

**RESOLUTION NO. 12-06  
BROWN'S CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**ORDERING PUBLIC HEARING FOR  
BROWN'S CREEK REHABILITATION PROJECT**

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

**WHEREAS** the Brown's Creek Watershed District (District) has adopted a watershed management plan (Plan) in accordance with Minnesota Statutes section 103B.231;

**WHEREAS** the Plan describes the District's commitment to implementing activities that will contribute to sustaining a viable cold-water fishery in Brown's Creek;

**WHEREAS** a total maximum daily load (TMDL) study and an implementation plan have been completed to assess Brown's Creek fish biota and turbidity impairments and to describe a plan for improving fish habitat by reducing thermal impacts and improving clarity by reducing deposition of suspended solids to the creek;

**WHEREAS** the Brown's Creek TMDL study was approved by the federal Environmental Protection Agency on December 21, 2010;

**WHEREAS** the Plan states that the District will implement projects to fulfill the Brown's Creek TMDL implementation plan to reduce sedimentation of the creek and the District is amending the capital improvements program in its Plan to describe and include the stabilization of a highly degraded stretch of the creek, upstream from the Stone Arch Bridge, by removing a rail line causing the separation of the creek from its floodplain (entrenchment), restoring floodplain, stabilizing creek banks (the Project), and the Plan is being amended to incorporate details of the Project;

**WHEREAS** on the Board of Managers has approved a conceptual design for the Project;

**WHEREAS** the property on which the Project would be implemented is owned by the state Department of Natural Resources (DNR), and DNR has expressed interest in entering into a partnership with the District for the construction and maintenance of the Project; and

WHEREAS pursuant to Minnesota Statutes section 103B.251, subdivision 3, the District must issue notice of and hold a public hearing before ordering a capital improvement project.

THEREFORE BE IT RESOLVED that the Board of Managers directs the administrator to issue notice of and convene a public hearing in accordance with Minnesota Statutes section 103B.251 on June 11, 2012, as part of its regular meeting to allow the Board of Managers to hear and consider the statements of all interested parties prior to determining whether to order the Project.

The question was on the adoption of the resolution and there were 4 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
JOHNSON				X
LEISER	X			
PUNDSACK	X			
TAILLON	X			
VANZWOL	X			

Upon vote, the Chair declared the Resolution adopted.


Dated: May 14, 2012.

  
Gail Pundsack, Secretary Pro-Tem

\* \* \* \* \*

Gail Pundsack  
I, ~~GERALD JOHNSON~~, Secretary of the Brown's 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 transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this 14 day of May, 2012.

  
Gail Pundsack, Secretary Pro-Tem