Appendix D

WCA Notice of Decision (NOD)

BOARD OF WATER AND SOIL RESOURCES

Minnesota Wetland Conservation Act
Notice of Decision

Local Government Unit: MN-DNR Parks & Trails Division **County:** Dakota
Applicant Name: Leisa Thompson, Met Council **Applicant Representative:** Brad Berner, Stantec Consulting Services, Inc.
Project Name: Siphon Outlet Improvements Project - 173420091 **LGU Project No. (if any):** DNR-FSSP-202301
Date Complete Application Received by LGU: 6/26/23, LGU determined 7/5/23, Revised Delineation 7/21/23
Date of LGU Decision: August 4, 2023
Date this Notice was Sent: August 4, 2023

WCA Decision Type - check all that apply

☒ Wetland Boundary/Type ☐ Sequencing ☐ Replacement Plan ☐ Bank Plan (not credit purchase)
☐ No-Loss (8420.0415) ☐ Exemption (8420.0420)
Part: ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☐ H Subpart: ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9

Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area: NA
Wetland Replacement Type: ☐ Project Specific Credits: ☐ Bank Credits:
Bank Account Number(s): NA

Technical Evaluation Panel Findings and Recommendations (attach if any)

☐ Approve ☐ Approve w/Conditions ☐ Deny ☒ No TEP Recommendation

LGU Decision

☐ Approved with Conditions (specify below)[1] ☒ Approved[1] ☐ Denied
List Conditions:

Decision-Maker for this Application: ☒ Staff ☐ Governing Board/Council ☐ Other:

Decision is valid for: ☒ 5 years (default) ☐ Other (specify):

[1] *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[1].

☐ Attachment(s) (specify):

☒ Summary: Onsite review was conducted on 7/17/2023. Attendees were: Jed Chesnut (BWSR), Cassie Mox (BWSR Intern), Dave Holmen (Dakota County), Jenna Olson (City of Eagan & Erica Bock (Young ECG). TEP members concurred with mapped boundary/type, and an additional wetland was field delineated (Wetland 6). Flow paths for linear aquatic resources were extended and a revised report and GIS data was distributed on 7/21/2023. LGU staff lead (Anton Benson) extended the comment period until 7/31/2023 and conducted a site visit with the revised GIS information and delineation report on 7/26/2023. The wetland boundary and types as depicted on attached Figure 6 is approved in accordance with MN Rule 8420.0405 Boundary or Type.

[1] *Findings must consider any TEP recommendations.*

Attached Project Documents

☒ Site Location Map: MCES Siphon Outlets Improvements Figure_6_FINAL_20230721.pdf
☐ 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

Does the LGU have a local appeal process applicable to this decision?

☐ Yes[1] ☒ No

[1]*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)

NA

Notice Distribution (include name)

Required on all notices:

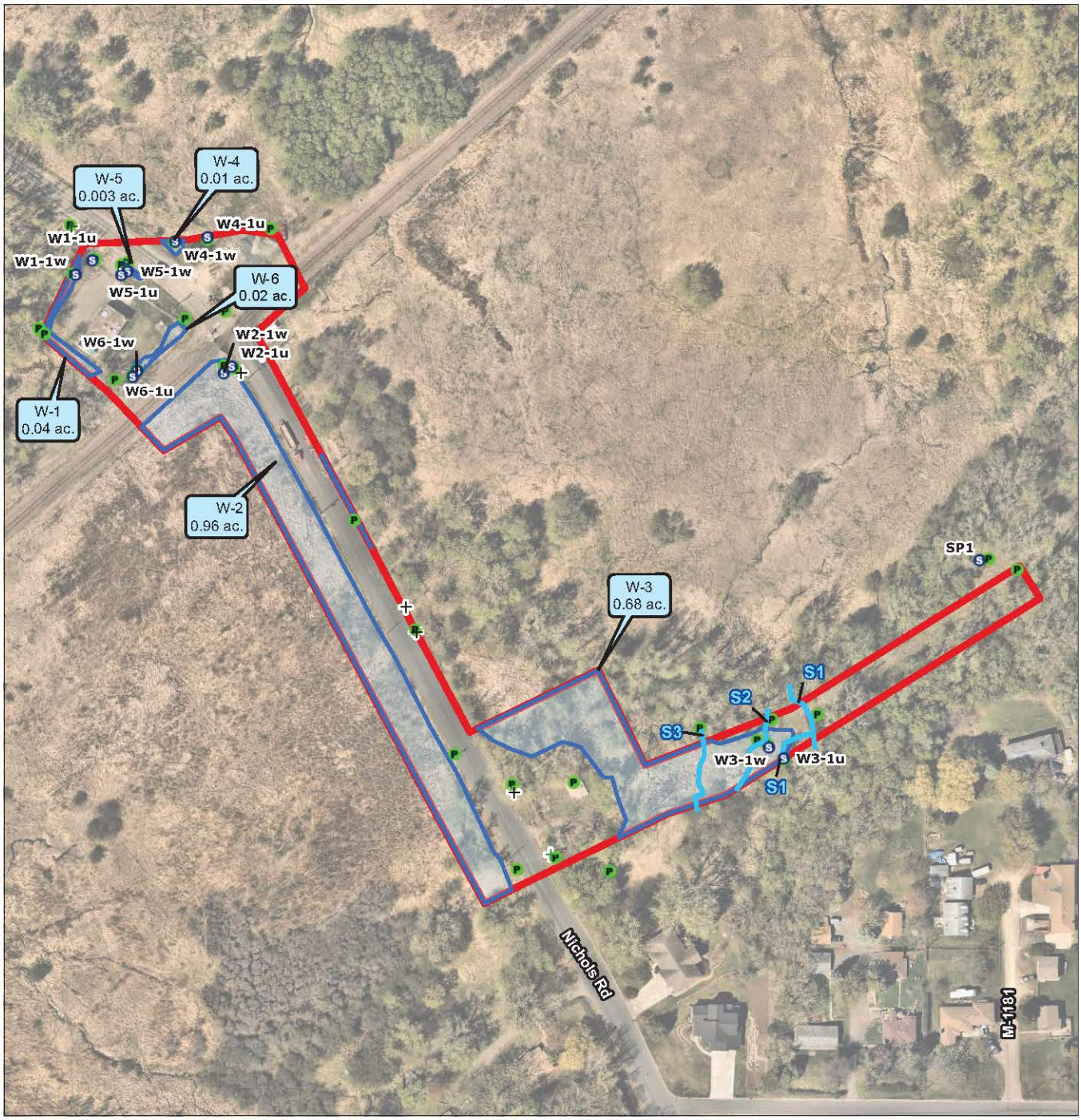
☒ SWCD TEP Member: Dave Holmen, Dakota SWCD	☒ BWSR TEP Member: Jed Chesnut
☐ LGU TEP Member (if different than LGU contact):	
☒ DNR Representative: Wes Saunders-Pearce	
☒ Watershed District or Watershed Mgmt. Org.: Linda Loomis & Della Young, Lower MN River Watershed	
☒ Applicant: Amanda Mondor	☒ Agent/Consultant: Brad Berner, Stantec

Optional or As Applicable:

☒ Corps of Engineers: August 4, 2023	
☐ BWSR Wetland Mitigation Coordinator (required for bank plan applications only):	
☐ Members of the Public (notice only):	☒ Other: Jenna Olson, City of Eagan Jennie Skancke, DNR Wetlands Program

Signature:	**Date:**
	August 4, 2023

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.



Legend

- Culvert
- Sample Point
- Photo Location
- Linear Water Feature
- Delineated Wetland Area
- Study Area

0 100 200 Feet
(At original document size of 8.5x11)
1:2,400

N

Stantec

Project Location
T27N, R23W, S18
Eagan, Dakota Co., MN

Prepared by KJM on 2023-07-19

Client/Project 173420091
Met Council Environmental Services
L-13 Outlet Structure Design
Wetland Delineation

Figure No.
6

Title
Field Collected Data

Notes
1. Coordinate System: NAD 1983 HARN Adj MN Dakota Feet
2. Data Sources: Stantec
3. Background: 2021 Dakota Co

V:\227\Active\173420091\03_data\gis_cad\gis\prowetland_delineationwetland_delineation.aprx Revised: 2023-07-19 By: kjmueller

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