

**RESOLUTION NO. 2024-08  
RICE CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**REPLACEMENT, EXEMPTION and NO-LOSS DETERMINATION  
for ACD 10-22-32 CULVERT REPLACEMENT (PINE STREET)**

Manager Bradley offered the following Resolution and moved its adoption, seconded by Manager Weinandt :

**WHEREAS** the Rice Creek Watershed District (“District”), as the drainage authority for Anoka County Ditch (ACD) 10-22-32, has prepared a no-loss, exemption, and replacement application under the Minnesota Wetland Conservation Act (WCA) and the District’s Wetland Alteration Rule (Rule F), for impacts to wetland from a proposed lowering of the culvert under Pine Street, along the Main Trunk of ACD 10-22-32, at the boundary of the cities of Columbus and Lino Lakes;

**WHEREAS** the application proposes to lower the culvert to an elevation of 897.0 feet (NAVD 88) (upstream invert) and 896.9 feet (NAVD 88) (downstream invert), in conformance with the As Constructed and Subsequently Improved Condition (ACSIC) of ACD 10-22-32 at that location;

**WHEREAS** the District is the designated local government unit (LGU) responsible to consider the application pursuant to WCA;

**WHEREAS** on November 29, 2023, the District, as WCA LGU, approved a wetland boundary and type application for the project;

**WHEREAS** District staff, in coordination with the WCA Technical Evaluation Panel (TEP), has reviewed the application, and has prepared a proposed Notice of Decision (NOD) concurring in the application’s determination of 6.271 acres of wetland impact, and in the determination that 5.253 acres of impact are subject to WCA exemption and do not require replacement;

**WHEREAS** District staff, in coordination with the TEP, finds that the application presents a sequencing analysis that conforms to Minnesota Rules 8420.0520 and Rule F, and that the project will avoid and minimize wetland impact in accordance with the criteria of those rules;

**WHEREAS** District staff, in coordination with the TEP, finds that the proposal to replace 1.018 acres of impact to Type 3 wetland by means of 2.036 acres of wetland credit from the Brown’s Preserve wetland bank (Bank Acct. #1534) meets WCA and Rule F requirements for replacement plan approval;

**WHEREAS** on May 20, 2024, the District provided notice of the application to those required by Minnesota Rules 8420 to receive it;

**WHEREAS** the District received written comment from the Minnesota Department of Natural Resources (DNR) that a rare plant survey should be performed to ensure compliance with the state's threatened and endangered species law;

**WHEREAS** Minnesota Rules 8420.0515, subpart 2, states that a WCA LGU may not approve a replacement plan if it finds that the proposed work will "take" a listed threatened or endangered plant or animal species, absent a DNR permit;

**WHEREAS** the District has adopted, and implements, written guidance as to the procedure it will follow to determine whether a proposed action will "take" a listed species, which guidance provides for a professional consultant licensed to use the DNR Natural Heritage Information System (NHIS) database to advise as to whether a field survey is warranted;

**WHEREAS** the District engineer, Houston Engineering, is so licensed, and in coordination with its subconsultant, Foth Engineering, has reviewed the NHIS database, and advised that a field survey is not warranted, and the Board of Managers ("Board") accepts this recommendation and finds that the proposed work will not take a listed species within the meaning of Minnesota Rules 8420.0515; and

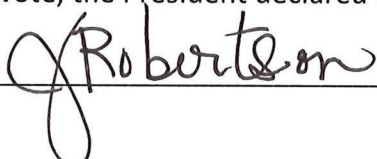
**WHEREAS** the Board finds that the determinations and recommendations of District staff and the TEP, as set forth in the proposed NOD, are sound, and adopts those determinations and recommendations;

**THEREFORE BE IT RESOLVED** that the Board approves the Notice of Decision as presented by District staff, and authorizes the District administrator to issue the NOD, with any final non-material changes, and distribute it, all in accordance with WCA and its implementing rules.

The question was on the adoption of Resolution 2024-08 and there were 2 yeas and 3 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BRADLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERTSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WALLER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WEINANDT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the Resolution failed.

  
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Dated: October 23 2024

Jessica Robertson, Secretary

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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 23 day of October, 2024.

  
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Jessica Robertson, Secretary