

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE U.S. ARMY CORPS OF ENGINEERS ST. PAUL DISTRICT  
AND  
THE WISCONSIN DEPARTMENT OF TRANSPORTATION  
AND  
THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
REGARDING  
WISCONSIN DEPARTMENT OF TRANSPORTATION BANKS APPROVED PRIOR TO  
THE PUBLICATION OF 33 CFR PART 332 IN THE FEDERAL REGISTER**

**WHEREAS**, the St. Paul District, U.S. Army Corps of Engineers (Corps) is responsible for the review and approval of, and assessing the ecological success and sustainability associated with, compensatory mitigation sites under Section 404 of the Clean Water Act; and

**WHEREAS**, the Wisconsin Department of Transportation (WisDOT) is responsible for the development and operation of a safe and efficient transportation system, providing compensatory mitigation for impacts to waters of the United States authorized under Section 404 of the Clean Water Act, and adhering to the interagency coordination procedures outlined in the DNR-DOT Cooperative Agreement pursuant to s. 30.2022 Wis. Stats.; and

**WHEREAS**, the Wisconsin Department of Natural Resources (WDNR) is responsible for assisting the Corps in the review and approval of compensatory mitigation sites under s. 281.36., Wis. Stats. and ch. NR 350, Wis. Adm. Code, and adhering to the interagency coordination procedures outlined in the DNR-DOT Cooperative Agreement pursuant to s. 30.2022 Wis. Stats.; and

**WHEREAS**, the Corps, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, WDNR, Federal Highway Administration and WisDOT signed the WisDOT Wetland Mitigation Banking Technical Guideline Agreement in 1993 and 2002 (Technical Guideline), which outlined the operational criteria and Agency obligations for WisDOT bank sites, and was based on the St. Paul District implementation of the November 28, 1995 Federal Guidance for the Establishment, Use and Operation of Mitigation Banks; and

**WHEREAS**, on April 10, 2008, 33 CFR Part 332 was published in the Federal Register and outlined the required minimum standards, requirements and review process for all compensatory mitigation sites seeking Corps approval that were not approved by the Corps prior to July 9, 2008; and

**WHEREAS**, the WisDOT has a 30-year history of planning, developing, and managing compensatory mitigation sites for use in complying with Section 404 of the Clean Water Act; and

**WHEREAS**, the WDNR and Corps published Guidelines for Wetland Compensatory Mitigation in Wisconsin in August 2013 (Version 1), which outlined state and federal compensatory mitigation requirements and acknowledged in that document that WisDOT would instead propose and operate mitigation sites under their Technical Guideline; and

**WHEREAS**, the Corps recognizes that the sites identified on Appendices A and B of this Memorandum of Understanding (MOU) were approved by the Corps prior to implementation of 33 CFR Part 332 without

the execution of an individual site Mitigation Bank Instrument (MBI) unless identified and are therefore grandfathered under the provisions of 33 CFR Part 332; and

**NOW, THEREFORE,** the Corps, WisDOT, and WDNR agree that for greater efficiency, coordination and consistency in compliance with 33 CFR Part 332 in the use of all grandfathered WisDOT bank sites as compensatory mitigation for Department of the Army (DA) permits, and to ensure compliance with the standards and requirements in 33 CFR Part 332 in the Corps' review of all future WisDOT bank proposals, the Corps and DNR hereby revoke their participation in the WisDOT Wetland Mitigation Banking Technical Guideline, have updated Version 2 of the Guidelines for Wetland Compensatory Mitigation in Wisconsin to include WisDOT, and have developed the methodology described below for the use of existing WisDOT credits. The statements and understandings memorialized in this MOU do not represent approval or modification of grandfathered bank sites; rather this MOU memorializes those previous approvals and outlines a methodology for equitable continued use of grandfathered WisDOT bank sites.

### **Scope and Nature of the MOU**

- A. The Corps and WisDOT underwent a joint effort to conduct a quality assurance review (QAR) of the accounting ledgers for all WisDOT bank sites, including those grandfathered under 33 CFR Part 332. The initial phase of this QAR process resulted in WisDOT receiving official Corps correspondence regarding the released credits for each bank site by wetland credit type. WisDOT updated its internal bank accounting system to reflect the result of this QAR for internal WisDOT tracking and annual reporting purposes. The Corps updated the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) to reflect the result of this QAR for use in identifying available and appropriate mitigation credits during future permit review processes. A second phase of this QAR process will reconcile the credit balances for each bank site by wetland credit type in both WisDOT's internal bank accounting system and in RIBITS.
- B. The Corps and WDNR, with feedback from the public, including WisDOT, have updated the original August 2013 Guidelines for Wetland Compensatory Mitigation in Wisconsin (Version 1). Among other updates, Version 2 clarifies that the federal and state mitigation requirements apply to all applicants and sponsors, including WisDOT.
- C. Integrating WisDOT into Version 2 of the Mitigation Guidelines allows the agencies to operate under a single, consistent and predictable methodology, described below.
  1. Appendices A and B identify the names and locations of WisDOT mitigation sites by primary and secondary bank service areas (BSA) where the available credits to be approved during the QAR process described above may be used. The primary BSA is that BSA where the bank is located. The secondary BSA includes one or more immediately adjacent BSAs (indicated on Appendix B as bold solid black lines) within the same major drainage basin (HUC-2). Secondary BSAs are listed in Appendix A. Secondary BSAs were defined to honor the service area boundaries approved prior to 33 CFR Part 332, which WisDOT used for projecting and fulfilling credit needs for their own projects, while also simplifying the identification of appropriate compensatory mitigation for WisDOT, Corps and WDNR staff.



2. Version 2 of the Guidelines utilizes updated wetland credit type categories compared to the WisDOT Technical Guidelines. The Corps and WisDOT agree to convert WisDOT bank credits to the types used in Version 2 of the Guidelines for simplicity in permitting. For banks approved prior to the issuance of Version 2, the conversion will use the credit types identified in Version 2 to align with other private and publicly sponsored banks. All future WisDOT banks approved after the issuance of Version 2 will use the new wetland type categories defined in Version 2.
3. Version 2 of the Guidelines provides updated credit/debit ratios. No modification of credits for previously approved WisDOT banks is necessary as the Corps will honor its previous credit decisions. For WisDOT banks approved after the issuance of Version 2, the updated credit/debit ratios defined in the DNR-DOT Cooperative Agreement, or subsequent updates, will be used.

## **Miscellaneous**

### **I. Applicability**

Nothing contained in this MOU creates any rights or obligations, substantive or procedural, enforceable by either party against the other, or by any third party against anyone. This MOU does not represent or act as a mitigation bank instrument.

### **II. Dispute Resolution**

In the event that a dispute regarding the application of the MOU arises between the Corps, WisDOT, and WDNR, the parties will attempt to resolve the issue at the staff level. Matters unresolved at the staff level will be referred to the Points of Contact designated by signatories of this MOU.

### **iii. Funding**

This MOU is neither a fiscal nor funds obligation document. It does not obligate, commit or authorize the expenditure of funds. Each party to the MOU is responsible for funding its own actions; the undertaking of any activity described in this MOU is subject to the availability of sufficient, appropriate funding by the party proposing to undertake it.

### **iv. Modification**

The MOU will take effect on the date of the last signature below and may only be modified by the written agreement of all parties.

### **v. No waiver of sovereign immunity**

Nothing in this agreement shall be deemed a waiver of the state of Wisconsin's sovereign immunity.

### **vi. Points of Contact**

The signatories to this MOU will designate points of contact for the implementation of the MOU.

THIS MOU IS EFFECTIVE UPON THE DATE OF THE LAST SIGNATURE BELOW:

U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT

  
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Ms. Becky Graser, Chief, Regulatory Division

20 August 2025

WISCONSIN DEPARTMENT OF TRANSPORTATION

DocuSigned by:

  
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August 24, 2025

Ms. Rebecca Burkel, Division Administrator, Division of Transportation System Development

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Signed by:

  
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August 26, 2025

Mr. Greg Pils, Bureau Director, Environmental Analysis and Review Program

Appendix A: WisDOT Legacy Wetland Mitigation Sites and Associated Primary and Secondary Bank Service Areas

# Appendix A - WisDOT Legacy Wetland Mitigation Sites and Associated Primary and Secondary Bank Service Areas

List of Legacy Bank Site Names and Locations Operating Under the WisDOT Umbrella Bank System per WMBTG 2002 Agreement and Interagency MOU

Site Name	Project ID	Status	Type	County	Primary Bank Service Area	Secondary Bank Service Area Adjacent	Latitude	Longitude	PLSS	Office Region	MBI
<b>Lake Michigan Basin Sites</b>											
Hope Marsh Phase 1	0631-42-07	Open	Bank Site	Marquette	Lake Michigan Basin	NWLM; SWLM	43.731925	-89.285682	T15N, R10E, S35	NC	No
Hope Marsh Phase 2	0631-41-08	Open	Bank Site	Marquette	Lake Michigan Basin	NWLM; SWLM	43.747595	-89.282902	T15N, R10E, S26	NC	No
Orinda	1009-32-33	Open	Bank Site	Brown	Lake Michigan Basin	NWLM; SWLM	44.546999	-88.179151	T24N, R19E, S15	NE	Yes
Peshigo Brook Phase 1	1009-32-71	Open	Bank Site	Oconto	Lake Michigan Basin	SWLM; F; LS	45.105635	-88.299027	T30N, R18E, S3 & T31N, R18E, S29, 30, 31, 32	NE	Yes
Peshigo Brook Phase 2	1009-32-72	Open	Bank Site	Oconto	Lake Michigan Basin	SWLM; F; LS	45.105635	-88.299027	T30N, R18E, S3 & T31N, R18E, S29, 30, 31, 32	NE	No
<b>Lake Superior Basin Sites</b>											
Beauregard Creek	1009-60-58	Open	Bank Site	Bayfield	Lake Superior Basin	NWLM	46.511851	-90.932958	T47N, R5W, S36	NW	Yes
Kimmes - Tobin	0631-08-01	Open	Bank Site	Douglas	Lake Superior Basin	NWLM	46.560738	-92.273574	T47N, R15W, S17	NW	No
Roy Johnson West	0631-63-15	Open	Bank Site	Douglas	Lake Superior Basin	NWLM	46.684297	-91.633469	T49N, R10W, S33	NW	No
<b>Mississippi River Basin Sites</b>											
Branca	0631-09-05	Open	Bank Site	Barron	Mississippi River Basin	UW; UM-B-R; SC	45.489173	-92.051502	T35N, R14W, S25, 26	NW	No
Eftemiller	0631-08-10	Open	Bank Site	Rusk	Mississippi River Basin	UW; UM-B-R; SC	45.427228	-91.193837	T34N, R7W, S13, 14	NW	No
Knight's Creek	0631-63-00	Open	Bank Site	Dunn	Mississippi River Basin	UW; UM-B-R; SC	44.825673	-92.07627	T27N, R14W, S9	NW	No
Stephens	0631-06-05	Open	Bank Site	Chippewa	Mississippi River Basin	UW; UM-B-R; SC	45.050461	-91.115841	T30N, R8W, S26	NW	No
Bell Center	0631-51-09	Open	Bank Site	Crawford	Mississippi River Basin	UW; UM-B-R; SC	43.273231	-90.838888	T6N, R4W, S3, 10	SW	No
Mil Bluff Kelchinger/Mecozzi	0631-05-01, 1009-50-39	Open	Bank Site	Juneau	Mississippi River Basin	R; UM-M-P; UM-B-R; UW	43.945066, 43.957215	-90.303254, -90.324752	T17N, R2E, S18 & T17N, R1E, S12	SW	No
Neptune	1009-50-39	Open	Consolidation Site	Richland	Mississippi River Basin	R; UM-M-P; UM-B-R; UW	43.385537	-90.252296	T11N, R2E, S33	SW	No
Rockbridge/Ripley	5188-01-71	Open	Consolidation Site	Richland	Mississippi River Basin	R; UM-M-P; UM-B-R; UW	43.453275	-90.357567	T11N, R1E, S3	SW	No
Wildcat Mountain	5111-06-71	Open	Consolidation Site	Vernon	Mississippi River Basin	R; UM-M-P; UM-B-R; UW	43.701627	-90.60389	T14N, R2W, S10	SW	No
Jacobson	0631-02-77	Open	Bank Site	Walworth	Mississippi River Basin	UW; UM-M-P; LW; F	42.692111	-88.693434	T3N, R15E, S26, 35	SE	No
Kmetz	1371-06-71	Open	Consolidation Site	Jefferson	Mississippi River Basin	UW; UM-M-P; LW; F	43.141428	-88.5624	T8N, R16E, S23	SE	No
London	1009-11-00	Open	Bank Site	Jefferson	Mississippi River Basin	UW; UM-M-P; LW; F	43.042449	-88.996048	T7N, R13E, S30, 31	SW	No
Patrick Marsh - Vale Credit	0631-11-02	Open	Bank Site	Dane	Mississippi River Basin	UW; UM-M-P; LW; F	43.189755	-89.111869	T8N, R11E, S34	SW	No
Rosenow Creek	1371-07-71	Open	Consolidation Site	Waukesha	Mississippi River Basin	UW; UM-M-P; LW; F	43.132716	-88.476704	T8N, R17E, S27	SE	No
Wauson	1111-09-01	Open	Bank Site	Dodge	Mississippi River Basin	UW; UM-M-P; LW; F	43.62287	-88.712129	T13N, R15E, S4	SW	No
Whitewater Bypass	1080-00-74	Open	Consolidation Site	Walworth	Mississippi River Basin	UW; UM-M-P; LW; F	42.809463	-88.709626	T4N, R15E, S15	SE	No
World Dairy Center	1009-13-03	Open	Bank Site	Dane	Mississippi River Basin	UW; UM-M-P; LW; F	43.058408	-89.281551	T7N, R10E, S23	SW	Yes
Beaver Brook	1009-65-00	Open	Bank Site	Washburn	Mississippi River Basin	C; UM-B-R	45.770374	-91.838337	T38N, R12W, S15	NW	No
Lauritsen	0631-08-11	Open	Bank Site	Burnett	Mississippi River Basin	C; UM-B-R	45.669262	-92.098184	T37N, R14W, S20, 22, 29	NW	No
Staples Creek	0631-82-12	Open	Bank Site	Barron	Mississippi River Basin	C; UM-B-R	45.557807	-92.145171	T36N, R14W, S31	NW	No
Strom-Nelson	0631-08-04	Open	Bank Site	Burnett	Mississippi River Basin	C; UM-B-R	45.761833	-92.61545	T38N, R16W, S20	NW	No
Clark County Health Care	0631-29-03	Open	Bank Site	Clark	Mississippi River Basin	C; UW; LW; UM-B-R; SC	44.949883	-90.5214	T29N, R1W, S32, 33	NW	No
Mil Creek	1009-50-39	Open	Consolidation Site	Buffalo	Mississippi River Basin	C; UW; LW; UM-B-R; SC	44.356564	-91.896988	T22N, R13W, S25	NW	No
Pechacek-Gilbertson	0631-06-07	Open	Bank Site	Pierce	Mississippi River Basin	C; UW; LW; UM-B-R; SC	44.790381	-92.534941	T27N, R16W, S36	NW	No
Cull	1055-11-70	Open	Consolidation Site	Waukesha	Mississippi River Basin	R	43.096056	-89.315958	T7N, R18E, S1	SE	No
East Troy	1330-15-01	Open	Bank Site	Walworth	Mississippi River Basin	R	42.804856	-89.319439	T4N, R18E, S13	SE	Yes
STH 20	2340-02-70	Open	Consolidation Site	Racine	Mississippi River Basin	R	42.740779	-89.067074	T3N, R20E, S12	SE	No
STH 50/Fox River DOT	1315-08-60	Open	Consolidation Site	Kenosha	Mississippi River Basin	R	42.582265	-89.211157	T1N, R19E, S2	SE	No
Big Eau Claire	1009-40-22	Open	Bank Site	Marathon	Mississippi River Basin	LW; UM-B-R; C	45.028808	-90.176521	T29N, R3E, S5	NC	No
Bina	0631-71-28	Open	Bank Site	Langlade	Mississippi River Basin	LW; UM-B-R; C	45.186712	-89.264373	T31N, R10E, S4, 5, 8, 9	NC	No
Three Lakes Phase 1	0631-04-01	Open	Bank Site	Marathon	Mississippi River Basin	LW; UM-B-R; C	44.934128	-90.223793	T28N, R2E, S2	NC	No

Individual MBI Site with Released Credits

WMBTG - Wetland Mitigation Banking Technical Guidelines

MBI - Individual Mitigation Bank Site Instrument

LMB - Lake Michigan Basin

F - Fox

NWLM - Northwestern Lake Michigan

SWLM - Southwestern Lake Michigan

LSB - Lake Superior Basin

LS - Lake Superior

MRB - Mississippi River Basin

SC - St. Croix

C - Chippewa

UM-B-R - Upper Mississippi Black-Rock

UW - Upper Wisconsin

LW - Lower Wisconsin

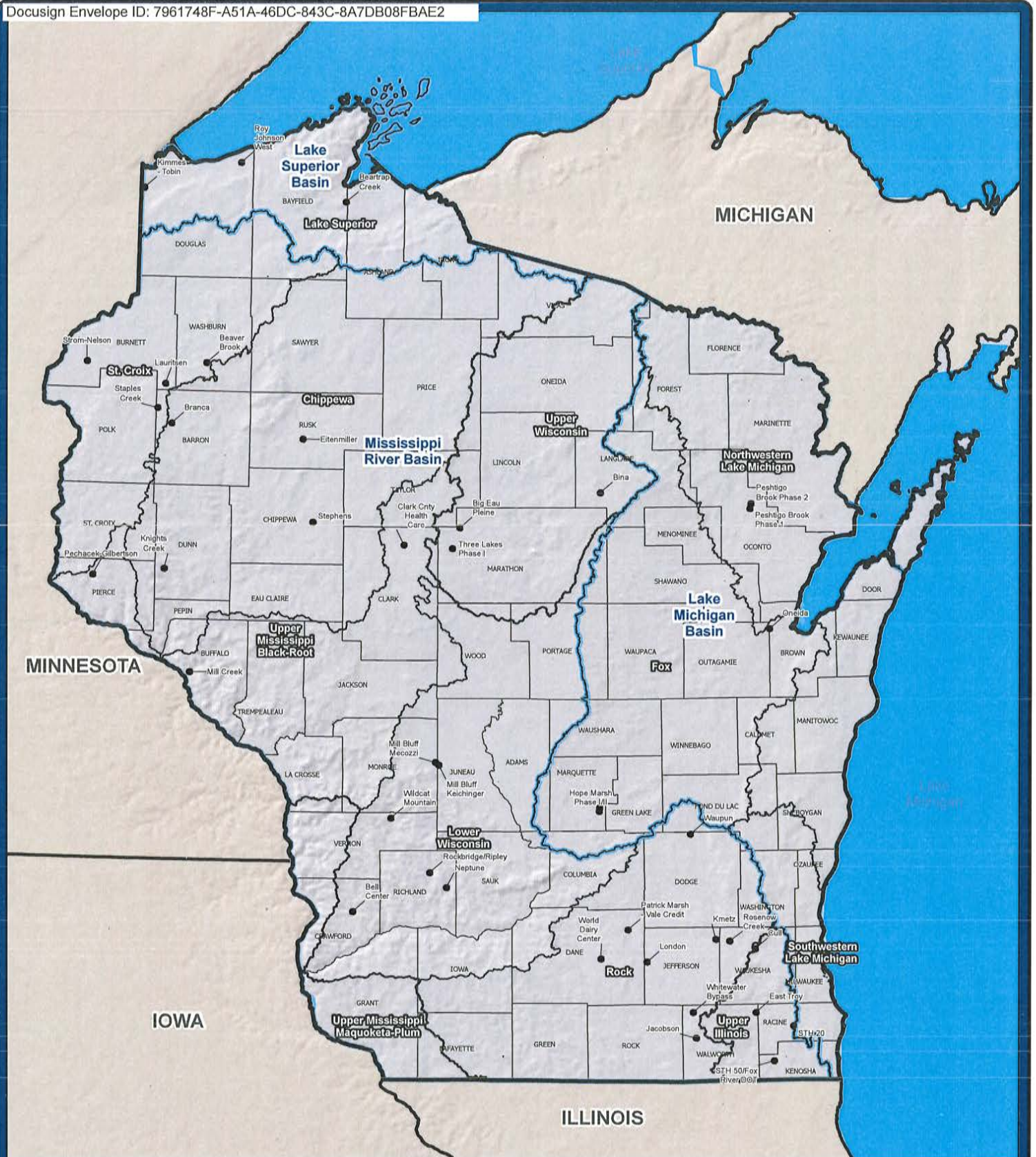
UM-M-P - Upper Mississippi Maquoketa-Plum

R - Rock

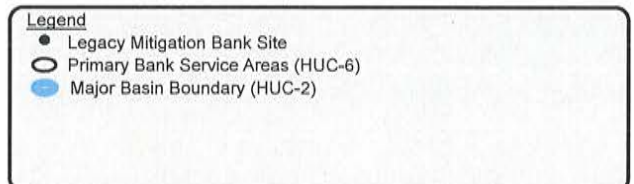
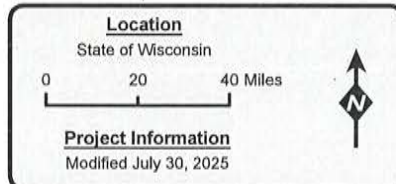
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Appendix B: Legacy WisDOT Banks Located by Bank Service Area



Legacy WisDOT Banks Located by Bank Service Area (Appendix B)



Data sources include: WisDOT, USGS, USACE, WDNR, and WDOA.  
Site information based on WisDOT 2024 Annual Bank report data.