



US Army Corps
of Engineers
St Paul District

SPONSOR: Mark Meyer

Public Notice

ISSUED: 21 October 2021

EXPIRES: 15 November 2021

REFER TO: MVP-2021-01991-KDZ

SECTION: 404 - Clean Water Act

1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL

2. SPECIFIC INFORMATION

SPONSOR'S ADDRESS: Mark Meyer
N630 Blackhawk Bluff Drive
Milton, Wisconsin 53563

SPONSOR'S AGENT Wetlands and Waterways, LLC
c/o Ann M Key
5742 Warbonnet Lane
Hazelhurst, Wisconsin 54531

PROJECT LOCATION:

The project site is located in Sections 15 & 22, Township 08 North, Range 12 East, Dane County, Wisconsin. Latitude 43.149782, Longitude -89.059929.

BANK SERVICE AREA:

The proposed bank is located within the Upper Rock (UR22) Watershed Management Unit and within the Rock Bank Service Area (BSA).

DESCRIPTION OF PROJECT:

The Sponsor is proposing to develop the Spring Creek Wetland Mitigation Bank. The proposed bank site is approximately 216.90 acres in size, including upland buffer areas. Specifically, the Sponsor proposes to re-establish 28.40 acres of fresh (wet) meadow and 2.30 acres of shrub-carr, and rehabilitate 41.80 acres of fresh (wet) meadow, 11.30 acres of wooded swamp, and 2.80 acres of shrub-carr. Additionally, 22.30 acres of upland plant communities would be established to provide a vegetated buffer.

NEED AND OBJECTIVE OF PROJECT:

The project is intended to result in a general use, private commercial mitigation bank to serve the need for wetland compensatory mitigation credits within the Rock BSA. This site will provide a necessary alternative for purchase of wetland mitigation credits within the BSA versus permittee-responsible mitigation or purchase from the Wisconsin Wetland Conservation Trust (WWCT) in-lieu fee mitigation program.

Currently, there are other approved mitigation banks present within the Rock BSA for sale of credits to the public. However, no other banks are currently present within the Upper Rock watershed. The

proposed Spring Creek Wetland Mitigation Bank is within the Upper Rock HUC-8 which encompasses the cities of Lake Mills, Waterloo, Watertown, Oconomowoc, Hartford, Beaver Dam, Richfield and Waupun and extends across portions of Dane, Jefferson, Waukesha, Washington, Dodge, Fond du Lac and Columbia Counties. Unavoidable wetland impacts associated with development and infrastructure projects in this region may be able to be compensated through this bank to off-set impacts to wetlands from public entities, private individuals and private organizations.

The project is intended to re-establish and rehabilitate wetland habitat that will fit into the natural landscape, be effectively integrated into the surrounding natural wetlands, improve the existing wildlife habitat and floristic diversity of the site. By permanently enhancing approximately 55.9 acres of degraded wetlands and restoring approximately 30.7 acres of ditched and drained wetlands to high quality wetlands with a vegetated buffer, this project will compensate for wetland loss within the watershed and also restore lost and/or threatened ecological and hydrologic functions to the watershed. The total proposed credits that this site could generate are shown in the table below.

Table 1 – Spring Creek Wetland Mitigation Bank Proposed Restoration Methods/Credits

Community Type	Restoration Method				Vegetated Buffer		Totals	
	Re-Establishment		Rehabilitation					
	Acres	Credits (1:1)	Acres	Credits (0.5:1)	Acres	Credits (0.25:1)	Acres	Credits
Wooded Swamp	0.00	0.00	11.30	5.65	---	---	11.30	5.65
Shrub-Carr	2.30	2.30	2.80	1.40	---	---	5.10	3.70
Wet Meadow	28.40	28.40	41.80	20.90	---	---	70.2	49.30
Vegetated Buffer	---	---	---	---	22.30	5.58	22.30	5.58
Total	30.70	30.70	55.90	27.95	22.30	5.58	108.90	64.23

ESTABLISHMENT, OPERATION AND MANAGEMENT:

The mitigation plan includes restoration of approximately 108.90 acres of property to a combination of high-quality wooded swamp, fresh (wet) meadow, shrub-carr and vegetated buffer for the generation of approximately 64.23 compensatory wetland mitigation credits. Much of the site is located within areas identified as likely meeting wetland hydrology criteria and not requiring hydrology modifications. Those areas are proposed to be rehabilitated with the focus placed on vegetation management although any opportunities to improve hydrology will be incorporated into the restoration methods.

Portions of the site exhibit historic wetland characteristics which have been effectively drained by several existing drainage ditches resulting in an alteration of natural hydrologic conditions. Currently, water collected in the ditches drains into Spring Creek through numerous lateral ditches. Many of the identified ditches are interior ditches and laterals that can be altered without any implications to neighboring or upgradient properties. Some of the larger ditches that extend off-site appear to have enough grade variation that on-site hydrology alterations could be conducted without altering upgradient hydrology conditions. Some or all of these ditches may be plugged as well but only if hydrology studies indicate there would be no impact to neighboring lands or if so, neighboring landowners agree to a flood easement. Hydrologic modifications are proposed to return natural hydrologic conditions to as much of the re-establishment portions of the site as possible. It is

anticipated that most historic wetlands will re-establish within their historic extents by plugging or filling of the interior ditches.

In addition to filling and/or plugging of ditches, shallow scraping of side-cast and bermed soils alongside the ditches may be proposed to achieve the proper hydrology and elevations. Limited shallow scrapes may also be proposed to achieve the proper grade and hydrology in areas that are slightly higher in elevation due to historic land alterations and potentially provide microtopography. Some drain tile, although not appearing to be functional, was observed at the site. If drain tile are found to be present and functioning, the tile will be disabled as well. All proposed hydrology and grading modifications are intended to restore the re-establishment portion of the site to its natural topography and hydrology. Final hydrologic modifications will be determined following analysis of water table data collected from shallow groundwater monitoring wells and hydrologic analysis of surface water flow and lateral effect of existing drainage ditches.

It is anticipated that lower elevations will exhibit a permanently saturated and/or seasonally inundated hydrologic regime while slightly higher elevations will be only seasonally saturated and may be dry throughout much of the growing season.

Appropriate native plant species will be selected for each vegetative community and fitting with the surrounding ecological landscape. Native species will be selected with consideration of existing conditions, communities, native species, consideration of existing and proposed hydrology, soils and microhabitats. A native seed bank is likely present and may play a significant role in the wetland rehabilitation and re-establishment success. However, application of native seed mixes is still proposed, as well as nursery grown native trees and/or shrubs to enhance the wetland restoration areas and improve the success and rate of restoration. Aggressive invasive species treatments pre and post-construction are also proposed.

Species that may be included in the Wooded Swamp and Shrub-Carr restoration areas include various native trees and shrubs such as *Acer saccharinum* (Silver Maple), *Ulmus americana* (American Elm – disease resistant variety), *Sambucus canadensis* (American Elderberry), *Cornus ssp.* (Dogwoods) and *Salix ssp.* (Willows) as well as numerous native grasses, sedges and forbs common to Wooded Swamp communities of this watershed.

Herbaceous species proposed to be planted in restoration areas may include *Asclepias incarnata* (Swamp Milkweed), *Aster novae-angliae* (New-England Aster), *Eupatorium maculatum* (Joe-Pye Weed), *Eupatorium perfoliatum* (Boneset), *Helenium autumnale* (Sneezeweed), *Hypericum pyramidatum* (Greater St. John's Wort), as well as numerous grasses and sedges common to wetland communities in this watershed.

Upland and wetland buffer areas will be aggressively managed for invasive/non-native species and re-planted within native species to establish high quality upland communities and complement the adjacent wetland areas.

OWNERSHIP AND LONG-TERM MANAGEMENT:

The Sponsor will record a conservation easement on the site which shall preserve the wetlands and associated buffer in perpetuity. Mr. Meyer intends to retain ownership of the site beyond the performance period and will be responsible for periodic site inspections and long-term management of the site. It is anticipated that long-term management fund will be established to primarily address long-term invasive species control and periodic inspection of the bank site to ensure appropriate hydrologic conditions.

TECHNICAL FEASIBILITY AND QUALIFICATIONS:

The size of the site, presence of mapped hydric soils and potentially restorable wetlands, existing drainage features, current agriculture practices, site accessibility, and adjacent land uses are several reasons why this site was chosen as a proposed mitigation bank.

Ms. Ann Key, the lead wetland scientist for this project, has also led the development of three successful wetland mitigation banks in Shawano County, Ashland County and Dane County, Wisconsin using various approaches that involved restoration of site hydrology and vegetative communities with very similar techniques proposed for this Site, including filling or plugging of ditches, shallow scraping to create microtopographic relief, customized seed and plant selection and aggressive site management.

ECOLOGICAL SUITABILITY:

Baseline data collection and evaluation through desktop reviews, as well as an initial field review of the site in September 2021, indicates that the physical, chemical, and biological characteristics of the site make it very suitable to rehabilitate and re-establish high quality wetland communities.

As the majority of the site does not require hydrologic alterations or restoration, these areas simply require a high level of vegetation management. Areas that are ditched and cropped have topography that lends itself to restoration of historic hydrology with limited earthwork. The site topography is relatively close to what would have been historically present and only requires shallow scrapes to remove side-cast material from wetland re-establishment areas. The native on-site soils will be used to fill and/or plug adjacent ditches.

The majority of the cropped portions of the site are mapped as "Potentially Restorable Wetlands" per the WDNR Surface Water Data Viewer and also as Hydric Soils. The majority of the proposed wetland re-establishment area is comprised mostly of cropped lands, which have been managed and treated with herbicides for many years. This is highly beneficial in establishing native vegetation without starting off with significant competition from weedy or invasive species. Although some invasive and non-native species were observed throughout the site, their presence is very minimal and an effective plan for control of invasive/non-native species is proposed.

The rehabilitation portions of the site do not require hydrology modifications as the areas currently meet wetland hydrology and the focus in these areas is vegetation management. Filling and/or plugging of ditches is the primary method proposed to restore site hydrology in re-establishment areas and does not require long-term anthropogenic support.

HYDROLOGY:

Approximately 0.52 miles of Spring Creek flows through the property from south to north with several lateral ditches draining into the creek from the west and east. Areas along Spring Creek are mapped as floodplain and spring flooding appears to be a source of hydrology for wetlands immediately adjacent to the creek.

Groundwater seeps, spring runoff and precipitation are the primary sources of hydrology for the majority of the site. The soils consist of muck throughout the lower elevations of the site with adjacent hillside toeslopes comprised of silt loam and clay loam that are slightly higher in elevation creating a subsurface lateral drainage effect that results in seeps where the organic and mineral interfaces emerge. The lower permeable silt loam and clay loam soils perch and retain runoff and precipitation

which drains to the lower lying muck soils located in concave portions of the site, which retain moisture for long periods of time.

Approximately 9,300 linear feet of drainage ditches are present throughout the site. Ditch depths and widths vary but the most significant ditches range from approximately 3 to 8 feet deep. All on-site ditches ultimately flow west or east draining the cropped portions of the site into Spring Creek.

Evaluation of soil borings and water table/saturation during September 2021 indicates that most of the mapped wetlands on the site have a water table ranging from 20 to 40 inches below the soil surface. Six monitoring wells have been installed at the site to assess existing hydrology. Additional wells and data loggers will be installed in Spring 2022 to further evaluate water table conditions.

CURRENT LAND USES:

The site is currently approximately 70% croplands, 20% Wisconsin Wetland Inventory (WWI) mapped wetlands and 10% forested upland. The cropped areas are approximately 25% drained wetlands and 75% upland. Most of the cropped areas were planted in corn and hay during the 2021 growing season although some wetter areas remained fallow during recent wet years. Existing wetlands throughout the site consist primarily of degraded wooded swamp and fresh (wet) meadow communities that had been heavily grazed for many years with a dominance of invasive/non-native species in herbaceous and shrub layers. Areas that are currently actively cropped or fallow have approximately 9,300 linear feet of drainage ditches which ultimately drain into Spring Creek. It is evident many of these areas have effectively drained and wetland hydrology could be restored throughout much of the site. Areas that currently have wetland hydrology are highly degraded and could be significantly enhanced through management of vegetation as well as potential improvement of hydrologic conditions.

Surrounding lands are owned by other private landowners. The adjacent lands to the east, west, north and south consist primarily of active agricultural lands. Most adjacent privately owned lands consist of rural agricultural areas that are heavily managed with herbicides and therefore, are typically not a significant source of invasive or non-native species. However, restored wetlands on this Site could serve as an important filter to help remove herbicides, pesticides and fertilizers from upgradient lands prior to entering Spring Creek.

COORDINATION WITH RESOURCE AGENCIES:

This project has been coordinated with the following members of the Interagency Review Team (IRT) and other resource agencies: Wisconsin Department of Natural Resources (WDNR), U.S. Environmental Protection Agency (EPA), and Wisconsin Department of Transportation's Bureau of Aeronautics (BOA).

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, Dane County is within the known historic range for the following Federally-listed species:

<u>Northern long-eared bat</u> <i>Myotis septentrionalis</i>	Threatened	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. During summer, roosts and forages in upland forests.
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<u>Whooping crane</u> (<i>Grus americanus</i>)	**Non-essential experimental population	Open wetlands and lakeshores
<u>Higgins eye pearly mussel</u> (<i>Lampsilis higginsii</i>)	Endangered	Lower Wisconsin River
<u>Sheepnose</u> (<i>Plethobasus cyphus</i>)	Endangered	Shallow areas in larger rivers and streams
<u>Rusty patched bumble bee</u> <i>Bombus affinis</i> Note for project proponents: this bee is not known to occur throughout the entire county. To determine if your project or ongoing action is within an area that is likely to have the rusty patched bumble bee, use our online tool at https://ecos.fws.gov/ipac/	Endangered	Grasslands with flowering plants from April through October, underground and abandoned rodent cavities or clumps of grasses above ground as nesting sites, and undisturbed soil for hibernating queens to overwinter.
<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Wet grasslands
<u>Mead's milkweed</u> (<i>Asclepias meadii</i>)	Threatened	Upland tallgrass prairie or glade/barren habitat Note: all the Mead's milkweed sites in Wisconsin are reintroduction attempts and occur on protected conservation lands.
<u>Prairie bush-clover</u> (<i>Lespedeza leptostachya</i>)	Threatened	Dry to mesic prairies with gravelly soil

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.

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.

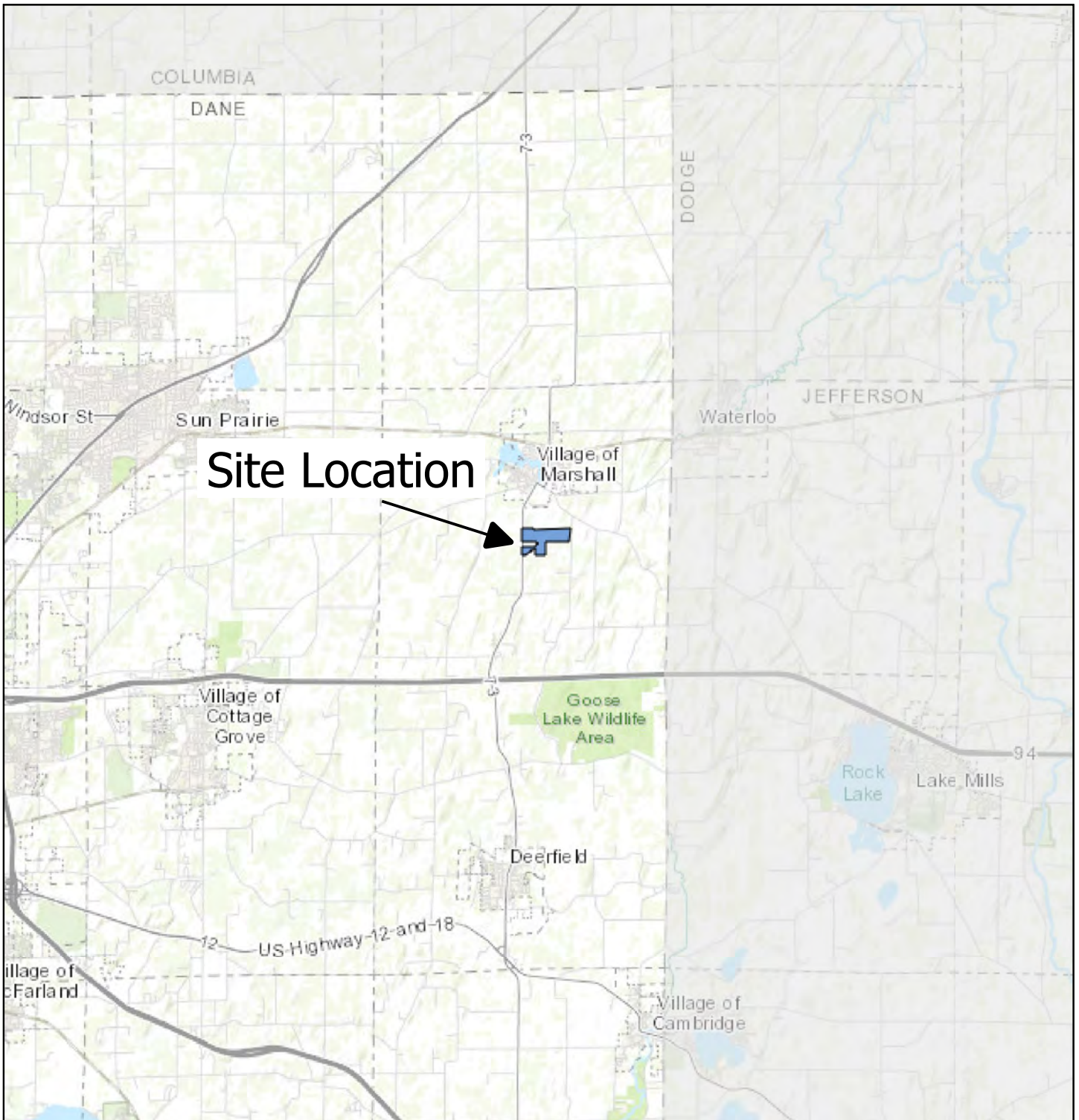
7. REPLIES/COMMENTS

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 Kyle Zibung at kyle.d.zibung@usace.army.mil

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Kyle Zibung in the Stevens Point office of the Corps, telephone number 651-290-5877 or email at kyle.d.zibung@usace.army.mil.

Enclosure(s)



Site Location Map

Spring Creek Wetland Mitigation Bank
Sec. 15 & 22, T8N, R12E, Town of
Medina, Dane County, Wisconsin

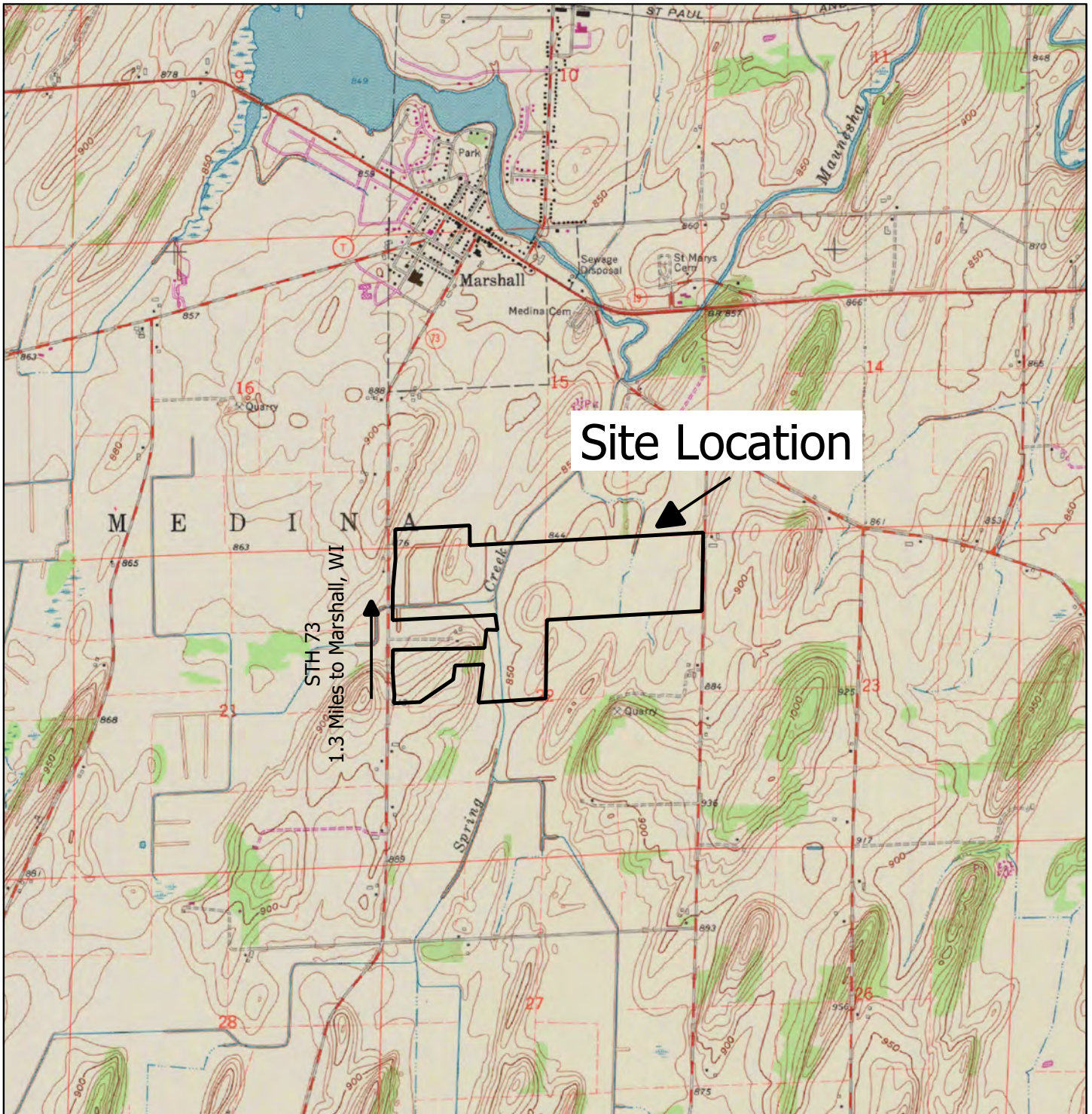
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**FIGURE
NO.
1**



<p>USGS 10-Foot Topographical Map</p>	<p>DATE: 09-13-21 APPROVED BY: AMK</p>	<p>THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF WETLANDS & WATERWAYS LLC, AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS FURNISHED.</p>		<p>FIGURE NO. 2</p>
<p>Spring Creek Wetland Mitigation Bank Sec. 15 & 22, T8N, R12E, Town of Medina, Dane County, Wisconsin</p>	<p>CREATED BY: Grams Mapping and GIS Services, LLC</p>			



<div></div>						<div></div>
<div>2020 Aerial Photo</div>		<div>DATE: 09-13-21</div>	<div>THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF WETLANDS & WATERWAYS LLC, AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS FURNISHED.</div>	<div></div>	<div>FIGURE NO. 3</div>	
		<div>APPROVED BY: AMK</div>				
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Proposed Vegetative Communities & Restoration Methods

Spring Creek Wetland Mitigation Bank
Sec. 15 & 22, T8N, R12E, Town of
Medina, Dane County, Wisconsin

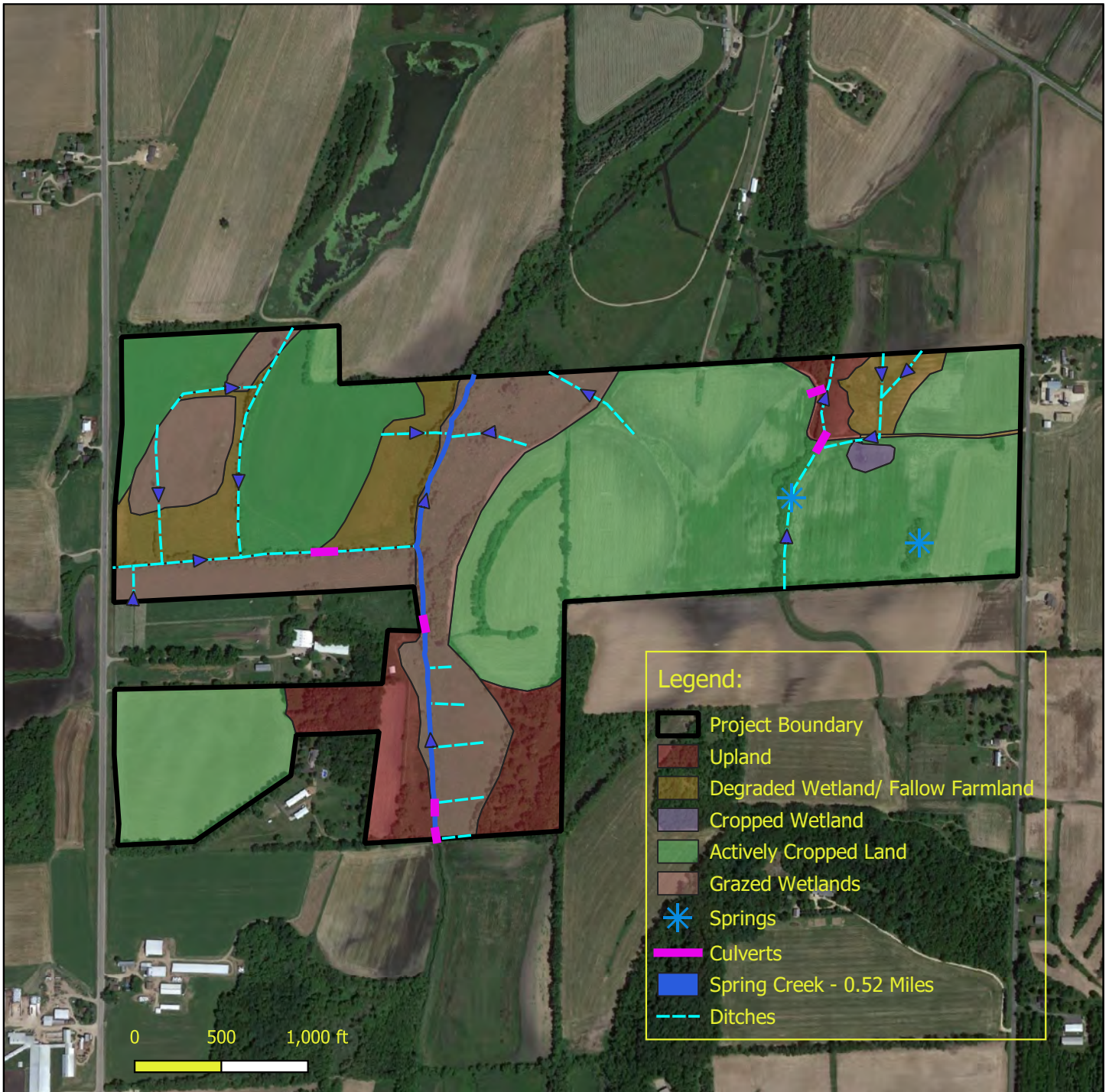
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**FIGURE
NO.
13**



Existing Site Conditions

Spring Creek Wetland Mitigation Bank
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**FIGURE
NO.
6**



Bank Service Area Map

Spring Creek Wetland Mitigation Bank
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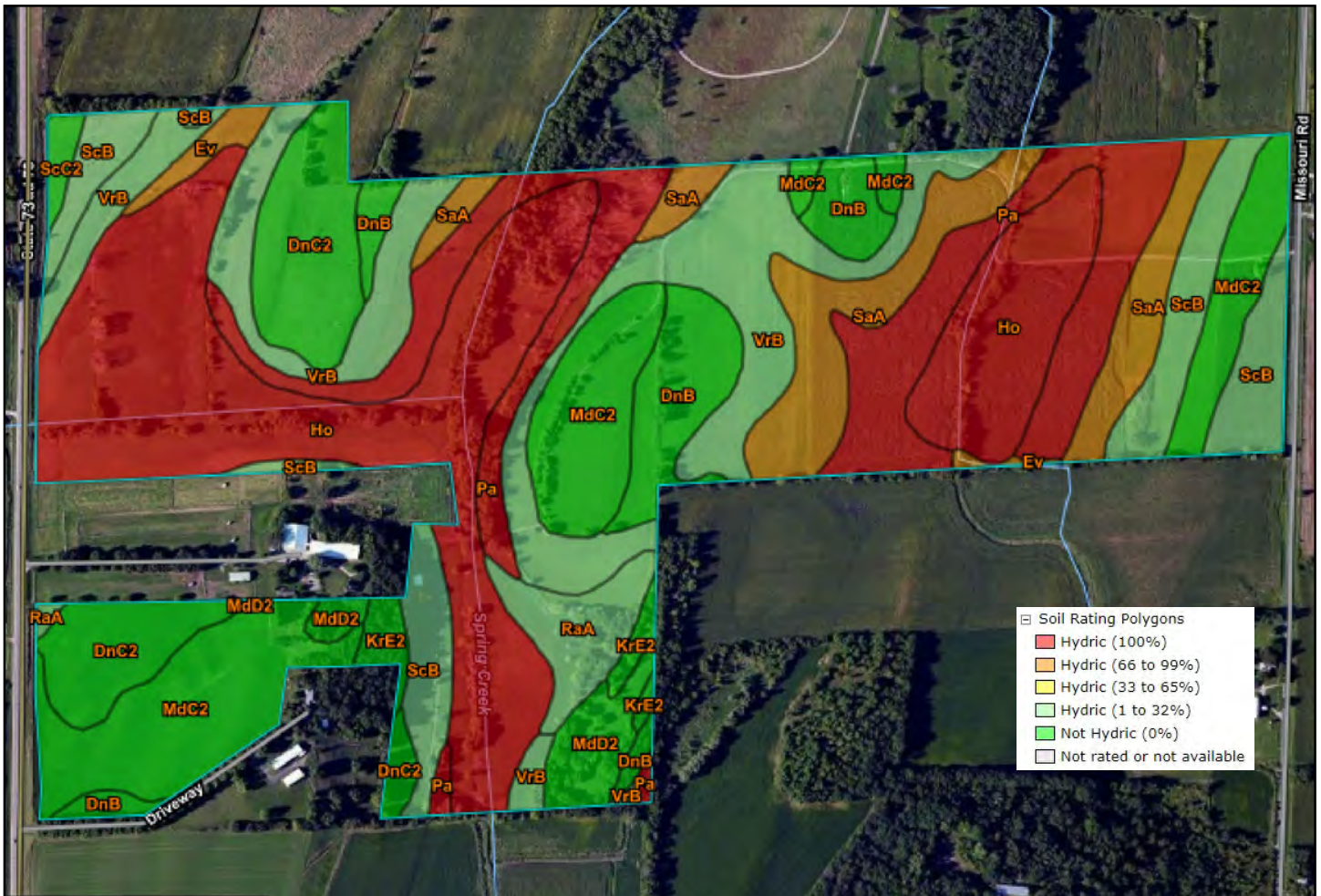
**FIGURE
NO.
4**



<p>Wisconsin Wetland Inventory Map</p>	<p>DATE: 09-13-21</p> <p>APPROVED BY: AMK</p>	<p>THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF WETLANDS & WATERWAYS LLC, AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS FURNISHED.</p>		<p>FIGURE NO. 7</p>
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<p>Dane County 2-Foot Contour Map</p>	<p>DATE: 09-13-21 APPROVED BY: AMK</p>	<p>THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF WETLANDS & WATERWAYS LLC, AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS FURNISHED.</p>		<p>FIGURE NO. 8</p>
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Soils Legend:

DnB - Dodge silt loam, 2-6% slopes
DnC2 - Dodge silt loam, 6-12% slopes
Ev - Elvers silt loam
Ho - Houghton muck
MdC2 - McHenry silt loam, 6-12% slopes
MdD2 - McHenry silt loam, 12-20% slopes
KrE2 - Kidder soils, 20-35% slopes

Pa - Palms muck, 0-2% slopes
RaA - Radford silt loam, 0-3% slopes
SaA - Sable silty clay loam, 0-2% slopes
ScB - St. Charles silt loam, 2-6% slopes
ScC2 - St. Charles silt loam, 2-12% slopes
VrB - Virgil silt loam, 1-4 % slopes



NRCS Hydric Soils Rating Map

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**FIGURE
NO.
10**



NRCS Wetland Indicator Soils Map

Spring Creek Wetland Mitigation Bank
Sec. 15 & 22, T8N, R12E, Town of
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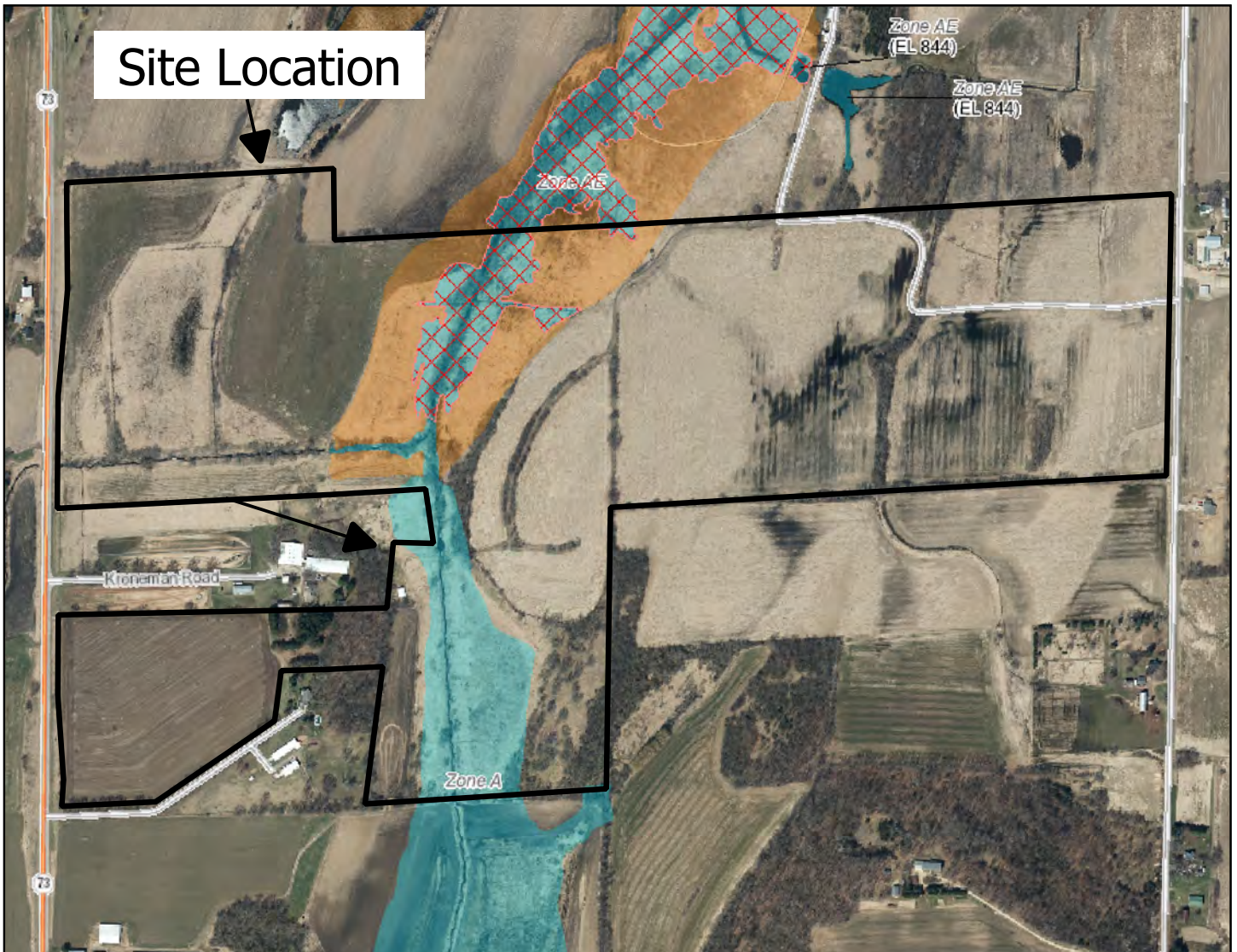
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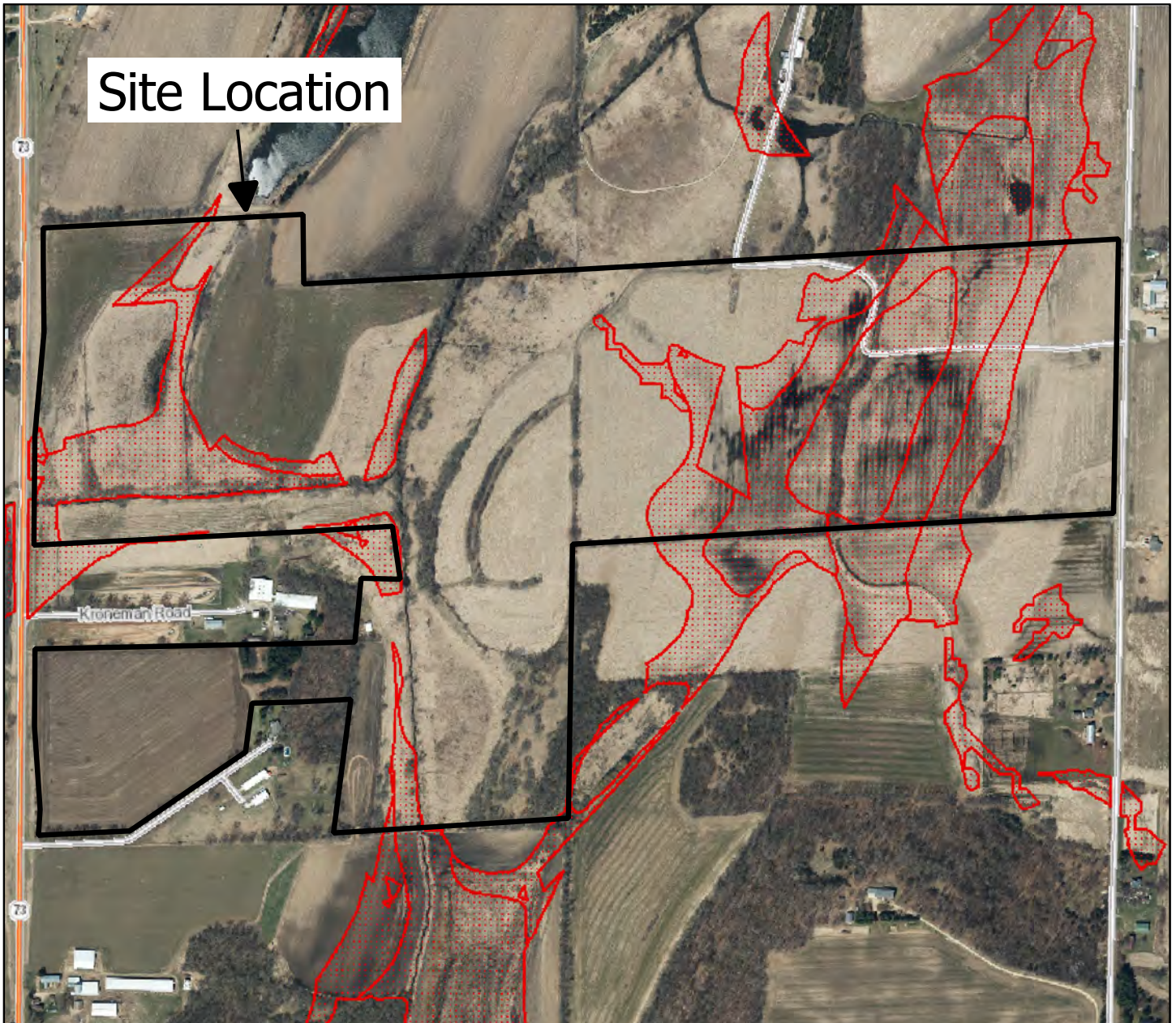
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**FIGURE
NO.
11**



<p>FEMA Floodplain Map</p>	<p>DATE: 09-13-21</p> <p>APPROVED BY: AMK</p>	<p>THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF WETLANDS & WATERWAYS LLC, AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS FURNISHED.</p>		<p>FIGURE NO. 12</p>
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<p>Potentially Restorable Wetlands</p>	<p>DATE: 09-13-21</p> <p>APPROVED BY: AMK</p>	<p>THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF WETLANDS & WATERWAYS LLC, AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS FURNISHED.</p>		<p>FIGURE NO. 14</p>
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