



US Army Corps
of Engineers
St Paul District

SPONSOR: Steve Nuest

Public Notice

ISSUED: May 7, 2013

EXPIRES: June 6, 2013

REFER TO: MVP-2013-00602-BGO

SECTION:404 - Clean Water Act

1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL

2. SPECIFIC INFORMATION.

SPONSOR'S ADDRESS: Steve Nuest
40730 285th Street
Hancock, Minnesota 56244

SPONSOR'S AGENT Jeremy Donabauer
Ag Wetland Services, Inc.
P.O. Box 42
Clearwater, Minnesota 55320

PROJECT LOCATION: The project site is located in Sec. 10, T. 122N., R. 42W., Swift County, Minnesota. The approximate decimal degrees are Latitude 45.386 and Longitude -95.93.

BANK SERVICE AREA: The proposed bank service area is the Minnesota River Basin in Minnesota (Bank Service Area 9).

DESCRIPTION OF PROJECT: The sponsor is proposing to develop the Steve Nuest Wetland Bank. The proposed bank site is approximately 30 acres in size, including upland buffer areas.

Current land use, including adjacent properties – The entire easement area and adjacent properties to the east are actively cultivated agricultural lands. The adjacent properties to the west and north are currently enrolled in the Reinvest in Minnesota (RIM) Reserve Program. A review of historic aerial photographs indicates the area has been in agricultural production for over 20 years. The USDA Soil Survey indicates both hydric and non-hydric soils are present. An existing drainage tile drain system has effectively drained the west half of the proposed bank site. Portions of the east half of the proposed bank site have been mined for gravel.

Modifications proposed to restore, establish, enhance and/or preserve wetlands on the bank site – The sponsor proposes to restore by re-establishment approximately 17 acres of effectively drained agricultural land with hydric soils to wet to wet-mesic prairie, fresh (wet) meadow and shallow marsh vegetation, create an additional 9 acres of wet to wet-mesic prairie, fresh (wet) meadow and shallow marsh wetlands, and restore approximately 4 acres of upland buffer.

The hydrology would be restored to the west half of the proposed bank site by disabling the tile drain system. The previously mined portions of the east half of the proposed bank site would be further excavated to match the topography and historic wetland elevations of that on the west side.

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Site preparation for seeding will consist of an aerial spray of herbicide to kill all vegetation. After all existing vegetation is dead, native wetland and upland seed mixes will then be planted into appropriate elevation zones. Board of Water and Soil Resources (BWSR) wetland mixes appropriate for the anticipated hydrology would be applied at the recommended rate per acre.

Vegetation maintenance is anticipated to consist of annual mowing and spot spraying. Maintenance activities will target agricultural weeds and invasive species throughout the site. A schedule of maintenance activities will be prepared for the first three years following vegetation establishment.

Additional site preparation and vegetation maintenance practices would be spelled out in an approved bank plan.

Long-term management of the site: The established bank site would be managed by the sponsor or their successors in property ownership. The site would be adaptively managed for development of herbaceous communities dominated by native species common to the bank area. Credit sales would be tracked by the sponsor and reported to the state as required by state law. The reported credit releases and sales would be tracked on both Corps and state databases using ledger data supplied by the state. By state law, long-term management of the property would be the responsibility of the landowner and the sponsor 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 both a conservation easement and in an approved bank plan.

The project would restore approximately 17 acres of wetlands, create an additional 9 acres of wetlands, and restore approximately 4 acres of upland buffer.

SURROUNDING LAND USE: Surrounding land use is comprised of agricultural lands and two RIM easements.

COORDINATION WITH RESOURCE AGENCIES: The project sponsor has initially coordinated with Minnesota-based Interagency Review Team (IRT) members including the Army Corps of Engineers, Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, and the Swift County Soil and Water Conservation District. Coordination with additional members of the IRT is anticipated in response to this Public Notice and any subsequent meetings and phone calls among all interested IRT agencies.

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.

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Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Benjamin Orne at the St. Paul office of the Corps, telephone number (651) 290-5280.

To receive Public Notices by e-mail, go to: 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 bank sponsor or are known to exist in the action area. However, Swift County is within the known historic range for the following Federally-listed species:

Dakota Skipper (Candidate) Native prairie areas

Poweshiek Skipperling (Candidate) Native prairie areas

This notice 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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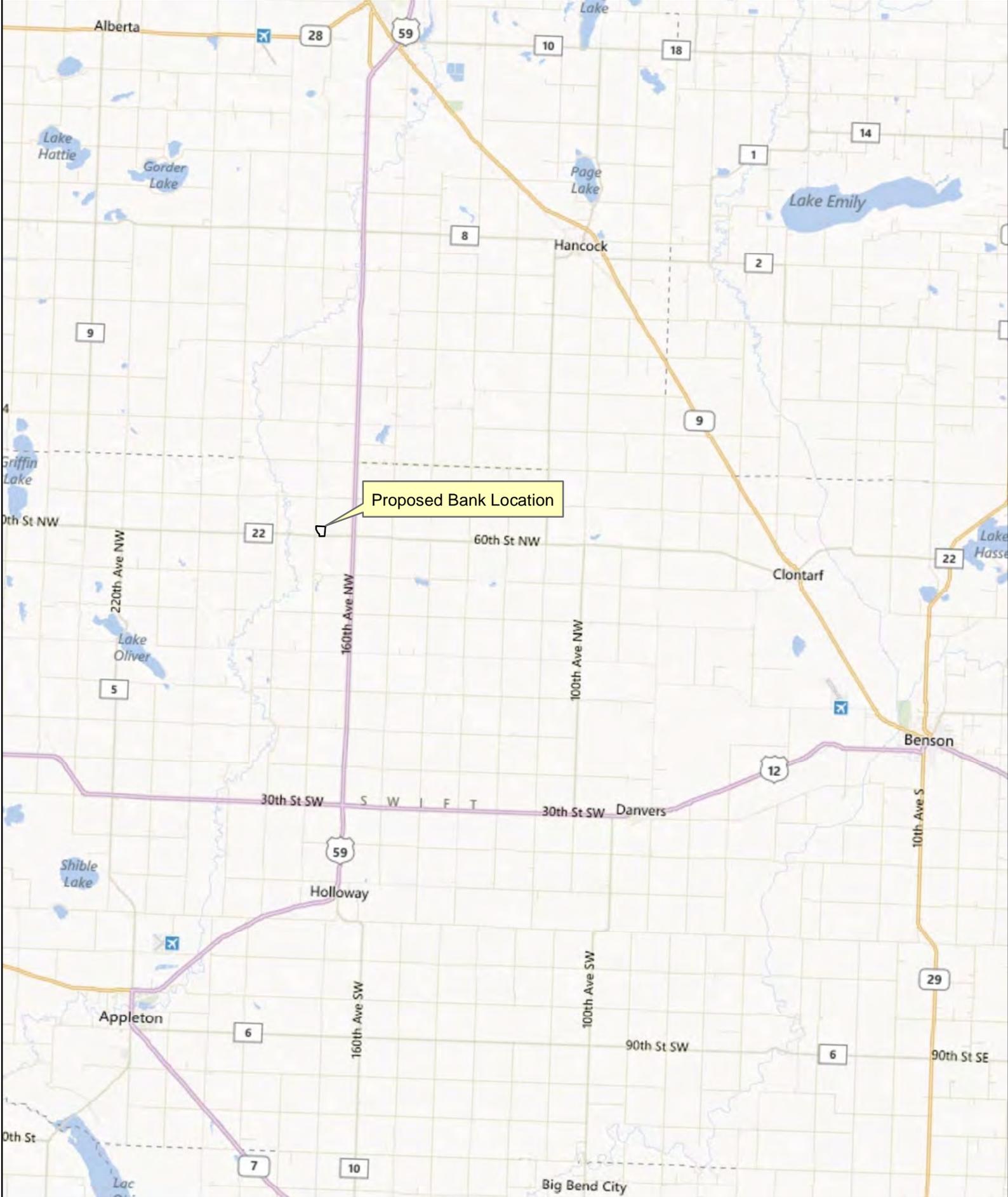
SUBJECT: Steve Nuest Wetland Bank

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

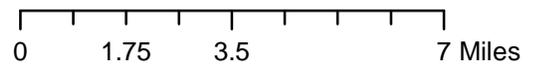


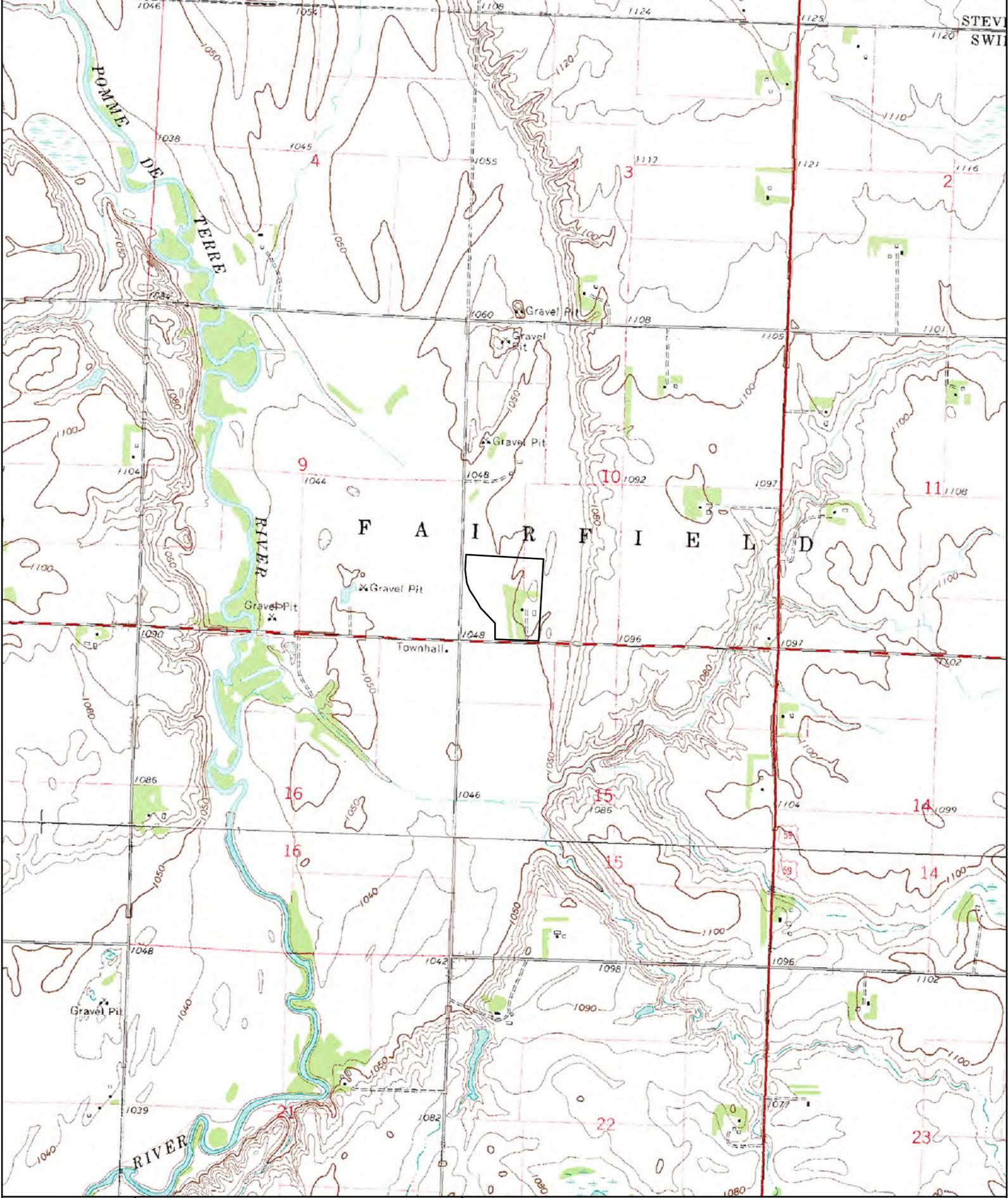
Proposed Bank Location



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 Steve Nuest Wetland Bank - Swift County
 Data Sources: Bing Maps Road,
 NAD 1983 UTM 15N

 Approximate Bank Boundary



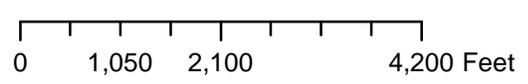


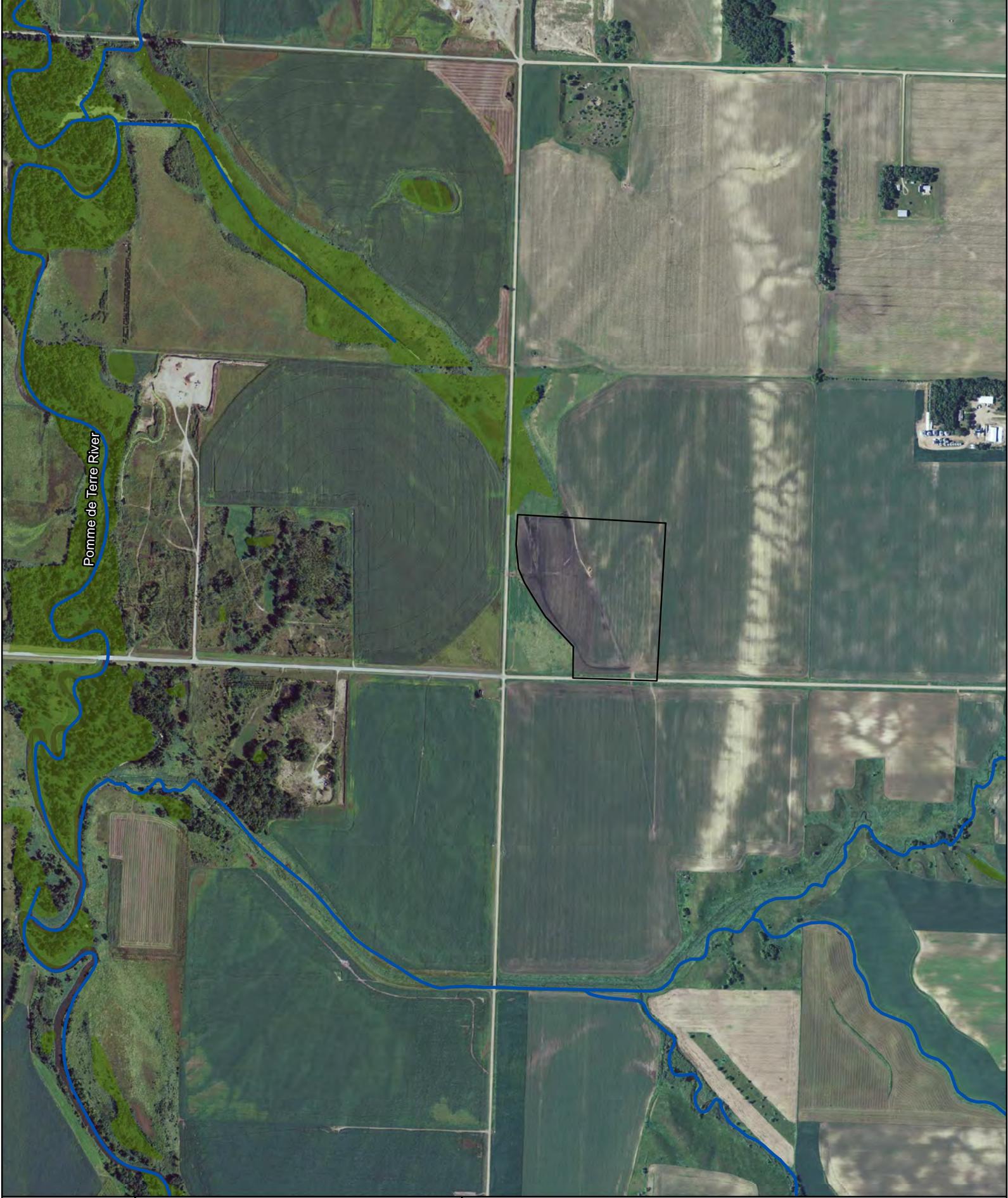
STEVE
SWIFT



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 Steve Nuest Wetland Bank - Swift County
 Data Sources: 24K USGS, NAD 1983 UTM 15N

 Approximate Bank Boundary





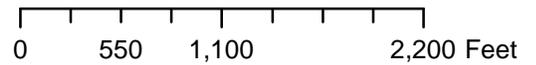
Pomme de Terre River



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Data Sources: FSA 2010, NHD, NWI,
NAD 1983 UTM 15N

Approximate Bank Boundary NHD - Stream NWI - Wetland



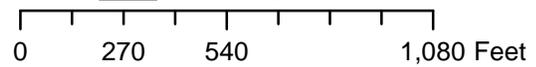


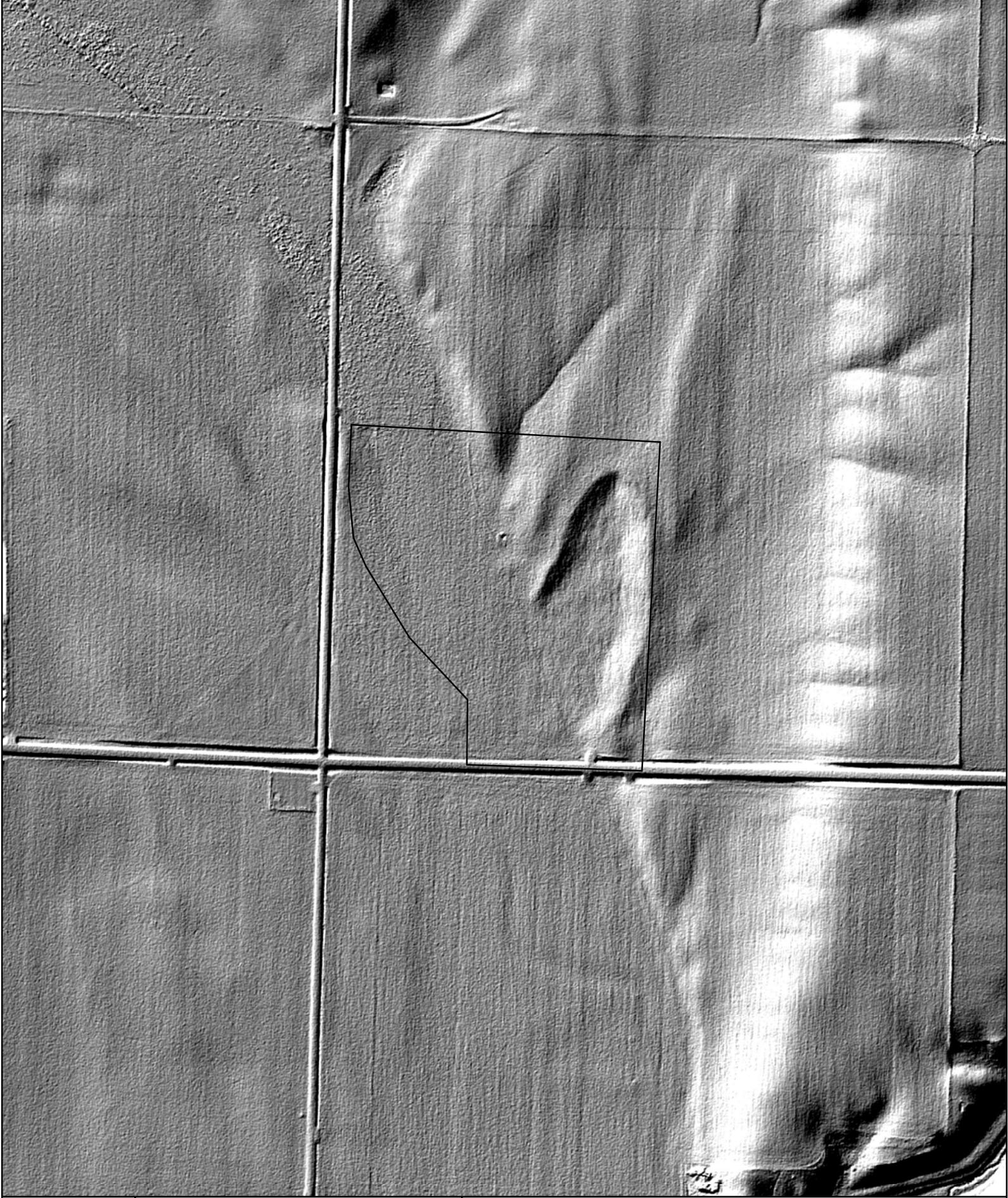
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Steve Nuest Wetland Bank - Swift County
Data Sources: FSA 2010, Swift County Soil Survey,
NAD 1983 UTM 15N

 Approximate Bank Boundary
 All Hydric

 Partially Hydric
 Unknown Hydric

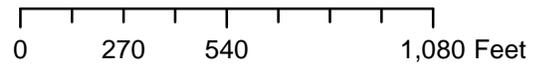




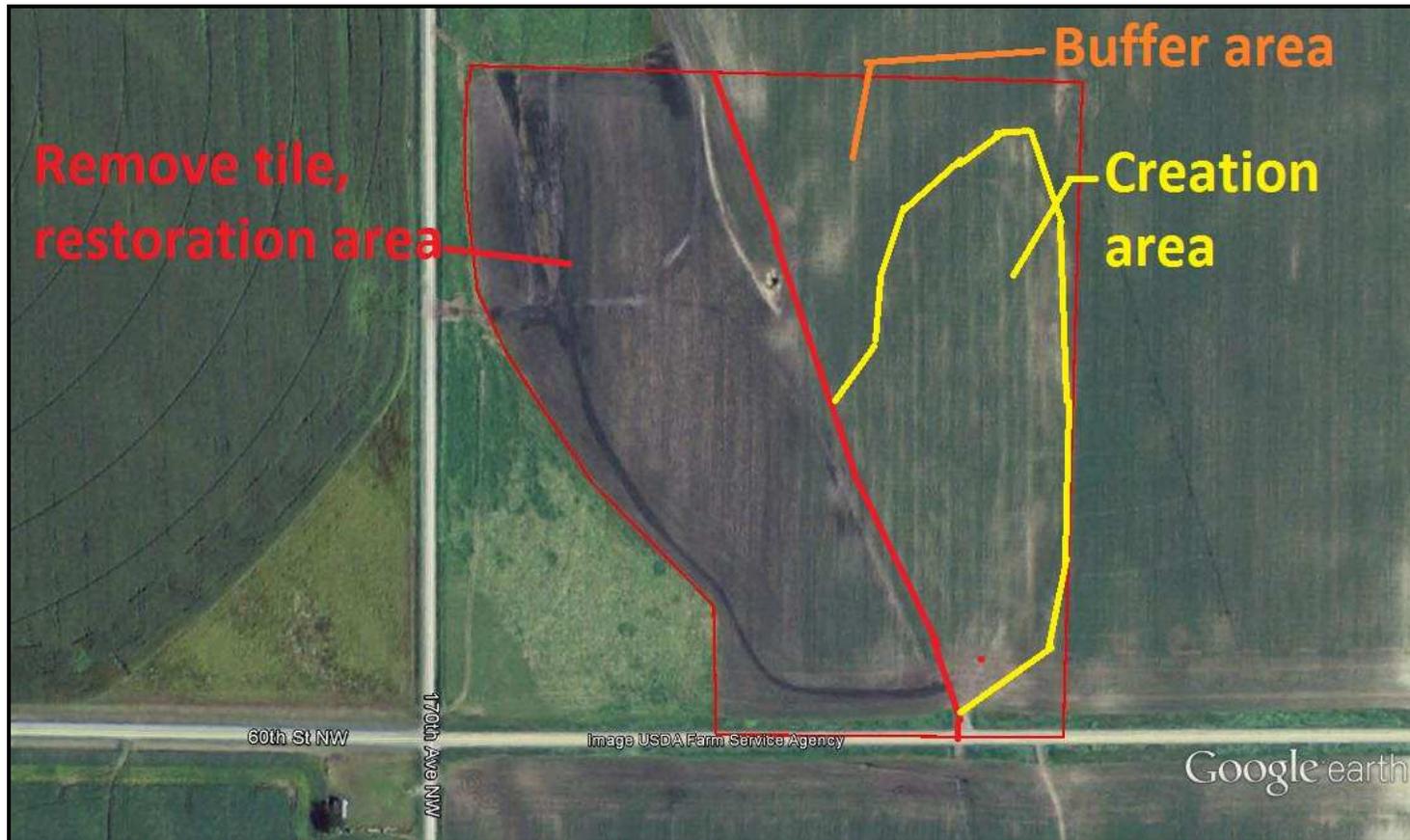
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Data Sources: Swift County LIDAR,
NAD 1983 UTM 15N

 Approximate Bank Boundary



Steve Nuest
Restoration Activities
Section 10, Township 122 N, Range 42 W
Swift County, Minnesota



Drainage Features

Section 10, Fairfield Township

Swift County, MN

