US Army Corps of Engineers
St Paul District

Public Notice

APPLICANT: Douglas Pfarr

ISSUED: November 7, 2001
EXPIRES: December 7, 2001

REFER TO: 01-02211-GAE

SECTION: 404 - Clean Water Act

After-The-Fact

1. APPLICATION FOR PERMIT TO retain fill material discharged in wetland adjacent to a tributary to the Rush River to facilitate the installation of a tile drainage system, consisting of a series of 5, 6, 8, 10, and 12-inch tile lines that drained 5.0 acres of seasonally flooded (Type 1) and wet meadow (Type 2) wetland. The project involved installing 27,234 feet of drain tile in sixteen (16) wetland basins within an 80-acre parcel for the purpose of converting wetland areas to cropland. The applicant would like to enroll his farmland in the Federal Farm Program and is proposing the following mitigation to compensate for this wetland loss.

As mitigation for the drained wetland that would still remain in crop production (ten basins totaling 4.1 acres) as a result of the completed project, the applicant proposes to restore 0.9 acre of wetland in six basins located in the northwest corner of his property. The restoration work would consist of removing, breaking, and/or disconnecting approximately 8,420 feet of existing tile line in these wetlands and allowing the basins to re-establish to a Type 1 and/or Type 2 wetland condition. In addition to these mitigation measures, the applicant proposes to create 4.1 acres of Type 1, Type 2, and shallow marsh (Type 3) wetland by excavating upland areas adjacent to the wetlands to be restored and seeding these areas with a wet meadow seed mixture. The Type 3 wetland areas would have irregular shapes, slopes of 5:1 or flatter, and maximum depths of 3 feet. A vegetated buffer, at least 50 feet in width, would be established and maintained around all these basins to promote the establishment of suitable wetland conditions and provide appropriate habitat conditions for wildlife.

If it is determined that issuance of the after-the-fact permit is contrary to the public interest, corrective action may be taken in connection with the work already accomplished.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 38686-320th Street
Le Sueur, MN 56058
(507) 665-8900

CONTACT: Wendy Bigaouitte
P.O. Box 868
Gaylord, MN 55334
(507) 237-2949

PROJECT LOCATION: The project site is located in the W 1/2 of the SE 1/4 of Section 20, T. 112 N., R. 26 W., of Sibley County, Minnesota. The approximate UTM coordinates are Zone 15, North 4927005, East 422122.

QUANTITY, TYPE, AND AREA OF FILL: An unknown quantity of material was excavated and placed in the wetlands to facilitate the installation of the tile system that resulted in the drainage of 5.0 acres of wetland.

VEGETATION IN AFFECTED AREA: The National Wetlands Inventory mapping program has classified the wetlands at the project site as partially drained, palustrine emergent wetlands with seasonal water regimes.

SURROUNDING LAND USE: Agricultural area.

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, Army Corps of Engineers Centre, 190 East Fifth Street, Saint Paul, MN 55101.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Gary A. Elftmann at the St. Paul office of the Corps, telephone number (651) 290-5355.

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, Sibley County is within the known or historic range of the following Federally-listed threatened species:

Species	Habitat
Bald eagle	Breeding and wintering

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.

This project comes under the regulatory jurisdiction of the Corps of Engineers because wetland areas are adjacent to a tributary to the Rush River, which is part of the tributary system of the Minnesota River, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

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 time period provided by the Clean Water Act for it to take a final Section 401 action 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 actions concerning the activity proposed in this public notice must be sent before the expiration date of this public notice period to:

Minnesota Pollution Control Agency
Metro District - Attention 401 Certification
520 Lafayette Road
St. Paul, Minnesota 55155-4194

Telephone (651) 297-8219

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to

determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

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.

Enclosures

Ralph J. Augustin
Chief, Metro Permit Section

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

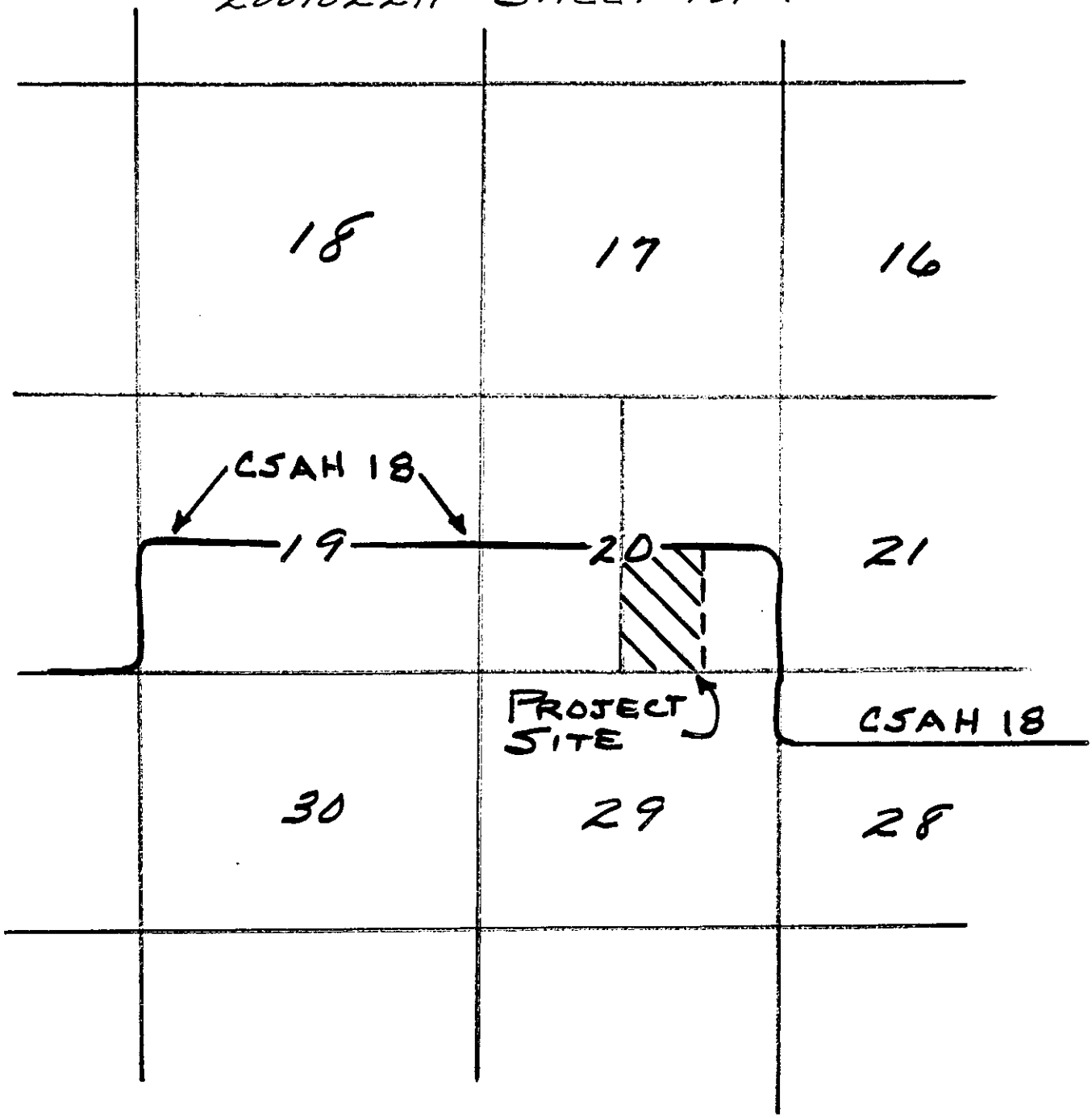
GENERAL LOCATION MAP

T. 112 N. R. 26 W.

HENDERSON TWP.

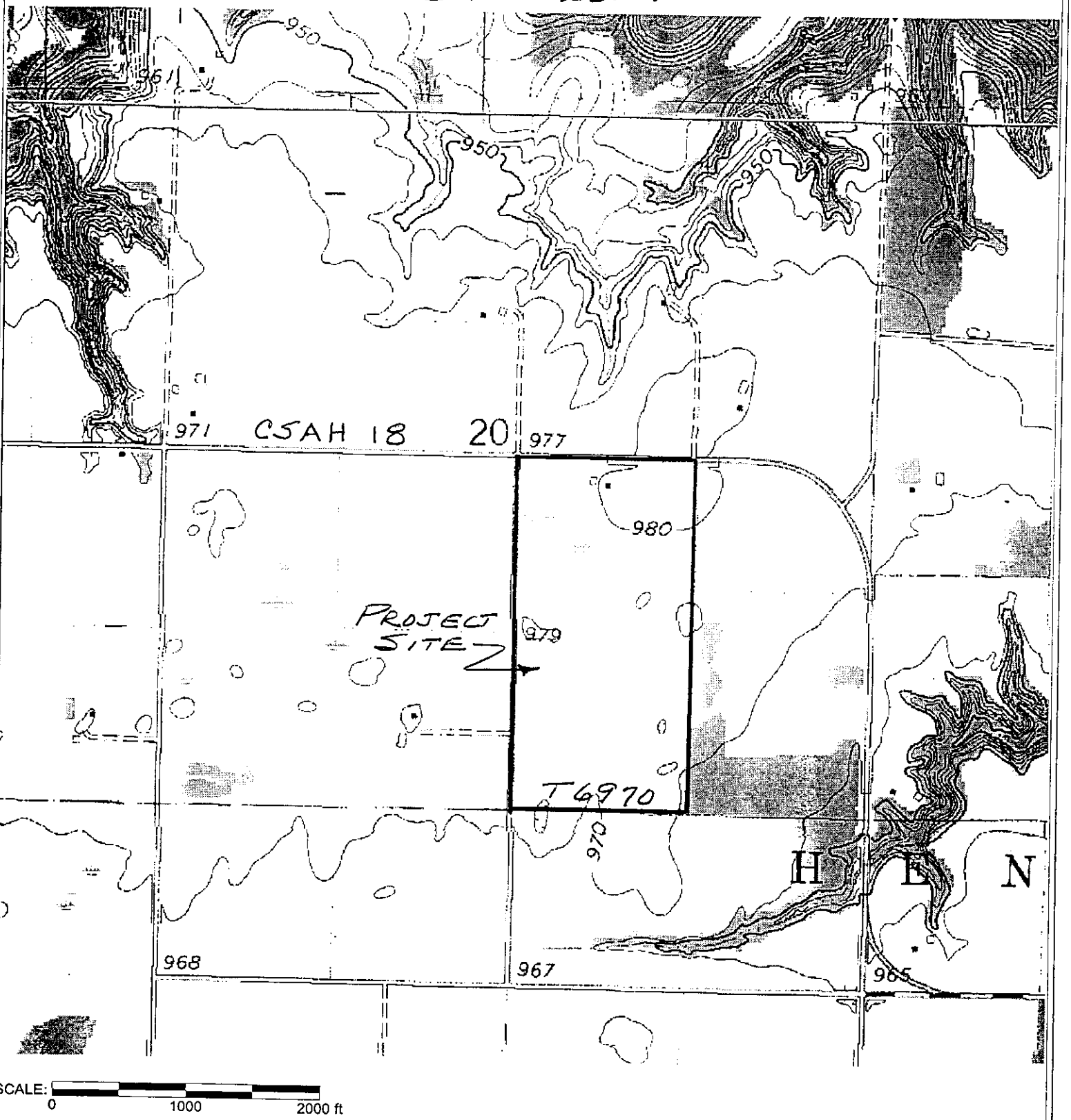
SIBLEY COUNTY

200102211 - SHEET 1 OF 4



File No. 200102211

SHEET 2 OF 4



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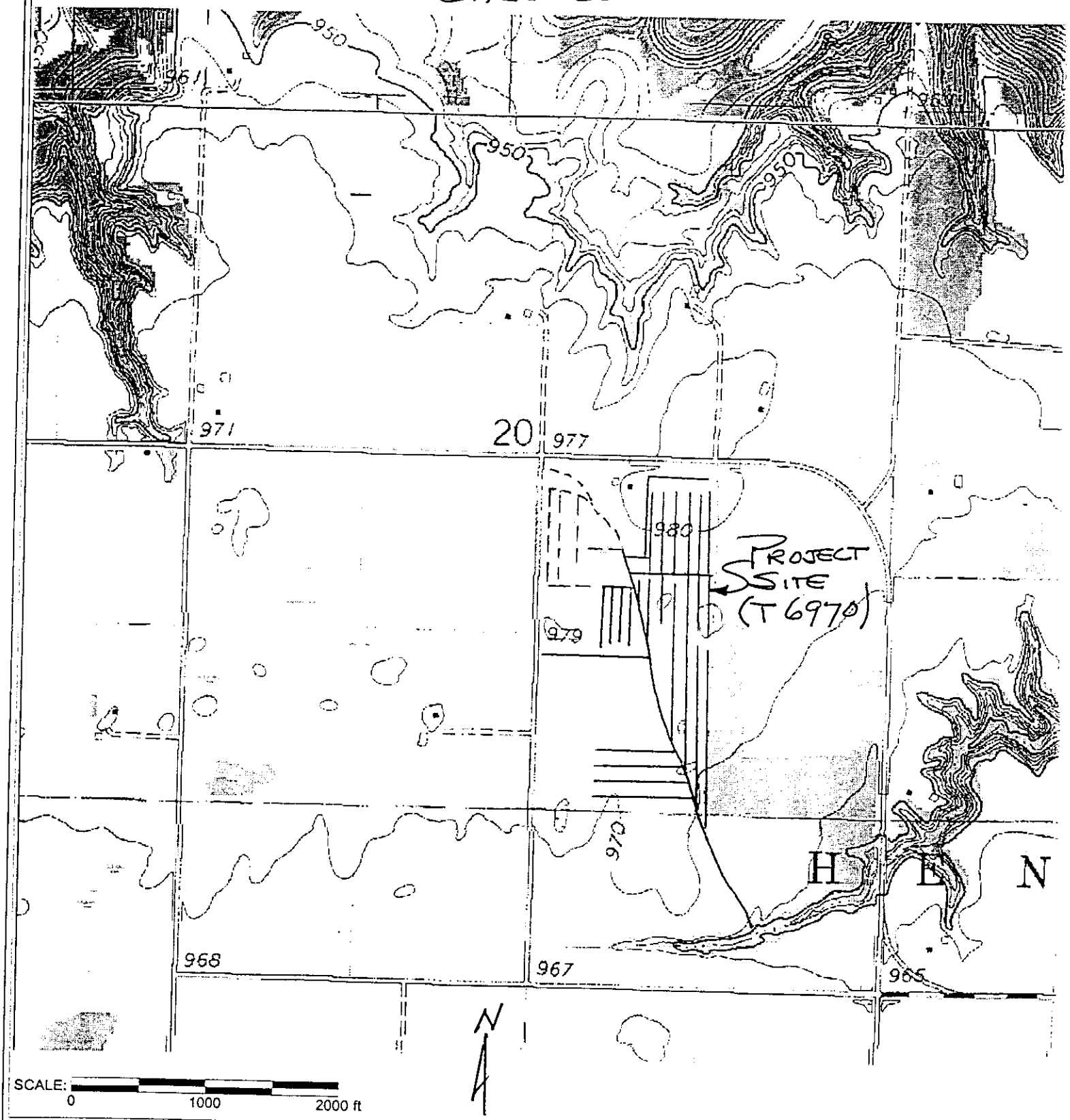
SHEET 3 OF 4



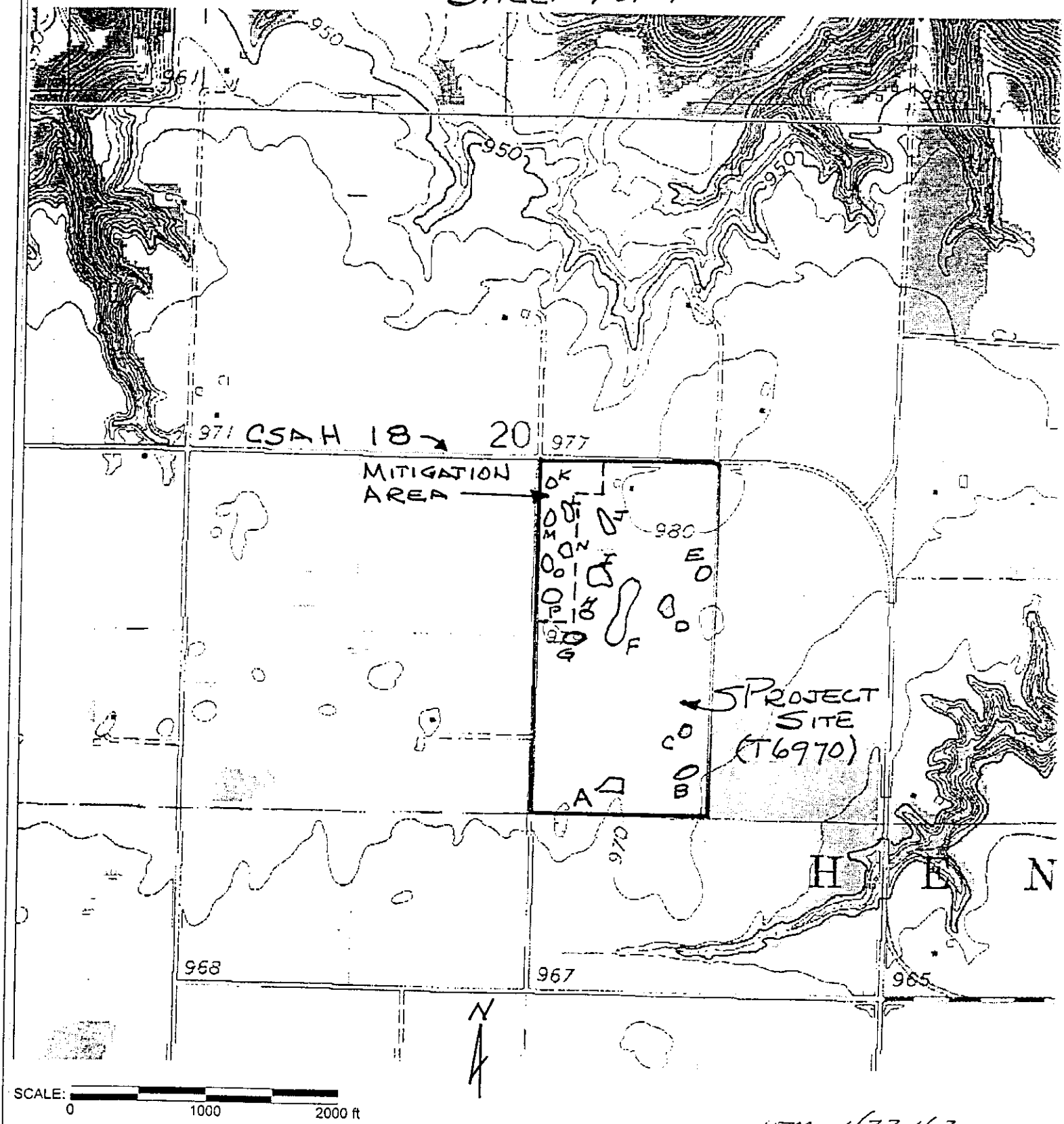
TILE SYSTEM

——— = TILE TO BE RETAINED (18,811 FEET)

- - - - - = TILE TO BE REMOVED/BROKEN (8,423 FEET)

File No. 200102211

SHEET 4 OF 4



SCALE: 0 1000 2000 ft

UTM 422162
4926926

WETLAND I.D./SIZE

A/0.30 AC.	E/0.10 AC	I/0.50 AC	M/0.15 AC*
B/0.20 AC.	F/1.80 AC	J/0.30 AC	N/0.10 AC*
C/0.10 AC.	G/0.20 AC	K/0.05 AC*	O/0.10 AC*
D/0.50 AC	H/0.10 AC	L/0.30 AC*	P/0.20 AC*

TOTAL = 5.0 A

* = WETLAND TO BE RESTORED (0.90 AC)