

U.S. Army Corps of Engineers  
Regulatory Branch

Re: Petition requesting reassessment of bank #146 in accordance with January 2009 Mitigation Policy

As the account manager for the Dale Jones wetland bank (#146) in Douglas County, we are respectfully requesting a reassessment of the previous wetland crediting proposed by the Corps of Engineers.

In the November 1, 2010 letter from your office it was proposed that the wetland bank site be credited as an enhancement project, with wetland areas proposed to receive 33% credit and upland buffer areas to be credited at 25%, with a maximum of 25% of all credits resulting from upland buffer. This crediting proposal would have resulted in 8.9 acres of wetland credit.

After reviewing the Corps's "Final St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota" (January 23, 2009), we respectfully request that the Dale Jones wetland bank be qualified as a restoration via rehabilitation. As stated in the policy, wetlands previously restored under a temporary conservation easement that become legally eligible to re-drain upon expiration of the easement should be considered "extended restorations". We believe that the Dale Jones wetland bank fits this standard and propose that the newly restored wetland areas be credited at 75 percent, as described in the policy. The wetland bank plan identified 16.4 acres of newly restored wetland that, when credited at 75 percent, would yield 12.3 acres of wetland credit.

In addition, your letter states the areas within the wetland bank that were determined to be wetland prior to CRP enrollment and would not qualify as restoration via rehabilitation. Considering the re-vegetation of these areas with native species, eradication of non-native species, and prevention of infiltration of newly restored wetland areas by non-desirable species, we request wetland credit as an enhancement be considered for crediting at 25 percent. The wetland bank plan identified 3.7 acres of pre-existing wetland that, when credited at 25 percent, would yield 0.9 acres of wetland credit.

Lastly, to the restored and enhanced wetland areas, the project included the establishment of 19.8 acres of native tall-grass prairie. The current Corps's policy allows for upland buffers that enhance and protect wetland functions to be credited at 25 percent, while also stating that upland buffer credits are limited to 25 percent of the total credits at a compensation site. Given that the total wetland credits would increase under the proposed reassessment, the amount of upland buffer credit would also increase from 2.2 acres of credit to 4.4 acres of credit.

In summary, we are requesting a reassessment of the proposed wetland bank crediting for the Dale Jones site in Douglas County based on the information outlined above and the St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota. Assuming the reassessment is consistent with our proposal, the successful restoration of the Dale Jones wetland bank would result in a total of 17.6 acres of wetland bank credits, rather than the 8.9 acres previously proposed.

Please let me know if you have any questions. Thank you for your time and consideration with this matter. I look forward to hearing from you soon.