



US Army Corps
of Engineers
St Paul District

SPONSOR: Forsman Properties,
LLC

Public Notice

ISSUED: 14-APR-2014

EXPIRES: 14-May-2014

REFER TO: MVP-2013-04540-TSM

SECTION: 404 - Clean Water Act

1. WETLAND COMPENSATORY MITIGATION BANK: Forsman Wetland Mitigation Bank, (Wright County).
2. SPECIFIC INFORMATION.

SPONSOR'S ADDRESS: Forsman Properties, LLC
PO Box 699, 6339 Mowery Avenue Southwest
Cokato, Minnesota 55349

SPONSOR'S AGENT: John Smyth
Stantec
2335 Highway 36 West
St. Paul, Minnesota 55113

PROJECT LOCATION: The project site is located in Sec. 4, T. 118 N., R. 28 W., Wright County, Minnesota; latitude: 45.06422 and longitude: -94.21331. The approximate UTM coordinates are N 4990800.2393629, E 404479.361263408 NAD83/Zone 15.

BANK SERVICE AREA: The proposed bank service area is Bank Service Area 7 (Upper Mississippi South) and also within the 7-county Twin Cities metro bank service area. The site is located in the North Fork Crow River major watershed (HUC 07010204).

DESCRIPTION OF PROJECT: The sponsor is proposing to develop the Forsman Wetland Bank (Proposed Bank). The Proposed Bank is approximately 51.43 acres in size, including upland buffer areas. This site is one of four "contract-for credits" sites selected in 2013 to provide credits to the Local Road Wetland Replacement Program (LRWRP) administered by the Minnesota Board of Water & Soil Resources (BWSR). At this time, it is anticipated that all federally-approved credits developed at this bank will ultimately be transferred to the LRWRP.

CURRENT LAND USE ON THE SITE: Current land use within the Proposed Bank is agricultural, primarily cultivated for seasonally planted crops. A private ditch bisects the property from the northwest to the southeast and drains into Joint Ditch 15 (JD 15) on the east property line. JD 15, also called Sucker Creek, forms the south and east boundary of the Proposed Bank site. The southern portion of the Proposed Bank site contains partially and fully drained farmed wetland.

MODIFICATIONS PROPOSED TO RESTORE, ESTABLISH, ENHANCE AND/OR PRESERVE WETLANDS ON THE SITE: The sponsor has proposed that this project would generate from 31.41 to 37.82 compensatory mitigation credits, for the restoration of 19.81 acres of completely drained

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wetlands credited at 100%, the restoration of 5.18 acres of partially drained wetlands credited at 100%, and the restoration of 25.66 acres of upland buffer credited at 25-50%.

The project is proposed to restore the historic wetland communities and associated water regimes including shallow marsh and wet meadow wetlands. The soils within the upper portion of the Proposed Bank are Biscay Loam, a whole unit hydric soil, which consist of moderately deep, nearly level, poorly drained soils with a seasonally high water table. The soils within the lower portion of the Proposed Bank consist of a Muskego muck which is also poorly drained with saturation near the surface. The proposed restoration of the wetland will occur by redirecting a portion of JD 15 back onto the Proposed Bank. This will result in the capture of 1.21 square miles of runoff from surrounding agricultural lands. There is a very gradual slope from the upstream end of the Biscay Soils to near the edge of the Muskego muck. In order to restore the wetlands within the extent of the Biscay Soils the Sponsor has proposed the construction of three berms that are approximately 3.0 feet high and designed with overflows that are 0.5 feet above the existing/graded ground surface. The spillways are located to force a base flow channel to meander through the site and the elevations of the spillways will insure that the extent of the hydric soil areas are periodically inundated.

The proposed design includes a primary and secondary spillway. The Proposed Bank is designed to split the flows between the two spillways. The proposed approach is to reduce the flow rates that discharge to the proposed wetland basins. The primary spillway is slightly lower and has a higher flow rate for the storm events up to the 100-year storm. The secondary spillway will carry higher flow rates for the 100-year storm.

Native seeding is also planned at the Proposed Bank. Site preparations will include disking and/or harrowing. Seeding will occur through the use of a Truax type native seed drill and/or broadcast seeder. Proposed maintenance of the site includes the use of mowing and spot spraying of herbicide throughout the maintenance period to help in the establishment of native vegetation. Spot treatment on invasive species will be done with an approved aquatic glyphosate herbicide such as Rodeo within wetland areas and with Roundup or an equivalent within upland areas. Following the initial establishment of native vegetation, the use of prescribed burning to manage invasive species will be considered as deemed necessary.

LONG-TERM MANAGEMENT OF THE SITE: The established bank site would be managed by the Sponsor, Forsman Properties, LLC (David and Paul Forsman), or a successor in property ownership. Credit sales will be tracked by the Sponsor. If, as the Sponsor anticipates, credits released from this bank are transferred to the LRWRP, BWSR would become responsible for tracking those credits. The reported credit releases and withdrawals 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 Sponsor until all released credits have been withdrawn. 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 bank instrument.

The site would be adaptively managed for development of woody and herbaceous communities dominated by native species common to the bank area. Credit sales would be tracked by sponsor and reported to the state as required by state law. The reported credit releases and sales would be tracked

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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 mitigation bank instrument that includes a bank plan.

SURROUNDING LAND USE: The land use surrounding the Proposed Bank is primarily in agricultural production. If the project is implemented as currently proposed, the land use within the site and adjacent to the tributary would shift from agricultural to approximately 50% perennial herbaceous wetland and 50% native prairie upland buffer.

COORDINATION WITH RESOURCE AGENCIES: This project was previously coordinated with the Interagency Review Team (IRT) and other resource agencies during federal review of a 2013 list of sites considered for funding by the BWSR-sponsored LRWRP. Agencies consulted during that earlier review include: the Minnesota Department of Natural Resources, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service.

AVAILABILITY OF THE PROSPECTUS: A web-accessible electronic copy of the prospectus is available on the Regulatory and In-Lieu Fee Bank Information Tracking System (RIBITS) at: <http://ribits.usace.army.mil>

The folder for this bank proposal can be found among the banks listed for Minnesota under the tab for ***Banks & ILF Sites***, as *MN - Wright - Forsman*. This prospectus can be found by following the "cyber-repository" link for this bank folder.

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 Tom Mings at the St. Paul office of the Corps, telephone number (651) 290-5365.

To receive Public Notices by e-mail, go to: http://mvp-extstp/list_server/ and add your information in the New Registration Box.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

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No federally listed threatened or endangered were identified by the applicant or are known to exist in the permit area. Wright County is within the currently identified range of the Northern long-eared bat (*Myotis septentrionalis*), a species proposed for federal listing as an endangered species. 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. It is our preliminary assessment that regulated discharges will be required to complete the ditch blocks shown in the attached conceptual plan. The regulated discharges associated with implementation of a final approved bank plan can 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/RegulatoryActions.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.

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.

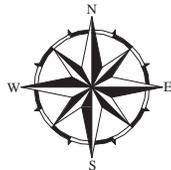
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Timothy J. Smith,
Chief, Technical Services Section

Enclosure(s)
2013-04540-TSM Attachment 1 through 2013-04540-TSM Figure 6



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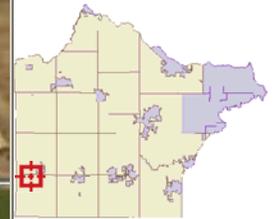


Client/Project
**Forsman Farms
 Proposed Road Program
 Wetland Bank**

Title **SITE LOCATION MAP**



Overview



Legend

Roads

- CSAHCL
- CTYCL
- MUNICL
- PRIVATECL
- TWPCCL

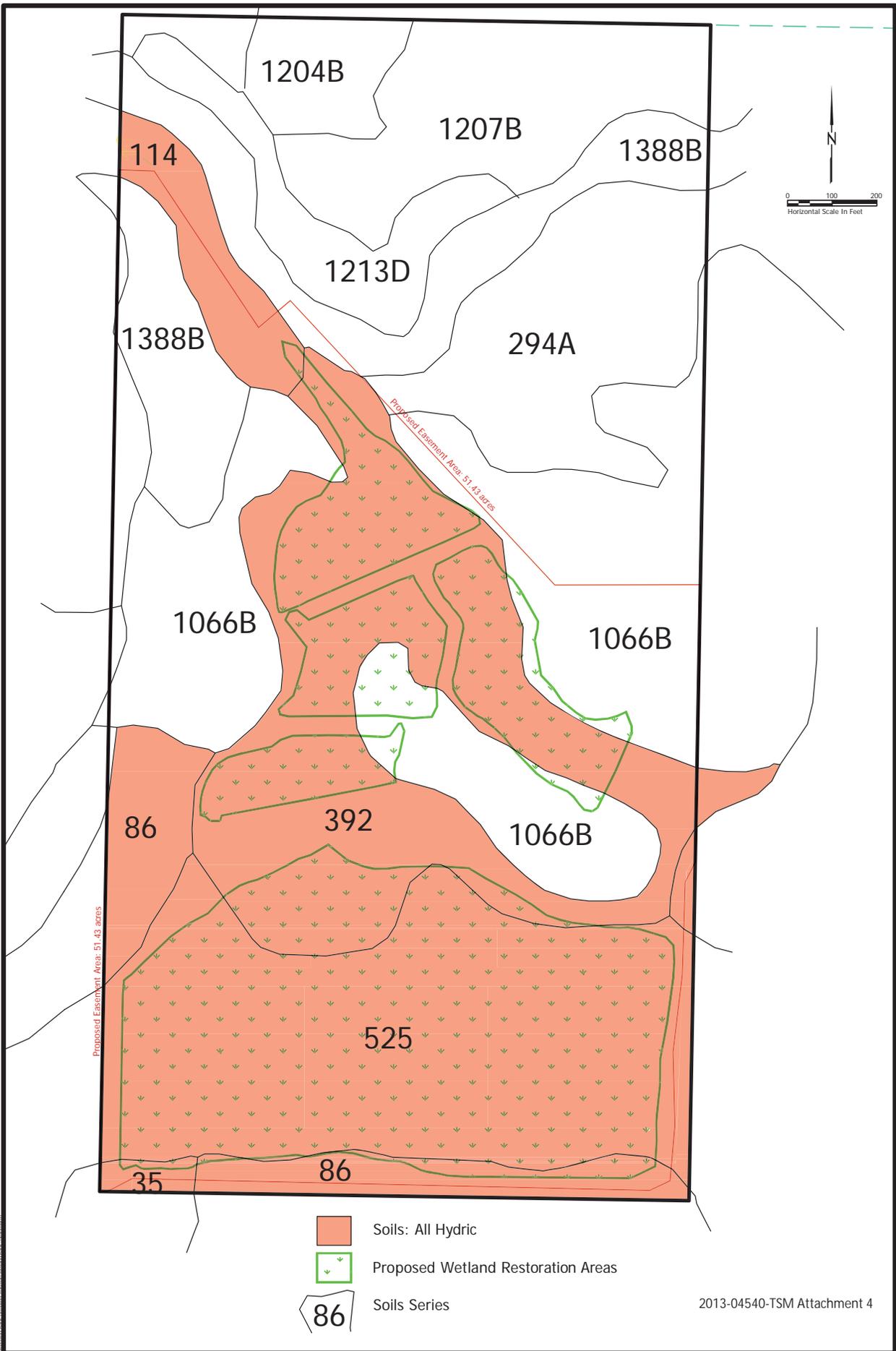
City/Township Limits

- c
- t
- Parcels
- Ditches (County)
- Water

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WRIGHT COUNTY

 developed by
The Schneider Corporation
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HYDRIC SOILS

FORSMAN FARMS
 FORSMAN WETLAND BANK

- Soils: All Hydric
- Proposed Wetland Restoration Areas
- Soils Series

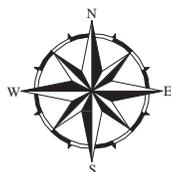
2013-04540-TSM Attachment 4

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60th St SW



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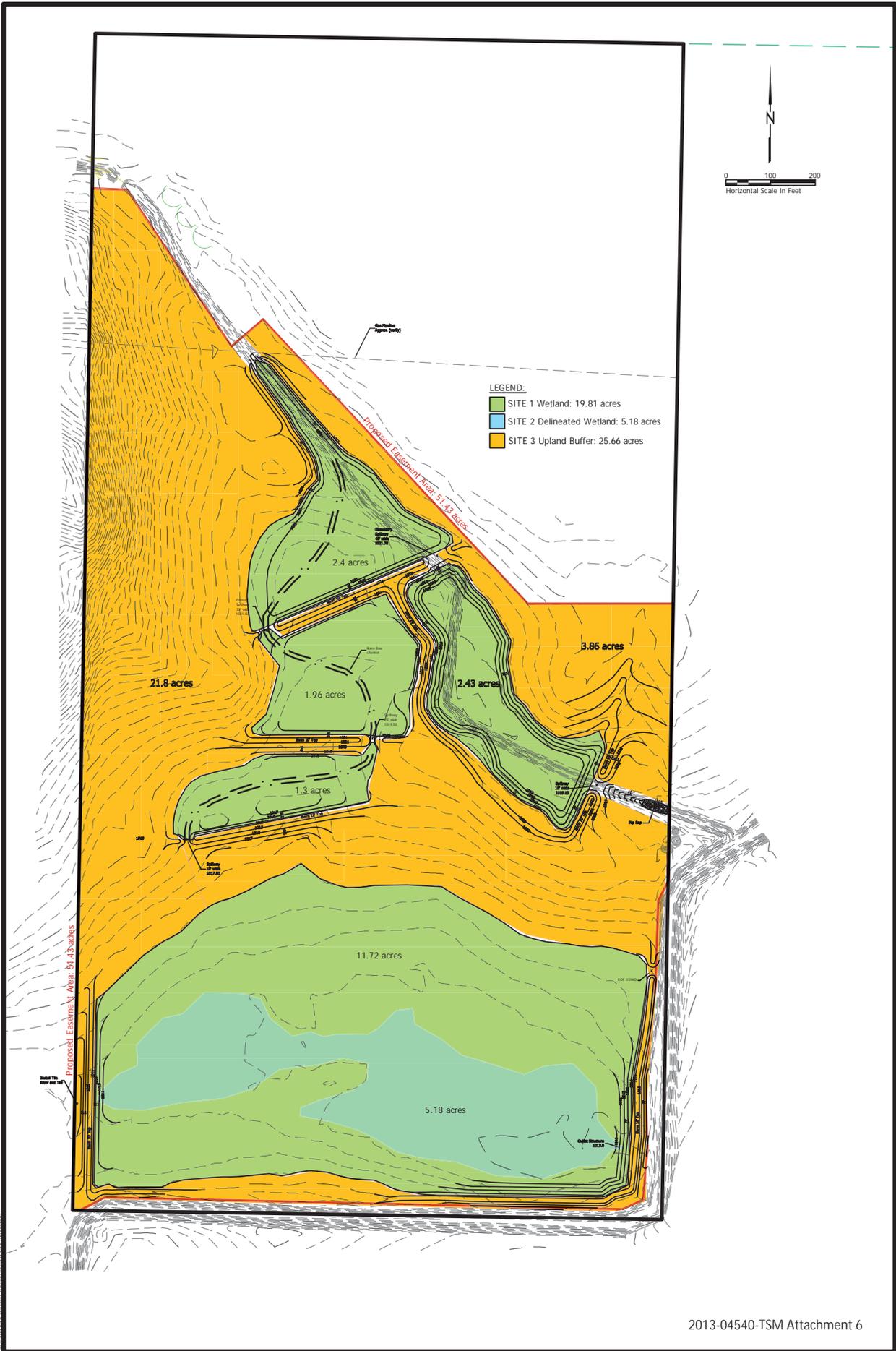
Scale in feet
2010 Aerial Photo, FSA

Client/Project

Forsman Farms
Proposed Road Program
Wetland Bank

Title

EXISTING WETLANDS MAP



2013-04540-TSM Attachment 6

CREDIT AREAS

FORSMAN FARMS
 FORSMAN WETLAND BANK