

Minnesota Wetland Conservation Act

Notice of Decision

Item 7H.
BCWMC 1-19-17

Local Government Unit (LGU) City of Crystal	Address 4141 Douglas Drive N Crystal, MN 55422
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1. PROJECT INFORMATION

Applicant Name Paulita LaPlante, PAC Properties, LLC	Project Name Prescription Landscape	Date of Application 12/1/16	Application Number
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Attach site locator map.

Type of Decision:

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

Technical Evaluation Panel (TEP) Findings and Recommendation (if any):

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach): no TEP Findings Report		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 1/6/17		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

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

On behalf of the PAC Properties, LLC, Wenck Associates, Inc. submitted a wetland delineation report and joint application form requesting wetland boundary and type approval as well as an incidental wetland determination for the Prescription Landscape property located in the City of Crystal, Section 20, Township 118N, Range 21W, within Hennepin County.

One wetland (Wetland 1) was delineated within the project boundaries and designated as a Type 3 (PUBx), shallow marsh wetland.

Documentation in the report submittal also indicates that Wetland 1 is a drainage ditch excavated in a non-wetland area. This wetland was requested to be determined an incidental wetland and not regulated by the Minnesota Wetland Conservation Act according to MN Rules 8420.0105D.

A site review was conducted on 10/20/16 by Karen Wold with Barr Engineering Co. for the City of Crystal. The initial wetland delineation reports submitted on 10/10/16 and 11/22/16 were determined to be incomplete. The revised report submitted 12/1/16 and the joint application form comprised a complete application. The Notice of Application was submitted to TEP members on 12/6/16. A 15 business day comment period ended on 1/4/17 and no comments were received.

The revised wetland boundary and type for Wetland 1 was determined to be accurate, based on the requirements of the 1987 USACE Wetland Delineation Manual, the 2010 Midwest Regional Supplement, and the 2015 Guidance for Submittal of Delineation Reports to the USACE and WCA LGU in Minnesota Version 2.0.

In addition, the incidental wetland determination request for Wetland 1 is approved, therefore

Wetland 1 is not regulated by the Minnesota Wetland Conservation Act according to MN Rules 8420.0105D.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)

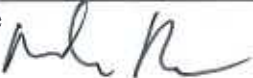
Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

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

LGU Authorized Signature:

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

Name Mark Ray	Title Public Works Director/City Engineer	
Signature 	Date 1/6/17	Phone Number and E-mail 763-531-1160 Mark.Ray@crystalmn.gov

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

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

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

3. APPEAL OF THIS DECISION

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

Check one:

<input type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$ _____ fee (if applicable) to:	<input checked="" 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
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4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/> SWCD TEP member: Stacey Lijewski and Tony Brough, Hennepin County <input checked="" type="checkbox"/> BWSR TEP member: Ben Meyer <input checked="" type="checkbox"/> LGU TEP member (if different than LGU Contact): Mark Ray (City of Crystal) <input checked="" type="checkbox"/> DNR TEP member: Rebecca Horton <input checked="" type="checkbox"/> WD or WMO (if applicable): Laura Jester (Keystone Waters, Bassett Creek WMC administrator), Karen Chandler (Barr Engineering, Engineer for Bassett Creek WMC) <input checked="" type="checkbox"/> Applicant (notice only) and Landowner (if different) Paulita LaPlante (PAC Properties, LLC) and agent Matthew Summers (Wenck Associates, Inc) <input checked="" type="checkbox"/> Corps of Engineers Project Manager Ryan Malterud <input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

5. MAILING INFORMATION

- For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf
- For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

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

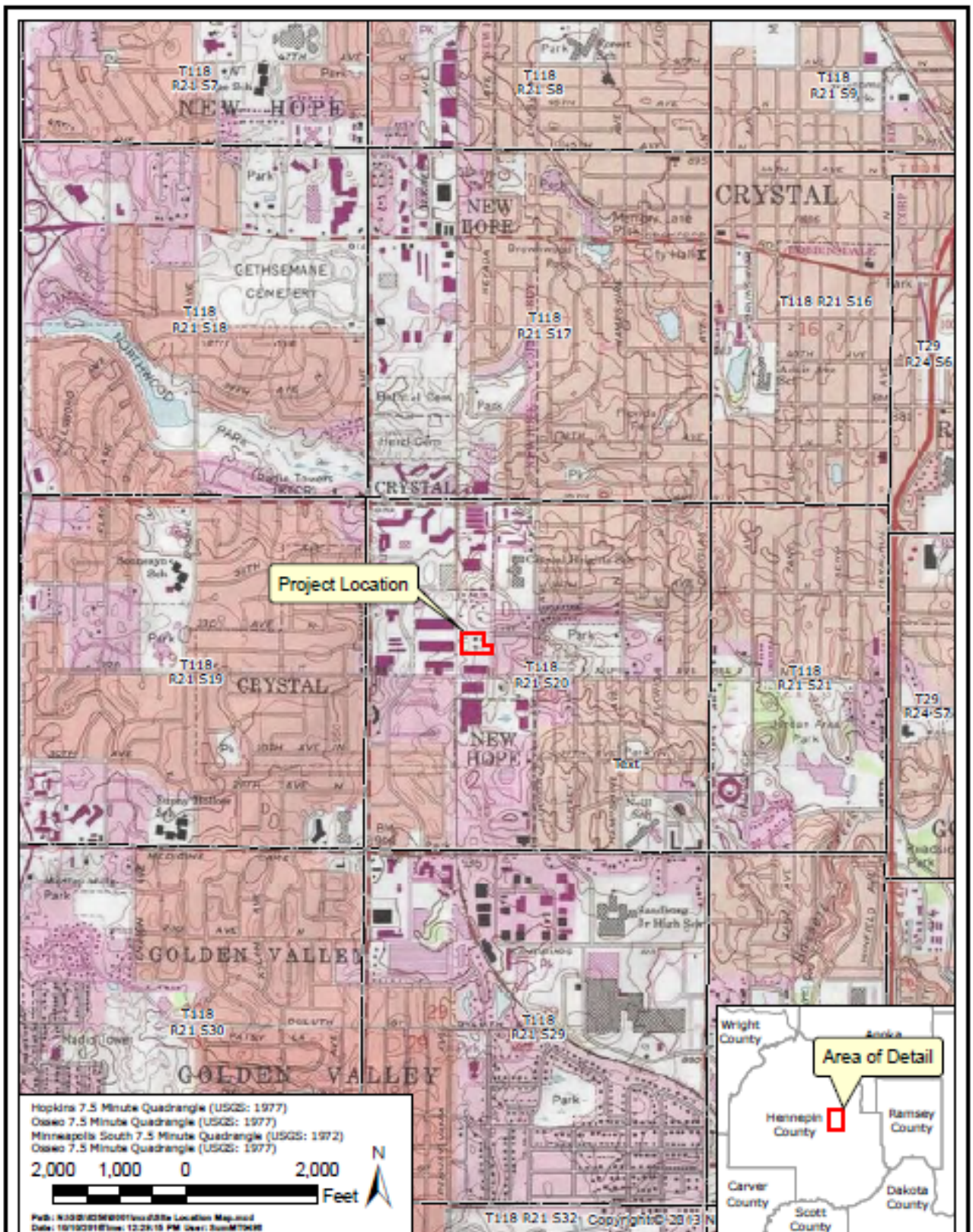
- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687 or send to:

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

6. ATTACHMENTS

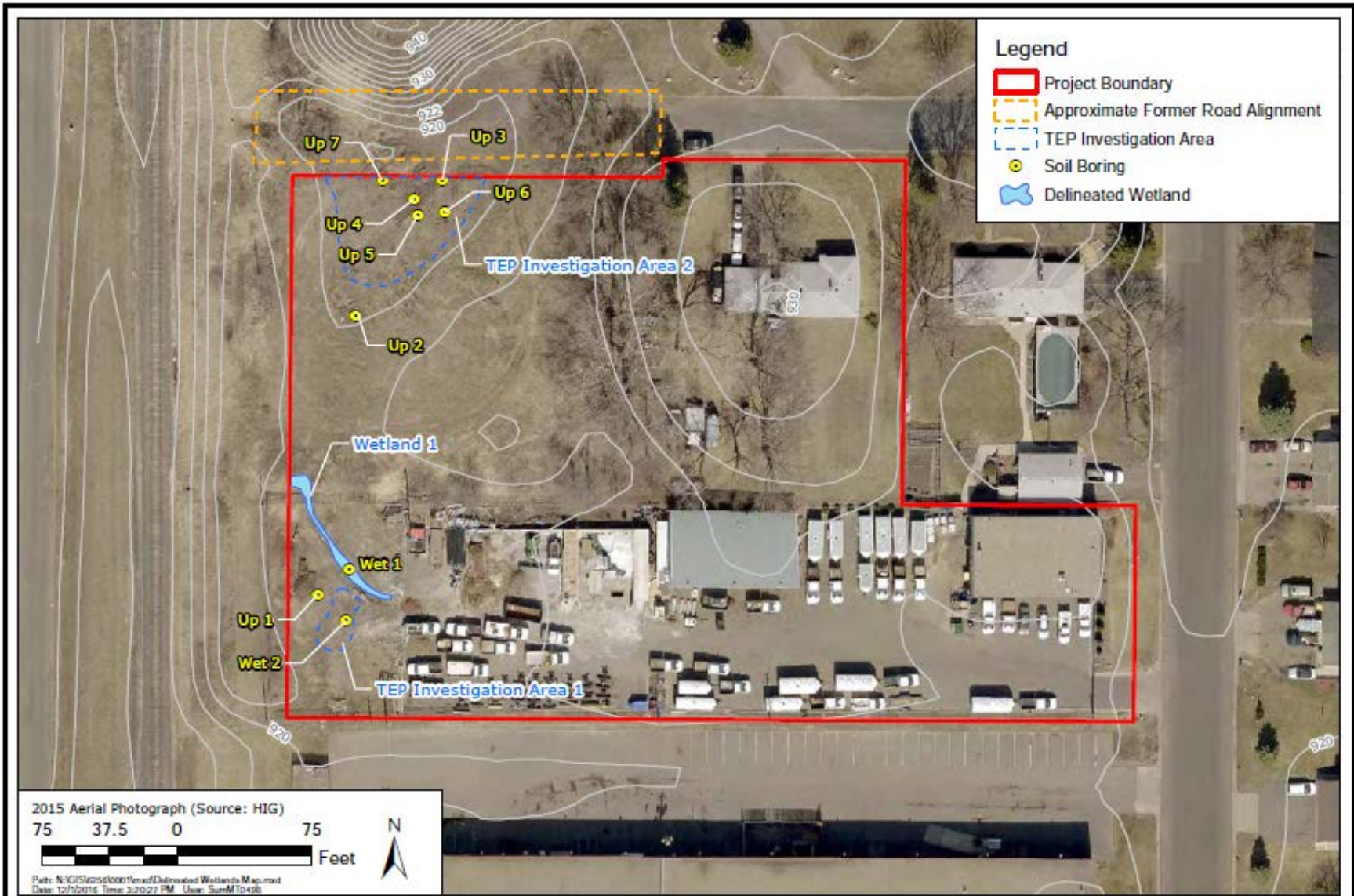
In addition to the site locator map, list any other attachments: <input checked="" type="checkbox"/> wetland delineation figure



PRESCRIPTION LANDSCAPE
Site Location Map



OCT 2016
Figure 1



PRESCRIPTION LANDSCAPE
 Delineated Wetlands (Revised November 2016)



NOV 2016
 Figure 5