



THE JULY 21, 2022 REGULAR BOARD MEETING

Agendas and Minutes are posted on www.bds wd.com. Underscored times will be honored as closely as possible.

8:00 AM

Verification of Quorum & Call to Order

Pledge of Allegiance

Consider Agenda Additions & Approve Agenda

Declarations of Conflict of Interest*

Consent Agenda Approve: Minutes of June 16, 2022; Claims of July 21, 2022; Treasurer's Report, and Budget; State Grants Received/Expended

Public Comment

PERMITS

#22-059, T. Backman, Section 16, Logan Township, Grant County

#22-066, R. Sanasack, Section 2, Tara Township, Traverse County

#22-082, 1946 Legacy Farms, LLP, Section 11, Folsom Township, Traverse County

#22-092, T. Hasbargen, Section 23, Tintah Township, Traverse County

#22-093, D. Christians & B. Golombiecki, Section 16, Everglad Township, Stevens County

#22-095, G. Blume & T. Kemper, Sections 4 & 5, Redpath Township, Traverse County

#22-099, Pomme de Terre Twp, Section 10, Pomme de Terre Township, Grant County

#22-102, D. Blume, Section 15, Gorton Township, Grant County

#22-113, Summer Inc, Section 6, Eldorado Township, Stevens County

103E DRAINAGE SYSTEMS REPORTS

GCD #8 Update

GCD #21 Update & Bond

TCD #35 Update

Damages Process Request

WCD #Sub-1 Update

JD #6 Update

Order 103E.555 Hearing

JD #11 Order 103E.555 Hearing

Drainage Workshops Update

103D WATERSHED PROJECT REPORTS

Redpath & Mustinka Update

Approve Permit

Order 103D.605 Hearing

Land Offer

Doran Creek Update

LTWQIP No. 1 Phase 2 Update & Order 103E.555 Hearing

Phase 3 Update

Approve 640th Avenue Road Raise Cost Share Agreement

GENERAL ADMINISTRATION

Order Budget and Assessment Hearing: August 18, 2022

FEMA Claim

Annual Review of Data Access Policies

JCWMP Update, Pay Requests & Approve Grant Agreement WBIF #2

Records Retention Schedule

Approval of Annual Organization Resolution & Election of Officers

Managers Update

RRRA, RRBC, FDRWG, MAWD

Drainage Workgroup Update & Committee Reports

Letters & Minutes

Conflict of Interest: Examples of matters that should be disclosed include when a manager, or his/her close relatives, or his/her business associate: owns land which may be assessed, owns land which may benefit or be damaged other than by a direct tax, has close relatives who have either. This also includes matters in which a board manager serves as another public officer (for eg, township officer), which has potential interest or that may be affected by said project. *For more information, see the District's Policy & Procedures Handbook and Conflict of Interest Disclosure Policy approved 09/16/21 and 05/19/22.*

UPCOMING MEETINGS:

July 20 at 9:30 am

MAWA/MAWD Region 1

Meeting via Zoom and in

Barnesville

July 27 at 10:30 am

LTWQIP No. 1 Phase #3

Landowner Meeting

1:00 pm at Campbel Fire Hall

Doran Creek Landowner

Meeting

August 9 in Campbell

August 10 in Graceville

August 11 in Herman

BdSWD District Workshops

August 18 **at 8 am**

Board Meeting

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 16, 2022**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:08 a.m. Present in the District Office: Linda Vavra, Ben Brutlag, Jerome Deal, Steven Schmidt, Allen Wold. Absent: Jason Beyer, Doug Dahlen, Scott Gillespie, John Kapphahn. Also present in the District Office: District Engineer Chad Engels, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer. Staff present online: Engineer James Guler and Attorney Lukas Croaker.
- AGENDA** Upon motion by Wold, seconded by Schmidt and carried unanimously, the agenda was approved with the following addition: Permit Application #22-066, Richard Sanasack, Overflow Pipe, Tara Township, Traverse County.
- CONSENT AGENDA** Upon motion by Deal, seconded by Wold and carried unanimously, the Consent Agenda was approved.
- PUBLIC COMMENT** Joe Caruso and James Hanson presented information on Summit's installation of a CO2 pipeline through the northern part of Wilkin County and southwestern corner of Otter Tail County. The 4" – 8" line will be installed under a minimum 54" of cover. Summit is obligated to restore disturbances to surface and subsurface sites. Summit is pursuing voluntary easement, utilizing a three-part survey to identify buildable sites (physical survey, cultural survey, environmental survey). Ellingson will be the subcontractor tasked with restoring affected tile lines (landowners may also select their own contractor). District Engineer Chad Engels relayed that severing and replacing/repairing tile lines are not a permissible event for the District, but that crossing a legal 103E ditch would require a District permit.
- CO2 SUMMIT PIPELINE**
- #21-050 FINDLAY & ZYCH** The permit application meets District standards, but was included on the agenda to provide a forum for public comment from neighboring landowners. Mr. Tom Kruger and his mother provided concerns that downstream public water could not hold additional flow and don't want to receive water at a faster rate than the waterway can handle. Engineer Technician Troy Fridgen relayed willingness on Dale Zych's behalf to clean downstream public waters. President Vavra encouraged landowners to work together. Landowner Mary Jo Stueve asked questions about map legends and symbols.
- #22-067 S. MILLER** Applicant for permit application #21-067 is busy in the field, but has proposed to bore under the road and connect subsurface drainage to a permitted drainage ditch. Surface water will continue to flow to WCD-1. Upon motion by Deal, seconded by Schmidt and carried unanimously, a variance for crossing the subwatershed boundary to the Rabbit River was approved.
- #22-066 D. SANASACK** Mr. Richard Sanasack spoke to the need for an overflow culvert adjacent to his property in order to alleviate road overtopping. Tara Township Official Scott Gilsdorf stated that the township signed the permit application, and as the road authority, supports the project. Mr. Sanasack seeks on-site construction management for installation of the culvert, and is seeking cost-share. The project cost estimate is \$21,000 - \$25,500. District Engineer Chad Engels stated that townships typically install and fund these types of projects. Mr. Sanasack stated that he has been stranded at his property for up to 12 days due to flooding. Discussion was held as to the apparent inadequacy of the size of the current culvert/bridge. Upon motion by Wold, seconded by Deal and carried unanimously, the request was tabled to the July meeting.
- GCD #8** A June 23 meeting has been set between Grant County officials, BdSWD staff, and landowners Mr. Tim Backman, Mr. Kevin Deal, and Mr. Pat Haney.
- GCD #21** An improvement/repair petition has not been received.
- TCD #35/ REDPATH PHASE #1** The contractor has begun removing topsoil. A landowner has asked for additional compensation for Redpath land acquired by the District outside of the drainage proceedings, and has stated that he will prevent access to his parcel. Upon motion by Wold, seconded by Deal and carried unanimously, Attorney Lukas Croaker is authorized to send a letter detailing property owner rights following redetermination and repair proceedings.

WCD #SUB-1	The District is waiting for \$5,000 in order to fulfill bond requirements.
JD#6 UPDATE & BOND	A portion of the project was reseeded in May; the District is monitoring establishment of cover. Upon motion by Wold, seconded by Brutlag and carried unanimously, the board approved the application of \$8,918.07 in project expenses..
DISTRICT WORKSHOPS	Board managers discussed topics to be included in upcoming district landowner workshops.
REDPATH PHASE 2 FUNDING STRATEGY	Engineering staff presented three options for Phase 2 of the Redpath Project (comprised of a \$7 million Mustinka River Rehabilitation and \$10 million impoundment construction), now that the legislative session has ended without bonding for the Flood Hazard Mitigation Program. 1) The District could put Phase 2 on hold, but would likely forfeit a \$2.4 million grant from the Lessard Sams Outdoor Heritage Grant and possibly forfeit \$4.4 million in additional Mustinka River Rehabilitation grants. 2) The District could request that the Red River Watershed Management Board and the District split the \$10 million obligation. 3) Phase 2 could be broken into two sub-phases (A & B), in order to provide a bid package and start construction of Phase 2A next summer.
REDPATH PHASE 2 DECLARATION OF RESTRICT CONVENANTS	Engineer James Guler presented a Minnesota Wetland Conservation Act Declaration of Restrictive Covenants for Project-Specific Wetland Replacement, used to fulfill permit requirements to designate Redpath project wetlands. District Attorney Lukas Croaker included language to specify that maintenance and restoration will occur, in accordance with the District's wetland plan approved specifically for the project. Upon motion by Deal, seconded by Brutlag and carried unanimously, President Vavra is authorized to sign the declaration and staff are authorized to record the declaration contingent upon approval from Traverse SWCD/BWSR.
LTWQIP NO. 1 PHASE #2	Board managers reviewed a Lake Traverse Water Quality Improvement Project No. 1 Phase #2 final balancing order for materials installed above the contract price of \$435,279.50 and Pay Application #2. Wold motioned, seconded by Deal and carried unanimously, the Final Balancing Change Order in the amount of \$35,879.50 and Pay Application No. 2 in the amount of \$39,298.65 (includes the Final Balancing Change Order) were approved.
LTWQIP NO. 2 PHASE #3	A cost estimate for Lake Traverse Water Quality Improvement Project No. 1 Phase #3 was presented. A meeting will be held with landowners in July.
640TH ROAD RAISE	No contact has been received from Dollymount engineering staff.
SPRING FLOODS	Engineering staff toured District flooding hotspots this spring.
WESTERN 32 TREE REMOVAL	Engineer Technician Troy Fridgen received a request from an individual to remove dead ash trees on the District's property in Otter Tail County, Western Township, Section 32. Upon motion by Schmidt, seconded by Wold, legal staff are authorized to create a liability waiver to be used for the individual, upon consent by the lessee.
DISTRICT VEHICLE	The District's 2001 Chevrolet Suburban is requiring more frequent repairs. Upon motion by Deal, seconded by Schmidt and carried unanimously, staff are authorized to purchase a new vehicle with riparian funds, and trade-in/sell the 2001 Chevrolet Suburban.
JCWMP REIMBURSEMENT	Board managers reviewed reports for the Joint Watershed Based Implementation Fund Grant C21-9685. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, a disbursement of \$4,043.02 was approved for costs incurred by the District.
WBIF GRANT #2	Board managers reviewed the budget proposed for the second Watershed Based Implementation Fund grant, expected in the amount of \$1,064,522. Upon motion by Wold, seconded by Deal and carried unanimously, staff are authorized to submit a grant application and workplan.
RECORDS RETENTION SCHEDULE	Administrator Beyer stated that she could not find that the District had previously approved a records retention schedule, which describes the conditions under which records can be destroyed. Upon motion by Wold, seconded by Deal and carried unanimously, legal staff are authorized to draft a record retention schedule for subsequent consideration by the board.

PAY EQUITY

Administrator Beyer stated that for compliance with DNR Lessard Sams Grant eligibility, the District must be up-to-date on its Pay Equity Compliance. Employees identified applicable job descriptions from the Minnesota State Job Match System. Points were then assigned and averaged. Upon motion by Deal, seconded by Schmidt and carried unanimously, the Pay Equity Implementation Report was approved for submission and posting.

TORT WAIVER

Upon motion by Brutlag, seconded by Deal and carried unanimously, to not waive the monetary limits on tort liability established by Minn. Stat. § 466.04.

**ANNUAL
ORGANIZATION
RESOLUTION**

Upon motion by Deal, seconded by Schmidt and carried unanimously, the 2021 – 2022 Annual Organization Resolution will be maintained and continued through the July meeting, so that elections can be held with greater board manager participation.

**CONFLICT OF
INTEREST
POLICIES
REVIEW**

Administrator Beyer relayed that DNR grant administrators have requested that the District annually review applicable Conflict of Interest policies. Upon motion by Deal, seconded by Schmidt and carried unanimously, the District's Conflict of Interest Policy, and 05/19/22 and 09/16/21 DNR Conflict of Interest Disclosure Policies were reviewed and approved without change.

**MAWD
SUMMER TOUR**

The MAWD Summer Tour is scheduled for August 23 – 25.

Linda Vavra, President

Jamie Beyer, Administrator

Date: _____, 2022

Date: _____, 2022



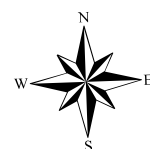
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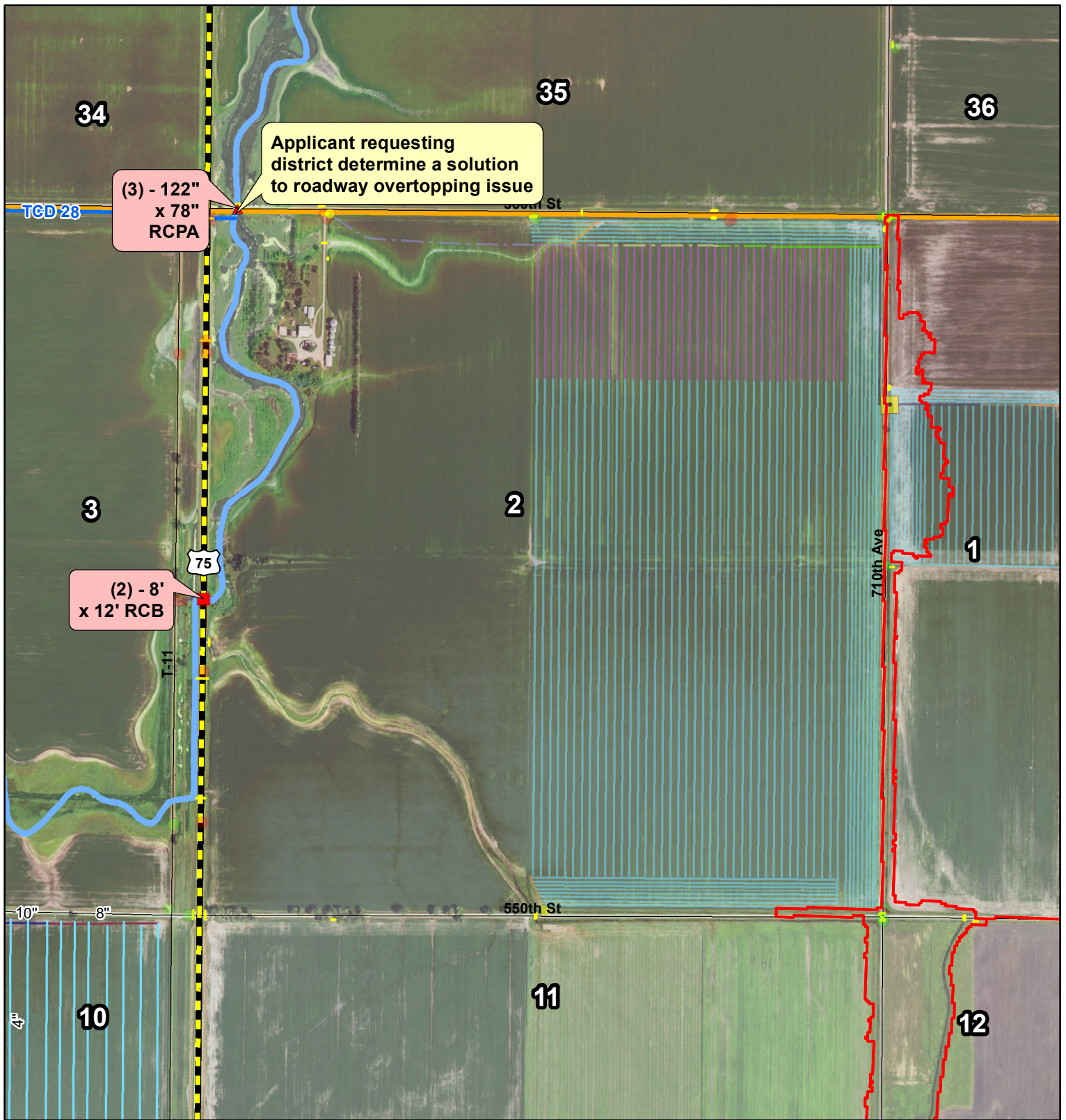
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⊕ Control Structure	● Other	▲ RCPA	▲ CSPA	— 4"	— 12"
⬮ Dike/Embankment	● Gravity Outlet	■ RCB	◆ Bridge	— 5"	— 15"
⬮ Subwatersheds	— Culvert Inventory	● Other	— Other - Pipe	— 6"	— 18"
— N.O. Collection Channels	— MN PWI Streams			— 8"	— 24" & Greater
				— (Tile)	— (Dual Wall)
				— (Non-Perf.)	— Other - Misc.
					— Road Permits
					— Ditch/Waterway



PA# 22-059 - Backman, Tim
S 1/2 of Sec 16, Logan Twp
Bois de Sioux Watershed District, MN

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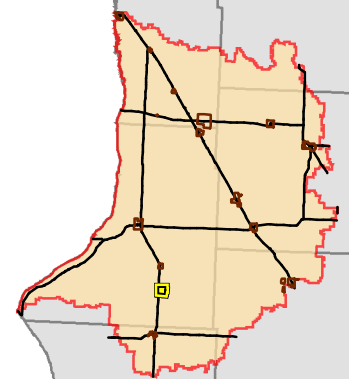
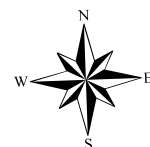
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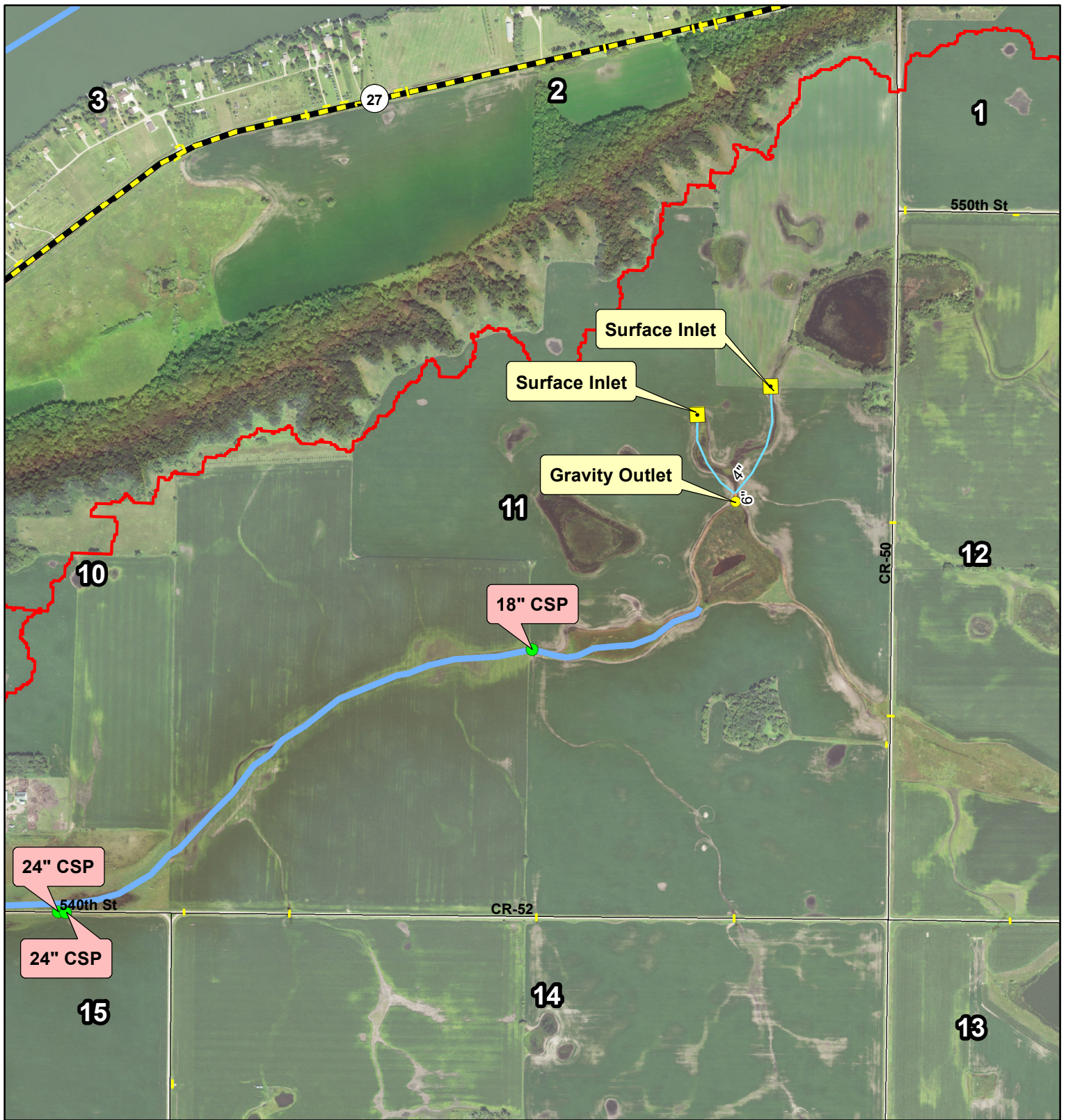
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— N.O. Collection Channels	— MN PWI Streams		— 8"	— 24" & Greater	
			— (Tile)	— (Dual Wall)	— (Non-Perf.)
			— (Ditch/Waterway)	— Other - Misc.	— Road Permits



PA# 22-066 - Sanasack, Richard
NW 1/4 of Sec 2, Tara Twp
Bois de Sioux Watershed District, MN

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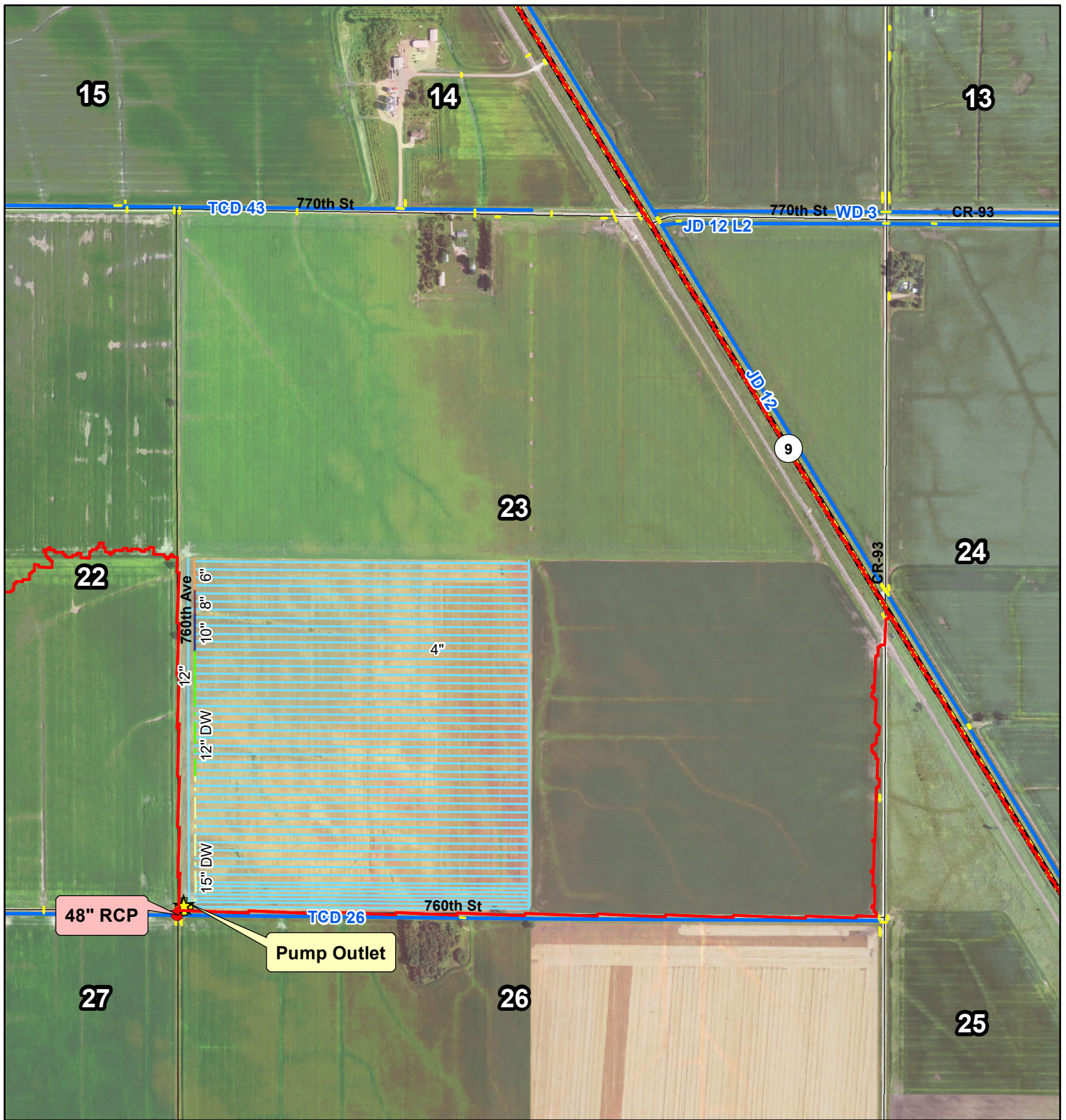




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★ Pump/Lift	□ Inlet/Intake	● RCP	● CSP	— 3"	— 10"	— (Tile)
⊕ Control Structure	● Other	▲ RCPA	▲ CSPA	— 4"	— 12"	— (Dual Wall)
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⬡ Subwatersheds	— Culvert Inventory	● Other	● Other	— 6"	— 18"	— Other - Pipe
				— 8"	— 24" & Greater	— Road Permits
— N.O. Collection Channels		— MN PWI Streams				

PA# 22-082 - 1946 Legacy Farms, LLP
E 1/2 of Sec 11, Folsom Twp
Bois de Sioux Watershed District, MN

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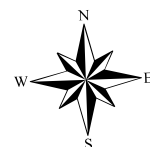
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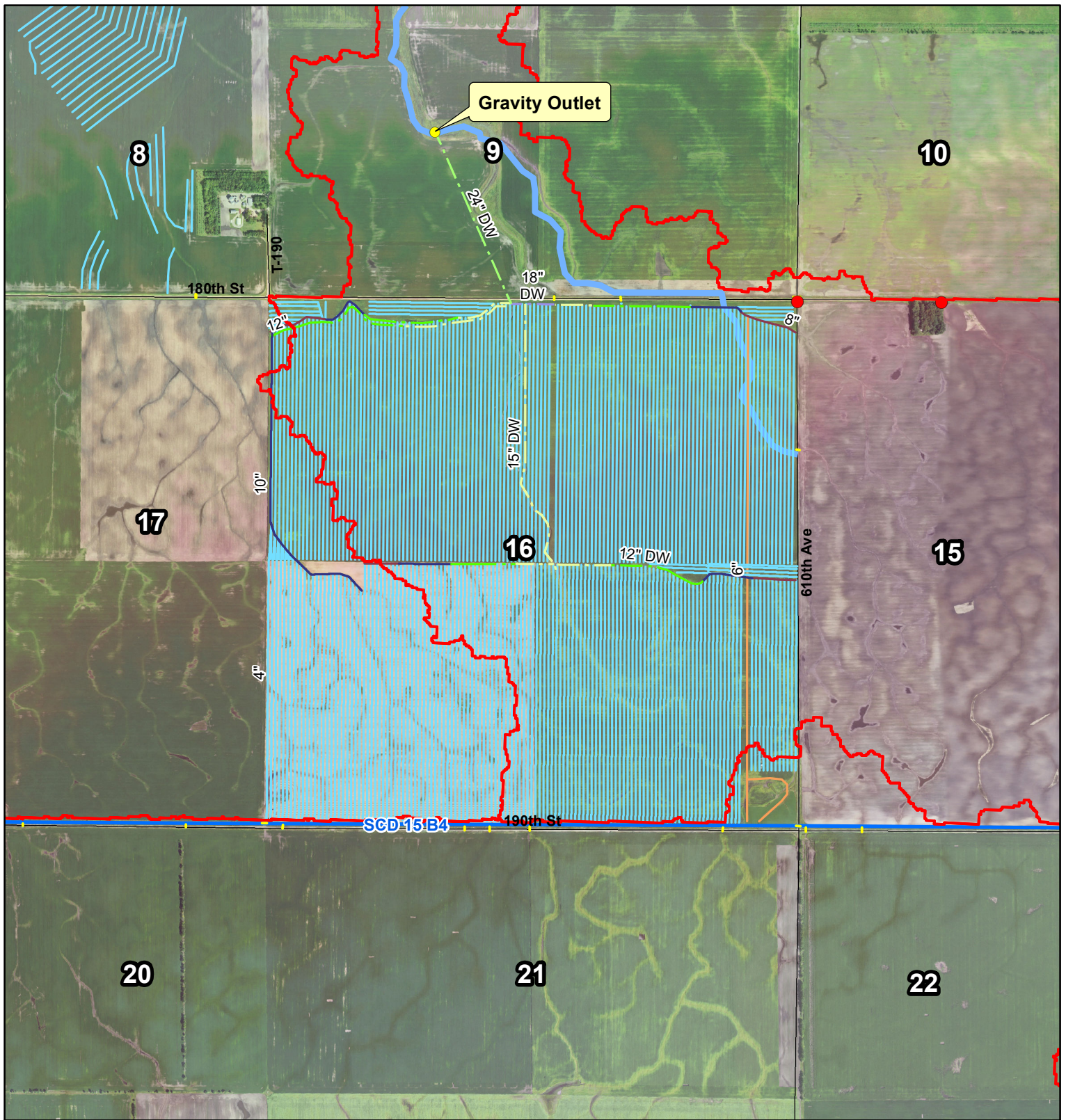
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				— (Non-Perf.)	— Other - Misc.
					— Road Permits



PA# 22-092 - Hasbargen, Tony
SW 1/4 of Sec 23, Tintah Twp
Bois de Sioux Watershed District, MN

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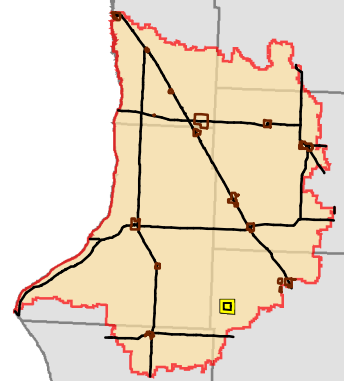
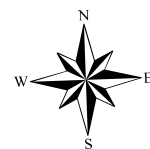
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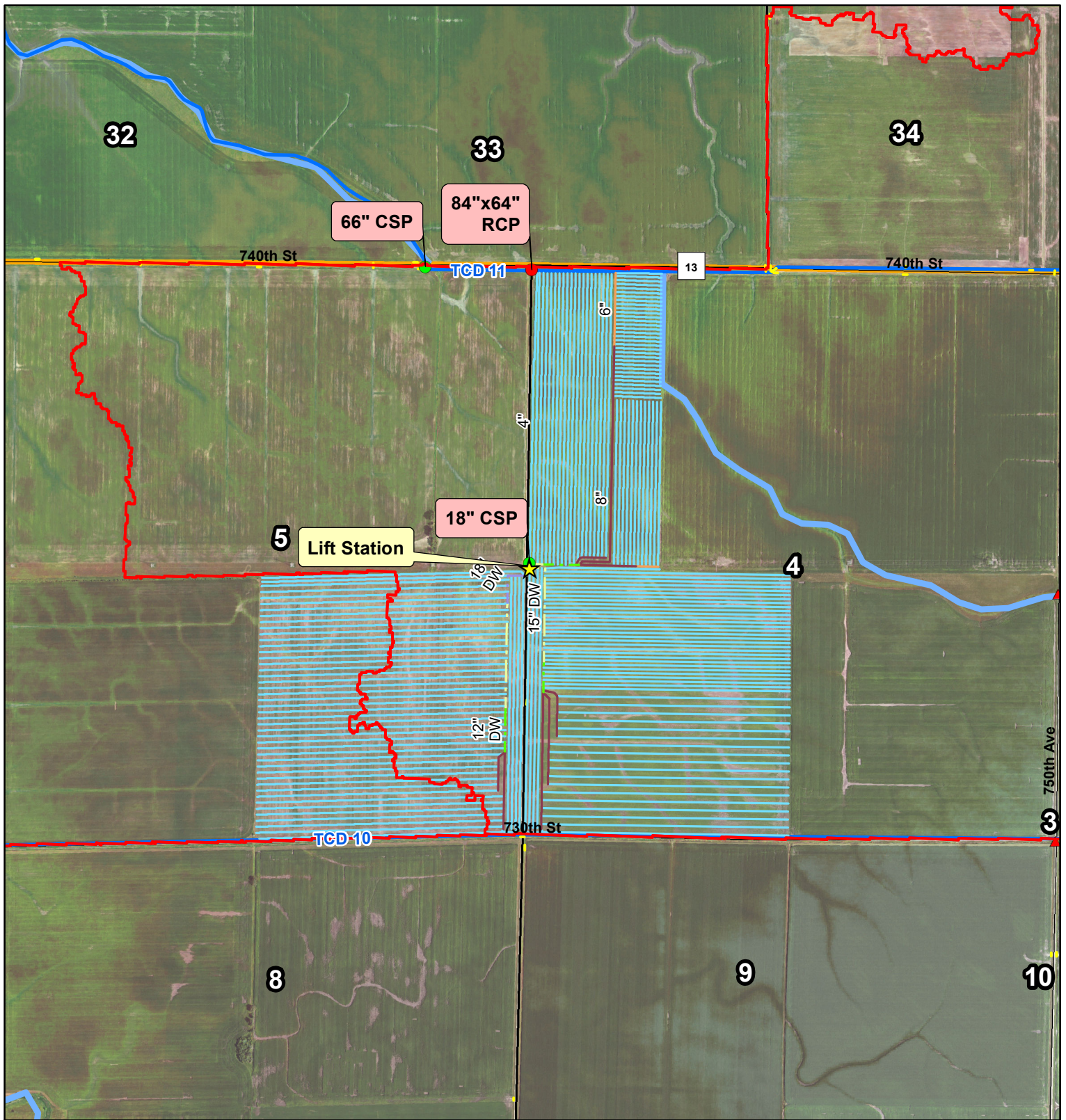
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				— (Non-Perf.)	— Other - Misc.
					— Road Permits



PA# 22-093 - Doug Christians & Brian Golombiecki
Section 16, Everglade Twp
Bois de Sioux Watershed District, MN

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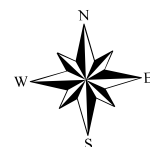
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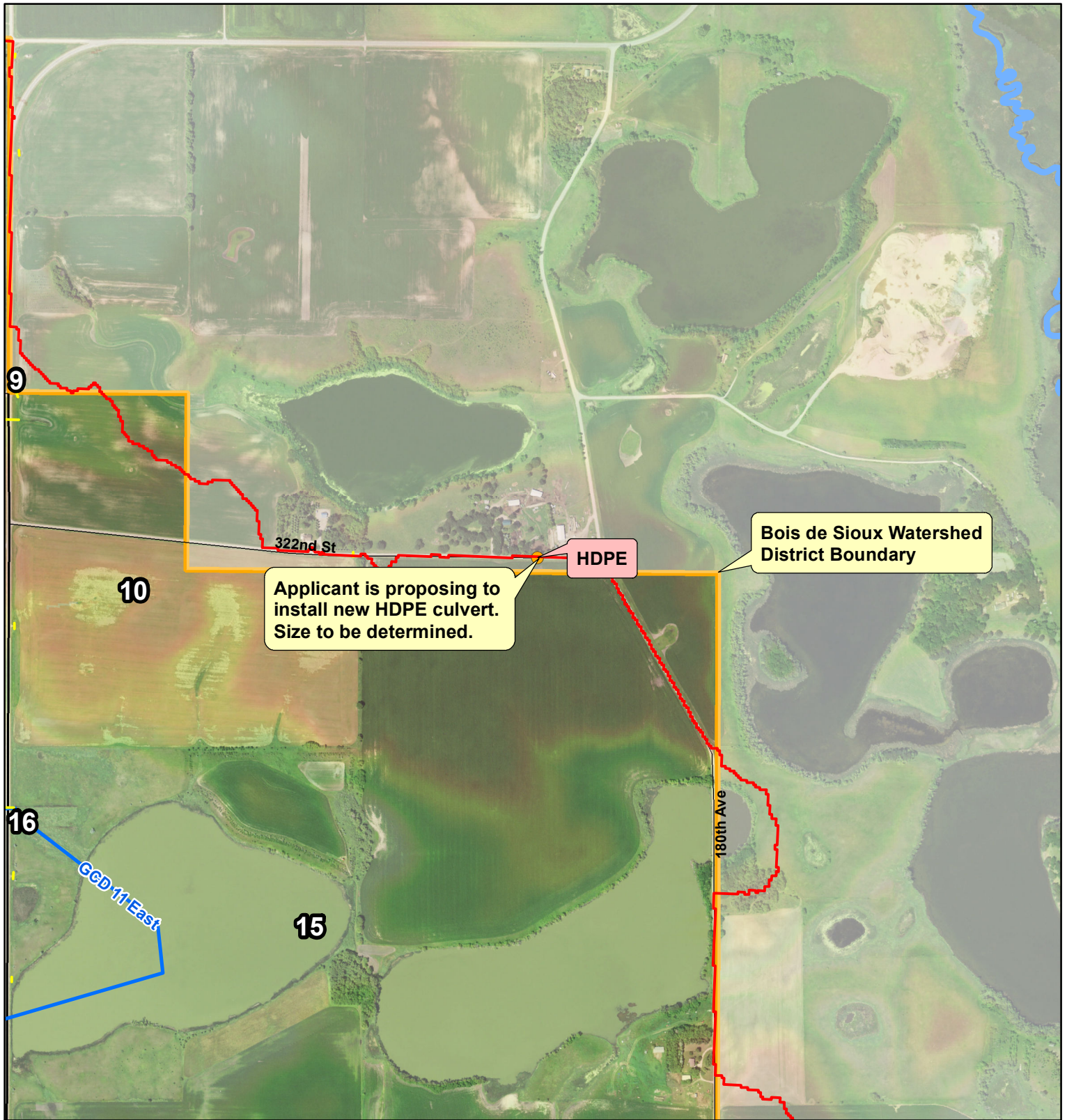
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				— Other - Misc.	— Road Permits



PA# 22-095 - Greg Blume & Todd Kemper
W1/2 of Sec 4 & SE 1/4 of Sec 5, Redpath Twp
Bois de Sioux Watershed District, MN

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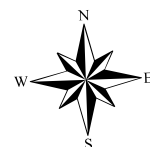
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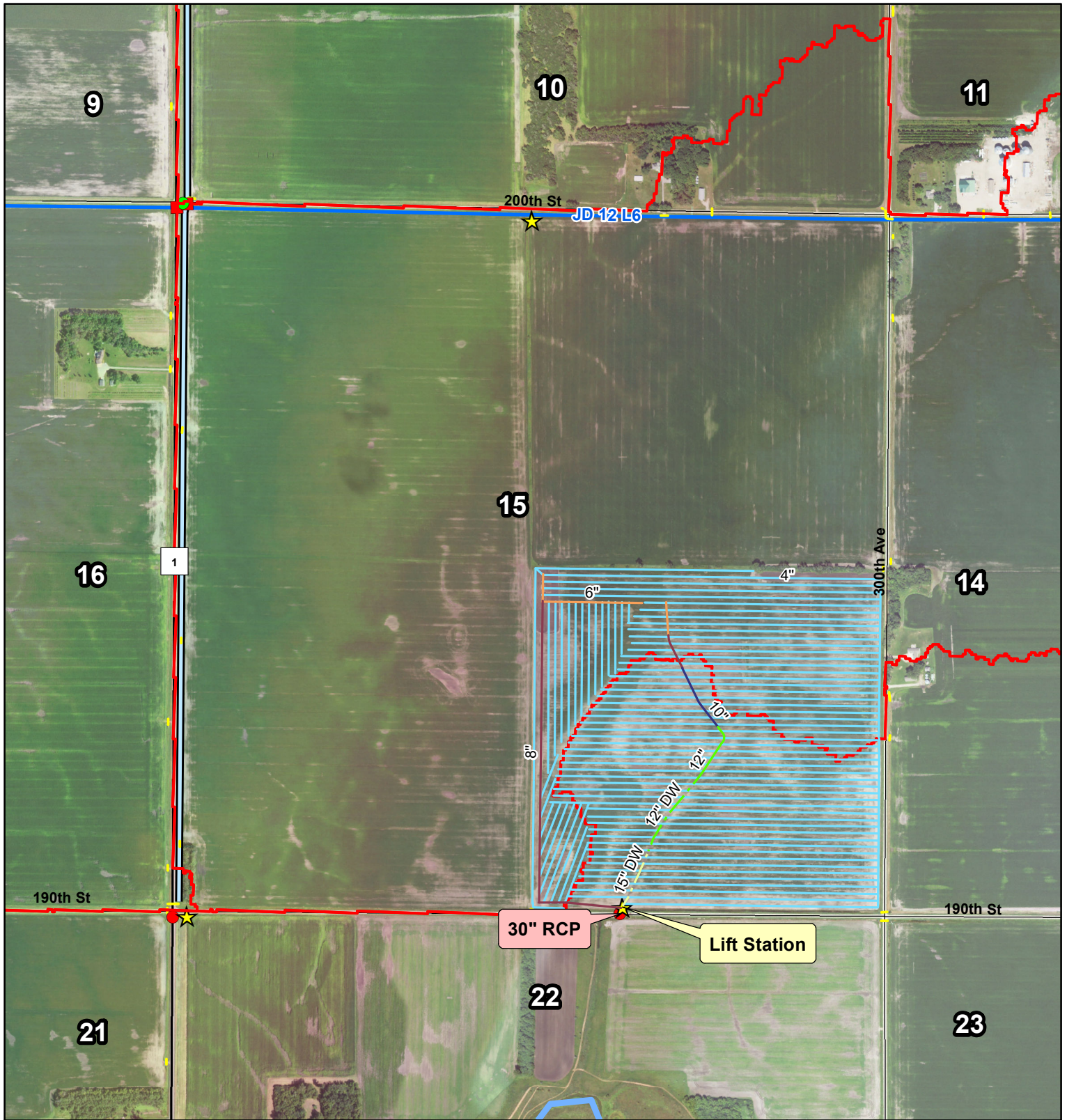
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				— (Dual Wall)	— Other - Pipe
				— Dike	— Ditch/Waterway
				— Other - Misc.	— Road Permits



PA# 22-099 - Pomme de Terre Township
SE 1/4 of Sec 10, Pomme de Terre Twp
Bois de Sioux Watershed District, MN

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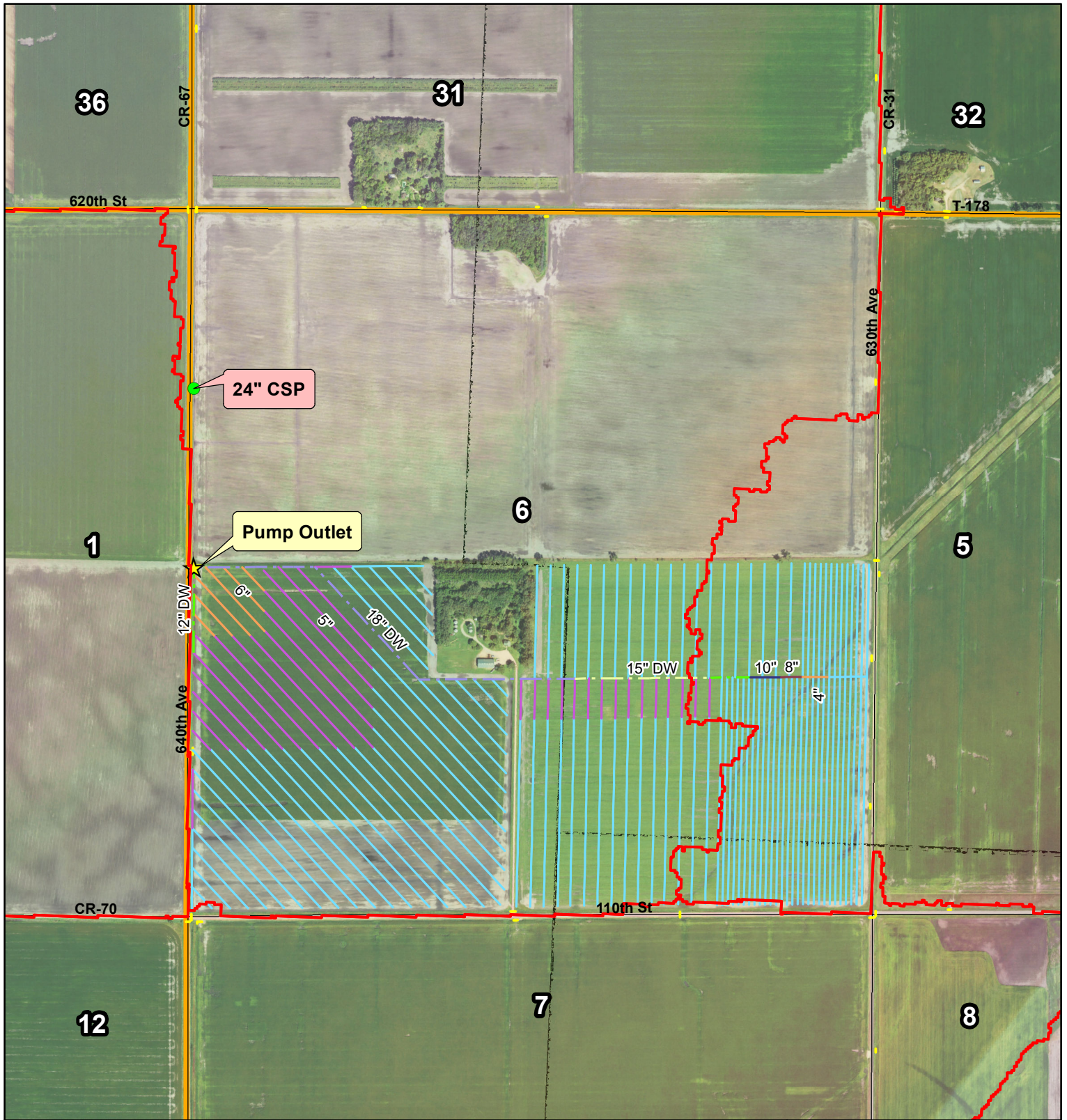


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				— 8"	— 24" & Greater	— Road Permits
— N.O. Collection Channels		— MN PWI Streams				

PA# 22-102 - Blume, Dana
SE 1/4 of Sec 15, Gorton Twp
Bois de Sioux Watershed District, MN

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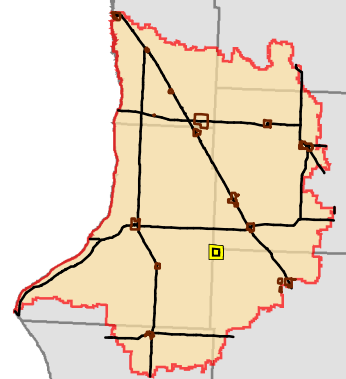
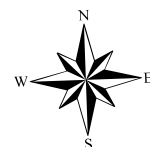
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PA# 22-113 - Summer, Inc.
S 1/2 of Sec 6, Eldorado Twp
Bois de Sioux Watershed District, MN

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From: [Lukas W. Croaker](#)
To: [Tracey VonBargen](#); [Aaron Beyer](#); [Chad Engels](#); [James Guler](#); [bdswd@runestone.net](#); [Linda Vavra](#)
Subject: GCD #21 Transfer and Improvement Procedure
Date: Friday, July 01, 2022 12:01:14 PM

Good afternoon,

Considering we have not dealt with many legal ditch system transfers via an improvement procedure, Chad requested that I send an email detailing the process for the transfer and improvement of Grant County Ditch No. 21 ("GCD #21"). To start, it is important to note that there are several ways in which a legal ditch system can be transferred from a county to a watershed district. The following procedures may be used for such transfer:

1. If directed by a county board (initiated by: (a) the county board, (b) a petition from an interested landowner, or (c) the watershed managers) – Minn. Stat. § 103D.625, subd. 1;
2. Construction of a new drainage system or improvement to a drainage system is automatically filed with the watershed managers – Minn. Stat. § 103D.625, subd. 4; or
3. A complex process outlined under Minn. Stat. § 103E.812 (not applicable).

Here, Grant County (the "County") and the Bois de Sioux ("BdS") desire to utilize the simplest process to transfer GCD #21 from the County to the BdS, a petition for improvement. Minn. Stat. § 103D.625, subd. 4 provides, "**Construction of** new drainage systems or **improvements of existing drainage systems in the watershed district must be initiated by filing a petition with the managers. The proceedings** for the construction or improvement of drainage systems in the watershed district **must conform to chapter 103E . . .**" (Emphasis added).

The petition referenced in the previous statute is a petition for improvement. Requirements for the petition can be found under Minn. Stat. §§ 103E.202 (Petitions) and 103E.215 (Improving Drainage Systems). As stated under Minn. Stat. § 103D.625, subd. 4, the petition must be filed with the managers (BdS) who then follow the standard improvement procedures under Minn. Stat. Chapter 103E. The transfer of the ditch system occurs through the improvement proceedings. According to the MN Attorney General, "[t]he legislature intended to statutorily transfer jurisdiction over new and improved county ditches to the watershed district permanently without requiring the watershed district to follow the takeover procedures of Minn. Stat. § 112.65, subd. 1 [now Minn. Stat. § 103D.625, subd. 1]" Minn. Op. Att'y Gen. 206A (1988). The BdS will obtain jurisdiction of GCD #21 upon filing of the petition and will take over GCD #21 without having to go through Minn. Stat. § 103D.625, subd. 1 proceedings. Because this improvement likely consists of the entire extent of the ditch system, the entire system will transfer from the County to the BdS. The petition for improvement should reference this transfer (John Kolb and I previously discussed incorporating that language into the petition).

"When a petition and the bond required by section 103E.202 are filed, the auditor [BdS Administrator] shall present the petition to the board at its next meeting . . ." Minn. Stat. § 103E.215, subd. 5. After the petition and bond are filed in conformance with Minn. Stat. §§ 103E.202 & 103E.215, the BdS attorney has 30 days to review the petition and bond. The attorney must: (1) refer the petition and bond back to the petitioners if it does not meet the requirements,

with the . . . attorney's opinion describing the deficiencies of the petition; or (2) refer the petition to the drainage authority. Minn. Stat. § 103E.238. "Within 30 days after receiving a petition and bond from the . . . attorney, the drainage authority shall, by order, appoint an engineer to make a preliminary survey within a prescribed time." Minn. Stat. § 103E.241, subd. 1. Having the attorney review the petition and bond before the meeting may be best practice to ensure the petition is not deficient and the managers can appoint an engineer to prepare the preliminary survey at its meeting. Upon appointing the engineer, the BdS will continue through the Minn. Stat. Chapter 103E proceedings.

That was obviously a lot to take in, if anyone has any questions or comments on the transfer or improvement, please let me know.

Have a happy and safe 4th!

Lukas Croaker
Attorney at Law
Ohnstad Twichell, P.C.
444 Sheyenne Street, Suite 102
P.O. Box 458
West Fargo, ND 58078-0458
TEL (701) 282-3249
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www.ohnstadlaw.com



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**STATE OF MINNESOTA
GRANT COUNTY BOARD OF COMMISSIONERS
DRAINAGE AUTHORITY FOR GRANT COUNTY DITCH 21**

In the matter of the Improvement of
Grant County Ditch 21

**Petition for Improvement and Separable
Maintenance Request**

For their petition for the improvement of Grant County Ditch 21 (hereinafter "CD 21"), the undersigned Petitioners state and allege the following:

1. Petitioners file this petition for improvement of CD 21 pursuant to statutes section 103E.215.
2. CD 21 provides beneficial drainage to agricultural properties and Township and County roads in Sections 4, 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, and 21 of Delaware Township (Township 128 N, Range 43 W), Grant County, Minnesota.
3. CD 21 is in need of repair. CD 21 has remained in service since its original establishment in 1914. The original ditch consisted of the Main and four branches. There's a 5th branch that is known as "Original Tile Main" which is mostly part of Branch 1.
4. Being over 100 years old, the tile is experiencing more frequent failure and is at the end of its useful life.
5. Even in a repaired state, CD 21 is inadequate to support beneficial drainage for current farming and drainage practices. CD 21 has insufficient capacity and needs enlarging to furnish sufficient capacity. CD 21 does not meet current design criteria: the original construction of CD 21 was not deep enough to accommodate adequate drainage to much of the watershed it was intended to serve; new drainage and farming practices in

the watershed of the ditch create further need for increased tile capacity; and shallow installation depth must be corrected to reduce frequency of repair to accommodate current farming implements.

6. The proposed improvements include: lowering the depth of the improved portions of the drainage system to accommodate current farming practices, tile outlets and improve drainage efficiency; increasing the size of existing tile segments to accommodate improved flow; construction of new surface intakes where necessary to provide improved, buffered and stabilized inlets and to prevent erosion of soil into the system; and improve crossings.
7. The course of the proposed improvement is described as follows:
 - a. **Branch 1:** from its junction with the Main on the east line of SW $\frac{1}{4}$ of $\S 18$, T128N, R43W to its terminus along the east line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the west line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of $\S 7$, T128N, R43W.
 - b. **Branch 1 Fork:** from its junction with Branch 1 along the north line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the south line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of $\S 7$, T128N, R43W to its terminus on the east line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the west line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of $\S 7$, T128N, R43W.
 - c. **Branch 2:** from its junction with the Main on the north line the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of $\S 17$, T128N, R43W through portions of the NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of $\S 20$ to its terminus in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of $\S 17$, T128N, R43W.

- d. **Branch 2 Fork:** from its junction with Branch 2 in the NE ¼ of §20, T128N, R43W south through the NE ¼ of the SE ¼ of §20 to its terminus in the NW ¼ of §21, T128N, R43W.
- e. **Branch 3:** from its junction with Branch 4 in the SE ¼ of the NW ¼ of §17, T128N, R43W to its terminus in the south half of the NW ¼ of §16, T128N, R43W.
- f. **Branch 4:** from its junction with the main line in the SE ¼ of the NW ¼ of §17, T128N, R43W to its terminus in the SE ¼ of the NE ¼ of §8, T128N, R43W.
- g. **Main:** from the outlet in the SW ¼ of §19, T128N, R43W to its terminus in the middle of section §17, T109N, R41W.

8. The improvement passes over 54 40-acre or smaller parcels under the following ownership:

	Owner	Address	Description	Sec	Twp	Rg
1	U.S. of America		Part of the SENW PID 01-0029-000	7	128	43
2	U.S. of America		Part of the SWNE PID 01-0032-000	7	128	43
3	U.S. of America		Part of the NESW PID 01-0028-000	7	128	43
4	U.S. of America		Part of the NWSE PID 01-0032-000	7	128	43
5	Kenneth Willmert	16 Gilmore St. Potsdam, NY 13676	SESW PID 01-0027-000	7	128	43
6	U.S. of America		SWSE PID 01-0028-000	7	128	43
7	U.S. of America		Part of the SESE PID 01-0032-000	7	128	43
8	U.S. of America		Part of the NWSW PID 01-0036-000	8	128	43
9	U.S. of America		SWSW PID 01-0036-000	8	128	43
10	U.S. of America		Part of the SESW PID 01-0036-000	8	128	43

	Owner	Address	Description	Sec	Twp	Rg
11 ✓	Triden Properties Limited Partnership, L.L.P.	20550 Co. Rd. 30 Rogers, MN 55374	NENW PID 01-0080-500	18	128	43
12 ✓	Triden Properties Limited Partnership, L.L.P.	20550 Co. Rd. 30 Rogers, MN 55374	SENW PID 01-0080-500	18	128	43
13 ✓	Triden Properties Limited Partnership, L.L.P.	20550 Co. Rd. 30 Rogers, MN 55374	NESW PID 01-0080-500	18	128	43
14 ✓	Triden Properties Limited Partnership, L.L.P.	20550 Co. Rd. 30 Rogers, MN 55374	SESW PID 01-0080-500	18	128	43
15 ✓	Virginia Heintzelman	P.O. Box 85 Chokio, MN 56221	NENW PID 01-0085-000	19	128	43
16 ✓	Virginia Heintzelman	P.O. Box 85 Chokio, MN 56221	Part of the NWNE PID 01-0085-000	19	128	43
17 ✓	Virginia Heintzelman	P.O. Box 85 Chokio, MN 56221	SENW PID 01-0085-000	19	128	43
18 ✓	Virginia Heintzelman	P.O. Box 85 Chokio, MN 56221	Part of the SWNE PID 01-0085-000	19	128	43
19 no	Veronica Touhey	27820 180 th St. Norcross, MN 56274	NESW PID 01-0086-000	19	128	43
20 no	Veronica Touhey	27820 180th St. Norcross, MN 56274	NWSE PID 01-0086-000	19	128	43
21 no	Veronica Touhey	27820 180th St. Norcross, MN 56274	SESW PID 01-0086-000	19	128	43
22 ✓	Dana J. & Katy R. Blume	27384 Co. Rd. 8 Elbow Lake, MN 56531	SWNE PID 01-0082-000	18	128	43
23 ✓	Dana J. & Katy R. Blume	27384 Co. Rd. 8 Elbow Lake, MN 56531	Part of the NWSE PID 01-0082-900	18	128	43
24 ✓	Dana J. & Katy R. Blume	27384 Co. Rd. 8 Elbow Lake, MN 56531	SENE PID 01-0082-000	18	128	43
25 ✓	Dana J. & Katy R. Blume	27384 Co. Rd. 8 Elbow Lake, MN 56531	NESE PID 01-0082-900	18	128	43
26 no	Nancy Derby, et al	1001 Lyndon Ave. S Unit 101 Glyndon, MN 56547	SWNW PID 01-0074-000	17	128	43
27 no	Nancy Derby, et al	1001 Lyndon Ave. S Unit 101 Glyndon, MN 56547	NWSW PID 01-0074-000	17	128	43
28 no	Nancy Derby, et al	1001 Lyndon Ave. S Unit 101 Glyndon, MN 56547	SENW PID 01-0074-000	17	128	43
29 ✓	JD Farm LLC	10820 Sanctuary Dr. NE Blaine, MN 55449	NESW PID 01-0076-000	17	128	43

	Owner	Address	Description	Sec	Twp	Rg
30 <i>no</i>	Lowell Ricks	26684 210 th St. Elbow Lake, MN 56531	SWNE PID 01-0075-000	17	128	43
31	Nancy Derby, et al	1001 Lyndon Ave. S Unit 101 Glyndon, MN 56547	NWSE PID 01-0074-000	17	128	43
32 <i>no</i>	Lowell Ricks	26684 210 th St. Elbow Lake, MN 56531	SENE PID 01-0075-000	17	128	43
33 <i>✓</i>	Ellison Farm Limited Partnership	18414 260 th Ave. Elbow Lake, MN 56531	NESE PID 01-0073-000	17	128	43
34 <i>no</i>	Nicholas A. & Megan J. Olson	19568 260 th Ave. Elbow Lake, MN 56531	Part of the SWNW PID 01-0070-000	16	128	43
35 <i>no</i>	Olson Revocable Living Trust Loren H. & Sheryl A. Olson, Trustees	26873 Grand View Road Unit #2 Elbow Lake, MN 56531	Part of the SWNW PID 01-0070-500	16	128	43
36 <i>no</i>	Olson Revocable Living Trust Loren H. & Sheryl A. Olson, Trustees	26873 Grand View Road Unit #2 Elbow Lake, MN 56531	SENE PID 01-0070-500	16	128	43
37	Roger & Sharon Derby Trust, et al	18121 300 th Ave. Norcross, MN 56274	NENW PID 01-0077-000	17	128	43
38 <i>no</i>	Lowell Ricks	26684 210 th St. Elbow Lake, MN 56531	NWNE PID 01-0075-000	17	128	43
39 <i>✓</i>	Terrance E. & Kathy L. Vipond	30318 200 th St. Norcross, MN 56274	SWSE PID 01-0037-000	8	128	43
40 <i>✓</i>	Terrance E. & Kathy L. Vipond	30318 200th St. Norcross, MN 56274	SESE PID 01-0037-000	8	128	43
41 <i>✓</i>	Terrance E. & Kathy L. Vipond	30318 200th St. Norcross, MN 56274	NESE PID 01-0037-000	8	128	43
42 <i>no</i>	Lowell Ricks	26684 210th St. Elbow Lake, MN 56531	SENE PID 01-0034-000	8	128	43
43 <i>✓</i>	JD Farm LLC	10820 Sanctuary Dr. NE Blaine, MN 55449	SESW PID 01-0076-000	17	128	43
44 <i>✓</i>	Paul J. & Jane L. Rath	26865 180 th St. Norcross, MN 56274	NENW PID 01-0089-500	20	128	43
45 <i>✓</i>	Ellison Farm Limited Partnership	18414 260th Ave. Elbow Lake, MN 56531	NWNE PID 01-0091-500	20	128	43
46 <i>✓</i>	Ellison Farm Limited Partnership	18414 260th Ave. Elbow Lake, MN 56531	NENE PID 01-0091-500	20	128	43
47 <i>✓</i>	Ellison Farm Limited Partnership	18414 260th Ave. Elbow Lake, MN 56531	SESE PID 01-0073-000	17	128	43
48 <i>✓</i>	Ellison Farm Limited Partnership	18414 260th Ave. Elbow Lake, MN 56531	SWNE PID 01-0091-500	20	128	43
49 <i>✓</i>	Ellison Farm Limited Partnership	18414 260th Ave. Elbow Lake, MN 56531	SENE PID 01-0091-500	20	128	43

	Owner	Address	Description	Sec	Twp	Rg
50	✓ Ellison Farm Limited Partnership	18414 260th Ave. Elbow Lake, MN 56531	SWNW PID 01-0092-300	21	128	43
51	✓ Ellison Farm Limited Partnership	18414 260 th Ave. Elbow Lake, MN 56531	Part of the NESE PID 01-0091-100	20	128	43
52	✓ Ellison Farm Limited Partnership	18414 260th Ave. Elbow Lake, MN 56531	Part of the NESE PID 01-0091-500	20	128	43
53	✓ Mark & Lori Ellison	18414 260th Ave. Elbow Lake, MN 56531	Part of the NWSW PID 01-0092-000	21	128	43
54	✓ Ellison Farm Inc.	18414 260th Ave. Elbow Lake, MN 56531	Part of the NWSW PID 01-0092-500	21	128	43

9. A diagram of the proposed improvement, showing the general location of the proposed improvement and the owners of properties crossed by the improvement, is attached as **Exhibit A**. Parcels numbered in the exhibit correspond to the parcels listed in the table above.
10. Petitioners are the owners of ____ of the 54 40-acre or smaller parcels that the proposed improvement passes over and, as such, represent more than 26 percent of the owners of property that the proposed improvement passes over as required by statutes section 103E.215.
11. Because CD 21 is in need of repair, Petitioners request, to the extent practicable, that the Drainage Authority consider, under statutes section 103E.215, subd. 6, the separable maintenance portion of the work when determining benefits and assessing costs of the improvement.
12. The improvement of CD 21 will be of public utility and promote public health.
13. Accompanying this Petition is the Petitioners' initial bond in the amount of \$_____. Petitioners acknowledge and agree that additional bonds may be required as additional costs are incurred in the improvement proceedings. Petitioners agree to pay all costs and expenses that may be incurred if the improvement proceedings are dismissed.
14. Petitioners have hired Rinke Noonan to represent them in the improvement proceedings and request the legal costs of Petitioners' attorney be paid from the bond and/or the project as provided in statutes section 103E.645.

15. Petitioners request the appointment of an engineer to examine the drainage system and make an improvement report. Petitioners recommend appointment of _____, P.E. of the firm _____, as an engineer and firm familiar with drainage systems in Grant County and competent to perform engineering duties in a drainage system improvement proceeding.
16. This Petition may be signed in counterparts.

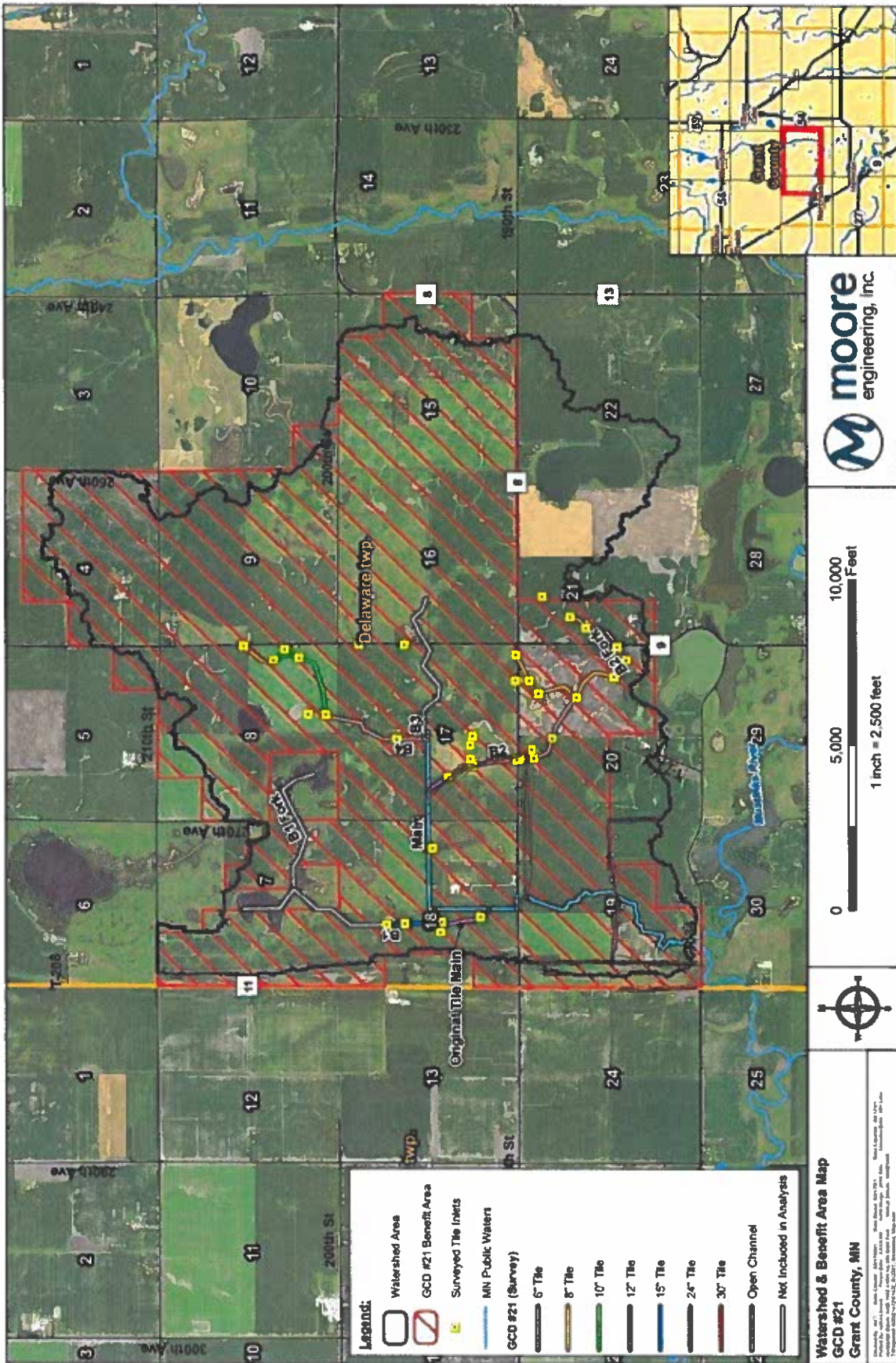
Respectfully submitted by:

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
U.S. OF AMERICA By _____ (Print Name) _____ (signature) Its _____ (Title)	Part of the SENW PID 01-0029-000 Part of the SWNE PID 01-0032-000 Part of the NESW PID 01-0028-000 Part of the NWSE PID 01-0032-000 SWSE PID 01-0028-000 Part of the SESE PID 01-0032-000 Part of the NWSW PID 01-0036-000 SWSW PID 01-0036-000 Part of the SESW PID 01-0036-000	7 7 7 7 7 7 7 8 8 8	128 128 128 128 128 128 128 128 128 128	43 43 43 43 43 43 43 43 43 43		
_____ Kenneth Willmert	SESW PID 01-0027-000	7	128	43	16 Gilmore St. Potsdam, NY 13676	
Triden Properties Limited Partnership, L.L.L.P. By <u>Kevin Triden</u> (Print Name) <u>[Signature]</u> (signature) Its _____ (Title)	NENW PID 01-0080-500 SESW PID 01-0080-500 NESW PID 01-0080-500 SESW PID 01-0080-500	18 18 18 18	128 128 128 128	43 43 43 43	20550 Co. Rd. 30 Rogers, MN 55374	

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
<u>Virginia Heintzelman</u> Virginia Heintzelman	NENW PID 01-0085-000 NWNE PID 01-0085-000 SENE PID 01-0085-000 SWNE PID 01-0085-000	19 19 19 19	128 128 128 128	43 43 43 43	P.O. Box 85 Chokio, MN 56221	
<u>Veronica Touhey</u> <i>no</i>	NESW PID 01-0086-000 NWSE PID 01-0086-000 SESW PID 01-0086-000	19 19 19	128 128 128	43 43 43	27820 180th St. Norcross, MN 56274	
<u>Dana J. Blume</u> Dana J. Blume <u>Katy R. Blume</u> Katy R. Blume	SWNE PID 01-0082-000 NWSE PID 01-0082-900 SENE PID 01-0082-000 NESE PID 01-0082-900	18 18 18 18	128 128 128 128	43 43 43 43	27384 Co. Rd. 8 Elbow Lake, MN 56531	
<u>Nancy Derby, et al</u> <i>no</i>	SWNW PID 01-0074-000 NWSW PID 01-0074-000 SENE PID 01-0074-000 NWSE PID 01-0074-000	17 17 17 17	128 128 128 128	43 43 43 43	1001 Lyndon Ave. S Unit 101 Glyndon, MN 56547	
JD Farm LLC By <u>Julie Larson</u> (Print Name) <u>Julie Larson</u> (signature) Its (Title)	NESW PID 01-0076-000 SESW PID 01-0076-000	17 17	128 128	43 43	10820 Sanctuary Dr. NE Blaine, MN 55449	
<u>Lowell Ricks</u> Lowell Ricks <i>Remove</i>	SWNE PID 01-0075-000 SENE PID 01-0075-000 NWNE PID 01-0075-000 SENE PID 01-0034-000	17 17 17 8	128 128 128 128	43 43 43 43	26684 210th St. Elbow Lake, MN 56531	

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
Ellison Farm Limited Partnership By <u>Dan Ellison</u> (Print Name) <u>Dan Ellison</u> (signature) Its <u>General Partner</u> (Title)	NESE PID 01-0073-000 NWNE PID 01-0091-500 NENE PID 01-0091-500 SESE PID 01-0073-000 SWNE PID 01-0091-500 SENE PID 01-0091-500 SWNW PID 01-0092-300 Part of the NESE PID 01-0091-100 Part of the NESE PID 01-0091-500	17 20 20 17 20 20 21 20 20	128 128 128 128 128 128 128 128 128	43 43 43 43 43 43 43 43 43	18414 260th Ave. Elbow Lake, MN 56531	
_____ Nicholas A. Olson _____ Megan J. Olson	Part of the SWNW PID 01-0070-000	16	128	43	19568 260th Ave. Elbow Lake, MN 56531	
Olson Revocable Living Trust By _____ Loren H. Olson, Trustee By _____ Sheryl A. Olson, Trustee	Part of the SWNW PID 01-0070-500 SENW PID 01-0070-500	16 16	128 128	43 43	26873 Grand View Road Unit #2 Elbow Lake, MN 56531	
Roger & Sharon Derby Trust, et al By _____ Roger Derby, Trustee By _____ Sharon Derby, Trustee	NENW PID 01-0077-000	17	128	43	18121 300th Ave. Norcross, MN 5624	

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
<u><i>Terrence E. Vipond</i></u> Terrence E. Vipond	SWSE PID 01-0037-000	8	128	43	30318 200th St. Norcross, MN 56274	4-26-2002
<u><i>Kathy L. Vipond</i></u> Kathy L. Vipond	SESE PID 01-0037-000	8	128	43		
	NESE PID 01-0037-000	8	128	43		
<u><i>Paul J. Rath</i></u> Paul J. Rath	NENW PID 01-0089-500	20	128	43	26865 180th St. Norcross, MN 56274	
<u><i>Jane Rath</i></u> Jane L. Rath						
<u><i>Mark Ellison</i></u> Mark Ellison	Part of the NWSW PID 01-0092-000	21	128	43	18414 260th Ave. Elbow Lake, MN 56531	
<u><i>Lori Ellison</i></u> Lori Ellison						
Ellison Farm Inc. By <u><i>Mark Ellison</i></u> (Print Name) <u><i>Mark Ellison</i></u> (signature) Its <u><i>President</i></u> (Title)	Part of the NWSW PID 01-0092-500	21	128	43	18414 260th Ave. Elbow Lake, MN 56531	



Watershed & Benefit Area Map
GCD #21
Grant County, MN

Drawn by: J. L. Moore, J. L. Moore & Associates, Inc. Date: 10/1/2010
Checked by: J. L. Moore, J. L. Moore & Associates, Inc. Date: 10/1/2010
Information shown on this map is for informational purposes only and does not constitute a warranty or representation of any kind.

200 Acres

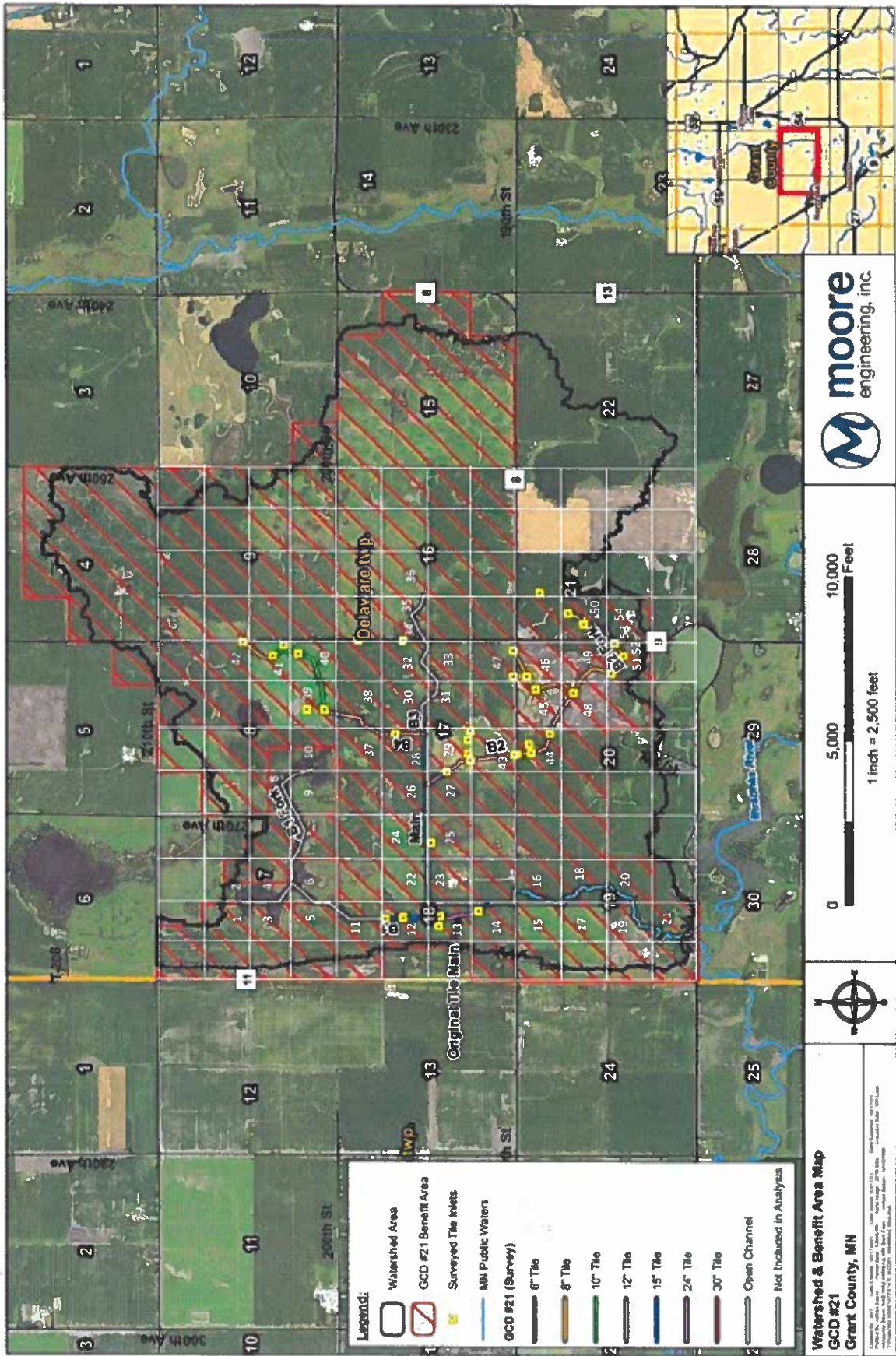


Exhibit A



TOPIC FOLLOW-UP

DAMAGE PROCESS REQUEST

07/15/22

CURRENT PROCESS

1. Board orders damages.
2. Attorneys draft easements and 1099 forms and send to landowners for signature.
3. Landowners sign and return easements and 1099 forms.
4. Landowners provide abstracts.
5. Abstracts are sent to abstractor to be updated.
6. District receives notice that the easement has been updated on the abstract and is recorded.
7. Attorneys send damages check to landowner.

PROBLEM & PROPOSED SOLUTION

It is taking over 90 days for abstracts to be updated and recorded.

PROPOSED PROCESS

1. Board orders damages.
2. Attorneys draft easements and 1099 forms and send to landowners for signature.
3. Landowners sign and return easements and 1099 forms.
4. Landowners provide abstracts.
5. Abstracts are sent to abstractor to be updated.
6. As long as there is no early indication that the damages check is being provided to the wrong party (for eg, the land has been placed in a trust or is involved in an estate settlement), attorneys send damages check to landowner.
7. District receives notice that the easement has been updated on the abstract and is recorded.

The Public is Invited to Attend a Bois de Sioux Watershed Workshop at One of the Following:

August 9th from 10 am – Noon, Campbell Community Center

August 10th from 10 am – Noon, Graceville Community Center

August 11th from 1 pm – 3 pm, Herman Community Center

Staff will Present Information on:

Regional Trends

Ditch Retrofits

Changes to District Bylaws, Rules, Policies and Permits

Subsurface Drainage/Tiling

Watershed Projects



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

REPLY TO ATTENTION OF
REGULATORY BRANCH

June 23, 2022

Regulatory File No 2010-04199-EJI.

Bois de Sioux Watershed District
C/O Ms. Jamie Beyer
704 South Hwy 75
Wheaton, Minnesota 56296-1304

Dear Ms. Beyer:

This letter concerns your request for Department of the Army authorization to place fill material into approximately 39.44 acres of waters of the United States, including approximately 0.85 acres of the Mustinka River (Judicial Ditch 14), 27.2 acres of wetlands associated with the construction of berms and placement of control structures, 0.67 acres associated with Ditch 35 relocation, 3.74 acres associated with the mitigation site and 6.98 acres of ditch bottom. The project is depicted on the enclosed drawings labeled 2010-04199-EJI Page 1 of 4 to 4 of 4. The project site is in Sections 15, 16, 21, 22, 23, 24, 25, 26, 27, 28 Township 128 North Range 45 West, Traverse County & Sections 19, 20, 30, Township 128 North Range 44 West, Grant County Minnesota.

This letter contains an initial proffered permit. Also enclosed is a Notification of Administrative Appeal Options and Process (NAP) fact sheet and Request for Appeal (RFA) form for information regarding your right to object to these determinations.

If you object to the terms and/or conditions of this initial proffered permit, please see Section I-A. You must complete Section II of the RFA and submit it to the **District Engineer** in accordance with 33 C.F.R. Part 331. Your objections to the initial proffered permit must be received by the **St. Paul District Office** within 60 days of the date of the NAP or you will forfeit your right to appeal the permit.

Before accepting the RFA, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. § 331.5, and that it has been received by the District or Division Office within 60 days of the date of the NAP.

It is not necessary to submit an RFA form to the Corps District or Division Office if you do not object to the initial proffered permit or the approved jurisdictional determination enclosed with this letter.

The preliminary JD prepared for the site described above is not appealable. The preliminary JD is a written indication that there may be waters or wetlands subject to federal jurisdiction on the site or an indication of the approximate location(s) of waters or wetlands on a parcel. If you wish to receive an approved jurisdictional determination, please see Section I-E. If this preliminary JD is acceptable, please sign and date both copies of the preliminary JD form and return one copy to the address below within 30 days from the date of this letter.

If the permit, with all conditions, is acceptable, the permittee or authorized representative should sign on the line above the words "PERMITTEE SIGNATURE," add the date, print or type the signatory's name clearly underneath the signature, and return to this office, **Attention: Regulatory Division**. The District Engineer, or his designated representative, will then sign return to you for your records. The permit is not valid without that signature.

Your DA permit will not be valid until we have returned a copy to you bearing both your signature and the signature of the appropriate Corps official.

If your project will require off-site fill material that is **not** obtained from a licensed commercial facility, you must notify us at least five working days before start of work. A cultural resources survey may be required if a licensed commercial facility is not used.

If you have any questions, please contact Evan Ingebrigtsen in our Brainerd office at (651) 290-5765 or evan.j.ingebrigtsen@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,



Craig Jarnot
Chief, North Branch

Enclosures

cc:

James Guler (Moore Engineering)

Lynda Ponting (BWSR)

Sara Gronfeld (Traverse SWCD)

DEPARTMENT OF THE ARMY PERMIT

Permittee Bois de Sioux Watershed District
Permit No. 2010-04199-EJI

Issuing Office St. Paul District
U.S. Army Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

You are authorized to discharge fill material into approximately 39.44 acres of waters of the United States, including approximately 0.85 acres of the Mustinka River (Judicial Ditch 14), 27.2 acres of wetlands associated with the construction of berms and placement of control structures, 0.67 acres associated with Ditch 35 relocation, 3.74 acres associated with the mitigation site and 6.98 acres of ditch bottom. The authorized work area is shown on the enclosed drawings labeled 2010-04199-EJI page 1 of 4 to page 4 of 4.

Project Location:

The project site is located in: Sections 15, 16, 21, 22, 23, 24, 25, 26, 27, 28 Township 128 North Range 45 West, Traverse County & Sections 19, 20, 30, Township 128 North Range 44 West, Grant County Minnesota.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2027. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to

determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. As compensatory mitigation for unavoidable impacts to 27.2 acres of wetlands and 0.85 acres of the Mustinka River (JD 14) the applicant shall perform permittee responsible compensatory mitigation as outlined in the document "Redpath Wetland Mitigation Plan, Traverse County, Minnesota" dated January 2021, including the relocation of approximately 6.98 acres of JD 35.
2. The work required for the permittee responsible mitigation must be completed prior to beginning phase 2 construction for the overall flood damage reduction project.
3. The permittee responsible mitigation site developed in accordance with the "Redpath Wetland Mitigation Plan, Traverse County, Minnesota" dated January 2021, shall be protected in perpetuity by covenants or conservation easement or other land use restrictions acceptable to the District Engineer that prohibit incompatible uses. A certified copy of the conservation easement shall be provided to this office within 90 days of completion of the permittee responsible mitigation site and prior to the expiration of this permit.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☐ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt

completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE SIGNATURE)

(DATE)

(PERMITTEE PRINTED OR TYPED NAME)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Karl D. Jansen
Colonel, Corps of Engineers
District Engineer

(Date)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE SIGNATURE)

(DATE)

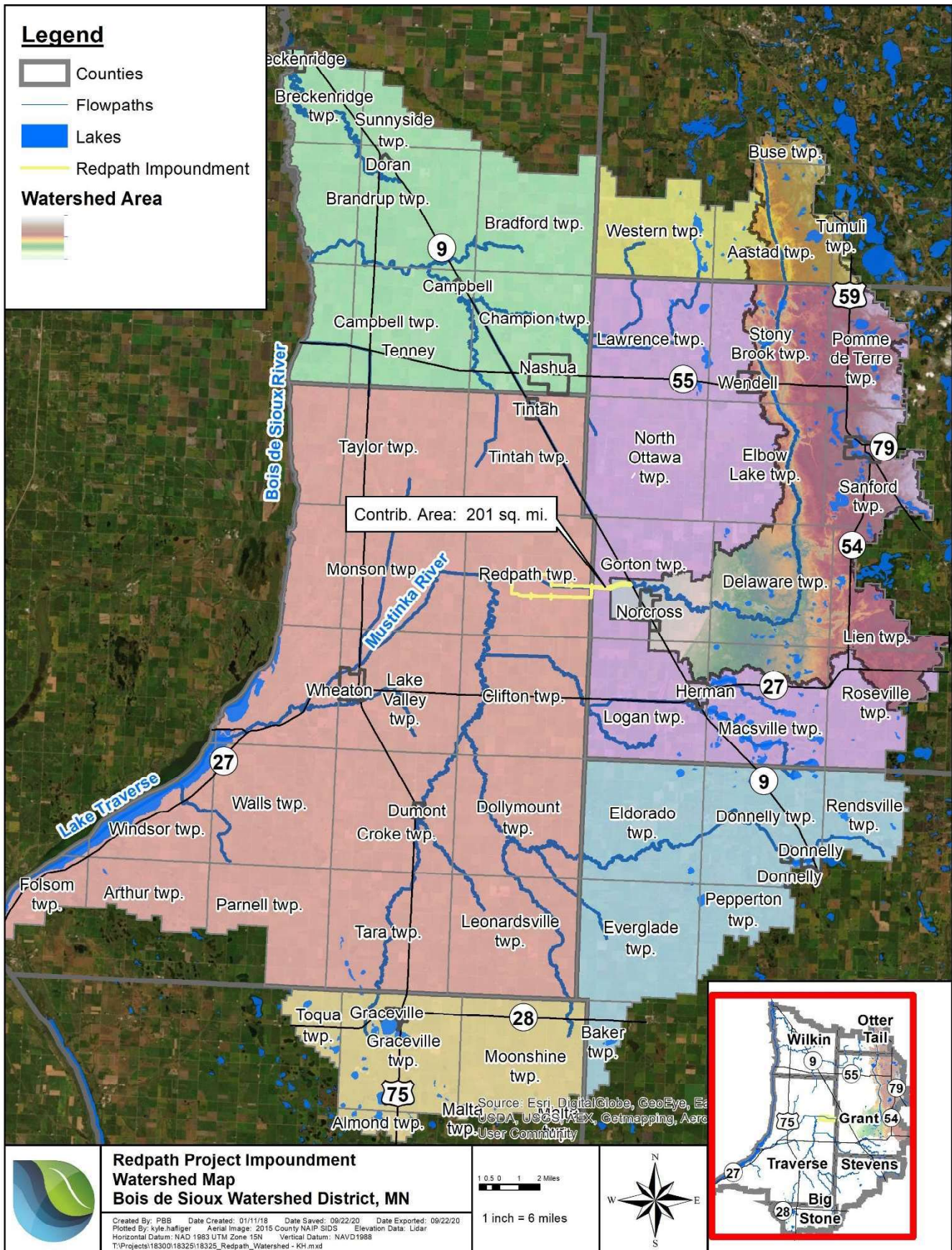


Figure 1.1 - Redpath Impoundment and Watershed

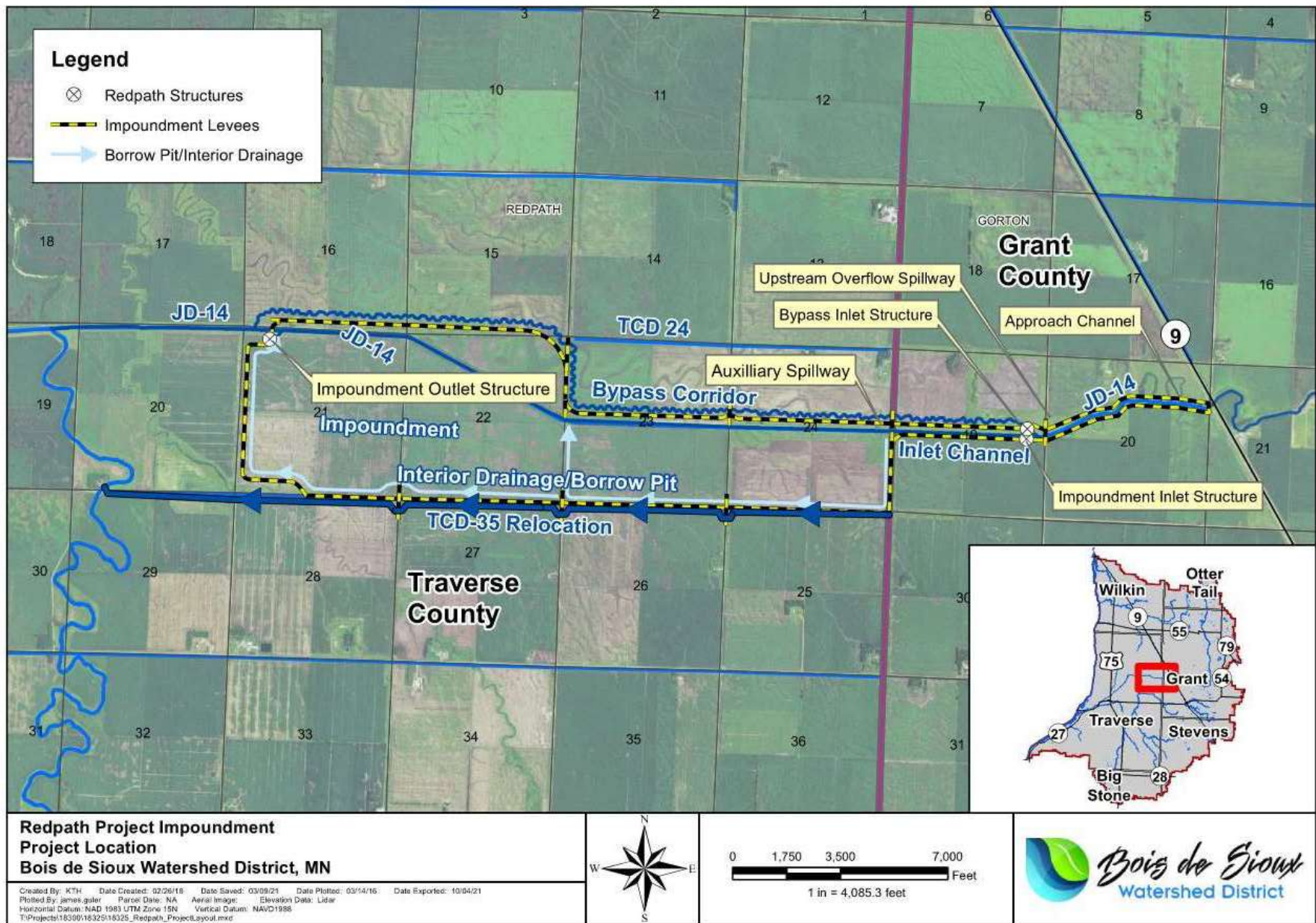
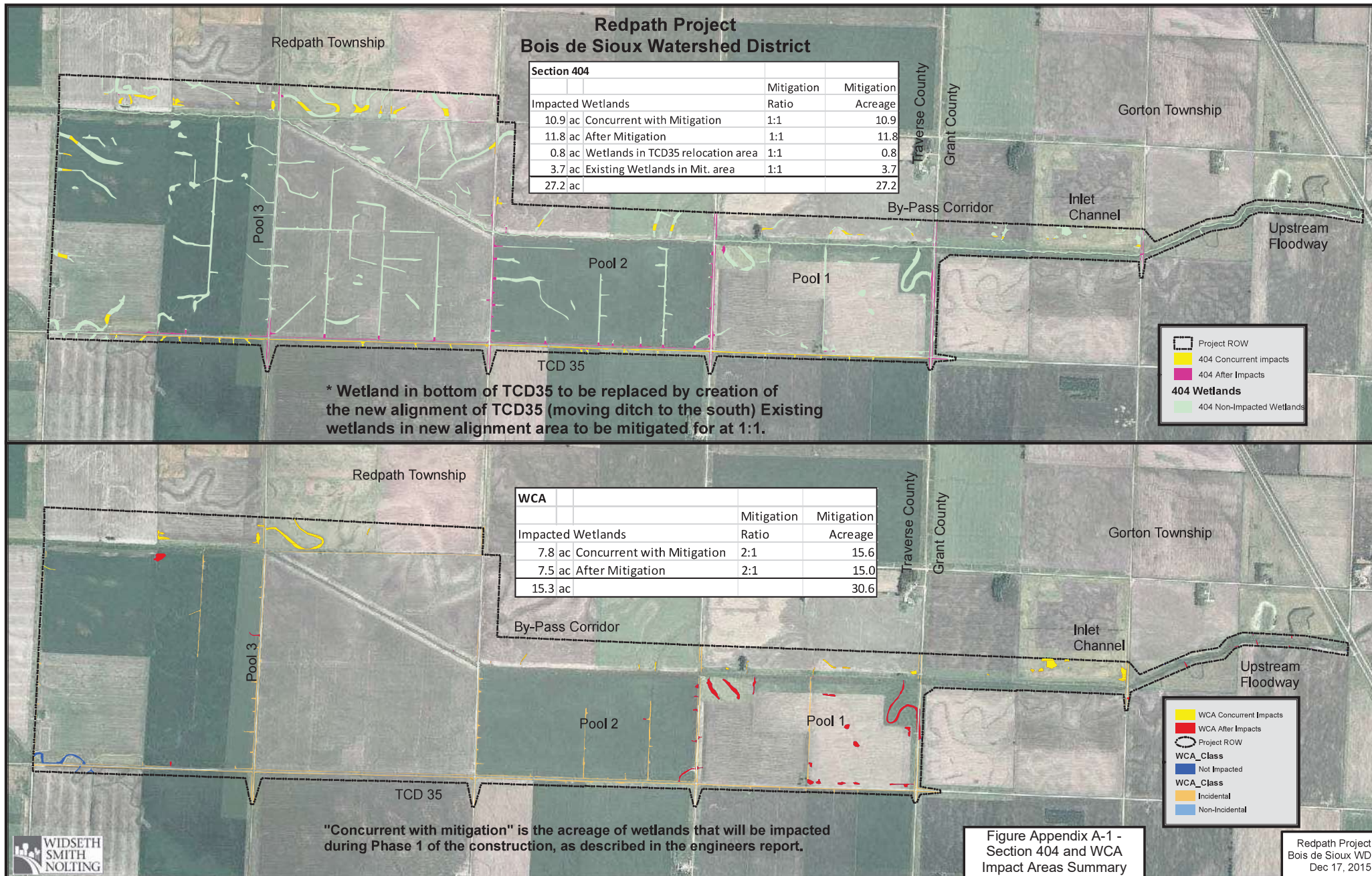


Figure 1.2 - Redpath Impoundment Project Layout





Barr Footer: ArcGIS 10.7.1, 2021-01-22 16:30 File: \\Client\Bois de Sioux\Work Orders\004 Redpath Wetland Mitigation\Map\Reports\Wetland Mitigation\Figure 3 Redpath Wetland Replacement Plan.mxd User: gdf





Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

January 6, 2015

Mr. Tim Smith
U.S. Army Corps of Engineers
Acting Branch Chief
Regulatory Branch, St. Paul District
180 Fifth Street East, Suite 700
St. Paul, Minnesota 55101-1678

Mr. Jon Roeschlein
Bois de Sioux Watershed District
704 Highway 75 South
Wheaton, Minnesota 56296-1304

RE: 2010-04199-RQM, Redpath Flood Damage Reduction Project
Grant and Traverse Counties, Minnesota
Section 401 Certification

Dear Mr. Smith and Mr. Roeschlein:

This letter is submitted by the Minnesota Pollution Control Agency (MPCA) under authority of Section 401 of the Clean Water Act (33 USC 1251 et seq.), Minn. Stat. chs. 115 and 116 and Minn. R. 7001.1400-1470, R. 7050, R. 7052, and R. 7053.

The applicant, Bois de Sioux Watershed District (BDSWD), is proposing the construction of the Redpath Flood Damage Reduction Project. The project location is: Sections 15, 16, 21, 22, 23, 24, 25, 26, 27, 28 Township 128 North, Range 45 West, Grant County and Sections 19, 20, 30 Township 128 North, Range 44 West, Traverse County, Minnesota.

The construction of the Redpath Flood Damage Reduction project would discharge dredged or fill material into the Mustinka River, also known as Judicial Ditch (JD) 14, Traverse County Ditch 35 and Traverse County Ditch 24 and adjacent wetlands. The project would place fill in approximately 0.85 acres of the Mustinka River and 29.62 acres of wetlands.

The applicant will mitigate the adverse impacts to wetlands by creation of an onsite mitigation area under perpetual conservation easement. BDSWD will establish a real estate instrument to protect the mitigation site and ensure the wetlands will exist in perpetuity. The mitigation would restore approximately 32.2 acres of wetlands and 12,591 linear feet of re-meandered Mustinka River.

The MPCA certifies the referenced project because there is reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards, provided the following conditions are complied with. These Conditions include:

- 1) Within 14 days of the completion of the conservation easement to protect the mitigation, the BDSWD shall provide the MPCA with a letter confirming the establishing of the easement and describing the real estate instrument that ensures the mitigation will be protected. If onsite mitigation and a conservation easement are not determined to be the appropriate mitigation for the project, the proposer shall provide the MPCA with written notification about the mitigation.
- 2) The applicant will develop a plan for the use of in-water Best Management Practices (BMPs) to minimize turbidity and sedimentation during construction. The in-water BMPs must be used during all in-water work, including culvert installation associated with the bypass corridor and road crossing of the wetland. The plan must be submitted to the MPCA for approval before any in-water construction activities commence. A copy of the plan must also be available on the project site.
- 3) Construction of the by-pass channel must occur in the absence of water flow to minimize downstream sedimentation.
- 4) The project must be constructed in phases over a four year period, with phased restoration and vegetation establishment, as described in on pages 8 and 9 of the Environmental Assessment Worksheet. Each phase is considered complete when vegetation is successfully established. Except where parts of future phases are begun to efficiently use construction materials, the following phase shall not begin until vegetation is established from the previous phase.

The Mustinka River is Impaired for Aquatic Life due to high turbidity and low dissolved oxygen (DO). In the process of constructing this project, the applicant and their designated contractors are not authorized to exacerbate the above mentioned impairments. In addition, the applicant and their contractors are required to comply with all conditions of this MPCA 401 Water Quality Certification.

The Bois de Sioux Watershed District shall inform the MPCA of any additional water quality impacts this project may have, before they occur, to determine if further review or authorization is required. This includes any additional fill, excavation, dredging, additional structures, and temporary impacts not shown in the final plans.

This MPCA decision is made, in part, on the applicant's representations that environmental review under the Minnesota Environmental Quality Board's Rules, Minn. R. ch. 4410, is not needed for the project or, alternatively, that all necessary environmental reviews and related decisions have been completed. If environmental review for this project is needed and has not been completed, this MPCA Certification decision is null and void and of no legal effect. In that situation, MPCA reserves the right to make a Section 401 decision when the environmental review process is completed.

Mr. Tim Smith and Mr. Jon Roeschlein

Page 3

January 6, 2015

This action does not release the applicant from any liability, penalty or duty imposed by Minnesota or federal statutes, regulations, rules, or local ordinances and it does not convey a property right or an exclusive privilege. For further information, please contact Bill Wilde at 651-757-2825.

Sincerely,



Catherine Neuschler
Supervisor, Agency Rules Unit
Environment and Energy Section
Resource Management and Assistance Division

CN/BW:je

cc: Peter Swenson, USEPA, Chicago, Illinois
Janice Cheng, USEPA, Chicago, Illinois
Julie Ekman, MnDNR, St. Paul, Minnesota
Tony Sullins, USFWS, Bloomington, Minnesota
Robert Maroney, USACE, Brainerd, Minnesota
Cary Hernandez, MPCA, Detroit Lakes, Minnesota

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Bois de Souix Watershed District		File No.: MVP-2010-04199-EJI	Date: 23 June 2022
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Evan Ingebrigtsen
U. S. Army Corps of Engineers, Regulatory Division
10867 East Gull Lake Drive
Brainerd, Minnesota 56401
Telephone (651) 290-5765

If you only have questions regarding the appeal process you may also contact the Division Engineer through:

Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX: 601-634-5816

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

**STATE OF MINNESOTA
BEFORE THE
BOIS DE SIOUX WATERSHED DISTRICT**

In the Matter of:

**Redpath Impoundment
&
Mustinka River Rehabilitation Project**

**RESOLUTION SETTING MINN. STAT. §
103D.605 PROJECT HEARING**

At a public meeting conducted by the Board of Managers of the Bois de Sioux Watershed District (the “Managers”), on June 16, 2022, Manager _____ moved, seconded by Manager _____ for adoption of the following:

WHEREAS, the Bois de Sioux Watershed District (the “District”) desires to construct the Redpath Impoundment & Mustinka River Rehabilitation Project (the “Project”) in portions of Grant County and Traverse County, Minnesota;

WHEREAS, the general nature of the Project is _____;

WHEREAS, Phase I of the Project is being constructed as a ditch improvement known as the Improvement to Traverse County Ditch No. 35, construction of which commenced in the summer of 2022;

WHEREAS, the estimated cost of the Project is \$_____. Funds for the Project will derive from: _____;

WHEREAS, the Project is being established and constructed pursuant to authority granted under Minn. Stat. § 103D.605, as the Managers are undertaking all or a portion of the Project as identified in its watershed management plan;

WHEREAS, in accordance with Minn. Stat. § 103D.605, subd. 2, the District Engineer submitted the Project plan to the Director of Division of Ecological and Water Resources of the Department of Natural Resources (the “Director”) and the Board of Water and Soil Resources (“BWSR”) on _____, 20____;

WHEREAS, on _____, 20____, the District received the Director’s advisory report;

WHEREAS, on _____, 20____, the District received BWSR’s advisory report; and

WHEREAS, pursuant to Minn. Stat. § 103D.605, subd. 3, the Managers will set a public hearing and provide notice of the public hearing by publication and mail.

NOW THEREFORE, BE IT RESOLVED by the Board of Managers of the Bois de Sioux Watershed District as follows:

1. In accordance with Minn. Stat. § 103D.605, subd. 3, the District will hold a public hearing on the Project on Thursday, July 21, 2022, at ____:00 AM, at the District's office located at 704 Highway 75 South, Wheaton, Minnesota 56296.
2. At the public hearing, the District's Board of Managers will hear from any interested parties in the Project.
3. After the Project hearing, if the Managers find that the Project will be conducive to public health, promote the general welfare, and is in compliance with the watershed management plan and the provisions of Minn. Stat. § 103D.605, BWSR must, by order, establish the Project. The establishment order will include the findings of the District.

After discussion, the President called the question. The question was on the adoption of the foregoing resolution, and there were _____ yeas, _____ nays, _____ absent, and _____ abstentions as follows:

	Yea	Nay	Absent	Abstain
Gillespie	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wold	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Beyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vavra	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dahlen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmidt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kapphahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brutlag	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the motion passed.

**BOIS DE SIOUX
WATERSHED DISTRICT**

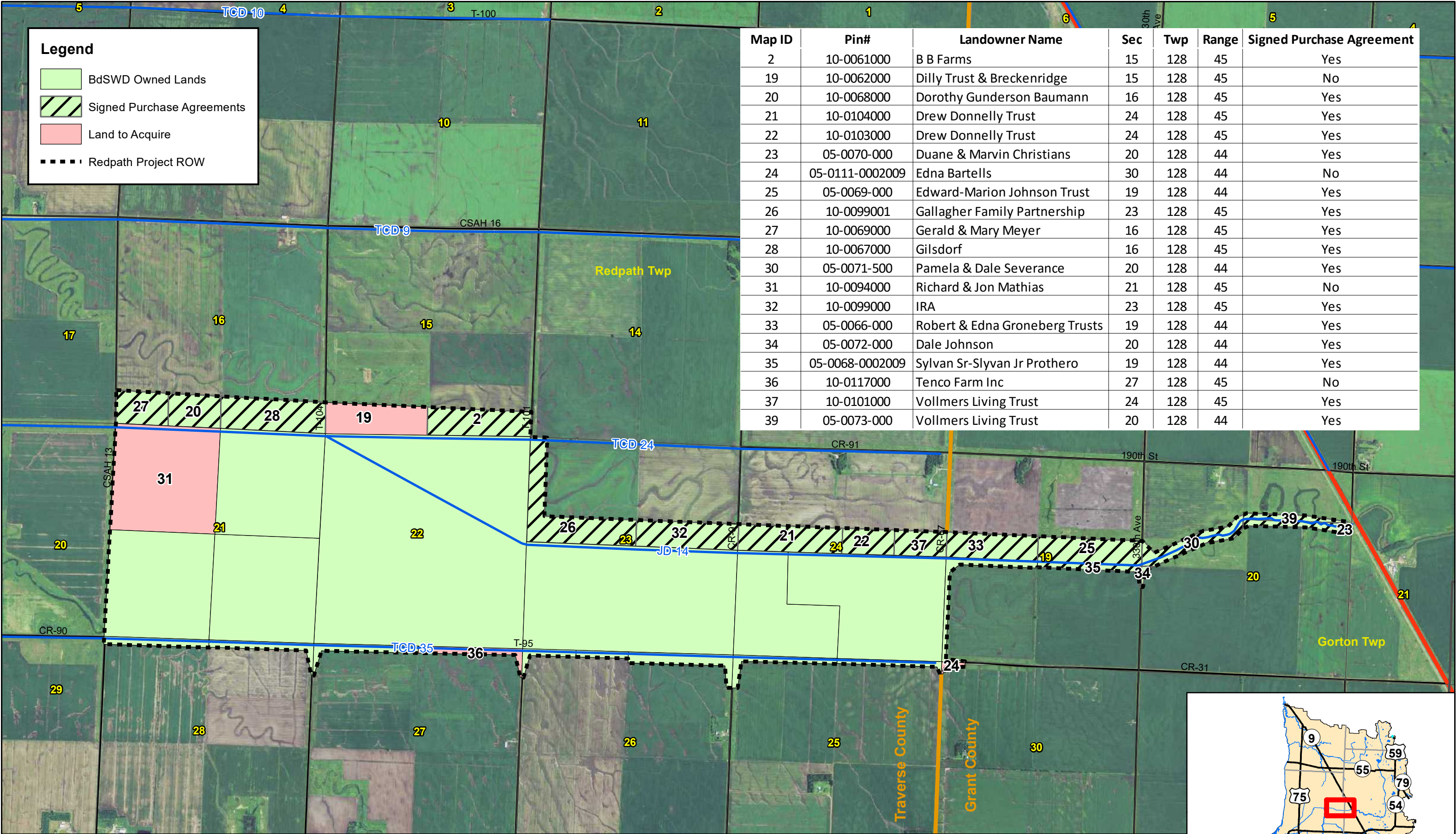
Date: _____, 2022

Linda Vavra, President

Attest:

Date: _____, 2022

Jamie Beyer, Administrator





Bois de Sioux
Watershed District

704 Highway 75 South | Wheaton, MN 56296

Phone | 320.563.4185

Fax | 320.563.4987

www.bdswd.com

bdswd@runestone.net

TOPIC FOLLOW-UP

EMPLOYEE HOLIDAYS

07/15/22

CURRENT HOLIDAYS

Current District employee holidays, per the District Personnel Handbook:

- New Year's Day*
- Martin Luther King Day*
- President's Day*
- Memorial Day*
- Independence Day*
- Labor Day*
- Columbus Day*
- Veteran's Day*
- Thanksgiving Day*
- Thanksgiving Day Friday
- Christmas Eve Day
- Christmas Day*
- New Year's Eve beginning at noon

*These are holidays pursuant to MN Statute 645.44 Subd. 5 on which public business cannot be transacted.

2021 - 2022

COMMITTEES (appointed by the President)

PERSONNEL COMMITTEE

Scott Gillespie
Steven Schmidt
Linda Vavra
Allen Wold

BIG LAKE COMMITTEE

Doug Dahlen
Allen Wold
John Kapphahn
Linda Vavra

NORTH OTTAWA PROJECT TEAM

Jason Beyer
John Kapphahn
Ben Brutlag
Linda Vavra

DORAN CREEK COMMITTEE

Jason Beyer
Linda Vavra
Jerome Deal
Ben Brutlag

OFFICE BUILDING MAINT COMMITTEE

Jerome Deal
Linda Vavra
Steven Schmidt

LAKE TRAVERSE WATER QUAL IMPR PROJ

Jerome Deal
Scott Gillespie
Steven Schmidt
Linda Vavra

PERMIT REVIEW COMMITTEE

Engineer
Engineer Technician
Board Members Assigned to Respective
Areas-See Map

ADVISORY COMMITTEE MEMBERS

Jay Backer
Scott Bauer
Duane Duin
Dean Frisch
Doug Jahnke
Eric Klindt
Dwight Nelson
Ron Staples
Mark Summer
Vernell Wagner
John Walkup

POLICIES & PROCEDURES COMMITTEE

Jason Beyer
Scott Gillespie
Linda Vavra
Steven Schmidt

LEGISLATIVE COMMITTEE

Allen Wold
Scott Gillespie
Linda Vavra
Lukas Croaker

SOIL LOSS COMMITTEE

John Kapphahn
Scott Gillespie
Linda Vavra
Allen Wold

REDPATH COMMITTEE

Allen Wold
Linda Vavra
John Kapphahn
Doug Dahlen
Lukas Croaker
Chad Engels

CONSTRUCTION CONTRACT COMMITTEE*

Jason Beyer
Ben Brutlag
Doug Dahlen
Linda Vavra

*Membership varies by project

**BOIS DE SIOUX WATERSHED DISTRICT
2022-2023 ANNUAL ORGANIZATION RESOLUTION**

BOARD OFFICERS

President*
Vice President
Treasurer*
Secretary*

**authorized check signers; two signatures preferred when possible*

RED RIVER WATERSHED MANAGEMENT BOARD

Term 01/01/2022 – 12/31/2024

Delegate Linda Vavra
Alternate..... Jason Beyer

NEWSPAPERS

Traverse County..... Wheaton Gazette
Big Stone County..... The Northern Star
Grant County..... Grant County Herald
Wilkin County..... The Daily News
Otter Tail County The Daily Journal
Stevens County The Chokio Review

CONSULTANTS & DESIGNATIONS

Attorney at Law Lukas Croaker, Ohnstad Twichell
Engineer Chad Engels, Moore Engineering
Accountant Renee Kannegeisser, Morris & Associates
Auditor CliftonLarsonAllen
Drainage Ditch Inspector District Engineer Technician
Permit Officers..... District Engineers & Engineer Technician

DEPOSITORIES

Bank of the West..... Wheaton, MN
Bremer Bank Morris, MN
Star Bank..... Wheaton, MN

INSURANCE COVERAGE

League of Minnesota Cities Saint Paul, MN

COMMITTEES (appointed by the President)

**ADVISORY
BIG LAKE
SOIL LOSS
CONSTRUCTION CONTRACT
DORAN CREEK
LAKE TRAVERSE WAT QUALITY IMP
LEGISLATIVE**

**NORTH OTTAWA PROJECT TEAM
OFFICE BUILDING MAINTENANCE
PERMIT REVIEW
PERSONNEL
POLICIES & PROCEDURES
REDPATH**

2022 DISTRICT BILLABLE HOURLY RATES

(approved 4/21/22)

2022 BILLING RATES

(based on 2021 Audit and BWSR Calculator)

	District Administrator	District Office Manager	District Engineer Tech
Salary + Benefits	\$ 45.00	\$ 23.95	\$ 50.88
Salary + Benefits + Facilities	\$ 73.63	\$ 52.57	\$ 79.51
Salary + Benefits + Facilities + Administration	\$ 81.81	\$ 60.75	\$ 87.69

Historical Rates

2022 Salary + Benefits + Facilities + Administration	\$ 81.81	\$ 60.75	\$ 87.69
2021 Salary + Benefits + Facilities + Administration	\$ 74.49	\$ 56.45	\$ 82.46
2020 Salary + Benefits + Facilities + Administration	\$ 74.79	\$ 56.18	\$ 81.75
2019 Salary + Benefits + Facilities + Administration	\$ 74.52	\$ 55.78	\$ 80.05
2018 Salary + Benefits + Facilities + Administration	\$ 140.51	\$ -	\$ 130.30

DISTRICT BILLABLE HOURLY RATES FOR CONTRACTED LEGAL SERVICES:

- Attendance at Meetings (attorneys) - \$160
- Specific File (attorneys) - \$210
- Specific File (paralegals) - \$135
- Mileage fees - \$100
- Bonding – flat fees

DISTRICT BILLABLE RATES FOR CONTRACTED ENGINEERING SERVICES

(on following page)

Meeting Notes
North Ottawa Project Team
June 22, 2022 at 10:00 AM
LOCATION: NORTH OTTAWA IMPOUNDMENT GAZEBO

Project Team Members

SWCD Representative	Randy Larson	
Landowners	Dominic Blume [absent]	Jordan Schneeberger
County Commissioners	Eric Klindt	Bill LaValley
DNR Representatives	Nick Brown	Christine Herwig
BdSWD Board Managers	Ben Brutlag	John Kapphahn

Also Present:

Larry Schneeberger, Landowner
Theresa Ebbenga, DNR Regional Director
Linda Vavra, BdSWD Board President and Alternate
Jamie Beyer, BdSWD Administrator

Introductions

Introductions were made.

Brief History of North Ottawa

Ebbenga and Vavra provided a brief history of the project, with contributions from other Project Team members, describing the primary function of the facility for flood damage reduction (FDR), secondary function to provide natural resource enhancements (NRE's), and the utilization and funding derived from agricultural leases.

Policies: 10-Year Operations and Maintenance Agreement

The current O & M Agreement was mailed/emailed to all Project Team participants. The facility's agricultural leases expire in 2022, so new leases will need to be enacted for crop year 2023. Because construction of the facility was paid for by state bond funds, the Minnesota Management and Budget (MMB) office requires that we use their lease form, and their approval is required. Beyer reported that it can take 6 – 9+ months to get MMB's approval, so she has already had MMB approve the lease form for 2023.

The BdSWD will approve the lease format in December and begin advertisement; rental bids are reviewed and approved in January, and rent is due March 1st.

In 2021, the District offered 2- and 3-year lease contracts, and saw a notable increase in bid rental offers. Because the District anticipated the formation and enactment of the North Ottawa Project Team, a 2-year lease was utilized for crop years 2021 and 2022.

Project Team members requested a copy of the lease for their consideration.

Policies: Project Team Duties

Project Team duties are included in the O & M Agreement, see Section III and Exhibit B. Beyer will mail and collect signed Project Team Statements of Commitment. Ebbenga added that cost-share for meeting facilitators are available through the Flood Damage Reduction Workgroup.

Policies: Budget

Currently, there is approximately \$71,000 in the North Ottawa fund. Engineer Technician Troy Fridgen had provided the following repairs in progress:

1. Gravel will be applied to the center North-South road (\$11 - \$12,000)
2. Three gates to keep vehicles off roads/dikes are being made, because signs aren't working by themselves (\$10,000 installed?)
3. One aluminum gate will replace wooden stop logs on A4 (this is the most used gate within the impoundment to manipulate water levels for NRE's, used to flood the other cells after harvest)
4. Some side inlet culverts are being fixed along the collection channel

These repairs may be \$25,000 - \$30,000 total.

Fridgen requested that the Project Team consider what to do with A3. This cell was not farmed – he recommends that a cover crop be planted to prevent/slow weed growth. Project Team members discussed different cover crop options, including rye, Japanese millet, oats, etc and the NRE benefits associated with those crops. Kapphahn can provide prices and coordinate seed purchase, delivery, and planting. Beyer offered that a cell could be subdivided to grow more than one type of cover crop.

Project Team members discussed the need for facility road signage – Pine to Prairie, MNDOT, and Wendell/Herman gas stations were identified as potential avenues.

Spring/Summer/Fall Operations

Brutlag relayed how the Impoundment was utilized Spring 2022, which had a late spring flood and several subsequent storm events, requiring gate manipulations to ease possible flood impacts and/or flooding perceptions downstream. Despite these flooding challenges, the agricultural cells were able to be planted.

Project Team members discussed interest in monitoring equipment. The system originally installed with the facility has been defunct for several years – the technology was not initially installed correctly and relies on an extensive system of batteries. The equipment manufacturer has visited the site and was unable to repair the system.

Herwig described DNR research noting one species that uses the Impoundment for nesting. Brown commended the District on its cattail control in A4/B4, which were found by District staff to be too shallow to drown the cattails.

Next Meeting

Project Team members requested a meeting prior to harvest, early September?, and a second meeting in November. Beyer will coordinate the logistics of setting and preparing meetings for the Project Team.

District staff have tabled requests/proposals from outside entities for a variety of new activities, and will begin the process of bringing interested parties to future Project Team meetings – enhancement proposals have included bathrooms, camping spots, bird watching blinds, wild rice production, paved walking paths, etc.

MEMORANDUM

DATE: July 1, 2022
TO: MAWD Members
FROM: Sherry Davis White, Resolutions Committee Chair
RE: **2022 REQUEST FOR MAWD RESOLUTIONS**



It is that time of year for MAWD members to submit their policy recommendations through our resolutions process. This is YOUR organization and policy statements start with YOU! Here are the next steps and timeline:

- July / August** Members write, discuss, and approve resolutions at your WD/WMO meetings. The more detail you can provide, the easier it will be for the committee to make a recommendation.
- September 1** Administrators submit resolutions and background information documents to the MAWD office at emily@mnwatershed.org by September 1. If more time is needed, please contact the MAWD office so the MAWD Resolutions Committee is aware that another resolution may be submitted. The latest possible date to submit a resolution is **60 days before** the annual meeting (October 4). We ask that resolutions be submitted according to the described timeframe to ensure distribution to members for discussion by your boards in November.
- NOTE: If all the requested information is not included, the Resolution will NOT be accepted.**
- September / October** The MAWD Resolutions Committee will review the resolutions, gather more information or ask for further clarification when deemed necessary, work with the submitting watersheds to combine similar resolutions, reject resolutions already active, discuss and make recommendations on their passage to the membership.
- October 31** Resolutions (with committee feedback) will be emailed to each organization by Oct 31.
- NOTE: If at all possible, please hold a regional meeting to discuss the Resolutions BEFORE the annual conference.**
- November** Members should discuss the resolutions at their November meetings and decide who will be voting on their behalf at the annual meeting (2 voting members and 1 alternate are to be designated per watershed organization)
- December 3** Delegates discuss and vote on resolutions at the annual resolutions hearing. Please be prepared to present and defend your resolution.
- December** Legislative Committee will review existing and new resolutions and make a recommendation to the MAWD Board of Directors for the 2023 legislative platform.
- December 2022** MAWD Board of Directors will finalize the 2023 legislative platform.
- January 2023** Legislature returns for the 93rd Legislature, 2023-2024.

NOTE: Resolutions passed by the membership will remain MAWD policy for five years after which they will sunset. If a member wishes to keep the resolution active, it must be resubmitted and passed again by the membership. Enclosed with this memorandum are the active resolutions and those that will sunset 12/31/22. Please feel free to contact me at sherrywhite@mediacommbb.net or (952) 215-6963 or our Executive Director Emily Javens if you have any questions at emily@mnwatershed.org or (651) 440-9407.

THANK YOU FOR YOUR EFFORTS IN OUR POLICY DEVELOPMENT!

Background Information

2022 MAWD Resolution

Proposing District: _____

Contact Name: _____

Phone Number: _____

Email Address: _____

Resolution Title: _____

Please attach a signed and dated copy of the resolution to this submittal form. Thank you!

Background that led to the submission of this resolution:

Describe the problem you wish to solve and provide enough background information to understand the factors that led to the issue. Attach statutory or regulatory documents that may be helpful.

Ideas for how this issue could be solved:

Describe potential solutions for the problem. Provide references to statutes or rules if applicable.

Efforts to solve the problem:

Document the efforts you have taken to try to solve the issue. For example: have you spoken to state agency staff, legislators, county commissioners, etc? If so, what was their response?

Anticipated support or opposition:

Who would be willing to partner with us on the issue? Who may be opposed to our efforts? (Ex. other local units of government, special interest groups, political parties, etc.)?

This issue: (check all that apply)

- _____ Applies only to our district
- _____ Applies only to 1 or 2 regions
- _____ Applies to the entire state

- _____ Requires legislative action
- _____ Requires state agency advocacy
- _____ Impacts MAWD bylaws or MOPP

(MOPP = Manual of Policies and Procedures)



Active MAWD Resolutions

July 1, 2022

FINANCE ISSUES

2021-01A: Support SWCD Capacity Fund Sources

MAWD supports SWCD capacity funds to come from county and state general funds.

2021-01B: Support Clean Water Funds for Implementation, Not Capacity

MAWD Supports Clean Water Funds being used for implementation and not for capacity.

2021-02: Support Capacity Funding for Watershed Districts

MAWD supports capacity base funding resources directed to non-metro watershed district who request this assistance, to implement the activities as outlined in approved watershed district watershed management plans or comprehensive watershed management plans.

2021-05: Support Crop Insurance to Include Crop Losses Within Impoundment Areas

MAWD supports expansion of Federal Multi-Peril Crop Insurance to include crop losses within impoundment areas.

2019-06: Oppose Legislation that Forces Spending on Political Boundaries

MAWD opposes legislation that establishes spending requirements or restricts watershed district spending by political regions or boundaries.

2018-02 Increase the \$250k General Fund Tax Levy Limit

MAWD supports legislation to increase or remove the \$250,000 general fund ad valorem tax levy limit set in MN statute 103D.905 Subd. 3. If the limit is raised to a new dollar amount, MAWD supports an inflationary adjustment be added to statute.

2019-08: Heron Lake Watershed District General Operating Levy Adjustment

MAWD supports an increase in Heron Lake Watershed District's general operating levy cap from \$250,000 to an amount not to exceed \$500,000.

2019-09: Shell Rock River Watershed District General Operating Levy Adjustment

MAWD supports an increase in Shell Rock River Watershed District's general operating levy cap from \$250,000 to an amount not to exceed \$500,000.

2019-10: Pelican River Watershed District General Operating Levy Adjustment

MAWD supports an increase in Pelican River Watershed District's general operating levy cap from \$250,000 to an amount not to exceed \$500,000.

2019-11: Buffalo Red River Watershed District General Operating Levy Adjustment

MAWD supports an increase in Buffalo Red River Watershed District's general operating levy cap from \$250,000 to an amount not to exceed \$500,000.

2017-05 Middle Fork Crow River Watershed District General Operating Levy Adjustment

MAWD supports the efforts of Middle Fork Crow River Watershed District to draft and advance special legislation affecting a change in its general fund levy cap.

2017-06 Obtain Stable Funding for the Flood Damage Reduction Program

MAWD supports stable funding (as opposed to the current even year bonding process) for the DNR's Flood Damage Reduction Program. A suggested sustainable level of funding is \$25 million per year for the next 10 years.

URBAN STORMWATER

2017-04 Limited Liability for Certified Commercial Salt Applicators

MAWD supports passage and enactment of state law that provides a limited liability exemption to commercial salt applicators and property owners using salt applicators who are certified through the established salt applicator certification program who follow best management practices.

2017-07 Creation of a Stormwater Reuse Task Force

MAWD supports legislation requiring creation of a Stormwater Reuse Task Force with membership from Watershed Districts, Cities, Counties, State Agencies and other Stormwater Reuse implementers; and that the Stormwater Reuse Task Force should be charged with developing recommendations that further clarify and/or replace the information in the Water Reuse Report that relates to stormwater reuse best management practices.

PUBLIC DRAINAGE LAW

2019-02: Add a Classification for Public Drainage Systems that are Artificial Watercourses

MAWD supports removal of the default Class 2 categorization for public drainage systems that are artificial watercourses and supports a default Class 7 categorization for public drainage systems that are artificial watercourses.

2019-04: Clarify County Financing Obligations and/or Authorize Watershed District General Obligation Bonding for Public Drainage Projects

MAWD supports legislation to achieve one or both of the following:

- a) To clarify that an affected county must finance a watershed district drainage project on project establishment and request of the watershed district; and
- b) To authorize watershed districts to finance drainage project establishment and construction by issuance of bonds payable from assessments and backed by the full faith and credit of the watershed district; and further provide for adequate tax levy authority to assure the watershed district's credit capacity.

2018-08 Reinforce Existing Rights to Maintain/Repair 103E Drainage Systems

MAWD supports legislation modeled after House File 2687 and Senate File 2419 of the ninetieth legislature (2017-2018) reinforcing that the DNR cannot restrict existing rights to maintain and repair 103E public drainage systems.

LAKES AND WETLANDS

2020-01 Appealing Public Water Designations

MAWD supports legislation that would provide landowners with a more formal process to appeal decisions made by the DNR regarding the designation of public waters including the right to fair representation in a process such as a contested case proceeding which would allow landowners an option to give oral arguments or provide expert witnesses for their case.

2020-02 Limiting Negative Impacts from Wake Boats

MAWD supports:

- a) limiting wake boating to areas of lakes sufficiently distanced from shorelines to allow boat generated waves to adequately dissipate and lessen energy before coming into impact with lake shorelines;
- b) banning wake boats wakes in shallow lake areas where waves created by wake boats detrimentally impact sediment, aquatic vegetation, and aquatic habitat; and
- c) requiring new and existing wake boats to be able to completely drain and decontaminate their ballast tanks.

2020-04 Temporary Water Storage on DNR Wetlands during Major Flood Events

MAWD supports the temporary storage of water on existing DNR-controlled wetlands in the times of major flood events.

2019-07 Chinese Mystery Snail Designation Change and Research Needs

MAWD supports Chinese Mystery Snail prevention and control research and to change the Chinese Mystery Snail designated status in Minnesota as a regulated species to a prohibited species.

2017-02 Temporary Lake Quarantine Authorization to Control the Spread of AIS

MAWD supports legislation granting to watershed districts, independently or under DNR oversight, the authority, after public hearing and technical findings, to impose a public access quarantine, for a defined period of time in conjunction with determining and instituting an AIS management response to an infestation.

WATERSHED MANAGEMENT AND OPERATIONS

2021-03: Support Increased Flexibility in Open Meeting Law

- MAWD supports changes to the Open Meeting Law to provide greater flexibility in the use of interactive technology by allowing members to participate remotely in a nonpublic location that is not noticed, up to three times in a calendar year per manager.
- MAWD supports allowing public participation from a remote location by interactive technology, or alternatively from the regular meeting location where interactive technology will be made available for each meeting, unless otherwise noticed under Minnesota Statutes Section 13D.021.
- MAWD supports changes to the Open Meeting Law requiring watershed districts to prepare and publish procedures for conducting public meetings using interactive technology.

2021-06: Support 60-day Review Required for State Agencies on Policy Changes

MAWD supports requiring State Agencies to provide a meaningful, not less than 60-day review and comment period from affected local units of government on new or amended water management policies, programs, or initiatives with a response to those comments required prior to adoption.

2021-07: Support Metro WBIF for Approves 103B Plans Only

MAWD supports BWSR distribution of metro WBIF among the 23 WMOs with state-approved comprehensive, multi-year 103B watershed management plans. Those plans implement multijurisdictional priorities at a watershed scale and facilitate funding projects of any eligible local government unit (including soil and water conservation districts, counties, cities, and townships).

2020-03 Soil Health Goal for Metropolitan Watershed Management Plans

MAWD supports amending Minnesota Rule 8410.0080 to include a goal for soil health in watershed management plans and ten-year plan amendments.

2019-01 Streamline the DNR permitting process

MAWD supports legislation, rules, and/or agency policies to streamline the DNR permitting process by increasing responsiveness, decreasing the amount of time it takes to approve permits, providing a detailed fee schedule prior to application, and conducting water level management practices that result in the DNR reacting more quickly to serious, changing climate conditions.

2019-03 Support for Managing Water Flows in the Minnesota River Basin Through Increased Water Storage and Other Strategies and Practices

MAWD supports efforts to manage the flow of water in the Minnesota River Basin and the Minnesota River Congress in its efforts to increase water storage on the landscape; and

MAWD supports the Minnesota River Congress in its efforts to secure state and federal programs targeted specifically to increase surface water storage in the Minnesota River Watershed.

2019-05 Watershed District Membership on Wetland Technical Evaluation Panels

MAWD supports legislation to allow technical representatives of watershed districts to be official members of wetland technical evaluation panels (TEPs).

2018-03 Require Timely Appointments to the BWSR Board

MAWD supports legislation that requires the Governor to make BWSR board appointments within 90 days of a vacancy or board member term expiration.

2018-04 Require Watershed District Permits for the DNR

MAWD supports an amendment to the MN Statute § 103D.315, Subd. 5, to include the MN Department of Natural Resources as a state agency required to get permits from watershed districts when applicable.

2018-06 Ensure Timely Updates to Wildlife Management Area (WMA) Plans

MAWD supports that WMA operation and maintenance plans and/or management plans are either drafted or brought current in a timely fashion, with input from local governmental entities, to ensure their consideration in future One Watershed, One Plan efforts.

2018-09 Clean Water Council Appointments

MAWD may ask the representative of the Clean Water Council to resign when they lose their direct association to a watershed district; and that MAWD will recommend to the Governor's office that managers and/or administrators in good standing with MAWD be appointed to the Clean Water Council.

Resolutions to Sunset

Effective December 31, 2022

In accordance with MAWD's Sunset Policy, the following resolutions will be archived at the end of 2022 and will no longer be considered for future legislative and administrative platforms. The Sunset Policy says that resolutions older than five years old shall be removed from the books. If your watershed feels any of these issues should continue to be actively pursued with MAWD resources, then your watershed board needs to submit the resolution and the issue will need to be voted on and renewed by the membership at the annual meeting in December 2022. Please see previous sections for language associated with the following resolutions set to expire.

2017-02 Temporary Lake Quarantine Authorization to Control the Spread of AIS

2017-04 Limited Liability for Certified Commercial Salt Applicators

2017-05 Middle Fork Crow River Watershed District General Operating Levy Adjustment

2017-06 Obtain Stable Funding for the Flood Damage Reduction Program

2017-07 Creation of a Stormwater Reuse Task Force

**MAWA/MAWD REGION I
MEETING AGENDA
BUFFALO RED WATERSHED DISTRICT
JULY 20, 2022 AT 9:30 AM**

Meeting In Person at Buffalo Red Watershed District and online at:

Microsoft Teams meeting

Join on your computer or mobile app

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Region I

Joe River

Sand Hill River

Middle Snake Tamarac Rivers

Two Rivers

Wild Rice

Pelican River

Roseau River

Buffalo-Red River

Red Lake

Warroad River

Cormorant Lakes

Bois De Sioux

CC: Pete Waller, BdSWD
Emily Javens, MAWD
Jan Voit, MAWD
Rob Sip, RRWMB

1. Introductions
2. Report from/Discussion with MAWD Watershed Reps Fjestad, Tiedemann & Vavra
3. Special Reports
 - MAWD Update, Emily Javens
 - MAWD Committee Members (Finance, Education, etc)
 - BWSR Watershed Representative Board Members Collins, Crafton & Ohse (if present)
 - BWSR 2022 Legislative Outcomes, Pete Waller
 - New BWSR Watershed Programs, Pete Waller

4. Region I Legislative Resolutions
5. Watershed Topics of Interest/Open Discussion

LOCAL NEWS

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Disaster Aid Coming for Storm Ravaged Counties

Saint Cloud, MN, USA / KNSI

[Jennifer Lewerenz](#)

Jul 11, 2022 | 11:55 AM

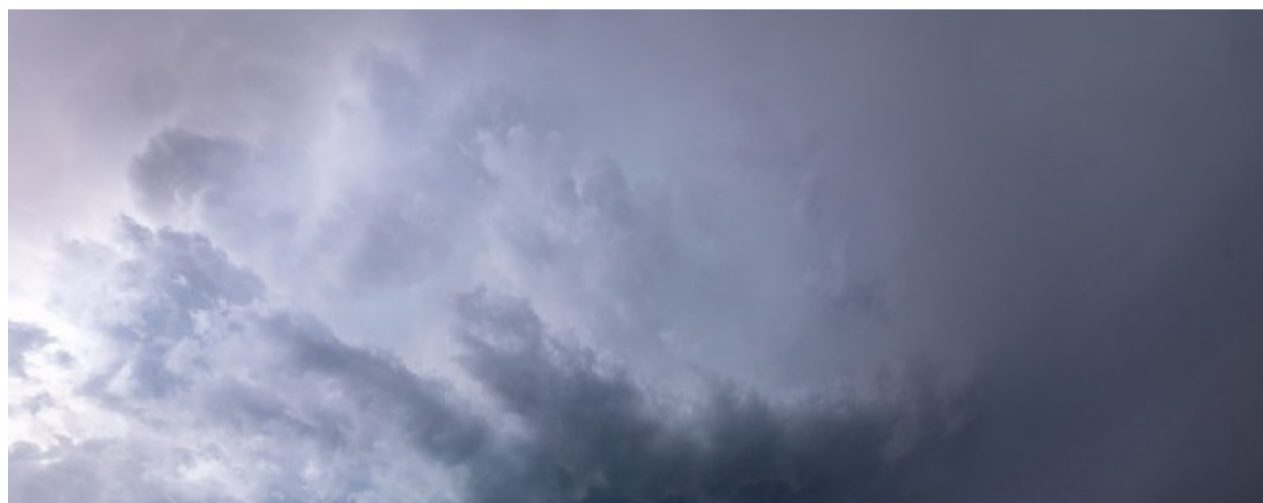
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(KNSI) — Stearns County is among the 23 Minnesota counties getting funding as part of a federal disaster declaration.

The money from the Federal Emergency Management Agency is considered public assistance, which can fund the repair, restoration, reconstruction, or replacement of eligible public or certain nonprofit facilities or infrastructure damaged or destroyed by a disaster.

Individuals who are dealing with damage to their private properties should contact their insurance agent to file a claim.

A press release from Governor Tim Walz's office explains that on the morning of Sunday, May 8th, thunderstorms generated winds over 60 miles per hour that swept through Stearns and Morrison counties, downing trees and power lines. The following day, May 9th, tornadoes touched down. They ranged from an EF0 twister near Hastings to a cluster of five tornadoes – one with winds exceeding 110 miles per hour – in central Minnesota, causing extensive damage. On May 11th, five tornadoes touched down in southwestern Minnesota to the northeast through the Twin Cities. On May 12th and 13th, the southern two-thirds of the state experienced violent and dangerous storms, and at least six tornadoes were confirmed in west-central Minnesota.

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The damage is estimated to be nearly \$11 million.

“This spring brought unprecedented storms and historic flooding to our state. But time after time I’ve seen people put their neighbors’ needs ahead of their own while facing devastating consequences to their homes, farms, and businesses,” said Governor Walz. “While the state continues to help in every way we can, we need the federal government’s help. I’m grateful that more assistance is on its way, and I’m committed to continuing the work to rebuild.”

The Governor has also requested assistance for two other weather-related events in recent weeks, including a disaster declaration request for federal aid for ongoing flooding in Northwestern Minnesota and an extension for the timeline to request support for a Memorial Day tornado outbreak that caused significant damage in more than 20 counties to complete damage assessments.

This federal disaster declaration unlocks public assistance for Aitkin, Big Stone, Cass, Chippewa, Cottonwood, Douglas, Grant, Kandiyohi, Lac Qui Parle, Lincoln, Morrison, Nobles, Pope, Redwood, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties to assist with emergency work and the repair or replacement of disaster-damaged facilities.

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Minnesota

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Sat

82°/65°

Sun

87°/68°

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Jennifer Lewerenz

News Director

Jennifer is a twin cities native, spending the entire 20 plus years of her radio career in Minnesota. She and her husband enjoy cooking, fishing, laughing, sports and traveling.

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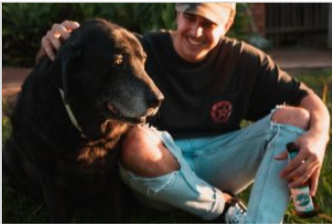
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LATEST NEWS

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Central Minnesota Beer Makers Taking Part in Dog Friendly Brewery Pass
(KNSI) - An event for dog and beer lovers in the Twin Cities is expanding to greater Minnesota. The 6th Annual Sidewalk Dog Minneapolis-St. Paul Dog-Friendly Brewery Pass includes 33 metro breweries and for the first time, 14 other breweries across t...

Jake Judd 2h ago




Sheriff: Child Hurt in Lawn Mower Accident
(KNSI) - A toddler suffered severe injuries after falling off a lawn mower while mowing with her mother. The Meeker County Sheriff's Office was called for a medical emergency involving a 21-month-old in the 146th block of 615th Avenue in rural Hutchi...

Jake Judd 30m ago

Jamie Beyer

From: Red River Watershed Management Board <nikki.swenson@rrwmb.us>
Sent: Thursday, June 23, 2022 1:57 PM
To: bds wd@frontiernet.net
Subject: Hope to see you there!

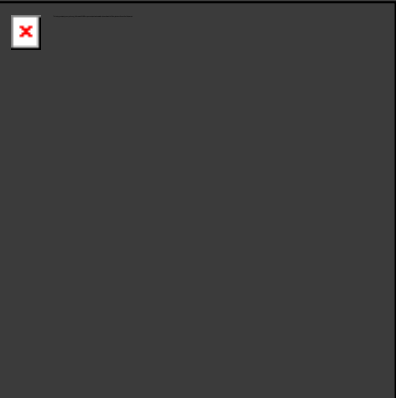




RRB Summer Tour & Meetings

When
Tuesday, August 23, 2022 at 1:00 PM CDT
-to-
Thursday, August 25, 2022 at 1:00 PM CDT
[Add to Calendar](#)

Where
Canad Inn
1000 S 42nd St
Grand Forks, ND 58201



[Driving Directions](#)

Dear Michelle,

The Red River Partners Summer Tour is quickly approaching and you're invited to be part of this exciting event! It is all taking place August 23-25 in Grand Forks, ND. You can participate in meetings, presentations, a tour and a workshop.

Please click on the link below for more information and to register.

[Get more information](#)

[Register Now!](#)

[I can't make it](#)

Thank you for your attention and response, and we look forward to seeing you at the Red River Partners Summer Tour.

Sincerely,

Nikki Swenson
Red River Watershed Management Board
nikki.swenson@rrwmb.us
218-784-9500