



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

SPONSOR: Eric Peterson

Public Notice

ISSUED: 09/15/2020

EXPIRES: 10/15/2020

REFER TO: 2019-01028-MMJ; Hawk
Creek Wetland Bank

SECTION: 404 - Clean Water Act

1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL
2. SPECIFIC INFORMATION

SPONSOR'S ADDRESS: Eric Peterson
237 E. Skyline Dr.
Granite Falls, MN 56241

SPONSOR'S AGENT: Greg Goeser & Mike Nelson
Anez Consulting
1201 Grace Ave. SW
Willmar, MN 56201

PROJECT LOCATION: The project site is located in Section 1, Township 116 North, Range 39 West, Chippewa County, Minnesota. The approximate UTM coordinates are X: 303526.618923, Y: 4973258.698734. Latitude: 44.885649, Longitude: -95.487885.

BANK SERVICE AREA: The proposed bank service area the Minnesota River Basin in Minnesota (Bank Service Area/BSA 9). The site is located in the Hawk Creek (25024) minor watershed, the Minnesota River- Granite Falls (25) major watershed.

DESCRIPTION OF PROJECT: The sponsor is proposing to develop the Hawk Creek Wetland Bank. The proposed bank site is approximately 142.9 acres in size, including upland buffer areas.

NEED AND OBJECTIVE OF PROJECT: The project objective is to restore or enhance 142.9 acres to pre-settlement wetland and upland, hydrology and vegetation conditions, which would provide filtration of flood water, prevent erosion and downstream flooding, and create and improve wildlife habitat. Three acres would be excluded from the easement to provide access and maintenance equipment and material storage. Crops and weeds and invasive plants would be replaced with native species that are naturally suited for the site conditions. In addition to attracting and providing food and habitat for wildlife, specially selected trees, shrubs, forbs, and grasses would filter surface water and prevent erosion and downstream flooding.

Since at least 2000 the demand for, and the cost, of wetland credits has increased every year. Whether they are needed by developers, or by farmers attempting to improve their fields and maximize production, there is always a credit shortage in the more heavily populated/developed Bank Service Areas (BSAs). BSA 9 includes a majority of the state's farmland and a portion of the Twin Cities metropolitan area. In addition to meeting the land use demands, the Hawk Creek wetland bank would benefit the watershed, aquifers, and wildlife in a part of Minnesota that is heavily tiled and ditched. The retention and filtration of water would also reduce flooding and contamination of downstream river systems.

ESTABLISHMENT, OPERATION AND MANAGEMENT: Three primary native seed mixes would be used for the majority of site vegetation restoration: shallow marsh type wetland (Type 3), wet meadow type wetland (Type 2), and mesic prairie (upland buffer). Seed mixes would be based on proposed surface water table elevations and wetland types. The buffer zone along Hawk Creek and the area around proposed energy dissipaters may also be planted with stream bank-stabilizing hardwood, nut, and fruit trees, and flood-resistant shrubs and ground cover herbs.

Hydraulic lift would be accomplished through the removal and/or plugging of tile on site and through the installation of structures that retain or slow flood water and surface water runoff. Energy dissipaters, including rock berms, would be placed at various locations within the Hawk Creek floodplain. Areas where Hawk Creek flood water breach the banks would be reinforced and stabilized with rock spillways. At higher elevations, water would be retained and lifted through tile breakage and plugs and water control structures and berms.

OWNERSHIP AND LONG-TERM MANAGEMENT: The established bank site would be managed by the sponsor or their successors in property ownership. The site would be adaptively managed for 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.

TECHNICAL FEASIBILITY AND QUALIFICATIONS: There are no apparent onsite or external conditions that should impede or constrain the restoration of the proposed bank. Mapped soils on the site are approximately half hydric, and hydrology should easily be restored to historic wetland conditions. Tile on site would be blocked or removed and water control structures would be constructed where flood water exits/re-enters Hawk Creek, and at various locations throughout the floodplain to dissipate water and energy. A berm was recently constructed by the neighbor to the south, to block water from entering his Conservation Reserve Enhancement Program (CREP) easement. Also, there are no planned land use changes on or adjacent to the bank site.

The Sponsor's consultant provided the following statement regarding qualifications: Previous successful design, construction, monitoring, maintenance and corrective actions/resolution of problems (including invasive species) on other banks make the project sponsor and consultants well-qualified. Eric Peterson is a life-long farmer, with the knowledge and equipment to construct and maintain the bank structures and vegetation. Mike Nelson is a professional engineer who has designed and constructed other wetland banks, including one of his own. Tom Anez has a Forestry degree and has experience working with the Minnesota Department of Natural Resources. Greg Goeser has conducted wetland delineations, replacement plans, and banking projects for over 20 years.

ECOLOGICAL SUITABILITY: Prior to farming, which made possible by artificial drainage, much of the site was wetland. As seen in the earliest aerial photograph, 1938, the site was already artificially drained via tiled and/or ditch. The original site conditions can be approximated by the hydric soils, topography, landscape position, etc. The historic wetland areas on site were probably a combination of wet meadow, shallow marsh, shrub-carr, and wooded swamp type wetlands, while upland areas were most likely mesic prairie. Even with extensive tiling, frequent flooding makes much of the site difficult to farm. The bank sponsor has indicated that converting the site to a wetland bank would more beneficial to the environment and landowner.

HYDROLOGY: The proposed bank contains an extensive drain tile system. A majority of the tile outlets into Hawk Creek. Hawk Creek flows south into the Minnesota River. Within the easement area the north portion of Hawk Creek is considered county ditch and is managed by Chippewa County, requiring a 16.5 feet (one rod) buffer. The approximately southern half of the stream is considered to be Hawk Creek (public waters) and is managed by the MnDNR, requiring a 50 feet buffer. Tile would be removed and/or blocked in accordance with appendix 4A-2 of the Minnesota Wetland Restoration Guide.

CURRENT LAND USES: The property is largely tiled and artificially-drained agricultural fields, and is divided into west and east areas by Hawk Creek. The proposed wetland bank is bordered on the east by Highway 23, CREP easements to the south, a field road (actually a seldom used township road) to the west, and farmland and a township road to the north. The only apparent utility near the property is a fiber optic cable in the Highway 23 road ditch. Since prior to 1938, the tillable fields on the property have been in rotational crops, dominantly corn and soybeans. Boxelder, cottonwood, and green ash are the most common stream bank trees, along with reed canary grass, brome, and buckthorn. The CREP area wetland vegetation to the south, and that in the oxbow to the north, includes narrow-leaf cattail, red-osier dogwood, reed canary grass, sedges, rushes, shrubs (willows), and boxelder.

COORDINATION WITH RESOURCE AGENCIES: This project has been coordinated with the following members of the Interagency Review Team (IRT) and other resource agencies: the Minnesota Department of Natural Resources, U.S. Environmental Protection Agency, and the 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, Chippewa 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.
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Any determinations concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

4. JURISDICTION

This proposal is being reviewed 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 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 of the work in connection with this project. 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 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.

7. REPLIES/COMMENTS

Interested parties are invited to submit to this office 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. 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.

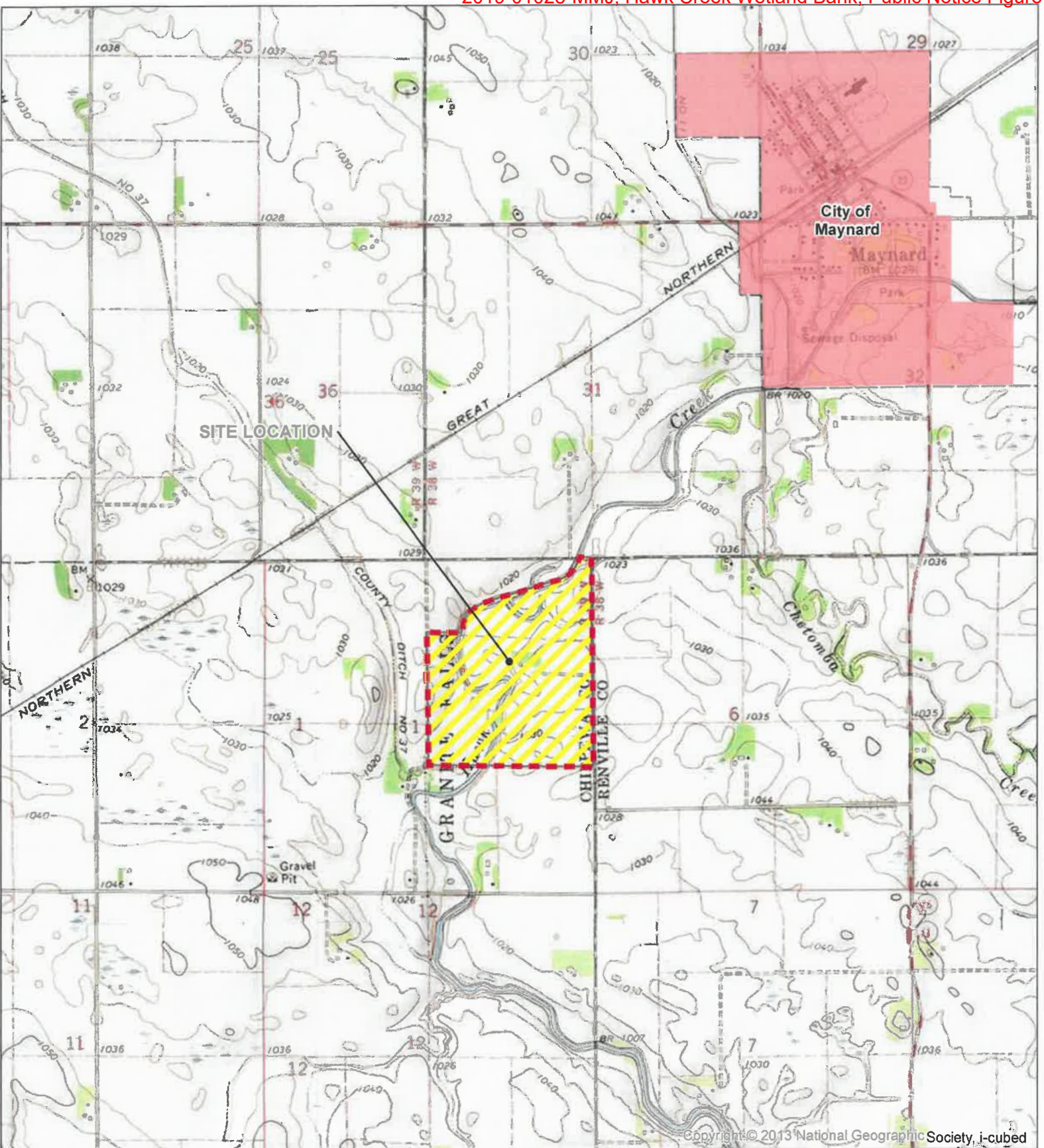
Replies may be addressed to:

Regulatory Branch
St. Paul District Corps of Engineers
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1678

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Melissa Jenny at the St. Paul District Office of the Corps, telephone number (651) 290-5363, or email questions to Melissa.m.jenny@usace.army.mil.

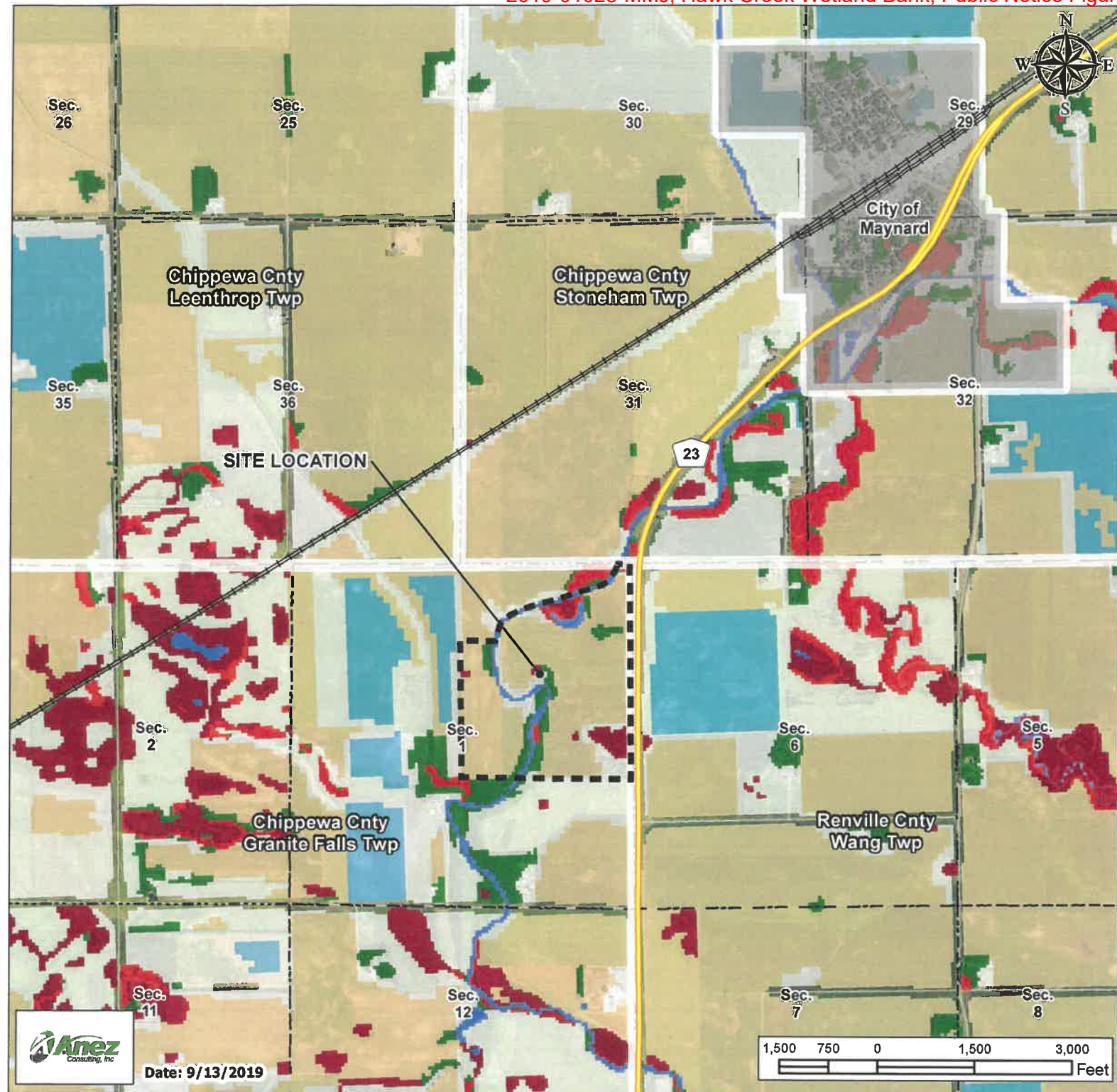
To receive Public Notices by e-mail, go to: http://mvp-extstp/list_server/ and add your information in the New Registration Box.

Enclosures: 2019-01028-MMJ; Hawk Creek Wetland Bank, Public Notice Figures 1-15.

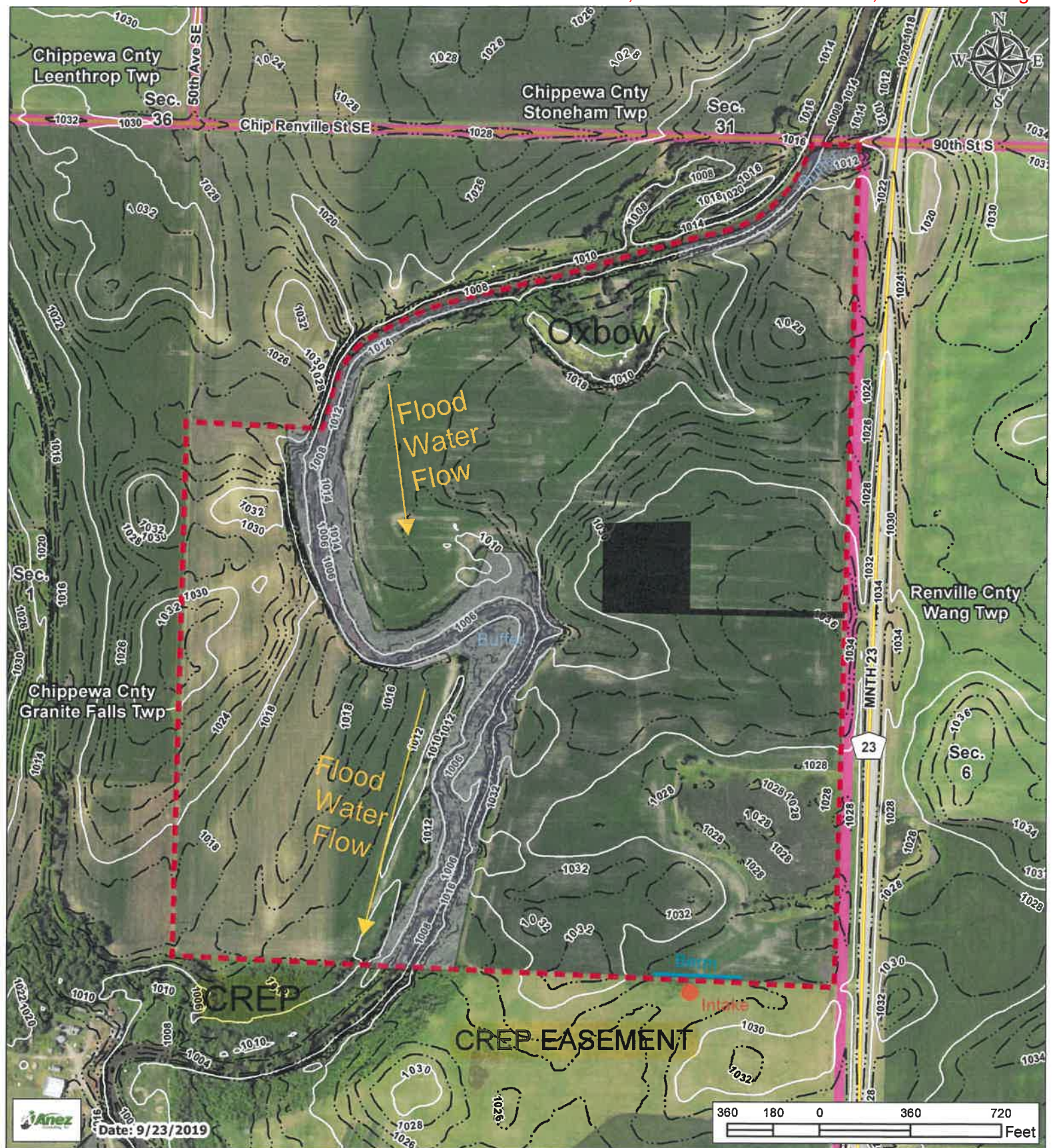


**HAWK CREEK WETLAND BANK
FIGURE #1 - SITE LOCATION MAP
SEC. 1 - GRANITE FALLS TWP, CHIPPEWA CO.**

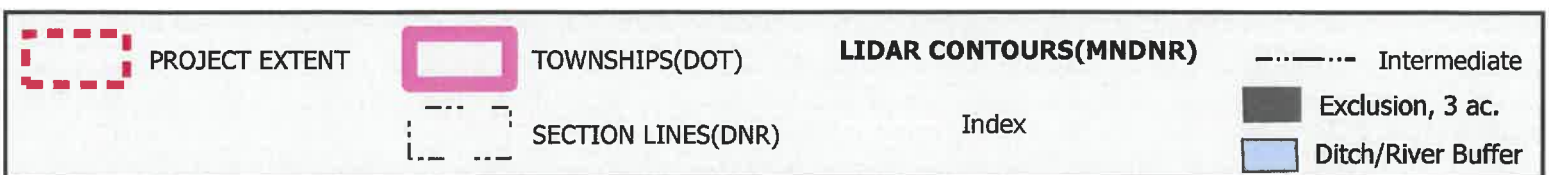


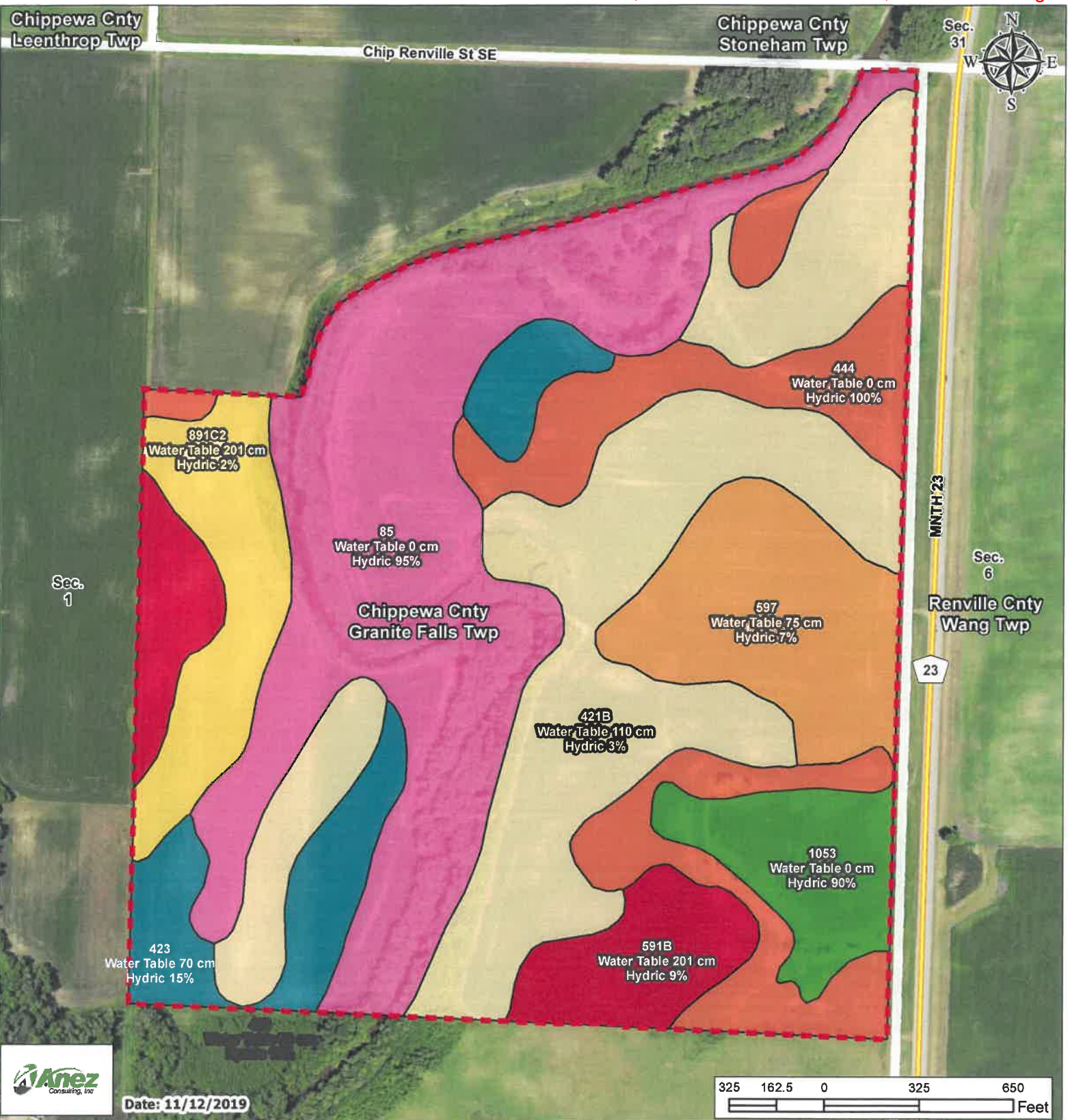


HAWK CREEK WETLAND BANK: FIGURE #2 - LAND USE MAP



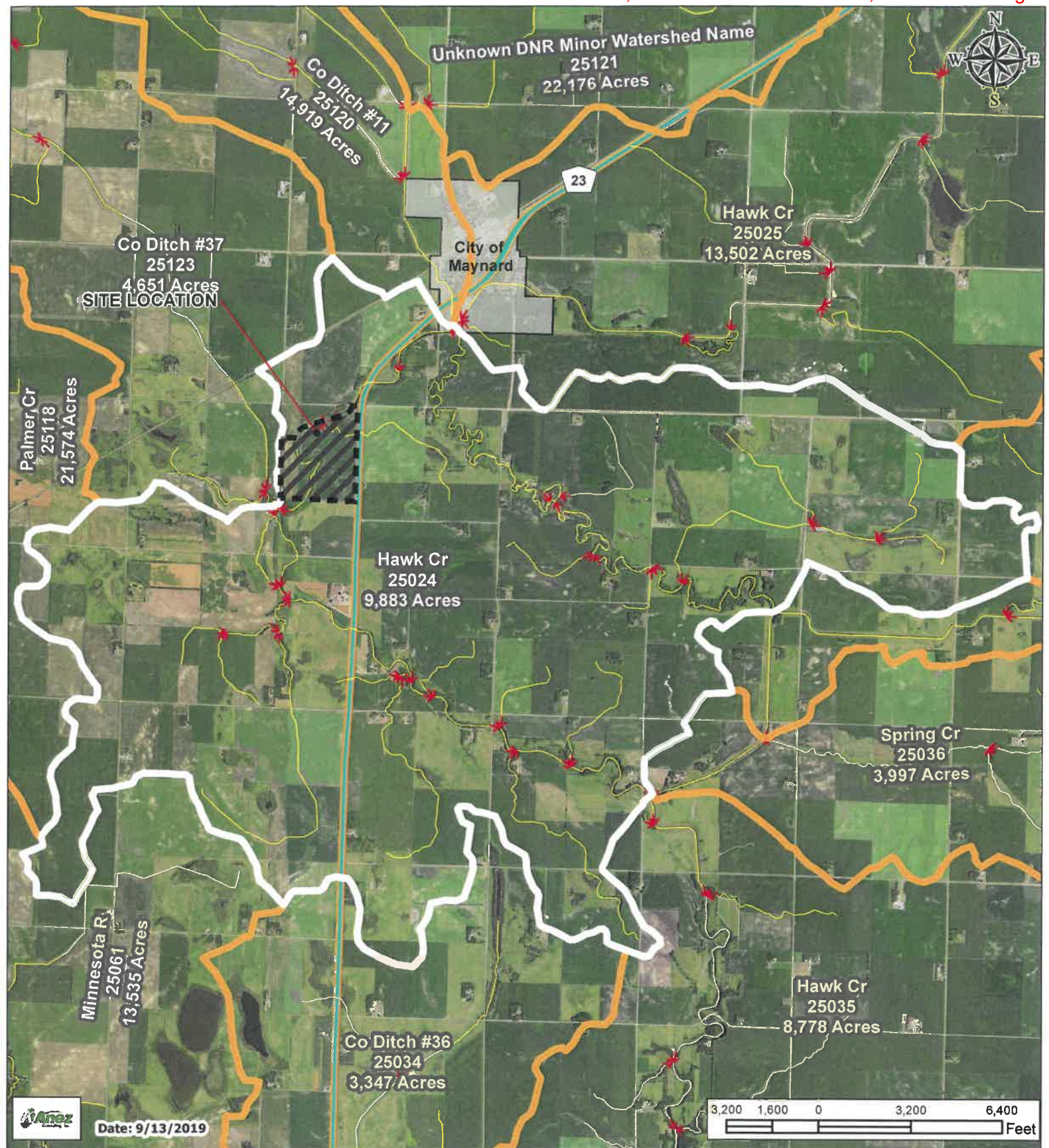
HAWK CREEK WETLAND BANK: FIGURE #3 - EXISTING CONDITIONS TOPOGRAPHIC MAP



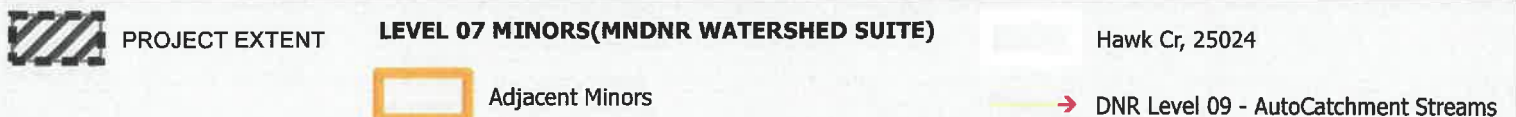


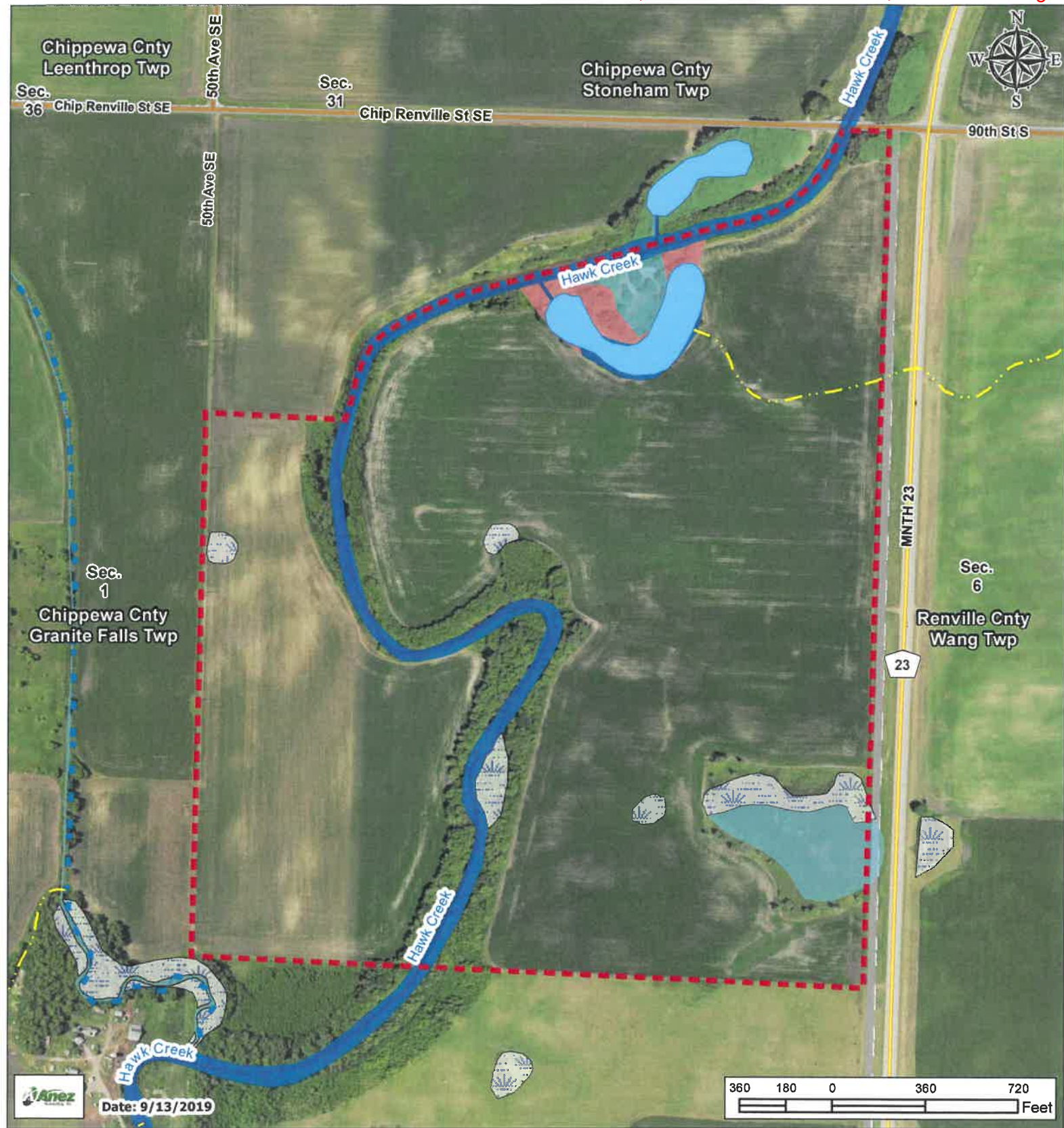
**HAWK CREEK WETLAND BANK
FIGURE #4 - WEB SOIL SURVEY MAP**

	PROJECT		SOILS(WSS)		Doland silt loam, 2 to 6 percent slopes
	TOWNSHIPS(DOT)		Amiret loam, 2 to 6 percent slopes		Doland-Swanlake complex, 6 to 12 percent slopes, eroded
	SECTION LINES(DNR)		Aquolls and Aquents, ponded		Seaforth silt loam, 1 to 3 percent slopes
			Calco silty clay loam, 0 to 2 percent slopes, occasionally flooded		Tara silty clay loam
			Canisteo clay loam, 0 to 2 percent slopes		



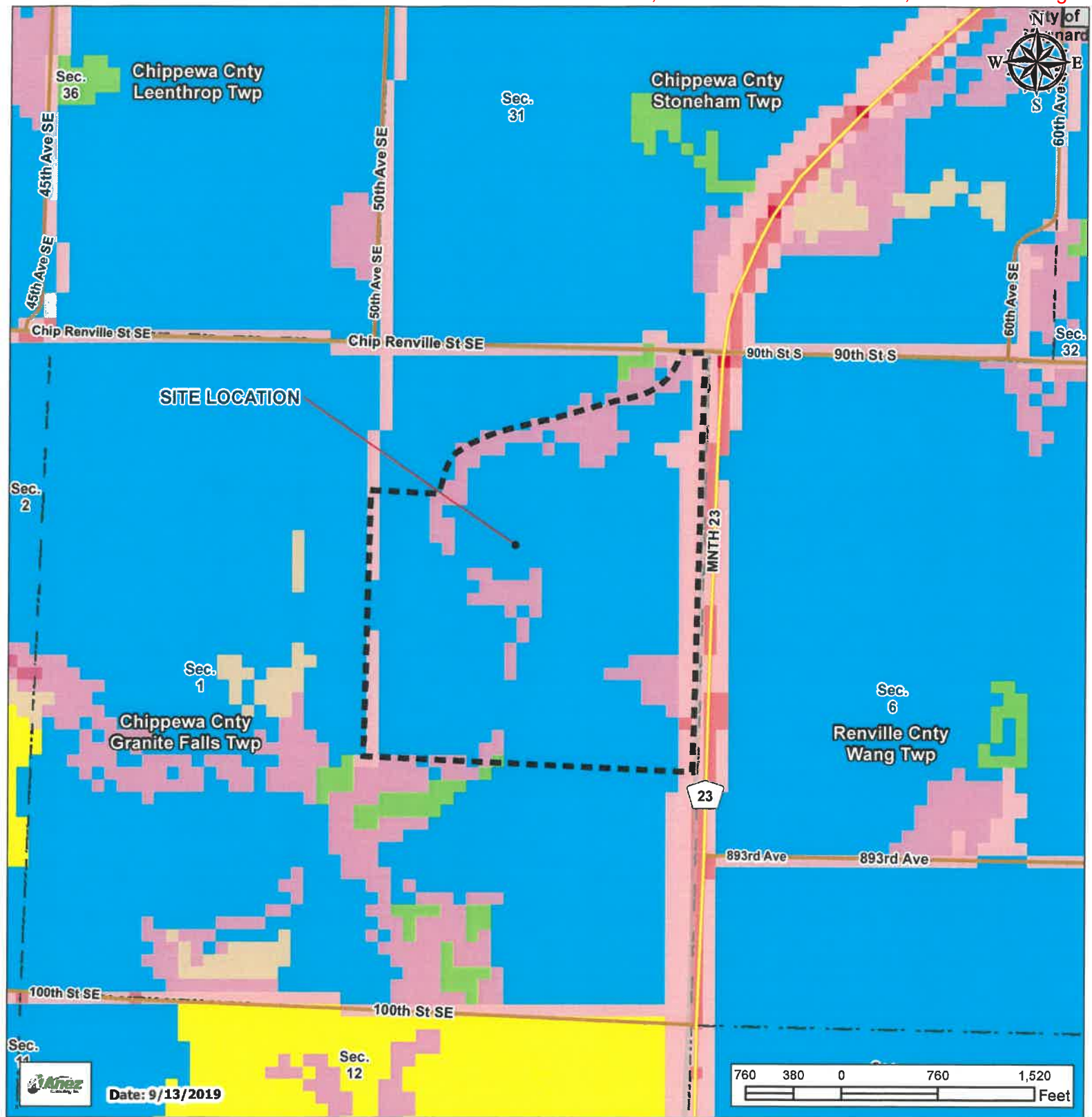
**HAWK CREEK WETLAND BANK: FIGURE #5 -
MINOR WATERSHED MAP**



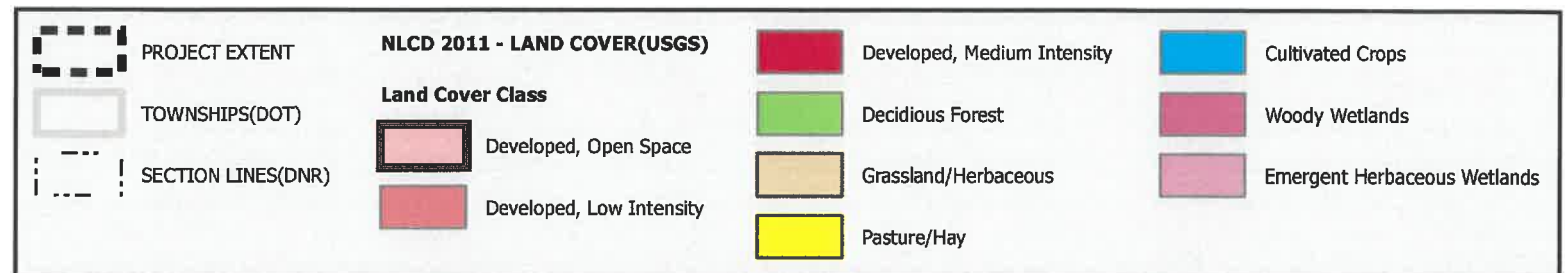


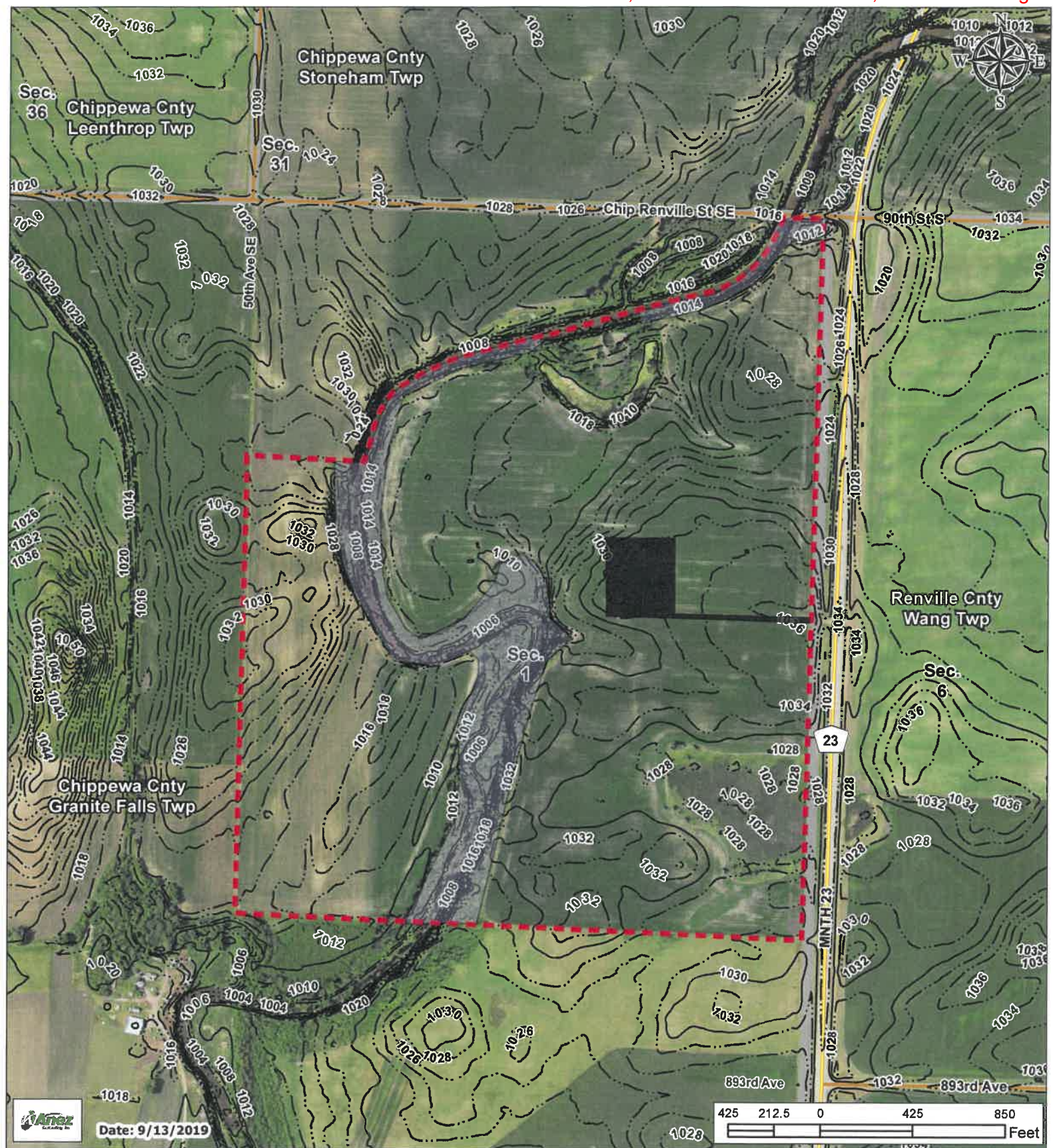
HAWK CREEK WETLAND BANK: FIGURE #6 EXISTING WETLANDS MAP



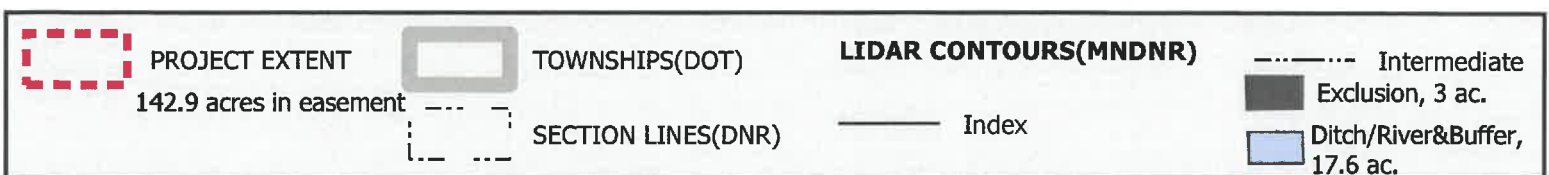


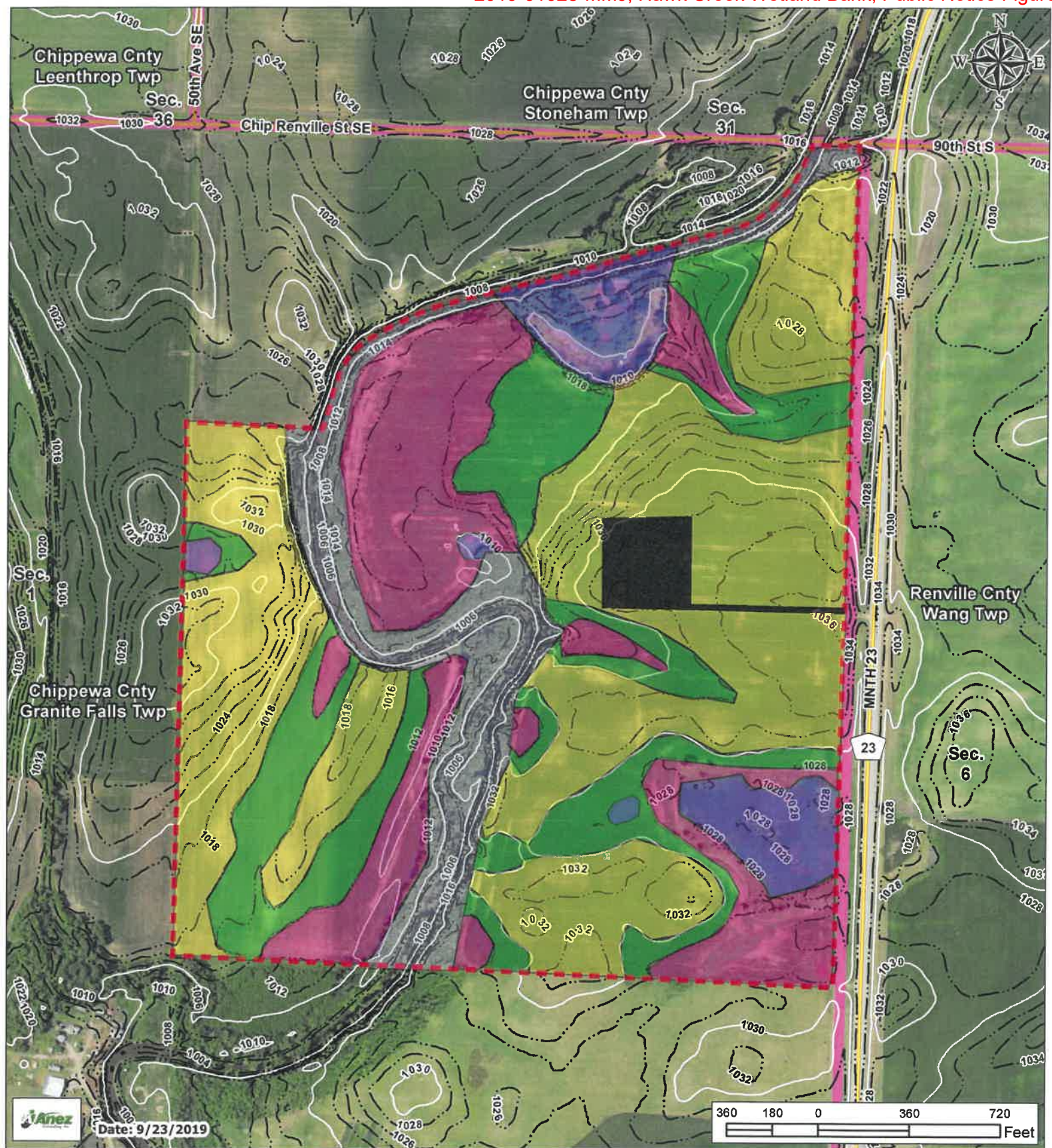
**HAWK CREEK WETLAND BANK: FIGURE #7 -
EXISTING CONDITIONS VEGETATION MAP**





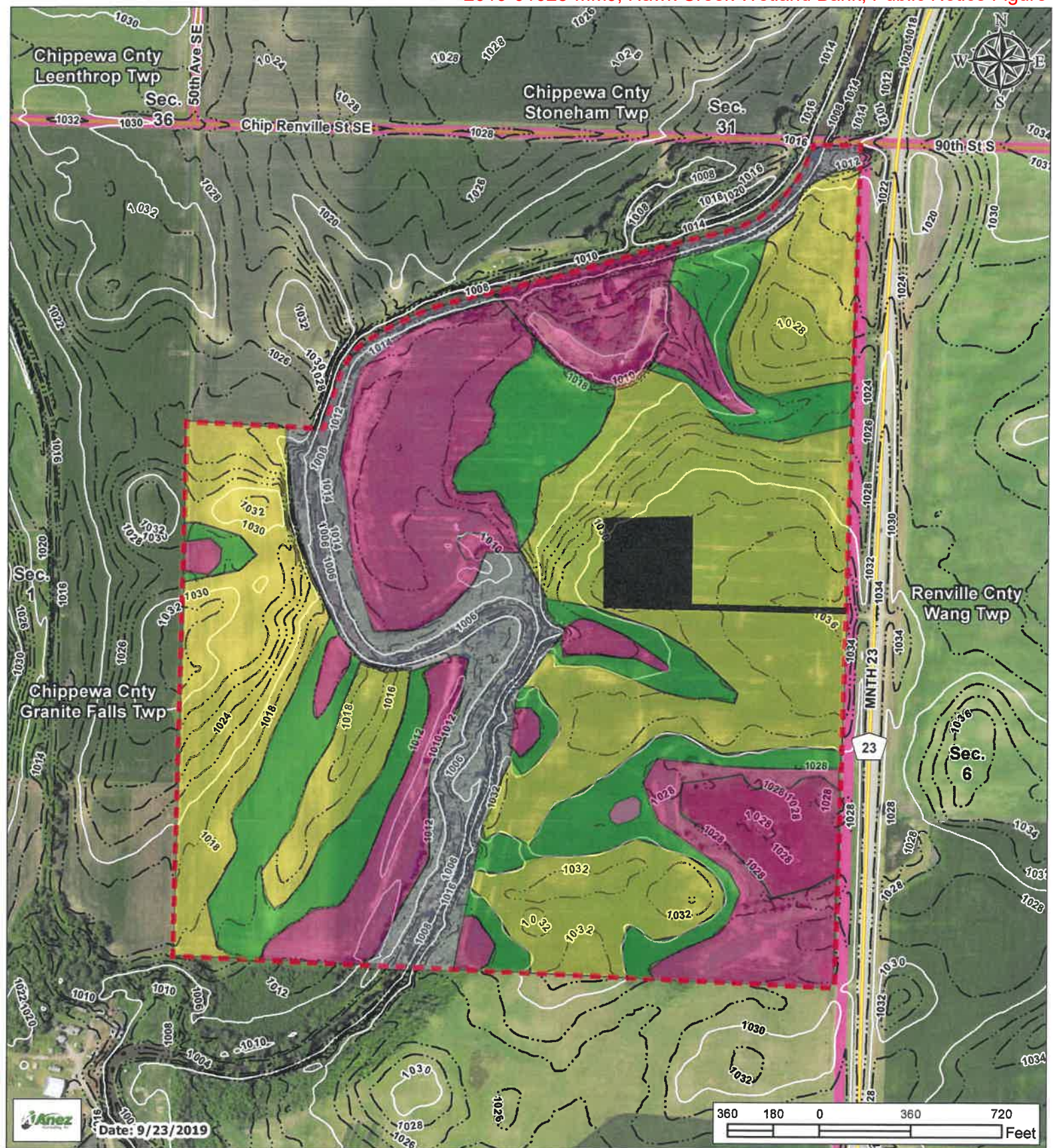
**HAWK CREEK WETLAND BANK: FIGURE #8 -
PROPOSED EASEMENT BOUNDARIES MAP**



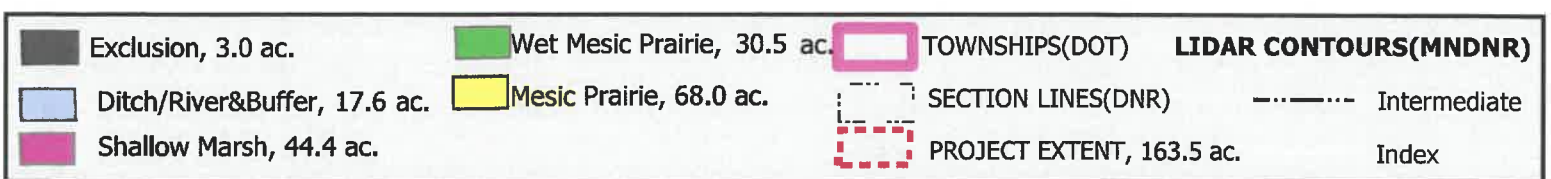


**HAWK CREEK WETLAND BANK:
FIGURE #9-CREDIT ALLOCATION MAP**

Exclusion, 3.0 ac.	Type 2, 30.5 ac.	TOWNSHIPS(DOT)	LIDAR CONTOURS(MNDNR)
Ditch/River&Buffer, 17.6 ac.	Upland, 68.0 ac.	SECTION LINES(DNR)	Intermediate
Type 3 Reestablish, 32.2 ac.	Type 3 Enhancement, 12.2 ac.	PROJECT EXTENT, 163.5 ac.	Index



**HAWK CREEK WETLAND BANK:
FIGURE #10-PROPOSED VEGETATION CONDITIONS MAP**





CONSTRUCTION NOTES:

1. THE EXISTING DRAIN TILE AS SHOWN SHALL BE CUT AND PLUGGED WITH A QUICK SET CONCRETE MIXTURE AS SHOWN ON THIS PLAN OR ONE PLUG PER EVERY 2-FEET OF ELEVATION RISE.
2. AT EACH LOCATION SHOWN, 50-FT OF TILE SHALL BE REMOVED WITH THE TILE ENDS BEING SEALED WITH ONE TO TWO CUBIC FEET OF CONCRETE OR GROUT. SEE APPENDIX 4a-2 OF THE MINNESOTA WETLAND RESTORATION GUIDE FOR ADDITIONAL GUIDANCE.
3. THE EXCAVATION SHALL BE COMPACTED WITH THE REMOVED SOIL UNTIL NO EVIDENCE OF FURTHER CONSOLIDATION IS WITNESSED.
4. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ASSURE THE TILE IS ADEQUATELY PLUGGED AND SEALED PRIOR TO COVERING AND RESTORING THE EXCAVATION AREA.
5. THE BACKFILL AT ALL TILE PLUG EXCAVATIONS SHALL BE OVER BUILT 3 INCHES TO ACCOUNT FOR POSSIBLE SETTLEMENT OF THE EXCAVATED TRENCH.

KEY:

- Rock Spillway
- Berm/Energy Dissipater (Rock)
- Tile Plug Location

EXISTING DRAIN TILE (TYP)

REMOVE AND BLOCK TILE PER NOTES AND FIGURE 5 OF THE MN WETLAND RESTORATION GUIDE APPENDIX 4a-2 (TYP)



I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

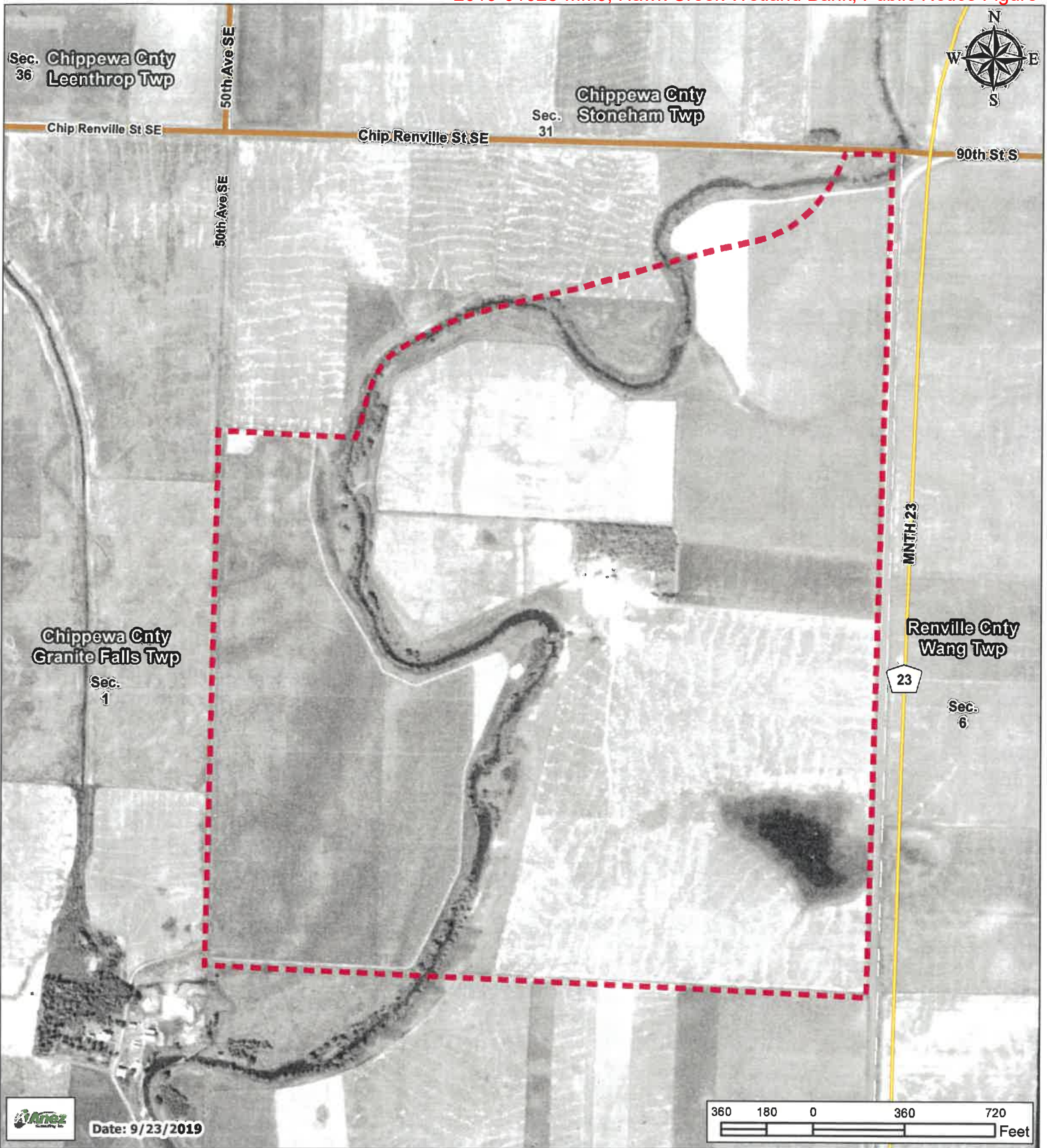
Signature: Michael G. Nelson, PE
Registration No. 26807

Date: My Registration Expires June 30, 2020

1700 Technology Drive NE
Suite 200
Winnipeg, MN 55008
(920) 235-1970
Ames
Consulting, Inc.

ERIC PETERSON
HAWK CREEK WET BANK
FIG. # 11 CONCEPT PLAN
SEC. 1, TWP. 11N, R. 39W
CHIPPewa COUNTY, MN.

Sheet: 1 of 307
Project Number: JULY 28, 2018
Title: Hawk Creek Wetland Bank



**HAWK CREEK WETLAND BANK: FIGURE #12A -
1938 HISTORIC AIR PHOTO MAP**





**HAWK CREEK WETLAND BANK: FIGURE #12B -
1955 HISTORIC AIR PHOTO MAP**



PROJECT EXTENT



TOWNSHIPS(DOT)

SECTION LINES(DNR)

PHOTO SOURCE - UMN-MHAPO



HAWK CREEK WETLAND BANK: FIGURE #12C -
1991 HISTORIC AIR PHOTO MAP



PROJECT EXTENT



TOWNSHIPS(DOT)

SECTION LINES(DNR)

PHOTO SOURCE - MNGEO WMS USGS



HAWK CREEK WETLAND BANK: FIGURE #12D -
2011 HISTORIC AIR PHOTO MAP



PROJECT EXTENT



TOWNSHIPS(DOT)

SECTION LINES(DNR)

PHOTO SOURCE - MNGEO WMS USGS