

### General information

**Public comment period begins: January 27, 2025**

**Public comment period ends: February 10, 2025**

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:**

Duncan Schwensohn  
City of Duluth  
411 W 1<sup>st</sup> St, Room 240  
Duluth, MN 55802

**Project name and location (county):**

City of Duluth Niagara Road Chester  
Creek Bridge Replacement  
St Louis County

**MPCA contact person:**

Kirsten Barta  
Resource Management and Assistance Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Phone: 651-757-2827  
Email: [Kirsten.barta@state.mn.us](mailto:Kirsten.barta@state.mn.us)

**Federal Permitting Agency:**

Benjamin Bejcek  
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: Lake Superior - South

### Description of Issuance for 401 Water Quality Certification for City of Duluth Niagara Street Chester Creek Bridge Replacement Project

The City of Duluth proposes to replace a failing culvert that was given temporary repairs after the flooding in June of 2024. The existing structures are double steel 10-foot diameter arch culverts that will be replaced with a single box culvert 20 feet by 6 feet embedded two feet into the streambed for fish passage and to match the natural bankful width of the stream channel. The work will be completed in 2025 and will impact 100 linear feet of Chester Creek.

### 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.