

# Minnesota Wetland Conservation Act

## Notice of Decision

|   |  |
|---|--|
| Local Government Unit (LGU)<br><b>Wright SWCD</b> | Address<br><b>311 Brighton Ave S, Suite C<br/>         Buffalo, MN 55313</b> |
|---|--|

### 1. PROJECT INFORMATION

|   |  |                                      |                    |
|---|--|--------------------------------------|--------------------|
| Applicant Name<br><b>Fehn Companies, Inc.</b> | Project Name<br><b>Mahler Aggregate Mine – PID's<br/>         114800302400, 108500303200,<br/>         108500303300, 108500254200,<br/>         108500254400</b> | Date of Application<br><b>7-2-19</b> | Application Number |
|---|--|--------------------------------------|--------------------|

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): Cade Steffenson (BWSR) provided comments via e-mail on 8-7-19 concurring with the revised wetland boundary based on the LGU's site visit on 8-6-19. No other comments were provided by the TEP. |  |                               |

### 2. LOCAL GOVERNMENT UNIT DECISION

|  |   |                                 |
|--|---|---------------------------------|
| Date of Decision: <b>8-14-19</b>             |   |                                 |
| <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>Kjolhaug Env. Services (Kyle Uhler) submitted a wetland boundary/type application on behalf of the applicant, Fehn Companies, Inc on 7-2-19. The assessment area is in T120N, R24W, Sec. 25 and T120N, R23W, Sec. 30., City of Hanover – PID's 114800302400, 108500303200, 108500303300, 108500254200, 108500254400. The Crow River (DNR Public Watercourse M-064) is located adjacent to the eastern portion of the assessment area.</p> <p>The LGU conducted a site review on 8-6-19. The LGU agreed that one wetland basin originally identified in the boundary/type application could be removed due to a lack of wetland indicators during the site review. A revised wetland boundary/figure was received on 8-7-19 that removed Wetland 4 that was included in the original application. The LGU concurs with the wetland boundary/type as described within the original application (with the omission of Wetland 4) and shown on the attached revised wetland boundary figure.</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) |
|----------------|-------------------|--------|---|

**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<br><b>Andrew Grean</b>  | Title<br><b>Wetland Specialist</b> |  |
| Signature<br>   | Date<br><b>8-14-19</b>             | Phone Number and E-mail<br><b>763.682.1933</b><br><b>andrew.grean@mn.nacdnet.net</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 \$500 fee (if applicable) to:<br>Executive Director<br>Minnesota Board of Water and Soil Resources<br>520 Lafayette Road North<br>St. Paul, MN 55155 | <input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to:<br>Executive Director<br>Minnesota Board of Water and Soil Resources<br>520 Lafayette Road North<br>St. Paul, MN 55155 |
|---|---|

#### 4. LIST OF ADDRESSEES

- SWCD TEP member: **Andrew Grean, Wright SWCD, andrew.grean@mn.nacdnet.met**
- BWSR TEP member: **Cade Steffenson, BWSR, cade.steffenson@state.mn.us**
- LGU TEP member (if different than LGU Contact): **Jeremy Carlson, Wright County Highway Dept., jeremy.carlson@co.wright.mn.us**
- DNR TEP member: **James Bedell, DNR, james.bedell@state.mn.us**
- DNR Regional Office (if different than DNR TEP member)
- WD or WMO (if applicable):
- Applicant (notice only) and Landowner (if different)

**Fehn Companies, Inc. (landowner), gfehn@fehncompanies.com**  
**Kyle Uhler (Kjolhaug Env. Services - Agent), kyle@kjolhaugenv.com**

- Members of the public who requested notice (notice only):

**Frank Svoboda, fjsvoboda@gmail.com**  
**Cody Okeson, USFWS, cody\_okeson@fws.gov**  
**Scott Glup, USFWS, scott\_glup@fws.gov**

- 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>  | <u>NE Region:</u>   | <u>Central Region:</u>  | <u>Southern Region:</u>   |
|--|---|---|---|
| Reg. Env. Assess. Ecol.<br>Div. Ecol. Resources<br>2115 Birchmont Beach Rd.<br>NE<br>Bemidji, MN 56601 | Reg. Env. Assess. Ecol.<br>Div. Ecol. Resources<br>1201 E. Hwy. 2<br>Grand Rapids, MN 55744 | Reg. Env. Assess. Ecol.<br>Div. Ecol. Resources<br>1200 Warner Road<br>St. Paul, MN 55106 | Reg. Env. Assess. Ecol.<br>Div. Ecol. Resources<br>261 Hwy. 15 South<br>New Ulm, MN 56073 |

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

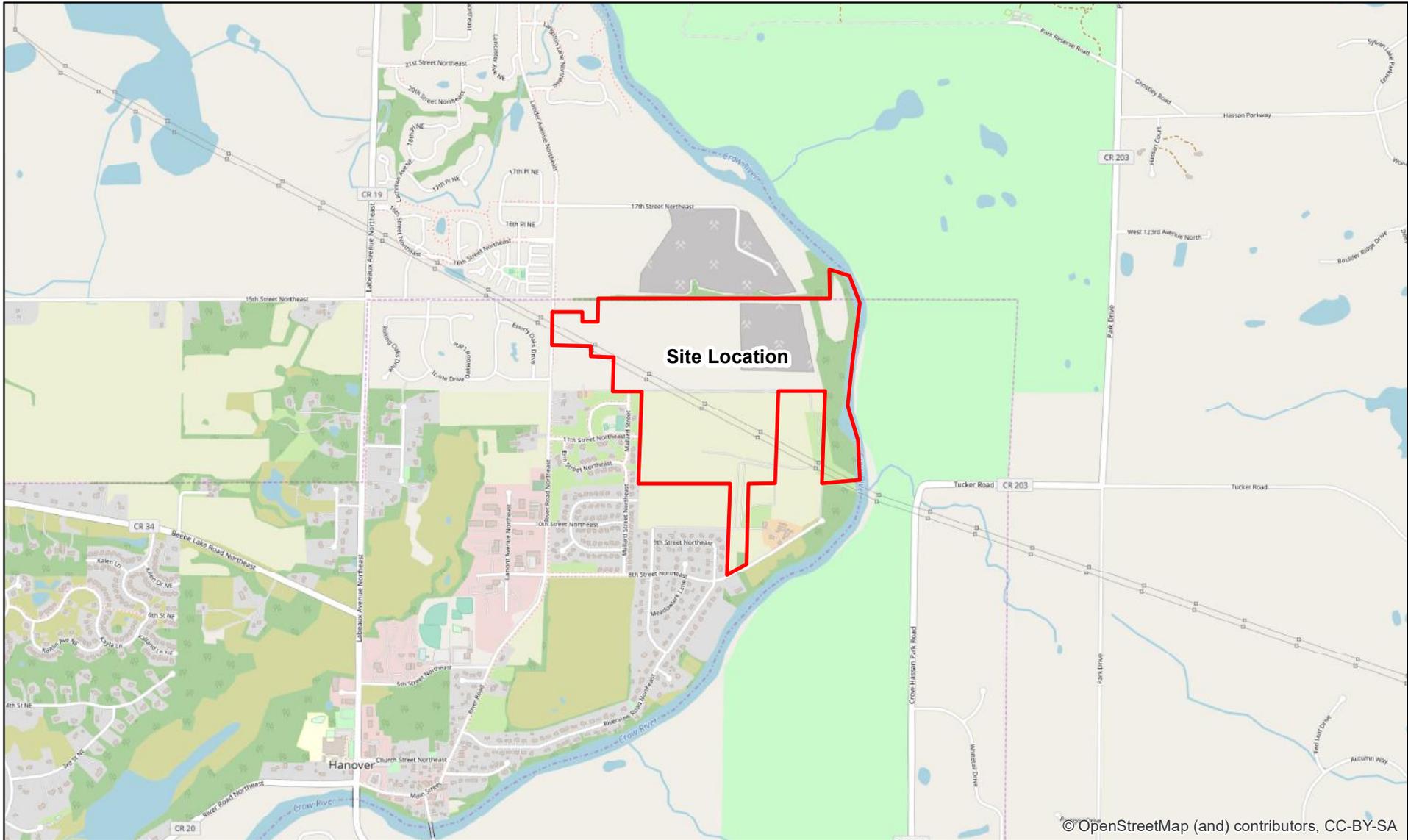
- For Wetland Bank Plan applications, also send a copy of the application to:  
 Minnesota Board of Water and Soil Resources  
 Wetland Bank Coordinator  
 520 Lafayette Road North  
 St. Paul, MN 55155

#### 6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

**Revised Wetland Boundary Figure**

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**Figure 1 - Site Location**



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0      2,000



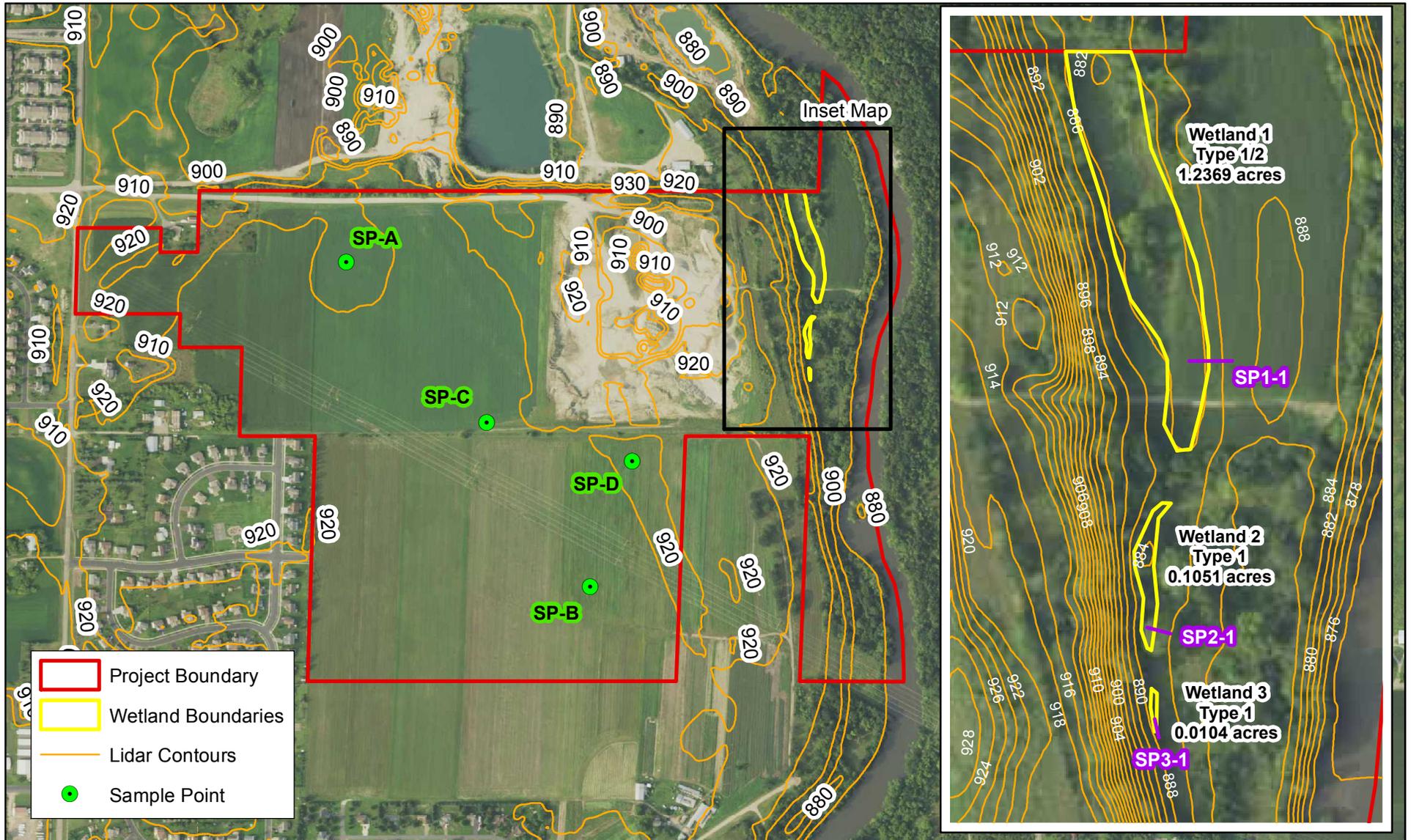
Feet

**KJOLHAUG** ENVIRONMENTAL SERVICES COMPANY

Source: ESRI Streets Basemap

**Mahler Aggregate Mine**  
**Hanover, Minnesota**

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.



**Figure 2 - Existing Conditions 8/6/2019 (2017 FSA Imagery)**



N



0      750



Feet

**Mahler Aggregate Mine (KES 2019-035)**  
**Hanover, Minnesota**

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

**KJOLHAUG** ENVIRONMENTAL SERVICES COMPANY  
 Source: MNGEO Spatial Commons