Public Notice of intent to issue
401 Water Quality Certification

General information

Public comment period begins: June 4, 2020
Public comment period ends: 4:30 p.m. on June 14, 2020

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:
Costco Wholesale
Authorized Contact: Ted Johnson
2311 West 22nd Street
Suite 100
Oak Brook, Illinois  60523

Project name and location:
Costco Wholesale Warehouse Project
Haines Road and Arrowhead Road,
Duluth, St. Louis County, Minnesota

MPCA contact person:
Bill Wilde
Resource Management & Assistance Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota  55155
Phone: (651) 757-2825
Email: 401Certification.pca@state.mn.us

Federal Permitting Agency:
Mr. Chad Konickson
U.S. Army Corps of Engineers
Regulatory Branch Chief Director
180 Fifth Street East, Suite 700
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

Description of Issuance for 401 Water Quality Certification for Costco Wholesale Warehouse, Duluth, MN

The applicant proposes to develop 20.92 acres to construct a warehouse, cart storage, a building for liquor sales, parking areas, fuel station, and access roads resulting in a building footprint of 161,228 square feet. The project is located on the corner of Haines and Arrowhead Roads in the City of Duluth, St. Louis County, Minnesota. The proposed construction would require the relocation and demolition of the existing structures on the New Life Lutheran Church of Duluth property.

The project will discharge dredged and fill material into 3.03 acres of wetlands in and adjacent to the site location. There is a small ditch and tributary that conveys water to Miller Creek. Miller Creek is a cold water trout stream and a Class 2A water. It supports the natural reproduction of a healthy community of cold water biota and their habitats. The site is within Miller Creek watershed and is up-gradient of the tributary to Miller Creek. The 3.03 acres includes impact to 1.45 acre of Hardwood Swamp wetland and 1.58 acre of Shrub-Carr wetland communities. The conditions of this certification require a minimum 1.5:1.0 replacement ratio for the 1.45 acres of Hardwood Swamp wetland, resulting in mitigation of no less than 2.175 acres. Additionally, a 1.0:1.0 replacement ratio is required for the 1.58 acres of Schrub Carr wetland, resulting in 1.58 acres of mitigation. A total of 3.755 acres of mitigated wetlands is required for this project. The compensatory mitigation for these permanent wetland impacts will be achieved through the purchase of wetland credits from federally approved Bank Service Area 2, Account #1505 and Account #1684. 3.03 acres will come from Account #1505 and 0.725 acres will come from Account #1684.

The preliminary determination to issue this 401 Water Quality Certification is to certify with Conditions.
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 email, 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.