



US Army Corps
of Engineers
St Paul District

SPONSOR: Board of Water and Soil
Resources, LRWRP

Public Notice

ISSUED: October 16, 2014

EXPIRES: November 17, 2014

REFER TO: MVP-2014-00300-TSM

SECTION:404 - Clean Water Act

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1. **WETLAND COMPENSATORY MITIGATION BANK:** Local Road Wetland Replacement Program (LRWRP) - Exsted Wetland Mitigation Site (McLeod County).
 2. **SPECIFIC INFORMATION.**

SPONSOR'S ADDRESS: Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

SPONSOR'S AGENT: Carol Strojny
Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

PROJECT LOCATION: The project site is located in Sec. 29, T. 117 N., R. 30 W., McLeod County, Minnesota; latitude: 44.91402 and longitude: -94.47102. The approximate UTM coordinates are N 4974451.39431821, E 383887.528637062 NAD83/Zone 15.

BANK SERVICE AREA: The proposed bank service area is Bank Service Area 7 (Upper Mississippi River Basin). The site is located in the South Fork Crow River major watershed (19, HUC 7010205).

DESCRIPTION OF PROJECT: The sponsor is proposing to develop the Exsted Wetland Mitigation Site for use in the Local Road Wetland Replacement Program (LRWRP). The proposed mitigation project is approximately 298.5 acres in size, including upland buffer areas. The proposed restoration is to reestablish historic wetland conditions in formerly cropped and drained areas to the extent possible by disabling or modifying existing drainage systems, removing sediment, and restoring native vegetation. This site is one of three "easement" sites selected in 2013 to provide credits to the LRWRP administered by the Minnesota Board of Water & Soil Resources (BWSR). For the purpose of initial evaluation, this site will be reviewed as a BWSR bank proposal. Eventually, it is anticipated that federally-approved credits developed at this site would be used within the LRWRP's proposed In-Lieu Fee (ILF) program.

CURRENT LAND USE ON THE SITE: Current land use within the Proposed Bank is agricultural, primarily row crop production. The project area is in a rural setting, located in the South Fork Crow River major watershed of the Upper Mississippi River Basin (Figure 2). This site is surrounded by agricultural fields and farmsteads (Figure 3), and has been in row crops or hay production since at least 1940.

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The site has rolling topography, with a complex of mineral soil uplands, moist swales and drainage ways, with organic soil depressions. Hydrology sources include groundwater, direct precipitation, and discharges from adjoining surface and subsurface drainage systems. Numerous drained and degraded wetlands exist within the project area, most with a cropping history. These wetlands are drained by a combination of open ditches, swales, and subsurface tile. These wetlands also have varying degrees of accumulated sediment, particularly at toe slopes of higher elevation upland areas.

There is a large partially drained wetland approximately 24 acres in size present in the southwestern portion of the site. This wetland is drained by a private ditch and is currently dominated by reed canarygrass (*Phalaris arundinacea*) with some patches of lake sedge (*Carex lacustris*). Mature willows (*Salix sp.*), box elder (*Acer negundo*), green ash (*Fraxinus pennsylvanica*) and cottonwood (*Populus deltoides*) grow along the drainage ditch that runs through the wetland and continues through the site in a northeasterly direction. This wetland has a history of being hayed and is currently listed on the State's Public Waters Inventory (#43-114W) (Figure 4). The Department of Natural Resources is considering de-listing or de-regulating this wetland since it is partially drained and may have been incorrectly classified for the inventory.

MODIFICATIONS PROPOSED TO RESTORE, ESTABLISH, ENHANCE AND/OR PRESERVE WETLANDS ON THE SITE: The sponsor has proposed that this project would generate approximately 139 compensatory mitigation credits for restoration by re-establishment of fully-drained wetlands, restoration by rehabilitation of degraded wetlands, and establishment of native grassland in an upland buffer. An additional 29 acres of the site will not receive mitigation credit, as the project is currently proposed. A performance-based credit release schedule is included in the prospectus, with credit release to be based on documented improvements in wetland function resulting from the project.

Approximately 19 wetland basins are proposed for restoration, ranging in size from 0.1 acre to 45 acres. The sponsor proposes to restore, to the extent practicable, historic hydrology and vegetation for upland prairie, fresh wet meadow, shallow marsh and deep marsh communities. Areas of shrub carr and riparian woodland communities may also develop along the central ditch corridor. In general, the restored vegetative condition will vary depending on landscape position and disturbance history. The primary functional benefits expected from this restoration are increased water quality protection, plant diversity, and wildlife habitat.

Tile blocks, ditch plugs and other construction strategies are proposed to restore soils and hydrology to the numerous drained and altered wetlands that exist within the parcel. Vegetation will be restored on the site by pretreatment of invasive species, seeding, planting, and adaptive management. A nearby reference wetland is proposed to provide a benchmark for comparing regional hydrologic conditions to those found in this project during the monitoring period.

LONG-TERM MANAGEMENT OF THE SITE: The established bank site would be managed by the Sponsor, in collaboration with the landowner. The site would be adaptively managed for development of woody and herbaceous plant communities on the area. Long-term management of the property would be the responsibility of the Sponsor until all released credits have been withdrawn and the initial monitoring is completed. After all credits are debited, long-term management obligations would fall to the landowner under state law. Additional protections, obligations, and management limitations would be spelled out in a conservation easement, bank plan, and mitigation bank instrument. Credit sales will

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be tracked by the Sponsor. If, as the Sponsor anticipates, credits released from this mitigation site are eventually transferred to the LRWRP ILF program, BWSR would remain responsible for tracking the use of those credits. Credit releases and withdrawals would be tracked on both Corps and state databases. Credit releases will be determined by the Corps in consultation with resource agencies and forwarded to the Sponsor in writing. Releases and withdrawals will be tracked using the ledger data supplied by the Sponsor.

SURROUNDING LAND USE: Agricultural (row crop) land surrounds the site, including an organic farm to the south. A number of private drainage systems enter the site from surrounding properties. Township roads border the south and west sides of the site. A plan to address this existing infrastructure and while restoring project wetlands is included in the prospectus.

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. Federal, state and local agency representatives also provided comments on a draft prospectus, with the Corps' response provided February 26, 2014.

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 - McLeod - BWSR - Exsted - NIB*. The prospectus can be found by following the "cyber-repository" link of 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, ATTN: Tom Mings, 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-extstpl/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 species were identified by the applicant or are known to exist in the permit area. McLeod 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 prospectus. 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

Attachments

Figures 1 through 6

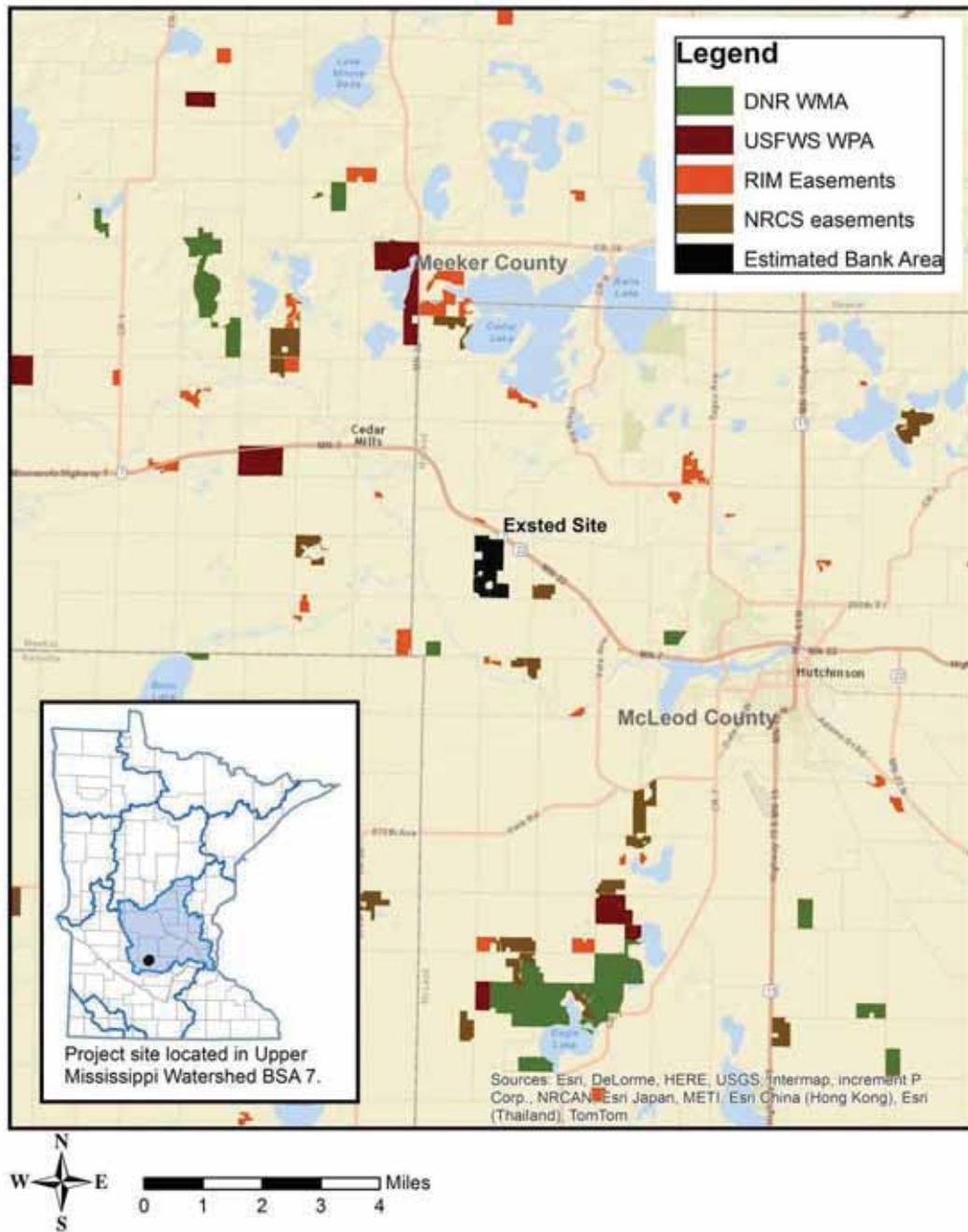


Figure 1. Site location map for the proposed Exsted Wetland Mitigation Bank, in McLeod County Minnesota.

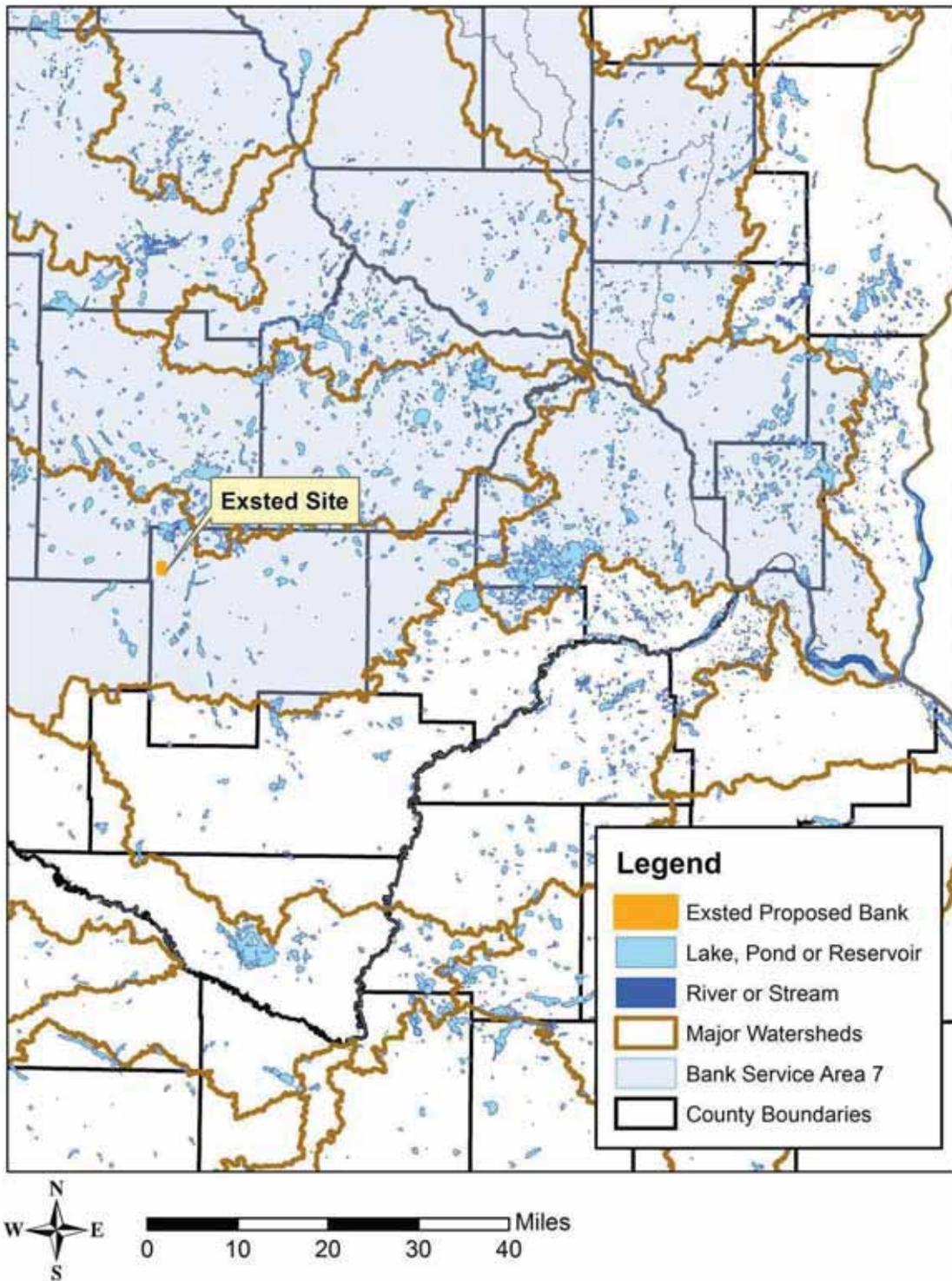


Figure 2. Watershed map for the proposed Exsted Wetland Mitigation Bank, located in the South Fork Crow River Major Watershed of the Upper Mississippi River Basin (Bank Service Area 7).

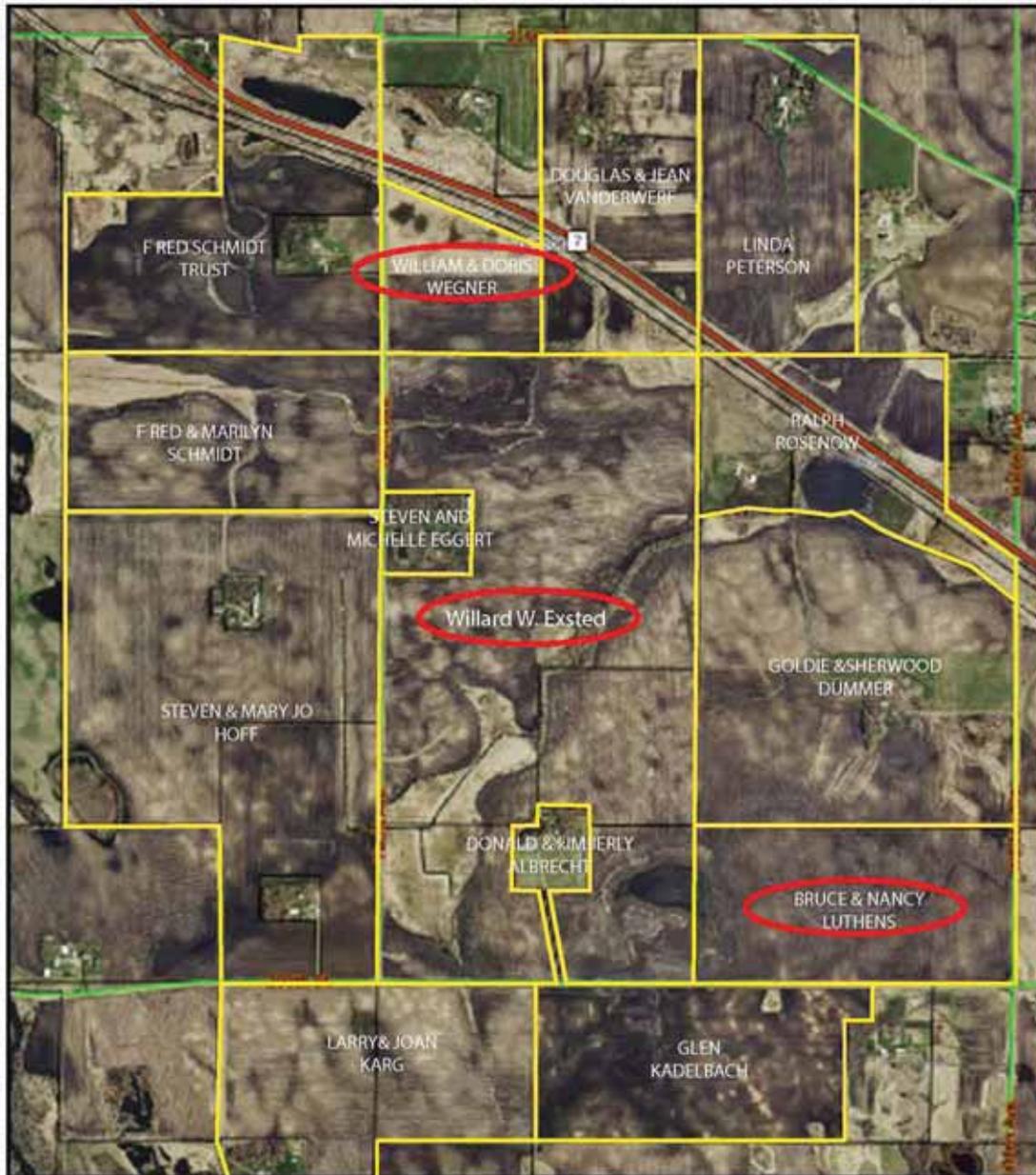


Figure 3. Project area and surrounding properties for the proposed Exsted Wetland Mitigation Bank. Source: McLeod County GIS Viewer (online)

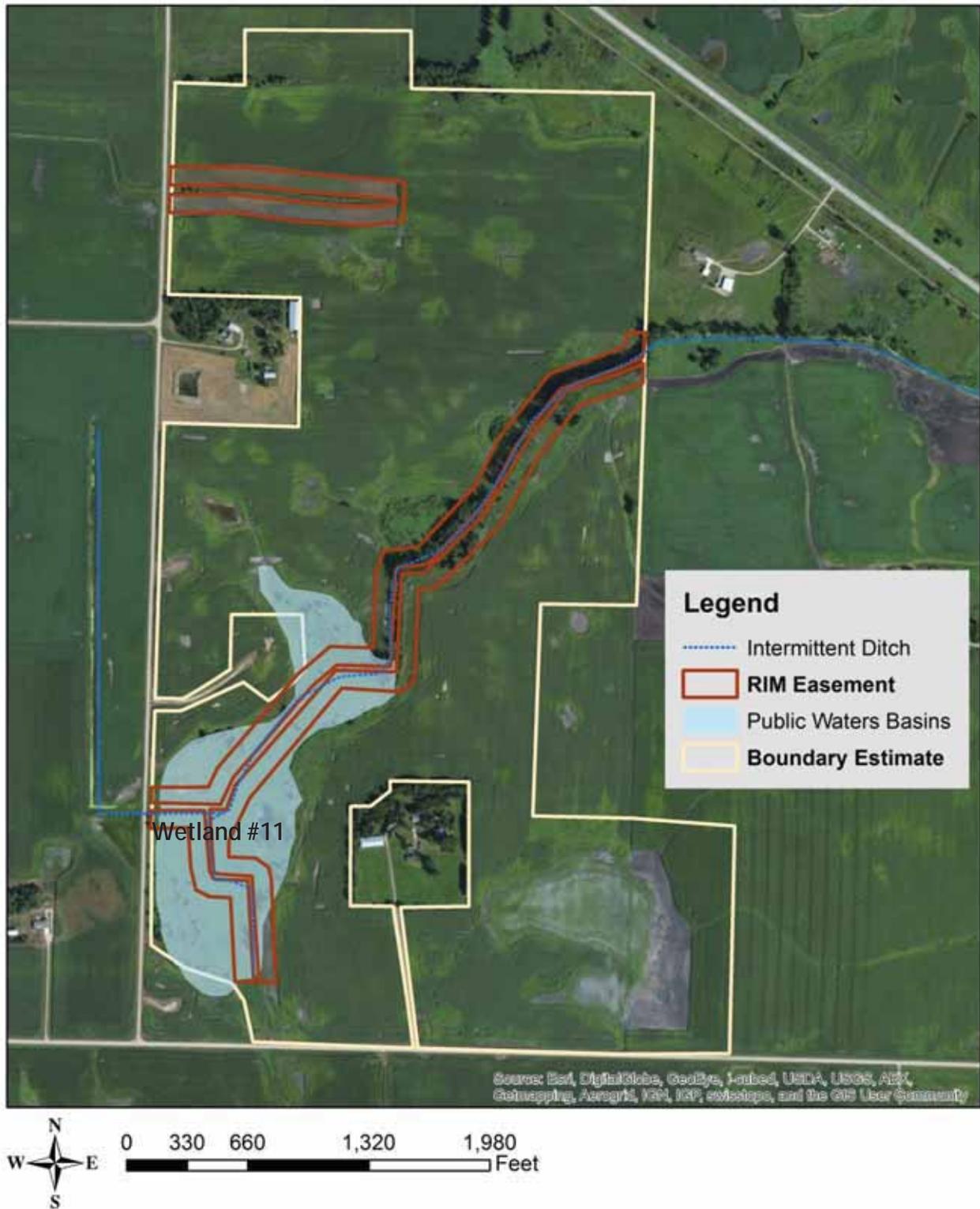


Figure 4. Estimated bank boundary, existing RIM easement, and Public Waters Inventory data for the proposed Exsted Wetland Mitigation Bank.

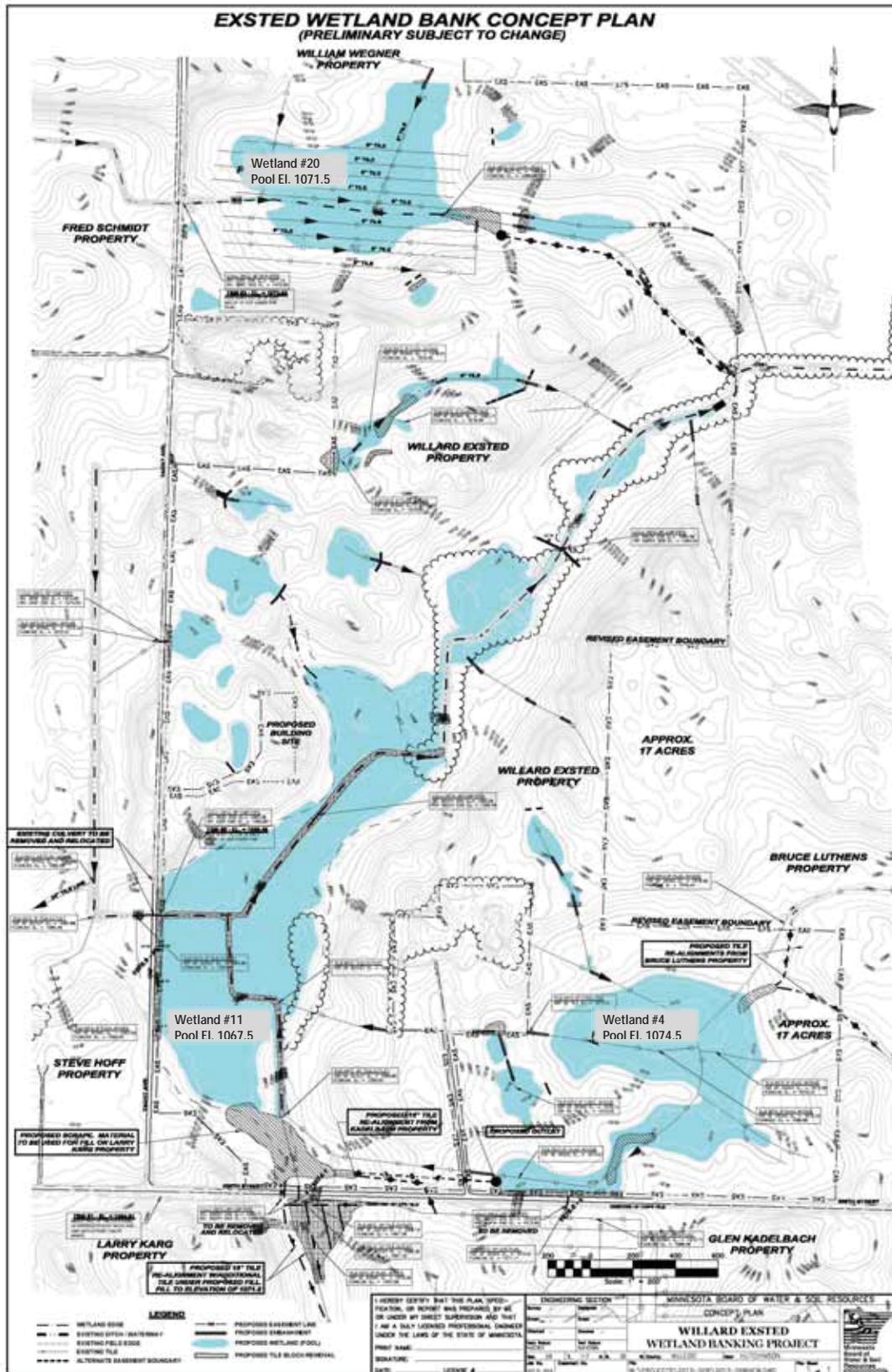


Figure 6. Existing conditions and proposed construction concept plan for the Exsted Wetland Mitigation Bank.