



**US Army Corps
of Engineers**
St Paul District

APPLICANT:

Scott County Highway
Department

Public Notice

ISSUED: March 25, 2024

EXPIRES: April 9, 2024

REFER TO:

MVP-2017-03990-SRK

SECTION: 404 - Clean Water Act

3701. APPLICATION FOR PERMIT TO permanently discharge fill material within 3.22 acres (2,882 linear feet) of the Minnesota River, 0.67 acre of linear ditches and 0.74 acre of wetlands as well as the temporary discharge of fill material within 0.59 acre of wetland and 10.53 acres of the Minnesota River for the purpose of reconstructing a 2.2-mile-long segment of an abandoned railbed to a new multi-use trail between the Minnesota River Bluffs Regional Trail in the City of Carver to the Louisville Swamp Trailhead main parking area off 145th Street West, located within Louisville Township. The existing railbed is no longer active and would be converted to a 10-foot-wide paved trail and include three pedestrian bridge crossings over ravines and one pedestrian bridge crossing the Minnesota River. In addition, installation of bank stabilization measures are proposed at an actively eroding east bank of the Minnesota River.

2. SPECIFIC INFORMATION

AGENT

Alex Yellick
SRF Consulting Group, Inc.
3701 Wayzata Boulevard
Minneapolis, MN 55416-3791

PROJECT LOCATION: The project site is located in Sections 17-20, 28 & 29, T115N, R23W, Scott County, Minnesota. The approximate UTM coordinates are N 451699.416679, E 4955489.347931. Latitude East Limits: 44.739971 N/West Limits: 44.762477 N, Longitude East Limits: -93.597906 W/West Limits: -93.621957 W.

DESCRIPTION OF PROJECT: The purpose of this project is to construct a trail that links trail systems and recreational opportunities in Scott and Carver counties while ensuring future trail section integrity to affected areas along the Minnesota River. Scott County is proposing the conversion of a 2.2-mile-long segment of an abandoned railbed to a new multi-use, non-motorized trail between the Minnesota River Bluffs Regional Trail in the city of Carver (Carver County) to the Louisville Swamp Trailhead main parking area off 145th Street West, located within Louisville Township (Scott County). The railbed is no longer active and railroad ties and rail have been previously removed. The west portion of the existing railbed is elevated approximately 10 feet above the ground surface. The project area crosses through the Minnesota Valley State Recreation Area (Minnesota Valley SRA), parallels a portion of the natural surface Minnesota Valley State Trail, through private lands, and ends at the Louisville Swamp Trailhead parking lot located on the U.S. Fish and Wildlife Service Minnesota Valley Wildlife Refuge. The proposed 10-foot-wide bituminous trail would utilize portions of the existing abandoned gravel-surfaced railroad alignment owned by Scott County Regional Rail Authority. Trail construction would necessitate cut and fill of side slopes to create safe elevation changes. This would require shifting a portion of the proposed alignment up to 60 feet east of its existing alignment. This shift in alignment would require shifting the natural

surface Minnesota Valley State Trail to the east. The proposed trail would feature turnaround pullouts for maintenance vehicle use.

The Project would include three pedestrian bridge crossings (164-571 feet) over ravines and one pedestrian bridge crossing the Minnesota River (620 feet). Bridge construction would involve the demolition of existing wooden trestles and cut and fill impacts to create bridge abutments and foundation piers. Temporary construction methods may include temporary fills to facilitate construction of temporary causeways and surcharge of poor soil beneath proposed bridge abutment locations. Floating barges may be another temporary construction method. In addition, installation of bank stabilization measures is planned to arrest an actively eroding bank associated with the east bank of the Minnesota River. The revetment (retaining wall) would be constructed of rip rap fill and serve to protect the trail structure from river scouring.

QUANTITY, TYPE, AND AREA OF FILL: The proposed project involves permanent fill to a total of 3.22 acres (2,882 linear feet) of the Minnesota River, 0.67 acre of linear ditches and 0.74 acre of wetlands as well as the temporary discharge of fill material within 0.59 acre of wetland and 10.53 acres of river channel. Permanent wetland impacts would result from fills necessary to widen the existing railbed to 1:3 side slopes. To protect the trail from an eroding riverbank, construction of a revetment consisting of rip rap fill (bank stabilization) is planned along portions of the Minnesota River. Fills associated with bridge abutments, rip rap abutment protection, and foundation piers are proposed in connection with bridge construction.

VEGETATION IN AFFECTED AREA: 0.67 acre of permanent fill are proposed in linear ditches (Type 1 floodplain forest) and 0.74 acre of permanent fill are proposed in wetlands (0.04 acres of Type 1 floodplain forest, 0.10 acre of Type 5 shallow open water, 0.6 acre of Type 2 fresh (wet) meadow).

SOURCE OF FILL MATERIAL: All fill material utilized for the project would be generated on site or would be obtained from a licensed commercial source.

SURROUNDING LAND USE: The proposed trail is located between the Minnesota River Bluffs Regional Trail in the city of Carver (Carver County) to the Louisville Swamp Trailhead main parking area off 145th Street West, located within Louisville Township (Scott County). The railbed is no longer active and railroad ties and rail have been previously removed. The west portion of the existing railbed is elevated approximately 10 feet above the ground surface. The project area crosses through the Minnesota Valley State Recreation Area (Minnesota Valley SRA), parallels a portion of the natural surface Minnesota Valley State Trail, through private lands, and ends at the Louisville Swamp Trailhead parking lot located on the U.S. Fish and Wildlife Service Minnesota Valley Wildlife Refuge.

DESCRIPTION OF STRUCTURE: The proposed 10-foot-wide bituminous trail would utilize portions of the existing abandoned gravel-surfaced railroad alignment owned by Scott County Regional Rail Authority. Trail construction would necessitate cut and fill of side slopes to create safe elevation changes. This would require shifting a portion of the proposed alignment less than 60 feet east of its existing alignment. This shift in alignment would require shifting the natural surface Minnesota Valley State Trail to the east. The proposed trail would feature turnaround pullouts for maintenance vehicle use. The Project would include three pedestrian bridge crossings (164-571 feet) over ravines and one pedestrian bridge crossing the Minnesota River (620 feet). Bridge construction would involve the demolition of existing wooden trestles and cut and fill impacts to create bridge abutments and foundation piers. Temporary construction methods may include temporary fills to facilitate construction of temporary causeways and surcharge of poor soil beneath proposed bridge abutment locations. Floating

barges may be another temporary construction method. In addition, installation of bank stabilization measures is planned to arrest an actively eroding bank associated with the east bank of the Minnesota River. The revetment (retaining wall) would be constructed of rip rap fill and serve to protect the trail structure from river scouring.

DESCRIPTION OF DREDGING OR EXCAVATION: The project would include excavation and grading activities along the bank of the Minnesota River as well as wetlands for the construction of the proposed trail. No dredging activities in the Minnesota will occur as a part of the project.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: The applicant has not indicated the presence of any toxic materials within the project area. Hydraulic fluids and fuels from heavy equipment would be present during construction.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The physical characteristics of the temporarily impacted areas (Wetland W-1D, W-3, W-4, W-5, W-9, channel 13-7, channel 13-8 and channel 13-9) would be restored to pre-project conditions within 1,095 days of the start of activities resulting in temporary impacts. Upon completion of the activities resulting in temporary impacts, any temporary fill will be removed, and the impacted areas will be graded to restore ground elevations to pre-project conditions. Vegetation will be restored in accordance with the SWPPP.

Floating barges may be used for construction access to revetment segments, the area around bridge R0910, or other areas deemed appropriate by the selected construction contractor.

MITIGATION: The applicant has proposed the 0.74 acre of impact to natural wetland basins would be replaced through the purchase of 1.48 private wetland mitigation bank credits. Impacts would be replaced within the same Bank Service Area (BSA) as the impact at a 2:1 replacement ratio. No mitigation for the impacts to the Minnesota River Channel have been proposed at this time.

3. FEDERALLY LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT

MnDOT Office of Environmental Stewardship reviewed the project on behalf of Federal Highways Administration (FHWA) and Housing and Urban Development (HUD) for compliance with Section 7 of the ESA.

Northern Long-Eared Bat	Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Tri-colored Bat	Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Monarch Butterfly	Native prairie habitat with milkweed.
Rusty Patched Bumblebee	Native prairie habitat

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.

4. 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.

5. SECTION 401 WATER QUALITY CERTIFICATION

Valid Section 404 permits cannot be issued for any activity unless water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The Section 401 authority for this project is the Minnesota Pollution Control Agency (MPCA). A Department of the Army permit will not be granted until the MPCA has issued or waived Section 401 WQC certification and the U.S. Environmental Protection Agency (USEPA) neighboring jurisdiction process is completed. Corps Section 404 Clean Water Act decisions may not be finalized until after the USEPA completes this process.

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 Section 401 of the Clean Water Act (33 U.S. Code 1341 (a)(1)). The MPCA has indicated that if, at a later date, it makes a preliminary anti-degradation determination regarding Section 401 Water Quality Certification, it will at that time plan to issue an additional public notice under Minnesota Rules Part 7001.

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
401Certification.PCA@state.mn.us

6. 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.

MnDOT Cultural Resources Unit (CRU) reviewed the project on behalf of Federal Highways Administration (FHWA) and Housing and Urban Development (HUD) for compliance with Section 106 of the NHPA.

7. 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.

8. 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.

REPLIES/COMMENTS

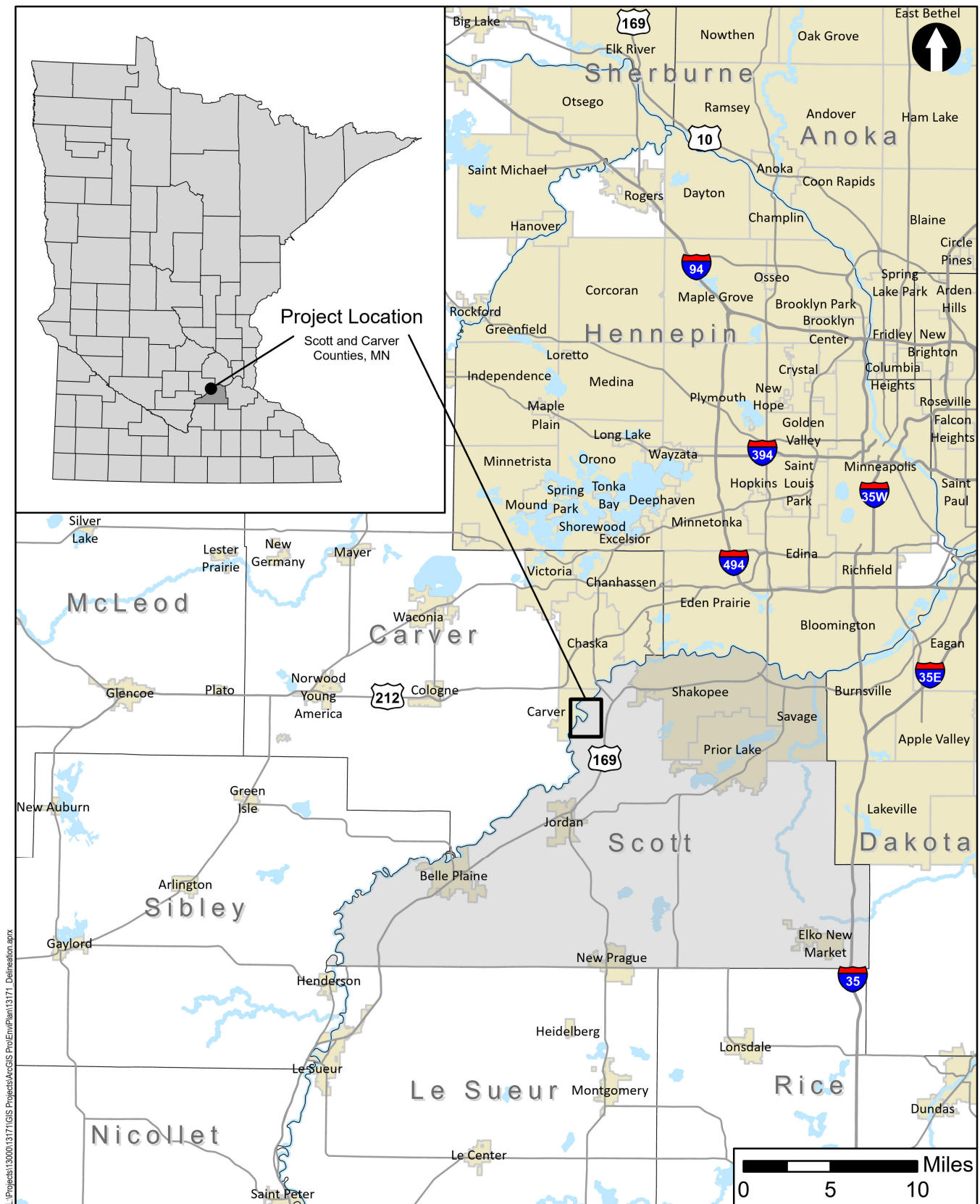
Interested parties are invited to submit to this office written facts, arguments, or objections by the expiration date indicated above. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be sent to Sean Kelly at sean.r.kelly@usace.army.mil.

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Sean Kelly at the Brainerd, Minnesota office at 651-290-5769 or sean.r.kelly@usace.army.mil.

To receive Public Notice notifications, go to: <https://www.mvp.usace.army.mil/Contact/RSS/> and subscribe to the RSS Feed for which you would like to receive Public Notices.

Enclosures: Project Figures



State Location Map

SP 070-090-003 / Merriam Junction Trail Project
Scott County

Figure 1

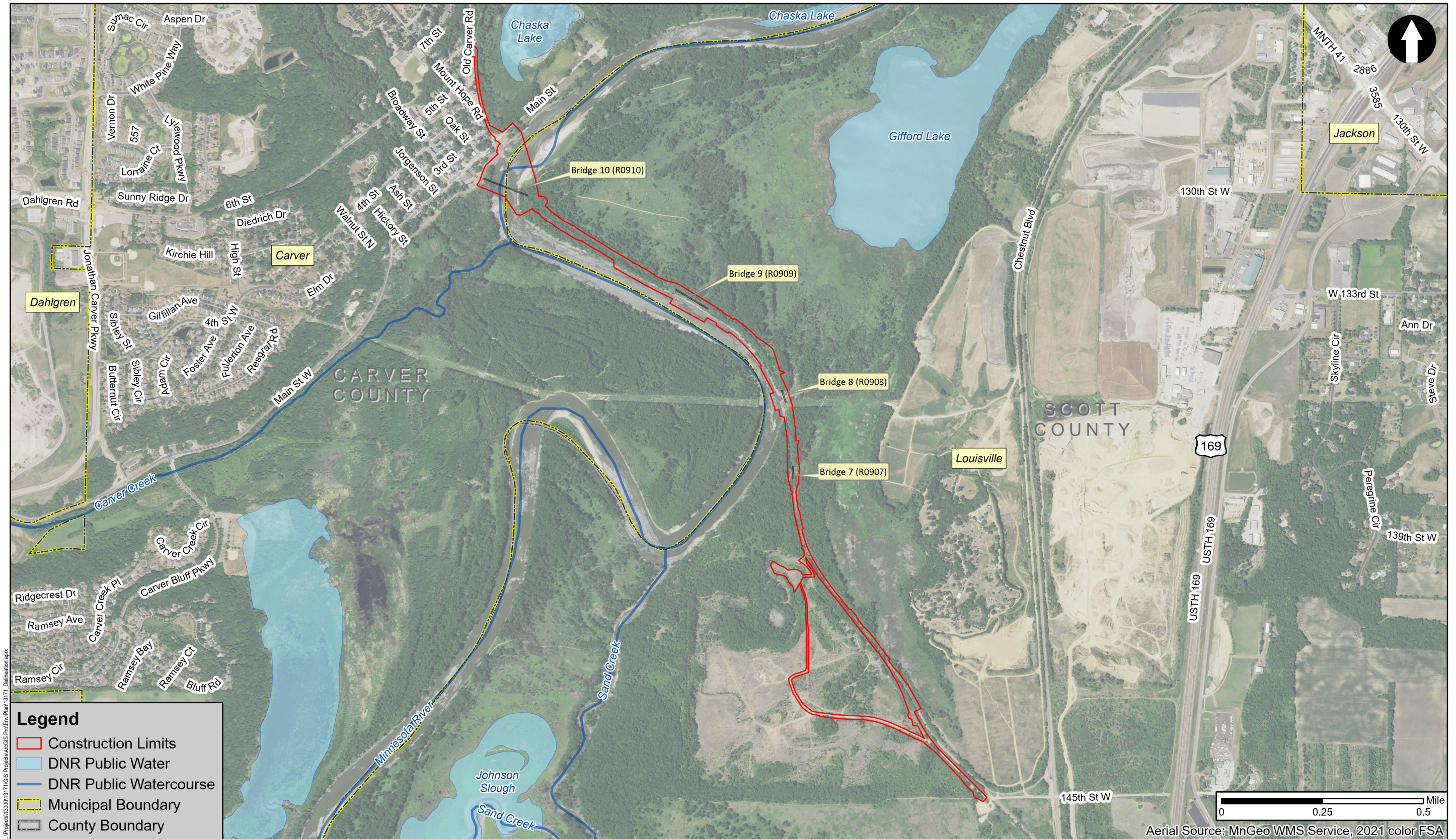


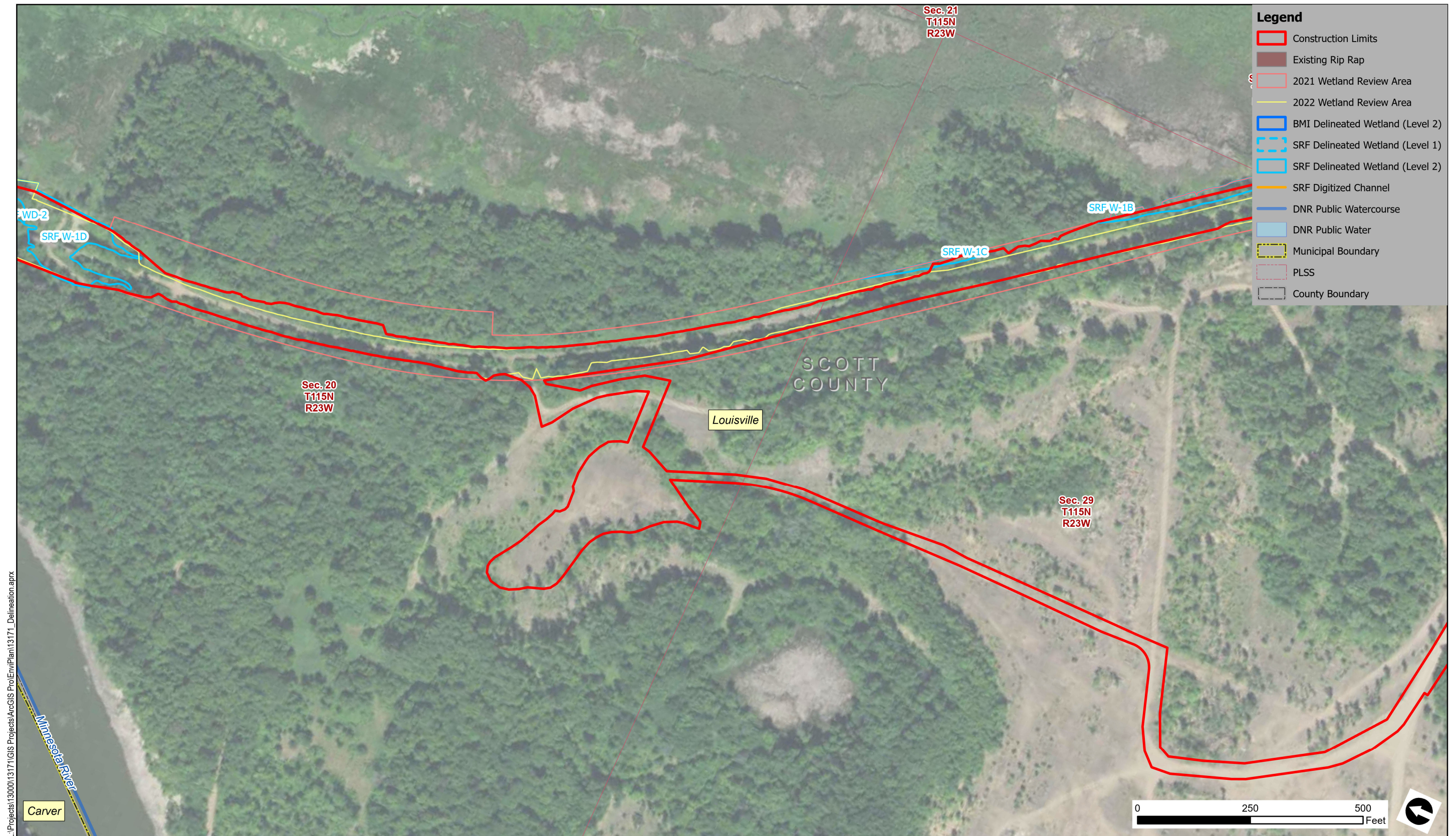
Figure 2



Project Overview

SP 070-090-003 / Merriam Junction Trail Project
Scott County

Figure 3
Sheet 1 of 5



Project Overview

SP 070-090-003 / Merriam Junction Trail Project
Scott County

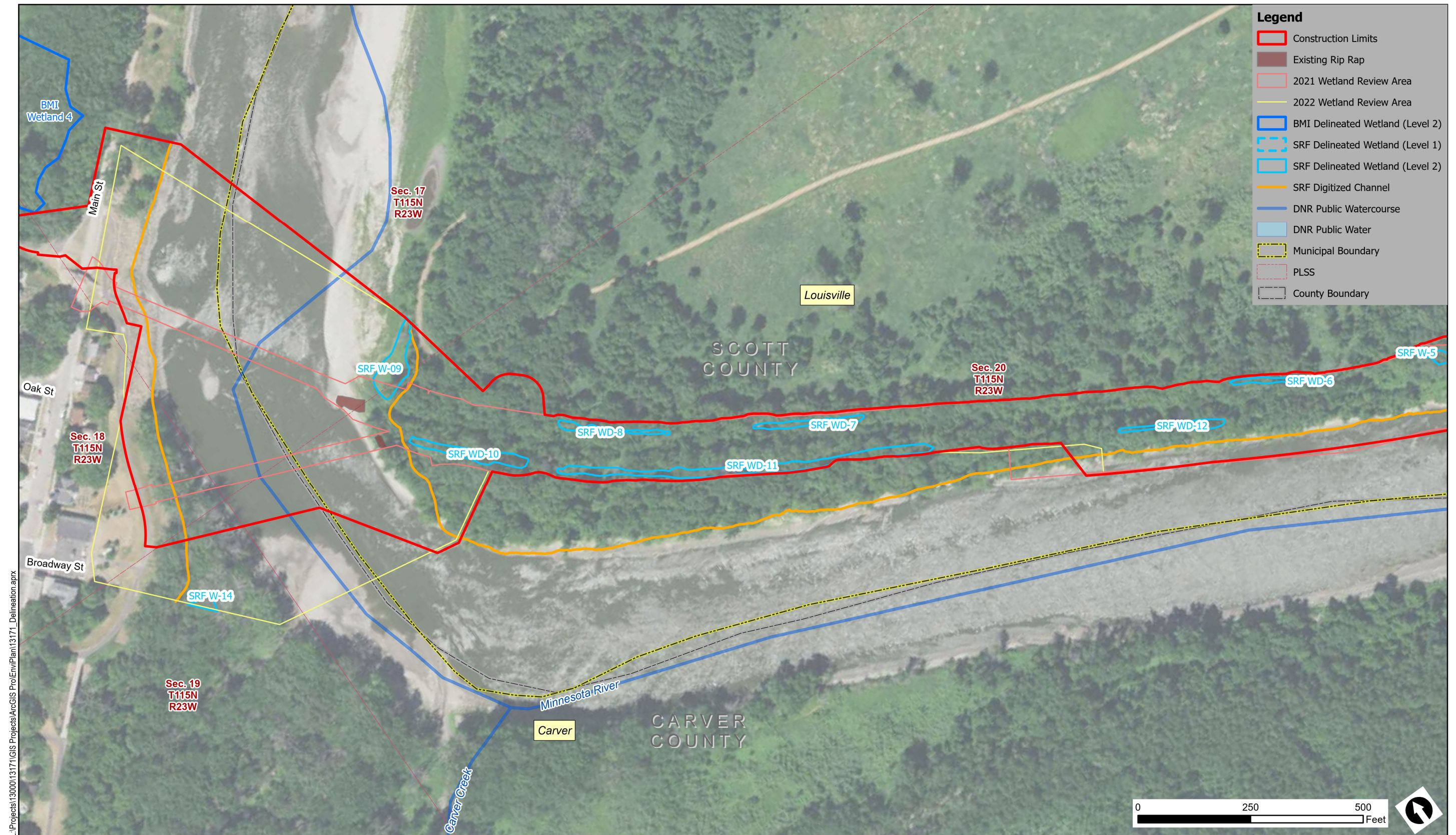
Figure 3
Sheet 2 of 5



Project Overview

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Scott County

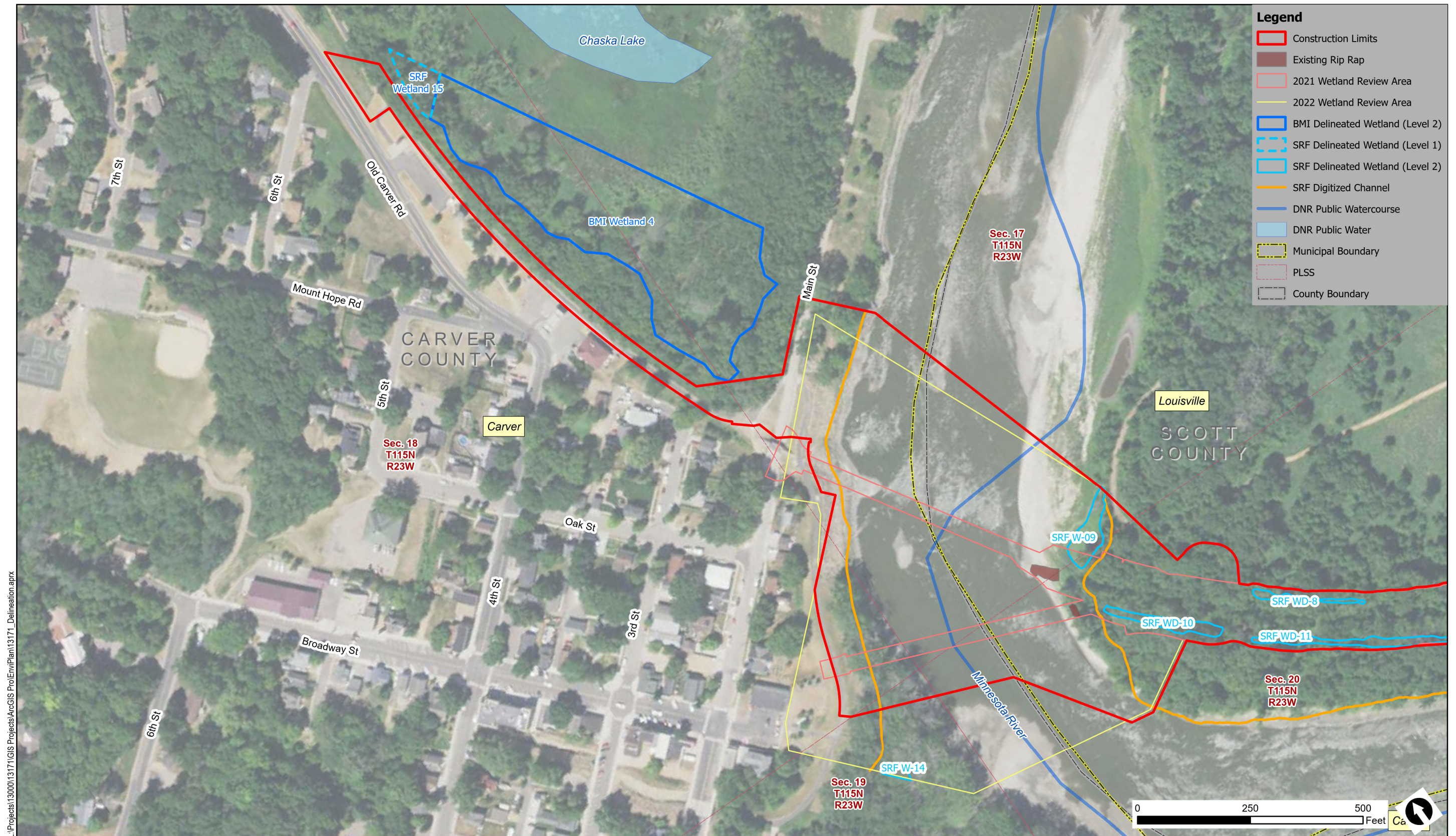
Figure 3
Sheet 3 of 5



Project Overview

SP 070-090-003 / Merriam Junction Trail Project
Scott County

Figure 3
Sheet 4 of 5



Project Overview

SP 070-090-003 / Merriam Junction Trail Project
Scott County

Figure 3
Sheet 5 of 5



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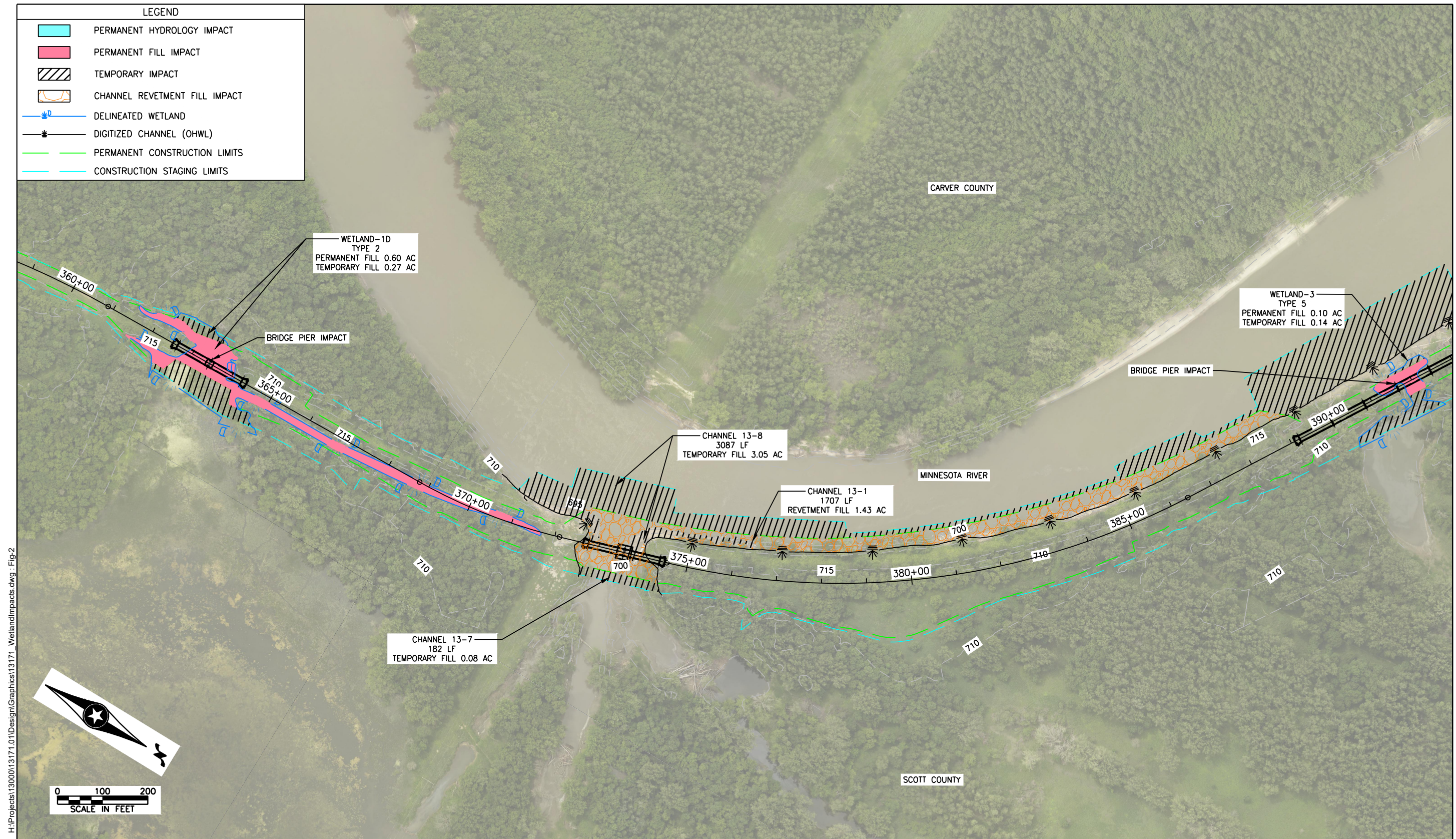
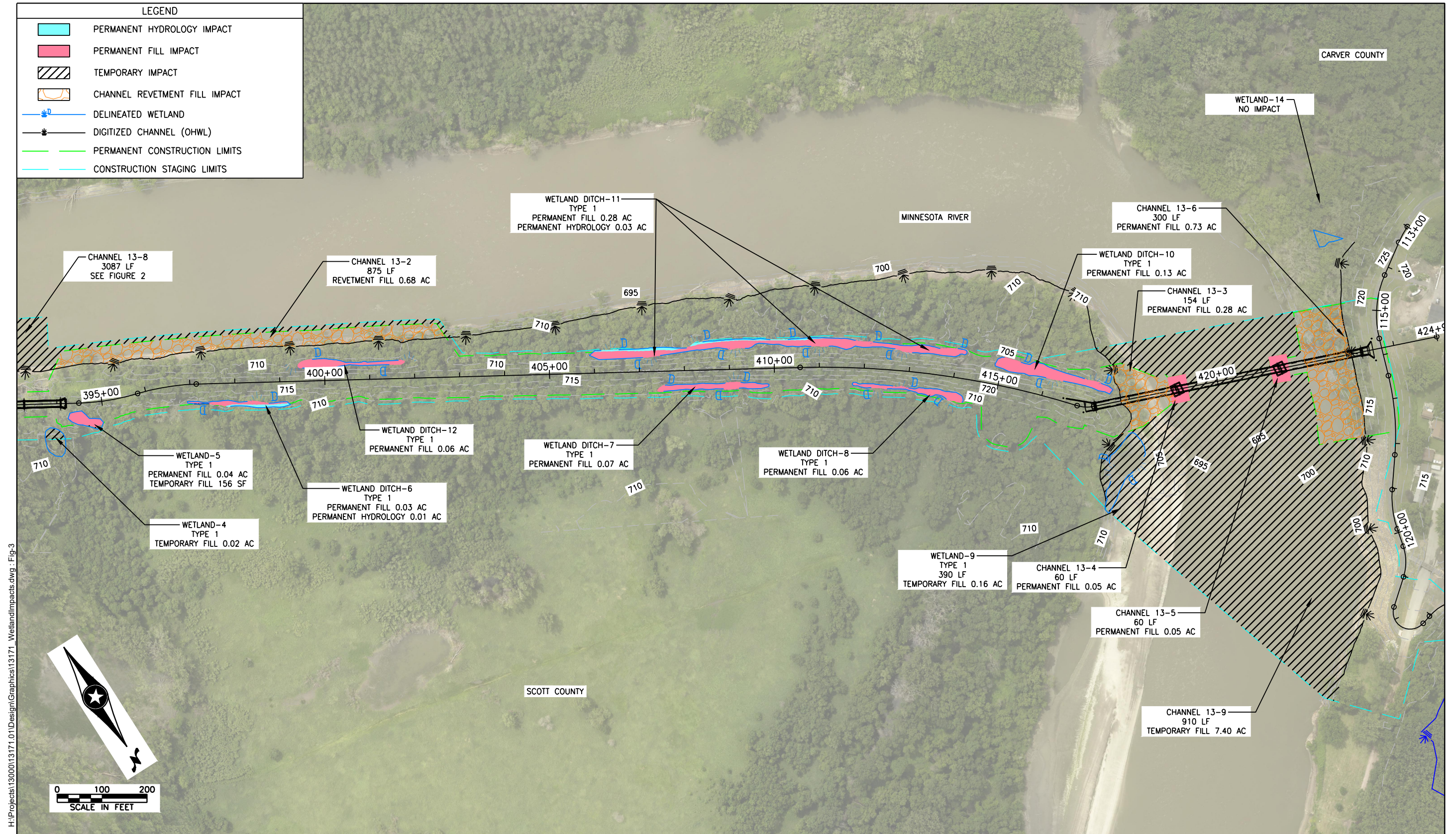
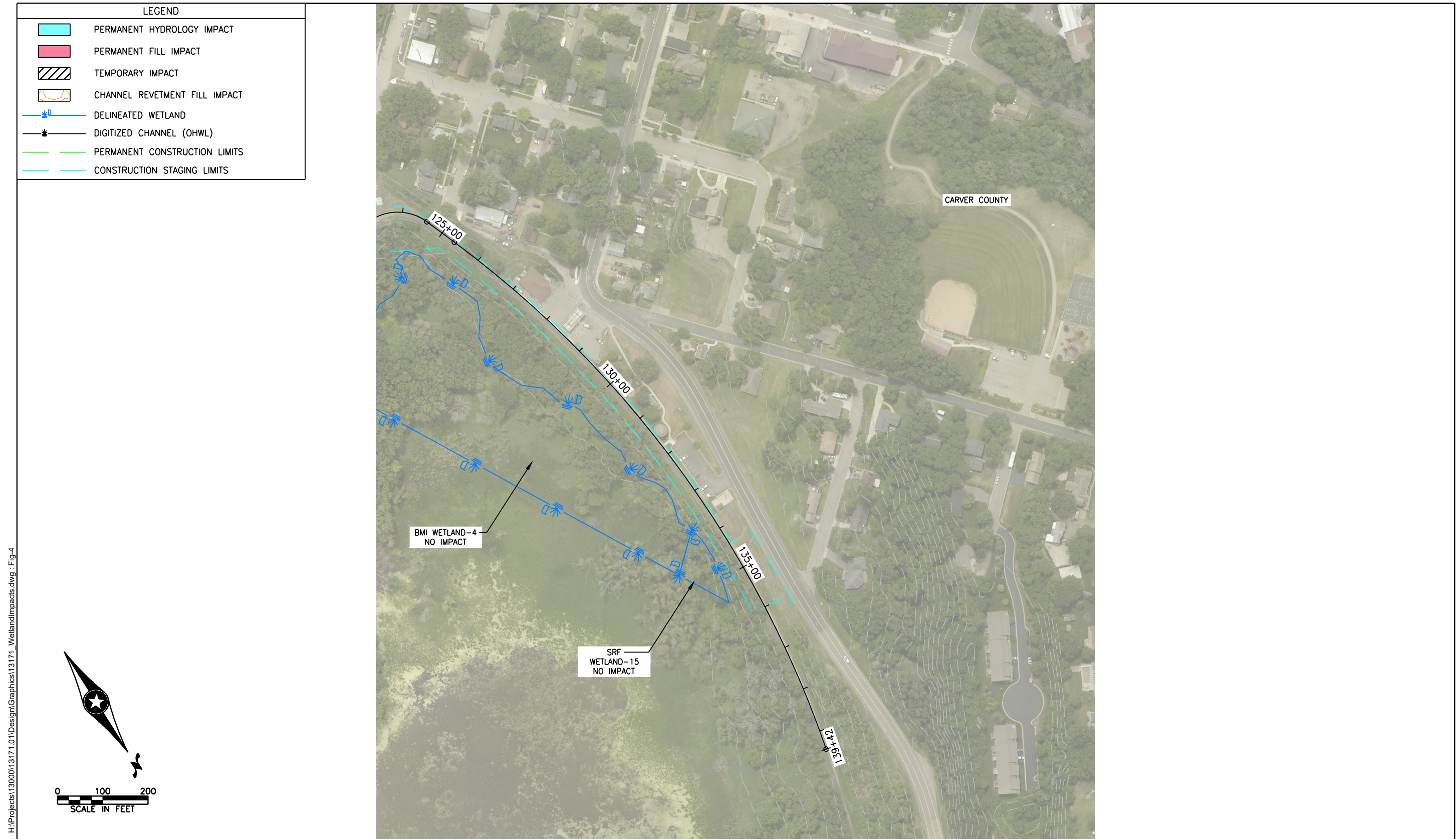


Figure 4-2



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