US Army Corps
of Engineers
St Paul District

Public Notice

SPONSOR: Leach Farms

ISSUED: November 1, 2022
EXPIRES: December 1, 2022

REFER TO: 2022-01785-EJI

SECTION: 404 - Clean Water Act

1. STREAM COMPENSATORY MITIGATION BANK PROPOSAL

2. SPECIFIC INFORMATION

SPONSOR'S ADDRESS: Leach Farms
c/o Tom Leach
PO Box 192
Berlin, Wisconsin 54923

SPONSOR'S AGENT Stantec Consulting Services
c/o Jon Gumtow
1165 Schuering Road
DePere, WI 54115

PROJECT LOCATION: The project site is located in Sections 29, 30 and 31, Township 19 North, Range 14 East, Winnebago County, Wisconsin. The approximate UTM coordinates are N 4883326, E 350321. Latitude 44.087818, Longitude -88.869668.

BANK SERVICE AREA: The Site is within the Fox Bank Service Area (BSA) of the Lake Michigan Basin. This BSA includes all or most of Winnebago, Waupaca, Marquette, Green Lake and Shawano counties and parts of Brown, Calumet, Fond du Lac Columbia, Adams, Waushara, Portage, Marathon, Langlade, Oneida, Forest, Menominee and Outagamie counties.

DESCRIPTION OF PROJECT: The sponsor is proposing to develop the Leach Farms Stream Bank. The proposed bank site is approximately 295.6 acres in size, including upland buffer areas. The proposed mitigation design concept includes re-meandering approximately 3,973 linear feet of a channelized segment of Pumpkinseed Creek, creating bedform diversity in the construction of pools and riffles, installing native vegetation along riparian corridor of Pumpkinseed Creek, and removing the pump that discharges drainage ditch water directly into Pumpkinseed Creek and Lake Poygan.

NEED AND OBJECTIVE OF PROJECT: As stated by the sponsor, the purpose of this project is to create a mitigation bank to serve the need for compensatory stream mitigation within the service area. This Site is within the Fox River Valley which is continuing to see increased development and is currently the third largest economic area in Wisconsin, after Madison and Milwaukee. The site, if approved, would have compensatory stream mitigation credits that applicants for Department of the Army permits could purchase to offset unavoidable losses of stream functions in the service area. The proposed stream restoration activities include ceasing row cropping, disabling drain tile and filling drainage ditches, controlling invasive species, installing native plant species, and re-meandering the channelized Pumpkinseed Creek. Specific and quantitative objectives for the restoration of the Site include the following: Reduce lateral runoff from the catchment, eliminate points of concentrated flow, increase entrenchment ratio and decrease lateral confinement, increase large woody debris volumes,

establish reference condition bedform diversity, expand the effective vegetated riparian area, improve canopy cover and improve biological integrity for macroinvertebrates and fish.

ESTABLISHMENT, OPERATION AND MANAGEMENT: The proposed mitigation design concept includes re-meandering approximately 3,973 linear feet of a channelized segment of Pumpkinseed Creek, creating bedform diversity in the construction of pools and riffles, installing native vegetation along riparian corridor of Pumpkinseed Creek, and removing the pump that discharges drainage ditch water directly into Pumpkinseed Creek and Lake Poygan. Preliminary results from the stream quantification tool (SQT) show that the proposed restoration has the potential to improve the condition of several function based parameters and generate approximately 1,315 functional feet of stream credits.

OWNERSHIP AND LONG-TERM MANAGEMENT: The Sponsor intends to record a conservation easement on the Site which will preserve the Site as stream, wetland, and associated wildlife habitat in perpetuity. The Sponsor will be responsible for periodic site inspections and long-term management. Financial assurances will be established to ensure that funds are available for long-term management once the credits for the Site have been released. It is anticipated that the long-term management may consist of periodic invasive species control and inspections in compliance with the conservation easement.

TECHNICAL FEASIBILITY AND QUALIFICATIONS: Pumpkinseed Creek is currently channelized through the site with almost no sinuosity. A tall berm on the eastern bank prevents floodplain access in that direction, the western bank is low and does provide minimal floodplain access relative to the current ditch condition. Although the gradient is low, large woody debris riffle grade control structures and wood toe bank protection structures would be constructed for stability purposes as the established woody vegetation continued to develop deep roots that would provide long term stability and shading. These structures would also serve as key habitat features in the restored channel. The construction of the channel will primarily be completed in the dry, reducing need for pump around setups and dewatering. After which, it will be planted and managed to develop rooted woody vegetation along its banks before being connected to the upstream and downstream tie-ins to promote stability and success. The channel being built in the floodplain fields and primarily outside of the existing corridor would also serve to allow for more stable construction conditions, reductions in sedimentation and a smaller disturbance corridor. After the channel was stabilized with vegetation initial notching of the tie-ins would take place. Once equilibrium within the constructed channel was accomplished the greater agricultural field would be flooded to initiate reversion back to a stream-wetland complex.

The Sponsor and landowner is Mr. Tom Leach. Mr. Leach has not previously completed a stream mitigation banking project, but will be working with Stantec to plan, design, install, monitor, and manage this Site. Stantec has been involved with successfully designing and implementing wetland mitigation banks in Wisconsin for over 30 years, and more recently has been involved with stream restoration projects.

ECOLOGICAL SUITABILITY: Pumpkinseed Creek has been ditched and channelized within the site as well as upstream and downstream and as a result, the hydraulics and geomorphology are impaired. The current length of the stream within the site is approximately 3,490 linear feet. The catchment is dominated by agricultural land use with less than 5% of the land being forested. There is little impervious cover in the catchment and there are no hydraulic barriers from the Site to Lake Poygan. Overall, the catchment health is fair and there is potential for partial restoration at this Site. Public lands, including Lake Poygan, the Poygan Marsh Wildlife Area, and a Glacial Habitat Restoration Area are just downstream of the Site. The southwest corner of the site is also adjacent to a Glacial Habitat Restoration Area and there are other WDNR managed Glacial Habitat Restoration

Areas lands upgradient and adjacent to the Pumpkinseed Creek corridor. The Poygan Marsh Wildlife Area supports a fishery consisting of largemouth bass, northern pike, bluegill, pumpkinseed, bowfin, crappie and other aquatic and wildlife species. Improving habitat through the Site will expand habitat for recreational fish species that currently use the Poygan Marsh Wildlife Area. By creating a stable functioning stream with a healthy riparian area, the site will help improve affects from upstream land practices to Lake Poygan and Poygan Marsh Wildlife Area.

HYDROLOGY: Pumpkinseed Creek through the Site is perennial and impaired for degraded biological community, the pollutant identified is total phosphorus. There is no Drainage District that regulates Pumpkinseed Creek. A ditch flows into Pumpkinseed Creek within the Site from the west resulting in a concentrated flow point. Positive drainage from the ditch will be maintained through the establishment of a treatment wetland utilizing a portion of the existing channel. The pump system currently used to dewater the agricultural fields is also a concentrated flow point. The pump system will be disabled as part of the stream and wetland restoration. An unnamed tributary flows into the Site from the east and enters Pumpkinseed Creek just downstream of the planned restoration. Most areas neighboring the Site are classified as wetlands by the Wisconsin Wetland Inventory; however, the Site is not classified as wetlands (Figure 5). Site hydrology is controlled by a network of drainage ditches, dikes, drain tile, and pumps (Figure 6).

CURRENT LAND USES: Agricultural production on the Site has been ongoing for decades, with celery being the primary crop recently. The Site is drained by an extensive network of drainage ditches, dikes, drain tile, and pumps that encompass the entire farm. Celery production requires specific hydrology, the drainage ditches help maintain this hydrology and when needed water from the drainage ditches is used to irrigate the crop or pumped directly into Pumpkinseed Creek. A continuous perimeter dike system separates the drainage ditch from Pumpkinseed Creek and the Site from Lake Poygan floodwaters. Surrounding land uses include crop/pasture land, roads, farms and rural residences. As stated in the prospectus, cessation of pumping and agricultural activities in the adjacent crop fields outside of the proposed effective riparian area of the stream would coincide with the establishment of a nutrient bank. The areas outside of the effective riparian area would be converted from cultivation to wetland but are not being proposed for the generation of wetland or stream credits.

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

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

Northern Long-Eared Bat (Threatened)

Eastern Prairie Fringed Orchid (Threatened)

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.

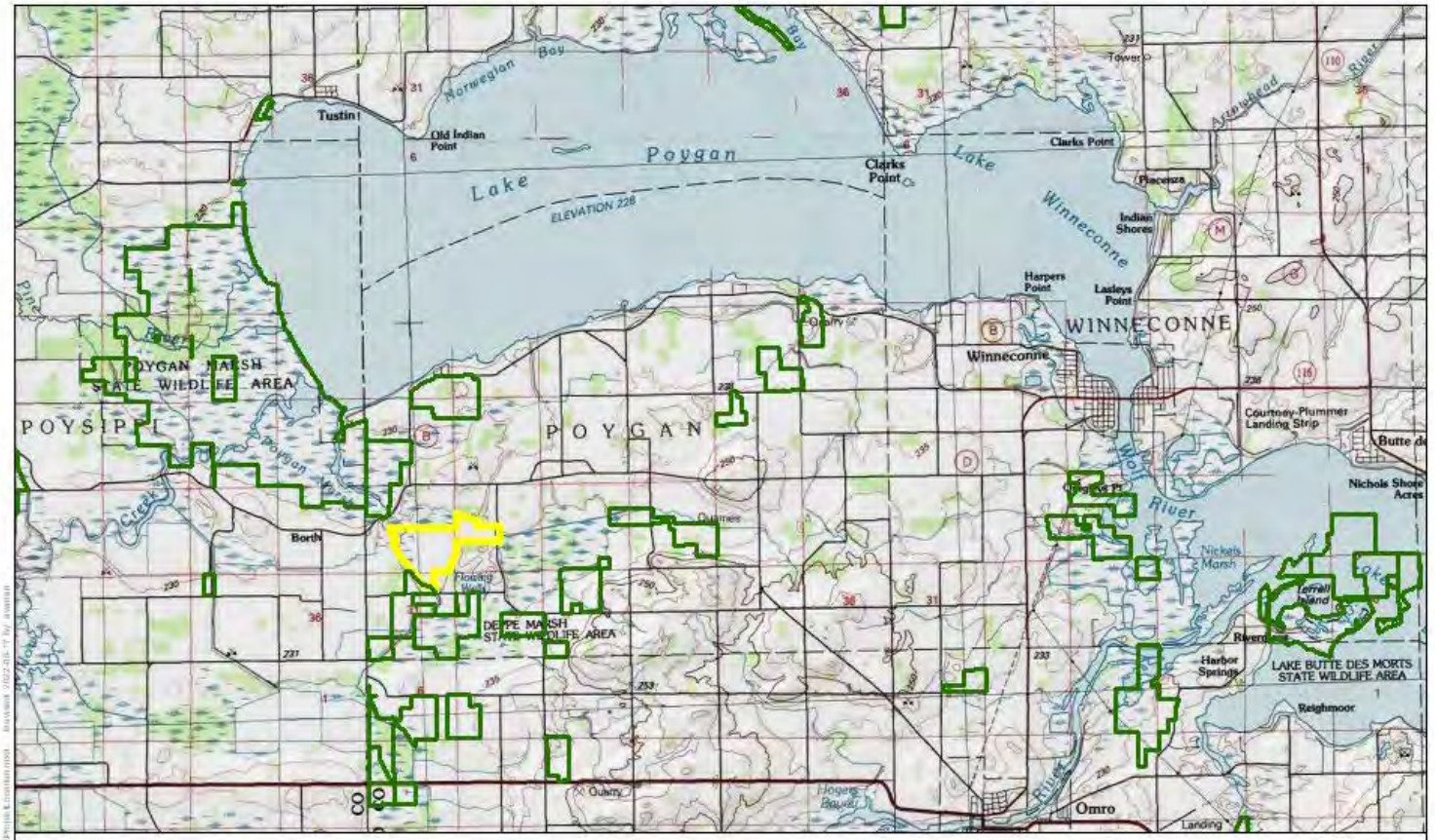
Replies may be addressed to:

Brainerd Regulatory Field Office
10867 East Gull Lake Drive
Brainerd, MN 56401

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Evan Ingebrigtson at the Brainerd office of the Corps, telephone number 651-290-5765 or email evan.j.ingebrigtson@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.

Enclosures



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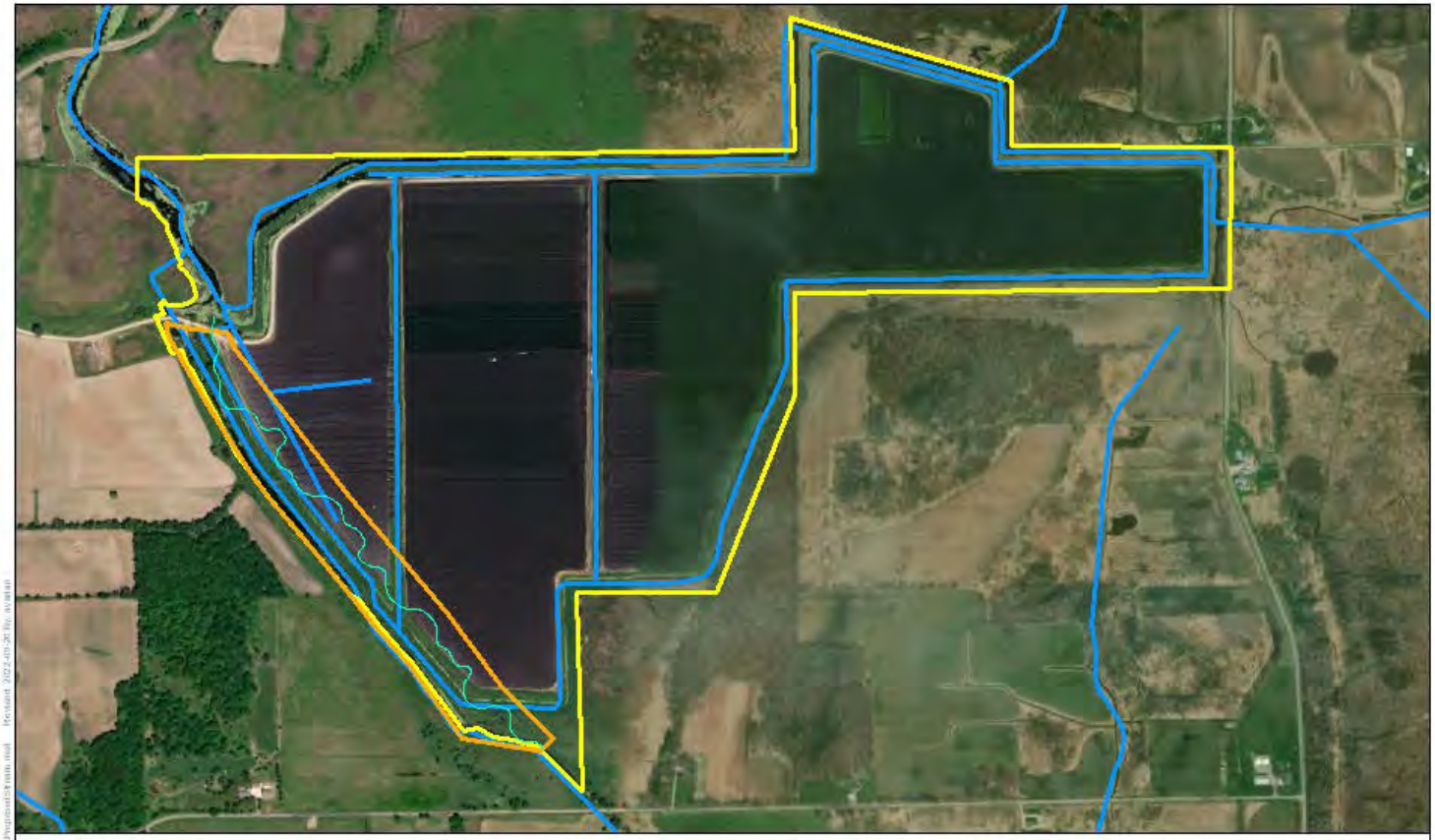


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NEIL W SCHMUDE
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MARILYN GIDDINGS
PETE LEACH REV TST
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LOUISE JANE ERDMAN
STATE OF WISCONSIN
MARLYN L CARPENTER
AMY GEFFERS
HEATHER G HAZELWOOD
KENNETH A KROHN REV TST
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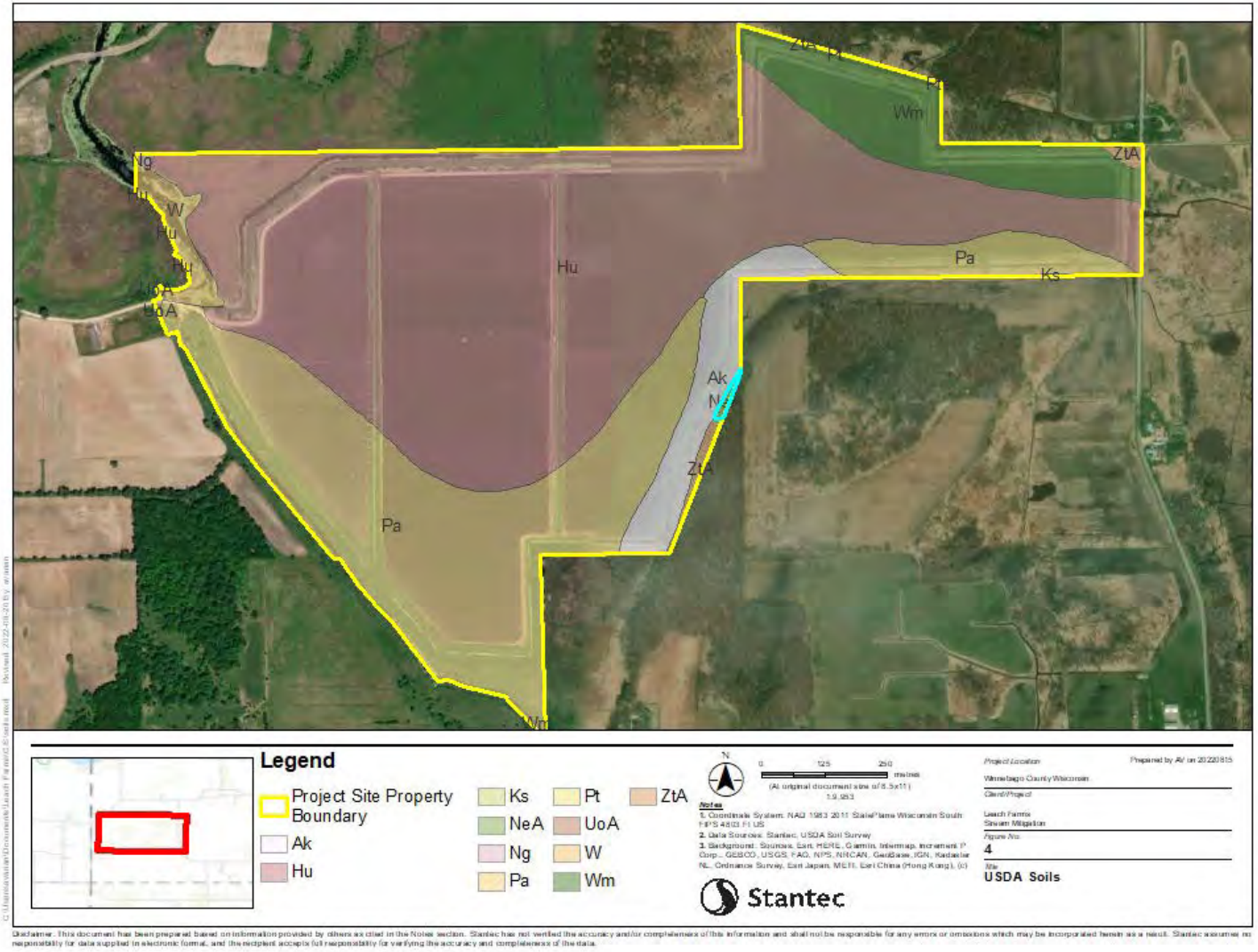
TIMOTHY L REITZ
CO Rd D
37th Ave
Eureka Rd
Haase Rd
Index Contour
Intermediate Contour
Legend
Project Site Property Boundary
Parcel Boundary
24k_Hydro_Flowlin...
2ft Elevation Contour
Roads
Stantec
Land Ownership
Site Topography



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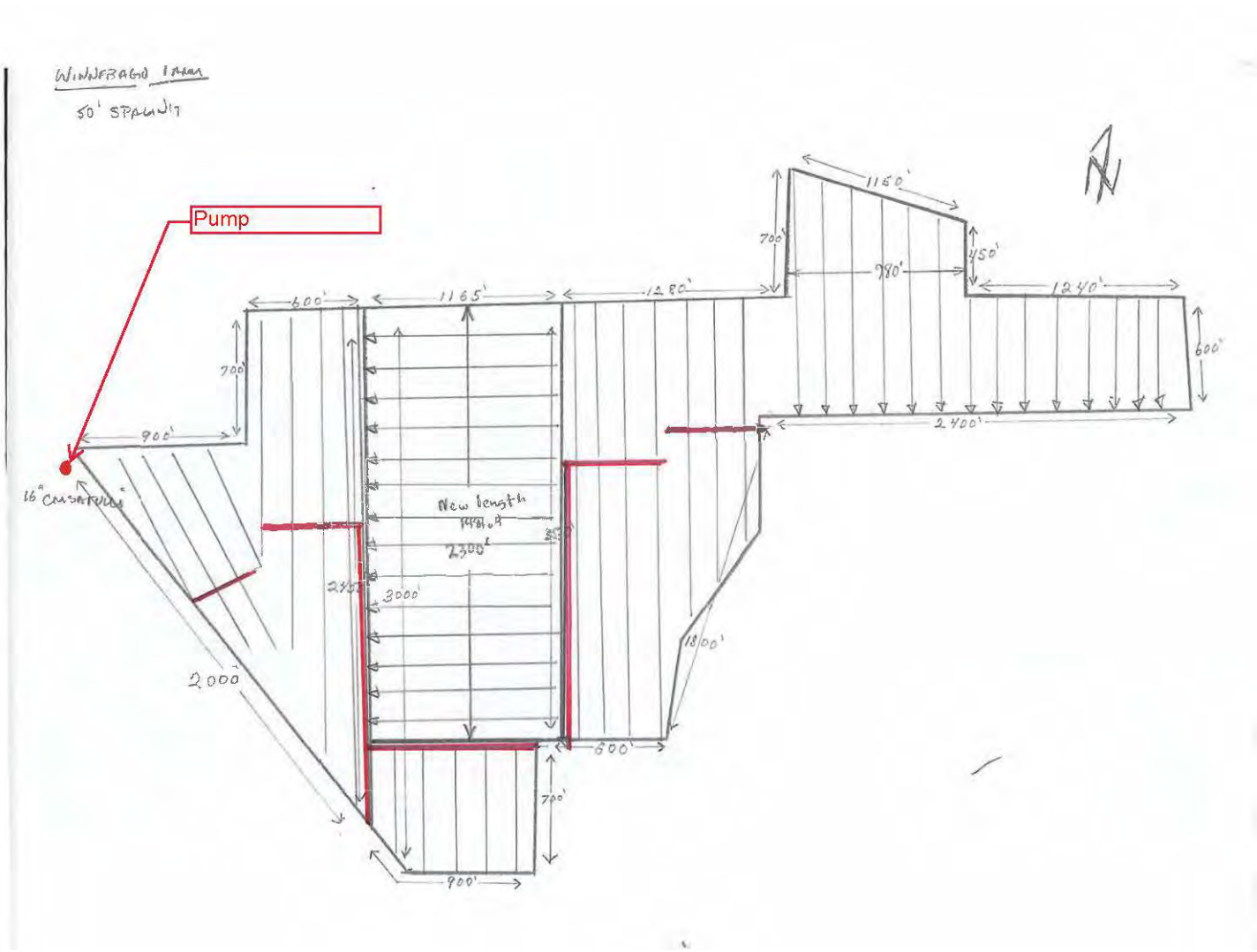

Figure 6. Drain tile locations.