

Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit: City of Minnetonka	County: Hennepin
Applicant Name: Judd Carpenter, Carpenter land Co	
Applicant Representative: Robert Cress, Westwood PS	
Project Name: 11800_11812_11824_11900 Wayzata Blvd 2022	
LGU Project No. (if any):	
Date Complete Application Received by LGU: May 16, 2022	
Date of LGU Decision: June 13, 2022	
Date this Notice was Sent: June 23, 2022	

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 Findings and Recommendations (attach if any)

<input type="checkbox"/> Approve <input type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny <input type="checkbox"/> No TEP Recommendation

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): Minnetonka aerial photo review of the property. <input checked="" type="checkbox"/> Summary: A wetland delineation report was submitted to the city for review for the properties listed above. The report indicated the presence of one large, Type 3 (PEM1F) wetland labeled Wetland WB-01, of which 0.55 acres extends onto the property. Another 0.56 acre pond labeled P-01 is identified as a PUBH wetland on the National Wetland Inventory. City staff conducted a site visit to verify the delineated wetland boundaries per Minn. Rules 8420.0405. City staff are in concurrence with the findings as presented in the revised wetland delineation report dated June 3, 2022. Regarding the jurisdictional status the wetland labeled P-1, city staff find that there is not sufficient evidence to conclude the wetland is a stormwater pond excavated in upland, therefore a non-regulated wetland. An aerial photo review of the wetland area dating back to 1945 suggests the area has wetland signatures (ditching). The Hennepin County soils map indicates the area in question is hydric soil, and the 1974 soils map indicates much of the area is marsh. Based on the

available information, city staff conclude the wetland P-1 is a jurisdictional wetland subject to regulation under the Wetland Conservation act as well as the City of Minnetonka Wetland Protection Ordinance Section 300.23.

¹ Findings must consider any TEP recommendations.

Attached Project Documents

Site Location Map Project Plan(s)/Descriptions/Reports (specify): Revised wetland delineation report dated June 3, 2022; Minnetonka photo review

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)

Appeals must be submitted in writing within 30 calendar days of the date of the decision to: Leslie Yetka, Natural Resources Manager; City of Minnetonka, 11522 Minnetonka Blvd, Minnetonka, MN 55305

Notice Distribution (include name)

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: Stacey.lijewski@hennepin.us	<input checked="" type="checkbox"/> BWSR TEP Member: ben.meyer@state.mn.us
<input checked="" type="checkbox"/> LGU TEP Member (if different than LGU contact): smiddleton@minnetonkamn.gov	
<input checked="" type="checkbox"/> DNR Representative: Wes.Saunders-Pearce@state.mn.us	
<input checked="" type="checkbox"/> Watershed District or Watershed Mgmt. Org.: laura.jester@keystonewaters.com (BCWMC)	
<input checked="" type="checkbox"/> Applicant: juddcarpenter@comcast.net	<input checked="" type="checkbox"/> Agent/Consultant: bobby.cress@westwoodps.com

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers: usace_requests_mn@usace.army.mil
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only):
<input type="checkbox"/> Members of the Public (notice only): N/A <input type="checkbox"/> Other:

Signature: 	Date: June 23, 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 Plymouth	County: Hennepin
Applicant Name: Mike Payne, Assistant City Engineer	
Applicant Representative: Brandon Bohks, Bolton & Menk Inc	
Project Name: Gleason Lake Drive Improvements	
LGU Project No. (if any): 2022-06	
Date Complete Application Received by LGU: 5/27/2022	
Date this Notice was Sent by LGU: 6/28/2022	
Date that Comments on this Application Must Be Received By LGU¹: 7/21/22	

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)
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Replacement Plan Impacts (replacement plan decisions only)

Total WCA Impact Area Proposed:
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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 Meyer, 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.: BCWMC, c/o Laura Jester 16145 Hillcrest Lane, Eden Prairie MN 55346 MCWD, 15320 Minnetonka Blvd, Minnetonka MN 55345
<input checked="" type="checkbox"/> Applicant (notice only): Mike Payne, City of Plymouth
<input checked="" type="checkbox"/> Agent/Consultant (notice only): Brandon Bohks, Bolton & Menk Inc

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers: USCOE, c/o Daniel Reburn 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 type="checkbox"/> Other:

Signature: 	Date: 06/28/2022
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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.