

Minnesota Wetland Conservation Act Notice of Application

Local Government Unit: City of Plymouth	County: Hennepin
Applicant Name: Jake Walesch	
Applicant Representative: Adam Cameron, Kjolhaug Environmental Services Company (KES)	
Project Name: Hollydale Residential Development	
LGU Project No. (if any): 2021-05	
Date Complete Application Received by LGU: 5/25/2021	
Date this Notice was Sent by LGU: 5/25/2021	
Date that Comments on this Application Must Be Received By LGU¹: 6/16/2021	

¹ minimum 15 business day comment period for Boundary & Type, Sequencing, Replacement Plan and Bank Plan Applications

WCA Decision Type - check all that apply

<input type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input checked="" 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 Impact Area Proposed:
--

Application Materials

<input checked="" type="checkbox"/> Attached <input type="checkbox"/> Other ¹ (specify):

¹ Link to ftp or other accessible file sharing sites is acceptable.

Comments on this application should be sent to:

LGU Contact Person: Ben Scharenbroich, Water Resources Supervisor
E-Mail Address: bscharenbroich@plymouthmn.gov
Address and Phone Number: 3400 Plymouth Blvd, Plymouth, MN 55447
Decision-Maker for this Application:
<input type="checkbox"/> Staff <input checked="" type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other (specify):

Notice Distribution (include name)

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: Ms. Stacey Lijewski, HCA, 701 Fourth Avenue South, Suite 700, Minneapolis, MN 55415-1600
<input checked="" type="checkbox"/> BWSR TEP Member: Ben Carlson, BWSR, 520 Lafayette Road North, St. Paul, MN 55401
<input type="checkbox"/> LGU TEP Member (if different than LGU contact):
<input checked="" type="checkbox"/> DNR Representative: Melissa Collins, MnDNR, 1200 Warner Road, St. Paul, MN 55106 Lucas Youngsma, MnDNR, 1200 Warner Road, St. Paul, MN 55106
<input checked="" type="checkbox"/> Watershed District or Watershed Mgmt. Org.: BCWMC c/o Laura Jester, Keystone Waters LLC, 16145 Hillcrest Lane, Eden Prairie MN 55346 ECWMC c/o Judie Anderson, JASS, 3235 Fernbrook Lane North, Plymouth MN 55447
<input checked="" type="checkbox"/> Applicant (notice only): Jake Walesch, 10850 Old County Road 15, Suite 200, Plymouth MN 55441
<input checked="" type="checkbox"/> Agent/Consultant (notice only): Adam Cameron, Kjolhaug Environmental Services Company, 2500 Shadywood Road, Suite 130, Orono, MN 55331

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers: U.S. Army Corps of Engineers attn: Samantha Coungeris, 180 Fifth Street East, Suite 700, St. Paul MN 55101
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only):
<input type="checkbox"/> Members of the Public (notice only):
<input checked="" type="checkbox"/> Other: Shawn Drill, City of Plymouth, 3400 Plymouth MN 55447 Chris LaBounty, City of Plymouth, 3400 Plymouth Blvd, Plymouth MN 55447

Signature: 	Date: 05/25/2021
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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.



KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

Providing Sound, Balanced, Comprehensive Natural Resource Solutions

Memorandum

Date: May 21, 2021

To: Ben Scharenbroich, City of Plymouth
Regulatory, U.S. Army Corps of Engineers

CC: Jake Walesch, Project Applicant
Bob Molstad, Sathre-Bergquist

From: Adam Cameron, Kjolhaug Environmental Services Company (KES)

Re: Wetland Replacement Plan Application
Hollydale Residential Development, Plymouth, MN
KES# 2021-100

This memo request WCA Replacement Plan approval for impacts to Wetland 1 on the Hollydale Residential Development site in Plymouth, MN.

Wetlands on the 156.7-acre Hollydale Residential Development Site were delineated by Kjolhaug Environmental Services on August 14, 2019, and were subsequently approved by the City of Plymouth and the U.S. Army Corps of Engineers. The City of Plymouth also issued a Notice of Decision on December 13, 2019 approving a No-Loss, which confirmed that Wetlands 1, 2, 3 and 8 were incidentally created. The U.S. Army Corps of Engineers issued an Approved Jurisdictional Determination (AJD) on April 24, 2020 which confirmed that Wetlands 1, 2, 3 and 8 were not Waters of the United States. Therefore, Wetlands 1, 2, 3 and 8 are not regulated under Section 404 of the Clean Water Act or the Minnesota Wetland Conservation Act (WCA). Copies of regulatory approvals have been included as **Attachment A**.

Attachment B of this memo includes a Joint Application Form for Activities Affecting Water Resources in Minnesota, which is submitted to request Wetland Replacement Plan Approval from the WCA LGU (City of Plymouth) and an AJD for Wetland 7 from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.

The project site is located in Section 8, Township 118 North, Range 22 West, City of Plymouth, Hennepin County, Minnesota. The project site is situated north of MN State Highway 55, west of Vicksburg Lane North (**Figure 1**) and corresponds to the following Hennepin County PID's:

0811822340014 and 0811822310001. The site consists of a golf course with greens, fairways, cart paths, clubhouse, and maintenance buildings. Topography of the site is hilly, sloping from 1020 ft MSL on the northeast portion of the site to 964 ft MSL on the southeast portion (**Figure 2**). Surrounding land use consists of single-family housing developments, woodland, schools and commercial buildings south of the site.

Wetland Delineation

Nine (9) wetlands delineated on the project site by Kjolhaug Environmental Services (KES) are summarized in **Table 1 below**. The previously submitted *Hollydale Golf Course Wetland Delineation Report* discussed the delineation in more detail and included National Wetland Inventory (NWI) and soil survey mapping. Copies of the report are available upon request.

Table 1. Wetlands delineated on the Hollydale Residential Development project site

Wetland ID	Wetland Type			Dominant Vegetation	Regulatory Jurisdiction
	Circular 39	Cowardin	Eggers and Reed		
1	Type 5	PUBGx	Excavated Open Water Wetland	Open water, narrow fringe of cattail, beggarticks, smartweed	WCA Incidental, Not a Water of the U.S. under Section 404
2	Type 5	PUBGx	Excavated Open Water Wetland	Open water, narrow fringe of orange jewelweed, sandbar willow, redosier dogwood	WCA Incidental, Not a Water of the U.S. under Section 404
3	Type 5	PUBGx	Excavated Open Water Wetland	Open water, duckweed	WCA Incidental, Not a Water of the U.S. under Section 404
4	Type 3/2	PEM1C/ PEM1A	Shallow Marsh, Wet Meadow	Cattail, reed canary grass and scattered green ash trees	WCA Jurisdictional
5	Type 2	PEM1A	Wet Meadow	Fowl bluegrass, Kentucky bluegrass	WCA Jurisdictional
6	Type 1/2/3/6	PFO1Ad/ PEM1Bd/ PEM1Cd/ PSS1Cd	Forested Seasonally Flooded Basin, Wet Meadow, Shallow Marsh, Shrub-Carr	Cattail and reed canary grass, orange jewelweed, arrowleaf tearthumb, redosier dogwood, black willow, stinging nettle, sedges	WCA Jurisdictional
7	Type 5/2	PUBGx/ PEM1A	Open Water, Wet Meadow	Open water with a narrow fringe of fowl bluegrass	WCA Jurisdictional, AJD requested from the USACE
8	Type 5	PUBGx	Open Water	Open water, duckweed	WCA Incidental, Not a Water of the U.S. under Section 404
9	Type 5	PUBGx	Open Water	Open water with a narrow fringe of smartweed	WCA Jurisdictional

Proposed Plan

The project proponent is proposing to develop a 156.7-acre site in the City of Plymouth as the Hollydale Residential Development, consisting of single-family homes along with associated roadways, utilities, and stormwater treatment features. The proposed project requires efficient connections with the street networks of adjacent neighborhoods and efficient land use in a developing area.

As proposed, the plan shows 8,284 sf (0.3804-ac) of direct impact to Wetland 7 due to site grading and construction of a residential street (**Figure 3**). Plan sheets have been included as **Attachment C**.

WCA Sequencing (Wetland Avoidance & Minimization)

An alternative plan that *completely avoids* impact to Wetland 7 was considered. With this plan, the alignment of the adjacent residential street would need to be shifted to the north of Wetland 7 resulting in the loss of all lots proposed on that portion of the site (**Figure 4**). If two cul-de-sacs were implemented to replace the through-street at the location of the Wetland 7 impacts, this would result in a fragmented street network that would not serve the proposed development efficiently.

This is not a feasible or prudent plan for the applicant and is an inefficient use of space within the Metropolitan Urban Service Area (MUSA) boundary and the City of Plymouth. Additionally, we submit that Sequencing Flexibility is applicable due to the degraded nature of Wetland 7 as described below.

Per MN WCA Rule 8420.0520 SEQUENCING. Subp. 7a. Sequencing flexibility A. *Flexibility in application of the sequencing steps may be requested by the applicant and allowed at the discretion of the local government unit, subject to the condition in item B, as determined by the local government unit, if: (1) the wetland to be impacted has been degraded to the point where replacement of it would result in a certain gain in function and public value;*

Wetland 7 consists of a sparsely vegetated, excavated open water wetland with a narrow fringe of wet meadow dominated by fowl bluegrass. Wetland 7 has been significantly disturbed from its historic condition by excavation, and exhibits low plant species diversity. A MNRAM analysis (**Attachment D**) rated the wetland as Manage 2 (medium quality) based on a highest rated function of Low for amphibian habitat. Overall, Wetland 7 rates Low for 7 of 10 functional categories in MNRAM, and Moderate for the remaining 3. Therefore, Wetland 7 provides limited functions and values.

Because wetland mitigation banks are comprised of large wetland complexes of varying water regimes surrounded by significant upland buffer/habitat areas with native vegetation, replacement via a wetland bank at a ratio of 2:1 is sure to provide an increase in functions and values. Therefore, we submit that WCA Rule 8420.0520 Subp.7a (1) applies to the proposed impacts to Wetland 7.

Wetland Impact Minimization

The entire wetland is proposed to be impacted. Given that the proposed post-development grades are 16 feet higher than the current elevation of the wetland, a portion of the wetland could not feasibly be avoided with project implementation. *Therefore, wetland impact minimization is not applicable.*

Wetland Impact Rectification

No temporary impacts to wetlands are proposed, impact rectification does not apply.

Wetland Impact Reduction or Elimination Over Time

Practices to help reduce or eliminate wetland impacts over time include implementation of a stormwater management plan that reduces or eliminates potential effects of stormwater runoff to offsite water resources.

The City of Plymouth has review jurisdiction over stormwater runoff from proposed development at this site. The MPCA has jurisdiction under the State Construction Stormwater NPDES General Permit. Preferred methods to achieve stormwater management requirements will consist of BMPs including a stormwater pond.

Wetland buffers have been provided on avoided WCA-jurisdictional wetlands consistent with City of Plymouth ordinances. Wetlands 2, 3, 5, 6, 7, 8 and 9 rated Manage 2 (medium quality, 30 ft buffer) and Wetland 1 rated Manage 1 (high quality, 50 ft buffer).

Rare Species Considerations

State

Minnesota Rules Part 8420.0515 specifies that endangered and threatened species must be considered when submitting a wetland replacement plan. KES has reviewed a licensed copy of the Natural Heritage Inventory System (NHIS) to assess if any rare plant or animal species are known to occur within a mile radius of the project area. According to the data, no endangered or threatened plant species have been observed within 1-mile radius of the project area (**Figure 5**).

Federal

Review of the USFWS [Information for Planning and Consultation](#) (IPaC) website with a polygon encompassing the project area identified the northern long-eared bat and rusty patched bumble bee as federally listed threatened or endangered species that may potentially be affected by activities at the project location. The IPaC website also noted that there are no critical habitats at this location. The project is not expected to affect federally threatened or endangered species for the reasons explained below.

The IPaC determination key for the northern long-eared bat was assessed, and states that any take of the northern long-eared bat that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR§17.40(o). The consistency letter has been included in **Attachment E**. The project is not considered likely to adversely affect the northern long-eared bat (NLEB) because there are no known maternity roosts or hibernacula

of this species in the project vicinity, and the site contains limited tree cover (~1.3 acres). Therefore, impacts to this species are not anticipated with project implementation.

Review of the USFWS [Rusty Patched Bumble Bee Map](#) indicates the project area falls within a High Potential Zone. This means that the rusty patched bumble bee is likely to be present where suitable habitat exists. Most habitats suitable for rusty patched bumble bees in the Upper Midwest have been converted, fragmented, or degraded by agriculture or other land uses. Prior to this degradation, rusty patched bumble bees occupied grasslands and tallgrass prairies. Bumble bees need areas that provide nectar and pollen from flowers, nesting sites (underground and abandoned rodent cavities or clumps of grasses), and overwintering sites for hibernating queens (undisturbed soil).

USFWS Endangered Species Guidance for rusty patched bumble bees indicates the species requires access to a diverse array of plant species that collectively provide pollen and nectar throughout the species' long active season, from April through September. Site reviews conducted during field investigations and an interview with the golf course owner indicated that native prairie plantings with diverse native wildflowers have not been preserved or established in the project area. Therefore, the site does not contain suitable habitat for the rusty patched bumble bee, and impacts to this species are not anticipated with project implementation.

Required Replacement and Requested Approvals

Minnesota Rules Part 8420.0117, Subp. 1 applies:

Hennepin County is in an area with less than 50% of the presettlement wetlands remaining. Minnesota Rules Part 8420.0522, Subp. 4, states that the minimum replacement ratio for impacts to wetland on nonagricultural land in a less than 50% area is 2:1.

Table 2 below summarizes the wetland impact amount, impact type (fill/excavation), and required replacement.

Table 2. Hollydale Residential Development Mitigation Requirements

Wetland ID/Impact Area	Impact Type	Impact Amount (sf)	Impact Amount (ac)	Replacement Ratio	Required Replacement (ac)
Wetland 7	Fill	8,284	0.1902	2:1	0.3804
Total	-	8,284	0.1902	2:1	0.3804

To mitigate for onsite wetland impacts, the applicant proposes to purchase a total of 0.3804-acre of Standard Wetland Credit (SWC) from the Hampton Hills Wetland Bank (#1560) located in Major Watershed # 20 (Mississippi River - Metro) and Bank Service Area 7 (**Table 3 on the following page**). A Transaction Form to Withdraw Credits has been included as **Attachment F**.

Table 3. Hollydale Residential Development Wetland Bank and Credit Summary

Bank #	County & Major Watershed	BSA	Credit Subgroup	Credit Type	Credit Amount
1560 (Hampton Hills)	Hennepin & 20	7	B	Type 3 Shallow Marsh	0.3804

Attachment B of this memo includes a Joint Application Form for Activities Affecting Water Resources in Minnesota, which is submitted to request WCA Replacement Plan Approval from the WCA LGU (City of Plymouth) and an Approved Jurisdictional Determination (AJD) for Wetland 7 from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.

Thank you.

Hollydale Residential Development, Plymouth

Wetland Permit Application

FIGURES

1. Site Location
2. Existing Conditions
3. Proposed Plan
4. Wetland Avoidance Alternative
5. Rare Species

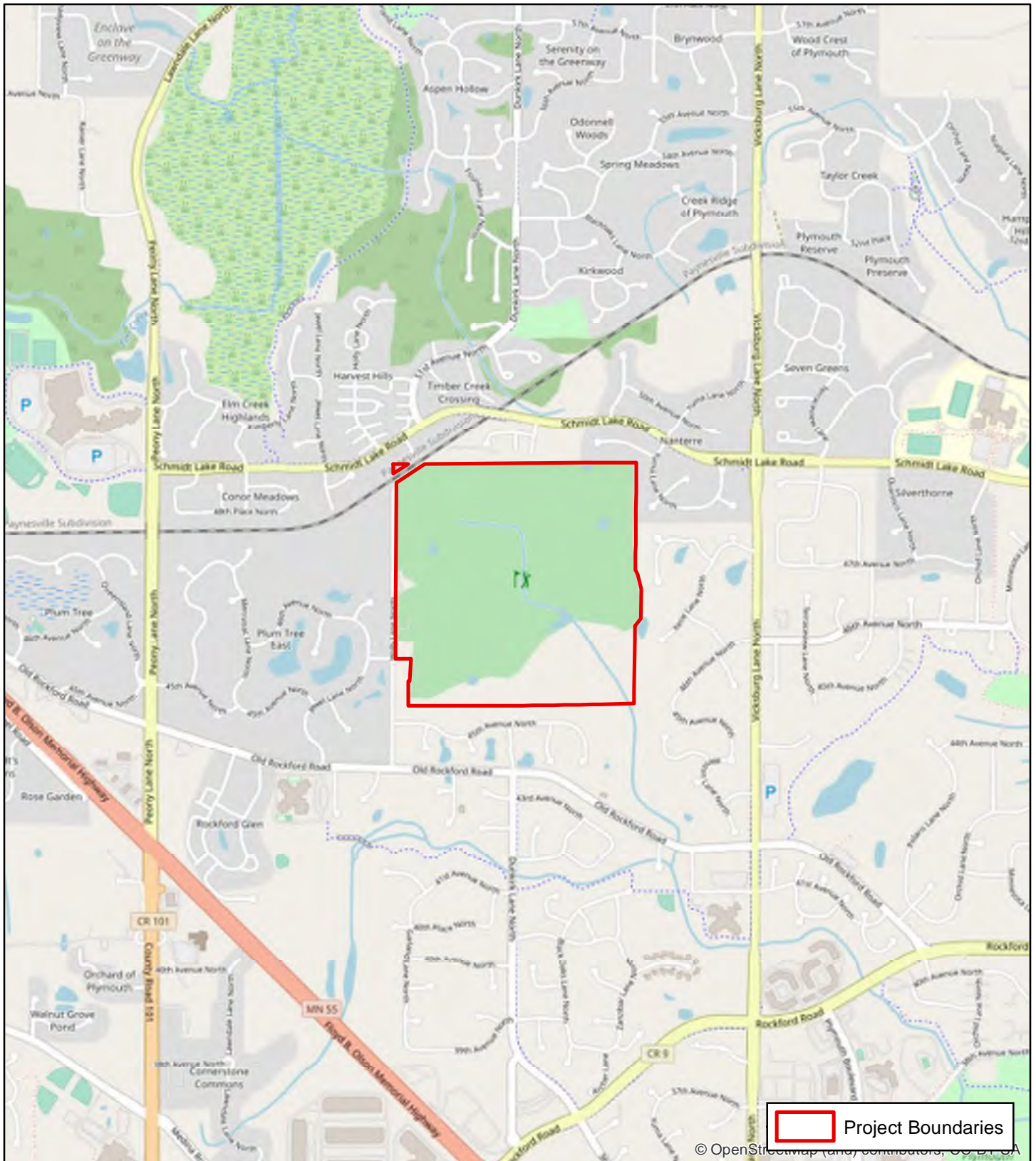


Figure 1 - Site Location Map



KJØLHAUG ENVIRONMENTAL SERVICES COMPANY
Source: ESRI Streets Basemap

N



0 1,500
Feet



Hollydale Residential Development (KES 2021-100)
Plymouth, Minnesota

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

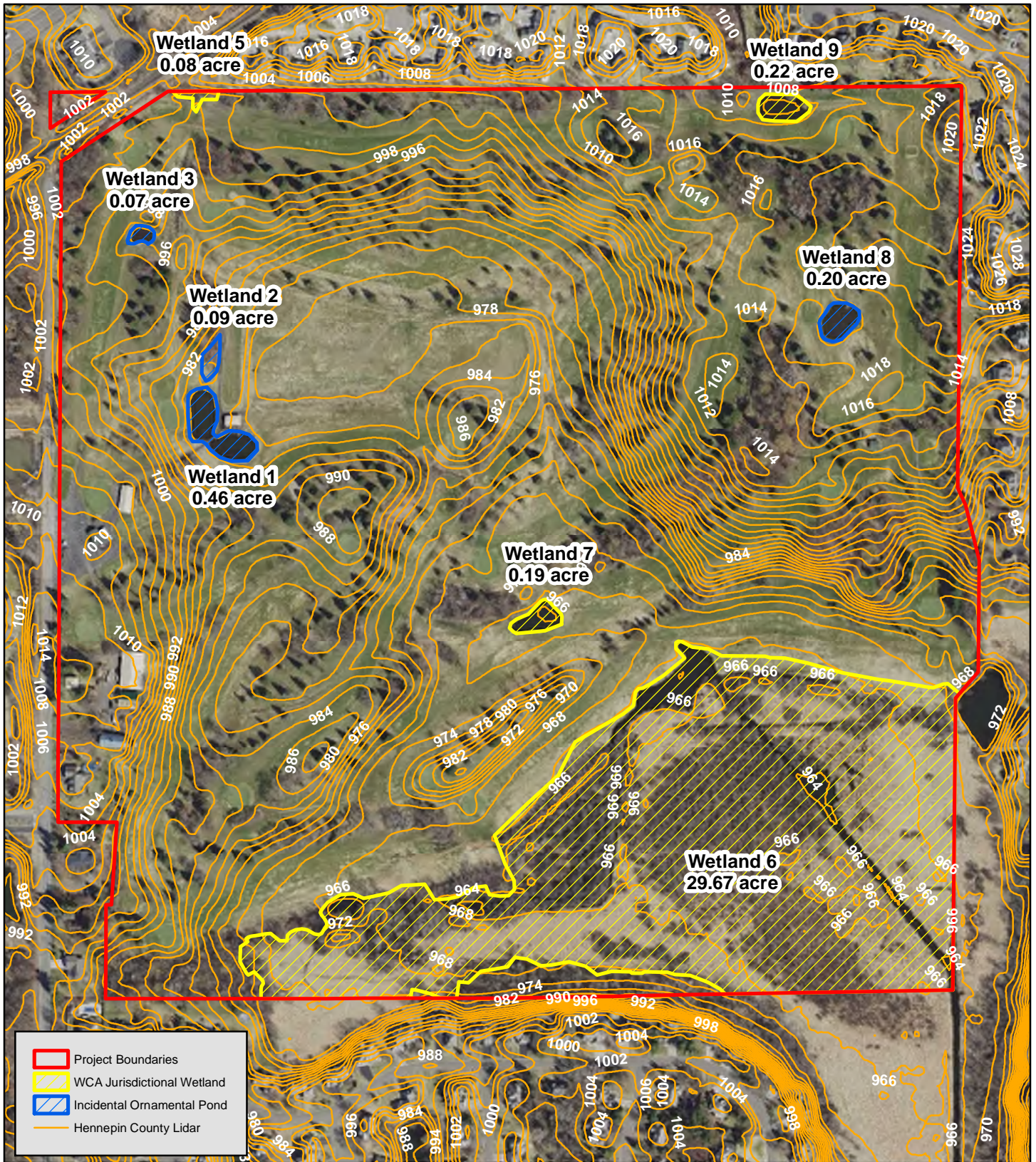


Figure 2 - Existing Conditions (2020 MNGEO Photo)



N

0 400



Feet

Hollydale Residential Development (KES 2021-100)
Plymouth, Minnesota



KJØLHAUG ENVIRONMENTAL SERVICES COMPANY

Source: MNGEO Spatial Commons

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

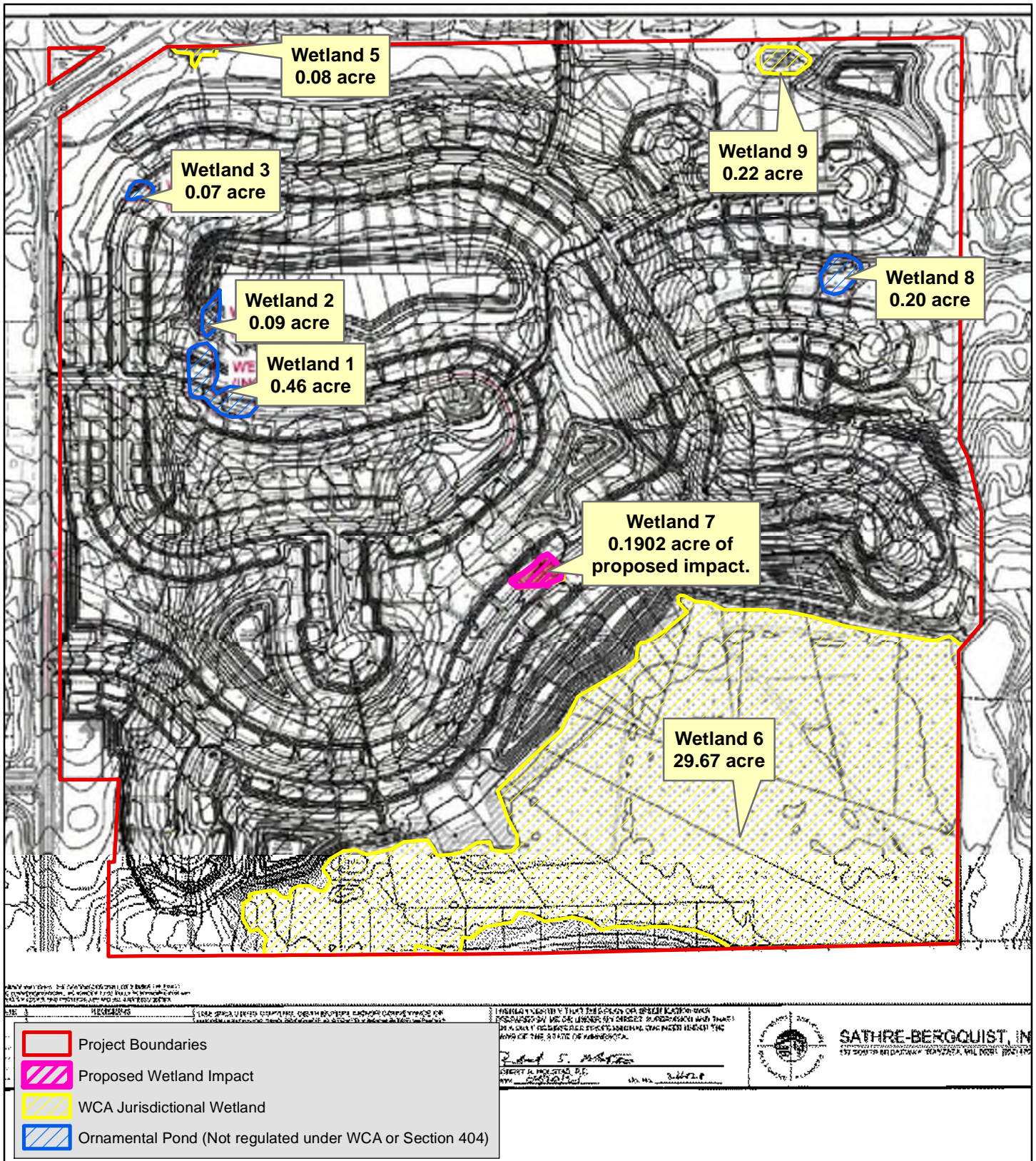
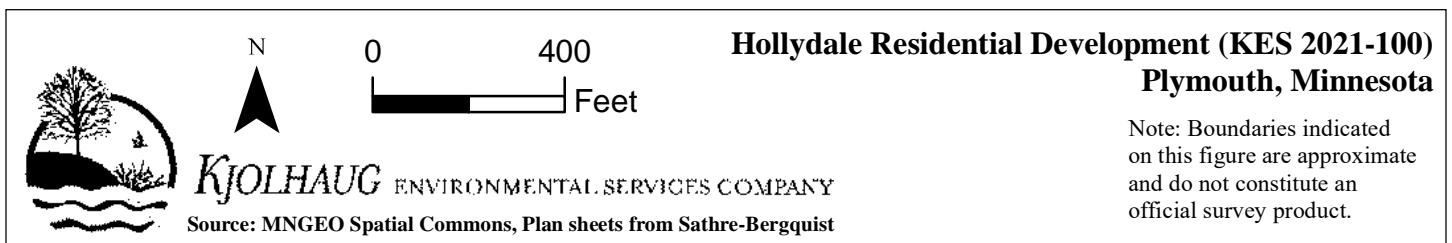


Figure 3 - Proposed Plan



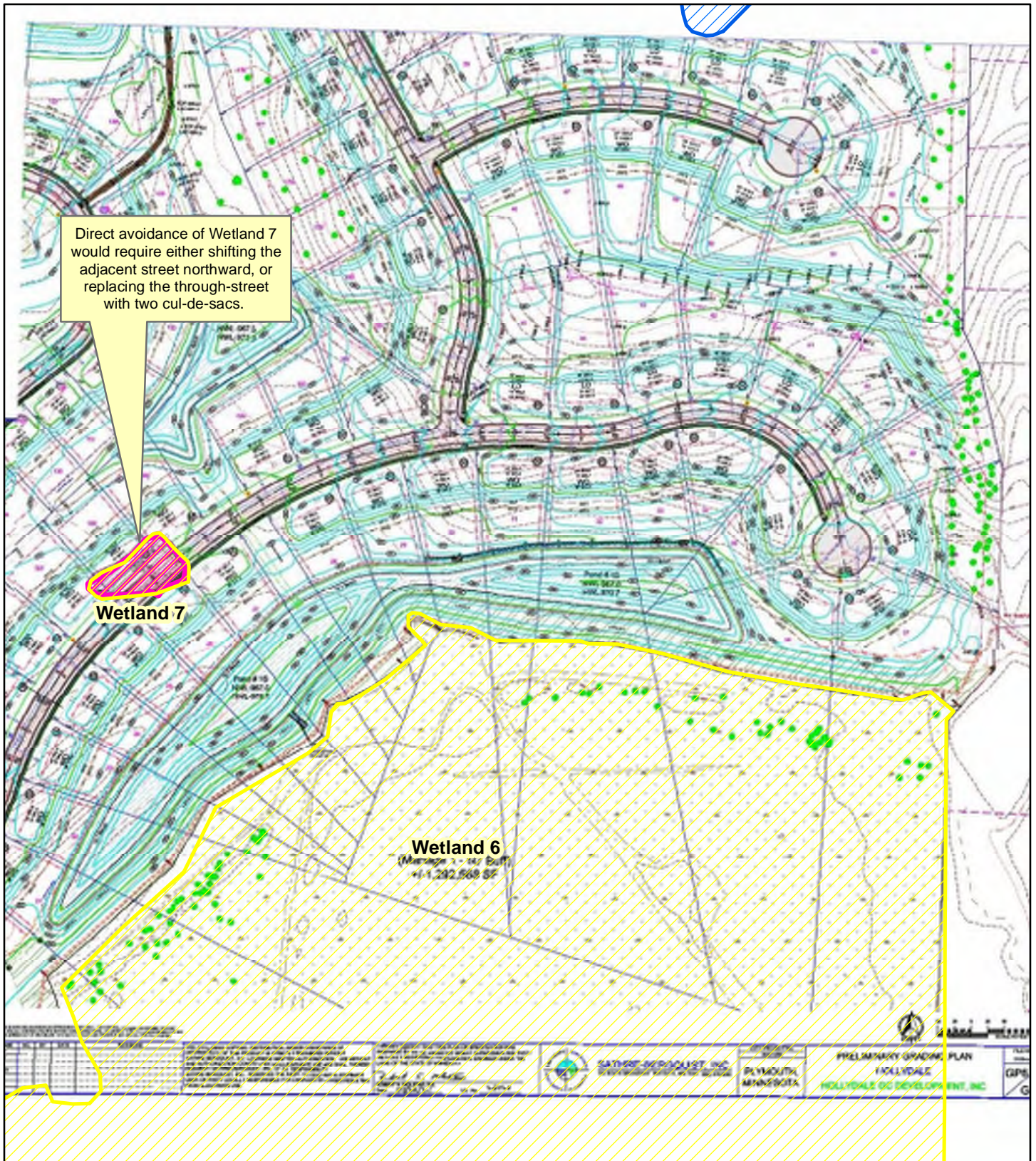


Figure 4 - Direct Wetland Avoidance Alternative



KJOLHAUG ENVIRONMENTAL SERVICES COMPANY
Source: Plan sheets from Sathre-Bergquist

N



0 200
Feet



Hollydale Residential Development (KES 2021-100)
Plymouth, Minnesota

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

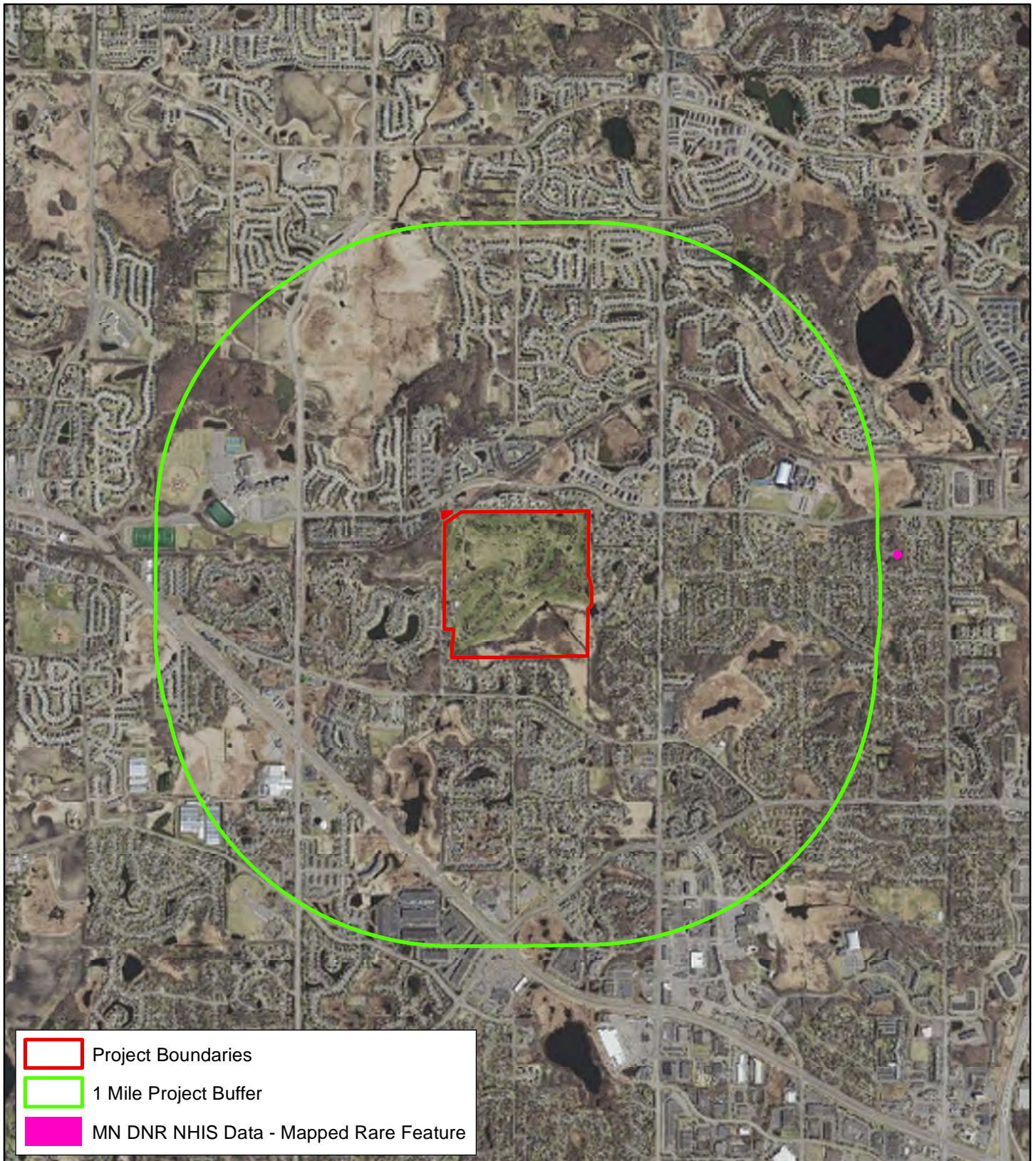


Figure 5 - Rare Species



N



0 2,500



Feet

Hollydale Residential Development (KES 2021-100)
Plymouth, Minnesota

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

Source: MNGEO Spatial Commons, MN DNR NHIS

Minnesota Wetland Conservation Act Notice of Application

Local Government Unit: City of Plymouth	County: Hennepin
Applicant Name: Mission Ponds HOA	Applicant Representative: William Smith
Project Name: Mission Ponds	LGU Project No. (if any): 2021-04
Date Complete Application Received by LGU: 5/13/2021	
Date this Notice was Sent by LGU: 5/14/2021	
Date that Comments on this Application Must Be Received By LGU¹: 6/7/2021	

¹ minimum 15 business day comment period for Boundary & Type, Sequencing, Replacement Plan and Bank Plan Applications

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 Impact Area Proposed:
--

Application Materials

<input checked="" type="checkbox"/> Attached <input checked="" type="checkbox"/> Other ¹ (specify): Wetland Delineation Report

¹ Link to ftp or other accessible file sharing sites is acceptable.

Comments on this application should be sent to:

LGU Contact Person: Ben Scharenbroich, Water Resources Supervisor
E-Mail Address: bscharenbroich@plymouthmn.gov
Address and Phone Number: 3400 Plymouth Blvd, Plymouth, MN 55447
Decision-Maker for this Application:
<input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other (specify):

Notice Distribution (include name)

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: Ms. Stacey Lijewski, HCA, 701 Fourth Avenue South, Suite 700, Minneapolis, MN 55415-1600
<input checked="" type="checkbox"/> BWSR TEP Member: Ben Carlson, BWSR, 520 Lafayette Road North, St. Paul, MN 55401
<input type="checkbox"/> LGU TEP Member (if different than LGU contact):
<input checked="" type="checkbox"/> DNR Representative: Melissa Collins, MnDNR, 1200 Warner Road, St. Paul, MN 55106 Lucas Youngsma, MnDNR, 1200 Warner Road, St. Paul, MN 55106
<input checked="" type="checkbox"/> Watershed District or Watershed Mgmt. Org.: BCWMC,
<input checked="" type="checkbox"/> Applicant (notice only): Darren Vigil, Healthy Exposure Construction Inc, 19286 Judicial Road, Prior Lake MN 55372 <input checked="" type="checkbox"/> Agent/Consultant (notice only): Stantec Consulting Services Inc, 1800 Pioneer Creek Center Maple Plain MN 55359

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers:
<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: 5/14/2021
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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.

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.

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: Mission Ponds HOA William Smith, President
Mailing Address: 11170 36th Place North, Plymouth MN 55441
Phone: 651-633-5444
E-mail Address: wjsmortgageinc@msn.com

Authorized Contact (do not complete if same as above): Darren Vigil – Healthy Exposure Construction
Mailing Address: 19286 Judicial Road, Prior Lake, MN 55372
Phone: 612-237-4819
E-mail Address: darren@healthyexposure.com

Agent Name: Tony Kaster - Stantec
Mailing Address: 1800 Pioneer Creek Center, Maple Plain, MN 55359
Phone: 763-218-2743
E-mail Address: anthony.kaster@stantec.com

PART TWO: Site Location Information

County: Hennepin **City/Township:** Plymouth
Parcel ID and/or Address: 053-1411822440137
Legal Description (Section, Township, Range): S 14, T 118N, R 22E
Lat/Long (decimal degrees): 45.023252, -93.423704
Attach a map showing the location of the site in relation to local streets, roads, highways.
Approximate size of site (acres) or if a linear project, length (feet): 0.4 acre

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 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: 4/28/2021
William Smith, President Mission Ponds HOA

I hereby authorize Tony Kaster 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.

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>



Wetland Delineation Report

Mission Ponds Lot 13

City of Plymouth, Hennepin County,
Minnesota

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April 29, 2021

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WETLAND DELINEATION REPORT

Mission Ponds Lot 13
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APRIL 29, 2021

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WETLAND DELINEATION REPORT

Mission Ponds Lot 13
Introduction
April 29, 2021

1.0 INTRODUCTION

Stantec Consulting Services Inc. (Stantec) performed a wetland delineation of the Mission Ponds Lot 13 (the “Study Area”) on behalf of Healthy Exposure Construction, Inc. The wetland delineation was conducted by Tony Kaster of Stantec, a certified Minnesota wetland professional via the Minnesota Wetland Professional Certification Program administered by the Minnesota Board of Water and Soil Resources (BWSR). The wetland delineation was completed on April 23, 2021.

The Study Area is approximately 0.4 acres in size and located in Section 14, Township 118 North, Range 22 East, City of Plymouth, Hennepin County, Minnesota. Specifically, the Study Area is located south of the intersection of 37th Avenue North and Cottonwood Lane North (Appendix A, Figure 1). The purpose and objective of the on-site wetland determination and delineation was to identify the extent and spatial arrangement of wetlands, as well as to identify any potentially jurisdictional waterways, within the Study Area.

Wetland and waterways that are considered waters of the U.S. are subject to federal regulation under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act, and jurisdictional regulatory authority lies with the U.S. Army Corps of Engineers (USACE). The Minnesota Pollution Control Agency certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards under Section 401 of the CWA. Section 401 authorization is obtained by completing the Joint Application Form for Activities Affecting Water Resources in Minnesota. The Minnesota Department of Natural Resources (MNDNR) Public Waters Work Permit Program has regulatory over Minnesota Public Waters under MN Statute 103G and Rule 6115. Most wetlands in Minnesota that are not covered by the Public Waters Work Permit Program are covered by the Minnesota Wetland Conservation Act (WCA) Rules Chapter 6420 and administered by a Local Government Unit (LGU). LGUs can be a City, County, Watershed District, or Soil and Water Conservation District depending on project location. For this Study Area, the LGU is the City of Plymouth Stantec recommends this report be submitted to the LGU and USACE for a for final jurisdictional review and concurrence.

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Methods
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2.0 METHODS

2.1 WETLANDS

Wetland delineations were based on the criteria and methods outlined in the *Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1 (1987) and subsequent guidance documents (USACE 1991a, 1991b, 1992), and applicable Regional Supplements to the *Corps of Engineers Wetland Delineation Manual*.

The wetland delineation involved the use of available resources to assist in the assessment such as U.S. Geological Survey (USGS) topographic maps, U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) soil survey, U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) mapping, MNDNR Minnesota NWI Update mapping, MNDNR Protected/Public Waters mapping, and aerial photography.

On-site wetland delineations were made using the three criteria (vegetation, soil, and hydrology) and technical approach defined in the USACE 1987 Manual and applicable Regional Supplement. According to procedures described in the 1987 Manual and applicable Regional Supplement, areas that under normal circumstances reflect a predominance of hydrophytic vegetation, hydric soils, and wetland hydrology (e.g., inundated or saturated soils) are considered wetlands.

As recent weather patterns influence the visibility and presence of some wetland hydrology indicators, the antecedent precipitation in the three months leading up to the field investigation was reviewed. The current year's precipitation data were compared to the most recent long-term (30-year) precipitation averages and standard deviation to determine if precipitation was normal, wet, or dry for the area using a WETS analysis as developed by the NRCS.

2.2 WATERWAYS

Review of waterway characteristics and determination of navigability and jurisdiction was beyond the scope of the investigation. However, if observed, waterways, waterbodies, culverts, and/or other connections to off-site wetland or aquatic features that may be under federal or state authority were surveyed using a GPS unit and mapped using GIS software.

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3.0 RESULTS

3.1 SITE DESCRIPTION

The Study Area is an undeveloped lot within a single-family residential development. The northern portion of the Study Area consists of mowed grass with a small cluster of trees and shrubs comprised of green ash (*Fraxinus pennsylvanica*), box elder (*Acer negundo*), and buckthorn (*Rhamnus cathartica*). The mowed area is contiguous with the mowed lawns of the adjacent lots to the east and west. The site transitions from lawn on the north end, to woodland on the south end. The forest canopy is comprised of species such as box elder and green ash, with a shrub layer comprised of buckthorn and chokecherry (*Prunus virginiana*). Herbaceous layer was comprised of chokecherry seedlings, Virginia waterleaf (*Hydrophyllum virginianum*), garlic mustard (*Alliaria petiolata*), and creeping Charlie (*Glechoma hederacea*).

Soils present within the Study Area and their hydric status are summarized in Table 1. Soils within the Study Area include two map units, a non-hydric unit in the northern portion of the site, and a partially hydric unit in the south (Appendix A, Figure 2).

Table 1. Summary of Soils Identified within the Study Area

Soil symbol: Soil Unit Name	Soil Unit Component	Landform	Percent Hydric
L22C2: Lester loam, 6 to 10 percent slopes, moderately eroded	Lester	Ground moraines	5%
L36A: Hamel, overwash-Hamel complex, 0 to 3 percent slopes	Hamel	Ground moraines	45%

The MNDNR Protected/Public Waters (PWI) dataset does not depict any PWI wetlands within or adjacent to the Study Area. (Appendix A, Figure 3). A PWI wetland is indicated about 140 feet to the east of the Study Area and is associated with what appears to be a stormwater pond.

The Minnesota National Wetlands Inventory Update (NWI) map does not indicate any wetlands within or adjacent to the Study Area. A NWI wetland is located identifies one wetland approximately 70 feet to the east of the Study Area and is associated with the same stormwater pond feature as the PWI wetland described above (Appendix A, Figure 4).

3.2 WETLANDS

No wetlands were identified within the Study Area. No areas were observed to contain a hydrophytic plant community, either within the Study Area or adjacent to it. No areas were observed with hydrology indicators. While a waterbody was observed crossing the southeast corner of the Study Area, the channel is deeply incised and was not observed to have any adjacent riparian wetland areas. The waterway appears to function as a drainage ditch, providing lateral effect to the adjacent landscape. Other than the waterbody, the Study Area was observed to be entirely upland.

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3.3 WATERWAYS

One waterway was identified within the Study Area and mapped as it may be subject to federal and/or state authority. The waterway crosses the southeast portion of the Study Area, and appears to flow from east to west. The waterway appears to function as a drainage channel and is lined with riprap, and is a U-shaped feature approximately two feet deep within the landscape. No adjacent riparian wetlands were observed along the waterway corridor within the Study Area. The waterway is not indicated in the PWI or NWI.

3.4 OTHER ENVIRONMENTAL CONSIDERATIONS

This report is limited to the identification of state and/or federally regulated wetlands and waterways within the Study Area. However, there may be other regulated features within the Study Area, including, but not limited to, historical or archeological features, endangered or threatened species, navigable waters, shoreland zones, and/or floodplains, etc. Federal, state, and local units of government and regional planning organizations may have regulatory authority to control or restrict land uses within or in close proximity to these features.

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Mission Ponds Lot 13
Conclusion
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4.0 CONCLUSION

Stantec performed a wetland delineation of the Mission Ponds Lot 13 on behalf of Healthy Exposure Construction, Inc.. The approximately 0.4-acre Study Area is located in Section 14, Township 118 North, Range 22 West, City of Plymouth, Hennepin County, Minnesota. The purpose and objective of the wetland delineation was to identify wetlands and potentially jurisdictional waterways within the Study Area.

No wetlands were identified within the Study Area. One waterway was observed flowing across the southeast corner of the Study Area.

Prior to beginning work at this site, Stantec recommends that the owner obtain the necessary permits or other agency regulatory review and concurrence with regard to the proposed work to comply with applicable regulations. Stantec can assist with identification and/or assessment of additional regulated resources at your request, to the extent that the work is within our range of expertise.

The information provided by Stantec regarding wetland boundaries is a scientific-based analysis of the wetland and upland conditions present within the Study Area at the time of the fieldwork. The delineation was performed by experienced and qualified professionals using standard practices and sound professional judgment. The ultimate decision on wetland boundaries rests with the City of Plymouth as the WCA LGU, the USACE and, in some cases, the MNDNR. As a result, there may be adjustments to boundaries based upon review by a regulatory agency. An agency determination can vary from time to time depending on various factors including, but not limited to recent precipitation patterns and the season of the year. In addition, the physical characteristics of the Study Area can change over time, depending on the weather, vegetation patterns, drainage activities on adjacent parcels, or other events. Any of these factors can change the nature and extent of wetlands within the Study Area. This wetland delineation report and the associated wetland boundaries cannot be depended on until they are approved by the U.S. Army Corps of Engineers and Wetland Conservation Act. It is recommended to review and confirm these approvals before depending on this report.

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Figures

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Appendix A FIGURES

Figure 1. Project Location

Figure 2. Hennepin County Soil Survey

Figure 3. MN Protected/Public Waters

Figure 4. National Wetlands Inventory Data

Figure 5. Field Collected Data

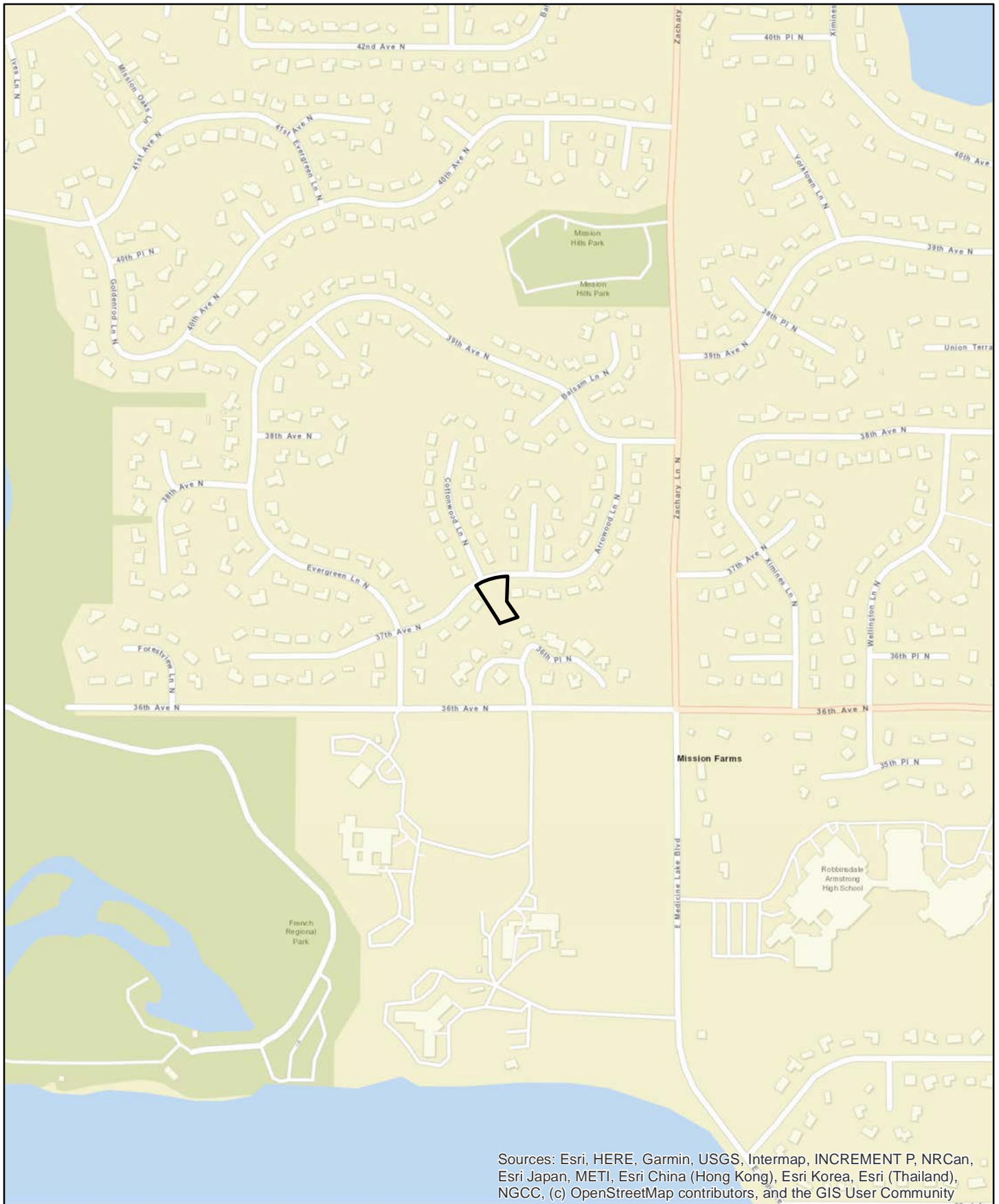


Figure 1
Site Location Map
Mission Pond Lot 13



Lester loam

Hamel, overwash-Hamel complex

0 25 50 100 Feet



Figure 2
Hennepin County Soil Survey
Mission Pond Lot 13



0 50 100 200 Feet



Figure 3
MN Protected/Public Waters
Mission Pond Lot 13



Figure 4
National Wetland Inventory
Mission Pond Lot 13



— Waterway

0 12.5 25 50 Feet



Figure 5
Delineated Features
Mission Pond Lot 13

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Appendix B SITE PHOTOGRAPHS



Waterbody at southeast corner of Study Area, looking northeast.



Upland forest on south end of Study Area, looking north.

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Upland mowed lawn area on north end of site, view from street, looking south.