RESOLUTION NO. 2017-02
RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

CONDITIONALLY APPROVING PERMIT 16-109
and DELEGATING AUTHORITY for PERMIT AMENDMENTS

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

WHEREAS pursuant to Minnesota Statutes §103D.341, the Rice Creek Watershed District ("District") has duly adopted and implements rules requiring permits for land disturbance that may have water resource impacts, and the Minnesota Department of Transportation (MnDOT) is subject to those rules;

WHEREAS MnDOT has applied to the District for a permit for pavement rehabilitation, bridge replacement and related work along about four miles of Interstate 35 within the Cities of Lino Lakes, Columbus and Forest Lake, designated as Project SP 8280-47 (the "Project");

WHEREAS MnDOT is constructing the Project by means of the design-build delivery method, in which the contractor designs and constructs a project in sequential phases by means of the contractor's submittal, MnDOT approval and contractor implementation of a series of design-build packages;

WHEREAS District Rule B.3 and Resolution 2007-05 of the Board of Managers state that with certain limited exceptions, final plans are to be complete before the Board will consider a permit application for approval;

WHEREAS this requirement cannot practicably be met in a design-build delivery setting, where construction timing constraints would not reasonably allow for applications for project phases to be brought sequentially before the Board;

WHEREAS MnDOT has determined that the use of design-build delivery for the Project best serves the public interest, and the Board wishes to accommodate MnDOT's judgment, provided that water resources are protected as the District Rules intend;

WHEREAS MnDOT has submitted preliminary plans defining stormwater catchments for the Project, stipulating the amount of hard surface construction within each catchment, prescribing design parameters of stormwater management facilities for each catchment, and demonstrating net preservation of floodplain flood storage as a result of proposed grading;

WHEREAS the District engineer has determined that construction within these parameters will meet District requirements under its stormwater management and floodplain alteration rules;

WHEREAS the Board finds that a determination of compliance with District erosion control, waterbody crossing and drainage system rules does not implicate substantial questions of policy or discretion and properly may be delegated to the District administrator;
WHEREAS the Project does not propose wetland impacts within jurisdiction of the District wetland alteration rule;

THEREFORE BE IT RESOLVED that Permit 16-109 is conditionally approved pending receipt of changes, and subject to stipulations, as set forth in the February 1, 2017 report of the District engineer attached hereto;

BE IT FURTHER RESOLVED that the District administrator hereby is delegated the authority to approve amendments to this permit on the basis of District staff and engineer review of design-build packages, pursuant to such reasonable procedures as he may prescribe so as to limit the District cost for such review while being reasonably responsive to MnDOT timing needs;

BE IT FINALLY RESOLVED that the authority delegated to the District administrator does not extend to approval of the following, which would need to be brought before the Board:

- Alteration of the acreage of a stormwater catchment;
- A request for variance from any term of a District rule;
- A wetland impact subject to the District wetland alteration rule;

And that the District administrator may defer to the Board any request for amendment raising a policy question that, in his judgment, the Board should consider.

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

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Upon vote, the Chair declared the Resolution passed.

Barbara Haake, Acting Secretary

Dated: February 8, 2017

I, Barbara Haake, Acting 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 8th day of February, 2017.

Barbara Haake, Acting Secretary