



## PERMIT REPORT

**To:** Board of Managers

**From:** Heidi Quinn, Permitting Technician

**Date:** June 25<sup>th</sup>, 2019

**Re:** Permit 18-536: Orono 2018 Stormsewer Improvements

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### **Recommendation:**

Approval of MCWD permit application.

### **Background:**

The City of Orono (Applicant) has applied for a Minnehaha Creek Watershed District (MCWD) Waterbody Crossings & Structures permit for stormsewer improvements located near Kelly Avenue and Fairview Lane in the City of Orono. The stormsewers will be repaired using the Cured-In-Place-Pipe (CIPP) method of rehabilitation. According to the materials submitted by the applicant, the CIPP method is trenchless and lines the existing pipe with a high strength resin. The proposed CIPP rehabilitation will also include improvements to headwalls, outfalls, and trashguards that are proposed at the inlets and outlets of the stormsewer pipes. While there are ten improvements areas, only three of the areas require a MCWD permit for Waterbody Crossings & Structures and are indicated in bold (Figure 6B, 6C, & 6D) in the attached appendix to the site plan (attachment 2). The three areas of work triggering MCWD regulatory requirements are geographically separated, all three are analyzed here for efficiency's sake, and because no difference in regulatory application or requirements results from such joint analysis.

The permit application was received on September 12<sup>th</sup>, 2018. The materials necessary to complete the application were received May 7<sup>th</sup>, 2019 with a plan amendment to Figure 6D received on June 20<sup>th</sup>, 2019. A public notice informing residents of the MCWD permit application was sent on May 7<sup>st</sup>, 2019. A public notice informing residents of the MCWD Board of Managers consideration of the permit application was sent on June 14<sup>th</sup>, 2019. The Applicant is not requesting a Variance or Exception to the rules and is before the Board of Managers at the request of a member of the public. During the public notice period District Staff received a written request for the Board of Managers to consider the permit application (attachment 5). Staff attempted to contact the resident on multiple occasions to understand the resident's concerns and discuss the project in detail, however, no response was ever received.

The project triggers the District's Waterbody Crossings and Structures rule. The Wetland Protection rule's buffer provisions are is triggered, but no requirements ensue because the four wetlands that are downgradient of disturbance near Kelly Avenue and Fairview Lane (Figures 6B, 6C, & 6D) are on private property and outside of the right-of-way. No impacts to wetlands are proposed, and the applicant has applied for a no-loss determination (W19-12). Due to the limited amount of land disturbance associated with CIPP, the projects proposes to disturb less



than 5,000 square feet or 50 cubic yard of excavation or fill, therefore the Erosion Control rule is not triggered. The project does not propose to increase impervious surface, and is exempt from

the District's Stormwater Management rule for a linear project that proposes less than 10,000 square feet of new impervious surface per section 2(d).

## **District Rule Analysis:**

### Waterbody Crossings and Structures

The Waterbody Crossings and Structures Rule is triggered whenever a structure is placed in the bed or bank of a waterbody. At each of the three locations noted, the Applicant is proposing CIPP, an outfall, a headwall, and trashguard improvements that come into contact with the bank of a first-order stream (as identified in the District's stream inventory), therefore the rule is applied.

Per section 3(a) of the rule, the use of the bed or bank of a watercourse must meet a demonstrated a specific need. The Applicant has submitted a narrative that states the stormsewer improvements are a utility improvement to serve the residents of Orono. Staff have reviewed the narrative and determined that the project meets a specific need.

Per section 3(b) of the rule, use of the bed or bank shall retain adequate hydraulic capacity, and may not result in upstream or downstream increases in flood stage. The Applicant has submitted plans, a narrative, and a hydraulic analysis to demonstrate that there is no proposed new impervious surface, there are no proposed changes to the existing drainage areas, and that the minor change in pipe material from the CIPP are in conformance with this section of the rule. Staff and the District Engineer have reviewed the analysis, plans, and narrative and have determined that lining the stormsewer pipes with CIPP along with the improvements to the inlets and outlets of the stormsewer pipes will not alter upstream or downstream waterbodies or watercourses, therefore the criteria of the rule is met.

Per section 3(c) of the rule, the use of the bed or bank shall retain adequate navigational capacity pursuant to any requirements of the waterbody's classification by the District. The first order streams within the project area are not used for navigation, therefore section 3(c) is not applicable.

Section 3(d) of the rule is not applicable to the repair of outfalls or inlets, as they are buried utilities, and do not impede wildlife movement from existing to proposed conditions.

Per section 3(e) of the rule, use of the bed or bank shall not adversely affect water quality. The Applicant has submitted plans to show the location of silt fence and biologs downgradient of site disturbance to ensure that sedimentation will not enter the watercourse or nearby wetland (where applicable). Additionally, the outfalls will have riprap at the outfalls for energy dissipation. Based on Staff's review of the submitted materials, water quality will not be adversely affected as the proper erosion control best management practices will be installed. Based on this analysis, Staff have determined that the Applicant has met this criteria of the rule.



Per section 3(f) of the rule, the use of the bed or bank shall represent the “minimal impact” solution to a specific need with respect to all other reasonable alternatives, including, but not limited to vegetation or bioengineering for bank stabilization, structural stabilization, acquisition of additional easements, or installation of upstream control to manage stream flow. The Applicant has provided an alternatives analysis to demonstrate the proposed project represented the minimal impact solution in consideration of other options. Based upon the alternatives analysis provided by the Applicant, leaving the existing stormsewer, outfalls, and headwalls in their existing deteriorated condition will lead to increased erosion and potentially localized flooding. The second alternative submitted was to replace the stormsewer pipe by means of open-trench installation. Staff and the District Engineer have reviewed the alternatives submitted and concur that using the method of CIPP to make the stormsewer improvements represents the minimal impact solution in terms of minimizing impacts to natural resources, therefore, this criteria of the rule is met.

Section 3(g) of the rule is not applicable, as no bored utility lines are proposed underneath the bed or bank of a watercourse.

Section 3(h) of the rule is not applicable, as no installation, modification, or excavation of sanitary sewer beneath a waterbody is proposed as a component of this project.

Per section 6 of the rule, maintenance requirements for the structures will be met through the existing executed programmatic maintenance agreement between the City of Orono and the District. The project locations and associated maintenance requirements are tracked in the District’s permitting database.

In summary, based on the analysis by Staff and the District Engineer provided above, the Applicant has met all the applicable criteria of the Waterbody Crossings and Structures rule.

**Summary:**

The City of Orono has applied for a MCWD Waterbody Crossings & Structures permit for stormsewer improvements along Kelly Avenue and Fairview Lane in the City of Orono. Staff and the District Engineer have found that the proposed project meets the applicable rule requirements, and recommend approval of the permit.

**Attachments:**

1. Water Resources Application Form
2. Appendix to Site Plan
3. Site Plans
4. WCA No-Loss NOD
5. Public Concern

18-536

**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: Orono  
Mailing Address: 2750 Kelley Parkway City: Orono State: MN Zip: 55356  
Email Address: aedwards@ci.orono.mn.us Phone: 952-249-4661 Fax: \_\_\_\_\_

2. Property Owner Representative Information (not required) (licensed contractor, architect, engineer, etc...)  
Business Name: Bolton & Menk, Inc. Representative Name: Brian Simmons  
Business Address: 2638 Shadow Lane, Suite 200 City: Chaska State: MN Zip: 55318  
Email Address: brian.simmons@bolton-menk.com Phone: 952-448-8838 Fax: 952-448-8805

3. Project Address: See Map: Various Areas throughout City City: Orono  
State: MN Zip: 55356 Qtr Section(s): \_\_\_\_\_ Section(s): \_\_\_\_\_ Township(s): \_\_\_\_\_ Range(s): \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_ PID: \_\_\_\_\_

4. Size of project parcel (square feet or acres): NA  
Area of disturbance (square feet): 1,100 sf Volume of excavation/fill (cubic yards): 18  
Area of existing impervious surface: 400 Area of proposed impervious surface: 400  
Length of shoreline affected (feet): 20 Waterbody (& bay if applicable): Minnetonka

5. Type of permit being applied for (Check all that apply):

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> EROSION CONTROL         | <input type="checkbox"/> WATERBODY CROSSINGS/STRUCTURES |
| <input type="checkbox"/> FLOODPLAIN ALTERATION              | <input type="checkbox"/> STORMWATER MANAGEMENT          |
| <input type="checkbox"/> WETLAND PROTECTION                 | <input type="checkbox"/> APPROPRIATIONS                 |
| <input type="checkbox"/> DREDGING                           | <input type="checkbox"/> ILLICIT DISCHARGE              |
| <input type="checkbox"/> SHORELINE/STREAMBANK STABILIZATION |   |

6. Project purpose (Check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> SINGLE FAMILY HOME                 | <input type="checkbox"/> MULTI FAMILY RESIDENTIAL (apartments) |
| <input type="checkbox"/> ROAD CONSTRUCTION                  | <input type="checkbox"/> COMMERCIAL or INSTITUTIONAL           |
| <input checked="" type="checkbox"/> UTILITIES               | <input type="checkbox"/> SUBDIVISIONS (include number of lots) |
| <input type="checkbox"/> DREDGING                           | <input type="checkbox"/> LANDSCAPING (pools, berms, etc.)      |
| <input type="checkbox"/> SHORELINE/STREAMBANK STABILIZATION | <input type="checkbox"/> OTHER (DESCRIBE):                     |

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

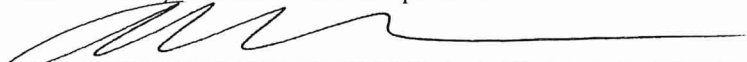
8. Waterbody receiving runoff from site: Lake Minnetonka

9. Project Timeline: Start Date: Oct 1, 2018 Completion Date: May 1, 2019

Permits have been applied for: City  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.

  
Signature of Each Property Owner

12 SEP 18  
Date





Figure	Reference Address	Notes
Figure 4	3580 Bayside road and follow east	Access through exiting manholes
Figure 5A	2229 Shadywood Road	Access through exiting manholes
Figure 5B	85 Ferndale Road N and 100 Chevy Chase Dr	Access through existing manholes
Figure 6A	2940 Casco Point Road	10" concrete headwall; tie into exiting riprap. No contact with bank
Figure 6B	2693 Kelly Ave	Apron with trashguard upstream (bank of 1st order stream), new manhole, CIPP lined.
Figure 6C	3091 Farview Lane & 3083 Farview Lane	Apron with trashguard upstream (bank of 1st order stream), new manhole, CIPP lined.
Figure 6D	2560 Kelly Ave	Apron, trashguard, remove & replace manhole. Work is outside of wetland boundary but within a 1 <sup>st</sup> order stream
Figure 7A	569 Minnetonka Highland Ln	no contact with bed or bank of a waterbody or watercourse
Figure 7B	1284 Wildhurst Trail 1261 Wildhurst Trail	new manhole upstream no contact with bed or bank of waterbody or watercourse
Figure 7C	915 Forest Arms Lane	manhole rehab, no contact with bed or bank of a watercourse or waterbody

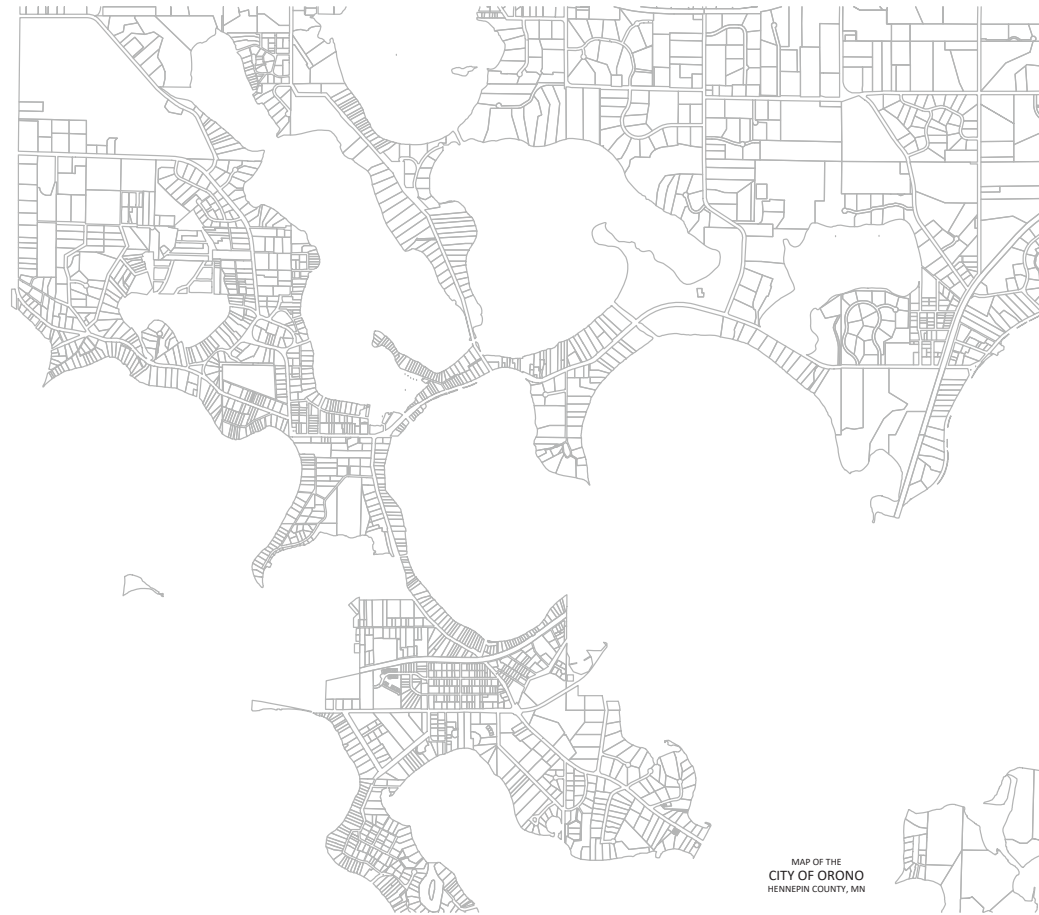
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# CITY OF ORONO

## CONSTRUCTION PLANS FOR

# 2018 SEWER IMPROVEMENTS

AUGUST, 2018



NOTE: EXISTING UTILITY INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED BY THE UTILITY OWNER. THE CONTRACTOR SHALL FIELD VERIFY EXACT LOCATIONS PRIOR TO COMMENCING CONSTRUCTION AS REQUIRED BY STATE LAW. NOTIFY GOPHER STATE ONE CALL, 1-800-252-1166 OR 651-454-0002.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN FOR WEST LAFAYETTE ROAD, WILDHURST TRAIL, FOREST LAKE LANDING, FOREST ARMS LANE, MINNETONKA HIGHLANDS LANE, AND LINDEN LANE ARE UTILITY QUALITY LEVEL C. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CJ/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN FOR VINE PLACE AND LYRIC AVENUE ARE UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CJ/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."



MAP OF THE  
CITY OF ORONO  
HENNEPIN COUNTY, MN

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*Brian Simmons*  
BRIAN SIMMONS  
LIC. NO. 48766 DATE: 08/10/2018



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RECORD-DRAWING INFORMATION	CITY OF ORONO, MINNESOTA	SHEET
DESIGNER	2018 SEWER IMPROVEMENTS	TITLE
CONTRACTOR	TITLE	
DATE		



LEGEND	
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 2018 SEWER IMPROVEMENTS

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CITY OF ORONO, MINNESOTA  
 2018 SEWER IMPROVEMENTS





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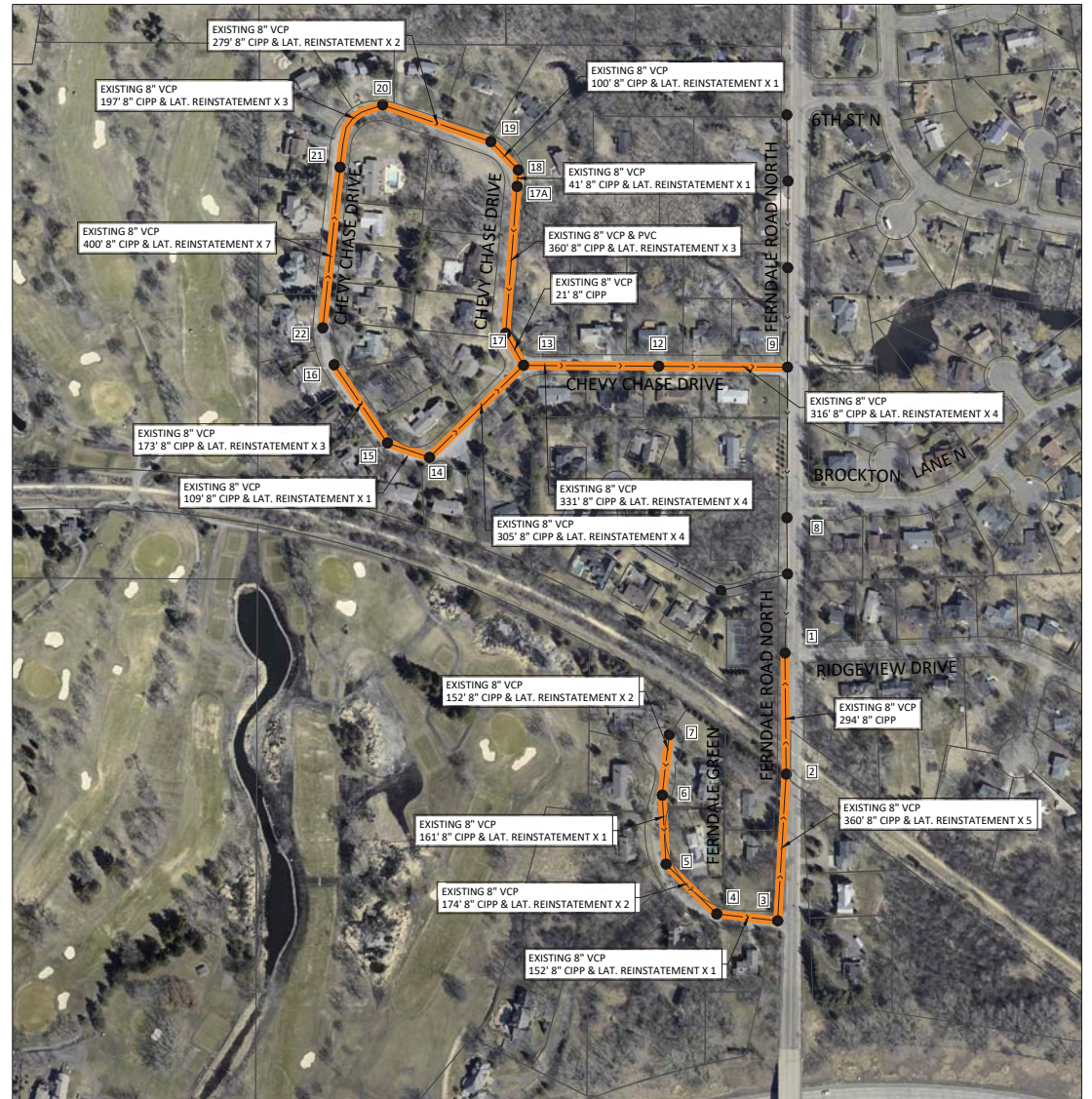




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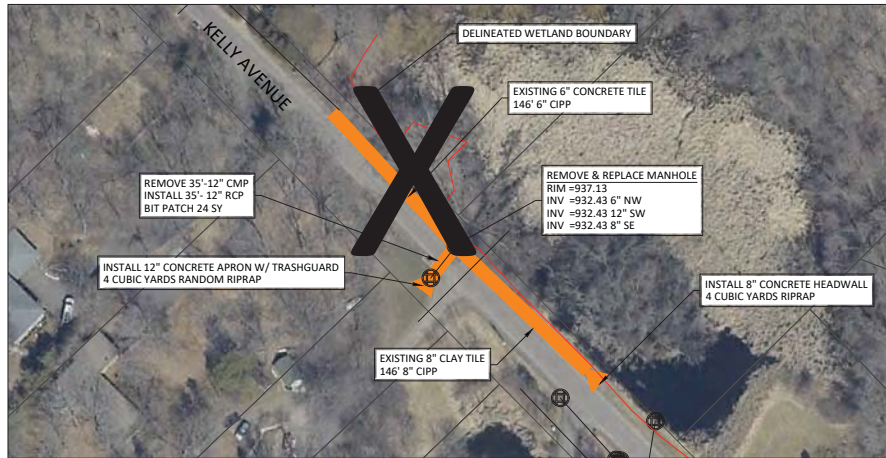
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CITY OF ORONO, MINNESOTA  
 2018 SEWER IMPROVEMENTS

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Ⓓ See Next Page for Revised Figure 6D



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*Brian J. Simmons*  
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


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Revised Plan for Figure 6D



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*Brian D. Simmons*  
 BRIAN D. SIMMONS  
 LIC. NO. 48768 DATE 08/08/2018



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 2018 SEWER IMPROVEMENTS

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 BRIAN J. SIMMONS 48776  
 DATE: 08/08/2018



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CITY OF ORONO, MINNESOTA  
 2018 SEWER IMPROVEMENTS

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# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>Minnehaha Creek Watershed District</b>	Address <b>15320 Minnetonka Blvd Minnetonka, MN 55345</b>
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### 1. PROJECT INFORMATION

Applicant Name <b>City of Orono</b>	Project Name <b>Orono 2018 Stormsewer Improvements</b>	Date of Application <b>6/18/2019</b>	Application Number <b>W19-12</b>
<input checked="" type="checkbox"/> Attach site locator map			

Type of Decision:

<input type="checkbox"/> Wetland Boundary or Type	<input checked="" 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 type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach):		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: June 21 <sup>st</sup> , 2019		
<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>The City of Orono has applied for a No-Loss determination for the wetlands located near 2560 Kelly Avenue, Orono, Hennepin County, Minnesota. Legal description: Section 20, Township 117N, Range 23W. The No-Loss determination was requested on June 18<sup>th</sup>, 2019</p> <p>MCWD has reviewed the No-Loss application and are in agreeance that the proposed stormsewer improvements will not impact the adjacent wetlands.</p> <p>MCWD approves the No-Loss determination per the criteria listed in 8420.015 for work that will not impact a wetland. This decision is valid for five years. The proposed project is associated with MCWD permit application 18-536.</p>
---

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 <b>Heidi Quinn</b>	Title <b>Permitting Technician</b>	
Signature 	Date <b>6/21/19</b>	Phone Number and E-mail <b>(952-641-4504)</b> <b>hqiunn@minnehahacreek.org</b>

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 \$100 fee to: <b>Minnehaha Creek Watershed District</b> <b>15320 Minnetonka Blvd</b> <b>Minnetonka, MN 55345</b>	<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

SWCD TEP member: **Stacey Lijewski-stacey.lijewski@co.hennepin.mn.us**  
 BWSR TEP member: **Ben Carlson-ben.carlson@state.mn.us**  
 LGU TEP member (if different than LGU Contact):  
 DNR TEP **Becky Horton-becky.horton@state.mn.us**  
 DNR Regional Office (if different than DNR TEP member):  
 WD or WMO (if applicable):  
 Applicant (notice only) and Landowner (if different): **Mark Perry -mark.perry@bolton-menk.com**  
 Members of the public who requested notice (notice only): **City of Orono Staff**  
 Corps of Engineers Project Manager (notice only): **usace\_requests\_mn@usace.army.mil**  
 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](http://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](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)
- Department of Natural Resources Regional Offices:

<u>NW Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	<u>NE Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	<u>Central Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	<u>Southern Region:</u> Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073
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For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](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](http://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:

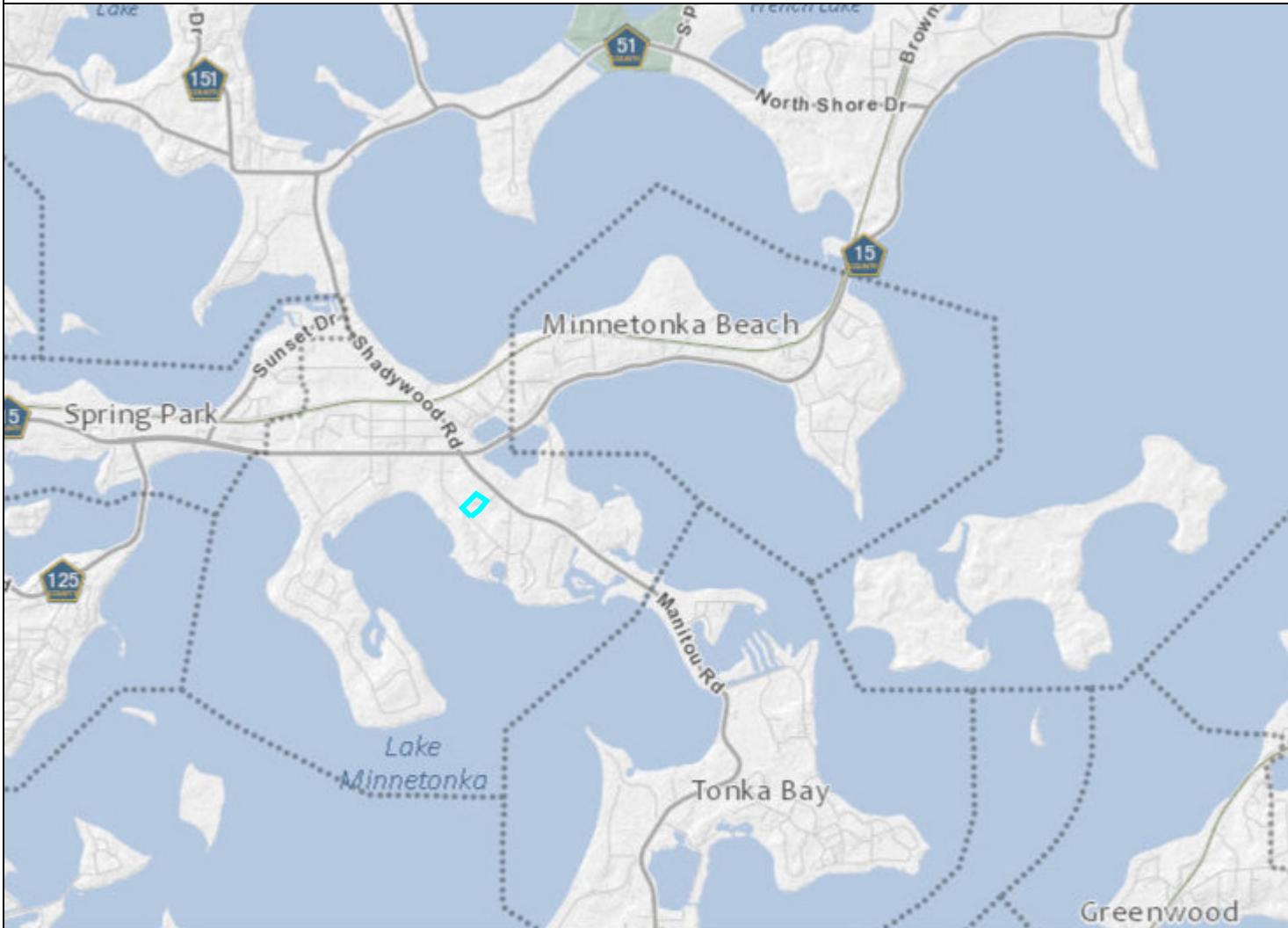
**Site Location**  
 **No-Loss Exhibit**  
 **WCA Application**



# Hennepin County Natural Resources Map

Date: 6/21/2019

## Legend



PID: 2011723110007  
 Address: 2560 KELLY AVE,  
 ORONO  
 Owner Name: INTRNATL MINISTERIAL  
 FELSHIP  
 Acres: 2.31

**Comments:**  
 Site Location

1 inch = 3,200 feet



This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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Map Document: H:\ORNO\C13115485\GIS\ESR\Kelly Ave Wetland Permit Exhibit.mxd | Date Saved: 6/21/2019 8:25:52 AM

Information

Text

**Legend**

- CIPP Pipe Liner
- Kelly Ave-Crushed Pipe
- Kelly Ave-Proposed Structure
- Wetland Delineation



Source:



# Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

## Regulatory Review Structure

### Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

### State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

## Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.



## Submission Instructions

Send the completed joint application form and all required attachments to:

**U.S Army Corps of Engineers.** Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and select "Minnesota" from the contact information box.

Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

**Section 401 Water Quality Certification:** Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

**Wetland Conservation Act Local Government Unit:** Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site ([www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)) to determine the appropriate LGU.

**DNR Public Waters Permitting:** In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (<https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>). Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

## PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

**Applicant/Landowner Name:** City of Orono  
**Mailing Address:** 2750 Kelley Parkway  
**Phone:** 952-249-4661  
**E-mail Address:** aedwards@ci.orono.mn.us

**Authorized Contact (do not complete if same as above):**

**Mailing Address:**  
**Phone:**  
**E-mail Address:**

**Agent Name:** Mark Perry  
**Mailing Address:** Bolton & Menk, Inc. 2638 Shadow Lane, Suite 200, Chaska, MN 55318  
**Phone:** 952=448-8838  
**E-mail Address:** Mark.perry@bolton-menk.com

## PART TWO: Site Location Information

**County:** Hennepin **City/Township:** Orono  
**Parcel ID and/or Address:** 2560 Kelley Parkway  
**Legal Description (Section, Township, Range):** NE, NE, Section 20, T. 117 N., R. 23 W.  
**Lat/Long (decimal degrees):**  
**Attach a map showing the location of the site in relation to local streets, roads, highways.**  
**Approximate size of site (acres) or if a linear project, length (feet):** 270 feet

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

[http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform\\_4345\\_2012oct.pdf](http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf)

## PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted *prior to* this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

This is a storm sewer improvements and replacement project. The area in question on Kelley Ave is a storm replacement or liner from wetland '1' to wetland '2' (see exhibit). The current structure has no end section. A concrete headwall with trashguard will be installed with 4 CY of rip rap.

## PART FOUR: Aquatic Resource Impact<sup>1</sup> Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) <sup>1</sup>	Size of Impact <sup>2</sup>	Overall Size of Aquatic Resource <sup>3</sup>	Existing Plant Community Type(s) in Impact Area <sup>4</sup>	County, Major Watershed #, and Bank Service Area # of Impact Area <sup>5</sup>

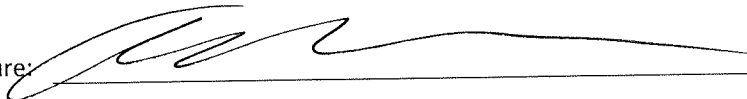
<sup>1</sup>If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".  
<sup>2</sup>Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).  
<sup>3</sup>This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".  
<sup>4</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.  
<sup>5</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

## PART FIVE: Applicant Signature

Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature:  Date: 6/17/2019

I hereby authorize Bolton & Menk, Inc. to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

<sup>1</sup> The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

## Attachment B

# Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part *if* you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR *if* you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

**No Loss: 8420.0410: This is an “activity that will not impact a wetland.”**

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

The proposed pipe replacement, pipe liner and end sections will be constructed outside of existing delineated wetland. No wetland will be touched or impacted by the proposed project.





15320 Minnetonka Boulevard, Minnetonka, MN 55345 05/07/2019

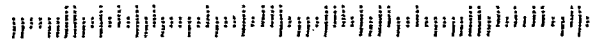
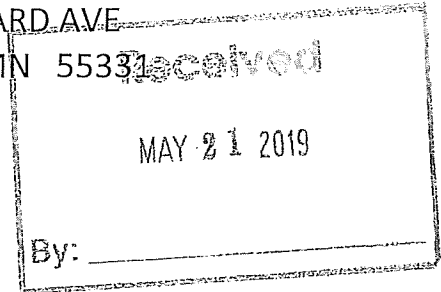
FIRST-CLASS MAIL

US POSTAGE \$000.35<sup>0</sup>



ZIP 55345 041M11296660

BRUCE J BAUER  
2660 LYDIARD AVE  
EXCELSIOR MN 55331



**MINNEHAHA CREEK WATERSHED DISTRICT**  
QUALITY OF WATER QUALITY OF LIFE

The Minnehaha Creek Watershed District (MCWD) is reviewing Permit 18-536 for conformance with the District's rules. The City of Orono is proposing storm sewer improvements using Cured-In-Place Pipe (CIPP) to line and spot repair pipe infrastructure along Casco Cove, Fairview Lane, Kelly Avenue, and Minnetonka Highland Lane in the City of Orono. MCWD regulates the project under our Waterbody Crossings & Structures rule to ensure that there is no increase to the 100-year floodstage upstream or downstream. Based on an engineer review, the proposed improvements will not cause impacts to the floodstage upstream or downstream.

Contact Heidi Quinn with questions or concerns regarding the permit at [hquinn@minnehahacreek.org](mailto:hquinn@minnehahacreek.org) or 952-641-4504.

*Fragile wetland YES area*

Permits are reviewed by staff for compliance with District rules. Interested parties may request that the permit be considered by the MCWD Board of Managers. Requests for board consideration must be in writing and received at the MCWD offices prior to 4:30 PM, May 21<sup>st</sup>, 2019.

[www.minnehahacreek.org](http://www.minnehahacreek.org)  
15320 Minnetonka Boulevard, Minnetonka 55345

*Please MCWD Board of Managers review*