



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, February 19, 2020

### Agenda Item

#### Item 5. A. - Public Hearing - Adoption of Rules Implementing Watershed Management Plan

#### Prepared By

Linda Loomis, Administrator

#### Summary

The Lower Minnesota River Watershed District adopted its current Watershed Management Plan (the Plan) with the adoption of Resolution 18-14 at the October 24, 2018 meeting of the Board of Managers. LMRWD staff then began work on rules to implement the Plan. Several revisions of the rules were presented to LMRWD partners. Two meetings of the Technical Advisory Committee (TAC) were held, one in May and one in August of 2019. LMRWD staff held individual meetings with cities that requested. The final draft proposed rules were submitted to the MN Board of Water and Soil Resources (BWSR) October 31, 2019 for the statutorily required 45-day review. The draft proposed rules were submitted to transportation authorities at the same time. The LMRWD asked that all comments be submitted to the LMRWD by December 20, 2019.

The LMRWD received comments from BWSR, the Metropolitan Council, the MN Department of Transportation, the City of Savage and the City of Shakopee. LMRWD staff reviewed the comments and revised the plan as appropriate. On February 6, 2020 the LMRWD response to the comments was sent to those that commented. In addition, the revised rules were sent, including a red-lined version. On the same date, the final draft proposed rules dated February 2020, a red-lined version of the draft proposed rules and the LMRWD response to comments was posted to the LMRWD website and sent to BWSR, state review agencies, transportation authorities that have jurisdiction within the watershed and all cities, counties and townships within the LMRWD. A notice of the public hearing was also included. The Board Managers was copied on this communication.

Notice of the Public Hearing was posted on the LMRWD website and at the LMRWD office in Chaska. Notice of the hearing was published in the Star Tribune on February 9th and again on February 16th.

The purpose of the public hearing is to allow the public, LMRWD partners and any other interested party an opportunity to provide additional comments and ask questions. Resolution 20-02 - Adopting Watershed District Rules has been prepared which may be adopted by the Board of Managers, after closing the public hearing, if the Board determines it is appropriate to adopt the Rules.

#### Attachments

[LMRWD Response to comments](#)

[LMRWD Draft Proposed Rules February 2020](#)

[LMRWD Draft Proposed Rules February 2020 Red-liner version](#)

Resolution 20-02 - Adopting Watershed District Rules

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**Recommended Action**

Open the public hearing

Motion to close the public hearing or motion to continue the public hearing

Provide Direction staff reagrding additional hearings/meetings

Motion to adopt Resolution 20-02 -

Manager \_\_\_\_\_ introduced the following resolution and moved its adoption:

LOWER MINNESOTA RIVER WATERSHED DISTRICT

RESOLUTION 20-02

ADOPTING WATERSHED DISTRICT RULES

WHEREAS, pursuant to Minnesota Statutes Chapters 103B and 103D, and Minnesota Rules §8410, the Lower Minnesota River Watershed District (LMRWD) on October 24, 2018 approved and adopted its Board of Water and Soil Resources (BWSR) approved comprehensive Watershed Management Plan ("Plan"); and

WHEREAS, Minnesota Statutes Section 103D.341 states that a watershed district board of managers must adopt rules to accomplish the purposes of Chapter 103D and implement the powers of the Board of Managers as specified by Minnesota Statutes Section 103D.335; and

WHEREAS, the LMRWD engaged its Technical Advisory Committee, consisting of knowledgeable and experienced representatives of government agencies, counties and municipalities, in the development of the Rules and on October 31, 2019 submitted the proposed Rules for review and comment to BWSR, state review agencies, public transportation authorities that have jurisdiction within the watershed and all cities, counties and townships within the watershed; and

WHEREAS, the LMRWD posted the Rules on the LMRWD website for review and comment from other interested parties and provided 45 days for comment in accordance with Minnesota Statutes Section 103D.341. The comment period closing December 20, 2019; and

WHEREAS, the LMRWD Board of Managers has reviewed and given due consideration to all comments received in preparing the final draft of the LMRWD Rules and the responses to comments attached to this resolution; and

WHEREAS, On February 19, 2020, the LMRWD held a public hearing to receive additional comment on the proposed Rules; and

WHEREAS, the LMRWD Board of Managers finds the rules to be in accordance with the requirement of law and in the best interests of the public.

NOW, THEREFORE, BE IT RESOLVED that the Lower Minnesota River Watershed District Board of Managers approves and adopts the LMRWD Rules effective February 19, 2020; and

BE IT FURTHER RESOLVED that the Lower Minnesota River Watershed District Board of Managers directs the LMRWD Administrator to publish notice of the adoption of the Rules, distribute the Rules to the governing body of each city affected by the Rules and public

transportations authorities with jurisdiction in the watershed and file a copy of the Rules in the office of the County Recorder in each County within the LMRWD; and

BE IT FURTHER RESOLVED that the Rules are to be primarily applied by local governmental units, under a Municipal Permit issued by the LMRWD or by the District through an individual permit.

Adopted by the Board of Managers of the Lower Minnesota River Watershed District this 19th day of February, 2020.

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Jesse Hartmann, President

ATTEST:

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David Raby, Secretary/Treasurer

The motion for the adoption of the foregoing resolution was seconded by Manager \_\_\_\_\_ and upon a vote being taken thereon, the following voted in favor thereof: Hartmann and Frey; and the following voted against the same: None. Whereupon said resolution was declared passed and adopted, this 19th day of February, 2020, signed by the President and his signature attested by the Secretary/Treasurer.