

Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit: Olmsted SWCD	County: Olmsted
Applicant Name: Dave Derby	Applicant Representative: Joey Goeden-Widseth
Project Name: Waters of Sater Dalen's Bay Dev	LGU Project No: 18-23
Date Complete Application Received by LGU: 12/14/23	
Date of LGU Decision: 2/21/24	
Date this Notice was Sent: 2/21/24	

WCA Decision Type - check all that apply

<input checked="" type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Bank Plan (not credit purchase)
<input type="checkbox"/> No-Loss (8420.0415)	<input type="checkbox"/> Exemption (8420.0420)		
Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H	Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9		

Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area: N/A
Wetland Replacement Type: <input type="checkbox"/> Project Specific Credits: <input type="checkbox"/> Bank Credits:
Bank Account Number(s):

Technical Evaluation Panel Findings and Recommendations (attach if any)

<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny <input type="checkbox"/> No TEP Recommendation
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LGU Decision

<input type="checkbox"/> Approved with Conditions (specify below) ¹	<input checked="" type="checkbox"/> Approved ¹	<input type="checkbox"/> Denied
List Conditions:		
Decision-Maker for this Application: <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other:		
Decision is valid for: <input checked="" type="checkbox"/> 5 years (default) <input type="checkbox"/> 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 decision¹.

<input type="checkbox"/> Attachment(s) (specify):
<input checked="" type="checkbox"/> Summary: A site visit was conducted by Olmsted SWCD staff (LGU & TEP) on Feb 21, 2024, to review the Widseth report findings for the Waters of Sater Dalen's Bay development project in Oronoco twp, sect 11 (T108N.R14W.sect 11) of Olmsted County. Staff walked the site and reviewed the drainageway features identified by Widseth as stream 1 & 2. Both "streams" are dry, intermittent flow drainageways that were historically eroded to their current state. The current condition of both is generally stable but lacking a good vegetative component. No potential wetlands were identified in either channel or across the property which is underlain by fractured bedrock with steep slopes that run off in nearly every direction. Care should be taken during road improvement at the crossing of stream 1 to ensure the culverts are sized properly and that there is no erosion due to stormwater run-off up or downslope of the culvert. The stormwater run-off plan (SWPPP) should take into account that run-off due to increased impervious surface will need to be treated to ensure run-off

velocities are reduced and erosion of the steep wooded side slopes of this development do not deliver increased amounts of sediment to Lake Zumbro. No other environmental issues were encountered. The TEP and LGU concur with the Widseth finding that no wetlands were present on this property.

¹ Findings must consider any TEP recommendations.

Attached Project Documents

Site Location Map Project Plan(s)/Descriptions/Reports: Widseth report attached

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?

Yes¹ No

¹If 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)

To appeal an LGU staff decision, please send petition and \$411.00 fee payable to: Olmsted County to:
Olmsted SWCD 2122 Campus Drive SE, Suite 200 Rochester, MN 55904

Notice Distribution:

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: Angela White	<input checked="" type="checkbox"/> BWSR TEP Member: Jed Chesnut
<input checked="" type="checkbox"/> LGU TEP Member: Skip Langer	
<input checked="" type="checkbox"/> DNR Representative: Brandon Schad	
<input checked="" type="checkbox"/> Watershed District or Watershed Mgmt. Org.: N/A	
<input checked="" type="checkbox"/> Applicant: Dave Derby	<input checked="" type="checkbox"/> Agent/Consultant: Joey Goeden-Widseth

Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers: David Studenski or general contact	
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only):	
<input type="checkbox"/> Members of the Public (notice only):	<input checked="" type="checkbox"/> Other: Nicole Lehman-DNR Hydrologist

Signature: 	Date: 2/21/2024 4:01 PM CST
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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.