



United States Environmental Protection Agency
Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

AUG 20 2013

Colonel Daniel C. Koprowski
District Commander, St. Paul District
U.S. Army Corps of Engineers
180 Fifth Street East, Suite 401
Saint Paul, Minnesota 55101-1638

Dear Colonel Koprowski:

The Unimin Corporation (applicant) proposes to discharge dredged and fill material into jurisdictional wetlands adjacent to the Minnesota River, which is a Section 10 Water under the Rivers and Harbors Act and a Traditional Navigable Water under the Clean Water Act (CWA).

On July 25, 2013, the U. S. Environmental Protection Agency objected to a permit being issued for public notice MVP-2010-00887, consistent with the provisions of the August 1992 Memorandum of Agreement (MOA) between the EPA and the Department of the Army (enclosed). The issues identified in the July 25, 2013 letter remain unresolved; therefore, EPA continues to object to a permit being issued for the project, consistent with the provisions of Part IV, Paragraph 3(b) of the MOA.

One hundred and thirteen (113) acres of jurisdictional wetlands exist on the site, of which 5.37 acres will be eliminated. Calcareous fens along the Minnesota River floodplain will be indirectly impacted by dewatering of the excavation area. In addition, approximately 70 acres of non-jurisdictional (isolated) wetlands will be excavated for this project, including Boutwell Pond, a Protected State Wetland. Additional information on alternatives and mitigation is needed from the applicant to determine compliance with the 404(b)(1) Guidelines.

EPA has determined that the proposed project will result in substantial and unacceptable impacts to Aquatic Resources of National Importance, the Minnesota River and the

calcareous fens. This letter is sent in accordance with the CWA Section 404 (q) August 1992 Memorandum of Agreement between the EPA and the Department of the Army, Part IV, Paragraph 3(b). If you have questions, please contact Wendy Melgin of my staff at (312) 886-7745.

Sincerely,



Susan Hedman
Regional Administrator

Enclosure

cc: T. Cameron, Corps
S. Hirsch, MN DNR
R. Flood, MPCA
C. Neuschler, MPCA
C. Konickson, Corps
R. Collett, MN DNR
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