



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

SPONSOR: Bruce Paakh

Public Notice

ISSUED: January 8, 2025

EXPIRES: February 7, 2025

REFER TO: 2000-04424-EJI

SECTION: 404 - Clean Water Act

1. PROPOSED MODIFICATION OF MITIGATION BANK INSTRUMENT
2. SPECIFIC INFORMATION

SPONSOR'S ADDRESS: Bruce Paakh
12219 Sand Lake Road
Lake Park, Minnesota 56554

SPONSOR'S AGENT N/A

PROJECT LOCATION: The project site is located in Section 26, Township 141 North, Range 044 West, Clay County, Minnesota. The approximate UTM coordinates are N 5208609.136782, E 710526.293726. Latitude 46.997508, Longitude -96.230904.

BANK SERVICE AREA: The proposed bank service area is 4-Upper Red River of the North.

DESCRIPTION OF PROJECT: The sponsor is proposing to modify the Clay 137 bank to expand the conservation easement in order to encompass and receive credit for additional wetland area that developed as a result of the restoration activities. In 1997, the sponsor restored hydrology of eleven wetland basins by blocking drainages and planted native seeds within the wetland basins to improve the floristic quality of the wetlands. In 2001, the sponsor restored the hydrology of two additional wetland basins on his property by blocking drainages and planted native seed in these basins to improve floristic diversity in these wetlands. An easement was placed over the wetland basins in, protecting these wetland basins in perpetuity.

The sponsor believes that additional hydrology has developed since the site was constructed and has proposed to extend the conservation easement to protect the additional wetland areas. This proposal seeks to expand the easement at this site to include additional wetland acreage and receive additional wetland credits. The original easements totaled approximately 12.7 acres and 12.6800 credits were deposited. The proposed expanded easement would be approximately 31.2 acres and would encompass an additional 6.7 acres of wetland and 11 acres of upland. The sponsor does not propose any additional hydrologic restoration work at this site but may propose establishment of native vegetation in certain areas.

NEED AND OBJECTIVE OF PROJECT: The sponsor states there is a shortage of available Wetland Banking Credits within Bank Service Area 4 for replacing impacts from both MnDOT and private projects. The shortage means that individuals seeking credits in Bank Service Area 4 have sometimes needed to purchase credits outside of Bank Service Area 4, due to the lack of available credits in Bank Service Area 4.

ESTABLISHMENT, OPERATION AND MANAGEMENT: The majority of the wetlands associated with this proposal were restored in 1997. A smaller number of wetlands were restored in the fall of 2001.

The final bank easement was recorded on April 10, 2002. Most of the site has been established for approximately 25 years and has been managed during that time to control weeds and to maintain vegetative diversity. Most of the land immediately adjacent to the proposed easement areas is enrolled in the CRP program and was seeded with a native seed mix.

OWNERSHIP AND LONG-TERM MANAGEMENT: The bank site is owned by the sponsor who has been managing the site since it was created in 1997 and 2001. The site is managed to control invasive plant species to maintain the diversity of the native plant community at the site.

TECHNICAL FEASIBILITY AND QUALIFICATIONS: The wetlands in this bank were restored in two phases: the majority in 1997 and additional basins in 2001. Most of the site has been functioning for approximately 25 years. Expansion of the easement appears to be technically feasible as it is contained within property owned by the sponsor. The sponsor has experience managing several wetland bank sites within Clay and Becker County.

ECOLOGICAL SUITABILITY: The site contains eleven wetland basins restored by blocking drainages and seeding with a native seed mix. The wetland basins are typical for the region. The upland buffer consists of tallgrass prairie which is typical for the region.

HYDROLOGY: The site was originally constructed in two phases in 1997 and 2001. The last monitoring report was submitted to the Corps in 2010, documenting satisfactory hydrology in the original easement areas. The sponsor believes additional hydrology has developed since the site was constructed and has proposed to extend the conservation easement to protect, and receive credit for, the additional wetland areas.

CURRENT LAND USES: The area proposed for inclusion in the wetland bank easement is currently used as a wetland bank site with portions enrolled in CRP and portions in cultivation of annual crops. The Goose Prairie Marsh wildlife management area is located to the north and west of the proposed bank and Ducks Unlimited owns a property immediately to the west of the bank site. Active farms are located to the east of the bank site.

COORDINATION WITH RESOURCE AGENCIES: The Corps is coordinating this proposal with the following members of the Interagency Review Team (IRT) and other resource agencies: United States Environmental Protection Agency, Minnesota Department of Natural Resources, Minnesota Board of Water and Soil Resources.

3. 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, Clay County is within the known historic range for the following Federally-listed species:

Monarch Butterfly	Candidate
Western Regal Fritillary	Proposed Threatened
Gray Wolf	Threatened
Wester Prairie Fringed Orchid	Threatened

The Corps is coordinating this notice with the U.S. Fish and Wildlife Service. The Corps will consider any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or

their critical habitat in our final assessment of the described work.

4. JURISDICTION

The Corps is reviewing this proposal in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

5. HISTORICAL/ARCHAEOLOGICAL

The Corps has consulted the latest version of the National Register of Historic Places and determined that no listed properties (known to be eligible for inclusion or included in the Register) are located in the project area. The Corps will consider the potential effects of the project on any unidentified cultural resources and/or historic properties. The Corps will coordinate, if required, its determination on identification of historic properties and any effect findings with the State Historic Preservation Officer and other consulting parties as appropriate independent of this public notice. The Corps will resolve any adverse effects on historic properties in coordination with consulting parties prior to the Corps' authorization of the work in connection with this project.

6. PUBLIC HEARING REQUESTS

Any person may request, in writing, within the comment period specified in this notice, that the Corps hold a public hearing to consider this proposal. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. The Corps may deny public hearing request(s) if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

7. REPLIES/COMMENTS

The Corps invites interested parties to submit written facts, arguments, or objections by the expiration date above. 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. The Corps will forward comments received to the sponsor and consider all comments during our evaluation. Interested parties can find a copy of the Modification Draft Addendum in the RIBITS Cyber Repository at the following link:

https://ribits.ops.usace.army.mil/ords/f?p=107:278:7046614323118:::278:P278_BANK_ID:1374

Comments can be electronically submitted at the following link <https://rrs.usace.army.mil/rrs/public-notices> or by email to evan.j.ingebrigtsen@usace.army.mil

If electronic submittal is not available, commenters should address replies to:

Regulatory Division
St. Paul District Corps of Engineers
332 Minnesota Street, Suite E1500
St. Paul, MN 55101-1323

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Evan Ingebrigtsen at the Brainerd office of the Corps, telephone number 651-290-5765

Regulatory Division (File No. MVP-2000-04424-EJI)

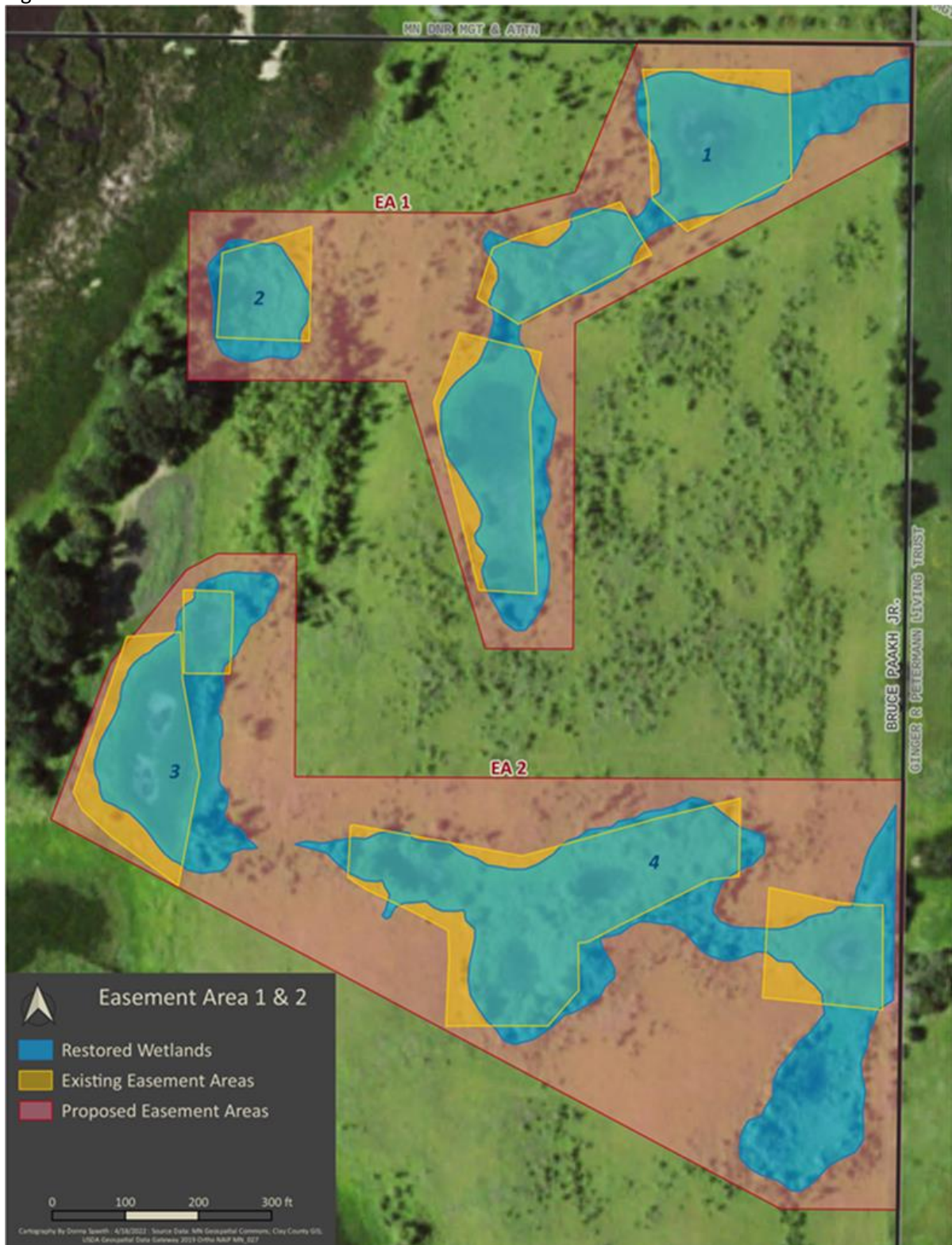
To receive Public Notice notifications, go to: <https://www.mvp.usace.army.mil/Contact/RSS/> and subscribe to the RSS Feed for which you would like to receive Public Notices.

Enclosures: 2000-04424-EJI; Clay 137 Wetland Bank, Public Notice Figures 1-3

Figure 4. Existing Easement Boundaries, Restored Wetlands and Proposed Easement Areas



Figure 5. Easement Areas 1 and 2



Easement Area 3 is near the south end of the property and is 13.24 acres in size (see Figure 6.) Access to this area is directly from the driveway. This area combines three existing easement areas and includes Wetland 6 located in the SE corner of this parcel.

Figure 6. Easement Area 3



4. Historical Conditions

Provide an assessment of historical site conditions from pre-settlement to current condition. Utilize historical aerial photos, soil mapping, onsite investigations, and other available information to describe historical conditions on and near the site including historical wetland types and extent. Attach and reference supporting documents as necessary.

Prior to settling by Europeans, eastern Clay County was inhabited by the Chippewa and to a lesser degree Dakota Tribes of Native Americans. This area was a classic prairie pothole habitat consisting of tallgrass and wet prairie that were associated with the extensive wetland habitat throughout this region. Sites located at higher elevations most likely contained mixed grass prairie with plants such as little bluestem and side-oats grama that are common to the drier condition present in these locations. The project area near Hitterdal was dominated by prairie and wetlands with small shallow lakes and small patches of forest, often in fire shadows behind lakes and large wetlands. Figure 7 provides a map of Clay County Presettlement Vegetation that presents the dominant vegetation types present prior to disturbance by early settlers and includes the location of the project area