



US Army Corps
of Engineers
St Paul District

SPONSOR: Pierce Investments LLC

REFER TO: 2015-00857-CLJ

Public Notice

ISSUED: 12 February 2016

EXPIRES: 13 March 2016

SECTION: 404 - Clean Water Act

1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL
2. SPECIFIC INFORMATION.

SPONSOR'S ADDRESS: Kevin Pierce
Pierce Investments LLC
P.O. Box 14112
Grand Forks, North Dakota 58208

SPONSOR'S AGENT Joey Goeden
Widseth, Smith & Nolting
7804 Industrial Park Road
Baxter, Minnesota 56425-2720

PROJECT LOCATION: The project site is located in the S 1/2 of the SE 1/4 of Section 23, T157N, R44W, Marshall County, Minnesota. The approximate UTM coordinates are N 256946.2, E 5365960.4. Latitude 48.39990, Longitude -96.28396.

BANK SERVICE AREA: The proposed bank service area is the Red River Basin in Minnesota (Bank Service Area 3).

DESCRIPTION OF PROJECT: The sponsor is proposing to develop the Hawkes Company Wetland Bank. The total proposed bank site is approximately 75.56 acres in size, including upland buffer areas, and would be accomplished in two phase. Phase I is approximately 47.07 acres and would include three wetland type units; 23.85 acres of sedge meadow in Unit I, 17.33 acres of fresh wet meadow in Unit II, and 5.89 acres of shrub-carr wetland in Unit III. The sponsor proposes to establish Phase II once all credits from Phase I have been exhausted. Phase II, approximately 28.49 acres, also would contain three units; 18.09 acres of fresh wet meadow in Unit IV, 3.42 acres of hardwood swamp in Unit V, and 6.98 acres of upland buffer in Unit VI.

Current land use, including adjacent properties – The 83.74 acre property consists of agricultural fields presently or previously cultivated. The eastern 30 acres of the site was planted in 2015 for the production of wheat, while the western 50 acres is currently fallow field with wetland vegetation. Two private swales located on the property carry excess surface runoff from the field and the adjacent ditch to the north and east. The water ultimately drains to an east/west oriented public ditch located along the southern boundary of the proposed bank site. Properties to the west, north and east are currently undeveloped and dominated by wetland. Properties to the south are in Conservation Reserve Program enrollments, or in agricultural production.

Modifications proposed to restore, establish, enhance and/or preserve wetlands on the bank site - The applicant proposes to partially restore site hydrology and perform vegetative enhancement on 68.58 acres of wetland and enhance vegetation on 6.98 acres of upland buffer within the project boundary. The existing swales on the property would be graded to a lower slope, slowing the removal of runoff waters and extending hydrologic periods for the site. Phase I vegetation enhancement would involve disking/raking of the soils in Units I – III and broadcast seeding with Board of Water and Soil Resources (BWSR) supplied seed mixtures, followed by planting willow saplings in Unit III. The Phase II area would remain in agricultural production until all credits from Phase I are exhausted. Vegetative restoration would then occur by disking/raking and broadcast seeding of Units IV and V with wetland mixtures, planting of aspen saplings in Unit V, and seeding of Unit VI with a mesic prairie mixture.

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, and invasive and/or non-native plant species (NNIs) would be mowed, flooded, and treated through herbicide application. By the end of the second growing season, any areas 1/4 acre or larger in size that have greater than 50% areal coverage of NNIs would be flooded or regraded/disked/raked and reseeded. Additional hydrologic management would be accomplished by installing temporary ditch plugs in the private ditches to inundate the fields. 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.

SURROUNDING LAND USE: The properties to the west, north, and east are undeveloped aspen-forested wetlands, while the property directly to the south is currently enrolled in the Conservation Reserve Program. Property to the southwest is abandoned farm field, while the southeast property is an agricultural field currently in production.

COORDINATION WITH RESOURCE AGENCIES: This project has been coordinated with the following members of the Interagency Review Team (IRT) and other resource agencies: Doug Norris, Minnesota Department of Natural Resources; Kerryann Weaver, U.S. Environmental Protection Agency; Andrew Horton, U.S. Fish and Wildlife Service; and Ken Powell, Minnesota Board of Water and Soil Resources.

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.

Operations - Regulatory (2015-00857-CLJ)

Replies may be addressed to Craig Jarnot, Regulatory Branch, St. Paul District, Corps of Engineers, 4111 Technology Drive, Suite 295, Bemidji, Minnesota 56601.

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Craig Jarnot at the Bemidji field office of the Corps, telephone number (651) 290-5337.

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, Marshall 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.
Poweshiek Skipperling	Native prairie habitat.
Gray wolf	Northern Forest
Canada lynx	Northern Forest

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.

The aquatic resources, if any, within the boundaries of the proposed mitigation bank are being reviewed in accordance with current practices for documenting Corps jurisdiction under Section(s) 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

We have made a preliminary determination that the aquatic resources within the boundaries of the proposed mitigation bank are subject to Corps of Engineers jurisdiction under Section(s) 9 & 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. If an approved jurisdictional determination is completed for this mitigation bank, a copy will be posted on the St. Paul District web page at the following link: <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

Operations - Regulatory (2015-00857-CLJ)

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 required compensatory mitigation would be accounted for in the credit yield calculations because this is a mitigation bank project.

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.

Tamara E. Cameron,
Chief, Regulatory Branch

Enclosure(s)

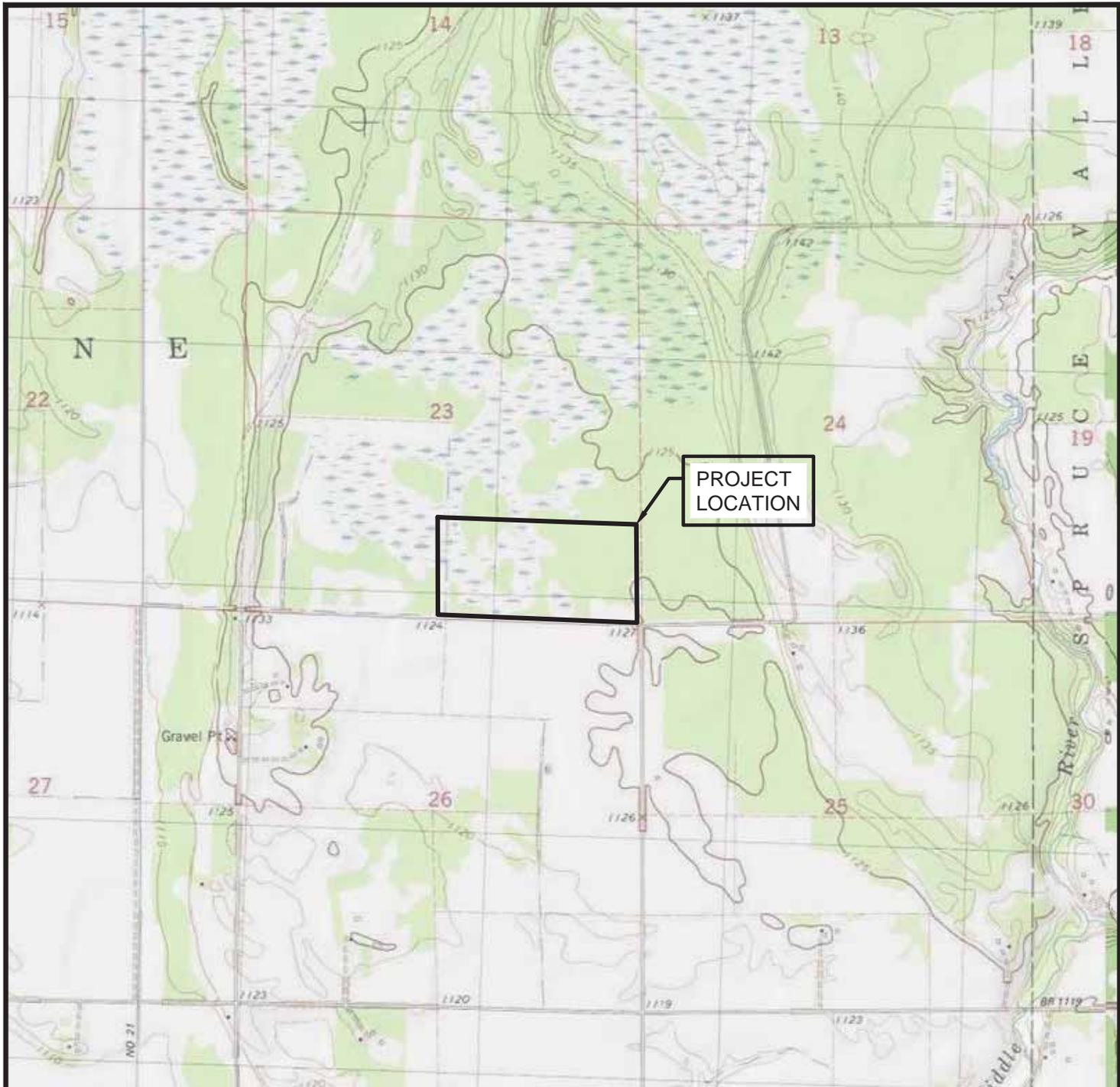
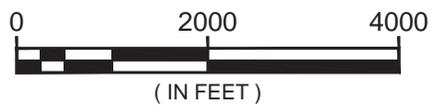
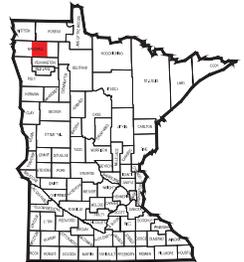


IMAGE: UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY

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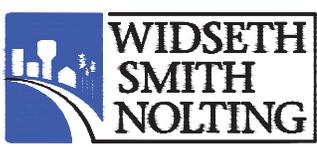
AREA LOCATION



U.S.G.S. QUADRANGLE MAPS:
NELSON SLOUGH

PUBLISHED: 1982

PHOTOREVISED: NA



**Engineering
Architecture
Surveying
Environmental**

WETLAND BANK DESIGN
PIERCE INVESTMENTS, LLC
NEWFOLDEN, MN

DATE:
NOVEMBER 2015

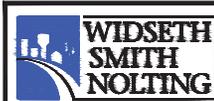
JOB No. FIGURE
0260B1232.001 **01**

SITE LOCATION MAP



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IMAGE: 2013 FARM SERVICE AGENCY



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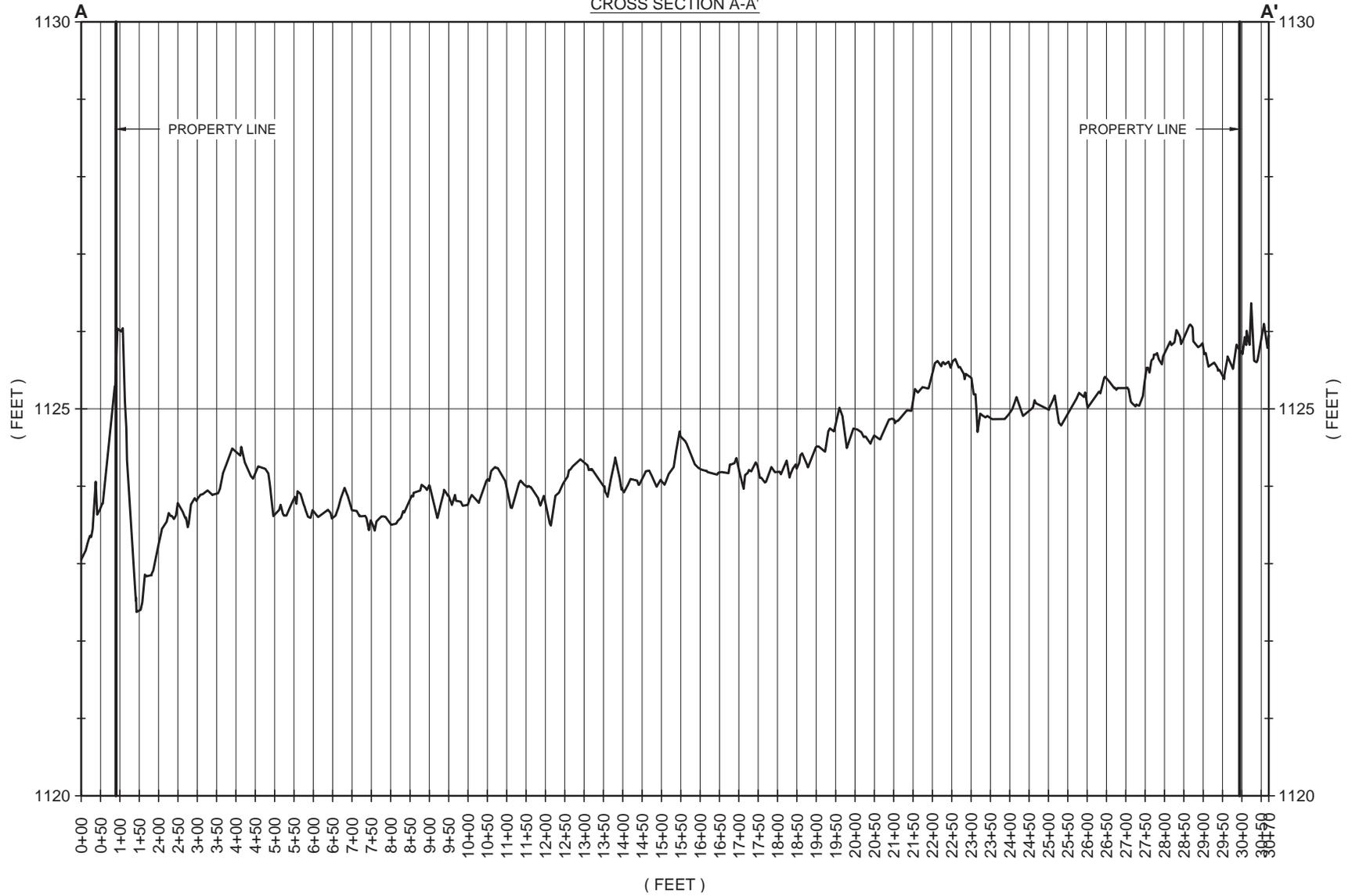


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CURRENT LAND USE MAP

DATE: NOVEMBER 2015	
JOB No. 026081232.001	FIGURE 02

CROSS SECTION A-A'



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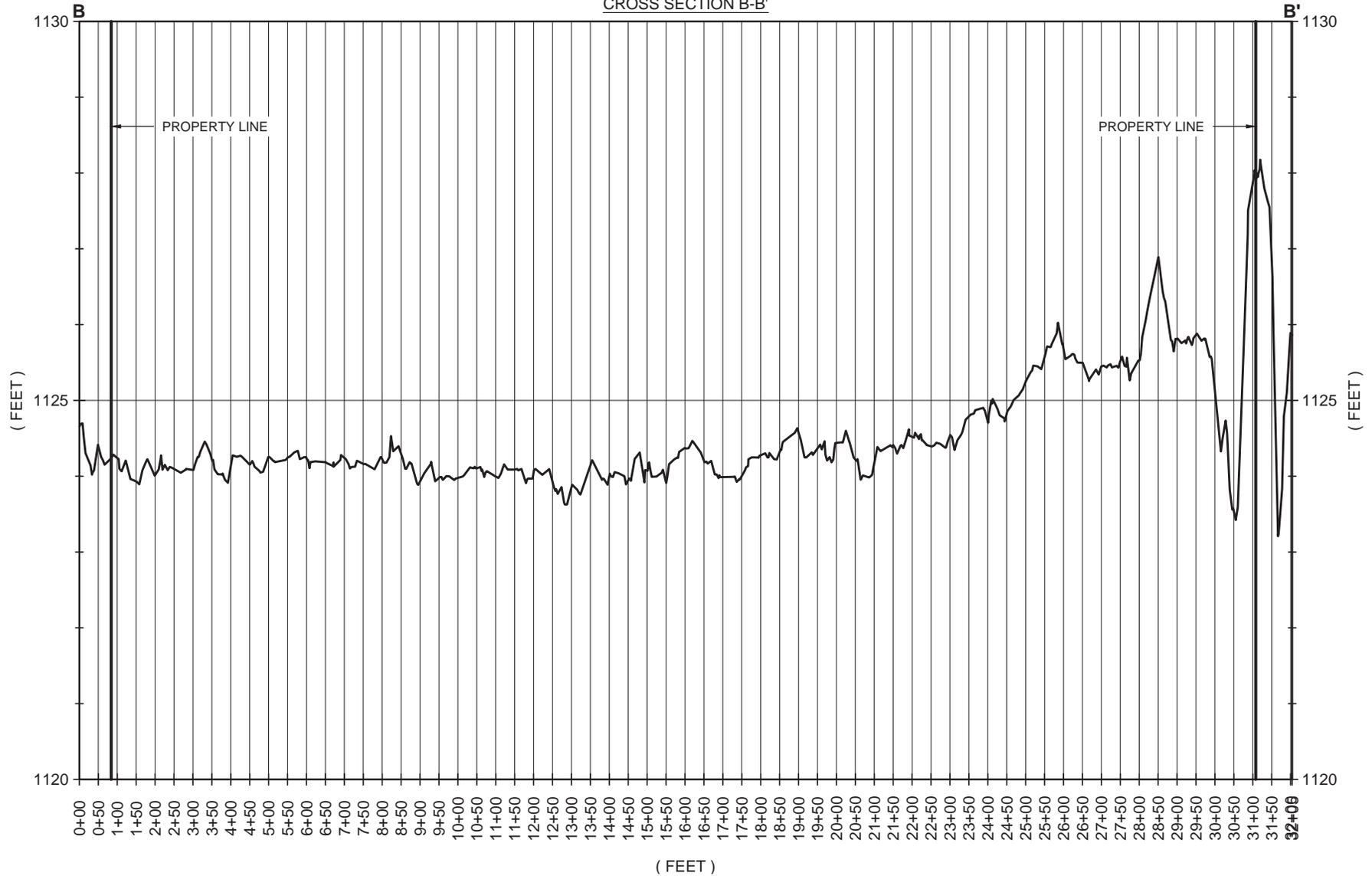
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WETLAND BANK DESIGN
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CROSS SECTION A-A'

DATE: NOVEMBER 2015	
JOB No.	FIGURE
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CROSS SECTION B-B'



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CROSS SECTION B-B'

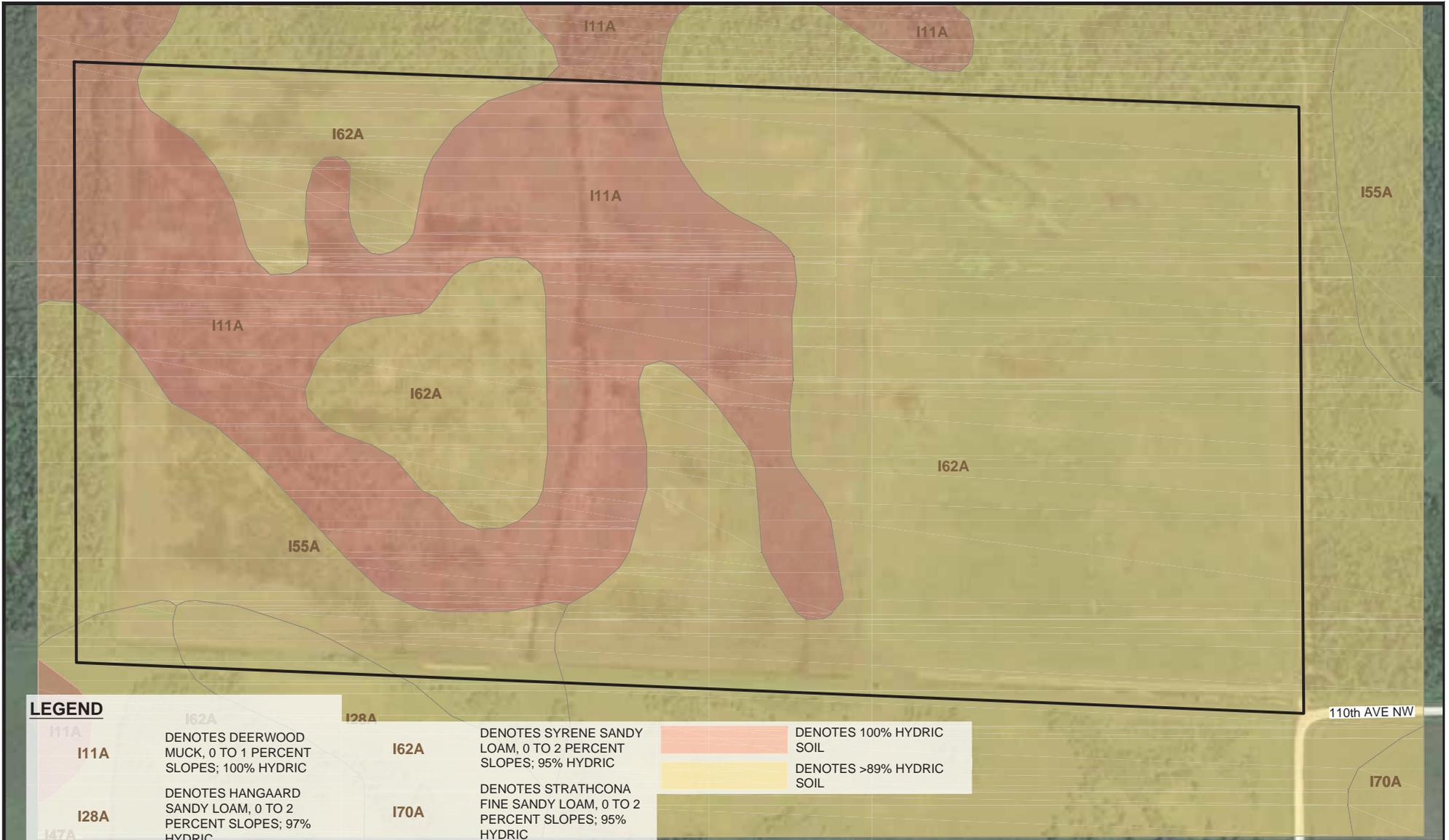
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DATE:

NOVEMBER 2015

JOB No. FIGURE

0260B1232.001 **03B**



LEGEND

I11A	DENOTES DEERWOOD MUCK, 0 TO 1 PERCENT SLOPES; 100% HYDRIC	I28A	DENOTES SYRENE SANDY LOAM, 0 TO 2 PERCENT SLOPES; 95% HYDRIC		DENOTES 100% HYDRIC SOIL
I62A	DENOTES HANGAARD SANDY LOAM, 0 TO 2 PERCENT SLOPES; 97% HYDRIC	I70A	DENOTES STRATHCONA FINE SANDY LOAM, 0 TO 2 PERCENT SLOPES; 95% HYDRIC		DENOTES >89% HYDRIC SOIL
I55A	DENOTES ROSEWOOD FINE SANDY LOAM, 0 TO 2 PERCENT SLOPES; 89% HYDRIC				

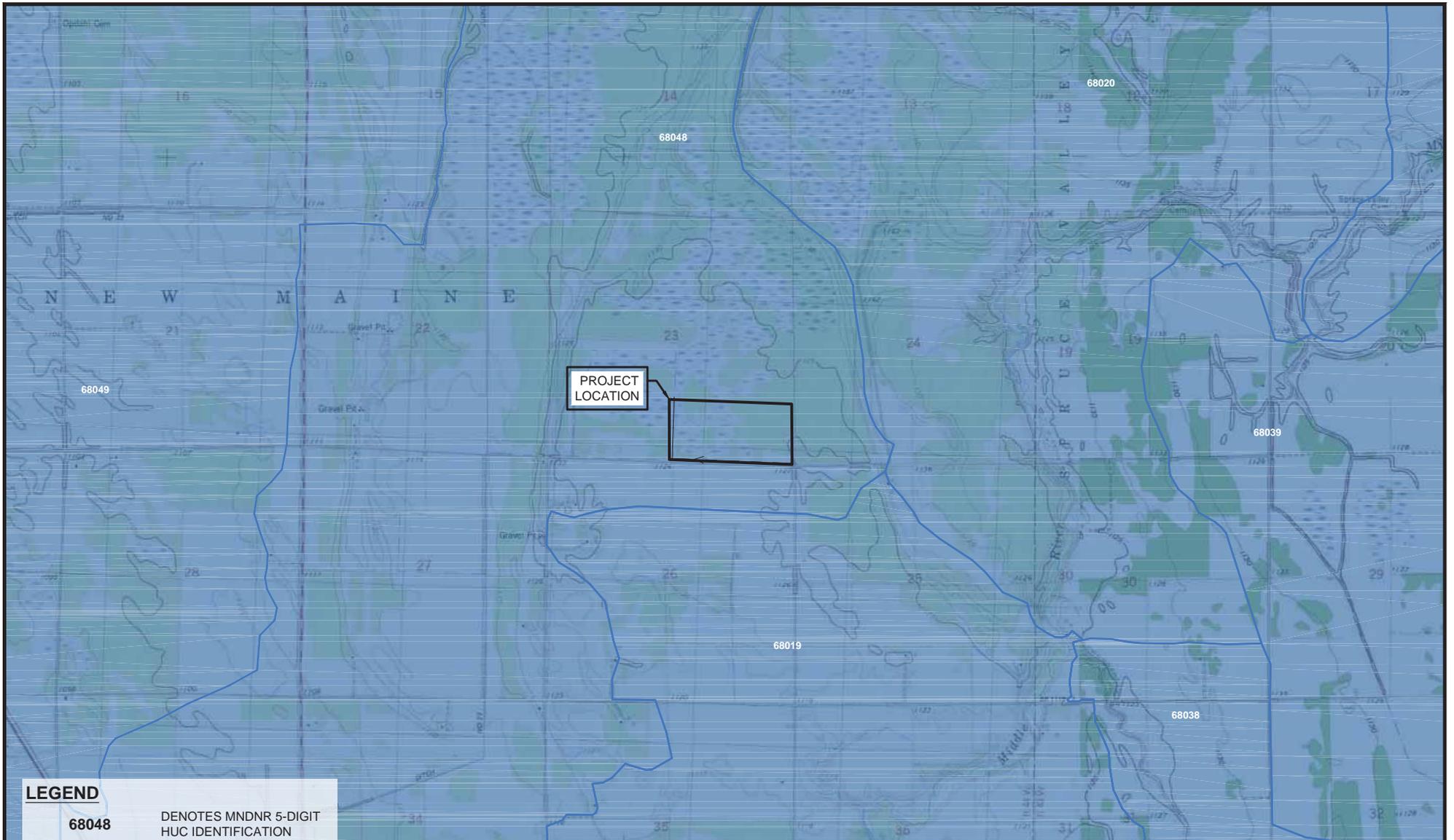
IMAGE: ESRI, INC.



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WETLAND BANK DESIGN PIERCE INVESTMENTS, LLC NEWFOLDEN, MN		© 2015 WIDSETH SMITH NOLTING DATE: NOVEMBER 2015
WEB SOIL SURVEY MAP		JOB No. 026081232.001 FIGURE 04



LEGEND

68048 DENOTES MNDNR 5-DIGIT HUC IDENTIFICATION

IMAGE: ESRI, INC.

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MINOR WATERSHED MAP

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JOB No. FIGURE
0260B1232.001 **05**

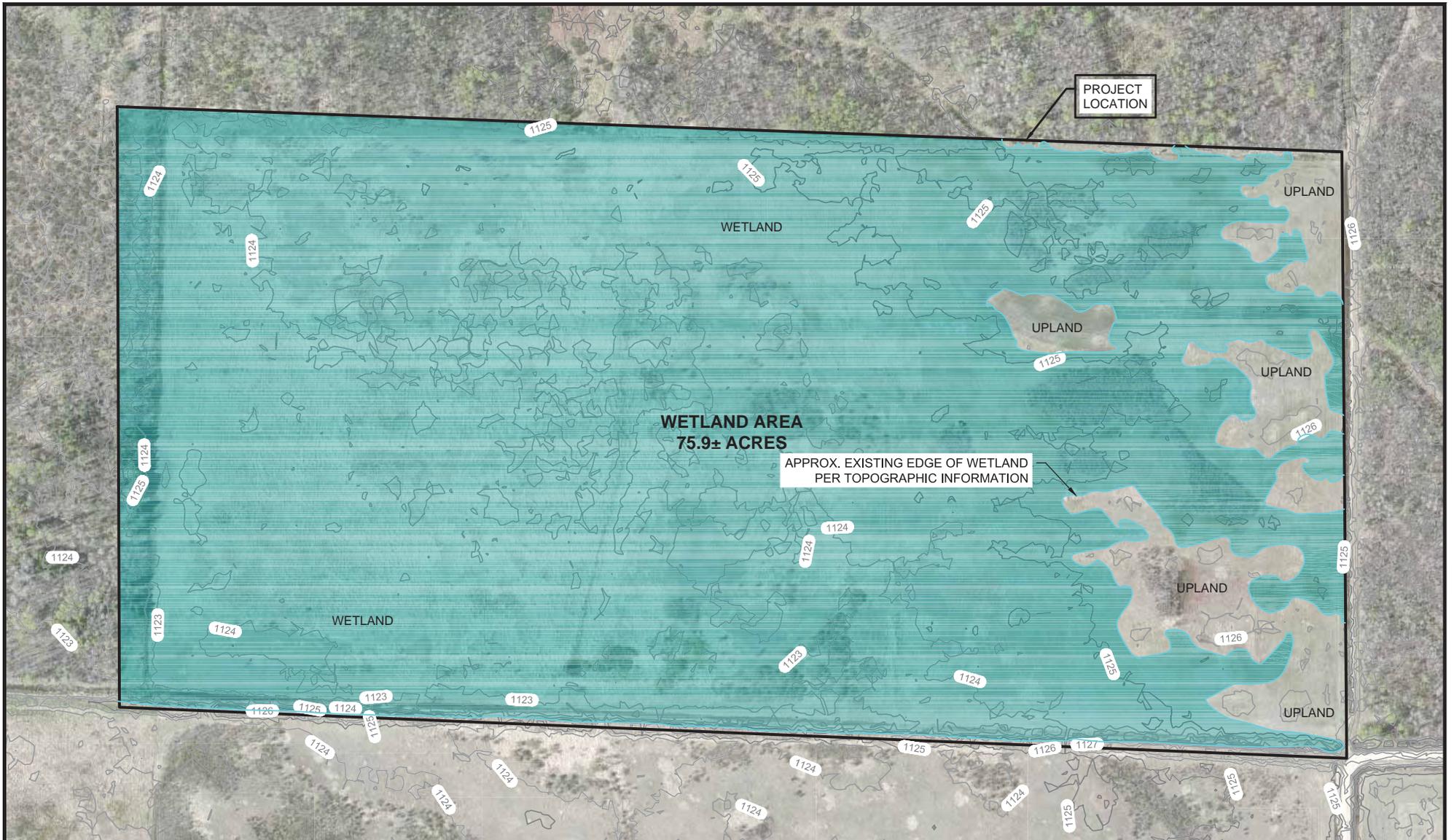


IMAGE: ESRI, INC.

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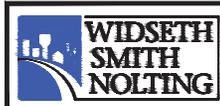
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EXISTING WETLANDS MAP



IMAGE: ESRI, INC.



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PRE-EXISTING VEGETATION MAP

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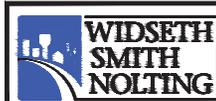
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CREDIT ALLOCATION AREAS

MAP ID I	23.85 ACRES
MAP ID II	17.33 ACRES
MAP ID III	5.89 ACRES
MAP ID IV	18.09 ACRES
MAP ID V	3.42 ACRES
MAP ID VI	6.98 ACRES

IMAGE: ESRI, INC.



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CREDIT AREA MAP

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JOB No. FIGURE

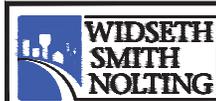
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VEGETATION AREAS

SEDGE MEADOW	23.85 ACRES
FRESH WET MEADOW	35.19 ACRES
SHRUB-CARR	6.06 ACRES
HARDWOOD SWAMP	3.42 ACRES
UPLAND	6.98 ACRES

IMAGE: ESRI, INC.



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PROPOSED VEGETATION MAP

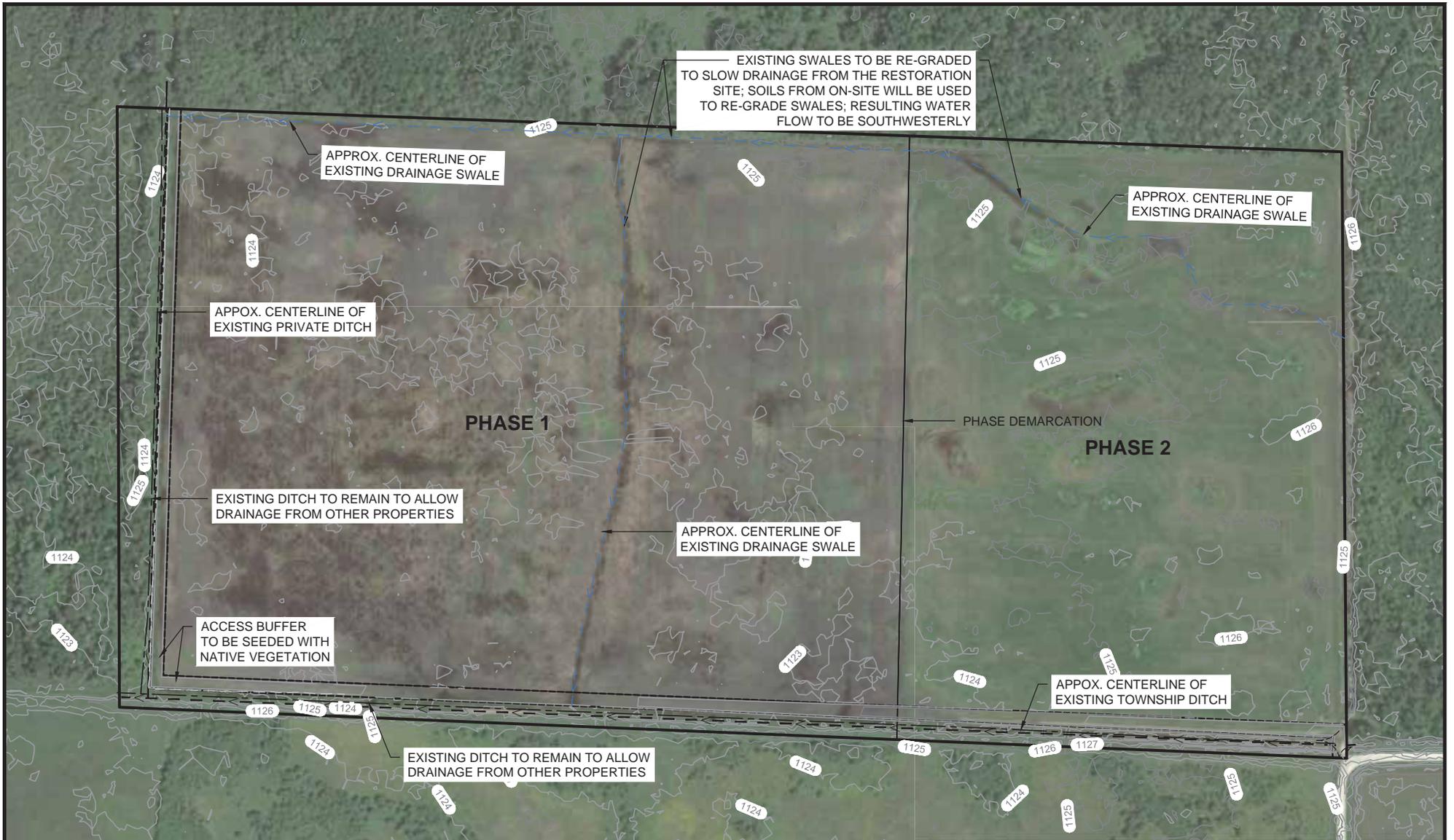
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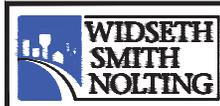
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JOB No. FIGURE

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CONCEPT PLAN MAP

DATE:
NOVEMBER 2015

JOB No. FIGURE

0260B1232.001 **11**

IMAGE: ESRI, INC.



LEGEND

	DENOTES PROPOSED PIEZOMETER LOCATION
	DENOTES PHOTO LOCATION & VIEW DIRECTION

IMAGE: ESRI, INC.

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MONITORING LOCATION MAP

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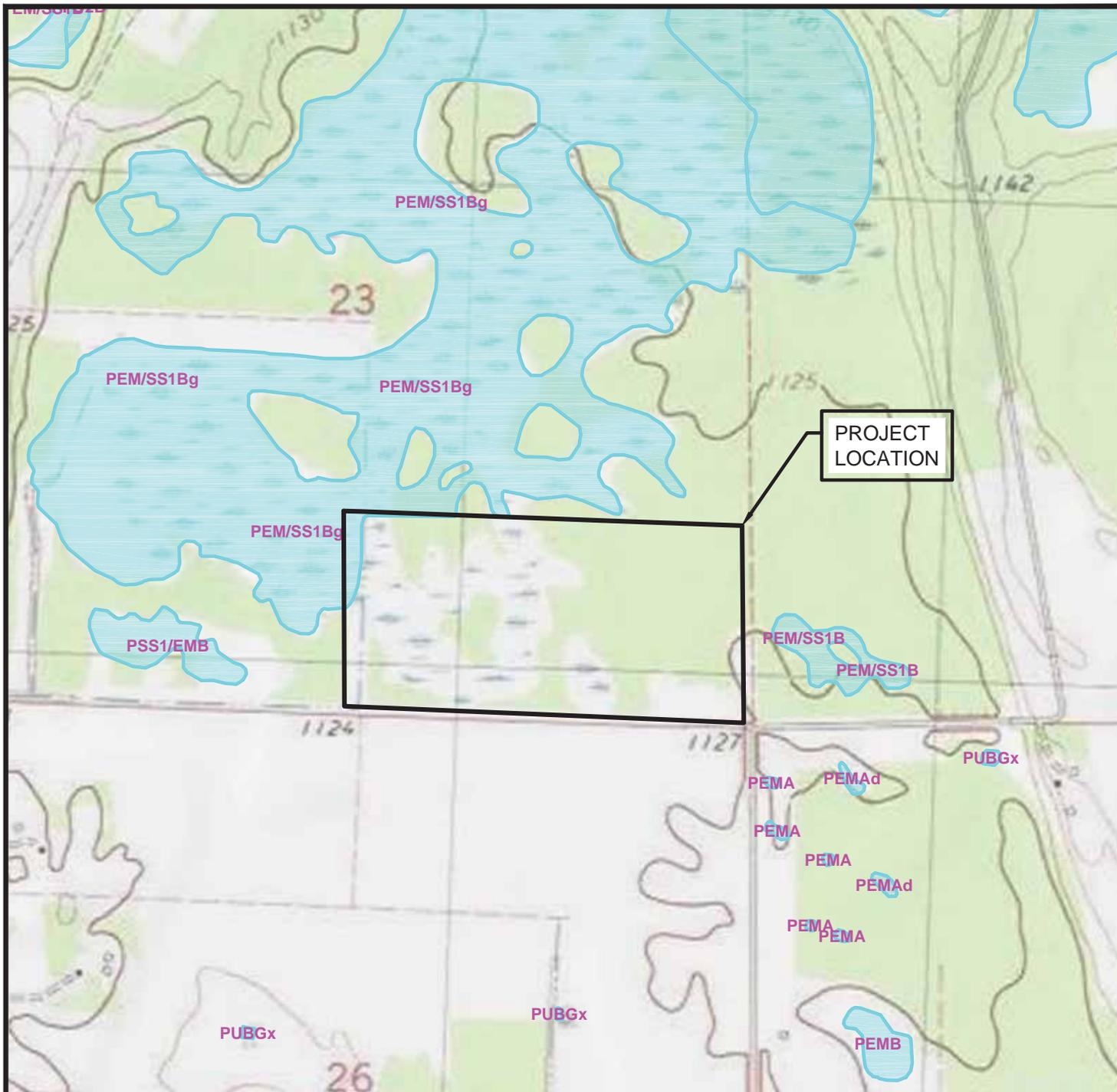
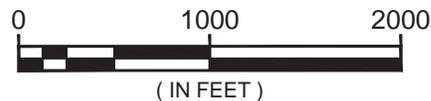
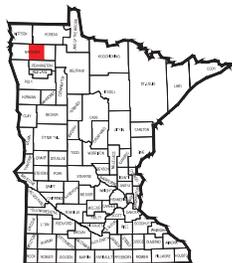


IMAGE: UNITED STATES DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY

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AREA LOCATION



U.S.G.S. QUADRANGLE MAPS:
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QUAD MAP WITH NWI OVERLAY

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NOVEMBER 2015

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