

## Minnesota Wetland Conservation Act Notice of Decision

<b>Local Government Unit:</b> Rice Creek Watershed District	<b>County:</b> Anoka
<b>Applicant Name:</b> Escape Properties LLC	<b>Applicant Representative:</b> Don Caruth
<b>Project Name:</b> 13960 Lake Drive NE	<b>LGU Project No. (if any):</b> 23-089R
<b>Date Application Received by LGU:</b> 5/16/2023	
<b>Date of LGU Decision:</b> 6/12/2023	
<b>Date this Notice was Sent:</b> 6/12/2023	

**WCA Decision Type - check all that apply**

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

**Replacement Plan Impacts (replacement plan decisions only)**

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

**Technical Evaluation Panel Findings and Recommendations (attach if any)**

<input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny <input type="checkbox"/> No TEP Recommendation
A joint application for wetland boundary/type was provided by LCI Landscapes on 5/16/2023. A site visit was attended on 6/6/2023 by representatives from BWSR, ACD, RCWD, and Jacobson Environmental. No formal comments were provided.

**LGU Decision**

<input checked="" type="checkbox"/> Approved with Conditions (specify below) <sup>1</sup> <input type="checkbox"/> Approved <sup>1</sup> <input type="checkbox"/> Denied
List Conditions: The applicant needs to submit a survey of the wetland boundary as well as gps points of the wetland delineation in a form acceptable to the RCWD.
<b>Decision-Maker for this Application:</b> <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other:
<b>Decision is valid for:</b> <input checked="" type="checkbox"/> 5 years (default) <input type="checkbox"/> Other (specify):

<sup>1</sup> *Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.*

**LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision<sup>1</sup>.**

<input checked="" type="checkbox"/> Attachment(s) (specify): Figure 5 Delineation Map by Jacobson Environmental, no date (RCWD received 5/16/2023). <input checked="" type="checkbox"/> Summary: The LGU finds the wetland boundaries illustrated in the attached figure titled: Figure 5 Delineation Map by Jacobson Environmental, no date (RCWD received 5/16/2023) accurate and supported by the submitted wetland delineation for the LGU administration of the WCA. This decision is not intended to define boundaries of MN DNR jurisdiction or regulate activities under the jurisdiction of the MN DNR, except to the extent that MN DNR finds the decision consistent with their requirements. The LGU decision is valid for five years. However, the decision will cease to be valid before then, if the Technical Evaluation Panel determines that the wetland boundary or type has changed due to natural or
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artificial changes to the hydrology, vegetation, or soils of the area. The LGU finds that the wetland typing may need to be reviewed in conjunction with any future project.

**Advisory Note:**

A Wetland Replacement Plan application must include a statement from the MnDNR, or the applicant's licensed professional, based on MnDNR database review, as to the potential presence of an endangered or threatened species or potential impact to a rare natural community (Minn. Rules 8420.0330, subp. 3.A(5); 8420.0525). Applicants should initiate this review early.

<sup>1</sup> Findings must consider any TEP recommendations.

**Attached Project Documents**

☒ Site Location Map   ☐ Project Plan(s)/Descriptions/Reports (specify):

**Appeals of LGU Decisions**

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator  
Minnesota Board of Water & Soils Resources  
520 Lafayette Road North  
St. Paul, MN 55155  
[travis.germundson@state.mn.us](mailto:travis.germundson@state.mn.us)

Does the LGU have a local appeal process applicable to this decision?

☒ Yes<sup>1</sup>   ☐ No

<sup>1</sup>If yes, all appeals must first be considered via the local appeals process.

**Local Appeals Submittal Requirements** (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)

See RCWD Board of Managers Resolution 2019-13 regarding delegated decisions and appeal, available at [www.ricecreek.org](http://www.ricecreek.org) on the Board Agendas, Minutes & Resolutions page.

**Notice Distribution (include name)**

*Required on all notices:*

<input checked="" type="checkbox"/> SWCD TEP Member: <b>Becky Wozney</b>	<input checked="" type="checkbox"/> BWSR TEP Member: <b>Ben Meyer</b>
<input type="checkbox"/> LGU TEP Member (if different than LGU contact):	
<input checked="" type="checkbox"/> DNR Representative: <b>Melissa Collins, Wes Saunders-Pearce</b>	
<input type="checkbox"/> Watershed District or Watershed Mgmt. Org.:	
<input checked="" type="checkbox"/> Applicant (notice only): <b>Don Caruth (Escape Properties LLC)</b>	
<input checked="" type="checkbox"/> Agent/Consultant (notice only): <b>Wayne Jacobson (Jacobson Environmental)</b>	

*Optional or As Applicable:*

<input checked="" type="checkbox"/> Corps of Engineers: <b>Joseph Toth</b>
<input checked="" type="checkbox"/> Members of the Public (notice only): <b>Elizabeth Mursko (City of Columbus)</b>
<input checked="" type="checkbox"/> Other: <b>Tim O'Connor (LCI Landscapes)</b>

<b>Signature:</b> 	<b>Date:</b> 06/12/2023
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This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.



Figure 1 Site Location Map





Figure 5 Delineation Map - 13960 Lake Dr NE, Columbus

