



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

**APPLICANT:**

Scott County  
c/o Adam Jessen

# Public Notice

**ISSUED: September 18, 2023**  
**EXPIRES: October 18, 2023**

**REFER TO:**

MVP-2022-01206-ACM

**SECTION: 404 - Clean Water Act**

1. APPLICATION FOR PERMIT TO discharge fill material into 7.31 acres of wetlands adjacent to the Minnesota River for the proposed interchange construction at the Trunk Highway (TH) 169 and County States Aid Highway (CSAH) intersection.

2. SPECIFIC INFORMATION

AGENT

WSB  
c/o Alison Harwood  
540 Gateway Blvd  
Burnsville, MN 55337

PROJECT LOCATION: The project site is in Sections 23 and 24, Township 114 North, Range 24 West, Scott County, Minnesota. The approximate UTM coordinates are N 446572.356077, E 4945017.185895. Latitude 44.65653, Longitude -93.67387.

DESCRIPTION OF PROJECT: The applicant proposes to replace the existing unsignalized, at grade, intersection at TH 169 and CSAH 59 with a grade-separated folded diamond interchange and remove commercial access from TH 169. Frontage roads will provide access to residences and commercial properties within the area.

QUANTITY, TYPE, AND AREA OF FILL: The replacement of the intersection will result in a permanent discharge fill material into 7.31 acres of wetlands adjacent to the Minnesota River.

VEGETATION IN AFFECTED AREA: The 1.58 acres of wetlands proposed to be impacted are dominated by seasonally flooded basin/shallow marsh/deep marsh vegetation.

SURROUNDING LAND USE: The project site is surrounded by commercial development, cropped fields, roads, and forests.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: The applicant has not indicated the presence of any toxic materials within the project area. It is anticipated the potential for toxic materials would come from construction equipment commonly used in commercial and institutional development.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant would be required to acquire an individual 401 Water Quality Certification, National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit from the Minnesota Pollution Control Agency (MPCA) as well as create a Stormwater Pollution Prevention Plan (SWPPP) that would be used to comply with MPCA's erosion control and storm water BMPs. The appropriate BMPs would be utilized during construction and periodically after qualifying rainfall events.

MITIGATION: The applicant proposes to compensate for proposed wetland losses by

purchasing wetlands credits via the BWSR Local Government Road Wetland Replacement Program (LGRWRP). The applicant proposes to purchase 7.31 acres of mitigation credits.

### 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, Scott 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.
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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.

Regulatory Division (File No. MVP-2022-01206-ACM)

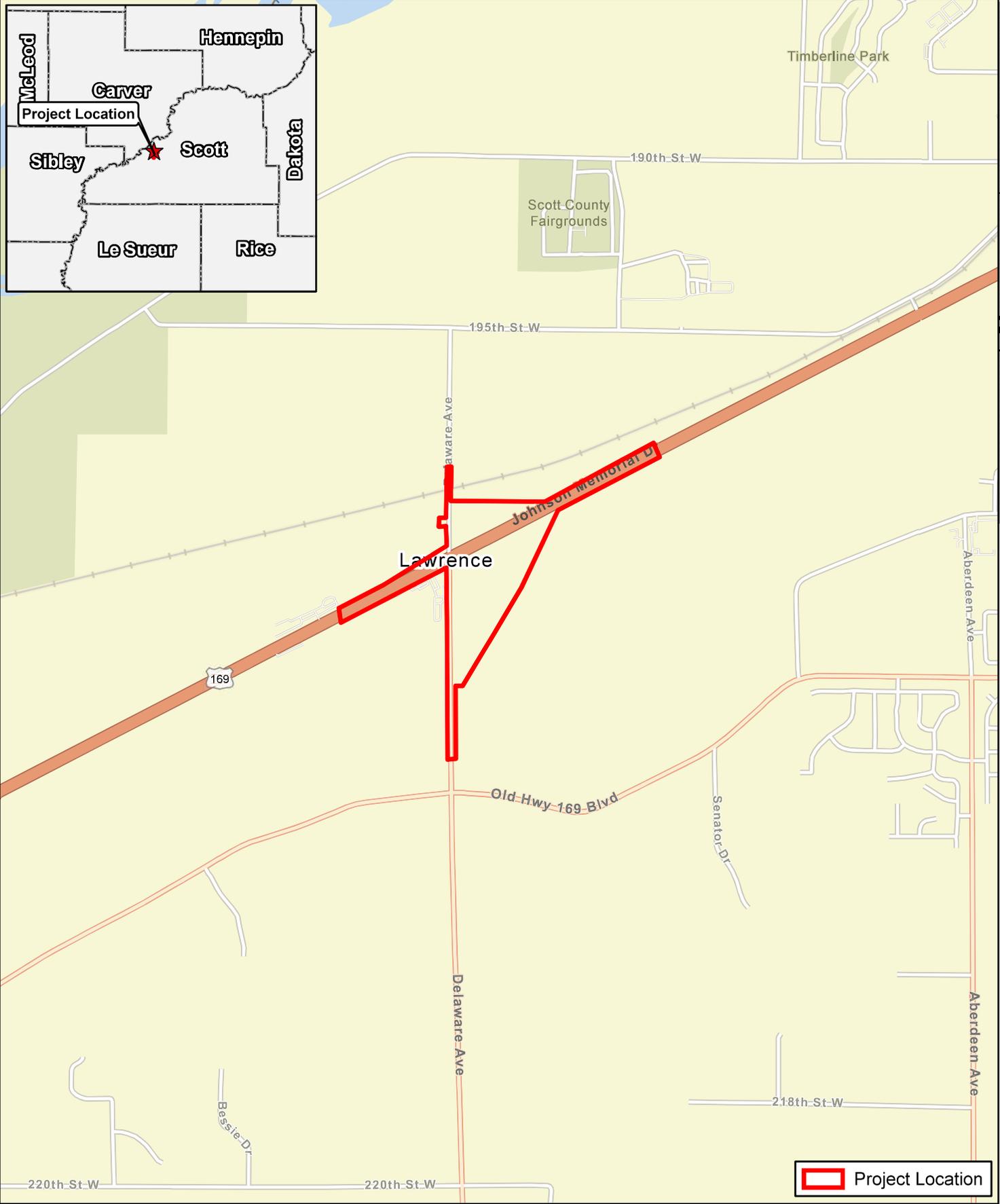
Replies may be sent to Alex Meincke at [alexander.c.meincke@usace.army.mil](mailto:alexander.c.meincke@usace.army.mil).

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Alex Meincke at the St. Paul office at 651-290-5485 or [alexander.c.meincke@usace.army.mil](mailto:alexander.c.meincke@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-2022-01206-ACM Attachments, Pages 1-6 of 6

Document Path: K:\019916-000\GIS\Mapswetland\Delineation\Fig1 - Project Location Date Saved: 6/10/2022



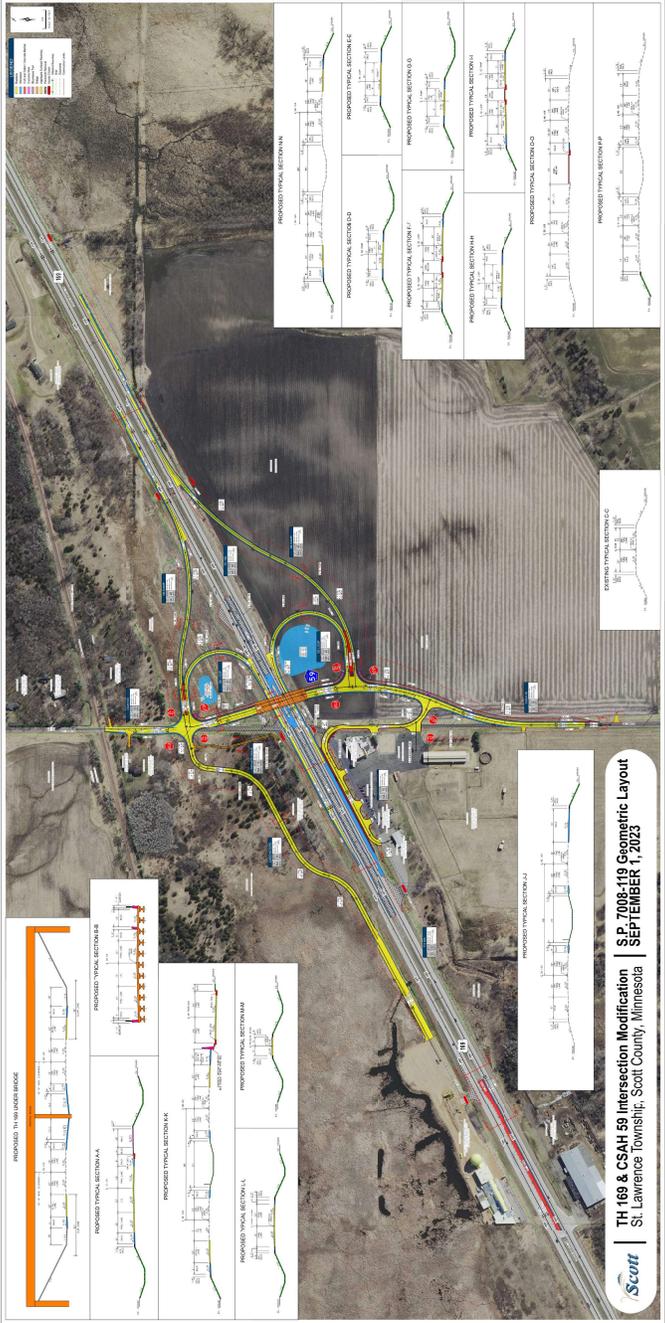
**Figure 1 - Project Location**

TH 169 & CR 59  
Wetland Delineation  
Scott County, MN



0 2,000  
Feet  
1 inch = 2,000 feet





**Layout History**

NO.	DATE	DESCRIPTION
1	09/01/23	Initial Synoptic Layout
2	09/01/23	Final Synoptic Layout

**Legend**

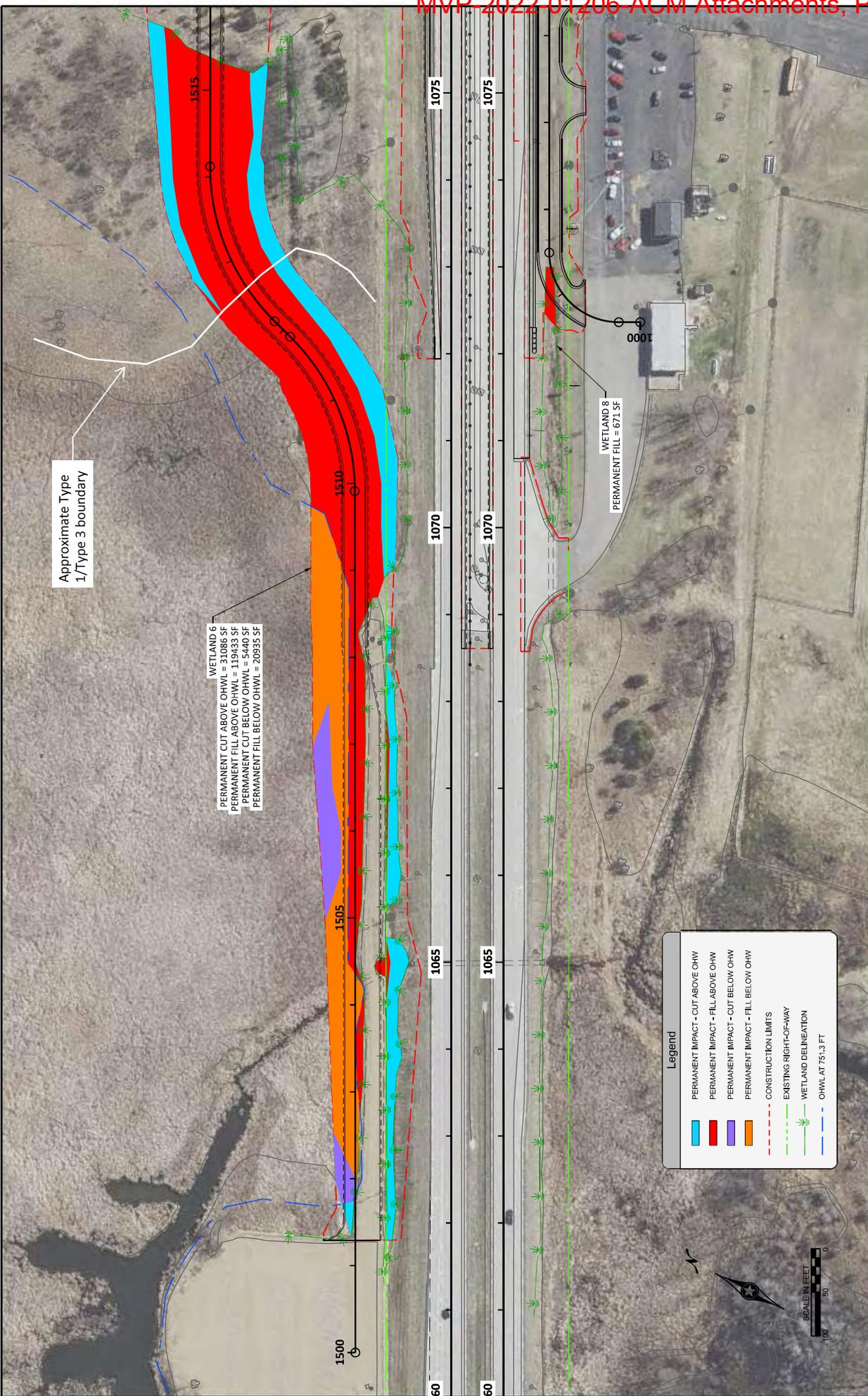
Symbol	Description
(Solid line)	Proposed Roadway
(Dashed line)	Proposed Right-of-Way
(Dotted line)	Proposed Utility
(Grey area)	Existing Roadway
(Grey area)	Existing Right-of-Way
(Grey area)	Existing Utility

**Notes**

1. All proposed roadway widths are based on the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD) 2009 Edition.
2. All proposed roadway elevations are based on the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD) 2009 Edition.
3. All proposed roadway cross-sections are based on the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD) 2009 Edition.
4. All proposed roadway drainage is based on the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD) 2009 Edition.
5. All proposed roadway lighting is based on the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD) 2009 Edition.
6. All proposed roadway signage is based on the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD) 2009 Edition.
7. All proposed roadway markings are based on the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD) 2009 Edition.
8. All proposed roadway sound walls are based on the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD) 2009 Edition.
9. All proposed roadway bridges are based on the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD) 2009 Edition.
10. All proposed roadway structures are based on the Minnesota Manual of Uniform Traffic Control Devices (MMUTCD) 2009 Edition.



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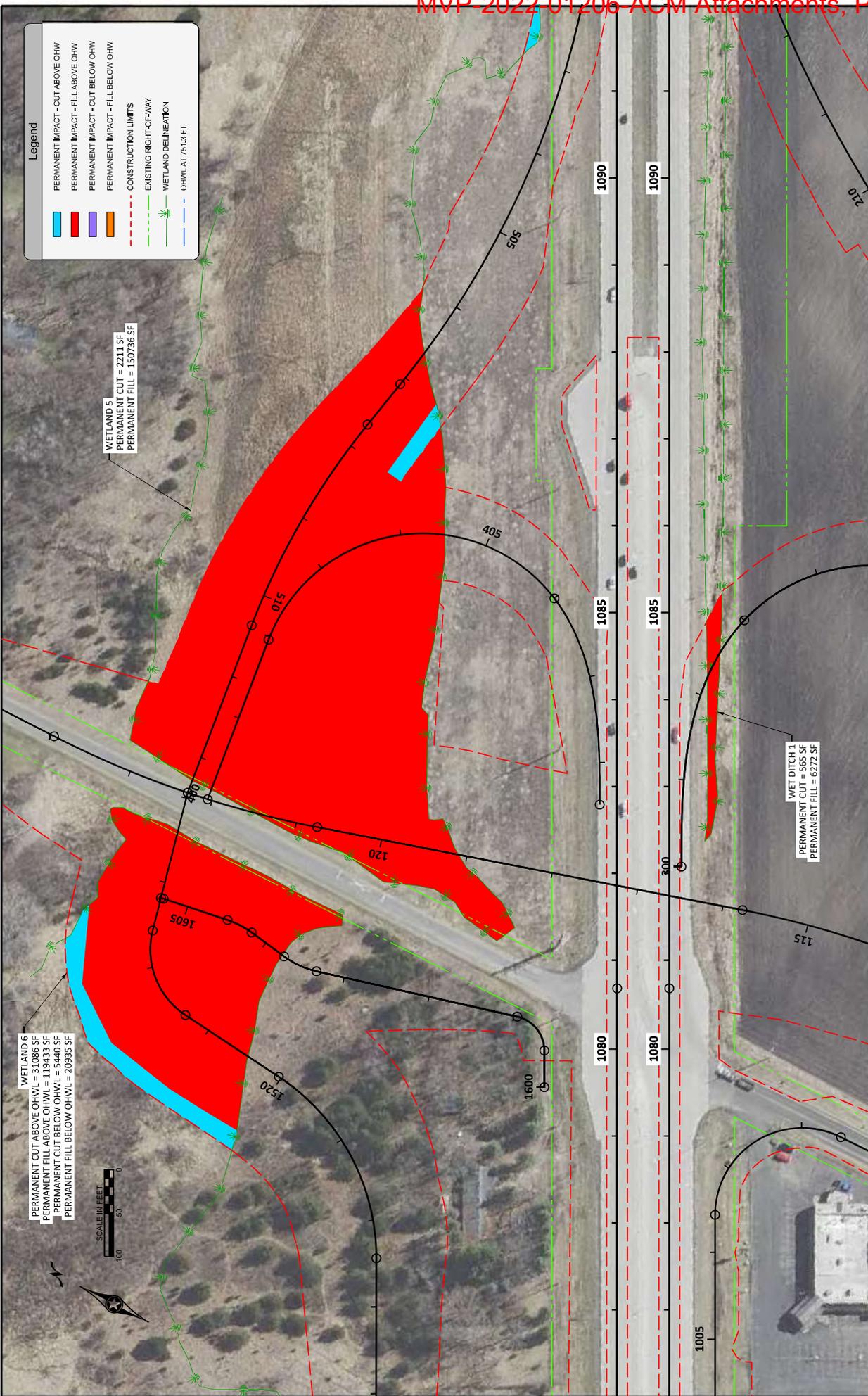


**Legend**

- PERMANENT IMPACT - CUT ABOVE OHW
- PERMANENT IMPACT - FILL ABOVE OHW
- PERMANENT IMPACT - CUT BELOW OHW
- PERMANENT IMPACT - FILL BELOW OHW
- CONSTRUCTION LIMITS
- EXISTING RIGHT-OF-WAY
- WETLAND DELINEATION
- OHWL AT 75.13 FT

**WETLAND IMPACT FIGURE - PLAN VIEW**





WETLAND 6  
 PERMANENT CUT ABOVE OHWL = 31086 SF  
 PERMANENT FILL ABOVE OHWL = 119433 SF  
 PERMANENT CUT BELOW OHWL = 5440 SF  
 PERMANENT FILL BELOW OHWL = 20935 SF

SCALE IN FEET  
 0 40 80 100

WETLAND 5  
 PERMANENT CUT = 2211 SF  
 PERMANENT FILL = 150736 SF

WET DITCH 1  
 PERMANENT CUT = 565 SF  
 PERMANENT FILL = 6272 SF

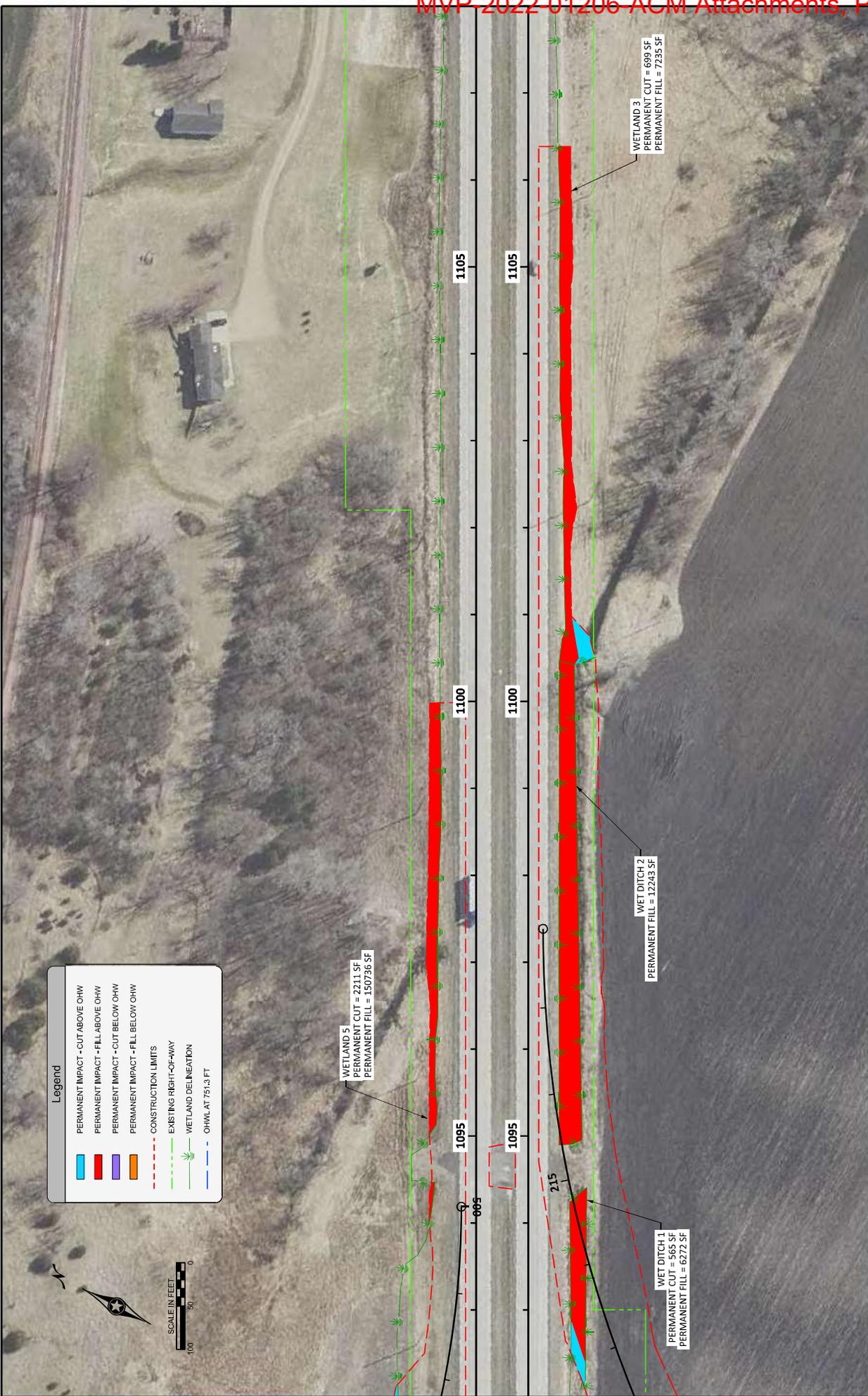
**Legend**

- █ PERMANENT IMPACT - CUT ABOVE OHW
- █ PERMANENT IMPACT - FILL ABOVE OHW
- █ PERMANENT IMPACT - CUT BELOW OHW
- █ PERMANENT IMPACT - FILL BELOW OHW
- - - CONSTRUCTION LIMITS
- - - EXISTING RIGHT-OF-WAY
- | WETLAND DELINEATION
- - - OHWL AT 75.3 FT

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WETLAND IMPACT FIGURE - PLAN VIEW



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WETLAND IMPACT FIGURE - PLAN VIEW