

11:01 AM
11/17/21
Cash Basis

Bois de Sioux Watershed District
Expenses by Vendor Summary (No Employees)
November 17, 2021

	<u>Nov 17, 21</u>
Contech	25,962.93
Hormann Works LLC	25,653.37
Moore Engineering, Inc.	88,908.13
Wagner Company, Inc.	45,512.49
TOTAL	<u><u>186,036.92</u></u>

Bois de Sioux Watershed District CHECKS TO APPROVE - VENDORS & EMPLOYEES November 17, 2021

Date	Num	Type	Memo	Account	Split	Class	Amount
Contech							
11/17/2021	21579	Check	Price Quote 19194701 - Culvert	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:TCD #1E	-25,962.93
Total Contech							-25,962.93
Hormann Works LLC							
11/17/2021		Check	1441 - BEAVER DAM REMOVAL	53910 · Nuisance Beaver Control	10000 · Bank of the West Checking	Ditch Fund:JCD #3	-350.00
11/17/2021		Check	1441 - BEAVER DAM REMOVAL	53910 · Nuisance Beaver Control	10000 · Bank of the West Checking	Ditch Fund:TCD #11	-175.00
11/17/2021		Check	1440 - FIX TILE OUTLETS AND RODENT GU...	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:TCD #44	-1,553.37
11/17/2021		Check	1437 - LEVEL SPOILS	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:TCD #27	-1,280.00
11/17/2021		Check	1438 - LEVEL SPOILS	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:TCD #27	-1,665.00
11/17/2021		Check	1439 - LEVEL SPOILS	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:TCD #27	-925.00
11/17/2021		Check	1442 - TREE REMOVAL & CLEANOUT	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:WCD #Sub-1	-19,705.00
Total Hormann Works LLC							-25,653.37
Moore Engineering, Inc.							
11/17/2021	21577	Check	POLICY COMMITTEE MEETING & PREP	51900 · Engineering Services	10000 · Bank of the West Checking	Administrative Fund:General Cash	-92.50
11/17/2021	21577	Check	TILE PERMITS	50400 · Tile Drainage	10000 · Bank of the West Checking	Construction Fund	-5,410.00
11/17/2021	21577	Check	SURFACE PERMITS	50500 · Surface Drainage	10000 · Bank of the West Checking	Construction Fund	-4,725.00
11/17/2021	21577	Check	PROJECT DEVELOPMENT	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:WCD #20	-185.00
11/17/2021	21577	Check	MAINTENANCE	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:JCD #11	-255.00
11/17/2021	21577	Check	MAINTENANCE	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:TCD #52	-425.00
11/17/2021	21577	Check	GENERAL SERVICES	51900 · Engineering Services	10000 · Bank of the West Checking	Administrative Fund:General Cash	-1,525.00
11/17/2021	21577	Check	RESEARCH	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:TCD #37	-90.00
11/17/2021	21577	Check	DISTRICT BOUNDARY	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-92.50
11/17/2021	21577	Check	MAINTENANCE	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:TCD #27	-170.00
11/17/2021	21577	Check	GIS UPDATES	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-57.50
11/17/2021	21577	Check	RING DIKE POLICY REVIEW & MAPPING	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-625.00
11/17/2021	21577	Check	REDPATH - PHASE 1 TCD #35 RELOCATION	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Redpath Imp & Mustinka Reh...	-10,470.00
11/17/2021	21577	Check	REDPATH - PHASE 2 MUSTINKA	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Redpath Imp & Mustinka Reh...	-7,407.50
11/17/2021	21577	Check	FIELD INSPECTION	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:North Ottawa Impoundment:N...	-185.00
11/17/2021	21577	Check	BIG LAKE	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Big Lake Project	-425.00
11/17/2021	21577	Check	LTWQIP PHASE 1	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Lake Traverse WQ Improvem...	-1,380.00
11/17/2021	21577	Check	JCWMP	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-185.00
11/17/2021	21577	Check	JCWMP	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-160.00
11/17/2021	21577	Check	JCWMP GIS/PTMAPP TOOL DEVELOPMENT	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-1,680.00
11/17/2021	21577	Check	JD #11 REPAIR	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:JCD #11	-4,441.30
11/17/2021	21577	Check	JD #6 REPAIR	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:JCD #6	-10,024.34
11/17/2021	21577	Check	DORAN CREEK	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Doran Creek Project(BdS Dir)	-24,390.76
11/17/2021	21577	Check	SAMANTHA & ELBOW LAKE OUTLET	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-1,549.50
11/17/2021	21577	Check	LTWQIP PHASE 2	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Lake Traverse WQ Improvem...	-8,599.00
11/17/2021	21577	Check	LTWQIP PHASE 3	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Lake Traverse WQ Improvem...	-4,358.23
Total Moore Engineering, Inc.							-88,908.13
Wagner Company, Inc.							
11/17/2021	21576	Check	PAY APPLICATION NO. 4	53890 · Contracted Repairs and Maintena	10000 · Bank of the West Checking	Ditch Fund:JCD #6:Bond Proceeds	-40,702.49
11/17/2021	21576	Check	PAY APPLICATION NO. 4	61400 · BMP Construction	10000 · Bank of the West Checking	Ditch Fund:JCD #6:BWSR Ditch Grant C21-5196	-4,810.00
Total Wagner Company, Inc.							-45,512.49
Fridgen, Troy J							
11/17/2021	21578	Check	USED PERSONAL VEHICLE	53100 · Mileage Expense Staff	10000 · Bank of the West Checking	Administrative Fund:General Cash	-67.20
Total Fridgen, Troy J							-67.20
TOTAL							-186,104.12

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Cash Basis

Bois de Sioux Watershed District
Expenses by Vendor Summary (No Employees)
October 22 through November 18, 2021

	<u>Oct 22 - Nov 18, 21</u>
Aramark	36.15
Braun Intertec	1,052.25
City of Wheaton	54.09
Contech	25,962.93
Elan Financial Services	84.69
Frontier	211.76
Gazette Publishing Co.	76.50
Hormann Works LLC	25,653.37
HPS	217.75
Jamie Beyer	4,100.00
Larson Oil Company	31.00
League of Minnesota Cities	2,045.00
Lori Doll	75.00
MN PEIP	798.71
Moore Engineering, Inc.	88,908.13
Ohnstad Twichell, PC	10,614.32
Olson Tile & Excavating, LLC	1,100.00
Otter Tail Power Company	134.59
Otter Tail County	-7,359.87
Pitney Bowes Global Financial Serv LLC	150.69
QuickBooks Payroll Service	7.00
RRWMB	30,299.78
Runestone Telecom Association	120.95
Sag's Hardware Hank, Inc.	17.99
State of Minnesota	-16,887.56
Stevens County	-16,863.31
Traverse Electric Cooperative Inc	42.75
Tri County Coop	290.39
Valley Office Products, Inc.	106.27
Wagner Company, Inc.	45,512.49
Wilkin County	-25,646.34
Willy's Super Valu	24.02
Xerox Corporation	772.77
No name	-9,242.08
TOTAL	<u>162,502.18</u>

Bois de Sioux Watershed District

CHECKS TO APPROVE - VENDORS & EMPLOYEES

October 22 through November 18, 2021

Date	Num	Type	Memo	Account	Split	Class	Amount
Aramark							
11/18/2021	21583	Check	RUGS	53420 · Maintenance	10000 · Bank of the West Checking	Administrative Fund:General Cash	-36.15
Total Aramark							-36.15
Braun Intertec							
11/18/2021	21584	Check	TESTING	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:JCD #11	-1,052.25
Total Braun Intertec							-1,052.25
City of Wheaton							
11/18/2021	21582	Check	WATER, SEWER, GARBAGE	53440 · Utility Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-54.09
Total City of Wheaton							-54.09
Contech							
11/17/2021	21579	Check	Price Quote 19194701 - Culvert	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:TCD #1E	-25,962.93
Total Contech							-25,962.93
Elan Financial Services							
11/18/2021	21586	Check	ADOBE SUBSCRIPTION	55130 · Website	10000 · Bank of the West Checking	Administrative Fund:General Cash	-33.65
11/18/2021	21586	Check	ZOOM SUBSCRIPTION	52800 · Meeting Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-32.04
11/18/2021	21586	Check	FREEFIND SEARCH UPDATE	55130 · Website	10000 · Bank of the West Checking	Administrative Fund:General Cash	-19.00
Total Elan Financial Services							-84.69
Frontier							
11/18/2021	21581	Check	TELEPHONE AND FAX LINE	53450 · Telephone Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-211.76
Total Frontier							-211.76
Gazette Publishing Co.							
11/18/2021	21588	Check	HEARING NOTICE	51500 · Advertising Expense	10000 · Bank of the West Checking	Ditch Fund:TCD #28	-38.25
11/18/2021	21588	Check	HEARING NOTICE	51500 · Advertising Expense	10000 · Bank of the West Checking	Ditch Fund:TCD #31	-38.25
Total Gazette Publishing Co.							-76.50
Hormann Works LLC							
11/17/2021		Check	1441 - BEAVER DAM REMOVAL	53910 · Nuisance Beaver Control	10000 · Bank of the West Checking	Ditch Fund:JCD #3	-350.00
11/17/2021		Check	1441 - BEAVER DAM REMOVAL	53910 · Nuisance Beaver Control	10000 · Bank of the West Checking	Ditch Fund:TCD #11	-175.00
11/17/2021		Check	1440 - FIX TILE OUTLETS AND RODENT GU...	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:TCD #44	-1,553.37
11/17/2021		Check	1437 - LEVEL SPOILS	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:TCD #27	-1,280.00
11/17/2021		Check	1438 - LEVEL SPOILS	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:TCD #27	-1,665.00
11/17/2021		Check	1439 - LEVEL SPOILS	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:TCD #27	-925.00
11/17/2021		Check	1442 - TREE REMOVAL & CLEANOUT	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:WCD #Sub-1	-19,705.00
Total Hormann Works LLC							-25,653.37
HPS							
11/18/2021	21589	Check	NORTH OTTAWA PORTAPOTTY	53440 · Utility Expense	10000 · Bank of the West Checking	Construction Fund:North Ottawa Impoundment:N...	-217.75
Total HPS							-217.75
Jamie Beyer							
11/18/2021	21585	Check	WEEK ENDING 10/08/21	51300 · Administration Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-850.00
11/18/2021	21585	Check	WEEK ENDING 10/15/21	51300 · Administration Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-950.00
11/18/2021	21585	Check	WEEK ENDING 10/22/21	51300 · Administration Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-1,070.00
11/18/2021	21585	Check	WEEK ENDING 10/29/21	51300 · Administration Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-1,230.00
Total Jamie Beyer							-4,100.00
Larson Oil Company							
11/18/2021	21590	Check	126 / 31073		10000 · Bank of the West Checking		0.00
11/18/2021	21590	Check	VEHICLE FUEL	54400 · Vehicle Fuel	10000 · Bank of the West Checking	Administrative Fund:General Cash	-31.00
Total Larson Oil Company							-31.00

Bois de Sioux Watershed District CHECKS TO APPROVE - VENDORS & EMPLOYEES October 22 through November 18, 2021

Date	Num	Type	Memo	Account	Split	Class	Amount
League of Minnesota Cities							
11/03/2021	21568	Check	ANNUAL DUES	51800 · District Insurance & Dues	10000 · Bank of the West Checking	Administrative Fund:General Cash	-2,045.00
Total League of Minnesota Cities							-2,045.00
Lori Doll							
11/18/2021	21580	Check	2021 STREAM GAUGE DATA READING	50100 · Stream Gaging Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-75.00
Total Lori Doll							-75.00
MN PEIP							
11/12/2021	21573	Liability Check	Troy	Health Insurance Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-399.35
11/12/2021	21573	Liability Check	Wendy	Health Insurance Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-399.36
Total MN PEIP							-798.71
Moore Engineering, Inc.							
11/17/2021	21577	Check	POLICY COMMITTEE MEETING & PREP	51900 · Engineering Services	10000 · Bank of the West Checking	Administrative Fund:General Cash	-92.50
11/17/2021	21577	Check	TILE PERMITS	50400 · Tile Drainage	10000 · Bank of the West Checking	Construction Fund	-5,410.00
11/17/2021	21577	Check	SURFACE PERMITS	50500 · Surface Drainage	10000 · Bank of the West Checking	Construction Fund	-4,725.00
11/17/2021	21577	Check	PROJECT DEVELOPMENT	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:WCD #20	-185.00
11/17/2021	21577	Check	MAINTENANCE	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:JCD #11	-255.00
11/17/2021	21577	Check	MAINTENANCE	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:TCD #52	-425.00
11/17/2021	21577	Check	GENERAL SERVICES	51900 · Engineering Services	10000 · Bank of the West Checking	Administrative Fund:General Cash	-1,525.00
11/17/2021	21577	Check	RESEARCH	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:TCD #37	-90.00
11/17/2021	21577	Check	DISTRICT BOUNDARY	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-92.50
11/17/2021	21577	Check	MAINTENANCE	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:TCD #27	-170.00
11/17/2021	21577	Check	GIS UPDATES	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-57.50
11/17/2021	21577	Check	RING DIKE POLICY REVIEW & MAPPING	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-625.00
11/17/2021	21577	Check	REDPATH - PHASE 1 TCD #35 RELOCATION	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Redpath Imp.& Mustinka Reh...	-10,470.00
11/17/2021	21577	Check	REDPATH - PHASE 2 MUSTINKA	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Redpath Imp.& Mustinka Reh...	-7,407.50
11/17/2021	21577	Check	FIELD INSPECTION	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:North Ottawa Impoundment:N...	-185.00
11/17/2021	21577	Check	BIG LAKE	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Big Lake Project	-425.00
11/17/2021	21577	Check	LTWQIP PHASE 1	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Lake Traverse WQ Improvem...	-1,380.00
11/17/2021	21577	Check	JCWMP	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-185.00
11/17/2021	21577	Check	JCWMP	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-160.00
11/17/2021	21577	Check	JCWMP GIS/PTMAPP TOOL DEVELOPMENT	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-1,680.00
11/17/2021	21577	Check	JD #11 REPAIR	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:JCD #11	-4,441.30
11/17/2021	21577	Check	JD #6 REPAIR	51900 · Engineering Services	10000 · Bank of the West Checking	Ditch Fund:JCD #6	-10,024.34
11/17/2021	21577	Check	DORAN CREEK	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Doran Creek Project(BdS Dir)	-24,390.76
11/17/2021	21577	Check	SAMANTHA & ELBOW LAKE OUTLET	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund	-1,549.50
11/17/2021	21577	Check	LTWQIP PHASE 2	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Lake Traverse WQ Improvem...	-8,599.00
11/17/2021	21577	Check	LTWQIP PHASE 3	51900 · Engineering Services	10000 · Bank of the West Checking	Construction Fund:Lake Traverse WQ Improvem...	-4,358.23
Total Moore Engineering, Inc.							-88,908.13
Ohnstad Twichell, PC							
11/18/2021	21599	Check	WCD #9 LEGAL ISSUES	52600 · Legal Fees	10000 · Bank of the West Checking	Ditch Fund:WCD #9	-500.00
11/18/2021	21599	Check	LTWQIP #1 LEGAL WORK	52600 · Legal Fees	10000 · Bank of the West Checking	Construction Fund:Lake Traverse WQ Improvem...	-242.50
11/18/2021	21599	Check	JD #6 LEGAL WORK	52600 · Legal Fees	10000 · Bank of the West Checking	Ditch Fund:JCD #6:Bond Proceeds	-3,057.00
11/18/2021	21599	Check	BIG LAKE	52600 · Legal Fees	10000 · Bank of the West Checking	Construction Fund:Big Lake Project	-1,145.00
11/18/2021	21599	Check	NORTH OTTOWA IMPOUNDMENT	52600 · Legal Fees	10000 · Bank of the West Checking	Construction Fund:North Ottawa Impoundment:N...	-40.00
11/18/2021	21599	Check	GENERAL LEGAL WORK	52600 · Legal Fees	10000 · Bank of the West Checking	Administrative Fund:General Cash	-2,699.82
11/18/2021	21599	Check	APIARY LEASE	52600 · Legal Fees	10000 · Bank of the West Checking	Construction Fund:North Ottawa Impoundment:N...	-220.00
11/18/2021	21599	Check	PETITION PROCESS	52600 · Legal Fees	10000 · Bank of the West Checking	Administrative Fund:General Cash	-340.00
11/18/2021	21599	Check	BOUNDARY ADJUSTMENT	52600 · Legal Fees	10000 · Bank of the West Checking	Construction Fund	-200.00
11/18/2021	21599	Check	RING DIKE COST SHARE POLICY	52600 · Legal Fees	10000 · Bank of the West Checking	Construction Fund	-1,042.50
11/18/2021	21599	Check	LTWQIP #2	61100 · Admin/Coord	10000 · Bank of the West Checking	Construction Fund:Lake Traverse WQ Improvem...	-1,127.50
Total Ohnstad Twichell, PC							-10,614.32
Olson Tile & Excavating, LLC							
11/18/2021	21591	Check	RIP RAP PLACED	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Ditch Fund:JCD #2	-1,100.00
Total Olson Tile & Excavating, LLC							-1,100.00

Bois de Sioux Watershed District CHECKS TO APPROVE - VENDORS & EMPLOYEES October 22 through November 18, 2021

Date	Num	Type	Memo	Account	Split	Class	Amount
Otter Tail Power Company							
11/03/2021	21570	Check	ELECTRICITY	53430 · Electricity	10000 · Bank of the West Checking	Administrative Fund:General Cash	-134.59
Total Otter Tail Power Company							-134.59
Otter Tail County							
10/29/2021		Deposit	DITCH ASSESSMENTS FOR WCD BOND	20500 · Intergovernmental Revenue	10000 · Bank of the West Checking	Ditch Fund:WCD #9	866.60
10/29/2021		Deposit	PROPERTY TAXES	42030 · Ottertail County	10000 · Bank of the West Checking	Administrative Fund:General Cash	597.25
10/29/2021		Deposit	PROPERTY TAXES	42030 · Ottertail County	10000 · Bank of the West Checking	Construction Fund	2,948.01
10/29/2021		Deposit	PORTION OF PROPERTY TAXES FOR RRW...	42030 · Ottertail County	10000 · Bank of the West Checking	RRWMB	2,948.01
Total Otter Tail County							7,359.87
Pitney Bowes Global Financial Serv LLC							
11/03/2021	21571	Check	POSTAGE MACHINE LEASE	52100 · Equipment Lease & Rental	10000 · Bank of the West Checking	Administrative Fund:General Cash	-150.69
Total Pitney Bowes Global Financial Serv LLC							-150.69
QuickBooks Payroll Service							
10/28/2021		Liability Check	Fee for 2 direct deposit(s) at \$1.75 each	53700 · Payroll Expenses	10000 · Bank of the West Checking	Administrative Fund:General Cash	-3.50
11/15/2021		Liability Check	Fee for 2 direct deposit(s) at \$1.75 each	53700 · Payroll Expenses	10000 · Bank of the West Checking		-3.50
Total QuickBooks Payroll Service							-7.00
RRWMB							
11/18/2021	21592	Check	PORTION OF PROPERTY TAXES FOR RRW...	54225 · Transfer of Funds RRWMB	10000 · Bank of the West Checking	RRWMB	-30,299.78
Total RRWMB							-30,299.78
Runestone Telecom Association							
11/01/2021	21565	Check	INTERNET & EMAIL	53440 · Utility Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-120.95
Total Runestone Telecom Association							-120.95
Sag's Hardware Hank, Inc.							
11/18/2021	21593	Check	HD CARD	54100 · Repairs and Maintenance	10000 · Bank of the West Checking	Administrative Fund:General Cash	-17.99
Total Sag's Hardware Hank, Inc.							-17.99
State of Minnesota							
10/28/2021		Deposit	MARKET VALUE AG CREDITS	49300 · State Credits & Ag M H Credits	10000 · Bank of the West Checking	Administrative Fund:General Cash	1,553.70
10/28/2021		Deposit	MARKET VALUE AG CREDITS	49300 · State Credits & Ag M H Credits	10000 · Bank of the West Checking	Construction Fund	7,666.93
10/28/2021		Deposit	MARKET VALUE AG CREDITS	49300 · State Credits & Ag M H Credits	10000 · Bank of the West Checking	RRWMB	7,666.93
Total State of Minnesota							16,887.56
Stevens County							
10/28/2021		Deposit	PROPERTY TAXES	42040 · Stevens County	10000 · Bank of the West Checking	Administrative Fund:General Cash	1,551.45
10/28/2021		Deposit	PROPERTY TAXES	42040 · Stevens County	10000 · Bank of the West Checking	Construction Fund	7,651.55
10/28/2021		Deposit	PORTION OF PROPERTY TAXES FOR RRW...	42040 · Stevens County	10000 · Bank of the West Checking	RRWMB	7,651.55
10/28/2021		Deposit	DITCH ASSESSMENTS	41190 · Ditch Assesments	10000 · Bank of the West Checking	Ditch Fund:TCD #37	8.76
Total Stevens County							16,863.31
Traverse Electric Cooperative Inc							
11/01/2021	21566	Check	REDPATH SHED	53430 · Electricity	10000 · Bank of the West Checking	Construction Fund:Redpath Imp.& Mustinka Reh...	-42.75
Total Traverse Electric Cooperative Inc							-42.75
Tri County Coop							
11/18/2021	21594	Check	VEHICLE GAS	54400 · Vehicle Fuel	10000 · Bank of the West Checking	Administrative Fund:General Cash	-228.56
11/18/2021	21594	Check	MEETING MEAL	52800 · Meeting Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-61.83
Total Tri County Coop							-290.39

Bois de Sioux Watershed District

CHECKS TO APPROVE - VENDORS & EMPLOYEES

October 22 through November 18, 2021

Date	Num	Type	Memo	Account	Split	Class	Amount
Valley Office Products, Inc.							
11/18/2021	21595	Check	BATTERY BACKUP	53300 · Office Equip & Furniture	10000 · Bank of the West Checking	Administrative Fund:General Cash	-106.27
Total Valley Office Products, Inc.							-106.27
Wagner Company, Inc.							
11/17/2021	21576	Check	PAY APPLICATION NO. 4	53890 · Contracted Repairs and Maintena	10000 · Bank of the West Checking	Ditch Fund:JCD #6:Bond Proceeds	-40,702.49
11/17/2021	21576	Check	PAY APPLICATION NO. 4	61400 · BMP Construction	10000 · Bank of the West Checking	Ditch Fund:JCD #6:BWSR Ditch Grant C21-5196	-4,810.00
Total Wagner Company, Inc.							-45,512.49
Wilkin County							
11/01/2021		Deposit	PROPERTY TAXES	42060 · Wilkin County	10000 · Bank of the West Checking	Administrative Fund:General Cash	2,446.37
11/01/2021		Deposit	PROPERTY TAXES	42060 · Wilkin County	10000 · Bank of the West Checking	Construction Fund	12,033.28
11/01/2021		Deposit	PORTION OF PROPERTY TAXES FOR RRW...	54225 · Transfer of Funds RRWMB	10000 · Bank of the West Checking	RRWMB	12,033.29
11/18/2021	21597	Check	PRINCIPAL AND INTEREST WCD #9	53200 · Miscellaneous Expenses	10000 · Bank of the West Checking	Ditch Fund:WCD #9	-866.60
Total Wilkin County							25,646.34
Willy's Super Valu							
11/18/2021	21596	Check	MEETING SUPPLIES	52800 · Meeting Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-2.00
11/18/2021	21596	Check	MEETING SUPPLIES	52800 · Meeting Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-3.49
11/18/2021	21596	Check	MEETING SUPPLIES	52800 · Meeting Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-6.99
11/18/2021	21596	Check	CLEANING SUPPLIES	53400 · Office Operations	10000 · Bank of the West Checking	Administrative Fund:General Cash	-7.06
11/18/2021	21596	Check	CLEANING SUPPLIES	53400 · Office Operations	10000 · Bank of the West Checking	Administrative Fund:General Cash	-1.99
11/18/2021	21596	Check	CLEANING SUPPLIES	53400 · Office Operations	10000 · Bank of the West Checking	Administrative Fund:General Cash	-2.49
Total Willy's Super Valu							-24.02
Xerox Corporation							
11/03/2021	21569	Check	COPIER LEASE	52100 · Equipment Lease & Rental	10000 · Bank of the West Checking	Administrative Fund:General Cash	-404.07
11/18/2021	21598	Check	COPIER LEASE	52100 · Equipment Lease & Rental	10000 · Bank of the West Checking	Administrative Fund:General Cash	-368.70
Total Xerox Corporation							-772.77
Fridgen, Troy J							
10/29/2021		Paycheck	Direct Deposit	54700 · Wages and Salaries	10000 · Bank of the West Checking	Administrative Fund:General Cash	-2,968.49
10/29/2021		Paycheck	Direct Deposit	54700 · Wages and Salaries	10000 · Bank of the West Checking	Administrative Fund:General Cash	-346.69
10/29/2021		Paycheck	Direct Deposit	54700 · Wages and Salaries	10000 · Bank of the West Checking	Administrative Fund:General Cash	-151.68
10/29/2021		Paycheck	Direct Deposit	53710 · PERA Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-260.01
10/29/2021		Paycheck	Direct Deposit	53800 · Payroll Taxes	10000 · Bank of the West Checking	Administrative Fund:General Cash	-192.02
10/29/2021		Paycheck	Direct Deposit	53800 · Payroll Taxes	10000 · Bank of the West Checking	Administrative Fund:General Cash	-44.91
11/16/2021		Paycheck	Direct Deposit	54700 · Wages and Salaries	10000 · Bank of the West Checking	Administrative Fund:General Cash	-2,875.92
11/16/2021		Paycheck	Direct Deposit	54700 · Wages and Salaries	10000 · Bank of the West Checking	Administrative Fund:General Cash	-315.17
11/16/2021		Paycheck	Direct Deposit	54700 · Wages and Salaries	10000 · Bank of the West Checking	Administrative Fund:General Cash	-275.77
11/16/2021		Paycheck	Direct Deposit	53710 · PERA Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-260.01
11/16/2021		Paycheck	Direct Deposit	53800 · Payroll Taxes	10000 · Bank of the West Checking	Administrative Fund:General Cash	-192.03
11/16/2021		Paycheck	Direct Deposit	53800 · Payroll Taxes	10000 · Bank of the West Checking	Administrative Fund:General Cash	-44.91
11/03/2021	C20-7...	General Jou...	For CHK 21572 voided on 11/08/2021	52800 · Meeting Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-10.00
11/08/2021	C20-7...	General Jou...	Reverse of GJE C20-7177 Gr -- For CHK 215...	52800 · Meeting Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	10.00
11/03/2021	21572	Check	CLASS REGISTRATION	52800 · Meeting Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	0.00
11/17/2021	21578	Check	USED PERSONAL VEHICLE	53100 · Mileage Expense Staff	10000 · Bank of the West Checking	Administrative Fund:General Cash	-67.20
11/18/2021	21587	Check	DATA/CELL PLAN	53440 · Utility Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-70.00
Total Fridgen, Troy J							-8,064.81

Bois de Sioux Watershed District

CHECKS TO APPROVE - VENDORS & EMPLOYEES

October 22 through November 18, 2021

Date	Num	Type	Memo	Account	Split	Class	Amount
Sullivan, Wendy M							
10/29/2021		Paycheck	Direct Deposit	54700 · Wages and Salaries	10000 · Bank of the West Checking	Administrative Fund:General Cash	-1,491.20
10/29/2021		Paycheck	Direct Deposit	54700 · Wages and Salaries	10000 · Bank of the West Checking	Administrative Fund:General Cash	-78.48
10/29/2021		Paycheck	Direct Deposit	53710 · PERA Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-117.73
10/29/2021		Paycheck	Direct Deposit	53800 · Payroll Taxes	10000 · Bank of the West Checking	Administrative Fund:General Cash	-65.87
10/29/2021		Paycheck	Direct Deposit	53800 · Payroll Taxes	10000 · Bank of the West Checking	Administrative Fund:General Cash	-15.41
11/16/2021		Paycheck	Direct Deposit	54700 · Wages and Salaries	10000 · Bank of the West Checking	Administrative Fund:General Cash	-1,335.16
11/16/2021		Paycheck	Direct Deposit	54700 · Wages and Salaries	10000 · Bank of the West Checking	Administrative Fund:General Cash	-139.63
11/16/2021		Paycheck	Direct Deposit	54700 · Wages and Salaries	10000 · Bank of the West Checking	Administrative Fund:General Cash	-61.09
11/16/2021		Paycheck	Direct Deposit	53710 · PERA Expense	10000 · Bank of the West Checking	Administrative Fund:General Cash	-115.19
11/16/2021		Paycheck	Direct Deposit	53800 · Payroll Taxes	10000 · Bank of the West Checking	Administrative Fund:General Cash	-63.78
11/16/2021		Paycheck	Direct Deposit	53800 · Payroll Taxes	10000 · Bank of the West Checking	Administrative Fund:General Cash	-14.91
11/03/2021	21567	Check	MEETING MEAL	53100 · Mileage Expense Staff	10000 · Bank of the West Checking	Administrative Fund:General Cash	-18.48
Total Sullivan, Wendy M							-3,516.93
Monty Itzen							
10/28/2021		Deposit	2021 - 2022 STORAGE BUILDING RENT	47100 · Storage Building Rental Income	10000 · Bank of the West Checking	Construction Fund:Redpath Imp & Mustinka Reh...	500.00
Total Monty Itzen							500.00
No name							
11/01/2021		Deposit	DITCH ASSESSMENTS	41190 · Ditch Assesments	10000 · Bank of the West Checking	Ditch Fund:WCD #18	171.44
11/01/2021		Deposit	DITCH ASSESSMENTS	41190 · Ditch Assesments	10000 · Bank of the West Checking	Ditch Fund:WCD #20	2,720.30
11/01/2021		Deposit	DITCH ASSESSMENTS	41190 · Ditch Assesments	10000 · Bank of the West Checking	Ditch Fund:WCD #25	21.98
11/01/2021		Deposit	DITCH ASSESSMENTS	41190 · Ditch Assesments	10000 · Bank of the West Checking	Ditch Fund:WCD #35	101.34
11/01/2021		Deposit	DITCH ASSESSMENTS	41190 · Ditch Assesments	10000 · Bank of the West Checking	Ditch Fund:WCD #39	191.33
11/01/2021		Deposit	DITCH ASSESSMENTS	41190 · Ditch Assesments	10000 · Bank of the West Checking	Ditch Fund:WCD #Sub-1	2,563.12
11/01/2021		Deposit	DITCH ASSESSMENTS	41190 · Ditch Assesments	10000 · Bank of the West Checking	Ditch Fund:JCD #6	2,799.29
11/01/2021		Deposit	DITCH ASSESSMENTS	41190 · Ditch Assesments	10000 · Bank of the West Checking	Ditch Fund:JCD #7	272.01
11/01/2021		Deposit	DITCH ASSESSMENTS	41190 · Ditch Assesments	10000 · Bank of the West Checking	Ditch Fund:JCD #11	311.08
10/31/2021		Deposit	Interest	43000 · Interest Income	10210 · Bremer Bank Money Market	Construction Fund	90.55
10/31/2021		Check	Service Charge	53200 · Miscellaneous Expenses	10010 · Bremer Bank Checking	Administrative Fund:General Cash	-2.00
10/31/2021		Deposit	Interest	43000 · Interest Income	10700 · Star Bank Checking	Construction Fund	1.64
11/18/2021	C20-7...	General Jou...	PHASE 1 COSTS PAID BY PHASE 2 GRANT	61500 · Agricultural Practices	-SPLIT-	Construction Fund:Lake Traverse WQ Improvem...	-188,073.44
11/18/2021	C20-7...	General Jou...	PHASE 1 COSTS PAID BY PHASE 2 GRANT	53890 · Contracted Repairs and Maintena	61500 · Agricultural Practices	Construction Fund:Lake Traverse WQ Improvem...	188,073.44
Total no name							9,242.08
TOTAL							-173,583.92

Ron Anderson
PO Box 1630
Sioux Falls, SD 57101

November 9, 2021

Bois de Sioux Watershed District
Troy Fridgen
704 Highway 75 South
Wheaton, MN 56296

Re: Failure to Comply with After-the-Fact Permit No. 21-054 Conditions

This letter is to reply to the Letter dated Nov. 4, 2021 from Troy Fridgen regarding The Permit No. 21-054. The description of the ditches described in this letter does not match with the work I have done on my property. The location descriptions are not accurate. The 560th Avenue is not adjacent to the work I have done on my property. The slope of the ditches he is referring to aren't any different from many other ditches in the immediate area. Troy sent me a notice saying I needed to apply for this permit or I would be in trouble with the Watershed District because I was doing ditch maintenance.

The work I completed was on my own property. I was cleaning an existing ditch that was all clay. Vegetation does not grow in clay. Other ditches in the vicinity of the area are similar in that they don't have any vegetation growing in the clay. The township has stated that I am on my own property, not the township. The township regulates the ditches, not Bois de Sioux. Troy has contacted the township regarding this ditch situation. The township has emphasized that Bois de Sioux has no say in the ditches of Donnelly township. Troy is alienating the township supervisors in regard to this issue. Troy has stated it is all about getting along but he is doing anything but.

In a previous conversation, Troy has stated that he would turn this matter over to your lawyers. I replied that I was willing to speak to your lawyer. If you want to continue to try to enforce this permit that was strictly outside of your jurisdiction I would prefer to work things out with the lawyer.

I would like all matters dealing with Bois de Sioux to be resolved as soon as possible. There are other After the Fact Permit fines to be resolved with Mark Anderson and myself that are still outstanding. I have made requests to close out my after the fact permits but have not received anything to do so. Property owners in the area have not received any notices of comment on Mark Anderson's After the Fact Permit.

I feel I am being harassed by Bois de Sioux Troy Fridgen, Engineer Technician.
I look forward to resolving these issues in the near future.

Sincerely,

Ron Anderson, Land Owner

November 4, 2021

Ronald Anderson
P.O. Box 1630
Sioux Falls, SD 57101

Re: Failure to Comply with After-the-Fact Permit No. 21-054 Conditions

Dear Mr. Anderson,

This letter is in regard to After-the-Fact Permit No. 21-054 (the "Permit") issued by the Board of Managers of the Bois de Sioux Watershed District (the "District") for ditch maintenance in the West half of Section 28 and the East half of Section 29, Donnelly Township, in Stevens County, Minnesota. More specifically, the purpose of this letter is to ensure compliance with the Permit conditions approved by the District's Board of Managers and to remedy public safety concerns.

We have had several conversations in an effort to address the tiling and ditch maintenance associated with the Permit. However, it is evident from the enclosed photographs that an issue remains with the extent of ditch maintenance as excavation of the ditch is creating a hazardous slope adjacent to 560th Avenue. One of the four permit conditions approved by the Board of Managers was that, "road ditches shall be sloped and vegetated." To date, neither sloping nor seeding of the ditch have been completed. In addition to a possible violation of the Permit for failing to properly slope and vegetate the ditch, the excessive excavation into the clay that created the hazardous ditch slope exceeds the scope of maintenance. These are violations of the Permit and the 2009 REVISED RULES OF BOIS DE SIOUX WATERSHED DISTRICT.

In order to remedy the potential violations, the District respectfully requests that you either (1) replace the excavated material and properly slope the 560th Avenue ditch, or (2) install an appropriately sized drain tile (approved by the District) at the bottom of the ditch channel, cover it with fill, and properly slope the 560th Avenue ditch.

The District looks forward to working with you to resolve this matter. Failure to comply or respond to this letter on or before November 17, 2021, may result in the District taking further action on this matter at its November 18, 2021, meeting. If you have any questions or comments, please contact me at (320) 563-4185 or troy.bdswd@runestone.net.

Sincerely,
BIOS DE SIOUX WATERSHED DISTRICT

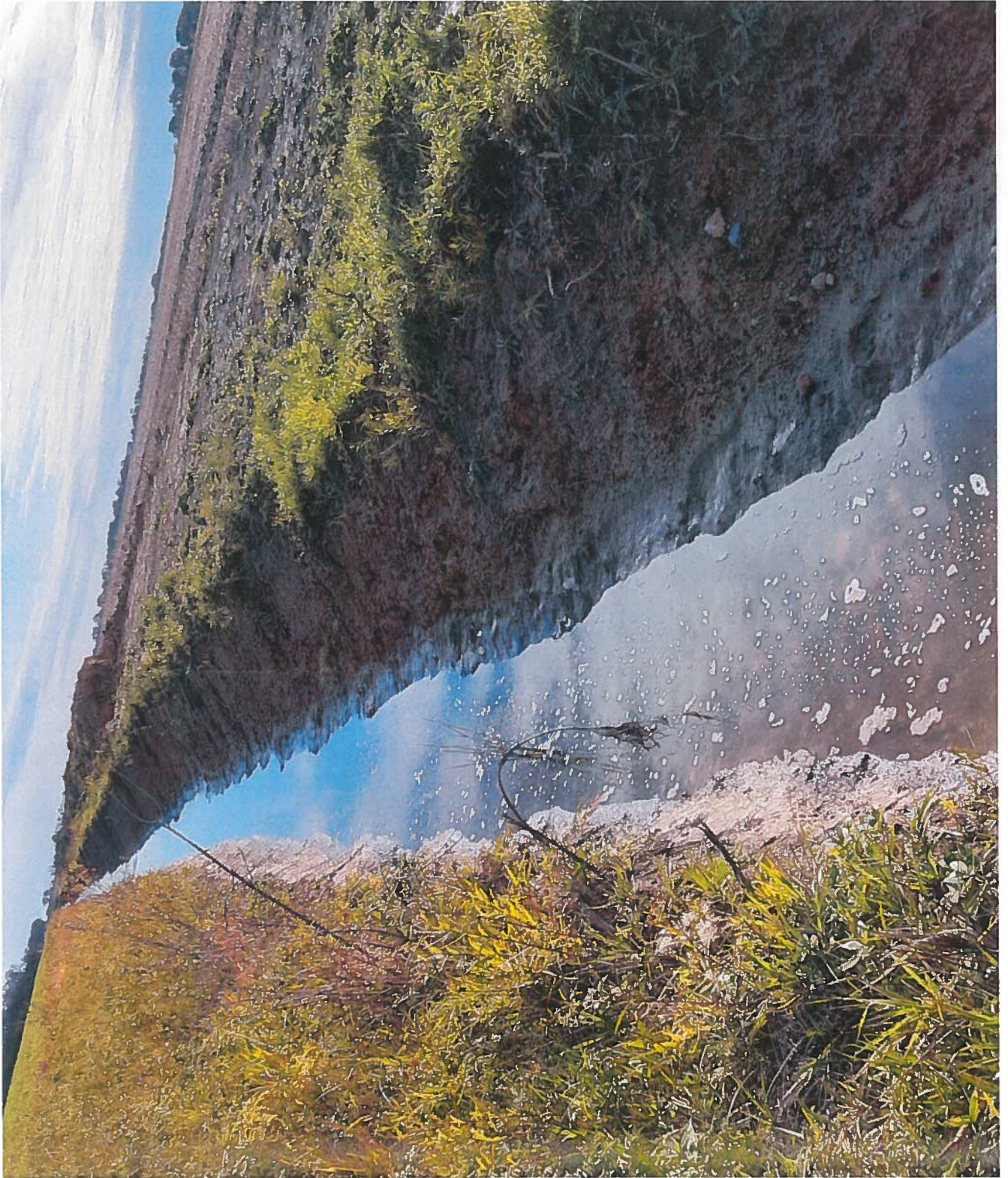


Troy Fridgen, Engineer Technician

Enclosures







APPLICATION OF BOND TO JUDICIAL DITCH #6 REPAIR AND REDETERMINATION EXPENSES:

Category	Cost Estimate	Previous Work	Costs Before 6/7/21	Applied 11/18/2021	Total Requests
Construction	\$ 528,727.68	\$ 535,816.65	\$ -	\$ 40,702.49	\$ 576,519.14
Utilities	\$ 40,000.00	\$ 4,677.81	\$ 6,876.15	\$ -	\$ 11,553.96
Viewers	\$ 15,000.00	\$ -	\$ 9,224.46	\$ -	\$ 9,224.46
RW and Legal Descriptions	\$ 40,000.00	\$ 9,066.00	\$ 12,244.45	\$ 280.00	\$ 21,590.45
Grant App, Admin Assistance, Engineering Final Design (300), Redetermination of Benef	\$ 102,500.00	\$ -	\$ 171,844.73	\$ -	\$ 171,844.73
Engineering Construction Construction (400)	\$ 122,500.00	\$ 70,025.24	\$ -	\$ 10,024.34	\$ 80,049.58
BdSWD Staff and Admin	\$ 10,000.00	\$ -	\$ 2,865.59	\$ -	\$ 2,865.59
ROW - Retro and Buffer, Construction and Spoil Easement	\$ 278,090.00	\$ 74,735.00	\$ 188,355.00	\$ -	\$ 263,090.00
Project Bonding/Fiscal	\$ 164,566.18	\$ 26,630.00	\$ -	\$ -	\$ 26,630.00
<u>Contingencies</u>	<u>\$ 171,191.14</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
TOTAL COST	\$ 1,472,575.00	\$ 720,950.70	\$ 391,410.38	\$ 51,006.83	\$ 1,163,367.91

Actual Bond: \$ 1,472,575.00

Linda Vavra, President

**BdSWD Board Meeting
November 18, 2021
Engineer's Report**

1.) Permitting Update

- a. 157 permits total in 2021
- b. Permit 21-066 Approved with condition that District Engineer sets elevation.

2.) Eldorado/Dollymount

- a. 640th Ave Road raise project is moving forward. Funding agreement between Dollymount Twp and Bois de Sioux Watershed District will be presented at November board meeting. May need gate on the south side of arch pipe through highway to prevent floodwaters from going north if South Twp. road is raised. Dollymount Township to seek amended application with additional construction plan detail added.
- b. Eldorado Twp. grant for road project was denied. As directed by board: Lukas, Jim and Chad met 6/29/21 to determine recommended path forward for landowners in Stevens County. Recommendation is to petition for a new ditch and outlet fee into TCD 37. New ditch would pay outlet fee covering their portion of historical TCD 37 costs to date and new ditch would be added as a benefitting party to the existing TCD 37 benefit list, therefore paying for a portion of the current financed debt and future maintenance. At July 2021 meeting, board directed staff to inform Twp. that they need to retain an attorney to draft a petition for a new 103E ditch with \$50K bond, complete. Waiting for petition.

3.) Stream Gage & Spring Flood

- a. Troy to review volunteer gage reading program
- b. Troy to survey and remove gage 51 and replace after MnDOT Hwy 55 project.

4.) Ditch Maintenance & Inspections

- a. Attorney drafted memo on ditch inspections and repairs – staff to follow guidance.
- b. Board authorized Inspection of Area #2 for 2021 at February 2021 board meeting.

5.) POLICY AND PROCEDURES Committee Tasks

- a. Staff to review and provide comment on draft rules/by-laws/policies.
- b. Engineer/Technician ditch repair process/procedures – grade determination, culvert sizing, etc. Checklist needed.
- c. At July 2021 meeting board added State and County Highway Culvert permits to the agenda. The idea is that all culverts will require a permit, including replacements. This is to deal with existing culverts that are oversized.
- d. Ring Dike Cost Share Policy approved at 10/22/2021 board meeting.
- e. Review 103E ditch entrance fee policy.

6.) Ditch Projects

a. Significant Ditch Repairs/Retrofits/Improvements

- i. WCD 9 Improvements (2019 Construction start - Improvement)
 - 1. \$67,188 MDM grant awarded. Additional \$49,932 awarded May 2019. Total MDM **\$117,120**.
 - 2. The BdSWD has committed culvert sizing funds.
 - 3. **\$100,000** water quality grant approved by RRWMB at 4/21/2020 board meeting.
 - 4. Board approved clean water funding up to 75% at September 2021 board meeting.
 - 5. Work on closing out grant with SWCD.
 - 6. Record drawings and Final Cost Summary needed. Project closed out with Riley.
- ii. JD 11 – Retrofit (2020 Construction start - Repair)
 - 1. Project received BWSR MDM Grant totaling **\$327,000**.
 - 2. Sheetpile outlet structure complete. Waiting for final Pay Application.
 - 3. Board approved clean water funding up to 75% at September 2021 board meeting.
 - 4. Record drawings and Final Cost Summary needed.
- iii. JD 6 (2021 Construction start - Repair)
 - 1. BWSR awarded MDM Grant for JD 6 in the amount of **\$356,359**
 - 2. 1W1P has budgeted **\$148,000** toward this project, use toward MDM to get to 75%.
 - 3. Landowner requests a field approach south of Hwy 55 and west of ditch with 60' top, DOT will construct this approach with Hwy 55 project.
 - 4. Board approved clean water funding up to 75% at September 2021 board meeting.
 - 5. Waiting for final Pay Application from contractor.
 - 6. Record drawings and Final Cost Summary needed.
- iv. WCD 1
 - 1. Waiting on petition for WCD #1. Preliminary plans & estimate of cost complete for WCD #1.
 - 2. Landowner meeting was held 1:00 PM February 6th, 2018 in Breckenridge.
 - 3. Landowner meeting was held 1:00 PM August 17, 2020 in Tyler ND
 - 4. January 2021 Update – Petition on hold due to lack of support at this time.

- v. JD 12
 - 1. Board authorized Moore (8/17/2017) to develop plans and estimate of cost for erosion repairs, however Troy has been doing partial repairs the last 2 years. Needs scour prevention project.
 - 2. Waiting on petition for Lateral 1. Preliminary plans & estimate of cost complete for WD 4.
 - 3. Board authorized Moore to assist Grant County Hwy Dept. with engineering design of JD 12 Lateral 4 (complete) and Lateral 2 (in-progress) at October 2018 board meeting. Landowner meeting for Lateral 4 held July 9th. At August board meeting the engineer was instructed to meet with the DOT and County regarding the specifics of the Lateral 4 repair. The engineer's report and hearing have been tabled and another avenue for development may be explored. Chad and Tracey to develop cost split proposal for project.
- vi. TCD #8
 - 1. Board authorized Moore (Oct 17, 2019 meeting) to complete hydraulic analysis and evaluation of future improvement options. January 10th landowner meeting was held to discuss options for drainage improvements and continued to February 14th. Several options were presented, waiting for TCD #8 landowners to give the board direction. A couple landowners offered to sell property.
 - 2. Landowner reports that water breaks out of TCD 8 and goes north in Section 3.
- vii. WCD #20 Outlet
 - 1. Moore presented preliminary repair plan and estimate of cost at September board meeting. Engineer to develop schedule, scope, and cost share strategy to advance the project. Met with Lukas about R/W implications for laying back slope and the need to appoint viewers for damages vs. redetermination.
 - 2. SWCD interested in doing project. Put on November meeting agenda.
- viii. WCD #25 Outlet
 - 1. Moore presented preliminary repair plan and estimate of cost at September board meeting. Engineer to develop schedule, scope, and cost share strategy to advance the project. Met with Lukas about R/W implications for laying back slope and the need to appoint viewers for damages vs. redetermination.
 - 2. Possible retrofit candidate, some landowner support expressed.
 - 3. At September 2021 meeting, board authorized engineering to complete a hydraulic study. Schedule landowner meeting for February 2022.
- ix. TCD #35 Improvements
 - 1. Redpath Twp. board meeting held March 22, 2021. Landowner meeting held March 26th, 2021.
 - 2. 103E.241 Improvement petition filed ahead of April 2021 meeting. Redpath to pay all costs.
 - 3. Preliminary Findings and Order and Appointment of Engineer approved at April 2021 meeting.
 - 4. Redetermination of benefits process will acquire permanent easements and spoil easements.
 - 5. Moore filed Preliminary Engineer's Report at May 2021 board meeting and board accepted.
 - 6. Preliminary Engineer's Report submitted to DNR for preliminary advisory report.
 - 7. Preliminary Hearing held July 13th 2021 at 10:00 AM. Viewers appointed.
 - 8. Submit for RRWMB STAR funding for TCD #35 at Step 3 request.
 - 9. Board authorized submittal of BWSR MDM Grant request at March 2021 meeting. Total Phase 1 cost now estimated at \$2.5 Million, update funding strategy table. Complete.
 - 10. Final Engineer's Report submitted ahead of November board meeting. Viewer's report anticipated for November board meeting.
- x. WCD #35
 - 1. Landowner meeting held March 26th, 2021. Landowners do not want a ditch reconstruction style retrofit. Landowners support a ditch cleanout and installation of side inlet culverts and review of culvert capacities.
 - 2. Board approved Findings and Order Initiating the Reestablishment of Drainage System Records pursuant to 103E.101 subd. 4 at April 2021 board meeting.
 - 3. Submit for BWSR MDM Grant for side inlets in 2022 and plan for 2023 construction.
 - 4. Moore completed Engineers Report including ditch plans satisfying 103E.101 subd. 4 and submitted to BdSWD at June 2021 board meeting.
 - 5. Public Hearing on Prelim Engineer's Report held 8:30 AM July 15th, 2021. Board approved finding.
 - 6. Board authorized Engineer to prepare side-inlet plan and estimate of construction cost at September 2021 meeting.
- xi. TCD #52 Lat 3
 - 1. Moore to study Lateral 3 in Section 7 Parnell Twp. Complete field survey, investigate original records, and determine the legal grade line. Investigate Lateral 2 immediately downstream as well. Nate and Troy to complete in July/August. To be completed this fall.

xii. GCD #21

1. Landowner meeting held June 30th in Herman, MN. Grant County will prepare landowner petition for improvement. Lukas and John Kolb are meeting July 7 to discuss BdSWD becoming ditch authority via the improvement process.

7.) North Ottawa

- a. Gages have been repaired, solar panels are not working.
- b. Moore has completed the hydraulic analysis of the collection channel. Need to schedule a landowner meeting.
- c. 11/15/2018 board authorized engineer to work with Dr. Jay Leech on grad student economics projects.
- d. Troy to survey top of all levees with Nathan. In progress.

8.) Redpath

- a. Complete utility relocations prior to construction. Meet with landowners on adjacent drain tile / obtain tile plans.
- b. MN Flood Hazard Mitigation Agreement for **\$800,000** for TCD #35 approved. 50/50.
- c. Verify existing bridges will not float when inundated.
- d. Board authorized submittal of LCCMR Grant application at February 2021 board meeting, COMPLETE
- e. Board authorized submittal of RRWMB Clean Water Grant at April 2021 board meeting. Approx. \$507K. COMPLETE
- f. Board authorized submittal of BWSR CWG at April 2021 meeting for Mustinka Rehab. Approx. \$800K. COMPLETE.
- g. DNR Dam safety and Pubic Waters Permit approved November 2021.
- h. Address 103D status with Lukas.
- i. Submit for FM-Diversion funds in November 2021.
- j. Submit for any local (TWP/County) permits in December 2021.
- k. Submit Step 3 funding package to RRWMB with updated cost after permitting is complete.
- l. Need agreement with Redpath Twp. to spell out responsibilities for road closures.

9.) Big Lake

- a. July 2019 Paquin's stated in email that they do not desire to sell property for the project.
- b. Project resolution approved at November 2020 board meeting. Project hearing December 22, 2020 10:00 AM.
- c. Moore to run RRWMB Star Value computation for project, submit as Step 3 after permitting.
- d. Discuss Water Management District with Board.
- e. EAW complete, board approved FONSI and ROD at June 2021 board meeting for annual 18" drawdown. Notice was published in the EQB Monitor regarding negative declaration for an EIS.
- f. Lakeshore landowner meeting seeking 75% support was held September 24th at 10 AM.
- g. Submit Public Waters Permit Application after 75% landowner support is obtained. Board to set deadline.

10.) One Watershed One Plan

- a. Moore to assist as needed.

11.) BdS Direct - NRCS RCPP Watershed Planning

- a. Board passed motion to stop RCPP planning at February 2019 Meeting. Need to submit final report.

12.) Doran Creek Water Management District

- a. Moore presented proposed WMD at Sept 2020 board meeting. Add sediment transport reduction for proximity.
- b. Landowner meeting held August 17th 2020 in Tyler ND to introduce Water Management District
- c. Public has requested to see before/after water surface profiles for project, including through Hwy 9.
- d. Moore met with Wilkin SWCD staff to develop path forward (Kim and Tara to be involved). Continue meetings.
- e. At October 2020 meeting, the board committed **\$100,000** for project development.
- f. 1W1P has budgeted **\$115,000** toward this project.
- g. Moore to complete WMD Assessment District formula and develop schedule for creating WMD.
- h. Project extents are through Section 5 Brandrup and through Section 7 Brandrup.
- i. **\$100,000** RRWMB base funding grant approved in 2021.
- j. Moore to develop 95% plans, estimate of cost, and engineer's report.
- k. Moore to present project at November 2021 board meeting.

13.) Lake Traverse Water Quality Project No. 1 – PHASE 1

- a. BWSR P&P grant awarded in the amount of **\$336,775**.
- b. RRWMB approved **\$283,000** clean water grant at May 2020 meeting.
- c. Board approved **\$300,000** Construction Fund Commitment at May and June 2020 board meetings.
- d. Construction complete. Final hearing held at September board meeting and Final Pay Application was approved.
- e. Record Drawings are COMPLETE.

14.) Lake Traverse Water Quality Project No. 1 – PHASE 2

- a. BWSR P&P Grant awarded in the amount of **\$418,235**.
- b. Board authorized **\$100,000** for project development of Phase 2 at October 2020 board meeting.
- c. 1W1P has budgeted **\$325,000** for Phase 2.
- d. RRWMB approved **\$367,765** at May 2021 board meeting.
- e. Construction project awarded to Wagner at September 2021 board meeting.
- f. Notice to Proceed issued October 6th, 2021, contractor on site the week of Oct. 11th. Construction 90% complete.

15.) Lake Traverse Water Quality Project No. 1 – PHASE 3

- a. Board to authorized preliminary engineering and project development of Phase 3 at May 2021 board meeting.
- b. Board committed **\$100,000** from construction fund to project at May 2021 board meeting.
- c. Board authorized BWSR P&P grant submittal at May 2021 board meeting. COMPLETE.
- d. Moore to submit for RRWMB Funding January 2022. Get authorization from board in December.
- e. Moore to complete preliminary plans and estimate of cost. Bid in February/March.

16.) Moonshine Lakebed Project

- a. Board authorized Scott and Chad to speak with Big Stone County Engineer about project concept and downstream ditch system which is managed by Big Stone County.

17.) Mustinka

- a. 11/2/2017 board made motion in unanimous support of the project and to send a letter to Grant County Hwy indicating funding commitment of \$400,000 toward joint project with MnDOT and Grant County.
- b. Board approved \$20,000 for EAW at January 18, 2018.

18.) Ring Dikes

- a. Lukas to draft Ring Dike Funding Agreement as directed by board at 10/21/2021 meeting.

19.) Lake Samantha

- a. BdSWD and Grant County entered into JPA. Grant County to sponsor and construct the project. Grant County to turn project over to BdSWD after construction and BdSWD may create a WMD for maintenance.
- b. Grant County Commission awarded project to Olson Tile 9/15/20 contingent on CRP approvals. Permit application approved by BdSWD. Need to close out construction project.
- c. Easement for channel between Lake Samantha and Elbow Lake in progress. Need to finalize.
- d. Meeting held with DNR at June BdSWD board meeting. DNR requested that LGU study the impacts of three alternatives before doing a full EAW: Do Nothing, 18" lake drawdown, and 18" road raise. The impact to wetlands should be identified for each alternative; widening of road vs. drawdown effect to periphery wetlands. The study should include a hydrologic risk assessment of the road flooding under current and future conditions. The study should include the cost of each alternative including the cost of wetland mitigation. Armoring the overflow from Elbow Lake should be included in the cost of the 18" drawdown alternative. DNR states that roadway wetland impacts can be mitigated by the BWSR road replacement program. DNR or LGU can be RGU for EAW, but LGU will pay all costs; however, DNR does not want to see a EAW at this time. Calculate created periphery wetlands acres by drawing down lake using aerial imagery. Proposal to include about a dozen survey shots 1.5 feet below the OHWL and existing shoreline location to understand new shoreline location.
- e. Engineering to present path forward at November 2021 board meeting.

20.) Five Mile Creek

- a. Moore and OT presented a project development concept to the board at the March 2020 meeting. Complete.

21.) Webmap

- a. Complete. If board/staff has suggestions for improvements give to Jim.
- b. Board authorized engineering to digitize all BdSWD 103E ditch benefit areas at September 2021 board meeting.

22.) South Boundary Redetermination

- a. BdSWD approved the engineering estimate for the South Boundary redetermination at the March 2021 meeting, \$5,500. Costs will be split between the UMRWD and BdSWD based on the ratio of acres gained by each District.
- b. Moore completed development of parcel list for 103D petition.
- c. Informal landowner meeting held 10:00 AM June 25th to better delineate boundary ahead of Hearing.
- d. Nathan updated boundary map to reflect meeting comments.
- e. South Boundary BWSR Hearing is Monday November 22 and 2 PM in Graceville.

CONSTRUCTION PROGRESS UPDATE

Bois de Sioux Watershed District

REPORTING DATE: 10/22/2021 – 11/18/2021

Project Lake Traverse Water Quality Improvement Project Phase 2

Location Windsor Township, Traverse County

Client Bois de Sioux Watershed District

Moore Project No. 21932

Project Field Contacts
Peter K. 218-205-5358
Brady W. 218-790-0790
Lucius J. 715-207-9850

General Contractor Wagner Companies

Other Contractors Seeding subcontractor

RUNNING TIMELINE 9/10/2021 Bid Opening

9/16/2021 Project Awarded to Wagner Companies

10/06/2021 Signed Contracts and Notice to Proceed

10/11/2021 Construction initiated.

RECENT ACTIVITY 11/10/2021 Complete channel excavation, spreading topsoil in progress.

11/12/2021 Complete requested alterations to the riffles. Ready for seeding.

UPCOMING TENTATIVE

11/24/2021 Seeding and stabilization for winter. Anticipated Substantial Completion

05/2022 Anticipated Final Completion

09/01/2022 Contract Substantial Completion Date

09/23/2122 Contract Final Completion Date

ITEMS TO DISCUSS N/A

CONSTRUCTION PROGRESS UPDATE

Bois de Sioux Watershed District



11/08/21: Construction of Rock Riffle 6



11/10/21: Topsoil Spreading

Bois de Sioux

CONSTRUCTION PROGRESS UPDATE

Bois de Sioux Watershed District



11/10/21: Rock Riffle 8 & 9 After topsoil spreading

Bois

CONSTRUCTION PROGRESS UPDATE

Bois de Sioux Watershed District



11/10/21: Looking Northeast along Highway 27 after topsoil spreading

Bois

Jamie Beyer

From: Emily Javens <emily@mnwatershed.org>
Sent: Wednesday, November 17, 2021 10:35 AM
To: Emily Javens
Cc: Gene Tiedemann; Jackie Anderson, Comfort Lake - Forest Lake WD; Linda Vavra, Bois de Sioux WD; Mary Texer, Capitol Region WD; Peter Fjestad; Ruth Schaefer, Middle Fork Crow River WD; Sherry Davis White, Minnehaha Creek WD; Wanda Holker; raybohnmg@gmail.com; Jan Voit
Subject: MAWD submits legal petition for rulemaking to BWSR
Attachments: Ltr - - MAWD to BWSR 10-27-21.pdf; 2021-11-08 MAWD Petition for BWSR Rulemaking.pdf

Administrators,

The BWSR Board, on October 27, 2021, ordered staff to develop a new type of comprehensive planning process that would allow “Enhanced” Metro SWCD Plans to be developed if the SWCDs felt the work they do to meet water quality goals was not recognized in our 103B watershed plans. Creating a new type of comprehensive plan, rather than operating within existing comprehensive watershed management plans, is an approach that runs counter to the work already being done as directed by the 1985 Surface Waters Act. It also runs counter to the entire premise of the more recently adopted One Watershed One Plan program. We consulted with our attorneys who confirmed this effort is in conflict with present law and rules. Therefore, after nearly a year of wrangling with BWSR on this issue and because of the far-reaching ramifications of this action, the MAWD Board concluded that a pursuit of more formal action was warranted. Last week, we submitted a petition that legally requires BWSR to consider whether rulemaking is required for this initiative or not. We are asking that the proposed SWCD planning process be completed through formal rulemaking or they abandon the proposal. We see formal rulemaking as the only way to provide full transparency and input on a decision of this magnitude.

Here are the two sentences in [Board Order 21-51](#) that authorizes staff to build this program without any further input from the Board. As long as staff meet these basic requirements, they can develop whatever parameters and process they desire.

“The Board hereby...

2. Establishes the content and process for Metro Soil and Water Conservation Districts to develop an enhanced comprehensive plan consistent with Minnesota Statutes §103C.331 and in consideration of Minnesota Rule Part 8410.0060 if the SWCD determines that an eligible 103B plan does not sufficiently and comprehensively include their activities. The plan content must include priority issues, measurable goals, and a targeted implementation action table. The process must include stakeholder input, establishment of an advisory committee, a public notice and comment period, a public hearing, and BWSR Board approval.”

I’ve attached the submitted petition as well as a letter we sent before the BWSR Board acted on this decision. I testified to the contents of the letter on the day of the meeting to ensure all voting members were aware of our concerns. We believe we need to hold BWSR accountable when they overstep their authority. We are at a loss to explain why BWSR is taking this approach, much less without rulemaking. The MAWD Board of Directors believe we as watershed organizations cannot let this misuse of authority and disregard for efficient watershed management go unchallenged. We are supposed to be streamlining planning efforts so that we can spend more time, money, and energy on getting projects on the ground that restore and protect our natural resources and we are headed in the wrong direction.

Please share this information with your boards and let me know if you have any questions.

Emily

October 27, 2021

VIA EMAIL ONLY

Mr. Gerald Van Amburg, Chair
Minnesota Board of Water & Soil Resources
520 Lafayette Rd.
St. Paul, MN 55155

Re: Clean Water Fund Watershed-based Implementation Funding Program

Dear Mr. Van Amburg and BWSR Board Members:

The Minnesota Association of Watershed Districts opposes the Draft Board Order concerning the Clean Water Fund Watershed-based Implementation Funding Program because it is not watershed-based and is the product of an abbreviated and inadequate rulemaking process. For reasons explained below, we respectfully request that the Board defer action on this proposed Board Order to provide for necessary corrections through proper rulemaking.

It is vital at the outset for MAWD to acknowledge that SWCDs are critical partners in water resources management. The Local Government Roundtable alliance of MSCWD, AMC and MAWD indeed fostered the One Watershed One Plan legislation as a key instrument to implement Minnesota's Clean Water Legacy. It is also vital to recognize that the fundamental purpose of One Watershed One Plan is to "align local water planning purposes and procedures . . . **on watershed boundaries** to create a systematic, watershed-wide, science-based approach to watershed management." §103B.801, subd. 2 (emphasis added). Unfortunately, Paragraph 2 of the proposed Board Order departs from this commitment in law to water resource planning on watershed boundaries.

MAWD also recognizes the complexity and challenge of adopting a sound Clean Water Fund Watershed-based Implementation Funding Program. It is that complexity and challenge of promulgating a cohesive and comprehensive framework that compels a more formal rulemaking approach, and as noted below, it is what the legislature and courts of Minnesota require.

There are several specific concerns worthy of deeper consideration before BWSR acts on this matter. MAWD appreciates the proposed policy shift as to how WBIF funds will be allocated. This shift will move from the 10 metropolitan "convene" areas and instead allocate funds to 24 "Watershed Planning Areas" (WPAs) that are contiguous with watershed district/WMO boundaries. This will largely remove the extra planning and coordination layer and allow local water agencies and units of government to coordinate WBIF spending through the WD/WMO §103B.231 watershed management plan (WMP). However, there are several features of the revised policy about which MAWD has concern and that merit more careful consideration by BWSR and all the parties working collaboratively for effective and efficient management of water resources. These include the following:

- Under the proposed policy, WDs and WMOs, SWCDs, counties and municipalities must "coordinate ... before submitting a watershed-based implementation funding budget request that is prioritized, targeted and measurable." How this will occur, however, does not appear to have been thought through. For WPAs that cross county boundaries, there will be multiple

SWCD and potentially county roles to coordinate. By virtue of §103D.337, WDs already maintain and work with standing technical advisory committees (TACs) staffed by SWCD, county and municipal interests. It would be most efficient, and most aligned with watershed-based priorities, for existing WPA TACs to formulate WBIF budget requests in alignment with the WMP.

- The draft proposal for SWCDs to develop "enhanced comprehensive plans" that we have reviewed ("Metro Enhanced SWCD Comprehensive Plan Options," 9-8-21) would seem inefficient and unnecessary. WMPs, through a collaborative process, are required to establish measurable watershed-based goals (Minn. Rules 8410.0080) and set forth prioritized implementation actions to achieve those goals that define the responsibilities of the WMO, SWCDs, cities/towns and others in carrying out those actions (Minn. Rules 8410.0105). Our review of WMPs for the 23 WDs/WMOs encompassing the metro area finds that all but two of them explicitly identify SWCD implementation actions and roles.
- In short, with the logical shift of metro WBIF allocations to watershed-based units following existing WD/WMO boundaries, a principal advantage is that WBIF budget requests can be derived directly from WMPs already required to be prepared to identify watershed priorities and measurable goals and to determine the projects and programs that will achieve these goals, and which units of government are best suited to carry them out. Procedures under 8410 allow for implementation programs to be amended to incorporate changes over the 10-year life of the WMP. A parallel track by which a separate SWCD plan is prepared and reconciled with the WMP no longer serves a purpose.
- Further, the procedures for enhanced SWCD comprehensive plans outlined in the draft document are not fully developed. We know that any plan prepared to support the use of state water funds must be watershed-based, and must identify measurable goals, priority areas to meet those goals, a targeted implementation schedule and performance-based criteria to select project and program investments of state funds. (Minn. Stat. §§103A.212; 103B.101, subds. 5, 14; 103B.801, subds. 2-5; 103B.3369, subd. 9, 103C.405) It is a bit unwieldy to graft these criteria onto the §103C.331 comprehensive plan, which in contrast to the WMP, is not conceived by statute as watershed-based or guided by any of the indicated criteria. The draft is not clear as to how conformance to these criteria will be assured, particularly for the proposed routes of the plan supplement and the enhanced work plan which, in the present draft, BWSR staff may not intend even to see.

The "Metro Enhanced SWCD Comprehensive Plan Options" draft appears to be a somewhat hurried borrowing from Minnesota Rules 8410 governing WMP development by WMOs. As noted above, we think this mechanism for "enhancing" SWCD comprehensive plans is unnecessary and simply risks diverting time and attention from the collaborative implementation of the WMP. But to the extent BWSR does determine it should create this parallel track, comparison to 8410 evidences that BWSR should do so not by internal drafting and rapid board consideration of a policy, but through a proper and deliberative rulemaking process.

BWSR is directed to adopt policies for SWCD preparation and BWSR approval of §103C.331 comprehensive plans. Minn. Stat. §103C.501, subd. 6. The policy in question qualifies as a rule as defined in Minnesota Statutes §14.02, subdivision 4, and so must be further formulated and adopted in

Minnesota Board of Water & Soil Resources
October 27, 2021

accordance with rulemaking procedures under the Minnesota Administrative Procedures Act (Chapter 14). Judicial decisions affirm that agency determinations of broad policy to guide future action must follow rulemaking procedures. *E.g., Matter of Inter-LATA Equal Access*, 532 N.W.2d 583 (Minn. Ct. App.1995). Courts do recognize that an agency may choose to forego rulemaking for specific reasons, because: (1) notice and comment procedure alone will be inadequate to permit the agency to understand all the important implications of a rule; (2) the decision is too closely imbedded in the particular facts to be stated in a general rule; (3) the agency may have insufficient experience with a particular problem; or (4) the problem is "so specialized and varying in nature as to be impossible to capture within the boundaries of a general rule." *Id.* None of those reasons apply here. BWSR indeed has demonstrated the proper approach by adopting Rule 8410 to guide metropolitan water management organization planning process.

At the least, then, the board is compelled to postpone adoption of a formal policy governing SWCD comprehensive plan approval and amendment until it has provided for such a process, and the collaborative deliberation that it facilitates. MAWD is fully committed to work with BWSR and our water resource partners to achieve this goal.

Sincerely,



Emily Javens
Executive Director

cc: Mr. John Jaschke, Executive Director

**STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES**

**In re Clean Water Fund Watershed-Based
Implementation Funding Program**

PETITION FOR RULEMAKING

TO: Mr. Gerald Van Amburg, Chair
Minnesota Board of Water & Soil Resources
520 Lafayette Rd.
St. Paul, MN 55155

PETITIONER: Minnesota Association of Watershed Districts
595 Aldine Street
Saint Paul, MN 55104

SPECIFIC ACTION REQUESTED:

The Minnesota Association of Watershed Districts (MAWD) hereby submits this Petition for Rulemaking pursuant to Minnesota Statutes Section 14.09 and Minnesota Rules 1400.2040, 1400.2500, requesting specifically that the Board of Water and Soil Resources adopt its proposed enhanced soil and water conservation district (SWCD) planning process in the Metropolitan area through formal rulemaking, or in the alternative abandon this proposal and require all Watershed-Based Implementation Funding be allocated through the existing means of water resource planning on watershed boundaries under Minnesota Statutes §103B.231.

NEED FOR THE REQUESTED ACTION:

1. On October 27, 2021, the BWSR Board adopted an Order concerning the Clean Water Fund Watershed-Based Implementation Funding (WBIF) Program (hereinafter “Board Order”). The Board Order “establishe[d] the content and process for Metro Soil and Water Conservation Districts to develop an enhanced comprehensive plan consistent with Minnesota Statutes §103C.331 if the SWCD determines that an eligible 103B plan does not sufficiently and comprehensively include their activities. The plan content must include priority issues, measurable goals, and a targeted implementation action table. The process must include stakeholder input, establishment of an advisory committee, a public notice and comment period, a public hearing, and BWSR Board approval.” In contrast to the detailed requirements for watershed management organizations established by BWSR through formal rulemaking in Minnesota Rules Chapter 8410, this planning requirement was the product of a hurried, abbreviated process without appropriate notice and comment or deliberation.
2. It is vital at the outset for MAWD to acknowledge that Soil and Water Conservation Districts (SWCDs) are critical partners in water resources management. The Local Government Roundtable

alliance of the MN Association of SWCDs (MASWCD), the Association of Minnesota Counties (AMC) and MAWD indeed fostered the One Watershed One Plan legislation as a key instrument to implement Minnesota's Clean Water Legacy. It is also vital to recognize that the fundamental purpose of One Watershed One Plan is to "align local water planning purposes and procedures . . . **on watershed boundaries** to create a systematic, watershed-wide, science-based approach to watershed management." §103B.801, subd. 2 (emphasis added). Unfortunately, Paragraph 2 of the adopted Board Order departs from this commitment in law to water resource planning on watershed boundaries.

3. MAWD also recognizes the complexity and challenge of adopting a sound Clean Water Fund WBIF Program. It is that complexity and challenge of promulgating a cohesive and comprehensive framework that compels a more formal rulemaking approach, and as noted below, it is what the legislature and courts of Minnesota require. MAWD agrees with the proposed policy shift as to how WBIF funds will be allocated in this biennium. This shift will move from the 10 metropolitan "convene" areas and instead allocate funds to 24 "Watershed Planning Areas" (WPAs) that are contiguous with watershed district/watershed management organization (WD/WMO) boundaries. This will largely remove the extra planning and coordination layer and allow local water agencies and units of government to coordinate WBIF spending through the §103B.231 watershed management plans (WMPs) developed and implemented by metropolitan watershed districts and other watershed management organizations. However, there are several features of the revised policy about which MAWD has concern and that merit more careful consideration by BWSR and all the parties working collaboratively for effective and efficient management of water resources. These include the following:

- Under the proposed policy, WDs and WMOs, SWCDs, counties and municipalities must "coordinate ... before submitting a watershed-based implementation funding budget request that is prioritized, targeted and measurable." How this will occur, however, does not appear to have been thought through. For WPAs that cross county boundaries, there will be multiple SWCD and potentially county roles to coordinate. By virtue of §103D.337, WDs already maintain and work with standing technical advisory committees (TACs) staffed by SWCD, county and municipal interests. It would be most efficient, and most aligned with watershed-based priorities, for existing WPA TACs to formulate WBIF budget requests in alignment with the WMP.
- The draft proposal that we have reviewed by which SWCDs may develop "enhanced comprehensive plans" ("Metro Enhanced SWCD Comprehensive Plan Options," 9-8-21) would seem inefficient and unnecessary. WMPs, through a collaborative process, are required to establish measurable watershed-based goals (Minn. Rules 8410.0080) and set forth prioritized implementation actions to achieve those goals that define the responsibilities of the WMO, SWCDs, cities/towns and others in carrying out those actions (Minn. Rules 8410.0105). Our review of WMPs for the 23 WDs/WMOs encompassing the metro area finds that all but two of them explicitly identify SWCD implementation actions and roles.
- In short, with the logical shift of metro WBIF allocations to watershed-based units following existing WD/WMO boundaries, a principal advantage is that WBIF budget requests can be derived directly from WMPs already required to be prepared to identify watershed priorities and measurable goals and to determine the projects and programs that will achieve these goals,

and which units of government are best suited to carry them out. Procedures under Chapter 8410 allow for implementation programs to be amended to incorporate changes over the 10-year life of the WMP. A parallel track by which a separate SWCD plan is prepared and reconciled with the WMP no longer serves a purpose.

- Further, the procedures for enhanced SWCD comprehensive plans outlined in the draft document are not fully developed. We know that any plan prepared to support the use of state water funds must be watershed-based. We know that it must formulate measurable goals, identify priority areas to meet those goals, set forth a targeted implementation schedule, and establish performance-based criteria to select project and program investments of state funds. (Minn. Stat. §§103A.212; 103B.101, subs. 5, 14; 103B.801, subs. 2-5; 103B.3369, subd. 9, 103C.405.) It is unwieldy to graft these criteria onto the §103C.331 comprehensive plan, which in contrast to the WMP, is not conceived by statute as watershed-based or guided by any of the indicated criteria. The BWSR draft proposal is not clear as to how conformance to these criteria will be assured, particularly for the proposed routes of the 2- to 5-year enhanced plan supplement and the 2-year enhanced biennial work plan which, in the present draft, BWSR staff may not intend even to see and review.

4. The "Metro Enhanced SWCD Comprehensive Plan Options" draft appears to be a somewhat hurried borrowing from Minnesota Rules Chapter 8410 governing WMP development by WMOs. As noted above, we think this mechanism for "enhancing" SWCD comprehensive plans is unnecessary and simply risks diverting time and attention from the collaborative implementation of the WMP. But to the extent BWSR does determine it should create this parallel track, comparison to Chapter 8410 evidences that BWSR should do so not by internal drafting and rapid internal approval and implementation by staff without board consideration of proposed policies, but through a proper and deliberative rulemaking process – as is legally required.

5. BWSR is directed to adopt policies for SWCD preparation and BWSR approval of §103C.331 comprehensive plans. Minn. Stat. §103C.501, subd. 6. The policy in question qualifies as a rule as defined in Minnesota Statutes §14.02, subdivision 4, and so must be further formulated and adopted in accordance with rulemaking procedures under the Minnesota Administrative Procedures Act (Chapter 14). Judicial decisions affirm that agency determinations of broad policy to guide future action must follow rulemaking procedures. *E.g., Matter of Intra-LATA Equal Access*, 532 N.W.2d 583 (Minn. App.1995). Under Minnesota law, an agency is required to follow formal rulemaking procedures for either legislative or interpretive rules. *Id.* Failure to follow formal rulemaking procedures for rulemaking "results in invalidity of the rule." *Coalition of Greater Minn. Cities v. Minn. Pollution Control Agency*, 765 N.W.2d 159, 168 (Minn. App. 2009) (quoting *White Bear Lake Care Ctr., Inc. v. Minn. Dep't of Public Welfare*, 319 N.W.2d 7, 9 (Minn. 1982)), review denied (Minn. Aug. 11, 2009).

6. As the Minnesota Court of Appeals acknowledged in *Matter of Intra-LATA Equal Access*, courts do recognize that an agency may choose to forego rulemaking for specific reasons, namely, if: (1) notice and comment procedure alone will be inadequate to permit the agency to understand all the important implications of a rule; (2) the decision is too closely imbedded in the particular facts to be stated in a general rule; (3) the agency may have insufficient experience with a particular problem; or (4) the problem is "so specialized and varying in nature as to be impossible to capture within the boundaries of


a general rule." *Id.* None of those reasons apply here. First, the hurried process described above most certainly did not provide BWSR the chance to fully engage all interested parties even through a proper notice and comment procedure, let alone a formal rulemaking one. Second, BWSR's hasty adoption of a broad planning process for Metro SWCDs is not embedded in particular facts of a singular case but is intended to provide a general policy framework to allocate Watershed-Based Implementation Funding to metro SWCDs. Third, BWSR clearly has more than sufficient experience in the development and review of water plans. Finally, the problem here is not specialized or varying in nature such that it is difficult to capture in a general rule. In fact, again, BWSR indeed has demonstrated the proper approach by adopting Rule 8410 to guide metropolitan water management organization planning process.

CONCLUSION

As a matter of law, policy, and working consensus, the legislature, Clean Water Council, BWSR and all the rest of the community engaged in water resource management agree on the importance of watershed-based planning, measurable watershed-based goals, and deploying resources through work that is prioritized, targeted, and measurable. Any additional layers of process and coordination to be promulgated by BWSR must be carefully conceived and justified through a transparent process with stakeholders. MAWD is fully committed to work with BWSR and our water resource partners to achieve this goal.

For the reasons set forth above, MAWD respectfully petitions BWSR either to adopt its proposed SWCD planning process in the Metropolitan area through formal rulemaking, or in the alternative abandon this proposal and require that all Watershed-Based Implementation Funding be allocated through existing water resource planning procedures following watershed boundaries.

Respectfully submitted,



Mary Texer
MAWD President

11/08/2021
Date



Emily Javens
MAWD Executive Director

11/08/2021
Date