

# Minnesota Wetland Conservation Act Notice of Decision

Item 8D.  
BCWMC 6-21-18  
Full document  
available from City  
of Plymouth

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

## 1. PROJECT INFORMATION

Applicant Name <b>Ben Scharenbroich</b>	Project Name <b>Kilmer Park Street Reconstruction Project – City Project No. 18001</b>	Date of Application <b>05/16/2018</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):		

## 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>05/16/2018</b>		
<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):

The City of Plymouth's Consultant (Stantec Consulting Services Inc.) performed a Level 1 wetland determination and delineation of the Kilmer Park Street Reconstruction Project Area. This project is located generally located between 26<sup>th</sup> and 28<sup>th</sup> Avenues North and west of State Highway 169 in Plymouth, Minnesota as shown on the project Location Map. This area was developed during the late 1940s as the Klausmans residential development.

A level 1 wetland delineation was completed in the location map area on April 12 2018 for the presences and extent of wetlands. During the level 1 site visit, eight wetlands were delineated on site. Wetland 1(W-A) is a Type 2, PEMB Wet Meadow wetland dominated by narrow-leaf cattail, reed canary grass and garlic mustard. Wetland 2 (W-B) is a Type 2, PEMB Wet Meadow wetland dominated by narrow-leaf cattail, reed canary grass and garlic mustard. Wetland 3 (W-C) is a Type 1, PEMA seasonally flooded wetland dominated by reed canary grass as well as bare soil. Wetland 4 (W-D) is a Type 1, PEMA seasonally flooded wetland dominated by reed canary grass as well as bare soil. Wetland 5 (W-E) is a Type 1, PEMA seasonally flooded wetland dominated by reed canary grass. Wetland 6 (W-F) is a Type 1, PEMA seasonally flooded wetland dominated by reed canary grass. Wetland 7 (W-G) is a Type 3, PEMC shallow marsh wetland dominated by narrow-leaf cattail. Wetland 8 (W-H) is a Type 3, PEMC shallow marsh wetland dominated by narrow-leaf cattail.

Subsequently a level 2 wetland delineation was completed in the same area on April 30<sup>th</sup>, 2018 for the presence and extent of wetlands. During the level 2 site visit, eight wetlands were delineation on site. Wetland 1(W-A) is a Type 2, PEMB Wet Meadow wetland dominated by reed canary grass, hybrid cattail. Other dominate vegetation within the wetland are comprised mostly of hydrophytic vegetation. Wetland 2 (W-B) is a Type 2, PEMB Wet

Meadow wetland dominated by reed canary grass, hybrid cattail. Other dominate vegetation within the wetland are comprised mostly of hydrophytic vegetation. Wetland 3 (W-C) is a Type 1, PEMA seasonally flooded wetland dominated by box elder, plains cottonwood, creeping charlie. Other dominate vegetation within the wetland are comprised mostly of hydrophytic vegetation. Wetland 4 (W-D) is a Type 1, PEMA seasonally flooded wetland dominated by box elder, plains cottonwood, creeping charlie. Other dominate vegetation within the wetland are comprised mostly of hydrophytic vegetation. Wetland 5 (W-E) is a Type 1, PEMA seasonally flooded wetland dominated by reed canary grass and box elder. Other dominate vegetation within the wetland are comprised mostly of hydrophytic vegetation. Wetland 6 (W-F) is a Type 1, PEMA seasonally flooded wetland dominated by reed canary grass and box elder. Other dominate vegetation within the wetland are comprised mostly of hydrophytic vegetation. Wetland 7 (W-G) is a Type 3, PEMC shallow marsh wetland dominated by hybrid cattail. Other dominate vegetation within the wetland are comprised mostly of hydrophytic vegetation. Wetland 8 (W-H) is a Type 3, PEMC shallow marsh wetland dominated by hybrid cattail. Other dominate vegetation within the wetland are comprised mostly of hydrophytic vegetation.

Both of the wetland delineation reports were completed by Stantec Consulting Services Inc and are included in this report. Below is a summary table of the wetlands identified within the Study Area and the delineated sizes in the Level 1 and Level 2 delineations. On-site wetland acreages for wetland 3, 4 and 6 were made as outlined below.

Wetland	Wetland Type	NWI Wetland Type	Adjacent Surface Waters	Level 1 Delineation Acreage (on-site)	Level 2 Delineation Acreage (on-site)
Wetland 1 (W-A)	Wet Meadow / Type 2 / PEMB	PEM1a	Immediately adjacent to Bassett Creek	0.021	0.021
Wetland 2 (W-B)	Wet meadow / Type 2 / PEMB	PEM1a	Immediately adjacent to Bassett Creek	0.021	0.021
Wetland 3 (W-C)	Seasonally Flooded / Type 1 / PEMA	PEM1a	Immediately adjacent to Bassett Creek	0.025	0.022
Wetland 4 (W-D)	Seasonally Flooded / Type 1 / PEMA	PEM1a	Immediately adjacent to Bassett Creek	0.02	0.025
Wetland 5 (W-E)	Seasonally Flooded / Type 1 / PEMA	Not Mapped	Immediately adjacent to Bassett Creek	0.006	0.006
Wetland 6 (W-F)	Seasonally Flooded / Type 1 / PEMA	Not Mapped	Immediately adjacent to Bassett Creek	0.004	0.005
Wetland 7 (W-G)	Shallow Marsh / Type 3 / PEMC	Not Mapped	Immediately adjacent to Bassett Creek	0.004	0.004
Wetland 8 (W-H)	Shallow Marsh / Type 3 / PEMC	Not Mapped	Immediately adjacent to Bassett Creek	0.003	0.003

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>5/16/2018</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

<input checked="" type="checkbox"/> HCD TEP member: <b>Ms. Stacey Lijewski, HCD, 701 Fourth Avenue South, Suite 700, Minneapolis, MN, 55415-1600 (sent electronically)</b>
<input checked="" type="checkbox"/> BWSR TEP member: <b>Ben Carlson, BWSR, 520 Lafayette Rd. N., St. Paul, MN, 55155 (sent electronically)</b>
<input type="checkbox"/> LGU TEP member (if different than LGU Contact):
<input checked="" type="checkbox"/> DNR TEP member: <b>Becky Horton, MN DNR, 1200 Warner Road, St. Paul, MN 55106 (sent electronically)</b>
<input type="checkbox"/> DNR Regional Office (if different than DNR TEP member) <b>Mr. Jason Spiegel, Area Hydrologist, DNR Division of Ecological and Water Resources, 1200 Warner Road, St. Paul, MN, 55106 (sent electronically)</b>
<input checked="" type="checkbox"/> WD or WMO (if applicable): <b>BCWMC, c/o Laura Jester, Keystone Waters, LLC, 16415 Hillcrest Lane, Eden Prairie, MN, 55346 (sent electronically)</b>
<input checked="" type="checkbox"/> Applicant and Landowner (if different): <b>JOYCE CARLSON 347 19TH AVE NE MINNEAPOLIS, MN 55418</b> <b>DONALD AND RUTH STADSVOLD 9610 27TH AVE N PLYMOUTH, MN 55441</b> <b>PAUL JANE NEUBURGER 2720 KILMER LN N PLYMOUTH, MN 55441</b> <b>DIANNA DAWIDOFF 9525 28TH AVE N PLYMOUTH, MN 55441</b> <b>MICHAEL AND JENNIFER MOREEN 2730 KILMER LN N PLYMOUTH, MN 55441</b> <b>THOMAS AND ROXANNE ZAUN 9700 26TH AVE N PLYMOUTH, MN 55441</b> <b>WILLIAM AND LINDA THOMPSON 9640 26TH AVE N PLYMOUTH, MN 55441</b> <b>STEVEN TSCHIDER 2620 58TH ST W MINNEAPOLIS, MN 55410</b> <b>RYAN FRONIUS 9705 27TH AVE N PLYMOUTH, MN 55441</b>
Members of the public who requested notice: <b>John Smyth, Stantec Consulting Services Inc 2335 Highway 36 West St. Paul MN 55113 (sent electronically)</b>
<input checked="" type="checkbox"/> Corps of Engineers Project Manager: <b>Melissa Jenny, Army Corps of Engineers, 180 5<sup>th</sup> Street East, Suite 700, St. Paul, MN, 55101-1678 (sent electronically)</b>
<input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan decisions 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> 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
---	---	--	--

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:

- Location Map**
- Level 1 Wetland Delineation Report**
- Level 2 Wetland Delineation Report**
- Project Grading Plans**

**Legend**

-  Lakes
-  Creek
-  Parcels
-  Water Quality Pond
-  Wetland Mitigation
-  Wetland

