



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

**SPONSOR:**

Lake Superior Wetland  
Mitigation Bank LLC

# **Public Notice**

**ISSUED: February 14, 2013**

**EXPIRES: March 16, 2013**

**REFER TO: 2013-00039-WMS**

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## 1. SUBJECT

The U.S. Army Corps of Engineers, St. Paul District, is evaluating a proposal of Lake Superior Wetland Mitigation Bank, LLC. to establish the Site #2 Wetland Mitigation Bank. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

## 2. SPECIFIC INFORMATION

**SPONSOR:** Mr. Alf Sivertson  
Lake Superior Wetland Mitigation Bank, LLC.  
1465 Arcade Street  
St. Paul, Minnesota 55106-1723

**AGENT:** Mr. Mike Kohn  
ICECOR  
P.O. Box 1105  
Superior, Wisconsin 54880

**PROJECT LOCATION:** The site is located in Section 7 T. 48N., R. 11W., Douglas County, Wisconsin.

**DESCRIPTION OF PROJECT:** The project sponsor proposes to create a general use compensatory wetland mitigation bank. The purpose of the bank would be to generate wetland credits for purchase by the public to offset wetland losses authorized by Department of the Army permits. The service area of the bank would include the Lake Superior Watershed in Wisconsin.

The proposed mitigation bank site is approximately 158 acres in size and is situated between the Poplar River to the East and the Middle River to the West. The site consists of primarily "ditched and crowned" hay field, of which approximately 138 acres is upland and 20 acres is wetland. Two small wooded islands are present within the fields and wooded areas are located along the southeast side of the site. The bank site contains red clay soils characteristic of the Superior Clay Plain.

The specific objectives are to restore wetlands within approximately 117 acres of upland through the construction of low maintenance structures that would not require active maintenance or management once the site is established as a wetland. Grading, excavating and filling would be conducted to construct shallow scrapes and earthen berms to retain surface water hydrology. Shallow marsh and wet meadow/sedge meadow are the target wetland types proposed to be restored and/or created on the site. The project would also involve enhancing existing wetlands by implementing measures to eliminate reed canary grass. Upland buffers would consist of the upland portions of the berms and uplands surrounding the bank site.

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The mitigation bank would be developed and operated in accordance with the *Guidelines for Compensatory Wetland Mitigation in Wisconsin*. Corps approved covenants would be attached to the property deed to ensure the wetland bank is protected and preserved as a conservancy area.

ESTIMATED CREDITS. The bank sponsor anticipates a minimum of 120.70 acres of wetland credit to be generated from this bank site through a combination of wetland restoration, enhancement and upland buffer. The following is a summary of proposed credit types and ratios.

<u>Type of Credit</u>	<u>Acres</u>	<u>Ratio</u>	<u>Credit</u>
Restoration	117.36	1:1	117.36
Sedge/Wet Meadow Enhancement	1.87	0.5:1	0.94
Sedge/Wet Meadow Upland Buffer	19.2	0.125:1	1.85
<b>TOTAL</b>	<b>156.88</b>		<b>120.70</b>

**3. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT**

None were identified by the sponsor or are known to exist in the project area. However, Douglas County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

<u>Species</u>	<u>Status</u>	<u>Habitat</u>
Canada lynx ( <i>Lynx canadensis</i> )	T	northern forested areas
Piping plover ( <i>Charadrius melodus</i> )	E	Sandy beaches; bare alluvial and dredge spoil islands

This proposal is being coordinated with the U.S. Fish and Wildlife Service as part of the Interagency Review Team (IRT). 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 proposal.

**4. JURISDICTION**

This proposal is being evaluated in accordance with rules established for compensatory mitigation for losses of aquatic resources authorized through the issuance of Department of the Army (DA) permits pursuant to Section 404 of the Clean Water Act and/or Sections 9 or 10 of the Rivers and Harbors 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**

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*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/>..

5. HISTORICAL/ARCHAEOLOGICAL

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, 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.

6. PUBLIC INTEREST REVIEW

The decision whether to accept this proposal will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people.

7. REPLIES/COMMENTS

Interested parties are invited to submit written comments, referencing regulatory project number 2013-00039-WMS, 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 Army Corps of Engineers, Hayward Field Office, 15954 Rivers Edge Drive, Suite 240, Hayward, WI 54843.

If you have any questions or need additional information about this proposal, please contact the bank sponsor or Bill Sande at the Hayward office by phone at (715) 934-2170.

Tamara E Cameron  
Chief, Regulatory Branch

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

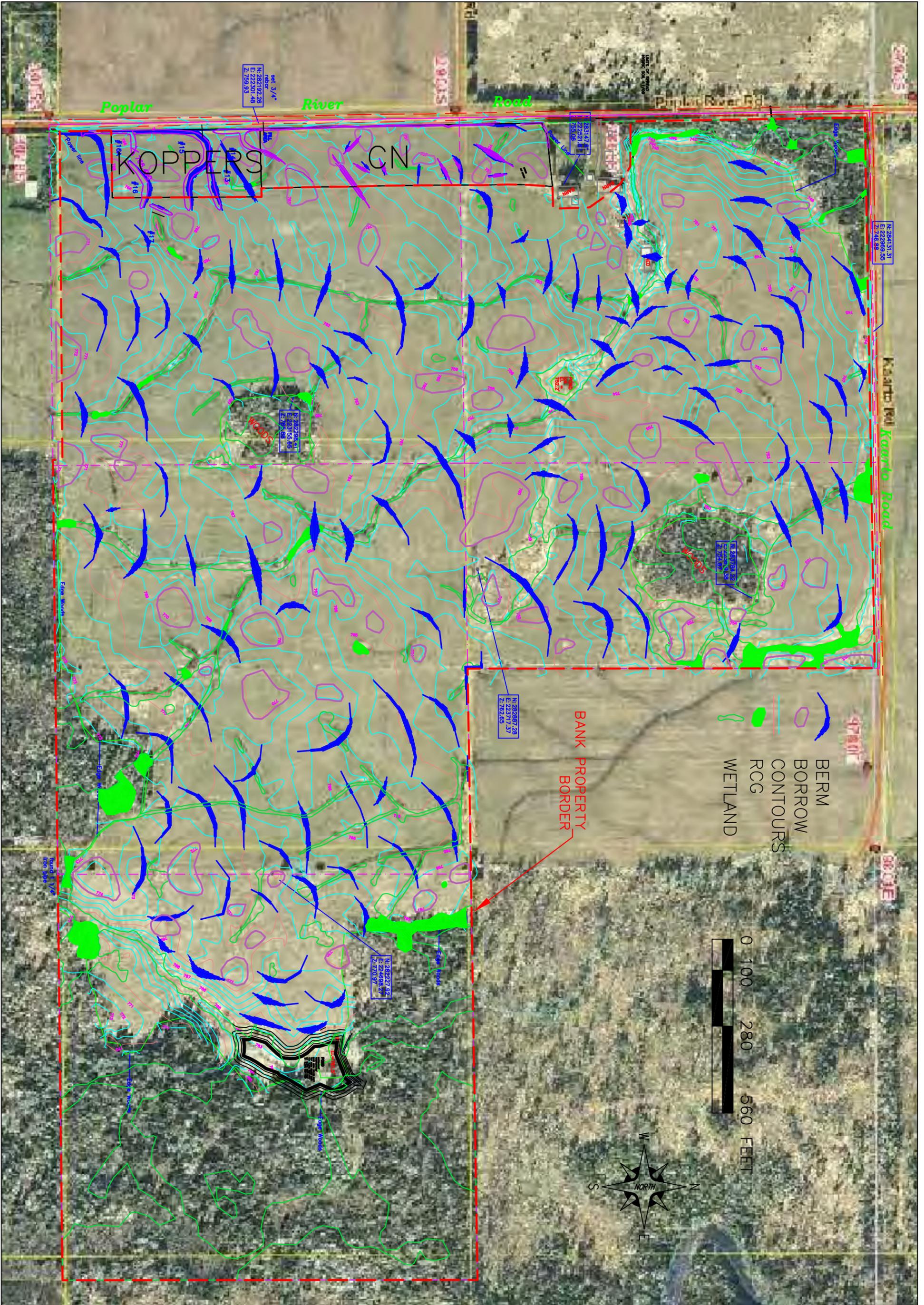
LOCATION MAP



**ICECOR**  
 I C ENVIRONMENTAL CORPORATION

Scale: 1" = 2000'  
 USGS Topographic Map

SHEET 1	
LSWMB Bank Site #2 Prospectus Town of Lakeside, Wisconsin	
SITE LOCATION MAP	
CREATED BY: MLK	2013-00039-WMS Page 1 of 3
DATE: 11/5/2012	



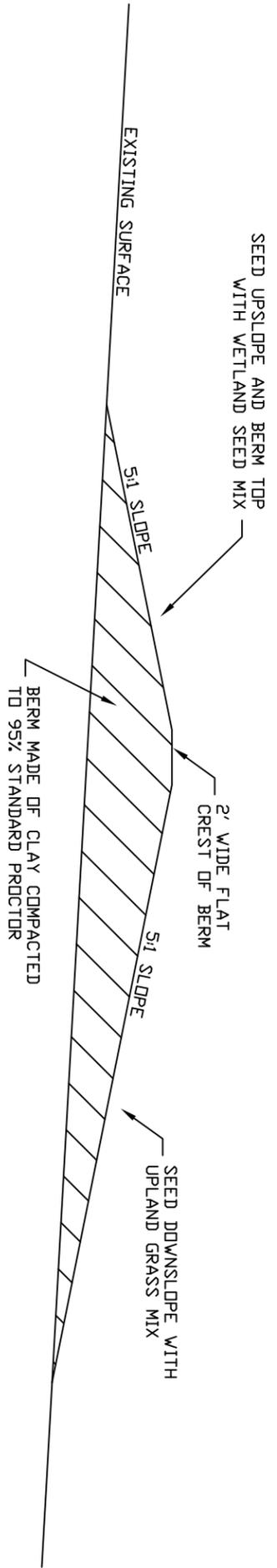
SHEET NO. **2** OF **2**  
 LSWMB BANK SITE #2  
 TOWN OF LAKESIDE, WISCONSIN  
 ICECOR PROJECT #102006032  
 PROPOSED BANK SITE MAP

DATE	REVISIONS	DESCRIPTION
11/6/12	ORIGINAL	SUBMISSION

I hereby certify that this plan, specification or report was prepared by me or under my supervision and that I am a duly licensed **PROFESSIONAL ENGINEER** under the laws of the State of **WISCONSIN**.  
 Printed name: \_\_\_\_\_  
 Date: \_\_\_\_\_ Lic. No. \_\_\_\_\_

**ICECOR**  
 PO BOX 1105  
 SUPERIOR, WISCONSIN 54880  
 (715) 395-0965

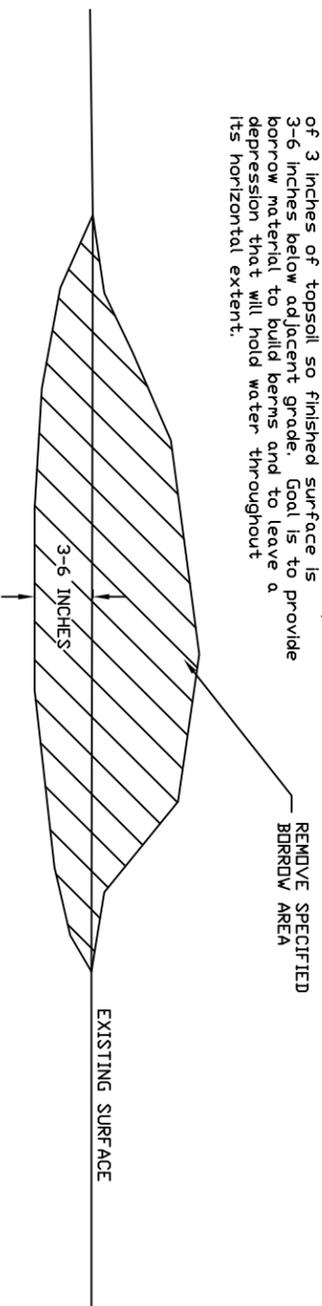
NOTE: POWER TILL UPPER 3 INCHES OF SOIL AND GRASS FROM FOOTPRINT PRIOR TO BUILDING BERM. CLAY CAN REMAIN, MUCK MUST BE REMOVED



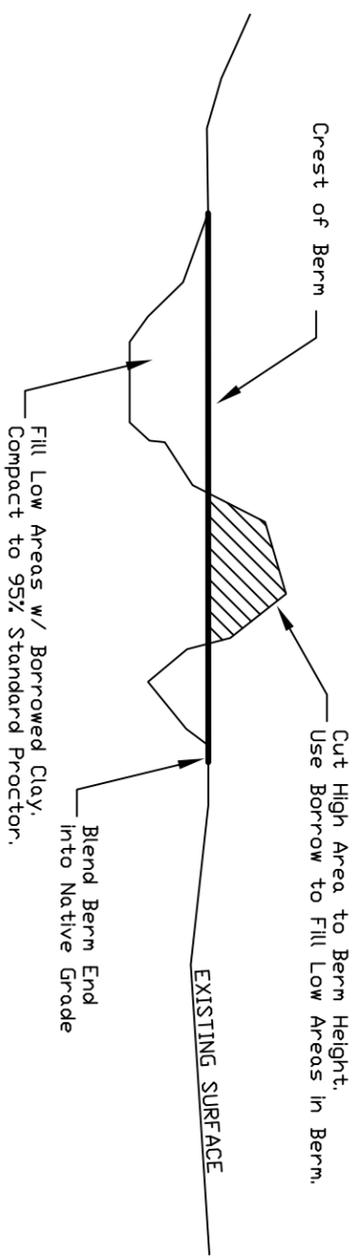
1. RAISE/HUMP HEIGHT OF BERM CREST BY 6 INCHES ACROSS CENTER AND THEN TAPER TO DESIGN ELEVATION AT ENDS TO PROVIDE FREEBOARD AND ENCOURAGE PONDED RUNOFF TO PASS AROUND ENDS OF BERM ON NATIVE UNDISTURBED GROUND.

# TYPICAL BERM CROSS SECTION

Remove borrow area and cover with a minimum depth of 3 inches of topsoil so finished surface is 3-6 inches below adjacent grade. Goal is to provide borrow material to build berms and to leave a depression that will hold water throughout its horizontal extent.



## SPECIFIED BORROW AREAS TYPICAL CROSS SECTION



## TYPICAL BERM CONSTRUCTION

**ICECOR**  
 P.O. BOX 1105  
 SUPERIOR, WISCONSIN 54880  
 (715) 395-0965

I hereby certify that this plan, specification or report was prepared by me or under my supervision and that I am a duly licensed **PROFESSIONAL ENGINEER** under the laws of the State of WISCONSIN.

Printed name: \_\_\_\_\_  
 Date: \_\_\_\_\_ Lic. No. \_\_\_\_\_

DATE	REVISIONS	DESCRIPTION
11/6/12		ORIGINAL SUBMISSION
		CONSTRUCTION PLAN SET

LSWMB BANK SITE #2  
 TOWN OF LAKESIDE, WISCONSIN  
 ICECOR PROJECT #102006032  
 DETAILS MAP #1