



US Army Corps
of Engineers
St Paul District

APPLICANT:

Corey Steinbach – L&S
Investing

Public Notice

ISSUED: November 16, 2021

EXPIRES: December 01, 2021

REFER TO:

MVP-2021-00686-LSP

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO permanently discharge fill into 1.05 acres of wetlands adjacent to the Rainy River.

2. SPECIFIC INFORMATION

AGENT

Joey Goeden
Widseth
610 Fillmore Street
Alexandria, Minnesota 56308

PROJECT LOCATION: The project site is located in Section 18, Township 161 North, Range 31 West, Lake of the Woods County, Minnesota. The approximate UTM coordinates are N 5403700.52013, E 375678.279972. Latitude 48.77388, Longitude -94.692104.

DESCRIPTION OF PROJECT: The applicant is proposing to create a residential subdivision by dividing an existing property into several residential building lots. The proposed fill in wetlands would be necessary to extend an existing access road and construct four driveways to access new lots within the parcel.

QUANTITY, TYPE, AND AREA OF FILL: The proposed project would involve the discharge of fill into approximately 1.05 acres of wetlands. The proposed fill would consist of clean fill for the construction of an access road and driveways. The proposed locations of fill are shown on the attached drawing labeled MVP-2021-00686-LSP Page 1 of 2 through Page 2 of 2.

VEGETATION IN AFFECTED AREA: Vegetation in the affected areas primarily consist of forested wetland. In this portion of the state, forested wetlands are typically dominated by black ash, balsam fir and various willow and alder species. Understory is variable, but is typically dominated by wetland forbs and sedges.

SOURCE OF FILL MATERIAL: Fill material will be obtained from local aggregate suppliers.

SURROUNDING LAND USE: The parcel is located in a rural portion of Lake of the Woods County. The area is surrounded by small agricultural operations and rural residential properties and seasonal residences.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: This project will utilize typical construction equipment and materials such as bulldozers and graders. This equipment will utilize diesel fuel and various hydraulic fluids. The applicant has not identified any other toxic materials that may be present at the site.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The project will disturb greater than one acre of land,

so the applicant will be required to obtain an NPDES construction stormwater permit and create a storm water pollution prevention plan which will include details of measures taken to protect water quality during construction.

MITIGATION: The applicant has proposed to purchase wetland credits from a Corps approved wetland bank within the same bank service area.

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, Lake of the Woods 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.
Canada Lynx	The distribution of lynx in North America is closely associated with the distribution of North American boreal forest. Canada Lynx tend to inhabit boreal forest that receives heavy snowfall with high density populations of snowshoe hare.
Monarch Butterfly	Candidate Species. The Monarch Butterfly requires the presence of nectar bearing plants and certain species of milkweed for successful completion of their life cycle.

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. STATE SECTION 401 WATER QUALITY CERTIFICATION

A permit will not be granted until the Minnesota Pollution Control Agency 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:
Larry Puchalski
Bemidji Regulatory Field Office
4111 Technology Drive NW
Suite 295
Bemidji, Minnesota 56601
Lawrence.S.Puchalski@usace.army.mil

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Larry Puchalski at the Bemidji field office at 651-290-5339 or Lawrence.S.Puchalski@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:

FIGURE 3 - WETLAND IMPACTS DRIFTWOOD ACRES

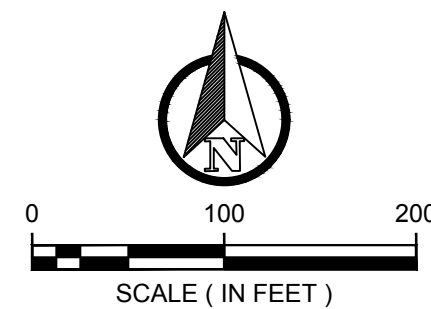
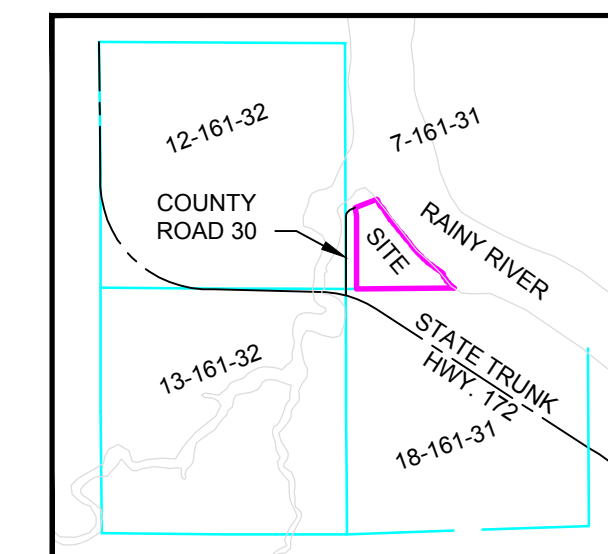
**PART OF GOVT. LOTS 3, 4, & 5, SEC. 7, T. 161 N., R. 31 W.
OF THE FIFTH PRINCIPAL MERIDIAN, LAKE OF THE
WOODS COUNTY, MINNESOTA.**



LEGEND

- | | |
|---|----------------------------|
|  | ROAD WAY EASEMENT |
|  | PLAT BOUNDARY |
|  | LOT LINES |
|  | WETLAND AREA |
|  | PROPOSED CULVERT LOCATIONS |
|  | WETLAND IMPACT AREA |

VICINITY MAP (NOT TO SCALE)



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE
LAKE OF THE WOODS COUNTY COORDINATE SYSTEM NAD 83
VERTICAL DATUM= NAVD 88

PRELIMINARY PLAT OF
DRIFTWOOD ACRES
PART OF GOVT. LOTS 3, 4, & 5, SEC. 7, T. 161 N., R. 31 W.
OF THE FIFTH PRINCIPAL MERIDIAN, LAKE OF THE
WOODS COUNTY, MINNESOTA.

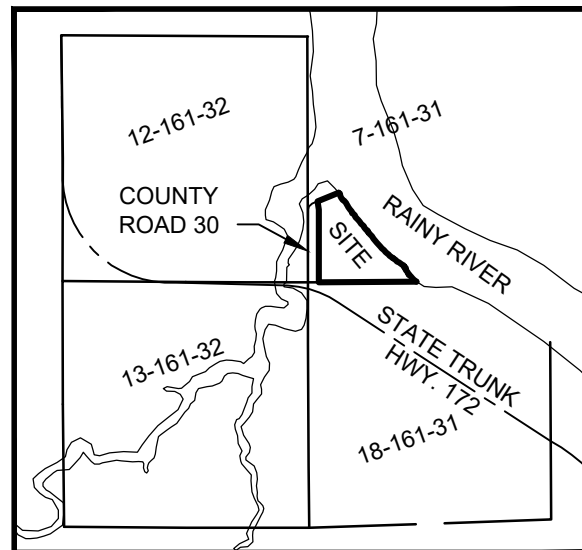
LEGEND

- = DENOTES EXISTING BUILDING
- = DENOTES PROPOSED HOME > 2,500 SQ. FT.
- = DENOTES PROPOSED 3,000 SQ. FT. PRIMARY SEPTIC MOUND
- = DENOTES PROPOSED 3,000 SQ. FT. ALTERNATE SEPTIC MOUND
- = DENOTES FLOWAGE EASEMENT ELEVATION = 1064.74 NAVD 88
- = DENOTES BUILDING SETBACK LINE
- = DENOTES WETLAND LINE

PRELIMINARY PLAT FOR DRIFTWOOD ACRES
GOVT. LOTS 3,4,5, SEC. 7, T. 161 N., R. 31 W. OF THE
5TH P.M. LAKE OF THE WOODS COUNTY, MINNESOTA.
Lake of the Woods PID No. 24-0732-009
Owner: L&S Investing, LLC
Representative:
Corey Steinbach
38866 Beach Street Warroad, MN 56763
Phone: 218-790-3331

SURVEYED & PREPARED BY:
WIDSETH
216 South Main ST
Crookston, MN 56716
Phone: 218-281-6522
Surveyor: Garrett R. Borowicz
P.L.S. 45365
Prepared: July 21, 2021

VICINITY MAP (NOT TO SCALE)



KNOW ALL PERSONS BY THESE PRESENTS: That L & S Investing, LLC, a limited liability company under the laws of the State of Minnesota is the owner, and Security Bank USA, its successors and assigns, is the mortgagee of the following described property situated in Lake of the Woods County, Minnesota, to-wit:

Government Lots 3, 4, and 5, Section 7, Township 161 North, Range 31, West of the 5th Principal Meridian, Minnesota, EXCEPTING THEREFROM the following tract:
Beginning at Cedar post at High Water Mark on arm of Rainy River (known as Wabanica Bay) North 46 degrees 57 minutes East (Va. 9°) 2.79 chains from Meander Corner No. 13 on Range Line West boundary of Government Lot 3, Section 7-161N-31W 5th, going South 35 degrees 10 minutes East 4.18 chains; thence North 64 degrees 25 minutes East 5.22 chains to High Water Mark on Rainy River; thence following Rainy River in direction as follows: North 31 degrees 08 minutes West 3.81 chains; thence North 66 degrees 32 minutes West 1.56 chains; thence South 71 degrees 07 minutes West 1.43 chains; thence South 45 degrees 57 minutes West 3.27 chains to point of beginning; described land lying all in Govt Lot 3, Section 7, Township 161 North, Range 31 West, and containing 2.53 acres, more or less.

AND EXCEPT

All that part of Government Lot 3, Section 7, Township 161 North, Range 31, West of the 5th Principal Meridian, lying North of the centerline of the Road which begins at a point 1600 feet North of the Southwest corner of said Section 7 and extends in an East-North-Easterly direction to the Rainy River, the tangent of said road intersects the west line of above said Section 7 at a point about 1650 feet North of the above said Southwest corner of Section 7 and makes a deflection angle from the said Section-line (from North to East) of about 68 degrees 18 minutes; EXCEPT the approximately 2.53 acre tract described in the first Exception. This tract of land lies wholly within Govt Lot 3, Section 7, Township 161 North, Range 31 West, and contains a calculated area of 1.73 acres, more or less.

AND EXCEPT

That part of Government Lot 3, Section 7, Township 161 North, Range 31, West of the 5th Principal Meridian, platted as WABANICA WOODS SUBDIVISION as described in Document No. 64194 recorded in Lake of the Woods County, Minnesota, on October 28, 1996.

AND EXCEPT

That part of Government Lot 3, Section 7, Township 161 North, Range 31, West of the 5th Principal Meridian, Minnesota lying Northerly of Lot 11, Block 1, Plat of WABANICA WOODS SUBDIVISION, AND lying Southeasterly of the southeasterly right-of-way of County Road No. 197, AND lying Westerly of the following described line: Beginning at the Northeast corner of said Lot 11; thence North 7 degrees 52 minutes 14 seconds West a distance of 155.50 feet, more or less, to the southeasterly right-of-way line of said County Road No. 197, and there terminate. Containing approximately 0.46 acre.

Has caused the same to be surveyed and platted as **DRIFTWOOD ACRES** and does hereby dedicate to the public for public use the public way(s) and/or the drainage and utility easement(s) as created by this plat.

In witness whereof said L & S Investing, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ____ day of ____, 20__.

Signed: L & S Investing, LLC

Corey Steinbach, Managing Member Noah Lorensen, Managing Member

STATE OF _____
COUNTY OF _____

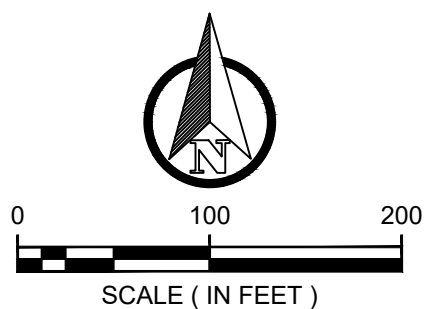
This instrument was acknowledged before me on _____ by Corey Steinbach, Managing Member of L & S Investing, LLC, a Minnesota limited liability company.

Notary Public, _____
My Commission Expires _____

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____ by Noah Lorensen, Managing Member of L & S Investing, LLC, a Minnesota limited liability company.

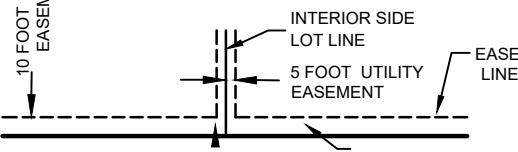
Notary Public, _____
My Commission Expires _____



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE LAKE OF THE WOODS COUNTY COORDINATE SYSTEM NAD 83 VERTICAL DATUM- NAVD 88

- = DENOTES FOUND IRON MONUMENT
● = DENOTES 5/8 INCH DIAMETER BY 18 INCH LONG IRON PIPE MONUMENT SET AND MARKED RLS # 45365
▬ = DENOTES DELINEATED WETLAND

DRAINAGE AND UTILITY EASEMENT ARE SHOWN BELOW



DRAINAGE AND UTILITY EASEMENTS
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS: BEING 10 FEET IN WIDTH AND ADJOINING LOT LINES, UNLESS OTHERWISE INDICATED ON THE PLAT. DISTANCES SHOWN TO FEET (5, 10, ETC) ARE EXACT EXTRINSIC VALUES.

BUILDING SETBACKS FOR R1 ZONING DISTRICT

A Zoning Report was not provided to the surveyor, so we make no guarantees that the following information is correct. What we found through our research is the following:

Currently Zone R-1, Residential District (R-1)

Setbacks: Side Yard = 10', Ordinary Highwater 100'

LAND AREA ABOVE OHW

Total Area = 2,266,193± Sq. Ft.
Total Area = 52.02± Acres

MORTGAGEES:

In witness whereof said Security Bank USA, a Minnesota company, has caused these presents to be signed by its proper officer this ____ day of ____, 20__.

Signed: Security Bank USA

Carl Johnson, Underwriter

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____ by Carl Johnson, Underwriter of Security Bank USA, a Minnesota company.

Notary Public, _____
My Commission Expires _____

In witness whereof said Headwaters Regional Finance Corporation, a Minnesota company, has caused these presents to be signed by its proper officer this ____ day of ____, 20__.

Signed: Headwaters Regional Finance Corporation

Ryan Zemek, Executive Director

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____ by Ryan Zemek, Executive Director for Regional Finance Corporation, a Minnesota company.

Notary Public, _____
My Commission Expires _____

I Garrett R. Borowicz do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat, and all public ways are shown and labeled on this plat.

Dated this ____ day of ____, 20__.

Garrett R. Borowicz, Licensed Land Surveyor
Minnesota License No. 45365

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____ by Garrett R. Borowicz.

Notary Public, _____
My Commission Expires _____

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd.11, this plat has been reviewed and approved this ____ day of ____, 20__.

Chad Conner, County Surveyor

The County Board of Lake of the Woods County, Minnesota, this date does hereby approve this plat of DRIFTWOOD ACRES for subdivision, pursuant to Minnesota Statute 505.03, Subd. 2, we are in Conformance.

Chairperson of Lake of the Woods County,
MN, Bard of Commissioners

County Auditor/Treasurer,
Lake of the Woods County, MN

Approval for recording pursuant to Minnesota Statute 394, dated _____.

Zoning Administrator, Lake of the Woods County, MN

I hereby certify that all taxes for _____ on the land described herein are paid in full.

County Recorder, Lake of the Woods County, MN

No delinquent taxes due and transfer entered this ____ day of ____, 20__.

County Recorder, Lake of the Woods County, MN

I hereby certify that this instrument was filed in this office for record on the ____ day of ____, 20__, at ____ o'clock ____ m. and was duly recorded in Plat file, Slide No. ____, Instrument No. ____.

County Recorder, Lake of the Woods County, MN

- SURVEYOR'S NOTES**
- THE LOT ACREAGE DEPICTED WAS COMPUTED USING THE LAND LOCATED ABOVE THE OHW ELEVATION.
 - THE WETLANDS ON THE SUBJECT PROPERTY ARE SHOWN ACCORDING TO THE WETLAND DELINEATION COMPLETED BY JOEY GOEDEN, CERTIFIED WETLAND DELINEATOR NO. 1311. THE FIELD REVIEW WAS COMPLETED ON MAY 20, 2021. THE WETLAND DELINEATION APPLICATION WAS APPROVED JUNE 10, 2021.
 - THE HATCHED PORTION IS AREAS OF PROPOSED MITIGATION. THE AMOUNT OF TOTAL MITIGATED AREA IS STILL UNDER DETERMINATION.
- © 2021 WIDSETH