
Public Notice



US Army Corps
of Engineers®
St. Paul District



PUBLIC NOTICE DATE: July 31, 2017

Issuance of the St. Paul District and the Minnesota Board of Water and Soil Resources Joint Draft Prospectus and Prospectus bank submittal forms

1. The St. Paul District Regulatory Branch (St. Paul District) and Minnesota Board of Water and Soil Resources (BWSR) have updated the forms used for wetland mitigation bank proposals at the Draft Prospectus and Prospectus phases of the agency review process. The updated versions are a joint effort between the St. Paul District and BWSR to ensure that information required for their respective reviews is specifically requested on the forms. The agencies have also added additional instructions to the forms and reorganized the content.
2. The updated forms apply to all compensatory mitigation proposals submitted in Minnesota for review and approval by the St. Paul District and BWSR. Effective the date of this Public Notice the forms replace those previously in use for wetland mitigation bank proposals submitted pursuant to the Federal Mitigation Rule and the Minnesota Wetland Conservation Act.
3. Wetland bank sponsors are requested to begin using the updated forms for all future Draft Prospectus and Prospectus submittals. However, any proposals in development may use the version of the forms in place at the time that phase of the review was initiated by the wetland bank sponsor. The St. Paul District and BWSR intend to fully transition to use of the new forms within 90 days from the date of this Special Public Notice.
4. The agencies will review the forms after 180 days and then consider any additional changes/revisions that are determined to be necessary. Members of the public who have comments on the updated forms can submit them to the agency points of contact identified in this Special Public Notice anytime within the 180-day period.


The updated forms are available on the St. Paul District website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory/Mitigation/>

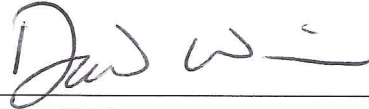
The updated forms are available on the BWSR website at:

<http://www.bwsr.state.mn.us/wetlands/wetlandbanking/forms.html>

5. The points of contact for the updated forms are Leslie Day, the St. Paul District Mitigation Coordinator, at 651-290-5365 and Tim Smith the BWSR Wetland Banking Coordinator at 651-600-7554.



Chad Konickson
Chief, Regulatory Branch
U.S. Army Corps of Engineers,
St. Paul District



Dave Weirens
Assistant Director, Programs and Policy
Development
Minnesota Board of Water and Soil Resources



**US Army Corps
of Engineers**®

St. Paul District

Wetland Mitigation Proposal Draft Prospectus



Submit this document to the [Corps of Engineers](#) and Wetland Conservation Act (WCA) [Local Government Unit \(LGU\)](#) to begin the mitigation proposal review process. This document allows early review based on limited, easily obtained information so you can identify project opportunities, issues, and potential problems before investing significant time and resources. This document can be prepared without help from professional consultants; however, review quality and recommendations made will be commensurate with the level of information provided. Findings and recommendations provided do not constitute final mitigation plan approval or guarantee success.

| | |
|---|--|
| PROJECT NAME Click to enter text. | Project Type <input checked="" type="checkbox"/> Wetland Bank <input type="checkbox"/> In Lieu Fee <input type="checkbox"/> Project Specific (PRM) |
|---|--|

SPONSOR INFORMATION

Agent Information

| | | | | | |
|--|-------------------|----------------------------|---|-------------------|----------------------------|
| Sponsor's Full Name Click to enter text. | | | Authorized Agent's Name and Title (if applicable) Click to enter text. | | |
| Company | | | Company Click to enter text. | | |
| Street Address Click to enter text. | | | Street Address Click to enter text. | | |
| City Click to enter text. | State Click | Zip Code Click to enter | City Click to enter text. | State Click | Zip Code Click to enter |
| Phone (Primary) Click to enter | Phone (Secondary) | Phone (Other) | Phone (Primary) Click to enter | Phone (Secondary) | Phone (Other) |
| E-mail Address Click to enter text. | | | E-mail Address Click to enter text. | | |
| Sponsor's Relationship to Property | | | | | |
| <input type="checkbox"/> Fee Title Owner <input type="checkbox"/> Contract for Deed <input type="checkbox"/> Contract or agreement with fee owner <input type="checkbox"/> Other: (describe) | | | | | |

STATEMENT OF AUTHORIZATION (required if agent is authorized to represent, and sign for, sponsor)

| | |
|--|---------------|
| I hereby authorize, _____ to act on my behalf as my agent in the processing of this document and to furnish, upon request, supplemental information in support of this document. | |
| _____ Signature of Sponsor | _____ Date |

PROJECT LOCATION (Include a Site Location Map)

| | | | | |
|---------------------------|--|--|--|-----------------------------|
| County Choose an item. | Est. Easement Size (acres) Click to enter text. | Watershed Name/No. or HUC 8 Choose an item. | Bank Service Area Choose an item. | |
| Latitude: °N | Longitude: °W | Section No. Click to enter | Township No. Click to enter | Range No. Click to enter |

- Check this box if you are only requesting review under WCA.
- Check this box if this is a Minnesota *Agricultural* Wetland Bank proposal.

LIST OF FIGURES

- Site Location Map**
- Recent Aerial Photo of Site Showing Property and Planned Project Boundaries**
- [Soil Survey](#) Map** (Include legend and identification of hydric soils)
- Maps/photos of any existing drainage features** (ditches, tile, lift stations, etc.)
- Map of Site Topography** (best available information from [LiDAR](#), USGS maps, or surveys)
- Aerial photos from the past 20 years showing land use and/or cropping history** (when applicable)
- Prior wetland delineations or determinations** (if any have been completed for the project area)

Note: For all mapping products, be sure to show scale and orientation, site boundaries, and other relevant features. Attach additional information as needed.

DRAFT PROSPECTUS QUESTIONNAIRE

1. Yes No *Are there any existing permanent conservation easements within or adjacent to the project area (RIM, WRP, U.S. Fish and Wildlife, Land Trust, etc.)? If yes, please describe.*
[Click to enter text.](#)
2. Yes No *Is some or all of the project area currently enrolled in CRP or another state or federal short term conservation program (EQIP, WHIP, CSP, other)? If yes, please identify the program and briefly describe the activities completed under the program, including contract start and expiration dates. Attach a copy of the contract if available.*
[Click to enter text.](#)
3. Yes No *To the best of your knowledge, are there natural gas, crude oil, refined petroleum pipelines, other utilities, other easements or restrictions located on or within 200 feet of the project, or airports located within 5 miles of the project? If yes, please check all that apply:*
 - Natural Gas Crude Oil/Refined Petroleum Electric Telephone Fiber Optic
 - Wind Airport (within 5 miles) Other ([Click to describe](#))
4. Yes No *Are there any existing wells within the planned project area? If yes, are they:*
 - Active Inactive – Sealed Inactive – Not sealed
5. Yes No *To the best of your knowledge, has the project area, or an area within 200 feet of the project area, been used as a storage or disposal area for hazardous substances, pollutants or contaminants, including agricultural chemicals or fertilizer, or been used as a private or public dumpsite? If yes, please explain.*
[Click to enter text.](#)

6. LAND USE INFORMATION

- a.** Briefly describe the current and past land-use history of the project area (e.g. row crops, pasture, forestry/logging, residential, etc.).

Click to enter text.

- b.** For agricultural sites with cropping history, approximately how many of the last 20 years has the project area, or portions of the project area, been seeded for crop production? When possible, be specific and identify the corresponding areas on an aerial photo or map.

Click to enter text.

7. WETLAND INFORMATION

- a.** Check all applicable boxes below that best describe the activities that have drained or altered wetlands within the project area and identify on attached map or aerial photo.

Private Ditch Public Ditch Private Tile Public Tile Lift Station
 Wetland Filling Cropping/Tillage None Other (Click to describe)

- b.** Describe any known private drainage easements or agreements that exist for the property.

Click to enter text.

- c.** Describe what activities would be implemented on the site to improve wetland functions (e.g. breaking tile lines, plugging ditches, removing lift stations, converting cropland to wetland, removal of sediment, etc.). Identify locations on attached aerial photo where applicable.

Click to enter text.

- d.** Describe any concerns or problems that may exist in implementing any of the above restoration activities.

Click to enter text.

8. PROJECT OBJECTIVES:

Describe any specific project objectives for the site (e.g. wildlife habitat, water quality improvement, water retention, etc.).

Click to enter text.

SIGNATURE

By signature below I acknowledge the following:

- a) I am authorizing the review of my Draft Prospectus by the appropriate regulatory authorities as part of establishing a compensatory wetland mitigation project.
- b) I am familiar with the information contained in this document and, to the best of my knowledge and belief, all information is true, complete, and accurate.
- c) I understand that this document is not a government approval request subject to MN section 15.99 decision time limits. Submittal of this document will result in findings and recommendations that can be used to assemble a Prospectus document if I choose to pursue one.

- d) I understand that findings or recommendations received do not constitute a formal decision, nor do they imply future approval of a wetland mitigation plan.
- e) I understand that Draft Prospectus review may require regulatory agency staff to inspect my project site, that agency staff will contact me in advance to schedule a site visit, and I agree (or am authorized) to allow agency staff reasonable access to the property when prior notification is given.

Sponsor's Signature (Authorized Agent)

Date



**US Army Corps
of Engineers®**
St. Paul District

Wetland Mitigation Proposal Prospectus



Submit this document to the [Corps of Engineers](#) and Wetland Conservation Act (WCA) [Local Government Unit](#) (LGU). This document provides baseline information, documentation of credit eligibility and allocation, and strategies to restore or establish vegetation and hydrology. Preparation of this document generally requires assistance from professional consultants and/or other wetland science, engineering, and vegetation professionals. This document must provide enough detail to generate informed public and agency review. Provide full and complete answers and information for all requested items on this form, even if previously addressed at the Draft Prospectus phase.

Findings and recommendations provided do not constitute final mitigation plan approval or guarantee success.

| | |
|---|--|
| PROJECT NAME Click to enter text. | Project Type <input type="checkbox"/> Wetland Bank <input type="checkbox"/> In Lieu Fee Site <input type="checkbox"/> Project Specific (PRM) |
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SPONSOR INFORMATION

Agent Information

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|--|-------------------|----------------------------|---|-------------------|----------------------------|
| Sponsor's Full Name Click to enter text. | | | Authorized Agent's Name and Title (if applicable) Click to enter text. | | |
| Company | | | Company Click to enter text. | | |
| Street Address Click to enter text. | | | Street Address Click to enter text. | | |
| City Click to enter text. | State Click | Zip Code Click to enter | City Click to enter text. | State Click | Zip Code Click to enter |
| Phone (Primary) Click to enter | Phone (Secondary) | Phone (Other) | Phone (Primary) Click to enter | Phone (Secondary) | Phone (Other) |
| E-mail Address Click to enter text. | | | E-mail Address Click to enter text. | | |
| Sponsor's Relationship to Property | | | | | |
| <input type="checkbox"/> Fee Title Owner <input type="checkbox"/> Contract for Deed <input type="checkbox"/> Contract or agreement with fee owner <input type="checkbox"/> Other: (describe) | | | | | |

STATEMENT OF AUTHORIZATION (required if agent is authorized to represent, and sign for, sponsor)

| | |
|--|---------------|
| I hereby authorize, _____ to act on my behalf as my agent in the processing of this document and to furnish, upon request, supplemental information in support of this document. | |
| _____ Signature of Sponsor | _____ Date |

PROJECT LOCATION (Include a Site Location Map)

| | | | | |
|---------------------------|--|--|--|-----------------------------|
| County Choose an item. | Est. Easement Size (acres) Click to enter text. | Watershed Name/No. or HUC 8 Choose an item. | Bank Service Area Choose an item. | |
| Latitude: °N | Longitude: °W | Section No. Click to enter | Township No. Click to enter | Range No. Click to enter |

- Check this box if you are only requesting review under WCA.
- Check this box if this is a Minnesota *Agricultural* Wetland Bank proposal.

LIST OF FIGURES

List and label all figures and appendices in the order in which they are referenced in this submission form.

The following figures are necessary for a Prospectus review (reference them in appropriate sections of the narrative):

- ✓ **Site Location Map**
- ✓ **Land Use Map** of Project Site and Surrounding Properties
- ✓ **Existing Conditions Topographic Map** (Topography should at minimum include 1-foot contour intervals for the project area. The use of [LiDAR](#) data is acceptable at this stage but additional survey data may be needed to identify elevations and descriptions of important project features such as culverts, bridges, ditches, subsurface tile lines, tile intakes and outlets, buildings, utilities, etc. Include a north arrow and scale as well as information about bench marks used or established along with their MSL datum. The prepared map should also include other pertinent features such as roads, property lines, proposed easement/project boundary and topography of adjacent lands if they contribute to or could be affected by the project)
- ✓ **[Web Soil Survey](#) Map** (or other soil information if Web Soil Survey not available for the area)
- ✓ **Watershed Map(s)** (show site location within minor watershed, major watershed, county, and Bank Service Area)
- ✓ **Existing Wetlands Map** (approved delineation or estimate based on best available data)
- ✓ **Existing Conditions Vegetation Map** (current dominant vegetative cover of site and surrounding area)
- ✓ **Proposed Easement Boundary Map** (preferably overlaid on topographic map and/or aerial photo)
- ✓ **Credit Allocation Area Map** (see Section # 6.4)
- ✓ **Proposed Vegetation Conditions Map** (based on vegetation plan)
- ✓ **Concept Plan** showing anticipated construction features (see Section # 9)

The following figures are recommended, when applicable:

- ✓ **Historical Aerial Photo(s)** (representative of pre-altered conditions)
- ✓ **Site Photographs**
- ✓ Photographs of **Reference Wetland(s)** (reflective of post plan conditions)

The following information is generally required for local, state, and federal agencies to review and comment on the Prospectus. Do not leave any of the following sections or subsections blank. If a section does not apply to your project, enter “not applicable” and provide an explanation why.

1. Regulatory Review Status and Project History

Identify and discuss the extent of review and comments received to date on this pending wetland mitigation project. Reference previous reviews and document how comments from local, state, and federal reviewers are addressed by this document.

[Click here to enter text.](#)

2. Project Participants and Qualifications

2.1 Project Sponsor, Ownership, and Long-Term Management

Identify the project sponsor who will complete the project, the proposed land ownership, the credit owner(s), the long-term management strategy, and any agreements among these parties. (For example, the bank sponsor and credit owner will be J. Doe who is in discussions with TNC to transfer ownership and long-term management responsibilities once all credits have been sold.)

[Click here to enter text.](#)

2.2 Sponsor Qualifications

Describe how you and/or your agent(s) are qualified to successfully complete the mitigation project proposed and include information describing relevant past activities or previous mitigation projects.

[Click here to enter text.](#)

3. Proposed Easement Description

Discuss the proposed easement boundary in terms of its location (e.g. coincides with property line, follows road or ditch right-of-way boundary, etc.), access to the easement from a public road right-of-way, and reasons for including or excluding certain areas (e.g. excludes field road to allow access to adjacent property, etc.). The proposed easement boundary should be accurately shown and identified on all Prospectus figures and maps.

[Click here to enter text.](#)

4. Historical Conditions

Provide an assessment of historical site conditions from pre-settlement to current condition. Utilize historical aerial photos, soil mapping, onsite investigations, and other available information to describe historical conditions on and near the site including historical wetland types and extent. Attach and reference supporting documents as necessary.

[Click here to enter text.](#)

5. Existing Conditions

Address all of the following subparts. Attach and reference supporting documents as necessary:

5.1 General Description

Provide a description of existing features on and near your proposed mitigation site including current land uses, landscape features, roads, structures, wells, utility lines, etc. Also discuss and identify the presence of known conservation easements, contracts, or public lands adjacent to your proposed mitigation area.

[Click here to enter text.](#)

5.2 Vegetation

Describe all existing plant communities on and adjacent to your mitigation site. Include information on community composition, dominant species, and location and abundance of invasive or exotic species.

[Click here to enter text.](#)

5.3 Hydrology

Describe and show the location, flow direction, and condition of any drainage systems or hydrology alterations on your mitigation site (e.g. ditches and tile, level grading, wetland fill, slope reshaping, etc.) and demonstrate that sufficient water supply is available to sustain the proposed wetland(s) in the short- and long-term. Also identify public drainage systems, drainage agreements, or other legal documents/agreements (e.g. rights to remove water, soil, minerals, or biomass and/or any flowage easements) that may affect the use or modification of drainage systems or site hydrology. If monitoring well data has been collected, include and summarize this information as well.

[Click here to enter text.](#)

5.4 Soils

Describe existing soil conditions on and adjacent to the site. Include soil maps that identify mapped soils, hydric versus non-hydric status, and results of any onsite soil investigations completed.

[Click here to enter text.](#)

5.5 Existing Wetlands

Include a discussion of existing wetlands on the site including reference to, and approval status of, any wetland delineations or determinations conducted. If offsite hydrology review was used to estimate wetland boundaries include this information as well. Include and reference figures to supplement the narrative.

[Click here to enter text.](#)

6. Objectives, Need, and Feasibility

Address each of the following subparts. Attach and reference supporting documents as necessary:

6.1 Objectives

Describe your project objective(s) and how they will be achieved. Discuss these objectives in terms of plant communities, wetland types, hydrology, and wetland functions.

[Click here to enter text.](#)

6.2 Need

Describe the need for your project relative to regulatory programs, expected wetland impacts, other mitigation options, and overall watershed conditions.

[Click here to enter text.](#)

6.3 Technical Feasibility

Describe why your project is technically feasible and capable of providing the desired mitigation. Include a description of the expertise and experience possessed by you or your contractors in completing similar projects and a description of proven construction and restoration methods used in comparable landscape positions. Describe any constraints that may prevent full restoration of historical conditions (e.g. access to other lands, encroachment on other lands, drainage maintenance from other properties, etc.). If the project is a wetland creation, discuss historical watershed conditions, current hydrology sources, and how the project will replace or enhance important wetland functions.

[Click here to enter text.](#)

6.4 Credit Eligibility and Allocation

For each map ID on the Credit Area Map, identify state and federal credit actions used and describe why your project is eligible for each credit action identified. Wetland credits are generally allocated based on a demonstrated functional "lift" over existing conditions. Offsite hydrology/wetland determinations, approved wetland delineations, drainage setback tables, and pre-project hydrology monitoring may be required to demonstrate the extent of functional lift. If credit eligibility under WCA or allocation is dependent on cropping frequency, include a detailed assessment of cropping history that identifies each unique area independently. Identify credit areas on a Credit Allocation Map and complete the following Wetland Credit Allocation Table.

[Click here to enter text.](#)

Wetland Credit Allocation Table ¹

| Map ID | Credit Action² | Acres³ (x.x acres) | % Credit | Credit Amount³ (x.xxxx) |
|-----------------------------|----------------------------------|--|-----------------|---|
| Click. | Choose an item. | | | 0.0000 |
| Click. | Choose an item. | | | 0.0000 |
| Click. | Choose an item. | | | 0.0000 |
| Click. | Choose an item. | | | 0.0000 |
| Click. | Choose an item. | | | 0.0000 |
| Click. | Choose an item. | | | 0.0000 |
| Click. | Choose an item. | | | 0.0000 |
| Click. | Choose an item. | | | 0.0000 |
| TOTAL EASEMENT SIZE: | | 0.0 | TOTAL: | 0.0000 |

¹Wetland Credit Allocation Map must accompany this form and:

- Provide a clear depiction of the easement boundary
- Show separate Map IDs for each credit action within the easement boundary.

²As identified by [MN Rules Chapter 8420.0526](#) and [St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota](#).

- | | |
|--|--|
| ▪ Subp. 2: <i>Buffer</i> | Buffer |
| ▪ Subp. 3: <i>Restoration of Completely Drained or Filled</i> | Restoration via Reestablishment |
| ▪ Subp. 4: <i>Restoration of Partially Drained or Filled</i> | Restoration via Rehabilitation |
| ▪ Subp. 5: <i>Vegetative Restoration of Farmed Wetlands</i> | Enhancement |
| ▪ Subp. 6: <i>Protection of Wetlands Previously Restored via Conservation Easements</i> | Extended Restoration |
| ▪ Subp. 7: <i>Wetland Creations</i> | Establishment |
| ▪ Subp. 8: <i>Restoration and Protection of Exceptional Natural Resource Value</i> | Restoration or Enhancement |
| ▪ Subp. 9: <i>Preservation of Wetlands</i> | Preservation |
| ▪ No Credit: <i>Portions of easement area not receiving credit</i> | No Credit |

³Acres of land that correspond to an identified credit action are rounded to one decimal place. The sum total of acres must equal total easement size. Credit Amounts, as a product of acres and percent credit, are rounded to four decimal places.

7. Ecological Suitability and Sustainability

7.1 Ecological Suitability

Describe suitability of the site to achieve the objectives of the proposed mitigation bank, including physical, chemical, and biological characteristics of the bank site and how that site will support the planned types of aquatic resources and functions. Proposals involving preservation of aquatic resources must also include the information required under [33 CFR 332.3\(h\)](#).

[Click here to enter text.](#)

7.2 Sustainability

Discuss the relative permanence of your mitigation actions in the context of reasonably foreseeable land use and landscape changes and your project's ability to sustain improved physical, chemical, and biological wetland functions into the future.

[Click here to enter text.](#)

8. Vegetation Establishment

Identify and briefly discuss anticipated actions or strategies to establish, enhance, or maintain vegetation including (but not limited to) plant communities planned, seeding or planting materials expected, invasive species control, and anticipated maintenance/management activities.

[Click here to enter text.](#)

9. Design, Construction, and Operation

Describe your general design strategies (e.g. plug/fill drainage ditches, plug/remove drainage tile, remove sediment, divert/reroute drainage system waters, construct embankments, outlet structures, etc.) and how your mitigation site will be operated to achieve your project objectives. Discuss soils, topography, and hydrology as it relates to the conceptual construction plan and identify and discuss additional investigations needed before final design/construction plans are developed (e.g. watershed modeling, geotechnical investigations, etc.).

[Click here to enter text.](#)

Prepare and attach a Concept Plan, preferably overlaid on the site topography map, clearly showing locations of all planned construction features.

10. Supplemental Information

If your project involves protection of wetlands previously restored via conservation programs/easements, restoration and protection of exceptional natural resource value, or preservation credit actions (WCA rule subparts 6, 8, and 9, respectively), provide a narrative discussion of how your project meets requirements of the proposed actions. Discuss and reference applicable guidance documents and support materials. If necessary, include any other information relevant to the mitigation plan that is not discussed in the other sections of this document.

[Click here to enter text.](#)

Special Considerations

WCA rules ([8420.0515](#)) identify factors that must be considered when submitting a wetland replacement/banking plan. Identify and discuss any of these factors that are potentially applicable to the site.

[Click here to enter text.](#)

Signature

By signing this form I acknowledge that:

- A. I am authorizing the review of my Prospectus by the appropriate regulatory authorities as part of establishing a compensatory wetland mitigation project.
- B. I am familiar with the information contained in this submittal and, to the best of my knowledge and belief, all information is true, complete, and accurate.
- C. I understand that this document is not a government approval request subject to MN section 15.99 decision time limits. Submittal of this document will result in findings and recommendations that can be used to assemble a Mitigation Plan document if I choose to pursue one.
- D. I understand that findings or recommendations received do not constitute a formal decision, nor do they imply future approval of a Mitigation Plan.
- E. I understand that Prospectus review may require regulatory agency staff to inspect my project site, that agency staff will contact me in advance to schedule a site visit, and I agree (or am authorized) to allow agency staff reasonable access to the property when prior notification is given.

Sponsor's Signature (Authorized Agent)

Date