

# Minnesota Wetland Conservation Act Notice of Application

Item 7H.  
BCWMC 4-21-16

Local Government Unit (LGU) <b>City of New Hope - Bernie Weber</b>  <b>WCA Agent</b> <b>Stantec - John Smyth</b>	Address <b>4401 Xylon Ave N, New Hope, MN 55428-4898</b>  <b>2335 Highway 36 West St. Paul, MN 55113</b>
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## 1. PROJECT INFORMATION

Applicant Name <b>Three Rivers Park District - Stephen Shurson</b>	Project Name <b>Basset Creek Regional Trail</b>	Date of Application <b>3/3/16 Update 3/10/16 received</b>	Application Number <b>193803455</b>
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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 proposed project is an off-road, multi-use trail that will begin at the intersection of sBoone Avenue and proceed north to Northwood Park. Continuing to the east, the trail will pass through the north side of Northwood Park to the intersection of Winnetka Avenue and 36th Avenue utilizing the existing trail corridor. In this trail segment, the approximate westerly one-half of the existing trail segment (Boone Avenue to the existing easterly pedestrian bridge over Bassett Creek) will remain. Geometric corrections will be made as necessary to comply with current design standards. The remainder of the trail segment will be reconstructed with a new base and bituminous surfacing. The trail will cross 36th Avenue at the intersection of Winnetka Avenue and proceed to the east along the south side of the street to the intersection with Nevada Avenue. The trail will proceed to the south along the west side of Nevada Avenue to the intersection with 32nd Avenue south. The final trail segment will follow along the north side of 32nd Avenue and pass through the south side of Lions Valley Place Park to the intersection with Hampshire Avenue North. The trail will continue along the side of 32nd Avenue and pass along the north side of Bassett Creek to the trail terminus at Welcome Avenue.

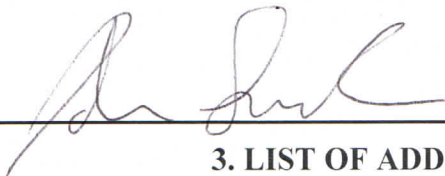
The proposed trail will result in 1855 square feet of impact. The proposed impact is being replaced with 3711 square feet of a credit from Wetland Bank #1537 located in Anoka County, Major Watershed #20, BSA 7

## 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
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WCA Agent Stantec - John Smyth	April 11, 2016
Address (if different than LGU) New Hope: 4401 Xylon Ave N, New Hope, MN 55428-4898  Stantec: 2335 Highway 36 West St. Paul, MN 55113	Date, time, and location of decision: April New Hope
Phone Number and E-mail Address (651) 604-4708 john.smyth@stantec.com	Decision-maker for this application: <input type="checkbox"/> Staff <input checked="" type="checkbox"/> Governing Board or Council

Signature:  Date: 3/18/16

### 3. LIST OF ADDRESSEES

<input checked="" type="checkbox"/> SWCD TEP member: <b>Stacey Lijewski – stacey.lijewski@hennepin.us</b>
<input checked="" type="checkbox"/> BWSR TEP member: <b>Ben Meyer- ben.meyer@state.mn.us</b>
<input type="checkbox"/> LGU TEP member (if different than LGU Contact):
<input checked="" type="checkbox"/> DNR TEP member:
<input type="checkbox"/> DNR Regional Office (if different than DNR TEP member)
<input checked="" type="checkbox"/> WD or WMO (if applicable): <b>Bassett Creek Watershed Management Organization - laura.jester@keystonewaters.com</b> <b>Shingle Creek Watershed Management Organization -wboll@wenck.com</b>
<input checked="" type="checkbox"/> Applicant (notice only) and Landowner (if different)
<input checked="" type="checkbox"/> Members of the public who requested notice (notice only): <b>TKDA: patrick.mclarnon@tkda.com</b> <b>Anderson Engineering of MN, LLC - Ben Hodapp - bhodapp@ad-mn.com</b>
<input checked="" type="checkbox"/> Corps of Engineers Project Manager (notice only)
<input type="checkbox"/> 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](http://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](http://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.	Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.
Div. Ecol. Resources	Div. Ecol. Resources	Div. Ecol. Resources	Div. Ecol. Resources
2115 Birchmont Beach Rd. NE	1201 E. Hwy. 2	1200 Warner Road	261 Hwy. 15 South
Bemidji, MN 56601	Grand Rapids, MN 55744	St. Paul, MN 55106	New Ulm, MN 56073

For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

- For a list of Corps of Project Managers: [www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687) or send to:
- 

US Army Corps of Engineers  
St. Paul District, ATTN: OP-R

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

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## 5. ATTACHMENTS

In addition to the application, list any other attachments:

- Bassett Creek Regional Trail - Permit Application**
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**Joint Application for Activities Affecting Water  
Resources in Minnesota**

**SP 091-090-076 Bassett Creek Regional Trail**

**Three Rivers Park District**

**Revised March 3, 2016**

**Date: February 4, 2016  
Project No. 15833.001**



444 Cedar Street, Suite 1500  
Saint Paul, MN 55101  
651.292.4400  
tkda.com

**Joint Application for Activities Affecting Water Resources in Minnesota  
SP 091-090-076 Bassett Creek Regional Trail**

**Three Rivers Park District**

Table of Contents

Permit Application .....	11 pages
Figures	
General Location Map (Figure 1).....	1 page
Wetland Impact Maps (Figure 2) .....	4 pages
Wetland Cross Sections (Figure 3) .....	7 pages
Table	
Table 1 - Wetland Impact Summary.....	See Permit Application
Appendice	
Appendix A - Notice of Decision .....	3 pages

## **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:** Three Rivers Park District, Stephen Shurson

**Mailing Address:** 3000 Xenium Lane North

**Phone:** 763-559-6766

**E-mail Address:** sshurson@threeriversparkdistrict.org

**Authorized Contact (do not complete if same as above):**

**Mailing Address:**

**Phone:**

**E-mail Address:**

**Agent Name:** Patrick McLarnon, TKDA

**Mailing Address:** 444 Cedar Street, Suite 1500, Saint Paul, Minnesota 55101

**Phone:** 651-292-4545

**E-mail Address:** patrick.mclarnon@tkda.com

## **PART TWO: Site Location Information**

**County:** Hennepin

**City/Township:** New Hope

**Parcel ID and/or Address:** Bassett Creek Regional Trail, Northwood Park, New Hope, Minnesota

**Legal Description (Section, Township, Range):** S. 18, T. 118N, R. 21W

**Lat/Long (decimal degrees):** 54.023663, -93.381681

**Attach a map showing the location of the site in relation to local streets, roads, highways. See attached.**

**Approximate size of site (acres) or if a linear project, length (feet):** 14,784 ft (project length), 7.14 ac (project area)

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](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.

### **Project Description**

The proposed off-road, multi-use trail will begin at the intersection of Boone Avenue and 36th Avenue in Crystal on the east side of Boone Avenue and proceed north to Northwood Park (see Figure 1). To accommodate the trail, the east curb will be shifted to the west between 36th Avenue and 36 1/2 Circle.

Continuing to the east, the trail will pass through the north side of Northwood Park to the intersection of Winnetka Avenue and 36th Avenue utilizing the existing trail corridor. In this trail segment, the approximate westerly one-half of the existing trail segment (Boone Avenue to the existing easterly pedestrian bridge over Bassett Creek) will remain. Geometric corrections will be made as necessary to comply with current design standards. The remainder of the trail segment will be reconstructed with a new base and bituminous surfacing.

The trail will cross 36th Avenue at the intersection of Winnetka Avenue and proceed to the east along the south side of the street to the intersection with Nevada Avenue. To accommodate the trail, the south curb will be shifted to the north along the entire segment.

The trail will proceed to the south along the west side of Nevada Avenue to the intersection with 32nd Avenue south. To accommodate the trail, the west curb and gutter will be shifted to the east along the entire segment. Parking that is currently allowed on the east side of the street will no longer be allowed.

The final trail segment will follow along the north side of 32nd Avenue and pass through the south side of Lions Valley Place Park to the intersection with Hampshire Avenue North. The trail will continue along the side of 32nd Avenue and pass along the north side of Bassett Creek to the trail terminus at Welcome Avenue. Between Nevada Avenue and Louisiana Avenue, the north curb will be shifted to the south to accommodate the trail. Finally, curb bump-outs will be placed between Douglas Drive and Brunswick Avenue to accommodate power pole relocation.

To accommodate the construction of the trail, sections of curb and gutter, storm sewer, and utilities will be relocated. Other associated work includes accessibility improvements at intersections, signing, and striping.

The project activity that impacts wetland areas is slope grading for the trail section through Northwood Park. See Attachment C of the application and Figures 2 and 3 for a detailed description of the impacts. The project's construction plans are available upon request.

### **Purpose/Objectives**

The purpose of the project is to fill a gap in the regional multi-modal transportation and recreation system with a safe, efficient, and accessible regional trail.

### **Need/Deficiencies**

A need has been identified to provide a multi-modal transportation option to fill a gap in the regional multi-modal transportation and recreation system. In 2000, as part of the First-Tier Trails, Greenway, and Parks Master Plan, Three Rivers Park District conducted a study to analyze potential trail corridors with the 10 cities that make up the first-tier ring of suburbs that border the northern, southern, and western city limits of Minneapolis. Often, first-tier residents do not have access to trail corridors due to the fully developed nature of these communities. Trail corridors were investigated based on transportation and recreation needs, as they are intended to provide value and linkages; balance recreation and natural resources; and provide safe, efficient, and accessible accommodations. The Bassett Creek Regional Trail concept was born from this plan and has been included and coordinated with other local and regional planning initiatives.

### **Project Schedule**

Construction will begin in May 2016 with an anticipated completion date of November 2016.

## PART FOUR: Aquatic Resource Impact<sup>1</sup> 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.

**A Wetland Investigation was completed for the project in July 2015 and it identified two wetland basins within the project limits. Refer to Appendix B for the Notice of Decision. The Wetland Investigation Report is available upon request.**

**The wetland basins and impacts are summarized below. Refer to Figures 2 and 3 for additional details.**

**The project will result in total permanent impacts to 0.04 acres of wetlands. All of the impacts are due to the placement of fill material required for the slope grading.**

**Table 1. Wetland Impact Summary**

<b>Aquatic Resource ID</b> (as noted on overhead view)	<b>Aquatic Resource Type</b> (wetland, lake, tributary etc.)	<b>Type of Impact</b> (fill, excavate, drain, or remove vegetation)	<b>Duration of Impact</b> Permanent (P) or Temporary (T) <sup>1</sup>	<b>Size of Impact</b> <sup>2</sup>	<b>Overall Size of Aquatic Resource</b> <sup>3</sup>	<b>Existing Plant Community Type(s) in Impact Area</b> <sup>4</sup>	<b>County, Major Watershed #, and Bank Service Area # of Impact Area</b> <sup>5</sup>
Wetland 1	Wetland	Fill	P	0.04 AC	N/A	Type 3, Shallow Marsh	Hennepin, WS 20, BSA 7
Wetland 2	Wetland	Fill	P	113 SF	N/A	Type 3, Shallow Marsh	Hennepin, WS 20, BSA 7

<sup>1</sup>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)".

<sup>2</sup>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).

<sup>3</sup>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".

<sup>4</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>5</sup>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:

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<sup>1</sup> 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.

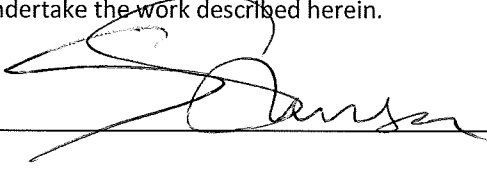


## **PART FIVE: Applicant Signature**

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: \_\_\_\_\_

2/3/16

I hereby authorize Patrick McLarnon, TKDA, 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.

*The following is a sample of a possible Purchase Agreement for the sale of Wetland Banking Credits. This Purchase Agreement does not necessarily cover all of the issues that would be important to Sellers and Buyers, nor does it address the terms that would be appropriate for any particular transaction. Sellers and Buyers should obtain the services of qualified legal counsel to adapt this Purchase Agreement to meet their specific needs.*

**PURCHASE AGREEMENT  
FOR  
WETLAND BANKING CREDITS**

Updated by TKDA on  
3/10/16 to reflect  
3711 SF of mitigation

THIS AGREEMENT is made this 26 day of Feb, 20   between  
Dan Hais (Seller) and Three Rivers Park District (Buyer).

1. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the wetland banking credits (Credits) listed below:

CREDITS TO BE SOLD						
Credit Sub-Group <sup>1</sup>	Acres or Sq. Ft.	Wetland Circ. 39 Type <sup>2</sup>	Plant Community Type <sup>3</sup>	Cost per Acre or Sq. Foot	State Fee 6.5%	Fee Estimate
A.	<del>3422</del>	3	Shallow Marsh	<del>42.40 ft</del>	0.065	<del>\$533.83</del>
B.	3711				0.065	\$578.92
C.					0.065	
D.					0.065	
E.	3711				0.065	\$578.92
Totals	<del>3422</del>			<del>42.40 ft</del>		<del>1533.83</del>

Check here if additional credit sub-groups are part of this account and are listed on an attachment to this document.

<sup>1</sup>A separate credit sub-group shall be established for each wetland or wetland area that has different wetland characteristics.  
<sup>2</sup>Circular 39 types: 1, 1L, 2, 3, 4, 5, 6, 7, 8, B, U.  
<sup>3</sup>Wetland plant community type: shallow open water, deep marsh, shallow marsh, sedge meadow, fresh meadow, wet to wet-mesic prairie, calcareous fen, open bog or coniferous bog, shrub-carr/alder thicket, hardwood swamp or coniferous swamp, floodplain forest, seasonally flooded basin. See *Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed, 1997)* as modified by the Board of Water and Soil Resources, United States Army Corps of Engineers..

2. Seller represents and warrants as follows:
- a) The Credits are deposited in an account in the Minnesota Wetland Bank administered by the Minnesota Board of Water and Soil Resources (BWSR) pursuant to Minn. Rules Chapter 8420.0700-.0760.
  - b) Seller owns the Credits and has the right to sell the Credits to Buyer.

\$8906.40

3. Buyer will pay Seller a total of \$~~8212.80~~ for the Credits, as follows:

a) \$ ~~0~~ as earnest money, to be paid when this Agreement is signed; and

b) The balance of \$ ~~8212.80~~ to be paid on the Closing Date listed below.

\$8906.40

\$578.92

4.  Buyer,  Seller agrees to pay to a withdrawal fee of \$ ~~533.03~~ to the State of Minnesota based on 6.5% of the agreed to purchase price. At the Closing Date,  Buyer,  Seller will execute a check made out for this amount, payable to the Board of Water and Soil Resources.

5. The closing of the purchase and sale shall occur on April 29, 2016 (Closing Date) at TBD. The Closing Date and location may be changed by written consent of both parties. Upon payment of the balance of the purchase price, Seller will sign a fully executed Application for Withdrawal of the Credits in the form specified BWSR, provide a copy of the Application for Withdrawal to the Buyer and forward the same to the BWSR along with the check for the withdrawal fee.

6. Buyer (has applied) or will apply to (Local Government Unit (LGU)) or other regulatory authority) for approval of a replacement plan utilizing the Credits as the means of replacing impacted wetlands. If the LGU has not approved the Buyer's application for a replacement plan utilizing the Credits by the Closing Date, and no postponement of the Closing Date has been agreed to by Buyer and Seller in writing, then either Buyer or Seller may cancel this Agreement by giving written notice to the other. In this case, Seller shall return Buyer's earnest money, and neither Buyer nor Seller shall have any further obligations under this Agreement. If the LGU has approved the replacement plan and the Seller is ready to proceed with the sale on the Closing Date, but Buyer fails to proceed, then the Seller may retain the earnest money as liquidated damages.

Daniel C. Hair 3/3/16  
(Signature of Seller) (Date)

[Signature] 3/3/16  
(Signature of Buyer) (Date)



# Transaction Form for Withdrawal of Wetland Credits from the Minnesota Wetland Bank

If the layout of this form looks incorrect, click on *View, Edit Document*, then save to your computer.

## 1. Credit User

To be completed by the person or entity proposing to use the wetland credits.

Name: Three Rivers Park District

Organization (if applicable):

Street Address: 3000 Xenium Lane North

City, State, Zip: Plymouth, MN 55441

Phone: 763-559-6766 E-Mail Address\*: sshurson@threeriversparkdistrict.org

*This space is for BWSR use only.*

Debit Date:

## 2. Wetland Impact Information

To be completed for the project with wetland impacts that this withdrawal is intended to replace.

Project Name: Bassett Creek Regional Trail

Wetland Impact Size (acres): 1711 SF

County of Impact: Hennepin

Replacement Ratio: 2:1

Impact Major Watershed #: 20

Total Replacement Required (acres): ~~3442 SF~~

Impact Bank Service Area: BSA 7

U.S. Army Corps Permit # (if applicable):

3711 SF

\*\*Sec. 18 Twp. 118 Rge. 21

LGU File # (if applicable):

\*\*Projects with multiple impact locations should use the most central location in relation to the project as a whole.

Comments:

By signature below, the proposed user of credits attests that he/she owns or has purchased the credits identified in this application and has received approval from the applicable regulatory authority(ies).

Credit User Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 3. Regulatory Approval/Authorization

By signature below, the identified agency and authorized representative hereby certify that they have: a) verified that the subject wetland credits are deposited in the account of the owner/seller, b) approved a wetland replacement plan or similar agreement under their jurisdiction, and c) approve the proposed use of the wetland bank credits described herein.

WCA LGU/Agency:

E-mail address\*:

LGU Representative:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(for NRCS, USACE, etc. if applicable)

Agency Name/Location:

E-mail address\*:

Representative:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\*Confirmation will be e-mailed to user, seller, and regulatory representative when the transaction is complete. If you would like others notified, enter e-mail addresses here.



# Transaction Form for Withdrawal of Wetland Credits from the Minnesota Wetland Bank

## 4. Withdrawal Information

To be completed by seller of credits (account holder).

Bank Service Area: **7**

Account Number: **1537**

County: **Anoka**

Credit Subgroup	General Availability	Wetland Community Type	Cost per Credit	Number of Credits to be Withdrawn	BWSR Fee per Credit
	Y	Shallow Marsh	\$ 2.40	<del>3722 SF</del> <b>3711 SF</b>	\$0.00 <del>8212.80</del> <b>\$8906.40</b>
					\$0.00
					\$0.00
<b>TOTAL</b>				<b>3711</b>	<b>\$0.00</b>

*If TOTAL does not calculate, right click, Update Field*

Table  
[www.bwsr.state.mn.us/wetlands/wetlandbanking/fee\\_and\\_sales\\_data/Wetland\\_Bank\\_Fee\\_Schedule.pdf](http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee_and_sales_data/Wetland_Bank_Fee_Schedule.pdf)

Enter County Fee from Table (county of seller's bank)	6.5% of sale price
<b>\$ 2941.00</b>	
Above TOTAL x County Fee	
<b>\$ 0.00 x 232.34</b>	

**\$578.92**

Attach check payable to Minnesota Board of Water and Soil Resources.

By signature below I seller and holder of the aforementioned account in the State of Minnesota Wetland Mitigation Bank certify that:

- 1) The credits described in this application have been sold to the credit user or will be used for my own project;
- 2) I have received payment in full from the buyer (if applicable);
- 3) The credits described in this application have not been sold or used in any way to mitigate wetland losses other than for the project and location identified in the wetland impact information block on the previous page;
- 4) The credits described in this application should be withdrawn from my account; and
- 5) I will not have a negative balance of credits after the subject credits are debited from my account

Seller Name (print):

Seller Signature: *Daniel C. Hair*

Date: *3/3/16*

Seller e-mail\*: *MARChair47@gmail.com*

1. The account holder of the credits is responsible for submittal of this form, containing signatures, to the BWSR Wetland Bank Administrator so the affected account can be properly debited.
2. No impacts to any wetland or other water resource may commence until the credits have been debited and a copy of this form, with stamped debit date, has been received by the regulatory authority(ies), the account holder, and the credit user.
3. This form is not an application form. It is a transaction form to be used in association with an approved project that impacts wetlands and requires wetland replacement.

When this form is completed and all required signatures are obtained, send with the fee check(s) to:

**Wetland Bank Administration  
Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
Saint Paul, MN 55155**

*Disclaimer: any transaction in the wetland banking system is public information.*

**From:** Shurson, Stephen <Stephen.Shurson@threeriversparks.org>  
**Sent:** Thursday, March 10, 2016 1:38 PM  
**To:** Patrick J. McLarnon; Marcusjohannes@Edinarealty.com  
**Cc:** Mark J. Daubenberger  
**Subject:** RE: BCRT / Wetland Mitigation Hair Bank

I accept this change. Thanks for following through with this.

**Stephen Shurson**

Three Rivers Park District

763.559.6766 o

612.290.0096 c

New email address: [stephen.shurson@threeriversparks.org](mailto:stephen.shurson@threeriversparks.org)

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**From:** Patrick J. McLarnon [<mailto:patrick.mclarnon@tkda.com>]  
**Sent:** Thursday, March 10, 2016 1:35 PM  
**To:** Shurson, Stephen; [Marcusjohannes@Edinarealty.com](mailto:Marcusjohannes@Edinarealty.com)  
**Cc:** Mark J. Daubenberger  
**Subject:** BCRT / Wetland Mitigation Hair Bank

Stephen/Marcus – the LGU (City of New Hope) is having us recalculate the required mitigation due to rounding. Mitigation changes from 3422 SF to 3711 SF. I have updated the purchase agreement (attached). Please reply all this email accepting the change. This email will become your signature. We will update the forms prior to closing, if needed.

Thanks and please call me with any questions.



**Patrick J. McLarnon, P.H.** | Hydrologist  
444 Cedar Street, Suite 1500, Saint Paul, MN 55101  
**TKDA** P 651.292.4545, C: 651.788.1090 | [tkda.com](http://tkda.com)

## Patrick J. McLarnon

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**From:** Johannes, Marcus <MarcusJohannes@edinarealty.com>  
**Sent:** Thursday, March 10, 2016 3:39 PM  
**To:** Patrick J. McLarnon  
**Cc:** Shurson, Stephen (Stephen.Shurson@threeriversparks.org); Mark J. Daubenberger  
**Subject:** Re: BCRT / Wetland Mitigation Hair Bank

Patrick,

Got your voicemail, sounds good. Proceed!

Marcus

Marcus Johannes, Realtor  
2015 Edina Realty Master's Circle

Cell: 612.600.9201  
Office: 952.445.6400

On Mar 10, 2016, at 1:35 PM, Patrick J. McLarnon <[patrick.mclarnon@tkda.com](mailto:patrick.mclarnon@tkda.com)> wrote:

Stephen/Marcus – the LGU (City of New Hope) is having us recalculate the required mitigation due to rounding. Mitigation changes from 3422 SF to 3711 SF. I have updated the purchase agreement (attached). Please reply all this email accepting the change. This email will become your signature. We will update the forms prior to closing, if needed.

Thanks and please call me with any questions.

**Patrick J. McLarnon, P.H. | Hydrologist**  
444 Cedar Street, Suite 1500, Saint Paul, MN 55101  
<image001.png> P **651.292.4545**, C: **651.788.1090** | [tkda.com](http://tkda.com)

<Rev1\_BWSR wetland bank signature.pdf>

## **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:

#### **Purpose/Objectives**

**The purpose of the project is to fill a gap in the regional multi-modal transportation and recreation system with a safe, efficient, and accessible regional trail.**

#### **Need/Deficiencies**

**A need has been identified to provide a multi-modal transportation option to fill a gap in the regional multi-modal transportation and recreation system. In 2000, as part of the First-Tier Trails, Greenway, and Parks Master Plan, Three Rivers Park District conducted a study to analyze potential trail corridors with the 10 cities that make up the first-tier ring of suburbs that border the northern, southern, and western city limits of Minneapolis. Often, first-tier residents do not have access to trail corridors due to the fully developed nature of these communities. Trail corridors were investigated based on transportation and recreation needs, as they are intended to provide value and linkages; balance recreation and natural resources; and provide safe, efficient, and accessible accommodations. The Bassett Creek Regional Trail concept was born from this plan and has been included and coordinated with other local and regional planning initiatives.**

**See Appendix A for Project Plans.**

**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:

**Two Alternatives were reviewed for the project that includes a No-Build Alternative and a reconstruction on Existing Alignment Alternative as described below.**

**No-Build Alternative.** This alternative results in no encroachment into the wetland basins; however, this alternative does not meet the purpose and need for the project. The No-Build Alternative was not selected.

**Existing Alignment Alternative.** This alternative reconstructs the existing 8' wide trail (no shoulders) with a 10' wide trail (10' trail with 8' shoulders) to meet current design standards closely following the existing alignment and profile. To meet the purpose and need for the project, wetland encroachment occurs. The Existing Alignment Alternative is preferred.

**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):

**The design minimizes the wetland encroachment to the maximum extent practicable by lowering the existing trail profile and using optimized fill slopes to meet current design standards. The two wetland encroachment areas are described in detail below.**

**Encroachment Location 1 (Trail A, Station 140+50 to 141+50).** The existing trail alignment is located between delineated Wetlands 1 and 2. There is an existing culvert located under the trail connecting the wetlands. The wetland encroachment at this location is due to the proposed trail having a wider typical section to meet current design standards, which includes replacing the existing culvert and placing riprap. The proposed trail alignment matches the existing as shifting the alignment would cause additional wetland encroachment. The proposed trail profile has been lowered to minimize wetland encroachment from the side slopes. The proposed side slopes are 1:4 with a 2' trail shoulder. Using a steeper side slope of 1:2 requires a 5' trail shoulder, which would increase the wetland encroachment at this location. Retaining walls are not proposed as wetland encroachment would still occur and they create a blockage for wildlife movement.



**Encroachment Location 2 (Trail A, Station 149+30 to 151+35).** The existing trail alignment is located between Winnetka Avenue and delineation Wetland 1. The existing trail is cut into the embankment slope of Winnetka Avenue. The wetland encroachment at this location is due to the proposed trail having a wider typical section to meet current design standards. The proposed trail alignment matches the existing as shifting the alignment to the west would cause additional wetland encroachment and shifting the trail to the east would cause impacts to the Winnetka Avenue embankment. The proposed side slopes are 1:2 with a 5' trail shoulder to minimize impacts. Retaining walls are not proposed as they create a blockage for wildlife movement.

**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.

**Not applicable.**

## 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
1537	Anoka	20	7	3 – Shallow Marsh	3711 SF

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.*

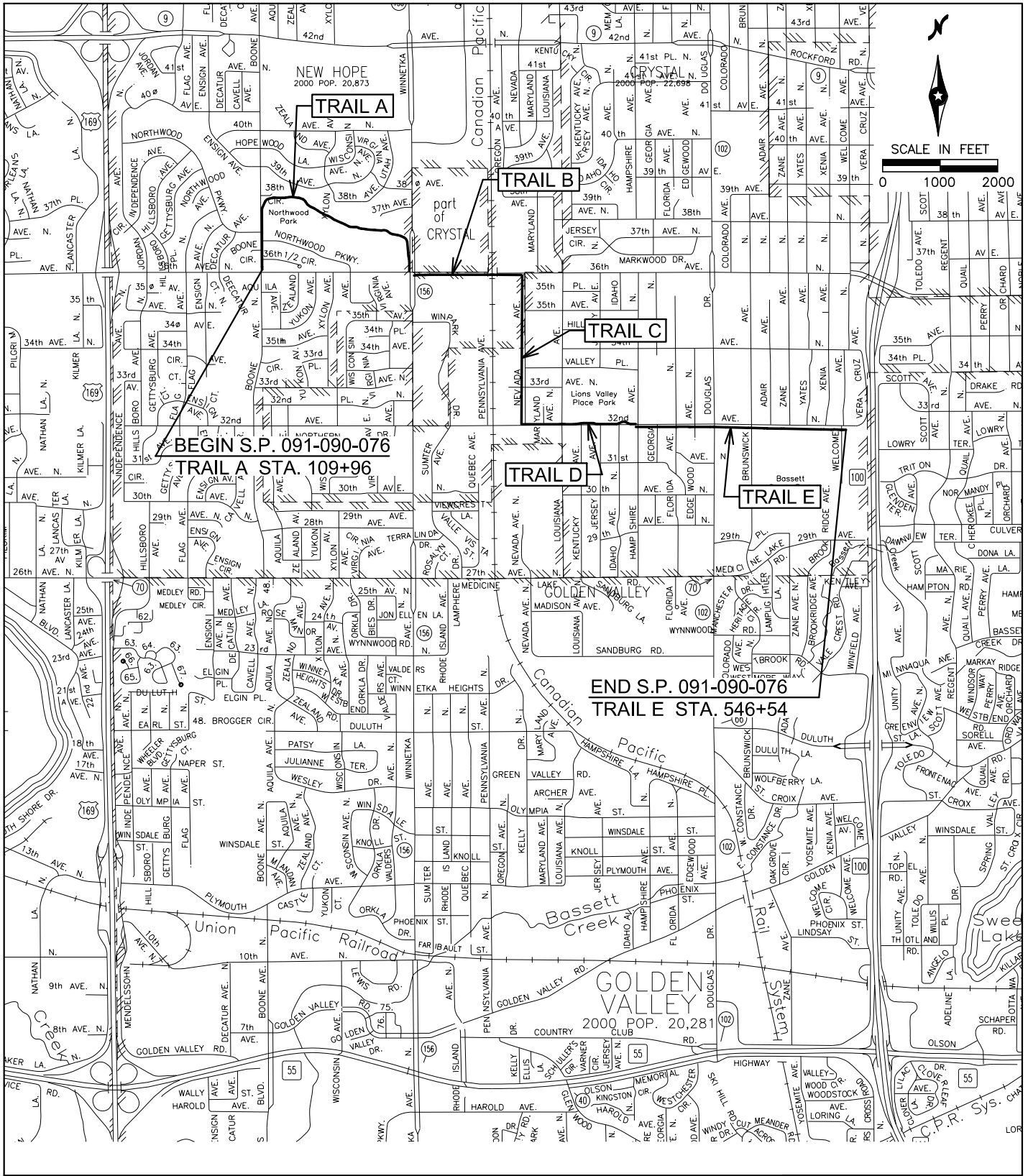


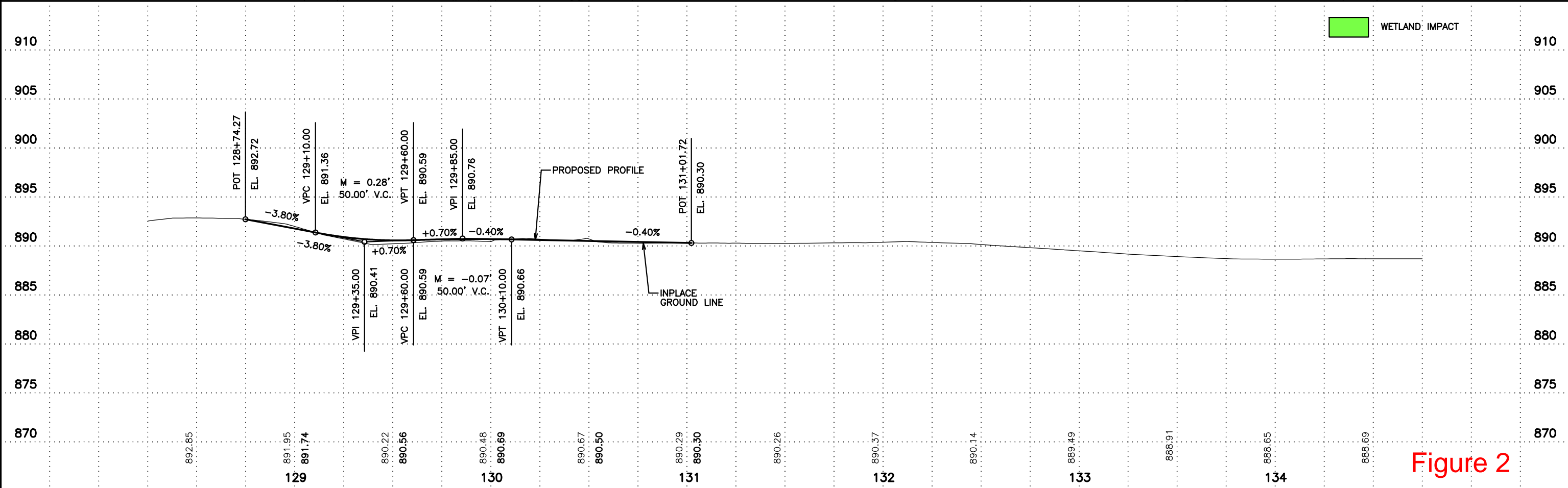
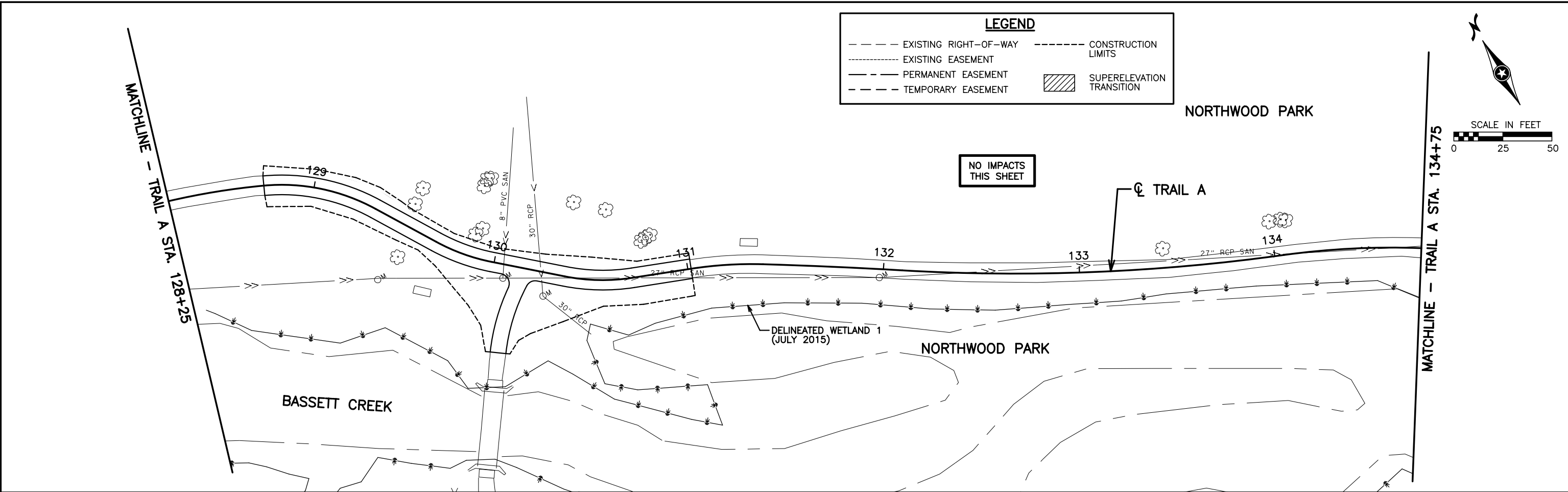
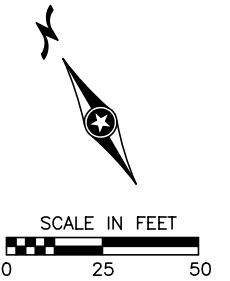
Figure 1

LOCATION MAP

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**LEGEND**

- EXISTING RIGHT-OF-WAY
- EXISTING EASEMENT
- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- CONSTRUCTION LIMITS
- ▨ SUPERELEVATION TRANSITION



WETLAND IMPACT

**Figure 2**

NO.	DATE	BY	DESCRIPTION OF REVISIONS

I HEREBY CERTIFY THAT THIS SHEET 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.

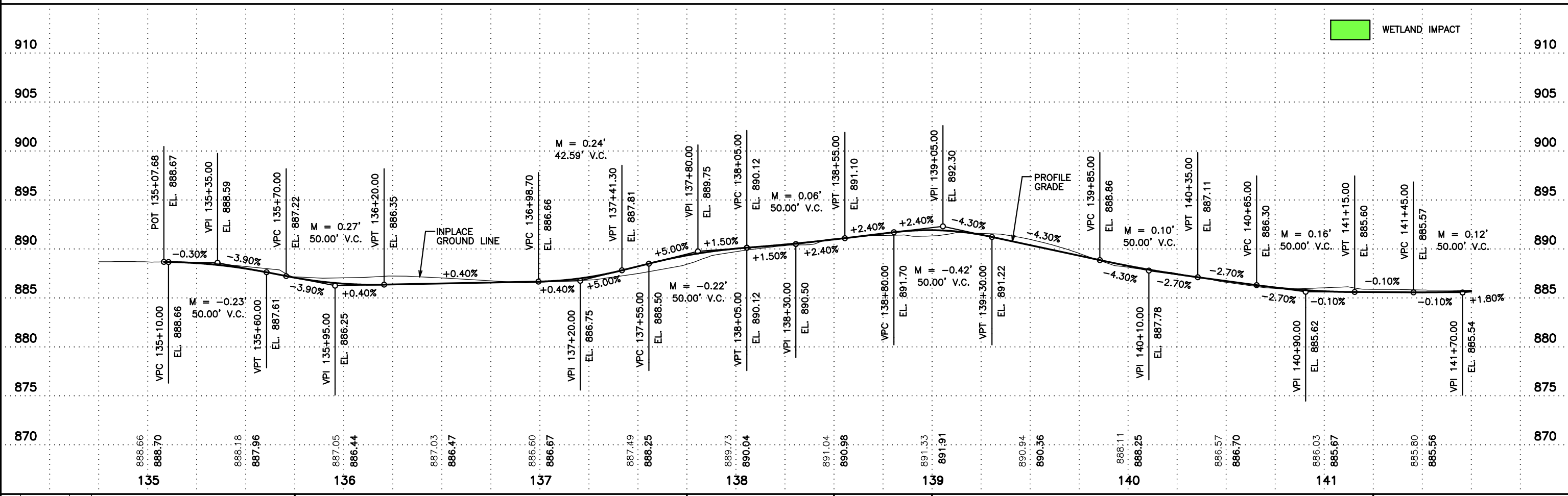
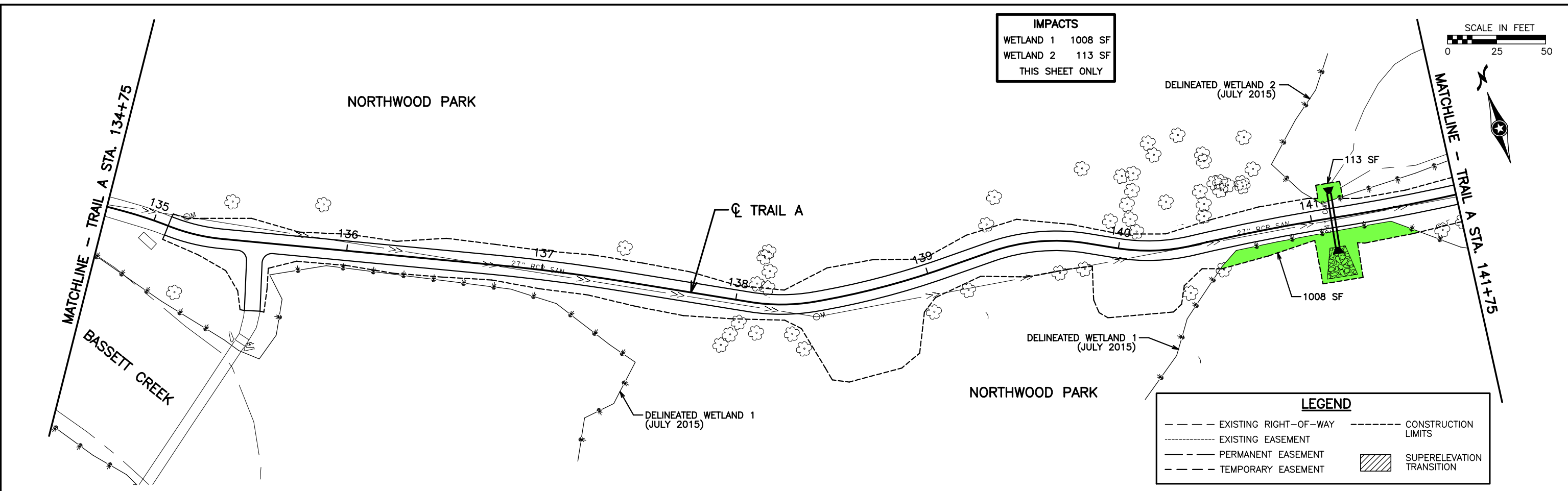
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 PRINTED NAME: \_\_\_\_\_  
 DATE: \_\_\_\_\_ LIC. NO. \_\_\_\_\_



**CONSTRUCTION PLAN & PROFILE**  
 TRAIL A STA. 128+25 TO STA. 134+75

S.P. 091-090-076  
 SHEET NO. W1 OF W4

DATE: 1/20/2016 TIME: 3:53:31 PM  
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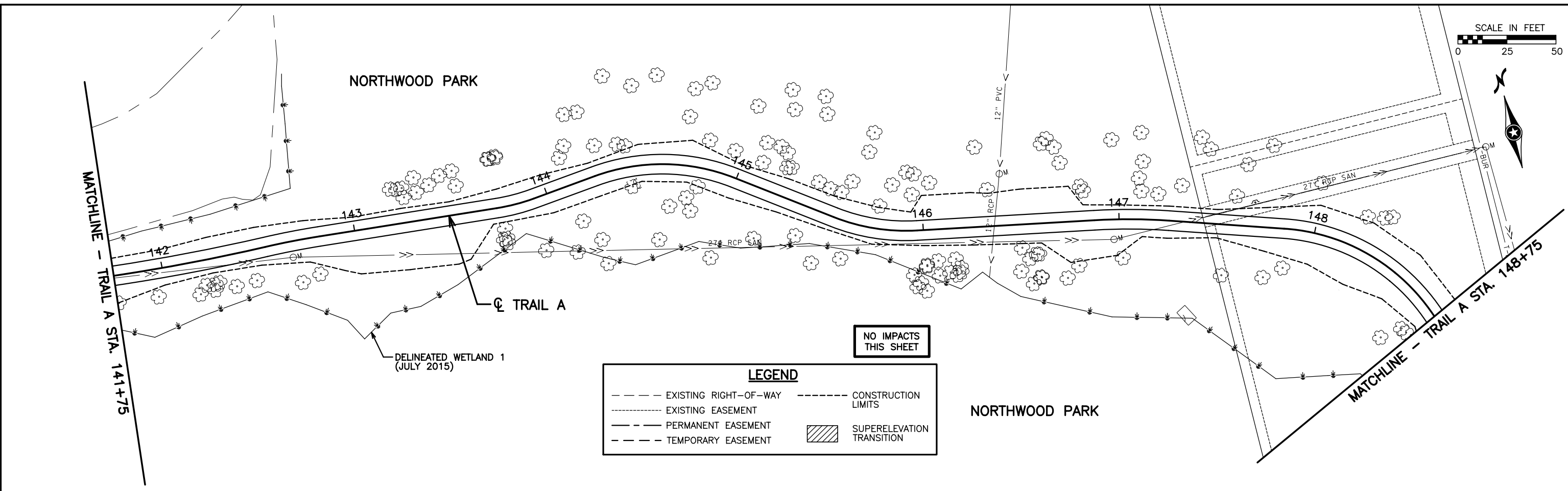
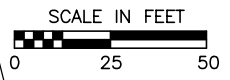
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 PRINTED NAME: \_\_\_\_\_  
 DATE: \_\_\_\_\_ LIC. NO. \_\_\_\_\_



**CONSTRUCTION PLAN & PROFILE**  
 TRAIL A STA. 134+75 TO STA. 141+75

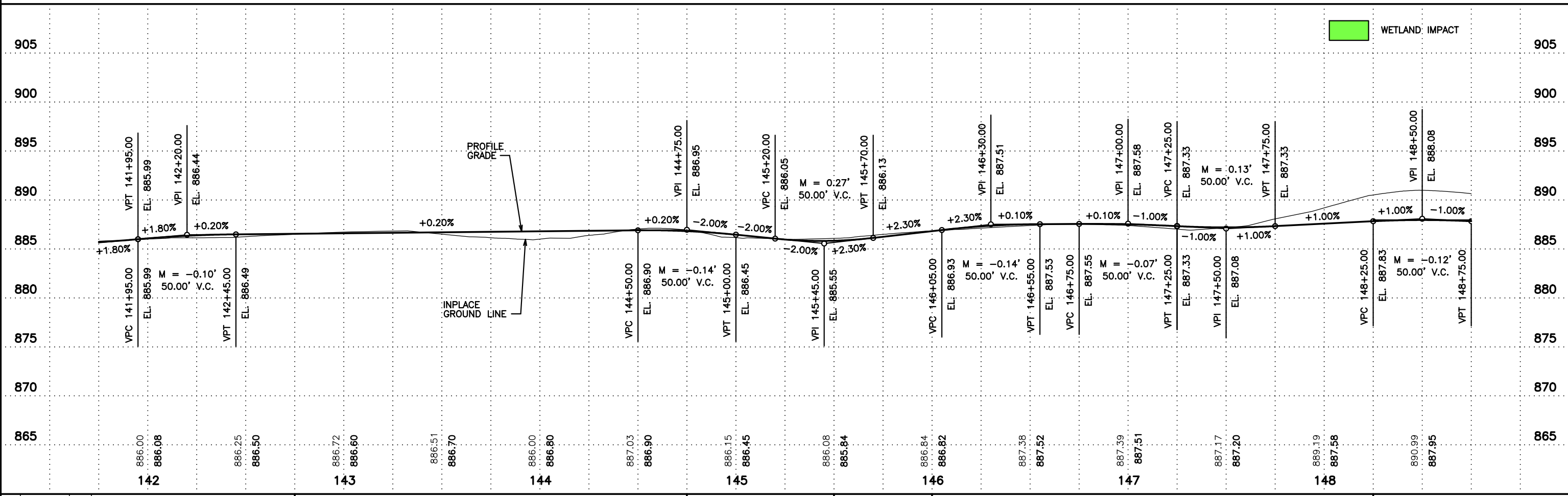
S.P. 091-090-076  
 SHEET NO. W2 OF W4



**NO IMPACTS THIS SHEET**

**LEGEND**

---	EXISTING RIGHT-OF-WAY	---	CONSTRUCTION LIMITS
---	EXISTING EASEMENT	---	PERMANENT EASEMENT
---	PERMANENT EASEMENT	---	TEMPORARY EASEMENT
---	TEMPORARY EASEMENT	▨	SUPERELEVATION TRANSITION



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I HEREBY CERTIFY THAT THIS SHEET 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: \_\_\_\_\_  
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DATE: \_\_\_\_\_ LIC. NO. \_\_\_\_\_

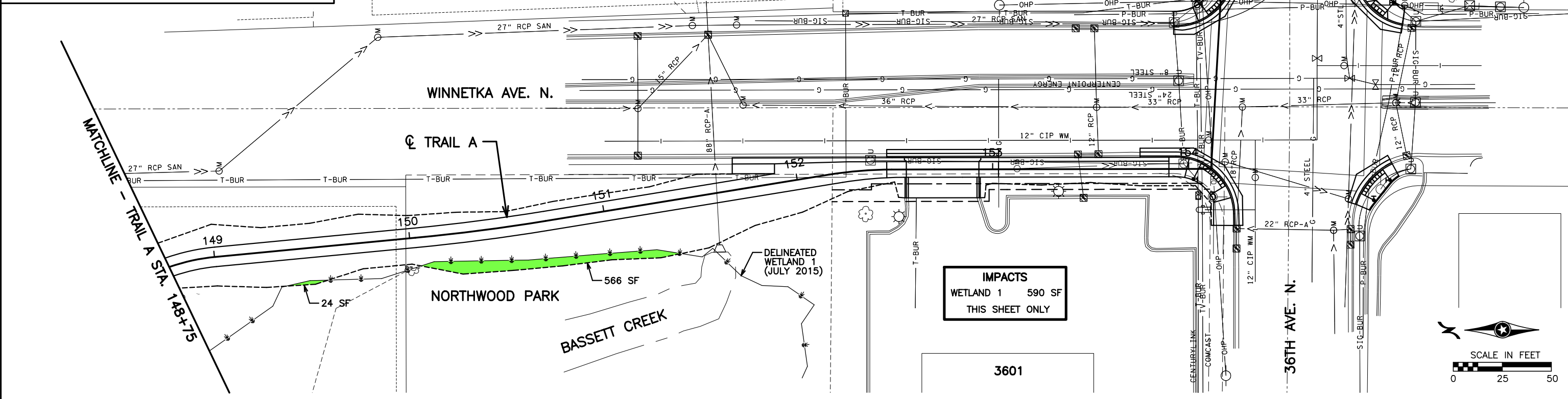


**CONSTRUCTION PLAN & PROFILE**  
TRAIL A STA. 134+75 TO STA. 141+75

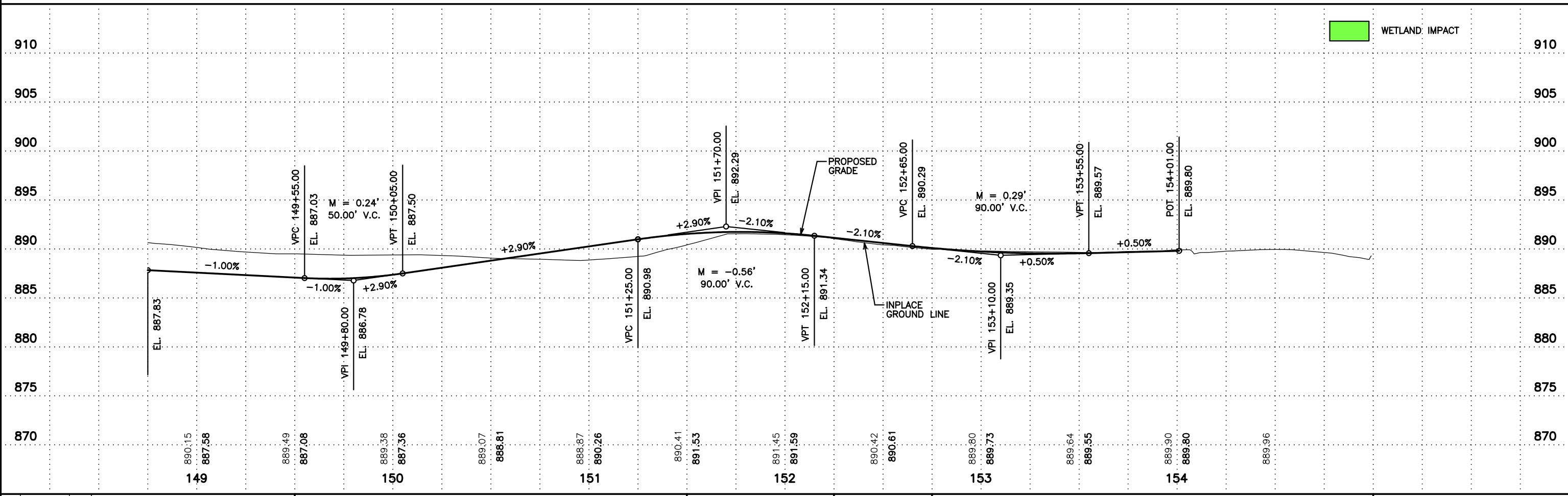
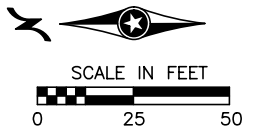
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SHEET NO. W3 OF W4

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LEGEND	
---	EXISTING RIGHT-OF-WAY
---	EXISTING EASEMENT
---	PERMANENT EASEMENT
---	TEMPORARY EASEMENT
---	CONSTRUCTION LIMITS
▨	SUPERELEVATION TRANSITION



**IMPACTS**  
 WETLAND 1 590 SF  
 THIS SHEET ONLY



NO.	DATE	BY	DESCRIPTION OF REVISIONS

I HEREBY CERTIFY THAT THIS SHEET 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: \_\_\_\_\_  
 PRINTED NAME: \_\_\_\_\_  
 DATE: \_\_\_\_\_ LIC. NO. \_\_\_\_\_



**CONSTRUCTION PLAN & PROFILE**  
 TRAIL A STA. 148+75 TO STA. 153+\_\_

S.P. 091-090-076  
 SHEET NO. W4 OF W4

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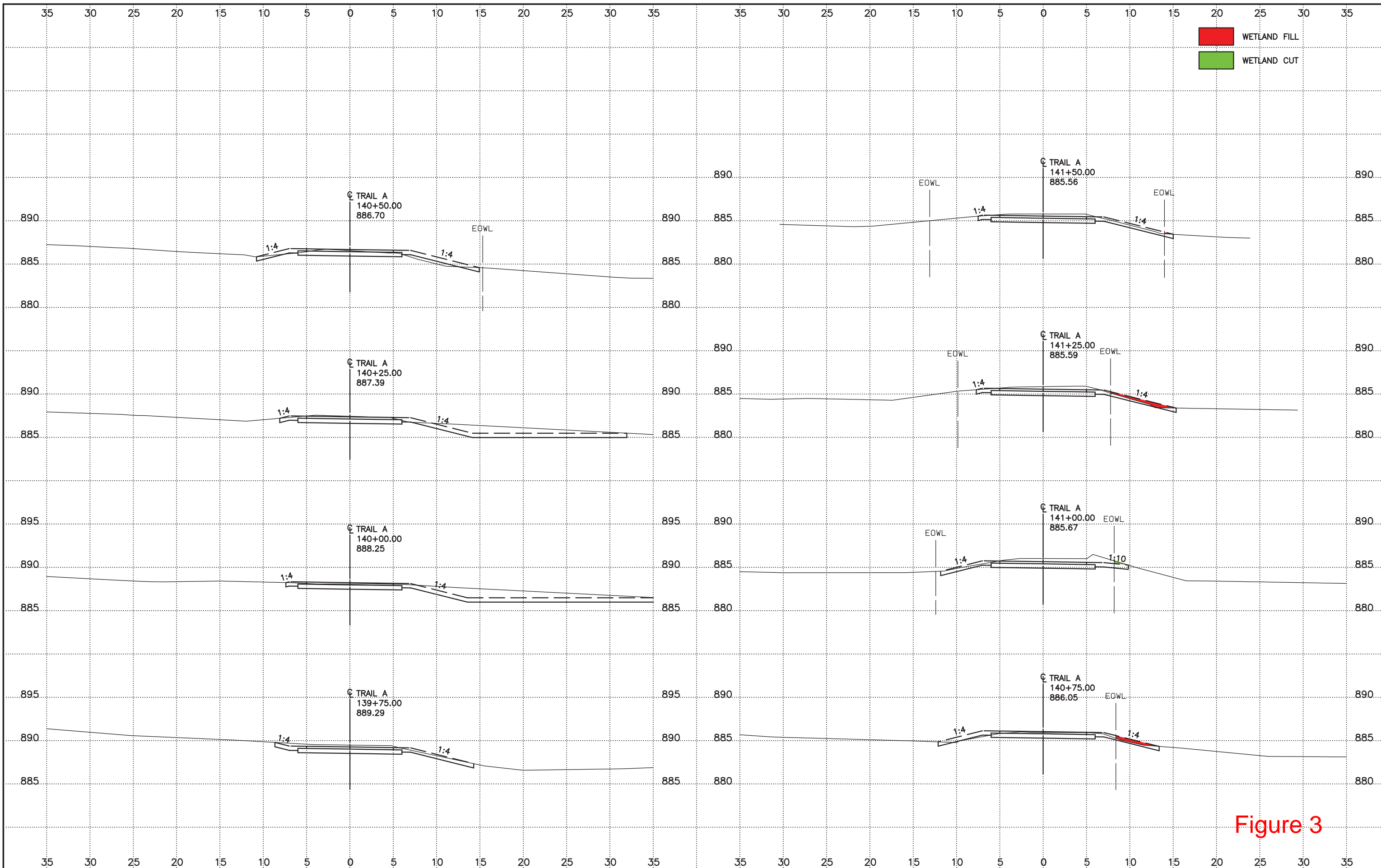


Figure 3

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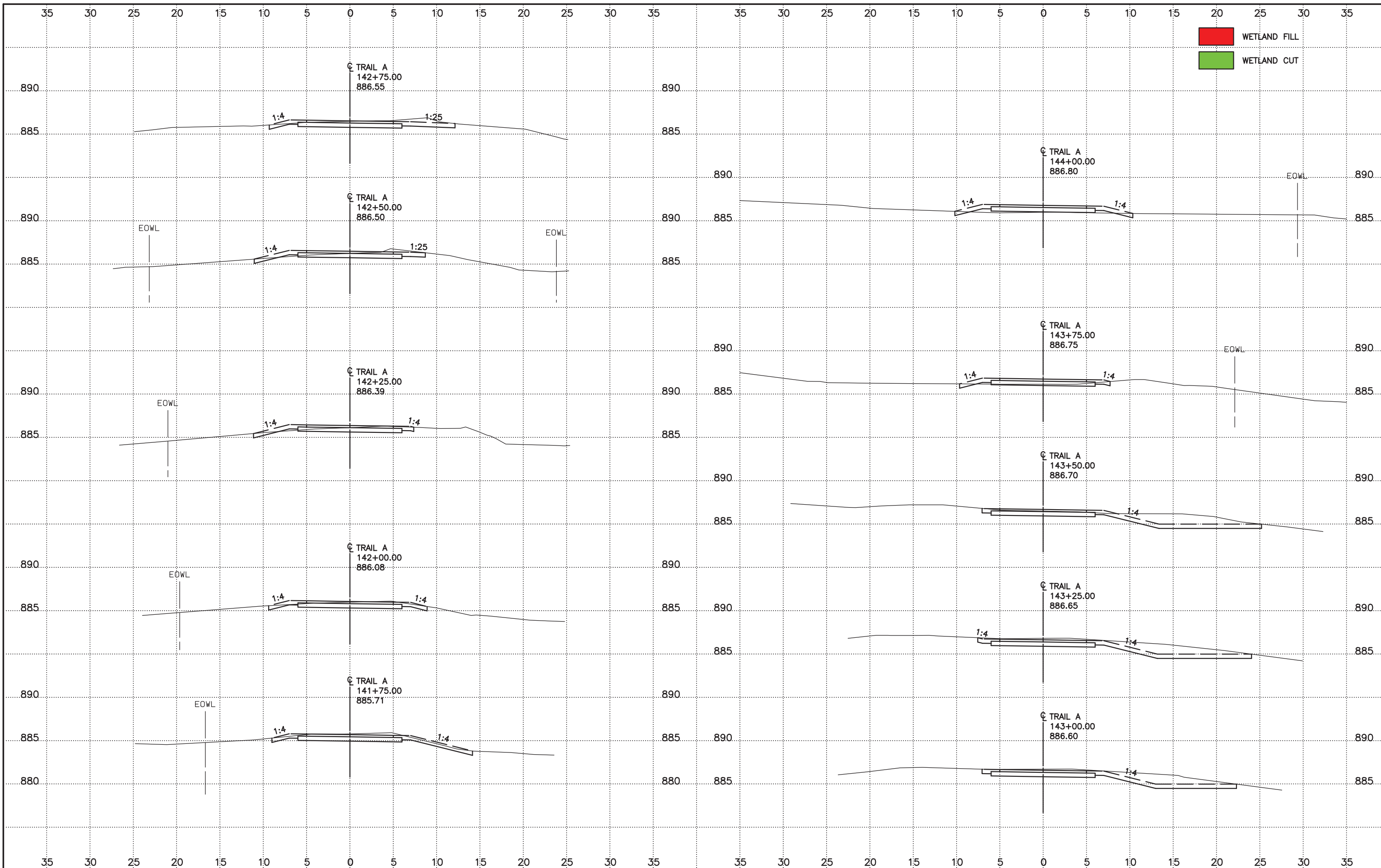


CROSS SECTIONS  
 TRAIL A STA. 139+75 TO STA. 141+50

S.P. 091-090-076  
 SHEET NO. X1 OF X7



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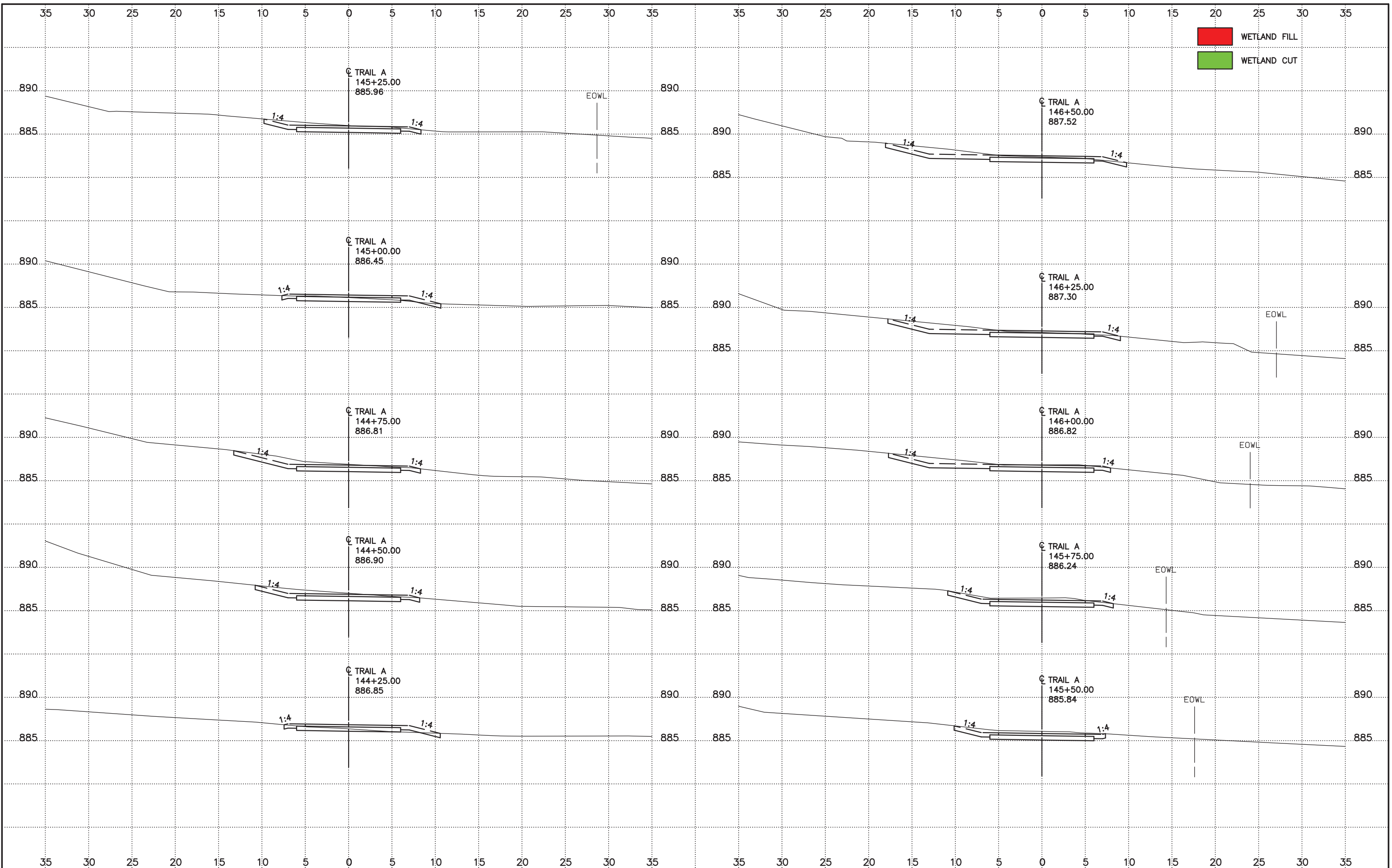
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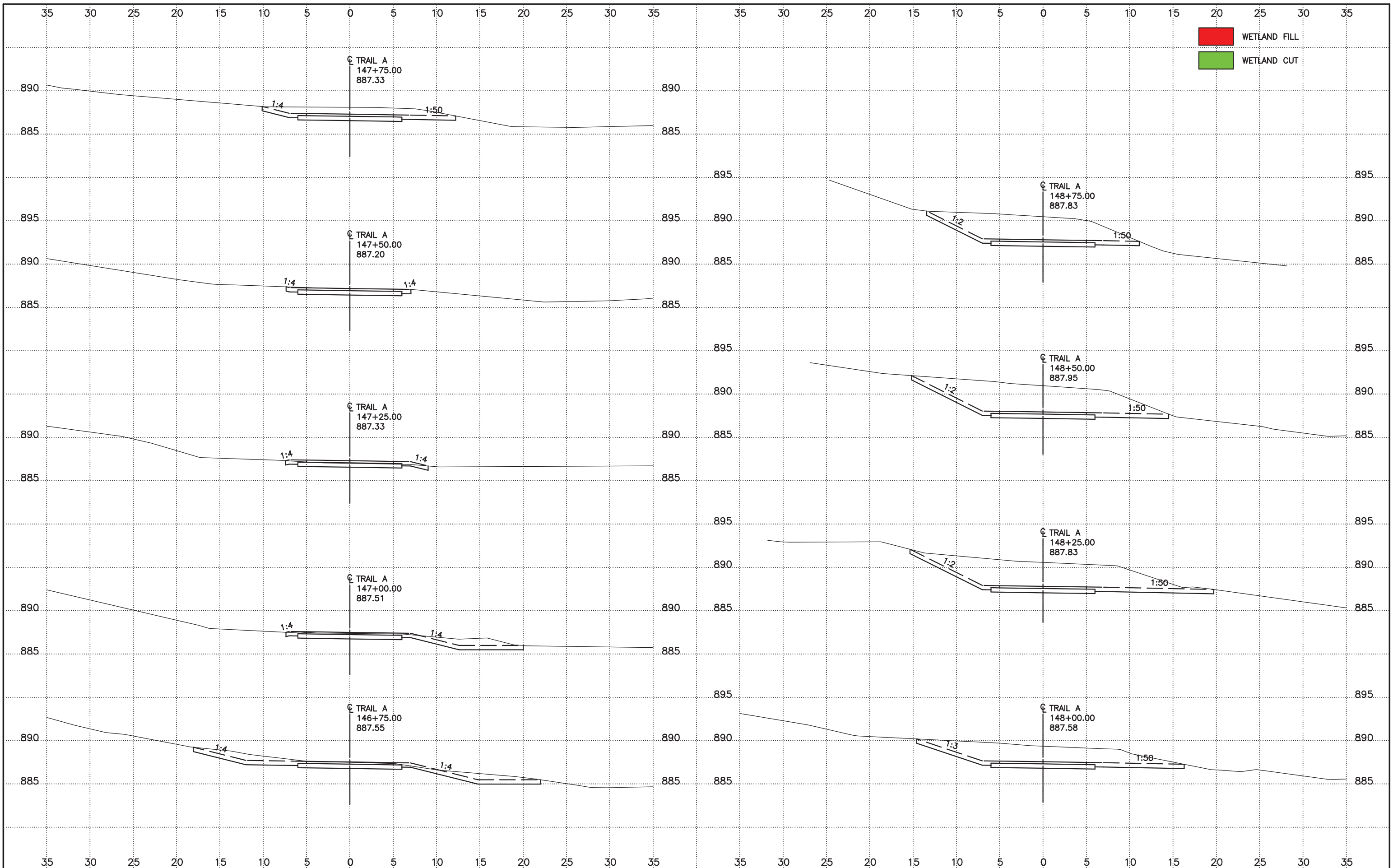
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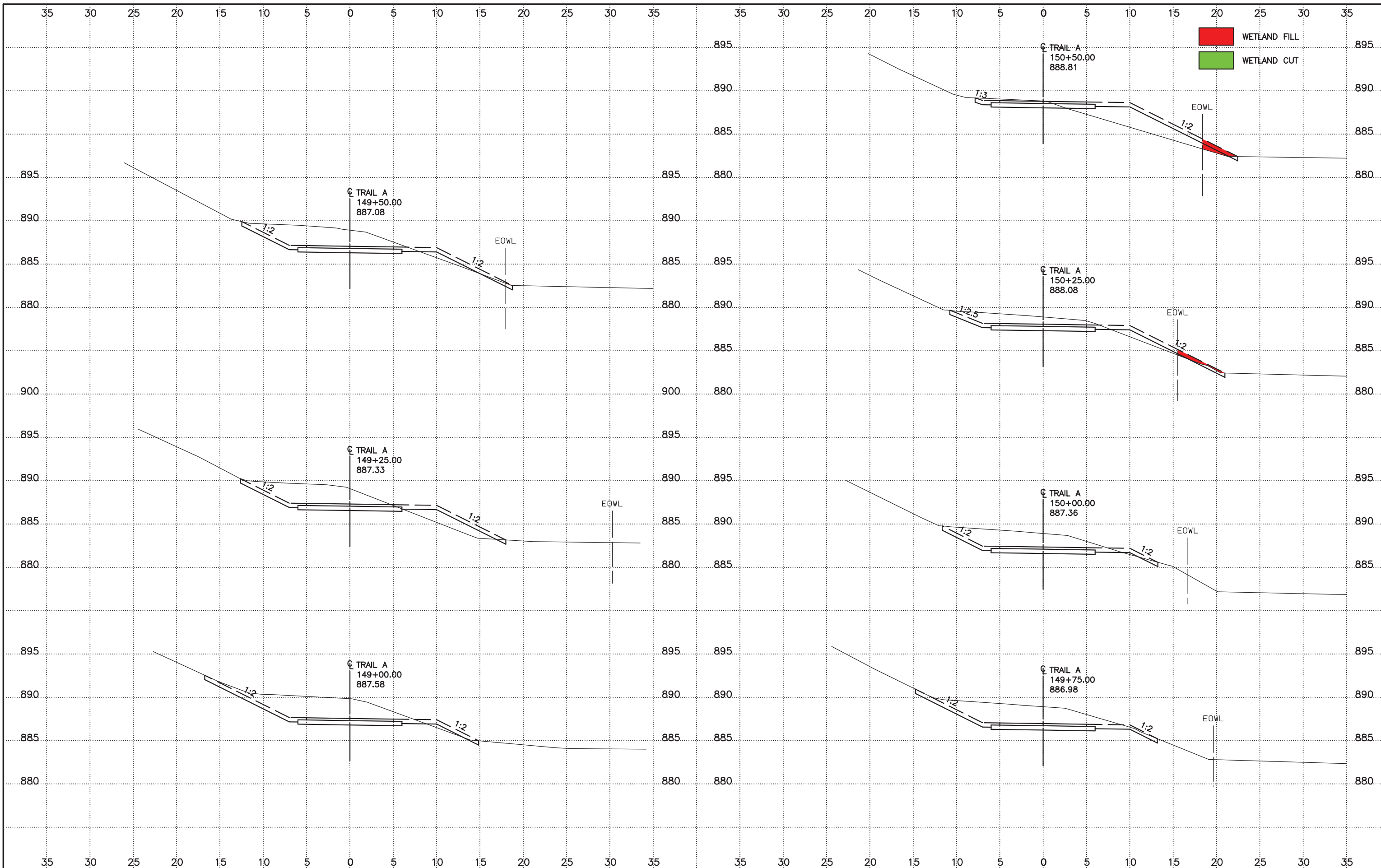
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■ WETLAND FILL  
■ WETLAND CUT

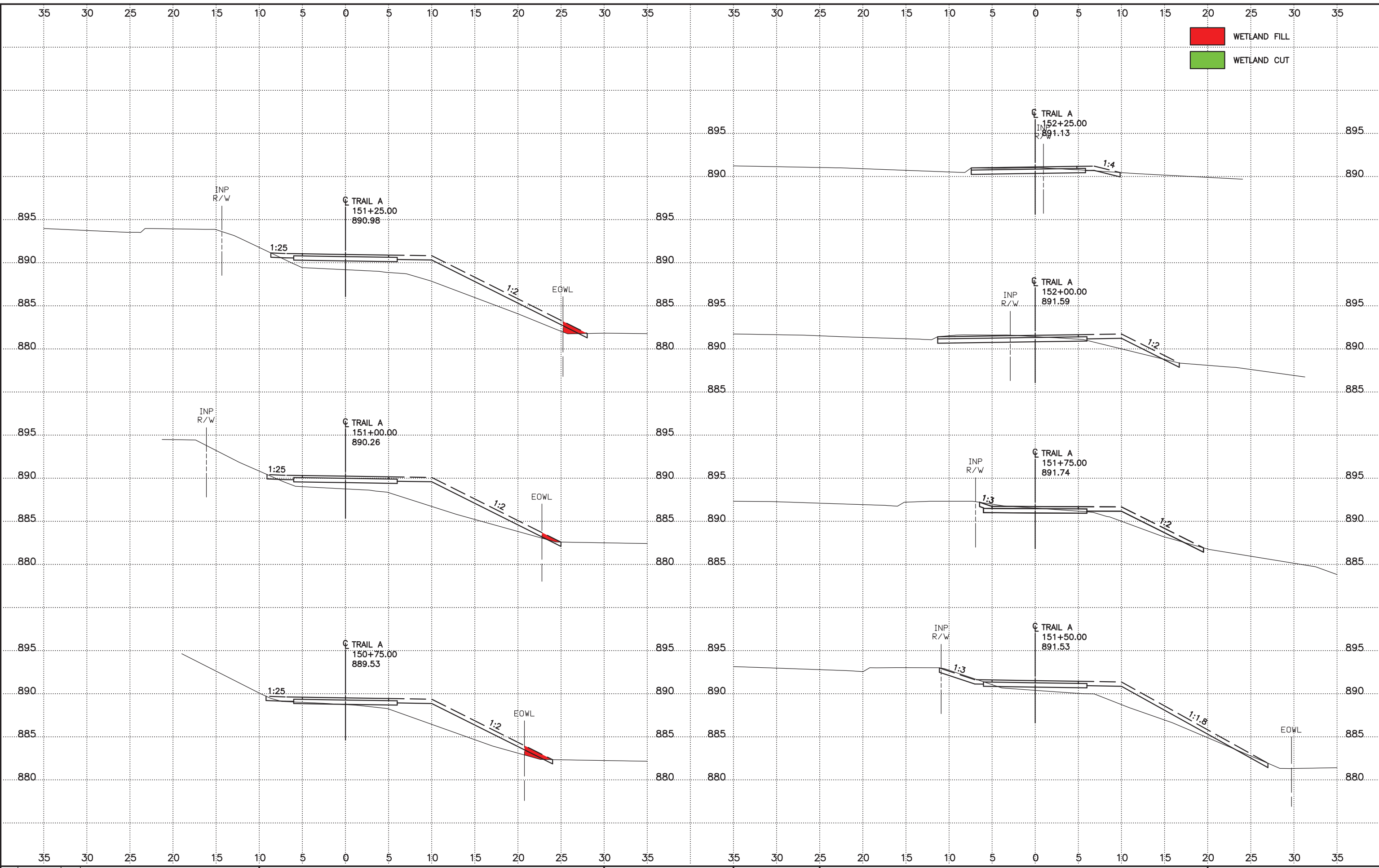
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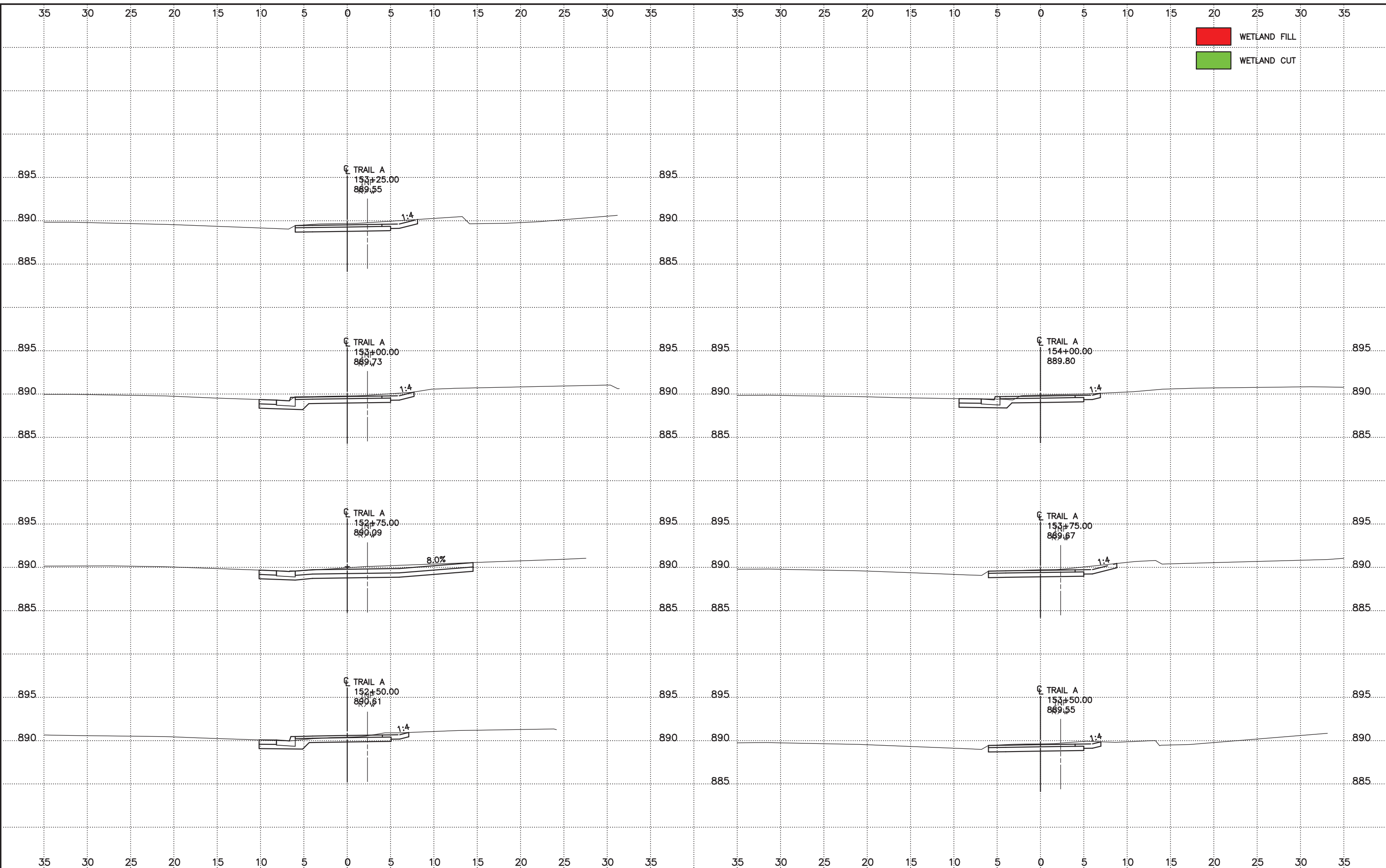
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NO.	DATE	BY	DESCRIPTION OF REVISIONS



**CROSS SECTIONS**  
 TRAIL A STA. 152+50 TO STA. 154+00

S.P. 091-090-076  
 SHEET NO. X7 OF X7

# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>City of New Hope - Bernie Weber</b>	Address <b>4401 Xylon Ave N, New Hope, MN 55428-4898</b>
<b>WCA Agent</b> <b>Stantec - John Smyth</b>	<b>2335 Highway 36 West St. Paul, MN 55113</b>

### 1. PROJECT INFORMATION

Applicant Name <b>Three Rivers Park District - Stephen Shurson</b>	Project Name <b>Basset Creek Regional Trail</b>	Date of Application <b>8/28/15</b>	Application Number <b>193803110</b>
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

<input checked="" type="checkbox"/> <b>Wetland Boundary or Type</b> Replacement Plan	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Banking Plan			

Technical Evaluation Panel Findings and Recommendation (if any):

<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
---	--	-------------------------------

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>10/22/15</b>		
<input checked="" type="checkbox"/> <b>Approved</b>	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

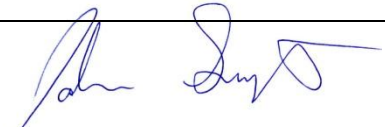
LGU Findings and Conclusions (attach additional sheets as necessary):

<p>Anderson Engineering of MN, LLC completed a wetland investigation within the project area identified in Figure 5 of the attached report, located in the eastern portion of Northwood Park, New Hope, Minnesota for a potential regional trail. Geographically, the site is located in Section 18, Township 118 North, Range 21 West. The wetland delineation was reviewed in the field on 10/21/15 and the attached report represents the wetland delineation as reviewed, updated and approved.</p>
---

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.

Name <b>John Smyth</b>	Title <b>WCA Agent</b>	
Signature 	Date <b>10/22/15</b>	Phone Number and E-mail <b>651-604-4708</b> <b>John.smyth@stantec.com</b>

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT.

Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for five years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

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**3. APPEAL OF THIS DECISION**

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

<input checked="" type="checkbox"/> Appeal of an LGU staff decision. Send petition and <b>\$500.00</b> fee (if applicable) to: <b>City of New Hope, 4401 Xylon Ave N, New Hope, MN 55428-4898</b>	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
--	---

**4. LIST OF ADDRESSEES**

<input checked="" type="checkbox"/> SWCD TEP member: Stacey Lijewski – <a href="mailto:stacey.lijewski@hennepin.us">stacey.lijewski@hennepin.us</a>
<input checked="" type="checkbox"/> BWSR TEP member: <b>Ben Meyer, 520 Lafayette Rd N, St. Paul, MN 55155</b>
<input type="checkbox"/> LGU TEP member (if different than LGU Contact):
<input checked="" type="checkbox"/> DNR TEP member: <b>Leslie Parris, <a href="mailto:Leslie.Parris@state.mn.us">Leslie.Parris@state.mn.us</a></b>
<input type="checkbox"/> DNR Regional Office (if different than DNR TEP member)
<input checked="" type="checkbox"/> WD or WMO (if applicable): <b>Bassett Creek Watershed Management Organization - <a href="mailto:laura.jester@keystonewaters.com">laura.jester@keystonewaters.com</a>, Shingle Creek Watershed Management Organization - <a href="mailto:wboll@wenck.com">wboll@wenck.com</a></b>
Applicant (notice only) and Landowner (if different)
Members of the public who requested notice (notice only): Anderson Engineering of MN, LLC - Ben Hodapp - <a href="mailto:bhodapp@ad-mn.com">bhodapp@ad-mn.com</a> ; TKDA: <a href="mailto:patrick.mclarnon@tkda.com">patrick.mclarnon@tkda.com</a>
<input checked="" type="checkbox"/> Corps of Engineers Project Manager (notice only) <b>Melissa Jenny, St. Paul District, OP-R 180 East Fifth Street, Suite 700, St. Paul, Minnesota 55101-1678</b>
<input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan applications only)



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## 5. MAILING INFORMATION

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

➤ For a list of DNR TEP representatives: [www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)

➤ Department of Natural Resources Regional Offices:

<b>NW Region:</b> Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	<b>NE Region:</b> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	<b>Central Region:</b> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	<b>Southern Region:</b> Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073
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For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

➤ For a list of Corps of Project Managers: [www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687)  
or send to:

US Army Corps of Engineers  
St. Paul District, ATTN: OP-R  
180 Fifth St. East, Suite 700  
St. Paul, MN 55101-1678

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

Minnesota Board of Water and Soil Resources  
Wetland Bank Coordinator  
520 Lafayette Road North  
St. Paul, MN 55155

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## 6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

**Wetland Delineation Report as updated**