

Resolution

Capitol Region Watershed District

In the matter pertaining to: **Setting Fees and Performance Surety Rates for Watershed District Permitting**

Board Manager Murphy introduced the following resolution and moved its adoption, seconded by Board Manager Sanders.

WHEREAS, the District originally adopted watershed district rules on September 6, 2006, and adopted revised rules on June 5, 2019, and

WHEREAS, the District implements a permitting program to ensure compliance with watershed district rules, and

WHEREAS, MN Statute 103D.345 authorizes the District to charge a permit application fee and field inspection fee to cover actual costs related to the investigation of the area affected by the proposed activity, analysis of the proposed activity, services of a consultant, and any required subsequent monitoring of the proposed activity; and

WHEREAS, consultant billing and staff time is reviewed periodically to determine proposed fees; and

WHEREAS, MN Statute 103D.45 authorizes the District to require that a permit applicant file a bond conditioned on performance of authorized activities in conformance with the terms of a permit; and

WHEREAS, the District conducts inspections and collects Performance Sureties to ensure compliance during construction and proper BMP performance before permit closure; and

WHEREAS, Non-compliance with District Rules threatens water resources and represents inadequate performance by an applicant; and

WHEREAS, stormwater BMPs require post-construction maintenance for long-term performance; and

WHEREAS, Manufactured Treatment Devices often require increased maintenance frequency to properly function as designed.

THEREFORE, BE IT RESOLVED that the District adopts the attached fee and surety schedule; and

BE IT FURTHER RESOLVED that the District periodically review, and the Board adopt the Application/Inspection Fee and Performance Surety schedule based on review of actual field costs and cost of analysis of the proposed activity.

Vote: Approved/Denied

Manager	Yeas*	Nays	Absent	Abstain
Collins	X			
Murphy	X			
Sanders	X			
Sullivan Janzen	X			
Texer	X			
Total	5			

Requested By:	Forrest Kelley
Recommended for Approval:	Mark Doneux
Approved by Attorney:	James Mogen
Funding Approved:	N/A

*Approval must receive minimum of 3 Yeas

Supporting Documentation Incorporated By Reference		
Date	Document	Prepared By
May 5, 2021	Fee/Surety Schedule	CRWD

Resolution Adoption Certified By The Board of Managers:

By: Hawona Sullivan Janzen_____

Date: April 6, 2022_____

APPLICATION/INSPECTION FEE AND PERFORMANCE SURETY SCHEDULE

NOTE: Fees and performance sureties shall not be collected for public projects.

Permit Application/Inspection Fees shall be paid upon submittal of an application to the District.

Erosion Control Permit Only		
	Rule F Only	\$700
Stormwater Management, Wetland Management, and Flood Control Permits*		
	Rule C, or Rule D, or Rule E	\$2,100
Illicit Discharge and Connection		
	Rule G	\$700

*An additional \$700 fee will be charged to applicant if the project involves a Wetland Replacement or Banking Plan.

Performance Sureties

Performance Sureties will be collected based on the rates in the table below:

Description of Activity		Cash Surety Amount
1.	Grading associated with Development (Rule F)	\$2,800/acre ⁺
2.	Stormwater Management Facilities (Rule C)	\$7,000/acre ⁺
3.	Manufactured Treatment Device Maintenance	\$10,000 +\$3,000/acre

⁺A minimum Performance Surety of \$700 shall be collected for all projects.

Performance Sureties shall be paid in full in check form prior to issuance of a District permit. The Performance Surety will be used to ensure the completion of work in accordance with the permit. Deductions from Performance Sureties will be made at the rate of \$120 for each Inspection Report receiving a Grade of C or lower based on the CRWD Inspection Report Grading Metrics Table. Deductions will not be made for inspections receiving a grade of B or above.

CRWD Inspection Report Grading Metrics

Inspection Grade A	All report items are Compliant, Under Review, or Not Applicable (NA)
Inspection Grade B	All report items are Compliant, Under Review, NA, or Action Required*
Inspection Grade C	At least one technical ⁺ item is Non-Compliant - automatic Performance Surety deduction, contact City or municipal partner inspector
Inspection Grade D	At least one item (technical OR administrative ⁺) is Non-Compliant for 2 consecutive inspections - automatic Performance Surety deduction, Violation Notice sent
Inspection Grade F	At least one item (technical OR administrative) is Non-Compliant for 3 or more consecutive inspections – automatic Performance Surety deduction, Cease and Desist Order sent from attorney

*Action Required items not addressed by the next inspection will be considered Non-Compliant

+Administrative items include SWPPP document and contractor inspection reports, technical items are all in-field adjustments not considered administrative.

Performance Surety deductions will also be made for work completed by a CRWD contractor needed to bring non-performing sites into compliance.

Upon completion of a permitted activity and confirmation of compliance with the Rules and permit conditions, a certificate of completion will be issued, and any portion of the Performance Surety that remains after deductions will be returned to the applicant.

If applicable, the maintenance period for MTDs will commence upon permit closure, and will be held for 5-years. Up to 20% of the total maintenance Performance Surety is available to be returned each year following receipt of an annual inspection/maintenance report.