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# **Bluebird Grove**

**Vadnais Height, Ramsey County, Minnesota**

**Wetland Permit Application**

*Prepared for*  
Harstad Hills, Inc.

*by*  
**Kjolhaug Environmental Services Company, Inc.**  
(KES Project No. 2021-115)

June 8, 2021

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**Bluebird Grove**  
**Vadnais Heights, Ramsey County, Minnesota**  
**Wetland Permit Application**

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# Bluebird Grove

*Vadnais Heights, Ramsey County, Minnesota*

## Wetland Permit Application

### 1. PROJECT SUMMARY

Harstad Hills, Inc. is proposing the Bluebird Grove residential development project within an approximately 9-acre site in Vadnais Heights (**Figure 1**). The Bluebird Grove project will be a 21 lot, single-family development with associated streets, utilities, and stormwater areas.

The site currently consists of multiple parcels (partial parcels), two of which contained vacant, large-lot single family homes (**Figure 2**). The remainder of the site is woodland, meadow, or wetland.

The Bluebird Grove project will involve 13,414 sf (0.3079-ac) of permanent impact to one isolated wetland. Additionally, 6,706 sf (0.1539-ac) of temporary excavation impact to the same isolated wetland in order to incorporate the wetland into a detention basin is proposed as a non-WCA regulated impact (No Loss).

Permanent wetland impacts will be replaced via the purchase of wetland bank credits at a ratio of 2:1 within the same major watershed and Bank Service Area (BSA) as the proposed project.

Project construction is expected to start in late summer of 2021. All earthwork and soil stabilization is expected to be completed by fall of 2021. Individual home construction on graded lots will follow based on market demand.

The following narrative describes the project, its purpose, site characteristics, wetland sequencing, and the wetland replacement plan. Figures and appendices are attached. The Joint Application Form for Activities Affecting Water Resources in Minnesota is included in **Appendix A**.

### 2. PROJECT PURPOSE

#### 2.1 Project Purpose and Need

The purpose of the Bluebird Grove project is to construct a single-family residential development within the City of Vadnais Heights to meet market demand.

According to the City of Vadnais Heights 2040 Comprehensive Plan:

- The City of Vadnais Heights, based on the density ranges and available developable land and housing projections for the community, will be challenged to meet the housing demand of the community based on available developable land alone.
- Metropolitan Council guidance recommends municipalities use the low end of the density range and available developable land to assure the community is able to meet housing projections with the guided land use.
- In order to support emerging business opportunities, the City will look to develop more housing that suits the demand of the residents of Vadnais Heights. In order to fill this need the City will look to develop high quality housing options in undeveloped areas guided for residential housing and strategic housing redevelopment opportunities to meet the future needs of the community.

The project site is an underutilized site in the metro area where market need/demand for new housing is high, and developable/re-developable land is scarce. Additionally, the site is contiguous to developed low density residential areas and has convenient access to major transportation corridors.

## **2.2 Project Requirements/Constraints**

Based on initial planning/design coordination discussion with the city, the Bluebird Grove project plan must meet all the following requirements to be considered feasible and prudent.

1. Create a single-family development with associated roadway and utilities.
2. Provide site access via existing Williams Street to the north and Tessier Trail to the south.
3. Mitigate existing onsite drainage issues, thereby mitigating offsite drainage issues.
4. Provide effective drainage for the overall site while capturing and treating stormwater runoff in a manner consistent with local, state, and federal standards.
5. Route treated runoff to the Bear Park stormpond to the southeast of the site.
6. Construct a paved trail between the proposed development and the existing neighborhood to the east which will serve as an emergency access and enhance public safety and resident accessibility/walkability between the neighborhoods, and which will allow plowable access to underground utilities.
7. Avoid and minimize direct and indirect impacts to wetlands to the extent practicable; and
8. Replace unavoidable wetland impacts with compensatory wetland mitigation that has wetland functions equal to or exceeding those of the impacted wetlands.

### 3. SITE LOCATION & EXISTING CONDITIONS

The proposed Bluebird Grove project is located on ~9 acres in Section 29, Township 30 North, Range 22 West, Vadnais Heights, Ramsey County, Minnesota. Generally, the site is located southeast of the intersection of McMenemy Street and Colleen Drive (**Figure 1**). The property corresponded to all or portions of Ramsey County PIDs 293022230004, 293022230005, 293022230006, 293022230007, 293022230008, and 293022230009.

The project area consists of two vacant single-family homes in the central portion of the site. Lawn areas are present near the homes and an open meadow is present in the southwest portion of the site. The remainder of the site is woodland or wetland.

Topography on the site is highest in the northwest (920-924-ft) and south-central (920-928-ft) portions. The middle of the site is relatively flat (916-914-ft) and begins to slope downhill in the east third of the site to an elevation of 896-ft and Wetland 1. Land slopes uphill from the east edge of Wetland 1 to a high elevation of 912-ft in the northeast corner of the site.

The site is located within the Mississippi River – Twin Cities Metro (#20) Major Watershed and Bank Service Area 7 (BSA7).

#### **3.1 Wetland Delineation**

Two (2) wetlands were delineated within the Bluebird Grove project boundaries (formerly McMenemy Street Parcels) by Kjolhaug Environmental Services (KES) in August 2020 (**Wetlands 1 and 2 of Figure 2**). The previously submitted *McMenemy Street Parcels Wetland Delineation Report* discussed the delineation in more detail and included National Wetland Inventory (NWI) and soil survey mapping. Copies of the report are available upon request.

The Notice of Delineation (NOD) issued on September 16, 2020 by VLAWMO (WCA LGU) approving the wetland boundaries is included in **Appendix B**. The WCA NOD included No Loss approval (incidental wetland concurrence) for Wetland 2. Delineation concurrence from the U.S. Army Corps of Engineers (USACE) issued on December 20, 2018 is also included in **Appendix B**, as well as an approved Jurisdiction Determination (AJD) for Wetland 2.

For development of the project stormwater plan, wetlands located adjacent to the site were delineated by Kjolhaug Environmental Services (KES) in May 2021 (**Wetlands A and B of Figure 2**). The previously submitted *Bluebird Grove – Storm Sewer Wetland Delineation Report* discussed the delineation in more detail and included National Wetland Inventory (NWI) and soil survey mapping. Copies of the report are available upon request.

Characteristics of delineated wetlands are summarized in **Table 1 on the following page**.

#### **3.2 Approved Jurisdiction Determination Request**

With delineation of Wetland A in May of 2020, it has been determined that Wetland 1/A within the project area is an isolated wetland surrounded by upland with no natural or constructed

outlet; therefore, **Attachment A of Appendix A** requests an Approved Jurisdictional Determination (AJD) from the USACE for Wetland 1/A as shown on **Figure 2**.

**Table 1. Wetlands delineated for the Bluebird Grove project.**

Wetland ID	Wetland Type			Dominant Vegetation
	Circular 39	Cowardin	Eggers and Reed	
1	Type 1	PFO1A	Deciduous forested, seasonally flooded basin	Cottonwood, boxelder, unvegetated, clearweed, rice cut grass, nettles, smartweed
2	Type 1	PEMA	Seasonally flooded basin	Unvegetated, sedges, smartweed, rice cutgrass
A	Type 1	PEMA	Seasonally flooded basin	Lake sedge
B	Type 1	PFO1Ad	Deciduous forested seasonally flooded basin	Elm, green ash, silver maple, false nettle, reed canary grass, jewelweed, sedges, wild cucumber

## 4. SEQUENCING DISCUSSION/ONSITE ALTERNATIVES

The following discussion addresses wetland avoidance, impact minimization, and impact reduction and elimination over time in compliance with Minnesota Wetland Conservation Act (WCA) requirements. It is assumed that Wetland 1/A is not regulated under Section 404 of the CWA and therefore the proposed project is not expected to require a permit from the USACE.

The following alternatives analysis demonstrates that there are no feasible and prudent alternatives available that would completely avoid or further minimize wetland impacts while achieving project needs and requirements.

### 4.1 WCA No-Build Alternative

The No-Build Alternative was considered as a way to eliminate wetland impacts associated with the project. Although the No-Build Alternative would completely avoid wetland impacts, it would not fulfill the project purpose, need, or requirements nor would it be consistent with local land use zoning which guides the site for low density development/redevelopment (**Appendix C**).

Even if the No-Build Alternative were implemented, development pressure would continue to affect the proposed site. Based on land use zoning, this would likely cause similar development proposals to arise for the property in the near future. *For these reasons, the No-Build Alternative was rejected as an approach to avoiding wetland impacts.*

#### **4.2 WCA Compete Avoidance Alternative**

An alternative that would completely avoid impacts to regulated wetland on the site was initially considered (**Exhibit A of Appendix D**). With this alternative, a cul-de-sac would be extended onto the site from existing Bear Avenue North thereby eliminating the need to cross Wetland 1. With this alternative, the resulting length of Bear Avenue North would be ~2,050 feet, which is ~250 more than current length of 1,800 feet.

As a result of planning discussions with the City (**Attachment D**), this the complete avoidance alternative was rejected because a cul-de-sac longer than 1,800 feet in length not only presents safety issues but also presents access issues for the new and existing neighborhoods. Furthermore, this alternative would not resolve drainage issues on the project site or on neighboring properties.

Although a Canal/Ditch is shown to pass from north to southeast through the project site and adjacent properties according to the National Hydrography Dataset (**Figure 2**), the results of the delineation show that the historic county ditch system that formerly provided a connected flow path is no longer present. This disconnection results in spring flooding/ponding within the backyards of multiple existing properties as well as the proposed site. If the complete avoidance alternative were implemented, flooding would continue to occur in existing home lots on neighboring properties as well as newly developed home lots in Bluebird Grove.

The City is aware of this long-standing drainage issue, and in the interest of public benefit supports a project plan that helps to mitigate this problem even though it may require impacting wetland (**Appendix D**).

*For these reasons, the Complete Avoidance Alternative was rejected as an approach to completely avoiding wetland impacts.*

#### **4.3 Proposed Alternative/Proposed Project**

The proposed grading plan for the Bluebird Grove residential development project is provided in **Appendix E**. Wetland impacts along with other project features are illustrated on **Figure 3**. The proposed project design provides all of the required items outline in **Section 2.2**.

The proposed plan resolves drainage issues onsite and on neighboring properties by detaining/storing runoff within the two proposed stormwater ponds and the one proposed detention pond and providing an outlet for drainage that will discharge to Wetland B connected to the Bear Park stormwater pond via storm sewer.

Impact to Wetland 1 is partly due to roadway fill and is also partly due to the stormwater management plan. As explained previously, accessing the east portion of the development site via a cul-de-sac off of Bear Avenue North was rejected because it would present safety and access issues for the new and existing bordering neighborhoods. Therefore, access to the east portion of the Bluebird Grove development requires crossing Wetland 1 which extends from north to south through the site.

Permanent impact to the south half of Wetland 1 is for construction of a stormwater pond to mitigate drainage issues. Although this pond could be constructed to the east of its proposed location to minimize wetland impact, detention and diversion of runoff away from this portion of Wetland 1 would likely result in secondary/indirect impacts due to a reduction in supporting hydrology thereby diminishing wetland functions and values.

Furthermore, MN WCA Rule 8420.0520 SEQUENCING. Subp. 7a. Sequencing flexibility states that:

*A. Flexibility in application of the sequencing steps may be requested by the applicant and allowed at the discretion of the local government unit, subject to the conditions in item B, as determined by the local government unit, if:*

*(1) the wetland to be impacted has been degraded to the point where replacement of it would result in a certain gain in function and public value.*

*(2) avoidance of a wetland would result in severe degradation of the wetland's ability to function and provide public value, for example, because of surrounding land uses, and the wetland's ability to function and provide public value cannot reasonably be maintained through implementation of best management practices, land use controls, or other mechanisms.*

Wetland 1 has been degraded by excavation (likely done to try and minimize flooding extent onsite) and flooding which has resulted in a basin that is largely drowned out and unvegetated. A MnRAM analysis (**Appendix F**) rated the wetland as Manage 2 (medium quality) based on a highest rated function of Medium for wildlife habitat (due to surrounding generally natural upland conditions). Wetland banks on the other hand are large wetland complexes with multiple functions and values that generally have substantial upland buffer, with high native vegetation coverage in both the wetland and buffer. Based on this assessment, replacement via a wetland bank at a 2:1 ratio is certain to provide an increase in wetland functions and values. Therefore, proposed permanent impacts to Wetland 1 meet item (1) of sequencing flexibility requirements.

Additionally, proposed impacts to Wetland 1 meet item (2) of sequencing flexibility requirements. As explained previously, detention and diversion of runoff away from the south portion of Wetland 1 (if avoided) would likely result in secondary/indirect impacts due to a reduction in supporting hydrology thereby diminishing wetland functions and values.

Project construction is expected to start in late summer of 2021. All earthwork and soil stabilization is expected to be completed by fall of 2021. Individual home construction on graded lots will follow based on market demand.

The proposed project design meets the project purpose, need, and requirements as described previously. The proposed project represents an orderly and logical use of the subject property and is consistent with applicable land use and policy plans envisioned by the City of Vadnais Heights.

#### **4.4 Wetland Minimization**

The proposed plan represents the minimization alternative. Incorporation of the north portion of Wetland 1 into a detention pond (wetland excavation) results in temporary impacts from



excavation but does not result in permanent wetland impact. Post development, this remnant portion of Wetland 1 will be less than 6.5-ft in depth, will receive runoff from backyards and rooftops, but will not receive sediment (fill).

According to MN WCA Rule 8420.0105 SCOPE. Subpart 1. Scope; generally.

*Wetlands must not be impacted unless replaced by restoring or creating wetland areas of at least equal public value. This chapter regulates the draining or filling of wetlands, wholly or partially, and excavation in the permanently and semipermanently flooded areas of type 3, 4, or 5 wetlands, and in all wetland types if the excavation results in filling, draining, or conversion to nonwetland.*

Proposed excavation of the north portion of Wetland 1 (Type 1 PFO1A) will maintain the excavated area as wetland. Therefore, this excavation activity is outside the scope of WCA. **Attachment B of Appendix A** requests No Loss approval for this temporary wetland impact.

#### **4.5 Wetland Impact Rectification**

Temporary impacts to the north portion of Wetland 1 are proposed. See **Section 4.4** of this application.

#### **4.6 Wetland Impact Reduction or Elimination Over Time**

Practices to help reduce or eliminate wetland impacts over time include implementation of a stormwater management plan that reduces or eliminates potential effects of stormwater both onsite and offsite.

The City of Vadnais Heights has review jurisdiction over stormwater runoff from proposed development at this site. The MPCA has jurisdiction under the State Construction Stormwater NPDES General Permit.

Preferred methods to achieve stormwater management requirements will consist of BMPs including a detention pond (excavated wetland) and two stormwater ponds.

#### **4.7 Proposed Project Impacts and Required Replacement**

Minnesota Rules Part 8420.0117, Subp. 1 applies:

*Ramsey County is in an area with less than 50% of the presettlement wetlands remaining. Minnesota Rules Part 8420.0522, Subp. 4, states that the minimum replacement ratio for impacts to wetland on nonagricultural land in a less than 50% area is 2:1.*

**Table 2 on the following page** summarizes the wetland impact amount, impact type (fill/excavation), and required replacement. **Table 3 on the following page** summarizes temporary wetland impacts that do not require replacement under WCA.

**Table 2. Summary of Permanent Wetland Impacts & Required Replacement**

Wetland Impact Area	Impact Type	Impact Amount (sf)	Impact Amount (ac)	Replacement Ratio	Required Replacement (ac)
Wetland 1 North Impact	Fill	62	0.0014	2:1	0.0028
Wetland 1 South Impact	Fill	13,352	0.3065	2:1	0.6130
<b>Total</b>		<b>13,414</b>	<b>0.3079</b>	<b>2:1</b>	<b>0.6158</b>

**Table 3. Summary of Temporary Wetland Impacts**

Wetland Impact Area	Impact Type	Impact Amount (sf)	Impact Amount (ac)	Replacement Ratio	Required Replacement (ac)
Wetland 1	Excavation	6,706	0.1539	N/A	0
<b>Total</b>		<b>6,706</b>	<b>0.1539</b>	<b>2:1</b>	<b>0</b>

## 5. WETLAND REPLACEMENT PLAN

To mitigate for onsite wetland impacts, the applicant proposes to purchase a total of 0.6158-ac of Standard Wetland Credit (SWC) from an upcoming wetland bank located in Major Watershed #20 (Mississippi River – Twin Cities Metro) and Bank Service Area 7 (BSA7). This new wetland bank will be owned/managed by Patricia Preiner (owner of a current wetland bank in Anoka County). According to Patricia, the bank is expected to be online the week of June 14, 2021.

## 6. RARE & ENDANGERED SPECIES CONSIDERATIONS

### 6.1 MN Rare Species Considerations

Minnesota Rules Part 8420.0515 specifies that endangered and threatened species must be considered when submitting a wetland replacement plan. KES has reviewed a licensed copy of the Natural Heritage Inventory System (NHIS) to assess if any rare plant species are known to occur within a 1-mile radius of the project area.

The NHIS review identified one record of tuberclad rein orchid (*Platanthera flava* var. *herbiola*), a state threatened plant species, within a 1-mile radius of the project area (more than 5,225 feet to the southeast of the site).

Paraphrasing from <https://www.dnr.state.mn.us/>, the normal habitat of *P. flava* var. *herbiola* is moist or wet meadows or sunny swales in savannas. Soils are generally moist acidic sand, with a thin layer of organic material or duff on the surface and sometimes a clay layer below the

surface. Ground water is usually at or near the surface. Sunlight is either direct for most of the day or lightly filtered through trees or shrubs; *P. flava* var. *herbiola* will slowly disappear if its habitat becomes completely shaded.

The proposed site does not contain suitable habitat to support tubercled rein orchid.

## **7. REQUESTED APPROVALS**

The Bluebird Grove project will require 13,414 sf (0.3079-ac) of permanent impact to one isolated wetland when developed in a manner consistent with the project purpose, need and requirements.

Proposed wetland replacement includes the purchase of 0.6158 acres of Standard Wetland Credit from an upcoming wetland bank in the same major water (Mississippi – Twin Cities Metro; #20) and Bank Service Area (BSA7) as the proposed project.

This application requests WCA Wetland Replacement Plan approval for permanent wetland impacts, and No Loss approval for temporary wetland impacts.

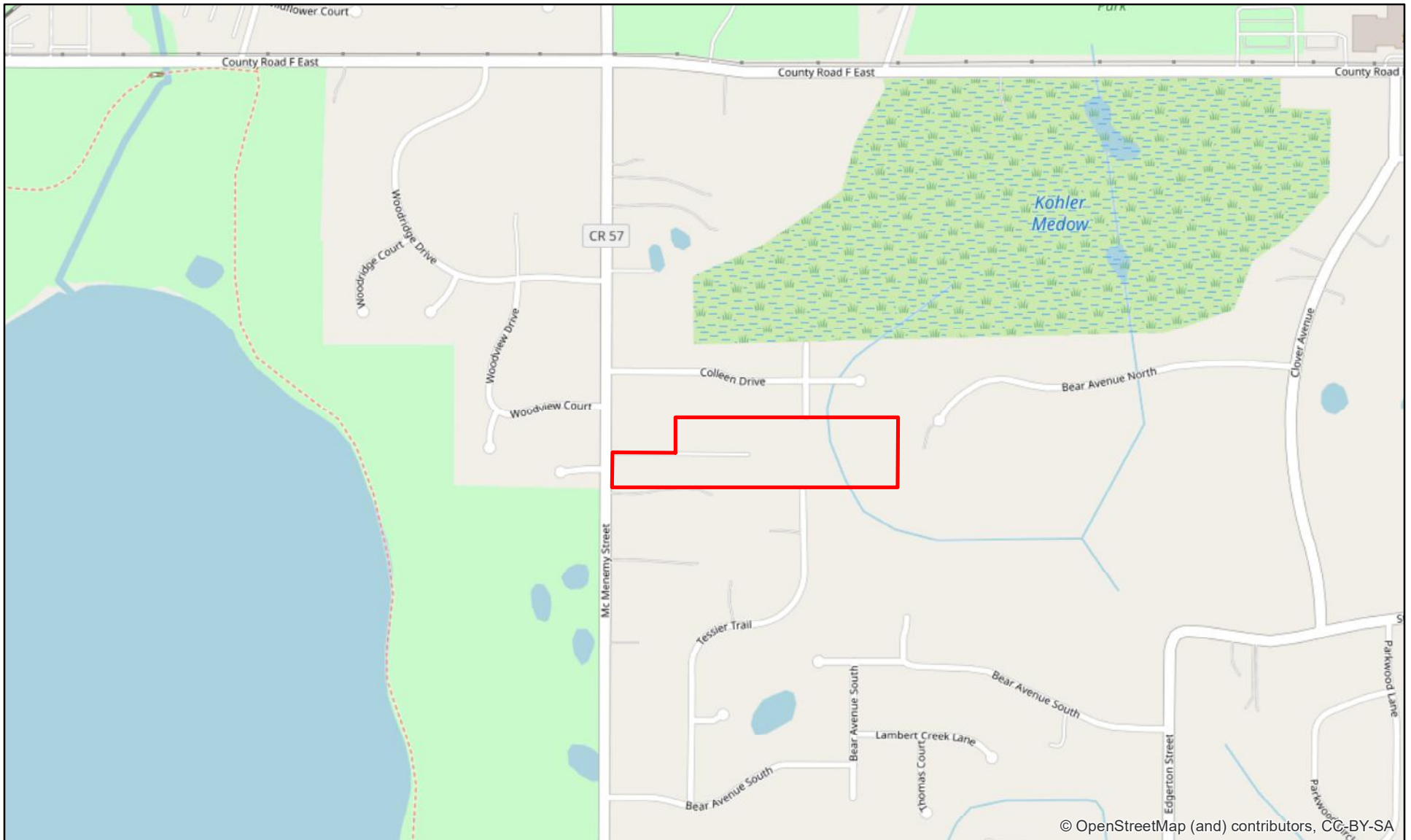
Additionally, the applicant requests an Approved Jurisdictional Determination (AJD) for Wetland 1/A from the USACE. A Section 404 permit from the USACE is not anticipated to be needed for this project.

# **Bluebird Grove, Vadnais Heights**


## **Wetland Permit Application**

### **FIGURES**


1. Site Location
2. Existing Conditions
3. Proposed Plan and Wetland Impacts




**Figure 1 - Site Location**




N



0 1,000 Feet



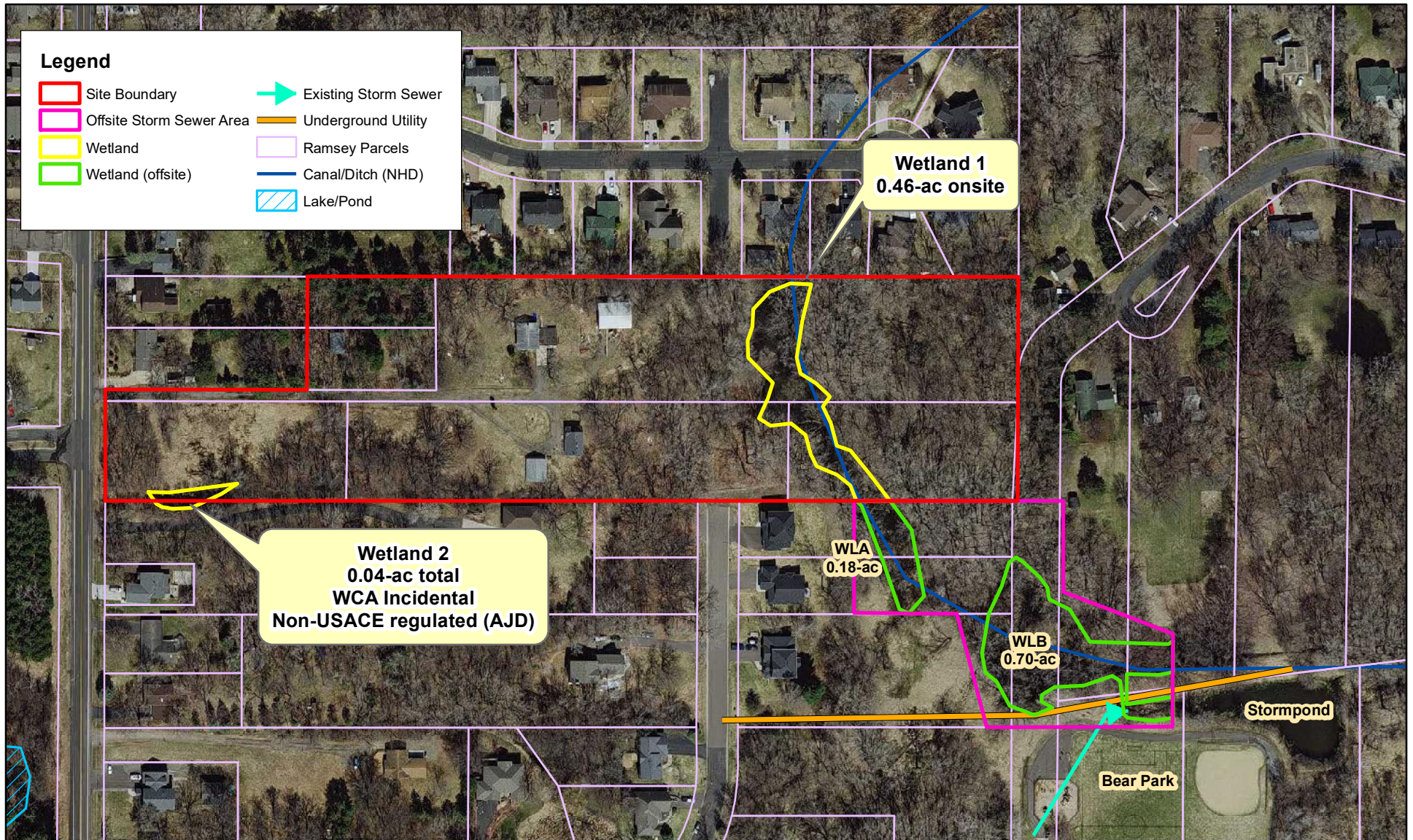


Site Boundary


**Bluebird Grove Residential Development**  
**Vadnais Heights, Minnesota (KES 2021-115)**

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

**KJOLHAUG** ENVIRONMENTAL SERVICES COMPANY  
 Source: ESRI Streets Basemap




**Figure 2 - Existing Conditions (2020 Metro Photo)**




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

N

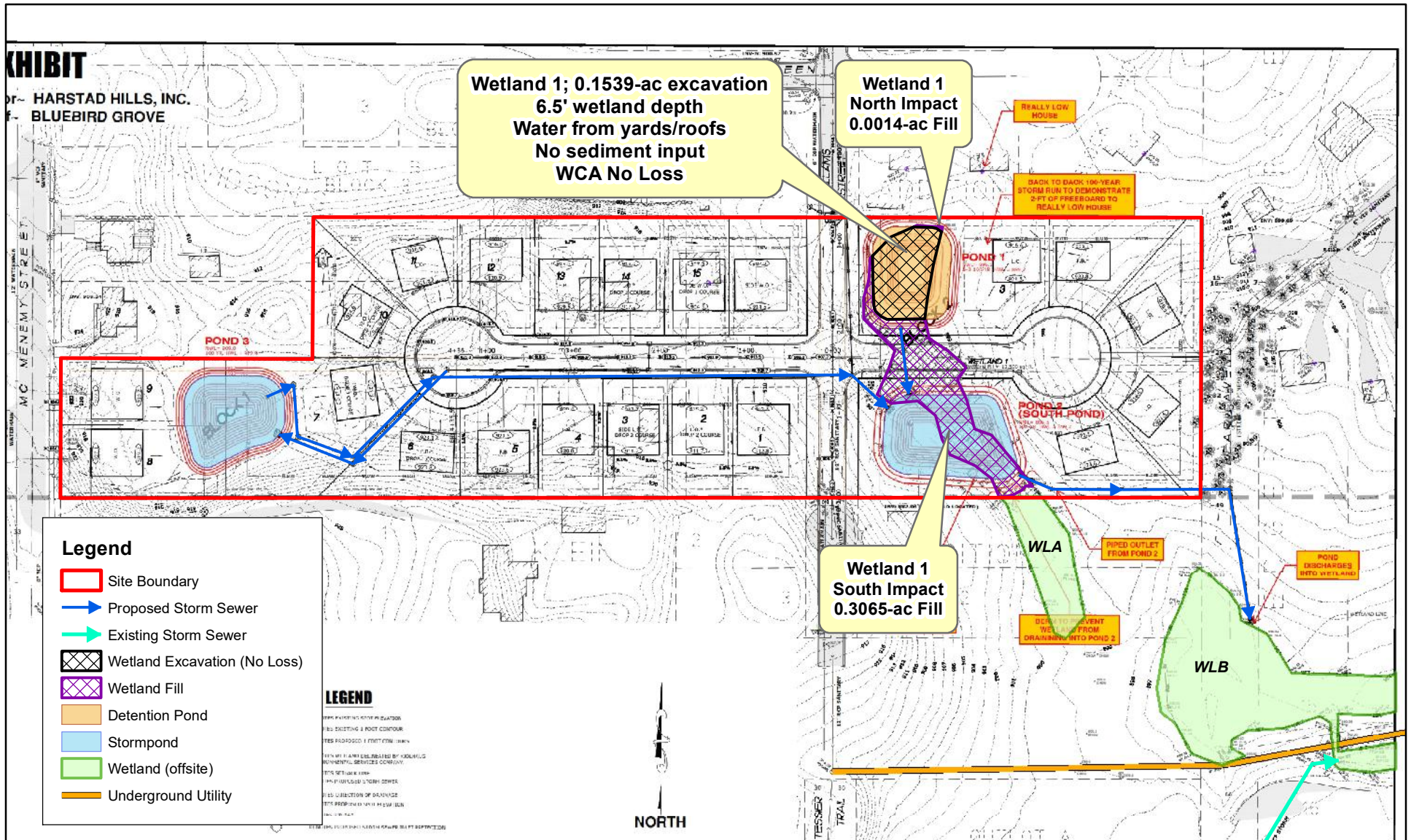


0 500 Feet



**Bluebird Grove Residential Development**  
**Vadnais Heights, Minnesota (KES 2021-115)**

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



**Figure 3 - Proposed Plan and Wetland Impacts**



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

N



0 350 Feet

**Bluebird Grove Residential Development  
Vadnais Heights, Minnesota (KES 2021-115)**

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

# **Bluebird Grove, Vadnais Heights**

**Wetland Permit Application**

## **APPENDIX A**

**Joint Application for Activities Affecting Water Resources in Minnesota**



## **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:** Marty Harstad, Harstad Hills, Inc.  
**Mailing Address:** 2195 Silver Lake Road, New Brighton, MN 55112  
**Phone:** (651) 636-9991  
**E-mail Address:** mharstad@comcast.net

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

**Mailing Address:**  
**Phone:**  
**E-mail Address:**

**Agent Name:** Melissa Barrett, Kjolhaug Environmental  
**Mailing Address:** 2500 Shadywood Road, Suite 130, Orono, MN 55331  
**Phone:** 952-388-3752  
**E-mail Address:** melissa@kjolhaugenv.com

## **PART TWO: Site Location Information**

**County:** Ramsey **City/Township:** Vadnais Heights  
**Parcel ID and/or Address:** 293022230004 through 293022230009  
**Legal Description (Section, Township, Range):** Sec 29, T30, R22  
**Lat/Long (decimal degrees):** 45.05905, -93.0815  
**Attach a map showing the location of the site in relation to local streets, roads, highways.**  
**Approximate size of site (acres) or if a linear project, length (feet):** ~9-ac

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

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

## **PART THREE: General Project/Site Information**

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

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

**See Sections 1, 2, and 4 of the attached wetland permit application for Bluebird Grove.**

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

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

Aquatic Resource (Use number or reference letter)	Aquatic Resource Type (Wetland, lake, stream, etc.)	Type of Impact (E, temporary, disturb, or removal, regulation)	Location of Impact (Reference (1) or Temporary (T))	Size of Impact <sup>2</sup>	Overall Size of Aquatic Resource <sup>3</sup>	Linking Point Community (Type) in Impact Area <sup>4</sup>	County, Major Watershed #, and State Service Area # of Impact Area <sup>5</sup>
Wetland 1 North	Wetland	Disturb	A	1,000 ft <sup>2</sup>		Law E Basin	Kern County, 03-1
Wetland 2 South	Wetland	Disturb	A	1,000 ft <sup>2</sup>		Law E Basin	Kern County, 03-1
Wetland 3 North	Wetland	Excavation	T	1,000 ft <sup>2</sup>		Law E Basin	Kern County, 03-1

<sup>1</sup> If impact is temporary, enter the duration of the impact in this box (e.g., "10"). For example, a project with temporary impacts that would be removed after 300 days would be entered "300D".  
<sup>2</sup> Impacts less than 500 sq. ft. should be reported in square feet. Impacts 500 sq. ft. or greater should be reported in acres and rounded to the nearest 0.01 acres. Temporary impacts must be reported in terms of impact area or area of impact by indicating that the time limit of impact along the location of the stream followed by the area impact in parentheses. For example, a project that impacts 10 feet of a stream that is 10 feet wide would be reported as 10 ft x 100 square feet.  
<sup>3</sup> This is generally only completed if you are applying for a land use exemption under Subchapter 1421 (MUD) from a commercial water "use".  
<sup>4</sup> Use "Water Project and Host Community" type of Mitigation and Prevention (MVP) as outlined in the form 0400-0002, Table 1.  
<sup>5</sup> Refer to Major Watershed and State Service Area maps in Mitigation and Prevention (MVP) 0400-0002, Table 1.

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

### PART FIVE: Applicant Signature

Check here if you are requesting a **REGULATORY** exemption with the Code and this District on the information you have provided. Regulatory approval will not initiate a formal application review if this box is checked.

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

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 the application.

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

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

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

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) <sup>1</sup>	Size of Impact <sup>2</sup>	Overall Size of Aquatic Resource <sup>3</sup>	Existing Plant Community Type(s) in Impact Area <sup>4</sup>	County, Major Watershed #, and Bank Service Area # of Impact Area <sup>5</sup>
Wetland 1 North	Wetland	Fill	P	0.0014		Seas fl basin	Ramsey; 20; 7
Wetland 1 South	Wetland	Fill	P	0.3065		Seas fl basin	Ramsey; 20; 7
Wetland 1 No Loss	Wetland	Excavation	T	0.1539		Seas fl basin	Ramsey; 20; 7

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

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

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

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

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

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

## PART FIVE: Applicant Signature

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

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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.

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

## **Attachment A**

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

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

**Wetland Type Confirmation**

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

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

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

**AJD requested for Wetland 1/A.**

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:

**MN WCA Rule 8420.0105 SCOPE. Subpart 1. Scope; generally. Wetlands must not be impacted unless replaced by restoring or creating wetland areas of at least equal public value. This chapter regulates the draining or filling of wetlands, wholly or partially, and excavation in the permanently and semipermanently flooded areas of type 3, 4, or 5 wetlands, and in all wetland types if the excavation results in filling, draining, or conversion to nonwetland.**

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 section 4.4 of the attached wetland permit application for Bluebird Grove.**

## **Attachment C**

### **Avoidance and Minimization**

**Project Purpose, Need, and Requirements.** Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

**See Sections 1, 2, and 4 of the attached wetland permit application for Bluebird Grove.**

**Avoidance.** Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

**See Section 4 of the attached wetland permit application for Bluebird Grove.**

**Minimization.** Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

**See Section 4 of the attached wetland permit application for Bluebird Grove.**

**Off-Site Alternatives.** An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

N/A

## Attachment D Replacement/Compensatory Mitigation

Complete this part *if* your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

**Replacement/Compensatory Mitigation via Wetland Banking.** Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits
TBD	TBD	20	7	TBD	0.6158

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

**Project-Specific Replacement/Permittee Responsible Mitigation.** Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit <sup>1</sup>	Corps Mitigation Compensation Technique <sup>2</sup>	Acres	Credit % Requested	Credits Anticipated <sup>3</sup>	County	Major Watershed #	Bank Service Area #

<sup>1</sup>Refer to the name and subpart number in MN Rule 8420.0526.

<sup>2</sup>Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.

<sup>3</sup>If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):

Project Name and/or Number: **Bluebird Grove Residential Development, Vadnais Heights (KES#2021-115)**

Attach a map of the existing aquatic resources, associated delineation report, and any documentation of regulatory review or approval. Discuss as necessary:

For actions involving construction activities, attach construction plans and specifications with all relevant details. Discuss and provide documentation of a hydrologic and hydraulic analysis of the site to define existing conditions, predict project outcomes, identify specific project performance standards and avoid adverse offsite impacts. Plans and specifications should be prepared by a licensed engineer following standard engineering practices. Discuss anticipated construction sequence and timing:

For projects involving vegetation restoration, provide a vegetation establishment plan that includes information on site preparation, seed mixes and plant materials, seeding/planting plan (attach seeding/planting zone map), planting/seeding methods, vegetation maintenance, and an anticipated schedule of activities:

For projects involving construction or vegetation restoration, identify and discuss goals and specific outcomes that can be determined for credit allocation. Provide a proposed credit allocation table tied to outcomes:

Provide a five-year monitoring plan to address project outcomes and credit allocation:

Discuss and provide evidence of ownership or rights to conduct wetland replacement/mitigation on each site:

Quantify all proposed wetland credits and compare to wetland impacts to identify a proposed wetland replacement ratio. Discuss how this replacement ratio is consistent with Corps and WCA requirements:

By signature below, the applicant attests to the following (only required if application involves project-specific/permittee responsible replacement):

- All proposed replacement wetlands were not:
  - Previously restored or created under a prior approved replacement plan or permit
  - Drained or filled under an exemption during the previous 10 years
  - Restored with financial assistance from public conservation programs
  - Restored using private funds, other than landowner funds, unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement.
- The wetland will be replaced before or concurrent with the actual draining or filling of a wetland.
- An irrevocable bank letter of credit, performance bond, or other acceptable security will be provided to guarantee successful completion of the wetland replacement.
- Within 30 days of either receiving approval of this application or beginning work on the project, I will record the Declaration of Restrictions and Covenants on the deed for the property on which the replacement wetland(s) will be located and submit proof of such recording to the LGU and the Corps.

Applicant or Representative:

Title:

Signature: \_\_\_\_\_

Date:



# **Bluebird Grove, Vadnais Heights**

**Wetland Permit Application**

## **APPENDIX B**

**Delineation Approvals**

## Minnesota Wetland Conservation Act Notice of Decision

<b>Local Government Unit:</b> Vadnais Lake Area WMO	<b>County:</b> Ramsey
<b>Applicant Name:</b> Mildred Johnson Trust Environmental	<b>Applicant Representative:</b> Kjolhaug
<b>Project Name:</b> McMenemy Street Parcels	<b>LGU Project No. (if any):</b> 10.2020
<b>Date Complete Application Received by LGU:</b> 8/24/20, revised 9/15/2020	
<b>Date of LGU Decision:</b> 9/15/2020	
<b>Date this Notice was Sent:</b> 9/16/2020	

**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 checked="" type="checkbox"/> No-Loss (8420.0415)	<input type="checkbox"/> Exemption (8420.0420)		
Part: <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H	Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9		

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

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

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

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

**LGU Decision**

<input type="checkbox"/> Approved with Conditions (specify below) <sup>1</sup> List Conditions:	<input checked="" type="checkbox"/> Approved <sup>1</sup>	<input type="checkbox"/> Denied
<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): <b>revised delineation, incidental wetland request, TEP Findings</b>
<input checked="" type="checkbox"/> Summary: <b>see TEP Findings</b>

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

**Attached Project Documents**

<input type="checkbox"/> Site Location Map <input type="checkbox"/> 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)

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**Notice Distribution (include name)**

*Required on all notices:*

<input checked="" type="checkbox"/> SWCD TEP Member: Michael Schumann	<input checked="" type="checkbox"/> BWSR TEP Member: Ben Meyer
<input type="checkbox"/> LGU TEP Member (if different than LGU contact):	
<input checked="" type="checkbox"/> DNR Representative: Leslie Parris	
<input type="checkbox"/> Watershed District or Watershed Mgmt. Org.:	
<input type="checkbox"/> Applicant:	<input checked="" type="checkbox"/> Agent/Consultant: Kjolhaug – Melissa Barrett

*Optional or As Applicable:*

<input type="checkbox"/> Corps of Engineers:	
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only):	
<input type="checkbox"/> Members of the Public (notice only):	<input type="checkbox"/> Other:

<b>Signature:</b> 	<b>Date:</b> 9/16/2020
--	------------------------

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.





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

September 10, 2020

Regulatory File No. MVP-2014-03417-EJW

LeVander, Gillen & Miller, P.A.  
c/o Donald Hoeft  
633 South Concord St., Suite 400  
South St. Paul, Minnesota 55075

Dear Mr. Hoeft:

We are responding to your request, submitted by Kjolhaug Environmental on your behalf, for Corps of Engineers (Corps) concurrence with the delineation of aquatic resources completed on the 11.30-acre McMenemy Street Parcels site in the City of Vadnais Heights. The project site is in Section 29, Township 30 North, Range 22 West, Ramsey County, Minnesota. The review area for our jurisdictional determination is identified as Wetland 2 on the enclosed figures labeled MVP-2014-03417-EJW Page 1 of 2 through Page 2 of 2.

We have reviewed the delineation report dated August 24, 2020 and concur that Preliminary Figure 2 depicts a reasonable approximation of the location and boundaries of aquatic resources on the property. This delineation can be used for planning, and will generally be sufficient for permitting purposes. It may be necessary to review this determination in response to changing site conditions or new information.

**Additional Information regarding Jurisdiction and Permitting:**

The review area for our jurisdictional determination consists of Wetland 2 which is not a water of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within this area. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review area described. You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, 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 Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

Please note that the Corps has issued Nationwide General Permits and Regional General Permits that provide authorization for many minor activities. Many of those general permits require a pre-construction notification and Corps verification prior to starting work. However, several general permits also have "self-certifying" provisions that eliminate the need to provide notice to the Corps, provided the permittee complies with the terms and conditions of the general permit. Current general permit terms and conditions can be found at: <https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/>.

If you have any questions, please contact me in our St. Paul office at (651) 290-5357 or [Eric.j.white@usace.army.mil](mailto:Eric.j.white@usace.army.mil). In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric White", written in a cursive style.

Eric White  
Project Manager

Enclosures

cc:

Brian Corcoran (LGU)  
Ben Meyer (BWSR)  
Anna Hotz (MPCA)  
Melissa Barrett (Agent)



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 09/10/2020

ORM Number: MVP-2014-03417-EJW

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: MN City: Vadnais Heights County/Parish/Borough: Ramsey County

Center Coordinates of Review Area: Latitude 45.059829 Longitude -93.084225

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)<sup>3</sup>

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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NAVIGABLE WATERS PROTECTION RULE

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 2	0.04 acres	(b)(1) Non-adjacent wetland	Wetland 2 does not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year. The aquatic resource being evaluated is Wetland 2 shown on the attached figures labeled MVP-2014-03417-EJW Pages 1 of 2 through Page 2 of 2. The nearest (a)(3) water is Vadnais Lake, located approximately 0.25 miles west of the review area. Wetland 2 has no surface connection to Vadnais Lake and is not inundated by flooding from Vadnais Lake. Based upon information gathered as a result of the desktop review and wetland delineation report, Corps staff determined that Wetland 2 is wholly surrounded by uplands and lacks a natural intermittent or perennial surface connection to a water of the United States. Wetland 2 does not abut a TNW, lake, pond, or impoundment of a jurisdictional water in a typical year. Therefore, Wetland 2 does not meet the definition of an adjacent wetland under the NWPR and is not a water of the US.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: McMenemy Street Parcels Wetland Delineation Report August 24, 2020  
This information (is) sufficient for purposes of this AJD.  
Rationale: N/A
- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s)*.
- Corps Site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: Ramsey County Soil Survey Map
- USFWS NWI maps: USFWS National Wetlands Inventory Map
- USGS topographic maps: 1:24K White Bear Lake West

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.





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USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** N/A

**C. Additional comments to support AJD:** N/A

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

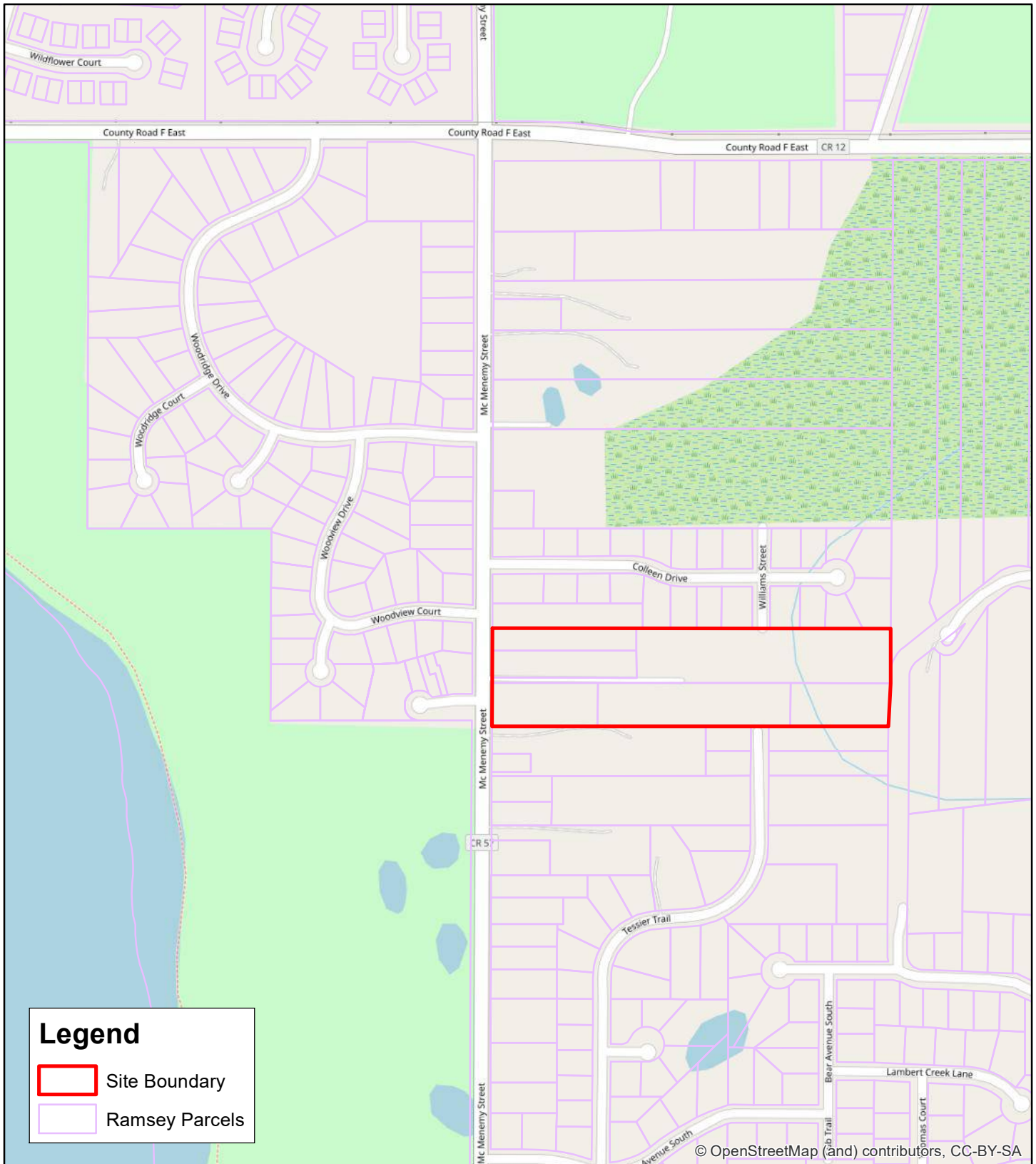


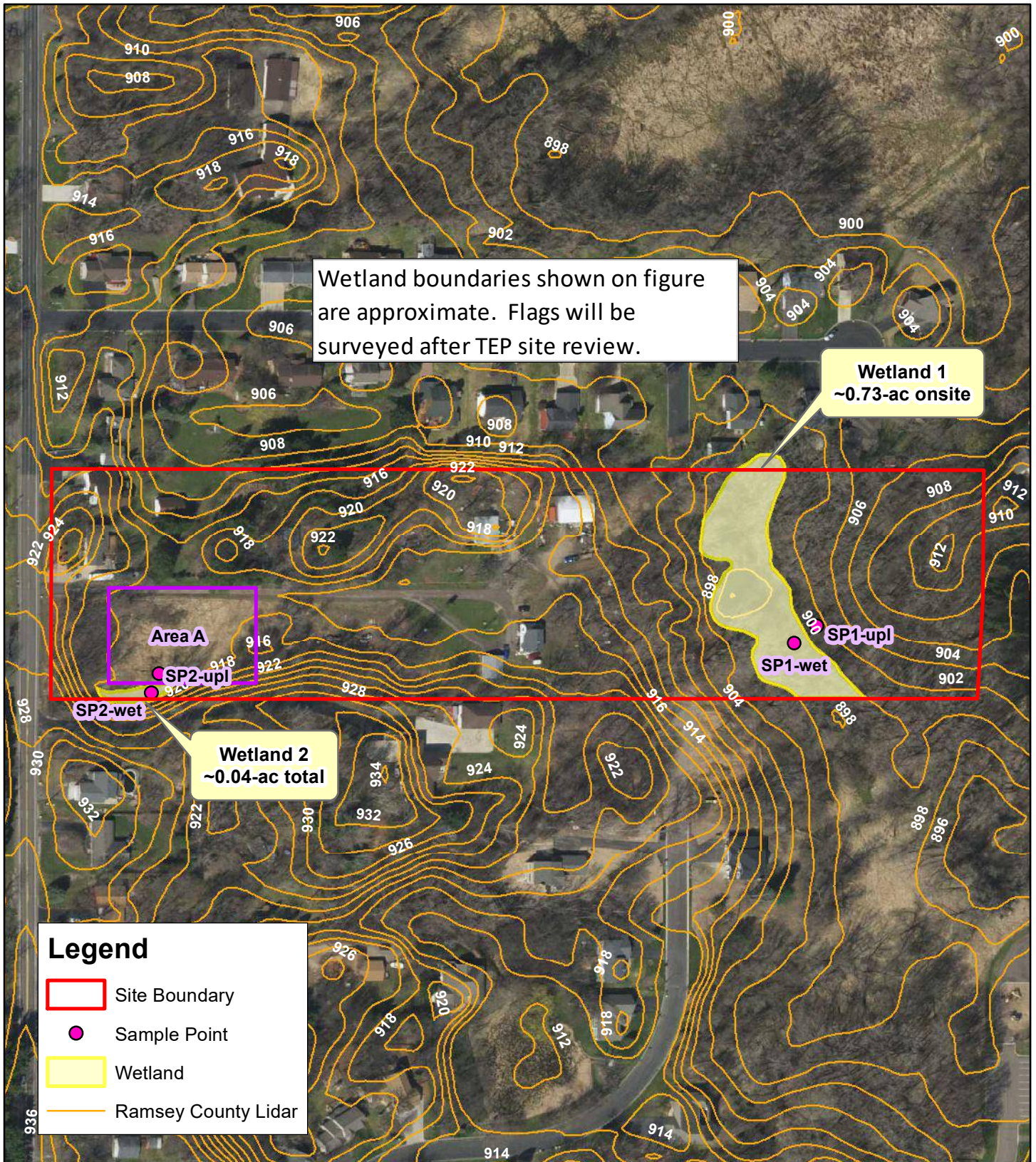
Figure 1 - Site Location

**McMenemy Street Parcels (KES 2020-095)**  
**Vadnais Heights, Minnesota**

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

Source: ESRI Streets Basemap



**Preliminary Figure 2 - Existing Conditions (2016 MnGEO Photo)**

 0 150 Feet

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

**McMenemy Street Parcels (KES 2020-095)  
Vadnais Heights, Minnesota**

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

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

<b>Applicant: LeVander, Gillen &amp; Miller, P.A. c/o Donald Hoeft</b>	<b>File No.: MVP-2014-03417-EJW</b>	<b>Date: September 10, 2020</b>
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	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://usace.army.mil/inet/functions/cw/cecwo/reg> 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 approved 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 QUESTIONS OR INFORMATION:**

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

U.S. Army Corps of Engineers  
Attn. Eric White  
180 Fifth Street East, Suite 700  
St. Paul, MN 55101  
651-290-5357  
Eric.J.White@usace.army.mil

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

Administrative Appeals Review Officer  
Mississippi Valley Division  
P.O. Box 80 (1400 Walnut Street)  
Vicksburg, MS 39181-0080  
601-634-5820 FAX: 601-634-5816

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:
---	-------	-------------------

**Bluebird Grove, Vadnais Heights**

**Wetland Permit Application**

**APPENDIX C**

**City of Vadnais Heights Land Use Map**

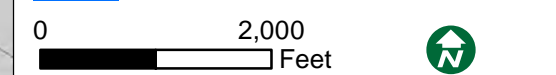


# Planned Land Use (2040)

2040 Comprehensive Plan  
City of Vadnais Heights, Minnesota

## Legend

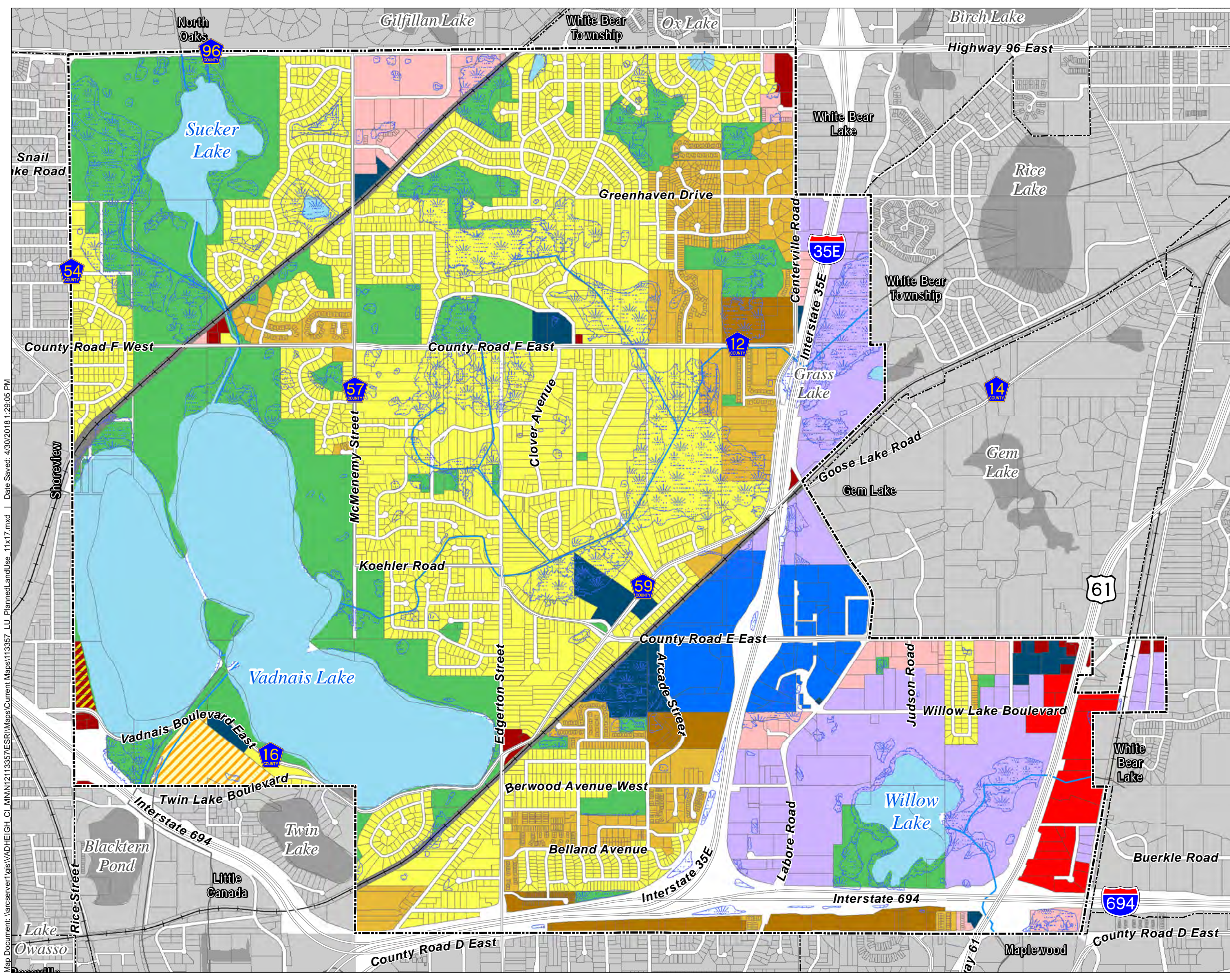
- Vadnais Heights City Limits
- City/Township Boundaries
- Streams
- Railroad
- National Wetland Inventory
- Planned Land Use Categories**
- Low Density Residential
- Manufactured Housing Park
- Medium Density Residential
- High Density Residential
- Mixed Use
- Office/Business
- Commercial
- Highway Commercial
- Industrial
- Open Water
- Park
- Public, Institutional or Utility
- Railway
- Vadnais Center Land Use Plan



Source: MnGeo, City of Vadnais Heights, Ramsey County



May 2018



Map Document: \arcserver\gis\ADHEIGH\_CI\_MN\12113357\ESRI\Map\Current\Maps\113357\_LU\_PlannedLandUse\_11x17.mxd | Date Saved: 4/30/2018 1:29:05 PM

# **Bluebird Grove, Vadnais Heights**

**Wetland Permit Application**

## **APPENDIX D**

**Approved City Council Resolution**



**CITY OF VADNAIS HEIGHTS  
COUNTY OF RAMSEY  
STATE OF MINNESOTA**

**RESOLUTION NO. 21-06-093**

**A RESOLUTION SUPPORTING THE EXPLORATION OF AN ALTERNATIVE  
DEVELOPMENT PLAN FOR THE BLUEBIRD GROVE PLANNED UNIT  
DEVELOPMENT**

**WHEREAS**, Harstad Hills, Inc., with consent of the property owners, has applied for concept/final planned unit development plan, minor subdivision, and preliminary plat approvals as proposed in Planning Case 21-004 for the properties located at 3904, 3910, 0 McMenemy Street and 0 Bear Avenue South, and for portions of 3920 and 3922 McMenemy Street; and

**WHEREAS**, the proposed development plan, as shown in Exhibit A, currently being considered by the City Council includes roadway and utility extensions to facilitate the platting and construction of a 19-lot single-family residential subdivision on approximately 8.85 acres; and

**WHEREAS**, the subject properties are zoned/guided for such uses, are surrounded by existing single-family residential developments, and contain portions of wetland and branch ditch systems; and

**WHEREAS**, the existing condition creates development constraints related to access, wetland buffering, grading, and stormwater management that have been addressed by the applicant in the proposed development plan in compliance with the applicable procedures and regulatory standards; and

**WHEREAS**, a public open house was held by the applicant on November 12, 2020 and public hearings on this matter were held by the Planning Commission on November 24, 2020 and March 23, 2021, respectively, and by the City Council on December 1, 2020 and April 20, 2021, respectively; and

**WHEREAS**, based on comments from the Planning Commission, City Council, City Staff, and public hearing testimony, the applicant is considering an alternative development plan, as shown in Exhibit B, that seeks, in part, to mitigate a portion of the existing wetland system, as shown in Exhibit C, and modify the existing drainage pattern by constructing an engineered stormwater management system to address drainage issues for the surrounding area outside of the proposed development in the interest of the general public welfare; and

**WHEREAS**, based on comments from the Planning Commission, City Council, City Staff, and public hearing testimony, the alternative development plan does not extend Bear Avenue North beyond its current length of approximately 1,800 feet and includes an emergency access easement and paved trail connecting the new/existing neighborhoods and allowing improved, plowable access to underground utility systems; and

**WHEREAS**, the City has extended the application review period to 120 days, which expires on June 18, 2021, and action by the City Council on the proposed development plan is required by that date without a further extension being granted in writing by the applicant; and

**WHEREAS**, the applicant is not withdrawing the proposed development plan in Planning Case 21-004 and will voluntarily extend the application review period while submitting the required applications under the Wetland Conservation Act to propose sequencing and replacement

of portions of the existing wetland system to allow further consideration of the alternative development plan; and

**WHEREAS**, the City Council acknowledges the required technical analysis has yet to be conducted and reviewed by City Staff as well as other jurisdictional agencies and stakeholders; and

**WHEREAS**, the City Council further acknowledges the required regulatory process has yet to be undertaken and recognizes the importance of said process; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VADNAIS HEIGHTS** that, in full understanding of the recitals above, the alternative development proposal includes the following benefits that warrant consideration in compliance with all applicable regulations and policies:

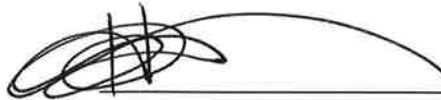
1. Due to the degraded condition of the existing wetland system and its current function storing and conveying regional stormwater, an engineered stormwater management system that addresses the needs of the proposed development site and those of the surrounding area is an opportunity to accomplish shared goals to meet public needs.
2. Replacement of wetlands off-site, as required by the sequencing/replacement process, will significantly enhance existing wetland systems that have higher environmental and aesthetic value.
3. Inclusion of the proposed emergency access easement and paved trail connecting Bear Avenue North to the proposed roadway facility serving the new residential neighborhood will enhance public safety and promote walkability for new/existing residents.
4. A paved, accessible route to serve and maintain the proposed watermain and storm sewer utilities enhances the City's level of service to new/existing residents and improves utility system resiliency by enabling access to critical infrastructure.

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF VADNAIS HEIGHTS** to support the exploration of an alternative development plan for the Bluebird Grove Planned Unit Development by demonstrating compliance with applicable federal, state, and local regulations to attain the necessary approvals from the Technical Evaluation Panel and the Vadnais Lake Area Water Management Organization's Technical Commission and Board of Directors.

This Resolution was declared duly passed and adopted and was signed by the Mayor and attested to by the City Administrator this 1<sup>st</sup> day of June, 2021.

Attest:

  
\_\_\_\_\_  
Kevin Watson, City Administrator

  
\_\_\_\_\_  
Heidi Gunderson, Mayor

(SEAL)

**EXHIBIT A**

**Proposed Development Plan**

The proposed development plan currently being considered by the City Council, as in Planning Case 21-004, follows.



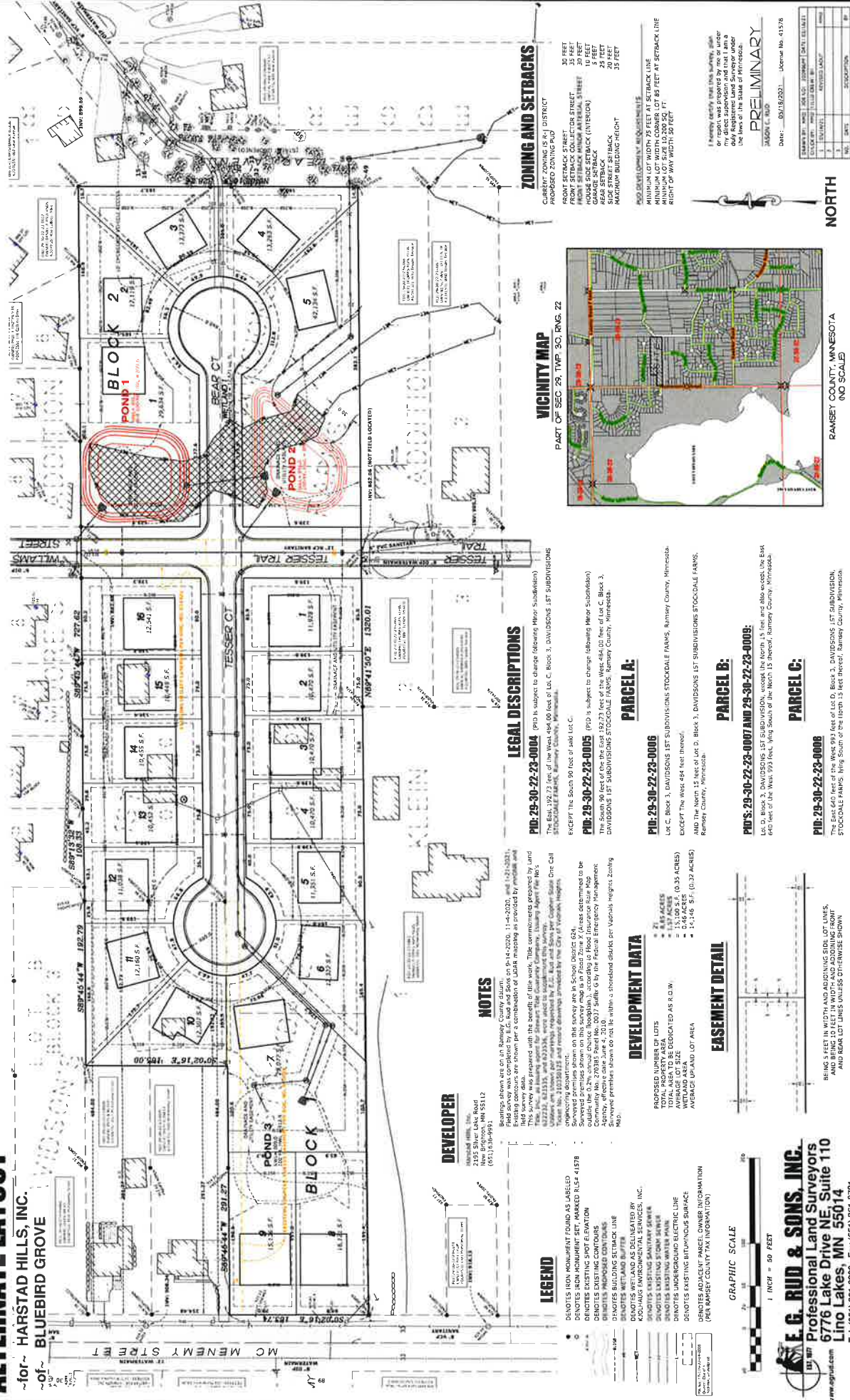
**EXHIBIT B**

**Alternative Development Plan**

The alternative development plan currently being explored by the applicant follows.

# ALTERNATE LAYOUT

for HARSTAD HILLS, INC.  
of BLUEBIRD GROVE



**DEVELOPER**  
Harstad Hills, Inc.  
10000 Bluebird Grove  
New Brighton, MN 55112  
(651) 354-9991

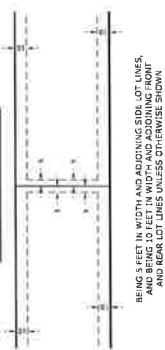
### NOTES

- Bearings shown are on a Survey of Ramsey County, Minnesota, on 6-14-2020, 11-4-2020, and 1-21-2021.
- Existing contours are shown per a combination of JUNA mapping as provided by private and public sources.
- This survey was prepared with the benefit of the work, title commitments, easements by Land Use, and other information as shown on the Survey of Ramsey County, Minnesota, on 6-14-2020, 11-4-2020, and 1-21-2021.
- Surveyed premises shown on this survey are in School District 624.
- Surveyed premises shown on this survey are in Precinct 4. These premises are subject to be Community No. 270385, Precinct No. 2027, Survey by the Federal Emergency Management Agency, effective date June 10, 2010.
- Other information shown on this survey is taken from a standard plat per National Heights Zoning Map.

### DEVELOPMENT DATA

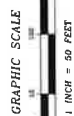
- PROPOSED NUMBER OF LOTS: 16
- TOTAL PROPERTY AREA: 8.15 ACRES
- DEVELOPED AS R.O.W.: 15,100 S.F. (0.35 ACRES)
- AVERAGE LOT SIZE: 0.46 ACRES
- AVERAGE UNPAVED LOT AREA: 171,060 S.F. (0.39 ACRES)

### EASEMENT DETAIL



### LEGEND

- DENOTES NON-MONUMENT FOUND AS Labeled
- DENOTES NON-MONUMENT SET MARKED AS Labeled
- DENOTES EXISTING SPOT ELEVATION
- DENOTES PROPOSED CONTIGUES
- DENOTES BUILDING SETBACK LINE
- DENOTES WETLAND AS DELINEATED BY KOSIUSKO ENVIRONMENTAL SERVICES, INC.
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES EXISTING WATER MAIN
- DENOTES UNDERGROUND ELECTRIC LINE
- DENOTES EXISTING BRUMPHOS SURFACE
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER RAMSEY COUNTY TAX INFORMATION)



**E.G. RUD & SONS, INC.**  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel: (651) 361-8200 Fax: (651) 361-9701  
www.egrud.com

### LEGAL DESCRIPTIONS

- PID: 29-30-22-23-0004**  
The East 192.73 feet of the West 494.00 feet of Lot C, Block 3, DAVIDSONS 1ST SUBDIVISIONS STOCKDALE FARMS, Ramsey County, Minnesota.  
EXCEPT The South 90 feet of said lot C.
- PID: 29-30-22-23-0005**  
The South 90 feet of the East 494.00 feet of the West 494.00 feet of Lot C, Block 3, DAVIDSONS 1ST SUBDIVISIONS STOCKDALE FARMS, Ramsey County, Minnesota.
- PARCEL A:**  
**PID: 29-30-22-23-0006**  
Lot C, Block 3, DAVIDSONS 1ST SUBDIVISIONS STOCKDALE FARMS, Ramsey County, Minnesota.  
EXCEPT The West 454 feet thereof.  
AND The North 15 feet of Lot D, Block 3, DAVIDSONS 1ST SUBDIVISIONS STOCKDALE FARMS, Ramsey County, Minnesota.
- PARCEL B:**  
**PID: 29-30-22-23-0007 AND 29-30-22-23-0009:**  
The East 640 feet of the West 893 feet of Lot D, Block 3, DAVIDSONS 1ST SUBDIVISION, STOCKDALE FARMS, being South of the North 15 feet thereof, Ramsey County, Minnesota.  
AND the West 590 feet, being South of the North 15 feet thereof, Ramsey County, Minnesota.
- PARCEL C:**  
**PID: 29-30-22-23-0008**  
The East 640 feet of the West 893 feet of Lot D, Block 3, DAVIDSONS 1ST SUBDIVISION, STOCKDALE FARMS, being South of the North 15 feet thereof, Ramsey County, Minnesota.

### VICINITY MAP

PART OF SEC 29, TWP. 30, RING. 22



### ZONING AND SETBACKS

- PROPOSED ZONING PAD: UNZONED
- FRONT SETBACK: 30 FEET
- FRONT SETBACK COLLECTOR STREET: 15 FEET
- FRONT SETBACK: 15 FEET
- HOUSE SIDE SETBACK (INTERIOR): 5 FEET
- HOUSE SIDE SETBACK (EXTERIOR): 20 FEET
- SIDE SETBACK: 20 FEET
- REAR SETBACK: 20 FEET
- MAXIMUM BUILDING HEIGHT: 35 FEET

I hereby certify that this survey, plan or report 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.  
**JASON L. RUD**  
DATE: 06/19/2021 License No. 41578

NO.	DATE	DESCRIPTION
1	06/19/2021	PRELIMINARY
2		
3		
4		
5		
6		
7		
8		
9		
10		

**NORTH**

RAMSEY COUNTY, MINNESOTA  
(NO SCALE)

## **EXHIBIT C**

### **Existing Condition Photographs**

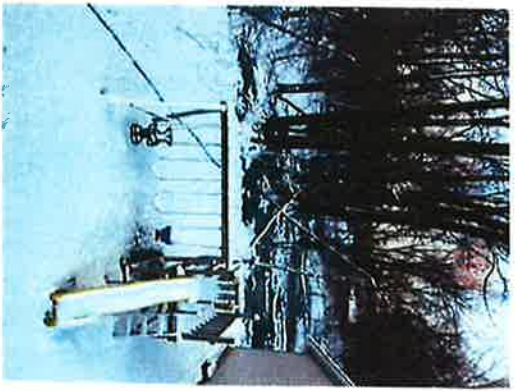
Photographs taken by City Staff on 5/26/21 showing the existing condition of a portion of the wetland system in-question and photographs submitted by a resident abutting the proposed/alternative development site during the 11/24/20 public hearing showing seasonal flooding follow.











# **Bluebird Grove, Vadnais Heights**

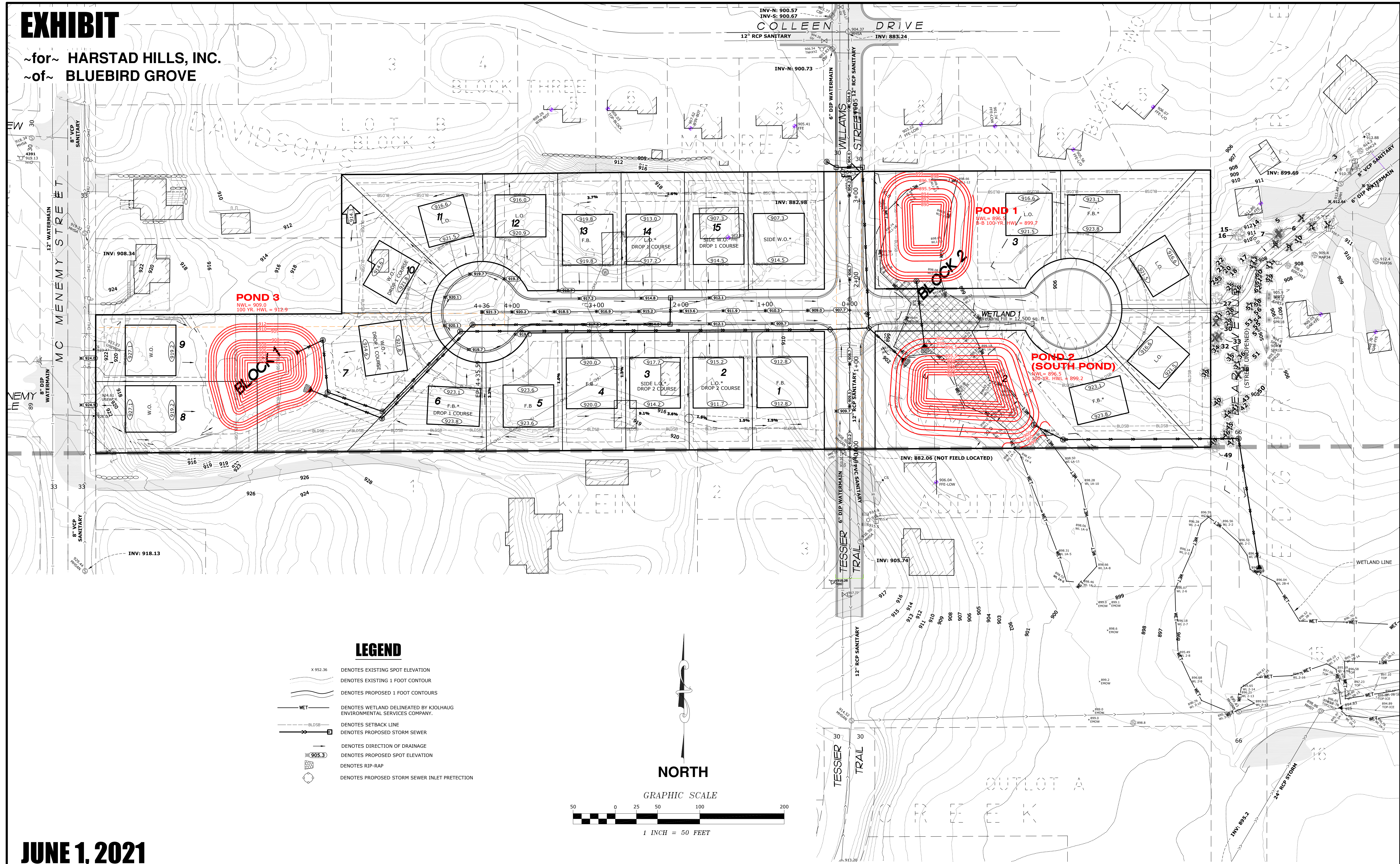
**Wetland Permit Application**

## **APPENDIX E**

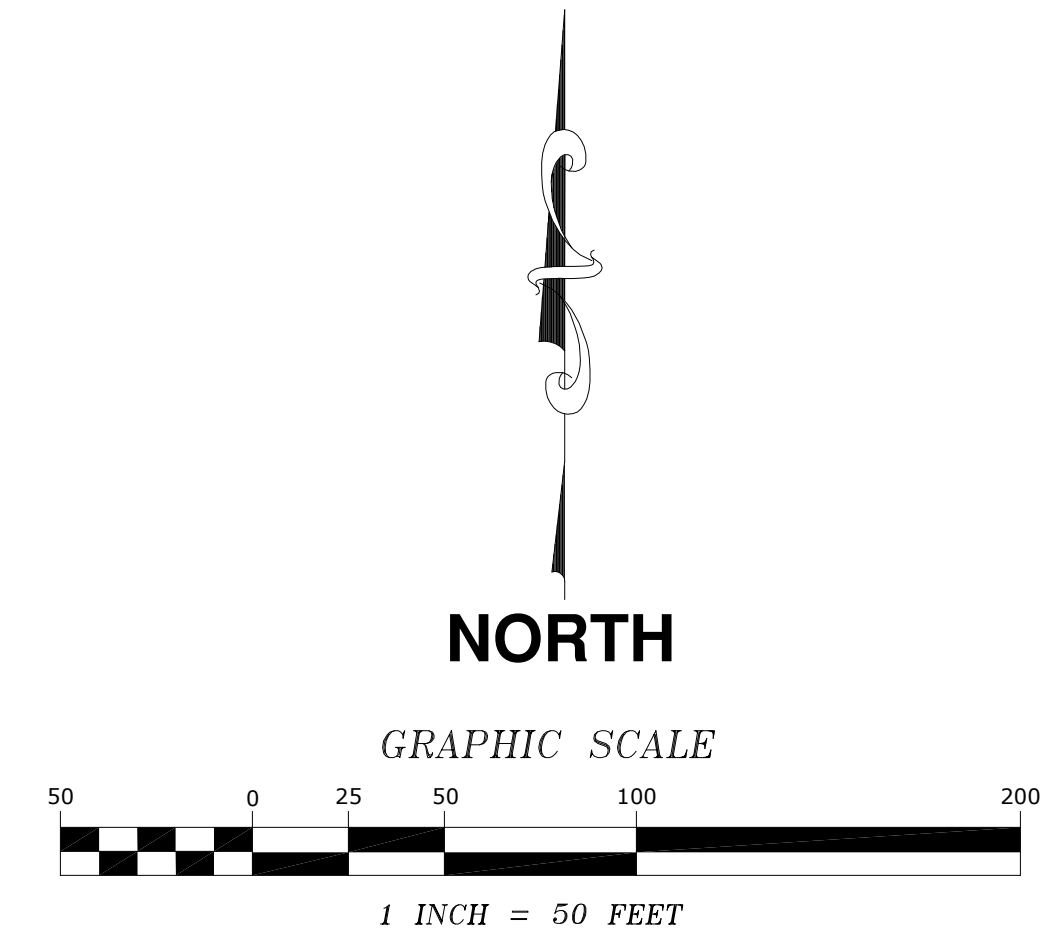
**Bluebird Grove Grading Plan**

# EXHIBIT

~for~ HARSTAD HILLS, INC.  
 ~of~ BLUEBIRD GROVE



- ### LEGEND
- x 952.36 DENOTES EXISTING SPOT ELEVATION
  - DENOTES EXISTING 1 FOOT CONTOUR
  - DENOTES PROPOSED 1 FOOT CONTOURS
  - WET DENOTES WETLAND DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES COMPANY.
  - BLD/SSB DENOTES SETBACK LINE
  - DENOTES PROPOSED STORM SEWER
  - DENOTES DIRECTION OF DRAINAGE
  - x 905.3 DENOTES PROPOSED SPOT ELEVATION
  - DENOTES RIP-RAP
  - DENOTES PROPOSED STORM SEWER INLET PROTECTION



**JUNE 1, 2021**

# **Bluebird Grove, Vadnais Heights**

**Wetland Permit Application**

## **APPENDIX F**

**MnRAM Analysis Results**

## Management Classification Report for WL1 Mcmenemy

ID: 58

## McMenemy St Parcels

RAMSEY County  
Mississippi (Metro) Watershed, #20  
Corps Bank Service Area 7

Based on the MnRAM data input from field and office review and using the classification settings as shown below, this wetland is classified as **Manage 2**

Functional rank of this wetland based on MnRAM data	Functional Category	Self-defined classification value settings for this management level
Low	Vegetative Diversity/Integrity	Moderate
Moderate	Habitat Structure (wildlife)	Moderate
Not Applicable	Amphibian Habitat	Low
Not Applicable	Fish Habitat	Moderate
Not Applicable	Shoreline Protection	Low
Low	Aesthetic/Cultural/Rec/Ed and Habitat	Moderate / Low
Exceptional	Stormwater/Urban Sensitivity and Vegetative Diversity	- / -
Moderate	Wetland Water Quality and Vegetative Diversity	- / -
Moderate	Characteristic Hydrology and Vegetative Diversity	- / -
Moderate	Flood/Stormwater Attenuation*	-
Not Applicable	Commercial use*	-
Moderate	Downstream Water Quality*	-

The critical function that caused this wetland to rank as **Manage 2** was **Maintenance of Characteristic Wildlife Habitat Structure**

Details of the formula for this action are shown below:

**Maintenance of Characteristic Wildlife Habitat Str**  $(Q3e*2+Q39+Q40+Q41+(Q23+Q24+Q25)/3+Q13+Q20)/8$

Question	Value	Description
13	0.1	Outlet: hydrologic regime
20	0.1	Stormwater runoff
23	1	Buffer width
24	1	Adjacent area Management
25	0.5	Adjacent area diversity
39	0.1	Detritus
3e	0.1	<No Description Found>
40	0.5	Wetland interspersion/landscape

\* The classification value settings for these functions are not adjustable

**Management Classification Report for WL1 Mcmenemy**

ID: 58

**McMenemy St Parcels**

RAMSEY County  
Mississippi (Metro) Watershed, #20  
Corps Bank Service Area 7

41      0.5      Wildlife barriers

*This report was printed on:* Monday, September 14, 2020

\* The classification value settings for these functions are not adjustable



## Wetland Functional Assessment Summary

Wetland Name	Hydrogeomorphology	Maintenance of Hydrologic Regime	Flood/Stormwater/Attenuation	Downstream Water Quality	Maintenance of Wetland Water Quality	Shoreline Protection
WL1 Mcmenemy	Depressional/Tributary (outlet but no perennial inlet or drainage entering from upstream subwatershed)	0.43	0.36	0.41	0.64	0.00
		Moderate	Moderate	Moderate	Moderate	Not Applicable

### Additional Information

Wetland Name	Maintenance of Characteristic Wildlife Habitat Structure	Maintenance of Characteristic Fish Habitat	Maintenance of Characteristic Amphibian Habitat	Aesthetics/Recreation/Education/Cultural	Commercial Uses	Ground-Water Interaction	Wetland Restoration Potential	Wetland Sensitivity to Stormwater and Urban Development	Additional Stormwater Treatment Needs
WL1 Mcmenemy	0.38	0.00	0.00	0.15	0.00	Recharge	0.00	0.10	0.64
	Moderate	Not Applicable	Not Applicable	Low	Not Applicable		Not Applicable	Exceptional	Moderate

## Wetland Community Summary

Wetland Name	Location	Vegetative Diversity/Integrity							
		Community			Wetland Proportion	Individual Community Rating	Highest Wetland Rating	Average Wetland Rating	Weighted Average Wetland Rating
		Cowardin Classification	Circular 39	Plant Community					
WL1 Mcmenemy	62-030-22-29-001	PFO1Ad	Type 1	Seasonally Flooded Basin	100	0.1	0.10	0.10	0.10
							Low	Low	Low
					100		0.10	0.10	0.10

Denotes incomplete calculation data.

# MnRAM: Site Response Record

For Wetland: WL1 Mcmenemy

Location: 62-030-22-29-001

## McMenemy St Parcels

### Plant Community: Seasonally Flooded Ba

Cowardin Classification: PFO1Ad  
Circular 39: Type 1

- 4 Listed, rare, special species?
- 5 Rare community or habitat?
- 6 Pre-European-settlement condition?

### Hydrogeomorphology / topography:

7 Depressional/Tributary

- 8-1 Maximum water depth 36 inches
- 8-2 % inundated 20%
- 9 Immediate drainage--local WS 40 acres
- 10 Estimated size/existing site: (see #66)

11-Upland Soil

11-Wetland Soil

- 12 Outlet for flood control
- 13 Outlet for hydro regime
- 14 Dominant upland land use
- 15 Wetland soil condition
- 16 Vegetation (% cover)
- 17 Emerg. veg flood resistance
- 18 Sediment delivery
- 19 Upland soils (soil group)
- 20 Stormwater runoff
- 21 Subwatershed wetland density
- 22 Channels/sheet flow
- 23 Adjacent buffer width

### Adjacent area management

- 24-A Full
- 24-B Manicured
- 24-C Bare

### Adjacent area diversity/structure

- 25-A Native
- 25-B Mixed
- 25-C Sparse

### Adjacent area slope

- 26-A Gentle
- 26-B Moderate
- 26-C Steep

- 27 Downstream sens./WQ protect.
- 28 Nutrient loading

- 29 Shoreline wetland?

### Shoreline Wetland

- 30 Rooted veg., % cover
- 31 Wetland in-water width
- 32 Emerg. veg. erosion resistance
- 33 Erosion potential of site
- 34 Upslope veg./bank protection
- 35 Rare wildlife?
- 36 Scarce/Rare/S1/S2 community
- 37 Vegetative cover
- 38 Veg. community interspersed
- 39 Wetland detritus
- 40 Interspersed on landscape
- 41 Wildlife barriers

### Amphibian-breeding potential

- 42 Hydroperiod adequacy
- 43 Fish presence
- 44 Overwintering habitat
- 45 Wildlife species (list)
- 46 Fish habitat quality
- 47 Fish species (list)
- 48 Unique/rare opportunity
- 49 Wetland visibility
- 50 Proximity to population
- 51 Public ownership
- 52 Public access
- 53 Human influence on wetland
- 54 Human influence on viewshed
- 55 Spatial buffer
- 56 Recreational activity potential
- 57 Commercial crop--hydro impact

### Groundwater-specific questions

- 58 Wetland soils Recharge
- 59 Subwatershed land use Recharge
- 60 Wetland size/soil group Recharge
- 61 Wetland hydroperiod Recharge
- 62 Inlet/Outlet configuration Recharge
- 63 Upland topo relief Recharge

### Additional information

- 64 Restoration potential
- 65 LO affected by restoration
- 66 Existing size
- Restorable size
- Potential new wetland
- 67 Average width of pot. buffer
- 68 Ease of potential restoration
- 69 Hydrologic alterations
- 70 Potential wetland type
- 71 Stormwater sensitivity
- 72 Additional treatment needs

Watershed Mississippi (Metro)

WS# 20 Service Area: 7

For functional ratings, please run the Summary tab report.

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