

## Minnesota Wetland Conservation Act Notice of Decision

<b>Local Government Unit:</b> City of Plymouth	<b>County:</b> Hennepin
<b>Applicant Name:</b> Charles Cudd Co. LLC	
<b>Applicant Representative:</b> Kjolhaug Environmental Services Company, Inc.	
<b>Project Name:</b> 4430 Vicksburg Lane North	
<b>LGU Project No. (if any):</b> 2020-25	
<b>Date Complete Application Received by LGU:</b> 11/17/2020	
<b>Date of LGU Decision:</b> 12/23/2020	
<b>Date this Notice was Sent:</b> 12/23/2020	

**WCA Decision Type - check all that apply**

<input checked="" type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Bank Plan (not credit purchase)
<input type="checkbox"/> No-Loss (8420.0415)	<input type="checkbox"/> Exemption (8420.0420)		
Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H		Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9	

**Replacement Plan Impacts (replacement plan decisions only)**

Total WCA Wetland Impact Area:
Wetland Replacement Type: <input type="checkbox"/> Project Specific Credits: <input type="checkbox"/> Bank Credits:
Bank Account Number(s):

**Technical Evaluation Panel Findings and Recommendations (attach if any)**

<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny <input type="checkbox"/> No TEP Recommendation
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**LGU Decision**

<input type="checkbox"/> Approved with Conditions (specify below) <sup>1</sup> List Conditions:	<input checked="" type="checkbox"/> Approved <sup>1</sup>	<input type="checkbox"/> Denied
<b>Decision-Maker for this Application:</b> <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other:		
<b>Decision is valid for:</b> <input checked="" type="checkbox"/> 5 years (default) <input type="checkbox"/> Other (specify):		

<sup>1</sup> *Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.*

**LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision<sup>1</sup>.**

<input checked="" type="checkbox"/> Attachment(s) (specify): <b>WCA Notice of Application Packet</b>
<input type="checkbox"/> Summary:

<sup>1</sup> Findings must consider any TEP recommendations.

**Attached Project Documents**

Site Location Map    Project Plan(s)/Descriptions/Reports (specify): **WCA Notice of Application Packet**

### Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator  
Minnesota Board of Water & Soils Resources  
520 Lafayette Road North  
St. Paul, MN 55155  
[travis.germundson@state.mn.us](mailto:travis.germundson@state.mn.us)

Does the LGU have a local appeal process applicable to this decision?

Yes<sup>1</sup>       No

<sup>1</sup>If yes, all appeals must first be considered via the local appeals process.

**Local Appeals Submittal Requirements** (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)

### Notice Distribution (include name)

*Required on all notices:*

SWCD TEP Member:      **Ms. Stacey Lijewski, HCA, 701 Fourth Avenue South, Suite 700, Minneapolis, MN 55415-1600**

BWSR TEP Member:      **Ben Carlson, BWSR, 520 Lafayette Road North, St. Paul, MN 55401**

LGU TEP Member (if different than LGU contact): **Ben Scharenbroich, 3400 Plymouth Blvd, Plymouth MN 55447**

DNR Representative:      **Melissa Collins, MnDNR, 1200 Warner Road, St. Paul, MN 55106**  
**Lucas Youngsma, MnDNR, 1200 Warner Road, St. Paul, MN 55106**

Watershed District or Watershed Mgmt. Org.: **BCWMC 16145 Hillcrest Lane, Eden Prairie MN 55346**

Applicant:      **Charles Cudd Co, LLC, 15050 23rd Avenue North, Plymouth MN 55447**

Agent/Consultant: **Kjolhaug Environmental Services Company, Inc. 2500 Shadywood Road Suite 130 Orono MN 55331**

*Optional or As Applicable:*

Corps of Engineers:      **US Army Corps of Engineers, c/o Eric White 180 Fifth Street East, Suite 700, St. Paul, MN 5511-1678**

BWSR Wetland Mitigation Coordinator (required for bank plan applications only):

Members of the Public (notice only):       Other:

**Signature:**



**Date:**

12/23/2020

This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678

December 11, 2020

Regulatory File No. MVP-2015-00613-EJW

Charles Cudd Co.  
c/o Rick Denman  
15050 23<sup>rd</sup> Ave North  
Plymouth, Minnesota 55447

Dear Mr. Denman:

We are responding to your request, submitted by Kjolhaug Environmental on your behalf, for Corps of Engineers (Corps) concurrence with the delineation of aquatic resources completed on the 10.45-acre 4430 Vicksburg Lane N Site in the City of Plymouth. The project site is in Section 16, Township 118 North, Range 22 West, Hennepin County, Minnesota.

We have reviewed the 4430 Vicksburg Lane N Site delineation report dated November 13, 2020 and concur that Figure 2 – Existing Conditions depicts a reasonable approximation of the location and boundaries of aquatic resources on the property. This delineation can be used for planning, and will generally be sufficient for permitting purposes. It may be necessary to review this determination in response to changing site conditions or new information.

**Additional Information regarding Jurisdiction and Permitting:**

No jurisdictional determination was prepared for this project, nor is one required to support a permit application. If you submit a permit application, we will assist you in identifying aquatic resources that are not subject to Corps regulation to exclude those resources from the permit evaluation. A permit application should include this delineation, any subsequent revisions, and any state or local delineation approvals. You are advised that a permit or exemption from a state or local agency does not satisfy the requirement to obtain a Corps permit where one is needed.

Please note that the Corps has issued Nationwide General Permits and Regional General Permits that provide authorization for many minor activities. Many of those general permits require a pre-construction notification and Corps verification prior to starting work. However, several general permits also have “self-certifying” provisions that eliminate the need to provide notice to the Corps, provided the permittee complies with the terms and conditions of the general permit. Current general permit terms and conditions can be found at:  
<https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/>.

Regulatory Branch (File No. MVP-2015-00613-EJW)

If you have any questions, please contact me in our St. Paul office at (651) 290-5357 or Eric.J.White@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. White". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Eric White  
Project Manager

cc:

Ben Scharenbroich (LGU)

Ben Carlson (BWSR)

Will Effertz (Agent)

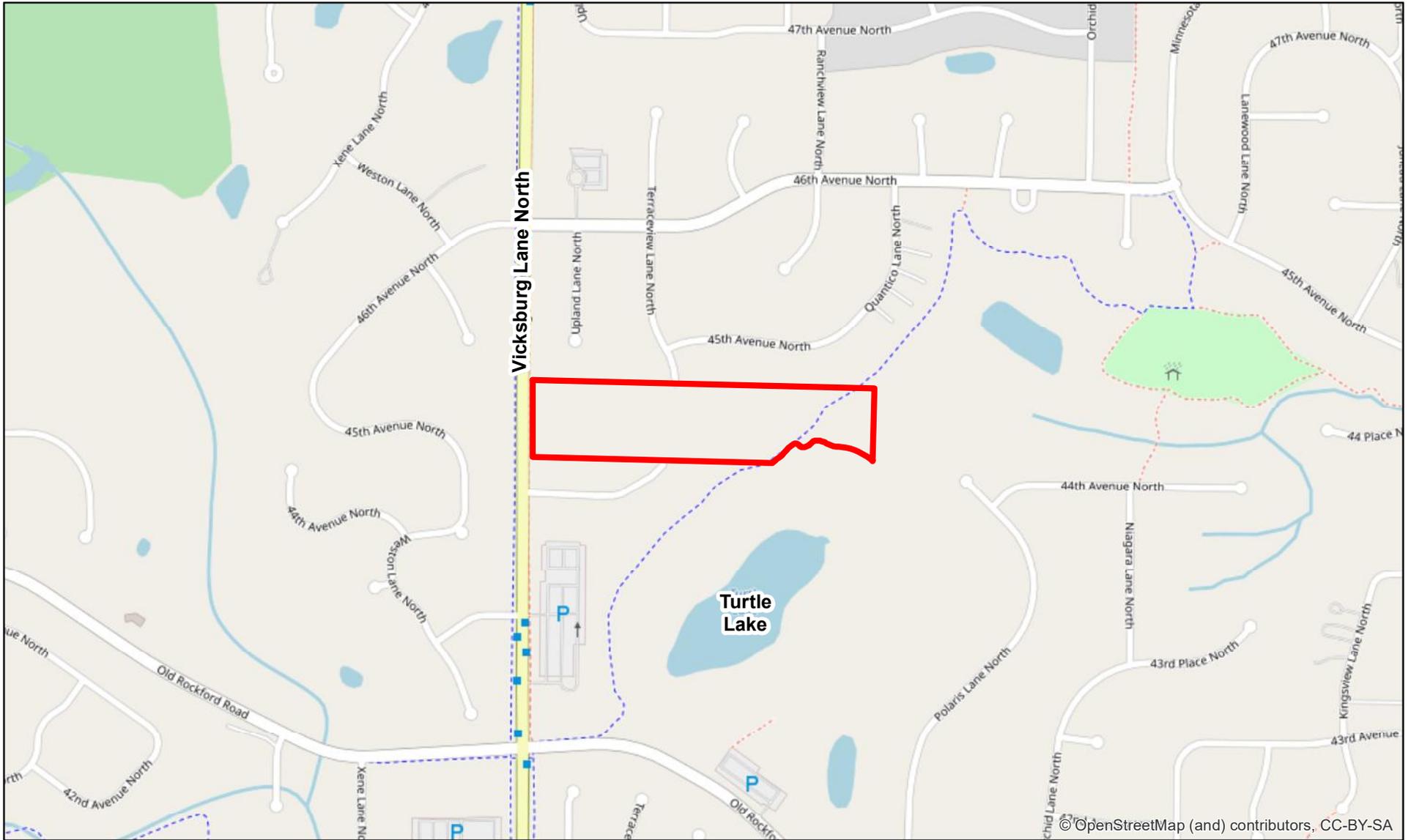


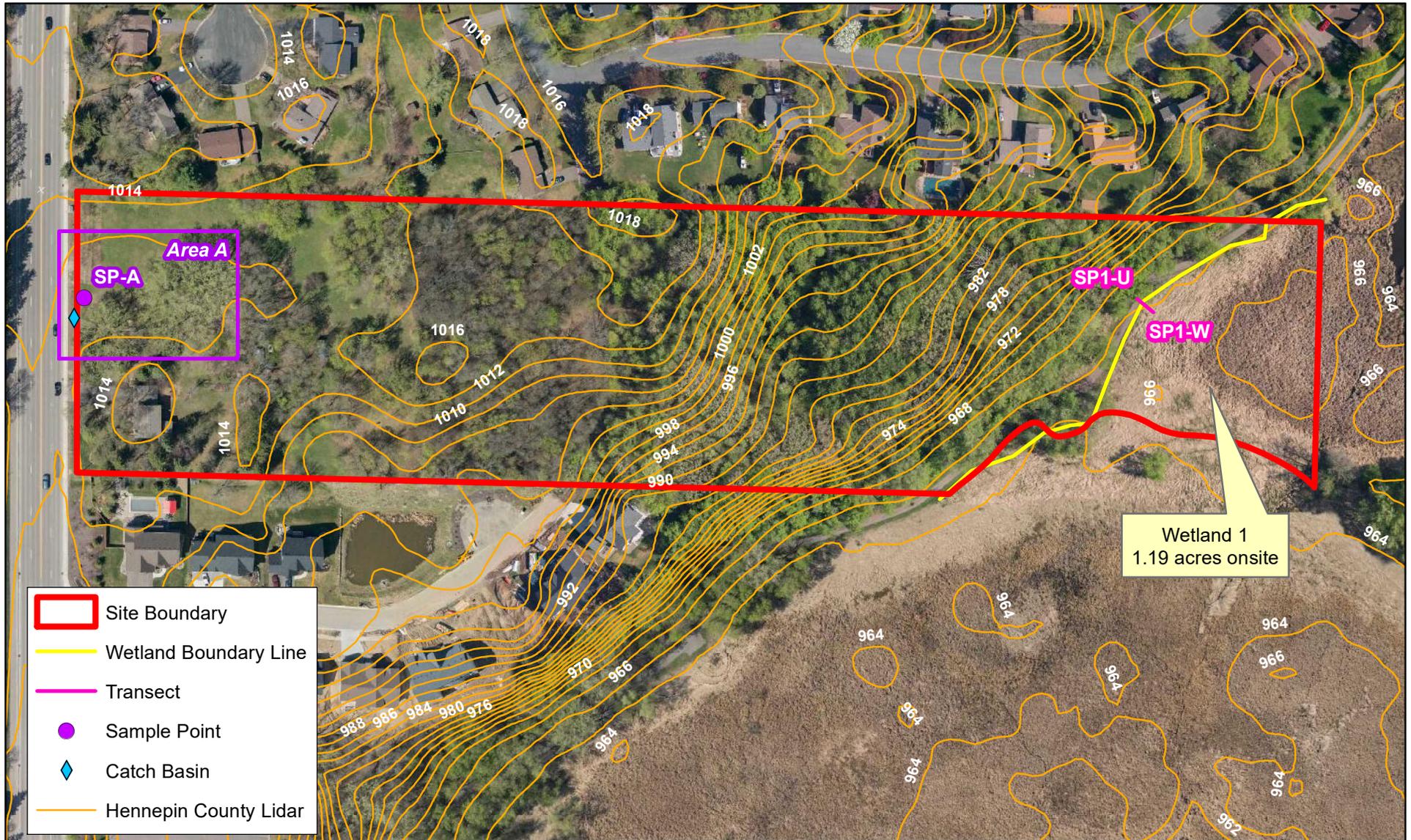
Figure 1 - Site Location Map

    Site Boundary

**4430 Vicksburg Lane N Site (KES 2020-170)**  
**Plymouth, Minnesota**

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

**KJOLHAUG** ENVIRONMENTAL SERVICES COMPANY  
Source: ESRI Streets Basemap



**Figure 2 - Existing Conditions (2018 Hennepin Co Image)**



N



0 165 Feet



**KJOLHAUG** ENVIRONMENTAL SERVICES COMPANY

Source: MNGEO Spatial Commons

**4430 Vicksburg Lane N Site (KES 2020-170)**  
**Plymouth, Minnesota**

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

## Minnesota Wetland Conservation Act Notice of Application

<b>Local Government Unit:</b> City of Plymouth	<b>County:</b> Hennepin
<b>Applicant Name:</b> Charles Cudd Co. LLC	
<b>Applicant Representative:</b> Kjolhaug Environmental Services Company, Inc.	
<b>Project Name:</b> 4430 Vicksburg Lane North Site	
<b>LGU Project No. (if any):</b> 2020-25	
<b>Date Complete Application Received by LGU:</b> 11/17/2020	
<b>Date this Notice was Sent by LGU:</b> 12/2/2020	
<b>Date that Comments on this Application Must Be Received By LGU<sup>1</sup>:</b> 12/23/2020	

<sup>1</sup> minimum 15 business day comment period for Boundary & Type, Sequencing, Replacement Plan and Bank Plan Applications

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**Replacement Plan Impacts (replacement plan decisions only)**

<b>Total WCA Impact Area Proposed:</b>
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**Application Materials**

<input checked="" type="checkbox"/> Attached <input type="checkbox"/> Other <sup>1</sup> (specify):
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<sup>1</sup> Link to ftp or other accessible file sharing sites is acceptable.

**Comments on this application should be sent to:**

<b>LGU Contact Person:</b> Ben Scharenbroich, Water Resources Supervisor
<b>E-Mail Address:</b> bscharenbroich@plymouthmn.gov
<b>Address and Phone Number:</b> 3400 Plymouth Blvd, Plymouth, MN 55447
<b>Decision-Maker for this Application:</b>
<input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other (specify):

**Notice Distribution (include name)**

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*Optional or As Applicable:*

<input checked="" type="checkbox"/> Corps of Engineers: <b>US Army Corps of Engineers, 180 Fifth Street East, Suite 700, St. Paul, MN 5511-1678</b>
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<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only):	
<input type="checkbox"/> Members of the Public (notice only):	<input type="checkbox"/> Other:

<b>Signature:</b> 	<b>Date:</b> 12/2/2020
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