

RESOLUTION NO. 04-02
BROWN'S CREEK WATERSHED DISTRICT
BOARD OF MANAGERS
RESOLUTION DELEGATING CERTAIN
PERMIT APPROVAL AUTHORITY to the ADMINISTRATOR

Manager Gordon offered the following resolution and moved its adoption, seconded by Manager Leiser.

WHEREAS pursuant to Minnesota Statutes §103D.341, the Brown's Creek Watershed District reviews and issues permits for activity within the watershed that may affect water resources; and

WHEREAS presently permit applications may be approved only by the BCWD Board of Managers at a regular or special meeting of the Board; and

WHEREAS certain applications requiring a BCWD permit are subject to defined standards and do not raise significant water resource issues; and

WHEREAS the time and resources of the Board, the staff and permit applicants would be better served by delegating to the BCWD Administrator the authority to approve such applications;

WHEREAS the Board delegated on October 14, 2002 in Resolution No. 02-04 that:

1. The BCWD Administrator may approve erosion control, shoreline and Streambank alteration, and floodplain permits under the following conditions:

Erosion Control (Rule 3.0) All permits.

Shoreline and Streambank Alteration (Rule 5.0)

Riprap permits where:

(a) Riprap material is durable stone meeting size and gradation specifications of MnDOT Class III or IV riprap;

(b) The finished slope is not steeper than 3 feet horizontal to 1 foot vertical;

(c) Property corners at OHWL are staked, and shoreline at OHWL is surveyed at 20-foot stations and the survey is submitted, before work begins;

(d) Riprap and filter materials are placed not more than five feet waterward of OHWL and the encroachment does not measurably interfere with water flow;

(e) A transitional granular filler meeting MnDOT specification 3601.B, at least 6 inches in depth, is placed between the native shoreline and riprap to prevent erosion of fine grained soils;

(f) A geotextile fabric meeting MnDOT specification 3733 is placed beneath the transitional layer to enhance stability; and

(g) Underlying native soils are not classified as organic soils or peat.

Floodplain (Rule 7.0) All permits except:

- (a) Those involving fill in the floodplain of a watercourse
- (b) Those involving alternative compliance within a perched basin.
- (c) Those involving culverts, drainage tile or other artificial drainage subject to paragraph 7.3.2.
- (d) Those involving an obstruction to the natural flow of surface water subject to paragraph 7.3.3 that measurably impacts other landowners.

2. Pursuant to BCWD Rule 1.0, public notification shall be given and a reasonable opportunity for receipt of public comment allowed before the Administrator approves a permit;

3. The Administrator may not issue a permit if:

- (a) A variance is required;
- (b) The proposed activity requires a permit that the Administrator is not authorized to issue;
- (c) The Administrator determines that the application involves a technical, policy or legal issue or raises public comment that warrants Board review;

4. If the Administrator finds that the criteria for permit issuance under this resolution are not met, an applicant may ask that the application be presented to the Board of Managers for consideration in due course;

5. The Administrator shall advise the Board of Managers monthly as to permitting activity pursuant to this resolution.

THEREFORE BE IT RESOLVED that:


The BCWD Administrator may approve all applications for the Lake, Stream and Wetland Buffer Requirement (Rule 4.0).

The question was on the adoption of the resolution and there were 4 yeas and 0 nays as follows:

| | Yea | Nay | Abstain | Absent |
|----------|-----|-----|---------|--------|
| GORDON | X | | | |
| JOHNSON | | | | X |
| KILBERG | X | | | |
| MEDINGER | X | | | |
| LEISER | X | | | |

Upon vote, the Chair declared the Resolution adopted.

Dated: January 12, 2004.


 Gerald Johnson, Secretary

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I, Gerald Johnson, Secretary of the Brown's 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 transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this 14TH day of JAN, 2004.



Gerald Johnson, Secretary