

RESOLUTION NO. 21-02

**NINE MILE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

Adopting an amended permit-fee schedule

Manager _____ offered the following resolution and moved its adoption, seconded by Manager _____:

WHEREAS Nine Mile Creek Watershed District, a governmental subdivision with powers set forth in Minnesota Statutes chapters 103B and 103D, is authorized to act to achieve the purposes set forth in those chapters for the protection, conservation and beneficial use of the water resources of the Nine Mile Creek watershed;

WHEREAS Nine Mile Creek Watershed District has permitting requirements duly adopted pursuant to Minnesota Statutes sections 103D.335 and 103D.341, which requirements have been in effect since July 18, 1973;

WHEREAS NMCWD has incurred and continues to incur substantial costs to administer its permitting program, including costs of services by consultants, analysis of proposed activities, inspection of permitted projects and compliance assurance;

WHEREAS under Minnesota Statutes section 103D.345, subdivision 2, NMCWD may apply a permit fee to cover actual costs related to the permitting of projects conducted within its jurisdiction, including costs of services of staff and consultants;

WHEREAS the NMCWD Board of Managers wishes to maintain written policies to ensure that permit-processing costs are borne by those obtaining permits rather than the taxpayers of the watershed at large, and to ensure consistency and clarity in permit processing for the benefit of those subject to NMCWD's permit requirements;

WHEREAS NMCWD Rule 11.0 requires applicants to pay permit fees in accordance with a written schedule maintained and revised from time to time by resolution of the board of managers to ensure the recovery of NMCWD's actual costs of permitting, regulatory analysis and inspection through the collection of fees from permit applicants, excepting governmental agencies and subdivisions in accordance with Minnesota Statutes section 103D.345, subdivision 3; and

WHEREAS NMCWD staff developed proposed changes to the NMCWD permit-fee schedule to clarify the schedule and better align the fees collected with the cost-recovery provisions in Minnesota Statutes 103D.345, subdivisions 1 & 2, and after preliminary review, the NMCWD board directed that the updated fee schedule come forward for adoption.

NOW, THEREFORE, BE IT RESOLVED that the NMCWD Board of Managers:

1. Adopts the amended fee schedule, attached to and incorporated into this resolution as Schedule A, effective for all applications received on or after July 22, 2021;
2. Determines that an application for a permit from NMCWD will not be complete until the applicant has submitted the required fee as specified in the schedule;
3. Directs the administrator to ensure that NMCWD's permit-application instructions and associated materials advise applicants of the permit fee requirement, to maintain the schedule of permit fees on the NMCWD website, and to make this resolution and the attached schedule available upon request of any party at NMCWD's principal place of business.

The question was on the adoption of the resolution and there were ___ yeas and ___ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
BUTLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CUTSHALL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HUNKER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KVAM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OLSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the chair declared the resolution adopted.

* * * * *

I, Erin Hunker, secretary of the Nine Mile 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 and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this ____ day of _____ 2021.

Erin Hunker, Secretary

Schedule A
July 22, 2021, NMCWD Permit Fee Schedule

DRAFT

**Nine Mile Creek Watershed District Rules
Schedule A – Permit Fees**

The Nine Mile Creek Watershed District (NMCWD) Board of Managers adopted Resolution 21-02, updating its permit fee schedule on July 21, 2021. The schedule is established and maintained pursuant to Minnesota Statutes section 103D.345 and NMCWD Rule 11.0, which provide for a permit fee to cover NMCWD’s actual costs related to permitting, including site inspections, analysis of the proposed activities, services of consultants and compliance assurance.

Permit fees due with the initial application are based on which NMCWD Rules are triggered. (A separate fee is required for review under the state Wetland Conservation Act, pursuant to its provisions.) Rule 2.0 is Floodplain Management, 3.0 is Wetlands Management, 4.0 is Stormwater Management, 5.0 Erosion and Sediment Control, 6.0 is Waterbody Crossings and Structures, 7.0 Shoreline and Streambank Improvements, 8.0 is Sediment Removal, and 9.0 is Appropriation of Public Surface Waters. In accordance with Resolution 21-02, the following permit fees will be charged to permit applicants per rule triggered as follows:

Single-Family Home Projects	
Rule 2.0.....	\$100
Rule 4.0.....	\$250
Rule 5.0.....	\$50

For subdivision of land, and all other projects	
Rule 5.0 <i>only</i>\$300	
Site size 0-4.99 acres	Rule 2.0.....\$750
	Rule 4.0.....\$750
	Rule 5.0.....\$750
Site size 5-9.99 acres	Rule 2.0.....\$1000
	Rule 4.0.....\$1000
	Rule 5.0.....\$1000
Site size over 10 acres	Rule 2.0.....\$1500
	Rule 4.0.....\$1500
	Rule 5.0.....\$1500

All Project Types	
Rule 6.0.....	\$300
Rule 7.0.....	\$300
Rule 8.0.....	\$300

For Wetland Conservation Act:

When NMCWD serves as the Local Government Unit, actual costs associated with NMCWD regulatory activities will be billed to the applicant.

For transfer or extension of an unexpired issued permit: \$40

Note: A permit will not be transferred until any outstanding balance due under the Excess Cost Recovery schedule below is paid.

Excess Costs Recovery:

Costs of site inspections, analysis of the proposed activities, services of consultants and compliance assurance in excess of the amounts stated below arising from a particular permit may be charged to the permit holder, whether costs were incurred by the permit holder or transferor:

Single-family residential property	\$1,000
All other properties, 0 - 4.99 acres	\$2,500
All other properties, 5 - 9.99 acres	\$3,500
All other properties, 10 acres or larger	\$5,000

Use of NMCWD model or proprietary data:

NMCWD may charge the actual costs of preparing and providing proprietary data or analyses (e.g., hydrologic modeling data such as P8, XPSWMM) to a private permit applicant. It is the policy of NMCWD to defer any such charges, however, when 1) NMCWD incurs less than \$250 in preparing such data for the applicant's use, and 2) the data are delivered electronically.