



**US Army Corps
of Engineers**
St Paul District

SPONSOR:

United States Forest
Service – Superior
National Forest

Public Notice

ISSUED: January 12, 2015

EXPIRES: February 12, 2015

REFER TO: 2013-04745-LED

SECTION:404 - Clean Water Act

1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL:
United States Forest Service Superior National Forest Umbrella Wetland Mitigation Bank
2. SPECIFIC INFORMATION.

SPONSOR'S ADDRESS: United States Forest Service
Superior National Forest
1393 Highway 169
Ely, MN 55731

DESCRIPTION OF UMBI PROGRAM: The sponsor is proposing to develop a federally approved Umbrella Mitigation Banking Instrument (UMBI), known as the United States Forest Service Superior National Forest Umbrella Wetland Mitigation Bank. An UMBI is a single overarching, programmatic mitigation banking instrument that includes provisions for including authorization of future mitigation bank sites within the Forest, as modifications of the UMBI. As additional sites are selected, they would be reviewed and, if approved, included in the mitigation banking instrument as modifications. Each time a new project proposal is received it will go through the full federal modification process that includes a Public Notice of that new UMBI site.

PROJECT LOCATION: Umbrella Mitigation Bank projects could be proposed in the future at suitable locations throughout the Superior National Forest. The initial project proposed under this long-term umbrella agreement is located in Section 35, T. 58N., R. 14W., St. Louis County, Minnesota. Latitude 47.463North, Longitude -92.076 West.

PROGRAM AND BANK SITE SERVICE AREA: The proposed program service area for the Umbrella Mitigation Banking Instrument (UMBI) is the portions of the Lake Superior Basin (Bank Service Area 1) and the Rainy River Basin (Bank Service Area 2) that lie within the Superior National Forest Proclamation Boundary. The proposed service area for this specific bank site is the same. The sponsor has proposed that mitigation credits generated by the bank would primarily be available for U.S. Forest Service (USFS) projects requiring Department of the Army permits within the Superior National Forest. Additionally, the Sponsor has indicated they would also consider offering to provide credits for compensatory mitigation required of private, State or county projects that may impact the Superior National Forest.

DESCRIPTION OF PROJECT: The proposed project would be the first bank site under the larger UMBI. The proposed project would involve the removal of the existing ICON dam on the St. Louis River and its adjacent berms. The project would result in the re-establishment of 1.1 acres of floodplain forest/shrub-carr wetlands in the area of the existing berm and the rehabilitation and enhancement of 0.8 acres of upland (boreal forest) buffer. The project as proposed in the Prospectus would result in the creation of 1.3 wetland credits (a 1:1 credit allocation for re-establishment of wetlands and a 4:1 credit

Operations - Regulatory (2013-04745-LED)

SUBJECT: United States Forest Service Superior National Forest Umbrella Wetland Mitigation Bank

allocation for the restoration and enhancement of upland buffer). However, the Sponsor is exploring the potential for enhancing additional federal lands and the St. Louis River associated with the dam and berm removal. As umbrella bank projects like this evolve during the site review process, additional land is often added and these additional lands then are subject to interagency review during the next phase of review for that UMBI site.

Current land use, including adjacent properties: The project site is located entirely on U.S. Forest Service (USFS) lands within the Superior National Forest (SNF), but would require access through privately owned uplands. Existing wetlands were identified on site along the proposed privately owned access route, berm, ICON dam, and immediately abutting the St. Louis River on both sides of the dam.

Modifications proposed to restore, establish, enhance and/or preserve wetlands on the bank site: The sponsor proposes to remove the ICON dam from the St. Louis River and its associated berms on both sides of the river. The berm was constructed as part of the original dam construction and consists of approximately 5-foot (depth) of non-native soil horizons. The sponsor proposes to restore by re-establishment 1.1 acres of floodplain forest and shrub-carr wetlands through the removal of the berm. The proposed re-establishment credit includes the removal of the berm through wetlands as well as the re-establishment of wetland community within a small upland “shadow” west of the berm. This upland “shadow” area was created as a result of the berm’s construction as it removed wetland hydrology from the area. Berm material would be excavated to match the natural contour and profile of wetlands onsite. With the removal of the berm, floodplain forest/shrub-carr wetland would be re-established onsite and the larger wetland’s connectivity to the St. Louis River restored.

In addition, the sponsor proposes to restore and enhance upland buffer in portions of the berm originally constructed through uplands. Berm material would be excavated to match the natural contour and profile of native uplands onsite. These uplands would be revegetated with native boreal forest species.

Long-term management of the site: The sponsor owns the project area and will maintain ownership for the foreseeable future. No conservation easement or covenant could be provided for the proposed/future bank sites as they are/would be located on federally owned public land. The sponsor believes the land use and ownership conditions of the proposed project area are appropriate for wetland banking for the following reasons:

- 1) The project area is not proposed for trade-out under on-going land exchange negotiations. Future project areas slated to contribute credits to the Bank would be investigated to ensure no possibility of land exchange for those locations.
- 2) Under the current (2004) Superior National Forest Plan, the project area is within the “Eligible Wild, Scenic and Recreational River” Management Area. The St. Louis River is considered a recreational river. The Forest Plan allows for “a wide range of silvicultural practices...provided that the methods used would have not substantial adverse effect within the river corridor to the river’s free flow, water quality and outstanding remarkable values” within recreational river corridors. This section of the Forest was assessed as part of the Skibo project

Operations - Regulatory (2013-04745-LED)

SUBJECT: United States Forest Service Superior National Forest Umbrella Wetland Mitigation Bank

(Skibo Environmental Assessment published June 2013), and the project area was not proposed for harvest or riparian management activity.

3) Further land management protections will be implemented during the upcoming Forest Plan revision.

- Land cover of the forest is systematically revisited approximately every 10 years to assess whether management is needed to bring the area in line with Forest Plan objectives. As the project area was assessed in 2012-2013, it would not be reviewed again until approximately 2022. In the interim, the SNF will be developing a new Forest Plan.
- Under the new Forest Plan, the project area, and any future areas providing credits to the wetland Bank would be included in the Research Natural Areas (RNA) Management Area. RNAs are not managed for timber objectives, but rather are managed to achieve scientific objectives. The current Superior National Forest Plan notes these RNAs should be focused on “preserving and maintaining areas for ecological research, observation, genetic conservation, monitoring and educational activities”. The proposed Bank is a natural fit under such a category.

SURROUNDING LAND USE: Typically, individual umbrella bank projects would be located on federal U.S. Forest Service lands and involve project-specific impacts that extend only to federal land.

A majority of lands surrounding the project site are owned and managed by the SNF, primarily, for recreational and silvicultural activities. Within one mile of the project on both sides of the river, all property is either state or federal public lands, excepting three privately owned parcels (approximately 160 acres total) to the northeast of the proposed bank site. One property owned by Potlatch Corporation is primarily managed for silvicultural activities. The other two properties are owned by private landowners and were developed as single family residences.

COORDINATION WITH RESOURCE AGENCIES: As additional sites are identified by the Sponsor, they would be reviewed and, if approved, included in the mitigation banking instrument as modifications. Each time a new project proposal is received it will go through the full federal modification process that includes a Public Notice of that new UMBI site. IRT coordination would take place as required by the modification process.

The current project has been coordinated with the following members of the Interagency Review Team (IRT) and other resource agencies: United States Environmental Protection Agency (EPA), United States Fish and Wildlife Service (FWS), Minnesota Department of Natural Resources (DNR), and the Minnesota Board of Water and Soil Resources (BWSR).

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

Operations - Regulatory (2013-04745-LED)

SUBJECT: United States Forest Service Superior National Forest Umbrella Wetland Mitigation Bank

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.

A copy of the full Prospectus is available to the public for review upon request.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Ms. Leslie Day at the Duluth office of the Corps, telephone number (218) 720-5291 extension 35403.

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.

The project would involve work within the designated critical habitat for Canada lynx and the gray wolf, both federally listed Threatened species. A review of the project would include an evaluation of the potential effects to Canada lynx and its designated critical habitat.

In addition, St. Louis County is within the known historic range for the following Federally-listed species and species planned for listing in 2015:

Northern Long-Eared Bat

(Proposed for listing as endangered) Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.

Piping Plover (E)

Great Lakes islands and mainland shorelines that support, or have the potential to support, open, sparsely vegetated sandy habitats, such as sand spits or sand beaches, that are associated with wide, unforested systems of dunes and inter-dune wetlands

Canada lynx (T)

Northern coniferous forest

Gray wolf (T)

Known to exist in northeast Minnesota

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.

Operations - Regulatory (2013-04745-LED)

SUBJECT: United States Forest Service Superior National Forest Umbrella Wetland Mitigation Bank

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.

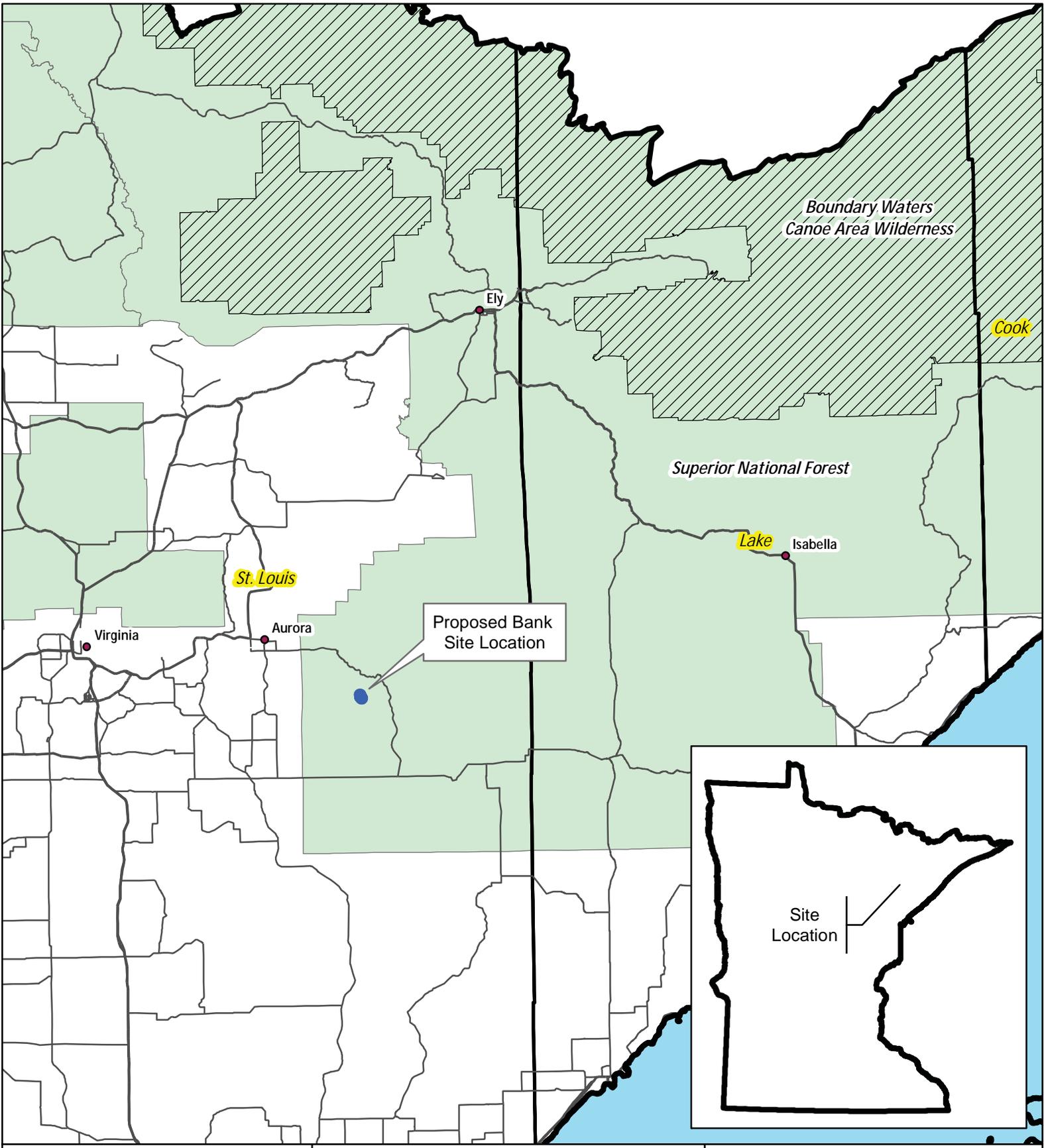
7. PUBLIC HEARING REQUESTS.

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.

Benjamin R Cox
Acting Chief, Northwest Section

Enclosure(s):

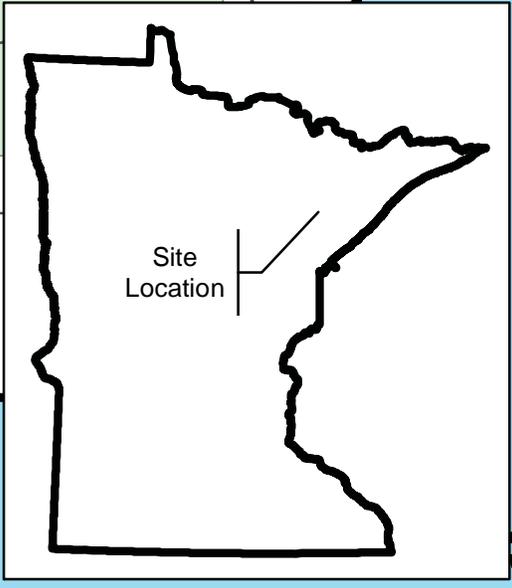
Prospectus Public Notice Drawings



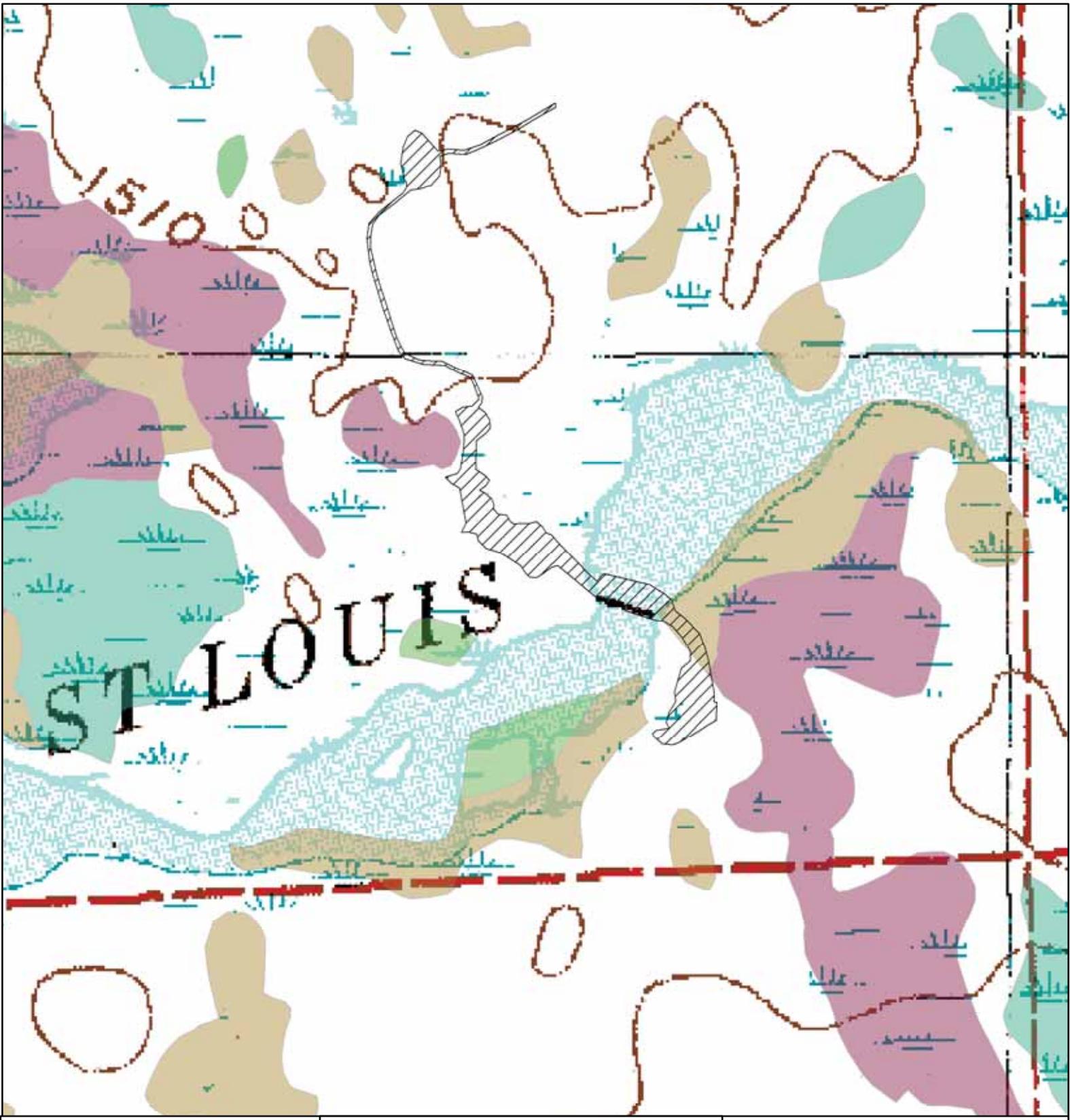
— Roads
 □ County Boundary

Figure 1
 Site Location Map

USFS Wetland Bank
 Icon Dam - St. Louis River



UAS
 SUPERIOR National Forest
 0 5 10 20 Miles



Legend

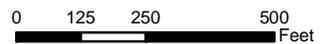
 Project Area

National Wetlands Inventory

-  Floodplain
-  Wet meadow
-  Shallow marsh
-  Deep marsh
-  Open wetland
-  Shrub swamp
-  Wood swamp
-  Bog swamp

Figure 2
Proposed Project Area and
National Wetlands Inventory

USFS Wetland Bank
Icon Dam - St. Louis River





Legend

-  Project Area
-  Proposed Restoration Credit
-  Proposed Buffer Credit

Ownership

-  National Forest
-  Other Ownership

note: land ownership boundaries are approximate

Figure 3
Site Map
Land Ownership

USFS Wetland Bank
Icon Dam - St. Louis River

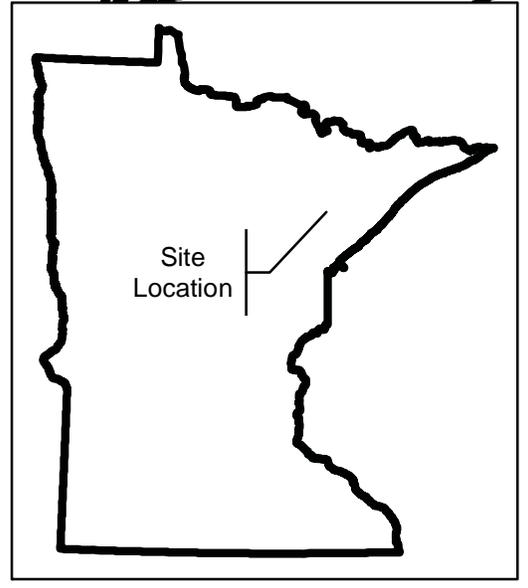




- Legend**
- BSA-1
 - BSA-2
 - SNF Proclamation Boundary

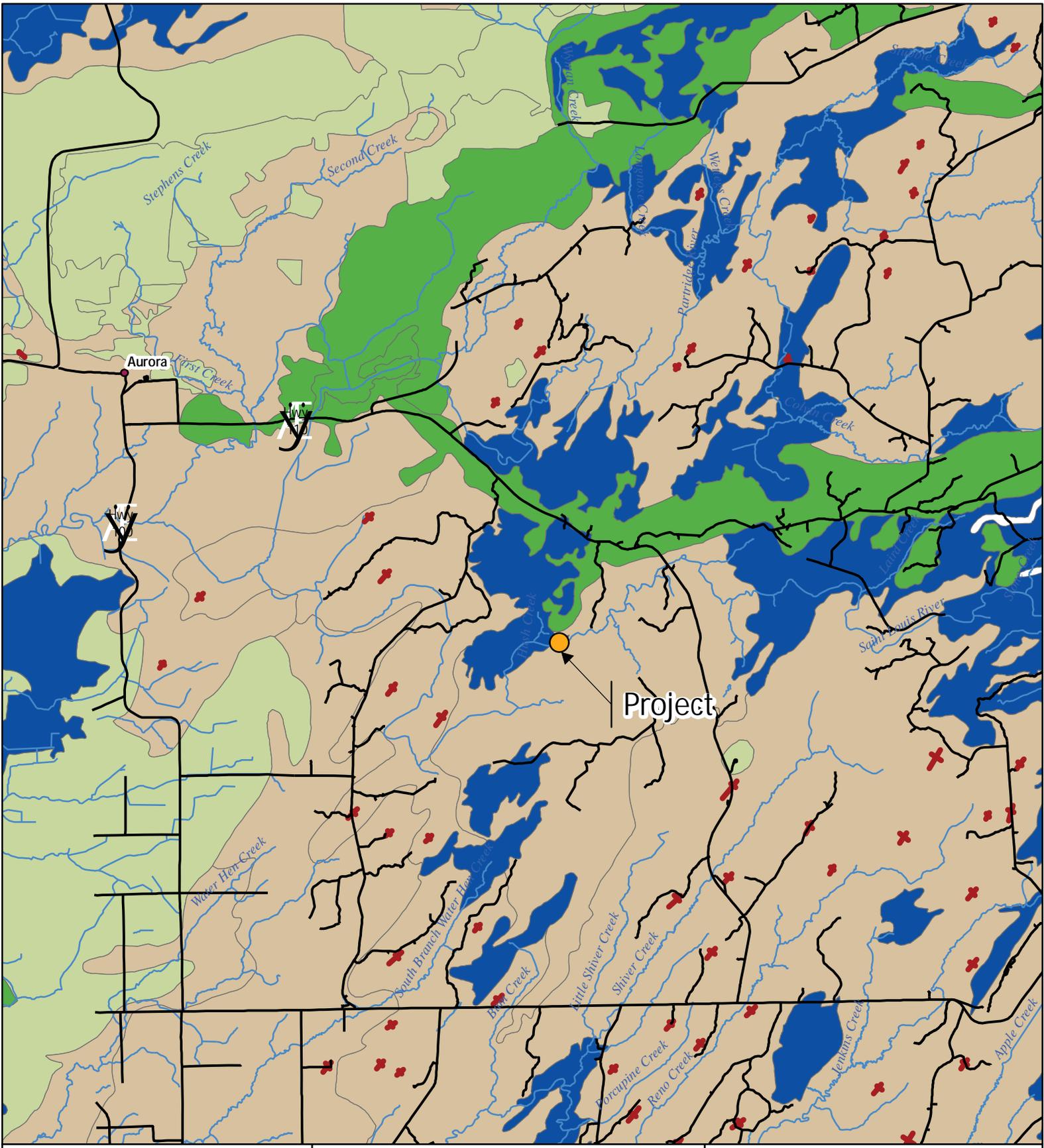
Figure 4
Major Watersheds and
Bank Service Areas

USFS Wetland Bank
 Icon Dam - St. Louis River



U

0 10 20 40
 Miles



- Roads
- Drumlins
- Surficial Geology**
- Peat
- Supraglacial Drift Complex
- Till Plain
- Undifferentiated

Figure 5
Surficial Geology
Project Vicinity Roads
 USFS Wetland Bank
 Icon Dam - St. Louis River

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0 1 2 4 Miles



Legend

-  Project Area
-  Delineated Wetland

Figure 6
Soils

For ELT descriptions, see text.

USFS Wetland Bank
Icon Dam - St. Louis River

