

General information

Public comment period begins: September 13, 2024

Public comment period ends: September 27, 2024

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to certify the referenced project, with conditions, and has preliminarily determined that the project will satisfy the antidegradation standards in Minn. R. 7050.0265.

Name and address of Applicant:

Bree Schabert, Conservation
Engineer Technician
SWCD Technical Service Area III
4215 Enterprise Circle
Duluth, MN 55811

Project name and location (county):

2024-00865-BCB - Hay Creek Compo
culvert replacement project,
Carlton County

MPCA contact person:

Tim Schwarz
Resource Management and Assistance Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Phone: (651) 757-2426
Email: timothy.schwarz@state.mn.us

Federal Permitting Agency:

Ben Bejcek, Project Manager
U.S. Army Corps of Engineers
332 Minnesota St, Suite E1500
St. Paul, MN 55101

A draft Section 401 Water Quality Certification with antidegradation determination is available for review on the MPCA Public Notices webpage at <http://www.pca.state.mn.us/publicnotices> or at the MPCA office address listed under the MPCA contact person. The MPCA will mail or email a copy of the draft certification upon request. Comments, petitions, and other requests must be received at the MPCA in writing on or before the public comment period end date and time identified above.

Major Watershed: St. Louis River

Description of Issuance for 401 Water Quality Certification for Hay Creek Compo culvert replacement project

Soil and Water Conservation District (SWCD) Technical Service Area III, in partnership with Carlton SWCD, seeks to discharge 117 cubic yards of fill material into 0.016 acres of Hay Creek, temporarily excavate 224.6 cubic yards from 0.02 acres of Hay Creek, and, in total, impact 22 linear feet of Hay Creek for the Hay Creek Compo culvert replacement project. The proposed project will replace the three existing undersized and corroding culverts (including a 5-foot diameter corrugated metal pipe, 3-foot diameter corrugated steel pipe, and 4-foot diameter round concrete culvert) that convey Hay Creek under a private driveway with a new 22-foot-long, 20.5-foot-wide by 7.25-foot-high aluminum box culvert embedded into the substrate. The project has stated goals to restore stream connectivity and improve fish passage and natural sediment transport.

Procedure for public participation

As stated in Minn. R. chs. 7000 and 7001, there are three formal procedures for public participation in the MPCA's consideration of this matter. Interested persons may:

- (1) Submit written comments on the draft certification and antidegradation determination.
- (2) Petition the MPCA to hold a public informational meeting.
- (3) Petition the MPCA to hold a contested case hearing.

Submitting written comments

To submit comments or petitions to the MPCA through the mail or online you must state:

- (1) Your interest in the request for 401 water quality certification or the draft 401 water quality certification.
- (2) The action you wish the MPCA to take, including specific references to the section of the draft 401 water quality certification you believe should be changed.
- (3) The reasons supporting your position, stated with sufficient specificity as to allow the MPCA to investigate the merits of the position.

Public informational meeting

A public informational meeting is an informal meeting during which interested persons can ask questions concerning the proposed facility. MPCA staff will be present to provide information. If an interested person would like the MPCA to hold a public informational meeting, the person should include all information identified above and in addition include a statement of the reasons the person desires the MPCA to hold a public informational meeting and the issues that the person would like the agency to address at the public informational meeting.

Contested case hearing

A contested case hearing is a formal proceeding before an administrative law judge empowered to advise the MPCA regarding issues of fact. As described in Minn. R. 7000.1800, persons who submit petitions for a contested case hearing must also state the issues they propose to address in a contested case hearing, the specific relief requested or resolution of the matter, and the reasons (which may be in the form of proposed findings) supporting an MPCA decision to hold a contested case hearing. Failure to comply with these rules exactly may result in a denial of the request. To the extent known, the petitioner may also submit a list of prospective witnesses to be called at a hearing, a proposed list of publications, references, or studies to be introduced at a hearing and the approximate time required for the petitioner to present the matter at a hearing. The decision whether to hold a contested case hearing will be made under Minn. R. 7000.1900.