

Minnesota Wetland Conservation Act

Notice of Decision

Item 8F.
BCWMC 9-16-15

Local Government Unit (LGU) Bassett Creek Watershed Management Commission (BCWMC)	Address 7800 Golden Valley Road Golden Valley, MN 55427
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1. PROJECT INFORMATION

Applicant Name LLW Partners, LLC	Project Name 10715 South Shore Drive, Medicine Lake	Date of Application 7/5/16	Application Number
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

<input checked="" type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel (TEP) Findings and Recommendation (if any):

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach): no TEP Findings Report		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 8/23/16		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

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

On behalf of LLW Partners, LLC, Kjolhaug Environmental Services Company, Inc. submitted a wetland delineation report for the property at 10715 South Shore Drive in the City of Medicine Lake, Section 25, Township 118N, Range 22W, within Hennepin County.

One wetland was delineated within the site boundaries and classified as a Type 3 PEM1C shallow marsh wetland.

The wetland delineation report and joint application form were provided to TEP members on 7/8/16 along with a Notice of Application and 15-business day comment period. The comment period ended on 8/2/16 and no comments were received.

A site review of the wetland delineation was conducted on 7/27/16. Present at the site review were Karen Wold with Barr Engineering for the BCWMC and Adam Cameron with Kjolhaug Environmental for the applicant. During the site review, some adjustments to the wetland boundary were requested moving the boundary slightly upslope in a few areas. On 7/29/16, Kjolhaug submitted a revised wetland delineation figure showing these edited boundaries. The revised wetland delineation figure is included in this Notice of Decision.

The revised wetland boundary and the wetland type were found to be accurate, based on the requirements of the 1987 USACE Wetland Delineation Manual, the 2010 Midwest Regional Supplement, and the 2015 Guidance for Submittal of Delineation Reports to the USACE and WCA LGU in Minnesota, Version 2.0. The BCWMC approves the wetland boundary and type.

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 Karen Wold	Title Senior Environmental Scientist, Barr Engineering Co.- Engineers for the BCWMC	
Signature 	Date 8/23/16	Phone Number and E-mail 952-832-2707 kwold@barr.com Barr Engineering Co., 4300 MarketPointe Drive Minneapolis, MN 55435

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 five 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

- SWCD TEP member: **Stacey Lijewski, Hennepin County**
- BWSR TEP member: **Ben Meyer**
- DNR TEP member: **Rebecca Horton, Kate Drewry**
- WD or WMO (if applicable): **Laura Jester (Keystone Waters, BCWMC administrator), Karen Chandler (Barr Engineering, BCWMC engineer), Clint Carlson (BCWMC Commissioner from Medicine Lake)**
- Applicant and Landowner (if different) **Adam Cameron (Kjolhaug)**
- City of Medicine Lake: **Gary Holter (Mayor), Brad Scheib (Hoisington Koegler Group Inc.)**
- Corps of Engineers Project Manager **Melissa Jenny**

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:

<u>NW Region:</u>	<u>NE Region:</u>	<u>Central Region:</u>	<u>Southern Region:</u>
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:

- Revised wetland delineation map**



Figure 1 - Site Location



0 1,500
Feet

10715 South Shore Drive (KES 2016-095)
Medicine Lake, Minnesota


KJOLHAUG ENVIRONMENTAL SERVICES COMPANY
 Source: ESRI Streets Basemap

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

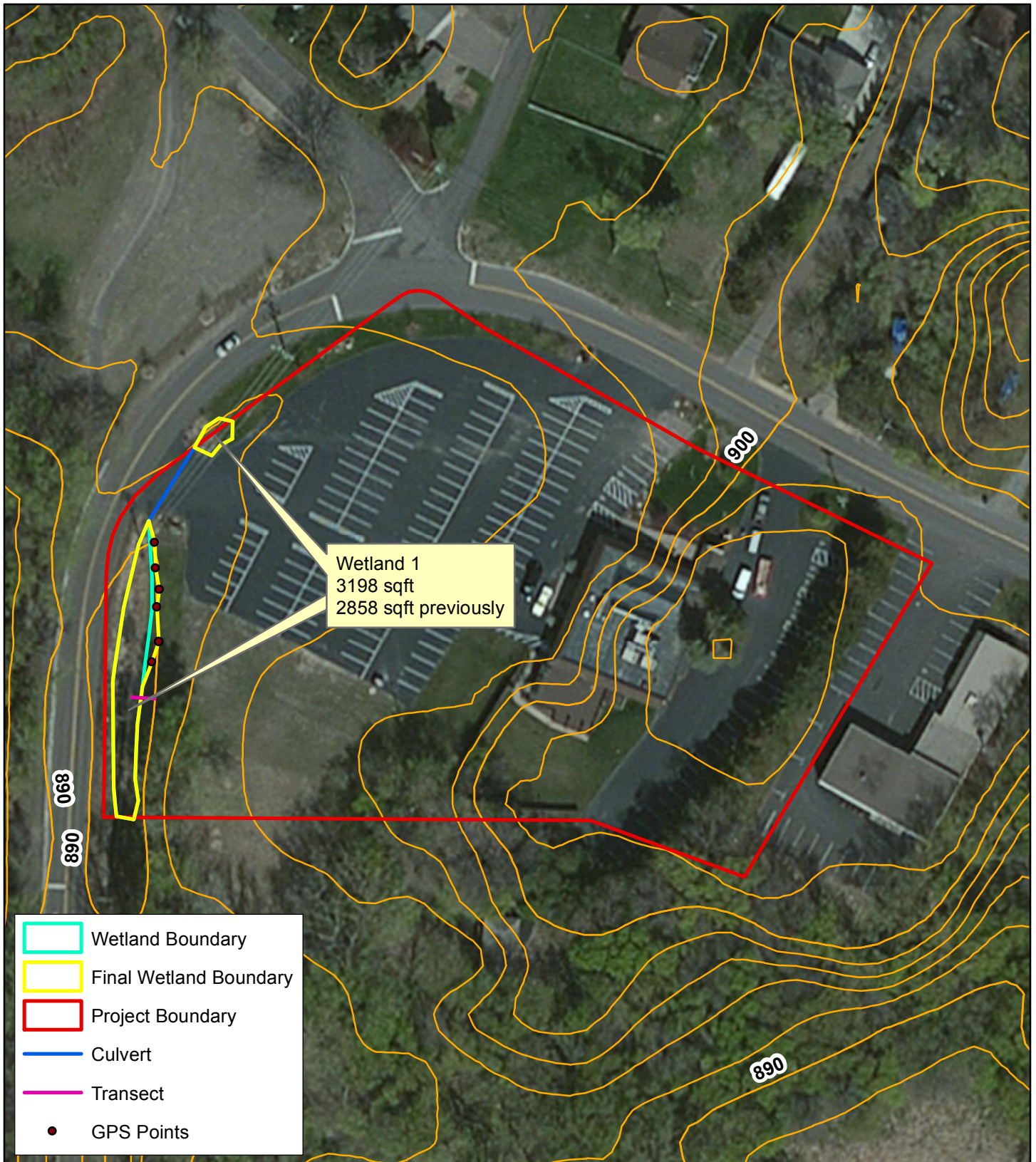


Figure 2 - Existing Conditions

	<p>N</p>	<p>0 150</p> <p>Feet</p>	<p>10715 South Shore Drive (KES 2016-095) Medicine Lake, Minnesota</p>
	<p>KJOLHAUG ENVIRONMENTAL SERVICES COMPANY</p> <p>Source: MnGeo, ESRI Imagery Basemap</p>		<p>Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.</p>