

Minnesota Wetland Conservation Act Notice of Decision

Item 7F.
BCWMC 12-20-18

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 Bassett Creek Watershed Management Commission, Laura Jester	Project Name Jevne Park Stormwater Improvement Project	Date of Application 10/29/2018	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):		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 12/07/2018
<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 the Bassett Creek Watershed Management Commission, Barr Engineering submitted a wetland delineation report for the Jevne Park Stormwater Improvement Project in the City of Medicine Lake, Section 26, Township 118N, Range 22W, within Hennepin County.				
Twelve wetlands were delineated within the evaluation area with the following wetland type designations:				
Wetland	Cowardin Type	Circular 39 Type	Community Type (Eggers & Reed)	Wetland Area (acres)
1	PFO1A PEMC	Type 1/3	Floodplain forest Shallow marsh	0.85
2	PEMA PSS1A	Type 1/6	Seasonally flooded Shrub-carr	0.01

3	PEMA PSS1A	Type 1/6	Seasonally flooded Shrub-carr	0.01
4	PFO1A	Type 1	Floodplain Forest	0.12
5	PEMA	Type 1	Seasonally flooded	0.01
6	PSS1A	Type 6	Shrub-carr	0.003
7	PFO1A PSS1A	Type 1/6	Floodplain forest Shrub-carr	0.01
8	PFO1A PSS1A	Type 1/6	Floodplain forest Shrub-carr	0.25
9	PEMA	Type 1	Seasonally flooded	0.04
10	PFO1A	Type 1	Floodplain forest	0.48
11	PEMA	Type 1	Seasonally flooded	0.02
12	PEMH	Type 5	Shallow Open Water	0.17

Wetland Total (acres): 1.97

As the Local Government Unit responsible for administration of the Minnesota Wetland Conservation Act (WCA) within the City of Medicine Lake, BCWMC has conducted the wetland boundary and type notification and decision process. However, based on communication with area hydrologist Jason Spiegel from the Minnesota Department of Natural Resources (DNR) during a preliminary meeting held 11/06/2018 and email communication on 11/26/2018, the majority of the wetland areas have a hydrologic connection with and are at or below the Ordinary High Water Elevation (OHWL) of Medicine Lake, so would likely be under DNR jurisdiction as shown in the attached figure showing culverts, surface elevations, wetland delineation boundaries, and OHWL. The wetland delineation report and joint application form were provided to TEP members on 11/09/2018 along with a Notice of Application.

A site review of the wetland delineation was conducted on 11/16/2018. Present at the site review were TEP members Ben Carlson, Minnesota Board of Water and Soil Resources and Karen Wold, Barr Engineering for the BCWMC and delineator Brian Burgner, Barr Engineering representing the BCWMC as the applicant.

The wetland boundaries and types 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 comment period ended on 12/06/2018 and no comments were received.

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)


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 12/07/2018	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 checked="" type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$ <u>TBD</u> fee (if applicable) to: BCWMC 7800 Golden Valley Road Golden Valley, MN 55427	<input 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

<input checked="" type="checkbox"/> SWCD TEP member: Stacey Lijewski, Hennepin County <input checked="" type="checkbox"/> BWSR TEP member: Ben Carlson <input checked="" type="checkbox"/> DNR TEP member: Becky Horton, Jason Spiegel <input checked="" type="checkbox"/> WD or WMO (if applicable): Laura Jester (Keystone Waters, BCWMC administrator), Karen Chandler (Barr Engineering, BCWMC engineer), Clint Carlson (BCWMC commissioner) <input checked="" type="checkbox"/> Applicant and Landowner (if different) Laura Jester, Brian Burgner (Barr Engineering) <input checked="" type="checkbox"/> City of Medicine Lake: Gary Holter (Mayor), Brad Scheib (Hoisington Koegler Group Inc.) <input checked="" type="checkbox"/> Corps of Engineers Project Manager Melissa Jenny
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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> Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	<u>NE Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	<u>Central Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	<u>Southern Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073
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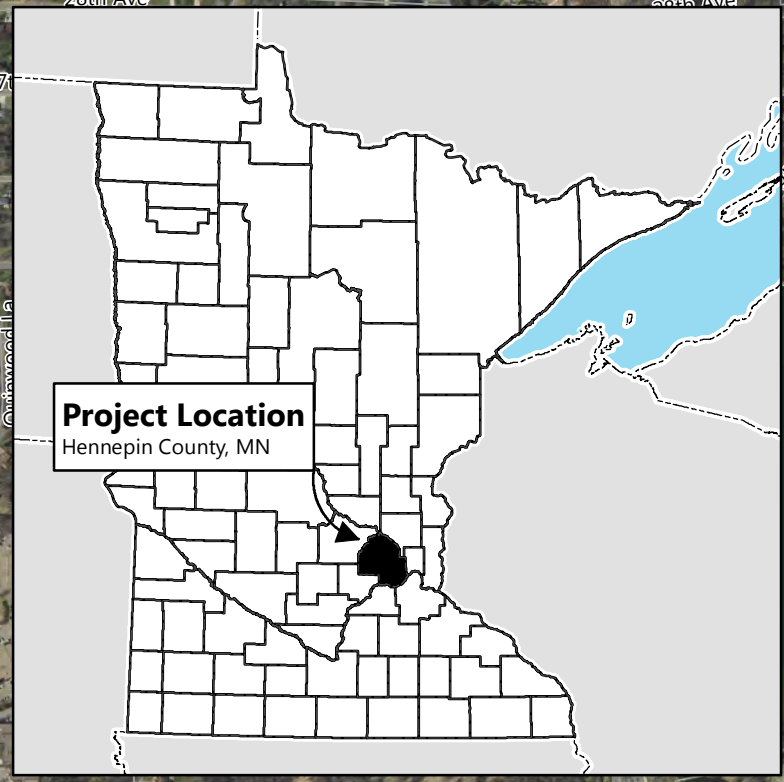
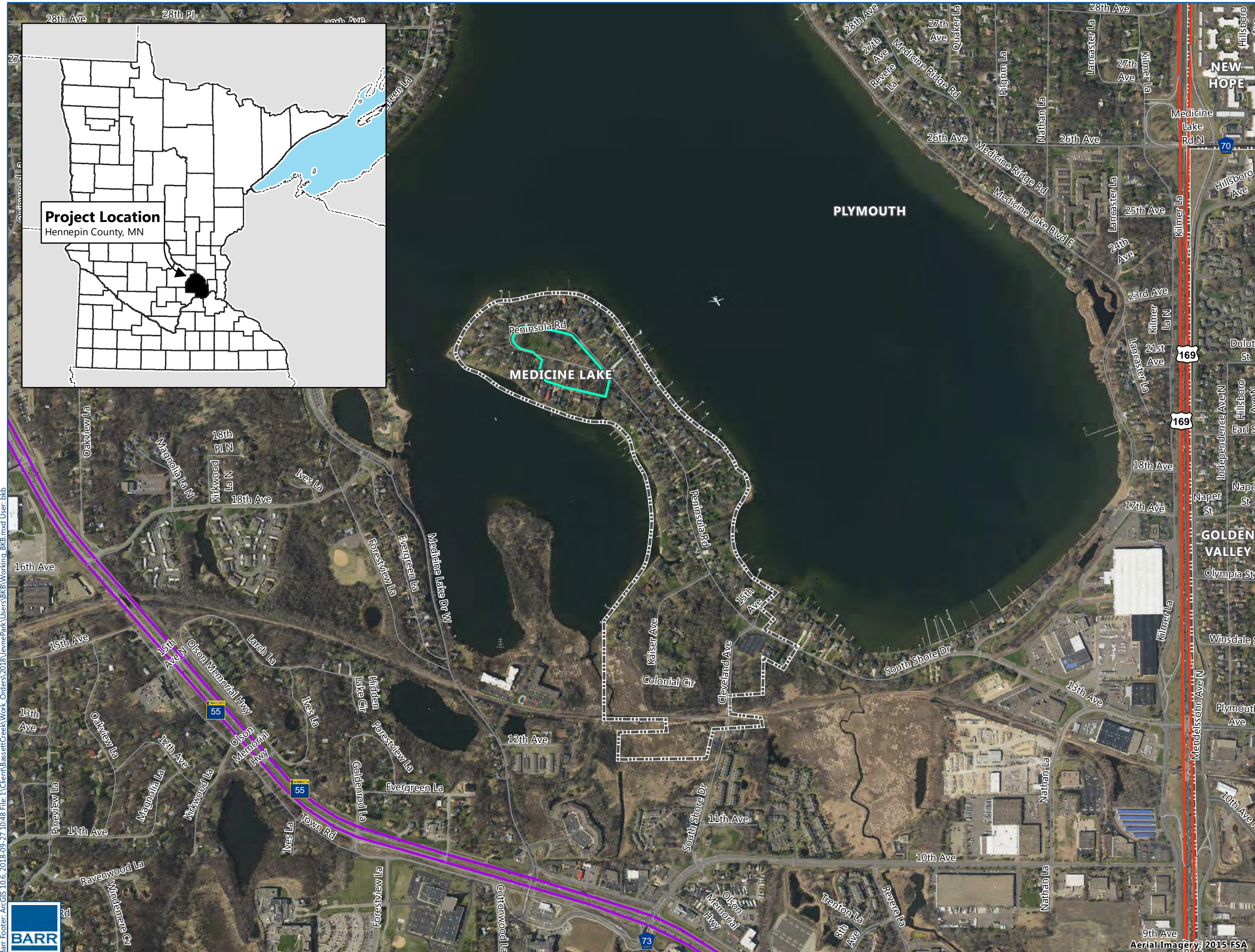
- For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf
- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687 or send to:

US Army Corps of Engineers
 St. Paul District, ATTN: OP-R
 180 Fifth St. East, Suite 700
 St. Paul, MN 55101-1678

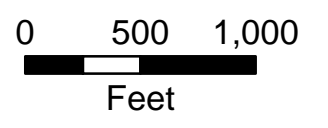
- For Wetland Bank Plan applications, also send a copy of the application to:
 Minnesota Board of Water and Soil Resources
 Wetland Bank Coordinator
 520 Lafayette Road North
 St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments: <input checked="" type="checkbox"/> Wetland Delineation Figure <input checked="" type="checkbox"/> Figure showing culverts, surface elevations, wetland boundaries, and OHWL



- Project Area
- Municipal Boundary



PROJECT LOCATION MAP
 Feasibility Study for
 Jevne Park
 Stormwater Improvement Project
 BCWMC

FIGURE 1



Barr Footer: ArcGIS 10.6, 2018-09-27 10:48 File: I:\Client\BassettCreek\Work Orders\2018\JevnePark\Users\BKB\Working_BKB.mxd User: bbb

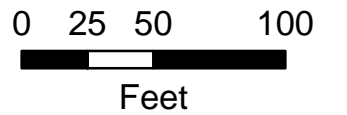


Aerial Imagery © 2015 FSA

Barr Footer: ArcGIS 10.6 - 2018-10-22 16:46 File: I:\Client\BassettCreek\Work Orders\2018\JevnePark\Users\BKB\Figure 6 - Wetland Delineation.mxd User: bkb



-  Project Area
-  Wetland Delineation
-  Sample Points
-  No Access Parcels



WETLAND BOUNDARIES
 Feasibility Study for
 Jevne Park
 Stormwater Improvement Project
 BCWMC

FIGURE 6

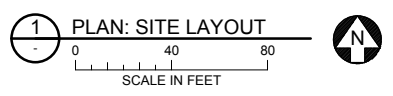
Aerial Imagery: 2015 FSA

CADD USER: Eric P. Fitzgerald; FILE: M:\DESIGN\23270051_44_C-01_EXISTING CONDITIONS.DWG; PLOT SCALE: 1:2; PLOT DATE: 11/8/2018 11:31 AM
 BARR: M:\AutoCAD 2011\AutoCAD 2011\Support\enr\template\Barr_2011_Template.dwt; Plot at 1: 10/05/2010 14:03:50



SYMBOL AND PATTERN LEGEND	
— 910 —	EXISTING 10' CONTOUR
- - - 908 - - -	EXISTING 2' CONTOUR
— OE —	EXISTING OVERHEAD ELECTRIC
— SAN —	EXISTING SANITARY SEWER
— GAS —	EXISTING GAS LINE
—	EXISTING CULVERT
— WT —	WETLAND DELINEATION
	ORDINARY HIGH WATER LEVEL (EL. 889.28)

- GENERAL NOTES:**
1. TOPO AND CONTROL GROUND SURVEY CONDUCTED BY BARR ENGINEERING IN 2018 IN HENNEPIN COUNTY FEET PROJECTION. VERTICAL DATUM IN NAVD88.
 2. IMAGERY: COPYRIGHT PICTOMETRY INTERNATIONAL CORP AND HENNEPIN COUNTY, MINNESOTA, 2015.
 3. PARCELS LINE WORK PROVIDED BY THE CITY OF MEDICINE LAKE. BOUNDARIES ARE APPROXIMATE AND FOR REFERENCE ONLY.



**PRELIMINARY DRAFT
NOT FOR CONSTRUCTION**

		I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.		CLIENT 10/25/18				Project Office: BARR ENGINEERING CO. 4300 MARKETPOINTE DRIVE Suite 200 MINNEAPOLIS, MN 55435		Scale AS SHOWN		JEVNE PARK STORMWATER IMPROVEMENT PROJECT MEDICINE LAKE, MINNESOTA		BARR PROJECT No. 23/27-0051.44	
		PRINTED NAME JENNIFER KOEHLER		CONSTRUCTION				Corporate Headquarters: Minneapolis, Minnesota Ph: 1-800-632-2277 Ph: 1-800-632-2277		Date 10/25/2018		EXISTING CONDITIONS WETLANDS AND MnDNR OHWL		CLIENT PROJECT No.	
		SIGNATURE		RELEASED TO/FOR		A B C 0 1 2 3		Ph: 1-800-632-2277 Ph: (952) 832-2601 www.barr.com		Checked JAK1		BASSETT CREEK WATERSHED MANAGEMENT COMMISSION		DWG. No. C-01	
NO. BY CHK. APP. DATE		REVISION DESCRIPTION		DATE RELEASED						Designed BARR				REV. No. A	
		DATE: 10/25/2018 LICENSE #								Approved JAK1					