

ENVIRONMENTAL COMMISSION MEETING

Thursday, December 20, 2012

7:00 p.m.

Inver Grove Heights City Hall, Council Chambers

A G E N D A

1. CALL TO ORDER

2. PLEDGE OF ALLEGIENCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES

a) July 26, 2012

6. OLD BUSINESS

7. NEW BUSINESS

a) Consider a wetland replacement plan for Gertens

8. CITIZEN COMMENTS

9. OTHER BUSINESS

a) Elections

10. ADJOURN

P L A N N I N G R E P O R T
C I T Y O F I N V E R G R O V E H E I G H T S

REPORT DATE: December 12, 2012

CASE NO: 12-35W

APPLICANT: Gerten Greenhouses

PROPERTY OWNER: Gerten Greenhouses

REQUEST: Approval of a Wetland Replacement Plan

MEETING DATE: December 20, 2012

LOCATION: 5500 Blaine Avenue

COMPREHENSIVE PLAN: RC, Regional Commercial

ZONING: PUD, Bishop Heights Planned Unit Development

REVIEWING DIVISIONS: Planning
WCA TEP

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

Gerten Greenhouses was granted approval by the City Council to construct additional greenhouses in 2010. There are 3 wetlands near the greenhouse project. Gertens was approved to fill one of the wetlands as part of the original approval. As the storm water plans evolved, they were designed such that the runoff from the greenhouse roof is proposed to be directed to the storm water system that conveys water to Wetland T-22 (the subject wetland and also known as wetland #2 in the wetland report). Water runoff being directed to T-22 is considered a wetland impact per the wetland conservation act (WCA). The total area of the wetland is 12,500 square feet. Since the proposed runoff would impact the entire wetland, the applicant is proposing to mitigate the wetland impact with a purchase of wetland bank credits.

One of the tasks of the Environmental Commission is to review wetland replacement plans and make recommendation to the City Council.

EVALUATION OF THE REQUEST

A wetland delineation was done for the site in 2010 and it indicated three wetlands on site. Wetland #2 would be impacted with this application (see attached wetland permit application).

A historical aerial review was done by representatives from BSWR and DCSWCD which indicated that Wetland #2 has been impacted over time. More water has been directed to the wetland over time and its volume has increased. The Technical Evaluation Panel, under WCA

rules, met on site and determined that the historical size of the wetland prior to 1992 was 12,500 square feet.

Based on the type of wetland, a 2:1 replacement would be required. The applicant is proposing to purchase wetland credits equal to wetland replacement of 25,000 square feet. An application for wetland bank credits has been applied for by the applicant. Wetland banking is a process that is reviewed and approved by BSWR.

A notice of wetland application was processed and distributed on November 13, 2012. Because this item had already been discussed by the TEP, no comments were received by the technical evaluation panel members from Minnesota Board of Water and Soil Resources and Dakota County Soil and Water Conservation District. The City Planner is also on the TEP. The panel finds that all requirements of the wetland conservation act have been addressed and recommend approval of the wetland replacement.

ALTERNATIVES

The Environmental Commission has the following actions available on the following requests:

- A. **Approval.** If the Environmental Commission finds the application to be acceptable, the following action should be taken:
- Recommend Approval of the **Wetland Replacement Plan** as proposed.
- B. **Denial.** If the Environmental Commission does not favor the proposed application the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

City Staff, as part of the WCA Technical Evaluation Panel, recommends approval of the wetland replacement.

Attachments: Location Map
Wetland Permit Application

Gertens Greenhouse Expansion Phase II

Inver Grove Heights, Minnesota

Wetland Permit Application

Prepared for
Lew Gerten

by
Kjolhaug Environmental Services Company, Inc.
(KES Project No. 2012-036)

November 1, 2012

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Gertens Greenhouse Expansion Phase II

Wetland Permit Application

I. INTRODUCTION

Previously, Gertens was permitted to fill 10,509 square feet of fill within an isolated, wetland (Wetland 3 of the delineation report) to expand an existing greenhouse building located in Inver Grove Heights, Minnesota (Gertens Greenhouse Expansion Phase I). That project involved grading to construct an aggregate pad and bituminous driveway for an approximately 5-acre greenhouse. Stormwater from the bituminous footprint is directed to a newly constructed stormwater pond located in the southeast corner of the site.

Phase II of the project involves constructing the new 5-acre greenhouse. Runoff from the greenhouse roof is proposed to be directed to storm sewer that conveys it to Wetland T-22 (Wetland 2 of the delineation report). This additional hydrologic input to T-22 is considered to be a wetland impact. Impacts are proposed for replacement via the purchase of wetland bank credits.

The following text provides a brief site description and history, a sequencing discussion, and a wetland replacement plan. Figures and appendices referenced in the application are included. The Minnesota Local/State/Federal Application Forms for Water/Wetland Projects is included as **Appendix A**.

II. SITE DESCRIPTION

The subject property was located in Section 33, Township 28N, Range 22W, City of Inver Grove Heights, Dakota County, Minnesota. More specifically, the project boundaries were located east of Blaine Ave, south of 52nd Street East, and north of Blackbird Trail (**Figure 1**). The site consisted of a large plant/tree/shrub nursery and landscaping store. Retail buildings, greenhouses, and outdoor plant irrigations areas were found throughout (**Figure 2**).

Three (3) wetlands (**Figure 3**) were identified and delineated within project boundaries on April 14, 2010 by Kjolhaug Environmental Services, Inc. (KES). The delineated wetlands are described in the Wetland Delineation Report previously provided. Wetland boundaries were reviewed and approved in the field by Allan Hunting of the City of Inver Grove Heights. Wetlands were determined to be isolated and non-jurisdictional by the Army Corps of Engineers Section 404 program.

In October 2010, Kjolhaug Environmental Services submitted documentation to support an Incidental Wetland Determination for portions of Wetland 3. A Notice of Decision

(NOD) for this application was approved on October 8, 2010 (**Appendix B**). The NOD stated that 41,540 square feet of Wetland 3 was incidental wetland, with the remaining 10,509 square feet of Wetland 3 regulated under WCA. A replacement plan to impact the remaining portion of Wetland 3 was approved by the City on December 3, 2012 (**Appendix B**). Wetland impacts occurred in April/May 2012 and were mitigated at a 2:1 ratio via the purchase of wetland bank credits prior to impact.

In September 2012, Kjolhaug Environmental Services submitted documentation to support an Incidental Wetland Determination for portions of Wetland T-22 (Wetland 2). A Notice of Decision (NOD) for this application was approved on October 10, 2010 (**Appendix B**). The NOD stated that 19,127 square feet of Wetland 2 was incidental wetland, with the remaining 12,500 square feet of Wetland 2 regulated under WCA.

III. SEQUENCING DISCUSSION

The following discussion addresses wetland avoidance, impact minimization, impact reduction and elimination over time, and replacement in compliance with Minnesota Wetland Conservation Act (WCA) requirements. Specifically, the sequencing discussion includes a summary of plan alternatives considered and changes made to the plan to minimize wetland impacts.

All avoidance and minimization options considered met the following goals for the development:

1. Minimize direct, indirect, and long-term impacts to wetlands on the site.
2. Provide adequate stormwater treatment to meet NPDES and City requirements.
3. Provide sufficient greenhouse space for landscape operations.
4. Provide a drive isle for delivery trucks and Gertens landscape vehicles.

The following alternatives were evaluated within the criteria and constraints described above.

Wetland Avoidance

Per WCA guidelines, wetland avoidance alternatives evaluated included no-build and alternate project designs that avoid all wetland impacts.

The *no-build alternative* would avoid impact to the historic area of T-22 (Wetland 2), but would not allow Gertens to meet the demand for their product. Construction of a greenhouse represents safe and efficient use of available property, while abandoning the proposed project fails to meet the goals of the owner.

A greenhouse is consistent with current land use because the site is already used for landscape nursery purposes. For this reason, the no-build alternative was rejected.

An *alternative project design* that completely avoids discharge of greenhouse runoff into the historic area of Wetland T-22 (Wetland 2) is not feasible. The Gertens site is already highly developed. There is not enough room on the site to create a new stormpond that could contain the amount of proposed discharge as well as treat the water to stormwater standards.

Because an alternate design that completely avoids wetland impacts was not available to meet the applicant's goal and ensure long-term viability of the wetland, it was determined that prudent and feasible alternative designs that completely avoid impacts to wetlands do not exist within the context of the scope of the development, project goals, and site constraints.

Sequencing Flexibility & Section 404 Flexibility

Although the wetland to be impacted has been degraded to the point where replacement of it would very likely result in a certain gain in function and public value, sequencing flexibility was not used as an additional justification for impact at this time. The specific plant community composition, outlet characteristics, and adjacent upland composition and land use of the wetland bank to be used are not readily available from the bank owner and therefore a MnRAM comparison cannot be easily performed.

Additionally, the proposed impact to Wetland T-22 (Wetland 2) would likely be allowed within the context of WCA sequencing flexibility as this wetland is a depression that receives its primary source hydrology via surface runoff. Eliminating or reducing runoff to Wetland T-22 would result in secondary impacts to the wetland.

Because Wetland 2 is an isolated wetland, Section 404 Flexibility does not apply.

Wetland Impact Minimization

The existing wetland basin is very large, deep hole that has a broad and flat bottom. The entire bottom of the basin is wetland (historic and incidental); therefore wetland impact minimization does not apply.

Wetland Impact Rectification

No temporary impacts are proposed with this plan. Impact rectification does not apply.

Wetland Impact Reduction or Elimination Over Time

No portion of historic Wetland T-22 (Wetland 2) will remain after project implementation; therefore wetland impact reduction or elimination over time does not apply.

Summary of Proposed Impacts

The project plan (**Figures C3-2 and C3-3**) will result in 12,500 square feet of unavoidable wetland impact within a shallow open-water, Type 4 wetland.

Replacement Requirement

Because the site is already highly modified and developed, the existing wetland impact is proposed for replacement via the purchase of credits from a wetland bank. According to Minnesota Rules 8420.0522, Subpart 4A(1) the replacement ratio is 2.5 replacement credits for each acre of wetland impacted. The replacement ratio may be reduced by 0.5:1 when the replacement consists of withdrawal of available credits from an approved wetland bank within the same bank service area as the impacted wetland.

The replacement calculations for the project are as follows:

$$\begin{array}{r} 12,500 \text{ sq. ft. of proposed fill} \\ \times \quad 2.0 \text{ (2:1 ratio)} \\ \hline 25,000 \text{ sq. ft. of required replacement credit} \end{array}$$

Because Wetland 2 is isolated, a 404 permit from the U.S. Army Corps of Engineers is not required.

IV. WETLAND REPLACEMENT PLAN

As explained previously, the Gertens site has been highly modified for landscape nursery purposes. Furthermore, natural wetlands located within this landscape region are often found to be small, isolated pockets that have developed over a long period of time under a combination of specific soil conditions and watershed characteristics. Duplicating this formula is difficult in an unaltered landscape, and nearly impossible in a highly modified landscape. Wetland creation on this site is further complicated by stormwater requirements that require a high rate of infiltration to occur within stormwater features (hence decreased discharge to potential downstream created wetlands).

Therefore, the applicant proposes to purchase 25,000 square feet (12,500 sf x 2:1 ratio = 25,000 sf) of standard wetland credit (SWC) from a wetland bank located within the same bank service area as the proposed project (Bank Service Area 7). Wetland banking forms are included in **Appendix C**.

Gertens Greenhouse Expansion Phase II

Wetland Permit Application

Figures:

- Figure 1 – Site Location Map
- Figure 2 – 2009 Aerial Photograph
- Figure 3 – Wetland Survey
- Figures C3-2 and C3-3 – Project Plan

Note: Site boundaries on this figure are approximate and do not constitute an official survey product.

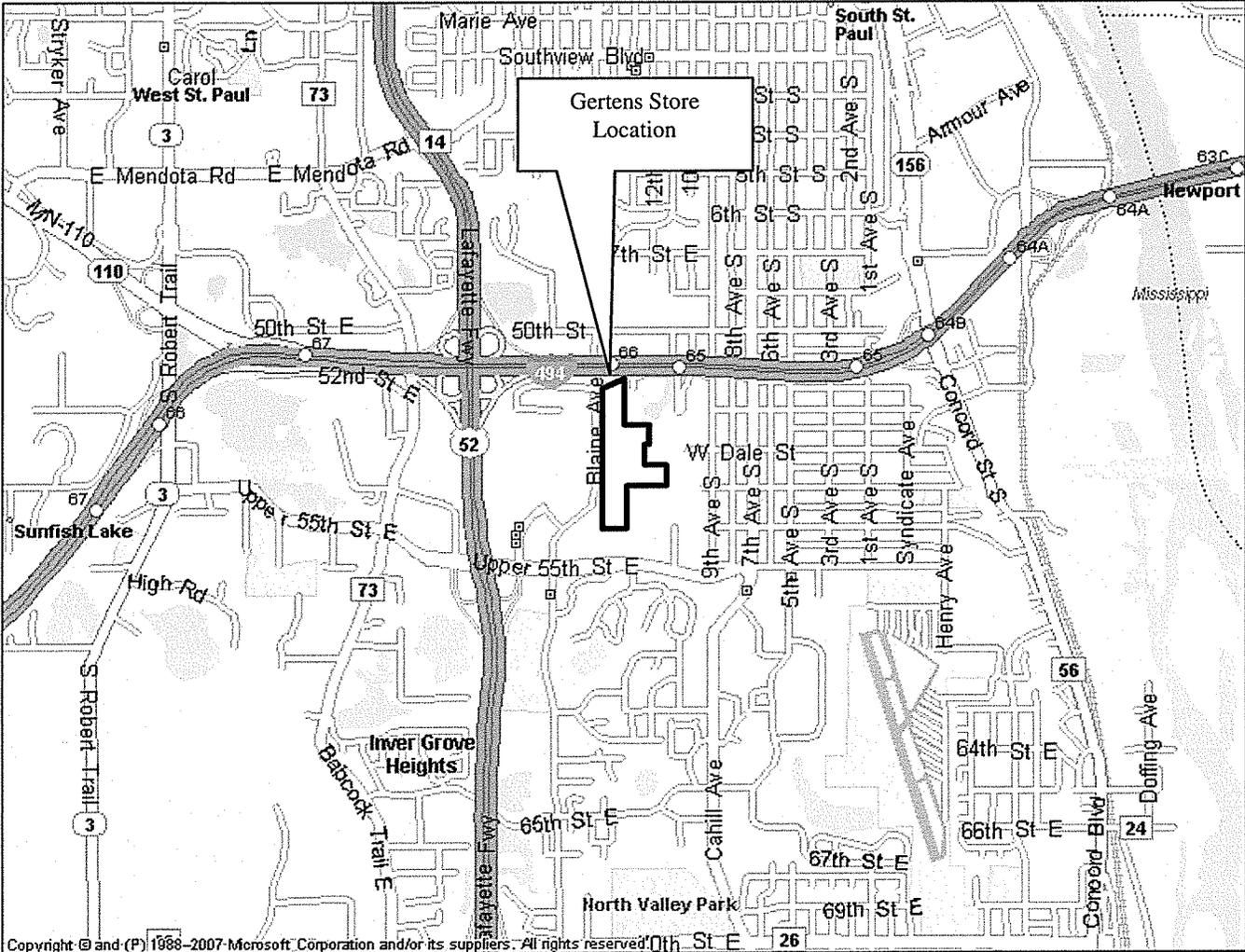
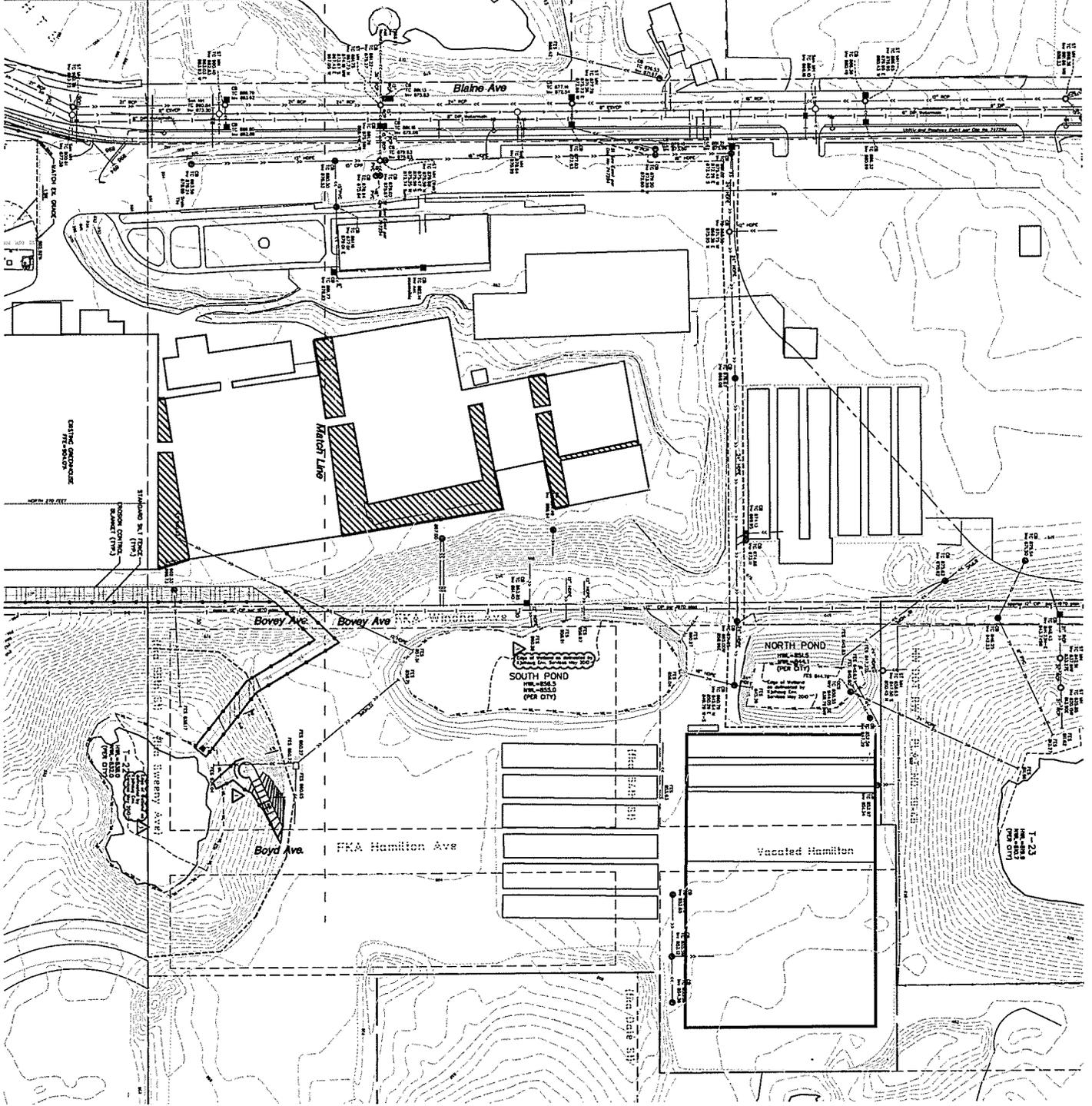


Figure 1 – Site Location Map

 **KJOLHAUG** ENVIRONMENTAL SERVICES COMPANY

Gertens (KES No. 2012-036)
Inver Grove Heights, Minnesota

↑N No Scale



CERTENS GREENHOUSE EXPANSION

Inter Grove High, Merced
 5500 High, Merced
 Inter Grove High, CA 95370

LOTIKS ASSOCIATES

10000 N. 1st Street, Suite 100
 Portland, Oregon 97228
 Phone: 503.253.1111
 Fax: 503.253.1112
 Email: info@lotiks.com

DATE: 05/02/2012

PROJECT: CERTENS GREENHOUSE EXPANSION

CLIENT: CERTENS GREENHOUSE

DESIGNER: LOTIKS ASSOCIATES

CHECKER: [Signature]

SCALE: AS SHOWN

PROJECT NO.: 98864G

DRAWING NO.: C3-3

STORM WATER POLLUTION PREVENTION

98864G

Gertens Greenhouse Expansion Phase II

Wetland Permit Application

Appendix A – Joint Application Form

Minnesota Local/State/Federal Application Form for Water/Wetland Projects

For Internal Use Only			
Application No.	Field Office Code	Date Initial Application Received	Date initial Application Deemed Complete

PART I: BASIC APPLICATION

"See HELP" directs you to important additional information and assistance in Instructions, Page 1.

1. LANDOWNER/APPLICANT CONTACT INFORMATION (See Help 1)

Name: Lew Gerten Phone: 651-450-1501 E-mail: lgerten@gertens
 Complete mailing address: 5500 Blaine Ave, IGH, MN 55076

1A. AUTHORIZED AGENT (See Help 1A) (Only if applicable; an agent is not required)

Name: Kjolhaug Environmental Phone: 952-401-8757 E-mail: melissa@kjolhaugenv.com
 Complete mailing address: 26105 Wild Rose Lane, Shorewood, MN 55331

2. NAME, TYPE AND SIZE OF PUBLIC WATERS or WETLANDS IMPACTED (Attach Additional Project Area sheets if needed)

Name or I.D. # of Waters Impacted (if applicable; if known):

(Check all that apply): Lake River Circular 39 Wetland type: 1, 1L, 2, 3, 4, 5, 6, 7, 8

Wetland plant community type¹: shallow open water, deep marsh, shallow marsh, sedge meadow, fresh meadow,

wet to wet-mesic prairie, calcareous fen, open bog or coniferous bog, shrub-carr/alder thicket,

hardwood swamp or coniferous swamp, floodplain forest, seasonally flooded basin

Indicate size of entire lake or wetland (check one): Less than 10 acres (indicate size: 12,500sf) 10 to 40 acres Greater than 40 acres

3. PROJECT LOCATION (Information can be found on property tax statement, property title or title insurance):

Project street address: 5500 Blaine Ave Fire #: City (if applicable): IGH

Section: Section: 33 Township #: 28 Range #: 22 County: Dakota

Lot #: Block: Subdivision: Watershed (name or #) 20 UTM location: N E

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*.

4. TYPE OF PROJECT: Describe the type of proposed work. Attach TYPE OF PROJECT sheet if needed.

Greenhouse roof installation.
5. PROJECT PURPOSE, DESCRIPTION AND DIMENSIONS: Describe what you plan to do and why it is needed, how you plan to construct the project with dimensions (length, width, depth), area of impact, and when you propose to construct the project. **This is the most important part of your application. See HELP 5 before completing this section; see What To Include on Plans** (Instructions, page 1). Attach *PROJECT DESCRIPTION* sheet.

See attached application text.
Footprint of project: acres or 12,500 square feet drained, filled or excavated.

6. PROJECT ALTERNATIVES: What alternatives to this proposed project have you considered that would avoid or minimize impacts to wetlands or waters? List at least **TWO** additional alternatives to your project in Section 5 that avoid wetlands (one of which may be "no build" or "do nothing"), and explain why you chose to pursue the option described in this application over these alternatives. Attach *PROJECT ALTERNATIVES* sheet if needed.
See attached application text.

7. ADJOINING PROPERTY OWNERS: For projects that impact more than 10,000 square feet of water or wetlands, list the complete mailing addresses of adjacent property owners on an attached separate sheet. (See **HELP 7**)

8. PORTION OF WORK COMPLETED: Is any portion of the work in wetland or water areas already completed? Yes No. If yes, describe the completed work on a separate sheet of paper labeled **WORK ALREADY COMPLETED**. (See **HELP 8**)

9. STATUS OF OTHER APPROVALS: List any other permits, reviews or approvals related to this proposed project that are either **pending** or **have already been approved or denied on a separate attached sheet**. See **HELP 9**.

10. I am applying for state and local authorization to conduct the work described in this application. I am familiar with the information contained in this application. To the best of my knowledge and belief, all information in Part I is true, complete, and accurate. I possess the authority to undertake the work described, or I am acting as the duly authorized agent of the applicant.

 Signature of applicant (Landowner) Date *Melissa Band* Signature of agent (if applicable) *11/1/12* Date

This block must be signed by the person who desires to undertake the proposed activity and has the necessary property rights to do so. If only the Agent has signed, please attach a separate sheet signed by the landowner, giving necessary authorization to the Agent.

¹See *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.

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 Lew Gerten	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Kjolhaug Environmental
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6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
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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 Kjolhaug Environmental 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: _____ DATE: _____

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	_____ Date	 Signature of agent (if any)	<u>11/1/12</u> Date
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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 I:
- 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

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 (as noted on overhead view)	Watershed name or number (if known)	Watershed and Bank Service Area	Wetland plant community type ¹	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)
First impact	20	20 BSA 7	4	water	12,500sf	<input type="checkbox"/> Housing <input checked="" 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 type="checkbox"/> Extractive (gravel pits/quarries) <input type="checkbox"/> Other: landscape nursery
Second impact						

¹If 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 ¹: Shallow open water: 12,500 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.

NA

¹ 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
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
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*.

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

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 ¹	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							
Name of Second replacement site							
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.					TOTAL NWC	TOTAL PVC	
					REQUIRED REPLACEMENT RATIO: <i>(If known)</i>		

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.

Gertens Greenhouse Expansion Phase II

Wetland Permit Application

Appendix B – Incidental Wetland and Replacement Plan Notice of Decisions

RECEIVED

OCT 18 2010

Minnesota Wetland Conservation Act

Notice of Decision

BY LOUCKS ASSOC.

Local Government Unit (LGU) City of Inver Grove Heights	Address 8150 Barbara Avenue Inver Grove Heights, MN 55077
---	---

1. PROJECT INFORMATION

Applicant Name Loucks Associates	Project Name Gertens Expansion	Date of Application 10/4/10	Application Number 10-19W
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

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

Technical Evaluation Panel Findings and Recommendation (if any):

Approve
 Approve with conditions
 Deny

Summary (or attach): A wetland boundary application was submitted for the project site and approved by the City on July 12, 2010. Three wetlands were identified and typed under this previous City approval. Wetland 3 was delineated and approved as a deep water wetland (Type 4). The City's wetland type and boundary approval of July 12, 2010 stands.

Subsequently, further investigation was done on Wetland 3 to obtain a historical perspective and further review its applicability to the scope of the Wetland Conservation Act (WCA). An on-site TEP meeting was held to review Wetland 3 on September 14, 2010. An application and request for an incidental wetland determination was received by the City on October 4, 2010.

The TEP has concurred that the Wetland 3 is 41,540 square feet in size and that 31,131 square feet of this basin falls under the scope of "incidental wetlands". Therefore wetland impacts to this portion of Wetland 3 are not regulated under the WCA and a No-Loss decision would be applicable.

The TEP has further concurred that 10,509 square feet of Wetland 3 is regulated under WCA and subject to a future WCA replacement plan application if impacted. If only a portion of Wetland 3 is proposed for impact, the applicant will be required to further define the limits of the 10,509 square feet of regulated wetland.

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: **October 8, 2010**

Approved
 Approved with conditions (include below)
 Denied

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

Approve a No Loss Decision based on the TEP findings.

For Replacement Plans using credits from the State Wetland Bank:

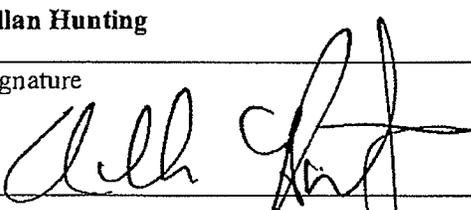
Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
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Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional 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 Allan Hunting	Title City Planner	
Signature 	Date 10/8/10	Phone Number and E-mail 651-450-2554 ahunting@ci.inver-grove-heights.mn.us

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

X	SWCD TEP member: Brian Watson- Dakota County Soil and Water Conservation District 4100 220th Street West, Suite 102 Farmington, MN 55024
X	BWSR TEP member: Ken Powell – Minnesota Board of Water and Soil Resources 520 Lafayette Road North, St. Paul, MN 55155
<input type="checkbox"/>	LGU TEP member (if different than LGU Contact):
X	DNR TEP member: Melissa Doperalski – Minnesota Department of Natural Resources 1200 Warner Road, St. Paul, MN 55106
X	Wayne Barstad - DNR Regional Office Central Region – Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106
X	WD or WMO (if applicable): Laura Jester, Lower Mississippi River WMO, Dakota County Soil and Water Conservation District 4100 220th Street West, Suite 102 Farmington, MN 55024
X	Applicant (notice only) and Landowner (if different)
<input type="checkbox"/>	Members of the public who requested notice (notice only):
X	Sarah Wingert - Corps of Engineers Project Manager (notice only) Dept. of the Army, Corps of Engineers, St. Paul District, ATTN: CO-R, 190 Fifth Street East, St. Paul, MN 55101
<input type="checkbox"/>	BWSR Wetland Bank Coordinator (wetland bank plan applications only)

5. MAILING INFORMATION

- For a list of BWSR TEP representatives, see: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf
- For a list of DNR TEP representatives, see: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

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

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

- For a list of Corps of Project Managers, see: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687
or send to: Dept. of the Army, Corps of Engineers, St. Paul District
ATTN: CO-R, 190 Fifth Street East
St. Paul, MN 55101-1638
- 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"/>
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Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) City of Inver Grove Heights	Address 8150 Barbara Avenue Inver Grove Heights, MN 55077
---	--

1. PROJECT INFORMATION

Applicant Name Gerten Greenhouses	Project Name Gertens	Date of Application 12/3/10	Application Number 10-39W
<input checked="" 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 type="checkbox"/> Approve	<input checked="" type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach): An onsite meeting was held on September 14, 2010 with members of the TEP including Brian Watson, DCSWCD, Ken Powell, BWSR and Allan Hunting, LGU. A revised wetland boundary was established based on aerial data and historical record. Since the wetland character has changed over the years, the function of the wetland has decreased. It was determined that a replacement of the wetland through wetland banking was a better alternative to replacement on site due to other existing conditions.		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 2/28/11		
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

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

A historical aerial review was done by representatives from BSWR and DCSWCD which indicated that Wetland #3 has been impacted over time. More water has been directed to the wetland over time and its volume has increased. The wetland was also impacted and partially reconstructed as part of the Blackberry Apartment construction project approximately 10 years ago. Based on these historical factors, the Wetland Conservation Act (WCA) Technical Evaluation Panel determined that the character of the wetland has changed over time and filling the wetland would be an acceptable alternative.

Based upon a wetland volume and boundary determination that was acceptable to the WCA TEP, a total of 10,509 square feet of wetland would be filled. Based on the type of wetland, a 2:1 replacement would be required. The applicant is proposing to purchase wetland credits equal to wetland replacement of 21,018 square feet. An application for wetland bank credits has been applied for by the applicant. Wetland banking is a process that is reviewed and approved by BSWR.

TEP approves the wetland replacement subject to the following conditions:

1. Prior to issuance any permits for grading, the City must receive confirmation from BWSR that the wetland credits have been officially withdrawn from the bank

For Replacement Plans using credits from the State Wetland Bank:

Bank Account # 1346	Bank Service Area 7	County Hennepin	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre) 21,018 sq. ft.
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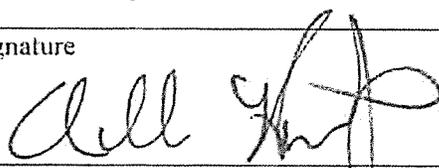
Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- 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 Allan Hunting	Title City Planner	
Signature 	Date 3/7/11	Phone Number and E-mail 651-450-2554 ahunting@ci.inver-grove-heights.mn.us

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 checked="" 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: Brian Watson - Dakota County Soil and Water Conservation District 4100 220th Street West, Suite 102, Farmington, MN 55024 <input checked="" type="checkbox"/> BWSR TEP member: Ken Powell - Minnesota Board of Water and Soil Resources 520 Lafayette Road North, St. Paul, MN 55155 <input type="checkbox"/> LGU TEP member (if different than LGU Contact): <input checked="" type="checkbox"/> DNR TEP member: Craig Wills - Minnesota Department of Natural Resources 1200 Warner Road, St. Paul, MN 55106 <input type="checkbox"/> DNR Regional Office (if different than DNR TEP member) <input checked="" type="checkbox"/> WD or WMO (if applicable): Laura Jester, Lower Mississippi River WMO, Dakota County Soil and Water Conservation District, Suite 102, 4100 220th Street West, Farmington, MN 55024 <input checked="" type="checkbox"/> Applicant and Landowner (if different) <input type="checkbox"/> Members of the public who requested notice: <input type="checkbox"/> Corps of Engineers Project Manager <input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan decisions only)
--

5. MAILING INFORMATION

➤ For a list of BWSR TEP representatives: 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

➤ Department of Natural Resources Regional Offices:

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

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

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

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

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

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

<input type="checkbox"/>

Gertens Greenhouse Expansion Phase II

Wetland Permit Application

Appendix C – Wetland Banking Forms

**PURCHASE AGREEMENT
FOR
WETLAND BANKING CREDITS**

THIS AGREEMENT is made this ___ day of ___, 2012_ between
Wispark LLC (Seller) and Lew Gerten (Buyer).

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

CREDITS TO BE SOLD						
Credit Sub-Group ¹	Acres or Sq. Ft.	Wetland Circ. 39 Type ²	Plant Community Type ³	Cost per Acre or Sq. Foot	State Fee 6.5%	Fee Cost
A.					0.065	
B.					0.065	
C.					0.065	
D.					0.065	
E.					0.065	
F.	0.574 AC	U	Upland Buffer	\$44,431/AC	0.065	\$1,657.76
Totals	0.574 AC					\$1,657.76

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

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

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

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

2. Seller represents and warrants as follows:
- a) The Credits are deposited in an account in the Minnesota Wetland Bank administered by the Minnesota Board of Water and Soil Resources (BWSR) pursuant to Minn. Rules Chapter 8420.0700-.0760.
 - b) Seller owns the Credits and has the right to sell the Credits to Buyer.
3. Buyer will pay Seller a total of \$25,504 for the Credits on the Closing Date listed below.

**APPLICATION FOR WITHDRAWAL OF WETLAND CREDITS
FROM THE MINNESOTA WETLAND BANK**

Return Original to BWSR – Transaction may not be processed without original signatures

1. PROPOSED USER OF CREDITS

Name(s) Lew Gerten

Address: 5500 Blaine Ave
Inver Grove Heights, MN 55076
City State ZIP

Day Phone (651)450-1501

Other Phone ()

2. Impact Site Information

County Dakota Major Wtrshd No.20
Bank Service Area 7
Location: ¼ ¼ Sec 33, Twp.28, Rge 22
Size of Wetland Impact: 0.287 acres
Wetland Types² Impacted: 4
Wetland Plant Communities impacted³: open water

Required Replacement Ratio: 2:1 WCA / local / COE
Amount to be replaced using Bank Credits:0.574 ac
Amount replaced on site: 0
Project Name: Gertens Greenhouse Expansion Part II
Attach replacement plan if additional detail is needed.

3. OWNER / SELLER OF CREDITS

Account No. 1138 Watershed No. 20
County: Hennepin Bank Service Area 7
Name of Seller: WISPark
(Name of Authorized Representative)

(Signature of Seller/Authorized Representative)

4. Regulating Authority(ies) Approving the Use of Wetland Bank Credits

Replacement Plan approved by (check all that apply):

Local WCA LGU: City of IGH (Print agency name)
Local Permit #
 U.S. Army Corps of Engineers: Permit #NA/isolated
 MN Dept. of Natural Resources: Permit #
 Natural Resources Conservation Service: Permit #
 Other authority involved:

Enclosed 6.5% transaction fee, payable to "Board of Water & Soil Resources."

5. CREDITS PROPOSED TO BE WITHDRAWN FROM ACCOUNT NO.				
Credit Sub-Group ¹	Acres withdrawn	Wetland Type ²	Wetland Plant Community ³	Cost (per acre)
B	0.574	U	Upland buffer [pick one] [Pick One] [Pick One]	\$44,431
Totals: 44,431 + 0.574 = 25,504				
1 acre = 43,560 sq. ft.			Fee Total (Total cost x 0.065 = \$ 1657.76	

¹ Letters signify credit sub-groups, which represent wetland areas with different wetland characteristics.

² Circular 39 types: 1, 1L, 2, 3, 4, 5, 6, 7, 8, R, U (for Upland Buffer).

³ Wetland plant community type: shallow open water, deep marsh, shallow marsh, sedge meadow, fresh meadow, wet to wet-mesic prairie, calcareous fen, open bog or coniferous bog, shrub-carr/alder thicket, hardwood swamp or coniferous swamp, floodplain forest, seasonally flooded basin, or upland buffer. 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.

6. CERTIFICATION OF USER OF WETLAND CREDITS

The proposed user of credits hereby certifies that he/she: a) either owns the subject wetland credits or has entered into an agreement to purchase said credits, subject to the approval of all applicable regulatory authorities and b) has filed appropriate plans, specifications and application forms with all applicable regulatory authorities that describe the wetland or water resource impacts for which the subject wetland credits will be utilized for mitigation purposes.

Authorized Signature of Proposed User of Credits Lew Gerten _____
PRINT Name Date

7. REGULATORY AUTHORITY APPROVAL(S)

The following authorized representatives of the regulatory authority (ies) identified on page 1 of this application hereby certify that they have: a) verified that the subject wetland credits are deposited in the account of the owner / seller, b) approved a wetland replacement plan or other water resource impact under their jurisdiction, and c) approved the proposed use of the wetland bank credits described herein.

City of Inver Grove Heights

PRINT Name of WCA LGU Official Signature of Authorized WCA LGU Official Date

PRINT Name of Other Regulatory Official (if any) Signature of Other Authorized Official Date

Agency Address of Other Regulatory Official

8. CERTIFICATION OF OWNER / SELLER OF CREDITS

I am the holder of the aforementioned account in the State of Minnesota Wetland Mitigation Bank and hereby certify that:

- 1) the credits described in this application have either been sold to the user of credits or I will use them to mitigate wetland impacts for my own project,
- 2) I have received payment in full from the buyer (if applicable),
- 3) the credits have not been sold or used in any way to mitigate wetland losses other than for the project and location identified in the project site information block on the previous page,
- 4) the subject wetland credits should be withdrawn my account,
- 5) I will not have a negative balance of credits after the subject credits are debited from my account, and
- 6) the Annual Fee for this account has been paid (or will be with an enclosed check).

Authorized Signature of Owner / Seller of Credits Date

9. BWSR APPROVAL AND DEBITING OF ACCOUNT

I hereby certify that the credits have been properly debited from the subject account, effective the date of signature.

Authorized Signature Date

Upon approval by BWSR, a copy of this instrument will be mailed to the user of the credits, all regulatory authorities involved, the account holder and the Board Conservationist. A letter will also be sent to the account holder acknowledging the debit and new account balance.

IMPORTANT REMINDERS

- 1. The Owner / Seller of the credits is responsible for submittal of this form, containing original signatures, to the BWSR Wetland Bank Administrator so the affected account can be properly debited.
- 2. No impacts to any wetland or other water resource may commence until the credits have been debited from the Minnesota Wetland Mitigation Bank and a copy of this approval has been mailed to the regulatory authority(ies), the account holder and the user of the credits.
- 3. It is a criminal offense for a seller of wetland credits to sell credits more than one time. It is the responsibility of the account holder to report any credit sales that are not noted on the most current official BWSR account balance.

