

Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) City of Saint Paul	Address 375 Jackson Street, Suite 220 Saint Paul, MN 55101
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1. PROJECT INFORMATION

Applicant Name Philip Gustafson	Project Name 589 Burlington Road Delineation	Date of Application 6-16-2011	Application Number 10927623
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Attach site locator map.

Type of Decision:

Wetland Boundary or Type
 No-Loss
 Exemption
 Sequencing
 Replacement Plan
 Banking Plan

Technical Evaluation Panel Findings and Recommendation (if any):

Approve
 Approve with conditions
 Deny

Summary (or attach): Corps of Engineers and RWMWD concurred with revised delineation. Other TEP members were silent.

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: **September 2, 2011**

Approved
 Approved with conditions (include below)
 Denied

~~LGU Findings and Conclusions (attach additional sheets as necessary).~~

A wetland type and boundary delineation was performed June 1, 2011. The delineation report identified the area in question as a wet meadow (Circular 39, Type 2). An application for wetland type and boundary determination was received June 20, 2011. The delineation was not done according to the Regional Supplement for the Midwest Region. A re-submittal utilizing the proper form was received July 8, 2011.

An on-site TEP meeting was held August 1, 2011. TEP agencies present included the LGU, BWSR, COE, and RWMWD. TEP observed that wetland indicators appeared weak and recommended a redelineation. A revised delineation was performed August 1, 2011 and received August 9, 2011. The delineation report indicated that only one of three criteria were met for the site (hydric soil) therefore the area in question is non-wetland.

Based on the site visit, TEP observations, and the revised delineation, the LGU finds the August 9, 2011 delineation is valid and concludes that no wetland is present.

For Replacement Plans using credits from the State Wetland Bank:


Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
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Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name Wes Saunders-Pearce	Title Water Resource Coordinator	
Signature 	Date 9/2/2011	Phone Number and E-mail 651-266-9112 wes.saunders-pearce@ci.stpaul.mn.us

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input checked="" type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$490 fee (if applicable) to: Zoning Administrator City of Saint Paul 375 Jackson Street, Ste 220	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North
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4. LIST OF ADDRESSEES

SWCD TEP member: **Ryan Johnson**
 BWSR TEP member: **Lynda Peterson**
 LGU TEP member (if different than LGU Contact):
 DNR TEP member:
 DNR Regional Office (if different than DNR TEP member)
 WD or WMO (if applicable): **Paige Ahlborg, RWMWD**
 Applicant and Landowner (if different)
 Members of the public who requested notice:

 Corps of Engineers Project Manager
 BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

5. MAILING INFORMATION

➤ For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf

➤ For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf

➤ Department of Natural Resources Regional Offices:

<u>NW Region:</u>	<u>NE Region:</u>	<u>Central Region:</u>	<u>Southern Region:</u>
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

➤ For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687
or send to:

US Army Corps of Engineers
St. Paul District, ATTN: OP-R
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

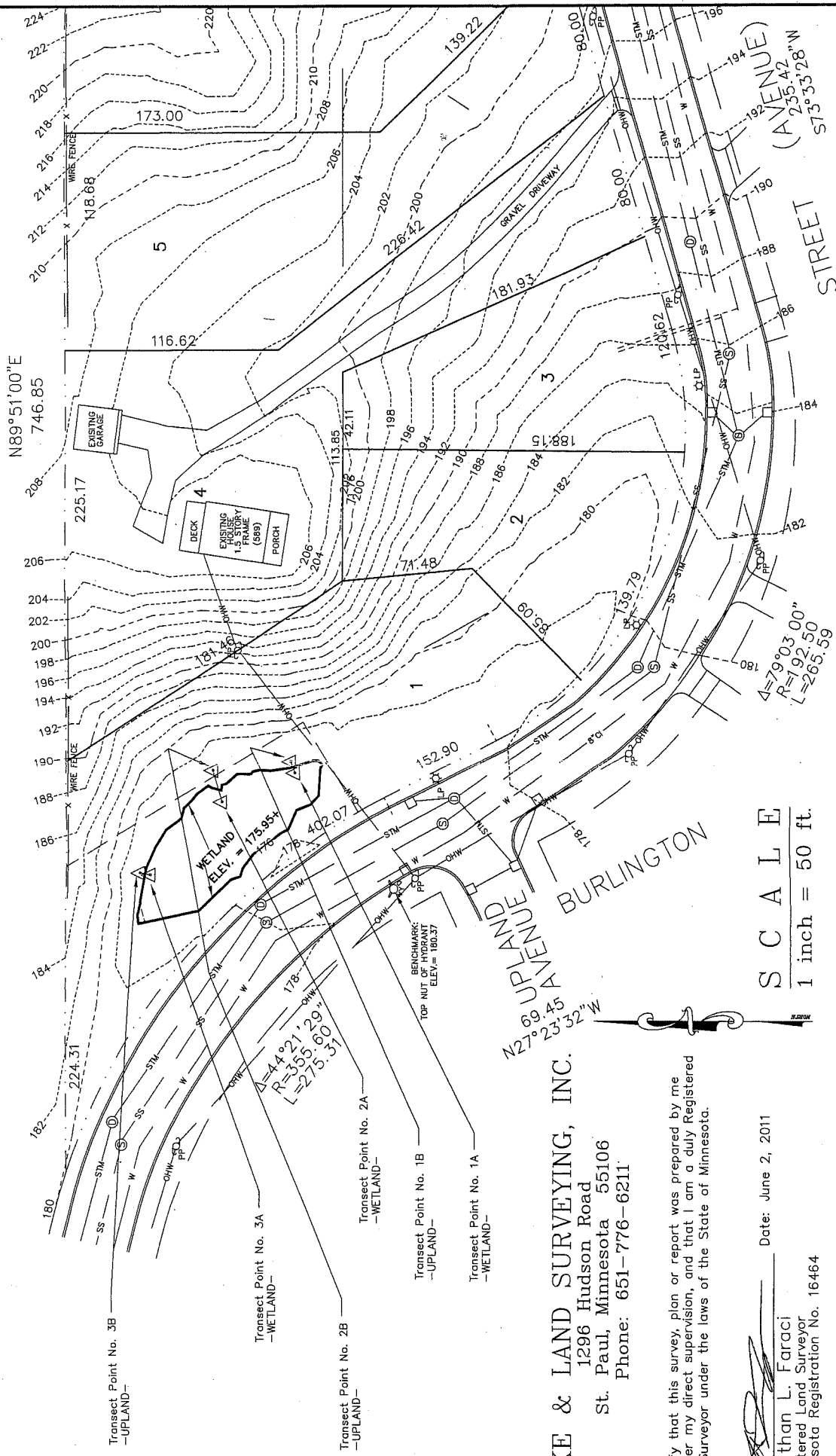
➤ For Wetland Bank Plan applications, also send a copy of the application to:

Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

WETLAND DELINEATION



LAKE & LAND SURVEYING, INC.
 1296 Hudson Road
 St. Paul, Minnesota 55106
 Phone: 651-776-6211

I certify that this survey, plan or report was prepared by me or under my direct supervision, and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

(Signature)
 Jonathan L. Faraci
 Registered Land Surveyor
 Minnesota Registration No. 16464

Date: June 2, 2011

S C A L E
 1 inch = 50 ft.