

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Harry Kahnert
Mailing Address: 15441 Trillium Trail, Deerwood, MN 56444
Phone: 218-330-5854
E-mail Address: Hck005@gmail.com

Agent Name: Mitch Brinks, Brinks Wetland Services LLC
Mailing Address: 11914 Joneswood Cir, Baxter, MN 56425
Phone: 218-820-9502
E-mail Address: Mapsbymitch@gmail.com

PART TWO: Site Location Information

County: Aitkin **City/Township:** Wealthwood Twp
Parcel ID and/or Address: 36-0-035207
Legal Description (Section, Township, Range): 21, 45, 26
Lat/Long (decimal degrees): Available upon request
Attach a map showing the location of the site in relation to local streets, roads, highways.
Approximate size of site (acres) or if a linear project, length (feet): 1232 sq. ft (0.0283 acres)

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted *prior to* this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

Mr. Kahnert owns a 3 acre parcel just north of Mille Lacs Lake. The goal of the project is to gain access to the site for future residential development. A delineated was conducted by Brinks Wetland Services in August of 2024 and confirmed by Aitkin County (Henry E.) which determined that there was sufficient upland on the southern portion of the site. Access is not available via Highway 18 from the south (nor is the access wide enough). Access is proposed from the north via a new driveway from 246th Street. 1232 sq. ft (0.0283 acres) of impacts to a type 2/6 wetland are proposed. The proposed project will require 1.5:1 mitigation (purchased in advance) and will be completed in the fall of 2024).

PART FOUR: Aquatic Resource Impact¹ Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) ¹	Size of Impact ²	Overall Size of Aquatic Resource ³	Existing Plant Community Type(s) in Impact Area ⁴	County, Major Watershed #, and Bank Service Area # of Impact Area ⁵
Wetland A	Wetland	Fill	Permanent	0.0283	2+ acres	Shrub-Carr	Aitkin, Rum River, BSA #7

¹If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

²Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

³This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

⁴Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.

⁵Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

PART FIVE: Applicant Signature

Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature: Harold Johnson 8/27/24 Date:

I hereby authorize Mitch Brinks 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 application.

¹ The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

Attachment A

Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

Wetland Type Confirmation

Delineation Concurrence. Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

Preliminary Jurisdictional Determination. A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

Approved Jurisdictional Determination. An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).

<http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx>

Attachment C

Avoidance and Minimization

Project Purpose, Need, and Requirements. Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

Project Purpose/Need/Requirements:

Mr. Kahnert owns a 3 acre parcel just north of Mille Lacs Lake. The goal of the project is to gain access to the site for future residential development. A delineation was conducted by Brinks Wetland Services in August of 2024 and confirmed by Aitkin County (Henry E.) which determined that there was sufficient upland on the southern portion of the site. Access is not available via Highway 18 from the south (as that narrow area is only for the septic line and MnDOT is generally not in favor of granting new accesses). Access is proposed from the north via a new driveway from 246th Street. 1232 sq. ft (0.0283 acres) of impacts to a type 2/6 wetland are proposed. A culvert of sufficient size will be placed under the crossing to maintain hydrologic balance on either side.

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

Mr Kahnert has contacted the 3 neighboring landowners to try to avoid the wetland by gaining access thru their property:

1. Michael and Lisa Gapinski - #36-0-035206 - Owners to the south land

They have written the attached memo denying access.

2. James Dougherty - #36-1-084900 - Owner east of my land.

No reply. Have requested info on the 20th, 21st, and 26th. Will forward his reply if received.

3. Mark Hall - #36-0-035001 - Owner west of my land

No reply. Have left info at the house. Will forward reply if received.

Minimization. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

Minimization was achieved by crossing in the narrowest location and by making the driveway a one-lane driveway with 1:1 side slopes through the wetland.

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

N/A

Attachment D Replacement/Compensatory Mitigation

Complete this part *if* your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

Replacement/Compensatory Mitigation via Wetland Banking. Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits
1485	Aitkin	9	5		0.0425 acres (1.5:1 ratio)

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

Project-Specific Replacement/Permittee Responsible Mitigation. Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit ¹	Corps Mitigation Compensation Technique ²	Acres	Credit % Requested	Credits Anticipated ³	County	Major Watershed #	Bank Service Area #

¹Refer to the name and subpart number in MN Rule 8420.0526.

²Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.

³If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):



Harry Kahnert <hck005@gmail.com>

Parcel # 36-0-035207

1 message

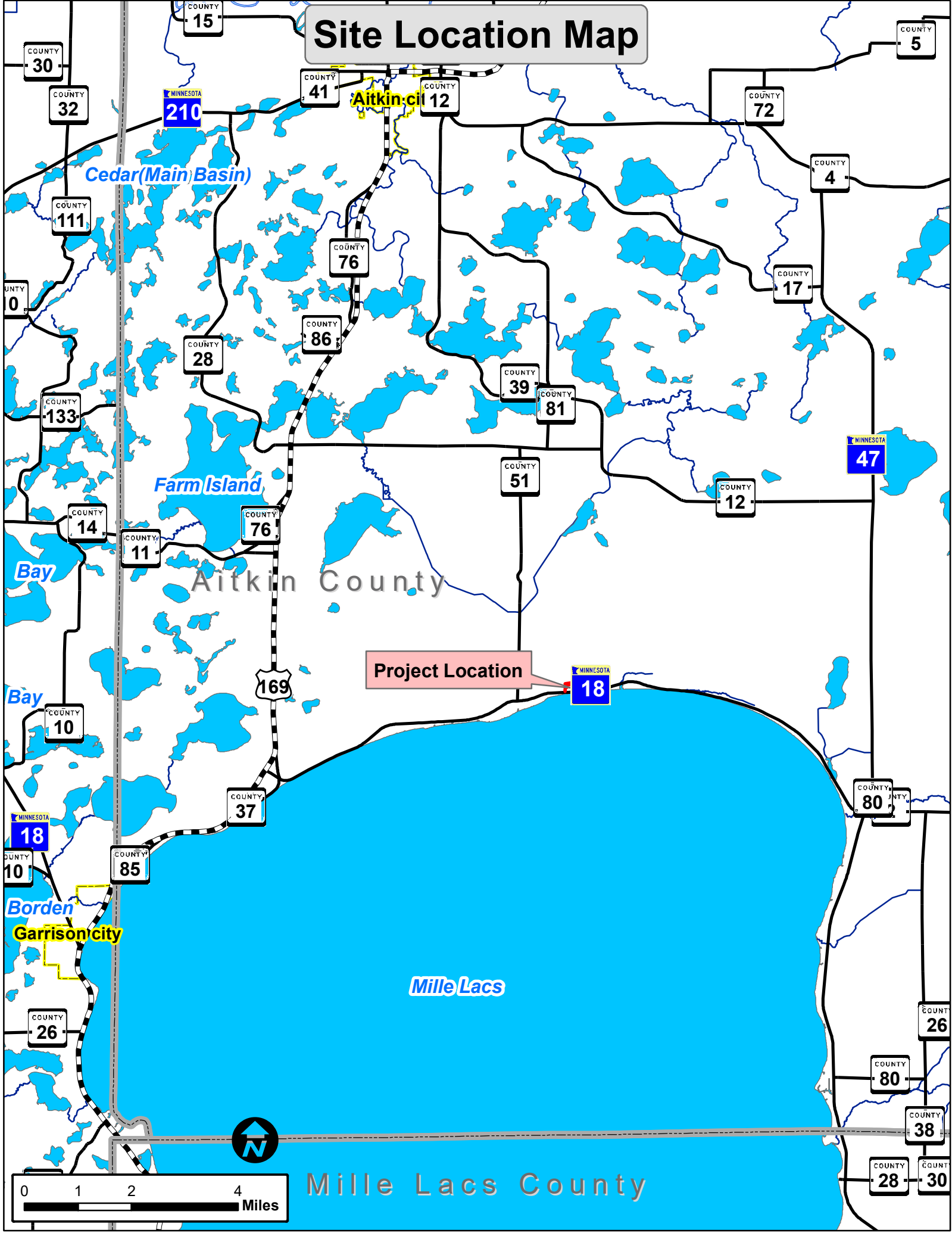
Harry Kahnert <hck005@gmail.com>
To: Harry Kahnert <hck005@gmail.com>

Tue, Aug 20, 2024 at 5:49 PM

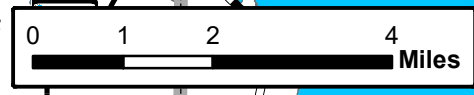
As the owners of parcel # 36 0 035206 located at 37564 state highway 18, aitkin mn 56431 we will not permit an easement or access to the property to the north that abuts our property and is owned by Harry Kahnert parcel 36 0 035207.

Michael and Lisa Gapinski

Site Location Map

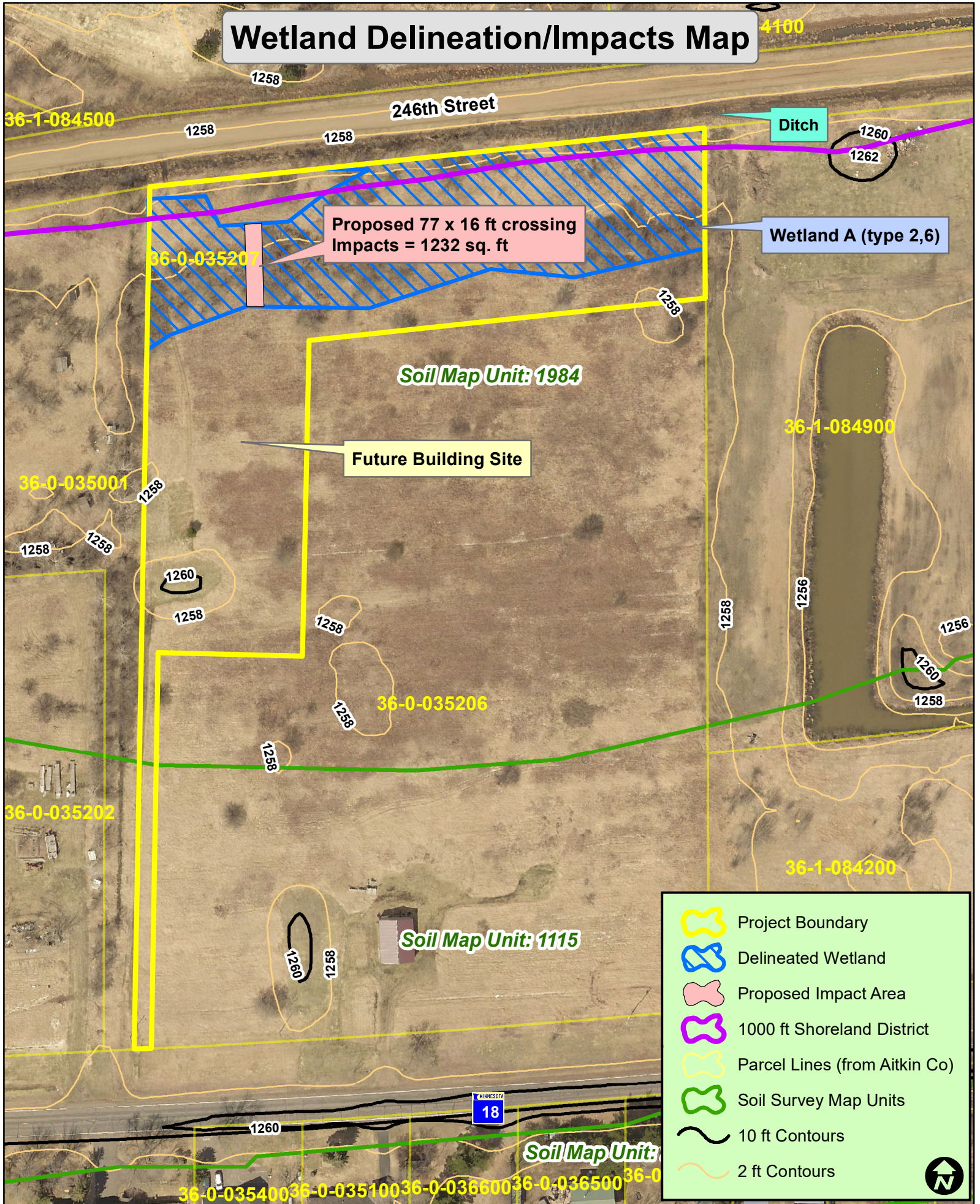


Project Location



Mille Lacs County

Wetland Delineation/Impacts Map



36-0-035207

Proposed 77 x 16 ft crossing
Impacts = 1232 sq. ft








Ditch

Wetland A (type 2,6)

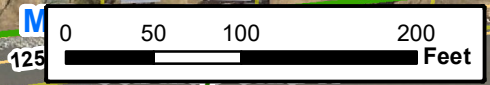
Soil Map Unit: 1984

Future Building Site

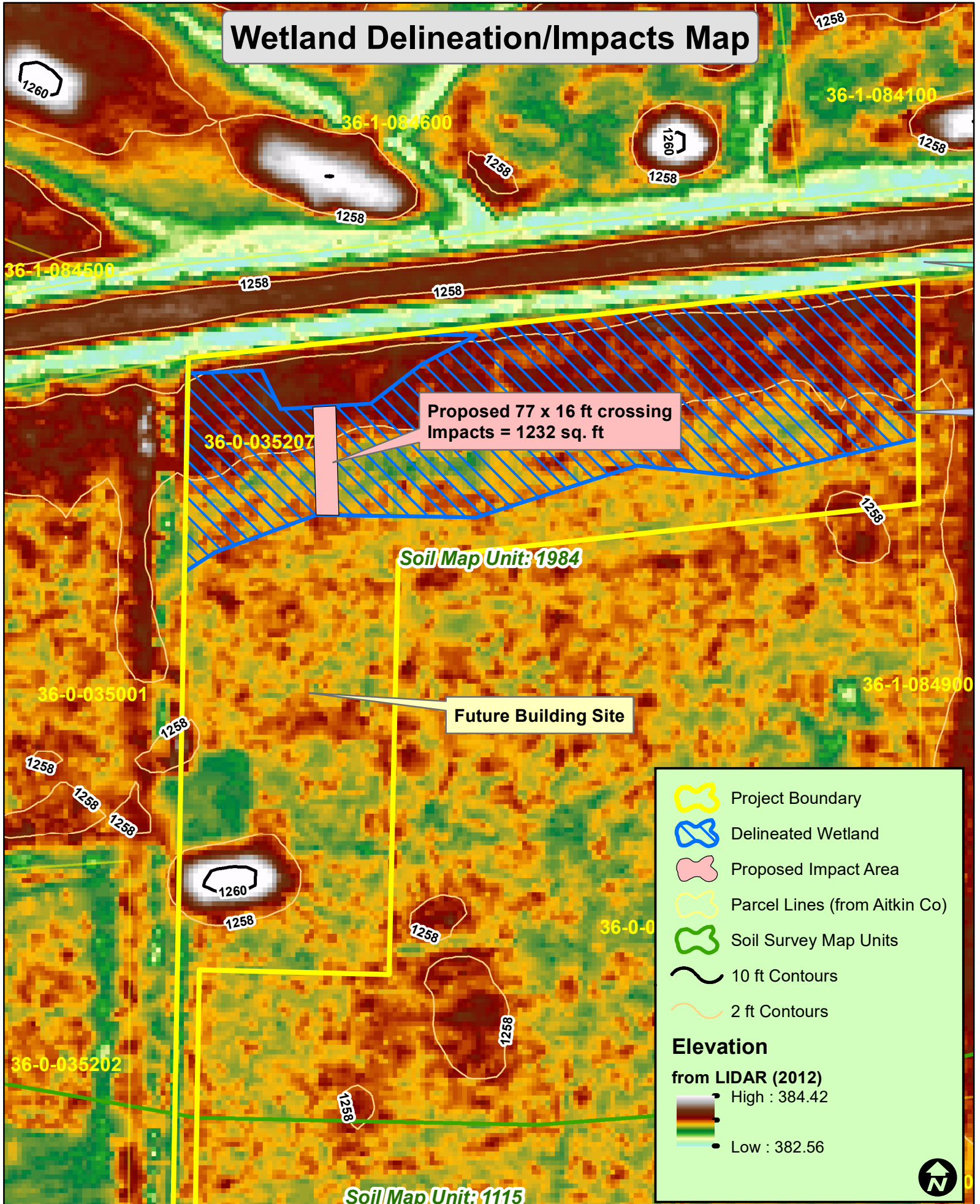
Soil Map Unit: 1115

-  Project Boundary
-  Delineated Wetland
-  Proposed Impact Area
-  1000 ft Shoreland District
-  Parcel Lines (from Aitkin Co)
-  Soil Survey Map Units
-  10 ft Contours
-  2 ft Contours

Delineation Conducted by Mitch Brinks on 8-16-24
Aerial Photo Source: Aitkin County, 2020



Wetland Delineation/Impacts Map



Proposed 77 x 16 ft crossing
Impacts = 1232 sq. ft

Soil Map Unit: 1984

Future Building Site

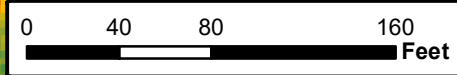
Soil Map Unit: 1115

- Project Boundary
- Delineated Wetland
- Proposed Impact Area
- Parcel Lines (from Aitkin Co)
- Soil Survey Map Units
- 10 ft Contours
- 2 ft Contours

Elevation
from LIDAR (2012)

- High : 384.42
- Low : 382.56

Delineation Conducted by Mitch Brinks on 8-16-24
Aerial Photo Source: Aitkin County, 2020





Standard Credit Withdrawal Form

Minnesota Wetland Bank Program

(Incomplete forms may be returned unprocessed)

1. Credit User		<i>This space for BWSR use only.</i>
Name: Harry Kahnert	Organization/Company (if any):	
Address: 15441 Trillium Trail Deerwood, MN 56444	Phone: 218-330-5854	
	E-mail: Hck005@gmail.com	
If others should receive withdrawal verification email, please include their email below (e.g., Consultants, partners, etc.): Mitch Brinks - mapsbymitch@gmail.com		

2. Wetland Impact Information			
Project Name: Access Road		Project Type: Other	ACRES of Impact: 0.0283
City (if applicable):	County: Aitkin	Sec/Twp/Range: (Project Center) Sec. 21 T. 45 R. 26	Major Watershed No./Bank Service Area (BSA): 21 / 7
WCA LGU Name: Aitkin County		Majority Impact Wetland Type: 6 - Shrub-Carr/Alder Thicket	Majority HGM Class: Unknown
Corps of Engineers Letter/Email Received? <input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, Corps File No.: (e.g. 2021-00101-ABC) MVP-	If Yes, is Corps Replacement Required? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown
Comments:			

3. Credits to be Withdrawn				
Bank Account No./Name: 1485/CHD French Lake		Bank County: Aitkin	Bank BSA: 5	
Credit Subgroup	Wetland Type/Plant Community Type	Federally Approved?	Cost per Credit	Credit Amounts
C	6 - Shrub-Carr/Alder Thicket	Yes	\$19602	0.0425
---Select---	---Select---	---Select---	\$	
---Select---	---Select---	---Select---	\$	
---Select---	---Select---	---Select---	\$	
---Select---	---Select---	---Select---	\$	
Per Credit Withdrawal Fee by BSA			Enter Bank Account's BSA	Total Credits: 0.0425
BSA 1 \$520	BSA 6 \$1,083	Withdrawal Fee and hit Tab key: <input type="text" value="\$685.00"/>		Withdrawal Fee: \$29.11
BSA 2 \$371	BSA 7 \$1,992	Easement Stewardship Fee: <input type="text" value="\$302"/>		Stewardship Fee: \$12.84
BSA 3 \$725	BSA 8 \$2,577			Total Fees: \$41.95
BSA 4 \$1,412	BSA 9 \$2,628			
BSA 5 \$685	BSA 10 \$3,099			

Please make checks payable to the Minnesota Board of Water and Soil Resources. BWSR does not accept cash.

Project Name: Access Road

After completing all necessary fields, select "Request Signatures" option in the Home tab of your toolbar to convert your agreement to a PDF version and add your digital signature. See these [instructions](#) if you do not know how to create a digital signature.

4. WCA Authorization *(Must include representative's name and email address)*

By signing below, the identified Wetland Conservation Act Local Government Unit (LGU) representative attests that the LGU has approved the use of the credits in Box 3 for wetland replacement/mitigation.

WCA LGU:	Representative's Name:	Email Address:
Signature:		Date:

5. Other Agency/Program Authorization *(Must include representative's name and email address)*

By signing below, the identified agency representative attests that the agency has approved the use of the credits in Box 3 for wetland replacement/mitigation.

Agency:	Representative's Name:	Email Address:
Signature:		Date:

6. Credit User Signature

By signing below the credit user attests that they have secured use of the credits in Box 3 from the account holder for wetland replacement/mitigation.

Signature:	Date:
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7. Account Holder Signature *(Must include seller/manager name and email address)*

By signing below the account holder authorizes BWSR to withdraw the credits identified in Box 3 from their account to satisfy wetland replacement/mitigation requirements for the credit user indicated in Box 1. The account holder attests that the identified credits have not been sold or used by a different credit user.

Seller/Manager:	Email Address:	
Signature:		Date:

SEND COMPLETED FORM AND FEE PAYMENT TO:

Wetland Bank Administration
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

**PURCHASE AGREEMENT
FOR
WETLAND BANKING CREDITS**

THIS PURCHASE AGREEMENT is made this 22th day of August, 2024 between the Aitkin County Highway Department (Seller) and Harry Kahnert (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	Wetland Circ. 39 Type ²	Plant Community Type ³	Acres	Cost per acre	Cost Estimate
C	6	Shrub Carr	0.0425	\$19,602	\$833.09
Totals			0.0425	\$19,602	\$833.09
<input type="checkbox"/> Check here if additional credit sub-groups are part of this account and are listed on an attachment to this document.					
¹ A separate credit sub-group shall be established for each wetland or wetland area that has different wetland characteristics.					
² Circular 39 types: 1, 1L, 2, 3, 4, 5, 6, 7, 8, B, U.					
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. See <i>Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed, 1997)</i> as modified by the Board of Water and Soil Resources, United States Army Corps of Engineers..					

Withdrawal/Stewardship Fee	
Total Acres of Credits to Be Sold*	0.0425
BWSR Withdrawal Fee of \$685 per Credit (acre) ^	\$29.11
BWSR Easement Stewardship Fee of \$302 per Credit (acre) `	\$12.84
Total Fee	\$41.95
* Square Feet to Acre Conversion Factor = 1/43,560	
^Based on BWSR Withdrawal Fee Schedule for Bank Service Area (BSA) 5	
`Based on BWSR Easement Stewardship Fee	

2. Seller represents and warrants as follows:
- a) The US Army Corps of Engineers (USACE) approved Wetland Credits are deposited in an account (1485) in the Minnesota Wetland Bank administered by the Minnesota Board of Water and Soil Resources 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 \$ **833.09** for the Wetland Banking Credits payable to Aitkin County **AND** Buyer also agrees to pay the BWSR Withdrawal Fee of \$29.11 & the BWSR Easement Stewardship Fee of \$12.84 for a total of **\$41.95** payable to the Minnesota Board of Water and Soil Resources (BWSR). Both payments shall be submitted to Aitkin County – 1211 Airpark Drive – Aitkin, MN 56431. The check made payable to the Minnesota Board of Water and Soil Resources will be forwarded to BWSR by Aitkin County with the finalized Transaction Form document.

4. The Closing Date of the purchase and sale shall occur on or before 3-1-25. Beyond this date this agreement will no longer be valid. In addition, this Purchase Agreement must be signed by both parties to be valid, otherwise the Seller will not reserve the above referenced Wetland Credits for the Buyer if this Purchase Agreement is not signed.

5. Buyer has applied or will apply to the Local Governmental Unit (LGU (or other regulatory authority)) for approval of a replacement plan utilizing the above listed Wetland Credits as the means of replacing impacted wetlands. Upon payment of the purchase price, Seller will sign a fully executed Transaction Form to Withdraw Credits as specified by BWSR, provide a copy of the signed Transaction Form to Withdraw Credits to the Buyer and forward the same to BWSR along with the payment for the Withdrawal/Stewardship Fees.

6. If the LGU does not approve the Buyer’s application for a replacement plan utilizing these Credits by the Closing Date, and no extension of the Closing Date has been agreed to, this Agreement will be cancelled and neither Buyer nor Seller shall have any further obligations under this Agreement.

(Name of Buyer)

8-22-24
(Signature of Seller) (Date)

(Signature of Buyer) (Date)