

## Appendix A. Public Input Summary

The RRCWMP partners held a public open house in Roseau on December 16, 2021. The RRWD Advisory Committee was invited as well. Approximately 20 people attended.

Participants were invited to provide input in four different ways:

- ❑ Visit the resource concern ranking sheet and choose your top three concerns with sticker dots.
- ❑ Visit the map of the Planning Area that you have ties to (live, hunt, fish, etc.) and note any concern areas with post-it notes.
- ❑ If you have any additional concerns you'd like us to know about, write them at the "Additional Comments" station.
- ❑ Stay for the Roseau River Restoration update meeting following the Open House.

The top issues from the public are shown in Figure 1. Participants didn't note areas specifically on the maps but had discussions with Roseau SWCD and RRWD staff.

Later in the evening a presentation was given to introduce the planning effort.

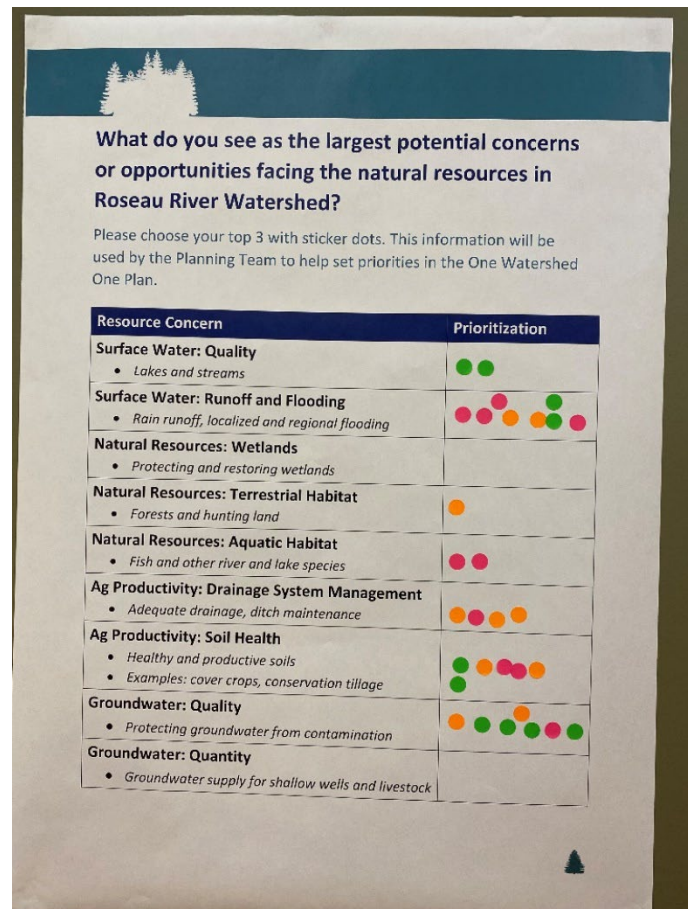
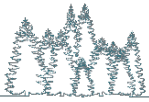


Figure 1. Public ranking results.



## Appendix B. PTMApp Implementation Scenarios

The targeted implementation schedule in Section 5 was developed from a PTMApp implementation scenario developed by the Steering Committee during the planning process. This scenario is broadly summarized in Section 5 to allow for flexibility during implementation. This Appendix dives further into the PTMApp tool, which decisions were made, and shows the implementation scenario BMPs on a map for each planning region.

### Introduction

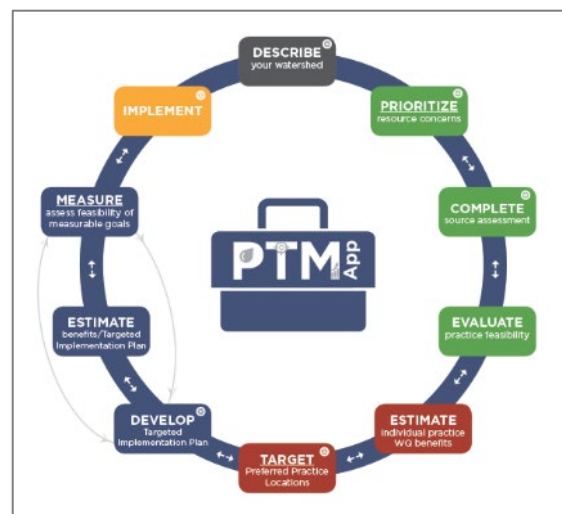
The Prioritize, Target, and Measure Application (PTMApp) is a program that can be used by practitioners as a technical bridge from general descriptions of implementation strategies in a local water plan to the identification of implementable on-the-ground BMPs and Conservation Practices (CPs).

PTMApp can be used by Soil and Water Conservation District (SWCD), watershed district, county local water planning, and agency staff and decision-makers to **PRIORITIZE** resources and the issues impacting them, **TARGET** specific fields to place CPs and BMPs, and **MEASURE** water quality improvement by tracking the expected nutrient and sediment load reductions delivered to priority resources.

The tool enables practitioners to build prioritized and targeted implementation scenarios, measure the cost-effectiveness of the scenario for improving water quality, and report the results to pursue funds for project implementation.

### RRW Approach

PTMApp is a powerful tool, and the decisions made during the analysis shape the desired output. The Steering Committee discussed the PTMApp decisions at meetings in spring of 2022. The decisions are summarized in Table 1.



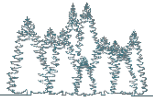
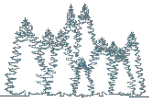


Table 1. PTMApp decisions made by the Steering Committee.

#	Decision	Implications	Local Decision – Roseau
1	Criteria used to further screen practices	Criteria are used to further screen practices considered technically feasible for implementation but are not practicable to implement.	See Table 2.
2	Preferred Practices	Which NRCS practices to include in the Implementation Scenario. The primary reason for eliminating one or more practice could be a low likelihood of use as a conservation practice.	Riparian Buffer, Filtration Strip, Grade Stabilization, Grassed Waterway, Perennial Crops, Critical Area Planting, Cover Crops, No Till, Prescribed Grazing, Forage/Biomass Planting.
3	Costs	Costs can represent the “cost” share or total cost. For example, EQIP is the government cost share.	Double EQIP Costs to capture the full cost of the practice + 20% for technical assistance.
4	Planning Regions	Allocate funding and practices per planning region	Allocate based on Planning Region prioritization in Section 5.
5	Spatial Scale	The decision reflects the spatial scale for application of the load reduction goals. This decision also affects which BMPs are selected as best. The “best” practice locations tend to be near the location where the load reduction is desired. Using the edge of field will tend to spread practices more evenly across the landscape. Use of a planning region outlet will tend to concentrate the practices upstream of that location.	Group used priority resource points representing planning region outlets to set goals. The benefits of practices will be summarized both at the planning region outlet and the edge of the field.  The “best” practices will be selected based on the highest sediment load reduction at the edge of the field and cost effectiveness (spreads out practices within the planning region).
6	Parameters and method used to rank the “best” conservation practices.	The “best” conservation practices will differ depending on which parameters are used, and whether they are weighted.	Practices most effective at reducing sediment.
7	Process for identifying the number of practices which will be included in the Implementation Scenario.	Decision ultimately affects the “cost(s)” of the Implementation Scenario and ability to achieve the load reduction goals.	Number of practices that can be afforded under the Funding Level 2 (Baseline + Watershed-Based Implementation Funding).



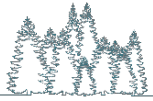
Feasible PTMApp BMP and CP treatment group outputs were screened based on screening criteria agreed upon by the Steering Committee (Table 2). Using the screening criteria, BMPs and CPs with low potential for water quality benefits were removed from the analysis. See Table 2 for exact criteria.

Table 2: Screening Criteria Approved by Steering Committee.

PTMApp Group Code	Treatment Group	Remove BMPs with little runoff volume delivery or constituent removal efficiency				Remove BMPs with low removal magnitudes at the edge-of-field					
		Delivery and Efficiency Selection Criteria (Value must be greater than)				Reduction Magnitude Selection Criteria (Value must be greater than)					
		Percent of 2-Year, 24-hour event treated	Sediment Reduction (%)	TP Reduction* (%)	TN Reduction* (%)	Sediment Reduction @ Catchment Outlet, (tons/year)	TP Reduction @ Catchment Outlet, (lbs./year)	TN Reduction @ Catchment Outlet, (lbs./year)	BMPs Not Meeting Criteria	BMPs Remaining After Criteria Applied	% of Original BMP Remaining
1	Storage**	50%	10%	10%	10%	0.25	0.25	0.5	75,756	5,467	7%
2	Filtration	50%	10%	10%	10%	0.25	0.25	0.5	25,270	21,917	46%
3	Biofiltration	Not included in plan									
4	Infiltration	Not included in plan									
5	Protection					0.25	0.25	0.5	11,245	27,428	71%
6	Source Reduction					0.25	0.25	1	924	30,691	97%

\*Second quartile (Q2; 50th percentile) reduction efficiency was used for all treatment groups except filtration, where the third quartile (Q3; 75th percentile) reduction efficiency was used for TP and TN terms.

The Steering Committee determined which practices they most commonly implement and narrowed the PTMApp Scenario to just those practices for simplification. The group decided to treat all non-structural practices, along with Critical Area Planting, as Cover Crops. This scenario is just for planning purposes, and actual implementation could include other practices as well.



## Hay Creek Planning Region

The Table below shows the 10-year PTMAApp implementation scenario results for the Hay Creek Planning Region. The next page includes a map showing where practices are located (Figure 1).

### Scenario Reductions at outlet:

- Sediment = 11%
- Phosphorus = 2.1%

BMP Treatment Group	Number of Practices	Total 10-Year Cost (\$)*	Values at Catchment Outlet			Values at Planning Region Outlet			Cumulative Surface area (acres)
			Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	
390 - Riparian Buffer	70	\$298,575	303	275	5,562	134	216	4,398	1,635
393 – Filter Strip	267	\$312,877	363	315	6,173	163	251	4,922	1,850
410 - Grade Stabilization	32	\$112,000	115	13	238	55	11	187	37
412 - Grassed Waterway	91	\$321,969	310	58	977	132	44	748	151
340 – Cover crops	66	\$54,158	1,505	466	8,957	800	380	7,320	1,997
<b>Existing Load</b>						<b>11,315</b>	<b>41,996</b>	<b>951,641</b>	
<b>Total Load Reduction</b>			<b>2,596</b>	<b>1,127</b>	<b>21,906</b>	<b>1,283</b>	<b>902</b>	<b>17,575</b>	<b>5,670</b>
<b>Percent Reduction (%)</b>						<b>11%</b>	<b>2.1%</b>	<b>1.8%</b>	

\*cost is based on 2x the EQIP rate to account for the full cost of the practice and technical assistance

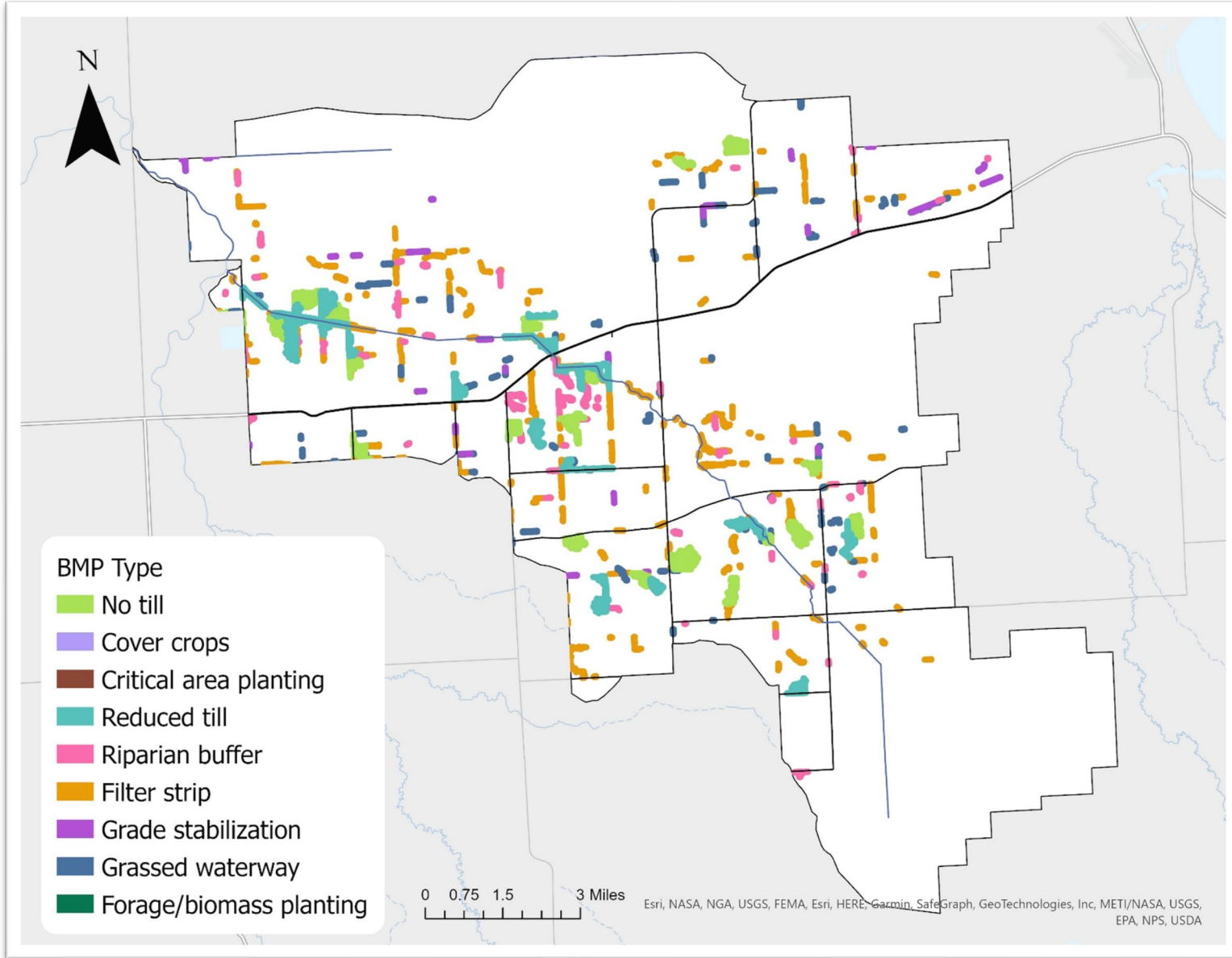
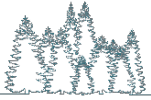
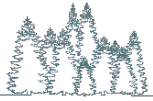


Figure 1. Hay Creek PTMApp BMP and CP scenario



## Stafford Planning Region

The Table below shows the 10-year PTMAApp implementation scenario results for the **Stafford Planning Region**. The next page includes a map showing where practices are located (Figure 2).

### Scenario Reductions at outlet:

- Sediment = 12%
- Phosphorus = 2.3%

BMP Treatment Group	Number of Practices	Total 10-Year Cost (\$)*	Values at Catchment Outlet			Values at Planning Region Outlet			Cumulative Surface area (acres)
			Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	
390 - Riparian Buffer	56	\$164,602	264	234	4,410	137	193	3,629	1,280
393 – Filter Strip	166	\$173,726	236	232	4,326	122	192	3,572	1,305
410 - Grade Stabilization	31	\$108,500	122	15	228	68	12	188	36
412 - Grassed Waterway	57	\$186,663	278	37	548	157	30	453	88
340 – Cover crops	35	\$27,143	122	15	228	68	12	188	1,000
<b>Existing Load</b>						<b>7,857</b>	<b>27,268</b>	<b>649,735</b>	
<b>Total Load Reduction</b>			<b>1,585</b>	<b>785</b>	<b>14,096</b>	<b>919</b>	<b>636</b>	<b>11,809</b>	<b>3,709</b>
<b>Percent Reduction (%)</b>						<b>12%</b>	<b>2.3%</b>	<b>1.8%</b>	

\*cost is based on 2x the EQIP rate to account for the full cost of the practice and technical assistance

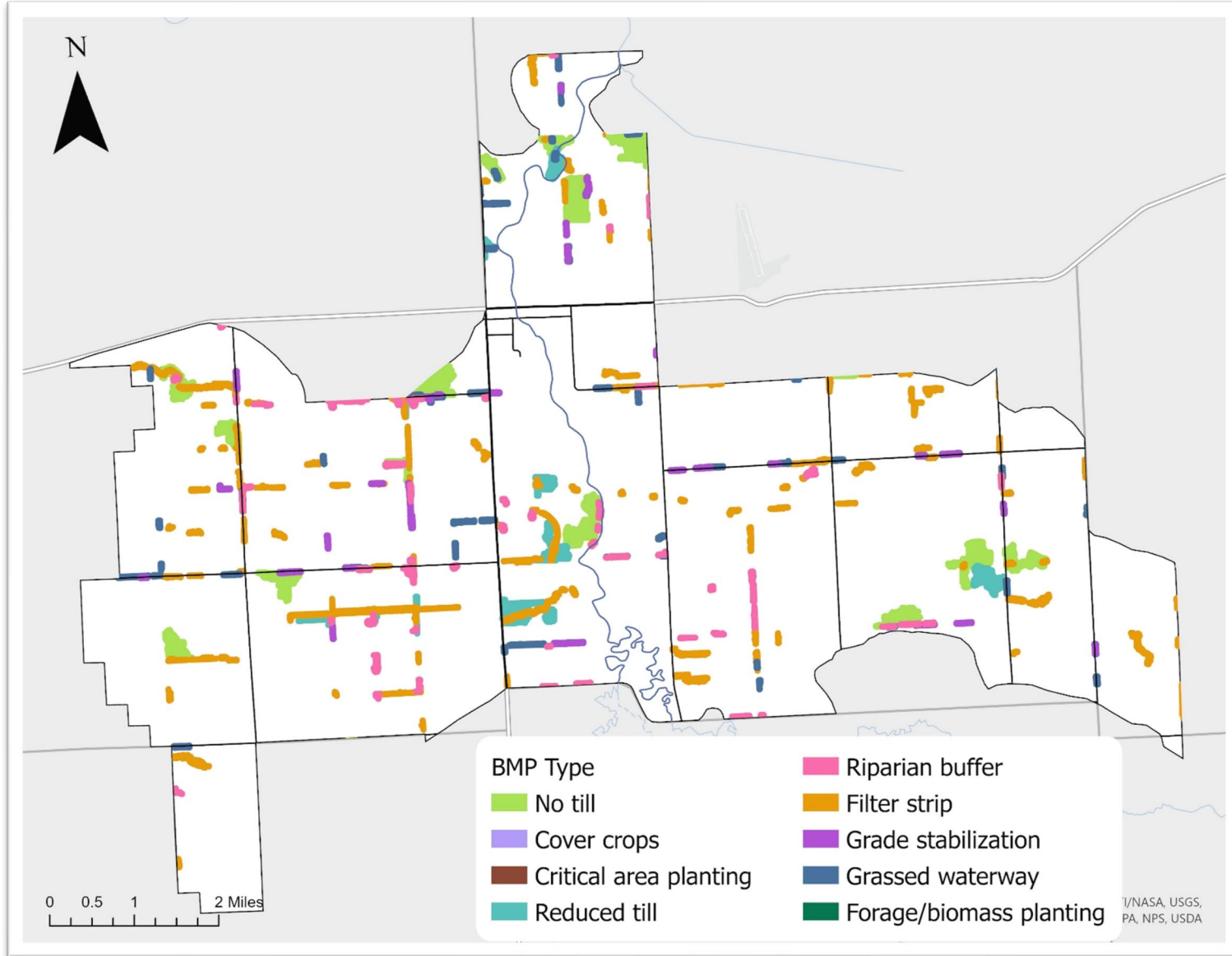
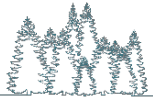
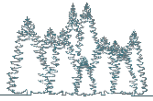


Figure 2. Stafford PTMApp BMP and CP scenario





## Big Swamp Planning Region

The Table below shows the 10-year PTMAApp implementation scenario results for the **Big Swamp Planning Region**. The next page includes a map showing where practices are located (Figure 3).

### Scenario Reductions at outlet:

- Sediment = 5%
- Phosphorus = 0.7%

BMP Treatment Group	Number of Practices	Total 10-Year Cost (\$)*	Values at Catchment Outlet			Values at Planning Region Outlet			Cumulative Surface area (acres)
			Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	
390 - Riparian Buffer	44	\$125,845	123	119	2,295	22	77	1,484	668
393 – Filter Strip	160	\$125,51	190	192	3,611	37	128	2,349	1,112
410 - Grade Stabilization	35	\$122,500	194	19	292	30	11	177	45
412 - Grassed Waterway	33	\$126,767	254	26	365	34	15	214	60
340 – Cover crops	39	\$28,453	544	239	4,553	75	143	2,724	995
<b>Existing Load</b>						<b>4,099</b>	<b>52,626</b>	<b>1,339,899</b>	
<b>Total Load Reduction</b>			<b>1,306</b>	<b>595</b>	<b>11,116</b>	<b>199</b>	<b>374</b>	<b>6,949</b>	<b>2,880</b>
<b>Percent Reduction (%)</b>						<b>5%</b>	<b>0.7%</b>	<b>0.5%</b>	

\*cost is based on 2x the EQIP rate to account for the full cost of the practice and technical assistance

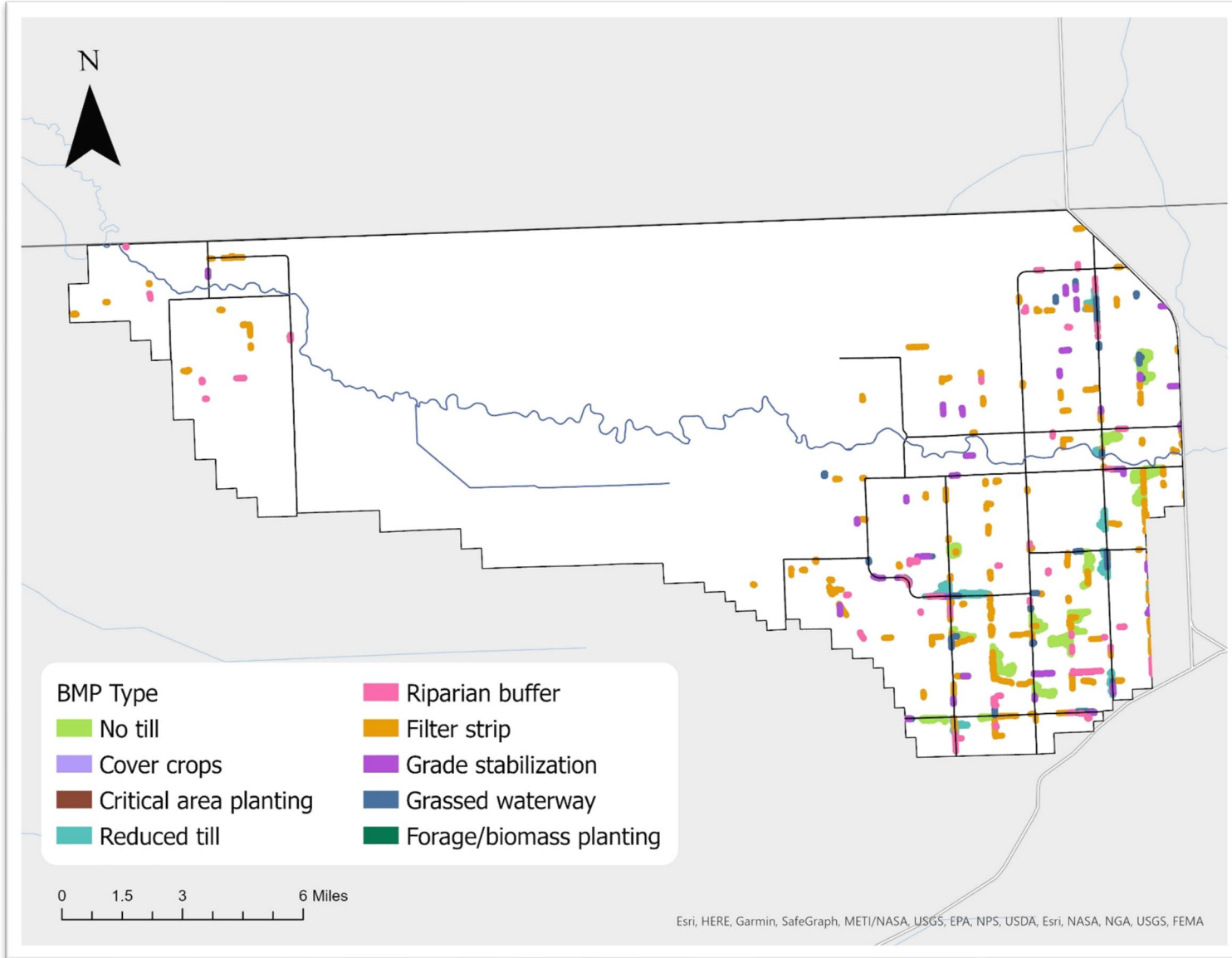
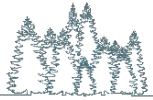
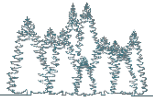


Figure 3. Big Swamp PTMApp BMP and CP scenario



## Lake Bottom Planning Region

The Table below shows the 10-year PTMAApp implementation scenario results for the Lake Bottom Planning Region. The next page includes a map showing where practices are located (Figure 4).

Scenario Reductions at outlet:

- Sediment = 5%
- Phosphorus = 0.4%

BMP Treatment Group	Number of Practices	Total 10-Year Cost (\$)*	Values at Catchment Outlet			Values at Planning Region Outlet			Cumulative Surface area (acres)
			Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	
390 - Riparian Buffer	18	\$47,459	137	107	2,013	59	86	1,632	601
393 – Filter Strip	69	\$47,961	140	107	1,944	76	86	1,561	549
410 - Grade Stabilization	16	\$56,000	257	11	179	98	7	112	27
412 - Grassed Waterway	14	\$53,604	154	11	160	45	5	78	25
340 – Cover crops	19	\$13,686	637	75	1,458	285	57	1,107	333
<b>Existing Load</b>						<b>11,223</b>	<b>54,921</b>	<b>1,378,466</b>	
<b>Total Load Reduction</b>			<b>1,325</b>	<b>311</b>	<b>5,754</b>	<b>564</b>	<b>241</b>	<b>4,490</b>	<b>1,535</b>
<b>Percent Reduction (%)</b>						<b>5%</b>	<b>0.4%</b>	<b>0.3%</b>	

\*cost is based on 2x the EQIP rate to account for the full cost of the practice and technical assistance

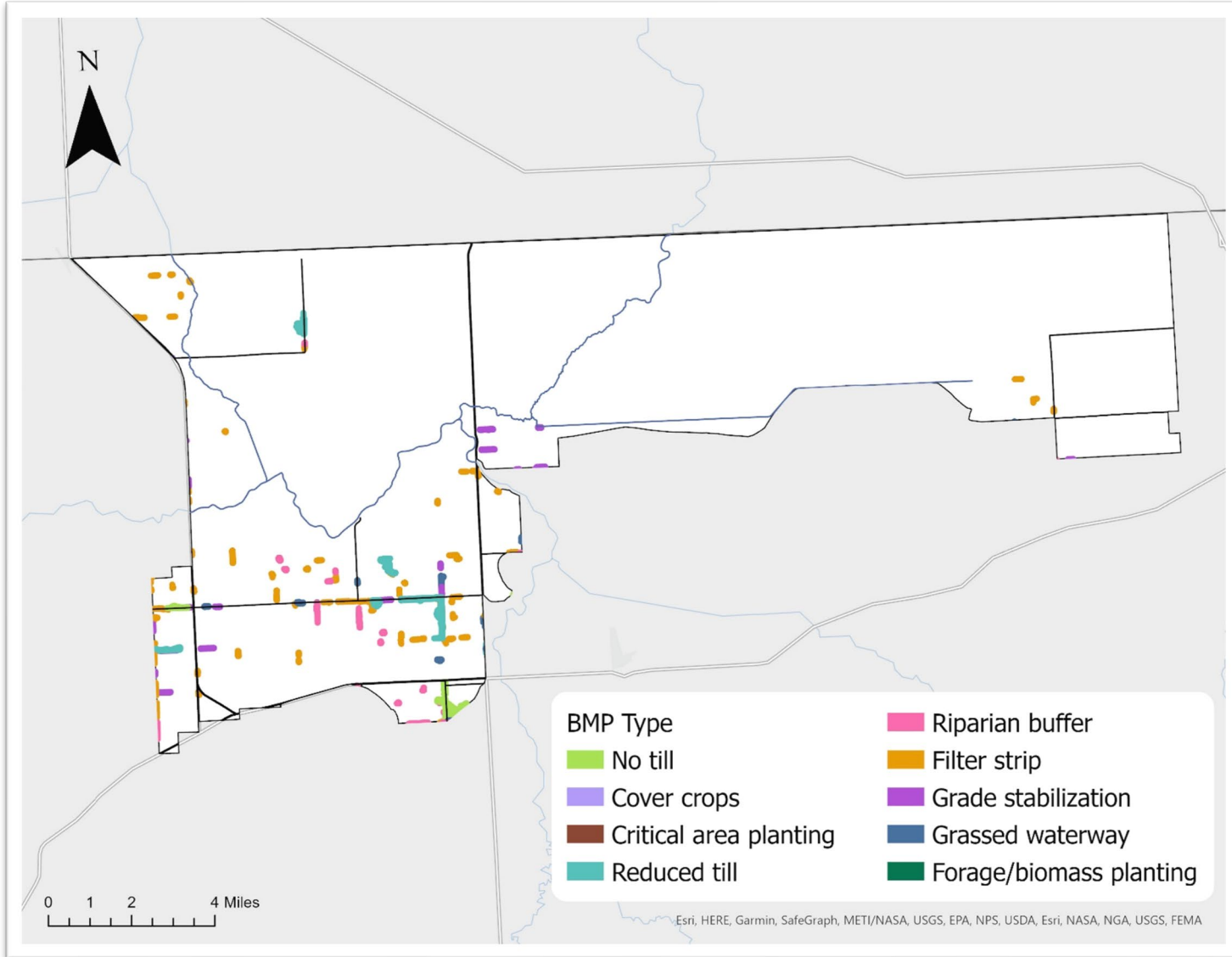
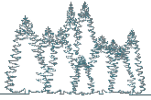
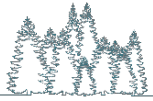


Figure 4. Lake Bottom PTMApp BMP and CP scenario



## South Branch Planning Region

The Table below shows the 10-year PTMAApp implementation scenario results for the **South Branch Planning Region**. The next page includes a map showing where practices are located (Figure 5).

### Scenario Reductions at outlet:

- Sediment = 5%
- Phosphorus = 0.8%

BMP Treatment Group	Number of Practices	Total 10-Year Cost (\$)*	Values at Catchment Outlet			Values at Planning Region Outlet			Cumulative Surface area (acres)
			Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	
390 - Riparian Buffer	8	\$16,335	45	23	449	13	14	258	158
393 – Filter Strip	30	\$17,719	59	48	891	21	34	606	274
410 - Grade Stabilization	5	\$17,500	94	4	76	44	3	59	11
412 - Grassed Waterway	3	\$17,701	64	3	56	34	3	47	8
340 – Cover crops	16	\$11,286	286	82	1,552	133	57	1,075	331
<b>Existing Load</b>						<b>4,714</b>	<b>13,884</b>	<b>3,266,978</b>	
<b>Total Load Reduction</b>			<b>549</b>	<b>160</b>	<b>3,024</b>	<b>245</b>	<b>110</b>	<b>2,046</b>	<b>1,535</b>
<b>Percent Reduction (%)</b>						<b>5%</b>	<b>0.8%</b>	<b>0.1%</b>	

\*cost is based on 2x the EQIP rate to account for the full cost of the practice and technical assistance

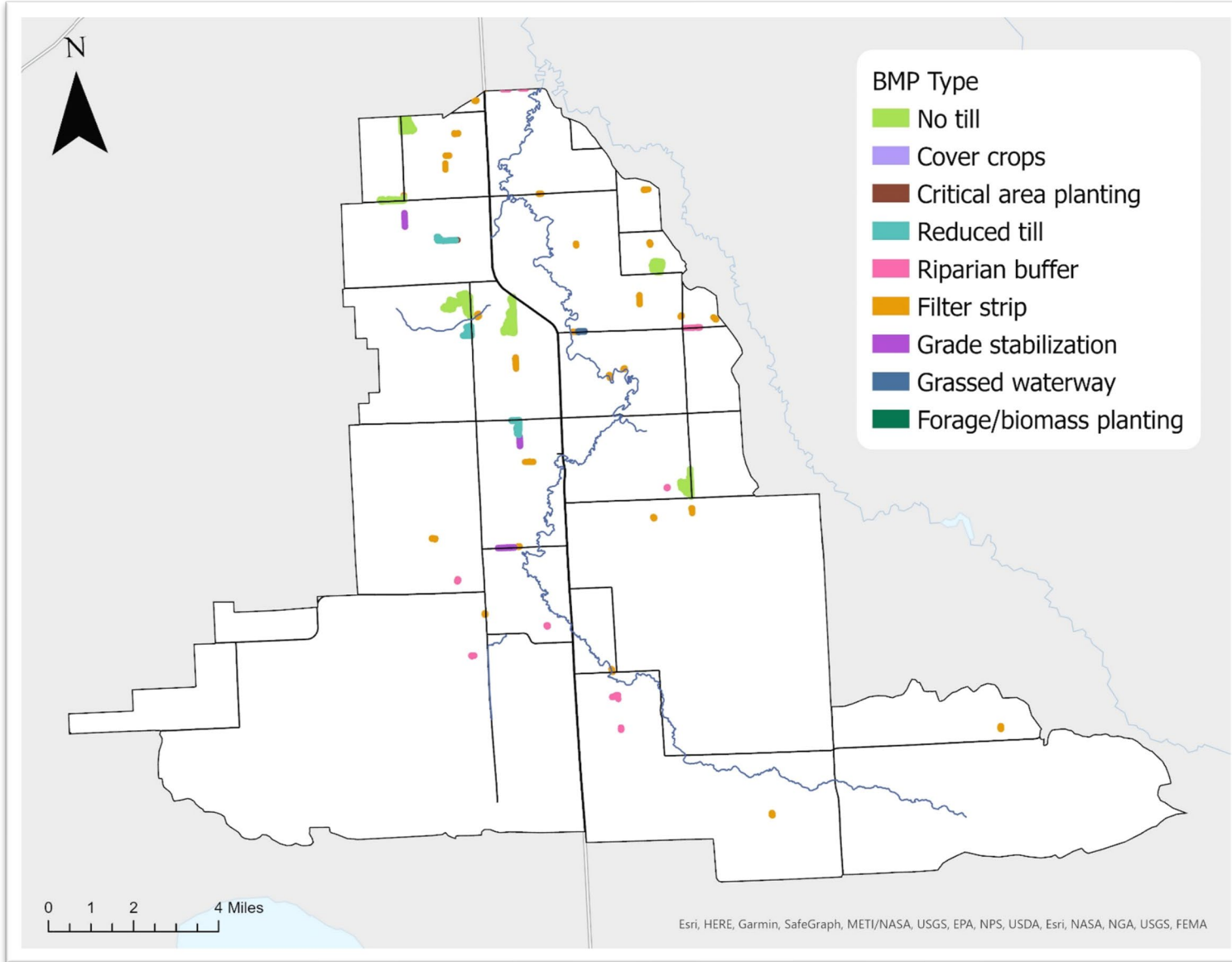
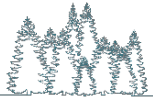
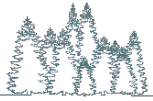


Figure 5. South Branch PTMApp BMP and CP scenario



## North Branch Planning Region

The Table below shows the 10-year PTMAApp implementation scenario results for the North Branch Planning Region. The next page includes a map showing where practices are located (Figure 6).

### Scenario Reductions at outlet:

- Sediment = 13%
- Phosphorus = 1.6%

BMP Treatment Group	Number of Practices	Total 10-Year Cost (\$)*	Values at Catchment Outlet			Values at Planning Region Outlet			Cumulative Surface area (acres)
			Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	Sediment Reduction (tons/yr)	TP Reduction (lbs/yr)	TN Reduction (lbs/yr)	
390 - Riparian Buffer	7	\$11,813	31	24	457	13	19	357	194
393 – Filter Strip	26	\$12,877	60	50	1,058	28	41	863	286
410 - Grade Stabilization	4	\$14,000	36	3	42	20	2	37	7
412 - Grassed Waterway	3	\$11,267	23	3	30	11	2	25	5
340 – Cover crops	13	\$8,547	237	80	1,528	104	65	1,237	332
<b>Existing Load</b>						<b>1,345</b>	<b>8,243</b>	<b>280,286</b>	
<b>Total Load Reduction</b>			<b>387</b>	<b>160</b>	<b>3,116</b>	<b>175</b>	<b>129</b>	<b>2,519</b>	<b>825</b>
<b>Percent Reduction (%)</b>						<b>13%</b>	<b>1.6%</b>	<b>0.9%</b>	

\*cost is based on 2x the EQIP rate to account for the full cost of the practice and technical assistance

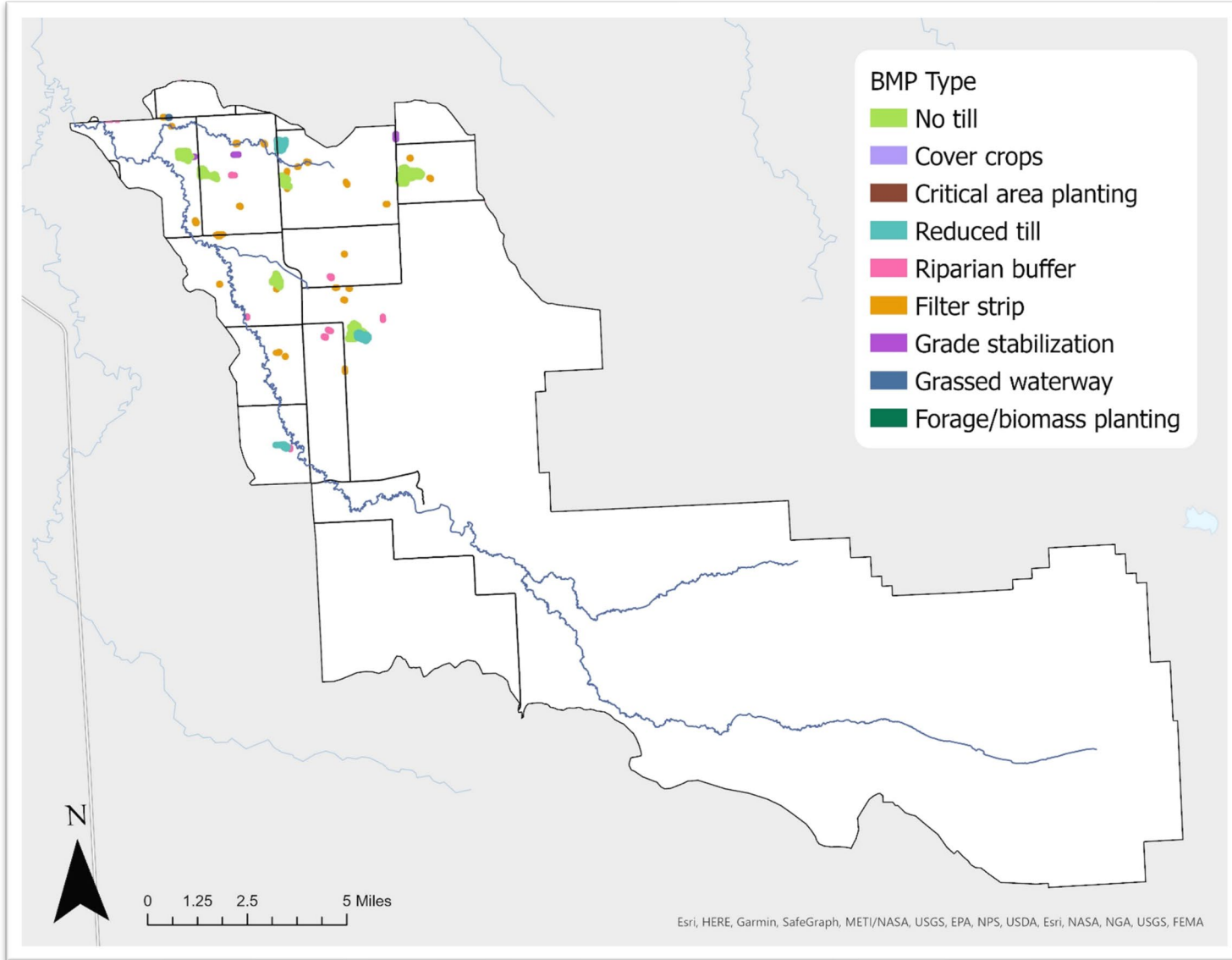
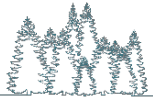
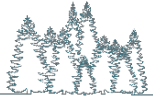


Figure 6. North Branch PTMAApp BMP and CP scenario



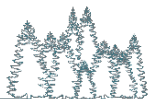


## Appendix C. Regulatory Comparisons

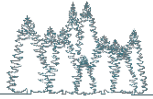
Many of the issues affecting priority issues can be addressed in part through administration of statutory responsibilities and ordinances. This document is intended to be used to summarize the existing local rules, ordinances and statutes that are currently being administered by planning entity, to understand areas of duplication, gaps, and opportunities.

Table C.1. Regulatory responsibilities in the RRW.

Ordinance, Rule, or Permits	Kittson	Roseau	Lake of the Woods	Beltrami	RRWD
<b>Buffers</b>  <i>MN Statute 103F.48</i>	Kittson SWCD; Kittson County Buffer Ordinance	Roseau County, Ordinance No. 40	LOW Buffer Ordinance; LOW County Land & Water Planning Office	Beltrami SWCD	Adopted September 5, 2018
<b>Drainage Systems</b>  <i>MN Statute 103E</i>	County is Drainage Authority	County is Drainage Authority	County is Drainage Authority	County is Drainage Authority	RRWD is Drainage Authority
<b>Feedlots</b>  <i>MN Rules 7020</i>	Kittson County, Feedlot Ordinance	MPCA	LOW SWCD – Delegated Authority from Lake of the Woods County	MPCA	RRWD Rules



Ordinance, Rule, or Permits	Kittson	Roseau	Lake of the Woods	Beltrami	RRWD
<b>Floodplain</b>  <i>MN Statutes 103F, 104, 394</i>	Kittson County Zoning Office; Kittson County Floodplain Ordinance	Roseau County Environmental Office; Floodplain Ordinance #29	LOW County Land & Water Planning Office; LOW County Zoning Ordinance	--	--
<b>Shoreland Management</b>  <i>MN Rules 6120.3300</i>	Kittson SWCD; Kittson County Shoreland Ordinance	Roseau County Environmental Office; Roseau County Ordinance No. 4	LOW County Land & Water Planning Office; LOW County Zoning Ordinance	Beltrami County Environmental Services Office; Shoreland Management Ordinance (#6)	--
<b>Solid Waste</b>  <i>MN Statute 115A, 400</i>	Kittson County Environmental Office; Kittson County Solid Waste Ordinance	Roseau County Environmental Office; Roseau County Ordinances No. 2 (1972) and 31 (2015)	LOW County Land & Water Planning Office; LOW County Solid Waste Ordinance	Beltrami County Solid Waste Office; County Solid Waste Management Ordinance (#13)	--
<b>Subsurface Sewage Treatment Systems (SSTS)</b>  <i>MN Rules 7080-7083</i>	Kittson SWCD; Kittson County Ordinance	Roseau County Environmental Office; Roseau County Ordinance No. 24	LOW County SSTS Ordinance; LOW County Land & Water Planning Office	Beltrami County Environmental Services Office; County SSTS Ordinance (#32)	RRWD Rules
<b>Tile Drainage</b>	--	--	--	--	RRWD Rules



Ordinance, Rule, or Permits	Kittson	Roseau	Lake of the Woods	Beltrami	RRWD
<b>Wetland Conservation Act</b>  <i>MN Rule 8420</i>	Kittson SWCD	Roseau SWCD	LOW County Land & Water Planning Office	Beltrami County Environmental Services Office	--
<b>Zoning Ordinances</b>	Kittson County Zoning Office, Kittson County Ordinance	--	LOW County Land & Water Planning Office; LOW County Zoning Ordinance	--	--

## Local Funding Authorities

**Purpose:** This table provides an overview of Minnesota statutes and laws that provide authorities to local governments to fund water management projects, to be used by local governments while exploring funding options for locally funded water projects. Does not include fees, fines, or wetland banking, grants, etc. This is not a legal document and should not be considered comprehensive, complete, or authoritative.

note: “metro” refers to Anoka, Carver, Dakota, Hennepin, Ramsey, and Washington counties or watershed organizations in the 7-county metro area.

Citation	Applies to	Summary (please see details in the full text of each provision)
<a href="#">§40A.152</a>	Counties (metro)	Money from the county conservation account (see <a href="#">chapter 287</a> ) must be spent by the county to reimburse the county and taxing jurisdictions within the county for revenue lost under the conservation tax credit under <a href="#">§273.119</a> or the valuation of agricultural preserves under <a href="#">§473H.10</a> . Money remaining in the account after reimbursement may be spent on: 1) agricultural land preservation and conservation planning and implementation of official controls under this chapter or chapter <a href="#">473H</a> ; 2) soil conservation activities and enforcement of soil loss ordinances; 3) incentives for landowners who create exclusive agricultural use zones; 4) payments to municipalities within the county for the purposes of clauses 1-3.
<a href="#">§103B.241</a>	Watershed districts & watershed management organizations (metro)	May levy a tax to pay for plan preparation costs & projects in the adopted plan necessary to implement the Metropolitan Water Management Program.
<a href="#">§103B.245</a>	Watershed districts & watershed management organizations (metro)	May establish a watershed management tax district within the watershed to pay the costs of: planning required under §§ <a href="#">103B.231</a> and <a href="#">103B.235</a> , the capital costs of water management facilities described in the capital improvement program of the plans, and normal & routine maintenance of the facilities.
<a href="#">§103B.251</a>	Watershed districts & watershed management organizations (metro), counties	May certify for payment by the county all or any part of the cost of a capital improvement contained in the capital improvement program of plans developed in accordance with <a href="#">§103B.231</a> . Counties may issue general obligation bonds to pay all or part of the cost of project. The county may pay the principal and interest on the bonds by levying a tax on all property located in the watershed or subwatershed in which the bonds are issued. Loans from counties to watershed districts for the purposes of implementing this section are not subject to the loan limit set forth in <a href="#">§103D.335</a> .

Citation	Applies to	Summary <i>(please see details in the full text of each provision)</i>
<a href="#">§103B.331</a> Subdivisions 3 & 4	Counties	(3) May charge users for services provided by the county necessary to implement the local water management plan.
		(4) May establish one or more special taxing districts within the county and issue bonds to finance capital improvements under the Comprehensive Local Water Management Act. After adoption of the resolution, a county may annually levy a tax on all taxable property in the district.
<a href="#">§103B.335</a>	Counties, municipalities, or townships	May levy a tax to implement the Comprehensive Local Water Management Act or a comprehensive watershed management plan ( <a href="#">§103B.3363</a> ). A county may levy amounts needed to pay the reasonable costs to SWCDs and WDs of administering and implementing priority programs identified in an approved & adopted plan or comprehensive watershed management plan.
<a href="#">§103B.555</a> Subdivisions 1 & 3	Counties	(1) May establish a Lake Improvement District and impose service charges on the users of lake improvement district services within the district. May levy an ad valorem tax solely on property within the lake improvement district for projects of special benefit to the district; may impose or issue any combination of service charges, special assessments, obligations, and taxes.
		(3) A tax under Subd. 1 may be in addition to amounts levied on all taxable property in the county for the same/similar purposes.
<a href="#">§103C.331</a> Subdivision 16	County boards on behalf of soil and water conservation districts	May levy an annual tax on all taxable real property in the district for the amount that the board determines is necessary to meet the requirements of the district.
<a href="#">§103D.335</a>	Watershed districts	A watershed district has the power to incur debts, liabilities, and obligations and to provide for assessments and to issue certificates, warrants, and bonds.
<a href="#">§103D.601</a>	Watershed districts	May set up special taxing districts via petition to conduct larger, Capital Improvement Projects (CIP). The costs to the affected parties cannot exceed \$750,000.
<a href="#">§103D.615</a>	Watershed districts	May declare an emergency and order that work be done without a contract. The cost of work undertaken without a contract may be assessed against benefitted properties or raised by an ad valorem tax levy if the cost is not more than 25% of the most recent administrative ad valorem levy and the work is found to be of common benefit to the watershed district.

Citation	Applies to	Summary <i>(please see details in the full text of each provision)</i>
<a href="#">§103D.729</a>	Watershed districts	May establish a water management district or districts in the territory within the watershed to collect revenues and pay the costs of projects initiated under §§ <a href="#">103B.231</a> , <a href="#">103D.601</a> , <a href="#">103D.605</a> , <a href="#">103D.611</a> , or <a href="#">103D.730</a> . ( <a href="#">Guidelines for creating water management districts</a> )
<a href="#">§103D.901</a>	Watershed districts	County auditors assess the amount specified in an assessment statement filed by managers. The county may issue bonds ( <a href="#">§103E.635</a> ). An assessment may not be levied against a benefited property in excess of the amount of benefits received.
<a href="#">§103D.905</a> Subdivisions 2,3, 7-9	Watershed districts	Established funds for watershed districts (not a complete list – see full statute language): <b>Organizational expense fund</b> - consisting of an ad valorem tax levy, shall be used for organizational expenses and preparation of the watershed management plan for projects. <b>General fund</b> - consisting of an ad valorem tax levy, shall be used for general administrative expenses and for the construction or implementation and maintenance of projects of common benefit to the watershed district. May levy a tax not to exceed 0.00798 percent of estimated market value to pay the cost attributable to projects initiated by petition. <b>Repair and maintenance funds</b> - established under <a href="#">§103D.631</a> , Subd. 2. <b>Survey and data acquisition fund</b> - consists of the proceeds of a property tax that can be levied only once every 5 years and may not exceed 0.02418 percent of estimated market value. <b>Project tax levy</b> - a WD may levy a tax: 1. To pay the costs of projects undertaken by the WD which are to be funded, in whole or in part, with the proceeds of grants or construction or implementation loans under the Clean Water Partnership Law; 2. To pay the principal of, or premium or administrative surcharge (if any), and interest on, the bonds and notes issued by the WD pursuant to <a href="#">§103F.725</a> ; 3. To repay the construction or implementation loans under the Clean Water Partnership Law.
<a href="#">§103E.011</a> Subdivision 5	Drainage authorities	A drainage authority can accept and use external sources of funds together with assessments from benefited landowners in the watershed of the drainage system for the purposes of flood control, wetland restoration, or water quality improvements.
<a href="#">§103E.015</a> Subdivision 1a	Drainage authorities	When planning a “drainage project” or petitioned repair, the drainage authority must investigate the potential use of external sources of funding, including early coordination for funding and technical assistance with other applicable local government units.
<a href="#">§103E.601</a> <a href="#">§103E.635</a> <a href="#">§103E.641</a>	Drainage authorities	Funding of all costs for constructed “ <b>drainage projects</b> ” are apportioned to benefited properties within the drainage system pro rata on the basis of the benefits determined (§103E.601). After the contract for the construction of a drainage project is awarded, the board of an affected county may issue bonds of the county

Citation	Applies to	Summary <i>(please see details in the full text of each provision)</i>
		in an amount necessary to pay the cost of establishing and constructing the drainage project. (§103E.635). Drainage authorities may issue drainage funding bonds (§103E.641).
<a href="#">§103E.728</a> <a href="#">§103E.731</a> <a href="#">§103E.735</a>	Drainage authorities	Costs for drainage system <b>repairs</b> are apportioned pro rata on all benefited properties of record. The drainage authority may charge an additional assessment on property that is in violation of §103E.021 (ditch buffers) or a county soil loss ordinance (§103E.728). If there is not enough money in the drainage system account to make a repair, the board shall assess the costs of the repairs on all property and entities that have been assessed benefits for the drainage system (§103E.731). To create a repair fund for a drainage system to be used only for repairs, the drainage authority may apportion and assess an amount against all property and entities benefited by the drainage system, including property not originally assessed and subsequently found to be benefited according to law. (§103E.735).
Chapter <a href="#">287</a>	Counties	Counties participating in the agricultural land preservation program impose a fee of \$5 per transaction on the recording or registration of a mortgage or deed that is subject to tax under §§ <a href="#">287.05</a> and <a href="#">287.21</a> .
Chapter <a href="#">365A</a>	Towns	Townships may create subordinate service districts with special taxing authority. Requires a petition signed by at least 50 percent of the property owners in the part of the town proposed for the subordinate service district.
<a href="#">§373.475</a>	Counties	A county board must deposit the money received from the sale of land under Laws 1998, chapter 389, article 16, section 31, subd. 3, into an environmental trust fund. The county board may spend interest earned on the principal only for purposes related to the improvement of natural resources.
Chapter <a href="#">429</a>	Municipalities	May levy special assessments against properties benefitting from special services (including curbs, gutters and storm sewer, sanitary sewers, holding ponds, and treatment plants).
<a href="#">§444.075</a>	Municipalities	May collect stormwater utility fees to build, repair, operate & maintain stormwater management systems.
<a href="#">§462.358</a> Subdivision 2b(c)	Municipalities	May accept a cash fee for lots created in a subdivision or redevelopment that will be served by municipal sanitary sewer and water service or community septic and private wells. May charge dedication fees for the acquisition and development or improvement of wetlands and open space based on an approved parks and open space plan.
<a href="#">M. L. 1998,</a> <a href="#">Chapter 389</a> Article 3, Section 29	Red River Watershed Management Board	Watershed Districts that are members of the Red River Watershed Management Board may levy an ad valorem tax not to exceed 0.04836 percent of the taxable market value of all property within their district. This levy is in excess of levies authorized by §103D.905.



*Amended Rules*  
*2014*

Adopted December 3, 2014



**AMENDED RULES**  
**OF THE**  
**ROSEAU RIVER WATERSHED DISTRICT**

As adopted by the  
Watershed District Board of Managers

AMENDED RULES OF THE  
ROSEAU RIVER WATERSHED DISTRICT

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AMENDED RULES  
OF THE  
ROSEAU RIVER WATERSHED DISTRICT

**1.0 INTRODUCTION**

The Roseau River Watershed District was established by order of the Minnesota Water Resources Board on June 17, 1963. The district encompasses portions of Roseau, Kittson, Marshall, Beltrami and Lake of the Woods Counties in Minnesota.

**1.1 Purpose**

The purpose of these rules is to implement the intent of the Minnesota Watershed Act, more fully set forth in Minnesota Statutes Chapter 103D, as said legislation affects the Roseau River Watershed District. Said rules are adopted pursuant to the provisions of M.S. 103D.341 and are deemed to be necessary, proper, and desirable to implement the provisions of M.S. 103D in any and all provisions for which the district was established.

**1.2 Adoption of Rules**

The managers shall comply with all requirements set forth in MN Statute 103D.341 and the following procedure in adopting rules.

- A) A copy of the proposed rules or amendments shall be submitted to each manager of the district at least 30 days prior to its adoption by the managers.
- B) Any proposed rule or amendment shall be adopted by majority vote of the managers after a public hearing has been held on said proposed rule or amendment. The public hearing shall be at a date, time and place set by the board and notice of said hearing shall be given to the public by reason-able publication in a newspaper of general circulation in each county within the Watershed District.
- C) The original copy of the rules shall be kept in the files of the managers and, in addition, copies shall be prepared for distribution to the County Auditors and County Commissioners of each affected county in the watershed district and to the Town Board Chairmen of each township being wholly or partially in the confines of the watershed district. Copies shall also be distributed to all cities within the confines of the watershed district and to the appropriate regional development commissions, director of the Minnesota Pollution Control Agency, the Commissioner of Natural Resources of the State of Minnesota, the Minnesota State Department of Health, the Minnesota Environmental Quality Board and the Minnesota Board of Water and Soil Resources.
- D) Each rule adopted by the managers shall have the full force and effect of law.

### **1.3 Rules**

The managers of the district shall be empowered to amend the rules of the district. Any interested person may petition the board of managers for an amendment to the rules.

### **1.4 Inconsistent Provisions**

If any rules herein contained are inconsistent with the provisions of M.S. 103D or other applicable laws of the State of Minnesota, the provisions of said Chapter 103D or other applicable law shall govern.

### **1.5 Severability**

In the event that any section, phrase, clause or condition of these rules is declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of these rules as a whole and only the part so declared to be invalid shall be affected.

### **1.6 Rights of Appeal**

Any person believed to be adversely affected by the adoption or enforcement of these rules, or by any action of the managers rising out of and pursuant to the adoption or enforcement of said rules may appeal from the rules or any action taken thereon in accordance with the appellate procedure and review provided in M.S. 103D.

### **1.7 Interrelation with other Units of Government**

It is the stated intention of the managers to cooperate with all federal, state and local units of government and their respective agencies in the conservation of the natural water resources for the common good of the public and also to act as a coordinating agency for said governmental units and agencies in the development and carrying out of policies, procedures and regulations concerning water and related resources within the District.

### **1.8 Adoption by Reference**

Any portion of a statute, rule, regulation, code or ordinance adopted by any legally constituted authority hereinafter listed may be adopted as a part of these rules and made a part thereof as if fully stated and written herein. This provision shall be inapplicable unless said statute, rule, regulation, code or ordinance applies in whole or in part to any of the purposes for which a watershed district may be formed according to M.S. 103D.201 or which apply to any of the powers and duties of managers listed in M.S. 103D.335.

A) The Rules of the Minnesota Department of Natural Resources, Department of Health, Pollution Control Agency and Environmental Quality Board.

- B) The Rules of the Roseau, Kittson, Marshall, Beltrami and Lake of the Woods County Soil and Water Conservation Districts.
- C) Any zoning, sanitation and subdivision ordinances of Roseau, Kittson, Marshall, Beltrami and Lake of the Woods Counties.
- D) Any ordinances, rules or regulations, of any townships existing in part or in whole within the confines of the Roseau River Watershed District.
- E) The ordinances of any cities existing within the confines of the Roseau River Watershed District.
- F) The Minnesota Watershed Act, M.S. 103D, et seq.
- G) M.S. 116B and M.S. 116D. (Environmental Acts of the State of Minn.)

### **1.9 Review of Local Ordinances Before Passage**

Copies of proposed county, municipal and township ordinances relating to surface water drainage, floodplains and shoreland use within the Watershed District shall be submitted to the managers 30 days prior to the first public hearing for review and comment.

### **2.0 Submission of Local Ordinances after Passage**

Ordinances relating to surface water drainage, floodplains and shoreland use shall be submitted to the managers within 15 days after passage.

## **2.0 DEFINITIONS**

For the purposes of these Rules, certain words and terms are herein defined as follows. In the absence of a definition hereinafter, the definitions established for the State of Minnesota by statute or by case law shall apply to these Rules unless clearly in conflict, clearly inapplicable or unless the context makes such meaning repugnant thereto:

**100-YEAR FLOODPLAIN** shall mean the area within and adjacent to a watercourse or water basin, as those terms are defined in Minnesota Statutes as a Regional Flood or by FEMA Flood Insurance Rate Map (FIRM), that is inundated during the 24-hour precipitation event with a recurrence interval of 100 years.

**ADMINISTRATOR** shall be the person currently employed by the District Board of Managers to carry out board directed activities and actions.

**BOARD OR BOARD OF MANAGERS** shall mean the Board of Managers of the Roseau River Watershed District.

**DEPARTMENT OF NATURAL RESOURCES** or **DNR** shall mean the Minnesota Department of Natural Resources.

**DESILTATION BASIN OR STRUCTURE** shall mean any pond, depression, structure or other device, either natural or artificial, which because of its configuration is able to reduce the velocity of moving water with a resulting deposition of silt particles onto the bottom of such basin or behind such structure.

**DETENTION BASIN OR STRUCTURE** shall mean any pond, depression, structure or other device which creates a store of water by detaining or slowing the outflow of the water by natural or artificial means.

**DIKE** shall mean a bank or mound of earth that is built to control water and especially to protect an area from flooding

**DITCH AUTHORITY** shall mean the County Board of Commissioners, the Joint County Board or the Watershed District having authority over the legal ditch.

**DOMESTIC WATER USE** shall mean the use of water for common household or farm use.

**DRAINAGEWAY** shall mean any natural or artificial channel which provides a course for the flow of water, whether that flow be continuous or intermittent.

**GENERAL WELFARE** shall include any act or thing tending to improve or benefit or contribute to the safety or well-being of the general public or benefit the inhabitants of the District. General welfare shall be synonymous with "Public Welfare" or "Public Benefit".

**GOVERNMENTAL SUBDIVISION** shall mean any legally constituted political subdivision having the powers of establishing governing policies, the authority to levy taxes and, having duly elected officials which form a governing body, such governmental subdivisions (or governmental units) for the purposes of this definition shall include only the United States of America, the State of Minnesota, the Counties of Roseau, Kittson, Marshall, Beltrami and Lake of the Woods and the various cities and townships or portions thereof that lie within the Watershed District.

**GOVERNMENTAL AGENCY** shall mean any legally constituted non-elected body performing in an advisory or support capacity to a duly elected governmental subdivision, such agencies shall include, but not necessarily be limited to; the United States Department of Agriculture, the Minnesota Water Resources Board, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency.

**IMPROVE** shall have the meaning set forth in Minnesota Statutes 103E.215, subdivision 2, which states that improvement means the tiling, enlarging, extending, straightening, or deepening of an established and constructed drainage system including construction of ditches to reline or replace tile and construction of tile to replace a ditch..

**LEGAL DITCH / DRAINAGE WAY** shall mean a ditch established under M.S. 103E of the State of Minnesota.

**MANAGERS** shall be the Board of Watershed District Managers of the Roseau River Watershed District acting as a Board and not as individuals, unless specifically stated to the contrary.

**MARSH** shall mean any area as defined by the Watershed Board of Managers which, because of topographic features, soil type or other reason, remains wet for a substantial portion of the year as evidenced by vegetation type or other factors.

**PERMIT, DNR** shall be the permit document issued by the Minnesota Department of Natural Resources for the purpose of permitting an applicant or permit holder to perform work in the public waters of the state and, in particular, in the public waters of the Watershed District.

**PERMIT, WATERSHED DISTRICT** shall be the permit document issued by the Watershed District for the purposes of permitting the applicant or permit holder to perform work in the District.

**PERSON** shall mean any individual, firm, partnership, association, corporation or limited liability company but does not include public or political subdivisions or governmental



subdivisions.

**PLAN** is a map, drawing, report, photograph or other similar supportive exhibit for a proposed work project.

**PONDING AREA** shall mean any natural or artificial depression capable of retaining or detaining runoff waters and may be either permanent or intermittent in that regard, but in any case such ponding area shall have been designated as such in a report or on a plan of the Watershed District or of a report or plan of another governmental subdivision.

**PUBLIC HEALTH** shall be any act or thing or condition which tends to improve the general sanitary conditions of the district.

**RETENTION BASIN OR STRUCTURE** shall mean any pond, depression, structure or other device, either natural or man-made, which because of its configuration is able to retain surface runoff waters.

**SHORELAND** shall mean land located within the following distances from public waters:

- (a) One thousand (1,000) feet from a normal high water mark of a lake, pond or flowage
- (b) Three hundred (300) feet from a river or stream

**STORM SEWER** shall mean a system of pipe installed for the specific purpose of transporting surface and/or underground waters from one location to another and said system need not be continuously constructed only of pipe, but may include reaches of flumes, spillways or open-channels.

**TILE DRAINAGE** shall mean an agriculture practice that removes excess water from soil subsurface.

**WATERSHED DISTRICT** shall mean the legally established agency named and referred to as the Roseau River Watershed District, when the first letters are capitalized. When the word "district" appears without capitalization, it shall mean the lands contained within the boundary of the governmental unit, the Roseau River Watershed District, as established by the Minnesota Water Resources Board.

**WORK OR WORKS** shall mean any construction, maintenance, repair or improvement, whether specifically in regard to water resources or not, carried out within the district.

"**SHALL**" & "**MAY**" as used in these Rules shall be construed to indicate a mandatory and a permissive state or condition respectively.

### **3.0 PERMITS**

The District permit requirement is not intended to delay or inhibit development. Rather permits are needed so that the managers are kept informed of planned projects, can advise and in some cases provide assistance, and can ensure that land disturbing activity and development occurs in an orderly manner and in accordance with the overall plan for the District. All interpretations of these rules and permit decisions under these rules will incorporate and be consistent with District purposes set forth in Minnesota Statutes section 103D.201.

Any person or agency of the State of Minnesota or political subdivision undertaking an activity for which a permit is required by the District rules must first submit a permit application. The application must be submitted on the form provided by the District or the substantial equivalent, and must include all exhibits required by the applicable District rule(s). Application forms are available at the District office and on the web site at [www.roseauriverwd.com](http://www.roseauriverwd.com).

#### **3.1 Permit Requirements**

- A) All permit applications must bear the original signature of the landowner.
- B) Applications for a permit shall be filed with or mailed to the Secretary or the Administrator for the District. A plan should accompany the application. The Board of Managers may request additional information at any time during the permit process, including requiring the applicant to appear before the Board. No works or use requiring a permit shall be commenced prior to the issuance of the permit.

Application for a permit will be acted upon within 60 days from the date the managers receive the application and required data. If a permit application is refused or granted subject to conditions, the applicant may within 30 days, demand a hearing on the application before the Board of Managers. Except as provided in section 103D.535, an interested party may appeal a permit decision or order made by the managers by a declaratory judgment action brought under chapter 555. An interested party may appeal a rule made by the managers by a declaratory judgment action brought under chapter 555 or by appeal to the board. The decision on appeal must be based on the record made in the proceeding before the managers. An appeal of a permit decision or order must be filed within 30 days of the managers' decision.

- C) Permit decisions will be made by the Board of Managers, except as may be delegated to staff or the District engineer by written resolution. The Board will review a staff permit decision on the applicant's request. The District may approve or deny an application and may impose reasonable conditions on approval. Conditions may include, consistent with the rules, requirements for financial assurances and maintenance agreements or declarations, and may require that these documents be properly executed or recorded before permit issuance.
- D) Unless specified in the permit, works for which a permit is given must be completed within one year. To renew a permit, the permittee must notify the District in writing prior to the permit expiration date and provide an explanation for the renewal request. The District may impose different or additional conditions on a renewal or deny the renewal in the event of a

material change in circumstances, except that on the first renewal, a permit will not be subject to additional or different requirements solely because of a change in District rules. New or revised rule requirements will not be imposed on renewal of a permit where the permittee has made substantial progress toward completion of the permitted work. If the activities subject to the permit have not substantially commenced, no more than one renewal may be granted. An applicant wishing to continue to pursue a project for which permit approval has expired must reapply for a permit from the District and pay applicable fees.

- E) A District permit is permissive. Obtaining a permit from the District does not relieve the applicant from responsibility to comply with any procedures or approvals that may be required by Minnesota Statutes chapter 103E or other ditch law, nor does it relieve the applicant from responsibility for obtaining authorizations required, if any, by other regulatory bodies.
- F) All permits, when issued, shall be on a form prescribed by the Board of Managers as amended and signed by the Chairman, Administrator or Secretary of the Board of Managers.
- G) Permit applications that include the construction of a drain or ditch shall have the County Auditor list all ditch benefitted areas on the permit application form.
- H) Permit applications that include agricultural diking within the floodplain shall have the public use authorization on the permit application form signed and notarized.
- I) Permit applications approved after the work has been completed will be required to submit to a fee to be determined by the Board of Managers based on the type of work completed and the effects to the drainage system.
- J) A permit applicant consents to entry and inspection of the subject property by the District and its authorized agents at reasonable times as necessary to evaluate the permit application or determine compliance with the requirements of a District permit or rule(s).

### **3.2 Watershed District Permits**

- A) The District may issue district-wide general permits, approving certain routine activities or specific classes of projects where a standard design has been approved by the District, as long as the work is conducted in compliance with applicable District rule requirements.
  - i. Each District-wide permit will be subject to such specific requirements as the Board may establish.
  - ii. A hearing will be held before any District-wide permit is issued or renewed.
- B) A permit shall be obtained from the Watershed District prior to any work being commenced for:
  - i. Any work which requires a permit to be issued by the DNR or the Minnesota Pollution Control Agency if such work is related to the water resources of the district.

- ii. Any work which requires a permit to be issued by a county, township or municipality if such work is related to the water resources of the district and is to be located within 1,000 feet of any lakeshore or 300 feet of any streambank within the district.
- iii. Any sanitary sewer, storm sewer or other major utility project contemplated by any governmental subdivision within the district.
- iv. Any public street, road or highway construction project which by means of its construction has any effect on the quantity or quality of water runoff, or any other type of construction which may affect runoff or disposal site quantity or quality.
- v. Any drain tile.
- vi. Any works which include dredging, draining or filling of any lowland, marsh, pond, drainage way or of any other body of water as defined by these Rules or by the Watershed District Board of Managers.
- vii. Any bridge, dike, culvert or drain across any natural drainageway, lake or marsh.
- viii. Any diking, excavating, grading or filling adjacent to any natural drainage-way, lake or marsh. (This is not to be construed to include maintenance of roadways).
- ix. All water uses other than for domestic purposes, provided however that a permit shall not be required for the reasonable taking of water for purposes of lawns, noncommercial private gardens, decorative fountains or related minor uses.
- x. Any structure intended for commercial or industrial use to be built, located or relocated on any property any part of which lies within the shoreland of public waters as defined by the Shorelands Management Act.
- xi. Any artificial drainageway cut across a subwatershed to thereby deliver water into another subwatershed.
- xii. Any diversion of water by any artificial means into any legal drainage system from any land not assessed to that drainage system.
- xiii. Any alteration of any private or legal drainage system.
- xiv. Construction, alteration, repair or removal of any dike or reservoir.
- xv. Any new field ditching, draining an area in excess of twenty (20) acres.
- xvi. Any other act which, in the opinion of the Watershed District, may tend to alter the

quantity of runoff, affect the public health or have any impact, whether adverse or not, upon the surface water or groundwater resources of the district.

C) Section B notwithstanding, no permit from the District is required:

- i. To perform maintenance on an existing drainage way or field drain, so long as the work does not remove clay or virgin soils or alter the original alignment, depth or cross-section of the drainage way;
- ii. To repair or replace up to 50 lineal feet of tile within a private drainage way without altering the system invert;
- iii. To perform emergency work on a drainage way to avoid substantial property damage due to flooding, subsidence or other cause, in which case the District must be notified of the work and the reasons for emergency action before commencing a repair within a legal drainage way and, with respect to other repair, within 30 days of commencing repair; or
- iv. To disturb surface soils in the course of ordinary cultivation or other agricultural activity.

### **3.3 Permit Procedures**

The following procedures, although not applicable in each and every case, shall be followed by the applicant and the Watershed District before a permit is issued, during the execution of the work for which said permit has been issued and following completion of work:

- A) If, in the opinion of the Board, it is necessary for the Watershed District Technician or other consultant to review the application and all exhibits, view the site and make a report to the Watershed District as to the technical implications of the work, costs incurred by the Watershed District during this review shall be borne by the applicant.
- B) If the permit is issued, the applicant shall abide by all of the conditions of its issuance. The Board may require timely notification to the Watershed District of the commencement of work so that proper observation and inspection can be made. If the Board determines that it is necessary to monitor an activity authorized by a permit, all such monitoring costs may be charged and collected from the permit holder.
- C) The managers, at their discretion, may require an applicant to file a bond, letter of credit or other escrow deposit in a form approved by the District as a condition of permit issuance. The amount of the financial assurance required will be set in accordance with a schedule established and maintained the Board of Managers by resolution. When the permitted activities are certified as having been completed in compliance with the District permit and rules, the financial assurance will be released.
  - i. If the District determines that the permitted activities have not been completed in compliance with the permit and District rules, the Board of Managers may determine that the assurance is forfeited and the District may use the funds to take such actions the District deems necessary to bring the subject property into compliance with the permit and District rules, to prevent or mitigate harm to protected resources or other

property, to abate or restore damages, or otherwise to ensure conditions in compliance with an applicable District permit and/or the District rules.

- a) If financial assurance funds prove insufficient to complete necessary work, the District may complete the work and assess the permit holder and/or property owner for any excess costs.
- b) No financial assurance will be required of any agency of the United States or of any governmental unit or political subdivision of the State of Minnesota. The District may require that the District be named as a beneficiary in the financial assurance of the agency's contractor.

### **3.4 Reconsideration.**

Before a permit decision is final for the purpose of appeal under Minnesota Statutes §103D.537, an applicant must request that the Board of Managers reconsider its decision. The applicant must submit a notice of reconsideration on a form provided by the District that includes concurrence in an extension of the time for District permit action under Minnesota Statutes §15.99. The notice must be submitted within 10 days of the permit decision and at least one day before the date by which a permit decision must be rendered under §15.99. Within 10 days of submitting the notice, the applicant must in writing enumerate for the District the specific findings or conditions for which reconsideration is requested, along with any additional submittals or argument supporting applicant's request. Except as provided in section 103D.535, an interested party may appeal a permit decision or order made by the managers by a declaratory judgment action brought under chapter 555. An interested party may appeal a rule made by the managers by a declaratory judgment action brought under chapter 555 or by appeal to the board. The decision on appeal must be based on the record made in the proceeding before the managers. An appeal of a permit decision or order must be filed within 30 days of the managers' decision.

- A) The District will give the applicant due notice of when the Board of Managers will reconsider the permit decision. The Board of Managers will adopt findings on reconsideration. The District will not take longer than 120 days to issue a final decision including reconsideration, unless a further extension is approved by the applicant.
- B) The permit decision is final if an applicant fails to timely file notice under paragraph 3.4 A if the applicant otherwise waives the right of reconsideration, or if the Board of Managers is unable to reconsider the permit decision before the expiration of the District's time for review under §15.99. Otherwise, the Board of Managers' decision on reconsideration is the final decision.
- C) District costs incurred for reconsideration are permit administration costs for which an applicant may be responsible under Section 5 of this rule.

### **3.5 PERMIT FEE**

The District will charge applicants a permit fee in accordance with state law and a schedule maintained by the Board of Managers to ensure that permit fees cover the District's actual costs

of administering and enforcing permits. Fees also will cover actual costs related to field inspections of permitted projects, such as investigation of the area affected by the proposed activity, analysis of the proposed activity, services of consultants and any required monitoring of the proposed activity. Costs of monitoring an activity authorized by permit may be charged and collected as necessary after issuance of the permit. The fee schedule may be obtained from the District office [or the District's web site at [www.roseauriverwd.com](http://www.roseauriverwd.com)]. A permit applicant must submit the required permit fee to the District at the time it submits the relevant permit application. The fee provided for in this rule will not be charged to any agency of the United States or of any governmental unit or political subdivision of the State of Minnesota.

## **4.0 SURFACE & SUBSURFACE DRAINAGE AND DIKING**

### **4.1 Policy**

It is the policy of the Board of Managers to promote the use of the waters and related resources within the District in a provident and orderly manner to improve the general welfare and public health for the benefit of the District's present and future residents. Further, it is the policy of the Board of Managers to regulate new construction, improvement, repair and maintenance of legal and private drainage ways for the following purposes:

- I. To preserve the capacities of drainage systems to accommodate future needs.
- II. To improve water quality and prevent localized flooding.
- III. To prevent the loss of drainage capacity.
- IV. To avoid drainage conditions that cause or aggravate erosion or sedimentation of downstream drainage ways or waterbodies.
- V. To ensure that parties responsible for accumulation of debris, soil and sediment in drainage ways maintain those drainage ways.

### **4.2 Regulation**

The requirements of this rule are in addition to other applicable laws and procedures, including those of Minnesota Statutes chapter 103E. This rule is to provide for management of waters in the public interest and does not displace in whole or part any private legal rights a property owner or other person may have with respect to the use and drainage of waters.

A contractor or equipment operator is responsible to ascertain whether a permit is required by this rule and, if so, that it has been obtained.

### **4.3 Surface Drainage**

The following criteria apply to applications under this rule other than those for the construction, alteration or removal of a dike:

- A) An applicant may use their land reasonably in disposing of surface water and may collect the natural surface drainage into a drainage way.
- B) An applicant may not dispose of or alter the flow of surface water so as to unreasonably burden another landowner with surface flow.
- C) Surface water will not be artificially directed from upper land to and across lower land without adequate provision on the lower land for its passage.
- D) Surface water will not be artificially directed into a legal drainage system from land not assessed to that system.



- E) Erosion and downstream siltation will be controlled by the following means:
- i. All work involving exposed or stockpiled soil or materials subject to erosion will conform to an erosion and sediment control plan approved by the District.
  - ii. Open drainage ways will be stabilized with vegetation above the low water mark or other best management practices to reduce channel erosion.
  - iii. To reduce sediment transport, where feasible drainage will be discharged through marsh lands, swamps, retention basins or other treatment facilities prior to release into the receiving public water. Where feasible, a retention basin will overflow to a wide, shallow grassed waterway.
  - iv. Drainage ways will be constructed with side slopes designed in accordance with proper engineering practice to minimize erosion, giving due consideration to the intended capacity of the drainage way; its depth, width and elevation; and the character of the soils to be drained.
  - v. Water inlets, culvert openings and bridge approaches must have adequate shoulder and bank protection to minimize land and soil erosion.
  - vi. Channels and outfalls must be designed to be stable.
  - vii. In accordance with MN Statute 103E.021, a grass strip 16.5 feet in width will be established and maintained on each side of a new drainage way and each side of an existing drainage way where work is completed for which a permit is required.
- F) The proposed activity may not adversely affect downstream water quality or quantity.

#### **4.5 Drain Tile Systems**

The following criteria apply to the construction, alteration or removal of a drain tile system.

- A) Applicant must submit a completed Permit Application Form along with an accurate and scale drawing showing the tile size and spacing, tile patterns, upstream and downstream culvert data, and any other data the Board of Managers deems necessary.
- B) All outlets shall be suitably located, have adequate bank protection and waterway opening.
- C) RRWD recommends the outlet be a metal pipe and shall include sufficient riprap to prevent erosion. Outlets must be marked to facilitate mowing.
- D) A permit is required for construction or alteration of any drain tile that drains an area in excess of 20 acres.
- E) The RRWD shall require that tile system flows be shut off when the NWS gage at Roseau exceeds 19 feet for systems upstream of Roseau, or when the USGS gage at Caribou exceeds 10 feet for systems downstream of Roseau. System flows may be re-established once the river stages drop below the trigger stages.
- F) After harvest, tile outlet controls, including lift stations, may be opened or turned on to remove water from the system unless downstream culverts are freezing.

- G) If project outlets into a road authority Right of Way, permittee must notify/obtain permission from the proper road authority.
- H) If permittee needs longer than the one year permit term, this needs to be identified on the application as well as a reason for the extension.
- I) Obtaining a permit from the RRWD does not relieve the applicant from the responsibility of obtaining any other additional authorization (including immediate adjacent downstream landowner) or permits required by law.
- J) Note on map any other parcels within the same section that are tiled.

#### **4.5 Dikes**

The following criteria apply to the construction, alteration or removal of a dike:

- A) The dike shall not unreasonably restrict flow onto downgradient property.
- B) The dike shall not be constructed or maintained within the 100-year floodplain unless plans and specifications, signed by a registered engineer, are submitted showing that:
  - i. The work will not impede 100-year flood flows outside of the delineated retention area, or raise the 100-year flood level or increase flood peak downstream;
  - ii. Overflow sections are designed to handle overtopping during major floods without significant erosion or risk of failure and without sandbagging or other manual measures before or during a flood; and
  - iii. The capacity of pumping facilities to remove surface water stored behind a dike is consistent with criteria of the Minnesota Hydrology Guide.
- A) Operational procedures must prohibit pumping when the dike is overtopped during a rain or snow-melt event until downstream flood peaks have occurred.
- B) Outlet drainage must be sized to the applicable capacity in the Minnesota Hydrology Guide (Curve 1) for agricultural drainages, or other technical specifications established by the District.
- C) A permit to construct or maintain an agricultural dike will be conditioned on the applicant's granting the District the right in perpetuity to:
  - i. Install and maintain traps/gates to restrict or eliminate outflow from the diked area during and after overtopping flood events; and
  - ii. Enter on the subject property to operate traps/gates during and after an overtopping flood event.

#### **4.6 EXHIBITS.**

The following exhibits must accompany the permit application.

- I. Map showing location of project and tributary area.
- II. Plans and specifications for the project.
- III. Existing and proposed cross sections and profile of affected area.
- IV. Description of bridges or culverts required.
- V. Narrative and calculations of hydrology and hydraulics describing wetland impacts and effects on water levels above and below the project area.
- VI. List of owners of properties benefitted by the drainage ways affected by the proposed work.
- VII. Such other submittals as the District reasonably may require to evaluate whether the proposed activity meets the standards of this rule.

## **6.0 WATER USES**

### **6.1 Permits Under M.S. Chapter 103G. (Waters of the State)**

- A) A copy of each application for a permit which is required under M.S. Chapter 103G together with maps, plans and specifications shall be served on the Secretary of the Board, and proof of such service shall be included with the application filed with the Commissioner as is required by M.S. Section 103G.301, Subd. 6.
  
- B) The withdrawal of ground or surface water and the location of the place of discharge thereof shall conform to the standards of the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources.

## **7.0 EROSION AND SEDIMENTATION**

Runoff of needed moisture from sloping lands, eroding and carrying with it sediment from those lands from the banks of natural drainageways, constitutes a serious problem. It shall be the policy of the managers to encourage the adaptation of proper land use practices and other methods to help reduce said erosion and sedimentation.

### **7.1 To Control and Alleviate Soil Erosion and the Siltation of the Drainageways and Lakes of the District**

- A) All drainageways therein shall be constructed so as to reasonably minimize soil erosion, giving due consideration to the intended capacity of the drainageway, its depth, width and elevation and the character of the soils through which the drain passes.
- B) Sloping lands abutting drainageways, lakes, ponds or reservoirs shall be used in such a manner so as to provide reasonable control of sediment.
- C) Any construction project within the boundaries of the district which requires the movement of earth or the removal of vegetation or topsoil such as, but not limited to, subdivision improvements, road construction, ditch or channel construction and maintenance and similar improvements, shall provide for the prevention of erosion by wind and water both during and after construction. The person or governmental subdivision responsible for the work may, at the discretion of the Board of Managers, be required to submit a plan to the Watershed District which shall show or describe the construction practices to be utilized to avoid and control erosion. A work schedule and timetable for erosion control measures shall accompany the time schedule for construction.
- D) Individuals or developers carrying out the erosion control measures, with a permit, and all subsequent owners of the property involved, shall effectively maintain all erosion control features.
- E) Conditions placed on any permit granted pursuant to this regulation shall include, but not be limited to, the following:
  - i. Work in or near public waters and drainage systems shall be conducted so as to minimize increases in suspended solids and turbidity of runoff or receiving waters.
  - ii. Materials used in erosion prevention, such as riprap, shall be non-polluting under any foreseeable conditions and shall be installed consistent with good engineering practices and in such a way to assure effectiveness and permanence.
  - iii. The Watershed District shall be notified immediately of any harmful disturbance to

public waters or drainageways.

iv. Fill material shall be nonpolluting.

v. Spoils shall be prevented from entering public waters or drainageways.

## **8.0 POLLUTION CONTROL**

In order to provide for the abatement of the pollution of public and private water resources as a part of a comprehensive program to eliminate the pollution thereof, the Watershed District shall have the power and authority to impose certain preventive and remedial measures to promote the public health and general welfare, to promote safety and sanitation and to improve the quality of the waters thereof for general use.

### **8.1 Pollution Prohibited**

No person shall pollute the waters of the district by placing or permitting to be placed or deposited upon any of said waters, any sewage, industrial wastes, garbage, rubbish, or other waste, nor shall such placement or depositing be allowed upon any private or public land from which contaminants may be carried into the waters of the district. This section shall not apply to properly operated municipal sewage or solid waste disposal facilities which are subject to Regulations WPC 23 and their current amendments and revisions of the Minnesota Pollution Control Agency.

### **8.2 Individual Sewage Systems**

Individual sewage systems such as drainfields, septic tanks, sewage lagoons and similar disposal facilities shall be allowed only when municipal collection facilities are not available, and then only when a permit is issued by the municipality or the county or other proper governing authority. Such system may be subject to review by the Watershed District at its discretion.

- A) No surface discharge shall be permitted from an individual system either directly or by seepage to the surface of the ground.
- B) The design of any individual system shall be in conformance with the current Rules of the Minnesota Pollution Control Agency, the Minnesota Department of Health, these Rules and all other regulations, laws, ordinances and policies of any other governmental subdivision or agency having proper jurisdictional authority.

### **8.3 Agricultural Wastes**

- A) No feed lots shall be operated within the district in violation of MPCA regulations.
- B) No agricultural wastes shall be accumulated in any area where they can be carried by surface runoff to any lake or stream.

### **8.4 Discharges from Municipal and Industrial Waste Treatment Plants**

The Board of Managers may, at its discretion, require each municipality, industry and feed lot operator discharging wastes directly into any stream, lake or water-course within the district to file with the board a copy of its current NPDES permit issued by the Minnesota Pollution Control Agency describing the effluent standards and limitations prescribed by the Agency. Pursuant to M.S. 103D.335, Subd. 14 and 16 the board or its designate shall have the right to enter upon any lands of the district for the purposes of inspection, monitoring and testing the quantity and quality of the discharge and shall have the right to install whatever hydrological recording and testing devices it may deem necessary. Any permit violations found shall be reported immediately to the discharger and to the Agency for appropriate action. Should the discharger fail to abate the violation in a reasonable period of time, the board may, at its discretion, require the discharger to appear at a special meeting to show cause why the violation should not be abated, pursuant to its authority under M.S. 103D.545.

### **8.5 Mandatory Reporting of Contamination**

Mandatory reporting of contamination shall be required of any person or governmental subdivision or agency responsible for any act which introduces pollutive contaminants into the surface or underground waters of the district. In the absence of absolute knowledge of responsibility for the act itself, the person or governmental subdivision or agency responsible for the operation or maintenance of systems and equipment involved in the act, or the owner of the land on which the act occurs, shall immediately inform any individual member of the Watershed District Board of Managers of said act and all of the known particulars associated therewith. Acts of contamination requiring mandatory reporting shall include, but not be limited to, spills of untreated sewage, flooding of sewage systems or lift stations, spillage of petrochemicals, flooding of fertilizer stockpiles or manure heaps and feed lots, massive erosion of land and other similar happenings. The reporting of a spill of any contaminant or pollutant to the Watershed District shall not relieve the responsibility to make any other report to any other agency which now or in the future requires mandatory reporting.



## **9.0 ENVIRONMENTAL ASSESSMENT AND IMPACT**

### **9.1 Powers of the Watershed District Described**

The Watershed District shall have the power and authority to require any person, governmental subdivision or governmental agency to submit an environmental assessment or statement of the impact of any construction, improvement or act on the water-related natural resources of the district or to require that such person, governmental subdivision or agency submit a statement that the construction, improvement or act will have no adverse impact on the water resources of the district. In the determination of environmental impact, the person, subdivision or agency submitting the statement and the Watershed District in reviewing the statement shall consider, as a minimum, the following factors:

- A) Existing facilities and their deficiencies
- B) Description of proposed project
- C) Alternatives to the proposed project, including the alternative of doing nothing
- D) The consequences of each alternative action
- E) Inventory assessment and probable project impact on:
  - i) Geology, soils and topography
  - ii) Agricultural and nonagricultural land resources
  - iii) Surface and groundwater resources
  - iv) Climatology
  - v) Biological resources, flora and fauna
  - vi) Natural amenity resources
- F) Probable unavoidable adverse effects of project and methods of minimizing same, regarding:
  - i) Erosion control, sedimentation, wind and water
  - ii) Biological resources
  - iii) Water resources
  - iv) Land resources
  - v) Pollution of any nature
- G) Short-term versus long-term benefits and productivity
- H) Irreversible commitments of resources

## **9.2 Responsibility of Applicant**

The submission of an assessment or impact statement shall not relieve the person, subdivision or agency of any other requirement by any federal, state or local subdivision or agency, nor shall such submission and acceptance of conditions make the Watershed District liable for any act performed or not performed by the person, subdivision or agency, nor shall it prevent the Watershed District from making any other requirement or enforcing any statute, ordinance, law or these Rules, nor shall it prevent the Watershed District from petitioning the Minnesota Environmental Quality Council to require an Environmental Assessment or Impact Statement from such person, subdivision or agency.

## **10.0 REVIEW OF PLANS AND PLATS**

In order to carry out the intent of the Minnesota Watershed Act, and to provide for assurance that the development of the district and its natural resources is carried out in an orderly manner, the Watershed District Board of Managers shall require the submission of certain plans and documents for various types of improvement, developments, projects and proposals, and may, at its discretion, review and report on these activities together with suggestions, recommendations and requirements as to their contemplated affect on the water resources of the district. Submission shall be required for the following, at a minimum, and any other improvements, developments, projects or proposals which the Board from time to time shall deem to be of a similar nature:

- A) Any contemplated improvement for which a permit is normally required to be obtained from the Watershed District, the Minnesota Department of Natural Resources or the Minnesota Pollution Control Agency.
- B) Any contemplated improvement for which a water-related Environmental Impact Statement is required by the Minnesota Environmental Quality Council.
- C) Any drainage project or other type of construction which includes drainage improvements as a part thereof, regardless of whether planned by an individual, firm, partnership, corporation, limited liability company, association, public agency or governmental subdivision or agency. For the purposes of this section, a street, highway or bridge project, a utility lines project or a project for the abandonment, improvement or construction of right-of-ways shall be considered as subject to the requirement for submission.
- D) A drainage plan shall be submitted for any plat or proposed subdivision within the district whenever such a proposal and its implementation may increase the runoff volume, lessen the time of runoff concentration or alter the quality of the runoff waters.
- E) Any plan for removal of water in a pond or marsh by pumping or other means.
- F) Any development or improvement contemplated by a method not covered under Section 11.0 (d) which is of similar magnitude or which may result in conditions similar to those indicated.
- G) Any plan for the alteration, improvement or repair of any existing drainage system.
- H) Any contemplated construction or improvement or plan, regardless of the person or subdivision initiating the proposal, which by its nature may have an adverse impact on the water resources of the district.
- I) Any proposal or contemplated improvement which tends to alter the character of the use of

any water body within the district, including but not necessarily limited to, creation or closing of a public access, marinas or multiple docking facilities involving four or more boats, events which may tend to attract large numbers of boats, obstruction of or removal of obstructions from water bodies and other acts of a similar nature.

- J) Any proposed construction of any nature which occurs within fifty (50) feet of the shoreline of a water body or watercourse, or within two hundred (200) feet of the aforementioned locations if on a slope of greater than five (5) percent or anywhere within the district if there is a probability that sediment from that construction will enter the water body or watercourse as a result of the construction. The said proposed construction shall include, but not be limited to, single family homes, multiple dwellings, recreational facilities, road and highway construction. Submission of a plan for the prevention of such pollution shall be a required part of the exhibits to be submitted by the person or governmental subdivision contemplating the construction.
  
- K) Any plat for subdivision of any shorelands of the district. It shall be compulsory to include in the owner's affidavit or in a memorial on each plat, to-wit: "The undersigned owner or owners acknowledge that this land is in the Roseau River Watershed District and all purchasers and assigns hereunder are given notice that all properties and improvements made thereon are subject to the regulations and requirements of said Watershed District and must be adhered to".
  
- L) Any other proposal to perform any act for which a watershed district may be formed under Chapter 103D.201 or which is indicated as a power of duty of the managers under Chapter 103D.335 of the Minnesota Watershed Act, regardless of the source of its initiation.

## **11.0 ENFORCEMENT POWERS OF MANAGERS**

### **11.1 Manner of Enforcement**

In the event of a violation or threatened violation of a District rule, permit, order or stipulation, or a provision of Minnesota Statutes chapter 103D, the District may take action to prevent, correct or remedy the violation or any harm to water resources resulting from it. Enforcement action includes but is not limited to injunction; action to compel performance, abatement or restoration; and prosecution as a criminal misdemeanor in accordance with Minnesota Statutes sections 103D.545 and 103D.551.

### **11.2 Investigation of Noncompliance**

The District's authorized representatives may enter and inspect a property in the watershed to determine the existence of a violation or threatened violation as described in section 1, above.

### **11.3 Administrative Compliance Order**

The District may issue a preliminary compliance order without notice or hearing when it finds a violation or threatened violation as described in section 1, above, and that the violation or threatened violation presents a serious threat of adverse effect on water resources. A preliminary compliance order may require that the property owner or responsible contractor cease the land-disturbing activity; apply for an after-the-fact permit; and take corrective or restorative action. A preliminary compliance order is not effective for more than ten days. The Board of Managers by resolution may delegate to District staff the authority to issue preliminary compliance orders.

### **11.4 Board Hearing**

After due notice and a hearing at which evidence may be presented, the Board of Managers shall make findings. If the Board finds a violation as described in section 1, above, it may issue a compliance order of indefinite duration that may require the property owner or responsible contractor to cease land-disturbing activity; apply for an after-the-fact permit; take corrective or restorative action; reimburse the District for costs under Minnesota Statutes section 103D.345, subdivision 3; and/or be subject to any other remedy within the District's authority. A compliance order may supersede a preliminary order or may be issued without a prior preliminary order.

### **11.5 LIABILITY FOR ENFORCEMENT COSTS.**

To the extent provided for by Minnesota Statutes section 103D.345 and 103D.545, subdivision 2, a property owner or responsible contractor is liable for investigation and response costs incurred by the District under this rule, including but not limited to the costs to inspect and monitor compliance, engineering and other technical analysis costs, legal fees and costs, and administrative expenses.

## **11.6 Contractor's Liability**

Any individual, firm, corporation, partnership, association or other legal entity contracting to perform work subject to one or more District rules will be responsible to ascertain that the necessary permit has been obtained and that the work complies with the permit, rules and statutes and any applicable District orders or stipulations. A contractor that, itself or through a subcontractor, engages in an activity constituting a violation or threatened violation under section 1, above, is a responsible contractor for purposes of this rule.

## **12.0 PUBLIC MEETINGS, HEARINGS AND RECORDS**

### **12.1 Meetings**

All meetings of the Watershed District, whether regular or special, shall be open to the public and shall be held at a time, date and place as determined from time to time by the managers.

### **12.2 Hearings**

Any member of the public may request a public hearing on the approval of a permit. Notice of a public hearing shall be given as required by statute. Testimony given and received at such public hearings may be recorded and witnesses may be sworn as required by statute or at the discretion of the board.

### **12.3 Waiver of Hearing**

Unless required by statute, the managers in their discretion may waive a public hearing on any application for a permit and make their order granting or refusing such application. If said application is refused or granted subject to conditions, the applicant may, within thirty days, demand a hearing on the application.

### **12.4 Records**

The records of the Watershed District shall be public records as required by state statute and shall be open to the public for inspection to that extent required. It is the stated intention of the Board of Managers to cooperate with all persons, governmental subdivisions and governmental agencies in the promotion of the conservation of the natural resources of the district and to share information with the public for the common good.

**13.0 EFFECTIVE DATE**

The provisions of these Rules shall become effective upon the passage by the Board of Managers and publication in the Roseau Times-Region, Roseau, Minnesota. In addition to said publication, a notice of the adoption of these Rules shall be given in a newspaper of general circulation in each of Marshall, Kittson, Beltrami and Lake of the Woods Counties. These Rules amend and supersede the Amended Rules and Regulations of the Roseau River Watershed District previously adopted.

**14.0 ADOPTION**

These Amended Rules are hereby adopted pursuant to Minnesota Statutes Chapter 103D, on the \_\_\_\_\_th day of \_\_\_\_\_, 2014.

FOR THE BOARD OF MANAGERS  
ROSEAU RIVER WATERSHED DISTRICT

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



# Appendix F. Planning MOA

## MEMORANDUM OF AGREEMENT

This agreement (Agreement) is made and entered into by and between:

The County of Roseau by and through their respective County Board of Commissioners, and  
The Roseau County Soil and Water Conservation District, by and through their respective Soil and Water Conservation District Board of Supervisors, and  
The Roseau River Watershed District, by and through their respective Board of Managers,  
Collectively referred to as the "Parties."

**WHEREAS**, the County of this Agreement is a political subdivisions of the State of Minnesota, with authority to carry out environmental programs and land use controls, pursuant to Minnesota Statutes Chapter 375 and as otherwise provided by law; and

**WHEREAS**, the Soil and Water Conservation District (SWCD) of this Agreement is a political subdivisions of the State of Minnesota, with statutory authority to carry out erosion control and other soil and water conservation programs, pursuant to Minnesota Statutes Chapter 103C and as otherwise provided by law; and

**WHEREAS**, the Watershed District of this Agreement is a political subdivisions of the State of Minnesota, with statutory authority to carry out conservation of the natural resources of the state by land use controls, flood control, and other conservation projects for the protection of the public health and welfare and the provident use of the natural resources, pursuant to Minnesota Statutes Chapters 103B, 103D and as otherwise provided by law; and

**WHEREAS**, the parties to this Agreement have a common interest and statutory authority to prepare, adopt, and assure implementation of a comprehensive watershed management plan in the Roseau River Watershed to conserve soil and water resources through the implementation of practices, programs, and regulatory controls that effectively control or prevent erosion, sedimentation, siltation and related pollution in order to preserve natural resources, ensure continued soil productivity, protect water quality, reduce damages caused by floods, preserve wildlife, protect the tax base, and protect public lands and waters; and

**WHEREAS**, with matters that relate to coordination of water management authorities pursuant to Minnesota Statutes Chapters 103B, 103C, and 103D with public drainage systems pursuant to Minnesota Statutes Chapter 103E, this Agreement does not change the rights or obligations of the public drainage system authorities.

**WHEREAS**, the Parties have formed this Agreement for the specific goal of developing a plan pursuant to Minnesota Statutes § 103B.801, Comprehensive Watershed Management Planning, also known as *One Watershed, One Plan*.

**NOW, THEREFORE**, the Parties hereto agree as follows:

1. **Purpose:** The Parties to this Agreement recognize the importance of partnerships to plan and implement protection and restoration efforts for the Roseau River Watershed (see Attachment A with a map of the planning area). The purpose of this Agreement is to collectively develop and adopt, as local government

units, a coordinated watershed management plan for implementation per the provisions of the Plan. Parties signing this agreement will be collectively referred to as Roseau River Planning Partnership (RRPP)

2. **Term:** This Agreement is effective upon signature of all Parties in consideration of the Board of Water and Soil Resources (BWSR) Operating Procedures for One Watershed, One Plan; and will remain in effect until adoption of the plan by all parties unless canceled according to the provisions of this Agreement or earlier terminated by law.
3. **Adding Additional Parties:** A qualifying party desiring to become a member of this Agreement shall indicate its intent by adoption of a board resolution prior to December 31 of the first year of the grant execution. The party agrees to abide by the terms and conditions of the Agreement; including but not limited to the bylaws, policies and procedures adopted by the Policy Committee.
4. **Withdrawal of Parties:** A party desiring to leave the membership of this Agreement shall indicate its intent in writing to the Policy Committee in the form of an official board resolution. Notice must be made at least 30 days in advance of leaving the Agreement.
5. **General Provisions:**
  - a. **Compliance with Laws/Standards:** The Parties agree to abide by all federal, state, and local laws; statutes, ordinances, rules and regulations now in effect or hereafter adopted pertaining to this Agreement or to the facilities, programs, and staff for which the Agreement is responsible.
  - b. **Indemnification:** Each party to this Agreement shall be liable for the acts of its officers, employees or agents and the results thereof to the extent authorized or limited by law and shall not be responsible for the acts of any other party, its officers, employees or agents. The provisions of the Municipal Tort Claims Act, Minnesota Statute Chapter 466 and other applicable laws govern liability of the Parties. To the full extent permitted by law, actions by the Parties, their respective officers, employees, and agents pursuant to this Agreement are intended to be and shall be construed as a "cooperative activity." It is the intent of the Parties that they shall be deemed a "single governmental unit" for the purpose of liability, as set forth in Minnesota Statutes § 471.59, subd. 1a(a). For purposes of Minnesota Statutes § 471.59, subd. 1a(a) it is the intent of each party that this Agreement does not create any liability or exposure of one party for the acts or omissions of any other party.
  - c. **Records Retention and Data Practices:** The Parties agree that records created pursuant to the terms of this Agreement will be retained in a manner that meets their respective entity's records retention schedules that have been reviewed and approved by the State in accordance with Minnesota Statutes § 138.17. The Parties further agree that records prepared or maintained in furtherance of the agreement shall be subject to the Minnesota Government Data Practices Act. At the time this agreement expires, all records will be turned over to the Roseau River Watershed District for continued retention.

- a. Accept all responsibilities associated with the implementation of the BWSR grant agreement for developing a watershed-based plan.
  - b. Perform financial transactions as part of grant agreement and contract implementation.
  - c. Annually provide a full and complete audit report.
  - d. Provide the Policy Committee with the records necessary to describe the financial condition of the BWSR grant agreement.
  - e. Retain fiscal records consistent with the agent's records retention schedule until termination of the agreement (at that time, records will be turned over to Roseau River Watershed District).
8. **Grant Administration:** Roseau County SWCD will act as the grant administrator for the purposes of this Agreement and agrees to provide the following services:
- a. Accept all day-to-day responsibilities associated with the implementation of the BWSR grant agreement for developing a watershed-based plan, including being the primary BWSR contact for the *One Watershed, One Plan* Grant Agreement and being responsible for BWSR reporting requirements associated with the grant agreement.
  - b. Provide the Policy Committee with the records necessary to describe the planning condition of the BWSR grant agreement.
9. **Authorized Representatives:** The following persons will be the primary contacts for all matters concerning this Agreement:

Roseau County  
*Jeff Pelowski or successor*  
 County Administrator  
 606 5<sup>th</sup> Ave SW, Room 131  
 Roseau, MN 56751  
 218-463-4248  
 218-463-3750

Roseau County SWCD  
*Scott Johnson or successor*  
 District Manager  
 502 7<sup>th</sup> St SW, #5  
 Roseau, MN 56751  
 218-463-1903

Roseau River Watershed District  
 Tracy Halstensgard or successor  
 Administrator  
 714 6<sup>th</sup> St SW  
 Roseau, MN 56751  
 Telephone: 218-463-0313

- d. **Timeliness:** The Parties agree to perform obligations under this Agreement in a timely manner and keep each other informed about any delays that may occur.
- e. **Extension:** The Parties may extend the termination date of this Agreement upon agreement by all Parties.

**6. Administration:**

- a. **Establishment of Committees for Development of the Plan.** The Parties agree to designate one representative, who must be an elected or appointed member of the governing board, to a Policy Committee for development of the watershed-based plan and may appoint one or more technical representatives to an Advisory Committee for development of the plan in consideration of the BWSR Operating Procedures for One Watershed, One Plan.
  - i. The Policy Committee will meet as needed to decide on the content of the plan, serve as a liaison to their respective boards, and act on behalf of their Board. Each representative shall have one vote.
  - ii. Each governing board may choose one alternate to serve on the Policy Committee as needed in the absence of the designated member.
  - iii. The Policy Committee will establish bylaws within 60 days of the grant agreement being executed to describe the functions and operations of the committee(s).
  - iv. The Advisory Committee will meet monthly or as needed to assist and provide technical support and make recommendations to the Policy Committee on the development and content of the plan. Members of the Advisory Committee may not be a current board member of any of the Parties.
- b. **Submittal of the Plan.** The Policy Committee will recommend the plan to the Parties of this agreement. The Policy Committee will be responsible for initiating a formal review process for the watershed-based plan conforming to Minnesota Statutes Chapters 103B and 103D, including public hearings. Upon completion of local review and comment, and approval of the plan for submittal by each party, the Policy Committee will submit the watershed-based plan jointly to BWSR for review and approval.
- c. **Adoption of the Plan.** The Parties agree to adopt and begin implementation of the plan within 120 days of receiving notice of state approval, and provide notice of plan adoption pursuant to Minnesota Statutes Chapters 103B and 103D.

- 7. **Fiscal Agent:** Roseau County SWCD will act as the fiscal agent for the purposes of this Agreement and agrees to:

**IN TESTIMONY WHEREOF** the Parties have duly executed this agreement by their duly authorized officers.

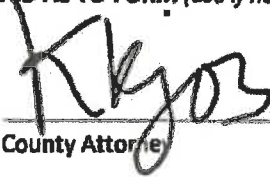
**PARTNER: Roseau County**

**APPROVED:**

BY:   
Board Chair Date

BY:   
Coordinator Date

**APPROVED AS TO FORM** *(use if necessary)*

BY:  5/12/2021  
County Attorney Date

IN TESTIMONY WHEREOF the Parties have duly executed this agreement by their duly authorized officers.

PARTNER: Roseau County SWCD

APPROVED:

BY: John Grubel 5-11-21  
Board Chair Date

BY: Scott Johnson 5/11/21  
District Manager/Administrator Date

APPROVED AS TO FORM (use if necessary)

BY: Kelly 7/10/21  
County Attorney Date

**IN TESTIMONY WHEREOF** the Parties have duly executed this agreement by their duly authorized officers.

**PARTNER: Roseau River Watershed District**

**APPROVED:**

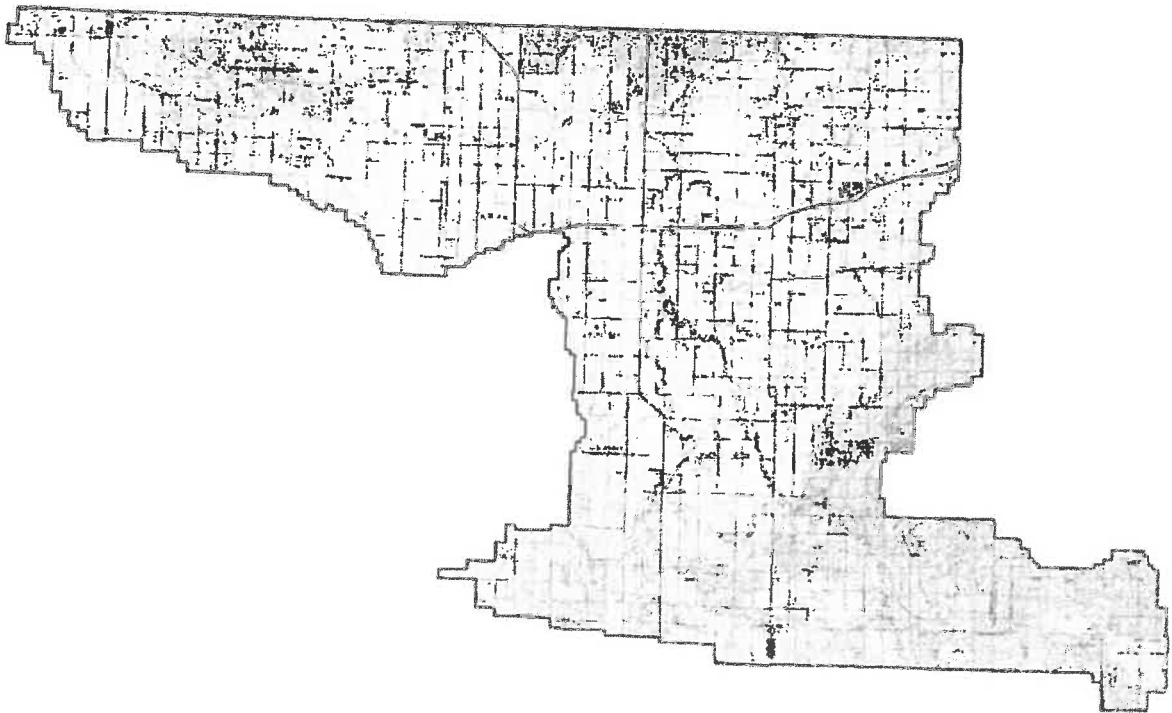
BY:  5-5-21  
Board Chair Date

BY:  5/5/21  
Secretary Date

**ATTEST:**

BY:  5-5-21  
Administrator Date

**Attachment A**





## **Attachment B**

### **Scope of Services Provided by the Roseau River Watershed District**

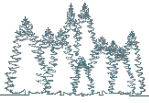
The Roseau River Watershed District will have the following duties:

1. Identifying potential contracted service providers for process facilitation, plan writing, GIS, mapping, data analysis, monitoring activities, or any other technical services needed throughout the process.
2. Ensure that goals, objectives and action items of the plan produced are prioritized, targeted, and measurable.
3. Assist with data compilation, meeting facilitation, and plan writing.
4. Assist with coordination of Policy Committee meetings, including:
  - a. Provide advance notice of meetings;
  - b. Prepare and distribute the Agenda and related materials;
  - c. Provide meeting logistics: date, time, location, technology needs, refreshments, etc.;
  - d. Prepare and distribute Policy Committee Minutes;
  - e. Maintain all records and documentation of the Policy Committee;
  - f. Provide public notices to the counties and watershed district for publication; and
  - g. Gather public comments from public hearing and prepare for submittal.
5. Assist with coordination and facilitation of Advisory Committee meetings including:
  - a. Provide advance notice of meetings;
  - b. Provide meeting logistics: date, time, location, technology needs, refreshments, etc.;
  - c. Prepare and distribute the Agenda and related materials;
  - d. Prepare and distribute Minutes; and
  - e. Maintain all records and documentation of the committees.
6. Assist with coordination of public meetings as required by Minnesota Statutes Chapter 103B and 103D as part of the formal review process for the watershed-based plan, including:
  - a. Provide advance notice of meetings;
  - b. Provide meeting logistics: date, time, location, technology needs, presenters, refreshments, etc.;
  - c. Prepare and Distribute the Agenda and related materials;
  - d. Prepare and Distribute Minutes; and
  - e. Maintaining all records and documentation of the public meetings.
7. Serve as primary contact person with the consultant for plan preparation and writing of the watershed-based plan.

**Scope of Services Provided By the  
Roseau Soil and Water Conservation District**

The Roseau Soil and Water Conservation District will have the following duties:

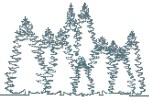
1. Ensure that goals, objectives, and action items of the plan produced are prioritized, targeted, and measurable.
2. Assist with data compilation, meeting facilitation, and plan writing.
3. Assist with coordination of Policy Committee meetings, including:
  - a. Provide advance notice of meetings;
  - b. Prepare and distribute the Agenda and related materials;
  - c. Provide meeting logistics: date, time, location, technology needs, refreshments, etc.;
  - d. Prepare and distribute Policy Committee Minutes;
  - e. Maintain all records and documentation of the Policy Committee;
  - f. Provide public notices to the counties and watershed district for publication; and
  - g. Gather public comments from public hearing and prepare for submittal.
4. Assist with coordination and facilitation of Advisory Committee meetings including:
  - a. Provide advance notice of meetings;
  - b. Provide meeting logistics: date, time, location, technology needs, refreshments, etc.;
  - c. Prepare and distribute the Agenda and related materials;
  - d. Prepare and distribute Minutes; and
  - e. Maintain all records and documentation of the committees.
5. Assist with coordination of public meetings as required by Minnesota Statutes Chapter 103B and 103D as part of the formal review process for the watershed-based plan, including:
  - a. Provide advance notice of meetings;
  - b. Provide meeting logistics: date, time, location, technology needs, presenters, refreshments, etc.;
  - c. Prepare and distribute the Agenda and related materials;
  - d. Prepare and distribute Minutes; and
  - e. Maintain all records and documentation of the committees.
6. Administration of the grant with BWSR for the purposes of developing a watershed-based plan, including:
  - a. Submit this Agreement, work plan, and other documents as required;
  - b. Execute the grant agreement;
  - c. Account for grant funds and prompt payment of bills incurred;
  - d. Complete annual eLINK reporting;
  - e. Present an annual audit of grant funds and their usage; and
  - f. Maintain all financial records and accounting.
7. Contracting for services with the chosen consultant for plan preparation and writing of the watershed-based plan, including:
  - a. Execute the Contract for Services Agreement;
  - b. Oversee expenditures incurred by the consultant; and
  - c. Provide prompt payment for services rendered.



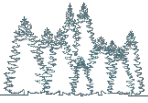
## Appendix G. References

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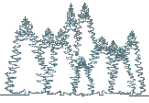
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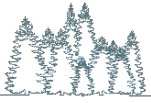
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