## Regular Meeting Agenda



Date:	Wednesday, April 16, 2025
Time:	08:30 AM
Location:	Wells Fargo Building, Second Floor Meeting Room
	211 Holmes St. West, Detroit Lakes MN

### 08:30 AM - Verification of Quorum & Call Meeting to Order

1. Approve Agenda

2. Approve Consent Agenda

2.1. March 28, 2025 Special Board Meeting Minutes

2.2. Administrator's Report (including the Ditch Inspector's Report)

3. 2024 Financial Audit - Jordan White, Clasen & Schiessl CPAs

4. Public Comment – May address the Board for up to 3 minutes per speaker.

5. Unfinished Business

5.1. PRWD Adopted Revised Rules - Update

6. Rules/Permitting Report

7. Treasurer Report

7.1. April 2025 Bills & Quarter 1 2025 Manager Compensation and Expenses 7.2. April 2025 Fund Transfer

7.3. January-March 2025 Revenue & Expense Report; Grants Received/Expended

8. Grant Program Funding Requests

8.1. Best Management Practices (BMP) Applications

8.2. Education Mini-Grants

9. Project Updates

9.1.1. Rice Lake Project

9.1.2. Willow Street Pond Feasibility Study

9.1.3. Buck's Mill Dam Modification Project

9.1.3.1. Task Order 4 – Amendment 1

9.1.3.2. EAW Next Steps & Schedule Public Information Meeting

9.1.4. Campbell Creek Streambank Restoration Project

9.1.4.1. EAW Next Steps & Schedule Public Information Meeting

#### 10. New Business

10.1. Administrator Review Process

### 11. Reports

11.1. Attorney – Lukas Croaker

11.2. Engineer – Moore Engineering

### 12. Upcoming meetings and events

12.1. Regular Managers Meeting – May 21, 2025 at 8:30 AM

12.2. Minnesota Watersheds Summer Tour – June 24-26, 2026 – Roseau, MN

### 11:30 PM Adjournment

A Zoom link request may be made by contacting the office by 3:30 PM on 4/15/2025 at 218-846-0436 or by emailing prwdinfo@arvig.net

Manager Kral attending electronically at 26463 Paradise Point Rd, Detroit Lakes, MN

Note: The colored boxes around topics indicate a direct link to the corresponding page.

## **Special Meeting Minutes**



Date:	Friday, March 28, 2025
Location:	Wells Fargo Building, Second Floor Meeting Room
	211 Holmes St. West, Detroit Lakes MN
Managers Present:	Rick Michaelson, Charles Jasken, Laurie Olson, Dennis Kral (via IT), Orrin Okeson
	(via IT), Chris Jasken, Scott Busker (via IT)
Managers Absent:	None
Staff:	Administrator Guetter, Office Coordinator Bach
Consultants	Lukas Croaker (Ohnstad Twichell), Garrett Monson (Moore Engineering), Chad
	Engles (Moore Engineering)
Others:	Birch Burdick (Melissa-Sallie Lake Improvement Association), Phil Hansen
	(Becker County Commissioner), Peter Waller (BWSR), Jon Olson (Apex
	Engineering), Scott Walz (Meadowland Surveying), Larry Remmen (City of Detroit
	Lakes), Owen Reding (Becker SWCD - Shoreland Tech)

## Call to Order – the Managers' special meeting was called to order by President Michaelson at 08:31

1. Consider Agenda Additions & Approve Agenda.

Motion to approve the March 28, 2025 Meeting Agenda (Charles Jasken, Olson), Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken, Kral, Okeson, Busker. NAYS: None. Motion carried.

### 2. Approve Consent Agenda

Motion to approve the Consent Agenda including the February 12, 2025 Regular Board Meeting Minutes and March 2025 Administrator's Report (Kral, Charles Jasken), Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken, Kral, Okeson, Busker. NAYS: None. Motion carried.

### 3. Public Comment.

3.1. Jon Olson and Scott Walz distributed redlined comments on the draft revised Rules to the Board of Managers, with recommendations including to strike out Chapter 1- General Policy Statement and Introduction; Chapter 2 - Relationship of Watershed District to Becker County and City of Detroit Lakes; and Chapter 7 - Shoreline and Streambank Alterations. Chapter 6 - Storm Water Management - Sections 6.2(A)(1) & (2) which match Becker County Shoreland Ordinance thresholds and 6.2(A)(4) more than fifty percent (50%) of non-riparian lots; Section 6.4(A)(4) non-infiltration BMP implementation and figures; Section 6.5 BMP High-Water Level Management; Section 6.7(C) recording of maintenance agreement on the parcel containing the BMP.

President Michaelson asked if other members of the public wished to comment. Larry Remmen, City of Detroit Lakes – no comment. Birch Burdick, Melissa-Sallie Lake Improvement Association – no comment.

4. Rules/Permitting Report. Engineer Monson reported the Smith Living Trust permit was issued. Lake Melissa – Solmon violation update – Monson and Owen Reding continue to work with the landowner on the remediation plan which includes installation of shoreline buffer segments and raingardens to manage site stormwater runoff. Koenig violation – PRWD and City staff are working with the landowner

on a remediation plan. Motion to approve the March 2025 Rules Report (Chris Jasken, Busker), Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken, Kral, Okeson, Busker. NAYS: None. Motion carried.

- 5. Treasurer Report
  - 5.1. Approve March 2025 Bills, March 2025 Funds Transfer, January-February 2025 R& E Report. The bills, transfer amount, and R&E report were reviewed.
    - 5.1.1. Motion to approve March 2025 Claims (Checks 015370-015381; EFT2688-EFT2697) in the amount of \$77,941.33 (attached hereto) and March 2025 Fund Transfer from Savings to Checking in the amount of \$115,000 (Charles Jasken, Chris Jasken), Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken, Kral, Okeson, Busker. NAYS: None. Motion carried.
    - 5.1.2. Motion to approve January-February 2025 Revenue & Expense Report (Charles Jasken, Okeson), Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken, Kral, Okeson, Busker. NAYS: None. Motion carried.
    - 5.1.3. Certificate of Deposit Renewal. The District currently has a 3-month CD with Bremer Bank at 4% interest which is up for renewal on April 20, 2025. In the past, the District has invested funds in CD's for 3 or 6-month increments. Motion to authorize Administrator Guetter and Treasurer Charles Jasken to reinvest the principal amount of \$450,000 with Bremer Bank in the highest yielding CD available and deposit the earned interest back into the respective District fund accounts (GEN, LMP-01, UTY, & PIF). (Charles Jasken, Olson), Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken, Kral, Okeson, Busker. NAYS: None. Motion carried.

Manager Kral left the meeting.

- 6. Grant Program Funding Requests
  - 6.1. Best Management Practices (BMP) Applications
    - 6.1.1. East Shore Drive Boulevard Native Planting City of Detroit Lakes. Motion to approve the East Shore Drive Boulevard Native Plantings City of Detroit Lakes for up to \$1,037. (Charles Jasken, Busker), Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken, Okeson, Busker. NAYS: None. Motion carried. ABSENT: Kral.
  - 6.2. Environmental Service Projects
    - 6.2.1. City of Detroit Lakes Boys & Girls Club Boy Scout Pollinator Planting. Motion to approve the Boys and Girls Club Environmental Service Project (DL Boy Scouts and City of DL partnership) to install native plantings in an amount up to \$3,000. (Olson, Charles Jasken), Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken, Okeson, Busker. NAYS: None. Motion carried. ABSENT: Kral.
  - 6.3. Education Field Trips
    - 6.3.1. Lincoln Education Center Sucker Creek Trip. Motion to approve the Education Field Trip for the Lincoln Education Center Preschool Program for up to \$500. (Olson, Busker), Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken, Okeson, Busker. NAYS: None. ABSENT: Kral. Motion carried.

Manager Kral returned to the meeting.

### 7. Project Updates

- 7.1. Rice Lake Wetland Administrator Guetter reported the Friesen easement is signed and she is working on closing the Vesey easement.
- 7.2. Willow Street Pond Feasibility Study Stantec is completing the options, cost estimates, and long term maintenance considerations. A meeting will be scheduled with the City of Detroit Lakes to narrow down the preferred option to implement the project.
- 7.3. Buck's Mill Dam Modification It is anticipated the EAW will be published in the EQB Monitor the week of April 8<sup>th</sup> for a 30-day public review and comment period. Designs are nearing 60% completion.
- 7.4. Campbell Creek Stream Stabilization and Flood Storage Project The EAW is scheduled to be published on the EQB Monitor on April 1st and the 30-day public review and comment period will close on May 1st. Managers reviewed Stantec contract amendment #2 for the wetland delineation and permitting tasks. Motion to approve Amendment No. 2 to the Campbell Creek Stream Stabilization and Flood Storage Project Contract for wetland delineation and project permitting in the amount of \$14,340 (Charles Jasken, Olson), Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken, Kral, Okeson, Busker. NAYS: None. Motion carried.
- 8. Unfinished Business None.
- 9. New Business.

### 9.1. Draft Revised Water Management Rules

- 9.1.1. Discussion on Comments and Responses to Revised Rules. Engineer Monson reviewed the comment table and draft responses with the Managers. Extended discussion occurred around:
  - (a) The function and importance of Chapters 1, 2, and 7.
  - (b) The thresholds at which a storm water permit is required, particularly:
    - (i) Those associated with Becker County 6.2(A)(1) & (2), and
    - (ii) Those associated with development on non-riparian lots 6.2(A)(4).
  - (c) The application of multipliers to water quality treatment volume based on BMP type.
  - (d) The addition of thresholds in Chapter 7 related to grading.
  - (e) Additional exemptions including full depth reclamation, local stormwater plans, planting native species, and certain maintenance activities.
  - (f) Clarification of definitions, particularly that of a "Licensed Professional."
- 9.1.2. Attorney Croaker presented the draft Resolution Adopting Pelican River Watershed District 2025 Revised Rules.
  - (a) Kral moved to approve the resolution adopting the 2025 Revised Rules; seconded by Okeson. Discussion: Kral stated over the past year, the District has spent adequate time on this process and has responded to public comments. The Rules are not going to satisfy each contractor or engineering firm, and we must move forward with adopting the Rules. Olson said she is voting no and desires to amend the motion.
  - (b) Olson moved to amend the main motion with the following:
    - (i) Strike the following from the draft Rules:
      - (1) Chapter 1 General Policy Statement and Introduction;

- (2) Chapter 2 Relationship of Watershed District to Becker County and City of Detroit Lakes;
- (3) Sections 6.2(A)(1) & (2) which match Becker County Shoreland Ordinance's fifteen percent (15%) impervious surface thresholds; and Section 6.2(A)(4) More than fifty percent (50%) of non-riparian lots;
- (4) Section 6.4(A)(4) multipliers in the non-infiltration BMP implementation; and
- (5) Chapter 7 Shoreline and Streambank Alterations.

Second by Chris Jasken. Discussion: Michaelson stated that near-shore projects are very important to the goals of the District. Attorney Croaker stated Chapters 1 & 2 are very common in ordinances and rules and recommends keeping these chapters.

Olson and Chris Jasken agreed to a friendly amendment to keep Chapters 1 & 2 and remove the following:

- (1) Sections 6.2(A)(1) & (2) and Section 6.2(A)(4);
- (2) Section 6.4(A)(4) multipliers in the non-infiltration BMP implementation; and
- (3) Chapter 7 Shoreline and Streambank Alterations.

Roll Call Vote on the Amendment: AYES: Olson, Chris Jasken, Charles Jasken, Busker. NAYS: Michaelson, Okeson, Kral. Motion carried.

- (c) Kral moved to table his main motion; seconded by Michaelson. Roll Call Vote: AYES: Michaelson, Okeson, Kral. NAYS: Olson, Chris Jasken, Charles Jasken, Busker. Motion failed.
- (d) Roll Call Vote on the Main Motion as Amended: AYES: Olson, Chris Jasken, Charles Jasken, Busker. NAYS: Michaelson, Okeson, Kral. Motion carried the 2025 Revised Rules were adopted.

Managers Kral, Okeson, and Busker left the meeting.

- 9.2. 2025 PRWD Work Plan and 2024 Year in Review. Guetter reviewed the 2024 year in review and the 2025 Work Plan. Motion to accept the 2025 PRWD Work Plan and the 2024 Year in Review, attached hereto (Chris Jasken, Charles Jasken) Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken. NAYS: None. Motion carried. Absent: Kral, Okeson, Busker.
- 9.3. 2025 PRWD Monitoring Plan. Guetter reviewed the 2025 Monitoring plan. After discussion, additional *E. coli* testing will be added at County Road 141/Sucker Creek which outlets to the Pelican River north of HWY 34. Motion to accept the 2025 PRWD Monitoring Plan with the site addition for *E. coli* testing, attached hereto (Chris Jasken, Olson) Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken. NAYS: None. Motion carried. Absent: Kral, Okeson, Busker.
- 9.4. 2024 Draft Financial Audit by Clasen & Schiessl CPAs. Guetter reviewed the 2024 Draft Financial Audit with the managers. A representative from Clasen & Schiessl will review the audit at the April Board of Managers' meeting for final approval. Motion to accept the 2024 Draft Financial Audit from Clausen & Schiessl CPAs, attached hereto (Chris Jasken, Olson) Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken. NAYS: None. Motion carried. Absent: Kral, Okeson, Busker.

- 9.5. Minnesota Lakes and Rivers Shoreland Stewardship Outreach Campaign. Guetter reviewed the request from Minnesota Lakes and Rivers to support and sponsor an outreach campaign centered around water quality and shoreland health. The silver level sponsorship is \$2,000 which includes a medium-sized logo at the end of the six (6) videos. Motion to approve a silver-level sponsorship of the Minnesota Lakes and Rivers Shoreland Stewardship Campaign in the amount of \$2,000 (Chris Jasken, Olson) Roll Call Vote: AYES: Michaelson, Olson, Chris Jasken, Charles Jasken. NAYS: None. Motion carried. Absent: Kral, Okeson, Busker.
- 9.6. Administrator Review Process. Attorney Croaker passed out three documents to the managers: 1) District Administrator Evaluation Process, 2) Statutory Requirements for Conducting Performance Evaluations, and 3) District Administrator Performance Evaluation. Last month, Managers Laurie Olson, Chris Jasken, and Scott Busker were assigned to the Personnel Committee. President Michaelson requested to be added to the Personnel Committee as he is the Board's president, and it is common to have the president/chair on the Personnel Committee. Motion to add Rick Michaelson to the Personnel Committee, (Chris Jasken, Charles Jasken). AYES: Michaelson, Olson, Chris Jasken, Charles Jasken. NAYS: None. Motion carried. Absent: Kral, Okeson, Busker. The Managers and Guetter will review the documents provided and give feedback to Attorney Croaker before the April board meeting.

### 10. Reports

- 10.1. District Attorney Lukas Croaker. Attorney Croaker reported that, in addition to working on the Rules' revision, he worked on the Administrator performance evaluation process and assisted with responses to the Smith Living Trust permit application and follow up questions.
- 10.2. District Engineer Garrett Monson. Engineer Monson reported that, in addition to the Rules' revision, his team is working on the Buck's Mill Dam Project (design and EAW).
- 11. Upcoming meetings and events
  - April 16, 2025 Regular Manager Meeting at 8:30 AM.
- 12. Meeting Adjournment. Motion to adjourn the meeting at 3:07 PM, (Chris Jasken, Olson). AYES: Michaelson, Olson, Chris Jasken, Charles Jasken. NAYS: None. Motion carried. Absent: Kral, Okeson, Busker.

Respectfully Submitted,	
Chris Jasken, Secretary	Meeting Approved



# PELICAN RIVER WATERSHED DISTRICT

## 2025 REVISED RULES

Adopted: March 28, 2025



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## CHAPTER 1. GENERAL POLICY STATEMENT AND INTRODUCTION

The Pelican River Watershed District (the "District") is a political subdivision of the State of Minnesota, established under Minn. Stat. Chapter 103D, cited as the "Watershed Law." Under the Watershed Law, the District exercises a series of powers to accomplish its statutory purposes. Under Chapter 103D the District's general statutory purpose is to conserve natural resources through development planning, sediment and erosion control, and other conservation projects, based upon sound scientific principles. In order to accomplish its statutory purpose, the governing body of the District, the Board of Managers, is required to adopt a series of rules, cited as the 2024 Revised Rules of the PRWD (the "Rules").

The District, as part of the Otter Tail River One Watershed one Plan process, has adopted a Comprehensive Watershed Management Plan (the "Plan"), which contains the framework and guiding principles for the District in carrying out its statutory purposes. It is the District's intent to implement the Plan's principles and objectives in the Rules.

Land alteration affects the volume, and quality of surface water runoff which ultimately must be accommodated by the existing surface water systems within the District. The District was established in 1966 in response to concerns about regional lake health. Lake health and contributing factors continue to be the primary focus of the District.

Land alteration and utilization also can degrade the quality of runoff entering the streams and waterbodies of the District due to non-point source pollution. Lake and stream sedimentation from ongoing erosion processes and construction activities reduces the hydraulic capacity of waterbodies and degrades water quality. Water quality problems already exist in many of the lakes and streams throughout the District.

Projects which increase the rate or volume of stormwater runoff can decrease downstream hydraulic capacity. Projects which degrade runoff quality can aggravate existing water quality problems and contribute to new ones. Projects which fill floodplain or wetland areas can aggravate existing flooding by reducing flood storage and hydraulic capacity of waterbodies and can degrade water quality by eliminating the filtering capacity of those areas.

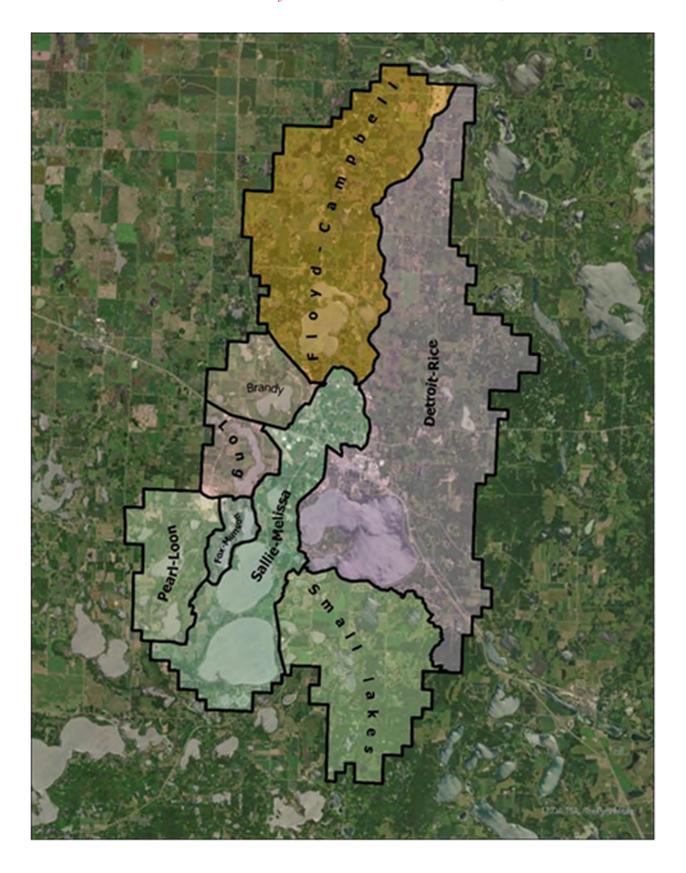
Under the Rules, the District seeks to protect the public health and welfare and the natural resources of the District by providing reasonable regulation of the modification or alteration of the District's lands and waters to reduce the severity and frequency of flooding and high water; to preserve floodplain and wetland storage capacity; to improve the chemical, physical, and biological quality of surface water; to reduce sedimentation; to preserve waterbodies' hydraulic and navigational capacity; to preserve natural wetland and shoreland features; and to minimize public expenditures to avoid or correct these problems in the future.

## CHAPTER 2. RELATIONSHIP OF WATERSHED DISTRICT TO BECKER COUNTY AND CITY OF DETROIT LAKES

The District recognizes that the primary control and determination of appropriate land uses is the responsibility of Becker County (the "County") and the City of Detroit Lakes (the "City"). Accordingly, the District will coordinate permit application reviews involving land development only after it is first demonstrated that the application has been submitted to the County or the City, where the land is located.

It is the intention of the managers to ensure that development of land within the District proceeds in conformity with the Rules, in addition to conforming with the development guides and plans adopted by the County and the City. The District will exercise control over development by its permit program described in the Rules to ensure the maintenance of stormwater management features; protect public waters, wetlands, and groundwater; and protect existing natural topography and vegetative features in order to preserve them for present and future beneficial uses. The District will review and permit projects sponsored or undertaken by other governmental units, and will require permits in accordance with the Rules for governmental projects which have an impact on water resources of the District. These projects include but are not limited to, land development and road, trail, and utility construction. The District desires to serve as technical advisors to the municipal officials in the preparation of local surface water management plans and the review of individual development proposals prior to investment of significant public or private funds.

To promote a coordinated review process between the District and local governments, the District encourages these entities to involve the District early in the planning process. The District's comments do not eliminate the need for permit review and approval if otherwise required under the Rules. The District intends to coordinate with each local government to ensure that property owners and other permit applicants are aware of the permit requirements of both bodies. By coordinating, the District and local governments also can avoid duplication, conflicting requirements, and unnecessary costs for permit applicants and taxpayers.



## CHAPTER 3. GENERAL PROVISIONS AND CITATION

- 3.1 <u>Statutory Policy</u>. The 2024 Revised Rules of the Pelican River Watershed District (the "Rules"), as provided by Minn. Stat. § 103D.341, subd. 1, and as amended from time to time, are to effectuate the purposes of Minn. Stat. Chapters 103D and 103E and the authority of the Managers therein described. The Rules are deemed necessary to implement and make more specific the law administered by the Pelican River Watershed District (the "District"). Each rule adopted by the District shall have the full force and effect of law.
- 3.2 <u>General Policy: Other Rules Superseded</u>. It is the intention of the Managers with the implementation of the Rules to promote the use of the waters and related resources within the District in a provident and orderly manner so as to improve the general welfare and public health for the benefit of present and future residents. The Rules shall supersede all previous rules adopted by the District.
- 3.3 **Short Title.** The Rules shall be known and may be cited as the "Pelican River Watershed District Rules".
- 3.4 <u>Jurisdiction</u>. The jurisdiction of the Rules includes all of the area, incorporated and unincorporated, including both land and water, within the territory of the District.
- 3.5 Adoption or Amendment of Rules. Changes to the Rules may be made by the Managers on their own prompting or following the petition of any interested person according to the procedure set forth in Minn. Stat. § 103D.341, subd. 2, as may be amended from time to time. An amendment or rule shall be adopted by a majority vote of the Managers.
- 3.6 <u>Inconsistent or More Restrictive Provisions</u>. If any rule is inconsistent with or less restrictive than the provisions of Minn. Stat. Chapters 103D or 103E, or other applicable law, the provisions of Minn. Stat. Chapters 103D or 103E, or other applicable law, shall govern.
- 3.7 **Severability**. The provisions of the Rules are severable, and invalidity of any section, paragraph, subdivision, or any other part thereof, does not make invalid any other section, paragraph, subdivision, or any part thereof.
- 3.8 <u>Due Process of Law</u>. A person shall not be deprived or divested of any previously established beneficial use or right, by any rule of the District, without due process of law, and all rules of the District shall be construed accordingly.
- 3.9 <u>Cooperation with Other Agencies or Governing Bodies</u>. The Managers accept the responsibility with which they are charged as a governing body and will cooperate to the fullest extent with persons, groups, state and federal agencies, and other governing bodies, while acting in accordance with their own statutory authority and responsibilities.
- 3.10 <u>Appeals</u>. Any person aggrieved by the adoption or enforcement of the Rules or any action of the District arising out of or pursuant to the adoption or enforcement of a rule may appeal from the Rules or any action taken thereon in accordance with the appellate procedure and review provided in Minn. Stat. §§ 103D.535 and 103D.537, as amended from time to time.

### **CHAPTER 4. DEFINITIONS AND INTERPRETATION**

**<u>Definitions</u>**. For the purposes of the Rules, certain words and terms are defined as 4.1 follows. In the absence of a definition hereinafter, the definitions established for the State of Minnesota by statute or by case law apply to the Rules unless clearly in conflict, clearly inapplicable, or unless the content makes such meaning contrary thereto. Additionally, if words or phrases are not defined therein, they shall be interpreted to give them the same meaning they have in common usage and to give the Rules their most reasonable application.

Alteration: Activity that results in disturbance to a site's underlying soils or established vegetation that's not part of routine maintenance.

Best Management Practices (BMP): Measures taken to minimize negatives effects on the environment including those documented in the Minnesota Stormwater Manual.

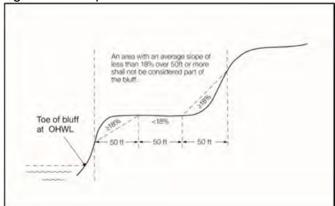
Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- A. Part or all of the feature is located in a shoreland area;
- B. The slope must drain toward the waterbody;
- C. The slope rises at least twenty-five feet (25') above the ordinary high-water level; and
- D. The grade of the slope, from the toe of the bluff to a point twenty-five feet (25') or more above the ordinary high water level, averages thirty percent (30%) or greater (see Figure 1), except that an area with an average slope of less than eighteen percent (18%) over a distance of at least fifty feet (50') shall not be considered part of the bluff (see Figure 2).

≥25 ft A bluff is a slope that is 30% or greater from the toe of bluff or OHWL to a point 25 ft or higher above the OHWL. OHWL Toe of Bluff

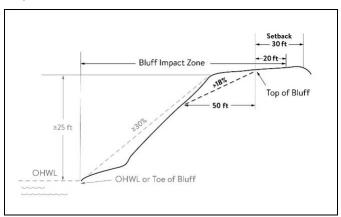
Figure 1. Illustration of Bluff

Figure 2. Exception to Bluff



<u>Bluff impact zone</u>: A bluff and land located within twenty feet (20') of the top of a bluff (see Figure 3).

Figure 3. Bluff Impact Zone and Top of Bluff



<u>Bluff, Toe of</u>: The lower point of a fifty-foot (50') segment with an average slope exceeding eighteen percent (18%) or the ordinary high water level, whichever is higher.

<u>Bluff. Top of</u>: For the purposes of measuring setbacks, bluff impact zone, and administering vegetation management standards, the highest point of a fifty-foot (50') segment with an average slope exceeding eighteen percent (18%). See Figure 3.

<u>Board of Managers (Board and/or Managers):</u> The governing body of the Pelican River Watershed District.

<u>Buffer</u>: An area consisting of perennial vegetation, excluding invasive plants and noxious weeds.

Buffer Law: Minn. Stat. § 103F.48, as amended.

BWSR: Board of Water and Soil Resources of Minnesota.

Commissioner: Commissioner of the Minnesota Department of Natural Resources.

<u>Conditional Uses</u>: Traditionally non-approved practices that may be allowed, with written approval from the District, to best meet the intent of the rule.

DNR: The Minnesota Department of Natural Resources.

Direct Watershed: Region draining to a specific lake, stream, or river.

<u>District</u>: The Pelican River Watershed District established under the Minnesota Watershed Law, Minn. Stat. Chapter 103D.

<u>Drainage Authority</u>: The public body having jurisdiction over a drainage system under Minn. Stat. Chapter 103E.

<u>Emergency Overflow (EOF)</u>: A primary overflow to pass flows above the design capacity around the principal outlet safely downstream without causing flooding.

<u>Emergent Vegetation</u>: Aquatic plants that are rooted in the water but have leaves, stems, or flowers that extend above the water's surface.

<u>Ice Pressure Ridges</u>: The ridge, comprised of soil, sand and/or gravel, often found in the Shore Impact Zone near the Ordinary High-Water Level of lakes, and caused by wind driven ice or ice expansion.

<u>Impervious Surface</u>: Constructed hard surface (gravel, concrete, asphalt, pavers, etc.) that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development.

<u>Intensive Vegetation Clearing</u>: The removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

<u>Landowner</u>: The holder of the fee title or the holder's agents or assigns.

<u>Linear Project</u>: A road, trail, or sidewalk project that is not part of a common plan of development.

<u>Low Floor Elevation (LFE)</u>: The elevation of the lowest floor of a habitable or uninhabitable structure, which is often the elevation of the basement floor or walk-out level.

<u>Licensed Professional</u>: A professional licensed in the State of Minnesota with the necessary expertise in the fields of hydrology, drainage, flood control, erosion and sediment control, and stormwater pollution control to design and certify stormwater management devices and plans, erosion prevention and sediment control plans, and shoreland alterations including retaining walls. Examples of registered professionals may include professional engineers, professional landscape architects, professional geologists, and professional soil engineers who have the referenced skills.

MPCA: The Minnesota Pollution Control Agency.

<u>Minnesota Stormwater Manual</u>: The MPCA's online manual for stormwater management including design guidance and referenced regulations.

<u>Natural Rock Riprap</u>: Natural uncut course stone, non-angular, non-concrete, free of debris that may cause siltation or pollution. Stones must average more than six inches (6") but less than thirty inches (30") in diameter.

New Development Areas: Surface construction activity that is not defined as redevelopment and areas where new impervious surface is being created.

NPDES General Construction Stormwater Permit: The current Minnesota Pollution Control Agency General Permit to Discharge Stormwater Associated with Construction Activity Under the National Pollution Discharge Elimination System State Disposal System Program (NPDES/SDS).

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

Ordinary High Water Level (OHWL): The boundary of public waters and wetlands which is an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominately terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel.

<u>Parcel</u>: A unit of real property that has been given a tax identification number maintained by a County.

<u>Person</u>: An individual, firm, partnership, association, corporation, or limited liability company, but does not include public corporations or governmental subdivisions.

<u>Pretreatment</u>: Devices or practices installed upstream of a stormwater BMP that are designed to capture trash, debris, and/or coarse sediment to reduce the risk of clogging the primary BMP. Pretreatment option includes but is not limited to vegetated filter strips, sumped manholes, and forebays.

<u>Public Drainage System</u>: A network of open channel ditches, drain tile, or a combination used to drain property that were established by a drainage authority under MN Chapter 103E.

<u>Public Water</u>: As defined in Minn. Stat. § 103G.005, subd. 15, as amended, and included within the public waters inventory as provided in Minn. Stat. § 103G.201, as amended.

Redevelopment Areas: Construction activity where, prior to the start of construction, the areas to be disturbed have fifteen percent (15%) or more of existing impervious surface(s).

<u>Reconstruction</u>: A project that is repairing or rebuilding existing infrastructure where the underlying soil is disturbed; the definition does not include mill & overlay projects or full-depth reclamation projects where the underlying soils are undisturbed.

Regional Conveyance: A surface or subsurface drainage path conveying concentrated flow that drains two hundred (200) acres or more not including piped, public conveyance (i.e. storm sewer).

<u>Responsible Party</u>: A party other than a landowner that directly or indirectly controls the condition of riparian land subject to a Buffer under the Rules.

<u>Retaining Wall</u>: A wall constructed of stone or rock with a height greater than twelve inches (12").

<u>Riparian Lot</u>: Private or public property that is abuts a waterbody, such as a river, stream, lake, or wetland.

<u>Riparian Protection</u>: A water quality outcome for the adjacent waterbody equivalent to that which would be provided by the otherwise mandated buffer, from a facility or practice

owned or operated by a municipal separate storm sewer system (MS4) permittee or subject to a maintenance commitment in favor of that permittee at least as stringent as that required by the MS4 general permit in effect.

<u>Seasonal High-Water Table</u>: The highest known seasonal elevation of groundwater as indicated by redoximorphic features such as mottling within the soil.

Shore Impact Zone (SIZ): Land located between the ordinary high water level of a public water and a line parallel to and half (1/2) the setback from it (as defined by applicable county or municipal zoning ordinances), except that on property used for agricultural purposes the shore impact zone boundary is a line parallel to and fifty feet (50') from the Ordinary High Water Level.

<u>Shoreland District</u>: Area within one thousand feet (1,000') of the OHWL of water bodies and three hundred feet (300') from rivers or the outer extent of the floodplain.

<u>Shoreland Standards</u>: Local shoreland standards as approved by the Commissioner or, absent such standards, the shoreland model standards and criteria adopted pursuant to Minn. Stat. § 103F.211, as amended. This definition applies to Chapter 10 only.

<u>Steep Slopes</u>: A natural topographic feature with an average slope of twelve (12) to eighteen percent (18%), measured over a horizontal distance equal to or greater than fifty feet (50'), and any slopes greater than eighteen percent (18%) that are not bluffs.

<u>Stormwater Pollution Prevention Plan (SWPPP)</u>: A comprehensive plan developed to manage and reduce the discharge of pollutants in stormwater.

<u>Structure</u>: An above ground building or other improvement that has substantial manmade features other than a surface.

<u>SWCDs</u>: Soil and Water Conservation Districts: political subdivisions of the State of Minnesota.

Trail: A linear, non-motorized vehicle path not exceeding ten feet (10') in width.

Wetland: Area identified as wetland under Minn. Stat. § 103G.005, subd. 19, as amended.

### 4.2 Interpretation.

- A. The headings of articles and sections are provided for convenience of reference only and will not affect the construction, meaning, or interpretation of the Rules.
- B. The definition of terms herein shall apply equally to the singular and plural forms of the terms defined.
- C. Whenever the context may require, any pronoun shall include the corresponding masculine, feminine, and neuter forms.
- D. The words "include," "includes," and "including" shall be deemed to be followed by the phrase "without limitation."
- E. The word "will" shall be construed to have the same meaning and effect as the word "shall." Both terms shall be construed to indicate a mandatory state or condition.

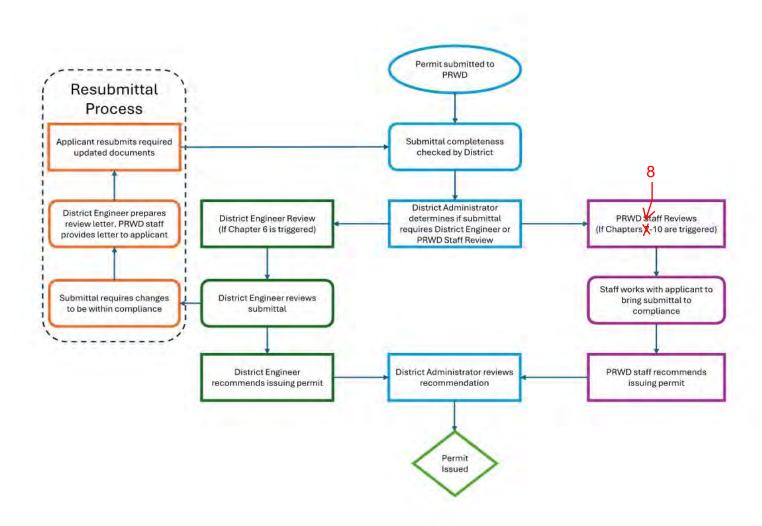
### Final Comments received from Jon Olson & Scott Walz - March 28, 2025.

- F. The word "may" shall be construed to indicate a permissive state or condition.
- G. The words "herein," "hereof," and "hereunder," and words of similar import, shall be construed to refer to the Rules in its entirety and not to any particular provision hereof.
- H. In the computation of periods of time from a specified date to a later specified date, the word "from" means "from and including" and the words "to" and "until" mean "to and including."
- I. All distances, unless otherwise specified, shall be measured horizontally.

### **CHAPTER 5. PERMIT REQUIREMENTS**

- Application Required. A person undertaking an activity for which a permit is required by the Rules must obtain the required permit prior to commencing the activity that is subject to District regulation. Applications for permits must be submitted to the District in accordance with the procedures described herein. Required exhibits are specified for each substantive rule below. Applicants are encouraged to contact District staff before submission of an application to review and discuss application requirements and the applicability of specific rules to a proposed project. When the Rules require a criterion to be met, or a technical or other finding to be made, the District makes the determination except where the rule explicitly states otherwise. The landowner or, in the District's judgment, easement holder, must sign the permit application and will be the permittee or a co-permittee. Pre-application meetings are highly recommended for all applications. A pre-application meeting request form is available on the District website and can be submitted in person or via email.
- 5.2 **Forms**. A District permit application, and District checklist of permit submittal requirements, must be submitted on the forms provided by the District. Applicants may obtain forms from the District office or website at <a href="http://www.prwd.org/permits">http://www.prwd.org/permits</a>. Want to see forms.
- Action by District. The District will act on complete applications in accordance with timing requirements established under Minn. Stat. § 15.99, as amended. A complete permit application includes all required information, exhibits, and fees. An application will not be considered unless all substantial technical questions have been addressed and all substantial plan revisions resulting from staff and consultant review have been completed. Permit decisions will be made by the District Administrator, or a designated representative, unless Board action is deemed necessary.
  - A. The District's permitting process is summarized in the chart on the following page (*Figure 5-1*).

Figure 5-1



- 5.4 <u>Issuance of Permits</u>. The permit will be issued after the applicant has satisfied all requirements for the permit and has paid all required District fees.
- Permit Term. Permits are valid for twelve (12) months from the date of issuance unless otherwise stated within the permit, or due to it being suspended or revoked. To extend a permit, the permittee must apply to the District in writing, stating the reasons for the extension. Plan changes, and related project documents, must be included in the extension application. The District must receive this application at least thirty (30) days prior to the permit expiration date. The District may impose different or additional conditions on a renewal or deny the renewal in the event of a material change in circumstances. On the first renewal, a permit will not be subject to change because of a change in the Rules.
- 5.6 <u>Permit Assignment</u>. If title to the property is transferred during the term of the permit, a permittee must be assigned. The District will act on a permit assignment when the following conditions have been met:
  - A. The proposed assignee agrees, in writing, to assume the terms, conditions, and obligations of the permit;
  - B. The proposed assignee has the ability to satisfy the terms and conditions of the permit;
  - C. The proposed assignee is not changing the project;
  - D. There are no violations of the permit conditions; and
  - E. The District has received from the proposed assignee a substitute surety, if required, to secure performance of the assigned permit.

Until the assignment is approved, the permittee of record, as well as the current title owner, will be responsible for permit compliance.

- 5.7 Permit Fees. The District will charge applicants permit fees in accordance with a schedule that will be maintained and revised from time to time by the Board of Managers to ensure that permit fees cover the District's actual costs of administering, inspecting, and enforcing permits. The current fee schedule may be obtained from the District office or the District website at http://www.prwd.org/permits. An applicant must submit the required permit fee to the District at the time it submits its permit application. Permit fees will not be charged to the federal government, the State of Minnesota, or a political subdivision of the State of Minnesota.
- 5.8 **Permit Variance**. Requests for a variance from a requirement of this chapter must be decided by the Board of Managers under the following conditions:
  - A. <u>Variance Authorized</u>. The Board of Managers may hear requests for a variance from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the property under consideration. The Board of Managers may grant a variance where it is demonstrated that such action will be in keeping with the spirit and intent of this chapter. Requests for variances must be in writing.

- B. <u>Standard</u>. In order to grant a variance, the Board of Managers will determine that:
  - (1) Special conditions apply to the structure or land under consideration that do not generally apply to other land or structures in the District.
  - (2) Because of the unique conditions of the property involved, undue hardship to the applicant would result, as distinguished from mere inconvenience, if the strict letter of the chapter was carried out. A hardship cannot be created by the landowner or their contractor. Economic hardship is not grounds for issuing a variance.
  - (3) The proposed activity for which the variance is sought will not adversely affect the public health, safety, or welfare; will not create extraordinary public expense; and will not adversely affect water quality, water control, or drainage in the District.
  - (4) The intent of the chapter is met.
- C. <u>Term.</u> A variance will become void twelve (12) months after it is granted if not used.
- D. <u>Violation</u>. A violation of any condition set forth in a permit variance is a violation of this chapter and will be addressed through the process detailed in Chapter 11, Enforcement.

### **CHAPTER 6. STORM WATER MANAGEMENT**

- 6.1 **Policy**. It is the policy of the District to manage, through permitting, stormwater and snowmelt runoff on a local, regional, and watershed basis to promote natural infiltration of runoff throughout the District to enhance water quality and minimize adverse natural resource impacts through the following principles:
  - A. Reduce adverse water quality impacts.
  - B. Preserve vegetation.
  - C. Decrease runoff volume and promote infiltration where suitable.
  - D. Prevent soil erosion and sedimentation.
  - E. Maintain existing flow patterns.
  - F. Store stormwater runoff on-site.
  - G. Avoid channel erosion.
- 6.2 **Applicability (Thresholds)**. Permits are required for the following activities:
  - A. Non-Linear Projects. Construction or reconstruction of impervious surface resulting in total impervious surface lot coverage (new and existing) of:
    - (1) More than fifteen percent (15%) in the protective zone\* of riparian lets outside the City of Detroit Lakes.
      - (a) Protective zone is the area within one hundred fifty feet (150') of the lake's OHWL.
    - (2) More than fifteen percent (15%) on non-conforming lots outside the City of Detroit Lakes.
      - (a) Non-conforming lots are those that do not meet the minimum lot size standards in Section 2, Chapter 5 of Becker County Zoning Ordinances.
    - (3) More than twenty-five percent (25%) on riparian lots.
    - (4) More than fifty percent (50%) of non-riparian lots.
    - (5) More than seven thousand (7,000) square feet of lot coverage of riparian lots. 10,000
    - (6) Equal or greater than one (1) acre of impervious surface coverage.
    - (7) Projects requiring a variance from, or use of allowable mitigation within, the local shoreland zoning ordinance.
  - B. Residential subdivision or development of four (4) or more lots.
  - C. Construction or reconstruction of a private or public paved trail greater than two hundred (200) linear feet in length.
  - D. Projects or common plans of development or sale disturbing fifty (50) acres or more within one (1) mile of, and flow to, a special water or impaired water. A complete application and SWPPP must be submitted to the MPCA at least thirty (30) days prior to the start of construction activity.

E. Linear Projects. Projects that create or fully reconstruct more than one (1) acre of impervious surface as part of the same project.

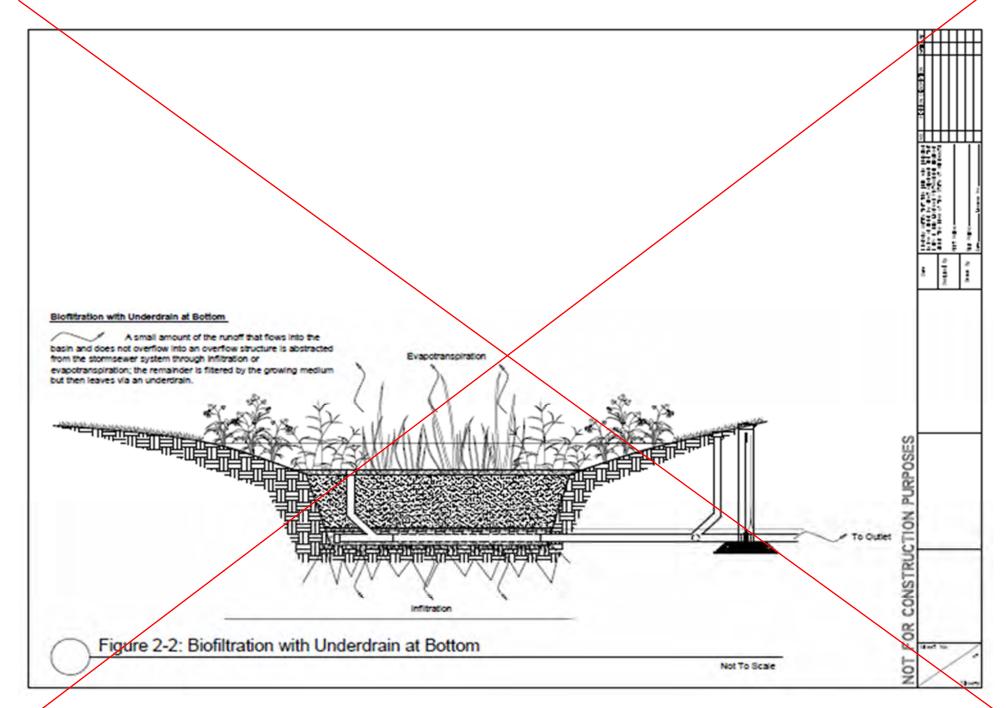
### 6.3 **Exemptions**.

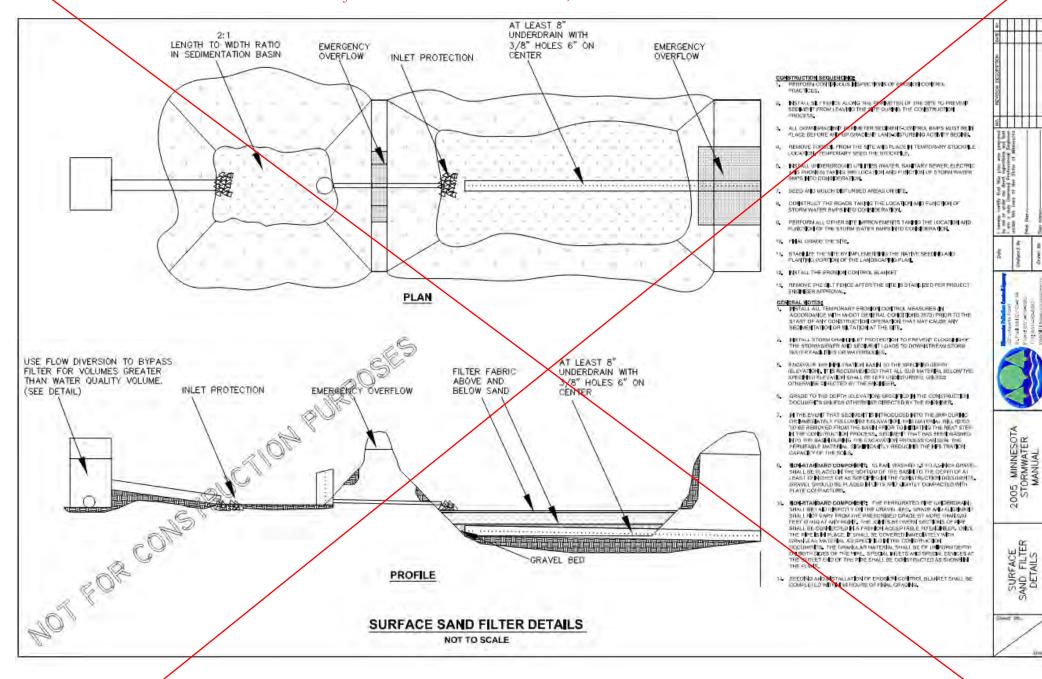
- A. Exemptions from stormwater management permitting:
  - (1) Mill and overlay or full-depth reclamation projects where underlying soils are not disturbed.

### 6.4 Criteria (Standards).

- A. Water Quality (Volume).
  - (1) The Water Quality Volume (WQV) is determined as follows:
    - (a) New Development Areas: Capture and retain on site 1.1 inches of runoff from all impervious surfaces on the site.
    - (b) Redevelopment Areas: Capture and retain on site 1.1 inches of runoff from the new and/or reconstructed impervious surfaces on the site.
    - (c) Linear projects: Capture and retain the larger of the following:
      - i. 0.55 inches of runoff from the new and fully reconstructed impervious surfaces on the site; or
      - ii. 1.1 inches of runoff from the net increase impervious area on the site.
  - (2) Infiltration must be used, if feasible:
    - (a) Treatment volume within infiltration basins is measured from the bottom of the basin to the lowest outlet.
    - (b) Infiltration areas will be designed to drain within forty-eight (48) hours. Infiltration rates follow the current version of the MPCA Stormwater Manual. Field measured infiltration rates will be divided by two (2) for design infiltration rates.
    - (c) Soils with infiltration rates higher than 8.3 inches/hour must be amended if infiltration is to be used, otherwise see Section 6.4(A)(4) below for non-infiltration BMP options.
    - (d) Runoff entering an infiltration BMP must be pretreated.
    - (e) At least one (1) soil boring or test pit completed by a licensed professional is required within the footprint of each proposed infiltration BMP.
    - (f) The basin bottom elevation must have three (3) feet of separation above the season high water table.
    - (g) Design and placement of infiltration BMPs must follow any and all additional NPDES General Construction Stormwater Permit and MPCA requirements, if applicable.

- (3) Infiltration will be considered infeasible if infiltration is prohibited by MPCA requirement. Common factors prohibiting infiltration include but are not limit to the following:
  - (a) Bedrock within three (3) vertical feet of the bottom of the infiltration basin.
  - (b) Seasonal High-Water Levels within three (3) vertical feet of the bottom of the infiltration basin.
  - (c) Site has predominantly Hydrological Soil Group D (clay) soils.
  - (d) Contaminated soils on site.
  - (e) Drinking Water Source Management Areas or within two hundred feet (200') of public drinking water well.
  - (f) Documentation, such as soil borings and or well maps are required upon permit submittal stating why infiltration is infeasible. Final feasibility to be confirmed by District Engineer.
- (4) If infiltration is infeasible a non-infiltrating BMP must be implemented. For non-infiltrating BMPs multiply the Water Quality Volume by the appropriate factor listed below for the chosen BMP:
  - (a) Biofiltration: Water Quality Volume multiplied by one and one half (1.5)
  - (b) Filtration: Water Quality Volume multiplied by two (2)





should , if possible.

- (c) Wet Ponds as necessary: Water Quality Volume multiplied by two (2):
  - i. Permanent pool volume below the pond's runout elevation must have a minimum volume of one thousand eight hundred (1,800) cubic feet per contributing acre or equivalent to the volume produced by a 2.5-inch storm event over the pond's contributing area.
  - ii. Ponds must be designed with a minimum three-to-one (3:1) length-to-width ratio to prevent short-circuiting. Inlets must be a minimum of seventy-five feet (75') from the pond's outlet.
  - iii. The WQV is measured from the top of the permanent pool elevation to the emergency overflow elevation.
- (d) MIDS Flexible Treatment Options (FTO) can also be used but follow the sequencing before with:

### i. FTO #1:

- a. Achieve at least 0.55 inch volume reduction goal.
- b. Remove seventy-five percent (75%) of the annual total phosphorus load.
- c. Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site.

### ii. FTO #2:

- a. Achieve volume reduction to the maximum extent practicable, as determined by the District.
- b. Remove sixty percent (60%) of the annual total phosphorus load.
- c. Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site.

### iii. FTO #3:

- a. Off-site mitigation (including banking or cash or treatment on another project, as determined by the District) equivalent to the volume reduction performance goal can be used in areas selected by the District.
- (e) Pretreatment must be provided for all filtration practices but is not necessary for wet ponds.
- (f) Design and placement of stormwater BMPs must be done in accordance with MPCA requirements and are recommended to follow guidance from the Minnesota Stormwater Manual.

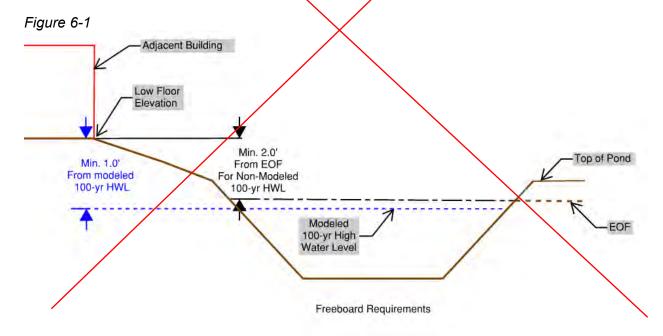
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### (5) **Exceptions**:

- (a) Single-family or twin home construction or modification on lots outside of the Shoreland District are exempt from providing permanent water quality treatment.
- (b) Trails that provide a five-foot (5') vegetated buffer prior to reaching a conveyance (i.e. swale, ditch, or curb and gutter) are exempt from providing permanent water quality treatment.

### **6.5 BMP High-Water Level Management.**

- A. Where one hundred (100) year high water levels are driven by local, onsite drainage, rather than a FEMA floodplain not related to development, the following criteria must be met:
  - Low floor: at least one foot (1') above the modeled one hundred (100) year high water level of the basin.
    - (a) Alternatively, the low floor elevation may be two feet (2') above the EOF of the basin to demonstrate compliance where modeling is not available.
  - (2) Applicants must use precipitation depths from Atlas 14 using MSE-3 storm distribution in quantifying the one hundred (100) year high water level in the basin.



### 6.6 **Erosion Control.**

A. Natural project site topography and soil conditions must be specifically addressed to reduce erosion and sedimentation during construction and after project completion.

- B. Site erosion and sediment control practices must be consistent with MPCA requirements.
- C. The project must be phased to minimize disturbed areas and removal of existing vegetation, until it is necessary for project progress.
- D. The District may require additional erosion and sediment control measures on areas with a slope to a sensitive, impaired, or special waterbody, stream, public drainage system, or Wetland to assure retention of sediment on-site.
- E. Erosion control must include features adequate to protect facilities to be used for post- construction stormwater infiltration.
- F. Required erosion control BMPs must be in-place prior to any site disturbance.
- G. Erosion prevention must be done in accordance with the following:
  - (1) Stabilize all exposed soil areas (including stockpiles) with temporary erosion control (seed and mulch or blanket) within fourteen (14) days (or seven (7) days for all projects within one (1) mile of an impaired water) after construction activities in the area have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days.
  - (2) Exposed soil areas within the Shoreland Impact Zone must be stabilized within forty-eight (48) hours of work having suspended for more than seventy-two (72) hours or when work has permanently ceased.
  - (3) For projects that increase the drainage area to a point of discharge at the site boundary by more than ten percent (10%) and the runoff does not drain to an onsite, permitted BMP prior to leaving the site, the applicant must demonstrate that site runoff will not adversely impact the capacity, stability, or function of the receiving lands or conveyance.
- H. Sediment control must be done in accordance with the following:
  - (1) Sediment control practices will be placed down-gradient before up-gradient land disturbing activities begin.
  - (2) Vehicle tracking practices must be in place to minimize track out of sediment from the construction site. Streets must be cleaned if tracking practices are not adequate to prevent sediment from being tracked onto the street.
- I. Dewatering must be done in accordance with the following:
  - (1) Dewatering turbid or sediment laden water to surface waters (Wetlands, streams, or lakes) and stormwater conveyances (gutters, catch basins, or ditches) is prohibited.
- J. Inspections and maintenance must be done in accordance with the following:

- (1) Applicant must inspect all erosion prevention and sediment control practices to ensure integrity and effectiveness. Nonfunctional practices must be repaired, replaced, or enhanced the next business day after discovery.
- (2) Erosion control plans must include contact information including email and a phone number of the person responsible for inspection and compliance with erosion and sediment control.
- K. Pollution prevention must be done in accordance with the following:
  - (1) Solid waste must be stored, collected, and disposed of in accordance with state law.
  - (2) Provide effective containment for all liquid and solid wastes generated by washout operations (concrete, stucco, paint, form release oils, curing compounds).
  - (3) Hazardous materials that have potential to leach pollutants must be under cover to minimize contact with stormwater.
- L. Final stabilization must be done in accordance with the following:
  - (1) For residential construction only, individual lots are considered final stabilized if the structures are finished and temporary erosion protection and downgradient sediment control has been completed.
  - (2) Grading and landscape plans must include soil tillage and soil bed preparation methods that are employed prior to landscape installation to a minimum depth of eight inches (8") and incorporate amendments to meet the Minnesota Stormwater Manual predevelopment soil type bulk densities.

### 6.7 Maintenance.

- A. Long-term maintenance agreements between the District and the landowner are required for all permanent stormwater BMPs.
- B. The maintenance agreement shall be submitted prior to permit issuance. It is recommended that a draft maintenance agreement be submitted with application materials.
- C. Upon issuance of the permit, the District will record the maintenance agreement on the parcel containing the BMP.

### 6.8 **Required Exhibits.**

- A. Applicants of permits required under Chapter 6 will be required to submit the following:
  - (1) A permit application form as detailed in the Rules.
  - (2) Site plans signed by a Minnesota licensed professional. Site plans must contain sheets that at a minimum address the following:

- (a) Property lines and delineation of lands under ownership of the applicant.
- (b) Existing and proposed elevation contours, maximum two-foot (2') interval.
- (c) Identification of normal and ordinary high-water elevations of waterbodies and stormwater features shown in the plans.
- (d) Proposed and existing stormwater facilities' location, alignment, and elevation.
- (e) Depiction of on-site Wetlands, shoreland, and floodplain areas.
- (f) Construction plans and specifications of all proposed stormwater BMPs.
- (g) Details will be required for all outlet control structures, Emergency Overflows, graded swales, and pond/basin cross sections.
- (h) Details must show all elevation for pipe, weirs, orifices, or any other control devices.
- (i) SWPPP identifying location, type, and quantity of temporary erosion prevention and sediment control practices. SWPPP that at a minimum meets the requirements of the NPDES construction permit.
- (j) Site drawing showing the type, location, and dimensions of all permanent and temporary erosion control BMPs.
- (3) Drainage narrative including: project summary, existing and proposed impervious area, existing and proposed drainage patterns including direction and routing of roof drainage, and stormwater model reports as required in relevant sections.
  - (a) Acceptable computer modeling software must be based on <u>NRCS</u> <u>Technical Release #20 (TR-20)</u>, as required in relevant sections.
  - (b) Model output for both existing and proposed conditions is required. The District Engineer may require a copy of the electronic model to be submitted if the software used does not provide easily reviewed output reports.
- (4) Soil boring report or test pit documentation identifying location of the boring or test pit, Seasonal High Water Level, and depth of each soil type found as required in Section 6.4(A)(2)(e). Soil borings and test pits must be completed to a minimum depth of five feet (5') below the bottom of the proposed BMP.
- (5) If infiltration is not being used, justification must be provided.

### **CHAPTER 7. SHORELINE AND STREAMBANK ALTERATIONS**

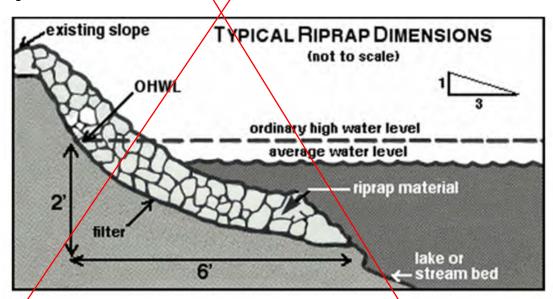
- 7.1 Policy. It is the policy of the Board of Managers to prevent erosion of shorelines and streambanks, promote the use of natural material and bioengineering in the restoration and maintenance of shorelines, and maintain natural riparian corridors. These activities promote water quality and protect ecological integrity. This chapter focuses on the Shore Impact Zone (SIZ). The Shore Impact Zone means land located between the Ordinary High Water Level (OHWL) of a Public Water and a line parallel to and half (1/2) the setback from it (as defined by applicable county or municipal zoning ordinances and as further defined in Chapter 4).
- 7.2 Applicability. A permit is required for alteration to the land surface, Impervious Surface, or vegetation within the Shore Impact Zone, including but not limited to riprap, bioengineered shore line installation, retaining walls, walkways, removal of any trees or woody vegetation, or conversion to turf grass.
- 7.3 <u>Preapplication Meeting</u>. For work within the Shore Impact Zone, a preapplication meeting is encouraged prior to submitting a permit application. It is highly recommended that this meeting be completed in person and on-site with the landowner and/or a project representative such as the designer or contractor.
- 7.4 <u>Shore Impact Zone Alteration Criteria</u>. The movement of any material within the Shore Impact Zone;
  - A. <u>Grading, Filling, Excavation, or Any Other Land Altering Activities</u>. Any activity which disturbs soils, shoreline, streambank, or Impervious Surface within a Shore Impact Zone, exceeding 20 square feet in size, requires a permit and must comply with the following standards:
    - (1) Land Alterations in the Shore impact Zone. Land alterationsexceeding 20 square-feet in size, must be designed and implemented to minimize erosion and sediment from entering surface waters during and after construction and implement the following standards:
      - (a) No net increase in stormwater nutrient or sediment loading to the receiving waterbody.
      - (b) Exposed bare soil shall be covered with mulch or similar materials or have a downgradient BMP (silt fence, bio-roll, etc.) installed within forty-eight (48) hours.
      - (c) A permanent vegetation cover shall be planted within fourteen (14) days of completion of the project through a re-vegetation plan as approved by the District.
      - (d) Temporary erosion and sediment control Best Management Practices must be installed to prevent erosion or sediment loss to Public Waters or to neighboring properties prior to land disturbing activity.
      - (e) Alterations to topography are only permitted if they are accessory to permitted or Conditional Uses and are limited to the extent necessary to maintain natural shoreline topography and do not adversely affect adjacent or nearby properties and waterbodies.
      - (f) Filling or excavation activities to create walk-out basements shall not be allowed within Shore or Bluff Impact Zones.

- (g) Any alterations below the Ordinary High Water Level of public waters shall be authorized by the Commissioner under Minn. Stat. § 103G.245, as amended.
- (h) Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
- (i) Plans to place fill or excavated material on Steep Slopes must be reviewed by a licensed professional as approved by the District for continued slope stability and must not create finished slopes of thirty-three percent (33%) or greater.
- (2) Impervious Surfaces. Impervious Surface within the Shore Impact Zone can contribute to an increase in runoff or stormwater pollutants to the lake. Construction or re-construction (changes) to Impervious Surface is allowed provided that:
  - (a) The proposed activity meets all local land use ordinances.
  - (b) Stormwater from all new/reconstructed Impervious Surfaces must be consistently managed with the requirements of Chapter 6. For single lot, residential projects, an applicant may substitute the use of a BMP designed to treat a 2.2-inch event in lieu of plans signed by a licensed engineer.
- (3) Ice Pressure Ridge Repair. Ice Pressure Ridges are formed by winter ice expansion pushing up on a shoreline. While these natural features provide a host of ecological benefits, there are circumstances when it may be necessary to conduct repair to an existing ridge that has been damaged. Modification to the Ice Pressure Ridge is permitted according to the following:
  - (a) Modifications or repairs are only allowed on Ice Pressure Ridges that experienced recent damage from ice action within the past six (6) months. Landowners will need to provide proof of ice ridge formation within the last six (6) months through aerials or photographs.
  - (b) A ridge of no less than eight inches (8") must be maintained parallel to the shore or ice ridge repaired to previous height (whichever is higher). The eight inch (8") difference is measured between the ridge top and three feet (3') landward of the ridge.
  - (c) Ice ridge material that is composed of muck, clay, or organic sediment is deposited and stabilized at an upland site above the OHWL.
  - (d) Ice ridge material that is composed of sand or gravel may be regraded to conform to the original cross-section and alignment of the lakebed, with a finished surface at or below the OHWL or it may be removed.
  - (e) Additional excavation or replacement fill material must not occur on the site.

- (f) Erosion control measures shall be installed in accordance with the approved Erosion and Sediment Control Plan. Once grading and excavating activities are completed, the project area shall be vegetated.
- (g) Any unrelated grading, excavating, and/or filling activities may require additional permits.
- (h) A four-foot (4') wide lake access walkway may be placed over, but not cut through the ridge.
- (i) Any alteration below the OHWL shall require approval from the DNR.
- (j) The project must meet all state, city, and county regulations.
- (4) Shoreline and Streambank Stabilization. This is allowed only where there is a demonstrated need to stop existing erosion along unstable sensitive topography such as steep slopes, bluffs, rivers, and streams to help prevent or reduce erosion. Erosion needs to be verified by District staff either through a site visit or photos.
  - (a) Stabilizing shoreline erosion and instability is permitted by doing the following:
    - i. Applicant must investigate the use of native plant material and techniques to stabilize shoreline.
    - ii. If native plant material will not be sufficient, the applicant will investigate the use of bio armoring with a combination of natural rock riprap and vegetation plantings.
    - iii. Natural rock riprap alone, free of debris, is only allowed where there is a demonstrated need to stop existing erosion that cannot be accomplished by items i. and ii. above and the following standards are met:
  - (b) Riprap to be used in shoreline erosion protection must be sized appropriately in relation to the erosion potential of the wave or current action of the particular waterbody, but in no case will the riprap rock average less than six inches (6") in diameter or more than thirty inches (30") in diameter. Riprap will be durable natural stone and of a gradation that will result in a stable shoreline embankment. Stone, granular filter, and geotextile material must conform to standard Minnesota Department of Transportation specifications. Materials used must be free from organic material, soil, clay, debris, trash, or any other material that may cause siltation or pollution.
  - (c) Riprap will be placed to conform to the natural alignment of the shoreline and to not obstruct navigation or flow of water.
  - (d) Riprap will consist of coarse stones that are randomly and loosely placed. Panning, walls, or rock of uniform size or placement is prohibited.

- (e) A transitional layer consisting of graded gravel, at least six inches (6") deep, and an appropriate geotextiles filter fabric will be placed between the existing shoreline and any riprap. The thickness of the riprap layers should be at least 1.25 times the maximum stone diameter. Tow boulders, if used, must be at least fifty percent (50%) buried.
- (f) The minimum finished slope waterward of the OHWL must be no steeper than three-to-one (3:1) (horizontal to vertical).
- The riprap must be no more than six feet (6') waterward of the ordinary high-water level.
- (h) The height of the riprap extends no higher than three feet (3') above the OHWL, or one foot (1') above the highest known water level, or one foot (1') above evidence of erosion, whichever is less.
- (i) Riprap for cosmetic purposes or replacement of stable vegetation is not allowed.
- (j) For riprap projects resulting in greater than two hundred (200) cumulative linear feet of shoreline on a parcel, a DNR permit is required.

Figure 7-1



- Beach Sand Blanket. A beach blanket or sand blanket is the placement of beach material on a shore where a beach does not naturally occur (i.e. a muddy-bottom lake). Placement of sand blanket areas must meet the following standards:
  - (a) The existing lake bottom must be hard bottom sand or gravel, with no muck or organic layer present, suitable for supporting material.

- (b) The maximum size of the blanket cannot exceed fifty feet (50') in width (or half width of the lot, whichever is less), maximum ten feet (10') in depth landward from the OHWL, and not exceed six inches (6") in thickness.
  - i. Alternatively, the sand blanket may be twenty-five feet (25') wide, or twenty-five percent (25%) of lot width (whichever is less), and fifteen feet (15') landward from the OHWL.
- (c) The natural slope must be less than five percent (5%).
- (d) Material must be clean and washed sand or gravel with no organic materials, silt, loam, or clay.
- (e) The design must incorporate a berm or stormwater diversion around the beach area on upslope edge to prevent erosion.
- (f) Replacement and maintenance of the sand blanket requires a permit and expansion of the sand blanket is not allowed. Only one (1) installation of sand or gravel to the same location may be made during a four (4) year period. After the four (4) years have passed since the last blanketing, the location may receive another sand blanket. More than two (2) applications at an individual project site will require a permit from the DNR.
- (g) Sand blankets are not allowed on Steep Slopes, Emergent Vegetation, or Wetland.
- (h) Exception: Beaches operated by public entities and available to the public may be maintained in a manner that represents minimal impact to the environment and are exempt from parts (b) and (f) of this section; however, District permits are still required and must adhere to DNR regulations.
- (i) Use of non-biodegradable fabric is not permissible.
- (6) Rain Gardens. Placement of rain gardens must meet the following standards:
  - (a) Obtain District permit.
  - (b) Design and install consistent with the Minnesota Stormwater Manual.
  - (c) Setback no less than ten feet (10') from structures with foundations or basements.
  - (d) Setback no less than ten feet (10') from a sewage tank and twenty feet (20') from a septic drain field.
  - (e) Must not be located on slopes twelve percent (12%) or greater.
  - (f) Must not be located within fifty feet (50') of the top of a bluff.
  - (g) Must not be located within twenty feet (20') of the toe of a bluff.

- B. <u>Vegetation Alteration</u>. Vegetative alterations may be permitted on riparian lots, in Shore and Bluff Impact Zones, or on Steep Slopes in accordance with the following standards:
  - (1) Prior to vegetation alterations regulated by this section or prior to establishing a view corridor on a riparian lot, the property owner is encouraged to contact the District to arrange a site visit and must complete an application for vegetation alteration.
  - The District may require that the property owner clearly mark any proposed view corridor/or any vegetation to be removed from the riparian lot. Additionally, the District may require the property owner to supply information on slope, soil type, property line locations, location of easements, and any other information that may be needed in order for the District to act on a request.
  - (3) In considering a permit application for vegetation alterations, including the establishment view/access corridor, the District may take into consideration the predevelopment vegetation, natural openings, surrounding vegetation patterns and densities, previous vegetation alterations, slope, soil type, the locations and extent of adjacent view corridors, adjacent body of water, and other information it deems necessary and pertinent to the request.
  - (4) Intensive Vegetation Clearing within the Shore and Bluff Impact Zones, or on Steep Slopes, is prohibited except as detailed in Section 7.4(B)(6)(c) below.
  - (5) Limited clearing and trimming of trees, shrubs, and groundcover in the Shore Impact Zone is permitted to provide a view to the water from the principal dwelling and to accommodate the placement of permitted stairways and landings, access paths, and beach and watercraft access areas, in accordance with the following standards:
    - (a) The vegetation within the Shore Impact Zone will be maintained to screen structures or other facilities with trees and shrubs so that the structures are at most fifty percent (50%) visible as viewed from public waters during the summer months when the leaf canopy is fully developed.
    - (b) Existing shading of water surfaces is preserved.
    - (c) Cutting debris must not be left on the ground
    - (d) Limited trimming, pruning, and thinning of branches or limbs to protect structures, maintain clearances, or provide limited view corridors are allowed as long as the integrity of the tree is not damaged or the health of the tree is not adversely affected.
    - (e) Vegetation removal must not increase erosion or stormwater runoff rate.

- (6) A view/lake access corridor, defined as a line of sight on a riparian lot extending from the lakeward side of the principal residence towards the ordinary high-water level of a lake or river, is permitted in accordance with the following standards:
  - (a) The total cumulative width of the view corridor must not exceed fifty feet (50') or fifty percent (50%) of lot width, whichever is less. If more than fifty feet (50') feet or fifty percent (50%), whichever is less, has already been cleared, then additional clearing is not allowed.
  - (b) Removal of vegetation shall not be greater than twelve feet (12') in width in any contiguous strip.
  - (c) Any proposed Intensive Vegetation Clearing to accommodate the placement of permitted stairways and landings, access paths, and beach and watercraft access areas must be within the view corridor. Only one (1) beach/watercraft access area will be allowed on each residential lot and:
    - i. must be less than fifteen feet (15') landward from the OHWL; and
    - ii. must be no wider than twenty-five feet (25') or twenty-five percent (25%) of the lot width, whichever is less.

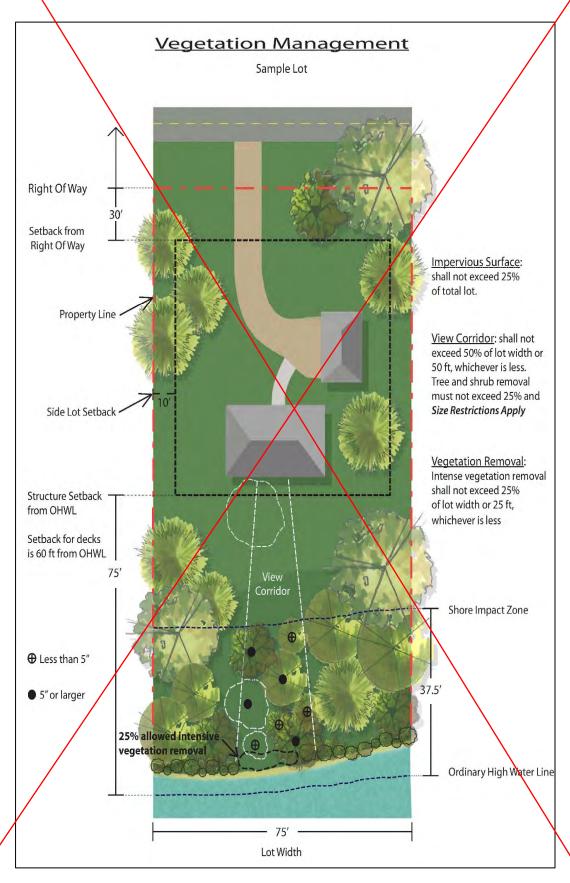
For the purpose of this section, if this area or the shoreline has already been cleared, then additional Intensive Vegetation Clearing will not be allowed.

- (7) The total amount of tree/shrub removal within the view corridor must not exceed twenty-five (25%) percent of the trees larger than five inches (5") in diameter measured at four and one-half feet (4 ½') above the ground and twenty-five (25%) percent of the trees/shrubs smaller than five inches (5") in diameter, in a random pattern.
  - (a) Work must be conducted in a manner that does not disturb topsoil.
  - (b) Stumps may be ground down flush with the ground; however, below ground roots must be left in place as they provide stability on shoreline.
  - (c) Cutting must be conducted with use of hand operated tools and not heavy machinery, except where necessary and prior written approval has been granted by District staff.
  - (d) The removal of invasive and noxious species must be verified and approved by District staff.
  - (e) Within the Shore Impact Zone, or on steep slopes or bluffs, dead, diseased, or trees deemed hazardous by District staff, or by a certified arborist, may be removed and replaced at a one-to-one (1:1) ratio, regardless of size. Trees removed for legal placement of lake access paths or structures must be replaced at a ratio of two-to-one (2:1). Replacement trees shall be at least one and one-half inches (1.5") in diameter, and of a type listed on the District's approved tree list. The replacement tree must be replanted within the Shore Impact Zone or

Steep Slope or Bluff Impact Zone of the removed tree, and distributed throughout the impacted area as approved by District staff or certified arborist. The District may solicit the review of the trees by an independent arborist, at the property owner's expense.

- Planting of native trees, shrubs, establishing vegetated buffers, and maintaining vegetated shorelines is encouraged on all riparian lots within the District as a method to minimize and mitigate the impacts of stormwater runoff, erosion, and nutrient enrichment on the District's water resources.
  - Planting of native vegetation that includes grade alteration or disturbing existing vegetation shall require a permit approved by the District prior to establishment. The District will require a plant list and Operation and Maintenance (O & M) plan with the Permit.
- (9) All vegetative alterations are subject to the following conditions:
  - (a) Exposed bare soil shall be covered with mulch or similar materials or have a downgradient BMP (silt fence, bio-roll, etc.) installed within forty-eight (48) hours.
  - (b) A permanent vegetation cover shall be planted within fourteen (14) days of completion of the project through a re-vegetation plan as approved by the District.
  - (c) Cutting must be conducted with use of hand operated tools and not heavy machinery, except where necessary and prior written approval has been granted by District staff. Topsoil disturbance is to be limited and the root system must remain in place.
  - (d) Altered areas must be stabilized to acceptable erosion control standards consistent with the Minnesota Stormwater Manual.
  - (e) In considering a request for vegetation alterations, including the establishment of a view corridor, the District may take into account the predevelopment vegetation, natural openings, surrounding vegetation patterns and density, previous vegetative alterations, slope, soil type, the location and extent of adjacent view corridors, the adjacent body of water, and other information it deems necessary and pertinent to the request.
- Violations. Violations of this section may be remedied with restoration orders, in addition to other available legal remedies. Restoration varies based on the percentage of vegetation coverage (evaluated through aerial coverage of trees and/or shrubs and on-site visual observation) in the Shore Impact Zone, Bluff, and Impact Zone, Steep Slope area. Restoration mitigation may include an erosion control and stormwater plan, a specified mix of trees, shrubs, and low ground cover of native species and understory consistent with the natural cover of shorelines in the area. Replacement ratios will be up to two-to-one (2:1) as part of a restoration order, based upon applicable density and spacing recommendations.

Figure 7-2



### C. Retaining Walls.

- (1) New Construction. Retaining wall construction within the Shore Impact Zone and Bluff Impact Zone is permitted only for areas of slope instability that cannot be corrected by any other means including native plantings, bio-armoring, riprap, or other practices. If an adequate, alternative practice to stabilize a slope exists, construction of a retaining wall will not be allowed. If there are no adequate alternatives, the retaining wall is permitted in accordance with the following standards:
  - The applicant provides detailed description of alternatives that were considered and why they were not feasible.
  - (b) The proposed retaining wall construction is permitted by the DNR, as necessary.
  - (c) Stabilization design drawings showing the wall location, dimensions, and any reinforcement details must be prepared by a licensed professional and must conform to sound engineering principles.
  - (d) The permit will require that an as-built survey, prepared by a licensed professional, be filed with the District.
  - (e) The District Engineer may require a geotechnical report, if necessary, to review if soil conditions are suitable for wall construction.
- (2) Existing Retaining Wall Reconstruction. Retaining wall reconstruction within the Shore Impact Zone and Bluff Impact Zone is only recommended for areas of slope instability that cannot be corrected by any other means. If an adequate alternative practice to stabilize the slope exists, reconstruction is not recommended and will only be permitted in accordance with the following standards:
  - (a) The proposed retaining wall reconstruction is permitted by the DNR, as pecessary.
  - (b) Prawings showing the wall design must be prepared by a licensed professional.
  - (c) The permit will require that an as-built survey, prepared by a licensed professional, be filed with the District.
  - (d) The District Engineer may require a geotechnical report, if necessary, to review if soil conditions are suitable for wall construction.
  - (e) Upgradient of the reconstructed retaining wall, the applicant provides either:
    - A diversion of stormwater draining toward the retaining wall to an onsite BMP, such as a rain garden, which will treat runoff from the direct drainage area consistent with the provisions of Section 6.4.A prior to discharging to the waterbody; or

- ii. A fifteen-foot (15') buffer of native vegetation approved by District staff. Only a four-foot (4') wide path for access to the lake may pass through the buffer.
- (3) Maintenance of existing retaining walls does not require a permit. Maintenance consists of replacing or repairing components of the retaining wall without disturbing the soils beneath the foundation of the wall. Replacing the entire wall or expanding its height or footprint are not considered maintenance.
- (4) Retaining walls within the City of Detroit Lakes are regulated by the City.

### 7.5 Maintenance.

- A. Long-term maintenance agreements between the District and the landowner are required for all permanent changes to the Shore Impact Zone.
- B. The maintenance agreement shall be submitted prior to permit issuance. It is recommended that a draft maintenance agreement be submitted with application materials.
- C. Upon issuance of the permit, the District will record the maintenance agreement on the parcel containing the Shore Impact Zone alteration.
- 7.6 **Required Exhibits.** Applicants for projects that do not trigger a Chapter 6 Stormwater permit, but do trigger a Chapter 7 Shoreline and Streambank Alterations permit, must submit the following:
  - A. Photographs documenting existing site conditions and need for stabilization. Images must be during growing season and must depict, in profile, bank vegetation and slope condition of the subject and adjacent properties, and the existence of emergent or floating vegetation adjacent to the subject property.
  - B. Dimensioned drawings of proposed conditions, including landmarks, such as houses, buildings roads, etc., showing dimensions and distance to proposed project.
  - C. Erosion Control Plan containing permanent and temporary erosion control BMPs locations.
  - D. Vegetation removal and plantings list, including quantities, and drawing/map as applicable.
  - E. Drawings prepared by a licensed professional for any BMP design required under section 7.4.A.2.b.
  - F. Drawings prepared by a licensed professional for any wall design for retaining wall projects.

### 7.7 **EXEMPTIONS.**

A. The City of Detroit Lakes Public Beach (West Lake Drive) will conform to MN State Regulations and is exempt from the Rules.

### **CHAPTER 8. REGIONAL CONVEYANCE SYSTEMS**

- 8.1 Policy. It is the policy of the Board of Managers to preserve regional conveyance systems within the District, including its natural streams and watercourses, and artificial channels and piped systems. Chapter 8 applies to surface water conveyance systems other than public drainage systems. The purpose of this chapter is to maintain regional conveyance capacity, prevent flooding, preserve water quality and ecological condition, and provide an outlet for drainage for the beneficial use of the public as a whole now and into the future. Chapter 8 does not apply to public drainage systems, as defined in the Rules, which the District manages and maintains through the exercise of its authority under the drainage code (Minn. Stat. Chapter 103E) and the application of Chapter 9. It is not the intent of this chapter to decide drainage rights or resolve drainage disputes between private landowners.
- 8.2 <u>Regulation</u>. A person may not construct, improve, repair, or alter the hydraulic characteristics of a regional conveyance system that extends across two (2) or more parcels of record not under common ownership, including by placing or altering a utility, bridge, or culvert structure within or under such a system, without first obtaining a permit from the District. Permits are not required to repair or replace an element of a regional conveyance system owned by a government entity when the hydraulic capacity of the system will not change.
- 8.3 <u>Criteria.</u> The conveyance system owner is responsible for maintenance. In addition, modification of the conveyance system must:
  - A. Preserve existing hydraulic capacity.
  - B. Retain existing navigational use.
  - C. Not adversely affect water quality or downstream flooding characteristics.
  - D. Be designed to allow for future erosion, scour, and sedimentation considerations.
  - E. Be designed for maintenance access and be maintained in perpetuity to continue to meet the criteria of this Section 8.3. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District.
- 8.4 <u>Subsurface Utility Crossings</u>. A crossing beneath a regional conveyance system must maintain adequate vertical separation from the bed of the conveyance system. The District will determine adequate separation by reference to applicable guidance and in view of relevant considerations such as soil condition, the potential for upward migration of the utility, and the likelihood that the bed elevation may decrease due to natural processes or human activities. The District will also consider the feasibility of providing separation and the risks if cover diminishes. Nothing in this section diminishes the crossing owner's responsibility under Section 8.3, above. The applicant must submit a record drawing of the installed utility.

- 8.5 **Required Exhibits.** The following exhibits must accompany the permit application:
  - A. Construction details showing:
    - (1) Size and description of conveyance system modification including existing and proposed flow line (invert) elevations. Elevations must be provided in NAVD 88 datum.
    - (2) Existing and proposed elevations of utility, bridge, culvert, or other structure.
    - (3) End details with flared end sections or other appropriate energy dissipaters.
    - (4) Emergency overflow elevation and route.
  - B. Narrative describing construction methods and schedule.
  - C. Erosion and sediment control plan in accordance with Chapter 6.
  - D. Computations of watershed area, peak flow rates and elevations, and discussion of potential effects on water levels above and below the project site.
- 8.6 **Exception.** Criterion 8.3(A) may be waived if the applicant can demonstrate with supporting hydrologic calculations the need for an increase in discharge rate in order to provide for reasonable surface water management in the upstream area, and that the downstream impacts of the increased discharge rate can be reasonably accommodated and will not exceed the existing rate at the conveyance outfall.

### **CHAPTER 9. PUBLIC DRAINAGE SYSTEMS**

9.1 Policy. Chapter 9 applies to work within public drainage systems, as that term is defined in the Rules. The District regulates work in surface water conveyance systems other than public drainage systems through the application of Chapter 9. It is the policy of the Board of Managers to regulate work within the right-of-way of a public drainage system that has the potential to affect the capacity or function of the public drainage system, or ability to inspect and maintain the system. The purpose of this chapter is to protect the integrity and capacity of public drainage systems consistent with Minn. Stat. Chapter 103E to prevent regional or localized flooding, preserve water quality, and maintain an outlet for drainage for the beneficial use of the public and benefitted lands now and into the future.

### 9.2 **Regulation**.

- A. Temporary or permanent work in or over a public drainage system, including any modification of the system, including installation or replacement of crossings, requires a permit from the District. The permit is in addition to any formal procedures or District approvals that may be required under Minn. Stat. Chapter 103E or other drainage law.
- B. A utility may not be placed under a public drainage system without a permit from the District. The design must provide at least five feet (5') of separation between the utility and the as constructed and subsequently improved grade of the public drainage system, unless the District determines that a separation of less than five feet (5') is adequate to protect and manage the system at that location. The applicant must submit a record drawing of the installed utility. The crossing owner will remain responsible should the crossing be found to be an obstruction or subject to future modification or replacement under the Drainage Law.
- C. A pumped dewatering operation must not outlet within two hundred feet (200') of a public drainage system without a permit from the District. A permit application must include a dewatering plan indicating discharge location, maximum flow rates, and outlet stabilization practices.
- 9.3 **Criteria.** A project constructed subject to Section 9.2(A) must:
  - A. Comply with applicable orders or findings of the District.
  - B. Comply with all federal, state, and District Wetland protection rules and regulations.
  - C. Demonstrate that such activity will not adversely impact the capacity, stability, or function of the public drainage system, or ability to inspect and maintain the public drainage system.
  - D. Not create or establish Wetlands within the public drainage system right of way without an order to impound the public drainage system under Minn. Stat. § 103E.227, as amended.

- E. Provide conveyance at the grade of the ACSIC¹ where work is being completed. If the ACSIC has not been determined, the applicant may request that the District duly determine the ACSIC before acting on the application, or may accept conditions that the District determines are adequate to limit the risk that the applicant's work will not be an obstruction, within the meaning of Minn. Stat. Chapter 103E, when the ACSIC is determined. An applicant that proceeds without determination of the ACSIC bears the risk that the work later is determined to be an obstruction.
- F. Maintain hydraulic capacity and grade under interim project conditions, except where the District, in its judgement, determines that potential interim impacts are adequately mitigated.
- G. Where the open channel is being realigned, provide an access corridor that the District deems adequate at the top of bank of the drainage system, with the following characteristics:
  - (1) A minimum of twenty feet (20') in width.
  - (2) Cross-slope (perpendicular to direction of flow) no more than five percent (5%) grade.
  - (3) Longitudinal slope (parallel to the direction of flow) no more than one-to-five (1:5) (vertical to horizontal).
- H. Provide adequate supporting soils to facilitate equipment access for inspection and maintenance. Provide stable channel and outfall.
- I. Be designed for maintenance access and be maintained in perpetuity to avoid constituting an obstruction and otherwise to continue to meet the criteria of this section. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. Public Linear Projects are exempt from the public drainage system easement requirement of this section.
- J. Identify proposed temporary obstruction or crossings of the public drainage system and specify operational controls to enable unobstructed conveyance of a rainfall or flow condition.
- 9.4 **Required Exhibits.** The following exhibits must accompany the permit application. Elevations must be provided in NAVD 88 datum.
  - A. Map showing location of project, tributary area, and location and name of the public drainage system branches within the project area.
  - B. Existing and proposed cross sections and profile of affected area.
  - C. Description of bridges or culverts proposed.

<sup>&</sup>lt;sup>1</sup> The "As Constructed and Subsequently Improved Condition" (ACSIC) of a public drainage system must be determined to understand if proposed work may be considered "repair" and what regulations are applicable. Determination of the ACSIC is discussed in more detail within Section VII, B of the Minnesota Public Drainage Manual.

### Final Comments received from Jon Olson & Scott Walz - March 28, 2025.

- D. Location and sizes of proposed connections to the public drainage system.
- E. Narrative and calculations describing effects on water levels above and below the project site.
- F. Erosion and sediment control plan.
- G. Hydrologic and hydraulic analysis of the proposed project.
- H. Local benchmark in NAVD 88 datum.

#### **CHAPTER 10. BUFFERS**

### 10.1 **Policy**. It is the policy of the District to:

- A. Provide public drainage system ditches with vegetated Buffers and water quality practices to achieve the following purposes:
  - (1) Protect state water resources from erosion and runoff pollution.
  - (2) Stabilize soils and banks.
- B. Coordinate closely with the District's landowners, soil and water conservation districts and counties, and utilize local knowledge and data, to achieve the stated purposes in a collaborative, effective, and cost-efficient manner.
- C. Integrate District authorities under Minn. Stat. §§ 103D.341, 103E.021, and 103F.48, as amended, to provide for clear procedures to achieve the purposes of this chapter.
- D. The District will implement and enforce Buffers through the use of Drainage Law (Minn. Stat. §§ 103E.021, 103E.351, 103D.545, and 103D.551, as amended), and when that cannot be accomplished, the District will use its Administrative Penalty Order (APO) powers granted by Minn. Stat. § 103F.48, as amended.

### 10.2 **Data Sharing/Management.**

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

### 10.3 Vegetated Buffer Requirement.

- A. Except as applicable under Minn. Stat. § 103F.48, subds. 3 and 5, a landowner must maintain a Buffer on land that is adjacent to a public drainage system ditch identified and mapped on the buffer protection map established and maintained by the Commissioner pursuant to the Buffer Law.
  - (1) The Buffer must be a minimum width of sixteen and one half feet (16.5'). This section does not apply to the portion of public drainage systems consisting of tile.
  - (2) The Buffer is measured from the top or crown of bank. Where there is no defined bank, measurement will be from the normal water level. The District will determine normal water level in accordance with BWSR guidance. The District will determine top or crown of bank in the same manner as measuring the perennially vegetated strip under Minn. Stat. § 103E.021.
- B. The requirements under Minn. Stat. § 103F.48 applies to all public drainage ditches within the legal boundary for which the District is the drainage authority.

- C. The requirements under Minn. Stat. § 103F.48, subd. 3 do not apply to land that is:
  - (1) Enrolled in the federal Conservation Reserve Program.
  - (2) Used as a public or private water access or recreational use area including stairways, landings, picnic areas, access paths, beach, and watercraft access areas, provided the area in such use is limited to what is permitted under shoreland standards or, if no specific standard is prescribed, what is reasonably necessary.
  - (3) Used as the site of a water-oriented structure in conformance with shoreland standards or, if no specific standard is prescribed, what is reasonably necessary.
  - (4) Covered by a road, trail, building, or other structure.
  - (5) Regulated by a national pollutant discharge elimination system/state disposal system (NPDES/SDS) municipal separate storm sewer system, construction or industrial permit under Minnesota Rules, Chapter 7090, and the adjacent waterbody is provided riparian protection.
  - (6) Part of a water-inundation cropping system.
  - (7) In a temporary non-vegetated condition due to drainage tile installation and maintenance, alfalfa or other perennial crop or plant seeding, or a construction or conservation project authorized by a federal, state, or local government unit.

#### 10.4 <u>Drainage System Acquisition and Compensation for Buffer.</u>

- A. In accordance with Minn. Stat. § 103F.48, subd. 10(b), a landowner owning land within the benefited area of and adjacent to a public drainage ditch may request that the District, as the drainage authority, acquire and provide compensation for the Buffer strip required under this rule.
- B. The request may be made to use Minn. Stat. § 103E.021, subd. 6, or by petition pursuant to Minn. Stat. § 103E.715, subd. 1.
- C. The decision on the request is within the judgment and discretion of the District, unless the request concerns a Buffer strip mandated by Minn. Stat. § 103E.021.
- D. If the request is granted or the petition proceeds, the requirements of the Buffer strip and the compensation to be paid for its incorporation into the drainage system will be determined in accordance with the statutes referenced in Minn. Stat. § 103F.48 and associated procedures. When the order establishing or incorporating the Buffer strip is final, the Buffer strip will become a part of the drainage system and thereafter be managed by the District in accordance with the drainage code.
- E. On a public drainage ditch that also is a public water subject to a fifty-foot (50') average Buffer, the drainage system will be required to acquire only the first sixteen and one half feet (16.5') of the Buffer.

- F. The District, on its own initiative pursuant to Minn. Stat. §§ 103F.48 and 103E.021, may acquire and provide compensation for Buffer strips required under this chapter on individual or multiple properties along a public drainage system. The Board of Managers findings and order will be delivered or transmitted to the landowner.
- G. This section does not displace the terms of Minn. Stat. Chapter 103E requiring or providing for drainage system establishment and acquisition of vegetated Buffer strips along public ditches.

### 10.5 **Action For Noncompliance**.

- A. When the District observes potential noncompliance or receives a third-party complaint from a private individual or entity, or from another public agency (such as the SWCD), it will determine the appropriate course of action to confirm compliance status. This may include communication with the landowner or his/her agents or operators, communication with the shoreland management authority, inspection, or other appropriate steps necessary to verify the compliance status of the parcel. On the basis of this coordination, the SWCD may issue a notification of noncompliance to the District. If the SWCD does not transmit such a notification, the District will not pursue a compliance or enforcement action under Minn. Stat. §§ 103F.48, but may pursue such an action under the authority of Minn. Stat. §§ 103E.021 and 103D.341 and Section 10.6 of this chapter.
- B. On receipt of an SWCD notification of noncompliance, or if acting solely under authority of Minn. Stat. § 103E.021 or 103D.341, the District will determine first whether sufficient public drainage system easement exists to establish the required vegetative Buffer. If a sufficient easement does not exist, the District will attempt to acquire the necessary easements through incremental Buffer establishment provided in Minn. Stat. § 103E.021, subd. 6 or through a redetermination of benefits provided in Minn. Stat. § 103E.351 to establish the required Buffers. The establishment of the required Buffers will occur within twelve (12) months of the determination that inadequate easement exists, and no more than eighteen (18) months from the receipt of an SWCD notification of noncompliance or the District decision to establish the required Buffers.
- C. If the District is unable to acquire the necessary easements through incremental Buffer establishment provided in § 103E.021, subd. 6, or through a redetermination of benefits, or if sufficient easement does exist and an established Buffer has been adversely altered, the District will issue a corrective action notice and practical schedule for compliance to the landowner or responsible party. The District may inspect the property and will consult with the SWCD, review available information, and exercise its technical judgment to determine appropriate and sufficient corrective action and a practical schedule for such action. The District will maintain a record establishing the basis for the corrective action that it requires.
  - (1) The District will issue the corrective action notice and schedule to the landowner of record. The landowner may be the subject of enforcement liabilities under Section 10.6. The District may deliver or transmit the notice and schedule by any means reasonably determined to reach the landowner, and will document receipt. However, a failure to document receipt will not preclude the District from demonstrating receipt or knowledge in an enforcement proceeding under Section 10.6.

- (2) The corrective action notice and schedule will identify the parcel of record to which it pertains and the portion of that parcel that is alleged to be noncompliant. It will describe corrective actions to be taken, a schedule of intermediate or final dates for correction, a compliance standard against which it will judge the corrective action, and a statement that failure to respond to this notice and schedule will result in an enforcement action. The District will provide a copy of the notice and schedule to BWSR.
- (3) At any time, a landowner or responsible party may supply information in support of a request to modify a corrective action or the schedule for its performance. On the basis of any such submittal or at its own discretion, the District may modify the corrective action notice or schedule, and deliver or transmit the modified notice and schedule in accordance with Section 10.5(C)(1), or may advise the landowner in writing that it is not pursuing further compliance action.
- (4) At any time after the District has issued the notice and schedule, a landowner, or authorized agent or operator of a landowner or responsible party, may request that the SWCD issue a validation of compliance with respect to property for which the notice and schedule has been issued. On District receipt of the validation, the notice and schedule will be deemed withdrawn, and the subject property will not be subject to enforcement.
- (5) A corrective action notice and schedule is not considered a final decision subject to appeal. An objection to a finding of noncompliance, or to any specified corrective action or its schedule, is reserved to the landowner or responsible party and may be addressed in an enforcement proceeding under Section 10.6.

### 10.6 Enforcement.

- A. Under authority of Minn. Stat. §§ 103E.021, 103D.545, and 103D.551, the District may seek remedies for noncompliance with this chapter against any landowner or responsible party including but not limited to: (a) reimbursement of District compliance costs under Minn. Stat. § 103D.345 and 103E.021 and/or an escrow, surety, performance bond, or a letter of credit for same; (b) administrative compliance order (ACO); (c) district court remedy including injunction, restoration, or abatement order, authorization for District entry, and/or order for cost recovery; and (d) referral to the District attorney for criminal misdemeanor prosecution.
- B. In instances where existing vegetation on the ditch Buffer easement has been adversely altered and has not been restored, the District may collect compliance expenses in accordance with Minn. Stat. § 103E.021 from a landowner for noncompliance with the corrective action notice and schedule. The District will restore any adversely altered Buffer and charge the landowner for the cost of the restoration if the landowner does not complete the requirements of the corrective action notice and schedule.
- C. In instances where a ditch Buffer easement area cannot be established in a timely manner, the District may issue an administrative order imposing a monetary penalty against a landowner or responsible party for noncompliance with the corrective action notice and schedule. The penalty will continue to accrue until the

noncompliance is corrected as provided in the corrective action notice and schedule.

- (1) The penalty for a landowner on a single parcel that previously has not received an administrative penalty order issued by the District shall be the following:
  - (a) \$0 for 11 months after issuance of the corrective action notice and schedule.
  - (b) \$50 per parcel per month for the first six (6) months (180 days) following the time period in Section 10.6(C)(1)(a).
  - (c) \$200 per parcel per month after six (6) months (180 days) following the time period in Section 10.6(C)(1)(b).
- (2) The penalty for a landowner on a single parcel that previously has received an administrative penalty order issued by the District shall be:
  - (a) \$50 per parcel per day for 180 days after issuance of the corrective action notice and schedule
  - (b) \$200 per parcel per day for after 180 days following the time period in Section 10.6(C)(1)(a).
- D. The administrative order will state the following:
  - (1) The facts constituting a violation of the Buffer requirements.
  - (2) The statute and/or rule that has been violated.
  - (3) Prior efforts to work with the landowner to resolve the violation.
  - (4) For an administrative penalty order, the amount of the penalty to be imposed, the date the penalty will begin to accrue, and the date when payment of the penalty is due.
  - (5) The right of the landowner or responsible party to appeal the order. A copy of the APO must be sent to the SWCD and BWSR.
- E. An administrative order will be issued after a compliance hearing before the District Board of Managers. The landowner and any other responsible parties will receive written notice at least two (2) weeks in advance of the hearing with a statement of the facts alleged to constitute noncompliance and a copy or link to the written record on which District staff intends to rely, which may be supplemented at the hearing. A landowner or responsible party may be represented by counsel, may present and question witnesses, and may present evidence and testimony to the Board of Managers. The District will make a record of the hearing.
- F. After a hearing noticed and held for consideration of an administrative penalty or other administrative order, the Board of Managers may issue findings and an order imposing any authorized remedy or remedies.

- (1) The amount of an administrative penalty will be based on considerations including the extent, gravity, and willfulness of the noncompliance; its economic benefit to the landowner or responsible party; the extent of the landowner or responsible party's diligence in addressing it; any noncompliance history; the public costs incurred to address the noncompliance; and other factors as justice may require.
- (2) The Board of Managers' findings and order will be delivered or transmitted to the landowner and other responsible parties. An administrative penalty order may be appealed to BWSR in accordance with Minn. Stat. § 103F.48, subdivision 9, and will become final as provided therein. The District may enforce the order in accordance with Minn. Stat. § 116.072, subd. 9. Other remedies imposed by administrative order may be appealed in accordance with Minn. Stat. § 103D.537.
- (3) The Board of Managers may forgive an administrative penalty, or any part thereof, on the basis of diligent correction of noncompliance following issuance of the findings and order and such other factors as the Board finds relevant.
- G. Absent a timely appeal, an administrative penalty is due and payable to the District as specified in the administrative penalty order.
- H. Nothing within this Buffer Rule diminishes or otherwise alters the District's authority under Minn. Stat. Chapter 103E with respect to any public drainage system for which it is the drainage authority, or any Buffer strip that is an element of that system.

### 10.7 **Effect of Rule**.

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

### **CHAPTER 11. ENFORCEMENT**

- 11.1 <u>Matter of Enforcement</u>. In the event of a violation, or potential violation, of a District Rule, permit, order or stipulation, or a provision of Minn. Stat. Chapters 103D or 103E, 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 Minn. Stat. §§ 103D.545 and 103D.551.
- 11.2 <u>Investigation of Noncompliance</u>. The District's Board of Managers, staff, or designated consultants may enter and inspect property in the District related to investigation of permit activities to determine the existence of a violation or potential violation as described in the preceding section.
- 11.3 Preliminary Administrative Compliance Order. The District, including staff and legal consultants, may issue a preliminary administrative compliance order without notice or hearing when it finds a violation or potential violation, and that the violation or potential violation presents a threat to the public health, welfare, and safety, or an adverse effect on water resources. A preliminary administrative compliance order may require that the landowner or responsible contractor cease the land-disturbing activity; apply for an after-the-fact permit; and take corrective or restorative action.
- 11.4 <u>Board Hearing Administrative Compliance Order</u>. If a landowner or their agent fails to comply with the preliminary ACO, the Board of Managers may hold a hearing with the alleged violator to discuss the violation. After due notice and a hearing at which evidence may be presented, the Board shall make findings. If the Board of Managers finds a violation, it may issue an administrative compliance order that may require the landowner 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 Minn. Stat. § 103D.545, subd. 2; and/or be subject to any other remedy within the District's authority. An administrative compliance order may supersede a preliminary administrative compliance order.
- 11.5 <u>Liability for Enforcement Costs</u>. To the extent provided for by Minn. Stat. § 103D.545, subd. 2, a landowner, contractor, or equipment operator is liable for investigation and response costs incurred by the District under the Rules, 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 Liability. An individual, firm, corporation, partnership, association, or other legal entity contracting to perform work subject to one (1) or more projects will be responsible to ascertain that the necessary permit has been obtained and that the work complies with the permit, the Rules, regulations, statutes, and any applicable District orders or stipulations. A contractor that, itself or through a subcontractor, engages in an activity constituting a violation or potential violation is not a "responsible contractor", as defined in Minn. Stat. § 16C.285, for purposes of the District.

### **BOARD OF MANAGERS**

### PELICAN RIVER WATERSHED DISTRICT

By Chris Jasken, Secretary

Adopted\_\_\_\_\_\_; Published in the Detroit Lakes Tribune on\_\_\_\_\_.



March 12, 2025

Tera Guetter
District Administrator, Pelican River Watershed District
211 Holmes St. West, Wells-Fargo Bldg.
Suite 201
Detroit Lakes, MN 56502

Dear Tera Guetter,

Reference: Campbell Creek Stream Stabilization and Flood Storage Project Contract Amendment #2: Wetland Delineation and Permitting

We appreciate the opportunity to present this request for a contract amendment for additional services discussed with Pelican River Watershed District (PRWD) staff. This letter includes a scope of work and budget to conduct a wetland delineation within the Project area and obtain Minnesota Wetland Conservation Act (WCA) and United States Clean Water Act (CWA) Section 404 approvals for Project activities.

# **Scope of Services**

## Task 1 - Wetland Delineation and Permitting

### **Desktop Review and Field Wetland Delineation**

Stantec will review the National Wetlands Inventory, National Hydrology Database, USDA-NRCS soil survey data, LiDAR topographic data, and historic aerial imagery to assess potential wetland areas prior to field work. Stantec will conduct a wetland investigation of the Project Area using the on-site methodology set forth in the 1987 USACE Wetlands Delineation Manual (1987 Manual) and appropriate Regional Supplement to 1987 Manual. The work will be conducted and/or overseen by an experienced Minnesota Certified Wetland Professional. Potential wetland areas will be examined per the routine methodology and wetland boundaries will be determined through analysis of the vegetation and hydrology within the entire Project Area, and soils outside of existing right-of-way. If wetlands are identified, the uppermost wetland boundary and representative upland and wetland sample points will be surveyed with a handheld Global Positioning System (GPS) capable of sub-meter accuracy, and mapped using Geographical Information System (GIS) software. Non-wetland water resources such as streams and ditches, which have the potential to be jurisdictional, will also be identified. Data for these resources will be included in the Wetland Delineation Report.

Reference: Campbell Creek Stream Stabilization and Flood Storage Project - Contract Amendment #2

### **Wetland Delineation Report**

Stantec will complete a delineation report in accordance with the 1987 Manual. The report will include the extent, boundaries, and types of wetlands and other waters encountered on site, if any. The report also will include but is not limited to: a project location map, map of delineated onsite wetland and waterbody boundaries, USACE wetland delineation data sheets, ground photographs from the site investigation, and any other information that might be useful to describe the onsite findings, including GIS shapefiles. The delineation report will be prepared and delivered within approximately three weeks of field work completion.

### **WCA and CWA Joint Application**

A Joint Application Form for Activities Affecting Water Resources in Minnesota (Joint Application) will be prepared for WCA and CWA approval of the wetland delineation as well as proposed wetland and waterbody impacts.

### **Coordinate Agency Approvals**

Stantec will coordinate agency approvals of the wetland delineation and Joint Application. Stantec will attend an onsite meeting with the Technical Evaluation Panel (TEP) after the delineation report is submitted to obtain concurrence on the delineated wetland boundaries. Stantec will meet on site with the regulators and keep the Client informed of the outcome and any adjustments that were necessary in the delineated boundaries. Any adjustments that result from the TEP meeting will be updated in the delineation report and re-submitted to the Client and the regulatory agencies.

It is anticipated that the Project's wetland and waterbody impact activities will be exempt from state or federal compensatory mitigation requirements. The proposed activities are typically exempt from mitigation under WCA rules and should fall under USACE's Nationwide Permit program.

### Assumptions:

- The information provided by Stantec regarding wetland determinations and delineation boundaries
  is a scientific-based analysis of the wetland and upland conditions observed. The delineation will be
  performed by experienced and qualified professionals using standard practices and sound
  professional judgement. The ultimate decision on wetland boundaries and jurisdiction rests with the
  regulatory agencies.
- Activities beyond that included in our scope of work will be completed as authorized by the Client on a time and materials basis as an extra service.
- The Client will notify Stantec staff regarding any site-specific PPE requirements or unusual safety hazards.

Reference: Campbell Creek Stream Stabilization and Flood Storage Project - Contract Amendment #2

### Schedule:

 The wetland delineation field work will be conducted when the growing season begins in the area, typically in May 2025. The delineation report and Joint Application will be submitted to PRWD for review within three weeks of field work completion.

#### Deliverables:

- Site data collected, GIS shapefiles
- Wetland delineation report, PDF format
- Joint Permit Application, PDF format

### **Fee Estimate**

The below fee estimate has been prepared on a time and materials basis, per our standard terms and conditions Contract with PRWD and will not exceed the amount indicated without prior authorization from the PRWD.

	PROJECT TASKS			
No.	Task Description	Labor	Expenses	Task Total
1	Wetland Delineation and Permitting	\$13,924	\$ 416	\$14,340
	TOTAL	\$13,924	\$ 416	\$14,340

On behalf of Stantec, thank you for the opportunity to prepare this proposed contract amendment. Should you have any questions or need clarification on the items outlined, please do not hesitate to contact us.

Best regards,

Stantec Consulting Services Inc.

Sarah Harding PLA Senior Landscape Architect Phone: (763) 252 6819 sarah.harding@stantec.com **Matt Summers** PSS Senior Soil Scientist Phone: 612-712-2153

matthew.summers@stantec.com

Manager Kral introduced the following resolution and moved its adoption:

# RESOLUTION ADOPTING PELICAN RIVER WATERSHED DISTRICT 2025 REVISED RULES

**WHEREAS**, Minn. Stat. § 103D.341 requires watershed district managers to adopt rules to implement the regulatory powers of the managers; and

**WHEREAS**, in April 2003, the Pelican River Watershed District Board of Managers (the "Board") adopted WATER MANAGEMENT RULES – RULES OF PELICAN RIVER WATERSHED DISTRICT (the "Rules"); and

**WHEREAS**, in 2024, the Board began the process to review, revise, and update the Rules; and

**WHEREAS**, on February 28, 2024, Moore Engineering, the engineer for the Pelican River Watershed District (the "District"), held the first of a series of Manager Education Workshops to begin the process of reviewing, revising, and updating the Rules; and

**WHEREAS**, the following workshops were held with the District's Board, staff, and consultants:

March 29, 2024 – Manager Workshop No. 1: Goals and Objectives

April 17, 2024 – Manager Workshop No. 2: Baseline Knowledge

May 15, 2024 – Manager Workshop No. 3: Permitting Rule Review & Gap Analysis

June 20, 2024 – Manager Workshop No. 4: Permitting Process & Procedures

August 21, 2024 – Draft Rule Introduction to Board of Managers; and

**WHEREAS**, on August 21, 2024, a draft of the PELICAN RIVER WATERSHED DISTRICT 2025 REVISED RULES (the "Revised Rules") was presented to the Board; and

**WHEREAS**, on September 25, 2024, the District hosted a public Rule Revision Information Meeting where District Engineer Garret Monson presented an overview of the Revised Rules and the revision process to the public and answered questions; and

**WHEREAS**, on October 15, 2024, a draft of the Revised Rules was emailed to area government agencies, contractors, and engineering firm contacts; and

**WHEREAS**, on October 22, 2024, the District hosted two feedback meetings for government agencies, contractors, and engineering firms to receive feedback on the draft Revised Rules; and

**WHEREAS**, on November 18, 2024, District Engineer Garret Monson, along with some Board managers, met with representatives from Becker County and the City of Detroit Lakes separately to discuss the draft Revised Rules; and

**WHEREAS**, on December 16, 2024, the District held a special meeting to finalize the draft Revised Rules that would be put through the public comment process; and

**WHEREAS**, on December 20, 2024, the final draft of the Revised Rules was approved by the Board to initiate the public comment and adoption process required by Minnesota law; and

**WHEREAS**, on December 23, 2024, the draft of the Revised Rules was distributed to the Minnesota Board of Water & Soil Resources and local public transportation authorities to initiate the 45-day comment period ending February 6, 2025; a public hearing was set and duly noticed for February 12, 2025; and

**WHEREAS**, on January 31, 2025, Moore Engineering staff met with representatives of the City of Detroit Lakes to discuss the Revised Rules; and

**WHEREAS**, on February 12, 2025, the District held a public hearing in accordance with Minn. Stat. § 103D.341 and the written comments, attached hereto as **Exhibit A**, were reviewed and considered; and

**WHEREAS**, a special meeting to discuss responses to the written comments and approval of the Revised Rules was set for February 26, 2025, but rescheduled for March 28, 2025; and

**WHEREAS**, during discussion at the March 28, 2025, meeting, the Board discussed, and ultimately approved, several changes to the draft Revised Rules, including the removal of Chapter 7 in its entirety.

**NOW THEREFORE**, be it resolved by the Pelican River Watershed District Board of Managers as follows:

- 1. The Board has determined that the Revised Rules promote the public interest and welfare of the District, are practicable and in conformity with the District's overall plan, and the Board hereby adopts the PELICAN RIVER WATERSHED DISTRICT 2025 REVISED RULES.
- 2. Notice of the approval of the Revised Rules will be published as required by law.
- 3. Written notice of the adopted Revised Rules will be provided to all public transportation authorities having jurisdiction within the watershed district.
- 4. The adopted Revised Rules will be filed with the county recorders of Becker County and Otter Tail County.
- 5. A copy of the adopted Revised Rules will be mailed to the governing body of each municipality affected by the watershed district.

[Remainder of page intentionally left blank.]

Dated this day of	, 2025.
	APPROVED:
ATTEST:	Rick Michaelson, President
Tera Guetter, Administrator	

The motion for the adoption of the foregoing resolution was duly seconded by Manager Okeson. On roll call vote the following managers voted aye: Olson, Charles Jasken, Chris Jasken, and Busker. The following managers voted nay: Kral, Okeson, and Michaelson. The following managers were absent and not voting: None. The majority having voted aye, the motion passed, and the resolution was approved.

# Exhibit A

Written Comments Received (Twelve (12) pages)

	А	F
1	Comment – Source – Date	Final Response
	Please note the Administrative Penalty Order (APO) Plan for Buffer Law	
	Implementation, attached, was approved by the Board December 19, 2024.	
	This new APO plan will require watershed districts to revise their rules. These	
	changes can be incorporated into your rules now or wait until receiving official	
	notification of the need to revise your rules. If you decide to move forward with	Noted, not planning to make this change at this time.
	incorporating the APO changes at this time, please reach out to either Travis	reaction, that planning to make this origings at this time.
	Germunsdson, Appeals & Regulatory Compliance Coordinator, (	
	travis.germundson@state.mn.us ) or Ethan Dahl, Buffer & Soil Loss Specialist,	
2	(ethan.dahl@state.mn.us ).	
3	Peter Waller, BWSR, Letter Dated January 30, 2025	
4	Chapter 4: Definitions and Interpretation	
	Regional Conveyance – the City is seeking clarity if this definition and	
_	subsequently Chapter 8 of the rules would apply to the City's storm water	The definition has been updated to exclude piped, public conveyances (i.e.
5	collection system. Exempting the City would provide clarity.	storm sewer).
6	Kelcey Klemm, City of Detroit Lakes City Administrator, Letter Dated	
7	February 10, 2025	
<u> </u>	Chapter 6: Storm Water Management	
	The City has commented previously about the increased number of "triggers"	
	that would require a PRWD storm water permit in the draft rules. Some	
	changes were made from the earlier draft, but the City still raises concerns	
	about 6.2.A.(4) that requires a storm water permit for activities resulting in	
	impervious surface more than 50% on non-riparian lots (side note: check	
	spelling of riparian in this section). The City has many smaller commercial	
	properties that exceed 50% impervious surface coverage (i.e. downtown	
	business district) and any improvements to these properties would trigger a	Threshold struck from final adopted rule
	storm water permit with little room on the property to adhere to PRWD rules.	·
	The City requests that 6.2.A.(4) be removed or exempt properties within the city	
	limits of Detroit Lakes. These smaller properties within the City are part of a	
	municipal collection / treatment system and should not be considered the	
	same as rural areas without a regional system in place. The existing PRWD and	
	City rules that trigger a permit for activities that result in one or more acres of	
8	impervious is already sufficient without adding this requirement.	
	Kelcey Klemm, City of Detroit Lakes City Administrator, Letter Dated	
9	February 10, 2025	

	А	F
	The formatting of section 6.2.B including the underlining of "linear projects" but	
	the sections below it (C, D, E) are not necessarily linear projects. Some	
10	reformatting can provide clarity.	These items have had underlines removed and been reordered for clarity.
	Kelcey Klemm, City of Detroit Lakes City Administrator, Letter Dated	
11	February 10, 2025	
	Section 6.2.D requiring permits for private or public paved trail, parking lot, or	
	public water access does not provide any threshold for when the work requires	Removed parking lot and public water access call outs as they are covered in
	a permit, thus requiring a permit for any and all work activity related to this	6.2.A. Added a threshold for trails for greater than 200 linear feet. Defined trails
	section. Providing some threshold would be helpful for minor improvements or	as a linear, non-motorized vehicle path not exceeding 10-feet in width. Also
	consider deleting 6.2.D, as these items are already covered in section 6.2.A	added an exemption in 6.4.A.(5) for trails with a 5-foot vegetated buffer prior to
12	Non-Linear Projects and 6.2.B Linear Projects.	reaching conveyance (swale, ditch, or curb and gutter).
10	Kelcey Klemm, City of Detroit Lakes City Administrator, Letter Dated	
13	February 10, 2025 Section 6.3 is an exemption for projects where underlying soils are not	
	disturbed. The City requests this exemption be expanded to include full depth	
	reclamation or full depth pavement replacement projects on public linear	
	projects (e.g. City sidewalks, trails, and streets). Full depth rehabilitation	
	projects are a common pavement improvement technique that is utilized by the	Full-depth reclamation where no underlying soils are disturbed has been
	City, County, and Townships to extend the life of our roadways. Requiring these	·
	linear projects to meet PRWD rules would require extensive regrading and	permitting. Additoinally, the definition of Reconstruction has been revised.
	storm water improvements that would nullify the value of doing a pavement	,
14	rehabilitation project.	
	Kelcey Klemm, City of Detroit Lakes City Administrator, Letter Dated	
15	February 10, 2025	
	Section 6.8.A.(2).(e) states that on-site wetlands must be delineated.	
	'Delineation' is a technical term requiring certified professionals to identify and	
	map wetland boundaries based on vegetation, soil, and hydrology. Since this	
	process can only be conducted during the growing season and is often	Delineation has been replaced with depiction.
	unnecessary, consider replacing 'Delineation' with 'Depiction' to allow for a	
16	more flexible approach.	
	Kelcey Klemm, City of Detroit Lakes City Administrator, Letter Dated	
17	February 10, 2025 Section 7.4.A.(1) requires a permit for any land alterations in the Shore Impact	
	Zone, regardless of size. The City's Shoreland Management Ordinance allows	
	up to 10 cubic yards (CY) of material to be disturbed within the shore impact	
		Chapter 7 struck from final adopted rule
18	zone without a permit. The City suggests that the watershed match the City's	Onaptor / Struck Horri Illiat adopted rute
10	10 CY threshold.	

	A	F
	Kelcey Klemm, City of Detroit Lakes City Administrator, Letter Dated	
19	February 10, 2025	
	As stated previously in my August 2023 and December 2024 letters, the City	
	also looks forward to further discussing how land disturbance permits and	
	mitigation permits can better be processed so that City and PRWD processes	
	and permits are not duplicative. The City understands that these efforts will	Noted.
20	follow once the new rules are adopted.	
	Kelcey Klemm, City of Detroit Lakes City Administrator, Letter Dated	
21	February 10, 2025	
	Pg 2 - Chapter 1 - This chapter contains unnecessary information. Consider	The introductory chapters of the Rules are for informing the public and any
22	deleting entire Chapter.	potential applicant of the District's purpose and standing as a governmental
	Jon Olson & Scott Walz, Marked Comments, provided via email February 7,	unit.
23	2025	
	Pg 2 - Chapter 1 – is the final paragraph on page 2 a new mission statement?	
	Under the Rules, the District seeks to protect the public health and welfare and $% \left( 1\right) =\left( 1\right) +\left( 1\right) +\left$	
	the natural resources of the District by providing reasonable regulation of the	
	modification or alteration of the District's lands and waters to reduce the	
	severity and frequency of flooding and high water; to preserve floodplain and	
24	wetland storage capacity; to improve the chemical, physical, and	This is part of the District's policy statement.
	biological quality of surface water; to reduce sedimentation; to preserve	
	waterbodies' hydraulic and navigational capacity; to preserve natural wetland	
25	and shoreland features; and to minimize	
26	public expenditures to avoid or correct these problems in the future.	
	Jon Olson & Scott Walz, Marked Comments, provided via email February 7,	
27	2025	
		The introductory chapters of the Rules are for informing the public and any
	Pg 3 - Chapter 2 - This chapter contains unnecessary information. Consider	potential applicant of the District's purpose and standing as a governmental
	deleting entire Chapter. Jon Olson & Scott Walz, Marked Comments,	unit. Chapter 2 lets the public and applicants know that the District works
	provided via email February 7, 2025	cooperatively with the City and County in permitting activities. The District is
28	Data Observa O. Do gooding a markesting ( 1.11 or 1.11	striving for education and transparency.
	Pg 3 - Chapter 2 – Regarding protection of existing topography and vegetative	Minnesota Statue 103D.201 has a broad scope of General Purposes and the
	features - All topography and vegetative? Goes beyond watershed district	Specific Puposes include the protection of water quality of watercourses and
00	purposes, see Statute 103D.201 Jon Olson & Scott Walz, Marked	water basins. Water quality is impacted by the topography and vegetation of
29	Comments, provided via email February 7, 2025	the contributing drainage area.

	А	F
30	Pg 3 - Chapter 2 – Regarding coordination between the district and local governments - How can coordination avoid duplication and conflicting requirements? Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	Discussion of delegation of permitting authority over all or portions of chapters within these rules will be part of Memorandums of Understanding following establishment of the revised rules.
31	Pg 3 - Chapter 2 – Regarding the district serving as technical advisors to municipal officials in the preparation of local surface water management plans. – "City's have their own technical advisors" Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	As the local agency focused on water quality, the District looks forward to continuing to be a partner in local surface water management plans.
32	Pg 4 Add title and label major roads for reference. Jon Olson & Scott Walz,  Marked Comments, provided via email February 7, 2025	Noted, more detailed maps are available on the District website. This is a high- level representation of the District.
33	Pg 6 Correct spelling of Alteration  Jon Olson & Scott Walz, Marked Comments, provided via email February 7,  2025	Corrected.
35	Pg 6 Define Bluff and Bluff Impact Zone. <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7, 2025</b>	Definition struck from final adopted rule
36 37	Pg 7 Marsh Areas: "Why provide a definition for only one type of wetland and not others? Additionally this is not consistent with state definition."  Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	The marsh land definition and all of references have been removed.
38	Pg 8 Redevelopment Areas: "Where is this used in the rules? Is this a reduction from 25% allowable impervious? Or a trigger for requiring a PRWD permit? Is it applied in SIZ only or District wide?  Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	This is a definition relevant to the MIDS requirements used in 6.4.
40	Pg 8 Shoreland Standards: "Model standards are recommendations. This is a catch all statement that is not fair to applicant." Jon Olson & Scott Walz,  Marked Comments, provided via email February 7, 2025	This is a definition relevant to the state buffer law in Chapter 10.
41 42	Pg 9 Steep Slope: "1v:12h is not steep" <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7, 2025</b>	Definition struck from final adopted rule
43	Pg 10 Chapter 5 -Preapplication Meetings – "Rule revisions were requested as to avoid this added step. Rules should not need to be translated to applicant.  Jon Olson & Scott Walz, Marked Comments, provided via email February 7,  2025	These are an option that are recommended, especially for those who are unfamiliar with District rules.

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	Pg 10 Chapter 5 -Forms: "Where are these Forms?" Jon Olson & Scott Walz,	All referenced forms will be added to the District website after the Rules are
45	Marked Comments, provided via email February 7, 2025	adopted.
46	Pg 10 Chapter 5 -Where are required information exhibits and fees defined? Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	The required exhibits are listed at the end of each rule: 6.8, 8.5, and 9.4. Fees are defined under 5.7.
47	Pg 10 Chapter 5 - An application will not be considered unless all substantial technical questions have been addressed and all substantial plan revisions resulting from staff and consultant review have been completed. Permit decisions will be made by the District Administrator, or a designated representative, unless Board action is deemed necessary. "this gives staff too much power and provides no timeframe for PRWD" Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	The board has delegated permit approval to the District Adminstrator. All permit activity is subject to the timelines outlined in the referenced MS 15.99.
48 49 50 51	"Creates subjectivity. Does applicant have ability to object?" Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	The District maintains the discretion to review permits internally or have a consultant, such as the District Engineer, complete the review. This flowchart is intended to communicate the typical processes. It is not a detailed description of decision making criteria.
53 54	District Engineer Review (If Chapter 6 is triggered)	The District maintains the discretion to review permits internally or have a consultant, such as the District Engineer, complete the review. This flowchart
	Should 7.4.a.2b be included here Jon Olson & Scott Walz, Marked	is intended to communicate the typical processes. It is not a detailed
55	Comments, provided via email February 7, 2025	description of decision making criteria.
56	Pg 11 – Figure 5-1 "Is there a timeframe for PRWD to complete? T	
57 58	he entire process doesn't provide timelines and too open to subjectivity by staff" Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	Timelines are subject to MS 15.99 as referenced.
59	Pg 12 – Issuance of Permits. "Too subjective. Should read "The permit will be issued after the applicant has satisfied the requirements of these Rules and has paid all required District fees." Jon Olson & Scott Walz, Marked  Comments, provided via email February 7, 2025	This has been revised.

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60	Pg 12 – Permit Assignment – "Where/when is the term of the permit defined? Are permits ever closed? Currently there is no final inspection to assure permit reqs were completed. PRWD has gone back to a permit 12 yrs after the fact and punished the new landowners for not meeting permitted design. As stated in last public comment, rules are worthless without enforcement." Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	
61	Pg 12 – Permit Assignment – "Is the PRWD staffed to manage and enforce? Is the expectation that any permit will transfer with the property title and future owners will be responsible for the terms of the permit? If so, are you creating an ever increasing responsibitly for PRWD to enforce lifelong permits?" Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	Noted.
62	Pg 14 – Applicability Thresholds – Section 6.2,A, (1), (a) – "This is the entire lot for nearly all existing lots on Detroit, Floyd, Sallie, Melissa, Fox, Munson"	Threshold struck from final adopted rule
63	Pg 14 – Applicability Thresholds – Section 6.2,A, (1 & 2) – "15% is overly restrictive" <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7, 2025</b>	Threshold struck from final adopted rule
64	Pg 14 – Applicability Thresholds – Section 6.2,A, (5) – "Was 10,000, provide reason for decreasing." <b>Jon Olson &amp; Scott Walz, Marked Comments,</b> provided via email February 7, 2025	Recommended standards are 5,000 SF per similar lake focused watersheds, Board decided upon 7,000 SF.
65	Pg 14 – Applicability Thresholds – Section 6.2,A, (6) – cross out of this line.  "Delete and replace with "Construction activity that results in land disturbance of equal to or greater than one (1) or if project is part of common plan of development or sale that will ultimately disturb greater than one (1) acre." Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	One acre of disturbance is when a SWPPP is triggered. 6.2.A.6 is stating a threshold of more than 1 acre of impervious surface. This threshold is not meant to trigger with land disturbance permits, but rather for large sites that don't trigger other thresholds.
66	Pg 14 – Applicability Thresholds – Section 6.2, C-E – "C, D and E are all non- linear. Believe there are state Statues that protect landowner's right to maintain" <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email</b> <b>February 7, 2025</b>	Thresholds have been revised and reordered for clarity.
67	Pg 15 – Exemptions – "Add (2) Full depth pavement replacement including Full Depth Reclamation" <b>Jon Olson &amp; Scott Walz, Marked Comments, provided</b> via email February 7, 2025	Duplicate comment, has been addressed.

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68	Pg 15 – Criteria (Standards) Section 6.4,A, (2), (g) – "Not fair to applicant. this is a catch all." <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7, 2025</b>	The intent is to include the MPCA requirements that are typically relevant to the area, but the State standards still govern and are therefore included by reference.
69	Pg 16 - Criteria (Standards) Section 6.4,A, (4), (a-b) – "provide justification for these multipliers. <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7, 2025</b>	Multipliers struck from final adopted rule
	Pg 17 – "Delete Biofiltration figure" <b>Jon Olson &amp; Scott Walz, Marked</b>	These standard designs are included as examples for those who may not be
70	Comments, provided via email February 7, 2025	familiar with this type of BMP.
	Pg 18 – "Delete surface Sand Filter figure" Jon Olson & Scott Walz, Marked	These standard designs are included as examples for those who may not be
71	Comments, provided via email February 7, 2025	familiar with this type of BMP.
72	Pg 19 – Section 6.4,A, (4),(c) – "Provide justification for multipliers." <b>Jon Olson</b> & Scott Walz, Marked Comments, provided via email February 7, 2025	Multipliers struck from final adopted rule
73	Pg 19 – Section 6.4,A, (4),(c) – Pond design criteria "may not be practical." <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7,</b> 2025	Where recommended design criteria are not practical, we encourage designers to evaluate other treatment alternatives.
74	Pg 19 – Section 6.4,A, (4),(f) – Design and placement of stormwater BMPS will be done in accordance with MPCA requirements and are recommended to follow the Minnesota Stormwater Manual. "Not fair to the applicant. This is a catch all." Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	State requirements are supplemental to these rules. MN Stormwater Manual design recommendation is mentioned for guidance for designer
75	Pg 20 – Section 6.5 – "Delete this section. not water quality related and will require HydroCAD model in many applications. Add disclaimer to approved permit that PRWD has not reviewed/does not take any responsibility in site flooding" Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	Protection of the public from potential flooding is a General and Specific Purpose of the District. This requirement is a due diligence check of potential on site flooding. There are still options that do not require modeling.
	Pg 20 – Section 6.6, D – "Too subjective" <b>Jon Olson &amp; Scott Walz, Marked</b>	The District will retain their discretion to protect natural resources within the
76	Comments, provided via email February 7, 2025	District.
77	Pg 22 – Section 6.7, C – "This is perpetual. How is district going to police this"  Jon Olson & Scott Walz, Marked Comments, provided via email February 7,  2025	This process can be addressed with District policy outside of these Rules.
78	Pg 23 – Section 6.8, A, (2), (e) – Delineation – "Delete and replace with "depiction"" <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7, 2025</b>	Duplicate comment, has been addressed.
	Pg 23 - Section 6.8, A, (2), (g) – graded swales, and pond basin cross sections –	Basins and swales may have a bottom elevation that are not at an even contour
	"can be built from contours." Jon Olson & Scott Walz, Marked Comments,	i.e. 1361.20. Therefore, a crossing detail speeds the review and inspection (and
79	provided via email February 7, 2025	can help ensure the feature is constructed correctly).

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	Pg 23 - Section 6.8, A, (3) – "List relevant sections" Jon Olson & Scott Walz,	Updated.
80	Marked Comments, provided via email February 7, 2025	Opuateu.
	Pg 23 - Section 6.8, A, () – Where is reference Section 6.4. B. 2. e <b>Jon Olson &amp;</b>	Updated.
81	Scott Walz, Marked Comments, provided via email February 7, 2025	Opuateu.
	Pg 24 – Chapter 7 – Shoreline and Streambank Alterations "This is Chapter is	
	mostly aesthetics. Does watershed care? The watershed lakes are nearly	
	100% developed. Focus on water quality and forget about the couple of	Chapter 7 struck from final adopted rule
	undeveloped lots." Jon Olson & Scott Walz, Marked Comments, provided	Onapter 7 Struck Hom mat adopted rute
82	via email February 7, 2025	
83		
	Pg 24 – Section 7.4, A, (1) – "10 CY or more" <b>Jon Olson &amp; Scott Walz, Marked</b>	Chapter 7 struck from final adopted rule
84	Comments, provided via email February 7, 2025	Onapter 7 Struck Hom mat adopted rute
	Pg 25 – Section 7.4, A, (2) – "Does this go to engineering review? Seems like it	
	should. most environmentally sensitive lots." Jon Olson & Scott Walz,	Chapter 7 struck from final adopted rule
85	Marked Comments, provided via email February 7, 2025	
	Pg 25 – Section 7.4, A, (2) – "No more rate control. Why double WQ volume?"	
	Jon Olson & Scott Walz, Marked Comments, provided via email February 7,	Chapter 7 struck from final adopted rule
86	2025	
	Pg 29 – Vegetation Alteration "Remove or at least limit to bluff and shore impact	
	zone and item (5)(e). How is the rest related to water quality? Again reference	
	Statute 103D.201. This appears to be managing aesthetics, which is	Chapter 7 struck from final adopted rule
	completely subjective. This is all already regulated by City and County" " <b>Jon</b>	
0.7	Olson & Scott Walz, Marked Comments, provided via email February 7,	
87	2025	
	Pg 29 – Vegetation Alteration – Intensive Vegetation Clearing - Delete reference	
88	to steep slope Jon Olson & Scott Walz, Marked Comments, provided via	Chapter 7 struck from final adopted rule
00	email February 7, 2025 Pg 29 — Vegetation Alteration - Structure screening "How could this be	
		Chapter 7 atrusk from final adopted will
89	measured?" Jon Olson & Scott Walz, Marked Comments, provided via email	Chapter 7 struck from final adopted rule
69	<b>February 7, 2025</b> Pg 29 – Vegetation Alteration - Vegetation removal must not increase erosion or	
	1 8 23 - Vegetation Atteration - Vegetation removal must not increase erosion of	
	etermwater runoff rate "This is the only portion of Section P that the DDM/D	
۵٥	stormwater runoff rate. "This is the only portion of Section B that the PRWD	Chanter 7 struck from final adopted rule
90	should be concerned about."	Chapter 7 struck from final adopted rule
90		Chapter 7 struck from final adopted rule

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92	Pg 30 – Vegetation Alteration- "Remove/limit to SIZ and BIZs and related only to erosion control. How is the rest related to water quality? Again reference Statute 103D.201. This is all already regulated by City and County" Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	Chapter 7 struck from final adopted rule
93	Pg 30 – Vegetation Alteration- "Remove. Definition of Steep slope is far too restrictive to be included here" Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	Chapter 7 struck from final adopted rule
94	Pg 31 – Vegetation Alteration – Remove sections (9) & (10) <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7, 2025</b>	Chapter 7 struck from final adopted rule
95	Pg 33 -Retaining Walls – Add definition of retaining wall. <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7, 2025</b>	Chapter 7 struck from final adopted rule
96	Pg 33 – Existing Retaining Wall Reconstruction – "too subjective" <b>Jon Olson &amp;</b> Scott Walz, Marked Comments, provided via email February 7, 2025	Chapter 7 struck from final adopted rule
97	Pg 34 – City Ordinance on Retaining walls – "If this is true, leave it in the City's rules. Should not be included in PRWD rules." <b>Jon Olson &amp; Scott Walz,</b> Marked Comments, provided via email February 7, 2025	Chapter 7 struck from final adopted rule
98	Pg 35 – Chapter 8 – Regional Conveyance Systems – 8.1 add "excluding City of Detroit Lakes storm sewer" Jon Olson & Scott Walz, Marked Comments, provided via email February 7, 2025	Duplicate comment, has been addressed.
99	Pg 35 – Chapter 8 – Regional Conveyance Systems – 8.1 "differs from definition" <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7, 2025</b>	A regional conveyance is defined. Chapter 8 describes when activity on them is regulated.
100	Pg 40 – Buffers – 10.1, B - "Where is this defined?" <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7, 2025</b>	The purposes are stated in 10.1. Buffers are defined in Chapter 3.
101	Pg 47 – "should be published prior to adoption." <b>Jon Olson &amp; Scott Walz, Marked Comments, provided via email February 7, 2025</b>	The District is following the statutory requirements of 103D.341.
102	Chapter 1 – Delete. <b>Jon Olson, Letter Provided at meeting 2/12/2025.</b>	Duplicate comment, has been addressed.
103	Chapter 2 – "Delete the last two sentences of paragraph two should." Jon	Duplicate comment, has been addressed.
104	Chapter 2 – "Last sentence of paragraph 3 - Provide an explanation of how coordination can avoid duplicative and conflicting requirements". Jon Olson, Letter Provided at meeting 2/12/2025.	The District is engaged with public partners to increase permitting efficiency and therefore reduce applicant costs.

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105	Chapter 4 – "Bluff and Bluff Impact Zone definitions required.". Jon Olson,  Letter Provided at meeting 2/12/2025.	Definition struck from final adopted rule
106	Chapter 4 – "Redeveloped Areas. Provide clarity. Reads as if it is almost a permit trigger." <b>Jon Olson, Letter Provided at meeting 2/12/2025.</b>	Duplicate comment, has been addressed.
107	Chapter 4 – "Regional Conveyance: needs to exclude the City of Detroit Lakesowned infrastructure." <b>Jon Olson, Letter Provided at meeting 2/12/2025.</b>	Duplicate comment, has been addressed.
108 109	development of its own rules." Jon Olson, Letter Provided at meeting	Duplicate comment, has been addressed.
110		Definition struck from final adopted rule
111	Chapter 5 – "Last sentence of 5.3; provide an explanation of when Board Action is necessary." <b>Jon Olson, Letter Provided at meeting 2/12/2025.</b>	Board action is necessary for a variance and may be necessary for other circumstances at the Board's discretion.
112	Chapter 5 – "Figure 5-1; Chapter 7 item 4.A.2b needs to be addressed in this chart." <b>Jon Olson, Letter Provided at meeting 2/12/2025.</b>	Duplicate comment, has been addressed.
113	Chapter 5 – "Additionally, timeframes should be added." <b>Jon Olson, Letter Provided at meeting 2/12/2025.</b>	Duplicate comment, has been addressed.
114	Chapter 5 – "5.4 is too subjective. It should read "The permit will be issued after the applicant has satisfied the requirements of these Rules and has paid all required District fees." Jon Olson, Letter Provided at meeting 2/12/2025.	Duplicate comment, has been addressed.
115	Chapter 6 – "6.2.A.5 Provide reasoning for lowering impervious surface threshold from 10,000 sf to 7,000 sf" <b>Jon Olson, Letter Provided at meeting 2/12/2025.</b>	Duplicate comment, has been addressed.
116	Chapter 6 – "6.2.C thru 6.2.E are non-linear projects. Consider deleting for clarity. If they remain, a threshold for roads and parking lots is required. <b>Jon</b>	Duplicate comment, has been addressed.
117	Chapter 6 – "6.3 Consider exempting full depth pavement rehab to be consistent with City of DL. <b>Jon Olson, Letter Provided at meeting 2/12/2025.</b>	Duplicate comment, has been addressed.
118	Chapter 6 – "Consider simply referencing the treatment requirements of the most current version of the MPCA Construction Stormwater General Permit.  List a few of the requirements and then adding a blanket statement that all MPCA requirements apply is not fair to the applicant. Jon Olson, Letter Provided at meeting 2/12/2025.	Duplicate comment, has been addressed.

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119	Chapter 6 "6.4.A.4 Provide documentation for requiring increased treatment levels for non-infiltrating practices. There BMPs are often already more costly as-is. Jon Olson, Letter Provided at meeting 2/12/2025.	Multipliers struck from final adopted rule
120	Chapter 6 – "Consider deleting biorention and filter details. Jon Olson, Letter Provided at meeting 2/12/2025.	Duplicate comment, has been addressed.
	Chapter 6 – "6.A.4.c.ii; the 3:1 ratio and 75' lengths may not be possible on all	
	projects. Consider deleting this requirement Jon Olson, Letter Provided at	Duplicate comment, has been addressed.
121	meeting 2/12/2025.	
	Chapter 6 – "6.5: Provide clarification on when this provision must be met. 2.0'	
	freeboard is excessive on my smaller sites. Consider deleting this section. $\mbox{\bf Jon}$	Duplicate comment, has been addressed.
122	Olson, Letter Provided at meeting 2/12/2025.	
	Chapter 6 – "6.6.D is ambiguous. Consider referencing the requirements of 23	Duplicate comment, has been addressed.
123	of the MPCA CSW. <b>Jon Olson, Letter Provided at meeting 2/12/2025.</b>	Duplicate comment, has been addressed.
	Chapter 6 – "6.7.C This will create added burden on the District with no end	
	date. Consider deleting at minimum, section should reference permanent	Duplicate comment, has been addressed.
124	BMP. Jon Olson, Letter Provided at meeting 2/12/2025.	
	Chapter 6 – "6.8.A.2.e Requiring wetland delineations on all projects will add	
	significant cost and delays. Consider softening this to show wetlands and	Duplicate comment, has been addressed.
125		
	Chapter 6 – "6.8.A.2.g Often times graded swales do not need a detail. They can	
	be constructed from the grading plan. Consider deleting 'graded swale' from	Duplicate comment, has been addressed.
126	this sentence. Jon Olson, Letter Provided at meeting 2/12/2025.	
	Chapter 6 – "6.8.A.3 Define the relevant sections. Too ambiguous as written.	Duplicate comment, has been addressed.
127	Jon Olson, Letter Provided at meeting 2/12/2025.	Bupiloute comment, nue scon auditoccu.
	Chapter 6 – "6.8.A.2.4 References Section 6.4.B.2.e which does not exist. <b>Jon</b>	Duplicate comment, has been addressed.
128	Olson, Letter Provided at meeting 2/12/2025.	•
	Chapter 7 –"7.4.A.l; A threshold is required. Consider ten (10) cubic yards to be	
	consistent with City and County. Jon Olson, Letter Provided at meeting	Chapter 7 struck from final adopted rule
129	2/12/2025.	
	Chapter 7 – "7.4.A.l.i; Consider 33% (3h:lv) instead of 30%. Much more	Chapter 7 struck from final adopted rule
130	common term. Jon Olson, Letter Provided at meeting 2/12/2025.	
	Chapter 7 – "7.4.B: the chapter is mostly aesthetic and does not align with the	
	watershed mission of water quality <b>Jon Olson, Letter Provided at meeting</b>	Chapter 7 struck from final adopted rule
131	2/12/2025.	
100	Chapter 7 –"7.4.B.4; remove Steep Slopes from sentence. <b>Jon Olson, Letter</b>	Chapter 7 struck from final adopted rule
132	Provided at meeting 2/12/2025.	

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133	Chapter 7 – "7.4.B.6; revise 'lake of river' to 'lake or river' <b>Jon Olson, Letter Provided at meeting 2/12/2025.</b>	Chapter 7 struck from final adopted rule
134	Chapter 7 – "7 .4.C.2; replacement of existing walls is very subjective. Who determines feasibility? <b>Jon Olson, Letter Provided at meeting 2/12/2025.</b>	Chapter 7 struck from final adopted rule
135	Chapter 7 – "7.4.C.3; this is a City concern. Delete in the event the City modifies its ordinance or allows a variance. Jon Olson, Letter Provided at meeting 2/12/2025.	Chapter 7 struck from final adopted rule
136	He sees aesthetics, design, and density being scrutinized by the district. Scott Walz, Comment provided at meeting 2/12/2025.	Noted.
137	He feels that the permit review process is not always consistent and that there is no close out process for permits. <b>Scott Walz, Comment provided at meeting 2/12/2025.</b>	Noted. Permit closeout is completed by District staff.
138	He also sees a lack of enforcement for violations of the rules in the district.  Scott Walz, Comment provided at meeting 2/12/2025.	Enforcement is detailed in Chapter 11.
139	Is water quality the main focus of the district? If so, should the district focus more keenly on issues such as <i>E. coli</i> . <b>Scott Walz, Comment provided at meeting 2/12/2025.</b>	Noted.
140	2) Will the rules be applied equally? Scott Walz, Comment provided at	It is the intent for the Rules to be applied as written.
141	3) What is the enforcement plan? Scott Walz, Comment provided at meeting 2/12/2025.	Enforcement is detailed in Chapter 11.
142	4) How many man hours will it take to enforce the rule as stated? <b>Scott Walz,</b> Comment provided at meeting 2/12/2025.	Noted.
143	Requested that a written response to all comments be provided to the City. Jon	Noted. These responses are fulfilling that request.
144	Recommends eliminating lot coverage requirements for county residential parcels and allow the county to solely handle stormwater. <b>Kyle Vareberg,</b> Comment provided at meeting 2/12/2025.	Noted.
145	Requested that the list of required exhibits be reviewed for small projects and remove unnecessary or onerous requirements. <b>Kyle Vareberg, Comment</b>	Required submittals have been prepared a reviewed by the Board with landowners in mind.
146	Requested a retaining wall definition be added to the rule. <b>Kyle Vareberg, Comment provided at meeting 2/12/2025.</b>	Chapter 7 struck from final adopted rule
147	Requirements for removal and replacement of retaining walls are too high. <b>Phil Hansen, Comment provided at meeting 2/12/2025.</b>	Chapter 7 struck from final adopted rule



# PELICAN RIVER WATERSHED DISTRICT

## 2025 REVISED RULES

Adopted: March 28, 2025



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## CHAPTER 1. GENERAL POLICY STATEMENT AND INTRODUCTION

The Pelican River Watershed District (the "District") is a political subdivision of the State of Minnesota, established under Minn. Stat. Chapter 103D, cited as the "Watershed Law." Under the Watershed Law, the District exercises a series of powers to accomplish its statutory purposes. Under Chapter 103D the District's general statutory purpose is to conserve natural resources through development planning, sediment and erosion control, and other conservation projects, based upon sound scientific principles. In order to accomplish its statutory purpose, the governing body of the District, the Board of Managers, is required to adopt a series of rules, cited as the 2024 Revised Rules of the PRWD (the "Rules").

The District, as part of the Otter Tail River One Watershed One Plan process, has adopted a Comprehensive Watershed Management Plan (the "Plan"), which contains the framework and guiding principles for the District in carrying out its statutory purposes. It is the District's intent to implement the Plan's principles and objectives in the Rules.

Land alteration affects the volume, and quality of surface water runoff which ultimately must be accommodated by the existing surface water systems within the District. The District was established in 1966 in response to concerns about regional lake health. Lake health and contributing factors continue to be the primary focus of the District.

Land alteration and utilization also can degrade the quality of runoff entering the streams and waterbodies of the District due to non-point source pollution. Lake and stream sedimentation from ongoing erosion processes and construction activities reduces the hydraulic capacity of waterbodies and degrades water quality. Water quality problems already exist in many of the lakes and streams throughout the District.

Projects which increase the rate or volume of stormwater runoff can decrease downstream hydraulic capacity. Projects which degrade runoff quality can aggravate existing water quality problems and contribute to new ones. Projects which fill floodplain or wetland areas can aggravate existing flooding by reducing flood storage and hydraulic capacity of waterbodies and can degrade water quality by eliminating the filtering capacity of those areas.

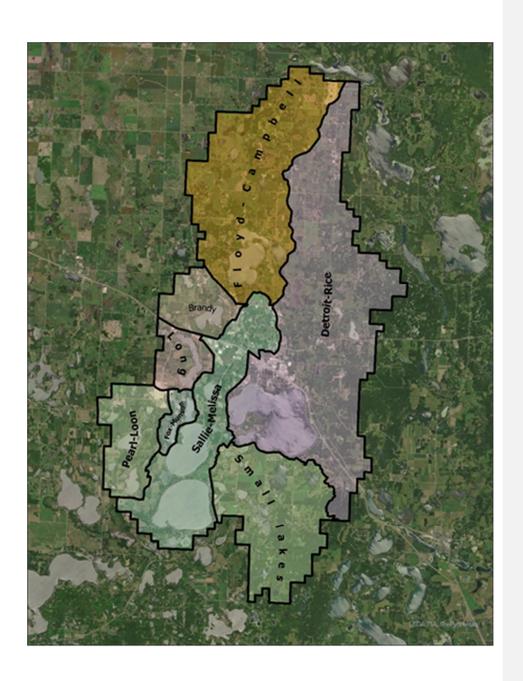
Under the Rules, the District seeks to protect the public health and welfare and the natural resources of the District by providing reasonable regulation of the modification or alteration of the District's lands and waters to reduce the severity and frequency of flooding and high water; to preserve floodplain and wetland storage capacity; to improve the chemical, physical, and biological quality of surface water; to reduce sedimentation; to preserve waterbodies' hydraulic and navigational capacity; to preserve natural wetland and shoreland features; and to minimize public expenditures to avoid or correct these problems in the future.

## CHAPTER 2. RELATIONSHIP OF WATERSHED DISTRICT TO BECKER COUNTY AND CITY OF DETROIT LAKES

The District recognizes that the primary control and determination of appropriate land uses is the responsibility of Becker County (the "County") and the City of Detroit Lakes (the "City"). Accordingly, the District will coordinate permit application reviews involving land development only after it is first demonstrated that the application has been submitted to the County or the City, where the land is located.

It is the intention of the managers to ensure that development of land within the District proceeds in conformity with the Rules, in addition to conforming with the development guides and plans adopted by the County and the City. The District will exercise control over development by its permit program described in the Rules to ensure the maintenance of stormwater management features; protect public waters, wetlands, and groundwater; and protect existing natural topography and vegetative features in order to preserve them for present and future beneficial uses. The District will review and permit projects sponsored or undertaken by other governmental units, and will require permits in accordance with the Rules for governmental projects which have an impact on water resources of the District. These projects include but are not limited to, land development and road, trail, and utility construction. The District desires to serve as technical advisors to the municipal officials in the preparation of local surface water management plans and the review of individual development proposals prior to investment of significant public or private funds

To promote a coordinated review process between the District and local governments, the District encourages these entities to involve the District early in the planning process. The District's comments do not eliminate the need for permit review and approval if otherwise required under the Rules. The District intends to coordinate with each local government to ensure that property owners and other permit applicants are aware of the permit requirements of both bodies. By coordinating, the District and local governments also can avoid duplication, conflicting requirements, and unnecessary costs for permit applicants and taxpayers.



### CHAPTER 3. GENERAL PROVISIONS AND CITATION

- 3.1 Statutory Policy. The 2024 Revised Rules of the Pelican River Watershed District (the "Rules"), as provided by Minn. Stat. § 103D.341, subd. 1, and as amended from time to time, are to effectuate the purposes of Minn. Stat. Chapters 103D and 103E and the authority of the Managers therein described. The Rules are deemed necessary to implement and make more specific the law administered by the Pelican River Watershed District (the "District"). Each rule adopted by the District shall have the full force and effect of law.
- 3.2 <u>General Policy; Other Rules Superseded</u>. It is the intention of the Managers with the implementation of the Rules to promote the use of the waters and related resources within the District in a provident and orderly manner so as to improve the general welfare and public health for the benefit of present and future residents. The Rules shall supersede all previous rules adopted by the District.
- 3.3 Short Title. The Rules shall be known and may be cited as the "Pelican River Watershed District Rules".
- 3.4 <u>Jurisdiction</u>. The jurisdiction of the Rules includes all of the area, incorporated and unincorporated, including both land and water, within the territory of the District.
- 3.5 Adoption or Amendment of Rules. Changes to the Rules may be made by the Managers on their own prompting or following the petition of any interested person according to the procedure set forth in Minn. Stat. § 103D.341, subd. 2, as may be amended from time to time. An amendment or rule shall be adopted by a majority vote of the Managers.
- 3.6 <u>Inconsistent or More Restrictive Provisions</u>. If any rule is inconsistent with or less restrictive than the provisions of Minn. Stat. Chapters 103D or 103E, or other applicable law, the provisions of Minn. Stat. Chapters 103D or 103E, or other applicable law, shall govern.
- 3.7 <u>Severability</u>. The provisions of the Rules are severable, and invalidity of any section, paragraph, subdivision, or any other part thereof, does not make invalid any other section, paragraph, subdivision, or any part thereof.
- 3.8 <u>Due Process of Law.</u> A person shall not be deprived or divested of any previously established beneficial use or right, by any rule of the District, without due process of law, and all rules of the District shall be construed accordingly.
- 3.9 <u>Cooperation with Other Agencies or Governing Bodies</u>. The Managers accept the responsibility with which they are charged as a governing body and will cooperate to the fullest extent with persons, groups, state and federal agencies, and other governing bodies, while acting in accordance with their own statutory authority and responsibilities.
- 3.10 Appeals. Any person aggrieved by the adoption or enforcement of the Rules or any action of the District arising out of or pursuant to the adoption or enforcement of a rule may appeal from the Rules or any action taken thereon in accordance with the appellate procedure and review provided in Minn. Stat. §§ 103D.535 and 103D.537, as amended from time to time.

## CHAPTER 4. DEFINITIONS AND INTERPRETATION

4.1 <u>Definitions</u>. For the purposes of the Rules, certain words and terms are defined as follows. In the absence of a definition hereinafter, the definitions established for the State of Minnesota by statute or by case law apply to the Rules unless clearly in conflict, clearly inapplicable, or unless the content makes such meaning contrary thereto. Additionally, if words or phrases are not defined therein, they shall be interpreted to give them the same meaning they have in common usage and to give the Rules their most reasonable application.

<u>Alteration</u>: Activity that results in disturbance to a site's underlying soils or established vegetation that's not part of routine maintenance.

<u>Best Management Practices (BMP)</u>: Measures taken to minimize negative effects on the environment including those documented in the Minnesota Stormwater Manual, as amended.

<u>Bluff:</u> A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- A. Part or all of the feature is located in a shoreland area;
- B. The slope must drain toward the waterbody;
- C. The slope rises at least twenty-five feet (25') above the ordinary high-water level: and
- D. The grade of the slope, from the toe of the bluff to a point twenty five feet (25') or more above the ordinary high water level, averages thirty percent (30%) or greater (see Figure 1), except that an area with an average slope of less than eighteen percent (18%) over a distance of at least fifty feet (50') shall not be considered part of the bluff (see Figure 2).

Figure 1. Illustration of Bluff

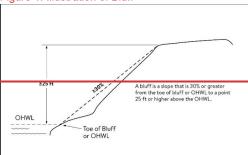
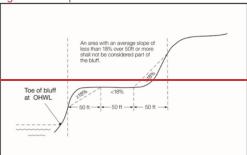
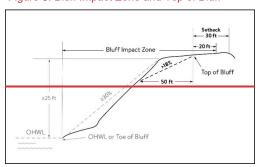


Figure 2. Exception to Bluf



<u>Bluff impact zone</u>: A bluff and land located within twenty feet (20') of the top of a bluff (see Figure 3).

Figure 3. Bluff Impact Zone and Top of Bluff



<u>Bluff, Toe of:</u> The lower point of a fifty foet (50') segment with an average slope exceeding eighteen percent (18%) or the ordinary high water level, whichever is higher.

<u>Bluff, Top of:</u> For the purposes of measuring setbacks, bluff impact zone, and administering vegetation management standards, the highest point of a fifty foot (50') segment with an average slope exceeding eighteen percent (18%). See Figure 3.

<u>Board of Managers (Board and/or Managers):</u> The governing body of the Pelican River Watershed District.

<u>Buffer</u>: An area consisting of perennial vegetation, excluding invasive plants and noxious weeds-

Buffer Law: Minn. Stat. § 103F.48, as amended.

BWSR: Board of Water and Soil Resources of Minnesota.

<u>Commissioner</u>: Commissioner of the Minnesota Department of Natural Resources.

<u>Conditional Uses</u>: Traditionally non-approved practices that may be allowed, with written approval from the District, to best meet the intent of the rule.

**DNR**: The Minnesota Department of Natural Resources.

Direct Watershed: Region draining to a specific lake, stream, or river.

<u>District</u>: The Pelican River Watershed District established under the Minnesota Watershed Law, Minn. Stat. Chapter 103D.

<u>Drainage Authority</u>: The public body having jurisdiction over a drainage system under Minn. Stat. Chapter 103E.

Emergency Overflow (EOF): A primary overflow to pass flows above the design capacity around the principal outlet safely downstream without causing flooding.

Emergent Vegetation: Aquatic plants that are rooted in the water but have leaves, stems, or flowers that extend above the water's surface.

<u>Ice Pressure Ridges</u>: The ridge, comprised of soil, sand and/or gravel, often found in the Shore Impact Zone near the Ordinary High Water Level of lakes, and caused by wind driven ice or ice expansion.

<u>Impervious Surface</u>: Constructed hard surface (gravel, concrete, asphalt, pavers, etc.) that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development.

Intensive Vegetation Clearing: The removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

Landowner: The holder of the fee title or the holder's agents or assigns.

<u>Linear Project</u>: A road, trail, or sidewalk project that is not part of a common plan of development.

<u>Low Floor Elevation (LFE)</u>: The elevation of the lowest floor of a habitable or uninhabitable structure, which is often the elevation of the basement floor or walk-out level.

<u>Licensed Professional</u>: A professional licensed in the State of Minnesota with the necessary expertise in the fields of hydrology, drainage, flood control, erosion and sediment control, and stormwater pollution control to design and certify stormwater management devices and plans, erosion prevention and sediment control plans, and shoreland alterations including retaining walls. Examples of licensed professionals may include professional engineers, professional landscape architects, professional geologists, professional soil engineers, SWCD staff with Job Approval Authority, and licensed contractors who have the referenced skills.

MPCA: The Minnesota Pollution Control Agency.

<u>Minnesota Stormwater Manual</u>: The MPCA's online manual for stormwater management including design guidance and referenced regulations.

Natural Rock Riprap: Natural uncut course stone, non-angular, non-concrete, free of debris that may cause siltation or pollution. Stones must average more than six inches (6") but less than thirty inches (30") in diameter.

<u>New Development Areas</u>: Surface construction activity that is not defined as redevelopment and areas where new impervious surface is being created.

<u>NPDES General Construction Stormwater Permit</u>: The current Minnesota Pollution Control Agency General Permit to Discharge Stormwater Associated with Construction Activity Under the National Pollution Discharge Elimination System State Disposal System Program (NPDES/SDS).

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

Ordinary High Water Level (OHWL): The boundary of public waters and wetlands which is an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominately terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel.

<u>Parcel</u>: A unit of real property that has been given a tax identification number maintained by a County.

<u>Person</u>: An individual, firm, partnership, association, corporation, or limited liability company, but does not include public corporations or governmental subdivisions.

<u>Pretreatment</u>: Devices or practices installed upstream of a stormwater BMP that are designed to capture trash, debris, and/or coarse sediment to reduce the risk of clogging the primary BMP. Pretreatment option includes but is not limited to vegetated filter strips, sumped manholes, and forebays.

<u>Public Drainage System</u>: A network of open channel ditches, drain tile, or a combination used to drain property that were established by a drainage authority under MN Chapter 103E.

<u>Public Water</u>: As defined in Minn. Stat. § 103G.005, subd. 15, as amended, and included within the public waters inventory as provided in Minn. Stat. § 103G.201, as amended.

Redevelopment Areas: Construction activity where, prior to the start of construction, the areas to be disturbed have fifteen percent (15%) or more of existing impervious surface(s).

<u>Reconstruction</u>: A project that is repairing or rebuilding existing infrastructure where the underlying soil is disturbed; the definition does not include mill & overlay projects or full-depth reclamation projects where the underlying soils are undisturbed.

Regional Conveyance: A surface or subsurface drainage path conveying concentrated flow that drains two hundred (200) acres or more not including piped, public conveyance (i.e. storm sewer).

<u>Responsible Party</u>: A party other than a landowner that directly or indirectly controls the condition of riparian land subject to a Buffer under the Rules.

Retaining Wall: A wall constructed of stone or rock with a height greater than twelve inches (12").

<u>Riparian Lot</u>: Private or public property that is abuts a waterbody, such as a river, stream, lake, or wetland.

<u>Riparian Protection</u>: A water quality outcome for the adjacent waterbody equivalent to that which would be provided by the otherwise mandated buffer, from a facility or practice

owned or operated by a municipal separate storm sewer system (MS4) permittee or subject to a maintenance commitment in favor of that permittee at least as stringent as that required by the MS4 general permit in effect.

<u>Seasonal High-Water Table</u>: The highest known seasonal elevation of groundwater as indicated by redoximorphic features such as mottling within the soil.

Shore Impact Zone (SIZ): Land located between the ordinary high water level of a public water and a line parallel to and half (1/2) the setback from it (as defined by applicable county or municipal zoning ordinances), except that on property used for agricultural purposes the shore impact zone boundary is a line parallel to and fifty feet (50') from the Ordinary High Water Level.

<u>Shoreland District</u>: Area within one thousand feet (1,000') of the OHWL of water bodies and three hundred feet (300') from rivers or the outer extent of the floodplain.

<u>Shoreland Standards</u>: Local shoreland standards as approved by the Commissioner or, absent such standards, the shoreland model standards and criteria adopted pursuant to Minn. Stat. § 103F.211, as amended.

<u>Steep Slopes</u>: A natural topographic feature with an average slope of twelve (12) to eighteen percent (18%), measured over a horizontal distance equal to or greater than fifty feet (50'), and any slopes greater than eighteen percent (18%) that are not bluffs.

<u>Stormwater Pollution Prevention Plan (SWPPP)</u>: A comprehensive plan developed to manage and reduce the discharge of pollutants in stormwater.

<u>Structure</u>: An above ground building or other improvement that has substantial manmade features other than a surface.

<u>SWCDs</u>: Soil and Water Conservation Districts: political subdivisions of the State of Minnesota.

Trail: A linear, non-motorized vehicle path not exceeding ten feet (10') in width.

Wetland: Area identified as wetland under Minn. Stat. § 103G.005, subd. 19, as amended.

#### 4.2 Interpretation.

- A. The headings of articles and sections are provided for convenience of reference only and will not affect the construction, meaning, or interpretation of the Rules.
- B. The definition of terms herein shall apply equally to the singular and plural forms of the terms defined.
- C. Whenever the context may require, any pronoun shall include the corresponding masculine, feminine, and neuter forms.
- D. The words "include," "includes," and "including" shall be deemed to be followed by the phrase "without limitation."
- E. The word "will" shall be construed to have the same meaning and effect as the word "shall." Both terms shall be construed to indicate a mandatory state or condition.

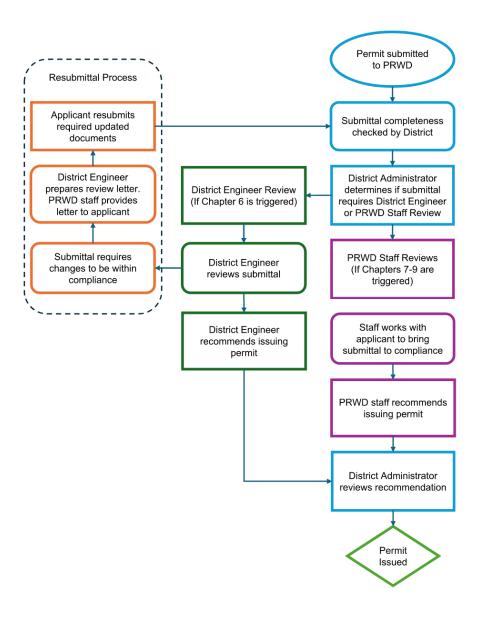
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- F. The word "may" shall be construed to indicate a permissive state or condition.
- G. The words "herein," "hereof," and "hereunder," and words of similar import, shall be construed to refer to the Rules in its entirety and not to any particular provision hereof
- H. In the computation of periods of time from a specified date to a later specified date, the word "from" means "from and including" and the words "to" and "until" mean "to and including."
- I. All distances, unless otherwise specified, shall be measured horizontally.

#### **CHAPTER 5. PERMIT REQUIREMENTS**

- 5.1 Application Required. A person undertaking an activity for which a permit is required by the Rules must obtain the required permit prior to commencing the activity that is subject to District regulation. Applications for permits must be submitted to the District in accordance with the procedures described herein. Required exhibits are specified for each substantive rule below. Applicants are encouraged to contact District staff before submission of an application to review and discuss application requirements and the applicability of specific rules to a proposed project. When the Rules require a criterion to be met, or a technical or other finding to be made, the District makes the determination except where the rule explicitly states otherwise. The landowner or, in the District's judgment, easement holder, must sign the permit application and will be the permittee or a co-permittee. Pre-application meetings are highly recommended for all applications. A pre-application meeting request form is available on the District website and can be submitted in person or via email.
- 5.2 Forms. A District permit application, and District checklist of permit submittal requirements, must be submitted on the forms provided by the District. Applicants may obtain forms from the District office or website at <a href="http://www.prwd.org/permits">http://www.prwd.org/permits</a>.
- 5.3 Action by District. The District will act on complete applications in accordance with timing requirements established under Minn. Stat. § 15.99, as amended. A complete permit application includes all required information, exhibits, and fees. An application will not be considered unless all substantial technical questions have been addressed and all substantial plan revisions resulting from staff and consultant review have been completed. Permit decisions will be made by the District Administrator, or a designated representative, unless Board action is deemed necessary.
  - A. The District's permitting process is summarized in the chart on the following page (*Figure 5-1*).

Figure 5-1



- 5.4 <u>Issuance of Permits</u>. The permit will be issued after the applicant has satisfied all requirements for the permit and has paid all required District fees.
- Permit Term. Permits are valid for twelve (12) months from the date of issuance unless otherwise stated within the permit, or due to it being suspended or revoked. To extend a permit, the permittee must apply to the District in writing, stating the reasons for the extension. Plan changes, and related project documents, must be included in the extension application. The District must receive this application at least thirty (30) days prior to the permit expiration date. The District may impose different or additional conditions on a renewal or deny the renewal in the event of a material change in circumstances. On the first renewal, a permit will not be subject to change because of a change in the Rules.
- 5.6 Permit Assignment. If title to the property is transferred during the term of the permit, a permittee must be assigned. The District will act on a permit assignment when the following conditions have been met:
  - The proposed assignee agrees, in writing, to assume the terms, conditions, and obligations of the permit;
  - B. The proposed assignee has the ability to satisfy the terms and conditions of the permit:
  - C. The proposed assignee is not changing the project;
  - D. There are no violations of the permit conditions; and
  - E. The District has received from the proposed assignee a substitute surety, if required, to secure performance of the assigned permit.

Until the assignment is approved, the permittee of record, as well as the current title owner, will be responsible for permit compliance.

- 5.7 Permit Fees. The District will charge applicants permit fees in accordance with a schedule that will be maintained and revised from time to time by the Board of Managers to ensure that permit fees cover the District's actual costs of administering, inspecting, and enforcing permits. The current fee schedule may be obtained from the District office or the District website at http://www.prwd.org/permits. An applicant must submit the required permit fee to the District at the time it submits its permit application. Permit fees will not be charged to the federal government, the State of Minnesota, or a political subdivision of the State of Minnesota.
- 5.8 <u>Permit Variance</u>. Requests for a variance from a requirement of this chapter must be decided by the Board of Managers under the following conditions:
  - A. <u>Variance Authorized</u>. The Board of Managers may hear requests for a variance from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the property under consideration. The Board of Managers may grant a variance where it is demonstrated that such action will be in keeping with the spirit and intent of this chapter. Requests for variances must be in writing.

- B. <u>Standard</u>. In order to grant a variance, the Board of Managers will determine that:
  - (1) Special conditions apply to the structure or land under consideration that do not generally apply to other land or structures in the District.
  - (2) Because of the unique conditions of the property involved, undue hardship to the applicant would result, as distinguished from mere inconvenience, if the strict letter of the chapter was carried out. A hardship cannot be created by the landowner or their contractor. Economic hardship is not grounds for issuing a variance.
  - (3) The proposed activity for which the variance is sought will not adversely affect the public health, safety, or welfare; will not create extraordinary public expense; and will not adversely affect water quality, water control, or drainage in the District.
  - (4) The intent of the chapter is met.
- C. Term. A variance will become void twelve (12) months after it is granted if not used.
- Violation. A violation of any condition set forth in a permit variance is a violation of this chapter and will be addressed through the process detailed in Chapter 11, Enforcement.

#### **CHAPTER 6. STORM WATER MANAGEMENT**

- 6.1 Policy. It is the policy of the District to manage, through permitting, stormwater and snowmelt runoff on a local, regional, and watershed basis to promote natural infiltration of runoff throughout the District to enhance water quality and minimize adverse natural resource impacts through the following principles:
  - A. Reduce adverse water quality impacts.
  - B. Preserve vegetation.
  - C. Decrease runoff volume and promote infiltration where suitable.
  - D. Prevent soil erosion and sedimentation.
  - E. Maintain existing flow patterns.
  - F. Store stormwater runoff on-site.
  - G. Avoid channel erosion.
- 6.2 **Applicability (Thresholds)**. Permits are required for the following activities:
  - A. Non-Linear Projects. Construction or reconstruction of impervious surface resulting in total impervious surface lot coverage (new and existing) of:
    - (1) More than twenty-five percent (25%) on riparian lots.
    - (2) More than seven thousand (7,000) square feet of lot coverage of riparian lots.
    - (3) Equal or greater than one (1) acre of impervious surface coverage.
    - (4) Projects requiring a variance from, or use of allowable mitigation within, the local shoreland zoning ordinance.
  - B. Residential subdivision or development of four (4) or more lots.
  - Construction or reconstruction of a private or public paved trail greater than two hundred (200) linear feet in length.
  - D. Projects or common plans of development or sale disturbing fifty (50) acres or more within one (1) mile of, and flow to, a special water or impaired water. A complete application and SWPPP must be submitted to the MPCA at least thirty (30) days prior to the start of construction activity.
  - E. Linear Projects. Projects that create or fully reconstruct more than one (1) acre of impervious surface as part of the same project.

#### 6.3 Exemptions.

- A. Exemptions from stormwater management permitting:
  - Mill and overlay or full-depth reclamation projects where underlying soils are not disturbed.
  - (2) Areas that have a documented Local Stormwater Management Plan, that has been approved by the District.

#### 6.4 Criteria (Standards).

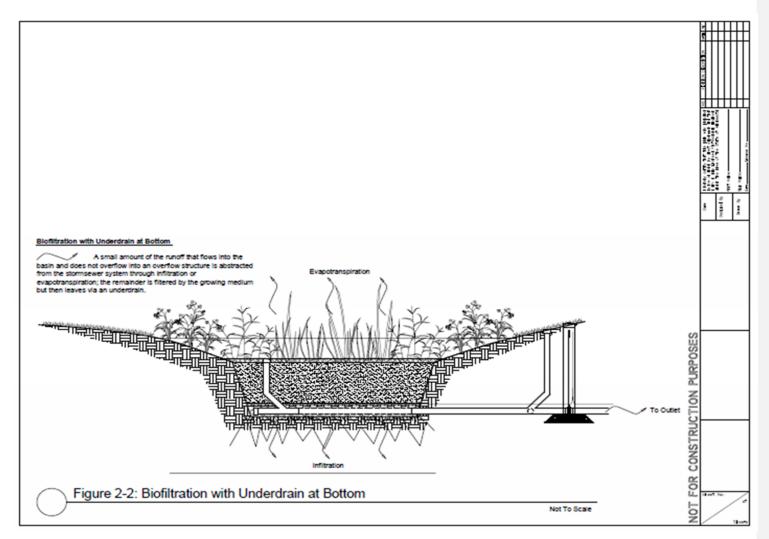
#### Water Quality (Volume).

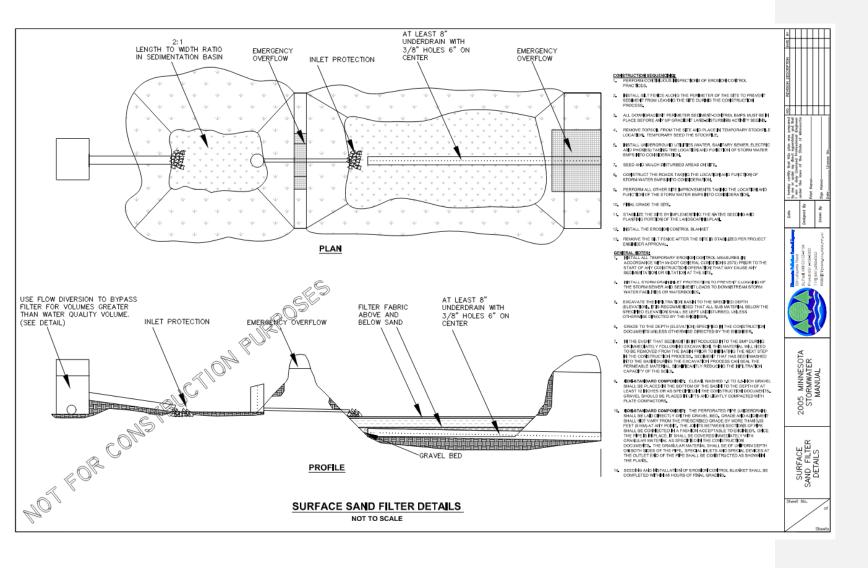
- (1) The Water Quality Volume (WQV) is determined as follows:
  - (a) New Development Areas: Capture and retain on site 1.1 inches of runoff from all impervious surfaces on the site.
  - (b) Redevelopment Areas: Capture and retain on site 1.1 inches of runoff from the new and/or reconstructed impervious surfaces on the site.
  - (c) Linear projects: Capture and retain the larger of the following:
    - 0.55 inches of runoff from the new and fully reconstructed impervious surfaces on the site; or
    - 1.1 inches of runoff from the net increase impervious area on the site.
- (2) Infiltration must be used, if feasible:
  - (a) Treatment volume within infiltration basins is measured from the bottom of the basin to the lowest outlet.
  - (b) Infiltration areas will be designed to drain within forty-eight (48) hours. Infiltration rates follow the current version of the MPCA Stormwater Manual. Field measured infiltration rates will be divided by two (2) for design infiltration rates.
  - (c) Soils with infiltration rates higher than 8.3 inches/hour must be amended if infiltration is to be used, otherwise see Section 6.4(A)(4) below for non-infiltration BMP options.
  - (d) Runoff entering an infiltration BMP must be pretreated.
  - (e) At least one (1) soil boring or test pit completed by a licensed professional is required within the footprint of each proposed infiltration BMP.
  - (f) The basin bottom elevation must have three (3) feet of separation above the season high water table.
  - (g) Design and placement of infiltration BMPs must follow any and all additional NPDES General Construction Stormwater Permit and MPCA Construction Stormwater Permits, as applicable.
- (3) Infiltration will be considered infeasible if infiltration is prohibited by MPCA requirement. Common factors prohibiting infiltration include but are not limit to the following:
  - (a) Bedrock within three (3) vertical feet of the bottom of the infiltration basin.
  - (b) Seasonal High-Water Levels within three (3) vertical feet of the bottom of the infiltration basin.
  - (c) Site has predominantly Hydrological Soil Group D (clay) soils.
  - (d) Contaminated soils on site.

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- (e) Drinking Water Source Management Areas or within two hundred feet (200') of public drinking water well.
- (f) Documentation, such as soil borings and or well maps are required upon permit submittal stating why infiltration is infeasible. Final feasibility to be confirmed by District Engineer.

If infiltration is infeasible a non-infiltrating BMP must be implemented.





- (g) Wet Ponds as necessary: Water Quality Volume multiplied by two (2):
  - Permanent pool volume below the pond's runout elevation must have a minimum volume of one thousand eight hundred (1,800) cubic feet per contributing acre or equivalent to the volume produced by a 2.5-inch storm event over the pond's contributing area.
  - Ponds must be designed with a minimum three-to-one (3:1) length-to-width ratio to prevent short-circuiting. Inlets must be a minimum of seventy-five feet (75') from the pond's outlet.
  - iii. The WQV is measured from the top of the permanent pool elevation to the emergency overflow elevation.
- (h) MIDS Flexible Treatment Options (FTO) can also be used but follow the sequencing before with:

#### i. FTO #1:

- a. Achieve at least 0.55 inch volume reduction goal.
- Remove seventy-five percent (75%) of the annual total phosphorus load.
- c. Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site.

#### ii. FTO #2:

- a. Achieve volume reduction to the maximum extent practicable, as determined by the District.
- Remove sixty percent (60%) of the annual total phosphorus load.
- c. Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site.

#### iii. FTO #3:

- a. Off-site mitigation (including banking or cash or treatment on another project, as determined by the District) equivalent to the volume reduction performance goal can be used in areas selected by the District.
- Pretreatment must be provided for all filtration practices but is not necessary for wet ponds.
- (j) Design and placement of stormwater BMPs must be done in accordance with MPCA requirements and are recommended to follow guidance from the Minnesota Stormwater Manual.

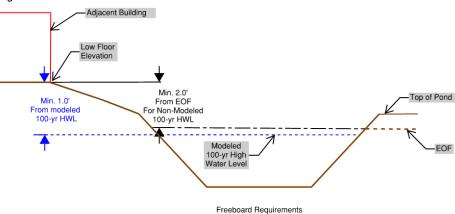
#### (4) Exceptions:

- (a) Single-family or twin home construction or modification on lots outside of the Shoreland District are exempt from providing permanent water quality treatment.
- (b) Trails that provide a five-foot (5') vegetated buffer prior to reaching a conveyance (i.e. swale, ditch, or curb and gutter) are exempt from providing permanent water quality treatment.

#### 6.5 BMP High-Water Level Management.

- A. Where one hundred (100) year high water levels are driven by local, onsite drainage, rather than a FEMA floodplain not related to development, the following criteria must be met:
  - (1) Low floor: at least one foot (1') above the modeled one hundred (100) year high water level of the basin.
    - (a) Alternatively, the low floor elevation may be two feet (2') above the EOF of the basin to demonstrate compliance where modeling is not available.
  - (2) Applicants must use precipitation depths from Atlas 14 using MSE-3 storm distribution in quantifying the one hundred (100) year high water level in the basin.

Figure 6-1



#### 6.6 Erosion Control.

A. Natural project site topography and soil conditions must be specifically addressed to reduce erosion and sedimentation during construction and after project completion.

- Site erosion and sediment control practices must be consistent with MPCA requirements.
- C. The project must be phased to minimize disturbed areas and removal of existing vegetation, until it is necessary for project progress.
- D. The District may require additional erosion and sediment control measures on areas with a slope to a sensitive, impaired, or special waterbody, stream, public drainage system, or Wetland to assure retention of sediment on-site.
- E. Erosion control must include features adequate to protect facilities to be used for post- construction stormwater infiltration.
- F. Required erosion control BMPs must be in-place prior to any site disturbance.
- G. Erosion prevention must be done in accordance with the following:
  - (1) Stabilize all exposed soil areas (including stockpiles) with temporary erosion control (seed and mulch or blanket) within fourteen (14) days (or seven (7) days for all projects within one (1) mile of an impaired water) after construction activities in the area have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days.
  - (2) Exposed soil areas within the Shoreland Impact Zone must be stabilized within forty-eight (48) hours of work having suspended for more than seventy-two (72) hours or when work has permanently ceased.
  - (3) For projects that increase the drainage area to a point of discharge at the site boundary by more than ten percent (10%) and the runoff does not drain to an onsite, permitted BMP prior to leaving the site, the applicant must demonstrate that site runoff will not adversely impact the capacity, stability, or function of the receiving lands or conveyance.
- H. Sediment control must be done in accordance with the following:
  - (1) Sediment control practices will be placed down-gradient before up-gradient land disturbing activities begin.
  - (2) Vehicle tracking practices must be in place to minimize track out of sediment from the construction site. Streets must be cleaned if tracking practices are not adequate to prevent sediment from being tracked onto the street.
- I. Dewatering must be done in accordance with the following:
  - Dewatering turbid or sediment laden water to surface waters (Wetlands, streams, or lakes) and stormwater conveyances (gutters, catch basins, or ditches) is prohibited.
- J. Inspections and maintenance must be done in accordance with the following:

- (1) Applicant must inspect all erosion prevention and sediment control practices to ensure integrity and effectiveness. Nonfunctional practices must be repaired, replaced, or enhanced the next business day after discovery.
- (2) Erosion control plans must include contact information including email and a phone number of the person responsible for inspection and compliance with erosion and sediment control.
- K. Pollution prevention must be done in accordance with the following:
  - Solid waste must be stored, collected, and disposed of in accordance with state law.
  - (2) Provide effective containment for all liquid and solid wastes generated by washout operations (concrete, stucco, paint, form release oils, curing compounds).
  - (3) Hazardous materials that have potential to leach pollutants must be under cover to minimize contact with stormwater.
- L. Final stabilization must be done in accordance with the following:
  - (1) For residential construction only, individual lots are considered final stabilized if the structures are finished and temporary erosion protection and downgradient sediment control has been completed.
  - (2) Grading and landscape plans must include soil tillage and soil bed preparation methods that are employed prior to landscape installation to a minimum depth of eight inches (8") and incorporate amendments to meet the Minnesota Stormwater Manual predevelopment soil type bulk densities.

#### 6.7 Maintenance.

- Long-term maintenance agreements between the District and the landowner are required for all permanent stormwater BMPs.
- B. The maintenance agreement shall be submitted prior to permit issuance. It is recommended that a draft maintenance agreement be submitted with application materials.
- C. Upon issuance of the permit, the District will record the maintenance agreement on the parcel containing the BMP.

#### 6.8 Required Exhibits.

- A. Applicants of permits required under Chapter 6 will be required to submit the following:
  - (1) A permit application form as detailed in the Rules.
  - (2) Site plans signed by a Minnesota licensed professional. Site plans must contain sheets that at a minimum address the following:

- (a) Property lines and delineation of lands under ownership of the applicant.
- (b) Existing and proposed elevation contours, maximum two-foot (2') interval.
- (c) Identification of normal and ordinary high-water elevations of waterbodies and stormwater features shown in the plans.
- (d) Proposed and existing stormwater facilities' location, alignment, and elevation.
- (e) Depiction of on-site Wetlands, shoreland, and floodplain areas.
- (f) Construction plans and specifications of all proposed stormwater BMPs.
- (g) Details will be required for all outlet control structures, Emergency Overflows, graded swales, and pond/basin cross sections.
- (h) Details must show all elevation for pipe, weirs, orifices, or any other control devices.
- SWPPP identifying location, type, and quantity of temporary erosion prevention and sediment control practices. SWPPP that at a minimum meets the requirements of the NPDES construction permit.
- (j) Site drawing showing the type, location, and dimensions of all permanent and temporary erosion control BMPs.
- (3) Drainage narrative including: project summary, existing and proposed impervious area, existing and proposed drainage patterns including direction and routing of roof drainage, and stormwater model reports as required in relevant sections.
  - (a) Acceptable computer modeling software must be based on <u>NRCS</u> Technical Release #20 (TR-20), as required in relevant sections.
  - (b) Model output for both existing and proposed conditions is required. The District Engineer may require a copy of the electronic model to be submitted if the software used does not provide easily reviewed output reports.
- (4) Soil boring report or test pit documentation identifying location of the boring or test pit, Seasonal High Water Level, and depth of each soil type found as required in Section 6.4(A)(2)(e). Soil borings and test pits must be completed to a minimum depth of five feet (5') below the bottom of the proposed BMP.
- (5) If infiltration is not being used, justification must be provided.

CHAPTER 7. RESERVED FOR FUTURE RULES	
CHAPTER 7. RESERVED FOR FOTORE ROLLS	

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#### **CHAPTER 7. CHAPTER 8. REGIONAL CONVEYANCE SYSTEMS**

- 7.18.1 Policy. It is the policy of the Board of Managers to preserve regional conveyance systems within the District, including its natural streams and watercourses, and artificial channels and piped systems. Chapter 8 applies to surface water conveyance systems other than public drainage systems. The purpose of this chapter is to maintain regional conveyance capacity, prevent flooding, preserve water quality and ecological condition, and provide an outlet for drainage for the beneficial use of the public as a whole now and into the future. Chapter 8 does not apply to public drainage systems, as defined in the Rules, which the District manages and maintains through the exercise of its authority under the drainage code (Minn. Stat. Chapter 103E) and the application of Chapter 9. It is not the intent of this chapter to decide drainage rights or resolve drainage disputes between private landowners.
- 7.28.2 Regulation. A person may not construct, improve, repair, or alter the hydraulic characteristics of a regional conveyance system that extends across two (2) or more parcels of record not under common ownership, including by placing or altering a utility, bridge, or culvert structure within or under such a system, without first obtaining a permit from the District. Permits are not required to repair or replace an element of a regional conveyance system owned by a government entity when the hydraulic capacity of the system will not change.
- 7.38.3 **Criteria.** The conveyance system owner is responsible for maintenance. In addition, modification of the conveyance system must:
  - Preserve existing hydraulic capacity.
  - B. Retain existing navigational use.
  - C. Not adversely affect water quality or downstream flooding characteristics.
  - D. Be designed to allow for future erosion, scour, and sedimentation considerations.
  - E. Be designed for maintenance access and be maintained in perpetuity to continue to meet the criteria of this Section 8.3. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District.
- 7.48.4 Subsurface Utility Crossings. A crossing beneath a regional conveyance system must maintain adequate vertical separation from the bed of the conveyance system. The District will determine adequate separation by reference to applicable guidance and in view of relevant considerations such as soil condition, the potential for upward migration of the utility, and the likelihood that the bed elevation may decrease due to natural processes or human activities. The District will also consider the feasibility of providing separation and the risks if cover diminishes. Nothing in this section diminishes the crossing owner's

responsibility under Section 8.3, above. The applicant must submit a record drawing of the installed utility.

- 7.58.5 **Required Exhibits.** The following exhibits must accompany the permit application:
  - A. Construction details showing:
    - (1) Size and description of conveyance system modification including existing and proposed flow line (invert) elevations. Elevations must be provided in NAVD 88 datum.
    - (2) Existing and proposed elevations of utility, bridge, culvert, or other structure.
    - (3) End details with flared end sections or other appropriate energy dissipaters.
    - (4) Emergency overflow elevation and route.
  - B. Narrative describing construction methods and schedule.
  - C. Erosion and sediment control plan in accordance with Chapter 6.
  - Computations of watershed area, peak flow rates and elevations, and discussion
    of potential effects on water levels above and below the project site.
- 7.68.6 Exception. Criterion 8.3(A) may be waived if the applicant can demonstrate with supporting hydrologic calculations the need for an increase in discharge rate in order to provide for reasonable surface water management in the upstream area, and that the downstream impacts of the increased discharge rate can be reasonably accommodated and will not exceed the existing rate at the conveyance outfall.

#### **CHAPTER 8. CHAPTER 9. PUBLIC DRAINAGE SYSTEMS**

8.19.1 Policy. Chapter 9 applies to work within public drainage systems, as that term is defined in the Rules. The District regulates work in surface water conveyance systems other than public drainage systems through the application of Chapter 9. It is the policy of the Board of Managers to regulate work within the right-of-way of a public drainage system that has the potential to affect the capacity or function of the public drainage system, or ability to inspect and maintain the system. The purpose of this chapter is to protect the integrity and capacity of public drainage systems consistent with Minn. Stat. Chapter 103E to prevent regional or localized flooding, preserve water quality, and maintain an outlet for drainage for the beneficial use of the public and benefitted lands now and into the future.

#### 8.29.2 Regulation.

- A. Temporary or permanent work in or over a public drainage system, including any modification of the system, including installation or replacement of crossings, requires a permit from the District. The permit is in addition to any formal procedures or District approvals that may be required under Minn. Stat. Chapter 103E or other drainage law.
- B. A utility may not be placed under a public drainage system without a permit from the District. The design must provide at least five feet (5') of separation between the utility and the as constructed and subsequently improved grade of the public drainage system, unless the District determines that a separation of less than five feet (5') is adequate to protect and manage the system at that location. The applicant must submit a record drawing of the installed utility. The crossing owner will remain responsible should the crossing be found to be an obstruction or subject to future modification or replacement under the Drainage Law.
- C. A pumped dewatering operation must not outlet within two hundred feet (200') of a public drainage system without a permit from the District. A permit application must include a dewatering plan indicating discharge location, maximum flow rates, and outlet stabilization practices.

#### 8.39.3 Criteria. A project constructed subject to Section 9.2(A) must:

- A. Comply with applicable orders or findings of the District.
- Comply with all federal, state, and District Wetland protection rules and regulations.
- C. Demonstrate that such activity will not adversely impact the capacity, stability, or function of the public drainage system, or ability to inspect and maintain the public drainage system.
- D. Not create or establish Wetlands within the public drainage system right of way without an order to impound the public drainage system under Minn. Stat. § 103E.227, as amended.

- E. Provide conveyance at the grade of the ACSIC¹ where work is being completed. If the ACSIC has not been determined, the applicant may request that the District duly determine the ACSIC before acting on the application, or may accept conditions that the District determines are adequate to limit the risk that the applicant's work will not be an obstruction, within the meaning of Minn. Stat. Chapter 103E, when the ACSIC is determined. An applicant that proceeds without determination of the ACSIC bears the risk that the work later is determined to be an obstruction.
- F. Maintain hydraulic capacity and grade under interim project conditions, except where the District, in its judgement, determines that potential interim impacts are adequately mitigated.
- G. Where the open channel is being realigned, provide an access corridor that the District deems adequate at the top of bank of the drainage system, with the following characteristics:
  - (1) A minimum of twenty feet (20') in width.
  - (2) Cross-slope (perpendicular to direction of flow) no more than five percent (5%) grade.
  - (3) Longitudinal slope (parallel to the direction of flow) no more than one-to-five (1:5) (vertical to horizontal).
- H. Provide adequate supporting soils to facilitate equipment access for inspection and maintenance. Provide stable channel and outfall.
- I. Be designed for maintenance access and be maintained in perpetuity to avoid constituting an obstruction and otherwise to continue to meet the criteria of this section. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. Public Linear Projects are exempt from the public drainage system easement requirement of this section.
- J. Identify proposed temporary obstruction or crossings of the public drainage system and specify operational controls to enable unobstructed conveyance of a rainfall or flow condition.
- 8.49.4 **Required Exhibits.** The following exhibits must accompany the permit application. Elevations must be provided in NAVD 88 datum.
  - Map showing location of project, tributary area, and location and name of the public drainage system branches within the project area.
  - B. Existing and proposed cross sections and profile of affected area.
  - C. Description of bridges or culverts proposed.

<sup>&</sup>lt;sup>1</sup> The "As Constructed and Subsequently Improved Condition" (ACSIC) of a public drainage system must be determined to understand if proposed work may be considered "repair" and what regulations are applicable. Determination of the ACSIC is discussed in more detail within Section VII, B of the Minnesota Public Drainage Manual.

#### PRWD Adopted Revised Rules - Reline Version

- D.
- Location and sizes of proposed connections to the public drainage system. Narrative and calculations describing effects on water levels above and below the E. project site.
  Erosion and sediment control plan.
  Hydrologic and hydraulic analysis of the proposed project.
  Local benchmark in NAVD 88 datum.
- F. G. H.

#### **CHAPTER 9. CHAPTER 10. BUFFERS**

#### 9.110.1 **Policy.** It is the policy of the District to:

- A. Provide public drainage system ditches with vegetated Buffers and water quality practices to achieve the following purposes:
  - (1) Protect state water resources from erosion and runoff pollution.
  - (2) Stabilize soils and banks.
- B. Coordinate closely with the District's landowners, soil and water conservation districts and counties, and utilize local knowledge and data, to achieve the stated purposes in a collaborative, effective, and cost-efficient manner.
- C. Integrate District authorities under Minn. Stat. §§ 103D.341, 103E.021, and 103F.48, as amended, to provide for clear procedures to achieve the purposes of this chapter.
- D. The District will implement and enforce Buffers through the use of Drainage Law (Minn. Stat. §§ 103E.021, 103E.351, 103D.545, and 103D.551, as amended), and when that cannot be accomplished, the District will use its Administrative Penalty Order (APO) powers granted by Minn. Stat. § 103F.48, as amended.

#### 9.210.2 Data Sharing/Management.

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

#### 9.310.3 Vegetated Buffer Requirement.

- A. Except as applicable under Minn. Stat. § 103F.48, subds. 3 and 5, a landowner must maintain a Buffer on land that is adjacent to a public drainage system ditch identified and mapped on the buffer protection map established and maintained by the Commissioner pursuant to the Buffer Law.
  - (1) The Buffer must be a minimum width of sixteen and one half feet (16.5'). This section does not apply to the portion of public drainage systems consisting of tile.
  - (2) The Buffer is measured from the top or crown of bank. Where there is no defined bank, measurement will be from the normal water level. The District will determine normal water level in accordance with BWSR guidance. The District will determine top or crown of bank in the same manner as measuring the perennially vegetated strip under Minn. Stat. § 103E.021.
- B. The requirements under Minn. Stat. § 103F.48 applies to all public drainage ditches within the legal boundary for which the District is the drainage authority.

- C. The requirements under Minn. Stat. § 103F.48, subd. 3 do not apply to land that is:
  - (1) Enrolled in the federal Conservation Reserve Program.
  - (2) Used as a public or private water access or recreational use area including stairways, landings, picnic areas, access paths, beach, and watercraft access areas, provided the area in such use is limited to what is permitted under shoreland standards or, if no specific standard is prescribed, what is reasonably necessary.
  - (3) Used as the site of a water-oriented structure in conformance with shoreland standards or, if no specific standard is prescribed, what is reasonably necessary.
  - (4) Covered by a road, trail, building, or other structure.
  - (5) Regulated by a national pollutant discharge elimination system/state disposal system (NPDES/SDS) municipal separate storm sewer system, construction or industrial permit under Minnesota Rules, Chapter 7090, and the adjacent waterbody is provided riparian protection.
  - (6) Part of a water-inundation cropping system.
  - (7) In a temporary non-vegetated condition due to drainage tile installation and maintenance, alfalfa or other perennial crop or plant seeding, or a construction or conservation project authorized by a federal, state, or local government unit.

#### 9.410.4 <u>Drainage System Acquisition and Compensation for Buffer.</u>

- A. In accordance with Minn. Stat. § 103F.48, subd. 10(b), a landowner owning land within the benefited area of and adjacent to a public drainage ditch may request that the District, as the drainage authority, acquire and provide compensation for the Buffer strip required under this rule.
- B. The request may be made to use Minn. Stat. § 103E.021, subd. 6, or by petition pursuant to Minn. Stat. § 103E.715, subd. 1.
- C. The decision on the request is within the judgment and discretion of the District, unless the request concerns a Buffer strip mandated by Minn. Stat. § 103E.021.
- D. If the request is granted or the petition proceeds, the requirements of the Buffer strip and the compensation to be paid for its incorporation into the drainage system will be determined in accordance with the statutes referenced in Minn. Stat. § 103F.48 and associated procedures. When the order establishing or incorporating the Buffer strip is final, the Buffer strip will become a part of the drainage system and thereafter be managed by the District in accordance with the drainage code.
- E. On a public drainage ditch that also is a public water subject to a fifty-foot (50') average Buffer, the drainage system will be required to acquire only the first sixteen and one half feet (16.5') of the Buffer.

- F. The District, on its own initiative pursuant to Minn. Stat. §§ 103F.48 and 103E.021, may acquire and provide compensation for Buffer strips required under this chapter on individual or multiple properties along a public drainage system. The Board of Managers findings and order will be delivered or transmitted to the landowner.
- G. This section does not displace the terms of Minn. Stat. Chapter 103E requiring or providing for drainage system establishment and acquisition of vegetated Buffer strips along public ditches.

#### 9.5 10.5 Action For Noncompliance.

- A. When the District observes potential noncompliance or receives a third-party complaint from a private individual or entity, or from another public agency (such as the SWCD), it will determine the appropriate course of action to confirm compliance status. This may include communication with the landowner or his/her agents or operators, communication with the shoreland management authority, inspection, or other appropriate steps necessary to verify the compliance status of the parcel. On the basis of this coordination, the SWCD may issue a notification of noncompliance to the District. If the SWCD does not transmit such a notification, the District will not pursue a compliance or enforcement action under Minn. Stat. § 103F.48, but may pursue such an action under the authority of Minn. Stat. §§ 103E.021 and 103D.341 and Section 10.6 of this chapter.
- B. On receipt of an SWCD notification of noncompliance, or if acting solely under authority of Minn. Stat. § 103E.021 or 103D.341, the District will determine first whether sufficient public drainage system easement exists to establish the required vegetative Buffer. If a sufficient easement does not exist, the District will attempt to acquire the necessary easements through incremental Buffer establishment provided in Minn. Stat. § 103E.021, subd. 6 or through a redetermination of benefits provided in Minn. Stat. § 103E.351 to establish the required Buffers. The establishment of the required Buffers will occur within twelve (12) months of the determination that inadequate easement exists, and no more than eighteen (18) months from the receipt of an SWCD notification of noncompliance or the District decision to establish the required Buffers.
- C. If the District is unable to acquire the necessary easements through incremental Buffer establishment provided in § 103E.021, subd. 6, or through a redetermination of benefits, or if sufficient easement does exist and an established Buffer has been adversely altered, the District will issue a corrective action notice and practical schedule for compliance to the landowner or responsible party. The District may inspect the property and will consult with the SWCD, review available information, and exercise its technical judgment to determine appropriate and sufficient corrective action and a practical schedule for such action. The District will maintain a record establishing the basis for the corrective action that it requires.
  - (1) The District will issue the corrective action notice and schedule to the landowner of record. The landowner may be the subject of enforcement liabilities under Section 10.6. The District may deliver or transmit the notice and schedule by any means reasonably determined to reach the landowner, and will document receipt. However, a failure to document receipt will not preclude the District from demonstrating receipt or knowledge in an enforcement proceeding under Section 10.6.

- (2) The corrective action notice and schedule will identify the parcel of record to which it pertains and the portion of that parcel that is alleged to be noncompliant. It will describe corrective actions to be taken, a schedule of intermediate or final dates for correction, a compliance standard against which it will judge the corrective action, and a statement that failure to respond to this notice and schedule will result in an enforcement action. The District will provide a copy of the notice and schedule to BWSR.
- (3) At any time, a landowner or responsible party may supply information in support of a request to modify a corrective action or the schedule for its performance. On the basis of any such submittal or at its own discretion, the District may modify the corrective action notice or schedule, and deliver or transmit the modified notice and schedule in accordance with Section 10.5(C)(1), or may advise the landowner in writing that it is not pursuing further compliance action.
- (4) At any time after the District has issued the notice and schedule, a landowner, or authorized agent or operator of a landowner or responsible party, may request that the SWCD issue a validation of compliance with respect to property for which the notice and schedule has been issued. On District receipt of the validation, the notice and schedule will be deemed withdrawn, and the subject property will not be subject to enforcement.
- (5) A corrective action notice and schedule is not considered a final decision subject to appeal. An objection to a finding of noncompliance, or to any specified corrective action or its schedule, is reserved to the landowner or responsible party and may be addressed in an enforcement proceeding under Section 10.6.

#### 9.610.6 Enforcement.

- A. Under authority of Minn. Stat. §§ 103E.021, 103D.545, and 103D.551, the District may seek remedies for noncompliance with this chapter against any landowner or responsible party including but not limited to: (a) reimbursement of District compliance costs under Minn. Stat. § 103D.345 and 103E.021 and/or an escrow, surety, performance bond, or a letter of credit for same; (b) administrative compliance order (ACO); (c) district court remedy including injunction, restoration, or abatement order, authorization for District entry, and/or order for cost recovery; and (d) referral to the District attorney for criminal misdemeanor prosecution.
- B. In instances where existing vegetation on the ditch Buffer easement has been adversely altered and has not been restored, the District may collect compliance expenses in accordance with Minn. Stat. § 103E.021 from a landowner for noncompliance with the corrective action notice and schedule. The District will restore any adversely altered Buffer and charge the landowner for the cost of the restoration if the landowner does not complete the requirements of the corrective action notice and schedule.
- C. In instances where a ditch Buffer easement area cannot be established in a timely manner, the District may issue an administrative order imposing a monetary penalty against a landowner or responsible party for noncompliance with the corrective action notice and schedule. The penalty will continue to accrue until the

noncompliance is corrected as provided in the corrective action notice and schedule.

- (1) The penalty for a landowner on a single parcel that previously has not received an administrative penalty order issued by the District shall be the following:
  - (a) \$0 for 11 months after issuance of the corrective action notice and schedule.
  - (b) \$50 per parcel per month for the first six (6) months (180 days) following the time period in Section 10.6(C)(1)(a).
  - (c) \$200 per parcel per month after six (6) months (180 days) following the time period in Section 10.6(C)(1)(b).
- (2) The penalty for a landowner on a single parcel that previously has received an administrative penalty order issued by the District shall be:
  - (a) \$50 per parcel per day for 180 days after issuance of the corrective action notice and schedule
  - (b) \$200 per parcel per day for after 180 days following the time period in Section 10.6(C)(1)(a).
- D. The administrative order will state the following:
  - (1) The facts constituting a violation of the Buffer requirements.
  - (2) The statute and/or rule that has been violated.
  - (3) Prior efforts to work with the landowner to resolve the violation.
  - (4) For an administrative penalty order, the amount of the penalty to be imposed, the date the penalty will begin to accrue, and the date when payment of the penalty is due.
  - (5) The right of the landowner or responsible party to appeal the order. A copy of the APO must be sent to the SWCD and BWSR.
- E. An administrative order will be issued after a compliance hearing before the District Board of Managers. The landowner and any other responsible parties will receive written notice at least two (2) weeks in advance of the hearing with a statement of the facts alleged to constitute noncompliance and a copy or link to the written record on which District staff intends to rely, which may be supplemented at the hearing. A landowner or responsible party may be represented by counsel, may present and question witnesses, and may present evidence and testimony to the Board of Managers. The District will make a record of the hearing.
- F. After a hearing noticed and held for consideration of an administrative penalty or other administrative order, the Board of Managers may issue findings and an order imposing any authorized remedy or remedies.

- (1) The amount of an administrative penalty will be based on considerations including the extent, gravity, and willfulness of the noncompliance; its economic benefit to the landowner or responsible party; the extent of the landowner or responsible party's diligence in addressing it; any noncompliance history; the public costs incurred to address the noncompliance; and other factors as justice may require.
- (2) The Board of Managers' findings and order will be delivered or transmitted to the landowner and other responsible parties. An administrative penalty order may be appealed to BWSR in accordance with Minn. Stat. § 103F.48, subdivision 9, and will become final as provided therein. The District may enforce the order in accordance with Minn. Stat. § 116.072, subd. 9. Other remedies imposed by administrative order may be appealed in accordance with Minn. Stat. § 103D.537.
- (3) The Board of Managers may forgive an administrative penalty, or any part thereof, on the basis of diligent correction of noncompliance following issuance of the findings and order and such other factors as the Board finds relevant.
- G. Absent a timely appeal, an administrative penalty is due and payable to the District as specified in the administrative penalty order.
- H. Nothing within this Buffer Rule diminishes or otherwise alters the District's authority under Minn. Stat. Chapter 103E with respect to any public drainage system for which it is the drainage authority, or any Buffer strip that is an element of that system.

#### 9.710.7 Effect of Rule.

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

#### **CHAPTER 10. CHAPTER 11. ENFORCEMENT**

- 40.11.1 Matter of Enforcement. In the event of a violation, or potential violation, of a District Rule, permit, order or stipulation, or a provision of Minn. Stat. Chapters 103D or 103E, 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 Minn. Stat. §§ 103D.545 and 103D.551.
- 40.211.2 <u>Investigation of Noncompliance</u>. The District's Board of Managers, staff, or designated consultants may enter and inspect property in the District related to investigation of permit activities to determine the existence of a violation or potential violation as described in the preceding section.
- 40.311.3 Preliminary Administrative Compliance Order. The District, including staff and legal consultants, may issue a preliminary administrative compliance order without notice or hearing when it finds a violation or potential violation, and that the violation or potential violation presents a threat to the public health, welfare, and safety, or an adverse effect on water resources. A preliminary administrative compliance order may require that the landowner or responsible contractor cease the land-disturbing activity; apply for an after-the-fact permit; and take corrective or restorative action.
- 40.4 11.4 Board Hearing Administrative Compliance Order. If a landowner or their agent fails to comply with the preliminary ACO, the Board of Managers may hold a hearing with the alleged violator to discuss the violation. After due notice and a hearing at which evidence may be presented, the Board shall make findings. If the Board of Managers finds a violation, it may issue an administrative compliance order that may require the landowner 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 Minn. Stat. § 103D.545, subd. 2; and/or be subject to any other remedy within the District's authority. An administrative compliance order may supersede a preliminary administrative compliance order or may be issued without a prior preliminary administrative compliance order.
- 40.511.5 <u>Liability for Enforcement Costs.</u> To the extent provided for by Minn. Stat. § 103D.545, subd. 2, a landowner, contractor, or equipment operator is liable for investigation and response costs incurred by the District under the Rules, 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.
- 40.611.6 Contractor Liability. An individual, firm, corporation, partnership, association, or other legal entity contracting to perform work subject to one (1) or more projects will be responsible to ascertain that the necessary permit has been obtained and that the work complies with the permit, the Rules, regulations, statutes, and any applicable District orders or stipulations. A contractor that, itself or through a subcontractor, engages in an activity constituting a violation or potential violation is not a "responsible contractor", as defined in Minn. Stat. § 16C.285, for purposes of the District.

BOARD OF MANAGERS	
PELICAN RIVER WATERSHED DISTRICT	
By Chris Jasken, Secretary	
Adopted	; Published in the Detroit Lakes Tribune on



# PELICAN RIVER WATERSHED DISTRICT

## 2025 REVISED RULES

Adopted: March 28, 2025



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## CHAPTER 1. GENERAL POLICY STATEMENT AND INTRODUCTION

The Pelican River Watershed District (the "District") is a political subdivision of the State of Minnesota, established under Minn. Stat. Chapter 103D, cited as the "Watershed Law." Under the Watershed Law, the District exercises a series of powers to accomplish its statutory purposes. Under Chapter 103D the District's general statutory purpose is to conserve natural resources through development planning, sediment and erosion control, and other conservation projects, based upon sound scientific principles. In order to accomplish its statutory purpose, the governing body of the District, the Board of Managers, is required to adopt a series of rules, cited as the 2024 Revised Rules of the PRWD (the "Rules").

The District, as part of the Otter Tail River One Watershed One Plan process, has adopted a Comprehensive Watershed Management Plan (the "Plan"), which contains the framework and guiding principles for the District in carrying out its statutory purposes. It is the District's intent to implement the Plan's principles and objectives in the Rules.

Land alteration affects the volume, and quality of surface water runoff which ultimately must be accommodated by the existing surface water systems within the District. The District was established in 1966 in response to concerns about regional lake health. Lake health and contributing factors continue to be the primary focus of the District.

Land alteration and utilization also can degrade the quality of runoff entering the streams and waterbodies of the District due to non-point source pollution. Lake and stream sedimentation from ongoing erosion processes and construction activities reduces the hydraulic capacity of waterbodies and degrades water quality. Water quality problems already exist in many of the lakes and streams throughout the District.

Projects which increase the rate or volume of stormwater runoff can decrease downstream hydraulic capacity. Projects which degrade runoff quality can aggravate existing water quality problems and contribute to new ones. Projects which fill floodplain or wetland areas can aggravate existing flooding by reducing flood storage and hydraulic capacity of waterbodies and can degrade water quality by eliminating the filtering capacity of those areas.

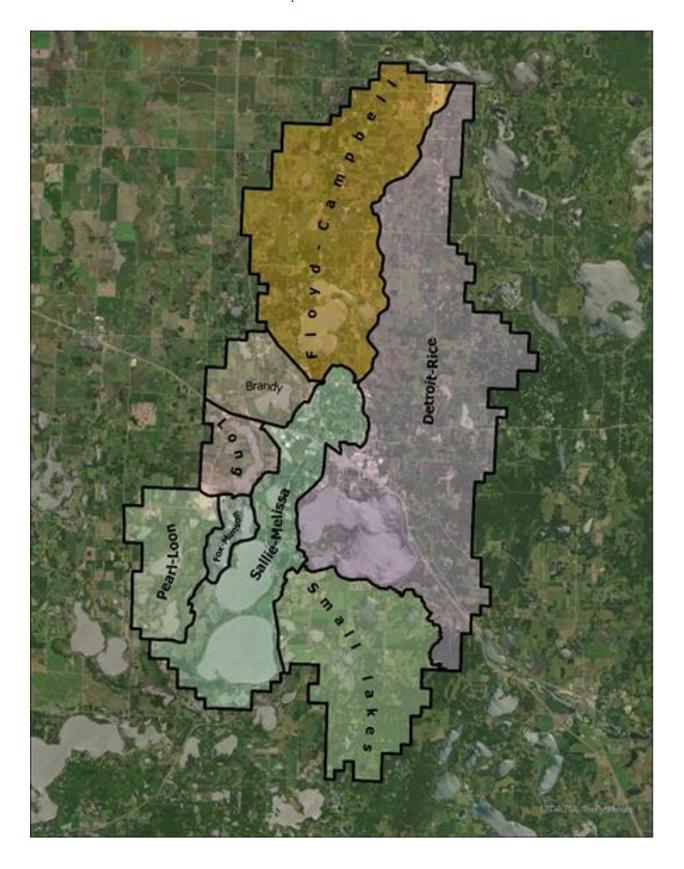
Under the Rules, the District seeks to protect the public health and welfare and the natural resources of the District by providing reasonable regulation of the modification or alteration of the District's lands and waters to reduce the severity and frequency of flooding and high water; to preserve floodplain and wetland storage capacity; to improve the chemical, physical, and biological quality of surface water; to reduce sedimentation; to preserve waterbodies' hydraulic and navigational capacity; to preserve natural wetland and shoreland features; and to minimize public expenditures to avoid or correct these problems in the future.

## CHAPTER 2. RELATIONSHIP OF WATERSHED DISTRICT TO BECKER COUNTY AND CITY OF DETROIT LAKES

The District recognizes that the primary control and determination of appropriate land uses is the responsibility of Becker County (the "County") and the City of Detroit Lakes (the "City"). Accordingly, the District will coordinate permit application reviews involving land development only after it is first demonstrated that the application has been submitted to the County or the City, where the land is located.

It is the intention of the managers to ensure that development of land within the District proceeds in conformity with the Rules, in addition to conforming with the development guides and plans adopted by the County and the City. The District will exercise control over development by its permit program described in the Rules to ensure the maintenance of stormwater management features; protect public waters, wetlands, and groundwater; and protect existing natural topography and vegetative features in order to preserve them for present and future beneficial uses. The District will review and permit projects sponsored or undertaken by other governmental units, and will require permits in accordance with the Rules for governmental projects which have an impact on water resources of the District. These projects include but are not limited to, land development and road, trail, and utility construction. The District desires to serve as technical advisors to the municipal officials in the preparation of local surface water management plans and the review of individual development proposals prior to investment of significant public or private funds.

To promote a coordinated review process between the District and local governments, the District encourages these entities to involve the District early in the planning process. The District's comments do not eliminate the need for permit review and approval if otherwise required under the Rules. The District intends to coordinate with each local government to ensure that property owners and other permit applicants are aware of the permit requirements of both bodies. By coordinating, the District and local governments also can avoid duplication, conflicting requirements, and unnecessary costs for permit applicants and taxpayers.



## CHAPTER 3. GENERAL PROVISIONS AND CITATION

- 3.1 <u>Statutory Policy</u>. The 2024 Revised Rules of the Pelican River Watershed District (the "Rules"), as provided by Minn. Stat. § 103D.341, subd. 1, and as amended from time to time, are to effectuate the purposes of Minn. Stat. Chapters 103D and 103E and the authority of the Managers therein described. The Rules are deemed necessary to implement and make more specific the law administered by the Pelican River Watershed District (the "District"). Each rule adopted by the District shall have the full force and effect of law.
- 3.2 <u>General Policy; Other Rules Superseded</u>. It is the intention of the Managers with the implementation of the Rules to promote the use of the waters and related resources within the District in a provident and orderly manner so as to improve the general welfare and public health for the benefit of present and future residents. The Rules shall supersede all previous rules adopted by the District.
- 3.3 **Short Title.** The Rules shall be known and may be cited as the "Pelican River Watershed District Rules".
- 3.4 <u>Jurisdiction</u>. The jurisdiction of the Rules includes all of the area, incorporated and unincorporated, including both land and water, within the territory of the District.
- 3.5 Adoption or Amendment of Rules. Changes to the Rules may be made by the Managers on their own prompting or following the petition of any interested person according to the procedure set forth in Minn. Stat. § 103D.341, subd. 2, as may be amended from time to time. An amendment or rule shall be adopted by a majority vote of the Managers.
- 3.6 <u>Inconsistent or More Restrictive Provisions</u>. If any rule is inconsistent with or less restrictive than the provisions of Minn. Stat. Chapters 103D or 103E, or other applicable law, the provisions of Minn. Stat. Chapters 103D or 103E, or other applicable law, shall govern.
- 3.7 <u>Severability</u>. The provisions of the Rules are severable, and invalidity of any section, paragraph, subdivision, or any other part thereof, does not make invalid any other section, paragraph, subdivision, or any part thereof.
- 3.8 <u>Due Process of Law</u>. A person shall not be deprived or divested of any previously established beneficial use or right, by any rule of the District, without due process of law, and all rules of the District shall be construed accordingly.
- 3.9 <u>Cooperation with Other Agencies or Governing Bodies</u>. The Managers accept the responsibility with which they are charged as a governing body and will cooperate to the fullest extent with persons, groups, state and federal agencies, and other governing bodies, while acting in accordance with their own statutory authority and responsibilities.
- 3.10 Appeals. Any person aggrieved by the adoption or enforcement of the Rules or any action of the District arising out of or pursuant to the adoption or enforcement of a rule may appeal from the Rules or any action taken thereon in accordance with the appellate procedure and review provided in Minn. Stat. §§ 103D.535 and 103D.537, as amended from time to time.

## CHAPTER 4. DEFINITIONS AND INTERPRETATION

4.1 <u>Definitions</u>. For the purposes of the Rules, certain words and terms are defined as follows. In the absence of a definition hereinafter, the definitions established for the State of Minnesota by statute or by case law apply to the Rules unless clearly in conflict, clearly inapplicable, or unless the content makes such meaning contrary thereto. Additionally, if words or phrases are not defined therein, they shall be interpreted to give them the same meaning they have in common usage and to give the Rules their most reasonable application.

<u>Alteration</u>: Activity that results in disturbance to a site's underlying soils or established vegetation that's not part of routine maintenance.

<u>Best Management Practices (BMP)</u>: Measures taken to minimize negative effects on the environment including those documented in the Minnesota Stormwater Manual, as amended.

<u>Board of Managers (Board and/or Managers):</u> The governing body of the Pelican River Watershed District.

Buffer Law: Minn. Stat. § 103F.48, as amended.

BWSR: Board of Water and Soil Resources of Minnesota.

<u>Commissioner</u>: Commissioner of the Minnesota Department of Natural Resources.

<u>Conditional Uses</u>: Traditionally non-approved practices that may be allowed, with written approval from the District, to best meet the intent of the rule.

DNR: The Minnesota Department of Natural Resources.

Direct Watershed: Region draining to a specific lake, stream, or river.

<u>District</u>: The Pelican River Watershed District established under the Minnesota Watershed Law, Minn. Stat. Chapter 103D.

<u>Drainage Authority</u>: The public body having jurisdiction over a drainage system under Minn. Stat. Chapter 103E.

<u>Emergency Overflow (EOF)</u>: A primary overflow to pass flows above the design capacity around the principal outlet safely downstream without causing flooding.

<u>Impervious Surface</u>: Constructed hard surface (gravel, concrete, asphalt, pavers, etc.) that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development.

<u>Landowner</u>: The holder of the fee title or the holder's agents or assigns.

<u>Linear Project</u>: A road, trail, or sidewalk project that is not part of a common plan of development.

<u>Low Floor Elevation (LFE)</u>: The elevation of the lowest floor of a habitable or uninhabitable structure, which is often the elevation of the basement floor or walk-out level.

<u>Licensed Professional</u>: A professional licensed in the State of Minnesota with the necessary expertise in the fields of hydrology, drainage, flood control, erosion and sediment control, and stormwater pollution control to design and certify stormwater management devices and plans, erosion prevention and sediment control plans, and shoreland alterations including retaining walls. Examples of licensed professionals may include professional engineers, professional landscape architects, professional geologists, professional soil engineers, SWCD staff with Job Approval Authority, and licensed contractors who have the referenced skills.

MPCA: The Minnesota Pollution Control Agency.

<u>Minnesota Stormwater Manual</u>: The MPCA's online manual for stormwater management including design guidance and referenced regulations.

<u>New Development Areas</u>: Surface construction activity that is not defined as redevelopment and areas where new impervious surface is being created.

NPDES General Construction Stormwater Permit: The current Minnesota Pollution Control Agency General Permit to Discharge Stormwater Associated with Construction Activity Under the National Pollution Discharge Elimination System State Disposal System Program (NPDES/SDS).

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

Ordinary High Water Level (OHWL): The boundary of public waters and wetlands which is an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominately terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel.

<u>Parcel</u>: A unit of real property that has been given a tax identification number maintained by a County.

<u>Person</u>: An individual, firm, partnership, association, corporation, or limited liability company, but does not include public corporations or governmental subdivisions.

<u>Pretreatment</u>: Devices or practices installed upstream of a stormwater BMP that are designed to capture trash, debris, and/or coarse sediment to reduce the risk of clogging the primary BMP. Pretreatment option includes but is not limited to vegetated filter strips, sumped manholes, and forebays.

<u>Public Drainage System</u>: A network of open channel ditches, drain tile, or a combination used to drain property that were established by a drainage authority under MN Chapter 103E.

<u>Public Water</u>: As defined in Minn. Stat. § 103G.005, subd. 15, as amended, and included within the public waters inventory as provided in Minn. Stat. § 103G.201, as amended.

Redevelopment Areas: Construction activity where, prior to the start of construction, the areas to be disturbed have fifteen percent (15%) or more of existing impervious surface(s).

<u>Reconstruction</u>: A project that is repairing or rebuilding existing infrastructure where the underlying soil is disturbed; the definition does not include mill & overlay projects or full-depth reclamation projects where the underlying soils are undisturbed.

Regional Conveyance: A surface or subsurface drainage path conveying concentrated flow that drains two hundred (200) acres or more not including piped, public conveyance (i.e. storm sewer).

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

<u>Riparian Lot</u>: Private or public property that is abuts a waterbody, such as a river, stream, lake, or wetland.

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

<u>Seasonal High-Water Table</u>: The highest known seasonal elevation of groundwater as indicated by redoximorphic features such as mottling within the soil.

<u>Shore Impact Zone (SIZ)</u>: Land located between the ordinary high water level of a public water and a line parallel to and half (1/2) the setback from it (as defined by applicable county or municipal zoning ordinances), except that on property used for agricultural purposes the shore impact zone boundary is a line parallel to and fifty feet (50') from the Ordinary High Water Level.

<u>Shoreland District</u>: Area within one thousand feet (1,000') of the OHWL of water bodies and three hundred feet (300') from rivers or the outer extent of the floodplain.

<u>Shoreland Standards</u>: Local shoreland standards as approved by the Commissioner or, absent such standards, the shoreland model standards and criteria adopted pursuant to Minn. Stat. § 103F.211, as amended.

<u>Stormwater Pollution Prevention Plan (SWPPP)</u>: A comprehensive plan developed to manage and reduce the discharge of pollutants in stormwater.

<u>Structure</u>: An above ground building or other improvement that has substantial manmade features other than a surface.

<u>SWCDs</u>: Soil and Water Conservation Districts: political subdivisions of the State of Minnesota.

Trail: A linear, non-motorized vehicle path not exceeding ten feet (10') in width.

Wetland: Area identified as wetland under Minn. Stat. § 103G.005, subd. 19, as amended.

#### 4.2 Interpretation.

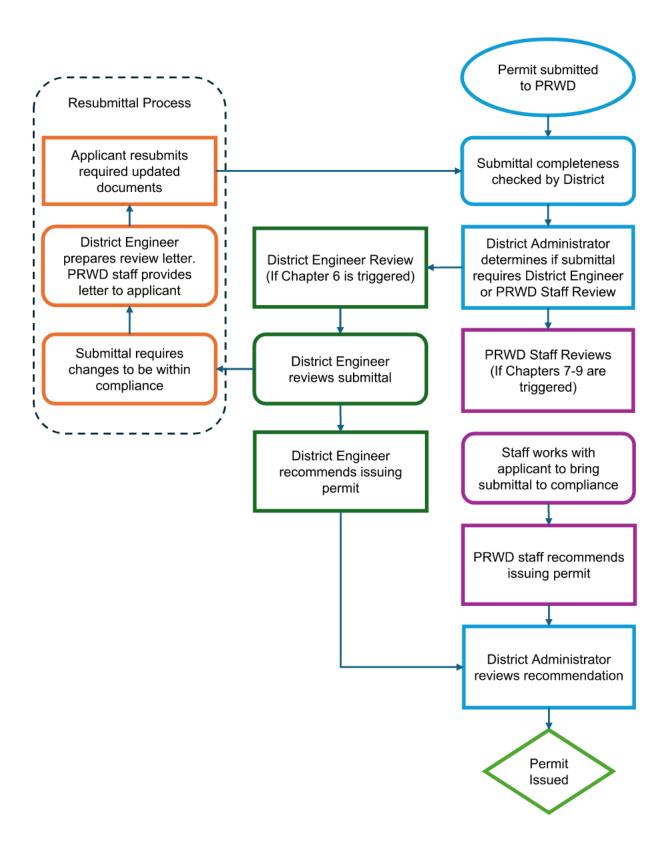
A. The headings of articles and sections are provided for convenience of reference only and will not affect the construction, meaning, or interpretation of the Rules.

- B. The definition of terms herein shall apply equally to the singular and plural forms of the terms defined.
- C. Whenever the context may require, any pronoun shall include the corresponding masculine, feminine, and neuter forms.
- D. The words "include," "includes," and "including" shall be deemed to be followed by the phrase "without limitation."
- E. The word "will" shall be construed to have the same meaning and effect as the word "shall." Both terms shall be construed to indicate a mandatory state or condition.
- F. The word "may" shall be construed to indicate a permissive state or condition.
- G. The words "herein," "hereof," and "hereunder," and words of similar import, shall be construed to refer to the Rules in its entirety and not to any particular provision hereof.
- H. In the computation of periods of time from a specified date to a later specified date, the word "from" means "from and including" and the words "to" and "until" mean "to and including."
- I. All distances, unless otherwise specified, shall be measured horizontally.

#### **CHAPTER 5. PERMIT REQUIREMENTS**

- Application Required. A person undertaking an activity for which a permit is required by the Rules must obtain the required permit prior to commencing the activity that is subject to District regulation. Applications for permits must be submitted to the District in accordance with the procedures described herein. Required exhibits are specified for each substantive rule below. Applicants are encouraged to contact District staff before submission of an application to review and discuss application requirements and the applicability of specific rules to a proposed project. When the Rules require a criterion to be met, or a technical or other finding to be made, the District makes the determination except where the rule explicitly states otherwise. The landowner or, in the District's judgment, easement holder, must sign the permit application and will be the permittee or a co-permittee. Pre-application meetings are highly recommended for all applications. A pre-application meeting request form is available on the District website and can be submitted in person or via email.
- 5.2 **Forms**. A District permit application, and District checklist of permit submittal requirements, must be submitted on the forms provided by the District. Applicants may obtain forms from the District office or website at http://www.prwd.org/permits.
- Action by District. The District will act on complete applications in accordance with timing requirements established under Minn. Stat. § 15.99, as amended. A complete permit application includes all required information, exhibits, and fees. An application will not be considered unless all substantial technical questions have been addressed and all substantial plan revisions resulting from staff and consultant review have been completed. Permit decisions will be made by the District Administrator, or a designated representative, unless Board action is deemed necessary.
  - A. The District's permitting process is summarized in the chart on the following page (*Figure 5-1*).

Figure 5-1



- 5.4 <u>Issuance of Permits</u>. The permit will be issued after the applicant has satisfied all requirements for the permit and has paid all required District fees.
- Permit Term. Permits are valid for twelve (12) months from the date of issuance unless otherwise stated within the permit, or due to it being suspended or revoked. To extend a permit, the permittee must apply to the District in writing, stating the reasons for the extension. Plan changes, and related project documents, must be included in the extension application. The District must receive this application at least thirty (30) days prior to the permit expiration date. The District may impose different or additional conditions on a renewal or deny the renewal in the event of a material change in circumstances. On the first renewal, a permit will not be subject to change because of a change in the Rules.
- 5.6 <u>Permit Assignment</u>. If title to the property is transferred during the term of the permit, a permittee must be assigned. The District will act on a permit assignment when the following conditions have been met:
  - A. The proposed assignee agrees, in writing, to assume the terms, conditions, and obligations of the permit;
  - B. The proposed assignee has the ability to satisfy the terms and conditions of the permit;
  - C. The proposed assignee is not changing the project;
  - D. There are no violations of the permit conditions; and
  - E. The District has received from the proposed assignee a substitute surety, if required, to secure performance of the assigned permit.

Until the assignment is approved, the permittee of record, as well as the current title owner, will be responsible for permit compliance.

- 5.7 Permit Fees. The District will charge applicants permit fees in accordance with a schedule that will be maintained and revised from time to time by the Board of Managers to ensure that permit fees cover the District's actual costs of administering, inspecting, and enforcing permits. The current fee schedule may be obtained from the District office or the District website at http://www.prwd.org/permits. An applicant must submit the required permit fee to the District at the time it submits its permit application. Permit fees will not be charged to the federal government, the State of Minnesota, or a political subdivision of the State of Minnesota.
- 5.8 **Permit Variance**. Requests for a variance from a requirement of this chapter must be decided by the Board of Managers under the following conditions:
  - A. <u>Variance Authorized</u>. The Board of Managers may hear requests for a variance from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the property under consideration. The Board of Managers may grant a variance where it is demonstrated that such action will be in keeping with the spirit and intent of this chapter. Requests for variances must be in writing.

- B. <u>Standard</u>. In order to grant a variance, the Board of Managers will determine that:
  - (1) Special conditions apply to the structure or land under consideration that do not generally apply to other land or structures in the District.
  - (2) Because of the unique conditions of the property involved, undue hardship to the applicant would result, as distinguished from mere inconvenience, if the strict letter of the chapter was carried out. A hardship cannot be created by the landowner or their contractor. Economic hardship is not grounds for issuing a variance.
  - (3) The proposed activity for which the variance is sought will not adversely affect the public health, safety, or welfare; will not create extraordinary public expense; and will not adversely affect water quality, water control, or drainage in the District.
  - (4) The intent of the chapter is met.
- C. Term. A variance will become void twelve (12) months after it is granted if not used.
- D. <u>Violation</u>. A violation of any condition set forth in a permit variance is a violation of this chapter and will be addressed through the process detailed in Chapter 11, Enforcement.

#### **CHAPTER 6. STORM WATER MANAGEMENT**

- 6.1 **Policy**. It is the policy of the District to manage, through permitting, stormwater and snowmelt runoff on a local, regional, and watershed basis to promote natural infiltration of runoff throughout the District to enhance water quality and minimize adverse natural resource impacts through the following principles:
  - A. Reduce adverse water quality impacts.
  - B. Preserve vegetation.
  - C. Decrease runoff volume and promote infiltration where suitable.
  - D. Prevent soil erosion and sedimentation.
  - E. Maintain existing flow patterns.
  - F. Store stormwater runoff on-site.
  - G. Avoid channel erosion.
- 6.2 **Applicability (Thresholds)**. Permits are required for the following activities:
  - A. Non-Linear Projects. Construction or reconstruction of impervious surface resulting in total impervious surface lot coverage (new and existing) of:
    - (1) More than twenty-five percent (25%) on riparian lots.
    - (2) More than seven thousand (7,000) square feet of lot coverage of riparian lots.
    - (3) Equal or greater than one (1) acre of impervious surface coverage.
    - (4) Projects requiring a variance from, or use of allowable mitigation within, the local shoreland zoning ordinance.
  - B. Residential subdivision or development of four (4) or more lots.
  - C. Construction or reconstruction of a private or public paved trail greater than two hundred (200) linear feet in length.
  - D. Projects or common plans of development or sale disturbing fifty (50) acres or more within one (1) mile of, and flow to, a special water or impaired water. A complete application and SWPPP must be submitted to the MPCA at least thirty (30) days prior to the start of construction activity.
  - E. Linear Projects. Projects that create or fully reconstruct more than one (1) acre of impervious surface as part of the same project.

#### 6.3 **Exemptions**.

- A. Exemptions from stormwater management permitting:
  - (1) Mill and overlay or full-depth reclamation projects where underlying soils are not disturbed.
  - (2) Areas that have a documented Local Stormwater Management Plan, that has been approved by the District.

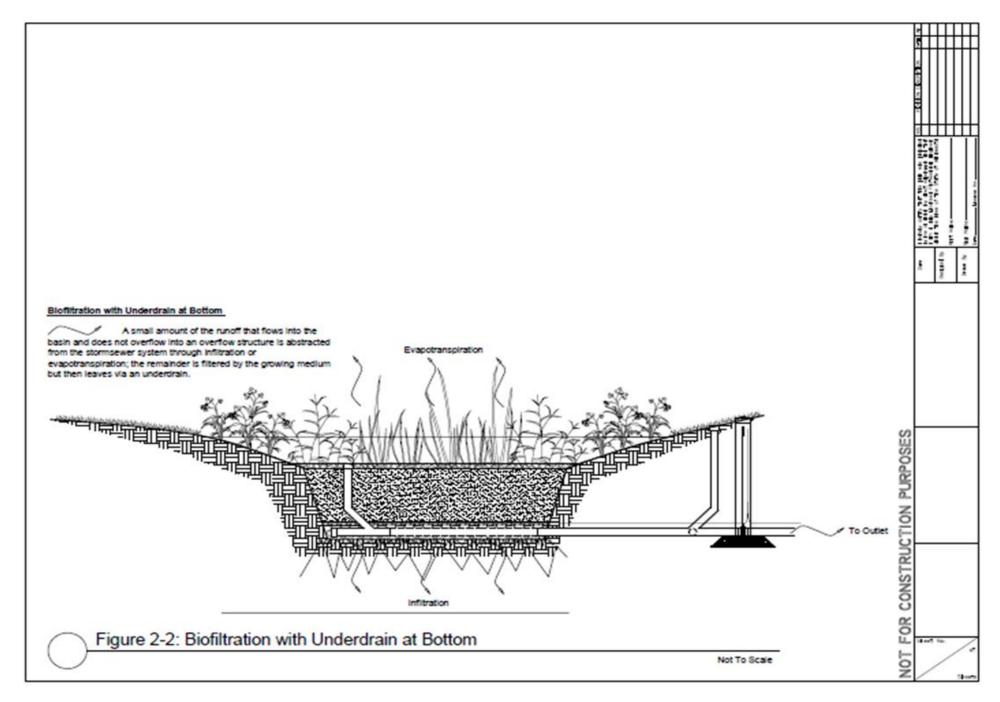
#### 6.4 Criteria (Standards).

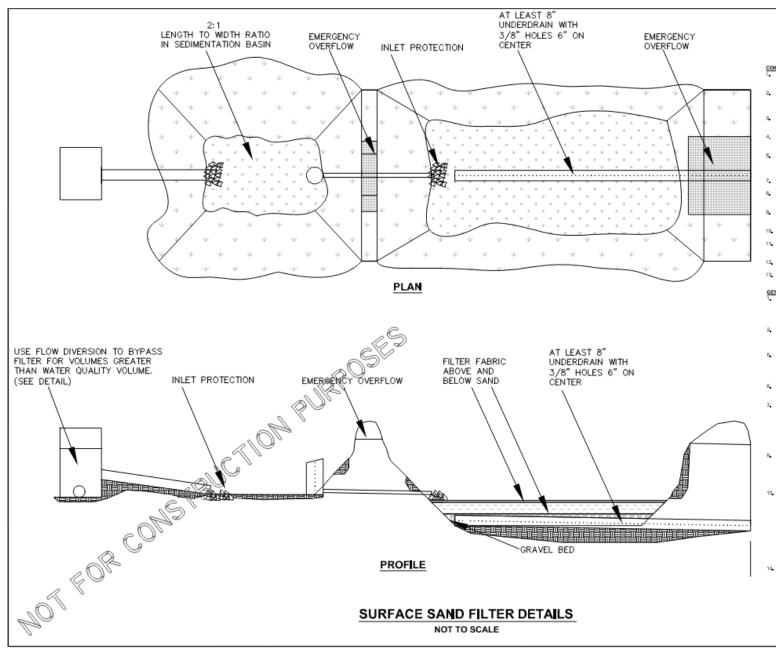
#### A. Water Quality (Volume).

- (1) The Water Quality Volume (WQV) is determined as follows:
  - (a) New Development Areas: Capture and retain on site 1.1 inches of runoff from all impervious surfaces on the site.
  - (b) Redevelopment Areas: Capture and retain on site 1.1 inches of runoff from the new and/or reconstructed impervious surfaces on the site.
  - (c) Linear projects: Capture and retain the larger of the following:
    - i. 0.55 inches of runoff from the new and fully reconstructed impervious surfaces on the site; or
    - ii. 1.1 inches of runoff from the net increase impervious area on the site.
- (2) Infiltration must be used, if feasible:
  - (a) Treatment volume within infiltration basins is measured from the bottom of the basin to the lowest outlet.
  - (b) Infiltration areas will be designed to drain within forty-eight (48) hours. Infiltration rates follow the current version of the MPCA Stormwater Manual. Field measured infiltration rates will be divided by two (2) for design infiltration rates.
  - (c) Soils with infiltration rates higher than 8.3 inches/hour must be amended if infiltration is to be used, otherwise see Section 6.4(A)(4) below for non-infiltration BMP options.
  - (d) Runoff entering an infiltration BMP must be pretreated.
  - (e) At least one (1) soil boring or test pit completed by a licensed professional is required within the footprint of each proposed infiltration BMP.
  - (f) The basin bottom elevation must have three (3) feet of separation above the season high water table.
  - (g) Design and placement of infiltration BMPs must follow any and all additional NPDES General Construction Stormwater Permit and MPCA Construction Stormwater Permits, as applicable.
- (3) Infiltration will be considered infeasible if infiltration is prohibited by MPCA requirement. Common factors prohibiting infiltration include but are not limit to the following:
  - (a) Bedrock within three (3) vertical feet of the bottom of the infiltration basin.
  - (b) Seasonal High-Water Levels within three (3) vertical feet of the bottom of the infiltration basin.
  - (c) Site has predominantly Hydrological Soil Group D (clay) soils.
  - (d) Contaminated soils on site.

- (e) Drinking Water Source Management Areas or within two hundred feet (200') of public drinking water well.
- (f) Documentation, such as soil borings and or well maps are required upon permit submittal stating why infiltration is infeasible. Final feasibility to be confirmed by District Engineer.

If infiltration is infeasible a non-infiltrating BMP must be implemented.





- CONSTRUCTION SEQUENCING:

  1. PERFORM CONTINUOUS INSPECTIONS OF ERCS ON CONTROL.
- INSTALL SLT FEMCE ALONG THE PERMETER OF THE SITE TO PREVENT SEDIMENT FROM LEAVING THE SITE DURING THE CONSTRUCTION
- ALL DOWNGRADIENT PERIMETER SEDIMENT-CONTROL BMPS MUST BE IN PLACE BEFORE ANY UP GRADIENT LAND DISTURBING ACTIVITY BEGINS.
- REMOVE TOPSOL FROM THE SITE AND PLACE IN TEMPORARY STOCKPILE LOCATION. TEMPORARY SEED THE STOCKPILE.
- INSTALL UNDERGROUND UTLITIES (WATER, SANITARY SEWER, ELECTRIC AND PHONES) TAKING THE LOCATION AND FUNCTION OF STORM WATER BMPS INTO CONSIDERATION.
- 7. SEED AND MULCH DISTURBED AREAS ON SITE.
- 8. CONSTRUCT THE ROADS TAKING THE LOCATION AND FUNCTION OF STORM WATER BMPS INTO CONSIDERATION.
- 9. PERFORM ALL OTHER SITE IMPROVEMENTS TAKING THE LOCATION AND FUNCTION OF THE STORM WATER BMPS INTO CONSIDERATION.
- 10. FMAL GRADE THE SITE.
- STABLIZE THE SITE BY IMPLEMENTING THE NATIVE SEEDING AND PLANTING PORTION OF THE LANDSCAPING PLAN.
- 12. INSTALL THE EROSION CONTROL BLANKET
- 13. REMOVE THE SILT FENCE AFTER THE SITE IS STABILIZED PER PROJECT. ENGINEER APPROVA

- GENERAL HOTES.

  1. MISTALL ALL TEMPORARY EROSION CONTROL MEASURES IN ACCORDANCE WITH M-DOT GENERAL CONDITIONS 2573) PRIOR TO THE START OF ANY CONSTRUCTION OPERATION THAT MAY CAUSE ANY SECURESTATION OF THE TATION AT THE ST
- INSTALL STORM DRAIN INLET PROTECTION TO PREVENT CLOGGING OF THE STORM SEVER AND SEQUENT LOADS TO DOWNSTREAM STORM WATER FACILITIES OR WATERBOOKS.
- 5. EXCAVATE THE BPT. TRATION BASIN TO THE SPECIFIED DEPTH (ELEVATION). IT IS RECOMMENDED THAT ALL SUB MATERIAL BELOW THE SPECIFIC BLEVATION SHALL BE LEFT UNDISTURBED, UNLESS OTHERWISE OFFICIED BY THE BYOGHER.
- GRADE TO THE DEPTH (ELEVATION) SPECIFIED IN THE CONSTRUCTION DOCUMENTS UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
- 7. IN THE EVENIT THAT SEDMENT IS INTRODUCED INTO THE BMP DURING IN THE EVENT THAT SEQUENT IS INTRODUCED INTO THE SIMP DURING OR INMEDIATELY POLICIANISE EXCAVATION THIS MATERIAL WILL RED TO BE REMOVED FROM THE BASIN PRIOR TO INTRATING THE INEXT STEP IT HE COASTITUCTION PROCESS. SEQUENT THAT HAS BEEN MASHED INTO THE BASIN DURING THE EXCAVATION PROCESS CAN SEA, THE PERMAGALE WATERIAL, SOURICANTLY REDUCTION THE INFLITRATION CAPACITY OF THE SOLS.
- HON-STANDARD CONPONENT: CLEAR, WASHED 15 TO 3.5 INCH GRAVEL SHALL BE PLACED IN THE BOTTOM OF THE BASIN TO THE DEPTH OF AT LEAST 12 INCHES OR AS SPECIFIED IN THE CONSTRUCTION DOCUMENTS. GRAVEL SHOULD BE PLACED IN LIFTS AND LIGHTLY COMPACTED WITH PLATE COMPACTORS.
- 10. HOWSTANDARD COMPONENT: THE PERFORATED PIPE (INDERDRAIN) SHALL BE LAD DIRECTLY ON THE GRAVEL BED, GRADE AND ALD-HIRST SHALL HOT VARY FROM THE PIPE SCRIBED GRADE BY MORE THAN DAY FEET IS MIN, AT ANY POINT, THE LOWITS BETWEEN SCCTIONS OF PIPE SHALL BE COMMITTED BY A FESHOR SCEPT TABLE TO RECHER, ONCE THE PIPE IS HEALE, IT SHALL BE COVERED MINEDATELY WITH DRAWLING ARMAIN AN METIRAL AS SINCEPT IN THE CONSTRUCTION DOCUMENTS. THE GRANULAR MATERIAL SHALL BE OF UNIFORM DEPTH ON BOTH ASSESS OF THE PIPE. SPECIAL INJECTS AND SPECIAL DENCES AT THE OUTLIET HIS DOF THE PIPE. SPECIAL HEIST AND SPECIAL DENCES AT THE OUTLIET HIS DOF THE PIPE. SPECIAL HEIST AND SPECIAL DENCES AT THE OUTLIET HIS DOF THE PIPE. SPECIAL HEIST AND SPECIAL DENCES AT THE OUTLIET HIS DOF THE PIPE.
- 14. SEEDING AND INSTALLATION OF EROSION CONTROL BLANKET SHALL BE COMPLETED WITHIN 48 HOURS OF FINAL GRADING.

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2005 MINNESOTA STORMWATER MANUAL

SURFACE SAND FILTER DETAILS

#### (g) Wet Ponds as necessary:

- i. Permanent pool volume below the pond's runout elevation must have a minimum volume of one thousand eight hundred (1,800) cubic feet per contributing acre or equivalent to the volume produced by a 2.5-inch storm event over the pond's contributing area.
- ii. Ponds must be designed with a minimum three-to-one (3:1) length-to-width ratio to prevent short-circuiting. Inlets must be a minimum of seventy-five feet (75') from the pond's outlet.
- iii. The WQV is measured from the top of the permanent pool elevation to the emergency overflow elevation.
- (h) MIDS Flexible Treatment Options (FTO) can also be used but follow the sequencing before with:

#### i. FTO #1:

- a. Achieve at least 0.55 inch volume reduction goal.
- b. Remove seventy-five percent (75%) of the annual total phosphorus load.
- c. Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site.

#### ii. FTO #2:

- a. Achieve volume reduction to the maximum extent practicable, as determined by the District.
- b. Remove sixty percent (60%) of the annual total phosphorus load.
- c. Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site.

#### iii. FTO #3:

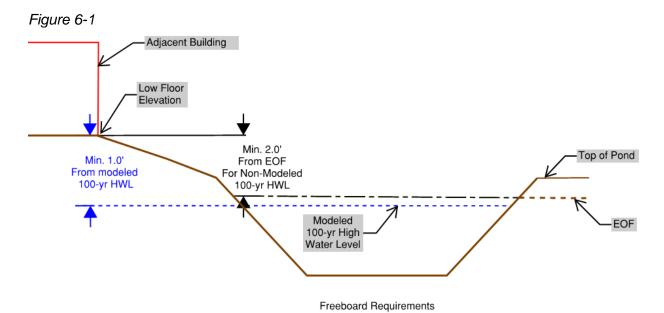
- a. Off-site mitigation (including banking or cash or treatment on another project, as determined by the District) equivalent to the volume reduction performance goal can be used in areas selected by the District.
- (i) Pretreatment must be provided for all filtration practices but is not necessary for wet ponds.
- (j) Design and placement of stormwater BMPs must be done in accordance with MPCA requirements and are recommended to follow guidance from the Minnesota Stormwater Manual.

#### (4) Exceptions:

- (a) Single-family or twin home construction or modification on lots outside of the Shoreland District are exempt from providing permanent water quality treatment.
- (b) Trails that provide a five-foot (5') vegetated buffer prior to reaching a conveyance (i.e. swale, ditch, or curb and gutter) are exempt from providing permanent water quality treatment.

#### 6.5 **BMP High-Water Level Management.**

- A. Where one hundred (100) year high water levels are driven by local, onsite drainage, rather than a FEMA floodplain not related to development, the following criteria must be met:
  - (1) Low floor: at least one foot (1') above the modeled one hundred (100) year high water level of the basin.
    - (a) Alternatively, the low floor elevation may be two feet (2') above the EOF of the basin to demonstrate compliance where modeling is not available.
  - (2) Applicants must use precipitation depths from Atlas 14 using MSE-3 storm distribution in quantifying the one hundred (100) year high water level in the basin.



#### 6.6 Erosion Control.

A. Natural project site topography and soil conditions must be specifically addressed to reduce erosion and sedimentation during construction and after project completion.

- B. Site erosion and sediment control practices must be consistent with MPCA requirements.
- C. The project must be phased to minimize disturbed areas and removal of existing vegetation, until it is necessary for project progress.
- D. The District may require additional erosion and sediment control measures on areas with a slope to a sensitive, impaired, or special waterbody, stream, public drainage system, or Wetland to assure retention of sediment on-site.
- E. Erosion control must include features adequate to protect facilities to be used for post- construction stormwater infiltration.
- F. Required erosion control BMPs must be in-place prior to any site disturbance.
- G. Erosion prevention must be done in accordance with the following:
  - (1) Stabilize all exposed soil areas (including stockpiles) with temporary erosion control (seed and mulch or blanket) within fourteen (14) days (or seven (7) days for all projects within one (1) mile of an impaired water) after construction activities in the area have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days.
  - (2) Exposed soil areas within the Shoreland Impact Zone must be stabilized within forty-eight (48) hours of work having suspended for more than seventy-two (72) hours or when work has permanently ceased.
  - (3) For projects that increase the drainage area to a point of discharge at the site boundary by more than ten percent (10%) and the runoff does not drain to an onsite, permitted BMP prior to leaving the site, the applicant must demonstrate that site runoff will not adversely impact the capacity, stability, or function of the receiving lands or conveyance.
- H. Sediment control must be done in accordance with the following:
  - (1) Sediment control practices will be placed down-gradient before up-gradient land disturbing activities begin.
  - (2) Vehicle tracking practices must be in place to minimize track out of sediment from the construction site. Streets must be cleaned if tracking practices are not adequate to prevent sediment from being tracked onto the street.
- I. Dewatering must be done in accordance with the following:
  - (1) Dewatering turbid or sediment laden water to surface waters (Wetlands, streams, or lakes) and stormwater conveyances (gutters, catch basins, or ditches) is prohibited.
- J. Inspections and maintenance must be done in accordance with the following:

- (1) Applicant must inspect all erosion prevention and sediment control practices to ensure integrity and effectiveness. Nonfunctional practices must be repaired, replaced, or enhanced the next business day after discovery.
- (2) Erosion control plans must include contact information including email and a phone number of the person responsible for inspection and compliance with erosion and sediment control.
- K. Pollution prevention must be done in accordance with the following:
  - (1) Solid waste must be stored, collected, and disposed of in accordance with state law.
  - (2) Provide effective containment for all liquid and solid wastes generated by washout operations (concrete, stucco, paint, form release oils, curing compounds).
  - (3) Hazardous materials that have potential to leach pollutants must be under cover to minimize contact with stormwater.
- L. Final stabilization must be done in accordance with the following:
  - (1) For residential construction only, individual lots are considered final stabilized if the structures are finished and temporary erosion protection and downgradient sediment control has been completed.
  - (2) Grading and landscape plans must include soil tillage and soil bed preparation methods that are employed prior to landscape installation to a minimum depth of eight inches (8") and incorporate amendments to meet the Minnesota Stormwater Manual predevelopment soil type bulk densities.

#### 6.7 Maintenance.

- A. Long-term maintenance agreements between the District and the landowner are required for all permanent stormwater BMPs.
- B. The maintenance agreement shall be submitted prior to permit issuance. It is recommended that a draft maintenance agreement be submitted with application materials.
- C. Upon issuance of the permit, the District will record the maintenance agreement on the parcel containing the BMP.

#### 6.8 Required Exhibits.

- A. Applicants of permits required under Chapter 6 will be required to submit the following:
  - (1) A permit application form as detailed in the Rules.
  - (2) Site plans signed by a Minnesota licensed professional. Site plans must contain sheets that at a minimum address the following:

- (a) Property lines and delineation of lands under ownership of the applicant.
- (b) Existing and proposed elevation contours, maximum two-foot (2') interval.
- (c) Identification of normal and ordinary high-water elevations of waterbodies and stormwater features shown in the plans.
- (d) Proposed and existing stormwater facilities' location, alignment, and elevation.
- (e) Depiction of on-site Wetlands, shoreland, and floodplain areas.
- (f) Construction plans and specifications of all proposed stormwater BMPs.
- (g) Details will be required for all outlet control structures, Emergency Overflows, graded swales, and pond/basin cross sections.
- (h) Details must show all elevation for pipe, weirs, orifices, or any other control devices.
- (i) SWPPP identifying location, type, and quantity of temporary erosion prevention and sediment control practices. SWPPP that at a minimum meets the requirements of the NPDES construction permit.
- (j) Site drawing showing the type, location, and dimensions of all permanent and temporary erosion control BMPs.
- (3) Drainage narrative including: project summary, existing and proposed impervious area, existing and proposed drainage patterns including direction and routing of roof drainage, and stormwater model reports as required in relevant sections.
  - (a) Acceptable computer modeling software must be based on <u>NRCS</u> <u>Technical Release #20 (TR-20)</u>, as required in relevant sections.
  - (b) Model output for both existing and proposed conditions is required. The District Engineer may require a copy of the electronic model to be submitted if the software used does not provide easily reviewed output reports.
- (4) Soil boring report or test pit documentation identifying location of the boring or test pit, Seasonal High Water Level, and depth of each soil type found as required in Section 6.4(A)(2)(e). Soil borings and test pits must be completed to a minimum depth of five feet (5') below the bottom of the proposed BMP.
- (5) If infiltration is not being used, justification must be provided.

#### **CHAPTER 7. RESERVED FOR FUTURE RULES**

#### **CHAPTER 8. REGIONAL CONVEYANCE SYSTEMS**

- 8.1 Policy. It is the policy of the Board of Managers to preserve regional conveyance systems within the District, including its natural streams and watercourses, and artificial channels and piped systems. Chapter 8 applies to surface water conveyance systems other than public drainage systems. The purpose of this chapter is to maintain regional conveyance capacity, prevent flooding, preserve water quality and ecological condition, and provide an outlet for drainage for the beneficial use of the public as a whole now and into the future. Chapter 8 does not apply to public drainage systems, as defined in the Rules, which the District manages and maintains through the exercise of its authority under the drainage code (Minn. Stat. Chapter 103E) and the application of Chapter 9. It is not the intent of this chapter to decide drainage rights or resolve drainage disputes between private landowners.
- 8.2 <u>Regulation</u>. A person may not construct, improve, repair, or alter the hydraulic characteristics of a regional conveyance system that extends across two (2) or more parcels of record not under common ownership, including by placing or altering a utility, bridge, or culvert structure within or under such a system, without first obtaining a permit from the District. Permits are not required to repair or replace an element of a regional conveyance system owned by a government entity when the hydraulic capacity of the system will not change.
- 8.3 <u>Criteria</u>. The conveyance system owner is responsible for maintenance. In addition, modification of the conveyance system must:
  - Preserve existing hydraulic capacity.
  - B. Retain existing navigational use.
  - C. Not adversely affect water quality or downstream flooding characteristics.
  - D. Be designed to allow for future erosion, scour, and sedimentation considerations.
  - E. Be designed for maintenance access and be maintained in perpetuity to continue to meet the criteria of this Section 8.3. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District.
- 8.4 <u>Subsurface Utility Crossings</u>. A crossing beneath a regional conveyance system must maintain adequate vertical separation from the bed of the conveyance system. The District will determine adequate separation by reference to applicable guidance and in view of relevant considerations such as soil condition, the potential for upward migration of the utility, and the likelihood that the bed elevation may decrease due to natural processes or human activities. The District will also consider the feasibility of providing separation and the risks if cover diminishes. Nothing in this section diminishes the crossing owner's responsibility under Section 8.3, above. The applicant must submit a record drawing of the installed utility.

- 8.5 **Required Exhibits.** The following exhibits must accompany the permit application:
  - A. Construction details showing:
    - (1) Size and description of conveyance system modification including existing and proposed flow line (invert) elevations. Elevations must be provided in NAVD 88 datum.
    - (2) Existing and proposed elevations of utility, bridge, culvert, or other structure.
    - (3) End details with flared end sections or other appropriate energy dissipaters.
    - (4) Emergency overflow elevation and route.
  - B. Narrative describing construction methods and schedule.
  - C. Erosion and sediment control plan in accordance with Chapter 6.
  - D. Computations of watershed area, peak flow rates and elevations, and discussion of potential effects on water levels above and below the project site.
- 8.6 **Exception.** Criterion 8.3(A) may be waived if the applicant can demonstrate with supporting hydrologic calculations the need for an increase in discharge rate in order to provide for reasonable surface water management in the upstream area, and that the downstream impacts of the increased discharge rate can be reasonably accommodated and will not exceed the existing rate at the conveyance outfall.

#### **CHAPTER 9. PUBLIC DRAINAGE SYSTEMS**

9.1 Policy. Chapter 9 applies to work within public drainage systems, as that term is defined in the Rules. The District regulates work in surface water conveyance systems other than public drainage systems through the application of Chapter 9. It is the policy of the Board of Managers to regulate work within the right-of-way of a public drainage system that has the potential to affect the capacity or function of the public drainage system, or ability to inspect and maintain the system. The purpose of this chapter is to protect the integrity and capacity of public drainage systems consistent with Minn. Stat. Chapter 103E to prevent regional or localized flooding, preserve water quality, and maintain an outlet for drainage for the beneficial use of the public and benefitted lands now and into the future.

#### 9.2 Regulation.

- A. Temporary or permanent work in or over a public drainage system, including any modification of the system, including installation or replacement of crossings, requires a permit from the District. The permit is in addition to any formal procedures or District approvals that may be required under Minn. Stat. Chapter 103E or other drainage law.
- B. A utility may not be placed under a public drainage system without a permit from the District. The design must provide at least five feet (5') of separation between the utility and the as constructed and subsequently improved grade of the public drainage system, unless the District determines that a separation of less than five feet (5') is adequate to protect and manage the system at that location. The applicant must submit a record drawing of the installed utility. The crossing owner will remain responsible should the crossing be found to be an obstruction or subject to future modification or replacement under the Drainage Law.
- C. A pumped dewatering operation must not outlet within two hundred feet (200') of a public drainage system without a permit from the District. A permit application must include a dewatering plan indicating discharge location, maximum flow rates, and outlet stabilization practices.
- 9.3 **Criteria.** A project constructed subject to Section 9.2(A) must:
  - A. Comply with applicable orders or findings of the District.
  - B. Comply with all federal, state, and District Wetland protection rules and regulations.
  - C. Demonstrate that such activity will not adversely impact the capacity, stability, or function of the public drainage system, or ability to inspect and maintain the public drainage system.
  - D. Not create or establish Wetlands within the public drainage system right of way without an order to impound the public drainage system under Minn. Stat. § 103E.227, as amended.

- E. Provide conveyance at the grade of the ACSIC¹ where work is being completed. If the ACSIC has not been determined, the applicant may request that the District duly determine the ACSIC before acting on the application, or may accept conditions that the District determines are adequate to limit the risk that the applicant's work will not be an obstruction, within the meaning of Minn. Stat. Chapter 103E, when the ACSIC is determined. An applicant that proceeds without determination of the ACSIC bears the risk that the work later is determined to be an obstruction.
- F. Maintain hydraulic capacity and grade under interim project conditions, except where the District, in its judgement, determines that potential interim impacts are adequately mitigated.
- G. Where the open channel is being realigned, provide an access corridor that the District deems adequate at the top of bank of the drainage system, with the following characteristics:
  - (1) A minimum of twenty feet (20') in width.
  - (2) Cross-slope (perpendicular to direction of flow) no more than five percent (5%) grade.
  - (3) Longitudinal slope (parallel to the direction of flow) no more than one-to-five (1:5) (vertical to horizontal).
- H. Provide adequate supporting soils to facilitate equipment access for inspection and maintenance. Provide stable channel and outfall.
- I. Be designed for maintenance access and be maintained in perpetuity to avoid constituting an obstruction and otherwise to continue to meet the criteria of this section. The maintenance responsibility must be memorialized in a document executed by the property owner in a form acceptable to the District and filed for record on the deed. Alternatively, a public permittee may meet its perpetual maintenance obligation by executing a programmatic or project-specific maintenance agreement with the District. Public Linear Projects are exempt from the public drainage system easement requirement of this section.
- J. Identify proposed temporary obstruction or crossings of the public drainage system and specify operational controls to enable unobstructed conveyance of a rainfall or flow condition.
- 9.4 **Required Exhibits.** The following exhibits must accompany the permit application. Elevations must be provided in NAVD 88 datum.
  - A. Map showing location of project, tributary area, and location and name of the public drainage system branches within the project area.
  - B. Existing and proposed cross sections and profile of affected area.
  - C. Description of bridges or culverts proposed.

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<sup>&</sup>lt;sup>1</sup> The "As Constructed and Subsequently Improved Condition" (ACSIC) of a public drainage system must be determined to understand if proposed work may be considered "repair" and what regulations are applicable. Determination of the ACSIC is discussed in more detail within Section VII, B of the Minnesota Public Drainage Manual.

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- D. Location and sizes of proposed connections to the public drainage system.
- E. Narrative and calculations describing effects on water levels above and below the project site.
- F. Erosion and sediment control plan.
- G. Hydrologic and hydraulic analysis of the proposed project.
- H. Local benchmark in NAVD 88 datum.

#### **CHAPTER 10. BUFFERS**

### 10.1 **Policy**. It is the policy of the District to:

- A. Provide public drainage system ditches with vegetated Buffers and water quality practices to achieve the following purposes:
  - (1) Protect state water resources from erosion and runoff pollution.
  - (2) Stabilize soils and banks.
- B. Coordinate closely with the District's landowners, soil and water conservation districts and counties, and utilize local knowledge and data, to achieve the stated purposes in a collaborative, effective, and cost-efficient manner.
- C. Integrate District authorities under Minn. Stat. §§ 103D.341, 103E.021, and 103F.48, as amended, to provide for clear procedures to achieve the purposes of this chapter.
- D. The District will implement and enforce Buffers through the use of Drainage Law (Minn. Stat. §§ 103E.021, 103E.351, 103D.545, and 103D.551, as amended), and when that cannot be accomplished, the District will use its Administrative Penalty Order (APO) powers granted by Minn. Stat. § 103F.48, as amended.

### 10.2 Data Sharing/Management.

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

#### 10.3 Vegetated Buffer Requirement.

- A. Except as applicable under Minn. Stat. § 103F.48, subds. 3 and 5, a landowner must maintain a Buffer on land that is adjacent to a public drainage system ditch identified and mapped on the buffer protection map established and maintained by the Commissioner pursuant to the Buffer Law.
  - (1) The Buffer must be a minimum width of sixteen and one half feet (16.5'). This section does not apply to the portion of public drainage systems consisting of tile.
  - (2) The Buffer is measured from the top or crown of bank. Where there is no defined bank, measurement will be from the normal water level. The District will determine normal water level in accordance with BWSR guidance. The District will determine top or crown of bank in the same manner as measuring the perennially vegetated strip under Minn. Stat. § 103E.021.
- B. The requirements under Minn. Stat. § 103F.48 applies to all public drainage ditches within the legal boundary for which the District is the drainage authority.

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- C. The requirements under Minn. Stat. § 103F.48, subd. 3 do not apply to land that is:
  - (1) Enrolled in the federal Conservation Reserve Program.
  - (2) Used as a public or private water access or recreational use area including stairways, landings, picnic areas, access paths, beach, and watercraft access areas, provided the area in such use is limited to what is permitted under shoreland standards or, if no specific standard is prescribed, what is reasonably necessary.
  - (3) Used as the site of a water-oriented structure in conformance with shoreland standards or, if no specific standard is prescribed, what is reasonably necessary.
  - (4) Covered by a road, trail, building, or other structure.
  - (5) Regulated by a national pollutant discharge elimination system/state disposal system (NPDES/SDS) municipal separate storm sewer system, construction or industrial permit under Minnesota Rules, Chapter 7090, and the adjacent waterbody is provided riparian protection.
  - (6) Part of a water-inundation cropping system.
  - (7) In a temporary non-vegetated condition due to drainage tile installation and maintenance, alfalfa or other perennial crop or plant seeding, or a construction or conservation project authorized by a federal, state, or local government unit.

### 10.4 Drainage System Acquisition and Compensation for Buffer.

- A. In accordance with Minn. Stat. § 103F.48, subd. 10(b), a landowner owning land within the benefited area of and adjacent to a public drainage ditch may request that the District, as the drainage authority, acquire and provide compensation for the Buffer strip required under this rule.
- B. The request may be made to use Minn. Stat. § 103E.021, subd. 6, or by petition pursuant to Minn. Stat. § 103E.715, subd. 1.
- C. The decision on the request is within the judgment and discretion of the District, unless the request concerns a Buffer strip mandated by Minn. Stat. § 103E.021.
- D. If the request is granted or the petition proceeds, the requirements of the Buffer strip and the compensation to be paid for its incorporation into the drainage system will be determined in accordance with the statutes referenced in Minn. Stat. § 103F.48 and associated procedures. When the order establishing or incorporating the Buffer strip is final, the Buffer strip will become a part of the drainage system and thereafter be managed by the District in accordance with the drainage code.
- E. On a public drainage ditch that also is a public water subject to a fifty-foot (50') average Buffer, the drainage system will be required to acquire only the first sixteen and one half feet (16.5') of the Buffer.

- F. The District, on its own initiative pursuant to Minn. Stat. §§ 103F.48 and 103E.021, may acquire and provide compensation for Buffer strips required under this chapter on individual or multiple properties along a public drainage system. The Board of Managers findings and order will be delivered or transmitted to the landowner.
- G. This section does not displace the terms of Minn. Stat. Chapter 103E requiring or providing for drainage system establishment and acquisition of vegetated Buffer strips along public ditches.

### 10.5 **Action For Noncompliance.**

- A. When the District observes potential noncompliance or receives a third-party complaint from a private individual or entity, or from another public agency (such as the SWCD), it will determine the appropriate course of action to confirm compliance status. This may include communication with the landowner or his/her agents or operators, communication with the shoreland management authority, inspection, or other appropriate steps necessary to verify the compliance status of the parcel. On the basis of this coordination, the SWCD may issue a notification of noncompliance to the District. If the SWCD does not transmit such a notification, the District will not pursue a compliance or enforcement action under Minn. Stat. §§ 103F.48, but may pursue such an action under the authority of Minn. Stat. §§ 103E.021 and 103D.341 and Section 10.6 of this chapter.
- B. On receipt of an SWCD notification of noncompliance, or if acting solely under authority of Minn. Stat. § 103E.021 or 103D.341, the District will determine first whether sufficient public drainage system easement exists to establish the required vegetative Buffer. If a sufficient easement does not exist, the District will attempt to acquire the necessary easements through incremental Buffer establishment provided in Minn. Stat. § 103E.021, subd. 6 or through a redetermination of benefits provided in Minn. Stat. § 103E.351 to establish the required Buffers. The establishment of the required Buffers will occur within twelve (12) months of the determination that inadequate easement exists, and no more than eighteen (18) months from the receipt of an SWCD notification of noncompliance or the District decision to establish the required Buffers.
- C. If the District is unable to acquire the necessary easements through incremental Buffer establishment provided in § 103E.021, subd. 6, or through a redetermination of benefits, or if sufficient easement does exist and an established Buffer has been adversely altered, the District will issue a corrective action notice and practical schedule for compliance to the landowner or responsible party. The District may inspect the property and will consult with the SWCD, review available information, and exercise its technical judgment to determine appropriate and sufficient corrective action and a practical schedule for such action. The District will maintain a record establishing the basis for the corrective action that it requires.
  - (1) The District will issue the corrective action notice and schedule to the landowner of record. The landowner may be the subject of enforcement liabilities under Section 10.6. The District may deliver or transmit the notice and schedule by any means reasonably determined to reach the landowner, and will document receipt. However, a failure to document receipt will not preclude the District from demonstrating receipt or knowledge in an enforcement proceeding under Section 10.6.

- (2) The corrective action notice and schedule will identify the parcel of record to which it pertains and the portion of that parcel that is alleged to be noncompliant. It will describe corrective actions to be taken, a schedule of intermediate or final dates for correction, a compliance standard against which it will judge the corrective action, and a statement that failure to respond to this notice and schedule will result in an enforcement action. The District will provide a copy of the notice and schedule to BWSR.
- (3) At any time, a landowner or responsible party may supply information in support of a request to modify a corrective action or the schedule for its performance. On the basis of any such submittal or at its own discretion, the District may modify the corrective action notice or schedule, and deliver or transmit the modified notice and schedule in accordance with Section 10.5(C)(1), or may advise the landowner in writing that it is not pursuing further compliance action.
- (4) At any time after the District has issued the notice and schedule, a landowner, or authorized agent or operator of a landowner or responsible party, may request that the SWCD issue a validation of compliance with respect to property for which the notice and schedule has been issued. On District receipt of the validation, the notice and schedule will be deemed withdrawn, and the subject property will not be subject to enforcement.
- (5) A corrective action notice and schedule is not considered a final decision subject to appeal. An objection to a finding of noncompliance, or to any specified corrective action or its schedule, is reserved to the landowner or responsible party and may be addressed in an enforcement proceeding under Section 10.6.

#### 10.6 Enforcement.

- A. Under authority of Minn. Stat. §§ 103E.021, 103D.545, and 103D.551, the District may seek remedies for noncompliance with this chapter against any landowner or responsible party including but not limited to: (a) reimbursement of District compliance costs under Minn. Stat. § 103D.345 and 103E.021 and/or an escrow, surety, performance bond, or a letter of credit for same; (b) administrative compliance order (ACO); (c) district court remedy including injunction, restoration, or abatement order, authorization for District entry, and/or order for cost recovery; and (d) referral to the District attorney for criminal misdemeanor prosecution.
- B. In instances where existing vegetation on the ditch Buffer easement has been adversely altered and has not been restored, the District may collect compliance expenses in accordance with Minn. Stat. § 103E.021 from a landowner for noncompliance with the corrective action notice and schedule. The District will restore any adversely altered Buffer and charge the landowner for the cost of the restoration if the landowner does not complete the requirements of the corrective action notice and schedule.
- C. In instances where a ditch Buffer easement area cannot be established in a timely manner, the District may issue an administrative order imposing a monetary penalty against a landowner or responsible party for noncompliance with the corrective action notice and schedule. The penalty will continue to accrue until the

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noncompliance is corrected as provided in the corrective action notice and schedule.

- (1) The penalty for a landowner on a single parcel that previously has not received an administrative penalty order issued by the District shall be the following:
  - (a) \$0 for 11 months after issuance of the corrective action notice and schedule.
  - (b) \$50 per parcel per month for the first six (6) months (180 days) following the time period in Section 10.6(C)(1)(a).
  - (c) \$200 per parcel per month after six (6) months (180 days) following the time period in Section 10.6(C)(1)(b).
- (2) The penalty for a landowner on a single parcel that previously has received an administrative penalty order issued by the District shall be:
  - (a) \$50 per parcel per day for 180 days after issuance of the corrective action notice and schedule
  - (b) \$200 per parcel per day for after 180 days following the time period in Section 10.6(C)(1)(a).
- D. The administrative order will state the following:
  - (1) The facts constituting a violation of the Buffer requirements.
  - (2) The statute and/or rule that has been violated.
  - (3) Prior efforts to work with the landowner to resolve the violation.
  - (4) For an administrative penalty order, the amount of the penalty to be imposed, the date the penalty will begin to accrue, and the date when payment of the penalty is due.
  - (5) The right of the landowner or responsible party to appeal the order. A copy of the APO must be sent to the SWCD and BWSR.
- E. An administrative order will be issued after a compliance hearing before the District Board of Managers. The landowner and any other responsible parties will receive written notice at least two (2) weeks in advance of the hearing with a statement of the facts alleged to constitute noncompliance and a copy or link to the written record on which District staff intends to rely, which may be supplemented at the hearing. A landowner or responsible party may be represented by counsel, may present and question witnesses, and may present evidence and testimony to the Board of Managers. The District will make a record of the hearing.
- F. After a hearing noticed and held for consideration of an administrative penalty or other administrative order, the Board of Managers may issue findings and an order imposing any authorized remedy or remedies.

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- (1) The amount of an administrative penalty will be based on considerations including the extent, gravity, and willfulness of the noncompliance; its economic benefit to the landowner or responsible party; the extent of the landowner or responsible party's diligence in addressing it; any noncompliance history; the public costs incurred to address the noncompliance; and other factors as justice may require.
- (2) The Board of Managers' findings and order will be delivered or transmitted to the landowner and other responsible parties. An administrative penalty order may be appealed to BWSR in accordance with Minn. Stat. § 103F.48, subdivision 9, and will become final as provided therein. The District may enforce the order in accordance with Minn. Stat. § 116.072, subd. 9. Other remedies imposed by administrative order may be appealed in accordance with Minn. Stat. § 103D.537.
- (3) The Board of Managers may forgive an administrative penalty, or any part thereof, on the basis of diligent correction of noncompliance following issuance of the findings and order and such other factors as the Board finds relevant.
- G. Absent a timely appeal, an administrative penalty is due and payable to the District as specified in the administrative penalty order.
- H. Nothing within this Buffer Rule diminishes or otherwise alters the District's authority under Minn. Stat. Chapter 103E with respect to any public drainage system for which it is the drainage authority, or any Buffer strip that is an element of that system.

### 10.7 Effect of Rule.

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

### **CHAPTER 11. ENFORCEMENT**

- 11.1 <u>Matter of Enforcement.</u> In the event of a violation, or potential violation, of a District Rule, permit, order or stipulation, or a provision of Minn. Stat. Chapters 103D or 103E, 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 Minn. Stat. §§ 103D.545 and 103D.551.
- 11.2 <u>Investigation of Noncompliance</u>. The District's Board of Managers, staff, or designated consultants may enter and inspect property in the District related to investigation of permit activities to determine the existence of a violation or potential violation as described in the preceding section.
- 11.3 Preliminary Administrative Compliance Order. The District, including staff and legal consultants, may issue a preliminary administrative compliance order without notice or hearing when it finds a violation or potential violation, and that the violation or potential violation presents a threat to the public health, welfare, and safety, or an adverse effect on water resources. A preliminary administrative compliance order may require that the landowner or responsible contractor cease the land-disturbing activity; apply for an after-the-fact permit; and take corrective or restorative action.
- 11.4 Board Hearing Administrative Compliance Order. If a landowner or their agent fails to comply with the preliminary ACO, the Board of Managers may hold a hearing with the alleged violator to discuss the violation. After due notice and a hearing at which evidence may be presented, the Board shall make findings. If the Board of Managers finds a violation, it may issue an administrative compliance order that may require the landowner 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 Minn. Stat. § 103D.545, subd. 2; and/or be subject to any other remedy within the District's authority. An administrative compliance order may supersede a preliminary administrative compliance order.
- 11.5 <u>Liability for Enforcement Costs</u>. To the extent provided for by Minn. Stat. § 103D.545, subd. 2, a landowner, contractor, or equipment operator is liable for investigation and response costs incurred by the District under the Rules, 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 Liability. An individual, firm, corporation, partnership, association, or other legal entity contracting to perform work subject to one (1) or more projects will be responsible to ascertain that the necessary permit has been obtained and that the work complies with the permit, the Rules, regulations, statutes, and any applicable District orders or stipulations. A contractor that, itself or through a subcontractor, engages in an activity constituting a violation or potential violation is not a "responsible contractor", as defined in Minn. Stat. § 16C.285, for purposes of the District.

### PRWD Adopted Revised Rules

### **BOARD OF MANAGERS**

### PELICAN RIVER WATERSHED DISTRICT

By Chris Jaskei	n, Secretary	
Adopted	; Published in the Detroit Lakes Tribune on	

### **Pelican River Watershed District**

Claims Paid - March 2025

*Guetter,Tera	<b>Date</b> 3/28/2025	Num EFT2688	Amount \$	395.60
*Rix-Bach, Shanna	3/28/2025	EFT2689	\$	13.00
	Emplo	yee Expenses Total:	\$	408.60
Bremer Bank	3/24/2025	EFT2697	\$	23.50
Loffler Companies, Inc.	3/17/2025	EFT2696	\$	176.91
		ses - Autopay Total:	•	200.41
Lakes Computer, Inc.	3/31/2025	EET2600	\$	210.00
Ohnstad Twichell, P.C.	3/31/2025		\$	4,822.50
Moore Engineering, Inc	3/31/2025		φ \$	5,126.63
Stantec Consulting Services Inc.		EFT2693A	\$	33,232.25
Stantec Consulting Services Inc.	4/2/2025		\$	22,336.00
Wells Fargo-Office Lease	3/31/2025		\$	1,338.57
Wells Fargo-Office Lease		xpenses - EFT Total:	•	67,065.95
Arvig	3/28/2025	15379	\$	69.95
Bank of America	3/28/2025	15378	\$	805.35
Clasen & Schiessl CPAs	3/28/2025	15377	\$	7,949.00
ESRI	3/28/2025	15376	\$	200.00
Loffler	3/28/2025	15374	\$	297.50
Office of MNIT Services	3/28/2025	15373	\$	59.38
Premium Waters, Inc.	3/28/2025	15372	\$	9.02
University of Minnesota - Erosion & Storm	3/28/2025	15370	\$	800.00
Verizon	3/28/2025	15371	\$	52.17
	Vendor Exp	enses - Check Total:	\$	10,242.37
Laker Prep Early Childhood Center	3/28/2025	15375	\$	24.00
• •	cation Grant Exp	enses - Check Total:	\$	24.00
		Bills Total:	¢	77,941.33
		Ditts rotat.	Ψ	77,341.00
^Vesey, Joseph	4/1/2025	15381	\$	15,381.00
FF Properties, LLC	3/28/2025	15380	\$	9,779.27
Rice Lake Wetlan	d Easement Exp	enses - Check Total:	\$	9,779.27
		EET2676 EET2677		
		EFT2676-EFT2677,		
		EFT2684-EFT2687,		
Downell Toyon & Donofits Tatal	2/24/2225	EFT2696-EFT2698,	<b>.</b>	40 005 00
Payroll, Taxes, & Benefits Total	3/31/2025	EFT2702	Þ	19,305.90

\$3000 Reguest





watershed district

211 Holmes Street West, Suite 201 Detroit Lakes, MN 56501 (218) 846-0436 www.prwd.org

LIGITAC WILL TWO WWW.	Landowner	In	formation:
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Name of Landowner(s): Boys and Girls Club  Project Address: 150 Richwood Detroit Lakes MV \$6502 Parcel #:
Mailing Address (if different from above)  Primary Phone: 218-847-5730 Secondary Phone:  Fmail: 1/20/u/2 @ bucof // com
Nearest Lake or Stream: Detroit Lake

## Project Type: RAINGARDEN, SHORELINE RESTORATION, NATIVE PLANTING RESTORATION, AND NATIVE BUFFERS

Project dates: June 2025
Estimated cost of Project: \$7,000 Estimated cost of plants and plant materials: \$13,500
Give a 2-3 sentence summary of request: I am requesting tunis to
complete a pollinator habitat conservation project to help purchase plants,
seeds, and other materials needed. This project will take place at the
Detroit Lates Boys and Girls Club.

### Proposal Information: USE ADDITIONAL SHEETS AS NECESSARY

- 1. Describe your property and past management of the land: The site is the property of the City of Detroit Lockes located near the entrance of the Boys and Cirls Club. The site is currently very plain and serves as a drainage area for building runoff.
- 2. Describe the issue to be addressed: The area this project is located is all graveland has no life. The project will address the issue by adding native plants to the area to give it some life and are area to educate the children that are enrolled at the Bays and Girls Club.
- 3. Describe the project objectives and expected outcomes: After the project is complete this area will be full of native plants that will attract pullimenturs. There will be an area for the children enrolled at the Boys and Girls Club to learn about conservation. With the ability to

serve the whole community as an outdoor classroom.



211 Holmes Street West, Suite 201

Detroit Lakes, MN 56501
(218) 846-0436
www.prwd.org

### Project Details:

- 1. Attach a project work plan with timeline. Twe 1 to Carphton Aug 20th 2025
- 2. Attach a project budget and detailed plant list if available.
- 3. Attach photos of the project site.
- 4. How will the project be maintained (attach signed maintenance agreement)?

### Public Outreach:

Would you allow a small sign to be placed near the project when complete?

## Permitting:

Does this project require PRWD, City of Detroit Lakes, or Becker County Permit?

# 110

### AUTHORIZATION Please Initial:

A

I understand that it is District policy to only provide cost share assistance for Minnesota native plants (trees, seeding, plant plugs, shrubs) and erosion control and planting materials such as coir logs, erosion matting and blankets, mulch, and anything else deemed appropriate by the PRWD.



I understand that the District is not obligated to fund my project or portions of my project.

7

I understand that the District Board of Managers must approve all reimbursement payments pertaining to my project, and that the District is allowed 45 days to process a payment.

I understand that failure on my part to maintain the project for five years past the completion date may result in the District requiring all or a portion of my allotted cost share to be recovered, and it will be the District's discretion to determine the amount recovered.

CA

Date:

Signature:



### **Boys & Girls Club of Detroit Lakes**

150 Richwood Road, Detroit Lakes, MN 56501 • PO Box 83, Detroit Lakes, MN 56502

**4** 218-847-5700 [

BGCDL.ORG









Pelican River Watershed District 211 Holmes St. West Wells-Fargo Bldg., Suite 201 Detroit Lakes, MN 56501

March 2025

#### Committee:

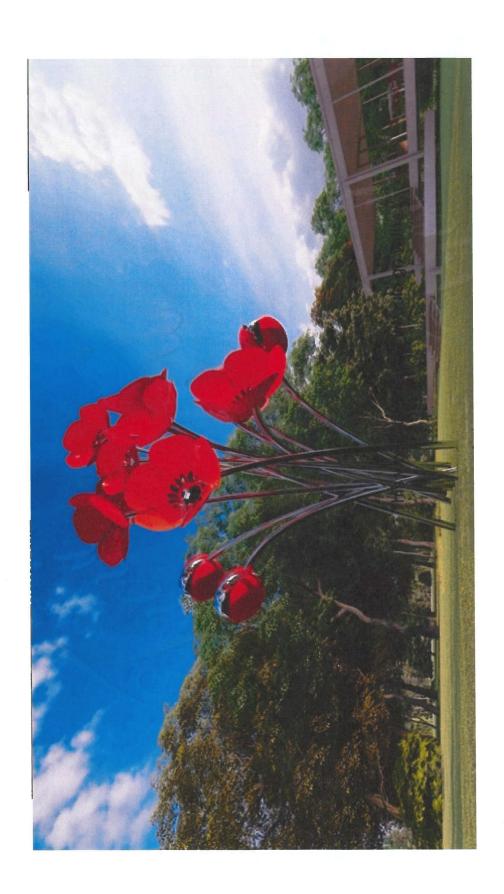
The Boys & Girls Club of Detroit Lakes is excited to partner with a Distinguished Conservation Award Project that will benefit our Club and the Community. A pollinator garden in our retention pond area will bring opportunities for learning, rest and a connection to nature. We look forward to connecting our staff, Preschool and Club members, to great resources and volunteering opportunities. Learning from mentors, caring for nature and pride in our Club is a great fit for our mission.

The design which could include a walking path, natural seating and outdoor art aligns with our goals to connect kids with new experiences inside and outside of our building. This gives us new opportunities to connect our STEM curriculum to real experiences outside. The innovative use of native plants in our urban setting brings authentic nature within walking distance rather than having to take a field trip out of the city limits. Outdoor classrooms and learning can now be a part of our annual programming, especially in the summer when we are open 10 hours every day.

Thank you for supporting projects like this that help to make our community better and offer new learning experiences.

Patrick Petermann, Executive Director

Boys & Girls Club of Detroit Lakes, Inc.





Cost estimate # 2501

ures Natives 85 Old 59 Road

ican Rapids, MN 56572

ce: 218-863-3323 pile: 701-238-9298 Date: 03/18/25

ent Name: Izaak Walton League of DL and Detroit Lakes Boy Scout Troop 674

perty Address: 150 Richwood Road, Detroit Lakes

one Number: 701-238-9298

ntact: Lance Akers Scout Master: 701-238-9298 ntact: Bill Henke Izaak Walton League: 218-234-3517

ject Description: The Detroit Lakes Boy Scouts in cooperation with the Izaak Iton League propose to construct an outdoor ecological classroom for the 's and Girls Club of Detroit Lakes. Natures Natives will provide the following

erials and act as advisers for the youth led project.

terials:	1000 mixed plants	\$ 3,000.00
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Pollinator seed mix	\$	400.00	
Straw matting (8)	\$	500.00	
Trees and Shrubs	\$	700.00	
Staples and stakes: Metal / wood	\$	275.00	
Mulch ( 250 shredded )	\$	1,500.00	
Boulders	No Charge		
Sitting Logs No Chai			

Pathway (stabilized Limestone fines

w / 1/2" aggregate) \$ 825.00

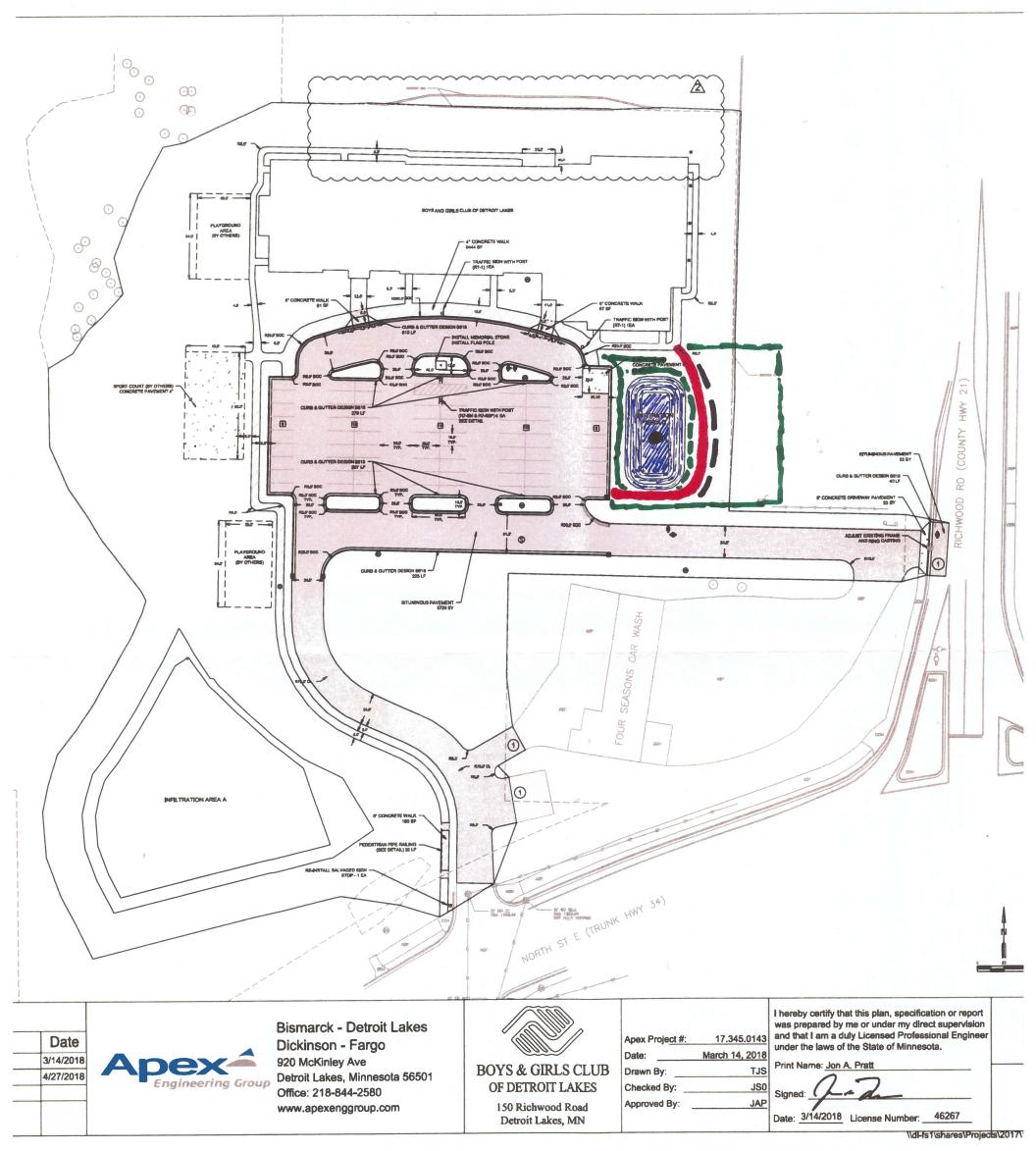
No Charge

**sipment:** Excavator, Skid Steer, Dingo, andNo Charge

Dump Truck

**Total:** \$ 7,200.00

Boys of Girls Club Detroit Lake 150 Richwood Road Dh, Mr 56501



Red Pathway

Blue - Native Plants

Green - Seeded Areas

Dot is Art Feature

Loss For Sitting



### **Boulevard Project Estimate**

809 8th St SE

Phone: (218) 846-7360

Detroit Lakes, MN 56501

Fax: (855) 543-4411

Email: logan.riedel@co.becker.mn.us

To: East Shore Drive Boulevard

### Quote for Restoration Work at the Boulevard Property - Detroit Lake

Item		Amount
Native Plants / Grasses / Forbs / Shrubs		\$ 369.00
Native Seed		\$ 153.40
Project Materials		\$ 555.98
Permitting / Earthwork / Labor		\$ 2,690.00
	Subtotal:	\$ 3,768.38
	Sales Tax:	
	10% Contingency	\$ 376.84

Eligible Components of this project may qualify for 75% Cost-Share.

Prepared By:

Logan Riedel

To accept this quote sign here:

Logan Riedel

Date:

1/17/2025

This quote is valid for a period of 60 days

Sign

Date

Request from Tom Gulon, City of Detroit Lakes:

o An idea of where prices would land for Becker SWCD to do the following

- Two herbicide applications
- Labor for site prep, seeding, erosion control blanket and native plug instaHation

\* Due to numerous factors beyond our control, Becker SWCD is unable to offer a guarantee on the plant and project materials used in our designs.

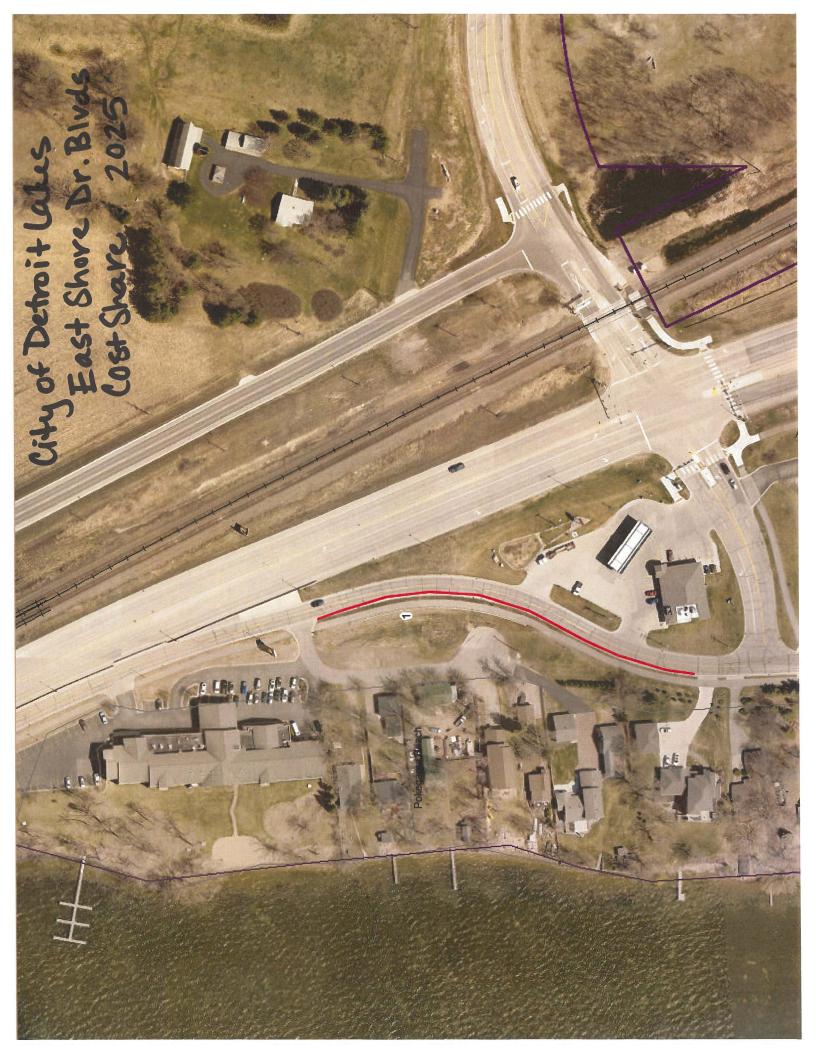
• Additional labor hours for maintenance: Fall '25, Summer '26, Summer '27

Plant Material

Shortgrass Seed Mix

• The seed mix recommended for the area with plenty of grasses and some nice flowering species; seed mixes are slower growing than plugs and will start to show nice colors in year two and three of establishment.

Total Cost (including Contingencies): \$4,145.22 - 75% Grant from BSWCD = \$3,108.92, 25% PRWD = \$1036.30 for Native Plants, Native Seeds, & Project Materials.





# MNL Upland Dry Prairie Mix Shortgrass

Ideal for dry (xeric) or sandy sites, or where shorter species are desired. Height 2-4'

			% of	Seeds/	PLS	Bloom
	Scientific Name	Common Name	Mix	Sq Ft	lbs/ac	Season
Grasses:	Bouteloua curtipendula	Side-oats Grama	25.00	10.96	3.00	
	Bouteloua gracilis	Blue Grama	3.00	5.29	0.36	
	Bromus kalmii	Prairie Brome	2.50	0.88	0.30	
	Elymus trachycaulus	Slender Wheat Grass	7.50	2.28	0.90	
	Koeleria macrantha	Junegrass	0.25	1.93	0.03	
	Schizachyrium scoparium	Little Bluestem	26.50	17.52	3.18	
	Sporobolus compositus	Rough Dropseed	2.50	3.31	0.30	
	Sporobolus cryptandrus	Sand Dropseed	0.90	7.93	0.11	
	Sporobolus heterolepis	Prairie Dropseed	0.10	0.07	0.01	
Sedges/Rushes:	Carex brevior	Plains Oval Sedge	1.75	2.24	0.21	
Forbs:	Achillea millefolium	Yarrow	0.08	0.62	0.01	Summer
	Agastache foeniculum	Fragrant Giant Hyssop	0.15	0.60	0.02	Summer
	Allium stellatum	Prairie Onion	0.20	0.10	0.02	Summer
	Amorpha canescens	Leadplant	2.25	1.59	0.27	Summer
	Artemisia ludoviciana	Prairie Sage	0.07	0.77	0.01	Summer
	Asclepias syriaca	Common Milkweed	1.20	0.21	0.14	Summer
	Asclepias verticillata	Whorled Milkweed	0.20	0.10	0.02	Summer
	Baptisia bracteata	Cream Wild Indigo	0.30	0.02	0.04	Spring
	Chamaecrista fasciculata	Partridge Pea	6.00	0.71	0.72	Fall
	Coreopsis palmata	Prairie Coreopsis	0.25	0.11	0.03	Summer
	Dalea candida	White Prairie Clover	4.25	3.56	0.51	Summer
	Dalea purpurea	Purple Prairie Clover	6.35	4.20	0.76	Summer
	Drymocallis arguta	Prairie Cinquefoil	0.30	3.04	0.04	Summer
	Echinacea angustifolia	Narrow-leaved Coneflower	0.50	0.15	0.06	Summer
	Helianthus pauciflorus	Stiff Sunflower	0.50	0.09	0.06	Fall
	Lespedeza capitata	Round-headed Bushclover	0.70	0.25	0.08	Summer
	Liatris punctata	Dotted Blazing Star	0.25	0.08	0.03	Summer
	Monarda punctata	Spotted Bee Balm	0.10	0.40	0.01	Summer
	Penstemon grandiflorus	Large-flower Penstemon	1.00	0.62	0.12	Spring
	Pseudognaphalium obtusifolium	Sweet Everlasting	0.05	2.08	0.01	Summer
	Ratibida columnifera	Long-headed Coneflower	0.80	1.48	0.10	Summer
	Rudbeckia hirta	Black-eyed Susan	1.30	5.27	0.16	Summer
	Solidago missouriensis	Missouri Goldenrod	0.25	2.81	0.03	Fall
	Solidago nemoralis	Gray Goldenrod	0.15	1.98	0.02	Fall
	Solidago ptarmicoides	Upland White Goldenrod	0.55	1.55	0.07	Fall
	Solidago rigida	Stiff Goldenrod	0.20	0.36	0.02	Fall
	Symphyotrichum laeve	Smooth Blue Aster	0.40	0.97	0.05	Fall
	Symphyotrichum oolentangiense	Sky-blue Aster	0.50	1.76	0.06	Fall
	Tradescantia bracteata	Long-bracted Spiderwort	0.20	0.09	0.02	Spring
	Verbena stricta	Hoary Vervain	0.60	0.74	0.07	Summer
	Zizia aptera	Heart-leaved Alexanders	0.35	0.19	0.04	Spring
			100.00	88.90	12.00	7

 Seeds/sq ft:
 89.00

 Grass Species:
 9

 Sedges/Rush Sp:
 1

 Forb Species:
 31

Boulevard Project Plant Material List							Landowner: Address: Phone;		
Project Name:	8oulevard	Total Plants:		246	Est Pla	inting Date:			Subtotal:
Project Contact:	Logan Riedel	Yotal Contain	ets)	41	Date	Prepared			MN Tax:
Scientific Name	Common Name	Plant Type	Soil Type	Sun Exposure	Height	Size (#/tray)	No of Plants	Quantity	# of plants requested
Andropogon gerardii	Big Bluestern	Grasses	W-D	F, P	2-6"	plug	6	6	36
Koeleria macrantha	June Grass	Grasses	D,M	F,P	2	plug	6	6	36
Schizachyrium scoparium	Little Bluestem	Grasses	M,D	F,P	1-3'	plug	6	6	36
Sporobolus heterolepis	Prairie Dropseed	Grasses	W-D	F.P	3'	plug	6	6	36
Dalea purpureum	Purple Prairie Clover	Legumes	M, D	F .	1-3'	plug	6	6	36
Panicum virgatum	Switch Grass	Grasses	W-D	F,P	4'	plug	6	6	36
Dalea candida	White Prairie Clover	Legumes	M, D	F	1-3"	plug	6	5	30

N

### Pelican River Watershed grant

### **EDUCATOR MINI GRANTS APPLICATION**

#### 2025

Name & Position: Fran Rethwisch, ECFE/SR coordinator, Lincoln Education Center

Email: frethwisch@detlakes.k12.mn.us P

**Phone:** 218-847-4418

Address of school/organization: Lincoln Education Center 204 Willow Street East, Detroit

Lakes, MN 56501

What is your role: Organizing, participating and summarizing the field trip for the classrooms to

enjoy Sucker Creek Preserve or Dunton Locks.

### Describe your mini grant purchase.

We have new preschool children attending each school year.

Sucker Creek Preserve or Dunton Locks County Park Field trip for School Readiness classrooms (6) at Lincoln Education Center and (1) at Roosevelt Elementary. The funds will be used for mileage and bus driver costs from Lincoln Education Center and Roosevelt Elementary for preschoolers to Sucker Creek Preserve or Dunton Locks. The field trip will take place in late April or early May 2024. There are 7 different groups that will participate on dates and times they are scheduled to attend preschool. Bus cost/mile is \$105 per hour. Each trip will take up to 2.0 hours from start to ending. With combined classrooms, there will be a total of 3 trips (Groups: a Monday AM, a Thursday AM, and a Thursday PM) with a total of 78 children participating. The cost will be \$630.

### How does your purchase relate to water resources or the environment?

Our students are early learners when it comes to nature exploration. We want to promote the benefits of exploring nature with them at this young and pliable age so they create a love and respect for the outdoors and awareness of the importance of clean water. A field trip to Sucker Creek creates an opportunity for sensory experiences, such as feeling the textures of nature, listening to the various wildlife along with environmental sounds, observing colors/movement, and seeing the water of Sucker Creek or Dunton Locks. The students will bring their own little notebook and draw the beauty of nature around them as we take the time to enjoy it or mark off sounds and sights on a nature scavenger hunt. They will use critical thinking to uncover information about new things we find during our nature walk. This field trip would also provide an opportunity for students to feel the comfort of nature and be in the moment with the calmness that is created. Overall this trip would be a multifaceted learning experience that benefits not

only cognitive and physical development but also social and emotional development, along with developing an awareness of nature and water. Following the field trip we will engage in activities that reinforce and incorporate our time there into small group approaches along with holding circle time discussions to share what we discovered and enjoyed.

Total amount requested for project: \$500. The remaining \$130 through tuition fees.

Provide a list of materials and cost estimate (continue on back if needed)

Bus cost/mile is \$105 per hour. Each trip will take up to 2.0 hours from start to ending. With combined classrooms, there will be a total of 3 trips (Groups: a Monday AM, a Thursday AM, and a Thursday PM) with a total of 78 children participating. The cost will be \$630.

What grade level is affiliated with this purchase?

Preschool at Lincoln Education Center. Ages are 3,4,5 year olds. 78 children will participate.

I understand that if my project is approved for funding, I must submit a short summary report of the completed project with photos and my receipts in order to receive funding reimbursement.

MARA 1000A , Date 3/3/25

### 2025 Work Plan for Pelican River Watershed District Area and Pelican River sub-watershed Areas

OTW 1W1P: Pelican River WD/Pelican River Watershed -Targeted Focus Areas

#### 2023-2032 Otter Tail River 1W1P

Plan Partners: Becker County, Otter Tail County, Becker SWCD, East Otter Tail SWCD, West Otter Tail SWCD, Cormorant WD

### **Surface Waters**

Includes all water on the surface such as lakes, streams, wetlands, and drainage systems.

Primary Issues: Untreated Stormwater; Excessive Nutrient Loading; Unstable Stream Channels; Excessive Erosion (wind/water), insufficient protection

Secondary Issues: High E.coli; Altered Hydrology (increased rate/quantity of water flows; bank erosion, habitat impacts), destruction of habitat

Focus Restoration Goal: St. Clair Lake; Campbell Creek/Ditch 12 (reduce sediment 126 tons/year)

Focus Enhance Goal: Big & Little Detroit; Sallie Focus Protection Goal: Floyd (Big/North), Little Floyd

Implementation Actions: Wetland Restoration/Creation; Stormwater Management; Shoreline/Streambank Stabilization; Ag Land management (soil health, water/sediment control structures);

CRP/RIM/Forest Easements; In-lake treatments; Septic/Wastewater

### **Habitat Management and Protection**

Includes habitat for wildlife, game, birds, and aquatic life (fish and macroinvertebrates), and sensitive species such as wild rice, cisco, and trout.

Primary Issue: Aquatic Invasive Species (All Lakes, Rivers, Wetlands within the basin)

Secondary Issues: Destruction of In-Lake & Riparian Habitat (development pressure/shoreline alterations/river sediment loads); Barriers (dams, perched culverts) to Fish Movement (Pelican & Otter Tail Rivers)

GOALS: Aquatic Connectivity Enhancement, AIS Prevention and Management

**OTW Goals**: modify dams with rock arch rapids; manage Flowering rush, Curly-leaf pondweed; prevent AIS introductions to waters, survey vegetation on lakes; address perched culverts to allow for fish passage; Promote & install shoreline restoration projects, acquire one conservation easement or AMA

**Implementation Actions:** AIS prevention, monitoring, adaptive management, rapid response, research, special studies; Land Protection (conservation easements, acquisition of forests, wetlands or other sensitive aquatic areas); riparian buffers and enhancement, shoreline management (shoreline restoration, removal of seawalls/retaining walls); incorporate fish spawning habitat into applicable projects; encourage wildlife and pollinator-friendly seed mixes and plantings in buffers or linear projects

### **Land Stewardship**

Includes multiple benefits of managing the land for healthy soils, groundwater, surface water, and habitat quality.

**Primary Issues:** Fragmentation and loss of forests and grasslands by land use change impacts land resilience, habitat, and surface and groundwater quality.

Secondary Issues: Soil Quality Degradation - Organic matter depletion; Inadequate Habitat for Fish & Wildlife - Habitat Degradation & Habitat Continuity

Goals: Protection of outstanding resources • Fragmentation of forests and grasslands • Destruction of riparian habitat

Implementation Actions: Forest Management Plans, SFIA, 2c, Easements, Acquisitions

#### Groundwater

Includes all groundwater resources including aquifers, with a focus on drinking water

Primary Issues: Water Quality Degradation-Excess nutrients in groundwater; Groundwater contamination

Secondary Issues: Groundwater Quality, Groundwater sustainability is vulnerable to overuse and loss of recharge

Goals: Protect vulnerable Drinking Water Supply Areas and vulnerable aquifers.

Implementation Actions: managing nitrates, arsenic, well-sealing, wellhead protection, septic systems, and protection of Drinking Water Supply Management Areas.

### **Constructed Environmental Enhancements- Structural Practices**

Stormwater Management (constructed treatments, retrofits, wet/dry basins, street cleaning, raingardens, other), 103E Drainage Systems, Wetland Restoration/Creation, Shoreline/Streambank Stabilization/Riparian buffers, Ag BMPs (sed basins, grade stabilization, filter strips), Bacteria Reduction (Ag Waste Storage or pit closures, livestock fencing & crossings) Well/Septic Systems; Technical Assistance/Engineering (site assessment; surveys, preliminary analysis/design, final design, construction supervision, installation, inspection, final sign-off.

	On-going and 2025 Targeted Activities	Financial Resources
Detroit Lake/Sallie Rice Lake Nutrient Reduction Project (Phase 2 Construction)  Nutrient Reduction (Phosphorus) Wetland Restoration	Capital Improvement Project/Wetland Restoration. (2024 – 26) Construct Phase 2 of the Rice Lake Wetland restoration project to reduce Rice Lake Wetland's release of phosphorus to the Pelican River and create new wildlife habitat; complete BWSR Grant Phase 2 workplan, project bidding, project construction, close-out Phase 1 and 2 grants.	\$400,000 Rice Lake construction (UTY- Grant Match) – 25% grant match (BWSR grant)
St. Clair Lake TMDL Regional Urban Stormwater Management & Treatment	<ul> <li>Project Development/Technical Assistance (24/25) Regional Stormwater Treatment Enhancement Study (Willow Pond treatment area) – Stantec. Select preferred option and complete design.</li> <li>Capital Improvement Project. Apply for BWSR Clean Water Grant (Competitive) for Washington Mall Parking Lot Stormwater management/treatment improvements; explore augmenting with OT Funding for Construction.</li> <li>Develop and implement a phosphorus load tracking and credit system for Lake St. Clair with MPCA, City of DL</li> </ul>	• Funding (Willow: OT \$24,000; City of DL \$50,000 Match
Floyd/Little Floyd Campbell Creek/Ditch 12 Streambank and Ditch Stabilization	<ul> <li>Campbell Creek Watershed Restoration Program MPCA 319 small watershed grant (\$250 K, \$100 K match for 2022-2025)</li> <li>EPA approval of work plan; Develop and implement a streambank stabilization plan for Campbell Creek – Underway with Stanec; Explore OT Implementation and MN DNR for additional match); complete design and construct two rock weirs at outlet of Campbell Lake, complete design and construct streambank erosion and floodplain restoration projects, complete design of BC149 culvert crossing; Continue landowner update meetings, Complete EAW &amp; Wetland Delineation, Engineer Report/Establish Watershed and drainage projects.</li> </ul>	<ul> <li>\$100,000 Match (UTY- Grant Match 40%); 319 Federal Grant (\$250K)</li> <li>Eng Report \$20,000; Wetland report \$ 14,500`</li> <li>Landowner Engagement \$10,000</li> </ul>
District Lakes/Streams Stormwater Management	<ul> <li>Northern area of City – TBD in future.</li> <li>District Engineers meet with City of DL to review potential regional projects.</li> </ul>	<b>3 9</b>
Sallie Ditch 14 Complex Nutrient Reduction	Continue to monitor phosphorus loadings between St. Clair Lake and Pelican River/Detroit outlet	
St. Clair & North Floyd Internal Loading Management -Nutrient Reduction (Phosphorus)	Continue to monitor in lake phosphorus concentrations; continue to implement upstream WQ measures; Alum treatment if water quality conditions warrant (North Floyd).	
Pelican River (Hwy 10 – Detroit E.Coli	Continue monitoring to pinpoint source. Explore potential bacteria sources (pipes, vortex, dog park, etc) with MPCA staff	
District-wide Localized Flooding	Update GIS Viewer as needed.	

Planned Landscape Management – Non-Structural Practices Ordinances/Rules, Soil Health (cover crops, reduced tillage, perennial crops, crop rotation, pasture management), Forest Stewardship Plans, Irrigation Mgmt.						
	On-going and 2025 Targeted Activities	Financial Resources				
Floyd/Little Floyd Campbell Creek/Ditch 12 Ag Land Management WASCB Soil Health	<ul> <li>Campbell Creek Watershed Restoration Program MPCA 319 small watershed grant (\$250 K, \$100 K match for 2022-2025)</li> <li>Identify and target critical agricultural erosion and sediment transport areas in North and Little Floyd sub-watersheds. (Joel Okeson-Cost Share with Becker SWCD, Ag-BMP gully stabilization.)</li> <li>Collaborate with Becker SWCD to identify and target critical erosion areas and to promote the use the erosion control measures, such as perennial cover, conservation tillage, residue management, buffers, structural practices, and land protection easements.</li> </ul>	<ul> <li>\$100,000 Match (UTY- Grant Match 40%); 319 Federal Grant (\$250K)</li> <li>OTW Funding via Becker SWCD for Land Management Practices</li> </ul>				
District-Wide Maintain 103E Public Drainage Systems Ditch 11/12 (Campbell Creek); Ditch 13 (Pelican River from Little Floyd to Detroit); Ditch 14 (Hwy 10 – St. Clair – Pelican River)	<ul> <li>Ensure proper ditch management (in accordance with MN 103E) and PRWD Drainage Management Policy (updated November 2017);</li> <li>Conduct annual Inspections; remove beaver and blockages</li> <li>Submit annual buffer compliance report to BWSR</li> <li>Enforce MN Buffer Compliance Rule</li> <li>Attend drainage system meetings/trainings</li> <li>Review maintenance funds (11/12 &amp; 14 – levied \$10k/system in 2024; Ditch 13 Assessed \$20k – 2025);</li> <li>Advocate use of Drainage Work Group to address legislative or policy changes.</li> </ul>	<ul> <li>\$ 4,800 Ditch Buffer Enforcement (DBE)</li> <li>\$ 9,500 Beaver and blockage Removal (D 11- 12,13,14)</li> <li>\$ 825 Drainage system meetings/trainings (DBE &amp; Ditch 11/12, 13, 14)</li> </ul>				
District-Wide Rule Permit Program and Enforcement	<ul> <li>Adopt Updated District Rules (meetings, consultants, notice/publication). Ensure Rules support the MPCA Stormwater Regulations and Manual, Becker County Shoreland Ordinance, the City of Detroit Lakes MS4 &amp; Shoreland Ordinances, and Wellhead Protection Plan,</li> <li>Update forms, program information, permitting process and enforcement policies, and review permit fees as needed [update after adoption of updated Rules]</li> <li>Explore online permitting and payment systems. [update after adoption of updated Rules]</li> <li>Website Information – pictures, BMP's, templates [update after adoption of updated Rules]</li> <li>Provide continuous and consistent enforcement of District Rules &amp; MN Buffer Law 103E in accordance with policy.</li> <li>Shared employee (Owen Reding) with Becker SWCD and Cormorant WD – See Project Development (Site visits &amp; Technical Assistance)</li> <li>Update MOU agreements with Becker County and the City of Detroit Lakes.</li> </ul>	<ul> <li>\$ 10,000 (GEN) Rules</li> <li>\$5,000 (UTY) Rules</li> <li>\$ 1,000 Permit materials/print and website – see Education/Outreach</li> </ul>				
<u>District Planning Area</u> Forest Stewardship Plans	<ul> <li>Aid with developing and implementing Forest Stewardship Plan within the District area in accordance with the Otter Tail One Watershed One Plan.</li> <li>Attend technical meetings for areas identified within the district boundaries.</li> </ul>					

Habitat Protection and Management

AlS prevention, monitoring, adaptive management, rapid response, research, special studies; Land Protection (conservation easements, acquisition of forests, wetlands or other sensitive aquatic areas); riparian buffers and enhancement, shoreline management (shoreline restoration, removal of seawalls/retaining walls); incorporate fish spawning habitat into applicable projects; encourage wildlife and pollinator-friendly seed mixes and plantings in buffers or linear projects

	On-going and 2025 Targeted Activities	Financial Resources	
Project 1B (Sallie/Melissa) Project 1C (Detroit, Curfman) Muskrat AIS Adaptive Management	<ul> <li>Conduct delineations and implement the flowering rush management plan to achieve less than 2% occurrence – Detroit (45 acres), Curfman (5 acres), Sallie (13 acres), Melissa Lakes (14 acres);</li> <li>Conduct/continue curly-leaf pondweed delineations and treatments to reduce frequency of occurrence by 90% on Detroit (42 acres), Curfman (9 acres), Muskrat (8.8 acres), Sallie (25 acres), Melissa (12 acres), North Floyd (4 acres). Review Little Floyd Lake for CLP in 2025.</li> <li>Provide CLP readiness response treatments on North Floyd Lake (4 acres) &amp; potentially Little Floyd if needed.</li> <li>Apply for cost-share grant funding for treatments (Becker County &amp; Mn DNR, City of DL         <ul> <li>MN DNR Grants for 2025 Treatments: Awarded \$0 - Sallie; applied for 2025 grant funding on North Floyd, Detroit, Sallie, &amp; Melissa but not awarded.</li> <li>Becker County AIS grants (MN State funds): apply for \$4,000 on Detroit public access areas/marinas (CLP)</li> </ul> </li> </ul>	<ul> <li>\$25,000 for AIS plant management (1B)</li> <li>\$25,000 for AIS plant management (1C)</li> <li>\$2,000 Muskrat (LMP-01)</li> <li>\$5,000 North Floyd (LMP-01)</li> <li>\$30,000 Rapid Response, Research (LMP-01)</li> <li>\$9,000 POI and Delineations for Detroit, Curfman, Sallie, Melissa, Muskrat, North Floyd (LMP-01)</li> </ul>	
Habitat -District-Wide AIS Prevention, Monitoring, Research, Special Studies	<ul> <li>Annually review and update Readiness Response Plan for priority invasive species (Eurasian Water Milfoil, Starry Stonewort, Hydrilla).</li> <li>Conduct research to identify alternative treatment practices for curly-leafed pondweed and Flowering Rush (if opportunity arises) – Complete the 2-year Research Study collaborating with Ryan Wersal- Mankato State to use Flurmioxazin on CLP.</li> <li>Continue communications and develop a research partnership with University of Minnesota's Aquatic Invasive Species Center and other institutions (Assist Becker COLA with Regional Meeting MAISRC Research update (2025);</li> <li>Classroom AIS Education _ see education section</li> </ul>	<ul> <li>\$2,000 Education (LMP-01)</li> <li>\$20,000 2025 - Research/\$40,000 Study (LMP-01)</li> <li>\$30,000 Rapid Response, Research (LMP-01)</li> </ul>	
Habitat -Little Floyd-Ditch 13, Bucks Mill (Pelican River)  Fish Passage Projects	<ul> <li>2025 Final inspection and closeout of construction of Little Floyd Lake fish passage improvements.</li> <li>Awarded CWL Grant and applied for Federal grants with MN DNR for Buck's Mill Dam modification Project</li> </ul>	<ul> <li>LFL MN DNR Grant \$ 156,400</li> <li>\$5,000 2025 LFL Match (Utility)</li> <li>BMD MN DNR Grant \$2M (no match)</li> <li>BMD Applied \$345K Federal Match</li> </ul>	
Habitat District-wide Buffer and Shoreline Management Habitat – District-wide Land Protection	<ul> <li>Shoreline management (shoreline restoration, removal of seawalls/retaining walls); encourage wildlife and pollinator-friendly seed mixes and plantings in buffers. Increase project reimbursement in 2024; \$1,000- residence, \$2,000 – condos/PUD's; \$3,000 – Non-profit/schools, churches, business.</li> <li>Assist Project Partners with promotion of targeted area conservation easements</li> </ul>	\$15,000 – Incentive Program - Cost Share Program	

Project Development, Outreach, Education- Activities that support Workplan Goals and Outcomes

Education/Outreach: Environmental Education, Events, Publications, Local Media, Mailings, Public Engagement/Outreach, Meetings, School Outreach, Communications

Project Development: Peer-To-Peer, preliminary information gathering, landowner site visits & technical assistance, demonstration plots, workshops, targeted outreach, conservation marketing **GOAL:** track by number of events, projects, people reached, adopted practices

	On-going and 2024 Targeted Activities	Financial Resources
EDUC/OUTREACH Local Media, Mailings	<ul> <li>Watershed information - Publish annual summaries, lake info sheets, data reports, Project "snapshots", press releases</li> <li>Continually update Facebook page, and other social media outlets, Website, local ads</li> <li>Monthly Hodge Podge radio. TV3</li> <li>Contribute Information to Lake Association Newsletters, Otter Tail Snapshot (monthly release), County Tax mailings, and other organizations;</li> <li>Develop an OT Watershed Outreach plan to promote consistent messaging and strategies with plan partners.</li> <li>Newsletter to homeowners in County or City mailings.</li> </ul>	
EDUC/OUTREACH Events, Workshops, Public Engagement, Meetings	<ul> <li>Present at LGU board meetings, lake associations, COLA's, Service groups, Contractors, etc.</li> <li>Maintain Otter Tail Citizen Advisory Committee</li> <li>Publish information (monitoring data, studies, events, etc) on Websites and social media</li> <li>Becker County Fair; BMP Workshops, landowner forums</li> <li>Assist with other partners events (Raingarden workshops, Salt Applicators, Gathering Partners, Conservation Education)</li> <li>OTW 1W1P- assist with public surveys when needed</li> <li>Conduct public surveys as needed</li> <li>Shoreline Stewardship Outreach Campaign- Video Series/Digital marketing (\$2,000 sponsor)</li> </ul>	<ul> <li>\$ 2,000 (GEN); \$2,000 (UTY) Community Relations (events, promotional items, advertise, print materials) (GEN)</li> <li>\$ 5,000 - Rules Info updates (UTY)</li> <li>\$2,000-Stewardship; (\$1,500 OT; \$500-UTY)</li> </ul>
EDUC/OUTREACH Local Schools	<ul> <li>Continue to assist with environment education (classroom, field trips, events) such as 4-H, FFA, Tamarac Fall Festival, Envirothon.</li> <li>Promote education cost-share opportunities</li> <li>Aquatic Invasive Species (AIS) Classroom Education (Middle School)</li> <li>Maintain PRWD Education Grant Programs:         <ul> <li>Detroit Lakes Water Festival (\$250)</li> <li>Sucker Creek Education Day (\$600)</li> <li>Environmental Service Projects (\$2,500)</li> <li>School Pollinator Gardens (\$2,000)</li> <li>Miscellaneous (\$1,150)</li> </ul> </li> <li>Mini-Grant Science Education Classroom Supplies (\$2,500)</li> </ul>	\$ 15,000 Environmental Education Grant Program (UTY)

Project Development, Outreach, Education- Activities that support Workplan Goals and Outcomes

Education/Outreach: Environmental Education, Events, Publications, Local Media, Mailings, Public Engagement/Outreach, Meetings, School Outreach, Communications

Project Development: Peer-To-Peer, preliminary information gathering, landowner site visits & technical assistance, demonstration plots, workshops, targeted outreach, conservation marketing

**GOAL:** track by number of events, projects, people reached, adopted practices

	On-going and 2024 Targeted Activities	Financial Resources
PROJECT DEVELOPMENT Peer to Peer	<ul> <li>Discuss project implementation and make local connections (Campbell Creek); continued communication and cooperation between agencies; participate in group meetings</li> <li>Encourage use of pollinator-friendly vegetation and trees on city property and linear road projects.</li> </ul>	
PROJECT DEVELOPMENT Site visits & Technical Assistance	<ul> <li>Site visits for permits; shoreline repair/restoration, stormwater management</li> <li>Participation in Drinking Water Protection Plan Development and Implementation Meeting; Forest Stewardship plans and options.</li> <li>Ag BMPs – Campbell Creek Area; Use PTM or other tools to identify areas for potential phosphorous reduction (address soil erosion, wetland enhancement/protection) in Campbell Creek, Ditch 13 area and Pearl lake Sub-watershed – Review Red River Basin Data, Becker SWCD, and WRAPS.</li> <li>Continue to assist with City shoreline projects – HWY 10 Overlook, South Shore Park, North Shore public access</li> <li>Hold workshops with technical information and cost share for implementation</li> </ul>	<ul> <li>OTW \$8,000- Consult/cost share (UTY).</li> <li>Collaborative Cost Share Program \$10,000 (UTY)</li> </ul>
PROJECT DEVELOPMENT Demonstration Plots, Workshops, Targeted Outreach	Develop demonstration plots, hold workshops, present technical information, cost share for implementation, compliance letters, signage at project sites, targeted mailings	

Surface Water Monitoring & Data Collection – District Program See 2024 Annual Monitoring Plan for more details			
	On-going and 2025 Targeted Activities	Financial Resources	
Lake & Stream Water Quality Monitoring	<ul> <li>Update the Annual Monitoring Plan; incorporate additional data for special projects, studies, project effectiveness as needed (E.coli, Chlorides, Campbell Creek Bank Erosion)</li> <li>Complete Annual Monitoring Report (lake, stream, veg surveys, shoreline surveys, AIS, special projects); assess water quality, flow, and annual nutrient loading (phosphorus, sediment, e. Coli)</li> <li>Flow measurements: Maintain HOBO's and water level gages at lake outlets and key stream locations; record water levels on a weekly basis during ice off season; replace gages or HOBO's as needed; collect flow rate data</li> <li>Conduct Lake/Stream water sampling program (TP, OP, TSS, Chl-A, Chlorides, e. Coli);</li> <li>Update monitoring data as needed on website</li> <li>Conduct shoreline surveys on lakes with potential for increased development (intern time permitting) (sand blanket, rip rap, retaining walls, natural shoreline, number of boats, docks, lifts) –Sands, Abbey, Reeves, Johnson, Muskrat, Fox. Investigate using drone flyover.</li> <li>Conduct point intercept surveys aquatic vegetation surveys (Big, North, Little Floyd)</li> </ul>	<ul> <li>\$38,500 – Lab sampling (DCM-01; LMP-01)</li> <li>\$1,000 Industrial Park (UTY)</li> <li>Veg surveys - \$9,000 (LMP-01)</li> </ul>	
Resources/ Equipment	<ul> <li>Update survey equipment (2025 or 2026)</li> <li>Investigate monitoring GIS technology: Field tablets, software licensing</li> <li>Employ 2-3 summer interns (May-Aug) to assist with Data Collection/Monitoring</li> </ul>	<ul> <li>\$ 50,000 Capital Outlay (LMP-01)</li> <li>\$ 5,000 equipment purchases &amp; repairs (DCM-01)</li> <li>\$ 500 ESRI GIS software grant (LMP-01, UTY)</li> </ul>	

### **Operations/Administration Program**

	On-going and 2025 Targeted Activities	Financial Resources
District Operations	<ul> <li>Develop 2025 Annual Budgets, Levies, Assessments, Fees (Aug/Sept)</li> <li>Develop 2024 Work Plan (OTWP PRWD), Monitoring Plan (PRWD), Education Plan (Jan-Feb)</li> <li>Complete 2023 Annual Report; Financial Reporting (BWSR, MN DNR, MN State Auditor-Due June 30); Assess and evaluate progress against objectives.</li> <li>Review and update HR functions- personnel policies; job descriptions, wage studies as needed</li> <li>Complete Contract Renewals as needed –GIS software, QB's, Microsoft, Office Lease (Feb 2023- 26)</li> <li>Provide project oversight- grants, reports, budgets, payroll</li> <li>Maintain and upgrade office equipment; investigate software for Outreach documents.</li> <li>Update Website information (Operations, Data, Projects, Permits, Programs, etc.) &amp; Social media outlets</li> <li>Internet/Email Upgrade</li> <li>Renew insurance through LMCIT (Property, Workers Comp, Board/Staff bonding)</li> <li>Continue dialogue with County on Dunton storage shed.</li> <li>Fill Water Resource Coordinator Position</li> </ul>	<ul> <li>\$10,000 LMCIT and MW Dues 2025 - (GEN)</li> <li>\$5,500 software support; (GEN)</li> <li>\$8,350 EQT</li> <li>\$3,500 website (GEN)</li> <li>\$2,000 Community Education (promotional items, advertising, print materials) (GEN)</li> </ul>
Fiscal Management	<ul> <li>Perform payroll and bookkeeping activities – payroll, liabilities, reports; monthly bills and financial statement; Annual Financial audit</li> <li>Update audit contract (every 3 yrs. – current contract FY 25-27)</li> <li>Update QB program and payroll</li> <li>Staff time for OTW Implementation grant coordination, admin, reporting</li> </ul>	<ul> <li>\$ 8,100 Audit 2025 (GEN)</li> <li>\$ 1,500 QB and Enhanced Payroll (GEN)</li> </ul>
Internal Governance Policies	Review and Update Governance Policies/Procedures – Ongoing	
District Manager and Staff Education	<ul> <li>Continuing education for managers and staff – Minnesota Watersheds (MW) Annual Conference, MW's Summer Tour, PRWD Project Tour.</li> <li>Attend training/seminars/conferences/courses, regional meetings, and legislative events related to Water Management Activities.</li> <li>Continue to attend and present at workshops and conferences.</li> </ul>	<ul><li>\$ 900 Project Tour (GEN)</li><li>\$6,000 Manager MW Events (GEN)</li></ul>
OTW 1W1P Advisory Committees	<ul> <li>OTW MOA Partnership: each LGU approve OTWP Annual Work Plan/Budgets/Implementation Plan</li> <li>Policy Committee (Charlie Jasken, Alt-Kral): One board member from each MOA entity; Meets 2X/yr or as needed; review, approve TAC recommendations/annual work plan; provide direction to TAC.</li> <li>Technical Advisory Committee (Guetter): One staff member from each MOA entity. Meets monthly or additionally as needed; reviews the status of available implementation funds from plan participants, identifies collaborative funding opportunities, provides input for the annual work plan submitted to BWSR, biennial review and confirmation of priority issues, evaluates and recommends response to emerging issues, prepares plan for policy committee approval. Include federal and state agencies as needed.</li> <li>Stakeholder Advisory Committee: Hold one OTW meeting annually; Targeted - Campbell Creek and Buck's Mill Stakeholders.</li> </ul>	
MN Watersheds 2026 Summer Tour	Plan Summer Tour for June 2026.	• \$5,000 materials

### **District Goals Summary**

### **Water Quality**

Lakes: Adaptively manage District lakes to protect, enhance and restore lake water quality and recreational utility as appropriate to each lake.

- Reduce excess nutrient and sediment loading to lakes through BMPs, capital improvement projects and regulatory controls.
- Reduce rate and volume of stormwater runoff entering lakes to help meet water quality loading goals.
- Reduce internal phosphorus loading (from bottom sediments) to lakes.
- Monitor and reduce chloride loading to lakes.
- Acquire data necessary to better understand water quality trends and threats in order to most effectively implement water quality improvement practices.

Wetlands: Protect, enhance and restore wetland water quality and function.

- Restore hydrology of altered wetlands and surrounding areas that are contributing excess nutrients to downstream waters.
- Inventory wetland water quality and function.
- Protect high quality wetlands as identified in wetland inventory to be performed.
- Help implement requirements for wetland management

Rivers, streams and other waterways: Protect, enhance and restore rivers, tributary streams and other waterways, such as ditches.

- Inventory water quality and function of public drainage systems in the District in accordance with Minnesota State Statute 103E.
- Restore stream water quality and stream ecosystem health.
- Protect high quality stream reaches.

Groundwater: Protect aquifers and maintain or improve groundwater quality, so that drinking water is safe.

- Protect groundwater quality and ensure safe drinking water.
- Increase public awareness of groundwater protection issues and of the City of Detroit Lakes Wellhead Protection Plan.

### **Water Quantity**

Water Levels: Promote shoreline resilience to fluctuations in water levels of lakes, streams and drainage systems.

- Monitor lake, stream and drainage system water levels.
- Promote shoreline that is resilient under fluctuating water levels through shoreline rehabilitation (e.g., with deep-rooted plants, soft-armor plantings, etc.

Localized Flooding: Mitigate localized flooding issues and prevent flooding-related damages to property, public safety and water resources.

- Gather baseline floodplain data.
- Mitigate current flooding and prevent future flooding.
- Prepare for emergency flood scenarios.

Groundwater Ensure groundwater supply is sustainable.

- Reduce groundwater withdrawal.
- Increase groundwater recharge.

### **Ecological Integrity**

AIS: Prevent establishment of new invasive species and manage invasive species that already exist in the watershed.

- Manage priority invasive species using the best available methods and technology.
- Monitor for new invasive species.
- Stay current with new management strategies and aquatic invasive species research

Wildlife Habitat: Protect, enhance and restore wildlife habitat.

• Search for opportunities to partner on multi-benefit projects that will enhance water quality and create new wildlife habitat.

Fish Communities: Maintain healthy fish communities.

- Prioritize areas for aquatic habitat protection
- Protect, enhance, and restore fish habitat, especially when projects have multiple benefits that meet District objectives.



# 2025 Monitoring Work Plan

Josh Beranek
Water Resource Coordinator
Pelican River Watershed District

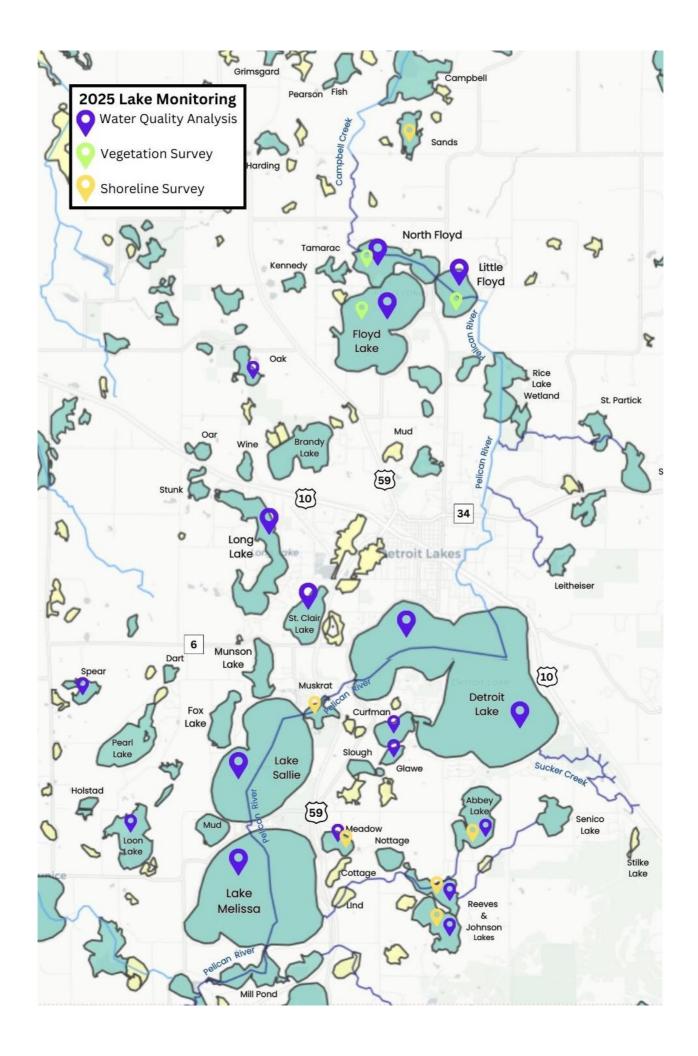


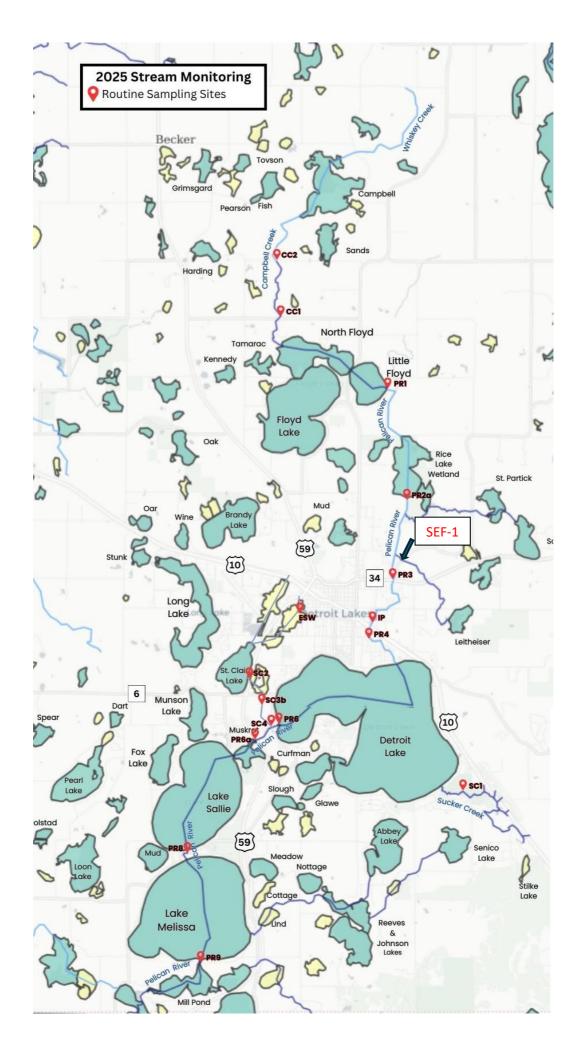
2025 Lake Sites			Water Quality	Ecological Integrity		
EQuIS ID	Lake Name	LWQMA	Monitoring	Water Chemistry/Clarity	Vegetation Survey	Shoreline Survey
03-0387-02-206	Big Floyd Lake	Floyd/Campbell	Major	X	X	
03-0387-01-207	North Floyd Lake	Floyd/Campbell	Major	X	X	
03-0386-00-201	Little Floyd Lake	Floyd/Campbell	Major	X	X	
03-0419-00-100	Campbell Lake	Floyd_Campbell	Minor	X		
03-0381-00-204	Big Detroit Lake	Detroit/Rice	Major	X		
03-0381-00-207	Little Detroit Lake	Detroit/Rice	Major	X		
03-0363-00-202	Curfman Lake	Detroit_Rice	Minor	X		
03-0382-00-202	Saint Clair Lake	Sallie/Melissa	Major	X		
03-0359-00-201	Lake Sallie	Sallie/Melissa	Major	X		
03-0475-00-202	Lake Melissa	Sallie/Melissa	Major	X		
03-0489-00-201	Loon Lake	Pearl	Minor	X		
03-0485-00-201	Spear Lake	Pearl	Minor	X		
03-0392-00-201	Oak Lake	Brandy	Minor	X		
03-0371-00-201	Meadow Lake	Small lakes	Minor	X		X
03-0358-00-201	Fox Lake	Fox_Munson	Minor			X
03-0360-00-201	Muskrat Lake	Sallie_Melissa	Minor			X

<sup>\*</sup>Dependent on access. Arial imagery suggest lake may be inaccessible. If staff can not reasonably access, an alternate will be use.

### Notes:

- Standard Operating Procedures All lakes will be sampled per the 10-year Monitoring Plan adopted in 2020.
- Water Chemistry (TP, OP, CHL-A) Per MPCA Guidance collected June 1<sup>st</sup> Sept 30<sup>th</sup> minimum of 8 times throughout the growing season (approx. 2x/month)
- Water Quantity Lake gages will be maintained on Little Floyd, Detroit, Sallie, Melissa Lakes and St. Clair Lakes.
- **Ecological Integrity** Vegetation Surveys will occur in late July to early August. Shoreline Surveys will occur as opportunity presents.
- Staffing 2 Seasonal Interns will be hired from May to August. These interns will be tasked with collecting most of the data that is in this work plan.
- **Equipment** All staff will be adequately trained with the field equipment.





	EquIS	Weekly Visit			Bi- Weekly	Event/S	Storm		
Site	Location ID	Stream Site Description	Staff Guage	Chemi cal	E. Coli	Flow	Chemi cal	E. Coli	2025 NOTES
CC2**	S002-164	Campbell Creek at 230th St	Χ	Χ		Χ	Χ		
CC1**	S002-163	Campbell Creek at CR-149	Χ	Χ		Χ	Χ		
PR1	S002-167	Little Floyd Outlet on Little Floyd Rd	Χ	Χ					
PR2a**	S016-453	Pelican River at Rice Lake Outlet (Rice Lake Structure)	Х	Х		Х	Х		
PR3	S002-169	Pelican River at State Highway 34	Χ	Χ	Χ	Χ	Χ	Χ	
SEF1	S002-183	North of PR3 SE flowage off County Road 141		Х	Χ		Х	Χ	Investigating E.coli
PR4b	S002-170	Pelican River at Corbett Rd						Χ	
PR4a**	S002-176	Pelican River at Railroad Trestle	Χ	Χ	Χ	Х	Χ	Χ	
PR6**	S002-172	Pelican River at Detroit Lake Outlet	Χ	Χ		Χ	Χ		
PR6a	S009-364	Pelican River at US Highway 59	Χ	Χ					
PR8	S002-174	Pelican River at Lake Sallie Outlet	Χ	Χ					
PR9	S002-175	Pelican River at Lake Melissa Outlet	Χ	Χ					
SC3**	S002-158	Ditch 14 at Lake St. Clair Outlet	Χ	Χ		Χ	Χ		
SC3b	S005-247	Ditch 14 Between Lake St. Clair and Pelican River	Х	Х					
SC4	S002-160	Ditch 14 at Outlet to Pelican River	Χ	Χ		Χ	Χ		
SU1**	S002-162	Sucker Creek at Outlet to Detroit Lake	Χ	Χ		Χ	Χ		
IP	S015-007	Industrial Park By dog park bridge	Χ		Χ		Χ	Χ	
PUB	PD00033	Public Water Access Storm Water Outflow (Roosevelt Ave)						Χ	ONLY IF FLOW
ESW	PS00177	Stormwater pond East of Cheryl Ave.					Χ	Χ	ONLY IF FLOW
PR3a	S016-006	8th Street North East of IP North Side of road					Χ	Χ	
PR5	S002-171	Pelican River at North Shore Drive (South side)						Χ	
PAV-E	S002-186	Pavilion East-picnic area- Storm water outflow					Х	Χ	ONLY IF FLOW
PAV-W		Pavilion West-Washington Ave. outflow					Χ	Χ	ONLY IF FLOW

\*\* HOBO

TP, OP 2 Bottles
TP, OP,
TSS 3 Bottles
Ecoli 1 Bottle

### IF THERE IS NO FLOW DO NOT SAMPLE AT THAT SITE

E. coli testing even along PR (6 Sites) PR3, PR3a, IP, PR4a Railroad trestle, PR4b (Corbett Rd S002-170) and PR5 (Detroit Inlet)

#### Notes:

- HOBO's HOBO units will be placed by the water Resource Coordinator as soon as streams open up in the spring. If possible, they will remain in place just prior to freeze up in the fall. While HOBO units are deployed, we will take biweekly samples at those sites.
- Water Quality All Samples will be taken per the 10-year Monitoring Plan adopted in 2020 at the locations noted in the chart above.
- Ecological Integrity Campbell Creek District staff will continue to cooperate with the MN DNR staff to perform surveys of the channel erosion on Campbell Creek.
- Water Quantity Staff will be taking extensive flow readings to improve rating curves at key locations(Minimum of 12 readings). Staff gages will be maintained
  at all noted sites. Staff gauges will be inspected and cleaned prior to the start of the field season. Gage zero will be surveyed at the beginning and end of the
  season.
- Staffing 2 Seasonal Interns will be hired from May to August. These interns will be tasked with collecting most of the data that is in this work plan. Water Resource Coordinator will be responsible for any other data collection.
- Equipment A new staff gauge will be installed at the PR3 (the bottom section has rusted away). All staff will be adequately trained with the field equipment.
- Special Study Systematic testing of E. coli in the Pelican River will be performed to locate the source of the E. coli. Staff with use their best judgment to take more samples at key locations when E.coli loads are high.

Routine Sampling Lakes (8 samples/16 lkes		Monitoring Budget eeks)				
Metric	# of Sites	# of Samples	R	MBEL Price		Total
Total Phosphorous	28	488	\$	24.00	\$	11,712.00
Orthophosphate	28	488	\$	29.00	\$	14,152.00
Chlorophyll-a	16	128	\$	30.00	\$	3,840.00
Total Suspended Solids	5	100	\$	23.00	\$	2,300.00
E-Coli **	4	80	\$	30.00	\$	2,400.00
			Total		\$	34,404.00
Storm Event Sampling Streams -Budget for	5 events					
Metric	# of Sites	# of Samples	R	MBEL Price	Tot	al
Total Phosphorous	15	75	\$	24.00	\$	1,800.00
Orthophosphate	15	75	\$	29.00	\$	2,175.00
Total Suspended Solids	4	20	\$	23.00	\$	460.00
E-Coli -Special Project Testing**	11	55	\$	30.00	\$	1,650.00
			Total		\$	6,085.00
			Total	Sampling:	\$	40,489.00
Seasonal Staff/Wage+Payroll Tax					\$	20,500.00
Water Resource Coordinator (.25 time; wag	e, tax, benefit stipend)				\$	20,500.00
Vehicle and Maintenance					\$	3,000.00
Equipment Purchase/Repair					\$	5,000.00
Monitoring Supplies					\$	3,000.00
Capital Outlay**					\$	50,000.00

<sup>\*\*</sup>LMP-01 Fund

<sup>\*</sup>Added SEf-1 to test for E.coli per board of managers recommendation (March 28,2025 meeting)

#### PELICAN RIVER WATERSHED DISTRICT FINANCIAL STATEMENTS AND INDEPENDENT AUDITOR'S REPORT DECEMBER 31, 2024

#### PELICAN RIVER WATERSHED DISTRICT

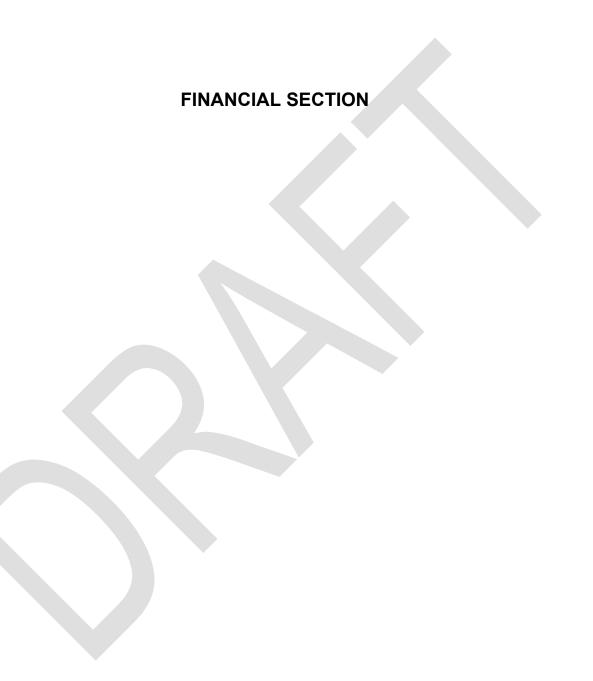
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#### PELICAN RIVER WATERSHED DISTRICT PRINCIPAL OFFICIALS DECEMBER 31, 2024

POSITION	TERMS EXPIRE	NAME
BOARD OF MANAGERS		
President	May 2025	Richard Michaelson
Vice President	May 2026	Laurie Olson
Treasurer	May 2025	Phil Hansen
Secretary	May 2026	Chris Jasken
Manager	May 2025	Dennis Kral
Manager	May 2027	Charlie Jasken
Manager	May 2027	Orrin Okeson
<u>STAFF</u>		
Administrator		Tera Guetter
Auditor		Clasen & Schiessl CPAs, Ltd.



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#### INDEPENDENT AUDITOR'S REPORT

To the Board of Managers
Pelican River Watershed District
Detroit Lakes, Minnesota

#### **Adverse and Unmodified Opinions**

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Pelican River Watershed District (the District), Detroit Lakes, Minnesota, as of and for the year ended December 31, 2024, and the related notes to the financial statements, which collectively compromise the Pelican River Watershed District's basic financial statements as listed in the table of contents.

Adverse Opinion on U.S. Generally Accepted Accounting Principles

In our opinion, because of the significance of the matter discussed in the Basis for Adverse and Unmodified Opinions section of our report, the financial statements referred to above do not present fairly the financial position of the governmental activities, each major fund and the aggregate remaining fund information, of Pelican River Watershed District, as of December 31, 2024, or the changes in financial position for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Unmodified Opinion on Cash Basis of Accounting

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Pelican River Watershed District, as of December 31, 2024, and the respective changes in financial position for the year then ended, in accordance with the cash basis of accounting as described in Note 1.

#### **Basis for Adverse and Unmodified Opinions**

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Pelican River Watershed District, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our adverse and unmodified audit opinions.

#### **Basis for Adverse and Unmodified Opinions(Continued)**

Matter Giving Rise to Adverse Opinion on U.S. Generally Accepted Accounting Principles

As described in Note 1, the financial statements are prepared by the District on the cash basis of accounting which is a basis of accounting other than accounting principles generally accepted in the United States of America. The effects on the financial statements of the variances between the cash basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

#### **Emphasis of Matter - Change in Accounting Principle**

As discussed in Note 1 to the financial statements, in 2024, the District adopted new accounting guidance by implementing the provisions of Governmental Accounting Standards Board (GASB) Statement No. 101, *Compensated Absences*, which represents a change in accounting principle. Our opinion is not modified with respect to this matter.

#### Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the cash basis of accounting, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Pelican River Watershed District's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

#### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Pelican River Watershed District's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting
  estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Pelican River Watershed District's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

#### Other Information

Management is responsible for the other information included in the annual report. The other information comprises the introductory and supplementary information sections but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

#### **Report on Other Legal and Regulatory Requirements**

In accordance with Minnesota Statutes, we have also issued our report dated February 20, 2025, on our consideration of the District's compliance with provisions of the *Minnesota Legal Compliance Audit Guide for Other Political Subdivisions*, promulgated by the State Auditor pursuant to Minn. Stat.§ 6.65. The purpose of the report is to determine if the District has complied with Minnesota laws and regulations. That report is an integral part of an audit performed in the State of Minnesota.

Clasen + Schiesser, CPas. 275

Clasen & Schiessl CPAs, Ltd.

Pequot Lakes, Minnesota February 20, 2025

#### PELICAN RIVER WATERSHED DISTRICT STATEMENT OF NET CASH POSITION - CASH BASIS DECEMBER 31, 2024

	GOVERNMENTAL
ASSETS  Cash and Cash Equivalents	\$ 2,810,746
Cach and Cach Equivalent	Ψ 2,010,110
Total Assets	2,810,746
LIABILITIES	<u> </u>
NET CASH POSITION	
Restricted for:	
Capital Projects	1,528,319
Special Revenue	608,741
Assigned	142,216
Unrestricted	531,470
Total Net Cash Position	\$ 2,810,746

#### PELICAN RIVER WATERSHED DISTRICT STATEMENT OF ACTIVITIES ARISING FROM CASH TRANSACTIONS - CASH BASIS YEAR ENDED DECEMBER 31, 2024

					NET CASH
					SOURCES (USES) AND CHANGES IN
					NET CASH
					POSITION
					PRIMARY
		PROGRA	M RECEIPTS AND	SOURCES	GOVERNMENT
			OPERATING	CAPITAL	
	DISBURSE-	CHARGES FOR	GRANTS AND	GRANTS AND	GOVERNMENTAL
FUNCTIONS/PROGRAMS	MENTS	SERVICES	CONTRIBUTIONS	CONTRIBUTIONS	ACTIVITIES
Primary Government					
Governmental Activities					
General Government	\$ 397,938	\$ -	\$ -	\$ -	\$ (397,938)
Conservation of Natural Resources	540,493	488,107	27,864	73,882	49,360
Capital Outlay	100,291	_		104,440	4,149
Total Primary/Governmental Activities	\$ 1,038,722	\$ 488,107	\$ 27,864	\$ 178,322	(344,429)
	0				
	General Receipts Property Taxes				257,122
	Intergovernmen				2,275
	Interest Income				52,392
	Other Revenue				320
	Total General	Receipts		<b>&gt;</b>	312,109
	(32,320)				
Net Cash Position - Beginning					
	Net Cash Position	on - Ending			\$ 2,810,746

# PELICAN RIVER WATERSHED DISTRICT STATEMENT OF BALANCES ARISING FROM CASH TRANSACTIONS - CASH BASIS GOVERNMENTAL FUNDS DECEMBER 31, 2024

				UTILITY	R	RICE LAKE	R	ICE LAKE		BMD
	G	ENERAL	STO	ORMWATER		MATCH	BV	VSR - 2023	M	OD GRANT
ASSETS										
Cash and Cash Equivalents	\$	661,979	\$	354,619	\$	625,130	\$	328,263	\$	
Total Assets	\$	661,979	\$	354,619	\$	625,130	\$	328,263	\$	
LIABILITIES Cook and Cook Equipments Definit	Φ.		<b>.</b>		Φ.		•		ф	404 005
Cash and Cash Equivalents Deficit	\$	-	\$	<u> </u>	\$	<u> </u>	\$	-	\$	104,205
CASH FUND BALANCES										
Restricted		-		354,619		625,130		328,263		-
Assigned		-		-		-		-		-
Unassigned (Deficit)		661,979		-		-		-		(104,205)
Total Cash Fund Balances (Deficit)	7	661,979		354,619		625,130		328,263	-	(104,205)
Total Liabilities and Cash Fund Balances	\$	661,979	\$	354,619	\$	625,130	\$	328,263	\$	_

		NONMAJOR			TOTAL			
CPL LITTLE	G	GOVERNMENTAL			GOVERNMENTAL			
FLOYD		F	UNDS		FUNDS			
\$		\$	971,264	_\$	2,941,255			
\$	<u> </u>	\$	971,264	\$	2,941,255			
\$		\$	26,304	\$	130,509			
	-		829,048		2,137,060			
	-		142,216		142,216			
			(26,304)		531,470			
			944,960		2,810,746			
\$	<u> </u>	\$	971,264	\$	2,941,255			

# PELICAN RIVER WATERSHED DISTRICT STATEMENT OF CASH RECEIPTS, DISBURSEMENTS, AND CHANGES IN CASH FUND BALANCES - CASH BASIS GOVERNMENTAL FUNDS YEAR ENDED DECEMBER 31, 2024

				RICE LAKE		
		UTILITY	RICE LAKE	BWSR - 2021	RICE LAKE	BMD
RECEIPTS	GENERAL	STORMWATER	MATCH	(FORMERLY MAJOR)	BWSR - 2023	MOD GRANT
Property Taxes	\$ 257,122	\$ -	\$ -		\$ -	\$ -
Special Assessments	-	-	-		-	-
Permit and Inspection Fees	-	20,250	-		=	-
Intergovernmental						
Market Value	1,372	-			-	-
Other	903	-	-		-	-
Charges for Services	-	306,653	-		-	-
Interest Earnings	12,188	7,779	8,889		4,657	-
Other	320	-			-	
Total Receipts	271,905	334,682	8,889		4,657	
DISBURSEMENTS						
General Government					v	
Current						
Payroll	246,356		-		-	-
Operating Expenses	49,056	-	-		-	-
Manager Per Diem/Expenses	21,283				-	-
Professional Services	78,853		_		-	-
Community Relations	1,199	1,191			-	-
Conservation of Natural Resources	,,,,,,	1,4				
Current						
Payroll		46,792	_		_	_
Operating Expenses		19,912	_		_	_
Aquatic Plant Management		10,012				_
Professional Services	\ \	80,891	•		-	-
Ditch		00,031	•		-	-
		-	-		•	104 205
Other Program	-	-	4 400		-	104,205
Capital Outlay	- 000 747	440.700	4,168			- 404.005
Total Disbursements	396,747	148,786	4,168			104,205
RECEIPTS OVER (UNDER) DISBURSEMENTS	(124,842)	185,896	4,721		4,657	(104,205)
OTHER FINANCING SOURCES (USES)						
Transfers In	57,000	-	-		-	-
Transfers (Out)	-	(141,335)	-		-	-
Total Other Financing Sources (Uses)	57,000	(141,335)			-	
NET CHANGE IN CASH FUND BALANCES	(67,842)	44,561	4,721		4,657	(104,205)
Cook Fund Delances Designing (Definit)						
Cash Fund Balances - Beginning (Deficit) of Year as previously reported	729,821	310,058	620,409	109,847	323,606	-
· as prononcy reperior	. 20,021			. 30,0 11		
Prior Period Adjustment	-	-	-		-	-
Change within Financial Reporting Entity (Major to Nonmajor Fund)	-	-	-	(109,847)	-	-
Change within Financial Reporting Entity (Nonmajor to Major Fund)	-	-	-	,	-	-
Cash Fund Balances - Beginning (Deficit) of Year, as adjusted	729,821	310,058	620,409		323,606	_
						\$ (104 20E)
CASH FUND BALANCES - ENDING (DEFICIT)	\$ 661,979	\$ 354,619	\$ 625,130		\$ 328,263	\$ (104,205)

FEMA		N	ONMAJOR		TOTAL
GRANT	CPL LITTLE	GOVERNMENTAL		GO'	VERNMENTAL
(FORMERLY MAJOR)	FLOYD		FUNDS		FUNDS
	\$ -	\$	99,229	\$	356,351
	-		61,975		61,975
	-		-		20,250
	-		<b>-</b>		1,372
	104,440		101,746		207,089
	-		-		306,653
	-		18,879		52,392
	- 404 440		-		320
	104,440		281,829		1,006,402
	- - - -		- - - -		246,356 49,056 21,283 78,853 2,390
	-		71,273		118,065
	-		3,750		23,662
	-		34,300		34,300
	-		1,963		82,854
	-		10,200		10,200
	04 000		167,207		271,412
	81,883		14,240		100,291
	81,883	_	302,933		1,038,722
	22,557		(21,104)		(32,320)
	-		126,301		183,301
	_		(41,966)		(183,301)
	_		84,335		-
	22,557		63,231		(32,320)
(22,948)			772,273		2,843,066
	(5,751)		5,751		-
22,948	- (16,806)		86,899 16,806		-
	(22,557)		881,729		2,843,066
	\$ -	\$	944,960	\$	2,810,746

#### NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### A. Financial Reporting Entity

The Pelican River Watershed District (the District) was established on May 27, 1966, under the Minnesota Watershed Act as amended by the State of Minnesota, Water Resources Board. The purpose of the District is to carry out conservation of the natural resources of the District and State of Minnesota through land utilization, flood control, and other needs based upon sound scientific principles for the protection of the public health and welfare and the provident use of natural resources. The District is governed by a Board of Managers which is composed of seven members appointed for three year terms by the Becker County Commissioners.

The financial statements of the reporting entity include those of the District (the primary government) and the component units for which the primary government is financially accountable. The criteria used to determine if the primary government is financially accountable for a component unit include whether or not the primary government appoints the voting majority of the potential component unit's governing body, is able to impose its will on the potential component unit, is in a relationship of financial benefit or burden with the potential component unit or the potential component unit is fiscally dependent upon the District.

#### **Blended Component Units**

Blended component units are separate legal entities that meet the component unit criteria described above and whose governing body is the same or substantially the same as the District or the component unit provides services entirely to the District. These component unit's funds are blended into those of the District by appropriate activity type to compose the primary government presentation. Currently, the District has no blended component units.

#### **Discretely Presented Component Units**

Discretely presented component units are separate legal entities that meet the component unit criteria described above but do not meet the criteria for blending. Currently, the District has no discretely presented component units.

#### B. Basis of Presentation

#### 1. Government-Wide Statements

The government-wide financial statements (the statement of net cash position and the statement of activities arising from cash transactions) display information about the District taken as a whole. The District shows all operations as governmental activities, because generally, governmental activities are financed through taxes, intergovernmental revenues, and nonexchange revenues.

In the government-wide statement of net cash position, the governmental activities: (a) are presented on a consolidated basis, and (b) are reported on the cash basis of accounting. The District's net position is reported in two parts: (1) restricted net position, and (2) unrestricted net position. The District first utilizes restricted resources to finance qualifying activities.

#### NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### B. Basis of Presentation (Continued)

#### 1. Government-Wide Statements (Continued)

The statement of activities arising from cash transactions demonstrates the degree to which the direct expenses of each function of the District's governmental activities are offset by program receipts. Direct expenses are those clearly identifiable with a specific function or activity. Program receipts include: (1) fees, fines, charges paid by the recipients of goods, services, or privileges provided by a given function or activity, and (2) grants and contributions restricted to meeting the operational or capital requirements of a particular function or activity. Receipts not classified as program receipts are presented as general receipts.

#### 2. Fund Financial Statements

Governmental fund financial statements of the reporting entity are organized into funds, each of which is considered to be a separate accounting entity. Each fund is accounted for by providing a separate set of self-balancing accounts that constitute its assets, liabilities, fund balance, receipts, and disbursements. Funds are organized into one major category: governmental. A fund is considered major if it is the primary operating fund of the District or meets the following criteria:

 Total assets, liabilities, receipts or disbursements of that individual governmental fund are at least 10 percent of the corresponding total for all funds of that category or type.

#### Governmental Funds

**General Fund** – To account for all financial resources not accounted for and reported in another fund.

**Special Revenue Fund -** To account for the proceeds of specific revenue sources (other than special assessments, expendable trusts, or major capital projects) that are restricted or assigned to disbursements for specified purposes.

The Utility Stormwater Fund is used for storm-water treatment activities and facilities. The Utility Stormwater Fund is funded by charges to each parcel in the District collected by the Becker County Auditor, which are based upon predefined nutrient runoff coefficients.

The Data Collection and Monitoring Fund (DCM-01) is used for water quality monitoring and assessment, data collection, research, special studies, education and public outreach activities. Funding is from ad valorem taxes.

#### NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### B. Basis of Presentation (Continued)

Governmental Funds (Continued)

#### Special Revenue Fund (Continued)

The Project 1B Sal & Mel and 1C Detroit & Curfman (Aquatic Plant Management) Funds are repair and maintenance funds financed by special assessments against the properties around Sallie, Melissa, Detroit Lakes, and Curfman. Services provided include in lake aquatic plant management (mechanical harvesting, chemical control, or biological).

The Ditch 11-12, 13 and 14 Maintenance Funds are repair and maintenance funds designated for maintaining and further developing the ditches. They are financed by special assessments.

The Otter Tail River One Watershed, One Plan Fund (OT1W1P) is used for tracking funds received from East Otter Tail SWCD to assist with the implementation and completion of the Otter Tail River One Watershed, One Plan project.

**Capital Projects Fund -** To account for financial resources to be used for the acquisition or construction of major capital facilities (other than those financed by proprietary funds or in trust funds for individuals, private organizations, or other governments).

#### Major and Nonmajor Funds

Fund	Purpose
Governmental:	
Major:	
General	As described above.
Utility Stormwater	See special revenue fund described above.
Rick Lake Match	See capital projects fund described above.
Rice Lake BWSR - 2023	See capital projects fund described above.
BMD Mod Grant	See capital projects fund described above.
CPL Little Floyd	See capital projects fund described above.
Nonmajor:	
Special Revenue	As described above.
Capital Projects	As described above.

#### C. Measurement Focus and Basis of Accounting

The District's financial statements are prepared on the cash basis of accounting. This is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

The government-wide financial statements are reported using the current resources measurement focus, within the limitations of the cash basis of accounting. This basis recognizes assets, liabilities, net cash position, receipts, and disbursements when they result from cash transactions.

#### NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. Measurement Focus and Basis of Accounting (Continued)

Governmental fund financial statements are reported using the current financial resources measurement focus as applied to the cash basis of accounting. This basis recognizes assets, liabilities, cash fund balances, receipts, and disbursements when they result from cash transactions. As a result of the use of the cash basis of accounting, certain assets and their related receipts (such as accounts receivable and receipts for billed or unbilled services provided in the current year) and certain liabilities and their related disbursements (such as accounts payable, unpaid goods and services received in the current year, and accrued expenses) are not recorded in these financial statements.

D. Assets, Liabilities, and Fund Balance/Net Position

#### 1. Cash and Cash Equivalents

The District pools cash resources of its various funds to facilitate the management of cash. Cash applicable to a particular fund is readily identifiable. The balance in the pooled cash account is available to meet current operating requirements.

#### 2. Fund Balance/Net Position

a. Government-Wide Statements:

Net Cash Position is divided into two components:

- Restricted Consists of assets that are restricted by the District's creditors (for example, through debt covenants), by grantors (both federal and state), and by other contributors.
- Unrestricted All other assets are reported in this category.

#### b. Governmental Cash Fund Balances:

In the fund financial statements, cash fund balance is divided into five classifications based primarily on the extent to which the District is bound to observe constraints imposed upon the use of resources reported in Governmental Funds.

Cash fund balances are classified as follows:

- Nonspendable Amounts that cannot be spent either because they are in a nonspendable form or because they are legally or contractually required to be maintained intact. There is no nonspendable cash fund balance at December 31, 2024.
- Restricted Amounts that can be spent only for specific purposes because of state or federal laws, or externally imposed conditions by grantors or creditors.

#### NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. Assets, Liabilities, and Fund Balance/Net Position (Continued)

#### 2. Fund Balance/Net Position (Continued)

b. Governmental Cash Fund Balances: (Continued)

Cash fund balances are classified as follows: (Continued)

- Committed Amounts that can be used only for specific purposes determined by a formal action by the Board of Managers ordinance or resolution. There is no committed cash fund balance at December 31, 2024.
- Assigned Amounts that are constrained by the District's intent to be used for specific purposes, but are neither restricted nor committed. In Governmental Funds other than the General Fund, assigned fund balance represents the remaining amount that is not restricted or committed. In the General Fund, assigned amounts represent intended uses established by the governing body itself
- Unassigned Amounts that have not been restricted, committed, or assigned to a specific purpose in the General Fund. Other funds may also report a negative unassigned fund balance if the total nonspendable, restricted, and committed fund balances exceed the total net resources of that fund.

The District has not formally adopted a fund balance policy for the General Fund.

#### c. Use of Restricted Resources:

The District does not have a fund balance policy. When a disbursement is incurred that can be paid using either restricted or unrestricted resources, it is expected that the Board of Managers will first apply the disbursement toward restricted fund balance/net position and then to other, less-restrictive classifications – committed and then assigned fund balances before using unassigned fund balances, in the fund financial statements.

#### 3. Capital Assets

In the Fund Financial Statements, capital assets used in governmental fund operations are accounted for as capital outlay disbursements of the governmental funds upon acquisition.

Capital assets include property, plant and equipment.

#### NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

#### E. Receipts and Disbursements

#### 1. Property Tax Revenue

The District levies its property taxes within the District for the subsequent year during the month of December. Becker and Otter Tail counties are the collecting agencies for the levy and remit these collections to the District. The District receives its taxes in two installments in July and December.

The District also levies special assessments through the counties against property owners who obtain direct benefits from projects. The special assessment collections are recorded in a manner similar to that for property taxes.

The property tax levy in 2024 includes certain state credits that are distributed to the District directly by the state. These credits are classified as intergovernmental receipts.

#### 2. Disbursements

The District disburses funds as approved by the District's Board of Managers.

In the fund financial statements, disbursements are classified as follows:

Governmental Funds – By Character Current (further classified by function)
Capital Outlay

#### F. Budgetary Information

Annual budgets are adopted on the cash basis, which is a special purpose framework other than accounting principles generally accepted in the United States of America. Budgeted amounts are as originally adopted or as amended by the Board of Managers. The original and final budget for the General Fund and the major special revenue fund are presented in the supplementary information section. All annual appropriations lapse at year-end.

#### G. Use of Estimates

The preparation of financial statements in accordance with the cash basis requires management to make estimates that affect amounts reported in the financial statements during the reporting period. Actual results could differ from such estimates.

#### H. Change in Accounting Principle

During the year ended December 31, 2024, the District adopted new accounting guidance by implementing the provisions of GASB Statement No. 101, *Compensated Absences*.

#### NOTE 2 STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY

Disclosure of certain information concerning individual funds include:

➤ The following funds had a deficit cash fund balance as of December 31, 2024:

BMD Mod. Grant	\$ 104,205
CPL Little Floyd Match	\$ 11,605
OT1W1P	\$ 5,490
319 Grant	\$ 9,209

#### NOTE 3 DETAILED NOTES - TRANSACTION CLASSES/ACCOUNTS

#### A. Deposits and Investments

The District maintains a cash and investment pool that is available for use by all funds. Each fund's portion of this pool is displayed on the financial statements as Cash and Cash Equivalents or Investments. Interest is allocated based on management's estimate of interest earned by fund. In accordance with *Minnesota Statutes* the District maintains deposits at financial institutions which are authorized by the Board of Managers.

#### 1. Deposits

The District is authorized by Minn. Stat. §§ 118A.02 and 118A.04 to designate a depository for public funds and to invest in certificates of deposit. The District is required by Minn. Stat. § 118A.03 to protect deposits with insurance, surety bond, or collateral. The market value of collateral pledged shall be at least ten percent more than the amount of deposit at the close of the financial institution's banking day, not covered by insurance or bonds.

#### Custodial Credit Risk

The risk that, in the event of a financial institution failure, the District's deposits may not be returned. The District does not have a policy for custodial credit risk. At December 31, 2024, the District's deposits were entirely covered by Federal Deposit Insurance Corporation (FDIC) insurance or collateral in accordance with Minnesota Statutes.

Minnesota statutes require that securities pledged as collateral be held in safekeeping in a restricted account at the Federal Reserve Bank or in an account at a trust department of a commercial bank or other financial institution not owned or controlled by the financial institution furnishing the collateral.

Cash balances consist of the following at December 31, 2024:

	Carrying		Bank
	Balance		Balance
\$	2,810,746	·	\$ 2,825,242

#### NOTE 3 DETAILED NOTES – TRANSACTION CLASSES/ACCOUNTS (CONTINUED)

A. Deposits and Investments (Continued)

#### 2. Investments (Continued)

The District may invest in the following types of investments as authorized by Minn. Stat. §§ 118A.04 and 118A.05: (Continued)

- securities which are direct obligations or are guaranteed or insured issues of the United States, its agencies, its instrumentalities, or organizations created by an act of Congress, except mortgage-backed securities defined as "high risk" by Minn. Stat. § 118A.04, Subd.6;
- mutual funds through shares of registered investment companies provided the mutual fund receives certain ratings depending on its investments;
- general obligations of the State of Minnesota and its municipalities, and in certain state agency and local obligations of Minnesota and other states provided such obligations have certain specified bond ratings by a national bond rating service;
- time deposits that are fully ensured by the Federal Deposit Insurance Corporation or bankers' acceptances of United States banks;
- commercial paper issued by United States corporations or their Canadian subsidiaries that is rated in the highest quality category by two nationally recognized rating agencies and matures in 270 days or less; and
- with certain restrictions, in repurchase agreements, securities lending agreements, joint powers investment trusts, and guaranteed investment contracts.

#### Interest Rate Risk

The risk that changes in interest rates could adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. One of the ways that the District can manage its exposure to interest rate risk is by purchasing a combination of shorter term and longer term investments and by timing cash flows from maturities to meet cash requirements for ongoing operations.

#### Credit Risk

The risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. It is the District's policy to invest only in securities that meet the ratings requirements set by state statute.

#### Custodial Credit Risk

The risk that, in the event of the failure of the counterparty to a transaction, the District will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party.

#### Concentration of Credit Risk

The risk of loss that may be caused by the District's investment in a single issuer. The District places no limit on the amount that it may invest in any one issuer.

The District had no investments at December 31, 2024.

#### NOTE 3 DETAILED NOTES – TRANSACTION CLASSES/ACCOUNTS (CONTINUED)

#### B. Interfund Transfers

Transfers Out:	_	Transfers in:			
<b>Fund Description</b>	Amount	<b>Fund Description</b>	1	Amount	Description
1 1B Sal & Mel	\$ 5,000	General	\$	5,000	For administrative expenses
2 1C Detroit & Curfman	5,000	General		5,000	For administrative expenses
3 Ditch 11-12	1,000	General		1,000	For administrative expenses
4 Ditch 13	1,000	General		1,000	For administrative expenses
5 Ditch 14	1,000	General		1,000	For administrative expenses
6 Utility Stormwater	40,000	General		40,000	For administrative expenses
7 Lake Mgmt Project-01	3,000	General		3,000	For administrative expenses
8 BWSR Drainage	1,000	General		1,000	For administrative expenses
9 Lake Mgmt Project-01	9,000	DCM-01		9,000	For data collection and monitoring expenses
10 1B Sal & Mel	5,000	DCM-01		5,000	For data collection and monitoring expenses
11 1C Detroit & Curfman	5,000	DCM-01		5,000	For data collection and monitoring expenses
12 Utility Stormwater	1,335	FEMA Grant		1,335	For meeting grant match requirements
13 FEMA Grant Match	5,966	FEMA Grant		5,966	For meeting grant match requirements
14 Utility Stormwater	100,000	319 Grant Match		100,000	For meeting grant match requirements
	\$ 183,301		\$	183,301	

#### C. Long-Term Liabilities

#### **Compensated Absences**

The change in accrued compensated absences for the year ended December 31, 2024, was as follows:

	В	eginning						Ending	Du	e Within
Governmental Activities		Balance	_ A	dditions	Dec	luctions	E	Balance	0	ne Year
Other Liabilities										
Accrued Compensated										
Absences	\$	17,928	\$	12,943	\$	(943)	\$	29,928	\$	

The liability for this amount is not recorded in the fund financial statements as they are prepared on the cash basis of accounting.

Accrued compensated absences are payable from the General Fund.

#### NOTE 3 DETAILED NOTES – TRANSACTION CLASSES/ACCOUNTS (CONTINUED)

#### D. Cash Fund Balances

At December 31, 2024, Governmental Cash Fund Balances consist of the following:

											Ν	lonmajor		Total
			Utility	R	ice Lake	Ri	ice Lake	В	MD	CPL LITTLE	Gov	vernmental	Go	overnmental
	General	St	tormwater		Match	BW	SR - 2023	MOD	GRANT	FLOYD		Funds		Funds
Restricted for:														
Capital Projects	\$ -	\$	-	\$	625,130	\$	328,263	\$	-	\$ -	\$	574,926	\$	1,528,319
Special Revenue	_		354,619		_			<u> </u>		-		254,122		608,741
Total Restricted	-		354,619		625,130		328,263		-	-		829,048		2,137,060
Assigned for:														
Special Revenue			-		<u>-</u>		-			-		142,216		142,216
			_											
Unassigned (Deficit)	661,979		-,		-		-	(	104,205)			(26,304)		531,470
Total Cash Fund														
Balances (Deficit)	\$ 661,979	\$	354,619	\$	625,130	\$	328,263	\$ (	104,205)	\$ -	\$	944,960	\$	2,810,746
				100					40000000					

#### NOTE 4 OTHER NOTES

#### A. Contracts

#### Wells Fargo Bank

The District entered into a lease agreement for office facilities with Wells Fargo Bank requiring monthly lease payments of \$1,339. Total rental expense for 2024 was \$16,024.

#### B. Defined Benefit Pension Plan

#### **Plan Description**

All full-time and certain part-time employees of the District are covered by defined benefit plans administered by the Public Employees Retirement Association of Minnesota (PERA). PERA administers the General Employees Retirement Plan (accounted for in the General Employees Fund), which is a cost-sharing, multiple-employer retirement plan. This plan is established and administered in accordance with Minnesota Statutes, Chapters 353 and 356.

General Employees Plan members belong to either the Coordinated Plan or the Basic Plan. Coordinated Plan members are covered by Social Security and Basic Plan members are not. All new members must participate in the Coordinated Plan.

PERA provides retirement benefits as well as disability benefits to members and survivor benefits upon death of eligible members. Benefits are established by state statute. Benefits for members of the General Employees Plan vest after five years of credited service. The defined benefit retirement plan benefits are based on a member's highest average salary for any five years of allowable service, age, and years of credit at termination of service.

#### NOTE 4 OTHER NOTES (CONTINUED)

B. Defined Benefit Pension Plan (Continued)

#### Plan Description (Continued)

Two methods are used to compute benefits for PERA's Coordinated Plan members. Members hired prior to July 1, 1989, receive the higher of Method 1 or Method 2 formulas. Only Method 2 is used for members hired after June 30, 1989. Under Method 1, the accrual rate for Coordinated members is 1.2% for each of the first 10 years of service and 1.7% for each additional year. The rates are 2.2% and 2.7%, respectively, for Basic members. Under Method 2, the accrual rate for Coordinated members is 1.7% for all years of service, and 2.7% for Basic members. For members hired prior to July 1, 1989, a full annuity is available when age plus years of service equal 90 and normal retirement age is 65. For members hired on or after July 1, 1989 normal retirement age is the age for unreduced Social Security benefits capped at 66.

For all General Employee Plan members hired prior to July 1, 1989 whose annuity is calculated using Method 1, a full annuity is available when age plus years of service equal 90. Method 2 provides for unreduced retirement benefits at age 65 for members first hired prior to July 1, 1989 or age 66 (the age for unreduced Social Security benefits), for those first hired on or after that date. Early retirement may begin at age 55 with an actuarial reduction (about six percent per year) for members retiring prior to full retirement age.

Normal retirement age is 65 for Basic and Coordinated members hired prior to July 1, 1989. Normal retirement age is the age for unreduced Social Security benefits capped at 66 for Coordinated members hired on or after July 1, 1989. A reduced retirement annuity is also available to eligible members seeking early retirement with an actuarial reduction in the member's benefit.

There are different types of annuities available to members upon retirement. A single-life annuity is a lifetime annuity that ceases upon the death of the retiree--no survivor annuity is payable. There are also various types of joint and survivor annuity options available which will be payable over joint lives. Members may also leave their contributions in the fund upon termination of public service in order to qualify for a deferred annuity at retirement age. Refunds of contributions are available at any time to members who leave public service, but before retirement benefits begin.

The benefit provisions stated in the previous paragraphs of this section are current provisions and apply to active plan participants.

PERA issues a publicly available financial report that includes financial statements and required supplementary information for the General Employees Plan. That report may be obtained on PERA's website at www.mnpera.org/financial/

#### NOTE 4 OTHER NOTES (CONTINUED)

#### B. Defined Benefit Pension Plan (Continued)

#### **Funding Policy**

Minnesota Statutes Chapter 353 sets the rates for employer and employee contributions. These statutes are established and amended by the state legislature. In 2024, Coordinated Plan members were required to contribute 6.5% of their annual covered salary. The District makes annual contributions to the pension plan equal to the amount required by state statutes. In 2024, the District was required to contribute the following percentage of annual covered payroll: 7.5% for Coordinated Plan members.

The District's contributions to the General Employees Fund for the years ending December 31, 2024, 2023, and 2022 were \$17,445, \$17,752, and \$15,762, respectively.

#### C. Risk Management

The District is exposed to various risks of loss related to torts, theft of, damage to, or destruction of assets; errors or omissions; injuries to employees; or natural disasters. In order to protect against these risks of loss, the District purchases commercial insurance. During the year ended December 31, 2024, there were no significant reductions in insurance coverage from the prior year. Settled claims have not exceeded the District's commercial coverage in any of the past three years.

#### D. Contingencies

The District participates in state and federal grant programs that are governed by various rules and regulations of the grantor agencies. Costs charged to the respective grant programs are subject to audit and adjustment by the grantor agencies; therefore, to the extent that the District has not complied with the rules and regulations governing the grants, refunds of grant funds received may be required. The District is not aware of any significant contingent liabilities relating to compliance with the rules and regulations governing the respective grants. An estimate of possible loss or range of loss cannot be made.

#### E. Prior Period Adjustment

The beginning fund balance of the CPL Little Floyd and CPL Little Floyd Match Capital Project Funds have been restated to adjust the allocation of disbursements in the prior year. The disbursements allocated to CPL Little Floyd were increased by \$5,751 and the disbursements to CPL Little Floyd Match were decreased by \$5,751. This resulted in the CPL Little Floyd fund balance decreasing \$5,751 and the CPL Little Floyd Match increasing by \$5,751.

### SUPPLEMENTARY INFORMATION SECTION

# PELICAN RIVER WATERSHED DISTRICT BUDGETARY COMPARISON SCHEDULE - CASH BASIS GENERAL FUND YEAR ENDED DECEMBER 31, 2024

							VARIA	ANCE WITH
							FINA	L BUDGET
		BUDGETED	) AMO	JNTS	A	CTUAL	P	DSITIVE
	OR	IGINAL		FINAL	AM	MOUNTS	(NE	GATIVE)
Beginning Cash Fund Balance - January 1	\$	729,821	\$	729,821	\$	729,821	\$	
RECEIPTS								
Property Taxes		258,500		258,500		257,122		(1,378)
Intergovernmental								
Market Value		-		-		1,372		1,372
Other		-		-		903		903
Interest Earnings		3,000		3,000		12,188		9,188
Other						320	<u> </u>	320
Total Receipts		261,500		261,500		271,905		10,405
OTHER FINANCING SOURCES								
Transfers From:								
Special Revenue Funds		58,000		58,000		53,000		(5,000)
Capital Projects Funds		-		-		4,000		4,000
Total Other Financing Sources		58,000		58,000		57,000		(1,000)
								_
Total Receipts and Other Financing								
Sources		319,500	$\sim$	319,500		328,905	-	9,405
		242 224		4.040.004		4 050 700		0.405
Amounts Available for Appropriation	1	,049,321		1,049,321		1,058,726	-	9,405
DISBURSEMENTS								
General Government								
Current								
Payroll		270,200		270,200		246,356		23,844
Operating Expenses		64,663		64,663		49,056		15,607
Manager Per Diem/Expenses		46,000		46,000		21,283		24,717
Professional Services		73,400		73,400		78,853		(5,453)
Community Relations		4,500		4,500		1,199		3,301
Total Disbursements								
(Charges to Appropriations)		458,763		458,763		396,747		62,016
CASH FUND BALANCE - DECEMBER 31	\$	590,558	\$	590,558	\$	661,979	\$	71,421

# PELICAN RIVER WATERSHED DISTRICT BUDGETARY COMPARISON SCHEDULE - CASH BASIS UTILITY STORMWATER FUND YEAR ENDED DECEMBER 31, 2024

								ANCE WITH L BUDGET
		BUDGETED	) AMO	UNTS	,	ACTUAL	P	OSITIVE
	C	RIGINAL	FINAL		AMOUNTS		(NE	GATIVE)
Beginning Cash Fund Balance - January 1	\$	310,058	\$	310,058	\$	310,058	\$	
RECEIPTS								
Permit and Inspection Fees		13,000		13,000		20,250		7,250
Charges for Services		306,400		306,400		306,653		253
Interest Earnings		-		_		7,779		7,779
Total Receipts		319,400		319,400		334,682		15,282
Amounts Available for Appropriation		629,458		629,458		644,740	_	15,282
DISBURSEMENTS								
General Government								
Current								
Community Relations		10,000		10,000		1,191		8,809
Conservation of Natural Resources								
Current								
Payroll		49,300		49,300		46,792		2,508
Operating Expenses		45,500		45,500		19,912		25,588
Professional Services		72,800		72,800		80,891		(8,091)
Total Disbursements	_	177,600		177,600		148,786		28,814
OTHER FINANCING USES								
Transfers To:								
General Fund		40,000		40,000		40,000		-
Capital Projects Funds		140,000		140,000		101,335		38,665
Total Other Financing Uses		180,000		180,000		141,335		38,665
Total Disbursements and Other Financing Uses (Charges to								
Appropriations)		357,600		357,600		290,121		67,479
CASH FUND BALANCE - DECEMBER 31	\$	271,858	\$	271,858	\$	354,619	\$	82,761

## PELICAN RIVER WATERSHED DISTRICT COMBINING STATEMENT OF CASH RECEIPTS, DISBURSEMENTS, AND CHANGES IN CASH FUND BALANCES - CASH BASIS NONMAJOR GOVERNMENTAL FUNDS

YEAR ENDED DECEMBER 31, 2024

				SPECIAL F	REVENUE FUNDS	3		
	PROJECT IMPLEMEN- TATION	1B SAL &	1C DETROIT & CURFMAN	DITCH 11-12	DITCH 13	DITCH 14	DCM-01	OT1W1P
RECEIPTS								
Property Taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 89,266	\$ -
Special Assessments		29,563	15,113	9,389	760	7,150		-
Intergovernmental-Other		3,900	4,000				-	19,964
Interest Earnings	5,349	774	1,520	102	108	98	679	· -
Total Receipts	5,349	34,237	20,633	9,491	868	7,248	89,945	19,964
DISBURSEMENTS								
Conservation of Natural Resources								
Current								
Payroll	_						71,273	_
Operating Expenses		61	61	75	75	75	3,350	_
Aquatic Plant Management	_	18,980	13,220			-	0,000	_
Professional Services	_	694	871	206		192		_
Ditch	_	-	-	700	5,800	3,700		_
Other Program				100	0,000	0,700	28,192	25,454
Capital Outlay			_		_	_	20,102	20,101
Total Disbursements		19,735	14,152	981	5,875	3,967	102,815	25,454
Total Disputofficial		10,700	11,102	- 001	- 0,010	0,001	102,010	20,101
RECEIPTS OVER (UNDER) DISBURSEMENTS	5,349	14,502	6,481	8,510	(5,007)	3,281	(12,870)	(5,490)
OTHER FINANCING SOURCES (USES)								
Transfers In							19,000	-
Transfers (Out)		(10,000)	(10,000)	(1,000)	(1,000)	(1,000)	· -	-
Total Other Financing Sources (Uses)	-	(10,000)	(10,000)	(1,000)	(1,000)	(1,000)	19,000	
NET CHANGE IN CASH FUND BALANCES	5,349	4,502	(3,519)	7,510	(6,007)	2,281	6,130	(5,490)
Cash Fund Balances - Beginning (Deficit)								
of Year as previously reported	136,867	51,903	106,085	3,461	10,079	6,981	64,716	
Prior Period Adjustment	_	_	_	_	_	_	_	_
Change within Financial Reporting Entity (Major to Nonmajor Fund)		•	•	•	•	•	-	-
Change within Financial Reporting Entity (Nonmajor to Major Fund)		-	-	-	-	•	-	-
Cash Fund Balances - Beginning (Deficit) of Year, as adjusted	136,867	51,903	106,085	3,461	10,079	6,981	64,716	
CASH FUND BALANCES - ENDING (DEFICIT)	\$ 142,216	\$ 56,405	\$ 102,566	\$ 10,971	\$ 4,072	\$ 9,262	\$ 70,846	\$ (5,490)
	Ţ ::=,=:0	7 30,.00	, :32,000	, .0,0.1	,	,	,,	(5,150)

#### CAPITAL PROJECTS FUNDS

					CPL LITTLE FLOYD				
LAKE MGMT	BWSR		319 GRANT	CPL LITTLE	(FORMERLY	RICE LAKE	FEMA GRANT		
PROJECT-01	DRAINAGE	319 GRANT	MATCH	FLOYD MATCH	NONMAJOR)	BWSR - 2021	MATCH	FEMA GRANT	TOTAL
\$ 9,963	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ 99,22
-	-	-	-	-		-	-	-	61,9
-	-	-	-	-				73,882	101,7
6,915	312		1,425			1,462	135		18,8
16,878	312		1,425			1,462	135	73,882	281,8
	-	-	-	-			-	-	71,2
53	-	-	-	-		-		-	3,7
2,100	-	-	-	-		-	-	-	34,3
-	-	-	-	-			-	-	1,9
- 20 700	-	0.000	40.056	-		•	12.044		10,2
22,720	-	9,209	10,356	1,614		12,626	13,041	58,235 -	167,2 14,2
24,873		9,209	10,356	1,614		12,626	13,041	58,235	302,9
(7,995)	312	(9,209)	(8,931)	(1,614)		(11,164)	(12,906)	15,647	(21,
-	_	_	100,000	-				7,301	126,
(12,000)	(1,000)			-		-	(5,966)		(41,9
(12,000)	(1,000)		100,000	-			(5,966)	7,301	84,
(19,995)	(688)	(9,209)	91,069	(1,614)		(11,164)	(18,872)	22,948	63,
282,965	21,677		101,215	(15,742)	(16,806)		18,872		772,
				5,751		-	-	-	5,
	-	-		-		109,847	-	(22,948)	86,8
				-	16,806	-	-	-	16,8
282,965	21,677		101,215	(9,991)		109,847	18,872	(22,948)	881,
\$ 262,970	\$ 20,989	\$ (9,209)	\$ 192,284	\$ (11,605)		\$ 98,683	\$ -	\$ -	\$ 944,9

#### PELICAN RIVER WATERSHED DISTRICT SCHEDULE OF ACCOUNTS RECEIVABLE YEAR ENDED DECEMBER 31, 2024

FUND	SOURCE OF	REVENUE AND PURPOSE	AM	OUNT
1B Sal & Mel	Becker County	Special Assessments	\$	644
1C Detroit & Curfman	Becker County	Special Assessments		284
DCM-01	Becker County	Property Taxes		1,500
DCM-01	LMC	Insurance Dividend		44
Ditch 11-12	Becker County	Special Assessments		505
Ditch 13	Becker County	Special Assessments		1
Ditch 14	Becker County	Special Assessments		240
General	Becker County	Property Taxes		4,357
General	Becker County	Miscellaneous In-Lieu		610
General	LMC	Insurance Dividend		986
Lake Management Project-01	Becker County	Property Taxes		174
Utility Stormwater	Becker County	Charges for Services		7,752
Utility Stormwater	LMC	Insurance Dividend		66
			\$	17,163

#### PELICAN RIVER WATERSHED DISTRICT SCHEDULE OF ACCOUNTS PAYABLE YEAR ENDED DECEMBER 31, 2024

			CHECK		
FUND	VENDOR NAME	ITEM AND PURPOSE	NUMBER	A۱	//OUNT
General	Hansen, Phil	Manager Expenses	EFT2649	\$	182
General	Hansen, Phil	Manager Per Diems	EFT2642		960
General	Jasken, Charles	Manager Expenses	EFT2650		106
General	Jasken, Charles	Manager Per Diems	EFT2643		924
General	Jasken, Chris	Manager Expenses	EFT2651		106
General	Jasken, Chris	Manager Per Diems	EFT2644		924
General	Kral, Dennis	Manager Per Diems	EFT2645		577
General	Michaelson, Richard	Manager Expenses	EFT2652		208
General	Michaelson, Richard	Manager Per Diems	EFT 2646		785
General	Office of MN IT Services	Telephone	15358		68
General	Okeson, Orrin	Manager Expenses	EFT2653		112
General	Okeson, Orrin	Manager Per Diems	EFT2647		808
General	Olson, Laurie	Manager Expenses	EFT2654		153
General	Olson, Laurie	Manager Per Diems	EFT2648		924
				\$	6,837



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### INDEPENDENT AUDITOR'S REPORT ON MINNESOTA LEGAL COMPLIANCE

To the Board of Managers Pelican River Watershed District Detroit Lakes, Minnesota

We have audited, in accordance with auditing standards generally accepted in the United States of America, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Pelican River Watershed District (the District), Detroit Lakes, Minnesota, as of and for the year ended December 31, 2024, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated February 20, 2025.

In connection with our audit, nothing came to our attention that caused us to believe that the District failed to comply with the provisions of the contracting – bid laws, depositories of public funds and public investments, conflicts of interest, claims and disbursements, and miscellaneous provisions sections of the *Minnesota Legal Compliance Audit Guide for Other Political Subdivisions*, promulgated by the State Auditor pursuant to Minn. Stat. § 6.65, insofar as they relate to accounting matters. However, our audit was not directed primarily toward obtaining knowledge of such noncompliance. Accordingly, had we performed additional procedures, other matters may have come to our attention regarding the District's noncompliance with the above referenced provisions, insofar as they relate to accounting matters.

This report is intended solely for the information and use of those charged with governance and management of Pelican River Watershed District and the State Auditor and is not intended to be, and should not be, used by anyone other than these specified parties.

Clasen + Schiesse, CPas. 275

Clasen & Schiessl CPAs, Ltd.

Pequot Lakes, Minnesota February 20, 2025

# PELICAN RIVER WATERSHED DISTRICT Detroit Lakes, Minnesota

# **COMMUNICATIONS LETTER**

Year Ended December 31, 2024



# PELICAN RIVER WATERSHED DISTRICT

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# FOR PELICAN RIVER WATERSHED DISTRICT YEAR ENDED DECEMBER 31, 2024

# **AUDIT FINDINGS AND RESULTS**

**Audit process** – We found the District's records to be in good order (organized, available, complete, etc.). We appreciate the time that staff took to work with us to complete the engagement.

**Audit Opinion** – The financial statements are fairly stated. We issued an adverse opinion on US Generally Accepted Accounting Principles and an unmodified (clean) opinion on the Cash Basis of Accounting.

**Compliance** – No compliance issues were noted in our review of laws, regulations, contracts, grant agreements or other matters that could have significant financial implications to the District.

Internal Controls – No deficiencies in internal controls were identified as a material weakness.

**Fund Balance** – For 2024 the fund balance in the General Fund decreased by \$67,842 ending at \$661,979 as of December 31, 2024. The ending fund balance at December 31, 2024, for the District represents 166.9% of general fund disbursements incurred for the year and is an important aspect in the District's financial well-being since a healthy fund balance represents a cushion against unanticipated disbursements, funding deficiencies, aid proration at the state level and similar problems.

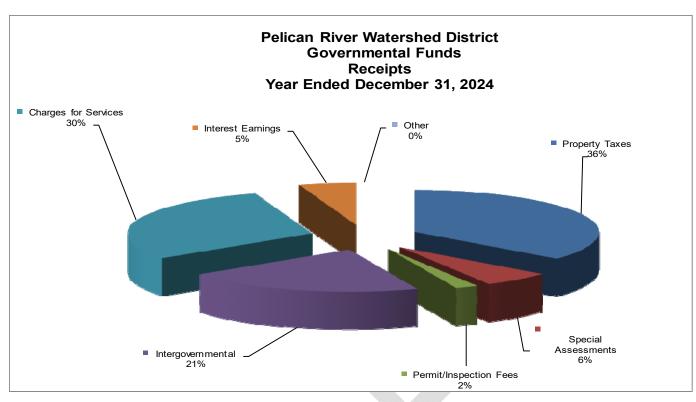
**Budget and Actual** – Total General Fund receipts and other financing sources on a net basis were \$9,405 (or 2.9%) higher than the budgeted amount while total disbursements were \$62,016 (or 13.5%) lower than had been budgeted. As part of any budget update initiated for 2025, the Board of Managers will want to take these variances into consideration in order to limit budget differences to every extent possible. We encourage you to undertake mid-year budget reviews resulting in the adoption of revised budgets when updated information becomes available.

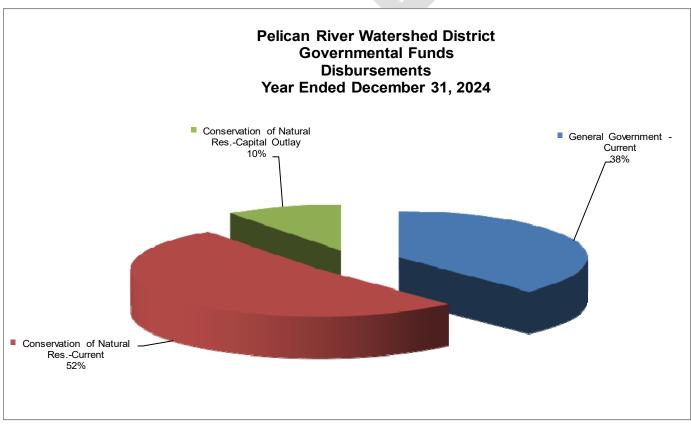
# PELICAN RIVER WATERSHED DISTRICT FINANCIAL SUMMARY YEAR ENDED DECEMBER 31, 2024

# **GOVERNMENTAL FUNDS:**

Statement of Balances	Arising From Cash	Transactions -	Cash Basis
Claterierit of Dalarices	Alloning From Caon	Transactions -	Cash Dasis

Cash and Cash Equivalents	\$ 2	2,810,746
Statement of Cash Receipts, Disbursements, and Changes in Cash Fund Balances - Cash Basis		
Receipts Disbursements Net Change in Cash Fund Balances		1,006,402 1,038,722) (32,320)
SUPPLEMENTARY INFORMATION SECTION:		
	V	ariance
Budgetary Comparison Schedule - Cash Basis - General Fund		
Total Receipts and Other Financing Sources - Positive Variance	\$	9,405
Total Disbursements - Positive Variance	Ψ	62,016
Budgetary Fund Balance with a Positive Variance	\$	71,421
Budgetary Fund Bularios With a Footato Variation	<u> </u>	7 1, 12 1
Budgetary Comparison Schedule - Cash Basis - Utility Stormwater Fund		
Total Receipts - Positive Variance	\$	15,282
Total Disbursements and Other Financing Uses - Positive Variance	•	67,479
Budgetary Fund Balance with a Positive Variance	\$	82,761





PO Box 90, Pequot Lakes, MN 56472

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# REPORT ON MATTERS IDENTIFIED AS A RESULT OF THE AUDIT OF THE FINANCIAL STATEMENTS

Board of Managers Pelican River Watershed District Detroit Lakes, Minnesota

In planning and performing our audit of the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Pelican River Watershed District (the District), Detroit Lakes, Minnesota, as of and for the year ended December 31, 2024, in accordance with auditing standards generally accepted in the United States of America, we considered the District's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore material weaknesses or significant deficiencies may exist that have not been identified.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the District's financial statements will not be prevented, or detected and corrected, on a timely basis. We did not identify any deficiencies in internal control that we consider to be material weaknesses.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

This communication is intended solely for the information and use of management, the Board of Managers, and others within the District, and is not intended to be, and should not be, used by anyone other than these specified parties.

Claser + Schiesse, CPas. 273

Clasen & Schiessl CPAs, Ltd.

Pequot Lakes, Minnesota February 20, 2025



PO Box 90, Pequot Lakes, MN 56472

(218) 568-5242 Fax (218) 568-8680

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## REQUIRED COMMUNICATION

February 20, 2025

Board of Managers Pelican River Watershed District Detroit Lakes, Minnesota

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Pelican River Watershed District (the District), Detroit Lakes, Minnesota, for the year ended December 31, 2024. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated January 3, 2025. Professional standards also require that we communicate to you the following information related to our audit.

## Significant Audit Matters

# Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the District are described in Note 1 to the financial statements. As described in Note 1 to the financial statements, the District changed accounting policies related to compensated absences by adopting Governmental Accounting Standards Board Statement No. 101, *Compensated Absences*. We noted no transactions entered into by the District during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period, in accordance with the cash basis of accounting.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the District's financial statements was:

Management's estimate of the allocation of multiple expenditures, based on an estimated percentage, across governmental funds. We evaluated the key factors and assumptions used to develop the allocation in determining that it is reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was:

The disclosure of the financial statements being prepared by the District using the cash basis of accounting which is a basis of accounting other than accounting principles generally accepted in the United States of America, as described in Note 1 to the financial statements.

The effects on the financial statements of the variances between the cash basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.



The financial statement disclosures are neutral, consistent, and clear.

## Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

#### Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

# Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

#### Management Representations

We have requested certain representations from management that are included in the management representation letter dated February 20, 2025.

#### Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the District's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

## Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the District's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

#### Other Matters

We were not engaged to report on the introductory or supplementary information sections, which accompany the financial statements but are not required supplementary information. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on them.



# Restriction on Use

This information is intended solely for the information and use of the Board of Managers and management of the Pelican River Watershed District and is not intended to be, and should not be, used by anyone other than these specified parties.

Clasen + Schiesse, CPas. 2715

Clasen & Schiessl CPAs, Ltd.

Pequot Lakes, Minnesota

# **Purpose**

- Increase lake home owner awareness on importance of shoreline stewardship
- Provide benefits, information and resources on natural shorelines

# Campaign

- 5- month video and digital marketing campaign, April August, on shoreline stewardship
- One :30 video, one :15 video plus digital ads will be delivered monthly
- Each month will be a different theme
- Delivered to lake home owners via list provided by MN Lakes and Rivers Advocates

# Minnes ta Lakes & Rivers LB | D E O PRODUCTIONS



# Why a Video & Digital Marketing Campaign

- Proven success with similar campaigns like the 'How Well Do You Know MN?' AIS series
- Reaches targeted audiences strategically
- Can be analyzed for results and ROI
- · Can be a shared, cohesive resource among multiple counties for effective reach
- Funding for the series can be pooled to lessen burden on any one county

# Take a Look - 2024 AIS Campaign Results \*Contact Erika for full report

- 1,073,552 impressions to MN targeted audiences specifically interested in boating and boating activities
- 1,180 clicks to the MN DNR website, almost 3X the average click-through-rate
- Watch 2024 Series HERE

# **Digital Marketing Tactics**

- Behavioral Pre-Roll Video
  - Targeted: 15 video ads to grab attention on premium websites and mobile apps like Yahoo, ESPN, and CBS, strategically appearing before popular videos like news updates and sports highlights.
- Streaming TV
  - Targeted: 30 video ads will show up in people's living rooms on the big screen, on top streaming apps like Pluto TV, Roku TV, Samsung TV, and local news apps. Smaller screen opportunities like laptops and tablets will also be blended in to be sure to reach that audience wherever they are watching. These ads will reach a captive audience as they are typically non-skippable and show an average 98% completion rate.
- <u>Targeted Display</u>
  - Targeted display banner ads will direct people to go to the campaign's directed website links by encouraging users to click on them for more information. They will show on top websites and apps like Yahoo, CBS, The Weather Channel, and Wordscapes. These display ads allow the campaign to reach people who have previously visited the campaign's website links and provide the ability to increase the frequency of touch points to maximize brand recognition.

# **Scripts**

# **Video One: WATER QUALITY**

Did you know?

The slime on the outside of a fish is an important protective layer.

Slime on a fish is good. Slime on your favorite lake is not so good.

Algae blooms are increasing in Minnesota lakes and

- turn water green and smelly
- contribute to fish kills and
- produce toxins that are dangerous to people and pets

You can help stop algae blooms by reducing or avoiding lawn fertilizer and by planting a native shoreline.

Be a lake steward. Here's how. < link or QR code>

# **Video Two: SHORELINES**

Did you know?

Minnesota has more miles of shoreline than Hawaii, California, and Florida combined?

That's a lot of prime real estate. Naturally, that's worth protecting. And so is our water.

A natural shoreline is more than just beautiful, it provides habitat for wildlife and protects water quality.

It's easy to get started and even easier to maintain a natural shoreline.

Be a lake steward. Here's how. < link or QR code>

# **Video Three: LOONS**

Did you know?

Each male loon has his own signature yodel?

We love seeing and hearing loons on our lakes. And to keep them coming back we need to give them clean and clear water because it's vital for them and their babies when diving to hunt.

We can easily do this by protecting or creating a natural shoreline which helps filter run-off into our lakes improving water quality.

Be a lake steward. It's easy and there's help. Here's how. <link or QR code>

## **Video Four: SAVINGS**

Did you know?

The roots of typical lawn grass are only a few inches long? Native plant roots can grow down 16 feet. That's important because those hefty roots hold onto the ground and prevent a receding shoreline.

Make your roots run deep.

Preserve or create a natural shoreline that will last for generations.

It's easy.

And you can start as big or small as you want.

Be a lake steward. Here's how. < link or QR code>

## **Video five: POLLINATORS**

Did you know?

Butterflies taste with their feet?

That gives a whole new meaning to toe jam.

Kidding aside...

Natural shorelines are filled with beautiful flowers that attract many birds and pollinators like bees and butterflies.

Help butterflies tickle their toes. Plant a native shoreline and give pollinators a leg up.

It's easy, low maintenance, and there's help. It's fun seeing your shore come to life.

Be a lake steward. Here's how. < link or QR code>

# **Budget**

- Goal ONE: \$27,280 with 560,000 impressions
  - \$12,000 Video production
  - \$14,280 Targeted marketing via Leighton Engage
  - \$1,000 MN Lakes and Rivers Advocates for outreach
- Goal TWO: \$48,700 with 1,400,000 impressions
  - \$12,000 Video Production
  - \$35,700 Targeted marketing
  - \$1,000 MN Lakes and Rivers

# **Sponsorship**

- \$5,000 Presenting Large logo at end of each video
- \$3,000 Gold Medium logo at end of each video
- \$2,000 Silver Small logo at end of each video
- \$1,000 Bronze Name on screen at end of each video

Please contact Erika or Jeff with any questions or for more information.



Erika Gilsdorf: Producer Leighton Media/LB Video Productions 218.849.1643; <u>egilsdorfeleighton.media</u>



Jeff Forester, Executive Director Minnesota Lakes and Rivers Advocates 952.854.1317; <u>Jeffemnlakesandrivers.org</u>

#### 1) Surface Waters Protection and Enhancement

- a) Capital Improvement Projects/Structural and Non-Structural Practices
  - i) Rice Lake Capital Improvement Project (CIP). Phase 2- Lower Structure. The Vesey easement has been signed and the easements are in the process of being recorded with Becker County. We will submit permit applications to MN DNR.
  - ii) Campbell Creek Project (MPCA 319 Funding/Otter Tail 1W1P). The EAW was published in the EQB Monitor April 1st and the 30-day public comment period will end May 1st. After the comment period, the District will have until May 31st to prepare the final RGU EAW review document "Response to Comment and Record of Decision" which includes all comments and responses, a summary of EAW findings, decision statements, and final PRWD board resolution. The EAW is available for review on the District's website and a hard copy is available to view our office. In addition to the EQB Monitor, the EAW was noticed in the DL Tribune newspaper as well as emailed to the required federal, state, and local government agencies. The wetland delineation will occur pending favorable weather conditions. In the next couple of weeks, Guetter will submit to Scott Schroeder (MPCA) an extension request to the May 31st timeframe for deliverables within the 319/NKE Work Plan, of the Conceptual 70% and Final 100% design plans and specifications and cost estimates (70% plans will be completed, but the final design schedule is end of July, though dependent on what the environmental and cultural reviews end up finding).
  - iii) Little Floyd Lake Rock Arch Rapids (MN DNR funding) We are currently in a holding pattern until the final project inspection and closeout occurs in Spring 2025.
  - iv) Bucks Mill Dam Modification (MN DNR, Get out More, Federal). The next stakeholder engagement will be scheduled in May or June. The EAW was published in the EQB Monitor April 8st and the 30-day public comment period will end May 8st. After the comment period, the District will have until June 9th to prepare the final RGU EAW review document "Response to Comment and Record of Decision" which includes all comments and responses, a summary of EAW findings, decision statements, and final PRWD board resolution. The EAW is available for review on the District's website and a hard copy is available to view our office. In addition to the EQB Monitor, the EAW was noticed in the DL Tribune newspaper as well as required federal, state, and local government agencies. Technical meetings between Moore and MN DNR, Becker County, and Lake View TWP resulted in additional work outside the scope of Moore T04- Buck's Mill Dam Project Agreement. An amendment to T04, in the amount of \$13,300 is requested to cover additional services or modifications to services should the current budget be exhausted to include review of additional options for the township road crossing of the Pelican River including a bridge, open bottom culvert, or abandonment of the road; alteration to the channel and weir alignment, including crest modification, beyond the initial recommended alignment and assumption that the crest would remain unchanged; change in modeling methodology from typical Moore practice to DNR preferred approach; and additional coordination, meetings, and correspondence in support of the pursuit of additional funds by DNR staff.

## 1) Becker County Drainage Systems 11, 12, 13 and 14

- a) **Ditch 11 –** No activity to report.
- b) **Ditch 12** No activity to report.
- c) DITCH 13 (Little Floyd Lake to Big Detroit)
  - i) Open Work Orders
    - (1) d13-25-01 Jackson/Long Work order for dam removal was sent to Feldt Plumbing in March 2025. (beavers trapped out in 2024 work order d13-24-06).
- d) DITCH 14 and BRANCH 1 (HWY 10 to St. Clair Lake to Pelican River) No activity to report.
- 2) **WATER MANAGEMENT RULES** see enclosed monthly report.

a) Revised Rules Adoption. The adopted revised Rules will be noticed in the DL Tribune and Frazee Forum of affected areas and filed with each county recorder (Becker and Otter Tail). A written notice of the adopted revised Rules will be sent to each public transportation authority within the District and to the City of Detroit Lakes.

## 3) HABITAT PROTECTION AND MANAGEMENT

- a) River/Stream Connectivity Barriers to Fish Movement.
  - i) Buck's Mill and Little Floyd Lake –see reports under Capital Projects.

# 4) Aquatic Invasive Species Prevention and Management.

- a) **AIS Treatment Notices** Annual AIS Treatment notices were published on the PRWD website and pin boards on March 27, 2025. The notice was published in the Detroit Lakes Tribune on April 5.
- b) **Invasive Aquatic Plant Management Grant** Aquatic Invasive Species Grant application was submitted to Becker SWCD on 4/4/2025.
- c) **CLP Research (Mankato State)** –Pearl Jenson from Minnesota State university Mankato will be here the week of 5/12/2025 for delineation.

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

- a) Local Media/Mailings. Nothing to report.
- b) Social Media Posts
  - i) (Facebook & Instagram) Facebook Followers 239 (last month 232), Instagram Followers 22 (last month 16)

)11tt1 16)			
Date	Description	Engagement	
3/27/2025	Cost Share post	0 likes, 0 comments, 3 shares	
4/2/2025	Sunrise over Lake Sallie photo from Lake Life –	0 likes, 0 comments, 0 shares	
	Becker & Surrounding Counties – Michael		
	Weiss		
4/2/2025	MPR Story "Proposed cut in local aid to prevent	0 likes, 0 comments, 0 shares	
	aquatic invasive species sparks fears of more		
	infested lakes.		
4/3/2025	Yesterday's snow – Dunton Locks County Park	1 like, 0 comments, 0 shares	
4/3/2025	DL Lakers Walleye Tournament Information.	0 likes, 0 comments, 0 shares	
4/3/2025	Congratulations Boy Scout Troop 674 –	10 likes, 2 comments, 10	
	Environmental Service Project.	shares	
	congratulations!		
	Detroit Lakes Boy Scout Troop 674		
	The PRWD Board of Managers approved your \$3000		
	Environmental Service Project Application		
	for the construction of an outdoor ecological		
	classroom at the Boys & Girls Club of Detroit Lakes.		
	Pelican River		
4/3/2025	MINNPOST Story "Zebra Mussels and Mercury	0 likes, 0 comments, 0 shares	
	in Fish: An Alarming Minnesota Study."		
4/4/2025	Congratulations Lincoln Education Center 1 like, 0 comments, 0 shares		
	Preschool – Sucker Creek Field Trip Approval		



- ii) Ottertail 1W1P Education and Outreach Group See 1W1P Section.
- iii) Signs for Incentive Programs Bach will send these to the printers soon.



- iv) **MN Lakes and Rivers** sponsorship request was included in the board packet for the 3/28/2025 meeting. The Managers approved a \$2000 sponsorship of these videos.
- v) **Envirothon –** Bach, Beranek & Reding are working on a set of test questions for Detroit Lakes Envirothon on 5/7/2025.
- vi) Website Updates
  Our Work section planned updates.

Section	Status
Little Floyd Lake Dam Modification	Complete and Posted
Buck's Mill Dam Modification	Complete and Posted
Campbell Creek	Complete and Posted
Ottertail 1W1P	Pending
Cost Share Program	Pending
AIS Management	Drafted
CLP Research	Complete and Posted
Education	Complete and Posted
Drainage Systems	Pending
Rice Lake Wetland Restoration	Complete and Posted

## 6) **DISTRICT OPERATIONS/ADMINISTRATION.**

#### a) Grant Oversight -

- i) Campbell Creek Watershed Restoration (MPCA Section 319 Small Watersheds Focus Group C Grant Funding) Grant Progress report accepted for the February 1, 2025 report date. The next report date is August 1, 2025. A reimbursement request was submitted on March 24, 2025 for \$63,168.37. Funds were received on March 28, 2025.
- ii) BWSR Clean Water Rice Lake Project Phase 1 & Phase 2. MN DNR. –The next report date is June 30, 2025.
- iii) MN DNR Conservation Partners Legacy Grant (Little Floyd Outlet) No updates since last report. Next Report date is at project close or 12/31/2025, whichever is earlier.
- iv) Otter Tail 1W1P Implementation Grant Nothing further to report.
- v) Buck's Mill Dam Modification MN DNR Quarter 1 2025 Reporting was submitted to Amanda Hillman-Roberts on March 25, 2025. Next report date is 6/30/2025.

#### b) Otter Tail River 1W1P Partnership – WEBSITE: <a href="https://www.eotswcd.org/ot1w1p/">https://www.eotswcd.org/ot1w1p/</a>

- i) 1W1P Grant Feasibility Study West Area ("Willow Pond") Stormwater Treatment. A meeting with the City of DL to review costs for alternatives will take place on April 17<sup>th</sup>
- ii) OTW Policy (Charlie Jasken) & TAC Committees (Guetter). The Policy Committee meeting was attended by Manager Charles Jasken and Administrator Guetter on March 27, in Otter Tail. Financial information and plan partner projects were reviewed. The next TAC meeting is on May 5<sup>th</sup>.
- iii) OTW Education/Outreach Committee Bach, Beranek and Reding attended the meeting of the OT Education group on March 31, 2025 to review plans for 2025. The shoreline book draft is expected on April 25, 2025. A meeting has been set for May 1, 2025 to finalize.
- c) Water Resource Coordinator Job Opening Joshua Beranek started with the district on March 31, 2025.
- d) 2024 Financial Audit The 2024 financial audit by Clasen & Schiessl. The final draft was presented and approved by the Board of Managers at the 3/28/2025 meeting. A representative from Clasen & Schiessl will attend the April meeting to present their findings. The auditor will file the required reports with the State Auditor's office. An updated engagement for services proposal for financial years 2025, 2026, 2027 (3-years) will be provided after the tax season for managers' consideration.
- e) 2024 Annual Report Nearing completion and will be presented at the May meeting.
- f) **2025 Work Plan** The 2025 Work Plan was presented to the Managers at the March 28, 2025 Regular Board Meeting
- g) MN Watersheds Special Meeting of Membership—There was a special meeting of the Minnesota Watersheds membership on Friday, March 21 at the Park Event Center in Waite Park. The purpose of the meeting is to consider changes to the bylaws that would allow for an earlier resolutions process, combining the Legislative and Resolutions Committees, and creating an opportunity for the membership to vote on the legislative priorities. Managers Charles Jasken and Olson represented the district as voting delegates. They reported that it was well attended. Resolutions will be able to be modified at the annual meeting moving forward.

- h) **Dunton Storage Shed.** No action this month.
- i) **Personnel Committee.** Attorney Croaker outlined the process for Administrator Guetter's job review. A draft review form was given to the Board of Managers and to Administrator Guetter. Comments are requested before the next Meeting to finalize the document.
- j) Josh Beranek our Water Resource Coordinator has started work and is preparing to deploy our HOBO continuous water level monitors this week. He is reviewing our monitoring data and sites. We are excited for Josh to join our team!
- k) MN Watersheds Summer Tour The MN Watersheds Summer Tour will be hosted by the Roseau River Watershed District from June 24-26, 2025. More information is available here: <a href="https://www.mnwatersheds.com/summer-tour">https://www.mnwatersheds.com/summer-tour</a>
  Managers that are interested in attending should inform Administrator Guetter so the District can make arrangements for registration and travel.

## 7) DATA COLLECTION AND MONITORING PROGRAM

- **8.1 2025 Monitoring Plan/Budget** –The plan/budget was reviewed at the March 28<sup>th</sup> meeting. An additional testing site for *E. coli* was added after Administrator Guetter and Manager Charles Jasken identified a possible location for investigation.
- 8.2 The 2024 monitoring Report Nearing completion.
- 8.3 We anticipate reports of ice-off on area lakes coming soon!

#### **March Weather**

# a. Detroit Lakes, MN - National Weather Service Data

There were wide temperature ranges in March from 2°F to 64°F. There were 26 days that were at or above the historical average and 5 days were cooler than normal historical averages. A total of 0.78 inches of precipitation fell on Detroit Lakes in February including 2.8 inches of new snow.

Monthly Temperature Data

Warmest Day High Temp(s): 64°F, 3/14/2025 Daily Average High 44.2°F

Temp:

Coldest Day Low Temp (s): 2°F, 3/1/2025 Daily Average Low Temp: 19.9°F

Monthly Average Temp: 32°F

**Precipitation:** 

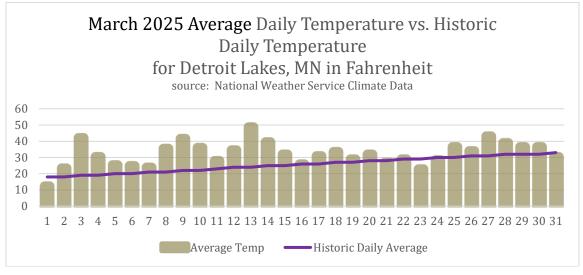
**Monthly Precipitation Data** 

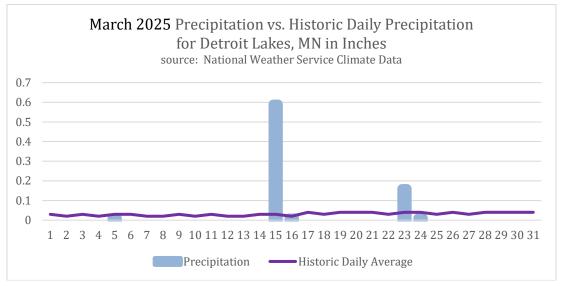
Days with Significant 1 Total Precipitation for 0.78 inches

month:

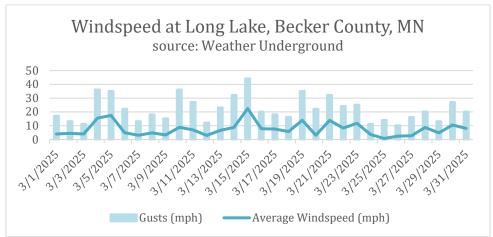
Monthly Wind Data

Days with Sustained winds 5 Days with Gusts over 23 5 over 13 mph (Moderate Breeze) mph (Near Gale)



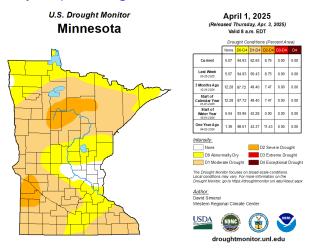




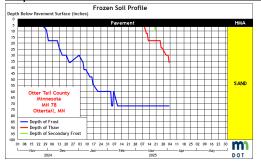


# c. Minnesota Drought Report

The overall drought situation across Minnesota improved in March. The month began with 69 percent of the state in at least moderate drought. As of April 3, the moderate drought had decreased to 63 percent. Becker County saw a small change month over month. The majority of the county (including all of the Pelican River Watershed District) is still in Moderate Drought. However, the far eastern portion of the county which was in Severe Drought decreased in size now including just the northeast corner of the county. <a href="https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?MN">https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?MN</a>



**d.** Frozen Soil Profile - Soils are beginning to thaw. Frost depth is still reported in Otter Tail county at 70 inches; however the thaw has extended to just over 35 inches. (MNDOT, <a href="https://www.dot.state.mn.us/loadlimits/frost-thaw/ottertail.html">https://www.dot.state.mn.us/loadlimits/frost-thaw/ottertail.html</a>).



e. **State-Wide Preliminary Climate Summary for March 2025 – University of Minnesota** https://blog-weathertalk.extension.umn.edu/2025/03/preliminary-climate-summary-for-march.html

The story of March temperatures in Minnesota is the great range and disparity between northern Minnesota and southern Minnesota. Average monthly temperatures ranged from just 2°F above normal in some northern communities to 7°F in many southern Minnesota communities. Temperatures ranged from -20°F at Seagull Like (Cook County) on the 2nd to 87°F at Sherburn (Martin County) on the 28th. 28th. In fact, that was a new statewide high temperature record on March 28th, to go along with the new statewide high temperatures set earlier this month on the 10th (77°F at Granite Falls) and the 14th (79°F at Winona). Within the statewide long-term climate station network, over 150 new daily high maximum temperature records were set during the month, with several locations reporting highs of 70°F or greater. In addition, over 40 climate stations reported at least one new record warm overnight minimum temperature record being set. Among those long-term climate stations in Minnesota reporting a very warm month of March, the monthly average temperature will rank historically as follows:

MSP 11th warmest
Redwood Falls 11th warmest
Mankato 6th warmest
Rochester 7th warmest

The overall statewide average temperature will probably fall among the 12 warmest in history back to 1895.

Precipitation was mixed across the state, with some stations reporting above normal values, but most stations reporting below normal monthly precipitation through March 27th. However, with the expected wet weekend coming up that picture could change significantly, and most stations may report above normal monthly values of precipitation for March by Monday of next week.

The driest area of the state this month has been the northwest, where most climate stations have reported less than a third of an inch of precipitation. According to the most recent U.S. Drought Monitor data, over two-thirds of Minnesota remains in Moderate Drought at months end, with about 8 percent of the landscape in Severe Drought. Thankfully, the entire first half of April is expected to be wetter than normal, a trend most farmers are hoping to see hold true, as Minnesota soils need the water.

A final word on the windiness of March. This month has arguably been one of the windiest months of March in recent memory, rivaling the windiness commonly expected in the months of April and November. Many climate stations have reported 12 or more days with wind gusts over 30 mph. Rochester reported 18 such days and Redwood Falls 17 days. In addition, several climate stations saw wind gusts over 50 mph. Such frequency of high winds is uncommon for Minnesota and may be a precursor to a very windy April, normally the windiest month of the year.

# Rules Report - April 2025



#### **PERMITS ISSUED**

No.	Name/Address	Description
25-06	Smith Living Trust	Shore Impact Zone
	13043 West Lake Sallie Dr	
25-07	Justin & Amy Koenig	Impervious Surface: > 10,000 square feet impervious in
	236 Shorewood Drive	the Shore land District.

#### **PERMITS IN PROCESS**

#### PERMITS APPLICATIONS - ENGINEER REVIEWS IN PROCESS

- BTD
- City of Detroit Lakes Pickle Ball Courts
- Becker County Dunton Locks
- Menards

#### **VIOLATION Report**

• Solmon, Marty: 12044 Cty Rd. 17: A meeting was held on 2/12/2025 with Engineer Monson, Owen Reding (Becker SWCD Shoreland Tech), and Mr. Solomon. A draft remediation plan may include a combination of a shoreline buffer and a raingarden. Plans are in the design phase by Becker SWCD.

#### **MEETING COMMENTS**

- City of Detroit Lakes City Council
  - o April 3, 2025 no comments.
  - o April 8, 2025 no comments.
- City of Detroit Lakes Planning Commission
  - No meetings scheduled since last report.
- City of Detroit Lakes Development Authority
  - o No meetings scheduled since last report.
- Becker County Commissioners
  - o April 1, 2025 no comments.
- Becker County Planning and Zoning
  - o March 26, 2025 no comments
- Becker County Board of Adjustment
  - April 10, 2025 no comment.