



US Army Corps
of Engineers
St Paul District

SPONSOR: Mike Pribyl

Public Notice

ISSUED: February 22, 2024

EXPIRES: March 22, 2024

REFER TO: MVP-2024-00088-ANM

SECTION: 404 - Clean Water Act

1. WETLAND COMPENSATORY MITIGATION BANK PROPOSAL
2. SPECIFIC INFORMATION

SPONSOR'S ADDRESS: Mike Pribyl
NEW Conservation Group, LLC
5362 Bucktail Dr.
New Franken, WI 54229

SPONSOR'S AGENT Jon Gumtow
Merjent
Neenah, WI 54956

PROJECT LOCATION: The project site is located in Sections 8 and 9, Township 23 North, Range 22 East, Brown County, Wisconsin. The approximate UTM coordinates are N 432733.874088, E 4926149.935211. Latitude 44.485531, Longitude -87.845929 (Figure 1).

BANK SERVICE AREA: The proposed bank service area located within the Fox Bank Service Area (BSA) of the Lake Michigan Basin (Figure 2).

DESCRIPTION OF PROJECT: The sponsor is proposing to develop the Finger Road Wetland Mitigation Bank. The proposed bank site is approximately 44 acres in size, including upland buffer areas.

NEED AND OBJECTIVE OF PROJECT: The sponsor proposes to construct a private commercial wetland mitigation bank with credits for the Fox BSA, which includes the cities of Appleton, Green Bay, Oshkosh, Neenah, Shawano, and New London. This region continues to experience development pressure and is expected to have a continued need for wetland credits in the long-term. The objective of the project is to restore (via rehabilitation and re-establishment) fresh wet meadow, shallow marsh, and shrub-carr communities that were historically present in the area. The proposed wetland restoration activities include ceasing row cropping, filling drainage ditches, locating and disabling potential drain tiles, controlling invasive species, and installing native plant species. The successful achievement of the objectives is anticipated to result in 21.29 acres of fresh wet meadow, 1.28 acres of shrub-carr, 0.91 acre of shallow marsh, and 20.35 acres of upland mesic prairie (Figure 9).

ESTABLISHMENT, OPERATION AND MANAGEMENT: The sponsor is proposing to restore the site by locating and filling drainage ditches, conducting minor grading to remove spoil piles and accumulated sediment to create micro-topography features, conducting invasive species control within existing wetlands, and installing native seed and native species with wetland areas and upland

buffers. The sponsor expects a native seed bank would aid the natural recruitment of native herbaceous and shrub hydrophytes in wetland restoration areas following hydrology restoration. The sponsor would conduct vegetation management including invasive species control, management moving, prescribed burning, and supplement planting and seeding until the desired communities are established (Figure 9).

OWNERSHIP AND LONG-TERM MANAGEMENT: The sponsor is NEW Conservation Group LLC and the landowner is Larry Dufek, who is part of the NEW Conservation Group LLC. The sponsor proposes to be responsible for periodic inspections and long-term management.

TECHNICAL FEASIBILITY AND QUALIFICATIONS: NEW Conservation Group LLC has not previously completed a wetland mitigation banking project, but will be working with Merjent to plan, design, install, monitor, and managed the site. Merjent has over 30 years of experience with ecological and wetland restoration projects, permittee-responsible mitigation projects, and mitigation bank sites. Merjent staff have successfully developed, monitored, and managed numerous public, commercial, and in-lieu fee wetland mitigation bank sites across the state. The restoration approaches proposed for the Site have been proven successful on similar mitigation projects led by Merjent, including successful restoration of fresh wet meadow, shallow marsh, and shrub-carr, wetland plant communities on prior-converted agricultural lands at sites throughout the upper Midwest.

ECOLOGICAL SUITABILITY: The soils, vegetation, topography, and hydrology of the site indicate ecological suitability for the proposed mitigation bank. The soil survey maps (Figures 6 and 7) show that the central part of the site is mapped with wetland indicator soils, including Kewaunee silt loam, Poygan and Ogden mucky peat. The northwest area of the site consists of Manawa soil, which is somewhat poorly drained soil that has very slow to moderately slow permeability and have a perched seasonal water table. NRCS soil mapping indicates the site is suitable to support the proposed wetland communities once hydrology is restored. Topography is nearly level across the site with elevation ranging from 783 to 787 feet above mean sea level (Figure 5). Topographic lows occur within the unnamed tributary through the site along with ditches, swales, and remnant shallow marshes. Topographic highs occur in the farmed upland in the northeast, south and west areas of the site. The generally flat topography and ditch draining system make the site suitable for hydrologic restoration. The presence of drainage ditches and roadside ditches along the site perimeter will protect adjacent properties from flooding. The sponsor will consider additional ditching or berms as needed during the project design to protect adjacent properties.

HYDROLOGY: The site consists primarily of agricultural lands which have been used for agricultural production for decades with corn, soybean, and alfalfa as the primary crop. Merjent conducted a field assessment on December 1, 2023, and noted that the site was tilled and the cropped areas were observed to be drained by drainage ditches (Figure 3). Other active land uses included maintained drainage infrastructure including ditches, furrow ditches or swales, culverts, and two adjacent residential homes. A ditch, mapped as an unnamed stream by the Wisconsin Department of Natural Resources (WDNR), runs east to west through the site and appears to hold water ranging from a few inches deep to a foot deep. Site hydrology appears to be affected by a seasonal high groundwater table. As such, the sponsor will install monitoring wells on the site to collect baseline hydrology data for the wetland restoration design. There are no known restrictions or rights to the water that would prevent the proposed restoration actions to restore effective wetland hydrology to the site. No known conservation easements, contracts, or public lands are adjacent to the proposed wetland bank easement area.

CURRENT LAND USES: Currently over 83 percent of the site is used for crop production and consists of row crops and drainage ditches. The remainder of the site consists of an existing

degraded shrub-carr wetland complex, upland spoil piles, fallow farm fields, and active agricultural fields. Wetland areas identified during a field reconnaissance consist of degraded fresh wet meadow, shallow marsh, and degraded shrub-carr. The existing wetland communities are negatively impacted by adjacent drainage ditches and invasive plant species. A private grassed airstrip, the Nicolet Airport, is located approximately 1.55 miles northwest of the site (Figure 11). This private airport has one grass runway which has a northeast-southwest orientation and is not located in direct line with the site. There are no regional gas or transmission utility corridors known to exist on the site. There are likely underground utilities associated with the access road that runs north and south through the center of the site used to service the residence located directly south of the site.

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

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

The sponsor did not identify any federally-listed threatened or endangered wildlife or plants or their critical habitat and none are known to exist in the action area of the project. However, Brown 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.
Tricolored Bat	Found in caves and mines during winter and found in forested habitats during spring, summer, and fall.
Rufa Red Knot	Found on or near shorelines, including Lake Michigan shoreline.
Whooping Crane	Found in open wetlands and lakeshores.

The Corps is coordinating this notice with the U.S. Fish and Wildlife Service. 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

Regulatory Division (File No. MVP-2024-00088-ANM)

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 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 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=107:10:::::P10_BANK_ID:6779

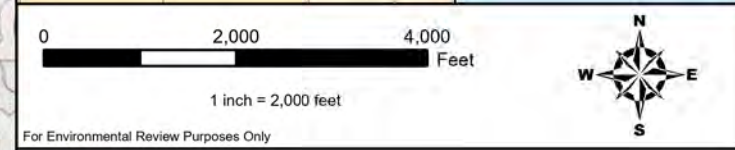
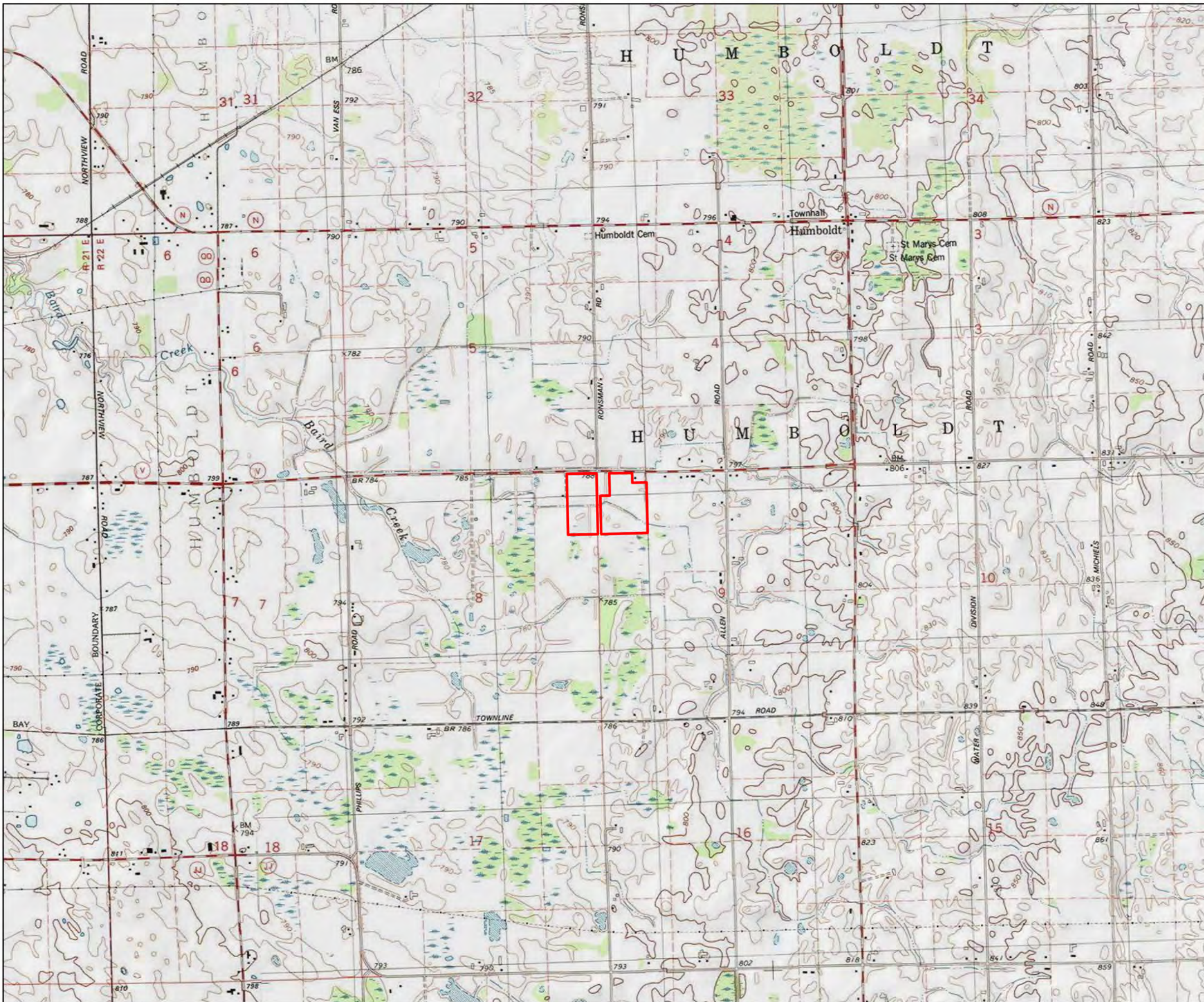
Comments can be electronically submitted to April.N.Marcangeli@usace.army.mil. If electronic submittal is not available, commenters should address replies to:

Regulatory Division
St. Paul District Corps of Engineers
332 Minnesota Street, Suite E1500
St. Paul, MN 55101-1323

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, please call April Marcangeli at the Brookfield, Wisconsin office at (651) 290-5731.

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):
Figures 1-11



For Environmental Review Purposes Only

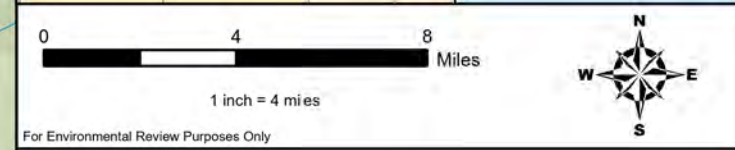
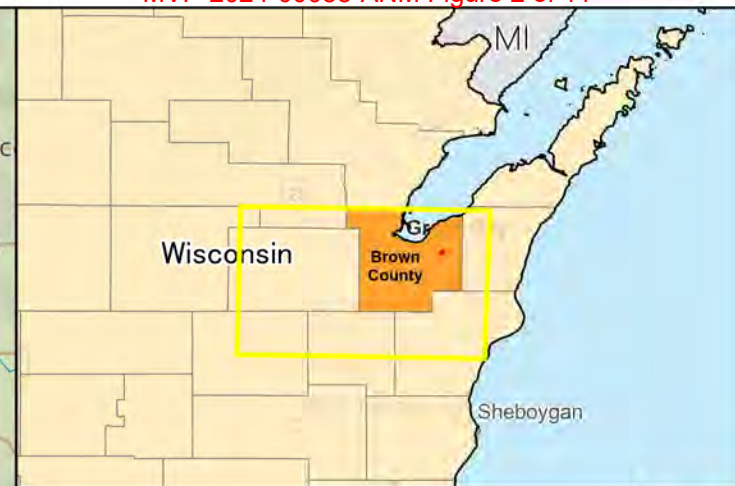
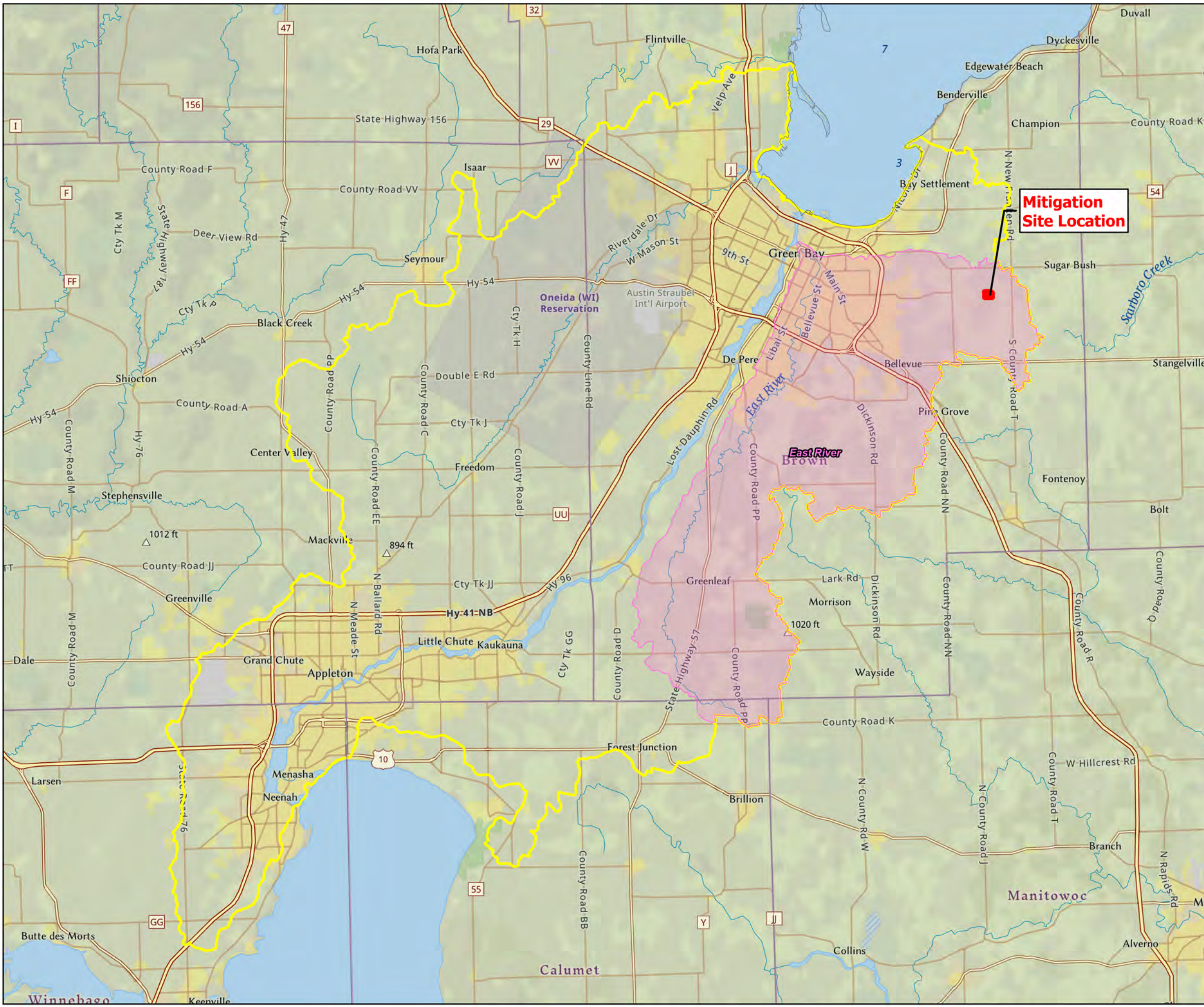
Legend

Mitigation Site Boundary

Figure 1
Project Location and Topography
Finger Road Wetland Mitigation
 New Conservation Group, LLC
 T23N R22E Sec. 8, 9
 T. of Humboldt, Brown County, Wisconsin



DATE: 12/15/2023
 SOURCE DATA: Merjent, WDNR, WisDOT
 COORDINATE SYSTEM: NAD 1983 HARN
 StatePlane Wisconsin Central FIPS 4802 (US Feet)
 BACKGROUND: USGS 7.5' Topographic Quads



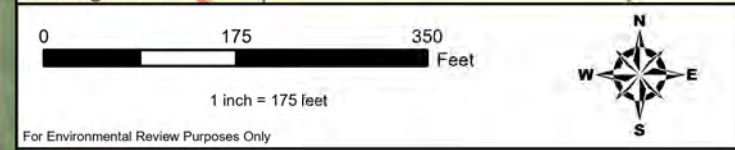
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- Legend**
- Mitigation Site Boundary
 - Bank Service Area
 - Lower Fox Sub-Basin (HUC-8)
 - East River Watershed (HUC-10)

Figure 2
Bank Service Areas and
Local Watershed
Finger Road Wetland Mitigation
 New Conservation Group, LLC
 T23N R22E Sec. 8, 9
 T. of Humboldt, Brown County, Wisconsin

merjent.

DATE: 12/15/2023
 SOURCE DATA: Merjent, WDNR, WisDOT
 COORDINATE SYSTEM: NAD 1983 HARN
 StatePlane Wisconsin Central FIPS 4802 (US Feet)
 BACKGROUND: National Geographic



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Legend

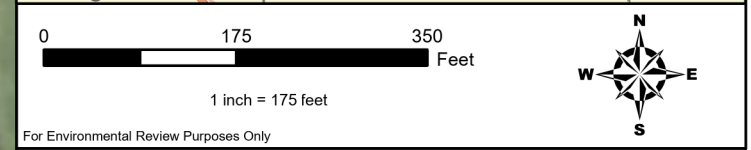
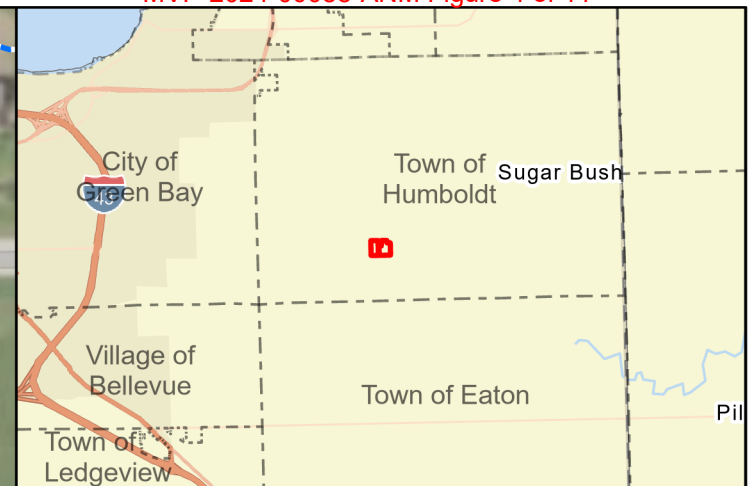
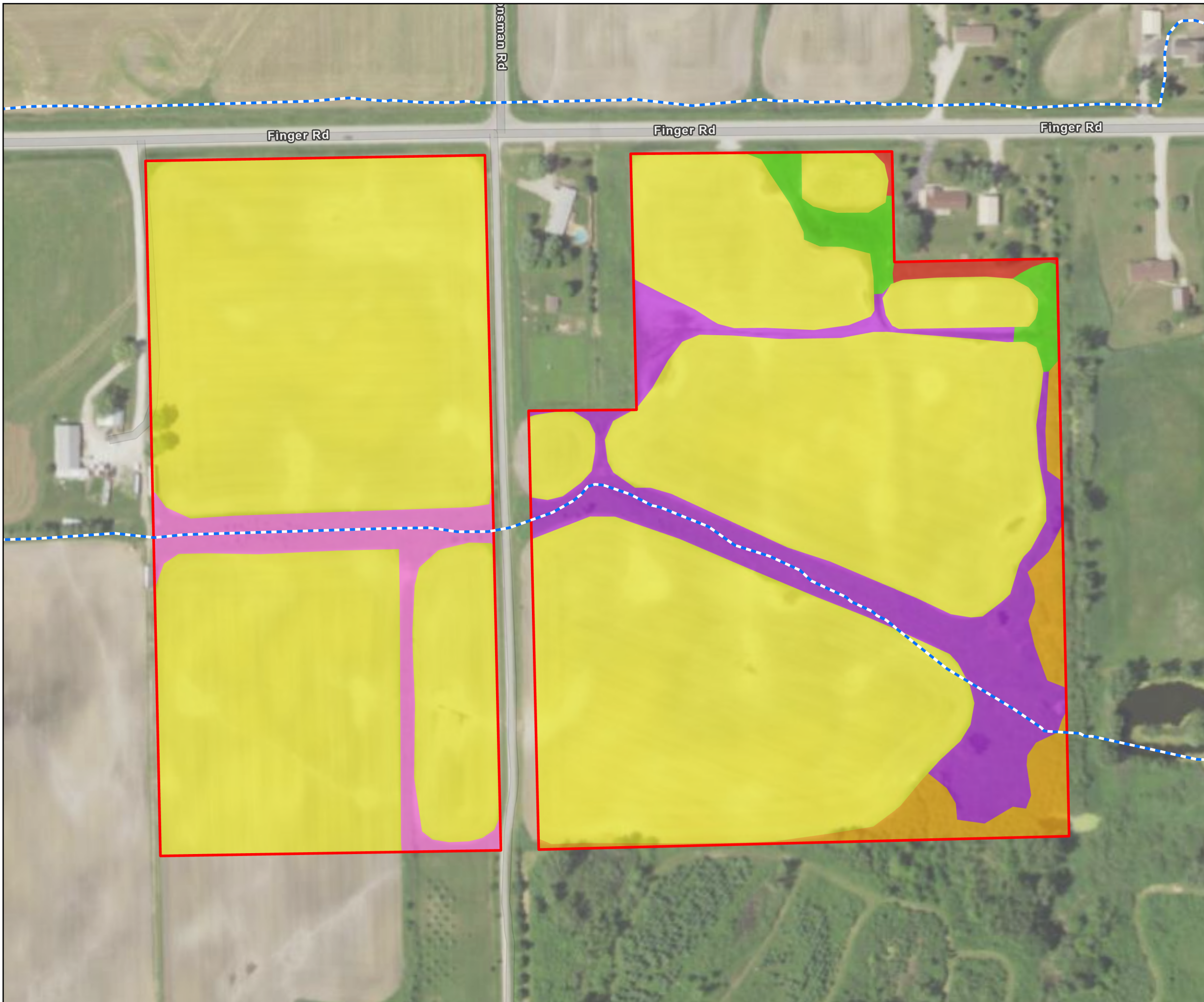
- Mitigation Site Boundary
- Culvert
- Swale
- Ditch

DNR 24k Hydrography

- Intermittent Stream
- Waterbody*

*No features within data frame

Figure 3
Existing Riparian Conditions
Finger Road Wetland Mitigation
 New Conservation Group, LLC
 T23N R22E Sec. 8, 9
 T. of Humboldt, Brown County, Wisconsin



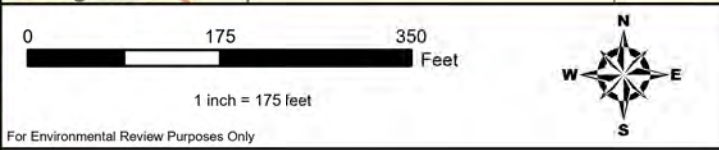
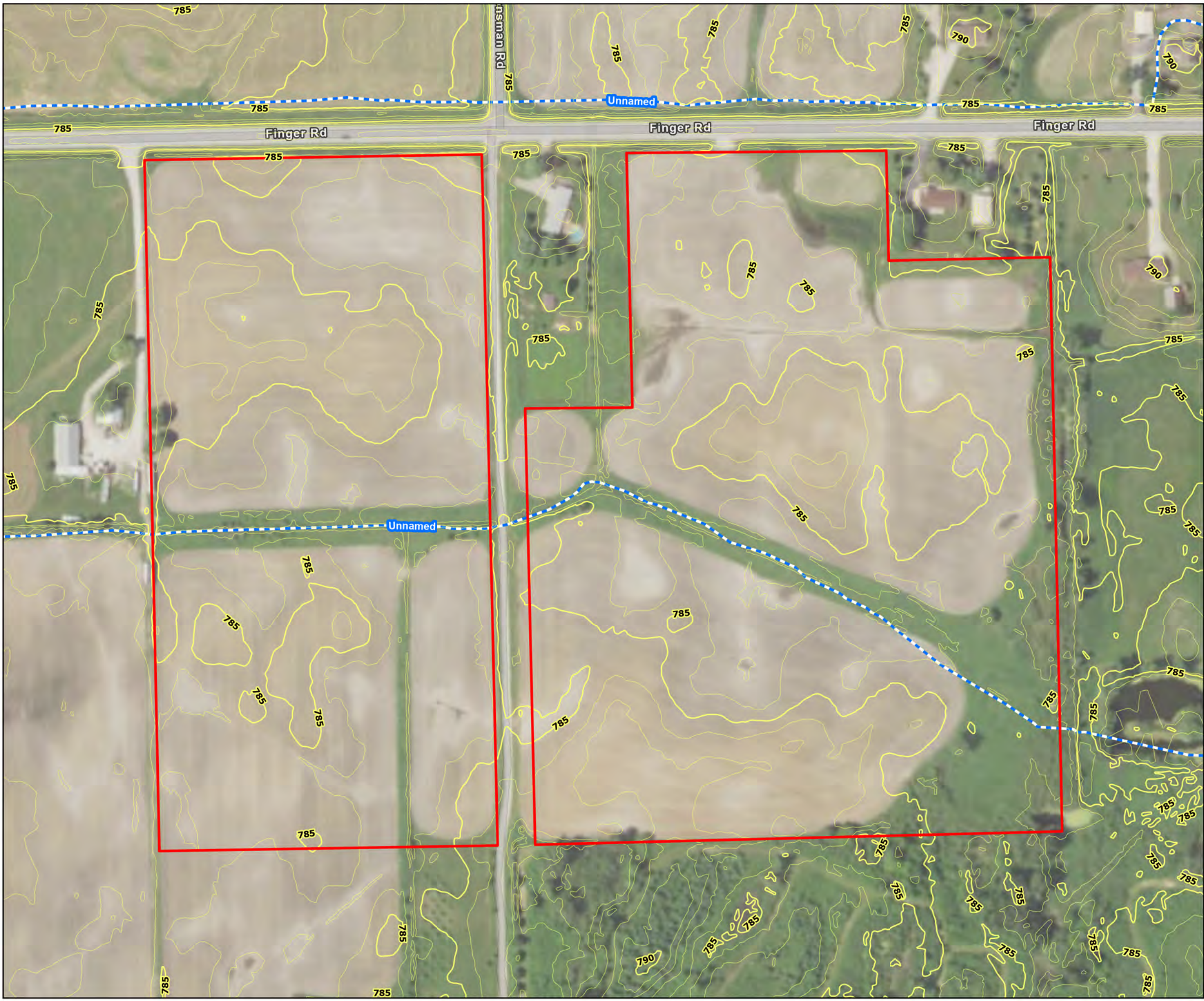
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Legend

- Mitigation Site Boundary (44.05 ac)
- Existing Plant Community**
- Agricultural Field (36.60 ac)
- Degraded Fresh (wet) Meadow (3.68 ac)
- Degraded Shrub-Carr (1.29 ac)
- Degraded Shallow Marsh (0.71 ac)
- Degraded Upland Prairie (1.55 ac)
- Maintained Lawn (0.22 ac)
- DNR 24k Hydrography**
- Intermittent Stream
- Waterbody*

*No features within data frame

Figure 4
Existing Plant Communities
Finger Road Wetland Mitigation
 New Conservation Group, LLC
 T23N R22E Sec. 8, 9
 T. of Humboldt, Brown County, Wisconsin



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Legend

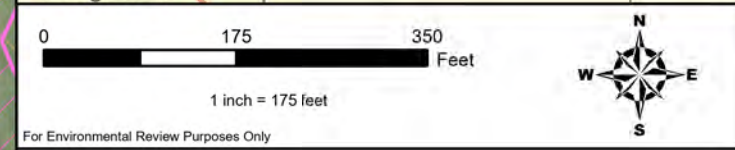
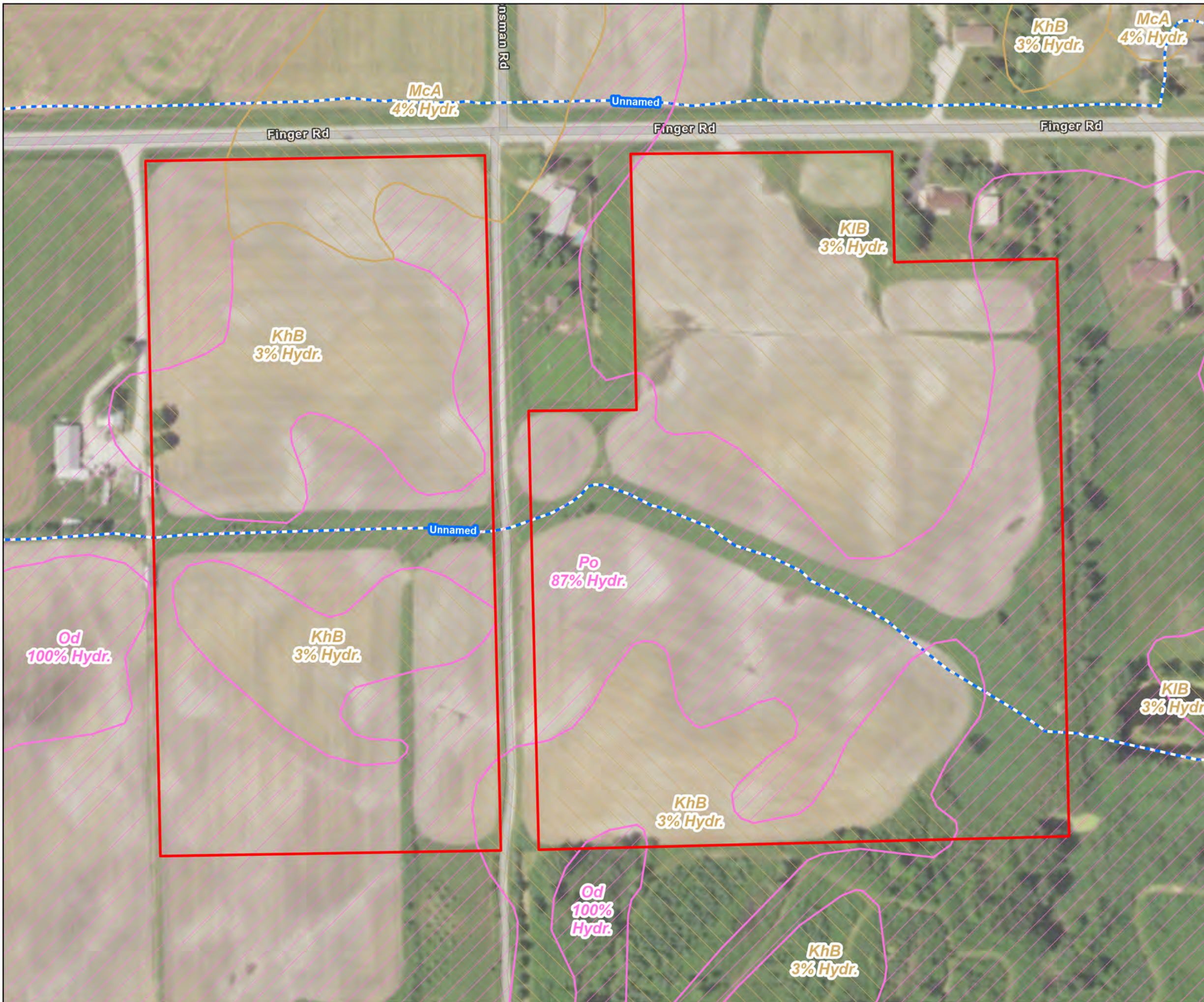
- Mitigation Site Boundary
- 1ft Elevation Contour
- DNR 24k Hydrography
- Intermittent Stream
- Waterbody*

*No features within data frame

Figure 5
One Foot Elevation Contours
Finger Road Wetland Mitigation
 New Conservation Group, LLC
 T23N R22E Sec. 8, 9
 T. of Humboldt, Brown County, Wisconsin

merjent.

DATE: 12/15/2023
 SOURCE DATA: Merjent, WDNR, WisDOT, Brown County
 COORDINATE SYSTEM: NAD 1983 HARN
 StatePlane Wisconsin Central FIPS 4802 (US Feet)
 BACKGROUND: 2022 NAIP



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Legend

Hydic Rating

- Hydic Soil
- Non-Hydic Soil
- Mitigation Site Boundary

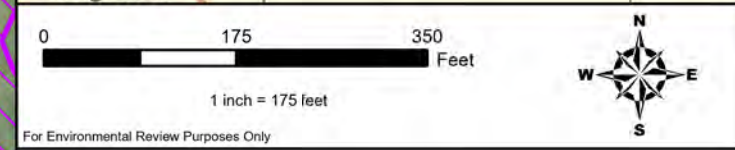
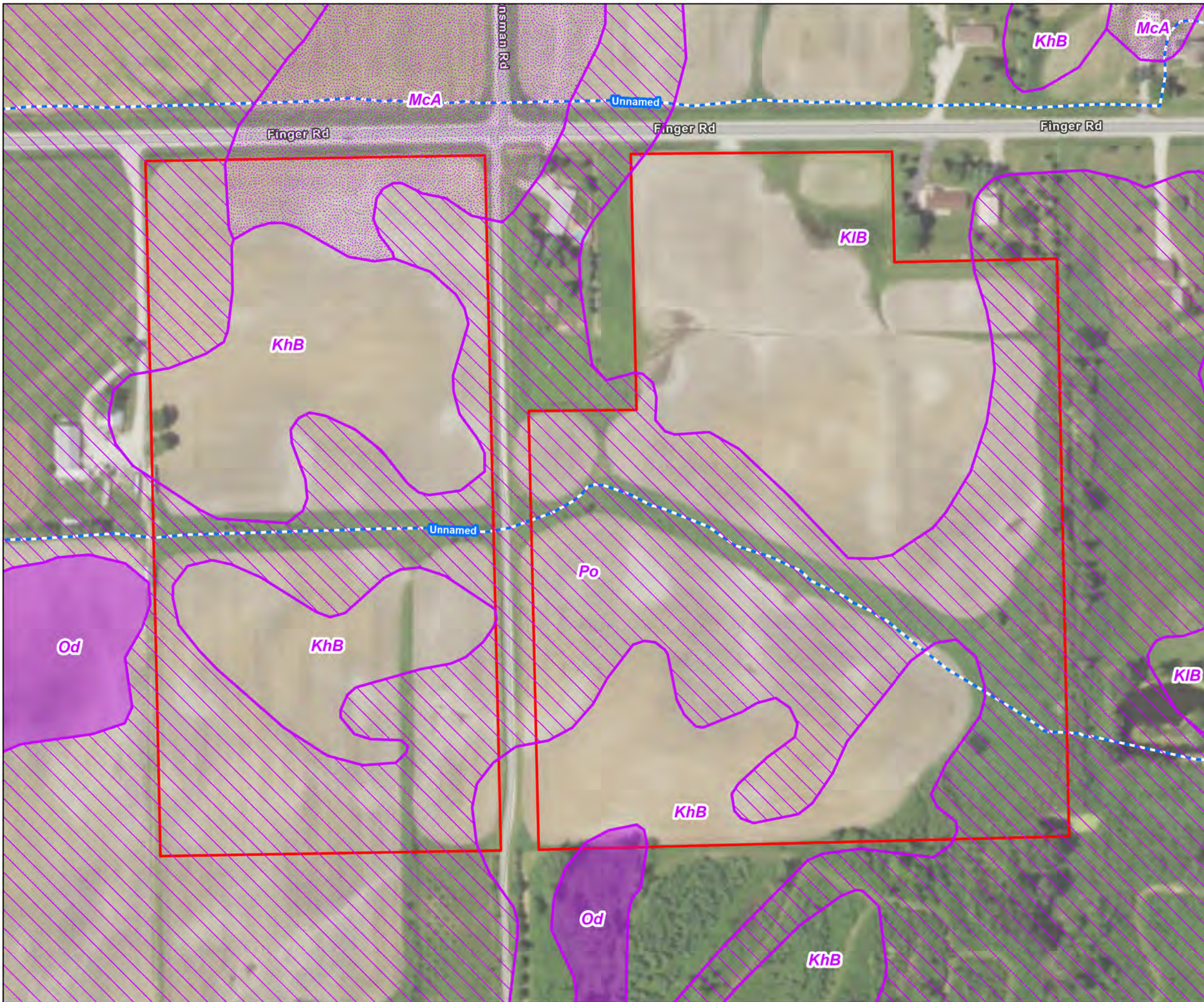
DNR 24k Hydrography

- Intermittent Stream
- Waterbody*

*No features within data frame

Figure 6
NRCS Soil Survey Data
Finger Road Wetland Mitigation
 New Conservation Group, LLC
 T23N R22E Sec. 8, 9
 T. of Humboldt, Brown County, Wisconsin

DATE: 12/15/2023
 SOURCE DATA: Merjent, WDNR, WisDOT, NRCS
 COORDINATE SYSTEM: NAD 1983 HARN
 StatePlane Wisconsin Central FIPS 4802 (US Feet)
 BACKGROUND: 2022 NAIP



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Legend

Drainage Class - Dominant Condition

- Poorly drained
- Somewhat poorly drained
- Very poorly drained
- Well drained
- Mitigation Site Boundary

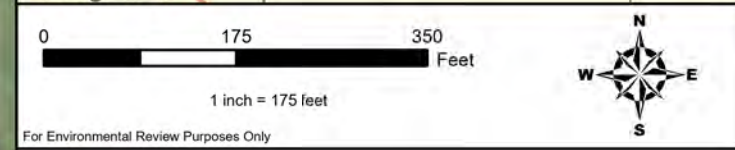
DNR 24k Hydrography

- Intermittent Stream
- Waterbody*

*No features within data frame

Figure 7
NRCS Soil Survey Data
Drainage Classification
Finger Road Wetland Mitigation
 New Conservation Group, LLC
 T23N R22E Sec. 8, 9
 T. of Humboldt, Brown County, Wisconsin

DATE: 12/15/2023
 SOURCE DATA: Merjent, WDNR, WisDOT, NRCS
 COORDINATE SYSTEM: NAD 1983 HARN
 StatePlane Wisconsin Central FIPS 4802 (US Feet)
 BACKGROUND: 2022 NAIP



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Legend

- Mitigation Site Boundary
- Wetland Too Small to Delineate (WWI)
- Wetland (WWI)

DNR 24k Hydrography

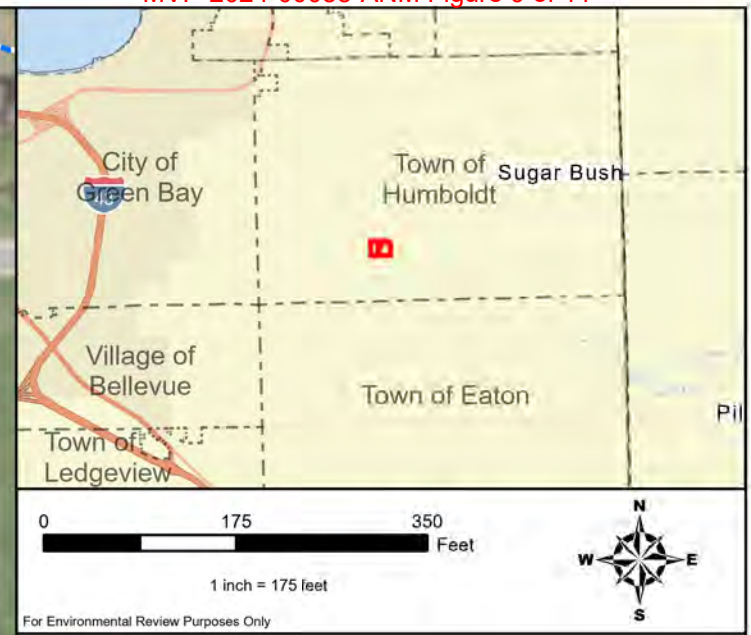
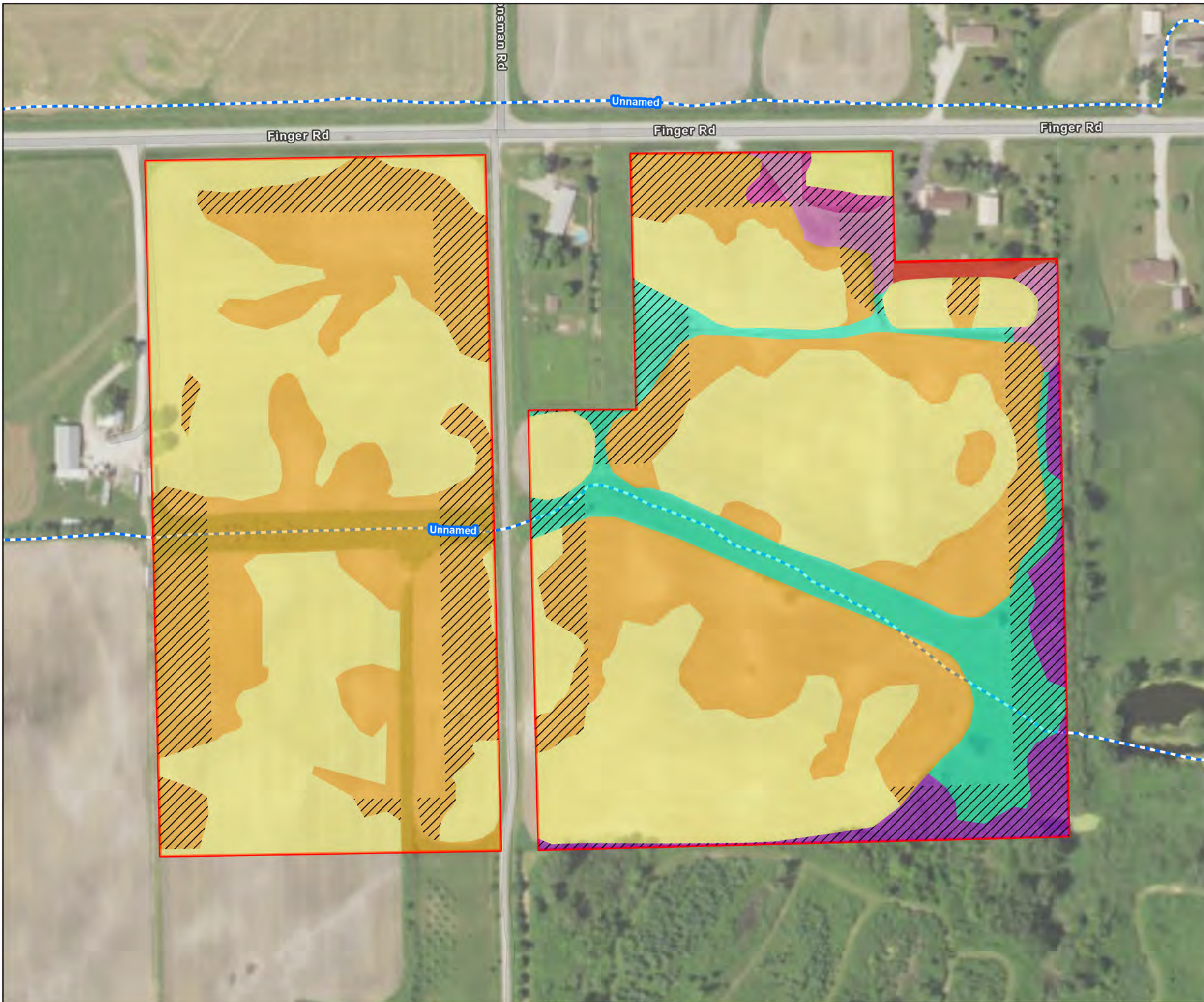
- Intermittent Stream
- Waterbody*

*No features within data frame

Figure 8
Wisconsin Wetland Inventory
Finger Road Wetland Mitigation
 New Conservation Group, LLC
 T23N R22E Sec. 8, 9
 T. of Humboldt, Brown County, Wisconsin

merjent.

DATE: 12/15/2023
 SOURCE DATA: Merjent, WDNR, WisDOT, NRCS
 COORDINATE SYSTEM: NAD 1983 HARN
 StatePlane Wisconsin Central FIPS 4802 (US Feet)
 BACKGROUND: 2022 NAIP



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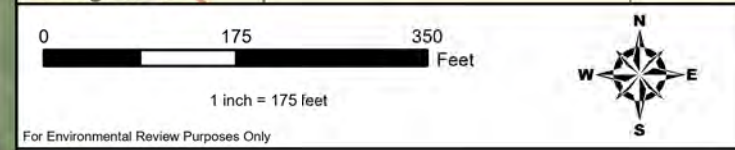
Legend

- Mitigation Site Boundary (44.05 ac)
- Wetland Buffer (9.94 ac)
- Anticipated Plant Community**
- Fresh (wet) Meadow Re-establishment (11.22 ac)
- Fresh (wet) Meadow Rehabilitation (2.21 ac)
- Residential Yard (0.19 ac)
- Shallow Marsh Re-establishment (0.01 ac)
- Shallow Marsh Rehabilitation (0.11 ac)
- Shrub-Carr Rehabilitation (0.01 ac)
- Upland Prairie Re-establishment (20.35 ac)
- DNR 24k Hydrography**
- Intermittent Stream
- Waterbody*

*No features within data frame

Figure 9
Anticipated Plant Communities
Finger Road Wetland Mitigation
 New Conservation Group, LLC
 T23N R22E Sec. 8, 9
 T. of Humboldt, Brown County, Wisconsin

DATE: 1/9/2024
 SOURCE DATA: Merjent, WDNR, WisDOT
 COORDINATE SYSTEM: NAD 1983 HARN
 StatePlane Wisconsin Central FIPS 4802 (US Feet)
 BACKGROUND: 2022 NAIP



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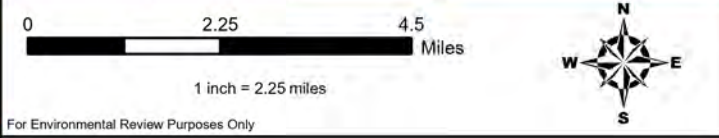
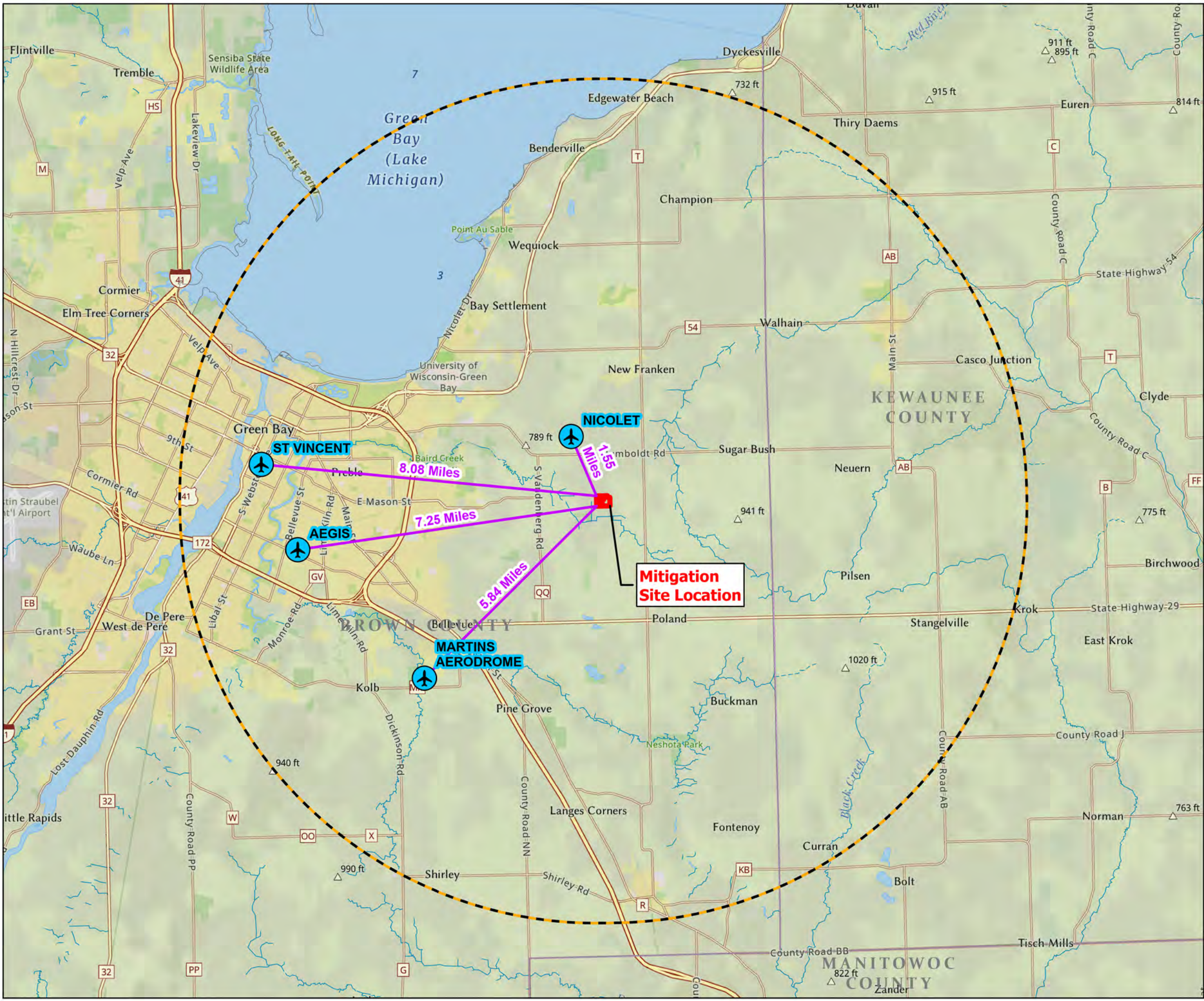
- Parcel Boundary
- Mitigation Site Boundary

Property Class

1. Residential.
2. Commercial.
3. Manufacturing.
4. Agricultural.
5. Undeveloped.
- 5m. Agricultural forest.
6. Productive forest land.
7. Other.

Figure 10
Parcel Boundaries and
Property Classification
Finger Road Wetland Mitigation
 New Conservation Group, LLC
 T23N R22E Sec. 8, 9
 T. of Humboldt, Brown County, Wisconsin

DATE: 1/3/2024
 SOURCE DATA: Merjent, WisDOT, SCO, WLIP
 COORDINATE SYSTEM: NAD 1983 HARN
 StatePlane Wisconsin Central FIPS 4802 (US Feet)
 BACKGROUND: 2022 NAIP



Legend

-  Private Use Airport
-  Airport Distance
-  10-Mile Buffer
-  Mitigation Site Boundary

Figure 11
Airport Proximity
 Finger Road Wetland Mitigation
 New Conservation Group, LLC
 T23N R22E Sec. 8, 9
 T. of Humboldt, Brown County, Wisconsin



DATE: 1/3/2024
 SOURCE DATA: Merjent, WDNR, WisDOT
 COORDINATE SYSTEM: NAD 1983 HARN
 StatePlane Wisconsin Central FIPS 4802 (US Feet)
 BACKGROUND: National Geographic