

Memorandum

To: Bassett Creek Watershed Management Commission (BCWMC)
From: Barr Engineering Co.
Subject: Item 6D. Resolution Delegating Some Decisions for Wetland Conservation Act Decisions to Commission Staff
BCWMC February 18, 2016 Meeting Agenda
Date: February 10, 2016

6D. Resolution Delegating Some Decisions for Wetland Conservation Act Decisions to Commission Staff

Recommendations:

- i. Approve and sign the Resolution to Delegate certain WCA Decisions to Staff
- ii. Authorize staff to submit resolution to the Minnesota Board of Water and Soil Resources

WCA Decisions

The BCWMC Engineer's assistance with WCA administration typically includes reviewing applications, preparing and sending out Notices, conducting and participating in Technical Evaluation Panel (TEP) meetings, preparing TEP Findings reports, obtaining signatures, and providing recommendations for BCWMC decisions. The decisions are then made by the BCWMC based on staff recommendations.

During the January 21, 2016 BCWMC meeting, the BCWMC considered these options regarding WCA decision-making authority:

- The BCWMC (i.e., at their regular meetings) makes all WCA decisions
- The BCWMC delegates some of the WCA decisions to BCWMC staff (Engineer or Administrator)
- The BCWMC delegates all of the WCA decisions to BCWMC staff (Engineer or Administrator)

At the January 21, 2016 meeting, the Commission decided to delegate wetland boundary and type, no-loss, and exemption decisions to BCWMC staff, but retain the authority for sequencing, replacement plan, and banking plan decisions. Documentation of this agreement requires completion and signing of a resolution delegating WCA authority. A copy of the proposed resolution is attached. If approved, the resolution must be submitted to the Minnesota Board of Water and Soil Resources.

**A RESOLUTION DELEGATING AUTHORITY REGARDING THE
ADMINISTRATION OF THE MINNESOTA WETLAND CONSERVATION ACT**

Bassett Creek Watershed Management Commission
Resolution #16-04

WHEREAS, the Bassett Creek Watershed Management Commission has accepted the authority and administrative responsibility to implement the Wetland Conservation Act (WCA) for certain cities within the legal boundaries of the Bassett Creek Watershed that have delegated WCA authority to the Bassett Creek Watershed Management Commission including the cities of Medicine Lake, Robbinsdale, and St. Louis Park, in accordance with Minnesota Rules, Chapter 8420; and

WHEREAS, the Bassett Creek Watershed Management Commission is authorized by Minnesota Rules, part 8420.0200, subpart 2, Item C, to delegate certain functions with regard to implementation of WCA to its staff.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Bassett Creek Watershed Management Commission as follows:

1. Final decision-making authority for WCA exemptions, no-loss, and wetland boundary and type applications is hereby delegated to its staff, which includes the Commission Engineer and the Commission Administrator, or their respective designees. The authority delegated pursuant to this Resolution includes the authority to determine the completeness of applications, to identify what additional information is needed in order to make an application complete, and to provide related notices to applicants as needed.
2. A final decision of staff made pursuant to this Resolution may be appealed to the Board of Commissioners by filing a written notice of appeal with the Commission Administrator within 14 days of the date of the final decision. The notice of appeal must describe the alleged error, identify any applicable legal authority in support of the allegation, and describe the relief being sought. The Board of Commissioners will take up the appeal at a regular meeting and allow the person bringing the appeal an opportunity to be heard regarding the matter. The decision of the Board of Commissioner on the appeal will be issued and writing and shall be final.

Adopted by the Board of Commissioners of the Bassett Creek Watershed Management Commission this 18th day of February, 2016.

Chair

Attest:

Secretary

Resolution No. _____: Offered by Commissioner _____, seconded by Commissioner _____, adopted by a vote of _____ at the regular meeting of the Board of Commissioners of Bassett Creek Watershed Management Commission on February 18, 2016.