



US Army Corps  
of Engineers  
St Paul District

APPLICANT: Stan Bautch

# Public Notice

ISSUED: 25-APR-2013

EXPIRES: 27-MAY-2013

REFER TO: 2011-04530-LED

SECTION:404 - Clean Water Act

1. APPLICATION FOR CORPS APPROVAL TO establish a wetland mitigation bank on an 80 acre site via preservation of a wetland-upland complex at the headwaters of the Little Brule River. Little Brule River is a tributary to Lake Superior, a navigable water of the United States. The project would not involve the discharge of dredged or fill material into waters of the United States.

## 2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Mr. Stan Bautch  
P.O. Box 1162  
Grand Marais, Minnesota 55604

AGENT: Mr. Wayne Hensche

AGENT'S ADDRESS: Fourth Meridian Land Surveys LLC  
1421 County Road 14  
Grand Marais, Minnesota 55604

PROJECT LOCATION: The project site is located in S ½ NW ¼ Section 19, T. 62N., R. 3E., Cook County, Minnesota.

### DESCRIPTION OF PROPERTY, RESOURCES AND WATERSHED:

The applicant is proposing to preserve an 80.16 acre site containing 42 acres of wetlands: 9.82 acres of high quality sedge meadow, 0.09 acre of shallow marsh, 2.51 acres of deep marsh, 8.08 acres of alder thicket, 18.1 acres of hardwood swamp, and 3.4 acres of coniferous swamp. The site also contains approximately 38.16 acres of high quality hardwood and coniferous upland forest. Deep marsh and shallow marsh wetlands onsite (and immediately downstream) developed at least partially as a result of existing beaver activity in the Little Brule River. No invasive species were identified onsite or along the undeveloped access easement to the property. The property is not accessible by any public or private road. A Corps approved wetland delineation was completed for the site.

The property's aquatic resources are a part of the northernmost reaches of the watershed feeding into the headwaters to the Little Brule River, a State designated trout stream. The stream begins in the southeast corner of the property. The stream's watershed (1,335 acres along a 3.5 mile course to Lake Superior) is currently in near pristine condition, with approximately 2 miles of river flowing through large tracts of private land and the southern 1 mile of the Little Brule River flowing through State lands to Lake Superior. At the mouth of the river, the river flows through the coastal wetland at Paradise Beach, an important site for migratory birds along the north shore of Lake Superior migration route.

**Operations - Regulatory (2011-04530-LED)**

**SUBJECT: Notice of Application for Establishment of a Mitigation Bank**

The coastal wetland is a likely, but unconfirmed, spawning area for rare coaster brook trout, a species of concern for the U.S. Fish and Wildlife Service. Minnesota DNR observations confirm that the mouth of the tributary is in the direct migratory route of coaster brook trout. The site represents a large, undisturbed, unified headwater complex located on private property and contiguous to a protected trout stream.

According to the St. Paul District's Special Public Notice for preservation guidance currently out for public comment in Minnesota, hardwood swamps in Bank Service Area (BSA) 1, which provide important chemical, physical and biological functions to a watershed, are unique and difficult to replace wetlands. On March 13, 2012, a MnRAM Site Assessment Report was completed for the site, resulting in moderate, high and exceptional ratings in all categories except maintenance of characteristic amphibian habitat, which was rated as low due to the presence of predatory fish. The aquatic resources onsite are important for moderating the effect of storm pulses on the tributary, providing continuous water supply during the growing season, and provide valuable aquatic and terrestrial wildlife habitat. The project area also contains an active deer yard. During site visits by OP-R staff and by the agent, use of the site by wolves and moose was observed. Moose are currently a species of concern to the State of Minnesota and for Native Americans due to an unexplained population decline in the last few years.

The property is located in the Lake Superior watershed in Minnesota's BSA 1 (Great Lakes Basin). There is currently one bank in BSA 1 with Corps approved credits.

**DISCUSSION OF DEMONSTRABLE THREAT:**

The Sponsor has documented the demonstrable threat of private development to the property supported by information and data from the Cook County Planning and Zoning Department.

Due to the above considerations and resource characteristics, the Sponsor has proposed that the aquatic resources onsite be considered unique and difficult to replace and under demonstrable threat, and therefore eligible for consideration for preservation credit. The proposal to develop a preservation mitigation bank would serve to remove the threat of development to the site, protect the Little Brule River headwaters/watershed and surrounding ecosystem, and protect potential spawning habitat for coaster brook trout.

**DESCRIPTION OF PROPOSAL:**

The Sponsor has proposed to place a perpetual conservation easement on the property and would obtain a walking access easement to the property. Under the preservation mitigation bank proposal, the bank would generate 5.25 wetland credits at a ratio of 8:1 (12.5%) and 1.75 upland buffer credits at a ratio of 4:1 (25%). Upland buffer credits may only constitute up to 25% of total bank credits.

**Operations - Regulatory (2011-04530-LED)**

**SUBJECT: Notice of Application for Establishment of a Mitigation Bank**

Table 1: Credit Summary Table

<b>Credit Type</b>	<b>Acreage (ac)</b>	<b>Credit</b>	
Wetland Preservation	sedge meadow (Type 2)	9.82	1.23
	shallow marsh (Type 3)	0.09	0.01
	deep marsh (Type 4)	2.51	0.31
	alder thicket (Type 6)	8.08	1.01
	hardwood swamp (Type 7)	18.1	2.26
	coniferous swamp (Type 7)	3.4	0.43
Upland Buffer	38.16	1.75	
	<b>Total</b>	<b>7</b>	

**MONITORING AND SITE MANAGEMENT:**

Long-term management of the site: The established bank site would be managed by the bank sponsor or their successors in property ownership. Long-term management of the property would be the responsibility of the landowner. Additional protections and management limitations would be spelled out in a conservation easement, bank plan, and Mitigation Banking Instrument.

The Sponsor is developing long term and adaptive management plan including strategies for preventing and dealing with the potential threat of the Emerald Ash Borer (EAB), wildfire and invasive plants. The Sponsor would monitor the site for the presence of invasive species (plant and animal) for 10 years following the establishment of the site as a preservation mitigation bank.

**SURROUNDING LAND USE:**

Land uses in the nearby surrounding area include private residential development on large lots, private recreational properties, and public lands used for recreation and forest management. Immediately adjacent to the property on the north, south and east sides, all lots are large single family residential properties. Immediately adjacent to the property to the west is federal Superior National Forest property.

**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.

**Operations - Regulatory (2011-04530-LED)**

**SUBJECT: Notice of Application for Establishment of a Mitigation Bank**

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, 1554 Highway 2, Suite 2, Two Harbors, Minnesota 55616, ATTN: Leslie Day.

Or, if you have questions about the project, call Ms. Leslie Day at the Two Harbors office of the Corps, telephone number (651) 290 - 5693.

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

<u>Species</u>	<u>Habitat</u>
Canada lynx	Northern forested areas

This proposal 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 Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial determination that the 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 and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/>.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED:

WETLAND CONSERVATION ACT.

**Operations - Regulatory (2011-04530-LED)**

**SUBJECT: Notice of Application for Establishment of a Mitigation Bank**

The Cook County Planning and Zoning is the Local Government Unit (LGU) for this project. Minnesota Power has submitted a copy of the permit application to the LGU for review under the Wetland Conservation Act.

**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.

**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, Northwest Section

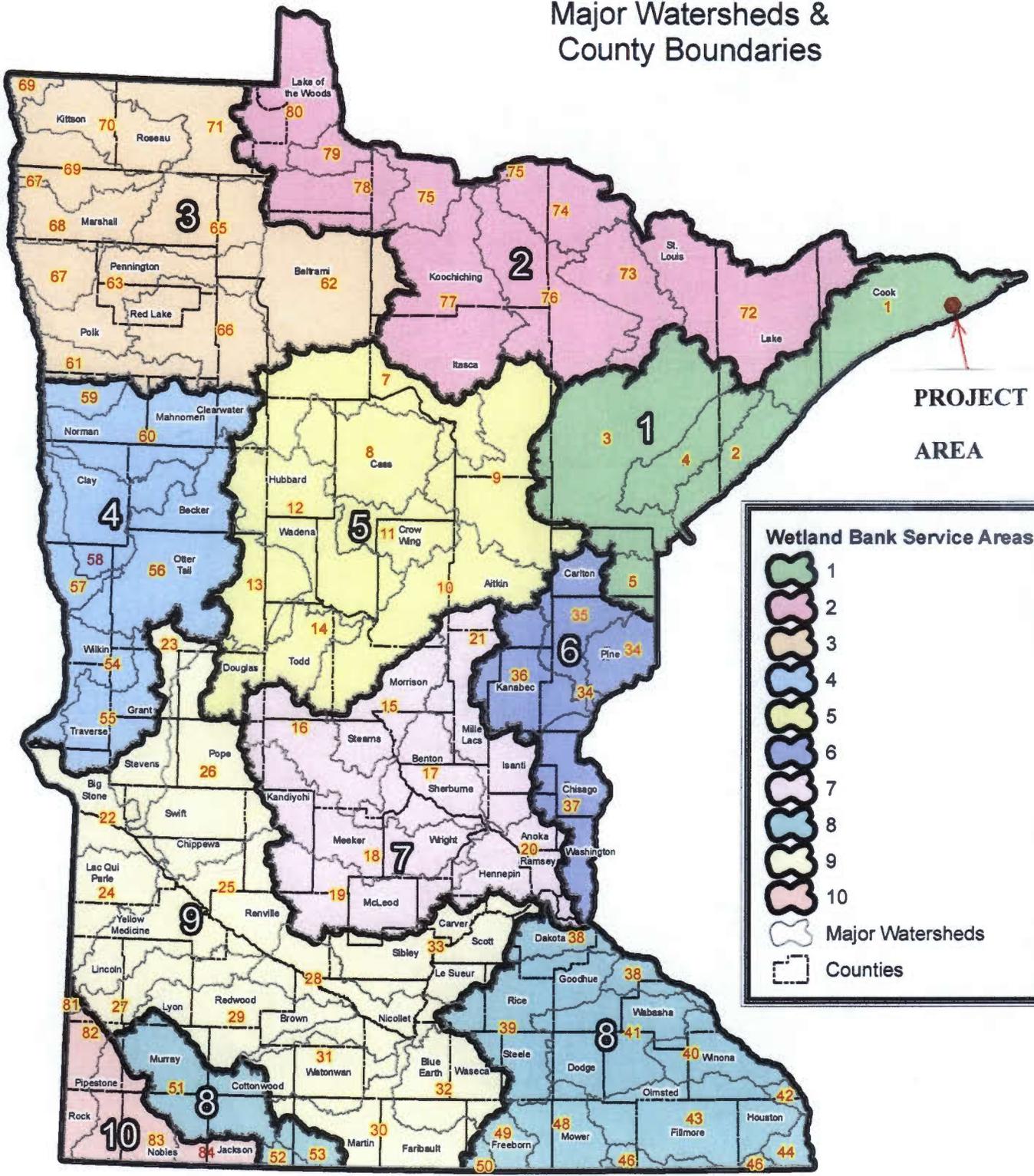
**Enclosures:**

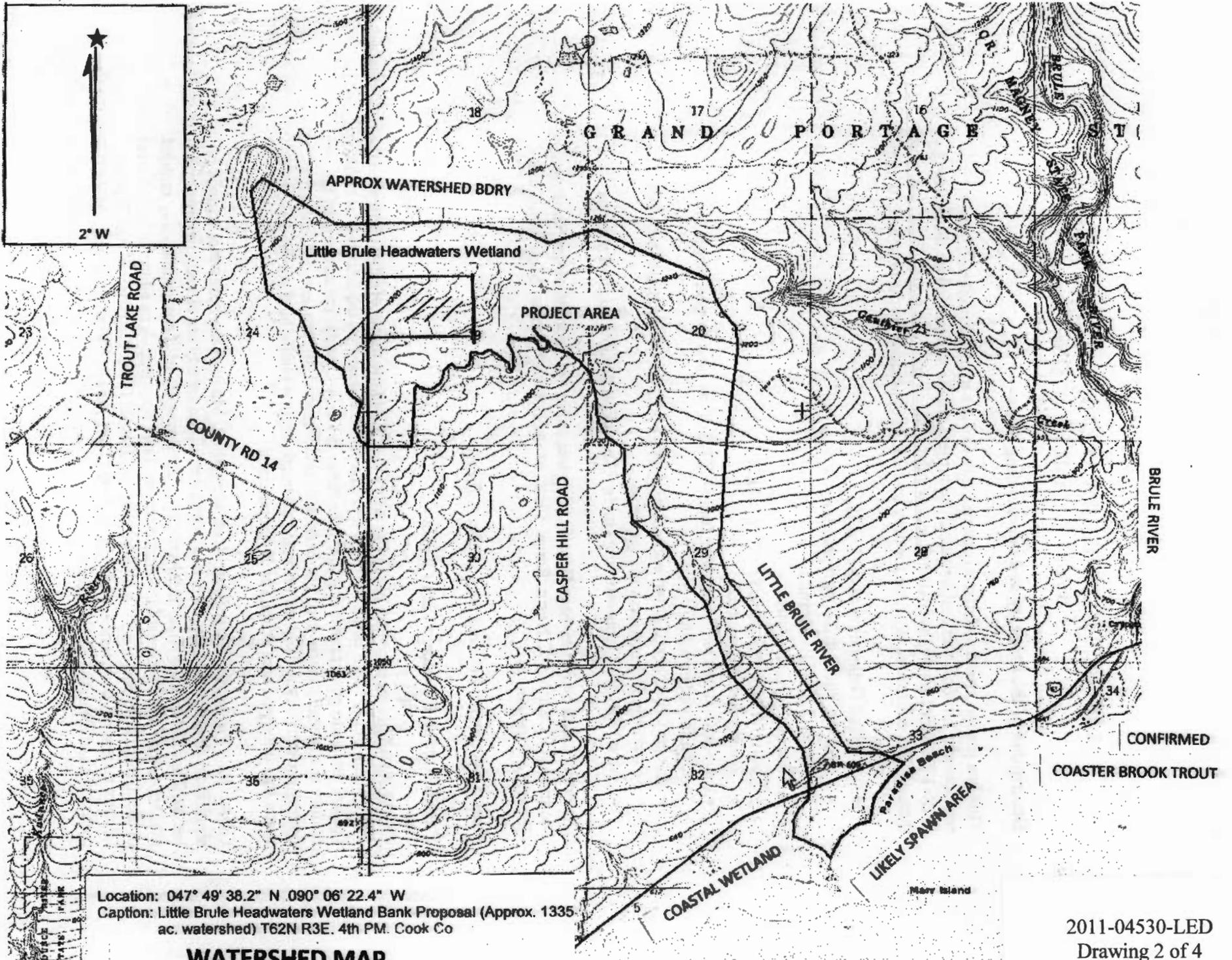
2011-04530-LED, Public Notice Drawings 1 of 4 through 4 of 4

**NOTICE TO EDITORS:** This public notice is provided as background information and is not a request or contract for publication.

# Wetland Bank Service Areas

With  
Major Watersheds &  
County Boundaries





Location: 047° 49' 38.2" N 090° 06' 22.4" W  
 Caption: Little Brule Headwaters Wetland Bank Proposal (Approx. 1335 ac. watershed) T62N R3E. 4th PM. Cook Co

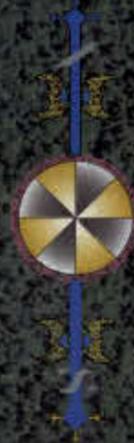
**WATERSHED MAP**



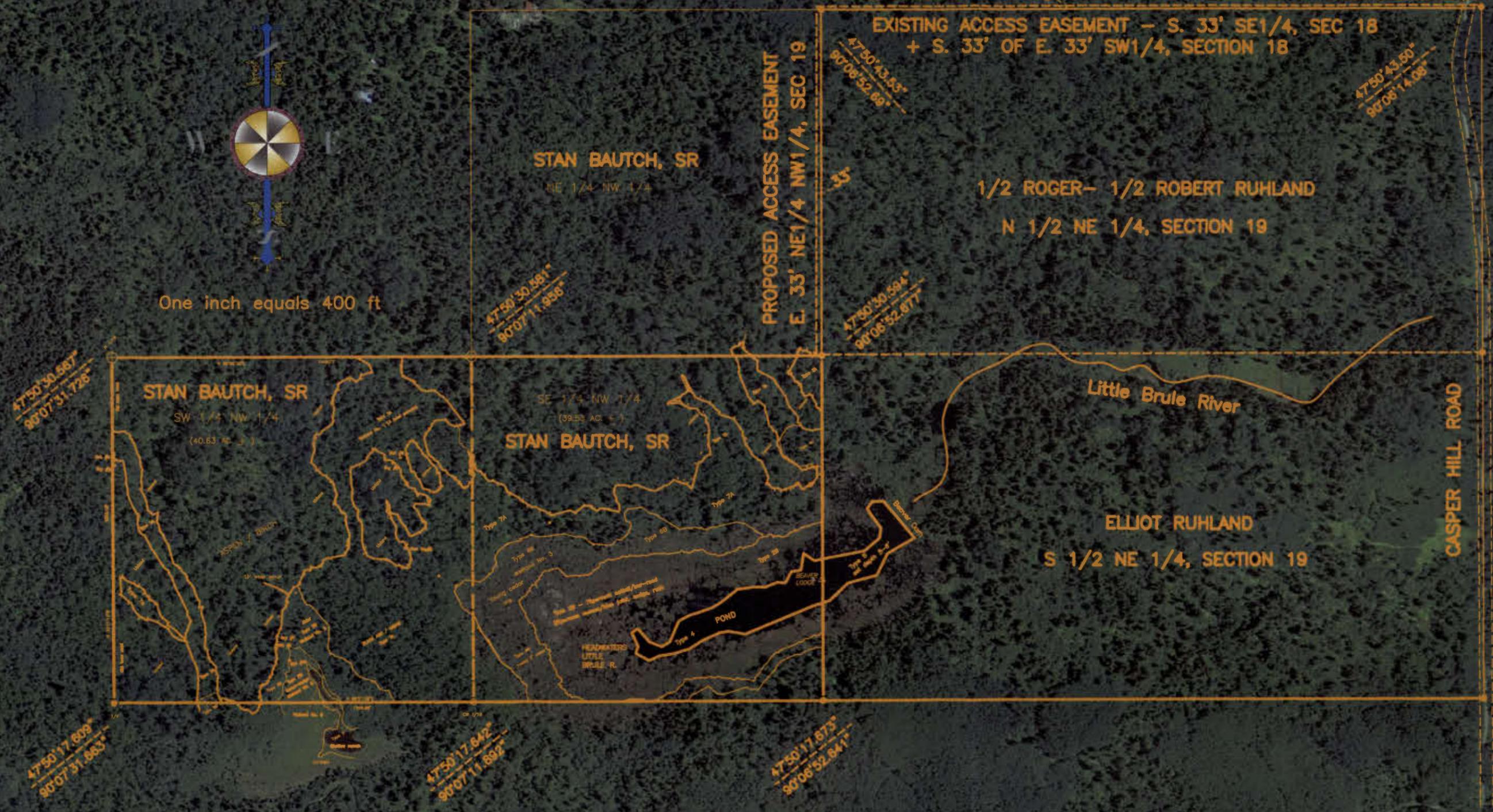
# ACCESS EASEMENT & GEOGRAPHIC COORDINATES

## LITTLE BRULE HEADWATERS WETLAND BANK

ROGER RUHLAND  
S 1/2 SE 1/4, SECTION 18



One inch equals 400 ft



CASPER HILL ROAD