



**US Army Corps  
of Engineers**®  
Rock Island District

# PUBLIC NOTICE

**Sponsor:** Larry Anderson  
2254 280<sup>th</sup> St., Clarion, IA 50525

Issued: April 29, 2022  
Expires: May 29, 2022

**Corps Project Number:** CEMVR-RD-2022-0577

**Proposed Project:** White Fox Mitigation Bank Phase II

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## WETLAND AND STREAM COMPENSATORY MITIGATION BANK PROPOSAL

This notice is issued in accordance with the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule (the Mitigation Rule) described in the Federal Register dated April 10, 2008 (33 CFR Parts 325 and 332).

- 1. Project Location:** The proposed site is located within Section 1, Township 90 North, Range 25 West, Wright County, Iowa. See attached location maps. Latitude: 42.634553, Longitude: -93.743787.
- 2. Bank Objectives:** The fundamental objective of compensatory mitigation is to offset environmental losses resulting from unavoidable impacts to waters of the United States authorized by Department of Army Permits. Other objectives includes; provide economical efficient and flexible mitigation opportunities, support no net-loss of water of the U.S., enhance or create additional wildlife and aquatic habitat, provide additional flood retention and reduce the impacts of downstream flooding by capturing and storing high flow even downstream of the bank, and improve water quality by reducing sediment loading and nutrients.
- 3. Project Description/Bank Establishment:** The bank sponsor proposes to complete activities on 47.6 acres of privately owned property that would result in the establishment of both emergent wetland and stream mitigation credits. One of the goals of this bank is to restore 4,022 linear feet of White Fox Creek to generate an initial estimate of 35,382.16 stream credits. The bank sponsor proposes to use many different in-stream methods to aid in restoring this portion of White Fox Creek, including improving floodplain connectivity, installation of floodplain benches, and restoring stability in highly eroded areas by re-sloping and reshaping the banks and applying bank stabilization if necessary. Improvements to the riparian buffer include vegetation management to remove invasive species and promote native species diversity. Another goal of the bank is to enhance/create wetlands to generate approximately 14.5 wetland credits. A preliminary wetland determination has been completed and it appears that 10.11 acres of wetland are present within the project area. The 10.11 acres that appear to be wetlands proposed to be enhanced by excavating and reshaping the layout, while incorporating scalloped edges and an undulating bottom. They will also be revegetated with native hydrophytic species. Additionally, 6.85 acres of wetlands are proposed to be created by grading and seeding with native hydrophytic vegetation. Agricultural tiles will be daylighted within the bank site which should improve overland flow of hydrology, which formerly discharged directly into White Fox Creek.

An upland buffer will be created within approximately 9.42 acres of land adjacent to the created and enhanced wetlands to ensure the mitigation bank is self-sustaining and to improve the ecological habitat connectivity to the bank. A wetland delineation will be completed in the summer of 2022 to help determine current conditions and the determination of credits. Success criteria would be developed and required to be met to generate credit for the proposed activities. Please see the detailed project description and drawings located within the bank Prospectus on RIBITS (link in #14, below).

**4. Service Area:** The proposed primary bank service area will be the Upper Des Moines Service Area.

**5. Bank Need/Technical Feasibility/Ecological Suitability:** Coordination with the Iowa Department of Transportation (IDOT), Counties, and local municipalities has concluded there is immediate need for emergent wetland mitigation credits in the Upper Des Moines Service Area, and these needs will continue into the future. The sponsor believes that the proposed Bank site is suitable for mitigation activities, and the likelihood of this site being successful is high. Hydrology will be supplied by precipitation, runoff from the surrounding fields and upland areas, groundwater, and from frequent flooding of White Fox Creek. Due to the relatively flat topography of the enhanced and created emergent wetland areas, there will be no need for extensive excavation and/or large structures to capture runoff. The only earthwork activities needed would be an earthen berm (approximately 1-2 feet tall, with a 4-foot top and 4:1 side slopes) and shallow excavations within the proposed wetlands to help pool and store water on the Bank. The construction of the earthen berm and shallow wetland basins is a simple, low-cost, and effective method to capture overland flow. A recent watershed study completed in 2022 on the Boone River HUC 8 Watershed identified the White Fox Creek sub watershed as a priority area for potential restoration efforts due to its high levels of nitrates, opportunities to address resource issues such as drainage ditches, lack of riparian and in-stream habitat, and the opportunity for restoration projects. This watershed study also identified wetland and oxbow restoration as two of the desired best management practices to implement along White Fox Creek. This bank would support these watershed needs by reducing nutrient and sedimentation within the watershed, all of which are primary concerns of the watershed. Non-point sources of nitrogen and phosphorous (primary contributors of eutrophication) as well as sedimentation to White Fox Creek is also expected to be reduced by removing the agricultural practices within the site boundary.

**6. Long Term Management:** Post bank closure management would include ongoing plant management which may require herbicide and fire treatment additional seeding, as well as general site and stream maintenance. The responsibility for long term management is held by the bank sponsor/landowner. A conservation easement will be required in perpetuity and will be held by a third-party grantee to ensure the conservation value of the property is protected. A long-term management fund will be established, and available to the grantee, to ensure funds are available should the sponsor fail to properly maintain the site.

**7. Sponsor Qualifications:** The Sponsor of the Bank, White Fox Farms, LLC, has over 65 years of experience in land development, restoration projects, and agriculture production. Mr. Anderson has access to a wide variety of agriculture and construction equipment including mowers, sprayers, and earth moving equipment. Mr. Anderson is also the Sponsor for a currently active mitigation bank called White Fox Phase I. The cost of developing the site will be borne by the Sponsor. Foth is the Sponsor's consultant for the proposed Bank. Foth has extensive experience in the wetland and stream mitigation processes. Foth has an experienced staff of wetland scientist, engineers, and ecologists with over 70 combined years of experience working with wetlands and other natural resources in Iowa and the Midwest.

8. **Water Rights:** White Fox Farms, LLC currently owns the property associated with the bank proposal. The sponsor would not have complete control of upstream practices that may alter flows to the project area.

9. **Agency Review:** Department of the Army, Corps of Engineers. The Corps of Engineer is participating in this matter as the chair of an Interagency Review Team. The Interagency Review Team consists of the Corps of Engineers, the Natural Resources Conservation Service, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, and the Iowa Department of Natural Resources. The project would require Section 404, Clean Water Act authorization prior to the proposed construction. If approved, the proposed bank could provide stream and wetland credit for future, Section 404, authorized projects that require compensatory mitigation. Formal authorization of the bank proposal occurs through Corps approval of a Mitigation Banking Instrument.

10. **Historical/Archaeological:** The District consulted with the Iowa online geographic information systems archeological site and survey databases and determined the permit area has not been previously surveyed. Based on a review of historic and current aerial photos, topo maps, the HILD database / Culture Map it is the opinion of the District Archaeologist the permit area may have the potential to contain historic properties that may be potentially eligible for listing on the National Register of Historic Places (NRHP). The District will require the applicant to submit a Phase I archaeological survey and geomorphological evaluation report covering the permit area. Geomorphological investigation must extend at least 50 centimeters below the proposed depths of soil disturbance or to a depth below which no possibility of historic properties exists. The applicant, in addition to this Phase I report, may be required to conduct additional Phase II test excavations to evaluate sites for eligibility for inclusion in the NRHP as well as other studies, site avoidance, or data recovery as may be the case.

11. **Endangered Species:** This proposal will be reviewed by the U.S. Fish and Wildlife Service. Any comments USFWS 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. There will be no tree removal; therefore, the Corps have determined there will be no effect to the northern long-eared bat. The project site does not contain mesic to wet unplowed tallgrass prairies and meadows; therefore, the Corps has determined there will be no effect to the Western Prairie Fringed Orchid. The project site overlaps the critical habitat for the Topeka Shiner, further consultation with the USFWS will be conducted to determine if the species is located with White Fox Creek. If the species is located within the project site, a biological assessment will be completed and coordinated with USFWS.

12. **Who Should Reply:** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to approve the proposed bank. Any comments received will be distributed to the members of the Interagency Review Team. Comments should be submitted on or before the expiration date specified at the top of page 1. Comments should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable. Any person may also request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

13. **Reply to the Corps of Engineers:** Comments or questions concerning this notice may be directed to Abby Steele via phone (309/794-5377), email (Abigail.A.Steele@usace.army.mil), or by writing to the following address: US Army Corps of Engineers, Rock Island District, ATTN: Abby Steele- RD, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004.

14. **Complete Prospectus:** The complete prospectus can be found on our public website at: [https://ribits.ops.usace.army.mil/ords/f?p=107:278:9509995180849:::RP,278:P278\\_BANK\\_ID:6319](https://ribits.ops.usace.army.mil/ords/f?p=107:278:9509995180849:::RP,278:P278_BANK_ID:6319). Hard copies are also available by request.

*matthew a zehr*

Attach  
Plan

Mr. Matthew A. Zehr  
Chief, Western Branch  
Regulatory Division

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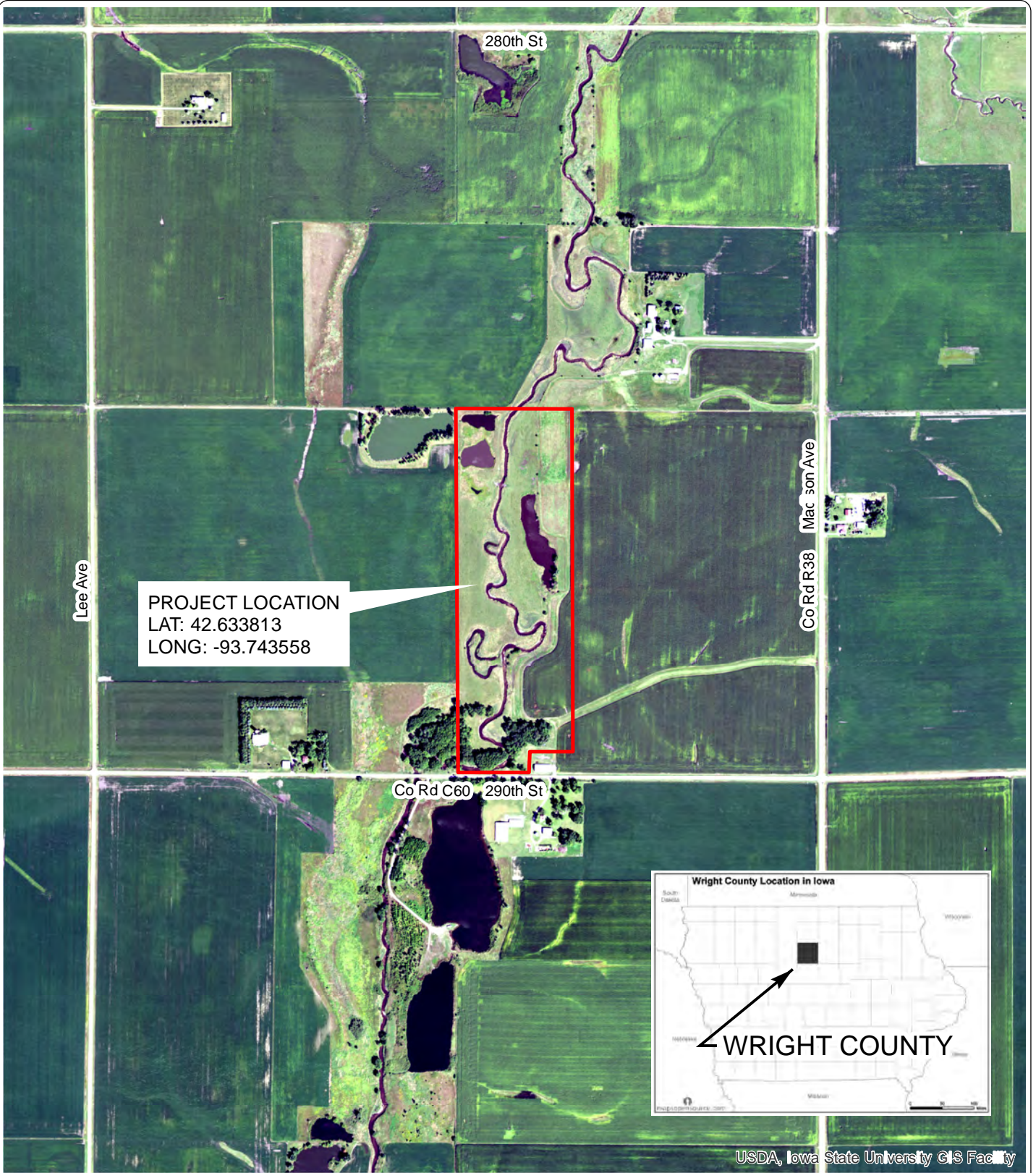
**REQUEST TO POSTMASTERS:** Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

**NOTICE TO EDITORS:** This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.

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Document Name: 22L010 Exhibit 1

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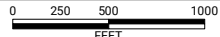

USDA, Iowa State University GIS Facility

**LEGEND**

 BANK BOUNDARY

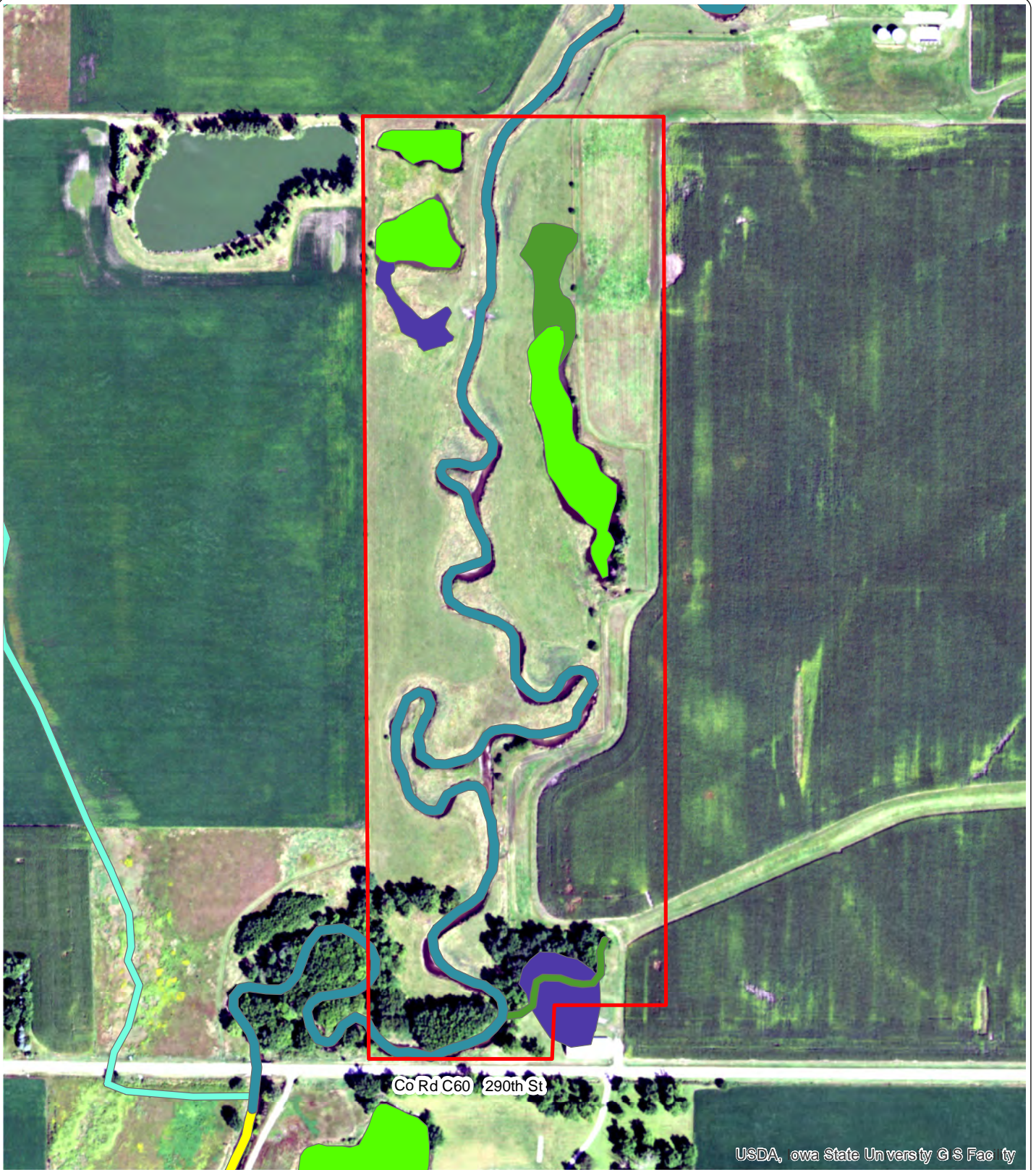
CEMVR-RD-2022-577 pg. 1 of 4  
Aerial View-Location Map



LOCATION MAP	
WHITE FOX MITIGATION BANK PHASE II PROSPECTUS 2135 290TH ST CLARION, IOWA	
	PROJECT ID. #: 22L010.01
DATE: 3/16/2022	
PREPARED BY: KRG	
CHECKED BY: MH	
EXHIBIT NO. <b>1</b>	

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Document Name: 22L010 Exhibit 6



**LEGEND**

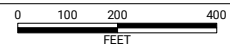
- BANK BOUNDARY
- R2UBG
- ATTRIBUTE**
- R2UBGx
- PEM1C
- PEM1Cx
- PUBGx
- R4SBC

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Project Location Aerial View



NATIONAL WETLAND INVENTORY

WHITE FOX MITIGATION BANK  
PHASE II PROSPECTUS  
2135 290TH ST  
CLARION, IOWA



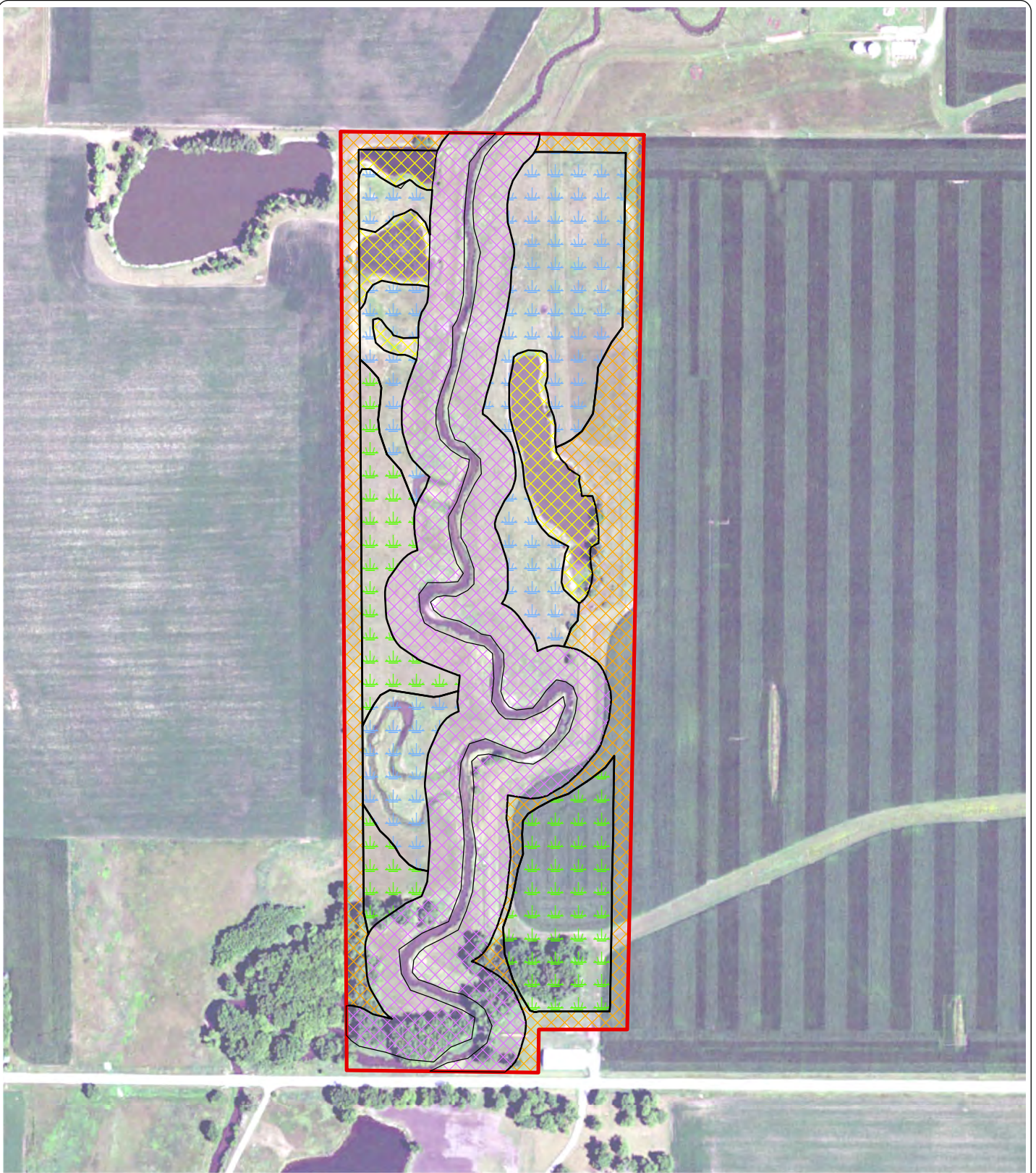
PROJECT ID. #: 22L010.01

DATE: 3/16/2022  
PREPARED BY: KRG  
CHECKED BY: MJH









EXHIBIT NO.  
**6**

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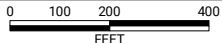



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Wetland

**LEGEND**

-  Emergent Wetland Creation
-  Emergent Wetland Enhancement
-  Open Water
-  Upland Wetland Buffer
-  Stream Buffer Zone 1 (Restoration)
-  Bank Boundary

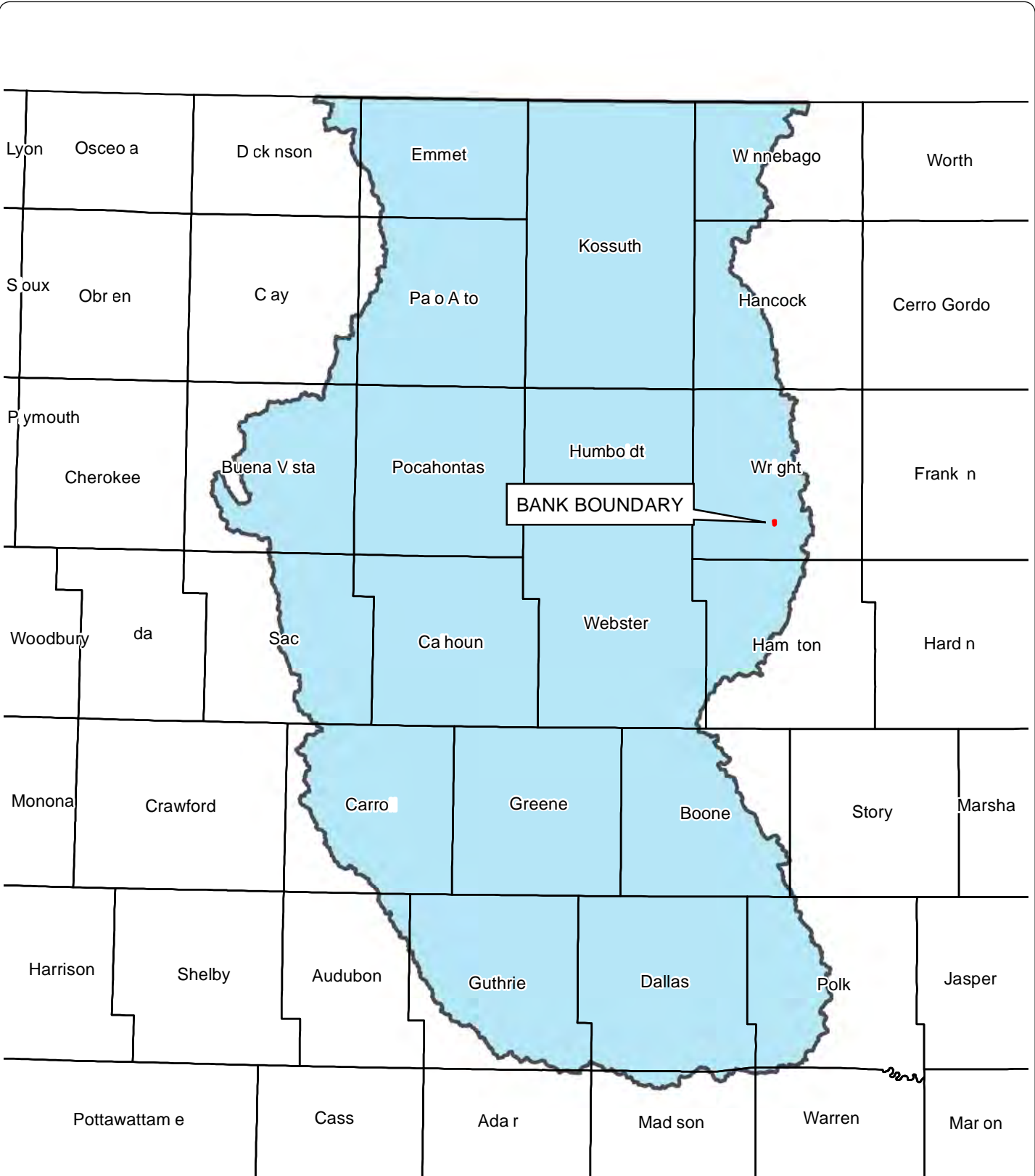


MITIGATION BANK CONCEPT <b>WHITE FOX MITIGATION BANK          PHASE II PROSPECTUS</b> 2135 290TH ST. CLARION, IOWA	
	PROJECT ID. #: 22L010.01
DATE: 3/17/2022 PREPARED BY: MJH CHECKED BY: ESM	
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Document Name: 22L010 Exhibit 7

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**LEGEND** CEMVR-RD-2022-577 pg. 4 of 4  
Project Service Area

- BANK BOUNDARY
- SERVICE AREA

SERVICE AREA MAP	
<b>WHITE FOX MITIGATION BANK PHASE II PROSPECTUS</b> 2135 290TH ST CLARION, IOWA	
	PROJECT ID. #: 22L010.01
DATE: 3/22/2022	
PREPARED BY: KRG	
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