

## **Information for File # 2012-05704-RMM**

**Applicant:** Mr. Gary Theisen, Cold Springs Granite

**Corps Contact:** Ryan Malterud

**Address:** 180 Fifth Street East, St. Paul, MN 55101

**E-Mail:** Ryan.M.Malterud@usace.army.mil

**Phone:** (651) 290-5286

**Primary County:** Stearns

**Section:** 21

**Township:** 124 North

**Range:** 28 West

**Information Complete On:** January 29, 2013

**Posting Expires On:** March 14, 2013

**Authorization Type:** LOP-05-MN

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. We have made a preliminary determination, at the request of the applicant, that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated wetland impacts and compensatory mitigation requirements identified above.

### **Project:**

AFTER-THE-FACT (ATF) APPLICATION

**PROJECT DESCRIPTION AND PURPOSE:** Cold Spring Granite Company has discovered that some inadvertent wetland filling occurred at their grout and overburden storage area at the north end of the Charcoal 3 Quarry property. This area has been used since the quarry was opened (it was operating when it was acquired by Cold Spring Granite Company in 1982) as a disposal area for stripped topsoil and unusable pieces of quarried granite (known as grout). As a result of this discovery, Cold Springs Granite has hired a consultant to determine the total amount of fill and help them through the permitting process. Aerial photographs from thirty-four different years taken between

1938 and 2010 were reviewed. The 2012 wetland delineation was overlaid on the digitized 1965 wetland boundary to quantify the approximate total amount of fill that has been placed since 1965.

**NAME, AREA AND TYPES OF WATERS (INCLUDING WETLANDS) SUBJECT TO LOSS:** A total of 1.03 acres of wetland were filled, however; 0.33 acre of fill was used to create a road in 1991. The applicant is not requesting to replace for those impacts. They are replacing the 0.70 acre of fresh wet meadow (Type 2) wetland fill that occurred from 2002-2012 in conjunction with the grout storage overburden work.

**ALTERNATIVES CONSIDERED:** Since the application that was submitted is for an ATF project the sequencing analysis focuses on the practicability and environmental impacts of leaving the 0.70 acres of fill in place versus removing it and providing compensatory wetland replacement.

The applicant states they have considered the alternative of removing the 0.70 acre of fill materials and restoring the underlying wetland. This alternative is not considered practicable or environmentally preferable for several reasons. First, the fill material is predominately grout, which has been stacked at an approximate 1:1 slope to a height in excess of fifty feet high. The grout consists mainly of large blocks of granite, some weighing in excess of 10 tons. Overburden soils are intermixed with these granite blocks. Because the grout has such a steep slope, any material removed from the toe slope position requires the slope above to be “chased” an equal distance to the west. More than 10,000 cubic yards of granite and overburden soil would have to be removed. Grout removal would also require heavy equipment movements within wetlands adjacent to the grout pile. Notwithstanding the large amount of reed canary grass in the surrounding area, the wetland area adjacent to the grout pile is predominantly a native sedge meadow and scrub shrub plant community. Even if grout and overburden material could be effectively removed, there is considerable uncertainty whether the underlying wetland could be adequately restored. The hydric soil underlying the grout storage pile has been compacted.

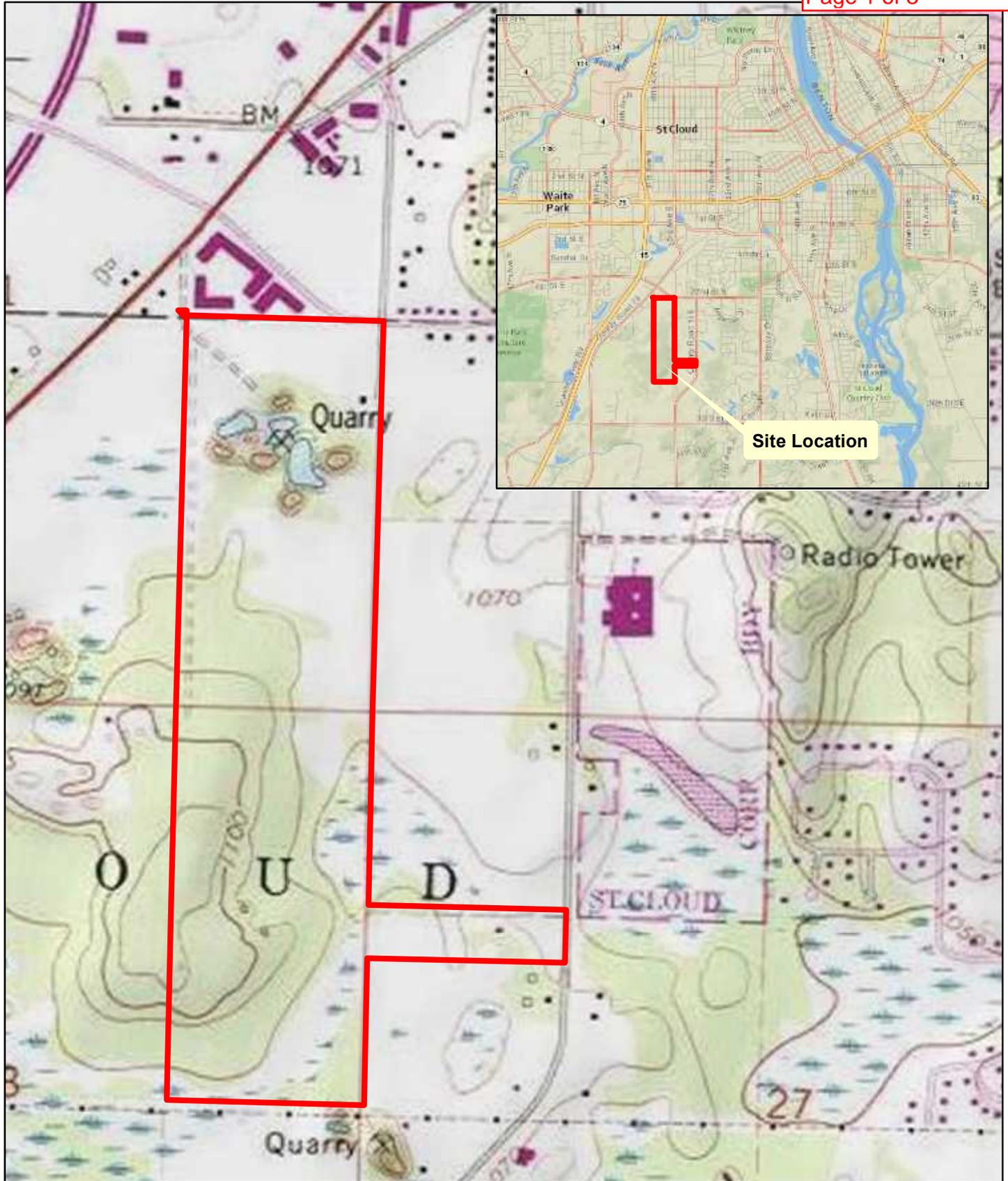
For the foregoing reasons, the removal of mixed grout and overburden soils from and restoration of 0.70 acre of wetland on the south edge of the grout storage area is not considered practicable or environmentally preferable. The potential benefits of restoring the wetland in place are outweighed by the : (1) uniquely difficult and expensive nature of this type of fill removal; (2) high risk of damaging additional adjacent wetland during the restoration process; and (3) potential for an unsuccessful restoration effort.

**COMPENSATORY MITIGATION:** The applicant is proposing replacing the impacted 0.70 acre of wetland with wetland banks purchased from the State and Corps –approved Joseph Mergen Wetland Bank, located in Farming Township, Stearns County, Minnesota. The bank is located in the same Bank Service Area (BSA) as the impacted wetland; BSA 7. The use of bank credits is being proposed instead of on-site replacement for several reasons. First, the use of banked credits has been identified as the preferred replacement method under both the Corps Section 404 regulations and the Wetland Conservation Act.

Second, there are extensive beds of reed canary grass and hybrid cattails within the wetlands adjacent to the impacted site. They further state that it would be exceedingly difficult to create new wetland on-site without it ultimately becoming dominated by these species.

The applicant proposes the acquisition of 1.40 acres of bank credits from the Joseph Mergen Wetland Bank.

**Drawings**     See attached.



Data Source(s): USFWS NWI (1991), USDA FSA AFPO 2010 DOQ

Legend

 Project Boundary



 Feet  
0 1,000

# Charcoal 3 Project

City of St. Cloud, Minnesota

Site Location and  
USGS Topography

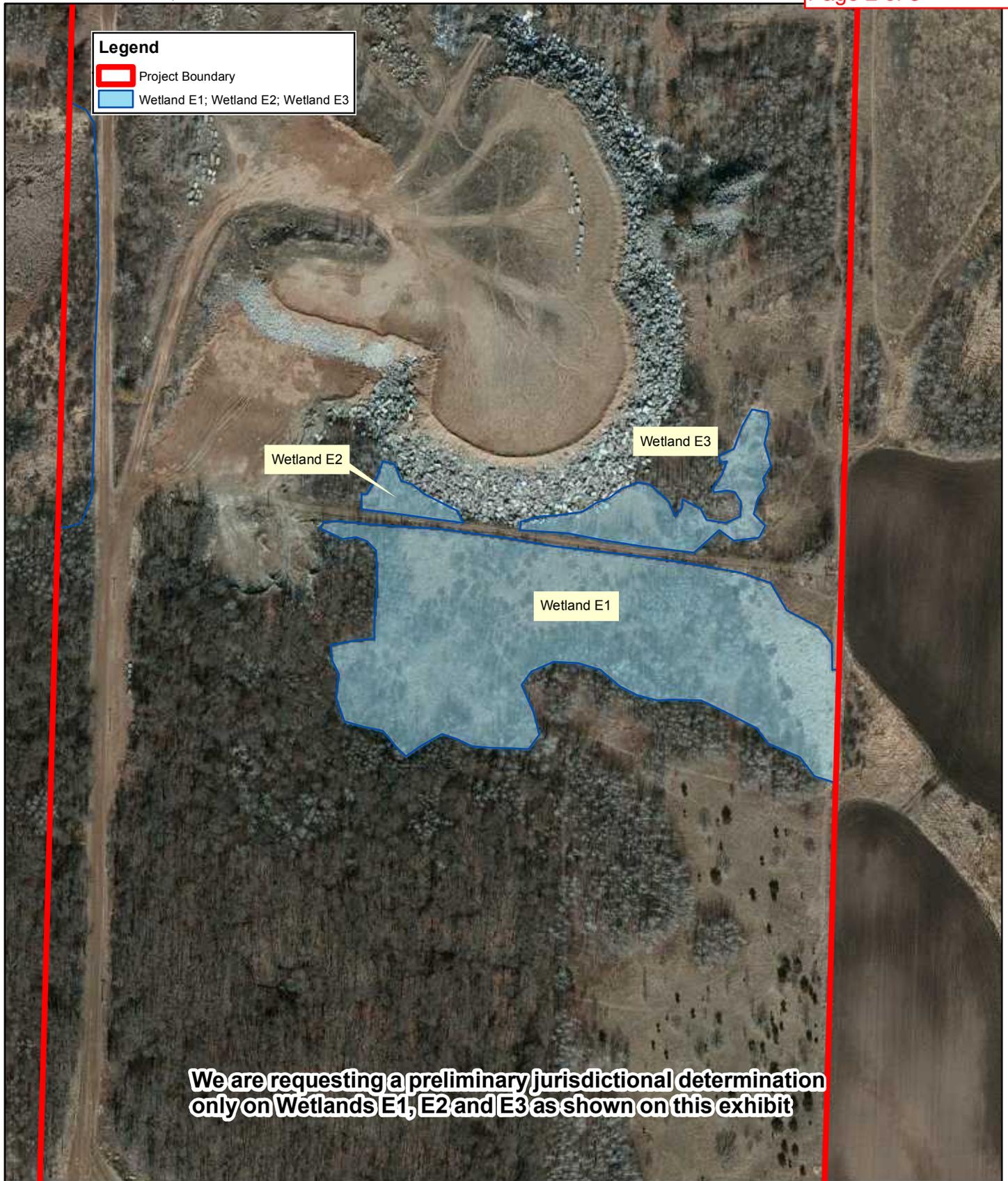
EXHIBIT 1



Westwood Professional Services, Inc.  
7699 Anagram Drive  
Eden Prairie, MN 55344  
  
PHONE 952-937-5150  
FAX 952-937-5822  
TOLL FREE 1-888-937-5150  
  
www.westwoodps.com

**Legend**

-  Project Boundary
-  Wetland E1; Wetland E2; Wetland E3



Data Source(s): USFWS NWI (1991), USDA FSA AFPO 2010 DOQ

# Charcoal 3 Project

City of St. Cloud, Minnesota

## Preliminary Jurisdictional Request EXHIBIT 1



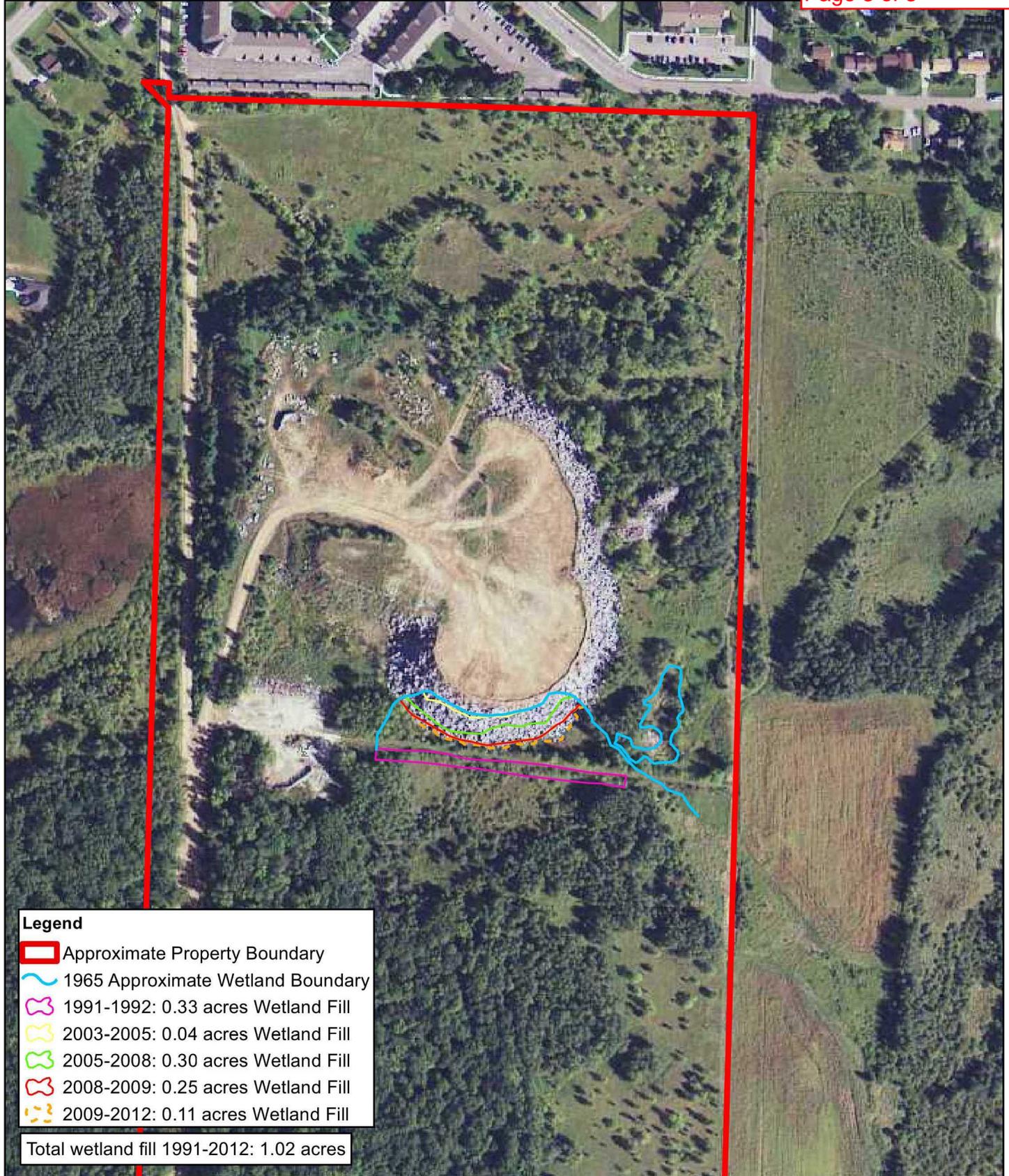
**Westwood Professional Services, Inc.**  
 7699 Anagram Drive  
 Eden Prairie, MN 55344

PHONE 952-937-5150  
 FAX 952-937-5822  
 TOLL FREE 1-888-937-5150

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**Legend**

- Approximate Property Boundary
- 1965 Approximate Wetland Boundary
- 1991-1992: 0.33 acres Wetland Fill
- 2003-2005: 0.04 acres Wetland Fill
- 2005-2008: 0.30 acres Wetland Fill
- 2008-2009: 0.25 acres Wetland Fill
- 2009-2012: 0.11 acres Wetland Fill

Total wetland fill 1991-2012: 1.02 acres

Data Source(s): Westwood GPS Data (WPS 2012), FSA Historical Aerial (Accessed 2012)

Map Document: P:\2012\128\GIS\Encroachment\CS ALL encroachment.mxd, 11/2/2012, 10:30:17 AM



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 7699 Anagram Drive  
 Eden Prairie, MN 55344

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# Charcoal 3 Project

City of St. Cloud, Minnesota

Sequential Wetland Impacts

1991-2012

EXHIBIT 8