

## Minnesota Wetland Conservation Act Notice of Decision

<b>Local Government Unit:</b> Minnehaha Creek Watershed District	<b>County:</b> Hennepin
<b>Applicant Name:</b> Robert P. & Karen Berrell	<b>Applicant Representative:</b> Tim Johnson, Livit Site + Structure
<b>Project Name:</b> 2740 White Oak Circle, Orono	<b>LGU Project No. (if any):</b>
<b>Date Complete Application Received by LGU:</b> 08/13/2019	
<b>Date of LGU Decision:</b> 12/12/2019	
<b>Date this Notice was Sent:</b> 12/12/2019	

**WCA Decision Type** - check all that apply

<input checked="" type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Bank Plan (not credit purchase)
<input type="checkbox"/> No-Loss (8420.0415)	<input type="checkbox"/> Exemption (8420.0420)		
Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H		Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9	

**Replacement Plan Impacts** (replacement plan decisions only)

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

**Technical Evaluation Panel Findings and Recommendations (attach if any)**

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

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

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

**LGU Findings** – Attach document(s) and/or insert narrative providing the basis for the LGU decision<sup>1</sup>.

<input type="checkbox"/> Attachment(s) (specify): <input checked="" type="checkbox"/> Summary: Robert P. and Karen Berrell have applied for a wetland boundary & type confirmation for the wetlands located at 2740 White Oak Circle, Orono, Hennepin County, Minnesota. Legal description: Legal description: Southeast ¼ of Section 04, Township 117N, Range 23W. The boundary & type approval was requested August 13, 2019.  A wetland delineation was conducted by Kjolhaug Environmental on May 5, 2019. Two wetlands were delineated within the project area. Wetland 1 was identified as a Type 3 (PEM1C) shallow marsh. Wetland 2 was identified as a Type 1 (PFO1A) forested seasonally flooded basin.
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MCWD, BWSR, and Hennepin County reviewed the boundaries in the field on September 4, 2019 . MCWD was in agreement with the wetland boundaries and types identified on site and shown in the delineation report.

MCWD approves the wetland boundaries and types as shown in the delineation report. This decision is valid for five years. A future project located on this property may require a permit from the MCWD.

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

### Attached Project Documents

Site Location Map     Project Plan(s)/Descriptions/Reports (specify):    Wetland Delineation Exhibit

### Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator  
Minnesota Board of Water & Soils Resources  
520 Lafayette Road North  
St. Paul, MN 55155  
[travis.germundson@state.mn.us](mailto:travis.germundson@state.mn.us)

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

Yes<sup>1</sup>         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, submittal requirements, fees, etc. as applicable)

Appeal of an LGU staff decision. Send petition and \$100 fee to:  
Minnehaha Creek Watershed District  
15320 Minnetonka Boulevard  
Minnetonka, MN 55345  
[wca@minnehahacreek.org](mailto:wca@minnehahacreek.org)

### Notice Distribution (include name)

*Required on all notices:*

SWCD TEP Member: Stacey Lijewski-[stacey.lijewski@co.hennepin.mn.us](mailto:stacey.lijewski@co.hennepin.mn.us)  
 BWSR TEP Member: Ben Carson- [ben.carlson@state.mn.us](mailto:ben.carlson@state.mn.us)  
 LGU TEP Member (if different than LGU contact):  
 DNR Representative: Leslie Parris -[leslie.parris@state.mn.us](mailto:leslie.parris@state.mn.us)  
 Watershed District or Watershed Mgmt. Org.:  
 Applicant: Karen Berrell – [kkberr@gmail.com](mailto:kkberr@gmail.com)  
 Agent/Consultant: Tim Johnson – [tjohnson@livitsitestructure.com](mailto:tjohnson@livitsitestructure.com)

*Optional or As Applicable:*

Corps of Engineers: [usace\\_requests\\_mn@usace.army.mil](mailto:usace_requests_mn@usace.army.mil)  
 BWSR Wetland Mitigation Coordinator (required for bank plan applications only):  
 Members of the Public (notice only): City Staff     Other: Mark Kjolhaug – [mkjol@kjolhaugenv.com](mailto:mkjol@kjolhaugenv.com)

<b>Signature:</b>  Heidi Quinn, MCWD Permitting Technician	<b>Date:</b> 12/12/2019
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**This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.**