

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 15, 2023**

- CALL TO ORDER** The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt. Absent: Jason Beyer, Allen Wold. Also present: Engineer James Guler, Attorney Lukas Croaker (later, by phone), Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.
- AGENDA** Upon motion by Kapphahn, seconded by Deal and carried unanimously, the agenda was approved with the following changes: survey request from Bryan Crandall, move up Twelvemile Creek discussion and add claims of \$81.21 for travel and vehicle repair reimbursed to Engineer Technician Troy Fridgen.
- CONSENT AGENDA** Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Consent Agenda was approved with the addition of claims of \$81.21 to Engineer Technician Troy Fridgen.
- CRANDALL SURVEY REQUEST** Mr. Bryan Crandall requested survey work by the District for a public waterways cleanout permit. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to conduct the survey when time allows, and to invoice Mr. Bryan Crandall for the cost.
- P.A. #23-043
640TH AVE
ROAD RAISE** District staff have worked closely with landowners and Dollymount Township to mediate and provide design recommendations in advance of a permit application. The proposed project described in the permit application includes a wider channel bottom for ease of construction and includes the removal of an existing 30" culvert on the county line township road. District Engineer Chad Engels stated that the proposed project will create additional flow to TCD #8 and that several mitigation measures have been incorporated into the project design. The mitigation measures include raising the township road, lowering the adjacent field berm in Section 7 below the road elevation, and eliminating the 30" culvert. Engineer Engels further explained that the project will provide more storage during large floods, but will not provide a balanced benefit during smaller rainfall events, as the new channel capacity is larger than the most limited capacities in TCD #8. The new channel and TCD #8 capacity should balance. Engineer Technician Troy Fridgen suggested additional break-outs upstream of TCD #8 to control and store excess flows. Upon motion by Deal, seconded by Gillespie and carried unanimously, the permit is approved upon District Engineer conditions, to include required breakout elevations.
- Board Manager John Kapphahn asked what the project will cost; staff will request a cost estimate once project design is finalized. Administrator Beyer stated that the Dollymount cost share agreement has not been signed. Board managers supported the use of Construction Funds to cover the cost of modifying berms, installing side inlet culverts, and seeding the lowest portions of TCD #8 as an additional mitigation measure.
- P.A. #23-038
R. JENNEN** Mr. Richard Jennen asked for a culvert to be installed on his east property line with sizing to be completed by the District for the purpose of limiting erosion on his property: W1/2, Section 20, Pomme de Terre Township, Grant County. Flow through culverts in the E1/2 of Section 20 cause frequent washouts in the W1/2 of Section 20 and periodic overtopping of State Highway 59 and flooding on Chad Heidinger's adjacent property. District Engineer Chad Engels stated that improving the existing channel across the W1/2 of Section 20 to better contain flows would not result in a significant adverse impact at Highway 59 as the timing would not substantially change. If District staff recommended sizing by BTSAC standards, the culvert sizing would likely be very large and not achieve the objective of slowing water. Board Manager Scott Gillespie recommended that the applicant work with Grant SWCD to identify a structural practice to address the in-field erosion. Engineer Technician Troy Fridgen stated that MnDOT does not include repairs to Highway 59 in their current 5-year capital plan. Staff encouraged Mr. Chad Heidinger to consider a ring dike for more permanent flood protection. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, engineering staff are authorized to assist the landowner with the SWCD discussion.
- WCD #SUB-1** Utility work has begun at the WCD #Sub-1 construction site.
- WCD #25 &
GCD #3** Engineer James Guler relayed a message from Board Manager Jason Beyer that a petition for the repair of WCD #25 would likely not be received in time for a Clean Water Fund Multipurpose Drainage Management grant application to be submitted in August; Engineer James Guler recommended that

an application be submitted on behalf of Grant County Ditch #3. Grant County Ditch #3 landowners will likely be in attendance at the June 20, 2023 Grant County Commissioner meeting, at which county commissioners will consider transfer of the system's drainage authority to the Bois de Sioux Watershed District, for the purposes of initiating and completing a possible redetermination and repair. Engineer James Guler will ask if landowners would support a grant application for use in 2024 construction.

**TWELVEMILE
PROJECT TEAM**

The Flood Damage Reduction Work Group is changing their method to fund work in the Red River Basin. Allocations will be made based on established project teams. The District currently has an active North Ottawa Project Team. Staff recommend that a Project Team be established for Twelvemile Creek. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, establishment of the Twelvemile Creek Project Team was approved.

**TWELVEMILE
HSEM GRANT**

Engineering staff presented a \$402,000 scope of work described in a Hazard Mitigation Grant Program Application that requests 75% Federal/State cost share in the amount of \$301,500. The funds would be utilized to evaluate floods risk in communities along Twelvemile Creek, particularly Graceville and Dumont, where a significant number of homes and farms are periodically overwhelmed by large scale flood events. BdSWD plans to implement infrastructure projects along Twelvemile Creek to eliminate long-term flood risks to people and property. The grant would be used to complete an engineering feasibility study based on an unsteady HEC-RAS river/floodplain model of Twelvemile Creek from Graceville, through Dumont, and downstream to the confluence of the Mustinka River. The model would subsequently be used to evaluate alternative flood risk reduction practices. These include elevation of roads with strategic culvert sizing, improved flood levees, and distributed flood storage. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, staff are authorized to submit the grant application.

REDPATH PH. 2

Redpath Phase 2 construction began earlier this month. The first pay application will be submitted for approval in July. Because bid prices were distributed more heavily towards work for the Mustinka River Rehabilitation Project and more lightly towards work for the Redpath Flood Impoundment, there is increased Clean Water Fund grant eligibility. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, staff are authorized to pursue additional natural resource enhancement funding sources.

**LIGHTNING LAKE
NO. 1**

Attorney Lukas Croaker described the order and format for the Final Hearing for Lightning Lake Project No. 1. Engineer James Guler described the project, which includes the replacement of the current outlet structure with a longer box culvert and series of rock weirs. The project will increase fish connectivity, increase the road crossing's flow capacity, and decrease the frequency of road overtopping. Comments were read from the Department of Natural Resources and Board of Water and Soils Resources. The project received a Public Waters Permit from the Department of Natural Resources and a Section 404 Permit from the Army Corps of Engineers. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the public hearing was opened. Stony Brook Township Official Dominic Blume stated concerns that Grant County Highway staff are not prepared to complete downstream culvert replacements until 2024 at the earliest. No other public comment was received. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the hearing is continued in accordance with Minn. Stat. § 103D.745, subd. 4 and the order was approved to establish the project, and direct engineering staff to prepare plans and specifications and advertise for bids. Board Manager Gillespie recommended that a letter from the District be sent to Grant County Commissioners and staff to encourage them to move forward with downstream culvert replacement.

**LTWQIP NO. 1
PHASE #3**

Construction on Phase 3 of Lake Traverse has begun. Trees were removed, and some rock structures have been installed. Traverse SWCD will be onsite to seed portions of the project that are complete. Upon motion by Gillespie, seconded by Deal and carried unanimously, Pay Application No. 1 in the amount of \$338,510.65 was approved.

DORAN CREEK

Upon motion by Dahlen, seconded by Deal and carried unanimously, the Minn. Stat. § 103D.605 project hearing for the Doran Creek restoration project was scheduled for July 20, 2023.

NORTH OTTAWA

Engineer Technician Troy Fridgen confirmed that millet planted in cell A3 last fall did not re-seed; the cell is full of thistle. Input will be gathered from the Project Team to plant another cover crop.

**WILKIN SWCD
COVER CROP**

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Cover Crop Cost Share Agreement with Wilkin SWCD was approved.

SCHMIDT LEAVES Board Manager Schmidt left the meeting.

SOUTHERN BOUNDARY Administrator Beyer stated that three quarter-quarters were accidentally omitted from the prior Southern Boundary revision order previously submitted to the Board of Water and Soil Resources. There is only one affected landowner, Mr. Joseph Murphy, and he supports the change from the Upper Minnesota River Watershed District to the Bois de Sioux Watershed District. Upon motion by Gillespie, seconded by Deal and carried unanimously, the resolution and petition were approved.

ENERGY IMPACTS Administrator Beyer stated that Board Manager Jason Beyer asked staff to consider potential District impacts resulting from installation of wind and solar projects in the District. Administrator Jamie Beyer identified potential impacts to four broad categories: 103E Drainage Systems, 103D Watershed Projects, Permitting, and District owned land. Upon motion by Gillespie, seconded by Brutlag and carried unanimously, staff are authorized to draft recommendations for setbacks, utility permits, and GopherOne registrations.

MOONSHINE Engineering staff submitted a storage grant on behalf of the Moonshine Project. A landowner meeting will be coordinated next. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, re-establishment of the Moonshine Project Team was approved.

OFFICE REPAIR Administrator Beyer let the board know that the District Office’s heat pump must be repaired and/or replaced. A price quote of \$11,582 was received.

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

ANNUAL RESOLUTION Upon motion by Dahlen, seconded by Deal and carried unanimously, the 2023 – 2024 Annual Organization Resolution was approved (includes billing rates):

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

Attorney at LawLukas Croaker, Ohnstad Twichell, P.C.
Engineer..... Chad Engels, Moore Engineering, Inc.
Accountant Renee Kannegeisser, Morris & Associates
Auditor CliftonLarsonAllen

DEPOSITORIES

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

INSURANCE COVERAGE

League of Minnesota CitiesSaint Paul, MN

ELECTIONS Deal called for nominations for the position of President. Dahlen nominated Linda Vavra, seconded by Gillespie and carried unanimously. Motion passed.

Vavra called for nominations for the position of Vice-President. Dahlen nominated Jason Beyer, seconded by Gillespie and carried unanimously. Motion passed.

Vavra called for nominations for the position of Secretary. Dahlen nominated Allen Wold, seconded by Gillespie and carried unanimously. Motion passed.

Vavra called for nominations for the position of Treasurer. Dahlen nominated John Kappahn, seconded by Gillespie and carried unanimously. Motion passed.

**JCWMP WBIF
GRANT
DISBURSEMENTS**

Upon motion by Deal, seconded by Kappahn and carried unanimously, reimbursements to the District were approved in the amount of \$25,521.81 from Watershed Based Implementation Fund Grant C23-5729 and \$11,964.50 from Watershed Based Implementation Fund Grant C21-9685. The Board of Water and Soil Resources opened a \$53,000 grant for Bois de Sioux and Mustinka River SWCD's to offer an incentive for CRP sign-ups. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the District will serve as the grant fiscal agent if all six SWCD's decline the position.

**POSTAGE
MACHINE**

Administrator Beyer was notified that the District's postage machine lease is expiring. Upon motion by Kappahn, seconded by Gillespie and carried unanimously, staff are authorized to renew the lease.

**OFFICE
EASEMENTS**

Board managers discussed the terms of an agreement and easement made with Mrs. Sandra Mitteness when the District Office was built. New owner Patrick Backman is taking over the Mitteness Chiropractic Clinic and the District received a request to update signage. Board Manager Jerome Deal requested that the District's portion of the sign also be replaced, as the current design is difficult to read. Upon motion by Gillespie, seconded by Deal and carried unanimously, staff are authorized to work with the new owner to have signage updated.

Linda Vavra, President

Date: _____, 2023

Jamie Beyer, Administrator

Date: _____, 2023

CONSTRUCTION FEES	\$	11,182.78
ADMINISTRATIVE FEES	\$	85.50
LEGAL & ATTORNEY'S FEES	\$	10,257.86
ENGINEERING*	\$	38.65
TOTAL	\$	21,564.79

*missing Troy's hours - will be provided at the board meeting

MEMORANDUM



DATE: July 1, 2023
TO: Minnesota Watersheds Members
FROM: Linda Vavra and Jamie Beyer, Resolutions Committee Co-Chairs
RE: **2023 REQUEST FOR MINNESOTA WATERSHEDS RESOLUTIONS**

It is that time of year for Minnesota Watersheds 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 Jan Voit, Executive Director at jvoit@mnwatersheds.com by **September 1**. If more time is needed, please contact her so the 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 1). 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 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 to the membership on the passage of resolutions.
- October 31** Resolutions (with committee feedback) will be emailed to each organization by **October 31**.
- NOTE: If 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 / January** The Legislative Committee will review existing and new resolutions and make a recommendation to the Minnesota Watersheds Board of Directors for the 2024 legislative platform.
- January 2024** Minnesota Watersheds Board of Directors will finalize the 2024 legislative platform.
- February 12, 2024** First day of the 2nd half of 93rd legislative biennium.

NOTE: Resolutions passed by the membership will remain Minnesota Watersheds 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 on 12/31/23. If you have questions, Please feel free to contact co-chairs at lvavra@fedtel.net or 320-760-1774, bds wd@runestone.net or 701-866-2725, or our Executive Director at jvoit@mnwatersheds.com or 507-822-0921.

THANK YOU FOR YOUR EFFORTS IN OUR POLICY DEVELOPMENT!

Background Information

2023 Minnesota Watersheds Resolution

Proposing Watershed: _____

Contact Name: _____

Phone Number: _____

Email Address: _____

Resolution Title: _____

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 our watershed or state association 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 Minnesota Watersheds bylaws or MOPP

(MOPP = Manual of Policies and Procedures)

Active Minnesota Watersheds Resolutions

December 2, 2022



FINANCE

2021-01A: Support SWCD Capacity Fund Sources

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

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

Minnesota Watersheds supports Clean Water Funds being used for implementation and not for capacity.

2021-02: Support Capacity Funding for Watershed Districts

Minnesota Watersheds 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.

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

Minnesota Watersheds 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

Minnesota Watersheds 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

Minnesota Watersheds 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

Minnesota Watersheds 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

Minnesota Watersheds 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.

URBAN STORMWATER

2022-01 Support Creation of a Stormwater Reuse Task Force

Minnesota Watersheds supports administratively or legislatively including at least one Minnesota Watersheds member on the Minnesota Department of Health's workgroup to move forward, prioritize, and implement the recommendations of the interagency report on reuse of stormwater and rainwater in Minnesota.

2022-02 Support Limited Liability for Certified Commercial Salt Applicators

Minnesota Watersheds supports enactment of state law that provides limited liability protection to commercial salt applicators and property owners using salt applicators who are certified through the established state salt-applicator certification program and follow best management practices.

WATER QUANTITY, DRAINAGE, AND FLOOD CONTROL

2022-03: Seek Increased Support and Participation for the Minnesota Drainage Work Group (DWG)

- Minnesota Watersheds communications increase awareness of the DWG (meeting dates and links, topics, minutes, reports) amongst members.
- Minnesota Watersheds training opportunities strongly encourage participation in the DWG by watershed staff and board managers (for watersheds that serve as ditch authorities or work on drainage projects) – for e.g., add agenda space for DWG member updates, host a DWG meeting as part of a regular event.
- In preparation for Minnesota Watersheds member legislative visits, staff add a standing reminder for watershed drainage authorities to inform legislators on the existence, purpose, and outcomes of the DWG, and reinforce the legitimacy of the DWG as a multi-faceted problem-solving body.
- During Minnesota Watersheds staff Board of Water and Soil Resources (BWSR) visits, regularly seek updates on how facilitation of the DWG is leading to improvements for member drainage authorities and convey this information to members.

2022-05: Obtain Stable Funding for Flood Damage Reduction and Natural Resources Enhancement Projects

Minnesota Watersheds supports collaborating with the Red River Watershed Management Board and state agencies to seek funding from the Minnesota Legislature to provide stable sources of funding through existing or potentially new programs that provide flood damage reduction and/or natural resources enhancements. A suggested sustainable level of funding is \$30 million per year for the next 10 years.

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

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

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

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

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

Minnesota Watersheds 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.

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

Minnesota Watersheds 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 Minnesota Watersheds 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.

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

Minnesota Watersheds 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.

WATER QUALITY, LAKES, WETLANDS, RIVERS, AND STREAMS

2022-06: Limit Wake Boat Activities

Minnesota Watersheds supports working with the Minnesota Department of Natural Resources (DNR) to utilize the research findings from the St. Anthony Falls Laboratory and seek legislation to achieve one or more of the following:

- Limit lakes and areas of lakes in which wake boats may operate;
- Require new and existing wake boats to be able to completely drain and decontaminate their ballast tanks; and
- Providing funding for additional research on the effects of wake boats on aquatic systems.

2020-03 Soil Health Goal for Metropolitan Watershed Management Plans

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

2019-07 Chinese Mystery Snail Designation Change and Research Needs

Minnesota Watersheds 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 Aquatic Invasive Species (AIS)

Minnesota Watersheds 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

2022-04: Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan

Minnesota Watersheds supports working with BWSR to clarify Minnesota Statutes § 103D.605, Subd. 5.

2021-03: Support Increased Flexibility in Open Meeting Law

- Minnesota Watersheds 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.
- Minnesota Watersheds 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.
- Minnesota Watersheds 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

Minnesota Watersheds 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 Watershed-based Implementation Funding (WBIF) for Approves 103B Plans Only

Minnesota Watersheds supports BWSR distribution of metro WBIF among the 23 watershed management organizations 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).

AGENCY RELATIONS

2019-01 Streamline the DNR permitting process

Minnesota Watersheds 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.

REGULATIONS

2020-01 Appealing Public Water Designations

Minnesota Watersheds 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.

2019-05 Watershed District Membership on Wetland Technical Evaluation Panels

Minnesota Watersheds supports legislation to allow technical representatives of watershed districts to be official members of wetland technical evaluation panels.

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

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

NATURAL RESOURCES

No resolutions currently in this category.

Resolutions to Sunset

Effective December 31, 2023

It should be noted that in July of 2022, the sunseting deadline was extended for resolutions expiring in 2017 by two years due to the pandemic and its influence on lobbying efforts. **All 2017 resolutions will have a sunset date of 2024.**

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

Minnesota Watersheds 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, Minnesota Watersheds supports an inflationary adjustment be added to statute.

2018-03 Require Timely Appointments to the BWSR Board

Minnesota Watersheds 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

Minnesota Watersheds 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

Minnesota Watersheds 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.

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

Minnesota Watersheds 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.

2018-09 Clean Water Council Appointments

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

Approved: 12/16/2021
Effective: 12/16/2021

POLICIES AND PROCEDURES FOR PUBLIC ACCESS TO DOCUMENTS & DATA PROTECTION

Public access to the data of public bodies is governed by the Minnesota Government Data Practices Act (MGDPA). The MGDPA states that data of public bodies are to be available to the public unless specifically exempted under the law, in cases where individual privacy would be violated, or where other valid concerns outweigh the interest in public availability.

The District recognizes the public interest in open access to its data as well as the public interest that requires that certain types of data not be publicly available. It is the intent of the District to comply fully with the MGDPA and, where the MGDPA allows for the exercise of judgment, to exercise that judgment consistent with the public interests underlying the law.

This policy is adopted pursuant to Minn. Stat. § 13.03, subd. 2, which states that every public body shall establish procedures to implement the MGDPA. If any provision or part of this policy conflicts with the MGDPA, the MGDPA will supersede this policy.

The District's Administrator is designated as the Data Practices Compliance Official, at:
Bois de Sioux Watershed District
704 Highway 75 South
Wheaton, MN 56296
Phone #: 320-563-4185 Fax #: 320-563-4987 Email: bdswd@runestone.net

Rights of the Public to Request Public Data

The MGDPA presumes that all government data are public unless a state or federal law says the data are not public. Government data means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

You have the right to inspect, free of charge, all public data kept by the District. You also have the right to get copies of public data. The MGDPA allows government entities to charge for copies. You have the right to inspect data, free of charge, before deciding to request copies.

Rights of Minors

A minor employee of the District may provide a written request to the District to prohibit the release of their private data to a parent or guardian. Upon hire, minors will be given a copy of the District's policies.

How to Request Public Data

The public can request to inspect data at the District office or request copies of public data kept by the District. Requests to inspect or receive copies of the District's data, and all other inquiries regarding the MGDPA, are encouraged to be made in writing, signed by the requester, and delivered by U.S. mail, facsimile, scanned and emailed, or hand delivered during business hours, addressed to

the “Data Practices Compliance Official,” at the address above.

The request should include:

- 1) A statement that the requester is making a request for public data under the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13);
- 2) Describe whether the requester would like to inspect the data, have copies of the data, or both; and
- 3) Provide a clear description of the data the requester would like to inspect or have copied.

The requester is not required to identify themselves or explain the reason for the data request. However, the requester may need to provide the District with personal information for practical reasons (for example: an address to mail copies or ID to release personal information of the subject). Basic contact information may be needed to get further details about the request or to respond to the request.

How the District Will Respond

In the event the requester desires to inspect the District’s data, the Data Practices Compliance Official will gather the documents of interest, separate any documents to be withheld from inspection, and see to it that someone is available to assist with the inspection. The Data Practices Compliance Official may utilize the services of the District’s attorney to review requested data before distributing the data to the requester. District files may not be removed from the office.

The District will follow the MGDPA Policy of scheduling inspections within a reasonable time of the request. The response time will vary depending on the size/complexity of the request, and also the number of requests made in a given period of time. The District may need to clarify the scope of the request with the requester.

- If the District does not have the data, the District will notify the requester within 10 business days.
- If the District has the data, but is not allowed to give it to the requester, the District will tell the requester as soon as reasonably possible and identify the law that prevents the District from providing the data.
- If the District has the data, and the data is/are public, the District will respond to the request appropriately and promptly, within a reasonable amount of time in accordance with the following:
 - Arrange a date, time, and place for the requester to inspect the data at the District office; or
 - The requester may choose to pick-up the requested copies, or have the request mailed/emailed to them. The District will provide electronic copies (such as email or CD-ROM) upon request, if the District maintains the data in that format and can reasonably make a copy.

The MGDPA does not require the District to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if the data is not kept in that form or arrangement.

For example, if the data exists on paper only, the District is not required to create electronic documents to respond to a data request. If the District agrees to create data in response to a data request, the District will work with the requester on the details of the request, including consideration of cost and response time.

The District is not required to respond to questions that are not about the data requests or requests for government data.

Costs to Members of the Public

There is no cost to inspect documents.

If 99 paper copies or less are requested, the requester will be charged twenty five cents (\$0.25) per page for letter and legal sized black and white documents.

If 100 or more paper copies, oversize copies, color copies, tapes, electronic data, photographs, slides, or other unusual formats are requested, the requester will be responsible for the actual cost incurred by the District to make the copy itself or to use a vendor, including the cost of staff time, to search for and retrieve data, and to make, certify, compile, and transmit copies. Time spent separating public from not public data will not be charged to the requester. Staff costs will be assessed based upon established billable hourly rates.

If requested, the District will provide approximate costs before making said copies. Payment may be made by cash or check. The District may require payment in advance of providing the data to the requester.

The District may charge a fee for data that has commercial value and was developed with a significant expenditure by the District. The District may also require a license agreement limiting the use of said data.

Costs to Data Subjects

When a data subject asks for copies, their identity will be verified through the use of state-issued identifying documents.

The requester is responsible to pay the District the actual cost, including the cost of staff time, to search for and retrieve data and to make, certify, compile, and transmit copies. Staff costs will be assessed based upon established billable hourly rates. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action is pending or additional data on the individual has been collected or created.

Data Protection

Access to private data is restricted to individuals within the District whose work assignments reasonably require access.

The District will contract with private information technical staff to provide reasonable measures to protect classified data. Following a breach of the security of the District's data has occurred and an unauthorized person has gained access to data, the District will notify data subjects by telephone,

written communication, or in-person.

Section 8. CONFLICTS OF INTEREST:

The Board of Managers hereby adopts for themselves and successor managers the following guidelines in an effort to avoid real and perceived conflicts of interest and to enhance the credibility of the Watershed's actions:

1. All managers shall comply with M.S.A. §471.87. No manager shall have a personal financial interest in any sale, lease or contract entered into by the Board.
2. Disclosure. At the beginning of the discussion on any subject, all managers shall disclose any potential conflict of interest and/or direct pecuniary interest they may have. Examples of matters which should be disclosed by the managers include:
 - (a) They own land which may be assessed.
 - (b) They own land which may benefit or be damaged other than by a direct tax.
 - (c) They have close relatives who have lands as described in (a) and (b) above.
 - (d) They have close friends or business associates who have lands as described in (a) and (b) above.
 - (e) They are a public officer, such as a township officer, which has potential interest or that may be affected by said project.
3. All managers shall abstain from voting on any resolution that involves a direct pecuniary interest.
4. Each manager shall use his own judgment in other situations and when in doubt should abstain from voting.
5. To avoid the appearance of wrongdoing, it is suggested that a manager should remove himself from the Manager's chair and sit in the audience when he wishes to participate in a public discussion, particularly a public meeting on subjects where he may have a direct conflict of interest.
6. To the extent applicable, the Watershed staff is instructed to follow the above guidelines.



Minnesota Department of Natural Resources

ENRTF/OHF Pass-Through Grant Agreement Attachment C: Conflict of Interest Disclosure

Conflict of Interest:

A conflict of interest, actual, potential, or perceived, occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest exists even if no unethical, improper or illegal act results from it.

Actual Conflict of Interest:

An actual conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict. Examples included but not limited to:

- One party uses his or her position to obtain special advantage, benefit, or access to the other party's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.
- One party receives or accepts money (or anything else of value) from another party or has equity or a financial interest in or partial or whole ownership of the other party's organization.
- One party is an employee, board member or family member of the other party.

Potential Conflict of Interest:

A potential conflict of interest may exist if one party has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. Examples included but not limited to:

- One party has a relationship, affiliation, or other interest that could create an inappropriate influence if one party is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, when one party serves in a volunteer capacity for another party, it has the potential to, but does not necessarily create a conflict of interest, depending on the nature of the relationship between the two parties.

A disclosed potential conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

Perceived Conflict of Interest:

A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

A disclosed perceived conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

Organizational Conflict of Interest:

A conflict of interest can also occur with an organization that is a grant applicant or grantee of a state agency. Organizational conflicts of interest occur when:

- A grantee is unable or potentially unable to render impartial assistance or advice to the State due to competing duties or loyalties
- A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties
- A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

This section to be completed by Grantee's Authorized Representative:

I certify that we will maintain an adequate Conflict of Interest Policy, and throughout the term our agreement we will monitor and report any actual, potential and perceived conflicts of interests to the State's Authorized Representative, as required in Section 2 of our grant agreement.

Organization Name:

Project Name:

Legal Citation: ML_____, Chapter _____, Article ____, Section ____, Subdivision _____

Authorized Representative Name: _____

Signature: _____

Date: _____

Jamie Beyer

From: Graham, Andrew (DNR) <Andrew.Graham@state.mn.us>
Sent: Wednesday, June 28, 2023 2:22 PM
To: Kristine Altrichter (BRRWD); Jamie Beyer (BdS)
Cc: Rob Sip (RRWMB); Nikki Swenson (RRWMB); Linda Vavra (BdSWD)
Subject: Planning for FDRWG's 25th anniversary and tour in BRRWD and BdSWD

Hello Kristine and Jamie: We've settled on **Friday, Sept. 22** as the date of the FDRWG's 25th anniversary celebration and tour. We have several state agency heads committed to attending and will be working on the guest list, tour bus and other details in the coming weeks. Hopefully that date still works for meeting at the BRRWD conference room and then touring a couple of the BRRWD sites along with BdSWD sites. We tentatively plan to start in Barnesville at 10:00 and end back there again at 3:00.

Kristine: what's the max capacity of your conference room? We'll use that in thinking about how many to invite.

Andrew Graham

Red River Coordinator | NW Region, Ecological and Water Resources Division

Minnesota Department of Natural Resources

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