

Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit: City of Golden Valley	County: Hennepin
Applicant Name: United Properties	Applicant Representative: Connor McCarthy
Project Name: Golden Valley Business Center	LGU Project No. (if any):
Date Complete Application Received by LGU: March 11th, 2022	
Date of LGU Decision: July 15th, 2022	
Date this Notice was Sent: July 29th, 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: 0.97 acres
Wetland Replacement Type: <input type="checkbox"/> Project Specific Credits: <input checked="" type="checkbox"/> Bank Credits:
Bank Account Number(s): Hennepin County Bank #1649

Technical Evaluation Panel Findings and Recommendations (attach if any)

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

<input checked="" type="checkbox"/> Approved with Conditions (specify below) ¹ <input type="checkbox"/> Approved ¹ <input type="checkbox"/> Denied
List Conditions: - The approved wetland bank credits must be verified as withdrawn by BWSR before impacts to the existing wetland can occur. In support of Sequencing Considerations, additional onsite activities were proposed by the applicant and considered by the LGU and TEP as part of the replacement plan review. As these were discussed in the project review, and were included as on-site improvements in lieu of on-site project-specific wetland replacement, these have been included as additional permit conditions: - The new stormwater biofiltration basin must be constructed as shown in the stormwater management plan submitted as part of the wetland replacement plan application, or as amended upon review and approval of the BCWMC, and must be sized as close as feasible to 2:1 in comparison to the existing wetland being impacted. - The new stormwater biofiltration basin must be seeded and planted with a minimum of 5 pollinator species as shown in landscape plan submitted as part of the wetland replacement plan application. - The vegetation buffer around the new stormwater biofiltration basin must be an average width of 25 feet and minimum width of 15 feet. - The new stormwater biofiltration basin must be equal or better function and value than the existing wetland being replaced, as determined using the MnRAM assessment parameters. The existing wetland function and value is documented in the WCA replacement plan application. - The proposer must include a vegetation establishment and management plan developed by a professional native vegetation consultant and performed by a native vegetation contractor retained by the developer/owner. Vegetation management is required for 3 consecutive growing seasons. At the termination

of the 3-year vegetation management period, the stormwater basin must be evaluated by the developer/owner's consultant and its function and value determined to be equal or better than that of the replaced wetland. If an equal or better function and value is not achieved at the termination of the 3-year management period, the developer/owner shall provide a plan to the LGU for achieving this requirement and any financial assurances provided will not be released until this requirement is achieved.

- The vegetation establishment and management plan must include a goal of, and specific provisions for, establishing plant communities that correspond to the hydrology and landscape position of the replacement site. If the replacement wetland is seeded or planted, the seed or planting stock should be from native, non-invasive species in accordance with the Minnesota Wetland Restoration Guide. During the 3-year management period, the applicant must take reasonable steps to control invasion by any non-native or invasive species.

- Dedication of a conservation easement over the new stormwater basin and surrounding vegetation buffer, in a form approved by the LGU's attorney.

Decision-Maker for this Application: Staff Governing Board/Council Other:

Decision is valid for: 5 years (default) 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.

Attachment(s) (specify):

Summary:

The Applicant is seeking an approval for a wetland replacement plan for their project at 6300 Olson Memorial Hwy, in Golden Valley, MN. The application was submitted to the LGU on April 1st, 2022. A NOA was provided with the comment period ending on April 30th, 2022, and a decision date of May 31st, 2022.

A TEP meeting was held virtually on April 13, 2022. At that time, the TEP requested additional information on the following items:

- Other sites that were considered (Off Site Analysis).
- Information on specific end-users or targeted users of the Proposed Site, and their intended uses and site-specific needs to help justify impacts and mitigation plan.
- Development setbacks and any other constraints considered for site planning.
- Quantification of drainage area changes (impacts to hydrology) for the onsite avoidance alternative to determine if secondary impacts related to hydrology reduction were possible.
- An update on the status of environmental site assessment.
- A planting plan that utilizes a minimum of five pollinator species in the planting plan for the proposed stormwater basin.
- A summary of the other city ordinances that are constraints for the site (e.g. zoning, setbacks, building heights, etc) and how those requirements will be met.

A response to these requests was provided by the applicant on May 10th, 2022.

On May 31st, the LGU extended the decision deadline until July 31, 2022. Additional questions were submitted to the applicant by the LGU where the response provided on May 10th was considered insufficient. The City requested additional clarification on the following items:

- Provide additional information about other sites that were considered (Off Site Analysis)
- Provide either specific end-users or targeted users of the Proposed Site, and their intended uses and site-specific needs to help justify wetland impacts and mitigation plan
- Provide quantification of drainage area changes (impacts to hydrology) for the onsite avoidance alternative
- Provide the City an update on the status of the environmental site assessment

A response to those comments was provided by the applicant on June 14th, 2022.

The project proposer requested sequencing flexibility in accordance with 8420.0520 Subp. 7a. Consistent with the Bassett Creek Watershed Management Commission Policy 71, the LGU encouraged the project proposer to perform wetland mitigation within the same sub-watershed as the impacted wetland. However, due to the site's fixed features, critical elements, and technical requirements (including stormwater management) described in the wetland replacement plan application, and the lack of mitigation sites within the same sub-watershed, the project is proposing to perform wetland mitigation through the purchase of credits from an approved wetland bank within the same county and wetland bank service area. The project is also proposing to construct a stormwater biofiltration basin designed to act as a wetland with an equal or better function and value and at a size of almost 2:1 in comparison to the existing wetland.

The City of Golden Valley, as LGU, finds the responses to all questions to be satisfactory to meet the needs and requirements of the Wetland Conservation Act.

A TEP findings form was provided to members of the TEP on June 24th, 2022. All members of the TEP reviewed and signed the document on July 6th, 2022 in favor of approval of the replacement plan.

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)

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. For an appeal of an LGU staff decision, send petition and \$200 fee to: City of Golden Valley, 7800 Golden Valley Road, Golden Valley, MN 55427

Notice Distribution (include name)

Required on all notices:

SWCD TEP Member: Stacey Lijewski, stacey.lijewski@hennepin.us
 BWSR TEP Member: Ben Carlson, ben.carlson@state.mn.us and Ben Meyer, ben.meyer@state.mn.us
 LGU TEP Member (if different than LGU contact):

<input checked="" type="checkbox"/> DNR Representative: Wes Saunders-Pearce, Wes.Saunders-Pearce@state.mn.us
<input checked="" type="checkbox"/> Watershed District or Watershed Mgmt. Org.: Laura Jester (Bassett Creek), laura.jester@keystonewaters.com
<input checked="" type="checkbox"/> Applicant: Connor McCarthy, United Properties
<input checked="" type="checkbox"/> Agent/Consultant: Aaron Stolte, Kimley-Horn

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: 	Date: July 29, 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: Jacob Zea, City of Plymouth	
Applicant Representative: Keara Fehr, Alliant Engineering	
Project Name: 2022 Plymouth Ice Center (Park Brook) Trail Connection	
LGU Project No. (if any): 2022-11	
Date Complete Application Received by LGU: 7/29/2022	
Date this Notice was Sent by LGU: 8/1/2022	
Date that Comments on this Application Must Be Received By LGU¹: 8/22/2022	

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 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)		
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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: Jed Chesnut, 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, 16145 Hillcrest Lane, Eden Prairie MN 55346
<input type="checkbox"/> Applicant (notice only): Jacob Zea, City of Plymouth, 3400 Plymouth Blvd, Plymouth MN 55447
<input type="checkbox"/> Agent/Consultant (notice only): Keara Fehr, Alliant Engineering, 733 Marquette Ave, Suite 700, Minneapolis MN 55402

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers: US Army Corps of Engineers – C/O Daniel Reburn
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only):

Members of the Public (notice only):

Other:

Signature:

Ben Schambach

Date:

08/01/2022

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Minnesota Wetland Conservation Act Notice of Application

Local Government Unit: City of Plymouth	County: Hennepin
Applicant Name: Jacob Zea, City of Plymouth	
Applicant Representative: Keara Fehr, Alliant Engineering	
Project Name: 2022 Old Rockford Road Trail Connection	
LGU Project No. (if any): 2022-10	
Date Complete Application Received by LGU: 7/29/2022	
Date this Notice was Sent by LGU: 8/1/2022	
Date that Comments on this Application Must Be Received By LGU¹: 8/22/2022	

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

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Address and Phone Number: 3400 Plymouth Blvd, Plymouth, MN 55447
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Signature: 	Date: 08/01/2022
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