RESOLUTION NO. 2015-12

RESOLUTION REGARDING THE REPAIR OF WASHINGTON COUNTY JUDICIAL DITCH 2 (JD 2) TO ESTABLISH AN OPEN WATER CHANNEL UPSTREAM OF THE DEPARTMENT OF NATURAL RESOURCES SHEET PILE WEIR IN THE CHANNEL OF JD2 AT THE OUTLET OF RICE LAKE, PUBLIC WATERS #82-146P

Bradley offered the following Resolution and moved its adoption, seconded by Haake:

WHEREAS, the Board of Managers of the Rice Creek Watershed District (the District) is the Drainage Authority for JD 2 under Minnesota Statutes Chapter 103E;

WHEREAS, on February 12, 2013, the District received a petition from the Minnesota Department of Natural Resources (DNR) for an impoundment proceeding based on plans and specifications for a weir installed in the outlet of Rice Lake at elevation of 920.4 feet National Geodetic Vertical Datum of 1929 (NGVD 1929);

WHEREAS, by Resolution 2014-06 the Board of Managers approved a petition from the Minnesota Department of Natural Resources (DNR) to permanently modify the grade of JD 2 based on plans and specifications for a weir installed in the outlet of Rice Lake at elevation of 920.4 feet National Geodetic Vertical Datum of 1929 (NGVD 1929);

WHEREAS, the Board’s Order, pursuant to Statutes Section 103E.227, required that the DNR be solely responsible for construction, operation, and maintenance of the drainage system modification according to the engineering plans and specifications included in the petition;

WHEREAS, the authority to permanently modify the drainage system (i.e. approval of the petition) was conditioned on the DNR’s issuance of a permit to the drainage authority to maintain a channel to open water from the weir southward to the open water portion of Rice Lake. The condition was imposed for the purpose of ensuring that the weir provided the sole hydraulic control of the outlet and of water levels in Rice Lake;

WHEREAS, the Board of Managers reserved to itself discretion to fund, as maintenance of the drainage system, the channel to open water to ensure that the weir provides the sole hydraulic control of the outlet and of water levels in Rice Lake;

WHEREAS, the Board’s engineer has reviewed the condition of the drainage system upstream of the weir and options for maintaining the drainage system to establish the channel to open water and has prepared a Technical Memorandum dated February 12, 2015, recommending a combination of actions to establish the channel to open water. Though the memorandum states a preference for two of the three options presented, the engineer has verbally confirmed to the Board that alternative 2, as presented in the Technical Memorandum is most practical and thus favored over the other alternatives;

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WHEREAS, the Board’s staff and engineer have coordinated with the DNR and attended a pre-application meeting to review the engineer’s recommendation and determine the requirements for a Public Waters Work Permit for the proposed action;

WHEREAS, the DNR has agreed to issue a Public Waters Work Permit for alternative 2 and has agreed to materially participate in the work necessary to establish the channel to open water. The DNR’s participation being limited to herbicide treatment of that portion of the open channel outside of the record alignment of JD 2;

WHEREAS, the DNR has requested that the Board provide the technical contents for the proposed permit and authorize the development of a Joint Powers Agreement to define the Board’s and DNR’s participation and contributions to the work;

WHEREAS, the Board of Managers has reviewed the engineer’s recommendation and concurs with the engineer’s recommendation.

THEREFORE, BE IT RESOLVED that the Board of Managers directs the following actions:

1. Staff shall coordinate the DNR to provide the technical contents for the proposed permit and to develop a Joint Powers Agreement to define the Board’s and DNR’s participation and contributions to the work.

2. Upon completion of the above coordination, staff shall prepare and file an application for a Public Waters Work Permit, consistent with the engineer’s recommended alternative 2 as set forth in the Technical Memorandum, for purpose of maintaining a channel to open water from the weir southward to the open water portion of Rice Lake.

3. Upon completion of the above coordination, staff shall present the proposed Joint Powers Agreement to the Board for review and approval.

4. Project herbicide application will be monitored for success of open channel after the second

The question was on the adoption of Resolution 2015-12 and there were 4 yeas and 0 nays as follows:

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Upon vote, the President declared the Resolution passed.

Michael Bradley, Secretary

Dated: April 8, 2015

Application and the results will be reported back to the Board.
I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution 2015-12 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 8th day of April, 2015.

Michael Bradley, Secretary