

**City of East Bethel
Planning Commission
AGENDA**



6:30 pm

Tuesday, February 10th, 2015

This is a Special Meeting, please note date and time

Agenda

- | | |
|---------|---|
| 6:30 PM | 1.0 Call to Order |
| 6:31 PM | 2.0 Adopt Agenda |
| 6:32 PM | 3.0 Public Hearing/Interim Use Permit, Mining – Request by applicant, Classic Construction, Inc. to obtain an Interim Use Permit to perform Major Mining at 1965 Briarwood Lane NE, East Bethel, MN 55011, PIN 333323220005. The Zoning Classification is Single Family Residential (R1) District. |
| 6:55 PM | 4.0 Adjournment |



City of East Bethel Planning Commission Agenda Information

Date:

February 10, 2015

Agenda Item Number:

Item 3.0

Agenda Item:

Interim Use Permit (special use permit), Major Mining

Property Owner: Martin Johnson

Applicant: Classic Construction, Inc., 18542 Ulysses St NE, East Bethel MN 55011

Address: 1965 Briarwood Ln NE, East Bethel, MN

PIN: 333323230005

Zoning: Single Family Residential (RR)

City of East Bethel Code Reference:

Article V Extractions; Appendix A, Zoning Ordinance, Section 43

Requested Action:

Consider approving an Interim use permit (IUP) to Classic Construction, Inc. for a major mining permit.

Background Information:

Mr. Martin Johnson contacted Classic Construction, Inc. requesting that they create a wildlife pond on his property. The area proposed for the excavation had been a sod farm and is approximately 2 acres in size. The excavation would take place over a period of 12 months and would be started this winter subject to approval of the IUP. The pond will be dug out and a 10:1 slope will be maintained. The seeding will be a Minnesota State Seed Mix 34-262 Wet Prairie. The current driveway will be used to haul the material out. Classic Construction will be the only company hauling the fill and their route will be from Briarwood Ln NE continuing on Highway 65 service road to 187th Lane NE where they will head west and bring fill to a vacant lot owned by Classic Construction in the Classic Commercial Park. Erosion control both at the excavation site and stockpile site will be mandated and is included in their plan. The applicant has completed their Joint application form for Activities affecting water resources in Minnesota and has received a Notice of Decision from the City and from the Army Corps of Engineers. So they are permitted through that process. The City Engineer has also reviewed the project and offered comments and the applicant has responded to those comments.

Attachments:

Attachment #1 – Joint application

Attachment #2 – IUP application

Attachment #3 – Aerial photo

Attachment #4 – Elevation map

Attachment #5 – Memo from Hakanson Anderson

Attachment #6 – Memo from Classic
Attachment #7 – Wetland Notice of decision
Attachment #8 – Army Corps letter

Fiscal Impact:

Not applicable

Recommendation(s):

Staff recommends that the Planning Commission approve the IUP to Classic Commercial, Inc. and Martin Johnson to permit the excavation of materials and create a wildlife pond under Section V – Excavation, East Bethel City Code of Ordinances. Subject to the following conditions:

1. All permits from jurisdictions under the Joint Application Form are required before any work can begin.
2. All comments of the City Engineer shall be addressed .
3. Property Owner and applicant shall meet City, State, and Federal regulations for the protection of air quality, erosion control, dust control, and noise.
4. Hours of operation shall be 7 am to 5 pm Monday through Friday, and Saturday 8 am – 1 pm only.
5. Truck Hauling signs shall be posted on the site.
6. NPDES permit is required.
7. A revised grading plan shall be provided.
8. Erosion control shall be required at the stockpile site.
9. Stockpile site is allowed on Outlot A, Classic Commercial Park 3rd Addition. For a period of one year.
10. Property Owner or Applicant shall provide a Letter of Credit or an escrow in an amount determined by the City Engineer .
11. Enter into a Mining Performance Agreement with the City of East Bethel.

Planning Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



CONCRETE • MASONRY • EXCAVATING • GENERAL CONTRACTING

TO: Andy Beaudet, Becky Wozney, Joan Spence, Dennis Rodacker
FROM: Kristin Erickson
DATE: December 3, 2014
SUBJECT: 1965 Briarwood Lane NE, East Bethel, MN

Thank you all for your time at the pre-application meeting held at our office on November 19th.

We were contacted by Mr. Martin Johnson to create some wildlife ponds for him at his homestead. The area we are proposing to work in had been a sod farm back in the late 1960's; Mr. Johnson had a small hobby farm and had a 2-3 acre sod field at his property. Adding these ponds to his property would benefit him by enhancing the wildlife and improving the wetland community.

We had an onsite review done by the Anoka Conservation district and that review shows the groundwater elevation is around 901.0' and the approximate wetland boundary appears to be around 902.0'. We will be working in a 2 acre area – see attachment – we will be working in the area that is a Type 1/2 wetland; we are requesting a no loss provision. This area is nearly 100 percent reed canary grass/monotypic plant community which is currently mowed and with this ponding being created it will benefit the native plant community. The open water community will have higher diversity.

Classic Construction, Inc. will be performing the excavation. We will perform the excavation with a backhoe for digging and loading purposes with dozers and skid loaders for grading. We will not be removing any trees from this site. The approximate quantity of material to be excavated would be 11,000 cubic yards.

Most of the excavation process would be done over a 12 month period and would be started in the winter months. The 12 month period would include the digging of the pond and grading of the slopes with seeding of disturbed areas to follow. We will maintain 10:1 slopes. We would seed with a drill type seeder pulled behind a tractor. Straw mulching and disk anchoring would follow the seeding to eliminate erosion. The seed mix we plan on using is Minnesota State Seed Mix 34-262 Wet Prairie.

We will use the current driveway to haul the material out – material would be hauled offsite by Classic Construction, Inc. solely, and used for spreading topsoil on residential

and commercial yards around the Anoka County area. We would load the black dirt right as we are digging it out and place in our dump trucks and stockpile it at the Classic Commercial Park 3rd, Addition (1415 187th Lane NE, East Bethel, MN) for a short period of time until it was needed.

With all that being said, attached please find the following:

- Joint Application form
- Parcel Information from the City of East Bethel;
- Wetland Review from onsite meeting with the Anoka Conservation District;
- Certificate of Survey prepared by EG Rud & Sons, Inc.
- Grading Plan prepared by Plowe Engineering, Inc. and revised on 11/26
- Plat of where the black dirt will be immediately hauled to

Thanks in advance for your attention to this matter and I look forward to hearing from you.

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) 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.

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: **Mussic Construction, Inc.**
Mailing Address: **14542 Ulysses St NE, East Bethel, MN 55011**
Phone: **763 434 8870**
E-mail Address:

KRISHI@MUSSICCONSTRUCTIONINC.COM

Authorized Contact (do not complete if same as above):

Mailing Address:
Phone:
E-mail Address:

Agent Name:
Mailing Address:
Phone:
E-mail Address:

PART TWO: Site Location Information

County: **Anoka** City/Township: **East Bethel**
Parcel ID and/or Address: **1905 BRIARWOOD LN NE, 333323230005**
Legal Description (Section, Township, Range): **33, 33, 23**
Lat/Long (decimal degrees): **See attached**

Attach a map showing the location of the site in relation to local streets, roads, highways. **see a Hanner**
Approximate size of site (acres) or if a linear project, length (feet): **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

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.

See attached memo & plans

PART FOUR: Aquatic Resource Impact¹ 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) ¹	Size of Impact ²	Overall Size of Aquatic Resource ³	Existing Plant Community Type(s) in Impact Area ⁴	County, Major Watershed #, and Bank Service Area # of Impact Area ⁵
	WETLAND	P.L.C.	P	2 ACRES	N/A	TYPE 2 FRESH WET MEADOW	Anoka #7
							26
							#7

¹If 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)".

²Impacts 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).

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

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

⁵Refer 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. Done on 11/19/14

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: KRISHN J ERUKON Date: 12/3/14

I hereby authorize _____ 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.

¹ 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.

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** 112 Andeka Conv. District
- 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>

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:

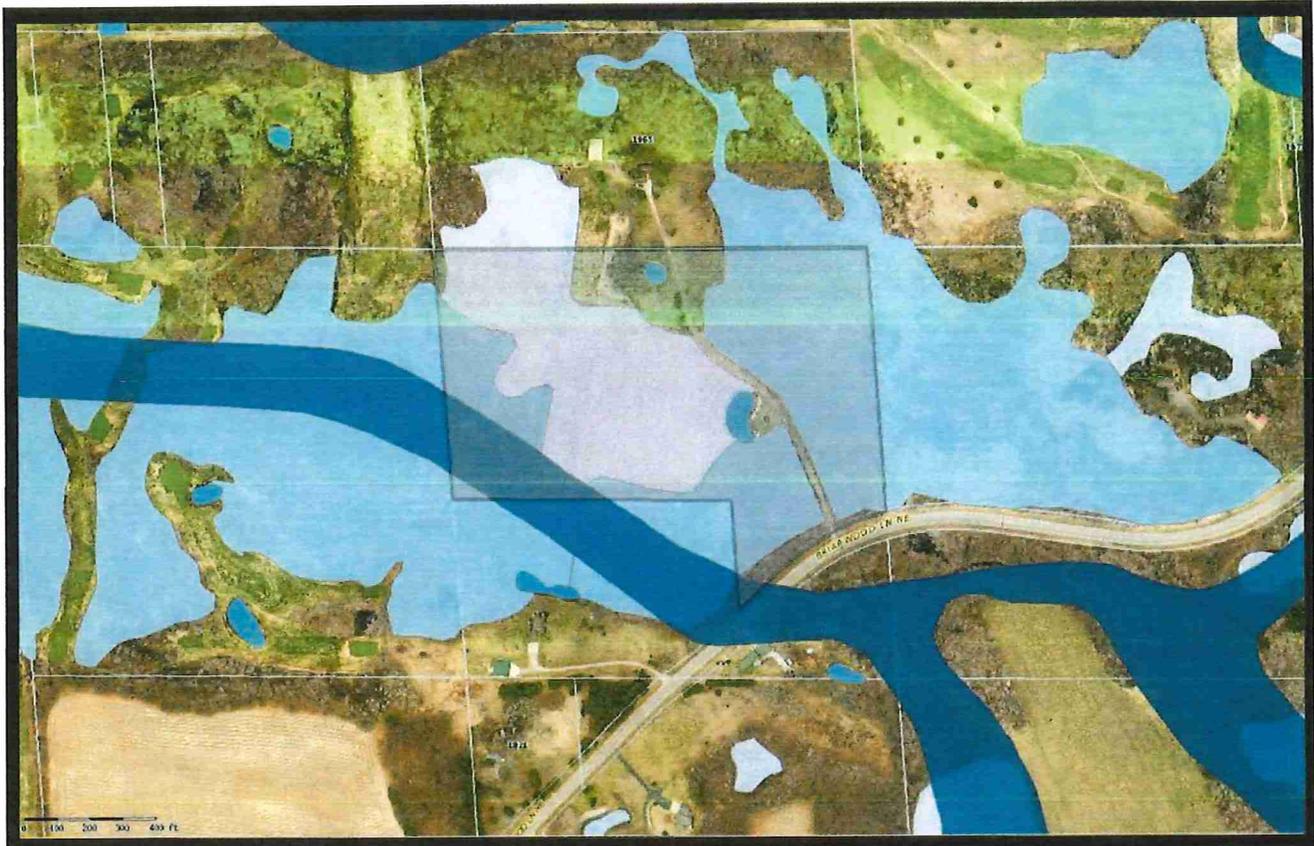
NO LOSS PROVISION WITH CN. 8420.0415 SUBPART A

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:

See attachments



GeoMoose Map



Parcel Information

PIN: 333323230005

Acres: 25.04057

Owner Name: JOHNSON MARTIN D & MYRA

Address 1: 1965 BRIARWOOD LN

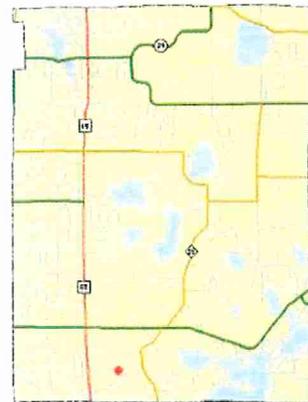
Address 2: EAST BETHEL, MN 55011-0000

Site Address 1:

Site Address 2: EAST BETHEL, MN 55011

Zoning: R-1

Shoreland: N



Legal: THAT PRT OF SW1/4 OF NW1/4 OF SEC 33 TWP 33 RGE 23 LYG NWLY OF C/L OF BRIARWOOD LN NE, EX S 540 FT OF W 850 FT THEREOF, EX RD, SUBJ TO EASE OF REC

Date: 01/15/2014



ANOKA CONSERVATION DISTRICT
1318 McKay Drive NE, Suite 300
Ham Lake, MN 55304
Phone: (763) 434-2030 Fax: (763) 434-2094
www.AnokaSWCD.org

6/5/2014

Martin Johnson
1965 Briarwood Ln, NE
East Bethel, MN 55011

Subject: WCA Wetland Excavation Guidelines
1965 Briarwood Ln NE – PIN

Dear Mr. Johnson,

At your request, on 5/30/2014 the Anoka Conservation District (ACD) conducted an on-site review of the Area of Review shown on attached Figures 1-4. In the ACD's opinion, this Area of Review contains a Type 1/2 wetland that also includes three areas that are Type 3, 4, or 5 wetlands. The approximate boundaries (not LGU/USACE approved) of these areas are shown in Figures 1-4.

The Type 1/2 wetland supports a plant community that appears to be nearly 100 percent reed canary grass. During the 5/30/2014 site visit, the ACD determined the area to be wetland based on a 12 inch deep data point in the Type 1/2 area. At this data point, vegetation (reed canary grass); soils (10YR 2/1 muck underlain by peat); and hydrology (saturation at 6 inches) all met the wetland criteria established by the 1987 USACE Manual and the Northcentral-Northeast Regional Supplement to the USACE Manual.

The entire wetland area in the Area of Review is regulated by the Minnesota Wetland Conservation Act (WCA), which requires WCA approval for activities that would impact the wetland as defined in 8420.0111 Subp 32.

WCA's definition of wetland "impact" includes filling and/or draining of all wetland Types (see attached BWSR brochure for examples of wetland Types). Excavation within Type 3, 4, and 5 wetlands is also regulated as an impact; and excavation in all wetland Types (including Type 1/2) are regulated if the excavation results in filling, draining, or conversion to nonwetland. **Thus, excavation within the Type 3, 4, or 5 wetland areas circled in yellow on the attached Figure 1-4 would require WCA approval from your Local Government Unit (the City of East Bethel), and excavation within all areas of the wetland would require WCA LGU approval if the activity causes filling, draining, or conversion to nonwetland.**

To avoid WCA enforcement procedures for an excavation project within the Type 1/2 wetland area you must follow these procedures:

- The soil from the excavation cannot be placed into any wetland area, **even temporarily**, as this is considered fill.
- The wetland excavation cannot be deeper than 2 meters (6.5 feet) from the original soil surface as this would be considered a conversion to nonwetland (deep water habitat)
- Wetland side slopes must be 5:1 or flatter.
- No topsoil may be spread back within the excavated wetland, or any other wetland. Spreading spoil in a wetland is considered fill.

This is NOT a permit

RECOMMENDATIONS

- Construct the pond with an undulating bottom, keeping the pond less than 4 feet deep, with the majority of the pond less than 2 feet deep.
- The side slopes of the wetland should be constructed as gentle as you can (e.g. 10:1 or flatter). Let the side slopes determine the depth, rather than the depth determining the side slopes. The slope steepness will be the determining factor if this pond will be viable for wildlife. Most biotic activity happens on the wetland fringe in less than one foot of water.
- In Anoka County, sandy wet soils have been documented to support native plant communities, release native seed banks, and inhibit the growth of invasive and/or non-native species such as reed canary grass and hybrid cattails. If you can do so within the confines of the depth (less than 4 feet) and slope (10:1) recommendations, excavate to the zone where the organic soils meets the native sandy soils.
- The excavation shape should be natural with points and bays. Simple shapes provide minimal wildlife habitat.
- Allow trees or shrubs to grow adjacent to, or overhang the pond. This provides structure and cover for wildlife.
- Since your proposed wetland excavation would likely result in variety of wetland types, seed the wetland with suitable native seed mixes comparable to the seed mixes listed here:
http://www.bwsr.state.mn.us/native_vegetation/state_seed_mixes.pdf

Since Minnesota WCA rules are updated regularly, if the excavation activity is not completed within one year of the date of this letter, please contact the Anoka Conservation District to determine if additional WCA review is needed. **This letter is not a WCA approval and only is only intended to serve as general guidance regarding the Minnesota Wetland Conservation Act.**

You almost certainly need approvals from other agencies, including the City of East Bethel and the U.S. Army Corps of Engineers (USACE). Information on the USACE's permitting process may be found online here: <http://www.mvp.usace.army.mil/Missions/Regulatory/PermittingProcessProcedures.aspx>. Your Anoka County USACE point of contact is Mr. Andy Beaudet:

- Phone: 651-290-5642
- Email: andrew.d.beaudet@usace.com

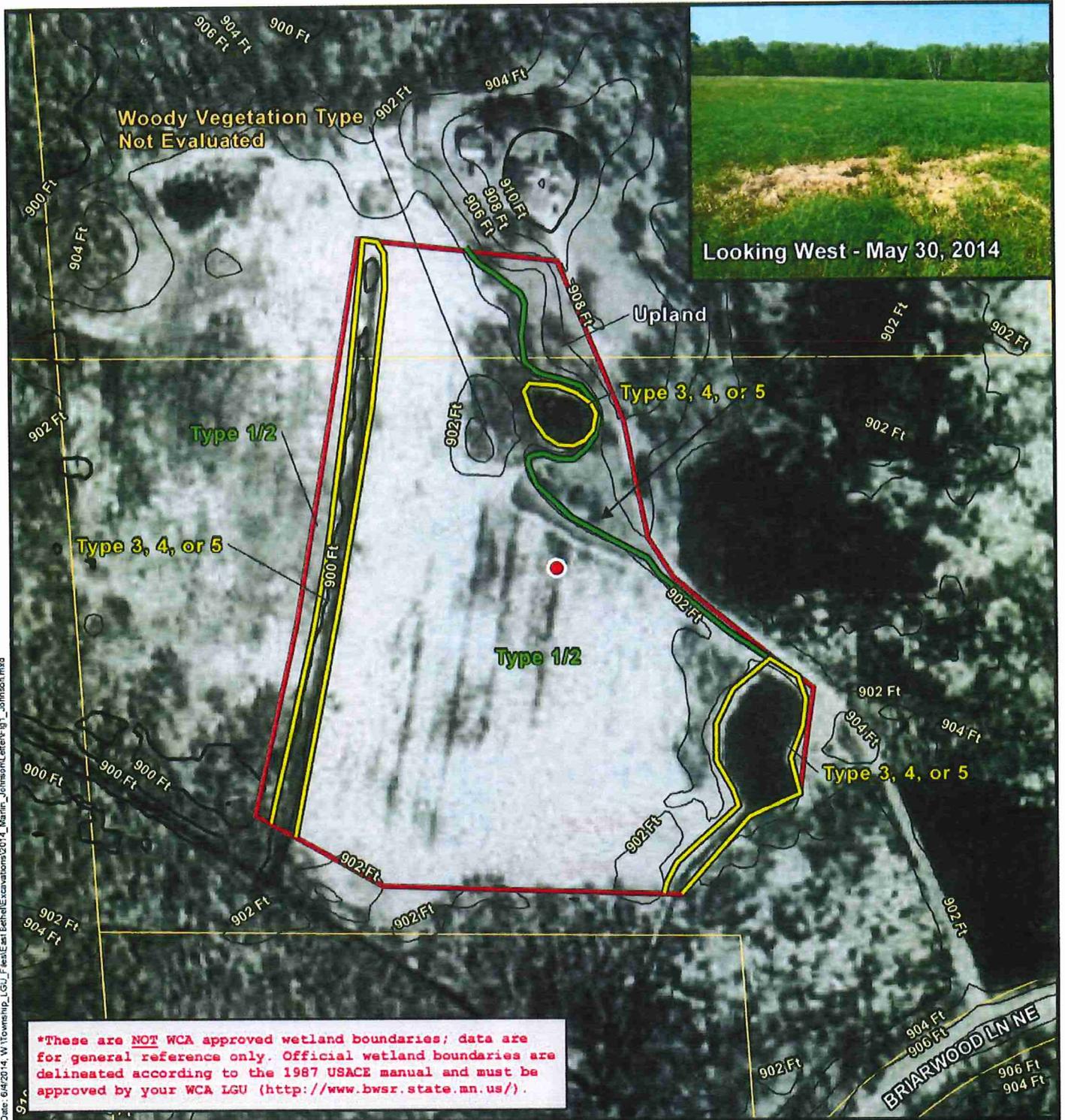
Respectfully,



Aaron Diehl
Wetland Specialist
Professional Wetland Scientist #2143
MN Wetland Delineator Certified #1252

cc: Ms. Becky Wozney, Consultant for East Bethel
Ms. Colleen Winter, City of East Bethel
Ms. Kristin Erickson, Classic Construction, Inc

This is NOT a permit



Date: 6/4/2014, W:\township_LGU_FeastEastBethelExcavations\2014_Marri_Johnson\LetterFig1_Johnson.mxd

***These are NOT WCA approved wetland boundaries; data are for general reference only. Official wetland boundaries are delineated according to the 1987 USACE manual and must be approved by your WCA LGU (<http://www.bwsr.state.mn.us/>).**

Coordinate System: NAD 1983 UTM Zone 15N

- Area of Review
- Data Point
- Parcels
- Approximate Boundary**
- Type 1/2 Wetland
- Type 3, 4, or 5 Wetland
- 2011 LIDAR Contours
- 10 Ft
- 2 Ft
- Sec 33, T33N, R23W**
- Map Created: 6/4/2014**

**Figure 1- 1991 Aerial
1965 BRIARWOOD LN NE
EAST BETHEL, MN 55011
PIN 33-33-23-22-0002
PIN 33-33-23-23-0005
UPPER RUM RIVER WMO**



Disclaimer: The information provided on this map is for reference purposes only. The Anoka Conservation District does not guarantee the accuracy of the information contained herein and makes no representation or warranties, either express or implied, for the merchantability or fitness of the information provided on this map for a particular purpose.

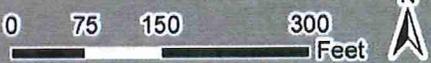


Date: 6/4/2014, W:\Township_LGU_Files\East Bethel\Excavations\2014_Marrn_Johnson\Letter\Fig2_johnson.mxd

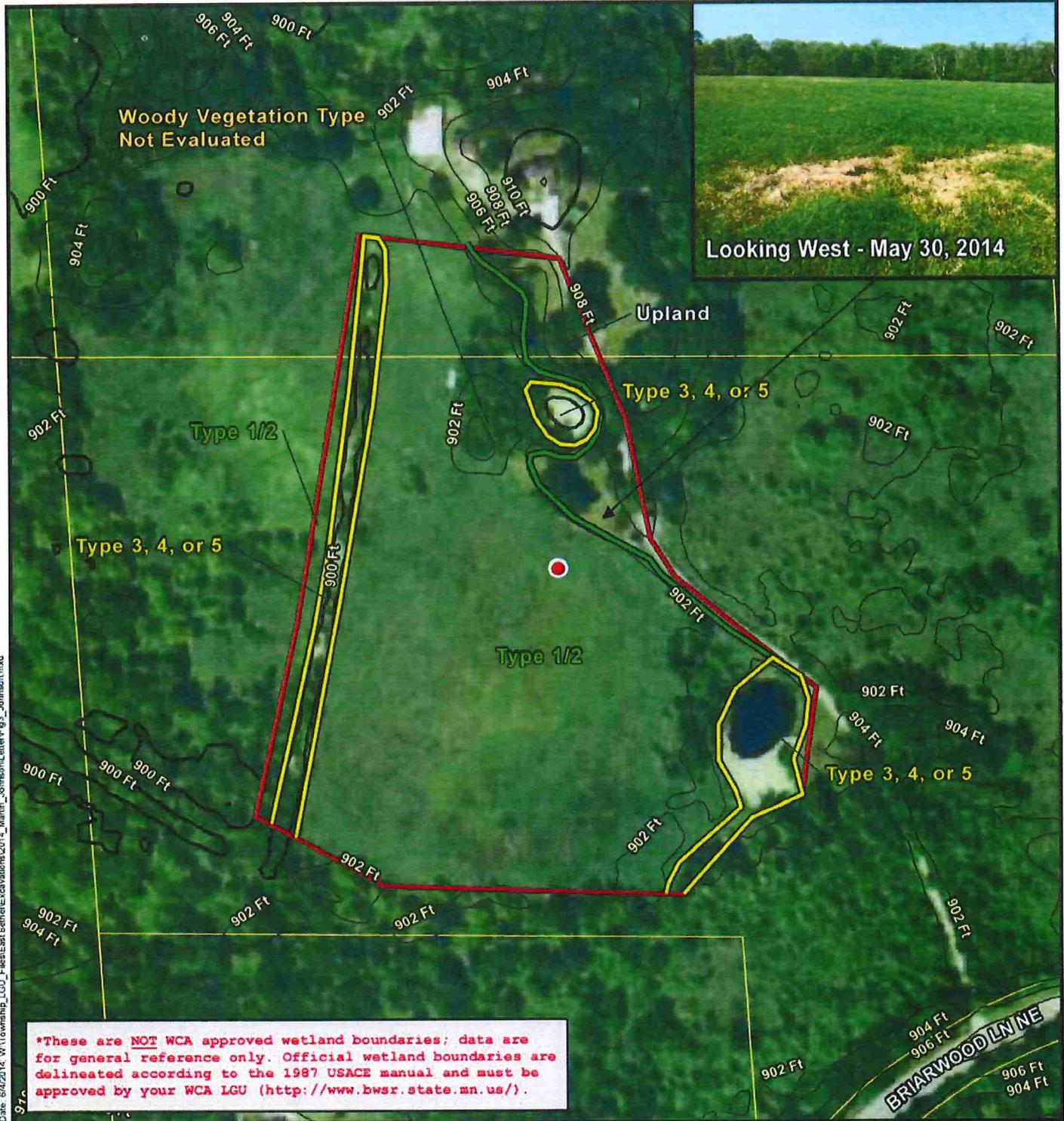
- Area of Review
- Data Point
- Parcels
- Approximate Boundary**
- Type 1/2 Wetland
- Type 3, 4, or 5 Wetland
- 2011 LiDAR Contours
- 10 Ft
- 2 Ft
- Sec 33, T33N, R23W**
- Map Created: 6/4/2014

Figure 2-2011 Aerial
1965 BRIARWOOD LN NE
EAST BETHEL, MN 55011
PIN 33-33-23-22-0002
PIN 33-33-23-23-0005
UPPER RUM RIVER WMO

Coordinate System: NAD 1983 UTM Zone 15N



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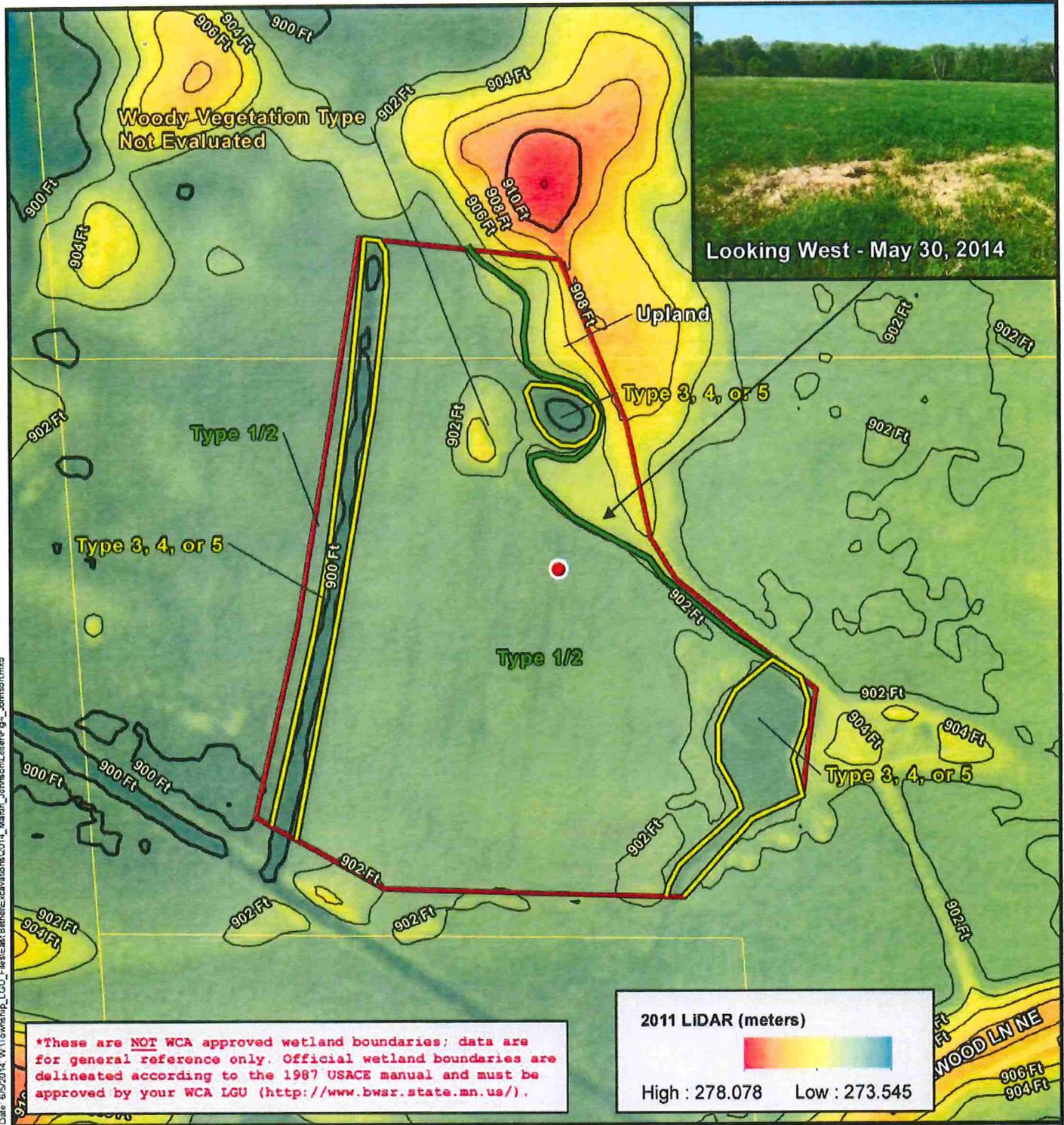
Date: 6/4/2014, W:\Township_LGU_File\EastBethelExcavations2014_Martin_Johnson\Letter\Fig3_Johnson.mxd

- Area of Review
- Data Point
- Parcels
- Approximate Boundary**
- Type 1/2 Wetland
- Type 3, 4, or 5 Wetland
- 2011 LiDAR Contours
- 10 Ft
- 2 Ft
- Sec 33, T33N, R23W
- Map Created: 6/4/2014

Figure 3- 2013 Aerial
1965 BRIARWOOD LN NE
EAST BETHEL, MN 55011
PIN 33-33-23-22-0002
PIN 33-33-23-23-0005
UPPER RUM RIVER WMO



Disclaimer: The information provided on this map is for reference purposes only. The Anoka Conservation District does not guarantee the accuracy of the information contained herein and makes no representation or warranties, either express or implied, for the merchantability or fitness of the information provided on this map for a particular purpose.



Date: 6/5/2014, W:\Township_LGU_Files\EstBethelExcavations\2014_Martin_Johnson\Letter\Fig4_Johnson.mxd

*These are NOT WCA approved wetland boundaries; data are for general reference only. Official wetland boundaries are delineated according to the 1987 USACE manual and must be approved by your WCA LGU (<http://www.bwsr.state.mn.us/>).

- Area of Review
- Data Point
- Parcels
- Approximate Boundary
- Type 1/2 Wetland
- Type 3, 4, or 5 Wetland
- 2011 LiDAR Contours
- 10 Ft
- 2 Ft
- Sec 33, T33N, R23W

Figure 4 - 2011 LIDAR
 1965 BRIARWOOD LN NE
 EAST BETHEL, MN 55011
 PIN 33-33-23-22-0002
 PIN 33-33-23-23-0005
 UPPER RUM RIVER WMO

Coordinate System: NAD 1983 UTM Zone 15N



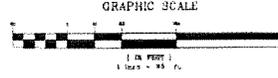
Disclaimer: The information provided on this map is for reference purposes only. The Anoka Conservation District does not guarantee the accuracy of the information contained herein, and makes no representation or warranty, either express or implied, for the merchantability or fitness of the information provided on this map for a particular purpose.

CERTIFICATE OF SURVEY

-for- CLASSIC CONSTRUCTION
 -of- 1965 BRIARWOOD LANE NE
 EAST BETHEL, MN 55011

PROPERTY DESCRIPTION:

The South part of the Northeast Quarter of the Northeast Quarter of Section 22, Township 33 North, Range 23 West, Anoka County, Minnesota.
 and
 The South part of the Southwest Quarter of the Northeast Quarter of Section 23, Township 33 North, Range 23 West, Minnesota (the northwesterly part of the centerline of Briarwood Lane northward), except the south 500 feet of the west 500 feet thereof.

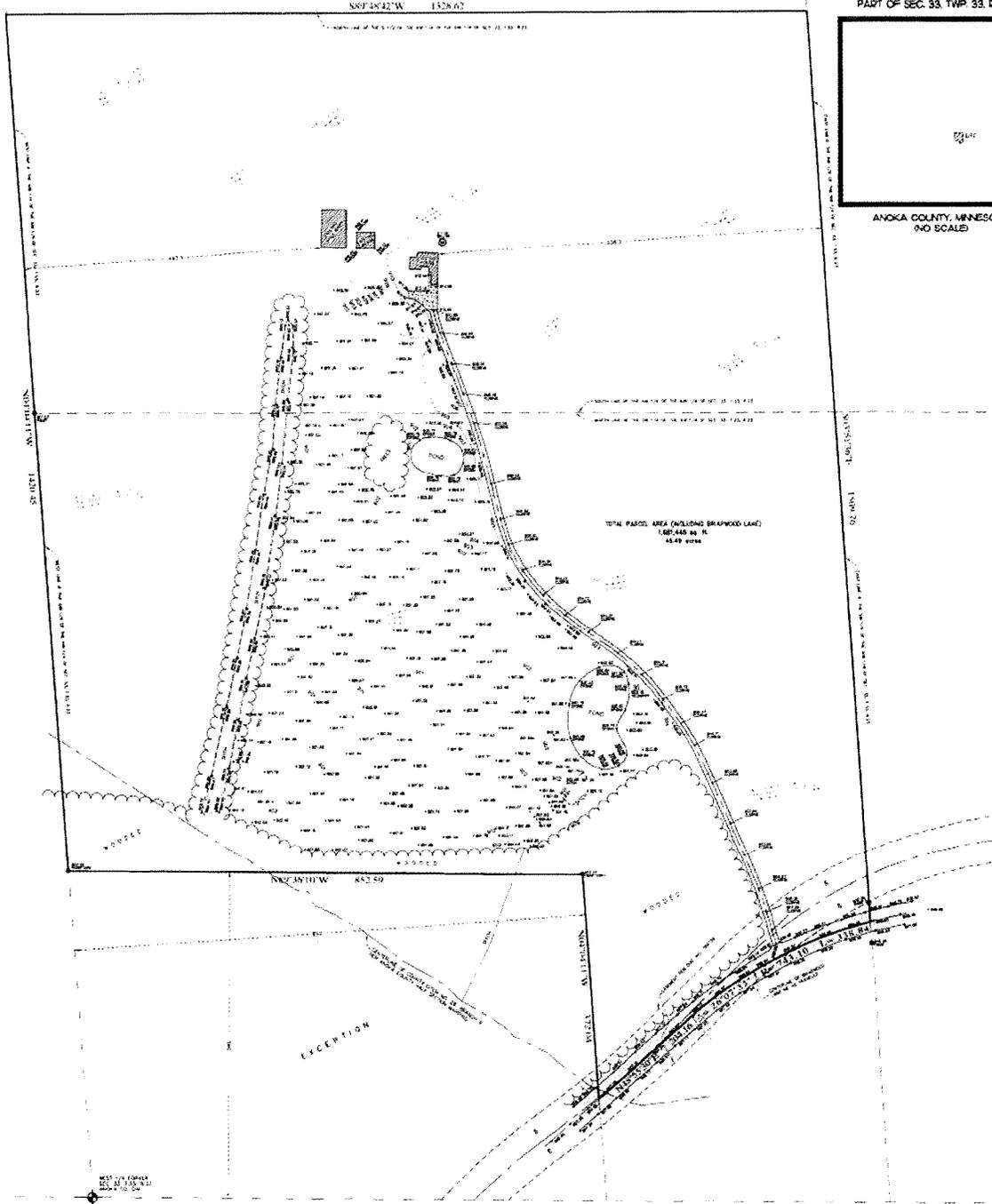


VICINITY MAP

PART OF SEC. 23, TWP. 33, RANG. 23



ANOKA COUNTY, MINNESOTA
 (NO SCALE)



NOTES:

- This survey was completed by E.G. Rud and Sons, Inc. on 7/25/2014.
- Bearings shown are on the Anoka County Coordinate System.
- This survey was prepared without the benefit of the most recent aerial photographs, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an appropriate title opinion.
- UNSATURATED EARTH MATR. (SEE PLAN - 009201) (UNSATURATED) 1.5 miles north of Iron Lake, at Iron Highway 65, Report 23.2, 1.5 miles north along Iron Highway 65 from junction of Iron Highway 65 and County Road 16 (Cross-over Blvd), 10 feet west of Iron Highway 65, 81.1 feet northwest of western mast leg of antique sign, 22.9 feet north of power pole, 31.0 feet west-northwest of right-of-way post, 3.8 feet south-west of right-of-way post, 3.0 feet north of white oak.

LEGEND

- DENOTES IRON MONUMENT FOUND AS Labeled
- ⊙ DENOTES ANOKA COUNTY CAST IRON MONUMENT
- DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES UTILITY
- DENOTES TELEPHONE ACCESSIAL
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES GRAVEL SURFACE

This survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Date: 7/25/2014 License No. 41978

DATE	BY	CHECKED	DATE
7/25/2014	EGR	JAR	7/25/2014
DATE	BY	CHECKED	DATE

E. G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel: (651) 361-8200 Fax: (651) 361-8701

34-262 Wet PrairieSeeding Rate: 14.5 lb/Acre (125.6 Seeds/ft²)

Notes: Wet prairie reconstruction for wetland mitigation or ecological restoration.

SCIENTIFIC NAME	COMMON NAME	% of Mix	Seeds/ft ²	Rate/Acre
GRASSES:				
<i>Andropogon gerardii</i>	Big Bluestem	6.90%	3.7	1.00 PLS lb
<i>Bromus ciliatus</i>	Fringed Brome	10.34%	5.5	1.50 PLS lb
<i>Calamagrostis canadensis</i>	Blue Joint Grass	0.28%	4.1	0.04 PLS lb
<i>Elymus virginicus</i>	Virginia Wild Rye	12.07%	2.7	1.75 PLS lb
<i>Glyceria grandis</i>	American Manna Grass	1.03%	3.9	0.15 PLS lb
<i>Glyceria striata</i>	Fowl Manna Grass	0.76%	3.6	0.11 PLS lb
<i>Panicum virgatum</i>	Switchgrass	5.17%	3.9	0.75 PLS lb
<i>Poa palustris</i>	Fowl Bluegrass	1.38%	9.6	0.20 PLS lb
<i>Sorghastrum nutans</i>	Indiangrass	3.45%	2.2	0.50 PLS lb
<i>Spartina pectinata</i>	Prairie Cord Grass	3.45%	1.2	0.50 PLS lb
SEDGES & RUSHES:				
<i>Carex pellita</i>	Broad-leaved Woolly Sedge	0.34%	0.5	0.05 PLS lb
<i>Carex stricta</i>	Tussock Sedge	0.14%	0.4	0.02 PLS lb
<i>Carex vulpinoidea</i>	Brown Fox Sedge	0.69%	3.7	0.10 PLS lb
<i>Scirpus atrovirens</i>	Green Bulrush	0.69%	16.9	0.10 PLS lb
<i>Scirpus cyperinus</i>	Woolgrass	0.21%	18.7	0.03 PLS lb
FORBS:				
<i>Anemone canadensis</i>	Canada Anemone	0.21%	0.1	0.03 PLS lb
<i>Asclepias incarnata</i>	Swamp Milkweed	0.55%	0.1	0.08 PLS lb
<i>Aster puniceus</i>	Swamp Aster	0.55%	2.4	0.08 PLS lb
<i>Aster umbellatus</i>	Flat-topped Aster	0.34%	1.2	0.05 PLS lb
<i>Desmodium canadense</i>	Showy Tick Trefoil	3.45%	1.0	0.50 PLS lb
<i>Eupatorium maculatum</i>	Joe Pye Weed	0.28%	1.4	0.04 PLS lb
<i>Eupatorium perfoliatum</i>	Boneset	0.21%	1.8	0.03 PLS lb
<i>Helenium autumnale</i>	Sneezeweed	0.34%	2.4	0.05 PLS lb
<i>Helianthus grosseserratus</i>	Sawtooth Sunflower	0.34%	0.3	0.05 PLS lb
<i>Liatris pycnostachya</i>	Prairie Blazingstar	0.14%	0.1	0.02 PLS lb
<i>Lobelia siphilitica</i>	Great Blue Lobelia	0.07%	1.8	0.01 PLS lb
<i>Mimulus ringens</i>	Monkey Flower	0.07%	8.4	0.01 PLS lb
<i>Pycnanthemum virginianum</i>	Mountain Mint	0.55%	6.5	0.08 PLS lb
<i>Solidago graminifolia</i>	Grass-leaved Goldenrod	0.14%	2.6	0.02 PLS lb
<i>Verbena hastata</i>	Blue Vervain	1.03%	5.1	0.15 PLS lb
<i>Vernonia fasciculata</i>	Common Ironweed	0.21%	0.3	0.03 PLS lb
<i>Veronicastrum virginicum</i>	Culver's Root	0.14%	5.9	0.02 PLS lb
<i>Zizia aurea</i>	Golden Alexanders	1.72%	1.0	0.25 PLS lb

COVER CROP:

Avena sativa

Oats

42.76%

2.7 6.20 PLS lb

Kristin Erickson

From: Becky Wozney <becky@HAA-inc.com>
Sent: Tuesday, January 13, 2015 11:13 AM
To: dennis.rodacker@state.mn.us; Joan Spence
Cc: Andy (Andrew.D.Beaudet@usace.army.mil); Kristin Erickson (kristin@classicconstructioninc.com); colleen.winter@ci.east-bethel.mn.us; Craig Jochum; Haworth, Brooke (DNR)
Subject: Briarwood Excavation
Attachments: Notice of Decision signed.pdf

Good morning.

Here is the Notice of Decision for the 1965 Briarwood Excavation no loss request.

This permit only covers the Wetland Conservation Act requirements as described in Ch. 8420 rules.

If you have any questions; please contact me.

Thank you.

Becky L. Wozney
Water Resources Specialist



Hakanson Anderson
3601 Thurston Ave.
Anoka, MN 55303

763/852-0496 (direct)
763/852-5860 (office)
612/910-8016 (mobile)

www.haa-inc.com

Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) City of East Bethel	Address 2241 221 st Avenue NE East Bethel, MN 55011
--	--

1. PROJECT INFORMATION

Applicant Name Classic Construction, Inc.	Project Name 1965 Briarwood Ln. NE Excavation	Date of Application 12/31/2014	Application Number EB901-259 2014
--	---	-----------------------------------	---

Attach site locator map.

Type of Decision:

Wetland Boundary or Type Replacement Plan	X No-Loss	Exemption Banking Plan	Sequencing
--	-----------	---------------------------	------------

Technical Evaluation Panel Findings and Recommendation (if any):

Approve Summery (or attach):	Approve with conditions	Deny
---------------------------------	-------------------------	------

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: January 2, 2015	Approved <input checked="" type="checkbox"/> Approved with conditions (include below)	Denied
-----------------------------------	---	--------

LGU Findings and Conclusions (attach additional sheets as necessary):
 The 2.0 acre excavation is occurring in a Type 1/2 (PEMB) wetland. The excavation will be no greater than 5.5 feet with approximately 4.5 to 5 ft. of water with sideslopes of no steeper than 8:1. No temporary impacts are proposed.

Proper erosion control that does not allow excavated material or exposed soils to reenter the excavation or other wetlands and/or ditches must be employed at all times. A NPDES permit is required along with other pertinent permits from local and federal entities. This Notice does not cover those permits only rules associated with MN Statute 8420.

The area will need to be seeded with an appropriate native plant mix after a section of the site is final graded or proper erosion control/temporary seeding will need to be in place if soils are exposed for more than 14 days. Refer to the NPDES permit for more information. The seeding will be reviewed by the LGU after one full growing season to insure it was successful which will include at least the emergence of 5 native species in the mix utilized and less than 10% coverage of invasive species before final sign-off.

An as-built may be required if documentation of final depths or slopes is needed.

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	Craig Jochum	Title City Engineer
Signature		Phone Number and E-mail 763/427-5860 CraigJ@haa-inc.com
Date	12-15	

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approval 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:

Appeal of an LGU staff decision. Send petition and \$ _____ fee (if applicable) to: Colleen Winter 2241 221 st Avenue NE East Bethel, MN 55011	Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director MN Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
--	---

4. LIST OF ADDRESSEES

- SWCD TEP member: **Joan Spence, 1318 McKay Dr. Suite 300, Ham Lake, MN 55304**
- BWSR TEP member: **Dennis Rodacker, 520 Lafayette Rd. N., St. Paul, MN 55155**
- LGU TEP member (if different than LGU Contact): **Becky Wozney, Hakanson Anderson**
- LGU Contact: **Colleen Winter, 2241 221st Ave. NE East Bethel, MN 55011**
- DNR TEP member: **Brooke Haworth, DNR Central, 1200 Warner Rd. St. Paul, MN 55106**
- DNR Hydrologist: **Kate Drewry, DNR Waters, 1200 Warner Road St. Paul, MN 55106**
- DNR Regional Office (if different than DNR TEP member)
- WD or WMO (if applicable):
- Applicant: **Curt Strandlund, Classic Construction**
- Consultant:
- Members of the public who requested notice (notice only):
- Corps of Engineers Project Manager: **Andy Beaudet, US Army Corps of Engineers St. Paul District, OP-R 180 Fifth St. East, Suite 700 St. Paul, MN 55101-1678**
- 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:

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

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?pagcid=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:



2241 221st Ave. NE • East Bethel, MN 55011
Phone: (763) 367-7844 • Fax: (763) 434-9578

OFFICE USE ONLY	
Date Rec'd:	_____
By:	_____
Fee \$:	_____

IUP

APPLICATION FOR MAJOR MINING PERMIT PROCESS & CHECKLIST

Application Fee: <u>\$150</u>	Escrow: <u>\$300</u>	Filing Fee: <u>\$105</u>
Applicant is responsible for accrued consulting fees from the City Engineer, City Attorney, etc.		
*Fee is subject to change per Resolution.		

The application for a **MAJOR PERMIT APPLICATION** is processed in three separate review steps:

- CITY STAFF
(Applicant is required to meet with City Staff prior to submittal of the application.)
- PLANNING COMMISSION
(Public hearing and recommendation to the City Council)
- CITY COUNCIL
(No public hearing required)

LOCATION: PID: 333323230005 LEGAL: LOT: Sec 33 33 23 BLOCK: _____ SUBDIVISION: unplatted village of East Bethel

PROPERTY ADDRESS: 1905 Briarwood Lane NE PRESENT ZONING: 1A Residential (R1)

PROPERTY OWNER:
 CONTACT NAME: Martin Johnson PHONE: 763-434-0641
 ADDRESS: 1905 Briarwood Lane PHONE: n/a
 CITY/STATE/ZIP: East Bethel, MN 55011 EMAIL: n/a

APPLICANT:
 CONTACT NAME: Missic Construction, Inc. PHONE: 763/434-8870
 ADDRESS: 14892 Wilkes St NE PHONE: (612) 644-9431
 CITY/STATE/ZIP: East Bethel, MN 55011 EMAIL: Kristin@MissicConstruction.com

I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City Staff

Martin Johnson MARTIN JOHNSON 11/13/2015
 Property Owner Signature Printed Name Date



GeoMoose Map



Parcel Information

PIN: 333323230005

Acres: 25.0405

Owner Name: JOHNSON MARTIN D & MYRA

Address 1: 1965 BRIARWOOD LN

Address 2: EAST BETHEL, MN 55011-0000

Site Address 1:

Site Address 2: EAST BETHEL, MN 55011

Zoning: R-1

Shoreland: N



Legal: THAT PRT OF SW1/4 OF NW1/4 OF SEC 33 TWP 33 RGE 23 LYG NWLY OF C/L OF BRIARWOOD LN NE, EX S 540 FT OF W 850 FT THEREOF, EX RD, SUBJ TO EASE OF REC

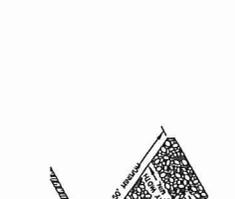
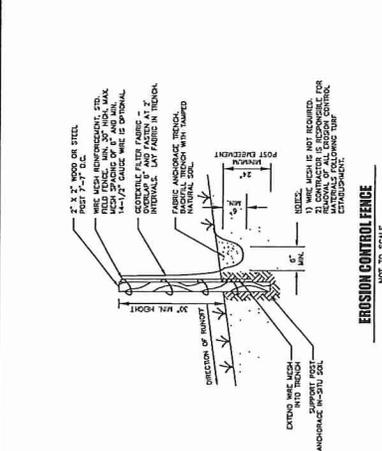
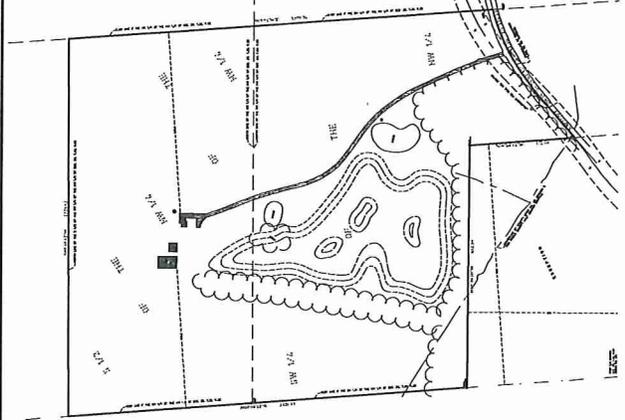
DRAWN BY: C.E.A. / C.M.A. / C.E.A.
 CHECKED BY: P.R.L. / C.M.A. / C.E.A.
 DATE: OCTOBER 2, 2014

DATE: 10/02/2014
 CLIENT: CHAMBERLAIN, W. PLOW, INC.
 PROJECT: 1965 BRIARWOOD LANE NE

EAST BETHEL, MINNESOTA
 GRADING PLAN
 PREPARED FOR: CLASSIC CONSTRUCTION

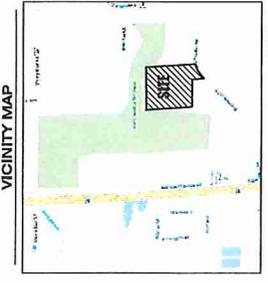
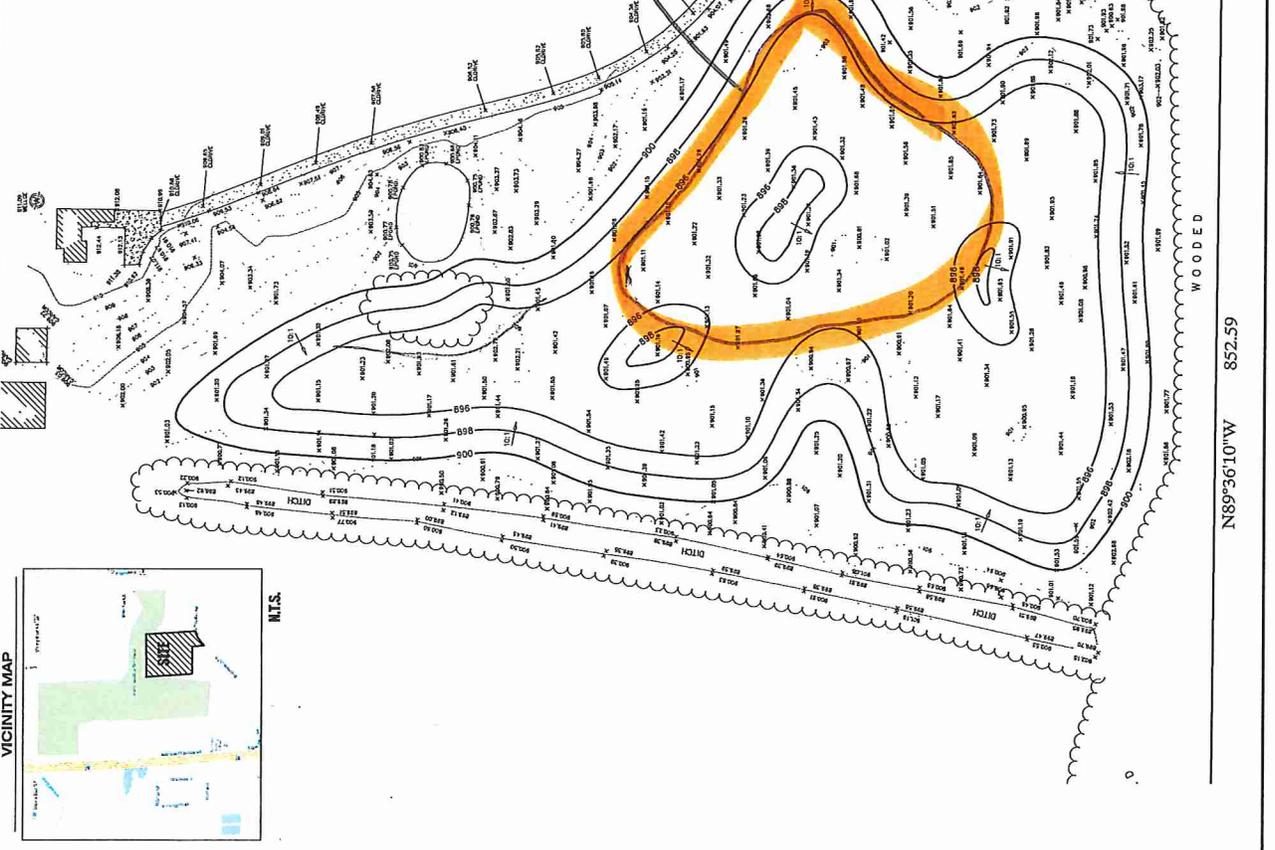
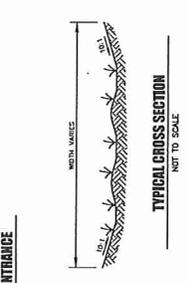
PLOWE ENGINEERING, INC.
 SITE PLANNING & ENGINEERING
 5000 11TH AVE. S.W.
 SUITE 1100
 PHOENIX, AZ 85042
 PHONE: (602) 344-4200
 FAX: (602) 341-8791

C1
 1965 BRIARWOOD LANE NE



- LEGEND**
- EXISTING CONTOUR
 - EXISTING SPOT ELEVATION
 - EXISTING FENCE
 - EXISTING WETLAND
 - PROPOSED CONTOUR
 - PROPOSED SALT FENCE
 - PROPOSED DIRECTION OF DRAINAGE

EXCAVATION TO BE SEEDED WITH EMERGENT WETLAND GRASSES
 PROVIDE A 25 FOOT BUFFER OF EXISTING VEGETATION



N89°36'10"W 852.59

811
 Know what's below.
 Call before you dig.

January 28, 2015

Colleen Winter, Community Development Director
City of East Bethel
2241 - 221st Avenue N.E.
East Bethel, MN 55011-9631

RE: Mining Submittal – 1965 Briarwood Lane

Dear Colleen:

As requested, we have reviewed the above referenced application submitted by Classic Construction. The site is located in the south half of the northwest quarter of the northwest quarter of Section 33, Township 33, Range 23. The following information has been submitted for review:

1. Preliminary Grading Plan by Plowe Engineering, Inc., dated October 2, 2014.
2. Certificate of Survey by E.G. RUD & Sons, Inc., dated August 5, 2014.

Background

As we understand it, the project will consist of excavating organic surface soils to create a wildlife pond. Approximately 11,000 cubic yards of soil will be excavated and hauled offsite. The project proposes to impact 2 acres of wetland. A no loss wetland permit application has been submitted for this site. The soil will be immediately stockpiled on Outlot A of Classic Commercial Park 3rd Addition. This application was reviewed in general conformance with the mining ordinance.

General Comments

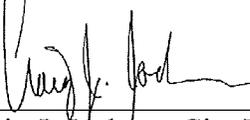
We have the following general comments:

1. The Contractor will need to prepare a Stormwater Pollution Prevention Plan and obtain an NPDES construction permit from the Minnesota Pollution Control Agency prior to the start of construction.
2. The Wetland Conservation Act permit process has been completed. The US Corp of Engineers wetland permit is still pending.
3. Section 26-168 (b) of the Code identifies the required information that needs to be included on the Permit Drawings. Submit a complete set of Permit Drawings for review.
4. If dewatering is proposed on this site a Minnesota Department of natural Resources Water Appropriations permit may be required. Also if dewatering is required, address Code Sections 26-168 (g) and 26-168 (h).

5. Submit a narrative to augment the required plan sheets per Section 26-168 (c) of the Code.
6. The applicant shall comply with all applicable City, County, State and Federal regulations for the protection of air and water quality.
7. Dust control shall be provided at all times during excavation operations as needed.
8. "Trucks Hauling" signs shall be installed on Briarwood Lane during export operations.
9. Temporary safety fencing may be required where unsafe conditions warrant. If unsafe conditions persist perimeter fencing may be required.
10. The City may want to consider preparation of a Mining Performance Agreement to address the applicable Code Sections 26-172 through 26-183.

If you have any questions regarding these comments, please call me at 763-427-5860.

Sincerely,
Hakanson Anderson



Craig J. Jochum, City Engineer

CJJ:dmb

cc: Jack Davis, City Administrator
Nate Ayshford, Public Works Manager
Kristin Erickson, Classic Construction



TO: Colleen, City of East Bethel

FROM: Kristin Erickson

DATE: February 5, 2015

SUBJECT: 1965 Briarwood Lane NE, East Bethel, MN

Below are our comments to Hakanson Anderson's Mining Submittal Review:

1. The SWPPP has been added onto Plowe's grading plan. We will be obtaining a NPDES permit through the MPCA at the appropriate time.
2. Completed
3. The owner's name, Martin Johnson, has been added to the plan. The hours of operation will be Monday through Friday 7 AM to 5 PM and occasional Saturday from 8 AM to 1 PM.
4. No dewatering
5.
 1. Satellite restroom will be onsite near the existing driveway
 2. employees will not be parking at this site
 3. as stated in the memo, we will use the existing driveway
 4. done
 5. erosion control is on current plant
 6. n/a
 7. n/a
 8. n/a
 9. n/a
10. getting onto Briarwood Lane NE from current driveway, continuing on the Highway 65 Service Road, crossing 65 at 187th Lane NE.
6. ok
7. Dust control – water truck will be used when needed
8. We will be posting "Trucks Hauling" Signs (from Warning Lites, MN)
9. ok
10. Per Colleen, this is in the works, waiting on amount for letter of credit

Please let me know if you require anything else at this time.

Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) City of East Bethel	Address 2241 221st Avenue NE East Bethel, MN 55011
---	---

1. PROJECT INFORMATION

Applicant Name Classic Construction, Inc.	Project Name 1965 Briarwood Ln. NE Excavation	Date of Application 12/31/2014	Application Number EB901-259 2014
Attach site locator map.			

Type of Decision:

Wetland Boundary or Type	<input checked="" type="checkbox"/> No-Loss	Exemption	Sequencing
Replacement Plan		Banking Plan	

Technical Evaluation Panel Findings and Recommendation (if any):

Approve	Approve with conditions	Deny
Summary (or attach):		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: January 2, 2015		
Approved <input checked="" type="checkbox"/>	Approved with conditions (include below)	Denied

LGU Findings and Conclusions (attach additional sheets as necessary):
 The 2.0 acre excavation is occurring in a Type 1/2 (PEMB) wetland. The excavation will be no greater than 5.5 feet with approximately 4.5 to 5 ft. of water with sideslopes of no steeper than 8:1. No temporary impacts are proposed.

Proper erosion control that does not allow excavated material or exposed soils to reenter the excavation or other wetlands and/or ditches must be employed at all times. A NPDES permit is required along with other pertinent permits from local and federal entities. This Notice does not cover those permits only rules associated with MN Statute 8420.

The area will need to be seeded with an appropriate native plant mix after a section of the site is final graded or proper erosion control/temporary seeding will need to be in place if soils are exposed for more than 14 days. Refer to the NPDES permit for more information. The seeding will be reviewed by the LGU after one full growing season to insure it was successful which will include at least the emergence of 5 native species in the mix utilized and less than 10% coverage of invasive species before final sign-off.

An as-built may be required if documentation of final depths or slopes is needed.

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)
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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 Craig Jochum	Title City Engineer	
Signature 	Date 12-15	Phone Number and E-mail 763/427-5860 CraigJ@haa-inc.com

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:

Appeal of an LGU staff decision. Send petition and \$_____ fee (if applicable) to: Colleen Winter 2241 221 st Avenue NE East Bethel, MN 55011	Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director MN Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
---	---

4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/>	SWCD TEP member: Joan Spence, 1318 McKay Dr. Suite 300, Ham Lake, MN 55304
<input checked="" type="checkbox"/>	BWSR TEP member: Dennis Rodacker, 520 Lafayette Rd. N., St. Paul, MN 55155
<input checked="" type="checkbox"/>	LGU TEP member (if different than LGU Contact): Becky Wozney, Hakanson Anderson
<input checked="" type="checkbox"/>	LGU Contact: Colleen Winter, 2241 221st Ave. NE East Bethel, MN 55011
<input checked="" type="checkbox"/>	DNR TEP member: Brooke Haworth, DNR Central, 1200 Warner Rd. St. Paul, MN 55106
<input type="checkbox"/>	DNR Hydrologist: Kate Drewry, DNR Waters, 1200 Warner Road St. Paul, MN 55106
<input type="checkbox"/>	DNR Regional Office (if different than DNR TEP member)
<input type="checkbox"/>	WD or WMO (if applicable):
<input checked="" type="checkbox"/>	Applicant: Curt Strandlund, Classic Construction
<input type="checkbox"/>	Consultant:
<input type="checkbox"/>	Members of the public who requested notice (notice only):
<input checked="" type="checkbox"/>	Corps of Engineers Project Manager: Andy Beudet, US Army Corps of Engineers St. Paul District, OP-R 180 Fifth St. East, Suite 700 St. Paul, MN 55101-1678
<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>	<u>NE Region:</u>	<u>Central Region:</u>	<u>Southern Region:</u>
Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.
Div. Ecol. Resources	Div. Ecol. Resources	Div. Ecol. Resources	Div. Ecol. Resources
2115 Birchmont Beach Rd. NE	1201 E. Hwy. 2	1200 Warner Road	261 Hwy. 15 South
Bemidji, MN 56601	Grand Rapids, MN 55744	St. Paul, MN 55106	New Ulm, MN 56073

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:



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MN 55101-1678

FEB 06 2015

REPLY TO
ATTENTION OF

Operations
Regulatory (2014-04170-ADB)

Classic Construction
c/o Ms. Kristin Erickson
18542 Ulysses Street NE
East Bethel, Minnesota 55011

Dear Ms. Erickson:

Authority is hereby granted for Classic Construction to excavate 2 acres of wetland for the purpose of creating a wildlife pond. The project site is in Sec. 33 T. 33N., R. 23W., Anoka County, Minnesota.

The authorized work is shown on the enclosed drawing labeled MVP-2014-04170-ADB Page 1 of 1, which is hereby incorporated as part of this Letter of Permission. This authorization is issued under the provisions of LOP-05-MN. The authorized work includes:

1. Discharges of dredged or fill material associated with the construction of a 2 acre wildlife pond including grading, shaping of banks, or other redistribution of dredged or fill material;

This action is based upon the recommendation of the Chief of Engineers and under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). The authorization is subject to the enclosed General and Standard Conditions as well as the following Special Condition:

1. The excavated area shall be seeded, mulched and disked no later than 30 days after the work authorized by this permit is completed. The excavated area shall be seeded with Minnesota State seed mix 34-262 at a rate of 14.5 pounds/acre.

The time limit for completing this authorized work ends three years from the date of this letter.

If you sell the property associated with this permit, you must provide written notification of the name and address of the new owner, along with the Regulatory number at the top of this letter, within 60 days of the sale, to the letterhead address:

If your project will require off-site fill material that is **not** obtained from a licensed commercial facility, you must notify us at least five working days before start of work. A cultural resources survey may be required if a licensed commercial facility is not used.

This federal authorization is issued under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). It does not obviate the need to obtain other Federal, state or local authorizations required by law. The time limit for completing the authorized work ends three years from the date of this letter.

This letter constitutes an initial proffered permit and contains a signed copy of the preliminary jurisdictional determination (JD) for your project. Also enclosed is a Notification of Administrative Appeal Options and Process (NAP) fact sheet and Request for Appeal (RFA) form which provide information regarding your right to object to these determinations.

If you object to the terms and/or conditions of this initial proffered permit, please see Section I-A and complete Section II of the RFA and submit it to the **District Engineer** in accordance with 33 CFR 331. Your objections to the initial proffered permit must be received by the **St. Paul District Office** within 60 days of the date of the NAP or you will forfeit your right to challenge the terms or conditions of the permit.

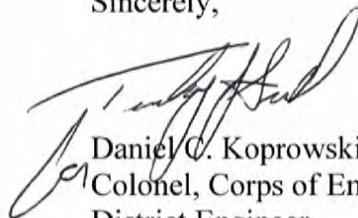
Before accepting the RFA, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the District or Division Office within 60 days of the date of the NAP.

It is not necessary to submit an RFA form to the Corps District or Division Office if you do not object to the initial proffered permit.

The preliminary JD prepared for the site described above is not appealable. The preliminary JD is a written indication that there may be waters or wetlands subject to federal jurisdiction on the site or an indication of the approximate location(s) of waters or wetlands on a parcel. If you wish to receive an approved jurisdictional determination, please see Section I-E of the NAP.

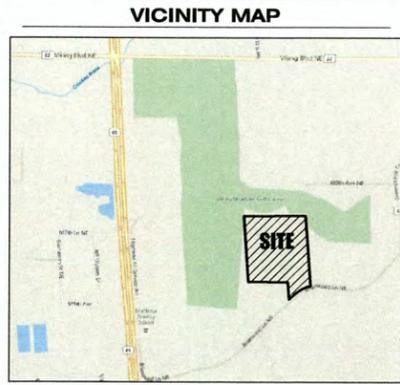
If you have any questions, please contact Andy Beaudet in our St. Paul Office at (651) 290-5642. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

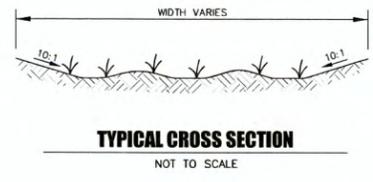
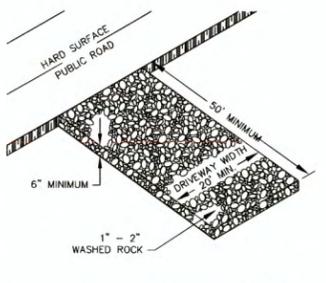
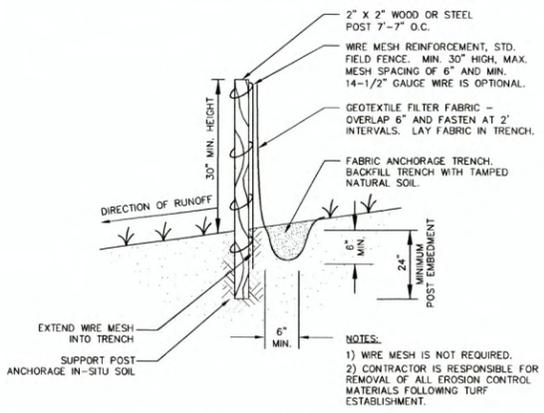
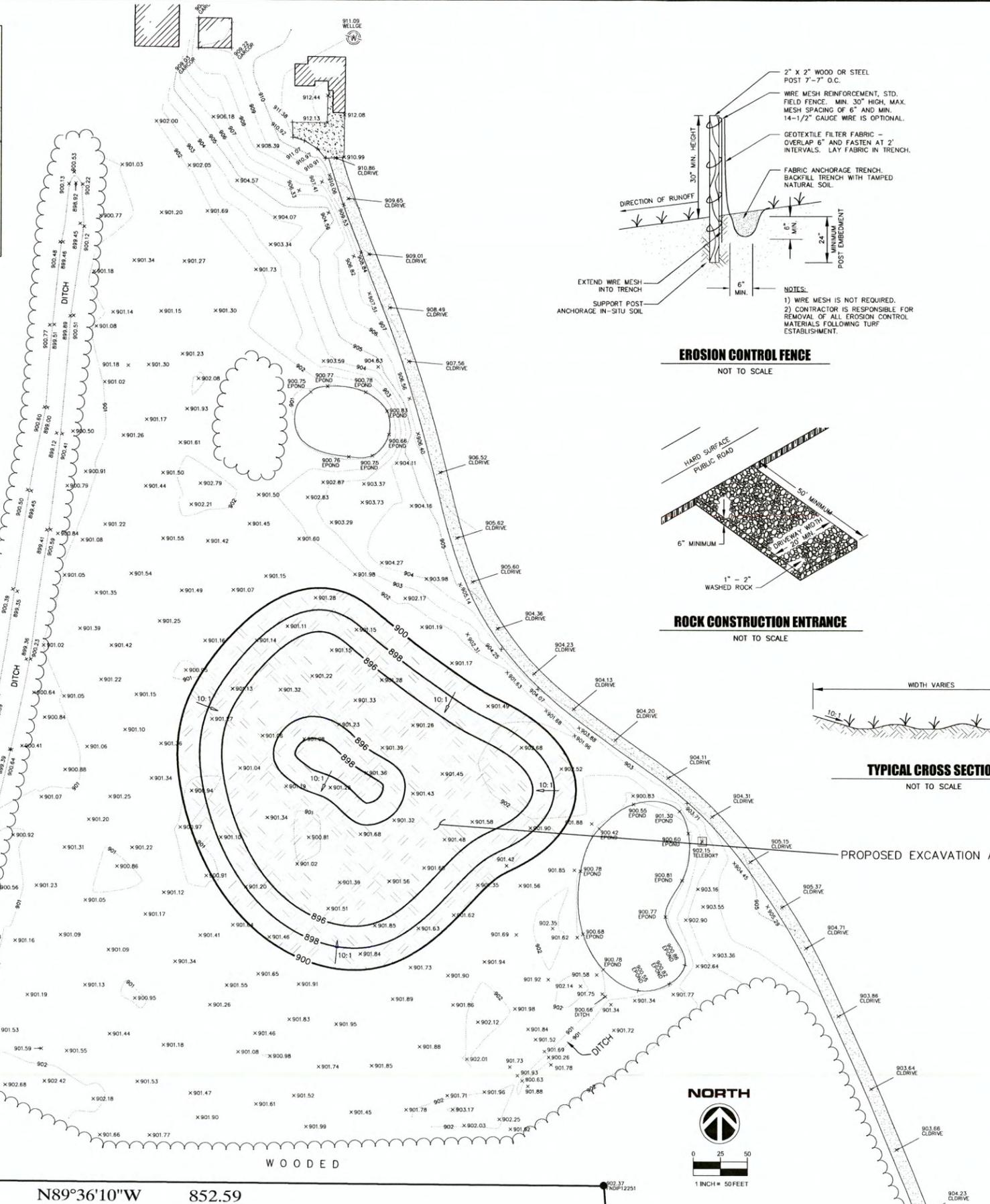


Daniel C. Koprowski
Colonel, Corps of Engineers
District Engineer

Enclosures
Copy furnished:
Dennis Rodacker – BWSR
Joan Spence – ACD
Becky Wozney – Hakanson Anderson



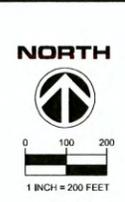
N.T.S.



LEGEND

---	EXISTING CONTOUR
x	EXISTING SPOT ELEVATION
- - -	EXISTING FENCE
~	EXISTING WETLAND
---	PROPOSED CONTOUR
- - -	PROPOSED SILT FENCE
←	PROPOSED DIRECTION OF DRAINAGE

**EXCAVATION TO BE SEED WITH EMERGENT WETLAND GRASSES
PROVIDE A 25 FOOT BUFFER OF EXISTING VEGETATION**



DRAWN BY:	DESIGN BY:
C.M.	C.W.P.
CHKD BY:	PROJ. NO.
C.W.P.	14-1505
ORIGINAL DATE:	
OCTOBER 2, 2014	

DATE	REVISION DESCRIPTION

I hereby certify that this plan was prepared by me or by a person under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

PRELIMINARY
Charles W. Plowe
CHARLES W. PLOWE
LIC. NO. 16227
DATE: 10.02.2014

**1965 BRIARWOOD LANE NE
EAST BETHEL, MINNESOTA**
GRADING PLAN

PREPARED FOR:
CLASSIC CONSTRUCTION

PLOWE ENGINEERING, INC.
SITE PLANNING & ENGINEERING
6776 LAKE DRIVE
SUITE 110
LINO LAKES, MN 55014
PHONE: (651) 361-8210
FAX: (651) 361-8701



**GRADING PLAN
1965 BRIARWOOD LANE NE**

C1

1/23/2014

LOP-05-MN

CLEAN WATER ACT SECTION 404 LOP TERMS, AND CONDITIONS FOR THE STATE OF MINNESOTA

Project proponents should carefully read all of the information below, with special attention to the General Conditions section. These provisions and conditions apply to all LOP authorizations in those portions of Minnesota outside the external boundaries of Federally recognized Indian Reservations. The St. Paul District web page: www.mvp.usace.army.mil/regulatory also contains helpful information.

GENERAL CONDITIONS

1. The time limit for completing work authorized by an LOP ends three years after the date of the Corps' authorization letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to the Corps for consideration at least three months before the expiration date is reached.
2. You must maintain the authorized activity in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the authorized activity you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to the LOP-05-MN authorization. A copy of the certification will be attached to the LOP-05-MN authorization if it contains such conditions.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of LOP-05-MN.

STANDARD CONDITIONS

1. Suitable fill material. No dredged or fill material discharged under this authorization may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in other than trace quantities.

2. Erosion control. Appropriate erosion control measures must be used and maintained in effective operating condition during construction and upon completion of operations all exposed slopes, fills, and disturbed areas, as well as any work below the ordinary high water mark must be given sufficient protection by appropriate means to prevent subsequent erosion. Work should be done in accordance with state-approved, published practices, such as defined in the Minnesota Pollution Control Agency Document, PROTECTING WATER QUALITY IN URBAN AREAS - BEST MANAGEMENT PRACTICES FOR MINNESOTA.

3. Historic Properties and Cultural Resources No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR part 325 Appendix C. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places.

4. Endangered Species No activity is authorized which is likely to adversely affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species, except as noted in Section b below. Non-federal permittees shall notify the District if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

Authorization of an activity does not authorize the take of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their World Wide Web pages on the Internet.

If it becomes apparent that a Federally listed endangered plant or animal species will be affected by work authorized by this permit, work must be stopped immediately and the St. Paul District of the Corps of Engineers must be contacted for further instruction.

5. Diversions of Water. A LOP may not be used to authorize all or any portion of a project that would divert more than 10,000 gallons/day of surface water or groundwater into or out of the Great Lakes Basin.

6. State Section 401 Certification. The Minnesota Pollution Control Agency (MPCA) has waived water quality certification for authorizations under LOP-05-MN. The MPCA has not waived your responsibility to comply with the water quality standards contained in Minn. R. 7050 and other applicable MPCA statutes and rules.

7. Coastal Zone Management consistency determination. The State of Minnesota has determined that LOP-05-MN is consistent with the Minnesota CZM program.

Further Information.

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This LOP does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This LOP does not grant any property rights or exclusive privileges.

c. This LOP does not authorize any injury to the property or rights of others.

d. This LOP does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In authorizing work, the Federal Government does not assume any liability, including but not limited to the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. No activity or its operation may impinge or abrogate reserved treaty rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

7. If you discover any previously unknown historic or archaeological remains while accomplishing the authorized activity you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

8. Extensions. General condition 1., above, establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

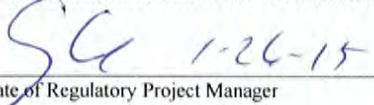
This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office	St. Paul District	File/ORM #	2014-04170-ADB	PJD Date:	Jan 26, 2015
State	MN	City/County	Anoka County	Name/Address of Person Requesting PJD	Classic Construction c/o Ms. Kristin Erickson 18542 Ulysses Street NE East Bethel, Minnesota 55011
Nearest Waterbody:	County Ditch		Location: TRS, LatLong or UTM:	Sec. 33 T. 33N., R. 23W.	
Identify (Estimate) Amount of Waters in the Review Area:			Name of Any Water Bodies on the Site Identified as Section 10 Waters:		
Non-Wetland Waters:		Stream Flow:		Tidal:	
<input type="text"/> linear ft	<input type="text"/> width	<input type="text"/> acres	<input type="text"/> N/A	<input type="text"/>	
Wetlands: <input type="text"/> 2.00 acre(s) Cowardin Class: Palustrine, emergent			<input checked="" type="checkbox"/> Office (Desk) Determination <input type="checkbox"/> Field Determination: <input type="text"/> Date of Field Trip: <input type="text"/>		

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- Photographs: Aerial (Name & Date):
 Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.


 Signature and Date of Regulatory Project Manager
 (REQUIRED)

 Signature and Date of Person Requesting Preliminary JD
 (REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Classic Construction, Ms. Kristin Erickson	File Number: 2014-04170-ADB	Date: FEB 06 2015
Attached is:		See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A. INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approve jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B. PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D. APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E. PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTION OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Andy Beaudet
U. S. Army Corps of Engineers, Regulatory Branch
180 Fifth Street East, Suite 700
St. Paul, MN 55101

Telephone (651) 290-5642

If you only have questions regarding the appeal process you may also contact:

Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
(601) 634-5821
(601) 634-5816 (fax)

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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