Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU)
City of Crystal

Address
4141 Douglas Drive N
Crystal, MN 55422

1. PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Project Name</th>
<th>Date of Application</th>
<th>Application Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Crystal, Mark Ray</td>
<td>Winnetka Pond dredging project</td>
<td>6/13/2018</td>
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</tr>
</tbody>
</table>

- Attach site locator map.

Type of Decision:
- ☑ No-Loss
- ☑ Exemption

Technical Evaluation Panel (TEP) Findings and Recommendation (if any):
- ☑ Approve
- ☑ Approve with conditions
- ☑ Deny

Summary (or attach): no TEP Findings Report, see LGU summary below for TEP involvement

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 8/3/2018

- ☑ Approved
- ☐ Approved with conditions (include below)
- ☐ Denied

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

On behalf of the City of Crystal, Barr Engineering Co. has submitted a joint application form requesting WCA no-loss and exemption approval for the Winnetka Pond dredging project located in the City of Crystal, Sections 17, Township 118N, Range 21W, within Hennepin County.

The wetland boundaries and types were previously approved by the LGU on 1/6/2017.

The MPARS Application Number 2018-1852 was submitted to the MNDNR on 5/20/2018 for work below the OHWL of the DNR Public Water.

Work above the OHWL under WCA jurisdiction includes placement of rip-rap resulting in 126 sf of permanent wetland impacts and 354 sf of temporary wetland impacts for construction access within the Type 1 floodplain forest wetland community.

The permanent wetland fill of 126 sf is approved under the de minimis exemption in MN Rules 8420.0420 Subp. 8 A (3) (c) and according to 2012 WCA Statute Changes 103G.2241, Subd. 9. (b) (1), in which a replacement plan is not required for projects that impact up to 400 sf of Type 1 wetland in a less than 50 percent area outside of the building setback zone, but within the shoreland wetland protection zone.

The temporary wetland impacts of 354 sf approved under no-loss activity in MN Rules 8420.0420.0415 H. Temporary wetland impacts will be restored within six months of the start of activity. The seeding plan was revised to include a wetland mix within the temporary wetland impact areas.

The Notice of Application was submitted to TEP members on 7/3/2018. A 15 business day comment period ended on 7/26/2018 and no comments were received.
For Replacement Plans using credits from the State Wetland Bank:

<table>
<thead>
<tr>
<th>Bank Account #</th>
<th>Bank Service Area</th>
<th>County</th>
<th>Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)</th>
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</table>

**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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Date</th>
<th>Phone Number and E-mail</th>
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</thead>
<tbody>
<tr>
<td>Mark Ray</td>
<td>Public Works Director/City Engineer</td>
<td>8/6/2018</td>
<td>763-531-1160, <a href="mailto:Mark.Ray@crystalmn.gov">Mark.Ray@crystalmn.gov</a></td>
</tr>
</tbody>
</table>

**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:

- Appeal of an LGU staff decision. Send petition and $_____ fee (if applicable) to:

- 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
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:

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<tbody>
<tr>
<td>2115 Birchmont Beach Rd. NE Bemidji, MN 56601</td>
<td>1201 E. Hwy. 2 Grand Rapids, MN 55744</td>
<td>1200 Warner Road St. Paul, MN 55106</td>
<td>261 Hwy. 15 South New Ulm, MN 56073</td>
</tr>
</tbody>
</table>

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)


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:

☒ wetland impact figure
**WINNETKA POND DREDGING PROJECT**

**CITY OF CRYSTAL**

**CRYSTAL, MN**

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**LOCATION MAP**

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**TITLE SHEET AND SITE LOCATION MAP**

**G-01**

**EXISTING CONDITIONS, REMOVALS, & EROSION CONTROL PLAN**

**G-02**

**EROSION CONTROL DETAILS**

**G-03**

**GRADING PLAN**

**C-01**

**GRADING SECTIONS**

**C-02**

**STORM SEWER PLAN, PROFILES, AND DETAILS**

**C-03**

**NATIVE BUFFER AND RESTORATION PLAN**

**C-04**

**MISCELLANEOUS DETAILS**

**C-05**

**OUTLET STRUCTURE SECTIONS AND DETAILS**

**S-01**

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**Gopher State One Call**

**Contact:**

**Patrick Brockamp**

**Owner:**

**City of Crystal**

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**Coordinate System:** Hennepin County

**Horizontal Datum:** NAD83 (2011)

** Vertical Datum:** NAVD88