

RED LAKE WATERSHED DISTRICT

April 11, 2019

Agenda
9:00 a.m.

9:00 a.m.	Call to Order	Action
	Review and approve agenda	Action
	Requests to appear	Information
	March 28, 2019 Minutes	Action
	April 4, 2019 Minutes	Action
	Financial Report dated April 10, 2019	Action
	General Fund Budget Update	Information
	River Watch Agreement-Thief River Falls School District	Info./Action
	Pine Lake Project, RLWD Project No. 26-Deb Walchuk, NRCS	Info./Action
	Black River Impoundment, RLWD Project No. 176-Update	Information
	Thief River Falls West Side FDR Project, RLWD Project No. 178 Estimated Market Value Update Landowner Meeting	Information Info./Action
	Ditch 16, RLWD Project No. 177-Issue Order for Plans & Specifications	Action
	Findings of Fact and Order	Action
	MnDOT Cooperative Agreement-Resolution	Action
	Polk County Bond Sale Request	Action
10:00 a.m.	Preliminary Hearing–Improvement to Polk Co. Ditch 39 RLWD Ditch 17, RLWD Project No. 177	Info./Action
	Legal Counsel Update	Information
	Managers’ updates	Information
	Adjourn	Action

UPCOMING MEETINGS

April 16, 2019	RRWMB Meeting, RLWD Office, 9:30 a.m.
April 25, 2019	RLWD Board Meeting, 9:00 a.m.
May 9, 2019	RLWD Board Meeting, 9:00 a.m.
May 23, 2019	RLWD Board Meeting, 9:00 a.m.

DRAFT

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
March 28, 2019

President Dale M. Nelson called the meeting to order at 9:00 a.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

Present were: Managers Terry Sorenson, Gene Tiedemann, Brian Dwight, Dale M. Nelson, Allan Page, and LeRoy Ose. Absent: Les Torgerson. Staff Present: Tammy Audette and Legal Counsel Sparby.

The Board reviewed the agenda. A motion was made by Page, seconded by Sorenson, and passed by unanimous vote that the Board approve the agenda. Motion carried.

The Board reviewed the March 15, 2019 minutes. Motion by Tiedemann, seconded by Ose, to approve the March 15, 2019 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report and Investment Summary dated March 27, 2019. Motion by Sorenson, seconded by Tiedemann, to approve the Financial Report and Investment Summary dated March 27, 2019 as presented. Motion carried.

Staff member Arlene Novak reviewed the Pine Lake Project, RLWD Project No. 26 expenditures and reimbursements as of March 25, 2019. Engineer Nate Dalager, HDR Engineering, Inc., updated the Board on a meeting held with staff from the Minnesota Department of Natural Resources (MnDNR) held on March 15, 2019. Discussion was held on the costs to complete the plan and the federal planning process. Further discussion was held on the outcome of the MnDNR meeting. Dalager discussed the various aspects of the project, including the replacement of the outlet structure. Discussion was held on whether we should update Property Owners of Pine Lake Association (POOPLA) on the status of the project. It was the consensus of the Board, to have Administrator Jesme and Dalager report back to the Board at the next meeting.

Staff member Arlene Novak reviewed the expenditures and reimbursements for the Four-Legged Lake Project, RLWD Project No. 102A as of March 25, 2019

Engineer Tony Nordby, Houston Engineering, Inc., updated the Board on discussions with staff from BWSR and members of the Wetland Conservation Act (WCA) regarding permitting and wetland banking site for the Black River Impoundment Project, RLWD Project No. 176. Nordby discussed the concerns of permitting agencies, regarding the coulee areas being cut off due to the diversion ditches. Nordby stated that he prepared some examples of what the area would be for the coulee, stating that minor modifications can be provided and submitted for response. Discussion was held on expanding the wetland banking site area from a 100-year event down to a 25-year event. Nordby discussed the risk of extending the banking area back farther into the pool if the wetlands were to get inundated. It was noted that a five-year monitoring period would be required for the initial wetland banking. Nordby stated that once we receive the permit, a RRWMB Step 3 submittal would be completed.

Engineer Nate Dalager, HDR Engineering, Inc., reviewed the project timeline for the Thief River Falls West Side Flood Damage Reduction Project, RLWD Project No. 178. Pennington County has scheduled a hearing for April 23, 2019, to transfer County Ditch 70 to the City of Thief River Falls. Minnesota Department of Transportation (MnDOT) will hold an open house on April 4, 2019, to discuss improvements to Highway 1 west of Thief River Falls. Dalager estimated that 40% of the District's project would be completed in 2019, with the remaining 60% being completed in conjunction with the MnDOT portion in 2020. Legal Counsel Sparby stated that he is working on a Joint Powers Agreement between the City of Thief River Falls and the District for the city's force main portion of the project, which would allow the District to bid the force main project with the District's project. Discussion was held on the Estimated Market Value (EMV) of property that would require an easement for construction of the project. Dalager provided maps showing the EMV for property within the project area. It was the consensus of the Board, to meet with the local landowners, using the highest EMV of property within the project area, plus 20% for permanent right-of-way, and \$150/per acre for two years for temporary right-of-way. Dalager stated that he would confirm the EMV numbers with the Pennington County Assessor.

The Board reviewed the executed agreement with the U.S. Army Corps of Engineers for wetland mitigation on the Louisville-Parnell Impoundment, RLWD Project No. 121. The District was credited with 4.758 acres, which will be placed into the District's Wetland Banking, RLWD Project No. 147 for future projects.

The Final Hearing for Ditch 16, RLWD Project No. 177, will be held on April 4, 2019 at 10:00 a.m. at the District office.

President Nelson stated that it came to the attention of District staff that not all affected or interested persons were properly served notice for the preliminary hearing, scheduled for March 28, 2019 at 10:00 a.m., for the Improvement to Polk County Ditch 39, RLWD Ditch 17, RLWD Project No. 179, therefore the hearing needs to be rescheduled. Motion by Tiedemann, seconded by Page, to set the preliminary hearing for the Improvement to Polk County Ditch 39, RLWD Ditch 17, RLWD Project No. 179 for April 11, 2019 at 10:00 a.m. at the Red Lake Watershed District office. Motion carried.

Staff member Loren Sanderson stated that recent snow survey sampling, found that the snow has compressed approximately 8 inches, but there was very little change in moisture content. There is approximately 4.1 inches to 5.2 inches of water content in the snow. Sanderson has been working with local landowners, near District impoundments, regarding river stages and timing of gate closures if necessary. Manager Dwight discussed the possibility of adding a snow sampling site east of the Red Lakes.

The Board reviewed the job description for an Engineering Specialist. Legal Counsel Sparby stated that the District is not required by statute or agreement to advertise for the position, but could do so if desired. President Nelson stated that former employee Nick Olson, is interested in returning to the District for fulltime employment and available to begin employment on April 15,

2019. Discussion was held on desirable qualifications of the job description and potential starting salary. Nelson stated that the District Personnel Policy and Procedures state, “the Board may grant a higher accumulated rate of vacation for experienced employees”. Olson previously worked for the District, fulltime for four years and Houston Engineering Inc., for two years. Motion by Ose, seconded by Tiedemann, to offer the fulltime position of Engineering Specialist to Nick Olson and pay an hourly rate of \$24.52 per hour, with vacation leave be set for an employee with six years of work experience. Motion carried. Sparby stated that since the District gave Mr. Olson an offer for employment, a signed application is not required.

Legal Counsel Sparby is waiting to hear on the scheduling conference for the motion of dismissal of the appeal of the Board’s decision to not abandon Judicial Ditch No. 5, RLWD Project No. 102.

Manager Dwight stated a District permit was applied for by the Minnesota Department of Transportation. The permit is for an improvement of to TH#1 as well as adjacent storm sewer along both sides of TH#1 within the city of Northhome. Dwight indicated that the existing storm sewer outlets as well as the improved storm sewer outlets into Bartlett Lake. Dwight was wondering if there were other options for the outlet. Dwight spoke with Staff member Loren Sanderson regarding the matter and will meet with Koochiching County Commissioner Wayne Skoe in the future.

Manager Ose stated that the RRWMB agreed to designate funding for Lidar, with the two-watershed district’s that are not within the RRWMB willing to pay their appropriate share.

Motion by Sorenson, seconded by Ose, to adjourn to the April 4, 2019 Final Hearing for the Establishment of RLWD Ditch 16, RLWD Project No. 177 at 10:00 a.m. at the Red Lake Watershed District office, 1000 Pennington Avenue South, Thief River Falls, MN 56701. Motion carried.

Terry Sorenson, Secretary

RED LAKE WATERSHED DISTRICT
RLWD Ditch No. 16, RLWD Project No. 177
Final Hearing Minutes
April 4, 2019
10:00 a.m.

President Dale M. Nelson called the RLWD Ditch No. 16, RLWD Project No. 177, Final Hearing to order at 10:00 a.m. at the Red Lake Watershed District office, 1000 Pennington Avenue South, Thief River Falls, MN 56701.

Present were: Managers Dale M. Nelson, Gene Tiedemann, Terry Sorenson, LeRoy Ose, Brian Dwight. Absent: Les Torgerson and Allan Page. Staff present: Myron Jesme, Tammy Audette, Loren Sanderson, Christina Slowinski and Legal Counsel Delray Sparby.

President Nelson briefly addressed the audience concerning the purpose and format of the meeting. Jerry Pribula and Nick Pribula, Pribula Engineering and engineers for the petitioned project presented the Detailed Engineer's Report. Upon completion of his presentation, Jerry Pribula then turned the hearing back to President Nelson. After all questions from the Board and audience had been answered by the Engineer, the meeting was turned to the viewers.

Viewers Jerry Bennett, Roger Beiswenger and Robert Wagner presented the Viewer's Report to the Board and members of the audience. Upon completion of Mr. Bennett's presentation, the meeting was turned back to President Nelson. After all questions from the Board and audience had been answered by the Viewer's, the meeting was turned back to the Board.

Administrator Jesme noted three letters received from absentee landowners within the proposed project area, as well as the Final Advisory Report received on behalf of the Director of the Board of Water and Soil Resources. Jesme indicated that copies of these letters and the Directors Final Advisory Report had been provided to the Board and were available to the public in the packets given to each participant upon entering the hearing room.

Administrator Jesme read for the record the MN DNR Commissioner's Final Advisory Report. A copy of such report was provided to the Board and was available for those in attendance.

After all, in attendance were given a chance to ask questions and/or make comments, President Nelson closed the hearing. The hearing is on video tape and available for viewing at the RLWD.

Red Lake Watershed District

April 4, 2019

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It was the consensus of the Board, to have Administrator Jesme meet with landowner, Shane Vonasek, regarding the potential loss of his trees on his property, and report back to the Board.

The Board of Managers discussed the various concerns of landowners in attendance regarding the benefited area of the Viewer's Report. A motion was made by Tiedemann, seconded by Dwight, to establish, by order, RLWD Ditch 16, RLWD Project No. 177, according to the Engineer's Report; to adopt the Viewers Report of benefits and damages as amended or corrected by the Board, as set forth in the attached Exhibit "A"; finding that the statutory factors necessary to establish the drainage project were present and to direct Legal Counsel Sparby to prepare Findings and an Order consistent with the motion or the Board's consideration and adoption. Motion carried.

A motion was made by Ose, seconded by Tiedemann, with motion carried to adjourn the meeting.

Terry Sorenson, Secretary

RED LAKE WATERSHED DISTRICT
Financial Report for April 10, 2019

Ck#	Check Issued to:	Description	Amount
online	EFTPS	Withholding for FICA, Medicare, and Federal taxes	3,707.07
online	MN Department of Revenue	Withholding taxes	687.91
online	Public Employees Retirement Assn.	PERA contributions	2,465.98
online	EFTPS	Withholding for FICA, Medicare, and Federal taxes	34.42
online	EFTPS	Withholding for FICA, Medicare, and Federal taxes	256.26
37397	Ashley Hitt	Per diem meals	86.00
37398	City of Thief River Falls	Electricity, water, sewer, etc.	862.68
37399	Sjoberg's Cable TV	Internet expense	106.95
37400	Ameripride Services Inc.	Office rug rental	37.93
37401	Tammy Audette	Clean offices in March	360.00
37402	Roger Beiswenger	Viewers fees and expenses for Proj. 177	589.20
37403	Jerry Bennett	Viewers fees and expenses for Proj. 177	699.51
37404	Brault Construction LLC	Remove snow from Proj. 117 ditch	480.00
37405	Centurylink	Telephone expense	275.84
37406	Mike Drangsveit	Replaces check #36871-Mileage for TR1W1P	21.80
37407	The Exponent	Hearing of Improvement and Continued hearing ads-Pjt. 179	231.61
37408	Farmers Union Oil Company	Gas for vehicles	198.01
37409	GP Excavating LLC	Remove snow from Proj. 135 ditch	1,755.00
37410	Houston Engineering, Inc.	*See below for explanation	5,549.50
37411	Hugo's #7	Meeting supplies	172.42
37412	Les's Sanitation Inc.	Garbage pickup	34.70
37413	Marco	Monthly managed IT services expense	1,441.43
37414	MCI	Long distance telephone expense	54.25
37415	Dale M. Nelson	Mileage	51.04
37416	Northwest Beverage, Inc.	H2O for office	29.75
37417	Olson Construction	Snow plow office parking lot	120.00
37418	Pitney Bowes Global Financial	Postage meter rent	84.00
37419	Rinke Noonan	Monthly legal services retainer and TR Westside legal fees	522.50
37420	Robert Wagner	Viewers fees and expenses for Proj. 177	444.38
37421	Northwestern Mutual	Deferred Compensation	623.36
36871	Mike Drangsveit	Voided check	(21.80)
online	Blue Cross Blue Shield	Health insurance premiums	4,076.00
online	Brian Dwight	Mileage and per diem meals	898.57
direct	Al Page	Mileage, meal, and per diem meals	234.36
direct	Terry Sorenson	Mileage and meals	253.64
	Payroll		
	Check #11629-11640		13,091.77
	Total Checks		<u>\$ 40,516.04</u>

***Houston Engineering, Inc.**

Proj. 149AA Thief River PTMApp	1,549.50
Proj. 167A Software subscription	<u>4,000.00</u>
	5,549.50

Banking**Northern State Bank**

Balance as of March 27, 2019	\$ 126,730.17
Total Checks Written	(40,516.04)
Receipt #414520 State of Minnesota- Grant reimbursement for 3 water quality grants	11,361.00
Receipt #414521 Northern State Bank-Monthly interest	96.93
Receipt #414525 Unity Bank-CDARS interest	2,518.14
Receipt #414526 Polk County-PILT payments (Nature Conservancy and Crookston Housing)	8,390.60
Receipt #414527 Transfer in from American Federal Bank	50,000.00
Balance as of April 10, 2019	<u>\$ 158,580.80</u>

Border State Bank

Balance as of February 28, 2019	\$ 18,216.14
Receipt #414523 Border State Bank-Monthly interest	7.72
Balance as of March 31, 2019	<u>\$ 18,223.86</u>

American Federal Bank-Fosston

Balance as of March 27, 2019	\$ 2,215,695.71
Receipt #414519 American Federal Bank-Interest on CD (receipt only)	\$ -
Receipt #414522 American Federal-Monthly interest	2,824.71
Receipt #414524 League of MN Cities P&C-Proceeds from vehicle insurance claim less deduct.	2,189.58
Receipt #414527 Transfer into Northern State Bank	(50,000.00)
Balance as of April 10, 2019	<u>\$ 2,170,710.00</u>

2019 GENERAL FUND BUDGET

as of March 31, 2019

(unaudited)

	2019 BUDGET	2019 Exp	(over) under
		TO 3-31-19	
Manager's fees, salaries	20,000.00	3,675.00	16,325.00
Board of Manager's expense	22,000.00	4,410.88	17,589.12
Staff salaries	472,500.00	108,172.45	364,327.55
Payroll taxes	36,146.00	7,375.74	28,770.26
Employee benefits	73,492.00	15,282.09	58,209.91
Travel and meetings(inc. mileage & exp.	5,000.00	1,958.95	3,041.05
Audit	9,000.00	9,000.00	0.00
Legal	16,000.00	600.00	15,400.00
Office supplies	15,000.00	3,522.06	11,477.94
Office equipment	18,000.00	0.00	18,000.00
Appraiser/Viewer Expense	2,000.00	0.00	2,000.00
Professional services (inc. Eng. Fees)	20,000.00	4,391.39	15,608.61
Dues and subscriptions	10,000.00	7,840.00	2,160.00
Insurance and bonds	25,000.00	0.00	25,000.00
Repairs and maintenance-Building	10,000.00	4,267.14	5,732.86
Utilities	10,000.00	2,150.38	7,849.62
Advertising and publications	4,000.00	41.25	3,958.75
Telephone	11,000.00	2,190.93	8,809.07
Vehicle expense and maintenance	14,000.00	3,310.30	10,689.70
Engineering supplies	3,000.00	0.00	3,000.00
Engineering equipment	40,000.00	0.00	40,000.00
Interest	<u>0.00</u>	0.00	0.00
TOTAL	836,138.00	178,188.56	657,949.44
Less: Overhead	708,750.00	150,031.76	(558,718.24)
Less: Miscellaneous revenue	7,000.00	0.00	(7,000.00)
General Fund Budget	120,388.00	28,156.80	92,231.20

		TO 3-31-19
January 1, 2019 Beg. Balance	240,037.89	240,037.89
County levies revenue	0.00	0.00
Misc. revenue		0.00
Gross balance with revenue		<u>240,037.89</u>
Less net expenses		<u>(28,156.80)</u>
Subtotal- General Fund		211,881.09
Plus interest earned		14,620.72
General Fund Balance 3-31-19		<u><u>226,501.81</u></u>

General Agreement

**Agreement Between
Red Lake Watershed District and
Thief River Falls Public Schools Independent School District #564
River Watch Program**

THIS AGREEMENT is made between the Red Lake Watershed District (hereinafter RLWD) and Thief River Falls Public School ISD#564 (hereinafter Recipient).

WHEREAS, BOTH PARTIES have a mutual interest in the continuation of the River Watch water quality monitoring program in the Red Lake Watershed.

WHEREAS, the RLWD Board of Managers has voted to grant the Recipient funds and support for a five-year period for the River Watch water quality monitoring program described herein.

WHEREAS, this agreement is entered into pursuant to the authority granted in Minnesota Statute 471.59, where the RLWD and Recipient are political subdivisions.

NOW THEREFORE, it is agreed by the RLWD and the Recipient:

1. GENERAL CONDITIONS

- 1.1 Applicable substitute teacher rates and mileage rates are attached to this agreement and labeled as Attachment A.
- 1.2 Ownership of any property or supplies supplied by the RLWD to the recipient shall be retained by the RLWD upon termination of this agreement. Also, any unused or surplus funds shall be retained by the RLWD upon termination of this agreement.
- 1.3 This agreement is to be approved by the RLWD and Recipient through resolutions by the RLWD Board of Managers and the Recipients' School Board.

1.4 CONTACT PERSONS

The authorized contact person and address for the RLWD is:

Ashley Hitt

Red Lake Watershed District
1000 Pennington Avenue South
Thief River Falls, MN 56701
Phone: (218)681-5800
Fax: (218)681-5839
e-mail: ashley.hitt@redlakewatershed.org

General Agreement

The authorized contact person and address for the Recipient is:

Jon Hams

101 Knight Ave So
Thief River Falls, MN 56701
Phone: 218-681-7432
Fax: 218-681-5410
e-mail: jon.hams@myprowler.org

2. USE OF FUNDS

- 2.1 Recipient shall use the funds granted by the agreement to achieve the work program laid out in Section 3 below.
- 2.2 Recipient shall provide a Disbursement Voucher on a semiannual basis for disbursement of the water quality monitoring funds. A copy of this disbursement voucher, along with a key form, is attached to this agreement and labeled as Attachment B.

3. PROGRAM

3.1 Recipient agrees to:

- A. Use, store and protect equipment in accordance with procedures outlined in the "Standard Operating Procedures for Water Quality Monitoring in the Red River Watershed" (hereinafter RLWD SOP) provided by the RLWD.
- B. Collect water quality samples and other pertinent information according to the RLWD SOP Manual. At a minimum, each group will collect data on:
 - Dissolved Oxygen
 - Water Temperature
 - Conductivity
 - pH
 - Turbidity
 - Visual Water Clarity
 - Stream Stage and Depth
 - Field Observations
- C. Monitor no less than four separate sites, preferably on a monthly basis.
- D. Enter and store all data in electronic form on a spreadsheet template approved by RLWD.

General Agreement

- E. Where applicable, maintain RLWD equipment in its normal condition; notify the RLWD Contact Person in case of equipment repair or replacement.
- F. Submit a semiannual disbursement voucher to the RLWD as outlined in Section 2.
- G. Recipient's students are under Recipient's control and are the Recipient's responsibility at all times.
- H. Assume all responsibility for supervision, protection, transportation, and other safety of students.
- I. Agree to indemnify and hold the RLWD harmless for any claims or damages, including costs and attorney's fees.

3.2 The RLWD agrees to make available as required:

- A. Direct RLWD staff support or other approved person as necessary for each monitoring trip.
- B. Necessary equipment and consumable materials as needed for water quality monitoring.
- C. Field training and notification of other training opportunities for teachers and students.
- D. Data entry training, electronic file templates, field data sheets and site metadata necessary to maintain the highest possible data quality.
- E. Verification of the accuracy of all data submitted to the Minnesota Pollution Control Agency or intermediate data repositories such as the International Water Institute water quality database.
- F. Consideration of support for other student research initiatives on a per-case basis, depending on project relevance to the RLWD mission.

4. EFFECTIVE DATE

- 4.1 This agreement commences upon execution by both parties, not sooner than May 1, 2015 and no later than May 1, 2020.

5. TERMINATION

- 5.1 This agreement will terminate on May 1, 2020 unless earlier terminated by the parties as follows in Sections 5.2 and 5.3.
- 5.2 This agreement may be terminated by the RLWD for cause at any time upon seven (7) days written notice to the recipient. Cause shall mean a material breach of this agreement and will result in the termination of funding and Recipients' return of RLWD equipment purchased under this agreement.
- 5.3 This agreement may be terminated by the RLWD or the Recipient at any time with or without cause upon thirty (30) days written notice to the other party. In the event of such a

General Agreement

cancellation, the recipient shall be entitled to payment determined on a pro rata basis for work or services satisfactorily performed. Payment shall be at the discretion of the Red Lake Watershed District Board of Managers.

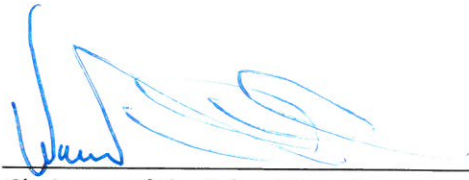
6. PAYMENT

6.1 A disbursement voucher will be filled out by the recipient and should be received by the RLWD at least twice per year, approximately April 1 and October 1.

7. Signatures

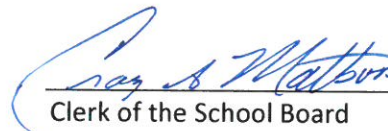
Dale M. Nelson, President
Red Lake Watershed District
Board of Managers

Date _____



Chairman of the School Board
Thief River Falls Independent School District
#564

Date 4/8/19 _____



Clerk of the School Board
Thief River Falls Independent School District
#564

Date 4/8/19 _____

Attachment A

Table A.1. Annual Volunteer Water Quality Monitoring Program Budget

Program Element	Cost
1) Substitute Teacher: Rate to TBD, based on discussion with each school and individual school rates.	
2) Transportation: Mileage TBD, based on discussion with each school and individual school needs	
3) Miscellaneous budget: Dependent on discussion with school, based on individual school needs	
TOTAL	

Red Lake Watershed District River Watch Voucher Form Key

Term Used:	Description:
Name	Enter the name of teacher and school applying for.
City	Enter city of school/billing address
Address	Enter address of school or where reimbursement will be sent.
State	Automatically entered in Minnesota.
Zip	Enter zip code of school/billing address.
Date	Enter date of accrued expense.

Description Enter the description of the expense, use the attached "Qualified Expenses Sheet" for reference. The expenses listed there are ones deemed acceptable by the Red Lake Watershed District. Any other expenses need to be approved by a Red Lake Watershed District representative.

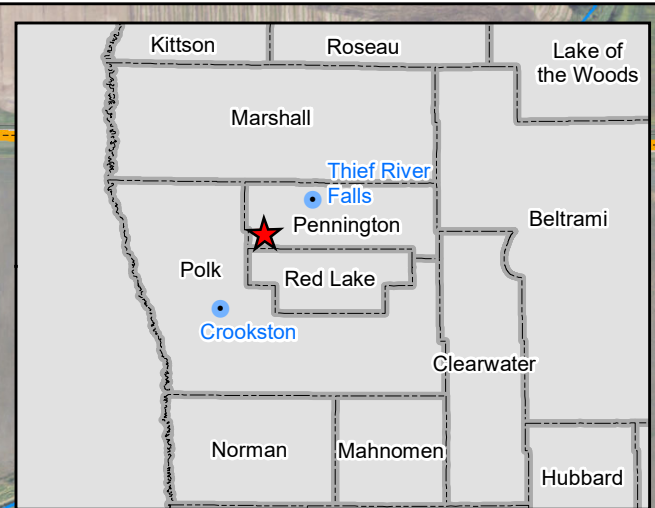
Code	Leave this blank and an RLWD representative should fill in the billing code.
Miles	Enter the number of miles traveled for the river Watch Program (maximum of 350 miles/year is reimbursable.)
Mileage Comp.	Enter the mileage reimbursement total (number of miles x \$0.75).
Substitute Teacher	Enter the amount for substitute teacher reimbursement (\$83.73 rate per day), has a maximum of 9 days per year allowed.
Other Expenses	Enter other expenses such as supplies, equipment repair, etc. See attached "Qualified Expenses Sheet."

Claimant Signature/Sign your name and enter the date of signature.

Date

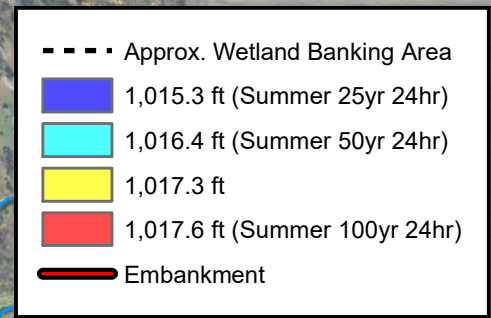
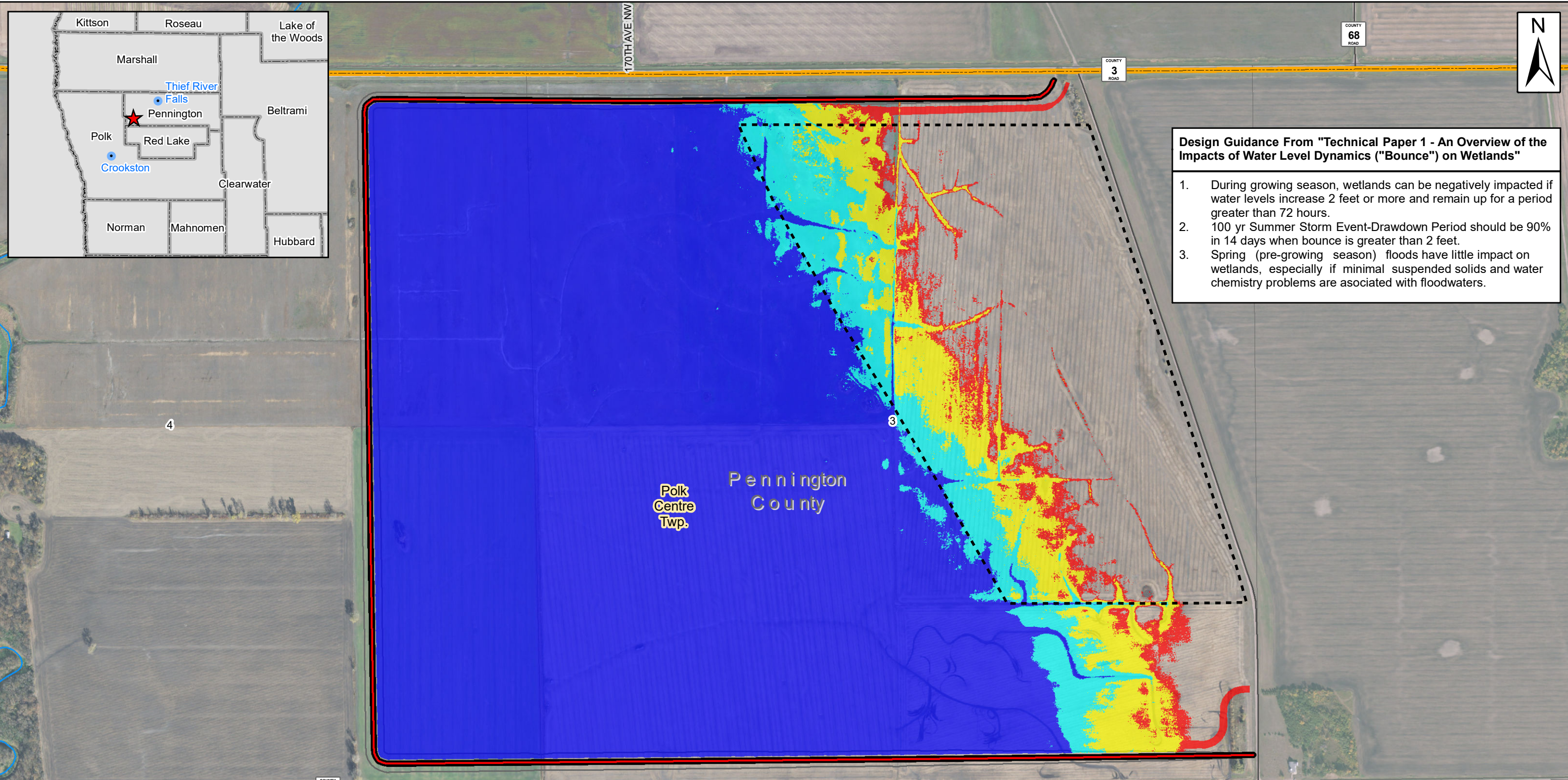
RLWD Office Section (for use by RLWD staff)

Check No.	Enter reimbursement check number.
Date Paid	Enter the date check is sent.
Approved By	Signature of responsible project agent

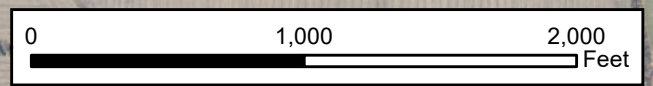


Design Guidance From "Technical Paper 1 - An Overview of the Impacts of Water Level Dynamics ("Bounce") on Wetlands"

1. During growing season, wetlands can be negatively impacted if water levels increase 2 feet or more and remain up for a period greater than 72 hours.
2. 100 yr Summer Storm Event-Drawdown Period should be 90% in 14 days when bounce is greater than 2 feet.
3. Spring (pre-growing season) floods have little impact on wetlands, especially if minimal suspended solids and water chemistry problems are associated with floodwaters.



West Boundary Set at Approximate 25 Year-24 Hour Summer Max Pool Elevation 1015.3	
During 100 Year-24 Hour Summer Rainfall Event	
Drawdown Times Modeled Using a 50 CFS Outflow at Gate Opening As Advised in O&M Plan	
	H&H Modeled Duration (Hours)
Drawdown time from summer 100 Yr, 24 Hr elevation of 1017.6 to 1015.3	10.9
Time the pool first reaches elevation 1015.3 to time of gate opening	2.0
Total time pool is above elevation 1015.3	12.9
Drawdown time from summer 100 Yr, 24 Hr elevation of 1017.6 to 1017.3	1.7
Time the pool first reaches elevation 1017.3 to time of gate opening	1.0
Total time pool is above elevation 1017.3	2.7



Proposed Summer Max Wetland Banking Inundation and Depth Map
Black River Impoundment Project - RLWD Project #176

Scale: AS SHOWN	Drawn by: NCS	Checked by: TAN	Project No.: 3655-091	Date: 4/4/2019	Sheet: 1 of 1
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HOUSTON ENGINEERING INC.
 208 4th Street East
 Thief River Falls, MN 56701
 218.681.2951

H:\Thief River Falls\GIS\Files\BlackRiver\Summer Depths.mxd

DETAILED FINDINGS AND ORDER BY THE DRAINAGE AUTHORITY OF THE RED LAKE WATERSHED DISTRICT FOR THE ESTABLISHMENT OF A PROJECT DESIGNATED AS RLWD DITCH NO. 16, RED LAKE WATERSHED DISTRICT PROJECT 177.

The drainage authority, having completed its deliberations, its examination of all files and records herein, its hearing of all interested persons, and its consideration of all reports makes the following:

FINDINGS

1. The final engineer's detailed survey report and the viewer's report have been made, a final hearing was held at 10:00 A.M. on April 4, 2019, at the Board Room of the Red Lake Watershed District, 1000 Pennington Avenue South, Thief River Falls, Minnesota, required notices were given, public comment was received, and all other proceedings have been completed as required by law.
2. The Minnesota Department of Natural Resources Commissioner's Final Advisory Report has been received, read into the record and considered.
3. The final engineer's detailed survey report filed herein, or as amended, is complete and correct.
4. The damages and benefits of the proposed project have been properly determined and the viewer's report filed herein or as amended has been made and completed.
5. The estimated benefits are greater than the total estimated costs, including damages.
6. The proposed drainage project will be of public utility and benefit and will promote the public health.
7. The proposed drainage project is practicable.
8. The Red Lake Watershed District has considered the private and public benefits and costs of the proposed drainage project.
9. The Red Lake Watershed District has considered the present and anticipated agricultural land acreage, together with residential and urban land acreage, availability and use in the drainage project or system.
10. The Red Lake Watershed District has considered the present and anticipated land use within the drainage project or system.

11. The Red Lake Watershed District has considered the flooding characteristics of property in the drainage project or system and downstream for 5, 10, 25, and 50 year flood events.

12. The Red Lake Watershed District has considered the waters to be drained and alternative measures to conserve, allocate, and use the waters including storage and retention of drainage waters.

13. The Red Lake Watershed District has considered the effect on water quality of constructing the proposed drainage project.

14. The Red Lake Watershed District has considered the fish and wildlife resources affected by the proposed drainage project.

15. The Red Lake Watershed District has considered the shallow ground water availability, distribution, and use in the drainage project or system and the overall environmental impact of the above considerations.

16. The improvement is being done to provide agricultural drainage and proper residential drainage. The establishment will provide for adequate field drainage and for proper drainage within residential areas. The existing drainage system is not adequate and does not have the capacity to convey run-off for frequent return interval events and is insufficient for providing agricultural drainage and proper drainage for residential areas within the benefited area.

17. An adequate outlet for this ditch system exists or will be constructed as a part of this project. Providing and maintaining adequate drainage will likely result in increased agricultural productivity on the farmland in the project area and will provide residential drainage and protection from drainageway overflows. Establishment of the ditch as a legal system will allow for future maintenance and orderly assessment of costs to the benefited area.

18. Project benefits are believed to be better agricultural drainage, improved growth for crops, improved earlier access to land, earlier warmup for soil. For residential areas the project benefits will be better drainage and protection from flooding due to overflows of the existing ditch system and drainageway incapacity.

19. This project for maintaining and improving drainage is consistent with the Red Lake Watershed District Overall Plan and the local plans for the affected County.

20. The project is not believed to have potential to impact wetland areas, but if so, they will be properly mitigated.

21. The present and anticipated land use within the drainage project system will remain rural agricultural and residential.

22. Water quality concerns related to the construction of the proposed project and soil erosion are addressed by using erosion control measures during construction and permanent erosion controls such as grass buffer strips on the sides of the ditches to minimize erosion from agricultural fields. The ditch banks will be stabilized by providing suitable side slopes and vegetative cover.

23. The project does not directly or indirectly adversely affect areas of public land associated with fish and wildlife habitat.

24. The project is not expected to affect local groundwater. No material overall environmental impact or adverse effects are expected as a result of the project and the usability of affected lands will be maintained or improved as a result of the project.

25. The Board of Managers of the Red Lake Watershed District met and fully discussed the Project, its benefits, its costs and all other aspects and concerns regarding this Project.

IT IS, THEREFORE, ORDERED:

1. That the viewer's report on file herein, or as amended by the Board, and the assessment of benefits and damages therein stated and recommended is hereby adopted.

2. That the detailed survey report on file, or as amended, is hereby adopted.

3. That the drainage project as described in the engineer's detailed survey report on file, or as amended, is hereby approved and adopted.

4. That the Red Lake Watershed District shall obtain all necessary permits needed to construct said project.

5. That the project engineer is ordered to proceed with making the necessary surveys and preparation of the plans and specifications that are needed to award a contract for the construction of the project and to report the results of the same to the Board of Managers.

6. That RLWD No. 16, Red Lake Watershed District Project 177 as set forth in the adopted reports is hereby established.

7. That the President and Secretary of the Red Lake Watershed District shall have the authority to sign the Order Establishing RLWD No. 16, Red Lake Watershed District Ditch Project 177.

Dated: April 11, 2019.

Motion by Manager Tiedemann, Seconded by Manager Dwight, and passed unanimously to establish RLWD No. 16, Red Lake Watershed District Ditch Project 177.

Motion by _____, Seconded by _____, and passed unanimously to approve the above Findings of Fact and Order.

Dated: April 11, 2019.

Dale M. Nelson
President, Red Lake Watershed District

Terry Sorenson
Secretary, Red Lake Watershed District

Authorized by resolution of the Red Lake Watershed District on the 4th day of April, 2019, directing the preparation of the above Findings and Formal Order.

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
And
RED LAKE WATERSHED DISTRICT
COOPERATIVE CONSTRUCTION
AGREEMENT**

State Project Number (S.P.): 6017-43
Trunk Highway Number (T.H.): 220=220
Bridge No.: 60X15

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and the Red Lake Watershed District acting through its Board of Managers ("Watershed District").

Recitals

1. The Watershed District will perform grading, bituminous surfacing, Bridge No. 60X15 construction and other associated construction upon, along and adjacent to Trunk Highway No. 220 from 57 feet south of 110th Street Northwest to 273 feet south of 110th Street Northwest according to Watershed District-prepared plans, specifications and special provisions designated by the Watershed District and the State as State Project No. 6017-43 (T.H. 220=220) ("Project"); and
2. The Watershed District requests the State allow the construction of Bridge No. 60X15 and the State is willing to allow said construction; and
3. After satisfactory completion of the Project, the State will own and maintain Bridge No. 60X15 and the Drainage Ditch No. 16 within the State's Right of Way; all other responsibilities for the Drainage Ditch No. 16 will be the Watershed District's; and
4. Minnesota Statutes § 161.20, subdivision 2 authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purposes of constructing, maintaining and improving the trunk highway system.

Agreement

1. Term of Agreement; Survival of Terms; Plans; Incorporation of Exhibits

- 1.1. *Effective Date.*** This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.
- 1.2. *Expiration Date.*** This Agreement will expire when all obligations have been satisfactorily fulfilled.
- 1.3. *Survival of Terms.*** All clauses which impose obligations continuing in their nature and which must survive in order to give effect to their meaning will survive the expiration or termination of this Agreement, including, without limitation, the following clauses: 2.4. State Ownership of Improvements; 5. Maintenance by the Watershed District; 8. Liability; Worker Compensation Claims; Insurance; 10. State Audits; 11. Government Data Practices; 12. Governing Law; Jurisdiction; Venue; and 14. Force Majeure.
- 1.4. *Plans, Specifications, Special Provisions.*** State-approved Watershed District plans, specifications and special provisions designated by the Watershed District and the State as State Project No. 6017-43 (T.H. 220=220) are on file in the office of the Watershed District's Engineer and incorporated into this Agreement by reference ("Project Plans").

2. Right-of-Way Use

- 2.1. *Limited Right to Occupy.*** The State grants to the Watershed District (and its contractors and consultants) the right to occupy Trunk Highway Right-of-Way as necessary to perform the work described in the Project Plans. This right is limited to the purpose of constructing the project, and administering such construction, and may be revoked by the State at any time, with or without cause. Cause for revoking this right of occupancy includes, but is not limited to, breaching the terms of this or any other agreement (relevant to this project) with the State, failing to provide adequate traffic control or other safety measures, failing to perform the construction properly and in a timely manner, and failing to observe applicable environmental laws or terms of applicable permits. The State will have no liability to the Watershed District (or its contractors or consultants) for revoking this right of occupancy.
- 2.2. *State Access; Suspension of Work; Remedial Measures.*** The State's District Engineer or assigned representative retains the right to enter and inspect the Trunk Highway Right-of-Way (including the construction being performed on such right-of-way) at any time and without notice to the Watershed District or its contractor. If the State determines (in its sole discretion) that the construction is not being performed in a proper or timely manner, or that environmental laws (or the terms of permits) are not being complied with, or that traffic control or other necessary safety measures are not being properly implemented, then the State may direct the Watershed District (and its contractor) to take such remedial measures as the State deems necessary. The State may require the Watershed District (and its contractors and consultants) to suspend their operations until suitable remedial action plans are approved and implemented. The State will have no liability to the Watershed District (or its contractors or consultants) for exercising its rights under this provision.
- 2.3. *Traffic Control; Worker Safety.*** While the Watershed District (and its contractors and consultants) are occupying the State Right-of-Way, they must comply with the approved traffic control plan, and with applicable provisions of the Work Zone Field Handbook (<http://www.dot.state.mn.us/trafficeng/workzone/index.html>). All Watershed District, contractor, and consultant personnel occupying the State's Right-of-Way must be provided with required reflective clothing and hats.
- 2.4. *State Ownership of Improvements.*** The State will retain ownership of its Trunk Highway Right-of-Way, including any improvements made to such right-of-way under this Agreement, unless otherwise noted. The warranties and guarantees made by the Watershed District's contractor with respect to such improvements (if any) will flow to the State. The Watershed District will assist the State, as necessary, to enforce such warranties and guarantees, and to obtain recovery from the Watershed District's consultants, and contractor (including its sureties) for non-performance of contract work, for design errors and omissions, and for defects in materials and workmanship. Upon request of the State, the Watershed District will undertake such actions as are reasonably necessary to transfer or assign contract rights to the State and to permit subrogation by the State with respect to claims against the Watershed District's consultants and contractors.

3. Contract Award and Construction

3.1. *Direction, Supervision and Inspection of Construction.*

- A.** The contract construction will be under the direction of the Watershed District and under the supervision of a registered professional engineer; however, the State participation construction covered under this Agreement will be open to inspection by the State District Engineer's authorized representatives. The Watershed District will give the District Engineer at Bemidji five days notice of its intention to start the contract construction.

B. Responsibility for the control of materials for the contract construction will be on the Watershed District and its contractor and will be carried out according to Specifications No. 1601 through and including No. 1609 in the State's current "Standard Specifications for Construction".

3.2. Completion of Construction. The Watershed District will cause the contract construction to be started and completed according to the time schedule in the construction contract special provisions. The completion date for the contract construction may be extended, by an exchange of letters between the appropriate Watershed District official and the State District Engineer's authorized representative, for unavoidable delays encountered in the performance of the contract construction.

3.3. Compliance with Laws, Ordinances, Regulations. The Watershed District will comply and cause its contractor to comply with all Federal, State and Local laws, and all applicable ordinances and regulations. With respect only to that portion of work performed on the State's Trunk Highway Right-of-Way, the Watershed District will not require the contractor to follow local ordinances or to obtain local permits.

4. Right-of-Way; Easements; Permits

4.1. The Watershed District will, without cost or expense to the State, obtain all rights-of-way, easements, construction permits and any other permits and sanctions that may be required in connection with the local and trunk highway portions of the contract construction. Before payment by the State, the Watershed District will furnish the State with certified copies of the documents for rights-of-way and easements, construction permits and other permits and sanctions required for State participation construction covered under this Agreement.

4.2. The Watershed District will convey to the State by quit claim deed, all newly acquired rights needed for the continuing operation and maintenance of the Trunk Highway, if any, upon completion of the Project, at no cost or expense to the State.

4.3. The Watershed District will comply with Minnesota Statutes § 216D.04, subdivision 1(a), for identification, notification, design meetings and depiction of utilities affected by the contract construction.

5. Maintenance by the Watershed District

Upon completion of the project, the Watershed District will provide the following without cost or expense to the State:

5.1. Drainage Ditch No. 16. Any portion of the ditch outside of State's Right of Way will be owned and maintained by the Watershed District.

5.2. Additional Drainage. No party to this Agreement will drain any additional drainage volume into the storm sewer facilities constructed under the construction contract that was not included in the drainage for which the storm sewer facilities were designed, without first obtaining written permission to do so from the other party.

6. Authorized Representatives

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

6.1. The State's Authorized Representative will be:

Name, Title:	Malaki Ruranika, Cooperative Agreements Engineer (or successor)
Address:	395 John Ireland Boulevard, Mailstop 682, St. Paul, MN 55155
Telephone:	(651) 366-4634
E-Mail:	malaki.ruranika@state.mn.us

6.2. The Watershed District's Authorized Representative will be:

Name, Title: Myron Jesme, Watershed Administrator (or successor)
Address: 1000 Pennington Avenue South, Thief River, MN, 56701
Telephone: (218) 681-5800
E-Mail: myron.jesme@redlakewatershed.org

7. Assignment; Amendments; Waiver; Contract Complete

- 7.1. *Assignment.*** No party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.
- 7.2. *Amendments.*** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.
- 7.3. *Waiver.*** If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party's right to subsequently enforce it.
- 7.4. *Contract Complete.*** This Agreement contains all prior negotiations and agreements between the State and the Watershed District. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

8. Liability; Worker Compensation Claims; Insurance

- 8.1.** Each party is responsible for its own acts, omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of others and the results thereof. Minnesota Statutes § 3.736 and other applicable law govern liability of the State. Minnesota Statutes Chapter 466 and other applicable law govern liability of the Watershed District. Notwithstanding the foregoing, the Watershed District will indemnify, hold harmless, and defend (to the extent permitted by the Minnesota Attorney General) the State against any claims, causes of actions, damages, costs (including reasonable attorneys fees), and expenses arising in connection with the project covered by this Agreement, regardless of whether such claims are asserted by the Watershed District's contractor(s) or consultant(s) or by a third party because of an act or omission by the Watershed District or its contractor(s) or consultant(s).
- 8.2.** Each party is responsible for its own employees for any claims arising under the Workers Compensation Act.
- 8.3.** The Watershed District may require its contractor to carry insurance to cover claims for damages asserted against the Watershed District's contractor.

9. Nondiscrimination

Provisions of Minnesota Statutes § 181.59 and of any applicable law relating to civil rights and discrimination are considered part of this Agreement.

10. State Audits

Under Minnesota Statutes § 16C.05, subdivision 5, the Watershed District's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

11. Government Data Practices

The Watershed District and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Watershed District under this Agreement. The civil remedies of Minnesota Statutes §13.08 apply to the release of the data referred to in this clause by either the Watershed District or the State.

12. Governing Law; Jurisdiction; Venue

Minnesota law governs the validity, interpretation and enforcement of this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

13. Termination; Suspension

13.1. *By Mutual Agreement.* This Agreement may be terminated by mutual agreement of the parties or by the State for insufficient funding as described below.

13.2. *Termination for Insufficient Funding.* The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment or the provision of the services covered here. Termination must be by written or fax notice to the Watershed District. The State will not be assessed any penalty if this Agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds.

13.3. *Suspension.* In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities, performance and payments authorized through this Agreement.

14. Force Majeure

No party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

[The remainder of this page has been intentionally left blank]

RED LAKE WATERSHED DISTRICT

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

Recommended for Approval:

By: _____
(District Engineer)

Date: _____

Approved:

By: _____
(State Design Engineer)

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____
(With Delegated Authority)

Date: _____

INCLUDE COPY OF RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.

RED LAKE WATERSHED DISTRICT

RESOLUTION

IT IS RESOLVED that Red Lake Watershed District enter into MnDOT Agreement No. 1033195 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for grading, bituminous surfacing, Bridge No. 60X15 construction and other associated construction by the Watershed District within Trunk Highway No. 220 Right of Way, the limits of which are defined in said Agreement.

IT IS FURTHER RESOLVED that the _____
(Title)
and the _____
(Title)
are authorized to execute the Agreement and any amendments to the Agreement.

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Board of Managers of Red Lake Watershed District at an authorized meeting held on the _____ day of _____, 2019, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to me this _____ day of _____, 2019

Notary Public _____

My Commission Expires _____

(Signature)

(Type or Print Name)

(Title)

February 27, 2019

Board of Managers
Red Lake Watershed District
1000 Pennington Avenue South
Thief River Falls, MN 56701

Re: BWSR Advisory Report for Red Lake Watershed District Ditch No. 17, Project No. 179

Dear Watershed District Managers,

On behalf of the Board of Water and Soil Resources, I offer this advisory report in accordance with Minnesota Statutes, Section 103D.711, Subdivision 5. Because the project is a Chapter 103E drainage project, the requirements of Chapter 103E also apply. The following documents were provided for BWSR review:

- Preliminary Engineer's Report for Improvement of Polk County Ditch No. 39, RLWD Ditch No. 17 by Pribula Engineering, PLLC, dated 1-18-2019.
- Preliminary Construction Plans for RLWD Ditch No. 17, January 2019 (42 sheets)

In accordance with Section 103E.711, Subd. 5, the focus of this advisory review is on the completeness of the report in relation to the requirements of Chapter 103D and Chapter 103E, the practicality of the proposed plan, and to provide any recommendations for changes considered advisable.

General Comments

The Preliminary Engineer's Report presents a good description of the improvement project and design, including reported use of the Minnesota Public Drainage Manual, TSAC Technical Papers No. 11 and No. 15, and BTSAC Briefing Paper No. 3, which is good. However, following are specific comments and recommendations.

Specific Comments

Section 1) Introduction, Exhibit C - Original Right-of-way Map, and Exhibit F - Polk CD-66 Elevation Map: It's not clear where the upstream end of existing CD-39 is located. Exhibit F seems to indicate that CD-39 extends into Section 13, Keystone Township, while the proposed improvement appears to end at Polk County Road 20 in the northeast corner of Section 15, Keystone Township. This question is not really a problem for the proposed improvement, but might affect the understanding of including overflow from the CD-66 drainage area upstream of Co. Rd. 20 in the design of the improvement of CD-39 / RLWD Ditch No. 17.

Section 3) Condition of Existing Drain: Presumably the reference to "reconstructed line and grade" refers to when Polk Co. Rd. 65 was constructed and CD-39 reportedly relocated approximately 50 ft. farther south than when it was established in 1903.

Section 5) Petition for Improvement Project: Section 103D.625 Drainage Systems in Watershed District, Subd. 4 Construction or Improvement, requires that a petition for establishment or improvement of a Chapter 103E drainage system, where there is a watershed district, is to be filed with the watershed district managers. The watershed district then becomes the drainage authority.

Section 6) Intent of this Preliminary Report: Both DNR and BWSR are required to provide advisory reports, per Section 103E.711, Subd. 5.

Section 9) Conformance with Existing Water Management Plans: The text is not clear about incorporation of WRAPS (how?) and conformance with One Watershed, One Plan.

RLWD - Polk CD-39 Imp - Ditch No 17 Project 179 - BWSR AR 2-27-19.docx

1

Section 12) Hydrologic and Hydraulic Considerations: The text here and elsewhere in the report indicates that the project improvement is designed for a 10-yr. rainfall event. I believe the formula $Q=27A^{5/6}$ is actually based on a 1" drainage coefficient, with an exponent adjustment for size of drainage area, rather than a hydrologic frequency. If the referenced NRCS M-Curve is Curve 1 on the MN SCS/NRCS Hydrology Guide (circa 1992), Fig. 5-5, it's also not for a specific hydrologic frequency. I believe the method referenced as USGS (2009) Minnesota, Region A - PK10 is based on stream gage data, which includes snowmelt, so is not a summer rainfall based method. I wonder how the peak flows would compare if the NOAA Atlas 14, 10-yr. rainfall for the project drainage area was used with a hydrologic modeling method.

It's unclear where the three 36" RCP culverts through Co. Rd. 20 are located. Preliminary Construction Plan page 16 seems to indicate only one 36" culvert through Co. Rd. 20 at the upstream end of the planned improvement. Because the design ditch bottom profile and water surface elevation are several feet below the top of CSAH 65 and what I believe is a proposed continuous spoil berm / levee with flap-gated side inlets, the hydraulic capacity of the Ditch No. 17 channel appears to be significantly greater than the reported design frequency. Although, it seems that substantial ponding on the adjacent fields, and in the upstream reaches of the ditch would be required to push water through the side inlets and utilize that capacity.

Section 13) Project Watershed Area: Because the Ditch No. 17 drainage area is a critical variable for the design flow determination, I wonder about the drainage area boundary, particularly between CD-39 and CD-40, as shown on Exhibit B. Also, the area shown does not seem to add up to 16.5 square miles. I also wonder if the viewers will agree with the benefited area boundary mentioned in this section and shown on pages 1 and 2 of the Preliminary Construction Plans.

Section 14) Polk County Ditch No. 66 – Watershed Concerns: This section refers to berms that have washed out, but does not indicate where the berms are located.

Section 15) Proposed Channel Alignment: It is indicated that Ditch No. 17 will "begin" 65 feet easterly of the NE corner of Section 15, Keystone Township, while the plan and profile drawings on page 16 of the Preliminary Construction Plans do not seem to agree.

Section 16) Size and Character of Proposed Drain: It would be helpful for the report to discuss the proposed continuous spoil berm along the south side of the channel, which will include the required 16.5 ft. buffer strip of perennial vegetation. There is no discussion about how the spoil berm profile is designed, including its top elevation in relation to CSAH 65 and other roads. Continuous berm / levee overtopping at the downstream end of each section first to back water into the floodplain outside the berm / levee for large events typically is much better than overtopping at the upstream end first, which is prone to cause field erosion.

Section 17) Outlet – Grant Marais Creek a Public Waterway: The first paragraph mentions temporary and permanent erosion control measures proposed at the Ditch No. 17 outlet, but does not describe the measures and there are no associated detail drawings in the Preliminary Construction Plans. While the early water explanation in relation to the mainstem of the Red River is correct, the local effects of the increased hydraulic capacity of Ditch No. 17 on flows in Grand Marais Creek, including at CSAH 65 and CSAH 21 are not discussed.

Section 22) Wetlands and Public Lands Affected: Section 3) Condition of Existing Drain mentions cattails in the bottom of the lower sections of the existing CD-39, and Section 24), E. indicates that no fill will be placed in any wetland, but this section does not mention any Wetland Conservation Act applicability, or not.

Section 24) Evaluation of Social, Economic and Environmental Impacts: It's not clear in subsection A.3. why the project might need to acquire spoil bank right-of-way for 2 years. Could construction be staged to avoid this? It's good that the separate considerations in Section 103E.015, Subd. 1 and 1a are each addressed. Subsection D. does not really address or reference other sections regarding how the project will affect flooding characteristics for the 25-yr., 50-yr. (and larger) events. Subsection H. doesn't explain why there will be little or no affects.

Section 25) Evaluation of Public Utility, Benefit or Welfare of the Project – Section 103E.015, Subd. 2.: The proposed side inlets are not mentioned as a component of erosion control and surface runoff metering in paragraph 3. Paragraph 6 indicates part of the continuous spoil berms will include the required 16.5 ft. buffer strip of perennial vegetation, which implies that the remainder will be farmed, but this is not clear. I'm not clear why public navigation potential and Scientific and Natural Areas (SNAs) need to be addressed.

Preliminary Construction Plans

It would be helpful to include titles on each of the pages / sheets.

Pages 3, 4 and 17 - 41: The Typical Cross Sections do not agree with the specific cross sections at 200-ft. stations. The typical sections indicate a uniform 4H:1V field side channel side slope, while the specific cross sections indicate broken slopes, up to 2H:1V on many cross sections. This also disagrees with what's indicated in the report and on Page 5 of the Preliminary Construction Plans. A related concern is where the required 16.5 ft. buffer strip will be measured from. It's clear on the typical cross sections, but not as clear on the specific cross sections, which don't identify the buffer strip. I would consider the "top edge of the constructed channel resulting from the proceeding" (103E.021, Subd. 1) to be at the top edge of the spoil berm.

Page 5: The Typical Section Along Centerline of CMP Conduit indicates a consistent 16.5 ft. spoil berm top width, which seems to disagree with the Typical Cross Sections for Station 100+00 to Station 218+47. Grading for the proposed insets of the inlets and outlets of the Surface Water Inlets is not clear. A plan view seems needed.

Pages 7 - 16: It seems that a top of continuous spoil berm profile should be added to the profile drawings to better understand the relationship with the top of CSAH 65 and the township and county roads crossed by Drain No. 17, and how flows greater than the design flow will interact with the floodplain fields. As mentioned above, overtopping of the continuous spoil berm / levee at the downstream ends of sections of land to back water into the fields / floodplain is much better than overtopping at the upstream ends of sections, to avoid field / floodplain erosion. It might also be helpful to include the design invert elevations of the proposed side inlets on these drawings for the construction contractor.

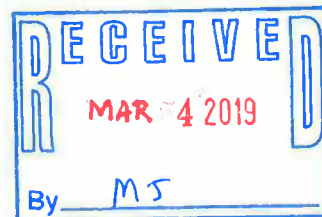
If you have questions about this advisory report, please call me at 651-297-2907, or email at al.kean@state.mn.us.

Sincerely,



Allan M. Kean, PE
Chief Engineer

- cc: John Jaschke, Executive Director
- Dave Weirens, Assistant Director
- Ryan Hughes, North Region Manager
- Brett Arne, Board Conservationist
- Steve Hofstad, Wetland Specialist
- Stephanie Klamm, DNR Area Hydrologist





**NORTHWEST REGION
ECOLOGICAL & WATER RESOURCES
2115 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601**

February 26, 2019

Board of Managers
Red Lake Watershed District
c/o Myron Jesme, Administrator
1000 Pennington Avenue South
Thief River Falls, MN 56701

RE: Director's Advisory Report: Improvement of Polk County Ditch No. 39, RLWD Project No. 179.

Dear Watershed District Managers:

On behalf of the Commissioner of the Department of Natural Resources (DNR), I offer the following comments on the Preliminary Engineer's Report for the above-cited project in accordance with Minnesota Statutes Section 103E.255.

1. The Preliminary Engineer's Report appears to be acceptable plan, however, we ask for consideration of the following recommendations.
2. A soil survey is not needed.

DNR recommends that the final engineering report address the following comments:

General Comments

- Please consult with the West Polk SWCD Wetland Conservation Act (WCA) Administrator and the US Army Corps of Engineers (USACE) on the need for a wetland delineation report in the project vicinity. This is a requirement on all projects that may impact wetlands. Using the National Wetlands Inventory for identification of wetlands is a good tool to use for preliminary or cursory review of wetlands, but should not be used as the final documentation on determining wetlands. A Notice of Decision (NOD) on this project should be documented by the West Polk SWCD prior to the commencement of the project.
- Please consult with the State Historic Preservation Office (SHPO) to ensure that no archeological sites are along the alignment of the drainage system or near the Grand Marais Creek. Documentation from SHPO should be received and kept on file for this project. Based on past projects in the Grand Marais Creek general area, there is potential for cultural resources concerns.
- Describe whether the system will have continuous flows. If it does, this can affect channel stability and we would then recommend that the final report include consideration of measures such as the use of a two-stage ditch designs with a low-flow channel. Low-flow channels mimic natural stream design and prevents sedimentation build-up within the system. Trade-offs are they require additional right away and reduce maintenance needs.

- DNR recommends more information in the Final Engineer's Report on the sediment and erosion control measures or special design considerations mentioned in Section 17 of the Preliminary Engineers Report for the outlet to the Grand Marais Creek.
- To prevent wildlife entanglement in webbing, DNR recommends using wildlife-friendly erosion control. These are Category 3N or 4N in the 2016 & 2018 MnDOT Standards Specifications for Construction. Visit the MN DNR online handout on [Wildlife Friendly Erosion Control](#) for additional information.
- Hydro-mulch products frequently contain plastic fibers to aid in its matrix strength. These loose fibers re-suspend and make their way into waterbodies. DNR recommends utilizing cellulose-based hydro mulch. Products containing plastic/polypropylene fiber additives should be avoided. Additionally, the dye Malachite Green is an industrial colorant used in some hydro-mulch presents an ecotoxicity concern for aquatic species with a potential for bioaccumulation in insects, amphibians, and fish. DNR recommends products with Malachite Green also be avoided.
- DNR recommends that the seed mixes incorporate perennial flowers and forbs that are pollinator friendly. You can find native state seed mixes for the Prairie Parklands Eco-Region on the [Board of Soil and Water Resources website](#).

If there are any changes or work in public waters, the Red Lake Watershed District may need a public waters works permit, and any dewatering may need a water appropriations permit. If permits will be required, please coordinate the Final Engineers Report with DNR Area Hydrologist Stephanie Klamm (218-681-0947) to ensure the project is permissible.

We look forward to continuing to work with the Red Lake Watershed District on this and other projects.

Thank you for your consideration of these comments.

Sincerely,



Theresa Ebbenga
EWR Assistant Regional Manager

Cc: Nathan Kestner, EWR Regional Manager
Jaimé Thibodeaux, EWR Env. Assessment Ecologist
Stephanie Klamm, EWR Area Hydrologist
Julie Ekman, Conservation Assistance and Regulation Section Manager

Links: Wildlife Friendly Erosion Control:
<https://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf>
Native seed mixes:
http://www.bwsr.state.mn.us/native_vegetation/seed_mixes/index.html



March 14, 2019

Congressman Collin Peterson
Washington, DC Office
2204 Rayburn HOB
Washington, DC 20515

Dear Congressman Peterson,

We are pleased that you will be joining the Red River Watershed Management Board (RRWMB) at 10:00 am on Wednesday, March 20, 2019 at the Marriott Convention Center in Moorhead. You are invited to stay for the remainder of our meeting and please join us for lunch as our guest. You are also invited to participate as your schedule allows in our annual conference with the Red River Basin (RRB) Flood Damage Reduction Work Group that starts at 1:00 pm the same day.

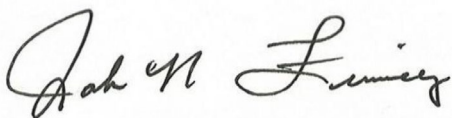
We know you are aware of our past activities and greatly appreciate your interest in our initiatives. The RRWMB has funded 45 flood damage reduction projects since 1976 and there are 11 flood damage reduction projects that are currently going through our funding process. We continue to work on several watershed projects through RCPP with the Red River Retention Authority at the present time. Securing federal funding is challenging but we graciously ask for your assistance in the following areas:

1. **Federal Funding** -The 20 percent flow reduction strategy that has been agreed upon by several partner organizations in the RRB is currently being reviewed. We strongly believe that our projects are beneficial to society and can meet goals and objectives of other local, state, federal, regional, and international plans regarding water storage/retention, water quality, habitat, and natural resources enhancements. The RRWMB and its members often pay for 50 percent of overall project costs and state funds continue to be difficult to obtain, especially during non-bonding years at the state level. Programs that can help the RRWMB meet its goals to protect public and private infrastructure include but are not limited to:
 - a. **PL 566 Program** - Full funding for the PL566 program for construction money is critical. This program has not been funded for construction in MN since 2013 that we are aware of. PL 566 can continue to be utilized by Watershed Districts (WD) in the RRB. The Two Rivers WD has constructed three of these projects, the Joe River WD one, and the Middle-Snake-Tamarac WD at least one.

- b. **RCPP** - Construction funds are needed through this program or through other federal programs.
2. **Benefit Cost Analysis (BCA)** - Projects that seek federal funding must have a BCA ratio of 1:1. The BCA ratio should be reviewed at the federal level with local input and consideration should be given towards streamlining the BCA and economic analysis process. The RRWMB funded the development of a BCA template to be used by WDs as they seek federal project funds in the RRB. This template is a starting point and there are some specific recommendations that we have for making the federal BCA process more realistic to conditions in the RRB for the projects that our members are working on. Some projects may have high flood damage reduction, water quality, and habitat benefits, but the BCA ratio of 1:1 is difficult to achieve.
 3. **LIDAR** - A letter was sent to the congressional delegation regarding a LIDAR flight that would result in enhanced aerial imagery for the RRB of North Dakota. Unfortunately, the Minnesota portion of the flight will be left out unless federal funding is received. The RRWMB allocated several million dollars to the original LIDAR flight for the RRB and we would greatly appreciate if federal agencies would better coordinate efforts such as this with all partners. Unless there is additional federal or State of Minnesota funding, the RRWMB is not planning on allocating funds towards this effort.
 4. **USGS Funding** - Stable or increased funding to maintain the existing stream flow monitoring network should continue so that flood managers and emergency management officials have accurate and timely information about flood flows.
 5. **National Weather Service (NWS)** - Stable or increased funding to maintain and enhance existing NWS flood forecast tools during spring and summer flood conditions remains critical.
 6. **Farm Bill Funding For Farmers and Landowners** - We know that you are fully aware of the current farm economy and Minnesota is extremely fortunate to have you as the Chair of the US House Agriculture Committee. Additional options for our farmers and landowners for federal farm bill programs in relation to the current farm economy are urgently needed. Much of the RRB was not included in the Conservation Reserve Enhancement Program and the USDA NRCS RRB Initiative has concluded. Programs such as these and others are also important to water storage efforts and can help work towards meeting water retention goals in the RRB.

Again, the RRWMB appreciates your efforts and consideration and is looking forward to seeing you next week. Should you have any questions or need additional information about the RRWMB and its efforts, do not hesitate to call me at 218-791-1296 or RRWMB Executive Director Robert Sip at 218-474-1084.

Sincerely,



John Finney, RRWMB President

CC: RRWMB Managers
Robert L. Sip (Executive Director) and Lisa Frenette (Legislative Liaison)

Legislative Update: April 5, 2019

MN Association of Watershed Districts

What happened last week (March 25-29)?

- The second policy committee deadline was March 29th. In order to be considered, all policy bills are supposed to be heard in both the House and Senate by this day.
- The environmental policy omnibus bill (SF 835) had a hearing in the Senate.
- The Clean Water Fund appropriations bill (HF1928) was heard in the Senate and held over for possible inclusion in the omnibus bill. The appropriations in this bill match the recommendations of the Clean Water Council (unlike the companion bill in the House.)

What happened this week (April 1-5)?

- The “One State Water Department” bill (SF 2102) was discussed at the Legislative Water Commission. They agreed to discuss it further over the summer.
- The Clean Water Fund appropriations bill (HF1928) was heard in the Legacy Finance Division of the House.
- The Commercial Salt Applicator bill (HF1502) was heard in the Judiciary Finance and Civil Law Division.
- The House Environment Finance Committee released and discussed their finance bill.

What’s happening next week (April 8-12)?

- House and Senate committees will continue to review and compile omnibus bills.
- There is a tentative hearing on our project levy bill in the Senate Taxes committee.
- A bonding bill will be released on Monday and discussed for the first time on Tuesday.
- Note: The legislature will be on recess from April 13-22. There will be no legislative updates during that time.

If you want to follow along with specific bills we are tracking, see below for links and more details. You can also find handouts for some issues on our website: www.mnwatershed.org/policy-issues.

BILL TRACKING – MAWD’s Top Legislative Priorities

INCREASE GENERAL FUND LEVY LIMIT

MN Statute § 103D.905 subd. 3

Remove (or increase) the \$250,000 general fund levy limit while keeping the not-to-exceed levy limit of 0.048 percent of estimated market value.

- Initially, the bill was drafted to eliminate the cap. It has been redrafted to raise the cap from \$250k to \$500k.
- We have been told in both the House and Senate that they will not be hearing levy bills this session.

ALLOW PROJECT LEVIES FOR ALL TYPES OF GRANTS

MN Statute 103D.905

Modify the project tax levy statute to allow this funding option to be applied for ALL types of state and federal grants, not just grants (and loans) associated with the Clean Water Partnership (CWP) program.

- [HF 2275 WD construction or implementation fund and project tax levy financing sources expanded](#)
 - House Authors: Jeanne Poppe, Dave Baker
 - 3/07/19 Referred to **Taxes** committee
- [SF 1391 WD construction or implementation fund and project tax levy sources of financing expansion](#)

- Senate Authors: Andrew Lang, Dan Sparks, Kent Eken, Mark Johnson, Bill Weber
- 2/18/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance** committee.
- 3/11/19 – Hearing held in **ENR-PLF** committee. Thank you to Middle Fork Crow River WD for testifying!
- 3/13/19 – Bill re-referred to the **Taxes** committee

INCREASE OUTSTANDING LOAN LIMITS FOR WDS **MN Statute § 103D.335 subd. 17**

Remove (or increase) the \$2M limit on outstanding loans watershed districts, especially for those entities that serve as drainage authorities.

- After further review of this proposal, the borrowing limit does not appear to pertain to 103E drainage projects. MAWD will continue to find clarity on the issue, but for now the MAWD Board of Directors has removed this issue from needing legislative attention and resources.

IMPROVE COORDINATION BETWEEN WATERSHED PLANS **MN Statutes 114D and 103B**

Improve coordination and remove duplicative efforts of water management planning that is being conducted at both the local and state levels.

- [HF 875 Clean Water Legacy Act modified, and coordinated watershed management provided for.](#)
 - House Authors: Peter Fischer, Paul Torkelson, John Poston, Jeff Brand
 - 2/07/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 2/13/19 – Hearing in **ENR-P** committee. MAWD testified.
 - 2/13/19 – Bill referred to the **Ways and Means** committee
 - 2/14/19 – Bill referred to **Environment and Natural Resources Finance (ENR-F)** committee
 - 2/19/19 – Bill referred to **Water Division** committee
 - 2/25/19 – BWSR, MPCA, and MAWD presented information about the bill to the Clean Water Council.
 - 2/25/19 – Hearing in the **Water Division**. MAWD testified.
 - 2/25/19 – Bill returned to **ENR-F** committee
 - 3/18/19 – An amended version of this bill showed up in the Clean Water Fund appropriations bill (HF1928). Changes to the bill included more references to drinking water.
 - 3/19/19 – Hearing in the **ENR-F** committee. Bill was held over for possible inclusion in the omnibus bill.
- [HF 1928 Clean Water fund funding provided, and money appropriated.](#)
 - House Author: Rick Hansen, Leon Lillie
 - 3/19/19 – Amended and sent to **Ways and Means**
 - 3/20/19 – Referred to the **Legacy Finance Division**
 - 4/03/19 – Hearing in the **Legacy Finance Division**
- [SF 1063 Clean Water Legacy Act modification; coordinated watershed management establishment](#)
 - Senate Authors: Mark Johnson, Carrie Ruud, Charles Wiger
 - 2/11/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)** committee
 - 2/25/19 – Hearing in the **ENR-PLF** committee. MAWD testified.
 - 2/25/19 – Bill was laid over for possible inclusion in the omnibus bill.
 - 3/21/19 – Bill showed up in the omnibus bill ([SF835](#))
- [SF 835 Omnibus Environment Policy Bill](#)
 - Senate Authors: Carrie Ruud, Bill Weber, Bill Ingebrigtsen, Erik Simonson, Kari Dziedzic
 - 3/21/19 – Referred to **ENR-PLF** committee
 - 3/25/19 – Hearing scheduled in the **ENR-PLF** committee.
 - 3/25/19 – Bill was amended and referred to **Environment and Natural Resources Finance** committee

REINFORCE RIGHTS TO MAINTAIN 103E PUBLIC DRAINAGE SYSTEMS **MN Statute 103E**

Reinforce existing rights to maintain/repair drainage systems that operate under **MN Statute 103E**.

- 1/30/19 – Meeting held with DNR to discuss concerns about implementation of the [February 2018 guidance document](#) that explained when the DNR had public waters authority over work done in public drainage systems. Javens, Bohn, Rice Creek WD and the Red River Watershed Management Board attended.

- 2/28/19 – Meeting held with DNR to discuss legislation that we drafted to clarify several 103E statute provisions dealing with repair and maintenance work. MAWD and Rice Creek WD attended.
- DNR is currently reviewing our bill and a meeting is being scheduled to discuss.

INCREASE MANAGER COMPENSATION (PER DIEMS) MN Statute § 103D.315 subd. 8

Increase maximum daily manager per diem rates from \$75/day to \$125/day.

- [HF 1837 Soil and water conservation district supervisor and WD manager compensation increased.](#)
 - House Authors: Rick Hansen
 - 2/28/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
- [SF 2451 Soil and water conservation district supervisor and watershed district manager compensation increase](#)
 - Senate Authors: Bill Ingebrigtsen, Kent Eken, Dan Sparks, Mark Johnson
 - 3/14/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
- MAWD is exploring options for expanding the activities that would be eligible for per diems. For instance, watersheds may be allowed to pay a per diem for meeting prep. More details will come.

REMOVE FISHING MONOPOLY ON COMMON CARP MN Statute § 103D.905 subd. 3

Remove the area assignments for commercial fishing when removing invasive species, including common carp.

- [HF 1882 Commercial fishing areas restrictions to provide invasive species control modified](#)
 - House Authors: Connie Bernardy, Tony Albright, Josh Heintzeman, Kelly Moller, Mary Kunesh-Podein, Todd Lippert (new)
 - 2/28/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 3/14/19 – Hearing held and the bill was passed to the General Register for a floor vote.
- [SF 1677 Commercial fishing areas restrictions modification for invasive species control](#)
 - Senate Authors: Eric Pratt, Carrie Ruud, John Hoffman, Rich Draheim
 - 2/25/19 – Referred to **ENR-PLF** committee
 - 3/04/19 – Hearing in the **ENR-PLF** committee. Prior Lake – Spring Lake WD testified.
 - 3/04/19 – Bill was laid over for possible inclusion in the omnibus bill.
 - 3/21/19 – Bill showed up in the omnibus bill ([SF835](#))
- [SF 835 Omnibus Environment Policy Bill](#)
 - Senate Authors: Carrie Ruud, Bill Weber, Bill Ingebrigtsen, Erik Simonson, Kari Dziedzic
 - 3/21/19 – Referred to **ENR-PLF** committee
 - 3/25/19 – Hearing in the **ENR-PLF** committee. See section 35 (page 26).
 - 3/25/19 – Bill was amended and referred to **Environment and Natural Resources Finance** committee

BILL TRACKING – Legislative Efforts We Support

FLOOD HAZARD MITIGATION PROGRAM CAPITAL BUDGET BILL (BONDING BILL)

This bill appropriates \$75M to the flood hazard mitigation grant program. Note: the Governor did not include funding in his budget for this program.

- [HF 2431 Multi-county flood hazard mitigation grant funding provided, bonds issued, and money appropriated.](#)
 - House Authors: Ben Lien, Dan Fabian, Jeanne Poppe, Debra Kiel, Paul Marquart
 - 3/13/19 – Referred to **Ways and Means**
 - 3/13/19 – Referred to **Capital Investment Division**
 - 3/20/19 – Hearing in the **Capital Investment Division**. Bill was unofficially laid over for possible inclusion in an omnibus bill.
- [SF 2450 Flood hazard mitigation grants bond issue and appropriations](#)
 - Senate Authors: Mark Johnson, Kent Eken, Dan Sparks, Bill Weber
 - 3/14/19 – Referred to **Capital Investment Committee**

PROVIDE PROTECTIONS TO COMMERCIAL SALT APPLICATORS

MN Statute 116.2025

Provide limited liability protections for trained commercial salt applicators.

- [HF 1502 Salt applicator certification program established, and liability limited.](#)
 - House Authors: Peter Fischer, Rick Hansen, Paul Torkelson, Heather Edelson, Josh Heintzeman, Kelly Moller, Alice Hausman, Robert Bierman
 - 2/21/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 2/28/19 – Bill re-referred to the **Ways and Means** committee
 - 2/28/19 – Bill referred to **Environment and Natural Resources Finance (ENR-F)** committee
 - 3/01/19 – Bill referred to **Water Division** committee
 - 3/06/19 – Hearing in the **Water Division**, returned to **ENR-F** committee
 - 3/12/19 – Hearing in the **ENR-F** committee. Bill was amended and returned to **Ways and Means**.
 - 3/13/19 – Bill referred to with a request to re-fer to **Judiciary Finance and Civil Law Division**.
 - 4/03/19 – Hearing scheduled in **Judiciary Finance and Civil Law Division**
- [SF 1667 Certified salt applicator program establishment](#)
 - Senate Authors: Carrie Ruud, Paul Anderson, Bill Ingebrigtsen, David Tomassoni, Dan Hall
 - 2/25/19 – Referred to **ENR-PLF** committee

DRAINAGE WORK GROUP BILL

MN Statute 103E

This legislation is the output of recommendations made by the Drainage Work Group.

- [HF 1244 Public drainage system acquisition and compensation of ditch buffer strips accelerated, and runoff and sediment option provided when charging for public drainage ditch repairs.](#)
 - House Authors: Rick Hansen, Paul Torkelson
 - 2/14/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 2/27/19 – Hearing in **ENR-P** committee.
 - 2/27/19 – Bill was passed out of committee and sent to the General Register.
 - 3/04/19 – Committee report to adopt as amended (with only minor grammatical changes)
 - 3/04/19 – Second reading
 - 3/07/19 – House Rule 1.21, placed on the Calendar for the Day Monday, March 11, 2019
 - 3/11/19 – Bill was passed and sent to the Senate.
- [SF 1945 Ditch buffer strips public drainage system acquisition and compensation acceleration; runoff and sediment option under charges for public drainage ditch repairs provision](#)
 - Senate Authors: Bill Weber, Kent Eken
 - 2/25/19 – Referred to **ENR-PLF** committee
 - 3/11/19 – Hearing held. Bill was recommended to pass and be re-referred to **Judiciary and Public Safety Finance and Policy (JPS-FP)** Committee.
 - 3/13/19 – Referred to **JPS-FP** Committee.
 - 3/13/19 – Bill was received from the House and given its first reading.
 - 3/20/19 – Hearing in **JPS-FP** Committee. Bill was amended to include a 5-year sunset provision and passed to the General Register for a floor vote.
 - 3/21/19 – Bill turned up in the omnibus environmental policy bill (SF835).
- [SF 835 Omnibus Environment Policy Bill](#)
 - Senate Authors: Carrie Ruud, Bill Weber, Bill Ingebrigtsen, Erik Simonson, Kari Dziedzic
 - 3/21/19 – Referred to **ENR-PLF** committee
 - 3/25/19 – Hearing in the **ENR-PLF** committee. DWG recommendations are in section 1 (page 1) and section 42 – 47 (pages 32-36)
 - 3/25/19 – Bill was amended and referred to **Environment and Natural Resources Finance** committee

CLEAN WATER FUND

This bill allocates where Clean Water Funds will be spent. This bill (as introduced) matches the recommendations of the Clean Water Council.

- [HF 1928 Clean Water fund funding provided, and money appropriated.](#)
 - House Author: Rick Hansen
 - 3/04/19 – Referred to the **Ways and Means** committee
 - 3/04/19 – Referred to **Environment and Natural Resources Finance (ENR-F)** committee
 - 3/07/19 – Hearing in **ENR-F** committee. Bill was laid over for future consideration.
 - 3/21/19 – Hearing held in the **ENR-F** committee. Bill included changes to the recommendations laid out by the Clean Water Council. For a complete list of changes, you can review a **spreadsheet** or the **bill amendment language**.
 - 4/03/19 – Hearing scheduled in **Legacy Finance Division**.
- [SF 2262 Clean water fund appropriations](#)
 - Senate Authors: Chris Eaton, Erik Simonson, Steve Cwodzinski, David Senjem, Patricia Torres Ray
 - 3/11/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
 - 3/13/19 – Bill combined with other legacy finance bills and can now be found in SF 2444.
- [SF 2444 Clean water fund, parks and trails and arts and cultural heritage fund appropriations](#)
 - Senate Authors: Carrie Ruud
 - 3/13/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
 - 3/25/19 – Hearing scheduled in the **ENR-PLF** committee. (Bill was not heard.)
 - 3/27/19 – Hearing scheduled in the **ENR-PLF** committee.
 - 3/27/19 – Bill was laid over for possible inclusion in the omnibus bill.

BILL TRACKING – Bills We Oppose

DEVELOPER’S BILL

MN Statute 103D

A bill brought to legislators by developer Mark Lambert, along with a coalition of other interested parties that would modify MN Statute 103D to protect preexisting water rights when developing land. They propose doing this by limiting the ability for watershed district managers to adopt and enforce several types of rules. MAWD met with several legislators in anticipation of this bill being introduced. Efforts to stop this bill will continue.

- [HF 1887 Watershed district provisions modified](#)
 - House Authors: Josh Heintzeman, Peggy Scott
 - 2/28/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 3/15/19 – This bill missed the first and second committee deadlines.
- [SF 1766 Watershed districts provisions modifications](#)
 - Senate Authors: Rich Draheim, Michael Goggin
 - 2/27/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
 - 3/15/19 – This bill missed the first and second committee deadlines.
 - 3/28/19 – MAWD met with Senator Draheim to discuss the bill.

RICE CREEK WD SPENDING IN WASHINGTON COUNTY

MN Statute 103D.951 (new)

This bill dictates that at least 90% of funds collected from Washington County must be spent in Washington County.

- [HF 2314 Washington County; Rice Creek Watershed District spending and reporting requirements provided.](#)
 - House Authors: Peter Fischer, Bob Dettmer
 - 3/14/19 – Referred to the **Ways and Means** committee
 - 3/14/19 – Referred to **Environment and Natural Resources Finance (ENR-F)** committee
- [SF 2372 Rice Creek watershed district spending and reporting requirements provision](#)
 - Senate Authors: Karin Housley, Chuck Wiger (new)
 - 3/13/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**

BILL TRACKING – Bills We Are Watching

WMO and WD PLANNING MODIFICATIONS BILL

MN Statute 103B, 103D

This bill would require water management organizations (WMOs) and watershed districts (WDs) to slow the movement of water to protect surface waters and recharge groundwater resources. It was written by Representative Jean Wagenius without any input from watershed entities.

- [HF 2011 Watershed management organizations planning requirements modified, and watershed districts modified.](#)
 - House Authors: Jean Wagenius, Peter Fischer, Rick Hansen, Steve Sandell
 - 3/04/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 3/13/19 – Hearing in the **ENR-P** committee. MAWD testified with concerns on some of the language and will share our concerns in more depth with the author before the next committee hearing.
 - 3/14/19 – Re-referred to **Ways and Means** committee
 - 3/15/19 – Referred to **Environment and Natural Resources Finance (ENR-F)** committee
 - 3/20/19 – Hearing scheduled in **ENR-F** committee. MAWD testified with concerns regarding the bill.
 - 3/20/19 – Bill was laid over for possible inclusion in the omnibus bill.
- There is no companion bill in the Senate.

ONE STATE WATER DEPARTMENT

MN Statute 103A

This bill would combine the functions of BWSR, EQB, and water-related responsibilities of other state agencies into one new state water department.

- There is no companion bill in the House, but the House members on the Legislative Water Commission indicated support for this idea and noted they would introduce a bill soon and they hope to discuss it over the summer.
- [SF 2102 Water resources department establishment; board of water and soil resources \(BWSR\) and environmental quality board \(EQB\) abolishment](#)
 - House Authors: Rich Draheim, Charles Wiger, Chris Eaton, Bill Weber, Mark Koran
 - 3/07/19 - Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
 - 3/18/19 – Bill was on the agenda to be discussed during the Legislative Water Commission (LWC) meeting. No house members were present because they were still meeting on the floor, so discussion was limited.
 - 4/01/19 – Bill on the agenda at the LWC meeting.

For errors or omissions, please contact Emily Javens at emily@mnwatershed.org.