

PELICAN RIVER WATERSHED DISTRICT
MEETING ANNOUNCEMENT

Regular Monthly Managers' Meeting

Thursday, June 17, 2021

5:00 PM

Wells Fargo Building, Second Floor Meeting Room, 211 Holmes St. West, Detroit Lakes, MN

Virtual Zoom Option

Request Zoom link at prwdinfo@arvig.net by 12:00 PM (Noon) of meeting date.

(218) 846-0436

AGENDA

- | | |
|---------|---|
| 5:00 PM | 1. Call to Order |
| | 2. Oath of Office—Orrin Okeson, Charles Jasken |
| 5:10PM | 3. Approval of Consent Agenda <ul style="list-style-type: none">A. Secretary Report—May 20, 2021 RegularB. Administrator's ReportC. Ditch Inspector's ReportD. Rules/Permitting Report |
| 5:15 PM | 4. Committees Reports <ul style="list-style-type: none">A. PersonnelB. Citizen/Technical Advisory |
| 5:20 PM | 5. New Business <ul style="list-style-type: none">A. Summer Tour Interest/Date/SitesB. Bucks Mill Dam Grant Application—Nick Kludt, MN DNRC. Campbell Creek Study Report—Jason Vinje, MN DNR |
| 6:20 PM | 6. Unfinished Business <ul style="list-style-type: none">A. Interactive Technology Meeting Policy UpdateB. Bylaw UpdateC. Rice Lake Project Construction UpdateD. Otter Tail 1W1P-Policy Committee Bylaws |
| 7:20 PM | 7. Treasurer's Report <ul style="list-style-type: none">A. Approve June 2021 BillsB. Approve June Fund transferC. Review January—May 2021 Revenue & Expenses Report |
| 7:35 PM | 8. Public Forum (5 minutes) |
| 7:40 PM | 9. Attorney's Report |
| | 10. Engineer's Report |
| | 11. Pulled Consent Agenda Items |
| 7:50 PM | 12. Announcements |
| 8:00 PM | 13. Meeting Adjournment |
- (action items in bold face)

PELICAN RIVER WATERSHED DISTRICT

REGULAR MEETING BOARD MINUTES –MAY 20, 2021

Managers Present: Kral, Okeson, Imholte, Michaelson, Jasken, Haggart, Deede

Managers Absent: None

Staff: Administrator Guetter, Mortenson, Moses

Consultants: Attorney Skoyles (via IT), Engineer Mackowick- Wenck part of Stantec (via IT)

Advisory Committee: None **Others:** Pete Waller & Darren Mayers (Board of Soil and Water Resources – via IT), Susan Schiessl (Clasen & Schiessl CPAs Ltd.-via IT).

CALL TO ORDER. The Regular Managers' hybrid meeting was called to order by President Kral at 5:01 PM.

APPROVE CONSENT AGENDA. Motion to approve the May 20, 2021 Consent Agenda: May 2021 Administrator Report; Secretary's Report –April 22, 2021 Regular Minutes; May 2021 Rules/Permitting Report, and the May 2021 Ditch Inspector's Report (Imholte, Jasken); carried unanimously.

COMMITTEE REPORTS.

Personnel Committee- Nothing further to report.

1W1P Planning Partnership Update – Guetter reported a virtual Technical Committee met on May 17 and Guetter will be sending a draft report to the Managers. Peter Waller noted that the grant needs to be executed before the end of June.

Citizen Advisory Committee – Nothing further to report.

UNFINISHED BUSINESS.

- a. **2020 Financial Audit:** Susan Schiessl of Clasen & Schiessl CPAs, Ltd. Reviewed the 2020 Financial Audit. The District financials are in order and no compliance issues were noted. **Motion to approve the PRWD 2020 Financial Audit as presented (Michaelson, Deede) carried unanimously.** The auditors will file the required reports with the State of MN Auditors office and staff will forward the report to BWSR for their records.
- b. **DCM-01 Engineer's Report:** Administrator Guetter and Engineer Mackowick reviewed the report findings. **Motion to approve the DCM-01 Engineer's Report as presented (Okeson, Haggart) carried unanimously.** The Engineers report will be sent to the Board of Soil and Water Resources (BWSR) and the Minnesota Department of Natural Resources (MN DNR) who have 30-days to review and submit advisory comments to the District for consideration. **Motion to schedule a Public Hearing for July 15, 2020, at 5:00 PM for the DCM-01 Project (Kral, Imholte) carried unanimously.**

NEW BUSINESS.

- a. **Rice Lake Project -JPA Amendment:** Guetter reviewed the amended Agreement with the City of Detroit Lakes and the MN DNR. Items updated in the document include: the type of water control structure and fish passageway, and the construction of the project was changed to two phases (upper and lower). **Motion to approve the "Amendment 1 to Swift Contract No. 1666064" Joint Powers Agreement for the Rice Lake Wetland Project. (Imholte, Haggart) carried unanimously (attached hereto).**
- b. **Website Maintenance Agreement:** Guetter and Moses reviewed costs to be covered with a Maintenance Agreement with Woolly Mammoth, designers of the new website. **Motion to enter into a Maintenance Agreement with Woolly Mammoth Design (Imholte, Jasken) carried unanimously (attached hereto).**
- c. **North Country Minnesota Association of Watershed Districts (MAWD- Region 1):** Guetter reported the Region 1 administrators met and are working on setting up a meeting in June for Region 1, with the hope to meet on a quarterly basis (in person or virtual). There will be no MAWD statewide summer tour in 2021, however the Managers suggested setting up a local projects tour. More information will be forthcoming in the next couple of weeks.

**PELICAN RIVER WATERSHED DISTRICT
REGULAR MEETING BOARD MINUTES –MAY 20, 2021**

TREASURER'S REPORT.

- a. **Approval of May 2021 Claims:** Treasurer Michaelson presented the May 2021 claims to the Managers. **Motion to approve the May 2021 claims (Checks #14827-14839 and EFT 1601-1608 in the amount of \$20,079.91 (Michaelson, Deede); carried unanimously (attached hereto).**
- b. **May Fund Transfer.** Treasurer Michaelson recommended transferring \$53,000 to cover the monthly payments and expenses. **Motion to transfer \$53,000 from the Bremer Bank savings account to the checking account (Michaelson, Okeson); carried unanimously.**
- c. **Financial Report.** The January-April 2021 Revenues and Expenses Report was reviewed by the managers. **Motion to approve the January-April 2021 R & E Report (Michaelson, Haggart); carried unanimously.** The report will be filed for audit.

PUBLIC FORUM. Peter Waller, Board of Soil and Water Resources (BWSR), complimented the District on the DCM-01 Project (data collection, monitoring, special projects, and education activities) noting that more Watershed Districts could benefit from this type of funding mechanism. He said he would try to continue to attend board meetings virtually and work with Darren Mayers who was recently assigned as the District's Board Conservationist to familiarize him with Watershed District operations, projects, and programs.

ATTORNEY REPORT. Attorney Skoyles noted she reviewed the draft District Bylaws and discussed with staff some water management/permit questions.

ENGINEER REPORT. Mackowick reported the quick turnaround (5-day review period) for the permit approval of the University Motors-DL Storage facility on Hwy 59, and he is currently reviewing the R & G Subaru parking lot improvements project.

ANNOUNCEMENTS – Managers recognized and thanked Manager Lowell Deede for his four years of outstanding service to the Pelican River Watershed District Board of Managers.

ADJOURNMENT. **Motion to adjourn the meeting 6:48 PM, (Kral, Deede) carried unanimously.**

Meeting Approved: _____

Respectfully Submitted,
Janice Haggart, Secretary

Pelican River Watershed District

Claims Paid - May 2021

	<u>Date</u>	<u>Num</u>	<u>Amount</u>
<u>(ACH) Employee Expenses</u>			
*Guetter, Tera	05/24/2021	EFT1601	75.00
*Mortenson, Adam	05/24/2021	EFT1602	40.00
*Moses, Brenda	05/24/2021	EFT1603	45.29
			\$ 160.29
<u>(ACH) Vendor Expenses</u>			
Lakes Computer, Inc.	05/24/2021	EFT1604	200.00
RMB Environmental Labs, Inc.	05/24/2021	EFT1605	216.00
Stantec Consulting Services Inc.	05/24/2021	EFT1606	6,100.75
Wells Fargo-Office Lease	05/24/2021	EFT1607	1,299.58
Xerox Corporation	05/24/2021	EFT1608	287.82
			\$ 8,104.15
<u>(Checks) Vendor Expenses</u>			
Arvig	05/21/2021	14827	61.95
Bank of America	05/21/2021	14828	305.02
Campbell, Joshua	05/21/2021	14829	600.00
Clasen & Schiessl CPAs	05/21/2021	14830	6,091.00
County 6 Amoco & Bait	05/21/2021	14831	57.58
Fisher Scientific	05/21/2021	14832	234.80
Forum Communications	05/21/2021	14833	162.23
North Central Laboratories	05/21/2021	14834	225.97
Office of MNIT Services	05/21/2021	14835	70.72
Prairie Embroidery	05/21/2021	14836	48.00
Premium Waters, Inc.	05/21/2021	14837	11.70
Wooly Mammoth Design	05/21/2021	14838	8,563.75
			\$ 16,432.72
<u>Rice Lake Expenses</u>			
Houston Engineering Inc.	05/21/2021	14839	\$ 5,382.75
<u>(ACH) Payroll Expenses</u>			
Supplemental Benefits	5/11/2021	EFT1595-1597	2,451.50
Employee Payroll	5/13/2021	EFT 1598-1600	4,634.30
Federal Withholding	5/14/2021	ACH	2,392.78
Employee Payroll	5/27/2021	EFT 1609-1614	5,909.55
Federal Withholding	5/31/2021	ACH	2,058.82
MN State Retirement	5/31/2021	ACH	2,460.00
MN Revenue	5/31/2021	ACH	760.00
PERA	5/31/2021	ACH	2,188.86
			\$ 22,855.81
Total May Expenses:			<u>\$ 52,935.72</u>



WOOLLY
MAMMOTH DESIGN

Website Hosting and Maintenance Agreement

"The Client" is contracting "The Company" as a provider of web site hosting and maintenance services.

What IS included in this agreement: (\$124.00 per month)

WordPress Managed Hosting	24/7 Support
Nightly Backups & Restore	WordPress-optimized CDN
Security Monitoring & Troubleshooting	WordPress Specific Caching
Uptime Monitoring	Reduced Hourly Rate
WordPress Core & Plugin Updates	Content Updates (30 min/mo)

*Unused hours won't carry over from month to month.

*Additional hours will be billed at a discounted hourly rate of \$75.00/hr.

What is NOT included in this agreement:

Web site redesign, re-alignment or re-development
Search engine optimization services

TERMINATION

"The Client" may cancel this website maintenance agreement at any time provided that payment is up-to-date. A pro-rata refund will be given for any unused period of the advance payment.

CONTENT OWNERSHIP

All contents stored by the Client shall at all times remain the property of the Client. The Client grants to the Provider non-exclusive, world-wide licence to the content only to the extent necessary for the "The Company" to host the website.

ADDITIONAL SERVICES

Any revisions, additions, or redesign "The Client" requests "The Company" to perform that is not specified in this document shall be considered "additional" and will require separate agreement and payment. The Company shall advise "The Client" on any requested work that falls within these bounds.

The undersigned agrees to the terms of this agreement on behalf of his or her organization or business.

On behalf of the client (authorized signature):

 Date 6-7-21

AMENDMENT COVER SHEET

(Minn. Stat. §§ 16C.05, subd. 2(c), 16C.08, subd. 2 and 3)

Instructions:

1. Complete this form for contract amendments that extend the end date of a contract, add/reduce work and money, or change any other term or condition of the contract.
2. Attach this form to the amendment when sending to the Department of Administration for approval. **Please always include copies of the original certification form, solicitation document, single source justification, the original contract, and any previous amendments as these are used for reference.**
3. Admin will retain this cover sheet for its files.

Agency: Natural Resources

Name of Contractor: Pelican River WD & The City of Detroit Lakes

Current Contract Term: 9/20/2019-1/15/2069

Project Identification: SWIFT contract 166064

Amendments to contracts must entail tasks that are substantially similar to those in the original contract or involve tasks that are so closely related to the original contract that it would be impracticable for a different contractor to perform the work. The commissioner or an agency official to whom the commissioner has delegated contracting authority under Minn. Stat. § 16C.03, subd. 16, must determine that an amendment would serve the interest of the state better than a new contract and would cost no more. An amendment should be in effect before the contract expires.

What changes are being made to the to the contract? Complete appropriate box(es) for the amendment submitted.

1. ☐ **Amendment to the Expiration Date of the contract**

- a. Proposed New Expiration Date:
- b. Why is it necessary to amend the Expiration Date?

2. ☐ **Amend Duties and Cost**

☒ **Amend Duties Only**

Describe the amendment: The reason for the amendment is that the project encountered permitting challenges last year that resulted in substantial changes to the construction design plans and then the Watershed District's grant funding expired. They've secured another grant, although a reduced amount, so they want to complete the project in two phases. Phase 1 will be the "upper water control structure" and that will be completed by 9/2/2025. When funding become available Phase 2 will be the "lower water control structure" and has a anticipated completion date of 9/2/2030.

- a. If cost is amended, insert the amount of the original contract AND amount of each amendment below:

3. ☒ **Amendment to change other terms and conditions of the contract:**

- a. Describe the changes that are being made: The Operation and Maintenance Plan will be amended to update the structure design.

Amendment 1 to SWIFT Contract No. 166064

Contract Effective Date:	9/20/2019	Total Contract Amount:	\$0.00
Original Contract Expiration Date:	1/15/2069	Original Contract:	\$0.00
Current Contract Expiration Date:	1/15/2069	Previous Amendment(s) Total:	\$0.00
Requested Contract Expiration Date:	NA	This Amendment:	\$0.00

This amendment is by and between the State of Minnesota, acting through its commissioner of Natural Resources ("State"), the Pelican River Watershed District ("PRWD"), and the City of Detroit Lakes ("City"), jointly known as the "Cooperators".

Recitals

1. The State has a contract with the Cooperators identified as SWIFT contract 166064 ("Original Contract") to provide Restoration of a wetland/shallow lake complex at Rice Lake
2. Project encountered permitting challenges last year that resulted in substantial changes to the construction design plans, so this amendment is breaking the construction into 2 phases.
3. The State and the Contractor are willing to amend the Original Contract as stated below.

Contract Amendment

In this Amendment, changes to pre-existing Contract language will use ~~strike through~~ for deletions and underlining for insertions.

REVISION 1. Clause 2. "**Agreement between the Parties**", **2.1 State's Responsibilities**, **b)** is being amended as follows:

- b) Allow the PRWD access to operate the upper water control structure as described in "Operation and Maintenance Plan" ("Plan"). The draft version is attached and incorporated into this agreement as **Revised Exhibit B**. Once the Plan is approved, the **Revised Exhibit B** draft will be replaced with the approved version and will be incorporated into this agreement.

REVISION 2. Clause 2. "**Agreement between the Parties**", **2.3 PRWD's Responsibilities**, **a)** is being amended as follows:

2.3 PRWD's Responsibilities: The PRWD shall:

- a) Authorize, fund, construct, maintain and own the upper and lower water control structures with access roads and embankments, and all associated facilities as needed to complete the Project. Obtain all necessary local, state and federal permits and easements for the project. Construction work shall be completed ~~by 12/31/2020~~ in 2 phases. Phase 1 will be the "upper water control structure" and that will be completed by 9/2/2025. When funding becomes available Phase 2 will be the "lower water control structure" and has a anticipated completion date of 9/2/2030.

The Original Contract and any previous amendments are incorporated into this amendment by reference. Except as amended herein, the terms and conditions of the Original Contract and all previous amendments remain in full force and effect.

1. State Encumbrance Verification

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05

Print Name: _____

Signature: _____

Title: _____ Date: _____

SWIFT Contract No.166064 _____

2. Contractor

The Contractor certifies that the appropriate person has executed the Contract on behalf of the Contractor as required by applicable articles, bylaws, resolutions, or ordinances.

Print Name: _____

Signature: _____

Title: _____ Date: _____

3. State Agency

With delegated authority

Print Name: _____

Signature: _____

Title: _____ Date: _____

4. Commissioner of Administration

As delegated to The Office of State Procurement

Print Name: _____

Signature: _____

Title: _____ Date: _____

Admin ID: _____

Operation and Maintenance Plan for the Rice Lake Wetland Restoration Project DRAFT January 2021

Pelican River Watershed District

City of Detroit Lakes

Minnesota Department of Natural Resources

Background

The Rice Lake project is a cooperative undertaking between the City of Detroit Lakes (CITY), Minnesota Department of Natural Resources (MNDNR), and the Pelican River Watershed District (PRWD). The primary purpose of the project is to improve overall water quality benefits to Big and Little Detroit and other downstream lakes while improving the wetland wildlife and waterfowl habitat within the Rice Lake complex.

Since 1995, the PRWD has been collecting and analyzing water quality samples throughout the watershed. PRWD identified water quality impairments to Big Detroit and Little Detroit Lakes. The primary nutrient of concern identified is phosphorus. One of the significant findings from monitoring data showed a 316% and 520% increase in total and ortho phosphorus concentrations respectively between the outlet of Little Floyd Lake and just downstream of Rice Lake. Monitoring conducted during 1998-2000 showed approximately 2,000 kg of phosphorus per year being contributed to the Pelican River as it flows through Rice Lake.

Rice Lake was once a larger, deeper wetland that was drained in 1910's. Photos during the 1930's show extensive pasturing within the drained basin. When normal precipitation patterns returned, this land use was abandoned and much of the wetland hydrology returned. Although wetland vegetation reestablished, a ditch remains through the center leaving Rice Lake in a semi-drained state. Soil sampling performed by Natural Resource Conservation Service in 2004 revealed that organic soils are over 30 feet in places within the wetland. It was hypothesized that the original ditching through the wetland has accelerated phosphorus release from the organic materials by enhancing oxidation in the upper organic layers.

Restoring Rice Lake will decrease mineralization of organic material thereby reducing phosphorus loading to the Pelican River. It will reduce lateral movement of wetland phosphorus laden porewater towards the channel and increase runoff residence time through the restored wetland thus enhancing filtering/adsorption of phosphorus.

The cooperating agencies have the powers to construct and maintain the project to impound water via easement and fee title on approximately 1,250 acres of land located in Sections 10, 11, 13, 14, 15, 23 and 24 of Township 139 North, Range 41 West, Becker County, Minnesota. These lands have been acquired under a few local, state, and/or federal easement and acquisition programs whose purpose is to improve water quality, provide public recreation opportunities, and protect and enhance wildlife habitat.

The project involves the installation of two new water level control structures on Becker County Ditch No. 13 in Section 23, T139N, R41W (Detroit Township). The structures will be completed in two separate construction phases. Construction Phase I will include installation of the Upper Structure, located on County Ditch No. 13 approximately 1000 feet south of the north line of Section 23. The water level for the upper pool will be maintained using a rock chute spillway with a crest elevation of 1352.80 (NAVD 88). The rock spillway is designed to allow the migration of fish and other aquatic species. The structure will also feature a 36" reinforced concrete bypass pipe with a stop log bay for variable drawdown elevations.

Construction Phase II will include the Lower Structure, located on County Ditch No. 13 approximately 100 feet north of the south line of Section 23. The water level for the lower pool will be maintained using a similar type of structure as the Upper Structure with a crest elevation of 1350.8 (NAVD 88). Construction Phase II will be pursued when funding becomes available.

General

The following table shows which cooperators will be responsible for the various project components:

Project Responsibilities

<u>Item</u>	<u>Responsible Governmental Unit</u>
<i>Construction, Ownership and Maintenance</i>	
Upper and Lower Control Structures	PRWD
Upper and Lower Access Roads	PRWD
<i>Monitoring, Operation and Inspection</i>	
Upper and Lower Control Structures	MNDNR & PRWD
Upper and Lower Access Roads	PRWD

Plan of Operation and Maintenance

A. Structure Descriptions:

Rice Lake Wetland Upper Control Structure

The structure consists of a 46-foot wide by 193-foot long fish-friendly rock chute spillway with a 5-foot wide stoplog bay and a 36" bypass pipe for drawdown and wetland level management down to 1348.3 (NAVD 88). The chute will have a crest elevation of 1352.8 (NAVD 88).

Rice Lake Wetland Lower Control Structure

This outlet structure will be a similar design, however, the crest will be set at 1350.8 (NAVD 88).

B. Structure Operation and Monitoring

General

Management of the water control structures will maximize water quality benefits and enhance wetland wildlife habitat. The PRWD and MNDNR will jointly carry out operation and monitoring of the structure.

Startup

The initial raising of the pools will be done in the spring following construction and after the majority of snowmelt runoff has occurred. To reduce the likelihood of lifting and floating organic mats, stop logs should not be inserted in the bypass all at once. Installing the logs in six (6) inch to one-foot increments over a period of several months will allow for monitoring of potential floating mat problems.

Normal Operation

The project has been designed such that the water level upstream of the Upper Control Structure will be at approximately 1352.8 (NAVD 88) and water levels upstream of the Lower Control Structure will be at approximately 1350.8 (NAVD 88) during baseflow. The planned baseflow pool elevations were estimated using hydrologic modeling. There are unknown and variable factors that have an influence on modeled

water surfaces, especially for low flow conditions. Because of this, the actual top rock elevations at the control structures may need adjusting at startup until the targeted water surface elevations are reached.

Headwater and tailwater levels at the Upper Control Structure, Lower Control Structure, and at Anchor Road will be regularly monitored.

Drawdown

Periodically, the basins may be drawn down for purposes of wildlife habitat enhancement, vegetation control or maintenance. Wildlife habitat conditions will be monitored periodically by MNDNR.

Drawdowns may be implemented to stimulate growth of wetland vegetation and/or if water clarity measurements indicate turbid water conditions for two consecutive growing seasons. Drawdown timing will be based on best management practices and adaptive management techniques. Drawdowns will be approved by consent of the PRWD and MNDNR.

C. Maintenance and Inspection

The project will be operated and maintained in compliance with applicable Federal, State and local laws, including dam safety rules and regulations. The MNDNR and PRWD will annually inspect the Upper and Lower Control Structures and report any issues to the PRWD for action. Additional inspections after severe floods and any other occurrence of unusual conditions which might adversely affect the structural elements of the project will also be conducted by MNDNR and PRWD.

The PRWD will carry out maintenance of the Access Roads, Upper Control Structure, Lower Control Structure and the outlet channel.

Flood Maintenance

The Upper and Lower Control Structures have been designed for safe and automatic operation during flood events. The manipulation of stop logs is not necessary and provides almost no change in the hydrograph during flooding. The most important responsibility of the operator is to monitor the spillway openings for obstructions caused by debris or floating mats of vegetation and to remove any significant obstruction from the front of the spillways.

During flood conditions, water levels at the Upper Control and Lower Control Structures will be monitored and recorded. The embankments and spillways of the Upper and Lower Control Structure will be monitored more frequently when water levels come within two feet from the top of the dam. This equates to water level elevations at 1354.3 (NAVD 88) or above at the Upper Control Structure and 1353.5 (NAVD 88) or above at the Lower Control Structure. Observations for plugging of the spillways or seepage through the embankment should be noted and action taken as needed.

Maintenance items that may be needed:

Structures, Access Roads, Becker County Ditch 13

- a. Obstructions within the ditch will be removed to avoid nutrient flushing. This includes trees, brush and beaver dams.
- b. The structural integrity and function of the structure will be maintained.
 - i. Replace soil removed by burrowing animals where this could result in damage to the spoil berm, floodway and structures.

- ii. Remove trees and brush from the spoil berm, structures and channel area to maintain designed flow area capacity
- iii. Remove logs and other floating debris carried by floodwaters and dispose of properly.
- c. Access roads may occasionally need grading and resurfacing to keep them in usable condition.

Management Team

The PRWD and the MNDNR will meet each year in winter to review the project operations, water management, and maintenance needs for the upcoming year as well as any needs for long-term management. A meeting may be called at other times of the year should the need arise to address pressing management needs.

Modification of Plan of Operation

This plan of operation and maintenance may be modified or amended at any time by mutual consent of the cooperators.

Signature/Approval page for:

Operation and Maintenance Plan for the Rice Lake Wetland Restoration Project (INSERT
DATE)

1. PELICAN RIVER WATERSHED DISTRICT

By: _____

Name: Dennis Kral

Title: Chair, Board of Managers

Date: _____

2. DEPARTMENT OF NATURAL RESOURCES

By: _____

Name: Robert Baden II

Title: Area Wildlife Supervisor

Date: _____

By: _____

Name: John Williams

Title: Regional Wildlife Manager

Date: _____

By: _____

Name: Michael Larson

Title: Interim Wildlife Section Manager

Date: _____

This is in place - Amending Language to Describe Structures

as "friendly rock spillways"

SWIFT Contract No. 166064

STATE OF MINNESOTA JOINT POWERS AGREEMENT

Rice Lake Wetland Restoration Project

This agreement is between the State of Minnesota, acting through its commissioner of Natural Resources ("State"), the Pelican River Watershed District ("PRWD"), and the City of Detroit Lakes ("City"), jointly known as the "Cooperators".

Sequencing of Contract Upper & Lower sections

Recitals

Under Minn. Statute § 471.59, subdivision 10, the State is empowered to engage such assistance as deemed necessary. Under Minn. Stat. § 412.211 the City may hold, manage, sell, convey, lease, or otherwise dispose of such property as its interests require. Under Minn. Stat. § 103D.201, subd. 2, part 13, the PRWD is authorized to protect or enhance the water quality in watercourses or water basins. Under Minn. Stat. § 103E.227, subd. 1, the PRWD can petition to impound, reroute, or divert drainage system waters for beneficial use.

The Cooperators are in need of the restoration of a wetland/shallow lake complex ("Project") at Rice Lake in Sections 10, 11, 13, 14, 15, 23 and 24 of Detroit Township (T139N, R41W), Becker County, Minnesota. The Project includes upper and lower water control structures with adjustable weirs; access roads, embankments, and potential borrow areas for construction. The Project will improve water quality in downstream recreational lakes, allow water level management, enhance wetland wildlife habitat within the Project area, and improve public recreation opportunities. The Cooperators are also in need of establishing the authority and responsibility for the long-term operation and maintenance of the Project.

Agreement

1 Term of Agreement

- 1.1 **Effective date:** Upon execution, or the date the State obtains all required signatures under Minnesota Statutes Section 16C.05, subdivision 2, whichever is later.
- 1.2 **Expiration date:** January 15, 2069, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

2 Agreement between the Parties

See **Exhibit A**, Rice Lake Wetland Restoration Project Map, which is attached and incorporated into this agreement, for locations of work.

2.1 State's Responsibilities: The State shall:

- a) Authorize the PRWD to construct and maintain the upper water control structure with an adjustable weir for water level management on the Frank Wildlife Management Area in Section 23 of Detroit Township, Becker County, Minnesota.
- b) Allow the PRWD access to operate the upper water control structure as described in "Operation and Maintenance Plan" ("Plan"). The draft version is attached and incorporated into this agreement as **Exhibit B**. Once the Plan is approved, the draft will be replaced with the approved version and will be incorporated into this agreement.
- c) Provide for a borrow area in Section 24 of Detroit Township, Becker County, Minnesota. The site shall be approved by the DNR Area Wildlife Manager prior to use and restored as described in the construction plans upon completion of the Project.

2.2 City's Responsibilities: The City Shall:

- a) Authorize the PRWD to construct and maintain the upper and lower water control structures, access roads and embankments on City property in Section 23 of Detroit Township, Becker County, Minnesota.
- b) Provide for a borrow area on City land in Section 23 of Detroit Township, Becker County, Minnesota. The site shall be approved by the City Administrator prior to use and restored as described in the construction plans upon completion of the Project.

2.3 PRWD's Responsibilities: The PRWD shall:

- a) Authorize, fund, construct, maintain and own the upper and lower water control structures with access roads and embankments, and all associated facilities as needed to complete the Project. Obtain all necessary local, state and federal permits and easements for the project. Construction work shall be completed by 12/31/2020.

- b) Provide two (2) copies of final design plans, specifications, and engineering documents to the State's Authorized Representative prior to bid. These documents shall be in both electronic and written format.
- c) Provide two (2) copies of as-built plans to the State's Authorized Representative within 6 months of construction completion. These documents shall be in both electronic and written format.
- d) Provide funds for normal maintenance and long-term repair/replacement of the upper and lower water control structures and access roads.

2.5 Joint Responsibilities:

- a) The Cooperators shall jointly inspect all work prior to approval for final payment by the PRWD.
- b) Both the State and PRWD shall have the right of free access to operate and maintain the Project at any time.
- c) Both the State and PRWD shall inspect the Project periodically and after major storms or unusual occurrences or conditions. The inspections are to insure proper functioning and check for possible damage or deterioration. Inspections may be performed separately or jointly.
- d) The weir elevation of the upper pool of the Rice Lake Wetland Restoration Project shall be set to a normal operating elevation of 1352.8' (NAVD88). The weir elevation of the lower pool shall be set to a normal operating elevation of 1350.8 (NAVD88). The water control structures shall have adjustable stoplog bays for adjusting water levels by consent of PRWD and the State to achieve maximum water quality benefits. The pools can be drawn down below normal operating levels for maintenance or wetland habitat enhancement on an as needed basis.
- e) The State and PRWD shall jointly operate the Rice Lake Wetland Restoration Project as described in the Plan, The State and PRWD shall meet at least once annually to review the specific short and long-term operational plans for water levels within the project area as well as any maintenance needs.
- f) Modifications within the scope of this instrument shall be made by mutual consent of the parties by the issuance of an amendment, signed and dated by all parties, prior to any changes being performed. Any modification that changes the normal operating pool levels requires concurrence of the State and PRWD.

3 Payment

No funds are changing hands. The total obligation of the State under this agreement will not exceed \$0.00.

4 Authorized Representatives

The State's Authorized Representative is Robert Baden, Area Wildlife Manager, MN Department of Natural Resources, 14583 Co Hwy 19, Detroit Lakes, MN 56501-7121, 218-846-8476, robert.baden@state.mn.us, or his/her successor.

The City's Authorized Representative is Kelcey Klemm, City Administrator, 1025 Roosevelt Avenue, Detroit Lakes, MN 56501, 218-846-7123, kklemm@cityofdetroitlakes.com, or his/her successor.

The Pelican River Watershed District's Authorized Representative is Tera Guetter, Administrator, 211 West Holmes Street, Suite 201, Detroit Lakes, MN 56501, 218-846-0436, tera.guetter@arvig.net, or his/her successor.

5 Assignment, Amendments, Waiver, and Contract Complete

- 5.1 **Assignment.** The Cooperators may neither assign nor transfer any rights or obligations under this agreement without the prior consent of the State and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.
- 5.2 **Amendments.** Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.
- 5.3 **Waiver.** If the State fails to enforce any provision of this agreement, that failure does not waive the provision or its right to enforce it.
- 5.4 **Contract Complete.** This agreement contains all negotiations and agreements between the State and the Cooperators. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.

6 Indemnification

In the performance of this contract by the Cooperators, or the Cooperators' agents or employees, the Cooperators must indemnify, save, and hold harmless the State, its agents, and employees, from any claims or causes of action, including attorney's fees incurred by the state, to the extent caused by the Cooperators':

- 1) Intentional, willful, or negligent acts or omissions; or
- 2) Actions that give rise to strict liability; or
- 3) Breach of contract or warranty.

The indemnification obligations of this section do not apply in the event the claim or cause of action is the result of the State's sole negligence. This clause will not be construed to bar any legal remedies the Cooperators may have for the State's failure to fulfill its obligation under this contract.

7 State Audits

Under Minnesota Statute § 16C.05, subdivision 5, the Cooperator's books, records, documents, and accounting procedures and practices relevant to this agreement are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this agreement.

8 Government Data Practices

The Cooperators and State must comply with the Minnesota Government Data Practices Act, Minnesota Statute Ch. 13, as it applies to all data provided by the State under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Cooperators under this agreement. The civil remedies of Minnesota Statute § 13.08 apply to the release of the data referred to in this clause by the Cooperators or the State.

If the Cooperators receive a request to release the data referred to in this Clause, the Cooperators must immediately notify the State. The State will give the Cooperators instructions concerning the release of the data to the requesting party before the data is released.

9 Venue

Venue for all legal proceedings out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

10 Termination

10.1 **Termination.** The State or the Cooperators may terminate this agreement at any time, with or without cause, upon 30 days' written notice to the other party.

11 E-Verify Certification (In accordance with Minn. Stat. §16C.075)

For services valued in excess of \$50,000, Contractor certifies that as of the date of services performed on behalf of the State, Contractor and all its subcontractors will have implemented or be in the process of implementing the federal E-Verify program for all newly hired employees in the United States who will perform work on behalf of the State. Contractor is responsible for collecting all subcontractor certifications and may do so utilizing the E-Verify Subcontractor Certification Form available at <http://www.mind.admin.state.mn.us/doc/EVerifySubCertForm.doc>. All subcontractor certifications must be kept on file with Contractor and made available to the State upon request.

12 Invasive Species Requirements

The State requires active steps to prevent or limit the introduction, establishment, and spread of invasive species when working on or entering into land under the control of the State, or during State-funded work. All parties involved in the project shall prevent invasive species from entering into or spreading within a project site by cleaning equipment vehicles, gear, and/or clothing prior to arriving at the project site and after completion of the project.

If the equipment, vehicles, gear, or clothing arrives at the project site with soil, aggregate material, mulch, vegetation (including seeds) or animals, it shall be cleaned by operator- furnished tools or equipment (brush/broom, compressed air or pressure washer) at the staging area. The operator shall dispose of material cleaned from equipment and clothing at a location determined by the DNR Area Wildlife Manager. If the material cannot be disposed of onsite, secure

material prior to transport (sealed container, covered truck, or wrap with tarp) and legally dispose of offsite.

The operator shall ensure that all equipment and clothing used for work in infested waters has been adequately decontaminated for invasive species (e.g., zebra mussels) prior to being used in non-infested waters. All equipment and clothing including but not limited to waders, tracked vehicles, barges, boats, turbidity curtain, sheet pile, and pumps that comes in contact with any infested waters must be thoroughly decontaminated.

13 Pollinator Habitat Enhancement

Habitat restorations and enhancements conducted on DNR lands and prairie restorations on state lands or on any lands using state funds are subject to pollinator best management practices and habitat restoration guidelines pursuant to Minnesota Statutes, section 84.973. Practices and guidelines ensure an appropriate diversity of native species to provide habitat for pollinators through the growing season. Current specific practices and guidelines to be followed for contract and grant work can be found on the DNR's website under MN Pollinator Resources.

Signature page for: Joint Powers Agreement between Minnesota Department of Natural Resources and City of Detroit Lakes, and Pelican River Watershed District.

**1. STATE ENCUMBRANCE
VERIFICATION**

Individual certifies that funds have been encumbered as required by Minn. Stat. '§ 16A.15 and 16C.05.

By: Mary Lavelle
Date: 9-10-19
SWIFT
PO #
Contr # 166064

2. PELICAN RIVER WATERSHED DISTRICT

By: Dennis Kral
Name: Dennis Kral
Title: Chair, Board of Managers
Date: 10-28-19

3. CITY OF DETROIT LAKES

By: Matt Brenk
Name: Matt Brenk
Title: Mayor
Date: 11-5-2019

4. DEPARTMENT OF NATURAL RESOURCES

Individual with delegated authority

By: David P. Olfelt
Name: David P. Olfelt
Title: Director, Division of Fish and Wildlife
Date: 12/2/19

5. COMMISSIONER OF ADMINISTRATION

As delegated to Materials Management Division

By: Harley Hail
Name: Harley Hail
Date: 12-12-19

64618

Distribution:	
Agency - Original	Asst. Regional Wildlife Manager- Scan
City- Original	Area Wildlife Manager - Scan
Watershed District - Original	FAW Contracts - Scan, paper
Dept. of Admin. - Original	FAW Grants Spec - Scan
Wildlife Ops Consultant - Scan	

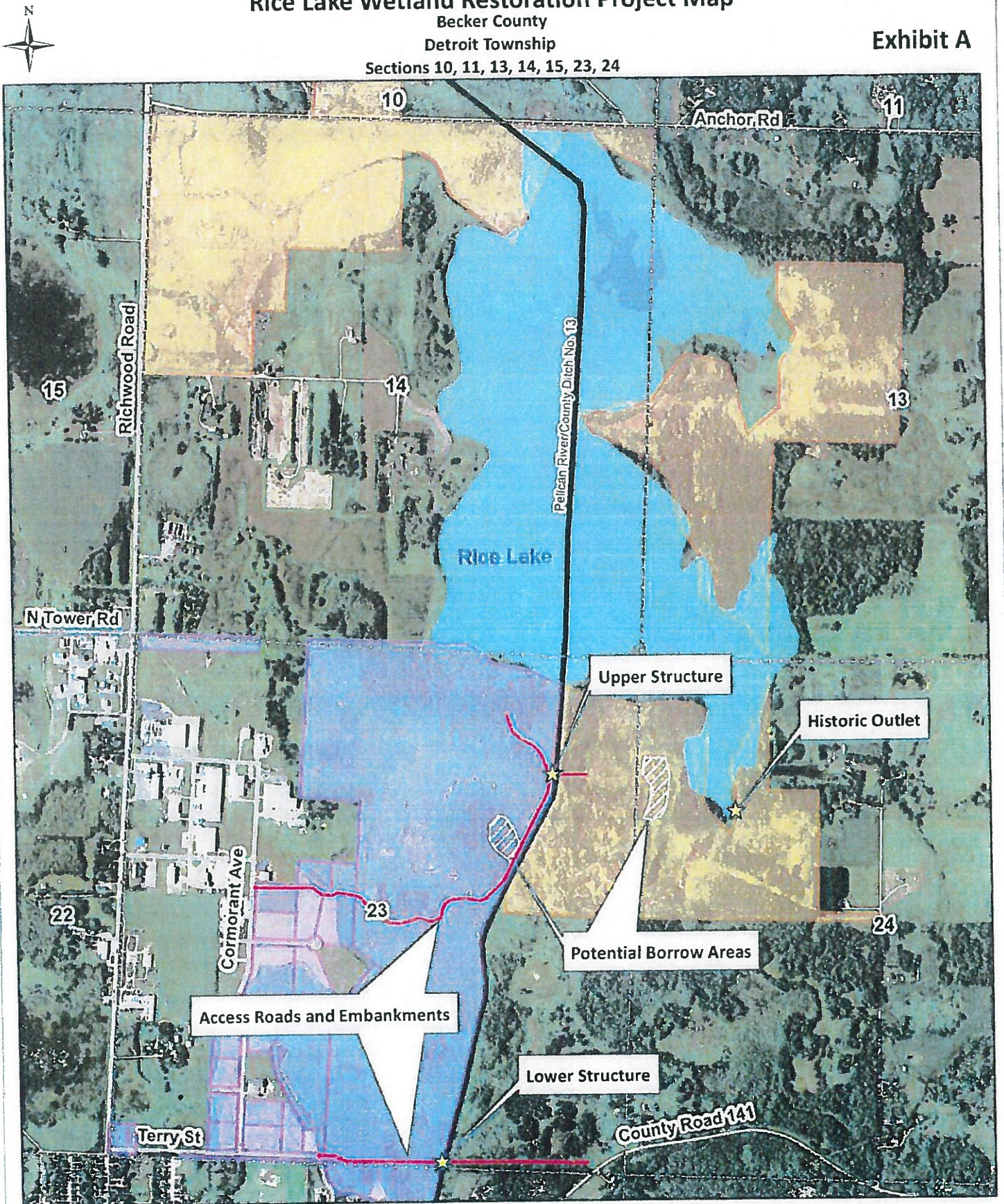
Rice Lake Wetland Restoration Project Map

Becker County

Detroit Township

Sections 10, 11, 13, 14, 15, 23, 24

Exhibit A



Rice Lake

Frank Wildlife Management Area

Public Land Sections

Pelican River/County Ditch No. 13

City of Detroit Lakes

2017 FSA Color Imagery

0 0.25 0.5 Miles

**Operation and Maintenance Plan
for the
Rice Lake Wetland Restoration Project
September 25, 2019**

**Pelican River Watershed District
City of Detroit Lakes
Minnesota Department of Natural Resources**

Background

The Rice Lake project is a cooperative undertaking between the City of Detroit Lakes (CITY), Minnesota Department of Natural Resources (MNDNR), and the Pelican River Watershed District (PRWD). The primary purpose of the project is to improve overall water quality benefits to Big and Little Detroit and other downstream lakes while improving the wetland wildlife and waterfowl habitat within the Rice Lake complex.

Since 1995, the PRWD have been collecting and analyzing water quality samples throughout the watershed. PRWD identified water quality impairments to Big Detroit and Little Detroit Lakes. The primary nutrient of concern identified is phosphorus. One of the significant findings from monitoring data showed a 316% and 520% increase in total and ortho phosphorus concentrations respectively between the outlet of Little Floyd Lake and just downstream of Rice Lake. Monitoring conducted during 1998-2000 showed approximately 2,000 kg of phosphorus per year being contributed to the Pelican River as it flows through Rice Lake.

Rice Lake was once a larger, deeper wetland that was drained in 1910's. Photos during the 1930's show extensive pasturing within the drained basin. When normal precipitation patterns returned, this land use was abandoned and much of the wetland hydrology returned. Although wetland vegetation reestablished, a ditch remains through the center leaving Rice Lake in a semi-drained state. Soil sampling performed by Natural Resource Conservation Service in 2004 revealed that organic soils are over 30 feet in places within the wetland. It was hypothesized that the original ditching through the wetland has accelerated phosphorus release from the organic materials by enhancing oxidation in the upper organic layers.

Restoring Rice Lake will decrease mineralization of organic material thereby reducing phosphorus loading to the Pelican River. It will reduce lateral movement of wetland phosphorus laden porewater towards the channel and increase runoff residence time through the restored wetland thus enhancing filtering/adsorption of phosphorus.

The cooperating agencies have the powers to construct and maintain the project to impound water via easement and fee title on approximately 1,250 acres of land located in Sections 10, 11, 13, 14, 15, 23 and 24 Township 139 North, Range 41 West, Becker County, Minnesota. These lands have been acquired under a number of local, state, and/or federal easement and acquisition programs whose purpose is to improve water quality, provide public recreation opportunities, and protect and enhance wildlife habitat.

The project involves the installation of two new water level control structures on Becker County Ditch No. 13 in Section 23, T139N, R41W (Detroit Township). The Upper Structure is located on County Ditch No. 13 approximately 1000 feet south of the north line of Section 23. The water level for the upper pool will be maintained using the adjustable stoplog bay to an approximate elevation of 1352.8 (NAVD 88) during base flow conditions.

The Lower Structure is located on County Ditch No. 13 approximately 100 feet north of the south line of Section 23. The water level for the lower pool will be maintained using the adjustable stoplog bay to an approximate elevation of 1350.8 (NAVD 88) during base flow conditions.

General

The following table shows which cooperators will be responsible for the construction, operation, and maintenance of the various project components:

Project Responsibilities

Item	Responsible Governmental Unit
<u>Construction, Ownership and Maintenance</u>	
Upper and Lower Control Structures	PRWD
Upper and Lower Access Roads	PRWD
<u>Monitoring, Operation and Inspection</u>	
Upper and Lower Control Structures	MNDNR & PRWD
Upper and Lower Access Roads	PRWD

Plan of Operation and Maintenance

A. Structure Descriptions:

Rice Lake Wetland Upper Control Structure

The outlet structure consists of a 30-foot weir with one 5-foot wide stoplog bay for wetland level management. The weir will have a crest elevation of 1352.8 (NAVD 88). The crest of the stop logs will be set slightly below to maintain a pool elevation of 1352.8 (NAVD 88) at the structure during base flows. A bridge is installed across the full length of the structure for maintenance and stoplog manipulations.

Rice Lake Wetland Lower Control Structure

This outlet structure will be a 30-foot weir with one 5-foot wide stoplog bay for wetland level management. The weir will have a crest elevation of 1350.8 (NAVD 88). The crest of the stop logs will be set slightly below to maintain a pool elevation of 1350.8 (NAVD 88) at the structure during base flows. A catwalk is installed across the full length of the structure for maintenance and stoplog manipulations.

B. Structure Operation and Monitoring

General

Management of the water control structures will maximize water quality benefits and enhance wetland wildlife habitat. The PRWD and MNDNR will jointly carry out operation and monitoring of the structure.

Startup

- The initial raising of the pools will be done in the spring following construction and after the majority of snowmelt runoff has occurred. To reduce the likelihood of lifting and floating organic mats, stop logs should not be inserted to the final crest elevation all at once. Installing the logs in six (6) inch to one foot increments over a period of several months will allow for monitoring of floating mat problems.

Normal Operation

- The project has been designed such that the water level upstream of the Upper Control Structure will be at approximately 1352.8 (NAVD 88) and water levels upstream of the Lower Control Structure will be at approximately 1350.8 (NAVD 88) during baseflow. The planned baseflow pool elevations were estimated using hydrologic modeling. There are unknown and variable factors that have an influence on modeled water surfaces, especially for low flow conditions. Because of this, the actual top of stop log elevations at the control structures may need adjusting at startup until the targeted water surface elevations are reached.

Headwater and tailwater levels at the Upper Control Structure, Lower Control Structure, and at Anchor Road should be regularly monitored.

Drawdown

- Periodically, the basins may be drawn down for purposes of wildlife habitat enhancement, vegetation control or maintenance. Wildlife habitat conditions will be monitored periodically by MNDNR. Drawdowns may be implemented to stimulate growth of wetland vegetation and/or if water clarity measurements indicate turbid water conditions for two consecutive growing seasons. Drawdown timing will minimize phosphorus loading during the summer months (June-September), and be based on best management practices and adaptive management techniques. Drawdowns will be approved by consent of the PRWD and MNDNR.

C. Maintenance and Inspection

- The project will be operated and maintained in compliance with applicable Federal, State and local laws, including dam safety rules and regulations. The MNDNR and PRWD will annually inspect the Upper and Lower Control Structures and report any issues to the PRWD for action. Additional inspections after severe floods and any other occurrence of unusual conditions which might adversely affect the structural elements of the project will also be conducted by MNDNR and PRWD.
- The PRWD will carry out maintenance of the Access Roads, Upper Control Structure, and Lower Control Structure.

Flood Maintenance

- The Upper and Lower Control Structures have been designed for safe and automatic operation during flood events. The manipulation of stop logs is not necessary and provides almost no change in the hydrograph during flooding. The most important responsibility of the operator is to monitor the spillway openings for obstructions caused by debris or floating mats of vegetation and to remove any significant obstruction from the front of the spillways.

- During flood conditions, water levels at the Upper and Lower Control Structures will be monitored and recorded. The embankments and spillways of the Upper and Lower Control Structure should be monitored more frequently when water levels come within two feet of the top of the dam. This equates to water level elevations at 1354.3 (NAVD 88) or above at the Upper Control Structure and 1353.5 (NAVD 88) or above at the Lower Control Structure. Observations for plugging of the spillways or seepage through the embankment should be noted and action taken if needed.

Maintenance items that may be needed:

Structures, Access Roads, Becker County Ditch 13

- a. Obstructions within the ditch will be removed to avoid nutrient flushing. This includes trees, brush and beaver dams.
- b. The structural integrity and function of the structure will be maintained.
 - i. Replace soil removed by burrowing animals where this could result in damage to the spoil berm, floodway and structures.
 - ii. Remove trees and brush from the spoil berm, structures and channel area to maintain designed flow area capacity
 - iii. Remove logs and other floating debris carried by floodwaters and dispose of properly.
- c. Access roads may occasionally need grading and resurfacing to keep them in usable condition.

Management Team

The PRWD and the MNDNR will meet each year in winter to review the project operations, water management, and maintenance needs for the upcoming year as well as any needs for long-term management. A meeting may be called at other times of the year should the need arise to address pressing management needs.

Modification of Plan of Operation

This plan of operation and maintenance may be modified or amended at any time by mutual consent of the cooperators.

Signature/Approval page for:

Operation and Maintenance Plan for the Rice Lake Wetland Restoration Project (September 25, 2019)

1. PELICAN RIVER WATERSHED DISTRICT

By: Dennis Kral

Name: Dennis Kral

Title: Chair, Board of Managers

Date: 10-28-19

2. DEPARTMENT OF NATURAL RESOURCES

By: Robert P. Baden II

Name: Robert Baden II

Title: Area Wildlife Supervisor

Date: 11-13-19

By: John F. Williams

Name: John Williams

Title: Regional Wildlife Manager

Date: 11/15/19

By: Michael Larson

Name: Michael Larson

Title: Interim Wildlife Section Manager

Date: 11/25/2019

DISTRICT ADMINISTRATOR'S MONTHLY REPORT

JUNE 11, 2021

CAPITOL IMPROVEMENT PROJECTS AND PROGRAMS

Rice Lake Capital Improvement Project (CIP). The contractors started construction on the upper structure access road. The District receives weekly construction updates from the contractors. Letters were mailed to Anchor Road residents informing them the project has started. The Rice Lake Wetland Restoration Joint Powers Agreement Amendment was executed. Staff will be reporting grant activities in the BWSR E-LINK reporting site this month. Detroit Township will receive final payment for Anchor Road Improvements (\$50,000) in June.

Campbell Creek Streambank Study Work – MN DNR will present their findings at the June 17th board meeting.

Otter Tail WRAPS & TMDL Report – A meeting with the MPCA, City of Detroit Lakes, and PRWD was held virtually on June 2nd to discuss the E. Coli impairments on the Pelican River and potential future implications for the City of DL wastewater treatment or MS4 permits. Comments on the draft report were due June 9th. The City of Detroit Lakes submitted comments on the report. See <https://www.pca.state.mn.us/water/total-maximum-daily-load-tmdl-projects>.

Bucks Mill Modification. Nick Kludt, MN DNR is meeting with Becker County Board of Commissioners on June 15th to review the project and will be at the PRWD Board of Managers Meeting on June 17th to request the District to apply for a Lessard-Sams Outdoor Heritage grant for modification of Buck's Mill dam and the restoration of the Pelican River channel for river connectivity and habitat enhancement. The project is contingent upon finalization of Becker County's land acquisition and no grant application would be made until that project element has been completed. The grant would be a collaboration between Becker County, MN DNR, and the District.

Little Floyd Lake Outlet. Nick Kludt, MN DNR is interested in modifying Little Floyd Lake outlet to a rock rapids. The District could apply for a CPL grant (requires a 10% match of project costs). Site specific engineering and design costs incurred within 18 months of the application deadline are eligible for match with CPL.

Red River Basin LiDAR Data Collection. The Red River Watershed Management Board is moving forward with LiDAR data acquisition in the Red River Basin of Minnesota and is reaching out to non-member governmental units. Enclosed is a letter with more information about this effort, timelines, and anticipated costs. A meeting next week with the Red River Water Management Board, Becker County, and Becker SWCD is currently being scheduled and more information will be available at the Board Meeting this month or next.

EDUCATION AND OUTREACH (Website, Social Media, and Workshops)

Hodge Podge. On the Friday, May 21 program, Guetter and PRWD summer interns, Meagan Powers and Isaac Cuchna gave an update on the Rice Lake Wetland Restoration Project and the interns gave an overview of the monitoring program and commented on the water conditions after a recent storm event.

Lake Reports. Lake reports have been completed for Detroit/Rice, Sallie/Melissa, Long and Floyd Lakes and will be distributed at the lake association meetings and will be available on the District's website.

Becker COLA Workshops – PRWD is reviewing the District's "AIS Readiness Response Plan - 2020" at their regular Thursday, June 24th meeting.

Becker County Fair (July 28-31). The Becker County Fair will be happening this year and the District will host a booth in the MN DNR building.

Sucker Creek Education Event. The annual Sucker Creek High School learning was held May 19 & 20. Mortenson and the summer interns assisted by teaching students how to collect water samples, take flow measurements, and assess biological conditions. Students were taught the importance of good water quality and of the importance of the Sucker Creek Preserve.

DISTRICT ADMINISTRATOR'S MONTHLY REPORT

JUNE 11, 2021

Social Media Posts (Facebook) – May 2021

- May 3 – Volunteer Citizen Water Monitors needed
- May 6 – Learn about AIS
- May 12 – How to Care for your septic system
- May 12- Becker County burning restrictions
- May 19 – Roadside pick up program set to start June 1
- May 25 – CLP Chemical Treatments scheduled for May 26 on Detroit, Curfman, Sallie and Muskrat
- May 28 – Roadside pick program delayed due to equipment issues

Website – The “new and greatly improved” website launched Friday, May 28th. Staff will continue to add information and pictures over the next few months.

BWSR Media – Rice Lake Project will be featured in monthly BWSR Project Spotlight.

Kiwanis meeting – Guetter is scheduled to be the guest speaker on June 29.

Lake Association Meetings –Guetter will be attending the Melissa Sallie Lake Improvement meeting on June 19th. Mortenson will be attending the Long Lake Betterment Association meeting on June 19th.

ECOLOGICAL INTEGRITY

Aquatic Plant Management Program.

Project 1B (Sallie/Melissa)

- **AIS Treatments**- On 5/26/21, a total of 12.3 acres of Curly-leaf Pondweed was treated in two areas on Lake Sallie at a cost of \$8,917.50. We will be reviewing and delineating Flowering rush the week of June 14.
- **Aquatic Vegetation Roadside Pickup Program**- started June 7th and will continue through September.

Project 1C (Detroit/Curfman)

- **AIS Treatments** -On Big Detroit, 8.2 acres of Curly-leaf Pondweed was treated for \$10,209 and 7.9 acres was treated for \$6972 on Curfman on 5/26/21. Flowering rush will be delineated the week of June 14.
- **Aquatic Vegetation Roadside Pickup Program**- started June 7th and will continue through September.

Project LMP-01- Muskrat

- **AIS Treatment** – 8.9 acres of Curly-leaf Pondweed was treated at a cost of \$1,274.48 on 5/26/21.

Little Floyd Lake – interns noted CLP in northeast corner of Little Floyd Lake. Mortenson notified MN DNR and Floyd Shores Lake Association about this. MN DNR stated their records showed curly-leaf pondweed was present in Little Floyd Lake as early as 2017.

Becker County AIS Control Grant. The District was awarded a \$4,000 control grant for treatment of Curly Leaf Pondweed on Lake Detroit.

MN DNR AIS Control Grants – The District was awarded a total \$17,050 for AIS treatments on the following lakes:

- Muskrat - \$1500
- Curfman - \$2550
- Sallie - \$5000
- Detroit - \$5000
- Melissa - \$3000

WATER MANAGEMENT RULES – see monthly report.

DISTRICT ADMINISTRATOR'S MONTHLY REPORT

JUNE 11, 2021

INCENTIVE PROGRAMS

Education Grant Funds- Moses and administrative staff from Rossman and Roosevelt schools met on 5/25/21 to discuss the best way to set up the Education Grant funds approved by the Board in April. The school science committee will be meeting over the summer months and they will explore what field trips or supplies would assist in meeting standards at various class levels. They will submit a proposal to the District for review and approval/denial. School staff was very appreciative of District assistance toward science education.

DISTRICT OPERATIONS/ADMINISTRATION

BWSR Partnership Dialog/Listening Session with MAWA Region 1. We have had no further feedback from BWSR after the May 4th meeting.

BWSR Grants Program & Policy Committee Meeting- Guetter attending the meeting (alternate for Jamie Beyer, Bois de Sioux WD Admin) on May 24th. Discussion included the watershed-based implementation funding status over the next three years, funding formulas, and FY22 competitive grants.

MAWA (Assoc. of Watershed Administrators) Region 1 Meeting – Region 1 Administrators met (via IT) on May 19th. Topics covered included planning the June 22nd MAWD Region 1 meeting, potential 2022 Legislative Resolutions (BWSR Capacity funding, conservation delivery funding, training for WD; increasing flood damage reduction funds, 1W1P Policy changes for WD's). Administrators recommend MAWD legislative support to include weekly updates during the legislative session, a written list of bills to watch, and develop a policy position paper to the membership.

MAWD Newsletter/Legislative Update: MAWD recently emailed an update. Contact the office if you are not receiving an update.

MAWD Summer Virtual Meeting: MAWD will not be holding a summer tour this year, however they will be having a shorter online meeting on July 22 starting at 1 pm. The meeting will include a legislative recap, a report on how we are progressing at the midpoint of the MAWD organization strategic plan with discussion on the next steps for finishing this plan and starting the next, and a presentation on the resolutions process. There will be no charge for this event.

North County MAWD (Region 1 Red River Valley) – June 22nd virtual or in-person options. A meeting invitation and agenda was emailed to the Managers and Guetter.

Grant Oversight.

- **Campbell Creek Watershed Restoration (MPCA Section 319 Small Watersheds Focus Group C Grant Funding).**
- **FEMA Grant** – FEMA localized flooding study.
- **MN DNR and Becker County AIS Control Grants** – The District will be submitting reimbursement for treatment expenses.
- **BWSR Clean Water Rice Lake Project-** The District will be reporting on grant activities in E-Link this month.

Project DCM-01 Data Collection and Monitoring. The Engineer's Report was forwarded to BWSR and MN DNR staff for their 30-day comment period on Friday, May 21. The Public Hearing is set for Thursday, July 15 at 5:00 PM and the meeting will be noticed. After the Public Hearing, the Board will make a final decision to proceed and order the establishment of the project for data collection, monitoring, special studies, and education.

FISCAL MANAGEMENT

DISTRICT ADMINISTRATOR'S MONTHLY REPORT

JUNE 11, 2021

2020 Audit – The 2020 Financial Audit report was approved by the Board of Managers at the May meeting. The Report was submitted to BWSR on May 25th. Clasen & Schiessl submitted the report to the Minnesota Office of the State Auditor.

INTERNAL GOVERNANCE POLICIES

Interactive Technology – The MN legislature has updated the statute regarding the use of interactive technology (old language used interactive television) for public meetings. (updated policy attached)

PRWD Bylaws. Staff met with Manager Imholte and minor wording and format order changes were made to the Bylaws. The changes finalized in the legislature for the interactive technology meeting attendance policy have also been updated in the Bylaws. (copy attached)

COLLABORATION WITH OTHER UNITS OF GOVERNMENT AND PARTNERS

Otter Tail 1W1P Partnership

May 17, 2021 Meeting. The technical advisory (LGU Administrators) met virtually to review the proposed work plan, timeline, budget, and Otter Tail 1W1P Bylaws prior to the Policy Committee Meeting (voting LGU officials) for review and approval at the May 27th meeting in Perham.

May 27, 2021 Meeting. The Policy Committee (LGU voting members) met in Perham on May 27th and approved the work plan, timeline, budget and Bylaws (attached hereto). The Policy Committee recommended a few changes to the Bylaws including renaming the Advisory Committee to Technical Advisory Committee to clarify role purpose and responsibilities, clarifying language regarding subcommittees, and adding a counterpart clause (each LGU need not sign the same copy of the agreement, allowing each LGU to execute separate identical agreements and all together shall be treated as an original agreement). The Policy Committee voted to approve hiring the consulting services of Moriya Rufer, HEI as the plan writer. Ms. Rufer has experience writing 1W1P's and she recently completed writing the Otter Tail WRAPS and TMDL studies. The Policy Committee also recommended the hiring of a meeting facilitator if the budget allows. The Policy Committee also briefly discussed public "Kickoff" meeting, the need to keep the public informed in a timely manner, and to host an Otter Tail watershed tour for the Policy Committee and Administrators. Information (Bylaws, agendas, minutes, etc.) regarding the Otter Tail 1W1P will be hosted on a website page on the East Otter Tail SWCD website: www.eotswcd.org/one/. The Policy Committee meetings will be held on an ad hoc basis, on the 4th Thursday of the month or as otherwise scheduled. The Becker County Board of Commissioners voted to join the Otter Tail 1W1P Partnership at their June 1st Board meeting. Commissioner John Okeson was appointed to the Policy Committee. **Action Items to be completed:** Finalize BWSR grant agreement (work plan, timeline, and budget) by June 30th. Each LGU governing board approve the Policy Committee Bylaws of the Otter Tail 1W1P Partnership at their next Board meeting.

Becker County

Board of Adjustments: The District commented on the Becker County Board of Adjustments packet for 6/10/21. The District notified the BOA two of the proposed projects would need a PRWD permit if approved.

Zoning Ordinance Advisory Committee: Staff attended the Zoning Ordinance Advisory Committee meeting on May 27th and offered technical comments on proposed changes to Becker County Ordinance regarding 3 tract subdivisions, retaining walls, and septic holding tanks.

City of Detroit Lakes

City Council: The District commented on the City of Detroit Lakes Council Packet for 6/8/21.

South Shore Park -Moses and Guetter met with Tom Gulon, City of DL Parks Dept, and Bill and Nancy Henke (IKES) at the South Shore Park site on June 2 for potential planting ideas to present to the Park Board at their July meeting. Plantings for consideration should take into account the various use/foot traffic areas, be low maintenance, pollinator friendly, and visually attractive throughout the seasons. The group met again on June 9th to review potential plantings throughout the park. Nurseries are encouraging plantings that are climate resilient (drought, temperature).

DISTRICT ADMINISTRATOR'S MONTHLY REPORT
JUNE 11, 2021

PRWD Technical Advisory Committee (TAC): Nothing further to report.

PRWD Citizen Advisory Committee (CAC): Moses met with area school science educators on May 25, 2021 (see incentive programs for more information).

DRAINAGE SYSTEM REPORT

June 2021

DITCH 11/12 (Moon Lake to Campbell Lake to North Floyd Lake)

Ditch 11.

Status 5/21/21: Plans are in place to remove the dam and it will be opened up as time permits.

Ditch 12

Nothing further to report.

DITCH 13 (Little Floyd Lake to Big Detroit)

Nothing further to report.

DITCH 14 and BRANCH 1 (HWY 10 to St. Claire Lake to Pelican River)

Nothing further to report.

DISTRICT ADMINISTRATOR'S MONTHLY REPORT
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DATA COLLECTION AND MONITORING PROGRAM– June 2021

Volunteer Citizen Monitoring- A flyer was sent out in early May to select property owners on lakes Abbey, Glawe, Johnson/Reeves, Mill Pond, Munson, Muskrat and Pearl to see if there was any interest in volunteer citizen monitoring on these lakes. No responses were received.

Lake & Stream Monitoring

Lake sampling began on 6/1/21. Staff observed good water clarity with secchi depth readings much greater than average on all lakes. North Floyd had a water clarity reading of 19.5' (average is ~9'). Chemical sampling results have not been received.

Stream sites continue to be sampled on a two-week basis. Two storm events have been sampled so far, on 5/20/21 (1.19") and on 6/8/21 (0.54"). Lab results from the 5/20/21 storm event show a large flush of nutrients and *E.coli* (See below).

Site	TP (mg/l)	OP (mg/l)	TSS (mg/l)	<i>E.coli</i> (MPN/100ml)
CC2	1.92	0.54	1470	-
CC1	0.314	0.012	276	-
PR2b	0.031	0.009	2.2	579.4
PR4a	0.149	0.012	52.5	1986.3

Stream Ratings- Staff have begun using the new Flowtracker2 to collect stream rating samples. Evelyn Ashiamah, Minnesota Pollution Control Agency, trained staff and interns on how to take measurements with the new equipment.

Shoreline Surveys (*Big, North, Little Floyds*)- Staff have almost completed the shoreline survey of Big, North, and Little Floyd (~40 parcels remain). In the process of completing the shoreline survey on Little Floyd, a bed of curly-leaf pondweed was noted on the northeast side of the lake. Staff reported this information to MN DNR and the Floyd Shores Lake Association.

Vegetation Surveys (*Sallie, Melissa*)- Staff will begin vegetation surveys in July.

Zooplankton Study – Staff will be collecting Zooplankton samples monthly from June to September on Sallie, Melissa, Long, and the Floyds. MN DNR collects samples in Detroit Lake.

Special Project – *Long Lake High Water Issue* –Mortenson is meeting with J. Deraney and E. Clem the week of 6/14/21 to assess a location to put a drain for the excess water in the wetland. Piezometers will be placed to monitor groundwater fluctuations and assess the source of the excess water.

Monitoring Equipment Maintenance – Mortenson noted damage to the rims on the boat trailer during his spring inspection. Due to age of the tires (never been replaced), Mortenson will be replacing the wheels and tires on the boat.

DISTRICT ADMINISTRATOR'S MONTHLY REPORT

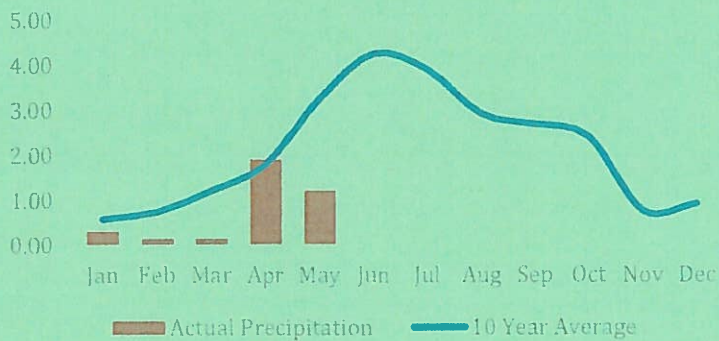
JUNE 11, 2021

Weather and Water Levels

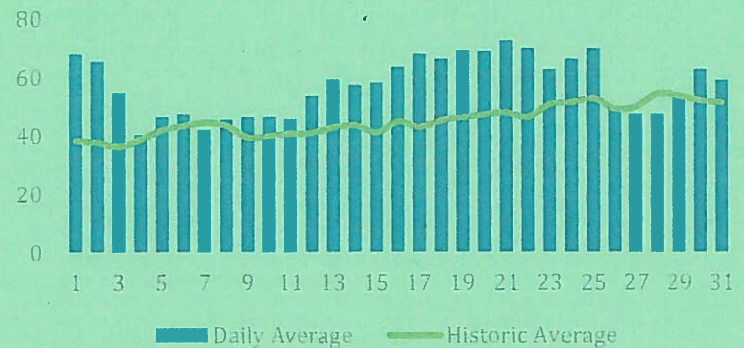
The highest temperature in May was 84.2°F on the 1st. The lowest temperature in May was 28.4°F on the 7th. The Coldest high was 51.8°F on the 4th and the warmest low was 62.6°F on the 20th and 21st. The average high and low of the month was 68.8°F and 45.5°F, and the average daily temperature was 72.5°F.

Temperatures trended above average for much of the month, with only 4 days averaging below the historic average (7th, 27th, 28th, 29th). Lake temperatures quickly increased with this warm weather triggering some algal blooms in shallow waters. Clarity has remained high in most lakes due to a lack of rainfall washing nutrients into the water.

2021 Precipitation



May Temperature



Rainfall for May continued the dry trend observed in January, February, and March. The rainfall that did accumulate came in 1 storm event and delivered very spotty amounts. Some residents north of Floyd Lake reported rainfall in excess of 2", with one report of 1" falling in about 20 minutes. At Wething Airport in Detroit Lakes, 1.19" of rain was recorded, and even less was reported further south. The intense nature of this rainfall caused extensive surface runoff and little infiltration. The timing of this large rainfall event meant vegetation had not yet established enough to stabilize topsoil in place. High sediment (1,470 ppm) and phosphorous (1,920 ppb) concentrations were observed on Campbell Creek at 230th Ave from the surface runoff. Clarity was also severely reduced, with clarity at 4.5cm.

RULES OF ENFORCEMENT

June 2021

SS: Small Site LS: Large Site Gov: Government Project

Permits Issued

	<u>No.</u>	<u>Name</u>	<u>Address/Area</u>	<u>Approved Project</u>
SS	21-23	King, Shawn & Candice	1814 Celia St.	Residential SW >25%: construction of new patio.
SS	21-24	Arvig, Jay	12245 Fern Beach Dr.	SIZ: Ice ridge repair, rip rap, remove un-safe tree in SIZ and mitigate 1:1.
SS	21-25	Rydell, Charles &	11131 Island Lane	SIZ: Sand blanket, rip rap, vegetative plantings.
SS	21-26	AMS Family Trust James Dolan	Pebble Beach Lane	SIZ: Vegetation removal, 35— of riprap.
LS	21-27	R & G Subaru	1140 US 59 South	Commercial SW Mgmt: >1 acre impervious surface.

Permit Applications submitted

- SS **Lee Myogeto**—26888 Long Lake Rd. Their contractor is working on a retaining wall plan (partial removal).
- SS **Joe Crary Trust**— 2969 Long Lake Rd. Remove old retaining wall and replace with smaller one. Working with neighbor (Mygeto).
- SS **Nate Hunter**—624 Shorewood Dr. Rebuilding house. No progress—no stormwater plan received.
- SS **Dennis Dovre**—1601 Oxcart Trail—Stormwater plan is needed. PRWD permit is pending per City of DL permit.

Violation *****

SS Greta Oak, 15603 W. Munson Lake. Work done in the SIZ zone without a permit. Permit application and payment received. SWCD is doing upland restoration and Beachcombers is repairing sand blanket and riprap.

SS McCollum, Joe & Amy, 21749 Floyd Lake Dr., SIZ alterations—work did not comply with permit 20-27. A plan has been received to bring the site into compliance. Waiting for notification of completion.

District Comments to City of Detroit Lakes Planning & Zoning:

Broadway Welding—No PRWD permit was issued. If the City extends variance, they will need to re-apply for permit.

District Comments to Becker County Planning & Zoning:

William & Marilyn Guy Trust—20421 Oakland Beach Rd.—If approved by Becker County, A PRWD stormwater management permit for the new structure will be needed as they will exceed 25% total impervious surface coverage.

Adam Haas & Jessica Kashmark—21676 Black Beauty Lane—If approved by Becker County, a PRWD SIZ alterations permit will be required (stormwater will need to be managed from the new structure).

Progress Report

Long Lake Road— Vegetation establishment looks good. Mortenson will continue to monitor.

18-41— Highland Estates—City approved changes to the PUD. District permit has expired and developer will need to reapply.

Riverview— Becker SWCD is restoring PRWD easement. Mortenson will continue to monitor.

Midtown Dev. —1281 Washington Ave. No work being done at this time.