US Army Corps of Engineers
St Paul District

Public Notice

APPLICANT: City of Lake St. Croix Beach

ISSUED: 15 August 2003
EXPIRES: 14 September 2003

REFER TO: 03-07702-JMK

SECTION: 404 - Clean Water Act and 10 - Rivers & Harbors Act of 1899

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1. APPLICATION FOR PERMIT TO place riprap along the bank of the St. Croix River for erosion protection.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: P.O. Box 158
Lake St. Croix Beach, MN 55043

AGENT: SEH, Inc.
3535 Vadnais Center Drive
St. Paul, MN 55316

PROJECT LOCATION: The project site is in the E 1/2 of Sec. 11, T. 28N., R. 20W., Washington County, Minnesota. The approximate UTM coordinates are Zone 15, North 4974000, East 519650.

DESCRIPTION OF PROJECT: The applicant proposes to place riprap (tan color) for 500 feet at the north segment and 100 feet at the south segment along the bank of the St. Croix River. This work would be done by bringing in and placing the riprap from a barge. Silt fencing would be installed and maintained along the beach at the edge of the construction limits.

QUANTITY, TYPE, AND AREA OF FILL: Site visits revealed the presence of scattered wetland pockets/seeps along the toe of the existing bank. The wetlands were identified as Type 1 Floodplain Forest (mixed broad-leaved deciduous). Other vegetation found includes scattered sandbar willow, lake sedge and jewelweed.

An initial plan would have impacted about 12,000 square feet of these scattered wetland pockets. However, the applicant has agreed to avoid and work around many of these wetland areas. With the current plan, it is estimated that about 7,822 square feet (0.18 acre) of wetlands would be impacted of the placement of the riprap.

SOURCE OF FILL MATERIAL: Local commercial sources.

SURROUNDING LAND USE: Primarily single-family residential.

MITIGATION: The applicant proposes to mitigate for the loss of wetland by creating new wetlands at a site about 1/2 mile south of

the impact area. Approximately 19,055 square feet (0.43 acre) of new Type 7 wooded wetland and 28,105 square feet (0.64 acre) of upland buffer would be created. The mitigation site is a depressional area within an existing residential portion of the City. It is in the S 1/2 of Sec. 11, T. 28N., R. 20W., Washington County, Minnesota.

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, 190 Fifth Street East, Saint Paul, MN 55101-1638.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Judi Kolb at the St. Paul office of the Corps, telephone number (651) 290-5361.

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

Species	Habitat
Bald eagle (T)	Breeding and wintering
Higgins' eye pearly mussel (E)	St. Croix River

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 the St. Croix River is a navigable water of the United States .

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 10 of the River and Harbor Act of 1899 and 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).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR: Minnesota Department of Natural Resources and the Washington County Soil and Water Conservation District.

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.

The MPCA has eliminated the staffing resources for the Section 401 certification program due to budgetary limitations. Due to staff reductions, MPCA is intending to waive many section 401 certification applications with limited exceptions but the MPCA reserves the right and authority to proceed differently if extreme or unique circumstances merit a different approach. In many cases, the waiver of 401 certification means that the MPCA has not reviewed federally permitted projects in detail for conformance with state water quality standards nor has the MPCA made a determination of the proposal's compliance with state water quality standards. This waiver action, however, will not exempt the applicant from the responsibility of complying with all applicable water quality standards and requirements as contained in Minn. R. ch. 7050 and all other applicable state rules regarding water quality. The applicant will need to make a self-determination of water quality compliance of their proposal. In the event of water quality violations caused by the applicant's project, enforcement action may be taken by the MPCA.

Any comments relative to MPCA's intention to waive Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency
Regional Environmental Management 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, 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.

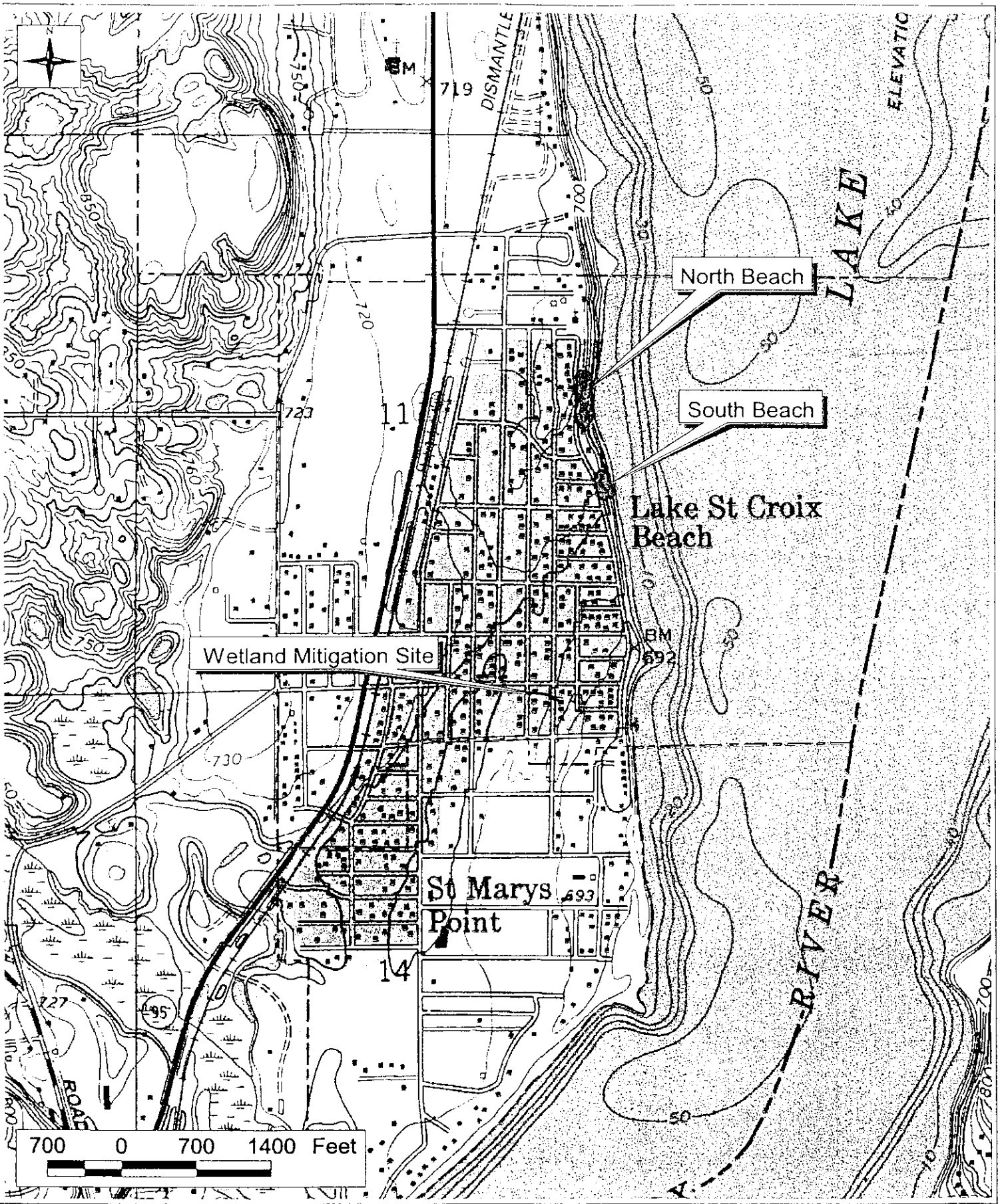
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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.

Timothy J. Fell
for Ralph J. Augustin
Chief, Metro Permit Section

Enclosures

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



SEH

USGS Topographic and Site Location Map

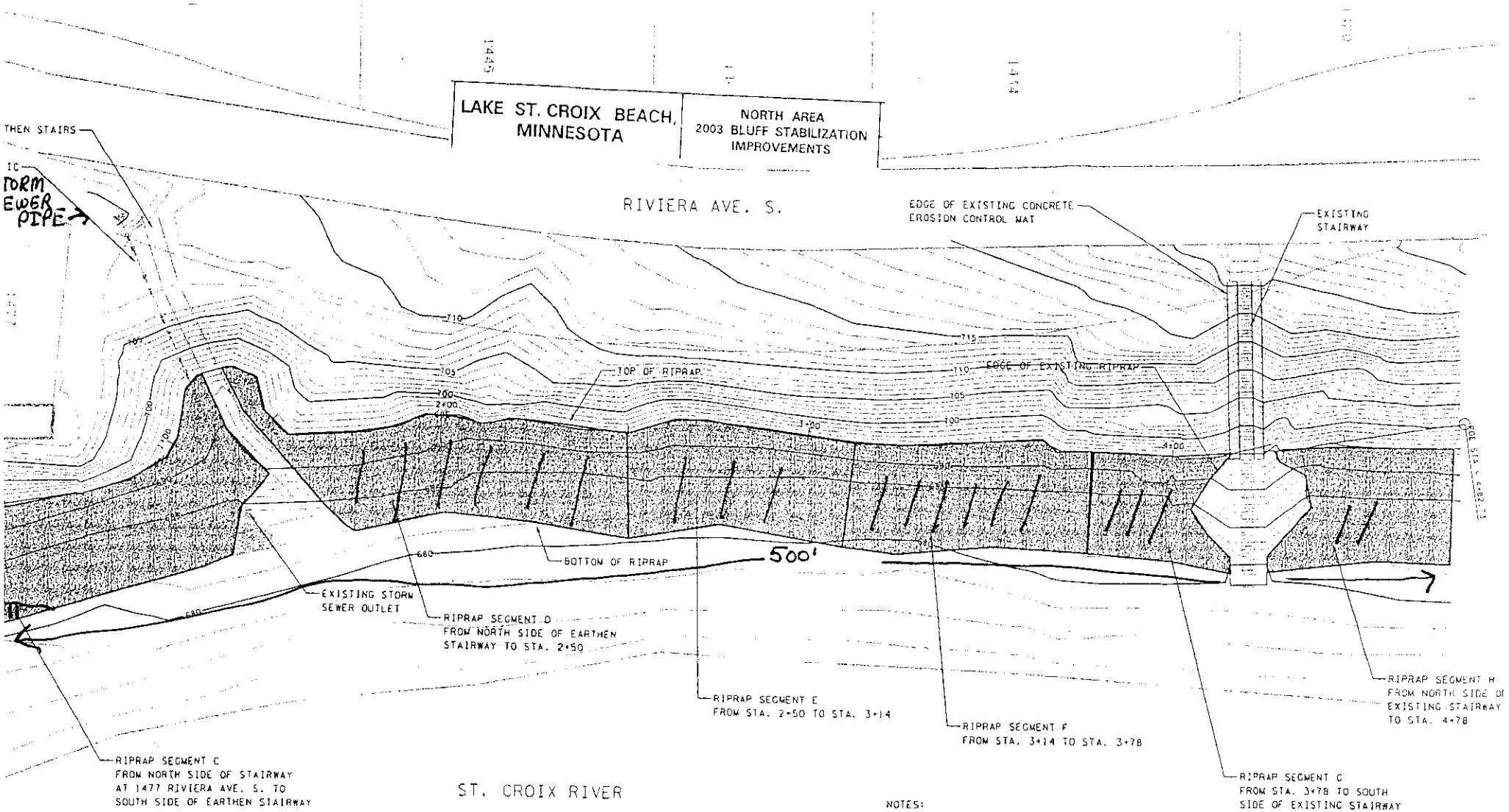
LAKES0301.00

Figure 1

2003-07702-JMK

LAKE ST. CROIX BEACH, MINNESOTA

NORTH AREA
2003 BLUFF STABILIZATION IMPROVEMENTS



LEGEND

RIPRAP

7,822 SF

NOTES:

NOT ALL TREES AND BRUSH ARE SHOWN ON PLAN

RESTORE ALL DISTURBED AREAS ABOVE RIPRAP WITH 4" TOPSOIL, WOOD FIBER BLANKET, FERTILIZER AND SEED

RESTORE ALL DISTURBED AREAS ON THE BEACH AFTER CONSTRUCTION IS COMPLETE

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SCALE IN FEET

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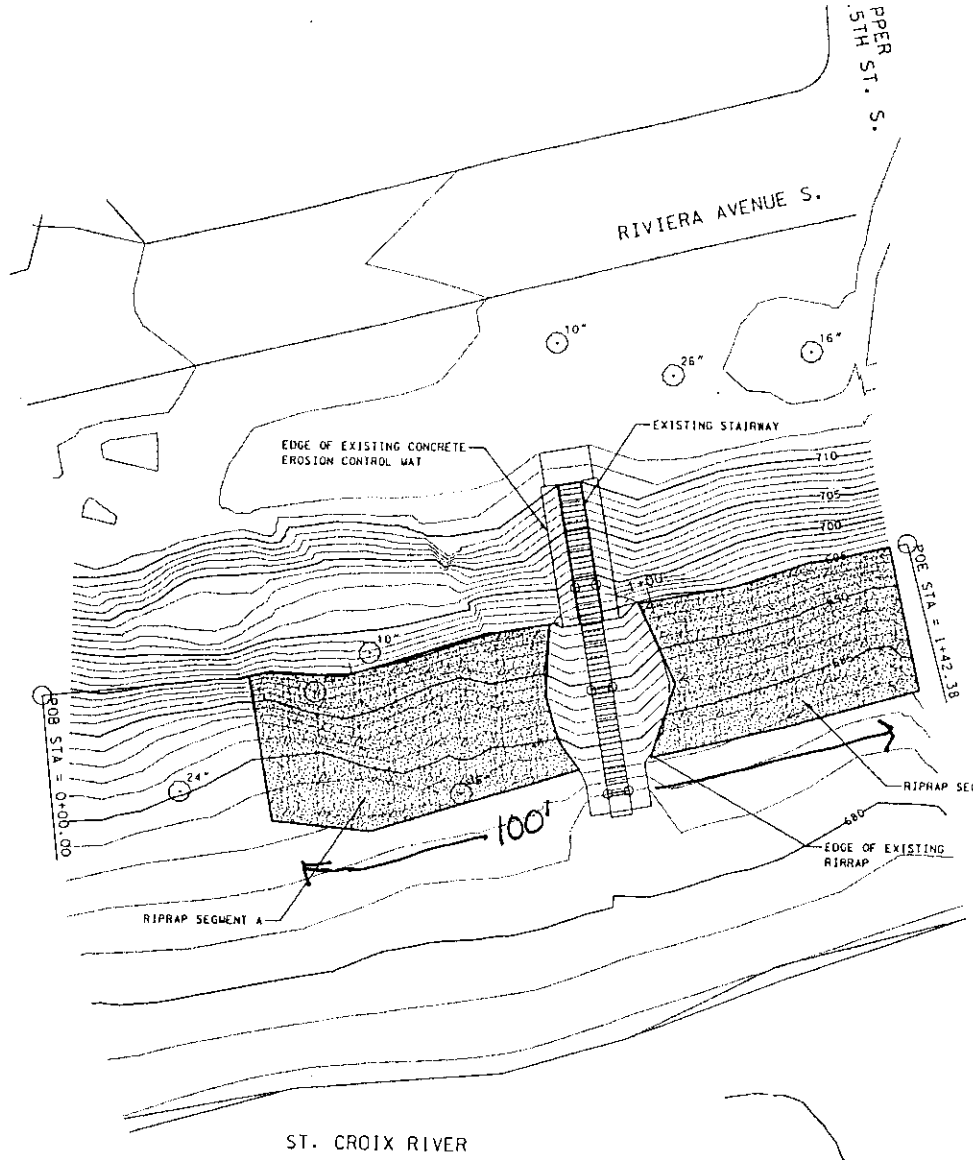

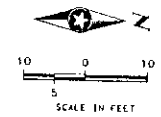

= RIPRAP

LAKE ST. CROIX BEACH, MINNESOTA	SOUTH SEGMENT BLUFF STABILIZATION

NOTES:

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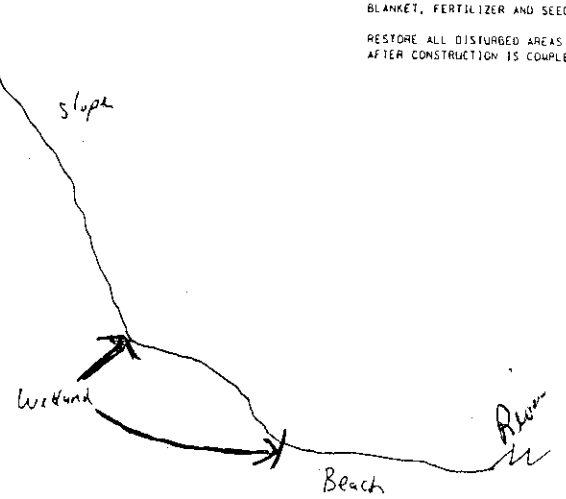
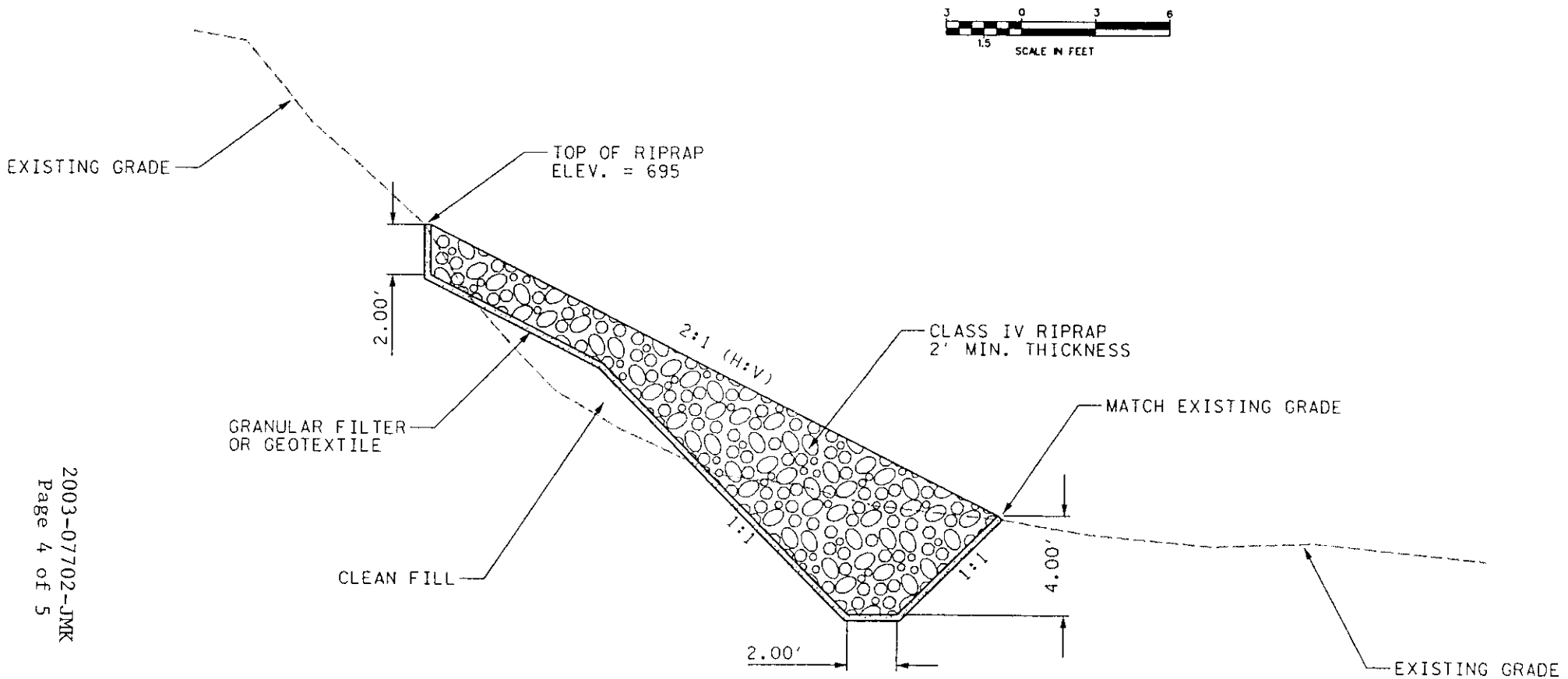
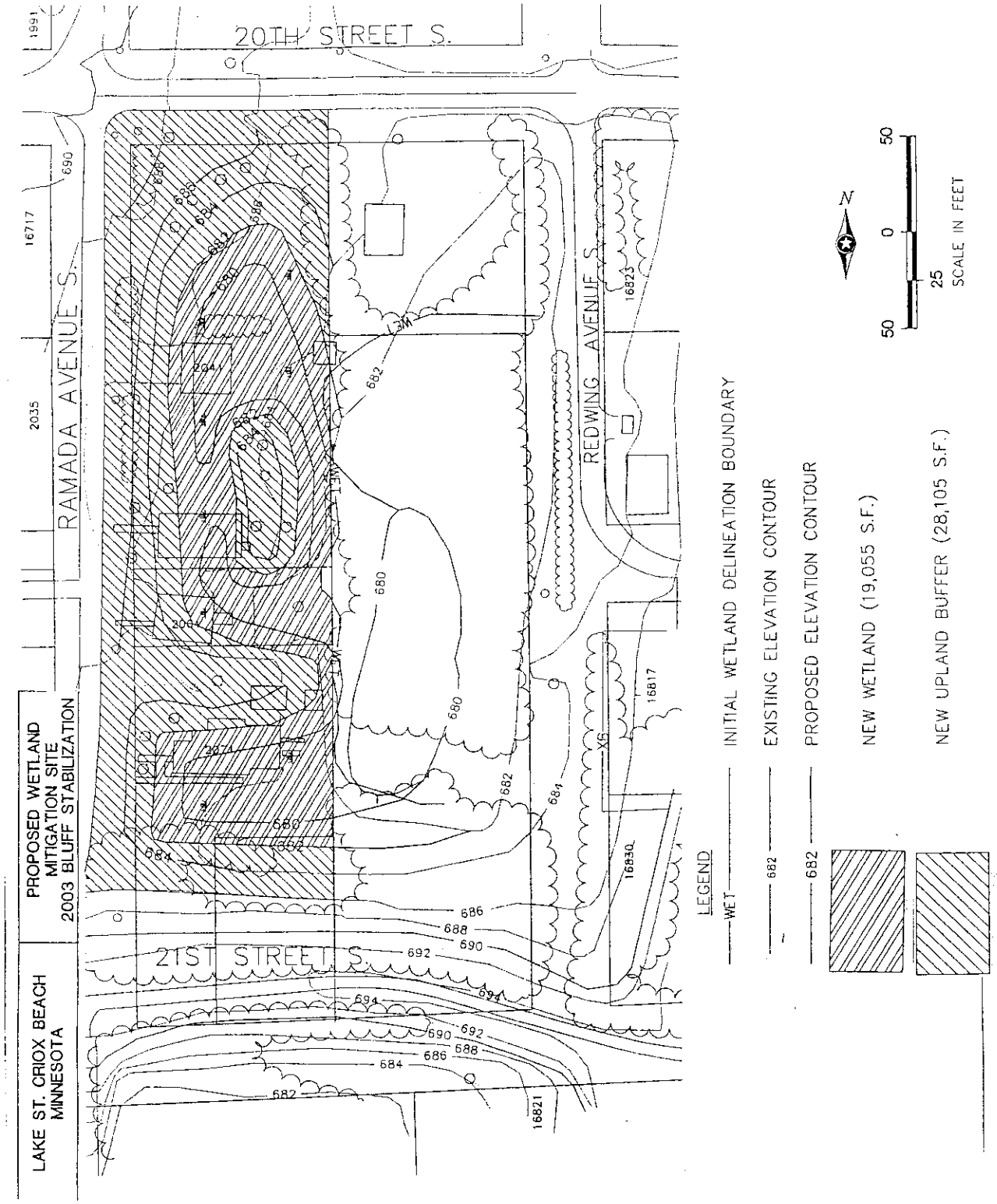
RESTORE ALL DISTURBED AREAS ABOVE RIPRAP WITH 4" TOPSOIL, WOOD FIBER BLANKET, FERTILIZER AND SEED

RESTORE ALL DISTURBED AREAS ON THE BEACH AFTER CONSTRUCTION IS COMPLETE





TYPICAL RIPRAP SECTION


20TH STREET S.
RAMADA AVENUE S.
REDWING AVENUE S.
21ST STREET S.
PROPOSED WETLAND
MITIGATION SITE
2003 BLUFF STABILIZATION
LAKE ST. CROIX BEACH
MINNESOTA
LEGEND
INITIAL WETLAND DELINEATION BOUNDARY
EXISTING ELEVATION CONTOUR
PROPOSED ELEVATION CONTOUR
NEW WETLAND (19,055 S.F.)
NEW UPLAND BUFFER (28,105 S.F.)
N
SCALE IN FEET
50
0
25
50