



RICE CREEK WATERSED DISTRICT
BOARD OF MANAGERS

RULE B
Permit Procedural Requirements
(As Revised 4/27/05)

1. Application Required.

Any person undertaking an activity for which a permit is required by these rules shall, prior to commencing work, submit to the District a permit application, engineering design data and such other information and exhibits as may be required by these rules. All permit applications must bear the original signature of the landowner, or selected contractor for governmental projects.

2. Forms.

Permit applications must be submitted on the form provided by the District. Applicants may obtain these forms at the District office.

3. Action By Board Of Managers.

The Board of Managers shall act within sixty days of receipt of a complete permit application. A complete permit application includes all required information, exhibits, fees and surety.

4. Issuance Of Permits.

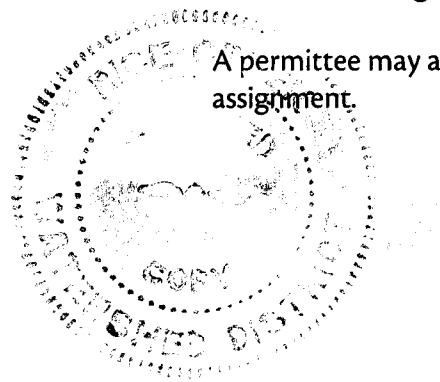
The Board of Managers will issue a permit only after applicant has satisfied all requirements for the permit, has paid all required District fees, and the District has received any required surety.

5. Permit Term.

Permits are valid for an eighteen month period from the date of issuance unless otherwise suspended or revoked. To extend a permit, the permittee must apply to the District in writing, stating the reasons for 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 days prior to the permit's expiration date.

6. Permit Assignment.

A permittee may assign a District permit only upon consent by the Board of Managers to the assignment.



Standard. The Board of Managers may grant the assignment of an issued permit if it finds 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.
- (e) The Board of Managers has received from the proposed assignee any required surety to secure performance of the assigned permit.

7. Permit Fees.

The District will charge the applicant permit fees in accordance with a fee schedule adopted by written resolution of the Board of Managers and conforming to Minnesota Statutes §103D.345.

Procedure And Payment Of Fee. Applicant must submit the required permit fee to the District at the time it submits its permit application.

Governmental Agencies Exempt. The fees described above will not be charged to the federal government, the State of Minnesota or a political subdivision of the State of Minnesota.

8. 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. Requiring a bond or other surety to secure performance of the permit conditions and the District rules is an effective way to conserve the District's water resources.

(b) Performance Surety Requirement. A cash surety in an amount set forth below must be submitted to the District with each permit application for the activities described below:

| Description of Activity | Cash Surety Amount |
|---|--|
| 1. Site development with less than 5 acres of disturbed area | \$1,500, \$2,500 if a detention pond is required |
| 2. Site development with less than 10, but greater than 5 acres of disturbed area | \$2,500, \$3,500 if a detention pond is required |
| 3. Site development with greater than 10 acres of disturbed area | \$3,500 + \$250 per additional acre over 10 |
| 4. Any alteration of Type III, IV, or V Wetlands | \$3,500 |
| 5. Construction of a Public Ditch Crossing | \$2,500 for single-lane road or driveway, \$5,500 for two-lane or greater roadway |
| 6. Grading activity within 100 feet of Rice Creek or a Public Ditch | \$3,500 for parallel distances less than 500 feet \$5,500 for parallel distances 500 feet or greater |
| 7. Construction activity (sewer and water line installation) in or along Rice Creek or any Public Ditch | \$3,500 for parallel distances less than 500 feet \$5,500 for parallel distances 500 feet or greater |
| 8. Wildlife pond construction and shoreland improvement projects | \$250 |
| 9. Wetland replacement plans governed by WCA | \$500 + \$10,000 per acre replaced |

An applicant may submit a performance 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. The performance bond or letter of credit must be submitted with the permit application.

(c) Form and Contents of Performance Bond or Letter of Credit.

- (1) The performance 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 performance bond or irrevocable letter of credit must be in favor of the District and conditioned upon the performance of the party obtaining the performance 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 performance bond or irrevocable letter of credit must provide that if the performance bond conditions are not met, the District may make a claim against the performance 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 performance bond or letter of credit, or return the cash surety if applicable.

9. Other Permits And Approvals.

It is the permit applicant's responsibility to secure all permits and approvals that are required by other governmental authorities, and provide the District proof that applicant has submitted these permit applications.

* * * * *

I, Roger Aiken, 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 03 day of May, 2005.

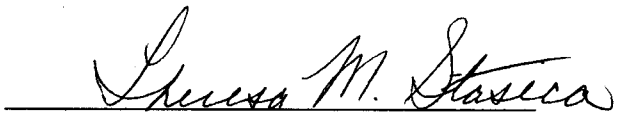
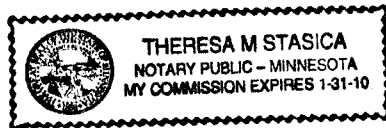


Roger Aiken, Secretary

ACKNOWLEDGEMENT

State of Minnesota
County of Anoka

This instrument was acknowledged before me on May 3, 2005, by Roger K. Aiken, as Secretary of the Rice Creek Watershed District Board of Managers, on behalf of the Rice Creek Watershed District Board of Managers.



Notary Public

Drafted by: Rice Creek Watershed District
4325 Pheasant Ridge Drive NE, Suite 611
Blaine, MN 55449-4539

RESOLUTION 2005-06

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

RESOLUTION ADOPTING AMENDMENT to RULE B

Manager Haake offered the following Resolution and moved its adoption, seconded by Manager Leroux

WHEREAS on March 31, 2005, the Rice Creek Watershed District, pursuant to Minnesota Statutes §103D.341, distributed for public comment a proposed amendment to Rule B providing for permit fees to be set and revised by resolution of the Board of Managers; and

WHEREAS on April 13, 2005, a duly noticed public hearing was held on the proposal;

WHEREAS the Minnesota Board of Water and Soil Resources (BWSR) and public transportation authorities wholly or partly within the District have been provided 45 days to review and comment on the proposal;

WHEREAS no comments have been submitted indicating concerns regarding, or objection to, the proposal; and

WHEREAS, the Board of Managers has considered the proposed Rule B amendment and the basis for it, and finds that the amendment is reasonable and in the best interest of the watershed;

THEREFORE BE IT RESOLVED that Rule B hereby is amended as proposed, and that staff shall publish notice of, file and distribute the adopted rule amendment in accordance with requirements of law

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

| | <u>Yea</u> | <u>Nay</u> | <u>Absent</u> |
|----------|-------------------------------------|--------------------------|--------------------------|
| CARDINAL | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| AIKEN | <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"/> |
| STEINKE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Upon vote, the Chair declared the Resolution adopted.

Roger Aiken
Roger Aiken, Secretary

Dated: April 27, 2005

* * * * *

I, Roger Aiken, 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 27 day of April, 2005



Roger Aiken, Secretary