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(reserved for recording data)

CITY OF COLUMBUS  
INTERIM USE PERMIT  
PERFORMANCE AGREEMENT  
FOREST LAKE CONTRACTING

This AGREEMENT, made this 24<sup>th</sup> day of June, 2014, by and between the CITY OF COLUMBUS, a Minnesota municipal corporation (the "City"); FOREST LAKE CONTRACTING, INC. (the "Applicant"); and KATHYRN HALUPTZOK (the "Owner").

WHEREAS, the Owner is the fee owner of certain lands legally described in Exhibit A attached hereto and made a part hereof (individually the "West Parcel" and "East Parcel" and together, the "Property"); and

WHEREAS, Applicant proposes to continue mineral extraction activities at the East Parcel by way of an Interim Use Permit ("IUP"); and

WHEREAS, the Owner had previously allowed the conditional use permit (CUP) to expire on a Portion of the West Parcel that was previously sold by the Owner; and

WHEREAS, Owner has consented to the Applicant's application for a new IUP, with the intent to relinquish the existing CUP for the entire Property; and

WHEREAS, the City Council did consider and grant approval of the IUP at its regular meeting of April 23, 2014, subject to certain conditions, including the execution of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and guarantees contained herein, the parties hereto agree as follows:

1.) Conditions of Approval – The Applicant and Owner shall comply with the conditions of approval (the “**Conditions**”) as adopted by the City Council and set forth in Exhibit B attached to this Agreement. Failure to comply with such Conditions shall be grounds for terminating this Agreement and revoking the City’s approval of the IUP.

2.) Relinquishment of CUP –The Applicant and Owner hereby relinquish any claim to or rights under the previously granted CUP for the Property. Any rights or entitlements associated with the previously granted CUP are hereby terminated and any subsequent litigation or claims to the contrary by the Applicant or Owner shall be grounds for terminating this Agreement and revoking the City’s approval of the IUP.

3.) Wetland Maintenance and Performance Standards – The Applicant is solely responsible for compliance with all aspects of the Wetland Mitigation Plan, dated June 2012, and Report Addendum, dated September 24, 2012 (together the “**Mitigation Plan**”), set forth in Exhibit C. The City shall not be responsible for any costs of implementing the Mitigation Plan, including without limitation, design, engineering, testing, installation, inspection, change orders, cost overruns, and costs of a similar nature. The Applicant specifically agrees at its expense to construct, install and perform all work and furnish all materials and equipment in connection with the Mitigation Plan.

4.) Inspections – The Applicant and Owner shall allow and make available access to the Property for inspection by the City, the City Council, and the agents and employees of the City, to ensure compliance with the Conditions; federal, state, and local regulations; the Mitigation Plan; and this Agreement.

5.) Reimbursement of Costs – The Applicant shall reimburse the City for all costs, including reasonable engineering, legal, planning and administrative and expenses incurred by the City in connection with all matters relating to the administration and enforcement of the obligations contained within this Agreement and the performance thereof by the Applicant, including costs associated with damage to City roadways, or failure to implement the Mitigation Plan. Such reimbursement of costs shall be made within thirty (30) days of the date of mailing of the City’s notice of costs to the Applicant’s address set forth in Section 10 below. If the Applicant fails to reimburse the City for such costs within thirty (30) days, the City may draw upon the performance bonds required pursuant to the Conditions.

6.) Wyoming Road Restrictions – The Applicant shall make good faith efforts to seek approval from the City of Wyoming for hauling operations on 189th Avenue Northeast and 250th Avenue Northwest, and document such request in writing. A copy of the request shall be provided to the City Administrator for the City of Columbus.

7.) Laws, Ordinances, Regulations and Permits – Applicant shall comply with all laws, ordinances, and regulations of all regulatory bodies having jurisdiction over the Property and the IUP and shall secure all permits that may be required by the City, the State of Minnesota, and the County of Anoka before commencing operations at the Property.

8.) Notices – All notices, certificates and other communications hereunder shall be sufficiently given and shall be deemed given when mailed by certified mail, return receipt

requested, postage prepaid, with proper address as indicated below. The City, the Applicant, and the Owner, by written notice given by one to the other, may designate any address or addresses to which notices, certificates or other communications to them shall be sent when required as contemplated by this Agreement. Unless otherwise provided by the respective parties, all notices, certificates and communications to each of them shall be addressed as follows:

To the City:                   City Administrator  
                                  City of Columbus  
                                  16319 Kettle River Blvd  
                                  Columbus, MN 55025

With a Copy to:           Columbus City Attorney  
                                  c/o LARKIN, HOFFMAN, DALY &  
                                  LINDGREN, Ltd.  
                                  1500 Wells Fargo Plaza  
                                  7900 Xerxes Avenue South  
                                  Minneapolis, Minnesota 55431

To the Applicant:       Forest Lake Contracting, Inc.  
                                  14777 Lake Drive  
                                  Forest Lake, MN 55025  
                                  Attention: Robert Vollhaber

To the Owner:           Kathryn Haluptzok  
                                  5580 314<sup>th</sup> Street  
                                  Stacy, MN 55079  
                                  Attention: \_\_\_\_\_

9.) Indemnification – The Applicant shall defend and indemnify and hold harmless the City and its agents, officers, employees, against any and all claims, damages, losses, and expenses, including attorney fees, arising out of or resulting from any act or omission by the Applicant or any person employed by the Applicant in carrying out the terms of the IUP. It is further understood and agreed that the City, the City Council, and the agents and employees of the City shall not be personally liable or responsible in any manner to the Applicant, the Applicant's contractors or subcontractors, materialmen, laborers, or any other person, firm or corporation whomsoever, for any debt, claim, demand, damages, actions or causes of action of any kind or character arising out of or by reason of the execution of this Agreement or the performance and completion of the work and improvements hereunder.

10.) Default – The failure by Applicant to perform any covenant, condition or obligation, as required under this Agreement, shall constitute a default.

11.) Remedies – In the event of Applicant's default under this Agreement, the City, in its sole judgment and discretion, may initiate such action, including legal or administrative

action, as is necessary for the City to secure performance of any provision of this Agreement or recover any amounts due under this Agreement from Applicant, or immediately draw on the Bonds, as set forth in this Agreement. Applicant acknowledges the right of the City to enforce the terms of this Agreement against the Applicant, by action for specific performance or damages, or both, or by any other legally authorized means. Applicant also acknowledges that failure to perform any or all of their obligations under this Agreement may result in substantial damages to the City and that in the event of default by the Applicant, the City may commence legal action to recover damages, losses and expenses sustained by the City including, without limitation, attorneys' fees and costs incurred to enforce its rights.

12.) Headings – Headings at the beginning of paragraphs hereof are for convenience of reference, shall not be considered a part of the text of this Agreement, and shall not influence its construction.

13.) Severability – In the event that any provisions or conditions of this Agreement shall be held invalid, illegal, or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, and the remaining provisions shall not in any way be affected or impaired thereby.

14.) Execution of Counterparts – This Agreement may be simultaneously executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

15.) Laws Governing – This Agreement shall be construed in accordance with the laws of the State of Minnesota.

16.) Successors and Assigns – It is agreed by and between the parties hereto that the Agreement herein contained shall be binding upon and inure to the benefit of their respective legal representatives, successors, and assigns.

17.) Assignment – The Applicant may not assign this Agreement without the prior written consent of the City.

18.) Runs with the Property – The terms and conditions of this Agreement shall be binding on the parties hereto, their respective successors and assigns and the benefits and burdens shall run with the Property. Notwithstanding the foregoing, no conveyance of the Property or any part thereof shall relieve the Applicant of its personal liability for full performance of this Agreement unless the City expressly so releases the Applicant in writing.

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CITY OF COLUMBUS

By:

David J. Povolny

Its: Mayor

By:

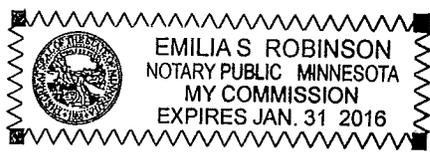
Elizabeth Mursko

Its: City Administrator

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF ANOKA )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of June, 2014, by David J. Povolny and Elizabeth Mursko, the Mayor and City Administrator, respectively, on behalf of the City of Columbus.

*Emilia S. Robinson*  
Notary Public



THIS INSTRUMENT WAS DRAFTED BY:  
Larkin Hoffman Daly & Lindgren Ltd.  
1500 Wells Fargo Plaza 7900 Xerxes Avenue South  
Bloomington, Minnesota 55431  
(612) 835-3800 (WCG)

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

**West Parcel:**

THAT PRT OF SE1/4 OF NE1/4 OF SEC 35-33-22 LYG NLY & WLY OF NORTH COLUMBUS ADD; EX THAT PRT DESC AS FOL: BEG AT SW COR OF SD 1/4,1/4 TH N ALG W LINE OF SD 1/4, 1/4, 690 FT, TH S 60 DEGE TO WLY R/W LINE OF TULANE ST, TH SLY ALG SD WLY R/W LINE TO S LINE OF SD 1/4, 1/4, TH WLY ALG SD S LINE TO POB; EX RD; SUBJ TO EASE OF REC

**East Parcel:**

SW1/4 OF NW1/4 OF SEC 36 T33 R22, EX W 550 FT OF S 320 FT THEREOF (AS MEAS ALG S & W LINES OF SD 1/4,1/4) SUBJ TO EASE OF REC

**EXHIBIT B**

**RESOLUTION NO. 14-06**

**CITY OF COLUMBUS  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**A RESOLUTION APPROVING AN APPLICATION FOR AN INTERIM USE PERMIT  
FOR MINERAL EXTRACTION IN THE CITY OF COLUMBUS, MINNESOTA.**

WHEREAS, Forest Lake Contracting, Inc. (hereafter the "Applicant") submitted an application, received by the City on December 31, 2013, for an Interim Use Permit (IUP) for mineral extraction (the "Proposed Use") on property described as part of the SW ¼ of the NW ¼ of Section 36, Township 33, Range 22 (hereafter the "Property"). The Property (approximately 36 acres) is owned by Kathryn Haluptzok.

WHEREAS, on April 23, 2014 the City Council has considered the merits of the Applicant's application, the recommendation of the City of Columbus Planning Commission, and planning staff's recommendation; and

WHEREAS, The City Council has made the following findings with respect to the Proposed Use:

1. The Applicant's application was found to be complete.
2. The 60-day review period will end on March 1, 2014. The 120-day review period, if required, will end on April 30, 2014.
3. The Property is zoned RR Rural Residential.
4. City maps do not identify the Property as being located within a Shoreland Area or Floodplain area. Any Floodplain determination for the site would not result in an impact to the Floodplain, as the flood storage area would be increased rather than decreased from excavations on the Property.
5. City records indicate the Property has been mined since at least 1973.
6. The former Columbus Town Board issued annual special use/excavation permits to John Haluptzok, then Leroy Haluptzok, dba John's Black Dirt between 1973 and 1981.
7. The annual excavation permit was converted to a Conditional Use Permit (CUP) in 1982.
8. In 1993, the CUP was amended for Derek Haluptzok, dba John's Black Dirt, and included 10 conditions.

9. Chapter 9 of the City Code currently allows excavation and extraction in all zoning districts by IUP.
10. The Applicant began excavating and extracting sand from the Property in 2010.
11. Wetland delineations were performed on the Property in 2010.
12. The Applicant proposes to continue mining the Property as authorized in an IUP.
13. The proposed end use of the Property will be residential.
14. The proposed IUP will be considered for the Property in exchange for revocation of the CUP on all contiguous properties owned by Kathryn Haluptzok.
15. A wetland mitigation plan for the Property was approved on November 14, 2012.
16. An appropriations permit for continued dewatering during extraction by the Applicant was issued by the Minnesota Department of Natural Resources on February 14, 2013.
17. A monitoring well, required in the appropriations permit, has been installed.
18. The Applicant applied for an IUP on April 18, 2013 to replace the CUP issued to John's Black Dirt, but later withdrew the application.
19. Access to the Property had customarily been from the north on 189<sup>th</sup> Avenue.
20. In 2013, the City of Wyoming posted its portion of 189<sup>th</sup> Avenue as a 5-ton road, precluding the practical use of 189<sup>th</sup> Avenue as a local haul route.
21. On September 24, 2013, the City Council entered into a Memorandum of Understanding (hereafter "MOU") with the Applicant to allow for temporary mining on the Property and temporary hauling on Vassar Street, Tulane Street, Notre Dame Street, 181<sup>st</sup> Avenue, 186<sup>th</sup> Avenue, and County roads.
22. The MOU was effective until December 31, 2013, to allow the Applicant time to reapply for an IUP.
23. The Applicant has requested to remove a maximum of 340,000 cubic yards of material from the Property during a proposed 5-year permit term.
24. The average annual removal of material during the proposed 5-year life of the facility would be estimated at 68,000 cubic yards per year.
25. An 8-month operation for removing 68,000 cubic yards of material per year from the site on week days only would result in an average daily removal of approximately 425 cubic yards, which is an average of approximately 24 truckloads (48 truck trips) per day, based on an average 17.5 cubic yard load.

26. If approved, the Applicant has indicated that materials for site reclamation may be backhauled to the Property; a minimum of four (4) inches of topsoil will be placed on upland areas for final restoration.
27. The Applicant has requested that the maximum amount of material to be removed on any day would be 3500 cubic yards. This would be equal to 200 truckloads (400 truck trips) per day and an average of 20 truckloads per hour during a 10-hour day.
28. The Applicant has requested a maximum peak hour truck traffic that would not exceed 20 truckloads or 40 truck trips per hour.
29. Equipment used and routinely stored on the Property includes hydraulic excavators, dozers, front end loaders, motor graders, sweepers, dewatering pumps, and a water truck. Dump trucks are not stored on the Property.
30. Maximum material stockpile heights are proposed to be 15 feet. An estimated maximum of 20,000 cubic yards of material will be stockpiled at any given time on the Property.
31. The Applicant has proposed to conduct mining on the Property from 7:00 am to 6:00 pm Monday through Friday and from 8:00 am to 5:00 pm on Saturdays.
32. The Applicant has proposed hauling of materials on the Property from 7:00 am to 5:30 pm Monday through Friday and from 8:00 am to 4:30 pm on Saturdays.
33. The Applicant has proposed Saturday hauling to be limited to 10 days per year.
34. The Applicant has proposed that no mining or hauling would be allowed on Sundays or holidays.
35. The current CUP issued for John's Black Dirt allows excavation and hauling between the hours of 8:00 am to 5:30 pm Monday through Friday and hauling only from 8:00 am to 3:00 pm on Saturdays. The current CUP also allows electric (well) pumps to operate anytime, if they cannot be heard beyond the Property.
36. Section 9-105 of the City Code limits the hours of operation for "trucks, vehicles, machinery, heavy equipment, pumps, engines, and other noise generating devices or machines" from 7:00 am to 5:30 pm Monday through Friday.
37. Fugitive dust from active mine areas, from material stockpiles, and from haul routes will be controlled by watering.
38. Noise from the operation of the facility will be required to meet noise standards established by the Minnesota Pollution Control Agency.
39. The Applicant has requested a 5-year IUP to allow the removal of the remaining estimated volume of material on the site.

40. Section 7A-734 of the City Code identifies the term of an IUP in the Rural Residential District to be valid up to five years.
41. Section 7A-530 of the City Code allows for the renewal of an IUP; however, there are no vested rights in the issuance of an IUP that require a renewal by the City.
42. The Planning Commission toured the Property on June 5, 2013.
43. The City Planner submitted a memo on the proposed IUP with draft Findings and Conditions, dated February 12, 2014.
44. The Planning Commission held a public hearing on February 19, 2014 to consider the proposed IUP.
45. The Planning Commission also held a public hearing on February 19, 2014 to consider the revocation of the mineral extraction CUP issued to John's Black Dirt in 1982 and amended in 1993.
46. On February 19, 2014, the Planning Commission recommended approval of the Applicant's proposed IUP, subject to Conditions, and also recommended that the City begin proceedings to revoke the CUP issued to John's Black Dirt, if the IUP was not approved.
47. On March 26, 2014, the City Council held a workshop to discuss the potential terms of an IUP with the Applicant.
48. On April 9, 2014, the City Council voted to approve the IUP, subject to certain conditions.
49. The Applicant agrees to the conditions below.

NOW, THEREFORE based on the foregoing findings, the City Council hereby approves the Applicant's application for an IUP for mineral extraction on the Property, subject to the following terms and conditions:

1. The Applicant shall, at all times during the life of this IUP, maintain the Property in compliance with the City Code, state and federal law and with the other conditions of the Permit. Noncompliance may result in modification, suspension, or revocation of this Permit or in prosecution as the law may provide.
2. The Applicant is hereby authorized to mine a maximum of 340,000 cubic yards of material from the land.
3. The legal description for the Property for which this Permit is issued and where mining is permitted is limited to the 36-acre Property located in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 36, Township 33, Range 22.

4. The Permit shall expire four (4) years from the date of its issuance by the City Council.
5. The Applicant shall notify the City Administrator in advance of any truck hauling activity, when such hauling has been preceded by a minimum of three weekdays of no truck hauling activity. The Applicant shall also inform the City Administrator of the estimated duration of truck hauling.
6. The hours of operation during which trucks, vehicles, machinery, heavy equipment, engines, and other noise generating devices or machines may be used on the Property are restricted and shall be no earlier than 7:00 a.m. and no later than 5:30 p.m., Monday through Friday.
7. There shall be no mining or hauling on weekends or holidays.
8. There shall be a maximum of 170 days of hauling during the term of the IUP. A "hauling day" will be assessed as a half-day when inclement weather (rain or snow) causes hauling to cease prior to noon on a day when hauling is initiated.
9. The use of electric pumps for dewatering is not restricted by any hours of operation.
10. Dust control measures, required by the City, shall be employed at all times during the life of this Permit on the Property, on exposed stockpiles, and on any gravel roads used under this Permit. Mud and dirt from the Property shall be promptly cleaned from all roads.
11. Erosion and sedimentation control shall be consistent with City standards and upon recommendation of the City Engineer.
12. The Applicant shall install any traffic control signs (e.g. "Trucks Hauling") required by the City.
13. The Applicant shall maintain and submit weekly reports to the city on the number of days hauling occurred and the amount of sand removed.
14. The Applicant shall abide by all normal and seasonal axle weight restrictions on authorized haul routes.
15. The Applicant shall provide an \$85,000 performance bond, in a form acceptable to the City Attorney, for potential damages to City streets.
16. Suspension of hauling may be required by the City due to weather or road conditions.
17. Haul routes within the City shall be limited to:
  - (a) "Southerly Access" - Vassar Street, Tulane Street, Notre Dame Street (north of Broadway Avenue), 181<sup>st</sup> Avenue, 186<sup>th</sup> Avenue, and County roads. The hauling pattern shall be one-way on Vassar Street, Tulane Street, and 186<sup>th</sup> Avenue, so that no truck entering the Property uses the same route to exit the Property.

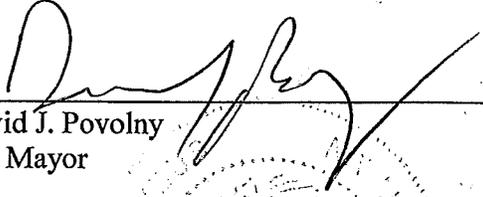
Trucks shall not pass each other in the same or opposite direction on Vassar Street, Tulane Street, or 186<sup>th</sup> Avenue.

(b) "Northerly Access" - 189<sup>th</sup> Avenue, 250<sup>th</sup> Avenue, Kettle River Boulevard and County roads.

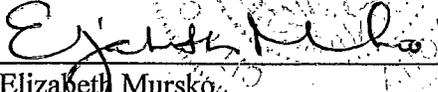
18. The maximum amount of material removed from the Property shall not exceed 3500 cubic yards per day.
19. The Applicant shall impose on its truck drivers a voluntary speed limit of 20 mph on all local streets that are unpaved and 40 mph on all paved local roads.
20. The Applicant shall be required to obtain and maintain all other permits and actions required for the operation, including but not limited to any future wetland delineations, any wetland permitting, any floodplain delineations and permitting, any Anoka County licensing, additional water appropriations permitting, NPDES permitting, and any other agency permitting.
21. Facility operations shall be consistent with the IUP application and the supporting documentation submitted to the City on December 31, 2013.
22. The Applicant shall be responsible for providing potable water to and the correction to or replacement of any adjacent private well determined by the Minnesota Department of Natural Resources to be negatively impacted by water pumping on the Property.
23. The Applicant shall abandon all wells on the Property according to state standards upon completion of mining.
24. The Applicant shall respond to all calls from neighbors or the City regarding facility complaints within 48 hours of receipt of the calls. The Applicant shall record all complaints and the proposed resolution to complaints and shall furnish such record to the City on a monthly basis.
25. Final site restoration and wetland mitigation shall be completed within 12 months of final site extraction.
26. A minimum of four (4) inches of topsoil shall be required as cover over all upland areas on the Property, except wetland areas shall be restored with materials and seeding consistent with the approved wetland Mitigation Plan. All restored upland areas shall be seeded and maintained to establish permanent turf.
27. Only clean fill and topsoil may be back hauled to the Property for site restoration.
28. The Applicant shall provide a \$75,000 performance bond, in a form satisfactory to the City Attorney, to guarantee wetland mitigation and site restoration.
29. The maximum height of stockpiles shall be fifteen feet and no more than 20,000 cubic yards of material shall be stockpiled at any given time.

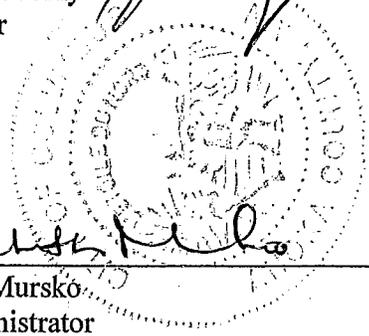
30. Any material stockpile remaining on the Property for more than ten days without disturbance or removal shall be seeded and mulched.
31. Weeds shall be controlled on the Property at all times.
32. Litter and debris shall be cleaned from the Property on a regular basis.
33. Portable toilets shall be provided and serviced regularly at all times during site operations and shall be screened from visibility by neighboring residences.
34. Hydraulic excavators, dozers, front end loaders, motor graders, sweepers, dewatering pumps, and a water truck are allowed to be kept on the Property. No other equipment, vehicles or materials shall be stored on the Property.
35. The proposed end use of the Property for residential use is subject to subsequent plan submission, review and approval in accordance with Chapter 8 of the City Code.
36. The Applicant shall allow access to the mining facility by the City's representatives, or other local, state or federal officials and agents, upon reasonable notice and in the company of a competent site representative, to inspect permitted facilities and site conditions, at intervals chosen by the City.
37. The Applicant shall defend and indemnify and hold harmless the City and its agents, officers, employees, against any and all claims, damages, losses, and expenses, including attorney fees, arising out of or resulting from any act or omission by the Applicant or any person employed by the Applicant in carrying out the terms of the IUP.
38. The City may rescind this IUP if, after thirty (30) days following written notice of violation, the Applicant has not corrected the violation and then following a public hearing wherein the City finds a violation of the terms of this IUP. This IUP shall be terminated if the Applicant does not commence operations under this IUP within six months, or if any provision of the City Code causes a termination of the IUP.
39. The Applicant shall reimburse the City for all out of pocket expenses incurred in the IUP application review and approval, facility inspections and enforcement of this IUP and local ordinances, including planning, engineering, and attorney's fees.
40. Approval of the IUP is conditioned upon the revocation of the 1993 mineral extraction CUP issued to John's Black Dirt, affecting all property owned by Kathyrn Haluptzok in Sections 35 and 36, Township 33, Range 22.
41. The Applicant shall be required to enter into a development contract or performance agreement, as may be recommended by the City Attorney and any agreement shall be recorded on the Property title.

Passed and adopted by the City Council of the City of Columbus, Minnesota, this 23rd day of April, 2014.

By:   
David J. Povolny  
Its: Mayor

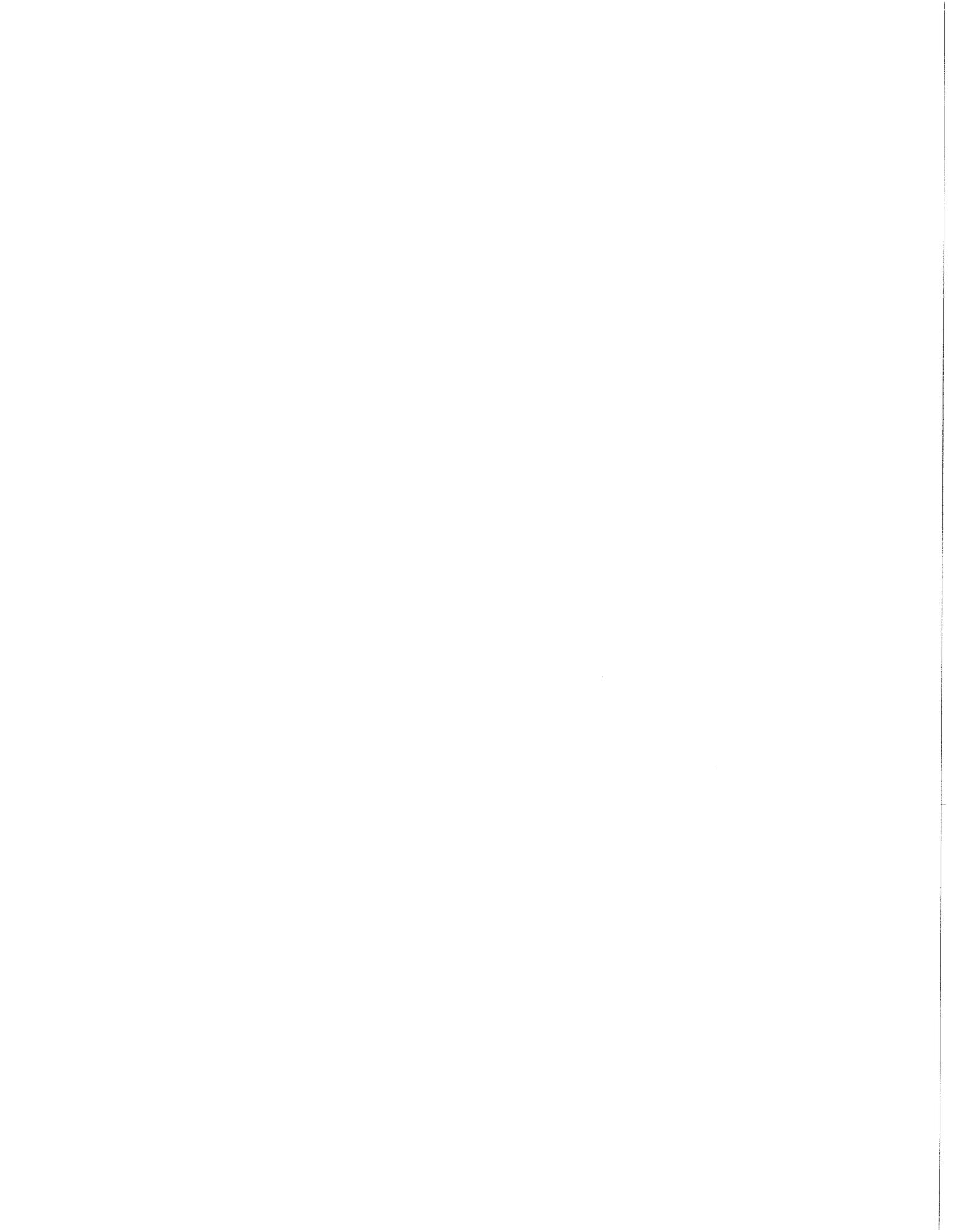
ATTEST:

  
Elizabeth Mursko  
City Administrator



**EXHIBIT C**

**MITIGATION PLAN:**



# Wetland Mitigation Plan

## John's Black Dirt Columbus, Minnesota

June 2012

SD Consulting Group

[Shane.sparks@sd-consultinggroup.com](mailto:Shane.sparks@sd-consultinggroup.com)

612-209-7366

## Table of Contents

Section 1 – Introduction.....	3
1.0 General Project Information .....	3
1.1 Mining Description.....	3
Section 2 – Wetland Impacts .....	4
2.1 Wetland Impacts .....	4
2.2 Sequencing Analysis .....	5
Section 3 – Replacement Plan.....	5
3.1 Restoration Strategy .....	5
3.2 Wetland Replacement .....	6
3.3 Vegetation Establishment.....	7
3.3.1 Seedbed Preparation.....	7
3.3.2 Seed Mixes .....	7
3.3.3 Seeding Zones.....	7
3.3.4 Seed Application.....	7
3.3.5 Basins 1 and 5 and Haul Road Removal .....	7
Section 4 – Monitoring Plan.....	8
4.1 Wetland Monitoring Plan .....	8

Appendix A – Results of Wetland Delineation

Appendix B – WCA Application

Appendix C – Soil Survey

Appendix D1 -- Wetland Impact and Replacement Areas, Overhead View

Appendix D2 – Wetland Impact and Replacement Areas, Profile View

Appendix E – Wetland Seed Mixes

Appendix F – Neighboring Land Owners

Appendix G – Status of Other Approvals

Appendix H – Wetland Banking Application (surplus of 16,066 SF)

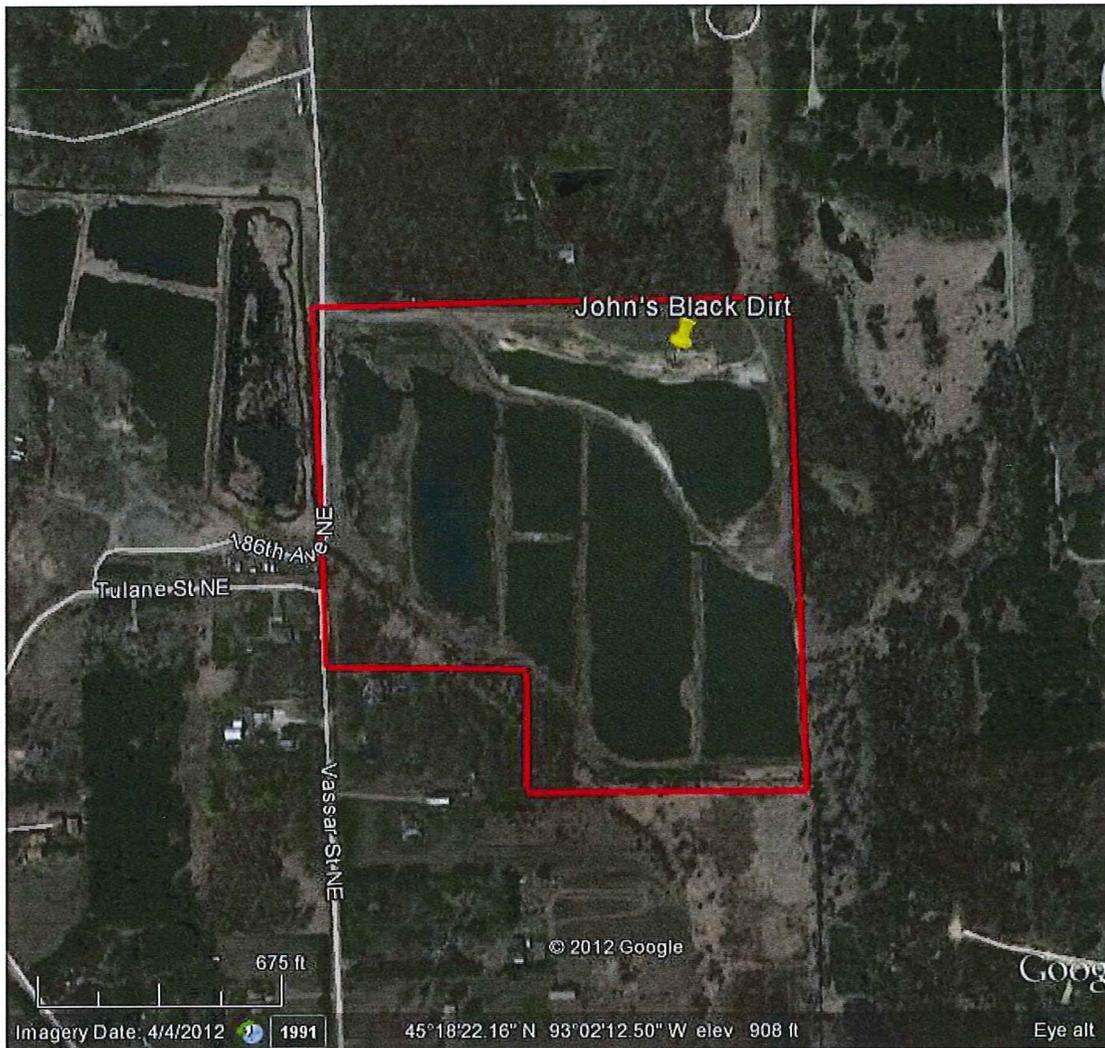


Figure 1 – Site Locator Map (2012 Aerial Photo)

## Section 2 – Wetland Impacts

### 2.1 Wetland Impacts

At John's Black Dirt, the wetlands will be impacted by the removal of haul roads and the deepening of the basins for sand extraction. Since the boundaries of haul roads were considered wetland by WCA rules, their removal will be considered an impact. Overall, the perimeters of the basins (also considered wetland) will be maintained as a natural wetland perimeter to the new, much larger basin that will be the result of the haul road removal.

## Section 1 – Introduction

### 1.0 General Project Information

Forest Lake Contracting is currently in the wetland permitting process at John's Black Dirt (Section 36, T33N, R22W) for further sand and black dirt extraction. In a 2010, a delineation report was completed and identified wetland boundaries subject to Wetland Conservation Act (WCA) requirements. Before the mine can be deepened and the haul roads removed or modified, these wetland impacts need to be identified and replaced according to WCA procedures. The purpose of this report is to present the proposed wetland impacts along with a plan for replacement and wetland monitoring.

### 1.1 Mining Description

The current mining area is shown on the Site Locator map in **Figure 1**. Currently, it consists of six basins and one recently excavated pond in the northeast corner. The basins are man-made and were the result sand and topsoil extraction that began before 1981. The high ground ridges between the basins are used as haul roads for trucks to access loading areas. Under the conditional use permit with City of Columbus, these haul roads must be removed as mining is completed.

Forest Lake Contracting intends to also use these haul roads for access. Sand and black dirt will be excavated and loaded directly into trucks using large excavators and hauled offsite. Topsoil will not be applied to deep basins after completion. The existing pond perimeters that are classified as wetlands will not be disturbed, except to flatten slopes to create additional area with wetland characteristics (no topsoil will be placed in the new wetland areas). The only fill or grading that will occur within wetland areas will be in parts of Basin 1 and 5 needed to raise the bottom elevation to less than 6.6 feet deep for WCA wetland creations.

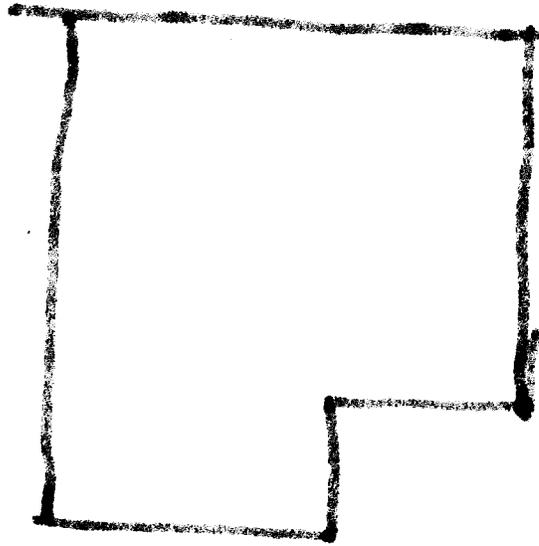


Figure 1 – Site Locator Map (2012 Aerial Photo)

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### 2.1 Wetland Impacts

At John's Black Dirt, the wetlands will be impacted by the removal of haul roads and the deepening of the basins for sand extraction. Since the boundaries of haul roads were considered wetland by WCA rules, their removal will be considered an impact. Overall, the perimeters of the basins (also considered wetland) will be maintained as a natural wetland perimeter to the new, much larger basin that will be the result of the haul road removal.



As shown on the sketch provided in **Appendix D** and summarized in **Table 1**, wetland area at the site will be impacted over two phases:

- Phase One Mining– Removal of haul roads between Basin 5 and 6
- Phase Two Mining– Removal of haul roads between: Basins 3 and 4, Basins 3&4 and 2

**Table 1 – Wetland Impacts**

Phase	Basin	Area of Impact (ft <sup>2</sup> )
1	5	16,640
	6	12,800
<b>Total Impact (Phase 1)</b>		29,440
2	2	20,480
	3	10,240
	4	9,600
<b>Total Impact (Phase 2)</b>		40,320
<b>Total Impact (Both Phases)</b>		69,760

## 2.2 Sequencing Analysis

Sequencing procedures have been followed on this project and previously discussed with the TEP Panel. Based on these conversations and the history of previous disturbance, a detailed sequencing analysis was not completed for this project. However, throughout this project, all wetland impacts were evaluated to consider avoidance, minimization, and replacement.

# Section 3 – Replacement Plan

## 3.1 Restoration Strategy

Wetland impacts at John's Black Dirt will be mitigated through onsite replacement and wetland creation. Based on the 2:1 replacement ratio that has been discussed with the TEP, the total impacted wetland area of 69,760 ft<sup>2</sup> will require replacement credits of 139,520 ft<sup>2</sup>. Surplus wetland credits will be deposited in the State Wetland Bank (Wetland Banking Application is provided in **Appendix H**).

The general plan will be to adjust the grade of the basin perimeters to create shallow wetland habitat and to fill in deeper basins to create shallower wetland environments. In both cases, the water quality of the basins will remain high as the basins are not fed by outside streams and groundwater is the main source of water in the basins. Since all wetlands will be mitigated with onsite replacement, a 2:1 replacement ratio and a 75% credit for new wetland areas will apply. In addition, upland buffer will be created around the perimeter of portions of the wetland areas to provide separation from the existing ditch.

Overhead and profile views of the created wetland areas are provided in **Appendix D** and the wetland replacement plan is summarized in **Table 2**.

**Table 2: Wetland Replacement Areas**

Phase	Created Component	Restoration Credit	Total Credit
1	Wetland Area – 83,132 ft <sup>2</sup>	75%	62,349 ft <sup>2</sup>
	Upland Buffer – 5,600 ft <sup>2</sup>	10%	560 ft <sup>2</sup>
2	Wetland Area – 122,502 ft <sup>2</sup>	75%	91,877 ft <sup>2</sup>
	Upland Buffer – 8,000 ft <sup>2</sup>	10% <sup>1</sup>	800 ft <sup>2</sup>
<b>Total Mitigation Area</b>			<b>155,586 ft<sup>2</sup></b>

1. Credit for un-maintained upland buffer

Timing of wetland replacement will be concurrent with the associated mining and wetland impacts per phase. Phase 1 work will commence in 2012. Impacts in phase 2 will not occur until phase 1 replacements are constructed.

### 3.2 Wetland Replacement

To accomplish the required restoration area, four types of wetland creation/restoration will be constructed at John's Black Dirt:

1. **Expanded Wetland Perimeters** – The existing pond perimeter currently grades into the water at a 2:1 slope. This grade will be pulled back to an approximate 8:1 (H:V) or flatter (10:1 preferred) grade to allow for the creation of Type 3 and Type 1 wetland areas. For Phase One, this includes the pond perimeter south and north of Basin 5. In Phase Two, this includes the area south and west of basins 2-4. Type 3 wetlands will be established in a 10-20 foot band around the deep water areas and will be bounded by Type 1 Wet Prairie. A typical profile view of the created wetland sideslopes is shown in **Appendix D2**. These ponds will be dewatered during the construction of the expanded wetland perimeters.
2. **Wetland Fill in Deep-water Areas** – Fill will be transferred from onsite stockpiles and deposited in the north part of Basin 5 and all of Basin 1 to raise the bottom elevation. These new shallow basins will create additional Type 3 wetland habitat.
3. **Haul Road Removal** – For Phase 2, the haul road between Basins 3-4 and 5 will be lowered in elevation to create additional Type 3 and 4 wetland habitats. Approximately 5-8 feet of material will be removed from the haul roads to create the depth necessary for establishment of Type 3 and 4 wetland.
4. **Upland Buffer** – Native upland area will be maintained as a buffer between created wetland areas and the ditch to the south (Basin 8 from Delineation Report).

### 3.3 Vegetation Establishment

#### 3.3.1 Seedbed Preparation

In the created wetland areas around the perimeter of the basins, the soil will be tilled and if necessary, herbicide will be applied to any established invasive species. Dormant season seeding is planned to encourage germination of the wetland species.

#### 3.3.2 Seed Mixes

The following seed mixes will be used in the wetland creation:

- Type 3 Wetland Areas – MN State Mix 34-181
- Type 1 Wetland Areas – MN State Mix 34-262

A detailed listing of seed mixes and individual species is provided in **Appendix E**. Type 3 wetland seed will be applied at a rate of 5 pounds per acre and Type 1 wetland seed will be applied a rate of 6.5 pounds per acre.

#### 3.3.3 Seeding Zones

Type 3 wetland seed will be applied around the perimeter of the basins in a band of approximately 20 feet from the existing water level. Type 1 wetland seed will be applied to the remaining created wetland area.

#### 3.3.4 Seed Application

All grass seed will be applied through seed-drilling or broadcast methods. Forbs and sedges will only be broadcasted to encourage surface germination. Either a temporary cover crop, such as winter wheat, or weed free mulch (MnDOT Type 3, Certified Weed Free Mulch) will be applied to prevent erosion and control weed growth. Strategies outlined in BWSR's "Native Vegetation Establishment and Enhancement Guidelines" (May 2012), will be followed to encourage species diversity. Grading or disturbance is not planned in the upland buffer, so the native seed bank will be relied upon in this area.

#### 3.3.5 Basins 1 and 5 and Haul Road Removal

Only the water level will be modified in these wetland areas. Considering the existing vegetation is diverse and not dominated by invasive species, native vegetation will be allowed to establish in these areas.

## Section 4 – Monitoring Plan

### 4.1 Wetland Monitoring Plan

Monitoring and maintenance of the created wetland areas will be completed for duration specified in the WCA Approval. During the first year, this monitoring will consist of:

- Bi-monthly visits during first two months of growing season and monthly visits thereafter.
- Photo Documentation
- Invasive species control through non-mobile herbicide application or physical removal of larger species
- Visual water level monitoring
- Monitoring of vegetative growth
- Follow-up delineations of created wetland areas
- Progress report submittals to TEP, if required.

Depending on the success of the first year establishment and the guidance set forth in the WCA Approval, monitoring visits after the first year will consist of the same field items, but be completed at a lesser frequency, approximately four times per year. After the first two years of monitoring, vegetation conditions will be assessed for planting success. If proposed species are not establishing as planned, or invasive species are dominating the site, a contingency plan will be presented to the TEP for review and approval.

**Appendix A**

**Wetland Boundary Map**

# WETLAND LOCATION MAP

for Forest Lake Contracting

AREA INFORMATION	
AREA BELOW	WETLAND
BASIN 1	18,417 SQ. FT.
BASIN 2	18,417 SQ. FT.
BASIN 3	18,417 SQ. FT.
BASIN 4	18,417 SQ. FT.
BASIN 5	18,417 SQ. FT.
BASIN 6	18,417 SQ. FT.
BASIN 7	18,417 SQ. FT.
BASIN 8	18,417 SQ. FT.
BASIN 9	18,417 SQ. FT.
BASIN 10	18,417 SQ. FT.

## NOTES

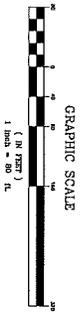
Field survey was completed by E.G. Rind and Sons, Inc. on 08/14/10.

## LEGEND

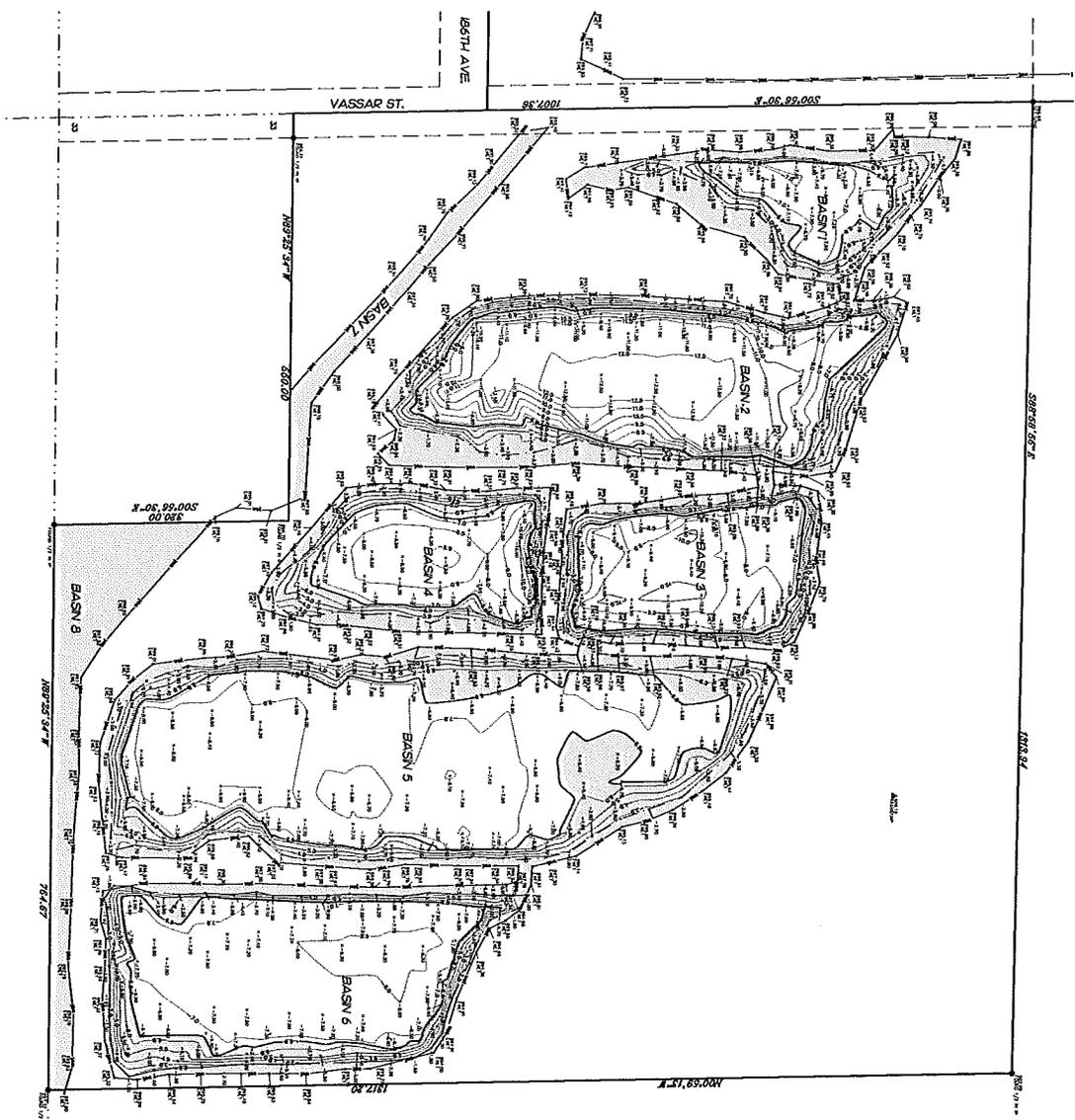
- DENOTES IRON MONUMENT AS LABELED
- DENOTES EXISTING POND DEPTH CONTOURS
- SD CONSULTING GROUP
- DENOTES WETLAND AREA

**E.G. RIND & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel: (651) 361-8200 Fax: (651) 361-8701  
 www.egrind.com

DATE	BY	DESCRIPTION
08/28/10	AR	DESIGN
08/28/10	AR	DESIGN
08/28/10	AR	DESIGN



NORTH



10333BT

**Appendix B**

**WCA Application**

# Minnesota Local/State/Federal Application Forms for Water/Wetland Projects

## USE THIS APPLICATION FOR ANY PROJECT AFFECTING A LAKE, RIVER, STREAM OR WETLAND, INCLUDING:

Local Government Unit Approval Pursuant to Minnesota Wetlands Conservation Act (WCA)  
Minnesota Department of Natural Resources (DNR) Permit to Work in Public Waters  
Department of the Army Permit (33 CFR 325)

Note: The U.S. Army Corps of Engineers (COE) will forward application forms to the Minnesota Pollution Control Agency (MPCA) for processing if state water quality certification is required from the MPCA. You **do not** need to send this application to the MPCA.

This application packet includes :

**Part I:** The **BASIC APPLICATION** and the **COE APPLICATION** to be filled out by all applicants (see Instructions).

**PART II:** The **REPLACEMENT PLAN SUPPLEMENT** to be completed *only for* projects that impact wetlands and require a replacement plan for wetland mitigation. **If you're not sure** whether your project requires a replacement plan, call your Local Government Unit (LGU) or Soil and Water Conservation District (SWCD) office for guidance.

**Do not proceed with your project** until you have received all required approvals from your LGU, the DNR and the COE. If you wish to confirm the status of your application at any time, contact the agencies directly (see Instructions, page 2). **Proceeding with work before all required authorizations are obtained may result in fines or other penalties, and may include a requirement to restore the project site to original condition.**

**If you have questions or need assistance** with filling out these forms, contact your local SWCD office, your LGU, your Area DNR Waters office, or your COE field office (see Instructions, page 2).

**If you believe that your project may be subject to watershed district, local zoning, or any other local regulations besides those of your LGU,** contact those office(s) directly. **If you are a Federal Farm Program participant** and your project affects a wetland or water body on agricultural land, your eligibility for USDA benefits may be affected. Contact a Natural Resources Conservation Service office for further information.

## A QUICK LOOK AT THE PROJECT APPLICATION PROCESS

**Electronic files:** Forms can be downloaded and filled out using Microsoft Word. Your input will be restricted to fill-in fields where users can enter text or check boxes. These areas appear gray on the screen, but not on the printed document.

Send copies of these completed application forms to your LGU, your Area DNR Waters office, and your COE regulatory office.

Any of the agencies may make initial contact with you to: a) inform you that it has no jurisdiction over your project; b) request additional information needed; or c) inform you of applicable fees.

When your application is considered complete and appropriate fees have been received (if requested) it will be distributed for appropriate review.

Following agencies' reviews, you will be informed if it has been approved, approved with changes or conditions, withdrawn, or denied.

For information about state laws, rules and regulations that direct this process go to the web site [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us). For information on U.S. Army Corps of Engineers regulations go to the web site [www.mvp.usace.army.mil](http://www.mvp.usace.army.mil).

## Instructions for Part I

**HELP 1: Every applicant must fill out Section 1.** The applicant is the person, agency, company, corporation, or other organization that owns, leases, or holds other legal rights to the land where the project is located. Indicate names of multiple applicants on a separate sheet.

**HELP 1A: Fill out Section 1A only if you have designated an authorized agent.** An authorized agent may be an attorney, builder, consultant, contractor, engineer, or any other person or organization designated by the applicant to represent him/her in this process. An agent is not required.

**HELP 5: Purpose, description and dimensions of project:** State briefly (in a sentence or two) what you propose to do and why it is needed.

Also, describe whether your project will involve any of the following:

- Construction of structures, filling, draining, dewatering, removing, excavating or repair.
- Construction of an access path, bridge, culvert, dam, ditch, dock, driveway, riprap, road, sand blanket, shore protection, or tile line.
- Construction of any structures on fill, piles or a float-supported platform. If so, describe.
- Dredging or discharging (placing fill material) into a wetland or other water body (including the temporary placement of material). If so, explain the specific purpose of the placement of the material (such as erosion control) and indicate how it will be done (such as with a backhoe or dragline). If dredged material is to be discharged on an upland site, identify the location of the site.

**Include an overhead view drawing showing the work to be undertaken and its relative location on the property.** Show items such as property boundaries or lot dimensions; location and extent of shoreline, wetlands and water; location and dimensions and footprint of the proposed project, structure or activity (include length, width, elevation and other measurements as appropriate); points of reference such as existing homes, structures, docks or landscape features; indication of north; and location of spoil and disposal sites (if applicable). Hand drawn, computer generated or professionally prepared drawings are acceptable, as long as they contain all necessary information clearly, accurately, and in adequate detail. Please include specific dimensions whenever possible. You may also include photos, if you wish. Paper copies should be limited to maximum dimensions of 11" by 17". Computer files should be viewable in a PDF format; contact the agency for other usable formats.

**HELP 7: For information regarding adjacent landowners,** contact the tax assessor where the project is to be developed.

**HELP 8: If any part of the work has already been completed,** describe the area already developed. Include a description of structures completed; any dredged or fill material already discharged (including type of material and volume in cubic yards); acres or square feet filled (if a wetland or other water body); and whether the work was done under an existing permit (if so identify the authorization, if possible).

**HELP 9: Other permits, reviews or approval related to the project may include the following:** conditional use permit; plat approval; zoning variance; National Pollutant Discharge Elimination System permit; state disposal system permit (includes dredged material disposal); watershed district/watershed management organization permit (stormwater, erosion, floodplain); environmental assessment worksheet/environmental impact statement; hazardous waste site; feedlot permit; groundwater appropriation permit; or county/township driveway/road permit. Are you aware of any archeological or cultural resource determinations or surveys completed concerning the project or replacement site by the State Historic Preservation Office (SHPO) or others? If yes, please explain on a separate sheet or attach a copy of any determinations or surveys.

### **Final Checklists (Part I)**

- Have you completed all of Part I (Page 1), plus the Federal application (Page 2)?**
- Did you (and your agent, if applicable) sign Section 10 on page 1?**
- Have you signed the Application for the Department of the Army Permit (Page 2) to seek Federal authorization of your project?**
- Have you included the necessary attachments for Part I?**

**Attachments *must* include:**

- Site Locator Map (Section 3)
- Type of Project (Section 4) (if additional space was needed)
- Overhead View of Project (Section 5 and HELP 5)
- Project Purpose, Description and Dimensions (Section 5) (if additional space was needed)

**Attachments *may* also include:**

- Applicant Contact Information (HELP 1) (if additional space was needed)
- Project Location (Section 3) (if additional space was needed)
- Project Alternatives (Section 6) (if additional space was needed)
- Photographs
- Adjoining Property Owners (Section 7) (if additional space was needed)
- Work Already Completed Section (Section 8) (if you answered YES)
- State Historic Preservation Office determination or survey

### **Submitting Your Application**

**Make three copies of the entire application and all attachments.** Keep the original, and mail a complete copy of your application to each of the local, state, and Federal entities listed below. Be sure to include Part I and all attachments with each application.

**LOCAL:** Send to the appropriate Local Government Unit (LGU). If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site ([www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)) to determine the appropriate LGU.

**STATE:** Send to your Area DNR Waters office, attention Area Hydrologist. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the DNR website ([www.dnr.state.mn.us](http://www.dnr.state.mn.us)) to locate the Area Hydrologist for your location, or contact a Regional DNR office:

<b>NW Region:</b>	<b>NE Region:</b>	<b>Central Region:</b>	<b>Southern Region:</b>
2115 Birchmont Beach Road N.E. Bemidji, MN 56601 Phone: 218-755-3973	1201 East Highway 2 Grand Rapids, MN 55744 Phone: 218-327-4416	1200 Warner Road St. Paul, MN 55106 Phone: 651-772-7910	261 Highway 15 South New Ulm, MN 56073 Phone: 507 359-6053

**FEDERAL:** Send to the appropriate U.S. Army Corps of Engineers regulatory field office:

<b>Brainerd:</b>	<b>St. Paul:</b>	<b>La Crescent:</b>	<b>Two Harbors:</b>
U.S. COE, Regulatory Branch 10867 E. Gull Lake Drive N.W. Brainerd, MN 56401-9051 Phone: 218-829-8402	U.S. COE, Regulatory Branch Army Corps of Engineers Centre 190 5 <sup>th</sup> Street East St. Paul, MN 55101-9051 Phone: 651-290-5375	U.S. COE, Regulatory Branch 1114 South Oak Street La Crescent, MN 55947-1338 Phone: 507-895-8059	U.S. COE, Regulatory Branch 1554 Highway 2, Suite 2 Two Harbors, MN 55616 Phone: 218-834-6630

**WEB SITES:** BWSR: [www.bwsr.state.mn.us](http://www.bwsr.state.mn.us) U.S. ACOE: [www.mvp.usace.army.mil](http://www.mvp.usace.army.mil) DNR: [www.dnr.state.mn.us](http://www.dnr.state.mn.us) MPCA: [www.pca.state.mn.us](http://www.pca.state.mn.us)



The public burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of these addresses. Completed applications must be submitted to the District engineer having jurisdiction over the location of the proposed activity.

**PRIVACY ACT STATEMENT:** Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, 33 USC 1413, Section 103. Principal purpose: Information provided on this form will be used in evaluating the application for a permit. Routine uses: This information may be shared with the Department of Justice and other Federal, state, and local government agencies. Submission of requested information is voluntary; however, if information is not provided, the permit application cannot be evaluated nor can a permit be issued.

**ITEMS 1 THROUGH 4 TO BE FILLED IN BY THE CORPS**

- |                    |                      |                  |                               |
|--------------------|----------------------|------------------|-------------------------------|
| 1. APPLICATION NO. | 2. FIELD OFFICE CODE | 3. DATE RECEIVED | 4. DATE APPLICATION COMPLETED |
|--------------------|----------------------|------------------|-------------------------------|

**YOU DO NOT NEED TO COMPLETE ITEMS 6-10 and 12-25 in the SHADED AREAS.**  
 All applicants must complete non-shaded items 5 and 26. If an agent is used, also complete items 8 and 11. This optional Federal form is valid for use *only* when included as part of this entire state application packet.

5. APPLICANT'S NAME Forest Lake Contracting Inc	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Shane Sparks, Principal SD Consulting Group
6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NO.	10. AGENT'S PHONE NO.

11. STATEMENT OF AUTHORIZATION (if applicable; complete only if authorizing an agent)  
 I hereby authorize Shane Sparks 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 permit application.

APPLICANT'S SIGNATURE: *Robert O. Volkel* DATE: 6/20/12

12. PROJECT NAME OR TITLE (see instructions)	
13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
15. LOCATION OF PROJECT	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)	
17. DIRECTIONS TO THE SITE	18. NATURE OF ACTIVITY
19. PROJECT PURPOSE	20. REASON(S) FOR DISCHARGE
21. TYPES OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS	
22. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED	
23. IS ANY PORTION OF THE WORK ALREADY COMPLETE? YES _____ NO _____ IF YES, DESCRIBE COMPLETED WORK.	
24. ADDRESSES OF ADJOINING PROPERTY OWNERS,	
25. LIST OF OTHER CERTIFICATIONS OR APPROVALS/DENIALS RECEIVED FROM OTHER FEDERAL, STATE OR LOCAL AGENCIES FOR WORK DESCRIBED IN THIS APPLICATION.	

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Signature of applicant: *Robert O. Volkel* Date: 6/20/12  
 Signature of agent (if any) \_\_\_\_\_ Date \_\_\_\_\_

The application must be signed by the person who desires to undertake the proposed activity (applicant), or it may be signed by a duly authorized agent if the statement in Block 11 has been filled out and signed. 18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up with any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

---

**FOR LGU USE ONLY:**

**Determination for Part 1:**

- No WCA Jurisdiction
- Exempt: No. \_\_\_\_ (per MN Rule 8420.0122)
- No Loss: \_\_\_\_ (A,B, . . G, per MN Rule 8420.0220)
- Wetland Boundary or type
- Replacement required – applicant must complete Part II

**COMPLETE THE SECTION BELOW ONLY IF REPLACEMENT IS NOT REQUIRED:**

Application is (check one):  Approved  Approved with conditions (conditions attached)  Denied

Comments/Findings: \_\_\_\_\_

\_\_\_\_\_  
*LGU official signature* *Date*

\_\_\_\_\_  
*Name and Title*

**For Agricultural and Drainage exemptions (MN Rule 8420.0122 Subps. 1 and 2B), LGU has received proof of recording of restrictions (per MN Rule 8420.0115):**

\_\_\_\_\_  
*County where recorded* *Date* *Document # assigned by recorder*

\_\_\_\_\_  
*LGU official signature* *Date*

---

## Instructions For Part II

Complete those portions of Part II: Replacement Plan Supplement for which information is readily available (such as location, existing land use, size of impact area, etc.) A person certified in wetland delineation must determine items pertaining to specific wetland impacts (wetland type, predominant vegetation, watershed name, etc.) Contact the local soil and water conservation district (SWCD) office for further information on obtaining such items.

### What to Include on Plans

Detailed overhead views of replacement site(s) (Part II), as well as profile view(s) of replacement site(s) (Part II), may be either hand drawn, computer generated or professionally prepared, as long as they contain all necessary information clearly, accurately, and in adequate detail. Please include specific dimensions whenever possible. You may also include photos, if you wish.

**Overhead views** of Part II replacement site(s) should include the following items that pertain to your project:

- Property boundaries and/or lot dimensions.
- Location and extent of shoreline, wetlands and water.
- Location and dimensions of proposed project, structure or activity. Include length, width, elevation and other measurements as appropriate.
- Points of reference (such as existing homes, structures, docks or landscape features).
- Location of inlet and outlet structures.
- Indication of north.
- Location of spoil and disposal sites (if applicable).
- Areas of wetland and upland plants established.

**Profile views** (side or cross-sectional views) should include the following items that pertain to your project:

- Location and dimensions of proposed project, structure or activity. Include elevation, depth, soil profile, side slope and other measurements as appropriate.
- Proposed water level elevation.

## Final Checklists Part II: Replacement Plan Supplement

- Have you completed all of Part II (pages 3-5)?
- Did you (or your agent) sign Section 19 on page 5?
- Have you included the necessary attachments for Part II?

**Attachments *must* include:**

- If the project includes any wetland banking (complete or partial), include Application for Withdrawal of Wetland Credits Form (Section 14)
- If the project includes any project-specific replacements (complete or partial), include:
  - Description of Replacement Wetland(s) Construction (Section 15)
  - Copy of vegetation management plan (Section 15)
  - Scale drawing of overhead view or replacement wetland (Section 18)
  - Scale drawing of profile view of replacement wetland (Section 18)

**Attachments *may* also include:**

- Additional description of Wetland Impact Charts (Section 11) (if additional space was needed)
- Additional Description of Replacement Wetlands charts (Section 17) (if additional space was needed)
- Additional soils information for created replacement wetland(s) (Section 18) (if available)

**Note:** To deposit surplus wetland credits in the State Wetland Bank, submit a Wetland Banking Application directly to your LGU (Section 16).

### Preparing Your Application for Mailing

- To apply for both state and Federal authorization, your application must include Part I (Page 1), the Federal application (Page 2), and attachments as indicated on *Final Checklist for Part I* (Instructions, Page 2).
- Your application must also include Part II (Pages 3-5) and additional attachments as indicated on *Final Checklist for Part II* (above).
- Make three copies of the entire application and all attachments. Keep the original, and mail the three copies to the appropriate local, state, and Federal agencies (see Instructions for Part I for addresses).

## PART II: REPLACEMENT PLAN SUPPLEMENT

*For assistance in completing Part II, contact your Local Government Unit or a professional consultant*

**11. DESCRIPTION OF WETLAND IMPACTS:** Complete the chart below: 1) Use one row of boxes for each wetland impact; 2) If your project has more than one wetland impact, reference your overhead view (part of Section 5) to this chart by identifying and labeling "first impact" and "second impact" on your overhead view; 3) If you are identifying only one wetland type within a given wetland impact area, use the first dotted line and leave the others blank; 4) If you have chosen to identify more than one wetland type within a given wetland impact area, use the extra dotted lines to indicate each wetland type, and identify predominant vegetation and size of impacted area for each separate wetland type within that impact area; 5) If you do not have access to some of this information, call your LGU or SWCD office for assistance. *(Photocopy chart for more impacts, if needed.)*

### DESCRIPTION OF WETLAND IMPACTS

Wetland impact <i>(as noted on overhead view)</i>	Watershed name or number <i>(if known)</i>	Watershed and Bank Service Area	Wetland plant community type <sup>1</sup>	Predominant vegetation in impacted wetland area	Size of area impacted (in acres or square feet)	Existing land use in project area (check all that apply)
<b>First impact</b>		Basin 5	Type 3/4	Black Willow	16,640	<input type="checkbox"/> Housing <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Parks/recreation areas <input type="checkbox"/> Highways and associated rights-of-way <input type="checkbox"/> Forested <input type="checkbox"/> Farmsteads/agricultural <input type="checkbox"/> Vacant lands <input type="checkbox"/> Public and semi-public (schools/gov't facilities) <input type="checkbox"/> Airports <input checked="" type="checkbox"/> Extractive (gravel pits/quarries) <input type="checkbox"/> Other:
		Basin 6	Type 3/4	Blue Vervain	12,800	
<b>Second impact</b>		Basin 2	Type 3/4	Joe Pye Weed	20,480	
		Basin 3	Type 3/4	Green Bulrush	10,240	
		Basin 4	Type 3/4	Black Willow	9,600	

<sup>1</sup>If you are identifying only one wetland type within a given wetland impact area, use the first dotted line and leave the others blank. If you have chosen to identify more than one wetland type within a given wetland impact area, use the extra dotted lines to indicate each separate wetland type, and identify predominant vegetation and size of impacted area for each separate wetland type with that impact area.

**TOTALS OF AREA(S) IMPACTED FOR EACH WETLAND TYPE ON CHART** (indicate acres  or square feet )

Wetland plant community type <sup>1</sup>: Shallow open water: 69,760    Deep marsh:    Shallow Marsh:    Sedge meadow:  
 Fresh wet meadow:    Wet to wet mesic prairie:    Calcareous fen:    Open bog or coniferous bog:    Shrub carr or alder thicket:  
 Hardwood swamp or coniferous swamp:    Floodplain forest    Seasonally flooded basin

**12. SPECIAL CONSIDERATIONS:** Are you aware of any special considerations that apply to either the impact site(s) or the replacement site(s)?  Yes  No  
 (Examples: the presence of endangered species, special fish and wildlife resources, sensitive surface waters, or waste disposal site.) If YES, list and describe briefly.

**13. SHORELAND IMPACT ZONE:** Please identify each wetland impact site noted in Section 15 that is within 1000 feet of a lake or 300 feet of a river.

<sup>1</sup> 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.

14. **HOW PROPOSED REPLACEMENT WILL BE ACCOMPLISHED:** Indicate how proposed replacement will be accomplished (check only **one** box below and continue as indicated):

- A. Wetland banking credits only  
Complete *Application for Withdrawal of Wetland Credits Form* and include with your application. Copies of this form are available from your LGU, or download a copy from [www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)  
Skip to Section 19, page 6 (You do not need to complete Sections 15-18).
- B. Project-specific replacement only  
Continue with Section 15 below.
- C. A Combination of wetland banking and project-specific replacement. If using project specific replacement that will result in surplus wetland credits that you propose to deposit in the state wetland bank for future use, then you must submit a wetland banking application directly to your LGU before or concurrently with submittal of this form. Also, Complete *Application for Withdrawal of Wetland Credits Form* and include with your application. Copies of this form and the wetland banking application is available from your LGU, or download a copy from [www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)  
Continue with Section 15 below.

15. **DESCRIPTION OF REPLACEMENT WETLAND(S) CONSTRUCTION (Complete this section only if you marked Box B or Box C in Section 14 above):**

Describe in detail how replacement wetland(s) will be constructed. If several methods will be used, describe each method. Details should include the following: 1) type of construction (such as excavated in upland, restored by tile break, restored by ditch block or revegetated); 2) type, size and specifications of outlet structures; 3) elevations relative to Mean Sea Level or established benchmarks or key features (such as sill, emergency overflow or structure height); 4) what best management practices will be implemented to prevent erosions or site degradation; 5) proposed timetable for starting and ending the project; and 6) a vegetation management plan. Write this description on a separate sheet of paper labeled *DESCRIPTION OF REPLACEMENT WETLAND CONSTRUCTION*.  
See Attached Report

16. **SURPLUS WETLAND CREDITS:** If using project-specific replacement (Box B or Box C in Section 14 above), will the replacement result in any surplus wetland credits that you wish to have deposited in the State Wetland Bank for future use?  Yes  No. If yes, **submit a Wetland Banking Application directly to your LGU** before or concurrently with submittal of this form. Copies are available from your LGU, or download a copy from [www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)

17. **DESCRIPTION OF REPLACEMENT WETLANDS:** Complete the chart below: 1) Use one row of boxes for each wetland replacement site; 2) If your project has more than one wetland replacement site, reference your overhead view (part of Section 5) to this chart by identifying and labeling "first replacement site" and "second replacement site" **on your overhead view**; 3) If you are identifying only one wetland type within a given replacement site, use the first dotted line(s) and leave the others blank; 4) If you have chosen to identify more than one wetland type in a given replacement site, use the extra dotted lines to indicate each separate wetland type, and identify type(s) of replacement credits and "restored or created" for each separate wetland type with that replacement site; 5) If you do not have access to some of the information, or if you do not know your replacement ratio, call your LGU or SWCD office for assistance. *Photocopy chart for more wetland replacements, if needed.*

**DESCRIPTION OF REPLACEMENT WETLANDS**

Identify Wetland replacement site <i>(as noted on overhead view)</i>	Watershed name or number <i>(if known)</i> Bank Service Area	County	Section, Township, Range	Wetland Plant Community Type <sup>1</sup>	Type(s) of replacement credits <i>(in acres or square feet)</i>		Restored or created? Indicate R or C
					New Wetland Credits (NWC)	Public Value Credits (PVC)	
Name of First replacement site	Phase One	Anoka	36, T33N, R22W	Type 1 and 3	62,349		C
				Upland Buffer	560		R
Name of Second replacement site	Phase Two	Anoka	36, T33N, R22W	Type 1 and 3	91,877		C
				Upland Buffer	800		R
If you are identifying only one wetland type within a given wetland impact area, use the first dotted line and leave the others blank. If you have chosen to identify more than one wetland type within a given wetland impact area, use the extra dotted lines to indicate each separate wetland type, and identify predominant vegetation and size of impacted area for each separate wetland type within that impact area.					155,587 <b>TOTAL NWC</b>	<b>TOTAL PVC</b>	
					<b>REQUIRED REPLACEMENT RATIO:</b> <i>(If known)</i> 2:1		

Wetland plant community type: Shallow open water: Deep marsh: Shallow Marsh: Sedge meadow:  
 Fresh wet meadow: Wet to wet mesic prairie: Calcareous fen: Open bog or coniferous bog: Shrub carr or 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.**

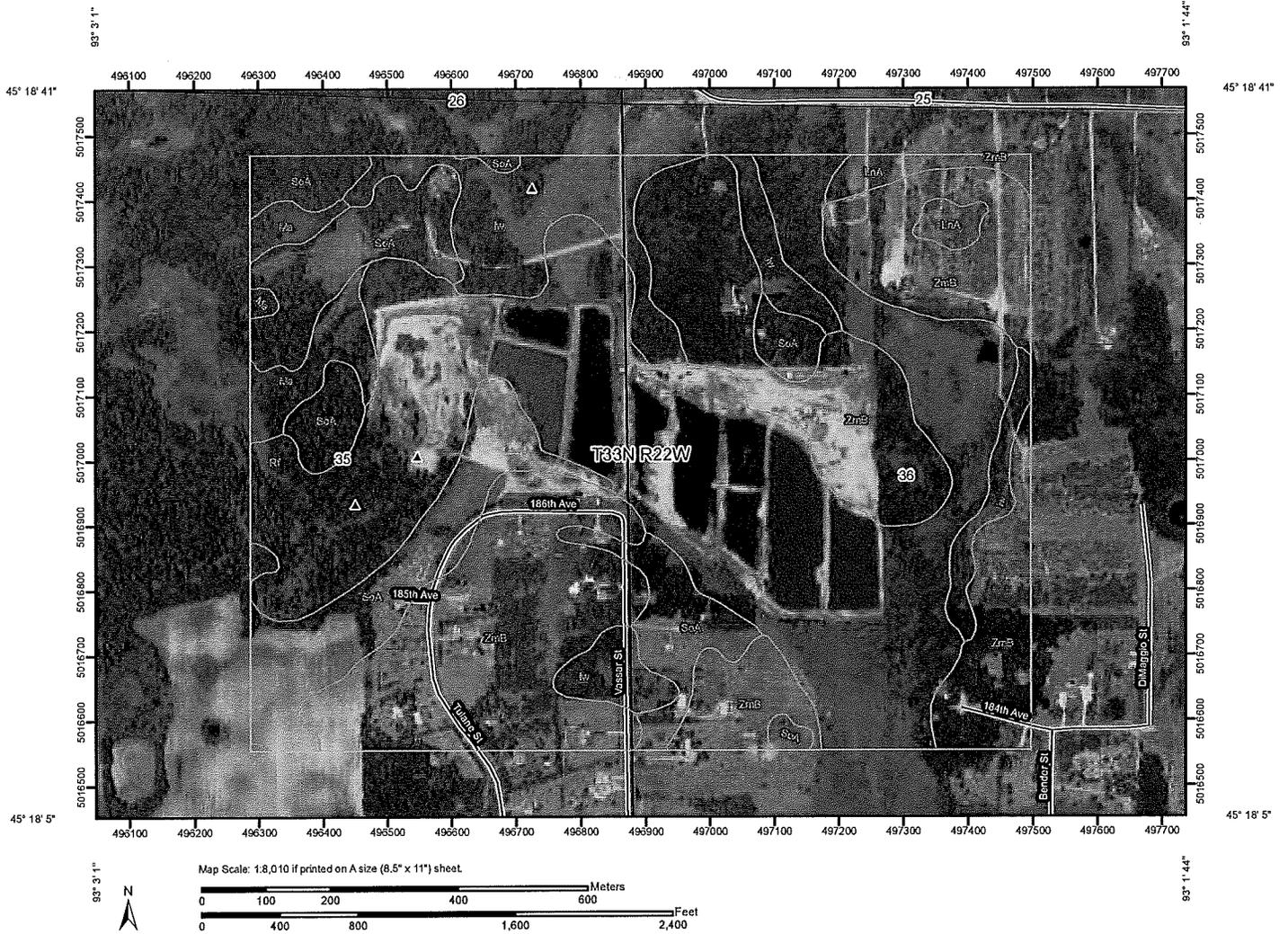
Minnesota Local/State/Federal Application Forms for Water/Wetland Projects  
Page 5



## **Appendix C**

### **Soil Survey**

Soil Map—Anoka County, Minnesota



## Map Unit Legend

Anoka County, Minnesota (MN003)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
lw	Isanti fine sandy loam	25.7	9.4%
LnA	Lino loamy fine sand, 0 to 4 percent slopes	4.4	1.6%
Ma	Markey muck	7.4	2.7%
Rf	Rifle mucky peat	99.9	36.5%
SoA	Soderville fine sand, 0 to 3 percent slopes	46.1	16.8%
ZmB	Zimmerman fine sand, 2 to 6 percent slopes	90.6	33.1%
Totals for Area of Interest		274.0	100.0%

**Appendix D1 and D2**

**Plan and Profile Views of Created Wetland Areas**

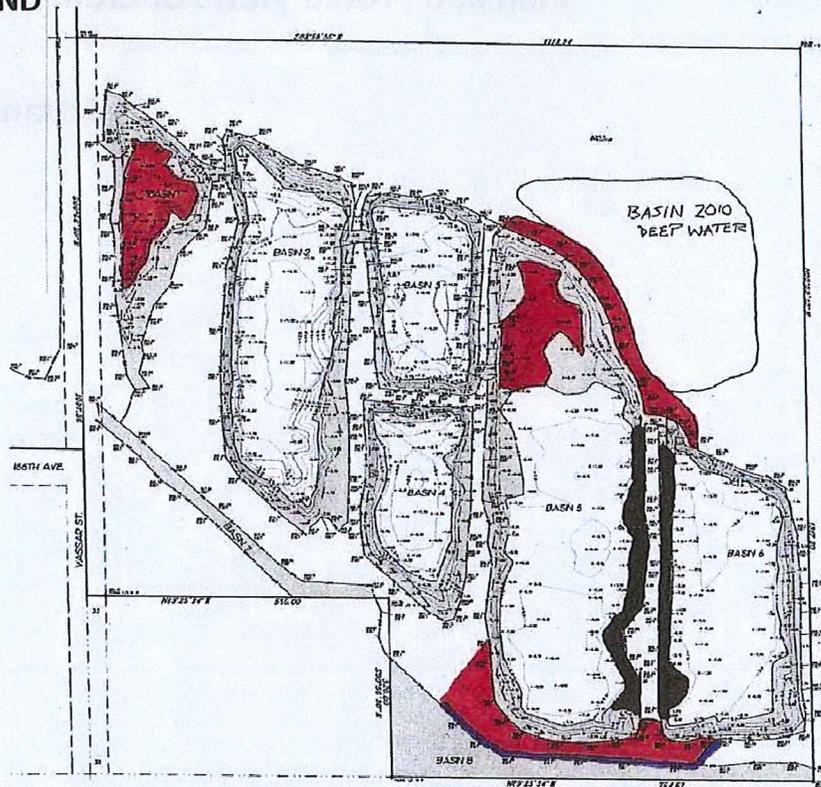
**Wetland Impact Areas**

# WETLAND IMPACTS AND MITIGATION PLAN

## PHASE 1

Mining within Basins 5 & 6

-  Wetland Impacts
-  Wetland Mitigation
-  Upland Buffer



### AREA INFORMATION

BASIN	AREA BEHIND A.B. FEET	WETLAND AREA
BASIN 1	120,000 SQ. FT.	26,320 SQ. FT.
BASIN 2	11,520 SQ. FT.	46,340 SQ. FT.
BASIN 3	18,000 SQ. FT.	23,000 SQ. FT.
BASIN 4	20,000 SQ. FT.	20,000 SQ. FT.
BASIN 5	116,500 SQ. FT.	43,000 SQ. FT.
BASIN 6	15,417 SQ. FT.	7,417 SQ. FT.
BASIN 6	43,417 SQ. FT.	43,417 SQ. FT.

### NOTES

Field survey was completed by E.C. Rud & Sons, Inc. on 09/15/10.

### LEGEND

-  DENOTES IRON MONUMENT AS LABELED
-  DENOTES EXISTING FUND DEPTH CONTIGUOUS
-  DENOTES EDGE OF WETLAND AS Delineated BY 10 CONTOURING GROUP
-  DENOTES WETLAND AREA

**E.C. RUD & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel: (651) 361-8200 Fax: (651) 361-9700

DATE	BY	FOR NO.	DATE	REVISION
1				
2				
3				

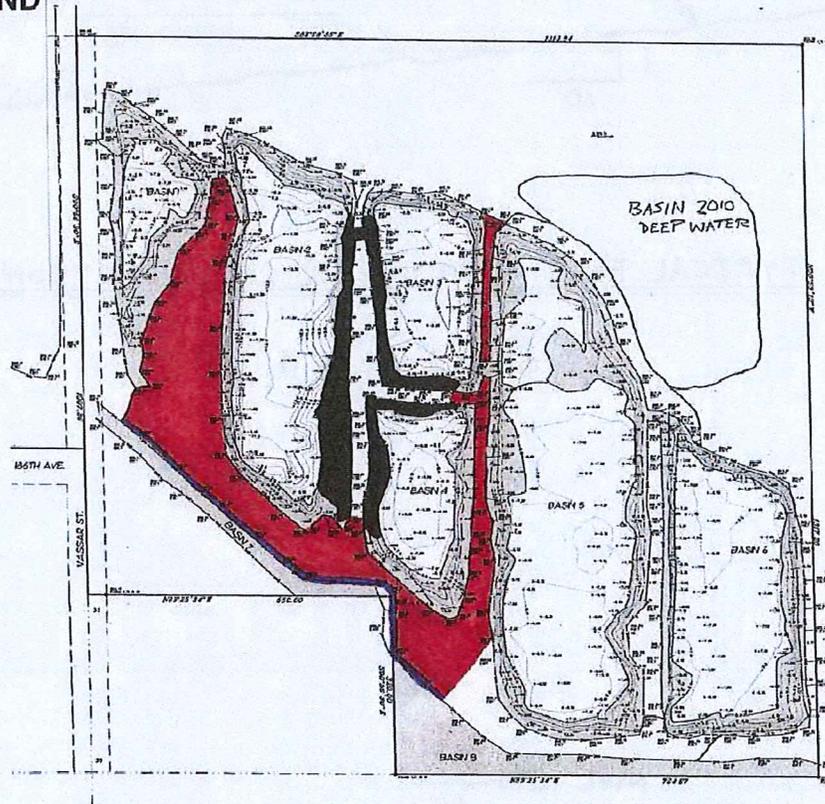


# WETLAND IMPACTS AND MITIGATION PLAN

## PHASE 2

Mining within Basins 2,3 & 4

-  Wetland Impacts
-  Wetland Mitigation
-  Upland Buffer



### AREA INFORMATION

BASIN	AREA BELOW	WETLAND
	AC. FEET	AC. FEET
BASIN 1	50,415 SQ FT	26,328 SQ FT
BASIN 2	128,711 SQ FT	42,843 SQ FT
BASIN 3	68,801 SQ FT	22,258 SQ FT
BASIN 4	86,303 SQ FT	26,358 SQ FT
BASIN 5	272,077 SQ FT	112,455 SQ FT
BASIN 6	128,555 SQ FT	41,837 SQ FT
BASIN 7	15,147 SQ FT	5,844 SQ FT
BASIN 8	48,417 SQ FT	23,417 SQ FT

### NOTES

Field survey was completed by E.A. Rud and Sons, Inc. on 09/14/20

### LEGEND

-  DEVICES FROM MONUMENT AS LABELED
-  DEVICES EXISTING FLOOD DEPTH CONTOURS
-  DEVICES EDGE OF WETLAND AS DELINEATED BY SURVEILLING GROUP
-  DEVICES WETLAND AREA

**E. A. RUD & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel: (651) 321-6200 Fax: (651) 361-8701

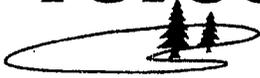
DATE	BY	DESCRIPTION



NORTH

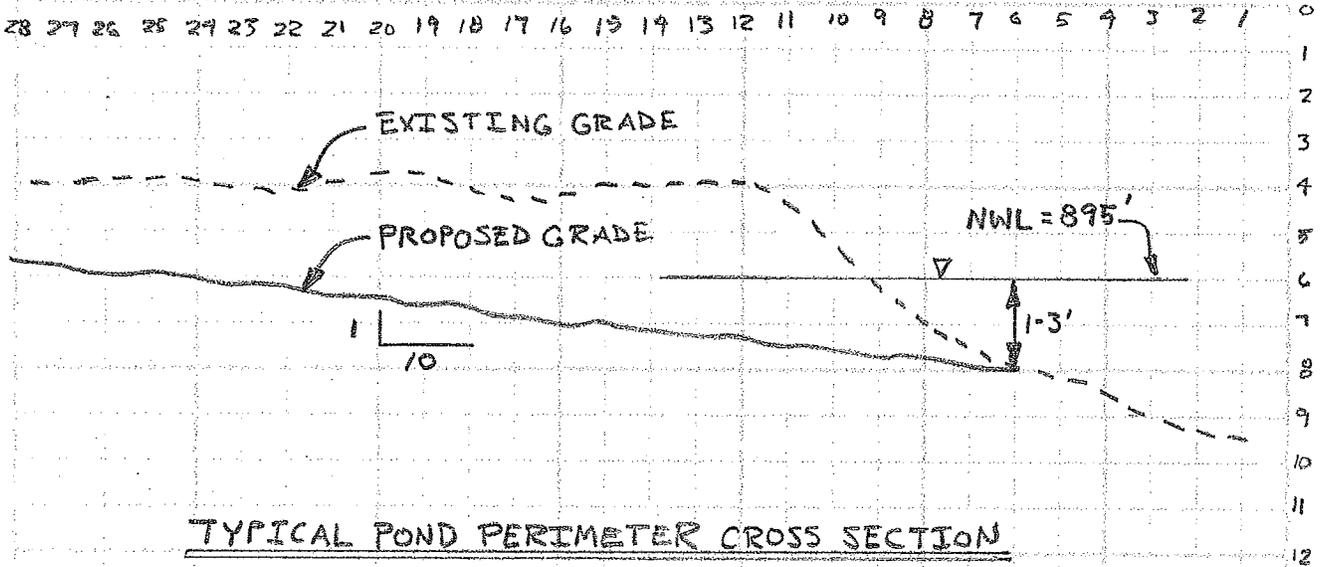


# Forest Lake



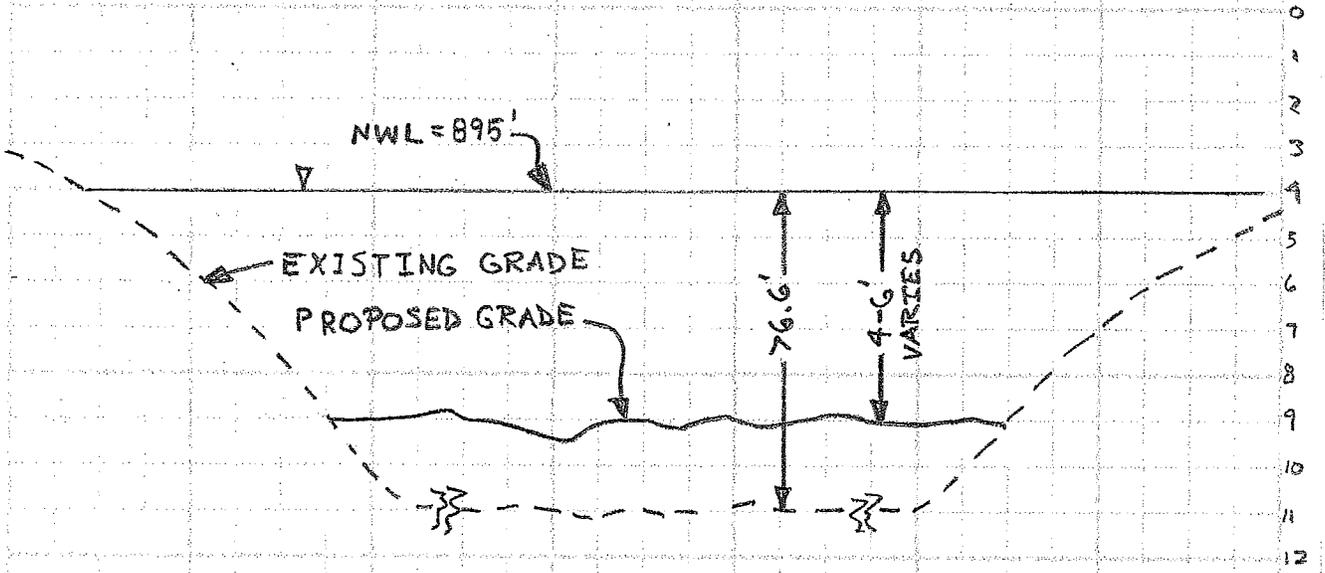
Contracting, Inc.

14777 Lake Drive  
Forest Lake, MN 55025



TYPICAL POND PERIMETER CROSS SECTION

SCALE: 1" = 4'



TYPICAL POND #1 + 5 FILL AREA CROSS SECTION

SCALE: 1" = 4'

## **Appendix E**

### **Wetland Seed Mixes**

34-181

## Emergent Wetland

Common Name	Scientific Name	Rate (kg/ha)	Rate (lb/ac)	% of Mix (% by wt)	Seeds/sq ft
American slough grass	<i>Beckmannia syzigachne</i>	0.78	0.70	14.07%	12.92
tall manna grass	<i>Glyceria grandis</i>	0.28	0.25	4.98%	6.40
rice cut grass	<i>Leersia oryzoides</i>	0.34	0.30	5.93%	3.70
	<b>Total Grasses</b>	<b>1.40</b>	<b>1.25</b>	<b>24.98%</b>	<b>23.02</b>
river bulrush	<i>Bolboschoenus fluviatilis</i>	0.85	0.76	15.20%	1.20
bristly sedge	<i>Carex comosa</i>	0.20	0.18	3.63%	2.00
lake sedge	<i>Carex lacustris</i>	0.07	0.06	1.19%	0.24
tussock sedge	<i>Carex stricta</i>	0.04	0.04	0.77%	0.75
least spikerush	<i>Eleocharis acicularis</i>	0.11	0.10	1.94%	2.50
marsh spikerush	<i>Eleocharis palustris</i>	0.11	0.10	2.03%	1.90
Torrey's rush	<i>Juncus torreyi</i>	0.04	0.04	0.85%	25.00
Three-square bulrush	<i>Schoenoplectus pungens</i>	0.26	0.23	4.54%	1.00
soft stem bulrush	<i>Schoenoplectus tabernaemontani</i>	0.49	0.44	8.78%	5.00
woolgrass	<i>Scirpus cyperinus</i>	0.06	0.05	1.02%	32.00
	<b>Total Sedges and Rushes</b>	<b>2.24</b>	<b>2.00</b>	<b>39.95%</b>	<b>71.59</b>
Sweet flag	<i>Acorus americanus</i>	0.31	0.28	5.53%	0.67
common water plantain	<i>Alisma triviale</i>	0.45	0.40	8.00%	9.70
marsh milkweed	<i>Asclepias incarnata</i>	0.31	0.28	5.67%	0.50
broad-leaved arrowhead	<i>Sagittaria latifolia</i>	0.34	0.30	6.07%	6.80
giant bur reed	<i>Sparganium eurycarpum</i>	0.55	0.49	9.80%	0.09
	<b>Total Forbs</b>	<b>1.96</b>	<b>1.75</b>	<b>35.07%</b>	<b>17.76</b>
	<b>Totals:</b>	<b>5.60</b>	<b>5.00</b>	<b>100.00%</b>	<b>112.37</b>
<b>Purpose:</b>	Emergent wetland restoration for use in wetland mitigation, shoreline restoration, wet stormwater ponds where emergent vegetation is desired.				
<b>Planting Area:</b>	Statewide				

34-262

## Wet Prairie

Common Name	Scientific Name	Rate (kg/ha)	Rate (lb/ac)	% of Mix (% by wt)	Seeds/sq ft
big bluestem	<i>Andropogon gerardii</i>	1.12	1.00	6.89%	3.67
fringed brome	<i>Bromus ciliatus</i>	1.68	1.50	10.38%	6.08
bluejoint	<i>Calamagrostis canadensis</i>	0.04	0.04	0.27%	4.00
Virginia wild rye	<i>Elymus virginicus</i>	1.96	1.75	12.07%	2.70
tall manna grass	<i>Glyceria grandis</i>	0.17	0.15	1.02%	3.80
fowl manna grass	<i>Glyceria striata</i>	0.12	0.11	0.73%	3.50
switchgrass	<i>Panicum virgatum</i>	0.84	0.75	5.16%	3.85
fowl bluegrass	<i>Poa palustris</i>	0.22	0.20	1.39%	9.60
Indian grass	<i>Sorghastrum nutans</i>	0.56	0.50	3.44%	2.20
prairie cordgrass	<i>Spartina pectinata</i>	0.56	0.50	3.41%	1.20
	<b>Total Grasses</b>	<b>7.29</b>	<b>6.50</b>	<b>44.76%</b>	<b>40.60</b>
wooly sedge	<i>Carex pellita</i>	0.06	0.05	0.32%	0.47
tussock sedge	<i>Carex stricta</i>	0.02	0.02	0.17%	0.48
fox sedge	<i>Carex vulpinoidea</i>	0.11	0.10	0.66%	3.50
dark green bulrush	<i>Scirpus atrovirens</i>	0.11	0.10	0.72%	17.74
woolgrass	<i>Scirpus cyperinus</i>	0.03	0.03	0.18%	16.00
	<b>Total Sedges and Rushes</b>	<b>0.34</b>	<b>0.30</b>	<b>2.05%</b>	<b>38.19</b>
Canada anemone	<i>Anemone canadensis</i>	0.03	0.03	0.21%	0.09
marsh milkweed	<i>Asclepias incarnata</i>	0.09	0.08	0.55%	0.14
Canada tick trefoil	<i>Desmodium canadense</i>	0.56	0.50	3.41%	1.00
flat-topped aster	<i>Doellingeria umbellata</i>	0.06	0.05	0.34%	1.20
common boneset	<i>Eupatorium perfoliatum</i>	0.03	0.03	0.23%	2.00
grass-leaved goldenrod	<i>Euthamia graminifolia</i>	0.02	0.02	0.11%	2.00
spotted Joe pye weed	<i>Eutrochium maculatum</i>	0.04	0.04	0.30%	1.50
autumn sneezeweed	<i>Helenium autumnale</i>	0.06	0.05	0.35%	2.39
sawtooth sunflower	<i>Helianthus grosseserratus</i>	0.06	0.05	0.38%	0.30
great blazing star	<i>Liatris pycnostachya</i>	0.02	0.02	0.17%	0.10
great lobelia	<i>Lobelia siphilitica</i>	0.01	0.01	0.05%	1.40
blue monkey flower	<i>Mimulus ringens</i>	0.01	0.01	0.05%	6.40
Virginia mountain mint	<i>Pycnanthemum virginianum</i>	0.09	0.08	0.55%	6.50
red-stemmed aster	<i>Symphotrichum puniceum</i>	0.09	0.08	0.56%	2.40
blue vervain	<i>Verbena hastata</i>	0.17	0.15	1.06%	5.25
bunched ironweed	<i>Vernonia fasciculata</i>	0.03	0.03	0.23%	0.30
Culver's root	<i>Veronicastrum virginicum</i>	0.02	0.02	0.14%	6.00
golden alexanders	<i>Zizia aurea</i>	0.28	0.25	1.76%	1.03
	<b>Total Forbs</b>	<b>1.68</b>	<b>1.50</b>	<b>10.45%</b>	<b>40.00</b>
Oats or winter wheat (see note at beginning of list for recommended dates)		6.95	6.20	42.74%	2.76
	<b>Total Cover Crop</b>	<b>6.95</b>	<b>6.20</b>	<b>42.74%</b>	<b>2.76</b>
	<b>Totals:</b>	<b>16.25</b>	<b>14.50</b>	<b>100.00%</b>	<b>121.55</b>
<b>Purpose:</b>	Wet prairie reconstruction for wetland mitigation or ecological restoration.				
<b>Planting Area:</b>	Tallgrass Aspen Parklands, Prairie Parkland, and Eastern Broadleaf Forest Provinces. Mn/DOT Districts 2(west), 3B, 4, Metro, 6, 7 & 8.				

## **Appendix F**

### **Neighboring Land Owners**

Kenneth and Denise Hansen  
9052 189<sup>th</sup> Ave NE  
Columbus, MN 55025

Mark Johnson  
9160 189<sup>th</sup> Ave NE  
Columbus, MN 55025

James and Molly Carey  
9308 189<sup>th</sup> Ave NE  
Columbus, MN 55025

James Slawick  
18455 Vassar St NE  
Columbus, MN 55025

Robin and Thomas Bergum  
18523 Vassar St NE  
Columbus, MN 55025

Paul and Cheryl Zahradka  
8960 186<sup>th</sup> Ave NE  
Columbus, MN 55025

## **Appendix G**

### **Status of Other Approvals**

### **Status of Other Approvals**

1. City of Columbus Conditional Use Permit- allows for mining. Status: Obtained
2. MN DNR Water Appropriation Permit- allows for dewatering activities. Status: submitted and DNR is waiting to issue following completion of WCA wetland permit approvals

**Appendix H**

**Wetland Banking Application**

Project Name: \_\_\_\_\_

Project Identification No.: \_\_\_\_\_

# Minnesota Wetland Bank Plan Application

## PART A: WETLAND BANK SCOPING DOCUMENT

### GENERAL INSTRUCTIONS TO APPLICANTS

To seek approval for the establishment of a wetland bank, applicants must complete and submit both Part A (*Scoping Document*) and Part B (*Bank Plan Supplement*) of this application package. An approved wetland bank application does not guarantee the success of a wetland bank project, nor does it guarantee how many wetland credits will result from the project.  
**Approval of both Part A and Part B constitutes an approved Wetland Bank Plan Application.**

Instructions for completing a Wetland Bank Application and how to submit it for review can be obtained from the BWSR web site at [www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)

### 1. LANDOWNER INFORMATION:

Name:	<b>John's Black Dirt</b>	Phone:	<b>651-462-3174</b>
Complete Mailing Address:	<b>5580 314<sup>th</sup> Street</b>		
City, State and Zip Code:	<b>Stacy, MN 55079</b>	E-mail Address:	<b>NA</b>

### 1A. APPLICANT: (If different from landowner)

Name:	<b>Robert Vollhaber</b>	Company:	<b>Forest Lake Contracting, Inc.</b>	
Complete Mailing Address:	<b>14777 Lake Drive</b>		Phone:	<b>651-464-4500</b>
City, State and Zip Code:	<b>Forest Lake, MN 55025</b>	E-mail Address:	<b>bob@forestlakecontracting.com</b>	

### 2. PROJECT INFORMATION:

Project Name:	<b>John's Black Dirt</b>		County:	<b>Anoka</b>			
Watershed (Name or #):	Township Name:	<b>Columbus</b>	Parcel ID # (if known):	<b>36-33-22-23-0003</b>			
¼ Section:	<b>NW</b>	Section #:	<b>36</b>	Township #:	<b>33</b>	Range #:	<b>22</b>

Attach a simple site locator map. If needed, include on the map written directions to the site from a known location or landmark, and provide distances from known locations. Label the sheet "Site Locator Map".

### 3. TYPE OF PROPERTY INTEREST HELD BY APPLICANT: (Include Evidence of Ownership or Property Rights)

(Check one):  Fee Simple (Owned)  Easement  Contract for Deed  Other (Please describe): **Mineral Lease Agreement**

**4. OTHER PROPERTY INTERESTS:** List any other holders of interest in the real property on which the proposed wetland bank and access easement(s) will be located (e.g. spouses, mortgagees, fee owners, easement holders, mineral rights, utilities, etc.).  
**Mortgage by First State Bank of Wyoming**

If there are other property interests on the proposed bank property, would these holders consent to subordinate their property interest to the required conservation easement restrictions?  Yes  No  Not Applicable

Project Name: \_\_\_\_\_

Project Identification No.: \_\_\_\_\_

**5. OTHER PERMITS OR APPROVALS REQUIRED:** List all known local, state, or federal permits or approvals required for the activity (e.g. conditional use, watershed, construction storm water, floodplain, etc.):

**CUP from City of Columbus has been attained**

**MN DNR Water Appropriation and Wetland Permitting Underway**

**6a. PROPOSED START DATE: August 2012**

**6b. PROPOSED COMPLETION DATE: 2017**

**7. TOPOGRAPHIC SURVEY AND MAPPING:** To aide in the scoping of proposed wetland bank projects, a topographic survey of the project must be conducted and a map prepared from the topographic survey. The map shall be drawn to scale and shall include, but not be limited to, the following information:

- 1) The identification of at least 2 permanent benchmarks within the project area, referenced to a defined Mean Sea Level datum and the datum reference listed (NGVD 1929 or NAVD 1988);
- 2) One-foot elevation contours referenced to Mean Sea Level datum;
- 3) The definition of the drawing scale and North orientation;
- 4) The locations of roads, property lines, pipelines, power lines and other utilities within and adjacent to the project area;
- 5) The identification of property owners within and adjacent to the project area;
- 6) The proposed boundary of the wetland bank site;
- 7) Survey information on adjacent lands/properties that could potentially be affected by the proposed banking project; and
- 8) The locations of rivers, streams, public and private drainage ditches, subsurface drainage tile, bridges and culverts within and adjacent to the project area, including dimensions and elevations of inlets and outlets of hydraulic structures.

**8. CONCEPT PLAN, DESCRIPTION, AND DIMENSIONS:** Prepare and attach a plan document that describes existing conditions on and near the site, a general overview of the proposed plan to restore or create wetland conditions, and a general summary of how the proposed plan will be accomplished. The topographic map requested above shall be used as the base map for this plan document. Label the plan document as "*Concept Plan*". Also include general information about the design goals; construction methods, anticipated layout of the proposed construction elements, plant communities to be established, anticipated credits, etc. (*see instructions*). More detailed information regarding the proposed wetland banking plan will be required in Part B of the Wetland Bank Plan Application.

**9. ACTIONS ELIGIBLE FOR CREDIT:** Identify how wetland bank credits are to be gained from the project by selecting all applicable actions eligible for credit from the list below.

- |  |   |
|--|---|
| <input type="checkbox"/> Subp. 2 - Upland Buffer   | <input checked="" type="checkbox"/> Subp. 7 - Wetland Creations |
| <input type="checkbox"/> Subp. 3 - Restoration of Completely Drained or Filled Area                          | <input type="checkbox"/> Subp. 8 - ENRV Projects                |
| <input type="checkbox"/> Subp. 4 - Restoration of Partially Drained or Filled Areas                          | <input type="checkbox"/> Subp. 9 - Preservation                 |
| <input type="checkbox"/> Subp. 5 - Vegetative Restoration of Farmed Wetlands                                 |   |
| <input type="checkbox"/> Subp. 6 - Protection of Wetlands Previously Restored Through Conservation Easements |   |

**10. RECENT AERIAL PHOTO:** Attach a recent aerial photo of the banking site showing proposed bank site boundaries, existing wetland areas, and proposed wetland bank credit areas, etc. (*see instructions*). Label the sheet "*Site Map*".

**11. COUNTY SOIL SURVEY MAP:** Attach a copy of the county soil survey map of the bank site, with a legend. Show location of wetland bank site boundary on this map (*see instructions*). Label the sheet "*County Soil Survey*".

**12. WETLAND DETERMINATION:** Attach a map that approximates the boundary, size, and type of any existing wetlands on the bank site (Wetland Plant Community Type is found in "*Wetland Plants and Plant Communities of Minnesota & Wisconsin*" Second Edition, by Eggers & Reed). For projects on agricultural land, a summary of the cropping history may be necessary to determine if wetlands are present on the bank site. Label this sheet as "*Preliminary Wetland Determination*". If wetlands are determined to be present on the bank site, a formal wetland delineation will be required during the completion of Part B of the Wetland Bank Plan Application (*see instructions*).

Project Name: \_\_\_\_\_

Project Identification No.: \_\_\_\_\_

13. SPECIAL CONSIDERATIONS: The following items could present obstacles for the successful completion of a wetland bank project. Respond to each item. For each item checked "Yes," a detailed narrative should be included as an attachment to this application to further explain the situation and to demonstrate that the issue is not a problem and can be resolved.

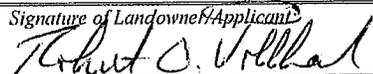
To the best of the applicant's knowledge, are any of the following factors currently present, or applicable, at the banking site?

- 1) Federal or state-listed endangered or threatened species .....  Yes  No
- 2) The existence of a public or private drainage system, drainage easements, or agreements .....  Yes  No
- 3) The need to construct a dike to divert or contain water .....  Yes  No
- 4) The existence of any public or private utility easements .....  Yes  No
- 5) The presence of land enrolled in CRP, RIM or other conservation program .....  Yes  No
- 6) Rare natural communities .....  Yes  No
- 7) Special fish and wildlife resources including:
  - a) fish passage and spawning areas .....  Yes  No
  - b) colonial waterbird nesting colonies .....  Yes  No
  - c) migratory waterfowl concentration areas .....  Yes  No
  - d) deer wintering areas or wildlife travel corridors .....  Yes  No
- 8) Archaeological or historic sites .....  Yes  No
- 9) Groundwater sensitive areas .....  Yes  No
- 10) Sensitive surface waters (e.g. DNR designated trout waters) .....  Yes  No
- 11) Educational or research sites .....  Yes  No
- 12) Waste disposal sites .....  Yes  No
- 13) Is the project inconsistent with local water, wetland or land use management plans .....  Yes  No
- 14) Is the project part of a pollutant trading agreement with the MPCA .....  Yes  No
- 15) Is the project in a designated floodplain or shoreland area .....  Yes  No
- 16) Does the project require any local conditional use permits, variances, or grading permits .....  Yes  No

14. ACKNOWLEDGEMENT OF FUTURE REQUIREMENTS: The applicant is hereby aware of the following requirements that must be met at the time of wetland bank credit deposit:

- 1) Proof of ownership will be required.
- 2) A perpetual wetland banking easement, prepared by the Board of Water and Soil Resources, will be required.
- 3) A title insurance policy, naming the State of Minnesota as the insured, will be required as part of conveying the easement.
- 4) Documented consent to establish the wetland bank will be required from all other holders of interests in the property.
- 5) An as-built wetland delineation must be completed and approved prior to final deposit of wetland credits.
- 6) Proof that the bank area was not previously restored or created under a prior approved replacement plan.
- 7) Proof that the bank area was not previously restored for other unrelated regulatory purposes.
- 8) Proof that the bank area was not drained or filled under a WCA exemption during the previous ten years.
- 9) Proof that the bank area was not restored or designed with financial assistance from a public conservation program.
- 10) Proof that the bank area is not currently enrolled in a public conservation program.
- 11) Proof that the bank area was not restored using private funds other than those of the landowner, unless paid back with interest.

15. REQUEST FOR SCOPING DOCUMENT APPROVAL: I am applying for state and local authorization to continue the application process for the work described herein. I am familiar with the information contained in this application and to the best of my knowledge and belief, all information in Part A is true, complete, and accurate. I agree to allow reasonable access to the proposed bank site for all reviewing agencies, their delegated staff, and other experts as requested by the TEP. I possess the authority and appropriate property rights to undertake the work described, or I am acting as the duly authorized agent of the applicant. I am also aware of the above conditions for future deposit of any wetland bank credits that result from the proposed bank project.

Signature of Landowner/Applicant 	Date: 6/21/12
---	------------------

NOTE: The landowner of the proposed wetland bank property must sign this block. Anyone other than the landowner signing the block must have power of attorney for the landowner (include copy of power of attorney).

Project Name: \_\_\_\_\_

Project Identification No.: \_\_\_\_\_

# Minnesota Wetland Bank Plan Application

## PART B: WETLAND BANK PLAN SUPPLEMENT

### GENERAL INSTRUCTIONS TO APPLICANTS

To seek approval for the establishment of a wetland bank, applicants must complete and submit both Part A (*Scoping Document*) and Part B (*Bank Plan Supplement*) of this application package. An approved wetland bank application does not guarantee the success of a wetland bank project, nor does it guarantee how many wetland credits will result from the project.  
**Approval of both Part A and Part B constitutes an approved Wetland Bank Plan Application.**

Instructions for completing a Wetland Bank Application and how to submit it for review can be obtained from the BWSR web site at [www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)

Project Name: <b>John's Black Dirt</b>	County: <b>Anoka</b>
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The following supporting documents are **required components** of Part B of the Minnesota Wetland Bank Plan Application. Please refer to each respective appendix for specific details of the information required.

- Appendix 1 - Design and Construction Plan Requirements
- Appendix 2 - Vegetation Establishment and Management Plan Requirements
- Appendix 3 - Summary of Existing Wetlands and Credits Expected
- Appendix 4 - Monitoring Plan Requirements

*This information is contained in "Wetland Mitigation Plan" document.*

The applicant is responsible for providing all information required in the Wetland Bank Plan Application, which includes all required information from the appendices listed above. These appendices may include supplemental reports, maps, plans, drawings, narratives, figures, and other information.

Part B of the Wetland Bank Plan Application **will be considered incomplete** if it is not signed or if any appendix, or a component of an appendix, is not completed and submitted to the Local Governmental Unit administering the Wetland Conservation Act (WCA LGU).

**Do not proceed** with your project until you have received approval of your completed Wetland Bank Plan Application from your WCA LGU. **Wetland bank sites that are restored or created prior to WCA LGU approval of a completed Wetland Bank Plan Application are not eligible for deposit into the State Wetland Bank.**

### APPLICANT'S AFFIDAVIT

The undersigned Applicant hereby applies to the designated Local Governmental Unit administering the Wetland Conservation Act (WCA LGU) to establish the above-described wetland banking credits with the intention of ultimately depositing such credits in the Minnesota Wetland Bank. As a condition for the deposit, the Landowner/Applicant represents, acknowledges and attests as follows:

1. I hold, or will hold prior to restoring or creating the wetland bank, a fee simple or other sufficient interest in the real property described above on which the proposed wetland bank project will be established. Any property interest held by the landowner/applicant must include the rights to restore the bank site in accordance with the enclosed plans, specifications, and supporting documents, as well as granting of a perpetual conservation easement to the State of Minnesota (State) in accordance with item (2) below.
2. I agree to grant, convey and warrant to the State a **perpetual easement**, which must include provisions for reasonable access, prepared by the State prior to any request to deposit eligible credits that result from the successful implementation of the approved bank plan.
3. I understand that the sale of any portion of or interest in the real property prior to granting and recording of a perpetual easement to the State could jeopardize the establishment of an account in the State Wetland Bank unless I as the seller have reserved the rights and interests sufficient to protect the interests of the applicant and the State.
4. I agree to provide at my cost a **legal description of the easement boundary, including a description for a legal access** that is acceptable to the state as part of conveying the perpetual easement to the State. I also agree to establish and maintain visible monuments such as signs, fence posts and/or survey posts at prominent locations along the easement boundary.

For LGU Use Only

Project Name: \_\_\_\_\_

Project Identification No.: \_\_\_\_\_

5. I agree to provide a **Policy of Title Insurance** for the benefit of the State of Minnesota and naming the State of Minnesota as insured, which shall include such terms and be subject to only such exceptions as are acceptable to the State. To ensure acceptability of said policy to the State, a **Commitment to Insure** shall be provided to the State within **thirty (30)** days from the date the Grantor receives a written request for the Commitment to Insure. The Grantor will be responsible for obtaining all consents and subordinations to the easement for all mortgages, liens and other holders of interests in the Grantor's property, as required by the State. I understand that I will be responsible for all costs associated with obtaining the **Commitment to Insure and the Policy of Title Insurance**, including but not limited to the cost of updating the abstract of the property being acquired.
6. That all other holders of interests in the real property on which the proposed wetland bank, or any necessary access easement, will be located (e.g., spouses, mortgagees, fee owners, etc.) if any, will either join in the conveyance or consent by signing a Consent and Subordination Agreement or similar document, which will be recorded with the perpetual easement.
7. That there are no hazardous substances, pollutants, and contaminants in or on the proposed wetland bank area or within 200 feet of it.
8. That any abandoned vehicles, junkpiles, or other dumpsite materials on or within 200 feet of the proposed wetland bank area will be cleaned up with the items properly removed or otherwise disposed of in accordance with local ordinances and state codes prior to or as part of implementing the wetland bank project.
9. That the proposed wetland bank area was not previously restored or created under a prior approved replacement plan.
10. That the proposed wetland bank area was not or will not be restored for other unrelated regulatory purposes.
11. That the proposed wetland bank area was not drained or filled under an exemption during the previous ten years.
12. That the proposed wetland bank area was not or will not be restored or designed with financial assistance from a public conservation program, or if it was or will be, the public conservation program was or will be fully reimbursed. Further, no portion of the proposed wetland bank area is currently enrolled in a public conservation program. ("Public conservation program" includes the Federal Conservation Reserve Program (CRP), the Federal Wetland Reserve Program (WRP), the Reinvest in Minnesota (RIM) Program, the Federal or State of Minnesota Water Bank programs, or other similar conservation programs.)
13. That the proposed wetland bank area was not previously restored using private funds other than those of the landowner, 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.
14. I understand that the said easement to be conveyed to the State requires that I or my successors will be responsible for establishing and maintaining the wetlands and plant communities identified in the Wetland Bank Plan Application.
15. I accept and agree to comply with the monitoring conditions identified in Appendix 4 of this Wetland Banking Application document and as defined in Minnesota Rules Chapter 8420.0600 to 8420.0630.
16. I am aware of and agree to pay to the BWSR all fees assessed for managing wetland bank accounts and transactions, as defined in Minnesota Statutes 103G.2242, Subd. 14 and Minnesota Rules Chapter 8420.0720, Subp. 13.
17. I understand that the State or local government units, and the officers, employees, and agents thereof, make no warranty or representation as to the value of wetland banking credits.
18. I understand that the use of wetland banking credits is subject to compliance with regulatory requirements, including but not limited to the requirement that the user of credits must obtain approval from the Local Governmental Unit (LGU) for a replacement plan or other regulatory approval that designates the use of the credits as the means of replacement or mitigation.

**I hereby accept the conditions and affirm that this application and affidavit are correct and truthful to the best of my knowledge.**  
*(please provide in writing and attach as necessary any further explanation or clarification regarding any of the above items)*

Signature of Landowner/Applicant: 	Date: 6/21/12
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**NOTE: The landowner of the proposed wetland bank property must sign this block. Anyone other than the landowner signing the block must have power of attorney for the landowner (include copy of power of attorney).**





SD Consulting Group, LLC  
796 Cherokee Ave  
Saint Paul, MN 55107

### Report Addendum

To: Dennis Rodacker, Nick Tomczik, Larry Bohrer, Elizabeth Mursko  
From: Shane Sparks  
Date: September 24, 2012  
Re: Addendum to John's Black Dirt Wetland Mitigation Plan

As per the site meeting with the TEP Panel on July 26, 2012, SD Consulting and Forest Lake Contracting have prepared an addendum to the original mitigation plan that addresses comments raised during the review process.

#### Revised Mitigation Plan

Although the total wetland impacts have not changed, the amount of wetland creation, restoration, and upland buffer creation has been modified to meet mitigation guidelines. Revised replacement plan maps are provided in **Attachment A** and a summary of the plan to mitigate 69,760 ft<sup>2</sup> of impacted wetland areas is presented in **Table 1**.

**Table 1: Wetland Replacement Plan**

Phase	Component	Area	Credit	Total Credit
1	Restored Wetlands	-	100%	-
	Created Wetlands	21,120 ft <sup>2</sup>	75%	15,840 ft <sup>2</sup>
	Upland Buffer	14,720 ft <sup>2</sup>	10%	1,472 ft <sup>2</sup>
2	Restored Wetlands	115,904 ft <sup>2</sup>	100%	115,904 ft <sup>2</sup>
	Created Wetlands	14,342 ft <sup>2</sup>	75%	10,756 ft <sup>2</sup>
	Upland Buffer	25,056 ft <sup>2</sup>	10%	2,506 ft <sup>2</sup>
<b>Total Mitigation Area</b>				<b>146,478 ft<sup>2</sup></b>

A profile for the Type 1 and 2 restoration wetlands is provided in **Attachment B**. During restoration, vegetation will be established per the methods presented in the original mitigation plan. An additional seed mix (MN State Seed Mix 34 – 371) will be provided for seeding in the proposed Type 2 wetland areas.

### *Wetland Impact Minimization*

The original scope of mining contemplated by FLC consisted of created one large deep-water basin by enlarging in aerial and vertical dimensions Basin 1-6 which would have allowed the maximum amount of sand to be mined but would have resulted in a wetland loss of 266,000 SF (see Attachment C).

A second reduced- scope alternative was developed with lesser degrees of wetland losses (see Attachment D). Under this alternative, the outer pond edges would not be mined. The slopes of the outer pond perimeter are generally flat, which has resulted in better slope stability and does not present a safety risk to the public. This alternative would result in a wetland loss of 110,000 SF.

A third reduced-scope alternative was developed based on Alternative #2 above combined with mining in two phases. Using this phased approach, the haul road on the west side of Basin 5 will be the boundary between mining phases and will be left as is until the second phase of mining is complete. At that time, the top of the haul road will be lowered but the wetlands along both sides will not be impacted. Also, the wetland area on the east edge of Basin 1 already has a flat slope that is both stable and safe and will not be mined. This alternative plan has the least wetland loss (69,760 SF) but still fulfills the project purpose and thus is the chosen alternative.

### **Response to TEP Questions**

The following section provides a response to TEP Comments from an email dated July 11, 2012:

1. **Sequencing needs to be addressed. You must have two avoidance plans one of which can be the no-build, the other can be keeping the mining confined to the deepwater habitat areas, and why this would or would not work.** See Above. As the TEP has discussed prior, the Applicant is requesting sequencing flexibility because the proposed replacement wetlands will be of higher quality than the existing wetlands that will be impacted.
2. **Minimization can be addressed by comparing the original plan with what you are currently proposing.** See Above
3. **Wetland banking request does not meet minimum requirements of size, or ecological function.** Wetland banking request removed from the Wetland Mitigation Plan.
4. **The replacement of impacts through the backfilling of Basin 1 and 5 is not an action eligible for credit. It was not part of the discussion of what the TEP would consider replacement.** These areas have been removed Wetland Mitigation Plan.
5. **Areas that would be restored to the historic wetland Types 1 and 2 could be eligible for 100% credit. These areas would need to be outlined and meet the specifications of the aforementioned wetland types.** Wetland restoration areas have been incorporated into this revised mitigation plan.
6. **There is an area north of Basin 6 that could be considered for restoration.** This area was not considered for restoration because it is beneath the Great River Energy power transmission pole.

7. **Cannot determine the width of the buffers. They need to be an average of 50-feet wide, but there may be room for flexibility.** Additional upland buffer (over 3 times more area) is now included in the revised mitigation plan. Buffer widths vary between 10 to 70 feet wide. Some buffer areas are narrow due to existing adjacent wetlands.
8. **What are the depths of the final graded wetland areas?** See revised Appendix D2 "Typical Section" in the Addendum to the Wetland Mitigation Plan. **The concern is the depth of water is too deep to allow the emergent seed mix adequate germination conditions.**
9. **When removing the haul roads I recommend they be left shallower so vegetation can become established and diminish the wave action, which will then facilitate more vegetative growth along the perimeters.** These areas are deeper (Type 3 and 4 Wetland) to comply with the Columbus Conditional Use Permit.

#### **Wetland Maintenance and Performance Standards**

As required by WCA, the wetland mitigation site will require regular maintenance during the critical establishment period. This mitigation site will be managed through mowing, spot herbicide application and physical removal of invasive species for a period of 5 years. Approximately 3-5 site visits will be completed each year as part of this management plan.

The following management activities are proposed:

1. **Mowing** – Where possible, the wetland will be mowed to a height of 6-10 inches during a July site visit and again in September during the first year. If necessary, it will be mowed again during the second year. In the event that mowing is not possible due to high water levels or access issues, herbicide application and physical removal will be the primary control for invasive species.
2. **Herbicide Application** – Most invasive species will be controlled through spot herbicide application. In the case of large infestations, large areas may be sprayed with a water-safe herbicide or physically removed.
3. **Physical Removal** – Where invasive species cannot be controlled through mowing or herbicide application, they will be physically removed from the site.

Site visits will be completed during the growing season, likely starting in May and ending in late September or early October. The goal of the wetland management will be to meet WCA Objectives for wetland establishment during years 1-5 and to control the growth of invasive species.

#### **Conclusion**

Thanks for your assistance throughout this project. If you have any questions regarding this addendum, please contact Shane Sparks or Bob Vollhaber and we will provide any missing information required for the approval of the wetland mitigation plan.



# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>City of Columbus</b>	Address <b>16319 Kettle River Blvd.          Columbus, MN 55025</b>
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### 1. PROJECT INFORMATION

Applicant Name <b>Forest Lake Contracting</b>	Project Name <b>John's Black Dirt</b>	Date of Application <b>09/25/2012</b>	Application Number <b>12-02</b>
<input type="checkbox"/> Attach site locator map.			

Type of Decision:

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

Technical Evaluation Panel Findings and Recommendation (if any):

<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach):  <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>11/14/2012</b>		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

The wetland replacement plan and subsequent adendums meet the requirements of the WCA, and provide long term stability the site.



For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)

**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name <b>Elizabeth Mursko</b>	Title <b>City Administrator</b>	
Signature 	Date <b>11/21/2012</b>	Phone Number and E-mail <b>651-464-3120 Ext. 11</b> <b>cityadministrator@ci.columbus.mn.us</b>

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

### 3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$_____ fee (if applicable) to:	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
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#### 4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/> SWCD TEP member: <b>Aaron Dehiel</b> <input checked="" type="checkbox"/> BWSR TEP member: <b>Dennis Rodacker</b> <input checked="" type="checkbox"/> LGU TEP member (if different than LGU Contact): <b>Nick Tomczik</b> <input type="checkbox"/> DNR TEP member: <input type="checkbox"/> DNR Regional Office (if different than DNR TEP member) <input type="checkbox"/> WD or WMO (if applicable): <input checked="" type="checkbox"/> Applicant and Landowner ( <b>Forest Lake Contracting</b> ) <input type="checkbox"/> Members of the public who requested notice:  <input checked="" type="checkbox"/> Corps of Engineers Project Manager <b>Andy Baudette</b> <input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan decisions only)
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#### 5. MAILING INFORMATION

- For a list of BWSR TEP representatives: [www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/aboutbwsr/workareas/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:

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

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

#### 6. ATTACHMENTS

In addition to the site locator map, list any other attachments: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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ANOKA COUNTY MINNESOTA

Document No.: 2085124.003 ABSTRACT

I hereby certify that the within instrument was filed in  
this office for record on: 06/30/2014 11:45:00 AM

Fees/Taxes In the Amount of \$46.00

JONELL M. SAWYER

Anoka County Property Tax

Administrator/Recorder/Registrar of Titles

MEW, Deputy

Record ID: 2900185