



US Army Corps
of Engineers
St Paul District

APPLICANT: Minnesota Department of
Transportation (MnDOT) –
Metropolitan District

Public Notice

ISSUED: 2/5/2014
EXPIRES: 3/6/2014

REFER TO: 2014-00284-MMJ
(SP 2771-37)

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material over 6.94 acres of wetland, in conjunction with the Trunk Highway (TH) 610 Extension Project.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: MnDOT Metropolitan District
Waters Edge
1500 West County Road B-2
Roseville, MN 55113-3174

PROJECT LOCATION: The TH 610 Extension Project area is located along CSAH 81 and 101st Avenue North, from Elm Creek Boulevard to I-94, and includes work on 105th Avenue North, Maple Grove Parkway, Fernbrook Lane, Garland Lane North, County State Aid Highway (CSAH) 30, CSAH 81, and CSAH 610. The project is located in the City of Maple Grove, in Sections 3, 4, 5, 8, 9 & 10, T. 119 N., R. 22 W., Hennepin County, Minnesota. The approximate UTM coordinates are:
X: 462071.362574923 & Y: 4998681.98439603.

PROJECT BACKGROUND: Transportation studies completed in the 1970's recommended alignment corridor for future TH 610 extending from I-94 in Maple Grove, MN to TH 10 in Coon Rapids, MN. Municipalities began preserving right of way and guiding land development within this recommended TH 610 corridor. In the early 1980's a National Environmental Policy Act (NEPA) review of the proposed TH 610 project was conducted by the Federal Highway Administration (FHWA). Numerous environmental documents were published evaluating this project corridor, and a Final Environmental Impact Statement (FEIS) for TH 610 was published in June 1994, followed by a Record of Decision (ROD) in June 1994. As each segment of TH 610 was programmed for construction, a Re-evaluation of the 1994 FEIS for that segment was prepared and approved by FHWA. To date, FEIS Re-evaluations have been approved, permits issued and construction completed for the segments of TH 610 between CSAH 81/Elm Creek Parkway and TH 10. A Re-evaluation of the 1994 FEIS for the last remaining segment of TH 610, between I-94 and CSAH 81/Elm Creek Parkway, was prepared in 2013 and is pending FHWA approval. The TH 610 Extension was recently selected as a MnDOT Corridor of Commerce project, as described here: <http://www.dot.state.mn.us/corridorsofcommerce>.

DESCRIPTION OF PROJECT: As proposed, the TH 610 project would extend the existing TH 610 highway by 2.7 miles between Elm Creek Boulevard and I-94 in Maple Grove. The extension would result in a four-lane divided urban roadway design for the near future, with the ultimate design containing six lanes. The project would include an I-94 system interchange and an interchange at Maple Grove Parkway. The project would also include building a new 105th Avenue bridge over I-94 and building/improving 105th Avenue to replace the existing 101st Avenue connection between Maple

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Grove Parkway and Lawndale Lane, which would be severed when TH 610 is built. The 105th Avenue improvements would include construction of the permanent width for a three-lane roadway from the west project terminus at 101st Avenue east to Rush Creek, and from the 1,000 feet west of the intersection of Ranchview Lane to the east terminus at Maple Grove Parkway. The remaining 3,500 feet between these segments would be constructed as an interim two-lane aggregate mill and bituminous overlay, to be expanded in the future as traffic and development necessitate.

QUANTITY, TYPE, AND AREA OF REGULATED ACTIVITY: The project would result in the permanent discharge of fill material over approximately 6.94 acres of wetland, including: 1.44 acres of seasonally flooded type wetland, 3.11 acres of wet meadow type wetland, 2.17 acres of shallow marsh type wetland, and 0.22 acre of deep marsh type wetland. Permanent impacts would be due to filling wetlands to accommodate TH 610, North Frontage Road, 105th Avenue North, and Maple Grove Parkway Entrance Ramp construction. The project would also include bridge construction over Rush and Elm Creek. For both crossings, bridge supports would be located above the Ordinary High Water Mark (OHWM) of the creek and construction activities would not result in the permanent discharge of fill material into either stream.

SOURCE OF FILL MATERIAL: The majority of fill material is located on-site, stockpiled from the 2009-2010 TH 610 Project. Clean fill material is required as a standard condition to any Corps permit authorizing work in waters of the U.S. Any additional borrow sites associated with this project may require a cultural resource survey.

VEGETATION IN AFFECTED AREA: The project would impact 16 separate wetland basins, and would also include work in portions of Rush and Elm Creek. The majority of wetlands proposed to be impacted are low to mid quality basins dominated by reed canary grass and cattail.

SURROUNDING LAND USE: The surrounding terrain can be described as gently rolling, with low points being drained by field tile or containing wetlands. Land use to the south of the corridor is mostly residential along with some commercial. Land use to the north is primarily rural farmland.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: A Phase I Environmental Site Assessment (Phase I ESA) was completed in March 2011 for the TH 610 project from Elm Creek Boulevard to I-94. The ESA identified a total of 30 sites in or within approximately 500 feet of the project area. The ESA identified no high potential sites, 2 medium potential sites, and 28 low potential sites. Potentially contaminated properties identified in the Phase I ESA will be evaluated for their potential to be impacted by construction and/or acquired as right of way. Any properties with a potential to be impacted by the project will be drilled and sampled if necessary to determine the extent and magnitude of contaminated soil or groundwater in the areas of concern. The results of the drilling investigation will be used to determine if the contaminated materials can be avoided, or the project's impacts to the properties minimized. If necessary, a plan will be developed for properly handling and treating contaminated soil and/or groundwater during construction.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Ten ponding sites (including new ponds and expansion of existing ponds) to treat stormwater are proposed as part of the TH 610 drainage system. The ponds,

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and other BMPs proposed as part of the project, would mitigate for the impact of stormwater runoff due to increased impervious surface associated with the proposed project. In addition, a National Pollution Discharge Elimination System (NPDES) permit would be required for construction activities associated with the project. The contractor would need to comply with the requirements of this permit. During construction, grading, ditches, siltation fences, and bale checks will be employed as temporary erosion control measures. These measures would be implemented to control runoff and prevent off-site sedimentation. After construction, all disturbed areas will be sodded or seeded, leaving temporary erosion control measures in-place until the vegetative cover has been established.

MITIGATION: MnDOT has proposed to compensate, at a 2:1 ratio, for permanent wetland impacts associated with the TH 610 Extension Project. Wetland mitigation would be completed via withdrawal of wetland bank credits from a Corps approved MnDOT wetland bank located in Minnetrista, MN, located within the same Bank Service Area (BSA 7) as the impact site/TH 610 project.

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 Melissa Jenny at the St. Paul office of the Corps, telephone number (651) 290 - 5363.

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.

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

<u>Species</u>	<u>Habitat</u>
Northern long-eared bat (P)	Caves and mines in fall & winter, upland forests in spring and summer.
Higgins' eye pearl mussel (E)	Mississippi River

As required by Sec. 7 of the Endangered Species Act, the FHWA has reviewed the project to determine if it will affect any federally threatened, endangered, proposed species or listed critical habitat. As described in the FEIS Re-evaluation for this project, the FHWA has determined that this project will have no effect on the species or critical habitat listed above.

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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:

Permit	Agency	Action Required/Status
Federal		
Section 404 Standard Permit	USACE	Permit
State		
Environmental Assessment (TH 610)	MnDOT	Approval
Section 401 Water Quality Certification	MPCA	Certification
Public Waters Work Permit	MnDNR	Permit
Construction Plans (drainage plans)	MnDOT	Approval
National Pollutant Discharge Elimination system (NPDES)	MPCA	Permit
Local		
Project approval	City of Maple Grove	Approval
Project approval	Hennepin County	Approval
Land disturbing Activities	City of Maple Grove	Permit
Wetland Conservation Act (WCA)	MnDOT	Replacement Plan Approval
Watershed Management Commission	ECWMC	Approval; 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,

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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. In addition, the FHWA is the lead federal agency for this project, and has reviewed the project pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA). MnDOT's Cultural Resources Unit (CRU), a duly authorized agent for the FHWA, has determined that there are no historic properties eligible for listing in the National Register of Historic Places (NRHP) located within this project's area of potential effect (APE).

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

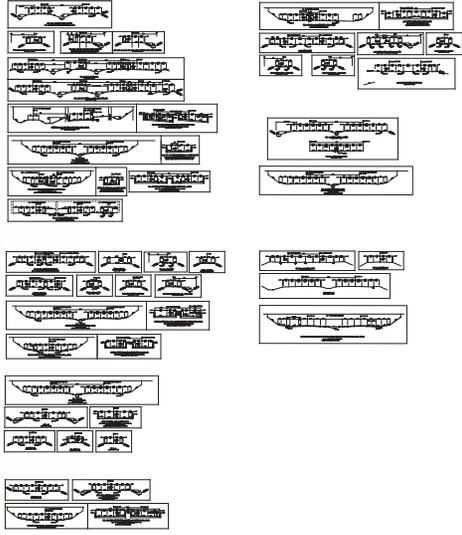
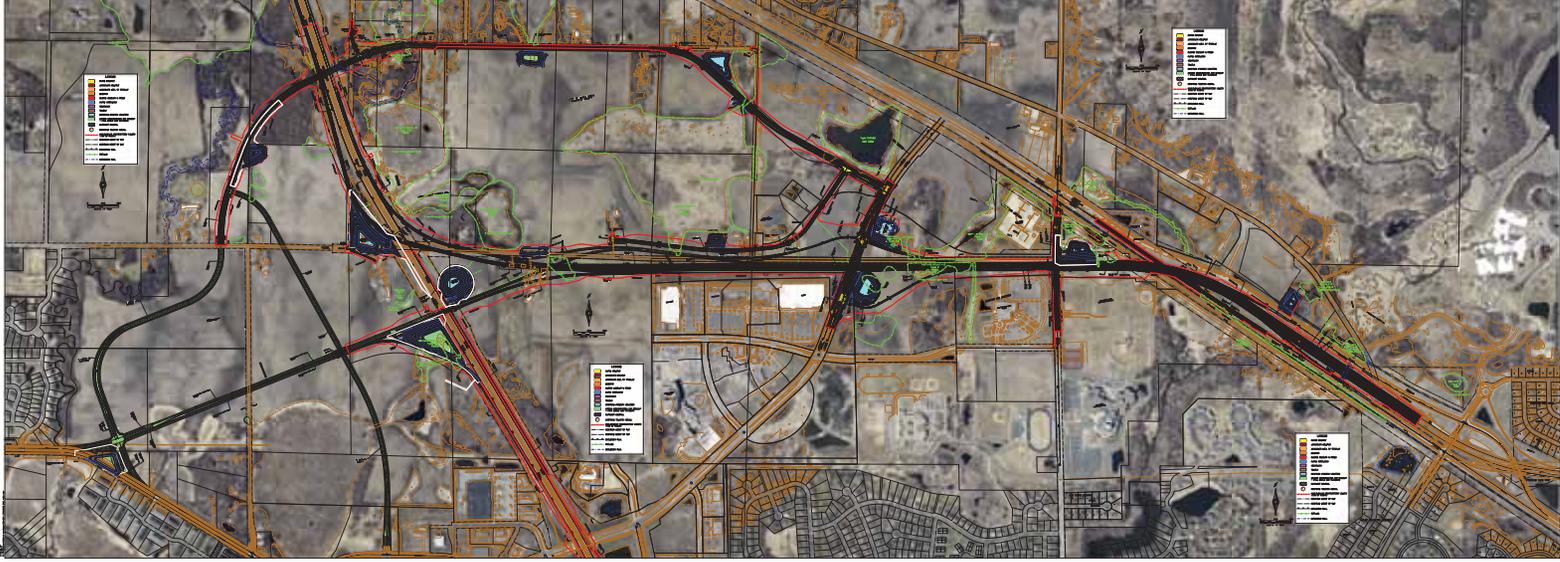
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proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, 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: 2014-00284-MMJ Public Notice Figures 1-15

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





Wetland Analysis

Elm Creek Boulevard to I-94 FEIS Re-evaluation
 SP 2771-370, City of Maple Grove, Minnesota

Figure 7

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8A. SUMMARY OF PERMANENT IMPACTS TO WETLANDS (includes DNR Public Water Wetlands and the wetland areas of Public Waters Lakes):

When attaching information on a separate sheet – use this same format

ID of area impacted as shown on attached map	Major watershed name or no. & County	Section / Township / Range	Wetland Circ. 39 Type / Wetland Community Type	Type of impact (fill, cut, drain, type conversion) (for definition of impact type see HELP 8)	Size of entire basin if < 40 acres, otherwise indicate 40+ acres	Amt. of permanent impact (acres or sq. ft.)
AB	20 Mississippi	5-119-22	PEMC/F - 3/4	FILL	20.0	0.03
C	20 Mississippi	5-119-22	PEMCd - 3	FILL	5.8	0.06
E	20 Mississippi	5-119-22	PEMCd - 3	FILL	10.1	0.08
F-1	20 Mississippi	4-119-22	PEMA/Bd - 2	FILL	40+	0.63
F-1(1)*	20 Mississippi	4-119-22	PEMA/Bd - 2	FILL	40+	0.25*
H-1	20 Mississippi	4-119-22	PEMB/Cd - 2/3	FILL	10.7	0.71
H-2	20 Mississippi	9-119-22	PEMB/Cd - 2/3	FILL	2.11	2.11
H-3	20 Mississippi	4-119-22	PEMBd - 2	FILL	0.4	0.14
W-8*	20 Mississippi	9-119-22	PEMBd - 2	FILL	1.11*	0.12*
J	20 Mississippi	3-119-22	PEMB/C/F - 2/3/4	FILL	3.3	0.60
K-3	20 Mississippi	10-119-22	PEMB/Cd - 2/3	FILL	2.3	0.19
M	20 Mississippi	8-119-22	PEMAf - 1	FILL	1.44	1.44
105-1	20 Mississippi	5-119-22	PEMC - 3	FILL	5.4	0.17
105-3	20 Mississippi	5-119-22	PEMB - 2	FILL	0.05	0.02
W-3	20 Mississippi	5-119-22	PEMBd - 2	FILL	0.18	0.11
F-3*	20 Mississippi	4-119-22	PEMB/Cd - 2/3*	FILL	3.66*	0.28*

** Impact based on Level 1 Delineation, Level 2 delineation to be done spring/early summer 2014*

8B. TOTALS OF AREA (S) PERMANENTLY IMPACTED for each wetland community type in acres or square feet:

Seasonally flooded basin T 1	Floodplain forest T 1L	Sedge meadow T 2	Fresh (wet) meadow T 2	Wet to wet mesic prairie T 2	Shallow marsh T 3	Deep marsh T 4	Shallow Open Water T 5	Shrub carr or alder thicket T 6	Hardwood or coniferous swamp T 7	Open or coniferous bog T 8
1.44			3.11		2.17	.22				

Wetland Basin AB
Type 3/4
PEMC/F

Flow-Through Wetland
▨ 1344 SQUARE FEET
WETLAND IMPACT

CONSTRUCTION LIMITS

WB 94
EB 94

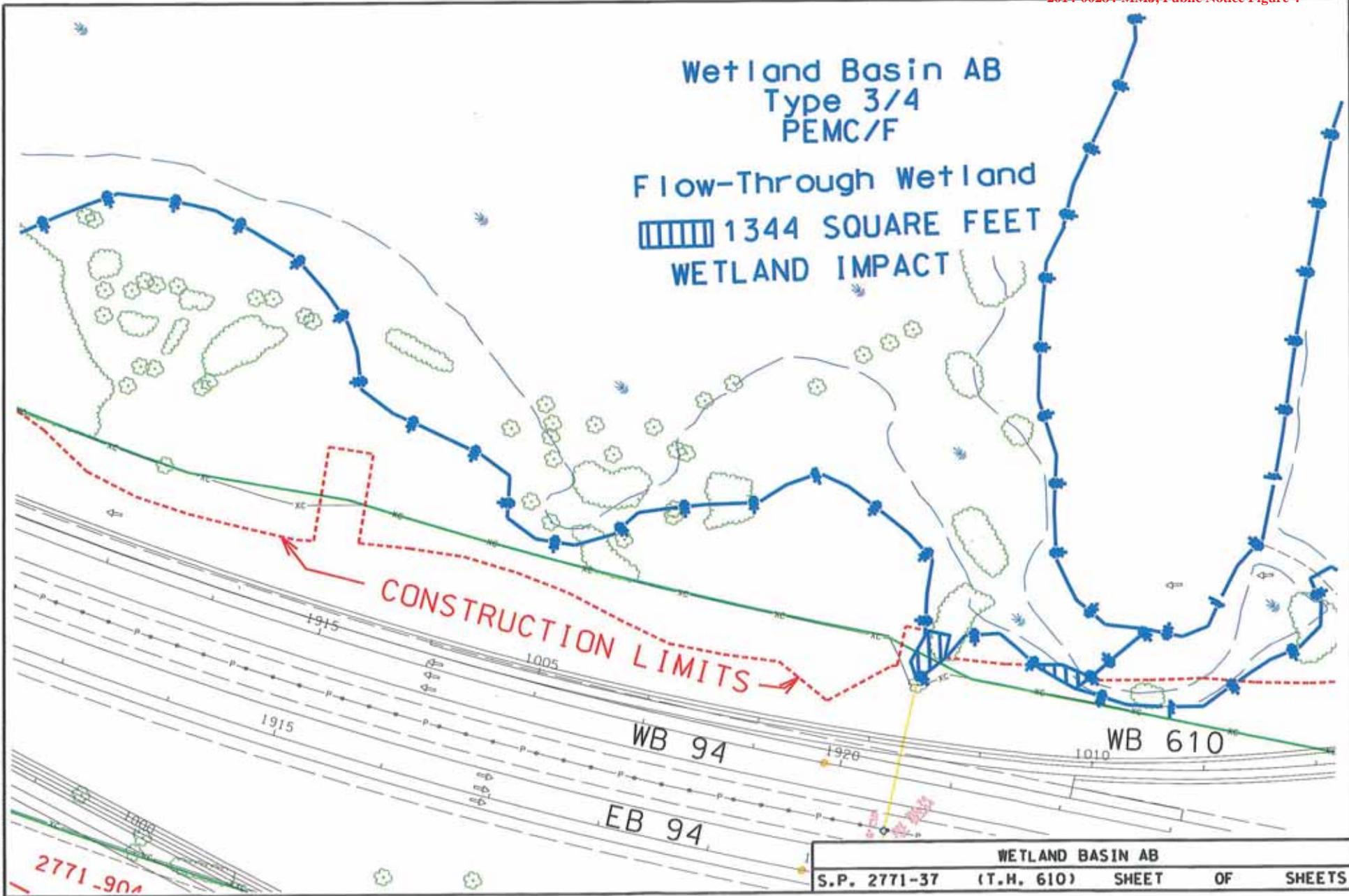
WB 610

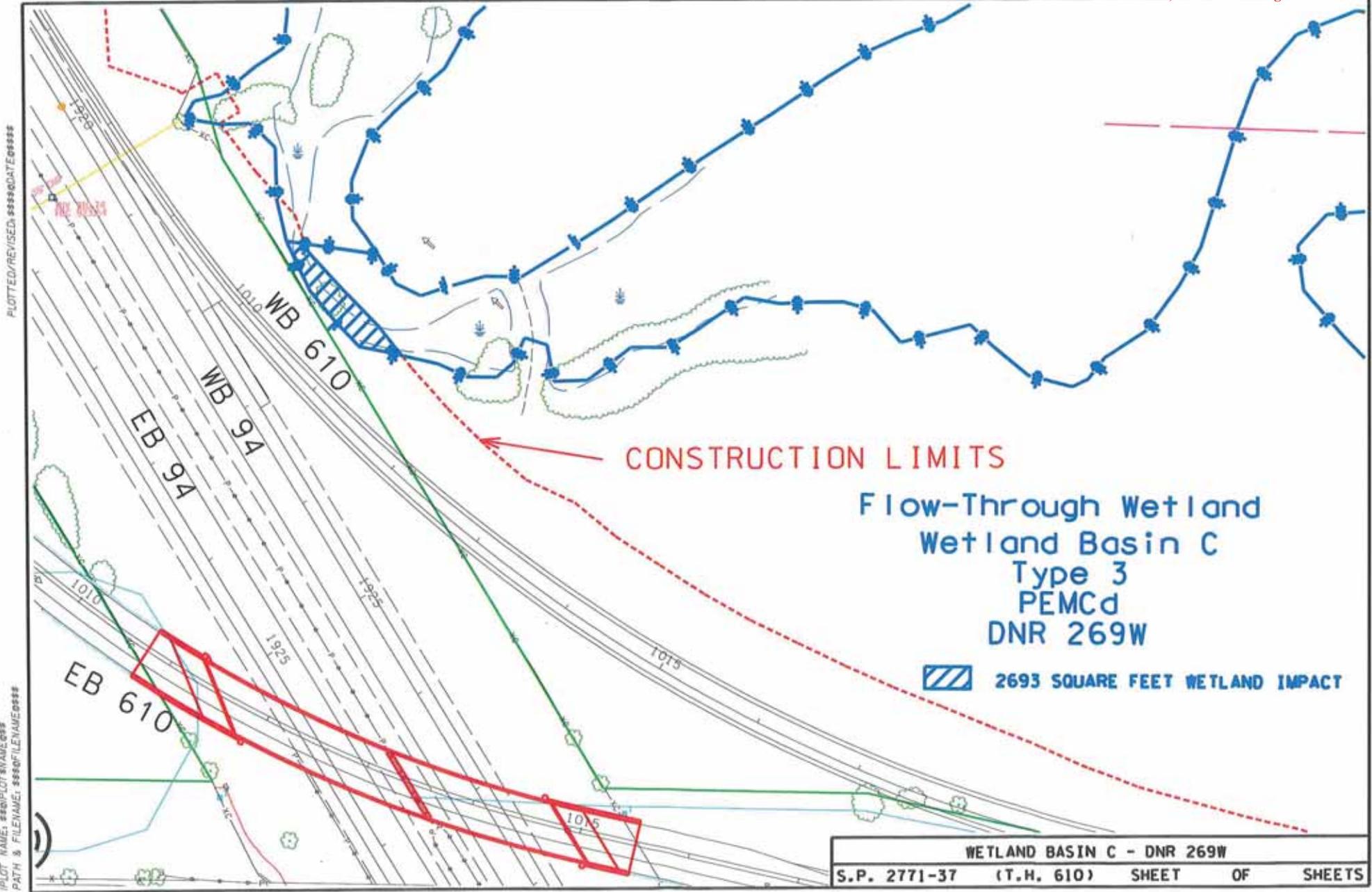
WETLAND BASIN AB
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Wetland Basin E Type 3 PEMCD DNR 269W



3475 SQUARE FEET WETLAND IMPACT

EXISTING 101ST AVE N

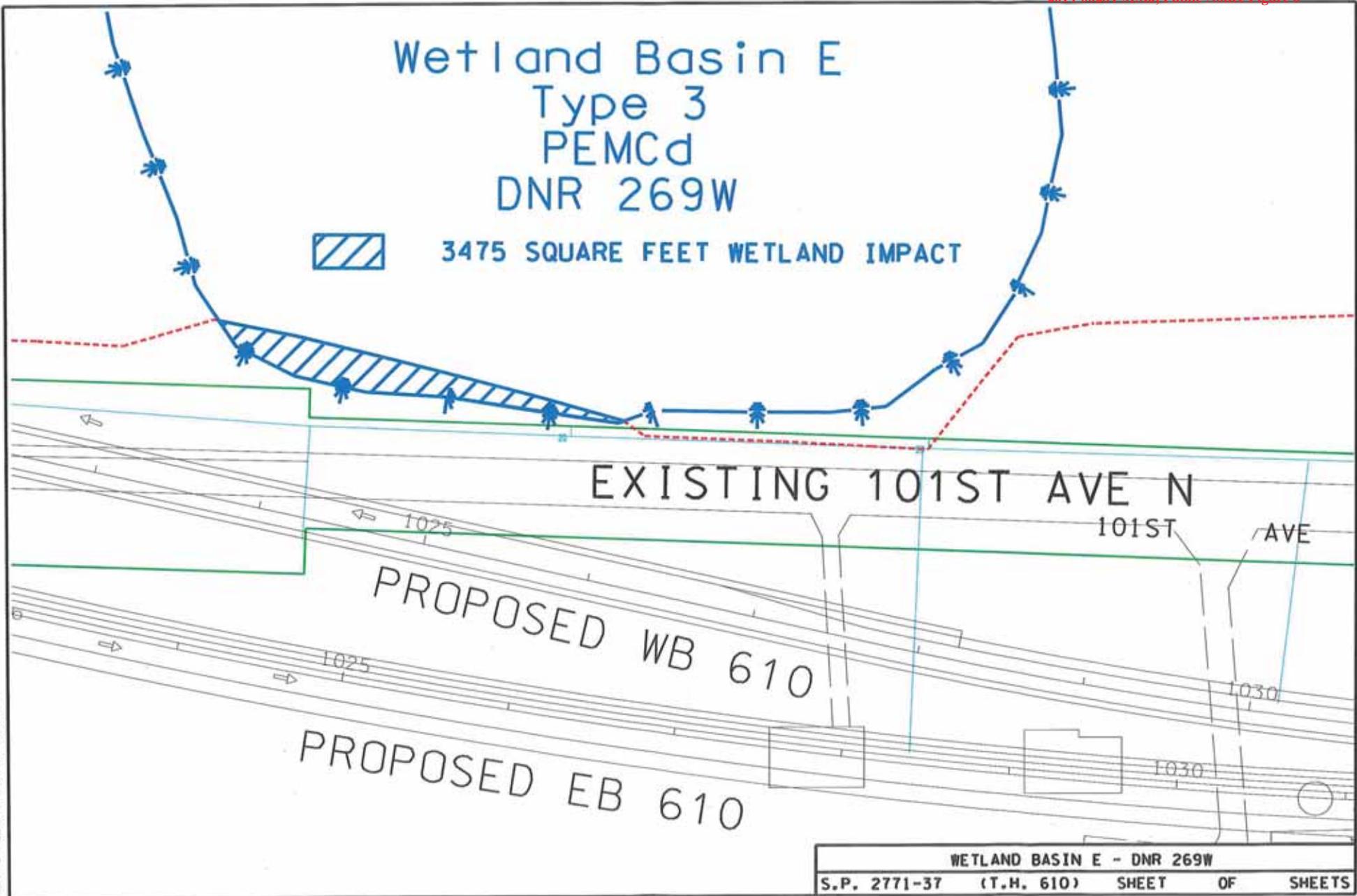
PROPOSED WB 610

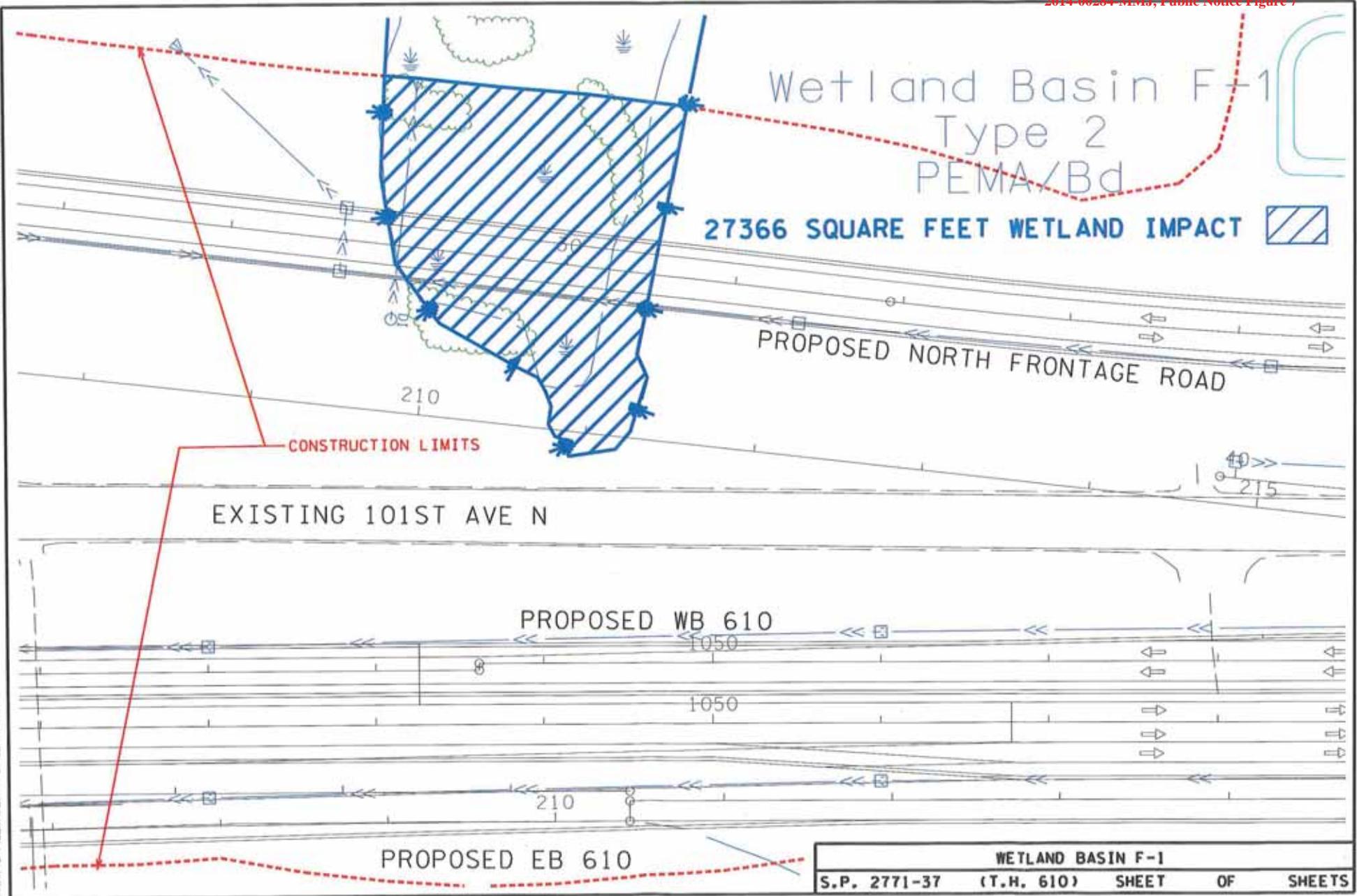
PROPOSED EB 610

WETLAND BASIN E - DNR 269W			
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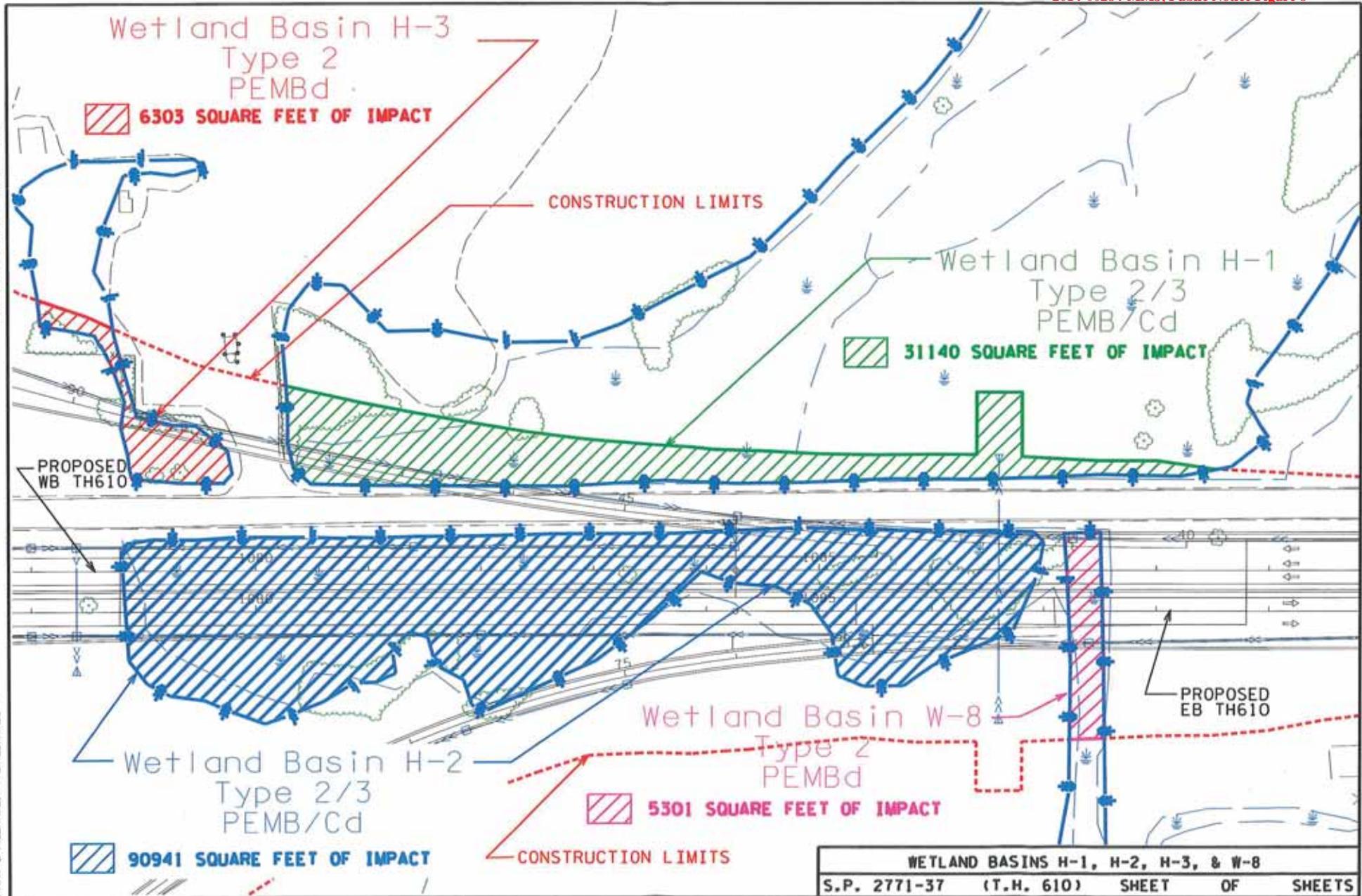




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WETLAND BASIN F-1			
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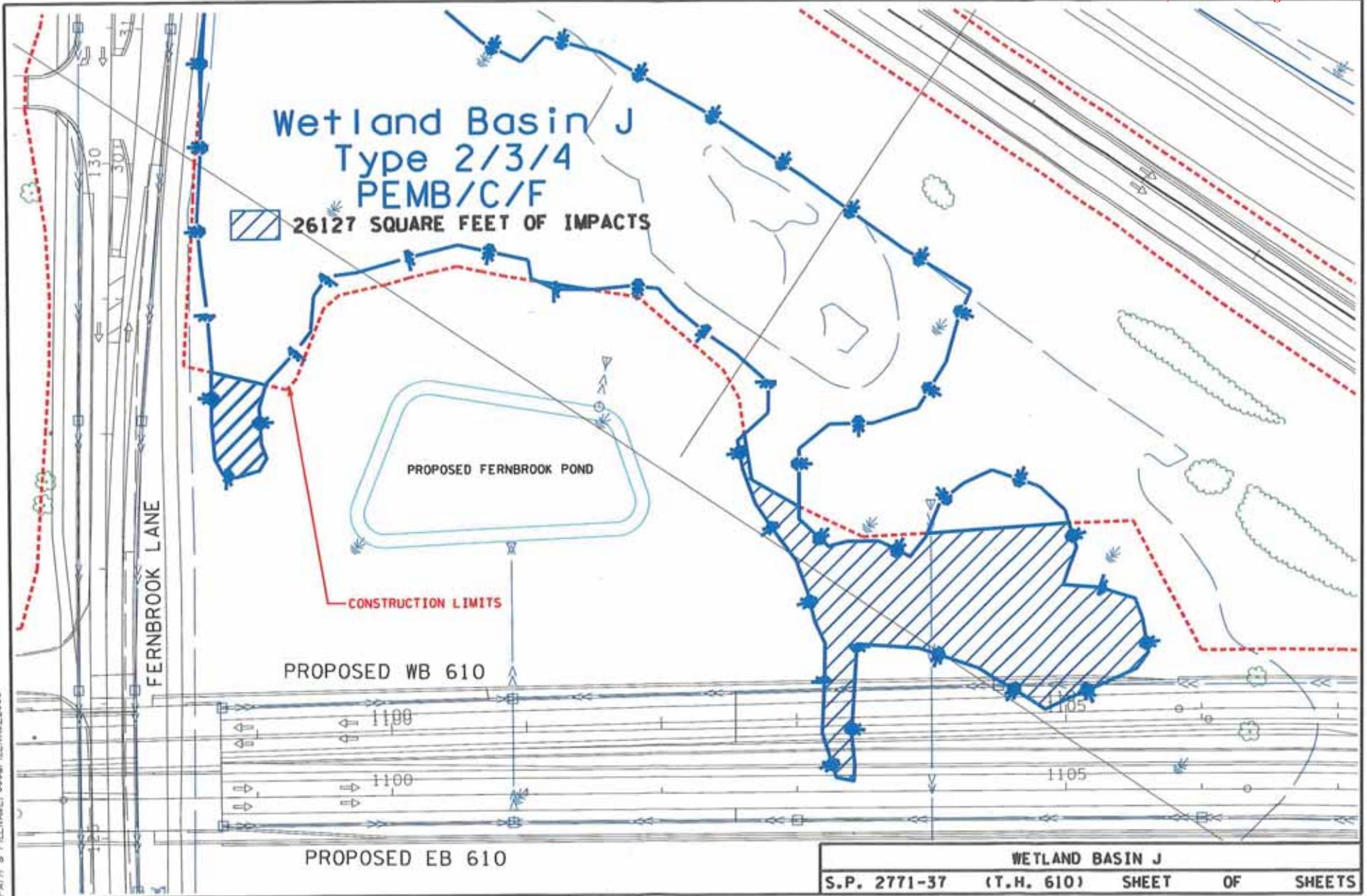


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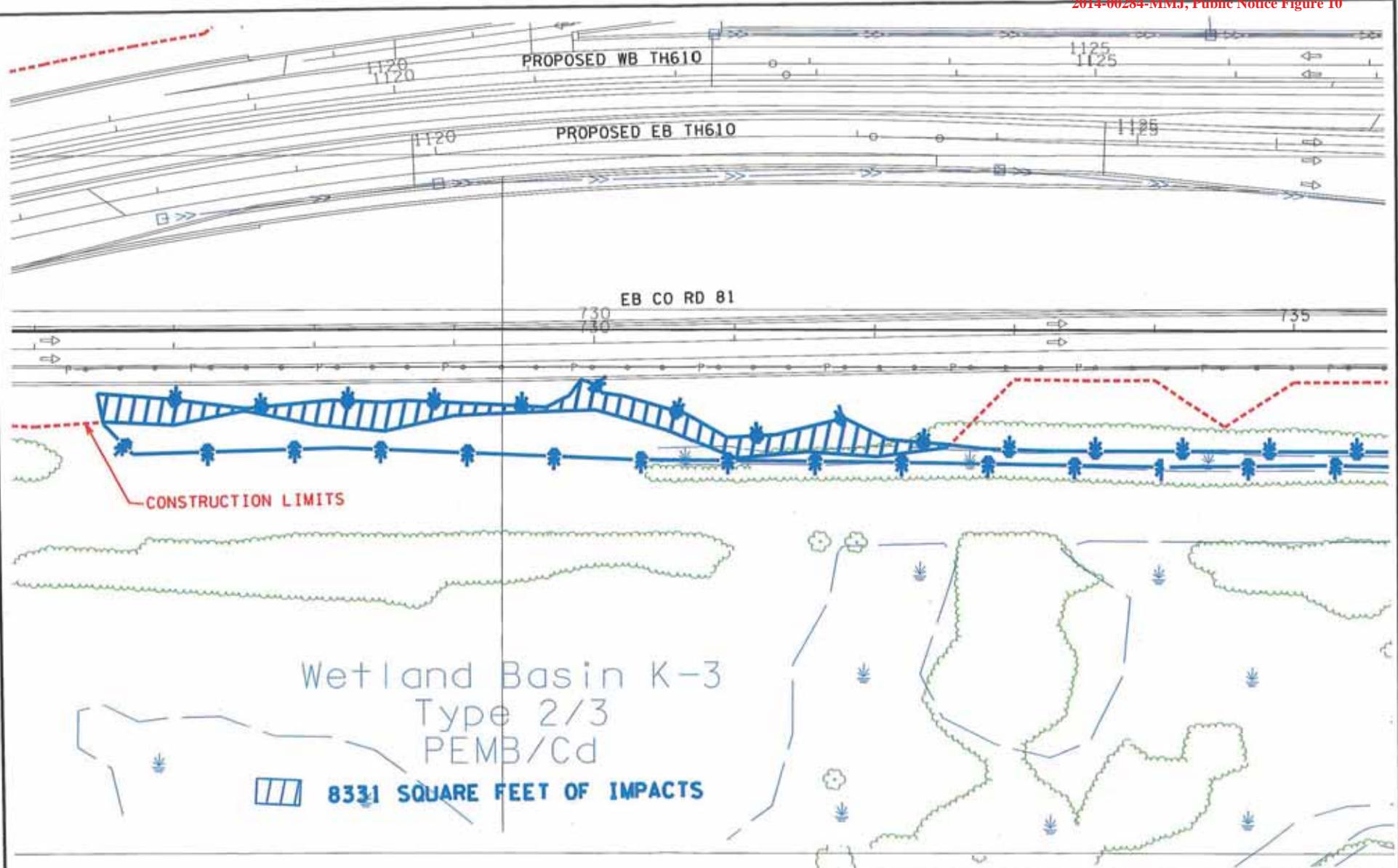
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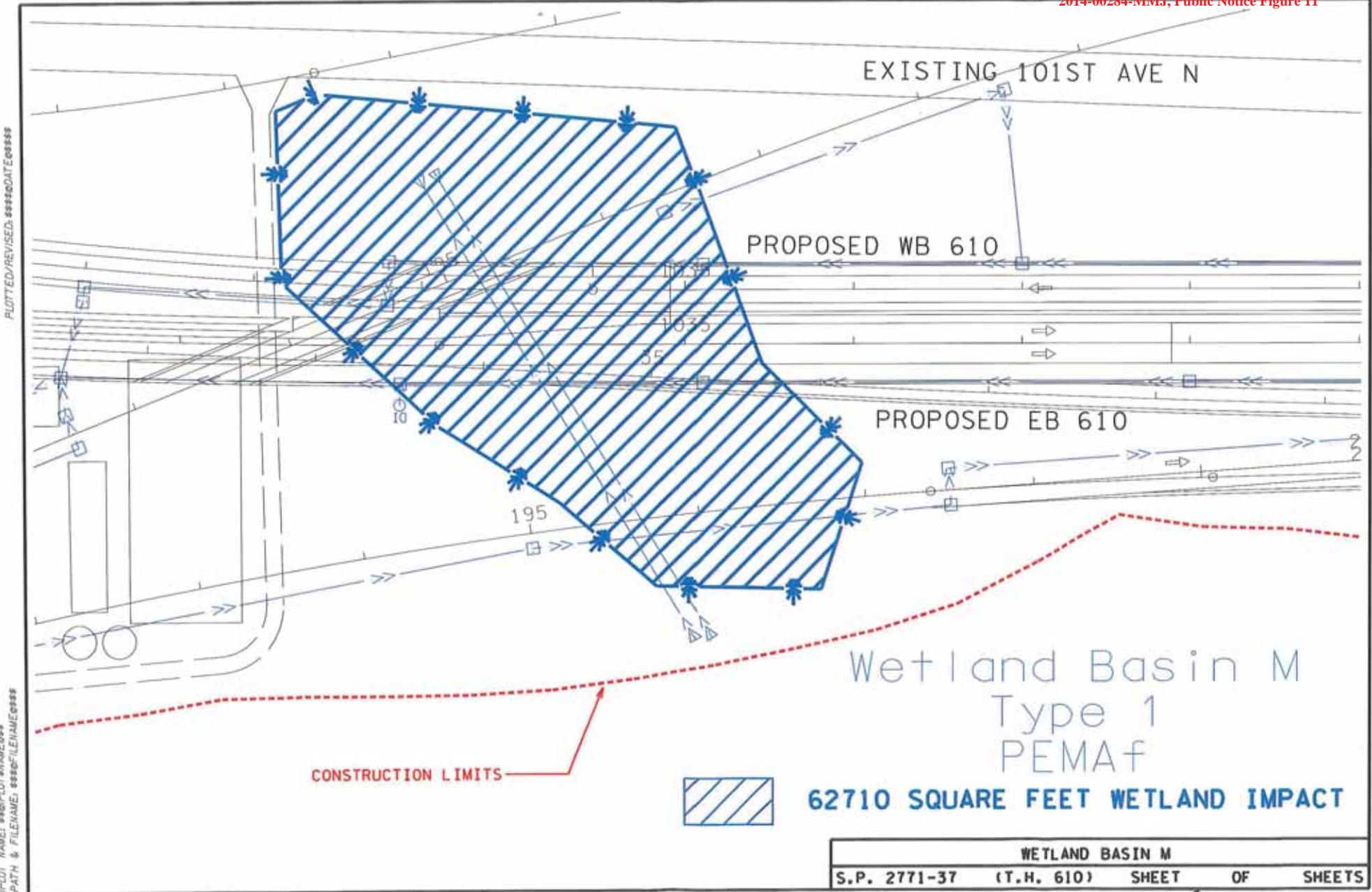
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Wetland Basin 105-1
Type 3
PEMC

7318 SQUARE FEET
WETLAND IMPACT 

RUSH CREEK

CONSTRUCTION LIMITS

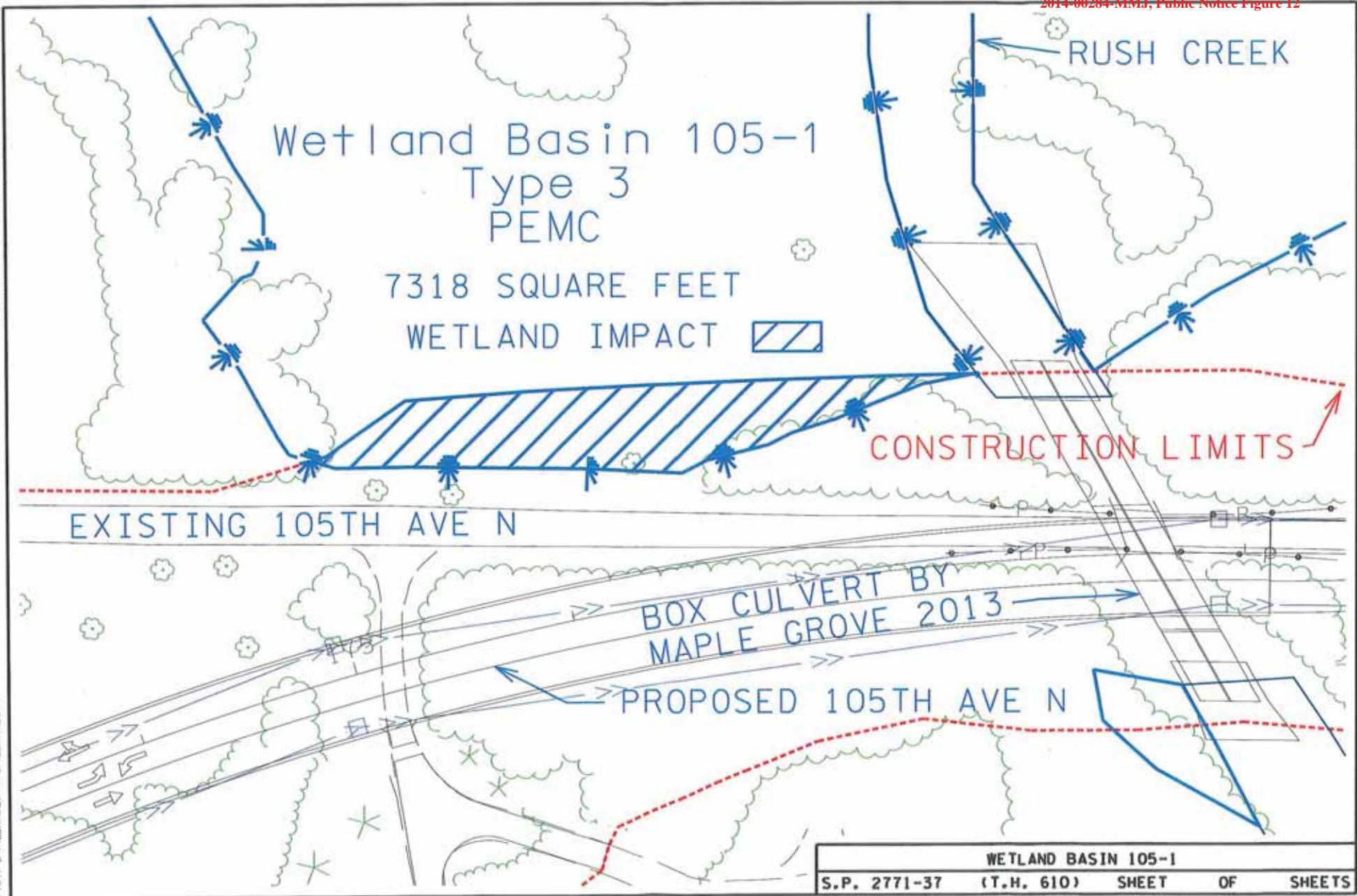
EXISTING 105TH AVE N

BOX CULVERT BY
MAPLE GROVE 2013

PROPOSED 105TH AVE N

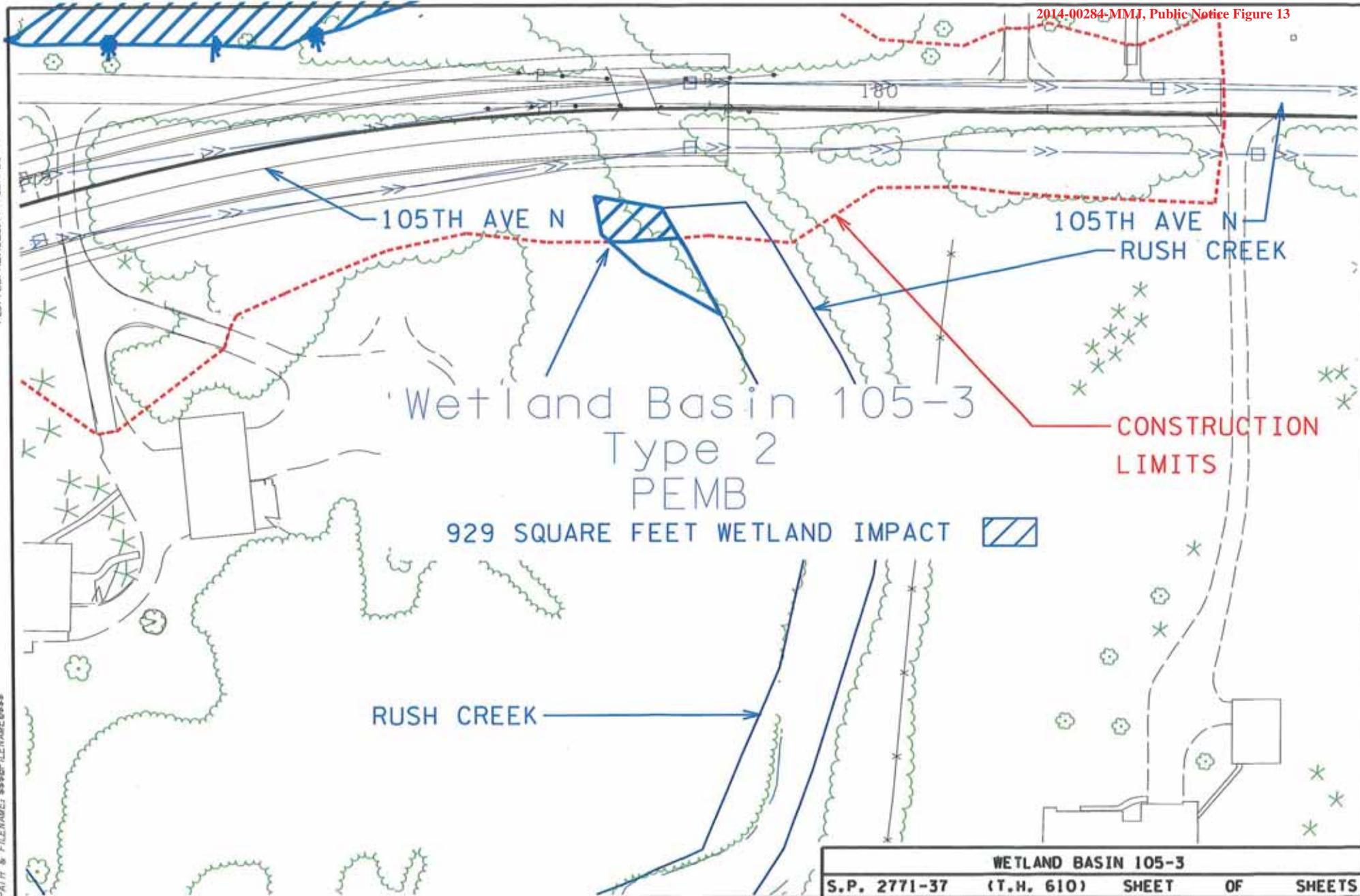
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WETLAND BASIN 105-1			
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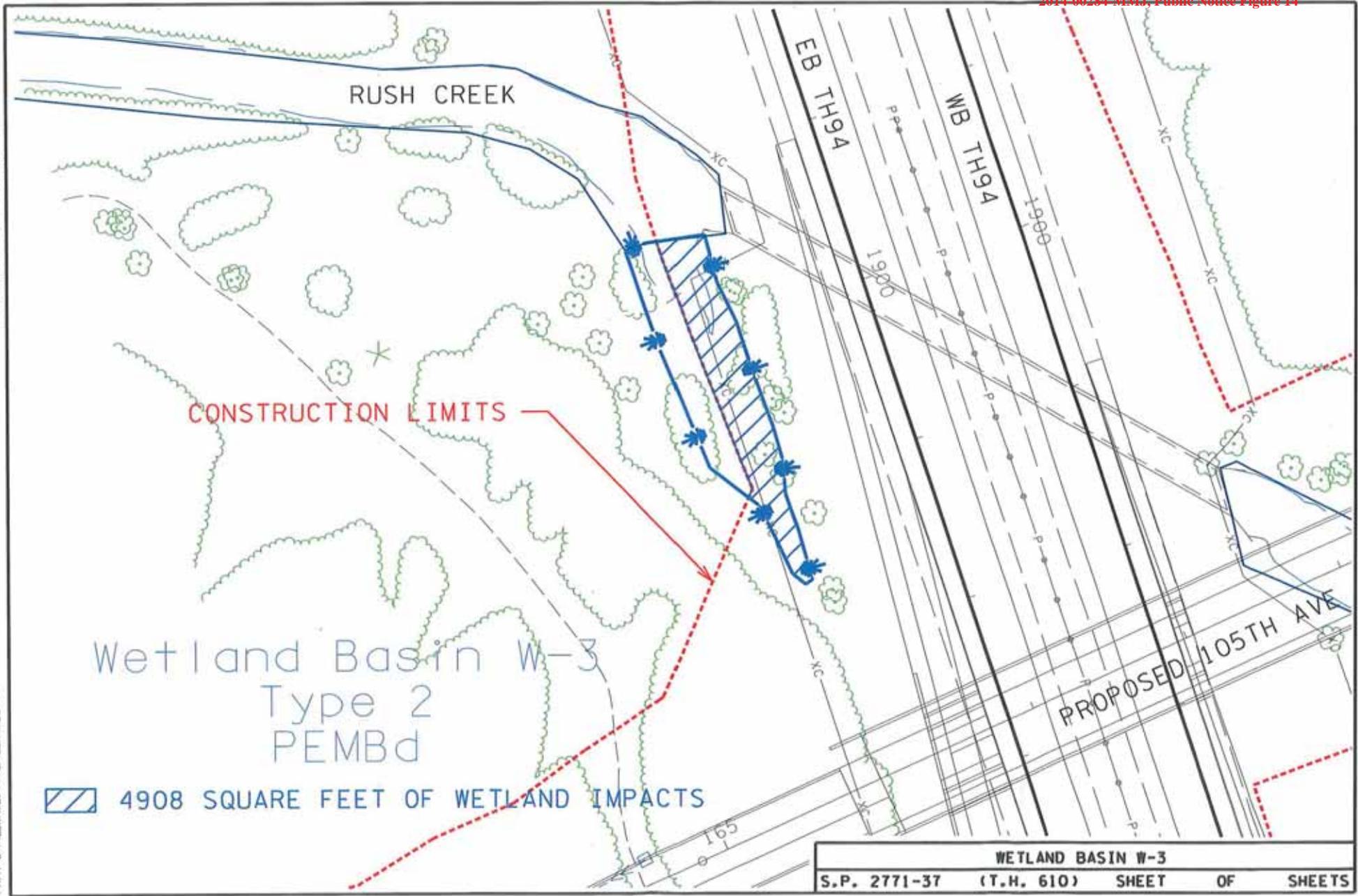
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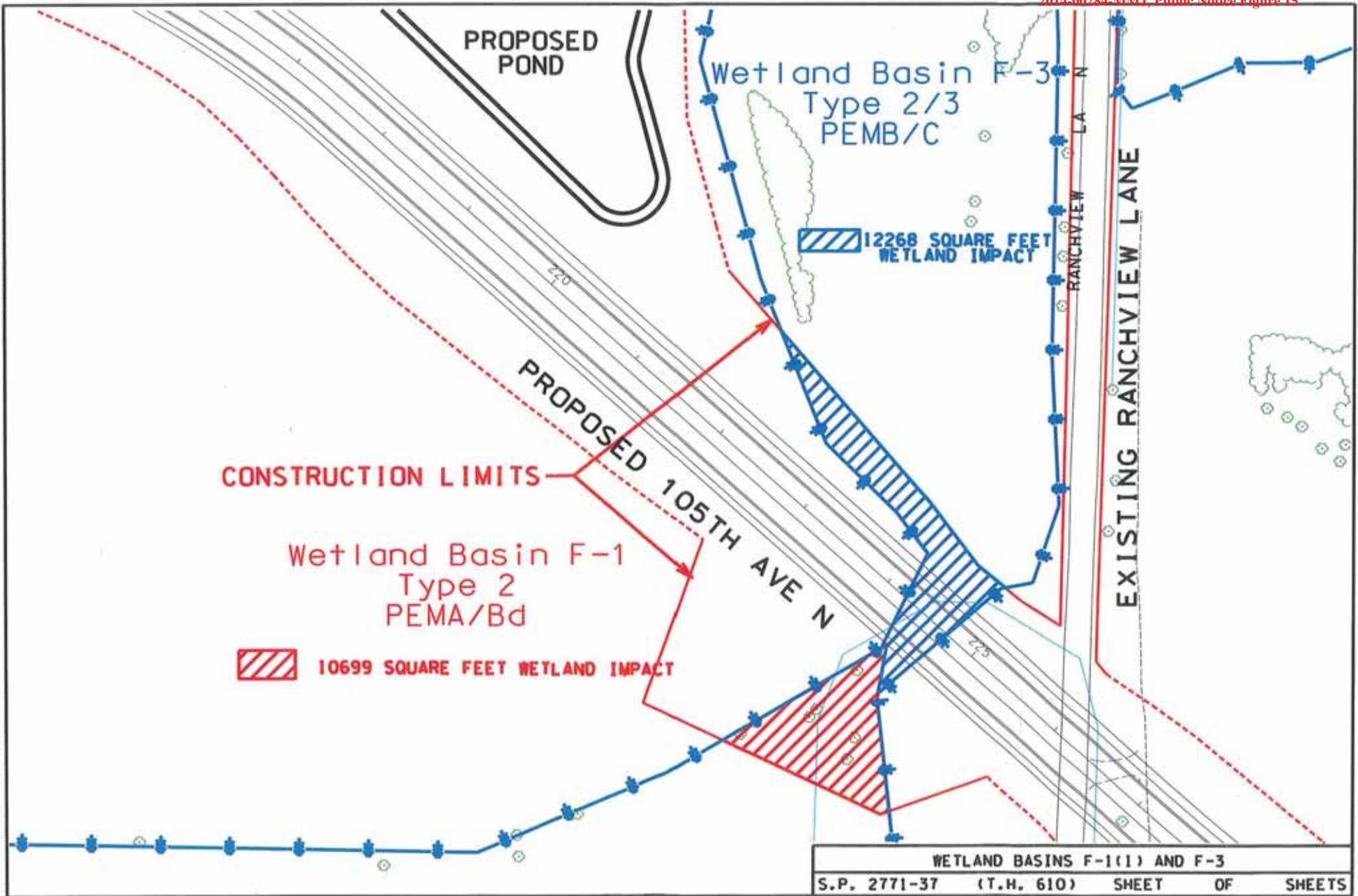
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Wetland Basin W-3
Type 2
PEMBd

 4908 SQUARE FEET OF WETLAND IMPACTS

WETLAND BASIN W-3			
S.P. 2771-37	(T.H. 610)	SHEET	OF SHEETS



PROPOSED POND

Wetland Basin F-3
Type 2/3
PEMB/C

12268 SQUARE FEET
WETLAND IMPACT

CONSTRUCTION LIMITS

PROPOSED 105TH AVE N

Wetland Basin F-1
Type 2
PEMA/Bd

10699 SQUARE FEET WETLAND IMPACT

EXISTING RANCHVIEW LANE

WETLAND BASINS F-1(1) AND F-3
S.P. 2771-37 (T.H. 610) SHEET OF SHEETS

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