

Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit:	City of Golden Valley	County:	Hennepin
Applicant Name:	Pat Jordan	Applicant Representative:	Dylan Kruzel, Anderson Engineering
Project Name:	3830 Bassett Creek Dr LGU Project No. (if any):		
Date Complete Application Received by LGU:	5/9/24		
Date of LGU Decision:	6/28/24		
Date this Notice was Sent:	6/28/24		

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 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 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): Updated Wetland Delineation Report
<input checked="" type="checkbox"/> Summary: The TEP met onsite June 4, 2024 to review the wetland boundaries and types. The TEP made some adjustments based on conditions observed in the field and recommended meeting again to review historic aerial photos and site photos provided by the landowner, finalize boundaries and types, and discuss the potential incidental status of the wetlands. The TEP met virtually on June 17, 2024. The TEP discussed changing the northern portion of the Type 1 wetland (shown in Figure 5 of original application) to Type 2 wetland based on field observations and information provided at the field meeting and virtual meeting. The TEP discussed considering this Type 2 wetland as incidental, because wetland characteristics had not been noticeably present in that area until the last one to two years, right after the landowner removed the existing deck posts and footings and installed new 20+ feet deep helical piers and posts for the deck which is immediately adjacent to the wetland area. The TEP reviewed historic aeriels as well as site photos submitted

by the landowner for a variety of years and seasons. Other than fluvial flooding from Bassett Creek, documented in site photos, the Type 2 wetland area (and Type 3 wetland area) appeared to be mostly dry usable yard and did not contain wetland vegetation or hydrology until the last year or two. TEP members from the City that traverse the property to perform annual inspections of the stream and outfalls mentioned they did not notice any wetlands near the house until the last year. The apparent changes in hydrology and subsequent vegetation and soils, appear to have emerged after installation of deep helical piers to support the owner's deck in 2022, during a period of prolonged drought. Following discussion, the TEP recommended changing the Type 1 wetland near the house to Type 2, and considering it incidental due to the reasons listed above. The TEP discussed the Type 3 wetland located at the end of the owner's driveway. This area is located at the bottom of a slope and receives runoff from the driveway, roofs, and surrounding yards. The owner had the area professionally landscaped around 2015 to serve as a stormwater management feature. The TEP recommended that the Type 3 wetland be considered incidental due to reasons above. The TEP discussed the southeast boundary of the Type 1 wetland and recommended adjusting it to more closely follow the contours in the area; this area falls under the jurisdiction of the Wetland Conservation Act (WCA) due to its proximity to the adjacent perennial stream. The TEP discussed the presence of a small human-made berm (from the 1960s) located within this Type 1 wetland along the stream, and mentioned that any future proposed alteration of the berm to better connect the stream with its floodplain would not be regulated under WCA. Following the review and discussion of historic aerials, the TEP mentioned that any historic wetlands that may or may not have been present in and around the footprint of the existing house (constructed around 1962), would have been converted to non-wetland prior to the Wetland Conservation Act. The applicant's consultant submitted an updated wetland delineation report (attached) reflecting the TEP recommendations. Following the June 4, 2024 onsite meeting, a TEP findings form was provided to members of the TEP and signed on June 5, 2024. Following the June 17, 2024 virtual meeting, a TEP findings form was provided to members of the TEP and signed on June 21, 2024.

¹ Findings must consider any TEP recommendations.

Attached Project Documents

Site Location Map Project Plan(s)/Descriptions/Reports (specify): **Updated Wetland Delineation Report**

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)

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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: Chesnut, Jed (BWSR) Jed.Chesnut@state.mn.us
<input type="checkbox"/> 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 (BCWMC), laura.jester@keystonewaters.com
<input checked="" type="checkbox"/> Applicant: Pat Jordan, patjordan33@gmail.com
<input checked="" type="checkbox"/> Agent/Consultant: Dylan Kruzel, dkruzel@ae-mn.com

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers: Daniel Reburn, daniel.c.reburn@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): <input type="checkbox"/> Other:

Signature: 	Date: 6/28/24
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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.