

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Kaci Fisher, Environmental Specialist
Katy Thompson, PE, CFM

Date: July 14, 2021

Re: Trunk Highway (TH) 169 Pedestrian Bridge Wetland Boundary and No-Loss Application

The City of Shakopee (City) has applied for a Minnesota Wetland Conservation Act (WCA) wetland boundary review and no-loss application with the Minnesota Board of Water and Soil Resources. The City is also the local government unit (LGU) for the WCA and has provided the Lower Minnesota River Watershed District (District or LMRWD) with the joint form application and wetland delineation report for review of the proposed Trunk Highway (TH) 169 Pedestrian Bridge project located in Section 10, Township 115, Range 22 ([Figure 1](#)).

The TH 169 project area consists of two sections, one on the north side of TH 169 and one on the south side. The combined area is approximately 6.5 acres. Dustin Simonson from WSB conducted the delineation, and the Technical Evaluation Panel (TEP) reviewed the site on June 14, 2021.

The Lower Minnesota River Watershed District (LMRWD or District) was unable to attend the TEP meeting but was asked to provide comments on the wetland application as a member of the TEP. It should be noted that the review comments below consist only of the documents provided and not the site visit.

Summary

Project Name: TH 169 Pedestrian Bridge

<u>Purpose:</u>	Wetland Boundary and No-Loss Review
<u>Project Size:</u>	6.5 acres
<u>Location:</u>	TH 169 near Wakefield Circle, Shakopee
<u>LMRWD Rules:</u>	N/A
<u>Recommended Board Action:</u>	Informational only

Discussion

The District received the following documents for review:

- Joint Application Form for Activities Affecting Water Resources in Minnesota by WSB, received June 16, 2021
- Level 2 Wetland Delineation Report by WBS, dated June 9, 2021; received June 16, 2021
- Minnesota Wetland Conservation Act Notice of Application by Kirby Templin (City), dated June 16, 2021; received June 16, 2021

Young Environmental Consulting Group (Young Environmental), as the District's consulting staff, reviewed the above documents. Discussion on the wetland boundary and no-loss portions of the application is continued below.

Wetland Boundary Application

The wetland boundary application is required to define the wetland boundary and is valid for five years. WSB delineated three wetlands on May 6, 2021, using the methodology of the U.S. Army Corps of Engineers, which requires documentation of the three mandatory wetland criteria: hydrology indicators, hydrophytic vegetation, and hydric soils. The wetland delineation report documented the presence of the three criteria in the field for all three wetlands via the Wetland Determination Data Forms.

In reviewing the desktop analysis in the wetland delineation report, it is evident that all three wetlands are located within a National Wetland Inventory (NWI) wetland, which is a useful approximation for wetland locations as defined by the Minnesota Department of Natural Resources.

Aerial photography assessment shows that Wetland 1 appears to be a stormwater basin on the north side of TH 169. Wetland 2 appears to include the Prior Lake Outlet Channel (PLOC) and its fringe wetland, which is also on the north side of TH 169. Last, Wetland 3 seems to consist of the PLOC, its fringe wetland, and an unnamed Public

Water wetland, 70007402, on the south side of TH 169. It should be noted that the PLOC itself is not considered a Public Water within the project area.

Soil surveys indicate the hydric status of soils, so soils considered hydric may show potential locations of wetlands. The soil survey map shows portions of Wetland 2 and Wetland 3 within hydric soils (Marsh or Isanti fine sandy loam).

The LiDAR contour elevations can indicate areas of depressions where wetlands are likely to form. Depressions can be considered a secondary indicator for hydrology. The delineated wetland boundaries appear to follow low LiDAR contour elevations.

The presence of NWI wetlands, visual signs of hydrology on aerial maps, mapped hydric soils, and areas of depressions are good indicators of a wetland. Therefore, the desktop analysis seems to indicate that the WSB's delineated wetland boundaries are likely accurate in the field. Thus, there is nothing in the report to suggest any modifications to the wetland boundaries are needed. Additionally, Alison Harwood, representing the City LGU, sent an email stating the TEP during the field review found the wetland boundaries to be accurate.

No-Loss Application

In addition to the wetland boundaries confirmation, the City has also applied for a no-loss status for Wetland 1. A no-loss application can be requested when a wetland is not within WCA jurisdiction, also known as an incidental wetland. Incidental wetlands are wetlands created in uplands where the purpose was not to create a wetland; they are not regulated by WCA. The joint application form requested an incidental status for Wetland 1.

Historic aerial photos from the years 1964, 1980, and 1991 were used by WSB in its application to document that the current area of Wetland 1 was previously upland. Young Environmental also viewed Scott County GIS aerial photos, which indicated that Wetland 1 appeared sometime prior to 1997, around when TH 169 was constructed, which suggests that this wetland is a byproduct of the TH 169 stormwater management system. Also, Wetland 1 is mapped within predominately non-hydric soils (Sartell fine sand), indicating that the wetland may not have met hydric soil criteria in the past. Additionally, Wetland 1 appears to be well defined by low LiDAR contour elevations with visible edges, giving the wetland an appearance of a stormwater pond.

Historical images with no wetland indicators, mapped upland soils, and the current visible appearance of a constructed stormwater pond is evidence that Wetland 1 was previously upland and created to manage stormwater from TH 169. The staff would agree Wetland 1 is incidental and not jurisdictional under the Wetland Conservation Act.

Recommendations

The staff agrees with WSB's wetland delineation and the incidental status of Wetland 1. No Board action is required at this time.

Attachments

- Figure 1 – TH 169 Pedestrian Bridge Wetland Boundaries



Figure 1: TH 169 Pedestrian Bridge Wetland Locations



LEGEND

- Project Location
- TH 169 Pedestrian Bridge Project
- Wetland Flagged in the Field
- Wetland within Project Area
- LMRWD Streams

LMRWD Watershed Location Map

