



US Army Corps  
of Engineers  
St Paul District

SPONSOR: *Mr. John Ryan*

# Public Notice

ISSUED: October 20, 2021

EXPIRES: November 19, 2021

REFER TO: 2021-01979-JMB

SECTION:404 - Clean Water Act

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1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL
2. SPECIFIC INFORMATION

SPONSOR: LONG JOHN, LLC  
(South Dakota)

SPONSOR'S AGENT John Ryan, President  
Land and Water Resources, Inc.  
9575 W. Higgins Road  
Suite 801  
Rosemont, IL 60018

PROJECT LOCATION: The project site is located in Section 13, Township 26 North, Range 3 West, Clark County, Wisconsin. The approximate UTM coordinates are N 4956559, E 682359. Latitude 44.73919 N, Longitude -90.69668 W

BANK SERVICE AREA: The bank is traversed by a subtle watershed break running in a northeast to southwest orientation. The bank therefore has 2 service areas: the Chippewa to the northwest and the Upper Mississippi Black Root to the southeast. The bank will provide benefits to both watersheds, and it is proposed that credits may be used interchangeably to mitigate for impacts in either watershed.

Chippewa: The site is located within the Mead Lake-South Fork Eau Claire River HUC-12 (070500060205), part of the larger South Fork Eau Claire River HUC-10 watershed (0705000602), and part of the larger Eau Claire subbasin (07050006).

Upper Mississippi-Black Root: The site is located within the East Branch Wedges Creek-Wedges Creek HUC-12 (070400070501), part of the larger Wedges Creek HUC-10 watershed (0704000705), and part of the larger Black subbasin (07040007).

DESCRIPTION OF PROJECT: The sponsor is proposing to develop the Willard Wetland Mitigation Bank. The proposed bank site is approximately 49.35 acres in size, with an additional 5.45 acres of buffer.

NEED AND OBJECTIVE OF PROJECT: The purpose of this project is to create a private commercial mitigation bank to serve the need for wetland compensatory mitigation within the Chippewa service area and the Upper Mississippi-Black Root service area. There is currently a need in both service areas. The Chippewa service area contains 2 approved banks with limited credits available and virtually no credits for the habitat types being restored at this bank. There are currently no wetland banks with available credits located in the Upper Mississippi-Black Root service area.

The project objectives include increasing wildlife habitat, restoring native wetlands, improving water quality, and restoring natural hydrologic functions that were previously lost or impaired as a result of conversion of wetlands to pasture and hay production. An additional objective is to provide wetland mitigation credits for unavoidable impacts to wetlands in the Chippewa and Upper Mississippi-Black Root service areas.

**ESTABLISHMENT, OPERATION AND MANAGEMENT:** The goal for the site is to restore, via re-establishment and rehabilitation, approximately 49.35 acres to high-quality wetland communities along with approximately 5.45 acres of buffer. The anticipated design concept involves restoration of appropriate, high quality, ecological communities at the site. The site is currently in agricultural use, hay is harvested annually, and it is suspected the site has also previously been used as a pasture. There is an extensive drain tile network and shallow surface drainage swales. Tiles will be disabled, and the swales will be plugged at various locations and filled in other areas (as appropriate) to restore the hydrology of the site. Extensive grading is not anticipated as it is deemed to be counter-productive for this site. The plugged existing shallow surface drainage features will add to the wetland diversity of the site by providing micro-topographic conditions resulting in valuable ecological variability.

The land with the lowest landscape position is in the center and western part of the site. The planned natural community for this area is forested wetland. Appropriate trees and shrubs will be planted, along with seeding of an appropriate herbaceous layer. Herbaceous plugs may also be used, as deemed appropriate by the Sponsor. The land to the northeast exhibiting a slightly higher landscape position will be restored to a wet-meadow complex. Restoration of this area to wet meadow will prevent the forested wetland component from encroaching upon adjacent cropland and will provide an additional wetland community onsite to complement the forested wetland and increase overall biodiversity. Appropriate grasses, sedges, rushes, and forbs will be planted in this portion of the bank.

**OWNERSHIP AND LONG-TERM MANAGEMENT:** The Sponsor will own the bank property and will record a conservation easement, thereby preserving the Site as wetland with associated buffer habitat in perpetuity. The primary long-term management strategy will be invasive species control. At this time, it is anticipated that the property will be deeded to the Wisconsin DNR upon bank closure. If the Sponsor is unable to turn over the property to Wisconsin DNR, another long-term manager will be sought out.

**TECHNICAL FEASIBILITY AND QUALIFICATIONS:** This project will involve disabling tiles and surface drainage features and then planting with appropriate native plant species. The plan developer and their technical consultant have been involved with designing and implementing wetland mitigation bank sites and other ecological restoration projects across the Midwest for decades. Numerous wetland restoration projects featuring both forested and wet meadow wetland communities have been undertaken and successfully completed. Specific strategies and design elements proposed for this bank have been used successfully on numerous other sites.

The technical consultant also possesses comprehensive experience and technical expertise in assessing groundwater and watershed dynamics, hydrologic modeling, engineering, and ecological community restoration design. They have completed numerous successful wetland restoration projects across Wisconsin and Illinois, and are well-versed in the regulatory framework.

**ECOLOGICAL SUITABILITY:** The hydrology of the site has been disrupted by drainage tiles and surface drainage swales. Onsite evaluations by professional ecologists have resulted in a conclusion that even with these artificial modifiers, the site is still obviously wet for extended periods of time and therefore is ecologically suitable from a hydrology standpoint. The area proposed for restoration as a forested wetland contains hydric soils mapped as a Capitola, Marshfield, Veedum complex.

Capitola: Native vegetation is mixed deciduous and coniferous forest. common trees are cedar, tamarack, spruce, ash, maple, balsam, aspen, birch, hemlock, and elm. Present vegetation, where the forest cover has been removed, is mostly grasses and sedges with some shrubs, such as alder and willow.

Marshfield: Native vegetation is mostly water-tolerant hardwoods with some conifers. Common trees are black ash, red maple, quaking aspen, and white pine. Some areas are used for pastureland. Where drained, some areas are used for cropland. Common crops are corn, small grain and hay.

Veedum: Native vegetation is primarily sedges and deciduous trees such as red maple, quaking aspen, white ash, and paper birch. Some areas are cleared and drained and used for cropland. Common crops are corn, small grain, and hay. Some areas are used for pastureland.

Given these characteristics, the area planned for a forested wetland community is ecologically suitable and there is high confidence a high-quality forested wetland can be restored.

The eastern portion of the area is currently dominated by orchard grass and clover. The hydrology of this area has also been modified via drainage tiles. There are existing small depressional areas (possibly as a result of tile collapses) that have been colonized by herbaceous wetland vegetation. Given existing conditions observed in this portion of the bank, once drainage is disrupted, the portion of the site will be ecologically suitable for the planned wet meadow natural community. This is also evidenced by the existing small areas already dominated by herbaceous wetland vegetation.

**HYDROLOGY**: The hydrology of the entire area has been negatively altered and the site has been converted from a historic forested wetland community to agricultural use. As such, historic wetland functions have been severely compromised and/or lost. Although the site is not located in a flood zone, the site is currently artificially drained via a network of drainage tiles and surface drainage swales. Primary sources of hydrology for the bank will be shallow groundwater, seasonal precipitation, and snowmelt. Given the very flat topography in the majority of the bank, landscape position will also be a primary factor. The existing site characteristics and presence of hydric soils provides a high level of confidence in the ability to restore appropriate wetland hydrology by disabling the existing drainage features.

The site is bounded on 2 sides by roads with deep roadside ditches. These ditches may slightly alter site hydrology for a short zone of influence. The east side of the property is bordered by row-cropped agricultural ground. It is anticipated that once drainage features in this part of the bank are disabled, wetland hydrology will be present. It will, however, not have the degree or duration-of-saturation that is present in the lower western portion of the bank. Finally, the bank is bordered to the south by another ditch; the opposite side of the ditch features an extensive existing herbaceous wetland. It was noted that the ditch had no discernible impact on the wetland communities in this area.

**CURRENT LAND USES**: The site is currently in agricultural use; hay is harvested annually, and it is suspected the site has also previously been used as a pasture. There is an extensive drain tile network and shallow surface drainage swales located throughout the property. The site is bounded on 2 sides by roads with deep roadside ditches.

**COORDINATION WITH RESOURCE AGENCIES**: This project has been coordinated with the following members of the Interagency Review Team (IRT) and other resource agencies: the Wisconsin Department of Natural Resources (WDNR) and the U.S. Environmental Protection Agency.

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

Regulatory Branch (File No. 2021-01979-JMB)

None were identified by the bank sponsor or are known to exist in the action area. However, Clark 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. During summer, roosts and forages in upland forests.

Karner blue butterfly                      Prairie, oak savanna, and jack pine areas with wild lupine.

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.

#### 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 Wisconsin Historic Preservation Database have been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located within, or adjacent to 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 sent to Jonathan Bakken at [jonathan.m.bakken@usace.army.mil](mailto:jonathan.m.bakken@usace.army.mil)

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Jonathan Bakken at the Hayward, WI office of the Corps at telephone number 651-290-5884 or [jonathan.m.bakken@usace.army.mil](mailto:jonathan.m.bakken@usace.army.mil)

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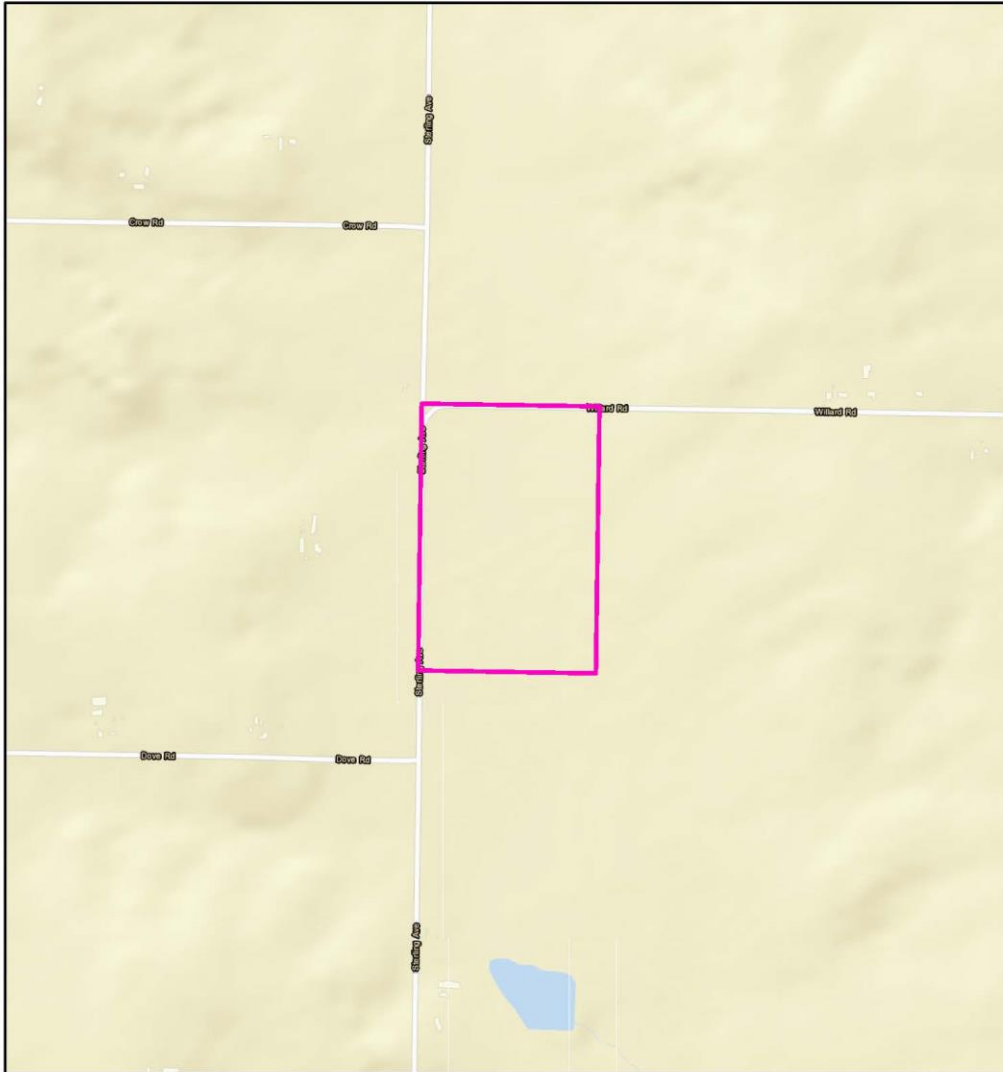
To receive Public Notice notifications, go to: <https://www.mvp.usace.army.mil/Contact/RSS/> and subscribe to the RSS Feed for which you would like to receive Public Notices.

Enclosure(s)

Project Figures labeled MVP-2021-01979-JMB Page 1 of 4 through 4 of 4

**FIGURE 1**

**Site Location Map**



Scale:



Project Number: 21-0297

Prepared by:

**Hey and Associates, Inc.**  
Engineering, Ecology and Landscape Architecture

Orientation:



Date: 8/23/2021

Legend:

 Project Boundary

Project Name:

Willard Road-Hendren

Prepared for:

Land and Water Resources, Inc.

Location Information:

T.26N.-R.3W, Section 13

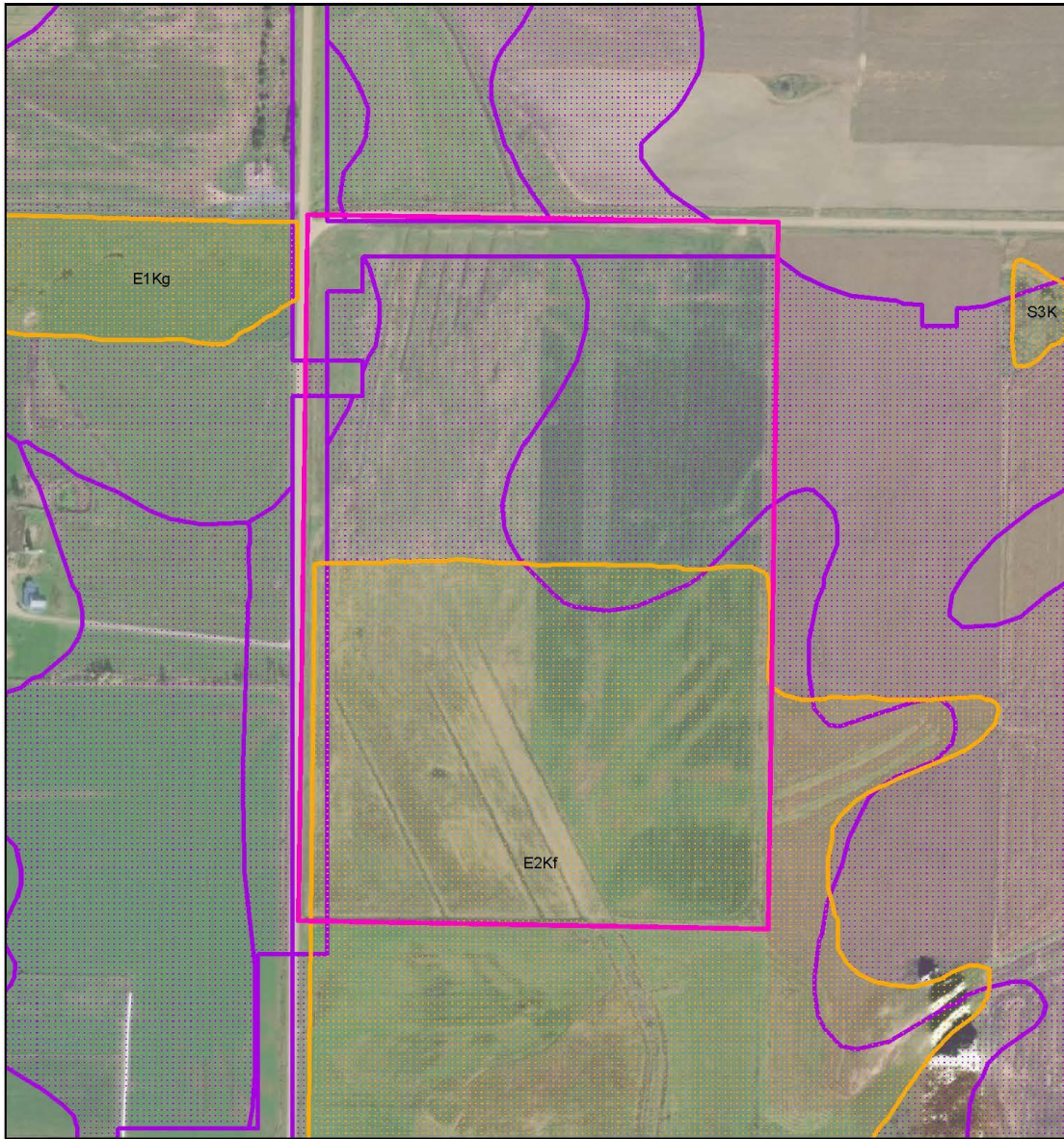
Exhibit Title:

**Project Location**

Exhibit:

**1**

**FIGURE 3**      Wisconsin Wetlands Inventory Map



Scale:  
 0                      400  
 Feet  
 Project Number: 21-0297

Orientation:  
  
 Date: 8/22/2021

Legend:  
 Wetland  
 Maximum Extent Wetland Indicators  
 Project Boundary

Project Name:  
 Willard Road-Hendren  
 Prepared for:  
 Land and Water Resources, Inc.  
 WWI Date:  
 2019

Prepared by:  
**Hey and Associates, Inc.**  
 Engineering, Ecology and Landscape Architecture

Exhibit Title:                      Exhibit:  
**Wisconsin Wetland Inventory      4**

Figure 6 Watershed Map.

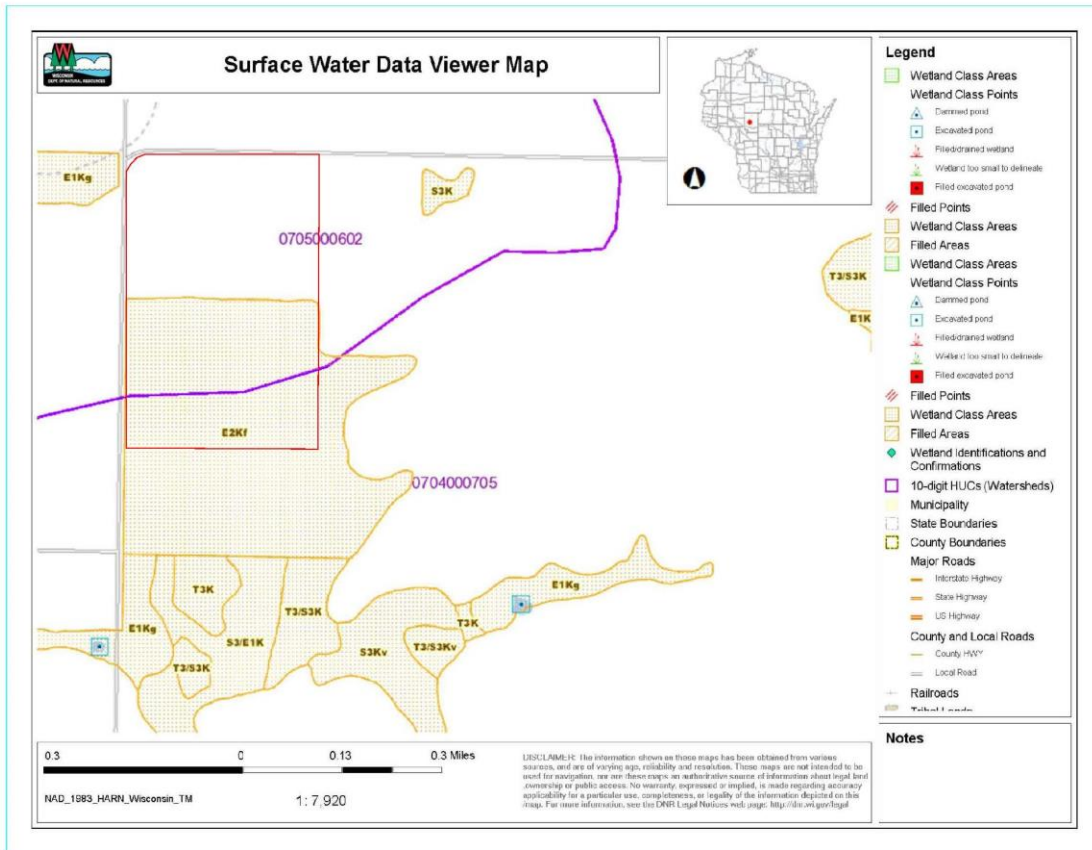




Figure 7: Natural Community Restoration Map



Red shading is Buffer 5.45 acres

Blue shading is Forested Wetland 36.91 acres

Green shading is Wet Meadow Wetland 12.44 acres