RESOLUTION 2014-26

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

LOCAL GOVERNMENT UNIT FOR IMPLEMENTATION OF THE WETLAND CONSERVATION ACT

RESOLUTION APPROVING IMPACT SEQUENCING AND APPROVING REPLACEMENT PLAN FOR IMPACTS TO WETLAND RELATED TO THE REPAIR OF BRANCH 1 OF ANOKA COUNTY DITCH 53-62

Manager Haake offered the following Resolution and moved its adoption, seconded by Manager Nagamen.

FINDINGS

1. The Rice Creek Watershed District (RCWD) has ordered the repair of Branch 1 of Anoka County Ditch (ACD) 53-62.

2. Prior to ordering the repair, as part of planning and comparing repair alternatives, RCWD identified wetlands likely to be impacted by the repair.

3. RCWD evaluated repair alternatives for the purpose of designing and ordering a repair that would avoid and minimize wetland impacts.

4. The repair, as ordered, will impact a small amount of wetlands subject to the wetland replacement requirements of the Wetland Conservation Act (WCA).

5. In preparation for the overall repair of ACD 53-62, the RCWD delineated wetlands within the project area. The wetland delineation was noticed for comment on 7/11/2012 and the comment period closed on 8/1/2012 with no formal comments being received.

6. The Technical Evaluation Panel (TEP) performed a site visit on 7/25/2012 and issued its decision concurring in the delineation on 8/23/2012.

7. Based on the selected repair alternative, RCWD prepared a wetland replacement plan for the project. The wetland replacement plan was noticed for comment on 6/20/2014 and the comment period closed on 7/14/2014 with no official comments being received.

8. As part of its review of the wetland replacement plan, RCWD considered the impacts to all wetlands related to the drainage system repair. The engineer’s report for the repair
addressed wetland impacts and identified, by applying the van Schilfgaarde equation to
determine the lateral effect of the ditch, the extent of hydrologic impact. The engineer’s
report and wetland replacement plan demonstrate that additional wetland impacts are
either exempt from the wetland replacement requirements or result in no loss of wetland
function and value.

9. At the request of the DNR representative of the TEP, the TEP met to discuss the wetland
replacement plan and concerns regarding the presence of threatened or endangered
plant species within the project area. The TEP met on 7/10/2014. Minutes of that meeting
are on file with the RCWD. During that meeting, no objections were made to the wetland
replacement plan.

10. The repair of Branch 1 of ACD 53-62, as ordered by RCWD, conforms to the determined
as-constructed or subsequently improved condition (ACSIC) of the ditch and meets the
statutory definition of repair in statutes section 103E.701. The DNR has concurred that
the scope of work constitutes maintenance and the RCWD expects that concurrence from
the U.S. Army Corps of Engineers will issue soon that the work is exempt from the
permitting requirements of section 404 of the Clean Water Act.

Therefore, based upon the review of the project record and the proceedings of its Technical
Evaluation Panel, the RCWD Board of Managers, LGU for implementation of the Wetland
Conservation Act, makes the following:

ORDER

A. The Board of Managers hereby determines that wetland impacts associated with the
repair of Branch 1 of Anoka County Ditch 53-62 are adequately and appropriately
sequenced to ensure avoidance and minimization of wetland impacts while still
accomplishing the necessary repair of the drainage system.

B. The Board of Managers further determines that the Replacement Plan Application
addresses all wetland impacts requiring replacement and that any remaining wetland
impacts are either exempt from replacement requirements or result in no loss of
wetland function and value.

C. The Board of Managers approves the Replacement Plan Application for the maintenance
of Branch 1 of Anoka County Ditch 53-62.
The question was on the adoption of the Resolution and there were 5 yeas and 0 nays as follows:

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Upon vote, the Chair declared the Resolution passed.

Harley Ogata, Secretary

Dated: August 13, 2014

I, Harley Ogata, 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 have hereunto set my hand this 13th day of August 2014.

Harley Ogata, Secretary