



US Army Corps  
of Engineers  
St Paul District

**SPONSOR:**

Stelter, LLC  
John Erickson

# **Public Notice**

**ISSUED: 1-MAR-2013**

**EXPIRES: 1-APR-2013**

**REFER TO: 2011-04423-WAB**

**SECTION: 404 - Clean Water Act**

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1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL: Stelter, LLC. Compensatory Mitigation Bank (Beltrami County).

2. SPECIFIC INFORMATION.

SPONSOR'S ADDRESS:

Stelter, LLC  
Attn: John Erickson  
501 Irving Beach Drive SW  
Bemidji, Minnesota 56601

**PROJECT LOCATION:** The project site is located in SE ¼, Section 9, and the NE ¼, Section 16, T152N, R31W, Beltrami County, Minnesota. The approximate lat/long coordinates near the center of the project are 47.99140/-94.61714. Overview maps showing the project location have been included in the attachments.

**BANK SERVICE AREA (BSA):** The proposed bank service area is the Lower Red River of the North basin in Minnesota (BSA 3).

**DESCRIPTION OF PROJECT:** The applicant is proposing to establish a wetland mitigation bank at an active wild rice/commodity crop production area. The proposed bank is identified as the Stelter LLC Mitigation Bank. The overall bank site is approximately 245 acres in size, with 224 acres of paddy area(s) currently used for agricultural crop production. The remainder of the site consists of dikes and ditches. The estimated credits and the proposed credit release schedule is described in the attached drawings.

The bank site is an active crop production area currently operated by the bank sponsor. The mitigation bank site has been actively farmed for several decades. The site is typically farmed for rice; however, the paddies have also been drained and manipulated sufficiently to successfully produce upland commodity crops such as soybeans, corn and oats. The site consists of fourteen individual paddies, ranging in size from approximately 12 acres up to 18 acres. The paddies are outlined by perimeter dikes and drainage ditches. The dikes were created in conjunction with ditch excavation, and are constructed of peat or sandy loam mineral soil, depending on location. The dikes are located on top of the native soils. Hydrology within the dikes is significantly manipulated and controlled by diversions, pumps and ditches. Under operating conditions, interior and exterior ditches effectively drain the paddies so that non-wetland crops can be planted and harvested. Water flow across the site is generally from east to west.

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The objectives of the bank are to restore hydrology at the site by removing diversion devices/water control structures, removing perimeter dikes and placing fill in the adjacent ditches to match existing topography; and, to restore emergent and shrub-dominated wetland communities throughout the site.

Approximately 21.57 acres of the site consists of ditches and dikes that would be removed or restored. The paddies primarily receive hydrology from a judicial drainage ditch (JD 31) that enters the site from the east and flows west on the section line between Sections 9 and 16. Flow from the judicial ditch can pass uninterrupted through or around the site and into the North Branch Battle River or the South Branch Battle River, or can be diverted into the paddies. This segment of JD 31 is proposed to remain open. The dikes along this segment of JD 31 are intended to be removed, but could remain in place if the material cannot be hauled to other areas within the property and used as fill for ditches. Within the paddies are additional ditches and control gates that can regulate flows. The majority of all other dikes would be removed with the material used as fill material to be placed in the adjacent ditch to promote sheet drainage from east to west. However, some interior ditch segments are proposed to remain intact mainly because there is not enough excavated material from dikes to fill all the ditches. Any unfilled ditch segments will remain as undrained low areas. The attached drawings illustrate the ditches that would be filled, ditches that would remain, and dikes that are slated for removal.

Prior to the site's development for wild rice production, it consisted of native shrub carr wetland. Removal of the ditches and dikes would restore the pre-disturbance hydrological regime that would facilitate the site's reversion to a shrub carr wetland community. Engineering plans for ditch plugs and ditch/dike removal are designed to provide adequate water-carried seed dispersal for natural regeneration of the restored paddy surface. Disturbed surfaces in dike removal and ditch restoration areas would be seeded with native wetland species according to a vegetation establishment and management plan. The sponsor would be responsible for control and eradication of invasives and non-native vegetation, and the bank would be subject to performance standards for hydrology and vegetation.

Long-term management of the site: The established bank site would be managed by Stelter LLC or their successors in property ownership. Credit sales would be tracked by Stelter LLC. The reported credit releases and sales would be tracked on both Corps and state databases using ledger data supplied by the state. Long-term management of the property would be the responsibility of the landowner and Stelter LLC until all released credits have been debited. After all credits are debited, long-term management obligations would fall to the landowner under state law. Additional protections and management limitations would be spelled out in a conservation easement, bank plan, and Mitigation Banking Instrument.

**ADDITIONAL BACKGROUND:** A review of aerial photographs indicates the entire project site has been drained or manipulated for agricultural production since 1991. Aerial photos indicate the southern portion of the farm site, approximately 150 acres in size, was actively farmed in 1976. The entire area under agricultural production varies annually depending on crop rotation.

Planting for rice is typically completed in the fall when water levels are low and the site can be tilled, plowed and seeded. The site is then flooded in spring and water levels are managed through the growing season. In order to maintain productivity, wild rice is often rotated with other crops. By maintaining the drainage, or not flooding the fields, the paddies are dry enough to support annual seed

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or forage crops, including oats, soybeans, or other small grains. Market prices often determine the rotation and the planting plans. Fields can also be left fallow, which is done with or without water level management. Fallow fields often require more site preparation for growing rice than a site using a cover crop. Weed management is often required, either for annual weed species in forage crops, or to manage aquatic species that compete with wild rice.

**SURROUNDING LAND USE:** Adjacent land use consists of agricultural production to the north and northwest of the site, and undeveloped forested swamp and shrub carr wetlands to the east, west and south.

**COORDINATION WITH RESOURCE AGENCIES:** This project has been coordinated with the following members of the Interagency Review Team (IRT) and other resource agencies: Minnesota Board of Water and Soil Resources, U.S. Environmental Protection Agency, Beltrami County Environmental Services, U.S. Fish and Wildlife, and Minnesota Department of Natural Resources.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** No potentially toxic materials would be required for developing the bank site or anticipated to be found at the site.

**3. REPLIES/COMMENTS.**

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. 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 addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Bill Baer at the Bemidji Regulatory field office of the Corps, telephone number (218) 444 - 6381.

To receive Public Notices by e-mail, go to: [http://www2.mvp.usace.army.mil/list\\_server/](http://www2.mvp.usace.army.mil/list_server/) and add your information in the New Registration Box.

**4. 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, Beltrami County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

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**Species**

**Habitat**

Canada lynx (T) *Lynx canadensis*

Northern forested areas

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.

**5. JURISDICTION.**

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. We have made a ***preliminary determination*** that any aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated waterbody/wetland impacts. Because this project is a mitigation bank, any required compensatory mitigation would be accounted for in the credit yield calculations. Any regulated discharges associated with implementation of a final approved bank plan could likely be authorized by regional general permit if the bank plan is approved before any regulated discharge occurs. Any ***approved jurisdictional determination*** needed will be made prior to reaching a decision, and will be posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

**6. HISTORICAL/ARCHAEOLOGICAL.**

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.

The latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

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7. PUBLIC HEARING REQUESTS.

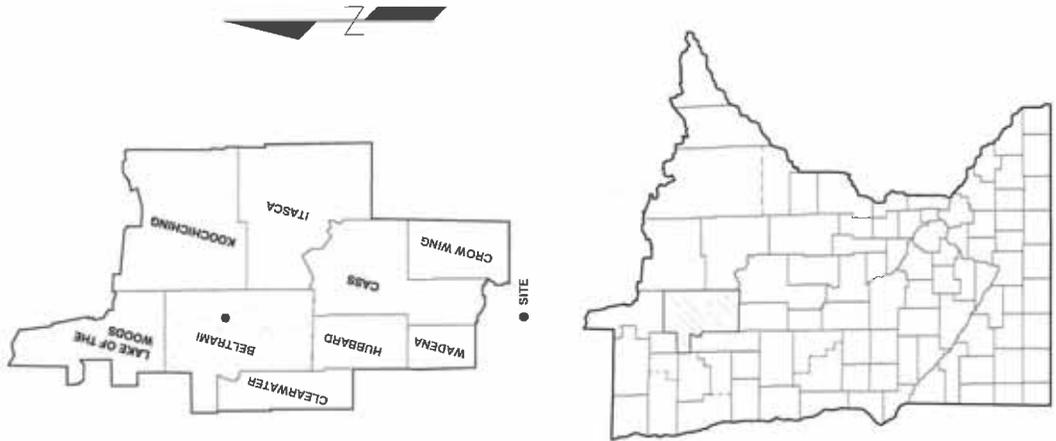
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

Tamara E. Cameron  
Chief, Regulatory Branch

Enclosures

# STELTER LLC WETLAND RESTORATION

LOCATION MAP



NOT TO SCALE

SHEET NO.	TITLE
1	TITLE PAGE
2	CONSTRUCTION NOTES & QUANTITIES
3	EXISTING TOPOGRAPHY
4	MAP INDEX
5	NORTH PLAN VIEW
6	CENTRAL PLAN VIEW
7	SOUTH PLAN VIEW
8	SECTION VIEWS
9	SECTION VIEWS

BEFORE START OF CONSTRUCTION, THE OWNERS OF ANY UTILITIES INVOLVED MUST BE NOTIFIED. THE EXCAVATOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM STATE ONE-CALL AT (651) 454-4000 (TWIN CITIES METRO AREA) OR (800) 252-1166 (ALL OTHER LOCATIONS) AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION.

THE OWNER IS RESPONSIBLE FOR OBTAINING LAND RIGHTS AND ALL NECESSARY PERMITS NECESSARY TO PERFORM AND MAINTAIN THE PROJECT.

-- GOVERNING SPECIFICATIONS --

THE CONSTRUCTION AND MATERIALS SPECIFICATIONS PREPARED FOR THIS PROJECT SHALL GOVERN. THESE SPECIFICATIONS ARE PART OF THE PLAN.

CHANGES IN THE DRAWINGS OR SPECIFICATIONS MUST BE AUTHORIZED BY THE OWNER AND THE RESPONSIBLE ENGINEER.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

William K. Westerberg  
*William K. Westerberg*  
 Date: 9/18/12 License #: 21874

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Selter LLC Wetland Restoration Drawn By: Brad Kennedy Checked By: Jon Hodgson		Title Page
DATE	REVISIONS	
North Central Minnesota Joint Powers Board 3217 Bemidji Ave. N. #3 Bemidji, Mn 56601 (218) 755-4341		Twp. 152 N., Range 31 W., Sec. 9, 16 Beltrami County, MN Beltrami Soil & Water Conservation District Bemidji, Minnesota

ESTIMATED AREAS			CREDIT SUBGROUP
ITEM	QUANTITY	UNIT	
Paddy Area	220.51	Acres	A
Remove Dike/Filled Ditch Area	10.97	Acres	B
Paddy Area within Lateral Effect Area	3.68	Acres	C
Ditch & Dike on North End/ Upland within easement to remain	10.60	Acres	D

ESTIMATED QUANTITIES		
ITEM	QUANTITY	UNIT
Excavation	72,000	Cu. Yd.
Erosion Control Blanket Category 3	100	Sq. Yd.
Flotation Silt Barrier Type 1 - Economy	20	Lin. Ft.
Remove Pipe	726	Lin. Ft.
Seed Mixture W2	40.25	Acres
Seed Mixture U10	1.08	Acres
Clearing & Grubbing	1.3	Acres
Remove Drainage Structure	16	Each
Mobilization	1	Lump Sum

**NOTES:**

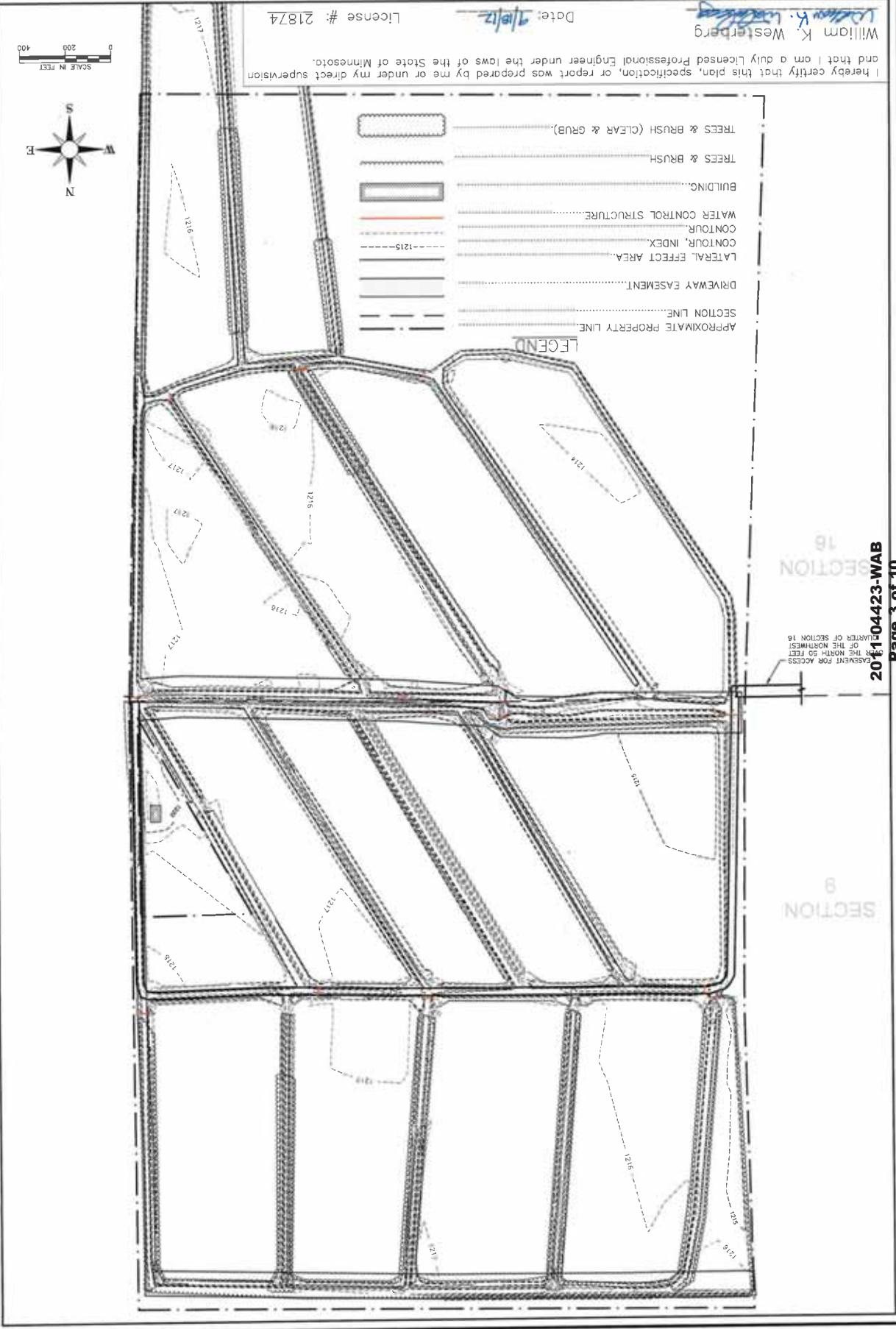
1. THE DIKE REMOVAL/DITCH FILL CONSTRUCTION SEQUENCE SHALL START WITH THE PLACING OF THE TOP 12" OF THE DIKE IN THE BOTTOM OF THE DITCH. THE CONSTRUCTED TOP HEIGHT OF THE DITCH FILL SHALL ALLOW FOR 8" SETTLEMENT.
2. FILL MATERIAL FOR PLUGS SHALL BE TAKEN FROM DIKES.
3. FURNISH AND INSTALL FLOTATION SILT BARRIER, TYPE 1-ECONOMY, BY GRANITE ENVIRONMENTAL, INC; 772-646-0597 OR APPROVED EQUAL IMMEDIATELY UPSTREAM OF 54 INCH PIPE IN CENTRAL DITCH-NEAR WEST PROPERTY LINE.
4. ALL PIPE AND DRAINAGE STRUCTURES SHALL BE REMOVED EXCEPT 2 PIPES THAT MAINTAIN DRAINAGE IN CENTRAL DITCH ALONG SECTION LINE BETWEEN SECTIONS 9 & 16. ALL PIPE AND DRAINAGE STRUCTURES REMOVED SHALL BE DISPOSED OF BY THE CONTRACTOR IN ACCORDANCE WITH MINNESOTA DEPARTMENT OF TRANSPORTATION SPECIFICATION 2104.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

William K. Westerberg  
*William K. Westerberg*  
 Date: 9/16/12

License #: 21874

 <p>North Central Minnesota          Joint Powers Board          3217 Bemidji Ave. N. #3          Bemidji, Mn 56601          (218) 755-4341</p>	Construction Notes & Quantities DATE REVISIONS Drawn By: Brad Kennedy Checked By: Bill Westberg	Twp. 152 N, Range 31 W, Sec. 9, 16 Beltrami County, MN Beltrami Soil & Water Conservation District Bemidji, Minnesota
	Stelter LLC Wetland Restoration	Sheet No. 2 of 9



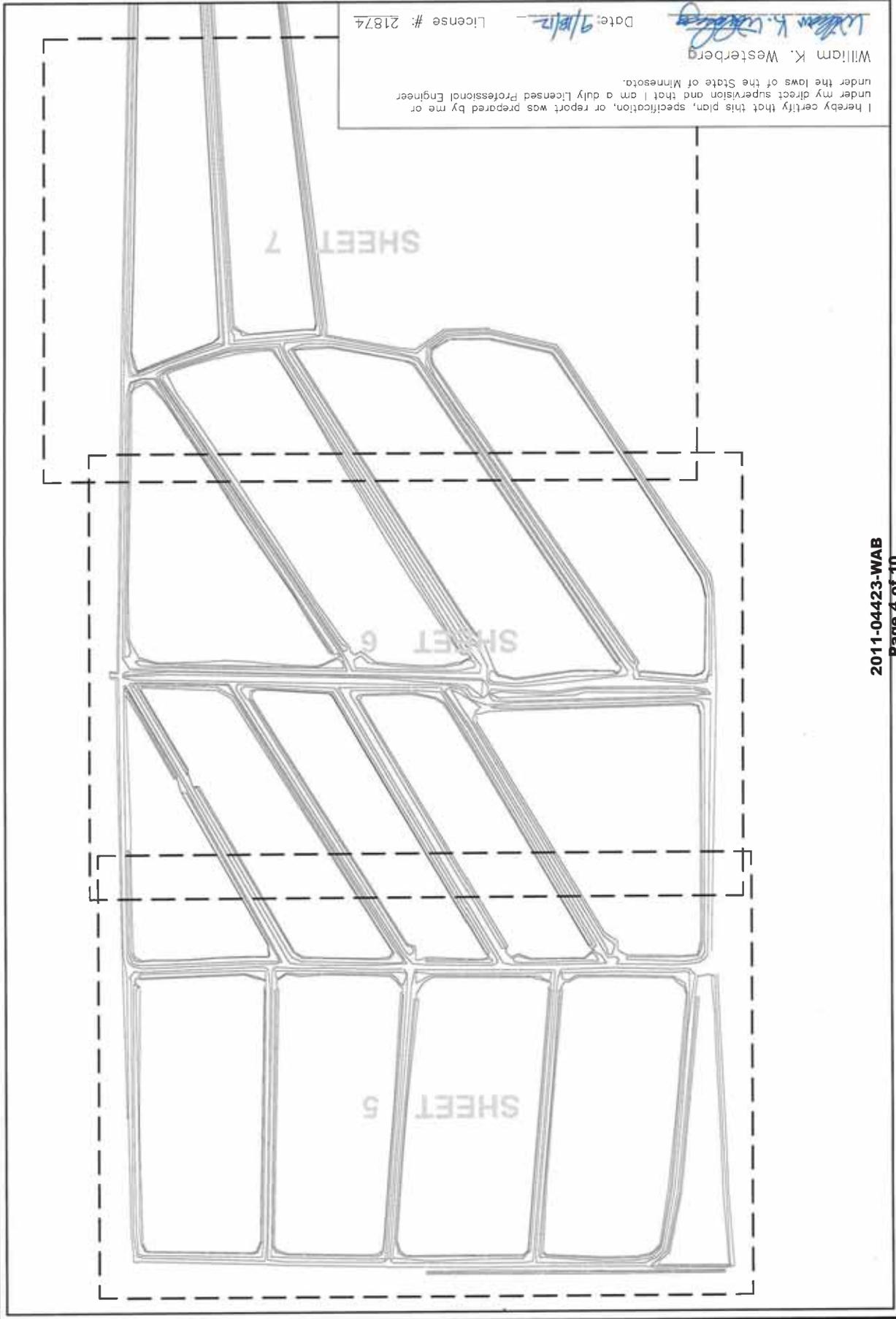


North Central Minnesota  
 Joint Powers Board  
 3217 Bemidji Ave. N. #3  
 Bemidji, Mn 56601  
 (218) 755-4341

Map Index	
Drawn By: Brad Kennedy	Checked By: Bill Westenberg
DATE	REVISIONS

Stelter LLC Wetland Restoration  
 Twp. 152 N, Range 31 W,  
 Sec. 9, 16  
 Beltrami County, MN  
 Beltrami Soil & Water  
 Conservation District  
 Bemidji, Minnesota

Sheet No.  
 4 of 9



William K. Westenberg  
 Date: 9/12/12 License #: 21874  
 I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.



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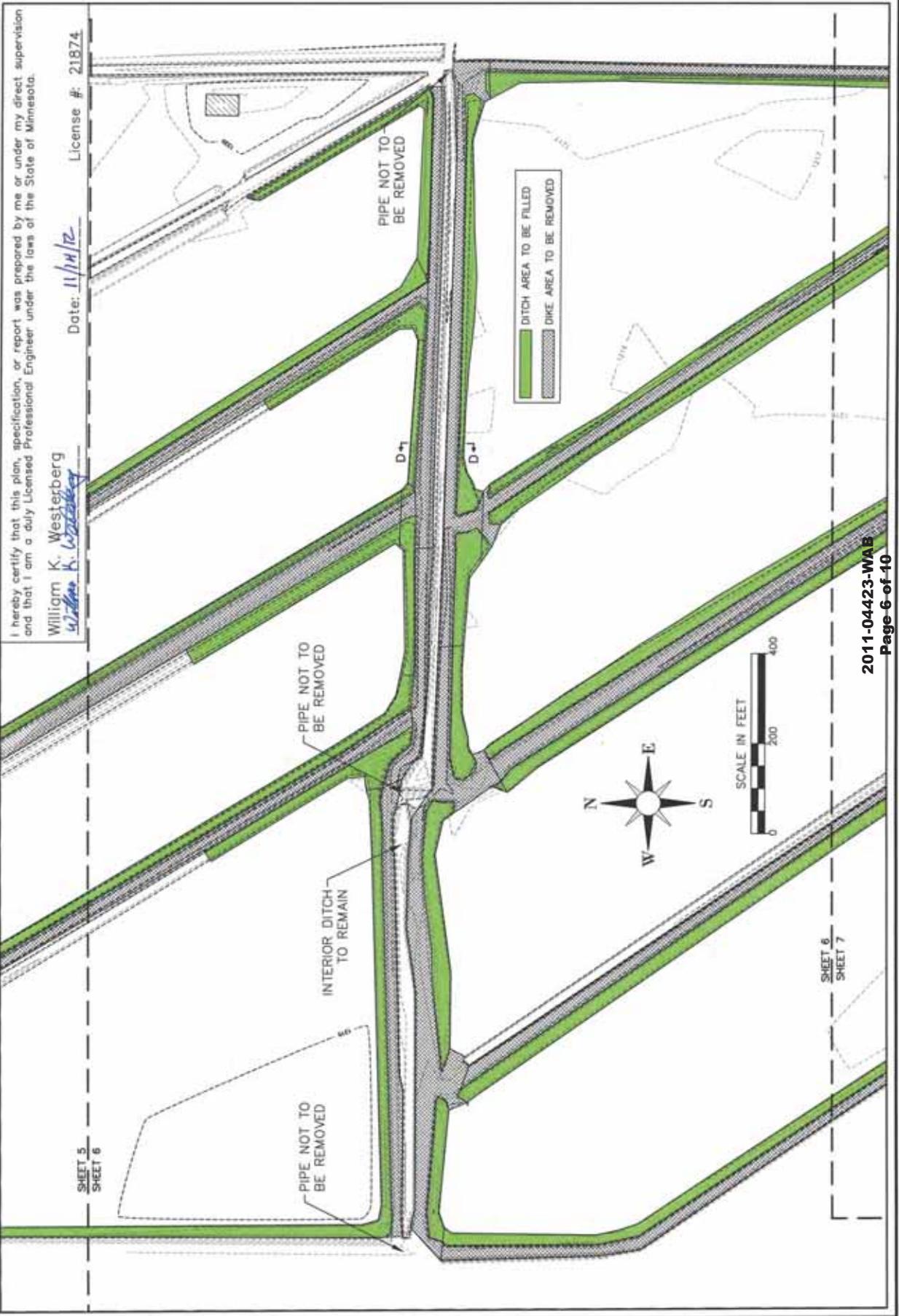
William K. Westberg  

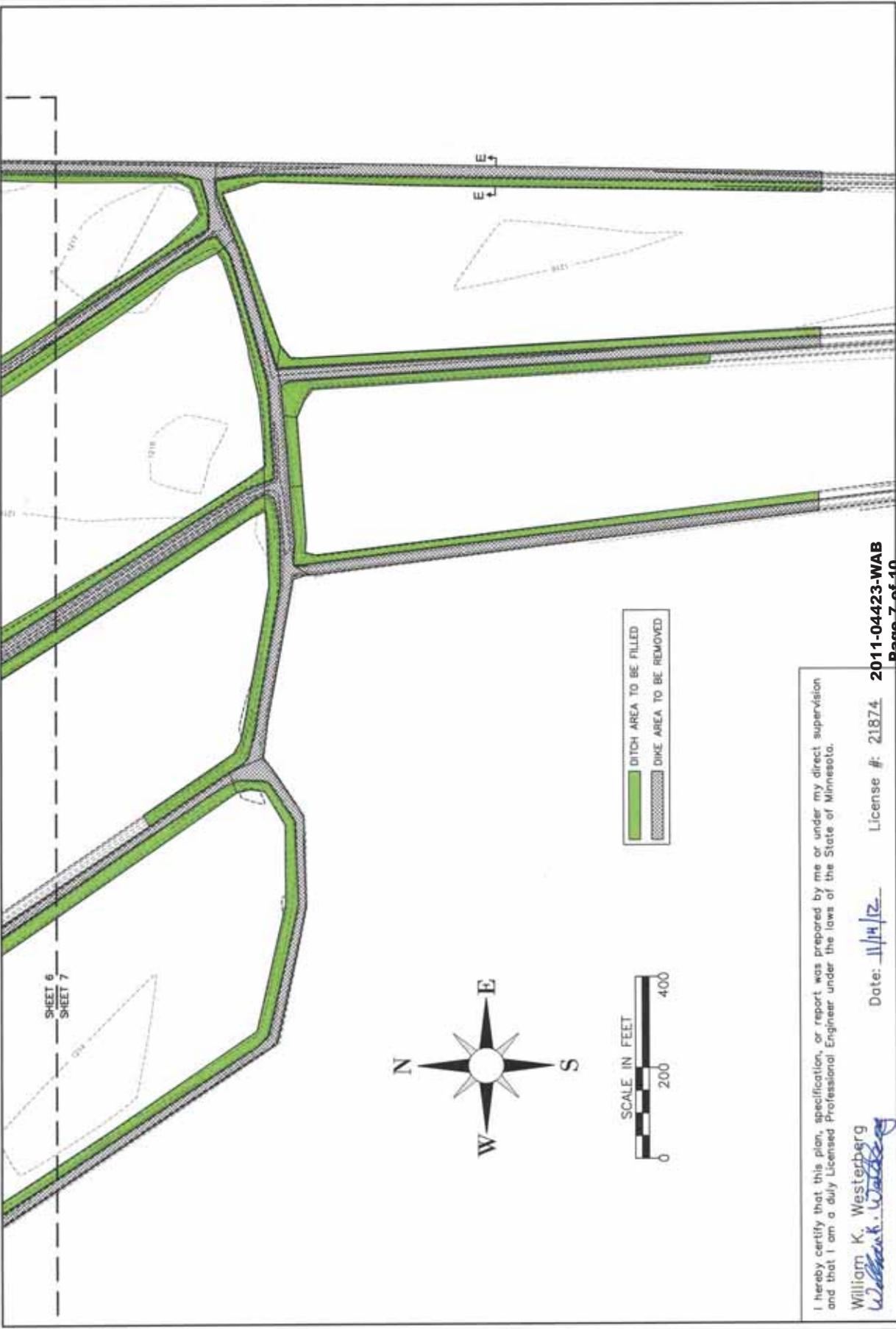

Date: 11/14/17 License #: 21874

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*W. K. Westenberg*  
 Date: 11/14/12 License #: 21874





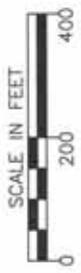
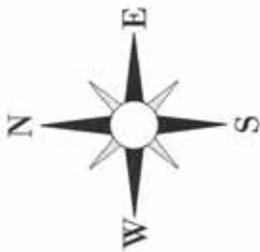
North Central Minnesota  
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Stelter LLC Wetland Restoration  
 Drawn By: Brad Kennedy  
 Checked By: Bill Westberg  
 DATE: 11/14/12  
 REVISIONS:

Twp. 152 N, Range 31 W,  
 Beltrami County, MN  
 Conservation District  
 Bemidji, Minnesota

Sheet No.  
 7 of 9

SHEET 6  
 SHEET 7



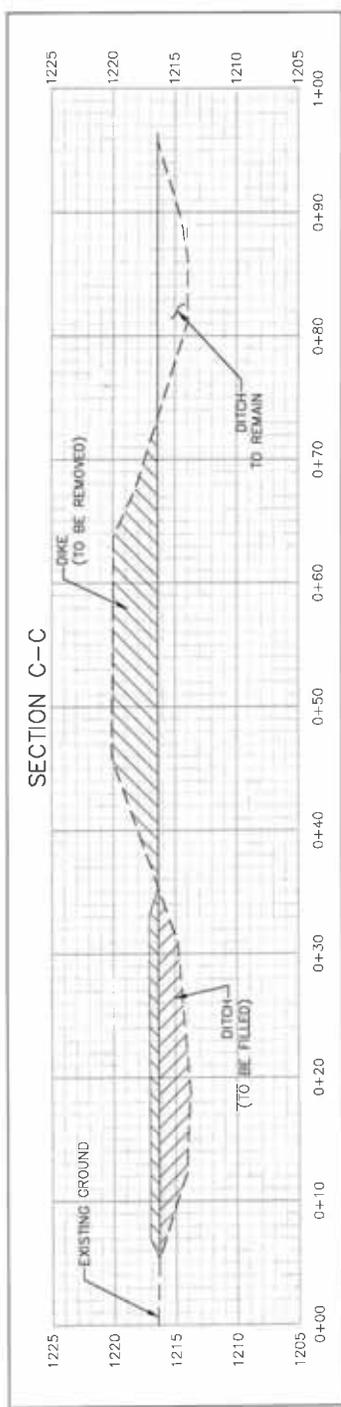
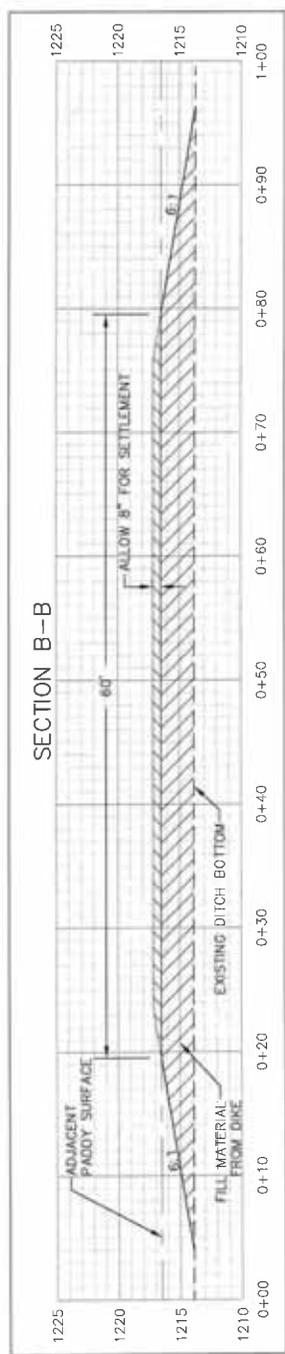
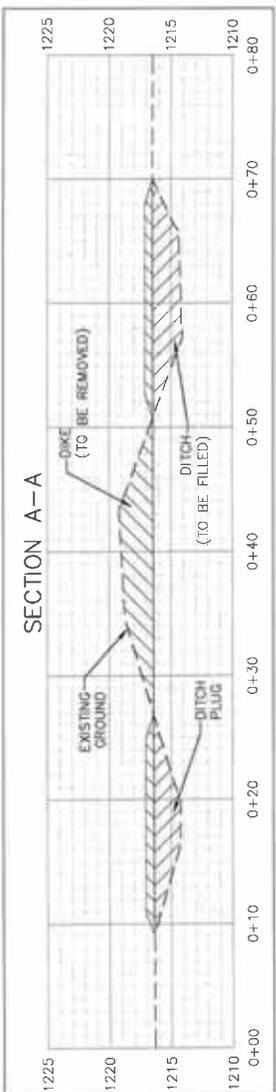
DITCH AREA TO BE FILLED  
 DIKE AREA TO BE REMOVED

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William K. Westberg  
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Date: 11/14/12

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North Central Minnesota  
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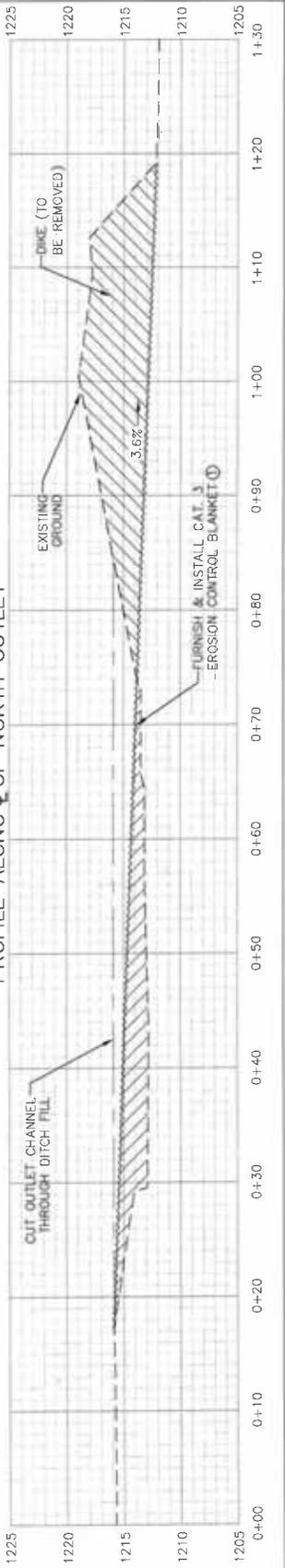
Stelter LLC Wetland Restoration  
 Section Views  
 Drawn By: Brad Kennedy  
 Checked By: Bill Westenberg  
 DATE REVISIONS

Twp. 152 N, Range 31 W,  
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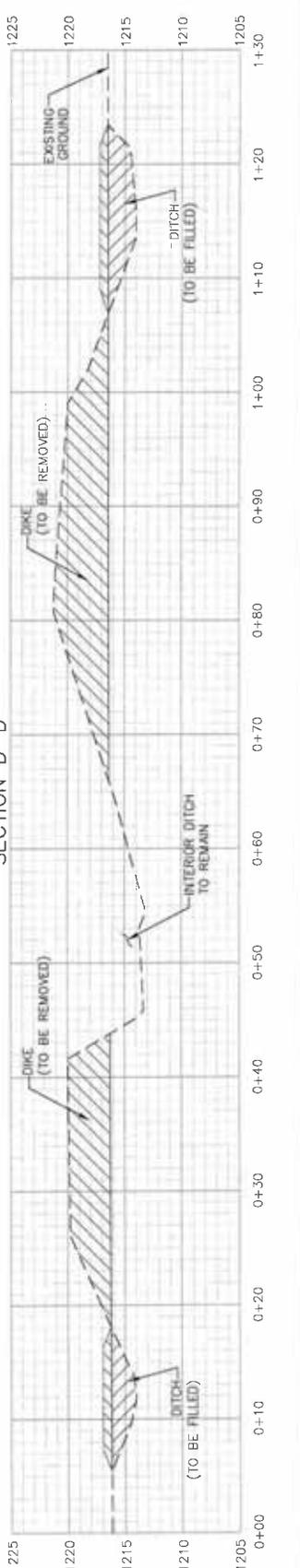
Sheet No.  
 8 of 9

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
 William K. Westenberg  
 Date: 7/18/12 License #: 21874

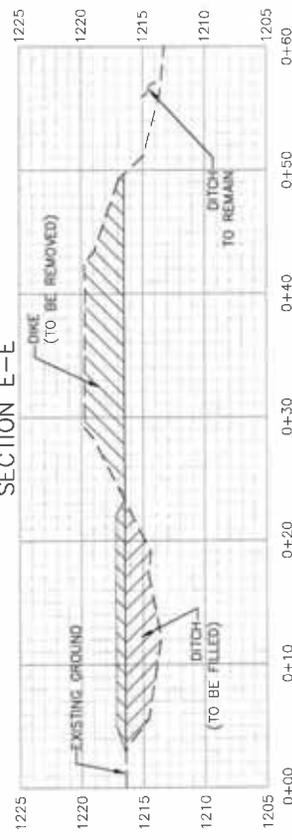
PROFILE ALONG C OF NORTH OUTLET



SECTION D-D



SECTION E-E



EROSION CONTROL BLANKET CATEGORY 3 SHALL BE IN ACCORDANCE WITH MINNESOTA DEPARTMENT OF TRANSPORTATION SPECIFICATION 3885.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

William K. Westerberg

*William K. Westerberg*

Date: 9/14/12 License #: 21874

**Table 3-1 – Proposed Credit Table**

Stelter LLC Wetland Restoration								
Estimated Credits Resulting From Proposed Project								
Credit Sub Group	Description of Sub Group	Area (Acre)	Credit Type	Percent of Wetland for Credit Area	Credit Area (acre)	Wetland Type	Wetland Plant Community Type	Action Eligible for Credit
A	Paddy Area	220.51	SWC	100%	220.51	2	Sedge Meadow	Restoration of completely drained wetland area - Subp 3
B	Remove Dike Area / Filled Ditch Area	10.97	SWC	50%	5.49	2	Sedge Meadow	Restoration of completely filled / partially drained wetland area - Subp 3, Subp 4b
C	Paddy Area within Lateral effect area	3.68	SWC	50%	1.84	2	Sedge Meadow	Restoration of completely drained wetland area - Subp 3
D	Ditch and Dike North end / Upland within easement to remain	10.6	SWC	50%	5.30	2	Sedge Meadow	Restoration of completely filled / partially drained wetland area - Subp 3, Subp 4b
<b>Totals</b>		<b>245.76</b>			<b>233.14</b>			

**Table 3-2 – Proposed Credit Release Schedule**

**Year 1**

15% Bank Credit Release; pending construction completion / certification (includes all seeding).

**Year 2**

25% Bank Credit Release; pending completion of annual monitoring results in compliance with vegetation monitoring success criteria.

**Year 3**

25% Bank Credit Release; pending completion of annual monitoring results in compliance with vegetation monitoring success criteria.

**Year 4**

25% Bank Credit Release; pending completion of annual monitoring results in compliance with vegetation monitoring success criteria.

**Year 5**

10 % Bank Credit Release; pending completion of annual monitoring results in compliance with vegetation monitoring success criteria.