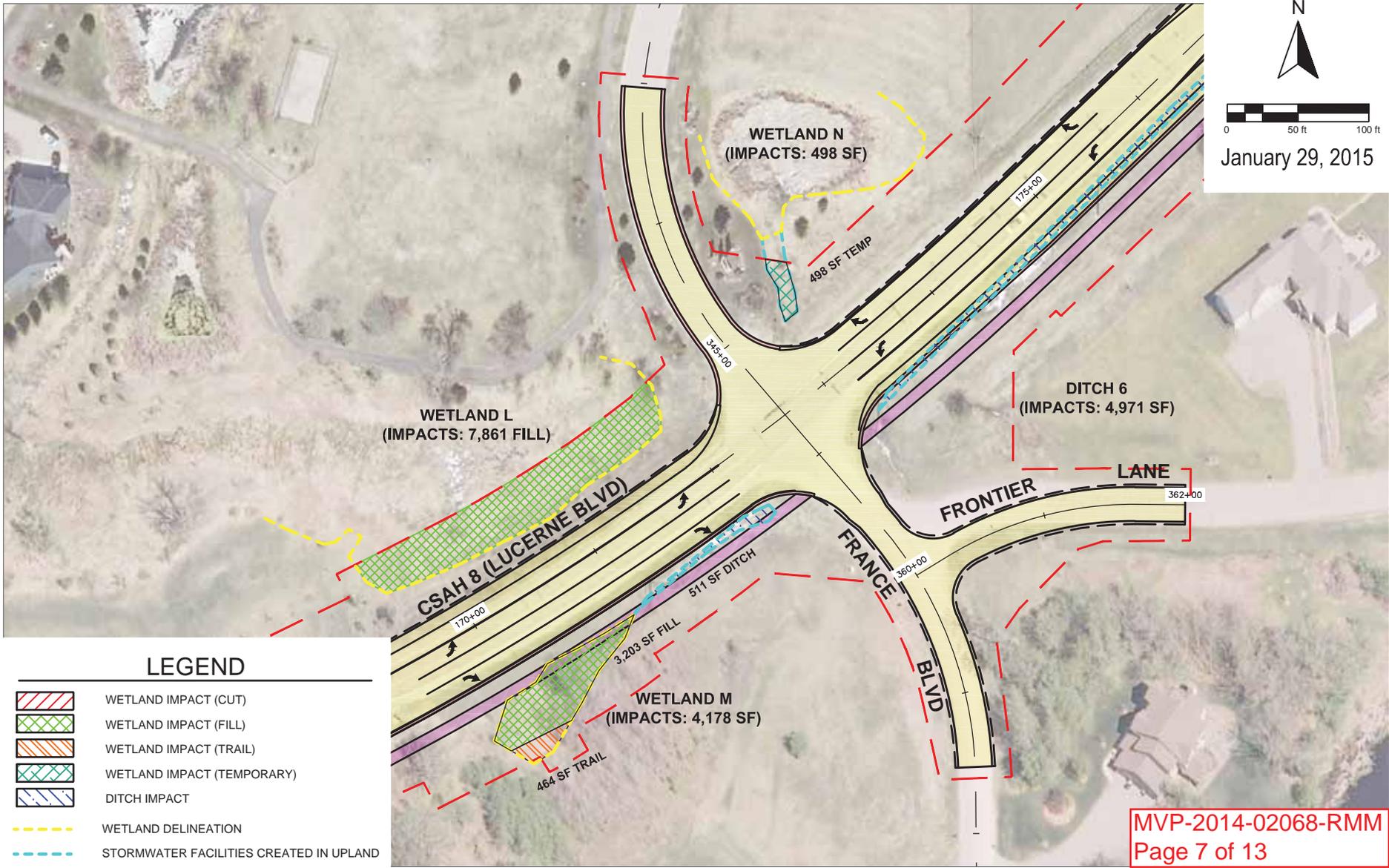
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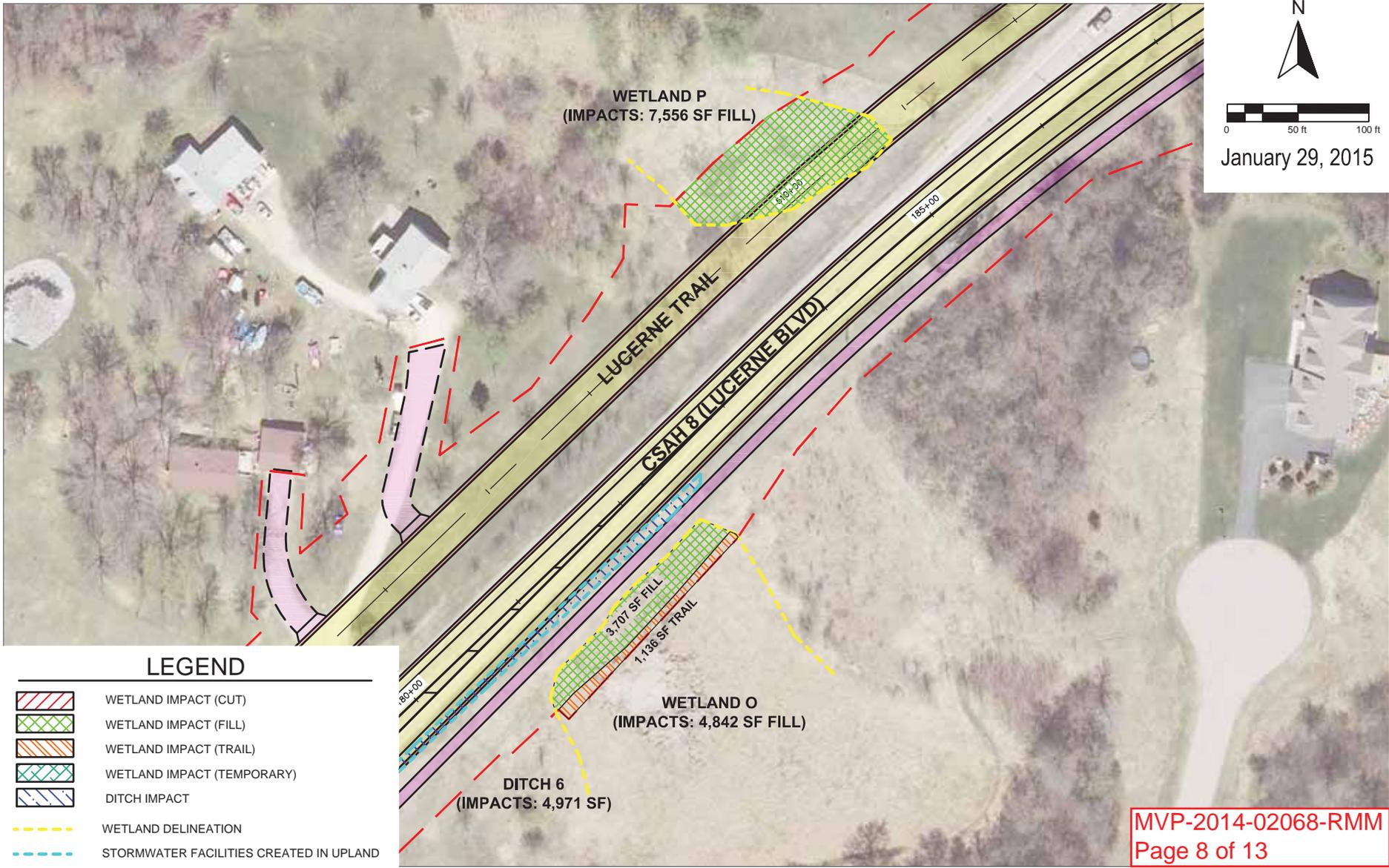
MVP-2014-02068-RMM  
 Page 6 of 13



CSAH 8 Improvements  
 Scott County, Minnesota

Wetland Impacts  
 Wetlands X, Y, J & K





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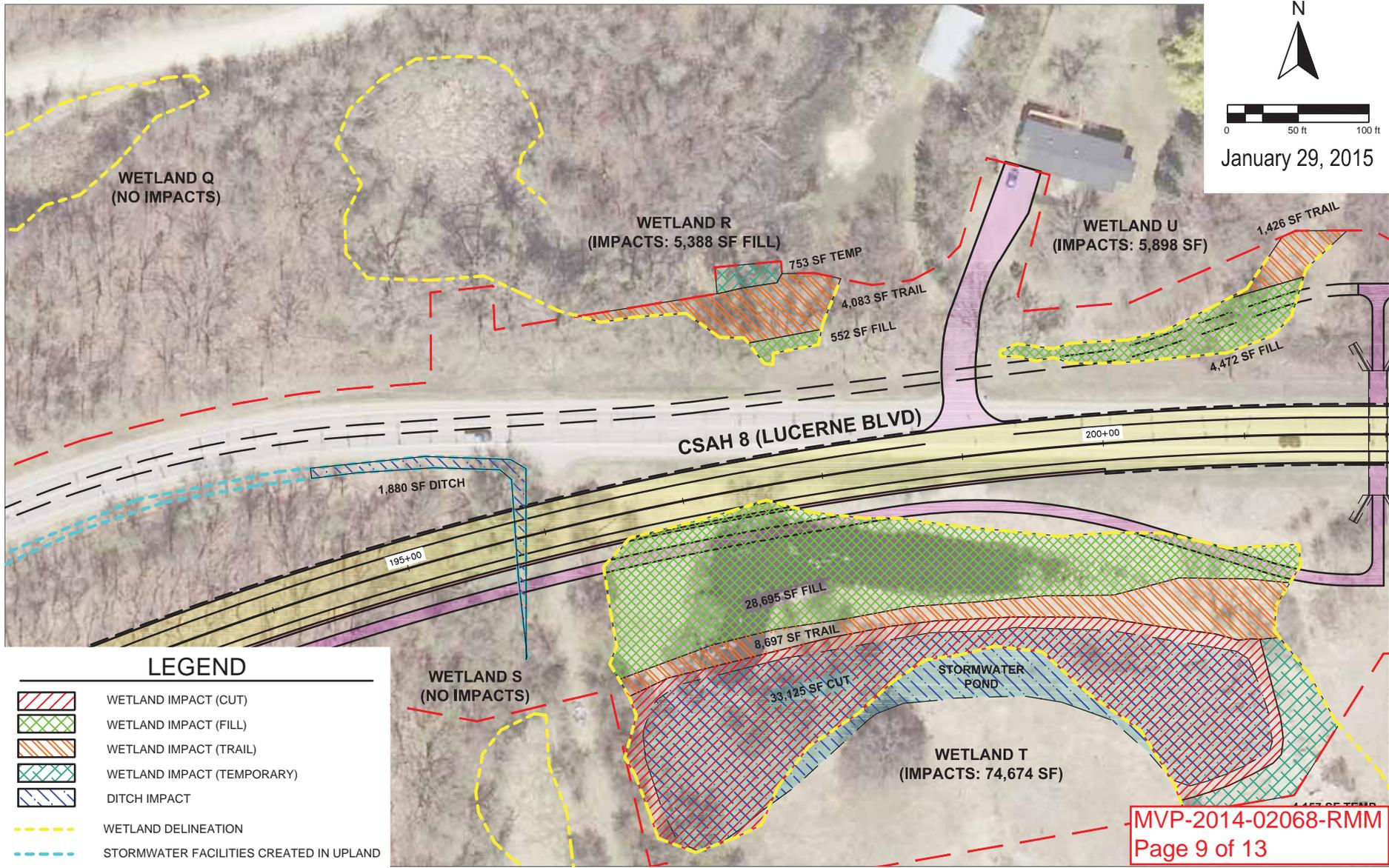


CSAH 8 Improvements  
 Scott County, Minnesota

Wetland Impacts  
 Wetlands O & P

MVP-2014-02068-RMM  
 Page 8 of 13

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 January 29, 2015



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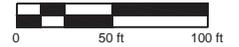
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MVP-2014-02068-RMM  
 Page 9 of 13

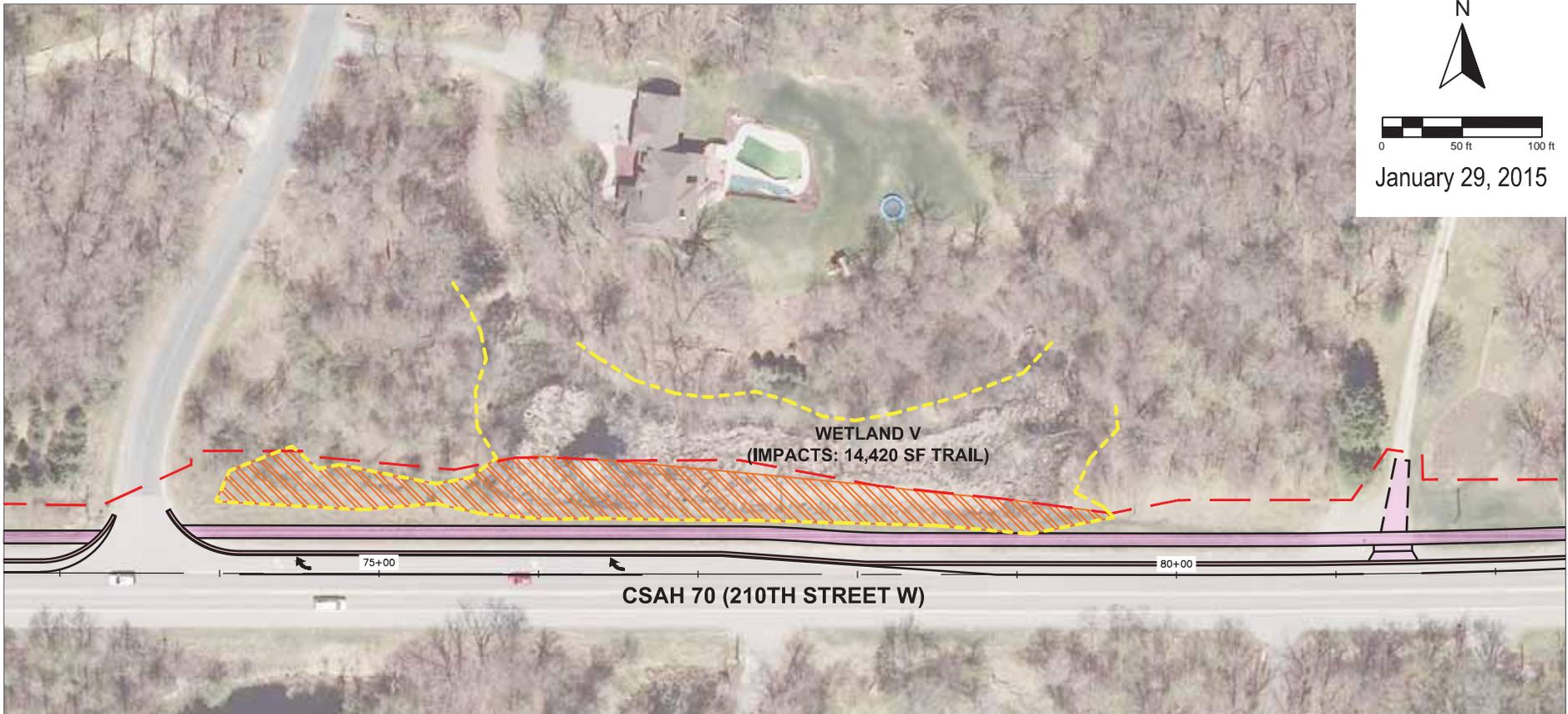


CSAH 8 Improvements  
 Scott County, Minnesota

Wetland Impacts  
 Wetlands R, T & U



January 29, 2015



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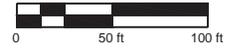
MVP-2014-02068-RMM  
Page 10 of 13



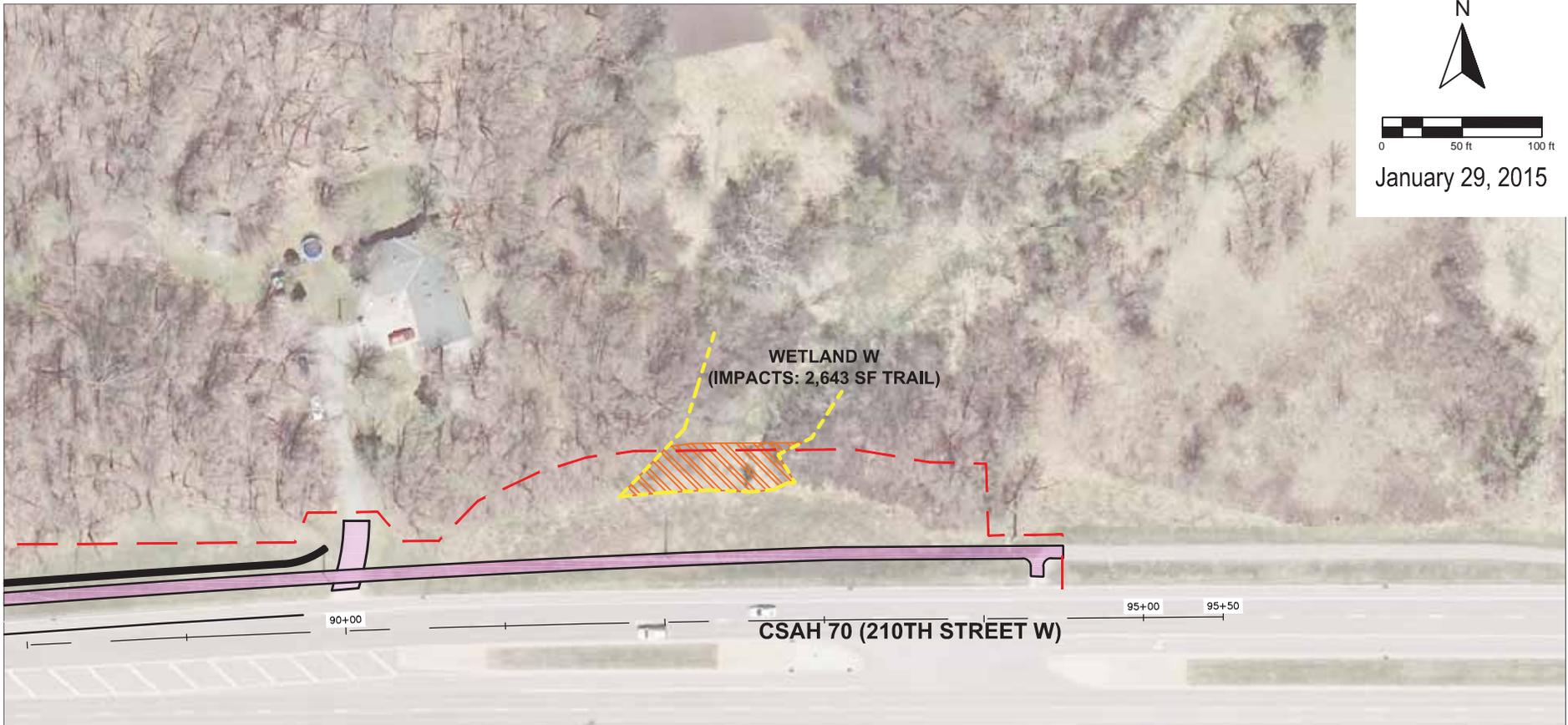
CSAH 8 Improvements  
Scott County, Minnesota

Wetland Impacts

Wetland V



January 29, 2015



### LEGEND

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MVP-2014-02068-RMM  
Page 11 of 13



CSAH 8 Improvements  
Scott County, Minnesota

Wetland Impacts

Wetland W

