



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

APPLICANT:

Pulte Group
c/o Dean Lotter

Public Notice

ISSUED: March 15, 2024
EXPIRES: 15 days

REFER TO:

MVP-2023-00872-MJG

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO construct the Falk Site Residential Development project in the City of Waconia, which would include the construction of mixed-product single family home lots and associated infrastructure. The project would result in the permanent discharge of fill material into 1.36 acres of wetlands and below the ordinary high-water mark of 906 linear feet (0.19 acre) of tributary.

2. SPECIFIC INFORMATION

AGENT

Kjolhaug Environmental Services
c/o Melissa Barrett
2500 Shadywood Road, Suite 130
Orono, Minnesota 55331

PROJECT LOCATION: The project site is located in Section 31, Township 116 North, Range 24 West, Carver County, Minnesota. The approximate UTM coordinates are N 439596.653512, E 4963869.871555. Latitude: 44.82568, Longitude: -93.764078.

DESCRIPTION OF PROJECT: The applicant proposes to develop a 202-acre residential development in Laketown Township, an area that is proposed to be annexed into the City of Waconia. The proposed development would include the construction and realignment of roadways, 300 single family home lots, park spaces, utilities, and stormwater ponds.

QUANTITY, TYPE, AND AREA OF FILL: The project would result in the permanent discharge of fill material into 1.36 acres of wetlands for the construction of home lots, stormwater ponds, and residential roadways. The project would also involve the discharge of fill material below the ordinary high-water mark of 375 linear feet (0.07 acre) of tributary 1 and below the ordinary high-water mark of 531 linear feet (0.12 acre) tributary 2 for the proposed construction of home lots, roads, and relocation of the stream channel. Both of these tributaries are located along the eastern edge of the property, draining to the south.

The aquatic resources on site are being evaluated further to determine the appropriate extent of Corps jurisdiction under Section 404 of the Clean Water Act, as identified in Section 4 of this public notice.

VEGETATION IN AFFECTED AREA: The 1.36 acres of wetland proposed to be impacted consists of vegetation commonly associated with shallow marsh, wet meadow, and seasonally flooded basin wetlands.

SURROUNDING LAND USE: The project site is surrounded by roads, agricultural land, wetlands, and tributaries.

DESCRIPTION OF DREDGING OR EXCAVATION: The proposed project would grade and excavate 0.11-acre of wetlands on site to construct a stormwater pond and achieve level ground elevations for home lots.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant would be required to obtain an individual Clean Water Act 401 Water Quality Certification or waiver, as discussed in Section 5 of this public notice, as well as comply with the state's erosion control and stormwater Best Management Practices (BMPs). The applicant has proposed construction of multiple stormwater ponds to manage and reduce potential effects of stormwater runoff from the proposed development.

MITIGATION: The proposed project would result in the permanent loss of 1.36 acres of wetlands acres in Bank Service Area (BSA) 9. The applicant is proposing a mitigation ratio of 2:1 for the 1.36-acre total impacts to wetlands and the stream. They would purchase 2.7286 credits of wetland credits from a mitigation bank in BSA 9. The proposed project would also result in the permanent loss of 906 total linear feet (0.19-acre total) of stream. The applicant is proposing to mitigate for the stream on-site by constructing a new stream channel (PN figures, page 6).

3. FEDERALLY LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT

Based on the Official Species List generated for the project site from the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) website, the following Federally listed species were identified:

Northern Long-Eared Bat	Endangered. Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Rusty Patched Bumble Bee	Endangered. Nest in uplands underground and abandoned rodent cavities or upland clumps of grasses in grasslands and tallgrass prairies.
Tricolored Bat	Proposed Endangered.
Monarch Butterfly	Candidate Species.
Whooping Crane	Experimental Population, Non-Essential.

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

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 Mallory Gross at Mallory.J.Gross@usace.army.mil

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Mallory_Gross at (651) 290-5363 or Mallory.J.Gross@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-2023-00872-MJG, PN Figures 1 of 6 - 6.

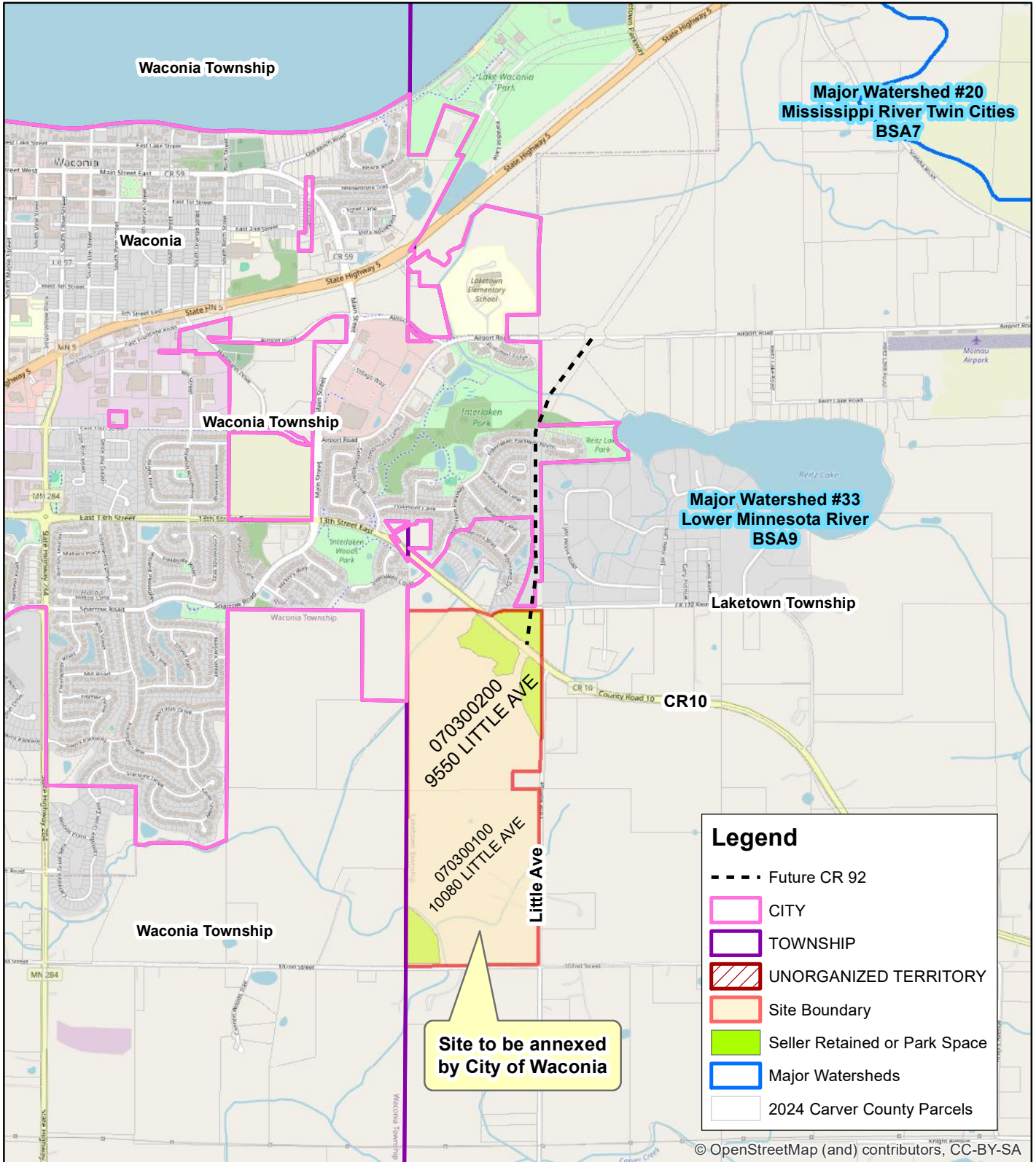


Figure 1 - Site Location & Major Watershed



N



0 1,500 Feet



Falk Site Residential Development (KES 2023-108)
Laketown TWP/Waconia, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

Source: ESRI Streets Basemap

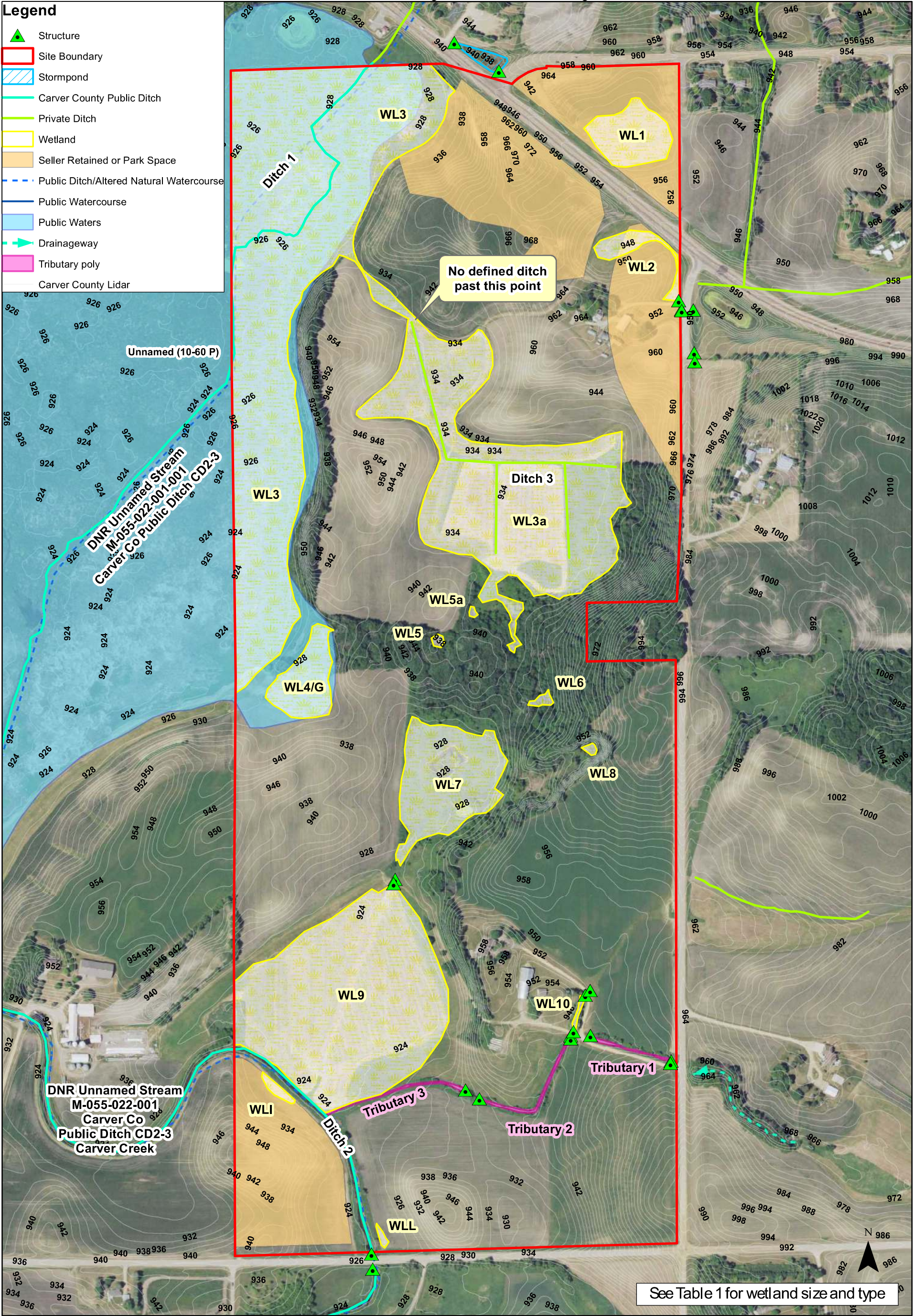


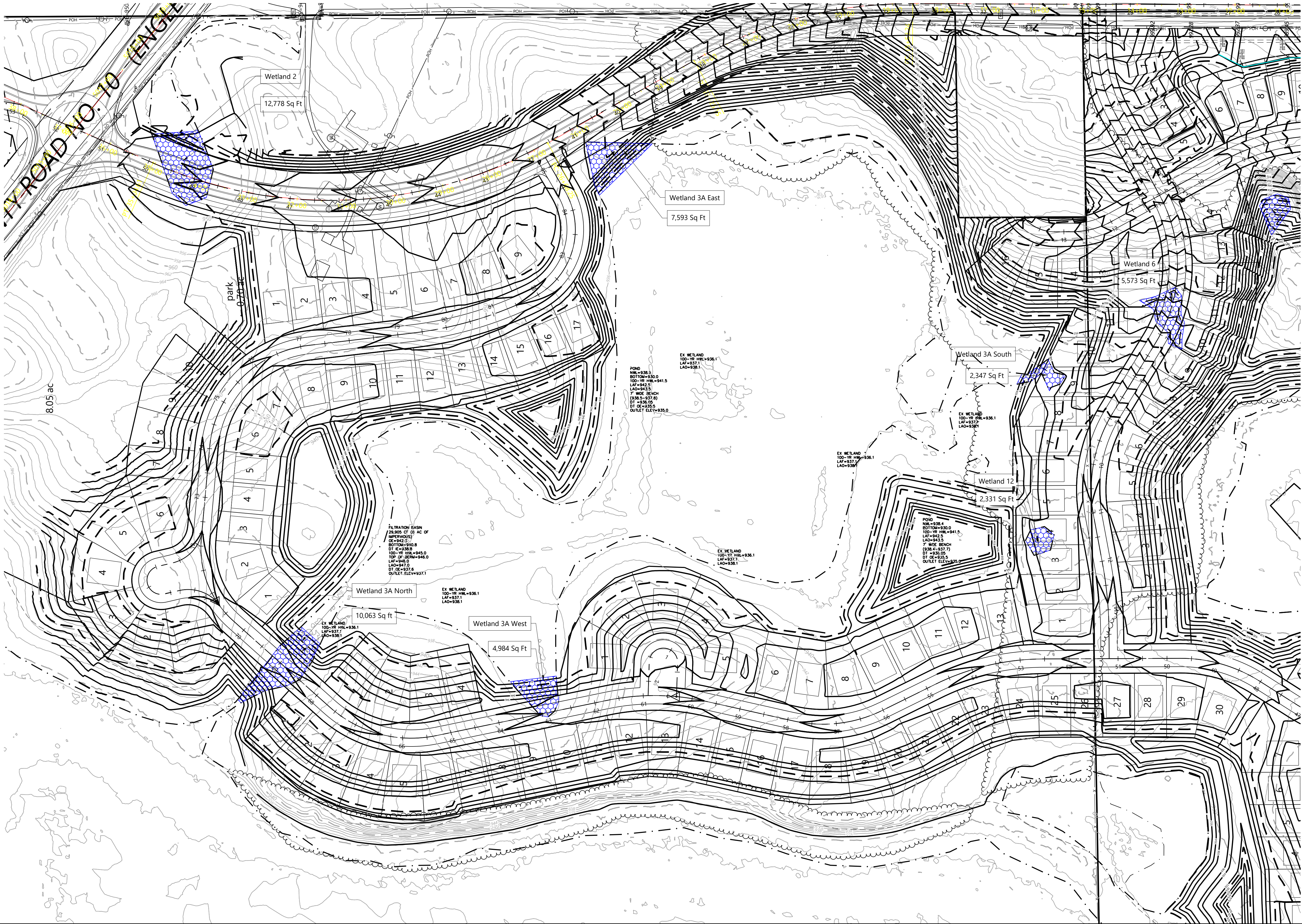
Figure 2 - Existing Conditions (2021 FSA Photo)



Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

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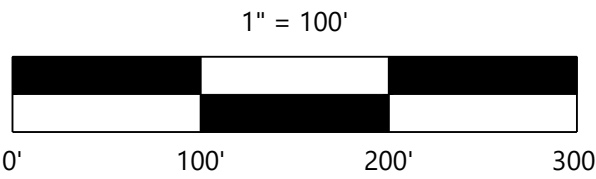


Call 48 Hours before digging:
811 or call811.com
Common Ground Alliance

GRADING & EROSION CONTROL LEGEND

- | EXISTING | PROPOSED | |
|--|--|--|
| PROPERTY LINE | SOIL BORING LOCATION | |
| INDEX CONTOUR | INTERVAL CONTOUR | |
| SPOT ELEVATION | SPOT ELEVATION | |
| HIGH/LOW POINT | CL ELEVATION | |
| CL ELEVATION | CL ELEVATION | |
| FLOW DIRECTION | FLOW DIRECTION | |
| TOP AND BOTTOM OF RETAINING WALL | TOP AND BOTTOM OF RETAINING WALL | |
| EMERGENCY OVERFLOW | EMERGENCY OVERFLOW | |
| PROPOSED STREET PROFILE GRADE | PROPOSED STREET PROFILE GRADE | |
| STORM SEWER | STORM SEWER | |
| TREE LINE | TREE PROTECTION FENCE | |
| TREE PROTECTION FENCE | RETAINING WALL (MODULAR BLOCK) | |
| GRADING LIMITS | SILT FENCE | |
| SILT FENCE | SILT FENCE-POST GRADING | |
| HEAVY DUTY SILT FENCE | REDUNDANT SEDIMENT CONTROL | |
| REDUNDANT SEDIMENT CONTROL | INLET PROTECTION | |
| INLET PROTECTION | EROSION CONTROL CHECKS/BORISOLLS | |
| EROSION CONTROL CHECKS/BORISOLLS | ROCK CONSTRUCTION ENTRANCE | |
| ROCK CONSTRUCTION ENTRANCE | EROSION CONTROL BLANKET | |
| EROSION CONTROL BLANKET | TURF REINFORCEMENT MAT | |
| TURF REINFORCEMENT MAT | POND NORMAL WATER LEVEL | |
| POND NORMAL WATER LEVEL | WETLAND LINE | |
| WETLAND LINE | WETLAND BUFFER | |
| WETLAND BUFFER | POND ACCESS MAINTENANCE BENCH | |
| POND ACCESS MAINTENANCE BENCH | WETLAND BUFFER LIMITS | |
| WETLAND BUFFER LIMITS | WETLAND BUFFER MONUMENT | |
| WETLAND BUFFER MONUMENT | DO NOT DISTURB | |
| DO NOT DISTURB | FUTURE WATER COURSE IMPACT | |
| FUTURE WATER COURSE IMPACT | WATER COURSE IMPACT: 59,432 SF (1.364 ACRES) | |
| WATER COURSE IMPACT: 59,432 SF (1.364 ACRES) | EXISTING RAVINE TO BE FILLED: 906 LF (0.193 ACRES) | |
| EXISTING RAVINE TO BE FILLED: 906 LF (0.193 ACRES) | | |

WETLAND IMPACT AREAS		
TYPE	TOTAL IMPACTED AREA	TOTAL AC
TOTAL WETLAND IMPACT	59,432 SF	1.364
EXISTING RAVINE TO BE FILLED	906 LF	0.193



NOT FOR CONSTRUCTION

DESIGNED: CU
CHECKED: RMB
DRAWN: EJK
HORIZONTAL SCALE: 100'
VERTICAL SCALE: 20' or 10'

INITIAL ISSUE:
REVISIONS:

PREPARED FOR:

PULTE GROUP
1650 W 82ND ST SUITE 300
BLOOMINGTON, MN 55431.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
DATE: 2/19/24 LICENSE NO. ----

Falk
Waconia, MN

Westwood
Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
Fax (952) 937-5822 Minneapolis, MN 55343
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

WETLAND IMPACT

PROJECT NUMBER: 0042349.00

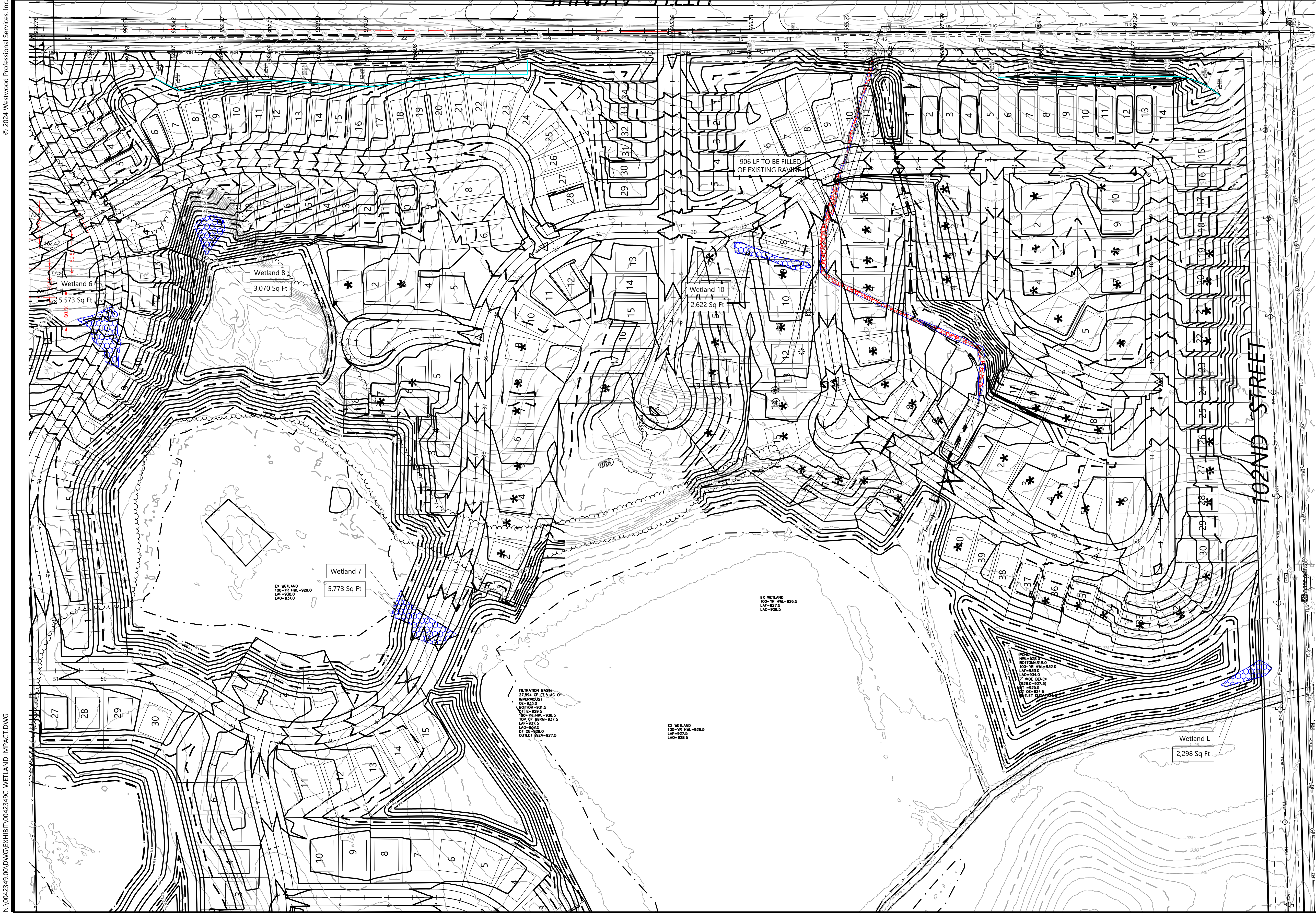
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1 OF 2

DATE: 2/19/24

FALK

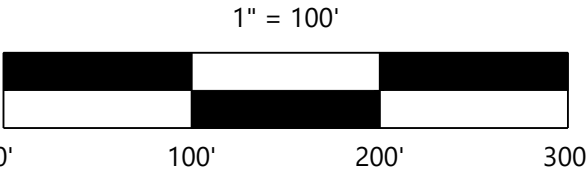
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811 or call811.com
Common Ground Alliance

GRADING & EROSION CONTROL LEGEND

EXISTING	PROPOSED



NOT FOR CONSTRUCTION

PROJECT NAME

DESIGNED: CJ

CHECKED: RMB

DRAWN: EJK

HORIZONTAL SCALE: 100'

VERTICAL SCALE: 20' or 10'

INITIAL ISSUE:

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OF THE STATE OF MINNESOTA.

RYAN BLUHM

DATE: 2/19/24 LICENSE NO. 41257

FALK PROPERTY

WACONIA, MN

Westwood

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
Fax (952) 937-5822 Minneapolis, MN 55343
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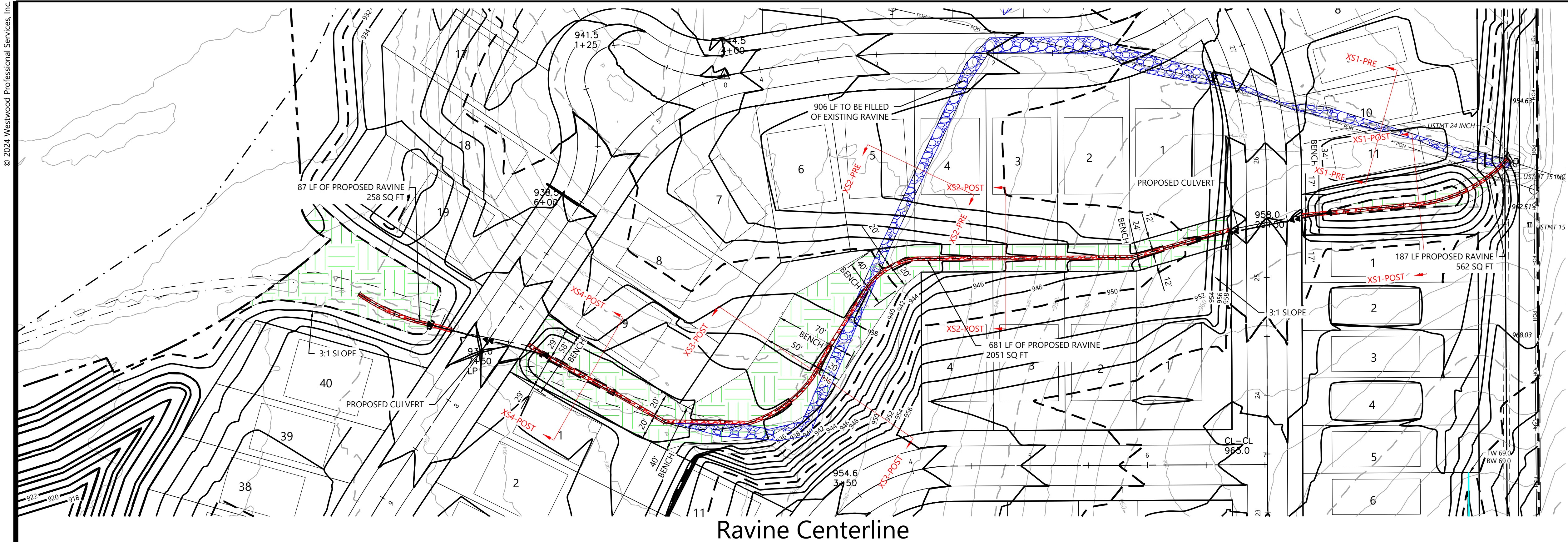
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2 OF 2

DATE: 2/19/24

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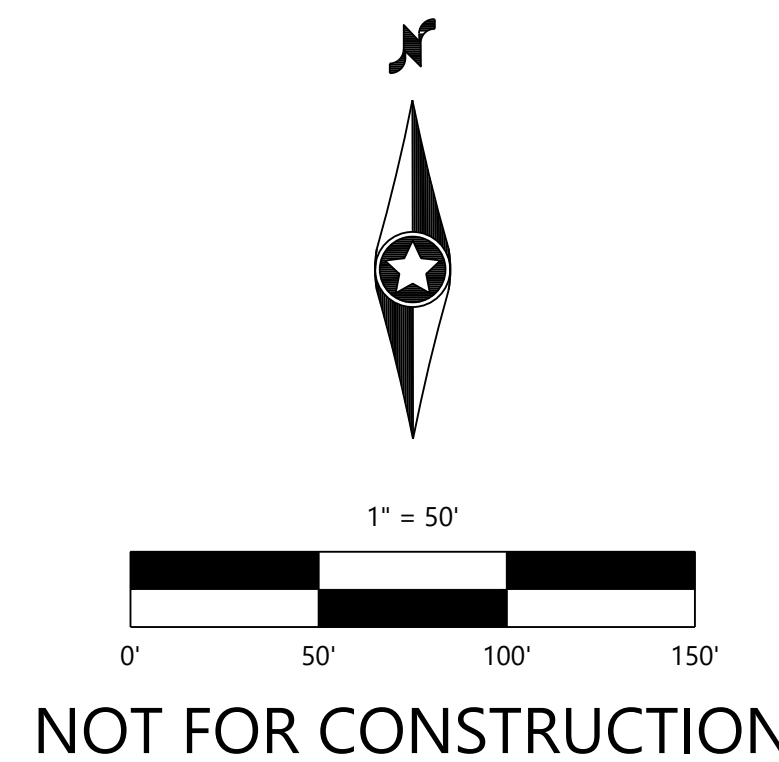
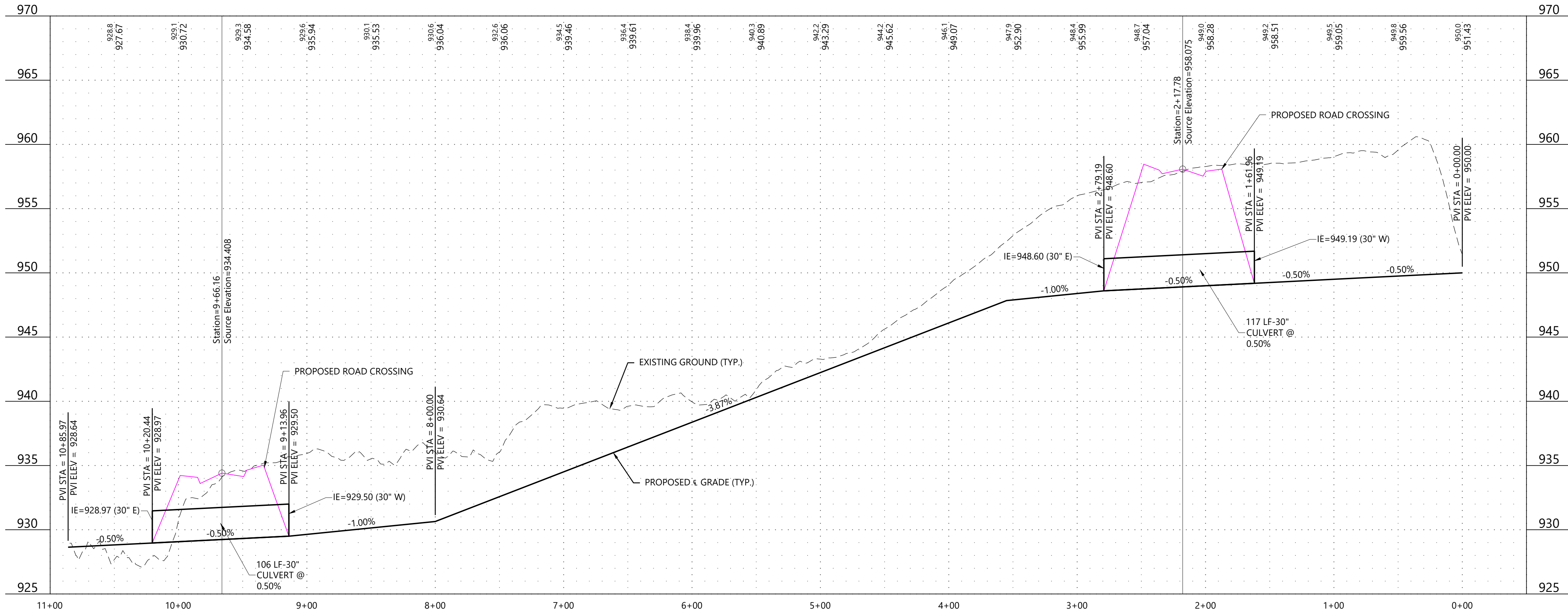
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GRADING & EROSION CONTROL LEGEND

EXISTING	PROPOSED	
		PROPERTY LINE
		CONTOUR
		SPOT ELEVATION
		TOP AND BOTTOM OF RETAINING WALL
		TREE LINE
		RETAINING WALL (MODULAR BLOCK)
		POND NORMAL WATER LEVEL
		WETLAND LINE
		PROPOSED RAVINE: 955 LF (0.066 ACRES)
		EXISTING RAVINE TO BE FILLED: 906 LF (0.193 ACRES)
		FLOODWAY

RAVINE IMPACTS			
TYPE	TOTAL IMPACTED AREA	TOTAL SQ. FT.	TOTAL ACRE
PROPOSED RAVINE	955 LF	2,871	0.067
EXISTING RAVINE TO BE FILLED	906 LF	8,389	0.193



DESIGNED: CU
CHECKED: RMB
DRAWN: EJK
HORIZONTAL SCALE: 50'
VERTICAL SCALE: 10' or 5'

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Toll Free (888) 937-5150 westwoodps.com
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RAVINE PROFILE

PROJECT NUMBER: 0042349.00

SHEET NUMBER:

1

OF

2

DATE: 2/12/2024