

Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit: Minnehaha Creek Watershed District	County: Hennepin
Applicant Name: Daryl & Kristi Emery Applicant Representative: Faith Holaday – Kjolhaug Environmental Services	
Project Name: 3740 & 3760 Togo Road	
LGU Project No. (if any): W42-021	
Date Complete Application Received by LGU: 6/10/2024	
Date of LGU Decision: 8/5/2024	
Date this Notice was Sent: 8/5/2024	

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 checked="" type="checkbox"/> H		Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9	

Replacement Plan Impacts (replacement plan decisions only)

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

Technical Evaluation Panel Findings and Recommendations (attach if any)

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

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

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

LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision¹.

<input checked="" type="checkbox"/> Attachment(s) (specify): The updated wetland delineation report is attached. <input checked="" type="checkbox"/> Summary: Daryl and Kristi Emery have applied for wetland boundary/type approval for the wetlands located on/at 3740 & 3760 Togo Rd, Orono. A wetland delineation was conducted by Kjolhaug on 4/15/2024. The delineation shows 1 wetlands within the project area.
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MCWD Staff reviewed the boundaries in the field on 7/18/2024. Some of the flags were underwater so photos were sent to Kjolhaug with the proposal to move the boundary upland in the areas which were saturated. There was a clear topography change that the boundary was adjusted to and sent back out to the TEP. Those updated boundaries are included in the attached updated 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.

¹ Findings must consider any TEP recommendations.

Attached Project Documents

☐ Site Location Map ☐ Project Plan(s)/Descriptions/Reports (specify):

Appeals of LGU Decisions

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

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

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

☒ Yes¹ ☐ No

¹If yes, all appeals must first be considered via the local appeals process.

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)

Send petition and \$100 fee to:
Minnehaha Creek Watershed District
ATTN: Permitting
15320 Minnetonka Blvd
Minnetonka, MN 55345

Notice Distribution (include name)

Required on all notices:

- | |
|--|
| <input checked="" type="checkbox"/> SWCD TEP Member: Stacey Lijewski- stacey.lijewski@co.hennepin.mn.us |
| <input checked="" type="checkbox"/> BWSR TEP Member: Jed Chesnut – jed.chesnut@state.mn.us |
| <input type="checkbox"/> LGU TEP Member (if different than LGU contact): |
| <input checked="" type="checkbox"/> DNR Representative: Wes Saunders-Pearce – wes.saunders-pearce@state.mn.us |
| <input type="checkbox"/> Watershed District or Watershed Mgmt. Org.: |
| <input checked="" type="checkbox"/> Applicant: Daryl Emery – demery@straubdesign.com |
| <input checked="" type="checkbox"/> Agent/Consultant: Faith Holaday – faith@kjolhaugenv.com |

Optional or As Applicable:

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

Signature: <i>Veronica Sannes</i>	Date: 8/5/2024
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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.