



US Army Corps
of Engineers
St Paul District

PUBLIC NOTICE

Applicant:
Tim Erickson
Douglas County Public Works

Published: November 18, 2025
Expires: December 3, 2025

St. Paul District
Permit Application No. MVP-2021-02112-JST

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: Tim Erickson
Douglas County Public Works
P.O. Box 398
Alexandria, MN 56308

AGENT: Jacob Hoffmann
Douglas County Public Works
526 Willow Drive
Alexandria, MN 56308

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Spruce Creek and Stormy Creek. The project area is located parallel to County State Aid Highway 14 (CSAH 14) in Sections 24 & 25, Township 130 North, Range 37 West; Sections 12, 13, 14, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, Township 130 North, Range 36 West; at Latitude 46.048717 and Longitude -95.205896; in Miliona/Spruce Hill Township, Douglas County, Minnesota.

EXISTING CONDITIONS: The project area consists of paved roads, emergent and wooded wetland complexes, agricultural fields, and commercial development. A wetland delineation report was completed by Wenck Associates, Inc., on behalf of the applicant, which investigated the project corridor for aquatic resources. The proposed impact areas consist of fresh wet meadow, shallow marsh, and shrub swamp wetlands.

PROJECT PURPOSE: The purpose of the project is to correct conditions on the existing highway that do not meet current design standards.

PROPOSED WORK: The proposed project consists of correcting vertical curves to meet current design standards, shoulder widening, and correcting existing steep inslopes. The proposed road would consist of 12' driving lanes and 8' shoulders which would accommodate heavy agricultural equipment traffic.

QUANTITY, TYPE, AND AREA OF FILL: The proposed project would involve the permanent discharge of fill material within 9.43 acres of jurisdictional wetlands. Additionally, the project would involve the temporary discharge of fill material into 0.21 acre of wetlands. The permanent wetland impacts would be associated with shoulder widening, vertical curve realignment, and inslope regrading. Temporary impacts would be associated with erosion control measures that would be implemented during construction activities and construction access. Temporary impacts are anticipated to remain in place for 90 days and would be restored to pre-construction conditions upon completion of the regulated activities. An Approved Jurisdictional Determination (AJD) was issued on November 14, 2025, which concluded that the resources within the blue boxes on the attached figures labeled MVP-2021-02112-JSTFigure 1-10 of 10 are not waters of the United States. In addition, a Corps Transportation Regional General Permit (RGP) was previously verified on July 11, 2025, authorizing the permanent discharge of fill material into 0.79 acre of wetland, 27 linear feet (0.05 acre) of Spruce Creek, and 34 linear feet (0.04 acre) of Stormy Creek associated with the replacement and expansion of 14 centerline culverts. In addition, this RGP verification authorized the temporary discharge of fill material into 75 square feet of wetlands associated with construction access and a workspace. These previously authorized impacts are also included on the attached figures.

SOURCE OF FILL MATERIAL: All fill material utilized for the project would be obtained on site from a licensed commercial source.

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. Fuel, hydraulic fluid, lubricants, coolant, and other fluids commonly used by construction equipment would be expected to be present for construction of the project.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant would be required to obtain an individual Clean Water Act 401 Water Quality Certification or waiver, as well as comply with the state's erosion control and stormwater Best Management Practices (BMPs). To protect water quality, the applicant would install silt fences, sediment control logs, and other best management practices (BMP) to capture and filter runoff.

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 proposed design of the road segment meets the minimum design requirements.
- Grade heights were kept as low as possible.
- Use of 1:3 and 1:2 inslopes outside of the clearzone in wetland areas was incorporated to minimize impacts.

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

Compensatory mitigation is proposed to be debited via the Board of Water and Soil Resources (BWSR) Local Government Roads Wetland Replacement Program (LGRWRP) for all proposed impacts within 16' of the road top design which are considered eligible for replacement through the LGRWRP. For all impacts beyond 16' of the road top design, mitigation would be provided by debiting from a federally approved Wetland Mitigation Bank. In-kind replacement would be provided at a minimum 2:1 ratio for all wetland losses, in accordance with District mitigation procedures.

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.

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 a preliminary determination that the proposed project may affect but is not likely to adversely affect species and critical habitat listed in Table 1. 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	Scientific Name	Federal Status	IPaC Determination Key effect Determination
Gray Wolf	<i>Canis lupus</i>	Threatened	May Affect, Not Likely to Adversely Affect
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	No Jeopardy
Suckley's Cuckoo Bumble Bee	<i>Bombus suckleyi</i>	Proposed Endangered	No Jeopardy
Western Regal Fritillary	<i>Argynnis idalia occidentalis</i>	Proposed Threatened	No Jeopardy

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation 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 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 December 2, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or by email to Joseph.Toth@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:

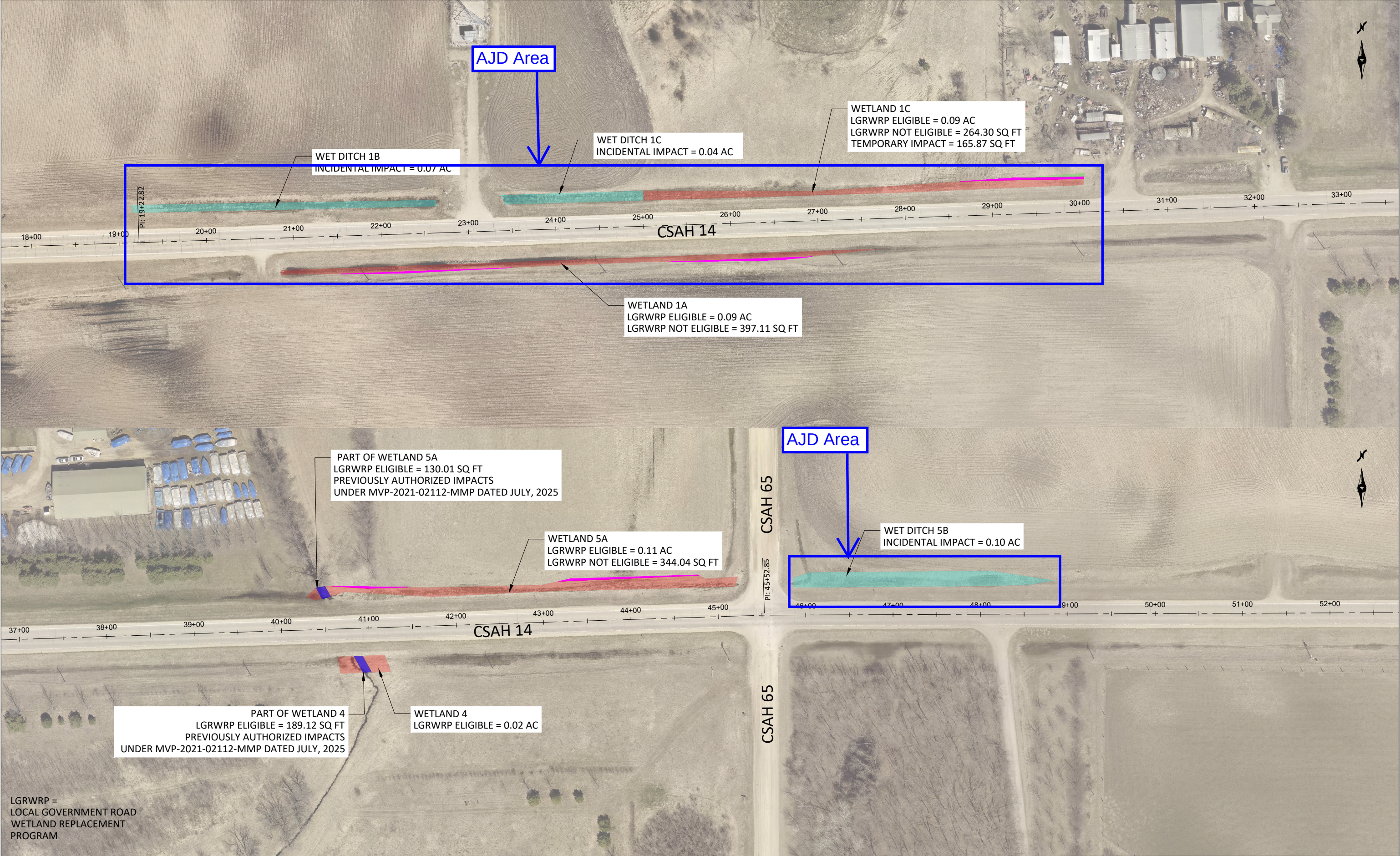
Regulatory Division
St. Paul District Corps of Engineers
332 Minnesota Street, Suite E1500
St. Paul, MN 55101-1323

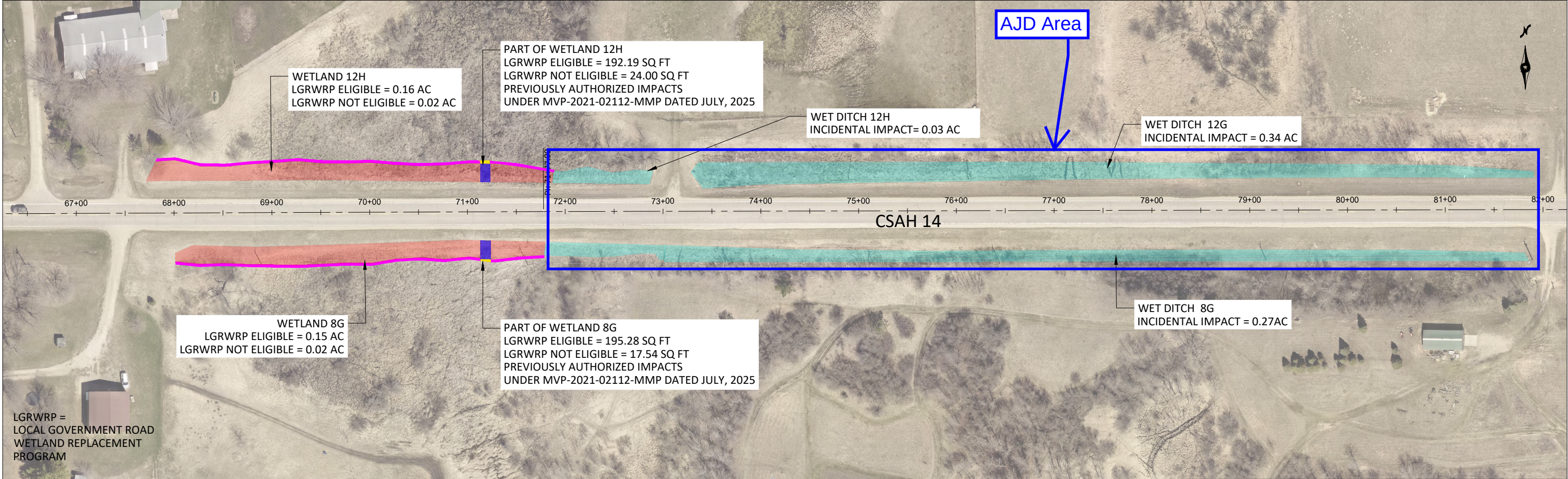
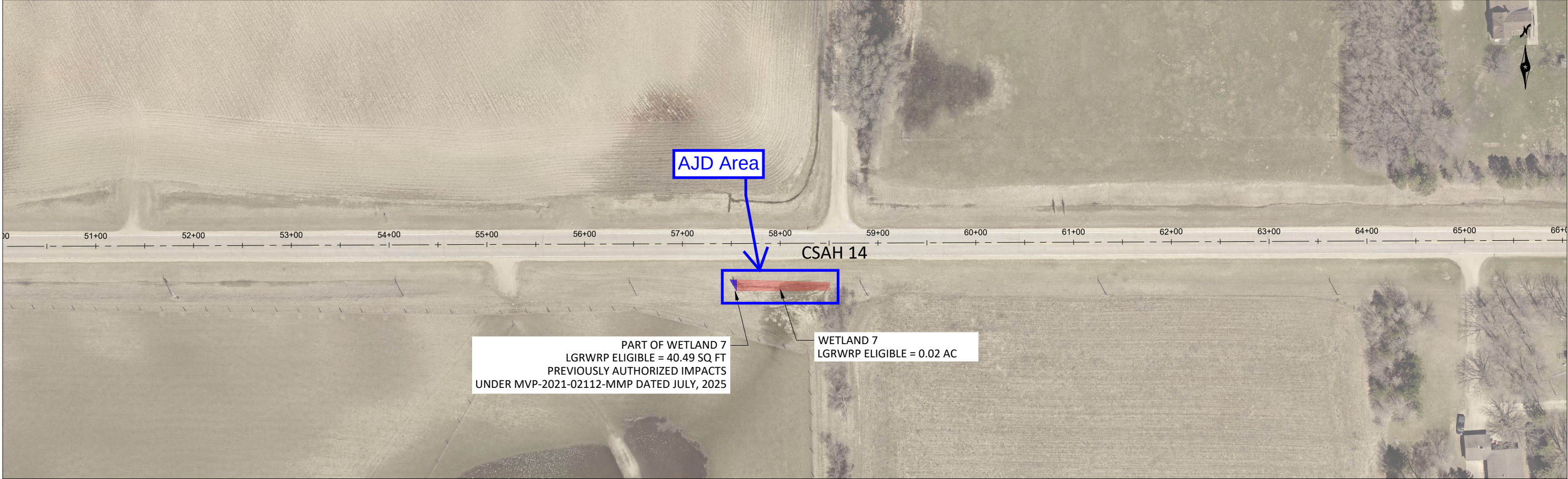
IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Joseph Toth at the St. Paul office at 651-290-5532.

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.

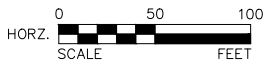
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

Enclosures: MVP-2021-02112-JST Figures 1-10

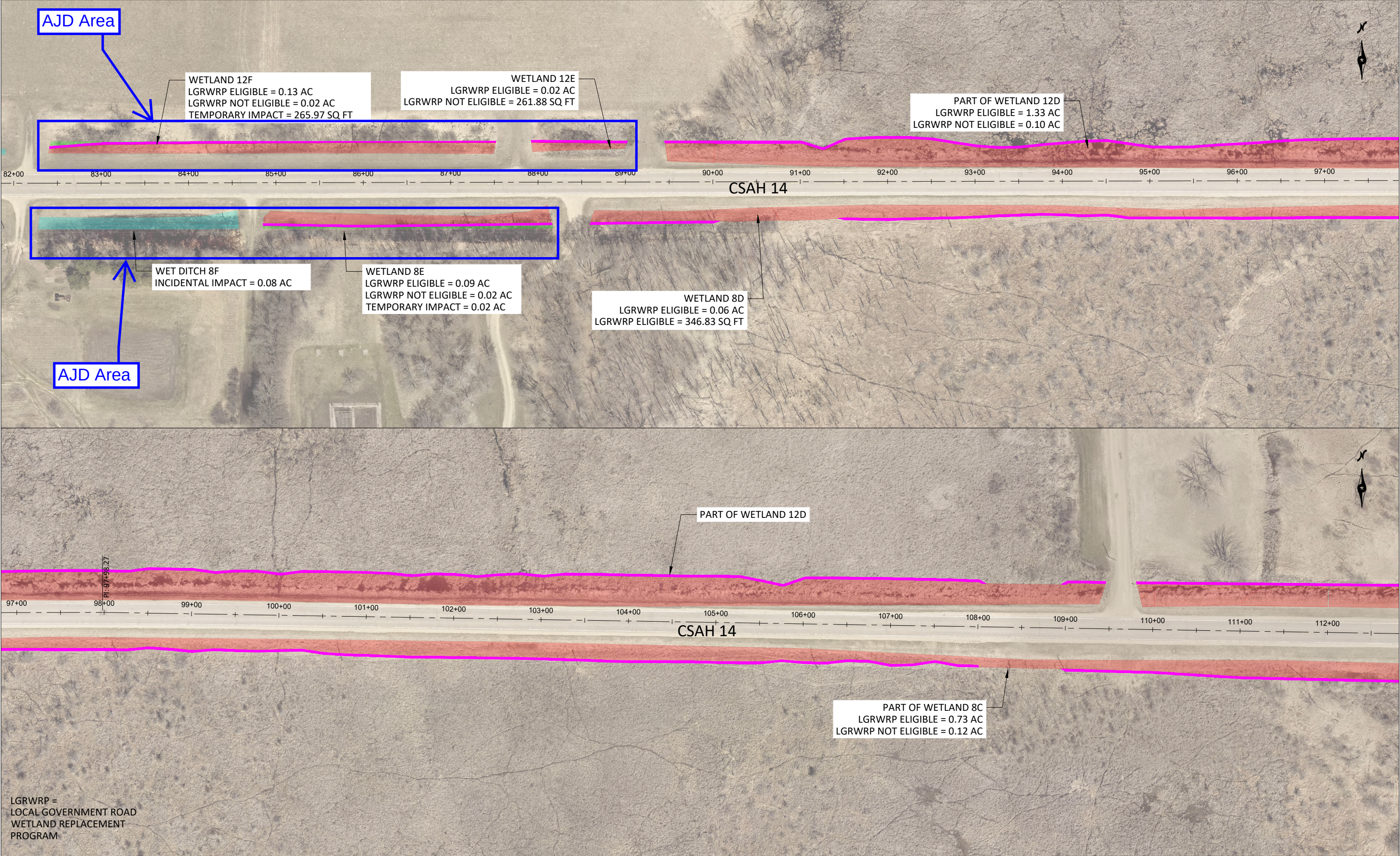




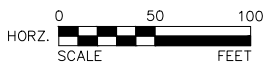
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WETLAND REPLACEMENT
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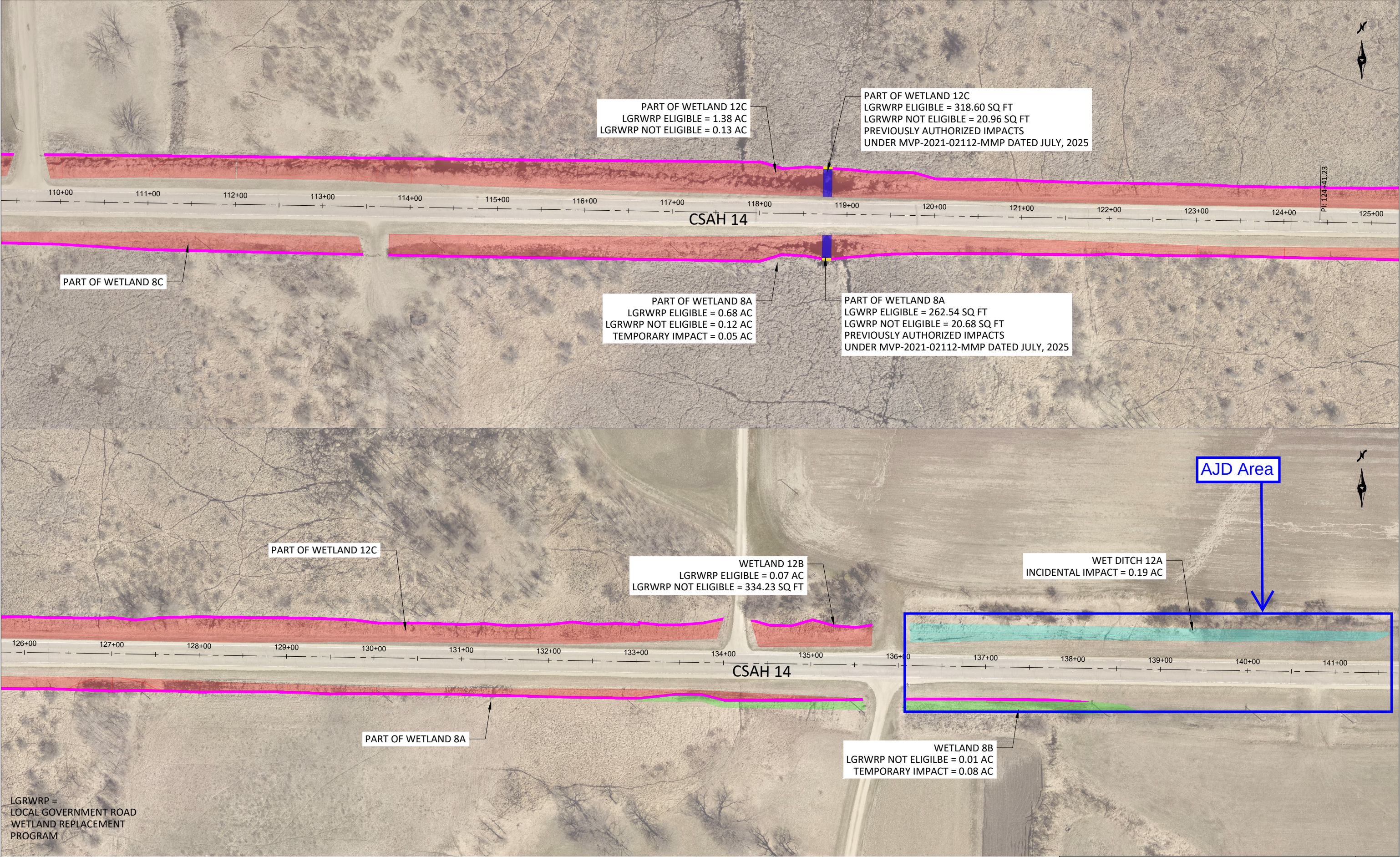
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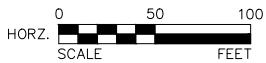
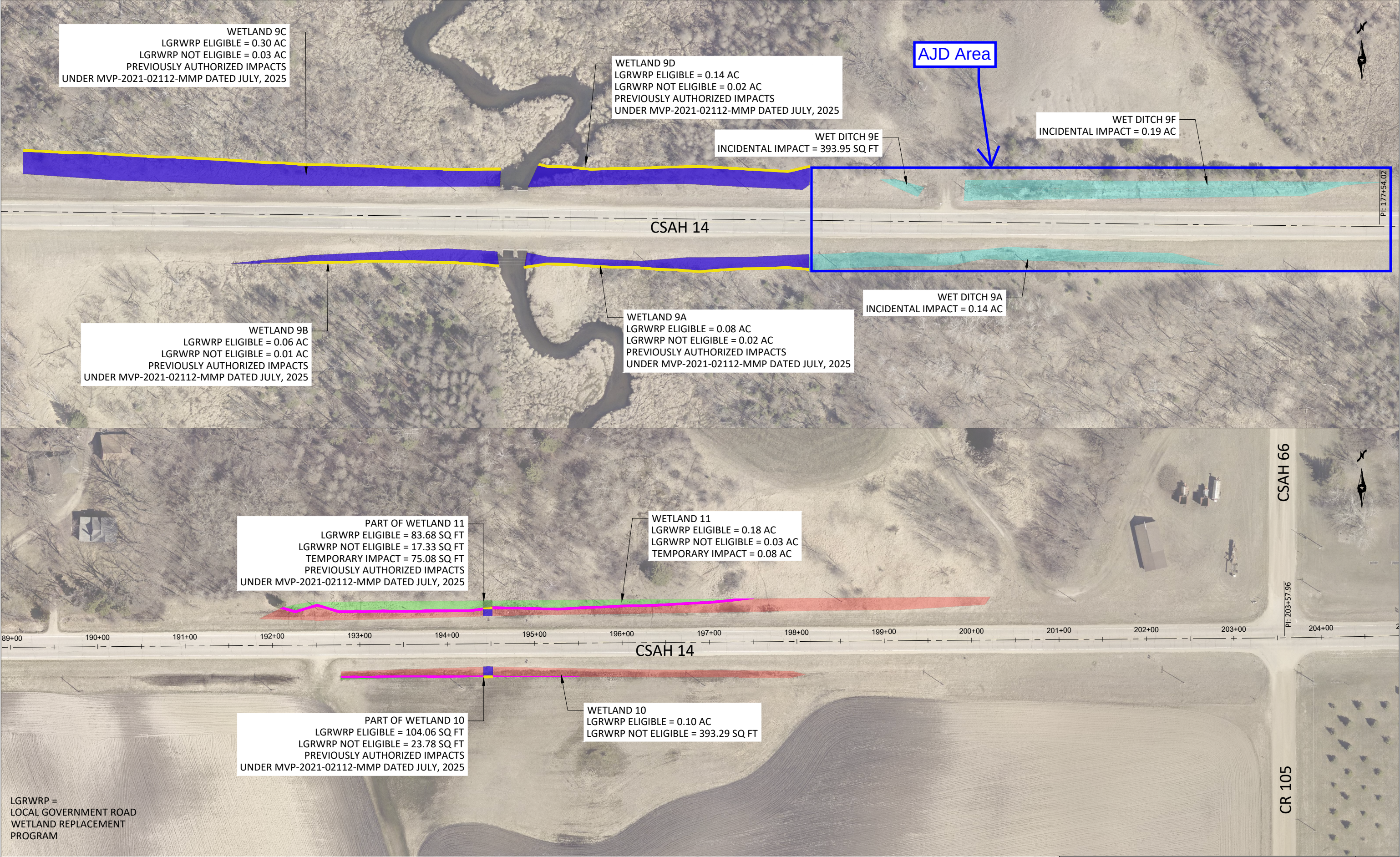


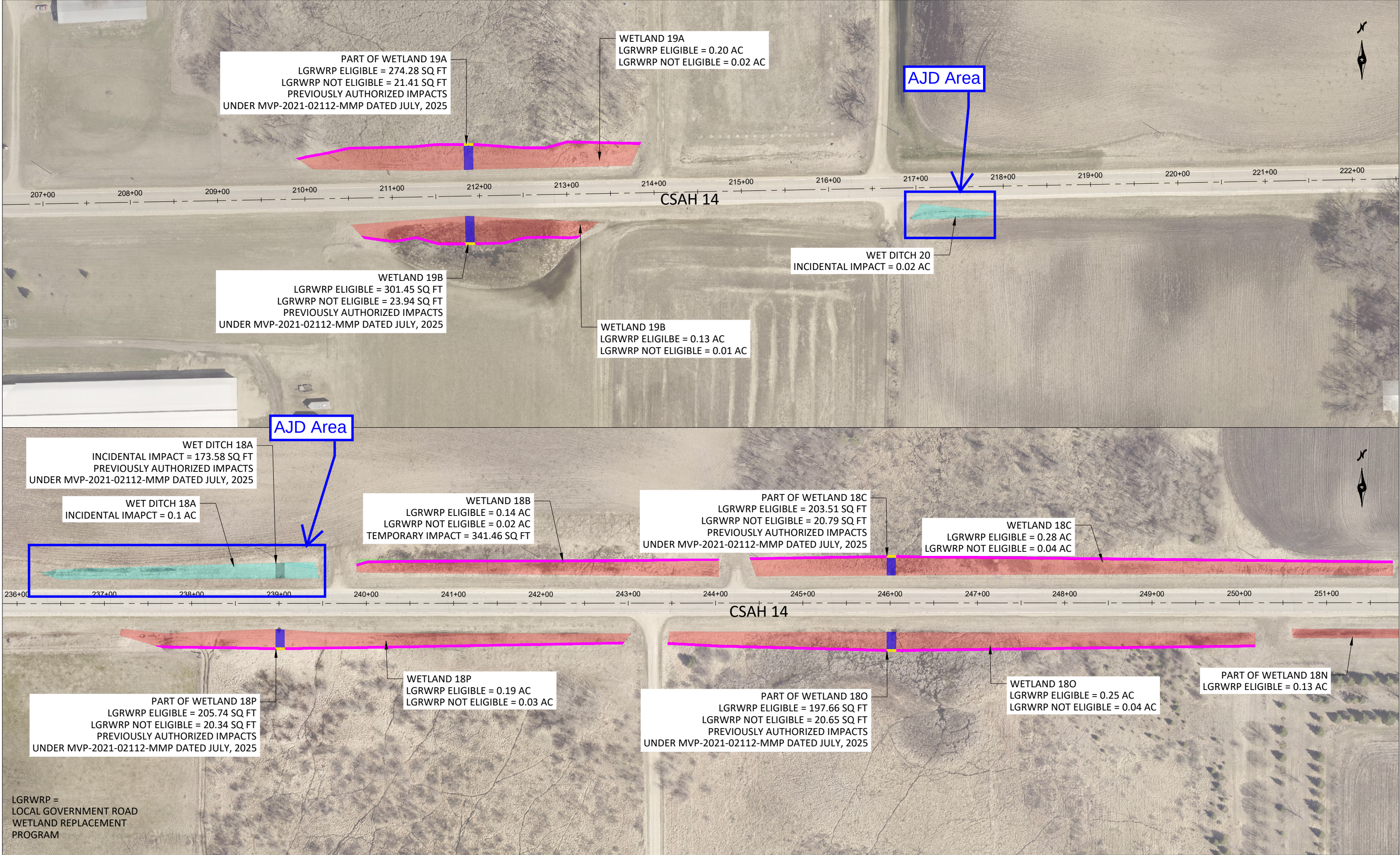
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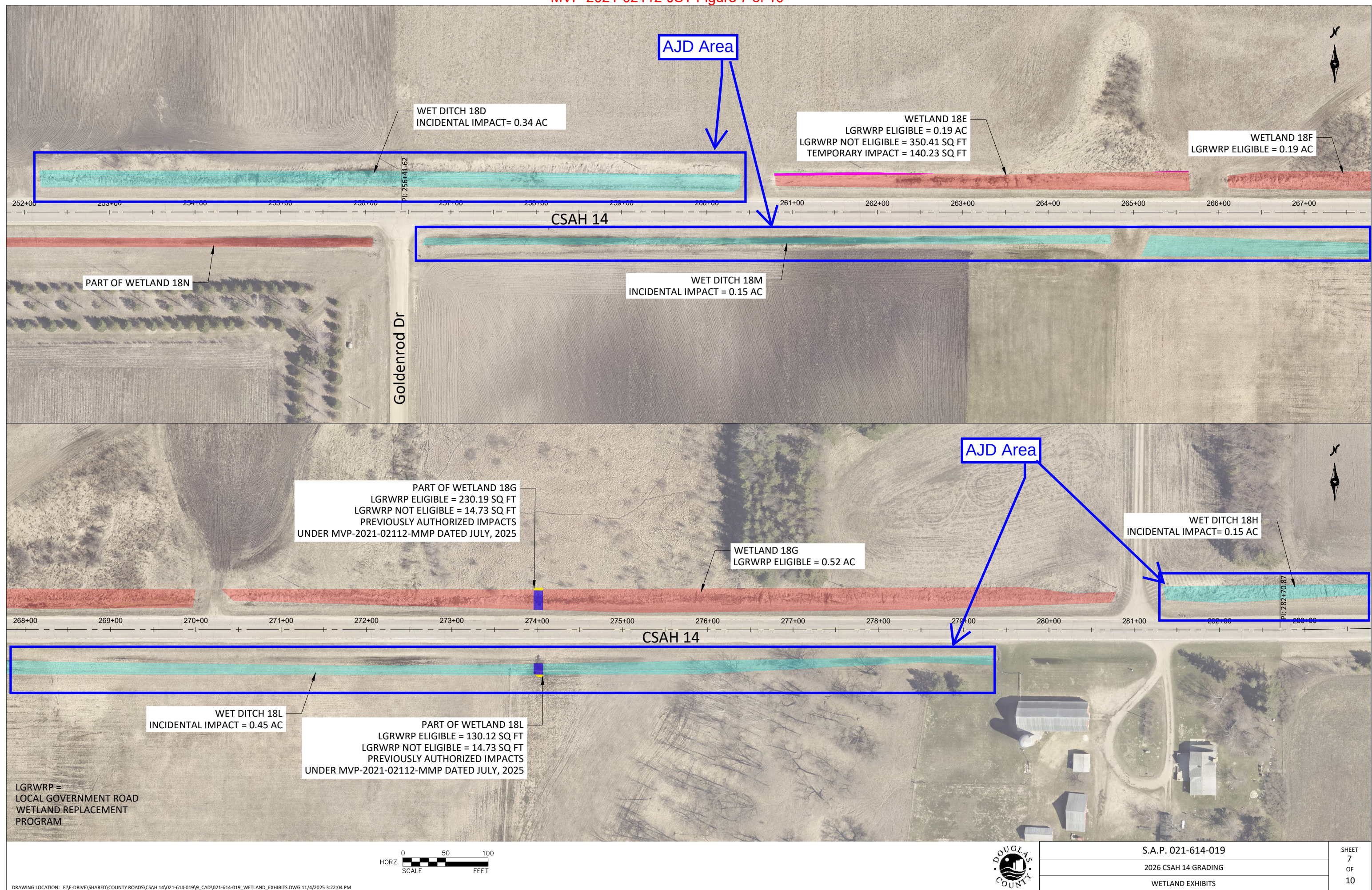


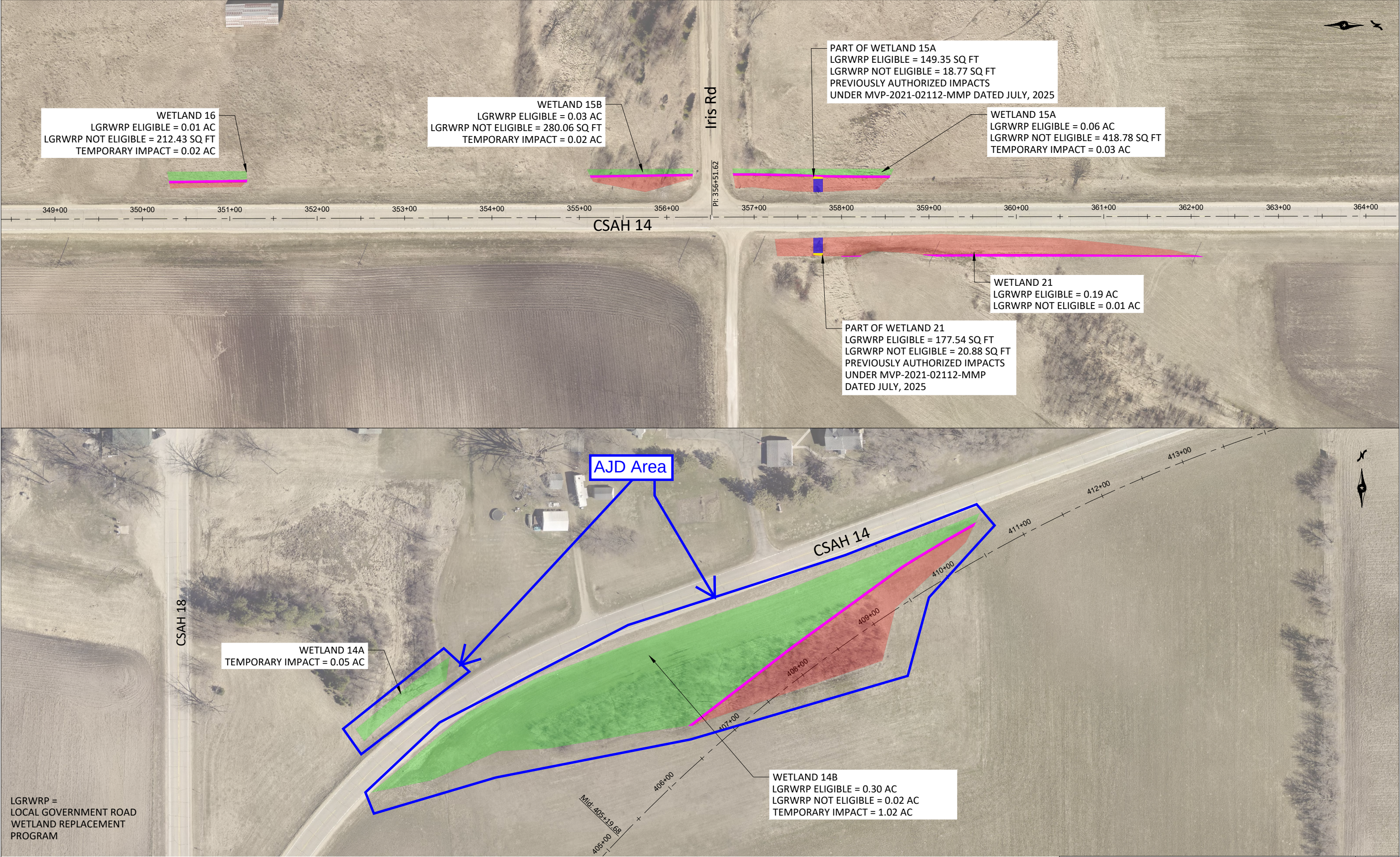
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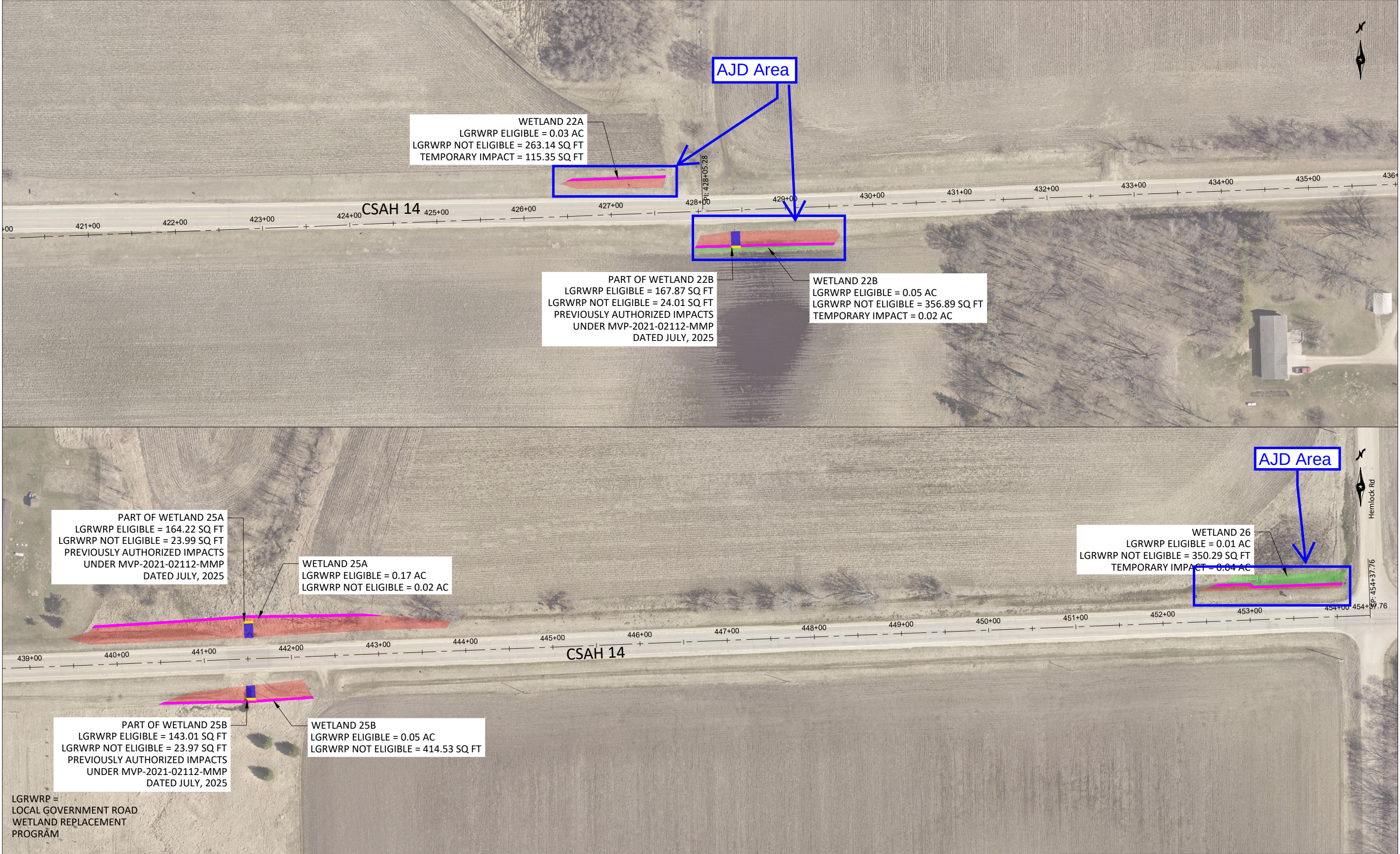












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