

Minnesota Wetland Conservation Act Notice of Application

Local Government Unit: City of Plymouth	County: Hennepin
Applicant Name: Mike Payne, Assistant City Engineer – City of Plymouth	
Applicant Representative: Brandon Bohks, Bolton & Menk, Inc.	
Project Name: Vicksburg Lane FDR Project	
LGU Project No. (if any): 2022-03	
Date Complete Application Received by LGU: 3/7/2022	
Date this Notice was Sent by LGU: 3/11/2022	
Date that Comments on this Application Must Be Received By LGU¹: April 4, 2022	

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 type="checkbox"/> Replacement Plan	<input type="checkbox"/> Bank Plan (not credit purchase)
<input type="checkbox"/> No-Loss (8420.0415)	<input checked="" 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 checked="" 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 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 Wes Saunders-Pearce, MnDNR, 1200 Warner Road, St. Paul, MN 55106, MnDNR, 1200 Warner Road, St. Paul, MN 55106
<input checked="" type="checkbox"/> Watershed District or Watershed Mgmt. Org.: Bassett Creek Watershed Management Commission 16145 Hillcrest Lane, Eden Prairie MN 55346
<input checked="" type="checkbox"/> Applicant (notice only): Mike Payne, City of Plymouth, 3400 Plymouth Blvd, Plymouth MN 55447
<input checked="" type="checkbox"/> Agent/Consultant (notice only): Brandon Bohks, Bolton & Menk Inc. 12224 Nicollet Avenue, Burnsville MN 55337

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers: US Army Corps of Engineers c/o Raelene Hegge	
<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: 03/11/2022
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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

Local Government Unit: City of Plymouth	County: Hennepin
Applicant Name: Bove's Properties LLC	
Applicant Representative: Midwest Natural Resources, Inc.	
Project Name: 10805 South Shore Drive	
LGU Project No. (if any): 2022-01	
Date Complete Application Received by LGU: 1/18/2022	
Date of LGU Decision: 3/7/2022	
Date this Notice was Sent: 3/11/2022	

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

Technical Evaluation Panel 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 Recommendation

LGU Decision

<input type="checkbox"/> Approved with Conditions (specify below) ¹ <input type="checkbox"/> Approved ¹ <input checked="" type="checkbox"/> Denied
List Conditions: Applicant submitted notice that they wish to delay this application due to other City of Plymouth comments on the proposed developments. Application will be resubmitted in the future should the development proceed.
Decision-Maker for this Application: <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other:
Decision is valid for: <input checked="" type="checkbox"/> 5 years (default) <input type="checkbox"/> Other (specify):

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

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

<input type="checkbox"/> Attachment(s) (specify):
<input checked="" type="checkbox"/> Summary: Applicant submitted notice that they wish to delay this application due to other City of Plymouth comments on the proposed developments. Application will be resubmitted in the future should the development proceed.

¹ *Findings must consider any TEP recommendations.*

Attached Project Documents

Site Location 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

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

Yes¹ No

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

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

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 checked="" type="checkbox"/> LGU TEP Member (if different than LGU contact):	Ben Scharenbroich, 3400 Plymouth Blvd, Plymouth MN 55447
<input checked="" type="checkbox"/> DNR Representative:	Melissa Collins, MnDNR, 1200 Warner Road, St. Paul, MN 55106 Wes Saunders-Pearce, MnDNR, 1200 Warner Road, St. Paul, MN 55106
<input checked="" type="checkbox"/> Watershed District or Watershed Mgmt. Org.:	Bassett Creek Watershed Management Commission, c/o Keystone Waters 16145 Hillcrest Lane, Eden Prairie, MN 55346
<input checked="" type="checkbox"/> Applicant:	Bove’s Properties, LLC c/o Joy Akinloye, 10805 S. Shore Drive, Plymouth MN 55441
<input checked="" type="checkbox"/> Agent/Consultant:	Midwest Natural Resources, Inc. 1032 W. 7th Street, Suite 150, St. Paul, MN 55102

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers:	US Army Corps of Engineers, St. Paul District
<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: 03/11/2022
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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

Local Government Unit (LGU): Bassett Creek Watershed Management Commission (BCWMC)
County: Hennepin
Applicant Name: CenterPoint Energy, Madelyn Nierengarten
Applicant Representative: Hudson Echelard, Merjent, Inc. (Mergent)
Project Name: CenterPoint Energy: Peninsula and Kaiser Project, Medicine Lake
LGU Project No. (if any): 2021-36A
Date Application Received by LGU: 2/4/2022
Date of LGU Decision: 3/14/2022
Date this Notice was Sent: 3/14/2022

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

<input type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Bank Plan (not credit purchase)
<input checked="" 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 checked="" 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: not applicable
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
No TEP Findings Report, see TEP involvement and communication described below.

LGU Decision

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

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

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

<input checked="" type="checkbox"/> Attachment(s) (specify): Joint Application and Blanding's turtle fact sheet
<input checked="" type="checkbox"/> Summary:
On behalf of CenterPoint Energy, Merjent submitted a joint application form requesting WCA no-loss approval for the Peninsula and Kaiser Project in the City of Medicine Lake (Sections 25 and 26, Township 118N, Range 22W) within Hennepin County.
The project involves the installation of approximately 9,326 linear feet of 2-inch-diameter natural gas distribution pipeline along Peninsula Road, Kaiser Street, Colonial Circle, 15 Avenue North, and South Shore Drive and the in-place abandonment of the existing vintage 2-inch-diameter pipeline. The pipeline will be installed using the directional bore method.

Wetlands within the project area were identified through a combination of previous wetland inventory and delineation methods including the Level II delineation for the Jevne Park Stormwater Improvement Project approved on 10/29/2018, a Level I desktop review completed in 2022 by Short Elliot Hendrickson, and the NWI. Wetland boundary and type approval was not requested as part of this current application, which is not necessary for this no-loss decision.

Wetland impacts will be temporary and the total area of wetland disturbance, in ten different bore entry/exit excavation areas, will be approximately 0.01 acre within Type 1 PFO1A and PEM1A and Type 3 PEM1C wetlands. Excavation material will be temporarily stored in upland areas where possible, and the area will be restored to preconstruction conditions upon project completion, not to exceed 90 days.

Appropriate Best Management Practices will be implemented to protect the wetland areas, which may include temporary construction matting and appropriate sediment and erosion control methods. Disturbed vegetation within wetland areas will be re-seeded using the wet meadow south and west MN State Seed Mix #34-271 or other appropriate native vegetation.

The joint application was provided to TEP members on 2/11/2022. Follow up communication included several different LGU requests for additional information from the applicant, and revised site plan maps which were received on 2/14/22, 2/17/22, and 2/25/22, and also forwarded to TEP members. On 2/15/2022, Ben Carlson with the Minnesota Board of Water and Soil Resources (BWSR) submitted a comment agreeing that a WCA no-loss approval seems appropriate for this project. During follow up communication on 3/14/22, and 3/15/22 with Ben and Stacey Lijewski (Hennepin County), TEP members agreed that the applicant's request for WCA no-loss approval under MN Rule 8420.0415 F. is not appropriate, since the project includes installation of new pipeline in new locations and abandoning existing pipeline, so the activity would not be considered operation, routine maintenance, or emergency repair of existing utilities. The project activities more appropriately meet the criteria under MN Rule 8420.0415 H. for temporary wetland impact that is rectified by repairing, rehabilitating, or restoring the affected wetland.

The project meets the requirements of the WCA no-loss criteria under MN Rule 8420.0415 H. In addition, the applicant has provided sufficient information indicating the no-loss conditions under MN Rule 8420.0410 will be met.

Note that this decision is applicable only to the WCA. It is the applicant's responsibility to conduct the project activity in compliance with all other applicable federal, state, and local requirements, which may include local wetland buffer requirements.

Also note that records for the state-threatened Blanding's turtle indicate that this species may be present within the area. State law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. Please see the attached Blanding's turtle fact sheet for species identification and recommendations for avoidance. If Blanding's turtles are encountered on site during proposed activities, they should be left undisturbed if possible; if they are in imminent danger, they should be moved by hand out of harm's way. If Blanding's turtles are encountered nesting on the site, please contact the DNR Nongame Program staff for the Central Region (<http://www.dnr.state.mn.us/eco/nongame/central.html>). Please pass this information on to contractors working on the project.

¹ Findings must consider any TEP recommendations.

Attached Project Documents

Joint Application and Blanding's turtle fact sheet 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

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

Yes¹ No

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

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

A decision may be appealed to the Board of Commissioners by filing a written notice of appeal with the Commission Administrator within 14 days of the date of the final decision. The notice of appeal must describe the alleged error, identify any applicable legal authority in support of the allegation, and describe the relief being sought. The Board of Commissioners will take up the appeal at a regular meeting and allow the person bringing the appeal an opportunity to be heard regarding the matter. The decision of the Board of Commissioners on the appeal will be issued in writing and shall be final.


Notice Distribution (include name)

Required on all notices:

- SWCD TEP Member: Stacey Lijewski, Hennepin County
- BWSR TEP Member: Ben Carlson
- LGU TEP Member: Karen Wold (Barr Engineering Co.)
- DNR Representative: Wes Saunders-Pearce
- Watershed District or Watershed Mgmt. Org.: Laura Jester (Keystone Waters, BCWMC Administrator), Karen Chandler (Barr Engineering, BCWMC Engineer), Clint Carlson (BCWMC Commissioner)
- City of Medicine Lake: Brad Scheib (Hoisington Koegler Group Inc.), Scott Marks (Mayor), Chris Heim (City Council)
- Applicant (notice only): CenterPoint Energy, Madelyn Nierengarten
- Agent/Consultant (notice only): Hudson Echelard, Merjent, Inc.

Optional or As Applicable:

- Corps of Engineers:
- BWSR Wetland Mitigation Coordinator (required for bank plan applications only):
- Members of the Public (notice only): Other:

Signature: LGU TEP member Karen Wold, Barr Engineering Co. – for the BCWMC 	Date: 3/16/2022
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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 Application

Local Government Unit: City of Golden Valley	County: Hennepin
Applicant Name: United Properties	Applicant Representative: Conor McCarthy
Project Name: Golden Valley Business Center	LGU Project No. (if any):
Date Complete Application Received by LGU: March 30th, 2022	
Date this Notice was Sent by LGU: April 1st, 2022	
Date that Comments on this Application Must Be Received By LGU¹: April 30th, 2022	

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 checked="" 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: 0.97 acres

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: Drew Chirpich
E-Mail Address: DChirpich@goldenvalleymn.gov
Address and Phone Number: 7800 Golden Valley Road Golden Valley, MN 55427 763-593-8044
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: Stacey Lijewski, stacey.lijewski@hennepin.us
<input checked="" type="checkbox"/> BWSR TEP Member: Ben Meyer, ben.meyer@state.mn.us
<input type="checkbox"/> LGU TEP Member (if different than LGU contact):
<input checked="" type="checkbox"/> DNR Representative: Rebecca Horton, becky.horton@statemn.us
<input checked="" type="checkbox"/> Watershed District or Watershed Mgmt. Org.: Laura Jester (Bassett Creek), laura.jester@kestonewaters.com
<input checked="" type="checkbox"/> Applicant (notice only): Connor McCarthy, United Properties
<input checked="" type="checkbox"/> Agent/Consultant (notice only): Aaron Stolte, Kimley-Horn and Associates

Optional or As Applicable:

<input 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: <i>Jeff Oliver, P.E.</i>	Date: April 1, 2022
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