

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
October 28, 2004

President Orville Knott called the meeting to order at 9:00 a.m. at the Red Lake Watershed District office at 102 North Main Avenue, Thief River Falls, MN.

Present were: Managers Orville Knott, LeRoy Ose, Lowell Smeby, Gene Tiedemann, Allan Carlson, Vernon Johnson, and Dale M. Nelson. Staff present were Myron Jesme and Arlene Novak, and Legal Counsel Delray Sparby.

The board reviewed the agenda. A motion was made by Ose, seconded by Nelson, and passed by unanimous vote that the Board approve the agenda.

Arlene Novak read the minutes of October 14, 2004. A motion was made by Johnson, seconded by Carlson, that the Board approve the minutes of October 14, 2004. Motion carried.

The board reviewed the Financial Report. A motion was made by Nelson, seconded by Smeby, and passed by unanimous vote that the Board approve the Financial Report dated October 27, 2004.

Administrator Jesme stated that he had been contacted by a landowner in Clearwater County who was wishing to purchase .22 acres wetland banking credits from the Red Lake Watershed District in order to mitigate for the construction of a garage on their property. The Board elected not to sell any wetland banking credits since the watershed projects may need the banked credits.

The hearing date for Red Lake Watershed District Ditch No. 10 Final Engineer's Report was discussed. Motion by Nelson, seconded by Ose, to set the hearing date for the Final Engineer's Report for Red Lake Watershed District Ditch No. 10 for December 9, 2004 at 10:00 a.m. Motion carried.

Nate Dalager, Engineer, HDR, Inc. stated that as part of the Ten Year Plan Overall Plan, a Mission Statement for the Red Lake Watershed District needs to be incorporated into the plan. Consensus of the Board is to adopt the following mission statement and incorporate into the Ten Year Overall Plan: The Mission of the Red Lake Watershed District is to reduce flooding and flood damages, seek to improve water quality, and enhance fish and wildlife management through sound water management.

Nate Dalager also presented preliminary information on the County Ditch No. 1 as he had presented to the City of Thief River Falls. He stated that the ditch system may not only need ditch cleaning and but may require a diversion for the water. The Challenger Ditch may be the ditch system used for the diversion.

Deb Walchuck, NRCS District Conservationist, and Vic Thompson, landowner in Leon Township, Clearwater County, appeared before the board to request assistance from the

RLWD to participate in a joint venture to determine the feasibility of restoring Ruffy Brook to a trout stream again, as it was years ago. Ms. Walchuk stated that the DNR Fisheries have indicated they would assist with the habitat part of the study, but engineering will need to be completed on the project in order to determine what sites along the brook may need gabion baskets or riprap. Administrator Jesme stated that possibly the River Watch students could assist with the water quality testing portion. Consensus of the Board is to have Administrator Jesme contact Doug Thompson for assistance in coordinating the efforts of this project and that Administrator Jesme may use the water quality department to assist in the monitoring, if needed.

Correspondence from Ann Rasmusson, legal counsel for Michael and Connie Gasper, was reviewed. Legal Counsel Sparby and Administrator Jesme explained the original easements and the amount of land in the Parnell project easement area. Motion by Nelson, seconded by Tiedemann, to sell the additional easement for the land in question for an average price of \$474.00 per acre. The deed would be amended to fit the legal description for the prior intent. Mr. Gasper stated he would pay for all costs associated with the closing. Motion carried. Consensus of the board was approving allowing Mr. Gasper to immediately post the property for hunting, subject to our easement rights.

The Board reviewed permits for approval. A motion was made by Nelson, seconded by Ose, to approve the following permits: No. 04124 from Pennington County Highway Department, Hickory, Star and Reiner Townships; No. 04125* from Curtis Amundson, Sullivan Township, Polk County; No. 04126* from Chester Township, Shirley Vettleon, Clerk, Polk County; No. 04127* from Howard Haugen, Grove Park-Tilden Township, Polk County; No. 04128* from Curtis Hoppe, Fairfax Township, Polk County; and No. 04129 from Dennis Schulz, Euclid Township, Polk County. Motion carried unanimously. *With conditions stated on permit.

Ron Salentine requested a one-year extension on his permits, Nos. 03113 and 03092. Motion by Tiedemann, seconded by Carlson, and passed unanimously to authorize one-year extensions on Ron Salentine's permits.

Legal Counsel Sparby presented the resolution of the Red Lake Watershed District regarding State owned Con Con lands. A motion was made by Smeby, seconded by Tiedemann, and unanimously passed to approve the following resolution:

WHEREAS, The Red Lake Watershed District is a watershed district duly created pursuant to Minnesota Statutes Chapter 103D; AND

WHEREAS, The Department of Natural Resources is an agency designated as a department of the State of Minnesota pursuant to Minnesota Statutes 15.01; AND

WHEREAS, Certain legal drainage systems in the State of Minnesota contain State owned consolidated conservation lands within the drainage systems benefited area; AND

WHEREAS, The Department of Natural Resources is charged with the management, operation and control of State owned consolidated conservation lands located within the benefited area of legal drainage systems in the State of Minnesota; AND

WHEREAS, The benefits to the State of Minnesota in these consolidated conservation lands were all determined pursuant to proper and legal drainage law procedures and the State had the right to participate in and appeal the benefit assessment the same as any other land owner; AND

WHEREAS, In certain cases the State of Minnesota Department of Natural Resources had paid ditch taxes assessments for a number of years under the drainage code assessments; AND

WHEREAS, The Department of Natural Resources is now refusing to pay any ditch assessment taxes on State owned consolidated conservation lands unless they are agreed to and certified by the Commissioner of Natural Resources, even though the benefit assessment had been properly determined under the legal drainage code. Said refusal is based upon Minnesota Statute 84A.55, Subd. 12; AND

WHEREAS, the failure of the Department of Natural Resources to pay its ditch system assessments on State owned consolidated conservation land impairs the ability of private landowners to repair and maintain the legal drainages systems and requires the private landowners in some cases to pay a higher pro-rated assessment; AND

WHEREAS, It is deemed unfair to private landowners to have the State Department of Natural Resources treated any differently than any other private landowner, when there is a specific statutory process under the drainage code which allows notice, hearing and rights of appeal; AND

WHEREAS, The only way to remedy this unfair anomaly is by legislative action.

NOW THEREFORE, The Red Lake Watershed District requests the specific amendment or deletion of Minnesota Statute 84A.55, Subd. 12, to remove the absolute veto power of the Commissioner of Natural Resources in regard to legally established and approved drainage system assessments.

Legal Counsel Sparby also indicated the deadline for submitting the resolution to the MAWD Resolution Committee has passed, but suggested it be sent to our legislators, MN Association of Townships, and MN Association of Counties this year and use as part of the resolution process of MAWD next year.

For the MAWD annual convention, Red Lake Watershed District needs two delegates and one alternate. At the January 13, 2004 Board meeting, LeRoy Ose was voted to serve as the voting delegate with Dale M. Nelson and Bob Proulx as the alternates. Motion by Smeby to nominate Ose and Tiedemann as delegates, seconded by Carlson.

Motion carried. Motion by Nelson, seconded by Ose, to nominate Carlson as the alternate to MAWD convention. Motion carried.

MN SWCD Annual meeting information was distributed. No managers indicated attending.

Administrator Jesme presented his written report to the Board. Items noted from his report are: A meeting was held on October 21 in which the NRCS presented their options on County Ditch 19 to the landowners/petitioners. Another meeting to further discuss the options will be held November 1; A meeting was held on October 20 with landowners participating in NW Minnesota Foundation (NWMF) Farm to Stream Grant, along with Jim Steenerson, NWMF; Molly McGregor, MPCA; Administrator Jesme; and Water Quality Coordinator Corey Hanson; A meeting on wetland issues in the Project 60B area was held on October 26. A press release from the Governor's office was distributed approving 1,000 acres through the USDA for the wetland restoration of the Grand Marais site (Project 60B); draft minutes of the Red River Corridor Enhancement (RLRCE) Project held Oct. 14 was distributed. Next meeting of the RLRCE is December 16, in Thief River Falls.

In addition to his written report, Administrator Jesme indicated that a hearing was held by the Marshall-Beltrami Judicial Ditch 11 Board on October 25, 2004 concerning two watershed district permits received from Agassiz National Wildlife Refuge, Permit Nos. 04086 and 04087, which the Board had tabled at their September 9, 2004 meeting. Administrator Jesme also indicated that the Marshall-Beltrami J.D. 11 Board accepted a 30-day comment period, commencing this hearing, before they would render their findings. It was the consensus of the Board to wait for the 30-day comment period to expire at which time they would address the permits at a December board meeting.

The next RRWMB meeting will be held at the Red Lake Watershed District office on November 16.

Manager Ose reported on the Marshall County Water Plan meeting he had attended.

A motion was made by Nelson, seconded by Ose, that the meeting adjourn. Motion carried.

Signed _____
LeRoy Ose, Secretary