



US Army Corps
of Engineers®
St. Paul District

Requirements for Submitting a Complete Prospectus for Sites Involving Wetlands or Streams

U.S. Army Corps of Engineers, St. Paul District

The Prospectus must provide a summary of the information regarding the proposed mitigation bank or in-lieu fee program site, at a level of detail sufficient to support informed comment by the public and IRT. A bank prospectus must contain the following information to be deemed complete by the St. Paul District.

- Owner and Agent.** Identify the bank sponsor and any consultants or experts to be involved in design of the compensation site. Only one entity or individual may be the sponsor and sign the Instrument. To be the sponsor, the entity must have unified property rights and control giving them the ability to sign the MBI and fulfill its obligations. Typically, this either means that the sponsor is the in-fee title owner, holds an easement over those parcels they don't own, or is an LLC holding property rights (typically via easement) over one or more parcels.
- Objective(s).** Describe the specific objective(s) of the proposed mitigation bank or in-lieu fee program. For example, *bank will result in the re-establishment of X acres of sedge meadow wetland and x acres of upland buffer.*
 - Project Assessment Worksheet.** For projects involving streams, complete the project assessment sheet in the SQT, which provides a description of the goals and objectives for the project. Instructions for completion can be found in the Minnesota Stream Quantification Tool User Manual.
- Operation.** Describe how the mitigation bank or in-lieu fee program will be established and operated.
 - For wetlands.** Include a general description of anticipated design concept for wetland restoration, enhancement, or creation at the proposed compensation site. For example, *existing tile will be fully removed and excavated ditches will be filled completely to re-establish wetland hydrology and bank site will be managed to promote wet meadow, sedge meadow, and shrub carr plant communities;*
 - For streams.** Include a general discussion of the watershed and onsite stressors and functional parameters to be improved. Include reference to the stressors identified in the catchment assessment form and how they are anticipated to affect site success and sustainability.
- Service Area.** Identify the proposed service area.
- Need.** Describe the general need for the proposed mitigation bank or in-lieu fee program. For example, *there are currently no banks located in this bank service area, or wetlands of the types proposed to be restored have been lost in large quantities in the watershed.*

- Technical Feasibility.** Describe the likelihood of successfully completing the project based on the expertise of the designers, proven methods, or other information available to the Sponsor. For example, *this kind of restoration has proven successful on XX sites in comparable landscape positions in this ecoregion.*
- Stream Channel Evolution.** For stream proposals, Prospectuses must assess and identify the likely current, historic and potential proposed stream classification type. This should include identification of any potential or known reference reaches.
- Ownership and Long-term Management.** Identify the proposed ownership arrangements and long-term management strategy for the mitigation bank or in-lieu fee project sites. For example, *DNR, who manages adjacent property, has indicated an interest in owning and managing the site long-term.*
- Qualifications.** Describe the qualifications of the sponsor to successfully complete the type(s) of mitigation project(s) proposed, including information describing any past such activities by the sponsor. For projects involving stream mitigation, the involvement of a qualified stream restoration professional is required.
- Ecological Suitability.** Describe suitability of the site to achieve the objectives of the proposed mitigation bank, including the physical, chemical, and biological characteristics of the bank site and how that site will support the planned types of aquatic resources and functions.
 - Catchment Assessment Worksheet.** The completion of the catchment assessment worksheet is a required part of a complete Prospectus for sites involving stream mitigation. Instructions for completion can be found in the Minnesota Stream Quantification Tool User Manual.
 - For Sites Involving Preservation.** Proposals involving preservation of aquatic resources must also include the information required under 33 CFR 332.3(h).
 - Site Selection Checklist.** Complete the site selection checklists (for wetlands and streams based on the aquatic resource activities proposed). Include a copy of the completed checklist along with all background or supporting documentation.
- Hydrology.**
 - For Wetlands:** Provide assurance of sufficient water supply and drainage rights to sustain the proposed water regimes on the site in both the short- and long-term. Include documentation of any existing or anticipated right of the landowner or others to remove water, soil, minerals or biomass from within or adjacent to the site boundary. Also include documentation of any existing or anticipated right to drain water through, from, or onto the bank site or impound water on the bank site (e.g., tile outlets onto the property, ditches through the property, flooding easements, flowage easements, drainage easements, maintenance easements).
 - For Streams:** Provide the same hydrology considerations, supply and drainage features as for wetlands. In addition, identify the existing linear feet of tributary onsite and denote if the tributary is a public or navigable water under MN or WI statute. The

presence of any rights held by a drainage authority over the stream, such as for maintenance of formerly channelized streams, must be identified. The information should also include the flow regime (perennial, intermittent, ephemeral), location of any springs or seeps, impaired waters, number of concentrated flow points, etc.

- Adjacent Property Owners Contact Information.** 33CFR 325.3 requires that public comments on the Prospectus be solicited via a public notice. Because copies of the public notice must be sent to all adjacent property owners, the Prospectus submittal must also include the names and mailing addresses of all adjacent property owners.

Although not specifically required by the mitigation rule, a site location map and an air photograph of the site are essential for meaningful agency and public comment. The St. Paul District will not determine a Prospectus is incomplete if these items are not provided, but it will limit the ability of reviewers to critically evaluate the proposal. Maps accompanying a Prospectus should typically include the following:

- A plat or land ownership map
- Topographic or survey information
- Boundaries of the proposed compensatory mitigation site;
- National Wetland Inventory; State Wetland Inventory
- USDA soil survey map that shows soil map units (w/ legend, series descriptions) include a list of map units that are:
 - Predominantly hydric (list % hydric soil series in map unit),
 - Have some portion hydric (list % hydric soil series in map unit), and
 - Predominantly non-hydric (list % hydric soil series in map unit, if any);
- Adjacent county highway information; and
- Land-cover/land-use map

Sponsors also are strongly encouraged to consider including the following with their submittal.

- Existing wetland acreage;
- Existing land use;
- Proposed soil and hydrologic modifications;
- Historic and current versus proposed plant communities and anticipated dominant species, water regime, and approximate acreage;
- Proposed performance standards and monitoring methods for assessing how the objectives of the mitigation bank will be met;
- Potentially Restorable Wetlands (if available).