

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
December 13, 2018

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, LeRoy Ose and Les Torgerson. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel, Delray Sparby. Others in attendance: Darwin Sumner, Michael VanHorn, Richard Dreker, Craig Mowry, Tony Nordby, Nate Dalager and Mike Flaagan.

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

The Board reviewed the November 27, 2018 minutes. Motion by Sorenson, seconded by Tiedemann, to approve the November 27, 2018 Board meeting minutes as presented. Motion carried.

Darwin Sumner, former Red Lake Tribal Secretary, and Michael VanHorn, Red Lake Tribal Council Food Initiative Coordinator, requested to appear before the Board.

The Board reviewed the Financial Report dated December 12, 2018. Motion by Tiedemann, seconded by Dwight, to approve the Financial Report dated December 12, 2018 as presented. Motion carried.

The Board reviewed the Investment Summary as of December 12, 2018. Staff member Arlene Novak reviewed the quotes that were received for the Certificate of Deposit that expired on December 12, 2018. Novak stated that a \$200,000 Certificate of Deposit was purchased from Edward Jones at a rate of 2.75% for one-year.

Administrator Jesme stated that a draft viewers report is complete for the proposed RLWD Ditch 16, RLWD Project No. 177. Jesme stated that no DNR Protected Waters Permit is required, but there will have to be a delineation completed of the project area to satisfy Wetland Conservation Act rules. We have also been informed that the U.S. Army Corps of Engineers is requiring an archeological survey to be completed at the area of the Grand Marias continuing two miles upstream of State Highway 220. An archeological survey would be completed at the outlet of Ditch 16 and several sites two miles upstream of the outlet, at a cost of \$3,500 for Phase 1. Motion by Torgerson, seconded by Sorenson, to approve the Phase 1 cost estimate not to exceed \$3,500, from McFarlane Consulting LLC, to complete an archeological survey on the proposed RLWD Ditch 16, RLWD Project No. 177. Motion carried.

The Board reviewed a letter to Wayne and Debra Vettleson for expenses incurred for the inclusion of land into the benefitted area of RLWD Ditch No. 7, RLWD Project No. 20. Motion

by Torgerson, seconded by Sorenson, to approve the letter to Wayne and Debra Vettleson, for inclusion of land into RLWD Ditch No. 7, RLWD Project No. 20. Motion carried.

Craig Mowry, Agassiz National Wildlife Refuge (NWR) appeared before the Board to update the Board on the current Conservation Partners Legacy Grant from the Lessard Sam Heritage Council that the District had applied for on behalf of Agassiz NWR in the amount of \$242,000, with matching funds in the amount of \$46,400 from Agassiz NWR. Mowry stated that the grant allowed for spraying of 2,000 acres of cattails within the refuge, for a total of 8,448 acres of cattails sprayed since 2010. The grant also included repairs to a water control structure which was recently completed by Triple D Contractors. Agassiz NWR hired an amphibious excavator, which cleaned out ditches within the refuge that were full of silt. The balance of the current grant will be spent in the fall of 2019, with the replacing of two rusted out corrugated pipes with a large box culvert. Mowry requested assistance to administer an additional grant from the Lessard Sam Heritage Council for a Conservation Partners Legacy grant for \$50,000 to restore wetland function with the refuge. Agassiz NWR would be required to have a 10% match for the grant. The District would be appropriating funds in to administer the grant. Mowry discussed the efforts of the refuge to reduce sediment and nutrient loading within the Thief River Watershed. Motion by Ose, seconded by Tiedemann, to approve the partnership and administration of a \$50,000 grant for Agassiz National Wildlife Refuge from the Lessard Sam Heritage Council Conservation Partners Legacy Grant. Motion carried.

Darwin Sumner, former Red Lake Tribal Council Secretary and Michael VanHorn, Red Lake Tribal Council Food Initiative Coordinator, appeared before the Board to discuss water levels on the Lower Red Lake. Mr. Sumner discussed his concern with the drastically low water levels and loss of traditional trapping and hunting grounds. Discussion was held on the lack of rain and snow events as well as effects from evaporation which have contributed to the low water levels on both the Upper and Lower Red Lake. President Nelson asked Mr. Sumner about the Good Lake Impoundment, requesting assistance to work on securing a Special Land Permit for access and operation of the Good Lake Impoundment. It was the consensus of the Board and Mr. Sumner that it would be beneficial to form a committee for discussion on the Good Lake Impoundment and other areas of concern. Mr. Sumner requested that all emails should be sent to Mr. VanHorn.

Engineer Tony Nordby, Houston Engineering, Inc., stated that TEP (Technical Evaluation Panel) has scheduled a meeting on to discuss Wetland Conservation Act compliance for the proposed Black River Impoundment, RLWD Project No. 176. Nordby stated that the MnDNR will only require a General Permit, with the U.S. Army Corps of Engineers looking at the various wetland complex. Administrator Jesme discussed a recent phone call with Pat Lynch, MnDNR, regarding funding from the State. The MnDNR will not request a bonding bill this year, but the RRWMB will lobby for one. Mr. Lynch inquired about the possibility of constructing the project in phases; the first phase being the impoundment, followed by the ditches to the impoundment.

Engineer Tony Nordby, Houston Engineering, Inc., and Engineer Mike Flaagan, Pennington County Highway Department, appeared before to discuss the realignment of the Challenger Ditch, RLWD Project No. 122 for re-construction of CSAH 8 and installation of a bridge that

would cross the Red Lake River. Reconstruction of CSAH 8 would include the installation of a roundabout at the Pennington Avenue/CSAH 8 intersection and realignment of the Challenger Ditch to the south side of CSAH 8. The existing riser and 48" pipe upstream of the outlet of the Challenger Ditch would be moved upstream to an existing culvert, with an additional 248' of the 48" reinforced concrete pipe. The roadway project would absorb the costs of the installation of the culverts, with the ditch system responsible for future maintenance. Administrator Jesme discussed the benefits of changing the pipe and maintenance concerns. Legal Counsel Sparby stated that a hearing would be required to make modifications to the alignment of the ditch system. The Challenger Ditch system is also used as an outlet for the Thief River Falls Flood Damage Reduction Project, RLWD Project No. 171A, which is designed for a 100-year event. It was the consensus of the Board that Manager Nelson, Jesme and Sparby, will review the Thief River Falls Flood Damage Reduction Project plans regarding future maintenance. Sparby stated that all right-of-way specifications will need to be presented during the hearing process. It was the consensus of the Board that a hearing date will be set at the December 27, 2018 meeting.

Pennington County is transferring jurisdiction of Pennington County Ditch 70 to the City of Thief River Falls for installation of a storm water utility project within the city limits, contingent upon the proposed Thief River Falls West Side Flood Damage Reduction Project, RLWD Project No. 178 being established. MnDOT awarded the District a grant in the amount of \$400,000 to replace the culvert on Highway 32, near the outlet of the project. The District applied for a Clean Water Fund Grant for the outlet downstream of the Highway 32 culvert. Engineer Nate Dalager, HDR Engineering, Inc., asked Mr. Flaagan if the project has access to funds from Pennington County for the structures on CSAH 7 and other structures. Flaagan stated that CSAH 7 is state aid funding but that they do have some county road funds budgeted every year. Flaagan requested an estimate for each site. Dalager will coordinate with Flaagan.

Administrator Jesme stated that the hearing for the Amendment to the Red Lake River 1W1P, will be held December 19, 2018, at 10:00 a.m. at the District office to allow for the implementation of a Water Management District for the Black River Impoundment, RLWD Project No. 176 and the Thief River Falls West Side Flood Damage Reduction Project, RLWD Project No. 178. Once the plan is approved by the Red Lake River 1W1P Policy Committee, the plan will be submitted to BWSR, with review at the Northern Region BWSR meeting scheduled for January 2, 2019, followed by final approval from BWSR.

The Board reviewed correspondence from BWSR regarding the Determination of Adequacy for the District's Buffer Rule. Administrator Jesme stated that staff is working on formatting the document for public review.

The Board reviewed a letter of support to the Gully Tri-Coop Association for the submittal of a grant application: Evaluating the Effectiveness of Variable Rate Input Application in Cultivated Wild Rice. It was the consensus of the Board, to submit the letter as presented.

Staff member Loren Sanderson discussed a letter from Red Lake County Interim-Engineer, regarding the cutting of a county road as it relates to RLWD Permit No. 18126, that was

approved by the District. Sanderson stated that Red Lake County does not have a policy in place for after-the-fact permits or consequences for cutting of county road.

The Board reviewed the permits for approval. Motion by Sorenson, seconded by Page, to approved RLWD Permit NO. 18157, JTO, Inc., Excel Township, Marshall County with conditions stated on the permit. Motion carried with Manager Ose abstaining.

Administrators Report:

- Jesme and Manager Ose will attend the RRWMB meeting in Ada on December 18, 2018.
- The Thief River 1W1P Advisory and Policy Committee meeting was held on December 12, 2018 at the District office. Section 5 of the plan was approved and will proceed with the development of Section 4.
- A Red Lake River PTMApp meeting was held December 12, 2018 in the District office to discuss a targeted implementation plan as well as reviewing comments from staff for completion of the final document.
- Jesme and Managers Sorenson, Page, Ose, Tiedemann and Dwight attended the MAWD Annual meeting November 28-December 1st in Alexandria.
- Staff member Corey Hanson will attend the BWSR Regional Conservation Partnership Program meeting December 20, 2018 in Grand Rapids. This training session will address the partnership program through NRCS and how it can be implemented with state funding for approved 1W1P.
- Included in the packet was the June 2018 Water Quality Packet.
- Included in the packet was information on the USGS Cost Share Payments for the Streamflow Monitoring Program.

It was the consensus of the Board to close the District office on Monday, December 24, 2018 due to the Christmas Holiday on December 25, 2018.

Legal Counsel Sparby stated that he prepared and presented a Stipulation for Dismissal to the Attorneys for the landowners on JD 5, RLWD Project No. 102. Sparby was informed that the landowners decided not to dismiss the case, therefore Sparby will set up a Motion to Dismiss.

Manager Ose reminded the Board that a retirement party for Dan Wilkens will be held on December 14, 2018 in Fertile.

Manager Sorenson stated that he met with the Polk County Commissioners regarding his appointment to the District Board. Sorenson was appointed to serve an additional 3-year term.

Motion by Sorenson, seconded by Ose, to adjourn the meeting. Motion carried.



LeRoy Ose, Secretary