



## MEMORANDUM

To: John Powell, City of Farmington  
From: David Holmen, Dakota County SWCD  
Cc: Brian Watson, Dakota County SWCD  
Date: March 14, 2023

**RE: North Creek Greenway Trail  
Application for a Wetland Replacement Plan submitted by Dakota County**

Under delegated authorities from the City of Farmington pursuant to the Minnesota Wetland Conservation Act (WCA), the North Creek Greenway Trail project that includes both the City of Lakeville and the City of Farmington has undergone the following administrative process:

- August 12, 2022 Notice of Decision was provided by the City of Lakeville approving the wetland boundary and wetland type of three wetlands labeled as Wetland 1-3.
- August 26, 2022 Notice of Decision was provided by the City of Farmington approving the wetland boundary and wetland type of five wetlands labeled as Wetland 3-7.
- January 27, 2023 A single wetland replacement plan application was submitted proposing 0.33 acre of temporary and 0.20 acre of permanent wetland impact in the City of Lakeville and 0.20 acre of temporary and 0.04 acre of permanent wetland impact in the City of Farmington.
- February 1, 2023 The City of Lakeville requested the City of Farmington take the lead on processing the WCA replacement plan application. The City of Lakeville makes replacement plan decisions at the staff level while the City of Farmington submits to Council for decision.
- February 1, 2023 Application was sent out on notice as required under Minnesota Rule 8420.0255. Comments were requested by March 10, 2023.
- February 16, 2023 The Cities of Farmington and Lakeville met virtually with the applicant's representatives to review the replacement plan application. BWSR submitted comments prior to the meeting but was not in attendance. BWSR's comments were discussed and a revised application was recommended.
- March 10, 2023 Comment period closed. BWSR's comments via email to the SWCD included:
1. The applicant is proposing several temporary impact locations to wetlands. The application proposes to seed all temporarily disturbed areas with a mesic prairie seed mix plus fertilizer, including wetland areas. Given the prevalence of invasive species in some areas, I would not recommend adding fertilizer to wetland soils. Additionally, I would recommend using a wetland seed mix in disturbed wetland

areas instead of relying on these disturbed areas to revegetate themselves using existing seed sources in the soil.

2. Impacts to wetland 2C appear to be within or in proximity to a previously constructed wetland bank easement (account #1074, site ID 1969). I have reviewed my files and it appears that there was an effort in 2022 to rectify this situation. I would recommend confirming that the issue has been resolved.
3. The application does not provide documentation describing a 2<sup>nd</sup> avoidance alternative. The application lists an “alignment alternative” and briefly mentions that there are aquatic resources throughout Dakota County and that there are no other alternatives that avoid wetland impacts. What other alignments were considered? Additional information should be included so that the LGU/TEP can evaluate the 2<sup>nd</sup> avoidance alternative.
4. Has the applicant considered utilizing elevated boardwalks to avoid permanent wetland impacts?

March 13, 2023      The applicant’s representatives submitted a revised replacement plan application adequately addressing BWSR’s comments noted above.

#### Summary/Recommendation

The SWCD recommends approval of the Wetland Replacement Plan application for 0.24 acre of permanent wetland impact. This would include 0.20 acre of fill in the City of Lakeville and 0.04 acre of fill in the City of Farmington.

The SWCD recommends that a condition of the approval include using 0.48 acre of wetland bank credits from Dakota County Wetland Bank account #1740 located in Castle Rock Township.

Upon approval of this Wetland Replacement Plan by City Council, a Notice of Decision will be provided on behalf of the City of Farmington. Additionally, a wetland bank withdrawal form will be coordinated with the City, Dakota County and BWSR to mitigate impacted wetlands in accordance with WCA Rule.