



US Army Corps
of Engineers
St Paul District

SPONSOR: KCI Technologies, Inc.

Public Notice

ISSUED: October 19, 2021

EXPIRES: November 18, 2021

REFER TO: MVP-2021-01978-AJK

SECTION: 404 - Clean Water Act

1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL

2. SPECIFIC INFORMATION

SPONSOR'S ADDRESS: KCI Technologies, Inc.
300 2nd Street North, Suite 350
La Crosse, WI 54601

PROJECT LOCATION:

The project site is located in Section 14, Township 10N, Range 20E, Washington County, Wisconsin. The approximate coordinates are Latitude 43.32840, Longitude -88.09455.

BANK SERVICE AREA:

The proposed bank service area is the Southwestern Lake Michigan service area (HUC 040400).

DESCRIPTION OF PROJECT:

The sponsor is proposing to develop the Jackson Marsh Restoration Site Mitigation Bank. The proposed bank site is approximately 96.04 acres in size, including upland buffer areas. See the enclosed figures labeled 2021-01978-AJK Figures 1-3 of 3.

The project would re-establish a functioning stream/wetland complex that complements the adjacent Jackson Marsh Wildlife Area (JMWA), increase functions of existing wetlands on the site, and provide water quality improvements for the contributing drainages.

NEED AND OBJECTIVE OF PROJECT:

The sponsor states that currently, there are no private wetland or stream banks in this service area to service future demand. The WDNR Wisconsin Wetland Conservation Trust (In-Lieu-Fee wetland mitigation program) has 60 advanced credits in the Southwestern Lake Michigan service area; 50.79 of these credits have been sold leaving only a 9.21 credit capacity in the service area. In addition, this bank proposes the establishment of stream credits to accommodate future anticipated regulatory requirements.

The objective of the proposed Jackson Marsh Mitigation Bank is to re-establish 40.84 acres of wooded swamp and 7.10 acres of shrub swamp, rehabilitate 17.46 acres of wooded swamp and 1.75 acres of shrub swamp, enhance 17.24 acres of hardwood floodplain forest, re-establish 11.02 acres of buffer, and restore 4,997 linear feet of Cedarburg Creek and 5,196 linear feet of unnamed tributaries to Cedarburg Creek.

The sponsor proposes to achieve these objectives by disabling all drain tile, removing ditching, restoring the planform, profile, and cross-section of Cedarburg Creek, re-establishing historic drainage patterns, re-establishing microtopography, and re-vegetating with native species to support targeted ecological community types.

ESTABLISHMENT AND OPERATION:

The project intends to restore 85.02 acres of wetland and establish 11.02 acres of buffer through re-establishment, rehabilitation, and enhancement. Restoration of the site would focus on returning it to its historic ecological condition through the removal of tile drains, filling drainage ditches, removal of placed fill, priority 1 restoration of Cedarburg Creek and its un-named tributaries, removal of invasive species, and re-establishment of wetland vegetation. Re-establishment would be achieved by restoring historic drainage patterns, disabling drain tile, re-establishing microtopography, and re-vegetating targeted wetland communities. Rehabilitation would be achieved by removing drainage ditches, re-establishing historic drainage patterns, removing invasive species, and supplemental planting.

Stream restoration would focus on re-establishing the historic planform, profile, and cross-section to Cedarburg Creek and the three unnamed tributaries to Cedarburg Creek. The channels would be restored to historic E-type channels with very high sinuosity and frequent floodplain connections. Aquatic habitat would be improved through the installation of bed features, large woody debris, and heterogeneous flow. A wooded riparian area would be planted as an extension of the floodplain wetland complex.

OWNERSHIP AND LONG-TERM MANAGEMENT:

The site is owned or under contract by a wholly-owned in-fee simple by the subsidiary of the project sponsor. The Wisconsin Department of Natural Resources (WDNR) owns the adjacent JMWA and has expressed an interest in owning and managing the site long-term. The project sponsor would place a perpetual conservation easement on the property to be held by WDNR or land conservatorship as appropriate.

TECHNICAL FEASIBILITY AND QUALIFICATIONS:

The historic occurrence of wetlands, presence of hydric soils, existing hydrologic manipulation, presence within a floodplain, and adjacent land uses (next to JMWA) are several reasons why the feasibility of restoring the site is high. KCI has been involved in the location, design, development, and management of over 1,600 acres of wetland and 40 miles of stream restoration and has extensive experience with both public and private clients.

ECOLOGICAL SUITABILITY:

The site was historically a stream/wetland complex. The adjoining 3,600 acre JMWA typifies the historic conditions of the site. Hydrology of the site is easily restorable to achieve hydrologic regimes that support the proposed wetland communities. Disabling drain tiles and removing ditches are the primary methods proposed to restore site hydrology and does not require long-term anthropogenic support of weirs or other man-made structures.

Cedarburg Creek and its tributaries historically provided interconnectivity to the matrix of wetland communities that existed onsite. The historic location of the channels can be seen from historic aerial photos. Downstream of the site Cedarburg Creek is a stable E5 in its historic position of the floodplain.

HYDROLOGY:

For wetlands, hydrology would be supported by both groundwater and surface water inputs. The site is located in the 100-year floodplain of Cedar Creek and it receives drainage from an approximately 5,000-acre watershed. There are no restrictions or rights to the water that would prevent the proposed restoration actions to restore effective wetland hydrology to the site. The site is geomorphically-positioned such that removal of drainage improvements on site would not impact adjacent properties. For streams, historically 10,173 feet of 1st and 2nd order stream channels existed on the site. There are no known water easements, soil, mineral, or biomass rights over the site.

CURRENT LAND USES:

The site is composed of actively cropped fields (row and nursery) with peripheral degraded forested/shrub/emergent wetland systems that share a common northern boundary with the JMWA. The site is extensively ditched and tile drained. Cedarburg Creek bisects the site and was ditched and straightened between 1937 and 1955. In addition, an unnamed tributary to Cedarburg Creek was moved offsite into an excavated ditch during this same time period. The entire site is within the 100-year floodplain of Cedar Creek. The site is not located within five miles of an airport. Adjacent land includes WDNR state wildlife and natural areas, private agriculture, and low-density residential lots.

COORDINATION WITH RESOURCE AGENCIES:

This project has been coordinated with the following members of the Interagency Review Team (IRT) and other resource agencies: U.S. Environmental Protection Agency and Wisconsin Department of Natural 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, Washington 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.
Whooping Crane	*Non-essential, experimental population. Open wetlands and lakeshores.

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.

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 identified in Regulatory Guidance Letter 16-01.

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.

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 sent to anthony.j.kitchen@usace.army.mil.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call A.J. Kitchen at the Brookfield office of the Corps, telephone number (651) 290-5729, or email at anthony.j.kitchen@usace.army.mil.

Enclosure(s)

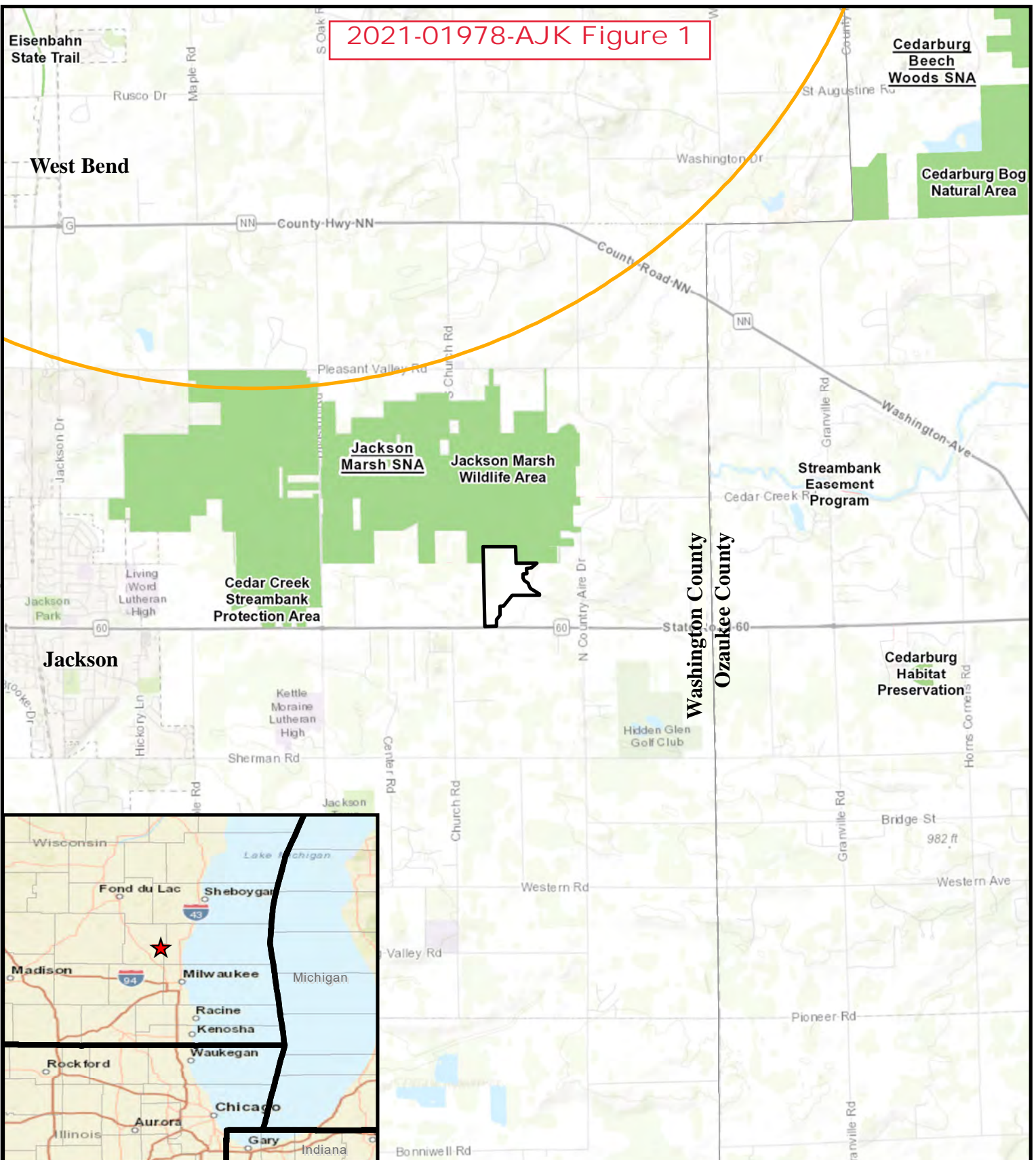


Figure 1: Site Location Map
Jackson Marsh
Restoration Site

National Geographic Basemap
 Washington County
 Map Created: 8-11-2021

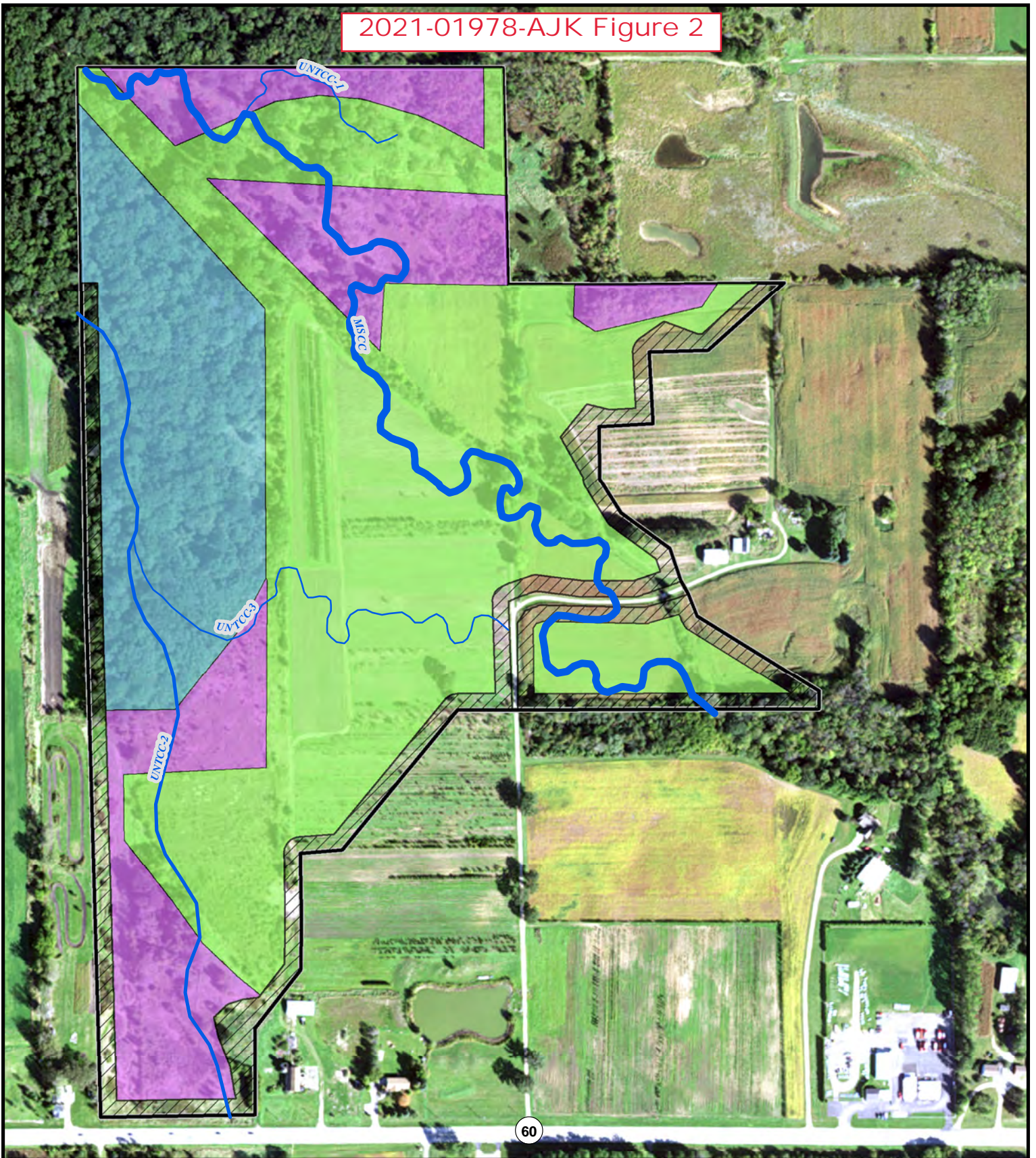


0 0.5 1 2 Miles



5 Mile Buffer Around Airport

Project Boundary



**Figure 12: Credit Types
Jackson Marsh
Restoration Site**

Imagery: NAIP 2015
Washington County
Map Created: 9-21-2021



Credit Type

- Re-Establishment
- Re-Habilitation
- Enhancement
- Buffer

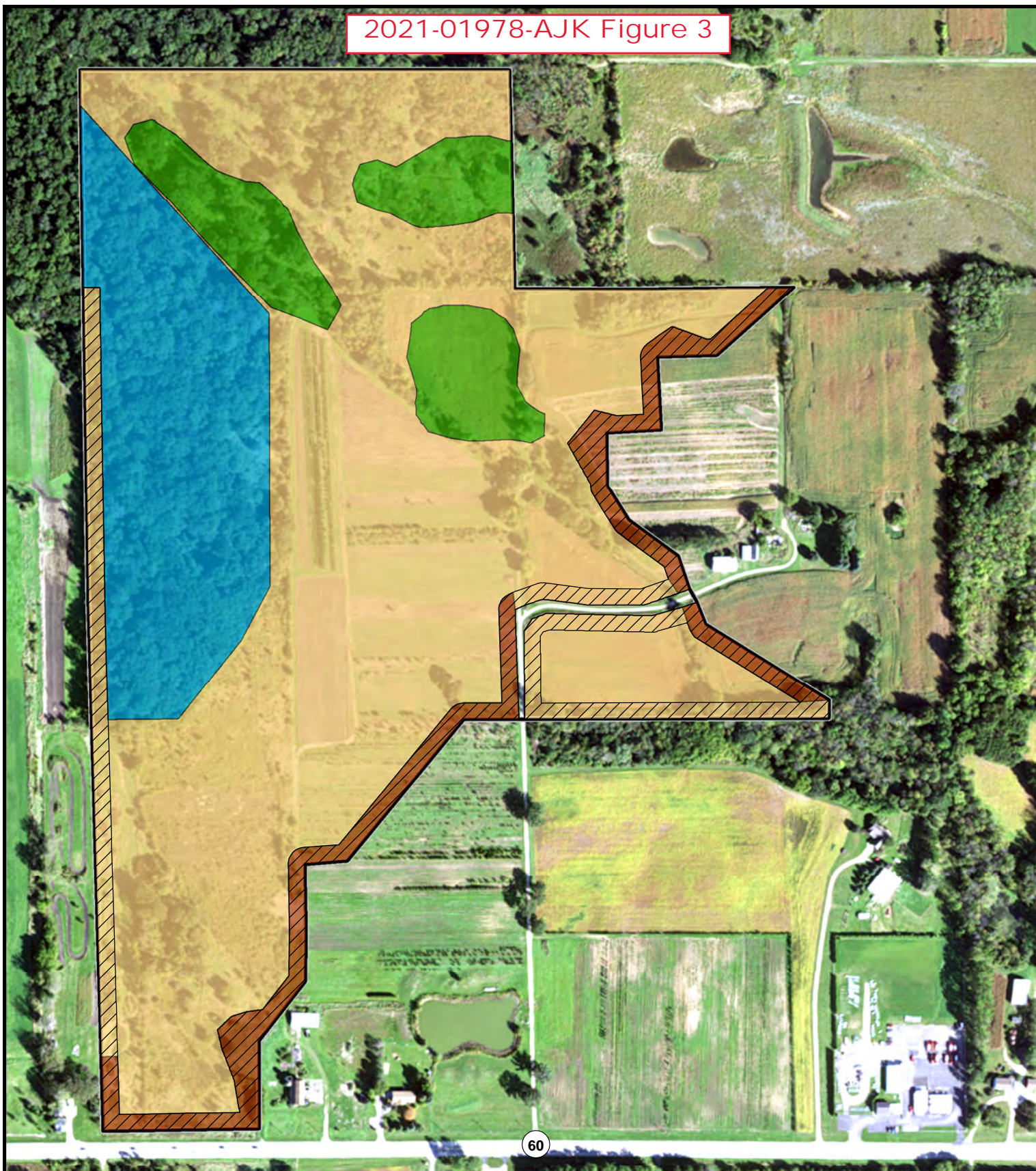
Project Boundary

Stream Restoration

- UNT of Cedarburg Creek
- Cedarburg Creek



0 200 400 800 Feet



**Figure 14: Community Type
Jackson Marsh
Restoration Site**

Imagery: NAIP 2015
Washington County
Map Created: 9-21-2021

