

Date, 2026

VIA EMAIL

Morgan Papenhouse
U.S. Army Corps of Engineers
332 Minnesota St, Suite E 1500
St Paul, MN 55101

Kellen Welinski
Minnesota Department of Transportation
District 8, Hydraulics Office
2505 Transportation Road
Willmar, MN 56201

RE: U.S. Army Corps of Engineers Project # 2026-00393-MMP MNDOT District 8 HWY 14 Project
Lincoln & Lyon Counties, Minnesota Section 401 Water Quality Certification

Dear Morgan Papenhouse and Kellen Welinski:

This 401 Water Quality Certification decision (Certification) is made by the Minnesota Pollution Control Agency (MPCA) under authority of Section 401 of the Clean Water Act, or CWA (33 USC 1251 et seq.), Minn. Stat. chs. 115 and 116 and Minn. R. chs. 7001.1400 to 7001.1470, 7050, 7052, and 7053.

Project description:

The MPCA has examined the application and other information furnished by the applicant, the Minnesota Department of Transportation (MN DOT) – District 8, for the permanent discharge of fill material into 1.94 acres of wetlands and 223 linear feet of stream and for the temporary impacts to 0.85 acres of wetlands and 119 linear feet of stream along Highway 14 (HWY 14) in Lincoln & Lyon Counties.

MNDOT proposes to improve portions of Highway 14 from the railroad bridge (Bridge 41003) in Lake Benton, MN to 0.2 miles east of the Lincoln/Lyon County line. Project work will include highway resurfacing, guardrail replacement, Americans with Disabilities (ADA) improvements, culvert replacements, culvert repair, slope repair, and minor utility work. This Certification covers activities and the associated wetland and stream impacts at three sites along HWY 14 (see figure below). A combination of culvert work, ditch grading, weir installation, and riprap installation will be used to address erosion issues, localized flooding, and inslope safety standards at the three sites.

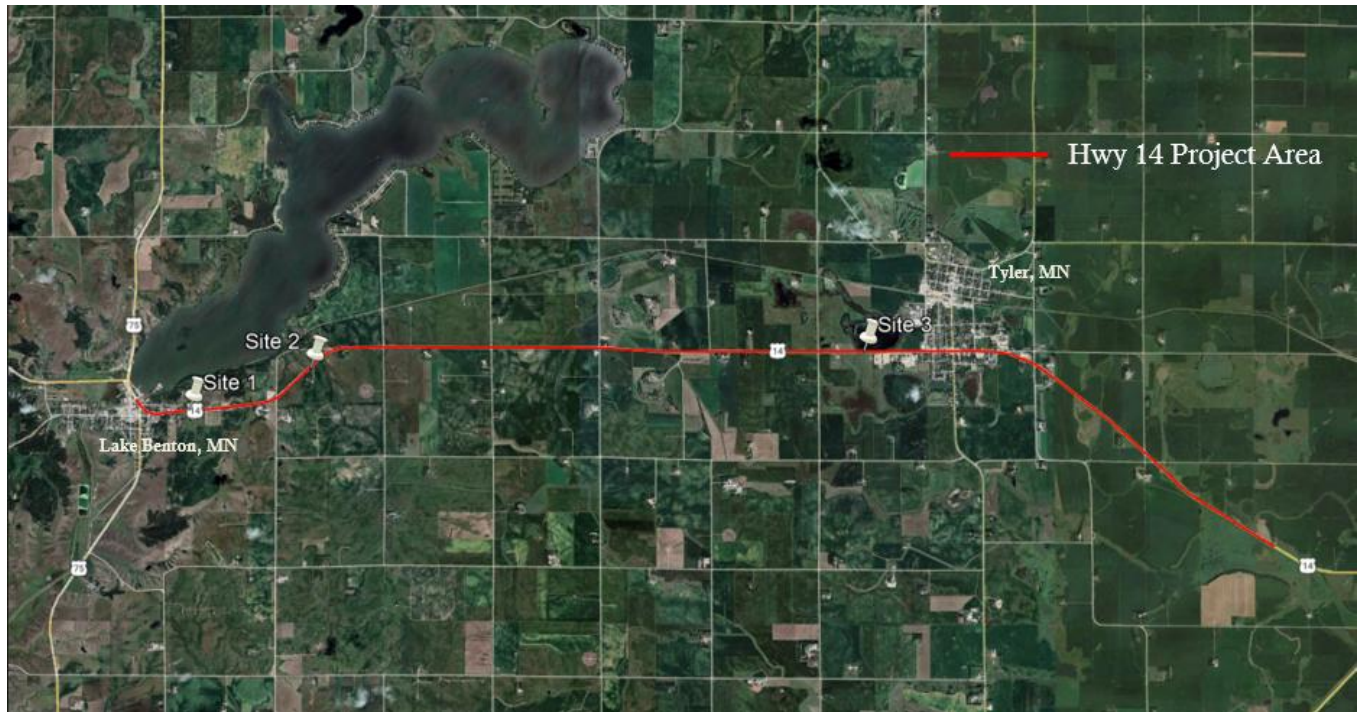


Figure 1 - Overall Project Map

Site 1 - Figures 2 and 3

Construction activities at Site 1 consist of culvert work, ditch grading, and riprap installation. Two culverts are in place at Site 1. Culvert 1 is 95 linear feet of 6'x4' box culvert with 123 linear feet of 42" Corrugated Metal Pipe (CMP) extension on the left side and 37 linear feet of 42" CMP extension on the right and two metal aprons. Culvert 1 extends beneath HWY 14 and conveys flow from its inlet located on the south side of HWY 14 to its outlet on the north side of the highway. Culvert 2 is located approximately 60 feet downstream of Culvert 1's outlet. Culvert 2 is 20 linear feet of 60" CMP with no aprons. MNDOT proposes to remove both culverts at the site and replace the culverts with one, larger culvert. The new culvert consists of 332 linear feet of 48" Reinforced Concrete Pipe (RCP) with a 48" safety apron on the right side and a 48" flared apron on the left side (354 linear feet total). Permanent riprap (29 linear feet) will be placed in the stream at the end of the new culvert's outlet. MNDOT will also shift and widen the stream along the south side of the highway to meet clear zone requirements, resulting in 119 linear feet of temporary impact to the stream.



Figure 2 – Site 1 Map

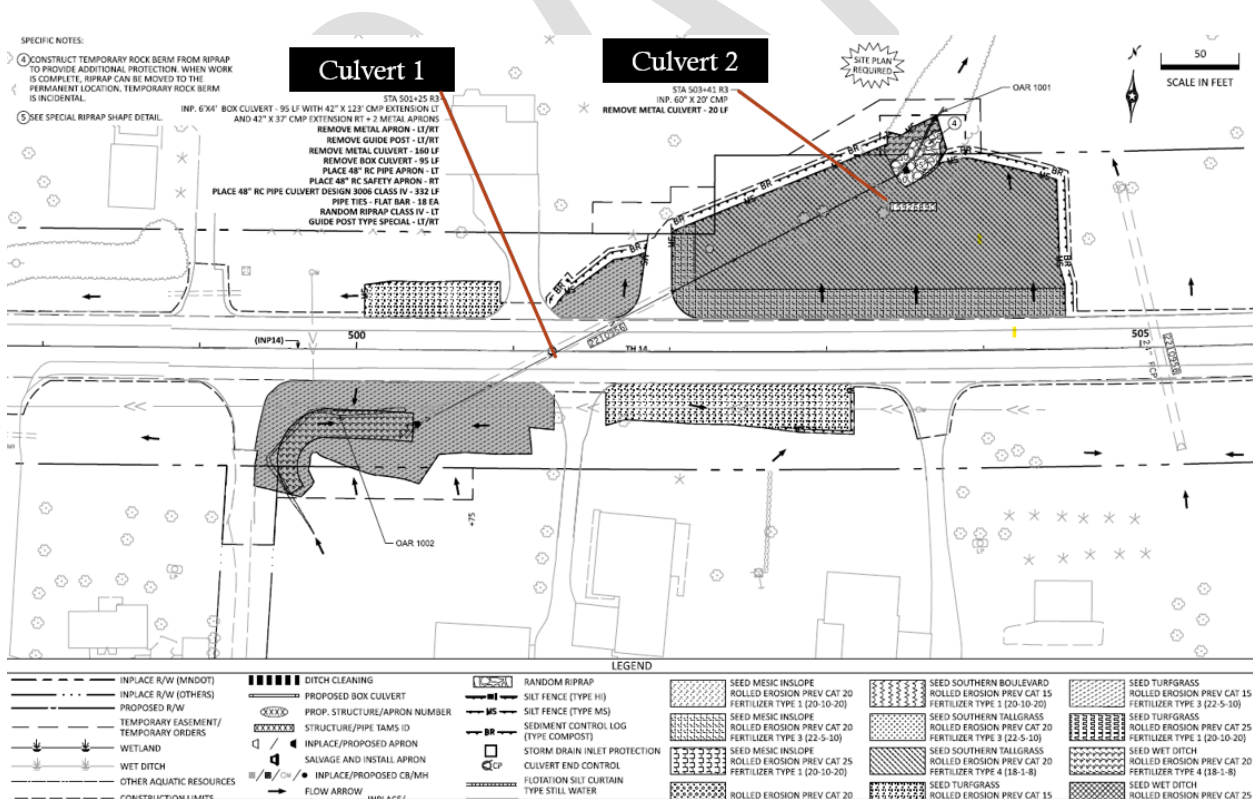


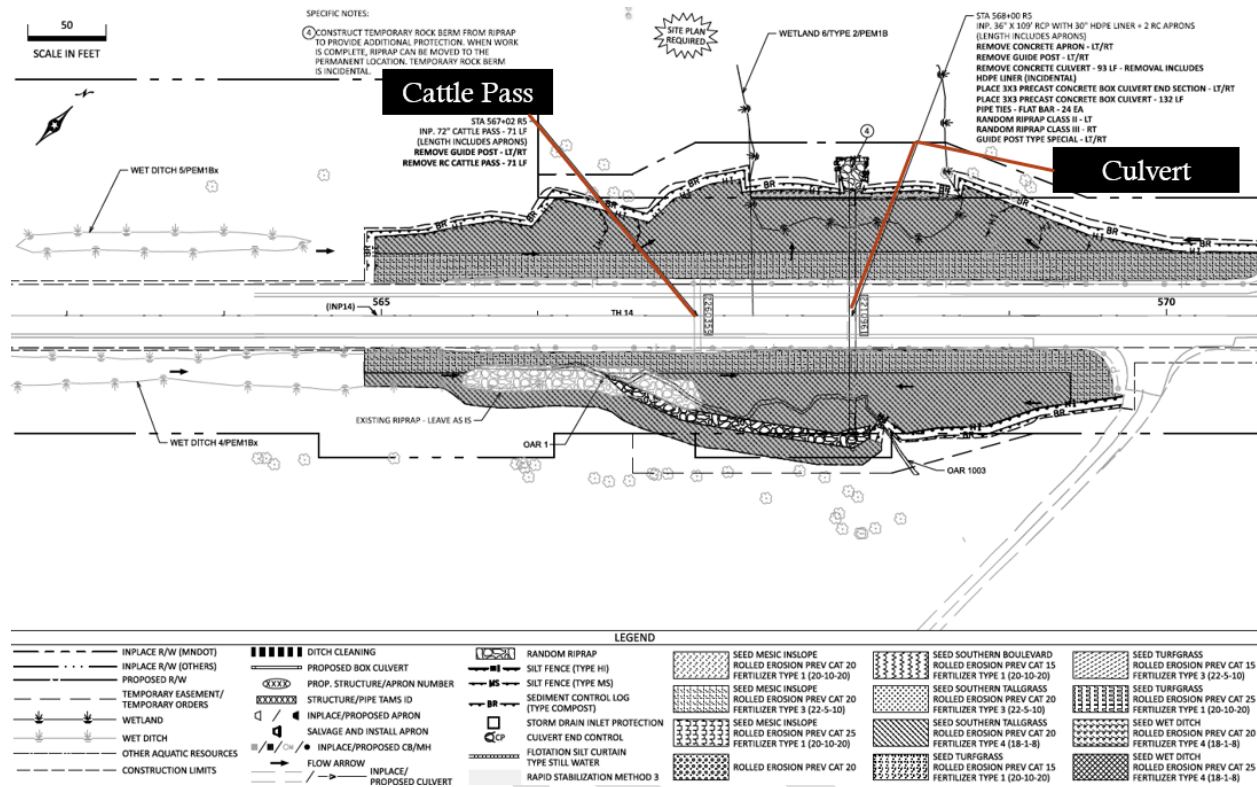
Figure 3 – Site 1 Construction Plans

Site 2, Figures 4 & 5

Construction activities at Site 2 consist of culvert work, cattle pass removal, ditch grading, and riprap installation. In place at Site 2 is one 109 linear feet, 36" RCP culvert and one 72" abandoned cattle pass. MNDOT proposes to remove and replace the existing culvert and remove the abandoned cattle pass. The new culvert is 132 linear feet of 3'x3' box culvert with two end sections (152 linear feet total) and will be placed in the same location as the existing culvert. MNDOT will also flatten the inslopes at the site and shift the stream away from the SE side of the highway to meet highway clear zone requirements. The construction activities will result in 194 linear feet of permanent stream fill and 0.09 acres of permanent wetland fill.



Figure 4 – Site 2 Map



Site 3, Figure 6

Construction activities at Site 3 consist of culvert work, weir installation, ditch grading, and riprap installation. MNDOT records show two 24" concrete culverts onsite. The culverts are completely plugged and serve as the only outlet for the North Swan basin. The water elevation at the site is controlled by an outdated outlet control structure on the south side of HWY 14. The water leaving the culverts travel several hundred feet along the south drainage of HWY 14 to the control structure and eventually, to the South Swan basin. The plugged culverts and the flat drainage area of the site contribute to localized flooding and overtopping of the highway. MNDOT proposes to remove, replace, and relocate the plugged culverts and the outdated outlet structure. One new culvert and one new outlet control structure will be placed west of the plugged culverts. The purpose of the relocation of the structures is to minimize the distance water needs to travel between the water basins. The new culvert design consists of 80 linear feet of 42" RCP, a new outlet control structure, and a 42" flared apron. The new outlet control structure will be a weir with removable stoplogs, that will be maintained and operated by the Minnesota Department of Natural Resources (DNR). MNDOT will also conduct ditch-grading through the drainage areas on the north and south sides of the highway. The construction activities at Site 3 will result in 1.85 acres of permanent wetland fill and 0.85 acres of temporary wetland impacts.



Figure 6 – Site 3 Map

Decision:

The MPCA certifies the referenced project and has determined that it satisfies the antidegradation standards in Minn. R. 7050.0265. The MPCA has examined the application and other information, including the antidegradation assessment information required under Minn. R. 7050.0285, and bases its decision on the evaluation of this information and the relevance to water quality considerations. The MPCA believes that there is reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards provided that the applicant complies with the conditions listed below.

1. Before any land disturbance at the site, the applicant must ensure that all aquatic resources (wetlands, ditches, lakes, or streams) in the vicinity of the construction area that are not authorized to be impacted by the project are clearly identified. This may be done through demarcation of those resources on plan sheets or through typical methods of marking boundaries in the field, for example construction staking or the use of silt fences along boundaries.

2. To the extent practicable and known, work should be conducted in the dry or during low water times of the year to avoid excessive impacts of erosion and scour from high flows.
3. No work may take place in water during the DNR Fisheries work exclusion dates without the written permission of the DNR area fisheries manager. These dates can be found the *Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001* (Chapter 1, page 3) or by contacting the DNR area fisheries office.
https://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf?20231121-02
4. All equipment used in water must follow DNR Aquatic Invasive Species (AIS) best management practices (BMP) and be inspected and cleaned ahead of use in the water. More information on BMPs and identification of AIS may be found here: [Clean In Clean Out | Minnesota DNR](#)
5. Temporary stockpiles must be properly located in upland areas and have silt fences around them to control and prevent sediment movement. All sediment in upland areas must be managed in accordance with the National Pollution Discharge Elimination System/State Disposal System (NPDES/SDS) General Construction Permit. <https://www.pca.state.mn.us/business-with-us/construction-stormwater>
6. If stream diversion will be necessary for the excavation or fill of the stream banks, a Stream Diversion Plan (SDP) will be required. Prior to construction, stream diversion water procedures must be in place to ensure that discharge points are adequately protected from erosion and scour. In addition, the SDP must address erosion prevention and sediment control, comply with water quality requirements, and meet in-water best construction practices. The MPCA reserves the right to add additional conditions if necessary to accommodate and address specific design requirements and to maintain water quality standards (Minn. R. chs 7050, 7001).
7. To the extent practicable, construction and temporary diversions should be staged in the manner that causes the least amount of impact to the stream or wetland including both size and duration of impacts. Approved temporary impacts to aquatic resources must be returned to original conditions. This includes timing and staging that allows for exposed soils to be quickly stabilized throughout the project area.
8. It is the applicant's responsibility to fully comply with all MPCA rules governing waters of the state, including MPCA rules governing wetlands (Minn. R. 7050.0186), which require a permittee to provide compensatory mitigation for a project's unavoidable permanent impacts to wetlands and streams, including those that are not subject to federal jurisdiction under section 404 of the CWA.
9. The applicant must ensure that the authorized activities do not exacerbate any existing impairments of a CWA 303(d) listed impaired water. Prior to beginning any authorized activities, the Applicant must first identify whether their project area is in, or near, any impaired waters and waters with the U.S. Environmental Protection Agency - approved total maximum daily loads. When working in, or near, impaired waters, the Applicant must deploy redundant BMPs as necessary to ensure the authorized construction activities will not exacerbate existing impairments. The following MPCA webpage contains more information and search tools available to determine which waters in Minnesota are impaired:

<https://www.pca.state.mn.us/air-water-land-climate/minnesotas-impaired-waters-list>. The applicable water quality standards are in Minn. R. chs. 7050, 7001.

10. The applicant must install in-water BMPs to the extent practical and feasible, to minimize TSS and sedimentation for any work conducted below the ordinary high-water level as defined in Minn. Stat. § 103G.005, subp. 14 of any water or within the delineated boundaries of wetlands.

The applicant must document the in-water BMPs to be used during the authorized work prior to disturbing any land at the site; this documentation may be stand-alone or part of an Erosion Control Plan, Construction Plan, or other relevant construction document. This documentation is not required to be submitted to the MPCA but must be kept on-site during active construction by the contractor until the project is complete. Proper installation of BMPs is required before conducting the authorized in-water activities and must be properly maintained until the project is complete. This includes maintenance of in-water BMPs along with the establishment and maintenance of any erosion prevention, sediment control or site stabilization features included in the project plan or this certification. While conducting the authorized work, the permittee must visually monitor the BMPs to ensure that the BMPs are working as intended to reduce TSS or sedimentation. If the project activities cause an observable increase in TSS or sedimentation as described in Minn. R. 7050.0210, subp. 2, outside or downstream of the authorized defined working area, then the project activities must immediately cease and any malfunctioning BMPs must be repaired, or alternative BMPs must be implemented. This Certification does not authorize the violation of applicable water quality standards outside or downstream of the defined work area. Minnesota water quality standards are defined in Minn. R. chs. 7050, 7001.

Information on types of BMPs that may be suitable for in-water work is located in the DNR Manual titled *Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001*, located at:
https://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html

11. Minn. R. chs. 7001 and 7090 require any activity that will disturb one acre or more of land to first acquire a National Pollution Discharge Elimination System/State Disposal System (NPDES/SDS) General Construction Stormwater Permit from the MPCA for discharging stormwater during and after construction activity. Both the owners and operators of construction activity disturbing one acre or more of land are responsible for obtaining and complying with the conditions of the NPDES/SDS General Construction Stormwater Permit prior to commencing construction activities. Sites disturbing less than one acre within a larger common plan of development or sale that is more than one acre also need permit coverage. A detailed SWPPP, containing both temporary and permanent erosion and sediment control plans, must be prepared prior to submitting an application for the NPDES/SDS General Construction Stormwater Permit. In addition, any project that will result in over 50 acres of disturbed area and has a discharge point within one mile of a special or impaired water is required to submit its stormwater pollution prevention plan (SWPPP) to the MPCA for a review at least 30 days prior to the commencement of land disturbing activities. If the SWPPP is out of compliance with the terms and conditions of the NPDES/SDS General Construction Stormwater Permit, further delay may occur.

For more information, please visit: <https://www.pca.state.mn.us/business-with-us/construction-stormwater>.

12. The applicant or its contractor must perform daily visual inspections to observe turbidity levels, weather, and stream conditions to ensure required BMPs are correctly deployed and functioning as intended. These BMPs must be installed and maintained in a manner that ensures sediment and debris do not leave the work site.
13. The permittee must stabilize all exposed soil areas whenever any construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days (Minn. R. chs. 7050, 7001).
14. No additional fill or excavation in the stream is approved outside of the planned features. Any proposed change to the quantity of hard armoring or in stream features must be submitted in writing to the MPCA for approval prior to installation.
15. The applicant must provide: a) a copy of the Certification; b) documentation of any required best management practices (BMPs) under the above conditions; and c) any written demarcation of waters to any primary contractor responsible for completing the project's authorized activities. The applicant must also ensure that there is a mechanism in place requiring each primary contractor to provide the same information to all subcontractors, at any level, responsible for fabricating or providing any material for the project or performing work at the project site. In addition, copies of these documents and any other relevant regulatory authorizations related to impacts to waters must be available at or near the project site for use by contractors and staff responsible for completing the project work and must be available within 72 hours when requested by MPCA staff.
16. The applicant must allow representatives from the MPCA to inspect the project site and the authorized activity to ensure that the project is constructed, and BMPs maintained, in accordance with this Certification.
17. The applicant is responsible for ensuring that all requirements of this Certification are met.
18. This Certification includes and incorporates by reference the general conditions of Minn. R. 7001.0150, subp.3.
19. The applicant must inform the MPCA of any proposed additional water quality impacts this project may have, before they occur, to determine if further review or authorization is required. This includes any additional dredging, excavation, fill, additional structures, and temporary impacts not shown in the final plans or expressly authorized by the U.S. Army Corps of Engineers Project Section 404 permit or the Section 401 Certification from the MPCA.

A Section 401 Certification does not release or limit the applicant from obtaining all necessary federal, state, and local permits, nor does it limit more restrictive requirements set through any such program. It does not eliminate, waive, or vary the applicant's obligation to comply with all other laws and state water statutes and rules through the construction, installation, and operation of the project. This letter does not release the applicant from any liability, penalty, or duty imposed by Minnesota or federal

statutes, regulations, rules, or local ordinances, and it does not convey a property right or an exclusive privilege.

This MPCA decision is made, in part, on the applicant's representations that environmental review under the Minnesota Environmental Quality Board's Rules, Minn. R. ch. 4410, is not needed for the project or, alternatively, that all necessary environmental reviews and related decisions have been completed. If environmental review for this project is needed and has not been completed, the MPCA does not have legal authority to issue a Certification. In that situation, the MPCA reserves the right to make a Section 401 Certification decision when the environmental review process is completed.

The MPCA reserves the right to revisit or revoke the Certification due to new or additional information, updated information, changes in technology, or any other changes that could render the project as incompatible with Minnesota's water quality standards. If you have any questions regarding this Certification, please contact the MPCA 401 program at 401Certification.pca@state.mn.us.

Sincerely,

(Type e-Signature)

This document has been electronically signed.

Maggie Wenger
Supervisor
Agency Rules Unit
Resource Management and Assistance Division

MW/HL:kj

cc: U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
Tom Hovey, DNR
Kyle Jarcho, DNR
Deb Dirlam, Lower Sioux Indian Community of Minnesota
Mike Aude, Lower Sioux Indian Community of Minnesota
Hannah Panitzke, Lower Sioux Indian Community of Minnesota
Jordan Donatell, MPCA
Bill Cole, MPCA
Brandon Smith, MPCA
Brandon Montgomery, MPCA
Amy Adrihan, MPCA