



US Army Corps
of Engineers
St Paul District

SPONSOR:

Honey Creek Mitigation
Resources, LLC
c/o Richard Morris

Public Notice

ISSUED: November 30, 2022

EXPIRES: December 29, 2022

REFER TO: MVP-2022-01381-BJL

SECTION:404 - Clean Water Act

1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL

2. SPECIFIC INFORMATION

SPONSOR'S ADDRESS:

Honey Creek Mitigation Resources, LLC
c/o Richard Morris
7380 France Avenue South, Suite 250
Minneapolis, MN 55435

SPONSOR'S AGENT:

Merjent
c/o Nicholas Haus
1 Main Street SE, Suite 300
Minneapolis, MN 55414

PROJECT LOCATION: The project site is located in Section Thirty-five (35), Township Ten (10) North, Range Five (5) East, Sauk County, Wisconsin. The approximate UTM coordinates are X Coordinate: 268492.27608, Y Coordinate: 4798076.708969. Latitude: 43.299913, Longitude: -89.854144.

BANK SERVICE AREA: The proposed bank service area is the Lower Wisconsin within the Mississippi River Basin.

DESCRIPTION OF PROJECT:

The Sponsor is proposing to develop The Honey Creek Mitigation Bank. The proposed bank site (Site) is approximately 100.44 acres in size, including upland buffer areas. 98.1 acres are proposed to be credit areas. A total of 2.34 acres of the site would be "no credit" areas consisting of the Northern Natural Gas Company easement and open water.

NEED AND OBJECTIVE OF PROJECT:

The Site includes a small portion of the East Branch Honey Creek in the southeast corner and is located 1.15 miles upgradient of Honey Creek. Water from the site discharges into East Branch Honey Creek which discharges into Honey Creek. The East Branch Honey Creek extends 11 miles in the watershed. The East Branch of Honey Creek is a spring and seepage fed tributary to Honey Creek. The DNR overview states the stream is currently considered a warm water forage fishery, although the stream historically was able to support a trout population. The degradation of the creek can be attributed to straightening and siltation. Occasionally, larger sport fish such as small walleyes, smallmouth bass and rock bass may move into the creek's lower reaches from Honey Creek. Honey Creek extends 25.53 miles in the watershed and is classified by the Wisconsin DNR as being in poor general condition and an impaired waterway with the principal pollutant being phosphorus. The DNR recommendations for improving phosphorous concentrations include streambank and buffer

protection, reduced tillage and wetland restoration and protection. The site proposal is aligned with achieving those recommendations.

The broad objective of the Site is to create a general use wetland mitigation bank to serve the need for wetland compensatory mitigation within the Lower Wisconsin BSA through the reestablishment, rehabilitation, enhancement, and preservation of wetlands impacted by agriculture. The Site will provide an opportunity to purchase wetland mitigation credits within the Lower Wisconsin BSA, a necessary alternative to permittee-responsible mitigation and/or the purchase of credits from the Wisconsin in-lieu fee program. The bank sponsor is aware that there are existing wetland mitigation banks within the Lower Wisconsin BSA, however, the existing banks are located within the Castle Rock HUC-8, whereas, the Site is located in the Lower Wisconsin River HUC-8 which is directly adjacent to the Rock BSA and would potentially offset wetland loss northwest of Madison.

The objectives of the Honey Creek Mitigation Bank are to transform the Site, comprised of agricultural fields, wet meadows, ditches, farmed wetland, hardwood forest, and open water, back to historical pre-settlement wetland and upland communities resulting in substantial ecological and wetland functional lift. The bank sponsor is proposing to restore five wetland plant community types as listed below:

1. Re-establishment of fresh wet meadow (approximately 19.66 acres).
2. Re-establishment of sedge meadow (approximately 25.06 acres).
3. Re-establishment of hardwood/shrub swamp (approximately 10.85 acres).
4. Rehabilitation of fresh wet meadow (approximately 0.18 acre).
5. Rehabilitation of sedge meadow (approximately 15.05 acres).
6. Rehabilitation of hardwood/shrub swamp (approximately 1.72 acres).
7. Enhancement of hardwood/shrub swamp (approximately 6.75 acres).
8. Improved upland buffer of mesic prairie (approximately 17.54 acres).
9. Unimproved Upland Buffer of hardwood forest (approximately 1.28 acres).

ESTABLISHMENT, OPERATION AND MANAGEMENT:

The proposed activities will be implemented through utilization of construction and engineering applications to restore wetland hydrology throughout the site; however, the extent of hydrologic modifications, including filling agricultural ditches, disabling tiles, and excavating areas of fill will depend upon additional site-specific data and the established goals and objectives for the site. Regrading of the Site will be restricted to the previously disturbed portions of the fields that were ditch and where ditch spoils were placed. Upland fields and undisturbed wetlands adjacent to the East Branch Honey Creek will not be graded. Grading is not anticipated to occur below the original topsoil surfaces, however, in the event that soil excavation exposes subsoils (e.g. during any potential tile excavations) than topsoil would be stripped, preserved, and replaced.

Site preparation will include chemical and/or mechanical control of invasive plant species such as narrow leaf cattail, hybrid cattail (*Typha X glauca*), garlic mustard (*Alliaria petiolata*), common buckthorn (*Rhamnus cathartica*), spotted knapweed (*Centaurea stoebe*), reed canary grass, stinging nettle (*Urtica dioica*), and common reed (*Phragmites* spp.) to reduce competition and promote native species establishment and diversity. Adaptive management strategies informed by field observations will allow for flexibility in timing and approach to adjust management prescriptions for maximum control. Herbicide treatments will be conducted to target species within seasonally timed windows

depending on species phenology. Selective herbicides and spot applications will be utilized when feasible to minimize off-targets impacts. Herbicide applications will be performed with a combination of backpack sprayers, hand wicks, pistol sprayers, boom sprayers, cut-stump treatments, or aerial applications. Mechanical methods to target invasive and aggressive native species may include mowing, brush cutting, shredding, and physical removal/grading activities. Prescribed burning may also be conducted under appropriate conditions to reduce thatch layers and recycle nutrients.

Following sufficient control of invasive and aggressive native species, restoration and enhancement activities will include the installation of native seed mixes, wetland plant plugs, and live stakes. Native seed mixes will include species historically native to the area that are adapted for the desired community. Based on availability, native plant material will be procured locally to the extent possible and supplemented with onsite seed collection. The material collected onsite will be gathered and documented for record keeping. Ongoing management is anticipated while the native communities establish. Once all the aforementioned activities have been completed, the site will be maintained and monitored in accordance with the final approved plan to ensure performance standards are being met.

OWNERSHIP AND LONG-TERM MANAGEMENT:

The Sponsor intends to maintain ownership of the Site during bank operation and will be responsible for long-term monitoring and maintenance. The Sponsor will utilize the model WDNR Conservation Easement to protect the Site in perpetuity. WDNR will hold the Conservation Easement for the Site, however, long-term ownership and financial assurance responsibilities will remain with the Sponsor.

TECHNICAL FEASIBILITY AND QUALIFICATIONS:

Wetland restoration of ditched and drained agricultural land has been successfully completed a number of times across the state (e.g. Foggy Acres Wetland Mitigation Bank). There are no existing or anticipated rights of the landowner or others to remove water, soil, minerals, or biomass from, within or adjacent to the site boundary. The bank sponsor assures that sufficient water rights exist to support a long-term, sustainable wetland mitigation bank on the Site.

The bank sponsor has contracted with Merjent, an environmental consulting company which provides environmental monitoring services, construction oversight, and vegetation management services, to manage the development of the proposed Honey Creek Mitigation Bank. Merjent employs over 20 individuals with wetland mitigation experience in Wisconsin.

The Site does have several existing easements:

- Easement to Wisconsin Power and Light Company recorded May 4, 1937 in Volume 160 of Deeds, page 538, as #236351. Overhead electric located along the County Road PF right-of-way.
- Easement to Northern Natural Gas Company recorded October 7, 1963 in Volume 312 of Deeds, page 283, as #338533; Conveyance, Assignment and Bill of Sale recorded January 2, 1991 in Reel 524, Image 109, as #545471. Natural gas pipeline with assumed 50 foot right-of-way that bisects the Site roughly southwest to northeast.
- Right-of-Way Authorization to General Telephone Company of Wisconsin recorded March 15, 1974 in Volume 381 of Deeds, page 8, as #394160. Overhead telecommunication located along the County Road PF right-of-way.

- Right-of-Way Authorization to General Telephone Company of Wisconsin recorded March 15, 1974 in Volume 381 of Deeds, page 9, as #394161. Overhead telecommunication located along the County Road PF right-of-way.
- Provisions contained in Easement for driveway purposes recorded November 23, 1987 in Reel 455, Image 500, as #505643. Located along the western boundary of the Site with the parcel owned by Thomas Breunig.
- Sauk County Planned Rural Development Program Preservation Area Easement recorded January 7, 2021, as #1211656.

The conservation easement for wetland mitigation would exclude the overhead utilities right-of-way that parallels County Road PF, the natural gas right-of-way, and the access easement located along the northwest boundary of the Site. The objectives of the mitigation project would satisfy the objectives of the Sauk County Planned Rural Development Program Preservation Area which includes the following designated spaces:

- Primarily devoted to agriculture or agricultural related uses
- Open space
- Grassland
- Forest
- Natural resource area
- Open waters
- Wetlands Land within the Baraboo Range Protection area as identified in February, 2013
- Land designated as an Agriculture Enterprise Area as of February, 2013

ECOLOGICAL SUITABILITY:

The Site is located in the Western Coulees and Ridges Ecological Landscape. The proposed mitigation bank would increase and improve important sedge meadow, wet meadow, shallow marsh, shrub swamp, and wooded swamp communities. The restoration and management of the Site will comply with the best management practices outlined for the region in the Wisconsin DNR's Ecological Landscapes of Wisconsin (Chapter 22, Western Coulees and Ridges Ecological Landscape). It is expected that the proposed mitigation of the Site would have several on and offsite benefits including increased pollinator, bird, mammal, and amphibian habitat, decrease phosphorus discharge to East Branch Honey Creek, decreased total suspended solids discharges to East Branch Honey Creek, improved groundwater quality, improved human use values.

HYDROLOGY:

The general design strategy is to restore the sites hydrology by blocking and filling the network of private ditches. The ditches that are located along the Sites western and southern boundaries would remain in place to allow for the continued drainage of adjacent privately owned lands (Figure 8). It is expected that even though the ditch on the western boundary and the southern boundary would remain that hydrology will still be restored to all of the lands east and north of these ditches following the closure of internal ditches. Well transects will be established along both ditches to observe hydrologic fluctuations post-construction. All other internal ditches would be disabled by a ditch plug located at the confluence with western and southern ditch as well as a ditch plug placed where the eastern ditch network discharges to the East Branch Honey Creek; the creek facing side of this ditch plug would be armor with riprap to prevent scour from floodwaters. Ditches would be filled using

onsite spoils and grading of adjacent lands in the portions of the ditches upstream from the plugs. Ditches will be blocked and filled in accordance with the Technical Guidance Document for Blocking and Filling Surface Drainage Ditches from the Minnesota Wetland Restoration Guide – WRF 4A-1 (BWSR 2015). Drainage tiles are not known to exist on the site nor do the previous landowners have knowledge of a working drainage tile system, however, if drainage tile is discovered during construction activities, they would either be completely removed by hoe if only minor amounts are found. If more extensive drainage tile systems are discovered, they would be located and disabled in accordance with the Technical Guidance Document for Blocking Subsurface Drainage Tile from the Minnesota Wetland Restoration Guide – WRF 4A-2 (BWSR 2015). The sponsor is not currently proposing to conduct hydrologic modelling to ensure that adjacent properties are not inadvertently affected by the hydrologic restoration of the Site due to the following:

- the western boundary of the Site would be bound by uplands and a ditch,
- the southern boundary of the Site would be bound by a ditch and the East Branch Honey Creek,
- the northern boundary of the site would be bound by uplands and the County Road PF inslope,
- the east boundary of the Site is bound by an existing wetland complex that is the floodplain to East Branch Honey Creek

HISTORIC AND CURRENT LAND USES:

The site can generally be described as ditched agricultural land and wet meadow historically used to produce row crops and hay or pastureland. Historical aerial photos dating back to 1937 indicate that the site has been in agricultural production since at least that time (Appendix B). By 1992, aerial imagery indicates that drainage features at the site were in their present configuration. County Road PF, which runs along the north boundary of the Site, continues to be operational up to present day and since at least 1937.

Pre-settlement vegetation data produced by the Wisconsin Department of Natural Resources (WDNR) based on analysis of original land survey notes indicate that the majority of the site was historically dominated by oak and oak openings containing species such as bur oak, white oak, red oak and black oak, sugar maple and basswood stands, marsh and sedge meadow, wet prairie, and lowland shrubs.

The major effects of past land use include:

- Direct loss of approximately 100.4 acres of sedge meadow, shallow marsh, forested land, and shrub swamp due to construction of drains and roadways and conversion to agricultural land.
- Degradation of downstream water quality from direct agriculture discharges into waterways.
- Loss of soil organic carbon as a result of ditching and exposure to oxidizing conditions.
- Chemical and physical changes to wetlands and waterbodies and associated impacts on wildlife due to loss of habitat and application of agricultural pesticides and fertilizers.

The Site has remained active as predominantly agricultural land since at least 1937. The Site is currently used to produce soybean.

A preliminary onsite vegetation survey and a desktop wetland delineation utilizing aerial imagery have been conducted. The area investigated covers those lands that have been physically manipulated by past agricultural activities in the past and currently. The results of these efforts, listed below, present the existing wetland and vegetation land uses currently found on the Site.

- Wet Meadow (Approximately 6.75 acres)
- Agricultural Field (Approximately 76.45 acres)
- Ditch (Approximately 2.41 acres)
- Farmed Wetland (Approximately 13.11 acres)
- Hardwood Forest (Spoils) (Approximately 1.35 acres)
- Open Water (Approximately 0.37 acre)

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

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

The USFWS County Distribution List of Federally listed threatened or endangered species for Sauk County was consulted on August 23, 2022. The following species are said to reside in Sauk County, Wisconsin:

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Birds

NAME	STATUS
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non- Essential

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Northern Wild Monkshood <i>Aconitum noveboracense</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1450	Threatened
Prairie Bush-clover <i>Lespedeza leptostachya</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4458	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

The aforementioned species are not known to exist within the action area. Additionally, the Wisconsin DNR Karner Blue Butterfly (KBB) High Potential Range data layer was reviewed in the National Regulatory Viewer on August 23, 2022, by the Corps Project Manager. The project falls outside of the KBB High Potential Range. The Corps is coordinating this notice with the U.S. Fish and Wildlife Service (USFWS). 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 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 unidentified properties. The Corps will coordinate 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 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. The Corps will forward comments received to the sponsor and consider all comments during our

Regulatory Branch (File No. MVP-2022-01381-BJL)

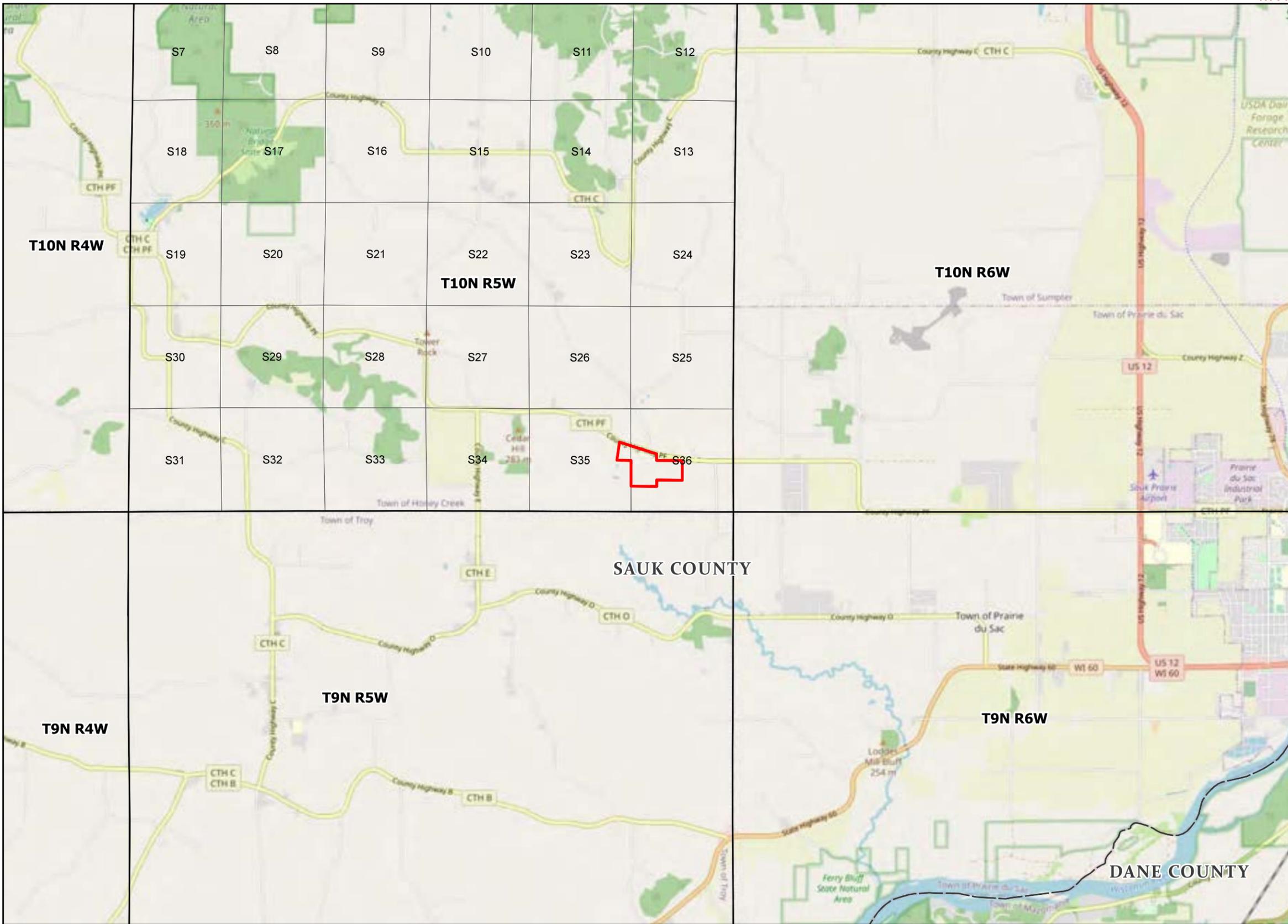
evaluation. Interested parties can find a copy of the full prospectus in the RIBITS cyber repository at the following link:

https://ribits.ops.usace.army.mil/ords/f?p=107:158:10284549915018:IR%5Bbanks_table_id%5D_156550:::

Commentors should provide replies via email to benjamin.j.lacount@usace.army.mil.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, please call Benjamin LaCount at the Stevens Point office of the Corps, telephone number 651-290-5315 or e-mail at benjamin.j.lacount@usace.army.mil. 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): MVP-2022-01381-BJL Public Notice Figures Page1 of 6 through Page 6 of 6



Legend

Project Area

PROJECT LOCATION:
County Road Pf, Sauk City, Town of Honey Creek, Sauk County, WI



0 0.5 1 Miles

Notes:

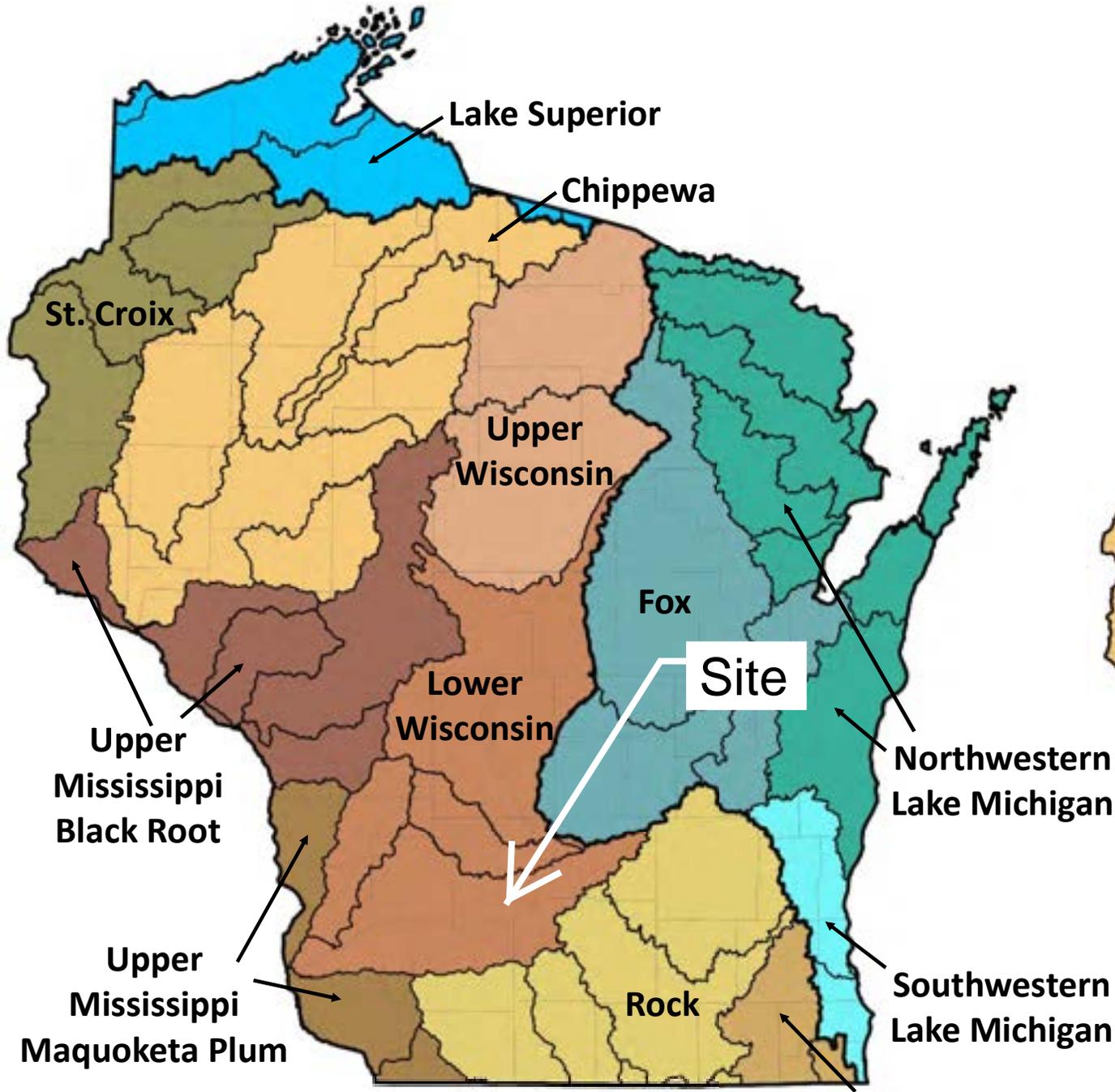
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 DATE: 7/8/2022
 SCALE: 1:62,500
 SOURCE DATA: MERJENT, WDNR
 COORDINATE SYSTEM: NAD 1983 HARN Wisconsin TM
 PROJECTION: Transverse Mercator

Figure 1

FIGURE DESCRIPTION:
LOCATION MAP

CLIENT/PROJECT:
HONEY CREEK MITIGATION BANK

SERVICE AREAS



(Service areas are labeled, HUC8 watersheds are outlined in black)

BASINS



(Basins are labeled, service areas are outlined in gray)

Upper Illinois

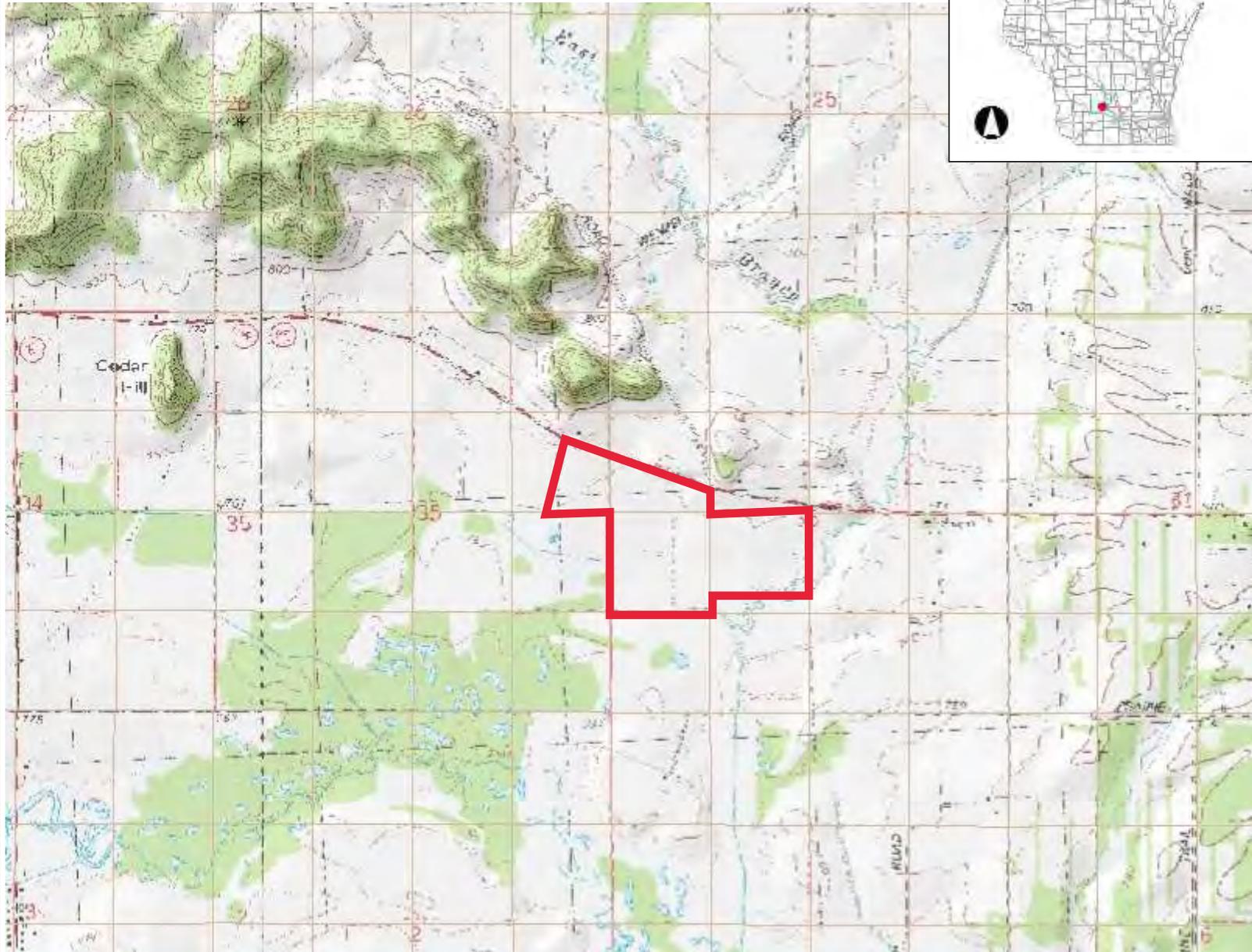


Surface Water Data Viewer Map



Legend

- Quarter-Quarter
- 24K USGS Quad Index - Level 7 - 16



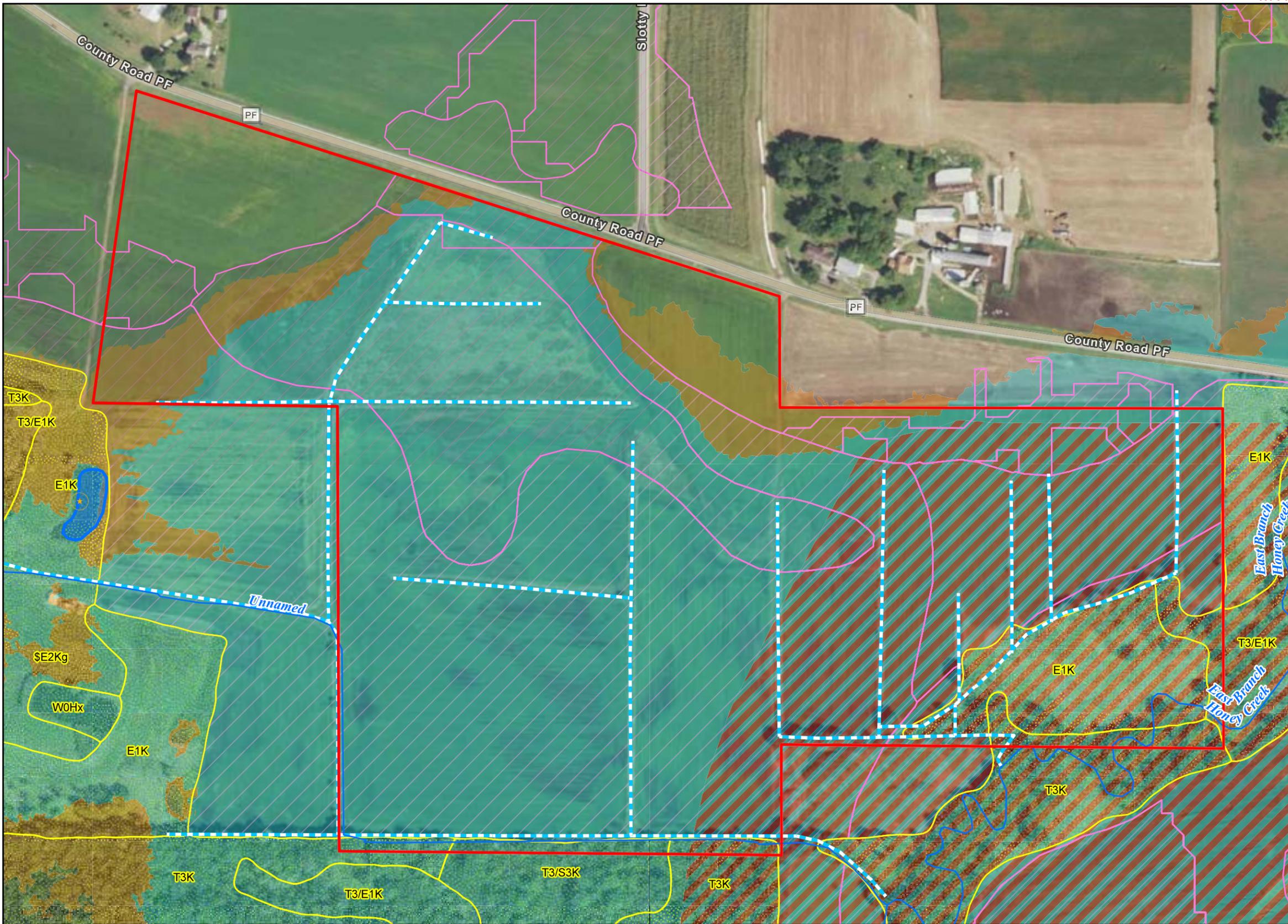
NAD_1983_HARN_Wisconsin_TM

1: 23,760

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

Notes

Digital Topographic Map



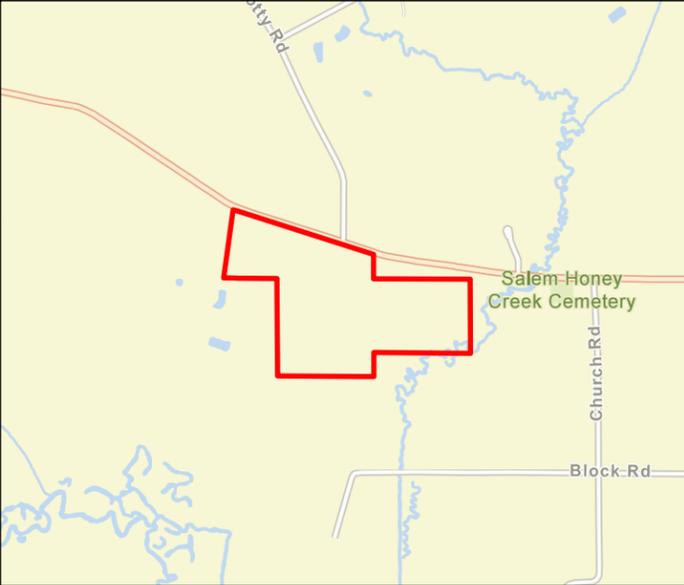
Legend

- Project Area
- DNR Wetlands Too Small to Delineate
- DNR Mapped Wetland
- DNR Mapped Waterway
- WDNR Mapped Waterbody
- DNR Potentially Restorable Wetland

Flood Hazard Zones

- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- 0.2% Annual Chance Flood Hazard

PROJECT LOCATION:
County Road Pf, Sauk City, Town of Honey Creek, Sauk County, WI



0 250 500 Feet

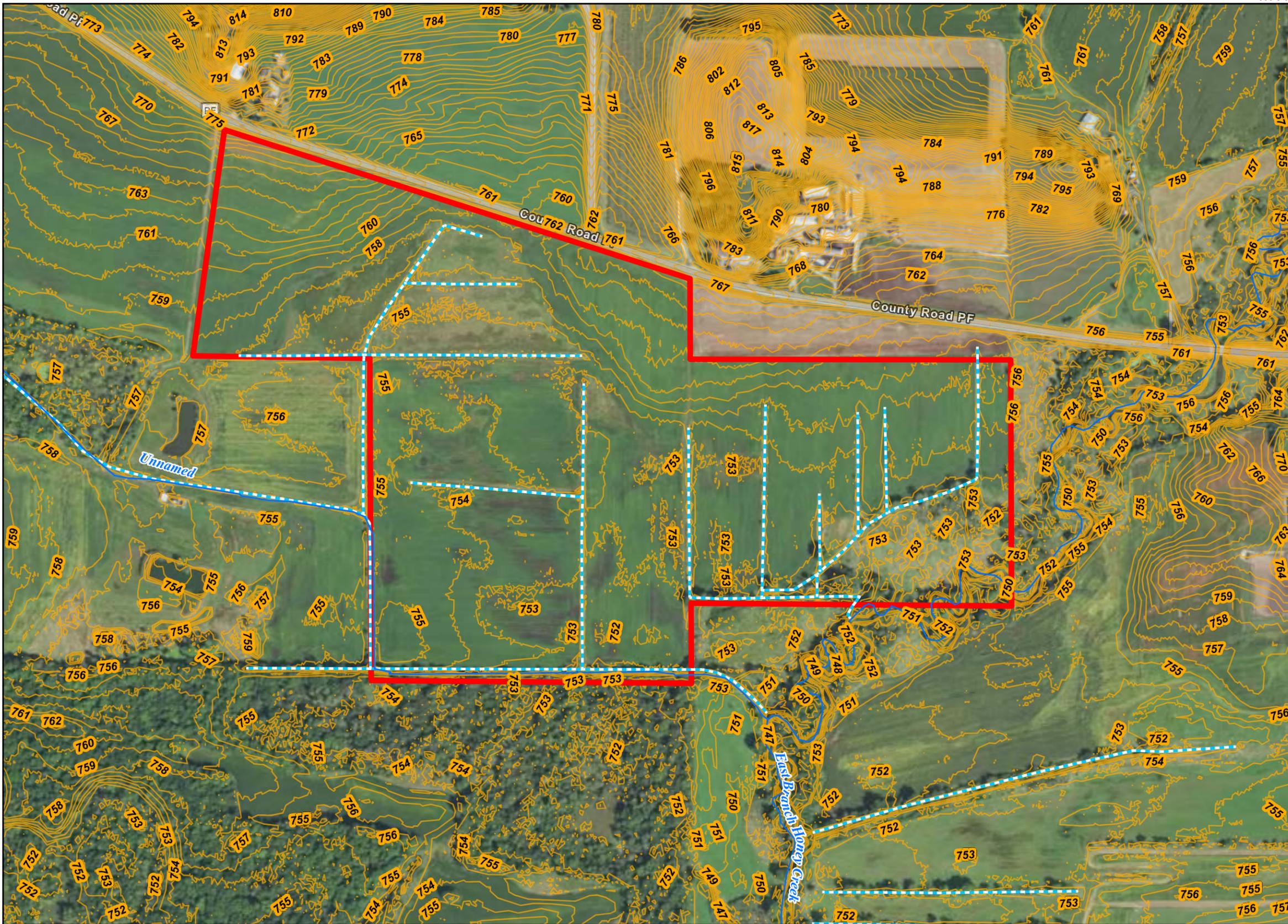
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SHEET 1 OF 1
 DATE: 7/8/2022
 SCALE: 1:3,620
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 COORDINATE SYSTEM: NAD 1983 HARN Wisconsin TM
 PROJECTION: Transverse Mercator

Figure 3

FIGURE DESCRIPTION:
HYDROLOGY MAP

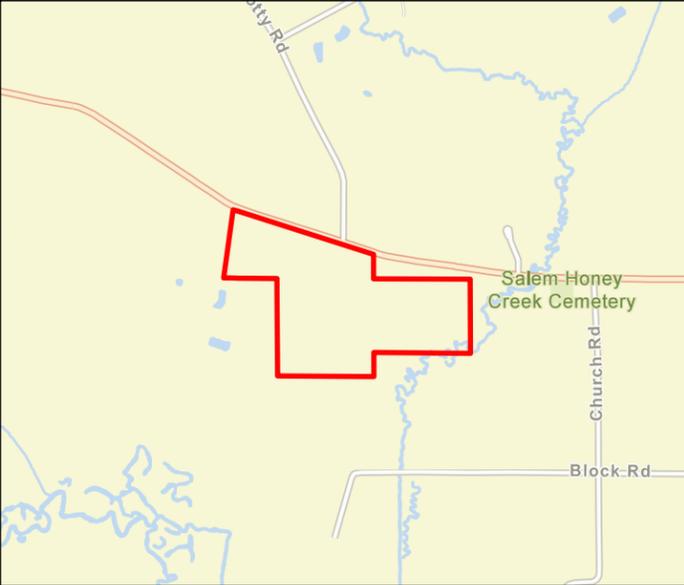
CLIENT/PROJECT:
HONEY CREEK MITIGATION BANK



Legend

- Project Area
- 1-ft Contour
- Ditch
- WDNR Waterway

PROJECT LOCATION:
County Road Pf, Sauk City, Town of Honey Creek, Sauk County, WI



0 350 700 Feet

Notes:

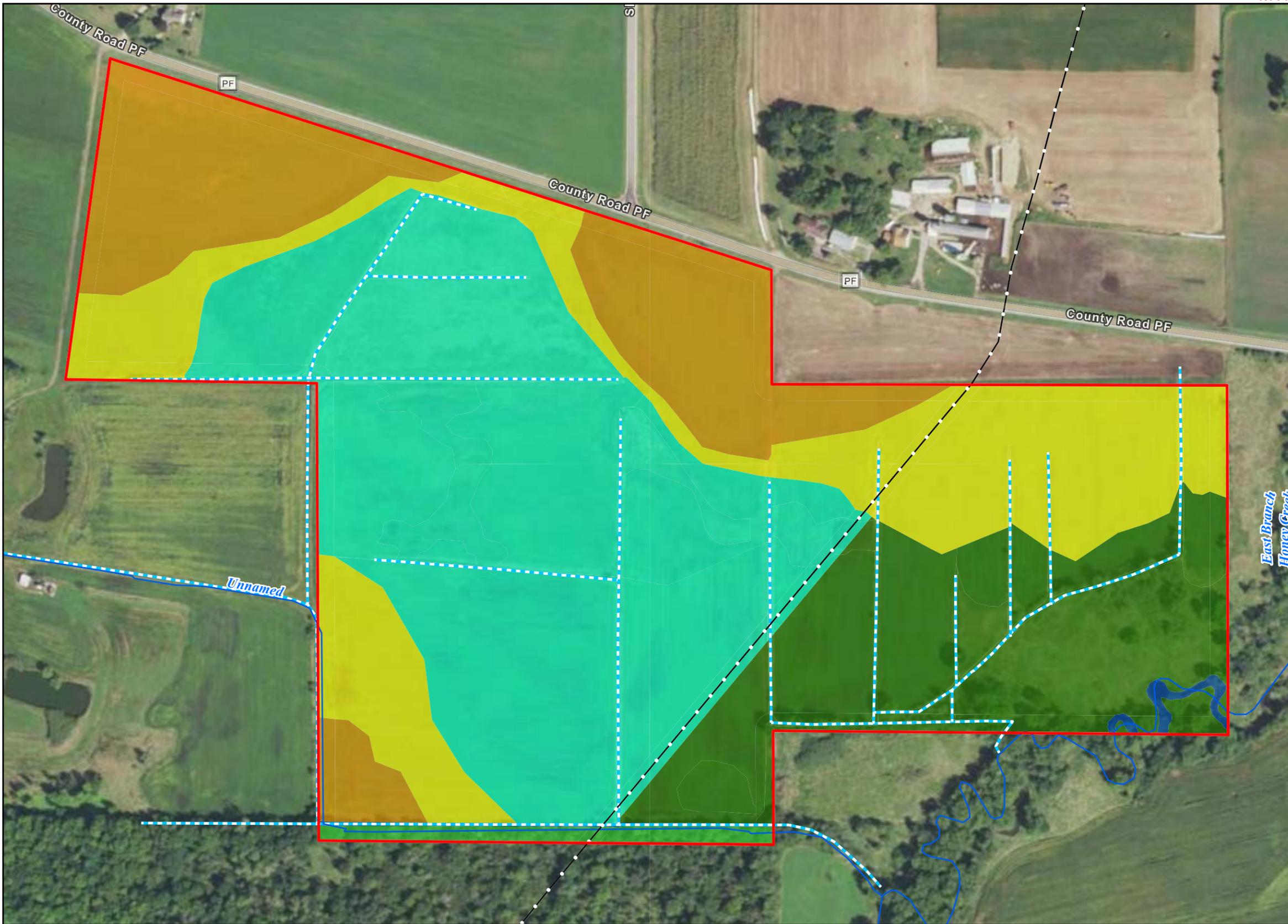
SHEET 1 OF 1

DATE: 7/8/2022
SCALE: 1:5,000
SOURCE DATA: MERJENT, WDNR
COORDINATE SYSTEM: NAD 1983 HARN Wisconsin TM
PROJECTION: Transverse Mercator

Figure 4

FIGURE DESCRIPTION:
TOPOGRAPHIC MAP

CLIENT/PROJECT:
HONEY CREEK MITIGATION BANK



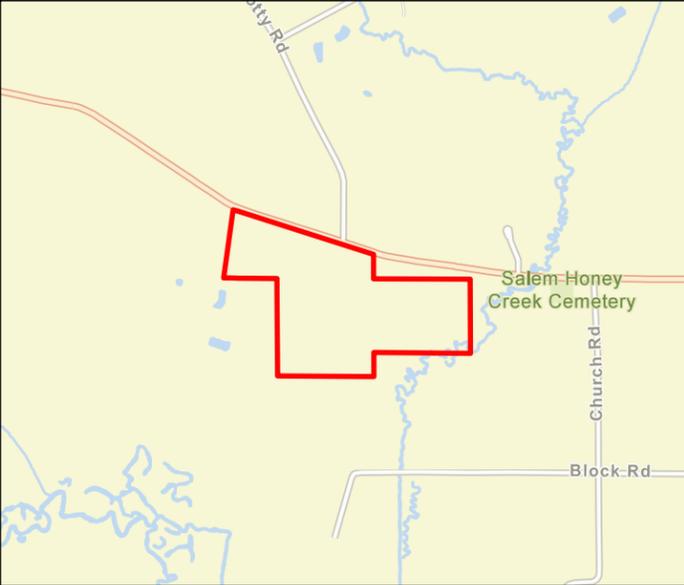
Legend

- Project Area
- Ditch
- DNR Mapped Waterway
- NNG Gas Pipeline

Proposed Vegetation Community

- Fresh (Wet) Meadow
- Hardwood Forest
- Hardwood/Shrub Swamp
- Mesic Prairie
- Sedge Meadow
- Water

PROJECT LOCATION:
County Road Pf, Sauk City, Town of Honey Creek, Sauk County, WI



Notes:

SHEET 1 OF 1
 DATE: 7/12/2022
 SCALE: 1:3,520
 SOURCE DATA: MERJENT, WDNR
 COORDINATE SYSTEM: NAD 1983 HARN Wisconsin TM
 PROJECTION: Transverse Mercator

Figure 11

FIGURE DESCRIPTION:
PROPOSED VEGETATION COMMUNITY MAP

CLIENT/PROJECT:
HONEY CREEK MITIGATION BANK