

Mitigation Bank Review Process in Minnesota

Phase I: Draft Prospectus Scoping Document

2015 BWSR/St. Paul District
Wetland Bank Training

May 28, 2015



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US Army Corps of Engineers
BUILDING STRONG®



Presentation Outline

- Purpose and Background
- When to submit a draft Prospectus/Scoping Document
- Filling out the Scoping Document form & Information to Provide
- Outcomes from the Phase I process



Compensatory Mitigation Rule Timeline for Bank or ILF Instrument Approval*

	Event	# of Days**	
Phase I	Optional Preliminary Review of Draft Prospectus	30	DE provides copies of draft prospectus to IRT and will provide comments back to the sponsor within 30 days.
Sponsor Prepares and Submits Prospectus ~DE must notify sponsor of completeness w/in 30 days of submission~			
Day 1** Complete Prospectus Received by DE			
Phase II	Public notice must be provided within 30 days of receipt of a complete prospectus	30	
Day 30	30-Day Public Comment Period	30	
Day 60	DE must provide the sponsor with an initial evaluation letter within 30 days of the end of the public comment period.	30	15
Day 90			DE distributes comments to IRT members and sponsor within 15 days of the close of the public comment period.
Sponsor Considers Comments, Prepares and Submits Draft Instrument ~DE must notify sponsor of completeness w/in 30 days of submission~			
Day 1 Complete Draft Instrument Received by IRT Members			
Phase III	30-day IRT comment period begins 5 days after DE distributes draft instrument to IRT members	30	
Day 90	DE discusses comments with IRT and seeks to resolve issues ~ # of days variable~	60	90
			Within 90 days of the receipt of a complete draft instrument by IRT members, the DE must notify the sponsor of the status of the IRT review.
Sponsor Prepares Final Instrument ~Sponsor provides copies to DE and all IRT members~			
Day 1 Final Instrument Received by DE & IRT			
Phase IV	DE must notify IRT members of intent to approve/not approve instrument within 30 days of receipt.	30	
Day 30	Remainder of time for initiation of dispute resolution process by IRT members	15	45
			IRT members have 45 days from submission of final instrument to object to approval of the instrument and initiate the dispute resolution process.
Day 45	INSTRUMENT APPROVED/NOT APPROVED, or DISPUTE RESOLUTION PROCESS INITIATED		

EPA/Corps draft 4/02/08

Total Required Federal Review (Phases II-IV): ≤225 Days

*Timeline also applies to amendments

**The timeline in this column uses the maximum number of days allowed for each phase.



Purpose and Background

- Phase 1 of the review process is optional but strongly encouraged and has benefits to the agencies and the Sponsor
- This is the least structured of the four Phases but attention to detail is still required
- Theoretically the least expensive of the Phases and can save the Sponsor money in the long run



Purpose and Background

- Intended to identify potential issues early so that the sponsor may attempt to address those issues prior to the start of the formal review process.
- Feedback from the agencies at this stage can have a significant impact on the remainder of the review process if as much useful information is provided to the agencies as possible



When to Submit a Draft Prospectus

- Reduce risk to the Sponsor going forward
- For potentially highly complex or controversial projects
- Identify any potential engineering, ecological, etc. issues prior to any substantial work or cost (ex. collection of baseline data)



Filling out the Scoping Document form

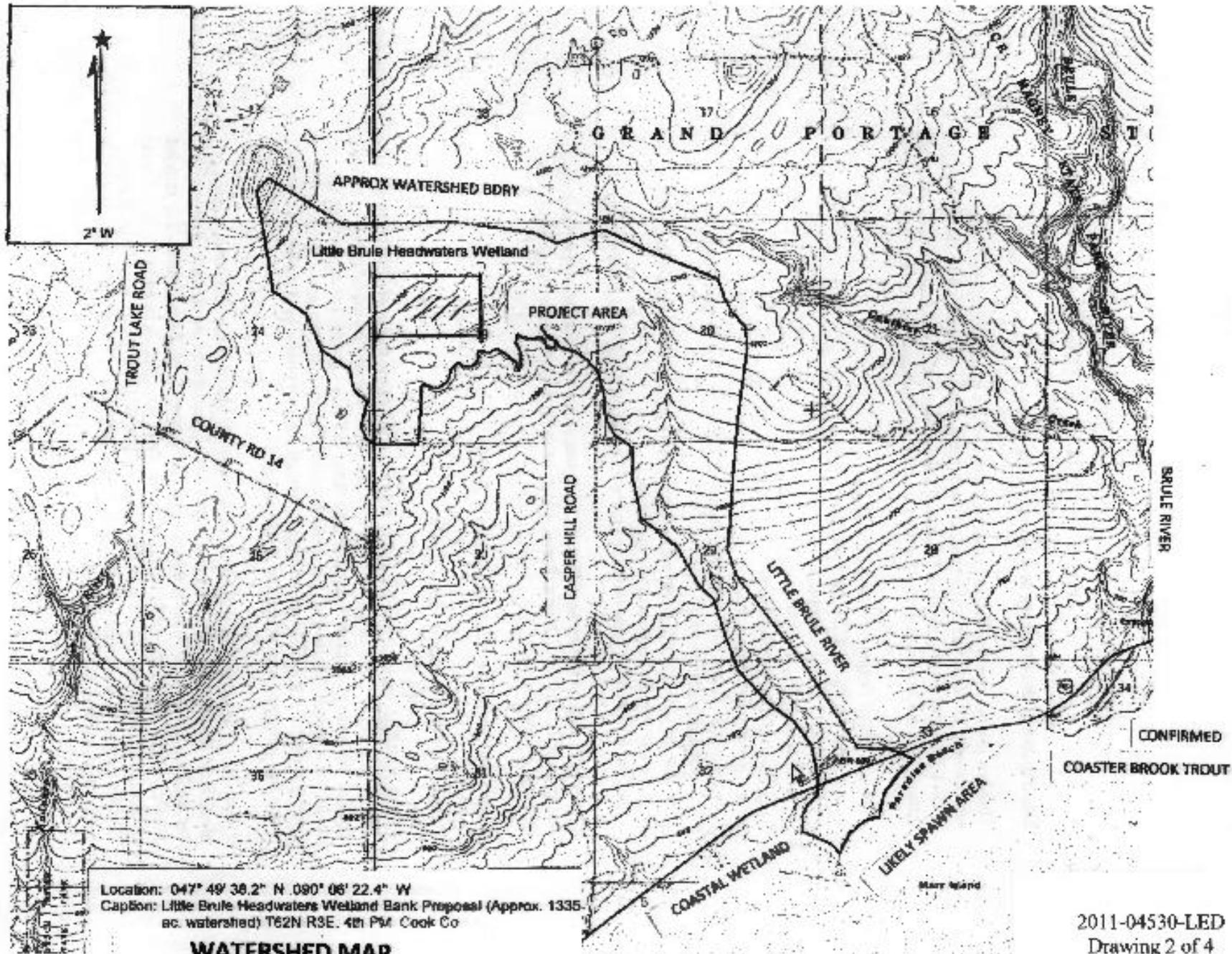
- There is not set of required information for Phase I under the 2008 Mitigation Rule, but...
 - Need enough information for IRT to understand the project
 - Must be clear
 - Draft Prospectus phase is intended as a precursor to the Prospectus phase, so should include as much of the required Prospectus information as is known to get the best feedback



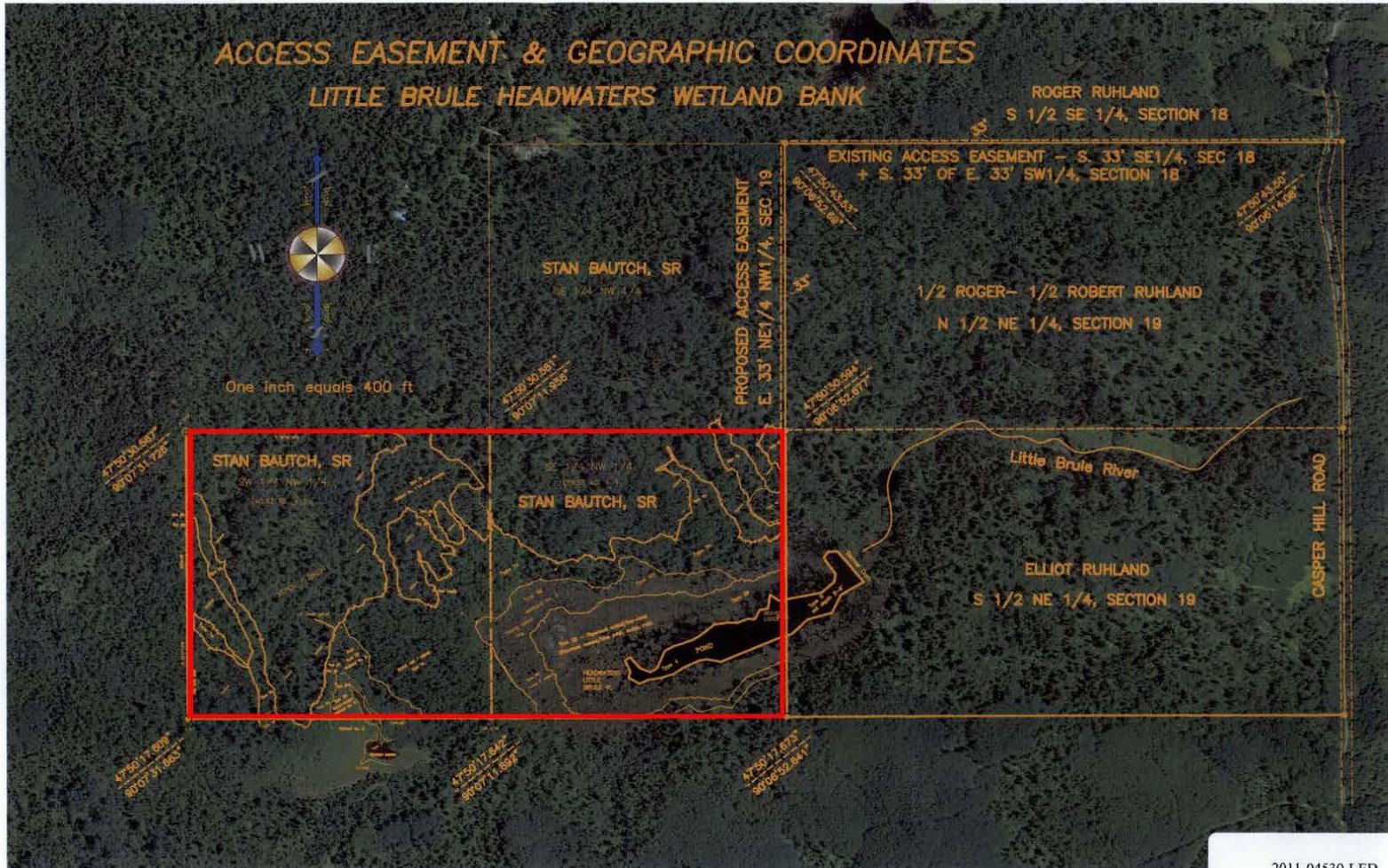
Filling out the Scoping Document form

- BWSR Scoping document form will work for both programs as a medium for presenting the information
- For WCA, Scoping Document information should include, at a minimum:
 - Sponsor contact information and site location information
 - Maps
 - Potentially conflicting land uses such as easements, programs, utilities, wells, etc.
 - Land Use Information
 - Wetland Information
 - Project Goals





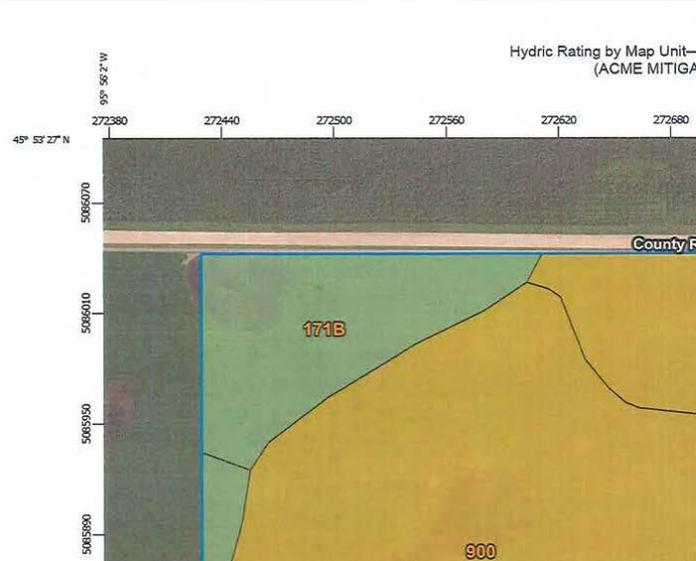
Recent Aerial Photos



2011-04530-I.ED
Drawing 4 of 4



County Soil Survey Maps



Hydric Rating by Map Unit

Hydric Rating by Map Unit— Summary by Map Unit — Grant County, Minnesota (MN051)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
36	Flom silty clay loam	92	1.8	5.0%
171B	Formdale clay loam, 2 to 5 percent slopes	2	2.9	8.1%
344	Quam silty clay loam	100	4.5	12.2%
900	Aazdahl-Hamerly-Parnell complex, 0 to 2 percent slopes	35	16.4	45.1%
912B	Formdale-Aazdahl-Flom complex, 1 to 4 percent slopes	35	6.5	17.9%
931B	Formdale-Langhei clay loams, 3 to 6 percent slopes	7	4.2	11.6%
Totals for Area of Interest			36.4	100.0%

Hydric Rating by Map Unit—Grant County, Minnesota (ACME MITIGATION BANK)

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Soil Rating Lines

- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Soil Rating Points

- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Water Features

- Streams and Canals

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

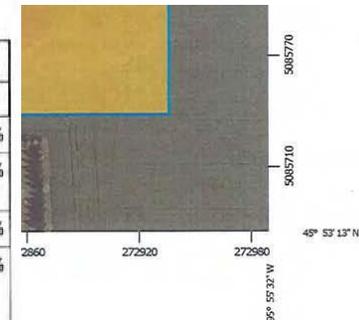
Soil Survey Area: Grant County, Minnesota
 Survey Area Date: Version 11, Sep 16, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 6, 2011—Aug 17, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Web Soil Survey National Cooperative Soil Survey



Maps/Photos of any Existing Drainage Features

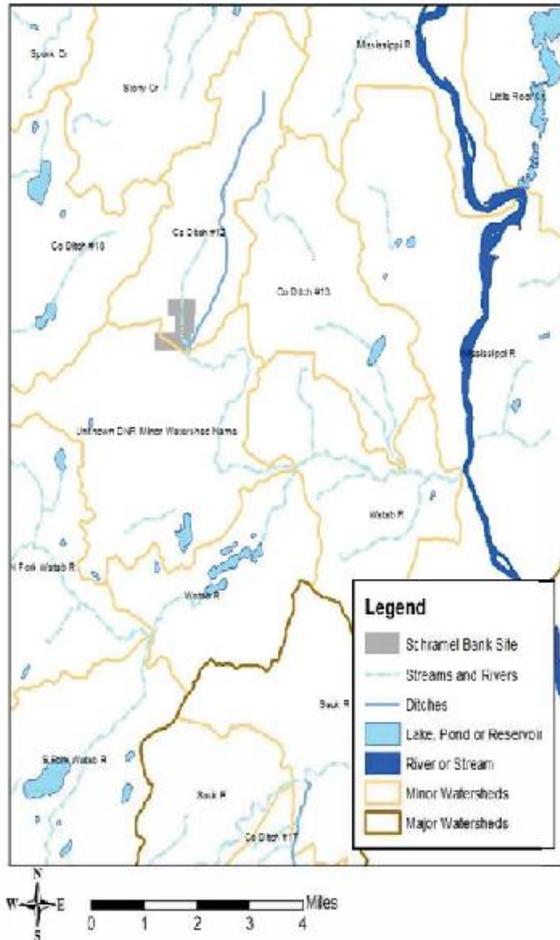


Figure 2. Minor watershed map for the proposed Schramel Wetland Mitigation Bank, located in County Ditch #12 minor watershed.

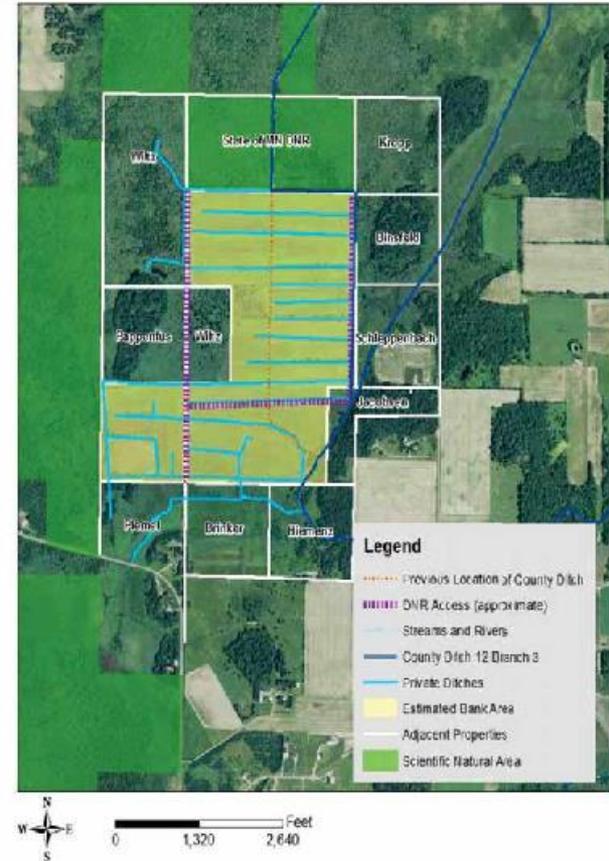


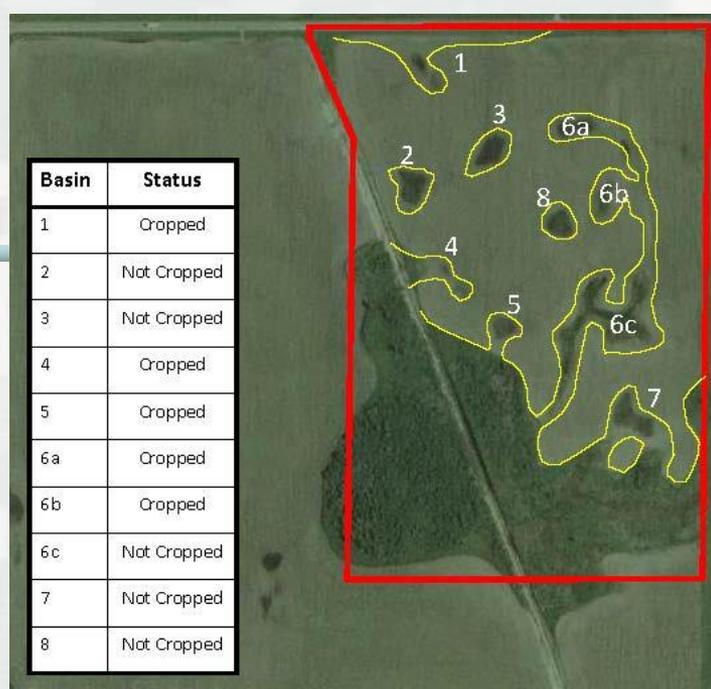
Figure 3. Project site boundary, surrounding properties, existing ditches, and DNR access easement for the proposed Schramel Wetland Mitigation Bank. 2013 Farm Service Agency imagery.

Aerial Photos from Last 20 Years

Why we ask? Under WCA...

- To determine the potential credit yield for partially drained wetlands or vegetative restoration of farmed wetlands.
- Each cropped year is worth 5% credit
- Minimum of 10 in last 20 years must have been cropped.
- More frequently cropped equals more credit (up to 100% for 20 of 20)

❖ Be specific, don't lump an entire field into one area, break it down and show cropping history by, identify the different "partially drained areas" and determine cropping history by area



Basin	Status
1	Cropped
2	Not Cropped
3	Not Cropped
4	Cropped
5	Cropped
6a	Cropped
6b	Cropped
6c	Not Cropped
7	Not Cropped
8	Not Cropped



Basin	Status
1	Cropped
2	Cropped
3	Cropped
4	Cropped
5	Cropped
6a	Cropped
6b	Cropped
6c	Cropped
7	Cropped
8	Cropped

Other Land Uses/Restrictions

- Existing permanent conservation easements within or adjacent to the project area?
- Is some or all of the project area currently in CRP or another state or federal short term conservation program?
- Natural gas, crude oil, refined petroleum pipelines or other utilities on, or within 200 feet, of project area?
- Wells within the planned project area?
- Has the project area, or area within 200 feet of project area, been used for storage or disposal of hazardous substances?



Land Use Information

- Identify Current & Past Land-Use History of the project area
- For agricultural sites with a cropping history:
 - ID the # years in the last 20 years that the site (or portions of the site) was seeded for crop production
 - If different areas of the site have been cropped or the cropping histories vary across the site, break it down in writing and on a map/aerial photo



Wetland Information

- Identify the types of activities and features that exist onsite, and their locations
 - Public versus Private Ditches
 - Fill over historic wetlands
 - Areas of Cropping/Tillage
 - Public versus Private Tile
 - Lift Stations
 - Drainage easements or agreements that exist for the property
- Types of activities that could occur to restore/establish/enhance/etc. wetlands



Project Goals

A discussion of any goals you have for the site

- Bad: “To develop a mitigation bank on my 30 acre property.”
- Better: “To restore approximately 25 acres of previously drained farmland to shrub-carr and fresh wet meadow vegetative communities on a 30 acre property.”
- Best: “To restore approximately 25 acres of previously drained farmland to shrub-carr and fresh wet meadow communities and preserve 5 acres of upland forest on a 30 acre parcel. Project will restore community types that have been lost due to agricultural drainage in much of the watershed.”



Outcomes

- The Corps comment letter back to the sponsor will address the following items regarding the site's potential:
 - Does the draft prospectus have all of the required elements for a complete prospectus?
 - Are there significant red flags associated with the proposal that the sponsor should be made aware of immediately?
 - Is there other information that needs to be provided in order for the IRT to provide meaningful feedback on the prospectus?
 - Is there a disagreement amongst the agencies regarding a technical or policy related aspect of the proposal?



Outcomes

- The LGU will provide a letter to the Sponsor, sometimes with the TEP and BWSR Central Office comments attached.
- The letter will:
 - Provide feedback on any issues the TEP sees with the project moving forward – policy, technical, etc.
 - Additional information to be submitted as part of the Concept Plan/Prospectus Phase



Questions??

