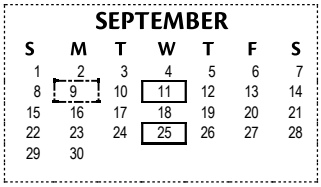
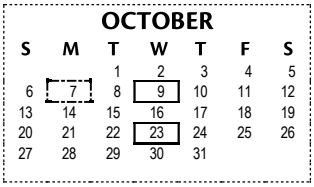
RCWD
RICE CREEK WATERSHED DISTRICT





RCWD BOARD OF MANAGERS REGULAR MEETING AGENDA

Wednesday, September 11, 2024, 9:00 a.m.

Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota

or via Zoom Meeting:
https://us06web.zoom.us/j/87813793490?pwd=Sapb8EaQevkeaDprOyCTE4crbvjboi.1
Meeting ID: 878 1379 3490
Passcode: 272903
+1 312 626 6799 US (Chicago)
Meeting ID: 878 1379 3490
Passcode: 272903

Agenda

CALL TO ORDER

ROLL CALL

SETTING OF THE AGENDA

APPROVAL OF MINUTES: AUGUST 28, 2024, REGULAR MEETING

CONSENT AGENDA

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

Table of Contents-Permit Applications Requiring Board Action

No.	Applicant	Location	Plan Type	Recommendation
24-042	Beng Xiong	Lino Lakes	Land Development Wetland Alteration	CAPROC 10 items
24-043	NuStar	Roseville	Final Site Drainage Plan	CAPROC 6 items
24-048	BayMarc Properties, LLC	Columbus	Final Site Drainage Plan	CAPROC 9 items
24-052	West Lake Drive Properties, LLC	Columbus	Final Site Drainage Plan	CAPROC 7 items

It was moved by Manager _____ and seconded by Manager _____, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated September 3, 2024.

PUBLIC HEARING: PROPOSED RULE REVISION

OPEN MIC/PUBLIC COMMENT

Any RCWD resident may address the Board in his or her individual capacity, for up to three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on items discussed at this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

ITEMS REQUIRING BOARD ACTION

1. Highlights of 2025 Budget – Revised from RCWD Board Discussions

   Consider Resolution to Adopt 2025 Budget and Direct Certification of 2025 Proposed Tax Levy -There will be a public meeting on the District's budget and levy adopted today on December 11, 2024 at 6:30 p.m. in the Shoreview City Hall Council Chambers and remotely (teleconference or video-teleconference) in conformance with MN Stat. 275.065. (Nick Tomczik)

2. JACON LLC Final Pay Request #6 – AWJD 3 Branches 1, 2 & 4 Repair Project (Tom Schmidt)

3. Check Register Dated September 11, 2024, in the Amount of $161,334.24 Prepared by Redpath and Company

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer Updates and Timeline
2. Administrator Updates
3. Manager Updates

APPROVAL OF MINUTES: AUGUST 28, 2024, REGULAR MEETING

For Consideration of Approval at the September 11, 2024 Board Meeting.
Use these minutes only for reference until that time.

REGULAR MEETING OF THE RCWD BOARD OF MANAGERS

Wednesday, August 28, 2024

Shoreview City Hall Council Chambers
4600 North Victoria Street, Shoreview, Minnesota
and
Meeting also conducted by alternative means
(teleconference or video-teleconference) from remote locations

Minutes

CALL TO ORDER

President Michael Bradley called the meeting to order, a quorum being present, at 9:00 a.m.

ROLL CALL

Present: President Michael Bradley, 1st Vice-Pres. John Waller, 2nd Vice-Pres. Steve Wagamon, Treasurer Marcie Weinandt, and Secretary Jess Robertson

Absent: None

Staff Present: Regulatory Manager Patrick Hughes, Program Support Technician Emmet Hurley (video-conference), Office Manager Theresa Stasica

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); District Attorney Louis Smith (video-conference) from Smith Partners

Visitors: Michael Perron, Peter Olson-Skog, Chris Stowe, Catherine Decker, Eric & Sue Swenson

SETTING OF THE AGENDA

Motion by Manager Weinandt, seconded by Manager Waller, to approve the agenda as presented. Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL

Minutes of the August 12, 2024 Workshop and August 14, 2024, Board of Managers Regular Meeting. Motion by *Manager Robertson, seconded by Manager Bradley, to approve the minutes as presented. Motion carried 5-0.*

PERMIT APPLICATIONS REQUIRING BOARD ACTION

No.	Applicant	Location	Plan Type	Recommendation
24-051	Trust Agreement of Eric and Susan Swenson	Forest Lake	Floodplain Alteration	VARIANCE REQUEST CAPROC 2 items

Regulatory Manager Patrick Hughes gave an overview of the variance and permit requests.

President Bradley stated that he had read District Engineer Otterness' memo that stated that adding 132 cubic feet would exceed de minimis and he had also made a reference to practical difficulties similar to other sites which had been granted variances, but noted that he could not ever remember a variance from this rule during his time on the Board.

District Engineer Otterness stated that the District has done a variance for this rule before, but explained that he could not give him the specific instances off the top of his head.

Regulatory Manager Hughes confirmed that the District had approved variances for this same rule requirement a few times, including the next door neighbor, who had come in for an after the fact variance for this rule.

President Bradley explained that he was in favor of this variance, but noted that this first thought was whether there was something that could be done in order to fix the rule to minimize the need for people to have to go through the variance process.

Motion by Manager Wagamon, seconded by Manager Robertson, to Approve the Variance request for variance application 25-051 as outlined in accordance with RCWD District Engineer's Variance Technical memorandum, dated August 20, 2024. Motion carried 5-0

Motion by Manager Wagamon, seconded by Manager Waller, to CAPROC Permit 25-051 as outlined in the RCWD District Engineer's Findings and Recommendations, dated August 20, 2024. Motion carried 5-0.

OPEN MIC/PUBLIC COMMENT

Peter Olson-Skog, 3208 Shorewood Drive, Arden Hills, MN 55112 stated that he had purchased this home from his aunt which is along RCD #4 between Little Lake Johanna and Big Lake Johanna. He stated that this channel had recently been improved to increase access for maintenance and displayed photos of the old view of their backyard and also photos of the new view of their backyard from various vantage points. He explained that he was not here out of frustration related to the project, but with concerns for his home. He noted that the rip rap that had been applied to the other side of the ditch was his biggest concern and noted that the decreased privacy of his yard has revealed some significant erosion issues in the area. He displayed additional photos that showed some of the erosion issues and noted that everyone he had spoken with that has some expertise in this area had told him that installing the rip rap on just one side of a portion of the channel was a problem that needed to be corrected. He referenced a local 'historian' in the area who told him there used to be a bridge in this location and that since that time, the channel had doubled in width and halved in depth and explained that he was here to ask the RCWD to do something about this issue.

District Engineer Otterness asked Mr. Olson-Skog if he had spoken to anyone on the drainage team or the engineer for RCWD about his concerns.

Mr. Olson-Skog stated that he had spoken with them and was told that they shared his concerns.

District Engineer Otterness stated that they have been talking about various areas along RCD #4 where they were planning to do some armoring and stabilization following the completion of the tree clearing. He noted that he was not sure if Mr. Olson-Skog's property had already been included in their plans, but would make sure that the Project Manager and the drainage team staff takes a closer look at this area if they hadn't already done so.

President Bradley asked staff to bring this issue back to their September 9, 2024 Workshop meeting because he felt this concern merited the Board's consideration.

Mr. Olson-Skog stated that Technical Field Assistant Green and Connor Price have been lovely and very communicative. He stated that he felt that there was some urgency to his request because of how quickly the erosion could accelerate and noted that he was also concerned about the winter and the snow melt.

President Bradley assured Mr. Olson-Skog that his concerns have been heard by the Board and they would take this issue up at their upcoming Workshop meeting. He noted that it was an open meeting, so Mr. Olson-Skog was more than welcome to attend as well.

Manager Waller stated that at the Workshop meeting he was very interested in discussing the depth issue that Mr. Olson-Skog had reported along with the ditch widening.

Manager Robertson asked Mr. Olson-Skog to provide District staff with copies of the photos he had presented.

Michael Perron, 7617 Peltier Lake Drive, stated that he was here representing the Peltier Lake Association to share some of their concerns with the Board. He explained that three years ago they had applied for a DNR permit and Lake and Stream Manager Kocian along with the DNR had begun treating the lake for curlyleaf pondweed and noted that they had seen improvements. He stated that the algae blooms take over towards the end of the year which he felt was dangerous for the wildlife habitat and fish as well as people who like to use the lake recreationally. He thanked the District for some of the projects that they had taken on related to external phosphorus loading but noted that he felt the internal loading was really the worst part and explained that they were looking for solutions.

President Bradley assured Mr. Perron that Peltier Lake was absolutely on the District's list for things that they wanted to improve. He explained that he lives on Bald Eagle Lake so he knows exactly what Mr. Perron was talking about with relation to the algae blooms late in the season.

Chris Stowe, 426 Pine Street, Lino Lakes, explained that he was here to talk to the Board about ACD 10-22-32 and noted that he had also been here about a year ago. He stated that at that time, he left with the impression that they would be doing an engineering review on ACD 10-22-32. He noted that he had been at the meeting where the Board had posted that they would be lowering the ditch on Pine Street, but noted that they were actually referring to West Pine Street. He explained that both of those ditches flow into ACD 10-22-32 and noted that the problem he was having was that when the District lowered the ditch in Columbus and carved up the drainage, it took him over 18 months to get an answer from the City of Lino Lakes because the District had not officially notified them. He explained that they had also cut up the street and the road into Lino Lakes when they had lowered the pipe and noted that it was already lowered 12 inches further than the 1890 survey and the District had gone down another 13 inches, which he felt violated the District's own rules. He stated that the District had lowered the pipe on West Pine Street and for the people downstream during drought or no rain, the water saturates into the ground and evaporates, so now, when there are storm surges, the water goes in the pipe and downstream. He stated that the first pipe it hits is at Andall Street which floods out his property and has been happening all summer. He referenced some other things that he felt were happening near the sod fields because they cannot handle the additional storm surge and had recently required pumper trucks to pump water from one side to the other. He stated that this ends up flooding the sod farms and backs up the drainage system all the way back to him because they lowered the pipes upstream, but did not do anything downstream. He stated that he was also concerned because he had recently found out that they want to do a development at the sod farms. He expressed frustration because he felt the District had essentially flooded him out of his property. He shared details about his property, buildings, layout, parking, and how this water has been affecting his property. He stated that he felt the pipes downstream needed to be lowered and increased in size and reiterated that he had serious concerns about the possible development of the sod farms. He shared other concerns about the dredging that was done near Catherine Decker's house which lowered the ditch by 13 feet and had compromised the power poles that are all leaning towards the street now. He noted that they had also recently run fiber optic cables through there which he also felt was a disaster.

President Bradley asked if the City of Lino Lakes had done the last things he had mentioned.

Mr. Stowe stated that officially it may have been the city, but he felt that they worked hand in hand with the District and noted that he believed that the City of Lino Lakes had lowered the ditch, but the District had lowered the pipe. He stated that he felt that the District should have notified the City of Lino Lakes and him immediately when they decided to do this project because it runs through the back of his property. He stated that the District needed to do something to address this issue because it was a mess and expressed his continued frustration about trying to get the various entities to address what has been happening to his property.

President Bradley confirmed that the District was in charge of ACD 10-22-32 and explained that they have been in discussions and disagreements with the DNR about this. He noted that they would be meeting with them later this week and he agreed with Mr. Stowe that this was a mess. He asked District Engineer Otterness to bring the Board a report on whether there were the proper downstream fixtures and if the District had the authority to change them. He assured Mr. Stowe that the District would be looking at this

and reiterated that they know it is a mess out there and were also concerned about further development in the area but cautioned that the District had no authority over land use.

Mr. Stowe expressed his frustration with the time and money he has already put towards dealing with this issue. He explained that he was not very confident in the District's current engineer and referenced the situation brought up by Mr. Olson-Skog about what was happening near his home.

President Bradley thanked Mr. Stowe for taking the time to speak to the Board.

Manager Waller gave a brief explanation of where Mr. Stowe's property was located and noted that he felt that the District needed to change the culvert size south of County Road 4/Main Street where they had the pumps because it was definitely a blockage point. He stated that he would also agree that this was a mess.

Mr. Stowe spoke from the audience and asked if the City of Lino Lakes, the DNR, or the District was in charge.

President Bradley stated that, unfortunately, all three were in charge. He reiterated that he had asked the District Engineer to bring the Board a review of the culverts downstream and they will take a closer look at the situation and assured Mr. Stowe that the Board was as frustrated with the situation as he was.

Manager Waller noted that the District had heard some of the same complaints as Mr. Stowe's from the sod farmers and felt that this needed a thorough, and new, approach considering what has been going on in the area with land developments.

ITEMS REQUIRING BOARD ACTION

1. Houston Engineering Task Order 2024-007 – 2024 District Wide Modeling Program Annual Updates (Patrick Hughes)

Regulatory Manager Hughes gave an overview of Task Order 2024-007 for the annual update of the 2024 District Wide Modeling Program.

Manager Wagamon stated that this says that they will update the modeling and explained that he had concerns about ACD 10-22-32 because he doesn't think that the elevations that they have now are accurate. He stated that he didn't think that Houston Engineering should be delving into the modeling until they figure that out and explained that he planned to vote against this item. He explained that he would like to see exactly what was going into the modeling before the Board votes on it.

District Engineer Otterness stated that the information they would put into the modeling would be existing conditions and would not be the 'as constructed' condition.

Manager Wagamon noted that on Branch 15 there have been several surveys, one of which had soil borings and the ditch went uphill and downhill, which cannot be correct. He stated that he did not

know which modeling Houston Engineering would put in and reiterated that because there has been so much done, he would like to see what is going in there before they vote and noted that there were 3 or 4 different sets of modeling that exist.

District Engineer Otterness stated that he was not clear about what he could show the Board and explained that they had survey information that the crews have gathered and information from the State-wide lidar that shows contours that exist, which is what would go into the model. He stated that they would not put any proposed items, any historic items, or soil boring information into the model and explained that it was just meant to represent existing conditions.

Manager Wagamon stated that he was concerned about the survey data that they would put into the model.

Manager Robertson referenced page 36 of the packet and noted that it outlines different areas in which they are suggesting incorporating updates to the models. She asked if they could amend that list and take out ACD 10-22-32, but leave the other things on the list.

District Engineer Otterness stated that it would be possible to remove ACD 10-22-32 but the question he would have for the Board, was if, as a general philosophy, they wanted to use the best and most current data available to manage flood elevations. He explained that what he would be concerned about is if they have somebody that applies for a permit in that area, that they would end up with an inconsistency between what they are using for model information in the maintenance efforts, versus what they are doing from a regulatory standpoint.

President Bradley stated that he did not think District Engineer Otterness was looking at what the District 'wants' to do and is just looking at the current physical condition.

Manager Wagamon stated that he understood that but reiterated that the District had changed the physical condition.

President Bradley stated that he felt the Board should know what the current physical condition was before they authorized a new development.

Manager Wagamon stated that he wanted the conditions that are there today changed and expressed concern about what would happen if it gets into the modeling.

President Bradley clarified that this modeling would not have any impact on whether things will change or not. He stated that this will just get the model up to date and reflect the height of the water that is on the land right now and not what it should or could be.

Manager Robertson stated that she felt that ACD 10-22-32 is in its own category and stated that during her time on the Board there has never been a unanimous consensus on how to move forward on anything related to it. She reiterated her idea to temporarily remove ACD 10-22-32 and approve the remainder of the items on the list in order to keep this moving forward. She stated that she did not feel that their meetings would end up being productive if they opened up the door to have this kind of conversation during a meeting when it was not an actual item on the agenda.

Motion by* Manager Robertson, *seconded by Manager Wagamon, to approve and authorize board President to sign Houston Engineering Task Order 2024 – 007, 2024 District wide modeling program annual updates, with the temporary removal of #8 – Updated ACD 10-22-32 model based on work completed as part of Task Order 2022-013.

Regulatory Manager Hughes stated he would make similar comments to those made by District Engineer Otterness that this was just recognizing the existing conditions and how that may affect any project or permit that comes through. He stated that this is a living model that is frequently updated and believes this scope of work was intended to be completed by the end of the year.

Manager Wagamon stated that if they have until the end of the year, this motion would not mean that they weren't going to ever do it, but it would just not be going into the model right now. He reiterated that he would like to have an understanding of it before he is asked to vote on ACD 10-22-32.

Manager Waller noted that Lino Lakes has a moratorium on any building, so there will not be any permits coming forward. He stated that he did not see any reason why they couldn't wait for a bit on the modeling for ACD 10-22-32 in order to allow the Board to have more discussion and be able to take a closer look at it.

Motion carried 3-2. (Bradley and Weinandt opposed)

2. Check Register Dated August 28, 2024, in the Amount of $230,049.47 and August Interim Financial Statements Prepared by Redpath and Company

Motion by* Manager Weinandt, *seconded by Manager Robertson, to approve check register dated August 28, 2024, in the Amount of $230,049.47 and the August Interim Financial Statements prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. Staff Reports

Manager Weinandt stated that she was seeing that there were issues with the Iron Enhanced Sand Filters in Hansen Park, Oasis Pond, and Bald Eagle. She stated that she was very curious about what was going on and if they were all having the same problems.

Regulatory Manager Hughes stated that progress was being made and stated that he has heard that there are some concerns about the style/age of electrical equipment that was being utilized because it was older. He stated that Technical Field Assistant Green had been working hard to try to get them back online.

Manager Weinandt noted that she had been at the Bald Eagle site yesterday and thought the sign was great. She stated that she would like more information on the problems, why it was happening at multiple locations during the month of August, the potential causes, and whether other communities were having the same problems with their Iron Enhanced Sand Filters.

District Engineer Otterness stated that he has been having discussions with Drainage & Facilities Manager Schmidt and Technical Field Assistant Green about the issues that they have been having with these systems. He stated that there have been different things for each system and shared some of the examples of the issues that they have each had and noted that they were all fixable items.

Manager Weinandt stated that because these were District facilities, she would also like to have a discussion about the long and short term maintenance of them and how it may impact their budget at one of their upcoming Workshop meetings.

Manager Waller stated that he would be interested in hearing what the metrics are for the water coming in for dissolved phosphorus as well as the water going out for dissolved phosphorus, because he would like to be able to learn about the effectiveness of the system compared to the price they were paying.

District Engineer Otterness noted that Lake and Stream Manager Kocian had been monitoring and documenting the removal quantities that they have been getting out of these systems and should be able to provide the Board with a summary of that information.

Manager Waller clarified that he would actually like to hear about both granular and dissolved phosphorus that is captured.

2. September Calendar

Manager Robertson stated that there was a little hiccup in her schedule due to the Labor Day holiday because her City Council meeting was moved to Wednesday. She asked if anyone else would be able to attend or switch time slots which here for the CAC meeting.

President Bradley suggested that they switch spots and he can take the September CAC meeting and she could take the October meeting that he was scheduled to attend.

Manager Robertson stated that would work for her schedule.

Manager Wagamon stated that he would also be available to attend the September meeting, if necessary.

3. Administrator Updates

Regulatory Manager Hughes identified that Administrator Tomczik had no relayed update to the Board and noted that the public hearing for the rule revision would occur at the next Board Meeting on September 11th.

4. Managers Update

Manager Waller stated that he was driving around in the Forest Lake area and went by Brown's Preserve and found two utility companies out there working. He stated that he was informed that they read the signage that Drainage & Facilities Manager Schmidt put out and had called him before he had to chase them down for not having a permit. He stated that there was another contractor in the area closer to the main area of the ditch and explained that he had asked staff to do some research to ensure that they were not digging across the old or new portion of the ditch.

Manager Weinandt asked if the District was responsible for the trucks that pumped water from one side of the road to the other.

Manager Waller stated that was correct and explained that it was how they had relieved the flooding that day.

District Engineer Otterness explained that there is a private culvert on the edge of the sod field that has some deficiencies that may be reducing its efficiency which was why District staff went out there to pump water around it.

ADJOURNMENT

Motion by Manager Robertson, seconded by Manager Wagamon, to adjourn the meeting at 10:09 a.m. Motion carried 5-0.

CONSENT AGENDA

The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

Table of Contents-Permit Applications Requiring Board Action

No.	Applicant	Location	Plan Type	Recommendation
24-042	Beng Xiong	Lino Lakes	Land Development Wetland Alteration	CAPROC 10 items
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24-048	BayMarc Properties, LLC	Columbus	Final Site Drainage Plan	CAPROC 9 items
24-052	West Lake Drive Properties, LLC	Columbus	Final Site Drainage Plan	CAPROC 7 items

It was moved by Manager _____ and seconded by Manager _____, to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer's Findings and Recommendations, dated September 3, 2024.

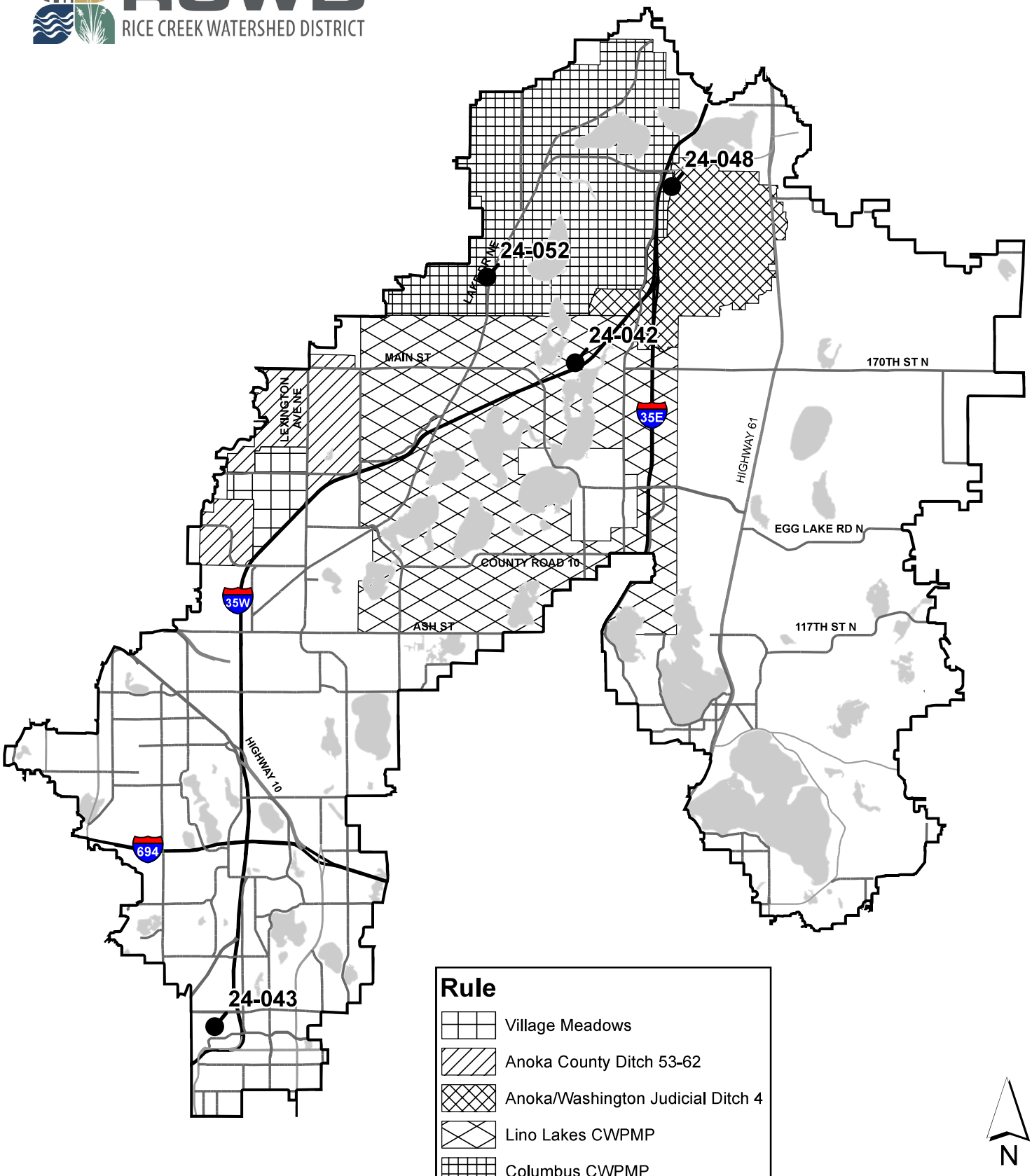
RICE CREEK WATERSHED DISTRICT
CONSENT AGENDA

September 11, 2024

It was moved by _____ and seconded by _____ to Approve, Conditionally Approve Pending Receipt Of Changes, or Deny, the Permit Application noted in the following Table of Contents, in accordance with the District Engineer's Findings and Recommendations, as contained in the Engineer's Findings and Recommendations, as contained in the Engineer's Reports dated September 3, 2024.

TABLE OF CONTENTS

RCWD
RICE CREEK WATERSHED DISTRICT



Permit Reviews
09/11/2024 Agenda

HOUSTON engineering, inc.

RICE CREEK WATERSHED DISTRICT

WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers.

Permit Application Number: 24-042
Permit Application Name: Xiong Property

Applicant/Landowner:

Beng Xiong
8166 Rondeau Lake Road E
Lino Lakes, MN
Ph: 651-335-8132
beng@priorityonetech.com

Permit Contact:

Lake and Land Surveying, Inc.
Attn: Ryan Peterson
1200 Centre Pointe Curve, STE 375
Mendota Heights, MN 55120
Ph: 651-776-6211
Lakeandland@outlook.com

Midwest Natural Resources, Inc.
Attn: Ken Arndt
1032 West 7th St. Suite 150
St. Paul, MN 55102
Ph: 612-310-6260
ken.arndt@mnrinc.us

Project Name: Xiong Property

Purpose: Re-platting for three single family homes and wetland replacement plan for access drive.

Site Size: 26.87± acre on 2 parcels / No land disturbance nor new/reconstructed impervious surface are proposed under this permit application.

Location: 8018 Rondeau Lake Road E, Lino Lakes

T-R-S : SE ¼ of Section 3 and SW ¼ of Section 2, T31N, R22W

District Rules: C, F

Recommendation: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items.

Conditions to be Met Before Permit Issuance:

Rule C – Stormwater

1. The applicant must demonstrate compliance with freeboard requirements per Rule C.9(g) and provide proposed low floor elevations for future homes on final plan set.

Rule F – Wetland Alteration

2. Applicant must provide a "Standard Credit Withdrawal Form", which is signed by the bank user and the bank seller

3. The applicant must provide proof of BWSR debiting wetland bank for the correct amount and type of wetland credit.

4. As a condition of permit issuance under Rule F.6(e)(9), a property owner must file on the deed a declaration, in a form approved by the District, establishing a vegetated buffer area adjacent to the delineated wetland edge within the final WMC and other wetland buffers approved as part of a permit under this Rule. A draft must be submitted for review prior to recordation.

5. The property owner must convey to the District and record or register, in a form acceptable to the District, a perpetual, assignable easement over the WMC.

6. A map of the final WMC boundary must be prepared and submitted for approval, and a GIS shapefile or CADD file of the final WMC boundary shall be submitted to the District.

7. The applicant must provide a buffer signage plan including proposed signage and placement location for District consideration.

Administrative

8. Email one final, signed full-sized pdf of the construction plan set. Include a list of changes that have been made since approval by the RCWD Board.

    - Add proposed low floor elevations for future homes and identify the vertical datum (e.g. NAVD 88).

9. Submit a copy of the recorded plat or easements establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature (if easements are required by the City of Lino Lakes).

10. The applicant must provide an attested copy of any and all signed and notarized legal document(s) from the County Recorder. Applicant may wish to contact the County Recorder to determine recordation requirements prior to recordation.

Stipulations: The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, applicant agrees to these stipulations:

1. Provide an as-built survey of wetland boundaries, quantifying the wetland impact area for verification of compliance with the approved plans

2. Installation of permanent, freestanding markers at development side edge of buffer, wetland or otherwise, with a design and text approved by District staff in writing and in compliance with the approved plans

Exhibits:

1. Concept plan dated 5-1-2023 and received 7-29-2024.

2. Permit application dated 7-2-2024 and received 7-19-2024.

3. Joint Application Form dated 6-10-2024 and received 6-17-2024.

4. Review file 23-220R.

Findings:

1. Description – The applicant is proposing the subdivision of two parcels, consisting of 26.87± acres total, at 8018 Rondeau Lake East in Lino Lakes. The parcels will be subdivided into 3 single-family residential lots. No land disturbance nor new/reconstructed impervious surface are proposed under this permit application. The existing impervious surface was not provided. The applicant submitted a concept plan with estimated driveway and home layouts for the future lots. Approximate house and

driveway layouts are subject to change as each lot will be sold and developed separately. A RCWD permit may be required if the individual lot development triggers a permit on its own. The property drains directly to wetlands surrounding the property, and ultimately to Peltier Lake, the resources of concern. The applicant has submitted a $300 application fee, which corresponds to Rule C single-family residential subdivision exemption for creation of 7 or fewer lots and no establishment of new public roadway nor private roadway/driveway serving 3 or more lots.

2. Stormwater – The project includes subdivision of an area exceeding one acre, thus triggering Rule C. Per Rule C.12(d), the single-family residential subdivision does not create a new public road nor a private road serving three or more lots, therefore, Rules C.6 and C.7 do not apply. The information listed under the Rule C – Stormwater section above must be submitted. Otherwise, the project complies with RCWD Rule C requirements. The applicant will need to address plat and easement requirements under Rules C.10 (a) and (d) before permit issuance.

3. Wetlands – Wetlands were delineated under review file 23-220R with boundary decision, issued on 12-4-2023, which remains valid.

The project area is located within the Lino Lakes CWPMP boundary and is subject to Wetland Management Corridor (WMC) requirements per Rule F.6(b)(2)(i).

A replacement plan application was submitted to the District for proposed wetland impacts on 6-17-2024. The project will include 782 ft^2 of permanent wetland impact to Wetland 1 for driveway access on Parcel B. The proposed impacts are within the shoreland wetland protection zone of Rondeau Lake; and therefore, do not qualify for the de minimis exemption (maximum of 100 ft^2). The application was noticed to the TEP on 7-29-2024 and the comment period closed 8-20-2024.

The applicant has provided an alternatives analysis, including discussion of impact avoidance, minimization and mitigation. Applicant has provided a no-impact alternative and information regarding an alternative layout. The applicant has reasonably avoided and minimized wetland impacts to the extent possible. The TEP concurs that WCA impact sequencing is met, and no comments were provided.

Impact/Mitigation Table

Wetland Name (Location)	Impact Amount	Replacement Ratio	Required
Wetland 1	782 ft^2 (0.0179 ac.)	2:1	1,564 ft^2 (0.0359 ac.)

Wetland replacement will occur via wetland bank account 1762, in the amount of 0.0359 acres. The wetland bank is within the same minor watershed and the contributing drainage area of the CWPMP consistent with Rule F 6(d)(5). The applicant must provide the final BWSR withdrawal transaction form and demonstrate final withdrawal from the BWSR Bank.

The property owner must file on the deed a declaration in a form approved by the District establishing a vegetated buffer area adjacent to the delineated wetland edge within the final WMC and other wetland buffers approved as part of a permit under this Rule. The declaration must state that on further subdivision of the property, each subdivided lot of record shall meet the monumentation requirement of Section 6(e)(8).

The final WMC, including associated buffer, shall be subject to an easement in favor of the District as described in Section 6(f). The property owner must convey to the District and record or register, in a form acceptable to the District, a perpetual, assignable easement granting the District the authority to monitor, modify and maintain hydrologic and vegetative conditions within the WMC wetland and buffer adjacent to WMC wetland, including the authority to install and maintain structural elements within those areas and reasonable access to those areas to perform authorized activities, per Rule

F.6(d)(f). The WMC shall be identified and delineated as part of the recorded easement. A GIS shapefile or CADD file of the final WMC boundary shall be submitted to the District.

4. Floodplain – The regulatory floodplain elevation for the project area is 887.9 NAVD 88. No land disturbance is proposed within the floodplain; therefore, Rule E does not apply.

5. Erosion Control – No land disturbance is proposed under this permit application; therefore, Rule D does not apply.

6. Regional Conveyances – Rule G is not applicable.

7. Public Drainage Systems – Rule I is not applicable.

8. Documenting Easements and Maintenance Obligations – Applicant must meet the easement and maintenance obligations per conditions 3 and 4. The applicant must provide drafts of the maintenance declaration and easement for approval prior to recordation, and a receipt showing recordation of the approved maintenance declaration and easement.

9. Previous Permit Information – Review file 23-220R.

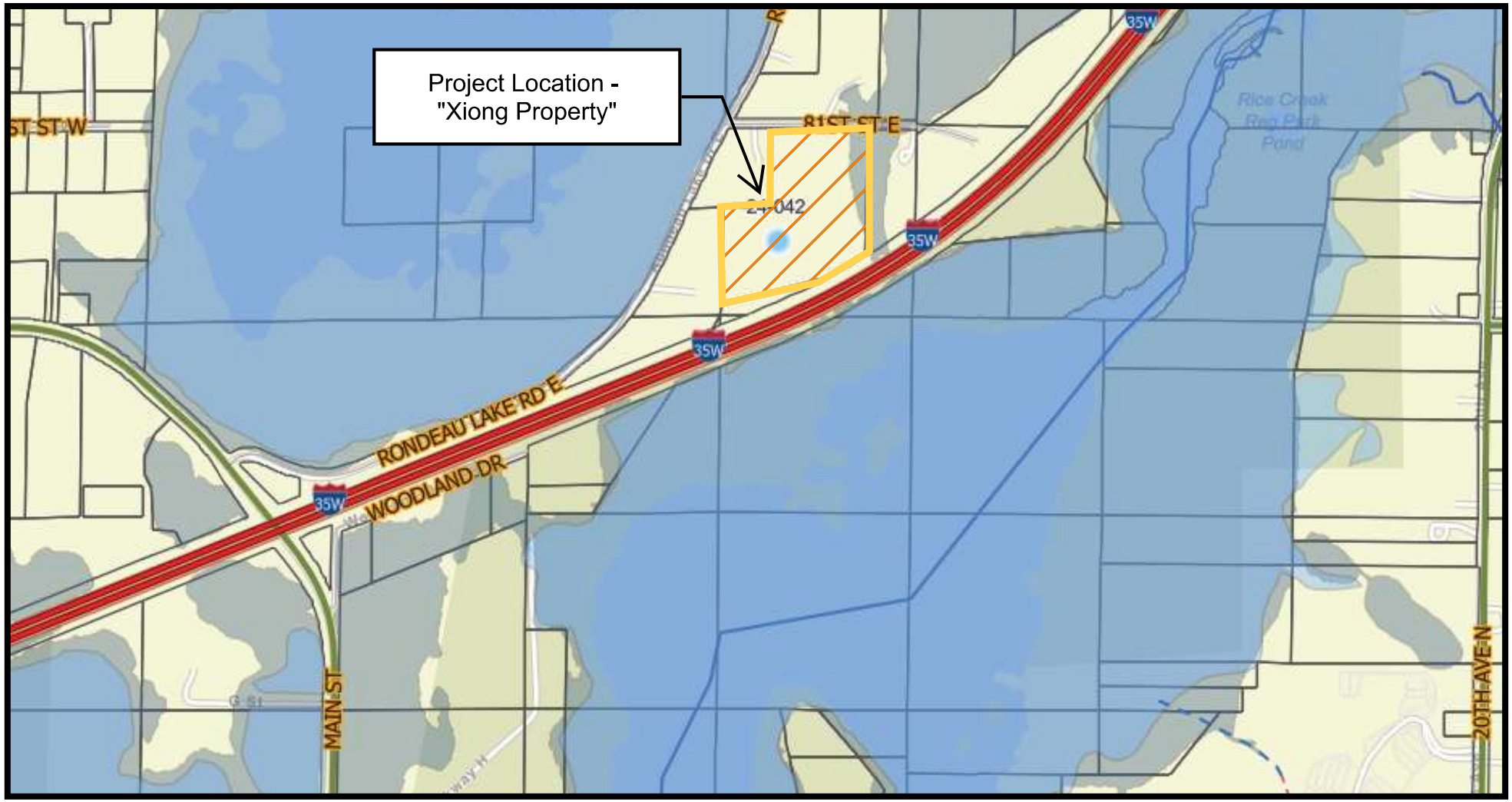
I assisted in the preparation of this report under the supervision of the Regulatory Manager.

Kelsey White, Permit Technician

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision.

Patrick Hughes, Regulatory Manager

RCWD Permit File #24-042



Legend

Project Location

Public Ditch - Open Channel

Public Waterway

N

RCWD
RICE CREEK WATERSHED DISTRICT

RCWD Permit File #24-042

Legend

Project Location

Proposed Driveway

Proposed House

Proposed Lot Lines

Wetland Impact

N

RICE CREEK WATERSHED DISTRICT

WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers.

Permit Application Number: 24-043
Permit Application Name: NuStar Roseville Terminal

Applicant/Landowner:

NuStar
Attn: Gerald R. Koegeboehn
19003 West Interstate 10
San Antonio, Texas 78257
gary.koegeboehn@sunoco.com

Permit Contact:

Sunoco LP
Attn: Steve McDonald
320 East Renfro
Arnett, Oklahoma
Ph: 225-921-7970
steve.mcdonald@sunoco.com

Pinnacle Engineering
Attn: Grady Reinking
11541 95th Ave N
Minneapolis, MN 55369
Ph: 612-712-0875:
greinking@pineng.com

City of Roseville
Attn: Ryan Johnson
Ryan.Johnson@cityofroseville.com

Project Name: NuStar Roseville Terminal

Purpose: FSD – Final Site Drainage; Construct a rail spur with the intent to transfer butane by rail to the NuStar Roseville Terminal

Site Size: 41.2± acre parcel / 3.3 ± acres of disturbed area; existing and proposed impervious areas with the project boundary are 0.267± and 1.651± acres respectively

Location: 2288 C West, Roseville

T-R-S: NW ¼, Section 8, T29N, R23W

District Rule: C, D

Recommendation: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items:

Conditions to be Met Before Permit Issuance:

Rule D – Erosion and Sediment Control

1. Submit the following information per Rule D.4:

   (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures. Clarify who is the primary contact for RCWD inspectors.

Administrative

2. Email one final, signed full-sized pdf of the construction plan set. Include a list of changes that have been made since approval by the RCWD Board. Final plans must include the following:

    - Ensure a stabilized EOF is shown

3. Submit a copy of the recorded plat or easements establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature (if easements are required by the City of Roseville).

4. The applicant must submit a Draft Declaration for Maintenance of Stormwater Management Facilities acceptable to the District for proposed onsite stormwater management and pretreatment features.

5. The applicant must provide an attested copy of any and all signed and notarized legal document(s) from the County Recorder. Applicant may wish to contact the County Recorder to determine recordation requirements prior to recordation.

6. The applicant must submit a surety of $7,100 along with an original executed escrow agreement acceptable to the District. If the applicant desires an original copy for their records, then two original signed escrow agreements should be submitted. The applicant must provide the first $5000 in the form of a check and has the option of providing the remainder of the surety amount in the form of a check or a Performance Bond or Letter of Credit. The surety is based on $2,000 for 3.3 acres of disturbance, and $5,100 for 10,142CF of storm water treatment.

Stipulations: The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, applicant agrees to these stipulations:

1. Provide an as-built survey of all stormwater BMPs (ponds, rain gardens, trenches, swales, etc.) to the District for verification of compliance with the approved plans before return of the surety.

Exhibits:

1. Preliminary plan set (found in permit application packet) containing 14 sheets dated 7-2-2024 and received 7-18-2024

2. Permit application packet, received 7-18-2024, containing the following exhibits:

    - Permit application, dated 7-16-2024
    - Narrative, dated July 2024
    - SWPPP, dated 7-2-2024
    - NPDES Permit, issued 7-18-2024
    - HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions
    - Soil boring logs,
    - Preliminary plan set, dated 7-2-2024.

3. Permit application packet, received 8-9-2024, containing the following exhibits:

    - Narrative, dated July 2024
    - HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions

4. Permit application packet, received 8-20-2024, containing the following exhibits:

    - Narrative, dated July 2024

- HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions

Findings:

1. Description – The project proposes to construct a railroad spur and lower an exiting gas pipeline on a 41.2± acre parcel located in Roseville. The project will increase the impervious area from 0.267± to 1.651± and disturb 3.3± acres overall. The project drains to an on-site wetland and a culvert to the south. Both ultimately drain to Jones Lake, the Resource of Concern. The applicant has submitted a $3,000 application fee for a Rule C permit creating less than 5 acres of new and/or reconstructed impervious surface.

2. Stormwater – The applicant is proposing the BMPs as described below for the project:

Proposed BMP Description	Location	Pretreatment	Volume provided	EOF
Surface bio-filtration basin	Southwest of tracks	Grass strip and settling basin	51,313± cubic feet	929.5±*

*Approximate. Applicant to provide on final plans

Soils on site are primarily HSG A/B surficial soils consisting of poorly graded sands (SP), silty sand (SM) with HSG sandy lean clays (CL) and clayey sands (SC) below. Infiltration is not considered feasible and bio-filtration is acceptable to meet the water quality requirement. Per Rule C.6(c)(1), the Water Quality requirement is 1.69-inches over the new/reconstructed area (1.651± acres) for a total requirement of 10,142± cubic feet.

Adequate pre-treatment has been provided. Drawdown is expected within 48-hours using an appropriate rate of 1.63 inches per hour. 18-inches of sand has been provided above the drain tile. The seasonal high water table is estimated at elevation below 916, which provides adequate separation. The applicant has treated 94% of the project area. Additional TSS removal is not practicable. The applicant has met all the Water Quality requirements of Rule C.6 and the design criteria of Rule C.9(c).

Point of Discharge	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
On-site wetland	0.0	0.0	0.0	0.0	0.0	0.0
South culvert	0.7	0.7	1.1	1.1	2.2	2.2
80%	0.6		0.9		1.8	
Totals		0.7		1.1		2.2

The project is located within the Flood Management Zone. The applicant has complied with the rate control requirements of Rule C.7 within tolerance of the model.

The applicant has complied with the bounce and inundation requirements of Rule C.8 and the freeboard requirements of Rule C.9(g).

3. Wetlands – There are no wetlands located within the construction area of the tracks or proposed bio-filtration basin. No formal boundary/type application was submitted for review, however the outlet pipe is of sufficient distance above the wetland to demonstrate that the project will not impact any wetlands.

4. Floodplain – The site is not in a regulatory floodplain.

5. Erosion Control – Proposed erosion control methods include silt fence, a rock construction entrance, inlet protection, erosion control blanket and rip rap. The project will disturb more than 1 acre; an NPDES permit is required. The information listed under the Rule D – Erosion and Sediment Control section above must be submitted. Otherwise, the project complies with RCWD Rule D requirements. The project does not flow to a nutrient impaired water (within 1 mile).

6. Regional Conveyances – Rule G is not applicable.

7. Public Drainage Systems – Rule I is not applicable.

8. Documenting Easements and Maintenance Obligations – Applicant must provide a draft maintenance declaration for approval, and a receipt showing recordation of the approved maintenance declaration and the drainage and flowage easements (if required).

9. Previous Permit Information – Improvements to the storage tank area occurred under permit 19-053. Pre-application information can be found under review file 24-083R.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

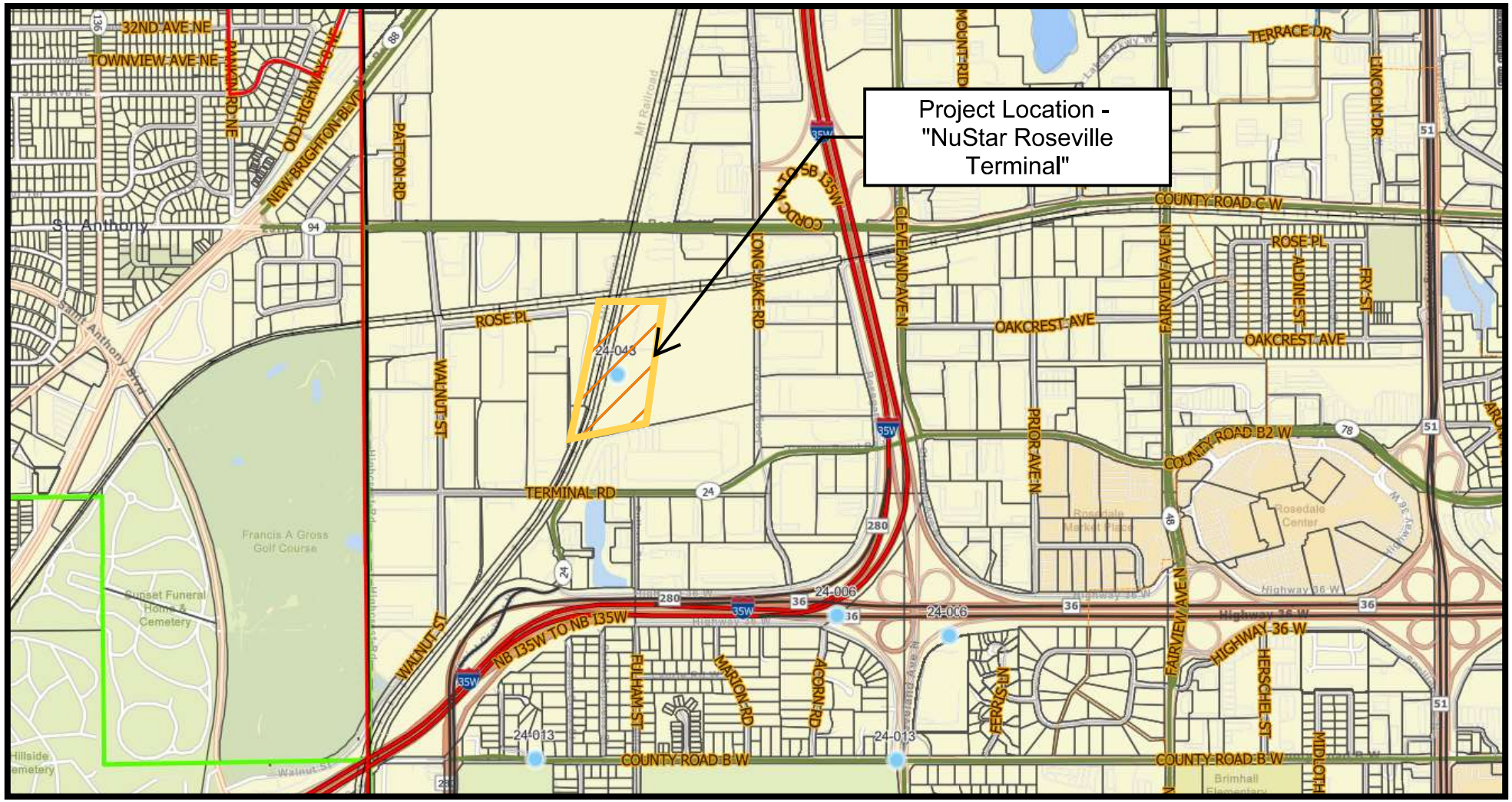
Greg Bowles 09/03/2024

Greg Bowles, MN Reg. No 41929

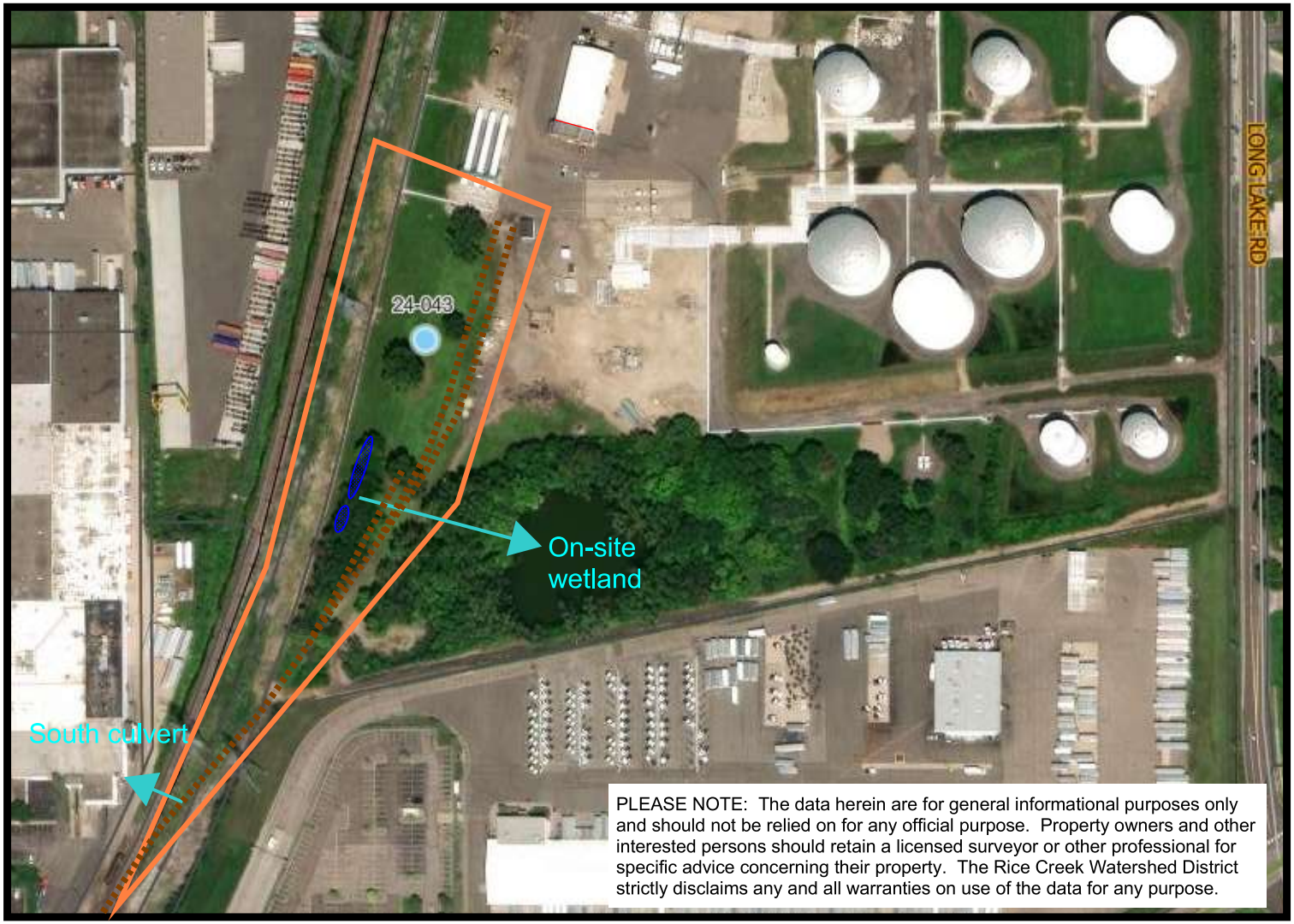
K. MacDonald 09/03/2024

Katherine MacDonald, MN Reg. No 44590

RCWD Permit File #24-043



RCWD Permit File #24-043



Legend

Project Location

Bio-filtration Basin

Proposed Railroad Spur

Drainage Arrow

N

RCWD
RICE CREEK WATERSHED DISTRICT

WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers.

Permit Application Number: 24-048
Permit Application Name: The MTW Truck Wash

Applicant/Landowner:

BayMarc Properties, LLC
Attn: Sherry Anderson
4574 Wilson St
Minnetonka, MN 55345
Ph: 612-804-8314
info@baymarc.com

Permit Contact:

Civil Methods, Inc
Attn: Dave Poggi
1551 Livingston Ave Suite 104
West St. Paul, MN 55118
Ph: 763-210-5713
dave.poggi@civilmethods.com

Skyway Transporting
Attn: James Skeie
8173 W Broadway Ave
Columbus, MN 55025
Ph: 651-260-6987
skywaytransporting@gmail.com

Project Name: The MTW Truck Wash

Purpose: FSD – Final Site Drainage; Construction of a commercial truck washing facility.

Site Size: 16.96± acre parcel / 2.85 ± acres of disturbed area; existing and proposed impervious areas are 0 ± acres and 1.09 ± acres, respectively

Location: East of Hornsby St NE and 152 Ave NE in Columbus, MN; Lot 1, Block 2, MIKE PRESERVE plat, Columbus

T-R-S: SE ¼, Section 24, T32N, R22W

District Rule: C, D

Recommendation: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items:

Conditions to be Met Before Permit Issuance:

Rule C - Stormwater

1. Applicant must provide an easement that includes the channel and the area on each side of the channel within 20 feet of top of bank specifying and encompassing a District right of maintenance access for the public drainage system.

Rule D – Erosion and Sediment Control

2. Submit the following information per Rule D.4:

   (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.

(h) Provide documentation that an NPDES Permit has been applied for and submitted to the Minnesota Pollution Control Agency (MPCA).

Rule F – Wetland Alteration

3. As a condition of permit issuance under Rule F.6(e)(9), a property owner must file on the deed a declaration, in a form approved by the District, establishing a vegetated buffer area adjacent to the delineated wetland edge within the final WMC and other wetland buffers approved as part of a permit under this Rule. A draft must be submitted for review prior to recordation.

4. The property owner must convey to the District and record or register, in a form acceptable to the District, a perpetual, assignable easement over the WMC.

Administrative

5. Email one final, signed full-sized pdf of the construction plan set. Include a list of changes that have been made since approval by the RCWD Board

6. Submit a copy of the recorded plat or easements establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature (if easements are required by the City of Columbus).

7. The applicant must submit a Draft Declaration for Maintenance of Stormwater Management Facilities acceptable to the District for proposed onsite stormwater management and pretreatment features.

8. The applicant must provide an attested copy of any and all signed and notarized legal document(s) from the County Recorder. Applicant may wish to contact the County Recorder to determine recordation requirements prior to recordation.

9. The applicant must submit a surety of $5,400 along with an original executed escrow agreement acceptable to the District. If the applicant desires an original copy for their records, then two original signed escrow agreements should be submitted. The applicant must provide the first $5000 in the form of a check and has the option of providing the remainder of the surety amount in the form of a check or a Performance Bond or Letter of Credit. The surety is based on $2,000 for 2.85 acres of disturbance and $3,400 for 6,721 CF of storm water treatment.

Stipulations: The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, applicant agrees to these stipulations:

1. Provide an as-built survey of all stormwater BMPs (ponds, rain gardens, trenches, swales, etc.) to the District for verification of compliance with the approved plans before return of the surety.

2. Installation of permanent, freestanding markers at development side edge of buffer, wetland or otherwise, with a design and text approved by District staff in writing and in compliance with the approved plans

Exhibits:

1. Plan set containing 12 sheets dated 8-19-2024 and received 8-21-2024

2. MS4 Permit application receipt, received 7-19--2024

3. Revised Stormwater Calculations, dated 8-19-2024 and received 8-21-2024, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions

4. Stormwater Calculations, dated 7-18-2024 and received 7-19-2024, containing narrative, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions

5. Review file 20-188R, Permit file 21-056

Findings:

1. Description – The project proposes to construct a truck wash facility on a 16.96± acre parcel in Mike Preserve subdivision located in Columbus, MN. The project will increase the impervious area from 0± acres to 1.09± acres and disturb 2.85± acres overall. The application for the Mike Preserve plat occurred under permit application 21-056, however the platting process was completed without a permit and the WMC easement and buffer requirements were not completed. The existing site drains to the east, and these drainage patterns will be maintained in the proposed site. The site drains into the main trunk of ACD 15, and eventually into Peltier Lake, which is the Resource of Concern. The applicant has submitted a $3,000 application fee for a Rule C permit creating less than 5 acres of new and/or reconstructed impervious surface.

2. Stormwater – The applicant is proposing the BMPs as described below for the project:

Proposed BMP Description	Location	Pretreatment	Volume provided	EOF
North Surface Biofiltration Basin	Northern property line	Grass strip	3,940± cubic feet below the outlet	904.80
South Surface Biofiltration Basin	Southeast of truck wash building	Grass strip	4,724± cubic feet below the outlet	904.50

Soils on site are primarily HSG A underlain by HSG D consisting of loamy sand (SP) and clay loam (CL). The seasonal high water table is also high. Thus, infiltration is not considered feasible and bio-filtration is acceptable to meet the water quality requirement. Per Rule C.6(c)(1), the Water Quality requirement is 1.69-inches over the new/reconstructed area (1.09± acres) for a total requirement of 6,721± cubic feet.

Adequate pre-treatment has been provided. Drawdown is expected within 48-hours using an appropriate rate of 0.8 inches per hour. 12-inches of sand has been provided above the drain tile. The seasonal high water table is estimated at elevation 899.5, which provides adequate separation. The applicant has treated 96% of the project area. Additional TSS removal is not practicable. The applicant has met all the Water Quality requirements of Rule C.6 and the design criteria of Rule C.9(c).

Point of Discharge	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
To east	0.7	0.5	2.7	2.0	8.9	8.0

The project is not located within the Flood Management Zone. The applicant has complied with the rate control requirements of Rule C.7.

The applicant has complied with the freeboard requirements of Rule C.9(g).

3. Wetlands – Wetlands were delineated under review file 20-118R with a boundary decision issued on 10-20-2020. The boundary decision remains valid at the time of this application.

The project area is located within the Anoka/Washington Judicial Ditch 4 CWPMP boundary and is subject to Wetland Management Corridor (WMC) requirements. The property was platted as part of permit application #21-056. The application was conditionally approved but the WMC-related documents were not recorded, and a permit was never issued. The proposed project does not alter the WMC design proposed under application #21-056.

The property owner must file on the deed a declaration in a form approved by the District establishing a vegetated buffer area adjacent to the delineated wetland edge within the final WMC and other wetland buffers approved as part of a permit under this Rule. The declaration must state that on further subdivision of the property, each subdivided lot of record shall meet the monumentation requirement of Section 6(e)(8).

The property owner must convey to the District and record or register, in a form acceptable to the District, a perpetual, assignable easement granting the District the authority to monitor, modify and maintain hydrologic and vegetative conditions within the WMC wetland and buffer adjacent to WMC wetland, including the authority to install and maintain structural elements within those areas and reasonable access to those areas to perform authorized activities, per Rule F.6(d)(f). The WMC shall be identified and delineated as part of the recorded easement.

4. Floodplain – The site is not in a regulatory floodplain.

5. Erosion Control – Proposed erosion control methods include silt fence, rock construction entrance, sediment control logs, erosion control blanket, and rip rap. The project will disturb more than 1 acre; an NPDES permit is required. The SWPPP is located on plan sheets C601-C602. The information listed under the Rule D – Erosion and Sediment Control section above must be submitted. Otherwise, the project complies with RCWD Rule D requirements. The project is within 1 mile of Peltier Lake which is impaired for nutrients.

6. Regional Conveyances – Rule G is not applicable.

7. Public Drainage Systems – ACD 15 Main is located on the property. The applicant must submit a drainage easement; however, Rule I is not otherwise applicable.

8. Documenting Easements and Maintenance Obligations – Applicant must provide a draft maintenance declaration for approval, and a receipt showing recordation of the approved maintenance declaration and the drainage and flowage easements (if required). Applicant must meet the easement and maintenance obligations per requirements as listed above.

9. Previous Permit Information – Previous permits for this parcel include 97-038, 14-086, and 21-056. These permits consisted of construction of a commercial storage shed, grading, and creation of a three lot subdivision.

I assisted in the preparation of this report under the supervision of the District Engineer.

Nitsa Dereskos 09/03/2024

Nitsa Dereskos, EIT

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

K. MacDonald 09/03/2024

Katherine MacDonald, MN Reg. No 44590

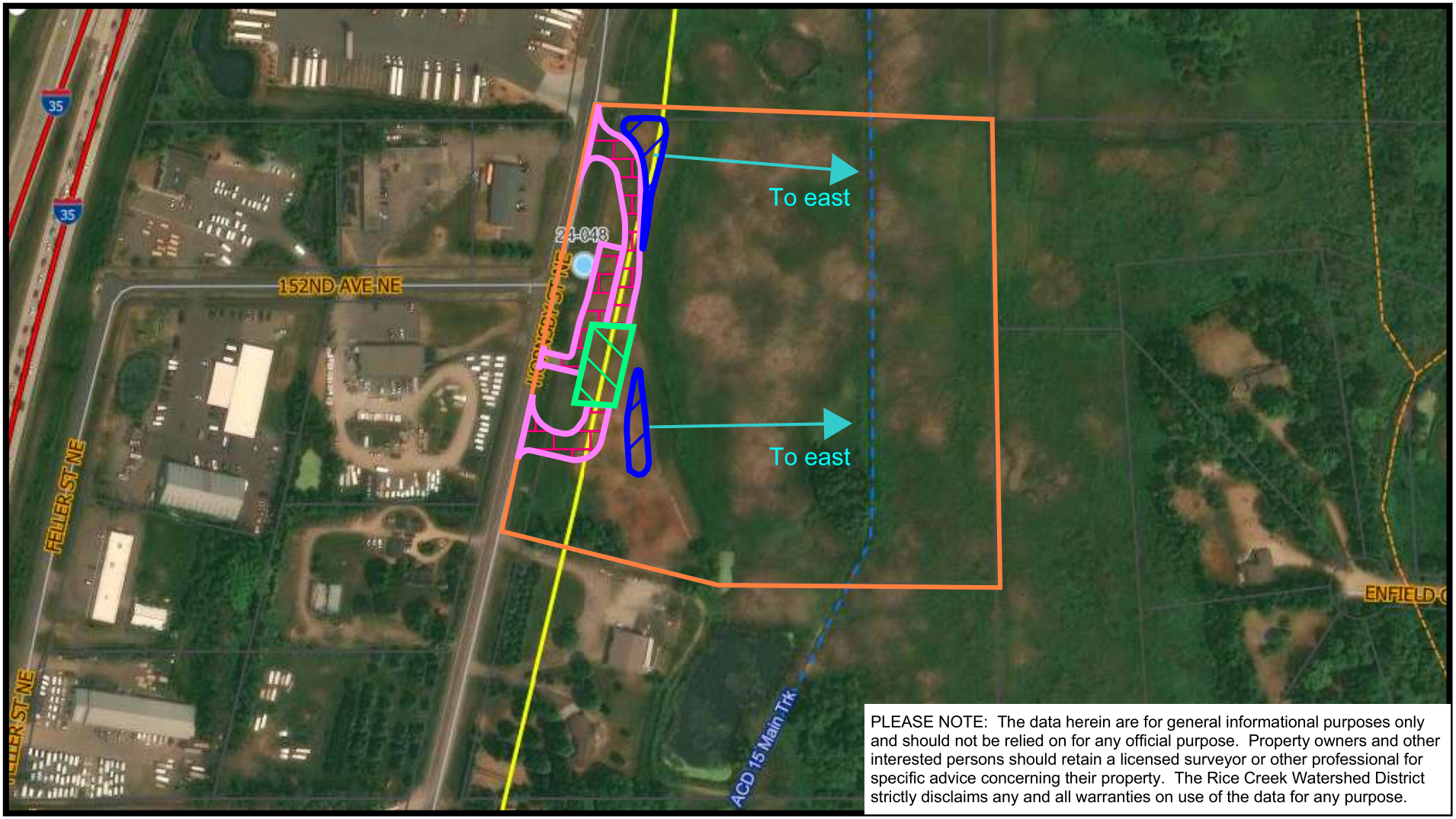
RCWD Permit File #24-048

Legend

- Project Location
- Columbus CWPMP
- Anoka/Washington JD 4 CWPMP
- Public Waterway
- Public Ditch - Open Channel
- Private Ditch

N

RCWD Permit File #24-048



PLEASE NOTE: The data herein are for general informational purposes only and should not be relied on for any official purpose. Property owners and other interested persons should retain a licensed surveyor or other professional for specific advice concerning their property. The Rice Creek Watershed District strictly disclaims any and all warranties on use of the data for any purpose.

Legend

- Project Location
- Columbus/Anoka-Washington JD 4 CWPMP
- Building
- Bio-filtration Basin
- Road and Parking Lot
- Drainage Arrow

N

RCWD
RICE CREEK WATERSHED DISTRICT

WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers.

Permit Application Number: 24-052
Permit Application Name: 13858 Lake Drive NE Commercial Development

Applicant/Landowner:

West Lake Drive Properties, LLC
Attn: Mark Dahl
1101 Holly Court
Lino Lakes, MN 55038
Ph: 651-677-1616
mark.john.dahl@gmail.com

Permit Contact:

Civil Methods, Inc
Attn: Dave Poggi
1551 Livingston Ave Suite 104
West St. Paul, MN 55118
Ph: 763-210-5713
dave.poggi@civilmethods.com

Project Name: 13858 Lake Drive NE Commercial Development

Purpose: FSD – Final Site Drainage; Construction of 3 new commercial units and related parking.

Site Size: 2 parcels totaling 6.86± acres / 6.3 ± acres of disturbed area; existing and proposed impervious areas are 0.281 ± acres and 3.388 ± acres, respectively

Location: 13858 Lake Drive NE, Columbus

T-R-S: NW ¼, Section 33, T32N, R22W

District Rule: C, D

Recommendation: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items:

Conditions to be Met Before Permit Issuance:

Rule D – Erosion and Sediment Control

1. Submit the following information per Rule D.4:

   (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.

   (h) Provide documentation that an NPDES Permit has been applied for and submitted to the Minnesota Pollution Control Agency (MPCA).

Administrative

2. Email one final, signed full-sized pdf of the construction plan set. Include a list of changes that have been made since approval by the RCWD Board. Final plans must include the following:

   - Applicant must ensure that the 908 contour is correctly tied in at the western portion of the northern property line
   - Provide a stabilized EOF, ensuring that it is above the 100 year HWL.

3. The applicant must pay the deferred Water Management District Charges associated with this parcel. These charges were previously noticed to the landowner in conjunction with a public hearing which established the charges to be due upon development or redevelopment of the parcel. The charges are subject to change during the 12-month CAPROC term of this permit application. Therefore, the applicant must contact the District prior to submitting final payment to verify the amount to be paid to the District.

   PID: 33-32-22-24-0010
   Amount: $206.48
   RCWD Fund: 80-04 (ACD 10-22-32)

   PID: 33-32-22-24-0019
   Amount: $8.46
   RCWD Fund: 80-04 (ACD 10-22-32)

4. Submit a copy of the recorded plat or easements establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature (if easements are required by the City of Columbus).

5. The applicant must submit a Draft Declaration for Maintenance of Stormwater Management Facilities acceptable to the District for proposed onsite stormwater management and pretreatment features.

6. The applicant must provide an attested copy of any and all signed and notarized legal document(s) from the County Recorder. Applicant may wish to contact the County Recorder to determine recordation requirements prior to recordation.

7. The applicant must submit a surety of $10,300 along with an original executed escrow agreement acceptable to the District. If the applicant desires an original copy for their records, then two original signed escrow agreements should be submitted. The applicant must provide the first $5000 in the form of a check and has the option of providing the remainder of the surety amount in the form of a check or a Performance Bond or Letter of Credit. The surety is based on $3,500 for 6.3 acres of disturbance, and $6,800 for 13,535 CF of storm water treatment.

Stipulations: The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, applicant agrees to these stipulations:

1. Provide an as-built survey of all stormwater BMPs (ponds, rain gardens, trenches, swales, etc.) to the District for verification of compliance with the approved plans before return of the surety.

Exhibits:

1. Revised plan set containing 9 sheets dated and received 8-21-2024

2. MS4 Permit application receipt, received 8-2-2024.

3. Stormwater Calculations, dated 6-14-2022 and received 8-2-2024, containing narrative, soil boring logs, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions.

4. Revised stormwater Calculations, dated and received 8-21-2024, containing narrative, soil boring logs, drainage maps, HydroCAD report for the 2-year, 10-year, and 100-year rainfall events for proposed and existing conditions.

Findings:

1. Description – The project proposes to demolish an existing house and construct three commercial buildings and gravel parking areas on 6.86± acres located in Columbus. The project will increase the

impervious area from 0.281± acres to 3.388± acres and disturb 6.3± acres overall. Drainage will flow to the west, eventually reaching ACD 10-22-32 Main Trunk and Marshan Lake, the Resource of Concern. The applicant has submitted a $3,000 application fee for a Rule C permit creating less than 5 acres of new and/or reconstructed impervious surface.

2. Stormwater – The applicant is proposing the BMPs as described below for the project:

Proposed BMP Description	Location	Pretreatment	Volume provided	EOF
Surface infiltration basin	Northwest property corner	Wet sedimentation basin; swale	102,602± cubic feet	*
Wet sedimentation basin	Southwest corner	Pretreatment		
Borrow pit	South property line (center)	Non-Regulatory		

*Applicant to provide per Condition 2 above

Soils on site are primarily HSG A/B consisting of silty sands (SM), poorly graded sands (SP) and poorly graded sands with silt (SP-SM). Infiltration is considered feasible and used to meet the water quality requirement. Per Rule C.6(c)(1), the Water Quality requirement is 1.1-inches over the new/reconstructed area (3.388± acres) for a total requirement of 13,535± cubic feet.

Adequate pre-treatment has been provided. Drawdown is expected within 48-hours. A minimum of three feet of separation is provided from the seasonal high water table. The project is not located within a DWSM area. The applicant has treated 100% of the project area. Additional TSS removal is not required. The applicant has met all the Water Quality requirements of Rule C.6 and the design criteria of Rule C.9(a).

Point of Discharge	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
To west	0.0	0.0	0.1	0.0	1.0	0.0

The project is not located within the Flood Management Zone. The applicant has complied with the rate control requirements of Rule C.7.

The applicant has complied with the freeboard requirements of Rule C.9(g).

3. Wetlands – The project is located within Zone 1 of the Columbus CWPMP. There are no wetlands located within the project area.

4. Floodplain – The site is not in a regulatory floodplain.

5. Erosion Control – Proposed erosion control methods include silt fence, sediment control logs, a rock construction entrance, and rip rap. The project will disturb more than 1 acre; an NPDES permit is required. The SWPPP is located on plan sheet C6.02. The information listed under the Rule D – Erosion and Sediment Control section above must be submitted. Otherwise, the project complies with RCWD Rule D requirements. The project does not flow to a nutrient impaired water (within 1 mile).

6. Regional Conveyances – Rule G is not applicable.

7. Public Drainage Systems – Rule I is not applicable.

8. Documenting Easements and Maintenance Obligations – Applicant must provide a draft maintenance declaration for approval, and a receipt showing recordation of the approved maintenance declaration and the drainage and flowage easements (if required).

9. Previous Permit Information – The site is contained within the boundary of a delineation report under Review file 21-138R. There are no wetlands located on the property.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

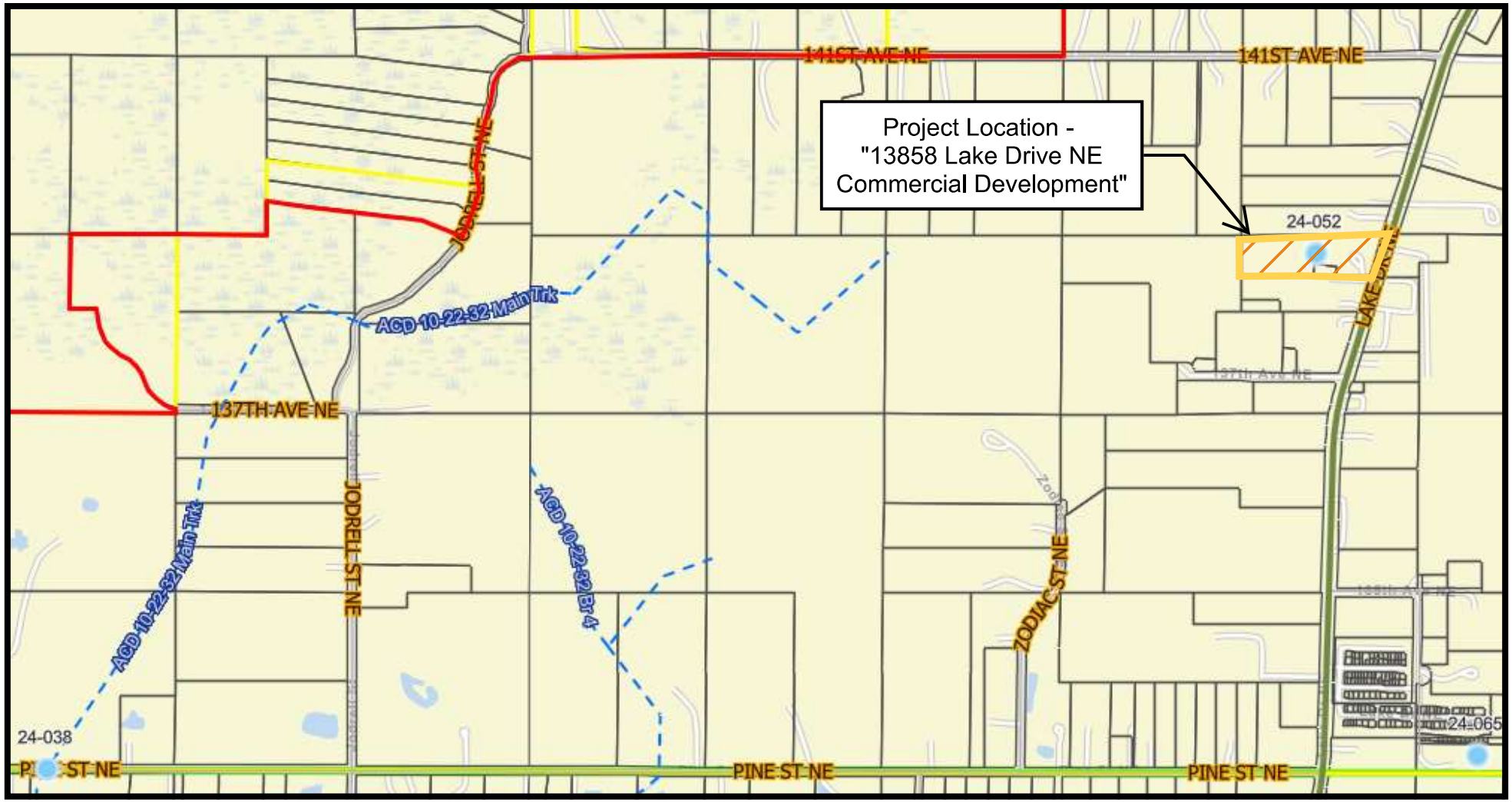
Greg Bowles 09/03/2024

Greg Bowles, MN Reg. No 41929

K. MacDonald 09/03/2024

Katherine MacDonald, MN Reg. No 44590

RCWD Permit File #24-052



Legend

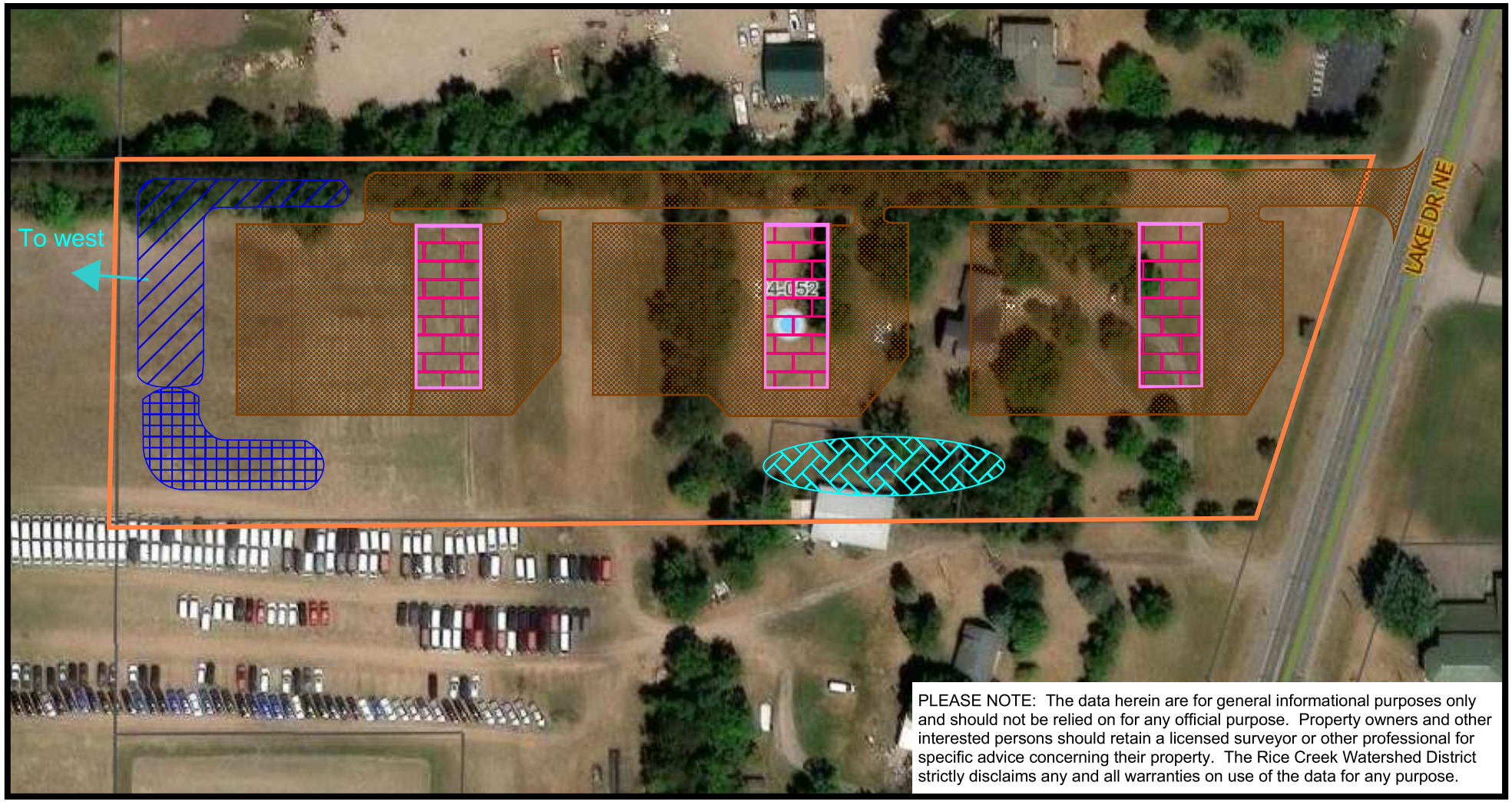
District Boundary

Project Location

Public Ditch - Open Channel

N

RCWD Permit File #24-052



Legend

- Project Location
- Gravel Surface
- Buildings
- Drainage Arrow
- Wet Sedimentation Basin
- Infiltration Basin
- Borrow Pit

N

PUBLIC HEARING: PROPOSED RULE REVISION

St. Paul Pioneer Press newspaper August 28, 2024, and September 4, 2024
White Bear Press newspaper August 21, 2024
Quad Community Press on August 20, 2024
Shoreview Press on August 27, 2024
The Citizen on August 22, 2024
The Life newspaper Blaine/SLP/Columbia Hts/Fridley August 23, 2024
Forest Lake Times newspaper August 22, 2024
Finance and Commerce Newspaper August 27, 2024
District office July 25, 2024 notice
District website and emailed to website list noticing July 26, 2024
July 26, 2024 Emailed proposed rules, memorandum describing the proposed rule changes, and public hearing notice to BWSR and all "public transportation authorities" in the watershed (should include MnDOT, city, township and county road departments)

Notice of Public Hearing on Proposed Rule Revision

PLEASE TAKE NOTICE That the Rice Creek Watershed District Board of Managers has scheduled a public hearing to receive public comment under Minnesota Statutes 103D.341 regarding the District's proposed rule revisions on Wednesday, September 11, 2024 at 9:00 a.m. Public participation using interactive technology will also be possible using Zoom. Zoom instructions are below. In addition, by a declaration under Minnesota Open Meeting Law Section 13D.021, all meetings of the RCWD Board of Managers are in person and public while recognizing that a Manager may, based on advice from a health care professional, have a legitimate reason for not attending a meeting in a public place in person, such as COVID-19 exposure or infection, and in such circumstances may participate in the meeting remotely.

Information regarding the proposed rule revisions can be viewed on the District's website, www.ricecreek.org, or at the District office, 4325 Pheasant Ridge Drive NE, Suite 611, Blaine, MN 55449. Written comments can be directed to Patrick Hughes by email at phughes@ricecreek.org or by mail at the above address. All comments received by end of business on September 20, 2024, will be a part of the public record and given due consideration by the District.

Join Zoom Meeting
https://us06web.zoom.us/j/87813793490?pwd=Sapb8EaQevkeaDprOyCTE4crbvjboi.1
Meeting ID: 878 1379 3490
Passcode: 272903
+1 312 626 6799 US (Chicago)
Meeting ID: 878 1379 3490
Passcode: 272903

RCWD
RICE CREEK WATERSHED DISTRICT

July 16, 2024

Re: Rice Creek Watershed District Rule Revision
- Definitions (Rule A)
- Procedural Requirements (Rule B)
- Stormwater Management (Rule C)
- Erosion and Sediment Control Plans (Rule D)
- Floodplain Alteration (Rule E)
- Wetland Alteration (Rule F)
- Regional Conveyance Systems (Rule G)
- Public Drainage Systems (Rule I)
- Enforcement (Rule K)
- Variances (Rule L)

To Distribution List (Attached):

Under Minnesota Statutes §103D.341, the Rice Creek Watershed District ("District") has prepared proposed revisions to its permitting rules. The District Board of Managers has directed that the proposed revisions be distributed for public comment.

The proposed rule revisions encompass a number of changes to the rules listed above. Some are substantive changes prompted by the District's experience in administering the current rules. There are also a number of technical adjustments to application submittals and rule criteria, brought forward principally by the District's permit review team based on experience in administration. Finally, there are changes that don't change the rules, but address ambiguities or simplify.

The District is the operator of a "Municipal Separate Storm Sewer System" (MS4) under the Clean Water Act stormwater program, and must conform to the terms of an MS4 General Permit (GP) administered by the Minnesota Pollution Control Agency (MPCA). The GP requires the District to regulate stormwater impacts of land disturbance in accordance with certain terms and standards. Among the proposed substantive changes are revisions to the Stormwater Management rule to conform to the directives of the GP. The municipalities within the District, with limited exception, also are MS4s obligated to regulate land disturbance according to the MS4 GP. By conforming to GP standards, the District is aligning its stormwater rule closely with the stormwater ordinances of its cities, reducing complexity and cost for regulated parties.

The proposed changes, in redline, are included with this letter and otherwise available for review at the District offices or accessed through the District website, www.ricecreek.org. The District is soliciting input from all interested parties so that the rule revision is reasonable and best-suited to

accomplish its water resource management goals without undue regulatory or administrative burden. Comments are most helpful when they are specific and factually detailed as to concerns or potential impacts, and when they include specific suggestions for alternative language or an alternative approach that may be suitable for all parties subject to regulation.

Please submit written comments by mail or electronic mail to the attention of Patrick Hughes, Regulatory Manager. Comments must be received by September 20, 2024. In addition, the District Board of Managers will hold a public hearing on the proposed rule at its regular meeting called to order at 9 a.m., on September 11, 2024, in Council Chambers, Shoreview City Hall, 4600 Victoria Street North, Shoreview MN.

The following is a brief review of the substantive changes proposed, and the rationale for each.

1. Definitions (Rule A)

The District proposes to add definitions for four terms:

- Common Plan of Development
- Outlet Control Structure
- Single Family Residential Construction
- Volume Control Practice

These four definitions all would be added to implement changes to the Stormwater Management rule, and are discussed under section 3, below.

2. Procedural Requirements (Rule B)

There are no proposed substantive changes to procedures. Section C.13 of the Stormwater Management rule (concerning area/phased development permits) is proposed for deletion. Therefore, a reference in section B.6 to section C.13 would be removed.

3. Stormwater Management (Rule C)

Aligning with MS4 GP Standards: "Common Plan of Development"

The rule, at section C.2, contains a clause to protect against cumulative impacts from development activities that fall under regulatory thresholds because they are pursued independently of each other or phased. The clause, which the District refers to as the "connected action" clause, applies the rule's thresholds:

cumulative of all impervious surface created or reconstructed through multiple phases or connected actions of a single complete project, as defined by the District, on a single parcel or contiguous parcels of land under common ownership, development or use.

The MS4 GP employs a similar concept, termed "Common Plan of Development." The District proposes to substitute "Common Plan of Development" for the "connected action" clause. The proposed rule incorporates the term, as defined in the MS4 GP, into the Definitions rule. The MPCA has issued written guidance in applying the term – see **https://www.pca.state.mn.us/sites/default/files/wq-strm2-22.pdf**. The District intends to apply the Common Plan of Development clause in accordance with MPCA guidance, as the MPCA may expand or adjust it over time. The District does not foresee a great difference in application of the two approaches.

Aligning with MS4 GP Standards: Water Quality Volume Practices

Both the District stormwater rule and the MS4 GP mandate stormwater phosphorus control and volume management by specifying a minimum "water quality volume" that stormwater management practices must be designed to accommodate. See District rule C.6(c), MS4 GP 20.6/20.7. Both mandate that stormwater be managed by a "volume control practice" – i.e., by infiltrating or reusing it - unless site conditions (clay soils, high groundwater, soil contamination, etc.) counsel that stormwater not be introduced into the soil matrix. There are slight differences in how this preference is stated that the proposed rule would remove.

The District rule, at paragraph C.6(d)(2), states that to the extent infiltration on the project site is feasible, then a volume control practice must be the chosen method of stormwater management, whether the practice is placed on the project site or elsewhere. To the extent a volume control practice is not feasible, another method of stormwater management such as biofiltration, filtration or retention must supply the remaining required water quality volume. A project that is not a "Public Linear Project," (PLP, defined as "a project involving a roadway, sidewalk, trail or utility not part of an industrial, commercial, institutional or residential development") must meet the water quality volume standard. The rule requires the same for PLPs, except that recognizing right-of-way constraints, it requires a PLP to manage stormwater associated with reconstructed hard surface only to the extent it is feasible to do so within the project site, or relevant right-of-way. See C.6(e).

The MS4 is a bit broader, in that it requires a PLP permittee to provide water quality volume, for both new and reconstructed hard surface, only to the extent that a volume control practice can do so on site. The permittee must make a reasonable attempt to acquire additional right-of-way or adjacent land. See MS4 GP, 20.7. But it need not employ practices other than volume control practices, and need not meet the water quality volume standard beyond what it can achieve on site. The proposal would adjust the District rule to conform to the MS4 GP standard.

Aligning with MS4 GP Standards: Treatment Location

The District stormwater rule allows off-site treatment of stormwater according to a "Resource of Concern" framework. The rule identifies 54 lakes within the District as principal receiving waters or "Resources of Concern" (ROCs). A permittee may provide for stormwater from project hard surface to be managed on the project site, or else downgradient from the project site, but above the first downgradient ROC. If there are not opportunities to meet the water quality volume standard within this defined area, then the outstanding water quality volume requirement may be met by locating a practice upgradient from the project site, subject to a calculation showing that the amount of total phosphorus kept out of the ROC will at least equal the amount that an on-site practice would have captured. See C.6(d). Underlying this framework affording leeway to off-site, and specifically regional, treatment is the District's observation that such treatment often is more cost-efficient, and that a regional facility is conducive to municipal, or otherwise more-reliable, maintenance.

In contrast, the MS4 GP requires PLP permittees to treat stormwater on-site, and does not require treatment beyond what can be achieved on-site. For non-PLP permittees, the MS4 GP requires treatment on-site except as a permittee shows that doing so is not "cost-effective." MS4 GP 20.8, 20.10.

The proposed rule would adopt the MS4 GP framework. With respect to projects that are not PLPs, the District believes that this framework still will allow for use of regional or other off-site treatment: when an off-site facility would provide for more cost-efficient treatment or maintenance, this would satisfy the "cost-effective" MS4 GP criterion. The rule will require that the applicant document the more favorable cost profile of the off-site proposal.

The MS4 GP also specifies a sequencing for off-site treatment. First, stormwater must be managed upgradient of the next "receiving water," and next, within the DNR "catchment area." MS4 GP 20.11. The District proposes to retain its ROC-based location sequencing. The District developed the ROC framework thoughtfully on the basis of its watershed hydrology. The two frameworks appear equivalent and the District does not see a water resource advantage in disrupting its approach.

Aligning with MS4 GP Standards: Roof Treatment

Subsection C.6(f) allows for stormwater from residential roofs, decks and other non-driving surfaces that can't reasonably be routed to a stormwater practice to be considered as treated, if the runoff is directed to green space meeting specified criteria. Because the MS4 GP requires all runoff to be captured and treated, the proposed rule would clarify that this subsection simply recognizes that runoff handled per the criteria is being infiltrated. The rule would authorize the District to require, as a permit condition, a covenant recorded on the title protecting the green space, if the District finds there to be a risk that the green space might be converted to hard surface in the future.

Special Rule Provisions for Public Permittees

Constraints under which units of government operate in acquiring and owning land may warrant different approaches to applying District rules. Two examples arise from the District's recent experience in applying the stormwater rule to government projects.

First, the District manages portions of the watershed under wetland plans developed under the Minnesota Wetland Conservation Act (Minn. Stat §103G.2243) and approved by the state. To support these plans, the District's wetland and stormwater rules provide that when land is subdivided, the landowner must file instruments on the property title to protect the wetland and establish a permanent vegetated buffer adjacent to it. See C.10(d). When a city or other unit of government is negotiating with a private landowner for a fee or easement interest in unimproved land, in order to site a portion of road right-of-way, a linear utility or another location-constrained public improvement, the landowner's obligation to place these permanent encumbrances on the retained portion of the tract may dissuade the landowner from cooperating. This may force condemnation proceedings, and otherwise result in unnecessary public cost, delay and potential acrimony.

In addition, in this instance, subdivision isn't prompted by any present landowner intent to develop the retained property, and so the threat to the wetland resource is low. If and when the landowner should take steps to develop the retained land, the buffer and easement protections then would be required by the rule and put into place.

Accordingly, the District, in a new subsection C.12(e), proposes to exempt the retained land from the required encumbrances when the subdivision is for the benefit of a public project by a public permittee.

Second, a standard condition of a permit under the stormwater rule requires the landowner, for the benefit of the District as drainage authority, to convey to the District a maintenance easement over any public drainage system (PDS) that crosses the property. C.10(b). The right of maintenance access already exists, by virtue of the physical presence of the PDS and of legal doctrines resting on the District's statutory obligation to maintain the PDS. The rule requires the easement less to convey the right of maintenance, and more to document this right clearly on the property title to avoid future misunderstanding or conflict between the District and the landowner, or between the landowner and a successor in title.

In many cases, there are limitations or complications in burdening public land with an easement of the sort required. Further, the benefit of documenting the District's right to maintain the PDS is less than for a private landowner, both because a public owner rarely will seek to obstruct PDS maintenance, and because public land ownership tends to be more stable over time. For these reasons, the District, by modifying subsection C.10(c), proposes to exempt public landowners from the PDS easement requirement.

<u>Technical Adjustments</u>

The proposed rule would refine certain technical provisions of the stormwater rule.

- The rule would modify subsection C.5(f) to adjust the criterion for when a landowner may create an outlet for a landlocked basin. The rule now requires the basin outlet to be above the water elevation resulting from back-to-back 100-year precipitation events. The proposal would require only that the outlet be above the critical duration flood event (typically either the 100-year rainfall event, or the 10-day snowmelt event). If a critical duration flood event is exceeded, flow from the outlet of a previously landlocked basin likely will have little downgradient impact, as the volume discharged from the basin will be only a small part of overall runoff volume downstream.

- The rule would add in the Definitions section a formal definition of "Outlet Control Structure," in particular that it is a permanent, rigid structure, and that riprap on an earthen berm is not such a structure. The rule then would add to the technical specifications of the stormwater rule (subsections C.9(a), .9(c) and .9(d)) that the design of an infiltration, biofiltration, filtration or retention practice must include such a structure. An earthen weir, whether armored with riprap or otherwise, has a higher risk of erosion from daily flows and is challenging to build with the necessary precision as to its elevation. A rigid structure as defined is one that is stable, and able to be constructed or installed to a precisely specified elevation.

- At subsection C.9(g), the stormwater rule requires that the low floor and low entry elevations of new structures be a certain height above the 100-year flood and emergency overflow elevations of an adjacent natural waterbody, stormwater basin or rain garden. With some regularity, the District board of managers is asked to consider a variance for the construction or reconstruction of a garage, shed or similar non-habitable structure that is constrained by site conditions and existing structures to meet this standard. The board ordinarily grants a variance in these cases, on the reasoning that the applicant, as the structure owner, bears the flood damage risk, and on the condition that a notation of non-conformance to the District rule is filed on the deed for the benefit of a future purchaser of the property. The District proposes to incorporate this framework into the rule, allowing District staff to judge the impracticality of meeting the standard, so that homeowners need not incur the expense and delay of seeking a variance from the board. The District also notes that its municipalities, as building code officials and flood insurance program participants, have primary authority for flood protection in construction and independently may apply the vertical separation requirements they think warranted. In applying this to structures "not intended for habitation," the District would rely on the municipality's definition of habitability.

<u>Clarifying and Simplifying</u>

The following revisions are proposed in order to clarify and simplify the rule. The clarifications, generally, will simply allow the rule to reflect, explicitly, the District's practice in implementing the relevant provision.

- Subsection C.2(c) states that a PLP requires a permit "when one acre or more of impervious surface will be created or reconstructed." This is ambiguous, as it could be read to mean that a permit is required only when either an acre or more of hard surface will be created, or an acre

or more will be reconstructed. The proposal revises the rule to be clear that a permit is required when the sum of new and reconstructed hard surface will exceed an acre. This is the threshold specified by the MS4 GP, the intent of the rule, and how the District has applied it.

- Subsection C.5(a), concerning the use of a regional stormwater management facility, would be clarified in two respects: (a) for any use of a regional facility, the applicant must document that the practice is subject to a maintenance commitment by the owner to the District; and (b) the applicant need not demonstrate a right to use the practice's "remaining" water quality volume, but only that amount of water quality volume that the applicant requires to meet the rule standard. Also, the rule would be revised to eliminate the applicant's obligation to show that the practice is in a maintained condition. The District has observed that when the practice is owned by a third-party, this can be difficult or infeasible. If a practice is not in a maintained condition, the District will pursue maintenance directly with the owner of the practice.

- Table C-1, implementing subsection C.6(c), states total phosphorus removal factors for alternative water quality volume practices. The District intends to remove "stormwater wetlands" from the table. A stormwater wetland generally is impractical and rarely is proposed as a practice. Removing stormwater wetlands from the table still allows an applicant to use this practice if the application supports sizing and a proposed pollutant removal efficiency.

- At subsection C.9(b), to simplify and for clarity, the District would consolidate the listing of external technical standards for stormwater reuse into a District guidance document.

- The District proposes to add, at subsection C.9(e), that the design of an underground stormwater management facility must include an inspection/access port. In practice, the District requires such a port, and this would give better notice to applicants. Ordinarily a port is shown on the manufacturer's typical detail drawing, but on occasion the port is excluded from the design engineer's plan and in the final construction. The port is important, used primarily for inspection and for suction hose access to remove sediment. Incorporating a port into the design is a minor element of the permittee's stormwater facility cost.

- At subsection C.9(f), the rule would provide more detail on soil data submittals required for a proposed infiltration practice. The indicated soil data details already are being required of applicants. The District needs these data in the context of a history of failing practices attributable to lack of information as to seasonal high-water table or other relevant conditions. The requirement is consistent with professional practice.

- Subsection C.12(a) exempts "single family residential construction" from the permit requirement. The term now would appear in the Definitions to make clear that it refers to residential construction on an individual lot of record. It does not refer to residential subdivision, or to construction on individual lots subdivided pursuant to a District permit.

- The District proposes to delete section C.13, which concerns certain types of development that occur over a period of time, referred to as "area development" and "phased development." Section C.13 provides for permits longer than the standard 18 months (B.6) and insulates a permittee against rule changes that otherwise would apply at a time of permit renewal. The

section is lengthy and somewhat complicated, and according to the District's records, no applicant has sought to utilize it in some time. The District has the discretion to authorize a longer permit duration in an appropriate case, so as to achieve the same purpose as the section.

Erosion and Sediment Control Plans (Rule D)

There has been some confusion and/or concern from some entities responsible for maintaining stormwater management basins that completing their required maintenance activities would trigger the need for a District permit. This confusion could potentially dissuade these entities from completing required maintenance in a timely manner.

To avoid this confusion, the proposed rule would add a new subsection D.2(e), clarifying that sediment excavation from a constructed stormwater basin is exempt from the Rule D permit requirement, even if it is subject to a permit under another District rule. As specified in subsection D.2(b), a notice of intent must be filed with the District before the work begins, so that the District is aware of the activity and that it is on record as exempt from permitting. If the excavation exceeds the thresholds of subsection D.2(b), best practices must be followed.

Floodplain Alteration (Rule E)

The District proposes four limited changes to the Floodplain Alteration rule.

Section E.3 now prohibits fill within designated floodway. Floodway is that part of a watercourse adjacent to the channel that conveys the majority of flow and is often subject to a higher degree of protection from encroachment than the rest of the floodplain. In the interest of simplifying the rule, this clause would be removed. The District has not designated "floodway" for the purpose of this rule, and it has not been necessary to apply this provision of the rule. In the judgment of the District Engineer, fill in a floodway poses no added risk as compared with fill within the floodplain when it is accompanied by compensatory flood storage or is of an inconsequential (*de minimis*) amount. Because the rule requires a permittee to provide compensatory flood storage for any fill in the floodplain above a *de minimis* amount, the District finds it unnecessary to prohibit fill within a narrower floodway.

Subsection E.3(b) would be modified to clarify that storage volume within a stormwater basin, above the basin's ordinary water level, does not count toward compensatory flood storage unless the applicant shows by modeling that the volume is available during the 100-year flood peak.

In its rule revision that became effective Jan. 1, 2021, the District added to the rule, at subsection E.3(e), an exemption from the flood storage replacement requirement for a one-time deposit of up to 100 yards of fill per parcel. The District proposes to allow this exemption to be used cumulatively for a parcel of record, rather than limiting it to a one-time deposition. This is consistent with the purpose of the exemption, will not increase the risk of downstream adverse impact due to floodplain fill, and will decrease the expenditure of time by both the applicant and District in demonstrating rule compliance.

The District will track the cumulative amount of floodplain fill on a parcel through documentation in each respective permit.

Present subsection E.3(g) requires that the low floor of a new structure be at least two feet above the 100-year flood elevation of a natural waterbasin, stream or wetland. Similar to the change to subsection C.9(g) as discussed above, the proposed rule would exempt structures on residential property not intended for habitation from this requirement, if the applicant demonstrates that it is impractical to achieve the separation, and files a notation of non-conformance on the deed.

Wetland Alteration (Rule F)

Under Minnesota Rules 8420.0233, an agency implementing the Minnesota Wetland Conservation Act (WCA) may adopt replacement requirements more strict than those specified in WCA. The District proposes to add, in a new subsection F.5(e), that when an applicant proposes to replace wetland impacts through the use of banked wetland credits, credits generated within District watershed boundaries must be used, if available. If such credits aren't available, the applicant may use credits generated within the larger Bank Service Area, as defined in WCA. WCA has required, first, the use of bank credits from within the same "minor watershed" as the impact, followed by major watershed, bank service area, and other bank service area. The major watershed as defined matches the District's boundary fairly closely. In a pending rulemaking, WCA requirements may be loosened to allow credits from anywhere within the same Bank Service Area. See Minn. Stat. §103G.222, subd. 3(c). However, the District considers it important to pursue "no net loss" of wetland resources within the hydrologic system encompassed by the District's boundaries.

The District also proposes a minor change to subsection F.7(b), which presently requires a wetland delineation supporting an application to have been conducted between May 1 and October 15. This would be revised to require the delineation "during the growing season." It is the District's intent that this allow more flexibility, so that delineation can occur whenever seasonal conditions allow it to be done accurately, and to avoid unnecessarily subjecting an applicant to project delay.

Regional Conveyance Systems (Rule G)

The District proposes two small clarifications to its Regional Conveyance Systems rule.

First, while the rule applies both to work that disturbs a conveyance system and work (such as utility boring) that passes beneath it, the rule's applicability section (section G.2) refers ambiguously to work "within" a system. The rule would add "within or under."

Second, subsection G.3(a) prohibits replacement of a culvert or other conveyance element with one that expands the system's hydraulic capacity; section G.6 grants an exception to this prohibition when certain technical criteria are met by modeling. The District proposes to make this exception more

flexible by amending subsection G.3(c) to allow a change in hydraulic capacity provided there is no adverse effect on "downstream flooding characteristics."

Public Drainage Systems (Rule I)

Pursuant to Minnesota Statutes §103E.005, subdivision 9, the District is the drainage authority responsible to maintain the 115 miles of public drainage systems (PDSs) within its boundaries. Pursuant to this responsibility, the District has adopted Rule I to protect against an obstruction within, or unauthorized alteration to, a PDS that may affect channel stability or its capacity to conduct flows.

Impact may result from work that encroaches on PDS channel or tile, whether that disturbance is permanent or temporary. It also may result from work or a structure (such as a temporary or permanent crossing) that doesn't physically disturb the PDS, but crosses it at a height that may obstruct flow under certain conditions or impede maintenance. However, the present rule, at I.2(a), states only: "No work may be completed on the public drainage system, including connecting to a public drainage system, without first obtaining a permit from the District." For clarity, the District proposes to revise this to read: "Temporary or permanent work in or over a public drainage system, including any modification of the system, requires a permit under this rule."

In addition, the District proposes a new subsection I.3(j) to address proposed temporary obstruction or crossing of a PDS for the purpose of property access during development or other activity. This new clause would require an applicant to specify how they will assure that this condition will not cause an obstruction in the event of a substantial rainfall or flow condition during the period of disturbance. The District may incorporate appropriate terms or conditions into the permit to ensure that PDS function and integrity are not impaired. Separately from managing temporary physical disturbance to a PDS, under subsection I.2(c) the District presently regulates temporary discharges into a PDS to protect channel stability and capacity.

Finally, in conjunction with revisions to the Stormwater Management rule as discussed above, the District proposes to delete subsection I.3(i), which requires as a condition of a Rule I permit that the permittee convey to the District a maintenance easement over the PDS. As discussed above, while the easement, recorded on the title, provides a benefit to the District and notice to potential successors in interest to the underlying property, the District is comfortable that it may exercise legal access to the PDS for maintenance purposes without it. The District has found that permits sought solely under this rule often are for minor work in instances where the burden to prepare and convey the easement may be excessive in proportion to the work being done.

Enforcement (Rule K)

The District proposes to add a section K.4 referencing the scope of its tools to respond to a violation of a permit or of its rules. In addition to civil and criminal court proceedings, the District has administrative authorities including the ability to enter and inspect properties, to issue compliance orders, to suspend

or terminate a permit, and to obtain reimbursement for costs incurred in these activities. The additional text wouldn't change the substance of the rules but would be for informational purposes only.

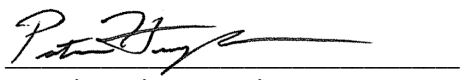
Variances (Rule J)

The District's variance rule, at section J.1, allows an applicant to request a variance on the basis of either "undue hardship" or "practical difficulty." The District proposes to delete reference to the "undue hardship" standard for a variance. This is not intended as a substantive change.

For many years, pursuant to statute, "undue hardship" was the legal standard for a variance under development codes administered by land use authorities. No statute specifies the variance standard for watershed districts, but districts, including the District, typically adopted the same standard. More recently, the legislature changed the legal standard for land use variances from "undue hardship" to "practical difficulty." Shortly thereafter, the District, instead of replacing "undue hardship," simply added "practical difficulty" as an alternative standard.

"Practical difficulty" is a less restrictive standard, resting not on whether the variance is needed for the property owner to obtain economic value from the property but, largely, on whether the applicant can demonstrate that the request is reasonable. Accordingly, to the District's recollection, since it added the practical difficulty standard, all variance applications have been put forward under that standard. The District finds that there is no reason to retain the "undue hardship" standard, and that the rule will be more simple without it.

Also, in section J.3, where the criteria to decide "practical difficulty" are listed, the District proposes, solely for clarity, to rephrase the present criterion, "The effect of the variance on government services." It would read, instead: " Whether the variance would shift cost to adjacent property owners or the public." The existing phrase is taken from case law and its meaning is obscure to permit applicants. The District believes the proposed language is more clear as to what the criterion means, and what the District board of managers will consider.



Patrick Hughes, Regulatory Manager

RICE CREEK WATERSHED DISTRICT RULES

BOARD APPROVED: ~~DECEMBER 9, 2020~~XXXX, 2024
EFFECTIVE DATE: JANUARY 1, ~~2021~~2025

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CERTIFICATION OF
REVISED WATERSHED DISTRICT RULES

I, ~~Marcia A. Weinandt~~Jessica Robertson, Secretary of the Rice Creek Watershed District Board of Managers, certify that the attached is a true and correct copy of the Rules of the Rice Creek Watershed District as revised and adopted by the Board of Managers on ~~December 9~~XXXX, ~~2020~~2024, and effective January 1, ~~2021~~2025.

Dated: _____ _____

~~Marcia A. Weinandt~~Jessica Robertson,
Secretary

ACKNOWLEDGEMENT

State of Minnesota
County of Anoka

This instrument was acknowledged before me on ~~December 9~~XXXXX, ~~2020~~2024, by ~~Marcia A. Weinandt~~Jessica Robertson, as secretary of the Rice Creek Watershed District Board of Managers.

_____
Notary Public

3

GENERAL POLICY STATEMENT

The Rice Creek Watershed District (District) is a political subdivision of the State of Minnesota, established under the Minnesota Watershed Law. The District is also a watershed management organization as defined under the Minnesota Metropolitan Surface Water Management Act, and is subject to the directives and authorizations in that Act. Under the Watershed Law and the Metropolitan Surface Water Management Act, the District exercises a series of powers to accomplish its statutory purposes. The District's general statutory purpose is to conserve natural resources through development planning, flood control, and other conservation projects, based upon sound scientific principles.

As required under the Metropolitan Surface Water Management Act, the District has adopted a Watershed Management Plan, which contains the framework and guiding principles for the District in carrying out its statutory purposes. It is the District's intent to implement the Plan's principles and objectives in these rules.

Land alteration affects the rate, volume, and quality of surface water runoff which ultimately must be accommodated by the existing surface water systems within the District. The watershed is large, 186 square miles, and its outlet, Rice Creek, has limited capacity to carry flows. Flooding problems already occur in urbanized areas along Lower Rice Creek and other localized areas.

Land alteration and utilization also can degrade the quality of runoff entering the streams and waterbodies of the District due to non-point source pollution. Lake and stream sedimentation from ongoing erosion processes and construction activities reduces the hydraulic capacity of waterbodies and degrades water quality. Water quality problems already exist in many of the lakes and streams throughout the District.

Projects which increase the rate or volume of stormwater runoff can aggravate existing flooding problems and contribute to new ones. Projects which degrade runoff quality can aggravate existing water quality problems and contribute to new ones. Projects which fill floodplain or wetland areas can aggravate existing flooding by reducing flood storage and hydraulic capacity of waterbodies, and can degrade water quality by eliminating the filtering capacity of those areas.

In these rules the District seeks to protect the public health and welfare and the natural resources of the District by providing reasonable regulation of the modification or alteration of the District's lands and waters to reduce the severity and frequency of flooding and high water, to preserve floodplain and wetland storage capacity, to improve the chemical, physical and biological quality of surface water, to reduce sedimentation, to preserve waterbodies' hydraulic and navigational capacity, to preserve natural wetland and shoreland features, and to minimize public expenditures to avoid or correct these problems in the future.

The District rules include certain rules adopted to implement area-specific Comprehensive Wetland Protection and Management Plans (CWPMP) as provided under the Wetland Conservation Act (WCA). CWPMPs are designed to achieve identified wetland resource management needs within specific drainage areas of the watershed. These rules (within Rule F) apply to a delineated geographic area. Accordingly, a property owner intending an activity subject to District permitting requirements first should determine whether the activity will be governed by the CWPMP rule.

RELATIONSHIP OF RICE CREEK WATERSHED DISTRICT TO MUNICIPALITIES

The District recognizes that the primary control and determination of appropriate land uses is the responsibility of the municipalities. Accordingly, the District will coordinate permit application reviews involving land development with the municipality where the land is located.

The District intends to be active in the regulatory process to ensure that its water resources are managed in accordance with District goals and policies. Municipalities have the option of assuming a more active role in the permitting process after adoption of a local water management plan approved by the District and adoption and implementation of local ordinances consistent with the approved plan.

The District will also review projects sponsored or undertaken by municipalities and other governmental units, and generally will require permits for governmental projects impacting water resources of the District. These projects include but are not limited to, land development, road, trail, and utility construction and reconstruction.

The District desires to serve as technical advisor to the municipalities in their preparation of local surface water management plans and the review of individual development proposals prior to investment of significant public or private funds. To promote a coordinated review process between the District and the municipalities, the District encourages the municipalities or townships to contact the District early in the planning process.

RULE A: DEFINITIONS

For the purposes of these rules, the following words have the meanings set forth below.

References in these rules to specific sections of the Minnesota Statutes include any amendments, revisions or recodification of those sections.

As Constructed and Subsequently Improved Condition (ACSIC): the legally established geometry of the public drainage system as constructed and subsequently modified through drainage code procedures.

Beds of Protected Waters: all portions of public waters and public waters wetlands located below the ordinary high water level.

Best Management Practices (BMPs): measures taken to minimize the negative effects on water resources and systems as referenced in the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR, 1988), Protecting Water Quality in Urban Areas (MPCA, 1989) and the Minnesota Stormwater Manual (MPCA, 2006) or similar guidance documents.

Better Site Design (BSD): an approach to managing runoff that seeks to attain post development hydrology which mimics the undeveloped condition in terms of volume, rate and timing of runoff. The goals of Better Site Design include reducing the amount of impervious cover, increasing the amount of natural lands set aside for conservation, using pervious areas for more effective stormwater treatment, innovative grading and drainage techniques and through the review of every aspect of the project site planning process. Better Site Design involves techniques applied early in the design process to reduce impervious cover, conserve natural areas and use pervious areas to more effectively treat stormwater runoff and promote a treatment train approach to runoff management.

Bridge: a road, path, railroad or utility crossing over a waterbody, wetland, ditch, ravine, road, railroad, or other obstacle.

Bridge Span: the clear span between the inside surfaces of a bridge's terminal supports.

Channel: a perceptible natural or artificial depression, with a defined bed and banks that confines and conducts water flowing either continuously or periodically.

Common Plan of Development: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

Comprehensive Wetland Protection and Management Plan (CWPMP): a locally developed comprehensive wetland protection and management plan approved by the Minnesota Board of Soil and Water Resources, pursuant to Minnesota Rules 8420.0830.

Conditional Approval Pending Receipt of Changes (CAPROC): approval of a District permit application that requires the applicant to provide further information or plan changes, or meet other stated conditions, prior to District issuance of the permit, See Rule B.5.

Conveyance System: Open channel, pipe or tile that is not a Public Drainage System. A portion of a conveyance system is defined as "regional" if it carries flows from a drainage area of greater than 200 acres.

Criteria: specific details, methods and specifications that apply to all permits and reviews and that guide implementation of the District's goals and policies.

Critical Duration Flood Event: the 100-year precipitation or snow melt event with a duration resulting in the maximum 100-year return period water surface elevation. The critical duration flood event is generally either the 100-year, 24-hour rainfall event as found in NOAA Atlas 14 or the ten-day snow melt event assumed to be 7.2 inches of runoff occurring on frozen ground (CN=100); however, other durations (e.g., 6-hour) may result in the maximum 100 year return period water surface elevation.

CWPMP Contributing Drainage Area: the areas tributary to CWPMP jurisdictional areas from which banked or off-site wetland replacement credits may be used to replace wetland impacts under Rule F.6(c). Figure 4 illustrates the Contributing Drainage Area; however, the precise boundary will be determined on a hydrologic basis at the time of permitting.

Detention Basin: any natural or man-made depression that stores stormwater runoff temporarily.

Development: any land-disturbing activity resulting in creation or reconstruction of impervious surface including, but not limited to, municipal road construction. Normal farming practices part of an ongoing farming operation shall not be considered development.

District: the Rice Creek Watershed District established under the Minnesota Watershed Law, Minnesota Statutes Chapter 103D.

Effectively Drained Wetland: an area whose natural hydrology has been altered to the point that it is no longer considered wetland.

Emergency Overflow (EOF): a primary overflow to pass flows above the design capacity around the principal outlet safely downstream without causing flooding.

Excavation: the displacement or removal of soil, sediment or other material.

Floodplain: the areas adjoining a waterbody that are inundated by the 100-year flood elevation.

Floodway: the channel of a watercourse, the bed of waterbasins and those portions of adjoining floodplains that must be kept free of encroachment to accommodate the 100-year flood.

Floodway Fringe: the area between the floodway and the boundary of the 100-year flood.

Flood Management Zone: land within the Rice Creek Watershed District draining to and entering Rice Creek downstream from the outlets of Baldwin Lake and Golden Lake.

Freeboard: vertical distance between the 100-year flood elevation or emergency overflow elevation of a waterbasin or watercourse and the elevation of the regulatory elevation of a structure.

Governmental Project: projects sponsored or paid for by a governmental agency.

High Quality Wetland: an existing wetland reflecting a score of “high/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Impervious Surface: a compacted surface or a surface covered with material (i.e., gravel, asphalt, concrete, Class 5, etc.) that increases the depth of runoff compared to natural soils and land cover. Including but not limited to roads, driveways, parking areas, sidewalks and trails, patios, tennis courts, basketball courts, swimming pools, building roofs, covered decks, and other structures.

Infiltration: water entering the ground through the soil.

Land-Disturbing Activity: any disturbance to the ground surface that, through the action of wind or water, may result in soil erosion or the movement of sediment into waters, wetlands or storm sewers or onto adjacent property. Land-disturbing activity includes but is not limited to the demolition of a structure or surface, soil stripping, clearing, grubbing, grading, excavating, filling and the storage of soil or earth materials. The term does not include normal farming practices as part of an ongoing farming operation.

Landlocked Basin: a waterbasin lacking an outlet at an elevation at or below the water level produced by the critical duration flood event, generally the 10-day snowmelt event.

Local Government Unit (LGU): the public body responsible for implementing the Minnesota Wetland Conservation Act, as defined at Minnesota Statutes §103G.005, subdivision 10e.

Low Entry Elevation: the elevation of the lowest opening in a structure.

Low Floor Elevation: the elevation of the lowest floor of a habitable or uninhabitable structure, which is often the elevation of the basement floor or walk-out level.

Major Watercourse: any watercourse having a tributary area of 200 acres or more.

Marginally Degraded Wetland: an existing wetland reflecting a score of “high/low” or “low/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Mill, Reclamation and Overlay: removal of the top layer(s) of an impervious surface (e.g. roadway, parking lot, sport court) by mechanical means, followed by the placement of a new layer of impervious surface, without exposure of the underlying native soil.

Moderately Degraded Wetland: an existing wetland reflecting a score of “medium/medium” or “low/medium” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Municipal Separate Storm Sewer System (MS4): the system of conveyances owned or operated by the District and designed or used to collect or convey storm water, and that is not used to collect or convey sewage.

Municipality: any city or township wholly or partly within the Rice Creek Watershed District.

Native Vegetation: plant species that are indigenous to Minnesota or that expand their range into Minnesota without being intentionally or unintentionally introduced by human activity and that are classified as native in the Minnesota Plant Database.

NPDES Permit: general permit authorization to discharge storm water associated with construction activity under the National Pollutant Discharge Elimination System (NPDES), issued by the Minnesota Pollution Control Agency.

Non-Degraded Wetland: an existing wetland reflecting a score of “high/medium” or “medium/high” for the functional indicators “outlet condition” and “vegetative quality”, respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Non-Invasive Vegetation: plant species that do not typically invade or rapidly colonize existing, stable plant communities.

NURP: Nationwide Urban Runoff Program.

100-Year Flood Elevation: the elevation of water resulting from the critical duration flood event, as mapped under the RCWD District Wide Model and as the RCWD may refine on the basis of site-specific data.

Ordinary High Water Level (OHW): the highest water level elevation that has been maintained for a sufficiently long period of time to leave evidence upon the landscape. The OHW is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. If an OHW has been established for a waterbody by the Minnesota Department of Natural Resources, it will constitute the OHW under this definition.

Outlet Control Structure: a permanent structure with rigid overflow designed to control peak flow rates for the two-, 10-, and 100-year events. A riprap-covered berm is not considered a rigid overflow.

Parcel: a lot of record in the office of the county recorder or registrar or that otherwise has a defined legal existence.

Person: any natural person, partnership, unincorporated association, corporation, limited liability company, municipal corporation, state agency, or political subdivision of the State of Minnesota.

Political Subdivision: a municipality, county, town, school district, metropolitan or regional agency, or other special purpose district of Minnesota.

Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. (This definition is for the purpose of Rule H only and is incorporated from the U.S. EPA model ordinance.)

Public Drainage System: Open channel, pipe tile, and appurtenant structures, within a public system as established or delineated under Minnesota Statutes Chapter 103E.

Public Linear Project: a project involving a roadway, sidewalk, trail, or utility not part of an industrial, commercial, institutional or residential development.

Public Waters: waters identified as public waters under Minnesota Statutes section 103G.005, Subdivision 15.

Public Waters Wetlands: all wetlands identified as public waters wetlands under Minnesota Statutes section 103G.005, subdivision 15a.

Reconstruction: removal of an impervious surface such that the underlying structural aggregate base is effectively removed and the underlying native soil exposed.

Resource of Concern (ROC): lakes identified in Figures C1A through C1E. If an area within the jurisdictional boundary of the District drains to a location outside the District without reaching an ROC, the District will identify the receiving water outside of the District that is the ROC for the purpose of the permit.

Resource of Concern Drainage Area: Land draining to a Resource of Concern. The Resource of

Concern drainage area excludes lands draining first to an upstream Resource of Concern.

Seasonal High Water Table: The highest known seasonal elevation of groundwater as indicated by redoximorphic features such as mottling within the soil.

Severely Degraded Wetland: an existing wetland reflecting a score of "medium/low" or "low/low" for the functional indicators "outlet condition" and "vegetative quality", respectively, using MnRAM 3.4 (or most recent version) or other state approved wetland functional model.

Site: All contiguous lots of record on which activity subject to any District rule is proposed to occur or occurs, as well as all other lots of record contiguous to any such lot under common ownership at the time of the permitted activity. Linear right of way does not disturb contiguity. For public linear projects not occurring in conjunction with land development, the term means the portion of right-of-way defined by the project work limits.

Single Family Residential Construction~~Development~~: Construction of one or more single-family homes on individual lots of record.

Storm Sewer: a pipe system for stormwater conveyance.

Stormwater Pond: Constructed basins placed in the landscape to capture stormwater runoff.

Structure: a building with walls and a roof, excluding structures such as pavilions, playgrounds, gazebos, and garbage enclosures.

Subdivision, Subdivide: the legal separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots.

Technical Evaluation Panel (TEP): The body described in Minnesota Rules 8420.0240.

Total Phosphorus (TP): A measure of all forms of phosphorus, dissolved or particulate, in a given sample or flow.

Upland Habitat Area: A non-wetland area that is contiguous with an existing, restored, or created wetland and scores "C" or better using the Natural Heritage Ranking methodology.

Volume Control Practice: A stormwater infiltration practice or stormwater reuse system.

Waterbasin: an enclosed natural depression with definable banks capable of containing water.

Waterbody: a waterbasin, watercourse or wetland as defined in these Rules.

Watercourse: a channel that has definable beds and banks capable of conducting confined runoff from adjacent land.

Wetland: area identified as wetland under Minnesota Statutes section 103G.005, subdivision 19.

Wetland Management Corridor (WMC): A contiguous corridor encompassing high priority wetland resources identified at a landscape scale in Figure F1 and refined at the time of individual project permitting at a site level as provided for in Rule F, section 6.

RULE B: PROCEDURAL REQUIREMENTS

1. **APPLICATION AND NOTICE OF INTENT REQUIRED.** Any person undertaking an activity for which a permit is required by these rules must obtain the required permit prior to commencing the activity that is subject to District regulation. Applications for permit must be submitted to the District in accordance with the procedures described in this rule. Required exhibits are specified for each substantive rule below. Applicants are encouraged to contact District staff before submission of an application to review and discuss application requirements and the applicability of specific rules to a proposed project. When the rules require a criterion to be met, or a technical or other finding to be made, the District makes the determination except where the rule explicitly states otherwise. The landowner or, in the District's judgment, easement holder, must sign the permit application and will be the permittee or a co-permittee.

2. **FORMS.** A District permit application or notice of intent, and District checklist of permit submittal requirements, must be submitted on the forms provided by the District. Applicants may obtain forms from the District office or website at http://www.ricecreek.org/permits/permit-application/s.

3. **ACTION BY DISTRICT.** The District shall act on applications in accordance with Minnesota Statutes 15.99. A complete permit application includes all required information, exhibits, and fees. An application will not be ready for Board consideration unless all substantial technical questions have been addressed and all substantial plan revisions resulting from staff review have been accomplished. Permit decisions will be made by the Board except as delegated to the Administrator by written resolution.

4. **ISSUANCE OF PERMITS.** The permit will be issued only after applicant has satisfied all requirements and conditions for the permit, has paid all required District fees, and the District has received any required surety. Any outstanding Water Management District charges are due prior to permit issuance.

5. **CONDITIONAL APPROVAL PENDING RECEIPT OF CHANGES (CAPROC).** The District may conditionally approve an application, but a permit will not issue, and work may not begin, until all conditions precedent to issuance are fulfilled. All conditions must be satisfied within twelve (12) months of the date of conditional approval, but if the work commenced before permit issuance, conditions must be satisfied within the period stated in the conditional approval. If conditions are not satisfied within the specified period, the conditional approval will lapse and the applicant will be required to reapply for a permit and pay applicable permit fees.

6. **PERMIT TERM.** Permits are valid for an eighteen-month period from the date of issuance unless otherwise stated within the permit, suspended or revoked. To extend a permit, the permittee must apply to the District in writing, stating the reasons for the extension. Any plan changes, and related project documents must also be included in the extension application. The District must receive this application at least thirty (30) days prior to the permit expiration date. The District may impose different or additional conditions on a renewal or deny the renewal in the event of a material change in circumstances. On the first renewal, a permit will not be subject to change because of a change in District rules. An extended stormwater management permit for phased development may be ~~issued pursuant to Rule C.13~~requested.

7. **PERMIT ASSIGNMENT.** A permittee must be assigned when title to the property is transferred or, if the permittee is an easement holder, in conjunction with an assignment of the easement. The District must approve a permit assignment and will do so if the following conditions have been met:

(a) The proposed assignee in writing agrees to assume all the terms, conditions and obligations of the permit as originally issued to the permittee;

(b) The proposed assignee has the ability to satisfy the terms and conditions of the permit as originally issued;

(c) The proposed assignee is not changing the project as originally permitted;

(d) There are no violations of the permit conditions as originally issued; and

(e) The District has received from the proposed assignee a substitute surety to secure performance of the assigned permit.

Until assignment is approved, the permittee of record as well as the current title owner will be responsible for permit compliance.

8. **PERMIT FEES.** The District will charge applicants permit fees in accordance with a schedule that will be maintained and revised from time to time by the Board of Managers to ensure that permit fees cover the District's actual costs of administrating and enforcing permits. The current fee schedule may be obtained from the District office or the District website at http://www.ricecreek.org/permits/permitting-information. An applicant must submit the required permit fee to the District at the time it submits its permit application. No permit fee will be charged to the federal government, the State of Minnesota or a political subdivision of the State of Minnesota.

9. **PERFORMANCE SURETY.**

(a) **POLICY.** It is the policy of the Board of Managers to conserve the District's water resources by assuring compliance with its rules. The District ensures compliance by requiring a bond or other surety to secure performance of permit conditions and compliance with District rules, as well as protection of District water resources in the event of noncompliance with permit conditions and/or rules. A project for which the applicant is the federal government, the State of Minnesota or a political subdivision of the State of Minnesota is exempt from surety requirements.

(b) **PERFORMANCE SURETY REQUIREMENT.** A surety or sureties, when required, must be submitted in a form acceptable to the District. When a cash escrow is used, it will be accompanied by an escrow agreement bearing the original signature of the permittee and the party providing the escrow, if not the permittee. The District will require applicants to submit a surety or sureties in accordance with a schedule of types and amounts that will be maintained and revised from time to time by the Board of Managers. The current schedule of surety amounts and acceptable forms and sources as well as surety agreement may be obtained from the District office or the District website at http://www.ricecreek.org/permits/permitting-information.

An applicant may submit a bond or an irrevocable letter of credit to the District to secure performance of permit conditions for activities for which the required surety amount as determined above is in excess of $5,000; however, the first $5,000 of any performance surety must be submitted to the District as a cash escrow. The bond or letter of credit must be submitted before the permit is issued.

(c) FORM AND CONTENT OF BOND OR LETTER OF CREDIT.

(1) The bond or irrevocable letter of credit must be in a form acceptable to the District and from a surety licensed to do business in Minnesota.

(2) The bond or irrevocable letter of credit must be in favor of the District and conditioned upon the performance of the party obtaining the bond or letter of credit of the activities authorized in the permit, and compliance with all applicable laws, including the District's rules, the terms and conditions of the permit and payment when due of any fees or other charges required by law, including the District's rules. The bond or irrevocable letter of credit must provide that if the bond conditions are not met, the District may make a claim against the bond or letter of credit.

(d) RELEASE OF PERFORMANCE SURETY. Upon written notification from permittee of completion of the permitted project, the District will inspect the project to determine if it is constructed in accordance with the terms of the permit and District rules. If the project is completed in accordance with the terms of the permit and District rules and the party providing the performance surety does not have an outstanding balance of money owed to the District for the project, including but not limited to unpaid permit fees, the District will release the bond or letter of credit, or return the cash surety if applicable. Final inspection compliance includes, but is not limited to, confirmation that all erosion and sediment control BMPs and stormwater management features have been constructed or installed as designed and are functioning properly, and completion of all required monitoring of wetland mitigation areas. The District may return a portion of the surety if it finds that a portion of the surety is no longer warranted to assure compliance with District rules.

RULE C: STORMWATER MANAGEMENT

1. **POLICY.** It is the policy of the Board of Managers to manage stormwater and snowmelt runoff on a local, regional and watershed basis; to promote natural infiltration of runoff throughout the District to preserve flood storage and enhance water quality; and to address the unique nature of flooding issues within the Flood Management Zone, through the following principles:

   (a) Maximize water quality and flood control on individual project sites through Better Site Design practices and stormwater management.

   (b) Minimize land use impacts and improve operational and maintenance efficiency by siting stormwater BMPs, when needed, regionally unless local resources would be adversely affected.

   (c) Treat stormwater runoff before discharge to surface waterbodies and wetlands, while considering the historic use of District water features.

   (d) Ensure that future peak rates of runoff are less than or equal to existing rates.

   (e) Reduce the existing conditions peak rate of discharge along Lower Rice Creek and the rate of discharge and volume of runoff reaching Long Lake, to preserve the remaining floodplain storage volume within Long Lake and mitigate the historic loss of floodplain storage.

   (f) Preserve remaining floodplain storage volume within the Rice Creek Watershed to minimize flood potential throughout the District.

2. **REGULATION.** A permit incorporating an approved stormwater management plan is required under this rule for development, consistent with the following:

   (a) A permit is required for subdivision of an area exceeding one acre. This includes subdivision for single-family residential, multi-unit residential, commercial, industrial, or institutional development.

   (b) A permit is required for development, other than Public Linear Projects, that creates or reconstructs 10,000 square feet or more of impervious surface. This threshold is cumulative of all impervious surface created or reconstructed ~~through multiple phases or connected actions of a single complete project, as defined by the District, on a single parcel or contiguous parcels of land under common ownership, development or use~~ as a part of a Common Plan of Development.

   (c) For Public Linear Projects, a permit is required when ~~one acre or more of impervious surface will be created or reconstructed through multiple phases or connected actions of a single complete project, as defined by the District~~ the sum of new and reconstructed impervious surface equals or exceeds one acre as a part of a Common Plan of Development.

3. **STORMWATER MANAGEMENT PLAN REQUIRED.** A stormwater management plan shall be submitted with the permit application for a project equaling or exceeding the threshold of Section 2. The stormwater management plan shall fully address the design and function of the project proposal and the effects of altering the landscape relative to the direction, rate of discharge, volume of discharge and timing of runoff.

4. **MODELING REQUIREMENTS FOR STORMWATER MANAGEMENT PLANS.**

(a) A hydrograph method or computer program based on NRCS Technical Release #20 (TR-20) and subsequent guidance must be used to analyze stormwater runoff for the design or analysis of discharge and water levels within and off the project site. The runoff from pervious and impervious areas within the model shall be modeled separately.

(b) In determining Curve Numbers for the post-development condition, the Hydrologic Soil Group (HSG) of areas within construction limits shall be shifted down one classification for HSG C (Curve Number 80) and HSG B (Curve Number 74) and ½ classification for HSG A (Curve Number 49) to account for the impacts of grading on soil structure unless the project specifications incorporate soil amendments in accordance with District Soil Amendment Guidelines. This requirement only applies to that part of a site that has not been disturbed or compacted prior to the proposed project.

(c) The analysis of flood levels, storage volumes, and discharge rates for waterbodies and stormwater management basins must include the NOAA Atlas 14 values, as amended, using a nested rainfall distribution (e.g. MSE 3), for the 2 year, 10 year and 100 year return period, 24-hour rainfall events and the 10-day snowmelt event (Curve Number 100), in order to identify the critical duration flood event. The District Engineer may require analysis of additional precipitation durations to determine the critical duration flood event. Analysis of the 10-day snowmelt event is not required for stormwater management detention basins with a defined outlet elevation at or below the 100 year return period, 24-hour rainfall event elevation.

5. STORMWATER MANAGEMENT PLAN FRAMEWORK.

(a) When an existing regional BMP is proposed to manage stormwater runoff, the applicant must demonstrate the BMP is subject to maintenance obligations enforceable by the District. ~~t~~The project's proposed total impervious surface area must be equal to or less than the impervious surface allocated within the original approved stormwater plan for that site. If an impervious surface area was not specified within the original approved stormwater plan for the site, the applicant shall show that the BMP was designed and constructed to manage the stormwater runoff from the project site and~~,~~ the applicant has permission to utilize the required portion of BMP ~~any remaining~~ capacity ~~in the BMP. , the BMP is subject to maintenance obligations enforceable by the District, and it is being maintained to its original design~~.

(b) Stormwater management plans, with the exception of those for single family residential developments, must specify the proposed impervious surface area draining to each BMP for each land parcel

(c) A combination of Stormwater BMPs may be used to meet the requirements of section(s) 6, 7, and 8.

(d) A local surface water management plan or ordinance of the local land use authority may contain standards or requirements more restrictive than these rules. The stormwater management plan must conform to the local surface water management plan or ordinance of the local land use authority.

(e) The proposed project must not adversely affect off-site water levels or resources supported by local recharge, or increase the potential for off-site flooding, during or after construction.

(f) A landlocked basin may be provided an outlet only if ~~it~~:

(1) It ~~C~~conforms with District Rule F, as applicable.

(2) ~~Provides sufficient dead storage volume to retain the runoff resulting from back-to-back 100-year, 24-hour rainfall events.~~The outlet is above the critical duration flood event

(3) It ~~D~~does not create adverse downstream flooding or water quality conditions as a result of the change in the rate, volume or timing of runoff or a change in drainage patterns.

(g) A municipality or public road authority may prepare a comprehensive stormwater management plan setting forth an alternative means of meeting the standards of sections 6 and 7 within a defined subwatershed. Once approved by the District and subject to any stated conditions, the plan will apply in place of those sections.

6. WATER QUALITY TREATMENT.

(a) Development creating or reconstructing impervious surface shall apply Better Site Design (BSD) techniques as outlined in the MPCA Minnesota Stormwater Manual as amended (www.stormwater.pca.mn.us). A BSD guidance document and checklist is available on the District's website.

(b) Sediment shall be managed on-site to the maximum extent practicable before runoff resulting from new or reconstructed impervious surface enters a waterbody or flows off-site.

(c) WATER QUALITY TREATMENT STANDARD.

(1) The required water quality treatment volume standard for all projects, except Public Linear Projects, is determined as follows:

Required Water Quality Treatment Volume (ft^3) = Area of New or Reconstructed Impervious Surface (ft^2) x 1.1 (in) ÷ TP Removal Factor from Table C1 ÷ 12 (in/ft)

(2) The required water quality treatment volume standard for Public Linear Projects is determined as follows:

Required Water Quality Treatment Volume (ft^3) = {Greater of}

Area of New Impervious Surface (ft^2) x 1.0 (in) ÷ 12 (in/ft)

{OR}

Sum Area of New and Reconstructed Impervious Surface (ft^2) x 0.5 (in) ÷ 12 (in/ft)

(3) For alternative Stormwater BMPs not found in Table C1 or to deviate from TP Removal Factors found in Table C1, the applicant may submit a TP Removal Factor, expressed as annual percentage removal efficiency, based on supporting technical data, for District approval.

(4) Stormwater runoff treated by the BMP during a rain event will not be credited towards the treatment requirement.

TABLE C1. TP REMOVAL FACTORS FOR PROPERLY DESIGNED BMPS.

BMP	BMP Design Variation	TP Removal Factor *
Infiltration **	Infiltration Feature	1.00
Water Reuse **	Irrigation	1.00
Biofiltration	Underdrain	0.65
Filtration	Sand or Rock Filter	0.50
~~Stormwater Wetlands~~	~~Shallow Wetland~~ ~~Pond/Wetland~~	~~0.40~~ ~~0.55~~
Stormwater Ponds ***	Wet Pond ~~Multiple Pond~~	~~0.50~~N/A*** ~~0.60~~

Source: Adapted from Table 7.4 from the Minnesota Stormwater Manual, MPCA.
* Refer to MPCA Stormwater Manual for additional information on BMP performance. Removal factors shown are average annual TP percentage removal efficiencies intended solely for use in comparing the performance equivalence of various BMPs.
** These BMPs reduce runoff volume.
*** Stormwater ponds must ~~also~~ provide 2.5" of dead storage as required by Section 9(d)~~(2).~~

(d) BMP TYPE AND LOCATION~~AL SITING~~.

(1) For a public linear project, BMPs ~~shall~~ must be located ~~either~~ on-site and the required water quality volume must be achieved to the extent feasible~~to treat runoff at the point of generation, or regionally within the Resource of Concern Drainage Area~~. The road authority must obtain right-of-way or adjacent land for treatment, if reasonable. For other projects, the water quality volume must be treated on-site to the extent it is cost-effective, and otherwise may be treated off-site in accordance with subsection 6(d)(3), below.

(2) If infiltration is feasible on site (see Table C2), ~~on-site or regional~~ BMPs, whether on- or off-site, must provide ~~volume control~~for infiltration to meet the standard of subsection 6(c). ~~If~~ To the extent infiltration is not feasible on-site, any BMP may be used to meet the standard.

(3) Off-site and/or regional BMPs must be sited in the following priority order:

(i) In a downstream location that intercepts the runoff volume leaving the project site prior to the Resource of Concern.

(ii) Anywhere within the same Resource of Concern Drainage Area (see Figures

C1A-C1E) that results in no greater mass of Total Phosphorus reaching the resource of concern than on-site BMPs.

TABLE C2. SPECIFIC CONDITIONS THAT MAY RESTRICT INFILTRATION.

Type	Specific Project Site Conditions	Required Submittals
Potential Contamination	Potential Stormwater Hotspots (PSH)	PSH Locations and Flow Paths
	Contaminated Soils	Documentation of Contamination Soil Borings
Physical Limitations	Low Permeability Soils (HSG C & D)	Soil Borings
	Bedrock within three vertical feet of bottom of infiltration area	Soil Borings
	Seasonal High Water Table within three vertical feet of bottom of infiltration area	Soil Borings High Water Table
	Karst Areas	Geological Mapping or Report
Land Use Limitations	Utility Locations	Site Map
	Nearby Wells (Private and/or Municipal) *	Well Locations

* Refer to Minnesota Stormwater Manual or the Minnesota Department of Health for setback requirements.

(e) To the extent feasible, all s~~S~~tormwater runoff from ~~all~~ new and reconstructed impervious surface must be captured and directed to a water quality BMP ~~to the extent feasible~~. ~~treated for total phosphorus if feasible~~. ~~Notwithstanding, runoff from undisturbed impervious surface not otherwise being treated prior to the Resource of Concern may be treated in lieu of treating new or reconstructed impervious surface, provided the runoff from that surface drains to the same Resource of Concern as the new/reconstructed surface not being treated. Except for Public Linear projects, the area not treated for phosphorus may not exceed 15 percent of all the new or reconstructed impervious surface.~~ For runoff not capturedall ~~untreated surface~~, TSS must be removed to the maximum extent practicable. ~~Total water quality treatment volume for the project must be provided in aggregate pursuant to subsections 6(c) and 6(d) , except that f~~

For a ~~P~~public ~~L~~linear p ~~P~~roject:

- Runoff from undisturbed impervious surface within the right-of-way that is not otherwise being treated may be treated in lieu of treating new or reconstructed impervious surface; and
- ~~, w~~Water quality treatment volume for reconstructed impervious surface, if required by subsection 2(c), must be provided only to the extent feasible.

For ~~a non-public linear~~other projects:

- Runoff from undisturbed impervious surface on site may be treated in lieu of treating new or reconstructed impervious surface, provided the runoff from that surface drains to the same Resource of Concern as the new/reconstructed surface not being treated; and
- The area not treated for phosphorus may not exceed 15 percent of all new or reconstructed impervious surface. Total water quality treatment volume for the project must be provided in aggregate pursuant to subsections 6(c) and 6(d).

~~(e)~~(f) For single- family residential development, the runoff from impervious surface other than parking or driving surface that, in the District's judgment, cannot reasonably be routed to a stormwater BMP is considered ~~effectively treated for water quality~~ to meet the standard of subsection 6(c) by infiltration if:

(1) The length of the flow path across the impervious surface is less than the length of the flow path across the pervious surface to which it discharges; and

(2) The pervious surface is vegetated and has an average slope of five percent or less; and

~~(2)~~(3) The District finds, on the basis of land use, that loss of the pervious surface is highly unlikely, or the permit is conditioned on a recorded covenant protecting the pervious surface.

~~(f)~~(g) Banked "volume control" credits and debits established by public entities for Public Linear Projects with the RCWD prior to July 1, 2013 will continue to be recognized and enforced until all credits are used or all debits are fulfilled. Existing credits and debits may be used and fulfilled, respectively, anywhere within the applicant's jurisdiction on any public project.

7. PEAK STORMWATER RUNOFF CONTROL.

(a) Peak stormwater runoff rates for the proposed project at the project site boundary, in aggregate, must not exceed existing peak runoff rates for the 2-year, 10-year and 100-year, 24-hour rainfall events, or a different critical event duration at the discretion of the District Engineer. Notwithstanding, peak runoff may be controlled to this standard in a regional facility consistent with paragraph 7(b). Aggregate compliance for all site boundary discharge will be determined with respect to runoff not managed in a regional facility.

(b) Any increase in a critical duration flood event rate at a specific point of discharge from the project site must be limited and cause no adverse downstream impact. Table C3 shows the maximum curve numbers that may be utilized for existing condition modeling of those project site areas not covered by impervious surface.

(c) Within the Flood Management Zone only (see Figure C2), peak runoff rates for the 2, 10 and 100 year 24-hour rainfall events shall be reduced to ≤80% of the existing condition. This requirement does not apply if the project is a Public Linear Project.

TABLE C3. CURVE NUMBERS FOR EXISTING CONDITION PERVIOUS AREAS.

Hydrologic Soil Group	Runoff Curve Number *
A	39
B	61
C	74

D	80

* Curve numbers from NRCS Technical Release #55 (TR-55).

TABLE C4. HYDROPERIOD STANDARDS.

Wetland Susceptibility Class	Permitted Storm Bounce for 2-Year and 10-Year Event *	Inundation Period for 2-Year Event *	Inundation Period for 10-Year Event *
Highly susceptible	Existing	Existing	Existing
Moderately susceptible	Existing plus 0.5 ft	Existing plus 1 day	Existing plus 7 days
Slightly susceptible	Existing plus 1.0 ft	Existing plus 2 days	Existing plus 14 days
Least susceptible	No limit	Existing plus 7 days	Existing plus 21 days

Source: Adapted from: Stormwater and Wetlands Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Stormwater and Snowmelt Runoff on Wetlands.
* Duration of 24-hours for the return periods utilizing NOAA Atlas 14.

8. BOUNCE AND INUNDATION PERIOD.

(a) The project must meet the hydroperiod standards found in Table C4 with respect to all down-gradient wetlands.

(b) Wetland Susceptibility Class is determined based on wetland type, as follows:

(1) Highly susceptible wetland types include: sedge meadows, bogs, coniferous bogs, open bogs, calcareous fens, low prairies, coniferous swamps, lowland hardwood forests, and seasonally flooded waterbasins.

(2) Moderately susceptible wetland types include: shrub-carrs, alder thickets, fresh (wet) meadows, and shallow & deep marshes.

(3) Slightly susceptible wetland types include: floodplain forests and fresh wet meadows or shallow marshes dominated by cattail giant reed, reed canary grass or purple loosestrife.

(4) Least susceptible wetland includes severely degraded wetlands. Examples of this condition include cultivated hydric soils, dredge/fill disposal sites and some gravel pits.

9. DESIGN CRITERIA.

(a) Infiltration BMPs must be designed to provide:

(1) Adequate pretreatment measures to remove sediment before runoff enters the primary infiltration area;

(2) Drawdown within 48-hours from the end of a storm event. Soil infiltration rates shall be based on the appropriate HSG classification and associated infiltration rates (see Table C5). The least permeable layer of the soil boring column must be utilized in BMP calculations (see Design Criteria (e). Alternate infiltration rates based on a recommendation and certified measurement testing from a licensed geotechnical engineer or licensed soil scientist will be considered. Infiltration area will be limited to horizontal areas subject to prolonged wetting;

(3) A minimum of three feet of separation from the Seasonal High Water Table~~;~~ and

(4) An outlet control structure to convey the 2-year, 10-year & 100-year frequency events if the BMP is intended to provide rate control; and

~~(3)~~(5) Consideration of the Minnesota Department of Health guidance document Evaluating Proposed Stormwater Infiltration Projects in Vulnerable Wellhead Protection Areas. Documentation shall be submitted to support implementation of this guidance document and will be accepted at the discretion of the District Engineer.

(b) Water Reuse BMPs must conform to the following:

(1) Design for no increase in stormwater runoff from the irrigated area or project site.

(2) Required design submittal packages for water reuse BMPs must include:

(i) An analysis using the RCWD's Stormwater Reuse Spreadsheet~~Metropolitan Council Stormwater Reuse Guide 'Water Balance Tool Irrigation Constant Demand' spreadsheet for irrigation practices or 'Water Balance Tool Non-Irrigation Constant Demand' spreadsheet for non-irrigation practices. The tools are available download at: http://www.metrocouncil.org/wastewater-water/planning/water-supply-planning/studies-projects-workgroups-(1)/completed-studies-projects/stormwater-reuse-guide.aspx~~;

(ii) Documentation demonstrating adequacy of soils, storage system, and delivery system; and

(iii) Operations plan.

(3) Approved capacity of an irrigation practice will be based on:

(i) An irrigation rate of 0.5 inches per week over the irrigated pervious area(s) or the rate identified through the completion of the Metropolitan Council Stormwater Reuse Guide 'Water Balance Tool Irrigation Constant Demand' Spreadsheet (whichever is less); or as approved by the District; and

(ii) No greater than a 26 week (April 15th to October 15th) growing season.

An additional water quality treatment capacity beyond 0.5 inches per week may be recognized under a subsection C.5(f) plan or a C.13 phased development permit based on an average of three consecutive years of monitoring records of volume irrigated and pursuant to a monitoring plan approved by the District.

(4) Approved capacity of a non-irrigation practice shall be based on the rate identified through the completion of the Metropolitan Council Stormwater Reuse Guide 'Water Balance Tool Non-Irrigation Constant Demand' spreadsheet, or as approved by the District.

(c) Biofiltration/filtration BMPs must be designed to provide:

(1) Adequate pretreatment measures to remove sediment before runoff enters the primary biofiltration area;

(2) Drawdown within 48-hours from the end of a storm event;

(3) A minimum of 12-inches of organic material or sand above the rock trench or draintile system; and

(4) Drain tile system must be designed above the Seasonal High Water Table.

(5) An outlet control structure to convey the 2-year, 10-year & 100-year frequency events if the biofiltration/filtration BMP is intended to provide rate control.

TABLE C5. SOIL TYPE AND INFILTRATION RATES.

Hydrologic Soil Group	Soil Textures	Corresponding Unified Soil Classification		Infiltration Rate (in/hr)
A	Gravel Sandy Gravel Silty Gravels	**GW**	Well-graded gravels, sandy gravels	**1.63**
		GP	Gap-graded or uniform gravels, sandy gravels	
		GM	Silty gravels, silty sandy gravels	
		SW	Well-graded gravelly sands	
	Sand Loamy Sand Sandy Loam	**SP**	Gap-graded or uniform sands, gravelly sands	**0.8**
B	Loam Silt Loam	**SM**	Silty sands, silty gravelly sands	**0.45**
		MH	Micaceous silts, diatomaceous silts, volcanic ash	**0.3**
C	Sandy Clay Loam	**ML**	Silts, very fine sands, silty or clayey fine sands	**0.2**
D	Clay Loam Silty Clay Loam Sandy Clay Silty Clay Clay	**GC**	Clayey gravels, clayey sandy gravels	**0.06**
		SC	Clayey sands, clayey gravelly sands	
		CL	Low plasticity clays, sandy or silty clays	
		OL	Organic silts and clays of low plasticity	
		CH	Highly plastic clays and sandy clays	
		OH	Organic silts and clays of high plasticity	

Source: Adapted from the “Design infiltration rates” table from the Minnesota Stormwater Manual, MPCA, (January 2014).

(d) Stormwater ponds must be designed to provide:

(1) Water quality features consistent with NURP criteria and accepted design standards for average and maximum depth;

(2) A permanent wet pool with dead storage at least equal to the runoff volume from a 2.5-inch rainfall over the area tributary to the pond;

(3) An outlet structure capable of preventing migration of floating debris and oils for at least the one-year storm;

(4) An identified emergency overflow spillway sufficiently stabilized to convey flows greater than the 100-year critical storm event; and

(5) An outlet control structure to ~~control~~ convey the 2-year, 10-year & 100-year frequency events.

(e) Underground stormsewer systems must designed to provide:

(1) Inspection and access ports sufficient to inspect and maintain the system;

(f) Soil borings (utilizing ASTM D5921 and D2488, as amended) shall be considered for design purposes, and provided to the District, for each proposed BMP. The soil borings must be taken to a depth of at least 5 feet below the bottom of the proposed feature. For an application proposing an infiltration area, the applicant will identify, describe and delineate group, texture and redoximorphic features of site soils to assess percolation of stormwater runoff from impervious areas. Field evaluation of soil permeability in accordance with ASTM 3385 procedure for double ring infiltrometer testing or other approved method is encouraged.

~~**(e)**~~

~~(f)~~(g) An outfall structure discharging directly to a wetland, public water or public water wetland must incorporate a stilling-basin, surge-basin, energy dissipater, placement of ungrouted natural rock riprap or other feature to minimize disturbance and erosion of natural shoreline and bed resulting from stormwater discharges. Where feasible, outfall structures are to be located outside of the natural feature.

TABLE C6. LOW FLOOR AND LOW ENTRY FREEBOARD REQUIREMENTS.

Freeboard	100-Year Flood Elevations		Detention Basins, Wetlands & Stormwater Ponds		Infiltration and Biofiltration Basins			Rain Gardens*
	100-yr	EOF	100-yr	EOF	Bottom	100-yr	EOF	EOF
Low Floor	2.0 ft	1.0 ft	0.0 ft	NA	0.0 ft	NA	NA	NA
Low Entry	NA	NA	2.0 ft	1.0 ft	NA	2.0 ft	1.0 ft	0.5 ft

~~(g)~~(h) All new residential, commercial, industrial and other habitable or non-habitable structures, and all stormwater BMPs, must be constructed so that the lowest floor and lowest entry elevations comply with Table C6. A structure on residential property not intended for human habitation and not attached to a habitable structure is exempt from this requirement, if the District finds it impractical and the landowner files a notation on the property title that the structure does not meet the requirement.

The low entry freeboard criterion of Table C6 may be deemed met when the structure does

not have the required vertical separation, but is protected from surface flooding to the required elevation by a berm or other natural or constructed topographic feature capable of providing flood protection.

Within a landlocked basin, minimum low floor elevations must be at least one foot above the surveyed basin run out elevation. Where a structure is proposed below the run out elevation of a land-locked basin, the low floor elevation will be a minimum of two feet above the highest water level of either the 10-day snowmelt event or back-to-back 1 00-year, 24-hour rainfalls. Aerial photos, vegetation, soils, and topography may be used to derive a "normal" water elevation for the purpose of computing the basin's 100-year elevation.

~~(h)~~(i) All stormwater management structures and facilities must be designed for maintenance access and be properly operated and maintained in perpetuity to assure that they continue to function as designed. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. Regional ponds owned by public entities that are only used to meet the runoff rate requirements of the District rule do not need a maintenance agreement with the District.

~~(i)~~(j) The permittee must use construction best practices so that the facility as constructed will conform to design specifications and the soil and surrounding conditions are not altered in a way adverse to facility performance.

~~(j)~~(k) Before work under the permit is deemed complete, the permittee must submit as-built plans demonstrating that at the time of final stabilization, stormwater facilities conform to design specifications. If at any time the District finds that the stormwater facility is not performing as designed, on District request the permittee must undertake reasonable investigation to determine the cause of inadequate performance.

10. EASEMENTS.

(a) Before permit issuance, the permittee must, submit a copy of any plat or easement required by the local land use authority establishing drainage or flowage over stormwater management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year flood elevation, or any other hydrologic feature.

(b) Before permit issuance, the permittee must convey to the District an easement to the public drainage system specifying a District right of maintenance access over the right of way of the public drainage system as identified within the public drainage system record. If the right of way of the public drainage system is not described within the record, then the easement shall be conveyed with the following widths:

- For tiled/piped systems, 40 feet wide perpendicular to the direction of flow, centered on the tile line or pipe;
- For open channel systems, a width that includes the channel and the area on each side of the channel within 20 feet of top of bank. For adequate and safe access, where top of bank is irregular or obstruction exists, the District may specify added width.

(c) Public Linear Projects and public property are exempt from the public drainage system easement requirement of Section 10(b).

(d) For projects within the District's Comprehensive Wetland Protection and Management Plan (CWPMP) areas, the Wetland Management Corridor (WMC) boundary delineation, buffer and easement requirements found at Rule F.6 apply. As stated in Rule F.5(e), Public Linear Projects are not subject to the requirements of Rule F.6.

11. REQUIRED EXHIBITS. The following exhibits must accompany the permit application. The vertical datum must clearly be labeled on each plan set.

(a) An erosion & sediment control plan and, for projects that require an NPDES permit, a Storm Water Pollution Prevention Plan.

(b) Property lines and delineation of lands under ownership of the applicant.

(c) Delineation of the subwatershed contributing runoff from off-site, proposed and existing subwatersheds onsite, emergency overflows, and drainageways.

(d) Geotechnical analysis including soil borings at all proposed stormwater management facility locations utilizing ASTM D5921 and D2488, as amended.

(e) Proposed and existing stormwater facilities' location, alignment and elevation.

(f) Delineation of existing on-site wetland, marshes and floodplain areas.

(g) Identification of existing and proposed normal, ordinary high and 100-year water elevations on-site.

(h) Identification of existing and proposed contour elevations within the project site .

(i) Construction plans and specifications of all proposed stormwater management facilities, including design details for outlet control structures.

(j) Stormwater runoff volume and rate analyses for the 2- 10- and 100-year critical events, existing and proposed conditions utilizing NOAA Atlas 14.

(k) All hydrologic, water quality and hydraulic computations completed to design the proposed stormwater management facilities.

(l) Narrative including a project description, discussion of BMP selection, and revegetation plan for the project site.

(m) Other project site-specific submittal requirements as may be required by the District.

12. EXCEPTIONS.

(a) A permit is not required for single -family residential construction on an individual lot of record, if the proposed impervious surface of the lot is less than 10,000 square feet, excluding the driveway. If the lot is within a development previously approved by the District, the construction must conform to the previous approval.

(b) Rule C requirements do not apply to sidewalks and trails 10 feet wide or less that are bordered down-gradient by vegetated open space or vegetated filter strip with a minimum width of 5 feet.

(c) Rule C requirements do not apply to Bridge Spans and Mill, Reclamation & Overlay projects.

(d) Rule C.6 and C.7 requirements do not apply to single family residential subdivisions creating seven or fewer lots that:

(1) Establish no new public roadway; and

(2) Include no private roadway/driveway serving three or more lots.

~~(e)~~ Requirements of subsections 10(b) and 10(d) to not apply to the retained part of a

privately owned tract that is subdivided to convey land to a public agency for a public purpose.

~~(f)~~(e)

~~(g)~~(f) Criteria of Section 7 may be waived if the project site discharges directly to a water body with large storage capacity (such as a public water), the volume discharged from the project site does not contribute to a downstream flood peak, and there are no downstream locations susceptible to flooding.

~~(h)~~(g) Section 6 and Section 7 are waived for a portion of a project that paves a gravel roadway if the right-of-way ditch is maintained and does not discharge a concentrated flow directly to a wetland or another sensitive water body.

~~13. EXTENDED PERMIT TERM AND REGIONAL FACILITIES FOR NON-RESIDENTIAL PHASED DEVELOPMENT.~~

~~(a) The following definitions apply to this section:~~

~~(1) "Area Development Permit" (ADP) means a District stormwater management permit for non-residential development that includes construction of a stormwater management facility explicitly intended to serve compliance requirements for a parcel other than that on which the facility is located.~~

~~(2) "Phased Development Permit" (PDP) means a District stormwater management permit for non-residential development that includes construction of a stormwater management facility explicitly intended to serve compliance requirements not just for development under the permit, but also for subsequent development on that parcel or a contiguous parcel under common ownership.~~

~~(b) If an off-site stormwater management facility approved under a prior ADP cannot be used for compliance due to a rule change occurring since the date of ADP approval, the District nevertheless by permit will approve its use, subject to the following:~~

~~(1) The applicant must demonstrate that the facility was built in compliance with the ADP, that the ADP identified the development site as one that may use the facility, and that the requirements of subsection 5(a), above, are met.~~

~~(2) If the current rule requires a level of peak flow or volume control, or of water quality treatment, beyond that provided by the off-site facility, the applicant must provide for the additional treatment. This does not disallow use of an existing facility on the ground that it does not meet a sequencing requirement with respect to the BMP location or type.~~

~~The protection against rule change provided by this subsection 13(b) does not apply if the District makes written findings, on the basis of new knowledge or information, that use of the facility would have a material adverse impact on a water quality, flood management or other specific public interest, or if the approval date of the development permit is more than 10 years after the date of ADP approval.~~

~~(c) The District may issue a PDP with a permit term of up to 10 years.~~

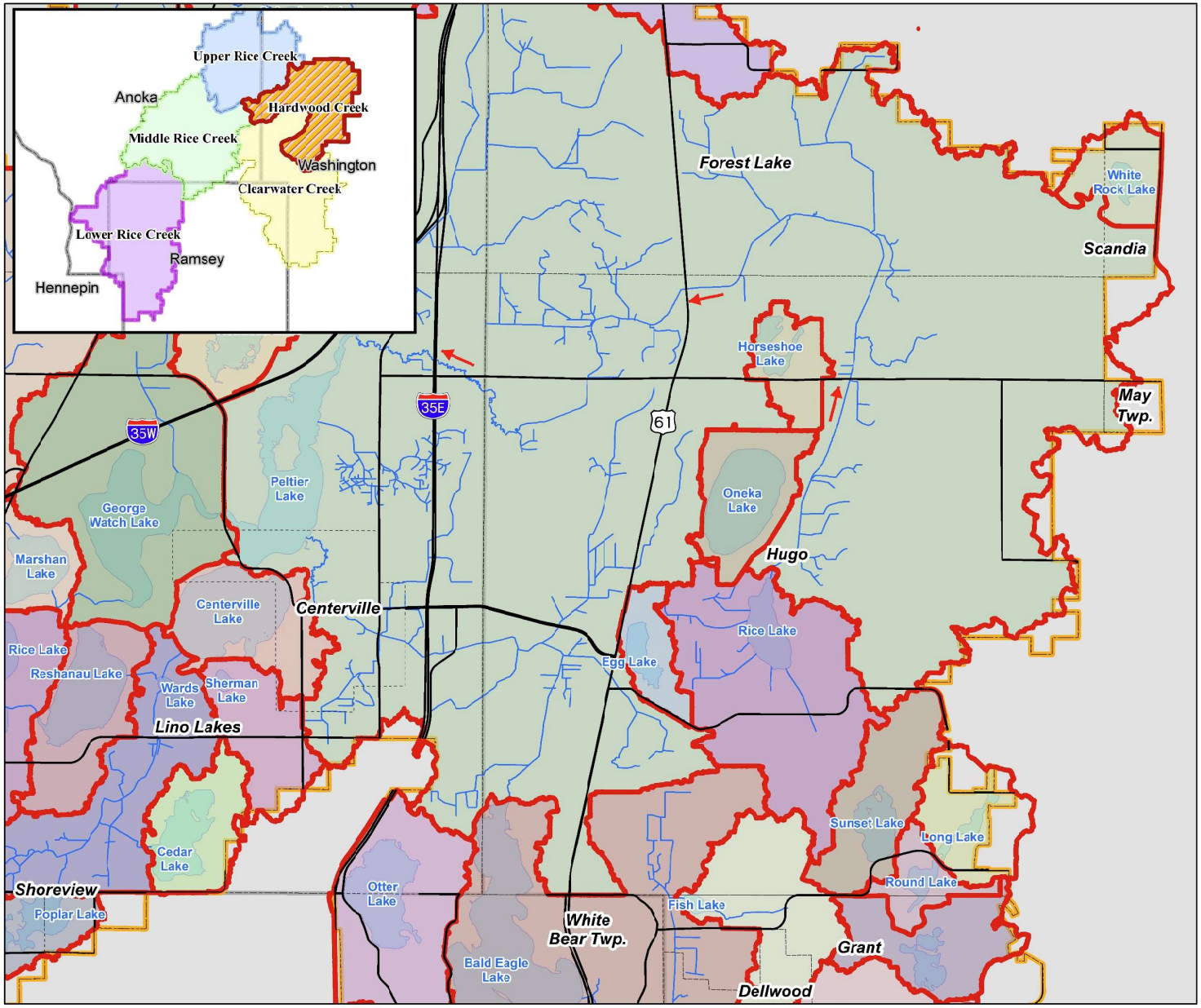
~~(1) During the permit term, development using the stormwater management facilities approved under the PDP will not be subject to a rule change occurring after the~~

~~date of PDP approval, provided the PDP states the design criteria to which subsequent development will conform and the proposed development meets those criteria.~~

~~**(2)** If a PDP is in effect as of December 1, 2014, on request the District will extend the permit expiration date in accordance with this subsection 13(c). In such a case, the requirement that the permit state design criteria is relaxed. However, the applicant must demonstrate the design and constructed capacity of the facilities and the capacity allocated to the proposed development.~~

~~**(3)** If a PDP was approved after December 1, 2004 but has expired, an application for a subsequent development phase may be considered under the terms of subsection 13(b), above.~~

~~**(d)**~~**(h)** ~~This section does not apply to an ADP or a PDP approved before December 1, 2004.~~



Rice Creek Watershed District

N
W E
S

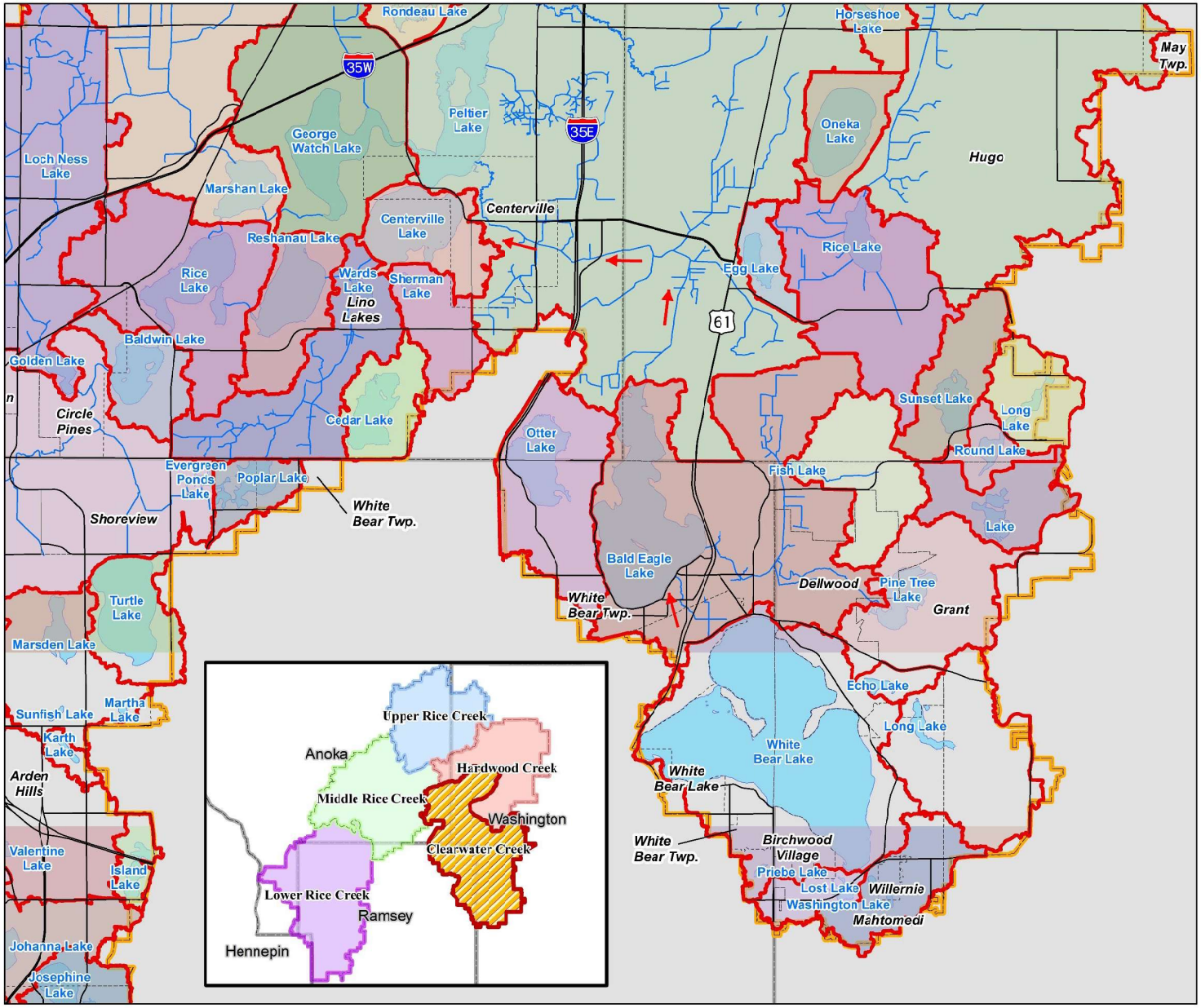
- Flow Direction
- RCWD Watercourses
- Lakes
- RCWD Legal Boundary
- Resource of Concern Drainage Area
- Transportation System
- Cities
- Counties

0 0.5 1 2 Miles

Sources: RCWD, TLG, MN DOT

C1A: Resources of Concern Drainage Area of Hardwood Creek

RCWD
RICE CREEK WATERSHED DISTRICT



Rice Creek Watershed District

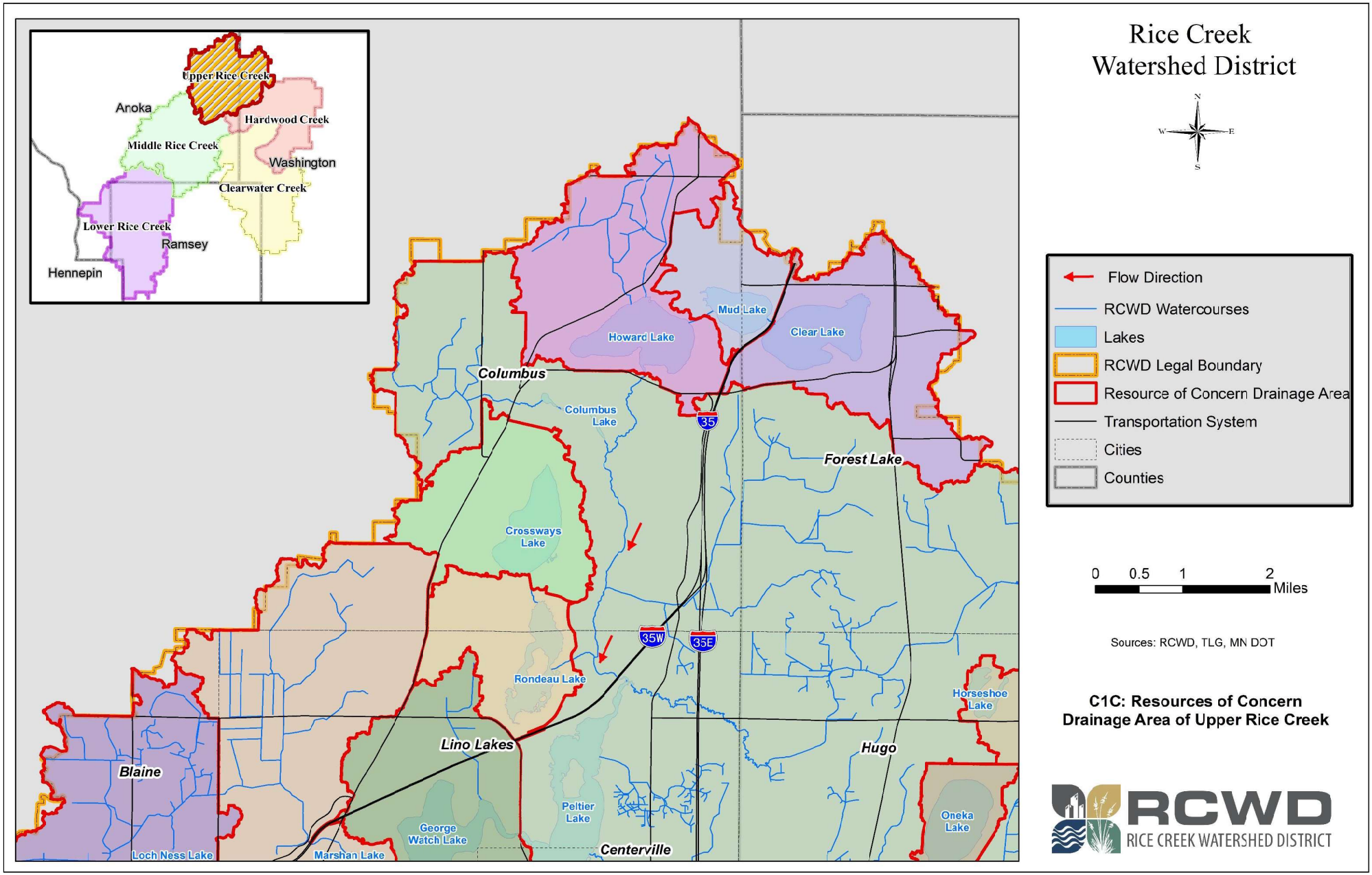
- Flow Direction
- RCWD Watercourses
- Lakes
- RCWD Legal Boundary
- Resource of Concern Drainage Area
- Transportation System
- Cities
- Counties

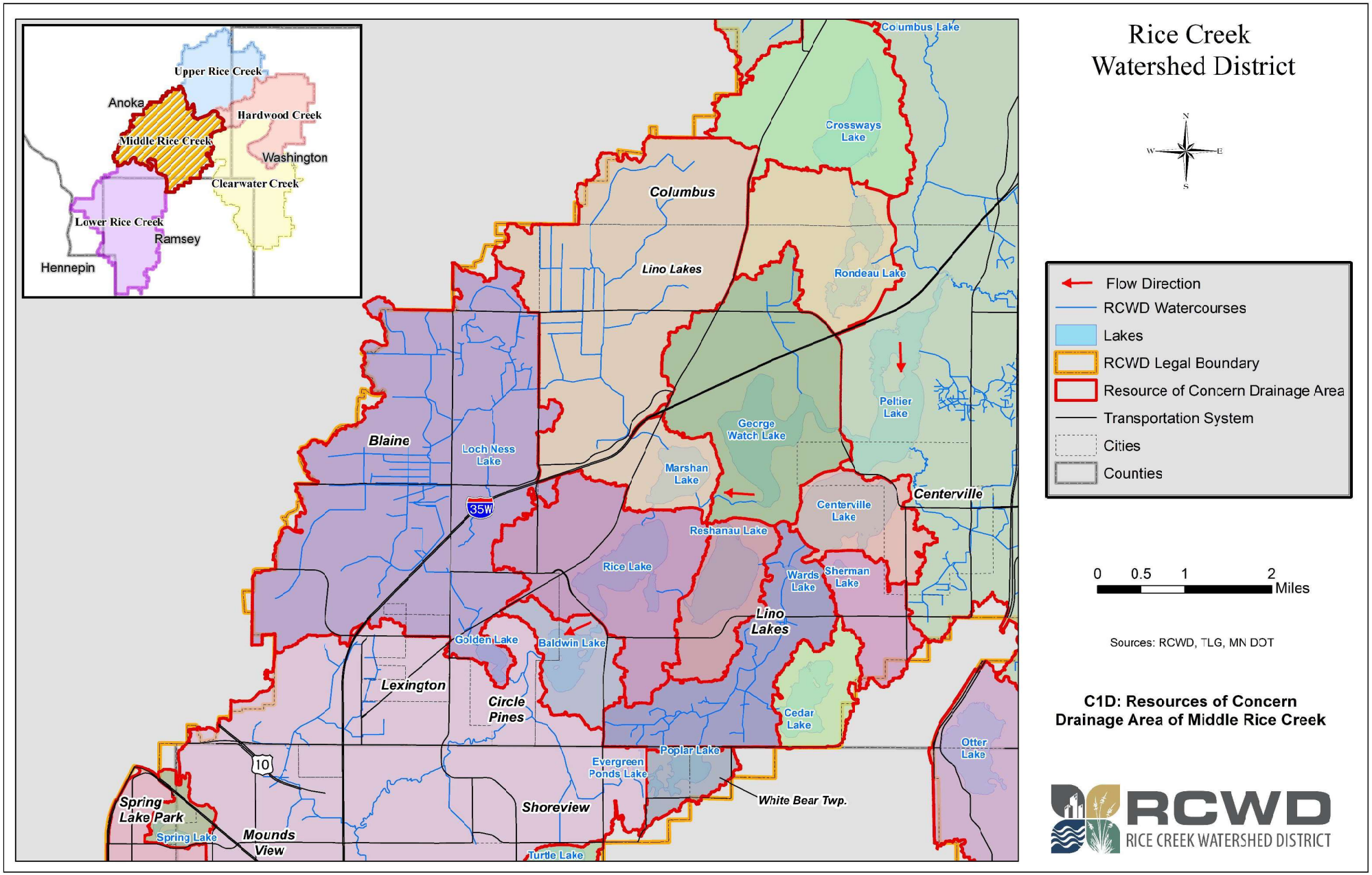
0 0.5 1 2 Miles

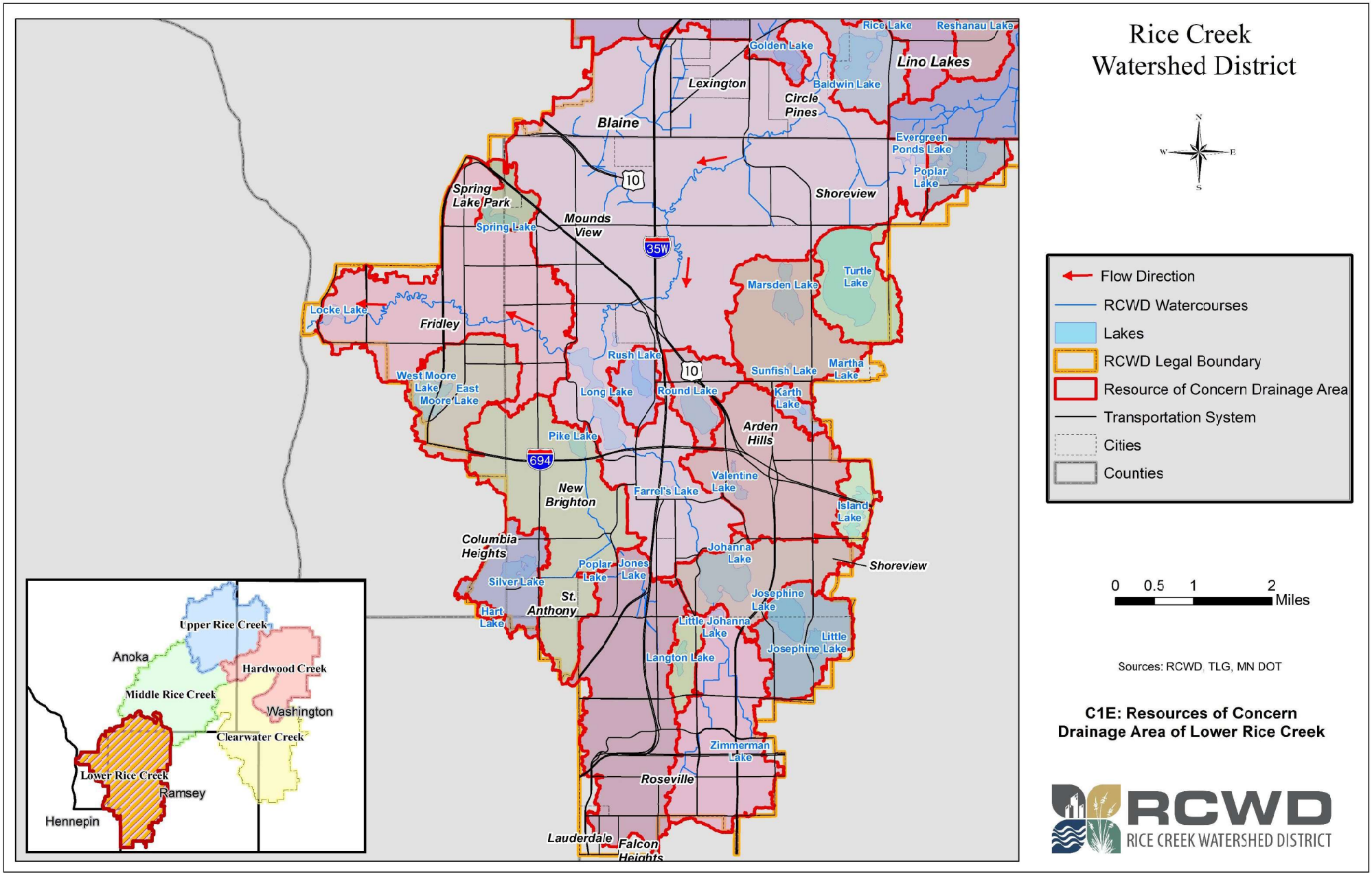
Sources: RCWD, TLG, MN DOT

C1B: Resources of Concern Drainage Area of Clearwater Creek

RCWD
RICE CREEK WATERSHED DISTRICT

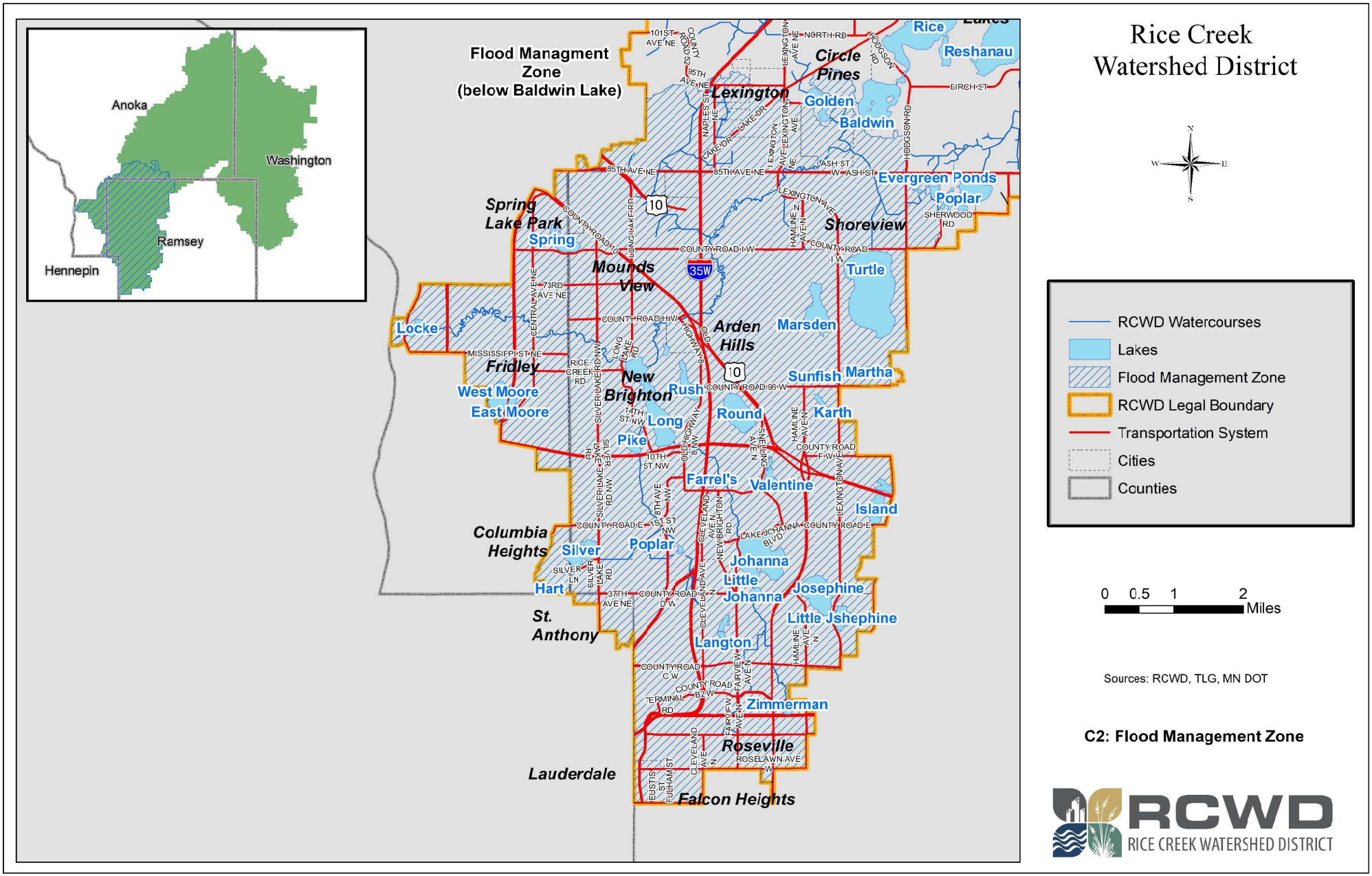

Upper Rice Creek
Anoka
Hardwood Creek
Middle Rice Creek
Washington
Clearwater Creek
Lower Rice Creek
Ramsey
Hennepin
Rice Creek
Watershed District
N
W
E
S
Flow Direction
RCWD Watercourses
Lakes
RCWD Legal Boundary
Resource of Concern Drainage Area
Transportation System
Cities
Counties
Mud Lake
Howard Lake
Clear Lake
Columbus
Columbus Lake
35
Forest Lake
Crossways Lake
35W
35E
Rondeau Lake
Horseshoe Lake
Lino Lakes
Hugo
Blaine
Peltier Lake
Oneka Lake
George Watch Lake
Centerville
Loch Ness Lake
Marshan Lake
0 0.5 1 2
Miles
Sources: RCWD, TLG, MN DOT
C1C: Resources of Concern
Drainage Area of Upper Rice Creek
RCWD
RICE CREEK WATERSHED DISTRICT


Upper Rice Creek
Anoka
Hardwood Creek
Middle Rice Creek
Washington
Clearwater Creek
Lower Rice Creek
Ramsey
Hennepin
Columbus Lake
Crossways Lake
Columbus
Lino Lakes
Rondeau Lake
Peltier Lake
George Watch Lake
Blaine
Loch Ness Lake
Marshan Lake
Centerville
Centerville Lake
35W
Reshanau Lake
Rice Lake
Wards Lake
Sherman Lake
Lino Lakes
Golden Lake
Baldwin Lake
Lexington
Circle Pines
Cedar Lake
Otter Lake
Poplar Lake
Evergreen Ponds Lake
10
White Bear Twp.
Spring Lake Park
Spring Lake
Mounds View
Shoreview
Turtle Lake
Rice Creek Watershed District
N
W
E
S
Flow Direction
RCWD Watercourses
Lakes
RCWD Legal Boundary
Resource of Concern Drainage Area
Transportation System
Cities
Counties
0 0.5 1 2
Miles
Sources: RCWD, TLG, MN DOT
C1D: Resources of Concern Drainage Area of Middle Rice Creek
RCWD
RICE CREEK WATERSHED DISTRICT



C1E: Resources of Concern Drainage Area of Lower Rice Creek

RCWD
RICE CREEK WATERSHED DISTRICT


Flood Managment Zone (below Baldwin Lake)
Anoka
Washington
Ramsey
Hennepin
Rice Creek Watershed District
RCWD Watercourses
Lakes
Flood Management Zone
RCWD Legal Boundary
Transportation System
Cities
Counties
0 0.5 1 2 Miles
Sources: RCWD, TLG, MN DOT
C2: Flood Management Zone
RCWD
RICE CREEK WATERSHED DISTRICT
Rice
Reshanau
Circle Pines
Lexington
Golden
Baldwin
Evergreen Ponds
Poplar
Shoreview
Spring Lake Park
Spring
Mounds View
Turtle
Locke
Arden Hills
Marsden
Fridley
New Brighton
Rush
Sunfish
Martha
West Moore
East Moore
Round
Karth
Long
Pike
Farrel's
Valentine
Island
Columbia Heights
Silver
Poplar
Johanna
Little
Hart
Josephine
Johanna
Little Jshephine
St. Anthony
Langton
Zimmerman
Roseville
Lauderdale
Falcon Heights

RULE D: EROSION AND SEDIMENT CONTROL PLANS

1. POLICY. It is the policy of the Board of Managers to prevent erosion of soil into surface water systems by requiring erosion and sediment control for land-disturbing activities.

2. REGULATION.

(a) A permit under this rule is required for:

(1) Surface soil disturbance or removal of vegetative cover on one acre or more of land;

(2) Surface soil disturbance or removal of vegetative cover on 10,000 square feet or more of land, if any part of the disturbed area is within 300 feet of and drains to a lake, stream, wetland or public drainage system; or

(3) Any land-disturbing activity that requires a District permit under a rule other than Rule D.

(b) A person disturbing surface soils or removing vegetative cover on more than 5,000 square feet of land, or stockpiling on-site more than fifty (50) cubic yards of earth or other erodible material, but not requiring a permit under the criteria of this rule, must submit a notice in advance of disturbance on a form provided by the District and conform the activity to standard best practices established by and available from the District.

(c) Rule D does not apply to normal farming practices that are part of an ongoing farming operation.

(d) Rule D does not apply to milling, reclaiming or overlay of paved surfaces that does not expose underlying soils.

(e) A permit is not required under this rule to ~~maintain~~remove sediment from an existing constructed stormwater management basin. However, a ~~N~~notice of ~~i~~intent ~~shall~~must be filed with the District prior to initiating the work.

~~(d)~~(f)

3. DESIGN CRITERIA FOR EROSION CONTROL PLANS. The applicant must prepare and receive District approval of an Erosion and Sediment Control that meets the following criteria:

(a) For projects disturbing more than ten acres, compliance with the standards of Rule C, subsections 7(a) and (b) must be demonstrated.

(b) Natural project site topography and soil conditions must be specifically addressed to reduce erosion and sedimentation during construction and after project completion.

(c) Site erosion and sediment control practices must be consistent with the Minnesota Stormwater Manual ~~Pollution Control Agency document "Protecting Water Quality in Urban Areas" (1994), as amended~~, and District-specific written design guidance and be sufficient to retain sediment on-site.

(d) The project must be phased to minimize disturbed areas and removal of existing vegetation, until it is necessary for project progress.

(e) The District may require additional erosion and sediment control measures on areas with a

slope to a sensitive, impaired or special water body, stream, public drainage system or wetland to assure retention of sediment on-site.

(f) The plan must include conditions adequate to protect facilities to be used for post-construction stormwater infiltration.

4. **REQUIRED EXHIBITS.** The following exhibits must accompany the permit application.

(a) An existing and proposed topographic map which clearly indicates all hydrologic features and areas where grading will expose soils to erosive conditions. The Plan must also indicate the direction of all project site runoff.

(b) Tabulation of the construction implementation schedule.

(c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.

(d) Quantification of the total disturbed area.

(e) Clear identification of all temporary erosion and sediment control measures that will remain in place until permanent vegetation is established. Examples of temporary measures include, but are not limited to, seeding, mulching, sodding, silt fence, erosion control blanket, and stormwater inlet protection devices.

(f) Clear identification of all permanent erosion control measures such as outfall spillways and riprap shoreline protection, and their locations.

(g) Clear Identification of staging areas, as applicable.

(h) Documentation that the project applicant has applied for the NPDES Permit from the Minnesota Pollution Control Agency (MPCA), when applicable.

(i) A stormwater pollution prevention plan for projects that require an NPDES Permit.

(j) Identification and location of any floodplain and/or wetland area. A more precise delineation may be required depending on the proximity of the proposed disturbance to a wetland and/or floodplain.

(k) Other project site-specific submittal requirements as may be required by the District.

5. **CONSTRUCTION ACTIVITY REQUIREMENTS.** Site disturbance must conform to the District-approved erosion and sediment control plan, to any other conditions of the permit, and to the standards of the NPDES construction general permit, as amended, regarding construction-site erosion and sediment control.

6. **INSPECTIONS.**

(a) The permittee shall be responsible for inspection, maintenance and effectiveness of all erosion and sediment control measures until final soil stabilization is achieved or the permit is assigned (see Rule B), whichever comes first.

(b) The District may inspect the project site and require the permittee to provide additional erosion control measures as it determines conditions warrant.

7. **FINAL STABILIZATION.**

(a) Erosion and sediment control measures must be maintained until final vegetation and ground cover is established to a density of 70%.

(b) Temporary erosion and sediment control BMPs will be removed after disturbed areas have been permanently stabilized.

RULE E: FLOODPLAIN ALTERATION

1. **POLICY.** It is the policy of the Board of Managers to:

   (a) Utilize the best information available in determining the 100-year flood elevation.

   (b) Preserve existing water storage capacity within the 100-year floodplain of all waterbodies and wetlands in the watershed to minimize the frequency and severity of high water.

   (c) Enhance floodplain characteristics that promote the natural attenuation of high water, provide for water quality treatment, and promote groundwater recharge.

   (d) Preserve and enhance the natural vegetation existing in floodplain areas for aquatic and wildlife habitat.

2. **REGULATION.** No person may alter or fill land within the floodplain of any lake, stream, wetland, public drainage system, major watercourse, or public waters without first obtaining a permit from the District. Shoreline/streambank restoration or stabilization, approved in writing by the District ~~and/~~or County Conservation District ~~as necessary~~ to control erosion and designed to minimize encroachment and alteration of hydraulic forces, does not require a permit under this Rule.

3. **CRITERIA FOR FLOODPLAIN ALTERATION.**

   ~~**(a)** Fill within a designated floodway is prohibited.~~

   ~~**(b)**~~**(a)** Fill within the floodplain is prohibited unless compensatory floodplain storage volume is provided within the floodplain of the same water body, and within the permit term. The volume within on-site stormwater ponds is not considered compensatory floodplain storage unless that volume is non-coincident with the 100-year flood peak. If offsetting storage volume will be provided off-site, it shall be created before any floodplain filling by the applicant will be allowed.

   ~~**(c)**~~**(b)** Any structure or embankments placed within the floodplain will be capable of passing the 100-year flood without increasing the elevation of the 100-year flood profile.

   ~~**(d)**~~**(c)** Compensatory floodplain storage volume is not required to extend an existing culvert, modify an existing bridge approach associated with a Public Linear Project, or place spoils adjacent to a public or private drainage channel during channel maintenance, if there is no adverse impact to the 100-Year Flood Elevation.

   ~~**(e)**~~**(d)** Compensatory floodplain storage volume is not required for ~~a one-time~~ deposition of up to 100 cubic yards of fill~~,~~ per parcel, if there is no adverse impact to the 100-Year Flood Elevation. For public road authorities, this exemption applies on a per-project, per floodplain basis.

   ~~**(f)**~~**(e)** Floodplain alteration is subject to the District's Wetland Alteration Rule F, as applicable.

   ~~**(e)**~~**(i)** Structures to be built within the 100-year floodplain will have two feet of freeboard between the lowest floor and the 100-year flood profile. A structure on residential property not intended for human habitation and not attached to a habitable structure is exempt from this requirement if the District finds it impractical and the landowner files a notation on the property title that the structure does not meet the requirement.

   ~~**(g)**~~**(f)**

4. DRAINAGE EASEMENTS.

(a) Before permit issuance, the permittee must submit a copy of any plat or easement required by the local land use authority establishing drainage or flowage over stormwater

management facilities, stormwater conveyances, ponds, wetlands, on-site floodplain up to the 100-year event, or any other hydrological feature.

(b) Before permit issuance, the permittee must convey to the District an easement to the public drainage system specifying a District right of maintenance access over the right of way of the public drainage system as identified within the public drainage system record. If the right of way of the public drainage system is not described within the record, then the easement shall be conveyed with the following widths:

- For tiled/piped systems, 40 feet wide perpendicular to the direction of flow, centered on the tile line or pipe;
- For open channel systems, a width that includes the channel and the area on each side of the channel within 20 feet of top of bank. For adequate and safe access, where top of bank is irregular or obstruction exists, the District may specify added width.

(c) Public Linear Projects and public property are exempt from the public drainage system easement requirement of Section 4(b).

5. REQUIRED EXHIBITS. The following exhibits must accompany the permit application.

(a) Site plan showing property lines, delineation of the work area, existing elevation contours of the work area, ordinary high water elevations, and 100-year flood elevations. All elevations must be reduced to NAVD 1988 datum. The datum must clearly be labeled on each plan set.

(b) Grading plan showing any proposed elevation changes.

(c) Determination by a professional engineer or qualified hydrologist of the 100-year flood elevation before and after the project.

(d) Computation of change in flood storage capacity resulting from proposed grading.

(e) Erosion and sediment control plan in accordance with District Rule D.

(f) Other project site-specific submittal requirements as may be required by the District.

RULE F: WETLAND ALTERATION

1. POLICY. It is the policy of the Board of Managers to:

(a) Maintain no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands.

(b) Increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands.

(c) Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands.

(d) Replace wetland values where avoidance of activity is not feasible or prudent.

(e) Accomplish goals of the adopted Comprehensive Wetland Protection and Management Plans (CWPMPs).

2. REGULATION. No person may fill, drain, excavate or otherwise alter the hydrology of a wetland without first obtaining a permit from the District.

(a) The provisions of the Minnesota Wetland Conservation Act (WCA), Minnesota Statutes §§103G.221 through 103G.2372, and its implementing rules, Minnesota Rules 8420, apply under this Rule and govern District implementation of WCA as well as District regulation of non-WCA wetland impacts, except where the Rule provides otherwise.

(b) This rule does not regulate alteration of incidental wetlands as defined in Minnesota Rules chapter 8420, as amended. An applicant must demonstrate that the subject wetlands are incidental.

(c) An activity for which a No-Loss decision has been issued under Minnesota Rules chapter 8420 is subject to the applicable requirements of chapter 8420 but not otherwise subject to this Rule.

(d) Clearing of vegetation, plowing or pasturing in a wetland as part of an existing and ongoing farming operation is not subject to this rule unless the activity results in draining or filling the wetland.

3. LOCAL GOVERNMENT UNIT. The District intends to serve as the "Local Government Unit" (LGU) for administration of the Minnesota Wetland Conservation Act (WCA), except where a particular municipality in the District has elected to assume that role in its jurisdictional area or a state agency is serving as the local government unit on state land. Pursuant to its regulatory authority under both WCA and watershed law, when the District is serving as the LGU it will require wetland alteration permits for wetland-altering activities both as required by WCA and otherwise as required by this Rule.

4. CRITERIA.

(a) When the District is serving as the LGU, it will regulate wetland alterations that are not subject to WCA rules and do not qualify for an exemption at Minnesota Rules 8420.0420 or do not meet the “no-loss” criteria of Minnesota Rules 8420.0415 according to the rules and procedures of WCA, except as specifically provided in this Rule. Alteration under

this paragraph requires replacement at a minimum ratio of 1:1 to ensure no loss of wetland quantity, quality or biological diversity. Replacement activities will be credited consistent with the actions eligible for credit in Minnesota Rules 8420.0526.

(b) A wetland alteration not subject to WCA that does not change the function of a wetland and results in no net loss of wetland quantity, quality or biological diversity is exempt from the replacement requirement in Section 4(a) of this Rule.

(c) The wetland replacement exemptions in Minnesota Rules 8420.0420 are applicable under this Rule, except as modified within CWPMP areas under Section 6.

(d) Alterations in wetlands for the purposes of wildlife enhancement must be certified by the local Soil and Water Conservation District as compliant with the criteria described in Wildlife Habitat Improvements in Wetlands: Guidance for Soil and Water Conservation Districts and Local Government Units.

5. ADDITIONAL DISTRICT REQUIREMENTS. In addition to the wetland replacement plan components and procedures in WCA, the following more specific requirements will apply to the District's review of WCA and, except as indicated, non-WCA wetland alterations:

(a) Applicants must adequately explain and justify each individual contiguous wetland alteration area in terms of impact avoidance and minimization alternatives considered.

(b) Where the wetland alteration is proposed in the context of land subdivision, on-site replacement wetland and buffer areas, as well as buffers established undersection 6(e), must:

(1) Be located within a platted outlot.

(2) Be protected from future encroachment by a barrier (i.e. stormwater pond, infiltration basin, existing wetland, tree line, fence, trail or other durable physical feature).

(3) Have boundaries posted with signage approved by the District identifying the wetland/buffer protected status. On installation, the applicant must submit a GIS shapefile, or CADD file documenting sign locations.

(c) The upland edge of new wetland creation must have an irregular and uneven slope. The slope must be no steeper than 8:1 over the initial 25 feet upslope from the projected wetland elevation contour along at least 50 percent of the upland/wetland boundary and no steeper than 5:1 along the remaining 50 percent of the boundary.

(d) The District will not allow excess replacement credits to be used for replacement on a different project unless the credits were designated for wetland banking purposes in the original application in accordance with WCA rules and have been deposited into the WCA wetland banking system.

~~(d)~~(e) Replacement by banking must use credits from banks within the District, unless unavailable.

~~(e)~~(f) Within the boundary of a District developed and BWSR approved CWPMP (see Figure F1), Rule F and WCA are further modified to include Section 6. Public Linear Projects located in a CWPMP jurisdictional area and not part of an industrial, commercial, institutional or residential development are not subject to Section 6 of this Rule.

6. COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLANS. All District Comprehensive Wetland Protection and Management Plans (CWPMPs) are incorporated into this Rule. The specific terms of Rule F will govern, but if a term of Rule F is susceptible to more than one interpretation, the District will apply the interpretation that best carries out the intent and purposes of the respective CWPMP.

(a) PRE-APPLICATION REVIEW.

(1) In cases where wetland fill, excavation or draining, wholly or partly, is contemplated, the applicant is encouraged to submit a preliminary concept plan for review with District staff and the Technical Evaluation Panel (TEP) before submitting a formal application. The following will be examined during pre-application review:

(i) Sequencing (in accordance with WCA and Federal Clean Water Act requirements, reducing the size, scope or density of each individual proposed action, and changing the type of project action to avoid and minimize wetland impacts).

(ii) Wetland assessment.

(iii) Applying Better Site Design principles as defined in Rule A.

(iv) Integrating buffers and other barriers to protect wetland resources from future impacts.

(v) Exploring development code flexibility, including conditional use permits, planned unit development, variances and code revisions;

(vi) Reviewing wetland stormwater susceptibility (see Rule C.8) and coordinating Wetland Management Corridor (WMC) establishment with existing adjacent WMCs.

(2) At the pre-application meeting, the applicant shall provide documentation sufficient to assess project alternatives at a concept level and such other information as the District specifically requests.

(3) On receipt of a complete application, the District will review and act on the application in accordance with its procedural rules and WCA procedures.

(4) The TEP shall be consulted on decisions related to replacement plans, exemptions, no-loss, wetland boundaries and determination of the WMC.

(b) WETLAND MANAGEMENT CORRIDORS.

(1) At the time of permitting, the preliminary Wetland Management Corridor (WMC) boundary (see Figure F1) will be adjusted in accordance with subsections F(6)(b)(2) and (3), below. Notwithstanding, within the Columbus CWPMP, commercial/Industrial zoned areas within Zone 1 will remain outside of the WMC (see Figure F2).

(2) The applicant must delineate the site level WMC when wetland impacts are proposed:

(i) Within the Preliminary WMC; or

(ii) Within 150 feet of the Preliminary WMC and greater than the applicable

(iii) *de minimis* exemption amount, per Minnesota Rules 8420.0420;

If the proposed project does not meet criterion (b)(2)(i) or (b)(2)(ii), above, an applicant may accept the Preliminary WMC boundary on the project site, as made more precise on a parcel basis by the use of landscape-scale delineation methods applied or approved by the District and need not comply with Section 6(b)(3) and 6(b)(4).

(3) The applicant shall complete a wetland functional analysis using MnRAM 3.4 (or most recent version) when defining the site level WMC boundary.

(i) The WMC boundary will be expanded to encompass any delineated wetland lying in part within the preliminary WMC and any wetland physically contiguous with (not separated by upland from) the landscape-scale WMC.

(ii) The District, in its judgment, may retract the WMC boundary on the basis of site-level information demonstrating that the retraction is consistent with the associated CWPMP and does not measurably diminish the existing or potential water resource functions of the WMC. In making such a decision, the District may consider relevant criteria including wetland delineation, buffer and floodplain location, WMC connectivity, protection of surface waters and groundwater recharge, and whether loss would be reduced by inclusion of compensating area supporting WMC function.

(iii) If the site level functional analysis shows the presence of Non-degraded or High Quality wetland within 50 feet of the site level WMC, the WMC will be expanded to the lateral extent of the Non-degraded or High Quality wetland boundary plus the applicable buffer as defined in section 6(e).

(iv) If the WMC lies within or contiguous to the parcel boundaries of the project, the lateral extent of the final WMC may be increased by the applicant to include all wetland or other action eligible for credit contiguous with the site level WMC. The extended WMC boundary must connect property to the WMC boundary on adjacent properties and reflect local surface hydrology.

(4) A map of the final WMC boundary must be prepared and submitted to the District for approval. The map will reflect any change to the boundary as a result of the permitted activity. A GIS shapefile or CADD file of the final WMC boundary shall be submitted to the District.

(5) A variance from a requirement of Section 6(b) otherwise meeting the criteria of District Rule L may be granted if the TEP concurs that the wetland protection afforded will not be less than that resulting from application of standard WCA criteria.

(c) WETLAND REPLACEMENT.

(1) The wetland replacement exemptions in Minnesota Rules 8420.0420 are not applicable within CWPMP areas, except as follows:

(i) The agricultural, wetland restoration, utilities, *de minimis* and wildlife habitat exemptions found at Minnesota Rules 8420.0420, subparts 2, 5, 6, 8 and 9, respectively, are applicable, subject to the scope of the exemption standards found at Minnesota Rules 8420.0420, subpart 1.

(ii) The drainage exemption, Minnesota Rules 8420.0420, subpart 3, is applicable if the applicant demonstrates, through adequate hydrologic modeling, that the drainage activity will not change the hydrologic regime of a CWPMP-mapped high quality wetland (see Figure F3) within the boundary of a WMC. Wetland and plant community boundaries will be field-verified.

(iii) Buffer and easement requirements of Section 6(e) and 6(f) do not apply to wetland alterations that qualify for one of the exemptions listed in Section 6(c)(1)(i), unless the project of which the wetland alteration is a part is subject to Rule C.10(d).

(2) Replacement plans will be evaluated and implemented in accordance with Minnesota Rules 8420.0325 through 8420.0335, 8420.0500 through 08420.0544 and 8420.0800 through 8420.0820, except that the provisions of this Rule will apply in place of Minnesota Rules 8420.0522, and 8420.0526. The foundation of the CWPMPs is to limit impact to, and encourage enhancement of, high-priority wetlands and direct unavoidable impact to lower-priority wetlands in establishing the WMC. In accordance with Minnesota Rules 8420.0515, subpart 10, this principle will guide sequencing, replacement siting, WMC boundary adjustment and other elements of replacement plan review. The District will use the methodology of Minnesota Rules 8420.0522, subpart 2 to determine wetland replacement requirements for partially drained wetlands.

(3) A replacement plan must provide at least one replacement credit for each wetland impact acre, as shown in Table F1. The replacement methods must be from the actions listed in Table F2 or an approved wetland bank consistent with Section 6(d)(1).

(4) Acres of impact and replacement credit are determined by applying the following two steps in order:

(i) Multiply actual wetland acres subject to impact by the ratios stated in Table F1.

(ii) Calculate the replacement credits by multiplying the acreage for each replacement action by the percentage in Table F2. All replacement areas that are not within the final WMC will receive credit based on a replacement location outside the final WMC. However, when the replacement area is within the parcel boundaries of the project and there is no Preliminary WMC within those boundaries, and there is no opportunity to extend the WMC boundary from adjacent parcels of land, then the mitigation area will be credited as replacement inside the final WMC. If an applicant intends replacement also to fulfill mitigation requirements under Section 404 of the Clean Water Act, then the applicant may elect replacement credit based on a replacement location outside the final WMC.

(5) The replacement plan must demonstrate that non-exempt impacts will result in no net loss of wetland hydrological regime, water quality, or wildlife habitat function through a wetland assessment methodology approved by BWSR pursuant to the Wetland Conservation Act, Minnesota Statutes §103G.2242.

TABLE F1. WETLAND REPLACEMENT RATIOS FOR CWPMP AREAS.

Wetland Degradation Type	Anoka County		Washington County	
	Outside WMC	Inside WMC	Outside WMC	Inside WMC
Moderately or Severely Degraded Wetland	1:1	2:1	2:1	3:1
Marginally or Non-Degraded Wetland	1.5:1	2.5:1	2.5:1	3.5:1
High Quality Wetland and/or hardwood, coniferous swamp, floodplain forest or bog wetland communities of any quality	2:1	3:1	3.5:1	4:1

TABLE F2. ACTIONS ELIGIBLE FOR CREDIT FOR CWPMP AREAS.

Actions Eligible for Credit	Inside of the Final WMC	Outside of the Final WMC
Wetland Restoration		
Hydrologic and vegetative restoration of moderately and severely degraded wetland	up to 75% Determined by LGU and TEP	up to 50% Determined by LGU and TEP
Hydrologic and vegetative restoration of effectively drained, former wetland	100%	75%
Wetland Creation		
Upland to wetland conversion	50%	50%
Wetland Protection & Preservation		
Protection via conservation easement of wetland previously restored consistent with MN Rule 8420.0526 subpart 6	up to 75% Determined by LGU and TEP	up to 75% Determined by LGU and TEP
Columbus CWPMP Only: Preservation of wetland or wetland/upland mosaic (requires a 3rd party easement holder and other matching action eligible for credit)	25% Determined by LGU and TEP	12.5% Determined by LGU and TEP
Restoration or protection of wetland of exceptional natural resource value consistent with MN Rule 8420.0526, subpart 8	Up to 100% Determined by LGU and TEP	Up to 100% Determined by LGU and TEP
Buffers		
Non-native, non-invasive dominated buffer around other action eligible for credit, consistent with Section 6(e)	10%	10%
Native, non-invasive dominated buffer around other action eligible for credit, consistent with Section 6(e)	25%	25%
Upland habitat area contiguous with final WMC wetland (2 acre minimum), as limited by Rule F.6(e)(5)	100%	NA
Vegetative Restoration		
Positive shift in MnRAM assessment score for "Vegetative Integrity" from "Low" to "Medium" or "High"	Up to 50% Determined by LGU and TEP	NA

(6) The location and type of wetland replacement will conform as closely as possible to the following standards:

(i) No wetland plant community of high or exceptional wildlife habitat function and high or exceptional vegetative integrity, as identified in the required wetland assessment, may be disturbed.

(ii) No replacement credit will be given for excavation in an upland natural community with Natural Heritage Program rank B or higher, or with identified Endangered, Threatened or Special Concern species.

(7) In the Columbus CWPMP only, preservation credit can be used for up to 50% of the wetland replacement required. The remaining 50% must be supplied by a non-preservation replacement action as shown within Table F2. Additionally:

(i) All other eligible actions for credit within this rule must be considered before preservation is approved as an action eligible for credit.

(ii) The Technical Evaluation Panel must find that there is a high probability that, without preservation, the wetland area to be preserved would be degraded or impacted and that the wetland meets the criteria of Minnesota Rules 8420.0526 subpart 9.A through 9.D.

(iii) Non-degraded, High Quality, and Moderately Degraded wetland is eligible for Preservation Credit within Zone 1 (see Figure F2).

(iv) Non-degraded and High Quality wetland is eligible for Preservation Credit within Zone 2 (see Figure F2).

(v) Wetland ranked “Low” for “vegetative integrity” is not eligible for replacement credit through Preservation.

(vi) Banked preservation credit may be used only within the Columbus CWPMP area (see Figure F1).

(8) Replacement credit for Wetland Protection and Preservation (see Table F2) requires that a perpetual Conservation Easement be conveyed to and accepted by the District. The easement must encompass the entire replacement area, and must provide for preservation of the wetland’s functions by the fee owner and applicant. The applicant must provide a title insurance policy acceptable to the District, naming the District as the insured. The fee owner and the applicant also must grant an access easement in favor of the District, the local government unit and any other state, local or federal regulatory authority that has authorized use of credits from the mitigation site for wetland replacement. The fee owner must record or register these easements on the title for the affected property.

(9) Replacement credit for Vegetative Restoration (see Table F2) may be granted only for wetland communities scoring "Low" for Vegetative Integrity. The TEP must find that there is a reasonable probability for restoration success.

(10) Unless a different standard is stated in the approved replacement or banking plan, the performance standard for upland and wetland restored or created to generate credit is establishment, by the end of the WCA monitoring period, of a medium or high quality plant community ranking with 80% vegetative coverage consisting of a native, non-invasive species composition.

(11) Notwithstanding any provision in this rule to the contrary, for wetland impacts resulting from public drainage system repairs undertaken by the Rice Creek Watershed District that are exempt from Clean Water Act Section 404 permit requirements but are not exempt from replacement under Section 6(c)(1) of this Rule, replacement may occur subject to the following priority of replacement site sequencing:

(i) Within bank service areas 6 or 7 or with the concurrence of governing board of the local county or watershed district, within any county or watershed district whose county water plan, watershed management plan, or other water resource implementation plan contains wetland restoration as a means of implementation.

(ii) Throughout the state in areas determined to possess less than 80% of pre-settlement wetland acres.

(12) A variance from a requirement of Section 6(c) otherwise meeting the criteria of District Rule L may be granted if the TEP concurs that the wetland protection afforded will not be less than that resulting from application of standard WCA criteria.

(d) WETLAND BANKING.

(1) Replacement requirements under Section 6(c) of this Rule may be satisfied in whole or part by replacement credits generated off-site within any CWPMP area, but not by credits generated outside of a CWPMP area except as provided in Section 6(d)(5).

(2) The deposit of replacement credits created within a CWPMP area for banking purposes and credit transactions for replacement will occur in accordance with Minnesota Rules 8420.0700 through 8420.0745. Credits generated within a CWPMP area may be used for replacement within or outside of a CWPMP area.

(i) The District will calculate the amount of credit in accordance with the standard terms of WCA. This measure of credit will appear in the BWSR wetland banking account.

(ii) The District also will calculate the amount of credit in accordance with Section 6(c) of this rule. The District will record this measure of credit internally within the CWPMP's wetland bank accounting. The District will adjust this internal account if the BWSR account is later debited for replacement outside of a CWPMP area. Where credits are used for replacement within a CWPMP area, the District will convert credits used into standard WCA credits so that the BWSR account is accurately debited.

(3) To be recognized, bank credit from Preservation in the Columbus CWPMP (see Table F2) must be matched by an equal amount of credit from a non-Preservation replacement action.

(i) Credit derived from Preservation as the replacement action may be used only within the Columbus CWPMP boundary.

(ii) If the matching non-Preservation credit is used outside of the Columbus CWPMP area, the Preservation credit within the Columbus CWPMP wetland bank account will be debited in the amount of the matching non-Preservation credit.

(5) Banked wetland credit created outside of the CWPMP areas, but within the CWPMP Contributing Drainage Area, may be used to replace impact within the CWPMP areas. An applicant proposing to use credits under this paragraph must field verify at the time of application that the banked wetlands are located within the CWPMP Contributing Drainage Area.

(6) Credits generated under an approved wetland banking plan, inside a CWPMP or its contributing drainage area (See Figure F4), utilized to replace impact within a CWPMP area will be recognized in accordance with the approved banking plan.

(e) **VEGETATED BUFFERS.** Vegetated buffers are required to be established adjacent to wetlands within CWPWP areas as described below.

(1) Wetland buffer will consist of non-invasive vegetated land; that is not cultivated, cropped, pastured, mowed, fertilized, used as a location for depositing snow removed from roads, driveways or parking lots, subject to the placement of mulch or yard waste, or otherwise disturbed except for periodic cutting or burning that promotes the health of the buffer, actions to address disease or invasive species, or other actions to maintain or improve buffer or habitat area quality, each as approved in writing by District staff. The application must include a vegetation management plan for District approval. For public road authorities, the terms of this subsection will be modified as necessary to accommodate safety and maintenance feasibility needs.

(2) Buffer adjacent to wetland within the final WMC must average at least 50 feet in width, and measure at least 25 feet in width at all points of inflow. The buffer requirement may be reduced based on compelling need and a TEP recommendation to the District in support that the wetland protection afforded is reasonable given the circumstances.

(3) Buffer adjacent to wetland restored, created or preserved for replacement credit, not within the final WMC, must meet the minimum width standards as described in MN Rule 8420.0522, subpart 6.

(4) Buffer adjacent to High Quality Wetland, or to replacement wetland adjacent to High Quality Wetland, must be at least 50 feet wide at all points. For private projects dedicating public right of way, the minimum width may be reduced based on compelling need and a District finding that the wetland protection afforded is reasonable given the circumstances. In making this finding, the District will give substantial weight to the TEP recommendation.

(5) The area of buffer for which replacement credit is granted must not exceed the area of the replacement wetland except and specific to when the buffer is to meet the 50- foot requirement of Sections 6(e)(2) and 6(e)(4) and is further limited to the buffer area required to encapsulate another action eligible for credit.

(6) Buffer receiving replacement credit as upland habitat area contiguous with the final WMC must be at least two acres in size.

(7) No above- or below-ground structure or impervious surface may be placed within a buffer area permanently or temporarily, except as follows:

(i) A structure may extend or be suspended above the buffer if the impact of any supports within the buffer or habitat area is negligible, the design allows sufficient light to maintain the species shaded by the structure, and the structure does not otherwise interfere with the function afforded by the buffer.

(ii) A public utility, or a structure associated with a public utility, may be located within a buffer on a demonstration that there is no reasonable alternative that avoids or reduces the proposed buffer intrusion. The utility or structure shall minimize the area of permanent vegetative disturbance.

(iii) Buffer may enclose a linear surface for non-motorized travel no more than 10 feet in width. The linear surface must be at least 25 feet from the wetland edge. The area of the linear surface will not be eligible for replacement credit. For projects proposing non-motorized travel no more than 10 feet in width, the linear surface may be reduced to less than 25 feet from the wetland edge based on compelling need and a TEP recommendation to the District in support that the wetland protection afforded is reasonable given the circumstances.

(iv) A stormwater features that is vegetated consistent with Section 6(e)(1), including NURP ponds, may be located within buffer and count toward buffer width on site-specific approval.

(8) Buffer area is to be indicated by permanent, freestanding markers at the buffer edge, with a design and text approved by District staff in writing. A marker shall be placed at each lot line, with additional markers placed at an interval of no more than 200 feet and as necessary to define variation in a meandering boundary. If a District permit is sought for a subdivision, the monumentation requirement will apply to each lot of record to be created. On public land or right-of-way, the monumentation requirement may be satisfied by the use of markers flush to the ground, breakaway markers of durable material, or a vegetation maintenance plan approved by District staff in writing.

(9) As a condition of permit issuance under this Rule, a property owner must file on the deed a declaration in a form approved by the District establishing a vegetated buffer area adjacent to the delineated wetland edge within the final WMC and other wetland buffers approved as part of a permit under this Rule. The declaration must state that on further subdivision of the property, each subdivided lot of record shall meet the monumentation requirement of Section 6(e)(8). On public land or right-of-way, in place of a recorded declaration, the public owner may execute a written maintenance agreement with the District. The agreement will state that if the land containing the buffer area is conveyed to a private party, the seller must file on the deed a declaration for maintenance in a form approved by the District.

(10) Buffer may be disturbed to alter land contours or improve buffer function if the following criteria are met:

(i) An erosion control plan is submitted under which alterations are designed and conducted to expose the smallest amount of disturbed ground for the shortest time possible, fill or excavated material is not placed to create an unstable slope, mulches or similar materials are used for temporary soil coverage, and permanent vegetation is established as soon as possible after disturbance is completed.

(ii) Wooded buffer and native riparian canopy trees are left intact;

(iii) When disturbance is completed, sheet flow characteristics within the buffer are improved; average slope is not steeper than preexisting average slope or 5:1 (horizontal: vertical), whichever is less steep; preexisting slopes steeper than 5:1 containing dense native vegetation will not require regrading; the top 18 inches of the soil profile is not compacted, has a permeability at least equal to the permeability of the preexisting soil in an uncompacted state and has organic matter content of between five and 15 percent; and habitat diversity and riparian shading are maintained or improved. Any stormwater feature within the buffer will not have exterior slopes greater than 5:1.

(iv) A re-vegetation plan is submitted specifying removal of invasive species and establishment of native vegetation suited to the location.

(v) A recorded Declaration or, for a public entity, maintenance agreement is submitted stating that, for three years after the project site is stabilized, the property owner will correct erosion, maintain and replace vegetation, and remove invasive species to establish permanent native vegetation according to the re- vegetation plan.

(vi) Disturbance is not likely to result in erosion, slope failure or a failure to establish vegetation due to existing or proposed slope, soil type, root structure or construction methods.

(11) Material may not be excavated from or placed in a buffer, except for temporary placement of fill or excavated material pursuant to duly-permitted work in the associated wetland, or pursuant to paragraph 6(e)(10) of this Rule.

(f) EASEMENT. The property owner must convey to the District and record or register, in a form acceptable to the District, a perpetual, assignable easement granting the District the authority to monitor, modify and maintain hydrologic and vegetative conditions within the WMC wetland and buffer adjacent to WMC wetland, including the authority to install and maintain structural elements within those areas and reasonable access to those areas to perform authorized activities. The WMC shall be identified and delineated as part of the recorded easement.

(g) PARTIAL ABANDONMENT. As a condition of permit issuance, the District may require a property owner to petition the District for partial abandonment of a public drainage system pursuant to Minnesota Statutes §103E.805. A partial abandonment under this Section may not diminish a benefited property owner's right to drainage without the owner's agreement.

7. REQUIRED EXHIBITS. The following exhibits must accompany a permit application for both WCA and non-WCA wetland alterations.

(a) SITE PLAN. An applicant must submit a site plan showing:

(1) Property lines and delineation of lands under ownership of the applicant.

(2) On-site location of all public and private ditch systems

(3) Existing and proposed elevation contours, including the existing run out elevation and flow capacity of the wetland outlet, and spoil disposal areas.

(4) Area of wetland to be filled, drained, excavated or otherwise altered.

(b) **WETLAND DELINEATION REPORT.** An applicant must submit a copy of a wetland delineation report conforming to a methodology authorized for WCA use and otherwise consistent with Minnesota Board of Water & Soil Resources guidance. The following requirements and clarifications apply to submittals of wetland delineation reports to the District and supplement the approved methodology and guidance:

(1) Wetland delineations should be conducted and reviewed during the ~~period of May 1 - October 15~~growing season. The District may accept delineations performed outside this time frame on a case-by-case basis. The District will determine if there is sufficient information in the report and visible in the field at the time to assess the three wetland parameters (hydrophytic vegetation, hydric soils, hydrology) in relation to the placement of the wetland delineation line. If proper assessment of the delineation is not possible, the District may consider the application incomplete until appropriate field verification is possible.

(2) An applicant conducting short- or long-term wetland hydrology monitoring for the purpose of wetland delineation/determination must coordinate with the District prior to initiating the study.

(3) For a project site with row-cropped agricultural areas, the wetland delineation report must include a review of Farm Service Agency aerial slides (if available) for wetland signatures per Guidance for Offsite Hydrology/Wetland Determinations (July 1, 2016), as amended, and Section 404 Clean Water Act or subsequent State-approved guidance. This review is to be considered along with field data and other pertinent information, and is not necessarily the only or primary basis for a wetland determination in an agricultural row-cropped area.

(4) The wetland delineation report must follow current BWSR/ACOE Guidance for Submittal of Delineation Reports, and include:

(i) Documentation consistent with the 1987 Corps of Engineers Wetlands Delineation Manual and Northcentral and Northeast Regional Supplement.

(ii) National Wetland Inventory (NWI) map, Soil Survey Map, and Department of Natural Resources (DNR) Protected Waters Map of the area being delineated.

(iii) Results of a field investigation of all areas indicated as potential wetland by mapping sources including: NWI wetlands, hydric soil units, poorly drained or depressional areas on the Soil Survey Map, and DNR Protected Waters or Wetlands.

(iv) Classifications of each delineated wetland using the following systems:

- Classification of Wetlands and Deep Water Habitats of the United States (Cowardin et al. 1979)
- Fish and Wildlife Service Circular 39 (Shaw and Fredine 1971)
- Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers & Reed, 3rd Edition, 2011)

(v) A survey map (standard land survey methods or DGPS) of delineated wetland boundaries.

(5) As a condition of District approval of any wetland delineation, applicants shall submit X/Y coordinates (NAD 83 state plane south coordinate system) and a GIS shapefile of the delineated wetland boundaries. All data shall be collected with a Trimble Geoexplorer or equivalent instrument with sub-meter accuracy.

(c) **WETLAND REPLACEMENT PLAN APPLICATION.** An applicant submitting a plan involving a wetland alteration requiring replacement must submit five copies of a replacement plan application and supporting materials conforming to WCA replacement plan application submittal requirements and including the following additional documents:

(1) Plan sheet(s) clearly identifying, delineating, and denoting the location and size of each wetland impact area and all replacement actions for credit.

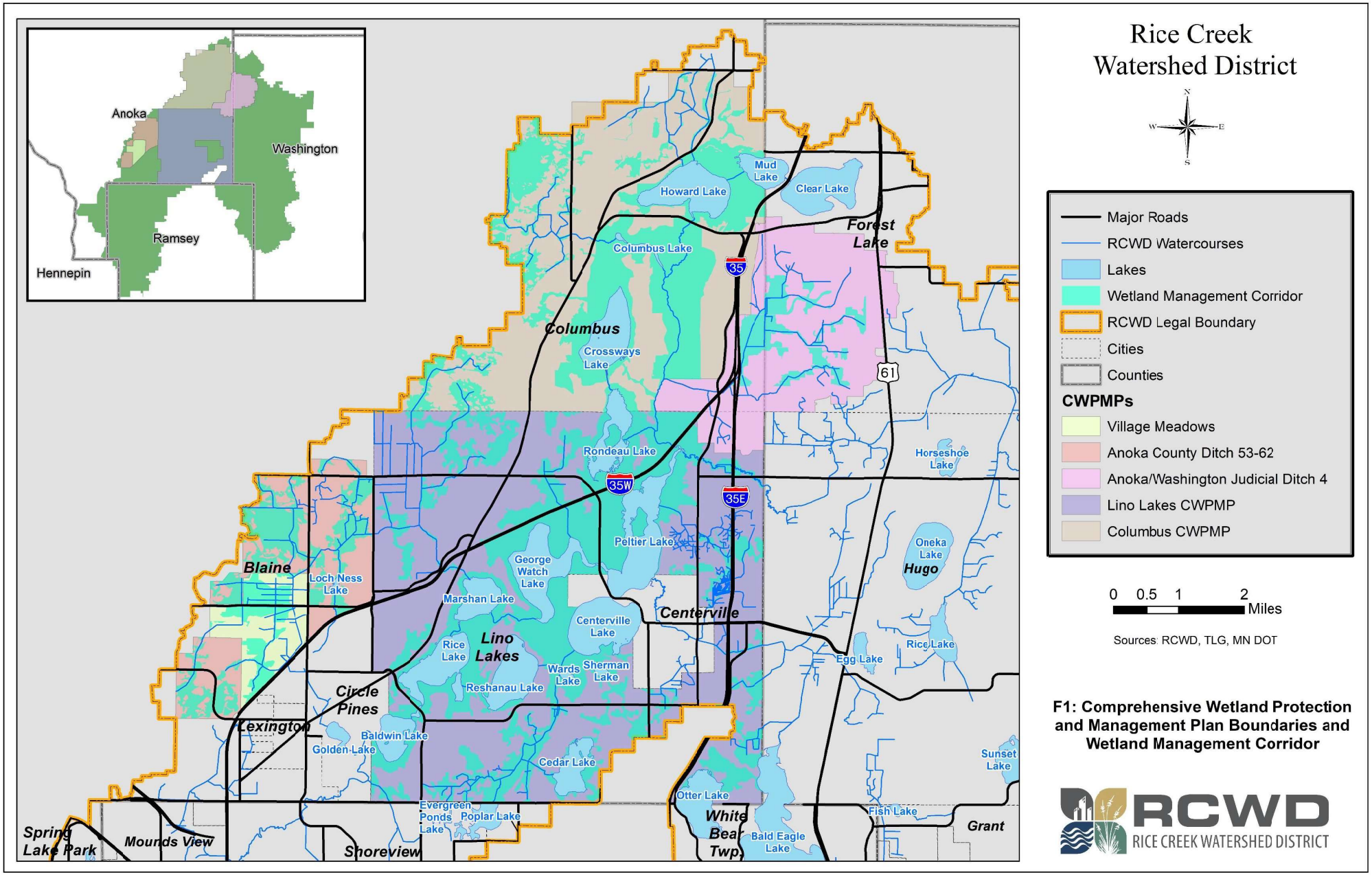
(2) Plan sheet(s) with profile views and construction specifications of each replacement wetland including proposed/estimated normal water level, proposed/estimated boundary of replacement wetland, topsoiling specifications (if any), grading specifications, and wetland/buffer seeding specifications.

(d) **FUNCTIONS AND VALUES ASSESSMENT.** An applicant must submit a before-and-after wetland functions and values assessment using a WCA-accepted methodology for a project in a CWPMP area or otherwise involving at least one acre of wetland impact requiring replacement.

(e) Erosion and sediment control plan in accordance with District Rule D.

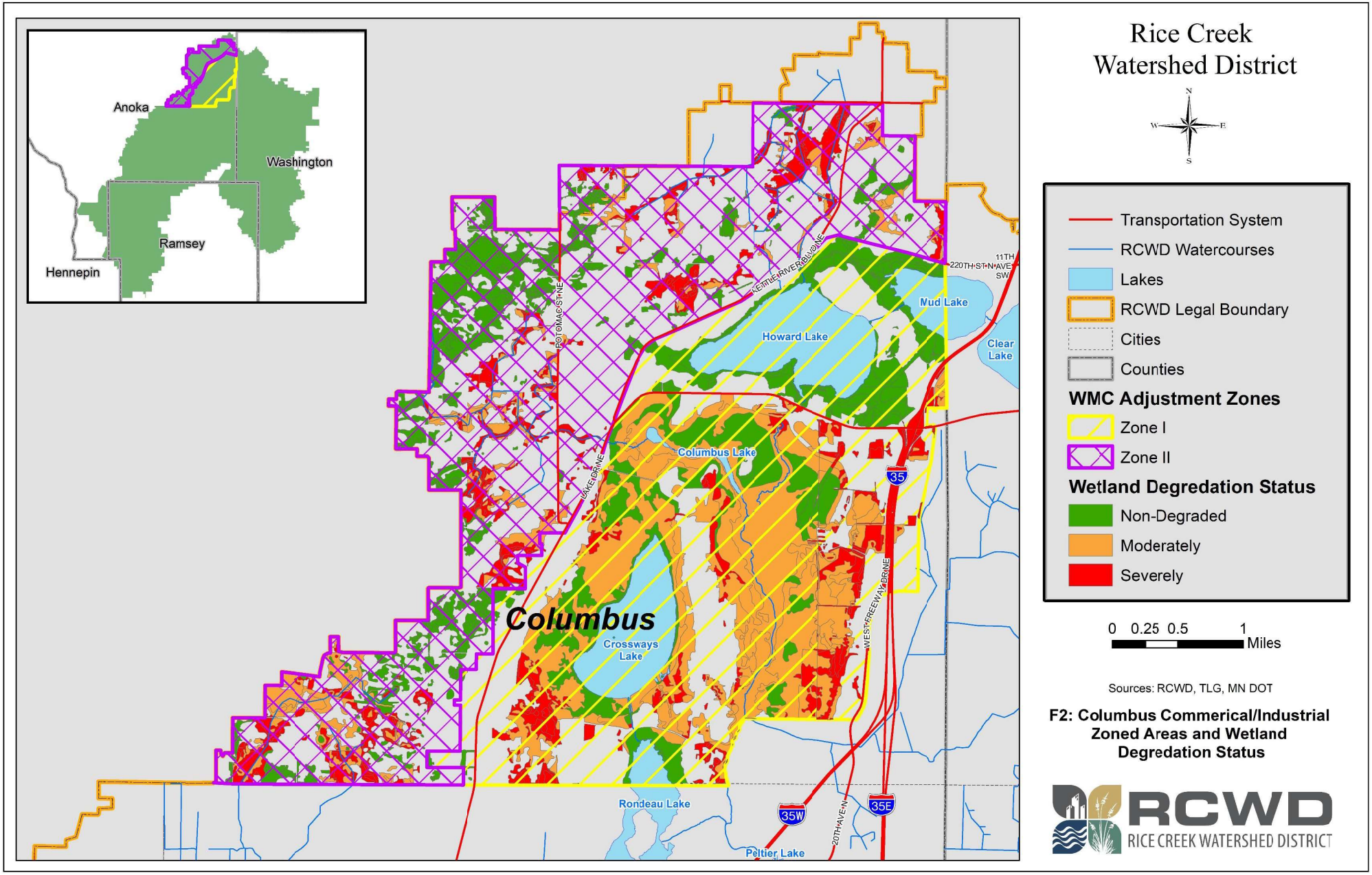
(f) On District request, the applicant will conduct an assessment of protected plant or animal species within the project site, where such assessment is not available from existing sources.

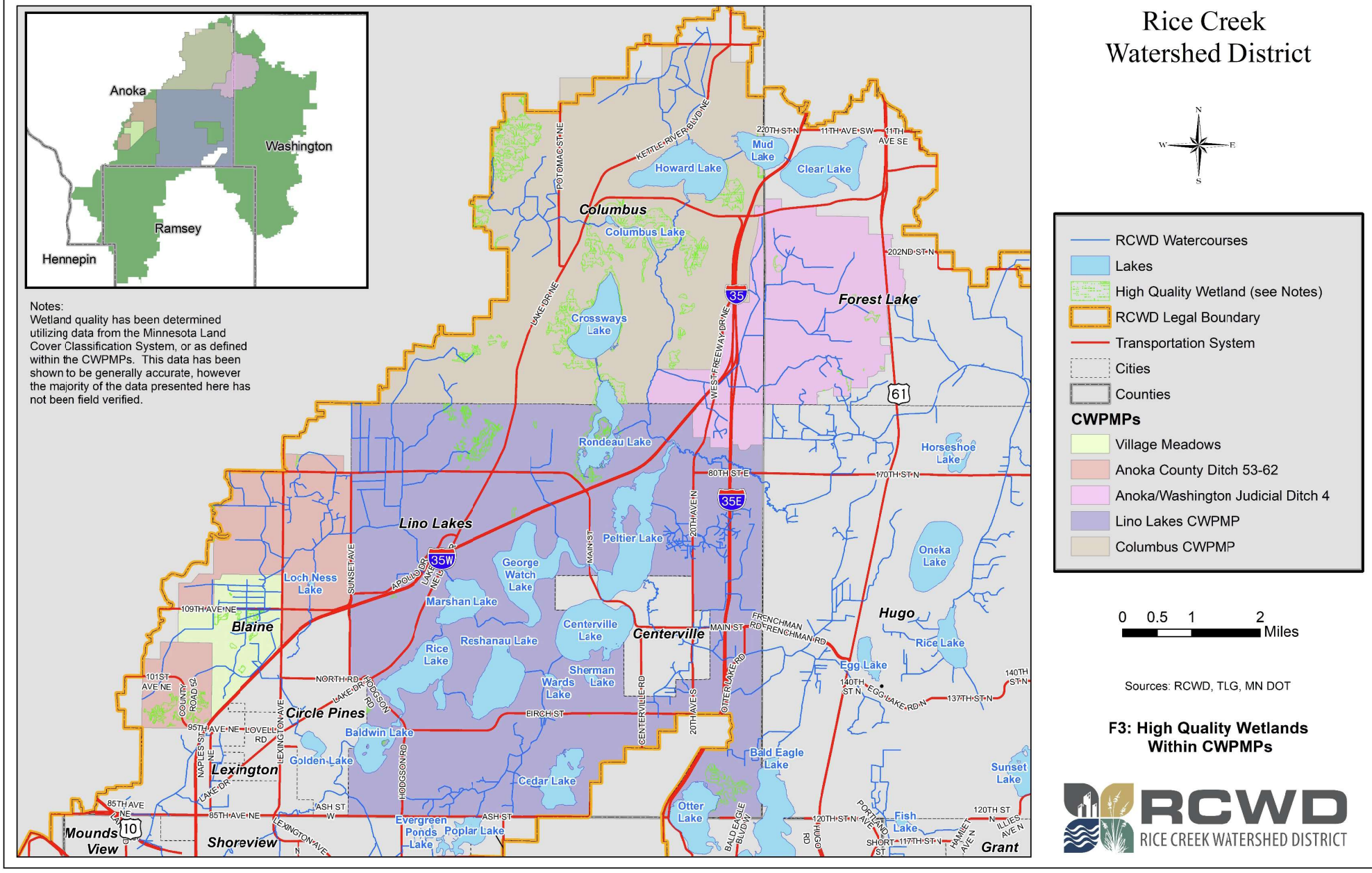
(g) Other project site-specific submittal requirements as may be required by the District.

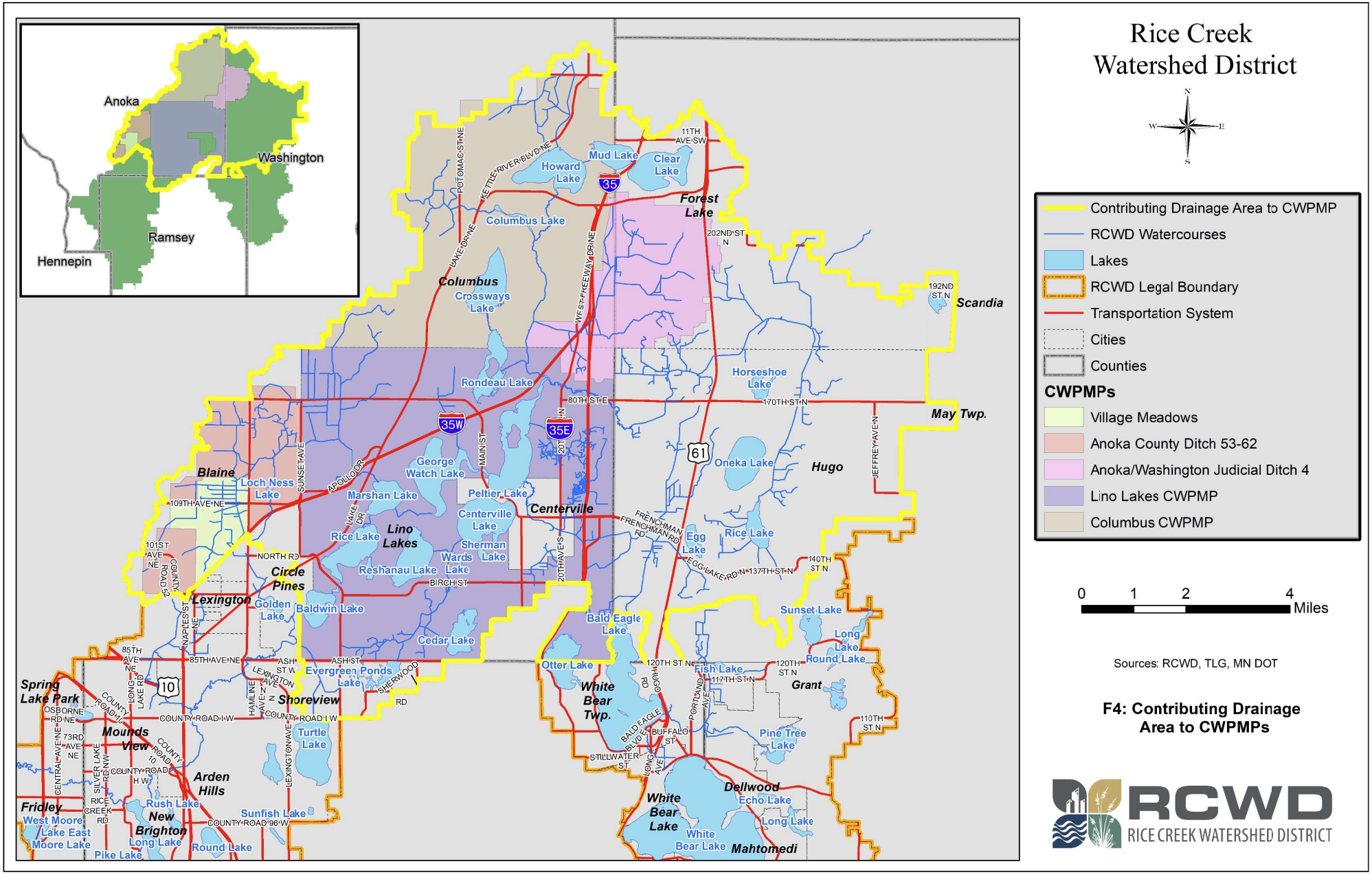


F1: Comprehensive Wetland Protection and Management Plan Boundaries and Wetland Management Corridor

RCWD
RICE CREEK WATERSHED DISTRICT


Rice Creek
Watershed District
Anoka
Washington
Ramsey
Hennepin
Columbus
Mud Lake
Howard Lake
Clear Lake
Columbus Lake
Crossways Lake
Rondeau Lake
Peltier Lake
POTOMAC ST NE
LAKE DRIVE NE
KETTLE RIVER BLVD NE
220TH ST N
11TH AVE SW
WEST FREEWAY DRIVE
20TH AVE N
35
35W
35E
Transportation System
RCWD Watercourses
Lakes
RCWD Legal Boundary
Cities
Counties
WMC Adjustment Zones
Zone I
Zone II
Wetland Degredation Status
Non-Degraded
Moderately
Severely
0 0.25 0.5 1
Miles
Sources: RCWD, TLG, MN DOT
F2: Columbus Commerical/Industrial Zoned Areas and Wetland Degredation Status
RCWD
RICE CREEK WATERSHED DISTRICT


Rice Creek
Watershed District
Anoka
Washington
Ramsey
Hennepin
Notes:
Wetland quality has been determined utilizing data from the Minnesota Land Cover Classification System, or as defined within the CWPMPs. This data has been shown to be generally accurate, however the majority of the data presented here has not been field verified.
RCWD Watercourses
Lakes
High Quality Wetland (see Notes)
RCWD Legal Boundary
Transportation System
Cities
Counties
CWPMPs
Village Meadows
Anoka County Ditch 53-62
Anoka/Washington Judicial Ditch 4
Lino Lakes CWPMP
Columbus CWPMP
0 0.5 1 2
Miles
Sources: RCWD, TLG, MN DOT
F3: High Quality Wetlands
Within CWPMPs
RCWD
RICE CREEK WATERSHED DISTRICT
Columbus
Lino Lakes
Forest Lake
Centerville
Hugo
Blaine
Circle Pines
Lexington
Mounds View
Shoreview
Grant
Howard Lake
Mud Lake
Clear Lake
Columbus Lake
Crossways Lake
Rondeau Lake
Horseshoe Lake
Peltier Lake
Oneka Lake
George Watch Lake
Loch Ness Lake
Marshan Lake
Centerville Lake
Reshanau Lake
Rice Lake
Sherman Lake
Wards Lake
Egg Lake
Baldwin Lake
Golden Lake
Cedar Lake
Bald Eagle Lake
Sunset Lake
Otter Lake
Fish Lake
Evergreen Ponds
Poplar Lake
220TH ST N
11TH AVE SW
11TH AVE SE
202ND ST N
80TH ST E
170TH ST N
109TH AVE NE
101ST AVE NE
95TH AVE NE
85TH AVE NE
140TH ST N
137TH ST N
120TH ST N
117TH ST N
MAIN ST
BIRCH ST
ASH ST W
ASH ST
NORTH RD
LOVELL RD
35
35W
35E
61
10


Rice Creek
Watershed District
Anoka
Washington
Ramsey
Hennepin
Contributing Drainage Area to CWPMP
RCWD Watercourses
Lakes
RCWD Legal Boundary
Transportation System
Cities
Counties
CWPMPs
Village Meadows
Anoka County Ditch 53-62
Anoka/Washington Judicial Ditch 4
Lino Lakes CWPMP
Columbus CWPMP
0 1 2 4 Miles
Sources: RCWD, TLG, MN DOT
F4: Contributing Drainage Area to CWPMPs
RCWD
RICE CREEK WATERSHED DISTRICT
Blaine
Loch Ness Lake
Lino Lakes
Centerville
Forest Lake
Columbus
Scandia
May Twp.
Hugo
Circle Pines
Lexington
Spring Lake Park
Mounds View
Shoreview
Arden Hills
Fridley
New Brighton
White Bear Twp.
White Bear Lake
Dellwood
Grant
Mahtomedi
Rondeau Lake
Columbus Lake
Howard Lake
Mud Lake
Clear Lake
Horseshoe Lake
Oneka Lake
George Watch Lake
Marshan Lake
Peltier Lake
Centerville Lake
Rice Lake
Sherman Wards Lake
Reshanau Lake
Golden Lake
Baldwin Lake
Cedar Lake
Evergreen Ponds Lake
Turtle Lake
Rush Lake
Sunfish Lake
Round Lake
Long Lake
Pike Lake
West Moore Lake
Lake East Moore Lake
Bald Eagle Lake
Otter Lake
Sunset Lake
Long Lake
Round Lake
Fish Lake
Pine Tree Lake
Echo Lake
White Bear Lake
Egg Lake
35
35W
35E
61
10
Lake Dr.
Main St
Sunset Ave
Apollo Dr.
Jeffrey Ave N
Frenchman Rd
Egg Lake Rd N
Portland Ave
Long Ave
Buffalo St
Stillwater St
Bald Eagle Blvd
Sherwood Rd
Hamline Ave
Lexington Ave
Central Ave NE
Silver Lake Rd NW
Long Lake Rd
Rice Creek Rd
Naples St NE
Potomac St NE
Kettle River Blvd NE
Lake Dr NE
West Frontage Rd
11th Ave SW
202nd St N
192nd St N
170th St N
140th St N
137th St N
120th St N
117th St N
110th St N
80th St E
109th Ave NE
101st Ave NE
85th Ave NE
73rd Ave NE
Osborne Rd NE
North Rd
Birch St
Ash St W
Ash St
County Road 52
County Road 10
County Road I W
County Road H W
County Road 96 W

RULE G: REGIONAL CONVEYANCE SYSTEMS

1. **POLICY.** It is the policy of the Board of Managers to preserve regional conveyance systems within the District, including its natural streams and watercourses, as well as artificial channels and piped systems. Rule G applies to surface water conveyance systems other than public drainage systems The purpose of Rule G is to maintain regional conveyance capacity, prevent flooding, preserve water quality and ecological condition, and provide an outlet for drainage for the beneficial use of the public as a whole now and into the future. Rule G does not apply to public drainage systems, as defined in these rules, which the District manages and maintains through the exercise of its authority under the drainage code (Minnesota Statutes Chapter 103E) and the application of Rule I. It is not the intent of this rule to decide drainage rights or resolve drainage disputes between private landowners.

2. **REGULATION.** No person may construct, improve, repair or alter the hydraulic characteristics of a regional conveyance system that extends across two or more parcels of record not under common ownership, including by placing or altering a utility, bridge or culvert structure within or under such a system, without first obtaining a permit from the District. No permit is required to repair or replace an element of a regional conveyance system owned by a government entity when the hydraulic capacity of the system will not change.

3. **CRITERIA.**

The conveyance system owner is responsible for maintenance. In addition, modification of the conveyance system must:

(a) Preserve existing design hydraulic capacity.

(b) Retain existing navigational capacity.

(c) Not adversely affect water quality or downstream flooding characteristics.

(d) Be designed to allow for future erosion, scour, and sedimentation considerations.

(e) Be designed for maintenance access and be maintained in perpetuity to continue to meet the criteria of Section 3. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District.

4. **SUBSURFACE CROSSINGS.** A crossing beneath a regional conveyance system must maintain adequate vertical separation from the bed of the conveyance system. The District will determine adequate separation by reference to applicable guidance and in view of relevant considerations such as soil condition, the potential for upward migration of the utility, and the likelihood that the bed elevation may decrease due to natural processes or human activities. The District also will consider the feasibility of providing separation and the risks if cover diminishes. Nothing in this paragraph diminishes the crossing owner's responsibility under Section 3, above. The applicant must submit a record drawing of the installed utility.

5. **REQUIRED EXHIBITS.** The following exhibits must accompany the permit application.

(a) Construction details showing:

(1) Size and description of conveyance system modification including existing and

proposed flow line (invert) elevations. All elevations must be provided in NAVD 88 datum.

(2) Existing and proposed elevations of utility, bridge, culvert, or other structure.

(3) End details with flared end sections or other appropriate energy dissipaters.

(4) Emergency overflow elevation and route.

(b) Narrative describing construction methods and schedule

(c) Erosion and sediment control plan in accordance with District Rule D.

(d) Computations of watershed area, peak flow rates and elevations, and discussion of potential effects on water levels above and below the project site.

6. **EXCEPTION.** Criterion 3(a) may be waived if the applicant can demonstrate with supporting hydrologic calculations the need for an increase in discharge rate in order to provide for reasonable surface water management in the upstream area and that the downstream impacts of the increased discharge rate can be reasonably accommodated and will not exceed the existing rate at the municipal boundary.

RULE H: ILLICIT DISCHARGE AND CONNECTION

1. POLICY. It is the policy of the Board of Managers to:

(a) Regulate the contribution of pollutants to the District's Municipal Separate Storm Sewer System (MS4) by any user;

(b) Prohibit Illicit Connections and Discharges to the District's MS4;

(c) Carry out inspection and monitoring procedures necessary to ensure compliance with this Rule under statutory and related authority.

2. PROHIBITION. No person shall discharge or cause to be discharged into a public drainage system within the District any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

3. EXCEPTIONS. The commencement, conduct or continuance of any illegal discharge to the waters of the District is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this rule:

(1) Water line flushing or other potable water sources

(2) Landscape irrigation or lawn watering

(3) Diverted stream flows

(4) Rising ground water

(5) Ground water infiltration to storm drains

(6) Uncontaminated pumped ground water

(7) Foundation and footing drains

(8) Firefighting activities

(b) Discharges specified in writing by the District, or other federal, state or local agency as being necessary to protect the public health and safety.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the District prior to the time of the test.

(d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

4. ILLICIT CONNECTIONS PROHIBITED

(a) The construction, use, maintenance or continued existence of illicit connections to the public drainage system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this rule if the person connects a line conveying sewage to the public drainage system, or allows such a connection to continue.

RULE I: PUBLIC DRAINAGE SYSTEMS

1. POLICY. Rule I applies to work within public drainage systems, as that term is defined in these rules. The District regulates work in surface water conveyance systems other than public drainage system through the application of Rule G. It is the policy of the Board of Managers to regulate any work within the right-of-way of a public drainage system that has the potential to affect the capacity or function of the public drainage system, or ability to inspect and maintain the system. The purpose of Rule I is to protect the integrity and capacity of public drainage systems consistent with Minnesota Statutes Chapter 103E to prevent regional or localized flooding, preserve water quality, and maintain an outlet for drainage for the beneficial use of the public and benefitted lands now and into the future. .

2. REGULATION.

(a) ~~No t~~Temporary or permanent work in or over~~, or modification to, a may be completed on the~~ public drainage system, including ~~connecting to a public drainage system~~any modification of the system, ~~may occur without first obtaining~~requires a permit under this rule ~~from the District~~. The permit is in addition to any formal procedures or District approvals that may be required under Minnesota Statutes Chapter 103E or other drainage law.

(b) A utility may not be placed under a public drainage system without a permit under this rule. The design must provide at least five feet of separation between the utility and the as-constructed and subsequently improved grade of the public drainage system, unless the District determines that a separation of less than five feet is adequate to protect and manage the system at that location. The applicant must submit a record drawing of the installed utility. The crossing owner will remain responsible should the crossing at any time be found to be an obstruction or subject to future modification or replacement under the drainage law.

(c) A pumped dewatering operation may not outlet within 200 feet of a public drainage system without a permit under this rule. A permit application must include a dewatering plan indicating discharge location, maximum flow rates, and outlet stabilization practices. Rate of discharge into the system may not exceed the system's available capacity.

3. CRITERIA.. A project proposing to work subject to Paragraph 2 (a) must:

(a) Comply with applicable orders or findings of the Drainage Authority.

(b) Comply with all Federal, State and District wetland protection rules and regulations.

(c) Demonstrate that such activity will not adversely impact the capacity or function of the public drainage system, or ability to inspect and maintain the system.

(d) Not create or establish wetlands within the public drainage system right of way without an order to impound the public drainage system under Minnesota Statute 103E.227.

(e) Provide conveyance at the grade of the ACSIC where work is being completed. If the ACSIC has not been determined, the applicant may request that the District duly determine the ACSIC before acting on the application, or may accept conditions that the District determines adequate to limit the risk that the applicant's work will not be an obstruction, within the meaning of Minnesota Statutes chapter 103E, when the ACSIC is determined. An applicant that proceeds without determination of the ACSIC bears the risk that the work later is determined to be an obstruction.

(f) Maintain hydraulic capacity and grade under interim project conditions, except where the District, in its judgement, determines that potential interim impacts are adequately mitigated.

(g) Where the open channel is being realigned, provide an access corridor that the District deems adequate at the top of bank of the drainage system, with the following characteristics:

- A minimum 20-feet in width
- Cross-slope (perpendicular to direction of flow) no more than 5% grade.
- Longitudinal slope (parallel to the direction of flow) no more than 1:5 (Vertical to Horizontal).

(h) Provide Aadequate supporting soils to facilitate equipment access for inspection and maintenance. Provide stable channel and outfall.

~~**(i)** Before permit issuance, the permittee must convey to the District an easement to the public drainage system specifying a District right of maintenance access over the right of way of the public drainage system as identified within the public drainage system record. If the right of way of the public drainage system is not described within the record, then the easement shall be conveyed with the following widths:~~

- ~~For tiled/piped systems, 40 feet wide perpendicular to the direction of flow, centered on the tile line or pipe;~~
- ~~For open channel systems, a width that includes the channel and the area on each side of the channel within 20 feet of top of bank. For adequate and safe access, where top of bank is irregular or obstruction exists, the District may specify added width.~~

(i) Be designed for maintenance access and be maintained in perpetuity to avoid constituting an obstruction and otherwise to continue to meet the criteria of Section 3. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. Public Linear Projects are exempt from the public drainage system easement requirement of Section 3(i).

(j) Identify proposed temporary obstruction or crossings of the public drainage system and specify operational controls to enable unobstructed conveyance of a rainfall or flow condition.

4. REQUIRED EXHIBITS. The following exhibits must accompany the permit application. All elevations must be provided in NAVD 88 datum.

(a) Map showing location of project, tributary area, and location and name of the public drainage system branches within the project area

(b) Existing and proposed cross sections and profile of affected area.

(c) Description of bridges or culverts proposed.

(d) Location and sizes of proposed connections to the public drainage system

(e) Narrative and calculations describing effects on water levels above and below the project site.

(f) Erosion and sediment control plan.

(g) Hydrologic and hydraulic analysis of the proposed project.

(h) Local benchmark in NAVD 88 datum.

RULE J: APPROPRIATION OF PUBLIC WATERS

1. **POLICY.** It is the policy of the Board of Managers to regulate the appropriation of public waters as follows.

2. **REGULATION.** A permit from the District is required for the appropriation of water from:

(a) A public water basin or wetland that is less than 500 acres and is wholly within Hennepin or Ramsey County.

(b) A protected watercourse within Hennepin or Ramsey County that has a drainage area of less than 50 square miles.

3. **CRITERIA.** A permit applicant for appropriation of public waters as described above must complete and submit to the District an appropriation checklist. The appropriation checklist form may be obtained from the District office.

RULE K: ENFORCEMENT

1. **VIOLATION OF RULES IS A MISDEMEANOR.** Violation of these rules~~, a stipulation agreement made,~~ or a permit issued ~~by the Board of Managers~~ under these rules, is a misdemeanor subject to a penalty as provided by law.

2. **DISTRICT COURT ACTION.** The District may exercise all powers conferred upon it by Minnesota Statutes Chapter 103D to enforce ~~in enforcing~~ these rules, including criminal prosecution, injunction, or action to compel performance, restoration or abatement.

3. **ADMINISTRATIVE ORDER.** The District may issue a cease and desist or compliance order when it finds that a proposed or initiated project presents a serious threat of soil erosion, sedimentation, or an adverse effect ~~up~~on water quality or quantity, or violates any rule or permit of the District.

4. **OTHER ADMINISTRATIVE AUTHORITIES**. The District may use all other authorities that it possesses under statute to address a violation of these rules, or a permit issued under these rules. This includes, but is not limited to, permit suspension or termination; the right to enter to inspect for and correct violations; and the right to be reimbursed for costs incurred to do so by use of financial assurance funds, civil action or joint-powers municipal assessment.

RULE L: VARIANCES

1. **VARIANCES AUTHORIZED.** The Board of Managers may hear a request for variance from a literal provision of these rules where strict enforcement would cause ~~undue hardship or~~ practical difficulty because of circumstances unique to the property under consideration. The Board of Managers may grant a variance if an applicant demonstrates that such action will be in keeping with the spirit and intent of these rules and in doing so may impose conditions on the variance as necessary to find that it meets the standards of section 2, below. A variance request must be addressed to the Board of Managers as part of a permit application and must address each of the four criteria listed in the standard.

2. **STANDARD.** In order to grant a variance, the Board of Managers must determine that:

   (a) Special conditions apply to the structures or lands under consideration that do not apply generally to other land or structures in the District.

   (b) Because of the unique conditions of the property involved, ~~undue hardship or~~ practical difficulty to the applicant would result, as distinguished from mere inconvenience, if the strict letter of the rule~~s~~ were applied. ~~Economic considerations alone do not constitute undue hardship or practical difficulty if any reasonable use of the property exists under the terms of the District's rules.~~

   (c) The proposed activity for which the variance is sought will not adversely affect the public health, safety or welfare; will not create extraordinary public expense; and will not adversely affect water quality, water control or drainage in the District.

   (d) The intent of the District's rules is met.

3. **PRACTICAL DIFFICULTY DEFINED.** In evaluating practical difficulty, the Board of Managers will consider the following factors:

   (a) How substantial the variation is from the rule provision;

   (b) ~~The effect of the variance on government~~ Whether the variance would shift cost to adjacent property owners or the public;

   (c) Whether the variance will substantially change the character of watershed resources or be a substantial detriment to neighboring properties;

   (d) Whether the practical difficulty can be alleviated by a technically and economically feasible method other than a variance;

   (e) How the practical difficulty occurred, including whether the landowner created the need for the variance; and

   (f) In light of all of the above factors, whether allowing the variance will serve the interests of justice.

4. **TERM.** A variance expires on expiration of the CAPROC approval or permit associated with the variance request.

5. **VIOLATION.** A violation of any condition set forth in a variance is a violation of the District permit that it accompanies and automatically terminates the variance.

ITEMS REQUIRING BOARD ACTION

1. Highlights of 2025 Budget – Revised from RCWD Board Discussions

   Consider Resolution to Adopt 2025 Budget and Direct Certification of 2025 Proposed Tax Levy -There will be a public meeting on the District's budget and levy adopted today on December 11, 2024 at 6:30 p.m. in the Shoreview City Hall Council Chambers and remotely (teleconference or video-teleconference) in conformance with MN Stat. 275.065. (Nick Tomczik)

Highlights of Proposed 2025 Budget

Revised 9/5/2025 – Revisions from RCWD Board Discussions in Bold Italics

The proposed 2025 budget supports implementation of Rice Creek Watershed District's 10-year Watershed Management Plan (WMP) adopted in 2020. The WMP provides resource management direction to the District, establishing its budget framework for projects and programs. The framework guides development of the District's annual budget and long-range fiscal planning. The WMP is not the definitive as to the annual District budget, but a foundation to it.

The 2025 budget document includes a column titled "Classification for District Fund Balance". The content of this column identifies the fund's or subfund's relationship, if any, to the District's fund balance.

The 2025 District budget includes dollars for the District's general administration and operations for District managers and District staff. These funds address the administrative needs of the District itself as well as the shared budget efforts of the District's programs, such as rent. This year notably includes the funds for a field utility vehicle, vehicle purchase/lease, human resource and financial consultant services, and includes all current District staff positions salary and benefits consistent with the District's organizational chart.

The following is a list of the District's individual programs and projects highlighting intended work for 2025.

Communication and Outreach – Fund 30:

- Refocus water stewards portion of the program to capitalize on visual media
- Implement District commitment of $15,000 to water stewards' capstone project at Forest Lake High School
- Outreach partnerships budget is raised to address increased support requests and increased costs. (These address city/county programs and outreach initiatives, such as workshops and events and may utilize organizations/businesses outreach programs.) ***This fund, Fund 30-04, includes an additional $3,000 (levy) for potential use in East Metro Water Resource Education Program (EMWREP) agreement or otherwise by staff in adjustment of outreach activities.***
- Increases two-fold Mini-Grant Program funding
- Update of the Watershed Management Plan (WMP) as necessary along with engineering support
- Communication and partnership on the District's projects and policy positions

Information Management – Fund 35:

- Conclude the current district boundary management effort
- Maintain the District Wide Model, data updates
- Assist cities in application of District Wide Model, flood study
- Complete modeling software conversions
- Maintain the District's databases and further develop institutional knowledge tools (Drainage DB, MS4Front, GIS layers)

- Maintain District website (annual host, updates, maintenance costs)

Restoration Projects – Fund 60:

- Develop plans for restoration and stabilization of Clearwater Creek/Anoka-Washington Judicial Ditch 3
- Study potential water quality improvement projects at Anoka County Ditch 72
- Implement $100,000 match commitment to the City of Fridley's Moore Lake project
- Implement next Middle and/or Lower Rice Creek stream bank stabilization projects based on past study
- Study retrofit of Hwy 61 ponds for Bald Eagle Lake Water Quality Management
- Develop final plans with regulations/permits for Ramsey County Ditch 2, 3, & 5 at Jones Lake ***(potential MN Pollution Control Agency Stormwater Resiliency Implementation Grant otherwise*** ***Funding through District Fund Balance~~/Project Anticipation Fund~~)***
- Continue the Storm Water Management Cost-Share Program, includes the District's past committed grant awards
- Collaborate in Clear Lake Water Management project shoreline restoration at Eureka Avenue Forest Lake. ***This fund, Fund 60-29, includes an additional $75,000 (fund balance) for the project based on uncertain project timeframe.***
- Continue Groundwater Management & Stormwater Reuse Assessment Program
- Capitalize on stormwater planning opportunities

Regulatory – Fund 70:

- Implement the revised regulations
- Update surety use protocols and provide any necessary guidance documents in assistance to our partners and the public
- Study and implement support of Best Management Practices
- Implement annual District reporting, pre-permit engagement, management of open permits
- Partner under inspection contracts with county conservation districts

Ditch & Creek Maintenance – Fund 80:

- Maintain public drainage system right-of-way by regular inspection and mowing, maintenance activity
- Implement further maintenance work on Anoka County Ditch 10-22-32 along with other system maintenance needs
- Complete repair reports and studies Anoka Ramsey Judicial Ditch 1 Branch 1, 2, 3
- Implement Ramsey County Ditch 4 Water Management District and conclude project work initiated in 2024
- Implement next phase of Anoka County Ditch 53-62 Branch 5 & 6
- Support efficient public drainage system maintenance by municipal partners
- Participate as appropriate in natural waterway management
- Continue public drainage system maintenance on Washington Judicial Ditch 5 and Washington Judicial Ditch 7

Lake & Stream Management – Fund 90:

- Continue Water Quality Grant Program with increase to address inflation and committed project payout
- Continue Surface Water Monitoring & Management Program

- Continue Common Carp Management and Curly Leaf Pondweed Management programs

District Facilities – Fund 95:

- Continue inspection, repair, and maintenance of District facilities such as its iron enhanced sand filters and support of Priebe Lake Outfall Project (PLOP)

Total 2025 proposed expenditures are ***$9,410,614*** ~~**$9,332,614**~~**.** Revenue for 2025 is an assembly of:

- ***$6,143,782*** ~~$6,140,782~~ is from the watershed-wide general property tax levy
- $657,104 is from Water Management Districts (WMD), fees, grants, investment income
- ***$2,609,728*** ~~$2,534,728~~ is from fund balance (restricted, committed, assigned)

The 2025 budget is $9.***4*** ~~3~~ million, consisting of nearly $900,000 in committed spending. This contributes to the fund balance spending total of roughly $2.***6*** ~~5~~ million and evidence of the District's success in securing grants and saving in advance saving for projects which contributes, along with urban fringe development, to a stable levy. The District's fund balance remains sufficient, under the anticipated closing balance of 2024, to meet the 40% operating reserve fund balance policy.

The Board should consider the levy implications to property holders. The proposed 2025 budget resulting levy requirements are indicated to be flat or declining given the new development and market value of properties on the urban fringe. The calculus for the budget's levy impact on property owners is challenging as it is being allocated across four counties. There may be some increases or decreases in an individual property's estimated tax rate within counties, variation from year to year. This is beyond the District's control. In general, property market values have continued to increase over the preceding year and so the proposed budget will yield an increase in revenue from property tax commensurate with the increase in overall market value within the District. (Again, each individual properties' tax amount within the District is dependent on numerous factors (county, value change, other taxing authorities, etc.) and therefore the District must assess its levy under broad conditions.)

The 2025 property tax rates are not available at this time from which to calculate the District's tax impact, however; the tax impact will likely be moderate to declining from the 2024 property tax impact due to new development's added taxable market value and increasing taxable market value of existing property against a 2025 ***.72%*** ~~.67%~~ increase in the District's levy over 2024. The RCWD 2024 property tax impact on ***$400,000*** ~~$200,000~~ of property value is estimated at around ***$63*** ~~$32~~ dollars per year down from estimates in previous years.

Estimated **2025 Property Tax Implications**

Value	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**
RCWD Levy on ***$400,000*** ~~$200,000~~ of property value	***$78.49*** ~~$39.25~~	***$72.61*** ~~$36.30~~	***$73.63*** ~~$36.81~~	***$75.51*** ~~$37.75~~	***$72.88*** ~~$36.44~~	***$71.60*** ~~$35.80~~	***$63.72*** ~~$31.86~~	***$63.04*** ~~$31.52~~	Information not available as of 8/7/2024; anticipated to be stable; like previous year's (2023, 2024) amount

The District anticipates the 2025 Ramsey County Ditch 4 Watershed Management District (WMD) charge to result in a total collection of $94,538; comprised of $85,038 in levied charges and $9,500 in Right of Way (ROW) direct billing.

RESOLUTION 2024-06

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

RESOLUTION TO ADOPT 2025 BUDGET AND
DIRECT CERTIFICATION OF 2025 TAX LEVY

Manager _____ offered the following resolution and moved its adoption, seconded by Manager_____:

WHEREAS, Minnesota Statutes Sections 103D.911 and 103D.915 require that on or before September 15 of each year, the Rice Creek Watershed District Board of Managers ("Board") adopt a budget for the next year and decide on the total amount necessary to be raised from ad valorem tax levies to meet the District budget, and that the District certify to the auditor of each county within the District the county's share of the tax;

WHEREAS, pursuant to Minnesota Statutes Section 103D.911, the Board held a public hearing, duly noticed, on August 14, 2024, on the proposed 2025 District budget, whereby all interested members of the public were afforded the opportunity to address the Board concerning the proposed budget and levy, and the Board is legally authorized to levy the tax described below;

WHEREAS, the District previously maintained fund 95-01 and Fund 95-02 which are obsolete and the funds potential needs and uses are incorporated into the District's established Fund 99 Program/Project Anticipation Fund;

WHEREAS, the District adopted a fund balance policy and fund transfers are necessary for adherence;

THEREFORE BE IT RESOLVED, that the Rice Creek Watershed District Board of Managers adopts a 2025 general fund and plan implementation budget totaling $9,410,614;

BE IT FURTHER RESOLVED, that the Rice Creek Watershed District Board of Managers approves a close out transfer sufficient to completely close out fund 95-01 and fund 95-02, estimated to be net $516,883, subject to audited year-end closing adjustments and further approves fund transfers in adherence to District fund balance policy;

BE IT FINALLY RESOLVED, that a levy of $6,143,782 be certified to the Counties of Anoka, Ramsey, Hennepin and Washington and levied upon all taxable property in the Rice Creek Watershed District for the year 2025, as authorized by the Metropolitan Surface Water Management Act, Minnesota Statutes Section 103B.241, to pay the cost to prepare the District's watershed management plan and for projects identified in the plan as necessary to implement the purposes of Minnesota Statutes Section 103B.201;

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

	Yea	Nay	Absent	Abstain
BRADLEY	☐	☐	☐	☐
ROBERTSON	☐	☐	☐	☐
WAGAMON	☐	☐	☐	☐
WALLER	☐	☐	☐	☐
WEINANDT	☐	☐	☐	☐

Upon vote, the President declared the Resolution _____.

_____ Dated: September 11, 2024
Jessica Robertson, Secretary

* * * * * * * * * * * *

I, Jessica Robertson, 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 11 day of September, 2024.

_____
Jessica Robertson, Secretary

DISTRICT 038 – RICE CREEK WATERSHED DIST

CERTIFICATION OF APPORTIONED LEVIES
PAYABLE 2025

(1) Payable 2025 Property Tax Levy: $ 6,143,782

County	(2) Payable 2024 Taxable Net Tax Capacity	(3) Net Tax Capacity Percent Distribution	(4) Apportioned Payable 2025 Levy (1X3)
ANOKA COUNTY	110,418,168	31.3731 %	1,927,495
HENNEPIN COUNTY	2,483,804	0.7057 %	43,357
RAMSEY COUNTY	166,389,184	47.2762 %	2,904,547
WASHINGTON COUNTY	72,660,201	20.645 %	1,268,384
WATERSHED TOTAL	351,951,357	100.0000 %	$ 6,143,782

Treasurer

Signature of Budget Officer ***Title*** ***Date***

RCWD Proposed 2025 Budget

Fund No. & Sub-Account	Name	Classification of District Funds	2024 Budget	Projected 2024 Expenditures	Proposed 2025 Budget
10	**General Administration**	% Cash Flow Reser	**$ 523,535**	**$ 473,674**	**$ 535,272**
	Salaries, Taxes, PERA, HSA, Benefits, Office Expenses		$ 523,535	$ 473,674	**$ 535,272**
30	**Communication & Outreach**		**$ 254,068**	**$ 247,190**	**$ 305,389**
	Salaries, Taxes, PERA, Benefits, Office Expenses Etc.	40% Cash Flow	$ 171,068	$ 164,190	**$ 190,389**
-02	Watershed Communication & Outreach		$ 15,000	$ 15,000	**$ 14,000**
-03	Visual Media Program (Replacing Minnesota Water Steward Program)		$ 15,000	$ 15,000	**$ 30,000**
-04	Outreach Partnerships		$ 32,000	$ 32,000	**$ 43,000**
-05	Mini-Grants Program		$ 10,000	$ 10,000	**$ 20,000**
-06	Enginering & Technical Support		$ 6,000	$ 6,000	**$ 3,000**
-08	Watershed Plan Maintenance		$ 5,000	$ 5,000	**$ 5,000**
35	**Information Management**		**$ 271,146**	**$ 278,893**	**$ 316,014**
	Salaries, Taxes, PERA, Benefits, Office Expenses Etc.	40% Cash Flow	$ 156,146	$ 163,893	**$ 192,514**
-03	Boundary Management Program		$ 5,000	$ 5,000	**$ 1,000**
-04	District Wide Model		$ 40,000	$ 40,000	**$ 60,000**
-05	Databases (MS4 Front, Drainage DB), GIS Viewer		$ 65,000	$ 65,000	**$ 60,000**
-15	District Website		$ 5,000	$ 5,000	**$ 2,500**
60	**Restoration Projects**		**$ 2,165,193**	**$ 1,146,704**	**$ 2,922,551**
	Salaries, Taxes, PERA, Benefits, Office Expenses Etc.	40% Cash Flow	$ 381,404	$ 302,417	**$ 403,846**
-01	Anoka Chain of Lakes Water Management Project		$ 300,000	$ 141,014	**$ 160,000**
-02	Lower Rice Creek WMD **(IDLE)**	Restricted	$ -	$ -	**$ -**
-03	Lower Rice Creek Water Management Project		$ 175,000	$ 140,000	**$ 185,000**
-04	Middle Rice Creek Water Management Project		$ 10,000	$ 10,000	**$ 100,000**
-05	Bald Eagle Lake WMD	Restricted	$ 31,789	$ 2,290	**$ 28,272**
-06	Bald Eagle Lake Water Management Project		$ 110,000	$ 5,000	**$ 100,000**
-07	RCD 2, 3 & 5 WMD **(IDLE)**	Restricted	$ -	$ -	**$ -**
-08	RCD 2, 3 & 5 Basic Water Management Project		$ 200,000	$ 164,574	**$ 500,000**
-09	Silver Lake Water Management Project		$ -	$ -	**$ -**
-10	Golden Lake Water Management Project		$ -	$ -	**$ -**
-11	Regional Water Management Partnership Projects		$ 50,000	$ 10,000	**$ 54,000**
-15	Stormwater Management Cost Share	Committed	$ 632,000	$ 298,718	**$ 1,106,433**
-24	Southwest Urban Lakes Implementation		$ 75,000	$ 15,000	**$ 100,000**
-29	Clear Lake Water Management Project		$ 75,000	$ 25,000	**$ 85,000**
-33	Forest Lake Planning WMD **(IDLE)**	Restricted	$ -	$ -	**$ -**
-34	Columbus Planning WMD **(IDLE)**	Restricted	$ -	$ -	**$ -**
-35	Stormwater Master Planning		$ 50,000	$ 10,000	**$ 35,000**
-36	Municipal CIP Early Coordination Program		$ 10,000	$ 5,158	**$ 10,000**
-37	Groundwater Management & Stormwater Reuse Assessment Program		$ 65,000	$ 17,534	**$ 55,000**
70	**Regulatory**		**$ 1,590,761**	**$ 1,399,497**	**$ 1,565,687**
	Salaries, Taxes, PERA, Benefits, Office Expenses Etc.	40% Cash Flow	$ 590,761	$ 492,143	**$ 590,687**
-01	Rule Revision / Permit Guidance		$ 50,000	$ 15,208	**$ 50,000**
-03	Permit Review, Inspection and Coordination Program		$ 950,000	$ 892,146	**$ 925,000**
80	**Ditch & Creek Maintenance**		**$ 1,741,000**	**$ 1,710,023**	**$ 1,955,483**
	Salaries, Taxes, PERA, Benefits, Office Expenses Etc.	40% Cash Flow	$ 330,811	$ 281,276	**$ 344,198**
-01	Natural Waterway Management		$ 10,000	$ 2,500	**$ 10,000**
-02	Ditch Maintenance		$ 335,000	$ 530,383	**$ 345,000**
-03	Repair Reports & Studies		$ 200,000	$ 200,000	**$ 160,000**
-04	ACD 10-22-32 WMD	Restricted	$ 14,124	$ 5,693	**$ 14,361**
-05	ACD 31 WMD	Restricted	$ -	$ -	**$ -**
-06	ACD 46 WMD	Restricted	$ 39,710	$ 39,710	**$ 41,016**
-07	RCD 4 WMD	Restricted	$ 145,000	$ 98,650	**$ 94,538**
-08	RCD 4 Repair		$ 95,000	$ 44,130	**$ 48,000**
-09	ARJD 1 WMD **(IDLE)**	Restricted	$ -	$ -	**$ -**
-10	ARJD 1 Repair		$ -	$ -	**$ -**
-15	Municipal PDS Maintenance	Committed	$ 50,000	$ 5,000	**$ 50,000**
-20	WJD 2 Branch 1/2 Repair		$ -	$ -	**$ -**
-21	AWJD 3 Repair		$ 130,000	$ 274,009	**$ -**
-22	ACD 15 / AWJD 4 WMD	Restricted	$ 18,370	$ 18,370	**$ 18,370**
-23	ACD 15 & AWJD 4		$ 230,000	$ 10,000	**$ 230,000**
-24	ACD 53-62 WMD	Restricted	$ 42,985	$ 130,000	**$ 354,000**
-25	ACD 53-62 Repair		$ 100,000	$ 70,302	**$ 246,000**
90	**Lake & Stream Management**		**$ 1,147,001**	**$ 843,911**	**$ 1,155,911**
	Salaries, Taxes, PERA, Benefits, Office Expenses Etc.	40% Cash Flow	$ 370,001	$ 340,891	**$ 384,265**
-01	Water Quality Grant Program	Committed	$ 287,000	$ 148,109	**$ 281,646**
-04	Surface Water Monitoring & Management Program		$ 240,000	$ 240,000	**$ 240,000**
-26	Common Carp Management		$ 200,000	$ 102,912	**$ 200,000**
-27	Curly Leaf Pondweed Management		$ 50,000	$ 12,000	**$ 50,000**
95	**District Facilities**		**$ 641,635**	**$ 557,976**	**$ 654,307**
	Salaries, Taxes, PERA, Benefits, Office Expenses Etc.	40% Cash Flow	$ 221,635	$ 216,932	**$ 232,307**
-03	District Facilities Repair		$ 300,000	$ 300,000	**$ 310,000**
-04	Inspection, Operation & Maintenance		$ 120,000	$ 41,045	**$ 112,000**
				.	
	TOTAL		**$ 8,334,339**	**$ 6,657,868**	**$ 9,410,614**

2025 FUND BALANCE ESTIMATION

FUND BALANCE CASH FLOW OPERATING RESERVE					
REQUIIRED 40% GENERAL FUND	REQUIIRED 40% IMPLEMENTATION ADMINISTRATIVE	RESTRICTED FUND BALANCE 12/31/2025	COMMITTED FUND BALANCE 12/31/2025	PROGRAM/PROJECT ANTICIPATION FUND 12/31/2025	ASSIGNED FUND BALANCE 12/31/2025
$ 214,109	$ 935,282	$ (42,093)	$ 831,633	$ 7,383,523	$ 819,590

PROPOSED FUND TRANSFERS WITH 2025 BUDGET

FUND	PROPOSED TRANSFER	1/1/2025 FUND BALANCE
10 General Administration	$ (370,000)	$ 222,890
30 Communication & Outreach	$ (80,000)	$ 163,445
35 Information Management	$ (133,000)	$ 167,596
60 Restoration Projects	$ -	$ 3,144,128
70 Regulatory	$ 160,000	$ 877,744
80 Ditch & Creek Maintenance	$ (906,434)	$ 433,389
90 Lake & Stream Management	$ (803,221)	$ 264,638
95 District Facilities	$ (750,868)	$ 94,421
99 Project Anticipation		$ 7,383,523
TOTAL	$ (2,883,523)	$ 12,751,772

99 PROJECT ANTICIPATION SUBFUND ALLOCATION		
99-60 Restoration	$ 2,000,000	$ 4,700,000
99-80 Ditch & Creek	$ 883,523	$ 2,283,523
99-90 Lake & Stream	$ -	$ 200,000
99-95 District Facility	$ -	$ 200,000
TOTAL	$ 2,883,523	$ 7,383,523

General Fund – covers the general administrative expenses of the District, including salaries, benefits, and office expenses.

Implementation Administrative Budget – covers the administrative costs of preparing or amending the District's plan and the administrative costs of implementation of the plan through projects and programs, pursuant to Minnesota Statutes Section 103B.241.

Restricted Fund – amounts are subject to externally enforceable legal restrictions, such as funds levied in a Water Management District (WMD) which are restricted to the defined purpose.

Committed Fund - amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority, such as grant program awards. The commitments may be changed or lifted only by the government taking the same formal action that imposed the constraint originally.

Program/Project Anticipation Fund – funds accumulated and committed as an alternative to issuing bonds to finance improvements based on findings as to the potential future need of funds for a particular purpose.

Assigned Fund - amounts a government intends to use for a specific purpose.

Rice Creek Watershed District
Total Revenue and Expenditures

Account	2024 Annual Budget	YTD Thru 05/31/24	Projected 6/1-12/31/24	Projected 2024 Total	Proposed 2025 Budget	% Change
Revenues:						
General Property Tax	$ 6,099,752	$ 28,420	$ 5,871,860	$ 5,900,281	$ 6,143,782	0.7%
Permit Fees 70-03	$ 85,528	$ 30,600	$ 30,600	$ 61,200	$ 61,200	-28.4%
WMD Charges Lower Rice Creek 60-02	$ -	$ -	$ -	$ -	$ -	0.0%
WMD Charges Bald Eagle Lake 60-05	$ -	$ -	$ -	$ -	$ -	0.0%
WMD Charges RCD 2, 3 & 5 60-07	$ -	$ -	$ -	$ -	$ -	0.0%
WMD Charges Forest Lake Planning 60-33	$ -	$ -	$ -	$ -	$ -	0.0%
WMD Charges Columbus Planning 60-34	$ -	$ -	$ -	$ -	$ -	0.0%
WMD Charges ACD 10-22-32 80-04	$ -	$ -	$ -	$ -	$ -	0.0%
WMD Charges ACD 31 80-05	$ -	$ -	$ 120	$ 120	$ -	0.0%
WMD Charges ACD 46 80-06	$ -	$ -	$ 88	$ 88	$ -	0.0%
WMD Charges RCD 4 80-07	$ -	$ -	$ (0)	$ (0)	$ 85,038	0.0%
WMD Charges ARJD1 80-09	$ -	$ -	$ -	$ -	$ -	0.0%
WMD Charges ACD 15 & AWJD 4 80-22	$ -	$ -	$ -	$ -	$ -	0.0%
WMD Charges ACD 53-62 80-24	$ 26,782	$ -	$ 166,364	$ 166,364	$ -	-100.0%
ROW Charges (All 80)	$ 2,405	$ 4,291	$ 11,972	$ 16,263	$ 9,500	295.1%
BWSR Grant - WBFIP East Miss. 60-01	$ -	$ -	$ -	$ -	$ 30,000	0.0%
BWSR Grant - WBFIP Rice Creek 80-03	$ -	$ -	$ 30,000	$ 30,000	$ 30,000	100.0%
BWSR Grant - WBFIP Rice Creek 90-26	$ -	$ -	$ 25,000	$ 25,000	$ -	100.0%
BWSR Grant - WBFIP Rice Creek 95-04	$ -	$ -	$ 20,000	$ 20,000	$ -	100.0%
Clean Water Fund competative Grant - Centerville Alum	$ -	$ 477,250	$ -	$ 477,250	$ -	0.0%
Interest Income	$ 459,702	$ 183,118	$ 30,136	$ 213,253	$ 441,366	-4.0%
Miscellaneous Revenue	$ -	$ 97,115	$ 19,390	$ 116,505	$ -	0.0%
Total Revenues	**$ 6,674,169**	**$ 820,794**	**$ 6,205,530**	**$ 7,026,324**	**$ 6,800,886**	**1.9%**
Expenses:						
General Administration - 10	$ 523,535	$ 194,130	$ 279,544	$ 473,674	$ 535,272	2.2%
Communication & Outreach - 30	$ 254,068	$ 98,709	$ 148,970	$ 247,679	$ 305,389	20.2%
Information Management - 35	$ 271,146	$ 86,044	$ 192,849	$ 278,893	$ 316,014	16.5%
Restoration Projects - 60	$ 2,165,193	$ 126,292	$ 1,019,504	$ 1,145,796	$ 2,922,551	35.0%
Regulatory - 70	$ 1,590,761	$ 447,902	$ 950,687	$ 1,398,589	$ 1,565,687	-1.6%
Ditch & Creek Maintenance - 80	$ 1,741,000	$ 669,404	$ 1,040,619	$ 1,710,023	$ 1,955,483	12.3%
Lake & Stream Management - 90	$ 1,147,001	$ 242,655	$ 601,745	$ 844,401	$ 1,155,911	0.8%
District Facilities - 95	$ 641,635	$ 89,966	$ 468,010	$ 557,976	$ 654,307	2.0%
Project Anticipation - 99	$ -	$ -	$ -	$ -	$ -	0.0%
Total Program Expense	**$ 8,334,339**	**$ 1,955,102**	**$ 4,701,929**	**$ 6,657,031**	**$ 9,410,614**	**12.9%**

Rice Creek Watershed District
Administrative Costs Breakdown - All Funds

Acct #	Account	2024 Annual Budget	YTD Thru 05/31/24	Projected 6/1-12/31/24	Projected 2024 Total	2025 Proposed Budget	% Difference between 2024 & 2054 Budgets
	Expenses						
4000	Manager Per Diem	33,750	11,000	22,250	33,250	33,000	-2.2%
4010	Manager Expense	3,500	434	1,439	1,873	4,000	14.3%
4011	Manager Travel	4,500	1,107	2,600	3,707	5,000	11.1%
4100	Wages	1,408,696	464,986	761,875	1,226,861	1,464,496	4.0%
4102	Interns	25,634	0	14,694	14,694	22,170	-13.5%
4110	Benefits	196,252	75,775	98,711	174,486	229,064	16.7%
4120	PERA Expense	105,652	34,321	45,799	80,120	109,837	4.0%
4125	H.S.A. Contribution	15,640	5,323	7,453	12,776	16,275	4.1%
4130	Payroll Taxes	109,726	35,417	58,878	94,295	113,730	3.6%
4140	Payroll Taxes-Unemployment	5,500	858	1,202	2,060	5,000	-9.1%
4200	Office Supplies	12,250	2,334	6,867	9,201	12,128	-1.0%
4201	Supplies-Field	2,000	195	1,550	1,745	2,000	0.0%
4203	Computer Software	12,250	2,386	10,220	12,606	16,354	33.5%
4205	Meeting Supplies/Expense	4,118	376	3,742	4,118	3,375	-18.0%
4208	Printing	2,500	648	1,445	2,093	2,500	0.0%
4210	Rent	111,000	51,703	64,010	115,713	125,000	12.6%
4240	Telecommunications	37,500	12,441	22,208	34,649	24,520	-34.6%
4245	Dues	15,642	12,500	3,000	15,500	15,899	1.6%
4250	Publications	1,000	0	935	935	1,000	0.0%
4265	Training & Education	50,000	6,312	28,217	34,529	45,000	-10.0%
4270	Insurance & Bonds	40,000	35,041	0	35,041	40,000	0.0%
4280	Postage	5,500	0	5,500	5,500	5,500	0.0%
4290	Legal Notices-General	4,250	0	3,350	3,350	4,800	12.9%
4320	Staff Travel	5,500	824	4,363	5,187	5,500	0.0%
4322	Vehicle Expense	75,000	1,417	66,870	68,287	60,000	-20.0%
4330	Audit & Accounting	105,000	56,884	40,240	97,124	110,000	4.8%
4335	Professional Services	103,500	30,300	74,015	104,315	110,410	6.7%
4337	Contracted Services	52,500	11,747	34,723	46,470	68,000	29.5%
4340	Recruitment	0	0	0	0	0	0.0%
4410	Legal Fees-General	63,000	17,251	30,016	47,267	64,750	2.8%
4500	Engineering	75,500	14,565	51,121	65,686	71,500	-5.3%
4634	Equipment-Computer	30,500	26,850	33,500	60,350	57,820	89.6%
4635	Equipment-General	17,000	0	10,710	10,710	13,500	-20.6%
4636	Equipment Lease	11,000	3,643	6,437	10,080	11,000	0.0%
4910	Bank Charges	0	130	-130	0	350	0.0%
	Total Administrative Expenses	**$ 2,745,361**	**$ 916,770**	**$ 1,517,808**	**$ 2,434,578**	**$ 2,873,478**	**4.7%**

Rice Creek Watershed District
Statement of Revenue and Expenditures - General Fund - 10

Acct #	Account	2024 Annual Budget	YTD Thru 5/31/24	Projected 06/1-12/31/24	Projected 2024 Total	2025 Proposed Budget	% Difference between 2024 & 2025 Budgets
	Revenues						
3100	General Property Tax	494,658	2,473	504,664	507,137	510,167	3.1%
3704	Interest Income	28,877	44,943	17,600	62,543	25,105	-13.1%
3800	Miscellaneous Revenue (investment incor	0	2,276	0	2,276	0	0.0%
	Total Revenues	**523,535**	**49,692**	**522,264**	**571,956**	**535,272**	**2.2%**
	Expenses						
4000	Manager Per Diem	33,750	11,000	22,250	33,250	33,000	-2.2%
4010	Manager Expense	3,500	434	1,439	1,873	4,000	14.3%
4011	Manager Travel	4,500	1,107	2,600	3,707	5,000	11.1%
4100	Wages	172,334	68,415	95,781	164,196	178,469	3.6%
4102	Interns	0	0	0	0	0	0.0%
4110	Benefits	32,192	15,714	17,541	33,255	35,086	9.0%
4120	PERA Expense	12,925	5,113	6,400	11,513	13,385	3.6%
4125	H.S.A. Contribution	15,640	5,323	7,453	12,776	16,275	4.1%
4130	Payroll Taxes	13,184	5,732	8,025	13,758	13,653	3.6%
4140	Payroll Taxes-Unemployment	5,500	858	1,202	2,060	5,000	-9.1%
4200	Office Supplies	2,450	381	1,100	1,481	2,426	-1.0%
4201	Supplies-Field	250	0	250	250	250	0.0%
4203	Computer Software	250	0	250	250	250	0.0%
4205	Meeting Supplies/Expense	2,868	364	2,504	2,868	2,500	-12.8%
4208	Printing	500	0	200	200	500	0.0%
4210	Rent	22,200	10,341	14,477	24,818	25,000	12.6%
4240	Telecommunications	7,500	2,219	4,500	6,719	4,904	-34.6%
4245	Dues	15,642	12,500	3,000	15,500	15,899	1.6%
4250	Publications	200	0	200	200	200	0.0%
4265	Training & Education	10,000	426	2,000	2,426	9,000	-10.0%
4270	Insurance & Bonds	8,000	7,008	0	7,008	8,000	0.0%
4280	Postage	1,100	0	1,100	1,100	1,100	0.0%
4290	Legal Notices-General	1,500	0	1,500	1,500	1,500	0.0%
4320	Staff Travel	1,100	375	700	1,075	1,100	0.0%
4322	Vehicle Expense	0	0	0	0	0	0.0%
4330	Audit & Accounting	21,000	11,377	6,400	17,777	22,000	4.8%
4335	Professional Services	20,000	5,434	14,100	19,534	19,000	-5.0%
4337	Contracted Services	5,000	2,930	2,070	5,000	7,000	
4410	Legal Fees-General	50,000	12,391	24,782	37,173	50,000	0.0%
4500	Engineering	56,000	13,829	36,000	49,829	56,000	0.0%
4634	Equipment-Computer	250	0	250	250	250	0.0%
4635	Equipment-General	2,000	0	400	400	2,000	0.0%
4636	Equipment Lease	2,200	729	1,200	1,929	2,200	0.0%
4910	Bank Charges	0	130	(130)	0	325	0.0%
	Total Expenses - General Admin	**$ 523,535**	**$ 194,130**	**$ 279,544**	**$ 473,674**	**$ 535,272**	**2.2%**

Rice Creek Watershed District
Statement of Revenue and Expenditures - Communications Outreach - 30

Acct #	Account	2024 Annual Budget	YTD Thru 5/31/24	Projected 6/1-12/31/24	Projected 2024 Total	2025 Proposed Budget	% Difference between 2024 & 2025 Budgets
	Revenues						
3100	General Property Tax	225,345	1,222	215,109	216,331	251,566	11.6%
3700	Interest Income	14,014	4,070	200	4,270	14,323	2.2%
3800	Miscellaneous Income	0	1,040	1,455	2,495	0	0.0%
	Total Revenues	**239,358**	**6,332**	**216,764**	**223,096**	**265,889**	**11.1%**
	Expenses						
4000	Manager Per Diem	0	0	0	0	0	0.0%
4010	Manager Expense	0	0	0	0	0	0.0%
4011	Manager Travel	0	0	0	0	0	0.0%
4100	Wages	91,332	42,521	46,500	89,021	103,919	13.8%
4102	Interns	5,127	0	0	0	4,434	-13.5%
4110	Benefits	10,006	4,880	4,830	9,710	10,988	9.8%
4120	PERA Expense	6,850	2,934	4,107	7,041	7,794	13.8%
4125	H.S.A. Contribution	0	0	0	0	0	0.0%
4130	Payroll Taxes	7,379	2,911	4,075	6,985	8,289	12.3%
4140	Payroll Taxes-Unemployment	0	0	0	0	0	0.0%
4200	Office Supplies	1,225	155	800	955	1,213	-1.0%
4201	Supplies-Field	250	0	250	250	250	0.0%
4203	Computer Software	1,000	0	970	970	500	-50.0%
4205	Meeting Supplies/Expense	500	13	487	500	500	0.0%
4208	Printing	250	208	100	308	250	0.0%
4210	Rent	11,100	5,170	6,204	11,375	12,500	12.6%
4240	Telecommunications	3,750	1,241	1,737	2,977	2,452	-34.6%
4245	Dues	0	0	0	0	0	0.0%
4250	Publications	100	0	100	100	100	0.0%
4265	Training & Education	5,000	643	3,000	3,643	4,500	-10.0%
4270	Insurance & Bonds	4,000	3,504	0	3,015	4,000	0.0%
4280	Postage	550	0	550	550	550	0.0%
4290	Legal Notices-General	250	0	250	250	250	0.0%
4320	Staff Travel	550	137	300	437	550	0.0%
4322	Vehicle Expense	0	0	0	0	0	0.0%
4330	Audit & Accounting	10,500	5,688	4,240	9,928	11,000	4.8%
4335	Professional Services	2,500	600	5,500	6,100	3,000	20.0%
4337	Contracted Services	5,000	980	4,020	5,000	7,000	0.0%
4340	Recruitment	0	0	0	0	0	0.0%
4410	Legal Fees-General	1,000	2,320	590	2,910	3,000	200.0%
4500	Engineering	500	0	500	500	1,000	100.0%
4634	Equipment-Computer	250	0	250	250	250	0.0%
4635	Equipment-General	1,000	0	450	450	1,000	0.0%
4636	Equipment Lease	1,100	364	600	964	1,100	0.0%
4910	Bank Charges	0	0	0	0	0	0.0%
	Total Admin Expenses	**$ 171,068**	**$ 74,268**	**$ 90,411**	**$ 164,190**	**$ 190,389**	**11.3%**
	Projects						
	Watershed Comm's & Outreach 30-02	15,000	4,733	10,267	15,000	14,000	-6.7%
	Master Water Steward Program 30-03	15,000	539	14,461	15,000	30,000	100.0%
	Outreach Partnerships - 30-04	32,000	17,806	14,194	32,000	43,000	34.4%
	Mini-Grants Program 30-05	10,000	360	9,640	10,000	20,000	100.0%
	Engineering & Technical Support 30-06	6,000	1,002	4,998	6,000	3,000	-50.0%
	Watershed Plan Maintenance 30-08	5,000	0	5,000	5,000	5,000	0.0%
	Total Project Expenses	**83,000**	**24,440**	**58,560**	**83,000**	**115,000**	**38.6%**
	Total Expenses - Comm's & Outreach	**$ 254,068**	**$ 98,709**	**$ 148,970**	**$ 247,190**	**$ 305,389**	**20.2%**

Rice Creek Watershed District
Statement of Revenue and Expenditures - Information Management - 35

Acct #	Account	2024 Annual Budget	YTD Thru 5/31/2024	Projected 6/1-12/31/24	Projected 2024 Total	2025 Proposed Budget	% Difference between 2024 & 2025 Budgets
	Revenues						
3100	General Property Tax	256,190	1,157	257,040	258,197	261,193	2.0%
3700	Interest Income	14,956	5,597	7,836	13,432	14,821	-0.9%
3800	Miscellaneous Income	0	1,429	2,001	3,431	0	0.0%
	Total Revenues	**271,146**	**8,183**	**266,877**	**275,060**	**276,014**	**1.8%**
	Expenses						
4000	Manager Per Diem	0	0	0	0	0	0.0%
4010	Manager Expense	0	0	0	0	0	0.0%
4011	Manager Travel	0	0	0	0	0	0.0%
4100	Wages	30,407	8,408	10,000	18,408	31,856	4.8%
4102	Interns	0	0	0	0	0	0.0%
4110	Benefits	4,070	1,166	750	1,916	5,030	23.6%
4120	PERA Expense	2,281	612	500	1,112	2,389	4.8%
4125	H.S.A. Contribution	0		0	0	0	0.0%
4130	Payroll Taxes	2,326	635	500	1,135	2,437	4.8%
4140	Payroll Taxes-Unemployment	0	0	0	0	0	0.0%
4200	Office Supplies	613	76	350	426	606	-1.0%
4201	Supplies-Field	0	0	0	0	0	0.0%
4203	Computer Software	11,000	2,386	9,000	11,386	15,204	38.2%
4205	Meeting Supplies/Expense	0	0	0	0	0	0.0%
4208	Printing	125	0	125	125	125	0.0%
4210	Rent	5,550	2,585	3,102	5,687	6,250	12.6%
4240	Telecommunications	1,875	620	868	1,489	1,226	-34.6%
4245	Dues	0	0	0	0	0	0.0%
4250	Publications	50	0	50	50	50	0.0%
4265	Training & Education	2,500	411	1,800	2,211	2,250	-10.0%
4270	Insurance & Bonds	2,000	1,752	0	1,752	2,000	0.0%
4280	Postage	275	0	275	275	275	0.0%
4290	Legal Notices-General	0	0	0	0	0	0.0%
4320	Staff Travel	275	0	275	275	275	0.0%
4322	Vehicle Expense	0	0	0	0	0	0.0%
4330	Audit & Accounting	5,250	2,844	2,160	5,004	5,500	4.8%
4335	Professional Services	53,000	18,211	31,000	49,211	55,670	5.0%
4337	Contracted Services	1,500	0	1,500	1,500	1,000	-33.3%
4410	Legal Fees-General	500	706	(206)	500	500	0.0%
4500	Engineering	500	0	500	500	500	0.0%
4634	Equipment-Computer	30,000	26,850	33,000	59,850	57,320	91.1%
4635	Equipment-General	1,500	0	600	600	1,500	0.0%
4636	Equipment Lease	550	182	300	482	550	0.0%
4910	Bank Charges	0	0	0	0	0	0.0%
	Total Admin Expenses	**$ 156,146**	**$ 67,444**	**$ 96,449**	**$ 163,893**	**$ 192,514**	**23.3%**
	Projects						
	Boundary Management Program 35-03	5,000	769	4,231	5,000	1,000	-80.0%
	District-Wide Model 35-04	40,000	0	40,000	40,000	60,000	50.0%
	Database & Viewer Maintenance 35-05	65,000	16,458	48,543	65,000	60,000	-7.7%
	District Website 35-15	5,000	1,374	3,626	5,000	2,500	-50.0%
	Total Project Expenses	**$ 115,000**	**$ 18,600**	**$ 96,400**	**$ 115,000**	**$ 123,500**	**7.4%**
	Total Expenses - Info Management	**$ 271,146**	**$ 86,044**	**$ 192,849**	**$ 278,893**	**$ 316,014**	**16.5%**

Rice Creek Watershed District
Statement of Revenue and Expenditures - Restoration Projects - 60

Acct #	Account	2024 Annual Budget	YTD Thru 5/31/24	Projected 6/1-12/31/24	Projected 2024 Total	2025 Proposed Budget	% Difference between 2024 & 2025 Budgets
	Revenues						
3100	General Property Tax	1,224,994	5,167	1,170,827	1,175,994	885,775	-27.7%
3101	WMD - Lower Rice Creek 60-02	0	0	0	0	0	0.0%
3101	WMD - Bald Eagle Lake 60-05	0	0	0	0	0	0.0%
3101	WMD - RCD 2, 3 & 5 60-07	0	0	0	0	0	0.0%
3101	WMD - Forest Lake Planning 60-33	0	0	0	0	0	0.0%
3101	WMD - Columbus Planning 60-34	0	0	0	0	0	0.0%
3302	BWSR Grant - WBIF East Miss: Hwy 61 Ponds 60-06,	0	0	0	0	30,000	0.0%
3300	Clean Water Fund Competitive Grant - Centerville Alum - next	0	477,250	0	477,250	0	0.0%
3700	Interest Income	119,427	35,914	1,500	37,414	137,070	14.8%
3800	Miscellaneous Income	0	9,172	12,841	22,013	0	0.0%
	Total Revenues	**$ 1,344,421**	**$ 527,503**	**$ 1,185,169**	**$ 1,712,672**	**$ 1,052,846**	**-21.7%**
	Expenses						
4000	Manager Per Diem	0	0	0	0	0	0.0%
4010	Manager Expense	0	0	0	0	0	0.0%
4011	Manager Travel	0	0	0	0	0	0.0%
4100	Wages	227,542	47,301	126,221	173,522	238,530	4.8%
4102	Interns	5,127	0	5,127	5,127	4,434	0.0%
4110	Benefits	30,496	7,177	15,048	22,225	43,415	42.4%
4120	PERA Expense	17,066	3,516	8,922	12,437	17,890	4.8%
4125	H.S.A. Contribution	0	0	0	0	0	0.0%
4130	Payroll Taxes	17,799	3,408	10,771	14,179	18,587	4.4%
4140	Payroll Taxes-Unemployment	0	0	0	0	0	0.0%
4200	Office Supplies	1,225	169	650	819	1,213	-1.0%
4201	Supplies-Field	250	0	250	250	250	0.0%
4203	Computer Software	0	0	0	0	0	0.0%
4205	Meeting Supplies/Expense	0	0	0	0	0	0.0%
4208	Printing	250	110	140	250	250	0.0%
4210	Rent	11,100	5,170	6,204	11,375	12,500	12.6%
4240	Telecommunications	3,750	1,241	3,737	4,977	2,452	-34.6%
4245	Dues	0	0	0	0	0	0.0%
4250	Publications	100	0	35	35	100	0.0%
4265	Training & Education	5,000	471	4,529	5,000	4,500	-10.0%
4270	Insurance & Bonds	4,000	3,504	0	3,504	4,000	0.0%
4280	Postage	550	0	550	550	550	0.0%
4290	Legal Notices-General	1,000	0	1,000	1,000	1,000	0.0%
4320	Staff Travel	550	0	550	550	550	0.0%
4322	Vehicle Expense	15,000	236	12,500	12,736	12,000	-20.0%
4330	Audit & Accounting	10,500	5,688	4,240	9,928	11,000	4.8%
4335	Professional Services	12,000	1,671	5,500	7,171	12,000	0.0%
4337	Contracted Services	7,500	1,470	6,030	7,500	10,500	0.0%
4340	Recruitment				908	0	0.0%
4410	Legal Fees-General	2,000	420	1,500	1,920	1,750	-12.5%
4500	Engineering	5,000	379	4,621	5,000	4,000	-20.0%
4634	Equipment-Computer	0	0	0	0	0	0.0%
4635	Equipment-General	2,500	0	460	460	1,250	-50.0%
4636	Equipment Lease	1,100	364	630	994	1,100	0.0%
4910	Bank Charges	0	0	0	0	25	0.0%
	Total Admin Expenses	**$ 381,404**	**$ 82,295**	**$ 219,214**	**$ 302,417**	**$ 403,846**	**5.9%**
	Projects						
	Anoka Chain of Lakes Water Management Project 60-01	300,000	15,014	126,000	141,014	160,000	-46.7%
	Lower Rice Creek WMD 60-02	0	0	0	0	0	0.0%
	Lower Rice Creek Water Management Project 60-03	175,000	0	140,000	140,000	185,000	5.7%
	Middle Rice Creek Water Management Project 60-04	10,000	0	10,000	10,000	100,000	900.0%
	Bald Eagle Lake WMD 60-05	31,789	0	2,290	2,290	28,272	0.0%
	Bald Eagle Lake Water Management Project 60-06	110,000	0	5,000	5,000	100,000	-9.1%
	RCD 2, 3 & 5 WMD 60-07	0	0	0	0	0	0.0%
	RCD 2, 3 & 5 Basic Water Management Project 60-08	200,000	17,574	147,000	164,574	500,000	150.0%
	Silver Lake Water Management Project 60-09	0	0	0	0	0	0.0%
	Golden Lake Water Management Project 60-10	0	0	0	0	0	0.0%
	Regional Water Management Partnership Projects 60-11	50,000	0	10,000	10,000	54,000	8.0%
	Stormwater Management Cost Share 60-15	632,000	8,718	290,000	298,718	1,106,433	75.1%
	Southwest Urban Lakes Implementation 60-24	75,000	0	15,000	15,000	100,000	33.3%
	Clear Lake Water Management Project 60-29	75,000	0	25,000	25,000	85,000	0.0%
	Forest Lake Planning WMD 60-33	0	0	0	0	0	0.0%
	Columbus Planning WMD 60-34	0	0	0	0	0	0.0%
	Stormwater Master Planning 60-35	50,000	0	10,000	10,000	35,000	-30.0%
	Municipal CIP Early Coordination 60-36	10,000	158	5,000	5,158	10,000	0.0%
	Groundwater Management & Stormwater Reuse 60-37	65,000	2,534	15,000	17,534	55,000	-15.4%
	Total Project Expenses	**$ 1,783,789**	**$ 43,997**	**$ 800,290**	**$ 844,287**	**$ 2,518,705**	**41.2%**
	Total Expenses - Restoration Projects	**$ 2,165,193**	**$ 126,292**	**$ 1,019,504**	**$ 1,146,704**	**$ 2,922,551**	**35.0%**

Rice Creek Watershed District
Statement of Revenue and Expenditures - Regulatory - 70

Acct. #	Account	2024 Annual Budget	YTD Thru 5/31/24	Projected 6/1/ - 12/31/24	Projected 2024 Total	2025 Proposed Budget	% Difference between 2024 & 2025 Budgets
	Revenues						
3100	General Property Tax	1,295,690	6,395	1,237,468	1,243,863	1,181,055	-8.8%
3400	Permit Fees 70-03	85,528	30,600	30,600	61,200	61,200	-28.4%
3700	Interest Income	87,743	25,080	1,200	26,280	73,432	-16.3%
3800	Miscellaneous Income	0	6,405	0	6,405	0	0.0%
	Total Revenues	**$ 1,468,961**	**$ 68,480**	**$ 1,269,268**	**$ 1,337,748**	**$ 1,315,687**	**-10.4%**
	Expenses						
4000	Manager Per Diem	0	0	0	0	0	0.0%
4010	Manager Expense	0	0	0	0	0	0.0%
4011	Manager Travel	0	0	0	0	0	0.0%
4100	Wages	347,478	106,476	178,000	284,476	348,652	0.3%
4102	Interns	5,127	0	4,440	4,440	4,434	-13.5%
4110	Benefits	50,558	18,166	21,750	39,916	49,729	-1.6%
4120	PERA Expense	26,061	8,249	6,800	15,049	26,149	0.3%
4125	H.S.A. Contribution	0	0	0	0	0	0.0%
4130	Payroll Taxes	26,974	8,568	14,500	23,068	27,011	0.1%
4140	Payroll Taxes-Unemployment	0	0	0	0	0	0.0%
4200	Office Supplies	3,063	504	1,700	2,204	3,032	-1.0%
4201	Supplies-Field	500	0	500	500	500	0.0%
4203	Computer Software	0	0	0	0	0	0.0%
4205	Meeting Supplies/Expense	250	0	250	250	125	-50.0%
4208	Printing	625	165	460	625	625	0.0%
4210	Rent	27,750	12,926	15,511	28,437	31,250	12.6%
4240	Telecommunications	9,375	3,101	4,900	8,001	6,130	-34.6%
4245	Dues	0	0	0	0	0	0.0%
4250	Publications	250	0	250	250	250	0.0%
4265	Training & Education	12,500	3,181	6,000	9,181	11,250	-10.0%
4270	Insurance & Bonds	10,000	8,760	0	8,760	10,000	0.0%
4280	Postage	1,375	0	1,375	1,375	1,375	0.0%
4290	Legal Notices-General	500	0	100	100	300	-40.0%
4320	Staff Travel	1,375	0	1,200	1,200	1,375	0.0%
4322	Vehicle Expense	15,000	295	12,500	12,795	12,000	-20.0%
4330	Audit & Accounting	26,250	14,221	10,400	24,621	27,500	4.8%
4335	Professional Services	3,000	1,500	1,500	3,000	3,000	0.0%
4337	Contracted Services	12,500	2,449	10,051	12,500	17,500	0.0%
4340	Recruitment				908		0.0%
4410	Legal Fees-General	2,500	908	2,000	2,908	2,500	0.0%
4500	Engineering	2,500	168	2,500	2,668	1,250	-50.0%
4634	Equipment-Computer	0	0	0	0	0	0.0%
4635	Equipment-General	2,500	0	2,500	2,500	2,000	-20.0%
4636	Equipment Lease	2,750	911	1,500	2,411	2,750	0.0%
4910	Bank Charges	0	0	0	0	0	0.0%
	Total Admin Expenses	**$ 590,761**	**$ 190,548**	**$ 300,687**	**$ 492,143**	**$ 590,687**	0.0%
	Projects						
	Rule Revision & Permit Guidance 70-01	50,000	10,208	5,000	15,208	50,000	0.0%
	Permit Review, Inspect & Coord 70-03	950,000	247,146	645,000	892,146	925,000	-2.6%
	Total Project Expenses	**$ 1,000,000**	**$ 257,354**	**$ 650,000**	**$ 907,354**	**$ 975,000**	**-2.5%**
	Total Expenses - Regulatory	**$ 1,590,761**	**$ 447,902**	**$ 950,687**	**$ 1,399,497**	**$ 1,565,687**	**-1.6%**

Rice Creek Watershed District
Statement of Revenue and Expenditures - Ditch Creek Maintenance - 80

Acct #	Account	2024 Annual Budget	YTD Thru 5/31/24	Projected 6/01-12/31/24	Projected 2024 Total	2025 Proposed Budget	% Difference between 2024 & 2025 Budgets
	Revenues						
3100	General Property Tax	1,208,395	6,869	1,153,190	1,160,059	1,403,854	16.2%
3101	WMD - ACD 10-22-32 80-04	0	0	0	0	0	0.0%
3101	WMD - ACD 31 80-05	0	0	120	120	0	0.0%
3101	WMD - ACD 46 80-06	0	0	88	88	0	0.0%
3101	WMD - RCD 4 80-07	0	0	(0)	(0)	85,038	100.0%
3101	WMD - ARJD 1 80-09	0	0	0	0	0	0.0%
3101	WMD - ACD 15 & AWJD 4 80-22	0	0	0	0	0	0.0%
3101	WMD - ACD 53-62 80-24	26,782	0	166,364	166,364	0	-100.0%
3207	ROW - ACD 10-22-32 80-04	0	0	0	0	0	0.0%
3207	ROW - ACD 31 80-05	0	0	0	0	0	0.0%
3207	ROW - ACD 46 80-06	0	0	0	0	0	0.0%
3207	ROW - RCD 4 80-07	0	1,409	11,972	13,381	9,500	0.0%
3207	ROW - ARJD 1 80-09	0	0	0	0	0	0.0%
3207	ROW - ACD 15 & AWJD 4 80-22	0	0	0	0	0	0.0%
3207	ROW - ACD 53-62 80-24	2,405	2,881	0	2,881	0	-100.0%
3302	BWSR Grant - WBFIP Rice Creek 80-03	0	0	30,000	30,000	30,000	100.0%
3700	Interest Income	96,029	35,897	1,200	37,097	91,714	-4.5%
3800	Miscellaneous Income	0	68,818	0	68,818	0	0.0%
	Total Revenues	**$ 1,333,611**	**$ 115,875**	**$ 1,362,934**	**$ 1,478,808**	**$ 1,620,106**	**21.5%**
	Expenses						
4000	Manager Per Diem	0	0	0	0	0	0.0%
4010	Manager Expense	0	0	0	0	0	0.0%
4011	Manager Travel	0	0	0	0	0	0.0%
4100	Wages	175,847	64,813	87,500	152,313	182,803	4.0%
4102	Interns	0	0	0	0	0	0.0%
4110	Benefits	22,385	9,691	11,200	20,891	27,363	22.2%
4120	PERA Expense	13,189	4,655	6,300	10,955	13,710	4.0%
4125	H.S.A. Contribution	0	0	0	0	0	0.0%
4130	Payroll Taxes	13,452	4,870	6,356	11,226	13,984	4.0%
4140	Payroll Taxes-Unemployment	0	0	0	0	0	0.0%
4200	Office Supplies	1,838	752	900	1,652	1,819	-1.0%
4201	Supplies-Field	250	6	0	6	250	0.0%
4203	Computer Software	0	0	0	0	400	0.0%
4205	Meeting Supplies/Expense	250	0	250	250	125	-50.0%
4208	Printing	375	110	100	210	375	0.0%
4210	Rent	16,650	7,756	9,307	17,062	18,750	12.6%
4240	Telecommunications	5,625	2,158	3,467	5,625	3,678	-34.6%
4245	Dues	0	0	0	0	0	0.0%
4250	Publications	150	0	150	150	150	0.0%
4265	Training & Education	7,500	569	4,000	4,569	6,750	-10.0%
4270	Insurance & Bonds	6,000	5,256	0	5,256	6,000	0.0%
4280	Postage	825	0	825	825	825	0.0%
4290	Legal Notices-General	750	0	250	250	1,500	100.0%
4320	Staff Travel	825	155	670	825	825	0.0%
4322	Vehicle Expense	15,000	394	14,606	15,000	12,000	-20.0%
4330	Audit & Accounting	15,750	8,533	6,400	14,933	16,500	4.8%
4335	Professional Services	9,000	1,985	7,015	9,000	13,740	52.7%
4337	Contracted Services	8,500	1,470	1,000	2,470	7,500	-11.8%
4410	Legal Fees-General	5,000	168	1,000	1,168	5,000	0.0%
4500	Engineering	7,500	190	3,500	3,690	6,500	-13.3%
4634	Equipment-Computer	0	0	0	0	0	0.0%
4635	Equipment-General	2,500	0	1,300	1,300	2,000	-20.0%
4636	Equipment Lease	1,650	546	1,104	1,650	1,650	0.0%
4910	Bank Charges	0	0	0	0	0	0.0%
	Total Admin Expenses	**$ 330,811**	**$ 114,077**	**$ 167,199**	**$ 281,276**	**$ 344,198**	4.0%
	Projects						
	Natural Waterway Management 80-01	10,000	0	2,500	2,500	10,000	0.0%
	Ditch Maintenance 80-02	335,000	213,383	317,000	530,383	345,000	3.0%
	Repair Reports & Studies 80-03	200,000	89,805	110,196	200,000	160,000	-20.0%
	ACD 10-22-32 WMD 80-04	14,124	0	5,693	5,693	14,361	1.7%
	ACD 31 WMD 80-05	0	0	0	0	0	0.0%
	ACD 46 WMD 80-06	39,710	11,990	27,720	39,710	41,016	3.3%
	RCD 4 WMD 80-07	145,000	11,706	86,944	98,650	94,538	-34.8%
	RCD 4 Repair 80-08	95,000	9,130	35,000	44,130	48,000	-49.5%
	ARJD 1 WMD 80-09	0	0	0	0	0	0.0%
	ARJD 1 Repair 80-10	0	0	0	0	0	0.0%
	Municipal PDS Maintenance 80-15	50,000	0	5,000	5,000	50,000	0.0%
	WJD 2 Branch 1/2 Repair 80-20	0	0	0	0	0	0.0%
	AWJD 3 Repair 80-21	130,000	219,009	55,000	274,009	0	-100.0%
	ACD 15 & AWJD 4 WMD 80-22	18,370	3	18,367	18,370	18,370	100.0%
	ACD 15 & AWJD 4 80-23	230,000	0	10,000	10,000	230,000	0.0%
	ACD 53-62 WMD 80-24	42,985	0	130,000	130,000	354,000	723.5%
	ACD 53-62 Repair 80-25	100,000	302	70,000	70,302	246,000	146.0%
	Total Project Expenses	**$ 1,410,189**	**$ 555,327**	**$ 873,420**	**$ 1,428,747**	**$ 1,611,285**	**14.3%**
	Total Expenses - Ditch & Creek	**$ 1,741,000**	**$ 669,404**	**$ 1,040,619**	**$ 1,710,023**	**$ 1,955,483**	**12.3%**

Rice Creek Watershed District
Statement of Revenue and Expenditures - Lake Stream Management - 90

Acct #	Account	2024 Annual Budget	YTD Thru 5/31/24	Projected 6/01-12/31/24	Projected 2024 Total	2025 Proposed Budget	% Difference between 2024 & 2025 Budgets
	Revenues						
3100	General Property Tax	917,936	3,732	877,487	881,218	1,026,552	11.8%
3302	BWSR Grant - WBFIP Rice Creek 90-26	0	0	25,000	25,000	0	100.0%
3700	Interest Income	63,266	19,115	0	19,115	54,213	-14.3%
3800	Miscellaneous Income	0	4,882	0	4,882	0	0.0%
	Total Revenues	**$ 981,201**	**$ 27,729**	**$ 902,487**	**$ 930,215**	**$ 1,080,765**	**10.1%**
	Expenses						
4000	Manager Per Diem	0	0	0	0	0	0.0%
4010	Manager Expense	0	0	0	0	0	0.0%
4011	Manager Travel	0	0	0	0	0	0.0%
4100	Wages	230,497	78,186	134,460	212,646	240,435	4.3%
4102	Interns	5,127	0	0	0	4,434	-13.5%
4110	Benefits	29,940	11,745	18,193	29,937	35,916	20.0%
4120	PERA Expense	17,287	5,693	9,470	15,163	18,033	4.3%
4125	H.S.A. Contribution	0	0	0	0	0	0.0%
4130	Payroll Taxes	18,025	5,536	9,251	14,787	18,733	3.9%
4140	Payroll Taxes-Unemployment	0	0	0	0	0	0.0%
4200	Office Supplies	1,225	208	1,017	1,225	1,213	-1.0%
4201	Supplies-Field	250	0	250	250	250	0.0%
4203	Computer Software	0	0	0	0	0	0.0%
4205	Meeting Supplies/Expense	0	0	0	0	0	0.0%
4208	Printing	250	55	195	250	250	0.0%
4210	Rent	11,100	5,170	6,204	11,375	12,500	12.6%
4240	Telecommunications	3,750	1,241	2,000	3,241	2,452	-34.6%
4245	Dues	0	0	0	0	0	0.0%
4250	Publications	100	0	100	100	100	0.0%
4265	Training & Education	5,000	142	4,858	5,000	4,500	-10.0%
4270	Insurance & Bonds	4,000	3,504	0	3,015	4,000	0.0%
4280	Postage	550	0	550	550	550	0.0%
4290	Legal Notices-General	250	0	250	250	250	100.0%
4320	Staff Travel	550	60	490	550	550	0.0%
4322	Vehicle Expense	15,000	256	12,500	12,756	12,000	-20.0%
4330	Audit & Accounting	10,500	5,688	4,240	9,928	11,000	4.8%
4335	Professional Services	2,000	600	5,500	6,100	2,000	0.0%
4337	Contracted Services	7,500	1,470	6,030	7,500	10,500	0.0%
4410	Legal Fees-General	1,000	168	0	168	1,000	0.0%
4500	Engineering	2,500	0	2,500	2,500	1,250	-50.0%
4634	Equipment-Computer	0	0	0	0	0	0.0%
4635	Equipment-General	2,500	0	2,500	2,500	1,250	-50.0%
4636	Equipment Lease	1,100	364	736	1,100	1,100	0.0%
4910	Bank Charges	0	0	0	0	0	0.0%
	Total Admin Expenses	**$ 370,001**	**$ 120,087**	**$ 221,294**	**$ 340,891**	**$ 384,265**	**3.9%**
	Projects						
	Water Quality Grant Program 90-01	287,000	26,548	121,561	148,109	281,646	-1.9%
	Surface Water Monitoring Program 90-04	240,000	53,713	186,287	240,000	240,000	0.0%
	Common Carp Management 90-26	200,000	42,308	60,604	102,912	200,000	0.0%
	Curly Leaf Pondweed Management 90-27	50,000	0	12,000	12,000	50,000	0.0%
	Total Project Expenses	**$ 777,000**	**$ 122,568**	**$ 380,452**	**$ 503,020**	**$ 771,646**	**-0.7%**
	Total Expenses - Lake & Stream	**$ 1,147,001**	**$ 242,655**	**$ 601,745**	**$ 843,911**	**$ 1,155,911**	**0.8%**

Rice Creek Watershed District
Statement of Revenue and Expenditures - District Facilities - 95

Acct #	Account	2024 Annual Budget	YTD Thru 5/31/24	Projected 6/01-12/31/24	Projected 2024 Total	2025 Proposed Budget	% Difference between 2024 & 2025 Budgets
	Revenues						
3100	General Property Tax	476,544	1,407	456,076	457,482	623,620	30.9%
3302	BWSR Grant - WBFIP Rice Creek	0	0	20,000	20,000	0	100.0%
3700	Interest Income	35,391	12,501	600	13,101	30,688	-13.3%
3800	Miscellaneous	0	3,093	3,093	6,185	0	0.0%
	Total Revenues	**$ 511,935**	**$ 17,000**	**$ 479,768**	**$ 496,768**	**$ 654,307**	**27.8%**
	Expenses						
4000	Manager Per Diem	0	0	0	0	0	0.0%
4010	Manager Expense	0	0	0	0	0	0.0%
4011	Manager Travel	0	0	0	0	0	0.0%
4100	Wages	133,258	48,866	83,413	132,279	139,831	4.9%
4102	Interns	5,127	0	5,127	5,127	4,434	0.0%
4110	Benefits	16,607	7,237	9,400	16,637	21,536	29.7%
4120	PERA Expense	9,994	3,550	3,300	6,850	10,487	4.9%
4125	H.S.A. Contribution	0	0	0	0	0	0.0%
4130	Payroll Taxes	10,586	3,757	5,400	9,157	11,036	4.2%
4140	Payroll Taxes-Unemployment	0	0	0	0	0	0.0%
4200	Office Supplies	613	88	350	438	606	-1.0%
4201	Supplies-Field	250	189	50	239	250	0.0%
4203	Computer Software	0	0	0	0	0	0.0%
4205	Meeting Supplies/Expense	250	0	250	250	125	-50.0%
4208	Printing	125	0	125	125	125	0.0%
4210	Rent	5,550	2,585	3,000	5,585	6,250	12.6%
4240	Telecommunications	1,875	620	1,000	1,620	1,226	-34.6%
4245	Dues	0	0	0	0	0	0.0%
4250	Publications	50	0	50	50	50	0.0%
4265	Training & Education	2,500	470	2,030	2,500	2,250	-10.0%
4270	Insurance & Bonds	2,000	1,752	0	1,752	2,000	0.0%
4280	Postage	275	0	275	275	275	0.0%
4290	Legal Notices-General	0	0	0	0	0	0.0%
4320	Staff Travel	275	96	179	275	275	0.0%
4322	Vehicle Expense	15,000	236	14,764	15,000	12,000	-20.0%
4330	Audit & Accounting	5,250	2,844	2,160	5,004	5,500	4.8%
4335	Professional Services	2,000	300	3,900	4,200	2,000	0.0%
4337	Contracted Services	5,000	980	4,020	5,000	7,000	0.0%
4410	Legal Fees-General	1,000	168	350	518	1,000	0.0%
4500	Engineering	1,000	0	1,000	1,000	1,000	0.0%
4634	Equipment-Computer	0	0	0	0	0	0.0%
4635	Equipment-General	2,500	0	2,500	2,500	2,500	0.0%
4636	Equipment Lease	550	182	368	550	550	0.0%
4910	Bank Charges	0	0	0	0	0	0.0%
	Total Admin Expenses	**$ 221,635**	**$ 73,921**	**$ 143,010**	**$ 216,932**	**$ 232,307**	**4.8%**
	Projects						
	Long Lake Sediment Basin Maint 95-01	0	0	0	0	0	0.0%
	Locke Lake Sediment Basin Maint 95-02	0	0	0	0	0	0.0%
	District Facilities Repair 95-03	300,000	0	300,000	300,000	310,000	3.3%
	Inspection, Operation & Maint 95-04	120,000	16,045	25,000	41,045	112,000	-6.7%
	Total Project Expenses	**$ 420,000**	**$ 16,045**	**$ 325,000**	**$ 341,045**	**$ 422,000**	**0.5%**
	Total Expenses - District Facilities	**$ 641,635**	**$ 89,966**	**$ 468,010**	**$ 557,976**	**$ 654,307**	**2.0%**

ITEMS REQUIRING BOARD ACTION

2. JACON LLC Final Pay Request #6 – AWJD 3 Branches 1, 2 & 4 Repair Project (Tom Schmidt)

MEMORANDUM
Rice Creek Watershed District

Date:	**September 3, 2024**
To:	**RCWD Board of Managers**
From:	**Tom Schmidt, Drainage & Facilities Manager**
Subject:	**JACON LLC Final Pay Request –Anoka Washington Judicial Ditch #3 Branches 1, 2 & 4 Repair**

Introduction

The Board is asked to consider JACON LLC's final pay request for the Anoka-Washington Judicial Ditch 3 (AWJD #3) Branches 1, 2, and 4. Repair and close the contract.

Background

JACON LLC initiated work in 2023, with most of the work occurring in 2024. The District Engineer has verified the work results. The repair is now complete, and the contractor has satisfactorily completed several outstanding contract items. HEI will provide a brief PowerPoint presentation on the repair project.

The final payment is in the amount of $27,731.22. The Watershed Management Plan identifies trunk conveyance systems and describes that costs for repairs on trunk conveyance systems are to be paid for by ad valorem taxes. Per Board resolution 2022-21, the District is utilizing alternative authority under statutes section 103D.621 to use ad valorem tax revenues to pay for these drainage system repairs.

Staff concurs with the District Engineer's recommendation (attached) that the pay request is accurate and ready for approval. The payment recommended is the last and final payment, releasing all retainage held to this point. The District holds no additional retainage.

Staff Recommendation

District staff recommends that the final payment of $ 27,731.22 be issued to JACON LLC, as detailed in the HEI Memorandum.

Proposed Motion

Manager _____ moves to approve JACON LLC's final pay request as submitted and certified by the District Engineer and directs staff to issue payment of $27,731.22 seconded by Manager _____.

Attachments

HEI Memorandum JD 3 Branches 1, 2, and 4 Repair Project Final Payment dated August 14, 2024.
Project summary PowerPoint Presentation.

Technical Memorandum

To: Nick Tomczik, RCWD
Tom Schmidt and Abel Green, RCWD
From: Adam Nies, PE and Chris Otterness, PE (HEI)
Subject: JD 3 Branches 1, 2, and 4 Repair Project Final Payment
Date: August 14, 2024
Project: 5555-0332

The purpose of this memorandum is to recommend Final Payment to JACON LLC for the JD 3 Branches 1, 2, and 4 Repair.

Project Update
The contractor has completed all work including "punchlist" items, and has submitted the required closeout submittals including release of all liens and approval of Form IC-134. Release of retainage is recommended at this time with the fulfillment and completion of the contract.

Payment Application Review
We have reviewed the materials and quantities submitted by JACON LLC. We have verified the completion of items for which payment has been requested.

The following is a summary of payment:

Work Completed to Date:	$ 288,481.95
Less 5% retainage:	$ 0.00
Less previous payments:	$ 260,750.73
Pay Request for this estimate:	$ 27,731.22

A detailed summary of work completed and final payment certification are attached.

Recommendation
We recommend authorization of Final Payment in the amount of $27,731.22 to JACON LLC.

JD 3 Branches 1, 2, and 4 Repair Project
Partial Payment #7 (Final)
8/14/2024

Item Code		Item Description	Units	Unit Price	Contract Quantity	Contract Extension	Completed to Date Quantity	Completed to Date Extension
	1	Mobilization	LS	$30,120.00	1	$30,120.00	1	$30,120.00
	2	Removal and Dispose of Inplace Culvert	Ln Ft	$14.60	127	$1,854.20	127	$1,854.20
	3	Excavation of Open Channel	Ln Ft	$4.00	13427	$53,708.00	10165	$40,660.00
	4	Spoil Management	Ln Ft	$2.25	13427	$30,210.75	10165	$22,871.25
	5	Tree Clearing, Chipping and Removal	Acre	$10,000.00	5	$50,000.00	5	$50,000.00
	6	36" CP Pipe Culvert	Ln Ft	$180.00	122	$21,960.00	125	$22,500.00
	7	42" CP Pipe Culvert	Ln Ft	$195.00	32	$6,240.00	37	$7,215.00
	8	Field Crossing	Ea	$3,975.00	4	$15,900.00	4	$14,707.50
	9	Seeding and Mulch	Acre	$3,500.00	9.1	$31,850.00	9.13	$31,955.00
	10	Silt Fence, Type PA	Ln Ft	$4.00	100	$400.00	0	$0.00
	11	Erosion Control Blanket Cat. 3	Sq Yd	$12.00	100	$1,200.00	259	$3,108.00
	12	Sediment Control Log	Ln Ft	$2.00	100	$200.00	0	$0.00
	13	SWPPP Documentation and Management	LS	$900.00	1	$900.00	1	$900.00
CO 2a		Extra Clearing	Acre	$10,000.00	1.25	$12,500.00	1.25	$12,500.00
CO 2b		18" and 24" Field Crossing and Sand	LS	$1,700.00	1	$1,700.00	1	$1,700.00
CO 2a		Extra Clearing (past 25% of contract)	Acre	$15,000.00	1.01	$15,150.00	1.01	$15,150.00
CO 3		Side Inlets	LS	$10,075.00	1	$10,075.00	1	$10,075.00
CO 4		Amphibious Excavation	LF	$51.48	450	$23,166.00	450	$23,166.00
		TOTAL				**$307,133.95**		**$288,481.95**

Retainage 5%	$0.00
Previous Payments	$260,750.73
TOTAL DUE	$27,731.22

PARTIAL PAYMENT CERTIFICATION

OWNER: Rice Creek Watershed District
ENGINEER: Houston Engineering Inc.

PROJECT: JD 3 Branches 1, 2, and 4 Repair

CONTRACTOR: JACON, LLC

PARTIAL PAYMENT: Final Payment (#06)
PERIOD OF ESTIMATE: 5/1/24 – 7/30/24

CONTRACT CHANGE ORDER SUMMARY

No.	Deduction	Additions
1		$0.00
2		$29,350.00
3		$10,075.00
4		$23,166.00
5	$1,192.50	
Totals		$61,398.50
Net Change to Contract		$61,398.50

CONTRACT TIME:

Original Days:	
Revisions:	none
Days Remaining:	
On Schedule (y/n):	Yes
Starting Date:	October 2, 2023
Projected Completion:	3/1/24 (substantial) July 1, 2024 (Final)

ESTIMATE

Original Contract Amount	$ 244,542.95
Change Orders	$ 61,398.50
Revised Contract Amount	$ 305,941.45
Completed to Date Amount	$ 288,481.95
Materials On-Site	$ N/A
Subtotal	$ 288,481.95
Retainage	$ 0.00 (release retainage for final payment)
Previous Payments	$ 260,750.73
Amount Due This Payment	$ 27,731.22

(see attached breakdown)

CONTRACTOR'S CERTIFICATION

The undersigned Contractor certifies that to the best of their knowledge, information and belief, the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the Contractor for work for which previous payment estimates were issued and for which payments were received from the Owner, and that current payment shown herein is now due.

RELEASE OF CLAIMS AND WAIVER OF LIEN: NOW THEREFORE, upon receipt of the above payment amount, the undersigned does hereby irrevocably releases and waives any and all claims for payment of any type for any work up through and including the date of this application, and irrevocably releases and waives all bond claims, construction liens, mechanic's liens, and/or other liens, or right to claim any against the above project or any part thereof.

Contractor: JACON LLC

By: _____

Date: 8-29-24

ENGINEER'S CERTIFICATION

The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Engineer: Houston Engineering, Inc.

By: _____

Date: 8/29/2024

OWNER'S APPROVAL

Owner: Rice Creek Watershed District

By: _____

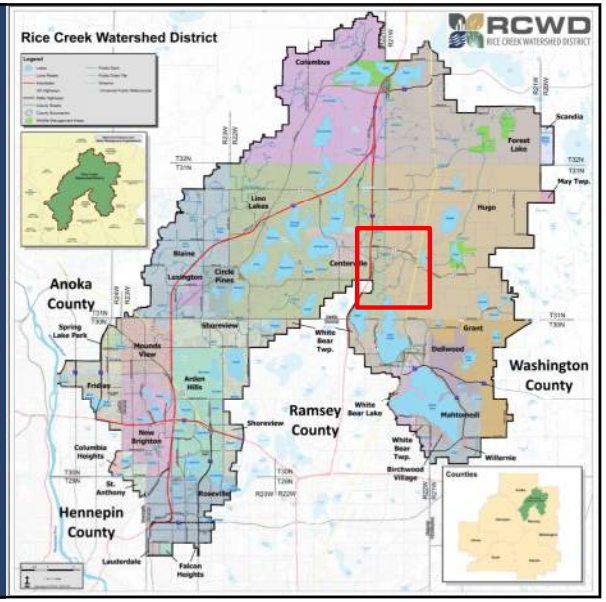
Date: _____

JD 3 Branches 1, 2, & 4 Repair Project Close-out

Rice Creek Watershed District | www.ricecreek.org

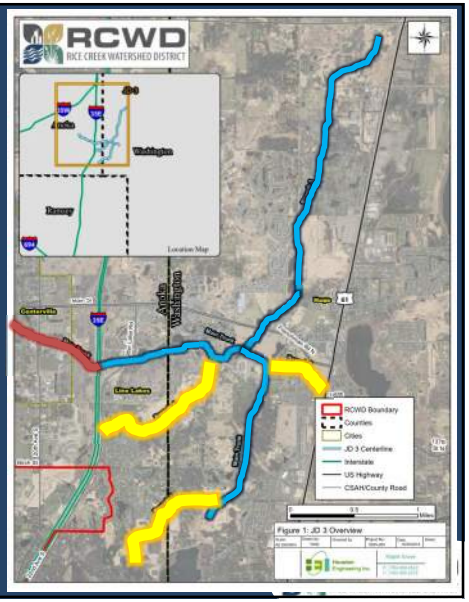
1

JD 3
Br 1, 2, 4
Location



2

- Flow into Peltier Lake through Clearwater Creek
- Phase 1 completed 2020 **(Main Trunk and Branch 3)**
- Phase 2 completed summer 2024 **(Branches 1, 2, 4)**
- Phase 3 **Clearwater Creek Stabilization (2025 – 2026)**



3

Contract Overview

Original Contract Amount	$244,542.95
Change Orders	$ 61,398.50
Final Construction Cost **(For Work Completed)**	**$288,481.95**
Pre-Bid Engineer's Estimate	*$378,100*

4

Contract Overview

Payments to Date	$260,750.73
Retainage held to Date	$ 13,723.72
Final Payment Due	**$ 27,731.22**

5

Process for Project Closeout
(All items completed and verified)

- "Punch-list" inspection
- Contractor completes minor repairs/remaining work
- Request/review Contractor closeout submittals
- Final inspection
- Certify payment
- As-built drawings

6

Future Maintenance Needs

- Routine mowing/spraying
- Inspection (5 years)
- Sediment will deposit in channel
- Spot maintenance will be needed

7

Construction Progress

8

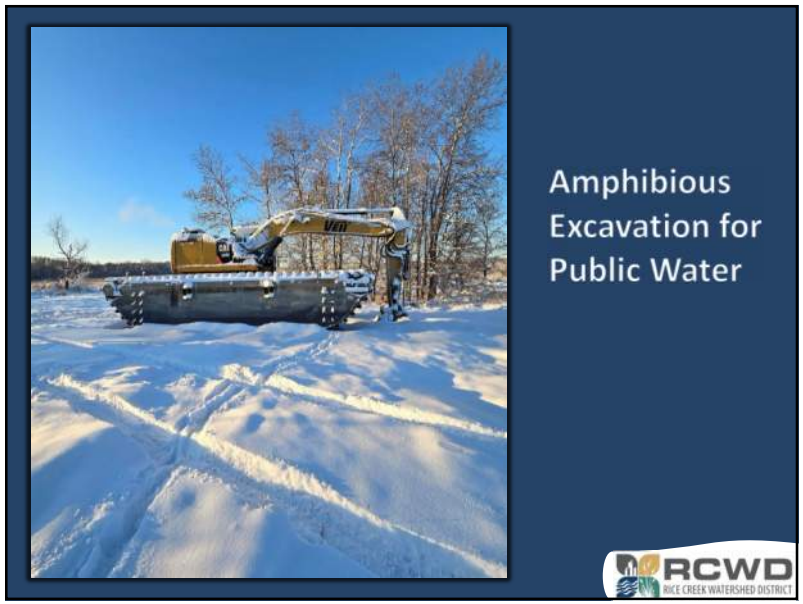
9

Excavator(s) sunk into Wetland.

DNR violation "Road" built into the wetland for recovery.

DNR approved restoration effort to remove road and cleanup.

10



11

12

Project Debrief

- JD 3 capacity is fully restored
- Maintenance corridor has been reestablished
- Repairs completed under budget (from Engineer's Estimate)
- Project specifications are critical to holding contractor accountable along with frequent inspections and contractor meetings/ check-ins
- Future cleanouts in Branch 4 public water will need lightweight equipment and mats
- Communicating long term vision of drainage system maintenance to landowners remains critical

13

14

ITEMS REQUIRING BOARD ACTION

3. Check Register Dated September 11, 2024, in the Amount of $161,334.24 Prepared by Redpath and Company

Rice Creek Watershed District
Check Register
August 29, 2024 - September 11, 2024
To Be Approved at the September 11, 2024 Board Meeting

Check #	Date	Payee	Description	Amount	
25753V	09/01/24	Ben Williams	WQ Cost share-Construction	($5,787.89)	*Void
25812	09/11/24	Agri Drain Corporation	Field Supplies	362.65	
25813	09/11/24	BridgeTower OpCo, LLC	Legal Notices	33.54	
25814	09/11/24	Comcast	Telecommunications	319.89	
25815	09/11/24	Critical Connections Ecological Svs., Inc.	Engineering	7,260.00	
25816	09/11/24	ECM Publishers, Inc.	Legal Notices	155.40	
25817	09/11/24	Joseph Grubbs	Contracted Services	1,050.00	
25818	09/11/24	Hugo's Tree Care Inc.	Contracted Services	18,085.00	
25819	09/11/24	Instrumental Research, Inc.	Lab Expense	5,476.00	
25820	09/11/24	Insight Public Sector, Inc.	Computer Equipment	5,001.36	
25821	09/11/24	Iron Mountain	Professional Services	272.45	
25822	09/11/24	Kisters North America, Inc.	Computer Software	4,000.00	
25823	09/11/24	RMB Environmenal Laboratories	Lab Expense	7,996.80	
25824	09/11/24	Washington Conservation District	Contracted Services	5,079.75	
25825	09/11/24	We Can Help Outdoor Services, LLC	Contracted Services	1,800.00	
25826	09/11/24	Ben Williams	WQ Cost share-Construction	5,787.89	*Reissued
11409	09/11/24	Richard Defoe	Surety Release - #18-051	21,600.00	
11410	09/11/24	Hokanson Construction and Dev., Inc.	Surety Release - #18-079	5,000.00	
11411	09/11/24	Ronald Peltier	Surety Release - #23-073	1,500.00	
Payroll	09/15/24	Sep 15th Payroll (estimate)	Sep 15th Payroll (estimate)	45,582.60	
EFT	09/11/24	Card Services-Elan	August/September Credit Card	5,150.29	
EFT	09/11/24	Wex Bank	Vehicle Fuel	792.98	
EFT	09/11/24	Xcel Energy	Telecommuncations	5.57	
EFT	09/11/24	Xcel Energy	Telecommuncations	13.73	
EFT	09/11/24	US Bank Equipment Finance	Equipment Lease	648.76	
EFT	09/15/24	Internal Revenue Service	09/15 Federal Withholding (estimate)	12,598.15	
EFT	09/15/24	Minnesota Revenue	09/15 State Withholding (estimate)	2,258.00	
EFT	09/15/24	Empower Retirement	09/15 Deferred Compensation	895.00	
EFT	09/15/24	Empower Retirement	09/15 Roth IRA	305.00	
EFT	09/15/24	Further	09/15 HSA	621.47	
EFT	09/15/24	PERA	09/15 PERA (estimate)	7,469.85	
Total				**$161,334.24**	

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineer Updates and Timeline

District Engineer - Monthly Project Report August 2024
Rice Creek Watershed District

Date Prepared: 9/3/2024
Prepared by: C. Grandbois

Project Name	Task Order Manager	Estimated Budget	Cost to Date	Remaining Budget	Project Complete / Transfer Funds?	Estimated Progress Based on Work Completed	Percentage of Budget Utilized	Within Budget? (Y/N)	District Billed for Exceedence of Budget? (Y/N)	Initial Target Completion Date	Items of Interest / Concern
RCD 1 Records Reestablishment	Adam Nies	$27,500	$26,157	$1,343	N	95.0%	95.1%	Y	N/A	31-Dec-23	A public information meeting has been held. Next step is to hold a public hearing for consideration of ordering the reestablishment of the public drainage system record.
RCWD Boundary Petition Assistance	Chris Otterness	$16,500	$23,650	($7,150)	N	99.0%	142.8%	N	N	1-Mar-24	A package for consideration of concurrence with the boundary change has been prepared for each city/WMO. Once letters of concurrence are received, a petition to BWSR for the change may move forward.
ACD 53-62 Branches 5 & 6 Repair Report	Adam Nies	$82,200	$61,461	$20,739	N	70.0%	70.8%	Y	N/A	30-Apr-24	Independent technical review of the repair report is being completed. A wetland delineation will proceed in September.
JD 3 Clearwater Creek Stabilization	Adam Nies	$74,900	$95,073	($20,173)	Y	100.0%	122.4%	N	N	31-May-24	The final feasibility report will be presented at the September Board workshop
Anoka Washington Judicial Ditch 3 Branches 1, 2, & 4 Construction Management	Adam Nies	$120,000	$127,985	($7,985)	Y	100.0%	106.1%	N	N	1-Jun-24	Final payment to contractor will be considered at September Board Meeting.
RCD 4 Final Plans/Specs, Bidding and Construction Management	Adam Nies	$68,000	$46,782	$21,218	N	50.0%	44.3%	Y	N/A	31-Dec-24	The contractor is nearly completion of tree removal and will begin final stabilization soon
GIS and Ditch Records Maintenance; DrainageDB Annual Subscription	Brian Fischer	$16,000	$7,883	$8,117	N	66.7%	45.7%	Y	N/A	31-Dec-24	Drainage records are being added to DrainageDB on a quarterly basis.
MS4Front Annual Subscription and Implementation Services	Brian Fischer	$16,000	$2,209	$13,791	N	66.7%	12.3%	Y	N/A	31-Dec-24	We continued to make updates on an as-requested basis.
RCWD Rule Revision Assistance	Adam Nies	$36,000	$18,646	$17,354	n	75.0%	51.4%	Y	N/A	31-Dec-24	The proposed rule has been noticed for public review. Next step is to complete a public hearing.
Enhanced Street Sweeping Initiative	Rachel Olm	$29,000	$6,149	$22,851	N	15.0%	17.4%	Y	N/A	31-Dec-24	A survey has been sent to the District's municipal partners to determine existing and desired sweeping practices.
2024 District Wide Modeling Program Annual Updates	Bret Zimmerman	$30,900	$6,149	$24,751	N	20.0%	22.9%	Y	N/A	1-Nov-24	Assistance has been provided to City of New Brighton with FEMA resubmittal for RCD 2

Values in red are either potential budget concerns or changes in schedule.

The "overage" for those projects shown as "over budget" is not billed to the District. The cost to date column reflects HEi's actual internal cost. Projects are considered within budget if ± 5%.

HoustonEngineering Inc.

RCWD
RICE CREEK WATERSHED DISTRICT

District Engineer
Monthly Progress Report (Actual & Estimated Progress)
Through August 2024