

# Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit:	City of Plymouth		County:	Hennepin
Applicant Name: City of Pl	ymouth c/o Jennifer	Tomlinson		
Applicant Representative:	Bolton & Menk, Inc.	. c/o Chad Ponce		
Project Name: PIC Parkin	g Lot & Trail Improve	ements		
LGU Project No. (if any): 2				
Date Complete Application	•	1/7/025		
Date of LGU Decision: 4/2	•			
Date this Notice was Sent:	4/23/2025			
WCA Decision Type - check a	ll that apply			
☐ Wetland Boundary/Type	☐ Sequencing	☑ Replacement	Plan 🗆 E	Bank Plan (not credit purchase)
☐ No-Loss (8420.0415)		□ Exe	emption (842	0.0420)
Part: □ A □ B □ C □ D l	□E □F □G □H	Suk	part: 🗆 2 🗆	3 🗆 4 🗆 5 🗆 6 🗆 7 🗆 8 🗆 9
Replacement Plan Impacts (	enlacement nlan do	cisions only)		
Total WCA Wetland Impact		cisions only)		
Wetland Replacement Type		ic Credits:		
wetiand Replacement Type	<ul><li>Bank Credits:</li></ul>			
Bank Account Number(s):	#1643	0.08		
Bank Account Number(s).	#1043			
<b>Technical Evaluation Panel F</b>	indings and Recomr			
☐ Approve ☐ Approve v	$_{\prime}$ /Conditions $\Box$ De	eny 🗵 No TEP I	Recommenda	ation
LGU Decision				
☐ Approved with Condition	ns (specify below) <sup>1</sup>	⊠ Appro	ved <sup>1</sup>	☐ Denied
List Conditions:	(open., 20.011)	_ ,,,pp. 0		
Decision-Maker for this Ap	nlication:  Staff S	Governing Board	d/Council 🗆	Other:
Decision-iviaker for this Ap	piicationi. 🗆 Stair 🗵	doverning board	u/council 🗀	other.
<b>Decision is valid for:</b> ⊠ 5 ye	ears (default) 🛚 Oth	ner (specify):		
Wetland Replacement Plan appro	val is not valid until BWS	R confirms the withdro	awal of any reau	ired wetland bank credits. For project-
		•		equired forms have been recorded on
the title of the property on which the	·	•		•
ICII Findings Attach dogum	ant(s) and (ar insart	narrativa pravidir	aa tha basis f	or the LCII decision <sup>1</sup>
LGU Findings – Attach docum	ienius) and/or insert	narrative providir	ig the basis to	or the LGO decision.
Attachment(s) (specify):     ✓ Summary: Approved s	c procented and	orted in the inclu	dod staff "s	ort.
⊠ Summary: <b>Approved</b> a	s presented and rep	ortea in the inclu	uea starr rep	ort

#### **Attached Project Documents**

<sup>&</sup>lt;sup>1</sup> Findings must consider any TEP recommendations.

⊠ Site Location Map	cify): Plymouth City Council Staff							
Appeals of LGU Decisions	t within 20 calandar days of the data you							
f you wish to <u>appeal</u> this decision, you must provide a written request <u>within 30 calendar days of the date you</u>								
eceived the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director								
long with a check payable to BWSR for \$500 unless the LGU has adopted a local appeal process as identified								
elow. 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 info	ormation of appellant(s) and their							
representatives (if applicable), a statement clarifying the intent to app	peal 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 <u>local appeal process</u> applicable to this decision?								
$oximes Yes^1$ $oximes$ No								
<sup>1</sup> If yes, all appeals must first be considered via the local appeals process.								
Local Appeals Submittal Requirements (LGU must describe how to appeal, s	ubmittal requirements, fees, etc. as applicable)							
Notice Distribution (include name)								
Required on all notices:								
⊠ SWCD TEP Member: Stacey Lijewski, HCA, 701 Fourth Avenue South, St	• •							
BWSR TEP Member: Jed Chesnut, BWSR, 520 Lafayette Road North, St.	Paul, MN 55401							
☐ LGU TEP Member (if different than LGU contact):								
☑ DNR Representative: North Metro Area Hydrologist, MnDNR, 1200 War								
Watershed District or Watershed Mgmt. Org.: BCWMC, PO Box 27082     No. 1000000000000000000000000000000000000	-							
Applicant: Jennifer Tomlinson & Sonya Rippe, 14900 23rd Avenue Nor								
☐ Agent/Consultant: Chad Ponce, 116 N Markley St, Suite 101, Greenville	e, SC 29601							
Optional or As Applicable:								
☐ Corps of Engineers: <b>US Army Corps of Engineers, St Paul District</b>								
BWSR Wetland Mitigation Coordinator (required for bank plan application								
☐ Members of the Public (notice only): ☐ ○	Other:							
Signature:	Date:							
Miles III								
Ben Schambaril	04/23/2025							
This notice and accompanying application materials may be sent electronic	l ally or by mail. The LGU may opt to send a							

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.



Regular City Council April 8, 2025 Agenda Number: 6.5

**To:** Dave Callister, City Manager

**Prepared by:** Ben Scharenbroich, Water Resources Supervisor

**Reviewed by:** Michael Payne, City Engineer/Deputy Public Works Director

Item: Approve wetland replacement plan application for the

Plymouth Ice Center Rear Parking Lot, Culvert Extension and

Trail Project (SRP202201)

#### 1. Action Requested:

Adopt attached resolution approving the wetland replacement plan application for the Plymouth Ice Center Rear Parking Lot, Culvert Extension and Trail Project (SRP202201)

#### 2. Background:

The Plymouth Ice Center Parking Lot and Trail Improvement Project proposes to impact a small portion of a 56.6 acre wetland to install a trail connection that is Americans with Disabilities Act (ADA) compliant. The project applicant submitted a Wetland Conservation Act (WCA) wetland replacement plan application to the city. The plan is proposed to impact 0.04 acres of wetland or 1,742 square feet. Wetland mitigation is proposed at a 2:1 ratio as a purchase of 0.08 acres of wetland banking credits from wetland bank #1643 (Engstrom), Hennepin County, major watershed 20, bank service area 7. Wetland mitigation is outlined in the attached Wetland Mitigation Table.

#### 3. Budget Impact:

This project is included in the 2025-2034 Capital Improvement Plan at an estimated cost of \$2,365,000 which includes wetland replacement costs.

#### 4. Attachments:

- 1. Wetland Mitigation Table
- Resolution



#### Wetland mitigation is proposed to be according to the following table:

S		Basin Size (square feet)	Impacted Area (square feet)	Impacted Area (acres)	WCA Required Replacement Credit at 2:1 ratio (acres)
Summary of Impacts  Wetland 1 2,4		2,465,496.0	1,742.4	0.04	0.08
	Total	2,465,496.0	1742.4	0.04	0.08
	Wetland Rest	oration Credit:	NA		Notes:
of ent	Wetland Buffer Credit:		NA		Credits taken from wetland banks
Summary Replacem	΄ Ο Ι		0.04		located within Hennepin County (Bank Service Area 7).
	Total Replace (acres)	ement Credit	0.08		

#### **CITY OF PLYMOUTH**

#### RESOLUTION No. 2025-096

# RESOLUTION APPROVING THE FILLING OF WETLANDS AND THE WETLAND REPLACEMENT PLAN APPLICATION FOR THE PLYMOUTH ICE CENTER REAR PARKING LOT, CULVERT EXTENSION AND TRAIL PROJECT (SRP202201) SW 1/4 SECTION 16, T118N, R22W

WHEREAS, the City of Plymouth proposes to mitigate for wetland impacts associated with the Plymouth Ice Center Rear Parking Lot, Culvert Extension and Trail Project; and

WHEREAS, a replacement plan application was prepared replacing the wetland at a minimum 2:1 ratio as required by the Wetland Conservation Act; and

WHEREAS, wetland mitigation for the Plymouth Ice Center Rear Parking Lot, Culvert Extension and Trail Project shall be in the form of 0.04 of wetland bank credits from wetland Bank #1643 (Engstrom – Hennepin County); and

WHEREAS, the replacement plan meets the requirements of the Wetland Conservation Act.

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLYMOUTH, MINNESOTA, that the filling of wetlands and the Wetland Replacement Plan application for the Plymouth Ice Center Rear Parking Lot, Culvert Extension and Trail Project is approved and subject to the condition that prior to wetland impacts, the city shall submit a fully executed application for Withdrawal of Wetland Credits from the Minnesota Wetland Bank.

APPROVED by the City Council on this 8th day of April, 2025.



## Minnesota Wetland Conservation Act Notice of Application

Local Government Unit: City of Plymouth County: Hennepin
Applicant Name: City of Plymouth c/o Jennifer Tomlinson
Applicant Representative: Bolton & Menk, Inc. c/o Chad Ponce
Project Name: PIC Parking Lot & Trail Improvements
LGU Project No. (if any): 2025-02
Date Complete Application Received by LGU: 1/7/2025
Date this Notice was Sent by LGU: 2/24/2025
Date that Comments on this Application Must Be Received By LGU¹: 3/17/2025
<sup>1</sup> minimum 15 business day comment period for Boundary & Type, Sequencing, Replacement Plan and Bank Plan Applications
WCA Decision Type - check all that apply
☐ Wetland Boundary/Type ☐ Sequencing ☒ Replacement Plan ☐ Bank Plan (not credit purchase)
□ No-Loss (8420.0415) □ Exemption (8420.0420)
Part: □ A □ B □ C □ D □ E □ F □ G □ H Subpart: □ 2 □ 3 □ 4 □ 5 □ 6 □ 7 □ 8 □ 9
7 dr. :: 1 / 1 / 2 / 2 / 2 / 2 / 2 / 2 / 2 / 2 /
Replacement Plan Impacts (replacement plan decisions only)
Total WCA Impact Area Proposed:
Application Materials
<sup>1</sup> Link to ftp or other accessible file sharing sites is acceptable.
Link to the of 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:
☐ Staff ☐ Governing Board/Council ☐ Other (specify):
Notice Distribution (include name)
Required on all notices:
SWCD TEP Member: Stacey Lijewski, HCA, 701 Fourth Avenue South, Suite 700, Minneapolis, MN 55415-1600
BWSR TEP Member: Jed Chesnut, BWSR, 520 Lafayette Road North, St. Paul, MN 55401
☐ LGU TEP Member (if different than LGU contact):
□ DNR Representative: Wes Saunders-Pearce, MnDNR, 1200 Warner Road, St. Paul, MN 55106
☑ Watershed District or Watershed Mgmt. Org.: BCWMC, PO Box 270825, Golden Valley MN 55427
Applicant (notice only): Jennifer Tomlinson & Sonya Rippe, 14900 23rd Avenue North, Plymouth MN 55447
☐ Agent/Consultant (notice only): Chad Ponce, 116 N Markley St, Suite 101, Greenville, SC 29601
Ontional or As Applicable:
Optional or As Applicable:  ☑ Corps of Engineers: US Army Corps of Engineers, St Paul District
□ BWSR Wetland Mitigation Coordinator (required for bank plan applications only):
☐ Members of the Public (notice only): ☐ Other:
Differences of the rabile (notice only).

Signature:	Date:
Ben Schambaskil	2/24/2025

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.



## PIC Parking Lot & Trail Improvements

Replacement Plan

City of Plymouth January 6, 2025

#### Submitted by:

Bolton & Menk, Inc. 1960 Premier Drive Mankato, MN 56001 P: (507) 625-4171 F: (507) 625-4177



Real People. Real Solutions.



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## **Appendix**

EXHIBIT A – SITE LOCATION MAP

EXHIBIT B1– SITE LAYOUT MAP (OVERALL PROJECT)

EXHIBIT B2 – SITE LAYOUT MAP (WETLAND IMPACT AREA)

EXHIBIT C – PROPOSED WETLAND IMPACTS MAP

ATTACHMENT 1 - APPROVED WETLAND DELINEATION MAP - ALLIANT (JULY 2022)

ATTACHMENT 2 - PLAN SET SELECTION

ATTACHMENT 3 - MINIMIZATION ALTERNATIVE - DUAL BOX CULVERTS

ATTACHMENT 4 - USFWS CONCURRENCE LETTERS

ATTACHMENT 5 - DNR NHIS LETTER

## **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:		vner Name:	Jennifer Tomlinson   Director   City of Plymouth Parks & Recreation		
Mailing Address: 3400 Plym		3400 Plymo	outh Blvd, Plymouth, MN 55447		
<b>Phone:</b> (763) 509-5201		9-5201			
E-mail Address: jtomlinson@		jtomlinson@	plymouthmn.gov		

Authorized Contact (do not complete if same as above):

**Mailing Address:** 

Phone:

**E-mail Address:** 

Agent Na	ame:	Ch	Chad Ponce   Natural Resources Specialist   Bolton & Menk, Inc.						
Mailing A	Mailing Address: 116 N. Markley St., Suite 101, Greenville, SC 29601								
Phone:	Phone: (843) 286-3631								
E-mail A	E-mail Address: Chad.ponce@bolt		Chad.ponce@bolto	on-menk.com					

#### **PART TWO: Site Location Information**

County: Hennepin City/Township: City of Plymouth

Parcel ID and/or Address: See Location Map

Legal Description (Section, Township, Range): Section 16, T118N, R22W

Lat/Long (decimal degrees):

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): Approximately 4.1 acres

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 THREE: General Project/Site Information**

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted *prior to* this application then describe that here and provide the Corps of Engineers project number.

Alliant completed a wetland delineation in July 2022, identifying one wetland and one stream within the study area. A Type & Boundary application was submitted by Alliant and approved by the LGU in October 2022 (LGU Project No. 2022-11).

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

The City of Plymouth is planning pavement improvements for the Plymouth Ice Center parking lot and to improve trail access from the Plymouth Ice Center parking lot to the existing city trail to the northeast. Currently, the existing city trail's approach to 38<sup>th</sup> Avenue North from the east at Plymouth Creek is a steep incline which is not ADA compliant. To meet ADA compliance, the trail's approach to 38<sup>th</sup> Avenue North will be moved to the southwest at lower inclines. The new trail approach will require a 45-foot extension of the bridge below 38<sup>th</sup> Avenue North carrying flow from Plymouth Creek. Two existing stormwater pipes will be redirected to drain below the trail and outfall downstream of the extended culverts. The temporary diversion of flow from Plymouth Creek will be required to perform the work within the channel.

The purpose of the project is to improve a city trail near the Plymouth Ice Center, making it ADA compliant. This project will meet the City's need to improve the safety of and increase access to public infrastructure.

Approximately 80 feet of Plymouth Creek will be impacted by the arch culvert extensions, stormwater outfalls, rip rap, and grading.

#### Wetland Impact Summary

Type 2 Fresh (wet) Meadow wetlands are present on the east and west banks of Plymouth Creek within the construction limits of the project.

#### **Permitting and Sequencing Information**

All wetland impacts would be properly permitted through the Wetland Conservation Act of Minnesota (WCA) and Section 404 of the Clean Water Act (CWA). A sequencing analysis is required as part of this permitting process.

Permanent wetland impacts will be mitigated through a federal and state approved wetland bank with approved credits available at a ratio of 2:1 for a total of 0.08 credits. The following siting was used to determine the banks:

- On-site mitigation is not feasible due to spatial constraints and the low viability of success for a small (0.08 acre) project-specific mitigation effort.
- Bank #1643 is in the same Bank Service Area (BSA 7), the same major watershed (Mississippi Metro 20), and the same County as the wetland impacts. The required 0.08 wetland credits are available and will be drawn from this bank.

Stream impacts below the OHWM are regulated by the DNR and Army Corps of Engineers (USACE).

Per the USACE Special Public Notice – Announcement of Release of Stream Mitigation Procedures and St. Paul District

Stream Mitigation Procedures (SMP) Version 1.0, dated April 2023, there are 6 Impact Severity Tiers (0-5) which indicate differing levels of adverse impacts to stream functions. An increase in the severity tier indicates an increased functional loss from impacts.

Culverts (not bottomless) and minor relocations are listed as Impact Severity Tier 4 (Table 1. Page 6), therefore, impacts associated with this project are considered Tier 4. The SMP indicates that the linear foot mitigation threshold for a Tier 4 impact would be 200 linear feet (Page 7). The total permanent impacts associated with project activities include approximately 65 linear feet of stream, therefore, we do not anticipate mitigation for this project.

Plymouth Creek is a Public Waters Inventory watercourse regulated by DNR. Work below the OHWM of Plymouth Creek will be permitted separately through MPARS.

Floodplain mitigation is regulated by the Watershed District. Addition excavation was requested by the DNR to offset fill placed below the OHWM for the culvert extension. The additional floodplain excavation is intended to provide open water habitat for wildlife.

#### MN 8420.0515 Special Considerations

Subpart 1. Scope.

Subp. 2. Endangered and Threatened Species

An NHIS Letter received on October 23, 2024 (Correspondence # MCE 2024-00891) indicates that the proposed project may adversely affect Northern long-eared bats and rusty patched bumble bees. Both of these are federally listed endangered species. USFWS IPaC determination keys were completed to ensure compliance with federal laws.

Subp. 3. Rare natural communities

None listed

Subp. 4. Special fish and wildlife resources

None listed

Subp. 5. Archaeological, historic, or cultural resources sites

None listed

Subp. 6. Groundwater sensitivity

Activities at the site will not have an adverse effect on groundwater quality.

Subp. 7. Sensitive surface waters

Bassett Creek, a PWI watercourse, runs north to south through the study area. The creek is impaired for aquatic life use and aquatic recreation use. TMDLs have been approved for chloride and E. coli.

Subp. 8. Education or research use

Not applicable

Subp. 9. Waste disposal sites.

The project is in a commercial area with several hazardous waste generator sites near the study area.

Subp. 10. Consistency with other plans

The proposed project is consistent with the Hennepin County 2040 Comprehensive Plan.

The United States Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) tool identified two Federally-listed endangered species (Northern Long-Eared Bat and Rusty Patched Bumble Bee), one candidate species (Monarch Butterfly), one proposed endangered species (Salamander Mussel), and one experimental population (Whooping Crane) that may occur within the vicinity of the Study Area. Determination keys were completed and resulted in a May Affect, Not Likely to Adversely Affect determination for the northern long-eared bat and rusty-patched bumble bee.

## PART FOUR: Aquatic Resource Impact<sup>1</sup> Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	drain. or	Impact	Size of Impact <sup>2</sup>	Overall Size of Aquatic Resource <sup>3</sup>	Existing Plant Community Type(s) in Impact Area <sup>4</sup>	County, Major Watershed #, and Bank Service Area # of Impact Area <sup>5</sup>
Wetland 1	Wetland	Fill	Р	0.04 ac	N/A	Type 1	Hennepin, 20, 7
Stream 1	Tributary	Fill	Р	65 LF (0.04 ac)	N/A	Perennial	Hennepin, 20, 7

If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

N/A

## **PART FIVE: Applicant Signature**

Check here if you are requesting a <u>pre-application</u> 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: Jennifer Tomlinson Date: 1.6.25

I hereby authorize **Bolton & Menk, Inc** 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.

<sup>&</sup>lt;sup>2</sup>Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

<sup>3</sup>This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

<sup>&</sup>lt;sup>4</sup>Use Wetland Plants and Plant Community Types of Minnesota and Wisconsin 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>&</sup>lt;sup>5</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

<sup>&</sup>lt;sup>1</sup> The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

#### **Attachment C**

#### **Avoidance and Minimization**

**Project Purpose, Need, and Requirements.** Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

The City of Plymouth is planning pavement improvements for the Plymouth Ice Center parking lot and to improve trail access from the Plymouth Ice Center parking lot to the existing city trail to the northeast. Currently, the existing city trail's approach to 38<sup>th</sup> Avenue North from the east at Plymouth Creek is a steep incline which is not ADA compliant. To meet ADA compliance, the trail's approach to 38<sup>th</sup> Avenue North will be moved to the southwest at lower inclines. The new trail approach will require a 45-foot extension of the bridge below 38<sup>th</sup> Avenue North carrying flow from Plymouth Creek. Two existing stormwater pipes will be redirected to drain below the trail and outfall just downstream of the extended culverts. The temporary diversion of flow from Plymouth Creek will be required to perform the work within the channel. Also, at the request of DNR, additional excavation will occur southeast of the culvert extension in order to mitigate the impact to the floodplain caused by the culvert extension. In addition to providing floodplain mitigation, the additional excavation area will also result in an open water habitat for wildlife.

The purpose of the project is to improve a city trail near the Plymouth Ice Center, making it ADA compliant. This project will meet the City's need to improve the safety of and increase access to public infrastructure.

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

- $\underline{1. \ No \ Build:}$  The no build alternative was considered for this project to avoid impacts to wetlands. Not completing the project would not meet the City's objective, to make this portion of the trail ADA compliant. If the work is not completed, the trail approach to  $38^{th}$  Avenue North and connection to the Plymouth Ice Center is not accessible to persons with disabilities.
- 2. Boardwalk Alternative: The installation of a wetland boardwalk was considered as an avoidance alternative. A wetland boardwalk rather than a trail could be implemented to avoid permanent impacts to wetlands. However, the City has concerns about the long-term maintenance and safety of a boardwalk. Compared to paved trails, boardwalks are typically more slippery, narrower, less stable, uneven, and may have sudden drops. Boardwalk surfaces also need to be inspected frequently to ensure deck boards are not in need of replacement. Issues with the boardwalk surface can hinder pedestrian and bicyclist operations, which is especially a concern for ADA users. For the reasons given above, the wetland boardwalk alternative was not considered feasible.

**Minimization**. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

Minimization efforts were included through the design process, including the following:

- A new 91.5 linear feet headwall will be placed at the downstream end of the arch culvert outfall
- At the request of DNR, additional excavation will occur southeast of the culvert extension in order to provide open water habitat for wildlife
- Sediment and erosion control procedures will be followed as shown in the attached plan set
- Equipment will not be stockpiled in wetlands
- Disturbed areas will be revegetated as soon as possible

Minimization Alternative - Dual box culvert

In order to minimize wetland and stream impacts, the installation of dual box culverts below the new trail was considered. It was determined that this alternative would result in similar wetland and stream impacts as the preferred alternative. For this reason, this alternative was not chosen. See Attachment 3 for an exhibit showing the dual box culverts.

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

An off-site alternative analysis is not applicable to this project.

#### Attachment D

## **Replacement/Compensatory Mitigation**

Complete this part *if* your application involves wetland replacement/compensatory mitigation <u>not</u> associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

**Replacement/Compensatory Mitigation via Wetland Banking**. Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits
1643	1643 Hennepin		7	SWC	0.08

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.

**Project-Specific Replacement/Permittee Responsible Mitigation**. Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit <sup>1</sup>	Corps Mitigation Compensation Technique <sup>2</sup>	Acres	Credit % Requested	Credits Anticipated <sup>3</sup>	County	Major Watershed #	Bank Service Area #

<sup>&</sup>lt;sup>1</sup>Refer to the name and subpart number in MN Rule 8420.0526.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

N/A

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):

N/A

Attach a map of the existing aquatic resources, associated delineation report, and any documentation of regulatory review or approval. Discuss as necessary:

N/A

<sup>&</sup>lt;sup>2</sup>Refer to the technique listed in St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota.

<sup>&</sup>lt;sup>3</sup>If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

For actions involving construction activities, attach construction plans and specifications with all relevant details. Discuss and provide documentation of a hydrologic and hydraulic analysis of the site to define existing conditions, predict project outcomes, identify specific project performance standards and avoid adverse offsite impacts. Plans and specifications should be prepared by a licensed engineer following standard engineering practices. Discuss anticipated construction sequence and timing:

N/A

For projects involving vegetation restoration, provide a vegetation establishment plan that includes information on site preparation, seed mixes and plant materials, seeding/planting plan (attach seeding/planting zone map), planting/seeding methods, vegetation maintenance, and an anticipated schedule of activities:

N/A

For projects involving construction or vegetation restoration, identify and discuss goals and specific outcomes that can be determined for credit allocation. Provide a proposed credit allocation table tied to outcomes:

N/A

Provide a five-year monitoring plan to address project outcomes and credit allocation:

N/A

Discuss and provide evidence of ownership or rights to conduct wetland replacement/mitigation on each site:

N/A

Quantify all proposed wetland credits and compare to wetland impacts to identify a proposed wetland replacement ratio. Discuss how this replacement ratio is consistent with Corps and WCA requirements:

N/A

By signature below, the applicant attests to the following (only required if application involves project-specific/permittee responsible replacement):

- All proposed replacement wetlands were not:
  - Previously restored or created under a prior approved replacement plan or permit
  - Drained or filled under an exemption during the previous 10 years
  - Restored with financial assistance from public conservation programs
  - Restored using private funds, other than landowner funds, unless the funds are paid back with interest to the individual
    or organization that funded the restoration and the individual or organization notifies the local government unit in
    writing that the restored wetland may be considered for replacement.
- The wetland will be replaced before or concurrent with the actual draining or filling of a wetland.
- An irrevocable bank letter of credit, performance bond, or other acceptable security will be provided to guarantee successful
  completion of the wetland replacement.
- Within 30 days of either receiving approval of this application or beginning work on the project, I will record the Declaration of
  Restrictions and Covenants on the deed for the property on which the replacement wetland(s) will be located and submit proof
  of such recording to the LGU and the Corps.

Applicant of	Representative:	N/A	Title:
Signature:	N/A		Date:



## **Standard Credit Withdrawal Form**

## **Minnesota Wetland Bank Program**

(Incomplete forms may be returned unprocessed)

1. Credit User	This space for BWSR use only.				
Name:	Organization/Company (if any):				
Abbie Brown	City of Plymouth				
Address:	Phone:				
3400 Plymouth Blvd	763-509-5950				
Plymouth, MN 55447	E-mail:				
	publicworks@plymouthmn.gov				
If others should receive withdrawal verification email, please include their email below (e.g., Consultants, partners, etc.):					

2. Wetland Impact Information					
Project Name:		Project Type:	ACRES	of Impact:	
PIC Parking Lot & Trail Improvements		Public Works	4.1	4.1	
City (if applicable):	County:	Sec/Twp/Range: (Project Center)	Major	Watershed No./Bank Service Area (BSA):	
Plymouth	Hennepin	Sec. 16 T. 118N R. 22W	20 / 7		
WCA LGU Name:		Majority Impact Wetland Type:	Majority HGM Class:		
City of Plymouth		2 - Wet Meadow	Riverine		
Corps of Engineers Lette	r/Email Received?	If Yes, Corps File No.: (e.g. 2021-00101-ABC)		If Yes, is Corps Replacement Required?	
☐ Yes ⊠ No		MVP-		∑ Yes	
Comments:					

3. Credits to be Withdrawn						
Bank Account No./Name:		Bank	Bank County:		Bank BSA:	
1643		Hen	nepin		7	
Credit			Federally		Control Control	Credit
Subgroup	Wetland Type	Plant Con	nmunity Type	Approved?	Cost per Credit	Amounts
В	2 -	Wet Mead	low	Yes	\$130,680	0.0800
Select	Select		Select	\$		
Select	Select		•	Select	\$	
Select	Select		Select	\$		
Select	Select		•	Select	\$	
Per Credi	Per Credit Withdrawal Fee by BSA		<b>Enter Bank Account's BSA</b>		Total Credits:	0.0800
BSA 1 \$5	20 BSA 6	\$1,083	Withdrawal Fee	and hit Tab key:	(Withdrawal Fee X tota	l credits)
BSA 2 \$3	71 BSA 7	\$1,992	\$1,992.00		Withdrawal Fee:	\$159.36
BSA 3 \$7	25 BSA 8	\$2,577	Easement Stewardship Fee:		(Easement Stewardshi	p fee x total credits)
BSA 4 \$1,4	12 BSA 9	\$2,628	\$302		Stewardship Fee:	\$24.16
BSA 5 \$6	85 BSA 10	\$3,099			Total Fees:	\$183.52

**Please make checks payable to the Minnesota Board of Water and Soil Resources**. BWSR does not accept cash.

12/29/2022 Page 1 of 2

**Project Name:** Mesenbrink Mixed-Use Development

After completing all necessary fields, select "Request Signatures" option in the Home tab of your toolbar to convert your agreement to a PDF version and add your digital signature. See these instructions if you do not know how to create a digital signature.

4. WCA Authoriz	ation (Must include representative's name	e and email address)			
		ernment Unit (LGU) representative attests that the			
LGU has approved the use of the credits in Box 3 for wetland replacement/mitigation.					
WCA LGU:	Representative's Name:	Email Address:			
Signature:		Date:			
5. Other Agency/	Program Authorization (Mi	ust include representative's name and email address)			
By signing below, the ident 3 for wetland replacement,	= : :	e agency has approved the use of the credits in Box			
Agency:	Representative's Name:	Email Address:			
Signature:		Date:			
Signature:		Date:			
6. Credit User Sig	gnature				
By signing below the credit wetland replacement/mitig		f the credits in Box 3 from the account holder for			
Signature:		Date:			
7. Account Holde	er Signature (Must include seller/man	nager name and email address)			
By signing below the accousatisfy wetland replacemen	nt holder authorizes BWSR to withdraw th	ne credits identified in Box 3 from their account to user indicated in Box 1. The account holder attests			
Seller/Manager: Email Address:					
Signature:		Date:			

#### **SEND COMPLETED FORM AND FEE PAYMENT TO:**

Wetland Bank Administration Minnesota Board of Water and Soil Resources 520 Lafayette Road North Saint Paul, MN 55155

12/29/2022 Page 2 of 2

#### PURCHASE AGREEMENT FOR WETLAND BANKING CREDITS

THIS AGREEMENT is made this **18th** of **December** between

Robert Engstrom of Diamond Lake Trib (Seller) and The City of Plymouth (Buyer).

1. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the wetland banking credits (Credits) listed below:

Credits to be Sold						
Credit Subgroup	Credit Type SWC or AGC	Wetland Type/Plant Community Type	Cost per Credit	Credit Amounts	Purchase Amount	
В	SWC	Type 2 – Fresh (wet) Meadow	130,680	0.08	10,454.40	
		, ,				
		TOTAL	:	0.08	10,454.40	
Per Credit W	ithdrawal Fee by B	SA Enter the Withdrawal Fee for				
BSA 1 \$520 BSA 6 \$1,083		the BSA of the account:	(Withdrawal Fee x total credits)			
BSA 2 \$371	BSA 7 \$1,99	92 <b>1,992</b>	Withdrawal Fe	e: 15	59.36	
BSA 3 \$725	BSA 8 \$2,57	77 Easement Stewardship Fee:	(Easement Stewe	ardship fee x total d	credits)	
BSA 4 \$1,41	2 BSA 9 \$2,62	\$302 per credit	Stewardship Fe	e: 2	4.16	
BSA 5 \$685 BSA 10 \$3,099		99	<b>Total Fee</b>	<b>s:</b> \$1	83.52	
BWSR fee policy: http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee_and_sales_data/Wetland_Banking_Fee_Policy_Effective_June1_2017.pdf						

- 2. Seller represents and warrants as follows:
  - a) The Credits are deposited in an account in the Minnesota Wetland Bank administered by the Minnesota Board of Water and Soil Resources (BWSR) pursuant to Minn. Rules Chapter 8420.0700-.0755.
  - b) Seller owns the Credits and has the right to sell the Credits to Buyer.
- 3. Buyer will purchase from the Seller a total of **0.08** wetland credits at a rate of \$130,680 per credit. The Buyer will pay the Seller a total of \$10,454 for the Credits. The Buyer will execute a check made out for this amount, payable to **Robert Engstrom**, at the time that the permit application is approved by the LGU.

- 4. Buyer agrees to pay a withdrawal fee of \$159.36 and Easement Stewardship Fee of \$24.16 to the State of Minnesota based on methods described in Box 3 of the Transaction Form to Withdrawal Credits. The Buyer will execute a check made out for \$183.52, payable to the Board of Water and Soil Resources, at the time that the permit application is approved by the LGU.
- 5. Upon payment of the balance of the purchase price, Seller will sign a fully executed Application for Withdrawal of the Credits in the form specified by BWSR, provide a copy of the Application for Withdrawal to the Buyer and forward the same to the BWSR along with the check for the Withdrawal Fee.
- 6. Buyer will apply to **The City of Plymouth** (LGU) for approval of a replacement plan utilizing the Credits as the means of replacing impacted wetlands. If the LGU does not approve the Buyer's application for a replacement plan utilizing the Credits, then either Buyer or Seller may cancel this Agreement by giving written notice to the other. In this case neither Buyer nor Seller shall have any further obligations under this Agreement.

Rutz Englion	12-20-24
(Signature of Seller)	(Date)

Signature of Buyer)

1.6.25
(Date)



## **Landowner Statement and Contractor Responsibility** For Work in Wetlands or Public Waters



MN Statutes Sections 103G.2212 and 103G.241 stipulate that an agent or employee of another may not:

- 1) drain, excavate, or fill a wetland, wholly or partially; or
- 2) construct, reconstruct, remove, or make any change in any reservoir, dam, or the course, current, or cross-section of any public water;

unless the agent or employee has obtained a signed statement from the property owner stating that any permit or wetland replacement plan required for the work has been obtained, or that a permit or replacement plan is not required; AND this statement is mailed to the appropriate office with jurisdiction over the wetland or public water prior to initiating the work (see next page for information on where to send this notification).

This form is a notification only and is not an application or authorization for any activities described in it

uescribeu iii it.							
Project will affect (check		ROJECT INFOR	RMATION				
☐ Lake, Watercourse, or Public Waters Wetland ☐ Non-Public Waters Wetland ☐ Wetland of Unknown Jurisdiction							
Address or description of	f project locatio	n (attach map if neo	cessary):				
Legal address Plymouth, MN (See Lo	ocation Map)						
County Hennepin Gov't Lot(s) Quarter Section(s) Section(s) Township(s) Range(s) Lot, Block, Su						Lot, Block, Subd.	
The City of Plymouth is pla access from the Plymouth approach to 38th Avenue ADA compliance, the trail' approach will require a 45 existing stormwater pipes The temporary diversion of request of DNR, additional floodplain caused by the c will also result in an open	Ice Center parkin North from the east approach to 38 foot extension of will be redirected flow from Plymal excavation will allowert extension.	ng lot to the existing of ast at Plymouth Creek th Avenue North will of the bridge below 38 d to drain below the touth Creek will be recoccur southeast of the laddition to provide	city trail to the k is a steep in be moved to 8th Avenue No trail and outfo quired to perf e culvert exte	e northeast. Cui cline which is no the southwest o orth carrying flo all just downstre orm the work w nsion in order t	rrently, the exoct ADA comp at lower inclir ow from Plym cam of the ex within the cha o mitigate th	kisting city trail's liant. To meet nes. The new trail outh Creek. Two tended culverts. nnel. Also, at the e impact to the	
I certify that, as the owne  ☑ I have obtained all pe ☐ No permits or approv	er of the propert	vals required to perf	n (check one	e):	bove.		
Property Owner (Print Na Jennifer Tomlinson, D City of Plymouth Park	irector		ss Plymouth Blouth, MN 55				

ennifer Tomlinson

Signature

Date

1.6.25

(763) 509-5201

Phone Number and E-mail Address (Optional)

#### 3. CONTRACTOR VERIFICATION

By signing below, I verify that I have received a signed copy of this form and will be performing the indicated work as described above.

Company and Individual Performing Proposed Work (Print)	Address	
Signature	Date	Phone Number and E-mail Address (Optional)

Note: The contractor is responsible for ensuring this form is mailed to the appropriate office when complete.

This statement is invalid if any of the above information is not supplied or is inaccurate. Work in violation of this notification requirement is a separate and independent offense from other violations of Minnesota Statutes chapter § 103G and is a misdemeanor punishable by fines up to \$1,000 and/or 90 days in jail. The State Department of Natural Resources (DNR) Commissioner also has the authority to require restoration of any work done without the necessary permits or approvals or work that is beyond what was authorized.

#### 4. INFORMATION AND RESOURCES

A <u>Wetland Conservation Act (WCA)</u> replacement plan is required for any wetland draining, excavation, or filling activity that is not exempt under Minnesota Rules Chapter 8420.0420. A <u>DNR Waters permit</u> is required for any work in public waters.

National wetland inventory maps are available for review at the County Soil and Water Conservation District (SWCD) office and online at <a href="http://www.fws.gov/wetlands/Data/Mapper.html">http://www.fws.gov/wetlands/Data/Mapper.html</a>. Many wetlands are not identified on the maps but are still restricted from draining, excavating, or filling. If you are unsure the proposed work will affect a wetland, contact your local government unit(LGU) or SWCD for assistance.

Public <u>Waters</u> of the State of Minnesota include the channel to the top of the channel bank for watercourses and the basin from the ordinary high water level waterward for public waters (i.e. lakes) and public waters wetlands. <u>Public waters inventory maps</u> are available for review at the County Auditor's office, DNR Division of Waters regional offices, and online at <a href="http://www.dnr.state.mn.us/waters/watermgmt\_section/pwi/download.html">http://www.dnr.state.mn.us/waters/watermgmt\_section/pwi/download.html</a>.

General <u>information</u> about public waters, wetlands, and related regulations are available on the DNR website at <a href="http://mndnr.gov">http://mndnr.gov</a> and the MN Board of Water and Soil Resources (BWSR) website at <a href="http://www.bwsr.state.mn.us">http://www.bwsr.state.mn.us</a>.

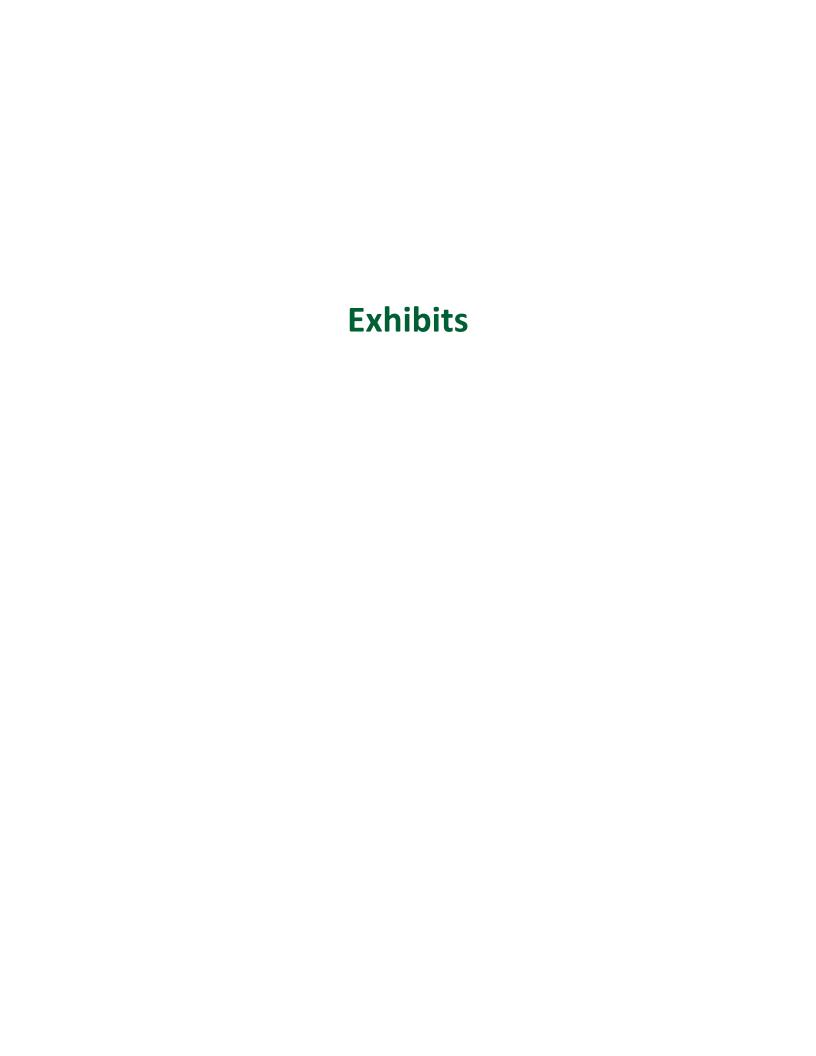
#### 5. WHERE TO SEND THIS NOTIFICATION

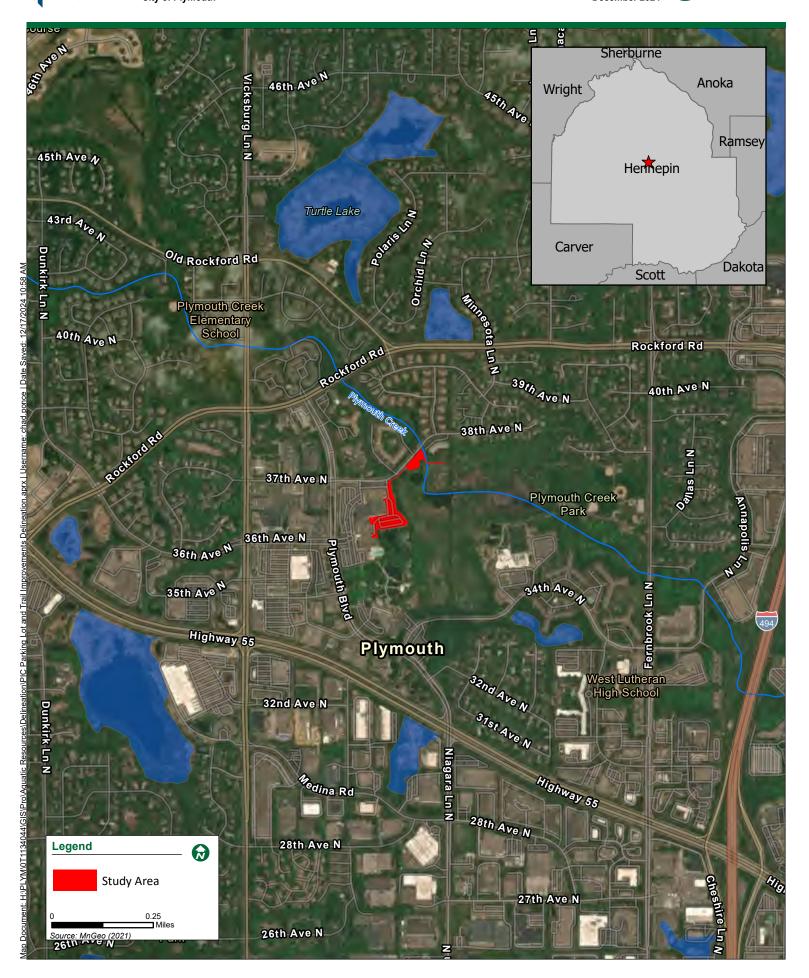
- For work in public waters (lake, watercourse, or public waters wetland), send this completed form to the DNR Regional Enforcement Office serving the project's area. See below for DNR regional office information. A map of DNR regions can be found on the DNR website at: <a href="http://files.dnr.state.mn.us/aboutdnr/dnr regions.pdf">http://files.dnr.state.mn.us/aboutdnr/dnr regions.pdf</a>
- For work in any wetland that is not a public waters wetland, send this completed form to the WCA LGU with jurisdiction over the project area. The LGU is usually the County or SWCD, except in urban areas the City is often the LGU. Contact any of these local governments or BWSR for assistance. BWSR also maintains a list of LGUs on its website at: http://www.bwsr.state.mn.us/directories/WCA.pdf.
- ➤ If it is not known if the wetland is a public waters wetland, send the completed form to <u>both</u> the DNR Regional Enforcement Office and the WCA LGU.

Department of Natural Resources Regional Offices

Northwest Region:	Northeast Region:	Central Region:	Southern Region:
2115 Birchmont Beach Rd.	1201 E. Hwy. 2	1200 Warner Road	261 Hwy. 15 South
NE	Grand Rapids, MN	St. Paul, MN 55106	New Ulm, MN 56073
Bemidji, MN 56601	55744	Phone: 651-259-5800	Phone: 507-359-6000
Phone: 218-308-2700	Phone: 218-327-4455		

# **Appendix**





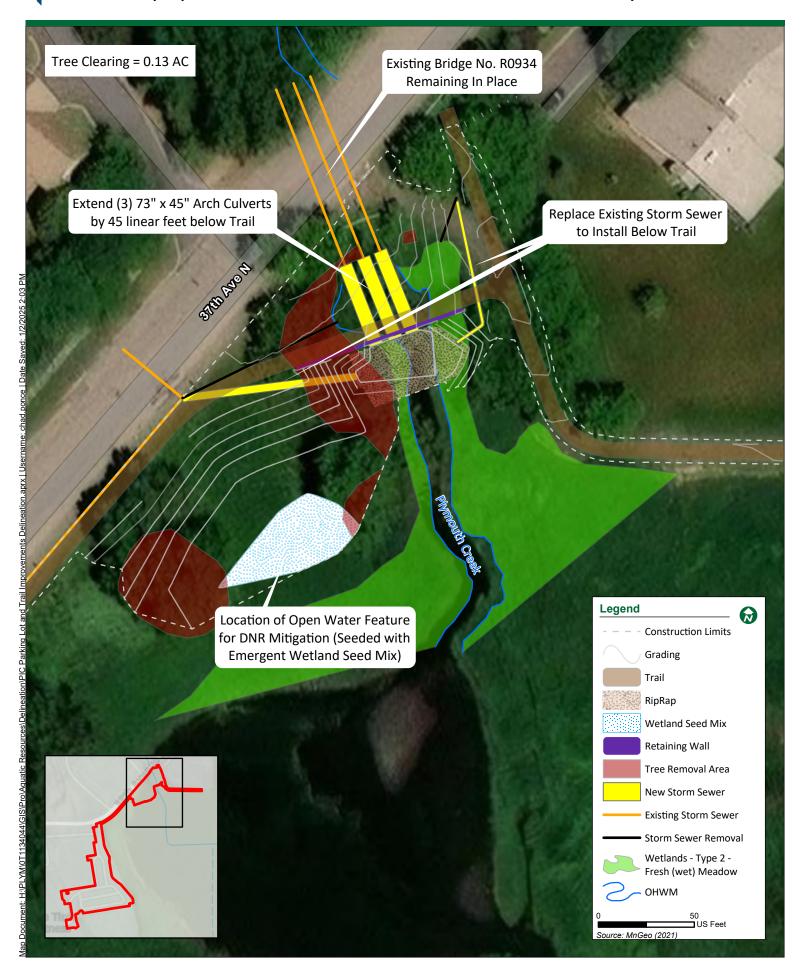
January 2025





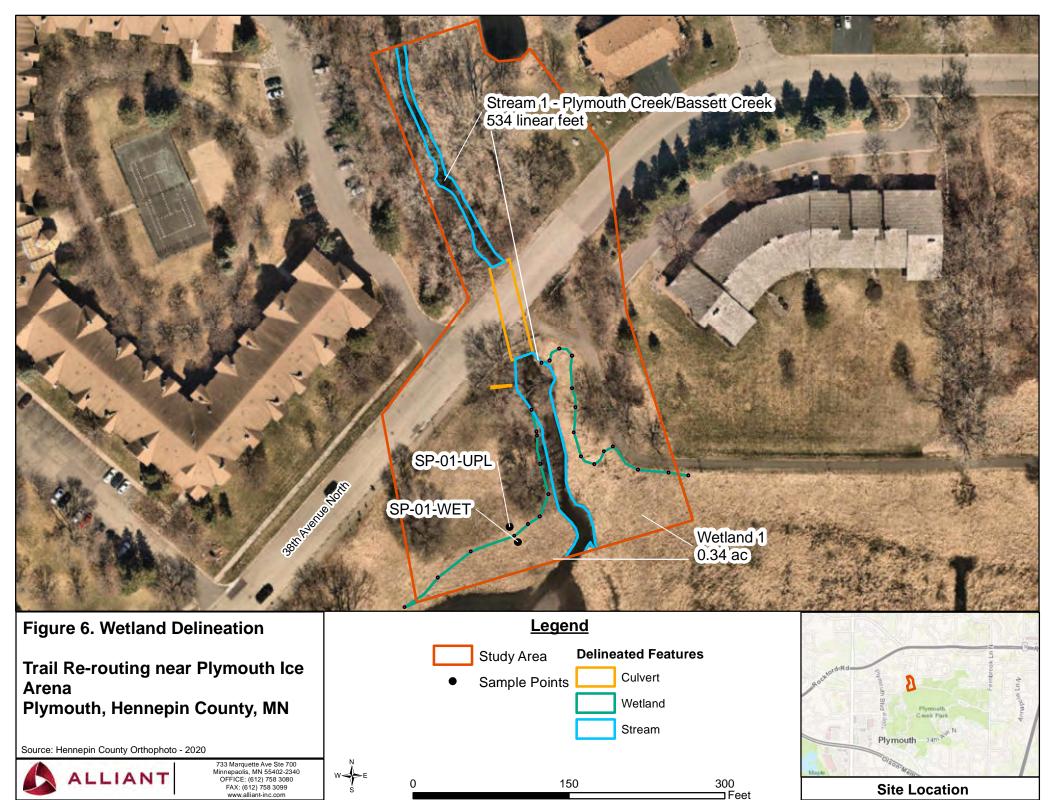












**Site Location** 



## CITY OF PLYMOUTH

**CONSTRUCTION PLANS FOR** 

# PIC PARKING LOT & 38TH AVE CULVERT EXTENSION

RESOURCE LIST

CITY OF PLYMOUTH CITY HALL 3400 PLYMOUTH BLVD PLYMOUTH MN 55447

CITY ENGINEER/DEPUTY PUBLIC WORKS DIRECTOR MIKE PAYNE, P.E. 762-509-5539

PROJECT SUPERVISOR SONYA RIPPE, PMP 763-509-5943

UTILITIES

GAS
CENTERPOINT ENERGY
700 WEST LINDEN AVE
MINNEAPOLIS, MN 55403
PAUL JACKS
612-321-5077

TELEPHONE
ARVIG/WAYZATA SCHOOL DISTRICT
BRIAN WOCHNICK
218-298-4951

COMCAST 9705 DATA PARK MINNETONKA, MN 55343 MCCLAY LYFORD 651-925-6372

LUMEN/CENTURY LINK TERRA TECHNOLOGIES, LLC RANDALL OLSON 612-987-6852

ZAYO 5005 CHESHIRE PKWY PLYMOUTH, MN 55446 JASON OVERKAMP 651-788-5890

ELECTRIC
XCEL ENERGY
8701 MONTICELLO LANE
MAPLE GROVE, MN 55369
CRYSTAL CHRISTIANSON
612-216-8073

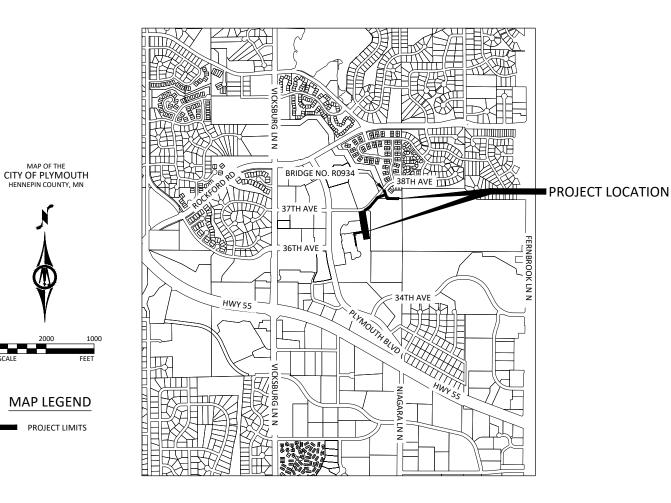
NOTE: EXISTING UTILITY INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED BY THE UTILITY OWNER. THE CONTRACTOR SHALL FIELD VERIFY EXACT LOCATIONS PRIOR TO COMMENCING CONSTRUCTION AS REQUIRED BY STATE LAW. NOTIFY GOPHER STATE ONE CALL, 1-800-252-1166 OR 651-454-0002.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D UNLESS OTHERWISE NOTED. THIS UTILITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-22, ENTITLED "STANDARD GUIDELINE FOR INVESTIGATING AND DOCUMENTING FYISTING LITHIS"

GRADING, AGGREGATE BASE, BITUMINOUS PAVEMENT, BRIDGE NO. R0934 EXTENSION, CONCRETE CURB AND GUTTER, BITUMINOUS TRAIL, AND ADA IMPROVEMENTS

DECEMBER, 2024

SRP202201



SHEET NUMBER	SHEET I.D.	SHEET TITLE			
	GENERAL				
1-3	G0.01 - G0.03	TITLE SHEET, LEGEND, GENERAL NOTES			
4	G1.01	STATEMENT OF ESTIMATED QUANTITIES			
	CIVIL				
5-6	C0.01 - C0.02	EXISTING CONDITIONS, REMOVALS PLAN			
7-19	C1.01 - C1.11	TYPICAL SECTIONS & DETAILS			
20-24	C2.01 - C2.05	EROSION CONTROL PLAN, SWPPP			
25-26	C3.01 - C3.02	GRADING PLAN			
26-29	C5.01 - C5.03	STORM SEWER PLAN & PROFILE			
30-31	C6.01 - C6.02	PARKING LOT CONSTRUCTION PLAN			
32-33	C6.03 - C6.04	TRAIL PLAN & PROFILE			
34-35	C6.05 - C6.06	CULVERT PLAN & PROFILE			
36-37	C7.01 - C7.02	SIGNING & STRIPING PLAN			
38-42	C8.01 - C8.05	CROSS SECTIONS			
	THIS PLAN SET CONTAINS 42 SHEETS.				

BM=1005.55
 MNDOT MON. 2723 U
 SE QUAD OF HWY 55 &

VICKSBURG LN N

PROJECT DATUM: HENNEPIN COUNTY COORDINATE SYSTEM

HORIZONTAL: NAD83 (1986 ADJ.)

VERTICAL: NAVD88

CONTRACTOR:

DATE:

SHEET

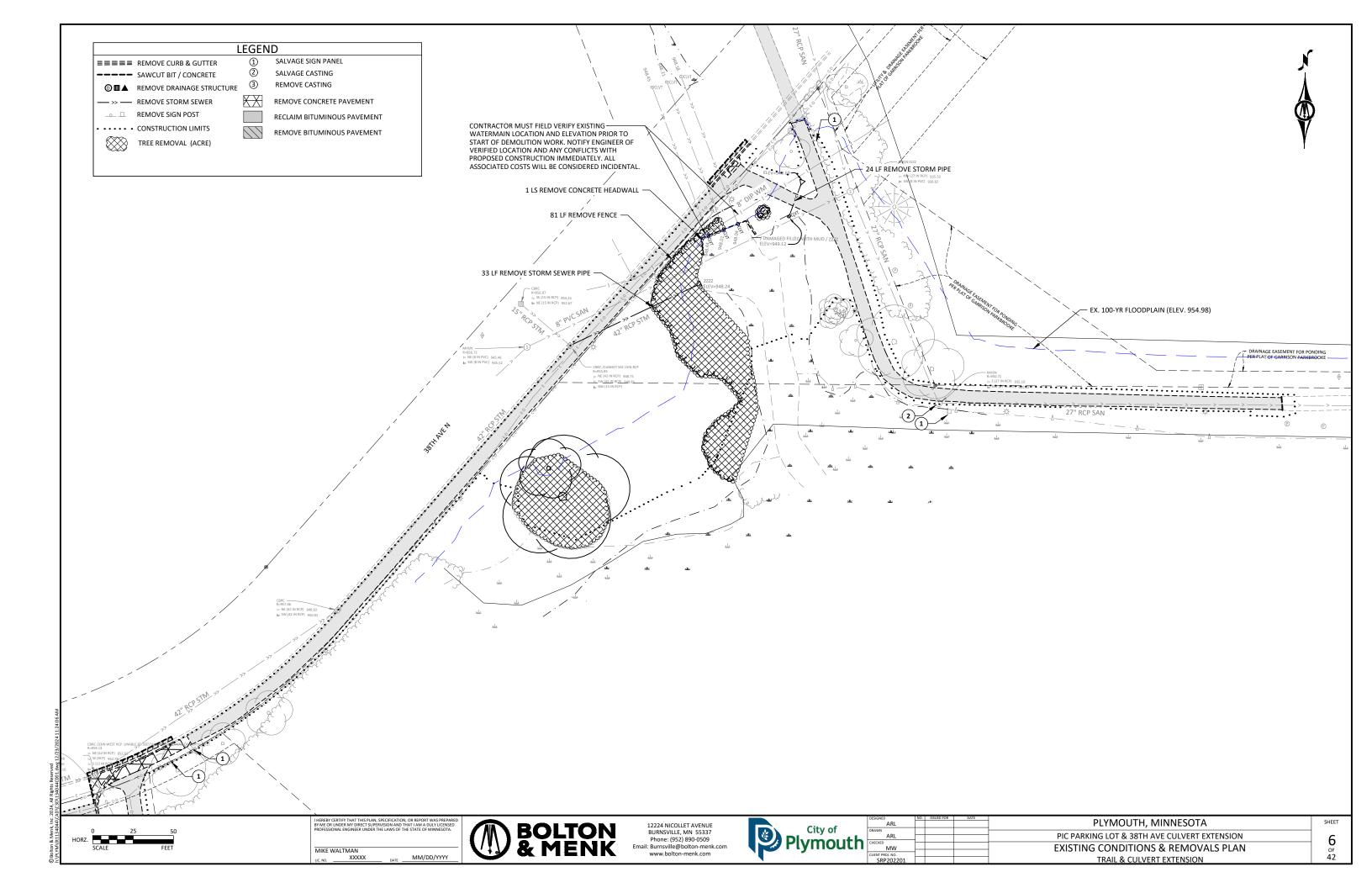
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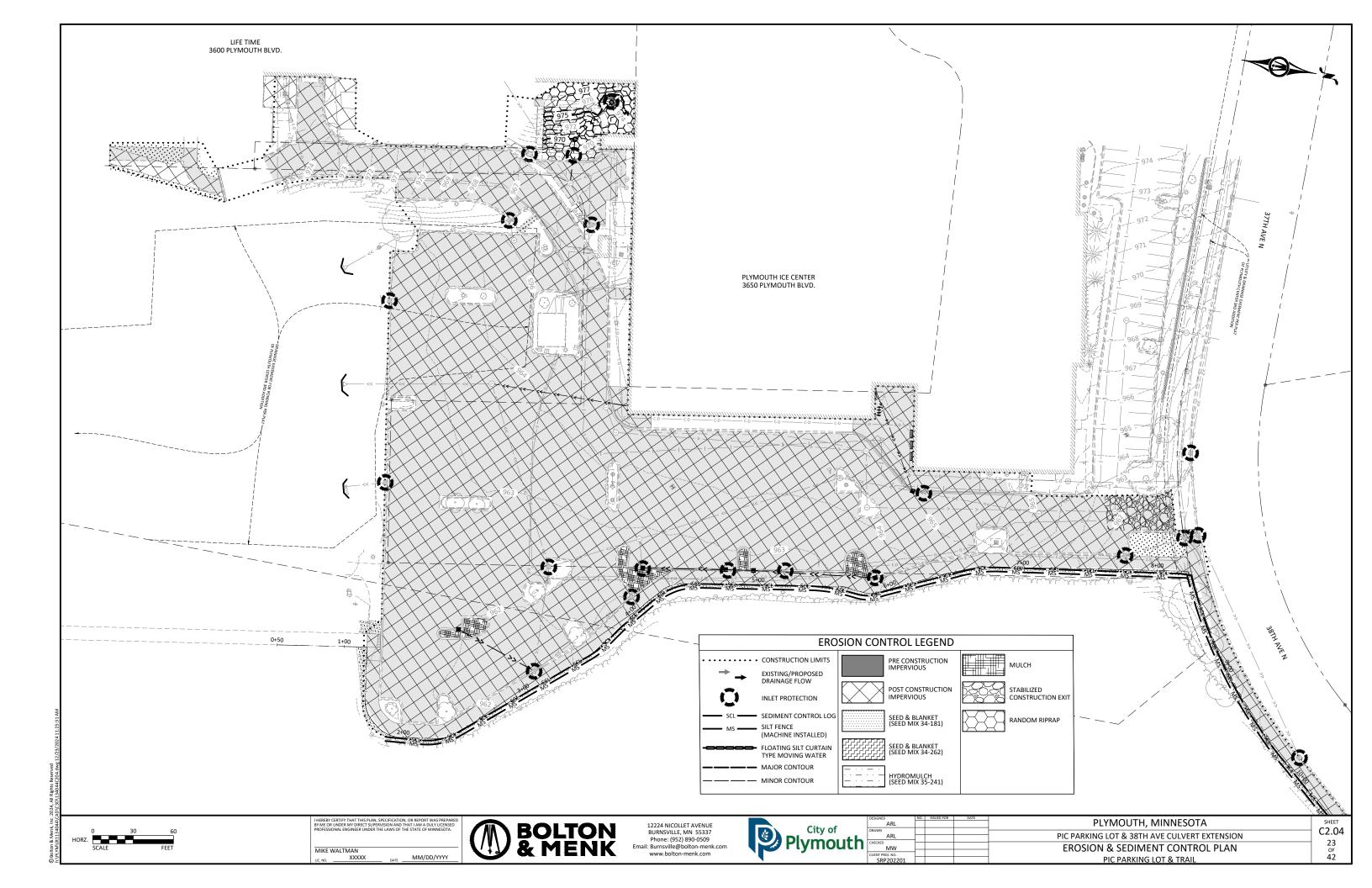
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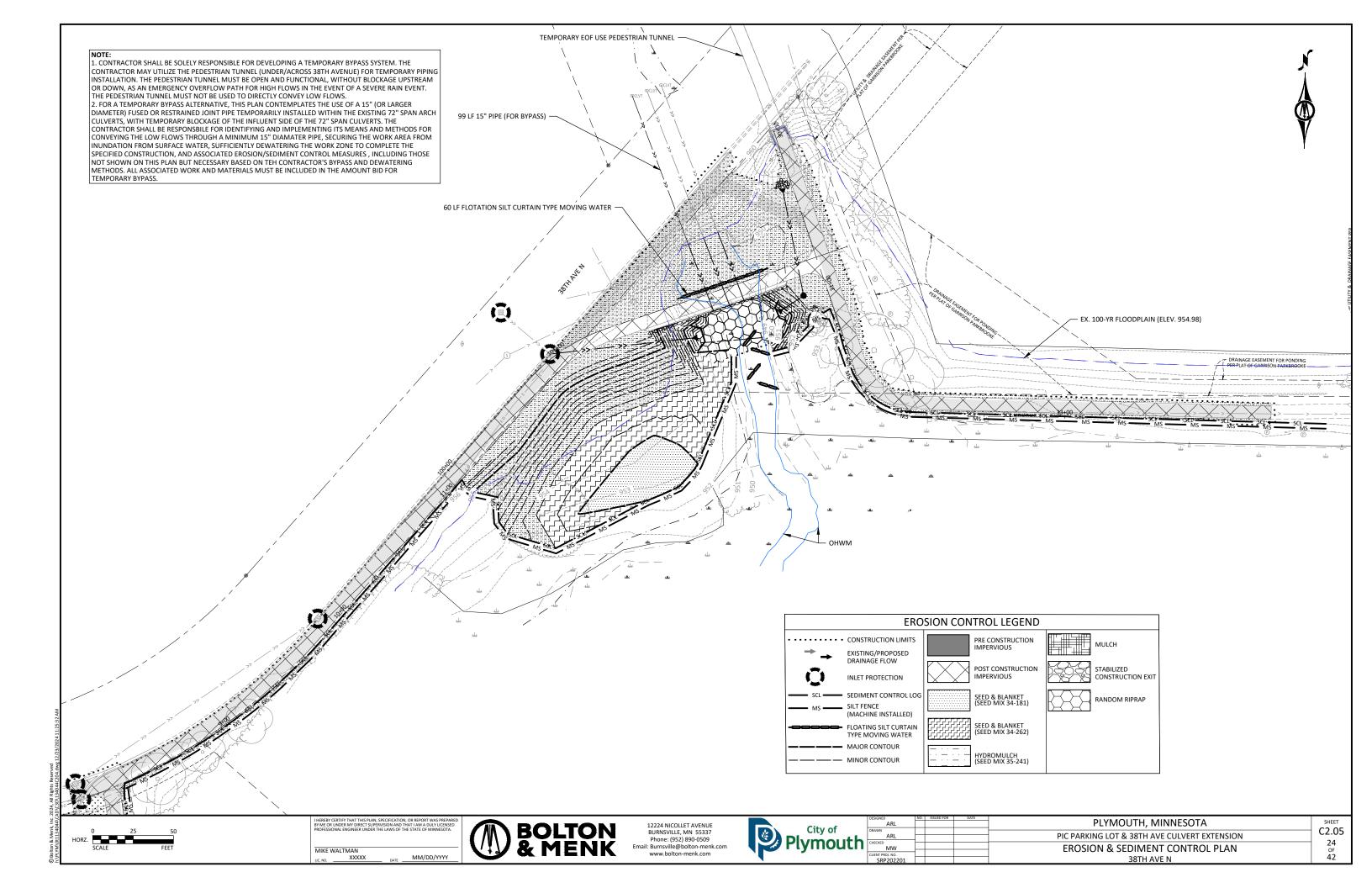
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

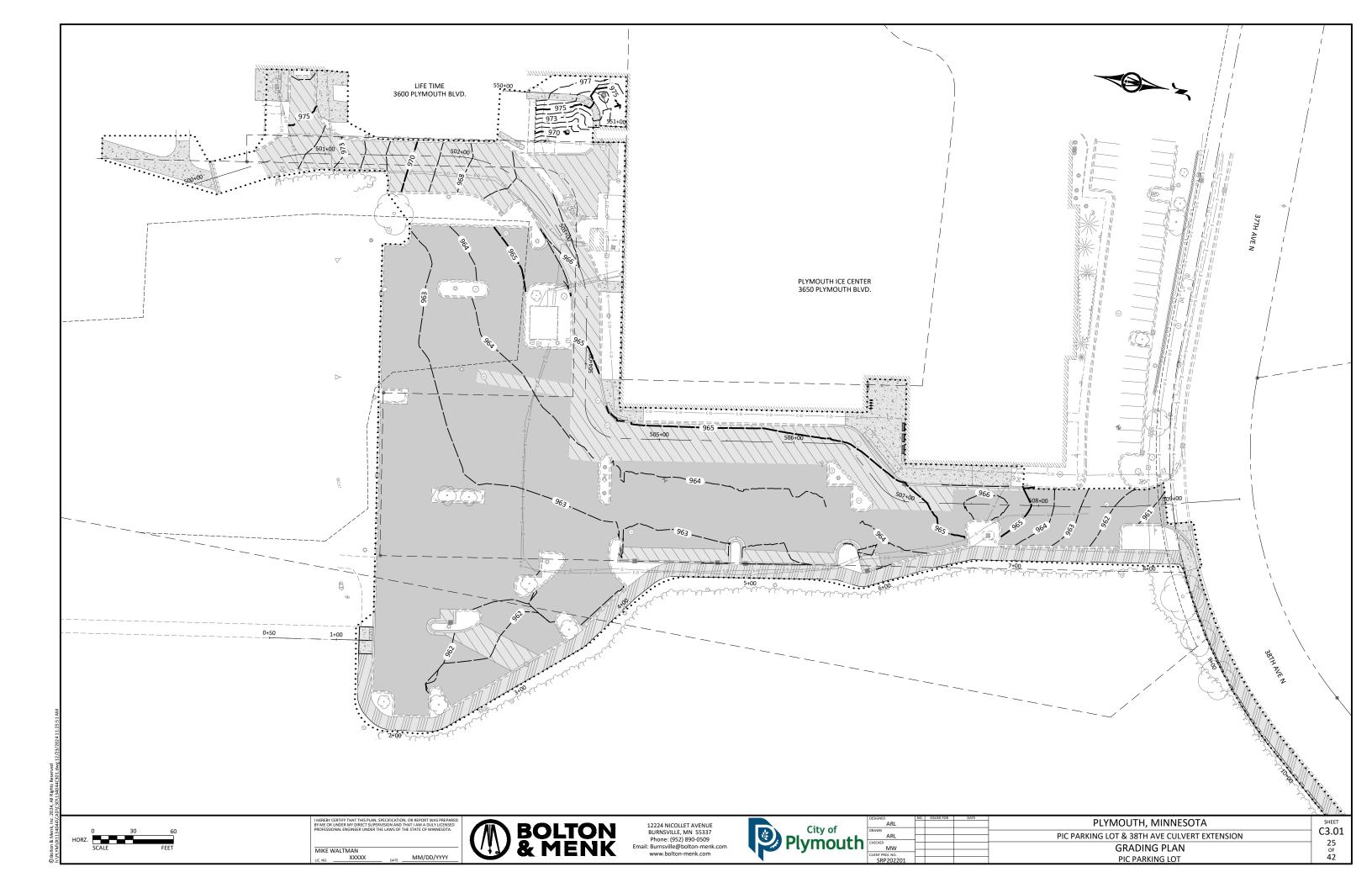


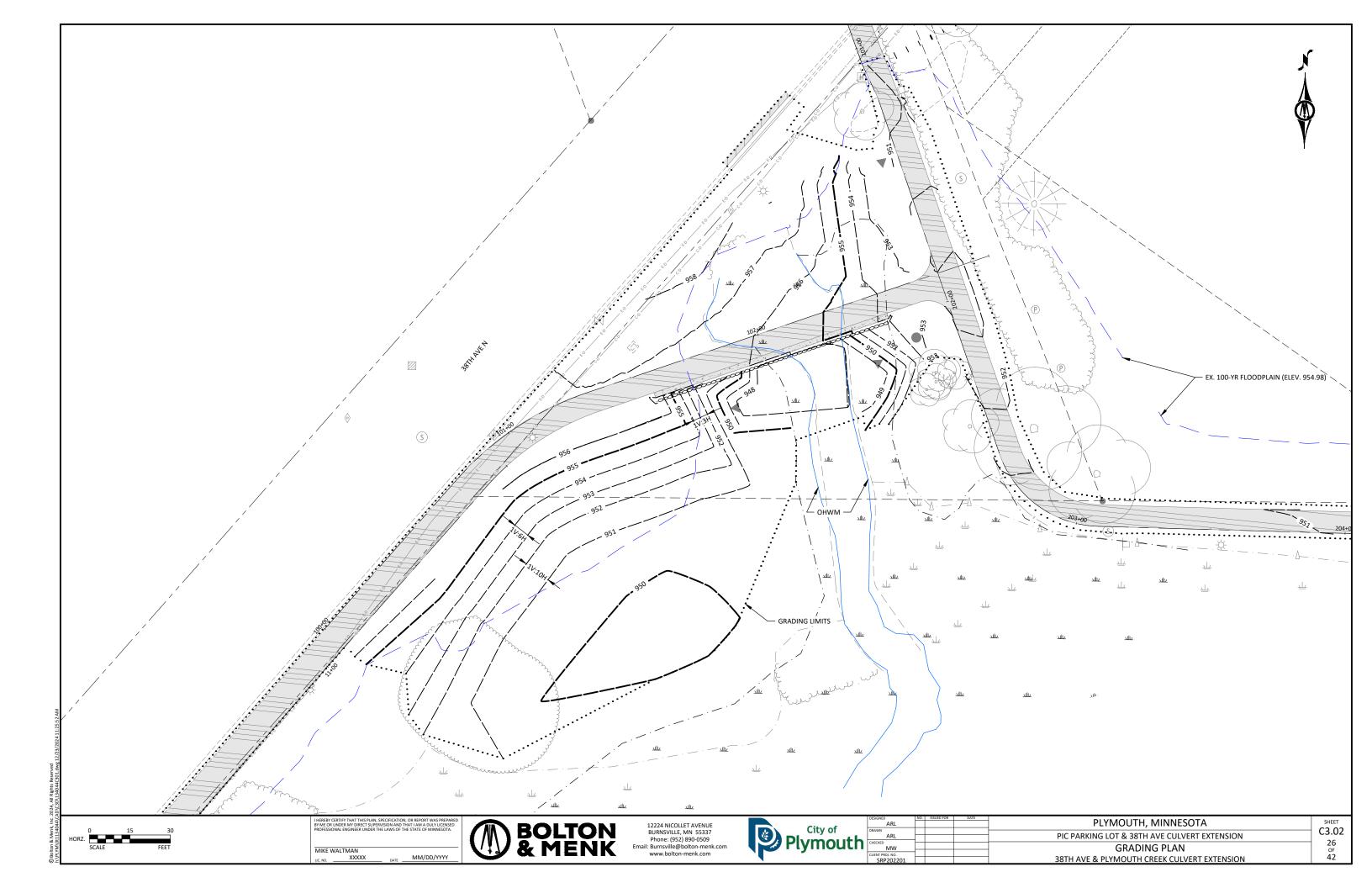


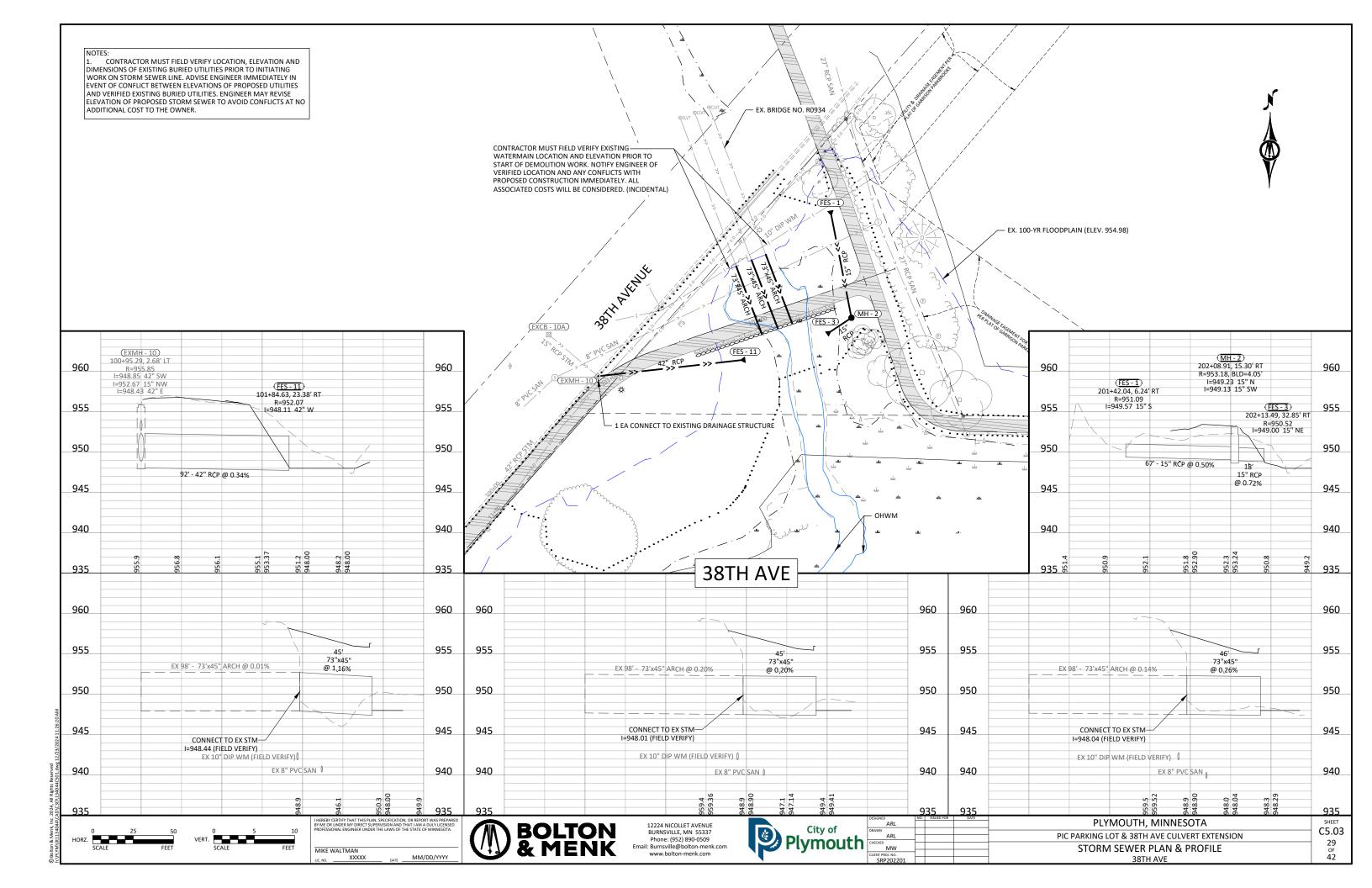


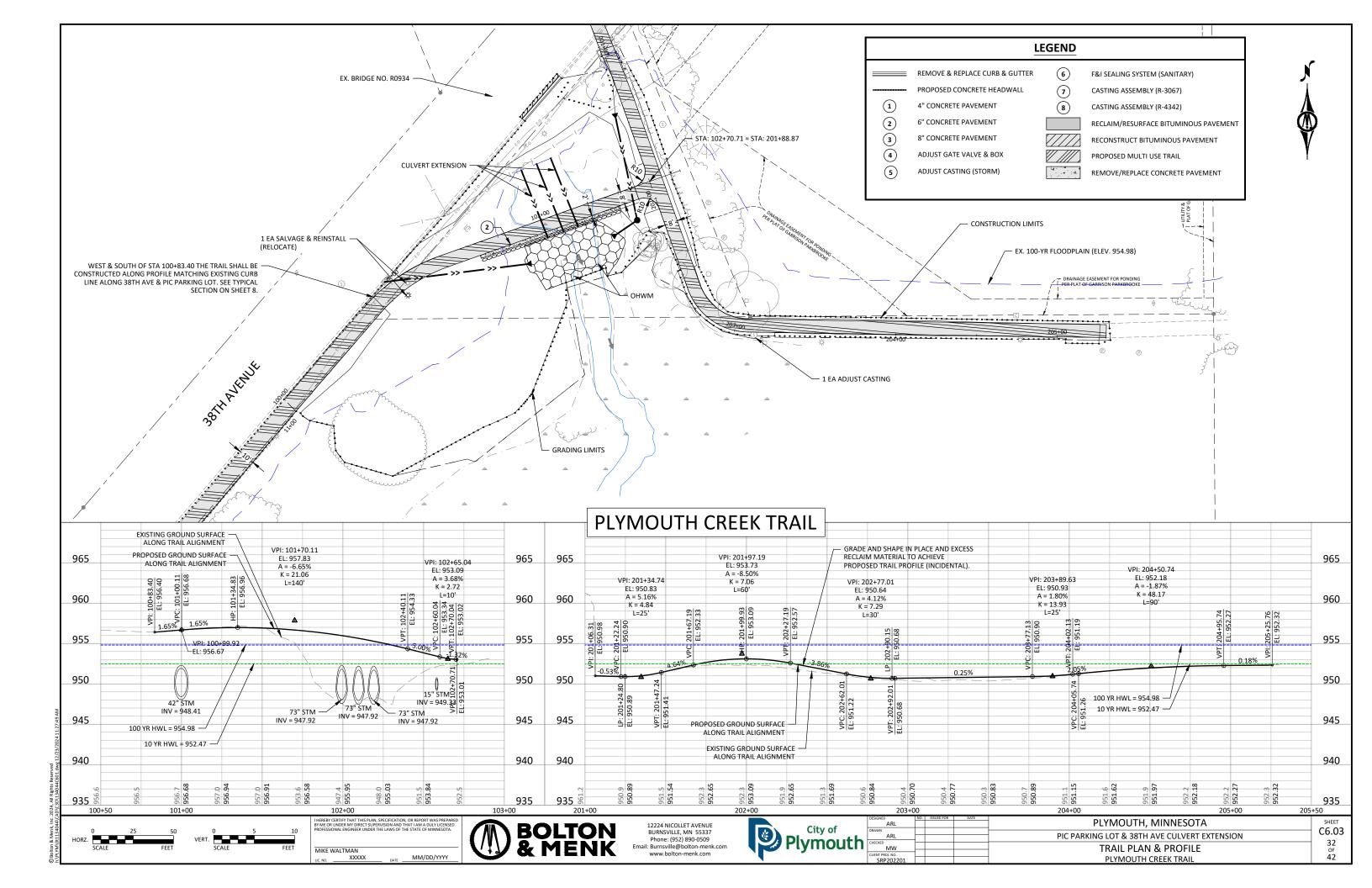


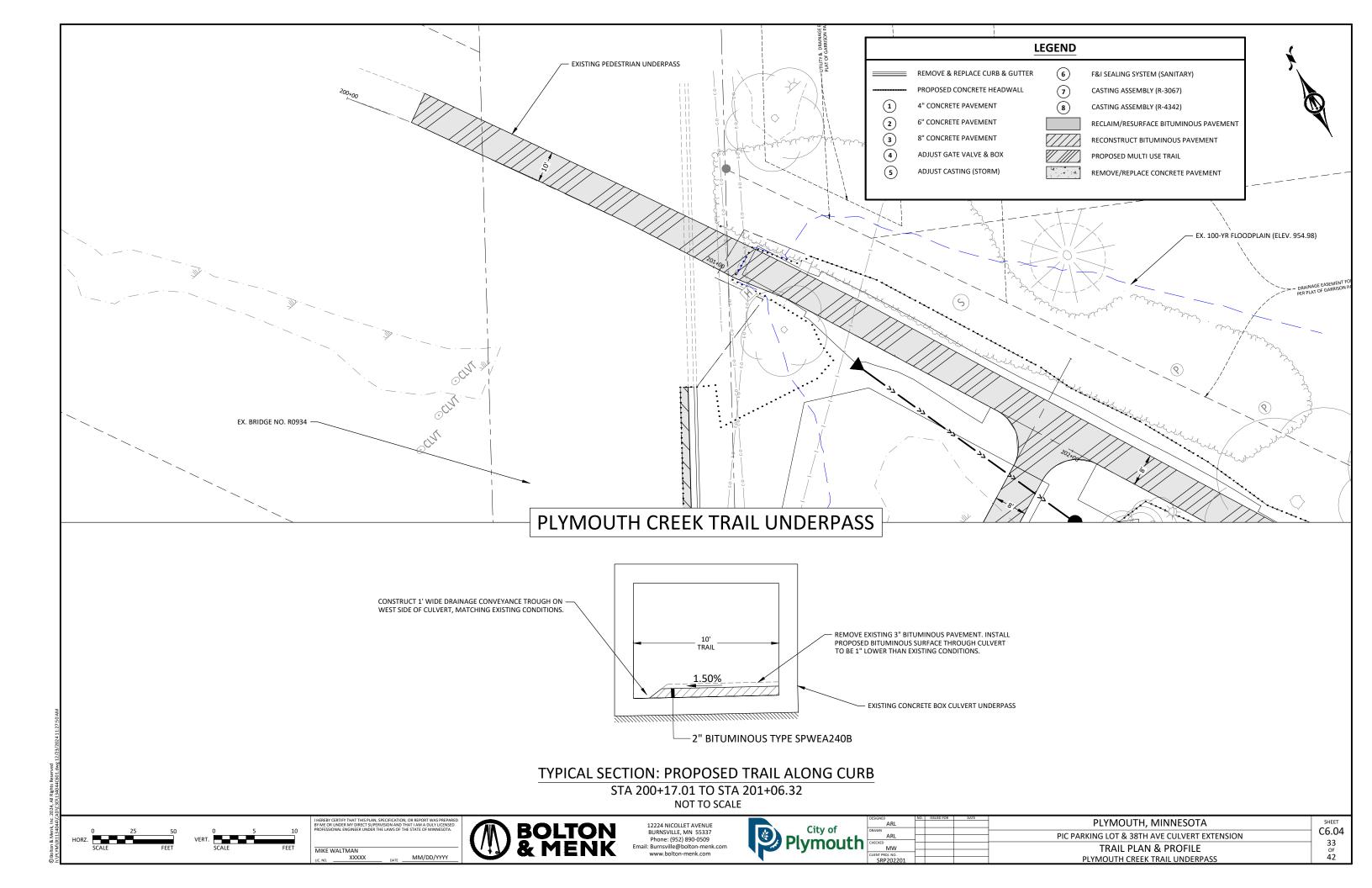


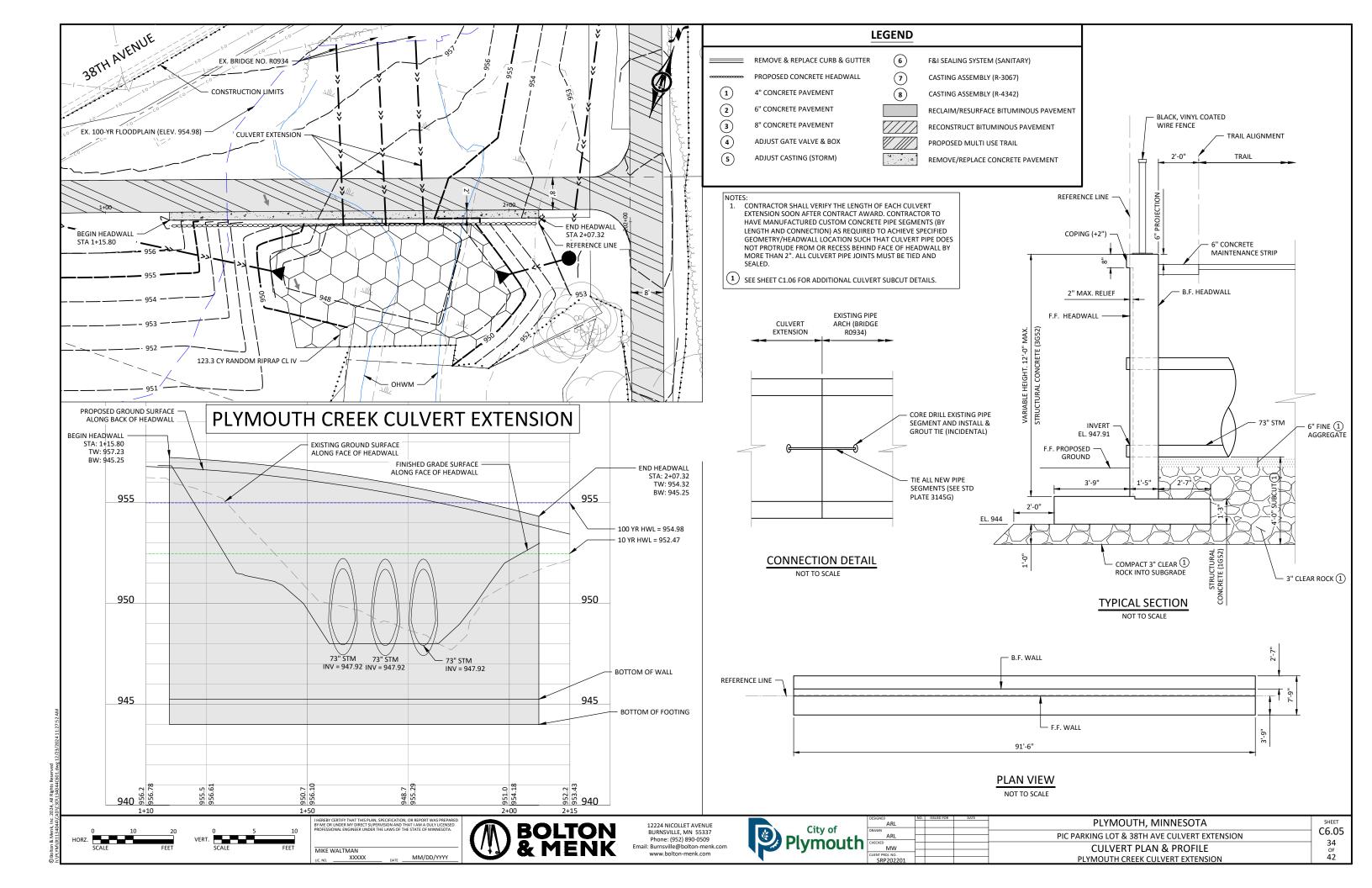


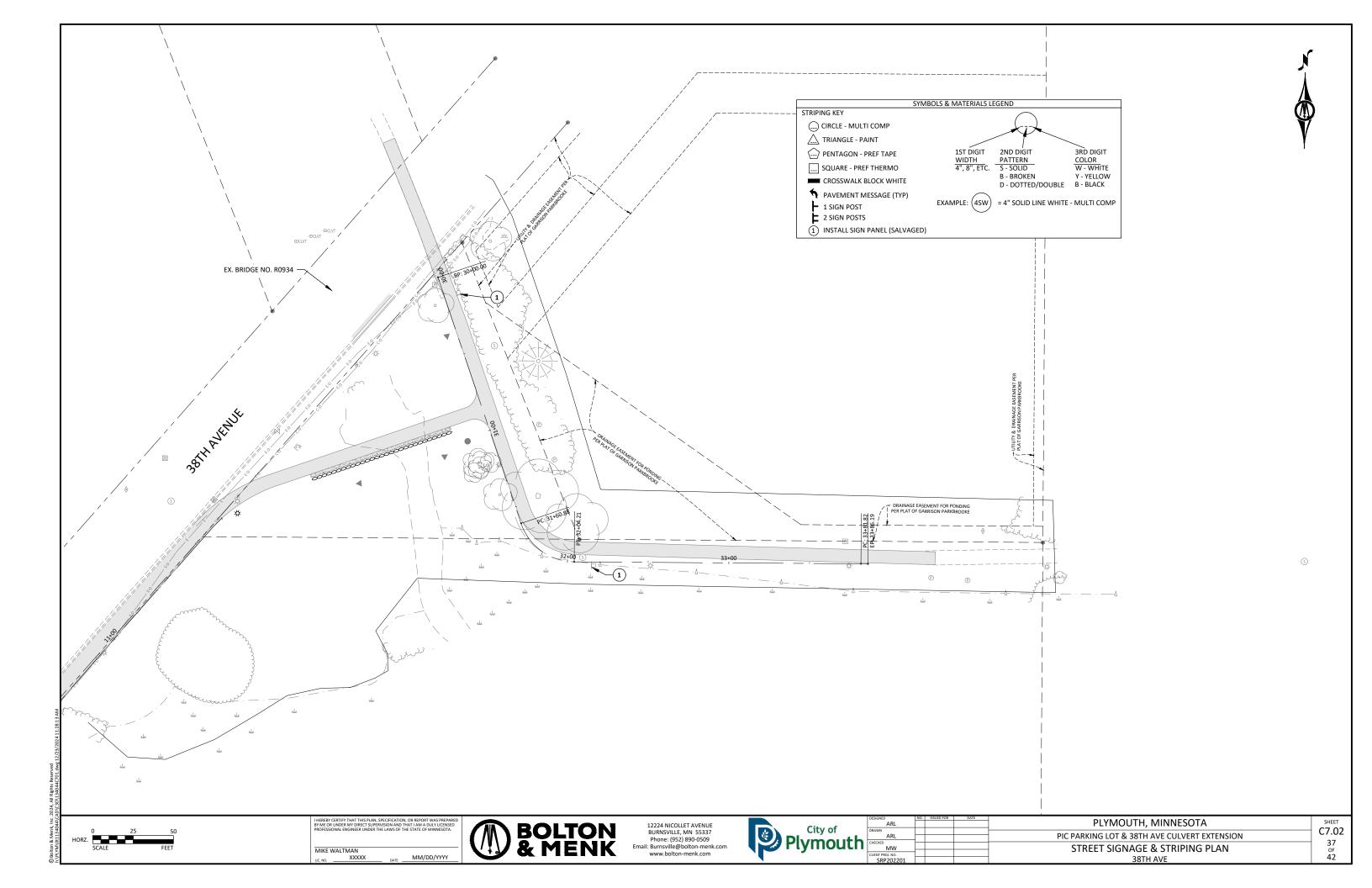




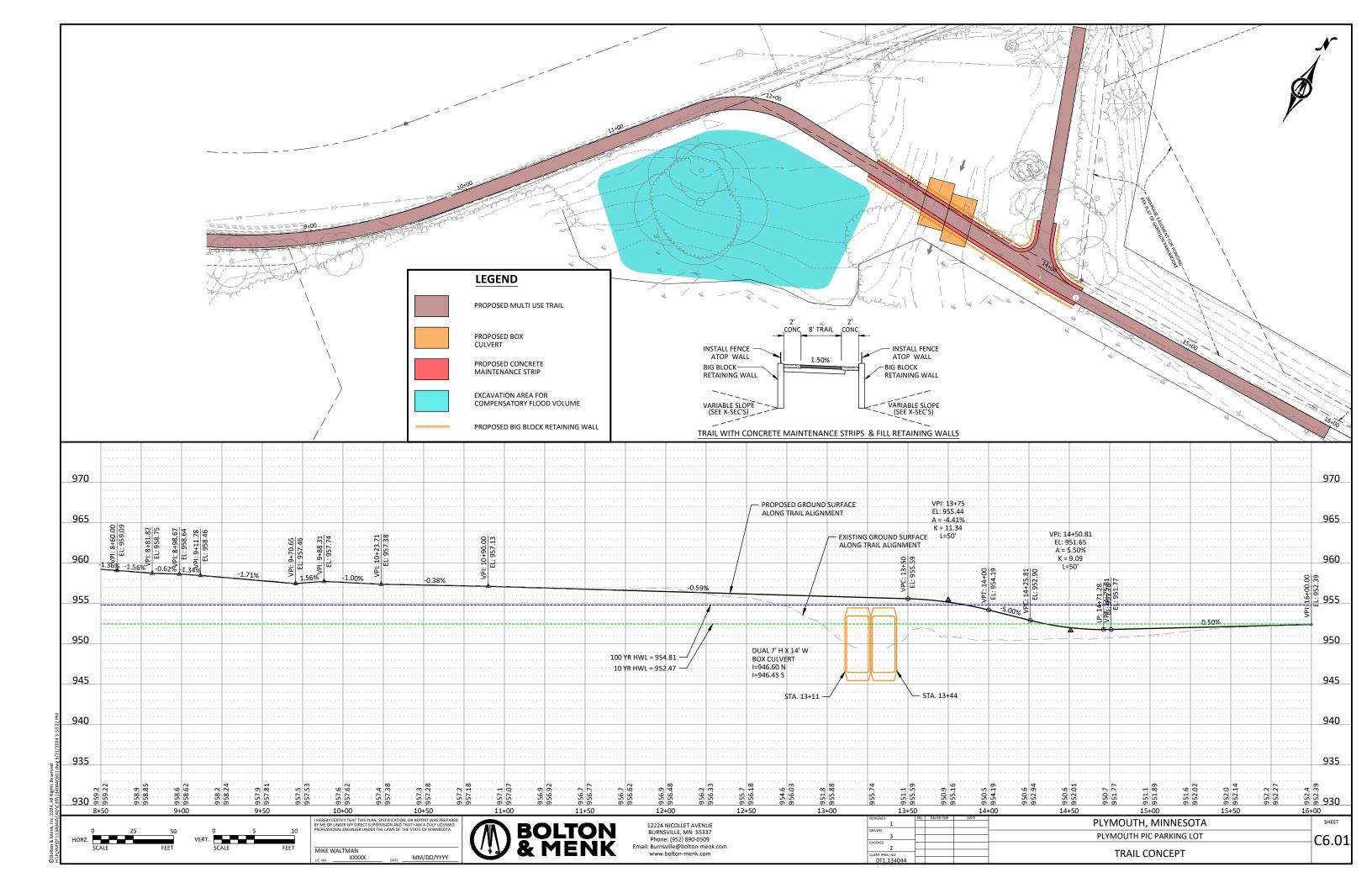
















# United States Department of the Interior



#### FISH AND WILDLIFE SERVICE

Minnesota-Wisconsin Ecological Services Field Office 3815 American Blvd East Bloomington, MN 55425-1659 Phone: (952) 858-0793

In Reply Refer To: 12/19/2024 16:11:32 UTC

Project code: 2025-0015673

Project Name: Plymouth PIC Parking Lot & Trail Improvements

Subject: Verification letter for 'Plymouth PIC Parking Lot & Trail Improvements' for specified

threatened and endangered species that may occur in your proposed project location consistent with the Minnesota-Wisconsin Endangered Species Determination Key

(Minnesota-Wisconsin DKey).

#### Dear Chad Ponce:

The U.S. Fish and Wildlife Service (Service) received on **December 19, 2024** your effect determination(s) for the 'Plymouth PIC Parking Lot & Trail Improvements' (Action) using the Minnesota-Wisconsin DKey within the Information for Planning and Consultation (IPaC) system. You have submitted this key to satisfy requirements under Section 7(a)(2). The Service developed this system in accordance of with the Endangered Species Act of 1973 (ESA) (87 Stat. 884. as amended; 16 U.S.C 1531 et seq.).

Based on your answers and the assistance of the Service's Minnesota-Wisconsin DKey, you made the following effect determination(s) for the proposed Action:

Species	<b>Listing Status</b>	Determination
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Rusty Patched Bumble Bee (Bombus affinis)	Endangered	NLAA
Salamander Mussel (Simpsonaias ambigua)	Proposed	May affect
	Endangered	
Whooping Crane (Grus americana)	Experimental	No effect
	Population, Non-	
	Essential	

#### **Determination Information**

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Minnesota and Wisconsin. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided

here. This verification period allows the Minnesota-Wisconsin Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Minnesota-Wisconsin Ecological Services Field Office may request additional information to verify the effects determination reached through the Minnesota-Wisconsin DKey.

#### **Additional Information**

**Sufficient project details:** Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

**Future project changes:** The Service recommends that you contact the Minnesota-Wisconsin Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

**For non-Federal representatives:** Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. Please include the Federal action agency in additional correspondence regarding this project.

#### **Species-specific information**

**Bald and Golden Eagles:** Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

The following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

• Northern Long-eared Bat *Myotis septentrionalis* Endangered

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<u>Coordination with the Service is not complete if additional coordination is advised above for any species.</u>

#### **Action Description**

You provided to IPaC the following name and description for the subject Action.

#### 1. Name

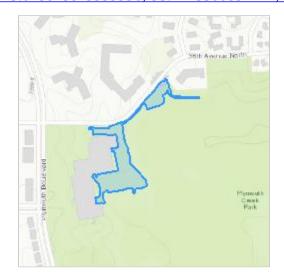
Plymouth PIC Parking Lot & Trail Improvements

#### 2. Description

The following description was provided for the project 'Plymouth PIC Parking Lot & Trail Improvements':

The City of Plymouth is planning to improve trail access from the Plymouth Ice Center parking lot to the existing city trail to the northeast. Currently, the existing city trail's approach to 38th Avenue North from the east at Plymouth Creek is a steep incline which is not ADA compliant. In order to meet ADA compliance, the trail's approach to 37th Avenue North will be moved to the southwest at lower inclines. The new trail approach will require a 45-feet extension of the culvert outfalls carrying flow from Plymouth Creek. Two existing stormwater pipes will be redirected to drain below the trail and outfall just downstream of the extended culverts. The temporary diversion of flow from Plymouth Creek will be required to perform the work within the channel. Also, at the request of DNR, additional excavation will occur southeast of the culvert extension in order to mitigate the impact to the floodplain caused by the culvert extension.

The approximate location of the project can be viewed in Google Maps: <a href="https://www.google.com/maps/@45.023875849999996">https://www.google.com/maps/@45.023875849999996</a>,-93.4745300831244.14z



## **QUALIFICATION INTERVIEW**

1. This determination key is intended to assist the user in evaluating the effects of their actions on Federally listed species in Minnesota and Wisconsin. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Additionally, this key DOES NOT cover wind development, purposeful take (e.g., for research or surveys), communication towers that have guy wires or are over 450 feet in height, aerial or other large-scale application of any chemical (such as insecticide or herbicide), and approval of long-term permits or plans (e.g., FERC licenses, HCP's).

Click **YES** to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

2. Is the action being funded, authorized, or carried out by a Federal agency? *Yes* 

3. Are you the Federal agency or designated non-federal representative? *No* 

4. Does the action involve the installation or operation of wind turbines?

5. Does the action involve purposeful take of a listed animal? *No* 

6. Does the action involve a new communications tower?

No

7. Does the activity involve aerial or other large-scale application of ANY chemical, including pesticides (insecticide, herbicide, fungicide, rodenticide, etc)?
No

8. Will your action permanently affect local hydrology? *Yes* 

9. Does your project have the potential to impact the riparian zone or indirectly impact a stream/river (e.g., cut and fill; horizontal directional drilling; construction; vegetation removal; pesticide or fertilizer application; discharge; runoff of sediment or pollutants; increase in erosion, etc.)?

**Note:** Consider all potential effects of the action, including those that may happen later in time and outside and downstream of the immediate area involved in the action.

Endangered Species Act regulation defines "effects of the action" to include all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (50 CFR 402.02).

Yes

10. Will your action disturb the ground or existing vegetation?

**Note:** This includes any off-road vehicle access, soil compaction (enough to collapse a rodent burrow), digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application (herbicide, fungicide), vegetation management (including removal or maintenance using equipment or prescribed fire), cultivation, development, etc.

Yes

11. Will your action include spraying insecticides?

No

12. Does your action area occur entirely within an already developed area?

**Note:** Already developed areas are already paved, covered by existing structures, manicured lawns, industrial sites, or cultivated cropland, AND do not contain trees that could be roosting habitat. Be aware that listed species may occur in areas with natural, or semi-natural, vegetation immediately adjacent to existing utilities (e.g. roadways, railways) or within utility rights-of-way such as overhead transmission line corridors, and can utilize suitable trees, bridges, or culverts for roosting even in urban dominated landscapes (so these are not considered "already developed areas" for the purposes of this question). If unsure, select NO..

No

13. [Semantic] Does the project intersect the Salamander mussel AOI?

#### Automatically answered

Yes

14. Does the action include – or is it reasonably certain to result in – construction of one or more new roads or rail lines; the addition of travel lanes that are likely to increase vehicle traffic on one or more existing roads; or other structures or activities that will increase vehicle traffic?

15. Does the action include – or is it reasonably certain to cause – the use of commercial/managed bees (e.g., the use of honeybees or managed bumble bees to pollinate crops).
No

16. Is there habitat for nesting, foraging, and/or overwintering for the rusty patched bumble bee in the action area?

**Note:** Please refer to the ESA Section 7(a)(2) Voluntary Implementation Guidance for Rusty Patched Bumble Bee at: <a href="https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee">https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee</a>. **Yes** 

17. Have survey(s) for rusty patched bumble bees been conducted according to Service-approved protocols?

**Note:** Please refer to survey guidelines at: https://www.fws.gov/media/survey-protocols-rusty-patched-bumble-bee

No

18. Does the action include collection of seed from native species?

No

19. Does the action include, or will it cause the application of insecticides or fungicides; activities to control native rodent species; or planting or seeding of non-native plant species that are likely to degrade the quality of existing rusty patched bumble bee foraging habitat by decreasing the abundance or diversity of native rusty patched bumble bee forage species?

No

20. Will the action include or cause herbicide use?

No

21. Will the action cause ground disturbance that affects more than 0.25 acre (0.1 hectare) of rusty patched bumble bee nesting habitat (upland grasslands, shrublands, and forest and woodland edges that contain native sources of pollen and nectar) in a High Potential Zone during the nesting season?

**Note:** Please refer to the ESA Section 7(a)(2) Voluntary Implementation Guidance for Rusty Patched Bumble Bee at: <a href="https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee">https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee</a>. *No* 

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22. Will the action cause ground disturbance that affects more than 0.25 acre (0.1 hectare) of rusty patched bumble bee overwintering habitat (forest or woodland that contains native plants that provide pollen and nectar) in a High Potential Zone during the overwintering period?

**Note:** Please refer to the ESA Section 7(a)(2) Voluntary Implementation Guidance for Rusty Patched Bumble Bee at: <a href="https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee">https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee</a>. **No** 

23. Will the action cause effects to vegetation in rusty patched bumble bee habitat during the nesting period?

Effects could occur as a result of mowing, cutting, grazing, prescribed fire, tree removal, spot-application of herbicide, tree clearing, and/or other activities.

**Note:** Please refer to the ESA Section 7(a)(2) Voluntary Implementation Guidance for Rusty Patched Bumble Bee at: <a href="https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee">https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee</a>. **Yes** 

24. Will the action cause effects during the nesting period to 2.0 acres (0.8 ha) or more of foraging habitat? This excludes effects to vegetation in newly planted habitats if they occur before the beginning of the third growing season after the initial seeding.

**Note:** Please refer to the ESA Section 7(a)(2) Voluntary Implementation Guidance for Rusty Patched Bumble Bee at: <a href="https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee">https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee</a>.

No

25. Does the action include the use of prescribed fire during the overwintering period that will affect any rusty patched bumble bee habitat that contains trees?

**Note:** Please refer to the ESA Section 7(a)(2) Voluntary Implementation Guidance for Rusty Patched Bumble Bee at: <a href="https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee">https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee</a>. *No* 

26. Will the action result in the permanent removal or conversion of any existing rusty patched bumble bee habitat at any time of the year?

**Note:** Please refer to the ESA Section 7(a)(2) Voluntary Implementation Guidance for Rusty Patched Bumble Bee at: <a href="https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee">https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee</a>. Yes

27. Will the action result in the permanent removal or conversion of more than 2.0 acres (0.8 ha) of rusty patched bumble bee habitat at any time of the year?

**Note:** Please refer to the ESA Section 7(a)(2) Voluntary Implementation Guidance for Rusty Patched Bumble Bee at: <a href="https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee">https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee</a>. **No** 

- 28. Have you determined that the action will have no effect on individuals within the whooping crane nonessential experimental population (NEP)?

  Yes
- 29. [Hidden Semantic] Does the action area intersect the monarch butterfly species list area? **Automatically answered**Yes
- 30. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project.

Are you making a "no effect" determination for monarch?

No

31. Is this project funded, authorized, or carried out by the U.S. Fish and Wildlife Service? *No* 

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# **IPAC USER CONTACT INFORMATION**

Agency: Plymouth city Name: Chad Ponce

Address: 116 North Markley Street, Suite 101

City: Greenville

State: SC Zip: 29601

Email chad.ponce@bolton-menk.com

Phone: 8432863631

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers



# United States Department of the Interior



#### FISH AND WILDLIFE SERVICE

Minnesota-Wisconsin Ecological Services Field Office 3815 American Blvd East Bloomington, MN 55425-1659 Phone: (952) 858-0793

In Reply Refer To: 01/02/2025 15:03:42 UTC

Project code: 2025-0015673

Project Name: Plymouth PIC Parking Lot & Trail Improvements

Federal Nexus: yes

Federal Action Agency (if applicable): Army Corps of Engineers

**Subject:** Federal agency coordination under the Endangered Species Act, Section 7 for

'Plymouth PIC Parking Lot & Trail Improvements'

#### Dear Chad Ponce:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on January 02, 2025, for 'Plymouth PIC Parking Lot & Trail Improvements' (here forward, Project). This project has been assigned Project Code 2025-0015673 and all future correspondence should clearly reference this number. Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.

#### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (DKey), invalidates this letter. Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid. Note that conservation measures for northern long-eared bat and tricolored bat may differ. If both bat species are present in the action area and the key suggests more conservative measures for one of the species for your Project, the Project may need to apply the most conservative measures in order to avoid adverse effects. If unsure which conservation measures should be applied, please contact the appropriate Ecological Services Field Office.

**Determination for the Northern Long-Eared Bat and Tricolored Bat** 

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

SpeciesListing StatusDeterminationNorthern Long-eared Bat (Myotis septentrionalis)EndangeredNLAA

Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that consultation on the Action is <u>complete</u> for northern long-eared bat and/or tricolored bat and no further action is necessary unless either of the following occurs:

- new information reveals effects of the action that may affect the northern long-eared bat or tricolored bat in a manner or to an extent not previously considered; or,
- the identified action is subsequently modified in a manner that causes an effect to the northern long-eared bat or tricolored bat that was not considered when completing the determination key.

#### 15-Day Review Period

As indicated above, the Service will notify you within 15 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for the northern long-eared bat and/or tricolored bat. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key. In such cases, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northern Long-eared Bat and Tricolored Bat DKey.

#### Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly Danaus plexippus Proposed Threatened
- Rusty Patched Bumble Bee Bombus affinis Endangered
- Salamander Mussel Simpsonaias ambigua Proposed Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

You may coordinate with our Office to determine whether the Action may affect the species and/ or critical habitat listed above. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the Minnesota-Wisconsin Ecological Services Field Office and reference Project Code 2025-0015673 associated with this Project.

#### **Action Description**

You provided to IPaC the following name and description for the subject Action.

#### 1. Name

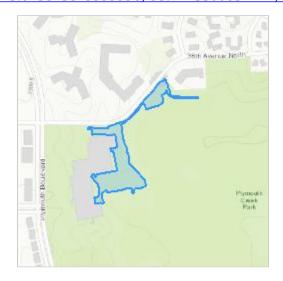
Plymouth PIC Parking Lot & Trail Improvements

#### 2. Description

The following description was provided for the project 'Plymouth PIC Parking Lot & Trail Improvements':

The City of Plymouth is planning to improve trail access from the Plymouth Ice Center parking lot to the existing city trail to the northeast. Currently, the existing city trail's approach to 38th Avenue North from the east at Plymouth Creek is a steep incline which is not ADA compliant. In order to meet ADA compliance, the trail's approach to 37th Avenue North will be moved to the southwest at lower inclines. The new trail approach will require a 45-feet extension of the culvert outfalls carrying flow from Plymouth Creek. Two existing stormwater pipes will be redirected to drain below the trail and outfall just downstream of the extended culverts. The temporary diversion of flow from Plymouth Creek will be required to perform the work within the channel. Also, at the request of DNR, additional excavation will occur southeast of the culvert extension in order to mitigate the impact to the floodplain caused by the culvert extension.

The approximate location of the project can be viewed in Google Maps: <a href="https://www.google.com/maps/@45.023875849999996">https://www.google.com/maps/@45.023875849999996</a>,-93.4745300831244.14z



# **DETERMINATION KEY RESULT**

Based on the answers provided, the proposed Action is consistent with a determination of "may affect, but not likely to adversely affect" for a least one species covered by this determination key.

## **QUALIFICATION INTERVIEW**

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

#### Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

#### Automatically answered

No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

6. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

Yes

9. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

#### Automatically answered

No

10. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

11. Does the action area contain (1) talus or (2) anthropogenic or naturally formed rock shelters or crevices in rocky outcrops, rock faces or cliffs?

No

12. Will the action cause effects to a bridge?

**Note:** Covered bridges should be considered as bridges in this question.

Nο

13. Will the action result in effects to a culvert or tunnel at any time of year?

Yes

14. Does the culvert or tunnel equal or exceed 23 feet (7.0 meters) in length?

Yes

15. Do the interior dimensions of the culvert or tunnel **equal or exceed 4.5 feet (1.3 meters) in height (minimum height for northern long-eared bat)**?

16. Are trees present within 1000 feet of the action area?

**Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <a href="https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines">https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines</a>.

Yes

17. Does the action include the intentional exclusion of bats from a building or structure?

**Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

- 18. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) known or suspected to contain roosting bats?
  No
- 19. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

20. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

**Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

21. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

22. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

**Note:** For information regarding NSF/ANSI 60 please visit <a href="https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects">https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects</a>

No

23. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

Nc

24. Will the action include drilling or blasting?

No

- 25. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

  No
- 26. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

  No
- 27. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season?

Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <a href="https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines">https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines</a>.

28. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable northern long-eared bat or tricolored bat roosting habitat?

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <a href="https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines">https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines</a>.

No

29. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

30. Will the proposed action occur exclusively in an already established and currently maintained utility right-of-way?

No

31. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

**Note:** A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property. *No* 

32. Does the project intersect with the 0-9.9% forest density category?

#### Automatically answered

Yes

33. Does the project intersect with the 10.0- 19.9% forest density category map?

#### Automatically answered

Νo

34. Does the project intersect with the 20.0- 29.9% forest density category map?

#### Automatically answered

No

35. Does the project intersect with the 30.0- 100% forest density category map?

#### Automatically answered

No

36. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 0.5 acre in total extent?

37. Will the proposed action result in the use of prescribed fire?

**Note:** If the prescribed fire action includes other activities than application of fire (e.g., tree cutting, fire line preparation) please consider impacts from those activities within the previous representative questions in the key. This set of questions only considers impacts from flame and smoke.

No

38. Does the action area intersect the northern long-eared bat species list area?

#### Automatically answered

Yes

39. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

#### Automatically answered

No

40. [Semantic] Is the action area located within 150 feet of a documented northern long-eared bat roost site?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

#### Automatically answered

No

41. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?

If unsure, answer "Yes."

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <a href="https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines">https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines</a>.

Yes

42. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's <u>Range-wide Indiana Bat and Northern Long-Eared Bat Survey</u> <u>Guidelines</u> been conducted within the project area?

Νo

43. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags ≥3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <a href="https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines">https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines</a>.

Yes

44. Will any tree cutting/trimming or other knocking or bringing down of trees occur during the **Summer Occupancy season** for northern long-eared bats in the action area?

**Note:** Bat activity periods for your state can be found in Appendix L of the Service's Range-wide Indiana Bat and Northern long-eared Bat Survey <u>Guidelines</u>.

No

45. Do you have any documents that you want to include with this submission? *No* 

# **PROJECT QUESTIONNAIRE**

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0.15

# **IPAC USER CONTACT INFORMATION**

Agency: Plymouth city Name: Chad Ponce

Address: 116 North Markley Street, Suite 101

City: Greenville

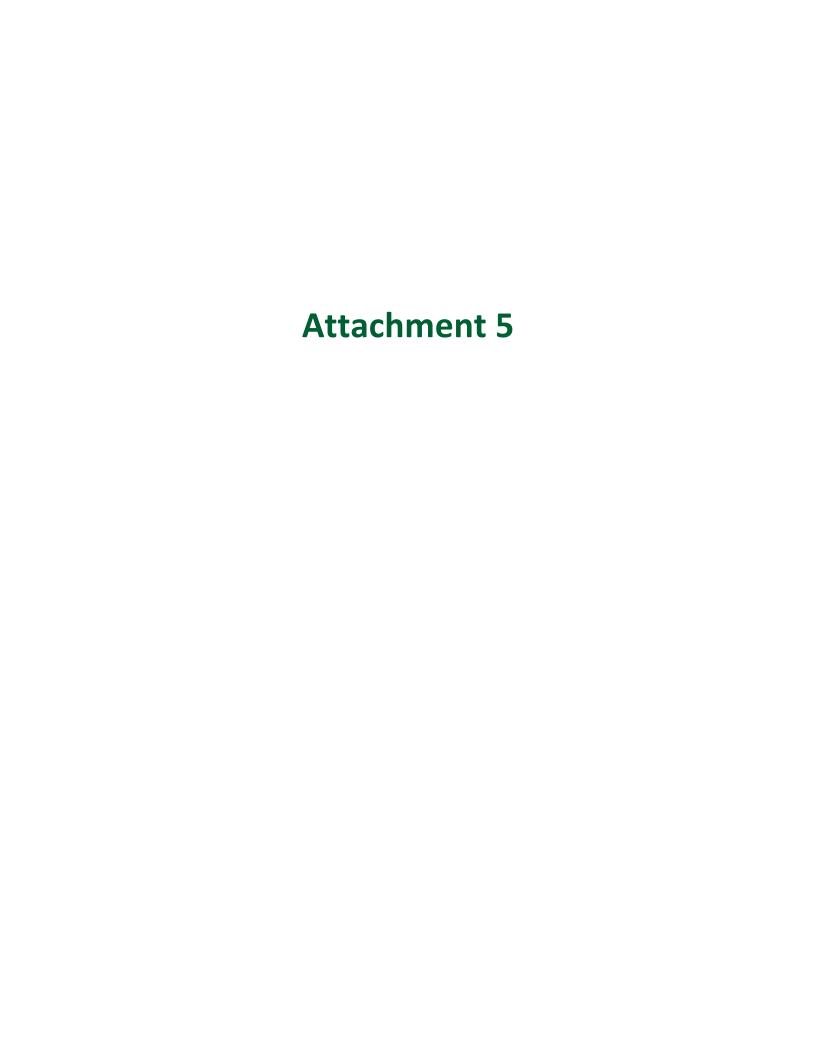
State: SC Zip: 29601

Email chad.ponce@bolton-menk.com

Phone: 8432863631

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers





# Formal Natural Heritage Review - Cover Page

See next page for results of review. A draft watermark means the project details have not been finalized and the results are not official.

Project Name: PIC Parking Lot & Trail Improvements

**Project Proposer:** City of Plymouth

Project Type: Trails, Other

**Project Type Activities:** Tree Removal; Waterbody or watercourse impacts (e.g., dewatering, discharge, excavation, fill, runoff, sedimentation, changes in hydrology)); Wetland impacts (e.g., dewatering, tiling, drainage, discharge, excavation, fill, runoff, sedimentation, changes in hydrology)

TRS: T118 R22 S16
County(s): Hennepin

DNR Admin Region(s): Central

Reason Requested: Local Government Permit, DNR Permit or License

Project Description: The City of Plymouth is planning to improve trail access from the Plymouth Ice Center

parking lot to the existing city trail to the northeast. Currently,  $\dots$ 

**Existing Land Uses:** Developed with parking lot, sidewalk, trail.

Landcover / Habitat Impacted: stream, wetland, upland vegetated with grass and trees

Waterbodies Affected: Bassett Creek - flow rerouted during construction, culverts extended for trail

Wetland adjacent to stream impacted by grading

Groundwater Resources Affected: none Previous Natural Heritage Review: No

Previous Habitat Assessments / Surveys: No

#### SUMMARY OF AUTOMATED RESULTS

Category	Results	Response By Category
Project Details	Comments	Tree Removal - Recommendations
Ecologically Significant Area	No Comments	No Further Review Required
State-Listed Endangered or Threatened Species	No Comments	No Further Review Required
State-Listed Species of Special Concern	No Comments	No Further Review Required
Federally Listed Species	Comments	RPBB High Potential Zone



Minnesota Department of Natural Resources Division of Ecological & Water Resources 500 Lafayette Road, Box 25 St. Paul, MN 55155-4025

October 23, 2024

Project ID: MCE #2024-00891

Chad Ponce Bolton & Menk, Inc. 1960 Premier Drive Mankato, MN 56001

RE: Automated Natural Heritage Review of the proposed PIC Parking Lot & Trail Improvements See Cover Page for location and project details.

Dear Chad Ponce,

As requested, the above project has been reviewed for potential effects to rare features. Based on this review, the following rare features may be adversely affected by the proposed project:

#### Project Type and/or Project Type Activity Comments

• The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed below, all of Minnesota's bats, including the federally endangered northern long-eared bat (<u>Myotis septentrionalis</u>), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided from June 1 through August 15.

#### Ecologically Significant Area

No ecologically significant areas have been documented in the vicinity of the project.

#### State-Listed Endangered or Threatened Species

No state-listed endangered or threatened species have been documented in the vicinity of the project.

#### State-Listed Species of Special Concern

No state-listed species of special concern have been documented in the vicinity of the project.

#### Federally Listed Species

• The area of interest overlaps with a U.S Fish and Wildlife Service (USFWS) Rusty Patched Bumble Bee High Potential Zone. The rusty patched bumble bee (Bombus affinis) is federally listed as

endangered and is likely to be present in suitable habitat within High Potential Zones. From April through October this species uses underground nests in upland grasslands, shrublands, and forest edges, and forages where nectar and pollen are available. From October through April the species overwinters under tree litter in upland forests and woodlands. The rusty patched bumble bee may be impacted by a variety of land management activities including, but not limited to, prescribed fire, tree-removal, haying, grazing, herbicide use, pesticide use, land-clearing, soil disturbance or compaction, or use of non-native bees. If applicable, the DNR recommends reseeding disturbed soils with native species of grasses and forbs using <a href="BWSR Seed Mixes">BWSR Seed Mixes</a> or <a href="MnDOT Seed Mixes">MnDOT Seed Mixes</a>. To ensure compliance with federal law, please conduct a federal regulatory review using the U.S. Fish and Wildlife Service's online <a href="Information for Planning and Consultation (IPaC) tool">Information for Planning and Consultation (IPaC) tool</a>. Please note that all projects, regardless of whether there is a federal nexus, are subject to federal take prohibitions. The IPaC review will determine if prohibited take is likely to occur and, if not, will generate an automated letter. The <a href="USFWS RPBB guidance">USFWS RPBB guidance</a> provides guidance on avoiding impacts to rusty patched bumble bee and a key for determining if actions are likely to affect the species; the determination key can be found in the appendix.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and the project description provided on the cover page. If project details change or construction has not occurred within one year, please resubmit the project for review before initiating project activities.

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential impacts to these rare features. For information on the environmental review process or other natural resource concerns, you may contact your <u>DNR Regional Environmental Assessment Ecologist</u>.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

Jim Drake Jim Drake Natural Heritage Review Specialist James.F.Drake@state.mn.us

Links: USFWS Information for Planning and Consultation (IPaC) tool
Information for Planning and Consultation (IPaC) tool
DNR Regional Environmental Assessment Ecologist Contact Info
https://www.dnr.state.mn.us/eco/ereview/erp\_regioncontacts.html

# PIC Parking Lot & Trail Improvements Aerial Imagery With Locator Map



# PIC Parking Lot & Trail Improvements USA Topo Basemap With Locator Map

