



US Army Corps
of Engineers
St Paul District

APPLICANT:

Minnesota Department
of Transportation,
District 3; c/o Mr. John
Mackner

Public Notice

ISSUED: March 31, 2015

EXPIRES: April 29, 2015

REFER TO: MVP-2015-00064-SEW

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into approximately 0.05 acre of West Twin Lake, approximately 220 linear feet of Cullen Brook, and approximately 5.71 acres of wetlands adjacent to tributaries to the Pine River and Gull River to facilitate the expansion of approximately 8.27 miles of Trunk Highway 371 from a two-lane highway to a four-lane divided highway between Hazelwood Drive in Nisswa to about 0.14 mile north of Rosewood Street in Jenkins.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 7694 Industrial Park Road, Baxter, Minnesota 56425

PROJECT LOCATION: The project site is located in Sections 2, 3, and 11, T. 135N., R. 29W., Sections 2, 3, 10, 11, 14, 22, 23, 26, 27, 34, and 35, T. 136N., R. 29W., and Sections 34 and 35, T. 137N., R. 29W., Crow Wing County, Minnesota. The approximate UTM coordinates are 46.579647N., -94.303750W.

DESCRIPTION OF PROJECT & PURPOSE and NEED: The Minnesota Department of Transportation (MnDOT) proposes to reconstruct approximately 8.27 miles of Trunk Highway (TH) 371 from a two-lane highway to a four-lane divided highway between Hazelwood Drive in Nisswa to about 0.14 mile north of Rosewood Street in Jenkins. TH 371 is major north-south highway that connects U.S. Highway 10 and the Twin Cities metropolitan area to the Central Lakes Region of Minnesota and the cities of Brainerd and Bemidji. In the project area, TH 371 is classified as a principal arterial with two 12-foot wide travel lanes (one in each direction), 10-foot wide shoulders, 12-foot wide turn lanes, and 1v:4h sideslopes (except in guardrail areas where slopes are steeper). The highway had an average annual daily traffic (AADT) volume of 10,700 vehicles per day (vpd) in 2012. MnDOT states that the project is needed to improve safety, reduce congestion, and correct design deficiencies that exist along this segment of TH 371. The project corridor has higher crash rates and greater severity of crashes than the state average for similar roadways, and the project area already experiences heavy congestion during daily peak hours and during summer holidays and weekends. The area is expected to have an AADT of 21,100 vpd by 2030, though this can be much greater during summer weekends and holidays; some portions of the roadway may experience AADTs of great than 29,000 vpd during summer weekends. Finally, the project corridor also has several design deficiencies, including lack of appropriate turn lanes and bypass lanes, substandard curves, limited visibility due to vertical and horizontal curves, limited passing opportunities, steep ditch slopes in wetland and lake areas, and an average of eight direct public and private access points per mile.

The project is the second phase of an approximately 16-mile project known as the "Highway 371 North Improvement Project" which entails constructing a four-lane highway on Highway 371 between County State Aid Highway (CSAH) 18 in Nisswa (Crow Wing County) to County Road (CR)

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2/42 in Pine River (Cass County). The Federal Highway Administration (FHWA) and MnDOT completed a Supplemental Final Environmental Impact Statement (SFEIS) for the project in July 2010. The first phase of the project, which involved a reconstruction of 371 in the city of Nisswa, was completed in summer 2014. The proposed project would be a design-build project.

PROJECT DETAILS:

The proposed roadway typical cross-section would include four 12-foot wide travel lanes (two in each direction) with 10-foot wide left shoulders, 4-foot wide right shoulders, and 1v:4h sideslopes. The centerline spacing between the two directions of traffic would be less than the typical 90 to 104-foot spacing in order to accommodate the existing topography and to reduce impacts to adjacent lakes, wetlands, and other resources along the project corridor. In the urban sections (Stations 699 to 719, Stations 804 to 815, and Stations 1142 to 1170), the centerline spacing would be 48 feet, and in rural sections (Stations 719 to 804 and Stations 815 to 1142) the centerline spacing would be 75 feet. Urban sections would include raised medians and storm sewer construction, while rural sections would include a grassed median with roadside ditches constructed for stormwater conveyance. To improve safety and efficiency, the project would include the closure of several local access points and the construction of 12-foot wide left and right turn lanes at various local and county road intersections. Intersections with county roads would be reconstructed to bring county roads up to minimum design standards (two 12-foot lanes, 4-foot shoulders, and 1v:3h sideslopes) where needed, and to add turn lanes where needed, such as at CR 29. Some county road intersections would include minor realignments to improve safety, such as the work at CR 17 where the intersection would be realigned slightly to the north to form a 90-degree angle. On the north end of the project, the skewed four-way intersection between CR 16, Meyers Road, and TH 371 would be slightly reconfigured to create a 90-degree intersection to improve safety.

The road expansion would occur largely on the existing road alignment for about 4 miles between Hazelwood Drive in Nisswa to just south of the intersection with CR 107/168 in Pequot Lakes, with the exception of an approximately 300-foot section (roughly between Stations 850 and 880) located just south of the existing intersection with Olson Road. At this location, TH 371 would be slightly realigned to the west of the existing TH 371 alignment to reduce impacts to the Paul Bunyan Trail and avoid impacts to East Twin Lake. A portion of the abandoned TH 371 corridor would be converted to a frontage road for Olson Road. The existing access at Olson Road would be closed, and a new access would be constructed, with turn lanes added from TH 371. To connect the frontage road to existing Olson Road, the old TH 371 corridor would need to be slightly realigned to the east to accommodate the new TH 371 corridor. The segment of the old TH 371 corridor that would be used for Olson Road access would match its existing road cross-section.

From the intersection of CR 107/168, a bypass of the city of Pequot Lakes would be constructed along the east edge of the Pequot Lakes downtown area. The bypass alignment would intersect CSAH 11 about 0.4 mile east of the current intersection between CSAH 11 and TH 371. The bypass segment would re-join the existing alignment of TH 371 about 0.5 miles north of the existing TH 371 intersection with CR 17, just west of the existing intersection between Akerson Road and CR 212. From there it would continue north about 1.5 miles to its endpoint. The bypass segment would include only three access points, including intersections with CR 107/CR 168 on the south end, CSAH 11, and CR 112 on the north end. At CR 107/CR168, an at-grade, non-signalized intersection with turn lanes would be constructed slightly northeast of its current location. The Paul Bunyan trail would be

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bridged over TH 371 just north of the new intersection with CR 107/168. At CSAH 11, MnDOT anticipates that a diamond interchange with roundabouts at the ramp heads would be constructed, and CSAH 11 would be constructed as an overpass. At the proposed CR 212 intersection, CR 212 would be realigned. The south end of CR 212 would connect to old TH 371, with the old TH 371 corridor ending in a cul-de-sac south of where the new TH 371 would re-align with the existing segment. A new roadway (“Pequot Business 371 NN”) would be constructed from the old TH 371 to form an at-grade, non-signalized intersection with re-aligned CR 212 and the new TH 371 roadway. The old TH 371 corridor that would be abandoned for the bypass construction would be given to Crow Wing County, along with money for improvements; no improvements would be made to the old TH 371 corridor as part of this project.

The Paul Bunyan trail would need to be relocated in three locations along the project corridor in order to accommodate the proposed improvements to TH 371: an approximately 1-mile segment adjacent to East/West Twin Lakes on the east side of the roadway, an approximately 0.3 mile segment at the Pequot Lakes bypass at the CR 107/CR 168 intersection on the east side of the roadway, and an approximately 0.6 mile segment at the north end of the project near the Myers Road/CR 16 intersection on the west side of the roadway. The East/West Twin Lakes segment (Trail 1) and the Myers Road/CR 16 segment (Trail 3) would impact wetlands. Preliminary cross-sections for Trails 1 and 3 show that Trail 1 would be reconstructed to be 18 feet wide with two foot shoulders and 1v:2h sideslopes in wetland impact areas, and Trail 3 would be reconstructed to be 10 feet wide with two foot shoulders and 1v:3h sideslopes in wetland impact areas.

The project would also include the replacement of existing Bridge 6495 over Cullen Brook on TH 371 at the south end of the project. The existing bridge is a slab span bridge that is 13.7 feet long and 43 feet wide. MnDOT originally proposed to replace this structure with two bridges to accommodate the four-lane expansion, though MnDOT is currently considering a box culvert structure instead. If a box culvert is proposed, temporary dewatering and the placement of temporary cofferdams would likely be needed to facilitate construction. Since the proposed structure at Cullen Brook is not known at this time, a permanent impact of 220 linear feet and a temporary impact of 0.25 acre have been estimated at this time based off the preliminary road cross-section in this location.

QUANTITY, TYPE, AND AREA OF FILL: Approximately 5.71 acres of wetlands that are part of tributary systems to Gull River and Pine River would be permanently impacted by fill for the proposed project, and approximately 0.74 acre of wetlands would be temporarily impacted by fill for topsoil storage. In addition to the wetland impacts, approximately 220 linear feet of Cullen Brook and 0.05 acre of West Twin Lake would be permanently impacted by fill for the project. A table of the proposed aquatic resource impacts is attached (“2015-00064-SEW, Table 1 of 1”), while the locations of each proposed impact are shown on the attached figures (“2015-00064-SEW, Figures 1-20 of 20”). Specific impact sources at each aquatic resource are listed on the attached table.

VEGETATION IN AFFECTED AREA: According to the EIS for this project, vegetation in the affected area includes deciduous and coniferous forest, shrub land, cropland, grassland, and wetlands. The project would permanently impact the following wetland types: 0.13 acre of alder thicket, 0.86 acre of hardwood swamp, 0.91 acre of sedge meadow, 0.39 acre of shallow marsh, 3.37 acres of shrub swamp, and 0.05 acre of wet meadow. The project would temporarily impact 0.06 acre of alder

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thicket, 0.02 acre of sedge meadow, 0.03 acre of shallow marsh, 0.61 acre of shrub/hardwood swamp, and 0.02 acre of wet meadow wetlands.

SOURCE OF FILL MATERIAL: MnDOT indicates that new fill material would be required to construct the new lanes, and that sources would be determined by their selected contractor. However, MnDOT will require that the contractor use clean granular soils, and salvaged topsoil from the project area for final slope dressing.

SURROUNDING LAND USE: The project area includes both rural and developed urban areas, such as the cities of Nisswa, Pequot Lakes, and Jenkins. The project corridor passes by several area lakes, including Nisswa Lake, Lake Edna, Lower Cullen Lake, West and East Twin Lakes, Mayo Lake, Lake Sibley, and Upper Hay Lake. The rural areas feature rolling topography with wooded residential and recreational developments located along the various lakes, and some cropland located around the city of Pequot Lakes. The Paul Bunyan trail also runs along the project area.

DESCRIPTION OF STRUCTURE: See the above "Project Details" for a description of the proposed road cross-section. At this time, it is not know what type of structure would replace the existing bridge at Cullen Brook.

DESCRIPTION OF DREDGING OR EXCAVATION: Excavation impacts have not been proposed in aquatic resources.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Construction of the project may involve potentially toxic materials from the use of equipment, such as fuels, lubricants, and solvents. Specific types of products, quantities, and specific applications of these materials were not provided with the application.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: No specific measures were provided by the applicant in their recent application; however, the project would require a Stormwater Pollution Prevention Plan (SWPPP) to control erosion from the project area and a NPDES/SDS construction stormwater permit from the Minnesota Pollution Control Agency. The project's EIS indicates that stormwater best management practices would be considered to protect downstream water quality, including grass swales, filter trips, and stormwater detention ponds. Stormwater treatment ponds and basins have not been designed yet for this project, but MnDOT anticipates that stormwater ponds and basins would not be constructed in aquatic resources.

MITIGATION: The applicant proposes to provide compensatory mitigation for unavoidable permanent and adverse wetland impacts by debiting wetland credits from the Minnesota Wetland Bank via the Cooperative Wetland Replacement Program administered by the Minnesota Board of Water and Soil Resources. Specifically, the applicant proposes to debit MnDOT-owned wetland credits from the closest Corps-approved bank within the same bank serve area (BSA) as the impacts, which is BSA 5. The majority of the project and the project impacts are located in major watershed 12 (Crow Wing River watershed), though roughly 1.75 miles of the northern part of the project is located in major watershed 11 (Pine River). Final mitigation requirements will be determined by the Corps following evaluation of the proposal.

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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, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Sarah Wingert at the St. Paul office of the Corps, telephone number (651) 290-5358.

To receive Public Notices by e-mail, go to: http://mvp-extstp/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, Crow Wing County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
Gray wolf (T)	Northern Forest
Northern long-eared bat (proposed as E)	Hibernates in caves and mines, swarming in surrounding wooded areas in autumn; roosts and forages in upland forests during spring and summer.

MnDOT is working with the U.S. Fish and Wildlife Service (USFWS) on the potential for the project to impact species listed for protection under the Endangered Species Act. This application is being coordinated with the USFWS. 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 WILL BE APPLIED FOR OR HAVE BEEN APPLIED FOR/ISSUED: 1) Pubic Waters Work permit from Minnesota Department of Natural Resources (pending), 2) 401 Water Quality Certification from Minnesota Pollution Control Agency (review process will begin with this public notice), and 3) approval under the Minnesota Wetland Conservation Act (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.

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 applicant has indicated that the following known historic properties are located near the project area: the Molstad Property, the Drew Cabin Complex, the Brainerd and Northern Minnesota Railroad (now the Paul Bunyan trail), the A.H. Cole Building, and the Pequot Fire Tower. MnDOT determined the project would not adversely affect the Drew Cabin Complex, the Molstad Property, or the A.H. Cole Building, and would adversely affect the Brainerd and Northern Minnesota Railroad Corridor. MnDOT received concurrence with these determinations from the Minnesota State Historic

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Preservation Office (SHPO) on November 23, 2004. A memorandum of agreement (MOA) dated January 7, 2005 to mitigate the adverse effect to the Brainerd and Northern Minnesota Railroad was signed by the FHWA, U.S. Army Corps of Engineers St. Paul District, the SHPO, and MnDOT. As the Pequot bypass was added to the project after the 2005 MOA, MnDOT later determined the bypass would have an adverse affect on the setting of the Pequot Fire Tower, and received concurrence from the SHPO on January 6, 2009. The MOA was updated on July 12, 2010 to include the mitigation for the adverse effect to the Pequot Fire Tower.

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.

Ryan Malterud
Chief, Southwest Section

Enclosures

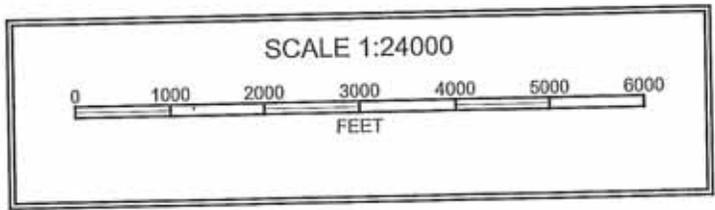
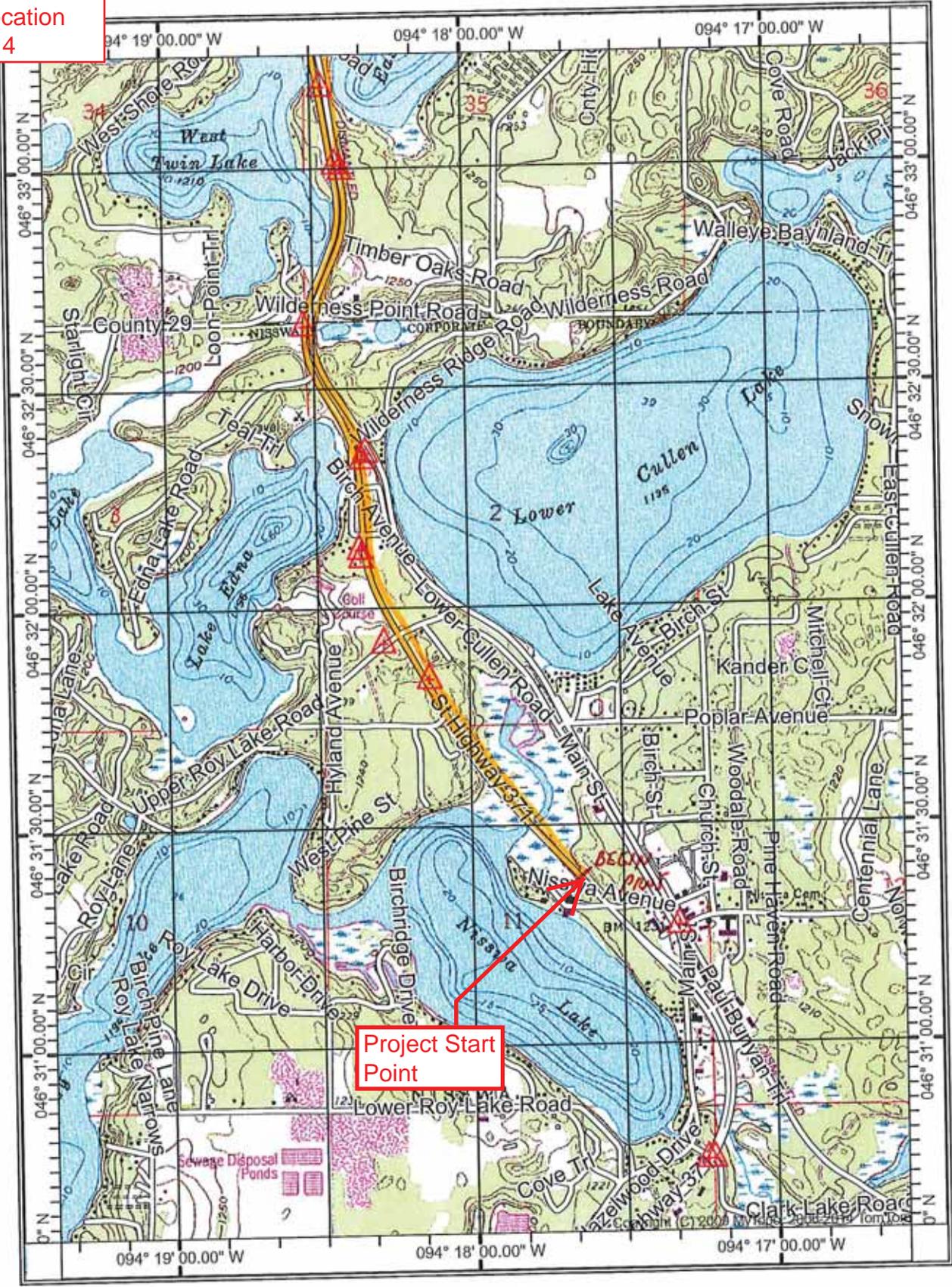
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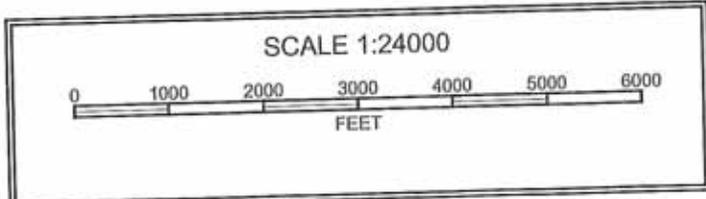
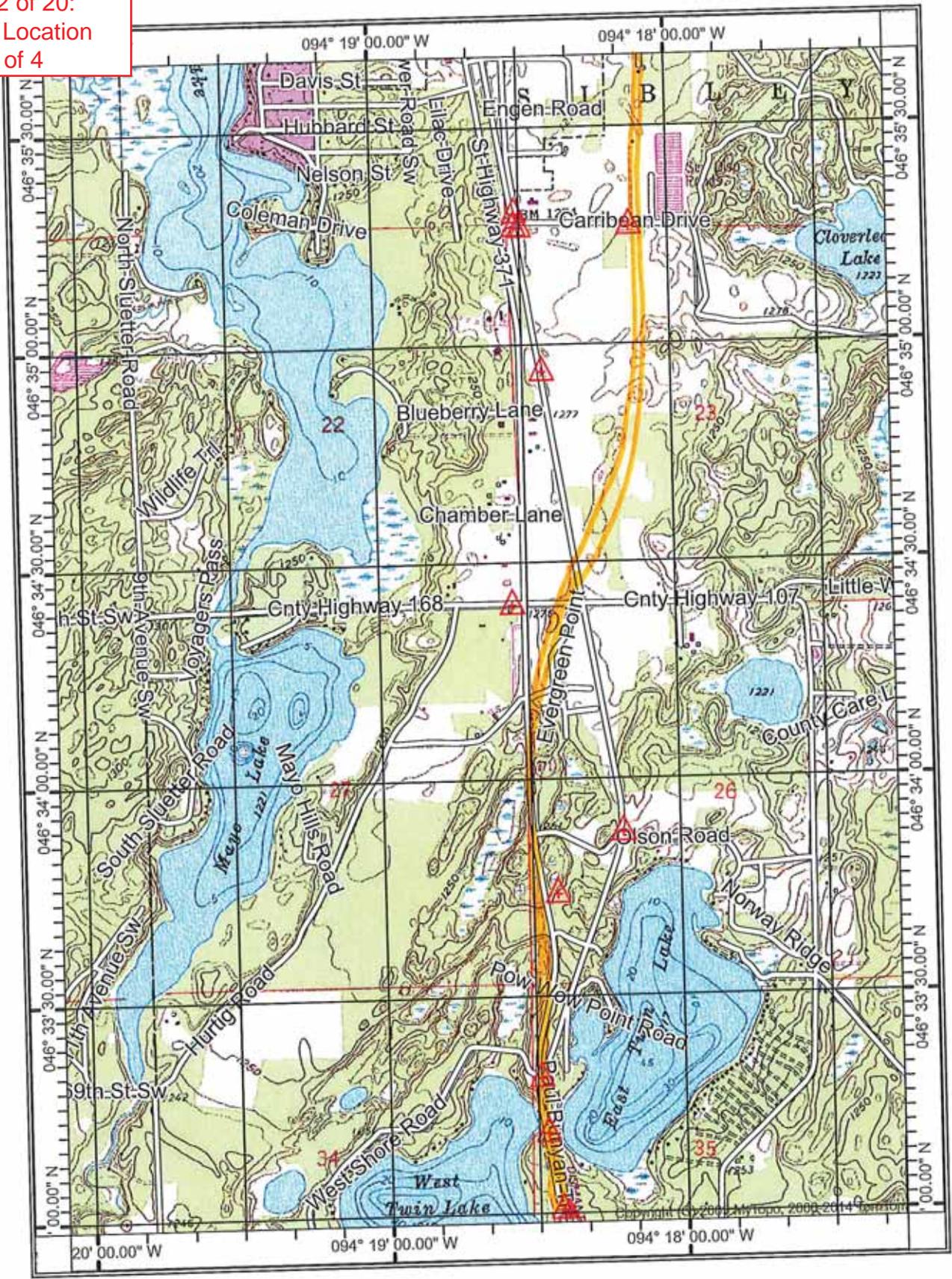
NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

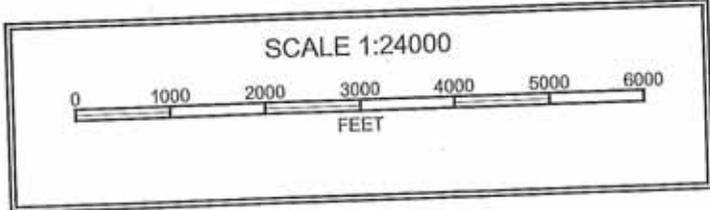
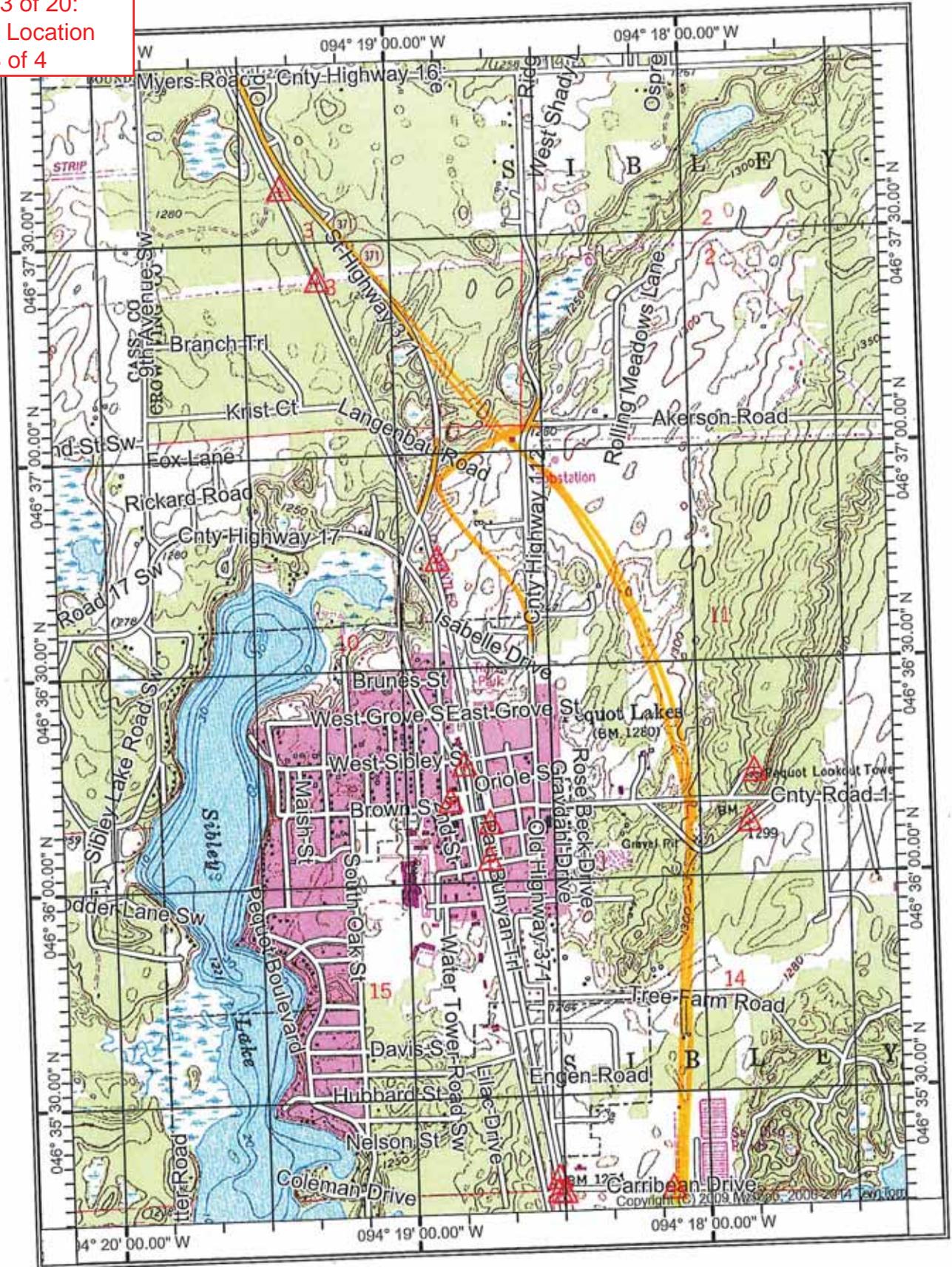
TH 371 Reconstruction, Nisswa to Jenkins: Proposed Aquatic Resource Impacts

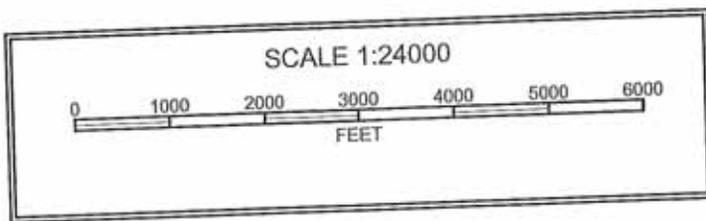
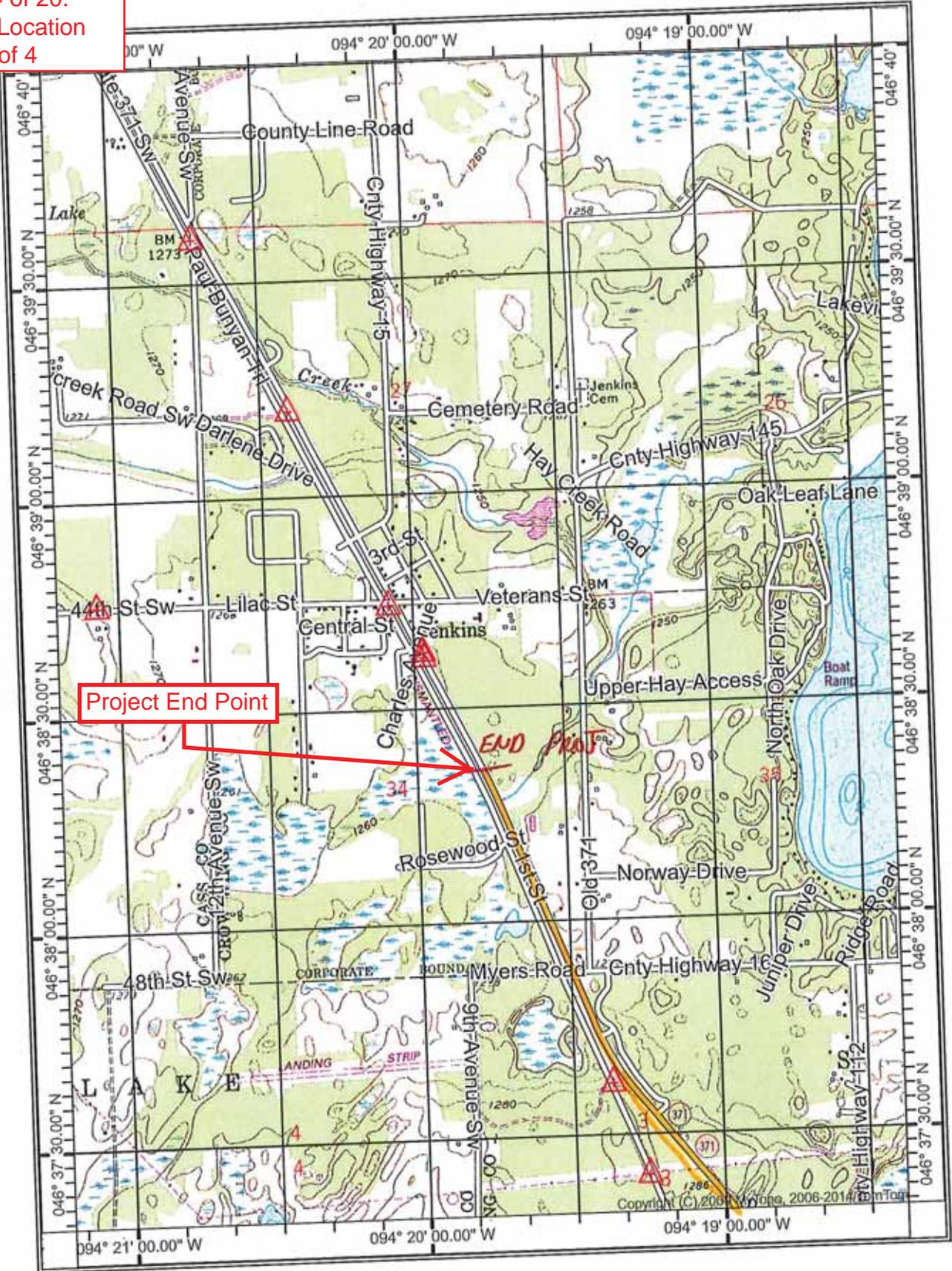
ID	Wetland Type	Permanent Fill Impacts (acre)	Temporary Fill Impacts (acre)	Duration of Temporary Impact (days)	Reason for Impact
Wetland 1	shrub swamp	1.94	0.52	120	4-lane expansion
Wetland 1A	hardwood swamp	0.81	included in W-1 temp impacts	120	4-lane expansion
Wetland 2A	shrub swamp	0.48	0.09	90	4-lane expansion, turn lanes at CR 107/CR 29 and DNR trail relocation (Paul Bunyan)
Wetland 4	alder thicket	0.03	0.04	90	CR 29 turn lane
Wetland ET-1	alder thicket	0.01	0.02	90	Paul Bunyan Trail Relocation
Wetland ET-2	hardwood swamp	0.04	0	0	Paul Bunyan Trail Relocation
Wetland WT-1	alder thicket	0.06	0	0	4-lane expansion w/road alignment shift to the west (stations 850-880)
Wetland 9	sedge meadow	0.72	0	0	4-lane expansion w/road alignment shift (stations 850-880) and left/right turn lanes at Olson connection
Wetland 10	sedge meadow	0.06	0	0	4-lane expansion w/road alignment shift (stations 850-880) and left/right turn lanes at Olson connection
Wetland 11	sedge meadow	0.1	0.02	90	4-lane expansion w/road alignment shift (stations 850-880) and left turn lane at Olson connection
Wetland 14	wet meadow	0.05	0.02	90	shifting old 371 alignment to accommodate 4-lane expansion on west side of road (stations 850-880) and connect the old alignment to local roads (Olson Road)
Wetland 15	shrub swamp	0.79	0	0	4-lane expansion on west side of road after alignment shift (station 888)
Wetland 18	shrub swamp	0.16	0	0	4-lane expansion on west side of road after alignment shift (station 895)
Wetland 19	shallow marsh	0.05	0.03	90	CR 112 relocation

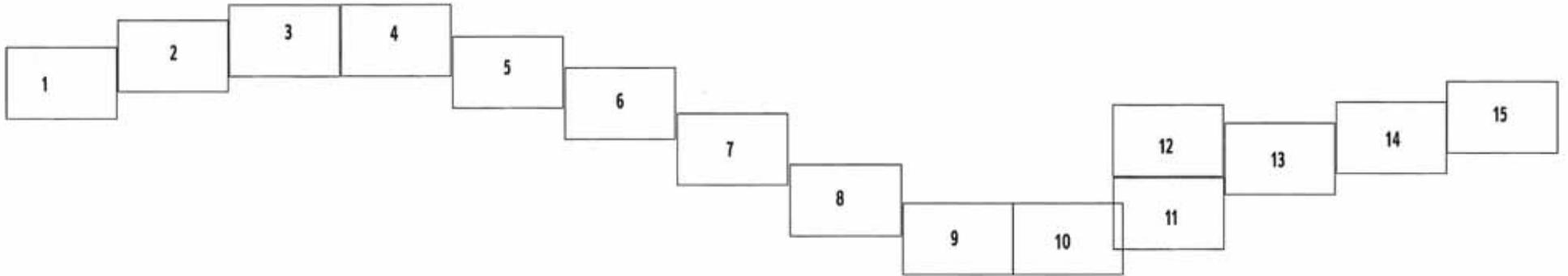
Wetland 21	hardwood swamp	0.01	0	0	extension of sideslopes to 1:3 on CR 17 prior to realignment of the CR 17 junction with abandoned section of 371
Wetland 27	shallow marsh	0.03	0	0	4-lane expansion on west side of road
Wetland 28	sedge meadow	0.02	0	0	4-lane expansion on west side of road
Wetland 32	shallow marsh	0.31	0	0	4-lane expansion on west side of road, and relocated Paul Bunyan Trail to provide minimum separation between the trail and the expanded roadway
Wetland 40	alder thicket	0.03	0	0	4-lane expansion w/road alignment shift (stations 850-880)
Wetland 46	sedge meadow	0.01	0	0	4-lane expansion w/road alignment shift (stations 850-880)
Cullen Brook	stream	0	0.25	90	4-lane expansion; potential bridge replaced w/box culverts
West Twin Lake (DNR 409P)	Lake	0.05	0	0	1st impact: 4-lane expansion and right-turn lane to CR 107; 2nd impact: standard slope (may be able to avoid this in the future using guardrail)
	Wetland Totals	5.71	0.74		
	Stream Totals	0	0.25		
	Lake Totals	0.05	0		
	TOTALS	5.76	0.99		







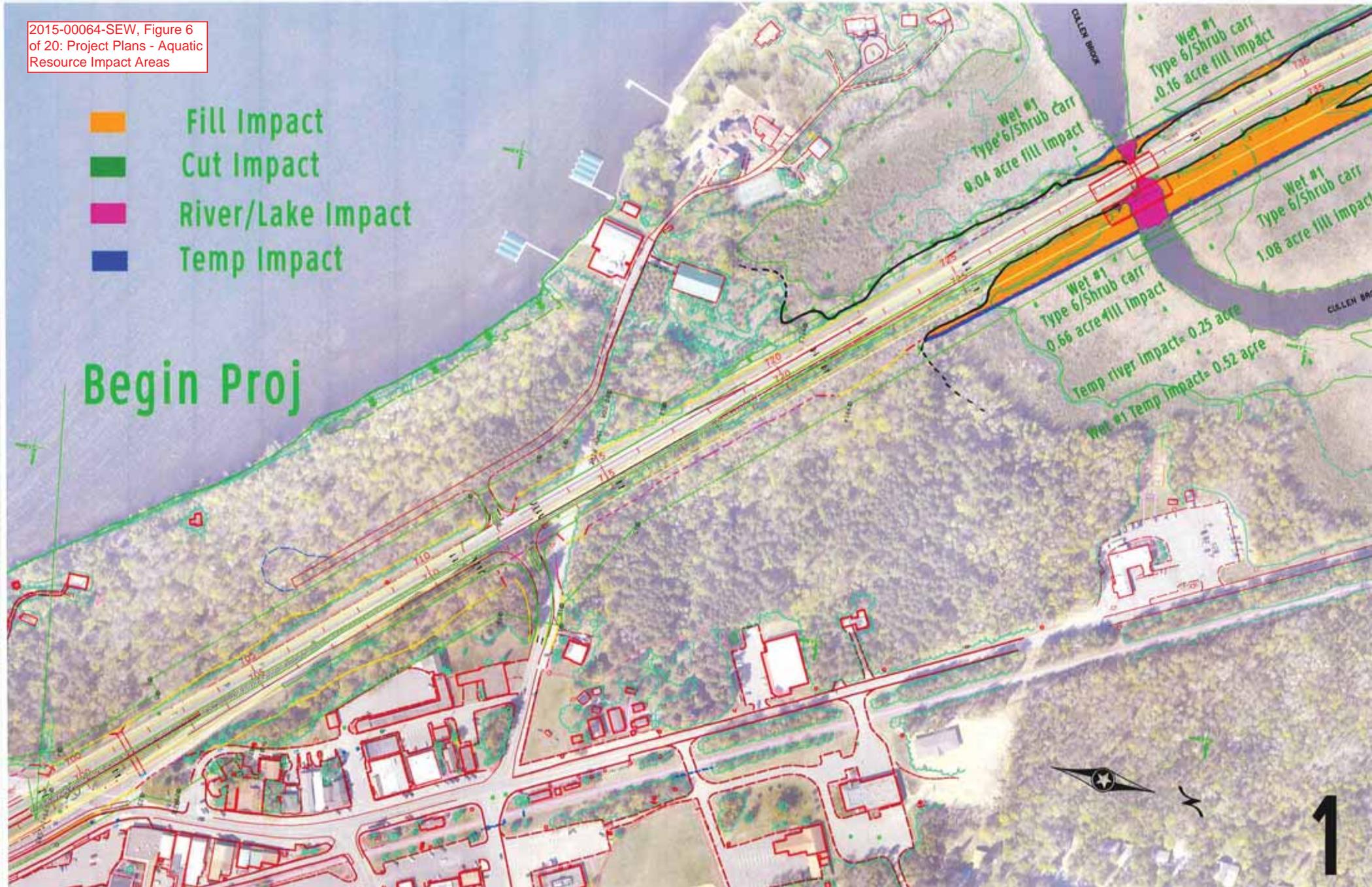




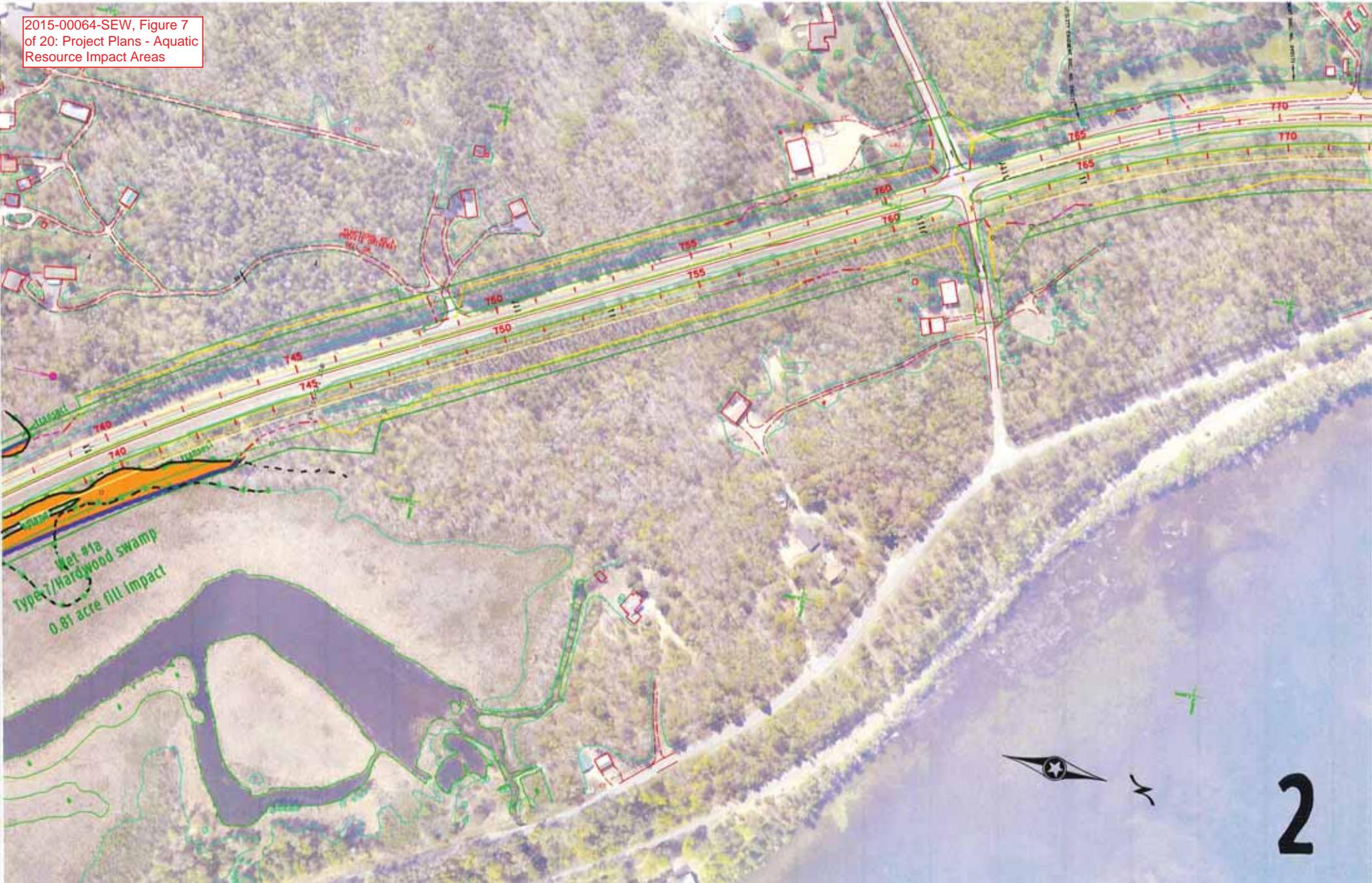
2015-00064-SEW, Figure 6
of 20: Project Plans - Aquatic
Resource Impact Areas

- Fill Impact
- Cut Impact
- River/Lake Impact
- Temp Impact

Begin Proj



2015-00064-SEW, Figure 7
of 20: Project Plans - Aquatic
Resource Impact Areas



Wet #1a
Type 7/Hardwood swamp
0.81 acre fill impact

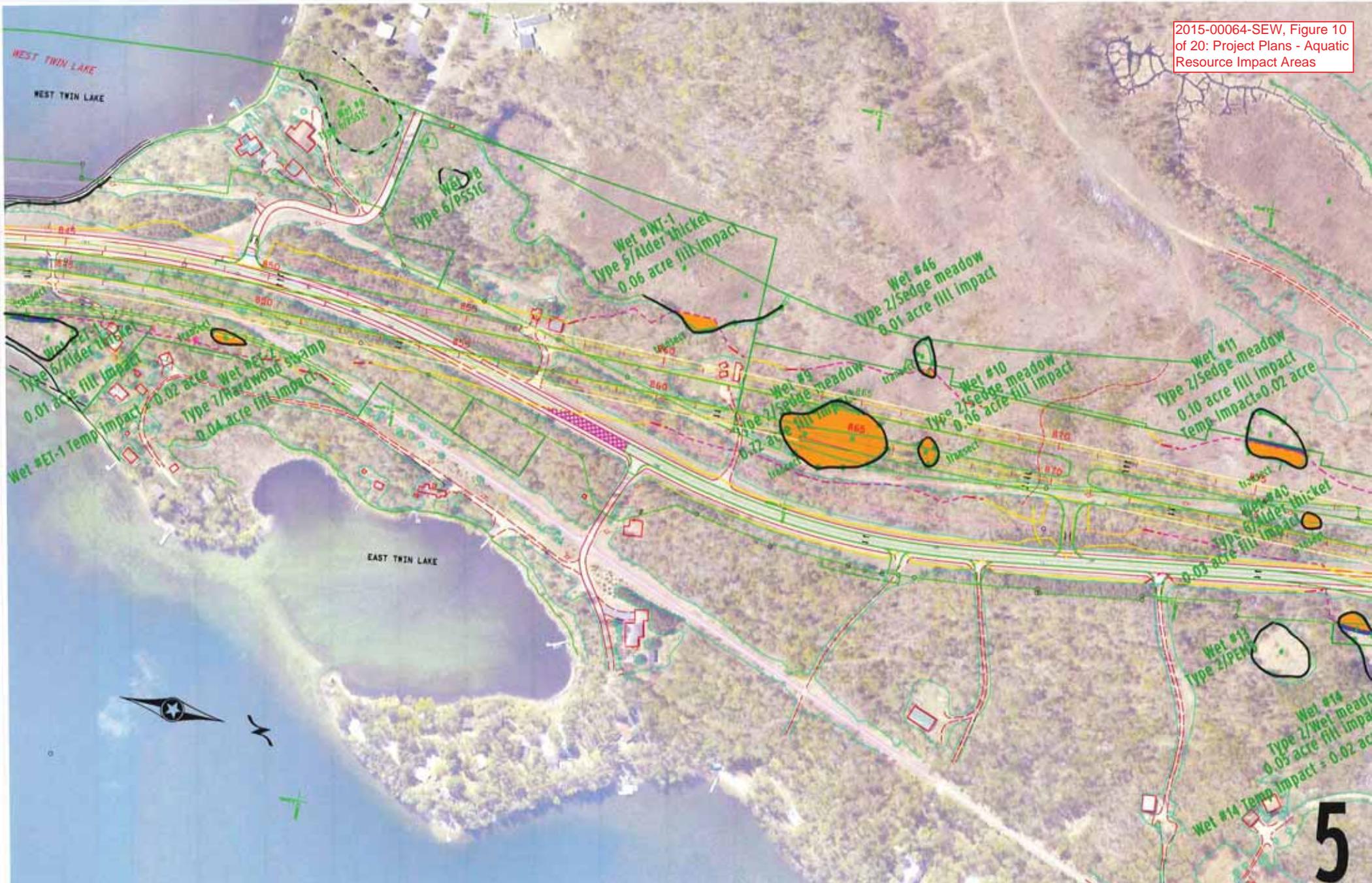


2015-00064-SEW, Figure 8 of 20: Project Plans - Aquatic Resource Impact Areas



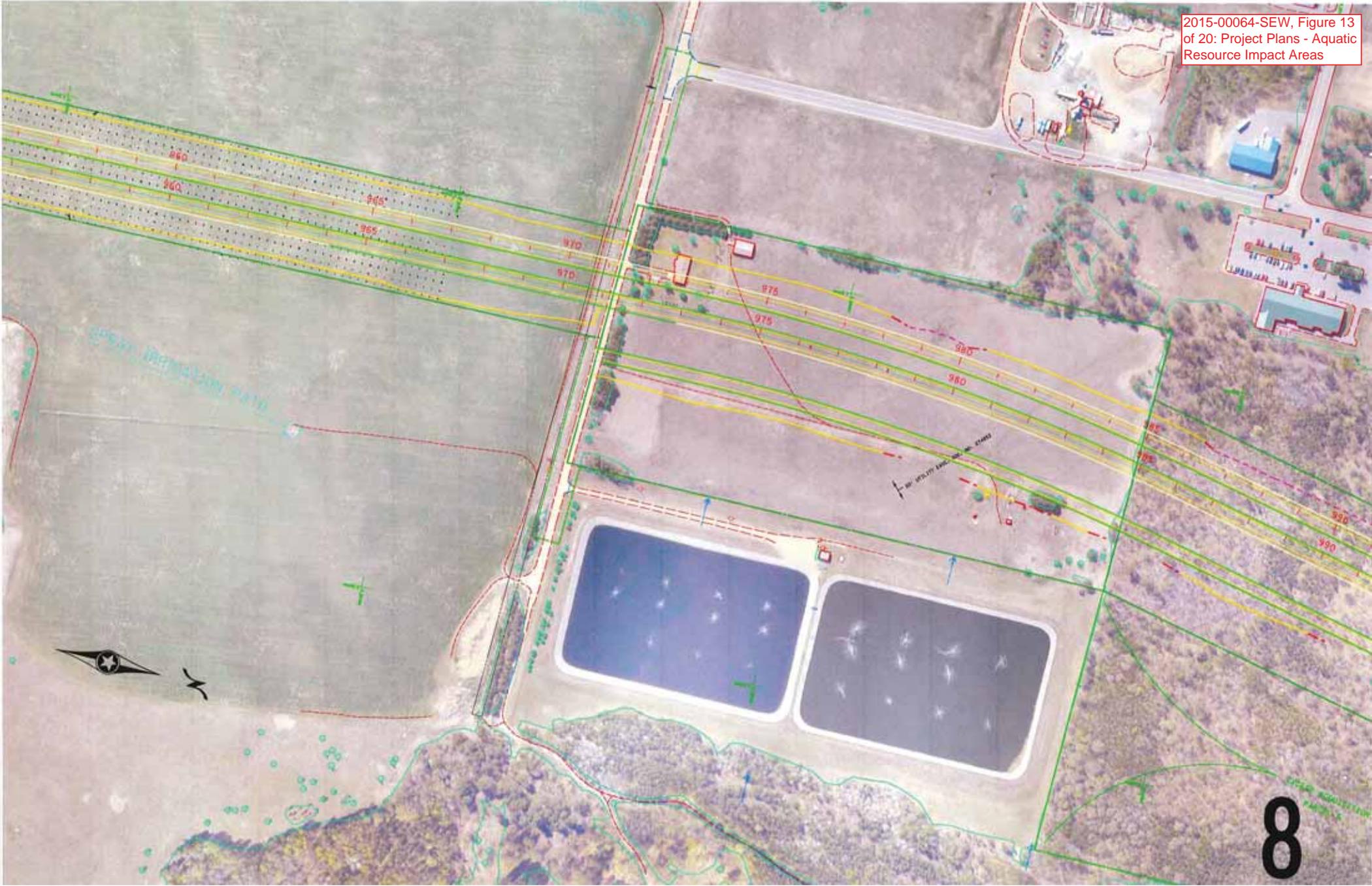
2015-00064-SEW, Figure 9 of 20: Project Plans - Aquatic Resource Impact Areas

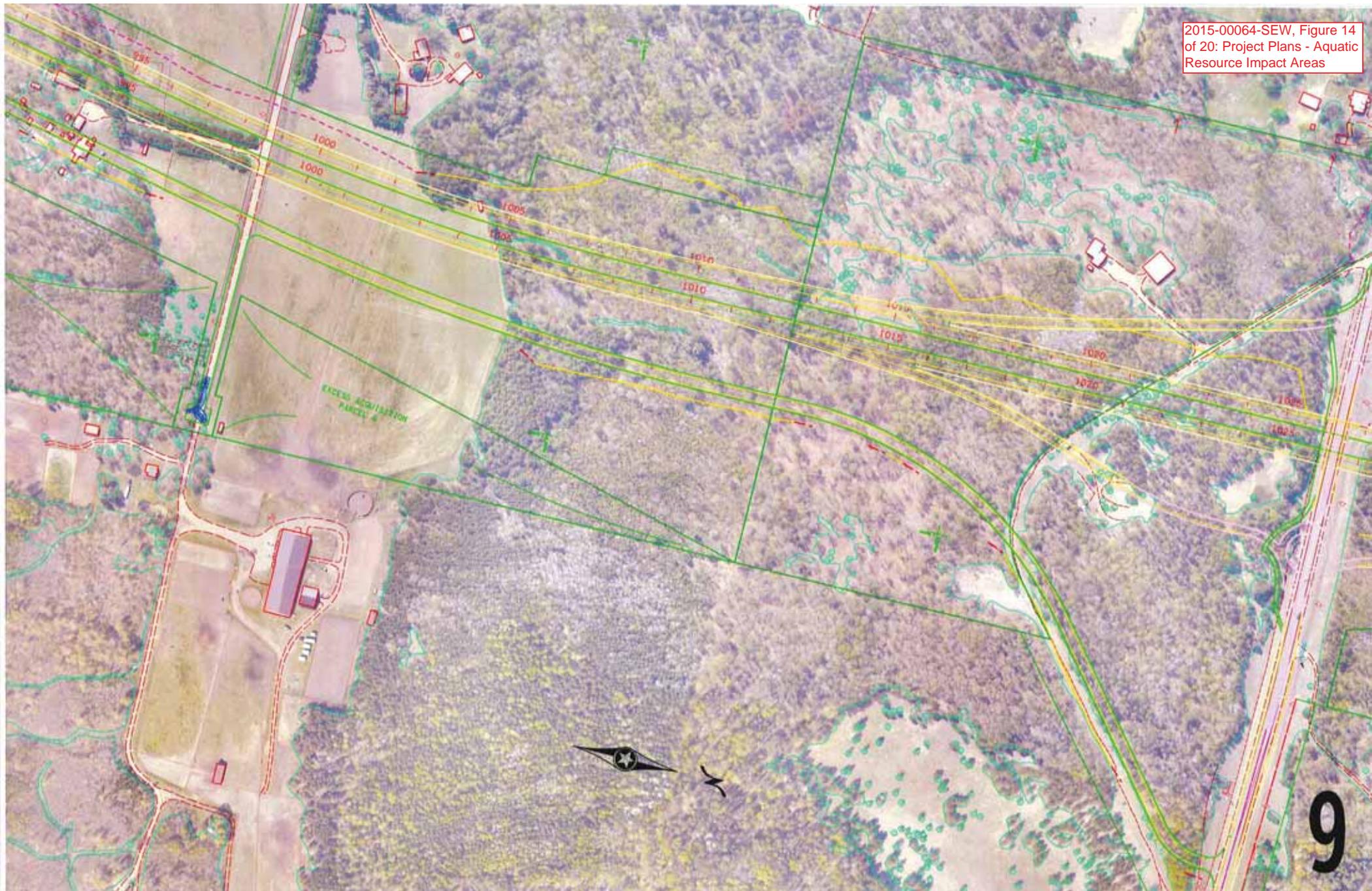




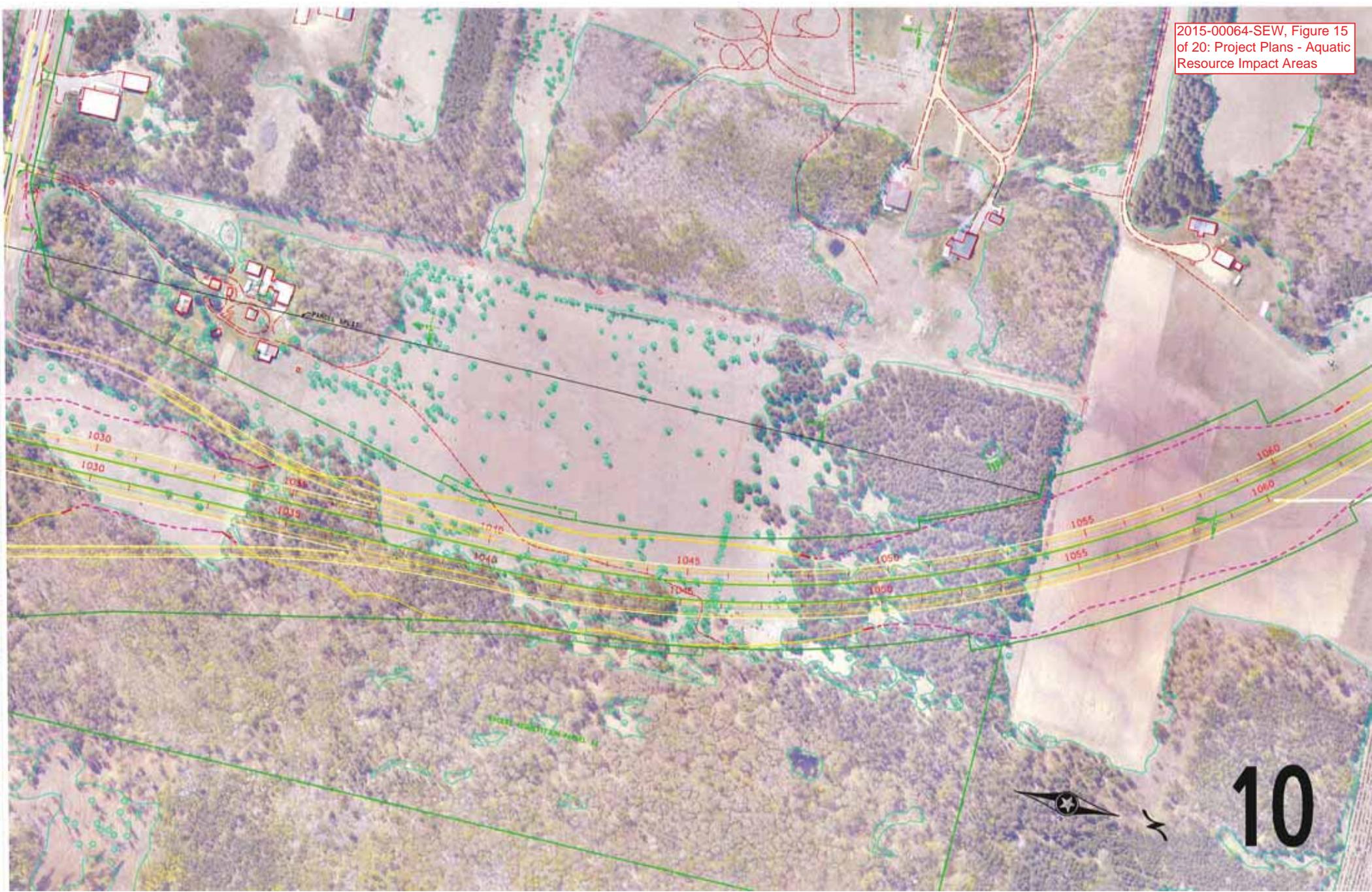






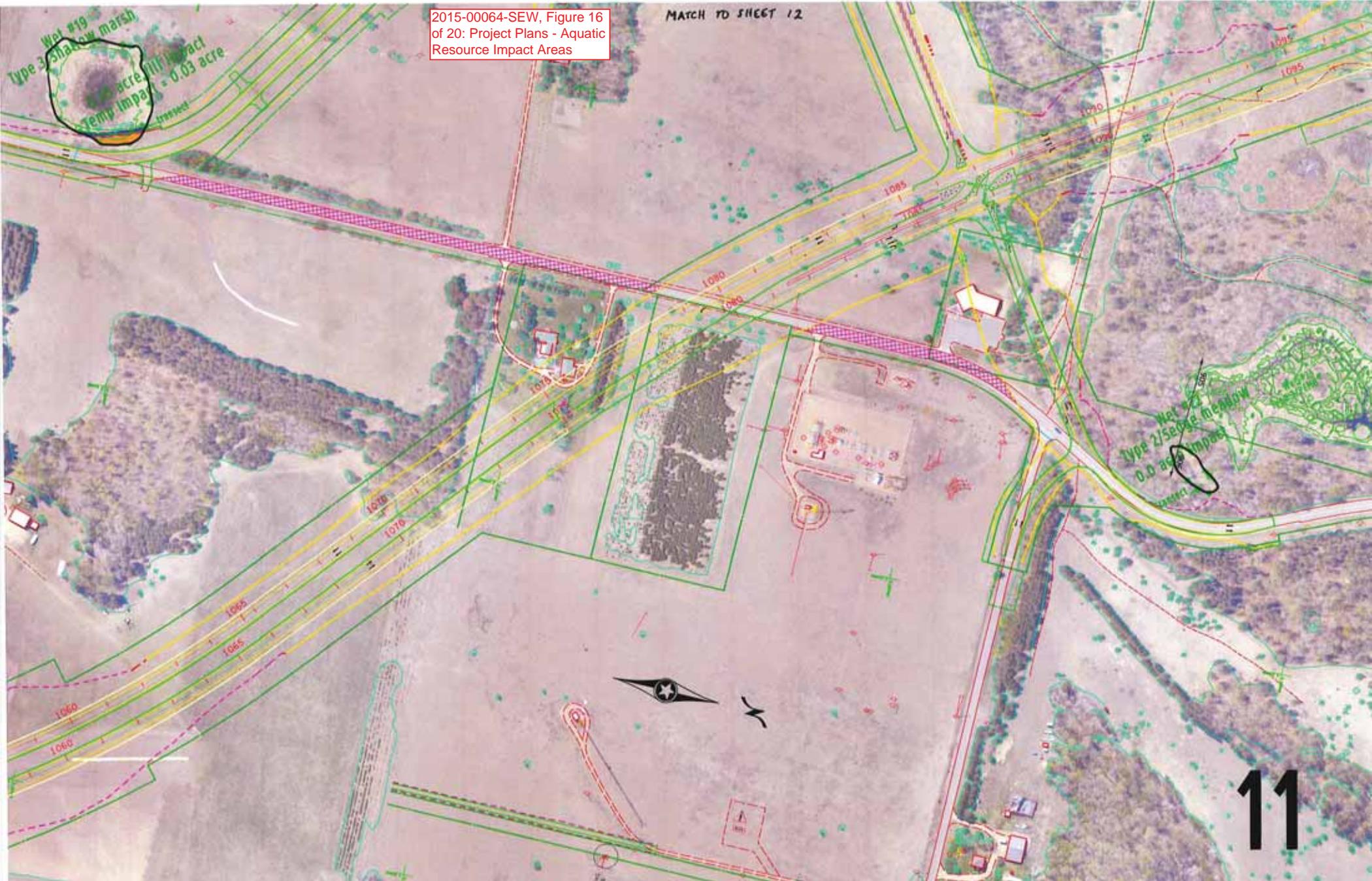


2015-00064-SEW, Figure 15 of 20: Project Plans - Aquatic Resource Impact Areas



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of 20: Project Plans - Aquatic
Resource Impact Areas

MATCH TO SHEET 12





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of 20: Project Plans - Aquatic
Resource Impact Areas

MARCH TO SHEET 12





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of 20: Project Plans - Aquatic
Resource Impact Areas

