COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: February 11, 2013
AGENDA NUMBER: 9
ITEM: Assumption of WCA authority within Select Portions of the City of Fridley

POLICY IMPACT: Policy
FISCAL IMPACT: Budgeted

REQUEST
Approve a Resolution Establishing the Coon Creek Watershed District as the Local Government Unit for Implementation of the Wetland Conservation Act in Certain Areas of Fridley.

BACKGROUND
The Minnesota Wetland Conservation Act of 1991 (WCA) requires local government units (LGUs) to implement the rules and regulations promulgated by the Board of Water and Soil Resources (BWSR) pertaining to wetland draining, filling and excavation (Minnesota Rule 8420).

The City of Fridley has served as the LGU for implementation of the WCA areas within the former Six Cities Watershed Management Organization (WMO). The areas within the former Six Cities WMO that have become part of the Coon Creek Watershed District (CCWD) lie north of the Rice Creek Watershed District boundary.

The District serves as the LGU implementing the WCA for several cities within the watershed (Andover, Blaine, Columbus, Ham Lake). The City of Fridley has proposed that the CCWD become the LGU for implementation of the WCA in areas within the District boundary in the City of Fridley.

ISSUES/CONCERNS
Current Situation: At present, the City of Fridley contracts for the technical services required to administer the WCA. Review of wetland requirements are a standard procedure in review of stormwater plans by the District, and provides opportunities to prevent flooding and water quality problems by working with homeowners and developers on more efficient and conservation minded designs by using natural infrastructure within their capacity.

Work Load: The city records indicate two wetland issues in the past five years within the CCWD area.
Elimination of Redundancy: While the activity for administration is limited, the CCWD staff can provide these services with in-house staff, and eliminate redundancy in reviewing WCA determinations and administration of WCA.

Other Cities: Both Coon Rapids and Spring Lake Park have discussed requesting the CCWD to assume administration of WCA within the portions of their cities that are in the Watershed District.

RECOMMENDATION
Adopt the attached resolution to establish the Coon Creek Watershed District as the Local Government Unit for implementation of the Wetland Conservation Act in areas of Fridley within the Coon Creek Watershed District.
WHEREAS, the Minnesota Wetland Conservation Act of 1991 (WCA) requires local government units (LGUs) to implement the rules and regulations promulgated by the Board of Water and Soil Resources (BWSR) pertaining to wetland draining, filling and excavation; and

WHEREAS, Minnesota Rules chapter 8420 have been adopted by BWSR in accordance with the rulemaking provisions of Minnesota Statutes, chapter 14, for the purpose of implementing WCA; and

WHEREAS, Minnesota Rules 8420.0200, Subpart 1, Item E allows a county, city, or town to delegate implementation of chapter 8420 and the act to another governmental entity by the passage of resolutions by both parties; and

WHEREAS, both parties must provide notice to BWSR, the Department of Natural Resources, and the Soil and Water Conservation District of the delegation, including a copy of the resolution and a description of the applicable geographic area, within 15 business days of adoption of the resolution; and

WHEREAS, On January 25, 2013 the City of Fridley passed a resolution delegating the implementation of Minnesota Rules chapter 8420 to The Coon Creek Watershed District.

THEREFORE, BE IT RESOLVED THAT the Coon Creek Watershed District hereby accepts the authority and administrative responsibility to implement WCA as the LGU within the legal boundary of the City of Fridley which lies within the legal boundary of the Coon Creek Watershed District as of February 11th, 2013 in accordance with Minnesota Rules, Chapter 8420.