

# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>City of Plymouth</b>	Address <b>3400 Plymouth Blvd. Plymouth, MN, 55447</b>
--------------------------------------------------------	---------------------------------------------------------------

### 1. PROJECT INFORMATION

Applicant Name <b>Jay Joiner</b>	Project Name <b>The Gardner School</b>	Date of Application <b>12/4/17</b>	Application Number <b>NA</b>
<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 Findings and Recommendation (if any):

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach):  <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>January 10, 2018</b>		
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

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

A site review of the 505 Waterford site was conducted on November 10, 2017. In addition NWI, Hennepin County Soil Survey, DNR Public Water Inventory, and historic aerial photography was also reviewed. No wetlands were identified on-site, however, Bassett Creek was identified as a DNR public waterway and an open water basin were identified. The City of Plymouth pond inventory identifies the open water basin as required water quality ponding for previous development.

The City received the following comment from the Board of Water and Soil Resources: "Based on the images and mapped soil units, the areas that are now open water I believe to be historically wetland and were excavated to be open water. If the open water areas were excavated deeper than 6.5 feet they would have been converted to deep-water habitat but nothing in the report suggests that."

The wetland boundaries are approved on the condition that the depth of the open water basin must be provided if the basin will be impacted. If the open water basin is not to be impacted, then the depth is not required, however, until depths are provided the basin will be considered Type 5 Deep Water Habitat wetland.

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 <b>Derek Asche</b>	Title <b>Water Resources Manager</b>	
Signature 	Date <b>1/17/18</b>	Phone Number and E-mail <b>763-509-5526</b> <b>dasche@plymouthmn.gov</b>

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 three 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 \$0 fee (if applicable) to: <b>Derek Asche, Water Resources Manager</b> <b>City of Plymouth</b> <b>3400 Plymouth Blvd.</b> <b>Plymouth, MN, 55447</b>	<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
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### 4. LIST OF ADDRESSEES

- SWCD TEP member: **Ms. Stacey Lijewski, HCD, 701 Fourth Avenue South, Suite 700, Minneapolis, MN, 55415-1600 (sent electronically)**
- BWSR TEP member: **Ben Carlson, BWSR, 520 Lafayette Road North, St. Paul, MN, 55401-1397 (sent electronically)**
- LGU TEP member (if different than LGU Contact):
- DNR TEP member: **Becky Horton, MN DNR, 1200 Warner Road, St. Paul, MN, 55106 (sent electronically)**
- DNR Regional Office (if different than DNR TEP member)  
**Jason Spiegel, Area Hydrologist, MN DNR, 1200 Warner Road, St. Paul, MN, 55106 (sent electronically)**
- WD or WMO (if applicable):  
**BCWMC, c/o Laura Jester, Keystone Waters LLC, 16145 Hillcrest Lane, Eden Prairie, MN, 553467 (sent electronically)**
- Applicant (notice only) and Landowner (if different):  
**Jay Joiner, The Gardner School (sent electronically)**  
**505 Waterford LLC, 161 North Clark Street #4900, Chicago, IL, 60601**
- Members of the public who requested notice (notice only):  
**Ashley Payne, Kimley-Horn (sent electronically)**
- Corps of Engineers Project Manager (notice only): **Army Corps of Engineers, 180 5<sup>th</sup> Street East, Suite 700, St. Paul, MN, 55101-1678 (sent electronically)**
- BWSR Wetland Bank Coordinator (wetland bank plan applications only)

#### 5. MAILING INFORMATION

- For a list of BWSR TEP representatives: [www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://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](http://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](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](http://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

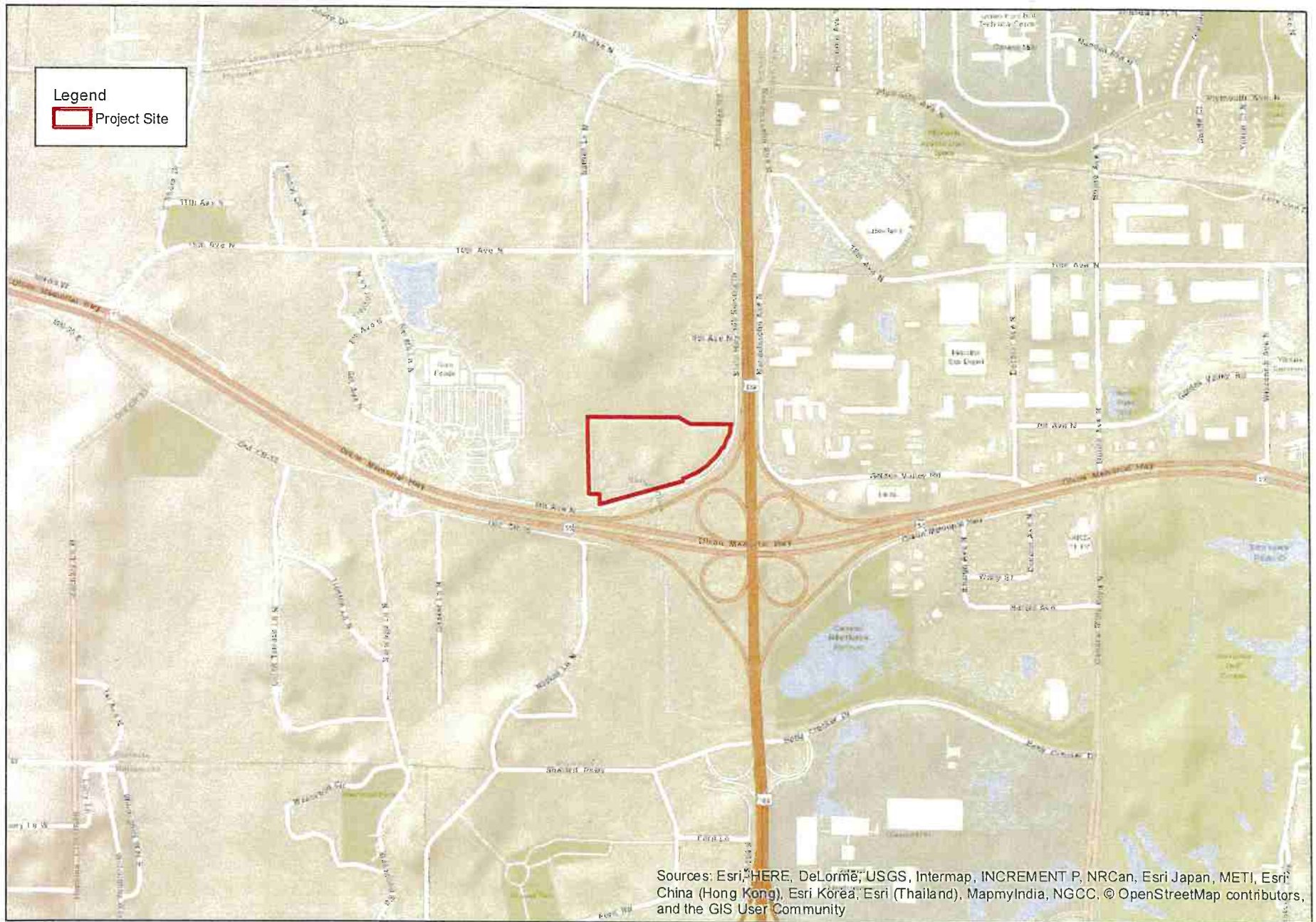
- For Wetland Bank Plan applications, also send a copy of the application to:

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:





Kimley»Horn

0 500 1,000 Feet



Figure 1. Project Location