



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

**APPLICANT: City of Plymouth**

# **Public Notice**

**ISSUED: January 15, 2009**

**EXPIRES: February 14, 2009**

**REFER TO: 2008-05867-JJY**

**SECTION: 404 - Clean Water Act**

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## **1. APPLICATION FOR PERMIT TO DISCHARGE FILL AND DREDGED MATERIAL IN WETLANDS ADJACENT TO A TRIBUTARY TO THE MINNESOTA RIVER.**

### **2. SPECIFIC INFORMATION.**

**APPLICANT'S ADDRESS:** Mr. Derek Asche  
City of Plymouth  
3400 Plymouth Boulevard  
Plymouth, Minnesota 55447

**AGENT'S ADDRESS:** Westwood Professional Services  
7699 Anagram Drive  
Eden Prairie, Minnesota 55344

**PROJECT LOCATION:** The Plymouth Creek Restoration project is within the upper reaches of the Bassett Creek watershed in the North 1/2 of Section 6, T. 118 N., R. 22 W., City of Plymouth, Hennepin County, Minnesota. Approximate UTM coordinates for the major wetland fill site are East 466099.000899585, North 4983168.43033517. Approximate decimal degree coordinates for this site are Latitude 45.0011526546225, Longitude -93.4301408467939. The enclosed maps and plans show the locations of the proposed work.

**DESCRIPTION OF PROJECT:** The proposed project is an effort by the City of Plymouth, in accordance with recommendations from the Bassett Creek Water Management Commission (BCWMC). The BCWMC is providing funding for the project, and the Three Rivers Park District may provide additional funding. The BCWMC, in coordination with the city, identified the need to improve water quality by reducing phosphorus loading to Medicine Lake from Plymouth Creek by 336 pounds a year, to meet future Minnesota Pollution Control Agency (MPCA) Total Maximum Daily Loading (TMDL) requirements. The need for a reduction in phosphorus loading is outlined in Phase II: Medicine Lake Watershed Implementation and Management Plan (August 2004). The objective of this plan is to reduce Medicine Lake external watershed phosphorus loading by 1,000 pounds per year. The plan recommends a goal of removing 336 pounds of phosphorus from the Plymouth Creek outfall by realigning the creek and excavating a large storm water pond in the vicinity of West Medicine Lake Park. Medicine Lake is on the MPCA list of Impaired Waters. The proposed pond is intended to address the impaired waters status and prevent excess nutrients from reaching the lake.

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Construction of the project would include excavation of two separate ponds. Regulated discharges of fill material would be associated with riprap at the outlet structures, bridge abutment riprap, and material discharged during the grading and shaping process.

Pond 1 (North Pond) is west of Medicine Lake in delineated Wetland 2. The second storm water pond complex (South Pond), east of Medicine Lake Drive and west of Medicine Lake, is actually a two-cell pond system (Ponds 2 and 3), proposed to be excavated within delineated Wetland 1. The two pond configuration is proposed to limit the maintenance requirement, because routine maintenance (removal of sediment deposits) would be needed only within Pond 1 (North Pond). The two-cell design of Ponds 2 and 3 (South Pond) would improve biological activity in the pond, helping to increase phosphorus uptake. Material excavated for the ponds would be disposed off site, and the project site would be revegetated following construction of the ponds. The project area is designated as Park/Open Space, zoned P-I Public/Institutional. Proposed construction would be in accordance with the City of Plymouth's Zoning Ordinance and Comprehensive Plan.

The project is expected to take 6 months to construct, and construction is proposed to start in 2009.

The City of Plymouth prepared an Environmental Assessment Worksheet for the project in January 2008, leading to a negative declaration (no need to prepare a State Environmental Impact Statement).

The proposed project includes impact on 8.5 acres of jurisdictional wetland through excavation, grading, shaping, and minor fill (for installation of outlet structures). Much, but not all, of Corps-regulated impact is regulated by the Minnesota Department of Natural Resources. Approximately 3.45 acres of the affected wetland would be above the Ordinary High Water Level (OHWL) of the wetland and the remaining 5.05 acres of the affected wetland would be below the OHWL. Portions of the affected wetland have been excavated previously during channelization of Plymouth Creek and construction of older ponds. Some of the affected area appears to have been excavated but has now filled with sediment, cattails, and reed canary grass.

The 8.5 acres of excavated wetland would retain wetland characteristics but would be altered by the excavation, the removal of existing vegetation, the increase in water depth, the accumulation of sediment, and possible future maintenance excavation.

To compensate for the adverse effects on the 8.5 acres of wetland that would be altered as a result of the project, the City of Plymouth proposes to purchase 6.9 acres of replacement credits from an established wetland bank in western Hennepin County (Bank 1263).

The city is also proposing additional stream mitigation and water quality improvements for impacts to the State-protected waters regulated by the Minnesota Department of Natural Resources.

The enclosed maps, plans, tables, and other materials provide additional information on this proposal. More information about specific portions of the proposal follows.

**VEGETATION IN AFFECTED AREA:** Affected wetlands are described below and in the attached Description of Wetland Impacts summary table. Most of the affected area is marsh dominated by cattail and reed canary grass, with some shrubs and other vegetation.

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Wetland 1 is a shallow marsh complex east of Medicine Lake Drive, with marshy, mucky soil. A mostly open-water ditched drainageway (Plymouth Creek) flows through the wetland. The wetland adjacent to the ditch is dominated by reed canary grass with some willow shrubs, green ash, cattail, red osier and stiff dogwood, arrowhead, water plantain, and jewelweed. This wetland is bordered by box elder, green ash, quaking aspen, red osier and stiff dogwood, with an understory of reed canary grass, jewelweed, common and glassy buckthorn, wood nettle, giant goldenrod, and river bank grape. The wetland/drainageway flows east into Medicine Lake. This wetland and the drainageway have been disturbed and altered over the years by a variety of activities, including ditching and other drainage, agricultural activities, channel widening, park facility expansion, road fill, and other disturbances. The wetland may have been use as a disposal site for adjacent road construction in 1966.

Wetland 2 is also a shallow marsh complex west of Medicine Lake Road. Wetlands 1 and 2 historically were a single wetland complex. It is also largely marshy, mucky soil. A mostly open-water ditched drainageway (Plymouth Creek) flows through the wetland. The wetland includes larger areas dominated by reed canary grass with some pockets of cattail, forested and scrub-shrub vegetation, with primarily wooded wetland on the outer perimeter with an understory of reed canary grass and stinging nettle. Plant species in this wetland are similar to those in Wetland 1. The wetland/drainageway flows east into Medicine Lake. This wetland and the drainageway have been disturbed and altered over the years by a variety of activities, including ditching and other drainage, agricultural activities, channel widening, road and development fill, and other disturbances. Portions of this wetland are relatively undisturbed, although the proposed project is in the more disturbed portion.

**SOURCE OF FILL MATERIAL:** The fill material would be primarily material dredged from the ponds and discharged as part of the excavation, grading, and shaping procedures. Some clean fill, from commercial sources, may be used around the pond outlet structures, to provide a more stable base.

**SURROUNDING LAND USE:** Much of the surrounding land is residential, although the affected wetlands and immediately adjacent land is primarily park and public open space. Medicine Lake is east of the site. Commercial and industrial areas are near the project area, but not adjacent.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** No toxic materials are expected to be used or encountered in the project areas.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** Site fences, haybales, seeding, and other measures would be used to protect water quality during construction. The project is intended to improve water quality.

### **3. REPLIES/COMMENTS.**

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. 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.

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Comments and other correspondence about this application may be sent to the following address:

Regulatory Branch (Attention: 2008-05867-JJY)  
St. Paul District, Corps of Engineers  
190 Fifth Street East, Suite 401  
Saint Paul, MN 55101-1638

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Mr. Joseph Yanta at the St. Paul District office of the Corps, telephone number (651) 290-5362.

To receive Public Notices by e-mail, go to the St. Paul District web page at

<http://www.mvp.usace.army.mil/regulatory/>

and sign up by clicking on the following heading on the left side of the web site, under Notices:

Email Notification of Public  
Notices

**4. 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, Hennepin County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
Higgins' eye pearly mussel (E)	Mississippi River

Although Hennepin County is also within the known range of the bald eagle, this species was removed from the Federal list of threatened and endangered species on August 8, 2007. The bald eagle is still protected under the Bald and Golden Eagle Protection Act and Migratory Bird Treaty, but Endangered Species Act coordination with the U.S. Fish and Wildlife Service is no longer necessary for this species.

In any event, from the information available to the Corps of Engineers, the proposed project is not anticipated to affect habitat of the Higgins' eye pearly mussel, the bald eagle, or other Federally-protected species.

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments that this agency 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.

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**5. JURISDICTION.**

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 and 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. We have made a *preliminary determination* that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act because the discharges of dredged and fill material would be in waters adjacent to tributaries of the Minnesota River, a navigable water of the United States. The affected wetlands abut both Plymouth Creek (a perennial tributary to Medicine Lake) and Medicine Lake (which outlet to Bassett Creek). Bassett Creek is a direct tributary of the Minnesota River. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated waterbody/wetland impacts and compensatory mitigation requirements identified above. An *approved jurisdictional determination* will be made prior to reaching a permit decision, and will be posted on the St. Paul District web page at

<http://www.mvp.usace.army.mil/>.

**THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED:**

State Protected Waters Permit  
State Wetland Conservation Act  
City of Plymouth

**6. STATE SECTION 401 WATER QUALITY CERTIFICATION.**

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA).

The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

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. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

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Any comments relative to MPCA's Section 401 certification for the activity proposed in this public notice may be sent to the following address:

Minnesota Pollution Control Agency  
Regional Environmental Management Division  
Attention 401 Certification  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

**7. HISTORICAL/ARCHAEOLOGICAL.**

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if any known cultural resources may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted, and no listed properties (known to be eligible for inclusion, or included in the Register) are in the project area.

**8. 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.

**9. 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

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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.

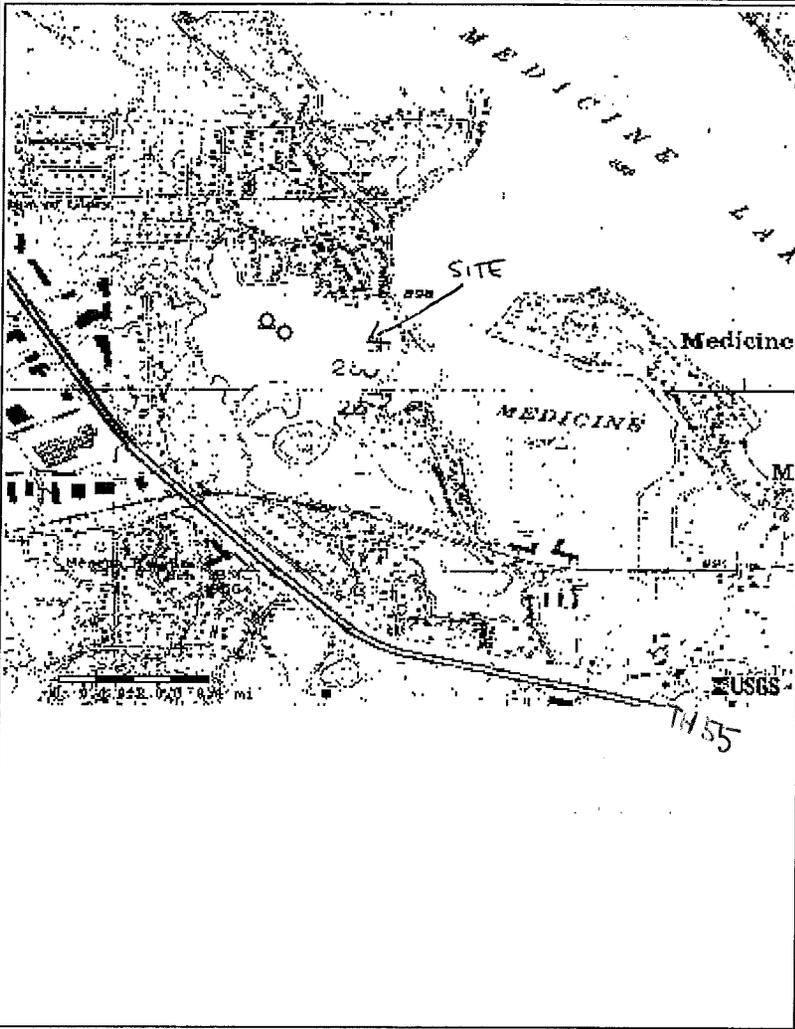


Marita Valencia  
Chief, Metro Permits Section

Enclosures

**NOTICE TO EDITORS:** This public notice is provided as background information and is not a request or contract for publication.

# Plymouth Creek Restoration

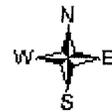


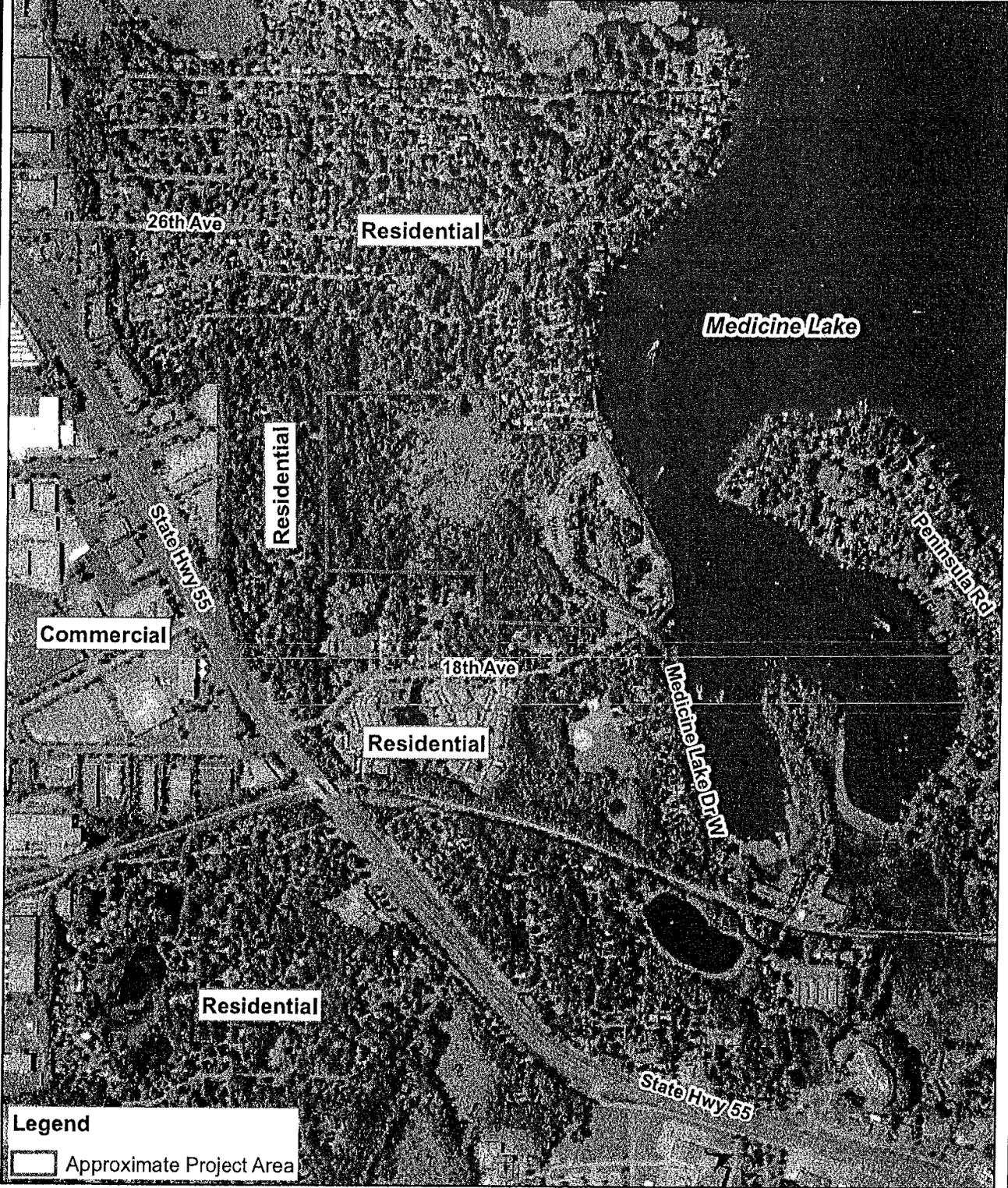
## LEGEND

- Marine
- Estuarine
- Riverine
- Riparian
- Lacustrine
- Palustrine
- Uplands
- Other/Unknown

- △ Marine
- △ Estuarine
- △ Riverine
- △ Riparian
- △ Lacustrine
- △ Palustrine
- △ Uplands
- △ Other/Unknown

- △ Marine
- △ Estuarine
- △ Riverine
- ▲ Riparian
- ▲ Lacustrine
- △ Palustrine
- Uplands
- ◇ Other/Unknown





**Legend**  
 [White Box] Approximate Project Area

Data Source(s): Aerial Express (2006)

Map Document: P:\20081032\gha\20081032a00102A.mxd  
 3/21/2008 11:42:55 AM



Westwood Professional Services, Inc.  
 7699 Anagram Drive  
 Eden Prairie, MN 55344  
 PHONE 952-937-5150  
 FAX 952-937-5822  
 TOLL FREE 1-888-937-5150  
 www.westwoodps.com

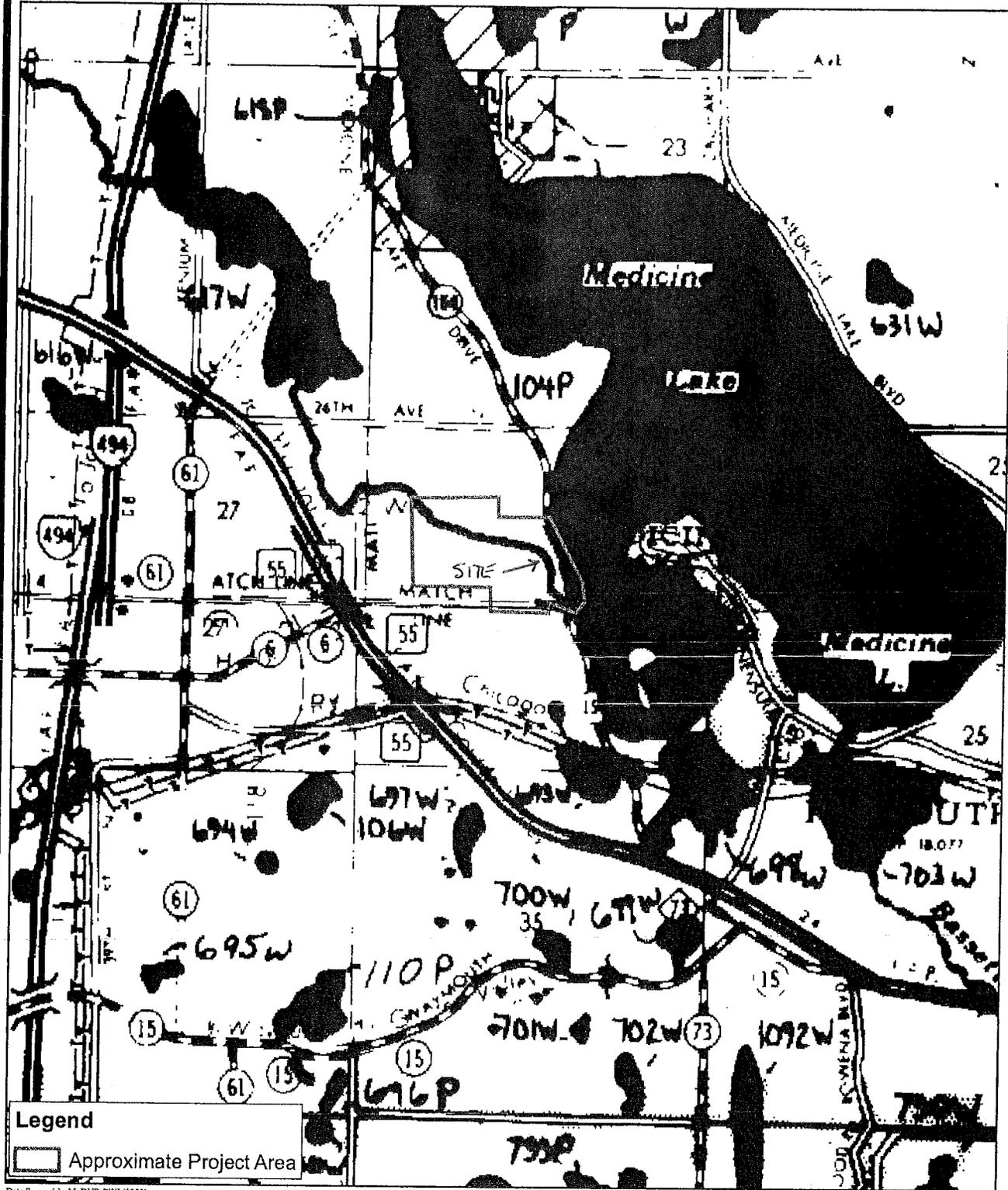


**Plymouth Creek Pond**  
 RECEIVED 2006 Aerial Photography & Adjacent Land Use  
 Plymouth, Minnesota

NOV 24 2008

EXHIBIT 2

DNR Waters 2008-05867-114, 2 of 7



**Legend**  
 [ ] Approximate Project Area

Data Source(s): MnDNR PWI (1983).



Westwood Professional Services, Inc.  
 7699 Anagram Drive  
 Eden Prairie, MN 55344  
 PHONE 952-937-5150  
 FAX 952-937-5822  
 TOLL FREE 1-888-937-5150  
 www.westwoodps.com



**Plymouth Creek Pond**  
**RECEIVED**

Plymouth, Minnesota  
 DNR Public  
 Waters Inventory

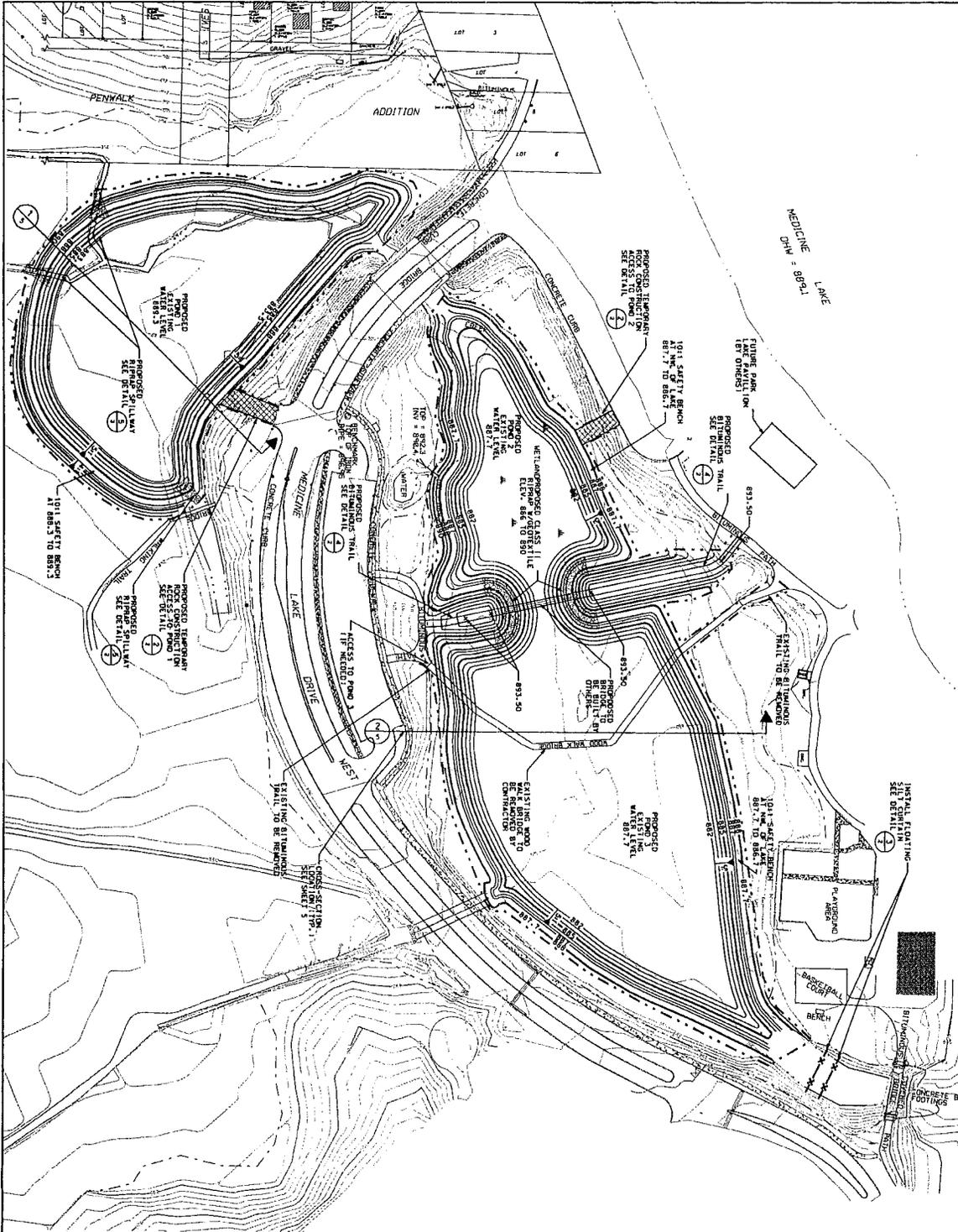
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DNR  
 Waters

EXHIBIT 5

Map Document: P:\2008\0527\ps\0081032pw01A.mxd  
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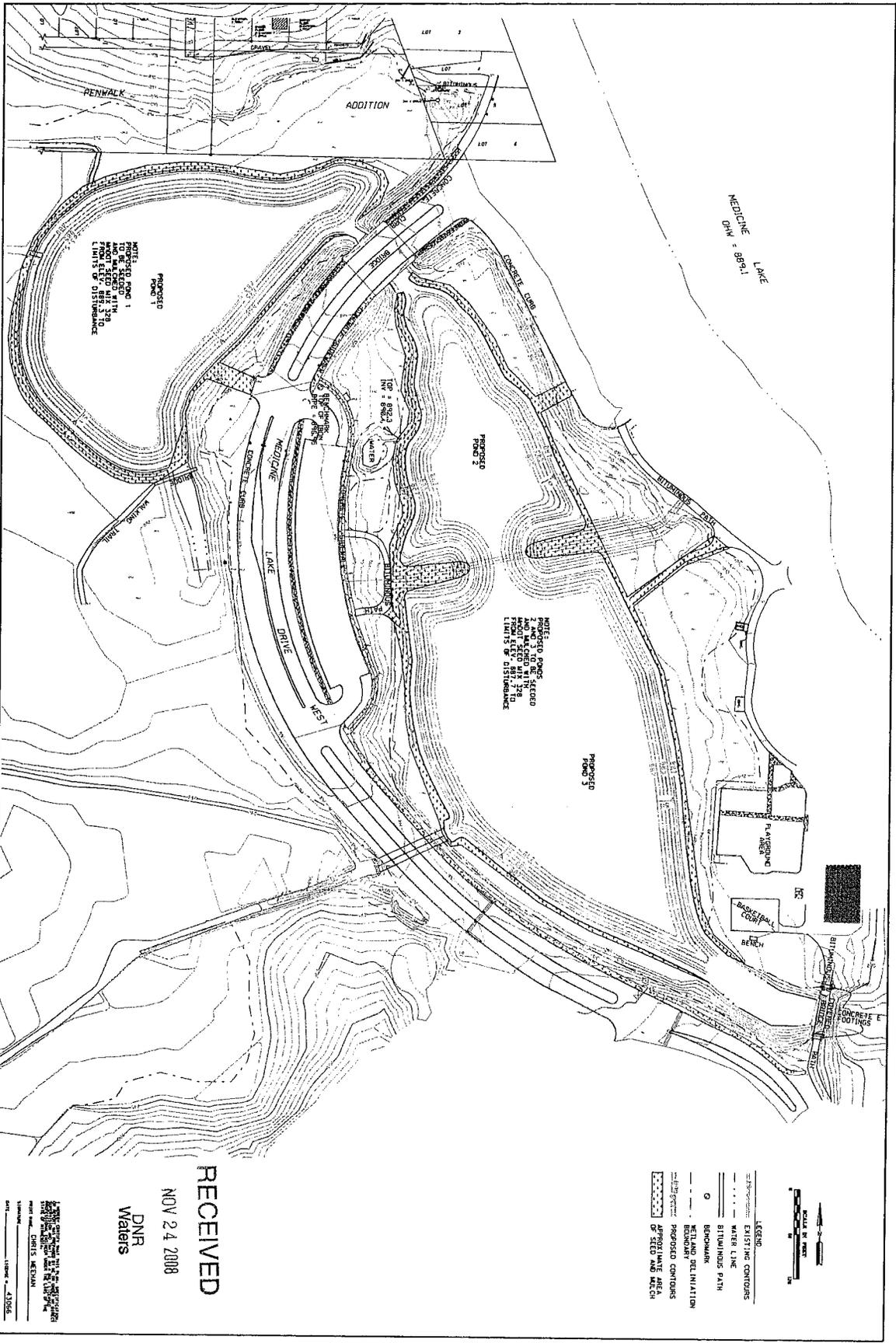
**RECEIVED**  
NOV 24 2008  
DNR  
Waters

**LEGEND**  
 - - - - - EXISTING CONTOURS  
 - - - - - WATER LINE  
 - - - - - BATHYMETRIC PATH  
 ○ BENCHMARK  
 - - - - - WETLAND DELIMITATION  
 - - - - - PROPOSED CONTOURS  
 - - - - - CONSTRUCTION LIMITS

INSTALL FLOATING SEE CENTER SEE DETAIL  
 PROPOSED EROSION CONTROL SEE DETAIL  
 PROPOSED TEMPORARY ACCESS TO POND 2 SEE DETAIL  
 PROPOSED TEMPORARY ACCESS TO POND 3 SEE DETAIL  
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FILE NAME: W:\1754\02\WED07E18917.DGN  
 PROJECT: CONSTRUCTION PLANS FOR PLYMOUTH CREEK POND  
 CITY OF PLYMOUTH, MINNESOTA  
 SHEET TITLE: GRADING AND EROSION CONTROL PLAN  
 DATE: OCTOBER, 2008  
 REVISIONS: \_\_\_\_\_ DATE: \_\_\_\_\_  
 DWN: \_\_\_\_\_ CHK'D: \_\_\_\_\_ APP'D: \_\_\_\_\_

**Wenck**  
 Wenck Associates, Inc. 1800 Pioneer Creek, Center (763) 478-4200  
 Engineering and Construction Services Maple Plain, MN 55359 Fax: (763) 479-4242  
 Environmental Services  
 2008-05867-114, 5 of 7



RECEIVED  
 NOV 24 2008  
 DNR  
 Waters

- LEGEND**
- EXISTING CONTOURS
  - WATER LINE
  - STREAMLINE PATH
  - BENCHMARK
  - WETLAND DELINEATION
  - PROPOSED CONTOURS
  - PROPOSED CONTOURS OF SEED AND MATCH

FILE NAME: W:\1256\02\VED07E\H619.DGN

**Wenck**  
 Wenck Associates, Inc. 1800 Pioneer Creek Center  
 Engineering, GIS, Planning, Surveying  
 Maple Park, MN 56359  
 763.479.4200 Fax: 763.479.4242

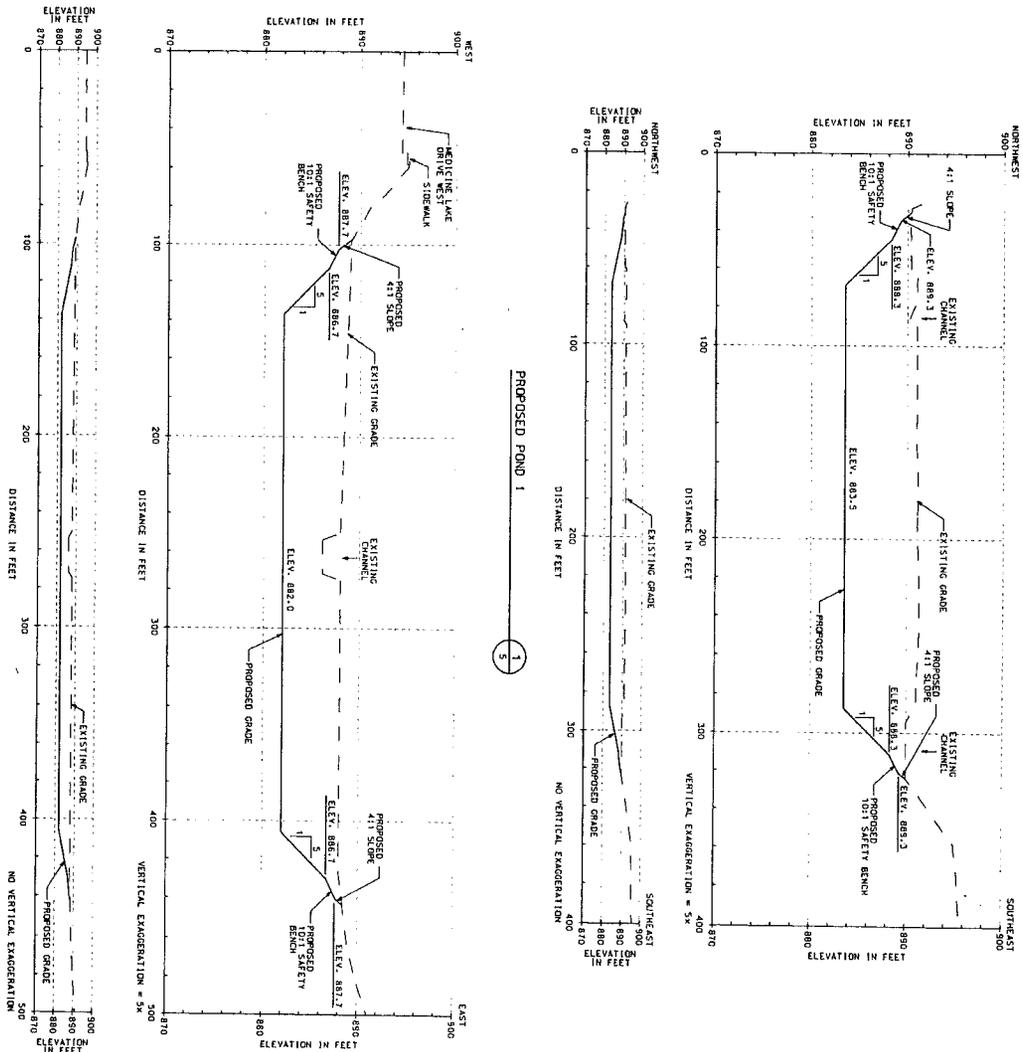
PROJECT  
 CONSTRUCTION PLANS FOR  
 PLYMOUTH CREEK POND  
 CITY OF PLYMOUTH  
 PLYMOUTH, MINNESOTA

SHEET TITLE  
 VEGETATION MANAGEMENT  
 PLAN  
 DATE: OCTOBER, 2008

REVISIONS	DATE

DWN: JBT CWL: APPD:

2008-05867-114, 6 of 7



EARTHWORK SUMMARY	
FOUND.	FT. L.
FOUND 1	26,105
FOUND 2	10,125
FOUND 3	27,125
	815

RECEIVED  
 NOV 24 2008  
 DNR  
 WATERS

WENCK CONSULTANTS, INC.  
 800 PLYMOUTH CREEK CENTER  
 PLYMOUTH, MN 55442  
 PHONE: (763) 479-4200  
 FAX: (763) 479-4242  
 WWW.WENCKCONSULTANTS.COM

FILE NAME: W:\1758\02\W007C08\018.DWG

	<b>Wenck</b> Wenck Associates, Inc. 800 Plymouth Creek Center Plymouth, MN 55442 Phone: (763) 479-4200 Fax: (763) 479-4242	PROJECT CONSTRUCTION PLANS FOR PLYMOUTH CREEK POND CITY OF PLYMOUTH PLYMOUTH, MINNESOTA	SHEET TITLE CROSS-SECTIONS	REVISIONS _____ DATE _____ _____ DATE _____ _____ DATE _____
		DATE: OCTOBER, 2008	DRN: JMT CHKD: _____ APPD: _____	

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