



<b>Signature:</b> 	<b>Date:</b> 11/15/2019
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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.

## Minnesota Wetland Conservation Act Notice of Decision

<b>Local Government Unit (LGU):</b> Bassett Creek Watershed Management Commission (BCWMC)
<b>County:</b> Hennepin
<b>Applicant Name:</b> Shaun and Michelle Kennedy
<b>Applicant Representative:</b> Scott Newland, Newland Architecture, Inc.
<b>Project Name:</b> 215 Peninsula Road, Medicine Lake <b>LGU Project No. (if any):</b> 2019-26
<b>Date Application Received by LGU:</b> 11/06/2019
<b>Date of LGU Decision:</b> 12/11/2019
<b>Date this Notice was Sent:</b> 12/11/2019

**Minnesota Wetland Conservation Act (WCA) Decision Type - check all that apply**

<input checked="" 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"/> No-Loss (8420.0415)	<input type="checkbox"/> Exemption (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 type="checkbox"/> H		Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9	

**Replacement Plan Impacts (replacement plan decisions only)**

Total WCA Wetland Impact Area:
Wetland Replacement Type: <input type="checkbox"/> Project Specific Credits: <input type="checkbox"/> Bank Credits:
Bank Account Number(s):

**Technical Evaluation Panel (TEP) Findings and Recommendations (attach if any)**

<input type="checkbox"/> Approve <input type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny <input checked="" type="checkbox"/> No TEP Findings Report, see TEP involvement and communication described below.
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**LGU Decision**

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

<sup>1</sup> *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 decision<sup>1</sup>.**

<input checked="" type="checkbox"/> Attachment(s) (specify): <b>site location map and wetland delineation map</b>
<input checked="" type="checkbox"/> Summary:
<b>On behalf of Shaun and Michelle Kennedy, Kjolhaug Environmental submitted a wetland delineation report and joint application form requesting wetland boundary and type approval for the property located at 215 Peninsula Road in Medicine Lake (Section 26, Township 118N, Range 22W) within Hennepin County.</b>
<b>Two wetlands were delineated within the wetland evaluation area and designated as follows:</b>

Wetland 1/1a = 0.04 ac Type 5/2 PUBGx/PEMB excavated shallow open water and wet meadow lake fringe adjacent to the Minnesota Department of Natural Resources (DNR) Public Water of Medicine Lake (27-104 P)

Wetland 2 = 0.0004 ac Type 5/2 PUBGx/PEMB excavated shallow open water and wet meadow wetland  
The east-central portion of the site (between Wetland 1 and Wetland 1a) is bordered by an open water channel with no wetland fringe.

A site review was conducted on 10/31/2019 with Karen Wold (Barr Engineering Co. for the BCWMC), Adam Cameron (Kjolhaug Environmental), and Scott Newland (Newland Architecture, Inc.). The wetland boundaries were flagged at the site and a preliminary wetland delineation figure was provided for the site review prior to completion of the wetland delineation report. The wetland boundary was slightly revised at the western edge of Wetland 1a during the site review. Though some herbaceous vegetation had begun to senesce and some leaves had dropped from trees and shrubs during the wetland delineation, the majority of vegetation was documented during the wetland delineation and also observed during the site visit.

Wetland boundaries are distinct and no concerns or questionable areas were observed during the site visit.

The wetland delineation report and a WCA Notice of Application were provided to TEP members on 11/15/2019. On 12/9/2019, Ben Carlson with the Minnesota Board of Water and Soil Resources (BWSR) submitted a comment concurring with the accuracy of the report and delineation.

The comment period ended on 12/11/2019 and no additional comments were received.

The wetland boundaries and types were determined to be accurate based on the requirements of the 1987 U.S. Army Corps of Engineers (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.

<sup>1</sup> Findings must consider any TEP recommendations.

#### Attached Project Documents

Site Location Map and Wetland Delineation Map     Project Plan(s)/Descriptions/Reports (specify):

#### 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  
[travis.germundson@state.mn.us](mailto:travis.germundson@state.mn.us)

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

Yes<sup>1</sup>       No

<sup>1</sup>If 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)


**Notice Distribution (include name)**

*Required on all notices:*

<input checked="" type="checkbox"/> SWCD TEP Member: Stacey Lijewski, Hennepin County
<input checked="" type="checkbox"/> BWSR TEP Member: Ben Carlson
<input checked="" type="checkbox"/> LGU TEP Member: Karen Wold (Barr Engineering Co.)
<input checked="" type="checkbox"/> DNR Representative: Leslie Parris, Jason Spiegel
<input checked="" type="checkbox"/> Watershed District or Watershed Mgmt. Org.: Laura Jester (Keystone Waters, BCWMC Administrator), Karen Chandler (Barr Engineering, BCWMC Engineer), Clint Carlson (BCWMC Commissioner)
<input checked="" type="checkbox"/> City of Medicine Lake: Brad Scheib (Hoisington Koegler Group Inc.), Gary Holter (Mayor)
<input checked="" type="checkbox"/> Applicant (notice only): Shaun and Michelle Kennedy (applicant), Scott Newland, Newland Architecture, Inc. (authorized contact) <input checked="" type="checkbox"/> Agent/Consultant (notice only): Melissa Barrett (Kjolhaug Environmental)

*Optional or As Applicable:*

<input checked="" type="checkbox"/> Corps of Engineers: Marissa Merriman (File Number: MVP-2019-02499-MVM)
<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:

<b>Signature:</b> LGU TEP member Karen Wold, Barr Engineering Co. – for the BCWMC 	<b>Date:</b> 12/11/2019
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**Figure 1 - Site Location**



**KJOLHAUG** ENVIRONMENTAL SERVICES COMPANY  
Source: ESRI Streets Basemap

N

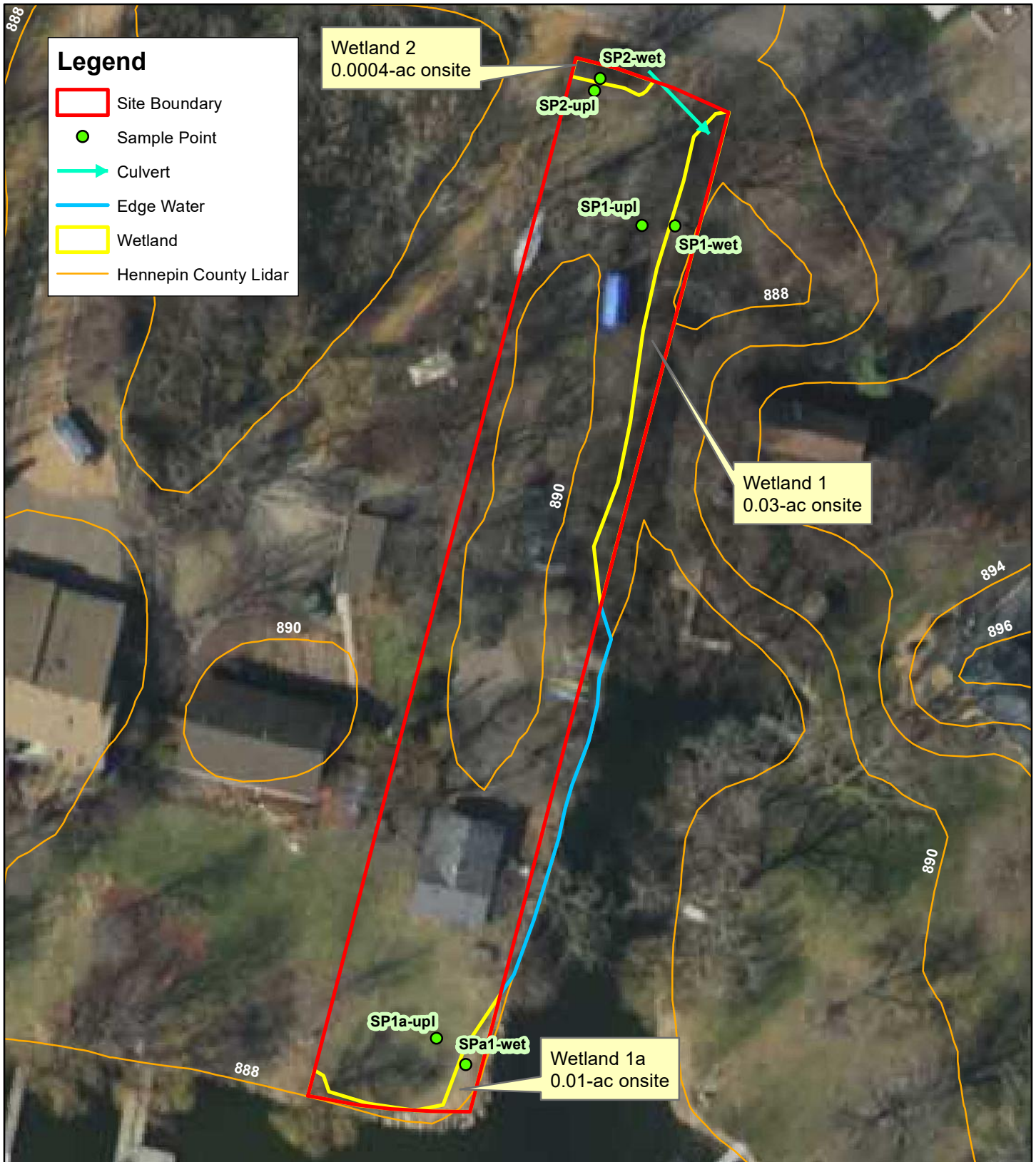


0 1,000 Feet




**215 Peninsula Road (KES 2019-165)**  
**Medicine Lake, Minnesota**

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.




**Figure 2 - Existing Conditions (2016 MnGEO Photo)**




N

0 100



Feet

**215 Peninsula Road (KES 2019-165)**  
**Medicine Lake, Minnesota**



**KJOLHAUG** ENVIRONMENTAL SERVICES COMPANY  
Source: MNGEO Spatial Commons

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.