



US Army Corps  
of Engineers  
St Paul District

# PUBLIC NOTICE

---

Applicant:  
City of Carver  
C/o Brent Mareck

Published: February 20, 2026  
Expires: March 8, 2026

---

**St. Paul District**  
**Permit Application No. MVP-2021-01951**

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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Brent Mareck  
City of Carver

**AGENT:** Madeline Maurer  
Bolton & Menk, Inc.  
3300 Fernbrook Lane, Suite 300  
Plymouth, MN 55447

**WATERWAY AND LOCATION:** The project would affect waters of the United States and navigable waters of the United States associated with Minnesota River. The project site is located in Section 17, 18, and 19, Township 115 North, Range 23 West, Carver County, Minnesota. The approximate coordinates are Latitude 44.761897, Longitude - 93.624755.

**EXISTING CONDITIONS:**

The area surrounding the proposed project includes urbanized development of downtown Carver, the Minnesota River floodplain, residential developments, agricultural land, wetland and forested areas.

The proposed improvement project will provide necessary updates to the existing flood protection system for the City of Carver. In addition to the Minnesota River section of the Carver Levee, the levee extends along Spring Creek to protect the city from backup river floodwaters. The applicant noted some of the history of the levee stating:

“After major flooding in 1965, the 1-mile levee was constructed in 1969 and is located along the west bank of the Minnesota River from County Road 40 to Old Carver Road. Later improved in 1998, the elevation of the levee was raised, and the slopes were reshaped. The levee protects Carver’s historic downtown, which is listed on the National

Registry of Historic Places and includes 87 buildings and 4 structures of historical significance. For over 50 years, the Carver Levee has protected the community and Historic Downtown from major flooding events. However, due to the current state of disrepair, the levee is no longer certified by the United States Army Corps of Engineers (USACE) or FEMA. This means that the levee is not guaranteed to protect Carver from flooding by the standards set by these two agencies.”

The proposed project would protect city infrastructure, enhance flood mitigation measures, and protect the Minnesota Riverbank.

### **PROJECT PURPOSE:**

**Basic:** The basic purpose of this project, as determined by the Corps, is levee improvements and bank stabilization.

**Overall:** The overall purpose of this project is to bring the existing Carver Levee up to current Federal Emergency Management Agency (FEMA) certification levels, protect the Minnesota Riverbank, protect city infrastructure, and protect the historic district.

### **PROPOSED WORK:**

Construction is anticipated to vary widely across the project limits. The applicant requests authorization to temporary impact to Spring Creek is 425-lf (0.19-ac) for the realignment and concrete lining of the channel. Impacts to Tributary 2 total 40-lf (0.02-ac) of permanent impact and 20-lf (0.01-ac) of temporary impact. These impacts are due to levee grading and utility replacement. Permanent impact to wetlands along the levee totals 0.43-ac. These impacts are due to the levee grading, flattening slopes and shifting the levee riverward to accommodate 15-ft clear zones along the landside of the levee. Temporary impact to wetlands along the levee total 0.46- ac. These impacts are due to disturbances from tree clearing and utility relocations. The proposed total permanent impact to the Minnesota River totals 669-lf (1.14-ac). These impacts are due to levee grading, riprap, and bendway weirs. The proposed temporary impacts to the river total 70-lf (0.13-ac) due to equipment access.

The applicant stated this about the proposed work: To meet FEMA and USACE certification requirements, the Carver Levee will be reconstructed, raised, and repositioned. The proposed levee design along the Minnesota River varies based on site requirements and restrictions, but generally will have slope of 3:1, elevation of 727.5', and clear zone of 15-feet. In some areas, retaining walls will be constructed to prevent impacts to private property or historic infrastructure. Some areas of the levee will be shifting towards the river to keep structures out of the clear zone.

Riprap will be replaced and expanded along the Minnesota River to strengthen the levee and prevent future erosion, particularly in areas where high-velocity flows are directed toward the outside bend of the river. To further enhance this protection, two

bendway weirs are planned along the riverbank. These weirs are strategically positioned to redirect flow and sediment away from the levee, reducing erosive forces, minimizing long-term maintenance needs, and increasing the overall longevity of the levee system. Their placement also provides added protection for the future Merriam Junction Trail bridge piers and helps stabilize downstream riverbanks that are already experiencing erosion.

To meet FEMA certification requirements, Spring Creek cross sections and bank elevations will be adjusted. Due to the proximity of buildings and the constrained environment along Spring Creek, a vertical floodwall is required along this tributary to reduce potential impact to historic buildings and other structures. The floodwall follows FEMA regulations as outlined in 44CFR§65.10, which includes requirements for minimum freeboard establishing levee and floodwall heights. FEMA also requires maintenance access routes and clear zones behind constructed levees, minimum slope requirements for earthen embankments, and interior drainage systems for these structures. The exposed flood wall height will range from approximately 0 to 8.5 feet with a top of wall flood protection elevation of 727.5'. These improvements consist of building a limestone/concrete flood wall with a railing for fall protection where necessary. These alterations will result in minor realignment of the Spring Creek channel to accommodate levee improvements.

Other improvements include repaving and realignment of the pedestrian trail along the levee, replacing the obsolete pump systems, installing retaining wall structures and internal levee drainage. Sections of the levee encroach private property and historical infrastructure. Retaining walls will be constructed to avoid impacts to these features. Coinciding with this project, is the Merriam Junction Trail project led by SRF. This project includes constructing a pedestrian bridge across the Minnesota River, connecting the levee pedestrian trail to a new trail along the old Chicago Milwaukee Saint Paul and Pacific Railroad.

**QUANTITY, TYPE, AND AREA OF FILL:**

Table 1: Aquatic Resources and Impact Durations.

Aquatic Resource	Resource Type	Activity	Duration	Amount
Minnesota River	River	Discharge of Fill	Permanent	669 linear feet, 1.14 acres
Minnesota River	River	Construction Disturbance	Temporary (90 days)	70 linear feet, 0.13 acres
Spring Creek	Tributary	Discharge of Fill	Temporary (360 Days)	425 linear feet, 0.19 acres
Unnamed Tributary 2	Tributary	Discharge of Fill	Permanent	40 linear feet, 0.02 Acres
Unnamed Tributary 2	Tributary	Vegetation removal	Temporary (90 Days)	20 linear feet 0.01 acres

Wetland 1	Wetland	Discharge of Fill	Permanent	0.22 acres
Wetland 1	Wetland	Vegetation removal	Temporary (90 Days)	0.23 acres
Wetland 4	Wetland	Discharge of Fill	Permanent	0.21 acres
Wetland 4	Wetland	Vegetation removal	Temporary (90 Days)	0.23 acres

**SOURCE OF FILL MATERIAL:** Fill material would be sourced by the contractor selected to construct the project.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** The applicant has not indicated the presence of any toxic materials within the project area.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** As part of this application process, the applicant must apply for an individual 401 Water Quality Certification (WQC). The applicant would utilize best management practices during the project construction to protect water quality and prevent adverse environmental effects.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The applicant reported in their application and many pre-application meetings that minimization was achieved by various activities to reduce impacts to the Minnesota river, tributaries, and wetlands. Minimum design standards were followed to meet FEMA and USACE certification requirements. Slopes along the levee and Spring Creek banks will be 3:1. Additional minimization was achieved by incorporating retaining walls along the levee, where an earthen berm would otherwise impact infrastructure. Further minimization was achieved by incorporating structures within Spring Creek (riffle, runs, pools) to improve water quality and habitat.

**COMPENSATORY MITIGATION:**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

In summary, permanent impacts to jurisdictional wetlands total 0.43-acres. These impacts broken down by wetland type are 0.21-ac Type 1, 57-sqft Type 2, and 0.22-ac Type 3. Permanent impacts to Tributary 2 total 40-lf (0.02-ac) and permanent impacts to Minnesota River total 669-lf (1.14-acres). No mitigation is proposed for the impacts to

Spring Creek since the existing channel and banks are hard armored (riprap) and have been permanently impacted in the past. The proposed changes to Spring Creek will provide functional lifts and improve the existing conditions.

Currently Spring Creek is hard armored with steep slopes of riprap. Proposed improvements include lowering the streambank slopes, building adequate floodwalls, increasing sinuosity, and incorporating riffle run features. Removing old riprap that is falling in the stream may help reduce total suspended solids, but also proper flood management can reduce other pollutants such as hydrocarbons and trash. Adding riffles and pools will benefit dissolved oxygen and create habitat for aquatic organisms. The Spring Creek impacts should be seen as a functional lift and therefore, should not require mitigation.

Regarding the St. Paul Districts stream mitigation procedure, historical levee impacts to Spring Creek meet the activities defined under the Impact Severity Tier 4. This project does not result in greater functional loss than what has already been done, rather it will improve aquatic functions compared to existing conditions. The proposed impacts should not change the impact severity to a higher tier. Impacts to Tributary 2 may be considered to fall under Impact Severity Tier 5 since the project involves removal of aquatic functions and temporary impacts to riparian vegetation, due to levee grading and equipment access.

The total proposed permanent linear foot impact for Tributary 2 is 40-lf, below the Tier 5 threshold of 150-linear feet. Permanent impacts to wetlands and the Minnesota River will be replaced and mitigated through purchasing federally and state approved wetland bank credits. Previous discussions with MnDNR determined that Type 1 (Floodplain Forest) credits can be purchased to mitigate for river impacts. A separate withdrawal form will be provided to replace the river impacts. The minimum wetland replacement ratio for the project area is 2:1 within Bank Service Area #9. WCA siting requirements were followed when searching for bank credits to purchase. Type 1 and Type 3 credits are not available from the same bank. Bank site #1805 was chosen because it has Type 1 (Floodplain Forest) credits available and is within the same major watershed. Type 2 (Fresh wet Meadow) and Type 3 (Shallow Marsh) credits will be purchased from bank site #1773, which is also in the same watershed.

Tree removal is proposed within the project area for construction access and to establish a clear zone along the levee. Clear and grubbing limits total 7.5 acres. Tree removal will occur during the winter 2026 or early spring 2027. Disturbed areas will be reseeded with appropriate native seed mixes. The project area will utilize standard erosion control methods as specified in the DNR Public Waters General Permit Best Practices Manual, to prevent sedimentation within wetlands. Erosion and sediment control measures will be taken and will remain in place until construction activities are completed

## **CULTURAL RESOURCES:**

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that Historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places), are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps will initiate consultation with the SHPO and/or THPO.

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 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 within the boundary of the proposed project. Based on this initial review, the Corps has made preliminary determinations that the proposed project may affect species and critical habitat listed in Table 2 below.

Table 2: ESA-listed species and/or critical habitat potentially present in the action area.

Common Name	Scientific Name	Federal Status	Determination
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered	No Effect
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	No Jeopardy
Whooping Crane	<i>Grus americana</i>	Experimental Population, Non-Essential	No Jeopardy
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	No Jeopardy
Rusty Patched Bumble Bee	<i>Bombus affinis</i>	Threatened	May affect, not likely to adversely affect

Pursuant to Section 7 ESA, any required consultation with the Service(s) 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:** Based on the Minnesota State Plane coordinates provided by the applicant, the waterward edge of the proposed structure is approximately 15 feet away from the near bottom edge of the Minnesota River federal channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not 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 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.

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 March 8, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or by email to Rachel.Gralnek@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 Minnesota Street, Suite E1500  
St. Paul, MN 55101-1323

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Rachel Gralnek at the Saint Paul office at 651-290-5276 or Rachel.Gralnek@usace.army.mil.

To receive Public Notice notifications, go to: <https://www.mvp.usace.army.mil/Contact/RSS/> and subscribe to the RSS Feed for which you would like to receive Public Notices.

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.

Enclosures:  
Figures labeled 2021-01951 Page 1 of 5 to 5 of 5









