RESOLUTION 2017-17
RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

DELEGATING PERMITTING AUTHORITY for CULVERT REPLACEMENT

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

WHEREAS pursuant to Minnesota Statutes §103D.341, the Rice Creek Watershed District ("District") Board of Managers ("Board") has adopted and implements rules governing permits for work within the watershed that may affect water resources;

WHEREAS Rule B, paragraph 3, of the adopted rules states that the Board, by resolution, may delegate permitting authority to the Administrator;

WHEREAS it benefits the District, its constituents and its stakeholders that the regulatory program be implemented efficiently and that permit decisions be made without undue delay;

WHEREAS Resolution 2009-09, adopted by the Board on March 11, 2009, is a general delegation to the Administrator of authority to issue permits for categories of work that typically have limited potential for significant water resource impacts, and do not have significant public interest or raise significant policy questions;

WHEREAS replacing a culvert or similar structure within a surface water conveyance system typically does not present issues that require the Board’s consideration and often requires urgency to prevent a local washout or address a flood risk;

WHEREAS Resolution 2009-09 does not delegate authority to issue permits for such replacements under District Rule G;

THEREFORE BE IT RESOLVED that the Board of Managers hereby delegates to the Administrator, with the advice of the District engineer, the authority to make permit decisions on applications under District Rules G and I to replace a culvert or similar structure within a surface water conveyance system, in accordance with the following terms:

- Culvert inlet and outlet elevations, and hydraulic capacity, must be equal or materially equivalent to those of the structure being replaced;
- For replacements within a public drainage system, if an existing elevation differs from an asconstructed-and-subsequently-improved-condition (ACDIC) as adopted by the Board, the culvert or similar structure must be replaced to conform to the ADCIC.
- If the structure to be replaced is of an obsolete dimension, the next-largest hydraulic equivalent is to be used.

BE IT FURTHER RESOLVED that the delegation does not apply if a variance is required, and that the Administrator may decide that the application should be brought before the Board if it
raises a technical, policy or legal question that the Board should consider.

The question was to adopt the Resolution and there were 4 yeas and 0 nays as follows:

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Upon vote, the Chair declared the Resolution **passed**.

Dated: July 12, 2017

Michael Bradley, Secretary

I, Michael Bradley, Secretary of the Rice Creek Watershed District, 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 it to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I set my hand this 12th day of July, 2017.

Michael Bradley, Secretary