

Minnesota Wetland Conservation Act

Notice of Application

Item 8H.
BCWMC 2-18-16

Local Government Unit (LGU) City of Plymouth	Address 3400 Plymouth Blvd. Plymouth, MN, 55447
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1. PROJECT INFORMATION

Applicant Name Todd B. Urness 169/55 LLC	Project Name Plymouth City Flats	Date of Application 2/10/16	Application Number NA
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Type of Application (check all that apply):

<input type="checkbox"/> Wetland Boundary or Type Sequencing	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/>
<input checked="" type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

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

The Plymouth City Flats project is a 157-unit apartment complex and includes construction of parking, stormwater improvements, and utilities. The Plymouth City Flats project replaces a previously approved project from 1998. The previous project was approved to fill 14,322 square feet of wetland and did fill wetland, however the wetland mitigation was never completed as the project went bankrupt.

169/55 LLC proposes to mitigate for the previous 14,322 square feet of wetland impact through the purchase of 28,644 square feet of wetland credits from State Wetland Bank 1114, Carver County, BSA 7.

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:

Name and Title of LGU Contact Person Derek Asche Water Resources Manager	Comments must be received by (minimum 15 business-day comment period): March 9, 2016
Address (if different than LGU) Plymouth City Hall 3400 Plymouth Blvd. Plymouth, MN, 55447	Date, time, and location of decision: March 22, 2016 7pm Plymouth City Hall
Phone Number and E-mail Address 763-509-5526 dasche@plymouthmn.gov	Decision-maker for this application: <input type="checkbox"/> Staff <input checked="" type="checkbox"/> Governing Board or Council

Signature:  Date: 2/10/16

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: Leslie Parris, 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, 553467 (sent electronically)
- ☒ Applicant (notice only) and Landowner (if different):
Todd B. Urness, Winthrop & Weinstine, P.A., 225 South Sixth Street, Suite 3500, Minneapolis, MN, 55402 (sent electronically)
- ☒ Wallace Johnson, Kestrel Properties, Inc. (sent electronically)
- ☒ Members of the public who requested notice (notice only):
Melissa Barrett – KES (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 bank plan applications only)

4. MAILING INFORMATION

- For a list of BWSR TEP representatives: 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
- Department of Natural Resources Regional Offices:

NW Region:	NE Region:	Central Region:	Southern Region:
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687
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:

- ☒ Wetland Permits Application - Plymouth City Flats dated February 4, 2016 by KES

Plymouth City Flats

City of Plymouth, Hennepin County, Minnesota

No Loss / Revised Wetland Replacement Application

Prepared for
169/55 LLC and Kestrel Properties, Inc.

by
Kjolhaug Environmental Services Company, Inc.
(KES Project No. 2015-205)

February 4, 2016

Plymouth City Flats

City of Plymouth, Hennepin County, Minnesota

No Loss / Revised Wetland Replacement Application

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Plymouth City Flats

City of Plymouth, Hennepin County, Minnesota

No Loss / Revised Wetland Replacement Application

I. OVERVIEW

The Plymouth City Flats is a proposed apartment complex that does not involve wetland fill or excavation. However, the project proponent, 169/55 LLC, is proposing to replace wetlands that were previously filled and excavated on the site by another developer. The previous developer, Homestead Village, did not replace the previous wetland impacts due to bankruptcy. This application is intended as an addendum to a wetland replacement plan that was previously submitted by Homestead Village. That Homestead Village application was approved by the City of Plymouth and the U.S. Army Corps of Engineers (USACE) in 1998.

The Plymouth City Flats project is a 157-unit apartment complex that will include 16 affordable units. Construction of the project began in 2015 and is expected to be complete in 2016. No new wetland impacts are proposed. The project is proposed in the southwest quadrant of Highways 55 and 169 in the City of Plymouth, within the Southeast $\frac{1}{4}$ of Section 36, T118N, R22W (**Figure 1**). The project is located on a 4.36-acre parcel of land that corresponds to PID 36-118-22-41-0016.

Because the footprint of the Plymouth City Flats project is consistent with the footprint of the previously approved and graded Homestead Village project, Plymouth City Flats has agreed to replace the 3,636 square feet of fill and 10,686 square feet of excavation that previously occurred in Type 1 PEMA seasonally flooded basin wetland. This wetland impact totaled 14,322 square feet.

Plymouth City Flats will provide compensatory wetland mitigation for the 14,322 square feet of previous wetland impacts by purchasing 28,644 square feet of Standard Wetland Credit from the Montgomery Wetland Bank (Account 1114), which is located in the same Wetland Bank Service Area (7) as the wetland impact. The wetland impact is located in Hennepin County and Major Watershed 20 (Mississippi Metro). The wetland bank is located in Carver County and Major Watershed 19 (South Fork Crow River). Both the impact and the bank site are located in the Metro Bank Service Area (11).

This application provides a Joint Application Form for Activities Affecting Water Resources in Minnesota (**Appendix A**), a Grading and Drainage Plan (**Figure 2**), a copy of the USACE Permit issued to authorize the wetland fill and excavation in 1998 (**Appendix B**), and a Wetland Credit Purchase Agreement and Application for Withdrawal of Wetland Credits from the Minnesota Wetland Bank (**Appendix C**).

II. PROJECT PURPOSE AND DESCRIPTION

Project Purpose and Need

The purpose of the Plymouth City Flats project is to:

1. provide rental housing and affordable housing in the City of Plymouth; and
2. resolve the situation left by partial development and abandonment of the previous project on the development site.

Project Description

The Plymouth City Flats project will include a 6-story building with 157 apartments and related amenities, including a community room, theater, fitness, yoga, conference center, pool, spa, putting green, bocce ball, fire pit, grills, and plaza. Site development will also include parking, drainage, stormwater infiltration, and ponding. A Grading and Drainage Plan is provided in **Figure 2**.

III. REVISED WETLAND REPLACEMENT PLAN

The footprint of the Plymouth City Flats project is consistent with the footprint of the previously graded Homestead Village project. No new wetland impacts or losses are proposed. Based on this consistency and 2 to 1 replacement, the Plymouth City Flats project is proposing the purchase of 28,644 square feet of wetland replacement credit.

Plymouth City Flats will provide compensatory wetland mitigation for the 14,322 square feet of previous wetland impacts by purchasing 28,644 square feet of Standard Wetland Credit from the Montgomery Wetland Bank (Account 1114), which is located in the same Wetland Bank Service Area (7) as the wetland impact. The wetland impact is located in Hennepin County and Major Watershed 20 (Mississippi Metro). The wetland bank is located in Carver County and Major Watershed 19 (South Fork Crow River). Both the impact and the bank site are located in the Metro Bank Service Area (11).

The Wetland Credit Purchase Agreement and the Application for Withdrawal of Wetland Bank Credits are included in **Appendix C**. Wetland replacement monitoring and management is the responsibility of the Wetland Bank owner.

The Applicant considered replacing wetland impacts onsite, but chose to replace them by purchasing wetland credits from an approved wetland bank. This will replace the wetland functions more quickly.

A search of the Minnesota Wetland Bank database to identify eligible wetland banks ended with selection of the Montgomery Wetland Bank. Of 123 banks in the Minnesota wetland bank database at the time this application was prepared, only 3 banks had sufficient credit, USACE approval, and were located Bank Service Area 7, the Metro Area, and a county with less than 50% of presettlement wetlands remaining. None of these 3 banks were located in Hennepin

County and Watershed 20 (Mississippi Metro). All 3 of them were located in Watershed 19 (South Fork Crow River). As of February 2, 2016, the [BWSR wetland bank database](#) indicated the Montgomery Wetland Bank had 13.7535 acres of credit available for sale. Plymouth City Flats proposes to purchase 28,644 square feet (0.6576 acre) of credit. The Applicant assumes that the City of Plymouth escrow fund remaining from the Homestead Village project will provide \$23,000 toward the wetland credit purchase.

Plymouth City Flats

No Loss / Revised Wetland Replacement Application

FIGURES

1. Site Location
2. Grading and Drainage Plan



Figure 1 – Site Location

Plymouth City Flats
Plymouth, Minnesota
(KES 2015-205)

PLYMOUTH
CITY FLATS

Plymouth, Minnesota

769/5511C

Windrop & Weinstein, PA
225 South Sixth Street
Suite 3500
Minneapolis, MN 55402



Planning • Cost Estimation • Labor Savings
Improve Your Information • Increase Productivity

At 212, 240 and 260°C

[illegible][illegible]

60033	5.2.10.3.
region No.	Q no

[illegible][illegible]

1-1	LEADERSHIP TRAINING
2-1	MANAGEMENT
3-1	TECHNICAL TRAINING
4-1	TECHNICAL TRAINING
5-1	TECHNICAL TRAINING

2.1.1 CNN IMAGES
 2.1.2 FAMOUS-PEOPLE-101
 2.1.3 FAMOUS-PEOPLE-101-S
 2.1.4 THE-REUTERS-101-2011

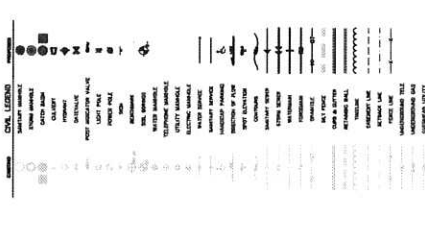
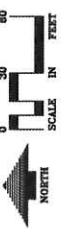
Grading & Drainage Plan

Copyright Page

Model No.: 05013H

C3-1

HYDROLOGY NOTES



GRADING, DRAINAGE & EROSION CONTROL NOTES

1. The contractor shall ensure that the environmental plan is used for control, to ensure that the contractor complies with the environmental plan and that the contractor is aware of the contents of the environmental plan.
2. All identified improved areas shall be recorded, monitored and evaluated in a regular manner, and the results of the monitoring and evaluation shall be reported to the client.
3. The contractor shall ensure that the environmental plan is used for control, to ensure that the contractor complies with the environmental plan and that the contractor is aware of the contents of the environmental plan.
4. The contractor shall ensure that the environmental plan is used for control, to ensure that the contractor complies with the environmental plan and that the contractor is aware of the contents of the environmental plan.
5. The contractor shall ensure that the environmental plan is used for control, to ensure that the contractor complies with the environmental plan and that the contractor is aware of the contents of the environmental plan.
6. The contractor shall ensure that the environmental plan is used for control, to ensure that the contractor complies with the environmental plan and that the contractor is aware of the contents of the environmental plan.
7. The contractor shall ensure that the environmental plan is used for control, to ensure that the contractor complies with the environmental plan and that the contractor is aware of the contents of the environmental plan.
8. The contractor shall ensure that the environmental plan is used for control, to ensure that the contractor complies with the environmental plan and that the contractor is aware of the contents of the environmental plan.
9. The contractor shall ensure that the environmental plan is used for control, to ensure that the contractor complies with the environmental plan and that the contractor is aware of the contents of the environmental plan.
10. The contractor shall ensure that the environmental plan is used for control, to ensure that the contractor complies with the environmental plan and that the contractor is aware of the contents of the environmental plan.

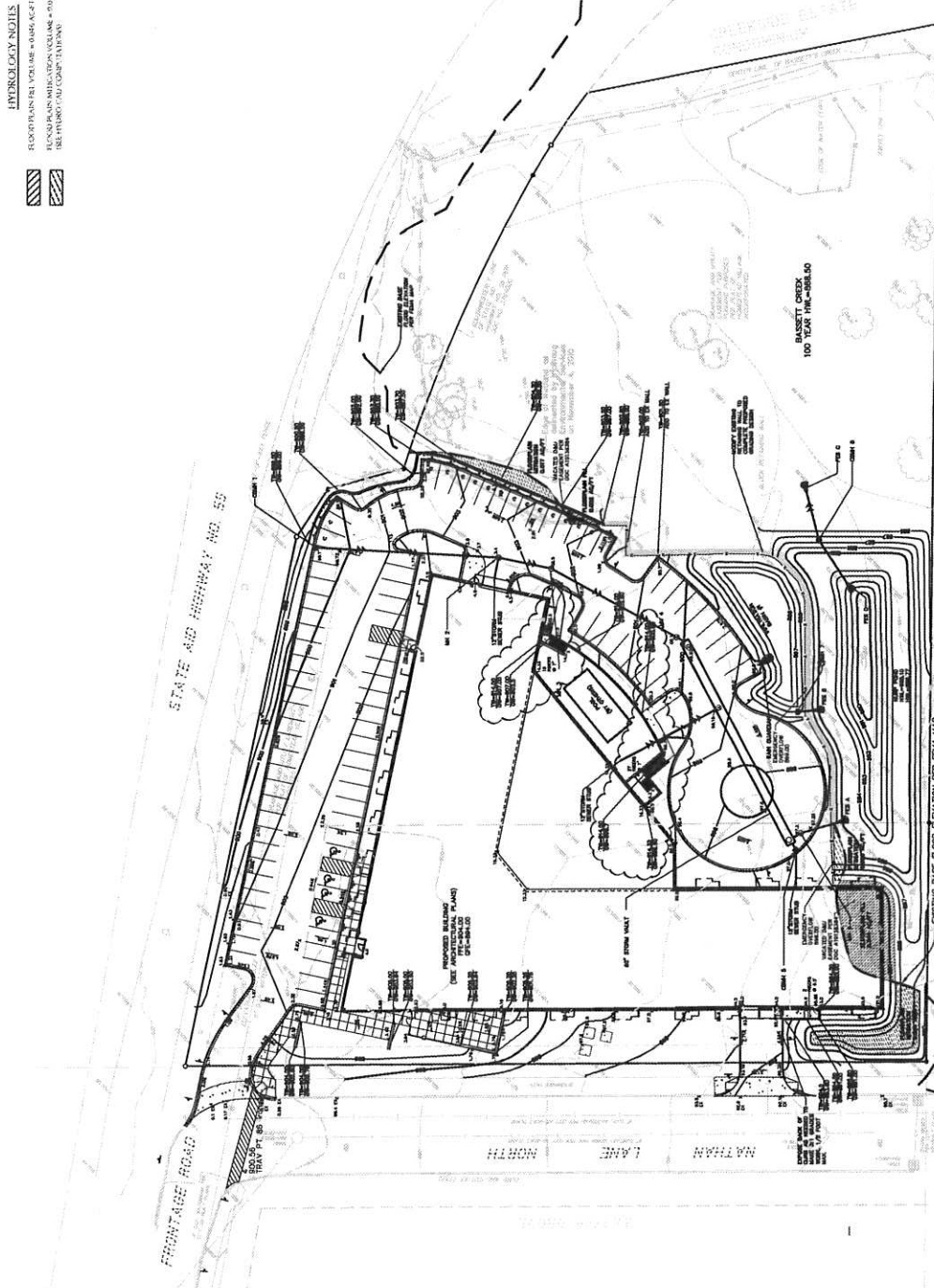


Figure 2 - Grading and Drainage Plan

Plymouth City Flats
Plymouth, Minnesota

 **CALL BEFORE YOU DIG**
Gopher State One Call
TRIN CITY AREA: 531-451-3037
TOLL FREE: 1-800-252-1186

WARNING: THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN LOCATING THEIR SERVICE AND/OR FOR REDUCTION OF LINES.

Plymouth City Flats

No Loss / Revised Wetland Replacement Application

APPENDIX A

Joint Application for Activities Affecting Water Resources in Minnesota

Joint Application Form for Activities Affecting Water Resources in Minnesota

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.

Project Name: Plymouth City Flats

Applicant/Landowner Name: 169/55 LLC, c/o Todd B. Urness, Winthrop & Weinstine, P.A.

Mailing Address: 225 South Sixth Street, Suite 3500, Minneapolis, MN 55402

Phone: (612) 604-6657

E-mail Address: turness@winthrop.com

Authorized Contact (do not complete if same as above): Wallace Johnson, Kestrel Properties, Inc.

Mailing Address: 7815 133rd Street West, Apple Valley, MN 55124

Phone: (612) 308-6017

E-mail Address: wjohnson@kestrelre.com

Agent Name: Rob Bouta, Kjolhaug Environmental Services Co.

Mailing Address: 26105 Wild Rose Lane, Shorewood, MN 55331

Phone: (612) 581-0546

E-mail Address: RobB@kjolhaugenv.com

PART TWO: Site Location Information

County: Hennepin

City/Township: Plymouth

Parcel ID and/or Address: PID: 36-118-22-41-0016 / Address: 9805 Minnesota Highway 55, Plymouth, MN 55441

Legal Description (Section, Township, Range): Southeast ¼ of Sec. 36, T118N, R22W

Lat/Long (decimal degrees): 44.982996, -93.405223

Attach a map showing the location of the site in relation to local streets, roads, highways. See Figure 1

Approximate size of site (acres) or if a linear project, length (feet): 4.36 acres

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:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

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.

The proposed project is a 157-unit apartment complex that will include 16 affordable units. The project is proposing to replace the wetlands impacted by partial construction of the Homestead Village project, which occurred in about 1999. The Plymouth City Flats project is currently under construction and is expected to be complete in 2016.

PART FOUR: Aquatic Resource Impact¹ 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.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) ¹	Size of Impact ² (square feet)	Overall Size of Aquatic Resource ³ (square feet)	Existing Plant Community Type(s) in Impact Area ⁴	County, Major Watershed #, and Bank Service Area # of Impact Area ⁵
Wetland 1	Wetland	Fill	P	3,636	77,380	Seasonally flooded basin	Hennepin Co. Mississippi River - Twin Cities (20) BSA 7
		Excavate	P	10,686			
Total				14,322			

¹If 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)".

²Impacts 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 50 ft (300 square feet).

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

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

⁵Refer 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:

The impacts listed in the table above have already occurred as a result of partial construction of the Homestead Village development approved by the U.S. Army Corps of Engineers under Permit C-OR 98-06336-JJY. Construction of the Homestead Village project was not completed and wetland impacts were not replaced. The Plymouth City Flats project that is under construction on the site proposes to replace the wetlands that were previously impacted.

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:



Date:

11/31/16

I hereby authorize **Kjolhaug Environmental Services** 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 Concurrence.** Concurrence 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).

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

Attachment B

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:

NA.

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

NA.

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:

The purpose of this application is to replace wetland impacts that were previously authorized and implemented, but that were never replaced.

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:

See previous submittals.

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):

See previous submittals.

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.

See previous submittals.

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.

This project is proposed for the specific purpose of increasing wetland functions and values. It is designed to provide a net increase in wetland functions and values. Wetland Replacement/Compensatory Mitigation is not proposed separately from the wetland enhancement that is the subject of this application.

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.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits
1444	Carver	19 South Fork Crow	7	SWC	28,644

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.*

Plymouth City Flats

No Loss / Revised Wetland Replacement Application

APPENDIX B

USACE Permit C-OR 98-06336-JJY



FILE COPY = 97006

Silvick copy Plymouth
03-08

DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
ARMY CORPS OF ENGINEERS CENTRE
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

REPLY TO
ATTENTION OF

OCT 28 1998

Maria M. M. M.

M. Dugan
The J. M. M.

Construction-Operations
Regulatory (98-06336-JJY)

RECEIVED

11-10-98

Engineering Planning Group

Mr. Thomas C. Cobb
Senior Development Manager
Homestead Village Incorporated
2100 River Edge Parkway, Ninth Floor
Atlanta, Georgia 30328

Dear Mr. Cobb:

Enclosed is the validated copy of your Department of the Army permit for the Homestead Village site in Plymouth, Minnesota. Please be advised that the authorization hereby granted is contingent on your compliance with all conditions stated in the permit and its attachments.

This Federal permit does not authorize you to commence the proposed activity without first obtaining any necessary State and/or local permits.

If you have any questions, contact Mr. Joseph Yanta in our St. Paul office at (651) 290-5362. In any correspondence or inquiries, please refer to the Regulatory number (98-06336-JJY).

Sincerely,

Ben A. Wopat
Ben A. Wopat
Chief, Regulatory Branch

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: Homestead Village
Permit No.: 98-06336-JJY
Issuing Office: St. Paul District
U.S. Army Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, mean the permittee or any future transferee. The terms "this office" and "Corps of Engineers" refer to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: You are authorized to place 0.08 acre of fill in wetland and to grade and excavate approximately 0.26 acre of wetland (a total of 14,934 square feet or 0.34 acre) adjacent to Bassett Creek for an extended-stay hotel, parking lot, and storm water pond. As compensatory mitigation for this wetland impact, your authorized project includes 0.34 acre (14,966 square feet) of wetland restoration and creation. This work will be done as shown on the attached drawings labeled Exhibit 1, 98-06336-JJY, 1 of 12 through 12 of 12, and as outlined in the Special Conditions of this permit.

Project Location: The project site is west of Bassett Creek in the SE 1/4 Section 36, T. 118 N., R. 22 W., City of Plymouth, Hennepin County, Minnesota. The compensatory mitigation site is on a peninsula in Medicine Lake in the SE 1/4 Section 26, T. 118 N., R. 22 W., City of Plymouth, Hennepin County, Minnesota.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2001. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a

good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Wetland values shall be established, maintained, and enhanced to the maximum extent feasible in the compensatory mitigation area and the remaining wetland on the project site. To achieve this end, you shall restore at least 10,256 square feet of wetland by removing fill and overexcavating to approximately elevation 889 feet above mean sea level (msl) in the restoration area shown on the enclosed plans. This area would be filled with between 10 to 12 inches of clean topsoil to a final grade of no more than elevation 890 feet msl. You shall create another 4,710 square feet of wetland by excavating upland at the edge of the existing wetland to approximately the same depths, filling with 10 to 12 inches of clean topsoil, and establishing approximately the same final grade (no higher than elevation 890 feet msl and no lower than 889 feet msl) as in the restoration area. You also shall plant native grass and wildflower species and encourage their growth in and around the compensatory mitigation area and the authorized fill area. The enclosed native seed/ground cover mix (or a mix with comparable or greater weight and areal coverage of native grasses, sedges, and wildflowers) shall be used to protect disturbed wetland areas and adjacent graded wetland buffer zones (see Exhibit 2, 98-06336-JJY for a suggested seed mix). Buffer zones that are not disturbed do not need to be replanted.

2. To replace trees and shrubs removed in and along the edge of the affected wetland, you shall also plant at least 50 rooted, water-tolerant trees (at least 1-inch diameter at breast height, or 4.5 feet above the ground) and 25 rooted, water-tolerant shrubs in and around the compensatory mitigation area and in and around the disturbed edge of the wetland at the project site. These plantings shall be primarily native species found in and around natural wetlands, such as green ash, black ash, black willow, silver maple, red maple, Eastern cottonwood, swamp white oak, Northern white cedar, red-osier dogwood, gray dogwood, silky dogwood, and common elderberry. Plantings that do not survive the first year shall be replanted with healthy, larger specimens of the same or similar species.

3. Wherever native organic soil is not left below the excavation, you shall line any excavated area with clean organic soil or other clean soil that is free of purple loosestrife seeds. The majority of this material shall be clean black soil, unless another proposal is approved by the Corps of Engineers.

* 4. To prevent the spread of purple loosestrife (Lythrum salicaria) on the disturbed mitigation and project areas, you shall use equipment that is not contaminated with loosestrife seeds or plants. You shall also monitor the disturbed areas for purple loosestrife infestation for 5 years following completion of construction. You shall remove any purple loosestrife that appears in these areas by hand or spot spraying with a State-approved wetland-use herbicide, before the loosestrife goes to seed. If any State-approved biological controls (loosestrife-eating insects) are available, this method may be used for long-term control. If the Corps of Engineers determines that additional control is necessary at the end of the initial 5-year period, you may be required to continue this monitoring and removal for another 5 years. Effective control in the first growing season may reduce the need for later work. *

5. To prevent the spread of purple loosestrife to other sites, you shall also ensure that equipment used in the excavation shall be cleaned before being moved to another work site. Wash water shall not be discharged into any wetland or water.

6. You shall place all excavated material (both original excavation and any future maintenance excavation) on upland, except for material moved on site in accordance with authorized grading and fill. Any contaminated soil, debris, and other potentially hazardous or toxic material must be handled in accordance with State guidelines and the requirements of the enclosed Section 401 water quality certification. You shall notify the Corps of Engineers of the location of the placement sites for the excavated material before these sites are used.

7. You shall submit a pond maintenance plan to the Corps of Engineers within 1 year of the date of this permit. Although

this maintenance plan shall specify when accumulated sediment must be removed from the storm water pond, accumulated sediment may be removed more frequently than specified in the plan. Maintenance dredging (of sediment and other accumulated material) to the authorized project dimensions can be conducted in the pond, without any additional Corps of Engineers approvals.

8. No other post-project construction dredging, excavation, grading, fill, or vegetation removal (except for removal of nuisance species such as purple loosestrife and buckthorn) in the remaining wetland and compensatory mitigation areas shall be allowed without specific written approval from the Corps of Engineers. Additional plantings may be made without any approvals from the Corps of Engineers.

9. You shall submit annual mitigation monitoring reports to the Corps of Engineers for at least 5 years after construction of the ponds is complete. At a minimum, these reports shall contain the information required by the State Wetland Conservation Act.

10. If responsibility for the compensatory mitigation site is to be transferred to the City of Plymouth or any other party, you and the city shall notify the Corps of Engineers of this transfer of responsibility in writing. The compensatory mitigation area shall be protected by a protective easement or covenant before this transfer is completed. You shall provide the Corps of Engineers with a copy of this easement or covenant. A sample document is enclosed as Exhibit 3, 98-06336-JJY.

11. The area marked as a cultural resources site on the enclosed drawings and the surrounding buffer zone shall not be disturbed during construction, grading, and any other activities associated with this project or with the compensatory mitigation. This site and buffer shall also be protected by the protective easement or covenant described in Special Condition 10.

12. Refer to Standard Conditions attachment.

Further Information:

1. **Congressional Authorities.** You have been authorized to undertake the activity described above pursuant to:

(-) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

(-) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. **Limits of this authorization.**

()

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.


Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.

You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

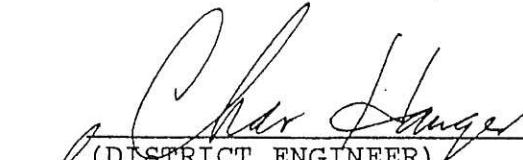
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


(PERMITTEE)

10/26/98
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


(DISTRICT ENGINEER)
Kenneth S. Kasprisin
Colonel, Corps of Engineers
District Engineer

10-28-98
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate transfer of this permit and associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree)

(DATE)

) ()

In addition to general and special conditions, this permit is subject to the following standard conditions, as applicable:

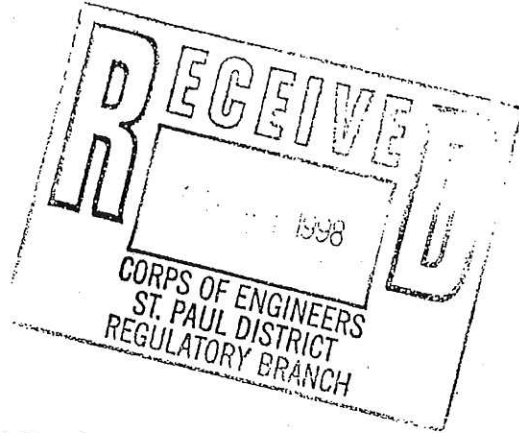
1. All work or discharges to a watercourse resulting from permitted construction activities, particularly hydraulic dredging, must meet applicable Federal, State, and local water quality and effluent standards on a continuing basis.
 2. Measures must be adopted to prevent potential pollutants from entering the watercourse. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter the watercourse as a result of spillage, natural runoff, or flooding.
 3. If dredged or excavated material is placed on an upland disposal sight (above the ordinary high-water mark), the site must be securely diked or contained by some other acceptable method that prevents the return of potentially polluting materials to the watercourse by surface runoff or by leaching. The containment area, whether bulkhead or upland disposal sight, must be fully completed prior to the placement of any dredged material.
 4. Upon completion of earthwork operations, all exposed slopes, fills, and disturbed areas must be given sufficient protection by appropriate means such as landscaping, or planting and maintaining vegetative cover, to prevent subsequent erosion.
 5. All fill (including riprap), if authorized under this permit, must consist of suitable material free from toxic pollutants in other than trace quantities. In addition, rock or fill material used for activities dependent upon this permit and obtained by excavation must either be obtained from existing quarries or, if a new borrow site is opened up to obtain fill material, the State Historic Preservation Officer (SHPO) must be notified prior to the use of the new site. Evidence of this consultation with the SHPO will be forwarded to the St. Paul District Office.
 6. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.
 7. An investigation must be made to identify water intakes or other activities that may be affected by suspended solids and turbidity increases caused by work in the watercourse. Sufficient notice must be given to the owners of property where the activities would take place to allow them to prepare for any changes in water quality.
 8. A contingency plan must be formulated that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and the U.S. Coast Guard at telephone number (800) 424-8802.
-



Minnesota Pollution Control Agency

SEPTEMBER 28, 1998

Mr. Ben Wopat
Regulatory Branch, St. Paul District
U.S. Army Corps of Engineers
190 Fifth Street East
St. Paul, Minnesota 55101-1638



RE: CENCS-CO-R 98-06336-JJY
Homestead Village - Extended Stay Hotel Development
Hennepin County
401 Certification

Dear Mr. Wopat:

This letter is submitted by the Minnesota Pollution Control Agency (MPCA) under authority of Section 401 of the Clean Water Act (33 USC 1251 et seq.) and Minn. Stat. chs. 115 and 116. The referenced project involves a proposal to construct an extended stay hotel development located in SE 1/4 Section 36, T 118 N, R 22 W, City of Plymouth, Hennepin County, Minnesota. The project will fill 0.08 acres of wetland and excavate 0.26 acres of wetland, all adjacent to Bassett Creek. Compensatory wetland mitigation will include restoration and creation 0.34 acres of wetland on a near site.

The MPCA certifies the referenced project since the project's individual and cumulative impacts do not appear to be significant as defined by present water quality standards provided the following conditions are complied with:

1. Best Management Practices (BMPs) as listed in the MPCA document Protecting Water Quality in Urban Areas - Best Management Practices for Minnesota to control erosion during construction must be incorporated into all projects. Projects that will disturb five (5) or more acres of land are required to apply to the MPCA for coverage under a General National Pollutant Discharge Elimination System Permit (NPDES) for construction activity. The project application indicates that the site area is just under this threshold. If the project proposal is modified or changed to exceed the five acre amount, the applicant shall contact the MPCA for NPDES permit requirements.
2. The storm water wet-detention ponds proposed in the application must be installed to treat the storm water runoff.

520 Lafayette Rd. N.; St. Paul, MN 55155-4194; (612) 296-6300 (Voice); (612) 282-5332 (TTY)

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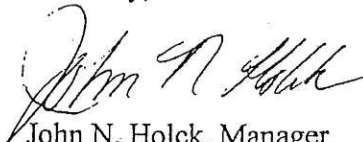
Mr. Ben Wopat
Page 2
September 28, 1998

3. Notification of the MPCA in accordance with MS 115.061 must be conducted, if during construction, contaminants are discovered as part of the clean up of the old drums, old trucks, wood and debris that were discovered on site in the project area.

This action does not exempt the applicant from the responsibility of complying with all applicable local, state and federal requirements, nor does it grant any right to violate personal or property rights.

If you have any questions on this, please call Lawrence S. Zdon at (651) 297-8219.

Sincerely,



John N. Holck, Manager
Operations/Planning/Major Facilities
South District

JNH:mln

cc: Paul Crabtree, Homestead Village, Inc., Irvine, California
Derrick Smith, Engineering Planning Group, Inc., Draper, Utah
Kevin M. Pierard, U.S. Environmental Protection Agency, Chicago
Lynn Lewis, Field Supervisor, U.S. Fish and Wildlife Service
Kent Lokkesmoe, Director, Division of Waters, Minnesota DNR
Steve Colvin, Ecological Services, Environmental Review, Minnesota DNR

Plymouth City Flats

No Loss / Revised Wetland Replacement Application

APPENDIX C

Wetland Bank Credit Purchase Documents

The following is a sample of a possible Purchase Agreement for the sale of Wetland Banking Credits. This Purchase Agreement does not necessarily cover all of the issues that would be important to Sellers and Buyers, nor does it address the terms that would be appropriate for any particular transaction. Sellers and Buyers should obtain the services of qualified legal counsel to adapt this Purchase Agreement to meet their specific needs.

PURCHASE AGREEMENT FOR WETLAND BANKING CREDITS

THIS AGREEMENT is made this 28th day of January, 2016 between
the Montgomery Wetland Bank (Seller) and 169/55 LLC (Buyer).

This Agreement was prepared by Rob Bouta of Kjolhaug Environmental Services Co. (RobB@kjolhaugenv.com; 612-581-0546).

1. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the wetland banking credits (Credits) listed below:

CREDITS TO BE SOLD							
Credit Sub-Group ¹	Acres or Sq. Ft.	Wetland Circ. 39 Type ²	Plant Community Type ³	Cost per Sq. Ft.	Credit Sale Price	State Fee ⁴	Total Credit Cost
A.	28,644	3	shallow marsh	\$1.00	\$28,644.00	\$1,728.17	\$30,372.17
B.							
C.							
D.							
E.							
Totals	28,644						\$30,372.17

☐ Check here if additional credit sub-groups are part of this account and are listed on an attachment to this document.

¹A separate credit sub-group shall be established for each wetland or wetland area that has different wetland characteristics.

²Circular 39 types: 1, 1L, 2, 3, 4, 5, 6, 7, 8, B, U.

³**Wetland plant community type:** shallow open water, deep marsh, shallow marsh, sedge meadow, fresh meadow, wet to wet-mesic prairie, calcareous fen, open bog or coniferous bog, shrub-carr/alder thicket, hardwood swamp or coniferous swamp, floodplain forest, seasonally flooded basin. *See Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed, 1997) as modified by the Board of Water and Soil Resources, United States Army Corps of Engineers.*

⁴State fee calculation = (acres) * (county fee/acre) = (0.6576 acre) * (\$2,628 /acre) = **\$1,728.17**; **OR** = sale price * (0.065) = (\$28,644.00) * (0.065) = **\$1,861.86**.

2. Seller represents and warrants as follows:
- a) The Credits are deposited in an account in the Minnesota Wetland Bank administered by the Minnesota Board of Water and Soil Resources (BWSR) pursuant to Minn. Rules Chapter 8420.0700-.0760.
 - b) Seller owns the Credits and has the right to sell the Credits to Buyer.

3. Buyer will pay Seller a total of \$28,644.00 for the Credits, as follows:


- a) \$0 as earnest money, to be paid when this Agreement is signed; and
- b) The balance of \$28,644.00 to be paid on the Closing Date listed below.

4. ☒ Buyer, ☐ Seller agrees to pay to a withdrawal fee of \$1,728.17 to the State of Minnesota based on the (acres of credit purchased) * (the county fee) = (0.6576 acre) * (\$2,628/acre). At the Closing Date, ☒ Buyer, ☐ Seller will execute a check made out for this amount, payable to the Minnesota Board of Water and Soil Resources.

5. The closing of the purchase and sale shall occur on May 6, 2016 (Closing Date) at a location in the greater Twin Cities metropolitan area that is mutually agreeable to the Seller and the Buyer's representative. The Closing Date and location may be changed by written consent of both parties. Upon payment of the balance of the purchase price, Seller will sign a fully executed Application for Withdrawal of the Credits in the form specified BWSR. Buyer will provide a copy of the Application for Withdrawal to the Seller and forward the same to the BWSR along with the check for the withdrawal fee.


6. Buyer has applied or will apply to the City of Plymouth (Local Government Unit (LGU)) and the Regulatory Branch of the U.S. Army Corps of Engineers (USACE) for approval of a replacement plan utilizing the Credits as the means of replacing impacted wetlands. If the LGU and the USACE have not approved the Buyer's application for a replacement plan utilizing the Credits by the Closing Date, and no postponement of the Closing Date has been agreed to by Buyer and Seller in writing, then either Buyer or Seller may cancel this Agreement by giving written notice to the other. If the USACE approval cannot be obtained as requested due to archaeological or endangered species issues, then either Buyer or Seller may cancel this Agreement by giving written notice to the other. If such cancellation occurs, Seller shall return Buyer's earnest money, and neither Buyer nor Seller shall have any further obligations under this Agreement. If the LGU and the USACE have approved the replacement plan and the Seller is ready to proceed with the sale on the Closing Date, but Buyer fails to proceed, then the Seller may retain the earnest money as liquidated damages.

Montgomery Wetland Bank
Represented by Clay Montgomery
clymntgmry@aol.com


(Signature of Seller)

2/4/16
(Date)

169/55, LLC
Represented by Wallace Johnson
wjohnson@kestrelre.com


(Signature of Buyer)

1/31/16
(Date)



Application for Withdrawal of Wetland Credits from the Minnesota Wetland Bank

1. Credit User

To be completed by the person or entity proposing to use the wetland credits.

Name: 169/55 LLC, c/o Todd B. Urness

Organization (if applicable): Winthrop & Weinstine, P.A.

Street Address: 225 South Sixth Street, Suite 3500

City, State, Zip: Minneapolis, MN 55402

Phone: (612) 604-6657 **Email Address*:** turness@winthrop.com

Contact: Wallace Johnson **Phone:** (612) 308-6017 **Email:** wjohnson@kestrelre.com

This space is for BWSR use only
Debit Date:

2. Wetland Impact Information

To be completed for the project with wetland impacts that this withdrawal is intended to replace.

Project Name: Plymouth City Flats

Wetland Impact Size (acres): 0.3288

County of Impact: Hennepin

Replacement Ratio: 2:1

Impact Major Watershed #: 20 Mississippi (Metro)

Total Replacement Required (acres): 0.6576

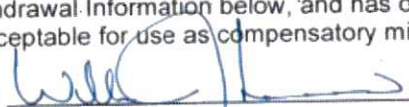
Impact Bank Service Area: 7

LGU File # (if applicable): TBD

U.S. Army Corps Permit # (if applicable): C-OR 98-06336-JJY

Comments:

By signature below, the proposed user of credits attests that he/she has a signed agreement to purchase the credits identified under the Withdrawal Information below, and has obtained emails from the LGU and the USACE stating that the proposed credits are acceptable for use as compensatory mitigation for the wetland impact area identified above.

Credit User Signature: 

Date: 1/31/16

3. Regulatory Approval/Authorization

By signature below, the identified agency and authorized representative hereby certify that they have: a) verified that the subject wetland credits are deposited in the account of the owner/seller, b) approved a wetland replacement plan or similar agreement under their jurisdiction, and c) approve the proposed use of the wetland bank credits described herein.

WCA LGU/Agency: City of Plymouth **E-mail address*:** DAsche@plymouthmn.gov

LGU Representative: Derek Asche

Signature: _____

Date: _____

(for NRCS, USACE, etc. if applicable)

Agency Name/Location: U.S. Army Corps of Engineers **E-mail address*:** Melissa.M.Jenny@usace.army.mil

Representative: Melissa Jenny

Signature: _____

Date: _____

*Confirmation will be e-mailed to user, seller, and regulatory representative when the transaction is complete. If you would like others notified, enter e-mail addresses here.

RobB@kjolhaugenv.com

wjohnson@kestrelre.com



Application for Withdrawal of Wetland Credits from the Minnesota Wetland Bank

4. Withdrawal Information

To be completed by seller of credits (account holder).

Bank Service Area: 7

Account Number: 1114

County: Carver

Credit Subgroup Letter	Plant Community Type	Cost per Credit (\$/ft ²)	Number of Credits to be Withdrawn (ft ²)	Cost of Purchased Credits (cost per credit x number of credits)
B	Shallow marsh	\$1.00	28,644	\$28,644.00
				\$0.00
				\$0.00
				\$0.00
	Total		28,644 ft ²	\$28,644.00
	Total		0.6576 acre	

If TOTAL does not calculate, right click, Update Field

Table:

http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee_and_sales_data/Wetland_Bank_Fee_Schedule.pdf

	Enter County Fee from Table (county of seller's bank)	6.5% of sale price
	\$2,628	\$1,861.86
Transaction Fee (choose either amount)	Above Total acres x County Fee \$1,728.17	\$1,728.17

Attach check payable to Minnesota Board of Water and Soil Resources.

By signature below, seller and holder of the aforementioned account in the State of Minnesota Wetland Mitigation Bank certify that:

- 1) The credits described in this application have been sold to the credit user or will be used for my own project;
- 2) I have received payment in full from the buyer (if applicable);
- 3) The credits described in this application have not been sold or used in any way to mitigate wetland losses other than for the project and location identified in the wetland impact information block on the previous page;
- 4) The credits described in this application should be withdrawn from my account; and
- 5) I will not have a negative balance of credits after the subject credits are debited from my account

Seller Name (print): Montgomery Wetland Bank

Seller Signature: _____

Date: _____

Seller e-mail*: mkjol@kjolhaugenv.com; clymntgmry@aol.com

1. The account holder of the credits is responsible for submittal of this form, containing signatures, to the BWSR Wetland Bank Administrator so the affected account can be properly debited.
2. No impacts to any wetland or other water resource may commence until the credits have been debited and a copy of this form with stamped debit date has been received by the regulatory authority(ies), the account holder, and the credit user.

When this form is completed and all required signatures are obtained, send with the fee check to:

Wetland Bank Administration
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155