

Minnesota Wetland Conservation Act

Notice of Decision

<u>Local Government Unit (LGU)</u> City of Shakopee	<u>Address</u> 485 Gorman Street Shakopee, MN 55379
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1. PROJECT INFORMATION

<u>Applicant Name</u> Builders Lot Group Steve Soltau 8170 Carriage Court North Shakopee, MN 55379 phone: 952-465-3939 email: ssoltau@visi.com	<u>Project Name</u> Stagecoach Development	<u>Date of Application</u> 10/5/18 (WCA Decision extended 60 days)	<u>Application Number</u> 2018-7
☒ 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): The TEP reviewed the replacement plan on November 15, 2018. The TEP requested additional sequencing measures be considered and described in the application. The applicant submitted a revised replacement plan on November 27, 2018. The sequencing presented in the revised application was satisfactory to the TEP.		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: **1/22/2019**

☒ Approved

☐ Approved with conditions (include below)

☐ Denied

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

Builders Lot Group is applying for a replacement plan for impacts to one wetland located on Parcel Nos. 27913005, 279130160, 279130170, and 279130190 in Section 13, Township 115N, Range 22W, in Shakopee, Scott County, MN.

Builders Lot Group is proposing to construct a residential development on approximately 16.75 acres that would include 59 single family homes and associated roads and utilities. Impacts are proposed to one wetland, Wetland 4, as summarized in the table below. Impacts are proposed due to grading for a housing pad and infiltration basin.

Wetland ID	Wetland Plant Community	Impact Type	Impact Area
Wetland 4	Fresh Wet Meadow/Shallow Marsh	Fill	0.06

The TEP met and reviewed the application on November 15, 2018. The TEP requested additional sequencing be reviewed. The applicant submitted a revised application that more thoroughly outlined the alternatives reviewed with the project. The TEP reviewed the revised application and determined it to be acceptable.

Replacement for impacts are proposed through purchase of 0.12 acre of wetland credit from Bank No. 1650 (Lyon County, Watershed No. 25, BSA No. 9)

For Replacement Plans using credits from the State Wetland Bank:

Bank Account # 1650	Bank Service Area 9	County Lyon	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre) 0.12 acres
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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 Micah Heckman	Title Project Engineer	
Signature	Date 1/22/2019	Phone Number and E-mail 952-223-9363 mheckman@shakopeemn.gov

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 five 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:

☐ Appeal of an LGU staff decision. Send petition and \$500 fee (if applicable) to: City of Shakopee 485 Gorman Street Shakopee, MN 55379	☒ 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: Troy Kuphal
☒ BWSR TEP member: Ben Carlson
☒ LGU TEP member (if different than LGU Contact): Alison Harwood, WSB
☒ DNR TEP member: Becky Horton, Jennie Skancke
☐ DNR Regional Office (if different than DNR TEP member)
☒ WD or WMO (if applicable): Paul Nelson , Scott WMO
☒ Applicant (notice only) and Landowner (if different)
☒ Members of the public who requested notice (notice only): Jessica Abernathy, Sambatek
☒ Corps of Engineers Project Manager (notice only) Justin Berndt
☐ 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> 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

- 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:

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Approved Impact Figure