



US Army Corps  
of Engineers  
St Paul District

**SPONSOR:** Wisconsin Department of  
Transportation

# **Public Notice**

**ISSUED: April 30, 2015**

**EXPIRES: May 29, 2015**

**REFER TO:** 2015-01275-JLK

**SECTION: 404 - Clean Water Act**

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

**SPONSOR'S ADDRESS:** Wisconsin Department of Transportation (WisDOT)  
Northeast Region  
944 Vanderperren Way  
Green Bay, Wisconsin 54304

**PROJECT LOCATION:** The project site is located in Sections 30 and 31, Township 31 North, Range 18 East, Oconto County, Wisconsin. Latitude 45.124137, Longitude -88.296733 (See attachments).

**BANK SERVICE AREA:** The proposed bank service area is the WisDOT Northern Fox River / Lake Michigan Bank Region. This is part of WisDOT's Statewide Wetland Mitigation Bank Program.

**DESCRIPTION OF PROJECT:** The sponsor is proposing to develop Phase 3 of the Peshtigo Brook Mitigation Wetland Bank. The proposed bank site is approximately 284 acres in size. Specifically the sponsor proposes to restore (via reestablishment and rehabilitation) 226 acres of wetlands consisting of 118 acres of wet meadow, 83 acres of shallow marsh, 10 acres of shrub-scrub, and 15 acres of wooded swamp. Additionally 58 acres of upland plant communities (upland buffer) would be established within and adjacent to the wetland areas.

The proposed site is nearly flat and contains very poorly drained muck soils. The site was cleared and ditched in the 1940's for agricultural purposes with vegetable crops as the dominate use. The site is currently cropped on an annual basis and contains an extensive drainage ditch network. Proposed restoration activities consist of ditch plugging/filling, shallow excavations, and creation of low berms. Projected plant communities include a native wetland mix dominated by sedges, rushes, grasses and forbs. Additionally, a mixture of hardwood and coniferous trees would be planted to establish wooded swamp communities. For additional diversity, the establishment of upland plant communities is proposed including a mix of native upland grasses and forbs. For this purpose, several current high points within and adjacent to wetland areas would be retained.

Excavated material would remain on site for ditch filling and the creation of low berms, which would also assist in water retention. To slow surface water loss, three fixed weirs would be installed which vary elevation, dividing the site into three cells and directing any excess surface water southward. The

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western edge of Phase 3 includes a farm ditch that would remain in place to maintain drainage in adjacent farm fields.

However, a ditch located on the east side between Phase 3 and Phase 2 would be filled in, further benefiting wetland creation in both bank sites. Excess surface water from Phase 3 would be directed to Phase 1 via a culvert under WIS 64.

Long-term management of the site: This project is designed for passive management, resulting in minimal maintenance to ensure continued functionality. WisDOT will work with the Interagency Review Team (IRT) to resolve any problems or concerns that may arise. WisDOT is committed to maintaining the site as wetland in perpetuity per the WisDOT Wetland Mitigation Banking Technical Guideline and will protect the site from incompatible land uses. WisDOT has a vested interest in maintaining the bank and will work toward resolution of management issues if it becomes necessary. WisDOT has an annual budget set aside from the State Highway Rehabilitation Project (Legislative Subprogram 303) to fund the Bank Site Program including site management needs.

**SURROUNDING LAND USE:** The proposed site is the third phase of the Peshtigo Brook Wetland Mitigation Bank and is located directly north of Peshtigo Brook Wetland Mitigation Bank Phase 1 and directly west and south of Peshtigo Brook Wetland Mitigation Bank Phase 2. Current surrounding land use is comprised of mostly open agricultural lands and single family homes and farming facilities scattered throughout the landscape. The Chequamegon-Nicolet National Forest, WDNR Peshtigo Brook Wildlife Area, and Oconto County Forest are all located within half-mile of the proposed bank site.

**COORDINATION WITH RESOURCE AGENCIES:** This project is being coordinated with the following members of the IRT and other resource agencies: The Wisconsin Department of Natural Resources, U.S. Environmental Protection Agency, and the Federal Highway Administration.

**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.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 211 North Broadway, Suite 221, Green Bay, WI 54303.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Jessica Kempke in the Green Bay office at (651) 290-5856.

To receive Public Notices by e-mail, go to: [http://mvp-extstp/list\\_server/](http://mvp-extstp/list_server/) and add your information in the New Registration Box.

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

Gray Wolf: Northern Forested Areas

Northern long-eared bat: Hibernates in caves and mines-swarming in surrounding wooded areas in autumn. During summer, roosts and forages in upland forests.

Rufa red knot: Can be found along Green Bay

Karner blue butterfly: Prairie, oak savanna, and jack pine areas with wild lupine.

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 effect will if necessary 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.

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The latest versions of the National Register of Historic Places and the Wisconsin Historic Preservation Database have been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located within, or adjacent to 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.

Todd Vesperman  
Section Chief, SE Section

Enclosure(s)



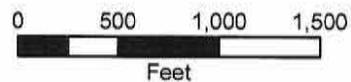


**Legend**

 Phase 3 Site Boundary

**Peshtigo Brook Phase 3  
Wetland Mitigation Bank  
Oconto County, WI**

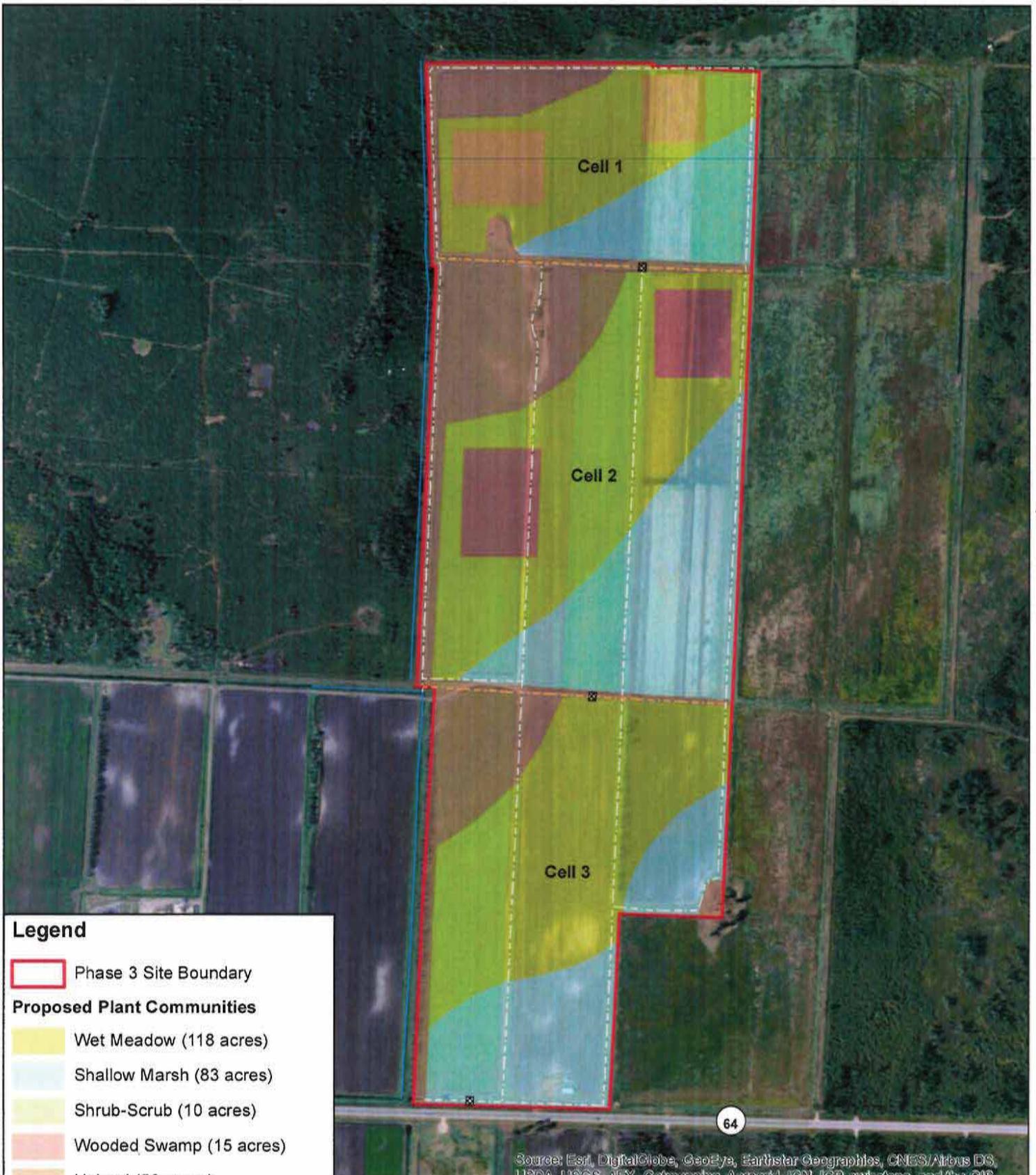
Attachment 2: Aerial Map



1 in = 900 ft







**Legend**

Phase 3 Site Boundary

**Proposed Plant Communities**

- Wet Meadow (118 acres)
- Shallow Marsh (83 acres)
- Shrub-Scrub (10 acres)
- Wooded Swamp (15 acres)
- Upland (58 acres)

**Design Features**

- Filled ditch
- Filled ditch - berm
- Ditch to remain
- Weir/Spillway

**Peshtigo Brook Phase 3  
Wetland Mitigation Bank  
Oconto County, WI**

**Attachment 9: Proposed Design  
Concept and Plant Communities**

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Feet

1 in = 800 ft