

Public Notice

ISSUED: October 1, 2020 EXPIRES: October 31, 2020

APPLICANT: Cottonwood County

REFER TO: MVP-2019-02359-MMJ

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into 5.31 acres of wetland, lake and streambed, and 1.52 acres of linear ditch, associated with a road reconstruction project along County State Aid Highway (CSAH) 7 (SP 017-070-004).

2. SPECIFIC INFORMATION

APPLICANT: Mr. Nick Klisch

Public Works Director Cottonwood County 1355 9th Avenue Windom, MN 56101

PROJECT LOCATION: The project site is located in Rose Hill & Southbrook Township, along a 6.3 mile portion of CSAH 7 from TH 62 to CSAH 13. The site is in the north quarter corner of Section 32, Township 105 North, Range 38 West to the Northeast Corner of Section 31, Township 106 North, Range 38 West, Cottonwood County, Minnesota. The north limits of the project are at Lat: 43.862672, and Long: -95.431038, and the south limits are at: 43.948962, -95.440897. The project is located in Bank Service Area 8.

DESCRIPTION OF PROJECT: Proposed road improvements would include grading, shoulder widening, bituminous surfacing, and centerline culvert extensions to accommodate the widened roadway. Two bridges (box culverts), 89520 and 89521, would also be replaced to accommodate additional roadway width. CSAH 7 is a 2-lane undivided rural design major collector. The roadway currently has 12' bituminous paved driving lanes with 2' aggregate shoulders. The existing roadway is deficient in shoulder width, recovery area, horizontal curve radius, and structural strength, and requires rising maintenance costs to maintain the existing roadway. Additionally, the existing box culverts need to be replaced to meet current minimum shoulder width and recovery area standards.

The purpose of the project is to provide a level of service consistent with the transportation needs of area residents and traveling public. Additionally, the project would improve public safety by providing a highway that conforms to current minimum standards for width, structural load, alignment, and recovery area. The proposed design maintains the existing horizontal alignment except in the horizontal curves near Oaks Lake which have an increased radius to meet 55 mph design standards. The design meets minimum traffic safety requirements and is minimally disruptive to the surrounding area.

QUANTITY, TYPE, AND AREA OF FILL: Due to the proposed roadway widening and box culvert replacements the project would impact aquatic resources. These impacts would include grading and fill in wetlands, a lake and two tributaries along the project corridor. Aquatic resources proposed to be impacted include the Des Moines River and Oaks Lake associated with the replacement of box culvert 89520, an unnamed stream for the replacement of box

culvert 89521, Oaks Lake for roadway realignment and widening, as well as various wetlands within project boundaries.

The proposed project would result in the permanent discharge of fill material into 4.28 acres of wetland, 0.43 acre of lakebed, and along approximately 219 linear feet (into 0.10 acre) of streambed located below the ordinary high water mark (OHWM) of two tributary features within the project corridor. Excavation work along the project corridor would result in the permanent discharge of dredged material into 0.45 acre of wetland and 146 square feet of lakebed. In addition, the project would result in the temporary discharge of fill material into 0.05 acre of wetland and streambed. Lastly, the project would also result in the discharge of dredged and fill material into 1.52 acres of linear ditch type wetlands that are likely not jurisdictional features. More details about proposed impacts are provided in the attached tables and figures labeled as 2019-02359-MMJ, Public Notice Figures 1-19. Permanent impacts would result from road widening, 1:4 slope correction areas within the roadway clear zone, and ditch re-grading. Temporary impacts are a result from area that may be needed for constructability to replace culverts or install riprap.

VEGETATION IN AFFECTED AREA: The wetlands within the project area consist of fresh (wet) meadow (Type 2) wetlands, shallow open water (Type 5) wetland, shrub-carr (Type 6) wetlands, hardwood swamp (Type 7) wetlands. An aquatic resource delineation was completed along the project corridor in 2018, which identified the majority of the wetland features within the corridor as roadside ditches that are single-community, saturated palustrine emergent wetlands dominated by reed canary grass (*Phalaris arundinacea*). Eight of the mapped wetlands within the project area are complexes that generally include a palustrine emergent wetland community surrounding a permanently flooded, open waterbody. The streams proposed to be impacted are both perennial features.

SOURCE OF FILL MATERIAL: Cottonwood County and its contractors would be required to use suitable fill material free of pollutants.

SURROUNDING LAND USE: Surrounding land uses primarily include transportation (right-of-way), agricultural/open space, and residential uses.

DESCRIPTION OF DREDGING OR EXCAVATION: The proposed impacts do not include any dredging or excavation activities.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: The applicant does not propose to use any potentially toxic materials. All fill material used on-site would be free of contaminates.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Cottonwood County has not provided a detailed description of precautions to protect water quality during the construction of the proposed project. Cottonwood County intends to implement best management practices in accordance with federal, state, and local water quality and effluent standards.

MITIGATION: Appropriate compensatory mitigation would be required to offset the unavoidable impacts to waters of the U.S. Cottonwood County proposes to satisfy those requirements by debiting Corps-approved wetland credits from a mitigation bank, via the Minnesota Board of Water and Soil Resource's Local Government Road Wetland Replacement Program (LGRWRP).

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, Cottonwood 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.

Prairie Bush Clover Native prairie on well-drained soils.

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 identified in Regulatory Guidance Letter 16-01.

5. 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 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

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.

9. 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.

Regulatory Branch (File No. 2019-02359-MMJ)

Replies may be addressed to:

Regulatory Branch c/o Melissa Jenny

St. Paul District Corps of Engineers 180 Fifth Street East, Suite 700 St. Paul, MN 55101-1678

OR emailed to: Melissa.m.jenny@usace.army.mil

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Melissa Jenny at the St. Paul office of the Corps, telephone number (651) 290-5363, or email at Melissa.m.jenny@usace.army.mil.

To receive Public Notices by e-mail, go to: http://mvp-extstp/list_server/ and add your information in the New Registration Box.

Desiree Morningstar Chief Technical Services Branch

Enclosures: MVP-2019-02359-MMJ; SP 017-070-004, CSAH 7 Public Notice Figures 1-19.

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

S.A.P. 017-607-021, S.P. 017-070-004 (CSAH 7) - AQUATIC RESOURCE IMPACT SUMMARY - WCA/COE/DNR WETLANDS

		Permanent Impacts							Temporary Impacts				
Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary, etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T)	Size of Impact	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T)	Size of Impact	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T)	Size of Impact	Overall Size of Aquatic Resource	Existing Plant Community Type(s) in Impact Area	County, Major Watershed #, and Bank Service Area # of Impact Area
w-18009-003	Wetland	fill	Р	0.06 Acre							N/A	Type 2	Cottonwood, MW 51, BSA 8
w-18009-004	Wetland	fill	Р	0.40 Acre	excavate	Р	0.02 Acre				N/A	Type 2	Cottonwood, MW 51, BSA 8
w-18009-005	Wetland	fill	Р	0.35 Acre	excavate	Р	0.01 Acre				N/A	Type 2	Cottonwood, MW 51, BSA 8
w-18009-006	Wetland	fill	Р	0.25 Acre							N/A	Type 3	Cottonwood, MW 51, BSA 8
w-18009-007	Wetland	fill	Р	0.26 Acre	excavate	Р	138 Sq Ft				N/A	Type 2	Cottonwood, MW 51, BSA 8
w-18009-008	Wetland	fill	Р	0.01 Acre							N/A	Type 3	Cottonwood, MW 51, BSA 8
w-18009-009	Wetland	fill	Р	0.07 Acre							N/A	Type 2	Cottonwood, MW 51, BSA 8
w-18009-010	Wetland	fill	Р	264 Sq Ft							N/A	Type 2/6	Cottonwood, MW 51, BSA 8
w-18009-012	Wetland	fill	Р	0.26 Acre	excavate	Р	0.05 Acre				N/A	Type 3	Cottonwood, MW 51, BSA 8
w-18009-012	Lake	fill	Р	0.09 Acre	excavate	Р	146 Sq Ft				N/A	Type 5	Cottonwood, MW 51, BSA 8
w-18009-013	Wetland (Type 3)	fill	Р	0.71 Acre	excavate	Р	0.03 Acre				N/A	Type 3	Cottonwood, MW 51, BSA 8
w-18009-013	Wetland (Type 5)				excavate	Р	43 Sq Ft				N/A	Type 5	Cottonwood, MW 51, BSA 8
w-18009-014	Wetland	fill	Р	0.03 Acre	excavate	Р	0.04 Acre				N/A	Type 2	Cottonwood, MW 51, BSA 8
w-18009-015	Wetland (Type 2)	fill	Р	0.10 Acre	excavate	Р	138 Sq Ft				N/A	Type 2	Cottonwood, MW 51, BSA 8
w-18009-015	Wetland (Type 5)	fill	Р	0.10 Acre							N/A	Type 5	Cottonwood, MW 51, BSA 8
w-18009-016	Wetland	fill	Р	0.07 Acre	excavate	Р	0.03 Acre				N/A	Type 2	Cottonwood, MW 51, BSA 8
w-18009-017	Wetland	fill	Р	0.19 Acre	excavate	Р	0.01 Acre				N/A	Type 2/5	Cottonwood, MW 51, BSA 8
w-18009-019	Wetland	fill	Р	0.35 Acre							N/A	Type 2/7	Cottonwood, MW 51, BSA 8
w-18009-019	Lake	fill	Р	0.34 Acre				fill	T (85 days)	0.02 Acre	N/A	Type 5	Cottonwood, MW 51, BSA 8
w-18009-020	Wetland (Type 3)	fill	Р	0.36 Acre				fill	T (85 days)	0.02 Acre	N/A	Type 3	Cottonwood, MW 51, BSA 8
w-18009-020	Wetland (Type 7)	fill	Р	0.20 Acre							N/A	Type 7	Cottonwood, MW 51, BSA 8
s-18009-004	River	fill	Р	0.01 Acre (31) (Lin FT)				fill	T (85 days)	247 Sq Ft (13) (Lin FT)	N/A	R2UB	Cottonwood, MW 51, BSA 8
w-18009-021	Wetland	fill	Р	0.02 Acre							N/A	Type 2	Cottonwood, MW 51, BSA 8

S.A.P. 017-607-021, S.P. 017-070-004 (CSAH 7) - AQUATIC RESOURCE IMPACT SUMMARY - WCA/COE/DNR WETLANDS

		Permanent Impacts						Temporary Impacts					
	Aquatic Resource Type (wetland, lake, tributary, etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T)	Size of Impact	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T)	Size of Impact	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T)	Size of Impact	Overall Size of Aquatic Resource	Existing Plant Community Type(s) in Impact Area	51, BSA 8 Cottonwood, MW 51, BSA 8
w-18009-022	Wetland	fill	Р	0.01 Acre							N/A	Type 2	
w-18009-023	Wetland	fill	Р	302 Sq Ft	excavate	Р	0.02 Acre				N/A	Type 2	
w-18009-024	Wetland	fill	Р	0.02 Acre							N/A	Type 2	Cottonwood, MW 51, BSA 8
w-18009-025	Wetland	fill	Р	0.09 Acre				fill	T (85 days)	0.01 Acre	N/A	Type 2	Cottonwood, MW 51, BSA 8
w-18009-026	Wetland	fill	Р	0.02 Acre	excavate	Р	0.02 Acre				N/A	Type 2	,
w-18009-029	Wetland	fill	Р	0.11 Acre	excavate	Р	0.11 Acre				N/A	Type 2	Cottonwood, MW 51, BSA 8
s-18009-009	Tributary	fill	Р	0.09 Acre (188) (Lin FT)				fill	T (85 days)	102 Sq Ft (5) (Lin FT)	N/A	R2UB	Cottonwood, MW 51, BSA 8
w-18009-030	Wetland	fill	Р	0.13 Acre	excavate	Р	0.04 Acre				N/A	Type 2/7	Cottonwood, MW 51, BSA 8
w-18009-035	Wetland	fill	Р	0.09 Acre	excavate	Р	0.07 Acre				N/A	Type 2	Cottonwood, MW 51, BSA 8
		Total Permanent Fill Impacts		4.81 Acre	Total Permanen Impac		0.45 Acre	Total Tempora	ry Impacts	0.05 Acre			

S.A.P. 017-607-021, S.P. 017-070-004 (CSAH 7) - TOTALS OF AREAS IMPACTED - WCA/COE/DNR WETLANDS

	Fresh (Wet) Meadow	Fresh (Wet) Meadow / Shallow, Open Water	Fresh (Wet) Meadow, Shrub-Carr	Fresh (Wet) Meadow, Hardwood Swamp	Shallow Marsh	Shallow, Open Water	Hardwood Swamp	River / Tributa ry		
	Type 2	Type 2/5	Type 2/6	Type 2/7	Type 3	Type 5	Type 7	R2UB		
Permanent Fill	Impacts							•		
SQ FT	74431	8255	264	20997	69126	22972	8902	4620		
Acres	1.71	0.19	0.01	0.48	1.59	0.53	0.20	0.11		
Permanent Exc	avation Impa	cts								
SQ FT	13867	526	0	1624	3230	189	0	0		
Acres	0.32	0.01	0.00	0.04	0.07	0.00	0.00	0.00		
Temporary Impacts										
SQ FT	456	0	0	0	682	747	0	350		
Acres	0.01	0.00	0.00	0.00	0.02	0.02	0.00	0.01		
Totals (Acres)	2.04	0.20	0.01	0.52	1.68	0.55	0.20	0.11		

S.A.P. 017-607-021, S.P. 017-070-004 (CSAH 7) - AQUATIC RESOURCE IMPACT SUMMARY - COE WET DITCHES

						County,				
Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary, etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T)	Size of Impact	Type of Impact (fill, excavate, drain, or remove vegetation)	Duratio n of Impact Permanent (P) or Temporary (T)	Size of Impact	Overall Size of Aquatic Resource	Existing Plant Community Type(s) in Impact Area	hed #, and Bank Service
w-18009-001	Ditch	fill	Р	0.02 Acre				N/A	Type 2	ood,
w-18009-002	Ditch	fill	Р	0.01 Acre				N/A	Type 2	ood,
w-18009-003	Ditch	fill	Р	0.05 Acre				N/A	Type 2	ood,
w-18009-004	Ditch	fill	Р	0.05 Acre	excavate	Р	0.03 Acre	N/A	Type 2	ood,
w-18009-008	Ditch	fill	Р	0.01 Acre				N/A	Type 3	ood,
w-18009-011	Ditch	fill	Р	0.19 Acre	excavate	Р	0.02 Acre	N/A	Type 2	ood,
w-18009-012	Ditch	fill	Р	0.08 Acre				N/A	Type 3	ood,
w-18009-013	Ditch	fill	Р	301 Sq Ft				N/A	Type 3	ood,
w-18009-014	Ditch	fill	Р	358 Sq Ft	excavate	Р	416 Sq Ft	N/A	Type 2	ood,
w-18009-015	Ditch	fill	Р	0.05 Acre	excavate	Р	253 Sq Ft	N/A	Type 2	ood,
w-18009-016	Ditch	fill	Р	0.08 Acre	excavate	Р	0.02 Acre	N/A	Type 2	ood,
w-18009-017	Ditch	fill	Р	0.10 Acre	excavate	Р	0.11 Acre	N/A	Type 2/5	ood,
w-18009-018	Ditch	fill	Р	0.05 Acre	excavate	Р	230 Sq Ft	N/A	Type 2	ood,
w-18009-027	Ditch	fill	Р	286 Sq Ft				N/A	Type 2	ood,
w-18009-028	Ditch	fill	Р	0.04 Acre	excavate	Р	0.05 Acre	N/A	Type 2	ood,

S.A.P. 017-607-021, S.P. 017-070-004 (CSAH 7) - AQUATIC RESOURCE IMPACT SUMMARY - COE WET DITCHES

							County,			
Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary, etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T)	Size of Impact	Type of Impact (fill, excavate, drain, or remove vegetation)	Duratio n of Impact Permanent (P) or Temporary (T)	Size of Impact	Overall Size of Aquatic Resource	Existing Plant Community Type(s) in Impact Area	hed #, and Bank Service
w-18009-029	Ditch	fill	Р	0.09 Acre	excavate	Р	0.18 Acre	N/A	Type 2	ood,
w-18009-035	Ditch	fill	Р	0.09 Acre	excavate	Р	0.09 Acre	N/A	Type 2	ood,
w-18009-036	Ditch	fill	Р	0.02 Acre	excavate	Р	0.03 Acre	N/A	Type 2	ood,
w-18009-037	Ditch	fill	Р	0.02 Acre	excavate	Р	159 Sq Ft	N/A	Type 2	ood,
		Total Permanent	Fill Impacts	0.97 Acre	Total Permar Excavation Im		0.55 Acre			

S.A.P. 017-607-021, S.P. 017-070-004 (CSAH 7) - TOTALS OF AREAS IMPACTED - COE WET DITCHES

	Fresh (Wet) Meadow	Fresh (Wet) Meadow / Shallow, Open Water	Shallow Marsh						
	Type 2	Type 2/5	Type 3						
Permanent Fill	Impacts								
SQ FT	33915	4283	4253						
Acres	0.78	0.10	0.10						
Permanent Exc	cavation Impa	cts							
SQ FT	19105	4655	0						
Acres	0.44	0.11	0.00						
Temporary Imp	Temporary Impacts								
SQ FT	0	0	0						
Acres	0.00	0.00	0.00						
Totals (Acres)	1.22	0.21	0.10						

























