

# Minnesota Wetland Conservation Act

## Notice of Decision

|   |   |
|---|---|
| Local Government Unit (LGU)<br><b>City of Bloomington</b> | Address<br><b>1800 W. Old Shakopee Rd.<br/>                 Bloomington, MN 55431</b> |
|---|---|

### 1. PROJECT INFORMATION

|   |  |   |                                       |
|---|--|---|---------------------------------------|
| Applicant Name<br><b>Tony Kaster, Alliant Engineering<br/>                 for Bloomington Hotel Ventures,<br/>                 LLC</b> | Project Name<br><b>Crown Plaza Apartment Project</b> | Date of<br>Application<br><b>10/15/2019</b> | Application<br>Number<br><b>19-13</b> |
| <input type="checkbox"/> Attach site locator map.   |  |   |                                       |

Type of Decision:

|   |   |                                    |                                     |
|---|---|------------------------------------|-------------------------------------|
| <input 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 type="checkbox"/> Approve  | <input type="checkbox"/> Approve with conditions | <input type="checkbox"/> Deny |
| Summary (or attach):<br><br><div style="border: 1px solid black; height: 40px; width: 100%;"></div> |  |                               |

### 2. LOCAL GOVERNMENT UNIT DECISION

|  |   |                                 |
|--|---|---------------------------------|
| Date of Decision: <b>October 25, 2019</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):

The City of Bloomington, LGU for the Minnesota Wetland Conservation Act Approves the No-Loss for the Crown Plaza Apartment Project as it meets the criteria under 8420.0105(D) for incidental wetlands where the landowner has demonstrated the wetland area was created in a nonwetland area solely by actions, the purpose of which was not to create the wetland.

The attached Wetland Investigation Report describes the history of the wetland area located at 8101 36<sup>th</sup> Avenue South, Bloomington MN 55424 near the proposed Crown Plaza Apartment Project proposed site. Aerial photography confirms that prior to 1958 there were no wetland signatures on the site. Aerial photography further confirms that during the early 1960's the site was an active gravel borrow operation in an area that was previously upland which is consistent with development activity at that time.

The applicant has hired Alliant of Minneapolis, MN to complete the engineered plans for the development project. The City of Bloomington does not have plans showing the construction of the basin, or any stormwater connections into or out of the basin. The wetland area is within the City's Bluff Overlay Protection Area and immediately adjacent to the Lower Minnesota River Valley Wildlife Refuge. In addition the wetland area is partially within the Lower Minnesota River Watershed District's Steep Slopes Overlay District. The proposed apartment construction will require an MPCA Construction Stormwater Permit and Stormwater Pollution Prevention Plan. The project also requires building and utility permits from the City of Bloomington, with inspections for erosion control, utilities, and final restoration.

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) |
|----------------|-------------------|--------|---|

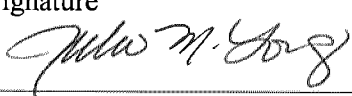
**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- 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>Julie Long, PE</b>  | Title<br><b>City Engineer</b>   |  |
| Signature<br> | Date<br><b>October 28, 2019</b> | Phone Number and E-mail<br><b>952-563-4865<br/>Jlong@BloomingtonMN.gov</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 <b>\$TBD</b> fee (if applicable) to:<br><b>Bloomington City Council</b><br><b>1800 West Old Shakopee Road</b><br><b>Bloomington MN 55431</b> | <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**

|                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | SWCD TEP member: <b>Stacey Lijewski, Hennepin Conservation District</b>   |
| <input checked="" type="checkbox"/> | BWSR TEP member: <b>Ben Carlson, BWSR</b>   |
| <input type="checkbox"/>            | LGU TEP member (if different than LGU Contact): <b>Steve Gurney &amp; Julie Long, Bloomington</b>   |
| <input checked="" type="checkbox"/> | DNR TEP member: <b>Leslie Parris and Jason Speigel, MDNR</b>  |
| <input type="checkbox"/>            | DNR Regional Office (if different than DNR TEP member)  |
| <input checked="" type="checkbox"/> | WD or WMO (if applicable): <b>Linda Loomis, Lower Minnesota River Watershed District</b>  |
| <input checked="" type="checkbox"/> | Applicant and Landowner (if different)  |
| <input checked="" type="checkbox"/> | Members of the public who requested notice:<br><b>Ann Kattreh, Mark Morrison, and Brian Hansen City of Bloomington</b><br><b>Gerry Shimek and Nicole Menard, USFWS, USACE email</b> |
| <input checked="" type="checkbox"/> | Corps of Engineers Project Manager  |
| <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](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:

|   |  |   |  |
|---|--|---|--|
| <b>NW Region:</b><br>Reg. Env. Assess. Ecol.<br>Div. Ecol. Resources<br>2115 Birchmont Beach Rd.<br>NE<br>Bemidji, MN 56601 | <b>NE Region:</b><br>Reg. Env. Assess. Ecol.<br>Div. Ecol. Resources<br>1201 E. Hwy. 2<br>Grand Rapids, MN 55744 | <b>Central Region:</b><br>Reg. Env. Assess. Ecol.<br>Div. Ecol. Resources<br>1200 Warner Road<br>St. Paul, MN 55106 | <b>Southern Region:</b><br>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: |  |
| <input checked="" type="checkbox"/>                              | <b>Wetland Investigation Report for Crown Plaza Apartment Site, Bloomington MN; October 2019</b> |
| <input type="checkbox"/>   |  |
| <input type="checkbox"/>   |  |
| <input type="checkbox"/>   |  |
| <input type="checkbox"/>   |  |

Crown Plaza Apartments  
Wetland Investigation Report

# Wetland Investigation Report

## Crown Plaza Apartment Site

Bloomington, Minnesota  
October 2019



**Prepared for:**

Ron Clark Construction  
7500 West 78<sup>th</sup> Street  
Edina, MN 55439

**Prepared by:**

Alliant Engineering, Inc  
733 Marquette Avenue, Suite 700  
Minneapolis, MN 55402  
763-218-2743



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Crown Plaza Apartments  
Wetland Investigation Report

## 1.0 INTRODUCTION

A desktop wetland investigation was conducted of an approximately 1.2-acre site to determine its jurisdictional status under the Wetland Conservation Act and Section 404 of the Clean Water Act. The site is located approximately 0.2 miles southeast of the intersection of American Boulevard East and 34<sup>th</sup> Avenue South. It is within a wooded area to the southeast of the Appletree Square complex, and is identified as PIN 053-0602723240015 (Site). It has been understood by the property owner that the Site was excavated as a borrow site in the 1960's. This Site is evaluated here to determine its jurisdictional status at the State and Federal levels, which will determine its potential for development.

The Site is owned by Bloomington Hotel Ventures, LLC.. The City of Bloomington is the Local Government Unit (LGU) that administers the Minnesota Wetland Conservation Act (WCA). This report provides the required documentation for wetland boundary determinations in conformance with the United States Army Corps of Engineers (USACE) Wetlands Delineation Manual (Environmental Laboratory, Waterways Experiment Station, 1987) and the Regional Supplement to the USACE Wetland Delineation Manual: Midwest Region (US Army Engineer Research and Development Center, 2010). The Joint Application Form for Activities Affecting Water Resources in Minnesota is included in the appendix.

The Level 1 determination was conducted to address requirements under the current regulatory framework concerning wetlands and waterbodies. A wetland delineation is the identification of the jurisdictional boundary of a wetland. There are three major wetland regulatory programs of statewide importance in Minnesota. Under the Minnesota Wetland Conservation Act and the Corps of Engineers Section 404 Program, delineations are conducted using the USACE Wetlands Delineation Manual, Technical Report Y-87-1 (Environmental Laboratory 1987). Under the Minnesota Department of Natural Resources (DNR) Public Waters Permit Program, the jurisdictional boundary of a wetland is the Ordinary High Water Level (OHWL), which are determined using the DNR *Guidelines for Ordinary High Water Level (OHWL) Determinations* (1993). The information collected by the investigation will be used to assess the jurisdictional status of wetlands and waterbodies on the site.

### 1.1 Site Description

The Site (Figure 1) is currently an undeveloped area within a landscape of upland forested land. It is to the southeast of the Appletree Square complex on the southeast side of the intersection of American Boulevard East and 34<sup>th</sup> Avenue South. The property (PIN # 053-0602723240015) is located in Section 6, Township 27N, Range 23W, City of Bloomington, Hennepin County, Minnesota.

## 2.0 METHODOLOGY AND ANALYSIS

### 2.1 GIS Data Review

Desktop data was reviewed, including the National Wetlands Inventory (NWI), the Minnesota Department of Natural Resources (MN DNR) Public Waters and Wetlands Inventory (PWI), Natural Resource Conservation Service (NRCS) Soil Survey Geographic database (SSURGO2) and LiDAR data.

The revised NWI dataset (Figure 2) depicts a wetland on the southeast side of the Site. It is indicated as a 'freshwater emergent wetland'. This NWI feature corresponds with a small clearing within the forest canopy where standing water appears in aerial imagery. About 290 feet to the southeast a large wetland complex is indicated that corresponds with the Minnesota River.

The PWI (Figure 3) does not depict any wetlands on or adjacent to the Site. The PWI depicts Long Meadow Lake, a feature that corresponds to the NWI wetland associated with the Minnesota River wetland complex to the south, downslope of the site.

The Hennepin County Soil Survey (Figure 4) identifies the Site as "Pits, gravel-Udipsamments complex". The area adjacent to the Site is mapped as Hawick loamy sand, a non-hydric soil. The Hawick series is likely representative of the Site prior to gravel mining operations.

The LiDAR derived hillshade digital elevation model and 2-foot elevation contours (Figure 5) depicts a crater-like feature within the Site. The crater appears as an anomaly in what is otherwise an embankment that slopes down to the Minnesota River valley.

- The bottom elevation of the site is 742' with an overflow elevation of greater than 748'.
- The wetland complex to the southeast corresponds to an elevation between 700' to 712'.
- No channels or waterways are present that suggest a hydrologic connection to the wetland complex to the southeast.

### 2.2 Aerial Photo Review

Historical aerial photographs were reviewed to determine if wetlands were present on the site prior to the gravel borrow operations, and to confirm when gravel borrow operations were conducted. Aerial photographs from the Hennepin County Aerial Imagery website were reviewed. The aerial imagery reviewed spans from 1940 to 1969 and includes photos from before, during, and after gravel borrow operations.

#### 1940

The Site and surrounding area are a rural landscape with scattered farmsteads with fields of row crops and pastures. The Site itself does not depict the wetland or any other suspected hydric features. There are no trees on the Site or adjacent to it.



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1953

The Site appears to be a grassland with nearby agricultural fields. As with the 1940 image, no wetland signatures are present on the site. A large tree is present at the southernmost portion of the site, and forest land has developed to the north of the site.

1957

The Site again appears to be a grassland with nearby agricultural fields. Similarly to the earlier images, no wetland signatures are present on the Site.

1964

An active gravel borrow operation is present within the Site and extending to the west and north. A haul road is evident from the west off of 34<sup>th</sup> Avenue, as well as along the north side of the borrow area. Open excavation areas devoid of vegetation are evident, particularly within the Site and to the east, appearing as light colored features.

1969

The site is no longer being actively excavated, as the site now appears to be vegetated with no indication of exposed soils or stockpiles. The site and surrounding land lacks the forest cover that is present in 2019.

The excavated area is presently occupied by the Site, as well as a parking lot and parking ramp. The parking lot is a low spot on the landscape.

### **3.0 RESULTS AND DISCUSSION**

The aerial imagery from 1940, 1953, and 1957 precede the excavation on the site. These photographs do not depict wetland signatures on the site. No signatures indicating hydrology, denser areas of vegetation, or areas incapable of being utilized for agriculture or hay production are present.

The photograph from 1964 depicts an active gravel borrow operation on the Site and to the west of the site. The 1969 photograph depicts the post borrow activity landscape prior to the development of land to the northwest at the location of Appletree Square. The 1960's were a time of development in the area, with the construction of I-494, Metropolitan Stadium, and other development projects. The need for gravel material was likely high, with the Site possessing the needed material.

No hydrologic outlets or wetland connections to any other wetlands are present. The LiDAR data does not depict any channels in either the hillshade DEM or the 2-foot contour data. Given the gravel substrate on the site, the basin likely never overtops the top or flows downslope. Water likely accumulates, but infiltrates into groundwater.

#### **4.0 CONCLUSIONS**

The wetland on the site is the result of a gravel borrow operation conducted in the 1960's in an area that was previously upland. As a result, the wetland is incidental under the WCA and not regulated per Minn. Rules 8420.0105. Additionally, the wetland lacks an outlet connecting it to any nearby wetland or an Waters of the United States. The wetland is isolated and non-jurisdictional under Section 404 of the Clean Water Act.

Alliant Engineering requests the City of Bloomington as the WCA LGU, and the USACE to review and process this report and the enclosed Joint Application Form for the Site.

Please consider this report a formal request for U.S. Army Corps of Engineers Approved Jurisdictional Determination (Attachment A of Joint Application Form).

Additionally, please consider this report a formal request for Wetland Conservation Act for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation (Attachment B of Joint Application Form) pursuant to Minn. Rules 8420.0105.

## 5.0 REFERENCES

- Cowardin, L.M., V. Carter, and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Office of Biological Services. FWS/OBS-79/31. Washington, D.C. 20240.
- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.
- Federal Emergency Management Agency (FEMA). 2019. Flood Map Service Center. Available online at <https://msc.fema.gov/portal>
- Minnesota Department of Natural Resources (Minnesota DNR). 2019. National Wetland Inventory (NWI) update. Available online at [https://www.dnr.state.mn.us/eco/wetlands/nwi\\_proj.html](https://www.dnr.state.mn.us/eco/wetlands/nwi_proj.html)
- Minnesota Department of Natural Resources (Minnesota DNR). 2019. Public Waters Inventory (PWI) update. Available online at [https://www.dnr.state.mn.us/waters/watermgmt\\_section/pwi/maps.html](https://www.dnr.state.mn.us/waters/watermgmt_section/pwi/maps.html)
- Scherek, J. and Glen Yakel. 1993. Guidelines for Ordinary High Water Level (OHWL) Determinations. Minnesota Department of Natural Resources – Technical Paper 11. Available online at [https://files.dnr.state.mn.us/waters/surfacewater\\_section/hydrographics/ohwl.pdf](https://files.dnr.state.mn.us/waters/surfacewater_section/hydrographics/ohwl.pdf)
- Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. 2017. Web Soil Survey. Available online at <https://websoilsurvey.nrcs.usda.gov/>.
- U.S. Army Corps of Engineers (USACE). 1990. "Clarification of the Phrase "Normal Circumstances" as it pertains to Cropped Wetlands," Regulatory Guidance Letter (RGL) 90-7 dated 26 September 1990.
- USACE. 1991. "Implementation of the 1987 Corps Wetland Delineation Manual," memorandum from John P. Elmore dated 27 August 1991.
- USACE. 1991. "Questions & Answers on the 1987 Manual," memorandum from John F. Study dated 7 October 1991.
- USACE. 1992. "Clarification and Interpretation of the 1987 Manual," memorandum from Major General Arthur E. Williams dated 6 March 1992.
- USACE. 1997. "NRCS Field Indicators of Hydric Soils," memorandum from John F. Study dated 21 March 1997.
- USACE. 2012. Regional Supplement to the Corps of Engineers Wetland Delineation Manual:

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- Northcentral and Northeast Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, C. V. Noble, and J. F. Berkowitz. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- USACE and Minnesota Board of Water & Soil Resources (BWSR). 2016. Guidance for Offsite Hydrology/Wetland Determinations. Available online at [https://bwsr.state.mn.us/sites/default/files/2018-12/WETLANDS\\_Delin\\_Guidance\\_for\\_Offsite\\_Hydrology\\_and\\_Wetland\\_Determinations.pdf](https://bwsr.state.mn.us/sites/default/files/2018-12/WETLANDS_Delin_Guidance_for_Offsite_Hydrology_and_Wetland_Determinations.pdf)
- U.S. Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS). 1997. Hydrology Tools for Wetland Determination. Engineering Handbook, Part 650. Issued August 1997.
- USDA-NRCS. 2010. Field Indicators of Hydric Soils in the United States, Version 7.0. L.M. Vasilas, G.W. Hurt, and C.V. Noble (eds.). USDA-NRCS in cooperation with the National Technical Committee for Hydric Soils.
- USDA-NRCS. 2007. Bloomfield Series. Available online at [https://soilseries.sc.egov.usda.gov/OSD\\_Docs/B/BLOOMFIELD.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/B/BLOOMFIELD.html)
- U.S. Fish and Wildlife Service (USFWS). 2019. National Wetland Inventory. Available online at <https://www.fws.gov/wetlands/Data/Mapper.html>
- U.S. Geological Survey (USGS). 2018a. National Hydrologic Data (NHD). Available online at <https://viewer.nationalmap.gov/advanced-viewer/>
- U.S. Geological Survey (USGS). 2018b. Topographic map. Available online at <https://viewer.nationalmap.gov/basic/?basemap=b1&category=histopo,ustopo&title=Map%20View>

# **Appendix A**

## **Joint Application Form**

# Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

## Regulatory Review Structure

### Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

### State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

## Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

**Submission Instructions**

Send the completed joint application form and all required attachments to:

**U.S Army Corps of Engineers.** Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and select "Minnesota" from the contact Information box.

Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

**Section 401 Water Quality Certification:** Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

**Wetland Conservation Act Local Government Unit:** Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site ([www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)) to determine the appropriate LGU.

**DNR Public Waters Permitting:** In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (<https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>).

Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

Project Name and/or Number: Crown Plaza Apartments

## PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

**Applicant/Landowner Name:** Bloomington Hotel Ventures, LLC  
**Mailing Address:** 7900 International Drive, #115, Bloomington, MN 55425  
**Phone:** 952-229-4433  
**E-mail Address:**

**Authorized Contact (do not complete if same as above):** Ron Clark Construction  
**Mailing Address:** 7500 West 78<sup>th</sup> St, Edina, MN 55439  
**Phone:** 952.947-3000  
**E-mail Address:** mwaldo@ronclark.com

**Agent Name:** Tony Kaster – Alliant Engineering  
**Mailing Address:** 733 Marquette Avenue, Ste 700, Minneapolis, MN 55402  
**Phone:** 763-218-2743  
**E-mail Address:** tkaster@alliant-inc.com

## PART TWO: Site Location Information

**County:** Hennepin **City/Township:** City of Bloomington  
**Parcel ID and/or Address:** 053-0602723240015  
**Legal Description (Section, Township, Range):** Sec 6, Twp 27N, R 23W  
**Lat/Long (decimal degrees):** 44.856902, -93.219453  
**Attach a map showing the location of the site in relation to local streets, roads, highways.**  
**Approximate size of site (acres) or if a linear project, length (feet):** 1.2 acres

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

[http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform\\_4345\\_2012oct.pdf](http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf)

## PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted *prior to* this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

**The pond is being evaluated to determine its jurisdictional status under WCA and Section 404, which in turn will determine the development suitability of the site.**



## PART FOUR: Aquatic Resource Impact<sup>1</sup> Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

| Aquatic Resource ID (as noted on overhead view) | Aquatic Resource Type (wetland, lake, tributary etc.) | Type of Impact (fill, excavate, drain, or remove vegetation) | Duration of Impact Permanent (P) or Temporary (T) <sup>1</sup> | Size of Impact <sup>2</sup> | Overall Size of Aquatic Resource <sup>3</sup> | Existing Plant Community Type(s) in Impact Area <sup>4</sup> | County, Major Watershed #, and Bank Service Area # of Impact Area <sup>5</sup> |
|---|---|--|--|-----------------------------|---|--|--|
|   | Wetland   | TBD  | TBD  | 1.2 ac                      | N/A   | Wet Meadow   | Hennepin, Watershed #33 BSA #9   |
|   |   |  |  |                             |   |  |  |
|   |   |  |  |                             |   |  |  |
|   |   |  |  |                             |   |  |  |

<sup>1</sup>If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

<sup>2</sup>Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

<sup>3</sup>This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

<sup>4</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>5</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

## PART FIVE: Applicant Signature

Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature:  Date: 10/14/2019

I hereby authorize Tony Kaster to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

<sup>1</sup> The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

Project Name and/or Number: Crown Plaza Apartments

## Attachment A

### Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

**Wetland Type Confirmation**

**Delineation Concurrence.** Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

**Preliminary Jurisdictional Determination.** A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

**Approved Jurisdictional Determination.** An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).

<http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx>

Project Name and/or Number: Crown Plaza Apartments

## Attachment B

### Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part *if* you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR *if* you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

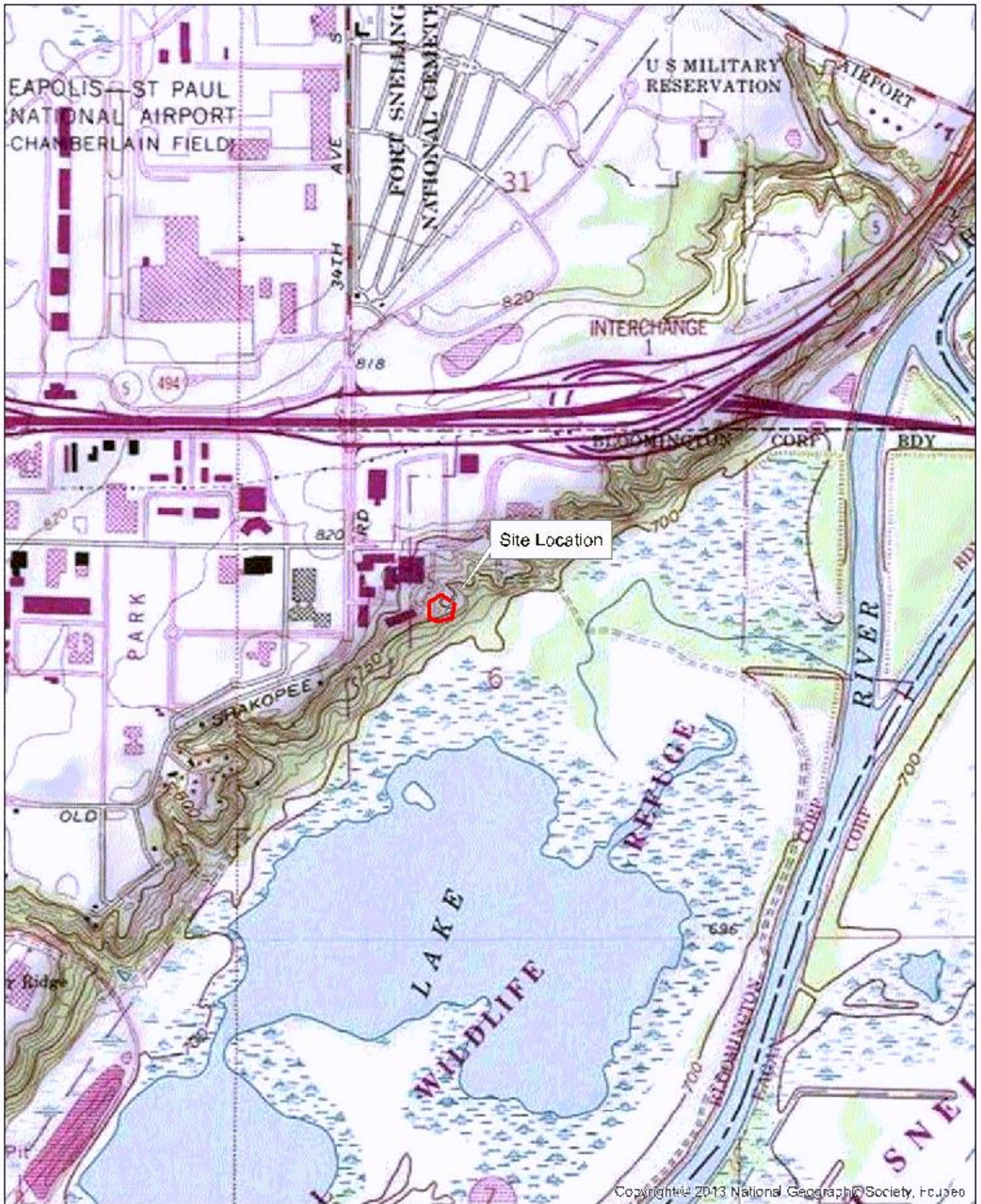
**8420.0105, Subp 2., D (Incidental Wetland). 8420.0415 (No-Loss Criteria)**

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

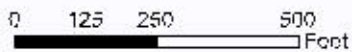
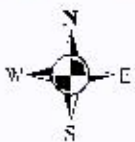
**The wetland is incidental, having been created in an area of upland as a gravel borrow area. Abandonment of the borrow site allowed for wetland characteristics to develop over time.**

# Appendix B

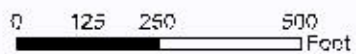
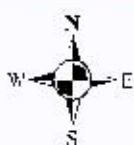
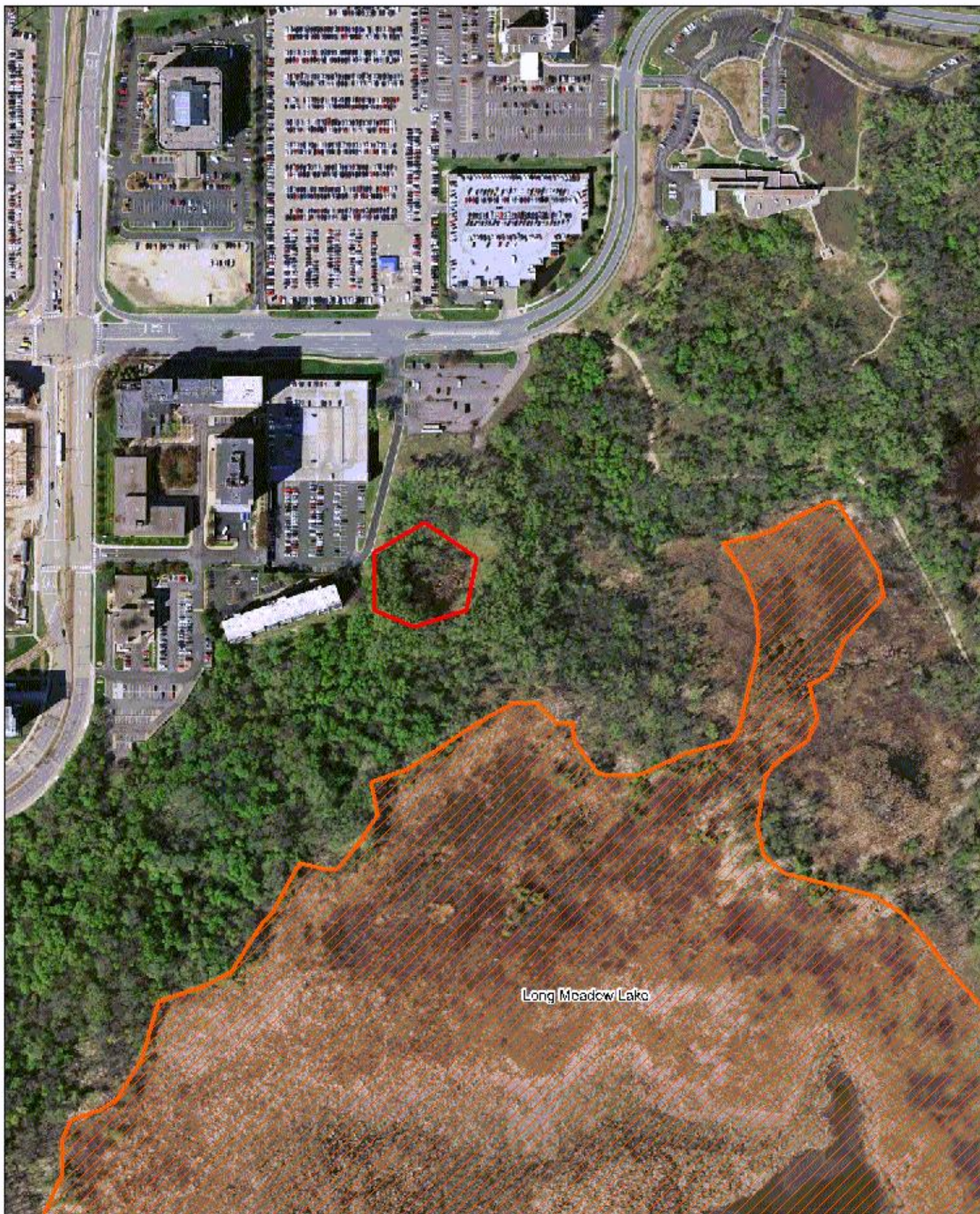
## Figures



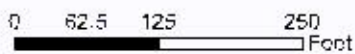
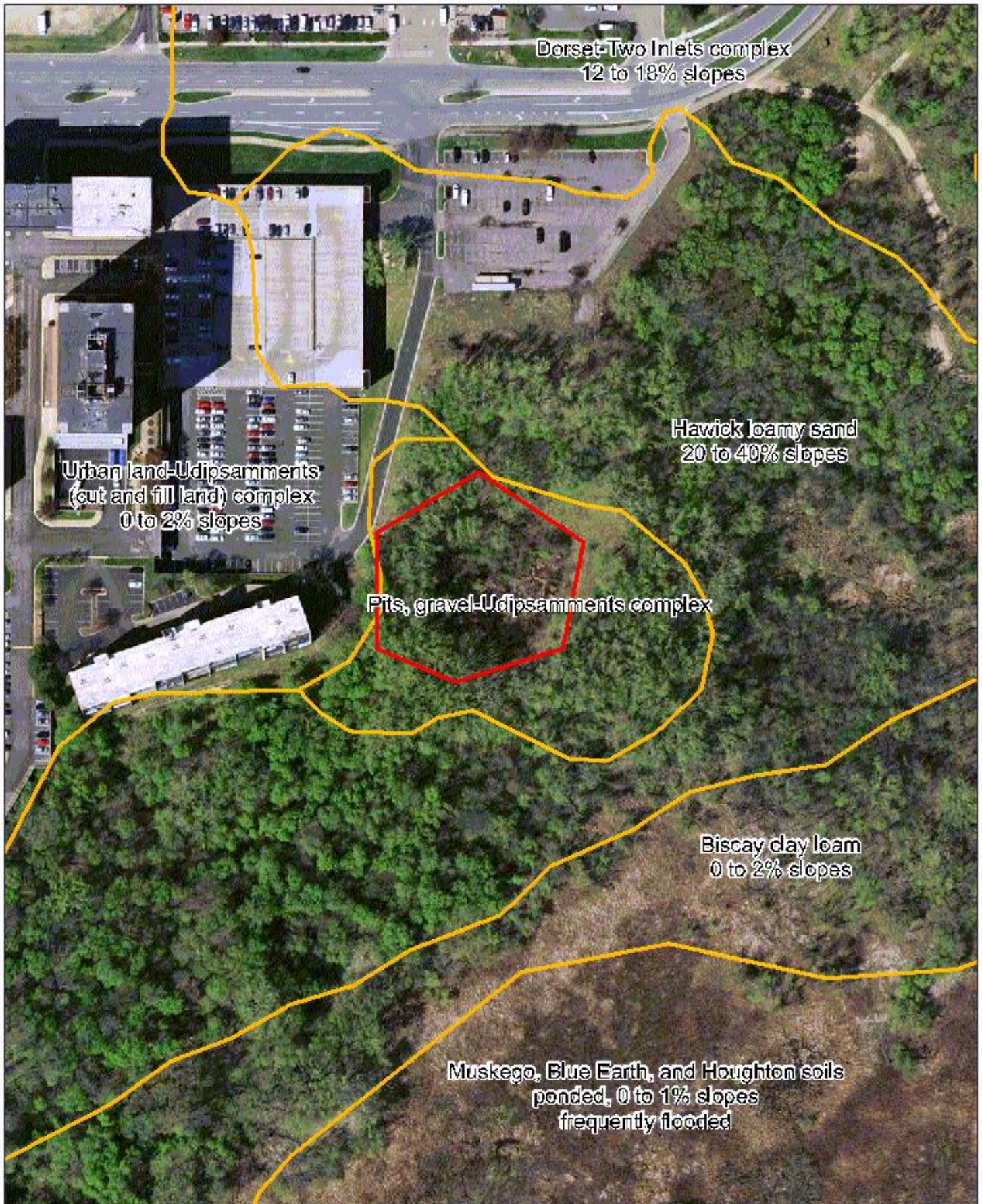
**Figure 1 - Site Location Map  
Crown Plaza Apartments  
Bloomington, MN**



**Figure 2 - National Wetland Inventory  
Crown Plaza Apartments  
Bloomington, MN**

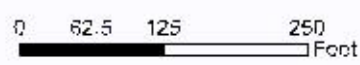
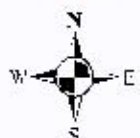
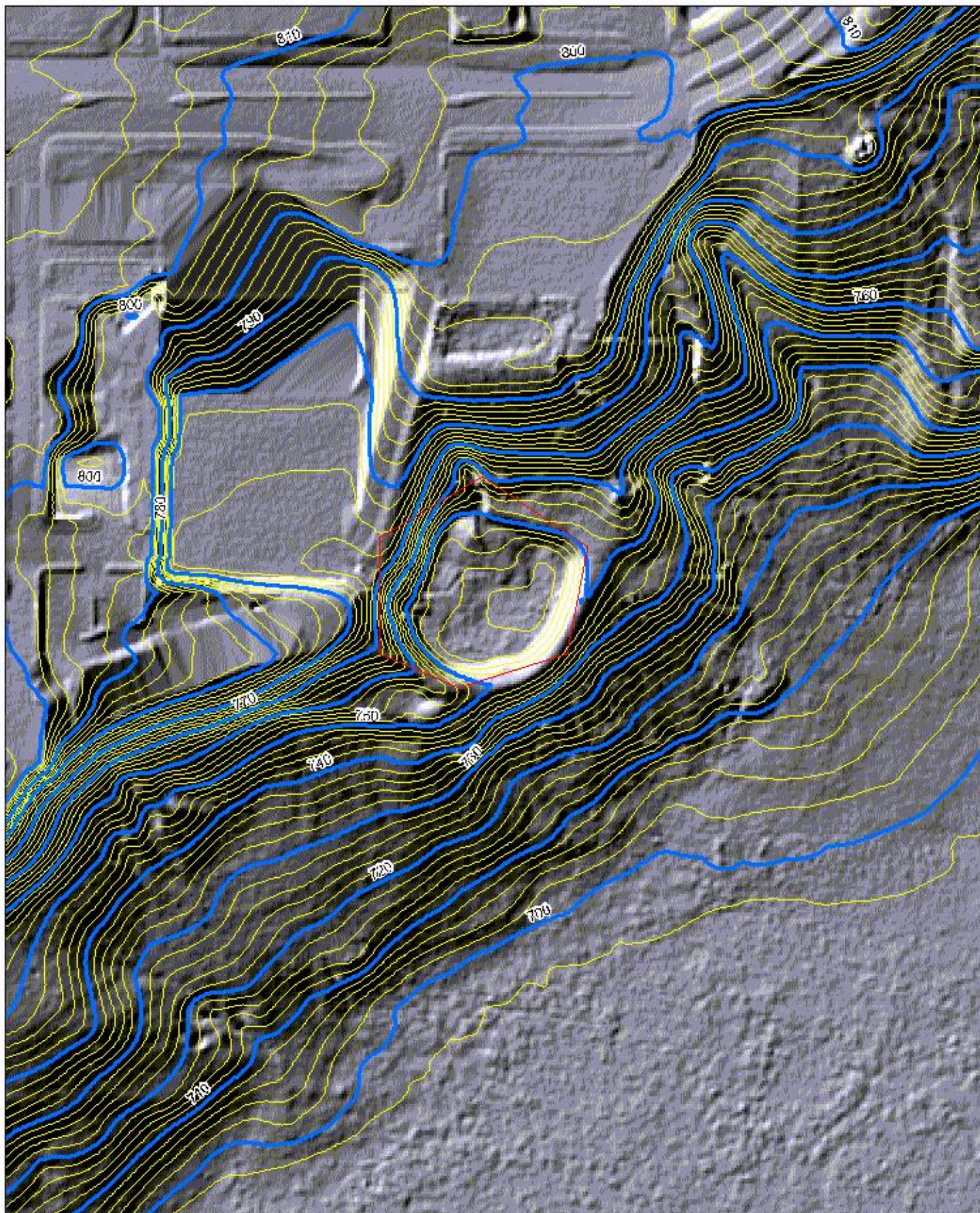


**Figure 3 - Public Waters Inventory  
Crown Plaza Apartments  
Bloomington, MN**

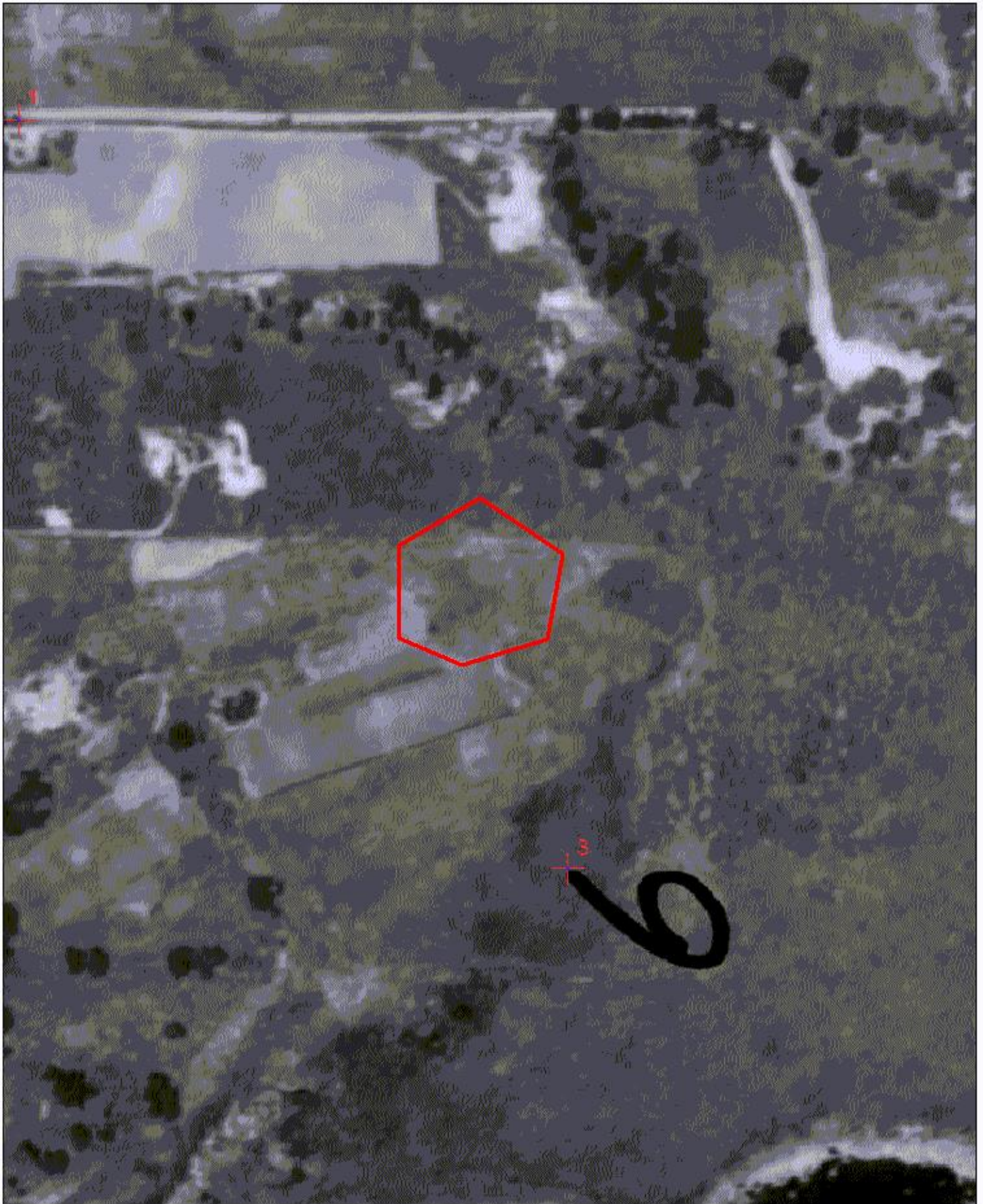


**Figure 4 - Hennepin County Soil Survey  
Crown Plaza Apartments  
Bloomington, MN**



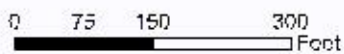
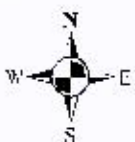


**Figure 5 - Hillshaded DEM and 2-ft Contours  
Crown Plaza Apartments  
Bloomington, MN**

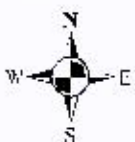
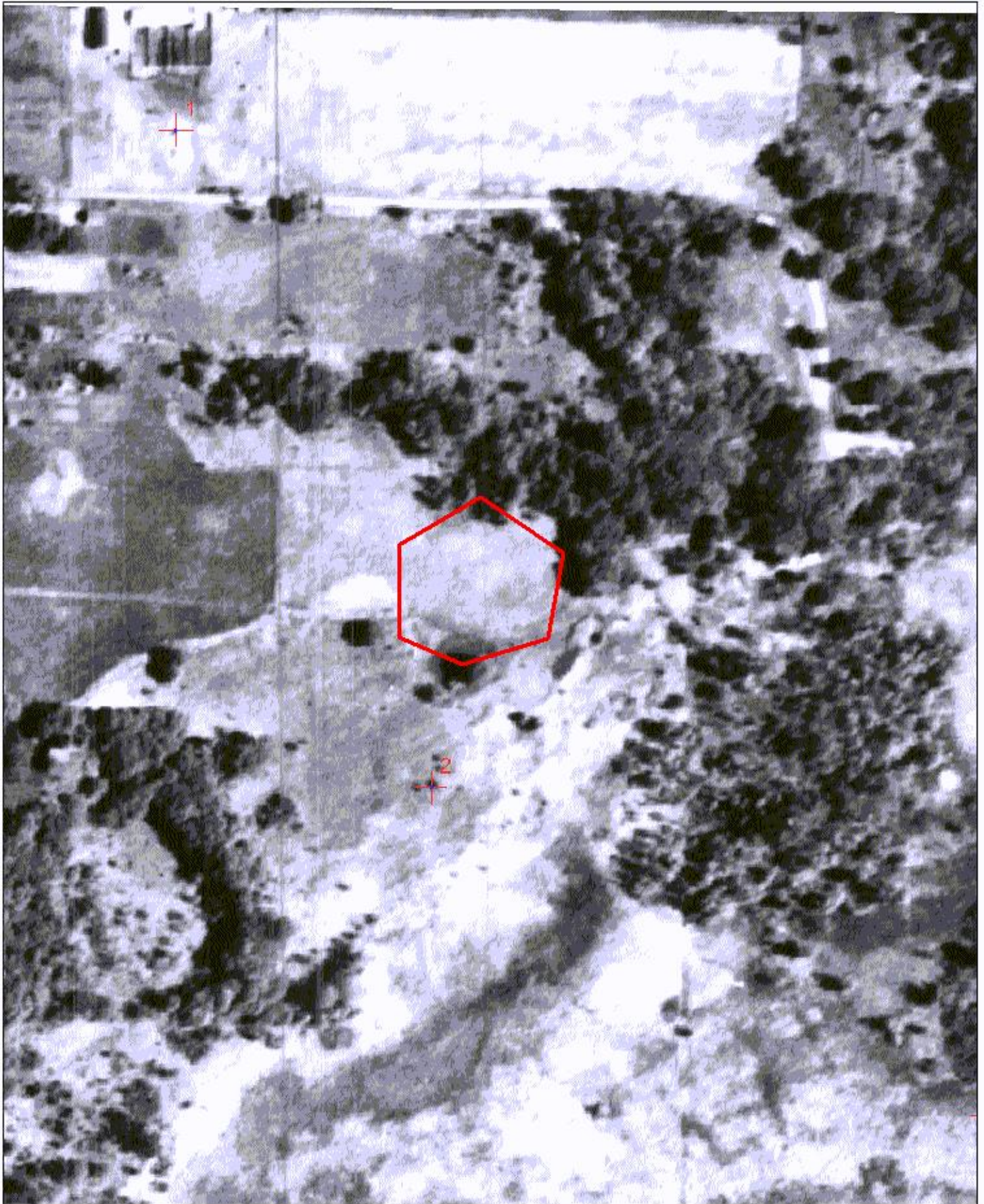


0 75 150 300 Feet

**Figure 6 - 1940 Aerial Imagery  
Crown Plaza Apartments  
Bloomington, MN**

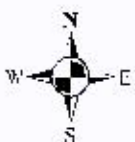


**Figure 7 - 1953 Aerial Imagery  
Crown Plaza Apartments  
Bloomington, MN**



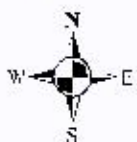
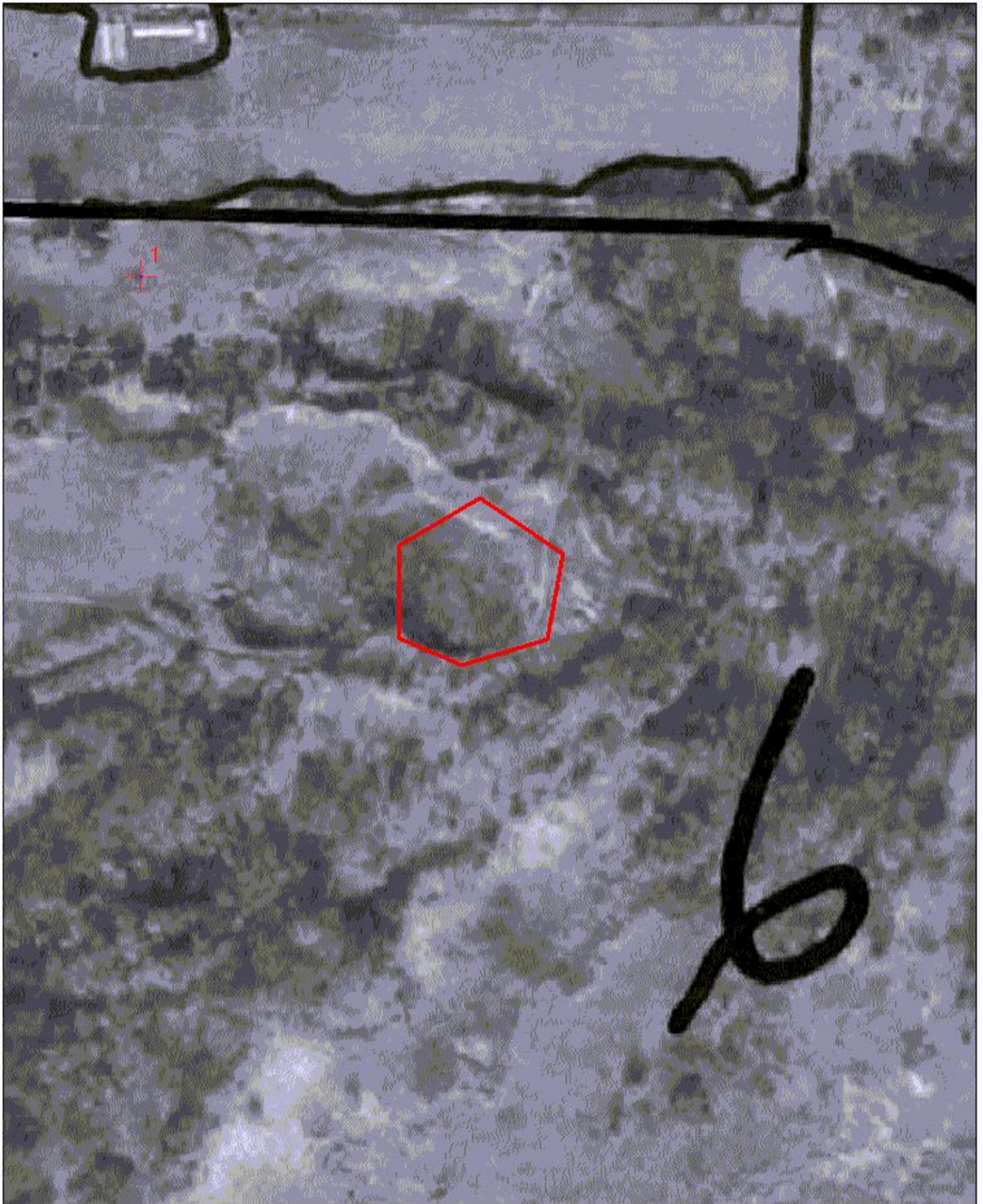
0 75 150 300  
Foot

**Figure 8 - 1957 Aerial Imagery  
Crown Plaza Apartments  
Bloomington, MN**



0 75 150 300  
Foot

**Figure 9 - 1964 Aerial Imagery  
Crown Plaza Apartments  
Bloomington, MN**



0 75 150 300 Feet

**Figure 10 - 1969 Aerial Imagery  
Crown Plaza Apartments  
Bloomington, MN**