

Huntingdon

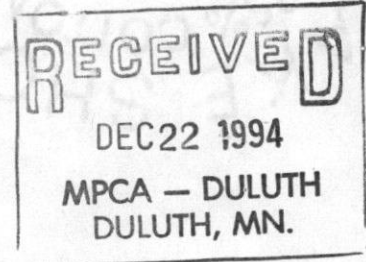
Huntingdon Engineering & Environmental, Inc.

4444 Airpark Blvd.
Duluth, Minnesota 55811
(218) 722-8433
Fax: (218) 722-1786

Certified Mail # P 087 202 612
Return Receipt Requested

December 20, 1994

Minnesota Pollution Control Agency
Mr. Steven J. Leppala
Duluth Government Center
320 W. Second St.
Duluth, Minnesota 55802



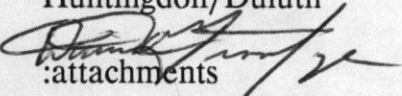
RE: 404 Application for Permit
94-06708-IP-TWP
Peat Harvest Proposal near Petroleum Tank Release Site
Letter of notification
Junction Food-n-Fuel
5493 Miller Trunk Highway
Leak ID# 00003534

Dear Mr. Leppala;

The owner of the subject site, Mr. Jack Curtis, has informed Huntingdon that the US Army Corps of Engineers (St. Paul District) has issued a public notice regarding a 404 Permit and Application to excavate approximately 29.3 acres of wetlands in order to harvest peat north of the subject site (attachment). Locally, the ground water flow direction is north from the LUST site, toward the proposed peat deposit. On the behalf of Mr. Jack Curtis, we are notifying the MPCA concerning this excavation as it may result in a slight gradient change that could slightly increase contaminant migration to the north. It is unlikely that ground water quality would be impacted by the peat mining operations as the regional ground water flow is to the south. In addition, plans are to implement Corrective Actions prior to commencement of peat mining operations, further deterring any negative environmental impacts. A proposal is forthcoming to complete a Remedial Investigation (RI)/Corrective Action Design (CAD) at the site.

Sincerely,

David A. Groutage
Branch Manager
Huntingdon/Duluth


:attachments
cc: Mr. Jack Curtis



US Army Corps
of Engineers
St Paul District

APPLICANT: Mr. Eugene B. Nelson

ISSUED: 14 Dec 1994

EXPIRES: 13 Jan 1995

REFER TO: 94-06708-IP-TWP

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO excavate in 29.3 acres of a wetland to harvest peat and planting soils and to discharge dredged material into wetlands to create waterfowl habitat.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 4337 LaVaque Road
Duluth, MN 55811

BUSINESS PHONE: (218) 729-6268

PROJECT LOCATION: The project site is located in the SW 1/4 NW 1/4 of Section 4, T. 50N., R. 15W., St. Louis County, Minnesota. The project location's approximate Universal Transverse Mercator (UTM) coordinates are Zone 15, North 556690, East 5187275.

DESCRIPTION OF PROJECT: The applicant proposes to excavate in 29.3 acres of bog and scrub/shrub (Type 6 and 8) wetland for a peat mining operation. This operation has been ongoing for the past fifty years and very little peat (up to 1/2 acre) is extracted on a yearly basis. Excavation would be to a depth of 5 to 7 feet (approximately 2 to 3 feet below the current water level) and then an additional 6 to 8 inches of clay would be removed and mixed with black dirt to produce planting soil mixture. Currently, all roads and drainage ditches are in place and functioning (see page 3 of drawings). The project also includes the discharge of excess dredged material, such as stumps, branches and brush, into 2 existing ponds to create additional islands for waterfowl habitat. Habitat previously created has contributed to the introduction and increased population of fish species, including Creek Chubs, Rainbow Chubs, Stickleback Minnows, Mud Minnows, and Suckers.

QUANTITY, TYPE, AND AREA OF FILL: Excess dredged material, from striping the tamarack, sedge, alder etc., is/was combined with sand and clay to construct road beds. The applicant also uses excess dredged material to create islands in existing ponds (see page 4 of drawings) for waterfowl habitat improvement.

VEGETATION IN AFFECTED AREA: The wetland is dominated by tamarack overstory and sedge understory with some areas of scrub/shrub (Type 6 and 8).

SURROUNDING LAND USE: Commercial areas on Hwy. 53, adjacent to the project site. Other adjacent land is tax-forfeited property owned by the State of Minnesota.

14 Dec 1994

DESCRIPTION OF DREDGING OR EXCAVATION: The applicant uses a dragline to excavate, a bulldozer to spread the material, and a front end loader to haul the peat/planting material from the site.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The existing ponds, that are attached to the drainage ditches, act as holding ponds for precipitation. Water flows into the ponds via the ditch and is held until it is slowly released through an unnamed tributary into Rocky Run Creek.

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.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 415 Pokegama Ave., Grand Rapids, MN 55744.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Tim Peterson at the Grand Rapids office of the Corps, telephone number (218) 327-2554.

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, St. Louis 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>
Peregrine falcon (E)	Breeding
Bald eagle (T)	Breeding
Gray wolf (T)	Northern forested areas (a primary range county)

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.

5. JURISDICTION. This project comes under the regulatory jurisdiction of the Corps of Engineers because this wetland is a tributary to Rocky Run Creek, which flows into the Midway River, then Lake Superior, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR: City of Hermantown, Soil and Water Conservation District, St. Louis County, and the Minnesota Department of Natural Resources.

6. WATER QUALITY CERTIFICATION. This Public Notice has been sent to the Minnesota Pollution Control Agency and is considered by the District Engineer to constitute valid notification to that agency for water quality certification. The Minnesota Pollution Control Agency has indicated that it intends to review this project to determine the appropriate action under Section 401 of the Clean Water Act. Any comments relative to Minnesota Pollution Control Agency actions may be sent to:

Minnesota Pollution Control Agency
Permits Section
Division of Water Quality
520 Lafayette Road
St. Paul, Minnesota 55155

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 there are known cultural resources which 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 located 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.

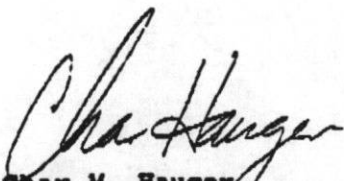
CENCS-CO-R (94-06708-IP-TWP)
SUBJECT: Notice of Application for Permit

14 Dec 1994

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.

FOR THE DISTRICT ENGINEER:

Enclosure(s)


Char M. Hauger
Chief, Central Permit Section
Regulatory Branch

Lindahl Rd

B. E. Nelson

Ware house



Truck Toppin sales

Free & Curtis
Food & Fuel

Virginia 50 mi

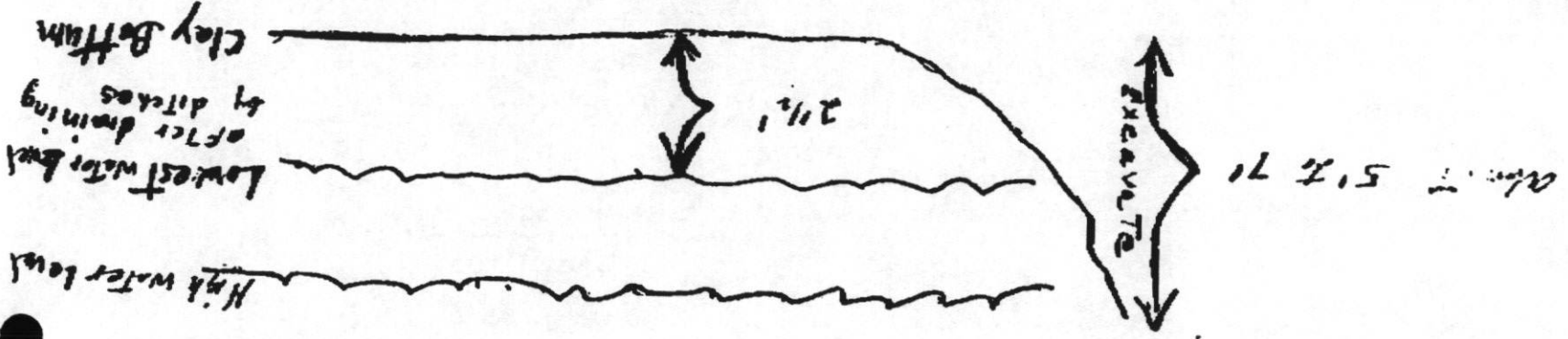
May 1994

Floodwood 35 mi

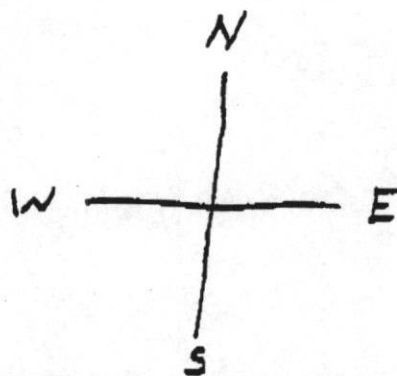
94-06708-IP-TWP
(Drawings Page 1 of 4)

Dist. Duluth

94-N-710 - 1
I separate 4-8 inches of clay bottom to make a heavier soil mix (Black Dirt)



Trees
Space + Tamarac
Alder Brush

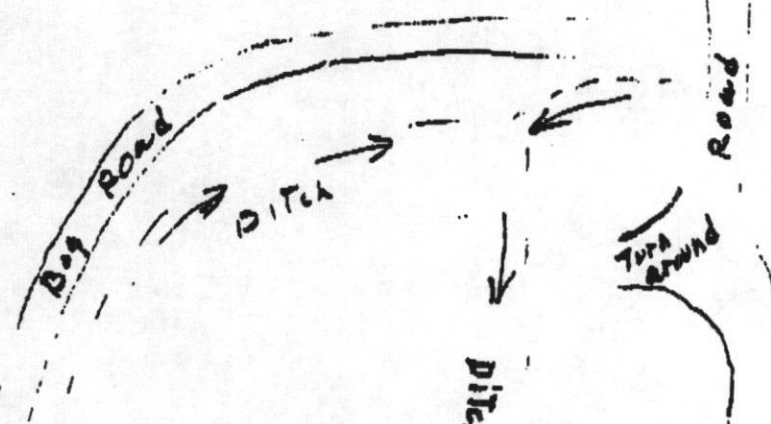


N 164.5'

→ Drainage Ditch → → →

Sec 4 T 50 R 15 29.30 ac
SW 1/4 & NW 1/4 EX N 164.5'
AND EX HWY WOPWAY

Lindahl RD



POND

Truck Tipper Sales

Food gas station

US Hwy 53
Virginia

Vacant Address LOT

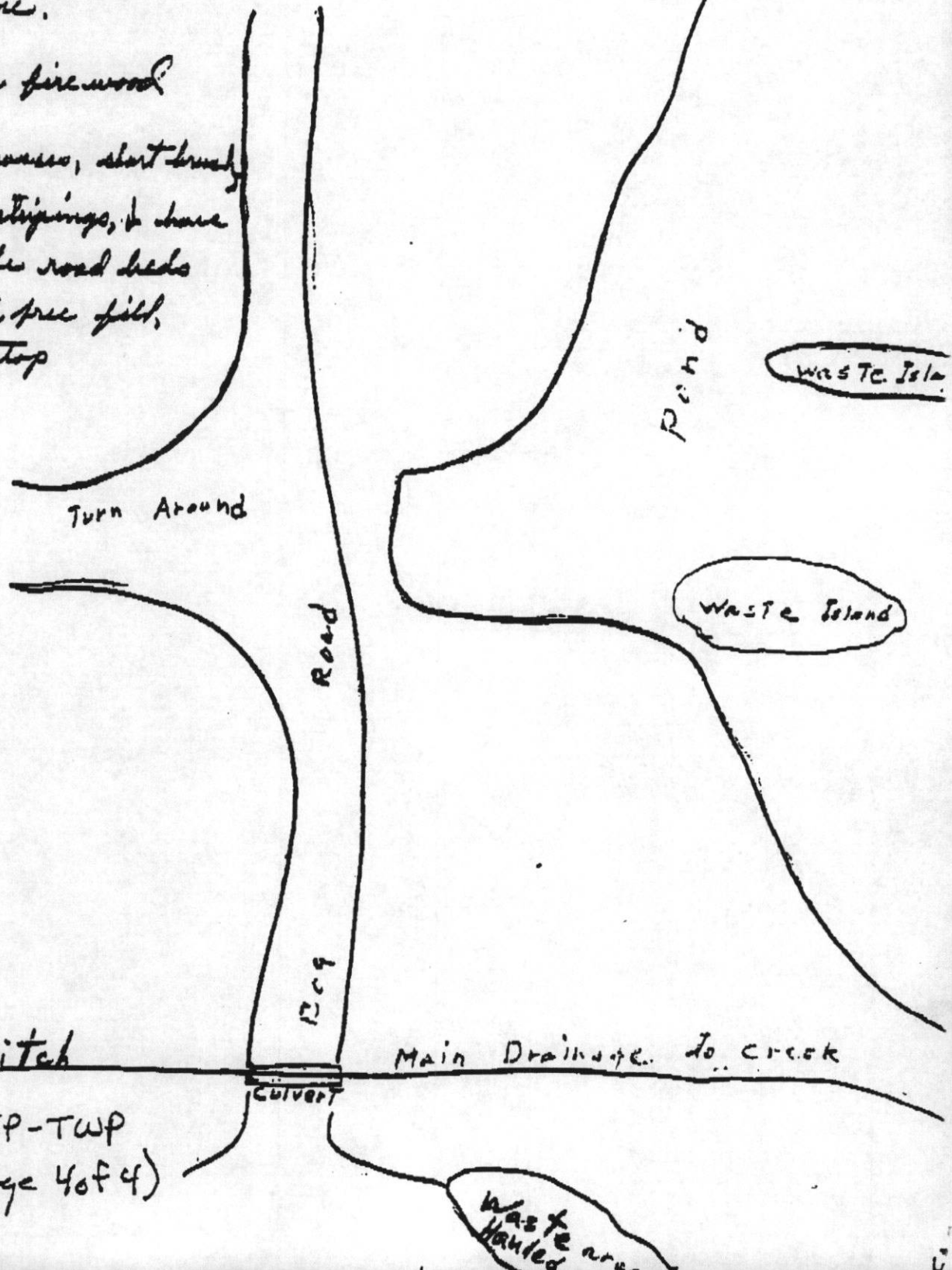
94-06708-IP-TWP
(Drawings Page 3 of 4)

Waste is mainly Stumps
and large roots or sticks.

I burn most of the branches + brush
during winter time.

Tops are used for firewood

Small sticks, mosses, short brush
what's left of stumps, I have
mired under the road beds
and hauled rock free fill,
clay + sand on top



oldest ditch

Main Drainage To creek

94-06708-IP-TWP
(DRAWINGS Page 4 of 4)

Waste area
Hauled