



US Army Corps
of Engineers
St Paul District

PUBLIC NOTICE

Applicant:
City of Rochester Public Works
Department

Published: May 8, 2025
Expires: May 24, 2025

St. Paul District
Permit Application No. MVP-2021-00219

TO WHOM IT MAY CONCERN: The St. Paul District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Matt Crawford
City of Rochester Public Works Department
301 37th St NW
Rochester, MN 55901

AGENT: Meghan Funke
WHKS
2905 S Broadway
Rochester, MN 55904

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the South Fork Zumbro River. The project review area is located on the east side of North Broadway Avenue, and the south side of 14th Street NE in Section 36, Township 107N, Range 014W; at Latitude 44.031150 and Longitude -92.457540; in Rochester, Olmsted County, Minnesota.

EXISTING CONDITIONS: A low head dam is located in the South Fork Zumbro River. The dam was built between 1932 and 1937 for recreation purposes and for water intake for the Rochester Public Utilities (RPU) Electric Station. The reservoir above the dam is known as Silver Lake and is approximately 62 acres in size with an ordinary high water level elevation of 974. The project is within the Rochester, MN Flood Damage Reduction Project. Sediment accumulation in Silver Lake has resulted in dredging activities in 1945, seasonally dredged from 1947 to 1962, intermittently from 1967 through 1980, and between 1986 and 1995. The dam structure no longer serves its original purpose of providing cooling water for RPU's Silver Lake power plant and has proven costly to maintain over the years. The existing structure presents a barrier to fish passage, poses a risk of failure, and is considered a potential drowning hazard.

PROJECT PURPOSE: The purpose of the project is to modify the Silver Lake Dam and to dredge the Silver Lake flow channel to lessen a public safety drowning hazard, to

remove a barrier to aquatic organism passage, to maintain the lake's capacity for flood passage, and to improve recreational navigation of the lake.

PROPOSED WORK: The existing concrete dam will be removed, and 700-ft of the upstream river channel will be shaped with rock fill with a cutoff wall control section at the upstream end of the fill. The City will construct a two-stage rock arch rapids in the existing riverbed directly downstream of the cutoff wall control section based on DNR guidance for Natural Channel Design in Dam Removals and Fish Passage. The fish passage channel dimensions were determined from stream assessment and bankfull data collected in 2024 from undisturbed downstream sections of the South Fork Zumbro River and in coordination with MN DNR Rivers Ecology staff. The fish passage ramp slope was also designed to be no steeper than 3 percent and includes a series of rock arch weirs with drops no greater than 0.8-ft between each weir, randomly placed fish gaps between weir stones, and a low flow channel to maintain fish movement under low flow conditions. Adjacent to the rock arch rapids fish ramp, the City will construct a series of 4-5 stepped, plunge pools formed by stone weirs that create wave features for tubers and kayakers. The inlet to the rock arch rapids fish passage channel was designed to be approximately 0.5-ft lower than the inlet to the wave pool channel so that water will be conveyed only through the fish passage channel during periods of low flow. The southern portion of the two-stage rock arch rapids was designed as a floodplain bench for flood conveyance during periods of high flow. Streambank armoring along the channel, especially adjacent to the wave pools on the north side, will incorporate large rock blocks to serve the dual purpose of protecting the banks from high flow velocities during floods while also allowing access and sure footing for boaters and anglers.

In order to maintain the hydraulic profile of the channel and the effectiveness of the flood control system, approximately 200,000 cubic yards of accumulated sediment are proposed to be removed from 62.5 acres of the lake bottom and disposed of at an existing beneficial reuse (i.e. disposal) site that was used for the 2018 upstream dredging. The existing beneficial reuse site is approximately 10-acres in size and is located on a City-owned parcel located approximately eight miles west of Silver Lake. It is anticipated that the majority of dredged sediments would be dewatered through passive or mechanical dewatering techniques. After initial dewatering has occurred the dredged material would be transported by truck to the disposal site. If Silver Lake is temporarily drawn down, it would allow for in-place, passive dewatering prior to sediment removal. After the sediment has been dewatered in-place, it would be excavated and placed onto trucks for transport to the disposal site and further passive dewatering.

This project will facilitate the construction of a future pedestrian bridge to the east of the Broadway Avenue Bridge that will improve trail safety in the immediate area and address a gap in the North Side Pedestrian Trail network. The proposed project also includes a trail underpass beneath the north side of the Broadway Avenue Bridge and will tie into existing trails to the east in Silver Lake Park.

An existing upland area located approximately 2,700 feet southeast of the Silver Lake Dam site would be excavated to restore a portion of the Silver Lake shoreline that was artificially modified to create improvements to 7th Ave NE and related bridge construction. This shoreline modification will restore a portion of the Silver Lake shoreline to its 1940s alignment, resulting in no net loss of shoreline length and will add 0.96 acres of lake surface area and littoral habitat.

QUANTITY, TYPE, AND AREA OF FILL: The project would include the discharge of dredged and fill material below the ordinary high-water mark of the South Fork Zumbro River in conjunction with the Silver Lake Dam Modification Project. The discharge would occur in 6.47 acres for the removal of the existing low head dam and construction of a fish passage rock rapids and wave pools, and into 62.5 acres for the excavation of accumulated sediment. The 6.47 acres of fill would result in approximately 2.04 acres of Riparian Floodplain Bench with native vegetation (Upland Dry Prairie Mix Shortgrass), approximately 0.99 acres of Rock Wave Pools with durable dolostone or limestone including quarried slabs to construct the wave pool weirs and large revetment to construct the pool sides, approximately 3.2 acres of Rock Arch Rapids Fish Passage Channel with durable dolostone or limestone with large revetment to construct the base and large boulders to construct the rock arch weirs, and approximately 0.24 acres of Lakeshore Native Vegetated Buffer adjacent to the Rock Wave Pools.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Potentially toxic materials that could be used at the project site would be typical of construction sites. A sediment investigation was completed in June of 2016 to classify Silver Lake and Zumbro River sediments in accordance with MPCA guidance (MPCA, WQ-GEN2-01, April 2014). The chemical analyses results showed that the sediments were suitable for use or reuse on properties with a residential or recreational use category.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: A Stormwater Pollution Prevention Plan (SWPPP) would be developed prior to dredging and dam modification as part of the construction National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) permit. Specific Best Management Practices used for site stabilization and sediment control during project construction would be identified in the SWPPP.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Removal of the dam and construction of the rock arch rapids in the center of the channel will improve fish and other aquatic organism passage and habitat. Reduced sediment suspension and downstream discharge will occur by performing maintenance dredging of accumulated sediment in the Silver Lake flood channel under dewatered conditions.

COMPENSATORY MITIGATION: The applicant has provided the following explanation why compensatory mitigation should not be required: Permanent impacts to wetlands

are not anticipated from the proposed Project. The shallow, open water wetlands located along the edges of the proposed Project area would be temporarily impacted by construction activities as the areas would be temporarily dewatered for approximately 9 to 12 months and removed of accumulated sediment. Once completed the lake and its associated wetland areas would return to normal water levels, allowing the wetland areas to function as they had prior to dredging.

CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the and the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
rusty patched bumble bee	<i>Bombus affinis</i>	Endangered
northern long-eared bat	<i>Myotis septentrionalis</i>	Endangered
Leedy's roseroot	<i>Rhodiola integrifolia</i>	Threatened
prairie bush clover	<i>Lespedeza leptostachya</i>	Threatened

Pursuant to Section 7 ESA, any required consultation with the Service will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

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

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, 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, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The St. Paul District will receive written comments on the proposed work, as outlined above, until May 24, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or by email to david.a.studenski@usace.army.mil. Please refer to the permit application number in your comments.

If electronic submittal is not available, you may submit comments in writing to:

Regulatory Division
St. Paul District Corps of Engineers
332 Front Street, Floor 4
La Crosse, WI 54601

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Mr. David Studenski at the La Crosse Office at (651) 290-5902.

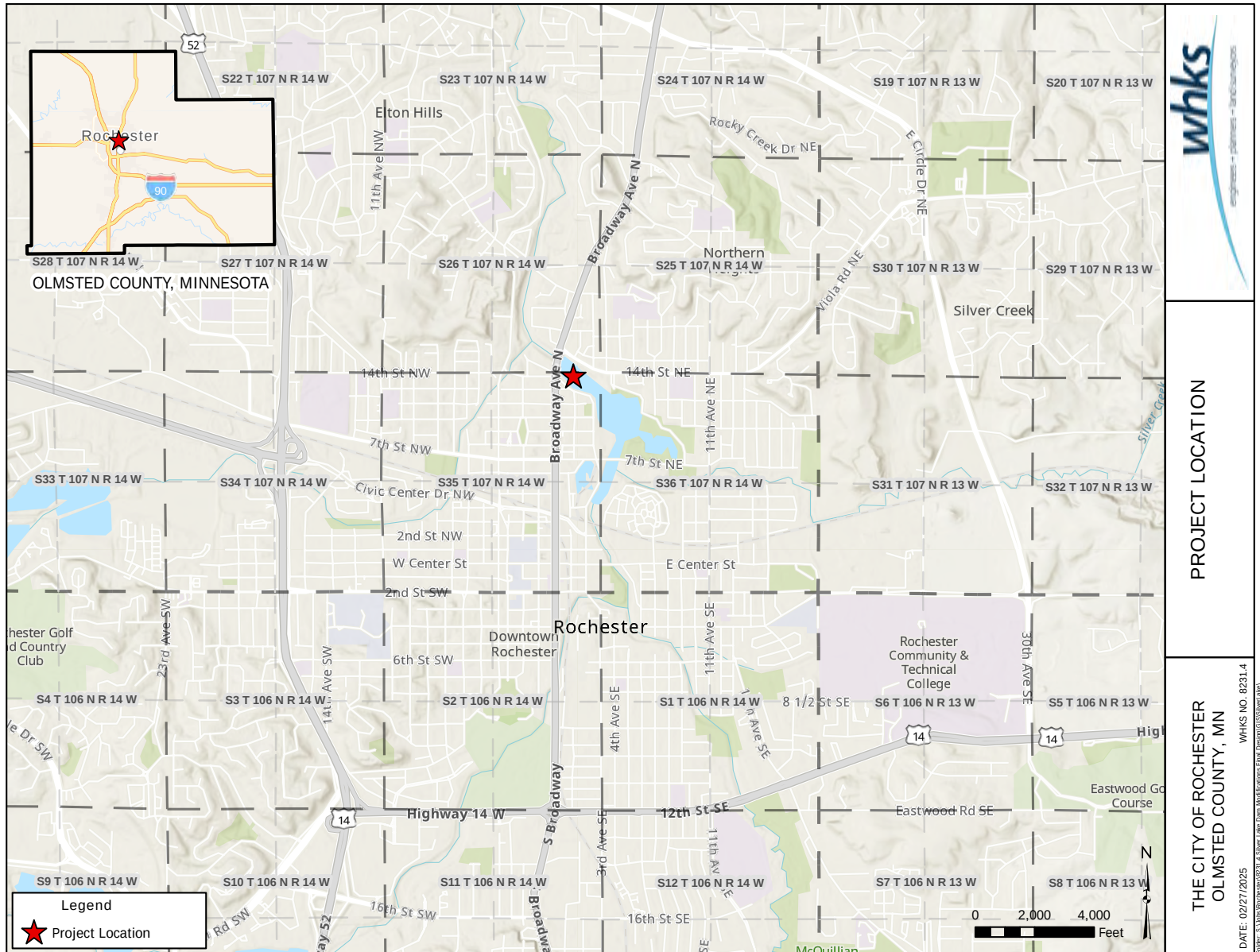
To receive Public Notice notifications, go to:
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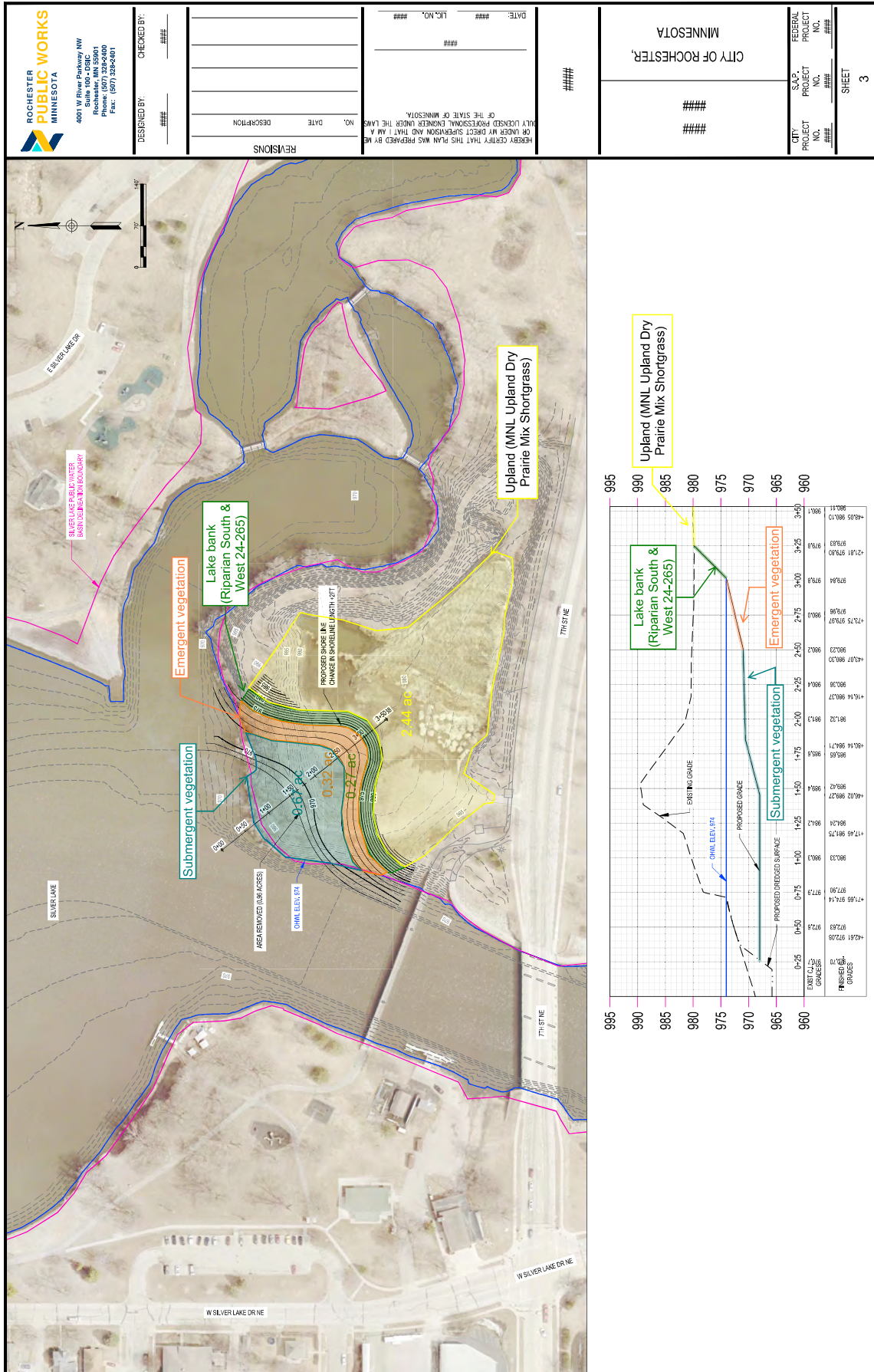
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a

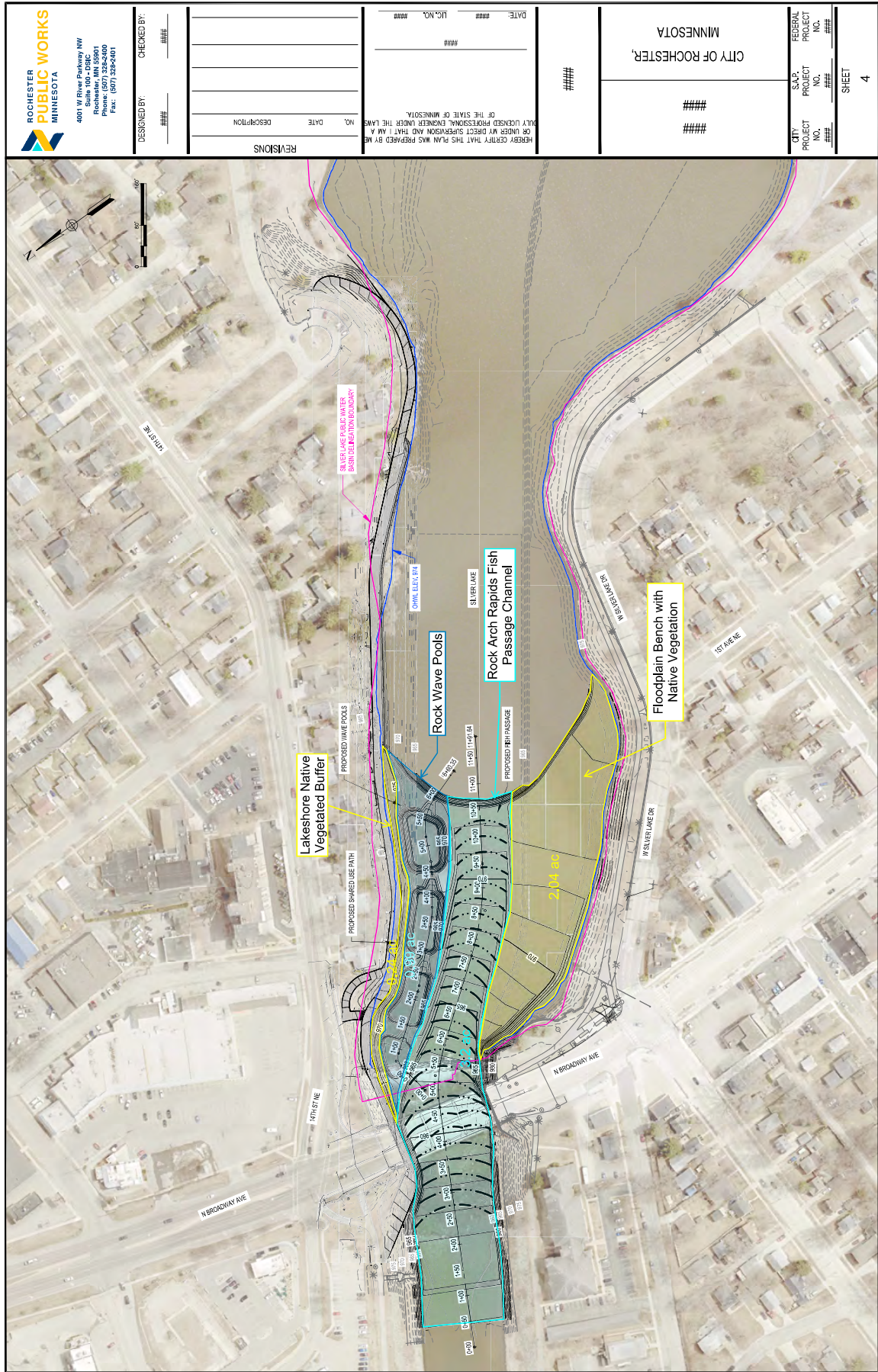
public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Enclosures:

Project Drawings labeled MVP-2021-00219-DAS (PN Drawings) Page 1-8 of 8







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