RESOLUTION NO. 2016-33
RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS
ADOPTING REVISED RULES of the DISTRICT

Manager Wagaman offered the following resolution and moved its adoption, seconded by Manager Bradley.

WHEREAS the Rice Creek Watershed District ("District"), a governmental subdivision with powers set forth in Minnesota Statutes Chapters 103B and 103D, is authorized to act to achieve the purposes set forth in those chapters for the protection, conservation and beneficial use of the water resources of the watershed;

WHEREAS Minnesota Statutes §103D.341 states that the District Board of Managers ("Board") must adopt rules to accomplish the purposes of Chapter 103D and implement the powers of the managers;

WHEREAS on September 28, 2016, by Resolution 2016-23, the Board directed that proposed revisions to its rules, along with a memorandum explaining the revisions and the reasons for them and a notice of public hearing, be distributed for public comment in accordance with Minnesota Statutes §103D.341;

WHEREAS the present rulemaking proposes revisions to several specific rule provisions that, on the basis of experience and the recommendations of the District engineer and staff, will clarify those provisions, and benefit technical review and permit administration, without diminishing water resource protection or increasing regulatory burden;

WHEREAS on September 28, 2016, District staff distributed the proposed revisions and accompanying memorandum in accordance with the Board’s directive;

WHEREAS the Board provided for submittal of public comment until November 18, 2016, and on October 26, 2016, held a duly noticed public hearing on the proposed rules;

WHEREAS the District has carefully reviewed and duly considered all comments in preparing the final revised rules and has prepared written responses to all material comments submitted;

WHEREAS the District finds it appropriate to make the following changes to the proposed rules:

- Paragraph F7(b)(3): "Minnesota Wetland Mapping Conventions for 1985 Food Security Act" is changed to "Guidance for Offsite Hydrology/Wetland Determinations (July 1, 2016)."
- Paragraph C11(h): The reference to NGVD is deleted.
WHEREAS the District finds the proposed revised rules, as amended during the public comment period, to be sound, reasonable and fair; to protect, conserve and manage the beneficial use of the water resources of the watershed; and generally to promote the public welfare;

THEREFORE BE IT RESOLVED that the Board hereby adopts the District Rules as revised;

BE IT FURTHER RESOLVED that the District administrator, on certification of the revised rules by the Board Secretary, is to publish legal notice of the adoption of the revised rules; mail the certified revised rules to each county recorder and the Minnesota Board of Water and Soil Resources; mail a copy of the certified revised rules by January 1, 2017, to the governing body of each city and township within the District; and file a certified copy of the revised rules in the official minute book of the District;

BE IT FURTHER RESOLVED that the District administrator is to supply a copy of the District’s written response to comments to each commenting party and otherwise make the response to comments available as a part of the public rulemaking record; and

BE IT FINALLY RESOLVED that the revised rules are effective as of January 1, 2017, and will apply to all applications for permits that are not submitted to the District and complete by December 31, 2016.

The question was on the adoption of the Resolution and there were 4 yeas and 2 nays as follows:

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Upon vote, the President declared the Resolution passed.

Michael Bradley, Secretary

Dated: December 14, 2016

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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 14th day of December 2016.

Michael Bradley, Secretary