

Permit Application No.: 17-121

Rules: Stormwater Management, Waterbody Crossings and Structures, Wetland Protection, and Exception

Applicant: **Minnehaha Creek Watershed District**

Received: **3/29/17**

Project: **Minnehaha Preserve Enhancement Project**

Complete: **3/30/17**

Location: **7250 & 7252 Excelsior Boulevard, St. Louis Park Park**

Noticed: **3/30/17**

Recommendation:

Approval with conditions:

Background:

The Minnehaha Creek Watershed District (MCWD or District) has applied for an MCWD permit for Stormwater Management, Waterbody Crossings and Structures, and Wetland Protection- Buffers for the construction of a parking lot and trail-boardwalk to provide access to the Minnehaha Preserve on their property located at 7250 and 7252 Excelsior Boulevard in the City of St. Louis Park.

This Project follows the Japs Olson Redevelopment Project (MCWD Permit 15-413) during which the company demolished the former ApplianceSmart building to build a new parking lot. Under a cooperative agreement between Japs Olson and MCWD, Japs Olson constructed stormwater management filtration basins on the property at 7250 Excelsior Boulevard, then deeded the facilities and residual greenspace (totaling 3.67 acres of land) to MCWD. This project proposes to add a small parking lot and trail on the site to create access and connection to the Minnehaha Preserve boardwalk system that was completed in 2015.

The parking lot (0.17-acre) and trail (0.15-acre) are proposed to add 0.32-acre of impervious surface to the site. The project area drains to Minnehaha Creek.

This permit is before the Board of Managers for determination because the Managers have directed that applications for permits for District Projects must be brought before the Board of Managers for determination. In addition, Project staff has requested approval of an exception from strict compliance with the buffer criteria in Section 5 of the Wetland Protection rule. Under Section 5 the applicant is required to provide a 75-foot base buffer and 40-foot base buffer between the trail and the adjacent wetland complex on site. Due to the location of the existing filtration basins and the wetland complex, the applicant is unable to maintain the minimum 50% buffer width requirement for the wetland or meet the total buffer width requirement. This project is among the outcomes of MCWD's partnership with the Japs Olson Company, owners of parcel adjacent to the west, which has reduced the impervious surface of the site by more than 3 acres and results in greater water resource benefit through wetland vegetation restoration and stormwater management enhancement.

Stormwater Management:

The District exercises regulatory authority for Stormwater Management in the City of St. Louis Park. The Stormwater Management rule is applicable when there is new impervious surface or replacement of existing impervious surface. The Project proposes 0.32-acre of new impervious surface on the 8.27-acre site, therefore the rule is triggered. Under Section 2(d)(2) of the Stormwater Management Rule, the construction of trails or sidewalks that do not exceed 12-feet in width and are bordered on the downgradient side(s) by pervious buffer averaging at least one-half the width of the trail are exempt from the Stormwater Management Rule. The 0.15 acres of imperviousness for the trail as proposed by this project is exempt from meeting Stormwater Management treatment requirements as outlined in the rule since the trail is 6-feet in width and bordered on both sides by pervious buffer greater than 3-feet in width.

For sites undergoing redevelopment that are greater than five acres with less than 40% site disturbance and less than a 50% increase of impervious surface, the project must provide phosphorus, rate, and volume control only for the remaining additional impervious surface.

The Project proposes 0.17-acre or 7,825 square feet of new impervious surface for the construction of the parking lot. Of the proposed 7,825 square foot parking lot, 5,224 square feet is directed to the new filtration system constructed by Japs Olson and 2,601 square feet is directed to the existing Excelsior Pond that the District constructed on adjacent property it owns as part of an earlier phase of the Minnehaha Preserve Project.

To meet the District's volume control rule, the applicant must provide 1,304 cubic-feet (0.03 acre-feet) of abstraction. The volume control for the project will be provided for by the recently constructed Japs-Olson filtration system. This filtration system was oversized for the Japs-Olson and Meadowbrook construction and contains 0.15 acre feet of remaining filtration volume which is more than this project requires. The 5,224 square feet of parking lot that drains to these filtration basins is treated for abstraction.

The Excelsior Pond is designed as a NURP pond and therefore does not meet MCWD volume controls via abstraction. Since 2,601 square feet of the parking lot drains to the Excelsior Pond and abstraction is infeasible due to the existing stormwater management facility design and capability, the Applicant must demonstrate the pond can provide the same Phosphorus reduction as if that portion of drainage was routed to the filtration basins sized to treat 2-inches of runoff (50% abstraction credit given for filtration) under Section 3(c)(2) of the rule. To meet MCWD phosphorus controls, The project is required to provide 0.19lbs of phosphorus removal per year. Currently, the existing filtration system provides 0.16 lbs of total phosphorus removal per year. According to P8 calculations, the Excelsior Pond provides a 33% removal efficiency which removes approximately 16.2 lbs of phosphorus per year from the upstream watershed, thus demonstrating the available capacity to treat for the required remaining 0.03 lbs of total phosphorus removal.

Section 3(c)(2) of the rule also requires that where abstraction is not feasible, the applicant must provide abstraction to the greatest extent feasible, and at least 0.5-inches, and phosphorus control in an amount equivalent to that which would be achieved through abstraction of one inch of rainfall from the site's impervious surfaces. The applicant has demonstrated that abstraction of the 2,601 square feet of impervious that drains to the Excelsior Pond is infeasible due to existing BMP design and capability, and also that the equivalent phosphorus removal is achieved through this facility. However, the Applicant is not able to provide 0.5-inch abstraction over the 2,601 square feet directed to the Excelsior Pond. This requirement is analyzed as an exception as the applicant has demonstrated that the filtration basins are capable of providing abstraction for the entire parking lot and also provide greater stormwater capacity for the entire site.

The rate control requirement mandates that there can be no-net increase in the peak runoff rate for the 1-, 10-, and 100-year storm events at the downgradient property boundary. HydroCAD calculations show that the increase in impervious surface to the existing Excelsior Pond will not cause an increase in rates to Minnehaha Creek. Additionally, rates of water leaving the filtration basins will remain in conformance with the District rules under the original Japs Olson permit.

In accordance with Section 8 (a), there are no new point sources discharged into the adjacent wetlands without pretreatment. Additionally, there are no proposed structures as part of this Project, therefore, Section 3(e) is not included in this analysis.

Stormwater management practices meet the District's requirements upon approval of the Exception for Stormwater Management Section 3(c)(2).

Waterbody Crossings and Structures:

The District exercises regulatory authority for Waterbody Crossings and Structures in the City of St. Louis Park. The Waterbody Crossings and Structures rule is applicable when a boardwalk or associated structure comes in contact with the bed or bank of any waterbody. As part of the proposed project, the District will construct a 70-foot segment of boardwalk to connect the trail to the existing Minnehaha Preserve trail system. The Boardwalk crossing traverses a segment of wetland identified as Preserve on the District's Functional Assessment of Wetlands (FAW) and also a Department of Natural Resources (DNR) Public Water Wetland.

Because the wetland is a public water, paragraph 3(a) of the rule requires the project to meet a demonstrated public benefit. The proposed structure meets the public benefit by addressing one of the District's goals outlined in the 2007 Comprehensive Water Resources Management Plan:

Recreation. Promote the recreational use, where appropriate, of surface waters within MCWD by providing recreation opportunities for citizens by promoting the use and enjoyment of water resources with the intent of increasing the livability and quality of life within the watershed.

This boardwalk crossing has been designed to provide approximately 3-feet of separation above the wetland to allow for bounce and vegetation growth and does not result in an impact to upstream or downstream flood stage

of the wetland, therefore hydraulic capacity is maintained and water quality of the wetland is not adversely impacted. The wetland is not considered navigable therefore analysis of Section 3(c) is not applicable. The boardwalk provides a minimum two-foot upland bank passage to meet the wildlife upland passage requirement of Section 3(d).

Under Section 3(f), the design must represent the minimal impact solution evaluated against two alternative designs. The first alternative would be to avoid the crossing completely, but that would result in a “no-build” scenario which does not meet the goal of the project. The second alternative would be to connect the trail through upland area to the existing trail; however, MCWD does not hold property rights to connect the trail through adjacent upland. The applicant has demonstrated a minimal impact solution through locating the crossing at the narrowest point of the wetland.

The Project as designed meets the District’s Waterbody Crossings and Structures rule.

Wetland Protection:

MCWD is the local government unit charged with administering the Wetland Conservation Act (WCA) within the City of St. Louis Park. A WCA Notice of Decision was issued for the Wetland Boundary and Type on June 7th, 2012. One wetland was identified adjacent to the parcel that is now MCWD Property as part of the Reach 20 Project (Minnehaha Creek Preserve). This project does not propose any wetland impacts; therefore, further approvals under WCA or MCWD’s Wetland Protection Rule as pertains to wetland impacts are not required.

The District exercises regulatory authority for Wetland Protection in the City of St. Louis Park. The buffer requirements of the District’s Wetland Protection rule are applicable for any project triggering the Stormwater Management rule or the Waterbody Crossings and Structures rule.

Under Section 5(a) of the Wetland Protection rule, buffers must be placed adjacent to all wetlands that will be impacted or are downgradient from activity. Therefore, the construction of the trail adjacent to the wetland is subject to this rule.

Buffer width was determined as required under Section 5(b), the management class for the wetland is based on the District’s FAW. Along the project property, approximately 428-linear feet of the wetland downgradient from the areas to be disturbed is classified as Manage 1 and 285 linear feet runs along wetland classified as Preserve. Buffers must be provided around the wetland in accordance with the management class and the buffer averaging allowed under Section 6(e) as shown in the table below.

Monumentation of buffers with language required by paragraph 5 (d) is provided at the locations noted on the site plan included here as Attachment 4. Signs are located every 100 feet meeting the MCWD requirement.

Wetland	Management Class	Base Buffer Width	Required Buffer Width and Area	Provided Buffer Width and Area	Shortfall
Southern Portion	1	40’	20’(min)- 80’ (max) 17,120 SF	8.4’ (min) -67.8’ (max) 13,711 SF	3,409 SF
Northern Portion	Preserve	75’	37.5’ (min)-150’ (max) 21,375 SF	35.1’ (min)-103.3’ (max) 20,141 SF	1,234 SF

The applicant has identified all available buffer space between the trail and the adjacent wetland, however, due to the location of the existing filtration BMPs and the location of the wetland complex, the applicant is unable to meet the minimum buffer width requirement or provide the total area of buffer required for either management class. The shortfall of buffer width and total buffer provided per MCWD buffer requirements is discussed in the exception section below.

A portion of the buffer area is located in proximity to the area of trail construction in such a way that it may be disturbed by construction. Project plans include details providing that in the event that buffer area is disturbed, it will be revegetated in accordance with Section 7 of the Wetland Protection Rule.

Exception:

Under the District’s Exception Rule, the Board of Managers may grant an exception from a provision of these rules requiring a particular treatment method or management method, or setting forth a design specification of such a method, on a determination that the proposed application will achieve a greater degree of water resource protection than would strict compliance with the provision.

Stormwater Management:

Section 3(c)(of the rule also requires that where abstraction is not feasible, the applicant must provide abstraction to the greatest extent feasible, and at least 0.5-inches, and phosphorus control in an amount equivalent to that which would be achieved through abstraction of one inch of rainfall from the site’s impervious surfaces. The applicant has demonstrated that abstraction of the 2,601 square feet of impervious that drains to the Excelsior Pond is infeasible due to existing BMP design and capability, and also that the equivalent phosphorus removal is achieved through this facility. However, the Applicant is not able to provide 0.5-inch abstraction over the 2,601 square feet directed to the Excelsior Pond. This requirement is analyzed as an exception as the applicant has demonstrated that the filtration basins on-site are capable of providing abstraction as it would be required for the entire parking lot 0.03-acre feet for 7,825 square feet of impervious surface, and also have additional stormwater treatment capacity of 0.12-acre-feet of abstraction.

Wetland Protection:

The Applicant is unable to provide the total buffer width required for this project, or minimal buffer width in some locations, due to the location of existing stormwater management filtration basins that were built as part of the Japs Olson Redevelopment Project in agreement with the District.

Wetland buffers are required in order to protect wetlands from polluted run-off from impervious surfaces. A healthy buffer will provide infiltration, reduce runoff rates to the wetland, and provide riparian habitat.

In August 2015, the District executed a Cooperative Agreement with the Japs-Olson Company and the City of St. Louis Park for stormwater management related to the redevelopment project. The collaboratively developed stormwater management agreement obligated Japs-Olson to convey approximately 3.67 acres of land to the District that would be integrated with the District’s contiguous restored Minnehaha Preserve Project. This 3.67 acres of land includes the filtration basin system that provides stormwater management treatment for the Japs Olson redevelopment. The project as a whole resulted in a 3.67 acre decrease of impervious surface, has provided excess stormwater treatment, and has included wetland vegetation restoration, resulting in a recreational and educational benefit to the public and an overall greater natural resource benefit to Minnehaha Creek and adjacent wetlands than would simply meeting the minimum and base buffer width requirements for the adjacent wetlands.

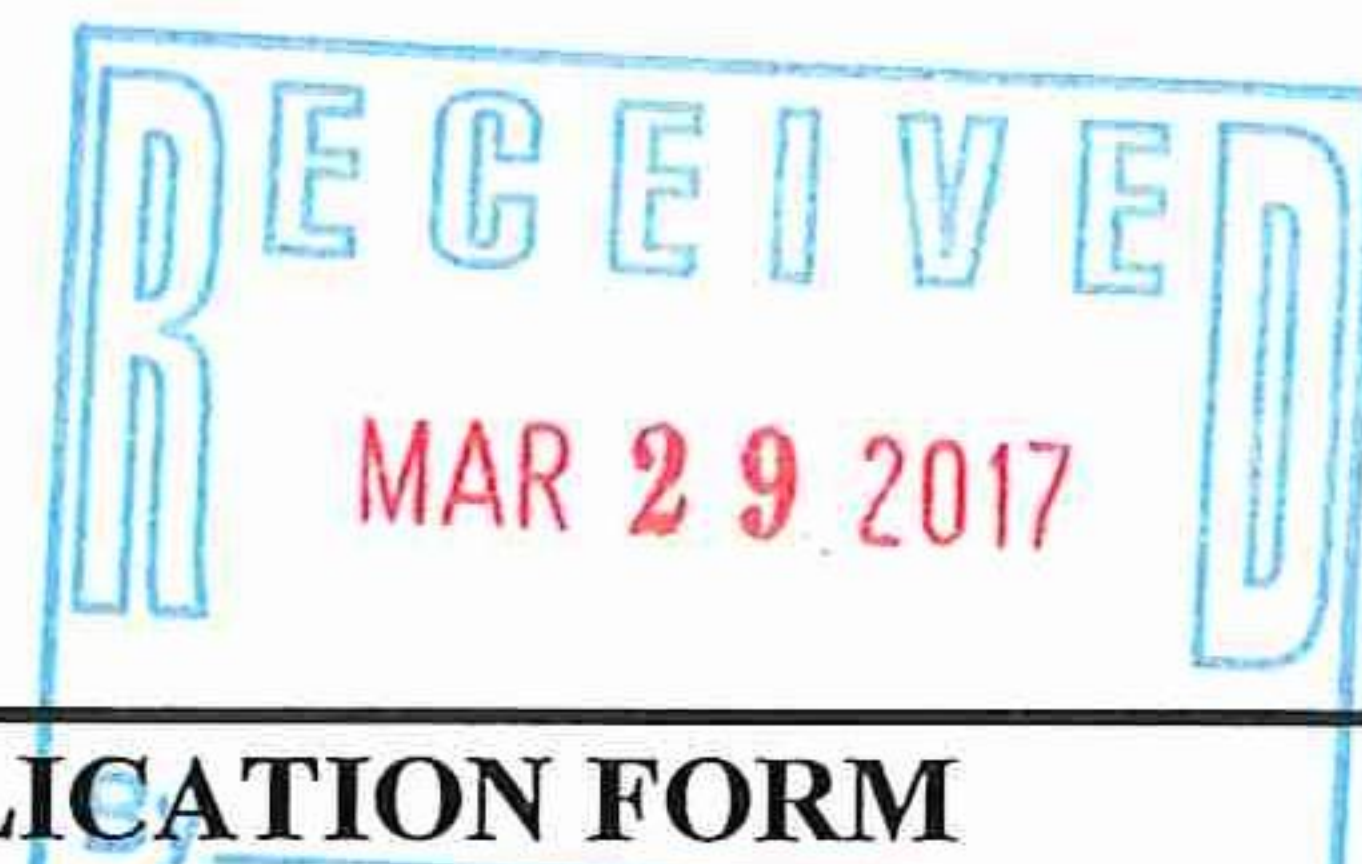
Summary:

The Minnehaha Creek Watershed District is proposing to construct a parking lot, trail and boardwalk connection that will trigger the District’s Stormwater Management, Waterbody Crossings and Structures, and Wetland Protection rules. The project requires an exception to Section 3(c)(2) of the Stormwater Management Rule and the Section 5 of the Wetland Protection Rule. Since this Project is part of previously approved stormwater management and wetland enhancement projects that result in greater green space and stormwater treatment to Minnehaha Creek, staff recommends approval of the MCWD permit application and exception with the conditions provided above.

Attachments:

1. Permit Application
2. Site Location Map
3. Notice of Decision
4. Site Plan

17-121



WATER RESOURCE PERMIT APPLICATION FORM

Use this form to notify/apply to the Minnehaha Creek Watershed District (MCWD) of a proposed project or work which may fall within their jurisdiction. Fill out this form completely and submit with your site plan, maps, etc. to the MCWD at: 15320 Minnetonka Blvd. Minnetonka, MN 55345.

Keep a copy for your records.

YOU MUST OBTAIN ALL REQUIRED AUTHORIZATIONS BEFORE BEGINNING WORK.

1. Name of each property owner: Minnehaha Creek Watershed District
Mailing Address: 15320 Minnetonka Blvd City: Minnetonka State: MN Zip: 55345
Email Address: mhayman@minnehahacreek.org Phone: 952-471-8226 Fax:

2. Property Owner Representative Information (not required) (licensed contractor, architect, engineer, etc...)
Business Name: Minnehaha Creek Watershed District Representative Name: Michael Hayman
Business Address: 15320 Minnetonka Blvd City: Minnetonka State: MN Zip: 55345
Email Address: mhayman@minnehahacreek.org Phone: 952-471-8226 Fax:

3. Project Address: 7250 & 7252 Excelsior Blvd. City: St. Louis Park
State: MN Zip: 55426 Qtr Section(s): SW1/4 Section(s): 20 Township(s): 117 Range(s): 21
Lot: Block: Subdivision: PID: 2011721340001 et. al.

4. Size of project parcel (square feet or acres): 8.27 acres
Area of disturbance (square feet): 39,204 Volume of excavation/fill (cubic yards): 88 CY / 535 CY
Area of existing impervious surface: 0 Area of proposed impervious surface: 0.32 acres
Length of shoreline affected (feet): n/a Waterbody (& bay if applicable): Minnehaha Creek

5. Type of permit being applied for (Check all that apply):
[] EROSION CONTROL [] WATERBODY CROSSINGS/STRUCTURES
[] FLOODPLAIN ALTERATION [] STORMWATER MANAGEMENT
[] WETLAND PROTECTION [] APPROPRIATIONS
[] DREDGING [] ILLICIT DISCHARGE
[] SHORELINE/STREAMBANK STABILIZATION

6. Project purpose (Check all that apply):
[] SINGLE FAMILY HOME [] MULTI FAMILY RESIDENTIAL (apartments)
[] ROAD CONSTRUCTION [] COMMERCIAL or INSTITUTIONAL
[] UTILITIES [] SUBDIVISIONS (include number of lots)
[] DREDGING [] LANDSCAPING (pools, berms, etc.)
[] SHORELINE/STREAMBANK STABILIZATION [] OTHER (DESCRIBE):

7. NPDES/SDS General Stormwater Permit Number (if applicable): n/a

8. Waterbody receiving runoff from site: Minnehaha Creek

9. Project Timeline: Start Date: May 2017 Completion Date: July 2017

Permits have been applied for: City [x] County [] MN Pollution Control Agency [] DNR [] COE []
Permits have been received: City [] County [] MN Pollution Control Agency [] DNR [] COE []

By signing below, I hereby request a permit to authorize the activities described herein. I certify that I am familiar with MCWD Rules and that the proposed activity will be conducted in compliance with these Rules. I am familiar with the information contained in this application and, to the best of my knowledge and belief, all information is true, complete and accurate. I understand that proceeding with work before all required authorizations are obtained may be subject to federal, state and/or local administrative, civil and/or criminal penalties.

Michael Hayman [Signature] 3/21/2017
Signature of Each Property Owner Date



Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) Minnehaha Creek Watershed District	Address 18202 Minnetonka Blvd Deephaven, MN 55391
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1. PROJECT INFORMATION

Applicant Name Minnehaha Creek Watershed District	Project Name Reach 20 Restoration	Date of Application 4/18/12 (completed 5/7/12)	Application Number W12-07
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

<input checked="" type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach): See attached Finding of Fact.		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 6/7/12		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

<p>A wetland delineation was conducted for a proposed project area along the Minnehaha Creek corridor in St. Louis Park (north of Meadowbrook Golf Course) consisting of multiple parcels owned by either the Minnehaha Creek Watershed District or the City of St. Louis Park (PID #2011721230004, #2011721230003, #2011721240001, #2011721240016, #2011721310009, #2011721310008, #2011721240015, and #2011721130006). The delineation was reviewed in the field by members of the Technical Evaluation Panel (Lynda Peterson, BWSR, and Catherine Bach, MCWD) on May 10, 2012 (see attached Finding of Fact). No comments were received during the comment period.</p> <p>The wetland boundaries as flagged in the field and described in the delineation report dated May 10, 2012 is approved by the MCWD. This decision is valid for five years.</p>
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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 Catherine Bach	Title District Technician	
Signature 	Date 6/7/12	Phone Number and E-mail (952) 641-4504 cbach@minnehahacreek.org

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 \$0 fee (if applicable) to: Minnehaha Creek Watershed District 18202 Minnetonka Blvd. Deephaven, MN 55391	<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 St. Paul, MN 55155
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4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/> SWCD TEP member: Stacey Lijewski – Stacey.lijewski@co.hennepin.mn.us <input checked="" type="checkbox"/> BWSR TEP member: Lynda Peterson – Lynda.peterson@state.mn.us <input type="checkbox"/> LGU TEP member (if different than LGU Contact): <input checked="" type="checkbox"/> DNR TEP member: Jack Gleason – john.gleason@state.mn.us <input checked="" type="checkbox"/> DNR Regional Office (if different than DNR TEP member): Melissa Doperalski – Melissa.doperalski@state.mn.us <input type="checkbox"/> WD or WMO (if applicable): <input checked="" type="checkbox"/> Applicant (notice only) and Landowner (if different): Applicant/Landowner: Minnehaha Creek Watershed District (James Wisker) – jwisker@minnehahacreek.org Landowner: City of St. Louis Park (Adam Fulton – afulton@stlouispark.org & Laura Adler – ladler@stlouispark.org) <input checked="" type="checkbox"/> Members of the public who requested notice (notice only): Consultant: HR Green (Ted McCaslin) – tmccaslin@hrgreen.com <input checked="" type="checkbox"/> Corps of Engineers Project Manager (notice only): Melissa Jenny – Melissa.m.jenny@usace.army.mil <input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan applications 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: <input checked="" type="checkbox"/> Technical Evaluation Panel Finding of Fact <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

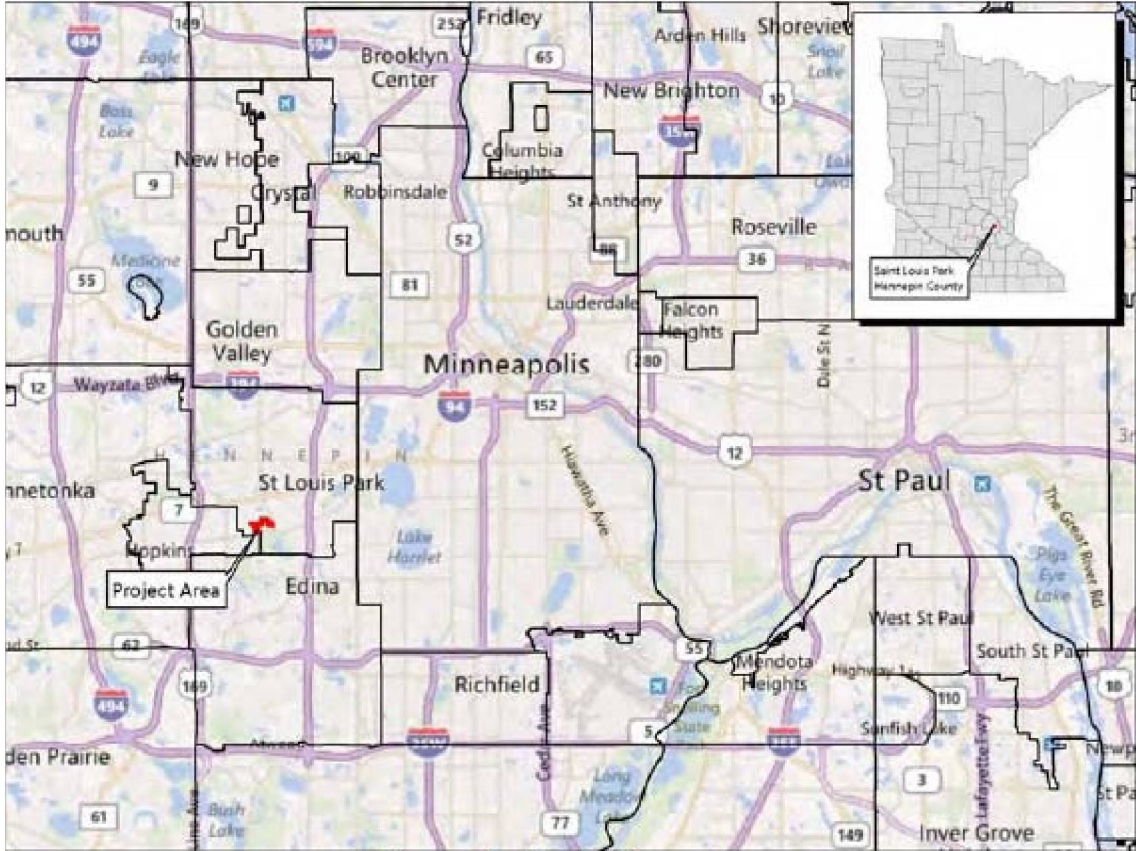


Figure 1 - Project Location

**Minnesota Wetland Conservation Act
Technical Evaluation Panel Findings of Fact**

Date: 6/5/12 LGU: Minnehaha Creek Watershed District
 County: Hennepin/Carver LGU Contact: Catherine Bach
 Project Name/ #: Reach 20 Restoration Phone #: W12-07
 Location of Project: _____ NE 20 117N 21W _____
 ¼ ¼ ¼ Sec. Twp. Range Lot/Block

City: St. Louis Park County: Hennepin
 TEP Members (and others) who reviewed project: (Check if viewed project site)
 LGU: Catherine Bach BWSR: Lynda Peterson
 SWCD: _____ DNR (if applicable): _____
 Other Wetland Experts present: Ted McCaslin (HR Green), Ryan Birkemeier (Interfluve), Melissa Jenny (USACE), James Wisler (MCWD), Mike Hayman (MCWD), and Steve Christopher (MCWD)
 TEP requested by: Catherine Bach

- Type of TEP determination requested (check those that apply):
 _____ Exemption (WCA Exemption # _____) _____ No-Loss
 Wetland Boundary and Type _____ Replacement Plan
- Description of Wetland(s) with proposed impact:
 a. Wetland Type (Circular 39) _____ (Cowardin) _____ Wetland Plant Community Type¹ _____
 b. Wetland Size _____ c. Size of Proposed Impact (acres and square feet) _____
- Have sequencing requirements been met? Attach Sequencing Finding of Fact as supporting information.
 Yes No (if no, list why):
- Is the project consistent with the intent of the comprehensive local water plan and/or the watershed district plan, the metropolitan surface water management plan and metropolitan groundwater management plan, and local comprehensive plan and zoning ordinance? Yes No (if no, list why):
- What is the net result of the project on the following wetland functions:

Functions	Degrade	Neutral	Improve
Floodwater Storage	_____	_____	_____
Nutrient Assimilation	_____	_____	_____
Sediment Entrapment	_____	_____	_____
Groundwater Recharge	_____	_____	_____
Low Flow Augmentation	_____	_____	_____
Aesthetics/Recreation	_____	_____	_____
Shoreland Anchoring	_____	_____	_____
Wildlife Habitat	_____	_____	_____
Fisheries Habitat	_____	_____	_____
Rare Plant/Animal Habitat	_____	_____	_____
Commercial Uses	_____	_____	_____

- For replacement plan or no-loss determinations, are wetland functions maintained at an equal or greater level?
 Yes No (if no, list why)
- Does Technical Evaluation Panel recommend approval of the activity proposed in item 1?
 Yes Yes, with Conditions No (if no, list why):
- List TEP findings to support recommendation in question 7 above. (Please attach document if necessary). A field review of the delineation was held on May 10, 2012. The members of the TEP who were present (Catherine Bach, MCWD/LGU, and Lynda Peterson, BWSR) concurred with the delineated wetland boundaries. Minutes taken at the field review are attached.

9. SIGNATURES (if TEP recommendation is not a consensus, note with an asterisk and explain on the back of this page)

SWCD Representative: _____ (Date) _____	BWSR Representative: <u>Lynda Peterson</u> 6/6/12
LGU Representative: <u>Catherine Bach</u> 6/5/12	ENR Representative: _____ (Date) _____

¹ See *Wetland Plants and Plant Communities of Minnesota and Wisconsin* (Eggers and Reed, 1997) as modified by the Board of Water and Soil Resources, United States Army Corps of Engineers.

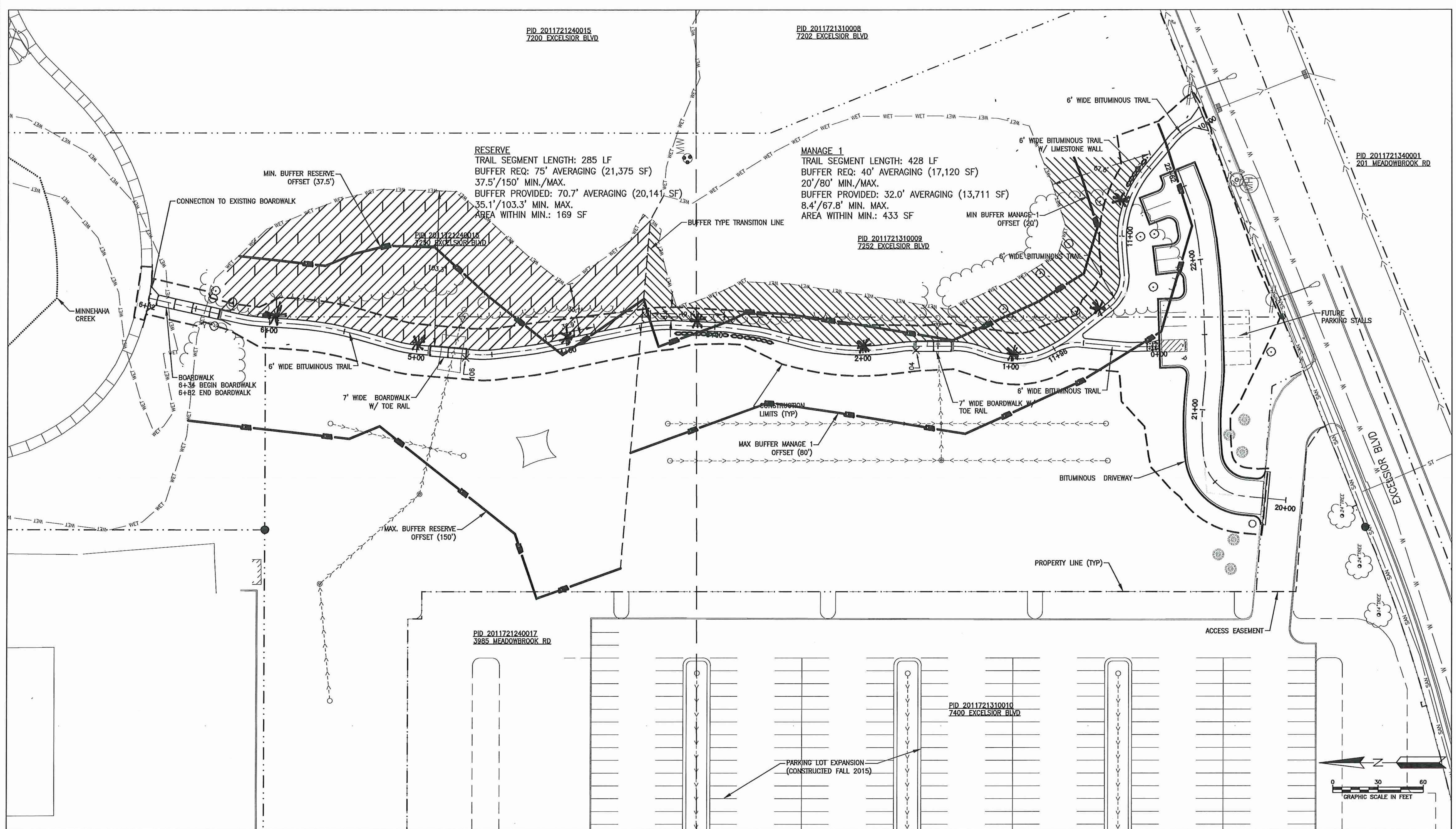
Minutes for Minnehaha Creek Reach 20 Stream Restoration Onsite Wetland TEP

- ❖ Introductions
- ❖ Project Overview
 - Project is a continuation of the 2008 Methodist Project, which is the template for design
 - Large wood toe protection for erosion
 - Bio-engineering techniques used throughout design
 - Riparian planting to help with local invasive species
 - Stormwater BMP Design/Trail Design
 - Both facets to project implementation will be designed to avoid wetlands
- ❖ Wetlands Overview
 - Wetland impacts for project are planned to remain in public water wetland, below OHW
 - The wetland boundary flagged onsite appeared consistent with conditions and past delineations
 - The TEP will issue a finding of fact and boundary determination
 - WCA authority will most likely be granted to DNR. BWSR will not have involvement/oversight
- ❖ USACE involvement
 - Will require calculations of cut/fill impacts to the creek channel versus wetland areas
 - Volume and fill placed into existing channel during construction
 - Vegetation standards, particularly reed canary, will have to be tweaked. This should not be an issue

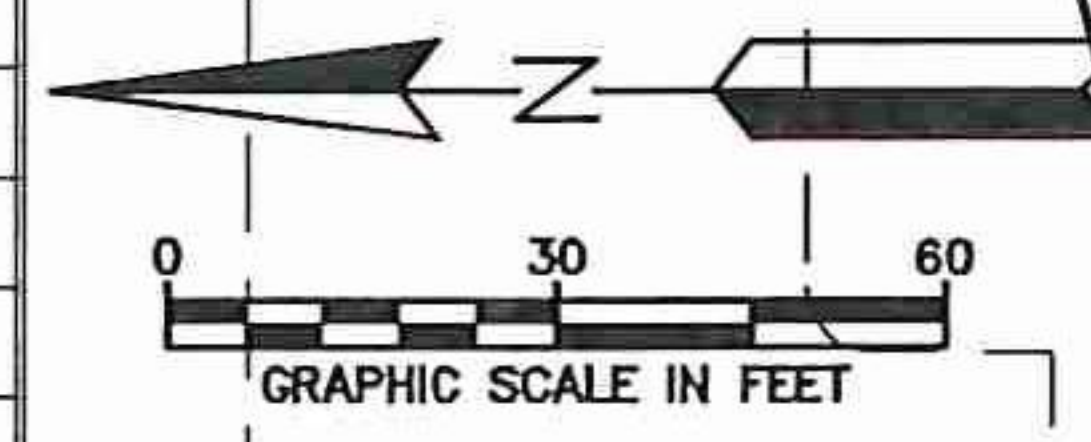
Those present at the onsite TEP include:

Melissa Jenny- USACE
Lynda Peterson- BWSR
Ted McCaslin- HR Green
Ryan Birkemeier- Inter-Fluve
James Wisker- MCWD
Steve Christopher- MCWD
Catherine Bach- MCWD
Mike Hayman- MCWD

DNR John M. Blum
6-5-12



* = Wetland Buffer Monumentation



REV	REVISION DESCRIPTION	DWN	APP	REV DATE
0	ISSUED FOR BIDS	MJS	MJS	01/16/17

SEAL

PRIME CONSULTANT

Responsive partner. Exceptional outcomes.

PROJECT TITLE
 MINNEHAHA PRESERVE
 ENHANCEMENT PROJECT
 TRAIL CONNECTION AND PARKING LOT

MINNEHAHA CREEK
 WATERSHED DISTRICT
 QUALITY OF WATER, QUALITY OF LIFE

SHEET TITLE			
WETLAND BUFFER FIGURE			
DWN BY	CHK'D	APP'D	DWG DATE
MJS	CJM	MJS	JAN 2017
PROJECT NO.		SCALE	
0185-0027		AS SHOWN	
SHEET NO.			REV NO.
0			0