### Minnesota Wetland Conservation Act

**Notice of Application**

<table>
<thead>
<tr>
<th>Local Government Unit (LGU)</th>
<th>Address</th>
</tr>
</thead>
</table>
| City of Plymouth            | 3400 Plymouth Blvd.  
                             | Plymouth, MN 55447 |

### 1. PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Project Name</th>
<th>Date of Application</th>
<th>Application Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jason Osberg</td>
<td>17135 Old Rockford Road</td>
<td>8/19/16</td>
<td>NA</td>
</tr>
<tr>
<td>Metrowide Development, LLC</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Type of Application (check all that apply):

- [ ] Wetland Boundary or Type
- [ ] No-Loss
- [ ] Exemption
- [ ] Sequencing
- [ ] Replacement Plan
- [ ] Banking Plan

Summary and description of proposed project (attach additional sheets as necessary):

The applicant proposes to install utilities within a delineated wetland area for the purpose of serving a future development on the 17135 Old Rockford Road property.

The exemption is requested under WCA 8420.0420 Subp. 6.

The impact is shown on private property owned by others and the applicant is advised to get permission prior to beginning work.

### 2. APPLICATION REVIEW AND DECISION

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 3 provides notice that an application was made to the LGU under the Wetland Conservation Act as specified above. A copy of the application is attached. Comments can be submitted to:

<table>
<thead>
<tr>
<th>Name and Title of LGU Contact Person</th>
<th>Comments must be received by (minimum 15 business-day comment period):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Derek Asche Water Resources Manager</td>
<td>September 22, 2016</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Address (if different than LGU)</th>
<th>Date, time, and location of decision:</th>
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</thead>
<tbody>
<tr>
<td>City of Plymouth 3400 Plymouth Blvd. Plymouth, MN 55447</td>
<td>September 23, 2016 9am Plymouth City Hall</td>
</tr>
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<thead>
<tr>
<th>Phone Number and E-mail Address</th>
<th>Decision-maker for this application:</th>
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</thead>
<tbody>
<tr>
<td>763-509-5526 <a href="mailto:dasche@plymouthmn.gov">dasche@plymouthmn.gov</a></td>
<td>□ Staff □ Governing Board or Council</td>
</tr>
</tbody>
</table>

Signature: [Signature] Date: 8/29/16
3. LIST OF ADDRESSEES

- SWCD TEP member: Ms. Stacey Lijewski, HCD, 701 Fourth Avenue South, Suite 700, Minneapolis, MN, 55415-1600 (sent electronically)
- BWSR TEP member: Ben Meyer, BWSR, 520 Lafayette Road North, St. Paul, MN, 55401-1397 (sent electronically)
- LGU TEP member (if different than LGU Contact):
- DNR TEP member: Becky Horton, MN DNR, 1200 Warner Road, St. Paul, MN, 55106 (sent electronically)
- DNR Regional Office (if different than DNR TEP member):
  Kate Drewry, Area Hydrologist, MN DNR, 1200 Warner Road, St. Paul, MN, 55106 (sent electronically)
- WD or WMO (if applicable):
  BCWMC, c/o Laura Jester, Keystone Waters LLC, 16145 Hillcrest Lane, Eden Prairie, MN, 55346-1757 (sent electronically)
- Applicant (notice only) and Landowner (if different):
  Mr. Roger Viere, 1031 Old Blush Road, Celebration, FL, 34747
  Jason Osberg, Metrowide Development, LLC, 15356 Yukon St. NW, Andover, MN, 55304 (sent notice electronically)
- Members of the public who requested notice (notice only):
  Robert Merilla, Aquatic EcoSolutions, Inc. (sent electronically)
- Corps of Engineers Project Manager (notice only): Melissa Jenny, Army Corps of Engineers, 180 5th Street East, Suite 700, St. Paul, MN, 55101-1678 (sent electronically)
- BWSR Wetland Bank Coordinator (wetland plan applications only)

4. MAILING INFORMATION

- For a list of BWSR TEP representatives: [www.bwsr.state.mn.us/contact/WCA_areas.pdf](http://www.bwsr.state.mn.us/contact/WCA_areas.pdf)
- For a list of DNR TEP representatives: [www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)
- Department of Natural Resources Regional Offices:

<table>
<thead>
<tr>
<th>NW Region:</th>
<th>NE Region:</th>
<th>Central Region:</th>
<th>Southern Region:</th>
</tr>
</thead>
</table>

- For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)
  or send to:

  US Army Corps of Engineers
  St. Paul District, ATTN: OP-R
  180 Fifth St. East, Suite 700
  St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:
  Minnesota Board of Water and Soil Resources
  Wetland Bank Coordinator
  520 Lafayette Road North
  St. Paul, MN 55155

5. ATTACHMENTS

In addition to the application, list any other attachments:
PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent’s contact information must also be provided.

Applicant/Landowner Name:  Jason Osberg, Metrowide Development, LLC  
Mailing Address:  15356 Yukon Street NW, Andover, MN 55304  
Phone:  612, 205-1226  
E-mail Address:  Jasonosberg56@comcast.net

Authorized Contact (do not complete if same as above):
Mailing Address:
Phone:
E-mail Address:

Agent Name:  Robert Merila, Aquatic EcoSolutions, Inc.
Mailing Address:  PO Box 497, Nevis, MN 56467
Phone:  877, 346-3474
E-mail Address:  robertmerila@arvig.net

PART TWO: Site Location Information

County:  Hennepin  
City/Township:  Plymouth  
Parcel ID and/or Address:  17135 Old Rockford Road  
Legal Description (Section, Township, Range):  17, 118, 22  
Lat/Long (decimal degrees):
Attach a map showing the location of the site in relation to local streets, roads, highways. (See Report)
Approximate size of site (acres) or if a linear project, length (feet):  See attached plans

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:


PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted prior to this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

Utility Line tie-in connection to an existing sewer system.
PART FOUR: Aquatic Resource Impact\(^1\) Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

<table>
<thead>
<tr>
<th>Aquatic Resource ID (as noted on overhead view)</th>
<th>Aquatic Resource Type (wetland, lake, tributary etc.)</th>
<th>Type of Impact (fill, excavate, drain, or remove vegetation)</th>
<th>Duration of Impact Permanent (P) or Temporary (T)(^1)</th>
<th>Size of Impact(^2)</th>
<th>Overall Size of Aquatic Resource (^3)</th>
<th>Existing Plant Community Type(s) in Impact Area (^4)</th>
<th>County, Major Watershed #, and Bank Service Area # of Impact Area (^5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin 1</td>
<td>wetland</td>
<td>No loss</td>
<td>T 200</td>
<td>3,483 sf/0.08 a</td>
<td>N/A</td>
<td>fr wt meadow</td>
<td>Hennepin #20</td>
</tr>
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<td>BSA 7</td>
</tr>
</tbody>
</table>

\(^1\)If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

\(^2\)Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses. For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 300 square feet.

\(^3\)This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

\(^4\)Use Wetland Plants and Plant Community Types of Minnesota and Wisconsin 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.

\(^5\)Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

PART FIVE: Applicant Signature

☐ Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature: [Signature] Date: Aug 15, 2016

I hereby authorize Robert Merila to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

\(^1\)The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.
Attachment A
Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

☐ Wetland Type Confirmation

☐ Delineation Concurrency. Concurrency with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

☐ Preliminary Jurisdictional Determination. A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

☐ Approved Jurisdictional Determination. An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the Guidelines for Submitting Wetland Delineations in Minnesota (2013).

Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part if you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR if you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

It appears that this fits within MN Rule Chapter 8420.0420, Subpart 4 Federal approvals as the Corps is prepared to provide their permit for Utility Line maintenance, and Subpart 6 Utilities that deals with the installation and connection with the Utility Line.

§ Subp. 4. Federal approvals. A replacement plan is not required for impacts authorized under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, or section 10 of the Rivers and Harbors Act of 1899, United States Code, title 33, section 403, and regulations that meet minimum state standards under this chapter and that have been approved by the board, the Department of Agriculture, the Department of Natural Resources, and the Pollution Control Agency. This exemption is not valid until such approval is obtained. If approved, the conditions and standards shall be noticed by the board to local government units and published in the State Register. The exemption takes effect 30 days after publication and remains in effect unless superseded by subsequent statute, rule, or notice in the State Register.

Subp. 6. Utilities.

A. A replacement plan is not required for impacts resulting from:

(1) installation, maintenance, repair, or replacement of utility lines, including pipelines, if:

(a) the impacts have been avoided and minimized to the extent possible; and

(b) the proposed project significantly modifies or alters less than one-half acre of wetlands;

or

(2) repair or updating of existing subsurface sewage treatment systems necessary to comply with local, state, and federal regulations. This exemption does not apply if the wetland impacts are the result of the treatment system being expanded to accommodate increased use.

B. For maintenance, repair, and replacement, a local government unit may issue a seasonal or annual exemption approval or the utility may proceed without local government unit approval if the utility is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any impacts must be addressed with the local government unit after the emergency work has been completed.

The plan would be to open a trench deep enough and wide enough to safely lay down the Utility Line pipe, and to connect with the existing Utility Line pipe.

Since the area is dominated by reed canary grass at this time, the restoration plan would be to backfill and level out the area to the original contours and seed with a cover crop seed mixture and general purpose restoration seed mixture. Since there is reed canary grass on both sides of the corridor, it would not be surprising if reed canary grass encroaches through the area restored over time.

Communication has been made with Melissa Jenny at the Corps of Engineers; it is anticipated that the Corps will provide their permit in the near future.
Attachment C
Avoidance and Minimization

Project Purpose, Need, and Requirements. Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary.

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

Minimization. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.
Attachment D
Replacement/Compensatory Mitigation

Complete this part if your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

Replacement/Compensatory Mitigation via Wetland Banking. Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

<table>
<thead>
<tr>
<th>Wetland Bank Account #</th>
<th>County</th>
<th>Major Watershed #</th>
<th>Bank Service Area #</th>
<th>Credit Type (if applicable)</th>
<th>Number of Credits</th>
</tr>
</thead>
</table>

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.

Project-Specific Replacement/Permittee Responsible Mitigation. Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

<table>
<thead>
<tr>
<th>WCA Action Eligible for Credit(^1)</th>
<th>Corps Mitigation Compensation Technique(^2)</th>
<th>Acres</th>
<th>Credit % Requested</th>
<th>Credits Anticipated(^3)</th>
<th>County</th>
<th>Major Watershed #</th>
<th>Bank Service Area #</th>
</tr>
</thead>
</table>

\(^1\)Refer to the name and subpart number in MN Rule 8420.0526.
\(^2\)Refer to the technique listed in St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota.
\(^3\)If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile......) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):
Project Name and/or Number: Creekside Woods Utility Connection Exemption

Attach a map of the existing aquatic resources, associated delineation report, and any documentation of regulatory review or approval. Discuss as necessary:

For actions involving construction activities, attach construction plans and specifications with all relevant details. Discuss and provide documentation of a hydrologic and hydraulic analysis of the site to define existing conditions, predict project outcomes, identify specific project performance standards and avoid adverse offsite impacts. Plans and specifications should be prepared by a licensed engineer following standard engineering practices. Discuss anticipated construction sequence and timing:

For projects involving vegetation restoration, provide a vegetation establishment plan that includes information on site preparation, seed mixes and plant materials, seeding/planting plan (attach seeding/planting zone map), planting/seeding methods, vegetation maintenance, and an anticipated schedule of activities:

For projects involving construction or vegetation restoration, identify and discuss goals and specific outcomes that can be determined for credit allocation. Provide a proposed credit allocation table tied to outcomes:

Provide a five-year monitoring plan to address project outcomes and credit allocation:

Discuss and provide evidence of ownership or rights to conduct wetland replacement/mitigation on each site:

Quantify all proposed wetland credits and compare to wetland impacts to identify a proposed wetland replacement ratio. Discuss how this replacement ratio is consistent with Corps and WCA requirements:

By signature below, the applicant attests to the following (only required if application involves project-specific/permittee responsible replacement):

- All proposed replacement wetlands were not:
  - Previously restored or created under a prior approved replacement plan or permit
  - Drained or filled under an exemption during the previous 10 years
  - Restored with financial assistance from public conservation programs
  - Restored using private funds, other than landowner funds, unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement.
  - The wetland will be replaced before or concurrent with the actual draining or filling of a wetland.
  - An irrevocable bank letter of credit, performance bond, or other acceptable security will be provided to guarantee successful completion of the wetland replacement.
  - Within 30 days of either receiving approval of this application or beginning work on the project, I will record the Declaration of Restrictions and Covenants on the deed for the property on which the replacement wetland(s) will be located and submit proof of such recording to the LGU and the Corps.

Applicant or Representative: ___________________________ Title: ___________________________

Signature: ___________________________ Date: ___________________________

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Attachment E
Local Road Replacement Program Qualification

Complete this part if you are a local road authority (county highway department, city transportation department, etc.) seeking verification that your project (or a portion of your project) qualifies for the MN Local Government Road Wetland Replacement Program (LGRWRP). If portions of your project are not eligible for the LGRWRP, then Attachment D should be completed and attached to your application.

Discuss how your project is a repair, rehabilitation, reconstruction, or replacement of a currently serviceable road to meet state/federal design or safety standards/requirements. Applicants should identify the specific road deficiencies and how the project will rectify them. Attach supporting documents and information as applicable:

Provide a map, plan, and/or aerial photograph accurately depicting wetland boundaries within the project area. Attach associated delineation/determination report or otherwise explain the method(s) used to identify and delineate wetlands. Also attach and discuss any type of review or approval of wetland boundaries or other aspects of the project by a member or members of the local Technical Evaluation Panel (TEP) or Corps of Engineers:

In the table below, identify only the wetland impacts from Part 4 that the road authority has determined should qualify for the LGRWRP.

<table>
<thead>
<tr>
<th>Wetland Impact ID (as noted on overhead view)</th>
<th>Type of Impact (fill, excavate, drain)</th>
<th>Size of Impact (square feet or acres to 0.01)</th>
<th>Existing Plant Community Type(s) in Impact Area¹</th>
<th>County, Major Watershed #, and Bank Service Area # of Impact²</th>
</tr>
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<tbody>
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</tbody>
</table>

¹Use Wetland Plants and Plant Community Types of Minnesota and Wisconsin 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.  
²Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

Discuss the feasibility of providing onsite compensatory mitigation/replacement for important site-specific wetland functions:

Please note that under the MN Wetland Conservation Act, projects with less than 10,000 square feet of wetland impact are allowed to commence prior to submission of this notification so long as the notification is submitted within 30 days of the impact. The Clean Water Act has no such provision and requires that permits be obtained prior to any regulated discharges into water of the United States. To avoid potential unauthorized activities, road authorities must, at a minimum, provide a complete application to the Corps and receive a permit prior to commencing work.

By signature below, the road authority attests that they have followed the process in MN Rules 8420.0544 and have determined that the wetland impacts identified in Attachment D are eligible for the MN Local Government Road Wetland Replacement Program.

Road Authority Representative: Title:

Signature: Date:
Technical Evaluation Panel Concurrence: Project Name and/or Number: Creekside Woods Utility Connection Exemption

TEP member: Representing:

Concur with road authority’s determination of qualification for the local road wetland replacement program? Yes □ No □

Signature: ___________________________ Date:

TEP member: Representing:

Concur with road authority’s determination of qualification for the local road wetland replacement program? Yes □ No □

Signature: ___________________________ Date:

TEP member: Representing:

Concur with road authority’s determination of qualification for the local road wetland replacement program? Yes □ No □

Signature: ___________________________ Date:

TEP member: Representing:

Concur with road authority’s determination of qualification for the local road wetland replacement program? Yes □ No □

Signature: ___________________________ Date:

Upon approval and signature by the TEP, application must be sent to: Wetland Bank Administration
Minnesota Board of Water & Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155