RESOLUTION 2017-08

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

LOCAL GOVERNMENT UNIT FOR IMPLEMENTATION OF THE WETLAND CONSERVATION ACT

RESOLUTION APPROVING NO LOSS DETERMINATION FOR IMPACTS TO WETLAND RELATED TO
THE RESTORATION OF THE VANCANNEYT POND ON ANOKA COUNTY DITCH 31

Manager Wagamon offered the following Resolution and moved its adoption, seconded by Manager Walker:

FINDINGS

1. The Rice Creek Watershed District ("RCWD") ordered and conducted a repair of Anoka County Ditch (ACD) 31.
2. The repair exposed accumulated sediment within a pond constructed on the channel of ACD 31 on the VanCanneyt’s (the landowner) property.
3. The landowner intends to excavate the accumulated sediment out of the pond.
4. Houston Engineering completed an investigation of the pond to determine the sediment and original excavated depth (HEI memo from 12-7-2016).
5. The RCWD is the Local Government Unit (LGU) responsible for implementation of the Wetland Conservation Act (WCA).
6. The landowner filed an application for a no-loss determination under the WCA (RCWD File 17-004).
7. The RCWD processed the application for a no-loss determination, and in a manner compliant with the WCA and RCWD Rule F.
8. The RCWD has received and considered the comment of Becky Wozney, Wetland Specialist with the Anoka Conservation District and a member of the Rice Creek Watershed District Technical Evaluation Panel.
9. "No-loss" means no permanent loss of, or impact to, wetlands from an activity. Activities resulting in no-loss include excavation in wetlands when limited to removal of sediment provided the removal does not result in alteration of the original cross-section of the wetland.
10. Here, the HEI investigation confirms the extent of accumulated sediment and the original cross-section of the pond. Therefore, so long as the excavation is limited to removal of the accumulated sediment, as proposed by the landowner, the activity will meet the no-loss criteria.
11. Further, the LGU concludes that the excavation will not alter drainage patterns and the pond, after removal of accumulated sediment, will be returned to a similar hydraulic
12. The RCWD, as LGU concludes that the removal of accumulated sediment from the pond will result in no-loss of wetland pursuant to the standards set forth in Minnesota Rule Parts 8420.0315, .0410 and .0415.

THEREFORE, based upon the review of the project record and the proceedings under the WCA and RCWD Rule F, the Rice Creek Watershed District Board of Managers, LGU for implementation of the Wetland Conservation Act, makes the following:

ORDER

A. The Board of Managers hereby approves the no-loss determination pursuant to the VanCanneyt application.

B. The Board of Managers further directs is staff to issue a Notice of Decision on no-loss for the VanCanneyt application.

The question was on the adoption of the Resolution and there were 4 yeas and 0 nays as follows:

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Upon vote, the Chair declared Resolution 2017-08 passed.

Michael Bradley, Secretary

Dated: March 22, 2017

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I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 22nd day of March, 2017.

Michael Bradley, Secretary