

Attachment C: Late Comments Received

From: Dan Tanner
To: [MN Review, Environmental \(DNR\)](#)
Subject: MN Valley State Trail
Date: Tuesday, December 04, 2018 10:13:05 PM

Hi,

A couple questions on the proposed MN Valley State Trail running from the Boomington Ferry Bridge to the Refuge Visitor Center. I'm not sure if this the right place to ask, so I'd appreciate it if you could help point me at the right person.

1. Are there estimates available on the maintenance costs for this project? With how often this area floods, I'm wondering about the cost of maintaining wheelchair access and general quality of the trail and area beyond its initial cost.
2. On the trail's ROI and community acceptance: I'm wondering what community groups are advocating for the trail. I'm hearing about a lot of opposition to the project, and would like to get a balanced viewpoint from the people in the community that are advocating for it. Are there contacts of people or groups for that perspective?

Thanks for any info - much appreciated.

Dan Tanner
6260 W. 98th St
Bloomington MN 55438
dan@dantanner.com

From: Ryan Haag
To: [MN Review, Environmental \(DNR\)](#)
Subject: MN Valley State Trail Bloomington Segment
Date: Monday, December 10, 2018 10:49:05 AM

Hi,

Can you please confirm an EIS is forthcoming?

Thank you.

Ryan Haag
10660 Nesbitt Avenue South
Bloomington
612-202-4940

[Sent from Yahoo Mail for iPad](#)

RTH



REPLY TO ATTENTION OF
REGULATORY BRANCH

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678
November 20, 2018

Regulatory File No. MVP-2018-03123-JTB

Minnesota Department of Natural Resources
c/o Lisa Fay
500 Lafayette Road
St. Paul, Minnesota 55155

Dear Ms. Fay:

This letter is in response to correspondence we received from you regarding the Minnesota Valley State Trail, Bloomington Segment project. This letter contains our initial comments on this project for your consideration. The purpose of this letter is to inform you that based on the information Sibley County provided for the project referenced above a Department of the Army (DA) permit would be required for your proposed activity. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

Trail construction activities often result in regulated activities when actions include the replacement of culverts and abutting bank stabilization, discharges of dredged or fill material into wetlands and tributaries associated with site grading and preparation activities.

If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

The Corps evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable

Regulatory Branch (File No. MVP-2018-03123-JTB)

alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences” (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps’ decision whether there is a less damaging practicable alternative to the proposal.

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

If you have any questions, please contact me in our St. Paul office at (651) 290-5446 or Justin.T.Berndt@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

Justin Berndt
Project Manager