



US Army Corps
of Engineers
St Paul District

APPLICANT: Rice County Highway
Department, c/o Mr.
Jim Kollar

Public Notice

ISSUED: March 6, 2014
EXPIRES: April 6, 2014

REFER TO: 2011-00473-SEW

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into approximately 5.66 acres of wetlands adjacent to tributary systems of the Cannon River, including approximately 4.25 acres of permanent wetland impacts, and 1.41 acres of temporary wetland impacts. The project would also impact approximately 150 linear feet (0.02 acre) of an unnamed tributary to Wolf Creek and approximately 190 linear feet (0.02 acre) of an unnamed tributary to Heath Creek for culvert replacements.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS:

Rice County Highway Department
610 20th Street NW
Faribault, Minnesota 55021

PROJECT LOCATION: The project is a reconstruction of CSAH 1 (Millersburg Boulevard), with an eastern limit at CSAH 9 (Echo Avenue), and a western limit of CSAH 4 (Independence Avenue). The project site is located in Sections 7 & 8, Township 111N., Range 21W., and Sections 11 & 12, Township 111N., Range 22W., Rice County, Minnesota. The approximate coordinates are 93.404403W., 44.435867N.

DESCRIPTION OF PROJECT: The project is a reconstruction of approximately 4.2 miles of CSAH 1 in Forest and Erin Townships. The current roadway consists of two 11-foot wide paved travel lanes and three-foot wide aggregate shoulders. The pavement of the roadway is deteriorated and has a load posting of 7 tons per axle. The proposed roadway would include two 12-foot travel lanes with eight-foot wide paved shoulders. Additionally, twelve-foot wide right turn lanes would be constructed at all intersections with public roads. The roadway would be reconstructed on the existing alignment, with two exceptions: an S-curve located east of Halstad Avenue (County Road 62) would be modified to a 50 mile-per-hour (mph) design speed from its existing 40 mph design, and the CSAH 1 intersection with Independence Avenue would be relocated approximately 200 feet south to form a perpendicular intersection. All existing culverts would be replaced.

The purpose of the project is two-fold: 1) to increase the safety of the roadway for the public and, 2) increase the capacity of the roadway. The first objective would be achieved by constructing lane widths to meet MnDOT design standards, adding right turn lanes at intersections as recommended in the Rice County 2025 Transportation Plan, and constructing a perpendicular intersection at Independence Avenue, while the second objective would be achieved by reconstructing the road to handle a load posting of 10 tons per axle.

QUANTITY, TYPE, AND AREA OF FILL: Approximately 4.25 acres of wetlands that are part of tributary systems to the Cannon River would be permanently impacted by the proposed project, and approximately 2.53 acres of wetlands would be temporarily impacted. A table of the proposed impacts is attached ("2011-00473-SEW, Table 1 of 2"), while the locations of each proposed impact are shown on the

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attached figures (“2011-00473-SEW, Figures 1-7 of 7”). Wetlands would be permanently impacted by fill resulting from the grading of ditch sideslopes.

Two streams would be permanently impacted by the project. East of Gonvick Avenue, approximately 150 linear feet of an unnamed intermittent tributary to Wolf Creek would be impacted by a culvert replacement. The new culvert would be an approximately 130.6 foot-long 48-inch reinforced concrete pipe (including aprons) with an outlet elevation of 1057.72 and an inlet elevation of 1058.58. Approximately 20 cubic yards of Class III riprap would be placed at the culvert outlet, affecting approximately 20 linear feet of the stream. West of Fairbanks Avenue, approximately 190 linear feet of an unnamed intermittent tributary to Heath Creek would also be impacted by a culvert replacement. The new culvert would be approximately an approximately 168.3 foot-long 42-inch reinforced concrete pipe (including aprons), with an outlet elevation of 1037.00 and an inlet elevation of 1038.60. Riprap would be placed at the culvert outlet per the same dimensions and quantities described for the previous culvert.

VEGETATION IN AFFECTED AREA: Vegetation in the affected area includes cropland and wetlands. The majority of the impacted wetlands would be wet meadow wetlands and wet meadow ditches, along with a lesser amount of shallow marsh (see Table 1 of 2).

SOURCE OF FILL MATERIAL: The source of fill in wetlands would be excavated road embankment material from CSAH 1.

SURROUNDING LAND USE: Surrounding land use includes agricultural cropland, rural residences, scattered wooded areas, and wetlands.

DESCRIPTION OF STRUCTURE: See the above “Description of Project” for a description of the proposed road cross-section and “Quantity, Type, and Area of Fill” for a description of the proposed culvert replacements in mapped intermittent streams.

DESCRIPTION OF DREDGING OR EXCAVATION: The project would involve excavation of the existing roadway to construct the pavement to support 10-axle loads, and cut and fill impacts to wetlands to build the proposed road cross-section.

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 applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) to control erosion from the project area. The SWPPP includes erosion control best management practices such as erosion control blankets, temporary rock entrances, silt fences, bio rolls, and inlet protections. The plan notes that filter log and straw biorolls “shall be installed immediately after grading and seeding operations”, and that “culvert protection shall be installed immediately after culvert installation”.

MITIGATION: The applicant proposes to provide compensatory mitigation for unavoidable permanent and adverse wetland impacts through the Board of Water and Soils Resources (BWSR) Local Government Road Replacement Program (LGRRP). The project would permanently impact 4.25 acres of wetlands; however, the Corps has made a preliminary determination that the 1.72 acres of impacts to

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wetlands in ditches would not require compensatory mitigation because, as designed, there would be no appreciable loss of function. The applicant proposes to provide compensatory mitigation at a 2:1 ratio through the BWSR LGRRP and to utilize wet-to-wet mesic prairie credits from the Corps-approved Hokah Bank in Houston County, Bank Service Area 8. Final mitigation requirements will be determined by the Corps following evaluation of the proposal.

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.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, Goodhue 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>
Dwarf trout lily (E)	North-facing slopes and floodplains in deciduous forests.
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.
Prairie bush-clover (T)	Native prairie on well-drained soils.

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.

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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: NPDES/SDS Stormwater Construction Permit from MPCA, and a Wetland Conservation Act approval (issued).

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. If necessary, 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.

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

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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.

Chad Konickson
Chief, Southwest Section

Enclosures

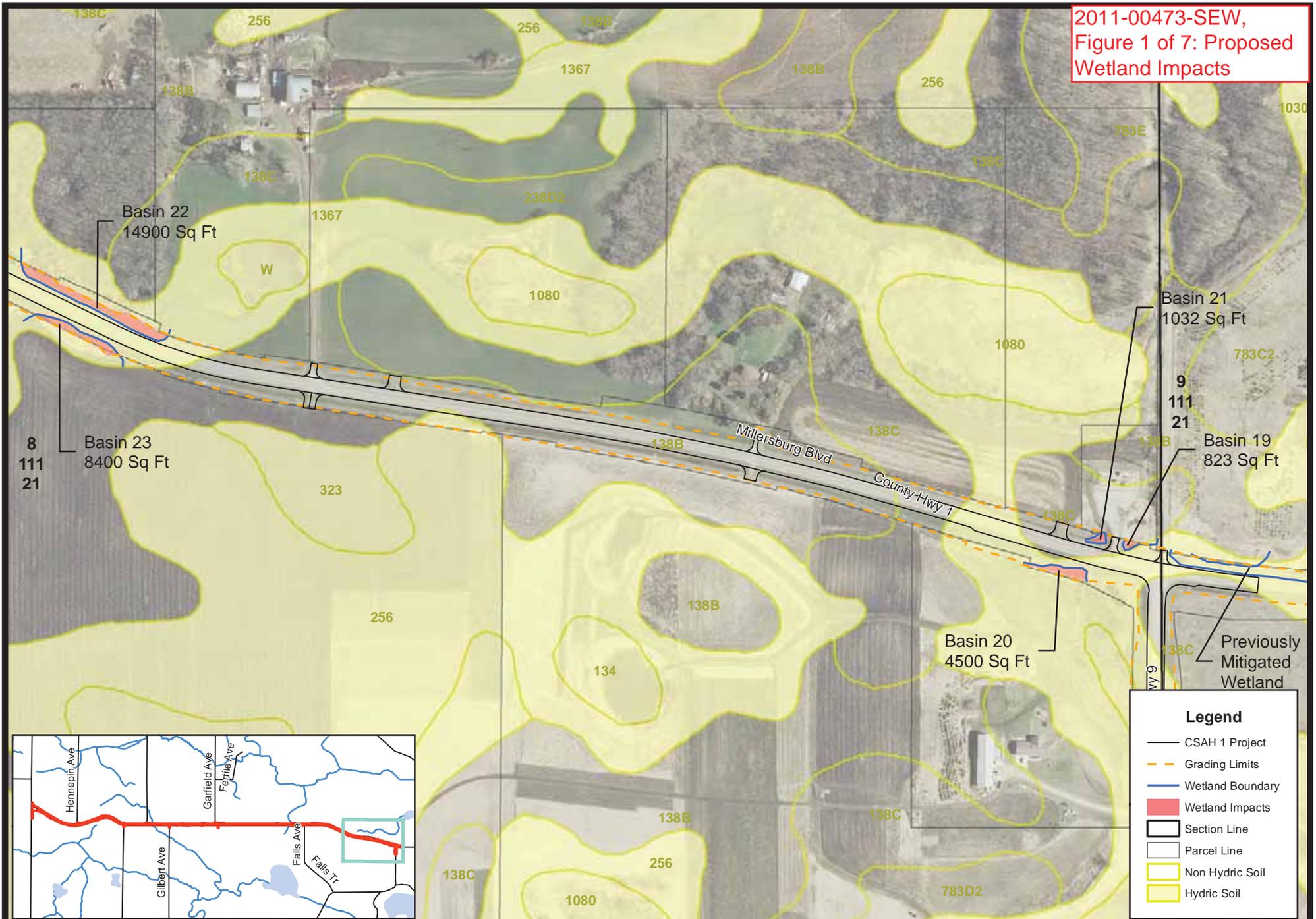
NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

ID of Wetland Basin Impacted	STR	Wetland Type	Total Wetland Impact (square feet)*
19	Sec 8, T111N, R22W	wet meadow	823
20	Sec 8, T111N, R22W	wet meadow	4,500
21	Sec 8, T111N, R22W	wet meadow	1,032
22	Sec 8, T111N, R22W	wet meadow	14,900
23	Sec 8, T111N, R22W	wet meadow	8,400
24	Sec 8, T111N, R22W	shallow marsh	3,900
25	Sec 7, T111N, R22W	wet meadow	14,500
26	Sec 7, T111N, R22W	wet meadow	9,800
27	Sec 7, T111N, R22W	wet meadow	2,139
28	Sec 7, T111N, R22W	wet meadow	3,858
29	Sec 7, T111N, R22W	wet meadow	19,693
30	Sec 7, T111N, R22W	wet meadow	127
31	Sec 7, T111N, R22W	wet meadow	4,800
32	Sec 7, T111N, R22W	wet meadow	2,223
33	Sec 7, T111N, R22W	wet meadow	6,870
34	Sec 7, T111N, R22W	wet meadow	6,105
35	Sec 12, T111N, R22W	wet meadow	2,250
36	Sec 12, T111N, R22W	wet meadow	1,523
37	Sec 12, T111N, R22W	wet meadow	15,489
38	Sec 12, T111N, R22W	wet meadow	2,100
39	Sec 12, T111N, R22W	wet meadow	3,066
40	Sec 12, T111N, R22W	wet meadow	3,901
41	Sec 12, T111N, R22W	wet meadow	5,600
42	Sec 12, T111N, R22W	wet meadow	20,800
43	Sec 12, T111N, R22W	wet meadow	2,900
44	Sec 12, T111N, R22W	wet meadow	314
45	Sec 12, T111N, R22W	wet meadow	12,450
46	Sec 11, T111N R22W	wet meadow	8,805
47	Sec 11, T111N R22W	wet meadow	5,300
48	Sec 11, T111N R22W	wet meadow	633
49	Sec 11, T111N R22W	wet meadow	1,234
50	Sec 11, T111N R22W	wet meadow	3,150
51	Sec 11, T111N R22W	wet meadow	4,800
52	Sec 11, T111N R22W	wet meadow	2,626
53	Sec 11, T111N R22W	wet meadow	6,000
54	Sec 11, T111N R22W	wet meadow	19,800
55	Sec 11, T111N R22W	wet meadow	1,145
56	Sec 11, T111N R22W	wet meadow	2,622
57	Sec 11, T111N R22W	wet meadow	9,332
58	Sec 11, T111N R22W	wet meadow	350
59	Sec 11, T111N R22W	wet meadow	6,500
		Total Impact	246,360

*Includes both permanent and temporary wetland impacts.

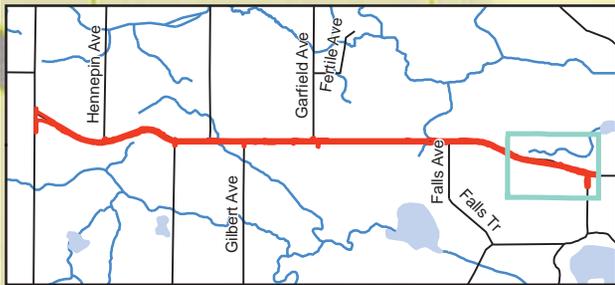
2011-00473-SEW, Table 2 of 2:
Proposed Stream Impact Areas

ID of Stream Impacted	STR	Stream Type	Approx. Permanent Impact (Linear Feet)	Approx. Permanent Impact (acre)
unnamed tributary to Wolf Creek	Sec 12, T111N, R22W	intermittent	150	0.02
unnamed tributary to Heath Creek	Sec 7, T111N, R21W	intermittent	190	0.02



Legend

- CSAH 1 Project
- - - Grading Limits
- Wetland Boundary
- Wetland Impacts
- ▭ Section Line
- ▭ Parcel Line
- Non Hydric Soil
- Hydric Soil



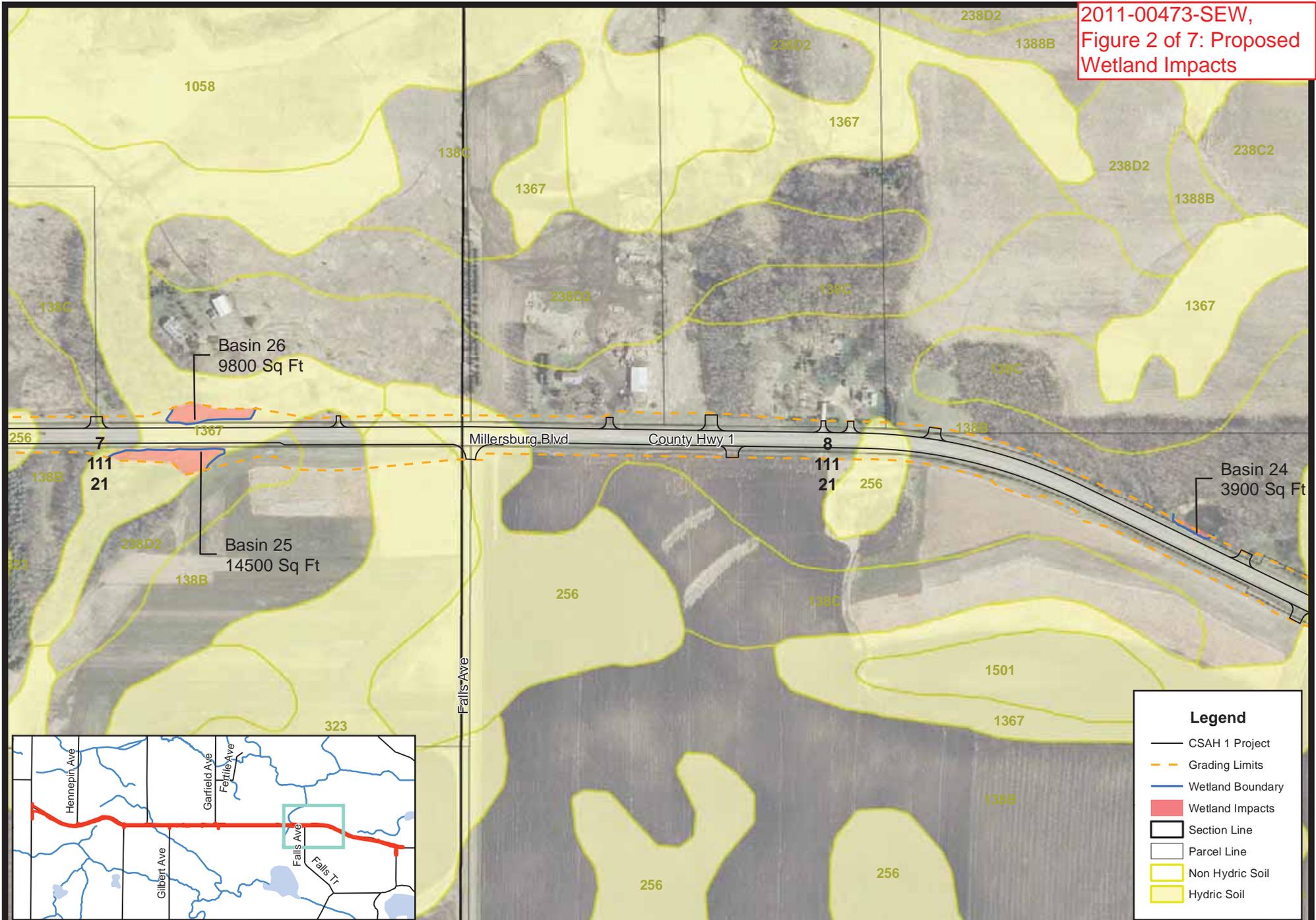
Offices in Mankato
& Faribault, Minnesota
Mankato 507.387.6651
Faribault 507.331.1500
Email: info@is-grp.com
Web: www.is-grp.com

Proj. No. 10-12770
Source: 2011 Color Orthophotograph



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Wetland Impact Map 1 of 7
CSAH 1 btw County Hwy 4 and Echo Ave
Rice County, Minnesota



Legend

- CSAH 1 Project
- - - Grading Limits
- Wetland Boundary
- Wetland Impacts
- ▭ Section Line
- ▭ Parcel Line
- Non Hydric Soil
- Hydric Soil



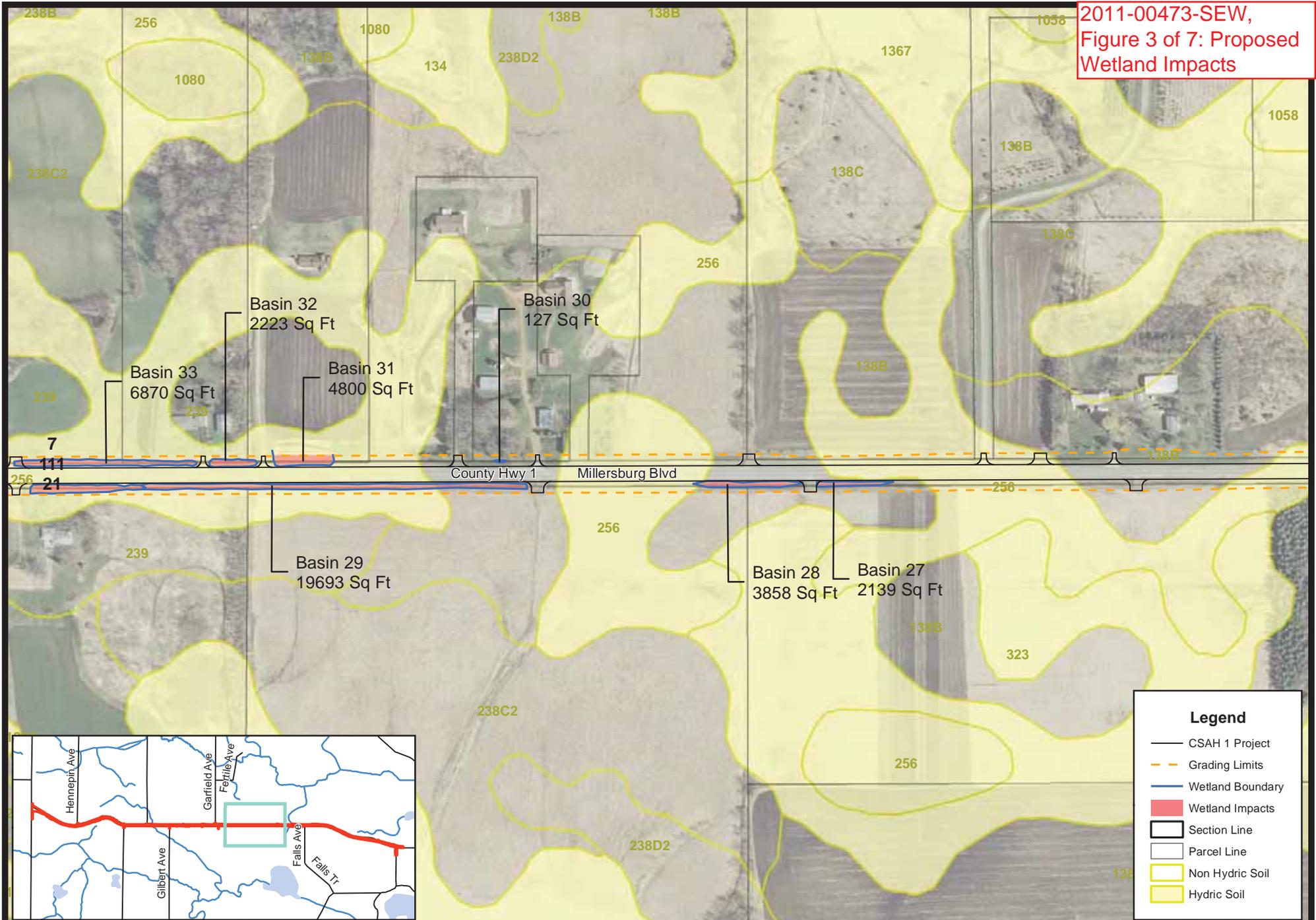
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Proj. No. 10-12770
Source: 2011 Color Orthophotograph



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Wetland Impact Map 2 of 7
CSAH 1 btw County Hwy 4 and Echo Ave
Rice County, Minnesota



Legend

- CSAH 1 Project
- - - Grading Limits
- Wetland Boundary
- Wetland Impacts
- ▭ Section Line
- ▭ Parcel Line
- Non Hydric Soil
- Hydric Soil



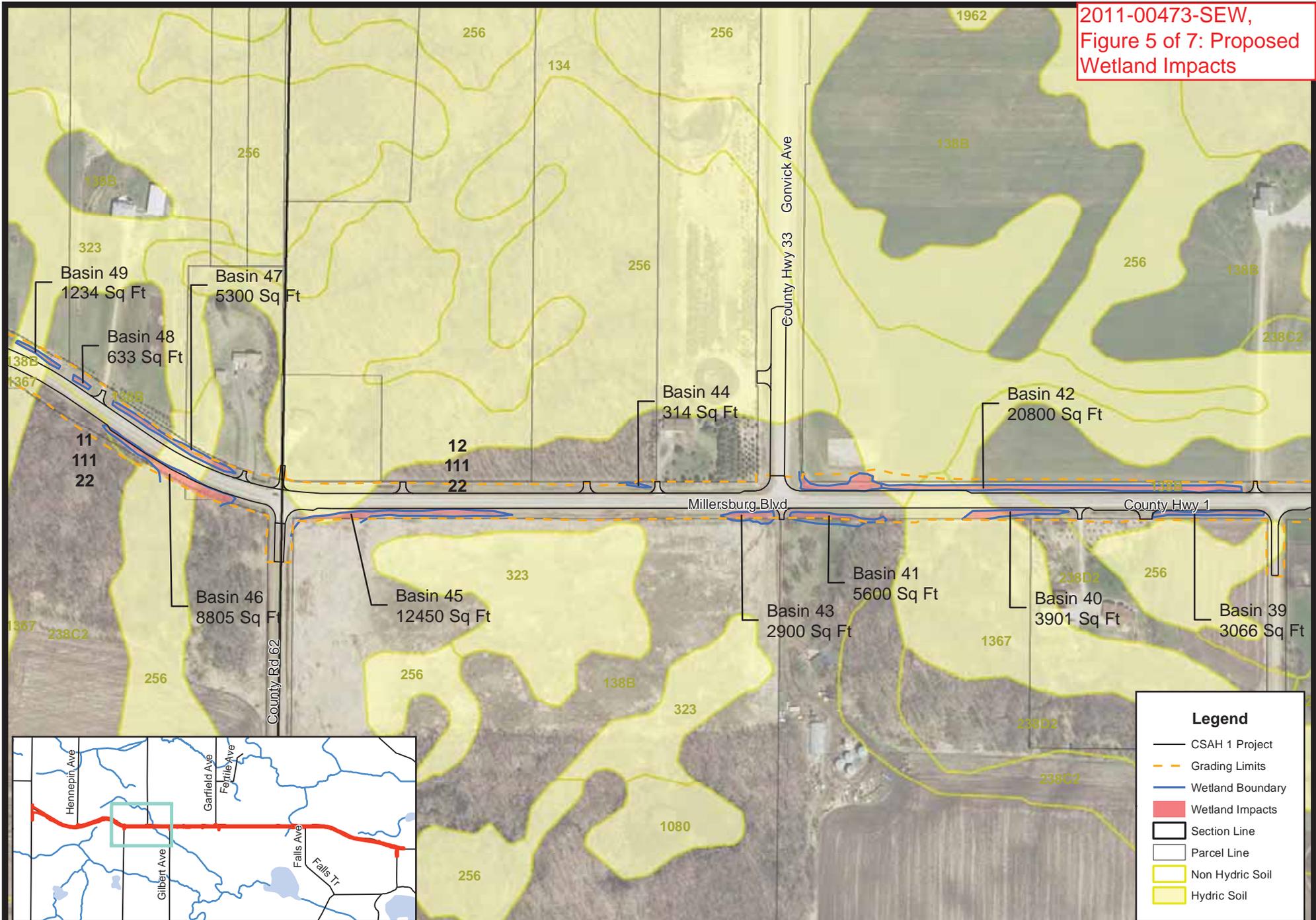
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Wetland Impact Map 3 of 7
CSAH 1 btw County Hwy 4 and Echo Ave
Rice County, Minnesota

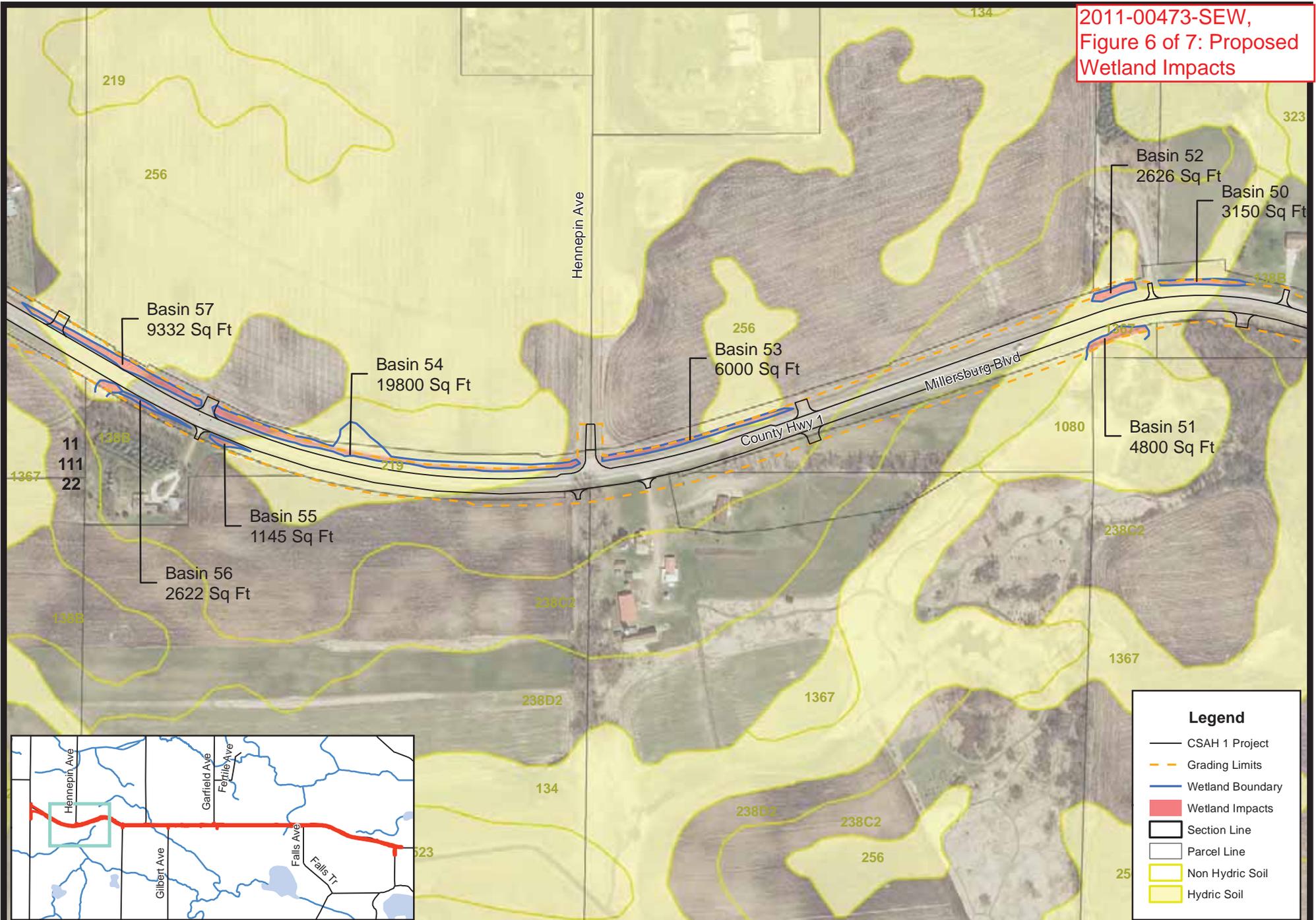


Legend

- CSAH 1 Project
- - - Grading Limits
- Wetland Boundary
- Wetland Impacts
- ▭ Section Line
- ▭ Parcel Line
- Non Hydric Soil
- Hydric Soil

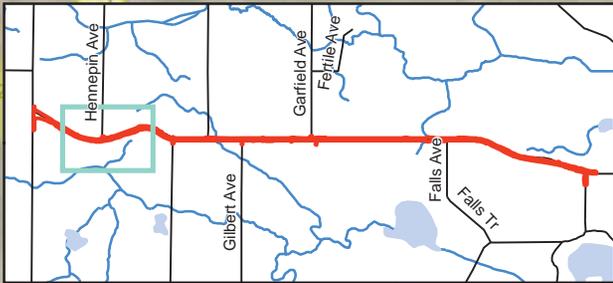


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Legend

- CSAH 1 Project
- - - Grading Limits
- Wetland Boundary
- Wetland Impacts
- ▭ Section Line
- ▭ Parcel Line
- Non Hydric Soil
- Hydric Soil



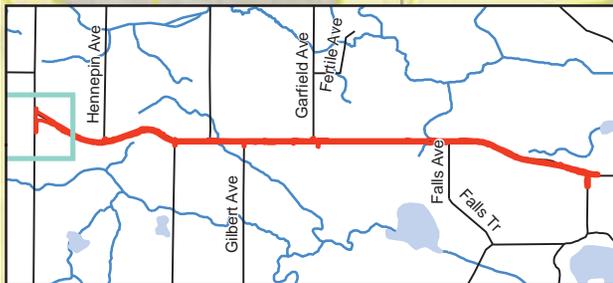
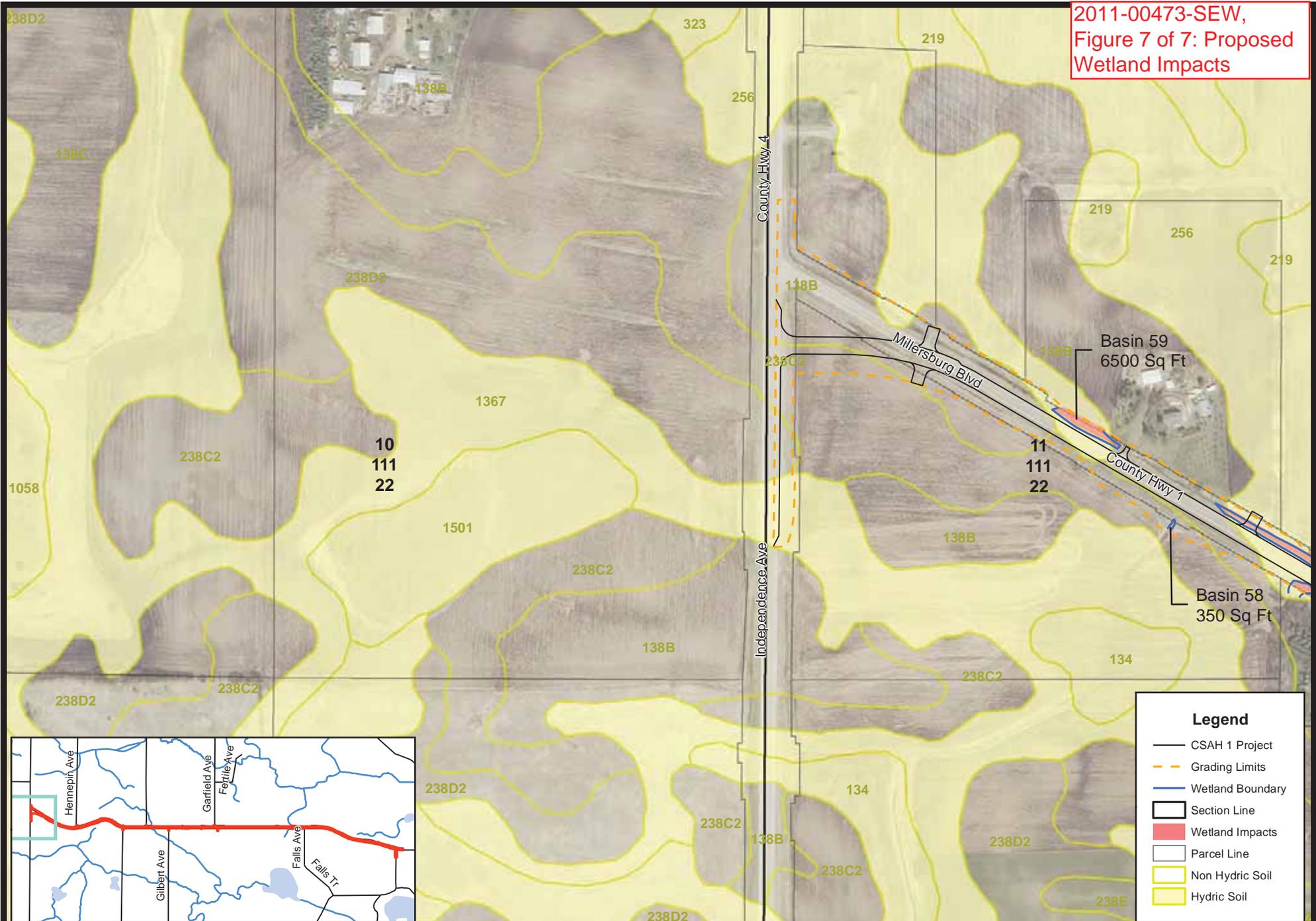
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Source: 2011 Color Orthophotograph



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Wetland Impact Map 6 of 7
CSAH 1 btw County Hwy 4 and Echo Ave
Rice County, Minnesota



Legend	
	CSAH 1 Project
	Grading Limits
	Wetland Boundary
	Section Line
	Wetland Impacts
	Parcel Line
	Non Hydric Soil
	Hydric Soil



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Wetland Impact Map 7 of 7
CSAH 1 btw County Hwy 4 and Echo Ave
Rice County, Minnesota