

Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit: City of Minneapolis County: Hennepin
Applicant Name: Carol HejlStone, Minneapolis Park & Recreation Board
Authorized Contact: Adam Pawelk, Houston Engineering
Applicant Representative: Melissa Barrett, Kjolhaug Environmental (Kjolhaug)
Project Name: Theodore Wirth Quaking Bog boardwalk replacement
LGU Project No. (if any):
Date Complete Application Received by LGU: 2/13/2025
Date of LGU Decision: 3/13/2025
Date this Notice was sent: 3/13/2025

WCA Decision Type - check all that apply

<input type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Bank Plan (not credit purchase)
<input type="checkbox"/> Exemption	<input checked="" type="checkbox"/> No-Loss (8420.0415)		
MN Rules 8420.0420		Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input checked="" type="checkbox"/> H	
Subpart: <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 7 <input type="checkbox"/> 9			
MN Statutes 103G.2241			
Subdivision: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 6 <input type="checkbox"/> 9			

Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area: not applicable
Wetland Replacement Type: <input type="checkbox"/> Project Specific Credits - Number of Credits: <input type="checkbox"/> Bank Credits – Number of Credits:
Bank Account Number(s): not applicable

Technical Evaluation Panel Findings and Recommendations (attach if any)

<input checked="" type="checkbox"/> Approve, see TEP communication described below in LGU Findings <input type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny
<input type="checkbox"/> No TEP Recommendation

LGU Decision

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

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

LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision¹.

<input checked="" type="checkbox"/> Attachment(s) (specify): Joint Application Form, revised 3-5-2025
<input checked="" type="checkbox"/> Summary: On behalf of the Minneapolis Park & Recreation Board, Kjolhaug submitted a Joint Application Form requesting WCA no-loss approval for 432 square feet of temporary wetland impacts associated with replacing and updating an existing boardwalk within Theodore Wirth’s Quaking Bog.

A pre-application TEP meeting was held on 2/3/2025 with Stacey Lijewski (Hennepin County), Jed Chesnut (BWSR), Karen Wold (Barr Engineering for the LGU), Wes-Saunders Pearce (DNR), Melissa Barrett (Kjolhaug for the applicant), Carol HejlStone (applicant), Adam Pawelk and Dan Sjordal (Houston Engineering for the applicant). During the meeting, the need for boardwalk replacement was discussed. The existing boardwalk was installed in approximately 1992 and is currently in poor condition leading to bog disturbance. Most of the replacement boardwalk will not be supported with posts and pilings, a method which is allowed as WCA no-loss activity. However, in this situation, pilings could potentially result in draining the wetland. Most of the replacement boardwalk is planned to include floats on top of the wetland substrate, however the overall disturbance area was planned to be minimized.

On 2/13/2025, Kjolhaug submitted a Joint Application Form requesting WCA no loss approval for temporary impacts.

The application and a WCA Notice of Application were provided to TEP members on 2/17/2025.

On 2/19/2025, Wes Saunders-Pearce provided comments that the DNR plant ecologist agrees with and supports the removal and size reduction of the boardwalk. The DNR had questions about implementation, timing of work, implementation to reduce overall vegetation impact, whether there is a short-term management plan for the site, control of invasive species, and prevention of erosion and compaction. In addition, on 2/21/2025, the DNR provided a Blanding's turtle fact sheet for the project team's use. These comments and information were provided to the TEP and applicant on 2/21/2025.

Another TEP meeting was held on 2/21/2025 with Stacey, Jed, Karen, Melissa, Carol, Adam, and Dan to discuss the application. TEP members concurred that the total area of newly disturbed boardwalk of 432 sq. ft. could be approved as temporary impacts under WCA no-loss activity according to MN Rule 8420.0415 H.

The net decrease of fill with the proposed plan was calculated to be 333 square feet.

On 3/5/2025, Kjolhaug submitted a revised application to all parties, which addressed TEP comments, provided responses and updated plan sheets, including a note regarding the use of plywood to minimize disturbance.

The project as planned in the revised 3/5/2025 application will be conducted to ensure WCA no-loss conditions under MN Rule 8420.0410 are met including appropriate erosion control measures taken to prevent sedimentation of the wetland or of any receiving waters; the activity does not block fish activity in a watercourse; and the activity is conducted in compliance with all other applicable federal, state, and local requirements including best management practices and water resource protection requirements.

The comment period ended on 3/10/2025 and no additional comments were received.

The 432 square feet of wetland disturbance is approved as WCA no-loss activity under MN Rule 8420.0415 H. for temporary impacts during boardwalk replacement.

¹ Findings must consider any TEP recommendations.

Attached Project Documents

Site Location Map Project Plan(s)/Descriptions/Reports (specify **Joint Application Form, revised 3-5-2025**):

Appeals of LGU Decisions

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

Appeals & Regulatory Compliance Coordinator
Minnesota Board of Water & Soils Resources
520 Lafayette Road North
St. Paul, MN 55155

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

Yes¹ No

¹If yes, all appeals must first be considered via the local appeals process.

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

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Notice Distribution (include name)

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: Stacey Lijewski	<input checked="" type="checkbox"/> BWSR TEP Member: Jed Chesnut
<input checked="" type="checkbox"/> LGU TEP Member (if different than LGU contact): Elizabeth Stout, City of Minneapolis	
<input checked="" type="checkbox"/> DNR Representative: Alex Selle	
<input checked="" type="checkbox"/> Watershed District or Watershed Mgmt. Org.: Bassett Creek Watershed Management Commission; Administrator Laura Jester, Engineer Karen Chandler	
<input checked="" type="checkbox"/> Applicant: Carol HejlsStone, Minneapolis Park & Recreation Board	
<input checked="" type="checkbox"/> Authorized Contact (notice only Adam Pawelk, Houston Engineering	
<input checked="" type="checkbox"/> Agent/Consultant: Melissa Barrett, Kjolhaug Environmental	

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers: Joseph Toth (Regulatory File No. MVP-2025-00179-JST)	
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only):	
<input type="checkbox"/> Members of the Public (notice only):	<input type="checkbox"/> Other:

Signature: 	Date: 3/13/2025
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This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.