



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

APPLICANT:

Middle-Snake-Tamarack
Rivers Watershed District

Public Notice

ISSUED: May 05, 2022

EXPIRES: May 20, 2022

REFER TO:

MVP-2021-01549-LSP

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO permanently discharge fill material into 21.83 acres of wetlands adjacent to the Middle River for the construction of a flood damage reduction impoundment.

2. SPECIFIC INFORMATION

AGENT

Dillon Nelson
HDR Engineering
213 Labree Avenue North
Suite 203
Thief River Falls, MN 56701

PROJECT LOCATION: The project is located in Sections 27 and 33, Township 157 North, Range 44 West, Marshall County, Minnesota. The approximate UTM coordinates are N 5361706.39, E 697521.97. Latitude 48.379613, Longitude -96.331580.

DESCRIPTION OF PROJECT: The proposed project is the construction of a flood control impoundment on agricultural land that is currently enrolled in the CRP program. The impoundment will collect runoff water through a ditch system at the northeast corner and discharge the water slowly through a gated outlet structure in the southwest corner. The fill impacts associated with this project are for the construction of a flood control berm, interior and exterior ditch construction with clay liner, and borrow from within the impoundment for construction of the berm. These impacts are shown on the attached drawings showing the location of the impoundment and associated wetland impacts.

QUANTITY, TYPE, AND AREA OF FILL: This project would result in the discharge of fill material within approximately 10.59 acres of wetland for construction of the flood impoundment berm. Approximately 8.17 acres of wetland would be impacted by the construction of new ditch systems through wetlands located inside and outside of the impoundment. 3.07 acres of wetland have been identified as being located within borrow areas inside of the impoundment. The fill associated with this project will be excavated from the local soils in the immediate vicinity of the construction site.

VEGETATION IN AFFECTED AREA: The area proposed for this impoundment is an agricultural field that is currently enrolled in the CRP program. Under the CRP program, participants are required to utilize native seed mixes adapted to local conditions within the easement area. Vegetation within this area consists primarily of native prairie species adapted to growth in moist to seasonally saturated, sandy soils. Vegetation growing within intake ditches will be removed to re-establish the original grade of the ditches. This vegetation typically consists of cattails and reed canary grass along with various sedges and rushes adapted to growth in these habitats. Ditches will be periodically cleaned to maintain the hydraulic capacity of the ditch system.

SOURCE OF FILL MATERIAL: Fill material for this project will be excavated from native soils at the site.

SURROUNDING LAND USE: The surrounding area is dominated by medium to large agricultural operations and rural residences. The city of Newfolden is located immediately to the south of the proposed impoundment.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: The project will utilize heavy earthmoving equipment to construct the berm and excavate ditches and borrow areas. Diesel and gasoline to power various equipment will be located at the site. Hydraulic fluids will also be used at this site. No other potentially toxic materials have been identified as being used or stored at this location.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant will be required to obtain an NPDES construction stormwater permit and abide by the water quality measures described in the permit prior to conducting any earth moving activities. These measures typically involve the installation of sediment and erosion control measures such as silt fence and hay bales. The applicant will be required to stabilize exposed soils to reduce runoff into adjacent water bodies. As part of the NPDES construction stormwater permit, the applicant will be required to develop a storm water pollution prevention plan to prevent erosion and sedimentation in nearby waters. The applicant will also be required to develop a hazardous material handling and storage plan to ensure that hazardous materials are stored and used in a manner that will prevent them from entering local waterways.

MITIGATION: The applicant has proposed to purchase wetland credits from a federally approved wetland bank in the local 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, Marshall 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	Northern Boreal Forest. Within this forest type, lynx are most likely to persist in areas that receive deep snow and have high-density populations of snowshoe hares.
Monarch Butterfly	Open fields and native prairies that contain milkweed species for egg laying and as a caterpillar food source.

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

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. A Department of the Army 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 at 4111 Technology Drive NW, Suite 295, Bemidji, Minnesota, 56601.

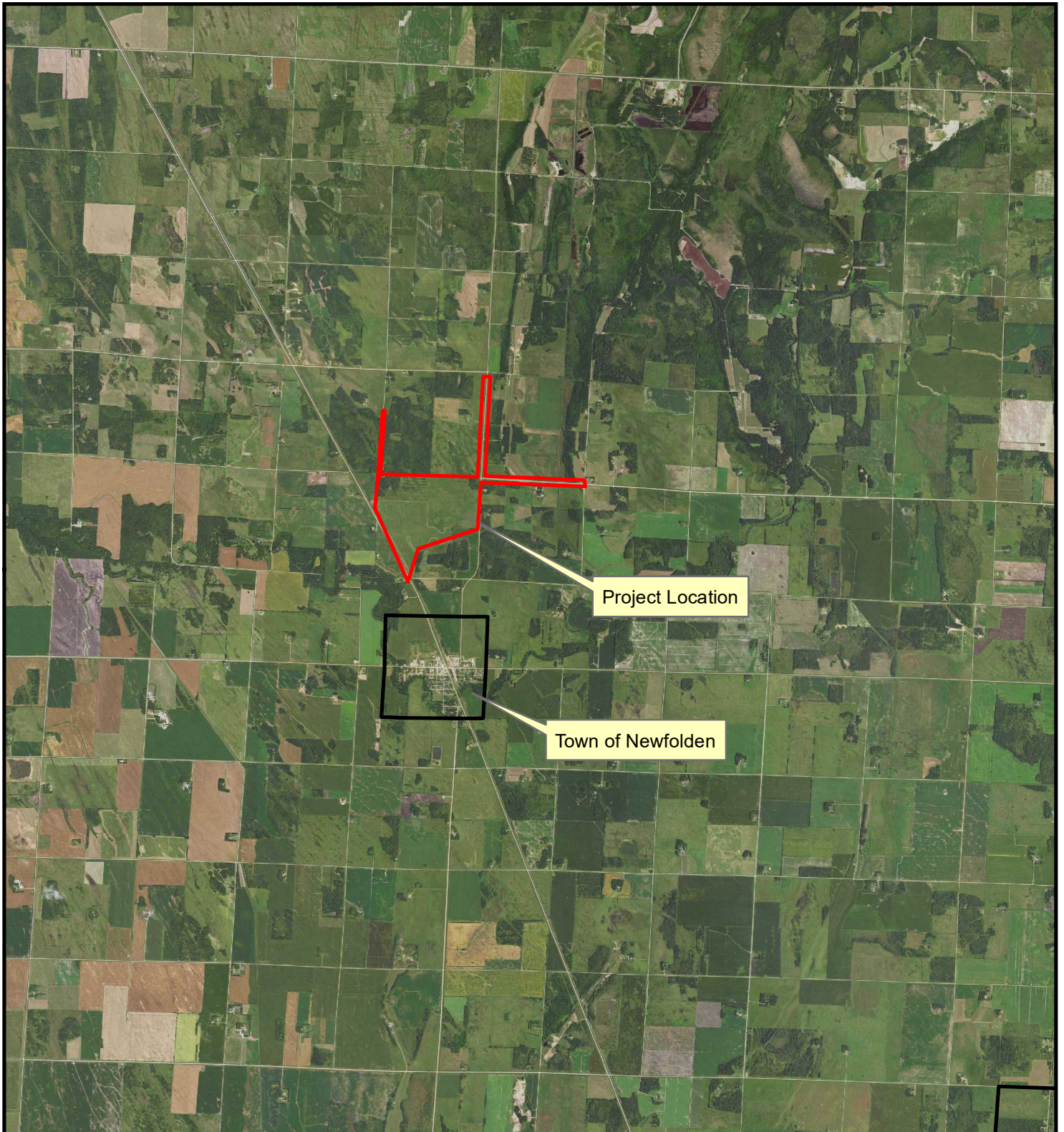
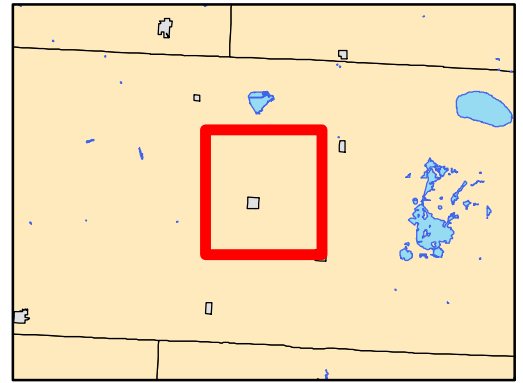
IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Larry Puchalski at the Bemidji Regulatory Field Office at (651) 290-5339 or Lawrence.S.Puchalski@usace.army.mil.

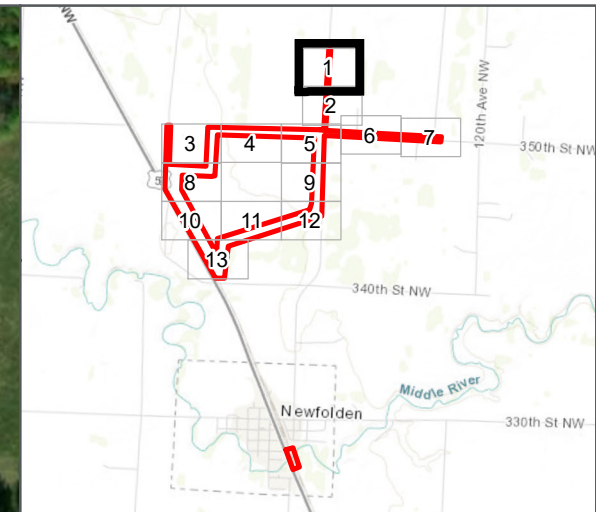
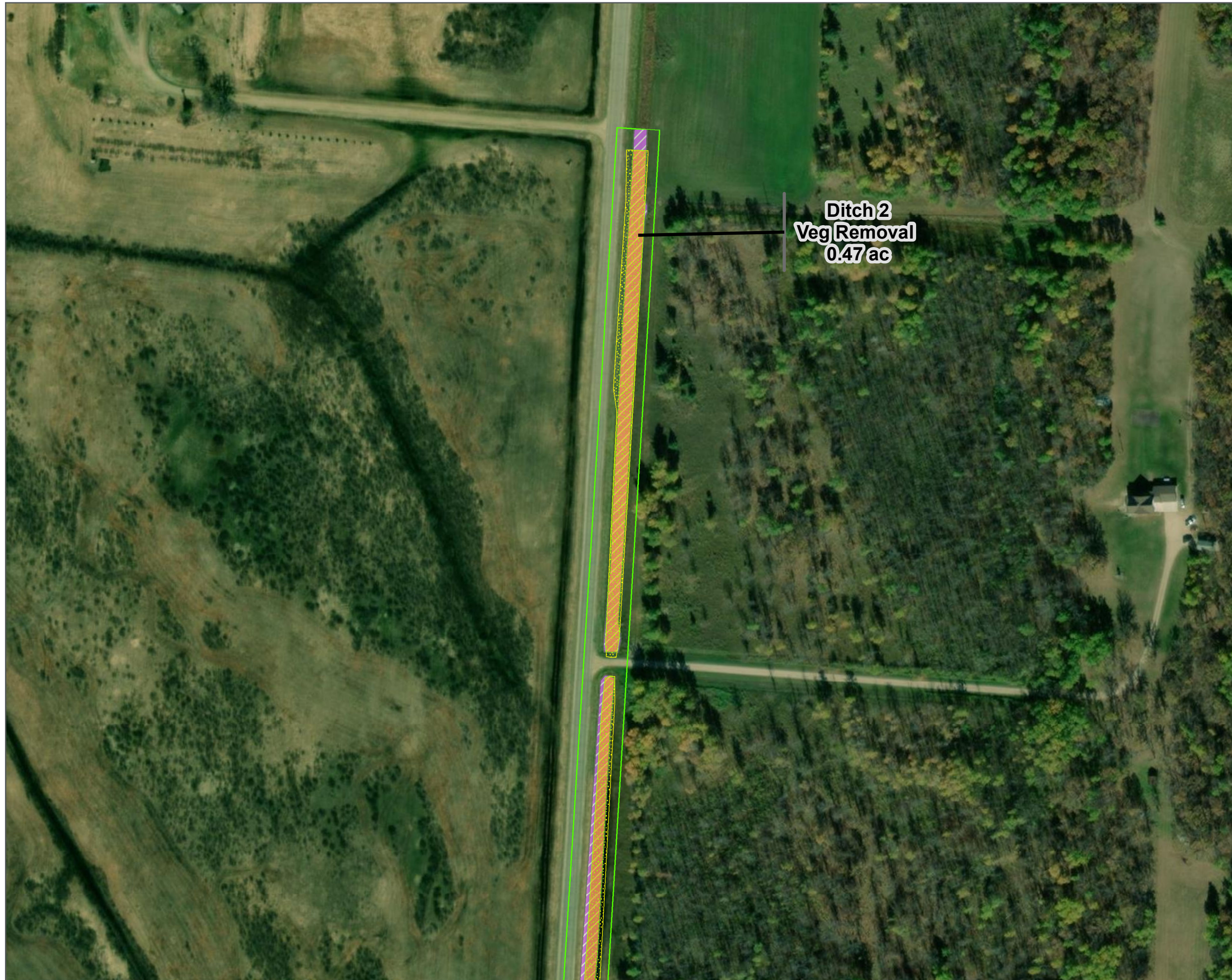
To receive Public Notice notifications, go to: <https://www.mvp.usace.army.mil/Contact/RSS/> and subscribe to the RSS Feed for which you would like to receive Public Notices.

Enclosures:

Location Map Review Area 2021-01549-LSP

Location of Project





LEGEND

- Project Area
- Borrow Area
- Levee Alignment
- New Drainage Alignment
- Borrow Excavation Impact
- Drainage Excavation
- Vegetation Removal
- Fill Impact

Delineated Feature

- Judicial Ditch
- River
- Wetland, Type 2, PEM
- Wetland, Type 6, PSS
- Wetland, Type 7, PFO
- Wetland, Type 1, PFO
- Ditch Wetland, Type 2, PEM
- Ditch Wetland, Type 3, PEM

JOINT PERMIT APPLICATION
WETLAND IMPACTS
NEWFOLDEN / MIDDLE RIVER SUBWATERSHED
FLOOD DAMAGE REDUCTION PROJECT
MARSHALL COUNTY, MINNESOTA

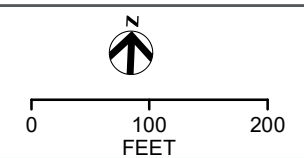
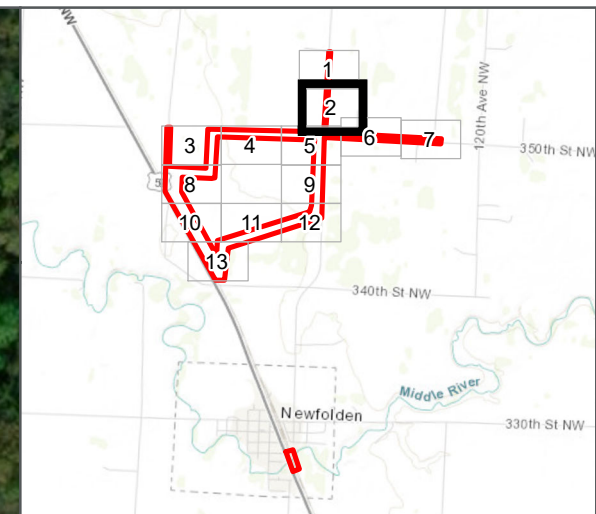


FIGURE 1



LEGEND

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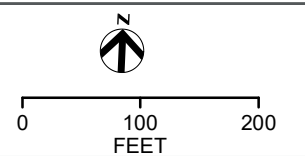
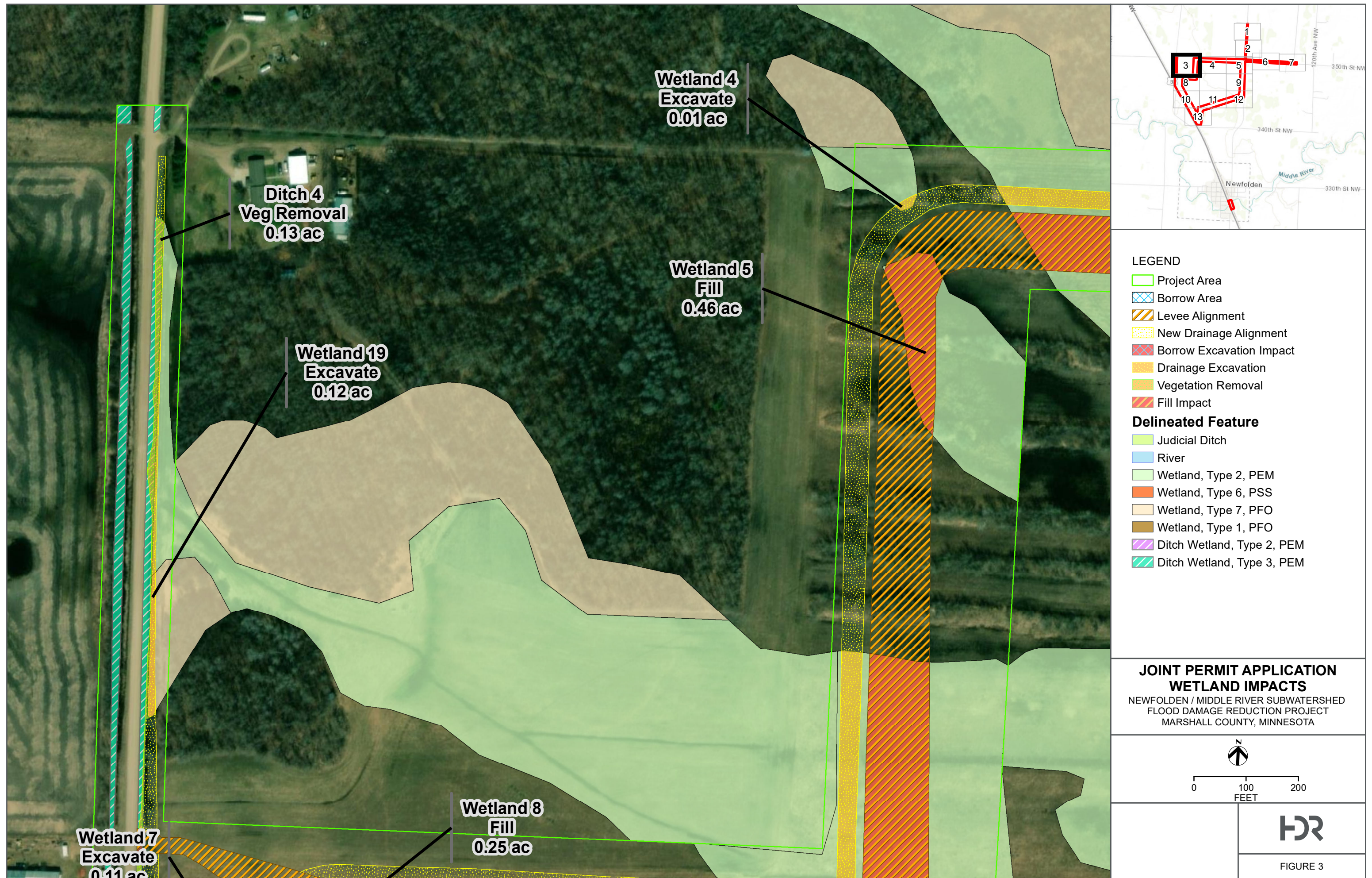
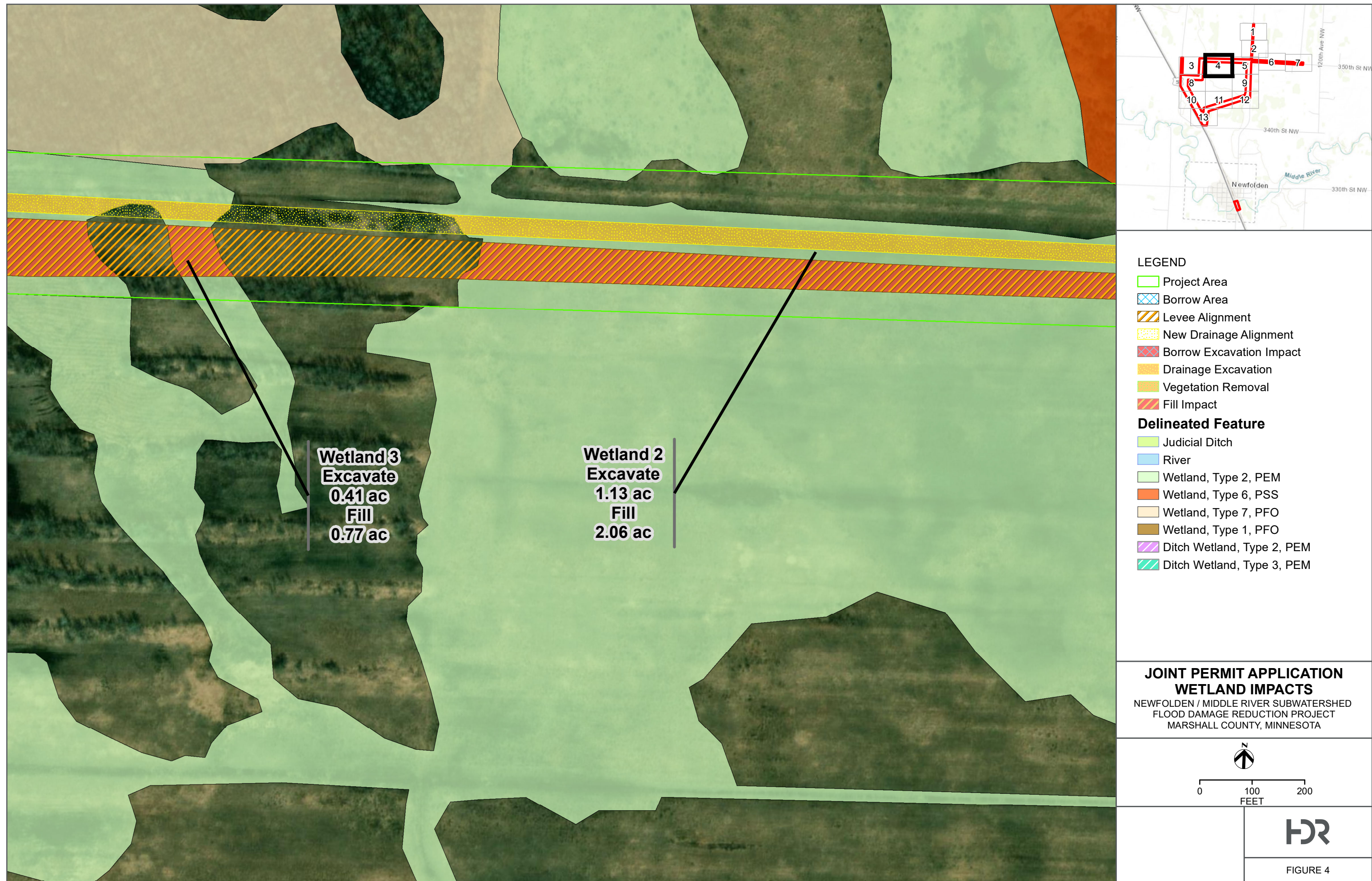
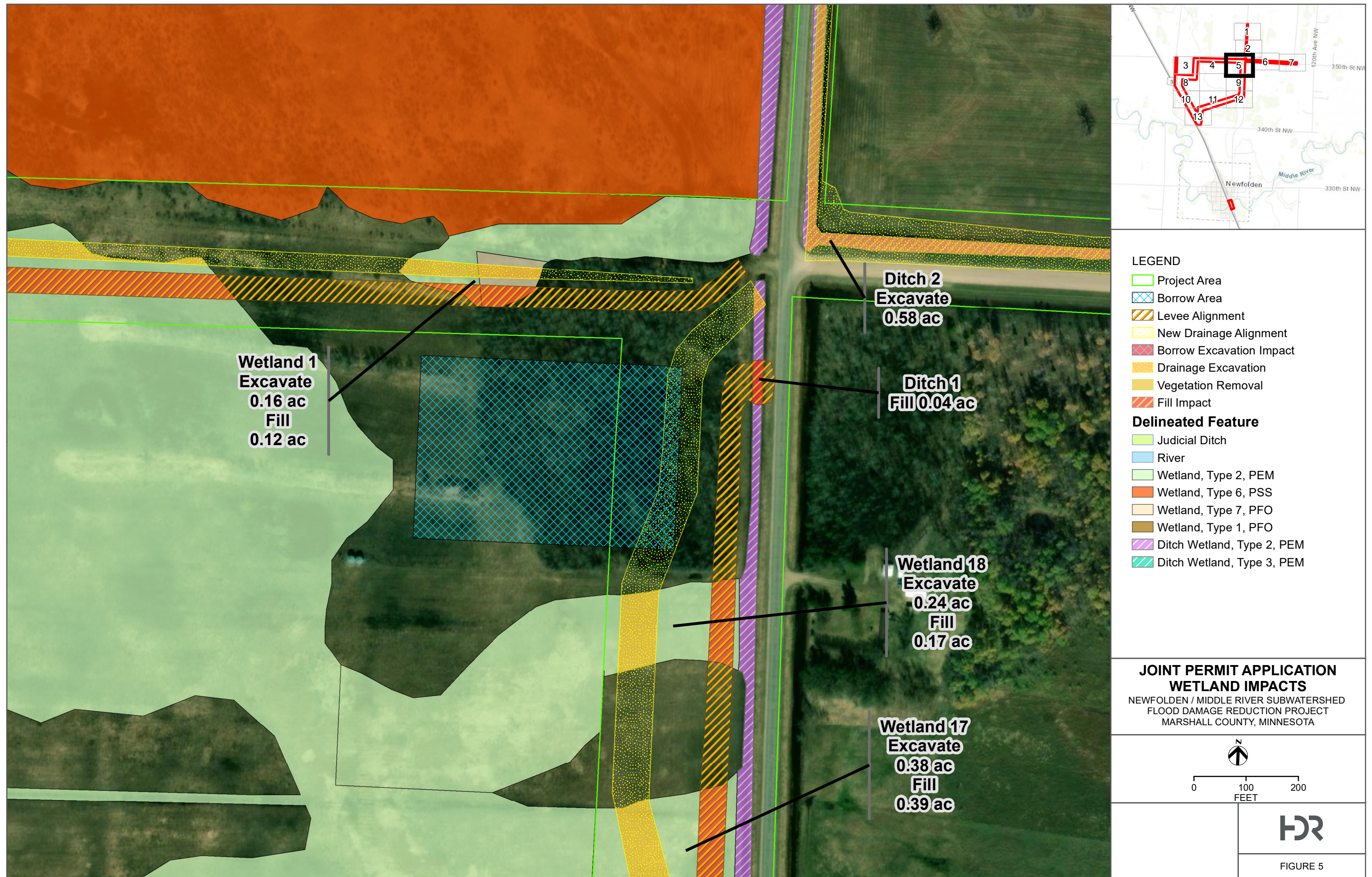
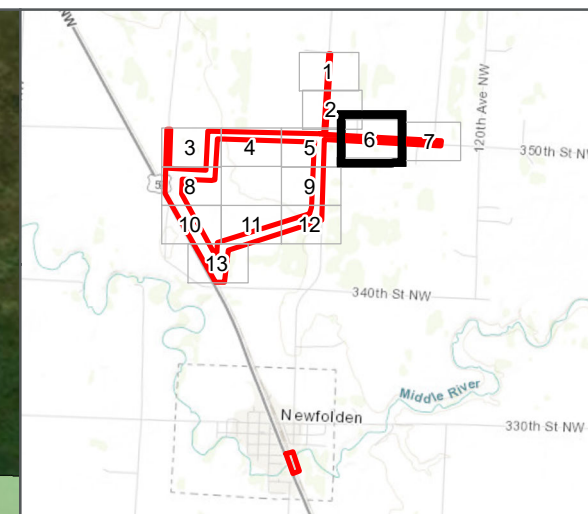


FIGURE 2









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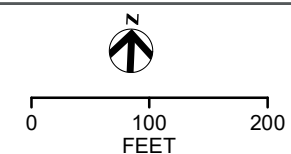
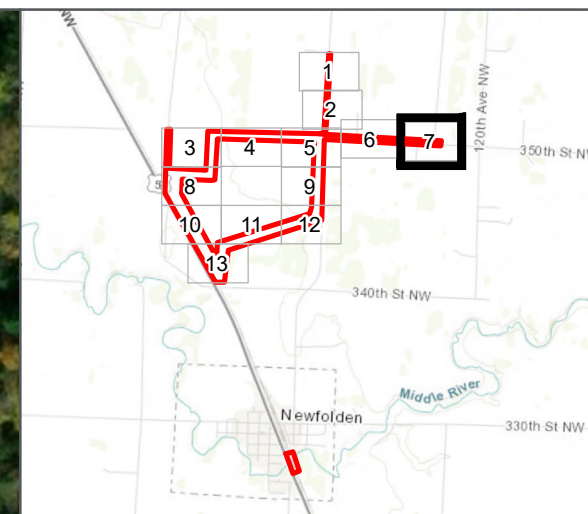


FIGURE 6



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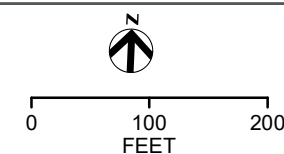
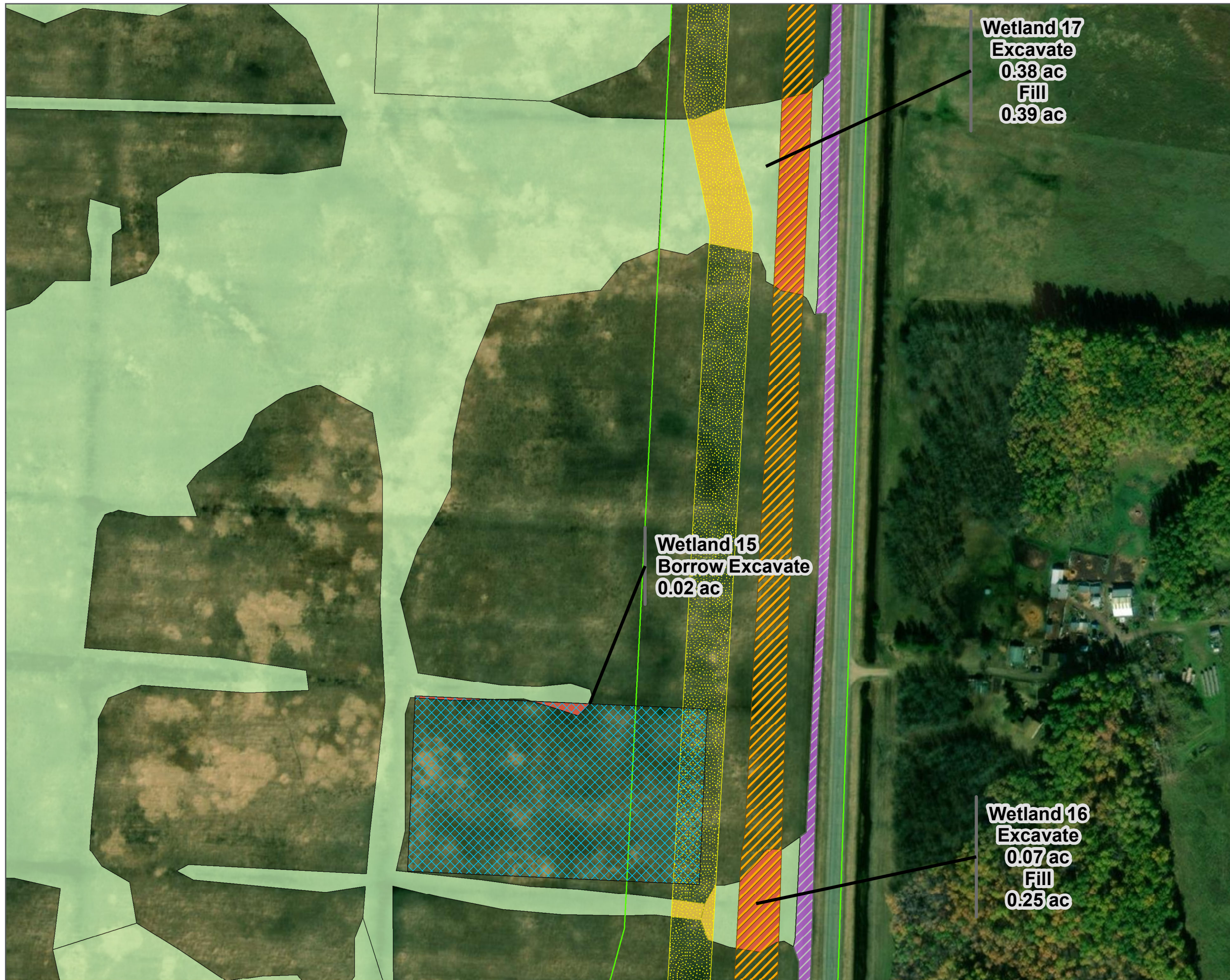


FIGURE 7

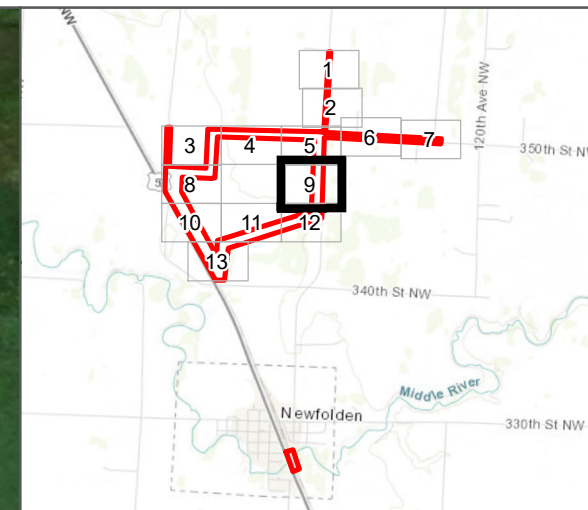




Wetland 17
Excavate
 0.38 ac
Fill
 0.39 ac

Wetland 15
Borrow Excavate
 0.02 ac

Wetland 16
Excavate
 0.07 ac
Fill
 0.25 ac



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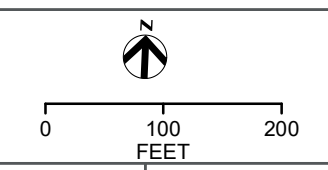
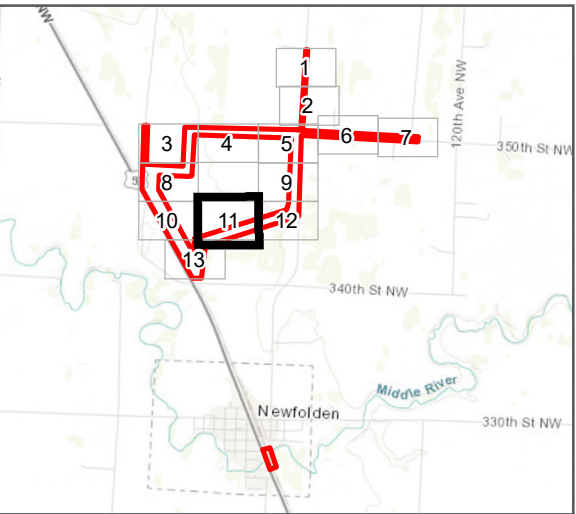


FIGURE 9





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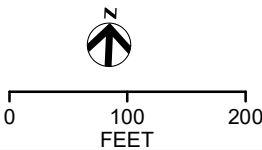
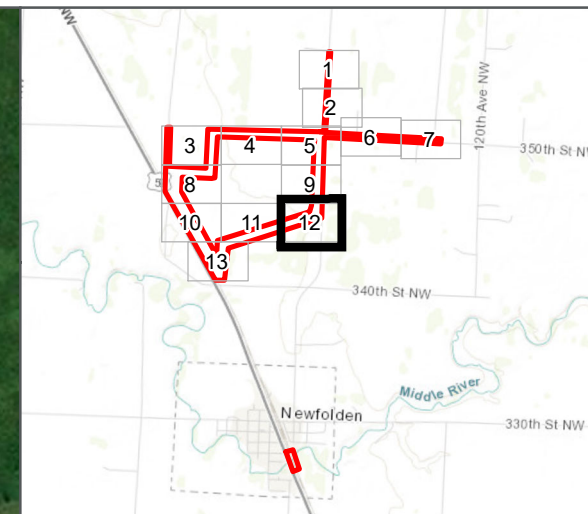
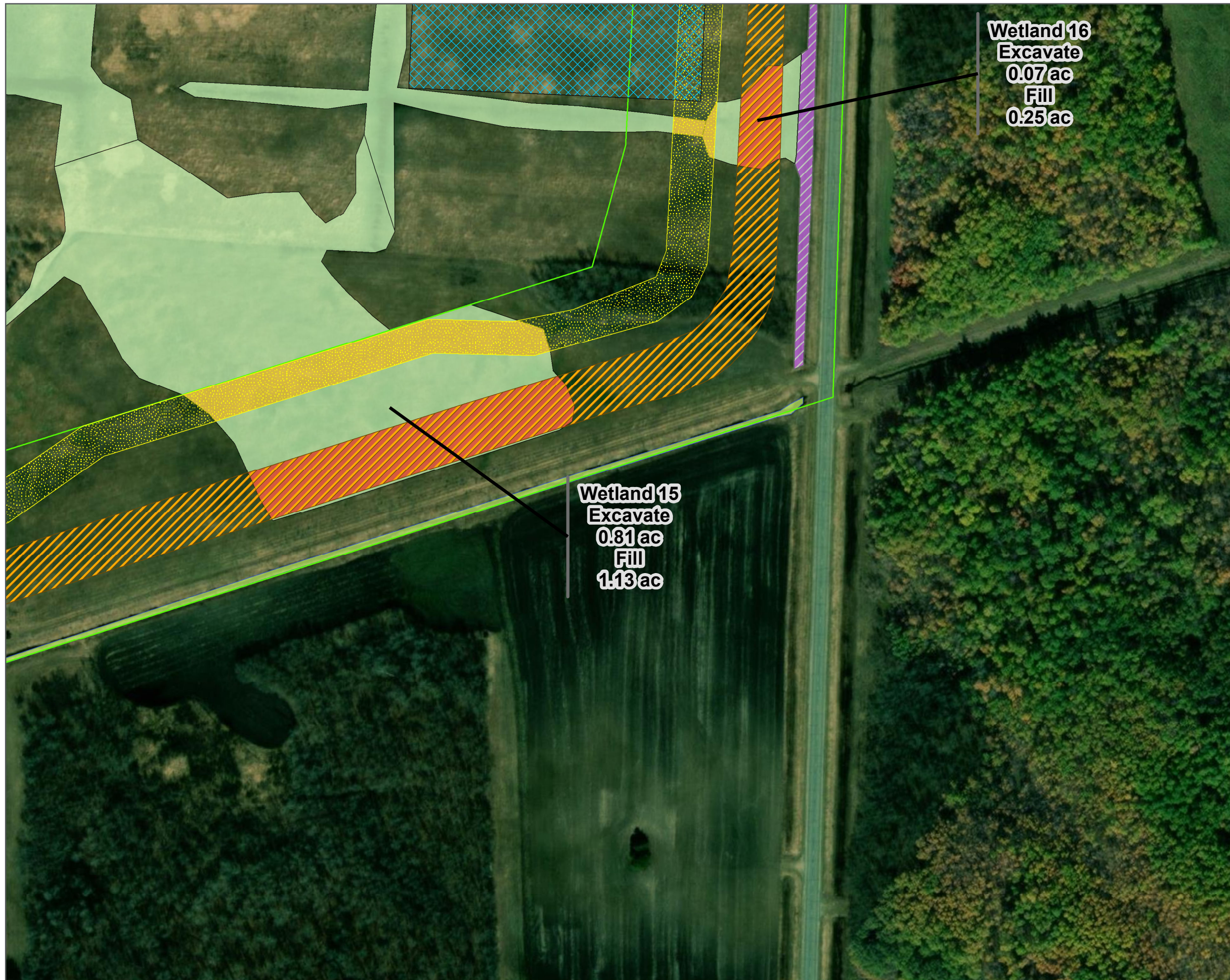


FIGURE 11



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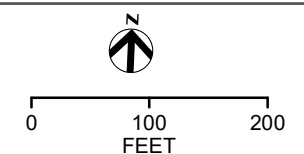
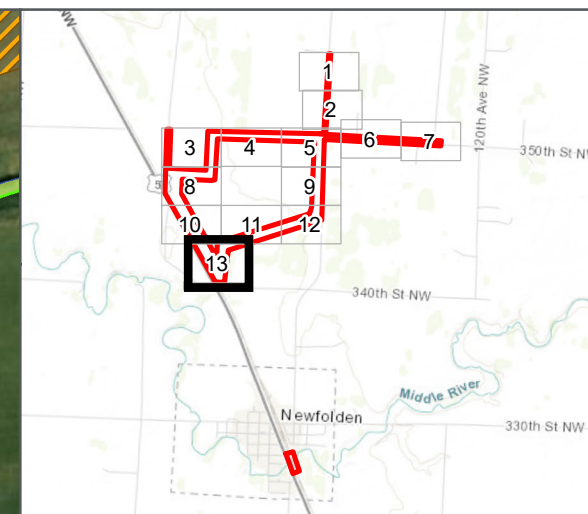
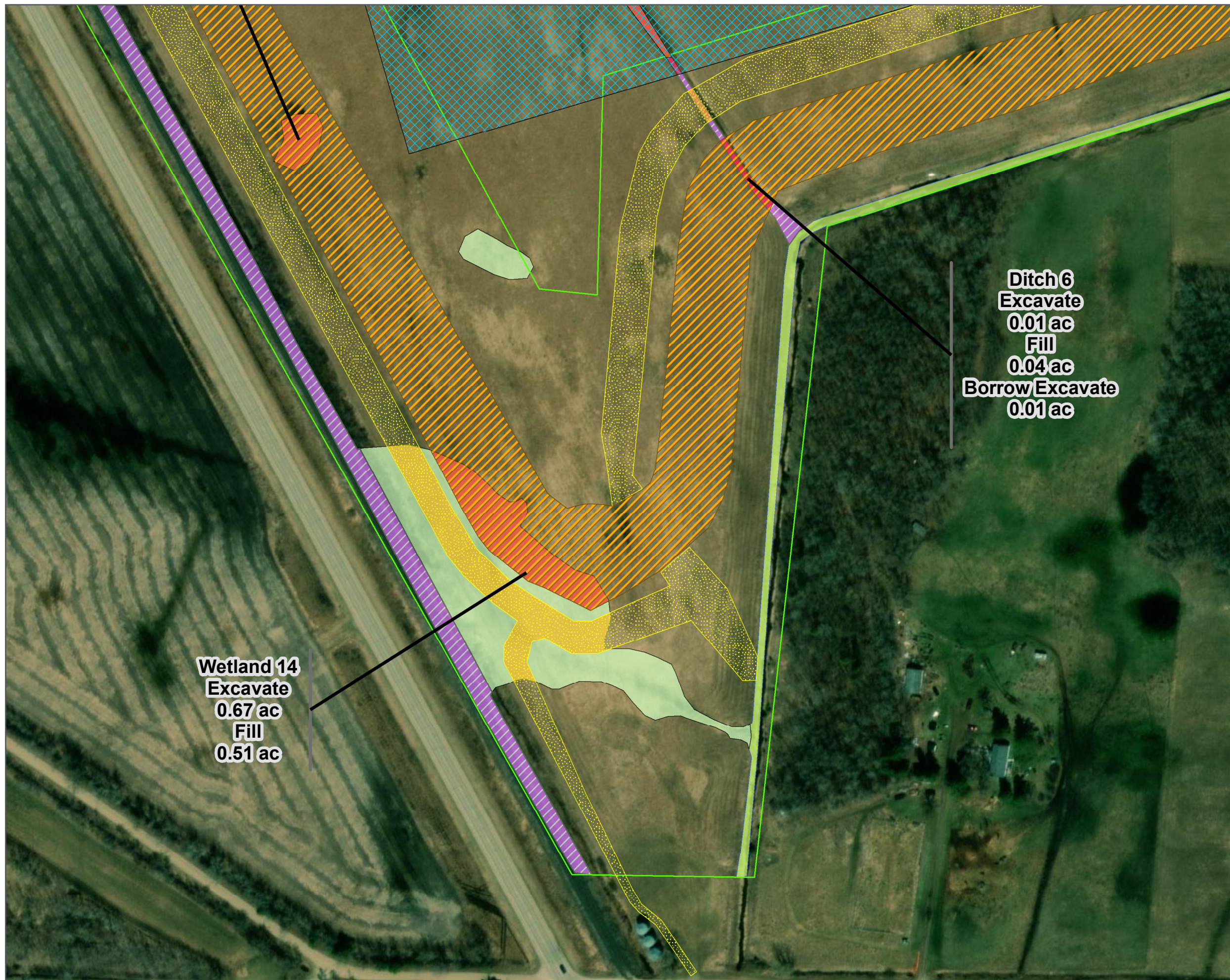


FIGURE 12



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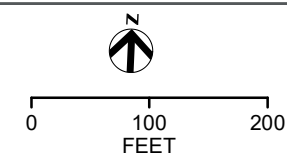


FIGURE 13