

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
May 10, 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 Dale M. Nelson, Terry Sorenson, Brian Dwight, Gene Tiedemann, LeRoy Ose and Les Torgerson. Absent: Allan Page. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Sparby.

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

The Board reviewed the April 26, 2018 minutes. Motion by Torgerson, seconded by Sorenson, to approve the April 26, 2018 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated May 9, 2018. Motion by Sorenson, seconded by Tiedemann, to approve the Financial Report dated May 9, 2018 as presented. Motion carried.

Staff member Arlene Novak stated that she is waiting on quotes for the Blackduck Lake Structure Joint Powers Board, RLWD Project No. 50E. Novak will report back to the Board once she receives the quotes.

Emily Hutchins and Matthew Morin, MnDNR appeared before the Board to discuss needed structure repairs on the BR-6 Impoundment (Burnham Creek), RLWD Project No. 43A. The BR-6 Impoundment was installed in the late 1980's by a joint effort between the District, West Polk SWCD, MnDNR and NRCS (formerly known as SCS). The impoundment is a two-pool system, with one flood control impoundment and a wildlife pool. The existing structure consists of an 18" culvert with a screw gate. The culvert has water running around it, which has caused the culvert to heave, and cracks have appeared. The MnDNR did some patching last year as a temporary fix. Staff member Loren Sanderson stated that the concrete pipe sections are not tied together, except for the end pieces. The maintenance agreement states the District and MnDNR will coordinate on future maintenance. Discussion was held on obtaining a cost estimate to repair the structure and the possibility of obtaining a MnDNR CPL Grant.

Deb Walchuk, NRCS, and Keith Weston, Red River Retention Authority appeared before the Board to discuss the NRCS Regional Conservation Partnership Program (RCPP) process. Walchuk stated that the District, currently has two projects, Pine Lake, RLWD Project No. 26 and Four-Legged Lake, RLWD Project No. 102A. Of the 20 projects originally started, twelve of the projects are in Minnesota with the other seven in North Dakota, with one in North Dakota leaving the program. Walchuk reviewed the status of each of the District's two projects. Review points 1-3 have been concurred on the Pine Lake Project, with Walchuk currently reviewing Point 4 and 5. Review Point 1 for the Four-Legged Lake Project is complete, with Point 2 under review. Keith Weston stated that Walchuk can review Points 1-3, but an Engineer is required to provide a technical review for Points 4-6. Weston discussed the

possibility of amending each of the grant agreements to allow for completion of the review points. Weston stated that the end-product of each project would be the completion of an Environmental Assessment. Walchuck stated that the remaining funds in the Four-Legged Lake Grant Agreement are \$44,407.48; with \$92,204.04 remaining in the Pine Lake Grant Agreement.

Staff member Loren Sanderson and landowner Glen Hanson addressed the Board regarding a drainage complaint on the Darrell Dolalie property located in Section 29, Pine Lake Township, Clearwater County. It appears that Mr. Dolalie has illegally blocked local drainage, which is causing water to back up onto Mr. Hanson's property. Pine Lake Township has a perpetual easement with Mr. Dolalie for a drainageway, with a right-of-way easement of 10' from the center of the ditch for maintenance. Discussion was held regarding the jurisdiction of Pine Lake Township. The next Pine Lake Township meeting will take place May 15th. It was the consensus of the Board, to authorize staff member Loren Sanderson to communicate with Pine Lake Township officials after their May 15th meeting.

The Board reviewed the Plans and Specifications for the Little Pine Lake WMA -Outlet Structure Replacement Project, RLWD Project No. 26 in cooperation with the District and the MnDNR-Division of Fish and Wildlife. Engineer Nate Dalager, HDR Engineering, Inc. stated that a new concrete water control structure will replace the old structure. This project is in cooperation with the MnDNR in order to operate their facility differently to gain an additional 270 ac.ft. of storage for flood control. Motion by Tiedemann, seconded by Torgerson, to approve the Plans and Specifications for the Little Pine Lake WMA-Outlet Structure Replacement Project, RLWD Project No. 26, to advertise for bids and to set the Bid Opening date for June 14, 2018 at 9:30 a.m. at the District office. Motion carried.

The Board reviewed a letter submitted to the Minnesota Department of Transportation regarding the District's commitment to move forward with the Thief River Falls Westside FDR Project, RLWD Project No. 178. Administrator Jesme stated that Mayor Brian Holmer informed him that the Senate has earmarked \$1.5 million for the project. Discussion was held on the need for a landowner meeting/open house in the near future. The District will need to start the process of amending the Red Lake River 1W1P for the inclusion of Water Management Districts.

The Board reviewed the Lease Agreement with Nick Knott for rental of agricultural land within the Black River Impoundment, RLWD Project No. 176. A copy of the Lease Agreement will be forwarded to the Pennington FSA. Administrator Jesme stated that Nick Knott intends to crop share 50% of the leased lands with Jim Knott.

The Board reviewed a letter submitted by Mary and Gerald Mozinski regarding the proposed establishment of Red Lake Watershed District Ditch 16, RLWD Project No. 177.

Administrator Jesme stated that the District has been waiting for the U.S. Army Corps of Engineers (Corps) to certify the wetland banking credits on the Louisville/Parnell Project, RLWD Project No. 121. The District was recently informed, that the Corps will give the District credit for 4.7195 acres as the site stands now, or the RLWD could develop vegetative performance standards to bring the vegetation up to meet the standards of a mitigation bank.

This may result in yielding additional credits if the performance standards are met. However, this would add additional costs and the full mitigation bank plan would need to be prepared to include performance standards, vegetative management would have to be conducted, and monitoring would take around 5 years. If all standards are met after the five-year monitoring process, the bank could receive an additional 1.6235 acres but if it fails, we may gain less or no additional acres. Motion by Dwight, seconded by Sorenson, to accept the wetland banking credits proposal of 4.7195 acres from the U.S. Army Corps of Engineers for the Louisville/Parnell Project, RLWD Project No. 121. Motion carried.

Administration Jesme requested that the Board update the resolution granting Jesme the authority to sign certain grants agreements for District projects. A motion was made by Tiedemann, seconded by Dwight, and passed by unanimous vote that the Board adopt the following resolution:

WHEREAS, the Red Lake Watershed District applies for grants from the MN Department of Natural Resources, MN Pollution Control Agency, MN Board of Water and Soil Resources, Federal Emergency Management Agency, United States Fish & Wildlife Service and the State of Minnesota, and

WHEREAS, authorized signatures are needed on these documents;

NOW, THEREFORE BE IT RESOLVED, that the Red Lake Watershed District designate the Administrator of the Red Lake Watershed District as the authorized agent to sign these grant applications approved by the Board for funding from the entities previously noted.

Motion by Tiedemann, seconded by Torgerson, to approve the Grant Agreement in the amount of \$677,551 with the Minnesota Board of Water and Soil Resources for the Red Lake River 1W1P, RLWD Project No. 149. Motion carried.

The Board reviewed a Release of Claims and Indemnification and Hold Harmless Agreement for gopher trapping on District projects. Motion by Torgerson, seconded by Ose, to approve the Release of Claims and Indemnification and Hold Harmless Agreement for Harvey Klipping, on RLWD Ditch 3-RLWD Project No. 7 and RLWD Ditch 10-RLWD Project No. 161. Motion carried.

Knife River Materials has inquired if the District would allow them to pump water from a borrow pit located in the Euclid East Impoundment, RLWD Project No. 60C. Knife River Materials estimates they would take between 5,000-20,000 gallons of water per day for approximately 20 days, with the use of pumps and hoses. Staff member Loren Sanderson stated that he would recommend that they do NOT park on the embankment levy. Motion by Tiedemann, seconded by Ose, to allow Knife River Materials to pump water from the Euclid East Impoundment, RLWD Project No. 60C, with the following conditions: Knife River Materials will pay a one-time fee of \$500.00 to the District for administration costs; all pumping shall be completed from approved staging areas provided by District staff; any damages that occur to the levee or driveway during pumping, be repaired and approved by District staff prior

to leaving job site, these repairs may include but not be limited to turf establishment or gravel driveway repair; the District reserves the right to terminate this agreement prior to Knife River Materials completing their project, with the District being held harmless; it is agreed the Knife River Materials will pump approximately 5,000-2000 GPM per day between May 29, 2018-July 15, 2018, and if additional time is required permission must be granted by the District; and Knife River Materials will comply with all township, county and state rules and ordinances. Motion carried.

The Board reviewed the permits for approval. Motion by Ose, seconded by Tiedemann, to approve the following permits with conditions as stated: No. 18001, Todd and Debra Stanley, Espelie Township, Marshall Township; No. 18017, Roger Hagen, Grand Forks Township, Polk County; No. 18020, James Harder, Smiley Township, Pennington County; No. 18021, Dean Phillip, Rocksbury Township, Pennington County; and No. 18022, David Rodahl, Agder Township, Pennington County. Motion carried.

Administrators Update:

- Jesme and Manager Ose will attend the RRWMB meeting in Fertile on May 15, 2018.
- The Thief River 1W1P Citizen Advisory Committee and Policy Committee met on May 9, 2018 in Grygla, to review Section 3 and introduce Section 4 of the plan.
- The following impoundments are releasing water: Euclid East, Brandt and Parnell/JD60. Landowner Gary Pulkrabek called the office and commended the District staff on the operation of the impoundments during the spring runoff event.
- Included in the packet was information on facility tours by Enbridge Pipeline. Jesme and staff member Sanderson participated in a conference call with Enbridge staff concerning permitting for the Line 3 Replacement.
- Jesme is scheduled to tour the Grand Marais Creek Outlet Restoration Project with Brad Dokken from the Grand Forks Herald on May 17th.
- Jesme reviewed information from MAWD regarding various committees.

Legal Counsel Sparby stated that he sent an email to the Attorney General's Office regarding the appointment of a member of the Red Lake Tribal Council on the District Board. The Attorney General's office informed Sparby that they will have someone within their office contact him.

Legal Counsel Sparby discussed the conference call he had with Attorney John Kolb regarding the abandonment of Judicial Ditch 5, RLWD Project No. 102.

Manager Torgerson discussed the meeting he attended with the Clearwater County Board of Commissioners May 8th. He brought an update to them informing them that the RLWD Board had voted to remove the Petition for Abandonment of Judicial Ditch No 5 from the table and schedule a hearing on the Petition June 14th at the RLWD office. He also discussed possible new directions the petition for abandonment might create for the Four Legged Lakes if passed. A discussion ensued about the original resolution that the county board rescinded and about the concerns in that resolution that have not been addressed and different claims about what the average height of the lakes have been over the past fifty years. The county board did

not give any specific message for Torgerson to bring back to the RLWD Board, but three specific comments were made by individual commissioners. Commissioner Nelson stated he supported the view of the landowners affected by the proposed FDR Project. Commissioner Syverson stated that aircraft sometimes draw water from the Four Legged Lakes to fight wildfires in the area; and Commissioner Stenseng stated that if the FDR Project No 102 does not work out, the RLWD might consider an alternate site in the Solberg Lake area terminating at CR 223.

Manager Dwight stated that he spoke to Gary Kiesow regarding subsurface tiling, informing him that the District's intent is to look at erosion control.

Manager Ose discussed the RRMWB meeting to be held on May 15, 2018 in Fertile, encouraging other Managers to attend the meeting.

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

A handwritten signature in blue ink that reads "LeRoy Ose". The signature is written in a cursive style with a horizontal line underneath the name.

LeRoy Ose, Secretary