Minnesota Wetland Conservation Act
Notice of Application

Item 7F.
BCWMC 6-16-16

Local Government Unit (LGU)	Address
City of Plymouth	**3400 Plymouth Blvd.** **Plymouth, MN, 55447**

1. PROJECT INFORMATION

Applicant Name	Project Name	Date of Application	Application Number
Neal Krzyzaniak **NIK Management, Inc.**	**Vrieze Property**	**5/31/16**	**NA**

Type of Application (check all that apply):

☒ Wetland Boundary or Type ☐ No-Loss ☐ Exemption ☐ Sequencing
☐ Replacement Plan ☐ Banking Plan

Summary and description of proposed project (attach additional sheets as necessary):

The Vrieze property is located in the NW 1/4 of the NW 1/4 of Section 17, T118N, R22W, in the City of Plymouth. One wetland was delineated on-site. The area below "Edge 1" is characterized as Type 2/3/4 PEM1B/PEM1C/PUBF, Fresh (Wet) Meadow/Shallow Maresh/Deep Marsh dominated by reed canary grass with some cattail and open water.

2. APPLICATION REVIEW AND DECISION

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 3 provides notice that an application was made to the LGU under the Wetland Conservation Act as specified above. A copy of the application is attached. Comments can be submitted to:

Name and Title of LGU Contact Person	Comments must be received by (minimum 15 business-day comment period):
Derek Asche **Water Resources Manager**	**June 23, 2016**
Address (if different than LGU) **Plymouth City Hall** **3400 Plymouth Blvd.** **Plymouth, MN, 55447**	Date, time, and location of decision: **June 24, 2016** **9am** **Plymouth City Hall**
Phone Number and E-mail Address **763-509-5526** **dasche@plymouthmn.gov**	Decision-maker for this application: ☒ Staff ☐ Governing Board or Council

Signature: Derek Asche **Date:** 6/1/16

3. 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 Meyer, BWSR, 520 Lafayette Road North, St. Paul, MN, 55401-1397** (sent electronically)
☐ LGU TEP member (if different than LGU Contact):
☒ DNR TEP member: **Leslie Parris, MN DNR, 1200 Warner Road, St. Paul, MN, 55106** (sent electronically)
☒ DNR Regional Office (if different than DNR TEP member)
Kate Drewry, 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):
Mr. Roger Vrieze, 1031 Old Blush Road, Celebration, FL, 34747
Neal Krzyzaniak, NIK Management Inc., 11736 117th Street West, Lakeville, MN, 55044
☒ Members of the public who requested notice (notice only):
Robert Merila, Aquatic EcoSolutions, In. (sent electronically)
☒ Corps of Engineers Project Manager (notice only): **Melissa Jenny, Army Corps of Engineers, 180 5th Street East, Suite 700, St. Paul, MN, 55101-1678** (sent electronically)
☐ BWSR Wetland Bank Coordinator (wetland bank plan applications only)

4. MAILING INFORMATION

➢For a list of BWSR TEP representatives: www.bwsr.state.mn.us/contact/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:

NW Region:	NE Region:	Central Region:	Southern Region:
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

➢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

5. ATTACHMENTS

In addition to the application, list any other attachments:
☒ **Wetland Delineation Report dated May 19, 2015 by Aquatic EcoSolutions, Inc.**
☐

Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

Regulatory Review Structure

Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

PD
5/31/16
OK

Submission Instructions

Send the completed joint application form and all required attachments to:

U.S Army Corps of Engineers. Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at: http://www.mvp.usace.army.mil/Missions/Regulatory.aspx and select "Minnesota" from the contact Information box. Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

Section 401 Water Quality Certification: Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

Wetland Conservation Act Local Government Unit: Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site (www.bwsr.state.mn.us) to determine the appropriate LGU.

DNR Public Waters Permitting: In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (https://webapps11.dnr.state.mn.us/mpars/public/authentication/login). Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Neal Krzyzaniak, NIK Management Inc.
Mailing Address: 11736 117th Street West, Lakeville, MN 55044
Phone: 952, 236-9424
E-mail Address: nealkay@live.com

Authorized Contact (do not complete if same as above):
Mailing Address:
Phone:
E-mail Address:

Agent Name: Robert Merila, Aquatic EcoSolutions, Inc.
Mailing Address: PO Box 497, Nevis, MN 56467
Phone: 877, 346-3474
E-mail Address: robertmerila@arvig.net

PART TWO: Site Location Information

County: Hennepin **City/Township: Plymouth**
Parcel ID and/or Address: 17135 Old Rockford Road
Legal Description (Section, Township, Range): 17, 118, 22
Lat/Long (decimal degrees):
Attach a map showing the location of the site in relation to local streets, roads, highways. (See Report)
Approximate size of site (acres) or if a linear project, length (feet): See attached plans

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted ***prior to*** this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

Wetland Delineation Review

PART FOUR: Aquatic Resource Impact[1] Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	**Aquatic Resource Type** (wetland, lake, tributary etc.)	**Type of Impact** (fill, excavate, drain, or remove vegetation)	**Duration of Impact** Permanent (P) or Temporary (T)[1]	**Size of Impact**[2]	**Overall Size of Aquatic Resource** [3]	**Existing Plant Community Type(s)** in Impact Area[4]	**County, Major Watershed #, and Bank Service Area #** of Impact Area[5]

[1]If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".
[2]Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).
[3]This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".
[4]Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.
[5]Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

PART FIVE: Applicant Signature

☐ Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature: _____ Date: 2-6-16

I hereby authorize _____ to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

[1] The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

Attachment A
Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

☒ **Wetland Type Confirmation**

☒ **Delineation Concurrence**. Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

☐ **Preliminary Jurisdictional Determination**. A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

☐ **Approved Jurisdictional Determination**. An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).
http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx

Attachment B
Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part ***if*** you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR ***if*** you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

Attachment C
Avoidance and Minimization

Project Purpose, Need, and Requirements. Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

Minimization. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

Attachment D
Replacement/Compensatory Mitigation

Complete this part ***if*** your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

Replacement/Compensatory Mitigation via Wetland Banking. Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

Project-Specific Replacement/Permittee Responsible Mitigation. Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit[1]	Corps Mitigation Compensation Technique[2]	Acres	Credit % Requested	Credits Anticipated[3]	County	Major Watershed #	Bank Service Area #

[1]Refer to the name and subpart number in MN Rule 8420.0526.
[2]Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.
[3]If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile……) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):

Attach a map of the existing aquatic resources, associated delineation report, and any documentation of regulatory review or approval. Discuss as necessary:

For actions involving construction activities, attach construction plans and specifications with all relevant details. Discuss and provide documentation of a hydrologic and hydraulic analysis of the site to define existing conditions, predict project outcomes, identify specific project performance standards and avoid adverse offsite impacts. Plans and specifications should be prepared by a licensed engineer following standard engineering practices. Discuss anticipated construction sequence and timing:

For projects involving vegetation restoration, provide a vegetation establishment plan that includes information on site preparation, seed mixes and plant materials, seeding/planting plan (attach seeding/planting zone map), planting/seeding methods, vegetation maintenance, and an anticipated schedule of activities:

For projects involving construction or vegetation restoration, identify and discuss goals and specific outcomes that can be determined for credit allocation. Provide a proposed credit allocation table tied to outcomes:

Provide a five-year monitoring plan to address project outcomes and credit allocation:

Discuss and provide evidence of ownership or rights to conduct wetland replacement/mitigation on each site:

Quantify all proposed wetland credits and compare to wetland impacts to identify a proposed wetland replacement ratio. Discuss how this replacement ratio is consistent with Corps and WCA requirements:

By signature below, the applicant attests to the following (only required if application involves project-specific/permittee responsible replacement):

- All proposed replacement wetlands were not:
  - Previously restored or created under a prior approved replacement plan or permit
  - Drained or filled under an exemption during the previous 10 years
  - Restored with financial assistance from public conservation programs
  - Restored using private funds, other than landowner funds, unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement.
- The wetland will be replaced before or concurrent with the actual draining or filling of a wetland.
- An irrevocable bank letter of credit, performance bond, or other acceptable security will be provided to guarantee successful completion of the wetland replacement.
- Within 30 days of either receiving approval of this application or beginning work on the project, I will record the Declaration of Restrictions and Covenants on the deed for the property on which the replacement wetland(s) will be located and submit proof of such recording to the LGU and the Corps.

Applicant or Representative: Title:

Signature: _____ Date:

Attachment E
Local Road Replacement Program Qualification

Complete this part ***if*** you are a local road authority (county highway department, city transportation department, etc.) seeking verification that your project (or a portion of your project) qualifies for the MN Local Government Road Wetland Replacement Program (LGRWRP). If portions of your project are not eligible for the LGRWRP, then Attachment D should be completed and attached to your application.

Discuss how your project is a repair, rehabilitation, reconstruction, or replacement of a currently serviceable road to meet state/federal design or safety standards/requirements. Applicants should identify the specific road deficiencies and how the project will rectify them. Attach supporting documents and information as applicable:

Provide a map, plan, and/or aerial photograph accurately depicting wetland boundaries within the project area. Attach associated delineation/determination report or otherwise explain the method(s) used to identify and delineate wetlands. Also attach and discuss any type of review or approval of wetland boundaries or other aspects of the project by a member or members of the local Technical Evaluation Panel (TEP) or Corps of Engineers:

In the table below, identify only the wetland impacts from Part 4 that the road authority has determined should qualify for the LGRWRP.

Wetland Impact ID (as noted on overhead view)	**Type of Impact** (fill, excavate, drain)	**Size of Impact** (square feet or acres to 0.01)	**Existing Plant Community Type(s)** in Impact Area[1]	**County, Major Watershed #, and Bank Service Area #** of Impact[2]

[1]Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.
[2]Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

Discuss the feasibility of providing onsite compensatory mitigation/replacement for important site-specific wetland functions:

Please note that under the MN Wetland Conservation Act, projects with less than 10,000 square feet of wetland impact are allowed to commence prior to submission of this notification so long as the notification is submitted within 30 days of the impact. The Clean Water Act has no such provision and requires that permits be obtained prior to any regulated discharges into water of the United States. To avoid potential unauthorized activities, road authorities must, at a minimum, provide a complete application to the Corps and receive a permit prior to commencing work.

By signature below, the road authority attests that they have followed the process in MN Rules 8420.0544 and have determined that the wetland impacts identified in Attachment D are eligible for the MN Local Government Road Wetland Replacement Program.

Road Authority Representative: Title:

Signature: _____ Date:

Technical Evaluation Panel Concurrence: Project Name and/or Number: Plymouth Site

TEP member: Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____ Date:

TEP member: Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____ Date:

TEP member: Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____ Date:

TEP member: Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: _____ Date:

Upon approval and signature by the TEP, application must be sent to: **Wetland Bank Administration**
Minnesota Board of Water & Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

Aquatic EcoSolutions, Inc.
Ecological Solutions to Environmental Challenges
Lakes • Streams • Riparian • Wetlands • Watersheds

P.O. Box 497
Nevis, MN 56467
Telephone: (877) 346-3474
robertmerila@arvig.net

Vrieze Property

Plymouth, Hennepin County, Minnesota

for

Mr. Roger Vrieze

Wetland Delineation Report

May 19, 2015
Number: 14021RV

Vrieze Property

Plymouth, Hennepin County, Minnesota
for
Mr. Roger Vrieze

prepared by
Aquatic EcoSolutions, Inc.
Number: 14021RV

The **Vrieze Property** is in the NW¼ of the NW¼ of Section 17, Township T. 118 N., Range R. 22W., Plymouth, Hennepin County, Minnesota.

The parcel is located adjacent to and south of Old Rockford Road near where Holly Land meets this road from the north (a third mile west of Dunkirk Lane).

Adjacent land usage includes developed and developing residential homes, scattered wetlands, and a golf course.

This parcel was a large residential lot that appeared to have cattle or horse pasture, and what appear to be some planted trees.

The purpose of this project was to examine the site for wetland conditions and delineate them. The Results section describes the wetland conditions observed on the site.

The wetland delineation was performed on December 20, 2014 and May 6, 2015 by Robert J.F. Merila, *Wetland Delineator Certified* #1087, *Professional Wetland Scientist* #1030.

Methodology

In Minnesota, wetlands are under two jurisdictions: State and Federal. The State jurisdiction guidelines were set by the Minnesota Wetland Conservation Act of 1991 (WCA). This State jurisdiction is administered by the Local Governmental Unit (LGU) with technical guidance provided by the Board of Water and Soil Resources (BWSR).

The Federal jurisdiction is administered by the U.S. Army Corps of Engineers (COE or Corps).

Starting in 1996, both jurisdictions agreed to use the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987) along with supplemental guidance by the Corps. This manual is commonly referred to as the **1987 Manual**.

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The wetland delineation method used on this site was the Plant Community Assessment Procedure of the Routine Onsite Determination Method. The Routine Onsite Determination Forms (located in the back of the report) detail the three technical criteria (hydrophytic vegetation, hydric soils, and wetland hydrology) as described in the 1987 Manual.

The wetland edge(s) were delineated where one, two, or all three of these technical criteria drop out.

One sample point transect perpendicularly crosses the delineated edge. This transect consists of one sample point above the edge and one sample point below the edge.

A **Routine Onsite Determination Form** (data form) was completed for each of the sample point locations. The data forms describe the plant community, soils information, and hydrologic indicators at each sample point. Sample points are labeled as follows:

SP**1-LOW**

1=basin or edge number
LOW=the sample point below the edge ("UP" is above the edge)

Plant species on the data forms were listed by scientific names, stratum, percent cover for that stratum, and the species hydrohytic indicator status.

The delineated wetland edges were flagged with sequential numbers on orange or pink "Wetland Boundary" flagging, or with pink pin flags.

The sample points were marked with blue and white striped flagging was tied on vegetation or pink pin flags.

Results

One wetland edge was delineated on the parcel; the specific location of the edge can be obtained from the survey company who located it

According to the Department of Natural Resources (DNR) **Protected Water Inventory (PWI) of Hennepin County (page 4 of 4)**, the wetland below Edge 1 was mapped as "Protected Water" 601W.

The **National Wetlands Inventory (NWI)** identifies the wetland below Edge 1 as PEMCd with scattered pockets of PEMFd. The open water (that appears to be an excavated cattle watering area) was identified as PUBFd. It was evident that NWI polygons were somewhat inaccurate as the PUBFd polygon missed the location of the water; the NWI is often considered a broad generalization that needs to be verified with an on-the-ground site examination.

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Information from the **Soil Survey of Hennepin County (online version)** identifies the soils mapped on the parcel. This information is used on the Data Sheets. Soils mapped within the area examined include:

L9A	Minnetonka silty clay loam, 0 to 2 percent slopes
L22C2	Lester loam, 6 to 10 percent slopes, moderately eroded
L36A	Hamel, overwash-Hamel complex, 1 to 4 percent slopes
L37B	Angus loam, 2 to 6 percent slopes
L44A	Nessel loam, 1 to 3 percent slopes
L49A	Klossner soils, depressional, 0 to 1 percent slopes

Former Stormwater Channelized Flowageway

There was an overland flowageway that cut across the northeastern portion of the property from north toward the south with a stormwater outfall at the upstream (north) end at Old Rockford Road. At approximately 2010 this stormwater flowage was directed into a stormwater treatment pond immediately to the east of the property so that untreated stormwater did not continue to flow across this property.

With the stormwater directed into the stormwater treatment pond instead of flowing across the property, there is an absence of untreated stormwater flowing through this previous stormwater flowageway. Upon examination of this previous stormwater flowageway, it was found that wetland vegetation was not present (likely due to the fact that the stormwater had scoured the bottom during high run-off events while being used as a stormwater conveyance, and that unconsolidated sediment formed after the stormwater flowage was stopped). Therefore, because one of the three wetland criteria were absent (the wetland vegetation criterion), this area would appear to not meet jurisdictional wetland criteria.

One more observation made on the property: it appears that there is a gap of more than 75 feet between the drainageway in question and the edge of the wetland. In the past, this drainageway had flowed over-land in sheet flow downstream from the south edge of the channelized flowage area to the wetland to the south. Even when stormwater was flowing, this area did not appear to have wetland criteria. Now that the stormwater has been directed into the stormwater treatment basin east of the property, this area has become drier and does not appear to have wetland hydrology or wetland vegetation.

Much of the bottom of this former drainageway was coarse sand. Great burdock was observed growing in the bottom of this former drainageway. During the early May examination, the bottom of this former channelized flowageway was observed to be dry without a hydrophytic plant community. This fits the observation that the water from the roadside ditch was directed into a stormwater treatment pond immediately to the east.

Therefore it appears that this former overland drainageway lacks jurisdictional wetland criteria.

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Ecological Solutions to Environmental Challenges

Edge Description

The wetland below **Edge 1** had portions of Fresh (Wet) Meadow (Type 2, PEM1B) dominated by reed canary grass, Shallow Marsh (Type 3, PEM1C), and Deep Marsh (Type 4, PUBF) with open water. This wetland extended southward and eastward off of the parcel. Reed canary grass was nearly 100% of the vegetation below the delineated edge with a few stinging nettle plants and some hybrid cattail individuals; pockets of what appear to be hybrid cattail are observed southeast of the parcel in with the reed canary grass monoculture.

Most of the woody vegetation along the upland-wetland fringe included box elder and common buckthorn along with a few black willow and weeping willow trees.

In the southeastern tip of the upland portion of the parcel was an area that appeared to be clearly excavated and used for watering of cattle or horses. The historical fences indicate the use as pasture.

Plant species observed above the wetland edge included Kentucky bluegrass, common dandelion, ground ivy, tall goldenrod, smooth brome, common milkweed, bull thistle, great burdock, and thicket creeper ground cover; common buckthorn, blackberry, black raspberry, smooth sumac, tartarian honeysuckle, and prickly gooseberry shrubs; and trees that include box elder, trembling aspen, and what appear to be planted white spruce, red pine, and apple trees.

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Conclusion

This wetland examination, delineation, and report of the **Vrieze Property** was performed in accordance with the generally accepted methodology of the 1987 Manual at the time of the services rendered. No warranty, express or implied, is made.

If unavoidable impacts are planned for this project, permits or exemptions from **State** (WCA, DNR, Watershed District), **Federal** (Corps), and/or other applicable entities need to be granted before the impacts occur.

The wetland delineation was performed and report prepared by Robert J.F. Merila, *Wetland Delineator Certified* #1087, *Professional Wetland Scientist* # 1030.

5/19/15

Robert J.F. Merila, President
Wetland Delineator, Certified #1087
Professional Wetland Scientist #1030
Associate Fisheries Scientist
Aquatic EcoSolutions, Inc.

Date

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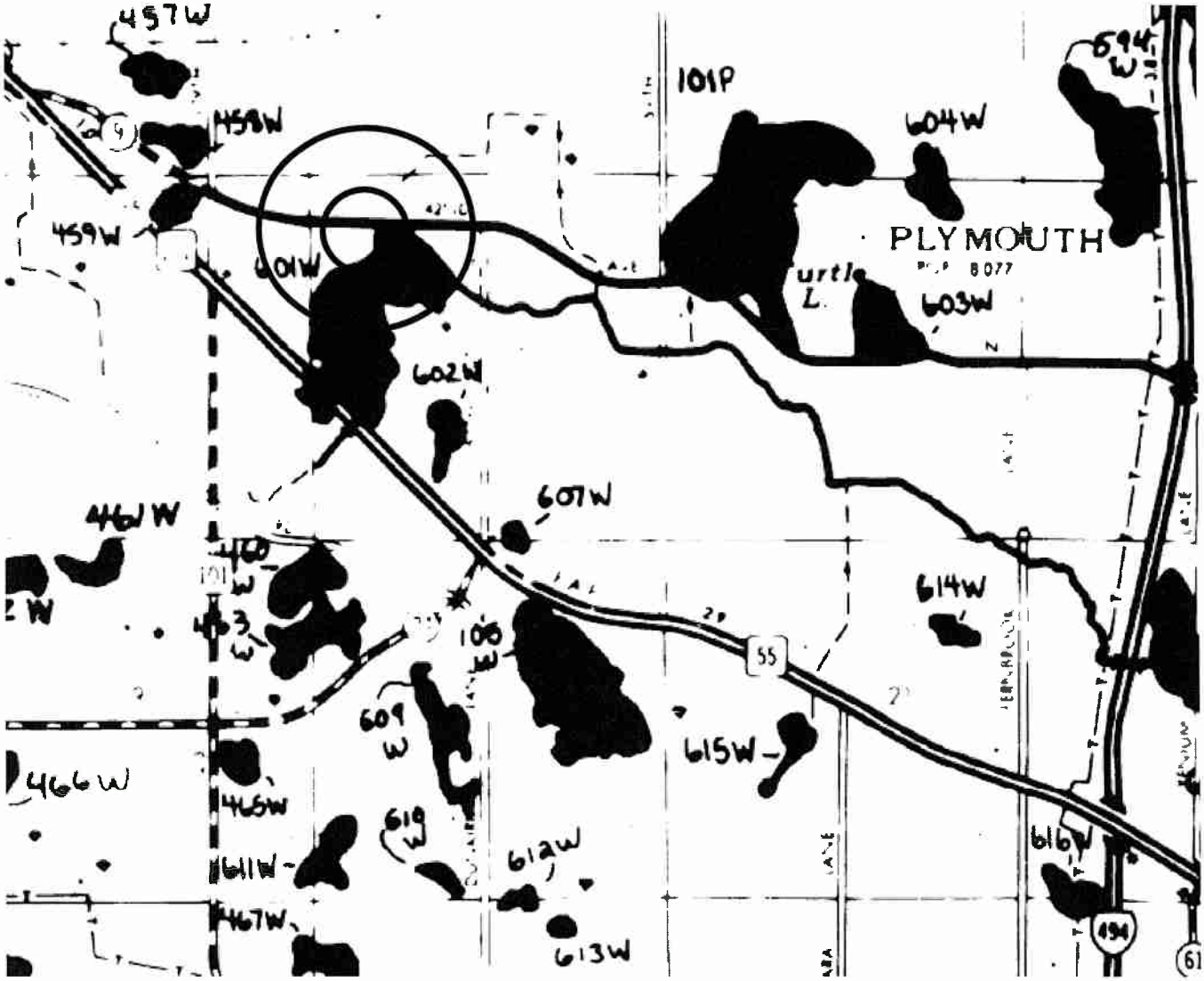
Ecological Solutions to Environmental Challenges



Protected Waters Inventory of Hennepin County
Minnesota Department of Natural Resources
(1"= 1 Mile Scale)

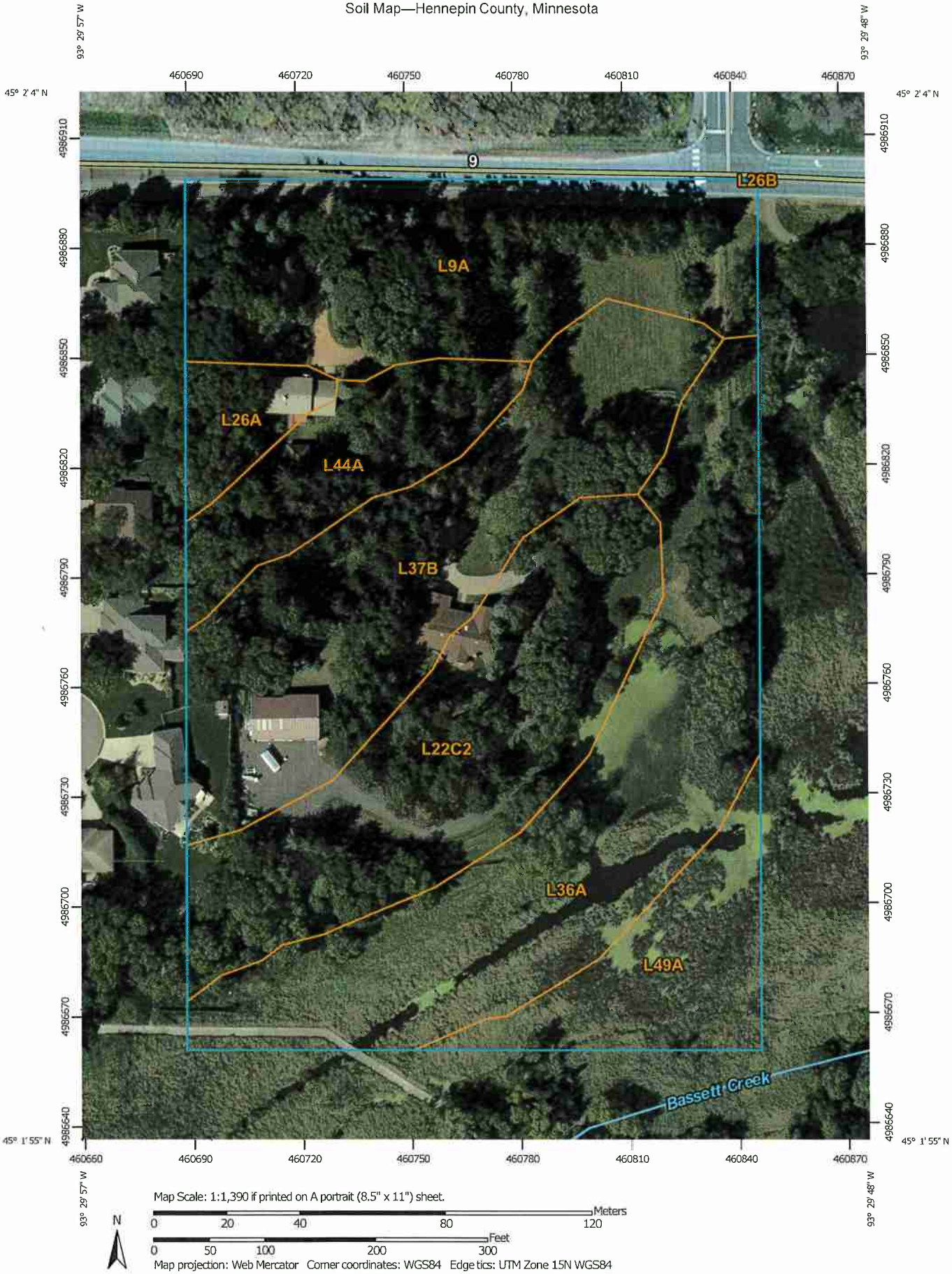
↑N

Vrieze Property **Aquatic EcoSolutions, Inc.**

National Wetlands Inventory (NWI)
US Geological Survey/US Fish & Wildlife Service

↑N

Vrieze Property **Aquatic EcoSolutions, Inc.**


93° 29' 57" W
93° 29' 48" W
45° 2' 4" N
45° 1' 55" N
460660
460690
460720
460750
460780
460810
460840
460870
4986910
4986880
4986850
4986820
4986790
4986760
4986730
4986700
4986670
4986640
9
L26B
L9A
L26A
L44A
L37B
L22C2
L36A
L49A
Bassett Creek
Map Scale: 1:1,390 if printed on A portrait (8.5" x 11") sheet.
Meters
0 20 40 80 120
Feet
0 50 100 200 300
N
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hennepin County, Minnesota
Survey Area Data: Version 10, Sep 16, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 16, 2012—Sep 7, 2014

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Hennepin County, Minnesota (MN053)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
L9A	Minnetonka silty clay loam, 0 to 2 percent slopes	1.8	19.4%
L22C2	Lester loam, 6 to 10 percent slopes, moderately eroded	1.7	18.7%
L26A	Shorewood silty clay loam, 1 to 3 percent slopes	0.3	2.8%
L26B	Shorewood silty clay loam, 3 to 6 percent slopes	0.0	0.0%
L36A	Hamel, overwash-Hamel complex, 1 to 4 percent slopes	2.2	23.8%
L37B	Angus loam, 2 to 6 percent slopes	1.9	20.6%
L44A	Nessel loam, 1 to 3 percent slopes	0.7	7.3%
L49A	Klossner soils, depressional, 0 to 1 percent slopes	0.7	7.4%
Totals for Area of Interest		**9.3**	**100.0%**

Approximate Edge Location
US Geological Survey County

↑N

Vrieze Property

Aquatic EcoSolutions, Inc.

WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: Vrieze Property City/County: Hennepin Sampling Date: 5/6/2015

Applicant/Owner: Roger Vrieze State: MN Sampling Point: 1 Up

Investigator(s): Robert Merila Section, Township, Range: Sec 17, T118N, R22W

Landform (hillslope, terrace, etc.): slight slope Local relief (concave, convex, none): concave

Slope (%): 4 Lat: Long: Datum:

Soil Map Unit Name: L22C2 Lester loam, 6 to 10 percent slopes, moderately eroded NWI classification: none

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No (If no, explain in Remarks.)

Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes x No

Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	No x	**Is the Sampled Area within a Wetland?** **Yes** **No x**
Hydric Soil Present?	Yes	No x	
Wetland Hydrology Present?	Yes	No x	

Remarks: (Explain alternative procedures here or in a separate report)

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1. Picea glauca	20	Y	FACU
2.			
3.			
4.			
5.			
	20 = Total Cover		
Sapling/Shrub Stratum (Plot size: 15')			
1.			
2.			
3.			
4.			
5.			
	= Total Cover		
Herb Stratum (Plot size: 5')			
1. Poa pratensis	45	Y	FAC
2. Taraxicum offinale	35	Y	FACU
3. Arcticum lappa	15	N	UPL
4.			
5.			
6.			
7.			
8.			
9.			
10.			
	95 = Total Cover		
Woody Vine Stratum (Plot size:)			
1.			
2.			
	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species	x 1 =	
FACW species	x 2 =	
FAC species 45	x 3 =	135
FACU species 55	x 4 =	220
UPL species 15	x 5 =	75
Column Totals: 115 (A)		430 (B)

Prevalence Index = B/A = 3.74

Hydrophytic Vegetation Indicators:

- ___ Rapid Test for Hydrophytic Vegetation
- ___ Dominance Test is >50%
- ___ Prevalence Index is ≤3.0[1]
- ___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** **No x**

Remarks: (include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: 1 Up

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-8	7.5YR2/1	100					loam	
8-13	7.5YR3/3	100					fine sandy loam	
13-20	7.5YR 4/3	100					fine sandy loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ Coast Prairie Redox (A16)
- ___ Dark Surface (S7)
- ___ Iron-Manganese Masses (F12)
- ___ Very Shallow Dark Surface (TF 12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No x

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No x Depth (inches): _____

Water Table Present? Yes _____ No x Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No x Depth (inches): _____

Wetland Hydrology Present? Yes _____ No x

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: Vrieze Property City/County: Hennepin Sampling Date: 5/6/2015

Applicant/Owner: Roger Vrieze State: MN Sampling Point: 1 Low

Investigator(s): Robert Merila Section, Township, Range: Sec 17, T118N, R22W

Landform (hillslope, terrace, etc.): slight slope edge of ponded water Local relief (concave, convex, none): concave

Slope (%): 1 Lat: Long: Datum:

Soil Map Unit Name: L36A Hamel, overwash-Hamel complex, 1 to 4 percent slopes NWI classification: PUBFd

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No (If no, explain in Remarks.)

Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes x No

Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes x No	**Is the Sampled Area within a Wetland?** Yes x No
Hydric Soil Present?	Yes x No	
Wetland Hydrology Present?	Yes x No	

Remarks: (Explain alternative procedures here or in a separate report)

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1. Salix nigra	4	Y	OBL
2.			
3.			
4.			
5.			
	4 = Total Cover		
Sapling/Shrub Stratum (Plot size: 15')			
1. Salix nigra	4	Y	OBL
2.			
3.			
4.			
5.			
	4 = Total Cover		
Herb Stratum (Plot size: 5')			
1. Phalaris arundinacea	95	Y	FACW
2. Typha glauca	5	N	OBL
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
	100 = Total Cover		
Woody Vine Stratum (Plot size:)			
1.			
2.			
	= Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species 13	x 1 =	13
FACW species 95	x 2 =	190
FAC species	x 3 =	
FACU species	x 4 =	
UPL species 108	x 5 =	203
Column Totals: (A)		(B)

Prevalence Index = B/A = 1.88

Hydrophytic Vegetation Indicators:

___ Rapid Test for Hydrophytic Vegetation

_x__ Dominance Test is >50%

__x_ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes x No

Remarks: (include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: 1 Low

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-10	N/1	100					organic	
10-20	10YR2/1	95					silt loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- x Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ Coast Prairie Redox (A16)
- ___ Dark Surface (S7)
- ___ Iron-Manganese Masses (F12)
- ___ Very Shallow Dark Surface (TF 12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes x No _____

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- x Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- x Geomorphic Position (D2)
- x FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): --

Water Table Present? Yes x No ___ Depth (inches): 2

Saturation Present? (includes capillary fringe) Yes x No ___ Depth (inches): 2

Wetland Hydrology Present? Yes x No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

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

MAY 31 2012

REPLY TO
ATTENTION OF

Operations
Regulatory (2012-02251-MMJ)

Mr. Derek Asche
City of Plymouth
Water Resources Manager
3400 Plymouth Boulevard
Plymouth, Minnesota 55447

Dear Mr. Asche:

We have reviewed information about a City of Plymouth drainage improvement project located at the intersection of Old Rockford Road and Holly Lane. The project involves replacing and slightly realigning an existing stormwater culvert, in order to redirect flow into a nearby stormpond. The project also includes the excavation of a deep marsh type wetland (Type 4), in order to remove excess cattail and accumulated sediment material, which will improve drainage in the area. The project will result in the disturbance of approximately 7,000 square feet of wetland, as shown on the attached figures labeled 2012-02251-MMJ, Pages 1-4. The project site is in Sec. 17, T. 118 N., R. 22 W., Hennepin County, Minnesota.

Department of the Army Regional General Permit-03-MN (RGP-03-MN) provides authorization under section 404 of the Clean Water Act for certain categories of activities involving the discharge of dredged or fill material into waters of the U.S. We have determined that the described work is authorized by (RGP-03-MN), provided the attached Standard Conditions and the following **special conditions** are followed:

1. All temporarily impacted wetland areas shall be restored to previous conditions, and seeded with an appropriate native wetland seed mix.

2. All material excavated from the wetland shall be disposed of at an upland location.

This determination covers only the project as described above. If the design, location, or purpose of the project is changed, our office should be contacted to make sure the work would not result in a violation of Federal law.

If your project will require off-site fill material that is **not** obtained from a licensed commercial facility, you must notify us at least five working days before start of work. A cultural resources survey may be required if a licensed commercial facility is not used.

This General Permit is valid until January 31, 2012, unless modified, reissued, or revoked. The time limit for completing the work described above ends on that day, OR two years from the date of this letter, whichever occurs later. It is the permittee's responsibility to remain

informed of changes to the General Permit program. If this authorized work is not undertaken within the above time period, or the project specifications have changed, our office must be contacted to determine the need for further approval or re-verification.

It is the permittee's responsibility to ensure that the work complies with the terms of this letter and any enclosures, AND THAT ALL REQUIRED STATE AND LOCAL PERMITS AND APPROVALS ARE OBTAINED BEFORE WORK PROCEEDS.

A preliminary jurisdictional determination (JD) has been prepared for the site of your project. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps representative identified in the final paragraph of this letter. You also may provide new information for further consideration by the Corps to reevaluate the JD. If this JD is acceptable, please sign and date both copies of the Preliminary Jurisdictional Determination Form and return one copy to the address below within 15 days from the date of this letter.

U.S. Army Corps of Engineers
St. Paul District
180 5th Street East, Suite 700
St. Paul, Minnesota 55101-1678
Attn: Melissa Jenny

If you have any questions, contact Melissa Jenny in our St. Paul office at (651) 290-5363. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

Maria L. Valencia

Tamara E. Cameron
for Chief, Regulatory Branch

Enclosure

CITY OF PLYMOUTH

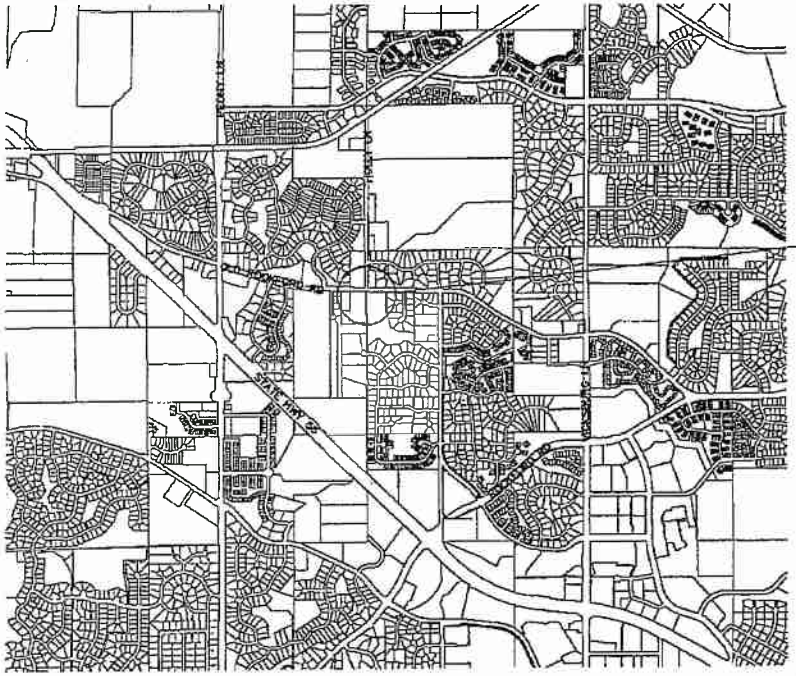
HENNEPIN COUNTY, MINNESOTA

CONSTRUCTION PLANS FOR:

UTILITY IMPROVEMENTS

OLD ROCKFORD ROAD & HOLLY LANE DRAINAGE IMPROVEMENT

CITY PROJECT NO. 11038



INDEX :

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2-3	DETAILS
4	PLAN

THIS PLAN SET CONTAINS 4 SHEETS

GOVERNING SPECIFICATIONS:

THE 2005 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION, "STANDARD SPECIFICATIONS FOR CONSTRUCTION" THE MOST CURRENT CITY OF PLYMOUTH "ENGINEERING GUIDELINES", AND THE CONTRACT DOCUMENTS, INCLUDING THE SPECIAL PROVISIONS, SHALL GOVERN. ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND ORDINANCES SHALL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

NOTE:

THE EXACT LOCATION OF UNDERGROUND UTILITIES SUCH AS GAS, TELEPHONE, WATER, ETC. ARE UNKNOWN. THE CONTRACTOR SHALL CONTACT THE APPROPRIATE UTILITIES BEFORE COMMENCING EXCAVATION.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY LEVEL QUALITY D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

GOPHER STATE ONE CALL: (651) 454-0002

SCALES :

PLAN	50'
(PLAN)	30'
PROFILE HORIZ.	50'
(X PROFILE) HORIZ.	50'
VERT.	5'
X-SECTIONS HORIZ.	10'
VERT.	5'

I HEREBY CERTIFY THAT THIS PLAN 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.

ENGR. _____
JAMES W. REINBERG, P.E., ASSISTANT CITY ENGINEER

Reg. No. _____ Date _____

CITY OF PLYMOUTH

STATE AID PROJ. NO.

CITY PROJ. NO. 11038

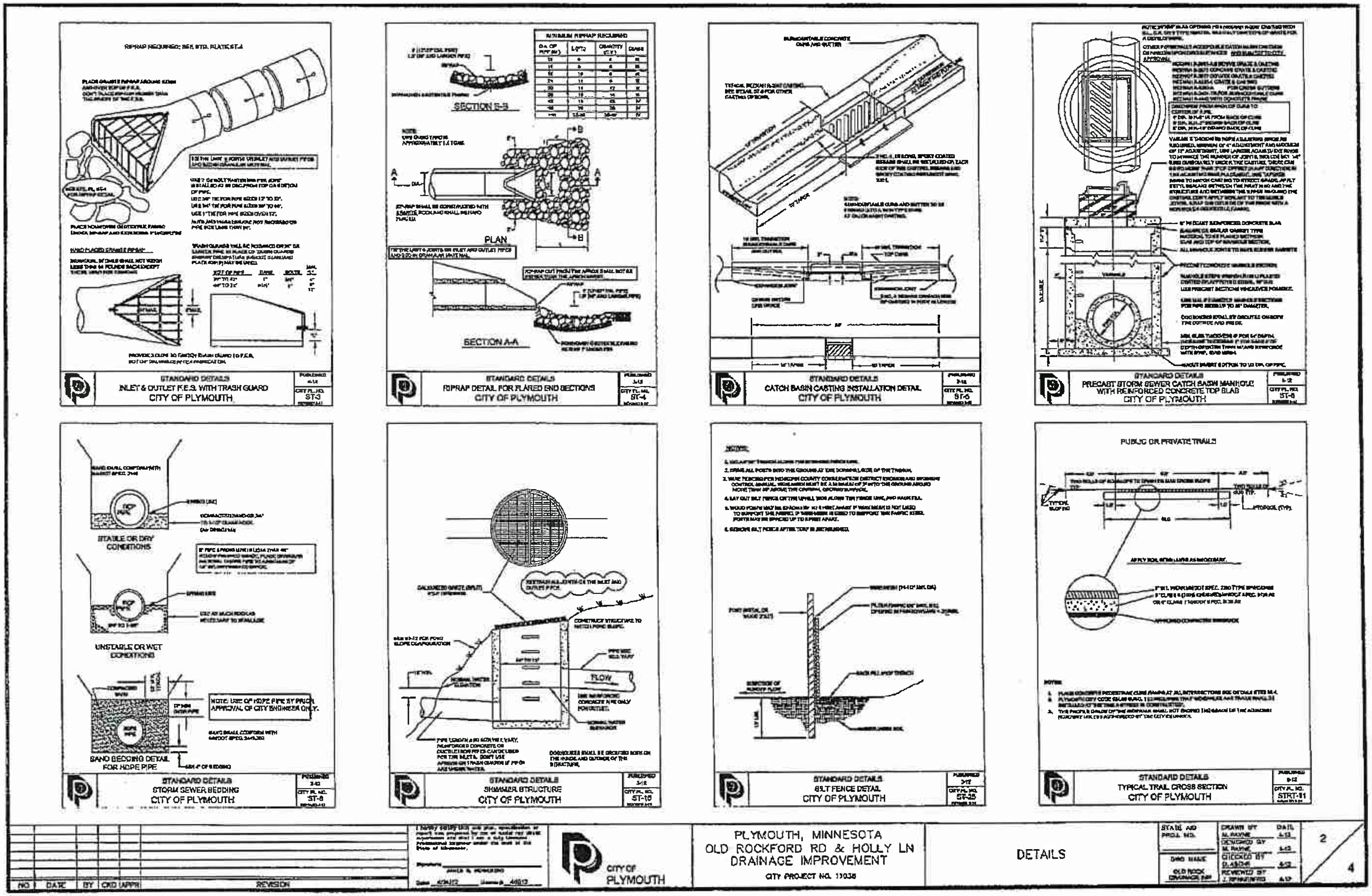
1 / 4

PLAN SYMBOLS

STATE LINE.
COUNTY LINE.
TOWNSHIP OR RANGE LINE.
SECTION LINE.
QUARTER LINE.
SIXTEENTH LINE.
RIGHT-OF-WAY LINE.
PRESENT RIGHT-OF-WAY LINE.
CONTROL OF ACCESS LINE.
PROPERTY LINE (Except Land Lines).
VACATED PLATTED PROPERTY.
CORPORATE OR CITY LIMITS.
TRUNK HIGHWAY CENTER LINE.
RETAINING WALL.
RAILROAD.
RAILROAD RIGHT-OF-WAY LINE.
RIVER OR CREEK.
DRY RUN.
DRAINAGE DITCH.
DRAIN TILE.
CULVERT.
DROP INLET.
GUARD RAIL.
BARBED WIRE FENCE.
WOVEN WIRE FENCE.
CHAIN LINK FENCE.
RAILROAD SNOW FENCE.
STONE WALL OR FENCE.
RAILROAD CROSSING SIGN.
RAILROAD CROSSING BELL.
ELECTRIC WARNING SIGN.
CROSSING GATE.
MEANDER CORNER.
SPRINGS.
MARSH.
TIMBER
ORCHARD
BRUSH
NURSERY
DITCH MASH.
FIRE HYDRANT.
GATE VALVE.
SANITARY SEWER MANHOLE.
STORM SEWER MANHOLE.
OVERPASS (Highway Over).
UNDERPASS (Highway Under).
BRIDGE.
BUILDING (One Story Frame).
F-FRAME C-CONCRETE
S-STONE T-TILE
B-BRICK SH-SHINGLE
IRON PIPE OR ROD.
MONUMENT (STONE, CONCRETE, OR METAL)
WOODEN HUB.
GRAVEL PIT.
ROCK QUARRY.
MAILBOX.
SIGN.

UTILITY SYMBOLS

POWER POLE LINE.
TELEPHONE OR TELEGRAPH POLE LINE.
JOINT TELEPHONE AND POWER ON POWER POLES OR TELEPHONE POLES
POWER POLE.
ANCHOR.
STEEL TOWER.
STREET LIGHT.
PEDESTAL (TELEPHONE CABLE TERMINAL)
GAS MAIN.
WATER MAIN.
CONDUIT.
TELEPHONE CABLE IN CONDUIT.
ELECTRIC CABLE IN CONDUIT.
TELEPHONE MANHOLE.
ELECTRIC MANHOLE.
BURIED TELEPHONE CABLE.
BURIED ELECTRIC CABLE.
BURIED TELEVISION CABLE.
BURIED FIBER OPTIC.
SEWER, (SANITARY).
SEWER, (STORM).
SEWER MANHOLE.



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INLET PROTECTION

SPECIFICATIONS:

INLET PROTECTION SHALL BE IN ACCORDANCE WITH MN/DOT SPEC. [illegible]

TYPE A: [illegible]

TYPE B: INLET PROTECTION WILL BE UTILIZED ON STREET INLETS WITHOUT CURB [illegible]

TYPE C: INLET PROTECTION WILL BE UTILIZED ON STREET INLETS WITH CURB [illegible]

TYPE D: [illegible]

APPROVED PRODUCTS FOR INLET PROTECTION:

TYPE A

- ROAD DRAIN - WIMCO, SHAKOPEE, MN
- TOP SLAB INLET PROTECTION - WIMCO, SHAKOPEE, MN
- EROSION CONTROL SHROUD - ROYAL CONCRETE PIPE - STACY, MN
- SILT SACK - ACF ENVIRONMENTAL - RICHMOND, VA
- STRAW WATTLES

TYPE B

- DANDY BAG - DANDY PRODUCTS - GROVE CITY, OH
- TOP SLAB INLET PROTECTION - WIMCO, SHAKOPEE, MN
- STRAW WATTLES

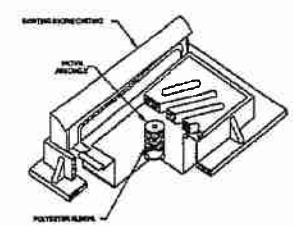
TYPE C

- BEAVER DAM - DANDY PRODUCTS - GROVE CITY, OH
- TOP SLAB INLET PROTECTION - WIMCO, SHAKOPEE, MN
- ROAD DRAIN CURB AND GUTTER - WIMCO - SHAKOPEE, MN
- STRAW WATTLES
- SILT SCREEN - ALPINE STORMWATER MGT. - GROVE CITY, OH
- ROLL CURB / CURB BOX - LANGE INDUSTRIES - OSPREO, FL

TYPE D

- AS APPROVED BY THE ENGINEER

STANDARD DETAIL
INLET PROTECTION
CITY OF PLYMOUTH
PUBLISHED 3-12
CITY PL. NO. ST-22



INSERT TO BE USED SHALL BE A WIMCO, LANGE INDUSTRIES "ROAD DRAIN" STYLE, OR APPROVED EQUAL TO BE UTILIZED IN THE EXISTING ROADWAY CASTING.

TO BE USED IN CONJUNCTION WITH A NEENAH CASTING NO. R-3067 TYPE DR, DL, OR TYPE V OR APPROVED EQUAL.

INLET PROTECTION
STD. 2X3' STORM STRUCTURE
CITY OF PLYMOUTH
PUBLISHED 3-12
CITY PL. NO. ST-23

GENERAL NOTES

1. THE EXACT LOCATION OF UNDERGROUND UTILITIES SUCH AS GAS, TELEPHONE, WATER, ETC. ARE UNKNOWN. THE CONTRACTOR SHALL CONTACT GOPHER ONE CALL BEFORE COMMENCING ANY EXCAVATION.
2. THE STRUCTURE LOCATIONS AND ELEVATIONS OF APPURTANCES SHOWN ON THE PLAN ARE APPROXIMATE AND SHALL BE FIELD VERIFIED PRIOR TO COMMENCING ANY UTILITY INSTALLATION.
3. ALL EXCESS EXCAVATED MATERIAL IS THE PROPERTY OF THE CONTRACTOR.
4. ALL USEABLE SALVAGED CASTINGS, VALVES, SIGNS, HYDRANTS, ETC. SHALL BE DELIVERED TO THE CITY OF PLYMOUTH PUBLIC WORKS.
5. ACCESS TO LOCAL RESIDENTS MUST BE MAINTAINED AT ALL TIMES THROUGHOUT CONSTRUCTION.
6. A MINIMUM OF 48 HRS. NOTICE IS REQUIRED FOR ALL SURVEY STAKING REQUESTS.
7. CONTRACTOR MUST MAINTAIN EROSION CONTROL FOR ENTIRE PROJECT.
8. CONTRACTOR MUST SUBMIT A TRAFFIC CONTROL PLAN FOR APPROVAL, ADDRESSING ANY TEMPORARY CLOSURES OR DETOURS. REVIEW IS REQUIRED BY THE CITY OF PLYMOUTH.
9. TRAFFIC CONTROL MUST BE PROPERLY MAINTAINED AT ALL TIMES IN ACCORDANCE WITH THE MNDOT TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS BOOKLET.
10. ONE LANE MUST BE OPEN TO TRAFFIC AT ALL TIMES.
11. THE 2012 CITY OF PLYMOUTH ENGINEERING STANDARD DETAIL SPECIFICATIONS FOR SEWER, WATER, STORM SEWER & STREETS APPLY TO THIS PROJECT.
12. NO TREES OR SHRUBS ARE TO BE REMOVED UNLESS MARKED BY THE CITY OF PLYMOUTH FOR REMOVAL.
13. ALL PAVEMENT, INCLUDING DRIVEWAYS, IS TO BE SAWCUT AT THE MATCH POINT.
14. CONTRACTOR SHALL PROVIDE 48 HOUR NOTICE TO CITY + AFFECTED RESIDENTS WHEN WATER SERVICE WILL BE DISRUPTED.
15. REMOVE EXISTING STORM SEWER PIPE AS DIRECTED BY ENGINEER.
16. ROADWAY SHALL BE PATCHED WITH 3" BITUMINOUS WEARING COURSE MN/DOT SPEC. 2360, TYPE SPWEA240C ABOVE CLASS 7 AGG BASE MN/DOT SPEC. 3138 A2(a) EXTENDING DOWN TO BOTTOM OF EXCAVATION.
17. TRAIL SHALL BE PATCHED WITH 3" BITUMINOUS WEARING COURSE MN/DOT SPEC. 2360, TYPE SPWEA240C ABOVE 6" CLASS 7 AGG BASE MN/DOT SPEC. 3138 A2(c).
17. DISTURBED AREAS SHALL BE MULCHED AND SEEDED WITH MIX MN/DOT 350 (35-241) EXCEPT FOR ALONG THE EXISTING BITUMINOUS TRAIL WHICH SHALL BE MULCHED AND SEEDED WITH KENTUCKY BLUEGRASS.

MN/DOT MIX 350

35-241 Mesic Prairie General

Common Name	Scientific Name	Rate (kg/ha)	Rate (lb/ac)	% of Mix (% by wt)	Seeds/sq ft
big bluestem	Andropogon gerardii	2.24	2.00	6.41%	7.00
side-oats grama	Bouteloua curtipendula	1.12	1.00	4.28%	3.60
Kalm's brome	Bromus kalmii	0.56	0.50	1.57%	1.47
nodding wild rye	Elymus canadensis	1.31	1.17	3.33%	2.23
slender wheatgrass	Elymus trachycaulus	1.12	1.00	2.77%	2.03
switchgrass	Panicum virgatum	0.07	0.06	0.17%	0.32
little bluestem	Schizachyrium scoparium	1.74	1.55	4.58%	8.02
Indian grass	Sorghastrum nutans	2.24	2.00	6.48%	8.82
prairie dropseed	Sporobolus heterolepis	0.08	0.07	0.19%	0.33
	Total Grasses	11.31	10.09	27.30%	38.45
blue giant hyssop	Agastache foeniculum	0.07	0.06	0.16%	1.82
lead plant	Amorpha canescens	0.07	0.06	0.16%	0.36
common milkweed	Asclepias syriaca	0.04	0.04	0.10%	0.09
butterfly milkweed	Asclepias tuberosa	0.04	0.04	0.10%	0.09
Canada milk vetch	Astragalus canadensis	0.07	0.06	0.17%	0.36
white prairie clover	Dalea candida	0.07	0.06	0.17%	0.44
purple prairie clover	Dalea purpurea	0.21	0.19	0.51%	1.03
Canada tick trefoil	Desmodium canadense	0.07	0.06	0.16%	0.13
stiff sunflower	Helianthus pauciflorus	0.07	0.06	0.17%	0.09
ox-eye	Heliopsis helianthoides	0.18	0.16	0.39%	0.30
rough blazing star	Liatris aspera	0.03	0.03	0.08%	0.18
great blazing star	Liatris pycnostachya	0.03	0.03	0.09%	0.13
wild bergamot	Monarda fistulosa	0.07	0.06	0.17%	1.81
stiff goldenrod	Oligoneuron rigidum	0.07	0.06	0.17%	0.84
black-eyed susan	Rudbeckia hirta	0.35	0.31	0.80%	10.80
heath aster	Symphyotrichum ericoides	0.03	0.03	0.09%	2.30
smooth aster	Symphyotrichum laeve	0.07	0.06	0.17%	1.38
blue vervain	Verbena hastata	0.04	0.04	0.12%	1.60
hoary vervain	Verbena stricta	0.07	0.06	0.17%	0.64
golden alexanders	Zizia aurea	0.07	0.06	0.18%	0.33
	Total Forbs	1.69	1.56	4.11%	23.30
Oats or winter wheat (see note at beginning of list for recommended dates)		28.02	25.00	68.59%	11.14
	Total Cover Crop	28.02	25.00	68.59%	11.14
	Totals:	41.34	36.89	100.00%	74.48
Purpose:	General roadside prairie mix for native roadsides, ecological restoration, or conservation program plantings.				
Planting Area:	Tallgrass Aspen Parklands, Prairie Parkland, and Eastern Broadleaf Forest Provinces. MnDOT Districts 2(west), 3B, 4, Metro, 6, 7 & 8.				

NO	DATE	BY	CKD	APPR	REVISION

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.
Signature: JAMES K. RENNEBERG
Date: 4/26/12 License #: 45832

CITY OF PLYMOUTH

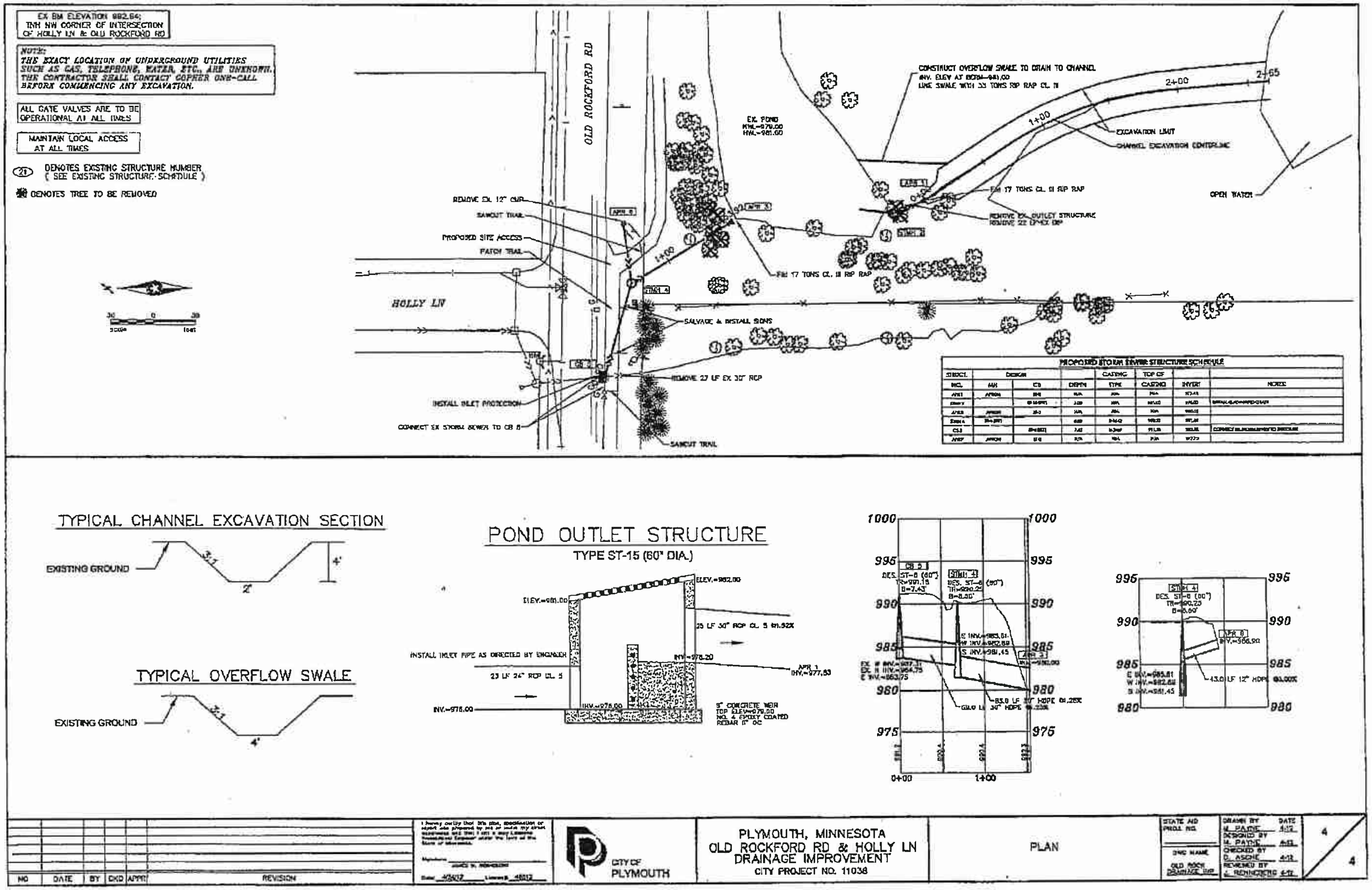
PLYMOUTH, MINNESOTA
OLD ROCKFORD RD & HOLLY LN
DRAINAGE IMPROVEMENT
CITY PROJECT NO. 11036

DETAILS

STATE AID (MSA) NO.
DWG NAME: OLD ROCK DRAINAGE IMP

DRAWN BY: M. PAYNE 4-12
DESIGNED BY: M. PAYNE 4-12
CHECKED BY: D. MOTT 4-12
REVIEWED BY: J. RENNEBERG 4-12

3
4


EX BM ELEVATION 982.64; TNH NW CORNER OF INTERSECTION OF HOLLY LN & OLD ROCKFORD RD
NOTE: THE EXACT LOCATION OF UNDERGROUND UTILITIES SUCH AS GAS, TELEPHONE, WATER, ETC. ARE UNKNOWN. THE CONTRACTOR SHALL CONTACT GOPHER ONE-CALL BEFORE COMMENCING ANY EXCAVATION.
ALL GATE VALVES ARE TO BE OPERATIONAL AT ALL TIMES
MAINTAIN LOCAL ACCESS AT ALL TIMES
DENOTES EXISTING STRUCTURE NUMBER (SEE EXISTING STRUCTURE SCHEDULE)
DENOTES TREE TO BE REMOVED
OLD ROCKFORD RD
HOLLY LN
EX. POND NWL=979.00 HWL=981.60
CONSTRUCT OVERFLOW SWALE TO DRAIN TO CHANNEL
EXCAVATION LIMIT
CHANNEL EXCAVATION CENTERLINE
OPEN WATER
SALVAGE & INSTALL SIGNS
INSTALL INLET PROTECTION
SAWCUT TRAIL
PROPOSED SITE ACCESS
PATCH TRAIL
PROPOSED STORM SEWER STRUCTURE SCHEDULE
TYPICAL CHANNEL EXCAVATION SECTION
EXISTING GROUND
TYPICAL OVERFLOW SWALE
POND OUTLET STRUCTURE
TYPE ST-15 (60" DIA.)
INSTALL INLET PIPE AS DIRECTED BY ENGINEER
PLYMOUTH, MINNESOTA
OLD ROCKFORD RD & HOLLY LN
DRAINAGE IMPROVEMENT
CITY PROJECT NO. 11038
CITY OF PLYMOUTH
PLAN
NO
DATE
BY
CKD
APPR
REVISION

RGP-03-MN STANDARD CONDITIONS

All RGP-03-MN authorizations are subject to the following standard conditions, as applicable. These conditions must be satisfied for any RGP authorization to be valid:

1. Mitigation/Sequencing. Discharges of dredged or fill material into waters of the United States **must be avoided and minimized to the maximum extent practicable.**

2. Suitable fill material. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). All fill (including riprap) authorized under this permit, must consist of suitable material free from toxic pollutants in other than trace quantities. In addition, rock or fill material used for activities dependent upon this permit and obtained by excavation must either be obtained from existing quarries or, if a new borrow site is opened up to obtain fill material, St. Paul District must be notified prior to the use of the new site to determine whether a cultural survey of the site is necessary.

3. Proper maintenance. Any structure or fill authorized shall be properly maintained, including maintenance, to ensure public safety.

4. Erosion and siltation controls. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark, must be permanently stabilized at the earliest practicable date. Work should be done in accordance with state-approved, published practices, such as defined in Minnesota Pollution Control Agency Document, PROTECTING WATER QUALITY IN URBAN AREAS - BEST MANAGEMENT PRACTICES FOR MINNESOTA.

Upon completion of earthwork operations, all exposed slopes, fills, and disturbed areas must be given sufficient protection by appropriate means such as landscaping, or planting and maintaining vegetative cover, to prevent subsequent erosion. Cofferdams shall be constructed and maintained so as to prevent erosion into the water. If earthen material is used for cofferdam construction, sheet piling, riprap or a synthetic cover must be used to prevent dam erosion.

5. Removal of temporary fills. Temporary fills are allowed to remain in place for up to three months. Upon request the District Engineer may extend this period allowing temporary fills to remain in place for up to a total of 180 days, where appropriate.

At the end of the specified timeframe, temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

6. General Information-Information about Federal Endangered species may be obtained by contacting the U. S. Fish and Wildlife Service at (612) 725-3548. The District's web page (www.mvp.usace.army.mil/regulatory/) will also contain a link to the U.S. Fish and Wildlife Service. Information concerning cultural resources may be obtained by contacting the State Historic Preservation Office at (651) 296-5462. Project proponents are encouraged to contact these agencies early in project planning because doing so can help avoid violations of Federal law and potentially lengthy permitting delays. Persons performing work should be aware that Federal or state regulations concerning endangered species and cultural resources may apply to their projects whether or not the work requires a Corps permit. If referenced web sites are unavailable or the necessary information is not available on the referenced web site, the Corps contact for your county can be found on our web site referenced above, or you may call 651-290-5375.

7. Other permit requirements. No Corps RGP-03-MN authorization eliminates the need for other local, state or Federal authorizations, including but not limited to National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permits from the Minnesota Pollution Control Agency, public waters work permits from the Minnesota Department of Natural Resources, or Wetland Conservation Act authorizations from the applicable local governmental unit.

8. Historic properties, (cultural resources). No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR part 325 Appendix C. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

9. Cultural resources. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.

10. If you discover any previously unknown historic or archaeological remains while accomplishing the authorized activity you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

11. Spawning areas. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

12. Obstruction of high flows. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

13. Adverse effects from impoundments. If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

14. Waterfowl breeding areas. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

15. Navigation. No activity may cause more than a minimal adverse effect on navigation.

16. Aquatic life movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water.

17. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

18. Tribal rights. No activity or its operation may impinge or abrogate reserved treaty rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

19. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency with direct management responsibility for such river has determined that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service.)

20. Water quality standards. All work or discharges to a watercourse resulting from permitted construction activities, particularly

hydraulic dredging, must meet applicable Federal, State, and local water quality and effluent standards on a continuing basis.

21. Preventive measures. Measures must be adopted to prevent potential pollutants from entering the watercourse. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter the watercourse as a result of spillage, natural runoff, or flooding.

22. Spill contingency plan. A contingency plan must be formulated that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at 1-800-422-0798 and the U.S. Coast Guard at telephone number (1-800) 424-8802.

23. Disposal sites. If dredged or excavated material is placed on an upland disposal sight (above the ordinary high-water mark), the site must be securely diked or contained by some other acceptable method that prevents the return of potentially polluting materials to the watercourse by surface runoff or by leaching. The containment area, whether bulkhead or upland disposal sight, must be fully completed prior to the placement of any dredged material.

24. Water intakes/activities. No activity, including structures and work in waters of the U.S. or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

25. Endangered Species.
a. No activity is authorized which is likely to adversely affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

b. Authorization of an activity under RGP-03-MN does not authorize the take of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their World Wide Web pages on the Internet.

c. If it becomes apparent that a federally listed endangered plant or animal species will be affected by work authorized by this permit, work must be stopped immediately and the St. Paul District of the Corps of Engineers must be contacted for further instruction.

26. Known Populations of Federally Listed Threatened and Endangered species. Information on known populations of Federally listed species and their designated critical habitat is available on our web site and from the Twin Cities Field Office of the U.S.F.W.S. See standard condition 6 or contact information.

27. The time limit for completing work authorized by RGP-03-MN ends upon the expiration date of RGP-03-MN. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least three months before the expiration date is reached.

28. You must maintain the authorized activity in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

29. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of RGP-03-MN.

30. State Section 401 Water quality Certification. The Minnesota Pollution Control Agency has waived Section 401 certification for RGP-03-MN.

31. Coastal Zone Management consistency determination. The State of Minnesota has determined that GP-03-MN is consistent with the Minnesota CZM program.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. RGP-03-MN does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. RGP-03-MN does not grant any property rights or exclusive privileges.

c. RGP-03-MN does not authorize any injury to the property or rights of others.

d. RGP-03-MN does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In authorizing work, the Federal Government does not assume any liability, including but not limited to the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or un-permitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or un-permitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that a proponent's project is authorized by RGP-03 will be made in reliance on the information provided by the applicant.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension,

modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. Standard condition 27 above, establishes a time limit for the completion of the activity authorized by this general permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit. This permit becomes effective upon the issuance date specified after the Federal official, designated to act for the Secretary of the Army, has signed below. This general permit remains in effect for five years unless it is other
wise modified, suspended, or revoked.

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office: St. Paul District | File/ORM #: 2012-02251-MMJ | PJD Date: May 29, 2012

State: MN | City/County: Plymouth, Hennepin Co.

Nearest Waterbody: Bassett Creek

Location: TRS, LatLong or UTM: Sec. 17, T. 118 N., R. 22 W. 45.0337132547282, -93.4969418568784

Name/ Address of Person Requesting PJD: Mr. Derek Asche, City of Plymouth, Water Resources Manager, 3400 Plymouth Blvd., Plymouth, MN 55447

Identify (Estimate) Amount of Waters in the Review Area:

Non-Wetland Waters: ____ linear ft ____ width ____ acres | Stream Flow: N/A

Wetlands: 0.16 acre(s) | Cowardin Class: Palustrine, emergent

Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal: ____ Non-Tidal: ____

☑ Office (Desk) Determination
☐ Field Determination: Date of Field Trip: ____

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: City of Plymouth determination
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study:
- ☑ U.S. Geological Survey Hydrologic Atlas:
  - ☑ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☑ U.S. Geological Survey map(s). Cite quad name: MN-Osseo
- ☑ USDA Natural Resources Conservation Service Soil Survey. Citation: Hennepin Co.
- ☑ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is:
- ☑ Photographs: ☑ Aerial (Name & Date): FSA 1991-2011
  - ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and Date of Regulatory Project Manager (REQUIRED): 5/30/2012

Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable): 6/4/12

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.