

From: Maroney, Robert Q CIV USARMY CEMVP (US)
To: [Beaudet, Andrew D CIV USARMY CEMVP \(US\)](mailto:Beaudet.Andrew.D.CIV.USARMY.CEMVP@US)
Subject: FW: 401 Certification on Star Lake Casino 2015-04407-RQM
Date: Friday, December 01, 2017 12:06:00 PM

Andy:

I would like to discuss this at our meeting on Tuesday, please see below.

Best,
Rob

-----Original Message-----

From: Wilde, William (MPCA) [<mailto:william.wilde@state.mn.us>]
Sent: Wednesday, November 29, 2017 11:42 AM
To: Maroney, Robert Q CIV USARMY CEMVP (US) <Robert.Q.Maroney@usace.army.mil>
Cc: Brist, Jim (MPCA) <jim.brist@state.mn.us>; Cheng, Janice <Cheng.Janice@epa.gov>
Subject: [EXTERNAL] RE: 401 Certification on Star Lake Casino 2015-04407-RQM

Hi Robert,

The White Earth Reservation Tribal Council (Mr. Joseph Plumer) sent a letter withdrawing the 401 permit application on September 22, 2017. A 401 certification cannot be completed until the EIS record of decision/finding of fact are issued and signed. In addition, this project will most likely now require an Antidegradation Assessment regarding the "new" November 2016 Anti-Deg rule requirements. I will send a reminder to Mr. Plumer.

Please let me know if you need additional information. Thanks for keeping PCA 401 in the loop, hope this helps.

---Bill Wilde
Minnesota Pollution Control Agency
401 Program
520 Lafayette Road
St. Paul, Minnesota 55155
(651) 757-2825

-----Original Message-----

From: Brist, Jim (MPCA)
Sent: Wednesday, November 29, 2017 10:31 AM
To: Wilde, William (MPCA) <william.wilde@state.mn.us>
Subject: FW: 401 Certification on Star Lake Casino 2015-04407-RQM

Jim Brist
401 Water Quality Certification Coordinator MPCA
651-757-2245

"Infinite diversity in infinite combinations."

-----Original Message-----

From: Maroney, Robert Q CIV USARMY CEMVP (US) [<mailto:Robert.Q.Maroney@usace.army.mil>]
Sent: Wednesday, November 29, 2017 9:53 AM
To: Brist, Jim (MPCA) <jim.brist@state.mn.us>; Cheng, Janice <Cheng.Janice@epa.gov>
Subject: 401 Certification on Star Lake Casino 2015-04407-RQM

Good Morning:

I have sent a request for further information to the sponsor on this project regarding on-site alternatives analysis. Also, the County has requested an Environmental Impact Statement per Minnesota rules. So those are the updates on my end. I wanted to check in with both of you concerning your review for 401 certification for this project.

Best,
Robert Q. Maroney, M.S.
USACE Biologist

From: Maroney, Robert Q CIV USARMY CEMVP (US)
To: ["Joe Plumer"](#)
Subject: Request for Additional Information
Date: Monday, November 20, 2017 1:17:00 PM
Attachments: [2015-04407-RQM Request Additional Information Letter.pdf](#)

Mr. Plumer:

Good afternoon, as we discussed earlier, I need more information concerning the on-site alternatives considered for the Star Lake Casino Project. Please see the attached letter. If there is an issue with responding within 60 days, please let me know.

Additionally, I would appreciate a copy of the Draft Environmental Impact Statement and Final Environmental Impact Statement when they become available. I understand this may not occur within 60 days.

Best,
Rob Maroney



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678
20 NOVEMBER 2017

REPLY TO ATTENTION OF
REGULATORY BRANCH

Regulatory File No. 2015-04407-RQM

Mr. Joe Plumer
Tribal Attorney
P.O. Box 418
White Earth, Minnesota 56591

Dear Mr. Plumer:

This letter concerns your request for Department of the Army authorization to discharge dredged or fill material into approximately 8.41 acres of wetlands adjacent to Star Lake for the purpose of constructing a casino and attendant features. The project site is in Section 15, Township 135 North, Range 41 West, Otter Tail County, Minnesota.

Please provide the following information:

1. The permit application, and the response to public notice comments do not clearly depict the on-site alternatives considered for this project. Please clearly depict, with maps and narrative, the on-site alternatives considered for this project. This should include the number of on-site alternatives considered and a description of each one. Please clearly demonstrate the avoidance and minimization measures taken to reduce the impact of the project to Waters of the United States.

As part of our analysis of this project, we must determine whether it complies with the guidelines of Section 404(b)(1) of the Clean Water Act (CWA). These guidelines require that an alternatives analysis be conducted to first determine whether adverse effects on the aquatic ecosystem can be avoided, then whether potential practicable alternatives¹ would result in less adverse effects on the aquatic ecosystem. By law, the Least Environmentally Damaging Practicable Alternative (LEDPA)² is the only alternative which can be permitted by the Corps. The burden of proof to demonstrate compliance with the 404(b)(1) Guidelines rests with the applicant; where insufficient information is provided to determine compliance, the Guidelines require that no permit be issued.

Your project does not require access to, or proximity to, or siting within a wetland to fulfill its purpose. Therefore, it is incumbent upon you to clearly rebut the presumption that upland sites are available and would be less environmentally-damaging than your proposal. The fact that you may not own the upland site is not, by itself, sufficient to rebut this presumption.

¹ The 404(b)(1) Guidelines state that an alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes (40 CFR 230.10(a)(2)).

² The LEDPA is the alternative that meets the project purpose(s), is available to the applicant (practicable), and has the least amount of impact to aquatic resources, without having other significant adverse impacts to the natural environment.

Regulatory Branch (File No. 2015-04407-RQM)

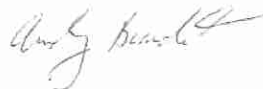
Replies should be addressed to:

Robert Q. Maroney
Brainerd Field Office
10867 East Gull Lake Drive NW
Brainerd, Minnesota 56401

If we do not hear from you within 60 days of this letter, we will assume that you are no longer interested in obtaining this permit, and we will close our file.

If you have any questions, please contact Robert Q. Maroney in our Brainerd office at (651) 290-5766 or Robert.Q.Maroney@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,



Andrew D. Beaudet
Chief, Northwest Section