

## Minnesota Wetland Conservation Act Notice of Decision

<b>Local Government Unit:</b> Minnehaha Creek Watershed District	<b>County:</b> Hennepin
<b>Applicant Name:</b> Edward H Hamm, Trustee	
<b>Applicant Representative:</b> Scott Thelen (Pinnacle Engineering)	
<b>Project Name:</b> 485 Orono Orchard Rd. S., 1401 Orono Lane, and 1391 Fox Street, Orono	
<b>LGU Project No. (if any):</b> W21-040	
<b>Date Complete Application Received by LGU:</b> 06/24/2021	
<b>Date of LGU Decision:</b> 08/30/2021	
<b>Date this Notice was Sent:</b> 08/30/2021	

**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
--

**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:
Edward H Hamm, Trustee has applied for a boundary and type approval/confirmation for the wetlands located on/at 485 Orono Orchard Rd. S., 1401 Orono Lane, and 1391 Fox Street, Orono
A wetland delineation was conducted by Pinnacle Engineering on May 10, 2021. The delineation shows 5 wetlands within the project area.

Wetland ID	Delineated Wetland Type	Wetland Size ac/sf		NWI Wetland Type	Dominant Wetland Vegetation	Hydric Soil Indicator	Hydrology
W-1	L2UBH	0.12	5,227	L2UBH	reed canary grass, cattails	Depleted Below Dark Surface (A11)	Saturation (A3), et al.
W-2	PEM1A	0.47	20,473	PEM1A	reed canary grass	Depleted Below Dark Surface (A11)	Saturation (A3), et al.
W-3	PEM1C	0.91	39,640	PEM1C	reed canary grass, cattails, buckthorn	Redox Dark Surface (F6)	Saturation (A3), et al.
W-4	PEM1A	0.26	11,326	PEM1A	reed canary grass, cattails	Depleted Below Dark Surface (A11)	Saturation (A3), et al.
W-5	PEM1C	0.07	3,049	PEM1C	reed canary grass, cattails, buckthorn	Redox Dark Surface (F6)	Saturation (A3), et al.

MCWD, BWSR, and Pinnacle Engineering Staff reviewed the boundaries in the field on July 23, 2021. MCWD and BWSR were 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):

### 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)

**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: Ben Carlson- ben.carlson@state.mn.us
<input type="checkbox"/> LGU TEP Member (if different than LGU contact):
<input checked="" type="checkbox"/> DNR Representative: Melissa Collins- melissa.collins@state.mn.us, Lucas Youngsma- LLucas.youngsma@state.mn.us
<input type="checkbox"/> Watershed District or Watershed Mgmt. Org.:
<input type="checkbox"/> Applicant:
<input checked="" type="checkbox"/> Agent/Consultant: sthelen@pineng.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): <span style="float: right;"><input type="checkbox"/> Other:</span>

<b>Signature:</b>  	<b>Date:</b>  08/30/2021
--	--------------------------------

**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.**