

RESOLUTION NO. 02-1

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

RESOLUTION ORDERING PREPARATION OF
ENVIRONMENTAL ASSESSMENT WORKSHEET
FOR WASHINGTON COUNTY JUDICIAL DITCH 2 REPAIR

*RGU - RCWD
Fox in new house
comment*

Manager Haak offered the following Resolution and moved its adoption, seconded by
Manager Doehl :

WHEREAS, on April 10, 2002, the Rice Creek Watershed District (RCWD) Board of Managers adopted and accepted a petition for repair of Washington County Judicial Ditch 2 within the Cities of Hugo and Forest Lake ("repair project"), also known as Hardwood Creek;

WHEREAS, on May 13, 2002, the Minnesota Center for Environmental Advocacy ("Petitioner") submitted to the Minnesota Environmental Quality Board (EQB) a petition signed by at least 25 individuals requesting, pursuant to the Minnesota Environmental Policy Act, that an Environmental Assessment Worksheet (EAW) be completed for the repair project, which petition was accepted by the EQB;

WHEREAS, on May 23, 2002, the EQB forwarded the petition to the RCWD as the designated Responsible Governmental Unit (RGU) to determine whether the petition should be granted;

WHEREAS, pursuant to Minnesota Rules 4410.1100, the RGU shall order the preparation of an EAW if the evidence presented demonstrates that "because of the nature or location of the proposed project, the project may have the potential for significant environmental effects";

WHEREAS, Petitioner has presented evidence that water resources with diverse and valuable ecological qualities lie in the vicinity of the repair project and that repair has the potential to alter hydrological conditions within Hardwood Creek and hydrologically connected water resources, and habitat depending thereon;

WHEREAS, the repair petition accepted by the RCWD states that the RCWD will, after receiving appropriate information, determine: (a) whether a repair should be conducted; (b) if a repair is ordered, the extent of the repairs; and (c) what measures should be taken to minimize or avoid environmental impacts,

and the particulars and extent of any repair undertaken by the RCWD pursuant to the repair petition has yet to be determined; and

WHEREAS, the Board of Managers finds that because the repair project has not yet been defined to exclude the potential for significant environmental effects; and because the project is likely to be of substantial public interest and merit discretionary environmental review to ensure and communicate to the public that the possible environmental consequences of the repair project are being thoroughly reviewed;

WHEREAS, separately from the repair project, the Board of Managers intends to proceed with the adjustment or replacement of JD2 culverts under 157th, 165th and 170th Streets and Harrow Avenue under Minnesota Statutes §103E.075 or §103E.525 or other authority, which adjustment or replacement does not constitute ditch repair within the meaning of the drainage law; and

WHEREAS, by virtue of the accumulated sediment and other existing features of JD2, the culvert adjustment or replacement will not alter the ditch or hydraulic profile of JD2 except at the immediate culvert locations, and environmental review of this work has not been petitioned;

THEREFORE, BE IT RESOLVED that the Board of Managers orders that the RCWD timely prepare an EAW for the repair project, recognizing that the project is not yet defined sufficiently for EAW preparation to begin;

BE IT FURTHER RESOLVED that staff shall notify the Petitioner and the EQB of this decision within five days; and

BE IT FURTHER RESOLVED that this decision shall not affect any culvert replacement or modification pursuant to Minnesota Statutes §103E.075 or §103E.525 or other authority, which may proceed without environmental review under the Minnesota Environmental Policy Act.

The question was on the adoption of the Resolution and there were 5 yeas, 0 nays and absentions as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
AIKEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CARDINAL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOEGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAAKE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LEROUX	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Resolution adopted.

Dated: 6/28, 2002

Barbara Haake
Secretary

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I, Barbara Haake, 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 have hereunto set my hand this 28th day of June, 2002.

Barbara Haake
Secretary