



US Army Corps
of Engineers
St Paul District

SPONSOR: James Larson

Public Notice

ISSUED: 23-MAY-2014

EXPIRES: 23-JUNE-2014

REFER TO: 2014-00287-BGO

SECTION:404 - Clean Water Act

1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL

2. SPECIFIC INFORMATION.

SPONSOR'S ADDRESS: James Larson
1692 101st Street
Slayton, Minnesota 56172

PROJECT LOCATION: The project site is located in the NW ¼ of Section 24, T. 106N., R. 40W., Murray County, Minnesota. The approximate UTM coordinates are N 4872470.4413, E 291472.8764. Latitude 43.9757, Longitude -95.5998.

BANK SERVICE AREA: The proposed bank service area is the Lower Mississippi River Basin in Minnesota (Bank Service Area 8).

DESCRIPTION OF PROJECT: The sponsor is proposing to develop the Larson Ag Wetland Bank. The proposed bank site is approximately 18 acres in size, including upland buffer areas (Figure 1).

Current land use, including adjacent properties – The site, until recently, was enrolled in the Conservation Reserve Program (CRP). Vegetative cover on the site is perennial vegetation that was established to satisfy CRP land rental requirements. Prior to CRP enrollment around 2000, the site was in row crop production for at least 20 years. The CRP contracts recently expired and the proposal is to establish the site as a mitigation bank for agricultural projects, which would protect the site in perpetuity via a conservation easement.

The site currently supports four wetland plant communities totaling approximately 9.5 acres (Figure 2):

- a. Deep marsh (approximately 1.0 acre)
- b. Shallow marsh (approximately 3.7 acres)
- c. Wet meadow (approximately 3.7 acres)
- d. Hardwood swamp (approximately 1.1 acres)

As shown by Figure 2, the four communities form a concentric pattern from wettest to driest: deep marsh zone—shallow marsh zone—hardwood swamp zone—wet meadow zone. Vegetative layers include: submergent—floating/floating leaved—emergent—shrub—tree—herbaceous. This diversity accentuates wildlife habitat.

Operations - Regulatory (2014-00287-BGO)

SUBJECT: Larson Ag Wetland Bank

A man-made berm and tile inlets/outlets are present within the site. A tile line through the berm currently serves as the outlet for the wetland.

Modifications proposed to restore, establish, enhance and/or preserve wetlands on the bank site – The proposal includes a plan to eliminate the hardwood swamp zone by cutting and applications of herbicide. This is standard practice for removing invasive and/or non-native woody species (e.g. black locust, non-native buckthorns). However, the woody vegetation is composed of a native species, plains cottonwood (*Populus deltoids*). The goal is to restore historic native plant communities. The original survey of Section 24 and historic bearing tree records do not show presence of trees.

The proposal also includes the option to remove the man-made berm and tile inlets/outlets within the site. The goal is to restore more natural hydrology.

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 sponsor has proposed to receive credit for wetland areas at a ratio of 0.5 credit for each acre of wetland (50% of the previously-restored wetland acreage), or approximately 4.75 credits (9.5 x .50). Additionally, the sponsor has proposed to receive credit of upland buffer. The Corps Minnesota mitigation policy provides that the upland buffer could be eligible for crediting at 4:1 if dominated by native vegetation, or 10:1 if dominated by non-native vegetation, with a cap on credits from upland buffer at 25% of all credits generated from a mitigation site.

SURROUNDING LAND USE: The proposed bank site is contiguous with lands enrolled in the Reinvest in Minnesota Reserve program and planted to grass cover. To the south is a stream corridor in grasses and scattered, small stands of woody vegetation. Also to the south is an upland slope in grasses and trees. These habitats provide a conspicuous concentration of wildlife habitat in what is an intensively-cropped landscape.

COORDINATION WITH RESOURCE AGENCIES: This project has been previously coordinated with the following members of the Interagency Review Team (IRT) and other resource agencies: the Board of Water and Soil Resources and the Murray County Soil and Water Conservation District.

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

Operations - Regulatory (2014-00287-BGO)

SUBJECT: Larson Ag Wetland Bank

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 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, Murray County is within the known historic range for the following Federally-listed species:

Northern Long-Eared Bat	Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Topeka Shiner	Prairie rivers and streams.
Dakota Skipper	Native prairie habitat.
Poweshiek Skipperling	Native prairie habitat.

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

Operations - Regulatory (2014-00287-BGO)

SUBJECT: Larson Ag Wetland Bank

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 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, Regulatory Branch

Enclosure(s)

Figure 1
Proposed Larson Bank Site, Murray County, Minnesota



Proposed Bank Site

2010 NAIP



650 325 0 650 Feet

Figure 2
Wetland Plant Communities for MnRAM Assessment



2010 NAIP

