

RED LAKE WATERSHED DISTRICT

March 28, 2019

Agenda

9:00 a.m.

9:00 a.m.	Call to Order	Action
	Review and approve agenda	Action
	Requests to appear	Information
	March 14, 2019 Minutes	Action
	Financial Report dated March 27, 2019	Action
	Investment Summary	Information
	Pine Lake and Four-Legged Lake RCPP Financial Update	Information
	Black River Impoundment, RLWD Project No. 176-Update	Information
	Thief River Falls West Side FDR Project, RLWD Project No. 178 Project Timeline Estimated Market Value Maps Landowner Meeting	Information
	Wetland Banking Credits-Louisville Parnell Project, RLWD Project No. 121	Information
	Ditch 16, RLWD Project No. 177-Final Hearing-April 4, 2019	Information
	Preliminary Hearing Continuation–Improvement to Polk Co. Ditch 39 RLWD Ditch 17, RLWD Project No. 177-April 11, 2019	Action
	Snow Survey Sampling/Impoundment Operation	Information
	Job Description Review	Info./Action
	Legal Counsel Update	Information
	Managers’ updates	Information
	Adjourn - (April 4, 2019, 10:00 Ditch 16 Hearing)	Action

UPCOMING MEETINGS

April 4, 2019	Ditch 16, RLWD Project No. 177 Final Hearing, 10:00 a.m.
April 11, 2019	RLWD Board Meeting, 9:00 a.m.
April 16, 2019	RRWMB Meeting, RLWD Office, 9:30 a.m.
April 25, 2019	RLWD Board Meeting, 9:00 a.m.
May 9, 2019	RLWD Board Meeting, 9:00 a.m.

DRAFT

RED LAKE WATERSHED DISTRICT
Board of Manager's Minutes
March 15, 2019

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 Terry Sorenson, Gene Tiedemann, Brian Dwight, Dale M. Nelson, Allan Page, and LeRoy Ose. Absent: Les Torgerson. Staff Present: Myron Jesme and Arlene Novak.

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

The Board reviewed the February 28, 2019 minutes. Motion by Sorenson, seconded by Ose, to approve the February 28, 2019 Board meeting minutes as presented. Motion carried.

The Board reviewed the Financial Report dated March 13, 2019. Motion by Tiedemann, seconded by Dwight, to approve the Financial Report dated March 13, 2019 as presented. Motion carried.

HDR Engineer Nate Dalager updated the Board on the funding mechanisms and methods for determining charges for the Water Management District for the Thief River Westside Flood Damage Reduction Project. The next coordination meeting will take place on Monday, March 18 at 1:30 p.m. at HDR Engineering, Inc. office. A conference call with John Kolb, Rinke Noonan, will be held today, Friday, March 15, to discuss scheduling.

Administrator Jesme updated the Board on RLWD Ditch 16, RLWD Proj. No. 177 and Petition for Improvement to Polk County Ditch 39, RLWD Proj. No. 179, hearings. The Property Owners Reports have been sent for RLWD Ditch No. 16 and the Final Hearing has been set for April 4, 2019, at 10:00 a.m. at the District office. The Preliminary Hearing for the Improvement to Polk County Ditch 39, RLWD Proj. 179, has been set for March 28, 2019, at 10:00 a.m. at the District office.

The Local Government Agency Resolutions for the approval of the amended plans to include Water Management Districts into the One Watershed One Plan have been approved by West Polk Soil and Water Conservation Districts and Polk County. There was some question if we had received the resolution from Pennington SWCD and Pennington County.

Jesme informed the Board that the Minnesota House Representatives has introduced a Flood Damage Reduction bonding bill in the amount of \$75 million. Jesme also indicated that he had heard a bonding bill from the Senate will be forthcoming. With the spring flooding that is occurring in portions of the State and potential of significant flooding in other parts of State, it is hoped that these bills pass and Governor Walz will sign. Presently Governor Walz had no FDR bonding in the first budget.

Correspondence from the MNDNR regarding a well interference in Red Lake County during the summer of 2018 was reviewed by the Board. It was noted by the MN DNR that the well interference complaint was valid. Based on DNR available information, irrigation pumping from two authorized irrigation wells and one unpermitted well likely contributed to this interference.

Administrator Jesme gave a brief explanation of Lidar tools and website that are being managed by the International Water Institute. Jesme indicated that administrators recently had a meeting in which Chuck Fritz attended to show functions of the tools that are presently being used in North Dakota but due to absence for funding on the Minnesota side of the valley, these tools are no longer available to the watershed districts or the public. Staff member Loren Sanderson informed the Board of the usefulness of the Lidar tool in the past and how the RLWD has utilized this tool in permitting and surveying. It is estimated that the cost for hosting Lidar is \$30,000 annually. Motion by Ose, seconded by Dwight, and passed unanimously, to request to the Red River Watershed Management Board designate funding for these Lidar tools in order to keep the tool available.

Brian Opsahl, Brady Martz & Associates, P.A., presented the 2018 Annual Audit Report. After various questions by the Board, a motion was made by Tiedemann, seconded by Ose, and passed by unanimous vote that the Board approve the 2018 Annual Audit Report as presented.

Manager Dwight stated the City of Northome would like to move forward with Bartlett Lake management. Emmons and Olivier has been contacted regarding a previous study done on Bartlett Lake and would be willing to assist in the process of moving forward with a lake management plan. Manager Dwight asked to be placed on the RLWD Advisory Committee agenda on Monday, March 18, in order to present this update on Bartlett Lake in the absence of RLWD Advisory committee member Wayne Skoe. Consensus of the Board was for Manager Dwight to update the RLWD Advisory Committee on Bartlett Lake.

Staff member Ashley Hitt presented quotes for repair/replacement of the PH probes of 3 YSI 600 QS sondes that the Red Lake Watershed District own. Since this equipment model is no longer being manufactured by the company, YSI, they will continue to repair until 2020. Motion by Ose, seconded by Dwight, to approve the repairs of 3 YSI 600 QS sondes. Motion carried.

West Polk SWCD submitted a request for a financial donation for the Area I Envirothon. The Area I Envirothon will be held on Wednesday, May 1, 2019, at Rydell Refuge. Motion by Sorenson, seconded by Tiedemann, to donate \$300 to the West Polk SWCD for Area I Envirothon to promote education and awareness of water quality issues. Motion carried.

Various dimensions of equipment and placement for Board room technology were discussed by the Board. Manager Dwight inquired about conference call upgrades and associated equipment. Quotes for Board room technology and information regarding the phone systems will be requested and presented at a future board meeting.

Administrator Jesme stated there is an opportunity for former summer staff person Marisa Newton to assist the Red Lake Watershed District in hydroconditioning Lidar data in the subwatersheds of Red Lake and Thief River. It was consensus of the Board to approve the hiring of Marisa Newton for summer intern position at an hourly rate of \$15.00 per hour. Jesme also stated that the position vacated by Brady Stanley has not been filled and with the expectations of busy construction seasons for the next few years, he was wondering if the vacant position should be filled. The consensus of the Board was to identify the job description and position to be advertised, and bring back to the Board for discussion.

Administrators Update:

- Jesme and Manager Ose will be attending the RRWMB meeting to be held at the Courtyard by Marriot in Moorhead at 9:30 a.m. on March 20, 2019.
- Jesme will attend the 1st Annual Drainage Conference starting at 8:45 a.m. on March 19, 2019 at the Courtyard by Marriot in Moorhead, MN. The goal of this conference is to draw more folks from the Red River Valley that have not in the past attended the Drainage Conference sponsored by Rinke Noonan, which has been held in St. Cloud.
- Due to a planned vacation, Jesme will attend a small portion of the RRWMB March Conference.
- The Thief River 1WIP Advisory Committee meeting was held at 9:00 a.m. on March 13, 2019 at the District Office. Following the completion of the Advisory Committee meeting, the Policy Committee met to discuss the Memorandum of Agreement as well as discussion of timeline for completion of the Draft Plan which will hopefully be put out for public comment sometime in early summer of 2019.
- The Advisory Committee of the Red Lake Watershed District will hold their annual meeting at 9:00 a.m., March 18, 2019, at the District office.
- An article and picture from the Leader Record which features and recognizes Red Lake County Central students on their first place finish at the River Watch Forum is included in packet.
- Jesme will be on vacation from Thursday, March 21 and returning April 1, 2019.

Legal counsel update was given by Administrator Jesme. Legal Counsel Sparby had informed Administrator Jesme that the courts appointed a new Judge to hear the motion for dismissal of the appeal of the Board's decision to not abandon Judicial Ditch #5. It was noted that the previous judge assigned to the case had removed himself due to conflict of interest and another judge has been appointed.

Manager Tiedemann indicated that he has taken calls from some concerned landowners within the benefited area of the proposed Red Lake Watershed District Ditch #16. Some of the concerns are the benefits to their particular lands and their feelings they should not be included in the benefited area.

Manager Page noted that Red Lake County has hired an engineer for their county.

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

Terry Sorenson, Secretary

RED LAKE WATERSHED DISTRICT
Financial Report for March 27, 2019

Ck#	Check Issued to:	Description	Amount
online	EFTPS	Withholding for FICA, Medicare, and Federal taxes	3,586.26
online	MN Department of Revenue	Withholding taxes	662.07
online	Public Employees Retirement Assn.	PERA contributions	2,390.03
online	MN Department of Revenue	Withholding taxes	3.79
37362	Dave Lee	Advisory committee lunch	320.00
37363	Eazy Pack n Ship	Shipment of 2 sondes	30.77
37364	Elroy Aune	Advisory committee mileage	55.10
37365	Brady Martz & Assoc., P.C.	Remainder of 2018 audit expense	3,000.00
37366	Cenex Credit Card	Gas for vehicles	94.75
37367	Delta Dental	Dental insurance premium	409.75
37368	Greg Dyrdal	Advisory committee mileage	6.96
37369	The Exponent	Hearing notices for RLWD Ditch 16 & Improvement to PC #39	1,238.61
37370	Further	FSA account fees	8.85
37371	John Gunvalson	Advisory committee mileage	66.12
37372	HDR, Inc.	Engineering fees for Thief River Westside FDR Proj.	58,325.07
37373	Steve Holte	Advisory committee mileage	40.60
37374	Neal Illies	Advisory committee mileage	76.56
37375	International Water Institute	Clearbrook, Win-E-Mac & RLF Schools WQ training registration	180.00
37376	Myron Jesme	Per diem meals	50.00
37377	David Kiecker	Advisory committee mileage	52.20
37378	Roger Love	Advisory committee mileage	51.04
37379	Marco	Monthly Microsoft Office 365	187.50
37380	Eugene (Jeep) Mattson	Advisory committee mileage	52.20
37381	NCPERS	Life insurance premium	112.00
37382	Northwest Beverage	H2O for office	36.25
37383	Pennington SWCD	TR1W1P expenses and 15% of 1/2 of contingency payment	2,000.96
37384	Larry Peterson	Advisory committee mileage	66.12
37385	Rinke Noonan	Monthly legal services retainer	200.00
37386	David Rodahl	Advisory committee mileage	11.60
37387	Red River Basin Commission	Registrations for Myron, Al and Les @ RRBC conference	750.00
37388	Loren Sanderson	Mileage to attend RRWMB Conference	94.54
37389	Daniel Schmitz	Advisory committee mileage	24.36
37390	Mary Ann Simmons	Advisory committee mileage	54.52
37391	Christina Slowinski	Per diem meals	73.00
37392	James Sparby	Advisory committee mileage	45.24
37393	Sun Life Financial	Life insurance premium	128.56
37394	Thief River Falls Times	One year subscription	44.00
37395	John Ungerecht	Advisory committee mileage	132.24
37396	West Polk SWCD	2019 Envirothon Contribution per Board approval 3-14-19	300.00
online	Cardmember Service	*See below for explanation	1,422.81
online	Further	Health Spending Account	20.00
direct	Allan Page	Mileage	117.74
	Payroll		
	Check #11621-11628		<u>11,651.75</u>
	Total Checks		\$ 88,173.92

***Cardmember Service**

AT&T-Cellular phone expense	244.32
Caseys-Gas for vehicle	22.33
Doubletree-MAWD Bkfst-LeRoy	587.79
Doubletree-MAWD Bkfst-Myron	391.86
Doubletree-MAWD Bkfst-Gene	<u>176.51</u>
Total	1,422.81

Banking**Northern State Bank**

Balance as of March 13, 2019	\$ 94,271.15
Total Checks Written	(88,173.92)
Receipt #414517 State of Minnesota-Payment #1-Thief River Westside FDR Proj. Grant	<u>120,632.94</u>
Balance as of March 27, 2019	<u><u>\$ 126,730.17</u></u>

Border State Bank

Balance as of January 31, 2019	\$ 18,209.17
Receipt #414513 Border State Bank-Monthly interest	<u>6.97</u>
Balance as of February 28, 2019	<u><u>\$ 18,216.14</u></u>

American Federal Bank-Fosston

Balance as of March 13, 2019	\$ 2,214,911.16
Receipt #414518 Red Lake County-delinquent real and special revenue taxes	<u>784.55</u>
Balance as of March 27, 2019	<u><u>\$ 2,215,695.71</u></u>

Red Lake Watershed District
as of March 27, 2019

<u>Name of Institution</u>	<u>Purchase/ Current Value</u>	<u>Int. Rate</u>	<u>Mat. Date</u>	<u>*Maturity Amount</u>
10010 Northern State Bank (checking)	\$ 120,730.17	0.80%		\$ 120,730.17
10020 Border State Bank (Investor savings) Thief River Falls	\$ 18,216.14	0.50%		\$ 18,216.14
10030 American Federal Bank Fosston	\$ 2,215,695.71	1.60%		\$ 2,215,695.71
10740 CDARS-Signature Bank, New York monthly interest payment via ACH	\$ 200,000.00	2.05%	7/18/2019	\$ 200,000.00
10740 CDARS-Valley National Bank monthly interest payment via ACH	\$ 159,000.00	2.05%	7/18/2019	\$ 159,000.00
10740 CDARS-Signature Bank, New York monthly interest payment via ACH	\$ 41,000.00	2.05%	7/18/2019	\$ 41,000.00
10660 CDARS-Bank of America 6 mos. CD, int. paid monthly	\$ 44,500.00	2.45%	7/18/2019	\$ 44,500.00
10660 CDARS-St. Louis Bank 6 mos. CD, int. paid monthly	\$ 155,500.00	2.45%	7/18/2019	\$ 155,500.00
10870 American Federal-Fosston-12 month monthly interest compounded	\$ 202,118.80	2.10%	7/26/2019	\$ 204,200.00
10260 CDARS-SmartBank, Pigeon Forge, TN (int.pd quarterly via ACH)	\$ 200,000.00	2.05%	9/5/2019	\$ 204,100.00
10710 CDARS-BOKD, National Assn., Tulsa (int.pd monthly via ACH)	\$ 200,000.00	2.33%	10/3/2019	\$ 200,000.00
10880 Ultima Bank-Fosston (int. compounded sem-annually)	\$ 600,000.00	2.52%	10/22/2019	\$ 615,120.00
RiverWood Bank-Bemidji (Bagley) Interest paid at maturity	\$ 200,000.00	2.35%	11/8/2019	\$ 204,700.00
Edward Jones	<u>\$ 200,000.00</u>	2.75%	12/27/2019	<u>\$ 200,000.00</u>
	<u>\$ 4,556,760.82</u>			<u>\$ 4,582,762.02</u>

Pine Lake
Expenses as of March 25, 2019

Beginning January 1, 2014	0.00
Board manager fees & expenses	5,040.93
Mileage & expenses	2,670.94
Travel and meetings	465.00
Legal fees	2,363.50
Interest	8,021.77
Advertising and Publications	287.50
Staff salaries	54,356.10
Engineering fees	<u>863,484.33</u>
Gross Expenses	936,690.07
Less: Payments from:	
NRCS RCPP Program	500,000.00
Red River Watershed Mgmt. Board-PWT reimbursements to date	<u>72,486.08</u>
TOTAL RLWD EXPENDITURES TO MARCH 25, 2019	364,203.99

Contract signed NRCS RCPP Program on January 11, 2016
RCPP Reimburse for Engineering fees and select staff salaries @ 70% RCPP and 30% RLWD
NRCS maximum obligation: \$500,000
RLWD obligation: \$257,395

Total Obligation: \$757,395

HDR remaining balance of \$757,395 as of February 2, 2019 is \$11,797.48

FOUR LEGGED LAKE
Expenses as of March 25, 2019

Beginning January 1, 2014	0.00
Board manager fees & expenses	5,987.79
Mileage & expenses	1,116.56
Travel and meetings	485.00
Legal fees	4,486.00
Interest	3,890.04
Advertising and Publications	287.50
Engineering supplies	21.33
Staff salaries	58,125.09
Engineering fees	<u>417,264.17</u>
Gross Expenses	491,663.48
Less: Payments from:	
NRCS RCPP Program	265,088.00
RRWMB-PWT reimb. and Proj. Acceleration grant	<u>55,747.39</u>
TOTAL RLWD EXPENDITURES TO MARCH 25, 2019	170,828.09

Contract signed NRCS RCPP Program on February 10, 2016
RCPP Reimburse for Engineering fees and select staff salaries @ 70% RCPP and 30% RLWD
NRCS maximum obligation: \$265,088
RLWD obligation: \$113,609

Total Obligation: \$378,697

MARCH 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15 RLWD Board Meeting	16
17	18	19	20	21	22	23
24	25	26 County Board Meeting - Set Hearing	27	28 RLWD Board Meeting - comparable sales	29	30
31						

APRIL 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Permits DOT Reviews Railroad Meeting @ 2:00 pm			MnDOT Open House: 5-7 PM @ Ralph		
7		County Board Meeting		RLWD Board Meeting - ROW values to Board		
14	Landowner Meetings				Good Friday	
21 Easter Sunday		County - CD 70 Hearing		RLWD Board Meeting - Set Hearing Date		
28						



MAY 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	RLWD Board Meeting 9	10	11
12 Mother's Day	13	14	15	Special Meeting - Westside Hearing 16	17	18
19	20	21	22	RLWD Board Meeting 23	24	25
26	27 Memorial Day	28	29	30	P&S 100% Advertise for Bids 31	

JUNE 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	RLWD Board Meeting 13	14	15
16 Father's Day	17	18	Pre-Bid Meeting 19	20	21	22
23	24	25	26	RLWD Board Meeting - Open Bids 27	28	29
30						

JULY 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4 Independence Day	5	6
7	8	9	10	11	12	13
14	15 Pre-Con Meeting	16 	17 Begin Construction	18 	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Labor Day	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14 Columbus Day	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31 Halloween		

CSAH 7

66' 114.99'

6.5 ACRES
1.7 ACRES

0.9 ACRES
0.4 ACRES
0.4 ACRES
0.2 ACRES

5.7

KYLE H MEHRKENS
1601721200
EMV. \$2,304 PER ACRE

6 ACRES

2.2 ACRES

0.8 ACRES

SEC. 17

17

SE 1/4 - NW 1/4

NE 1/4 - NW 1/4

SW 1/4 - NE 1/4

NW 1/4 - NE 1/4

NE 1/4 - NE 1/4

STATE OF MN
1601721500

STATE OF MN
1601721600

CITY OF TRF
1601721100

CO. RD. 61

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Airbus DS

N 00°28'06" W

2609.99'

SEC. 8

8

SW 1/4 - NE 1/4

NW 1/4 - NE 1/4

NE 1/4

TERRANCE E TIMM
1600809600
EMV. \$2,323 PER ACRE

TERRANCE E TIMM
1600809600

RICHARD WOLD
1600809700

NE 1/4 - NE 1/4

SE 1/4 - NE 1/4
10.7 ACRES
4.9 ACRES

7.8 ACRES

4.8 ACRES

2689.44'

N 89°24'31" E

2653.65'

N 00°23'39" W

17

17

N 89°24'31" E
EVERETT AULT

1600810401

EMV. \$2,432 PER ACRE

53 N. R. 3

NW 1/4 - SE 1/4

SE 1/4

SEC. 8

EVERETT AULT

1600810000

EMV. \$4,664 PER ACRE
WITH HOMESTEAD

5.7 ACRES

4.0 ACRES

4.2 ACRES

10.6 ACRES

4.7 ACRES

SE 1/4 - SE 1/4

CSAH 7

66' 114.99'

6.5 ACRES
1.7 ACRES

0.9 ACRES 0.4 ACRES
0.4 ACRES 0.2 ACRES

28

N 89°07'46" E

2648.89'

CO. RD. 62

0.04 ACRES

2671

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N 88°02'

PETE C CARLSON
1600508800

EMV. \$7,314 PER ACRE
WITH HOMESTEAD

7.2 ACRES

1.8 ACRES

99.81'

40'

N 01°03'36" E

2623.19'

G.L. 4

S 1/2 - NW 1/4

PETE C CARLSON
1600508800

7.4 ACRES

1.8 ACRES

30

N 89°32'27" E

2679.51'

SE 1/4 - NW 1/4
S E O

4

2654

N 89°32'

250.16'

60.67'

100.01'

N 00°07'17" W

2678.42'

2679.51' N 89°32'27" E

2656.00' N 89°55'32" E

SW 1/4

TWP. 153 N

MEHRKENS FARMS INC
1600508700
EMV. \$2,298 PER ACRE

MEHRKENS FARMS INC
1600508700

SE 1/4

NE 1/4

0.4 ACRES

7.7 ACRES
1.9 ACRES

250.16'

60.67'

100.01'

4

7

CO. RD. 61

MEHRKENS FARMS INC
1600508700
8.3 ACRES
2.3 ACRES

1.1 ACRES

1.1 ACRES

PENNINGTON COUNTY
16009608500

8.9 ACRES OVERALL

2654.73' N 89°32'41" E

2646.16'

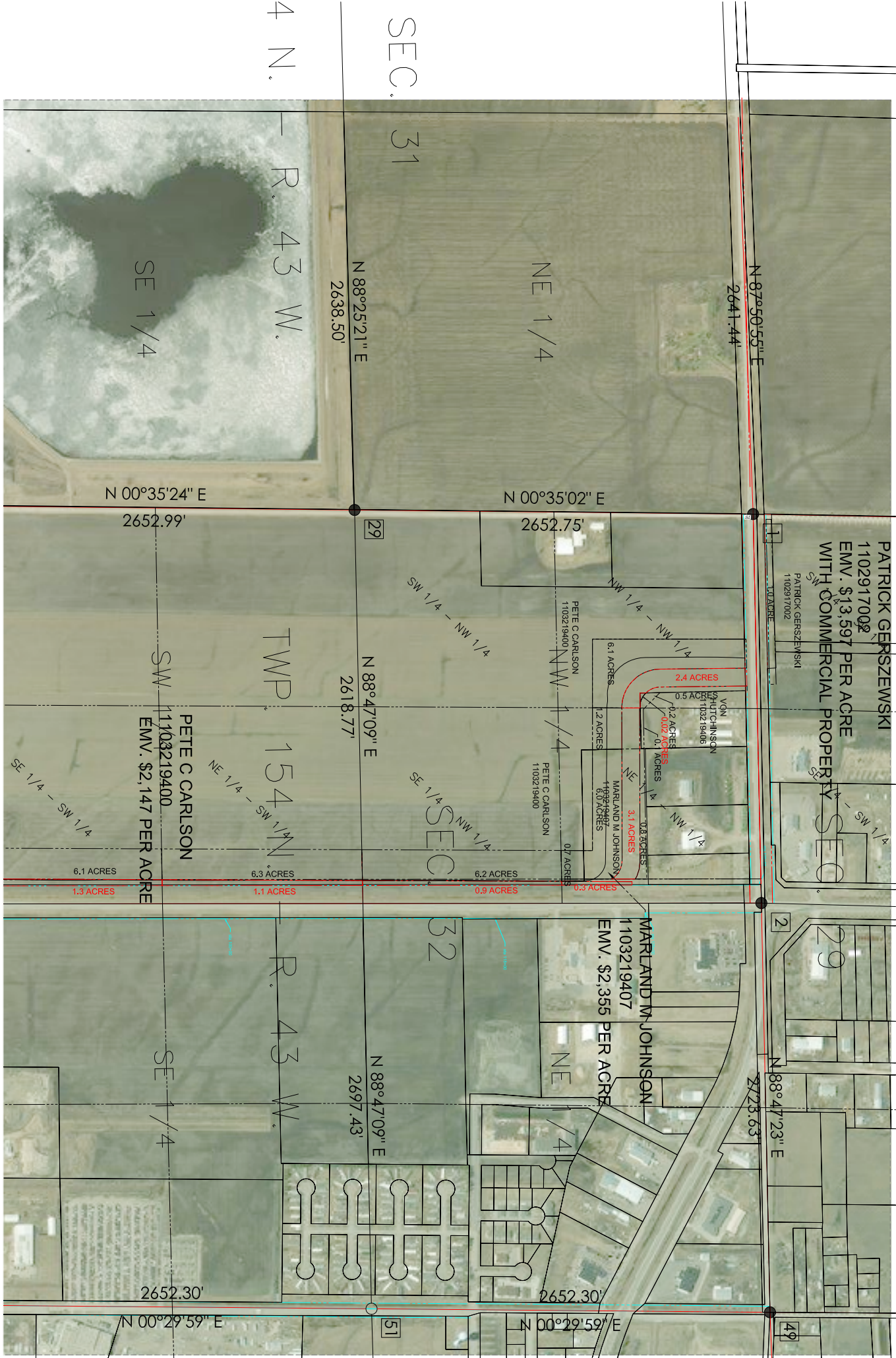
N 00°25'57" W

18

6

RICHARD WOLD
1600809700

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PATRICK GERSZEWSKI
1102917002
EMV. \$13,597 PER ACRE
WITH COMMERCIAL PROPERTY
SW 1/4 - NW 1/4
PATRICK GERSZEWSKI
1102917002

PETE C CARLSON
1103219400
EMV. \$2,147 PER ACRE

WARLAND M JOHNSON
1103219407
EMV. \$2,355 PER ACRE

SEC. 31

SEC. 32

4 N. - R. 43 W.

R. 43 W.

NE 1/4

NE 1/4

SE 1/4

SE 1/4

N 88°25'21" E
2638.50'

N 88°47'09" E
2618.77'

N 88°47'09" E
2697.43'

N 87°50'55" E
2641.44'

N 88°47'23" E
2723.63'

N 00°35'24" E
2652.99'

N 00°35'02" E
2652.75'

N 00°29'59" E
2652.30'

N 00°29'59" E
2652.30'

29

11

2

29

51

49

SW 1/4 - NW 1/4

NW 1/4 - NW 1/4

SE 1/4 - SW 1/4

NE 1/4 - SW 1/4

SE 1/4 - NW 1/4

NW 1/4

SW 1/4

6.1 ACRES
1.3 ACRES

6.3 ACRES
1.1 ACRES

6.2 ACRES
0.9 ACRES

0.7 ACRES
0.3 ACRES

6.1 ACRES

1.2 ACRES

1.0 ACRES

0.2 ACRES

3.1 ACRES

2.4 ACRES
0.5 ACRES
0.2 ACRES
0.02 ACRES
0.1 ACRES

VON HUTCHINSON
1103219400

PETE C CARLSON
1103219400

PETE C CARLSON
1103219400

WARLAND M JOHNSON
1103219407

1102917002
EMV. \$13,597 PER ACRE
WITH COMMERCIAL PROPERTY

PETE C CARLSON
1103219400
EMV. \$2,147 PER ACRE

WARLAND M JOHNSON
1103219407
EMV. \$2,355 PER ACRE

SEC. 31

SEC. 32

4 N. - R. 43 W.

R. 43 W.

NE 1/4

NE 1/4

SE 1/4

SE 1/4

N 88°25'21" E
2638.50'

N 88°47'09" E
2618.77'

N 88°47'09" E
2697.43'

N 87°50'55" E
2641.44'

N 88°47'23" E
2723.63'

N 00°35'24" E
2652.99'

N 00°35'02" E
2652.75'

N 00°29'59" E
2652.30'

N 00°29'59" E
2652.30'

29

11

2

29

51

49

SW 1/4 - NW 1/4

NW 1/4 - NW 1/4

SE 1/4 - SW 1/4

NE 1/4 - SW 1/4

SE 1/4 - NW 1/4

NW 1/4

SW 1/4

6.1 ACRES
1.3 ACRES

6.3 ACRES
1.1 ACRES

6.2 ACRES
0.9 ACRES

0.7 ACRES
0.3 ACRES

6.1 ACRES

1.2 ACRES

1.0 ACRES

0.2 ACRES

3.1 ACRES

2.4 ACRES
0.5 ACRES
0.2 ACRES
0.02 ACRES
0.1 ACRES

VON HUTCHINSON
1103219400

PETE C CARLSON
1103219400

PETE C CARLSON
1103219400

WARLAND M JOHNSON
1103219407

1102917002
EMV. \$13,597 PER ACRE
WITH COMMERCIAL PROPERTY

PETE C CARLSON
1103219400
EMV. \$2,147 PER ACRE

WARLAND M JOHNSON
1103219407
EMV. \$2,355 PER ACRE

JOB DESCRIPTION

Job Title: Engineering Specialist

Location: 1000 Pennington Avenue South, Thief River Falls

Classification: Full time

Work Hours: 8:00 a.m. to 4:30 p.m.

Accountability: Responsible to Administrator
Supervise Ditch Inspector and other technical aides, part-time staff, and dam tenders

General Function: Provide assistance to Consulting Engineer in all engineering activities, as assigned by Administrator

Examples of Work: Coordinate all project inspection, surveys & reports
Lead in all permitting functions
Complete payment requests and submit to Accounting Department three days prior to any scheduled Board meeting
Computer aided drafting
Construction inspection of variety of project
Ability to read and interpret construction plans
Flood surveys and project surveying
Drafting data base development
Assist in water allotments for wild rice on Clearwater River & assist Engineer in calibrating pumps.
Stream gauging
Operate watershed impoundment projects – coordinate with State and Federal Agencies, local cities, counties, & landowners for the timing of gate closeures and releases & schedule and prepare annual meeting.
Assist in data gathering & preparing engineer reports.
Coordinate all RLWD ditch inspection annually with Ditch Inspector
Assist with water quality projects – gather data and survey information

Permit Program: Review, inspect, survey (as needed) RLWD permits
Meet with landowners, schedule and present information at Board meetings, recommend solutions for problems, and assist with on-site installations.

Essential Qualifications:

- Graduation from high school
- Supervisory experience
- Considerable related work experience
- Working knowledge of computers and programming
- Considerable experience of engineering practices & GPS surveying skills
- Knowledge of construction materials, methods, & Inspection
- Skill in use of field, office & computer aided drafting
- Ability to tolerate and work safely in a construction area
- Ability to direct moderately difficult tasks in construction area
- Ability to stand and walk for long periods of time be able to lift upwards of 70 lbs.
- Valid Minnesota Driver's License

Desirable Qualifications:

Four-year degree in Engineering with two-year construction experience, or graduation from a two-year technical college with three years of GPS surveying and construction experience, or GPS surveying and construction experience of at least 5 years.

May 9, 1991
Revised May 1993
Revised January 1, 1996
Revised March 9, 1998
Revised August 9, 2012
Revised March 21, 2019 Draft

Legislative Update: March 25, 2019

MN Association of Watershed Districts

What happened last week (March 18-22)?

- The drainage work group bill was amended in the Senate to include a 5-year sunset on the portion of the bill that included the repair cost apportionment option.
- The Senate introduced their environmental policy omnibus bill (SF 835) that includes the drainage work group bill and our coordinated watershed management and carp bills.
- The Clean Water Fund appropriations bill was amended in the House. Some of the changes from the Clean Water Council recommendations include: technical assistance and research funds were zeroed out for the Department of Agriculture, money for conservation drainage projects (\$3M) was zeroed out, the MPCA budget for intensive monitoring was decreased by \$1.2M, and the Conservation Reserve and Enhancement Program (CREP) saw a decrease of \$12.5M. Increased budgets went to Forever Green (\$6.7M), the Targeted Wellhead Protection Program (\$5.25M), and the Drinking Water Contaminants of Emerging Concern Program (\$7.542M).
- The watershed planning modification bill (HF 2011) has a second hearing in the House.
- Several bills for flood hazard mitigation bonding were heard in the House.

What's happening this week (March 25-29)?

- The second policy committee deadline is March 29th. In order to be considered, all policy bills are supposed to be heard in both the House and Senate by this day.
- The Outdoor Heritage Bill, HF340, has been added to the House Legacy Finance Division schedule for Wednesday, March 27, 2019.
- The environmental policy omnibus bill (SF 835) will have a hearing in the Senate of Monday.

If you want to follow along with specific bills we are tracking, see below for links and more details. You can also find handouts for some issues on our website: www.mnwatershed.org/policy-issues.

BILL TRACKING – MAWD's Top Legislative Priorities

INCREASE GENERAL FUND LEVY LIMIT

MN Statute § 103D.905 subd. 3

Remove (or increase) the \$250,000 general fund levy limit while keeping the not-to-exceed levy limit of 0.048 percent of estimated market value.

- Initially, the bill was drafted to eliminate the cap. It has been redrafted to raise the cap from \$250k to \$500k.
- We have been told in both the House and Senate that they will not be hearing levy bills this session.

ALLOW PROJECT LEVIES FOR ALL TYPES OF GRANTS

MN Statute 103D.905

Modify the project tax levy statute to allow this funding option to be applied for ALL types of state and federal grants, not just grants (and loans) associated with the Clean Water Partnership (CWP) program.

- [HF 2275 WD construction or implementation fund and project tax levy financing sources expanded](#)
 - House Authors: Jeanne Poppe, Dave Baker
 - 3/07/19 Referred to **Taxes** committee
- [SF 1391 WD construction or implementation fund and project tax levy sources of financing expansion](#)
 - Senate Authors: Andrew Lang, Dan Sparks, Kent Eken, Mark Johnson, Bill Weber

- 2/18/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance** committee.
- 3/11/19 – Hearing held in **ENR-PLF** committee. Thank you to Middle Fork Crow River WD for testifying!
- 3/13/19 – Bill re-referred to the **Taxes** committee

INCREASE OUTSTANDING LOAN LIMITS FOR WDS **MN Statute § 103D.335 subd. 17**

Remove (or increase) the \$2M limit on outstanding loans watershed districts, especially for those entities that serve as drainage authorities.

- After further review of this proposal, the borrowing limit does not appear to pertain to 103E drainage projects. MAWD will continue to find clarity on the issue, but for now the MAWD Board of Directors has removed this issue from needing legislative attention and resources.

IMPROVE COORDINATION BETWEEN WATERSHED PLANS **MN Statutes 114D and 103B**

Improve coordination and remove duplicative efforts of water management planning that is being conducted at both the local and state levels.

- [HF 875 Clean Water Legacy Act modified, and coordinated watershed management provided for.](#)
 - House Authors: Peter Fischer, Paul Torkelson, John Poston, Jeff Brand
 - 2/07/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 2/13/19 – Hearing in **ENR-P** committee. MAWD testified.
 - 2/13/19 – Bill referred to the **Ways and Means** committee
 - 2/14/19 – Bill referred to **Environment and Natural Resources Finance (ENR-F)** committee
 - 2/19/19 – Bill referred to **Water Division** committee
 - 2/25/19 – BWSR, MPCA, and MAWD presented information about the bill to the Clean Water Council.
 - 2/25/19 – Hearing in the **Water Division**. MAWD testified.
 - 2/25/19 – Bill returned to **ENR-F** committee
 - 3/18/19 – An amended version of this bill showed up in the Clean Water Fund appropriations bill. Changes to the bill included more references to drinking water.
 - 3/19/19 – Hearing in the **ENR-F** committee. Bill was held over for possible inclusion in the omnibus bill.
- [SF 1063 Clean Water Legacy Act modification; coordinated watershed management establishment](#)
 - Senate Authors: Mark Johnson, Carrie Ruud, Charles Wiger
 - 2/11/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)** committee
 - 2/25/19 – Hearing in the **ENR-PLF** committee. MAWD testified.
 - 2/25/19 – Bill was laid over for possible inclusion in the omnibus bill.
 - 3/21/19 – Bill showed up in the omnibus bill ([SF835](#))
- [SF 835 Omnibus Environment Policy Bill](#)
 - 3/21/19 – Referred to **ENR-PLF** committee
 - 3/25/19 – Hearing scheduled in the **ENR-PLF** committee.

REINFORCE RIGHTS TO MAINTAIN 103E PUBLIC DRAINAGE SYSTEMS **MN Statute 103E**

Reinforce existing rights to maintain/repair drainage systems that operate under **MN Statute 103E**.

- 1/30/19 – Meeting held with DNR to discuss concerns about implementation of the [February 2018 guidance document](#) that explained when the DNR had public waters authority over work done in public drainage systems. Javens, Bohn, Rice Creek WD and the Red River Watershed Management Board attended.
- 2/28/19 – Meeting held with DNR to discuss legislation that we drafted to clarify several 103E statute provisions dealing with repair and maintenance work. MAWD and Rice Creek WD attended.
- DNR is currently reviewing our bill and a meeting is being scheduled to discuss. Next meeting: April 5.

INCREASE MANAGER COMPENSATION (PER DIEMS) **MN Statute § 103D.315 subd. 8**

Increase maximum daily manager per diem rates from \$75/day to \$125/day.

- [HF 1837 Soil and water conservation district supervisor and WD manager compensation increased.](#)
 - House Authors: Rick Hansen

- 2/28/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
- [SF 2451 Soil and water conservation district supervisor and watershed district manager compensation increase](#)
 - Senate Authors: Bill Ingebrigtsen, Kent Eken, Dan Sparks, Mark Johnson
 - 3/14/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
- MAWD is exploring options for expanding the activities that would be eligible for per diems. For instance, watersheds may be allowed to pay a per diem for meeting prep. More details will come.

REMOVE FISHING MONOPOLY ON COMMON CARP

MN Statute § 103D.905 subd. 3

Remove the area assignments for commercial fishing when removing invasive species, including common carp.

- [HF 1882 Commercial fishing areas restrictions to provide invasive species control modified](#)
 - House Authors: Connie Bernardy, Tony Albright, Josh Heintzeman, Kelly Moller, Mary Kunesh-Podein
 - 2/28/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 3/14/19 – Hearing held and the bill was passed to the General Register for a floor vote.
- [SF 1677 Commercial fishing areas restrictions modification for invasive species control](#)
 - Senate Authors: Eric Pratt, Carrie Ruud, John Hoffman, Rich Draheim
 - 2/25/19 – Referred to **ENR-PLF** committee
 - 3/04/19 – Hearing in the **ENR-PLF** committee. Prior Lake – Spring Lake WD testified.
 - 3/04/19 – Bill was laid over for possible inclusion in the omnibus bill.
 - 3/21/19 – Bill showed up in the omnibus bill ([SF835](#))
- [SF 835 Omnibus Environment Policy Bill](#)
 - 3/21/19 – Referred to **ENR-PLF** committee
 - 3/25/19 – Hearing in the **ENR-PLF** committee. See section 35 (page 26).

BILL TRACKING – Legislative Efforts We Support

FLOOD HAZARD MITIGATION PROGRAM

CAPITAL BUDGET BILL (BONDING BILL)

This bill appropriates \$75M to the flood hazard mitigation grant program. Note: the Governor did not include funding in his budget for this program.

- [HF 2431 Multi-county flood hazard mitigation grant funding provided, bonds issued, and money appropriated.](#)
 - House Authors: Ben Lien, Dan Fabian, Jeanne Poppe, Debra Kiel, Paul Marquart
 - 3/13/19 – Referred to **Ways and Means**
 - 3/13/19 – Referred to **Capital Investment Division**
 - 3/20/19 – Hearing in the **Capital Investment Division**. Bill was unofficially laid over for possible inclusion in an omnibus bill.
- [SF 2450 Flood hazard mitigation grants bond issue and appropriations](#)
 - Senate Authors: Mark Johnson, Kent Eken, Dan Sparks, Bill Weber
 - 3/14/19 – Referred to **Capital Investment Committee**

PROVIDE PROTECTIONS TO COMMERCIAL SALT APPLICATORS

MN Statute 116.2025

Provide limited liability protections for trained commercial salt applicators.

- [HF 1502 Salt applicator certification program established, and liability limited.](#)
 - House Authors: Peter Fischer, Rick Hansen, Paul Torkelson, Heather Edelson, Josh Heintzeman, Kelly Moller, Alice Hausman, Robert Bierman
 - 2/21/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 2/28/19 – Bill re-referred to the **Ways and Means** committee
 - 2/28/19 – Bill referred to **Environment and Natural Resources Finance (ENR-F)** committee
 - 3/01/19 – Bill referred to **Water Division** committee
 - 3/06/19 – Hearing in the **Water Division**, returned to **ENR-F** committee
 - 3/12/19 – Hearing in the **ENR-F** committee. Bill was amended and returned to **Ways and Means**.
 - 3/13/19 – Bill referred to with a request to re-refer to **Judiciary Finance and Civil Law Division**.

- [SF 1667 Certified salt applicator program establishment](#)
 - Senate Authors: Carrie Ruud, Paul Anderson, Bill Ingebrigtsen, David Tomassoni, Dan Hall
 - 2/25/19 – Referred to **ENR-PLF** committee

DRAINAGE WORK GROUP BILL

MN Statute 103E

This legislation is the output of recommendations made by the Drainage Work Group.

- [HF 1244 Public drainage system acquisition and compensation of ditch buffer strips accelerated, and runoff and sediment option provided when charging for public drainage ditch repairs.](#)
 - House Authors: Rick Hansen, Paul Torkelson
 - 2/14/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 2/27/19 – Hearing in **ENR-P** committee.
 - 2/27/19 – Bill was passed out of committee and sent to the General Register.
 - 3/04/19 – Committee report to adopt as amended (with only minor grammatical changes)
 - 3/04/19 – Second reading
 - 3/07/19 – House Rule 1.21, placed on the Calendar for the Day Monday, March 11, 2019
 - 3/11/19 – Bill was passed and sent to the Senate.
- [SF 1945 Ditch buffer strips public drainage system acquisition and compensation acceleration; runoff and sediment option under charges for public drainage ditch repairs provision](#)
 - Senate Authors: Bill Weber, Kent Eken
 - 2/25/19 – Referred to **ENR-PLF** committee
 - 3/11/19 – Hearing held. Bill was recommended to pass and be re-referred to **Judiciary and Public Safety Finance and Policy (JPS-FP)** Committee.
 - 3/13/19 – Referred to **JPS-FP** Committee.
 - 3/13/19 – Bill was received from the House and given its first reading.
 - 3/20/19 – Hearing in **JPS-FP** Committee. Bill was amended to include a 5-year sunset provision and passed to the General Register for a floor vote.
 - 3/21/19 – Bill turned up in the omnibus environmental policy bill.
- [SF 835 Omnibus Environment Policy Bill](#)
 - 3/21/19 – Referred to **ENR-PLF** committee
 - 3/25/19 – Hearing in the **ENR-PLF** committee. DWG recommendations are in section 1 (page 1) and section 42 – 47 (pages 32-36)

CLEAN WATER FUND

This bill allocates where Clean Water Funds will be spent. This bill (as introduced) matches the recommendations of the Clean Water Council.

- [HF 1928 Clean Water fund funding provided, and money appropriated.](#)
 - House Author: Rick Hansen
 - 3/04/19 – Referred to the **Ways and Means** committee
 - 3/04/19 – Referred to **Environment and Natural Resources Finance (ENR-F)** committee
 - 3/07/19 – Hearing in **ENR-F** committee. Bill was laid over for future consideration.
 - 3/21/19 – Hearing held in the **ENR-F** committee. Bill included changes to the recommendations laid out by the Clean Water Council. For a complete list of changes, you can review a **spreadsheet** or the **bill amendment language**.
 - 4/03/19 – Hearing scheduled in **Legacy Finance Division**.
- [SF 2262 Clean water fund appropriations \(Original\)](#)
 - Senate Authors: Chris Eaton, Erik Simonson, Steve Cwodzinski, David Senjem, Patricia Torres Ray
 - 3/11/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
 - 3/13/19 – Bill combined with other legacy finance bills and can now be found in SF 2444.
- [SF 2444 Clean water fund, parks and trails and arts and cultural heritage fund appropriations](#)
 - Senate Authors: Carrie Ruud
 - 3/13/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**

- 3/25/19 – Hearing scheduled in the **ENR-PLF** committee. Testimony will be limited to parks and trails appropriations only.

BILL TRACKING – Bills We Oppose

DEVELOPER’S BILL

MN Statute 103D

A bill brought to legislators by developer Mark Lambert, along with a coalition of other interested parties that would modify MN Statute 103D to protect preexisting water rights when developing land. They propose doing this by limiting the ability for watershed district managers to adopt and enforce several types of rules. MAWD met with several legislators in anticipation of this bill being introduced. Efforts to stop this bill will continue.

- [HF 1887 Watershed district provisions modified](#)
 - House Authors: Josh Heintzeman, Peggy Scott
 - 2/28/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 3/15/19 – This bill missed the first committee deadline.
- [SF 1766 Watershed districts provisions modifications](#)
 - Senate Authors: Rich Draheim, Michael Goggin
 - 2/27/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
 - 3/15/19 – This bill missed the first committee deadline.

RICE CREEK WD SPENDING IN WASHINGTON COUNTY

MN Statute 103D

This bill dictates that at least 90% of funds collected from Washington County must be spent in Washington County.

- [HF 2314 Washington County; Rice Creek Watershed District spending and reporting requirements provided.](#)
 - House Authors: Peter Fischer, Bob Dettmer
 - 3/14/19 – Referred to the **Ways and Means** committee
 - 3/14/19 – Referred to **Environment and Natural Resources Finance (ENR-F)** committee
- [SF 2372 Rice Creek watershed district spending and reporting requirements provision](#)
 - Senate Authors: Karin Housley
 - 3/13/19 – Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**

BILL TRACKING – Bills We Are Watching

WMO and WD PLANNING MODIFICATIONS BILL

MN Statute 103B, 103D

This bill would require water management organizations (WMOs) and watershed districts (WDs) to slow the movement of water to protect surface waters and recharge groundwater resources.

- [HF 2011 Watershed management organizations planning requirements modified, and watershed districts modified.](#)
 - House Authors: Jean Wagenius, Peter Fischer, Rick Hansen, Steve Sandell
 - 3/04/19 – Referred to **Environment and Natural Resources Policy (ENR-P)** committee
 - 3/13/19 – Hearing in the **ENR-P** committee. MAWD testified with concerns on some of the language and will share our concerns in more depth with the author before the next committee hearing.
 - 3/14/19 – Re-referred to **Ways and Means** committee
 - 3/15/19 – Referred to **Environment and Natural Resources Finance (ENR-F)** committee
 - 3/20/19 – Hearing scheduled in **ENR-F** committee. MAWD testified with concerns regarding the bill.
 - 3/20/19 – Bill was laid over for possible inclusion in the omnibus bill.
- There is no companion bill in the Senate.

ONE STATE WATER DEPARTMENT

MN Statute 103A

This bill would combine the functions of BWSR, EQB, and water-related responsibilities of other state agencies into one new state water department.

- There is no companion bill in the House.
 - [SF 2102 Water resources department establishment; board of water and soil resources \(BWSR\) and environmental quality board \(EQB\) abolishment](#)
 - House Authors: Rich Draheim, Charles Wiger, Chris Eaton, Bill Weber, Mark Koran
 - 3/07/19 - Referred to **Environment and Natural Resources Policy and Legacy Finance (ENR-PLF)**
 - 3/18/19 – Bill was on the agenda to be discussed during the Legislative Water Commission (LWC) meeting. No house members were present because they were still meeting on the floor, so discussion was limited.
 - 4/01/19 – Bill likely to be on the LWC agenda at 9:00 a.m.
-

For errors or omissions, please contact Emily Javens at emily@mnwatershed.org.



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

REPLY TO ATTENTION OF
REGULATORY BRANCH

Regulatory File No. 2001-07558-CLJ

MAR 13 2019

Mr. Myron Jesme
Red Lake Watershed District
1000 Pennington Avenue South
Thief River Falls, Minnesota 56701

Dear Mr. Jesme:

We have completed the review and approval process for the mitigation bank instrument (MBI) and mitigation plan for the Louisville-Parnell Basin A mitigation bank, located in Red Lake and Polk Counties, Minnesota. Enclosed is a fully executed copy of the MBI for your records.

In accordance with the credit release schedule in the MBI, we approve the release of 4.7580 credits from your bank. The amount and type of credit approved for release are summarized on the attached table.

I appreciate your cooperation during the review of this mitigation bank proposal. If you have any questions, please contact Craig Jarrot in our Bemidji office at (651) 290-5337 or Craig.L.Jarrot@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

Chad Konickson
Chief, Regulatory Branch

Enclosures
-Executed Copy of MBI

cc w/o enclosures:
Andrew Horton, USFWS
Kerryann Weaver/Andrea Schaller, EPA, Region 5
Doug Norris/Pam Schense, DNR
Tim Smith, BWSR
Leslie Day, COE
John Overland, BWSR
Elizabeth Flage, BWSR



Type of Compensation	Number of Acres	Type of Wetland Credit	Credit Ratio	Final Projected Credits	Total Credits Deposited to Date	Credits Withdrawn	Credit Balance
Rehabilitation	9.60	shallow marsh (Type 3)	33%	3.1680	3.1680	0.5800	2.588
Rehabilitation	1.80	shallow marsh (Type 3)	50%	0.9000	0.9000		0.9000
Buffer	6.9	shallow marsh (Type 3)	10%	0.2960	0.2960		0.2960
		Upland Buffer	10%	0.3940	0.3940	0.3940	
<i>Total</i>	18.3			4.7580		0.9740	3.7840

**AGREEMENT TO ESTABLISH THE LOUISVILLE-PARNELL BASIN A MITIGATION BANK
IN
RED LAKE AND POLK COUNTIES, MINNESOTA**

This Mitigation Banking Instrument (MBI) is made and entered into on the 12th day of March, 20 , by Red Lake Watershed District, hereinafter the "Sponsor," and the U. S. Army Corps of Engineers (Corps).

WHEREAS, the purpose of this agreement is to establish a mitigation bank (the Bank) providing compensatory mitigation in appropriate circumstances for unavoidable wetland impacts separately authorized by Department of the Army permits issued pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 (DA permits); and

WHEREAS, the Sponsor is the owner in fee simple a parcel of land (the Bank Site) containing approximately 18.3 acres located in Red Lake and Polk Counties, Minnesota, described in the Mitigation Bank Plan (the Plan), attached as Appendix A, and as shown on the survey in Appendix B.

WHEREAS, the Corps, after consultation with the agencies comprising the Interagency Review Team (IRT), agrees that successful implementation of the Plan will result in creditable compensatory mitigation at the Bank Site;

THEREFORE, it is mutually agreed among the parties to this MBI that the following provisions are adopted and will be implemented upon signature of this MBI.

General Provisions

a. The goal of the Bank is to restore the functions of shallow marsh wetland system. In circumstances deemed appropriate by the Corps, credits from the Bank may be used as compensation for unavoidable wetland impacts authorized by DA permits.

b. Use of credits from the Bank to offset wetland impacts authorized by DA permits must be in compliance with the Clean Water Act and implementing regulations, including but not limited to the Clean Water Act Section 404(b)(1) Guidelines and all other applicable Federal and State laws, rules and regulations.

c. The IRT shall be chaired by a representative of the U.S. Army Corps of Engineers, St. Paul District. The IRT shall also include a representative from the U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, Minnesota Department of Natural Resources, and Board of Water and Soil Resources (BWSR). The IRT, through the Chair, shall coordinate its review with the Minnesota Wetland Conservation Act (WCA) Technical Evaluation Panel (TEP). The IRT shall review monitoring reports described below. In addition, the IRT will review proposals for corrective measures proposed by the Sponsor or the Corps. Participation on the IRT is voluntary.

Mitigation Plan

a. The Bank Site is composed of shallow marsh and upland prairie. A more detailed description of the baseline conditions on the site is contained in the Plan.

b. The Sponsor has performed the work described in the Plan, including installation of a ditch plug to rehabilitate the hydrology. The purpose of this work, and the objective of the Bank, is to restore the functions of 11.4 acres of shallow marsh and 6.9 acres of upland prairie.

c. The Corps, after considering comments from the IRT and the Sponsor, will determine at its sole discretion the number of Clean Water Act wetland mitigation credits generated by this Bank based on the actions proposed and the corresponding success criteria contained in the Plan. The projected yield of 4.7580 credits from this Bank by wetland type and compensation type is summarized below:

Type of Compensation	Number of Acres	Type of Wetland Credit	Final Projected Credits
<u>Restoration via Rehabilitation (33%)</u>	<u>9.6</u>	Shallow Marsh (Type 3)	<u>3.1680</u>
<u>Restoration via Rehabilitation (50%)</u>	<u>1.8</u>	<u>Shallow Marsh (Type 3)</u>	<u>0.9000</u>
Upland Buffer, non-native, invasive (10%)	<u>6.9</u>	<u>Shallow Marsh (Type 3)</u>	<u>0.6900</u>
Total	<u>18.3</u>		<u>4.7580</u>

d. The Sponsor has submitted annual monitoring reports to the Corps sufficient for the Corps to determine functional lift achieved and final credits to be released.

e. The Sponsor is responsible for assuring the successful implementation of the restoration activities specified in the Plan and for the overall operation and management of the Bank.

f. The Corps has reviewed the monitoring reports, and may, at any time, after consultation with the Sponsor and the IRT, direct the Sponsor to take corrective measures at the Bank Site. The purpose of the corrective measures shall be to achieve and maintain the success criteria specified in the Plan.

g. The Sponsor shall implement any corrective measures by the date specified by the Corps.

h. In the event the Sponsor determines that corrective measures may be necessary to achieve the required success criteria, it shall provide notice of such proposed corrective measures to all members of the IRT. No corrective measures shall be taken without the concurrence of the Corps, in consultation with the IRT.

i. Representatives of the Corps and other IRT agencies shall be allowed reasonable access to the Bank Site for the purposes of inspection of the Bank Site and monitoring compliance with the Plan.

Use of Mitigation Credits

The Bank Service Area (BSA) is the designated area wherein a bank can reasonably be expected to provide appropriate compensation for impacts to wetland or other aquatic resources. The primary BSA for this Bank is the Lower Red River of the North Basin (BSA 3) Bank Service Area in Minnesota (Appendix C).

For projects in the BSA of this Bank that require Department of the Army (DA) authorization pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 credits from this Bank may be used to satisfy compensatory mitigation requirements, subject to Corps approval. Use of the Bank to compensate for impacts beyond the BSA may be considered by the Corps on a case-by-case basis when the Corps determines there are no other reasonable compensation options available to the permittee.

The Corps will determine whether use of the credits from the Bank is appropriate for offsetting wetland impacts authorized by a DA permit, and will also determine the number and type(s) of credits required to compensate for those impacts. The Corps will consider comments submitted by the IRT and the public as part of the permit review process before approving of the use of credits from the Bank.

Permit applicants may propose to use a particular mitigation bank to provide the mitigation to be required by a DA permit. Before the Corps will consider such a request, the Sponsor must provide the permit applicant with a statement of credit availability before the Corps will decide whether to approve of the use of the Bank. The State's Purchase Agreement for Wetland Banking Credits form is acceptable for this purpose.

In accordance with the terms of this MBI, the Sponsor agrees that upon Corps approval of a proposal by an applicant to secure mitigation bank credits through a contract with this Bank, a fully executed purchase agreement between the Sponsor and the applicant shall act to transfer to the Sponsor all responsibility for the compensatory mitigation requirement satisfied by the purchase of credits from this Bank.

Release of Credits

a. Bank credits shall not be released for sale to meet compensatory requirements of Department of the Army permits until the release is approved in writing by the Corps. The Corps will not approve of the release of bank credits until after all the following have occurred:

- i. Execution of this MBI by the Sponsor and the Corps;
- ii. Approval of the as-built plan;
- iii. Recording of the conservation easement required by this MBI;
- iv. Delivery of a copy of the title insurance policy accepted by the State of Minnesota.

Items iii and iv have been completed.

b. The Sponsor may petition the Corps for the release of bank credits by submitting an Application to Deposit Wetland Credits in accordance with the following schedule taken from the Plan:

- 100% upon IRT approval of the as-built plan. Total 100% of expected credits.

c. The above schedule applies only to the extent the Sponsor documents that the Bank Site meets the applicable success criteria. The IRT will have 15 days to provide comments once the Corps has provided notification that the Sponsor has requested a release of credits. If the Corps determines that a site visit is necessary in order to respond to the request, the IRT shall have 15 days from the date of the site visit to provide comments. After full consideration of any comments received, the Corps will determine whether the Bank Site has achieved the relevant success criteria and how many credits should be released. If the Corps determines that the Bank is not meeting success criteria, the Corps may reduce the number of credits available for sale or suspend credit sales entirely. The Corps may also require corrective measures or direct the use of financial assurances for remediation.

d. If, after meeting all success criteria as specified in the Plan, the Sponsor finds that the Bank has developed aquatic resource functions substantially in excess of those upon which the original credit totals and release schedule were based, the Sponsor may submit a written request to the Corps that the MBI be amended to reflect the changes in the number of credits. This request must be reviewed by the IRT as outlined in the "Modification and Termination" section of this MBI. This request must include detailed documentation of the aquatic resources functions provided by the Bank Site, an explanation of how those aquatic resource functions substantially exceed the functions upon which the original credit totals were based, an explanation of the basis for calculating the additional credits, and any other information deemed necessary by the Corps. To be considered, this request, along with all supporting documentation, must be submitted as part of the final credit release request.

Accounting, Ledger Reports and Sale of Credits

The Corps and the Minnesota Board of Water and Soil Resources (BWSR) have assumed joint responsibility for tracking mitigation bank credits in the State of Minnesota. The Sponsor shall comply with all rules imposed by BWSR and the Corps for tracking the availability and sale of credits. Each time an approved credit transaction occurs, the sponsor shall provide a copy of the approved Notice of Withdrawal of Wetland Credits (signed by BWSR, the permittee, and the Sponsor) to the St. Paul District Office at the following address: U.S. Army Corps of Engineers, St. Paul District Regulatory Branch, 180 Fifth Street East, Suite 700. St. Paul, Minnesota 55101. The Corps will maintain a public, web-based copy of the ledger for the Bank on the Regulatory In-Lieu Fee Bank Information & Tracking System (RIBITS). Once a credit is debited, its value cannot change and the credit cannot be resold.

Closure Procedures

Upon the sale of the last credit in the Bank, such that no credits are available for sale, the Sponsor (or BWSR on behalf of the Sponsor) shall provide a written certification to the Corps stating that all credits are sold and the bank is closed to future sales. The certification shall

state the total number of credits of each wetland type that were sold (e.g. wet meadow, sedge meadow, and upland buffer).

Bank Site Protection

The Sponsor, and the fee owner of the Bank Site if different from the Sponsor, shall grant a conservation easement to the State of Minnesota, in a form acceptable to the Corps, sufficient to protect the Bank Site in perpetuity. The conservation easement must provide protection equivalent to the model BWSR conservation easement (attached as Appendix D). The conservation easement shall be perpetual, preserve all natural areas, and prohibit all use of the property inconsistent with its use as mitigation property, including any activity that would materially alter the biological integrity or functional value of wetlands within the Bank Site, consistent with the Plan. The Sponsor shall deliver a copy of the title insurance covering the mitigation property that is acceptable to the Corps and the State of Minnesota (easement holder). The property shall be free and clear of any encumbrances that would conflict with its use as mitigation, including, but not limited to, any liens that have priority over the recorded preservation mechanism.

Financial Assurances

Financial assurances are not required because the Corps, in consultation with the IRT, has determined that the credit release schedule controls will be sufficient to provide a high level of confidence that the mitigation will be provided and maintained.

Long-term Management

The Sponsor is responsible for long-term management of the Bank Site such that it achieves and maintains the functional performance level described in the Plan; the success criteria contained in the Plan are indicators of expected function based on implementation of the Plan. The Sponsor shall maintain the Bank Site in accordance with the provisions of the recorded conservation easement (Appendix D). Consistent with the recorded easement, the Sponsor will adaptively manage the site to control pest, weed, or invasive species as required by state and federal law. For the purposes of adaptive wildfire management, the Sponsor shall agree to rely on the advice of local, state or federal agencies with wildfire management expertise. Typical wildfire management options include active fire management strategies like emergency fuel manipulation, aerial suppression, or establishment of temporary access trails as well as inactive, let-burn, strategies.

The Sponsor may request to transfer the long-term management responsibilities to a land stewardship entity, such as the Minnesota Department of Natural Resources, a non-governmental organization, or a private land manager provided, further, that future maintenance and management of the site after any such transfer would be consistent with the provisions of this instrument and continued into perpetuity by any future owner of the site. Any such transfer must be approved, in writing by the Corps, prior to the transfer. Adaptive management options and long term management will include vegetative and hydrologic maintenance of the entire site, as outlined in the Plan. The Sponsor will not actively manage or harvest timber or other woody species on the site. However, manipulation of brush or management of tree species to achieve specific biological functional lifts or prevent functional declines could later be approved as adaptive management, in accordance with the Plan.

The Corps will review the site annually during the monitoring period and confirm that the Sponsor's management is acceptable during the establishment period. The Corps will coordinate with the state (holder of the conservation easement) to ensure that the conditions of the conservation easement and Plan are being complied with, such formal review taking place approximately every five years.

Modification and Termination

a. This MBI may be modified only by the written agreement of all parties to the MBI at the time of the modification. Modifications will be processed following the appropriate procedures specified in 33 CFR 332.8(g)(1).

b. The Sponsor is responsible for compliance with the terms of this MBI and the Plan. Should the Sponsor choose to convey the Bank or the underlying property to another party, the successor in interest must sign this MBI in order to transfer responsibility for compliance with the terms of this MBI from the Sponsor to the successor in interest. Furthermore, the terms, conditions, covenants and restrictions set forth in Bank's conservation easement shall be inserted in any subsequent conveyance of any interest in the Bank Site. The Sponsor shall notify the Corps of any conveyance of the Bank Site, or establishment of any other legal claim over the Bank Site, in writing and by certified mail within at least 60 days prior to the conveyance.

c. If the Sponsor wishes to terminate its responsibilities under this MBI without transferring those responsibilities to a third party, the Sponsor shall submit a written request to the Corps. The Bank shall be closed and the sale of credits shall be suspended indefinitely. The Corps and other members of the IRT shall determine what, if any, remedial measures will be necessary to ensure that functions provided by previously sold credits will be maintained or otherwise compensated for. Such remedial measures may include using the financial assurance to provide alternative compensatory mitigation. The conservation easement on the Bank Site shall remain in effect in perpetuity unless an amendment of the easement is agreed to in writing by both the Corps and the State of Minnesota.

d. Any agency participant may terminate its participation in the IRT with notice in writing to all other parties to this MBI. Termination shall be effective seven (7) days from placing said notices in the United States mail. Member withdrawal shall not affect any prior sale of credits and all remaining parties shall continue to implement and enforce the terms of this MBI. Except for termination as described above, this agreement may be modified only with the written agreement of all remaining parties to this MBI at the time of the modification.

Miscellaneous

a. Any obligation of the United States Government set forth in this MBI is subject to and dependent on the appropriation and allocation of sufficient funds for that purpose.

b. The Sponsor shall ensure that any and all real property taxes and assessments levied by competent authority on the Bank Site are paid in full.

c. If the Sponsor is unable to meet any of the requirements under this MBI, it shall provide written notification to the Corps within 30 days of the failure to meet any of the requirements,

stating the reason for the failure. If the Corps determines that the failure to meet the requirement was primarily caused by an act, event or condition beyond the Sponsor's reasonable control, the Corps may excuse the failure, and require corrective measures if necessary. If the Corps determines that the failure to meet the requirements was not reasonable, the Corps may suspend the sale of credits, reduce the number of credits available for sale, require corrective measures, or take other remedial actions as appropriate.

d. No third party shall be deemed a beneficiary of this MBI and no one except the signatories of this MBI, their successors and assigns, shall be entitled to seek enforcement of this MBI.

e. In the event any one or more of the provisions contained in this MBI are held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability will not affect any other provisions hereof, and this MBI shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.

f. Corps approval of this MBI constitutes the regulatory approval required for Louisville-Parnell Basin A Mitigation Bank to be used to provide compensatory mitigation for Department of the Army permits pursuant to 33 CFR 332.8(a)(1). This MBI is not a contract between the Sponsor or Property Owner and the Corps or any other agency of the federal government. Any dispute arising under this MBI will not give rise to any claim by the Sponsor or Property Owner for monetary damages. This provision is controlling notwithstanding any other provision or statement in the MBI to the contrary.

g. This MBI shall be governed by and construed in accordance with the laws of Minnesota and the United States as appropriate.

h. In the event of a disagreement involving the Corps, members of the IRT, and/or the Sponsor, the Corps will make the final decision after considering all opinions.

i. All notices and required reports shall be sent by regular mail to the parties and following IRT agencies at their respective addresses, provided below, unless a different address is specified in writing:

Sponsor:

Myron Jesme
Red Lake Watershed District
Administrator
1000 Pennington Avenue South
Thief River Falls, Minnesota 56701

Corps:

Mr. Chad Konickson
Chief, Regulatory Branch
St. Paul District
U.S. Army Corps of Engineers
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1678

EPA:

Ms. Kerryann Weaver
USEPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

FWS:


Mr. Andrew Horton
U.S. Fish and Wildlife Service
Ecological Services, Twin Cities Field Office
4101 East 80th Street
Bloomington, MN 55425

BWSR:


Mr. Tim Smith
Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

IN WITNESS WHEREOF, the parties hereto have executed this Agreement entitled "Agreement To Establish The Louisville Parnell Mitigation Bank In Red Lake and Polk Counties, Minnesota

Sponsor:

By:  _____ Date: 2-15-19 _____
Myron Jesme
Administrator
Red Lake Watershed District

U.S. Army Corps of Engineers:

By:  _____ Date: 3/12/19 _____
Title: Chad Konickson
Chief, Regulatory Branch

List of Appendices

Appendix A: Mitigation Bank Plan;

Appendix B: Property Survey and Legal Description;

Appendix C: Map – Bank Service Area;

Appendix D: Copy of Model BWSR Conservation Easement

RED LAKE WATERSHED DISTRICT

SNOW SURVEY – WEEK ENDING Mar. 30, 2019

MnDNR
THIEF LAKE WMA
SNOW DEPTH - xxxx"
MOISTURE CONTENT - xxxx"

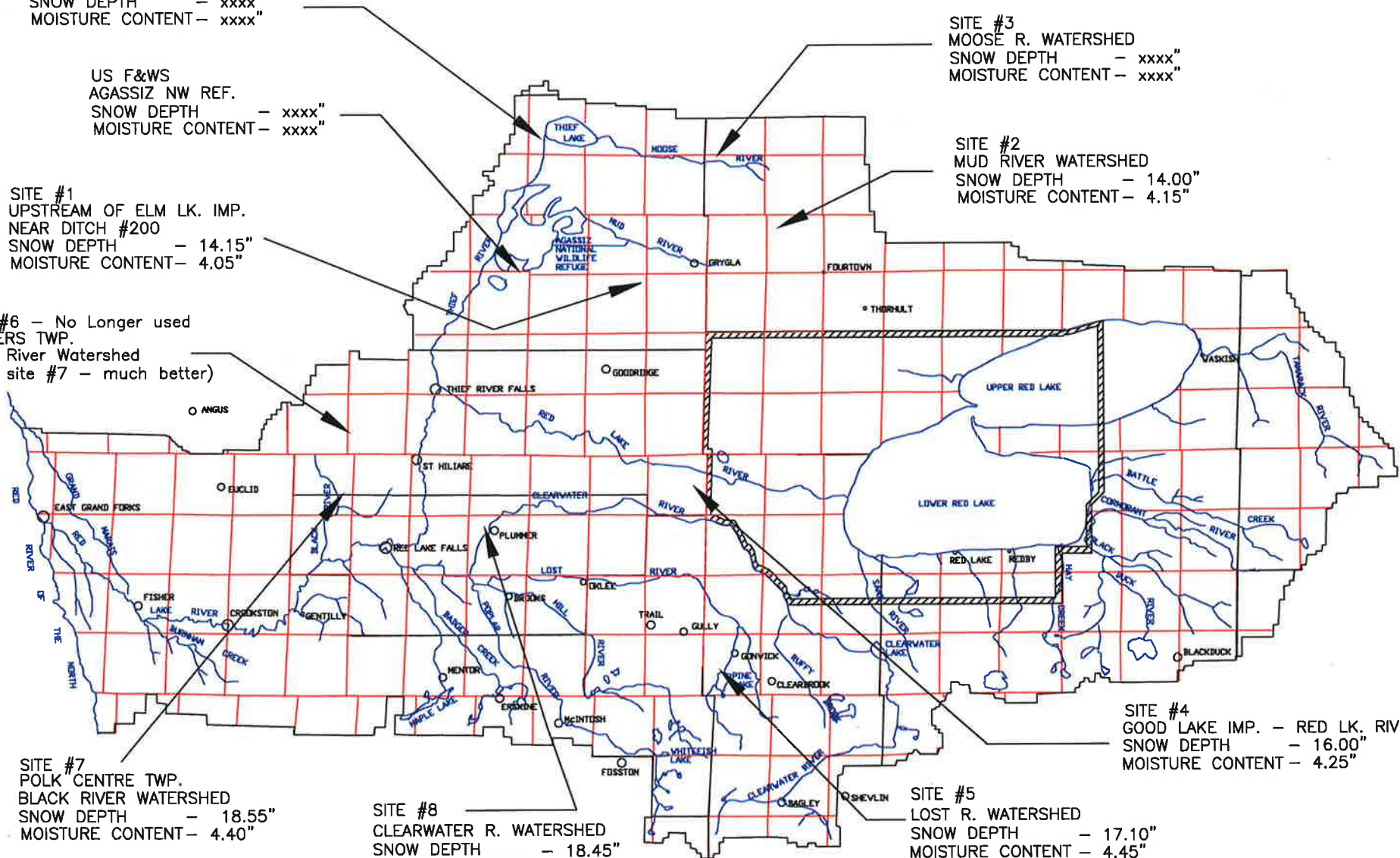
US F&WS
AGASSIZ NW REF.
SNOW DEPTH - xxxx"
MOISTURE CONTENT - xxxx"

SITE #3
MOOSE R. WATERSHED
SNOW DEPTH - xxxx"
MOISTURE CONTENT - xxxx"

SITE #2
MUD RIVER WATERSHED
SNOW DEPTH - 14.00"
MOISTURE CONTENT - 4.15"

SITE #1
UPSTREAM OF ELM LK. IMP.
NEAR DITCH #200
SNOW DEPTH - 14.15"
MOISTURE CONTENT - 4.05"

SITE #6 – No Longer used
SANDERS TWP.
Black River Watershed
(Uing site #7 – much better)



SITE #7
POLK CENTRE TWP.
BLACK RIVER WATERSHED
SNOW DEPTH - 18.55"
MOISTURE CONTENT - 4.40"

SITE #8
CLEARWATER R. WATERSHED
SNOW DEPTH - 18.45"
MOISTURE CONTENT - 5.15"

SITE #4
GOOD LAKE IMP. – RED LK. RIVER
SNOW DEPTH - 16.00"
MOISTURE CONTENT - 4.25"

SITE #5
LOST R. WATERSHED
SNOW DEPTH - 17.10"
MOISTURE CONTENT - 4.45"