US Army Corps of Engineers
St Paul District

**SPONSOR:** **Mader Farm, LLC (Attn: David Franske)**

# Public Notice

**ISSUED: 7/29/2015**
**EXPIRES: 8/27/2015**

**REFER TO:** 2015-01119-MMJ

**SECTION: 404 - Clean Water Act**

1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL

2. SPECIFIC INFORMATION.

SPONSOR'S ADDRESS: 6104 Arbour Avenue
Edina, Minnesota 55436

SPONSOR'S AGENT: Wenck Associates, Inc.
(Attn: Wes Boll)
1800 Pioneer Creek Center
Maple Plain, MN 55359

PROJECT LOCATION: The project site is located in Section 20, T. 117 N., R. 24 W., Hennepin County, Minnesota. Latitude: 44.92407, Longitude: -93.72931.

BANK SERVICE AREA: The proposed bank service area is the Upper Mississippi River Basin (Bank Service Area 7) and the Twin Cities Metro (Bank Service Area 11), both in Minnesota.

DESCRIPTION OF PROJECT: The sponsor is proposing to develop the Mader Wetland Bank. The proposed bank site is approximately 45 acres in size, including upland buffer areas.

<u>Current land use, including adjacent properties:</u>

The majority of the proposed bank site is currently in row crop (corn and soybeans) agricultural production and has been actively cropped since at least the 1930s. A home site and farm buildings are located in the southeast corner of the property. The majority of the site is cropped with sparse weedy vegetation species also present. Portions of the proposed easement area that are not cropped contain woodland and areas vegetated with a mixture of trees and nonnative grasses (primarily smooth brome). Most of these areas are located along steep hillslopes that are not cropped. Weedy annual herbaceous species were observed interspersed throughout the cropped area as well. The fringe area along the drainage ditch is dominated by reed canary grass, stinging nettle, penny cress, and boxelder and Siberian elm trees. An exisiting wetland area in the southwest corner of the proposed easement area is dominated by reed canary grass.

Generally, the site slopes from the north, west, and south towards a drained wetland in a depressional area in the interior of the site. Moderately steep hillslopes are present along the northeast, northwest, southeast sides of the depressional area. The direct contributing subwatersheds to the site encompass approximately 214 acres. The site is located in the uppermost edge of the Minnehaha Creek Watershed

in DNR Minor Watershed 20118. The drainage channel flowing from the site drains to Halstead's Bay of Lake Minnetonka. A drainage ditch is present in the interior of the site and flows easterly from the property to the west through a culvert under Northview Drive. The drainage ditch varies in elevation from 967.5 feet at the western property line to 956.77 feet at the culvert under Northview Drive. Review of historical aerial photographs demonstrates that the drainage ditch has been in place since at least the 1930s. A survey of the drainage ditch found that the bottom of the ditch is approximately 3-4 feet below the ground surface of the cropped field. Two swales draining from the south of the proposed easement area were also identified on the site. An extensive network of drainage tile is also present on the site. The drain tile is estimated to have been installed in the 1960s. The drain tile outlets were located during a May 2015 site visit and water was observed flowing from the outlets into the main ditch. The invert elevation of the drain tile outlet was approximately 958.7 feet. Based on observations from aerial photographs and field hydrology investigations, the drain tile and drainage ditch appear to have effectively eliminated wetland hydrology from the site and allowed cropping to occur nearly every year.

Modifications proposed to restore, establish, enhance and/or preserve wetlands on the bank site:

The goal of the project is to restore wetland hydrology in order to establish self-sustaining and high functioning wet meadow, shallow marsh, and deep marsh wetlands dominated by native species on approximately 21 acres of the 45 acre parcel. The project also includes the establishment of mesic prairie upland buffer and the preservation of existing woodland communities on additional approximately 20 acres of the parcel. Wetland hydrology has been eliminated from the site by an existing drainage ditch and drain tile intended to allow crop production on the site for approximately the last 75 years. The proposed project would restore hydrology to the site by blocking the drainage ditch with an outlet structure and berm and blocking drain tile where necessary. The historic hydrology and vegetation communities have been determined through hydrologic modeling, investigation of soils and other features on site, and observation of reference wetlands.

Existing woody and herbaceous vegetation communities located in areas with steep slopes in the upland buffer would also be part of the buffer credit area and would be preserved and enhanced as necessary. Trees located along the existing ditch edge would not be removed prior to restoration activities. Although increased water levels would drown out the trees, dead trees are expected to provide additional habitat and structure within the wetland.

Site Preparation

Since the site has been in cropland for a number of decades, only minimal site preparation would be necessary. Since the site is planted in corn this year, the removal of corn stalks (baling) would likely be necessary after the 2015 harvest to prevent the corn stalks from interfering with seeding and establishment of native species following seeding. Vegetation communities in wetland areas in the southwest corner of the site and on the adjacent property that are currently dominated by reed canary grass would be managed prior to seeding. The Sponsor has already engaged a vegetation restoration contractor to implement a reed canary grass management plan. The restoration contractor has developed a plan that includes herbicide application, mowing, and burning to eliminate reed canary grass from this portion of the site to reduce the risk of the species becoming an issue in the restored wetland.

Seeding

Each proposed vegetation community on the site would be seeded with an appropriate approved seed mix by the vegetation restoration contractor. The method of seeding would depend on the hydrologic regime and site conditions in each proposed vegetation community area at the time of seeding. It is anticipated that a favorable vegetation community would develop on the site from seeding alone and planting of live plugs would not be necessary.

Site Management

Required vegetation management would be determined following seeding during annual monitoring visits by both the project consultant and vegetation restoration contractor during a five year monitoring period. Management activities would likely include mowing the upland buffer and fringe wetland areas, herbicide application in wetland and upland buffer, and burning in the upland buffer. Due to its presence on the property and in surrounding areas, reed canary grass management would likely be necessary during the first few years of monitoring.

An adaptive management approach would be implemented during establishment of native vegetation communities on the site; other vegetation management strategies would be prescribed and implemented as necessary.

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 to maintain wetland hydrology and the 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 19.38 acres of wetland and enhance an additional 2.17 acres of wetland, with an additional 22.40 acres of restored upland buffer. Wetland credits would be generated through the restoration of partially and completely drained wetlands that have been historically cropped, and the establishment of an adjacent upland buffer. See the attached Wetland Bank Credit Allocation Table for additional information about proposed wetland credit actions.

SURROUNDING LAND USE: Surrounding land use is comprised of agricultural fields, open woody areas with a few scattered large-lot single family homes.

COORDINATION WITH RESOURCE AGENCIES: This project has been coordinated with the following members of the Interagency Review Team (IRT) and other resource agencies including: U.S.

Environmental Protection Agency, U.S. Fish and Wildlife Service, Board of Water and Soil Resources, the City of Minnetrista, and the Minnehaha Creek Watershed 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 adequacy of the project and should, if appropriate, suggest any changes believed to improve the bank's chances for success. 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.

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 Melissa Jenny at the St. Paul office of the Corps, telephone number (651) 290-5363.

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, Hennepin 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. |
| Higgins' eye pearlymussel | Mississippi River |
| Snuffbox mussel | Mississippi River |

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 would be considered in our final assessment of the proposed 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 would be made prior to reaching a decision, and would be posted on the St. Paul District web page at http://www.mvp.usace.army.mil/Missions/Regulatory.aspx .

6. HISTORICAL/ARCHAEOLOGICAL.

The Corps would review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps would 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 would be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties would be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

7. PUBLIC HEARING REQUESTS.

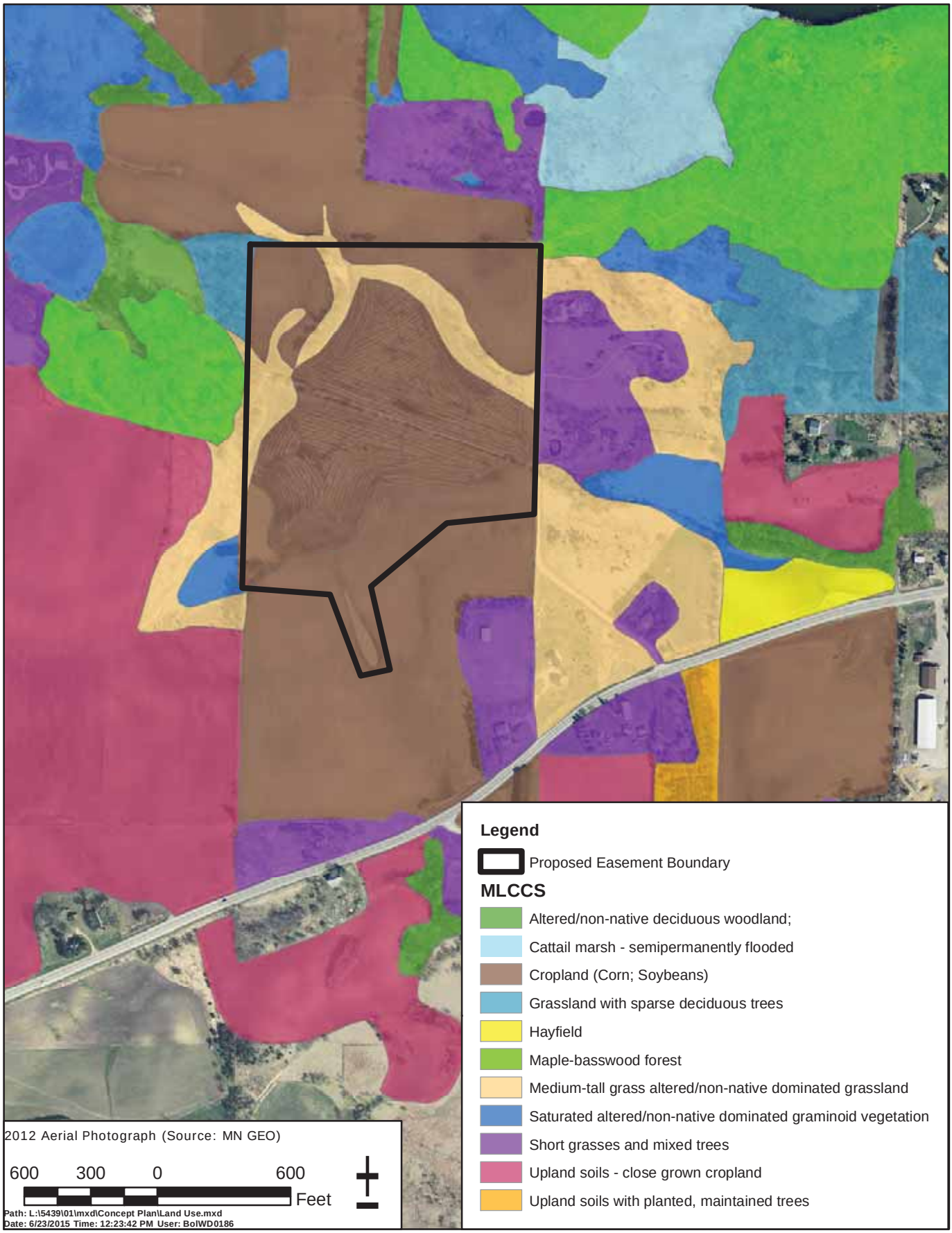
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

Tamara E. Cameron,
Chief, Regulatory Branch

Enclosures

| | | |
|---|---|---|
| MADER FARM, LLC | WENCK ASSOCIATES<br>Responsive partner. Exceptional outcomes. | JUN 2015 |
| Site Location Map | | Figure 1 |

| | | |
|---|---|---|
| MADER FARM, LLC | WENCK ASSOCIATES<br>Responsive partner. Exceptional outcomes. | JUN 2015 |
| Site Hydrology | | Figure 2 |

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| MADER FARM, LLC | WENCK ASSOCIATES<br>Responsive partner. Exceptional outcomes. | JUN 2015 |
| Land Use/Land Cover | | Figure 3 |

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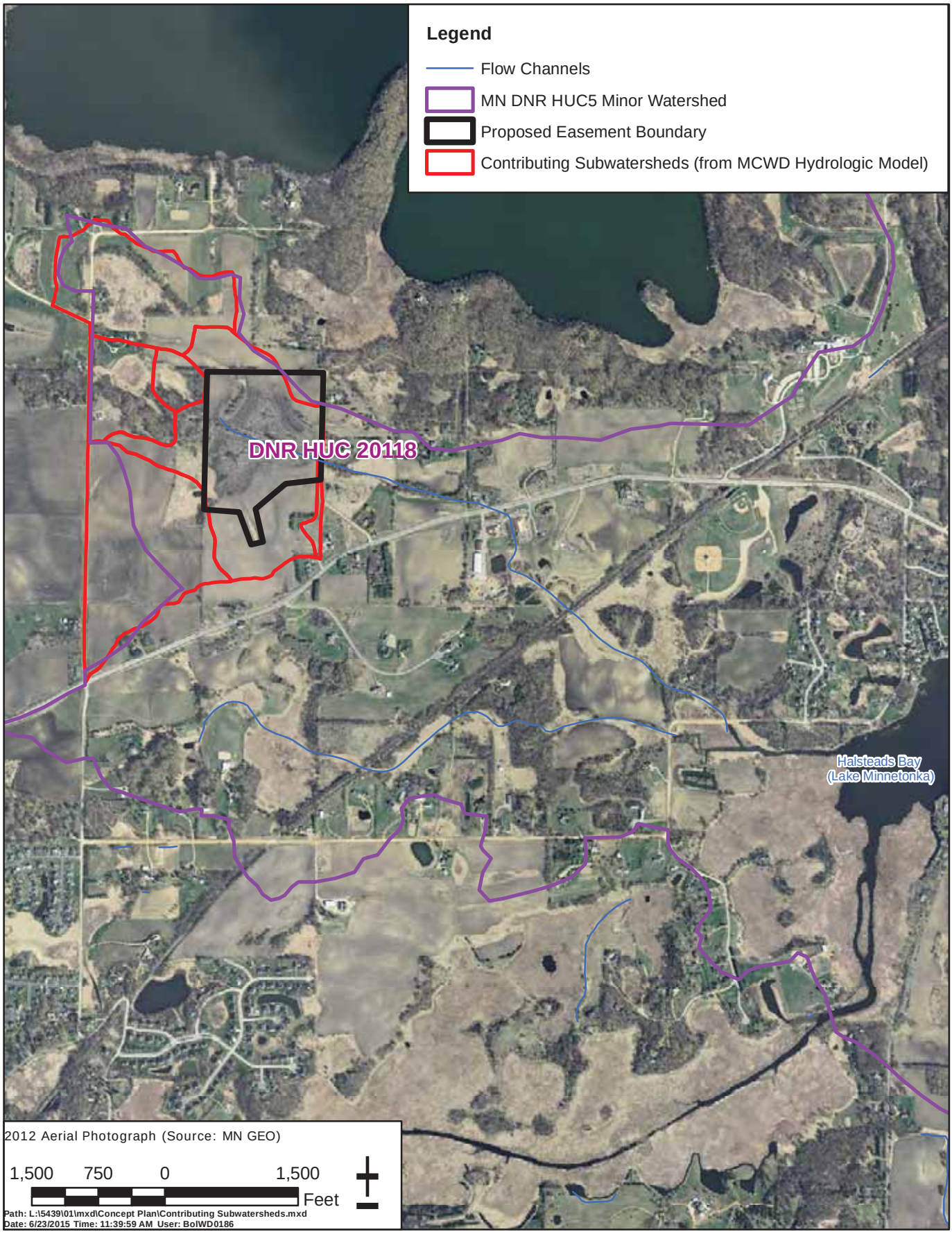
| MADER FARM, LLC | WENCK ASSOCIATES<br>Responsive partner. Exceptional outcomes. | JUN 2015 |
| Site Topography | | Figure 4 |

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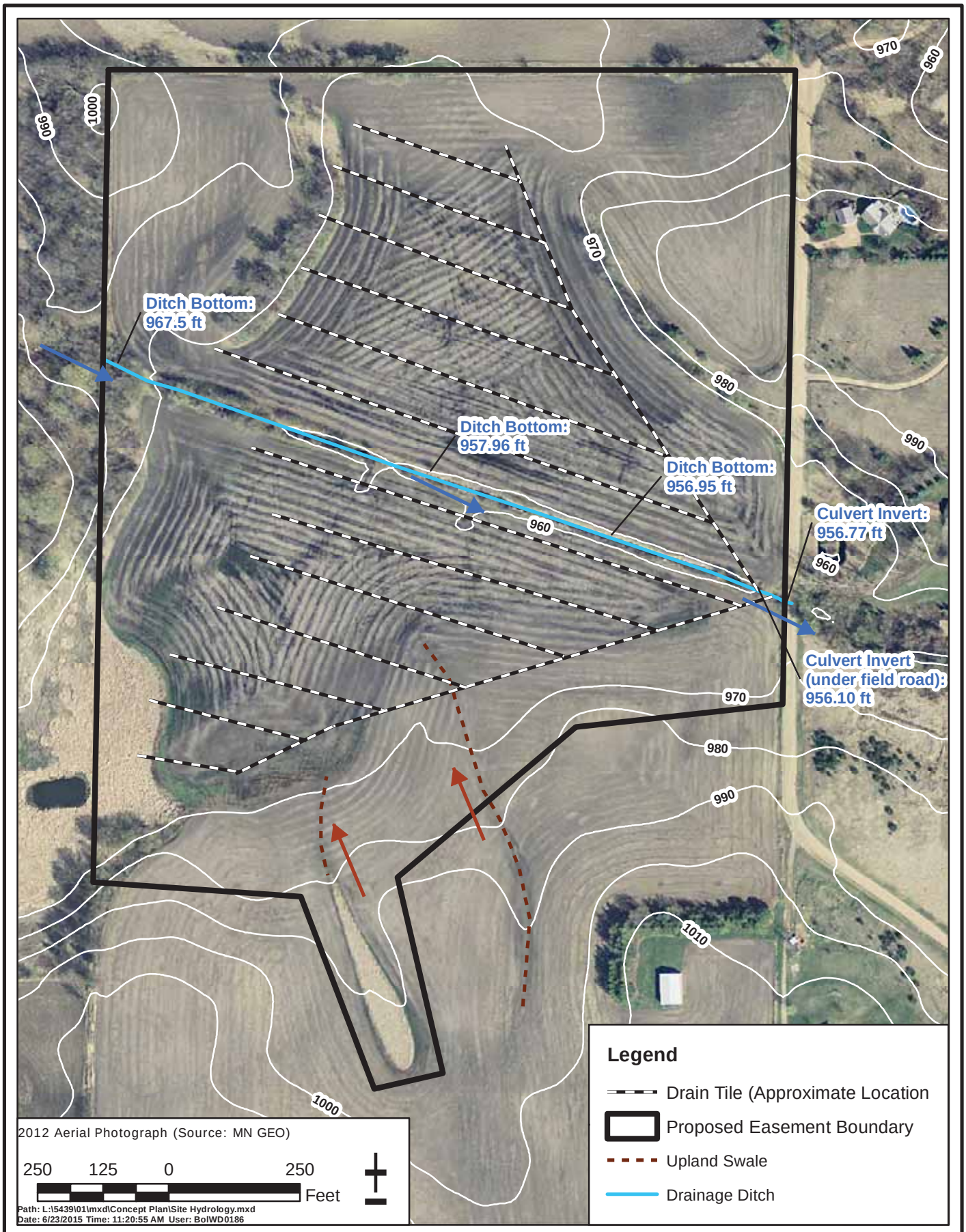
| MADER FARM, LLC | WENCK ASSOCIATES<br>Responsive partner. Exceptional outcomes. | JUN 2015 |
| Subwatershed Map | | Figure 5 |

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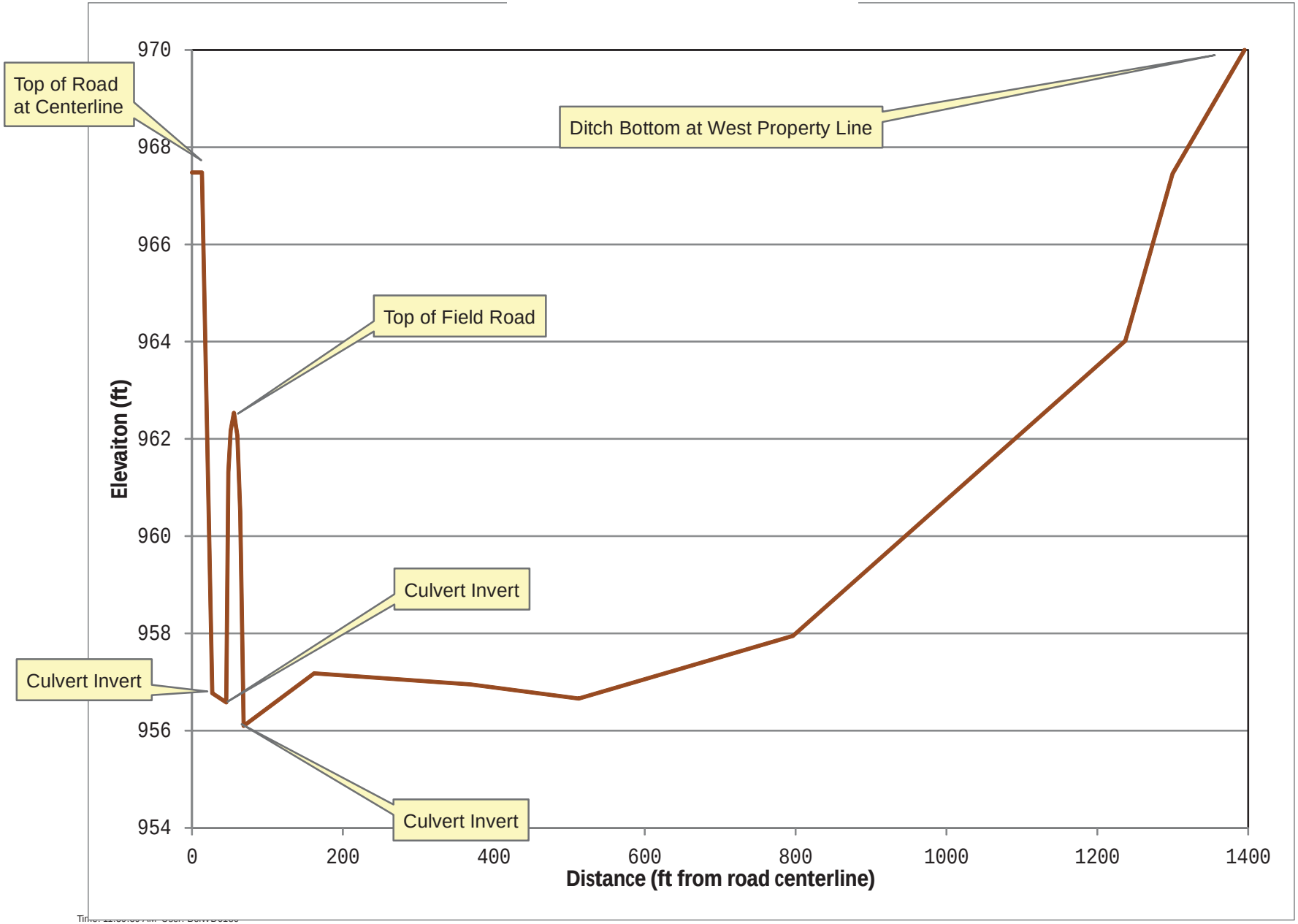
| MADER FARM, LLC | WENCK ASSOCIATES<br>Responsive partner. Exceptional outcomes. | JUN 2015 |
| Site Hydrology | | Figure 6 |

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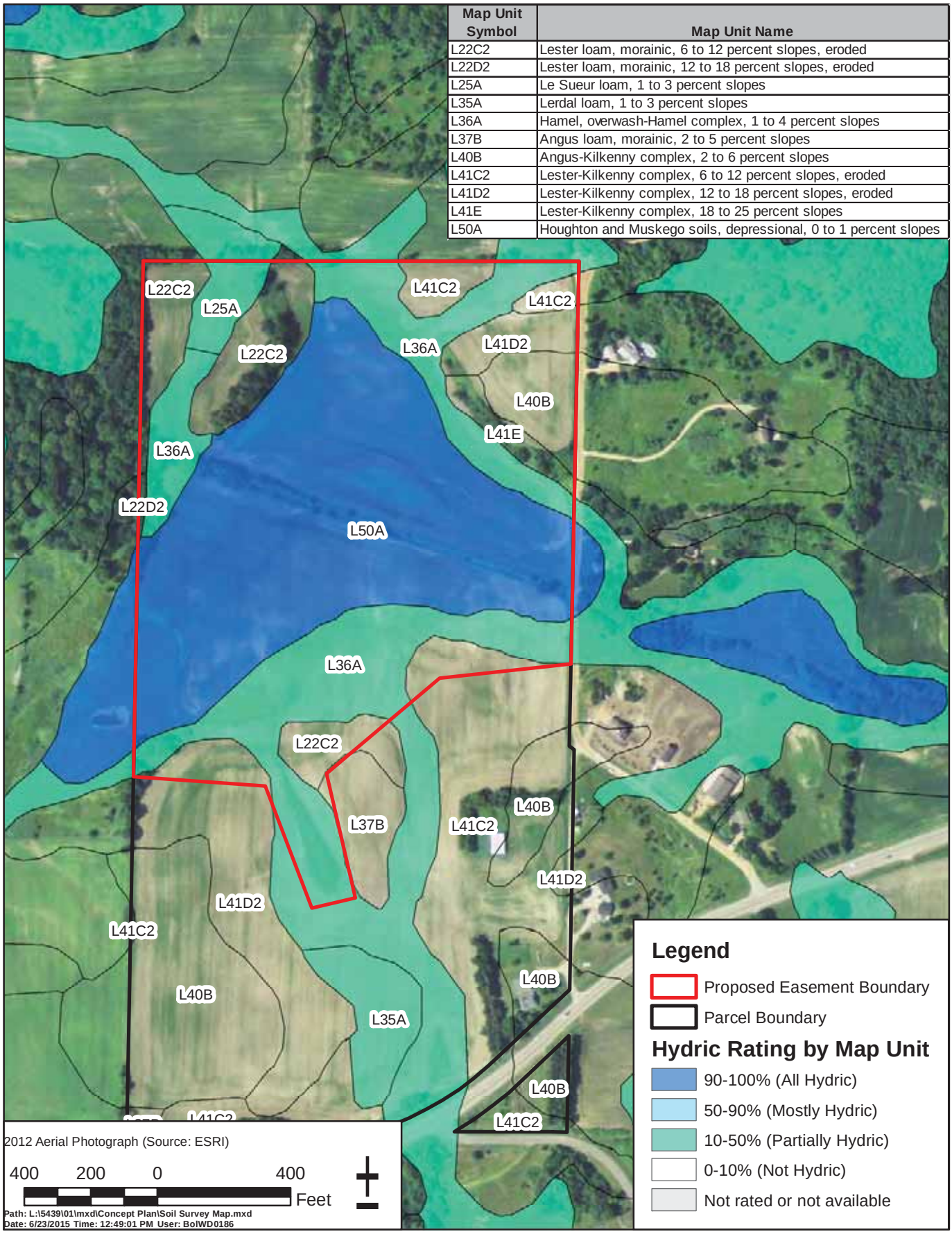
| MADER FARMS, LLC | WENCK ASSOCIATES<br>Responsive partner. Exceptional outcomes. | JUN 2015 |
| Longitudinal Ditch Survey | | Figure 7 |




| Map Unit Symbol | Map Unit Name |
|---|---|
| L22C2 | Lester loam, morainic, 6 to 12 percent slopes, eroded |
| L22D2 | Lester loam, morainic, 12 to 18 percent slopes, eroded |
| L25A | Le Sueur loam, 1 to 3 percent slopes |
| L35A | Lerdal loam, 1 to 3 percent slopes |
| L36A | Hamel, overwash-Hamel complex, 1 to 4 percent slopes |
| L37B | Angus loam, morainic, 2 to 5 percent slopes |
| L40B | Angus-Kilkenny complex, 2 to 6 percent slopes |
| L41C2 | Lester-Kilkenny complex, 6 to 12 percent slopes, eroded |
| L41D2 | Lester-Kilkenny complex, 12 to 18 percent slopes, eroded |
| L41E | Lester-Kilkenny complex, 18 to 25 percent slopes |
| L50A | Houghton and Muskego soils, depressional, 0 to 1 percent slopes |

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Soil Survey Map

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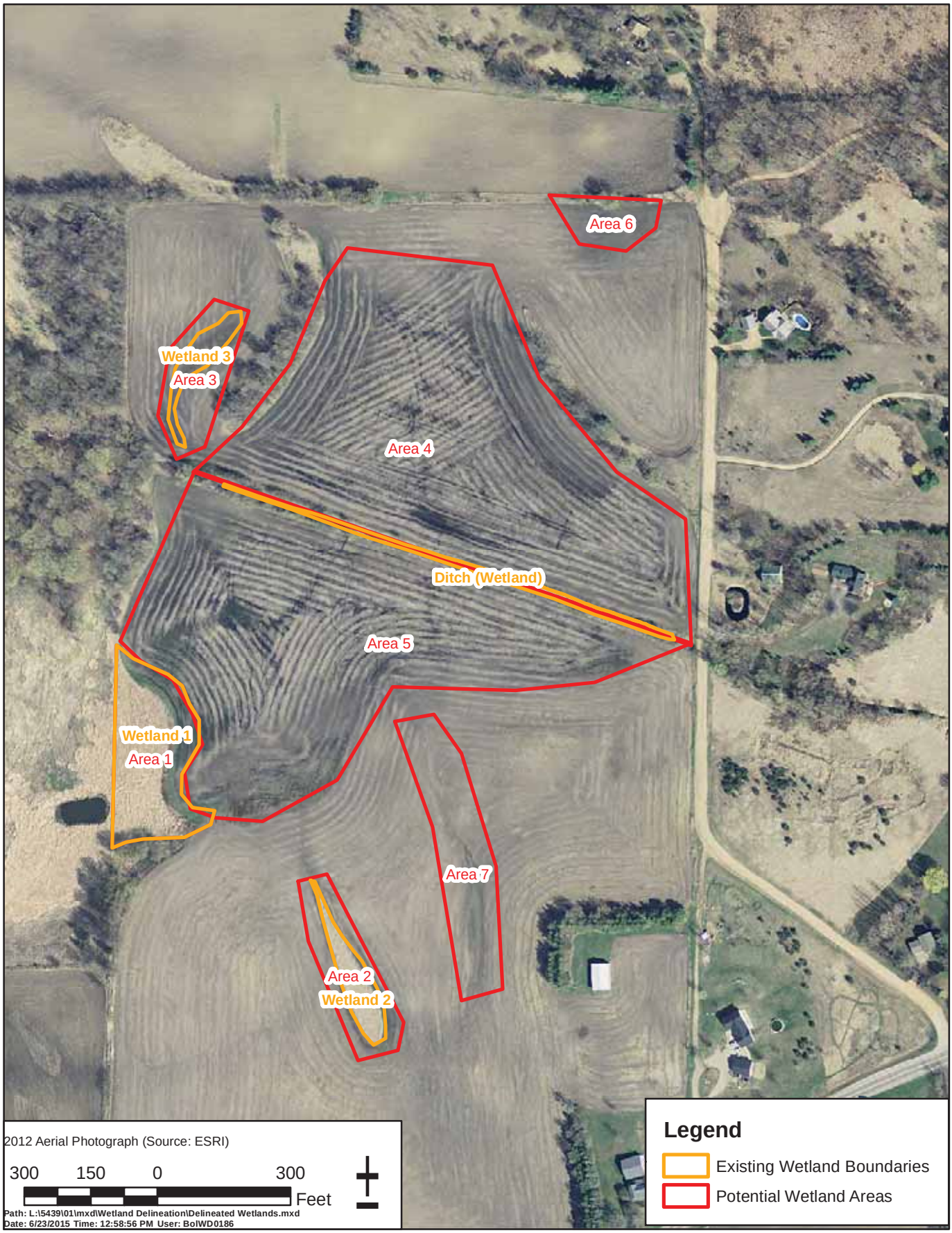
Figure 8

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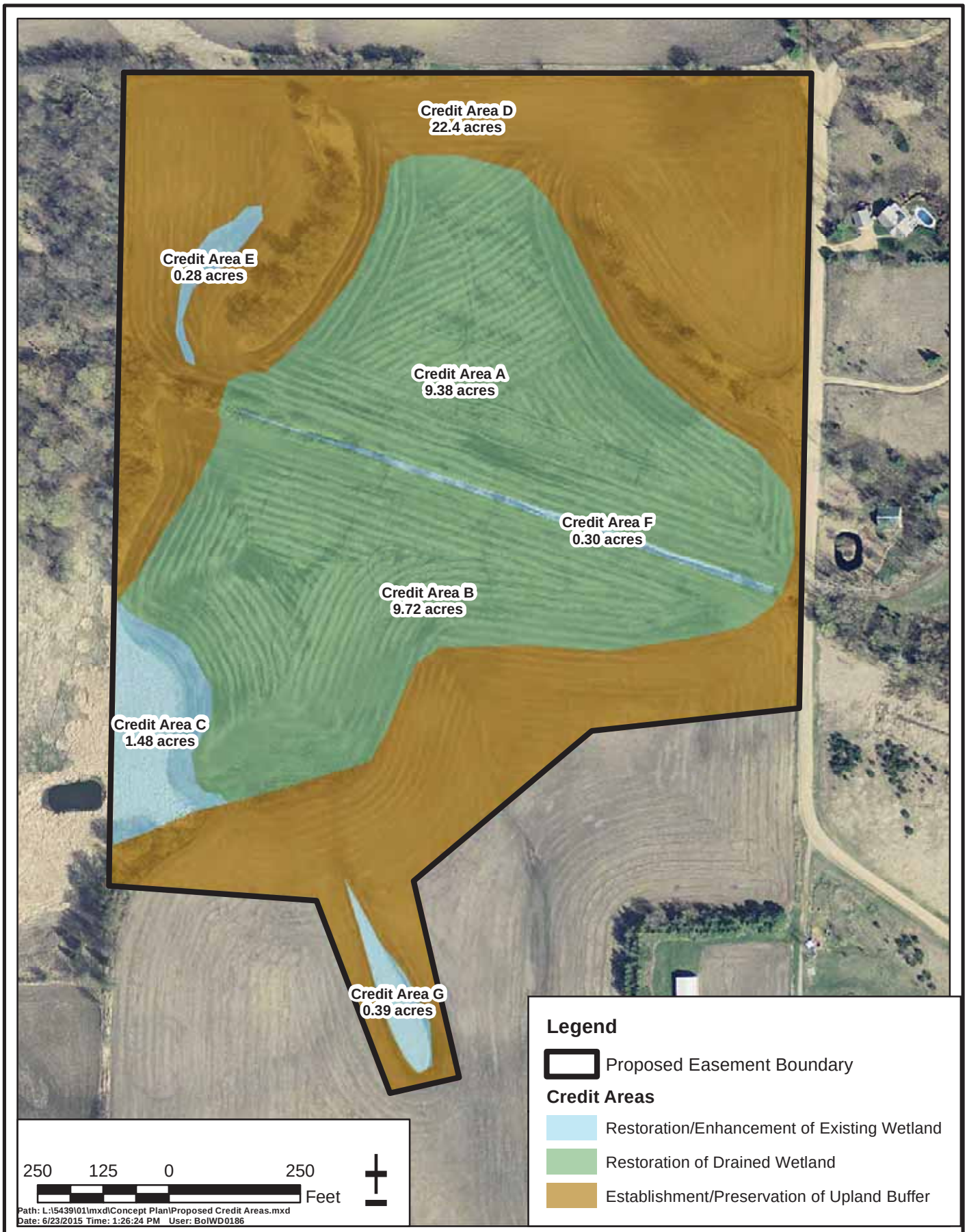
| MADER FARM, LLC | WENCK ASSOCIATES<br>Responsive partner. Exceptional outcomes. | JUN 2015 |
| Delineated Wetlands | | Figure 9 |

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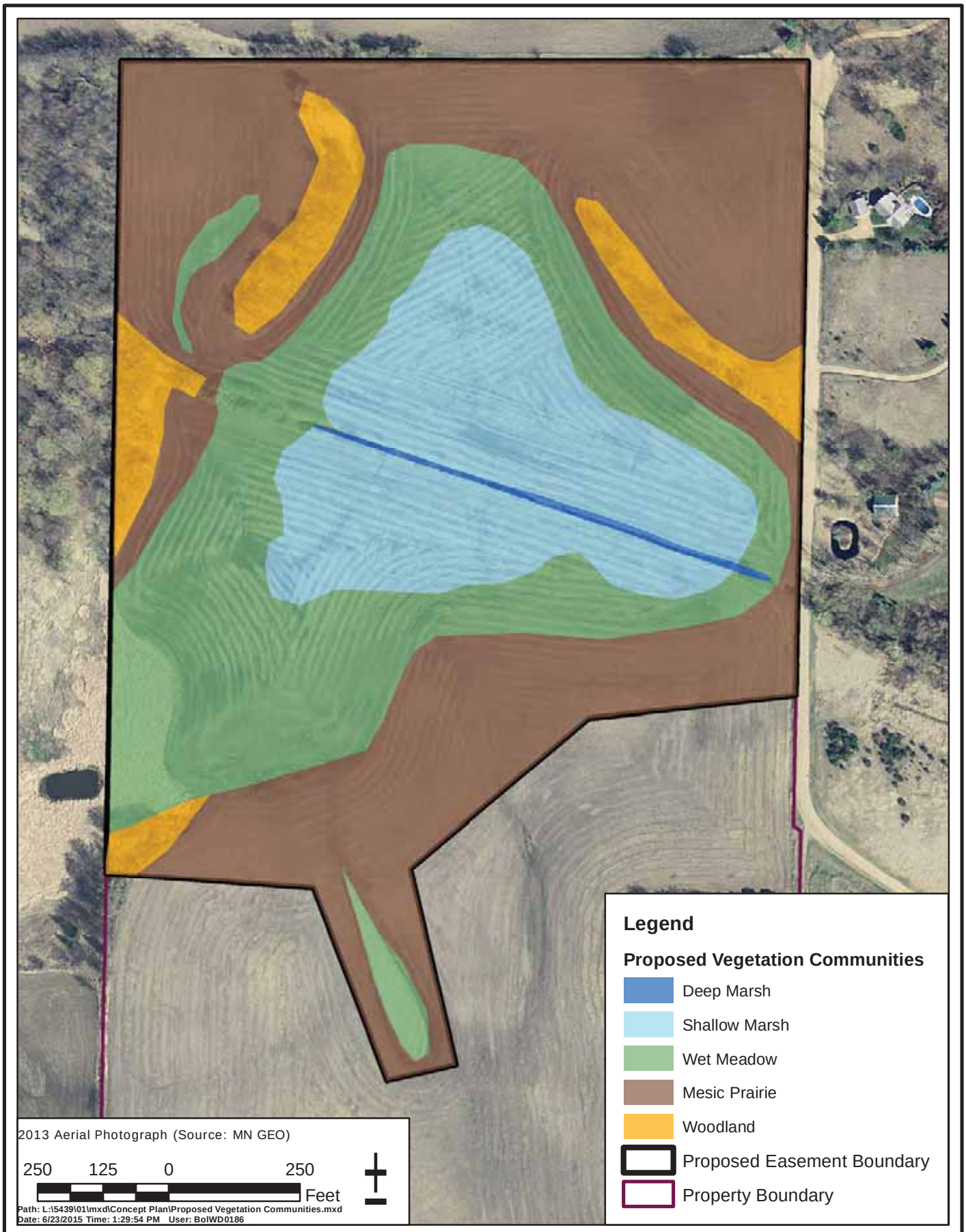
| MADER FARM, LLC | WENCK ASSOCIATES<br>Responsive partner. Exceptional outcomes. | JUN 2015 |
| Proposed Credit Areas | | Figure 10 |

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Proposed Vegetation Communities

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Figure 11

**Table 1 - Wetland Bank Credit Allocation Table [1]**

| Map ID | Credit Action [2] | Acres [3] | Credit Allocation | | | |
|---|---|---|---|---|---|---|
| | | | Minimum Credit [4] | | Maximum Credit [5] | |
| | | | % Credit | Credit Amount | % Credit | Credit Amount |
| Credit Area A | BWSR:Subpart 3<br>ACOE: Restoration via Reestablishment | 9.38 | 100 | 9.38 | 100 | 9.38 |
| Credit Area B | BWSR: Subpart 3<br>ACOE: Restoration via Reestablishment | 9.72 | 100 | 9.72 | 100 | 9.72 |
| Credit Area C | BWSR: Subpart 5<br>ACOE: Enhancement | 1.48 | 33 | 0.49 | 50 | 0.74 |
| Credit Area D | BWSR Subpart 2<br>ACOE: Upland Buffer, Native Vegetation | 22.40 | 10 | 2.24 | 25 | 5.60 |
| Credit Area E | BWSR: Subpart 4/5<br>ACOE: Restoration via Rehabilitation | 0.28 | 50 | 0.14 | 100 | 0.28 |
| Credit Area F | BWSR: Subpart 4<br>ACOE: Enhancement | 0.30 | 33 | 0.10 | 50 | 0.15 |
| Credit Area G | BWSR: Subpart 4<br>ACOE: Enhancement | 0.39 | 33 | 0.13 | 50 | 0.19 |
| | | | | | | |
| | **TOTAL EASEMENT SIZE:** | 43.95 | **TOTAL:** | 22.20 | **TOTAL:** | 26.06 |

[1]A **Wetland Credit Allocation Map** of the project site must accompany this form. The map should:

- Provide a clear depiction/outline of the planned/actual easement boundary
- Show all separate "credit action areas" within the easement boundary using the associated map identifiers (Map ID) from above table.

[2]As identified by MN Statutes Chapter 8420.056.

- **Subp. 2** *Upland Buffer Areas*
- **Subp. 3** *Restoration of Completely Drained or Filled Wetland Areas*
- **Subp. 4** *Restoration of Partially Drained or Filled Wetland Areas*
- **Subp. 5** *Vegetative Restoration of Farmed Wetlands*
- **Subp. 6** *Protection of Wetlands Previously Restored via Conservation Easements*
- **Subp. 7** *Wetland Creations*
- **Subp. 8** *Restoration and Protection of Exceptional Natural Resource Value*
- **Subp. 9** *Preservation of Wetlands Owned by the State or a Local Unit of Government*
- **No Credit** Portions of planned easement area not subject to credit

[3]Acres of land within the planned bank easement that corresponds to the identified credit action. The sum total of these acres must equal the acres of land within the planned or actual easement area.

[4]Enter the lowest credit value expected from the action. Values entered must be consistent with allowable credit yield as defined by associated credit action.

[5]Enter the highest credit value expected from the action. This will be the same as the minimum credit unless a range of credit is proposed based on different possible outcomes (for example: 50% credit for moderate quality, 100% credit for high quality).