

RED LAKE WATERSHED DISTRICT

June 14, 2018

Agenda

9:00 a.m.

9:00 a.m.	Call to Order	Action
	Review and approve agenda	Action
	Requests to appear	Information
	May 24, 2018 Minutes	Action
	Financial Report dated June 13, 2018	Action
	League of Minnesota Cities Workers Compensation Premium Options Liability Coverage	Action Action
	Agassiz Wetland Habitat Quality & Management Enhancement, RLWD Project No. 180-Scope of Work	Information
	Thief River Falls West Side FDR Project No. 178 Preliminary Engineers Report Resolution	Action Information
9:30 a.m.	Bid Opening - Little Pine Lake WMA Outlet Structure Replacement	Action
10:00 a.m.	Hearing – Abandonment of Judicial Ditch #5, RLWD Proj. No. 102	Info./Action
	Black River Impoundment, RLWD Project No. 176-Update Set Hearing Date – August 9, 2018	Information Action
	Ditch 16, RLWD Project No. 177-Update	Information
	BWSR Buffer Law Implementation-District Enforcement Policy	Information
	Permits: No. 18025, 18032-18035, 18037-18041	Action
	Water Quality Equipment	Information
	Administrators Update	Information
	Legal Counsel Update	Information
	Managers’ updates	Information
	Adjourn	Action

UPCOMING MEETINGS

June 19, 2018	RRWMB Board Meeting, Hallock, 9:30 a.m.
June 20-22, 2018	MAWD Summer Tour
June 26, 2018	Polk County Commissioner Meeting, 10:30 a.m.
June 28, 2018	RLWD Board Meeting, 9:00 a.m.
July 10, 2018	Clearwater County Commissioners Meeting, 9:00 a.m.
July 17, 2018	Marshall County Commissioners Meeting, 10:30 a.m.

DRAFT

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
May 24, 2018

President, Dale M. Nelson, called the meeting to order at 9:00 a.m. at the Red Lake Watershed District Office, Thief River Falls, MN.

Present were: Managers Dale M. Nelson, Terry Sorenson, Brian Dwight, Gene Tiedemann, LeRoy Ose, Allan Page and Les Torgerson. Staff Present: Myron Jesme and Tammy Audette and Legal Counsel Sparby.

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

The Board reviewed the May 10, 2018 minutes. Motion by Dwight, seconded by Torgerson, to approve the May 10, 2018 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report and Investment Summary dated May 23, 2018. Motion by Tiedemann, seconded by Page, to approve the Financial Report and Investment Summary dated May 23, 2018 as presented. Motion carried.

Engineer Tony Nordby, Houston Engineering, Inc., stated that the Black River Impoundment, RLWD Project No. 176 received a Project Acceleration Grant in the amount of \$8,000 from the Flood Damage Reduction Work Group (FDRWG). The project had previously received a \$5,000 grant from the FDRWG. Members of the Technical Advisory Panel completed a field verification of the wetlands. Findings of the field review will be submitted to the District. Nordby stated that he received an email from the archeologist, that the site appears to be clear of any major issues. An official report will be submitted to the District. The final plans for the project are completed. Nordby is waiting for documentation to be able to submit the permit applications. Once the permits are in hand, Nordby will present a Step 3 submittal to the RRWMB. Administrator Jesme discussed a meeting held with Nordby, Legal Counsel Sparby and officials from Pennington County on how to proceed with the county ditch systems within the project area.

Administrator Jesme stated that he was informed that the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178, moved up on the list for funding through the Department of Natural Resources Flood Damage Reduction program, pending the signature of the Governor for the bonding bill. Jesme was informed that the District needs to pass a resolution authorizing Jesme the authority to apply for funding, guaranteeing the financial capability of the District to provide any required matching funds. Motion by Tiedemann, seconded by Ose, to approve a resolution to be submitted to the Minnesota Department of Natural Resources for signature by President Nelson and Secretary Ose, authorizing Administrator Myron Jesme the authority to apply for funding on behalf of the District for the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion carried. A Step 1 submittal will be presented to the RRWMB in June which will then, in accordance to their Governing Documents, be voted on at their July meeting. Jesme stated that

Representative Dan Fabian recommended submitting a Letter of Support to Governor Dayton in support of passing of the bonding bill. Motion by Dwight, seconded by Sorenson, to authorize the submittal of a Letter of Support to Governor Dayton urging him to sign the bonding bill, as it relates to the Thief River Falls Westside Flood Damage Reduction Project, RLWD Project No. 178. Motion carried.

Executive Director Rob Sip, RRWMB appeared before the Board, to update the Board on various topics concerning the RRWMB. Sip stated that he is encouraging the RRWMB to form a committee structure within the organization, discussing the 10 broad goals and the Strategic Plan of the RRWMB. Phase 1 of the Strategic Plan was the organization of the RRWMB with the hiring of an Executive Director and Executive Assistant and formation of an office. Phase 2 is more of an outreach program, which Sip is in the process of kicking-off. Sip discussed the transparency of the RRWMB, request for investment services that was mailed to area banks and Flood Hazard Mitigation funding.

The Board reviewed Permit No. 18028, Wayne Vettleson, Equality Township, Red Lake County for the installation of tile drainage. Staff member Loren Sanderson stated that the applicant violated the District's permit application process by installing tile drainage and a centerline culvert through a county road prior to applying for a District permit application. Sanderson stated that after reviewing the permit application, it was determined that the applicant does not pay benefits for a portion of the land included in the tiling project. Discussion was held on why the tile contractor, Field Drainage, Inc., Brooks, MN, did not inform the applicant of the need for a tile permit application. It was mentioned that the owner of Field Drainage, Inc. assisted the District in drafting of the language for District's tile drainage rules, therefore they are fully aware of the need to have a permit prior to completing their tile projects. It was the consensus of the Board, to have Legal Counsel Sparby draft a letter to Field Drainage, Inc., regarding the requirements of the District's permit application process. Motion by Torgerson, seconded by Page, to table RLWD Permit No. 18028, Wayne Vettleson, Equality Township, Red Lake County, for future consideration. Motion carried.

The Board reviewed a Petition for Use of Red Lake Watershed District Ditch No. 7, RLWD Project 20 from Wayne and Debra Vettleson to use the established drainage system as an outlet for lands that do not currently pay into the said public drainage system. Motion by Tiedemann, seconded by Dwight, to accept the Petition for Use of Red Lake Watershed District Ditch No. 7, RLWD Project No. 20 from Wayne and Debra Vettleson, and set a hearing date for July 26, 2018 at 9:30 a.m. at the Red Lake Watershed District office, to hear public comment about the inclusion of lands into the benefitted area of said ditch. Motion carried.

Discussion was held on the drainage complaint on the Darrell Dolalie property located in Section 29, Pine Lake Township, Clearwater County. Pine Lake Township has contacted a contractor to complete the work. The landowner has since blocked the entrance to his property.

The Board reviewed the permits for approval. Motion by Ose, seconded by Tiedemann, to approve the following permits with conditions stated on the permit: No. 18023, Julie Efta, Krakta Township, Pennington County; No. 18024, Kenneth Skaaren, River Falls Township,

Pennington County; No. 18026, Terry Lubitz, Excel Township, Marshall County; No. 18027, Don Berry, Chester Township, Polk County; No. 18029, Wayne Vettleson, Equality Township, Red Lake County; and No. 18030 and 18031, Wayne Vettleson, Equality Township, Red Lake County. Motion carried.

The Board reviewed two quotes received for the purchase of aluminum trailer from Huberts Outdoor Power and Galaxie Auto and Trailer Sales. Motion by Tiedemann, seconded by Page, to approve the purchase of a 2018 Aluminum Trailer from Galaxie Auto and Trailer Sales in the amount of \$2,455.00. Motion carried.

Motion by Ose, seconded by Torgerson, to declare the Floe Pro 100 Plus, snowmobile trailer, as surplus property. Motion carried.

Administrator Jesme stated that staff member Christina Slowinski has requested if she could set up and monitor educational booths for display at the Polk and Clearwater County Fairs to help promote and educate area landowners on the District's purpose. Motion by Sorenson, seconded by Ose, to authorize the District staff to participate in the Polk and Clearwater County Fairs. Motion carried.

The Board reviewed amendments made to the 2017 Annual Report. Motion by Sorenson, seconded by Dwight, to approve the 2017 Annual Report. Motion carried. Meetings will be scheduled soon with the County Commissioners to present the Annual report.

Administrators Update:

- Jesme and Managers Ose and Sorenson attended the May 25, 2018 RRWMB meeting held in Fertile.
- The Euclid East and Brandt Impoundments are completely drained down. The Parnell Impoundment is still being drawn down. Staff will start releasing water from the Moose River Impoundment late this week.
- Jesme and Jeff Langan and Erica Beito from Houston Engineering, Inc. along with Brad Dokken, Outdoor Writer for the Grand Forks Herald toured the Grand Marais Creek Channel Restoration on May 21st. An article will appear in the Grand Forks Herald in mid to late June.
- Jesme and staff member Hanson met with various BWSR Clean Water Specialists to discuss the grant process through BWSR, 1W1P process and projects funded by the Clean Water Council.
- Included in the packet was a newspaper article from the Grygla Eagle featuring staff member Hitt and the Grygla 4th and 5th graders as part of the River of Dreams Educational event.
- Included in the packet was a legislative update from RRWMB lobbyist Lisa Frenette.
- Included in the packet with a brochure featuring the 2018 Summer Water Tours sponsored by the North Dakota Water Education Foundation.
- Jesme met with Craig Mowery and Jordan Young, Agassiz NWR regarding the Conservation Partnership Legacy Grant to discuss logistics of the grant and roles of each partner. It appears that all contractual quotes will run through the District office and

Agassiz staff will inspect the construction of the various components of the grant. Included in the packet was the work flow for the projects listed in the grant.

Legal Counsel Sparby stated that he has not been able to speak with the Attorney General's office representative regarding the appointment of a member of the Red Lake Tribal Council on the District Board.

Manager Ose discussed the presentation that Craig Mowery, Agassiz NWR gave at the Thief River 1W1P meeting regarding the history of Agassiz NWR.

Hearing notices have been sent out to landowners for the abandonment of Judicial Ditch 5, RLWD Project No. 102. Manager Torgerson stated that the gauge on County Road 2 was at 1427.3 this morning. Engineer Nate Dalager, HDR Engineering, Inc., stated that he will review his Engineer's Findings and Recommendations Memo for the abandonment hearing with Administrator Jesme and Legal Counsel Sparby prior to the hearing.

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

LeRoy Ose, Secretary

RED LAKE WATERSHED DISTRICT
Financial Report for June 13, 2018

Ck#	Check Issued to:	Description	Amount
online	EFTPS	Withholding for FICA, Medicare, and Federal taxes	\$ 3,566.55
online	MN Department of Revenue	Withholding taxes	656.55
online	Public Employees Retirement Assn.	PERA	2,469.18
36825	Galaxie Auto & Trailer Sales	2018 DCT Trailer with bifold ramp	2,455.00
36826	Ashley Hitt	Mileage reimbursement and online purchase of 5 used Sondes	26.35
36827	Motor Vehicle Department	Sales tax and license for 2018 Trailer	227.08
36828	Dale M. Nelson	Replacement check for mileage (November)	49.22
36829	City of Thief River Falls	Electricity, water, sewer, storm water, etc.	439.13
36830	Clearwater Co. Agric. Society	Clearwater County Fair booth rent	150.00
36831	Sjoberg's Cable TV	Internet expense	108.74
36832	Brady Stanley	Reimburse for tick spray	7.47
36833	Ameripride Services Inc.	Office rug rental	31.70
36834	Austin Audette	Mow lawn in May	520.00
36835	Tammy Audette	Clean offices in May	315.00
36836	Centurylink	Telephone expense	269.44
36837	Les Cota	Mow RLWD Ditch 14 ditch	560.00
36838	Dyrdahl Construction, Inc.	Remove hay bale from bottom of Ditch-Proj. 48	170.00
36839	E&A Services, LLC	Patch RLWD parking lot cracks	400.00
36840	Farmers Union Oil Company	Gas for watershed vehicles	763.71
36841	Further (was SelectAccount)	Monthly FSA account fees	8.85
36842	Galaxie Auto and Trailer Sales	Caster wheel for 2018 trailer	15.88
36843	Garden Valley Technologies	Monthly telephone maintenance expense	112.75
36844	HDR, Inc.	*Engineering fees-see below for explanation	38,553.94
36845	Houston Engineering, Inc.	**Engineering fees-see below for explanation	11,659.01
36846	Hugo's #7	Maintainence and meeting supplies	264.42
36847	Les's Sanitation, Inc	Garbage pickup	33.70
36848	Marco	***See below for explanation	1,929.12
36849	MCI	Long distance expense	54.08
36850	MN Energy Resources Corp	Heating expense	21.20
36851	NCPERS	Staff life insurance premium	128.00
36852	Northwest Beverage, Inc.	H2O for office	58.50
36853	O'Reilly	Mobile power source and battery for Four Wheeler	129.78
36854	Quill	Large envelopes,Ultra fine markers,report covers, color paper	94.15
36855	Rinke Noonan	Legal services for TR Westside Flood Damage	1,931.50
36856	RMB Environmental Laboratories	Lab analysis of watershedwide water samples	4,448.00
36857	Gerald Rychlock	Read and observe Moose River pools	270.00
36858	SpeeDee Delivery	Overnight delivery of water quality samples	8.29
36859	Sun Life Financial	Staff life insurance premium	139.12
36860	Thibert Chevrolet & Buick Co.	Oil change on 2015 Chevrolet	59.65
36861	TRF Hardware	Preen Weed prevent	18.99
36468	Voided Check-Dale M. Nelson		(49.22)
online	Cardmember Services	****See below for explanation	1,310.06
online	Further (was SelectAccount)	Medical FSA	73.17
online	Blue Cross Blue Shield	Health insurance premium	6,488.50
online	Brian Dwight	Mileage and per diem meal	378.74
online	Al Page	Mileage	56.68
online	Terry Sorenson	Mileage	98.09
online	Les Torgerson	Mileage and per diem meals	276.15
	Payroll		
	Check #11418 -11430		12,359.79
	Total Checks		\$ 94,116.01

*HDR, Inc.	
Proj. 26 Pine Lake	5,545.78
Proj. 26 Pine Lake-Site F	3,505.04
Proj. 102A Four Legged Lake	13,189.45
Proj. 178 Thief River Westside FDR	<u>16,313.67</u>
TOTAL	38,553.94

**Houston Engineering, Inc.	
Proj. 149AA PTMapp	900.25
Proj. 149A TR1W1P	<u>10,758.76</u>
TOTAL	11,659.01

*** Marco	
(15) Office 365 Monthly expense	187.50
Monthly Managed IT services	1,347.13
Monthly copier maintenance	<u>394.49</u>
TOTAL	1,929.12

****Cardmember Services	
AT&T-Monthly cell phone expense	269.03
Onset-Tuneup and databack HOBO	848.00
Walmart-Floor mats for Traverse	95.94
Grain Bin Grygla-149A mtg.exp.	<u>97.09</u>
TOTAL	1,310.06

Northern State Bank	
Balance as of May 23, 2018	\$ 550,452.21
Total Checks Written	(94,116.01)
Receipt #016540 State of Minnesota-Correction to receipt	0.20
Receipt #016546 Northern State Bank-Monthly interest	416.29
Receipt #016550 NRCS-Four Legged Lake-Pay request #8	6,160.30
Receipt #016551 NRCS-Pine Lake Pay request #9	91,943.85
Receipt #016552 CDARS-Monthly interest on CDs	1,468.86
Transfer to American Federal Bank-Fosston	<u>(200,000.00)</u>
Balance as of June 13, 2018	<u><u>\$ 356,325.70</u></u>

Border State Bank	
Balance as of April 30, 2018	\$ 18,156.86
Receipt #016547 Monthly interest	<u>4.13</u>
Balance as of May 31, 2018	<u><u>\$ 18,160.99</u></u>

American Federal Bank-Fosston	
Balance as of May 23, 2018	\$ 701,167.62
Receipt #016544 Nicholas Knott-2018 Land rent-Black River Impoundment	28,528.56
Receipt #016545 Craig Stroot-Annual rent at Parnell	4,243.80
Receipt #016548 Monthly interest	720.73
Receipt #016549 Daniel or Joyce Wallace-annual land rent	102.00
Transfer of funds from NSB	200,000.00
Balance as of June 13, 2018	<u><u>\$ 934,762.71</u></u>

League of Minnesota Cities Insurance Trust
Group Self-Insured Workers' Compensation Plan
145 University Avenue West St. Paul, MN 55103-2044 Phone (651) 215-4173

Notice of Premium Options for Standard Premiums of Less than \$25,000

RED LAKE WATERSHED DISTRICT
 1000 PENNINGTON AVE S
 THIEF RIVER FALLS, MN 56701-4013

Agreement No.: WC 1003703_Q-2
 Agreement Period:
 From: 07/12/2018
 To: 07/12/2019

Enclosed is a quotation for workers' compensation deposit premium. **Note: Renewal Coverage will be bound as per the expiring coverage arrangement, including coverage for elected and appointed officials, with the premium indicated on the quote, unless the member or agent sends a written request not to bind renewal coverage.**

<u>PAYROLL DESCRIPTION</u>	<u>CODE</u>	<u>RATE</u>	<u>ESTIMATED PAYROLL</u>	<u>DEPOSIT PREMIUM</u>
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SEE ATTACHED SCHEDULE FOR DETAILS

		Manual Premium	3,007
Credit		0.90	-301
		Standard Premium	2,706
		Deductible Credit 0.00%	0
		Premium Discount	0
		Net Deposit Premium	2,706

Agent:
 00985 Northern State Agency
 Po Box 639
 Thief River Falls, MN 56701-0639

Notice of Premium Options for Standard Premiums of Less than \$25,000 (Con't)

OPTIONS

Please indicate below the premium option you wish to select. You may choose only one option and you cannot change options during the agreement period.

NET DEPOSIT PREMIUM

1. **Regular Premium Option**

2,706

2. **Deductible Premium Option**

Deductible options are available in return for a premium credit applied to your estimated standard Premium of \$ 2,706. The deductible will apply per occurrence to paid medical costs only. There is no aggregate limit.

	<u>Deductible per Occurrence</u>	<u>Premium Credit</u>	<u>Credit Amount</u>	<u>Net Deposit Premium</u>
<input type="checkbox"/>	\$250	1.00%	-27	2,679
<input type="checkbox"/>	\$500	1.80%	-49	2,657
<input type="checkbox"/>	\$1,000	2.90%	-78	2,628
<input type="checkbox"/>	\$2,500	5.50%	-149	2,557
<input type="checkbox"/>	\$5,000	7.50%	-203	2,503
<input type="checkbox"/>	\$10,000	11.00%	-298	2,408
<input type="checkbox"/>	\$25,000	17.50%	-474	2,232
<input type="checkbox"/>	\$50,000	23.00%	-622	2,084

This quotation is for a deposit premium based on your estimate of payroll and selected options. Your final actual premium will be computed after an audit of payroll subsequent to the close of your agreement year and will be subject to revisions in rates, payrolls and experience modification. While you are a member of the LMCIT Workers' Compensation Plan, you will be eligible to participate in dividend distributions from the Trust based upon claims experience and earnings of the Trust.

If you desire the coverage offered above, please return this signed document for the option you have selected.

This quotation should be signed by an authorized representative of the city requesting coverage.

Signature

Title

Date

**Notice of Premium Options for Standard Premiums of Less than \$25,000
(Con't)**

CONTINUATION SCHEDULE FOR QUOTATION PAGE

<u>REMUNERATION</u>	<u>RATE</u>	<u>CODE</u>	<u>DESCRIPTION</u>	<u>EST. PREM</u>
197,000	0.72	8810	CLERICAL OFFICE EMPLOYEES NOC	1,418
275,000	0.55	9410	MUNICIPAL EMPLOYEES	1,513
18,200	0.42	9411	ELECTED OR APPOINTED OFFICIALS	76
			Manual Premium	3,007



CONNECTING & INNOVATING
SINCE 1913

LIABILITY COVERAGE – WAIVER FORM

LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to pstech@lmc.org

This decision must be made by the member's governing body every year. You may also wish to discuss these issues with your attorney.

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

If the member does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.

If the member waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.

If the member waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

Red Lake Watershed District

LMCIT Member Name _____

Check one:

- The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.
- The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting _____

Signature _____

Position _____

Wetland Habitat Quality and Management Enhancement Scope of Work

Cattail Spraying (August 2018)

Contractor shall furnish all equipment and manpower needed to accomplish this work. The applicator must have a current Minnesota Pesticide Applicator License with an aquatic endorsement. The work will involve mixing an imazapyr herbicide and aquatic surfactant to certain specifications (32oz/acre) and applying the mixture aerielly via helicopter. The sites to be treated include five management units at Agassiz National Wildlife Refuge, about 10 miles from Middle River, MN.

The job will consist of 1,666 acres to be treated in August 2018. This timing will ensure the plants absorb the systematic herbicide and successfully kill the roots and tubers.

All quotes are to be submitted on a "per acre" unite-price basis. Note that payment will be made only for actual acres treated. Only approved acres shall be payable under this contract, and must reasonably correlate with progress and accomplishment of the work ordered to be done.

Work will commence only after contractor receives notification to proceed. For project technical information, or to arrange a site visit, please contact Wildlife Refuge Specialist, Jim Graham, at 218-449-4115, ext. 205.

Thief Bay Water Control Structure Repair (Fall 2018)

Project will consist of rehabbing a double tube water control structure - removing and disposing two 42"x36' corrugated metal culverts and replacing them with two plastic, double-walled, 42"x approximately 35' culverts with flared end sections (exact length TBD). Contractor will attach the new culverts to plastic adapters that mount the plastic culvert to an existing cement box water control structure. Two plastic adapters will be provided.

Once old culverts are removed, contractor shall prepare bed using sand and compacting. Plastic adapters will be attached to cement box structure using stainless steel anchor bolts and glue suitable to bond plastic to cement. Bands must be installed to join 42" culvert sections and flared end sections. Contractor must use caulk that will form a water proof seal between the new culvert adapter and the cement structure on both the upstream and downstream side.

Contractor shall backfill and compact culvert with 70 yd³ of dirt and place 20 yd³ of MnDOT class III, 100% fractured granite riprap around metal flared end section and in plunge pool. Finish grade shall be smooth and match existing slopes.

The water control structure is located 7 miles northwest of the Agassiz Refuge headquarters on Thief River Road, Mud Lake TWP., Marshall Co., MN. Twp. 157N, R. 42W, Sec. 36.

Work will commence only after contractor receives notification to proceed. For project technical information, or to arrange a site visit, please contact Wildlife Refuge Specialist, Jim Graham, at 218-449-4115, ext. 205.

Exhibit B

Local Government Resolution

BE IT RESOLVED that **Red Lake Watershed District**, hereinafter referred to as the “Applicant” act as legal sponsor for the project contained in the **Flood Damage Reduction Grant Assistance Program Application** to be submitted on **February 14, 2018** and that **Myron Jesme/Administrator** is hereby authorized to apply for the Department of Natural Resources for funding of this project on behalf of the Applicant.

BE IT FURTHER RESOLVED that the Applicant has the legal authority to apply for financial assistance, and the institutional, administrative, and managerial capability to ensure adequate acquisition, maintenance and protection of the proposed project.

BE IT FURTHER RESOLVED that the Applicant has the financial capability to provide any required matching funds.

BE IT FURTHER RESOLVED that the Applicant has not incurred any costs and has not entered into any written agreements to purchase property proposed by this project.

BE IT FURTHER RESOLVED that the source of Applicant’s matching funds shall not include other State funds.

BE IT FURTHER RESOLVED that the source of Applicant’s matching funds shall be on a cash basis.

BE IT FURTHER RESOLVED that the Applicant hereby pledges to complete the project or phase if it exceeds the total funding provided by the Department of Natural Resources and any required local match.

BE IT FURTHER RESOLVED that the Applicant has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the Applicant may enter into an agreement with the State of Minnesota for the above- references project, and that the Applicant certifies that it will comply with all applicable laws and regulations as stated in the contract agreement.

NOW, THEREFORE BE IT RESOLVED that **Myron Jesme/Administrator** is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the **Board of Managers** of **Red Lake Watershed District** on May 10, 2018.

SIGNED:

WITNESSED:

(Signature)

(Signature)

(Title)

(Title)

(Date)

(Date)

**BEFORE THE RED LAKE WATERSHED DISTRICT
ACTING AS DRAINAGE AUTHORITY FOR PROJECT #102 (JUDICIAL DITCH #5)**

**Petition for the Abandonment of
Red Lake Watershed District
Project #102 (Judicial Ditch #5)
Pursuant to Minn. Stat. §103E.811**

1. Petitioners are owners of lands within the benefited property area of Red Lake Watershed District Project #102, described as follows:

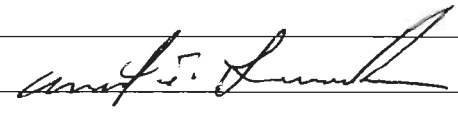
The Red Lake Watershed District Project #102 (Judicial Ditch #5) drainageway is located as follows: beginning at the outlet of said ditch near a point common to the intersection of Ruffy Brook; located in Section 13, Township 148 North, Range 37 West, of the Fifth Principal Meridian, thence in an easterly direction along the quarter line of said Section 13 to point common to the quarter corner of Section 13, Township 148 North, Range 37 West and Section 18, Township 148 North, Range 36 West; thence continuing in a meandering easterly direction to a point one hundred ten feet (110') south of the quarter corner of the afore mentioned Section 18, Township 148 North, Range 36 West and Section 17, Township 148 North, Range 36 West; thence in a northeasterly direction through a lake referred to the public as West Four Legged Lake located in said Section 17, thence continuing in a northeasterly direction through the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section 16, Township 148 North, Range 36 West to a centerline culvert located on Clearwater County Road #2; thence in a northeasterly direction through the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of said Section 16, continuing into the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 9; thence in a easterly direction through the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) to a centerline culvert located on Clearwater County Road #23; thence in a northeasterly direction through the abandoned railroad grade; thence continuing for approximately three hundred feet (300') thus terminating near the outlet of East Four-Legged Lake. (see attached map)

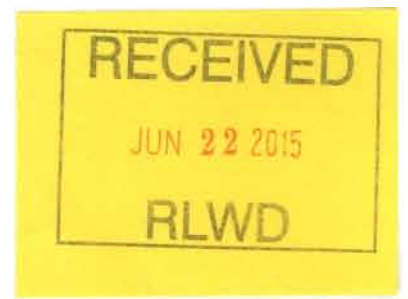
2. This Petition is being brought pursuant to Minn. Stat. §103E.811 on the grounds that the above-described drainage system is not of a substantial public benefit and utility because of dramatic land use changes to properties that once used the drainage system as it was established in the 1920's.
3. Petitioners own a majority of the property within the benefited area of the above-described drainage system and represent not less than 51 percent of the area of the benefited property assessed for the drainage system. (see attached map)

4. Petitioners intent is to retain water on portions of their property in Sections 9, 10, 15, 16 and 17 of Township 148 North, Range 36 West by investigating the possibility of installing water retention structures through transportation routes located on the centerline of the existing legal drainage system as well as installation of a structure near the outlet of the legal drainage system. This may include modifying existing structures as well as changing elevations as recommended by the Engineer appointed by the Red Lake Watershed District Board of Managers.
5. Abandoning the above-described Red Lake Watershed District Project #102 (Judicial Ditch #5) will not prejudice or damage other property owners.
6. Petitioners hereby requests that the drainage authority hold the necessary public hearing pursuant to Minn. Stat. §103E.811, subd. 5, and determine that Red Lake Watershed District Project #102 (Judicial Ditch #5) should be abandoned.

Dated this 19 day of May, 2015.

Signatures	Landowners	Percent Owned	Signed Petition
<i>Karen Gebhardt</i>	Keith & Karen Gebhardt	15.49%	
<i>Patricia Jo Olson</i>	Patricia Jo Olson	8.56%	
<i>Aaron Hough</i>	Aaron Hough	7.63%	
<i>Brett & Melanie Paulson</i>	Brett & Melanie Paulson	6.94%	
<i>James Soltis</i>	James Soltis	5.70%	
	Branden & Chelsey Erickson	4.67%	
	John & Marilyn Renner	4.66%	
<i>Ivan Stauffer</i>	Ivan Stauffer	4.53%	
<i>M & S Thompson</i>	M & S Thompson	4.34%	
	Kenneth L Forbragd	3.35%	
	Ryan Jensen	2.70%	
	Gene & Sharon Jurgens	2.48%	
	Jerry & Roxanne Dahlke	2.36%	
	Robert L Birnstengel	2.33%	
	Lynn Forbragd & Brad Fields	2.32%	
	Gregory Johnson	2.30%	
<i>Theodore & Beverly Lundmark</i>	Theodore & Beverly Lundmark	2.30%	
<i>Lessa Monson Family Trust</i>	Monson Family Trust	2.24%	
	Inez Ehlers	2.19%	
	Jon Isackson Trust	2.05%	
	Cyndi & Roland Lundmark	1.50%	
	Robert & Lillian Payne	1.40%	
	State of Minnesota	1.30%	
	Dwight & Corliss Gunning	1.10%	
	Jonathan Auker	1.04%	
	Sharon Dahlke	0.96%	
	Terry & Penny Erickson	0.75%	
	Andrew Lundmark	0.70%	
	Beverly Steinke	0.44%	

Signatures	Landowners	Percent Owned	Signed Petition
	David Dahlberg	0.43%	
	Betty Baker	0.38%	
	Anthony Lundmark	0.24%	
	State Tax Land	0.22%	
	William Kellar	0.22%	
	Dudley Township	0.11%	
	Robert Moen	0.04%	
	Enbridge Energy	0.04%	
	Total	100.00%	
	51% required for Abandonment		



**CLEARWATER COUNTY
RESOLUTION RLWD JD 5 DITCH OPERATION**

WHEREAS: in 1998 or 1999 the outlet to Judicial Ditch No. 5 (JD 5) was raised without authority to elevation 1427.0 by Dudley Township when they raised the culvert under their township road on 233rd Avenue, and

WHEREAS: the elevation of the outlet culvert prior to the unauthorized raising was consistent with the flow line of the downstream channel elevation which had an approximate elevation of 1423.8, and

WHEREAS: the County has sustained damages to our County State Aid Highway 2 (CSAH 2) as a result of the elevated water, and

WHEREAS: All elevations referenced in this resolution are based on NAVD 88 datum, and

WHEREAS: CSAH 2 was reconstructed in 1964 with the JD 5 ditch system water being below the elevation of the outlet to the CSAH 2 culvert flow line of approximately 1425.1 which coincides with the lower ditch system outlet reference above, and

WHEREAS: CSAH 2 starts to receive damage to the road infrastructure at elevations above 1425.1 and excessive damage along with road safety concerns above elevation 1427.0, and

WHEREAS: with increasing road damages occurring and after further investigation the County realized that this was a legal ditch system in 2010 and asked that the Red Lake Watershed District (RLWD) resolve this matter and provide for the flood relief to CSAH 2, and

WHEREAS: the RLWD did remove some beaver dams but did not correct the illegal raising of the ditch outlet, and

WHEREAS: the RLWD started an effort to abandon JD 5 and pursue a flood reduction project with a formal petition signed by landowner in 2015 to abandon JD 5, and

WHEREAS: Clearwater County, formally through the County Engineer in his July 22, 2015 letter to the RLWD, objected to JD 5 abandonment on the grounds of road damage and damage to other property if JD 5 water levels are not maintained in acceptable ranges to minimize impact to roads and property, and

WHEREAS: JD 5 outlet has not been restored and the replacement flood reduction project appears to be stalled with no consensus on water level elevations, and

NOW THEREFORE BE IT RESOLVED: That we, the County Board of Commissioners, do hereby, demand that the outlet to the legal ditch system be immediately restored to the outlet elevation it was when the ditch system management was given to the RLWD and prior to the ditch outlet being illegally raise, and

BE IT FURTHER RESOLVED: That we will support future efforts to convert the ditch system into a perpetually managed flood reduction project that meets our outlet elevation criteria and adjoining landowners criteria on the upstream reaches as long as it minimizes potential flood damages to our roads and our residents, and

BE IT FURTHER RESOLVED: That if the ditch system is converted to a flood reduction project, the County is willing to accept some damages to CSAH 2 as long as the water along CSAH 2 and the outlet is designed so that the water elevation is maintained between the restored JD 5 ditch outlet elevation and 1427.0, and

BE IT FURTHER RESOLVED: that the ditch outlet control structure on a future flood reduction project shall be designed to dump unrestricted over the top of the structure at or below 1427.0 with a lower operating elevation preferred, and

BE IT FURTHER RESOLVED: that the ditch outlet control structure be designed so that the ditch system can occasionally (likely once every 20 years) be drained to the restored JD 5 ditch outlet elevation for road maintenance purposes at the request of the County Engineer in cooperation with the DNR and RLWD, and

BE IT FURTHER RESOLVED: that converting JD 5 into a flood reduction project must be done perpetually, managed by a responsible agency, and must encompass control and maintenance over the complete JD 5 ditch system, and

BE IT FURTHER RESOLVED: That the County Engineer has authority on behalf of the County to negotiate the flood reduction project normal pool elevations and operating elevations as long as it falls with the elevation range previously stated, and

BE IT FURTHER RESOLVED: That if any changes are made to the upper reaches of the ditch system above CSAH 23, that the water elevations are determined in cooperation with impacted landowners, does not increase water elevations along the Dudley Township road known as 450th Street, or increases water elevations along CSAH 23, and

BE IT FURTHER RESOLVED: That the County Engineer and County Attorney has authority to proceed with legal action against the RLWD if a plan is not identified within 180 days of receipt of this resolution to restore the legal ditch system outlet or advance a flood reduction project, which meets the criteria presented herein.

	Motion By:	Motion Seconded :	Vote:
Arlen Syverson District 1	✓		aye
Dean Newland District 2			aye
Neal Illies District 3			aye
John Nelson District 4			nay
Dan Stenseng District 5		✓	aye

PASSED: ✓ FAILED: _____

----- CERTIFICATION -----

I hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by Clearwater County at a duly authorized meeting thereof, on the 20th day of June, as shown by the minutes in my possession.

CERTIFIED: Emily McDougall
Emily McDougall, County Board Coordinator

**CLEARWATER COUNTY, MN
BOARD OF COMMISSIONERS
County Board Motion 2017**

	Motion By:	Motion Seconded	Vote:
Arlen Syverson District 1			<i>Aye</i>
Dean Newland District 2			<i>Aye</i>
Neal Illies District 3		✓	<i>Aye</i>
John Nelson District 4	✓		<i>Aye</i>
Daniel Stenseng District 5			<i>Nay</i>

Motion: To withdraw the letter objecting to the abandonment of Judicial Ditch No. 5, dated July 22, 2015 to the Red Lake Watershed District and to allow the abandonment proceedings to continue.

Also, to direct the county engineer to inform the county board of any significant changes to the lake levels from the current level and how those changes are affecting CSAH 2, including recommendations on how to remedy the change in those levels.

Also, if the Flood Reduction Project continues for Four-Legged Lake after the abandonment, the county engineer will continue to be involved in the project and will update the county board of the progress.

Passed: _____ ✓

Failed: _____

-----Certification-----

I hereby certify that the foregoing is a true and correct copy of a motion presented to and adopted by the Clearwater County Board of Commissioners at a duly authorized meeting thereof, on the 19th day of December 2017, as shown by the Minutes in my possession.

Emily McDougall
Emily McDougall, Board Coordinator

**CLEARWATER COUNTY, MN
BOARD OF COMMISSIONERS
County Board Motion 2018**

	Motion By:	Motion Seconded	Vote:
Arlen Syverson District 1	✓		<i>ayes</i>
Dean Newland District 2			/
Neal Illies District 3			
John Nelson District 4		✓	
Daniel Stenseng District 5			

Motion: Clearwater County Board requests that the levels for the proposed RLWD Flood Reduction Project on Four-Legged Lake be between 1426 feet (88 NAVD) and 1428 feet (88 NAVD). Clearwater County accepts damages to CSAH 2 based on these levels as normal wear.

Passed: ✓

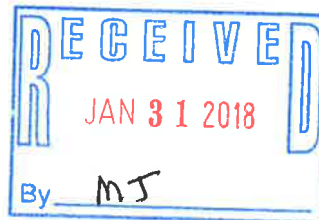
Failed: _____

-----**Certification**-----

I hereby certify that the foregoing is a true and correct copy of a motion presented to and adopted by the Clearwater County Board of Commissioners at a duly authorized meeting thereof, on the 30th day of January 2018, as shown by the Minutes in my possession.

Emily McDougall

Emily McDougall, Board Coordinator





Engineer's Findings and Recommendations

Date: Thursday, June 14, 2018

Project: RLWD Judicial Ditch #5

To: Red Lake Watershed District Board

From: Nate Dalager, PE

Subject: Petition for Abandonment of Judicial Ditch #5 – Public Hearing June 14, 2018

A Petition for the abandonment of Red Lake Watershed District (RLWD) Project #102 (JD #5) was filed on May 19, 2015 and was brought pursuant to Minnesota Statute §103E.811. The intent of the petition was to request that the RLWD Board of Managers (Board) evaluate a ditch abandonment and/or investigate alternatives to modify or replace existing drainage structures to manage Four Legged Lake's water surface elevations (WSE) for the purpose of flood damage reduction (FDR). Portions of the four basins that form Four Legged Lake are part of the Judicial Ditch #5 system (see attached figure). A public hearing was held on July 23, 2015 for the abandonment of the legal drainage system. The Board tabled the petition to further investigate the potential for an FDR project within the Four Legged Lake system.

A Project Team (PT) was created in 2015 to explore alternatives for FDR. The PT consisted of local landowners, RLWD, Clearwater County Highway Department (CCHD), and several local, state, and federal agencies. The stakeholders identified the need to provide FDR benefits and moderation of high water levels, maintain the ability to manage acceptable permanent water levels within the four basins of Four Legged Lake, enhance natural resources and maintain lake aesthetics.

For the RLWD, the primary purpose of the FDR Project would be to reduce flood damages to Clearwater County roads, lakeshore property, and the shoreline of Four Legged Lake.

Secondary benefits from the Project may include:

- Contribution to the regional goal of reducing peak flows downstream to Ruffy Brook and along the Red River of the North (Red River) by 20% during large flooding events
- Establishing a stable WSE for the benefit of FDR, wildlife, and lake aesthetics
- Establish an outlet structure and culverts that will provide operational variability and maintenance accessibility throughout the Four Legged Lake system

The most recent PT meeting was held on January 19, 2018 in an attempt to reach a consensus amongst the Project stakeholders regarding basin water levels. The normal pool elevation alternatives for the outlet invert discussed were 1424.0', 1425.5', 1426.0', and 1427.0' for the Southwest Basin (see attached figure). A consensus was not reached by the stakeholders but a majority of the local landowners along with Holst and Dudley Townships would accept a minimum outlet elevation of 1426.0' for the Southwest Basin.

Upon Board direction, HDR has drafted a Preliminary Engineer's Report for FDR. The Preliminary Engineer's Report evaluated an FDR structure at the outlet of the Southwest Basin of Four Legged Lake for the four normal pool elevations previously referenced. The report also evaluated an alternative to abandon the JD #5 system as-is, or repair the system with the outlet culvert invert lowered one foot to an elevation of 1426.0'. The evaluation criteria included FDR benefits, CCHD road impacts, area of inundated upland, lake aesthetics, and the operation and maintenance characteristics of the system and structures.



The Engineer’s recommendation is to repair JD#5 at a Southwest Basin outlet culvert elevation of 1426.0’. The drainage system continues to have useful purpose because it provides the drainage authority the ability to manage and maintain the system. The Engineer’s findings and recommendation are also based on the following factors:

- An outlet elevation of 1426.0’ represents the “best fit” compromise between PT stated goals and stakeholder interests
- The recommendation maintains a minimum clear zone for roadways as referenced in Minnesota Rule 8820.9920
- The recommendation maintains a five foot minimum grade separation from the roadway profile to the normal pool elevation as referenced in the Minnesota Department of Transportation (MnDOT) Road Design Manual Section 4-6.03
- The recommendation provides freeboard for Clearwater County roadways to reduce the potential for damages in the event of high water
- The recommendation is a compromise between maintaining lake aesthetics and reducing the area of upland inundated by potential high water

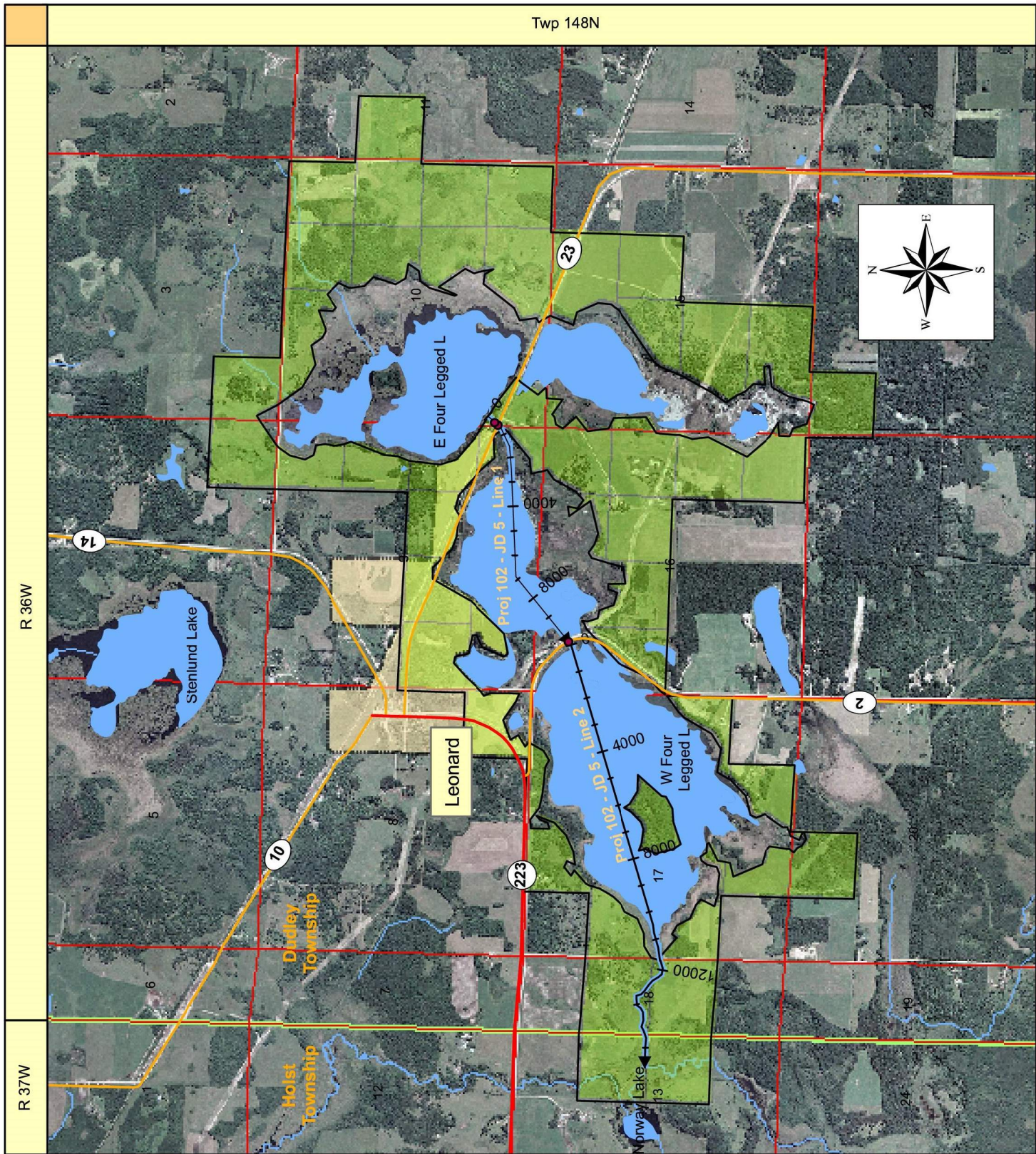
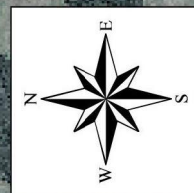
Other factors considered: MnDNR has indicated that implementation of an FDR project that permanently changes the normal pool water surface elevation from existing conditions requires written consent from all riparian landowners per Minnesota Rule 6115.0271. Due to the history of this Project and potential permitting issues regarding changing lake levels related to the FDR Project, it will be challenging to obtain written consent (ie. 100% landowner agreement) for any lake elevation. However, a ditch repair is not subject to Mn Rule 6115.0271, and therefore it is the Engineer’s recommendation that JD #5 be repaired with a Southwest Basin outlet elevation of 1426.0’ (1988 datum). This recommendation does not include modifying the remaining existing system culvert structures connecting each of the basins. Note: This recommendation does not preclude the Board from pursuing an FDR project in the future.

Table 1 displays the difference in the normal pool/culvert invert elevations for each of the four basins for the existing conditions versus the recommended repair.

Table 1: Existing vs. Proposed Normal Pool/Culvert Invert Elevations (Engineers Recommendation)

Basin	Normal Pool / Culvert Invert Elevations (ft)	
	Existing Condition	Engineers Recommendation Repair at SW Outlet Culvert Elevation of 1426.0’
Southwest Basin	1427.0	1426.0
Northwest Basin	1425.3	1425.3
Northeast Basin	1426.8	1426.8
Southeast Basin	1424.8	1424.8





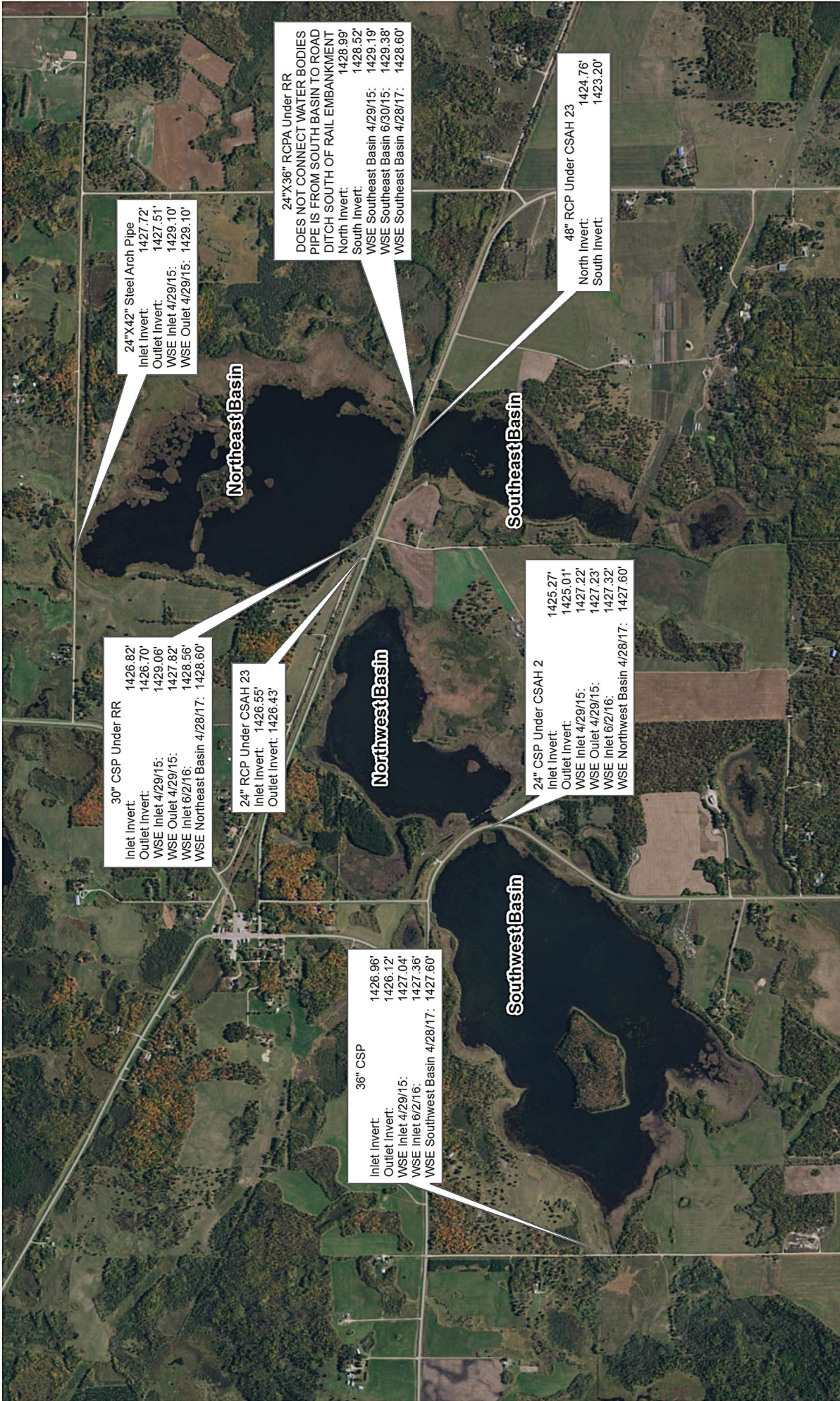
Red Lake Watershed District RLWD Project 102 Judicial Ditch 5

Clearwater County
Dudley Township

Clearwater River Subwatershed
Scale: 1:33,000

- Culverts
- ↑ Proj 102
- Benefitted Areas
- ▩ Municipal Area
- Sections
- Townships





**FOUR LEGGED LAKE
EXISTING CULVERT SURVEY**



**ALL ELEVATIONS SHOWN REFERENCE
NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88)



HR



WD 103E Systems Only Buffer Rule

Buffer Law Implementation

DRAFT April 2018

1.0 Policy

It is the policy of the Board of Managers to:

(a) Provide public drainage system ditches with vegetated buffers and water quality practices to achieve the following purposes:

- (1) Protect state water resources from erosion and runoff pollution;
- (2) Stabilize soils, and banks.

(b) Coordinate closely with the District's landowners, soil and water conservation districts and counties, and utilize local knowledge and data, to achieve the stated purposes in a collaborative, effective and cost- efficient manner.

(c) Integrate District authorities under Minnesota Statutes §§103D.341, 103E.021, and 103F.48 to provide for clear procedures to achieve the purposes of the rule.

(d) The District will implement and enforce buffers through the use of Drainage Law (Minnesota Statutes §§103E.021 and 103E.351) and when that cannot be accomplished through the use of Administrative Penalty Order (APO) powers granted through Minnesota Statute §103F.48.

2.0 Definitions

BWSR: Minnesota Board of Water and Soil Resources.

Buffer: An area consisting of perennial vegetation, excluding invasive plants and noxious weeds

Buffer Protection Map: means buffer maps established and maintained by the commissioner of natural resources.

Buffer law: Minnesota Statutes §103F.48, as amended.

Commissioner: Commissioner of the Minnesota Department of Natural Resources.

Cultivation farming: Practices that disturb vegetation roots and soil structure, or involve vegetation cutting or harvesting that impairs the viability of perennial vegetation.

Drainage authority: The public body having jurisdiction over a drainage system under Minnesota Statutes chapter 103E.

Landowner: means the holder of the fee title, the holder's agents or assigns, any lessee, licensee, or operator of the real property and includes all land occupiers as defined by Minn. Stat. §103F.401, subd. 7 or any other party conducting farming activities on or exercising control over the real property

Parcel: means a unit of real property that has been given a tax identification number maintained by the County.

NRCS: U.S. Department of Agriculture, Natural Resource Conservation Service.

Responsible Party: A party other than a landowner that directly or indirectly controls the condition of riparian land subject to a buffer under the rule.

Public water: As defined at Minnesota Statutes §103G.005, subdivision 15, and included within the public waters inventory as provided in Minnesota Statutes §103G.201.

Riparian protection: A water quality outcome for the adjacent waterbody equivalent to that which would be provided by the otherwise mandated buffer, from a facility or practice owned or operated by a municipal separate storm sewer system (MS4) permittee or subject to a maintenance commitment in favor of that permittee at least as stringent as that required by the MS4 general permit in effect.

Shoreland standards: Local shoreland standards as approved by the Commissioner or, absent such standards, the shoreland model standards and criteria adopted pursuant to Minnesota Statutes §103F.211.

Structure: An above-ground building or other improvement that has substantial features other than a surface. **SWCD:** Soil and Water Conservation District.

3.0 Data sharing/management

- 3.1 The District may enter into arrangements with an SWCD, a county, the BWSR and other parties with respect to the creation and maintenance of, and access to, data concerning buffers and alternative practices under this rule.
- 3.2 The District will manage all such data in accordance with the Minnesota Data Practices Act and any other applicable laws.

4.0 Vegetated Buffer Requirement

- 4.1 Except as subsection 4.3 may apply, a landowner must maintain a buffer on land that is adjacent to a public drainage system ditch identified and mapped on the buffer protection map established and maintained by the Commissioner pursuant to the buffer law.
 - The buffer must be of a 16.5-foot minimum width. This rule does not apply to the portion of public drainage systems consisting of tile.
 - The buffer is measured from the top or crown of bank. Where there is no defined bank, measurement will be from the normal water level. The District will determine normal water level in accordance with BWSR guidance. , The District will determine top or crown of bank in the same manner as for measuring the perennially vegetated strip under Minnesota Statutes §103E.021.

- 4.2 The requirement of subsection 3.1 applies to all public drainage ditches within the legal boundary for which the District is the drainage authority.
- 4.3 The requirement of subsection 3.1 does not apply to land that is:
- Enrolled in the federal Conservation Reserve Program;
 - Used as a public or private water access or recreational use area including stairways, landings, picnic areas, access paths, beach and watercraft access areas, provided the area in such use is limited to what is permitted under shoreland standards or, if no specific standard is prescribed, what is reasonably necessary;
 - Used as the site of a water-oriented structure in conformance with shoreland standards or, if no specific standard is prescribed, what is reasonably necessary;
 - Covered by a road, trail, building or other structure;
 - Regulated by a national pollutant discharge elimination system/state disposal system (NPDES/SDS) municipal separate storm sewer system, construction or industrial permit under Minnesota Rules, chapter 7090, and the adjacent waterbody is provided riparian protection;
 - Part of a water-inundation cropping system; or
 - In a temporary nonvegetated condition due to drainage tile installation and maintenance, alfalfa or other perennial crop or plant seeding, or a construction or conservation project authorized by a federal, state or local government unit.

5.0 Drainage System Acquisition and Compensation for Buffer

- 5.1 In accordance with Minnesota Statutes §103F.48, subdivision 10(b), a landowner owning land within the benefited area of and adjacent to a public drainage ditch may request that the District, as the drainage authority, acquire and provide compensation for the buffer strip required under this rule.
- 5.2 The request may be made to use Minnesota Statutes §103E.021, subdivision 6, or by petition pursuant to Minnesota Statutes §103E.715, subdivision 1.
- 5.3 The decision on the request is within the judgment and discretion of the District, unless the request concerns a buffer strip mandated by Minnesota Statutes §103E.021.
- 5.4 If the request is granted or the petition proceeds, the requirements of the buffer strip and the compensation to be paid for its incorporation into the drainage system will be determined in accordance with the statutes referenced in paragraph 5.1 and associated procedures. When the order establishing or incorporating the buffer strip is final, the buffer strip will become a part of the drainage system and thereafter managed by the District in accordance with the drainage code.
- 5.5 On a public drainage ditch that also is a public water subject to a 50-foot average buffer, the drainage system will be required to acquire only the first 16.5 feet of the buffer.
- 5.6 The District, on its own initiative pursuant to Minnesota Statutes §§103F.48 and 103E.021, may acquire and provide compensation for buffer strips required under this rule on individual or multiple properties along a public drainage system. The Board of Managers findings and order will be delivered or transmitted to the landowner.

- 5.7 This section does not displace, the terms of Minnesota Statutes chapter 103E requiring or providing for drainage system establishment and acquisition of vegetated buffer strips along public ditches.

6.0 Action for Noncompliance

- 6.1 When the District observes potential noncompliance or receives a third party complaint from a private individual or entity, or from another public agency (such as the SWCD), it will determine the appropriate course of action to confirm compliance status. This may include communication with the landowner or his/her agents or operators, communication with the shoreland management authority, inspection or other appropriate steps necessary to verify the compliance status of the parcel. On the basis of this coordination, the SWCD may issue a notification of noncompliance to the District. If the SWCD does not transmit such a notification, the District will not pursue a compliance or enforcement action under Minnesota Statutes §103F.48, but may pursue such an action under the authority of Minnesota Statutes §§103E.021 and 103D.341 and section 6 of this rule.
- 6.2 On receipt of an SWCD notification of noncompliance, or if acting solely under authority of Minnesota Statutes §§103E.021 or 103D.341, the District will determine first whether sufficient public drainage system easement exists to establish the required vegetative buffer. If a sufficient easement does not exist, the District will attempt to acquire the necessary easements through incremental buffer establishment provided in §103E.021, subd. 6 or through a redetermination of benefits provided in Minnesota Statutes §103E.351 to establish the required buffers. The establishment of the required buffers will occur within 12 months of the determination that inadequate easement exists, and no more than 18 months from the receipt of a SWCD notification of noncompliance or the Watershed District decision to establish the required buffers.
- 6.3 If the District is unable to acquire the necessary easements through incremental buffer establishment provided in §103E.021, subd. 6 or through a redetermination of benefits, or if sufficient easement does exist and an established buffer has been adversely altered, the District will issue a corrective action list and practical schedule for compliance to the landowner or responsible party. The District may inspect the property and will consult with the SWCD, review available information and exercise its technical judgment to determine appropriate and sufficient corrective action and a practical schedule for such action. The District will maintain a record establishing the basis for the corrective action that it requires.
- 6.3.1 The District will issue the corrective action list and schedule to the landowner of record. The landowner may be the subject of enforcement liabilities under subsections 7.1 and 7.2. The District may deliver or transmit the list and schedule by any means reasonably determined to reach the landowner, and will document receipt. However, a failure to document receipt will not preclude the District from demonstrating receipt or knowledge in an enforcement proceeding under section 7.0.
- 6.3.2 The corrective action list and schedule will identify the parcel of record to which it pertains and the portion of that parcel that is alleged to be noncompliant. It will describe corrective actions to be taken, a schedule of intermediate or final dates for correction, a compliance standard against which it will judge the corrective action, and a statement that failure to respond to this list and schedule will result in an enforcement action. The District will provide a copy of the list and schedule to the BWSR.
- 6.3.3 At any time a landowner or responsible party may supply information in support of a request to modify a corrective action or the schedule for its performance. On the basis of any such submittal or at its own discretion, the District may modify the corrective action

list or schedule, and deliver or transmit the modified list and schedule in accordance with paragraph 5.2.1, or may advise the landowner in writing that it is not pursuing further compliance action.

- 6.3.4 At any time after the District has issued the list and schedule, a landowner, or authorized agent or operator of a landowner or responsible party, may request that the SWCD issue a validation of compliance with respect to property for which the list and schedule has been issued. On District receipt of the validation: (a) the list and schedule will be deemed withdrawn for the purpose of subsection 7.2, and the subject property will not be subject to enforcement under that subsection; and (b) the subject property will not be subject to enforcement under subsection 6.3
- 6.3.5 A corrective action list and schedule is not considered a final decision subject to appeal. An objection to a finding of noncompliance, or to any specified corrective action or its schedule, is reserved to the landowner or responsible party and may be addressed in an enforcement proceeding under section 7.0 .

7.0 Enforcement

- 7.1 Under authority of Minnesota Statutes §§103E.021, 103D.545, and 103D.551, the District may seek remedies for noncompliance with section 4.0 against any landowner or responsible party including but not limited to: (a) reimbursement of District compliance costs under Minnesota Statutes §§103D.345 and 103E.021 and/or an escrow for same; (b) administrative compliance order; (c) district court remedy including injunction, restoration or abatement order, authorization for District entry and/or order for cost recovery; and (d) referral to county attorney for criminal misdemeanor prosecution..
- 7.2 In instances where existing vegetation on the ditch buffer easement has been adversely altered and has not been restored, the District may collect compliance expenses in accordance with Minnesota Statutes §§103E.021 from a landowner for noncompliance with the corrective action list and schedule, as provided under paragraphs 6.3.1 and 6.3.2. The District will restore any adversely altered buffer and charge the landowner for the cost of the restoration if the landowner does not complete the requirements of the corrective action list and schedule.
- 7.3 In instances where a ditch buffer easement area cannot be established in a timely manner, the District may issue an administrative order imposing a monetary penalty against a landowner or responsible party for noncompliance with the corrective action list and schedule, as provided under paragraphs 7.3.1 and 7.3.2. The penalty will continue to accrue until the noncompliance is corrected as provided in the corrective action list and schedule.
- 7.3.1 The penalty for a landowner on a single parcel that previously has not received an administrative penalty order issued by the District shall be:
- (a) \$0 for 11 months after issuance of the corrective action list and schedule;
 - (b) \$50 - \$200 per parcel per month for the first six (6) months (180 days) following the time period in (a); and
 - (c) \$200 - \$500 per parcel per month after six (6) months (180 days) following the time period in (b).

OPTION: Watershed Districts are recommended to choose a specific penalty amount within the range shown in (b) and (c) to ensure consistency with the BWSR APO Plan.

7.3.2 The penalty for a landowner on a single parcel that previously has received an administrative penalty order issued by the District shall be:

- (a) \$50 - \$200 per parcel per day for 180 days after issuance of the corrective action list and schedule; and
- (b) \$200 - \$500 per parcel per day for after 180 days following the time period in (a).

OPTION: Watershed Districts are recommended to choose a specific penalty amount within the range shown in (a) and (b) to ensure consistency with the BWSR APO Plan.

7.4 The administrative order will state:

- i. The facts constituting a violation of the buffer requirements;
- ii. The statute and/or rule that has been violated;
- iii. Prior efforts to work with the landowner to resolve the violation;
- iv. For an administrative penalty order, the amount of the penalty to be imposed, the date the penalty will begin to accrue, and the date when payment of the penalty is due; and
- v. The right of the landowner or responsible party to appeal the order.

A copy of the APO must be sent to the SWCD and BWSR.

7.5 An administrative order under subsection 7.1 or 7.3 will be issued after a compliance hearing before the District Board of Managers. The landowner and any other responsible parties will receive written notice at least two weeks in advance of the hearing with a statement of the facts alleged to constitute noncompliance and a copy or link to the written record on which District staff intends to rely, which may be supplemented at the hearing. A landowner or responsible party may be represented by counsel, may present and question witnesses, and may present evidence and testimony to the Board of Managers. The District will make a verbatim record of the hearing.

7.6 After a hearing noticed and held for consideration of an administrative penalty or other administrative order, the Board of Managers may issue findings and an order imposing any authorized remedy or remedies.

7.6.1 The amount of an administrative penalty will be based on considerations including the extent, gravity and willfulness of the noncompliance; its economic benefit to the landowner or responsible party; the extent of the landowner or responsible party's diligence in addressing it; any noncompliance history; the public costs incurred to address the noncompliance; and other factors as justice may require.

7.6.2 The Board of Managers findings and order will be delivered or transmitted to the landowner and other responsible parties. An administrative penalty order may be appealed to the BWSR in accordance with Minnesota Statutes §103F.48, subdivision 9, and will become final as provided therein. The District may enforce the order in accordance with Minnesota Statutes §116.072, subdivision 9. Other remedies imposed by administrative order may be appealed in accordance with Minnesota Statutes §103D.537.

7.6.3 The Board of Managers may forgive an administrative penalty, or any part thereof, on the basis of diligent correction of noncompliance following issuance of the findings and order and such other factors as the Board finds relevant.

- 7.7 Absent a timely appeal pursuant to paragraph 7.6.2, an administrative penalty is due and payable to the District as specified in the administrative penalty order.
- 7.8 Nothing within this rule diminishes or otherwise alters the District's authority under Minnesota Statutes, chapter 103E with respect to any public drainage system for which it is the drainage authority, or any buffer strip that is an element of that system.

8.0 Effect of Rule

- 8.1 If any section, provision or portion of this rule is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the rule is not affected thereby.
- 8.2 Any provision of this rule, and any amendment to it, that concerns District authority under Minnesota Statutes §103F.48 is not effective until an adequacy determination has been issued by the BWSR. Authority exercised under Minnesota Statutes chapter 103D and 103E does not require a BWSR adequacy determination.



Permit # 18-025

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
	Enbridge Energy Limited Partnership	26 East Superior Street, Suite 309 Duluth, MN 55802		tel:715-919-6789 mobile: fax:

General Information

(1) The proposed project is a:

Culvert Installation / Removal / Modification

(2) Legal Description

(3) County: Township: Range: **None** Section: **None** 1/4:

(4) Describe in detail the work to be performed. **Install and remove temporary driveway installations and heavy equipment crossings for access to pipeline right of way for construction of Line 3 replacement pipeline project.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Construction needs temporary driveway installations and heavy equipment crossings for access to work sites.**

Status

Status	Notes	Date
Approved	None	June 14, 2018
Received	None	May 10, 2018

Conditions

P.A. #18025 – Enbridge Pipeline – Temp. access entrances The Red Lake Watershed District (RLWD) Board of Managers discussed your permit application at their June 14, 2018 board meeting. The permit application was approved with the following conditions: ■ The affected railroad, road and/or ditch authority must also grant approval – as proposed work will be within designated Right-of-Way ■ Based on drainage area and flows, at some locations it may be necessary to install more than one line of pipe culverts ■ As stated on the permit application; “Each crossing will have a culvert able to maintain hydraulic capacity of each road ditch” – this shall also pertain to all other temporary crossings (for example only; legal drainage systems, rivers, streams, natural drains, etc.) ■ Proposed installations shall not cause any adverse impacts under normal conditions, – if emergency conditions arise, applicant shall have equipment available to remove the entrance in a timely manner ■ After work is completed, all temporary entrances shall be removed and all disturbed areas restored to preconstruction conditions.

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-032

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Greg Harris		823 Knight Avenue North Thief River Falls, MN 56701		tel: mobile: 218-686-0050 fax:

General Information

(1) The proposed project is a:

Culvert Installation / Removal / Modification

(2) Legal Description

(3) County: **Marshall Township: Rollis Range: 40 Section: 25 1/4: SW1/4**

(4) Describe in detail the work to be performed. **Replace existing 15" culvert.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Current culvert has caved in.**

Status

Status	Notes	Date
Approved	None	June 14, 2018
Received	None	May 22, 2018

Conditions

P.A. #18032 Red Lake Watershed District (RLWD) approval to replace driveway culvert with same size diameter (15 in.) and at same elevation as existing pipe, as per approval of Rollis Township specs/conditions; proposed work is within township road Right-of Way. For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-033

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Justin Rose		21588 450th Street Zumbrota, MN 55992		tel: 612-590-5288 mobile: fax:

General Information

(1) The proposed project is a:

Culvert Installation / Removal / Modification

(2) Legal Description

(3) County: **Marshall Township: Moylan Range: 40 Section: 16 1/4: NE1/4**

(4) Describe in detail the work to be performed. **Remove old pipe and install same diameter pipe. New pipe at same elevation. Work is Marshall County Ditch Branch 200 JD 11.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Pipe is deteriorated and too short. Need wider crossing.**

Status

Status	Notes	Date
Approved	None	June 14, 2018
Received	None	May 24, 2018

Conditions

P.A. #18033 Red Lake Watershed District (RLWD) approval to replace and lengthen field entrance culvert, and place at same elevation as existing pipe, (proposed culvert can be either a 72 in. or 84 in. diameter or equivalent arch pipe) as per approval of Marshall County specs/conditions; proposed work is in Br. #200 of Judicial Ditch #11 Right-of-Way. Contact person at Marshall Co. Hwy. Dept. is Engineer Lon Aune at 218-745-4381 For proposed work on lands not owned by applicant, For he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-034

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Mike Harmoning		13509 190th Street SE Red Lake Falls, MN 56750		tel: 218-253-2562 mobile: 218-686-6437 fax:

General Information

(1) The proposed project is a:

Culvert Installation / Removal / Modification

(2) Legal Description

(3) County: **Red Lake** Township: **Gervais** Range: **43** Section: **20 1/4: NE1/4**

(4) Describe in detail the work to be performed. **Install field entrance and culvert. Work is in south road ditch of County Highway 2.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Existing entrance is through farm yard.**

Status

Status	Notes	Date
Approved	None	June 14, 2018
Received	None	May 31, 2018

Conditions

P.A. #18034 Red Lake Watershed District (RLWD) approval to install an entrance with a 36 in. diameter culvert, as per approval of Red Lake County specs/conditions; proposed work is in County Road #2 Right-of-Way. Contact person at Red Lake Co. Hwy. Dept. is Randy Konickson at 218-253-2697. For proposed work on lands not owned by applicant, For he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-035

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Mike Harmoning		13509 190th Street SE Red Lake Falls, MN 56701		tel: 218-253-2562 mobile: 218-686-6437 fax:

General Information

(1) The proposed project is a:

Culvert Installation / Removal / Modification

(2) Legal Description

(3) County: **Red Lake Township: None Range: 43 Section: 33 1/4: SE1/4**

(4) Describe in detail the work to be performed. **Install field entrance and culvert in north road ditch of County Road 122.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **For field access.**

Status

Status	Notes	Date
Approved	None	June 14, 2018
Received	None	May 31, 2018

Conditions

P.A. #18035 Red Lake Watershed District (RLWD) approval to install an entrance with an 18 in. diameter culvert, as per approval of Red Lake County specs/conditions; proposed work is in County Road #122 Right-of-Way. Contact person at Red Lake Co. Hwy. Dept. is Randy Konickson at 218-253-2697. For proposed work on lands not owned by applicant, For he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-037

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Roger DeLap		18468 170th Avenue NE Thief River Falls, MN 56701		tel:218-681-1346 mobile: fax:

General Information

(1) The proposed project is a:

Culvert Installation / Removal / Modification

(2) Legal Description

(3) County: **Pennington** Township: **Silverton** Range: **42** Section: **19 1/4: NW1/4 SW1/4**

(4) Describe in detail the work to be performed. **Potential replacement of culvert. Work is within County Ditch 33.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Sloughing of ditch around ends of culvert, reducing top width of crossing.**

Status

Status	Notes	Date
Approved	None	June 14, 2018
Received	None	June 1, 2018

Conditions

P.A. #18037 Red Lake Watershed District (RLWD) approval to replace and lengthen driveway culvert with a 60 in. diameter culvert, as per approval of Pennington Co. Hwy. Dept. specs/conditions; proposed work is within Penn. Co. Ditch #33 Right-of Way. Contact persons at Pennington Co. Hwy. Dept. are Engineer Mike Flaagen or Asst. Engineer Mike Stennes at 218-683-7017 For proposed work on lands not owned by applicant, he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-038

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
	Marshall County Highway Department	447 South Main Warren, MN 56762		tel: mobile: 218-201-1424 fax:

General Information

(1) The proposed project is a:

Culvert Installation / Removal / Modification

(2) Legal Description

(3) County: **Marshall Township: Grand Plain Range: 41 Section: 21 1/4: NE1/4**

(4) Describe in detail the work to be performed. **Replace existing 60" culvert. Work is within County Ditch 27.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Culvert has deteriorated.**

Status

Status	Notes	Date
Approved	None	June 14, 2018
Received	None	June 1, 2018

Conditions

P.A. #18038 Marshall Co. Hwy. Dept. – Grand Plain Twp. – sec. 21 – CD #27 - repl. 60" dia. culvert; - approve

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-039

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
	Lessor Township	27495 315th Street SE McIntosh, MN 56556		tel: mobile: 218-280-0524 fax:

General Information

(1) The proposed project is a:

Culvert Installation / Removal / Modification

(2) Legal Description

(3) County: Polk Township: Lessor Range: 41 Section: 8 1/4: SE1/4, SW1/4

(4) Describe in detail the work to be performed. **Remove old 12" diameter center line culvert and install a 18" diameter culvert.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Existing culvert is too small for drainage area and nearly full of sediment.**

Status

Status	Notes	Date
Approved	None	June 14, 2018

Conditions

P.A. #18039 Lessor Twp. - Polk Co. – sec. 8 – remv. 1 – 12” dia. & install 1 – 18“ dia. centerline culvert - approve

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-040

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
	Lessor Township	27495 315th Street SE McIntosh, MN 56556		tel: mobile: 218-280-0524 fax:

General Information

(1) The proposed project is a:

Culvert Installation / Removal / Modification

(2) Legal Description

(3) County: **Polk Township: Lessor Range: 41 Section: 14 1/4: SE1/4**

(4) Describe in detail the work to be performed. **Remove old existing 18" pipe (part metal and part concrete) install new 18" metal culvert and lengthen. Install at existing elevation or maybe raised slightly.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **Road safety concerns.**

Status

Status	Notes	Date
Approved	None	June 14, 2018
Received	None	June 6, 2018

Conditions

P.A. #18040 Lessor Twp. - Polk Co. – sec. 14 – remv. old 18" dia. (metal/conc.) & install new 18" dia . metal centerline culvert - approve

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.



Permit # 18-041

Status Report: **Approved**

Applicant Information

Name	Organization	Address	Email	Phone Number(s)
Louie Cater		39469 130th Avenue NE Middle River, MN 56737		tel:218-222-3487 mobile: fax:

General Information

(1) The proposed project is a:

Culvert Installation / Removal / Modification

(2) Legal Description

(3) County: **Pennington** Township: **Rocksbury** Range: **43** Section: **5 1/4**: **SE1/4**

(4) Describe in detail the work to be performed. **Install crossing with 18" culvert.**

(5) Why is this work necessary? Explain water related issue/problem being solved. **For access to disposal site for excess road bed material.**

Status

Status	Notes	Date
Approved	None	June 14, 2018
Received	None	June 6, 2018

Conditions

P.A. #18041 Red Lake Watershed District (RLWD) approval to install a entrance with an 18 in. diameter culvert, as per approval of Pennington County specs/conditions; proposed work is in County Road #75 Right-of-Way. Contact persons at Pennington Co. Hwy. Dept. are Engineer Mike Flaagen or Assistant Mike Stennes at 218-683-7017. For proposed work on lands not owned by applicant, For he/she must obtain, in writing, permission from the affected landowners to perform proposed work. Applicant is responsible for utility locates by calling Gopher 1. (1-800-252-1166)

NOTE: This permit does not relieve the applicant of any requirements for other permits which may be necessary from Township, County, State, or Federal Government Agencies.

Red Lake Watershed District - Administrators Report

June 14, 2018

Red River Watershed Management Board – Leroy and I will be attending the RRWMB meeting at the Two Rivers Watershed District in Hallock at 9:30 am, June 19, 2018.

I attended the Budget and Finance Committee meeting for the RRWMB, at the RLWD Board room, June 5, 2018 at 10:30 am. The Committee went over the 2018 budget items as well as the proposed 2019 budget. There are some items that must be addressed prior to final budget being presented to the entire Board.

Grand Marais Outlet Restoration – It appears Brad Dokken, Outdoor Writer for Grand Forks Herald, is nearing completion of the article which will feature the Grand Marias Outlet Restoration Project. This article is featured in part to the ten-year anniversary for Clean Water, Land and Legacy Amendment passing.

Enbridge Line #3 Replacement – I have included in your packet, an update and fact sheet from Enbridge for their proposed line #3 replacement.

Pennington County WRAC Meeting – Corey attended the Pennington County Water Resource Advisory Committee meeting held at the RLWD Board room on June 11, 2018 at 9:00 am.

Thief River 1W1P – Wednesday at 9:00 am, June 13th, there was a 1w1p Advisory and Policy Committee meeting held at the Red Lake Watershed District Board Room. This meeting focused on reviewing and approval of comments for Section 3: Measurable Goals as well as introduction to Section 4: Tools for Targeting Practices.

County Board meetings – Tuesday June 12th, Dale and I attended the Pennington County Board meeting at 10:00 am, followed with Allan and I attending the Red Lake County Board meeting at 11:20. I felt both meetings went rather well and will have Dale or Al give updates as they see fit.

Tammy has set up meetings with other Counties and are listed as follows:

Polk County on June 26th at 10:30 am
Marshall County on July 17th at 10:30 am
Beltrami County TBD
Clearwater County on July 10th at 9:00 am

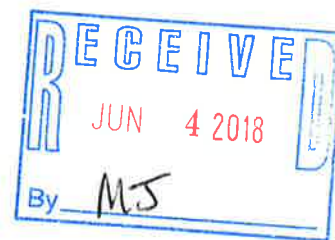


Enbridge Energy
26 East Superior Street Suite 309
Duluth, MN 55802

00511

May 29, 2018

Mr. Myron Jesme
Administrator
Red Lake Watershed District
1000 Pennington Ave
Thief River Falls, MN 56701-4013



Dear Mr. Jesme,

Prior contacts you've had with Enbridge have come from a variety of sources, so I wanted to reach out and introduce myself and provide you with an update on Enbridge's Line 3 Replacement Project.

For starters, I am currently directing the execution for the Line 3 replacement project in North Dakota, Minnesota, and Wisconsin. Also, over the past 10+ years I have worked in various management roles at Enbridge sponsoring our values of Safety, Integrity, and Respect. I was raised in Minnesota, and continue to live in Minnesota where I am now raising my own children. I sincerely believe in this project to replace Line 3 because it is the responsible thing to do. This is a safety and maintenance driven project that will enhance the protection of our Minnesota communities and environment while also ensuring the safe, economic and reliable delivery of the energy we all use for years to come.

As you know, the Line 3 Replacement Project is still going through the Minnesota regulatory process. On April 23, an Administrative Law Judge (ALJ) filed a recommendation to the state Public Utilities Commission reiterating that there's need for this safety-driven maintenance project. In her report, the Judge reaffirmed that this pipeline is important today, will continue to be long into the future, and clearly should be replaced.

However, the ALJ's suggestion of replacing the existing Line 3 in-trench, on an alternative route than what Enbridge proposed, ignores the extensive record compiled by the State of Minnesota in issuing a comprehensive Environmental Impact Statement that incorporates input from thousands of Minnesotans who are in favor of our preferred route.

When weighing the options for route, the location we applied for, and have secured 94% of private landowner easements on, referred to as Enbridge Preferred Route, represents our ongoing commitment to a route that best balances all relevant rule criteria, has the least impacts on human populations and environmental resources, constructability, maximizes operational feasibility and respects Tribal Sovereignty. It's the best balance for people and the environment. We anticipate the state Public Utilities Commission will make their determination on the project certificate of need and route in June. Enclosed is a fact sheet on Line 3 Replacement Project. For more information, or to sign up for project updates, please visit Enbridge.com/line3us.

Thank you for your time and please do not hesitate to contact us if you have any questions. The project team can be reached by email at enbridgeinmn@enbridge.com. Your question will be directed to the person who can best respond.

Sincerely,

Barry Simonson
Director, Line 3 Replacement
Enbridge

Replacing Line 3: The Facts

The Line 3 Replacement Project will replace existing aging infrastructure with new state of the art technology while protecting our environment, providing jobs and economic benefits to Minnesotans. The facts speak for themselves.

Strong support from the public

- 85 resolutions and letters of support were submitted to the MN Public Utilities Commission from federal, state and local elected officials and governments; this includes resolutions of support from a majority of the counties on Enbridge's preferred route
- More than 50% of unique speakers and thousands of attendees at the 16 public hearings in Fall 2017 were in support of the project
- As of year-end 2017, more than 2,000 supporters have called Governor Dayton to say they support replacing Line 3
- An independent survey showed the overwhelming majority of people in Minnesota believe that we should repair and replace aging pipelines even if they oppose further fossil fuel projects in Minnesota (85% route, 75% Twin Cities suburbs, 80% statewide)

Safer and better for our environment

- The new Line 3 will utilize the most advanced technology, including advances in welding, pipe-manufacturing, and construction quality plus use of fusion-bonded epoxy coatings
- While the existing Line 3 crosses two reservations, the proposed L3RP route does not cross any
- A new 36 inch Line 3 uses less energy than either a new 34" pipeline or continued use of the existing Line 3 with rail supplementing

Robust regulatory oversight

- An administrative law judge concluded that, from an environmental perspective, replacing Line 3 is superior to maintaining the existing line
- There have been 65 public meetings and numerous public comment periods over the past four years
- SA-04 is NOT a viable option; it will not be built
- The Fond du Lac Band of Lake Superior Chippewa have been contracted to conduct the Tribal Cultural Properties Survey required by the U.S. Corp of Army Engineers permitting process

Landowners and communities are engaged

- Agreements have already been signed with 95% of landowners along the route (Over 5,400 contacts with private landowners in 2017)
- Over 840 meetings with local officials, community leaders and other interested stakeholders were held in 2017; more than 1,800 meetings since 2014
- An independent survey showed 73% of respondents along the route said they trust state agencies and regulators to conduct a thorough environmental review of pipeline projects
- That same study showed the top concern about the L3R project as reported by participants along the route is that regulatory delays may kill it and that fear has increased over time

Benefits to Minnesota

- ✓ Reliable supply of crude oil to Minnesota refineries for years to come
- ✓ Additional \$19.5 million annual property taxes to Minnesota after its first year in service
- ✓ \$2+ billion private investment into Minnesota supporting 8,600 jobs during construction
- ✓ Economic development & employment opportunities for MN Tribes including more than \$3 million paid to Tribal owned companies in 2017

Questions?

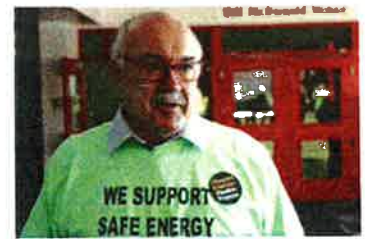
> EnbridgeInMN@enbridge.com
> enbridge.com/line3

"The Obama administration ordered the pipeline replaced because the current pipeline is aging and a threat to the environment. Not replacing it would be irresponsible for the environment, and Minnesotans would lose out on the tremendous economic benefits."



GOP House Speaker Kurt Daudt and GOP Senate Majority Leader Paul Gazelka

"As elected officials, we value a robust and transparent process with ample opportunity for public input. After nearly 3 years of analysis and more than 60 public meetings, we believe these goals have been achieved. The majority of the counties, cities and townships we represent support the need for this project."



DFL Leaders Thomas Bakk, David Tomassoni and Rob Ecklund

"I fail to see how soon it will be before we can plant anything in any field without oil."



Representative Debra Kiel, MN District 1B

"I think that a lot of people don't realize that Enbridge sets the standard, a very high standard. I can go back to our Elders and explain to them how we keep our standards up, who we all report to, how we stay compliant."



Audrey, Pipeliner, raised in the American southwest on the Navajo Nation

