



**US Army Corps
of Engineers**
St Paul District

APPLICANT: City of Winsted

Public Notice

ISSUED: March 14, 2023
EXPIRES: March 29, 2023

REFER TO: MVP-2020-00739-MMG

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO permanently discharge fill material within 1.94 acres and temporarily discharge of dredged and fill material within 0.39 acres of wetlands for the purpose of constructing a 2,500 linear foot segment of CSAH 5 from CSAH 1(6th Street S) to CSAH 9 (Kingsley Street).

2. SPECIFIC INFORMATION

AGENT Brandon Bohks
Bolton & Menk, Inc.
3507 High Point Drive North
Oakdale, MN 55128

PROJECT LOCATION: The project site is located in Section 11 & 14, Township 117 North, Range 27 West, McLeod County, Minnesota. The approximate UTM coordinates are N 17307.331, E 4977820.608. Latitude 44.949011, Longitude -94.048266.

DESCRIPTION OF PROJECT: The proposed project involves new construction of an approximately 2,500 linear foot long segment of CSAH 5 from CSAH 1(6th Street S) to CSAH 9 (Kingsley Street) in Winsted, Minnesota. This segment is intended to address long term transportation needs in the community. The proposed extension is a three-lane urban roadway with two 11-foot driving lanes, a 14-foot two-way left turn lane, 2-foot shoulders and 2-foot curb and gutter resulting in an overall 100-foot wide right-of-way for the extension.

QUANTITY, TYPE, AND AREA OF FILL: The proposed project involves a total of 1.94 acres of permanent wetland fill impacts. 0.13 acres of permanent fill are proposed in one actively farmed wetland and 1.81 acres of permanent fill are proposed in a second wetland.

VEGETATION IN AFFECTED AREA: 1.81 acres of permanent fill are proposed in fresh (wet) meadow wetland and 0.13 acres of permanent fill are proposed in farmed wetlands.

SOURCE OF FILL MATERIAL: Unknown

SURROUNDING LAND USE: The surrounding area consists of primarily agriculture and commercial development with additional commercial development anticipated. There are two wetland basins classified as fresh (wet) meadow and farmed wetland that are each adjacent to an offsite unnamed ditch that drains to Crane Creek.

DESCRIPTION OF STRUCTURE: The proposed roadway is a three-lane urban roadway with two 11-foot driving lanes, a 14-foot two-way left turn lane, 2-foot shoulders and 2-foot curb and gutter resulting in an overall 100-foot wide right-of-way for the extension.

DESCRIPTION OF DREDGING OR EXCAVATION: N/A

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: None identified

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The following areas were changes made to reduce the total wetland impact of this project:

- A 1:4 in slope rate is proposed along the Wetland 2 portion of the proposed roadway corridor.

MITIGATION: For the total of 1.94 acres of permanent wetland impacts, the applicant proposes to withdraw 3.88 credits. Compensatory mitigation for permanent impacts to wetlands has been secured and purchased through withdrawal of credits from an established wetland mitigation bank account owned by Burns & McDonnell Engineering Company, Inc. (Bank Sponsor) called the North Fork Crow River Mitigation Bank (Bank Account #1776) located within BSA 7, which is the same BSA as the wetland impacts requiring mitigation. For this reason, a 2:1 ratio was used to calculate the number of credits purchased.

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, this project location in McLeod 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.
Tri-colored Bat	Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Monarch Butterfly	Native prairie habitat with milkweed.

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.

The Minnesota State Historic Preservation Office archeological GIS database was utilized to review the historic structures and archaeological sites. There is one historic structure, a farmhouse, approximately 0.3 miles from the permit area and will not be directly impacted by the proposed activity.

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

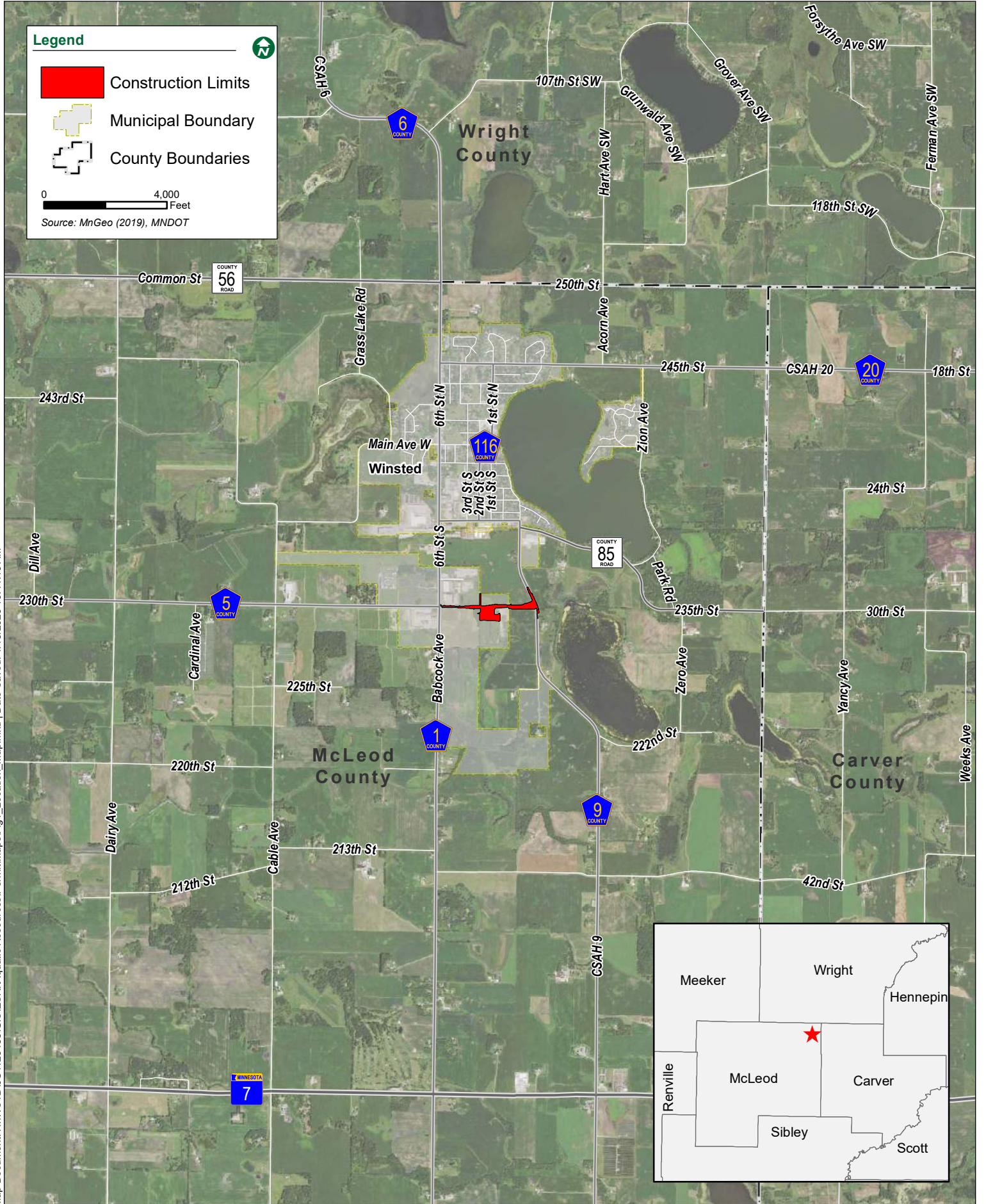
Interested parties are invited to submit to this office written facts, arguments, or objections by the expiration date indicated above. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be sent to Matt Groshek at matthew.m.groshek@usace.army.mil.

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Matt Groshek at the Brookfield, WI office at 651-290-5732 or matthew.m.groshek@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: Project Figures



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