



US Army Corps
of Engineers
St Paul District

SPONSORS: Nicholas and Candi
Fuller

Public Notice

ISSUED: 21-JAN-2014

EXPIRES: 20-FEB-2014

REFER TO: MVP-2013-04093-TSM

SECTION: 404 - Clean Water Act

1. **WETLAND COMPENSATORY MITIGATION BANK:** Nicholas and Candi Fuller.
Compensatory Mitigation Bank (Mille Lacs County).

2. **SPECIFIC INFORMATION.**

SPONSOR'S ADDRESS: Nicholas and Candi Fuller
16245 Mission Way
Crosby, Minnesota 56441

SPONSOR'S AGENT: John Smyth,
Stantec
2335 Highway 36 West
St. Paul, Minnesota 55113

PROJECT LOCATION: The project site is located in Sec. 36, T. 37 N., R. 26 W., Mille Lacs County, Minnesota; latitude: 45.65413 and longitude: -93.5151. The approximate UTM coordinates are N 459854.918, E 5055762.525 NAD83/Zone 15.

BANK SERVICE AREA: The proposed bank service area is Bank Service Area 7 (Upper Mississippi South). The site is located in the Rum River major watershed (HUC 07010207) that also includes a portion of the 7-county Twin Cities metro bank service area.

DESCRIPTION OF PROJECT: The sponsor is proposing to develop the Bogus Brook Wetland Bank. The proposed bank site is approximately 38 acres in size, including upland buffer areas. This site is one of four "contract-for credits" sites selected in 2013 to provide credits to the Local Road Wetland Replacement Program (LRWRP) administered by the Minnesota Board of Water & Soil Resources (BWSR). At this time, it is anticipated that all federally-approved credits developed at this bank will ultimately be transferred to the LRWRP.

CURRENT LAND USE ON THE SITE: Current land use on the site is agricultural. The history of cultivation on the site dates back to at least 1938, based on a review of historic aerial photography. There are three drainageways (ditches) within the site. There is an approximately 1.93-square-mile watershed that provides surface flows to this site. A large portion of the water that reaches the site is from the local high water table. The site has pattern tile at approximately 60-foot spacing, with the tile system draining into surface ditches. Some wetlands have been identified on site, primarily along the riparian areas of the main ditch. All but one of the mapped wetlands has a substantial history of cultivation, with most approaching 20 years of documented cultivation out of the 20 years of crop slides reviewed. The mitigation site is part of the 170-acre+ Mud Lake wetland complex, the periphery

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SUBJECT: Fuller (Bogus Brook) Wetland Bank

of which has been drained by agricultural ditching and tile, while the central core remains relatively intact. The sponsor has indicated that the mitigation site was most likely a scrub- and shrub-dominated community prior to agricultural development.

MODIFICATIONS PROPOSED TO RESTORE, ESTABLISH, ENHANCE AND/OR PRESERVE WETLANDS ON THE SITE: The sponsor proposes to restore approximately 19 acres of wetlands with an additional 17 acres of restored and preserved upland buffer, with an additional 2 acres of existing wetland preserved within the proposed easement boundary. The site contains about 36 acres of annually cultivated land, including farmed wetland, drained wetland, and upland. The sponsor proposes to re-establish areas of effectively-drained hydric soil and rehabilitate degraded, partially-drained wetlands on the site. The target communities for restoration are shrub carr, wet meadow, and sedge meadow with typical vegetation and hydrology. In addition, the sponsor proposes to restore farmed upland within the site to native perennial upland communities typical of the area. Any intact upland or wetland within the final easement boundaries will be preserved. The sponsor has proposed that this project would generate from 22.2 to 26.3 compensatory mitigation credits.

The proposed restoration will involve disabling the existing pattern tile and blocking or filling at least one of the ditches. The sponsor anticipates that this will restore hydrology to the entire basin with the exception of the portion directly adjacent to the area they have labeled Drainageway 1 - no credit is being requested for areas expected to be effectively drained by remaining drainage infrastructure. The sponsor anticipates that the scope and effect of intact drainageways will be limited due to the shallow depth of these ditches.

Removal of the ditches and dikes would restore the pre-disturbance hydrological regime, thereby facilitating the site's reversion to a wet meadow and shrub carr wetland community. Sprayed areas and disturbed soil would be seeded with native wetland species according to a vegetation establishment and management plan. The sponsor would be responsible for control and eradication of invasives and nonnative vegetation, and the bank would be subject to performance standards for hydrology and vegetation.

Maintenance of the vegetation would be adaptive to site conditions for the proposed five years of active vegetative establishment. It will include a combination of burning, mowing and spot spraying of herbicide throughout the maintenance period to help in the establishment of native vegetation. Roundup or an approved equivalent will be used on the upland areas and an approved aquatic glyphosate herbicide such as Rodeo or equivalent will be used in the wetland areas.

LONG-TERM MANAGEMENT OF THE SITE: The established bank site would be managed by the Sponsors, Nicholas and Candi Fuller, or their successors in property ownership. Credit sales will be tracked by the Sponsor. If, as the Sponsor anticipates, credits released from this bank are transferred to the LRWRP, BWSR would become responsible for tracking those credits. The reported credit releases and withdrawals would be tracked on both Corps and state databases using ledger data supplied by the state. Long-term management of the property would be the responsibility of the landowner and the Fullers until all released credits have been withdrawn. 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 a conservation easement, bank plan, and Mitigation Banking Instrument.

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The site would be adaptively managed for development of woody and 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 mitigation bank instrument that includes a bank plan.

SURROUNDING LAND USE: Approximately 50% of the surrounding land-use is wetland. The land-use north of the sites is wooded, with forest and un-drained wetland to the west, while properties to the south and southeast of the site are farmed. The site is part of the Mud Lake wetland complex. The margins of the complex have been drained for agriculture. The plant communities in the lowest portions, while somewhat modified by agricultural development on the margins, remain relatively intact based on information provided by the sponsor. Mud Lake is regulated by the Minnesota Department of Natural Resources as a public water.

COORDINATION WITH RESOURCE AGENCIES: This project was previously coordinated with the following members of the Interagency Review Team (IRT) and other resource agencies during federal review of a 2013 list of sites considered for funding by the BWSR-sponsored LRWRP. Agencies consulted during that earlier review include: the Minnesota Department of Natural Resources, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service.

AVAILABILITY OF THE PROSPECTUS: A web-accessible electronic copy of the prospectus is available on the Regulatory and In-Lieu Fee Bank Information Tracking System (RIBITS) at: <http://ribits.usace.army.mil>

The folder for this bank proposal can be found among the banks listed for Minnesota under the tab for Banks & *ILF Sites*, as *MN - Mille Lacs - Fuller [BWSR] NIB*. This prospectus can be found by following the "cyber-repository" link for this bank folder.

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.

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 Tom Mings at the St. Paul office of the Corps, telephone number (651) 290-5365.

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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.

No federally listed threatened or endangered were identified by the applicant or are known to exist in the permit area. Milles Lacs County is within the currently identified range of the Northern long-eared bat (*Myotis septentrionalis*), a species proposed for federal listing as an endangered species. This application 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. It is our preliminary assessment that regulated discharges will be required to complete the ditch blocks shown in the attached conceptual plan. The regulated discharges associated with implementation of a final approved bank plan can 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/RegulatoryActions.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 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.

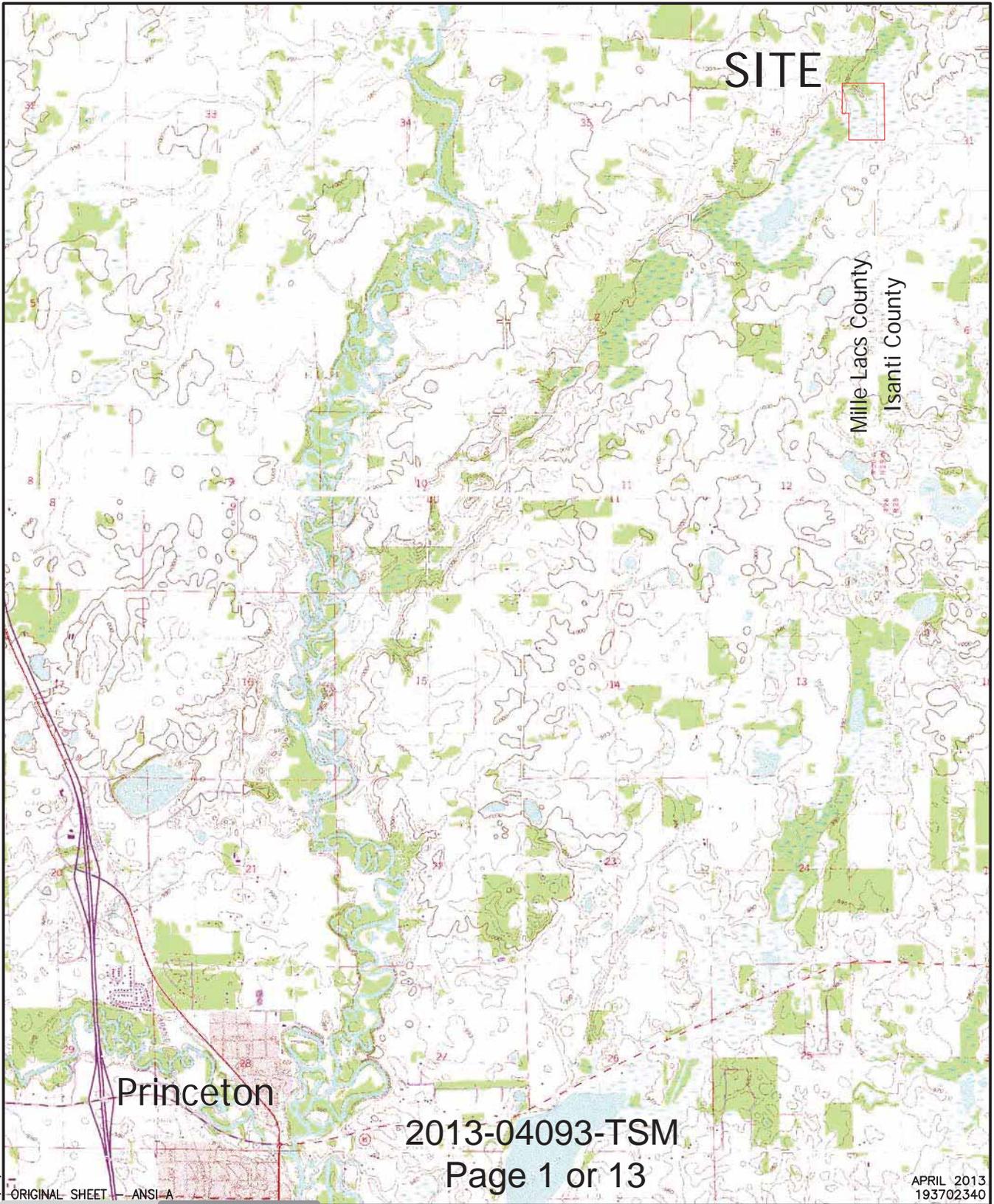
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding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

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SUBJECT: Fuller (Bogus Brook) Wetland Bank

Tamara E. Cameron,
Chief, Regulatory Branch

Enclosure(s)

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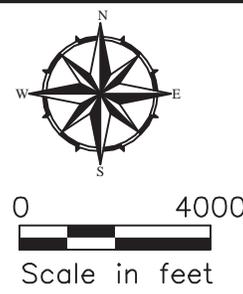


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APRIL 2013
193702340



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St. Paul, MN
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www.stantec.com



Client/Project
FULLER
WETLAND BANK
MILLE LACS COUNTY
Figure No.
1.0
Title
**SITE
LOCATION MAP**

USGS Quad Princeton & Princeton NE

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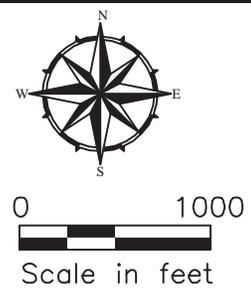


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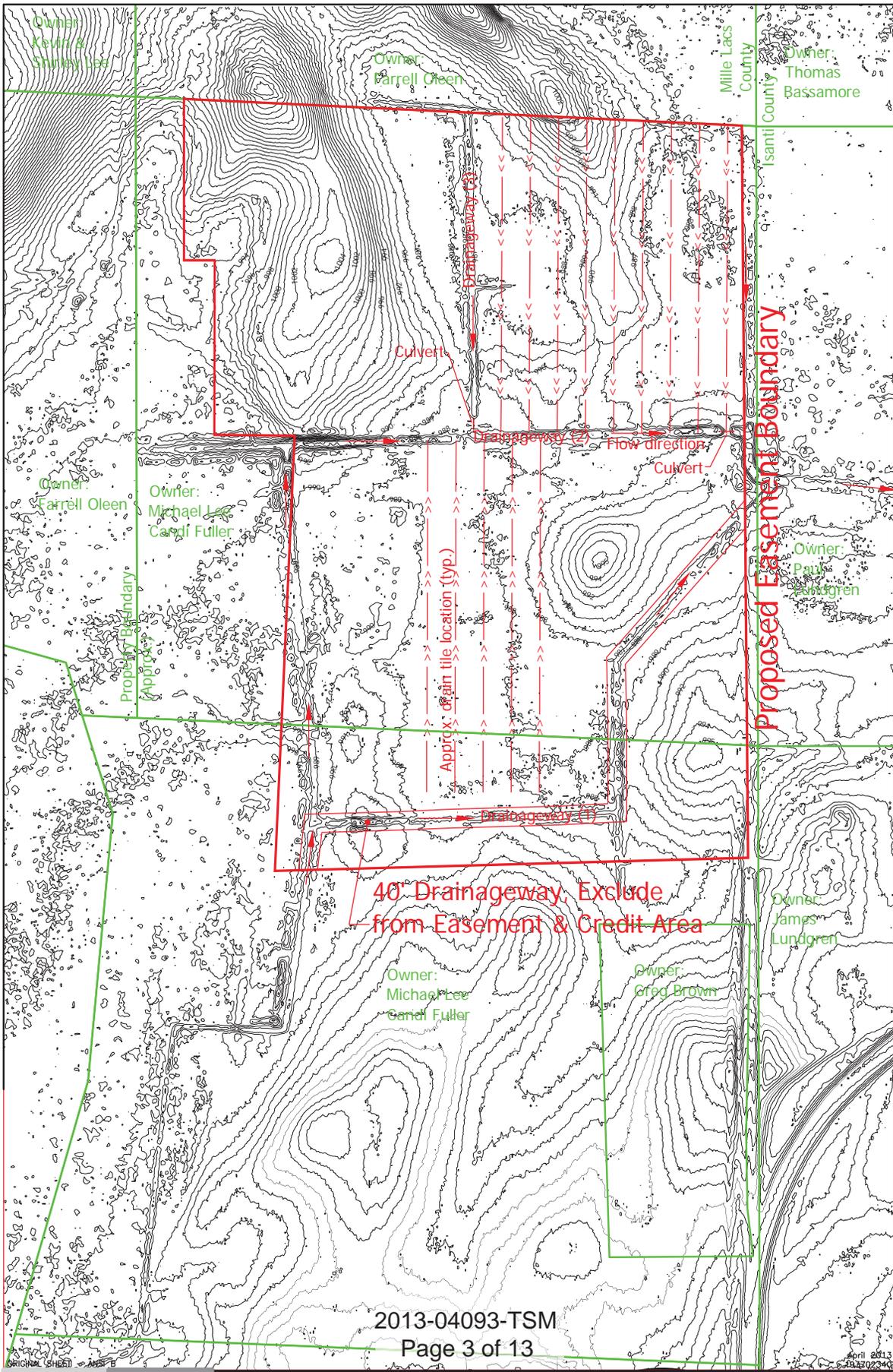


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2010 FSA Aerial Photo

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FULLER
WETLAND BANK
MILLE LACS COUNTY
Figure No.
2.0
Title
**EXISTING
LAND USE**



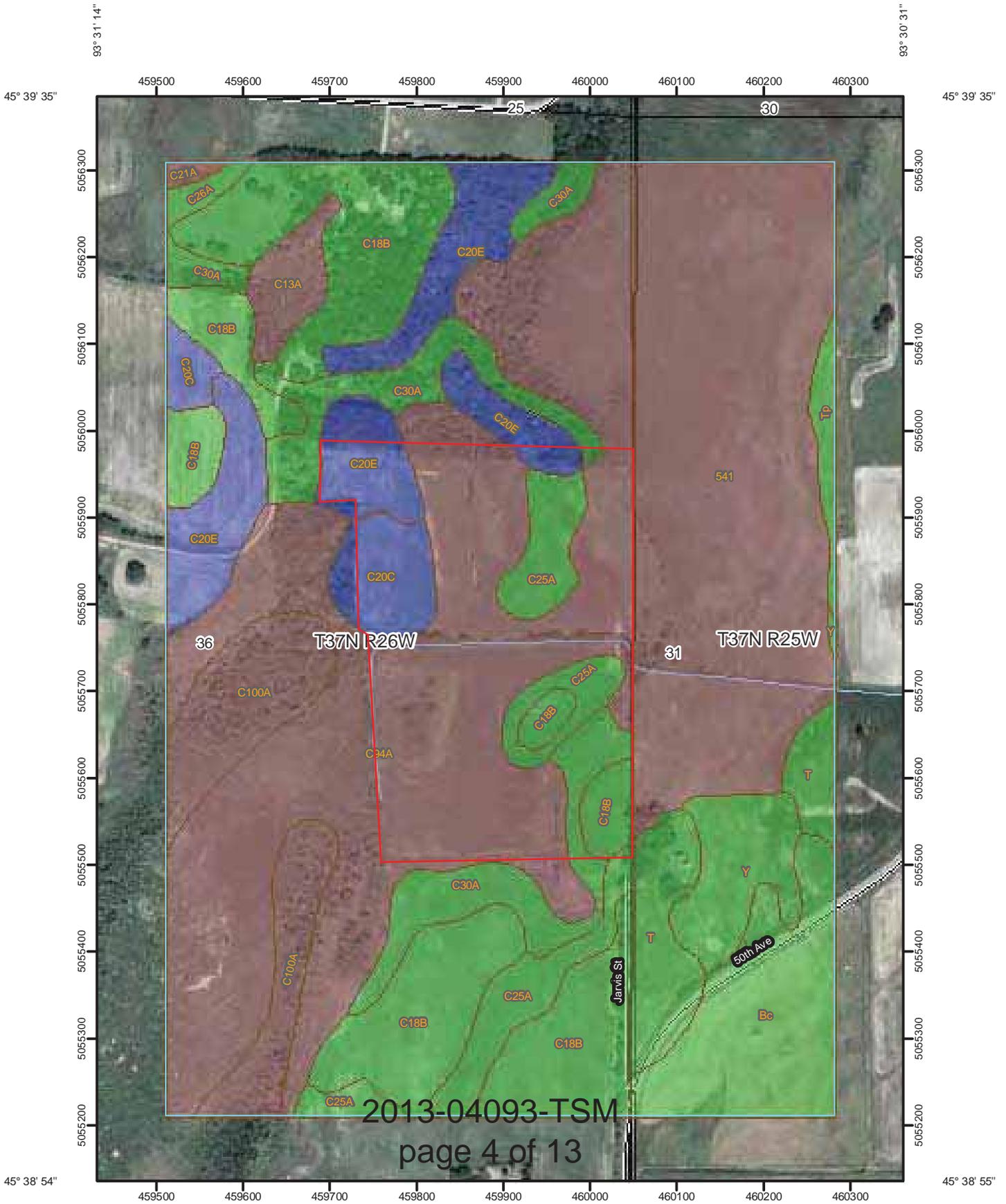
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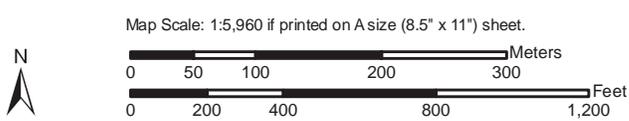
Client/Project
 FULLER
 WETLAND BANK
 MILLE LACS COUNTY
 Figure No.
3.0
 Title
**EXISTING CONDITIONS
 1-FT TOPO (LIDAR)**

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Hydric Rating by Map Unit—Isanti County, Minnesota, and Mille Lacs County, Minnesota
(Fuller Wetland Bank)

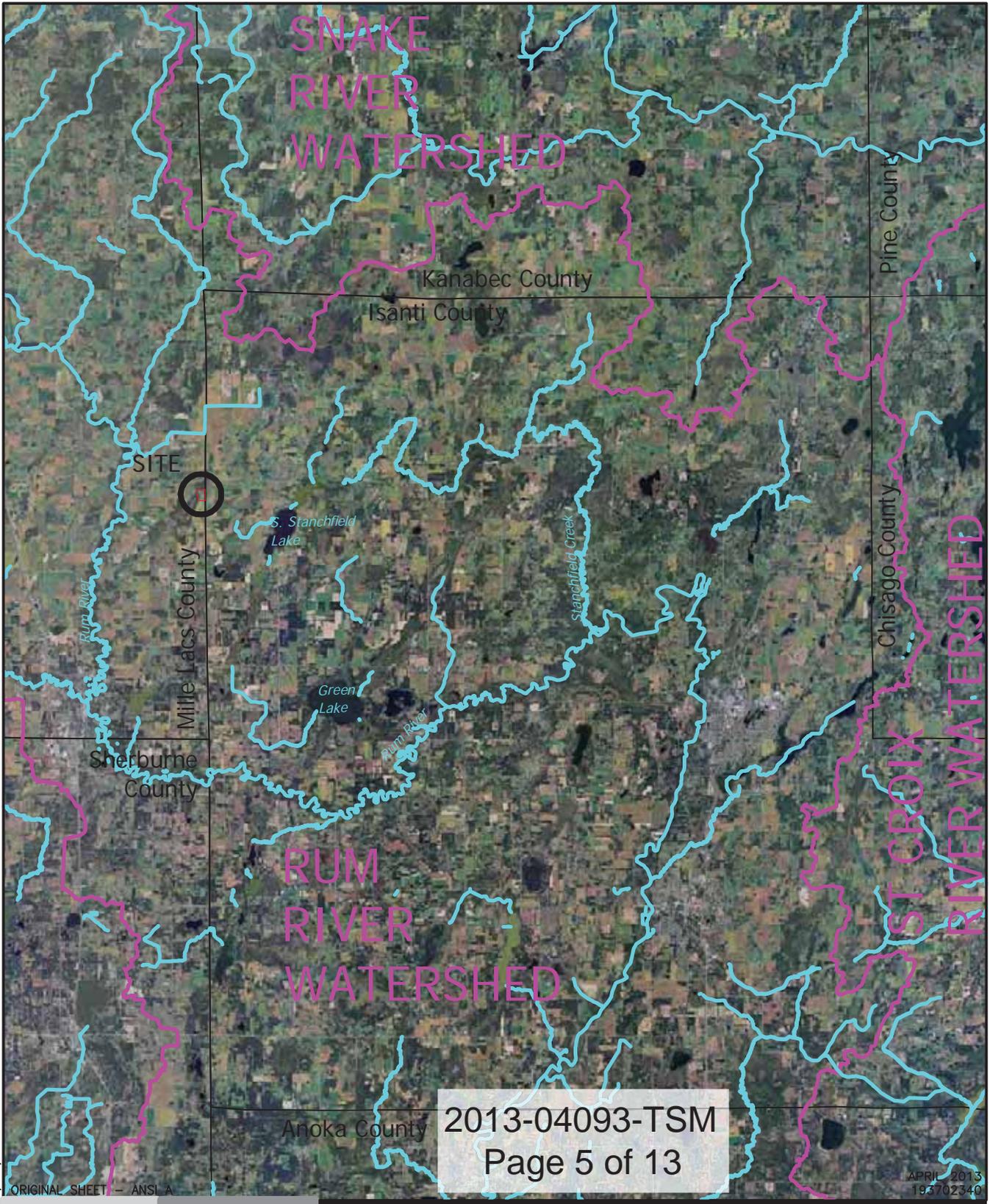


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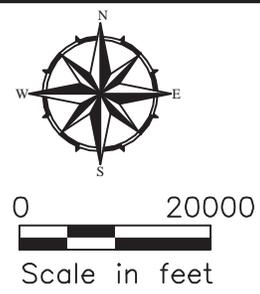


FULLER
WETLAND BANK
MILLE LACS COUNTY
Figure No.

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MILLE LACS COUNTY
Figure No.
5.0
Title
**WATERSHED MAP
RUM RIVER**

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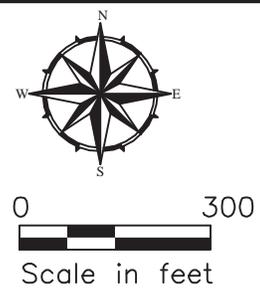
- Existing Vegetation Communities
- Partially Drained / Armed Wetland
 - Partially Drained Shrub Scrub
 - Upland / Armed

Note: Wetland boundaries based on aerial photo interpretation and SA slide review

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2012 Bing Aerial Photo

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MILLE LACS COUNTY

Figure No.
6.0

Title
**EXISTING WETLANDS
MAP**

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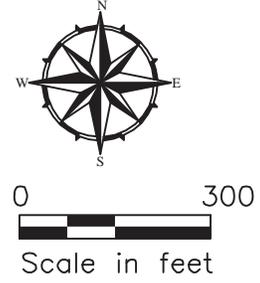
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Drainage by Eclude
from Easement Credit Area

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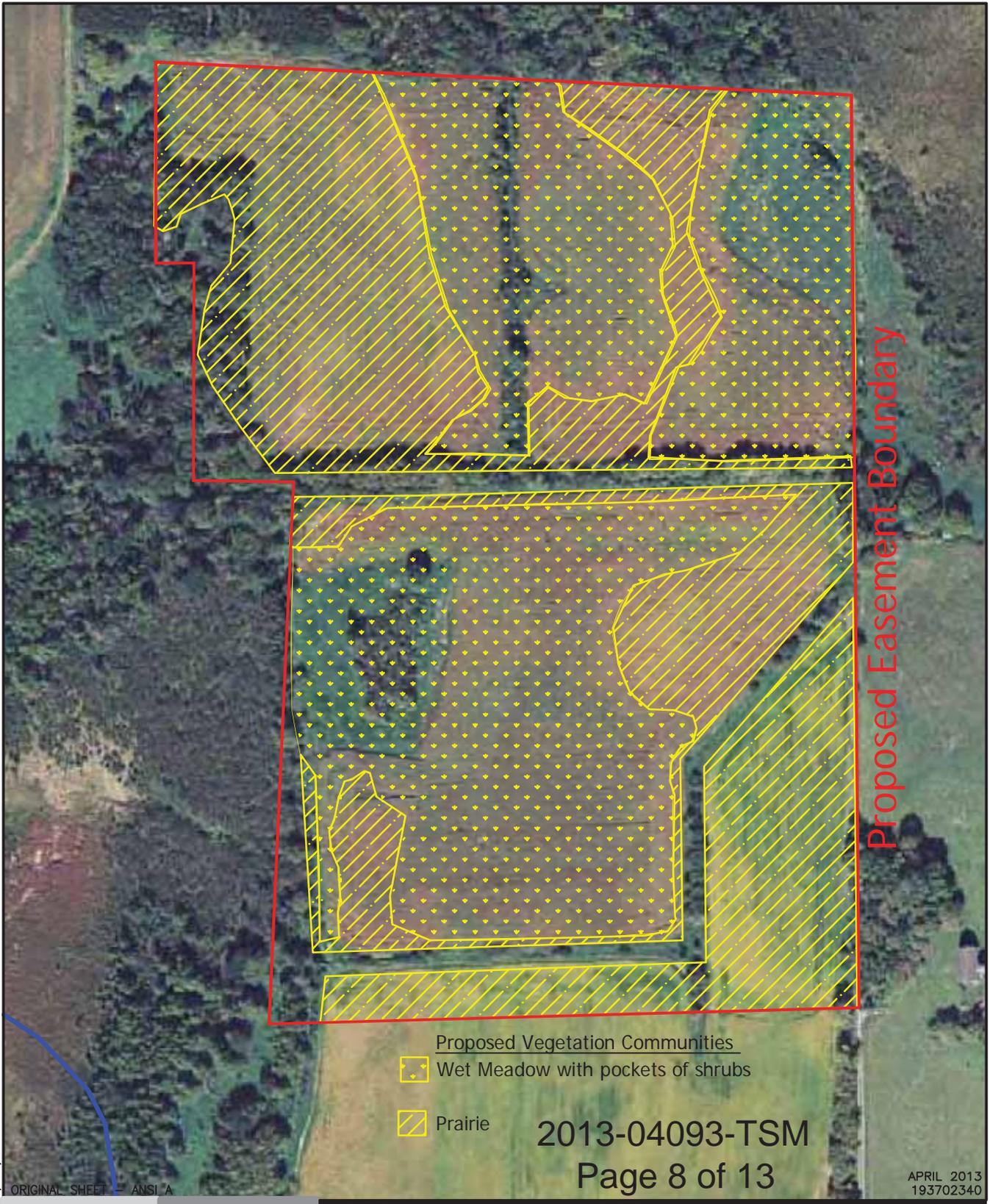


2012 Bing Aerial Photo

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MILLE LACS COUNTY
Figure No.
7.0
Title
**CREDIT AREA
MAP**

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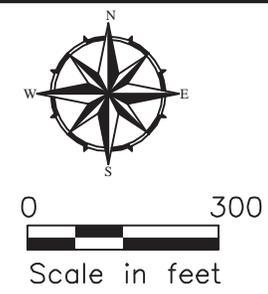
- Proposed Vegetation Communities
-  Wet Meadow with pockets of shrubs
 -  Prairie

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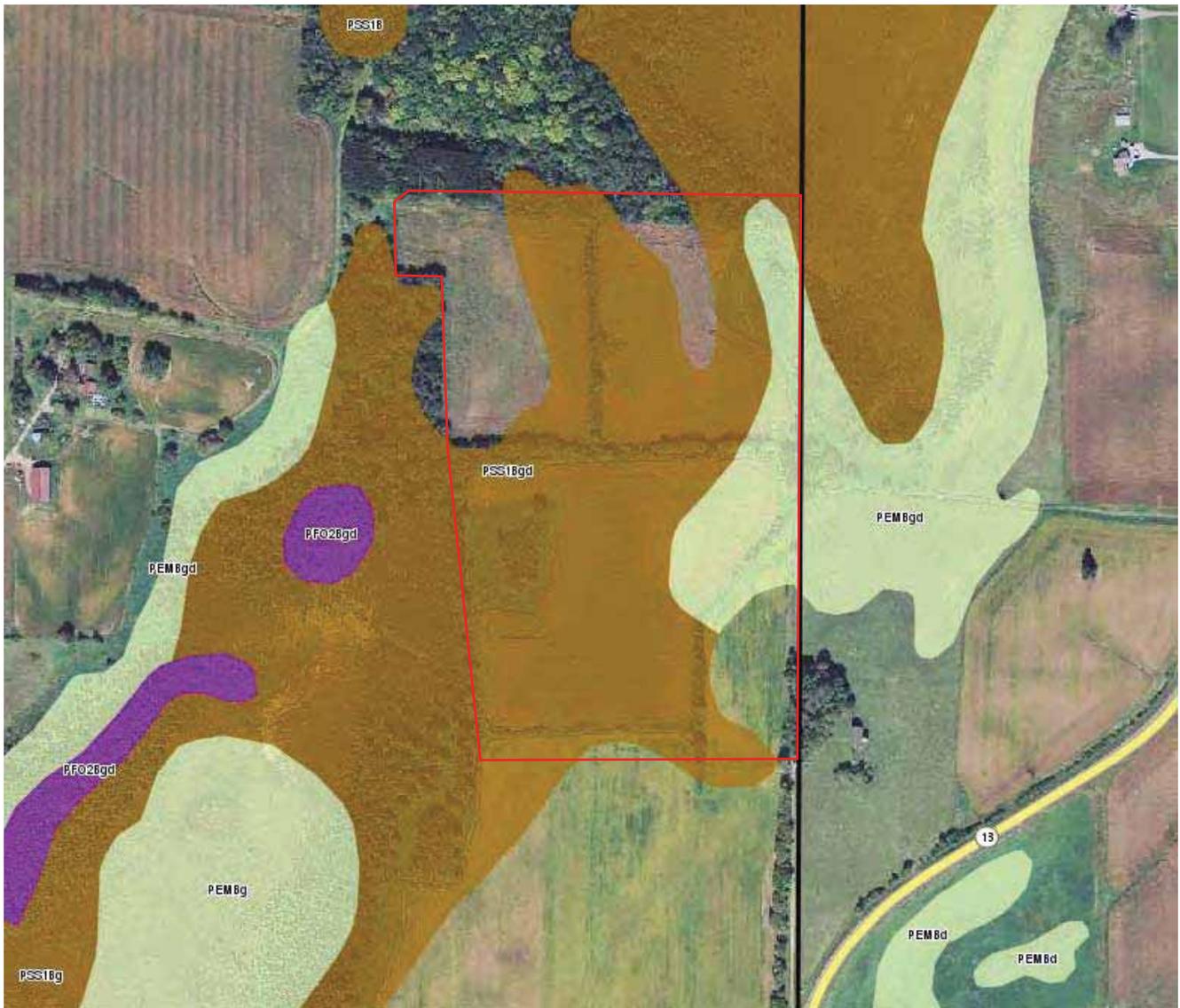


2010 FSA Aerial Photo

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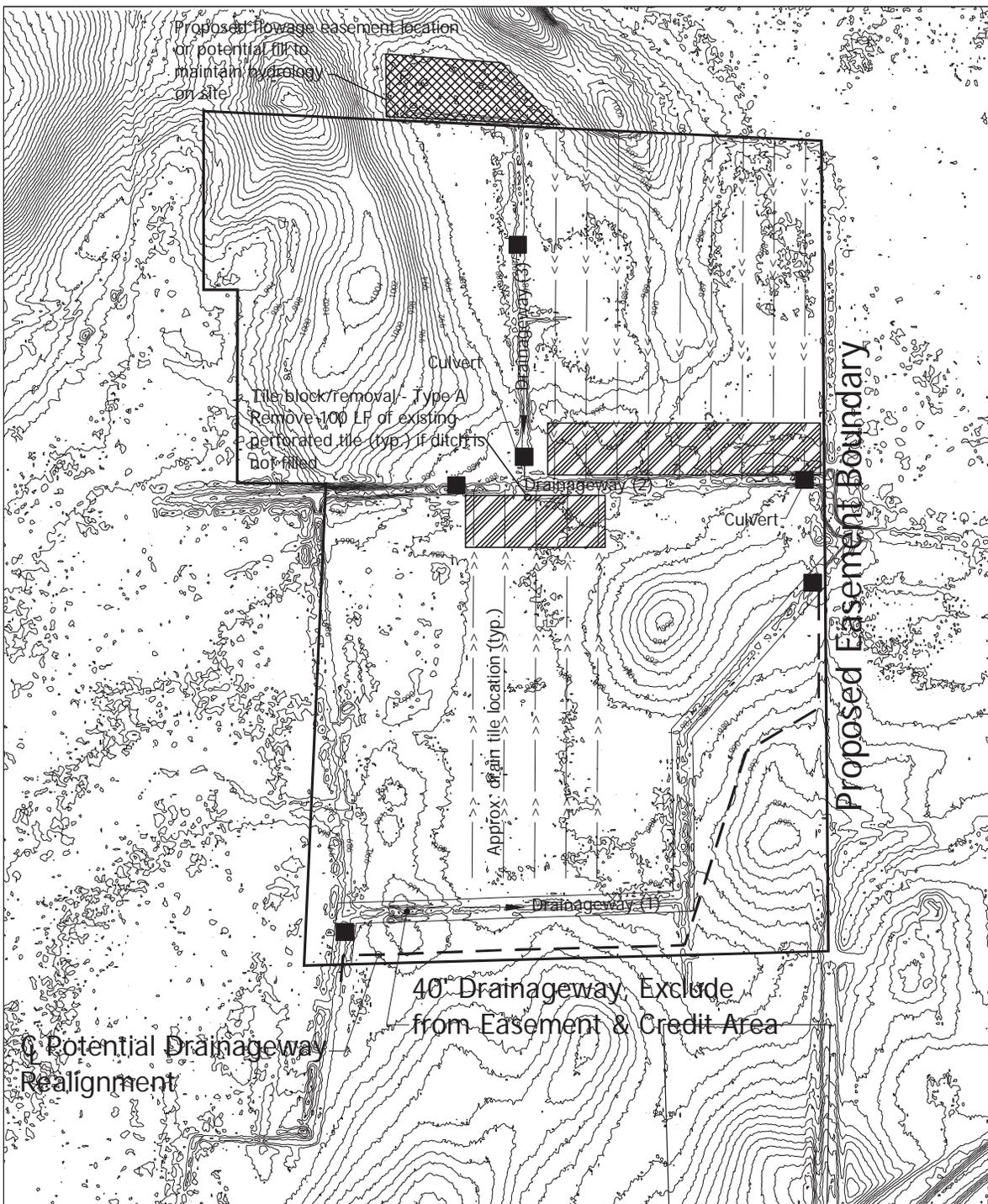
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8.0

Title
**PROPOSED VEGETATION
 MAP**



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FULLER
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Figure No.
9.0
National Wetland Inventory



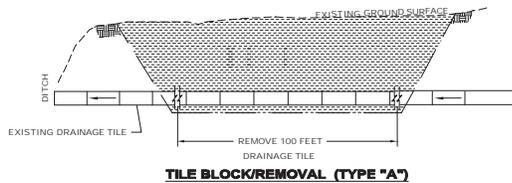
CONSTRUCTION SPECIFICATIONS (TILE DRAINAGE BLOCKS):

The work shall include all labor, materials, and equipment required to complete the excavation and removal of all tile drainage systems as required by the drawings or as stated. Unless otherwise specified, the drainage tile shall be excavated and removed for the length stated or as specified by the Project Technician. All fragments of the drainage tile shall be removed from the excavated trench.

If any existing drainage tile not shown on the drawings or stated is encountered during excavation, the Project Technician shall be notified to address work in the area of the encountered drainage tile shall be performed prior to the Project Technician's approval. Any work done to remove, replace, or repair the encountered drainage tile shall be as directed by the Project Technician.

Each end of the exposed drainage tile in the excavated trench shall be blocked to prevent water from entering or exiting the tile. The blocking of the tile ends shall be performed as shown on the drawings or by any of the following methods:

- 1) Plug each tile end with an impervious material, such as concrete, that will remain securely in the tile.
 - 2) Cap each tile end with a tile cap for the appropriate size and type of tile that is securely cemented or grouted. After sealing with cement or grout, cap may be held in place with wood or metal stake.
 - 3) Block each tile end with a 24" x 24" sheet of 0.4 retention pressure treated plywood (minimum thickness 3/8") which is centered and held firmly against the tile end with a steel fence post.
- Backfill and tamp by hand a minimum distance of two feet around each sealed tile end with suitable soil material. Backfill the remaining trench with the most suitable material available and compact to a density equal to or greater than that of the surrounding undisturbed soil. Do not backfill with any soil containing broken tile fragments. The moisture content of the backfill material shall be maintained within the limits required to:
- a) allow the soil to form a ball that does not readily separate when kneaded in the hand;
 - b) prevent adherence of the fill material to the equipment tracks or treads;
 - c) prevent rutting by equipment; and
 - d) ensure that blending of the soil results in a reasonably homogeneous mass.



■ This symbol is located in ditches that may be filled or blocked. Filling of the ditch is preferred if fill is available. Final location and extent of fill will be dependent on the findings from additional engineering analysis by Stantec.

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July 2013
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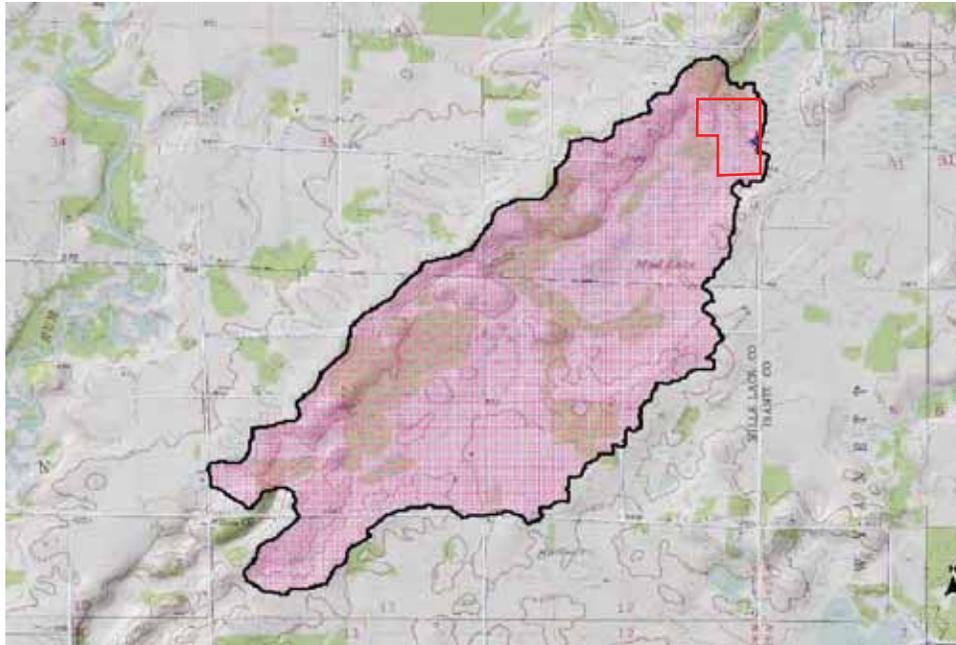
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Scale in feet

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MILLE LACS COUNTY
Figure No.
10.0
Title
**CONCEPT PLAN
UPDATED JULY 19, 2013**



StreamStats Print Page

Fuller Wetland Bank



0.5 0.5 0 0.5 Miles

Legend

- | | |
|------------------------|-------------------------------------|
| ☆ GlobalWatershedPoint | ▲ Gaging Station, Continuous Record |
| ◆ Slp1085Point | ▲ Low Flow, Partial Record |
| — LongestFlowPath3D | ▲ Peak Flow, Partial Record |
| ▭ GlobalWatershed | ▲ Peak and Low Flow, Partial Record |
| ■ Stream Grid | ▲ Stage Only |
| ⊠ ExcludePoly | ▲ Low Flow, Partial Record, Stage |
| | ▲ Miscellaneous Record |
| | ▲ Unknown |

Watershed Area: 1.93 square miles

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MILLE LACS COUNTY
Figure No.
11.0
Watershed Map



Wetland Bank Credit Allocation Table

Map ID	Credit Action ²	Acres ³	Credit Allocation			
			Minimum Credit ⁴		Maximum Credit ⁵	
			% Credit	Credit Amount	% Credit	Credit Amount
Site 1	Subp. 4	1.20	50	0.60	50	0.60
Site 2	Subp. 4	0.90	90	0.81	90	0.81
Site 3a	Subp. 4 or 3**	4.85	100	4.85	100	4.85
Site 3b	Subp. 4 or 3**	2.38	100	2.38	100	2.38
Site 4	Subp. 4 or 3**	7.88	100	7.88	100	7.88
Site 5	Subp. 4	1.55	90	1.55	90	1.55
Upland Buffer	Subp. 2	16.52	25	4.13	50	8.26
TOTAL EASEMENT SIZE:		35.28*	TOTAL:	22.20	TOTAL:	26.33

¹A **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.

²As 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

³Acres 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.

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

⁵Enter 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).

Proposed Credit Release Table

% of Anticipated Credits Released	Basis for Credit Release (include basis for both wetland and upland areas)
15	Construction has taken place and as-built submitted
30	Hydrology: 50% of the proposed wetland area should have wetland hydrology indicators Vegetation: Seedlings of at least 3 early successional native sedges, rushes, grasses or forbs should be evident and at a minimum widely dispersed through the seeded area. Invasive species at 40% or less. Cattail will not be considered an invasive species.
30	Hydrology: 75% of the proposed wetland area should have wetland hydrology indicators Vegetation: Seedlings of at least 3 early successional native sedges, rushes, grasses or forbs should be evident and at a minimum widely dispersed through the seeded area. Invasive species at 30% or less. Cattail will not be considered an invasive species.
25	Hydrology: 100% of the proposed wetland area should have wetland hydrology indicators Vegetation: The wetland contains 4 native species and the buffer contains 5 native species with less than 20% invasive species. Cattail will not be considered an invasive species.