

Appendix O

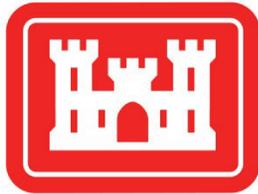
Appendix O

Public and Private Summarized Comments and Corps Responses

Marsh Lake Ecosystem Restoration Project

Final Feasibility Report and Environmental Assessment

July 2011



**US Army Corps
of Engineers** ®

Prepared by:
U.S. Army Corps of Engineers
St. Paul District
180 Fifth Street East, Suite 700
St. Paul, Minnesota 55101-1678

Appendix O

Public and Private Summarized Comments and Corps Responses

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No	Date	Agency/Organization/Individual
1	03/10/06	Ducks Unlimited
2	02/11/08	Ducks Unlimited
3	06/02/11	Jay and Tracy Ronning
4	06/15/11	Scott Sparlin, Coalition for a Clean Minnesota River
5	06/17/11	Brent Ronning
6	06/17/11	Environmental Protection Agency
7	06/24/11	Minnesota Pollution Control Agency
8	06/24/11	Ducks Unlimited

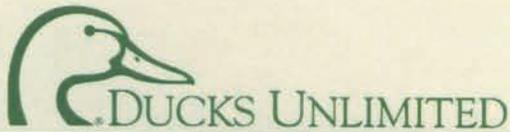
Written Comments Received During Feasibility Study Development

Included below are comments received during the plan formulation process for the study.

Comments include the following:

1. March 10, 2006 letter from Ducks Unlimited to Minnesota Department of Natural Resources
2. February 11, 2008 letter from Ducks Unlimited to Minnesota Department of Natural Resources

Both letters are supportive of the study and the plan formulation process. No formal responses are provided to these two comment letters.



Ryan P. Heiniger

Director of Conservation Programs – MN/IA

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March 10, 2006

Cheryl Heide
Minnesota Department of Natural Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Ms. Heide:

As you know, Ducks Unlimited has recently begun a comprehensive program called the *Living Lakes Initiative*, a science-based, strategic effort to reverse the decline of migratory waterfowl and our waterfowling heritage in Minnesota. Marsh Lake is an important part of one of the key focus areas in our Living Lakes Initiative and we are fully supportive of efforts designed to improve Marsh Lake.

The volunteers and staff of Ducks Unlimited, Inc. fully support the Minnesota Department of Natural Resources efforts to collaborate with the U.S. Army Corps of Engineers to improve Marsh Lake for waterfowl and other wildlife. Marsh Lake represents a remarkable natural resource and desperately needs a timely public investment by the U.S. Army Corp of Engineers and other partners to restore the area for waterfowl habitat, flood storage retention, and improving water quality in the Minnesota River.

It is our understanding that a funding request for appropriations within the fiscal year 2007 Energy and Water Development Act for the U.S. Army Corps of Engineers are being pursued. Furthermore, the current effort targets appropriations for the completion of a feasibility study with a projected federal cost of \$258,000, which will be leveraged with state resources.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Ryan Heiniger
Director of Conservation Programs – Minnesota/Iowa

Cc: Congressman Peterson, Senator Coleman, Senator Dayton
Mark Holsten – MN DNR



Ryan P. Heiniger

Director of Conservation Programs – MN/IA

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February 11, 2008

Mark Matuska, Regional Director
Minnesota Department of Natural Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Mr. Matuska:

RE: Support for Marsh Lake Study

Ducks Unlimited, Inc. (DU) fully supports the fiscal year 2009 Congressional appropriation request of \$250,000 to complete the planning phase of the Marsh Lake Ecosystem Restoration Feasibility Study. DU has been pleased to be a partner in the planning process in cooperation with the Minnesota Department of Natural Resources, the U.S. Army Corps of Engineers and other stakeholders.

Marsh Lake is a remarkable natural resource for waterfowl, other wildlife and the citizens of Minnesota. As you know, through Ducks Unlimited's Living Lakes Initiative in Minnesota and Iowa, we are focused on restoring the ecological health of shallow lakes. This is a science-based, partnership driven effort to reverse the decline of migratory waterfowl and our waterfowling heritage in Minnesota. Marsh Lake is a high priority within one of the key focus areas in western Minnesota.

We are encouraged by the progress made to-date by the planning team and we remain optimistic that a viable and cost-effective solution can be identified and agreed upon by all the parties involved. Securing federal funding in fiscal year 2009 will be critical to completing the planning phase and allow for the project to continue moving forward in a time-sensitive manner.

Please feel free to contact me if you should need additional support from Ducks Unlimited.

Sincerely,

Ryan Heiniger
Director of Conservation Programs – Minnesota/Iowa
Ducks Unlimited, Inc.

Cc: Senator Coleman, Senator Klobuchar, Congressman Peterson
Mark Holsten, Commissioner – MN DNR

Public Comments Received During Public Review Period

Comments and Responses

Several comments were received from the general public during the public review process. Each was generally supportive of the project and the overall Feasibility Study Report. These comments include:

1. June 2, 2011 letter from Jay and Tracy Ronning
2. June 15, 2011 letter from Scott Sparlin, Coalition for a Clean Minnesota River
3. June 17, 2011 letter from Brent Ronning
4. June 24, 2011 letter from Ryan Heiniger, Ducks Unlimited

Response:

USACE appreciates the support of its ecosystem restoration mission and the Marsh Lake Ecosystem Restoration Project Feasibility Study.

Marsh Lake Project.txt
From: JAY & TRACY RONNING [jayandtracyr@embarqmail.com]
Sent: Thursday, June 02, 2011 9:29 AM
To: Wyatt, Michael MVP
Subject: Marsh Lake Project

Mr. Wyatt,

I just learned of the public input meeting that was to be held on 5/26/2011. Obviously, a little too late. I am disappointed in the communication of this meeting. I did not see any notice anywhere including the Outdoor News or Appleton Press. I was wondering if I could get meeting notes or a summary of what was discussed/decided at the meeting.

I grew up in Appleton and still have family living there. I would be in favor of the plan that has been proposed. Periodic draw downs of upper Marsh Lake could be a wonderful thing for both fish and waterfowl. There is a lot of untapped potential for improvement of habitat on the lake.

If you have any kind of mailing list for communication on the project, I would like to be included.

Thank you for your work on the project.

Jayson Ronning
9124 Prestwick Court North
Brooklyn Park, MN 55443
763 315 1088

From: [Scott Sparlin](#)
To: [Wyatt, Michael MVP](#)
Subject: Written comments on Marsh Lake Project
Date: Wednesday, June 15, 2011 3:00:21 PM

Subject: Written comments on Marsh Lake Project
To: Michael.d.wyatt@usace.army.mil

These comments are for the public record on behalf of the Coalition for a Clean Minnesota River (CCMR). CCMR is a basin-wide 501 c 3 non-profit organization working to clean up pollution while improving fish and natural habitats in the Minnesota River Basin.

The Coalition for a Clean Minnesota River believes this project has been in the talking stages far too long and that implementation can not come too soon. The approximately 10 million dollar price tag associated with the project is extremely small in comparison to the public benefits that clean water, fish and wildlife improvements will have on our state, country and the entire river system including the Gulf of Mexico. On site users from all over the region will get additional access improvements for all to enjoy which also includes those with physical challenges. We have a concern about fisheries and wildlife staff working together to achieve increases in populations of forage fish and wildlife which originate in Marsh Lake. A major point of that will be during draw down years when it will be critical to allow for ample time for those forage fish and wildlife to escape into Lac Qui Parle and the entire Minnesota River system. The flexibility in the draft plan to allow for climatic and environmental conditions to dictate draw down management strategies is a positive action. With the focus being on fish and wildlife Marsh Lake can be allowed to return to its former glory as a phenomenal fish and waterfowl creation body of water not to mention a natural filtration basin for water quality.

Most Sincerely, Delbert Wehrspann, Director CCMR

Fwd Marsh Lake Restoration.txt

From: brandhr [brandhr1@msn.com]
Sent: Friday, June 17, 2011 8:44 PM
To: Wyatt, Michael MVP
Subject: Fwd: Marsh Lake Restoration

Begin forwarded message:

From: brandhr <brandhr1@msn.com>
Date: June 17, 2011 8:41:44 PM CDT
To: "michael.d.wyatt@suace.army.mil" <michael.d.wyatt@suace.army.mil>
Subject: Marsh Lake Restoration

Michael,

I fully support all efforts to restore the Marsh Lake ecosystem.

Brent Ronning

Sent from my iPhone



Ryan Heiniger
Director of Conservation Programs

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24 June 2011

Michael Wyatt
U.S. Army Corps of Engineers, PD-F
180 East Fifth Street, Suite 700
St. Paul, MN 55101-1678

Dear Mr. Wyatt:

On behalf of nearly 40,000 Ducks Unlimited members and supporters in Minnesota, I am writing to provide comments and express our strong support for efforts by the U.S. Army Corps of Engineers to improve Marsh Lake in Swift and Lac Qui Parle Counties near Appleton, Minnesota. Specifically, I am providing comments in response to the St. Paul District – U.S. Army Corps of Engineers “Marsh Lake Ecosystem Restoration Feasibility Study” for the Lac Qui Parle Wildlife Management Area, Minnesota.

Improvement of water level management capabilities for Marsh Lake through the renovation of the Marsh Lake dam structure and restoration of the original Pomme de Terre River Channel is critically needed to allow for temporary water level manipulations and other active habitat management actions that will restore the lake’s aquatic ecology and improve water quality for both waterfowl and humans alike. Ducks Unlimited has been actively involved in helping the Minnesota Department of Natural Resources (DNR) and U.S. Army Corps of Engineers develop ideas to Marsh Lake since we began conservation work in Minnesota in the late 1980s, and we have been specifically supporting the need to renovate the Marsh Lake Dam to include variable water level control since shortly after the dam structure was damaged in spring 1997.

Waterfowl have endured many challenges in Minnesota as prairies were plowed and wetlands drained. Today, shallow lakes are the cornerstones of the remaining waterfowl habitat throughout southern and western Minnesota. However, these unique wetland resources are not isolated from threats that jeopardize their productivity for waterfowl. Altered hydrology and invasive fish, among factors, now limit the ability of many shallow lakes to provide quality habitat for waterfowl and other wildlife, and for human recreation. Marsh Lake is no exception.

Marsh Lake is a 5,000-acre shallow lake with an average depth of only a few feet, and a long history of heavy waterfowl use during both spring and fall. It also has a history of heavy use by recreational waterfowl hunters, especially in the years immediately following dam construction when the lake was in prime condition. However, as with many shallow lakes in Minnesota, the waterfowl habitat and water quality in Marsh Lake has become degraded in recent years due to high, stable water levels, increased inflows of water and nutrients, and high

numbers of invasive fish such as common carp that have failed to significantly winterkill in decades.

One of the keys to improving and maintaining the quality of shallow lakes is the legal and physical ability to manage water levels and conduct period draw-downs. Just as fire maintains the health of prairies, we know through science that shallow lakes and wetlands require periods of low water or droughts to stay healthy and productive for wildlife. This temporal variation in water levels serves to consolidate soils, winterkill invasive fish, and allow aquatic plants to germinate and expand. Once reflooded, aquatic plants stabilize wetland bottom substrates during wind events, absorb and store nutrients, and provide important wetland wildlife habitat.

The Marsh Lake Ecosystem Restoration Feasibility Study for the Lac Qui Parle Wildlife Management Area in Minnesota does an excellent job of addressing the main drivers of poor water quality and turbidity in Marsh Lake. Primarily, these include the lack of variable water level control in Marsh Lake Dam, the alteration of the Pomme de Terre River that currently discharges into Marsh Lake directly instead of through its original channel into the Minnesota River below, and the corresponding lack of natural fish winterkill events that result. The high, stable water levels resulting from the fixed crest dam combined with constant water inflow from the Pomme de Terre River has allowed invasive common carp numbers in the lake to explode and dominate the ecology of the system. Thus, improving Marsh Lake will require the dam be modified to include a draw-down structure (and the structure be subsequently be actively managed), and the Pomme de Terre River be restored to its natural channel that enters the Minnesota River downstream of the Marsh Lake dam.

The Study does a good job of laying out the alternatives and identifying the most cost-effective, critical elements to pursue with federal and state funding. Ducks Unlimited supports both Alternative Plan 3 and Alternative Plan 4 that calls for restoration of the Pomme de Terre River and the inclusion of a draw-down structure. Both Alternative Plans also include gated structures for the Louisburg Grade Road culverts, which if managed properly, could also be useful to enhanced water level management in the Marsh Lake system. Alternative Plan 4 also includes modifications of Marsh Lake Dam to include a fish way, which is forecasted to improve native fish passage into Marsh Lake and help balance the fishery to a more native state. If that indeed happens, then that aspect of the project will be beneficial too. However, given the abundance of carp in the system, we remain concerned that providing fish passage will also provide passage of carp and other invasive fish species, potentially negating the benefits from Pomme de Terre River restoration and periodic draw-downs of Marsh Lake.

Therefore, we highly recommend that if the Marsh Lake Dam is modified to allow fish passage into Marsh Lake from the Minnesota River below via Alternative Plan 4, state and federal fisheries specialists should closely monitor fish movements into Marsh Lake and fish populations that result, and plans made to modify the fish passage structure should additional invasive species be found to be problematic.

As noted above, we strongly endorse the use of periodic draw-downs to enhance Marsh Lake and associated wetlands, and the construction of both a draw-down feature in the Marsh Lake Dam and the construction of gated structures on Louisburg Grade Road culverts will provide

state and federal wildlife managers with the ability to actively manage water levels in both Marsh Lake and the West Pool. However, it will then be critical that state and federal agencies agree on an active water level management plan for the system, and follow through with the implementation of periodic, temporary water level draw-downs to improve the system. Because it tends to be human nature to avoid change and because some stakeholders will not appreciate the lower water levels in Marsh Lake, albeit even temporarily, there may be significant pressures to delay or not implement water level draw-downs after project completion. That would simply be unacceptable, and we urge advance planning among the Corps, Minnesota DNR, and stakeholders to reach agreement on future management actions to ensure future improvement of the overall system.

Ducks Unlimited looks forward to being part of these ongoing discussions and to helping the Corps and DNR seek federal and state funding to implement this important shallow lake improvement project.

Sincerely,

A handwritten signature in black ink that reads "Ryan Heiniger". The signature is written in a cursive, flowing style.

Ryan Heiniger
Director of Conservation Programs – Minnesota, Iowa, Nebraska, Colorado, & Wyoming

CC: Senator Amy Klobuchar
 Senator Al Franken
 Congressman Collin Peterson
 Tom Landwehr, Minnesota DNR Commissioner
 Dennis Simon, Minnesota DNR Chief of Wildlife
 David Trauba, Minnesota DNR Area Wildlife Manager – Lac Qui Parle WMA
 Jon Schneider, DU Manager – Minnesota Conservation Programs
 Josh Kavanagh, DU Biologist - Minnesota

Agency Comments Received During Public Review Period

Two comment letters were received from State and Federal Agencies:

1. June 24, 2011 letter from Minnesota Pollution Control Agency (MPCA)
2. June 24, 2011 letter from the Environmental Protection Agency (EPA)

Response to MPCA Comments:

- General Comment
Based on the responses included below, USACE is seeking concurrence that the Environmental Assessment is complete and that Section 401 Water Quality Certification will be issued following the development, submittal and concurrence of information completed during design phase. Section 10.3 has been updated to identify future permits required for construction from the Minnesota Pollution Control Agency.
- Section 4.1.4
Efforts have been made to select the environmentally least impactful and cost-effective plan for restoration of ecosystem features in and around Marsh Lake. As noted in Section 4.1.4, there is approximately 0.5-feet of fine sediment covering the historic river channel of its approximate two-mile length. Rerouting of the river is estimated to discharge approximately 1425 cubic yards of sediment into Lac qui Parle. Mechanical removal of sediment from the historic Pomme de Terre River channel would result in impacts to environmentally sensitive areas during construction which is inconsistent with the plan formulation. As proposed the net sediment loads to the Lac qui Parle reservoir will not change as a result of the project, however, the entire sediment load to the upper pool of Marsh Lake originating from the Pomme de Terre River will be eliminated. The intent of this effort is to reduce the sediment loading and ultimately reduce turbidity within Marsh Lake.
- Section 4.1.6
There is currently no plan to physically remove fish from the lake. Following construction, the project features will be operated by the State of Minnesota, the non-Federal sponsor. The State, at its expense, may choose to voluntarily remove fish killed as a result of winter drawdowns. No removal is currently performed for seasonal fish-kills at the site. Section 6.7.12 has been updated to clarify the potential impact on biological productivity.
- Section 6.7
 - Bullet 1
Construction contractors will be directed to apply for NPDES Permits; Section 10.3 has been updated to clarify the need for future permits.
 - Bullet 2
Construction contractors will be directed to apply for NPDES Permits and include the acreage of recreation facilities within the area calculation necessary for the permit. Section 10.3 has been updated to clarify the need for future permits.

- **Bullet 3**
Best Management Practices will be incorporated into the final design of the project. Section 6.7.13 of the feasibility study and environmental assessment has been amended to include the acknowledgement of the potential for temporary impacts resulting from construction activities and the need for erosion control on site during construction.
- **Bullet 4**
Best Management Practices will be incorporated into the final design of the project. Section 6.7.13 of the feasibility study and environmental assessment has been amended to include the acknowledgement of the potential for temporary impacts resulting from construction activities and the need for erosion control on site during construction.
- **Bullet 5**
Efforts have been made to select the environmentally least impactful and cost-effective plan for restoration of ecosystem features in and around Marsh Lake. As noted in Section 4.1.4, there is approximately 0.5-feet of fine sediment covering the historic river channel of its approximate two-mile length. Rerouting of the river is estimated to discharge approximately 1425 cubic yards of sediment into Lac qui Parle. Mechanical removal of sediment from the historic Pomme de Terre River channel would result in impacts to environmentally sensitive areas during construction which is inconsistent with the plan formulation. As proposed the net sediment loads to the Lac qui Parle reservoir will not change as a result of the project, however, the entire sediment load to the upper pool of Marsh Lake originating from the Pomme de Terre River will be eliminated. The intent of this effort is to reduce the sediment loading and ultimately reduce turbidity within Marsh Lake.
- **Miscellaneous Comments**
Thank you for your attention to detail. Changes and edits will be made as necessary.

Response to EPA Comments:

- **General Comment**
USACE appreciates the support of its ecosystem restoration mission and watershed study efforts.
- **Mussels**
Section 4.1 details options for potential relocation of mussels by the non-Federal sponsor. A decision on relocation will be made based on interest and available resources of Minnesota Department of Natural Resources.



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

June 24, 2011

Mr. Michael Wyatt
Project Manager
St. Paul District, US Army Corps of Engineers PD-F
180 5th Street East, Suite 700
St. Paul, MN 55101-1678

Re: Marsh Lake Ecosystem Restoration Project Draft Environmental Assessment

Dear Mr. Wyatt:

Thank you for the opportunity to review and comment on the Draft Environmental Assessment (EA) for the Marsh Lake Ecosystem Restoration project (Project) located in Lac Qui Parle, Swift, and Big Stone Counties, Minnesota. The Project consists of restoration of the degraded Marsh Lake ecosystem. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, MPCA staff has the following comments for your consideration.

General Comment

The Draft EA lacks an evaluation of the environmental impact of the construction efforts proposed and also lacks an acknowledgement and description of the regulatory/permit requirements for the Project. The document should describe the regulatory requirements and mitigation that would likely be required to construct the various components of the selected alternative. As the Project is further developed, the MPCA will need the details on how the Project will be carried out in order to issue any approvals and permits within its jurisdiction.

Request for Timely Section 401 Water Quality Certification Determination

By letter to the MPCA, dated May 11, 2011, the U.S. Army Corps of Engineers (USACE) requests a timely Clean Water Act Section 401 Water Quality Certification (401 Certification) determination from the MPCA for this Project. The MPCA concludes there is insufficient information within the Draft EA to demonstrate that the proposed Project can reasonably be anticipated to comply with the applicable water quality standards, which is what a favorable 401 Certification determination would indicate. There are two general options available for handling requests for timely 401 Certifications that do not contain sufficient information for the MPCA to make an informed determination:

- (A) The MPCA can provide a formal Denial Without Prejudice on the request for the 401 Certification, which would allow the USACE to reapply for a 401 Certification after it can responsibly demonstrate how the Project will be able to comply with the applicable water quality standards (i.e., after plans and specifications have been prepared and site-specific, appropriate mitigative measures and best management practices (BMPs) are proposed); or
- (B) The USACE can formally withdraw its request for the 401 Certification (e-mail correspondence would suffice) and reapply for it after plans and specifications are prepared and site-specific, appropriate mitigative measures and BMPs are proposed.

Please decide which of these two options the USACE would like to pursue, and notify the MPCA accordingly within 30 days of the date of this correspondence. For questions or information about the 401 Water Quality Certification process, please contact Kevin Molloy at 651-757-2577.

Section 4.1.4

The MPCA would prefer mechanical removal of the sediment in the natural channel, prior to restoration of flow in that channel, instead of the sediment being flushed into Lac Qui Parle. That sediment should also be tested to determine whether any contaminants of concern are present.

Section 4.1.6

There was no mention of what would be done with the carp killed through the use of a winter drawdown (page 127). The MPCA is concerned that, if not removed, the dead carp would contribute to the biological oxygen demand loading in the water body as they decompose.

Section 6.7

- The document did not list the permits/approvals (other than the 404(B)(1) evaluation and the mention of the need for a MPCA 401 certification) that would be required to implement the proposed Project and did not identify the impacted area measurements of the construction activity to determine if it would meet the threshold of the permits/approvals. Specifically, the MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) must be one of the permits discussed in the Final EA.
- Construction of the recreation facilities should be considered part of the ecosystem restoration project such that the acreage of land disturbing activities is included in the acreage of disturbance for the ecosystem restoration project and coverage under the CSW Permit is obtained to cover both activities if the combined total of disturbance is over one acre.
- The Final EA must identify potential BMPs that would be incorporated into the construction both in the upland areas and for the in water work in order to protect downstream water quality.
- The Final EA should identify and describe the additional (CSW Permit Appendix A) BMP efforts that must be undertaken to protect the Pomme de Terre River required because of its MPCA impaired waters listing status. In addition, the document should identify and discuss required BMPs if the Project activity will trigger requirements for permanent stormwater runoff treatment BMPs. See the CSW Permit for these requirements at the MPCA website: <http://www.pca.state.mn.us/wfhya5b>.
- The Draft EA indicated in 6.7.3. that as part of the construction proposal to restore the Pomme de Terre River channel, the old channel would not be dredged or otherwise modified so no disposal area would be needed. The document stated that the flow of the river would be allowed to scour accumulated sediment and debris from the old channel. This proposal to let the river scour the sediments in the old channel downstream in the impaired Pomme de Terre River and then to the Minnesota River must be evaluated regarding the potential impacts of this sediment redistribution downstream. If the conclusion is that it would adversely affect the downstream water quality, the document must evaluate alternatives (such as dredging) to avoid this type of in water sediment release as part of the channel restoration.

Miscellaneous Comments

- The MPCA believes that there is an error on page 102, just above section 3.3 in that there is reference to a dam on the Pomme de Terre 56 miles upstream of Marsh Lake at Marshall, Minnesota. The MPCA suspects that should be Morris, Minnesota.
- There is an error in the date of the Pool 8 drawdown on Figure 4-6, on page 124. Pool 8 of the Mississippi River was drawn down in 2000 and 2001.
- Table 5-1 on page 141 was missing and there was no placeholder listed on that page.
- Earlier in the document, the MPCA was named as having participated in Project discussions; however, the area (e.g., water quality, etc.) was not mentioned. Also, the MPCA was not listed in section 10.3 State Agencies on pages 201 – 202, nor listed with Other Partners on page 211. Please state who at the MPCA was involved in the discussions.

We appreciate the opportunity to review this Project. We look forward to seeing these comments adequately addressed in the Final EA. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this Draft EA, please contact me at 651-757-2508.

Sincerely,



Karen Kromar
Planner Principal
Environmental Review and Feedlot Section
Regional Division

KK:mbo

cc: Craig Affeldt, MPCA, St. Paul
Larry Zdon, MPCA, St. Paul
Judy Mader, MPCA, St. Paul
Kevin Molloy, MPCA, St. Paul
Doug Wetzstein, MPCA, St. Paul



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JUN 17 2011

REPLY TO THE ATTENTION OF:

E-19J

Michael Wyatt, Project Manager
St. Paul District, U.S. Army Corps of Engineers, PD-F
180 Fifth Street East, Suite 700
St. Paul, Minnesota 55101-1678

Re: Draft Marsh Lake Ecosystem Restoration Project Feasibility Report, Environmental Assessment and Draft Finding of No Significant Impact

Dear Mr. Birkenstock:

The U.S. Environmental Protection Agency has reviewed the above-mentioned document in accordance with our responsibilities under the National Environmental Policy Act, the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

The geographic area for the Marsh Lake project includes Marsh Lake, the Pomme de Terre River outlet, the Marsh Lake Dam, and the upper portion of the Lac qui Parle reservoir. The stated purpose of the proposed project is to restore the aquatic and riparian ecosystems in the Marsh Lake project area. EPA has only one comment to offer pertaining to the Tentatively Selected Plan.

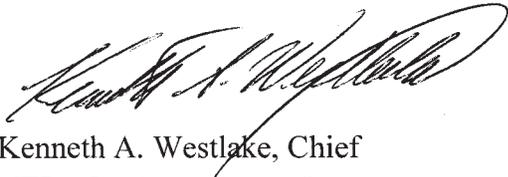
The lower Pomme de Terre River supports a diverse mussel community with two state-listed mussel species – elktoe and black sandshell. Mussels in the lower reach of the channelized Pomme de Terre River below the lower cut-off dike would no longer be located in a flowing river and would likely die following restoration activities. Likewise, mussels currently found in the locations of the proposed cut-off dikes would be buried. As these mussel species are not federally-listed species, there is no federal interest in a large-scale mussel relocation effort. The Minnesota Department of Natural Resources (MnDNR) is planning to monitor the recolonization of the restored river channel as part of the project. We encourage MnDNR to harvest mussels from the impact areas and temporarily relocate and stock them into the restored river channel. This effort is appropriate, given the low population numbers of most mussel species, and the relatively low cost of this effort in light of the overall project cost. It would dovetail with MnDNR's plan to monitor recolonization of the restored river channel.

EPA commends the Army Corps of Engineers (ACE) and MnDNR for addressing the need for ecosystem restoration in the study area. We acknowledge that problems in the Marsh Lake ecosystem are symptoms of larger watershed issues (i.e., high sediment and nutrient loading). As stated in the EA, the ongoing Minnesota River Basin Watershed, Water Quality and Ecosystem Restoration Study is designed to explore possible alternatives for watershed improvement, water quality management, and ecosystem restoration throughout the Minnesota River Basin. We realize potential solutions for watershed improvement may be outside of ACE's authority. Nevertheless, a comprehensive study outlining the full array of problems plaguing the basin and possible solutions creates opportunities for unique partnerships to develop and address basin-wide problems.

Lastly, we commend ACE for including potential climate change-related impacts into the analysis.

We appreciate the opportunity to comment on this project. If you have any questions regarding the contents of this letter, please do not hesitate to contact me or Kathleen Kowal of my staff at (312) 353-5206 or via email at kowal.kathleen@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake". The signature is fluid and cursive, with a large loop at the end.

Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance