

Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) Lake County Environmental Services	Address 601 3rd Avenue, Two Harbors, MN 55616
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1. PROJECT INFORMATION

Applicant Name Lake Superior Steelhead Assoc. c/o Brice Wizner	Project Name Knife River Reach 4 Restoration Project	Date of Application 6/5/19	Application Number W-19-007
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

<input checked="" 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 checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approved with conditions	<input type="checkbox"/> Deny
Summary (or attach): Based on conversations with DNR Fisheries staff, TEP recommends that the Knife River restoration project is regulated as a no-loss – an activity authorized by a public agency for the purpose of fish habitat restoration as per MN Rule 8420.0415 D.		
A couple of comments/considerations moving forward:		
<ul style="list-style-type: none"> - All excavated/disturbed wetland areas should retain a shallow water table depth <12" - The site should be monitored for invasive species (esp. reed canary grass) following construction - Any temporary wetland impacts should be indicated on the impact summary table, including access roads. 		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: August 13, 2019		
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Approve with conditions (include below)	<input type="checkbox"/> Denied

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

As the LGU for Lake County, the Environmental Services Dept. concurs with the findings of the local TEP and approves the application with the understanding that all temporary wetland impacts are restored per 8420.0415 H.
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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)


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 Neva Maxwell	Title Land Use Specialist	
Signature 	Date 8/13/19	Phone Number and E-mail 218-834-8441 Neva.maxwell@co.lake.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 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:

<input checked="" type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$300.00 fee (if applicable) to: Lake County Board of Adjustment 601 3rd Avenue Two Harbors, MN 55616	<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: Derrick Passe
<input checked="" type="checkbox"/> BWSR TEP member: David Demmer
<input type="checkbox"/> LGU TEP member (if different than LGU Contact):
<input checked="" type="checkbox"/> DNR TEP member: Cliff Bentley
<input type="checkbox"/> DNR Regional Office (if different than DNR TEP member)

<input type="checkbox"/>	WD or WMO (if applicable):
<input type="checkbox"/>	Applicant and Landowner (if different)
<input type="checkbox"/>	Members of the public who requested notice:
<input checked="" type="checkbox"/>	Corps of Engineers Project Manager: Andrew Chambers
<input type="checkbox"/>	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> 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:
<input checked="" type="checkbox"/> TEP Findings Report
<input type="checkbox"/>

