

RED LAKE WATERSHED DISTRICT

February 22, 2024

9:00 a.m.

Agenda

9:00 a.m.	Call to Order	Action
	Review and approve agenda	Action
	Requests to appear	Information
	February 8, 2024 Minutes	Action
	Financial Report dated February 21, 2024	Action
	IRS Mileage Rate	Information
	BSWR Supplemental Funds – 2022 WBIF Approve Amendments for Supplemental Funds	Action
	MN Dept of Agriculture NDAWN Station RLWD Project No. 176 Black River Impoundment	Info/Action
	Chiefs Coulee, RLWD Project No. 46S	Information
	Rob Sip, RRWMB	Information
	Summer Intern – Lauren Palmer	Action
	RLWD Logo/Website	Info/Action
	West Polk SWCD Envirothon Donation Request	Action
	Permits: No. 24003	Action
	Administrators Update	Information
	Legal Counsel Update	Information
	Managers’ updates	Information
	Adjourn	Action

UPCOMING MEETINGS:

February 22, 2024	RLWD Board Meeting
March 6 & 7, 2024	MN Watersheds Legislative Event, St. Paul
March 14, 2024	RLWD Board Meeting
March 18, 2024	RLWD Advisory Committee Meeting, 9:30 am
March 19, 2024	RRWMB Meeting, Ada, 10 am
March 19 & 20, 2024	RRWMB/FDRWG March Conference, Moorhead
March 27 & 28, 2024	Tribal-State Relations Training, Redby

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
February 8, 2024

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

Present: Managers: Gene Tiedemann, Terry Sorenson, Tom Anderson, Brian Dwight, LeRoy Ose, Grant Nelson, and Allan Page. Staff Present: Tammy Audette, Melissa Bushy, Elaine Rychlock, Nate Koland, Tony Olson, Lindsey Kallis, and Corey Hanson. Absent: Legal Counsel, Delray Sparby.

The Board reviewed the agenda. A motion was made by Dwight, seconded by Ose, and passed by unanimous vote that the Board approve the agenda with the additional agenda items of: Terrebonne Township, Section 25 permit and Tribal-State Relations Training. Motion carried.

The Board reviewed the January 25, 2024, minutes. Motion by Sorenson, seconded by Page, to approve the January 25, 2024, board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated February 7, 2024. Motion by Anderson, seconded by Sorenson, to approve the Financial Report dated February 7, 2024, as presented. Motion carried.

Staff member Elaine Rychlock reviewed the 2023 General Fund as of December 31, 2023.

Administrator Audette reviewed the Capital Project Fund Transfers as of December 31, 2023. Motion by Ose, seconded by Nelson, to approve the Capital Project Fund Transfers as of December 31, 2023. Motion carried.

Administrator Audette reviewed the financial donation request from the Pennington SWCD for the Area I Envirothon on May 1, 2024, at Lake Bronson State Park. Motion by Dwight, seconded by Anderson, to approve the max donation of \$300 to the Pennington SWCD for the Area 1 Envirothon. Motion carried.

Red Lake County SWCD staff member, Tanya Waldo, gave a project update on recently completed projects. Waldo thanked the board for the financial support to help fund the various projects.

Manager Ose discussed the upcoming Tribal-State Relations Training for State of Minnesota employee participation held in Redby, MN March 27-28. Ose recommended Administrator Audette and staff member Koland attend this training.

Discussion was had on the status of RLWD Permit No. 23216, Terrebonne 25, in Red Lake County, and inclusion into the affected benefitted area.

Discussion was held on the Pine Lake Project, RLWD Project No. 35 lakes levels, and the ability for anyone to access the structure. District staff members discussed the potential of installing gates at various locations and signage. Motion by Ose, seconded by Anderson, to install locks on the stem of the operable gate and for staff to install additional no trespassing signage on and around the property. Motion carried.

Administrator Audette discussed the funding request of \$300,000 to the RRWMB for the construction of the Chief's Coulee Stormwater Project, RLWD Project No. 46R. The RRWMB sent the request to the Technical Advisory Committee for review. It was requested that the District submit a letter of request for mitigation of the project and to identify the Turtle Cross Connection Project, RLWD Project No. 114 as mitigation for potential impacts to the Red Lake River. If the Turtle Cross Connection Project does not proceed, the District would be required to explore additional project subwatershed specific mitigation alternatives. This request is like what was done with the funding request of the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178 and the Black River Impoundment, RLWD Project No. 176.

Discussion was held on maintenance on the Good Lake Impoundment, RLWD Project No. 67.

Staff member, Tony Olson, addressed the ditch blockage in Badger Township, Section 15, Polk County and information he received from the East Polk SWCD regarding the drainage of wetlands and installation of a ditch plug. After discussion occurred, a motion was made by Sorenson, seconded by Nelson, and passed by unanimous vote, to authorize staff member Tony Olson to send a letter to the landowner stating that the landowner's violation with the East Polk SWCD will need to be satisfied before the District can assist with any drainage concerns.

The Board reviewed permits for approval. Motion by Dwight, seconded by Ose, to approve the following permits with conditions as stated on the permit: No. 23-225, Lucas Wolff, Silverton Township, Pennington County. Motion carried.

Administrator Audette reviewed the details for the upcoming MN Watersheds Legislative Event in St. Paul, MN, March 6-7. Please let staff member Bushy know if you are planning to attend.

Administrator Audette reviewed the details for the upcoming RRWMB/FDRWG Conference in Moorhead, MN, March 19-20. Please let staff member Bushy know if you are planning to attend.

Administrators Update:

- **Lidar:** The District received the hard drive the with new Lidar data installed on it. Staff from the International Water Institute will be available for training later this spring.
- **RRWMB:** Audette plans to attend the RRWMB meeting on February 20th in Ada.
- **AMC Drainage Conference:** Staff member Erick Huseth is participating in the Drainage Conference in Alexandria this week.
- **GIS/Permitting Database:** District staff will meet with Brian Fischer, Houston Engineering, Inc. on Friday for discussion on the District's GIS mapping and permitting database. More information will follow, but I do expect some updates will be needed.

- **Ring Dikes:** District staff will be working with Legal Counsel Sparby to prepare easements for the Cardinal ring dike. We are waiting on payment for the Payment ring dike before proceeding.
- **BWSR Hydrology Training:** Staff members Corey Hanson and Lindsey Kallis participated in a Hydrology Training sponsored by BWSR.
- **FEMA:** Repairs to the gates on the Schirrick Dam were completed last week. This is the final project for the 2022 FEMA Disaster program. Staff will work on close out requirements.

In the absence of Legal Counsel Sparby, Administrator Audette stated that the Oral Argument to the Supreme Court for the Improvement to Polk County Ditch 39, RLWD Project No. 179, will take place on March 5, 2024. It was the consensus of the Board that Legal Counsel Sparby should assist in the Oral Argument.

Motion by Dwight, seconded by Page, to adjourn the meeting. Motion carried.

LeRoy Ose, Secretary

RED LAKE WATERSHED DISTRICT
Financial Report for February 21, 2024

Ck#	Check Issued to:	Description	Amount
online	EFTPS	Withholding FICA,Fed & Medicare (2/9/24 payroll)	\$ 172.84
online	MN Department of Revenue	Withholding Taxes (2/9/24 payroll)	\$ 10.65
online	EFTPS	Withholding FICA,Fed & Medicare (2/14/24 payroll)	\$ 4,391.21
online	MN Department of Revenue	Withholding Taxes (2/14/24 payroll)	763.85
online	Public Employers Retirement Assn.	PERA (2-14-24 payroll)	2844.31
41131	Corporate Technologies LLC	December IT Managed Services	\$ 2,110.00
41132	Breezy Point Resort	2024 MN Survey Tech. Workshop-Nate	\$ 540.00
41133	Pennington Co. SWCD	2024 Envirothon	\$ 300.00
41134	Assoc. of MN Counties	Erick - County Drainage Conf. 2/7-2/8/24	\$ 195.00
41135	*HDR	see below	
41136	L & M Fleet	salt for sidewalks	\$ 11.99
41137	Marco	Monthly copier expense	\$ 163.17
41138	Pennington SWCD	Monthly admin fees for Red Lake River 1W1P	\$ 2,274.23
41139	Universal Screen Print	G. Nelson name plate	\$ 15.00
41140	Bredeson's Office Supply	treasure signature stamp	\$ 17.95
41141	Corporate Technologies LLC	Managed IT services & 365 Office	\$ 1,995.00
41142	Grant Nelson	mileage	\$ 24.12
41143	Kevin Keueger	mileage	\$ 56.28
41144	Marshall Co SWCD	Monthly admin fees for Thief River River 1W1P	\$ 1,801.21
41145	NCPERS	Staff Life Insurance	\$ 128.00
41146	Pennington County Treasure	**taxes paid to us for 109-c on error**	\$ 3,554.18
41147	Steve Tischmann	mileage	\$ 46.90
41148	Page's Country Creations	River Watch jacket	\$ 55.00
41149	Rinke-Noonan	Attorney Fees	\$ 2,951.25
41150	Thief River Ford	Oil change on traverse	\$ 75.93
online	City of Thief River Falls	Utilities	\$ 389.29
online	WEX	FSA - Medical claim (MB)	\$ 24.05
online	Purewater Technology	Office H2O	\$ 38.00
online	Quick Books Online	Monthly Fee	\$ 424.00
online	WEX	FSA - Medical claim (MB)	\$ 60.00
online	Sunlife Insurance	Life Insurance	\$ 144.64
direct	Staff & Board Payroll	1-27-24 thru 2-9-24 payroll	\$ 15,321.45
direct	Tom Anderson	mileage	\$ 150.08
*41135	HDR	Proj. #114 Turtle Cross Connect. Lakes Feas	\$46,744.84
		Proj. #180C Mud River Restoration	\$551.25
		Proj. #92A RRB Long Term Flood	\$883.75
	Total Checks		\$ 89,229.42
	Northern State Bank		
Banking	Balance as of February 7, 2024		\$ 268,463.69
	Total Checks Written		\$ (89,229.42)
	Receipt #25193 Edward Jones Int.		\$ 38,613.78
	Receipt #25194 Polk Co.		\$ 1,382.23
	Receipt #25195 Itasca Co.		\$ 7.54
	Receipt #25196 Pennington Co		\$ 17,719.13
	Receipt #25197 Beltrami Co		\$ 981.65
	Balance as of February 21, 2024	Current interest rate is 3.25%	\$ 237,938.60

American Federal Bank-Fosston

Balance as of February 7, 2024 \$ 5,205,686.73

Balance as of February 21, 2024 Current interest rate is 2.8% \$ 5,205,686.73**Investments****Edward Jones** 12 month CD 5.02% \$ 237,000.00
Balance Expiry 5-07-24**Edward Jones** 12 month CD 5.02% \$ 237,000.00
Balance Expiry 5-07-24**Edward Jones** 12 month CD 5.02% \$ 26,000.00
Balance Expiry 5-07-24**Edward Jones** 12 month CD 5.45% \$ 241,000.00
Balance Expiry 9-19-24**Edward Jones** 12 month CD 5.5% \$ 237,000.00
Balance Expiry 9-29-24**Edward Jones** 12 month CD 5.5% \$ 33,000.00
Balance Expiry 9-29-24**Edward Jones** 12 month CD 4.85% \$ 238,000.00
Balance Expiry 12-15-24**Edward Jones** 12 month CD 4.55% \$ 238,000.00
Balance Expiry 12-15-24**Edward Jones** 12 month CD 4.75% \$ 24,000.00
Balance Expiry 12-15-24**Edward Jones** 12 month CD 4.9% \$ 237,000.00
Balance Expiry 2-5-25**Edward Jones** 12 month CD 4.9% \$ 237,000.00
Balance Expiry 2-5-25

Total CD Investments	\$	1,985,000.00
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Total Cash (NSB + AFB + CD's)	\$	7,191,625.33
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Cash that has been received and earmarked for projects:

2022 Grant Thief River 1W1P Proj. #149A	\$	264,946.00
2023 Grant Clearwater 1W1P Proj. #149B	\$	487,363.00
2024 Grant Red Lake River 1W1P Proj. #149	\$	850,219.50
Mid Point Grant Proj. #149	\$	25,000.00
Chief Coulee Proj. #46S	\$	<u>214,375.00</u>
	\$	1,841,903.50

Payables committed to by board action:

TRF Reservoir Water Intake Proj. #63	\$	38,400.00
Chief Coulee Proj. #46S	\$	<u>800,000.00</u>
	\$	838,400.00

Total accessible cash (Est)	\$	4,511,321.83
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IRS issues standard mileage rates for 2024; mileage rate increases to 67 cents a mile, up 1.5 cents from 2023

IR-2023-239, Dec. 14, 2023

WASHINGTON — The Internal Revenue Service today issued the 2024 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on Jan. 1, 2024, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 67 cents per mile driven for business use, up 1.5 cents from 2023.
- 21 cents per mile driven for medical or moving purposes for qualified active-duty members of the Armed Forces, a decrease of 1 cent from 2023.
- 14 cents per mile driven in service of charitable organizations; the rate is set by statute and remains unchanged from 2023.

These rates apply to electric and hybrid-electric automobiles as well as gasoline and diesel-powered vehicles.

The standard mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs.

It is important to note that under the Tax Cuts and Jobs Act, taxpayers cannot claim a miscellaneous itemized deduction for unreimbursed employee travel expenses. Taxpayers also cannot claim a deduction for moving expenses, unless they are members of the Armed Forces on active duty moving under orders to a permanent change of station. For more details see [Moving expenses for members of the armed forces](#).

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

Taxpayers can use the standard mileage rate but generally must opt to use it in the first year the car is available for business use. Then, in later years, they can choose either the standard mileage rate or actual expenses.

Leased vehicles must use the standard mileage rate method for the entire lease period (including renewals) if the

standard mileage rate is chosen.

Notice 2024-08 [PDF](#) contains the optional 2024 standard mileage rates, as well as the maximum automobile cost used to calculate the allowance under a fixed and variable rate (FAVR) plan. In addition, the notice provides the maximum fair market value of employer-provided automobiles first made available to employees for personal use in calendar year 2024 for which employers may use the fleet-average valuation rule in or the vehicle cents-per-mile valuation rule.

Page Last Reviewed or Updated: 14-Dec-2023

Minnesota Ag Weather Network



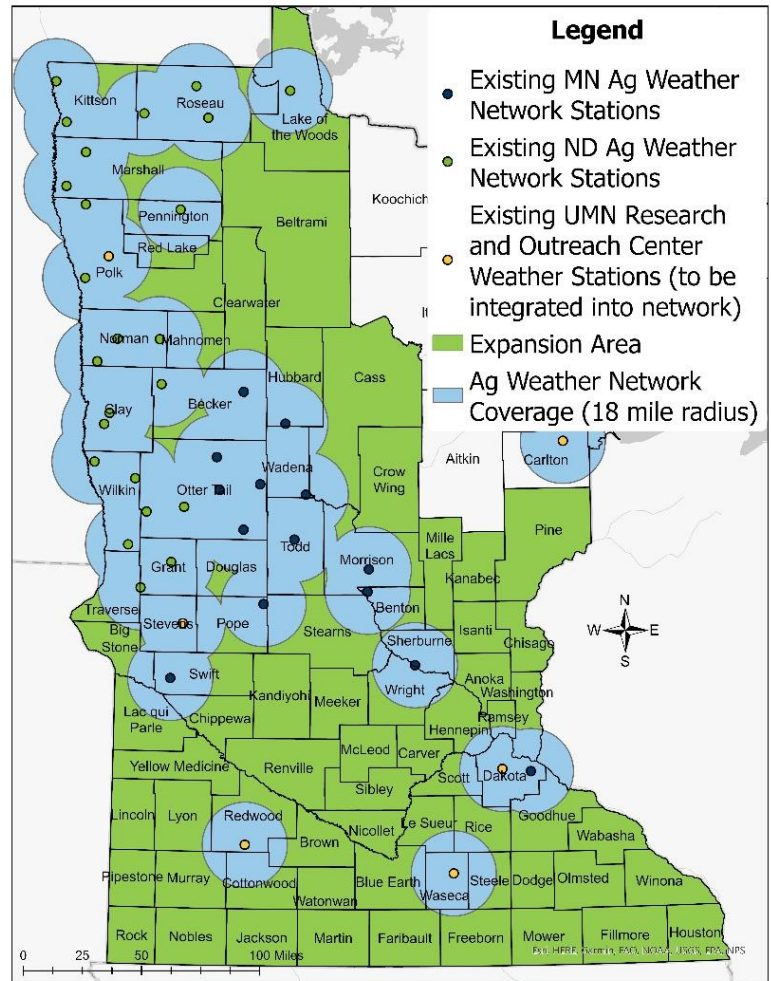
The Minnesota Department of Agriculture (MDA) and local partners currently operate 14 weather stations in the Minnesota Ag Weather Network (MAWN). This network provides local ag weather information and is integrated into the North Dakota Ag Weather Network (NDAWN).

Data from the Minnesota network is used in the NDAWN crop modeling and mapping applications. This information is provided in real-time (5-minute intervals). Current Minnesota station data is available at: ndawn.ndsu.nodak.edu and ndawn.info/centralmn.html.

Planned Expansion

In 2023, the MDA received funding from the Clean Water Fund to expand the weather station network to agricultural areas statewide. The initial expansion of approximately 40 additional weather stations will occur in cooperation with several partners over the next two to three years.

Given the climatic variability across Minnesota, accurate and detailed local weather data within 20 miles of most agricultural areas is a goal of the project. Approximately 80 stations may be necessary to achieve this goal. The full expansion will be completed in two phases.



Final weather station locations are based on weather station siting criteria.

Benefits

Accurate and timely weather information is necessary for many precision agriculture technologies, and will help farmers optimize the management of irrigation, manure, fertilizer, and pesticide applications. This improves farm profitability, reduces loss of agricultural inputs, and protects surface water and groundwater. Current and historical weather and soil data are also used for estimating drought progression, flood risk, runoff risk, mapping localized weather conditions and input into various computer modeling efforts used in water resource management and planning.



Weather data collected	Other information available
<ul style="list-style-type: none"> Total rainfall Air temperature (max/min) Wind direction Wind speed Peak gust Relative humidity Dew point temperature Four-inch bare soil temperature Solar radiation 	<ul style="list-style-type: none"> NDAWN crop modeling Daily estimated crop water use Air temperature inversion Various disease risk (potato blight, rust, cercospora, etc.) Regional maps of weather data (current, hourly, daily, etc.) Irrigation scheduling recommendation Growing Degree Days

Examples of weather data and tools available to farmers and the resulting benefits

Local Weather Data or Tool	Farmer Use & Benefit	Water Quality Benefit
Soil temperature	<ul style="list-style-type: none"> Optimize the timing for fall application of fertilizer and manure, and termination of cover crop Reduce loss of nutrients, keep nutrients available for next season's crop 	Minimize leaching of nitrate to groundwater
Inversion alert system and wind speed and direction	<ul style="list-style-type: none"> Detect temperature inversion and quickly changing weather conditions before pesticide application Keep pesticides on-target for treatment, reduce the risk of drift 	Prevent off-site movement of pesticides that can drift to nearby surface waters
Irrigation scheduling (Real-time soil & weather data)	<ul style="list-style-type: none"> Estimate evapotranspiration to determine crop water needs and optimize irrigation water usage Optimize yields and improve water productivity 	Minimize the quantity of water used and the potential leaching of ag chemicals & manure to groundwater
Disease risk forecasting (Real-time soil & weather data)	<ul style="list-style-type: none"> Determine periods of disease risk; apply pesticide only when disease risk is high Reduce need for preventive pesticide application 	Reduce unneeded pesticide application and potential water contamination
Runoff risk forecasting (precipitation, snow melt, soil temperature)	<ul style="list-style-type: none"> Forecast potential overland runoff up to 10 days; delay application to prevent runoff Reduce runoff loss, keep manure on-site and available to the crop 	Prevent loss of manure or other inputs to surface water

Interested in hosting a weather station on your land, please complete the Minnesota Ag Weather Station Host Application: <https://www.mda.state.mn.us/weather-station-host>

Online Irrigation Management Assistant

The Minnesota ag weather stations are integrated into an online Irrigation Management Assistant tool that provides field-specific irrigation scheduling recommendations to irrigators statewide.



ima.respec.com

Program partners



For more information

Stefan Bischof, Program Manager | 218-396-0720 | Stefan.Bischof@state.mn.us

Minnesota Department of Agriculture | www.mda.state.mn.us/ag-weather-irrigation-management-resources

Previous RLWD Logo:



Current RLWD Logo:



Other Examples:





West Polk Soil & Water Conservation District

528 Strander Avenue
Crookston, Minnesota 56716-2912
Telephone: 1-218-281-6070
www.westpolkswcd.org

AN EQUAL OPPORTUNITY EMPLOYER

February 9th, 2024

Dear Envirothon Sponsor:

The West Polk SWCD is requesting financial support for the Area 1 Envirothon, Wednesday, May 1st, 2024, at the Rydell Refuge, Erskine MN.

The Envirothon is a problem-solving, natural resources competition for rural high schools in which teams, usually comprised of five students, are tested on their knowledge of natural resources management and current issues. To learn more, go to www.maswcd.org/envirothon.htm.

The Area 1 Envirothon promotes a desire for students to learn more about Minnesota's natural resources, as well as public policy and roles of government and landowners in managing the state's resources. The program helps students develop critical thinking skills, cooperative problem-solving skills, and decision-making skills.

We are asking for donations of \$25 - \$300. This money will help finance trophies, prizes, a noon lunch for the students and advancement to the state and national competition.

If you wish to make a donation, please make the check payable to Area 1 Envirothon, and send it to our office by Friday, April 19th, 2024.

Your support is appreciated very much!

If you have any questions, please call 218-281-6070

Sincerely

Nicole Bernd
District Manager

RECEIVED

FEB 12 2024

Initial: dk.





Permit # 24-003

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Ogden Farder Jr.		33101 190th Ave SE Erskine, MN 56535		tel:218-289-5539 mobile: fax:

General Information

(1) The proposed project is a:

Other

(2) Legal Description

(3) County: **Polk** Township: **Badger** Range: **42** Section: **30 1/4**:

(4) Describe in detail the work to be performed. **construct a field access from 180th Ave SE onto Ogden Jr. Farder's property.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **This access will allow for construction activities and for future access to our right of way for future maintenance - Access to MinnKota Power's easement in this area is crucial in times of emergencies and for maintenance.**

Status

Status	Notes	Date
Approved	P.A. #24-003 – Ogden Farder Jr. Polk County – Badger Township – Section 30 The Red Lake Watershed District (RLWD) approves to install a 60" culvert for a new field crossing for access to the new proposed power lines route. All excavation shall be consistent with the existing road and ditch slopes and there shall be no vertical excavation faces. Current flow patterns shall remain "as-is" and there shall be no additional drainage area or flows from the adjacent agriculture land routed to the ditch. Applicant shall ensure that all disturbed areas are seeded with appropriate seed mixture and that consideration for rock riprap with filter fabric is placed at the outlet end of the permitted culverts. If any work is within a public road and/or public ditch Right-of-Way, applicant shall contact the appropriate road/ditch authority for their approval and must meet their specs/conditions. Permit Holder shall contact the road authorities when cutting through roads when applicable. Directly downstream of the outlet, applicant shall ensure that adequate grade and drainage is provided. This permit does not exempt the permit applicant from local, state, or federal authority that might require their approval. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166) T.O.	Feb. 13, 2024
Received	None	Feb. 8, 2024

Conditions

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.

Administrator's Report

February 22, 2024

PRAP: I was informed by BWSR employees, Matt Fischer and Don Bajumpaa that BWSR plans to complete a PRAP study on the District along with the Red Lake River 1W1P. I have an informational meeting scheduled for March 4th with Don. More information to follow.

RRWMB: I attended the RRWMB meeting on February 20th in Ada. Discussion on culvert inventory was held at the meeting. More information to follow on this topic.

Legislative Update: Included in the packet is a Legislative Update and also information from Tom Gile regarding Legislative revisions to tiling requirements for land sales.

District Audit: The RLWD Audit will be held the week of March 4th.

River Watch Forum: Just a reminder that the River Watch Forum will be held on February 27 at the Alerus Center in Grand Forks.

Vehicle Maintenance: Just a heads up that the Traverse is in need of new tires at a cost of \$1300. Staff have scheduled an appointment for February 29th.

Vacation: I will be on vacation starting tomorrow February 23 through March 1st, returning to the office on March 4th. I am accessible by phone/email if any questions arise while I'm gone.

Melissa Bushy

From: Rob Sip <rob.sip@rrwmb.us>
Sent: Wednesday, February 14, 2024 8:35 PM
To: 'rrwd@mncable.net'; 'Dan Money'; 'Morteza Maher'; Tammy Audette; Tara Jensen; bdswd@frontiernet.net
Cc: ian@parkstreetpublic.com; Molly Jansen
Subject: Legislative Update - February 14, 2024

RRWMB Managers (Bcc),

Today I attended legislative hearings in St. Paul and here are a few updates:

1. **LSOHC:** In talking with LSOHC Executive Director Mark Johnson today, they plan on highlighting our RIM habitat project sometime this session. Not sure when that will be yet, but the RRWMB and our membership may need to testify on this. Recall our allocation is \$5.1 million for the RIM easements.
2. **House Sustainable Infrastructure Policy Committee:** A Minnesota Advisory Council on Infrastructure is being proposed by Representative Koegel. There are several LGUs that are included in the draft bill, and we will be coordinating with MN Watersheds this week on approaching Representative Koegel to include watershed districts. Here is a link to the draft bill:
https://www.house.mn.gov/comm/docs/DPd1sJYmukiMxkG1pu_t0w.pdf
3. **House Legacy Finance:** The DNR Conservation Partners Legacy Program was presented, and it looks like \$15 million is available for FY 2025 statewide and this might be the largest allocation ever. Information about Legacy funds can be found here: <https://www.house.mn.gov/comm/docs/lllex4uJcEka0eHuG9Q5QTg.pdf>
4. **House Capital Investment Committee:** The Governors Infrastructure Plan was discussed and \$44,413,000 was requested for flood mitigation including Redpath and Klondike. The Governor's request of \$6 million for flood mitigation is included in this total. There was just about standing room only at the hearing. The full listing of Governors recommendations can be found here:
<https://www.house.mn.gov/comm/docs/KPCbDGPdVUuoBprPTvSydA.pdf>
5. **Drain Tile Bill:** Will be heard next Wednesday, February 21, 2023 at 3:00 p.m. in the House Environment and NATR Finance and Policy Committee. Here are all the details and other bills for that hearing. We will be meeting with MN Watersheds this Friday and this will be discussed and we will coordinate our next steps.

6. Wednesday, February 21, 2024 , 3:00 PM

7. **Environment and Natural Resources Finance and Policy**

Chair: Rep. Rick Hansen

Location: 10 State Office Building

Agenda:

HF3389 (Pursell) Subsurface drain tile installation and modification reporting required.

HF3385 (Pursell) Public waters definition modified.

HF3550 (Hansen) Watersheds, soil and water conservation districts, and wetland management provisions modified; wetland banking program and conservation easement programs modified; riparian protection and water quality jurisdiction clarified; control beaver damage grants eliminated; Board of Water and Soil Resources authority and duties modified; and money appropriated.

If you would like to sign up to testify or submit written testimony, please email Peter.Strohmeier@house.mn.gov by 5:00pm, Tuesday, February 20, 2024. Submitted written testimony is public and will be posted on the committee website and included in the committee record.

*Additional bills may be added.

- o For further information on accommodations, please visit [FAQs for Disability Access](#) or contact the LCC Accessibility Coordinator at accessibility.coordinator@lcc.mn.gov
- o If you are having accessibility or usability problems with any Minnesota Legislative website or software, please send your comments to the [Accessibility & Usability Comment Form](#)
- o To request legislative services for American Sign Language (ASL), Communication Access Realtime Translation (CART) closed captioning services, or live language interpretation services for Hmong, Somali, or Spanish speakers to testify, please contact the Committee Administrator as soon as possible.

Bills Added

[HF3389](#)(Pursell)

Subsurface drain tile installation and modification reporting required.

[HF3385](#)(Pursell)

Public waters definition modified.

[HF3550](#)(Hansen)

Watersheds, soil and water conservation districts, and wetland management provisions modified; wetland banking program and conservation easement programs modified; riparian protection and water quality jurisdiction clarified; control beaver damage grants eliminated; Board of Water and Soil Resources authority and duties modified; and money appropriated.

That's all for now. We will have updates for the RRWMB meeting next week and Ian and Molly will connect in electronically to provide information.

Robert L. Sip
Executive Director
Red River Watershed Management Board

Office Address:
11 5th Avenue East, Suite B
Ada, MN 56510

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<https://www.facebook.com/RedRiverWatershedManagementBoard>
218-474-1084 (Cell)
218-784-9501 (Office)
218-784-9502 (Fax)

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3389

02/12/2024 Authored by Pursell and Curran

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to natural resources; requiring reporting of subsurface drain tile installation
1.3 and modification; proposing coding for new law in Minnesota Statutes, chapter
1.4 103F.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 103F.49 DRAIN TILE REPORTING REQUIRED.

1.7 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.8 the meanings given.

1.9 (b) "Board" means the Board of Water and Soil Resources.

1.10 (c) "Drain tile" means a system of tile, corrugated plastic tubing, pipe, or other conduit
1.11 installed beneath the ground surface on private or public land to collect and convey water.

1.12 (d) "Modification" means an act to enlarge, extend, deepen, reline, improve, replace, or
1.13 otherwise intentionally alter existing drain tile. Modification does not mean the repair or
1.14 regular maintenance of existing drain tile.

1.15 Subd. 2. Landowner reporting required. A landowner must report to the local soil
1.16 and water conservation district any installation or modification of drain tile on the landowner's
1.17 property by December 31 of the year of installation or modification. The landowner must
1.18 report in the manner required by the district and provide all information required by the
1.19 board, including but not limited to the following for each drain tile installation or modification
1.20 project, when applicable:

1.21 (1) the project location, type, and date;

1.22 (2) tile material and type;

2.1 (3) a project map that is accurate to scale and identifies the location of drain tile, including
2.2 all outlets and control structures, and the drainage water flow path for the first mile
2.3 downstream of the project;

2.4 (4) the subsurface area drained by the project, in acres;

2.5 (5) the diameter of all drain tile lines, including mains and individual laterals;

2.6 (6) the design flow at each outlet in cubic feet per second;

2.7 (7) the drainage coefficient in inches per day;

2.8 (8) riprap or other erosion control measures employed at each outlet; and

2.9 (9) for a modification project, the project's anticipated impact on clauses (4) to (8).

2.10 Subd. 3. **District reporting.** At least annually and in the manner required by the board,
2.11 each soil and water conservation district must report to the board the information submitted
2.12 by landowners under subdivision 2.

2.13 Subd. 4. **Enforcement.** If the board or a soil and water conservation district determines
2.14 a landowner is not in compliance with this section, the district must notify the landowner
2.15 and attempt to obtain compliance. If the district's efforts are not successful, the district must
2.16 issue the landowner a written notice of warning and notify the board, and the board may
2.17 issue penalty orders under section 103B.101, subdivision 12.

2.18 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to drain tile
2.19 installation or modification projects that begin on or after that date.

1.1 moves to amend H.F. No. 3389 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[103F.49] DRAIN TILE SELLER'S DISCLOSURE REQUIRED.**

1.4 Subdivision 1. **Definition.** For purposes of this section, "drain tile" means a system of
1.5 tile, corrugated plastic tubing, pipe, or other conduit installed beneath the ground surface
1.6 on private or public land to collect and convey water.

1.7 Subd. 2. **Disclosure required.** (a) Before signing an agreement to sell or transfer real
1.8 property, the seller must disclose in writing to the buyer the status and location of all known
1.9 drain tile on the property, by delivering to the buyer either a statement by the seller that the
1.10 seller does not know of any drain tile on the property, or a disclosure statement indicating
1.11 the legal description and county, and to the extent practicable, a map drawn from available
1.12 information and accurate to scale identifying the location of drain tile on the property
1.13 including all outlets and control structures, and the drainage water flow path for the first
1.14 mile downstream of the drain tile.

1.15 (b) At the time of closing of the sale, the disclosure statement information, name and
1.16 mailing address of the buyer, and the quartile, section, township, and range in which drain
1.17 tile is located must be provided on a drain tile disclosure certificate signed by the seller or
1.18 a person authorized to act on behalf of the seller.

1.19 (c) A drain tile certificate need not be provided if the seller does not know of any drain
1.20 tile on the property and the deed or other instrument of conveyance contains the statement:
1.21 "The Seller certifies that the Seller does not know of any drain tile on the described real
1.22 property."

1.23 (d) If a deed is given pursuant to a contract for deed, the drain tile disclosure certificate
1.24 required by this subdivision shall be signed by the buyer or a person authorized to act on

2.1 behalf of the buyer. If the buyer knows of no drain tile on the property, a drain tile disclosure
2.2 certificate is not required if the following statement appears on the deed followed by the
2.3 signature of the grantee or, if there is more than one grantee, the signature of at least one
2.4 of the grantees: "The Grantee certifies that the Grantee does not know of any drain tile on
2.5 the described real property." The statement and signature of the grantee may be on the front
2.6 or back of the deed or on an attached sheet and an acknowledgment of the statement by the
2.7 grantee is not required for the deed to be recordable.

2.8 (e) If the seller fails to provide a required drain tile disclosure certificate, the buyer, or
2.9 a person authorized to act on behalf of the buyer, may sign a drain tile disclosure certificate
2.10 based on the information provided on the disclosure statement required by this section or
2.11 based on other available information.

2.12 (f) A county recorder or registrar of titles may not record a deed or other instrument of
2.13 conveyance dated after August 1, 2024, for which a certificate of value is required under
2.14 section 272.115, or any deed or other instrument of conveyance dated after August 1, 2024,
2.15 from a governmental body exempt from the payment of state deed tax, unless the deed or
2.16 other instrument of conveyance contains the statement made in accordance with paragraph
2.17 (c) or (d) or is accompanied by the well disclosure certificate containing all the information
2.18 required by paragraph (b) or (d). The county recorder or registrar of titles must not accept
2.19 a certificate unless it contains all the required information. The county recorder or registrar
2.20 of titles shall note on each deed or other instrument of conveyance accompanied by a drain
2.21 tile disclosure certificate that the drain tile disclosure certificate was received. The notation
2.22 must include the statement "No drain tile on property" if the disclosure certificate states
2.23 there is no drain tile on the property. The drain tile disclosure certificate shall not be filed
2.24 or recorded in the records maintained by the county recorder or registrar of titles. After
2.25 noting "No drain tile on property" on the deed or other instrument of conveyance, the county
2.26 recorder or registrar of titles shall destroy or return to the buyer the drain tile disclosure
2.27 certificate. The county recorder or registrar of titles shall collect from the buyer or the person
2.28 seeking to record a deed or other instrument of conveyance, a fee of \$50 for receipt of a
2.29 completed drain tile disclosure certificate. By the tenth day of each month, the county
2.30 recorder or registrar of titles shall transmit the drain tile disclosure certificates to the Board
2.31 of Water and Soil Resources. By the tenth day after the end of each calendar quarter, the
2.32 county recorder or registrar of titles shall transmit to the Board of Water and Soil Resources
2.33 \$42.50 of the fee for each drain disclosure certificate received during the quarter. The board
2.34 shall maintain the drain tile disclosure certificate for at least six years. The board may store
2.35 the certificate as an electronic image. A copy of that image shall be as valid as the original.

3.1 (g) The Board of Water and Soil Resources in consultation with county recorders must
3.2 prescribe the form for a drain tile disclosure certificate and provide drain tile disclosure
3.3 certificate forms to county recorders and registrars of titles and other interested persons.

3.4 (h) Failure to comply with a requirement of this section does not impair:

3.5 (1) the validity of a deed or other instrument of conveyance as between the parties to
3.6 the deed or instrument or as to any other person who otherwise would be bound by the deed
3.7 or instrument; or

3.8 (2) the record, as notice, of any deed or other instrument of conveyance accepted for
3.9 filing or recording contrary to the provisions of this subdivision.

3.10 Subd. 3. **Liability for failure to disclose.** Unless the buyer and seller agree to the
3.11 contrary, in writing, before the closing of the sale, a seller who fails to disclose the existence
3.12 or known status of drain tile at the time of sale and knew or had reason to know of the
3.13 existence or known status of the drain tile, is liable to the buyer for costs incurred to maintain
3.14 or repair the drain tile and reasonable attorney fees for collection of costs from the seller,
3.15 if the action is commenced within six years after the date the buyer closed the purchase of
3.16 the real property where the drain tile is located."

3.17 Amend the title accordingly