

**APPLICANT:** 

Meier Companies c/o: Paul Meier 6113 Rome Circle NW Rochester, MN 55901 **Public Notice** 

ISSUED: March 24, 2023 EXPIRES: April 08, 2023

**REFER TO:** MVP-2005-02938-RMH

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO construct the Cassidy Farms Subdivision located in Rochester, MN. The project would result in the permanent discharge of fill material into 1.33 acres of wetlands and into 2,664 linear feet (0.13 ac) of a stream which is an unnamed tributary to the Zumbro River.

#### 2. SPECIFIC INFORMATION

AGENT Widseth

c/o: Joey Goeden 610 Fillmore Street Alexandria, MN 56308

PROJECT LOCATION: The project site is located in located in Section 19, Township 107 North, Range 13 West, Olmsted County, Minnesota. The approximate UTM coordinates are X 545879.768313, Y4878860.92891, Latitude 44.061481, Longitude -92.427157.

DESCRIPTION OF PROJECT: The applicant proposes to develop a 27.3-acre site into a residential development. The project will create 54 residential lots and associated infrastructure. Stonehenge Drive NE is located to the southeast and this road will be extended to provide access to the project area. There will be a turnaround on the north side of the project area. Curb and gutter are proposed along the road. A storm sewer pipe will be installed to convey the stormwater runoff to a stormwater pond that will be located on the north side of the project area. The existing stream will be filled and a new channel will be relocated to the east. The new channel is referred to as proposed ditch in the attached figures.

QUANTITY, TYPE, AND AREA OF FILL: The construction of the residential development and associated infrastructure would result in the permanent discharge of fill material into 1.33 acres of wetlands and into along 2,664 linear feet (0.13 ac) of an unnamed tributary. The construction of the residential lots, storm water pond, and roadway will result in permanent impacts to the wetlands and unnamed tributary.

.

VEGETATION IN AFFECTED AREA: The project will permanently impact 1.27 acres (55,188 sq. ft) of Type 2, Fresh Wet Meadow and Type 6, Shrub-carr wetlands and 2,664 linear feet (0.13 ac) of an unnamed tributary. According to the wetland delineation report updated January 2023, the dominant vegetation found within the wetlands is redtop (*Agrostis gigantea*), reed canarygrass (*Phalaris arundinacea*), yellow foxtail (*Setaria pumila*), and willows (*Salix sp.*). The unnamed tributary was separated into three streams (Streams 1, 2 and 3) due to the stream having multiple channels. Stream 1 is an ephemeral stream located on the southeast portion of the project area. This stream is 182 feet in length and averages 1.8 feet in width. There was no water within this stream during the site visit. Stream 2 is an intermittent stream that runs along the east side of the project area. This stream is 2,015 feet in length and averages 2.3 feet in width. There was water in approximately the south half of the stream. The remaining part of the

stream was dry. Stream 3 is an intermittent stream that is 467 feet in length and averages 2 feet in width. This stream is a branch off Stream 2. According to the report, the unnamed tributary has moved to the east since 2017 and it will need to be realigned to provide adequate room for the development and improve drainage.

SURROUNDING LAND USE: The surrounding area consists of residential developments, agricultural areas, and undeveloped woodlands.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Fuel/Oil from construction equipment. However, a Stormwater Pollution Prevention Plan will be developed for the site to mitigate any spills that may occur

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Erosion control during construction will include silt fence, sediment control filter berms, sediment control ditch checks, inlet protection, slash mulch, and crushed rock. Disturbed soil will be seeded after construction is completed to minimize erosion. A Stormwater Pollution Prevention Plan will be prepared for the project.

MITIGATION: The applicant proposes to compensate for proposed wetland losses by purchasing wetland credits at a 2:1 ratio from a Corps-approved Wetland Mitigation Bank within the same Bank Service Area (BSA 8) as the proposed impact location. The applicant proposes to purchase 2.5339 of Fresh (Wet) Meadow type wetland credits from Minnesota Wetland Bank account #S9568 (Mueller). The applicant has not proposed compensatory stream mitigation but has proposed to relocate the existing unnamed tributary to allow for development and to improve drainage.

## 3. 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, Olmsted County is within the known or historic range of the following Federally listed species:

Northern Long-Eared Bat Hibernates in caves and mines – swarming in

surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.

Rusty Patched Bumble Bee Grasslands with flowering plants from April through

October, underground and abandoned rodent cavities or clumps of grasses above ground as nesting sites, and undisturbed soil for hibernating queens to overwinter.

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.

#### 4. JURISDICTION

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

#### 5. SECTION 401 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

#### 6. HISTORICAL/ARCHAEOLOGICAL

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

#### 7. 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.

#### 8. 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.

#### REPLIES/COMMENTS

Interested parties are invited to submit to this office written facts, arguments, or objections by the expiration date indicated above. 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.

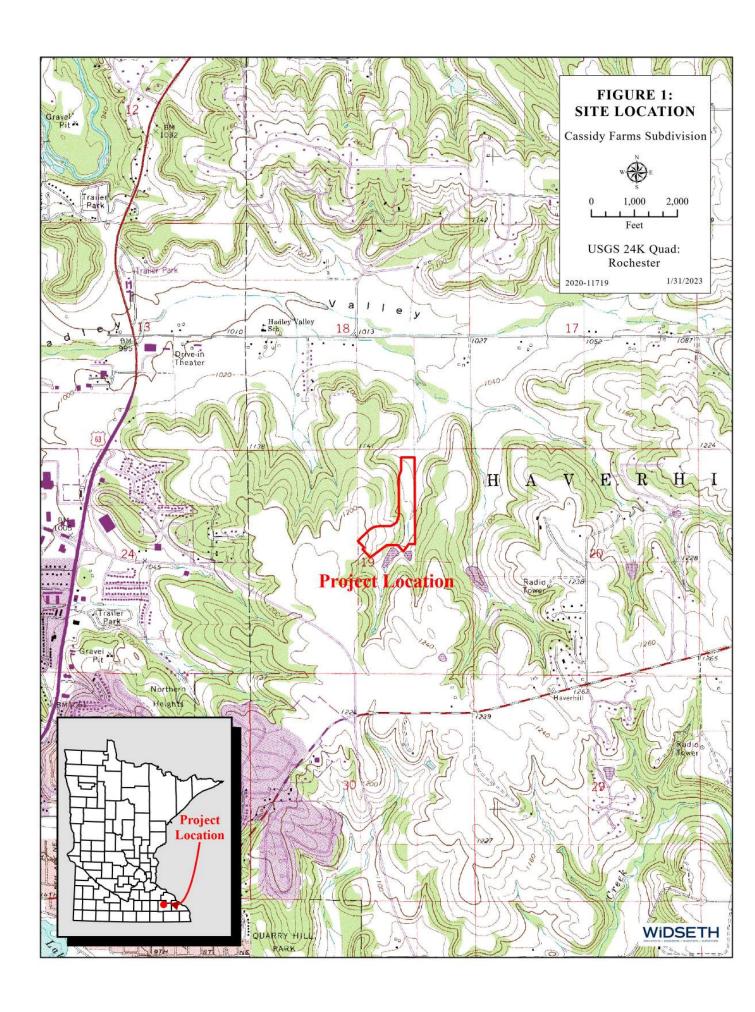
Replies may be sent to Raelene Hegge at Raelene. Hegge@usace.army.mil.

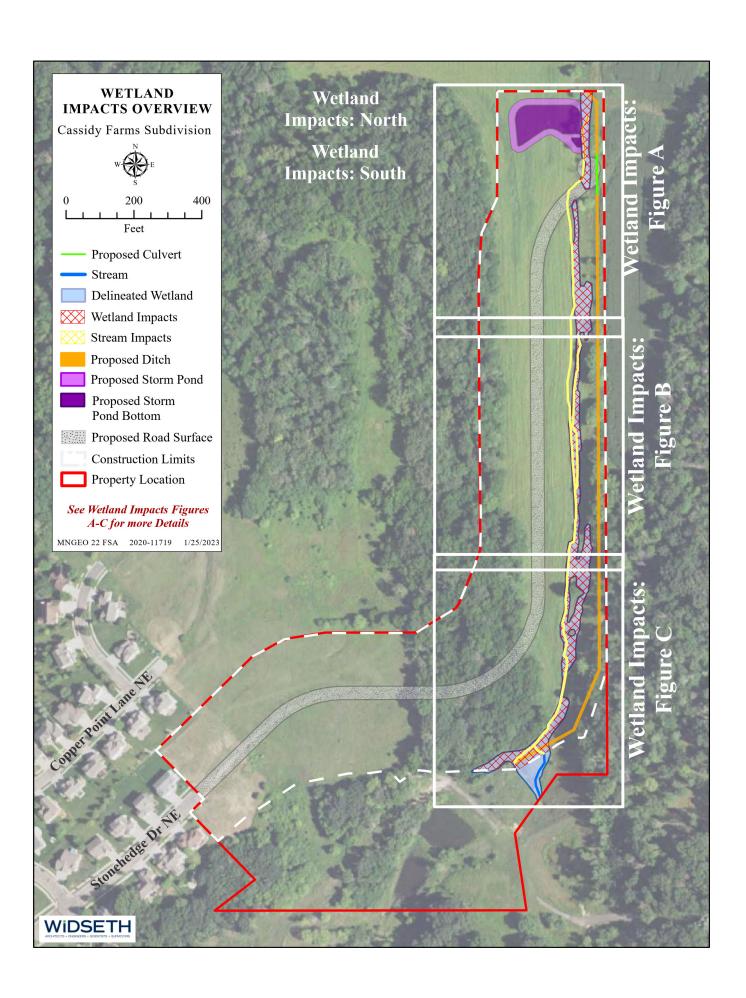
IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Raelene Hegge at the St. Paul office at 651-502-1226 or Raelene.Hegge@usace.army.mil.

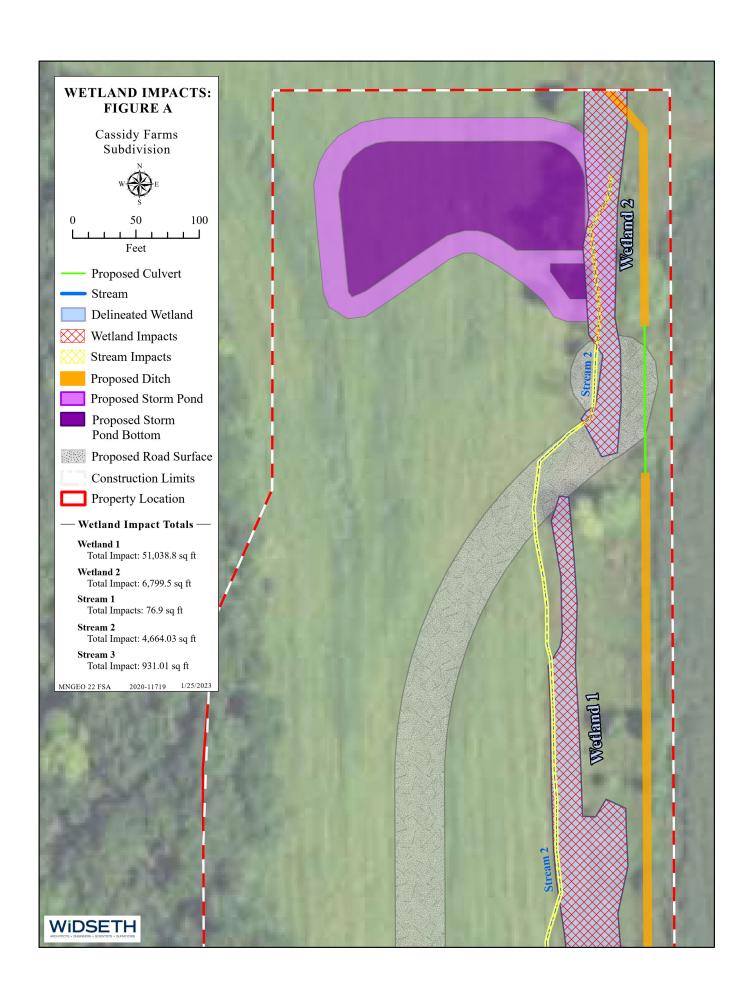
To receive Public Notice notifications, go to: https://www.mvp.usace.army.mil/Contact/RSS/ and subscribe to the RSS Feed for which you would like to receive Public Notices.

**Enclosures:** 

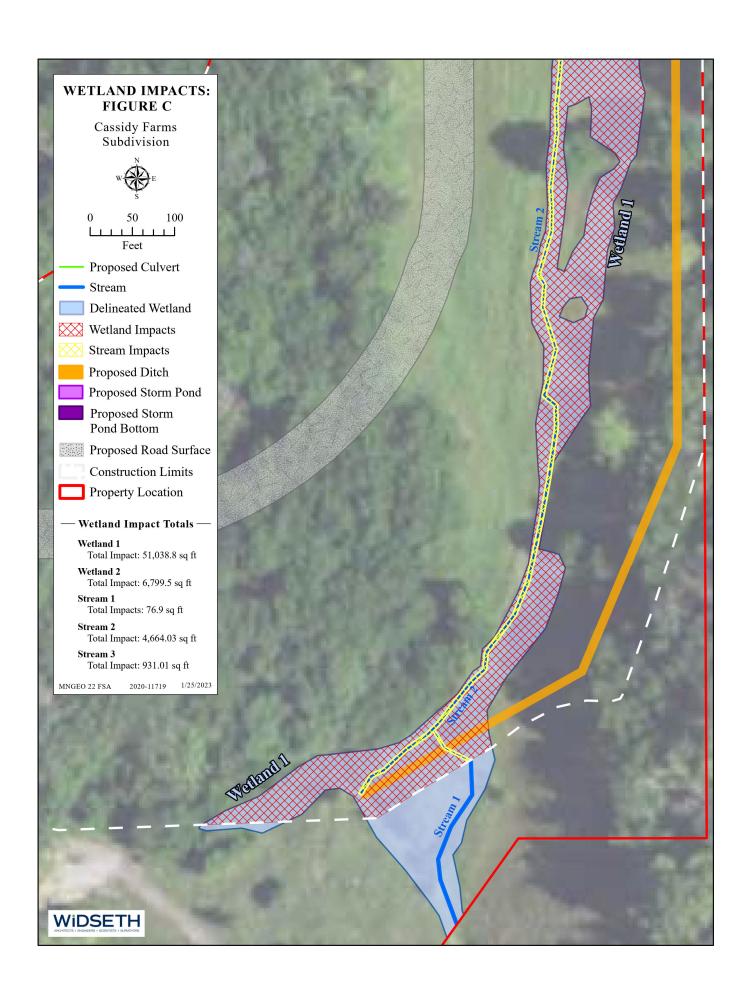
MVP-2005-02938-RMH, Attachments, Page 1 through 7 of 7



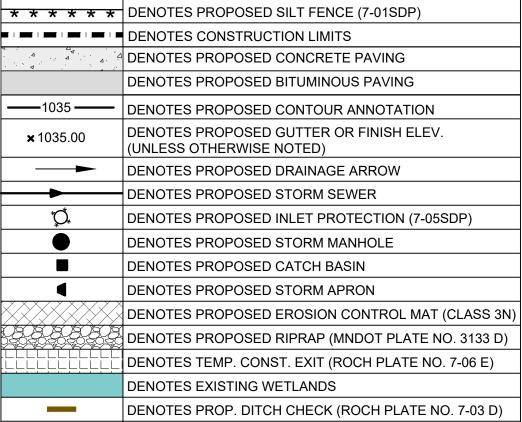


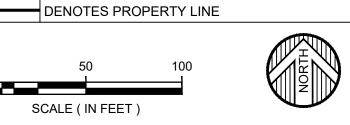


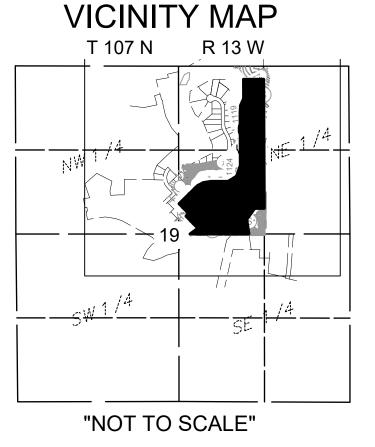




# PROPOSED FEATURES LEGEND







OWNER:

MEIER COMPANIES 6113 ROME CIRCLE NW ROCHESTER, MN 55901 CONTACT: PAUL MEIER PH: (507) 696-8899 EMAIL: PAUL@MEIERCOMPANIES.COM

CIVIL ENGINEER:

3777 40TH AVE NW, SUITE 200 ROCHESTER, MN 55901 CONTACT: CRAIG BRITTON PH: (507) 292-8743 EMAIL: CRAIG.BRITTON@WIDSETH.COM

### GRADING, & GENERAL NOTES

AN NPDES PERMIT SHALL BE APPLIED FOR BY THE OWNER AND CONTRACTOR IF DISTURBED AREA EXCEEDS 1 ACRE. AN NPDES PERMIT WILL BE REQUIRED FOR THIS PROJECT.

ALL EROSION CONTROL AND SILTATION CONTROL SHALL COMPLY WITH THE SITE'S SWPPP, THE MINNESOTA POLLUTION CONTROL AGENCY (MPCA) STORMWATER MANUAL AND THE REGULATIONS OF THE CITY OF ROCHESTER AND OLMSTED COUNTY.

SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMP'S), WHICH PREVENT SEDIMENT FROM ENTERING A WATER OF THE STATE, SHALL BE ESTABLISHED BEFORE LAND DISTURBING OPERATIONS BEGIN AND SHALL REMAIN IN PLACE UNTIL FINAL STABILIZATION HAS BEEN ESTABLISHED.

SILT FENCE - PER CITY OF ROCHESTER STANDARD PLATE NO. 7-01 INLET PROTECTION - PER CITY OF ROCHESTER STANDARD PLATE NO. 7-05

TEMPORARY ROCK CONSTRUCTION ENTRANCE - PER CITY STANDARD PLATE NO. 7-06 CONCRETE WASHOUT AREA - PER MPCA GUIDELINES - LOCATION TO BE COORDINATED BY CONTRACTOR.

TEMPORARY STABILIZATION - TOPSOIL STOCK PILES AND DISTURBED SOIL AREAS OF THE SITE WHERE CONSTRUCTION ACTIVITY TEMPORARILY CEASES FOR AT LEAST 14 DAYS WILL BE STABILIZED WITH TEMPORARY SEEDING AND MULCH NO LATER THAN 7 DAYS FROM THE LAST CONSTRUCTION ACTIVITY IN THAT AREA. THE TEMPORARY SEED SHALL BE MIX 22-111 APPLIED AT THE RATE OF 30.50 LBS PER ACRE. AFTER SEEDING, EACH AREA SHALL BE MULCHED WITH TWO (2) TONS PER ACRE OF STRAW. THE STRAW MULCH IS TO

PERMANENT STABILIZATION - ALL DISTURBED PERVIOUS AREAS SHALL BE SEEDED UNLESS OTHERWISE NOTED OR SHOWN IN PLANS. ALL EXPOSED SOIL AREAS MUST BE STABILIZED AS SOON AS POSSIBLE TO LIMIT SOIL EROSION BUT IN NO CASE LATER THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. A MINIMUM DEPTH OF FOUR (4) INCHES OF TOPSOIL IS REQUIRED FOR ALL PERMANENT VEGETATIVE COVER. PERMANENT EROSION CONTROL WILL BE ACHIEVED BY USING SEED MIXTURE 25-141 AT A RATE OF 220 LBS/AC, TYPE 1 FERTILIZER WITH A COMPOSITION OF 0-10-20 AT A RATE OF 350 LBS/AC, AND MULCH MATERIAL TYPE I AT 2 TONS / ACRE ON ALL DISTURBED CONSTRUCTION AREAS.

WHERE FINAL STABILIZATION IS NOT COMPLETED BY NOVEMBER 15TH, ALL DISTURBED AREAS SHALL BE DORMANT SEEDED AND COVERED WITH CATEGORY 3 EROSION CONTROL BLANKET SHALL BE APPLIED AT A RATE OF 30.50 LBS/ACRE. AFTER SEEDING, CAT 3 EROSION CONTROL BLANKET SHALL BE PLACED AND

THE NORMAL WETTED PERIMETER OF ANY TEMPORARY OR PERMANENT DRAINAGE DITCH OR SWALE THAT DRAINS WATER FROM ANY PORTION OF THE CONSTRUCTION SITE, OR DIVERTS WATER AROUND THE SITE, MUST BE STABILIZED WITHIN 200 LINEAL FEET FROM THE PROPERTY EDGE, OR FROM THE POINT OF DISCHARGE INTO ANY SURFACE WATER

PIPE OUTLETS MUST BE PROVIDED WITH TEMPORARY OR PERMANENT ENERGY DISSIPATION WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER OR OUTLET

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT SEDIMENT DOES NOT LEAVE THIS SITE. IT IS REQUIRED THAT THE CONTRACTOR INSTALL A STABILIZED VEHICLE EXIT TO KEEP SEDIMENT TRACKING TO A MINIMUM. THE CONTRACTOR SHALL ASSUME COMPLETE RESPONSIBILITY UNTIL ACCEPTANCE OF THE WORK BY THE OWNERS.

ANY DEPOSITING OF SEDIMENT OR DEBRIS ON NEW OR EXISTING PAVEMENT. OR IN EXISTING STORM SEWERS SHALL BE REMOVED AFTER EACH RAIN AND AFFECTED AREAS CLEANED. ANY TRACKING OF SEDIMENT OR DEBRIS FROM CONSTRUCTION TRAFFIC ONTO PUBLIC RIGHT OF WAY SHALL BE REMOVED BY THE END OF EACH WORK DAY AND

THE CONTRACTOR SHALL INSPECT THE CONSTRUCTION SITE ONCE EVERY SEVEN DAYS AND WITHIN 24 HOURS AFTER RAIN EVENTS FOR DAMAGE TO EROSION CONTROL DEVICES. IF DAMAGED OR INEFFECTIVE EROSION CONTROL DEVICES ARE DISCOVERED, THEY SHALL BE REPAIRED OR REPLACED. THE CONTRACTOR SHALL MAINTAIN INSPECTION RECORDS, WHICH INCLUDE DATE AND TIME OF INSPECTIONS, DATES OF RAINFALL EVENTS, FINDINGS OF INSPECTIONS, CORRECTIVE ACTIONS TAKEN (INCLUDING DATES AND TIMES), AND DOCUMENTATION OF ANY CHANGES TO THE TEMPORARY OR PERMANENT EROSION CONTROL PLANS MADE DURING CONSTRUCTION.

STORM WATER RUNOEF WILL CONTINUE IN GENERALLY THE SAME DIRECTIONS AS IT DOES NOW. THE DEVELOPMENT WILL HAVE A STORMWATER POND FOR THE ONSITE STORMWATER WITH CATCH BASINS IN THE STREET. (THERE IS NO IMPAIRED OR SPECIAL WATERS WITHIN 1 MILE THAT THE AREA DRAINS TO. THE AREA EVENTUALLY DRAINS TO THE HADLEY VALLEY CREEK).

13. CONTRACTOR IS RESPONSIBLE FOR ALL SITE CLEARING, GRUBBING AND REMOVALS. COORDINATE THE REMOVAL OF UNDERGROUND UTILITIES.

ALL PROPOSED ELEVATIONS ARE TO TOP OF PAVING OR FINISHED GRADE, UNLESS NOTED OTHERWISE. PROPOSED ELEVATIONS ARE INTENDED TO PROVIDE POSITIVE DRAINAGE TOWARDS CATCH BASINS. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE THE REQUIRED ELEVATIONS, WHICH WILL PROMOTE POSITIVE DRAINAGE THROUGHOUT THE PROJECT SITE.

15. THE SITE HAS NOT NECESSARILY BEEN DESIGNED TO BALANCE THE ON-SITE MATERIALS. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EARTHWORK QUANTITY ON THIS SITE. EXCESS MATERIAL, IF ANY SHALL BE DISPOSED OF OFF-SITE. THE CONTRACTOR SHALL IMPORT SUITABLE MATERIAL AS NEEDED.

16. THE CONTRACTOR SHALL NOTIFY ALL APPROPRIATE ENGINEERING DEPARTMENTS AND UTILITY COMPANIES 72 HOURS PRIOR TO CONSTRUCTION. ALL NECESSARY PRECAUTIONS SHALL BE TAKEN TO AVOID DAMAGE TO EXISTING UTILITIES.

17. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND ELEVATION OF ALL UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION.

MAINTAIN MINIMUM 1.5' VERTICAL SEPARATION BETWEEN SEWER (SANITARY AND STORM) AND WATER MAIN.

SAFETY NOTICE TO CONTRACTORS: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. THE DUTY OF THE ENGINEER OR THE DEVELOPER TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES IN, ON OR NEAR THE CONSTRUCTION

20. UTILITIES CONSTRUCTION SHALL CONFORM TO THE CURRENT EDITION OF "STANDARD SPECIFICAITONS FOR STREET AND UTILITY CONSTRUCTION" BY THE CITY OF ROCHESTER. 21. SOME SLOPES ON SITE EXCEED 4:1. SLOPES STEEPER THAN 4:1 SHALL BE STABLE FROM LAND SLIDING AND SURFACE EROSION.

