



**US Army Corps
of Engineers**
St Paul District

APPLICANT: Peat Inc.

Public Notice

ISSUED: February 22, 2024
EXPIRES: March 23, 2024

REFER TO: 2006-01218-DWW

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO continue harvesting Sphagnum peat from the 265 acres of open/forested bog (Type 8) wetlands. The wetlands in the project area were converted to open peat fields with field drainage ditches that would be collectively maintained for peat harvesting at the existing peat mine facility in Floodwood, Minnesota. Peat from the project area as described in the application had been harvested after 2007 by the former company Fafard, Inc., under the DA permit 2006-01218-TWP. The 265 acres has been maintained for harvesting and Sphagnum peat has been harvested after 2018, by the new company, Peat Inc.

2. SPECIFIC INFORMATION

APPLICANT Peat Inc.
Todd Plaisted
P.O. Box 332
Elk River, MN 55330

AGENT EHS Compliance, Inc.
Steve Zoubek
12712 - 96th Street NE
Otsego, MN 55330

PROJECT LOCATION: The project area is located in Section 2 and 3, Township 51 North., Range 19 West., St. Louis County, Minnesota. Latitude 46.929209N, Longitude -92.716921W.

DESCRIPTION OF PROJECT: The applicant would continue vacuum harvesting Sphagnum peat from the 265 acres of open/forested bog (Type 8) wetlands that have been converted to open peat fields with field drainage ditches that are collectively maintained for peat harvesting at peat mine facility in Floodwood, Minnesota. The applicant is projecting peat harvesting in the 265 acres of wetlands for the next 19 years and has stated that there would be no expansion in other wetlands for the project. The infrastructure (buildings and access roads) at the facility would be adequate for the continued harvesting. The peat harvesting would continue in the 265 acres of wetlands within the 300-acre area leased from the Minnesota Department of Minnesota (MnDNR).

Please note that peat from the project area as described in the application had been harvested after 2007 by the former company Fafard, Inc., under the DA permit 2006-01218-TWP issued on June 12, 2007. The 265 acres has been maintained for harvesting and Sphagnum peat has been harvested after 2018, by the new company, Peat Inc.

The current applicant has an existing shop and screen yard located on an 80-acre parcel west of the open peat fields. The harvested peat would be initially screened at the screen yard and then transported in bulk via covered trailers to further be screened at the McGregor facility or Cromwell facility to remove additional wood and debris. The peat would eventually be sent to customers in bulk or to the bagging operation in Elk River, Minnesota. There is also a 30-acre "Donor Area" parcel owned by the State of Minnesota located south of the open peat fields, on the south side of Hwy 8, to be utilized for restoration activities.

The peat harvesting area of 265 acres would be restored to previous open/forested bog (Type 8) wetlands after the peat is harvested down to a depth of 2 or 3 feet, harvesting about 0.5 inch from the peat surface per normal year. This would be the preference of restoring the area, also known as in-kind restoration. The open peat fields would be modified to create a level or slightly concave surface in order to increase water availability. The field ditches would be blocked in multiple areas and the open peat fields would be covered with the plant donor material from the 30-acre parcel. The plant fragments would be uniformly applied to the fields requiring restoration with a manure spreader at a rate of 1 part donor area to 10 parts restored area. Straw mulch would be applied immediately following plant fragment spreading at a rate of 2 tons per acre using an agricultural straw blower. Monitoring and maintenance of the area would continue until the required performance standards have been met, which may require a 75% or greater cover standard.

QUANTITY, TYPE, AND AREA OF FILL: As part of the peat harvesting work, the redistribution of material would occur in the wetlands as part of the "profiling" of the peat fields for harvesting. The profiling action would crown the bog's surface between the field ditches, which would then promote surface water runoff and aiding in uniform drying of the peat surface. No new proposed discharge of dredged or fill material would occur in adjacent wetlands. The dredged material from maintaining the perimeter ditch and existing retention basins would be discharged on existing dredge spoil piles.

VEGETATION IN AFFECTED AREA: No known vegetation will be affected in project area. The project area of 265 acres is open peat fields maintained for peat harvesting. The existing peat fields were previously open/forested bog (Type 8) wetlands.

SOURCE OF FILL MATERIAL: No new proposed discharge of fill material in wetlands within the project area. Dredged material would be sourced from onsite locations.

SURROUNDING LAND USE: Wetlands to the north, east, and west. Adjacent 80-acre plant area and 30-acre donor area. Highway 8 directly south of project area.

DESCRIPTION OF STRUCTURE: No known structures would be built in project area. Existing building facilities and access roads on adjacent parcel and the access roads in project area are adequate for the purpose and need.

DESCRIPTION OF DREDGING OR EXCAVATION: This harvest area has been continuously drained through field ditches. The field ditches are conveyed to two pairs of existing retention basins that were installed by the previous owner. The basins have received annual maintenance by Peat Inc. The existing field ditches would be maintained throughout the harvesting project. Excavation would occur in the field ditches, existing perimeter ditch, and retention basins for the purpose of maintaining drainage areas and basins for harvesting peat.

The ditch spacing and field length are sized to accommodate harvesting equipment. For this project, there is approximately 265 acres in active harvest. Field ditches are approximately 100 feet apart. The peat harvesting area contains 76 field ditches averaging 1,480 feet in length for a total of 112,480 linear feet of field ditches. The perimeter ditch surrounding and draining the peat harvesting area is approximately 18,660 feet in length.

Two (2) retention basin systems would be approximately 16,000 square feet in size. The basins were designed to adequately treat the discharge waters from the ditch systems.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: No known toxic materials would occur in the project area.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Existing field ditches and perimeter ditch flow into retention basins allowing particulates to settle out of the water prior to discharge into downstream waters.

Minnesota Pollution Control Agency Storm Water permit #MN0057428, expired 1/31/2010 but modified 2/1/2019.

MITIGATION: The peat harvesting area of 265 acres would be restored to the previous open/forested bog (Type 8) wetlands after the peat is harvested down to a depth of 2 or 3 feet, harvesting about 0.5 inch from the peat surface per normal year. This would be the preference of restoring the area, also known as in-kind restoration. The open peat fields would be modified to create a level or slightly concave surface in order to increase water availability. The field ditches would be blocked in multiple areas. And the open peat fields would be covered with the plant donor material from the 30-acre area. The plant fragments would be uniformly applied to the fields requiring restoration with a manure spreader at a rate of 1 part donor area to 10 parts restored area. Straw mulch would be applied immediately following plant fragment spreading at a rate of 2 tons per acre using an agricultural straw blower. Monitoring and maintenance of the area would continue until the required performance standards have been met, which may require a 75% cover standard. In addition, a financial assurance would be provided for the wetland mitigation.

3. 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 species:

Northern Long-Eared Bat	Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Gray Wolf	Northern woodlands and grasslands.
Canada Lynx	Forests with boreal features.
Piping Plover	Sandy beaches and islands.

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.

4. JURISDICTION

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Section 404 of the Clean Water Act.

5. SECTION 401 WATER QUALITY CERTIFICATION

Valid Section 404 permits cannot be issued for any activity unless water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The Section 401 authority for this project is Minnesota Pollution Control Agency (MPCA). A Department of the Army permit will not be granted until the MPCA has issued or waived Section 401 WQC certification and the U.S. Environmental Protection Agency (USEPA) neighboring jurisdiction process is completed. Corps Section 404 Clean Water Act decisions may not be finalized until after the USEPA completes this process.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001 Section 401 of the Clean Water Act (33 U.S. Code 1341 (a)(1)). The MPCA has indicated that if, at a later date, it makes a preliminary anti-degradation determination regarding Section 401 Water Quality Certification, it will at that time plan to issue an additional public notice under Minnesota Rules Part 7001.

Any comments relative to MPCA's Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency
Resource Management and Assistance Division
Attention: 401 Certification
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
401Certification.PCA@state.mn.us

6. HISTORICAL/ARCHAEOLOGICAL

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

7. 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.

8. 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.

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.

REPLIES/COMMENTS

Interested parties are invited to submit to this office written facts, arguments, or objections by the expiration date indicated above. 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 sent to Daryl W Wierzbinski at daryl.w.wierzbinski@usace.army.mil.

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Daryl W Wierzbinski at the Duluth office at 218-788-6406 or daryl.w.wierzbinski@usace.army.mil.

To receive Public Notice notifications, go to: <https://www.mvp.usace.army.mil/Contact/RSS/> and subscribe to the RSS Feed for which you would like to receive Public Notices.

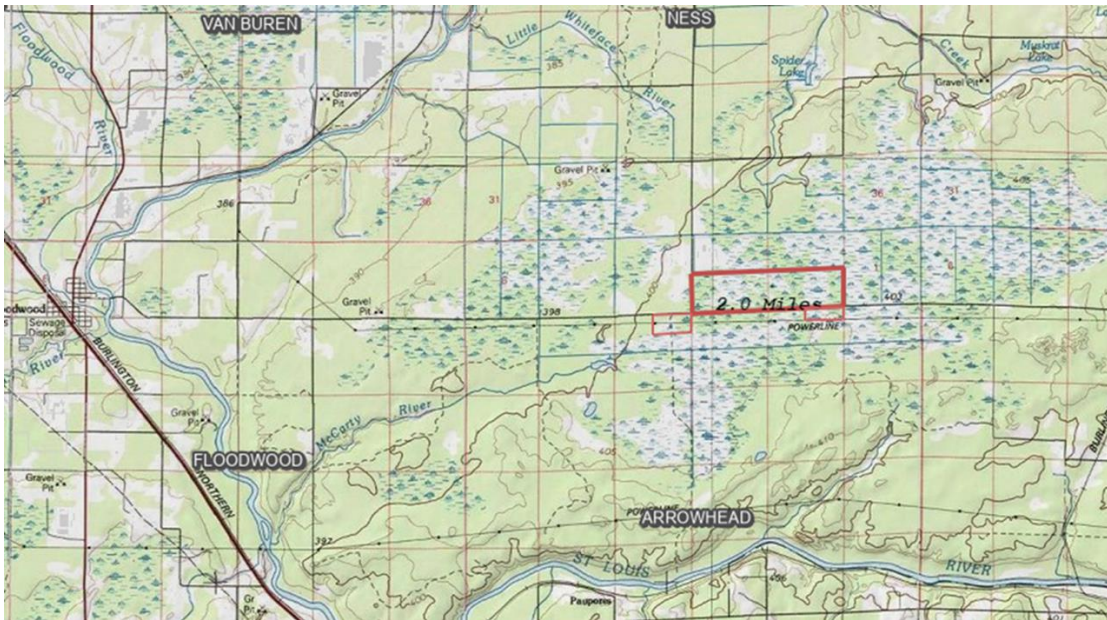
Enclosures:

GENERAL SITE LOCATION MAP



SAINT LOUIS COUNTY GIS MAPS

Aitkin Agri-Peat (dba Peat Inc) September 2022
Approximate Project Location – Floodwood, MN



2022 ACTIVITY MAPS, WATER FLOW & STICK PILES



