



US Army Corps
of Engineers
St Paul District

SPONSOR: Ed Kurtz

Public Notice

ISSUED: February 17, 2015

EXPIRES: March 19, 2015

REFER TO: 2015-00166-BGO

SECTION:404 - Clean Water Act

1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL

2. SPECIFIC INFORMATION.

SPONSOR'S ADDRESS: Mr. Ed Kurtz
25585 West 215th Street
Spring Hill, Kansas 66083

SPONSOR'S AGENT Mr. Jeremy Donabauer
Ag Wetland Services, Inc.
P.O. Box 82
Kimball, Minnesota 55353

PROJECT LOCATION: The project site is located in NW 1/4 Sec. 26, T. 110N., R. 43W., Lyon County, Minnesota. The approximate UTM coordinates are N 4910540, E 261313. Latitude 44.309, Longitude -95.993.

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 Kurtz Wetland Bank. The proposed bank site is approximately 96.14 acres in size, including upland buffer areas.

Current land use, including adjacent properties – Presently the site is drained by a series of public and private drain tiles. The site contains: (1) 70.63 acres of effectively-drained hydric soils (former wetlands) planted annually with row crops; (2) 5.36 acres of partially-drained wetlands planted annually with row crops; and (3) 20.15 acres of uplands planted annually with row crops. Previously, the site was enrolled in the Conservation Reserve Program (CRP) from 1997 to 2012. Prior to CRP enrollment, the site was in row crop production since at least 1938. Upon expiration of the CRP contract, the site was phased back into row crop production and is now entirely comprised of actively cultivated agricultural lands. The site was planted to soy beans in 2014.

Modifications proposed to restore, establish, enhance and/or preserve wetlands on the bank site - The proposed bank project involves breaking and rerouting drain tile, construction of a new water level control structure and containment berm along the east boundary of the proposed mitigation bank site to manage water levels up to the 100-year flood event, planting the uplands to native prairie, and placing a conservation easement on the entire parcel.

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Site preparation for seeding will consist of an aerial spray of glyphosate and spot application of broadleaf herbicides to kill all vegetation. After all existing vegetation is dead, the seed bed will be prepared and native wetland and upland seed mixes will then be planted into appropriate elevation zones. The native upland grass mix will be installed with a Truax native grass drill and the native upland forbs and wetland seed mixes will be broadcasted. Board of Water & Soil Resources (BWSR) wetland mixes appropriate for the anticipated hydrology have been chosen and would be applied at the recommended rate per acre.

Vegetation maintenance is anticipated to consist of annual mowing and spot spraying. Additional maintenance activities will include controlled burns, cattail control (mowing and wicking), and cottonwood control (cutting and stump treatment). Maintenance activities will target agricultural weeds and invasive species throughout the site. A schedule of maintenance activities has been prepared for the first five years following vegetation establishment.

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 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 75.99 acres of wetlands with an additional 20.15 acres of restored upland buffer. The sponsor is also considering the option of restoring additional upland buffer along the south and west boundaries of the proposed mitigation bank site.

SURROUNDING LAND USE: Surrounding land use is primarily agricultural. However, there is an existing homestead located on the northeast corner of the site and existing conservation lands to the south.

COORDINATION WITH RESOURCE AGENCIES: The project sponsor has initially coordinated with the Minnesota Board of Water and Soil Resources and Lyon County Soil and Water Conservation District. Coordination with additional resource agencies and the Interagency Review Team (IRT) is anticipated in response to this Public Notice and any subsequent meetings and phone calls among all interested 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. A copy of the full prospectus submitted by the Sponsor is available to the public for review upon request.

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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://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.

None were identified by the bank sponsor or are known to exist in the action area. However, Lyon 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.
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Poweshiek Skipperling	Native prairie habitat.
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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

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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.

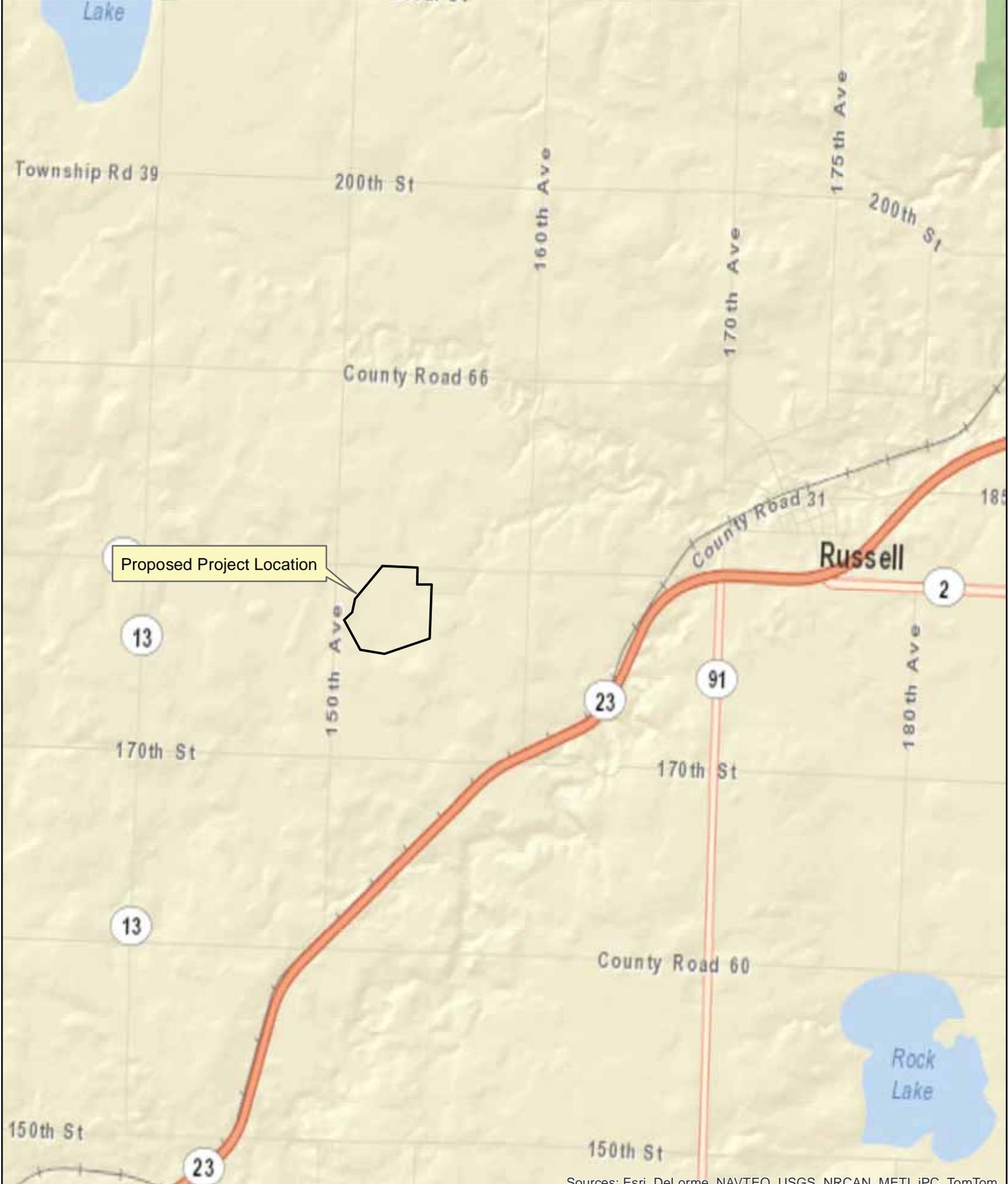
The latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

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)



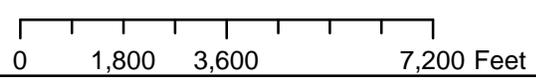
Proposed Project Location

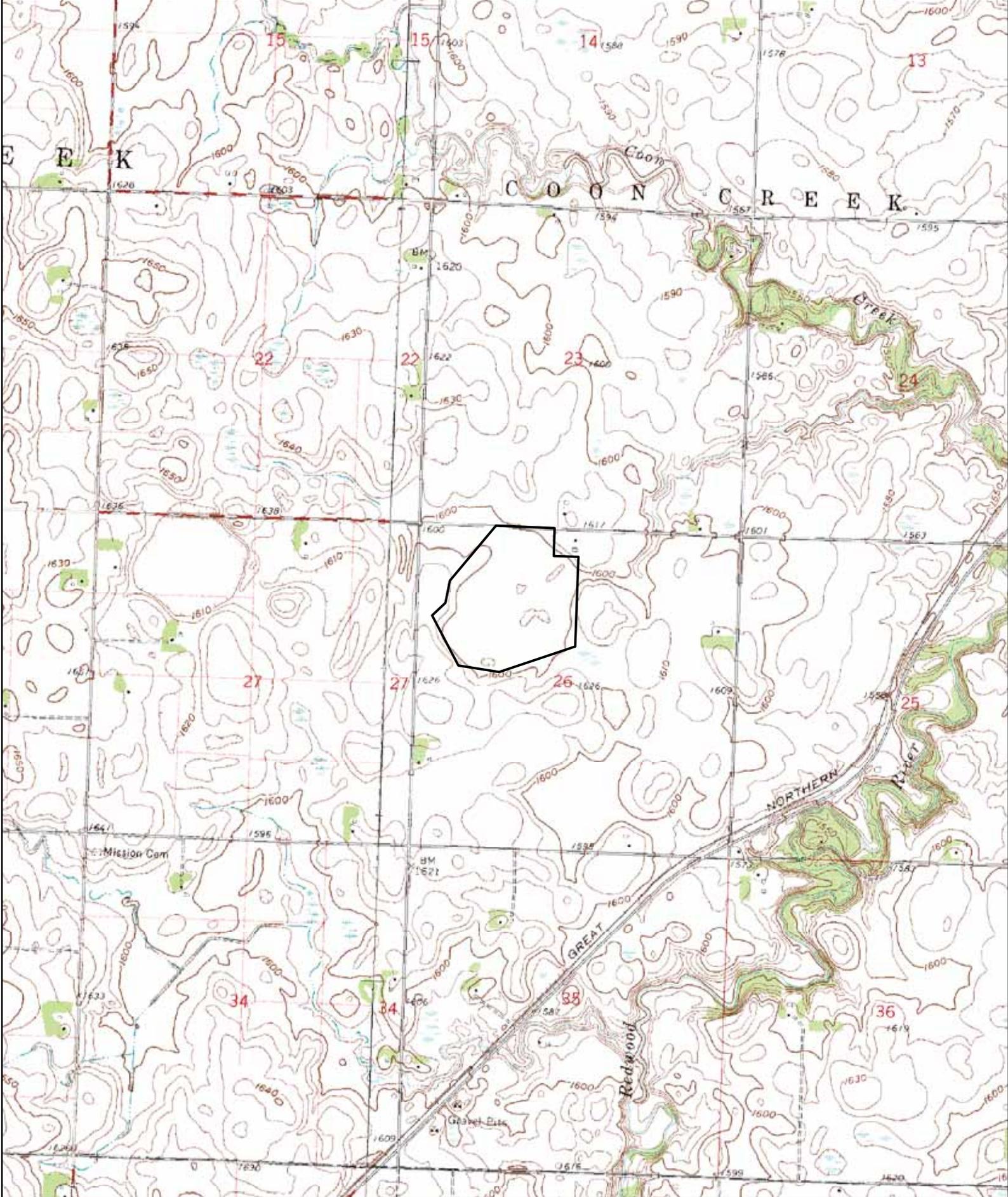
Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, iPC, TomTom



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 Kurtz Wetland Bank
 NW 1/4 Sec. 26, T. 110N., R. 43W., Lyon County, MN
 Data Sources: ESRI StreetMap, NAD 1983 UTM 15N

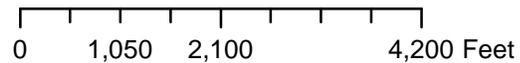
Approximate Bank Boundary





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 Kurtz Wetland Bank
 NW 1/4 Sec. 26, T. 110N., R. 43W., Lyon County, MN
 Data Sources: 24K USGS, NAD 1983 UTM 15N

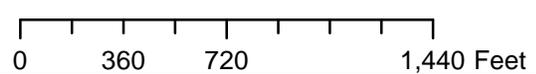
 Approximate Bank Boundary

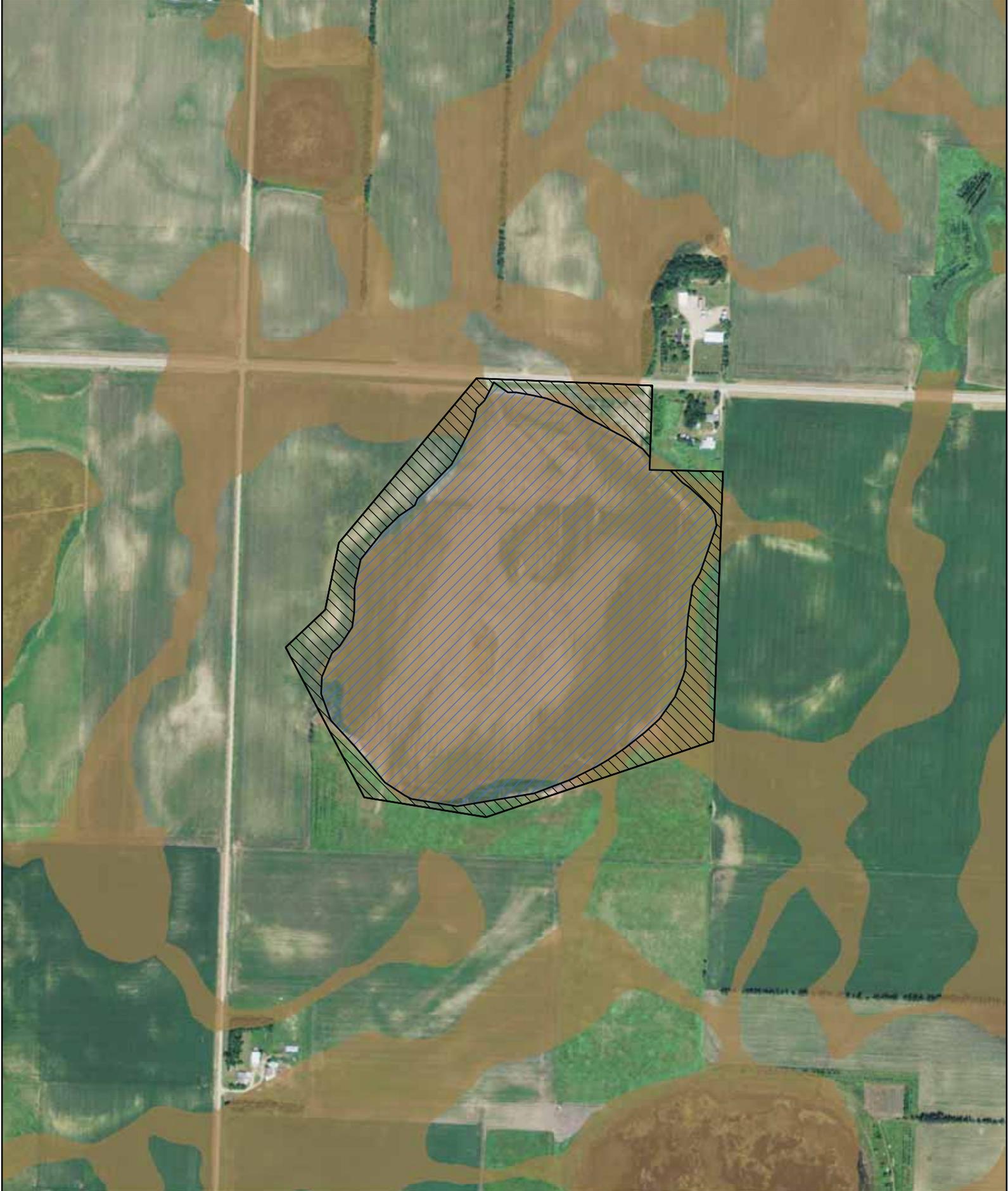




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 Kurtz Wetland Bank
 NW 1/4 Sec. 26, T. 110N., R. 43W., Lyon County, MN
 Data Sources: FSA 2013, NHD, NWI,
 NAD 1983 UTM 15N

- Approximate Bank Boundary
- Approximate Wetland Area
- NWI - Wetland
- Approximate Upland Area
- NHD - Stream

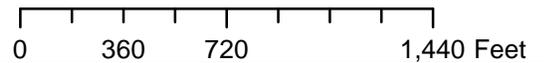




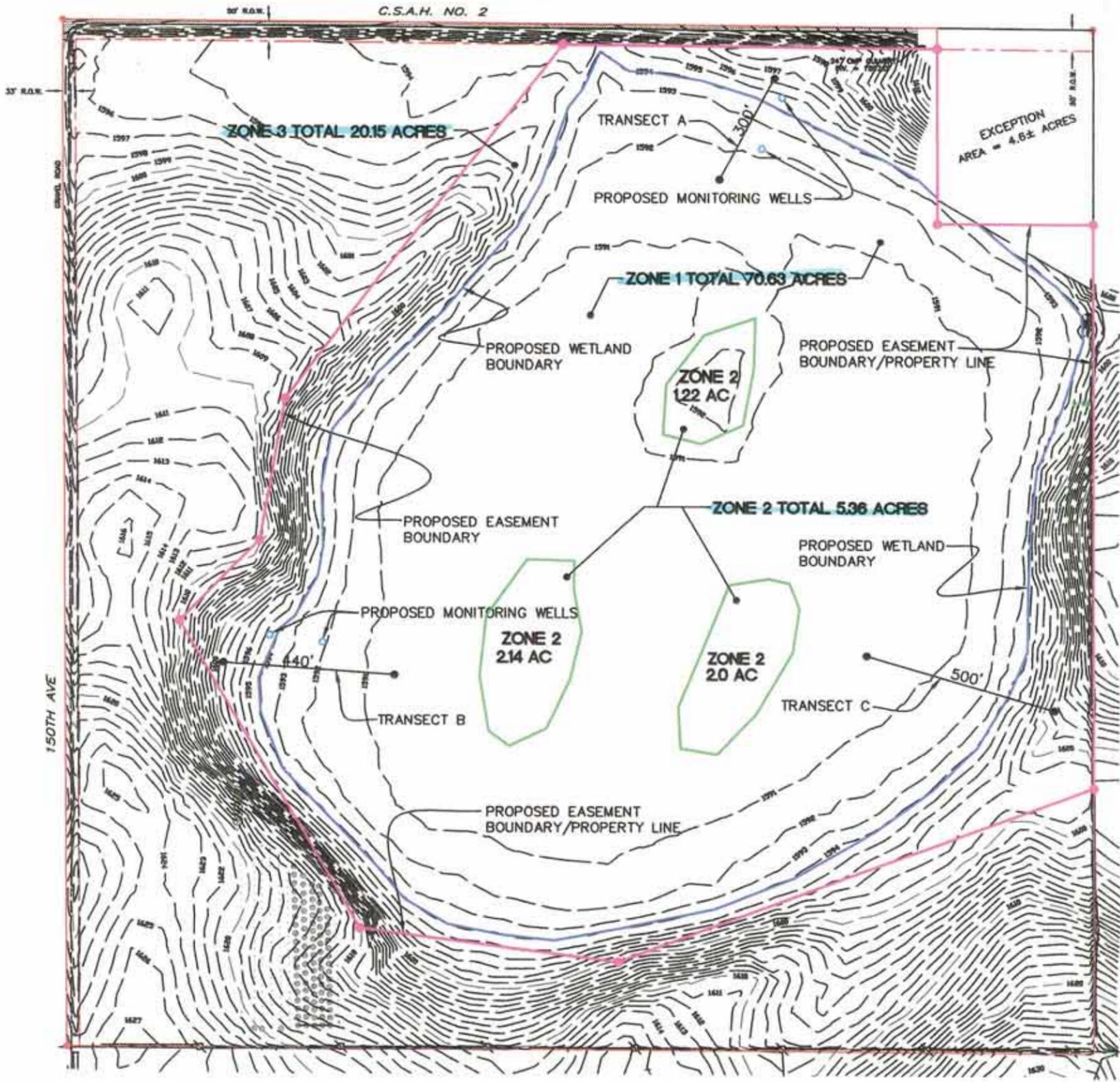
**US Army Corps
of Engineers**
St. Paul District

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Kurtz Wetland Bank
NW 1/4 Sec. 26, T. 110N., R. 43W., Lyon County, MN
Data Sources: FSA 2013, Lyon County Soil Survey,
NAD 1983 UTM 15N

-  Approximate Bank Boundary
-  Approximate Wetland Area
-  Approximate Upland Area
-  Hydric Soils



CREDIT AREA MAP



AG WETLAND SERVICES
 PO BOX 82 Kimball, MN 55353
 (320) 291-4022

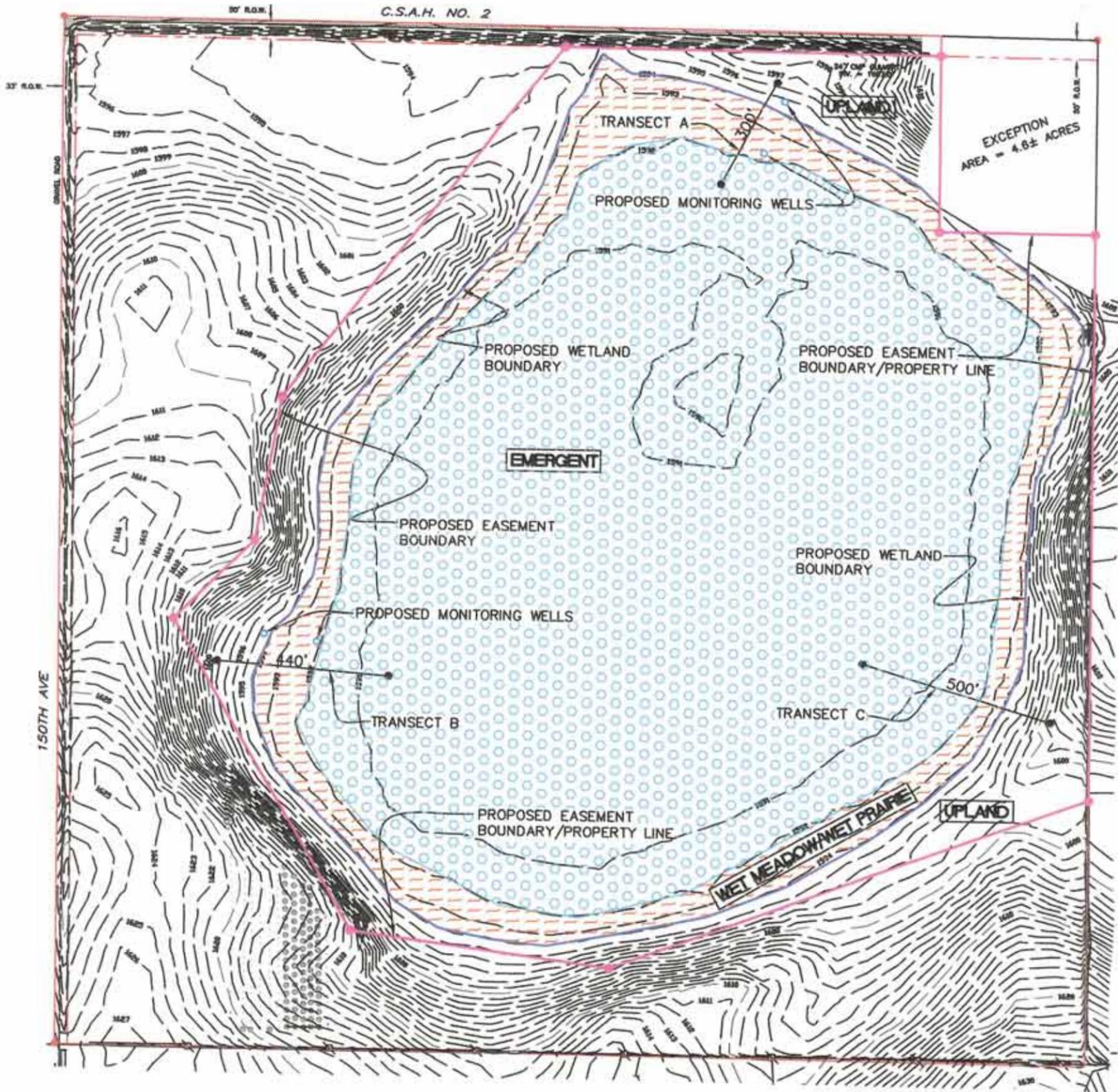
PROJECT:

KURTZ WETLAND BANK

SCALE 1=300

1/12/15

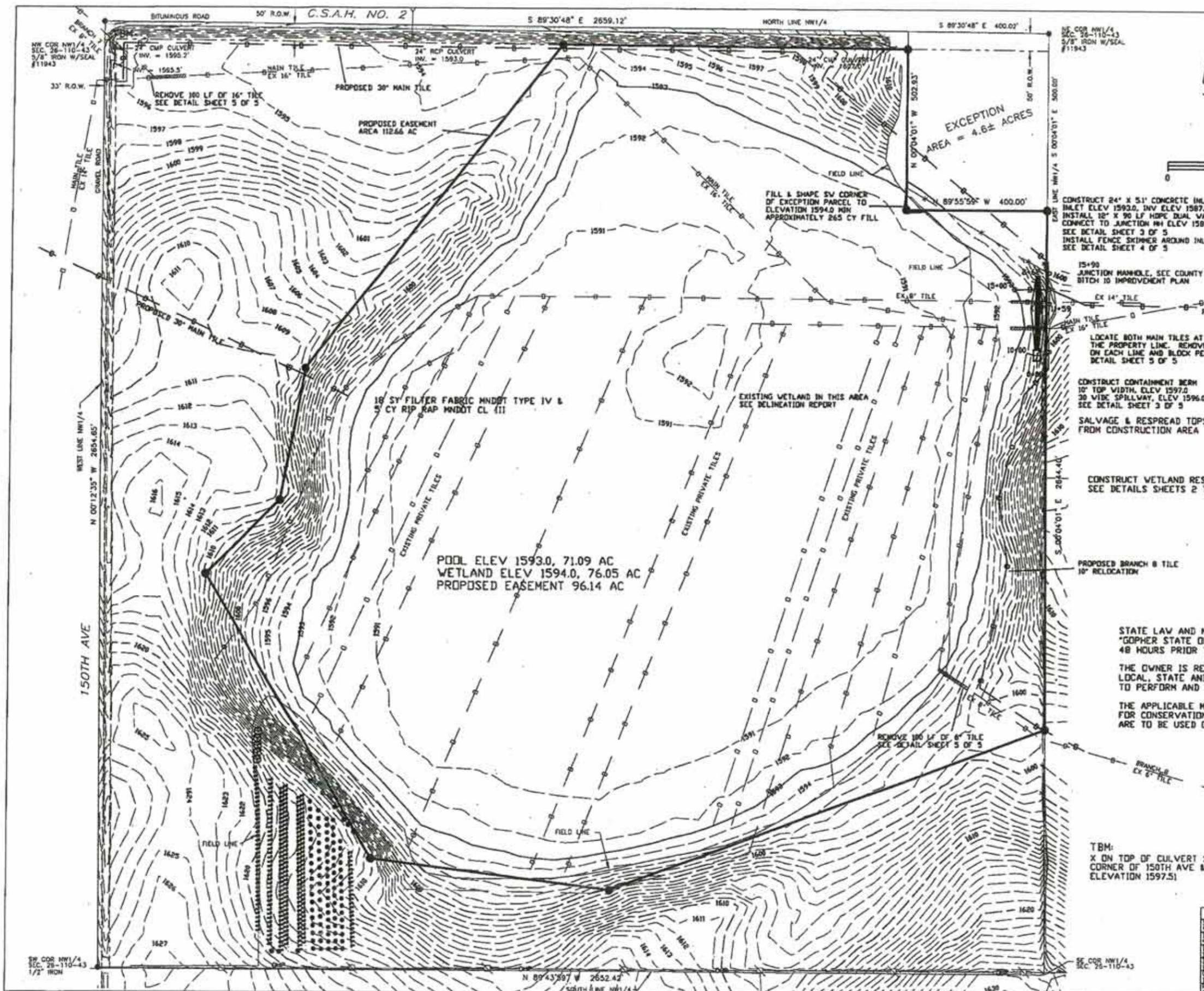
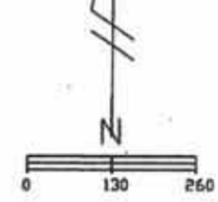
SEEDING/PLANTING ZONE MAP



AG WETLAND SERVICES PO BOX 82 Kimball, MN 55353 (320) 291-4022	PROJECT:	KURTZ WETLAND BANK	
	SCALE 1=300	1/12/15	

LEGEND

- CONTOUR ELEVATION
- SOIL BORING
- PROPOSED TILE
- EXISTING TILE
- EXISTING FENCE
- PROPOSED FENCE
- DIVERSION
- EXISTING/PROPOSED GRADE



CONSTRUCT 24" X 51" CONCRETE INLET
 INLET ELEV 1592.0, INV ELEV 1587.94
 INSTALL 10" X 90 LF HDPE DUAL WALL
 CONNECT TO JUNCTION MH ELEV 1587.85
 SEE DETAIL SHEET 3 OF 5
 INSTALL FENCE SKIMMER AROUND INLET
 SEE DETAIL SHEET 4 OF 5

15+90
 JUNCTION MANHOLE, SEE COUNTY
 BITCH 10 IMPROVEMENT PLAN

LOCATE BOTH MAIN TILES AT
 THE PROPERTY LINE. REMOVE 100 LF
 ON EACH LINE AND BLOCK PER
 DETAIL SHEET 5 OF 5

CONSTRUCT CONTAINMENT BERM
 10' TOP WIDTH, ELEV 1597.0
 20' WIDE SPILLWAY, ELEV 1596.0
 SEE DETAIL SHEET 3 OF 5

SALVAGE & RESPREAD TOPSOIL
 FROM CONSTRUCTION AREA

CONSTRUCT WETLAND RESTORATION
 SEE DETAILS SHEETS 2 TO 5 OF 5

PROPOSED BRANCH B TILE
 10" RELOCATION

REMOVE 100 LF OF 6" TILE
 SEE DETAIL SHEET 5 OF 5

REMOVE 100 LF OF 16" TILE
 SEE DETAIL SHEET 5 OF 5

REMOVE 100 LF OF 16" TILE
 SEE DETAIL SHEET 5 OF 5

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REMOVE 100 LF OF 16" TILE
 SEE DETAIL SHEET 5 OF 5

POOL ELEV 1593.0, 71.09 AC
 WETLAND ELEV 1594.0, 76.05 AC
 PROPOSED EASEMENT 96.14 AC

STATE LAW AND NRCS POLICY REQUIRE THAT THE EXCAVATOR CONTACT
 'GOPHER STATE ONE-CALL' AT 1-800-252-1166 FOR UTILITY LOCATIONS
 48 HOURS PRIOR TO THE START OF EXCAVATION WORK.

THE OWNER IS RESPONSIBLE FOR OBTAINING LAND RIGHTS AND
 LOCAL, STATE AND FEDERAL PERMITS OR PERMISSION NECESSARY
 TO PERFORM AND MAINTAIN THE PRACTICE.

THE APPLICABLE MINNESOTA NRCS CONSTRUCTION & MATERIAL SPECIFICATIONS
 FOR CONSERVATION PRACTICES AND STANDARD CONSTRUCTION DETAILS
 ARE TO BE USED ON THIS PROJECT.

SHEET INDEX:

COVER SHEET	1
SITE PLAN	2
PROFILES & SECTIONS	3
FENCE SKIMMER DETAILS	4
TILE BLOCK DETAIL	5

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION
 OR REPORT WAS PREPARED BY ME OR UNDER MY
 DIRECT SUPERVISION AND THAT I AM A DULY
 LICENSED PROFESSIONAL ENGINEER UNDER THE
 LAWS OF THE STATE OF MINNESOTA

Michael H. Mayer
 MICHAEL H. MAYER DATE: 11/13/15 REG. NO. 15043

SURVEY: MH	9/2014
DRAWN: MH	9/2014
SECTION: MH	11/2014
DRAWN: MH	11/2014
CHECKED: MH	1/2015
REVISED: MH	1/18/2015

KURTZ WETLAND BANK		
SITE PLAN		
SECTION 26	T. 110 N.	R. 43 W.
LYON CO.		
DRAWING FILE: KURTZ.DWG	PLAN SHEET 2 OF 5	

DRAIN TILE LOCATION MAP LYON COUNTY COON CREEK TWP

Owners DAYLE SWIFT

Planned by Jake Janzen

Installed by Derynck Drainage Co. SU 1978

SCALE: 1 inch = 660 ft. or 40 rods

LEGEND

- Existing County Tile -----
- Replaced County Tile ----- 1978
- New Tile 1978 _____
- Surface Intake ◻

