



Red River Watershed Management Board

GOVERNING DOCUMENTS

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Red River Watershed Management Board

POLICY MANUAL

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FOREWARD

On June 15, 1993 at a regular board meeting of the Red River Watershed Management Board, a motion was made to form a committee (hereafter, called the Policy Manual Committee) to create a policy and general guidance manual. The committee was to consist of three board members, one engineer, one technician, and one administrator. The three board members selected were Gerhard Ross, Dan Wilkens, and Curtis Nelson, who in turn selected Rick St. Germain of Houston Engineering of Fargo, North Dakota as Engineer, Jerry Bennett, Houston Engineering as Technician and Ron Adrian of the Middle River-Snake River Watershed District as Administrator.

On June 17, 2003 at a regular board meeting, the Board of Managers appointed a committee (hereafter, called the Transition Team) to address the revisions needed to the Governing Documents publication. The committee was to consist of the following board members: Jerome Deal, Farrell Erickson, Vernon Johnson, and Daniel Wilkens.

On September 21, 2010 at a regular board meeting, President Finney appointed Manager Holmvik to fill a vacated position on the Transition Team (hereafter, called the Governing Documents Committee). The committee was to consist of the following board members: Jerome Deal, Ron Osowski, Dan Money, and Greg Holmvik.

PREFACE

This policy manual was prepared to provide interested parties and watershed managers of the Red River Minnesota Basin with a description of the overall mission of the Red River Watershed Management Board and specific objectives for accomplishing this mission. The Policy Manual Committee recommended that this initial volume of the Policy Manual be updated and revised in 1997 and every five years thereafter.

ACKNOWLEDGEMENTS

The committee wishes to thank Dr. Lawrence Woodbury, Professor at the North Dakota State University and Consultant to Houston Engineering of Fargo, North Dakota for writing the original draft from an outline prepared by the Policy Manual Committee. The committee also acknowledges, with thanks, suggested revisions and comments by Dr. Bernard Youngquist, St. Paul, Minnesota; Mark Deutschman of HDR Engineering, Minneapolis, Minnesota; Mary McConnell of Lindquist and Vennum, Attorneys at Law, Minneapolis, Minnesota; Red River Watershed Management Board members: Sanford Moen, Wild Rice Watershed District; Ron Osowski, Middle River-Snake River Watershed District; Harley Younggren, Two Rivers Watershed District; Farrell Erickson, Roseau River Watershed District; John Finney, Joe River Watershed District; and Don Ogaard, RRWMB Executive Director.

CHAPTER I

INTRODUCTION

A. MISSION STATEMENT

The mission of the Red River Watershed Management Board is to institute, coordinate, and finance projects and programs to alleviate flooding and assure the beneficial use of water in the watershed of the Red River of the North and its tributaries.

B. HISTORY

The Red River Watershed Management Board (RRWMB) is an organization initially created to address chronic flooding problems and other water management issues within the drainage basin of the Red River of the North. It is widely recognized that flooding occurs frequently along the mainstem of the Red River and its tributaries. Flooding has been and is the principal water problem in the Red River of the North Basin.¹ The basin is particularly susceptible to severe flooding for two reasons; its flat topography, and the northward flow of the Red River. Spring thaws generally begin in the southern reaches, sending water to a river, restricted with ice in its northern reaches.

The majority of recorded and observed flood events originate from spring runoff. However, major summer flooding does occur with basin-wide impact (i.e., 1950, 1975 and 1993). Large historic floods were recorded in the basin in 1826, 1852, 1861, 1882, and 1897. Floods in 1950, 1966, 1969, 1975, 1978, 1979, 1985, 1989, 1993, 1996, 1997, 2001, 2002, 2006, 2009, 2010, 2011, and 2013 have caused enormous economic and environmental disruptions. Major basin-wide flooding causes extensive and costly damage to crop land, roads, bridges, towns, cities, and farmsteads along and adjacent to the mainstem and its tributaries. Various types of organizations have been created to address the flooding problems of the valley, however, most of these entities had only local jurisdiction. Until 1976, no Minnesota water management organization existed with a Red River basin-wide perspective.

The Lower Red River Watershed Management Board (LRRWMB), later renamed the Red River Watershed Management Board (RRWMB), was created by an act of the Minnesota legislature in 1976 to provide an organization with a basin-wide perspective concerning flooding. Historically, the activities of the RRWMB have centered on flood control. Previous efforts in dealing with the flooding problem within the Red River Basin consisted of single projects within a localized area, planned with primary regard to local benefits. The RRWMB actively promotes a basin-wide perspective for water management.

To date, the RRWMB has participated in 43 floodwater retention projects in the Red River Basin. Several more projects are under consideration by the RRWMB for financial

¹ Volume 3, Flood Damage and Drainage, Souris, Red Rainy River Basins Comprehensive Study: 1972.

support. Hydrologic water management studies have been undertaken by the RRWMB and others to provide an understanding of the characteristic flooding mechanisms of the basin, and to serve as a management tool for the purpose of assisting in making wise funding decisions. In 1980, the RRWMB commissioned a study that would ultimately have great impact on the Board's policy with respect to prioritizing flood control projects for financial support. This study,² completed in 1984, established the concept of flood wave timing as a unique characteristic of Red River Basin floods. The premise of this concept is that the severity of flooding on the Red River mainstem is directly related to the time of travel of flood waves within the headwaters of individual contributing tributaries to the mainstem. The timing concept is used by the RRWMB to establish priorities in financing flood control projects with the most local and mainstem flood reduction benefits. The RRWMB policy for evaluating flood control projects was first articulated in its *Project Evaluation Manual*, dated November 16, 1976. This document was later updated under the title *Application Procedures for Funding Flood Damage Reduction Projects and Related Programs*, and adopted by the RRWMB on January 15, 1991. This manual provides the main criteria for RRWMB financial support of proposed flood control projects. A copy of this document is included in this manual as Section 4.

In 1991, (Section 2) legislation changed the name from Lower Red River Watershed Management Board to Red River Watershed Management Board and expanded its authority to include projects and programs of benefit to the Red River Basin. Some of these RRWMB initiatives have included the promotion of basin planning, water quality studies, groundwater studies, data acquisition and educational programs. Examples are:

- developing a functional Geographic Information System (GIS) for the Red River Basin to use as a tool for basin planning;
- developing programs and materials intended to inform the public about natural resource management within the Red River Basin;
- funding and promoting planning on a watershed and basin-wide basis;
- funding water quality studies with the intent of understanding the relationship between land use and water quality;
- cost sharing with the United States Geological Survey in the maintenance and operation of stream gaging stations;
- assisting other units of local government with an inventory of possible wetland restoration locations;
- water supply;
- funding for the initial development of the Red River Basin Board (RRBB);

² Water Resources Engineering/Planning Program for the Red River of the North Basin in Minnesota. McCombs-Knutson Associates, Inc., 12800 Industrial Park Boulevard, Plymouth, MN 55441.

- funding and promotion of the River Watch program in conjunction with schools throughout the Red River Basin;
- supporting the mediation process; and
- developing broad-based LiDAR tools including the Project Planning Tool (PPT).

The RRWMB continues to provide a basin-wide perspective to water management in the Red River Basin.

C. AUTHORITY UNDER LAW

In 1976, the Minnesota legislature passed legislation which enabled existing watershed districts within the Minnesota portion of the Red River Basin to join together in a common effort under a Joint Powers Agreement to form the Lower Red River Watershed Management Board (LRRWMB). This organization was created for the purpose of instituting, coordinating, and financing projects and programs to alleviate flooding and to assure the beneficial use of water in the watershed of the Red River of the North and its tributaries. The 1976 legislation gave the LRRWMB authority for "construction and maintenance of projects of common benefit," and also allowed member watershed districts to levy up to two mills ad valorem tax to be utilized for flood water retention projects. One-half of the tax collected is retained by the individual member watershed district for projects within the district while the other half is transferred to the LRRWMB. Additional 1991 legislation changed the name of the LRRWMB to the Red River Watershed Management Board (RRWMB) and redefined the authority of the Board to "...development, construction, and maintenance of projects and programs of benefit to the Red River Basin." To conform with Minnesota Statutes Section 471.59 as amended in 1992, the current levy limitation is .04836 percent of the taxable market value of all property within the district. A copy of the authorizing legislation is included herein as Section 2.

As originally formed in 1976, the LRRWMB consisted of seven member watershed districts (WD): Joe River WD, The Two Rivers WD, Roseau River WD, Middle River-Snake River WD, Red Lake WD, Sand Hill River WD, and the Wild Rice WD. In 1980, the Buffalo-Red River WD joined. In 1994, the Bois de Sioux Watershed in the southern end of the Red River Basin joined bringing the number of member districts to nine. The jurisdiction of the renamed RRWMB is limited to that of its member districts. However, the RRWMB does have the power to cooperate with authorities in North Dakota, South Dakota, and Manitoba and to enter into "contracts, compacts and agreements which may be necessary to ensure integration of its projects." The RRWMB presently holds quarterly meetings with the Red River Retention Authority (RRRA). The RRRA was formed on May 26, 2010 through a Joint Powers Agreement and is comprised of members of the Red River Joint Water Resource District, a North Dakota political subdivision, and the Red River Watershed Management Board, a Minnesota political subdivision. The primary objective of the RRRA is to ensure joint, comprehensive, and strategic coordination of retention projects in the Red River of the North watershed and facilitating implementation and construction of retention in the Red River Valley. The RRWMB also participates in activities of the RRBB.

The RRBB was formed in 1997 by local, regional, and state/provincial interests in North Dakota, Minnesota, Manitoba, and South Dakota to develop a comprehensive plan for the Basin. In 2002, the RRBB joined with The International Coalition (TIC) and the Red River Water Resources Council (RRWRC) to form the Red River Basin Commission (RRBC). The mission of the RRBC is: To develop a Red River Basin integrated natural resources framework plan; to achieve commitment to implement the framework plan; and to work toward a unified voice for the Red River Basin.

CHAPTER II DESCRIPTION OF THE RED RIVER WATERSHED MANAGEMENT BOARD

A. GEOGRAPHICAL WATERSHED - LOCATION AND SIZE

The Red River of the North Basin is located at approximately the geographic center of North America. The confluence of the Otter Tail and Bois de Sioux Rivers at Breckenridge, Minnesota, and Wahpeton, North Dakota marks the beginning of the Red River of the North. The mainstem of the river meanders northward through the Red River Valley along the common boundary between Minnesota and North Dakota, then continues through Canada to its eventual outlet into Hudson Bay. Within the United States, the river drains approximately 35,000 square miles: 16,620 square miles in North Dakota, 17,806 square miles in Minnesota, and 574 square miles in South Dakota. The Red River Basin in the United States is approximately 250 miles long and 300 miles wide at its widest point.³

The geologic history of the Red River Basin helps to explain its unique characteristics. As the late Wisconsin glacier of the great Pleistocene Ice Age retreated to the north, a glacial lake was formed, known as Lake Agassiz. Upon the drainage of Lake Agassiz, the Red River Basin was exposed. The Red River Basin in North Dakota is characterized by a gentle and almost uniform slope upward until the drainage divide is reached. In Minnesota, the terrain is very undulating in the upland areas, with a large number of lakes in the upper portion of the drainage area.

The topography of the lake plain area through which the Red River flows is generally flat with numerous tributaries joining the main channel. The flow of water has been affected by the construction of roads, bridges, towns, railroads, and other infrastructure. The removal of excess water through the construction of drainage systems has allowed for development and increased agricultural productivity of the land. These systems outlet into tributaries of the Red River, or the mainstem itself. There have not been any significant improvements made within the main channel of the Red River. However, many levees and ring dikes around farmsteads and municipalities have been constructed in recent years in response to frequent flooding.

Seventy-four percent of the land in the Red River Basin is agricultural. Sixty-six percent is cropland and eight percent is pasture and rangeland.⁴ Much of the land is devoted to the raising of small grains, edible beans, corn, soybeans, sunflowers, potatoes, canola, and sugarbeets, with interest in vegetable production increasing.

³ Volume 3, Souris Red Rainy River Basin Comprehensive Study: 1972, pp. 37-D.

⁴ Souris Red Rainy River Basins Comprehensive Study, 1972.

The climate is generally described as temperate and continental having cold winters and warm summers. Temperatures of 85 to 95 degrees Fahrenheit are common in the summer and 25 to 35 degrees Fahrenheit below zero are common in the winter. The annual normal precipitation in the basin ranges from 19 to 25 inches. Most of the precipitation consists of spring and summer rains, with the remaining being snowfall.

B. MEMBER DISTRICTS

A map showing the location and size of the Red River Watershed Management Board jurisdiction and its member watershed districts is included herein as Figure 1, page 8. Section 6 of this manual consists of a directory of member watershed districts and their points of contact. A description of local watershed district projects and their status is provided in the RRWMB Annual Reports.

JOE RIVER WATERSHED DISTRICT. The district was established January 31, 1958, and is located in the extreme northwest corner of Minnesota in Kittson County. The district subbasin has an area of 118 square miles.

TWO RIVERS WATERSHED DISTRICT. This district was first established on October 30, 1957. The district subbasin has an area of 1,454 square miles located in Kittson and Roseau counties. The mainstem of the Two Rivers is only a few miles long. Three principal branches - the North Branch, the Middle Branch, and the South Branch - comprise the river system.

ROSEAU RIVER WATERSHED DISTRICT. Established as Roseau River Drainage and Conservancy District in 1920, it was authorized to function as a watershed district in 1963. Located in the extreme northeastern corner of the Red River of the North basin, the district subbasin has an area of 1,128 square miles in the counties of Roseau, Kittson, Beltrami, Lake of the Woods, and Marshall. After leaving the United States, the Roseau River drains an additional 929 square miles within Canada. The Roseau River follows a general northwesterly course over its entire length of approximately 180 miles. It crosses the international border at the midpoint of its course and enters the Red River approximately 15 miles downstream from the border.

MIDDLE-RIVER SNAKE-RIVER WATERSHED DISTRICT. The district was established on August 28, 1970. The Snake River subbasin occupies an area of approximately 750 square miles. The Middle River, which is a tributary of the Snake River, is a long thin subbasin with an area of 295 square miles between the Agassiz National Wildlife Refuge on the east and the Snake River on the west. The area of the district includes 1,045 square miles of territory in the counties of Marshall, Polk, and Pennington. It is bordered by the Tamarac River subbasin on the north and the Red Lake Watershed District on the south and east.

In July of 2002, a hearing on the petition of the Marshall County Board of Commissioners to enlarge the district by adding the Tamarac watershed area; to change the Board of Managers from 5 to 7, and to change the name to the Middle Snake Tamarac Rivers Watershed District was conducted in Stephen, MN. The Board of Water and Soil

Resources granted the petition in August of 2003, which increased the district by approximately 44% (440 square miles).

RED LAKE WATERSHED DISTRICT. Established as the Red Lake Drainage and Conservancy District in 1920, it was authorized to function as a watershed district in 1969. The Red Lake subbasin is the largest subbasin in Minnesota with a total drainage area of 5,990 square miles. The major stream is the Red Lake River which has its source in Lower Red Lake. Other major tributaries include Thief River, Clearwater River, Lost River, and Poplar River. The territory of the district includes all or portions of the counties of Red Lake, Pennington, Clearwater, Beltrami, Marshall, Koochiching, Itasca, Mahnomen, Roseau and Polk.

SAND HILL RIVER WATERSHED DISTRICT. Established as the Sand Hill River Drainage and Conservancy District in 1949, it was authorized to function as a watershed district in 1974. Located in the central part of the Minnesota portion of the Red River of the North basin, the Sand Hill River subbasin is a rectangle about eight miles wide and 55 miles long, covering an area of 484 square miles in Polk County and small portions of Norman and Mahnomen counties.

WILD RICE WATERSHED DISTRICT. Established as the Wild Rice-Marsh River Drainage and Conservancy District in 1949, it was authorized to function as a watershed district in 1968. The Wild Rice Watershed District includes approximately 2,080 square miles with territory in Norman, Becker, Clay, Mahnomen, Clearwater, and Polk counties. In addition to its major watercourse, the Wild Rice River, the other major waterway is the Marsh River and its tributaries.

BOIS DE SIOUX WATERSHED DISTRICT. The Bois de Sioux Watershed District was established on May 11, 1988 by order of the Minnesota Board of Water and Soil Resources (BWSR). The district represents an area of approximately 1,430 square miles and includes Traverse County (38%), Grant County (27%), Wilkin County (14%), Stevens County (10%), Big Stone County (7%), and Otter Tail County (4%). The district constitutes the drainage basins of Lake Traverse and Bois de Sioux within the state of Minnesota. The major tributaries are the Mustinka River and numerous creeks in the south and east and the Rabbit River to the north.

C. BOARD DESCRIPTION AND ORGANIZATIONAL STRUCTURE

The Red River Watershed Management Board consists of one representative from each of the participating Watershed Districts. A participating watershed district is defined as one who has signed the Joint Powers Agreement. A copy of the current Joint Powers Agreement is included in this manual as Section 3. Figure 2, page 19 shows the present organizational structure of the RRWMB.

Representatives are appointed by each individual watershed district's Board of Managers to serve a three-year, rotating term of office. The representative shall be a current member of the appointing watershed district's board of managers. Each appointing board also appoints an alternate member who serves and is entitled to vote in the regular member's absence; such alternates may be persons other than current

managers, provided that only current managers may vote on the RRWMB's annual budget and levy. Any vacancies on the RRWMB are filled for the unexpired term by the appointing watershed district's Board of Managers. It is noted that Chapter 103D.311, Subd. 2 of the Minnesota Statutes provides for the appointment of individual watershed district's Board of Managers by the County Boards of Commissioners in the district.

The RRWMB may establish committees, standing and special, and advisory bodies to assist the Board in performing its duties, e.g. the Technical Advisory Committee (TAC). Such committees or advisory bodies may include persons who are not Board members, provided that no member of a committee other than a Board member may offer a motion or vote on a matter put before the Board.

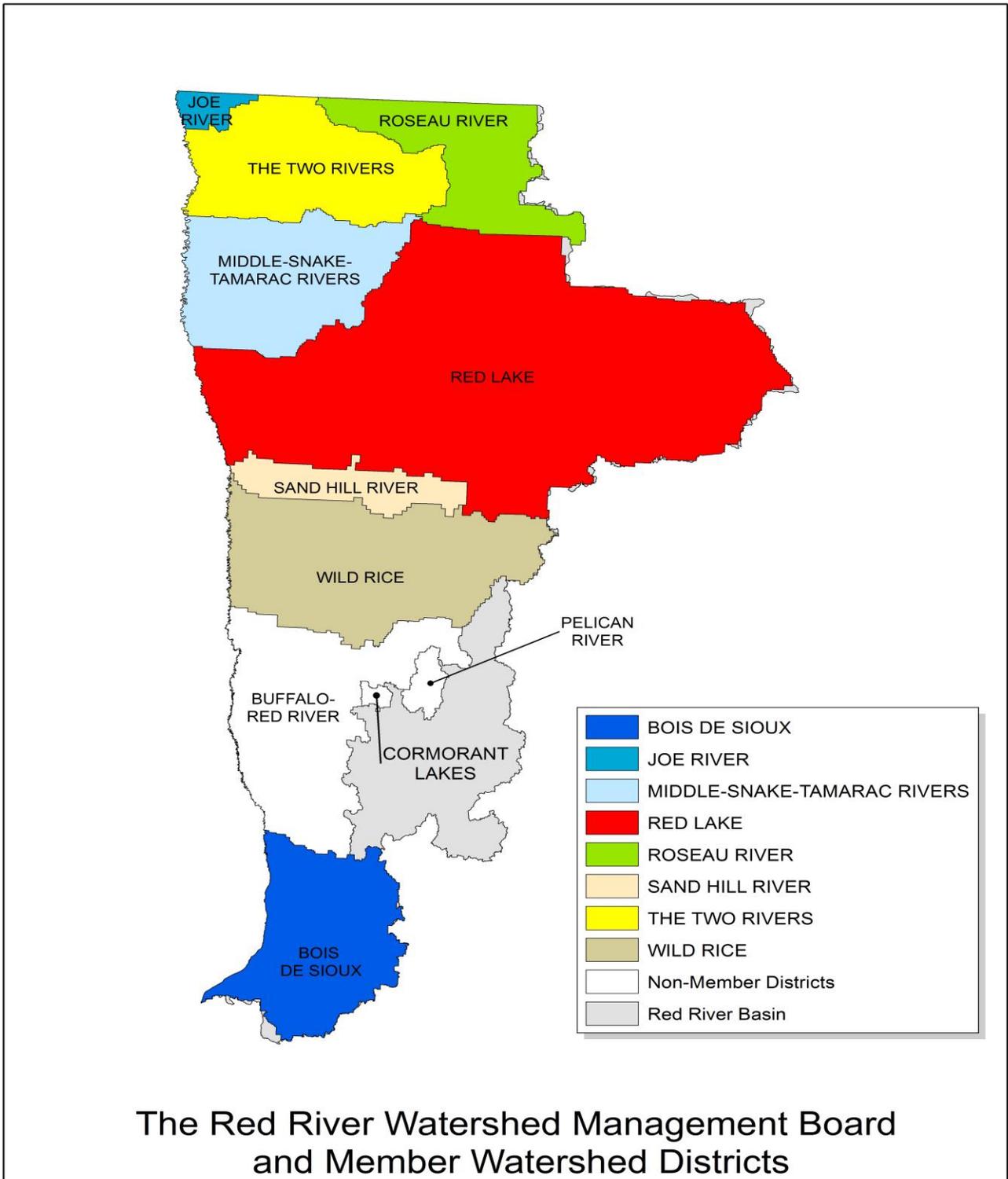


Figure 1

D. PROJECT IMPLEMENTATION AND FUNDING

Assistance is available to member districts for the implementation of water management related projects and natural resource initiatives. Member watershed district costs which are eligible for RRWMB cost sharing include:

- concept development;
- preliminary engineering studies;
- environmental planning;
- preparation of environmental review documents;
- final engineering design;
- preparation of construction plans and specifications;
- construction engineering and administration;
- right-of-way and easement acquisition; and
- construction costs.

Funding assistance provided by the RRWMB to member watershed districts for water management related projects and programs is dependent upon the approval of the Board after proper consideration of all factors involved. If the funding request is for a flood damage reduction project, it must meet the criteria outlined in Section 4.

The project and/or program review may include:

1. consideration of comments contained in the "Director's Advisory Report" provided by the Director, Division of Waters, Minnesota Department of Natural Resources, in accordance with Chapter 103D.711, Subd. 5 of the Minnesota Statutes;
2. consideration of comments contained in the "Board's Advisory Report" provided by the Minnesota Board of Water and Soil Resources, in accordance with Chapter 103D.711, Subd. 5 of the Minnesota Statutes;
3. comments and concerns expressed during project planning and coordination meetings between the member watershed district and local, state, and federal permitting agencies;
4. consideration of comments received from the Environmental Quality Board during completion of its environmental review of the project in accordance with the Minnesota Environmental Policy Act (Chapter 116D of the Minnesota Statutes);
5. consideration of the overall educational and informational benefit to residents of the Red River Basin;
6. consideration of the watershed district's mediation project teams' recommendations;
7. comments or review by the board's TAC; and

8. consideration of priorities of the RRRA.

Typical member watershed district projects can be initiated and completed within three to six years if all qualifying factors are achieved. A seven to twelve year planning and development timeframe is common for more complex projects. The RRWMB also participates in programs and projects initiated by other institutions, universities, local, state or federal agencies, when the activity is deemed in the interest of the member watershed districts.

E. PROJECT RESPONSIBILITIES OF MEMBER DISTRICTS

The individual member watershed districts are responsible for the development of water management related projects and other initiatives. Member watershed districts present flood water management related projects for funding consideration by the RRWMB by submitting written documentation in the form of a Step I - Initial Submittal, as specified in Section 4. Consideration for the funding of other programs begins after the submittal of a proposal to the RRWMB by an individual member watershed district.

Chapter 103D.701 of the Minnesota Statutes provides for the initiation of projects by watershed districts that are to be paid for by the assessment of the benefitted properties. These methods can be broadly classified as:

1. by project petition filed with the Watershed District Board of Managers; or
2. by unanimous resolution by the Watershed District Board of Managers.

Additional authority in Chapter 103D.601, Subd. 1 of the Minnesota Statutes contains another provision for project establishment if the project is funded at least in part by outside grants. The Watershed District Board of Managers may initiate a project by resolution of at least a majority of the managers if:

1. the project is financed by grants totaling at least 50 percent of the estimated project cost;
2. the engineer's estimate of costs to parties affected by the watershed district, including assessments against benefitted properties but excluding state, federal, or other grants, is not more than \$750,000 for the project; and
3. the project must not have drainage as its essential nature and purpose.

Chapter 103D also requires the watershed district to develop an Engineer's Report, obtain appraisals for the affected lands, determine the benefits and damages associated with the proposed project, determine the benefitted property, and hold public hearings on the proposed project.

The RRWMB considers that watershed district property tax levies or assessments are subject to the \$750,000 limitation, and considers funding sources from the RRWMB levy to be sources that are not subject to the \$750,000 limitation.

CHAPTER III
WATER MANAGEMENT OBJECTIVES AND BOARD POLICIES

A. PRINCIPAL OBJECTIVE OF THE RRWMB

The principal objective of the Red River Watershed Management Board is to assist member Watershed Districts with the implementation of water related projects and programs. The purpose of these projects and programs is the reduction of local and mainstem flood damages, and also to enhance environmental and water resource management. Projects and programs must be of benefit to the Red River Basin and its member watershed districts in order to qualify for RRWMB funding.

The principal objective of the RRWMB, as stated above, is derived from legislation passed in 1976 and 1991. This objective is also in direct support of the RRWMB's Mission Statement. In addition to the RRWMB's principle objective, the Board has adopted several supporting objectives. Taken as a whole, the principal and supporting objectives form an overall policy for the Red River Watershed Management Board. These adopted supporting objectives are stated in the following section of this policy manual.

B. SUPPORTING OBJECTIVES OF THE RRWMB (not prioritized)

1. COORDINATION

It is a supporting objective of the RRWMB to provide leadership for the coordination of projects and programs related to water management.

Governmental agencies involved in projects at the federal level include: the U.S. Army Corps of Engineers, the Federal Highway Administration, the U.S. Fish & Wildlife Service, the Environmental Protection Agency, and the U.S. Department of Agriculture; at the state level, the Department of Natural Resources, the Pollution Control Agency, the Board of Water and Soil Resources, the Minnesota Department of Agriculture, and the Department of Transportation; at the local level, Watershed Districts, Soil and Water Conservation Districts, county government, townships, and municipalities. Tribal interests may also be involved. It is apparent that some centralized leadership is necessary to coordinate and direct the development of projects in an optimum manner.

The RRWMB accepts this leadership role as a matter of policy.

2. FINANCIAL SUPPORT

It is a supporting objective of the RRWMB to participate in funding initiatives which include projects and related programs that encourage consideration of mainstem benefits, and enhance environmental and water resources. Projects, programs and initiatives must be of benefit to the Red River Basin and its member watershed districts in order to qualify for RRWMB assistance.

Incentives are provided in order to influence watershed districts to include design considerations for both local and mainstem benefits. It is an intent of the 1976 legislation

that this incentive be in the form of financial assistance.

It is the current policy of the RRWMB to participate in the funding of member watershed district initiated projects meeting RRWMB established criteria for financial support and other initiatives beneficial to the basin.

3. BASIN PLANNING

The RRWMB assists private, local, state, interstate, federal, or international water management and natural resource activities within the Red River Basin, through coordination and assistance with implementation.

The RRWMB is frequently put into the position of coordinating basin-wide planning efforts. Projects of this nature have included the development of coordinated county water management plans, basin-wide assessment of flooding, basin-wide environmental assessments, coordination of data collection, the development of a functional basin-wide Geographic Information System (GIS), LiDAR, and wetland mitigation development strategies. The RRWMB assists planning efforts at all levels within the Red River Basin.

The RRWMB is committed to supporting basin planning efforts as a matter of Board policy.

4. WATER QUANTITY

The RRWMB supports projects and programs for the alleviation of damage by floodwater, with an additional emphasis on maintaining low flow conditions for the aquatic environment and providing water supply for public use.

The RRWMB actively supports projects that not only reduce flood damages, but also contribute to water conservation objectives. Initiatives, which support these objectives, include multi-purpose detention projects, wetland enhancement, restoration of wetlands, and water control structures.

It is Board policy to support flood control and water conservation projects.

5. WATER QUALITY

It is a supporting objective of the RRWMB to provide assistance for studies, programs, initiatives and projects to improve water quality.

The RRWMB recognizes that water quantity and quality issues are interdependent and must be addressed within the context of total water management. Therefore, data collection programs and studies relating to water resource information should have both a quantity and a quality aspect. Ongoing studies and data collection programs conducted by federal agencies such as the U.S. Geological Survey, the Corps of Engineers, and the Natural Resources Conservation Service as well as state and local programs of the Department of Natural Resources, Pollution Control Agency, and local watershed districts are valuable for the protection and enhancement of the water resources of the basin. The

Red River Basin Decision Information Network (www.rrbdin.org) is an internet-based decision support system for the Red River Basin which includes information such as databases, references, technical tools, communication tools and GIS data (i.e. International Water Institute and River Watch).

It is a policy of the RRWMB to support ongoing studies, initiatives, and programs for the improvement of water quality.

6. EROSION AND SEDIMENTATION

It is a supporting objective of the RRWMB to provide assistance for studies, programs, and initiatives, including cooperative efforts with other agencies, to reduce soil erosion and sedimentation.

The RRWMB recognizes that erosion and sedimentation issues are interdependent and must be addressed within the context of total resource management. Wind and water erosion is a depletion of a valuable natural resource, and leads to sedimentation of lakes, rivers, and other waterways.

It is a policy of the RRWMB to support studies, programs, and initiatives conducted by federal, state and local agencies for the reduction of soil erosion.

7. EDUCATION

It is a supporting objective of the RRWMB to support development of informational and educational programs related to water and natural resource management concerns.

The RRWMB will continue to be active in educational efforts relating to the conservation of water and soil. The RRWMB views its educational role from a broad perspective. This role is both interstate and international. The RRWMB views education as a tool to enhance the public's understanding of water and natural resource management.

It is a policy of the RRWMB to utilize education as a tool to inform the public on issues related to the conservation of water, soil, and the preservation and enhancement of natural resources in the basin.

8. RESEARCH

It is a supporting objective of the RRWMB to provide assistance for basic and applied research related to natural resource management within the Red River Basin.

The RRWMB has participated in innovative water resource projects. There are questions yet to be resolved. Research will benefit the RRWMB in its operations. The research institutions include universities, private organizations, and governmental agencies. The RRWMB is committed to an administrative and financial role in supporting and sponsoring relevant research.

It is a policy of the RRWMB to commit to an administrative and financial role in supporting and sponsoring relevant research related to water and natural resource management within the Red River Basin.

9. PUBLIC INFORMATION

It is a supporting objective of the RRWMB to inform the public of water management activities and concerns.

The operations and project initiatives sponsored by the RRWMB need an informed public. The RRWMB has focused on informing the public that water systems in the Red River Basin, both natural and artificial, should be viewed as a valuable resource. The RRWMB also needs to raise public awareness of water quality and water quantity as significant issues in the Red River Basin. The RRWMB will assist member districts and other local entities in this effort.

It is a policy of the RRWMB to promote a strong public information program to educate the public regarding its operations and initiatives.

10. CONFLICT RESOLUTION

The RRWMB shall work toward the resolution of conflicts regarding water management.

The RRWMB is committed to the resolution of conflicts. Conflict resolution methods include, but are not limited to, negotiation, mediation, arbitration, or legal action. The successful application of conflict resolution will keep projects and initiatives on schedule.

It is a policy of the RRWMB to commit itself to the speedy and efficient resolution of any conflicts related to managing the basin's water resources.

11. POLICIES, RULES AND REGULATIONS OF OTHER ENTITIES

The RRWMB will comply with the policies and regulations of other governmental entities. Where inconsistencies in policies and regulations exist, the RRWMB will cooperate with the appropriate governmental entities in resolving the inconsistencies.

Coordination and cooperation with other governmental units is necessary in water resources management. Coordination between the RRWMB and permitting agencies such as the Corps of Engineers, Department of Natural Resources, and the Minnesota Pollution Control Agency, are mandated through legislative and permit requirements. Cooperation and coordination between the RRWMB, the Red River Basin Commission, the Roseau River International Watershed, the North Dakota Red River Joint Water Resources Board, and the Red River Retention Authority are a necessity in consideration of shared basin responsibilities.

It is a policy of the RRWMB to adopt policies and regulations which are consistent with policies and regulations of other governmental entities, and to comply with the regulatory programs of these agencies.

C. POLICIES OF THE RRWMB

1. BOARD MEMBER PER DIEM AND EXPENSE REIMBURSEMENT POLICIES

Note: These policies are intended to follow the "Board Member Per Diem and Expenses Policy" of the Minnesota Board of Water and Soil Resources (January 1, 2008) except where noted below by asterisk.

A. PER DIEM (\$75/day*): Per diem is authorized for Board members for the following:

1. One per diem for regular monthly Board meetings, meetings of committees to which members are assigned, and special meetings called by the Board President or Administrator*. This does not apply to meetings of organizations, groups and local governments that are the primary responsibility of RRWMB staff*.
2. One per diem for four or more hours spent in preparation time for each Board meeting, each committee meeting or each special meeting of the Board. Preparation time in excess of four hours for a meeting cannot be banked.
3. One per diem is authorized for the day prior *and* the day after for travel by Board members for a regular meeting, special meeting of the Board or committee meeting where Board members travel more than 200 miles each way using vehicular transportation.
4. One per diem is authorized for the day prior *or* the day after for travel by a Board member for a regular meeting, special meeting of the Board, or committee meeting where Board members travel more than 100 miles each way using vehicular transportation.
5. Per diem incurred at other meetings of other pertinent affiliated organizations such as the Minnesota Association of Watershed Districts (MAWD)* conventions or tours under the conditions defined in items A.1 through A.4 if authorized by the Board, or the President of the Board, or the Administrator*.
6. Full-time employees of the State or one of its political subdivisions are not eligible to receive a per diem payment, unless so authorized by their employer.
7. In *no* instances will more than one per diem payment* per day be permitted under this policy.
8. Participation in regular monthly Board meetings, meetings of committees to which members are assigned, and special meetings called by the Board President via conference call, videoconferencing, internet technology or other similar means as permitted by the Open Meeting Law is considered the same as participation in-

person for per diem or expense purposes.

B. EXPENSES: Expenses are authorized for Board members according to the following criteria:

1. Expenses incurred by Board members for attendance at meetings and events as described in items A.1 - A.5 will be reimbursed consistent with the terms of this Section C.

Reimbursable expenses may include, but are not limited to, the following: Commercial transportation (air, taxi, rental car, etc.); Meals including tax and a reasonable gratuity; Hotel and motel accommodations; Parking fees and toll charges.

Board members who use their personal office equipment, supplies and services in part for the purpose of receiving and generating telephone, fax, e-mail or other electronic messages related to Board activities, are eligible for a reimbursement for such equipment, supplies and services up to an amount not to exceed \$50 per month.

2. Child care expenses incurred, and that would not otherwise have been incurred, as a result of monthly Board meetings, special or committee meetings of the Board shall be compensated.
3. Vehicle travel will be reimbursed at the standard Federal IRS mileage rate in effect at the time of travel.
4. Board members who are employees of the State or one of its political subdivisions may receive payment for their expenses incurred in performing their board member activities, unless those expenses are reimbursed by another source.
5. The Internal Revenue Service (IRS) requires business expenses to be submitted for reimbursement within 60 days after the expense is incurred or the trip ends. If not submitted within 60 days, the reimbursement becomes taxable for federal, state, FICA and Medicare; and withholding tax must be taken.

C. MEETING COORDINATION: The Board directs committee members and staff to schedule committee meetings in conjunction with monthly board meetings whenever possible.

- * Meal Allowances. If the Board member is on assignment away from the member's home station in a travel status, the member is reimbursed for actual cost of meals (up to the maximum reimbursement) including gratuity. Employees are also reimbursed for meals which are an integral part of conferences and meetings which have been approved in advance.

Maximum reimbursements for meals, including tax and gratuity, are:

Breakfast	Lunch	Dinner
\$12.00	\$18.00	\$25.00

A member who is in travel status for two or more meals is reimbursed for the actual cost of the meals up to the combined maximum amount per day for the reimbursable meals.

Breakfast reimbursement may be claimed only if the member is on assignment away from his/her home station in travel status overnight or departs from home in an assigned travel status before 6:00 a.m. Dinner reimbursement may be claimed only if the member is away from his/her home station in a travel status overnight or is required to remain in a travel status until after 7:00 p.m.

* Note: Differs from BWSR policy.

2. BASIN WIDE FLOOD FLOW REDUCTION STRATEGY

To assist in the flow reduction allocation process, the Red River Basin Commission developed a Red River Mainstem model to simulate the mainstem response to reduced flows from tributary areas.

This strategy reduces flows on the mainstem by altering the hydrology of the contributing watersheds as a basin wide effort. The benefits of reduced flooding would be distributed along the entire length of the Red River, not just to targeted communities. Equally important, the benefits would extend far upstream into the tributary watersheds. Implementing this strategy requires allocating the necessary flow reductions to each contributing watershed.

As a preliminary exercise, the tributary flows were reduced in the model to meet a flow reduction goal of 20% along the entire length of the Red River mainstem. A factor in selecting 20% reduction as an initial goal was the effect it would have had at Grand Forks in 1997. That amount would have reduced the flood to a level that the (then existing) levees would have been expected to withstand.

The amount of constructed storage required to achieve a 20% reduction would likely be greater than 885,000 acre-feet depending on the quality (efficiency) of storage provided.

On June 15, 2010 the Board of Managers adopted the Basin Wide Flood Flow Reduction Strategy to support efforts to achieve a 20% flow reduction on the mainstem of the Red River of the North.

CHAPTER IV BOARD STRUCTURE AND OPERATION

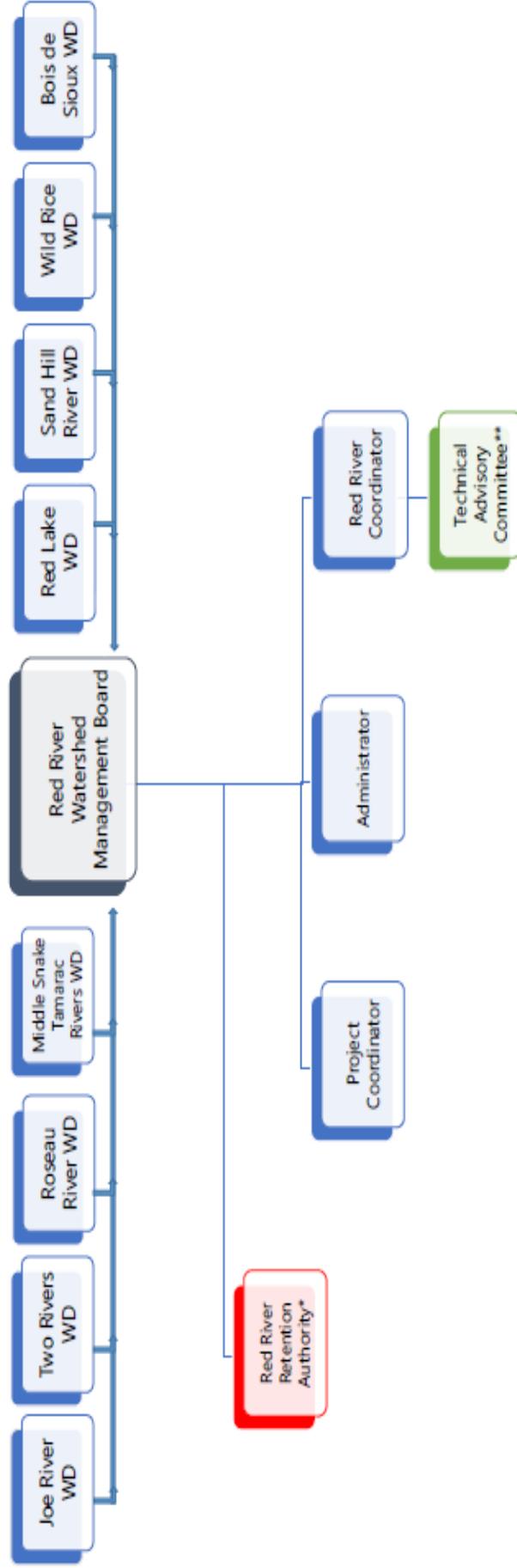
The RRWMB will continue to evolve in its organizational structure and operation to meet the future needs of its member watershed districts.

In order to enhance the implementation of its adopted policies and objectives over the next several years, the RRWMB may investigate the following as the need arises:

- the establishment of a permanent headquarters and office facilities (August 1, 2001);
- the establishment of staff positions to conduct the day to day operations of the RRWMB, including but not limited to;
 - Administrator
 - Project Coordinator
 - Red River Coordinator
 - Public Information Officer
- retaining a law firm;
- retaining an accounting firm; and
- the development of an annual administrative budget by the President, Treasurer, Administrator, and Project Coordinator submitted at the June board meeting.

It is a policy of the RRWMB to modify its organizational structure and operations in the future to meet the needs of its member watershed districts.

ORGANIZATIONAL CHART



* On May 26, 2010 the RRWMB signed a Joint Powers Agreement with the Red River Joint Water Resource District to form the RRRRA (Section 11).

** The TAC, chaired by the Red River Coordinator, develops recommendations to the Board for proposed projects based on procedures listed in Section 4.

Figure 2
Adopted January 2000,
Revised 2004 and 2015.



Red River Watershed Management Board

AUTHORIZING LEGISLATION

TABLE OF CONTENTS

AUTHORIZING LEGISLATION OF THE RED RIVER WATERSHED MANAGEMENT BOARD

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Section 29. Laws 1976, chapter 162, section 1, as amended by Laws 1982, chapter 474, section 1, Laws 1983, chapter 338, section 1, Laws 1989 First Special Session chapter 1, article 5, section 45, and Laws 1991, chapter 167, section 1, is amended to read:

Section 1. RED RIVER OF THE NORTH WATERSHED; TAX BY WATERSHED DISTRICTS.

Each watershed district located both within the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Clay, Mahnomen, Clearwater, Roseau, Wilkin, Otter Tail, Becker, Koochiching, Beltrami, Traverse, Grant, Big Stone, Stevens, and Itasca,

~~which district~~ and within the hydrologic basin of the Red River of the North that is a member of the Red River watershed management board, established by a joint powers agreement in accordance with Minnesota Statutes, section 471.59, may levy an ad valorem tax not to exceed 0.04836 percent of the taxable market value of all property within the district. This levy shall be in excess of any levy authorized by Minnesota Statutes, section 103D.905. The proceeds of one-half of this levy shall be credited to the district's construction fund and shall be used for the development, construction, and maintenance of projects and programs of benefit to the district. The proceeds of the remaining one-half of this levy shall be credited to the general fund of the Red River watershed management board and shall be used for funding the development, construction, and maintenance of projects and programs of benefit to the Red River basin. The Red River management board shall adopt criteria for member districts to follow in applying for funding from the board.

New language is indicated by underline, deletions by ~~strikeout~~.

CHAPTER 167 – H.F. No. 743

An act relating to the Red River watershed management board; changing the description of the area subject to special authority of watershed districts; requiring the board to adopt criteria for funding applications; clarifying the uses of levy proceeds; expanding the board's authority to cooperate with other entities; amending Laws 1976, chapter 162, sections 1 and 2, as amended, and 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1976, chapter 162, section 1, as amended by Laws 1982, chapter 474, section 1, Laws 1983, chapter 338, section 1, and Laws 1989 First Special Session chapter 1, article 5, section 45, is amended to read:

Section 1. RED RIVER OF THE NORTH WATERSHED; TAX BY WATERSHED DISTRICTS.

Each watershed district located within the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Clay, Mahnomon, Clearwater, Roseau, Wilkin, Otter Tail, Becker, Koochiching, Beltrami, and Itasca, which district is a member of the ~~lower~~ Red River watershed management board, established by a joint powers agreement in accordance with Minnesota Statutes, section 471.59, may levy an ad valorem tax not to exceed 0.04836 percent of the taxable market value of all property within the district. This levy shall be in excess of any levy authorized by Minnesota Statutes, section ~~412.61~~ 103D.905. The proceeds of one-half of this levy shall be credited to the district's ~~administrative~~ construction fund and shall be used for the development, construction, and maintenance of projects and programs of ~~common~~ benefit to the district. The proceeds of the remaining one-half of this levy shall be credited to the ~~construction~~ general fund of the ~~lower~~ Red River watershed management board and shall be used for funding the development, construction, and maintenance of projects and programs of ~~common~~ benefit to the Red River basin. The Red River management board shall adopt criteria for member districts to follow in applying for funding from the board.

Sec. 2. Laws 1976, chapter 162, section 2, as amended by Laws 1983, chapter 338, section 2, is amended to read:

Sec. 2. RED RIVER WATERSHED MANAGEMENT BOARD PROJECTS.

The ~~lower~~ Red River watershed management board may by resolution institute projects ~~or works~~ of ~~common~~ benefit to the Red River basin and the expenses of the ~~works~~ ~~or projects~~ may be paid in any manner permitted by Minnesota Statutes, chapter ~~412~~ 103D,

provided, that the limitations of engineers' preliminary cost estimates specified in Minnesota Statutes, section ~~112.48~~ 103D.601, subdivision 4 1, shall not be applicable.

Sec. 3. Laws 1976, chapter 162, section 3, is amended to read:

Sec. 3. COOPERATION

The ~~lower~~ Red River watershed management board may cooperate with water management and flood control authorities in ~~the State of Minnesota~~, North Dakota, South Dakota, and the province of Manitoba and may enter into contracts, compacts and agreements which may be necessary to insure integration of its ~~works or~~ projects, to control the effects of flooding or to assure the beneficial use of water in the ~~watershed of the Red River and its tributaries~~ basin.

Sec. 4. EFFECTIVE DATE

This act takes effect the day after final enactment.

Presented to the governor May 21, 1991

Signed by the governor May 24, 1991, 4:29 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 45. Laws 1976, chapter 162, section 1 as amended by Laws 1982, chapter 474, section 1, and Laws 1983, chapter 338, section 1, is amended to read:

Section 1. RED RIVER WATERSHED; TAX BY WATERSHED DISTRICTS.

Each watershed district located within the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Clay, Mahnomon, Clearwater, Roseau, Wilkin, Otter Tail, Becker, Koochiching, Beltrami, and Itasca, which district is a member of the lower Red River watershed management board, established by a joint powers agreement in accordance with Minnesota Statutes, Section 471.59, may levy an ad valorem tax not to exceed ~~two~~ 0.04836 percent of the taxable market value of all property within the district. This levy shall be in excess of any levy authorized by Minnesota Statutes, Section 112.61. The proceeds of one-half of this levy shall be credited to the district's administrative fund and shall be used for the construction and maintenance of projects of common benefit to the district. The proceeds of the remaining one-half of this levy shall be credited to the construction fund of the lower Red River watershed management board and shall be used for the construction and maintenance of projects of common benefit.

New language is indicated by underline, deletions by ~~strikeout~~.

CHAPTER 338 H.F. No. 1031

An act relating to the lower Red River watershed management board; removing ten year limitation for tax levy by watershed districts which are members of board; transferring a position to the classified service; amending Laws 1976, chapter 162, sections 1, as amended, and 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1976, chapter 162, section 1, as amended by Laws 1982, chapter 474, section 1, is amended to read:

Section 1. RED RIVER WATERSHED: TAX BY WATERSHED DISTRICTS

Each watershed district located within the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Clay, Mahnomen, Clearwater, Roseau, Wilkin, Otter Tail, Becker, Koochiching, Beltrami, and Itasca, which district is a member of the lower Red River watershed management board, established by a joint powers agreement in accordance with Minnesota Statutes, Section 471.59, may levy an ad valorem tax not to exceed two mills on each dollar of assessed valuation of all taxable property within the district ~~for a period not to exceed ten consecutive years~~. This levy shall be in excess of any levy authorized by Minnesota Statutes, Section 112.61. The proceeds of one-half of this levy shall be credited to the district's administrative fund and shall be used for the construction and maintenance of projects of common benefit to the district. The proceeds of the remaining one-half of this levy shall be credited to the construction fund of the lower Red River watershed management board and shall be used for the construction and maintenance of projects of common benefit ~~to more than one member district~~.

Sec. 2. Laws 1976, chapter 162, section 2, is amended to read:

Sec. 2. The lower Red River watershed management board may by resolution institute projects or works of common benefit to more than one member district and the expenses of the works or projects may be paid in any manner permitted by Minnesota Statutes. Chapter 112, provided, that the limitations of engineers' preliminary cost estimates specified in Minnesota Statutes, Section 112.48, Subdivision 4, shall not be applicable.

Sec. 3. COORDINATOR POSITION

Effective July 1, 1983, the Red River watershed coordinator position (senior hydrologist) in the unclassified service of the state is transferred to the classified civil

service in the department of natural resources. The incumbent in this position shall be transferred without competitive examination to probationary status in the classified service in the same classification and at the same pay step as at present. All of the employee's accrued vacation and sick leave shall be transferred to his credit.

Approved June 14, 1983

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

CHAPTER 474 – S.F. No. 1631

An act relating to the Red River watershed; naming all counties in which the special taxing authority of certain watershed districts applies; amending Laws 1976, Chapter 162, Section 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1976, Chapter 162, Section 1, is amended to read:

Section 1. RED RIVER WATERSHED; TAX BY WATERSHED DISTRICTS.

Each watershed district located within the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Clay, Mahnomen, Clearwater, Roseau, Wilkin, Otter Tail, ~~and~~ Becker, Koochiching, Beltrami, and Itasca, which district is a member of the lower Red River watershed management board, established by a joint powers agreement in accordance with ~~the 1974 edition of~~ Minnesota Statutes, Section 471.59, may levy an ad valorem tax not to exceed two mills on each dollar of assessed valuation of all taxable property within the district for a period not to exceed ten consecutive years. This levy shall be in excess of any levy authorized by ~~the 1974 edition of~~ Minnesota Statutes, Section 112.61. The proceeds of one-half of this levy shall be credited to the district's administrative fund and shall be used for the construction and maintenance of projects of common benefit to the district. The proceeds of the remaining one-half of this levy shall be credited to the construction fund of the lower Red River watershed management board and shall be used for the construction and maintenance of projects of common benefit to more than one member district.

Approved March 18, 1982

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. RED RIVER WATERSHED; TAX BY WATERSHED DISTRICTS. Each watershed district located within the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Clay, Mahnomen, Clearwater, Roseau, Wilkin, Otter Tail, and Becker, which district is a member of the lower Red River watershed management board, established by a joint powers agreement in accordance with the 1974 edition of Minnesota Statutes, Section 471.59, may levy an ad valorem tax not to exceed two mills on each dollar of assessed valuation of all taxable property within the district for a period not to exceed ten consecutive years. This levy shall be in excess of any levy authorized by the 1974 edition of Minnesota Statutes, Section 112.61. The proceeds of one-half of this levy shall be credited to the district's administrative fund and shall be used for the construction and maintenance of projects of common benefit to the district. The proceeds of the remaining one-half of this levy shall be credited to the construction fund of the lower Red River watershed management board and shall be used for the construction and maintenance of projects of common benefit to more than one member district.

Sec. 2. The lower Red River watershed management board may by resolution institute projects or works of common benefit to more than one member district and the expenses of the works or projects may be paid in any manner permitted by Minnesota Statutes, Chapter 112, provided, that the limitations of engineers' preliminary cost estimates specified in Minnesota Statutes, Section 112.48, Subdivision 4, shall not be applicable.

Sec. 3. The lower Red River watershed management board may cooperate with water management and flood control authorities in the State of North Dakota and the province of Manitoba and may enter into contracts, compacts and agreements which may be necessary to insure integration of its works or projects, to control the effects of flooding or to assure the beneficial use of water in the watershed of the Red River and its boundaries.

Sec. 4. This act is effective on the day following its final enactment.

Approved April 3, 1976



Red River Watershed Management Board

JOINT POWERS AGREEMENT

Adopted 1976, Revised 1994, 2004, 2014 and 2015

TERMS OF OFFICE – THREE YEARS

Expire on December 31st of each year noted.

2015, 2018, 2021, 2024

Joe River WD, Sand Hill River WD, Bois de Sioux WD

2016, 2019, 2022, 2025

Middle Snake Tamarac Rivers WD, Roseau River WD

2017, 2020, 2023, 2026

Red Lake WD, Two Rivers WD, Wild Rice WD

JOINT AND COOPERATIVE AGREEMENT FOR THE ESTABLISHMENT OF THE RED RIVER WATERSHED MANAGEMENT BOARD

I.

INTENT OF AGREEMENT

The Red River of the North leaves the juncture of Bois de Sioux and Otter Tail Rivers and flows northward through Canada into Hudson Bay. The topography of the area through which the Red River flows is generally flat with a number of tributaries contributing waters to the main channel. The topography of the area has been altered by the construction of roads, bridges, municipal sites, railroads, and the like. The natural flow of water has been altered by drainage systems constructed within the area in which systems all flow into either tributaries of the Red River or into the Red River itself. There have been no improvements made within the channel of the Red River of the North.

Approximately two-thirds of the land within the Red River Valley is rich tillable soil consisting of Fargo and Bearden clay. Much of the land is devoted to the raising of small grains, beans, corn, potatoes, and sugarbeets. There is a need for water supply and retention areas for agriculture and related industries which are the principal sources of income of the residents within the Red River Valley as well as for the municipal and urban centers within the valley which presently have inadequate water supplies.

The problem of flooding along the Red River of the North has become an annual occurrence. Frequent flooding of the tributaries together with the main stream affects much of the Red River Valley. Flooding consists of the spring runoff floods and seasonal floods wherein the tributaries and the Red River of the North overflow their banks. Flooding has caused damage to farmsteads, lands, roads, bridges, municipal sites, and in general, to much of the area adjacent to the tributaries or to the Red River. It is estimated that the flood of 1997 caused damage to the area in excess of 4 billion dollars. Flooding has had an extremely adverse effect upon the economic and social lives and well being of the agricultural producers, businesses and industries, and the individual residents of the Red River Valley. Our Canadian neighbors suffer extensively from such flooding and the abatement of the flooding will be of significant benefit to them and should improve international relations.

Studies have been conducted by the participants of this agreement, as well as by the United States Army Corps of Engineers, as well as other commissions and governmental bodies. Each year it becomes more apparent that solutions must be sought to allow for more orderly and efficient water management and flood control policies. It is apparent to all of the participants to this agreement that planning and construction to

control the floods along the Red River of the North and its tributaries cannot be done on the basis of each district working on its individual problems, but that these problems must be looked at and solved on a regional basis in cooperation and in coordination with the individual participants to this agreement.

In seeking solutions to the overall problem, it becomes apparent that the only way the problems can be solved is by joint cooperation, joint financing, and a sincere desire on the part of each participant to this agreement to solve the overall flooding problem within the Red River of the North Watershed in the state of Minnesota. The participants to this agreement recognize that the control and abatement of such inundation caused by floods, together with the beneficial use and application of the waters of the Red River of the North for the protection of the public health, safety, and welfare is commonly sought by each and may be best achieved by the cooperative efforts of all.

The parties to this agreement are watershed districts within the state of Minnesota which share the interest and goal of controlling flooding along the Red River of the North and its tributaries and managing the waters thereof. The participants to this agreement realize that the success or failure of this water management board is dependent upon the sincere desire of each participant to cooperate in the exercise of a joint power to solve a joint problem. Each participant to this agreement pledges its cooperation.

II.

JOINT AND COOPERATIVE AGREEMENT

The participants to this agreement are units of government of the state of Minnesota, and govern lands which drain water into the Red River of the North or its tributaries and all have power to construct, reconstruct, extend, maintain, and manage drainage facilities. This agreement is made pursuant to the authority conferred upon participants by Minnesota Statutes Section 471.59 and 103D.

III.

ESTABLISHMENT OF BOARD

For the purpose of accomplishing the objectives and intents of this agreement, the participants hereto establish the Red River Watershed Management Board. The geographical jurisdiction of the Board shall be coextensive with the geographical boundaries of eligible taxing authority counties within each of the participants to this agreement.

IV.

DEFINITIONS

For the purposes of this agreement, the terms used herein shall have the meanings as defined in this article.

Subdivision 1. "Participant" means a watershed district of the state of Minnesota created under Chapter 103D.

Subdivision 2. "Board" means the watershed management board created by this agreement, the full name of which is the "Red River Watershed Management Board" consisting of one member from each of the watershed districts participating in this agreement.

Subdivision 3. "Appointing Board" means the board of managers of the watershed district which is a participant to this agreement.

Subdivision 4. "Districts" means a watershed district created under Minnesota Statutes, Chapter 103D.

V.

MEMBERSHIP

The membership of the Board shall consist of the following watershed districts as shall elect, through resolution or ordinance adopted by their respective governing bodies, to become members:

Joe River Watershed District

Middle Snake Tamarac Rivers Watershed District

Red Lake Watershed District

Roseau River Watershed District

Sand Hill River Watershed District

Two Rivers Watershed District

Wild Rice Watershed District

Bois de Sioux Watershed District

No change in geographic boundaries, structure or organizational data shall affect the eligibility of any watershed district listed above to be represented on the board, so long as such district continues to exist as a separate political subdivision.

VI.

WATERSHED MANAGEMENT BOARD

Subdivision 1. The board shall be representative of the participants to this agreement with one member each to be appointed by the board of managers of each participating district. Each appointing board shall also appoint an alternate member who shall serve and be entitled to vote in the regular member's absence.

Subdivision 2. The appointing boards shall determine the eligibility or qualifications of its representative member and alternate, provided that the representative shall be a current member of the appointing watershed district's board of managers. The alternate member may be a person other than a current manager. Alternates shall be entitled to vote in the regular member's absence, provided that only current managers may vote on the RRWMB's annual budget and levy. The terms of each member and alternate appointed shall be established by this agreement.

Subdivision 3. The term of each member and alternate appointed shall be three years and until their successors are selected and qualified. Any vacancy shall be filled for the unexpired term by the appointing board.

Subdivision 4. Each member shall hold his office on the board at the pleasure of the appointing board.

Subdivision 5. Board members may receive compensation and reimbursement of their expenses from board funds as determined by the rules or regulations of the board.

Subdivision 6. Each appointing board shall, within thirty days of appointing, file with the secretary of the board a record of the appointment of its representative member and alternate.

Subdivision 7. The rules and regulations adopted by the board may be amended from time to time and at either a regular or special meeting of the board provided that a ten-day prior notice of the proposed amendment has been furnished to each person to whom notice of the board meeting is required to be sent. A majority vote of all eligible

votes shall be sufficient to adopt any proposed amendments to such rules or regulations. At the organizational meeting and in January of each year thereafter, the board shall elect from its members a president, a vice president, a secretary, and a treasurer, and such other officers as it deems necessary to conduct its meetings and affairs.

VII.

POWERS AND DUTIES OF THE BOARD

Subdivision 1. The board, acting by its duly appointed watershed management board, shall, as it relates to flood control, water conservation and supply and construction of related initiatives and programs, facilities on the Red River of the North and its tributaries, have the powers and duties set forth in this article.

Subdivision 2. It may employ such persons on a full time, part time or consulting basis, as the board deems necessary.

Subdivision 3. It may contract for and acquire necessary personal property to carry out its powers and duties.

Subdivision 4. It may make necessary surveys or utilize other reliable surveys and data and develop projects to accomplish the purposes and intent of this agreement.

Subdivision 5. It may cooperate or contract with any state or subdivision thereof, the Province of Manitoba, Canada, the Dominion of Canada, federal agencies of the United States or Canada, private or public corporations or cooperative associations.

Subdivision 6. It may establish and maintain programs for acquiring and recording hydrological data.

Subdivision 7. It may apply for and accept funds from the federal government and other governmental sources and it may accept funds from private sources and may secure funds in any manner authorized by Chapter 103D and may expend such funds pursuant to Chapter 103D and the provision of this agreement.

Subdivision 8. It may receive, administer and disburse any monies authorized by Minnesota law to be contributed to an association of watershed districts.

Subdivision 9. It may adopt rules and regulations to effectuate the purpose of this agreement.

Subdivision 10. It may exercise all of the powers authorized under Chapter 103D given to a board of managers of a watershed district which are consistent with the purposes of this agreement.

Subdivision 11. It may provide any participating watershed district of any other unit of government with technical data or any other information of which the board has knowledge which will assist the governmental unit with water-related projects.

Subdivision 12. It may provide legal and technical assistance in connection with litigation or other proceedings between one or more of its participating members and any other political subdivision, commission, board or agency relating to the planning or construction of facilities related to flood control and water conservation and supply. The use of board funds for litigation shall be only upon a favorable vote of a majority of the eligible votes of the governing bodies of the participants to this agreement.

Subdivision 13. It may accumulate reserve funds for the purposes herein mentioned and may invest funds of the board not currently needed for its operation in the manner and subject to the laws of the State of Minnesota applicable to cities.

Subdivision 14. It may make contracts, incur expenses and make expenditures necessary and incidental to the effectuation of these purposes and powers and may disburse therefore in the manner hereinafter provided.

Subdivision 15. It shall cause to be made an annual review of the books and accounts of the board and shall make and file a report with its participating districts and the Board of Water and Soil Resources at least once each year including the following information:

- a. Financial condition of the board.
- b. The status of all board projects and work within the watershed.
- c. The business transacted by the board in other matters which affect the interest of the board.

Copies of said report shall be transmitted to the secretary of each participating district, and the executive director of the Board of Water and Soil Resources.

Subdivision 16. Its books, reports, and records shall be available for and open to inspection by its participating districts at all reasonable times.

Subdivision 17. It may recommend changes in this agreement to its participating districts.

Subdivision 18. Each participating district reserves the right to conduct separate or concurrent studies of any matter under study by the board.

Subdivision 19. It may exercise all other powers necessary and incidental to the implementation of the purposes and powers set forth herein.

VIII.

PROJECTS

The board shall have power to initiate projects or improvements of benefit to the Red River Basin as long as the proposed project or improvement receives a three-fourths majority vote of the board. All such proceedings shall be in conformance with Minnesota Statutes, Chapter 103D, and any special legislation duly passed.

IX.

FINANCES

Subdivision 1. Each participant to this agreement shall cause its respective county auditor to make annual levies of ad valorem taxes authorized by Minnesota law for the benefit of this association of watershed districts, as determined by resolution of the board. The tax rate to be equal and uniform over all the property of the participants to this agreement.

Subdivision 2. Such funds shall be deposited and/or invested as stipulated in the RRWMB Treasurer's Policy Manual.

Subdivision 3. The board, by its treasurer, shall account for, administer, and disburse said funds with each expenditure to be in the form of a check signed as per the Treasurer's Manual.

Subdivision 4. The board may disburse funds only for such projects of improvements for which a preliminary engineering report has been prepared and which is in conformity with the watershed management plan of the proponent's watershed district and for initiatives and programs related to and supporting member districts activities. The board may also advance funds to facilitate land acquisition for projects that are identified

in the proponent watershed district's flood reduction strategy or are otherwise in conformity with its watershed management plan. No disbursement shall be made unless a two-thirds majority vote of the board is received.

Subdivision 5. The board may disburse funds necessary for its operational expenses as well as compensation of its members and reimbursement of their expenses upon a two-thirds majority vote of its members.

Subdivision 6. The board shall have the power to cause the participants to this agreement to cease making annual ad valorem tax levies upon a three-fourths majority vote of the board.

X.

DURATION

Any member district may withdraw from participation herein by filing its withdrawal resolutions with the Secretary of the board and with each member district on or before April 1st of any year this agreement is in force. Such withdrawal to be effective the following October 1st, provided, however, any district withdrawing shall forfeit its investment in board funds and assets and further, shall not effect any levy in process as of the date of said resolution.

XI.

DISSOLUTION

Upon dissolution of the board, all property of the board shall be sold and the proceeds thereof together with the monies on hand shall be distributed to the respective governing bodies of the participants to this agreement in proportion to the member district's historic contribution raised by annual ad valorem tax levy.

XII.

ADDITIONAL PARTICIPANTS

In the event any watershed areas become districts under the provisions of Minnesota Statutes, Chapter 103D, districts shall be invited to become participants to this joint and cooperative agreement to the end that all watersheds, tributaries to the Red

River of the North, are participants and in accord with the spirit and intent of this undertaking. Should such districts, so created, desire to become participants herein, this agreement shall be amended to include such districts.

XIII.

EFFECTIVE DATE

This agreement shall be in full force and effect upon execution by the respective governing bodies of all the undersigned participants. Upon execution of this agreement, each governing body of each participant shall furnish the names and addresses of the regular member appointed to the board as well as the alternate appointed.

IN WITNESS WHEREOF, the undersigned watershed districts, by action of their governing body, have caused this agreement to be executed in accordance with the authority of Minnesota Statutes 471.59 and 103D.

IN WITNESS WHEREOF, the undersigned watershed districts, by action of their governing body, have caused this agreement to be executed in accordance with the authority of Minnesota Statutes 471.59 and 103D.

JOE RIVER WATERSHED DISTRICT

By: H. Shane Stewart
Chairman

ATTEST:

Marshall Hemmes
Secretary

Dated this 25 day of Feb, 2014.

ROSEAU RIVER WATERSHED DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

TWO RIVERS WATERSHED DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

IN WITNESS WHEREOF, the undersigned watershed districts, by action of their governing body, have caused this agreement to be executed in accordance with the authority of Minnesota Statutes 471.59 and 103D.

JOE RIVER WATERSHED DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

ROSEAU RIVER WATERSHED DISTRICT

By: *Le Roy Armin*
Chairman

ATTEST:

Cody Schmidt
Secretary

Dated this 2 day of July, 2014.

TWO RIVERS WATERSHED DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

IN WITNESS WHEREOF, the undersigned watershed districts, by action of their governing body, have caused this agreement to be executed in accordance with the authority of Minnesota Statutes 471.59 and 103D.

JOE RIVER WATERSHED DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

ROSEAU RIVER WATERSHED DISTRICT

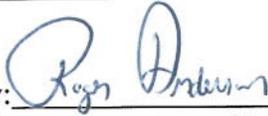
By: _____
Chairman

ATTEST:

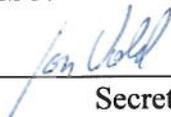
Secretary

Dated this ___ day of _____, 2014.

TWO RIVERS WATERSHED DISTRICT

By:  _____
Chairman

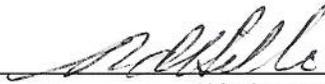
ATTEST:



Secretary

Dated this 4th day of March, 2014.

MIDDLE SNAKE TAMARAC
RIVERS WATERSHED DISTRICT

By: 
Chairman
ROGER HILL

ATTEST:


Secretary

Dated this 3rd day of MARCH, 2014.

RED LAKE WATERSHED DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

SAND HILL RIVER WATERSHED
DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

MIDDLE SNAKE TAMARAC
RIVERS WATERSHED DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

RED LAKE WATERSHED DISTRICT

By: *Dawn Nelson*
Chairman

ATTEST:

W. Doug O'Neil
Secretary

Dated this 27 day of Feb., 2014.

SAND HILL RIVER WATERSHED
DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

MIDDLE SNAKE TAMARAC
RIVERS WATERSHED DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

RED LAKE WATERSHED DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

SAND HILL RIVER WATERSHED
DISTRICT

By:  _____
Chairman

ATTEST:


Secretary

Dated this 6 day of May, 2014.

WILD RICE WATERSHED DISTRICT

By: [Signature]
Chairman

ATTEST:
[Signature]
Secretary

Dated this 12 day of MARCH, 2014.

BOIS DE SIOUX WATERSHED DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

WILD RICE WATERSHED DISTRICT

By: _____
Chairman

ATTEST:

Secretary

Dated this ___ day of _____, 2014.

BOIS DE SIOUX WATERSHED
DISTRICT

By: Jerome K Deal
Chairman

ATTEST:

[Signature]
Secretary

Dated this 27 day of March, 2014.



Red River Watershed Management Board

FUNDING PROCEDURES FOR FLOOD DAMAGE REDUCTION PROJECTS AND RELATED PROGRAMS

ADOPTED BY THE BOARD
16th Day of November, 1976

REVISIONS:

15th Day of January, 1991

18th Day of January, 2000

16th Day of March, 2004

21st Day of January, 2014

19th Day of May, 2015

INTRODUCTION

The purpose of this section is to establish the criteria and procedures for the funding of flood damage reduction projects and related programs. This section may be reviewed by the Board and amended as needed. This section is divided into three sub-sections.

SUB-SECTION I

This sub-section is a listing of general criteria that will be adhered to by the member Watershed Districts in developing projects and programs to be considered for financial assistance by the RRWMB.

SUB-SECTION II

This sub-section of the section is a listing of technical criteria which will be considered by the member Watershed Districts in order to provide adequate technical information to the RRWMB to aid in the proper evaluation of a project or program. The included items are not intended to be all-inclusive in nature, and each project or program will require more or less information depending on the characteristics of the proposal. The RRWMB shall consider information available from all governmental agencies in order to minimize duplication of efforts in the development of initiatives.

SUB-SECTION III

This sub-section of the section is a recommended procedure of project and program processing in order to keep planning and design to a minimum until the feasibility of an initiative is demonstrated.

The RRWMB will review each project and program for the sole purpose of determining the level of financial assistance to be provided. It is not the intention of the RRWMB to assume any reviewing authority for design or other project and program features, therefore, such reviewing authority remains entrusted to other governmental agencies in accordance with existing laws and/or regulations.

SUB-SECTION I: GENERAL CRITERIA

- A. The proposed flood damage reduction project or program must function within the Red River drainage basin.
- B. The proposed flood damage reduction project or program shall have been recognized in the watershed district's water management plan as a component of its approved initiatives.
- C. The following is a listing of flood damage reduction projects and programs that may be eligible for funding:
 - 1. Water quality and hydrologic studies.
 - 2. Stream gaging stations.
 - 3. Watershed based planning and modeling initiatives.
 - 4. Wet dams or impoundments.
 - 5. Dry dams.
 - 6. On-stream dams or impoundments.
 - 7. Off-stream dams or impoundments.
 - 8. Wetland restorations/creations that increase temporary storage.
 - 9. Wetland restorations/creations that reduce flood volumes.
 - 10. Ring dikes.
 - 11. Set back levees that increase floodplain storage.
 - 12. Culvert sizing to regulate downstream flow rates.
 - 13. Gating drainage ditches.
 - 14. Flood water storage easements.
 - 15. Non-structural flood damage reduction initiatives.
 - 16. Overtopping levees that reserve floodplain storage.
 - 17. Natural resource enhancements.
- D. Projects or programs that are partially funded by other governmental agencies will be considered for funding.
- E. Projects or programs will not be considered for funding if the proposed initiative is eligible for total federal or state funding. Projects or programs of this nature may be considered for funding if the time requirement for governmental funding is to be extended.
- F. Applicants must have the ability to operate and maintain the proposed project when constructed.

- G. A proposed project must meet the engineering and technical criteria as established by this manual. Where applicable, the proposed project must also meet criteria established by state and federal governmental permitting agencies.
- H. The proposed project must have received the required permits from federal, state and local governmental units prior to construction.
- I. Programs that are brought before the RRWMB for potential funding consideration shall be directly related to gaining information for the development of flood damage reduction projects, including natural resource enhancements approved through the Mediation Project Team process. Those initiatives not directly related will not be considered.

SUB-SECTION II: TECHNICAL CRITERIA FOR DAMS AND IMPOUNDMENTS

- A. Engineering Design: The structural and hydraulic design of all dams must be performed by a registered professional engineer of the State of Minnesota experienced in the design and construction of dams or by a qualified engineer of the Natural Resources Conservation Service (NRCS) or the U.S. Army Corps of Engineers.
- B. Hydrologic and Hydraulic Adequacy: Proposed new dams must be adequate in relation to Minnesota Dam Safety rules. Impoundments not subject to Dam Safety Rules must be adequate in relation to the following factors:
 - 1. The estimation of the magnitude of the design flood will include the anticipated effects of development on the tributary watershed area expected over the project life; likewise, the selection of design flows will include an assessment of the risks involved based upon anticipated development in the flood plain below the proposed dam over the life of the proposed project;
 - 2. A mechanism will be provided for drawing down the water surface if necessary to facilitate dam repairs and maintenance work within the reservoir;
 - 3. All portions of the dam and any associated dikes or other facilities not designed for overtopping will be provided with appropriate freeboard above the design water surface elevation in anticipation of wind and wave conditions and to provide a safety factor;

4. Earthen emergency spillways and the upstream and downstream faces of earthen dams will be adequately riprapped, sodded, or seeded to prevent erosion thereof;
5. The storage pool of the impoundment will provide adequate space to store the sediment yield from the upstream watershed over the project life;
6. An adequate stilling basin or other means of controlling downstream erosion is provided for;
7. A stage-discharge curve is developed for the watercourse immediately below the dam to ascertain whether or not the dam capacity is reduced by backwater effects; and
8. Information as to the extent, configuration, and capacity of the reservoir at various stages must be provided.

C. Structural Stability: The structural design of the dam must include the following consideration:

1. Gravity forces; Hydrostatic pressure; Uplift forces; Overturning moment; Resistance to sliding; Ice pressures; Earthquake forces; Slope stability including consolidation and pore pressures; Seepage collection or prevention; Foundation conditions including appropriate borings and determination of the strength of foundation materials; Specifications for materials of construction and their placement or installation; Adequate construction inspection to assure conformance with design assumptions; and Adequacy of the cofferdam, if any.

SUB-SECTION III: PROCEDURES FOR REVIEW AND APPROVAL

A. Flood Damage Reduction Projects

The procedure for submitting flood damage reduction projects for consideration for funding is a three-step process, consisting of an initial submittal (STEP I), an Engineer's Report (STEP II), and the final submittal (STEP III). Each step in the submittal process is described below followed by an explanation of possible actions which the RRWMB may take after each submittal. At the request of any Member, the Board may vote by ballot on the course of action. No step submittal can be acted on at the same meeting at which the request was submitted, except when the Board, by a resolution duly passed, has authorized an exception to the rule. The president shall turn the meeting over to

the vice-president when presenting proposals for his/her own District.

In order for the Board to make fair and sound decisions on the funding of projects, all initiatives need to be evaluated in a uniform manner. The projects proposed for funding shall be evaluated based on the following general criteria and other considerations which may not be known at the time of accepting this document:

1. A description of the area on which flood damages will be reduced.
2. The level of protection anticipated in commonly accepted engineering terms.
3. The total cost for providing the flood damage reduction.
4. The anticipated (designed) effect on downstream areas within the watershed.
5. The anticipated (designed) effect on specific downstream points on the Red River.
6. The anticipated social and environmental impacts.
7. Technical criteria published in Section 4, Funding Procedures, Sub-Section II: Technical Criteria for Dams and Impoundments.
8. Environmental enhancement initiatives may be considered for funding in accordance with the Mediation Agreement.
9. The recommendation for funding by the Red River Basin Flood Damage Reduction Work Group will be reviewed and considered in all evaluations and decisions.
10. Must have a completed evaluation from the Technical Advisory Committee (TAC) at each step application.

B. Programs, Studies, Testing, Monitoring, etc.

A presentation requesting funding assistance for programs from the sponsoring agency, member watershed district, or organization must be made in writing, supported by an oral presentation, and at a regular monthly meeting of the RRWMB. The request shall describe how the intended action will enhance the capability of RRWMB member districts in carrying out their duties and functions. The presentation shall also contain a description of the duration of the proposed activity and the total cost through completion. Cooperating participants in the funding of the proposed activity shall be identified with verification that funding will be available through completion, including publishing a report(s) of the action or initiative.

Action on the request(s) may be taken no sooner than the next regular monthly meeting.

The procedures for submitting programs (studies, testing, monitoring, etc.) for consideration for funding shall be as follows:

1. Shall be related to obtaining background information needed for flood damage reduction project development or natural resource enhancement initiatives approved through the Mediation Project Team process. Those initiatives not directly related will not be considered.
2. The results shall be useable/functional for the majority of the member districts.
3. May be of an experimental/pioneering nature, but generally applicable in the Basin.
4. May be for any one of the purposes of a watershed district if applicable in all.
5. May be for district plans related to flood damage reduction initiatives.
6. Shall be on a cost-sharing basis with the primary agency involved.
7. Shall be recommended by the TAC as beneficial to the RRWMB.

C. General

Variations from these requirements may be allowed for all proposals but only when receiving six affirmative votes of the Board. The Board shall make the decision on whether initiative proposals are programs or projects for the purposes of funding.

Programs submitted for funding participation are to be made directly to the Board at a regular monthly meeting (not to be submitted in the step process).

STEP I – INITIAL SUBMITTAL

Step I applications will be accepted at regular monthly meetings of the RRWMB. A proposed project site must be inspected (toured) by the Board before a decision on approval is acted upon. All Step I applications shall progress to a Step II within three years, or the Step I approval will be rescinded unless extended upon request. All carry-over proposals will be re-evaluated for consideration at the request of the sponsoring District or by action of the Board.

Information presented at this time will be obtained from maps or from other available sources and will be the result of an engineering investigation. The following minimal essential information will be submitted in the form of a concept report at the time of initial submittal in accordance with Minnesota Statutes 103D.601, Subd. 3 Preliminary report and information.

1. A general description of the project for which financial assistance is requested. This will include the type of structure(s) proposed and project site location.
2. The main and secondary function of the proposed project. For example: The primary

function of a dam with associated environmental enhancement or other features.

3. A brief description of the hydraulic features and proposed operation of the project.
4. A brief description of the landscape where the project is proposed to be built and a primary evaluation of the potential environmental impacts.
5. Hydraulic Data.
 - a) A description of the proposed outlet works.
 - b) Elevation vs. Discharge curve (if outlet has gated control, provide curves with the gates open and with the gates closed.)
6. Hydrologic Data.
 - a) Natural stream or ditch system involved.
 - b) Drainage area.
 - c) Design discharges.
 - d) Known peak discharges and stages.
 - e) Proposed flood storage volumes of proposed project for:
 1. Gated storage
 2. Drawdown storage
 3. Non-gated storage (below emergency spillway elevation)
 - f) Elevation vs. storage curve.
 - g) "STAR" value calculations (Section 5).
7. A brief description of soil types in the watershed area and, in particular, the project site.
8. A description of land ownership and land availability in the project area. Approximate land values and land utilization in impoundment areas should also be discussed.
9. A description of the location and size of the area protected by the proposed project.
10. An approximate cost estimate for the proposed project as well as the proposed method of financing should be discussed.
11. Discussion of existing flood damage this project is expected to reduce or address.
12. Discuss how this project will function in addressing goals and objectives of the RRWMB.
13. Discuss recommendations of the mediation project teams including any natural resource enhancement components of the proposed project.

14. A completed "Red River Watershed Management Board Evaluation Worksheet for Flood Damage Reduction Projects" located in Section 9 of the Governing Documents.

Upon review of the initial submittal by the applicant, the Red River Watershed Management Board may take one of the following courses of action:

1. Refer the proposed project back to the applicant for implementation of Step II – Engineer's Report. This is the most positive action that may occur. Funding may be made available to move the project through Step II if the applicant can show a hardship case and the project has a great potential for basin-wide benefits beyond the local District. Step I applications shall progress to a Step II within three years, or the Step I approval will be rescinded unless extended upon request.
2. Refer the proposed project back to the applicant for reconsideration at a later date.
3. The Board may simply reject the project completely with no funding eligibility. The Board will outline reasons for declaring a project ineligible for funding.

STEP II – ENGINEER'S REPORT

Step II submittals will be accepted at the regular monthly meeting to be acted upon no sooner than at the next regular RRWMB meeting. All Step II applications shall progress to a Step III within five years, or the Step II approval will be rescinded unless extended upon request. Information submitted at this time will be based on data obtained by field survey, field soil investigations, detailed office analysis, and from any other available sources. Use of engineering data collected by other agencies should be used to the maximum extent possible. It is intended that the applicant initially submit this report to the Department of Natural Resources and the Board of Water & Soil Resources. Comments from these agencies will be submitted along with the Engineer's Report as part of the Step II submittal.

The Engineer's Report, submitted by the applicant, will contain all of the applicable information required in Section 4, Funding Procedures, Sub-Section II – Technical Criteria for Dams and Impoundments. The report will also address all of the information contained in the initial submittal including an updated STAR value calculation and Project Evaluation Worksheet. The information must be refined and conclusive in reflecting added data collected from field soil investigations, field surveys, etc. The results of soils investigations, as well as cross-sections upstream and downstream from the proposed project, will be furnished in the report. An important item to be included in the report is a detailed cost estimate and a proposed plan for financing the project. Recommendations of the Red

River Basin Flood Damage Reduction Work Group shall be evaluated and considered.

Upon review of the Step II submittal, the Red River Watershed Management Board may take one of the following courses of action:

1. Commit funds conditionally to support the project. The extent of this commitment will be explicitly stated by the Board as a percent of project cost up to a maximum amount. Additional information may be requested as a result of the review of the Engineer's Report by the Red River Watershed Management Board, Department of Natural Resources, Board of Water & Soil Resources, or any other agency. The amount of funds committed in support of a project will be determined by the Red River Watershed Management Board after all other sources of funding have been evaluated.
2. Refer the proposed project back to the applicant for reconsideration at a later date. The Board will provide justification for taking this action.
3. The Board may reject the project completely. The Board will provide justification for taking this action.

STEP III – FINAL SUBMITTAL

Step III submittals may be accepted and acted upon no sooner than at the next regular meeting after receiving Step II approval. Information submitted at this stage will include plans, specifications, a summary report identifying changes in project design and projected costs since Step II, an updated STAR Value calculation, and an updated Project Evaluation Worksheet. Information submitted at this time will be all of the information contained in the Engineer's Report. Evidence of all permits by other agencies must also be submitted. The project shall have the same function, performance, and purpose as reported and approved in Step II.

Upon review of the information submitted under Step III, the Red River Watershed Management Board may take one of the following actions:

1. The Board may obligate the funds committed to the project under Step II, and establish the extent of financial participation by the Board. The obligation of funds may be conditioned to the submittal of any further information determined necessary by the Board.

2. The Board may elect not to participate in the funding of the proposed project. The Board will provide justification for taking this action.

Payments

1. A copy of the contract awarded and/or verification of expenses incurred for the project shall be transmitted to the Board for authorization before any payments can be made.
2. A final cost accounting shall be required upon completion of the Project. This cost accounting shall include a certification of completed construction signed by the project engineer as well as a certification of expenses incurred signed by the District secretary.
3. Funding of projects shall be based on a percentage agreed upon in the Step II application. No additional fees or charges above actual project costs will be allowed. The Board shall not be liable for cost overruns above the maximum dollar commitment under Step III approval. Resubmittal of the project for Step III approval will be necessary if additional funds are needed to cover cost overruns.

Project Loans

The Board may provide a loan or advance of funding for a project that has received Step III approval, or prior to Step III approval in cases where the applicant can show a hardship case or urgent need, a preliminary engineering report has been prepared and the project is in conformity with the District's watershed management plan, the project has great potential for basin-wide benefits beyond the local District, and the loan request receives a two-thirds majority vote of the Board. The terms of all such loans will be documented in a loan agreement, promissory note, or other appropriate legal documentation. (Adopted 12-19-06)

Maintenance

Previously funded projects needing major repairs shall receive consideration for funding over new project proposals after the local project, local district, and/or any other sources of funding have been evaluated.



Red River Watershed Management Board

STAR VALUE METHOD

(Adopted July 1991)
(Revised March 2000)

The STar Value method is intended to provide a quick and easy method for the Red River Watershed Management Board to estimate the value of a project in achieving the goal of reducing peak mainstem flows. It is a tool to be updated by the technical advisory committee annually. It is based on parameters that can be determined during early stages of a project development and which can be kept up-to-date as the project moves through various funding steps. The method strongly favors projects which are designed and operated to achieve long detention times. The STar value equation, as it presently stands is:

$$\text{STar Value} = S * T$$

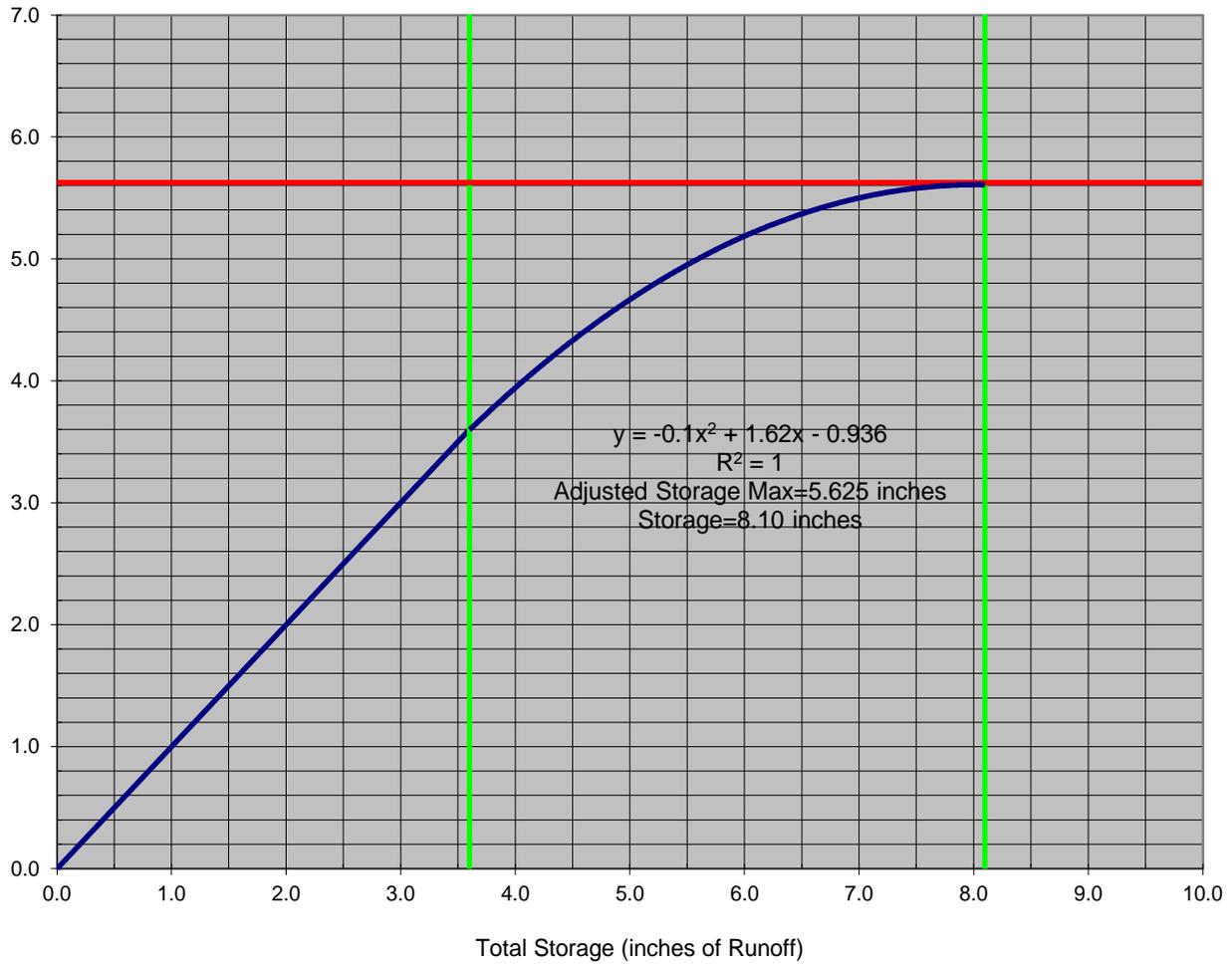
Where:

S = adjusted storage volume in acre-feet. The adjustment from figure 1 is applied to the storage provided first to the ungated storage, second to the gated storage and third to the drawdown storage.

T = relative value of the detention time in days (Figure 3). The relative value is applied to the storage provided to the ungated storage, the gated storage and to the drawdown storage.

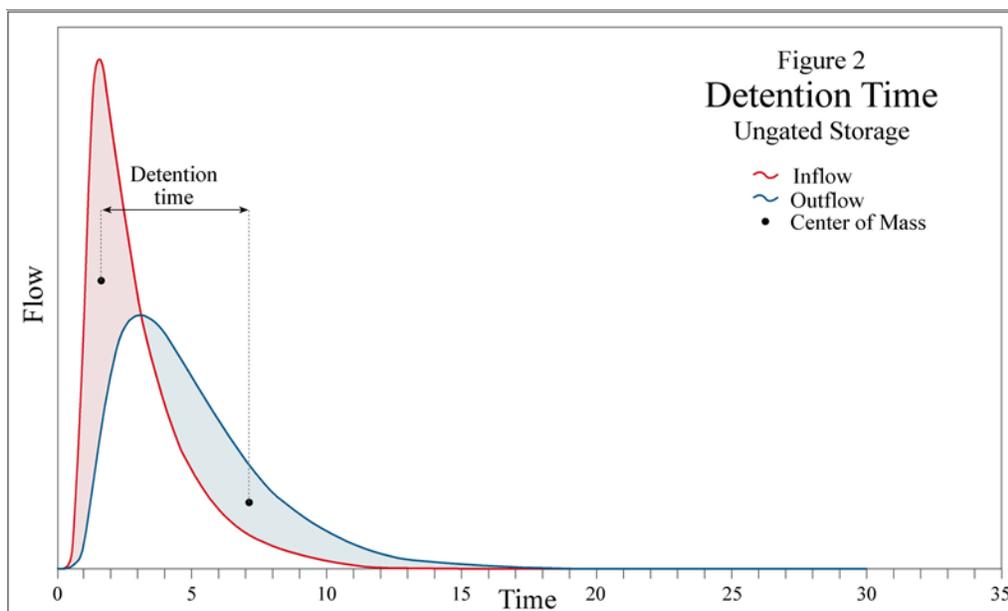
The Storage Adjustment Curve (Figure 1) is to be utilized and applied to the total volume of storage below the emergency spillway. This curve reduces the value of storage when the storage exceeds 3.6 inches (average 10-year runoff). The curve should not be applied to volumes greater than 8.2 inches.

Figure 1
Storage Adjustment Curve



The flood storage volume a project will provide is measured from the spring drawdown pool elevation to the emergency spillway elevation. This volume is divided into three categories based on potential detention time: ungated volume, gated volume, and drawdown volume. (For a two-stage outlet structure, the ungated volume will be pro-rated between the primary and secondary spillways).

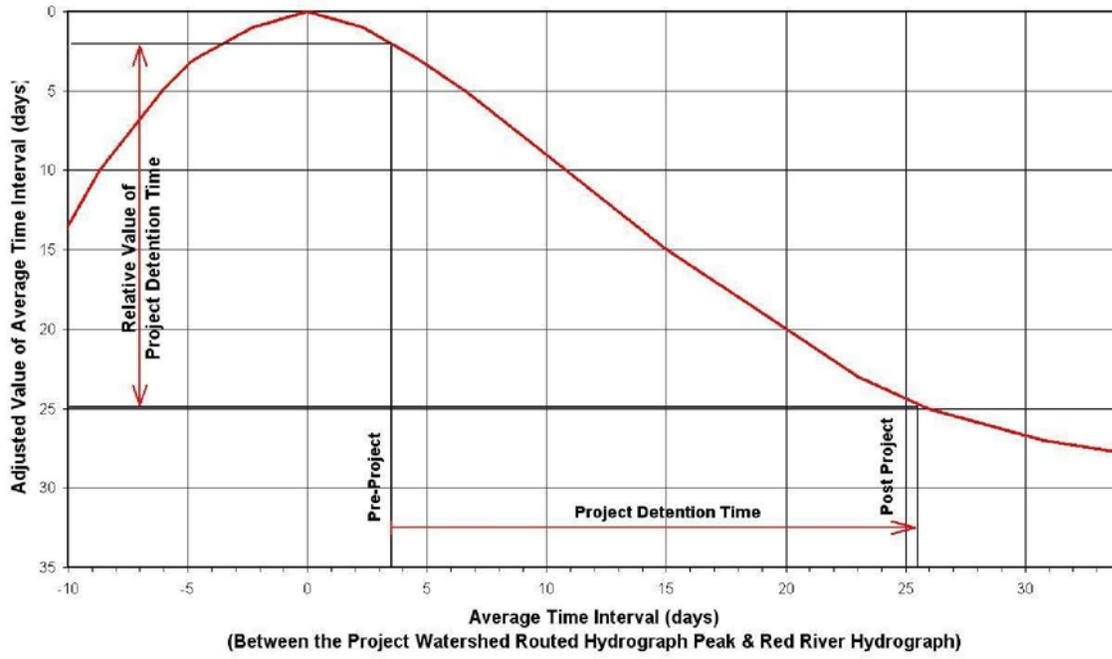
Detention time is defined as the average holding time of the stored volume. This should be based on the 100-year spring runoff event. It is graphically depicted below (Figure 2) for an ungated impoundment.



For convenience, the detention time of the ungated storage volume may be calculated by estimating the discharge time for 90% of the ungated storage volume and dividing this time by 2. The detention time for the gated storage volume is calculated using the maximum time of gate closure (based on operation plan) plus one half of the discharge time for 90% of this volume. The detention time for the drawdown storage volume is assumed to equal 23 days for purposes of determining the STar value. Drawdown storage volume is defined as that part of the total storage volume that will be available in the spring but not in the summer based on the operating plan.

A computational sheet is provided for use in calculating the STar value for any given project.

Figure 3
Relative Value of Detention Time



RRWMB "STar VALUE" CALCULATION WORKSHEET

PROJECT NAME: _____ DRAINAGE AREA: _____

STORAGE VOLUMES:

	<u>Acre-feet</u>	<u>Inches</u>	<u>*Adjusted Inches</u>	<u>Adjusted Acre-feet (S)</u>
Ungated (E Spillway)	_____	_____	_____ =>	_____
Gated	_____	_____	_____ =>	_____
Drawdown	_____	_____	_____ =>	_____
 TOTALS	_____	_____	_____	_____
				^
	x Adjustment factor (Fig. 1)	_____		^
	= Adjusted Total	_____	-----	^

DETENTION TIME:

UNGATED detention time = $\frac{90\% \text{ Ungated volume (AF)}}{\text{Average discharge (AF/Day)}} / 2 =$ _____ Days
 GATED detention time = _____ Days
 (detention time in operation plan) + $\frac{90\% \text{ Gated volume (AF)}}{\text{Average discharge (AF/Day)}} / 2 =$ _____ Days
 DRAWDOWN detention time = _____ 23 _____ Days

TOTAL RELATIVE VALUE OF THE DETENTION TIME (T):

Average time interval between project location and Red River peak = _____ Days (From Table 1)

Total relative value of the detention time, T: (From Figure 2)

T (Ungated Storage) = _____ Days
 T (Gated Storage) = _____ Days
 T (Drawdown Storage) = _____ Days

"STar VALUE" COMPUTATION: (S x T)

Where S = Adjusted Storage (acre-feet) and T = Relative value of the detention time (days)

	S	x	T	=	Star Value
Ungated	_____		_____		_____
Gated	_____		_____		_____
Drawdown	_____		_____		_____
	Total Star Value			=	_____

*The adjustment to storage should first be applied to the ungated storage.

Table 1
**Average Time Interval between the Routed USGS Gaged
Watershed Hydrograph and the Red River Hydrograph Peak**

Description	Days before (-) Days after (+)	Peak
Bois de Sioux nr White Rock		15
South Branch Buffalo River @ Sabin		-3
Buffalo River nr Hawley		-3
Buffalo River nr Dilworth		-3
Wild Rice @ Twin Valley		0
Wild Rice River @ Hendrum		0
Marsh River nr Shelly		-1
Sand Hill River @ Climax		0
Red Lake River @ Highlanding		5
Thief River @ TRF		5
Clearwater @ Plummer		6
Lost River @ Oklee		3
Clear Water @ Red Lake Falls		2
Red Lake River @ Crookston		0
Middle River @ Argyle		-6
Two Rivers @ Lake Bronson		-6



Red River Watershed Management Board

MEMBER WATERSHED DISTRICT DIRECTORY

DIRECTORY

JOE RIVER WATERSHED DISTRICT

Address: PO Box 27, Humboldt, MN 56731
District Meeting: 2nd Monday of January, March, June, July, September and December
at St. Vincent Township Hall
Contact: John Finney
Phone: 218-379-3163
Fax:
Email: finney@invisimax.com

ROSEAU RIVER WATERSHED DISTRICT

Address: 108 3rd Ave SW, Roseau, MN 56751
District Meeting: 1st Wednesday of the month at 8:00 a.m. in the District office
Contact: Tracy Halstensgard
Phone: 218-463-0313
Fax: 218-463-0315
Email: rrwd@mncable.net

TWO RIVERS WATERSHED DISTRICT

Address: 410 5th Street South, Suite 112, Hallock, MN 56728
District Meeting: 1st Wednesday of the month at 8:00 a.m. in the District office
(Lower Level, Kittson County Courthouse)
Contact: Dan Money
Phone: 218-843-3333
Fax: 218-843-2020
Email: Daniel.Money@mn.nacdnet.net

MIDDLE SNAKE TAMARAC RIVERS WATERSHED DISTRICT

Address: 453 N. McKinley Street, PO Box 154, Warren, MN 56762
District Meeting: 1st and 3rd Monday at 4:00 p.m. in the District office
Contact: Danny Omdahl
Phone: 218-745-4741
Fax: 218-745-5300
Email: mstrwd@hotmail.com

RED LAKE WATERSHED DISTRICT

Address: 1000 Pennington Avenue South, Thief River Falls, MN 56701
District Meeting: 2nd and 4th Thursday at 9:00 a.m. in the District office
Contact: Myron Jesme
Phone: 218-681-5800
Fax: 218-681-5839
Email: rlwaters@wiktel.com

SAND HILL RIVER WATERSHED DISTRICT

Address: PO Box 584, Fertile, MN 56540
District Meeting: 1st Tuesday of the month at 8:00 a.m. in the District office
Contact: Dan Wilkens
Phone: 218-945-3204
Fax: 218-945-3213
Email: shrwd@gvtel.com

WILD RICE WATERSHED DISTRICT

Address: 11 East 5th Avenue, Ada, MN 56510
District Meeting: 2nd Wednesday of the month at 8:30 a.m. in the District office
Contact: Kevin Ruud
Phone: 218-784-5501
Fax: 218-784-2459
Email: kevin@wildricewatershed.org

BOIS DE SIOUX WATERSHED DISTRICT

Address: 704 Hwy 75 South, Wheaton, MN 56296
District Meeting: 3rd Thursday of the month at 9:00 a.m. in the District office
Contact: Jon Roeschlein
Phone: 320-563-4185
Fax: 320-563-4987
Email: bdswd@frontiernet.net



Red River Watershed Management Board

TREASURER'S MANUAL

Adopted at a regular meeting of the Board on April 19, 1991
Amended at a regular meeting of the Board on August 8, 1995
Amended at a regular meeting of the Board on January 18, 2000
Amended at a regular meeting of the Board on March 16, 2004
Amended at a regular meeting of the Board on January 21, 2014
Amended at a regular meeting of the Board on May 19, 2015

INVESTMENT POLICY

I. Investment Objectives

1. To insure that investment of funds are accomplished in a safe and secure manner, particularly with respect to limiting exposure to unnecessary risk.
2. To provide adequate liquidity to meet funding needs.
3. To obtain competitive yields, but with safety and liquidity the highest priority in the decision making process.
4. To conform with appropriate laws regulating the investment of funds.

II. Investment Authority

1. The investment committee has the authority to purchase or sell approved investments, within the guidelines of Section III, and make the day to day investment decisions.

The investment committee will be comprised of the treasurer, president, vice president, and secretary. Investment purchases, within investment policy guidelines, require only the signature of the treasurer when approval has been given by at least one other member of the investment committee. The approval can be obtained by telephone.

III. Approved Investment Activity

Eligible Investments:

1. Deposits in any federally insured bank, savings and loan association or credit union. All amounts over \$250,000 must be secured with pledged securities or covered by a public depository bond. (Minnesota Statutes 118A.03, Subd. 1)
2. Money market accounts in a treasury fund which invest only in treasury notes and treasury bills.
3. Certificates of deposit in federally insured financial institutions in amounts of no more than \$100,000.
4. Eligible debenture notes when guaranteed by a governmental unit with adequate bonding authority.

Maturity:

1. The investment committee is restricted to investments that mature in three years or less.

Safekeeping:

1. All investments held in a safekeeping account will be evidenced by a safekeeping receipt or similar form of notification from the safekeeping institution.

Reporting:

1. All investment activity will be reported to the Board at regular meetings. A written record will be maintained for all investments with interest rates and maturity dates.

CASH CONTROL POLICY

I. Authorization

1. The treasurer shall be responsible for the supervision of cash. The treasurer and the president, vice president, or secretary are authorized to sign checks subsequent to Board approval. Investment purchases are subject to investment policy. Checks written to deposit funds in a depository account, or mailed directly, for social security and medicare, retirement, or deferred compensation deposits, or other purposes such as the disbursement of payroll checks, as approved by the board, require only one signature.

II. Cash Management

1. The level of cash on hand at any one time should be reasonable for operating purposes in the context of anticipated receipts and disbursements.

At the February 16, 2010 regular monthly meeting, the Board of Managers authorized maintaining \$600,000 in the checking account as an optimum minimum balance beginning after June 1, 2010.

2. Cash in excess of that needed for operating and funding purposes is to be invested so as to yield the highest return possible consistent with liquidity and safety.
3. The Board shall periodically project funding needs in order to facilitate cash management.
4. Investment maturities should be staggered to provide for cash flow needs.

JOB DESCRIPTION – TREASURER

I. Treasurer's Duties

Records

1. The treasurer is responsible for the production and maintenance of all financial records and reports for the RRWMB. The treasurer will furnish the following statements for all regular Board Meetings: Statement of Receipts and Disbursements, Balance Sheet, Receipts Register, Disbursement Register, and Investment Report. The treasurer will also provide a report of activities, investment information i.e. bids received, approved by, and any other pertinent information.

Investments

1. The treasurer will implement investment policy in accordance with written guidelines furnished by the Board.

Payroll

1. The treasurer will complete all payroll reports required by the state and federal government.

Annual Review

1. The treasurer will furnish all necessary information and assistance to the auditor in the performance of the annual audit.



Red River Watershed Management Board

RECORDS MANAGEMENT AND RETENTION POLICY

Red River Watershed Management Board
Records Management and Retention Policy

Adopted January 21, 2014

The Red River Watershed Management Board (RRWMB) Board of Managers adopts the following policy as part of its effort to ensure the sound administration of RRWMB business and continued focus of RRWMB resources on flood protection and improvement of the water resources with the RRWMB's jurisdiction.

Pursuant to Minnesota Statutes sections 15.17, subdivision 1, and 138.17, the RRWMB makes and preserves all records necessary to ensure a full and accurate accounting of the RRWMB's official activities. To facilitate effective management of its records, the RRWMB has adopted the attached updated records retention schedule, governing the retention and disposal of records created by the RRWMB.

In keeping with the direction of the Uniform Electronic Transactions Act, Minnesota Statutes chapter 325L, the RRWMB has determined that it will create, retain and store its records – current and historic – in electronic form to the greatest extent possible. Records may be transferred to the state archives in accordance with the approved Records Retention Schedule in hard-copy form. The RRWMB's records retention schedule includes indication of whether records will be retained in hard copy or electronic form. Conversion of historic documents will be conducted in compliance with the RRWMB's Records Retention Schedule, and will be completed in a manner that ensures that the RRWMB's data remain accessible for purposes of compliance with the Data Practices Act. Original documents providing the RRWMB with legal rights and obligations will continue to be retained in hard-copy form.

SUBDIVISION 1 – DATA PRACTICES POLICY

Policies and Procedures for Public Access to Documents

Adopted August 17, 2004; Amended July 15, 2008, and January 21, 2014.
Access to the data of public bodies is governed by the Data Practices Act (DPA), Minnesota Statutes chapter 13. The DPA states that data of public bodies are to be available to the public unless specifically protected by law where individual privacy would be violated or where other valid concerns outweigh the interest in public availability. The Red River Watershed Management Board (RRWMB) recognizes the public interest in open access to its data as well as the public interest that requires that certain types of data not be publicly available. It is the intent of the RRWMB to comply fully with the DPA and, where the DPA

allows for the exercise of judgment, to exercise that judgment consistent with the public interests underlying the law.

This policy is adopted pursuant to Sections 13.025, subdivision 2, and 13.03, subdivision 2, of the DPA, which state that every public body shall establish procedures to implement the DPA. In addition, the RRWMB has adopted and maintains a Records Retention Schedule, which is an index of the records and data maintained by the RRWMB and includes private or confidential data on individuals in compliance with section 13.025, subdivision 1. This policy is accompanied by a set of procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5, as well as a document setting forth the rights of data subjects under the DPA and procedures to guarantee the rights of data subjects in compliance with section 13.025, subdivision 3.

Procedure for Review of RRWMB Documents

All requests to inspect or receive copies of RRWMB data, and all other inquiries regarding the DPA, must be in writing and sent by U.S. Mail, addressed to the "Data Practices Compliance Official," at the following address:

Red River Watershed Management Board
PO Box 763
Detroit Lakes, MN 56502-0763

The RRWMB Administrator is designated as the Data Practices Responsible Authority and Data Practices Compliance Official.

Requests to inspect or obtain copies of RRWMB data must be in writing to ensure that the RRWMB's response is timely and complete. The RRWMB will be able to most efficiently and completely respond to requests that are specific and detailed. In the case of an individual who wishes to inspect RRWMB data, the Data Practices Compliance Official will help to ensure that documents of interest have been gathered, that documents not subject to inspection have been segregated, and that someone is available to assist the requesting individual. The RRWMB will provide requested data for inspection at a public governmental building within the RRWMB's jurisdiction to be specified by the Data Practices Compliance Official. RRWMB files may not be removed from the place of inspection by anyone other than the RRWMB Compliance Official.

The DPA requires that individuals be permitted to inspect or copy data within a reasonable time of a request. The RRWMB will attempt to respond to requests as quickly as possible. The response time will vary depending on the breadth of the request, the completeness and accuracy of the request, the need to separate public data from protected data, if any,

and the other matters requiring the attention of staff at the particular time.

If the RRWMB determines that certain data cannot be made available for inspection or copying, it will inform the individual of the classification of the data in question under the DPA and of the legal basis for denial of access. On the request of the individual, the RRWMB will certify in writing that the request has been denied and state the specific legal basis for denial.

The RRWMB may provide requested copies of data immediately or may advise that the copies will be provided as soon as reasonably possible thereafter. The ability to provide copies immediately depends on the number of copies requested, the availability of copying equipment, staff workload and the need to deliver the data elsewhere for copies to be made (e.g., oversize documents, tapes, electronic data).

Costs

There is no cost to inspect documents. If document copies are requested, the requesting individual will be charged 25 cents per page for up to 100 letter- or legal-sized black-and-white printed copies, except that there is no charge for delivery by email of less than 100 pages or the equivalent (as determined by the RRWMB) of data. Standard charges will apply for re-delivery of data in the event of failure of email delivery resulting from incapacity of the recipient's email system. Copies of RRWMB documents will not be certified as true and correct copies unless that is specifically requested. The fee for certification is \$1 per document or part thereof.

With respect to oversize copies, tapes, electronic data, photographs, slides and other formats, the requesting individual will be responsible for the actual cost incurred by the RRWMB to make copies, except that there is no charge for electronic delivery of less than 100 pages of data or the equivalent (as determined by the RRWMB).

An individual requesting copies or the electronic transmittal of more than 100 pages of data is responsible to pay the RRWMB the actual cost, including the cost of staff time to search for and retrieve data and to make, certify, compile and transmit copies. Staff-time cost will be assessed based on established hourly rates. The RRWMB will not charge for staff time needed to separate public from protected data.

If an individual so asks, before copies are made the RRWMB will advise of the approximate number of pages of documents responsive to a request or the likely cost of responding to a request. Payment may be made by cash or check. The RRWMB may require payment in advance.

When an individual asks for a copy of data that have commercial value and were developed with a significant expenditure of public funds by the RRWMB, the RRWMB may charge a reasonable fee that relates to the actual cost of developing the data. As a condition of making certain commercially valuable data available, the RRWMB may require execution of a license agreement defining allowable use or further distribution.

PROTECTION OF PRIVATE AND CONFIDENTIAL DATA ON INDIVIDUALS

The Red River Watershed Management Board (RRWMB) establishes the following to protect and ensure the accuracy of non-public data on individuals (i.e., private and confidential data).

Accuracy and Currency of Data

Employees of the RRWMB are requested, and given appropriate forms, to annually provide updated personal information for the RRWMB as necessary for RRWMB recordkeeping, tax, insurance, emergency notification and other personnel purposes. Other individuals who provide private or confidential information (e.g., members of the Board of Managers) are also encouraged to provide updated information when appropriate.

Data Safeguards

Private and confidential information is stored in secure files and databases that are not accessible to individuals who do not have authorized access. Private and confidential data on individuals is accessed only by individuals who are both authorized and have a need to access such information for RRWMB purposes. (An individual who is the subject of data classified as private may access such data for any reason.)

The RRWMB administrator, as Responsible Authority, reviews forms used by the RRWMB to collect data on individuals and ensures that the RRWMB collects private or confidential data only as necessary for authorized RRWMB purposes.

Only members of the Board of Managers and employees of the RRWMB whose work for the RRWMB requires that they have access to private or confidential data may access files and records containing such information. Employees' and managers' access is further governed by the following requirements:

- Private or confidential data may be released only to persons authorized by law to access such data;
- Private or confidential data must be secured at all times and not left in a location where they may be accessed by unauthorized persons;
- Private or confidential data must be shredded before it is disposed of.

When a contract with an outside entity requires access to private or confidential information retained by the RRWMB, the contracting entity is required by the terms of its

agreement with the RRWMB to use and disseminate such information in a manner consistent with the DPA and the RRWMB's Policies and Procedures for Public Access to Documents.

PRIVATE AND CONFIDENTIAL DATA RIGHTS OF DATA SUBJECTS

In accordance with the Minnesota Data Practices Act, Minnesota Statutes chapter 13 (DPA), the Red River Watershed Management Board (RRWMB) provides this document to you, as the subject of private or confidential data collected by the RRWMB, to explain how (1) the RRWMB assures that all data on individuals collected by the RRWMB are accurate, complete and current for the purposes for which they were collected, and (2) to explain the security safeguards in place for RRWMB records containing data on individuals.

Rights to Access Government Data

Minnesota law gives you, as the subject of private or confidential data collected by the RRWMB, and all members of the public the right to see data collected and maintained by the RRWMB, unless state or federal law classifies the data as not public. In addition, the DPA gives you and all members of the public the right to have access to or, if you wish, to copy any public data for any reason, as long as the data are not classified as not-public.

You have the right to:

- be informed, upon request, as to whether you are a subject of RRWMB data and how that data is classified;
- know what the RRWMB's procedures are for requesting government data;
- inspect, at no charge, any public data that the RRWMB collects and maintains;
- see public data that the RRWMB collects and maintains without telling the RRWMB who you are or why you want the data;
- have public data that the RRWMB collects and maintains explained to you;
- obtain copies of any public RRWMB data at a reasonable cost to you;
- be informed by the RRWMB in writing as to why you cannot see or have copies of not-public RRWMB data, including reference to the specific law that precludes you from viewing it;
- receive a response from the RRWMB to a data request in a reasonable time;
- contest the accuracy and completeness of public or private data the RRWMB has on you and appeal a determination by the RRWMB as to whether the data are accurate and complete;
- to ask the RRWMB, if you are under 18 years old, to withhold information about you from your parents or guardian;
- consent or revoke consent to the release of private data about you that the RRWMB has; and

- release all, part or none of the private data the RRWMB has on you.

Security of Private and Confidential Data

State law protects your privacy rights with regard to the information the RRWMB collects, uses and disseminates about you. The data the RRWMB collects about you may be classified as:

- Public – anyone can see the information;
- Private – only you and authorized RRWMB staff can see the information;
- Confidential – only authorized RRWMB staff can see the information.

When the RRWMB asks you to provide data about yourself that are private, the RRWMB will give you a notice called a Tennessean warning notice. This notice determines what the RRWMB can do with the data collected from you and the circumstances under which the RRWMB can release the data. The RRWMB will ask for your written permission before using private data about you in a way that is different from what is stated in the Tennessean notice you receive. The RRWMB also will ask for your written permission before releasing private data about you to someone other than those identified in the notice.

State law requires that the RRWMB protect private and confidential data about you. The RRWMB has established appropriate safeguards to ensure that your data are not inadvertently released or wrongfully accessed. The RRWMB disposes of private, confidential and other not-public data in accordance with its Records Retention Schedule, adopted January 21, 2014. Printed data are disposed of by shredding or other method sufficient to prevent the data from being ascertainable. Electronic data are destroyed or erased from media in a manner that prevents the data from accessed or read. Data-storage systems in RRWMB computers are erased in the process of recycling.

SUBDIVISION 2 – DATA ADVISORY

TENNESSEAN WARNING FOR APPLICANTS AND EMPLOYEES

In accordance with the Minnesota Government Data Practices Act, the Red River Watershed Management Board (RRWMB) must inform you of your rights as they pertain to the private information collected from you. The RRWMB is asking you to provide information, including information classified as public (anyone can obtain it), private (the public may not access it, but you can) and confidential (even you cannot see the information). Much of the data the RRWMB obtains and maintains about you is public according to Minnesota Statutes section 13.43, subdivisions 2 and 3.

Information which you will be asked to provide to the RRWMB as part of application for or employment with the RRWMB is considered private data includes, but is not limited to:

- home address
- home phone number
- Social Security number
- date of birth
- conviction record
- sex
- age group
- racial/ethnic group
- disability type

The information the RRWMB requests from you may be used for one or more of the following purposes:

- To distinguish you from other applicants or employees and identify you in RRWMB personnel files;
- To determine your eligibility for employment or promotion;
- To enable us to contact you when additional information is required, send you notices, and/or schedule you for interviews; To enable us to contact you or your designees (e.g., parent, spouse) in an emergency;
- to determine whether or not your conviction record may be a job-related consideration affecting your suitability for the position you applied for;
- to determine if you meet the minimum age requirement (if any);
- To enroll you and/or your family members in the RRWMB health insurance plan;
- To account for wages paid;
- To justify travel expense reimbursement;
- To account for other employer-paid benefits;
- To compile Equal Opportunity and Affirmative Action reports;
- To enable us to ensure your rights to equal opportunities;

If you are an applicant for employment with the RRWMB, furnishing your Social Security number, date of birth (unless a minimum age is required), sex, age group, racial/ethnic, and disability data is voluntary. But refusal to supply other requested information will mean that an application for employment may not be considered.

If you are hired by the RRWMB, you will be legally required to supply your Social Security number and all applicable tax information. This information will be sent to federal and state tax authorities and to the federal Social Security Administration, and will enable us to compute your salary deductions. The collection of your Social Security number on tax

forms is mandated by section 1211 of the Tax Reform Act of 1976 and also Minnesota Statutes section 270.66. This information will be shared with the state Department of Revenue and the Internal Revenue Service. In most other cases the disclosure of your Social Security number is voluntary. The information you provide may be shared with the RRWMB payroll services providers, insurance contractors, the Public Employee's Retirement Association, the federal Internal Revenue Service, and the state departments of Revenue, Finance, Economic Security, Employee Relations and Labor and Industry.

Insurance data which you will be required to furnish in order to participate in RRWMB health and life insurance plans will be classified as private as will payroll deduction data.

In addition to RRWMB management, RRWMB counsel may be given access to private information you provide.

Information may also be shared with other entities authorized by law to receive specific data related to:

- Absent/non-supportive parents;
- Civil/human rights complaints;
- Worker's Compensation;
- Unemployment Compensation;
- Labor contracts (to the extent specified in Minnesota Statutes chapter 179);
- Employee assistance programs;
- Child/vulnerable adult abuse.

Private information may also be released if required by a court order.

If you have any questions about this notice, the RRWMB administrator or operations manager will explain it to you. The information on this form applies to your future contact with the RRWMB whether the contact is in person, by mail or by phone.

Employee/Applicant:

I have read and understand the above Tennessee Warning.

Employee/Applicant Signature

Date



Red River Watershed Management Board

PROJECT EVALUATION WORKSHEET

RED RIVER WATERSHED MANAGEMENT BOARD
EVALUATION WORKSHEET
for
FLOOD DAMAGE REDUCTION PROJECTS

This worksheet shall be used by Member Watershed Districts in determining the initial feasibility of pursuing a potential site for project development and the District shall provide a completed worksheet for the proposed project's Step I application and a revised worksheet for Step II and Step III applications. The RRWMB shall utilize this form in determining the funding of each proposed project. In addition, the RRWMB and the sponsoring Watershed District shall utilize the Technical Advisory Committee (TAC) recommendation which will include the established "Star Value Method" in making project comparisons. When a proposed project has received Step III approval, the score shall be final. Individual component issues of each project are to be evaluated by using both technical and established policy considerations as adopted in the "Governing Documents" publication.

This document is divided into four separate sections. Each section shall be evaluated individually as deemed appropriate for each proposed flood damage reduction project and collectively in determining the final evaluation for funding from the RRWMB.

SECTION I - ENVIRONMENTAL ENHANCEMENTS ACCOMPLISHED

- A. This proposed project has addressed the following natural resource goals as identified in the "Red River Basin Flood Damage Reduction Work Group Agreement" and incorporated the appropriate goal issues into the final engineer's report. Each goal, if incorporated into the final design, shall have an equal value of 2.5. The accumulative value of each goal accomplished in this project shall be the total score for this section.

This section shall be completed by the Watershed District Project Team.

Check each goal that has been incorporated into this project with an X.

- 1. Manage streams for natural characteristics.
- 2. Enhance riparian and/or in-stream habitat.
- 3. Provide diversity of habitats for stable populations to thrive over a long period.

- ___ 4. Provide connected, integrated habitat including compatible adjacent land uses.
- ___ 5. Enhance or provide seasonal flow regimes in streams for water supply, water quality, recreation, and support biotic communities.
- ___ 6. Provide recreational opportunities.
- ___ 7. Improve water quality.
- ___ 8. Protect water quality.
- ___ 9. Manage lakes for natural characteristics.

The total score for this category is _____.

The recommended minimum score for this category is 10.

B. WATERSHED DISTRICT'S PROJECT TEAM RECOMMENDATION

The Watershed District's Project Team has fully processed the proposed project through problem identification, alternative evaluation and selection and recommends the following:

- 0. The proposed project is not a significant contribution to flood damage reduction.
- 7. The proposed project will provide significant flood damage reduction, but a different alternative should be given further consideration.
- 14. The proposed project is significant but immediate implementation is not a high priority.
- 20. The proposed project is very significant and should be implemented at the earliest possible date.

Number _____ best describes the Project Team recommendation.

The recommended minimum score for this category is 14.

SECTION II - TECHNICAL ADVISORY COMMITTEE RECOMMENDATION

The TAC recommendation shall include the utilization of the "Star Value Method" to determine the RRWMB cost of the storage capability of the proposed project. In addition, the TAC shall provide a written technical narrative providing recommendations and suggestions for changes that would enhance the proposed project and/or an evaluation of the merits of the proposed project in fulfilling the flood damage reduction goals of the RRWMB.

A number of factors determine the effectiveness of a project in reducing flood flows on the Red River mainstem. When implementing individual projects, it is necessary to know how water from any given area will affect downstream flooding. Flooding along the Red River mainstem is substantially affected by runoff timing and volume from upstream areas. Will the peak runoff arrive ahead of, coincident with, or after downstream flood peaks? The design and operating goal should be to store water that would otherwise contribute to downstream flood peaks and to avoid causing damages during the subsequent release of the stored floodwater.

The Flood Damage Reduction Work Group's Technical Paper No. 11 has defined early, middle and late runoff areas within the basin relative to the downstream limit of the Red River Basin in Minnesota at the U.S./Canada border. In relation to maximizing downstream benefits, impoundments are most effectively located in the middle and late areas of the basin. Impoundments located in a late area should be designed to store the early water on the rising limb of the local hydrograph to help reduce mainstem peak flows. Impoundments located in a middle area should be designed to store the peak of the local hydrograph. Impoundments located in the early areas of the basin may also be beneficial to the mainstem if they are designed to store the falling limb of the local hydrograph. This would usually require either a very high capacity storage site to store all the floodwater, or a high capacity gate that can pass the early flows and be closed to store the late flows.

The designed storage volume of a proposed project affects the potential effectiveness in reducing flood flows on the Red River mainstem. Basically, the more volume of floodwater a project can store, the easier it is to operate the structure to optimize storage timing and releases in relation to downstream flooding.

The detention time a project can achieve affects the potential effectiveness in reducing flood flows on the Red River mainstem. Flooding on the mainstem is typically a long-term event, up to and exceeding 30 days for spring flood events. It is imperative that a project be designed to have the capability to store flood volumes for long periods of time so that releases will not add to or prolong flooding downstream.

The Star Value Method is intended to provide a method for the RRWMB to assign a relative value to a floodwater detention project in achieving the goal of reducing peak mainstem flows. It incorporates the factors listed above, is based on parameters that can be determined during early stages of project development and can be kept current as the project moves through various funding steps. The method assigns a value for floodwater detention to a project based on the amount of floodwater storage the project provides and on the length of time it is stored. Storage is adjusted based on reducing the total storage a project provides in excess of 3.6 inches. The length of time the floodwater is stored is adjusted based on the timing of the project watershed's contribution to the Red River peak flow. The difference between the post-project condition and the pre-project condition is the basis for the calculations. The method strongly favors projects designed and operated to achieve relatively long detention times.

The value system utilized to determine the ranking score for potential projects is:

Score	RRWMB Dollar Cost/Star Value
6.....	>20
10.....	15.1 to 20
16.....	10.1 to 15
18.....	5 to 10
20.....	0 to 5

The Star Value Method ranking score for this category is: _____

The recommended minimum score for this category is 10.

A score lower than 10 in this section shall cause a Step III application to be returned to the applicant with the reason for rejection and a recommendation for correction before being submitted for funding at a future date.

The technical evaluation narrative and recommendation for this proposed project is as follows:

SECTION III - PROJECT FUNDING AGREEMENT CONDITIONS

This section is to be utilized by the Watershed District’s Board of Managers as a guide in seeking the appropriate level of funding for a proposed project and by the RRWMB in determining the level of funding to be awarded. Utilize and fill out only one of the three prioritizing schedules (*) that best applies to the proposed project. Note: “Other interests” means funds received from sources other than RRWMB tax levy that are secured to reduce the RRWMB/WD total commitment.

* The proposed project provides flood damage reduction solely within a minor watershed of the District and funding will be requested from the RRWMB for:

- 2. Seventy-five percent of the total cost not funded by other interests.
- 3. Sixty-seven percent of the total cost not funded by other interests.
- 4. Fifty percent of the total cost not funded by other interests.
- 6. Twenty-five percent of the total cost not funded by other interests.

* The proposed project provides flood damage reduction downstream to the outlet into the Red River and funding will be requested from the RRWMB for:

- 10. Seventy-five percent of the total cost not funded by other interests.
- 12. Sixty-seven percent of the total cost not funded by other interests.
- 14. Fifty percent of the total cost not funded by other interests.

18. Twenty-five percent of the total cost not funded by other interests.

* The proposed project provides flood damage reduction downstream to the common outlet into the Red River from all contributing Minnesota watersheds and funding will be requested from the RRWMB for:

12. Seventy-five percent of the total cost not funded by other interests.

14. Sixty-seven percent of the total cost not funded by other interests.

16. Fifty percent of the total cost not funded by other interests.

20. Twenty-five percent of the total cost not funded by other interests.

Number _____ best describes this proposed project.

The recommended minimum score for this category is 14.

SECTION IV

Section IV is composed of three separate issue-orientated papers. Use form A when it is requested by the RRWMB. Use form B when applying for funding of programs or studies. Use form C for all applications for funding assistance.

A. QUALIFICATIONS FOR A FUNDING APPLICATION

*This section shall be utilized only by the RRWMB in the event that the adopted rating system in sections I-III has resulted in an equal comparative scoring value for projects proposed for funding. This section is not to be utilized by an applicant for funding.

Rationale shall be provided in letter form by the applicant, upon receiving a request from the RRWMB, stating the need for funding assistance which could be described as one of the following:

- The District Construction Account (1/2 RRWMB Levy) has adequate funds but the District feels it is entitled to funds because of prior annual levy allocations.
- The District Construction Account has adequate funds but they are needed for other project development costs. (Must list proposed projects and time line for progressing.)

- The District Construction Account is minimal because of low annual levy receipts.
- The District Construction Account is minimal because of funding previously built flood damage reduction projects. (Must list projects built and funding expenditures.)

B. PRIORITIZATION PROCESS FOR CONSIDERING PROGRAMS AND STUDIES

Consideration for the funding of Programs, Studies or other Flood Damage Reduction Initiatives by Member Watershed Districts shall be ranked for funding eligibility in the following order of priority. The lowest ranking shall be #1 and the highest #7.

1. The initiative is not related to gaining information toward flood damage reduction.
2. The information sought in this initiative is primarily for state or federal agency use, but is needed for gaining information related to flood damage reduction.
3. The information sought in this initiative is primarily for use in the applicant District.
4. The information sought in this initiative is needed by an individual District for their own use, but could be a pilot for establishing a methodology that could be used by all.
5. The information sought in this initiative will be conducted within an individual District, but the information gained can be utilized by all.
6. The information sought in this initiative is being gathered in all cooperating Districts and the information gained is necessary for furthering flood damage reduction initiatives.
7. The information sought in this initiative will be applicable to, and utilized in, all member Districts and is essential for the development of flood damage reduction initiatives within all of the Minnesota portion of the Red River basin.

Number ____ best describes this proposal.

The recommended minimum score for this category is 4.

C. DISTRICT BOARD OF MANAGER'S RECOMMENDATION

The _____ Watershed District's Board of Managers have utilized the "Project Evaluation Worksheet" in progressing this proposed project and request funding from the RRWMB for _____ percent of the project's total cost not funded by other sources for an estimated amount of \$_____. It is anticipated that construction can be accomplished and therefore funding will be required in:

1. Three to five years.
2. Two to three years.
3. One to two years.
4. Within one year.

This worksheet has been completed for the proposed project known as

by the _____ Watershed District

on this _____ day of _____, 20_____.

President

Secretary

* Note: The RRWMB shall provide the applicant with a signed form certifying the commitment and shall describe any variation from the "Project Evaluation Worksheet."



Red River Watershed Management Board

MEDIATION AGREEMENT

DECEMBER 9, 1998

INTRODUCTION

This agreement is the product of eight months of consensus-based, mediated negotiations by the Red River Basin Flood Damage Reduction Work Group (“Work Group”). It responds to a mandate from the Minnesota Legislature to resolve gridlock over state permitting of flood damage reduction projects in the Red River Basin. The agreement is intended as the framework for a new, collaborative approach to implementing both flood damage reduction and natural resource protection and enhancement in the Red River Basin in ways that will benefit all Minnesota’s citizens. The keys to this new approach are clearly identified goals, comprehensive watershed planning, early consultation and collaboration on flood damage reduction projects among stakeholders, and a cooperative approach to permitting of those projects.

The agreement is organized in seven parts, as follows:

Part I provides background information about the Work Group’s genesis, its makeup, the Technical and Scientific Advisory Committee that provided support, and a summary of meetings and other activities that led to this agreement.

Part II identifies broad goals for flood damage reduction in the Basin, along with key principles.

Part III identifies natural resource goals for the Basin.

Part IV describes the comprehensive watershed planning process to serve as the vehicle for coordinating flood damage reduction and natural resource management strategies.

Part V addresses the new project review and permitting process developed by the Work Group.

Part VI covers the Work Group’s decisions about a future entity to oversee implementation of this agreement and resolve conflicts.

Part VII addresses the funding needs for implementation of these goals.

Part VIII contains the signatures of Work Group stakeholders.

Appendix

- Board of Water and Soil Resources Watershed Planning Process
- Working Papers of Technical and Scientific Advisory Committee

PART I. BACKGROUND

A Chronology of Historic Factors

The Red River Basin was formed by glacial action. The melting of that glacier formed Lake Agassiz and as the glacier receded to the north, the lake drained, and in its place a vast region of grasslands and extensive marshes developed. Lakota, Ojibway, and Metis people are known to have lived and hunted in the region. European immigrants began settling in the Red River Basin in the 1840s, with the greatest influx occurring between 1870 and 1890. Earlier settlements have been documented in the northern areas dating back to the very early 1800s.

Documentation of major flooding began with journal entries by trappers, explorers, and early settlers recounting loss of lives, homes, and property beginning in 1824, 1825, and 1826. The 1826 event was in all probability the largest flood that has ever occurred in the Red River Basin. The floods of 1852, 1893, and 1897 were of nearly equal proportions, with the 1897 event the first to be officially recorded. Major events since that time occurred in 1914, 1919, 1950, 1974, 1975, 1978, 1979, 1985, 1989, 1993, 1996, and 1997. Significant flooding events with documented damages have occurred on the tributary rivers in equal or greater frequency than those recorded on the main-stem.

"Associations" of interested persons were initiated to address drainage and flooding beginning in 1870. A "Congress" of persons interested in water management convened annually until 1909. The "Tri-State Flood Control Association" convened in Fargo until 1919. The first discussions on upstream water retention progressed through these organizations. A "Tri-State Commission" was organized in 1937 and functioned until 1948. The installation of over forty water control structures for flood damage reduction, water supply, and hydro-power was accomplished in this time period.

In 1955 the Minnesota legislature authorized the formation of Watershed Districts, formed on tributary watershed boundaries, for the expressed purpose of managing water in a holistic manner. Eleven districts have been formed in the Red River Basin. In 1976 seven watershed districts, under jurisdiction of a Joint Powers Agreement, formed the Red River Watershed Management Board for the express purpose of funding flood damage reduction programs and projects. Two additional watershed districts have joined since that time. The watershed districts constructed thirty-five water control structures prior to 1992 ranging in control capability from under one hundred, to over thirty thousand acre feet of storage.

Flooding and a related problem, soil erosion, continues to plague the Red River Basin, therefore planning for flood damage reduction projects has continued. Concern about the potential cumulative environmental effects of proposed watershed districts' flood control projects led the United States Army Corps of Engineers and Minnesota Department of Natural Resources to initiate a joint Environmental Impact Statement

(EIS). The EIS was completed, designated as a Generic EIS for state purposes and subsequently challenged in state district court by the watershed districts and the Red River Watershed Management Board. In May 1997, the Minnesota Legislature authorized funding for a “Mediation” process to attempt resolution of the disputed issues that were addressed in the EIS, led to the court challenge, and resulted in gridlock on permitting issues.

The mediation was set up to seek resolution of the issues in a positive manner and allow for the implementation of the most effective and environmentally friendly alternatives that would accomplish flood damage reduction. This document includes the agreements that resulted from that mediation process.

Work Group Convening and Membership

Following the Legislature’s mandate, the Minnesota Department of Natural Resources and the Red River Watershed Management Board jointly retained CDR Associates of Boulder, Colorado to mediate the negotiations, and worked with the mediators to convene a stakeholder group that represented all key interests associated with flood damage reduction and natural resource protection and enhancement in the Basin. In addition to the DNR and RRWMB, the Work Group ultimately included representation for federal and state agencies, public interest environmental groups, and a range of citizens from the Basin. One Native American tribe elected to participate as a special observer. Municipal governments along the Red River main stem also were invited to participate, but elected not to do so. The Work Group members are:

Ron Nargang, Minnesota Department of Natural Resources (“DNR”)
Ron Harnack, Minnesota Board of Water and Soil Resources (“BWSR”)
Don Ogaard, Red River Watershed Management Board (“RRWMB”)
Dan Wilkens, Red River Watershed Management Board
Jerome Deal, Red River Watershed Management Board
Vernon Johnson, Red River Watershed Management Board
Gerald Van Amburg, Concordia College
Mark Ten Eyck, Minnesota Center for Environmental Advocacy (“MCEA”)
Cheryl Miller, National Audubon Society
Rollin Siegfried and Jim Litzinger, U.S. Fish & Wildlife Service (“USFWS”)
Keith Driscoll, local resident and farmer
Paul Borgen, local resident and farmer
Steve Zaiser, local resident
Jeff Lewis, Minnesota Pollution Control Agency (“MPCA”)
Chuck Spitzack, U.S. Army Corps of Engineers (“USACE”)

Chuck Meyer represented the Red Lake Band of Chippewa Indians as a Special Invited Observer.

Purpose for the Mediation

The Work Group ultimately adopted the following statement of purpose for its negotiations:

To reach consensus agreements on long-term solutions for reducing flood damage and for protection and enhancement of natural resources. Such agreements should balance important economic, environmental, and social considerations. Such agreements must provide for fair and effective procedures to resolve future conflicts related to flood damage reduction.

Technical and Scientific Advisory Committee

The Work Group relied on a Technical and Scientific Advisory Committee (“TSAC”) to provide technical and scientific information and analysis in support of the mediation effort. The TSAC represented a range of disciplines, including hydrology, engineering, ecology, soils science, and economics. The TSAC developed a series of working papers to address key topics associated with flood damage reduction and modeled the use of different strategies for flood damage reduction. The TSAC did its work based on consensus, and its work products reflect consensus recommendations to the Work Group.

The TSAC includes:

Jim Solstad, DNR

Steve Apfelbaum, Applied Ecological Services, Inc.

Doug Eppich, Applied Ecological Services, Inc.

Scott Jutila, USACE

Luther Aadland, DNR

Rick St. Germain, Houston Engineering (with support from Erik Jones)

Charlie Anderson, JOR Engineering

Larry Lewis, USFWS

Greg Larson, BWSR

Jeff McGrath, USACE

Summary of Meetings and Activities

The Work Group held ten (10) negotiating sessions from May to December, 1998. Many stakeholders took time out from their personal and professional lives to participate, without remuneration. Most meetings were held in Crookston, Minnesota. In addition, Work Group members took a group tour of the Wild Rice watershed, and spent numerous hours on conference calls and in smaller *ad hoc* meetings.

Use of Consensus to Reach Agreement

This agreement is the result of a consensus-based process. The Work Group did not use majority voting to make key choices, but relied on the commitment of individual

stakeholders to craft solutions that would accommodate diverse interests. The consensus process meant that no single stakeholder was able to impose its views on the Work Group, and stakeholders were able to build consensus solutions while holding different viewpoints. The result of this process, while not perfect for any stakeholder, represents the best agreement possible at this time.

PART II.

BROAD GOALS AND PRINCIPLES FOR FLOOD DAMAGE REDUCTION

The Work Group adopted eight broad goals for flood damage reduction in the Red River Basin. These goals reflect the Work Group's efforts to identify the key interests associated with flood damage reduction and make these interests the focus for policy choices. The goals reflect the differing perspectives of Work Group stakeholders that were examined and debated during the course of the Work Group's deliberations. They also reflect the difficult choices faced by the Work Group in setting realistic yet meaningful goals.

The Work Group also identified key principles to guide policymakers as they develop strategies to implement the broad flood damage reduction goals set out below.

Flood Damage Reduction Goals

The Work Group decided to differentiate between **prevention** of damage and **reduction** in the risk of damage in setting flood damage reduction goals. This approach reflects agreement that certain damages associated with flooding are so significant that everything possible should be done to **prevent** them from occurring. This means providing the maximum feasible protection and setting high priorities on actions needed to accomplish this goal. The Work Group also agreed that for other damages associated with flooding the focus should be on **reducing** the present risk that they will occur, but not on seeking to eliminate that risk. The Work Group agreed that breaking the disaster/repair cycle by implementing flood damage reduction projects is important.

The broad goals for flood damage reduction in the Basin are:

1. **Prevent** loss of human life.
 - a. Promote the development of community flood warning systems and emergency response plans.
 - b. Promote the development of flood plain management plans and land use ordinance administration and enforcement.
 - c. Ensure state oversight of project design and technical criteria.

2. **Prevent** damage to farm structures, homes, and communities.
 - a. Promote the construction of farmstead ring dikes built to a minimum of 2 feet of freeboard over the flood of record, or 1 foot above the administrative 100-year flood, whichever is greater.
 - b. Promote the construction of community setback levees and floodwalls built to the flood of record plus uncertainty (3 feet) or the 100-year flood plus uncertainty, whichever is greater.
 - c. Promote the acquisition and permanent removal of flood-prone structures and establishment of greenways within the 100-year flood plain.

- d. Accelerate flood insurance studies, flood plain remapping and hydraulic/hydrologic studies in poorly defined or unmapped areas.
 - e. Accelerate comprehensive watershed and systems approaches to basin management.
 - f. Discourage the development of structures within the 100-year flood plain, with the exception of those approved in a community's flood plain ordinances.
3. **Reduce** damage to farmland by:
 - a. Providing protection against a ten-year summer storm event for intensively farmed agricultural land;
 - b. Maintaining existing levels of flood protection when consistent with a comprehensive watershed management plan; and
 - c. Providing a higher level of protection, e.g., 25-year event, when feasible at a minimal incremental cost.
 4. **Reduce** damage to transportation.
 5. **Reduce** damage to water quality, including direct and chronic impacts, from floodwaters coming into contact with potential contaminants.
 6. **Reduce** environmental damage caused by flood control projects.
 - a. When advancing a project that requires a permit, select the least environmentally damaging (or most environmentally enhancing), feasible and prudent alternative that accomplishes the water management goals.*
 - b. Design projects or packages of projects that provide net natural resource enhancement.
 - c. A planned response to a flooding problem should take into account natural resource benefits, as well as negative impacts, in a watershed context (beyond the immediate project site).
 7. **Reduce** social and economic damage.
 8. **Reduce** damage to natural resource systems caused by flooding.

Explanation of Ten-year Storm Event

The Work Group had repeated, lengthy discussions about the different interests associated with the third goal listed above: reducing damage to farmland. These discussions covered, in part, the annual nature of agricultural flooding, the damages associated with that flooding, the fact that these damages are difficult to quantify and are not widely publicized, the important differences between spring and summer flooding events, the existing drainage infrastructure, and changes in land use. The Work Group ultimately set the “ten-year summer storm event” as the target for reducing

* “Project” means: Planning and development, construction, maintenance, repair, or improvement of a watershed district for a purpose for which the watershed district is established.

flood damage to qualifying farmland. In technical terms, a ten-year event is defined as 3.57 inches of rainfall in a 24-hour period, or 6.39 inches of rainfall in a ten-day period, in a minor watershed, i.e., ten square miles or less. In terms of probability, for an eligible piece of farmland protection against a “ten-year event” means a ten percent chance in any single year of being flooded by runoff from another’s property as a result of a summer storm event. For example, a conveyance system designed to a ten-year standard will be able to convey the ten-year runoff volume without overflowing and will allow for the drainage of adjacent lands to prevent crop damage.

The ten-year event target specifies how much protection flood damage reduction strategies should strive to provide as well as the level of risk that will remain. For example, a 25-year storm event will exceed the specified level of protection and cause damage to agricultural land. Given the unique hydrology and topography in the Basin, the ten-year event goal will need to be flexible and site-specific in its application. Successful implementation will require accounting for reasonableness of costs, the need to be sustainable, and the need to incorporate other flood damage reduction principles/criteria.

Explanation of Intensively Farmed Land

The Work Group agreed that the ten-year level of protection should apply only to intensively farmed land. This means land that was planted with annually seeded crops or was in a crop rotation seeding of pasture grass or legumes in six out of the last 10 years; excluding land incorporated within flood protection works (e.g., between setback levees), regardless of whether this land has been or will be farmed.

Flood Damage Reduction Principles

The Work Group also agreed on certain flood damage reduction principles. These principles are consistent with the broad flood damage reduction goals and are intended to guide the efforts of policymakers and project proponents to implement those goals through the comprehensive watershed planning process and project planning, design, and permitting. The principles adopted by the Work Group are:

1. Reduction of overland flooding is needed; any solution will probably require on-site and upstream solutions.
2. Water resource problems should not be passed along to others. A solution for a watershed should not create a problem upstream or downstream.
3. Water should be stored/managed as close to where it falls as is feasible and practical.
4. A systems approach should be used to manage the timing of flow contributions from multiple minor watersheds.

5. Projects should be consistent with comprehensive watershed management planning.
6. Project cost responsibilities should be negotiated project-by-project based on flood damage reduction and natural resource benefits.
8. The responsibility for mitigation of negative environmental and cultural impacts rests with the project proponent.
9. If costs are incurred in connection with a project to produce an environmental gain for the project as a whole, it may be appropriate for alternative sources of funding (in addition to project money) to be used for that gain.
9. Existing laws and procedures should be the basis for compensation to landowners adversely affected by a change in the existing condition.
10. Incentives should be developed to encourage landowners to voluntarily manage their land to achieve flood damage reduction and natural resource goals in order to avoid the need for additional regulatory controls.
11. A natural resource project should not exacerbate flooding.

Flood Damage Reduction Strategies

Accomplishing the broad flood damage reduction goals described above will require consideration of a full range of structural and non-structural strategies. Specialized strategies such as adequate flood warning systems and ring dikes will help prevent loss of human life and damage to farm structures, homes, and communities. Meeting other goals will require strategies that reduce overland flooding, provide storage, and/or maintain or provide adequate conveyance. The Work Group agreed that a combination of strategies may be needed to maximize the effectiveness of any particular strategy. These strategies potentially include:

1. Wet dams
 - A dam constructed to maintain a permanent pool of water, while providing temporary storage of stream flows for flood control, may also provide wildlife habitat and recreation.
 - Can be designed with gated or automatic draw-down control outlet structures.
 - A constant source of inflow is needed for pool maintenance.)
 - A management plan incorporating downstream predicted peak-flows is essential to maximize flood damage reduction potential.
2. Dry dams
 - A dam constructed for temporary storage of stream flows during flood events.
 - Can be designed with gated or automatic draw-down control outlet structures.
 - Duration of designed storage depends on downstream channel capacity.

- A management plan incorporating downstream predicted peak-flows is essential to maximize flood damage reduction potential.

3. On-stream storage

- A structure placed across the cross-section of a stream's topography causing flood flows to form a pool.
- Utilizes existing landscape features to maximize control capability.
- May cause alterations to pre-project plant communities in a summer storm event.
- Allows for control of flows from entire watershed above the point of construction.

4. Off-stream storage

- A storage structure placed adjacent to a water course to receive diverted flood flows.
- Potential for construction and effectiveness dependent on the area topography.
- Allows for maintaining a free flowing stream in non-flood flow conditions and can ensure a stream flow during flood events.
- Duration of storage can be extended to ensure maximum downstream benefits.
- Allows for control of flows from entire watershed above the point of construction.

Note: On/off stream storage can have either gated or un-gated outlet controls.

- With gated storage the project's management plan can adapt to future conditions.
- With fixed draw-down features, the release of stored water is pre-determined.

5. Flood storage wetlands

- An outlet control structure is constructed on previously drained wetland which may contain a permanent pool.
- Some natural wetland functions can be restored and maintained.
- Can reduce the run-off from a watershed's contributing area in direct relation to the size of the temporary pool created thereby reducing downstream discharges.
- Secondary goals may be wildlife enhancement, water quality improvement, stream flow stabilization, provide infiltration for groundwater recharge and reduce erosion.

6. Wetland restoration

- Wetlands restored to pre-drainage hydrology and appropriate native vegetation.
- May provide flood storage benefits based on hydrologic setting, outlet configuration, and antecedent moisture conditions.

7. River corridor restoration

- The area adjacent to a stream is restricted to non-rotational farming practices or within a city is designated as a green belt and zoned against building activity.
 - Effectiveness based on degree of flow control accomplished.
 - Can be effective in reducing stream-bank erosion and downstream sediment deposition.
 - Provide a haven and travel route for wildlife.
 - Reduces downstream flow velocities and allows for restoration of natural ecosystem.
 - May provide additional floodplain storage during flood events.

8. Setback levees

- Levees (dikes) are built parallel to and a reasonable distance (e.g., meander belt width) away from water courses to contain flows and increase riparian storage of above-bank flows.
- Can prevent flooding of adjacent land and resulting cross-country sheet-flooding.
- May increase downstream flows by removing traditional routing and storage.
- May create an impediment to drainage of adjacent land and minor watershed outlets.

9. Riparian buffer strips

- The land adjacent to streams is permanently seeded/planted to appropriate vegetation.
- Reduces erosion and filter run-off from affected land.
- Reduces cropland losses by taking land out of annual production.
- Provides a haven/travel corridor for wildlife and access for stream maintenance.

10. Dredging and channelization

- Channel modification or removal of accumulated sediment to increase channel capacity.
- May increase downstream flows.
- May reduce flooding due to increased channel flow efficiency and timing of discharge.
- Disrupts stream ecology and equilibrium and may cause downstream erosion and sedimentation.

11. Storage easement

- Compensation is paid to landowners for the public or private benefit of storing water on their land.
- Offsets lost land value due to required land use change.
- Provides an incentive for project development where needed.

12. Retirement of land

- Converts land from agricultural production to permanent vegetation.
- Reduces surface run-off during and/or after precipitation storm events.
 - Significantly reduces erosion of soil from affected area.
 - Provides for wildlife habitat.

13. Land use

- Land use changes may alter downstream flows.
- Increased areas of intensively cultivated crops may increase storm event run-off.
- Land use changes are influenced by economics and federal, state, and local policy.
- Flood plain land uses compatible with periodic flooding may accomplish flood damage reduction.

14. Best Management Practices

- A practice or combination of practices that are determined to be the most effective and practicable means of treating a resource problem at levels compatible with environmental quality goals.

15. Gating ditches

- Adjustable controls are placed on culverts in channels to regulate stream flow.
- Topography of the affected area determines the technically appropriate control used.

16. Culvert sizing

- Graduated sizing of culverts within a ditch system to provide a degree of control.
- Equity is an important consideration.
- The smaller the drainage area is, the more effective culvert sizing can be in accomplishing meaningful, effective control.

17. Drainage

- Modification of the hydrology of the land by providing drainage-ways to convey surface or subsurface water from cultivated or occupied areas.
- Water conveyed by drainage of agricultural land in the higher elevation areas of a watershed may increase downstream flows.

PART III. NATURAL RESOURCE GOALS

This part of the agreement is intended to provide a clear statement from state, federal, and tribal agencies of goals for natural resource management in the Basin. It represents an effort by those agencies with natural resource management responsibilities to be proactive and explicit in identifying their goals. The natural resource agencies are conducting a comprehensive planning process, with residents and stakeholders of the Red River Basin, to develop water quality goals for the Basin. The resulting Plan, and goals, will be ready for implementation in September 1999.

The purpose of the natural resource goals is:

- To provide specific information about resource management objectives for incorporation in Watershed District comprehensive plans
- To assist Watershed Districts to seek balanced, integrated projects that serve multiple objectives and will provide flood damage reduction and natural resource and water quality improvement
- To facilitate permit decisions by having clearly stated natural resource and flood damage reduction goals
- To identify the benefits to natural resources that flood damage reduction activities can achieve. Such benefits should be recognized, quantified, and accounted for in evaluating net natural resource loss/gain.
- To promote clarity and agreement about the relationship between potential impacts on natural resources and impacts on flooding for individual flood damage reduction projects
- To provide guidelines for mitigation when damage to natural resources will occur as a result of a flood damage reduction action. To the extent that specific natural resource goals are articulated, acceptable mitigation can be more easily and realistically defined and identified.
- To promote appropriate cost allocation for projects according to potential benefits.

Natural resource management goals are necessarily fluid and dynamic. They will reflect variations among different watersheds as well as changes in natural conditions. Consequently, the goals identified in this agreement are subject to adjustment and refinement. They represent the best information available from the resource agencies at this time. Work Group members responsible for developing these goals commit to defining them as soon as possible for all watersheds in order to support the comprehensive watershed planning process.

Natural Resource Management Goals

1. Manage streams for natural characteristics.

a. Natural stream characteristics

- permanent vegetation in riparian corridor (meander belt width)
- channels with horizontal and vertical meanders
- stable bed load
- flow regimes that provide access to seasonably critical habitats for a variety of stream biota, with fish as a key indicator
- water free of chemical pollution
- connectivity from lower to upper reaches

b. Bed stability objectives

- establish a mix of bottom vegetation, substrates, pools and riffles consistent with natural fluvial processes and native biota needs (pools and riffles maintain oxygenation, provide resting, refuge and feeding areas for aquatic organisms, aid invertebrate production, and promote physical diversity)
- eliminate excessive degradation or aggradation of the channel slope
- eliminate the need for channel maintenance
- establish equilibrium of sediment transport throughout all reaches

c. Habitat diversity objectives

- maintain a self-sustaining, diverse biotic community that contains a variety of fish, mussels (critical indicator), birds and plants
- protect high-gradient (i.e., beach ridge area) reaches of streams
- maintain or reestablish connectivity of high gradient (i.e., beach ridge) streams with the mainstem Red River

d. For unaltered (non-channelized) reaches of streams:

- protect these reaches from alteration
- restore a more natural annual hydrograph
- maintain/establish connectivity with up- and downstream reaches
- maintain/establish riparian vegetation within the meander belt width

e. For altered reaches of streams:

- promote restoration toward natural characteristics
- increase or reestablish connectivity with up- and downstream reaches

f. For ditches (no prior watercourse):

- establish stable slopes and implement other measures to reduce sedimentation contribution
- maintain or establish minimum 1 rod buffer zone

2. Enhance riparian and in-stream habitats.

a. Riparian corridor objectives

- o preserve and enhance riverine forest cover along 80% of riparian corridors, consisting of mixed native tree and shrub of various age and size classes
- o protect and restore riparian wetlands and perennial vegetation within the meander belt width of streams
- o perpetuate a component of prairie and savannah communities within riparian corridors, especially along less-meandering west banks historically exposed to wildfires
- o provide a suitable complement of forest snags and large woody debris for wildlife habitats, soil nutrient replenishment, tree regeneration substrates, etc.
- o manage for an unbroken riparian forest canopy, with only small gaps or patches left after harvesting trees
- o preserve a substantial component of large, old trees in riparian forests
- o establish native species of permanent vegetation along ditch, stream, and river banks to filter runoff, reduce erosion, and provide wildlife cover
- o produce quality saw timber and other forest products from riparian forests; typical yields may be 2-4MBF/acre of saw timber and 5-15 cords/acre of firewood
- o incorporate riparian areas into watershed-wide connective corridors among parks, wildlife management areas, and other natural areas
- o establish permanent vegetative cover around wetlands and next to all ditches, drainages, and streams to filter runoff and provide some wildlife cover

b. Fisheries management objectives

- o use DNR's Stream Management Plans as the basis for defining the fisheries management objectives for Basin streams
- o modify the process of developing these plans to include additional input from other resource management agencies and appropriate stakeholders
- o complete Stream Management Plans for all major drainageways in the Basin

3. Provide diversity of habitats (size, shape, connectivity) for stable populations to thrive over a long period of time.

a. Wetland management objectives

- o develop wetland restoration goals based on primary wetland functions (e.g., fish and wildlife habitat, water quality, flood control) and location within the Basin (e.g., the northern or southern part of the Basin, and the valley floor, beach ridge and moraine areas of the sub-basins)

- o the North American Waterfowl Management Plan goals suggest that in order to restore wetland habitat functions 10 percent of the original wetland acreage should be restored (however, the percent wetland restoration goal for any sub-watershed must be based on the specific hydrologic and land use characteristics and the management priorities for that area. Analysis of Basin streamflow data suggests that subwatersheds with no wetland storage can receive substantial flood control benefits if wetland storage is restored.)
- o restore or mitigate all drained wetlands on state lands
- o promote the restoration of drained wetlands on private lands
- o refer to 2a. above for restoration objectives for riverine wetlands
- o identify specific, quantitative goals for wetland restoration in concert with the development of comprehensive, watershed management plans
- o maintain a substantial component of diverse sizes and types of wetlands in large complexes across the Basin, including seepage zones within the beach ridge complexes

b. Prairie management objectives

- o approximately 54,000 acres of native prairie and buffer lands in the Red River Basin are identified for protection under the National Tallgrass Prairie Project
- o preserve remnants of native tallgrass prairie to ensure protection of unique plant communities, native fish and wildlife, and historic and cultural sites
- o simulate natural disturbance patterns on the prairie complexes
- o provide opportunities for native flora and fauna to disperse, migrate, colonize, and/or mix genetic varieties among prairie complexes in the watershed
- o restore prairie vegetation in proximity to existing prairie tracts
- o develop a series of large prairie complexes throughout the Basin (a few in each county), including both beach ridge areas and interbeach wet prairies
- o enhance some of the best remaining degraded remnants of tallgrass prairie through management practices (burning, grazing, etc.) and interplanting or seeding of native species
- o enhance associated natural wetland habitats including prairie wetlands, fens, wet prairie, and riverine areas
- o reconstruct areas of tallgrass prairie using native plant species to buffer or connect native prairie tracts
- o conserve, manage, and restore diversity and viability of native fish and wildlife populations associated with tallgrass prairie
- o provide public areas for compatible wildlife-dependent uses, emphasizing increased public understanding of the tallgrass prairie
- o use technical assistance and cooperative partnerships between federal, state and local governments, non-governmental organizations, and private landowners

4. Provide connected, integrated habitat including compatible adjacent land uses.
 - o connect complexes of river, woodland, wetland and grassland habitat to promote biodiversity and genetic diversity of species
 - o see 2a

5. Enhance or provide seasonal flow regimes in streams for water supply, water quality, recreation, and support of biotic communities.
 - o use Protected Flow Regime Package process to identify optimal base flow and low flows for Basin streams
 - o increase the coordination among water management agencies and other appropriate stakeholders in setting flows using this process

6. Provide recreational opportunities.
 - o enhance recreation in tributary corridors and the Red River of the North main stem
 - o reduce low head dam hazards
 - o increase stream fishing opportunities
 - o develop additional railroad grade trails
 - o expand the grant-in-aid trail network in Norman and Clay Counties
 - o develop canoeing infrastructure (e.g., access sites, camping, picnicking areas) in partnership with other agencies and organizations

7. Improve water quality, including
 - o reduce erosion
 - o reduce toxics
 - o reduce sediment
 - o reduce nutrients
 - o provide drinking water source protection

8. Protect groundwater.
 - o identify sensitive groundwater areas
 - o establish sensitive groundwater area protection programs in conjunction with relevant state and local government agencies
 - o establish and maintain suitable monitoring well networks where needed
 - o establish and support improved methods for delineating aquifers and determining aquifer parameters
 - o identify and protect sensitive aquifer recharge areas

9. Manage lakes for natural characteristics.
 - o enhance or restore aquatic vegetation
 - o minimize shoreland grading and alterations of topography to prevent soil erosion and nutrient entrapment, and to protect aesthetics
 - o maintain or restore a buffer of native vegetation, at a minimum, within the shore impact zone
 - o modify artificial barriers to promote fish migration where appropriate

- o maintain or enhance aquatic populations appropriate to a lake's physical and chemical characteristics
- o protect or enhance critical habitat for aquatic species (e.g., spawning habitat), non-game, and rare and endangered species
- o promote operable controls (e.g., gated structures) to optimize fish and wildlife values on legally designated fish or wildlife lakes
- o enhance or maintain wildlife habitats
- o reduce nutrient loading, including from failing sewage treatment systems
- o achieve fishability and swimability standards

PART IV.
COMPREHENSIVE WATERSHED PLANNING PROCESS

A comprehensive watershed planning process is essential for achieving the flood damage reduction and natural resource goals set out in this agreement. The next generation of comprehensive watershed plans for each of the Basin's nine watershed districts offers a unique vehicle for coordinating efforts to achieve these goals. The Work Group agrees to use this process, and to incorporate the following principles into the design of flood damage reduction strategies. A copy of the proposed administrative guidelines for the Red River Basin watershed district comprehensive planning process, administered by the Minnesota Board of Water and Soil Resources, is attached as an appendix to this agreement. These guidelines will be refined after further coordination with stakeholders.

Watershed Planning Principles

1. Comprehensive watershed management plans should be consistent with the goals and principles adopted by the Work Group.
2. Comprehensive watershed management plans need to be practical and implementable.
3. Comprehensive watershed management plans should propose goals/initiatives that are economically and ecologically sustainable over the long term and are culturally sensitive.
4. Appropriate and consistent water quality and quantity models of all tributary watersheds are an essential tool for planning.
5. Information used in the comprehensive planning process should be available and accessible to the public.
6. The comprehensive watershed planning process should be used to address changes to the flow regime resulting from increased development and land use change.
7. Comprehensive watershed planning should promote multiple natural resource benefits.
8. Comprehensive watershed planning should identify flood damage problems to be addressed by flood damage reduction projects.
9. Comprehensive watershed plans will include explicit flood damage reduction and natural resource goals and an annual process for evaluating and reporting progress toward those goals.

PART V. PROJECT REVIEW AND PERMITTING PROCESS

The Work Group has agreed on a comprehensive Project Review and Permitting Process. This new process is intended to stimulate fundamental changes in the way flood damage reduction projects are planned and in the system for permitting those projects. This process applies to projects that address substantial water management or resource management problems and/or that would benefit from early and on-going stakeholder communication and collaboration.

Flood damage reduction projects in the Basin are subject to a permitting system based on both state and federal law. The U.S. Army Corps of Engineers St. Paul District has federal regulatory authority, and the Minnesota Department of Natural Resources and Minnesota Pollution Control Agency have state regulatory authority, over most flood damage reduction and natural resource development projects in the Red River Basin. In addition, the Corps of Engineers has responsibility for adherence to National Environmental Policy Act requirements, and state and local agencies have responsibility for adherence to Minnesota Environmental Policy Act requirements as they apply to specific projects. The agencies as stated in the cumulative EIS (Section 6.4.1c) agreed to do joint processing for projects in the Red River Basin.

The Work Group recognizes that the permitting process for flood damage reduction projects has become a forum for conflicts over important interests and public policy goals in the Basin. Stakeholders perceive a lack of certainty and finality for permit requirements and experience costly delays in responding to information requests. Stakeholders seek clarity from state agencies about their policy goals and a commitment to permitting timelines. They also seek some mechanism for making informed decisions about resource allocation that reflect the likelihood of project approval by permitting agencies. Agencies seek cooperation from stakeholders in harmonizing natural resource protection and enhancement with flood damage reduction. Public interest groups have felt excluded from the project planning process in watershed districts and from state agency permit evaluation and decision making. These groups seek expanded involvement in the project planning and permitting process.

The U.S. Army Corps of Engineers must protect its regulatory independence, but recognizes the potential benefits of early coordination and planning of flood damage reduction projects that is consistent with federal law. Before the Corps of Engineers can issue a permit the applicant must clearly demonstrate that there are no other practical project locations or methods that would avoid or minimize environmental impacts such as wetland/water losses. After the avoidance and minimization criteria are satisfied, compensatory mitigation is usually required that would replace the unavoidable wetland area/value loss to the maximum extent practical. Additionally, a permit cannot be issued if the Corps determines that the project would have a significant, adverse effect upon aquatic resources or is contrary to the public interest.

The new process is set out below.

BASIC ASSUMPTIONS

1. The mediation process will yield a set of broad goals for flood damage reduction and natural resource management in the Basin that will guide subsequent watershed planning, project development, and permit process decisions.
2. The project development, review, and permitting process will be preceded by established, coordinated watershed management plans. The next generation of these plans will incorporate the broad goals and other consensus agreements resulting from the mediation process and will be developed with full participation from all relevant stakeholders.
3. Involvement of all stakeholders in early coordination is essential to the success of the process. A key to success is partnering, a means for all the stakeholders to work together, educate respective publics, and obtain funds to make sure that an integrated plan works.
4. The identification of data and information needs for regulatory decisions must occur early in the process.
5. Federal, state, and tribal agency coordination must be improved.
6. Monitoring and evaluation is an essential component of the project review process.
7. A project team will work with the project from formation to the conclusion of either build or end. A project team consists of appropriate stakeholders (see Step 1B), including at least one designated contact person from each agency.
8. This process is designed to provide increasing likelihood of project approval as each step is completed.
9. The Corps of Engineers will participate in the early coordination conference by presenting information on Corps programs, presenting Corps studies on-going in the basin, and participating in discussion of potential solutions to basin problems and of potential partnering arrangements. The Corps' regulatory process will run concurrently with the Project Review and Permitting Process. A Corps representative, as authorized by the District Engineer, will serve as liaison to the project team to ensure that the Corps regulatory process and that of the State run cooperatively and concurrent to the extent possible. The Corps in cooperation with its local sponsor will put forward its studies and projects located within the Red River Watershed Management Board geographic area to those portions of this process that are associated with project planning.
- 10.

PROCESS STEPS

STEP 1: EARLY COORDINATION

- A. The Red River Watershed Management Board has agreed to modify the focus of its annual conference to serve as the workshop for the purpose of hearing presentations from watershed districts, resource management agencies, and non-governmental organizations regarding their top priority problem areas with flood damage or resource management needs that will be addressed by projects in the coming year. The focus is a holistic one concerning all aspects of watershed management and will be an opportunity to build partnerships among all participants.
- B. The participants will include the watershed districts, state, federal and tribal agency personnel, local government officials, affected landowners and interested citizens and interest group representatives. State agency personnel will be assigned participation as part of their position description.
- C. The Red River Watershed Management Board will consult with the Work Group to plan the conference.
- D. At least 30 days prior to the conference the conference sponsor will send to all invitees written material that describes the presentations to be made regarding problem identification and possible alternative solutions considered.
- E. Conference participants will be given the opportunity to discuss the problems or issues and the proposed alternatives for addressing them. In all cases, participants must seek solutions consistent with the broad goals for flood damage reduction and natural resource management as defined in the mediation process and in watershed management plans.
- F. The outcome will be broad agreement on the problems to be addressed and the preliminary identification of feasible alternatives for further investigation. Concept documents, one for each problem area, will identify the problem to be solved, an array of potential alternatives, and a list of project team members.
- G. The conference may also include status reports on specific projects that are further along in the approval/implementation process.

STEP 2: PROJECT PLANNING

- A. The project team meets to evaluate alternatives identified in Step 1, formulate new alternatives as necessary, and identifies their preferred alternative(s), using an evaluation process that is consistent with the flood damage principles identified in

Part II. At this stage in the process, the Corps of Engineers will not be able to participate in selection of a preferred alternative.

- B. The project team identifies data and information needs for the environmental review associated with the review and permitting process. The use of “Information Required to Evaluate Most Impoundment Projects” and other sources or checklists will be used where appropriate and available.
- C. The project team collaborates with the Responsible Governmental Unit (RGU) to help prepare an environmental assessment worksheet (EAW) for the preferred alternative.
- D. The RGU publishes an EAW for the proposed project which includes the preferred alternative, other alternatives considered, proposed mitigation for any adverse effects, and operating plans, if the project involves on-going operation.
- E. Permit applications are submitted to regulatory agencies along with information and data needs identified in Step 2B.

STEP 3: PUBLIC REVIEW

- A. The EAW developed in Step 2 is processed through normal public review channels.
- B. Each watershed district with proposed projects will conduct public review meetings for all interested persons to hear and comment on engineers’ and resource managers’ preferred project alternatives. The watershed district will keep a formal record of the meeting. In some cases, a RGU-Federal-State joint public meeting will be held.
- C. The RGU consults with the project team at the end of the public review period to determine the need for an environmental impact statement (EIS).
- D. The RGU issues a negative declaration (Finding of No Significant Impacts, FONSI) or an EIS preparation notice.

STEP 4: PRELIMINARY ENGINEERING (EIS PREPARATION)

- A. Regulatory agencies identify additional information needs to supplement that identified and collected as a result of STEP 2B. The same tools are used to assist in this step. The project team meets with the project proponent to reach a mutual understanding on information requirements.
- B. If an EIS is required for the project, the preparation of the EIS by the RGU is conducted during this time and runs parallel to the other elements of this step. The EIS will be consistent with federal environmental review requirements.

- C. Project proponents prepare draft preliminary engineers report with enough information and analysis to determine project feasibility.
- D. The project team reviews and comments on the draft preliminary engineers' report.
- E. Project proponents make necessary revisions to the preliminary engineers' report and resubmit it to the reviewing agencies for formal review and comment.
- F. The product of this step is concurrence of the project team on the adequacy of the preliminary engineer's report and the adequacy of the Final EIS, if one is prepared.

STEP 5: PROJECT PERMITTING

- A. ***Notice by State Agencies.*** For certain classes of public waters projects, a preliminary decision on a permit is published in legal newspaper in the county where the project is proposed. The preliminary decision and a copy of the draft permit is distributed to those listed on an appropriate public mailing list by the regulatory agency. Projects developed through this planning and permitting process which are subject to this notice requirement include filling of over 200 cubic yards (excluding shore protection), excavation of over 200 cubic yards, new water level controls, and drainage ditch improvements or new public drainage ditches.
- B. ***State of Minnesota Contested Case Hearing.*** A request for a contested case hearing on the draft permit with supporting documentation may be made to the permitting agency. A contested case hearing will be held if:
 - 1) there is a material issue of fact in dispute concerning the matter pending before the agency;
 - 2) the agency has the jurisdiction to make a determination on the disputed material issue of fact; and
 - 3) there is a reasonable basis underlying the disputed material issue of fact such that the holding of a contested case hearing would allow the introduction of information that would aid the agency in resolving the disputed facts in making a final decision on the matter.
- C. ***Final decision.*** Regulatory agencies make final permit decisions. Decisions are based upon applicable statute and rule, and shall be consistent with existing flood damage reduction and resource management policy goals developed through the mediation process and approved watershed management plans to the extent authorized by the controlling law. Any permit requirements or project modifications should be reviewed by the project team before being finalized in the permit.

STEP 6: FINAL PROJECT DESIGN

- A. Project proponent prepares final engineers' report.
- B. For projects initiated by a watershed board, a public review meeting is held.
- C. Project proponent prepares final project design plans.
- D. Project proponent makes a final build/no-build decision.

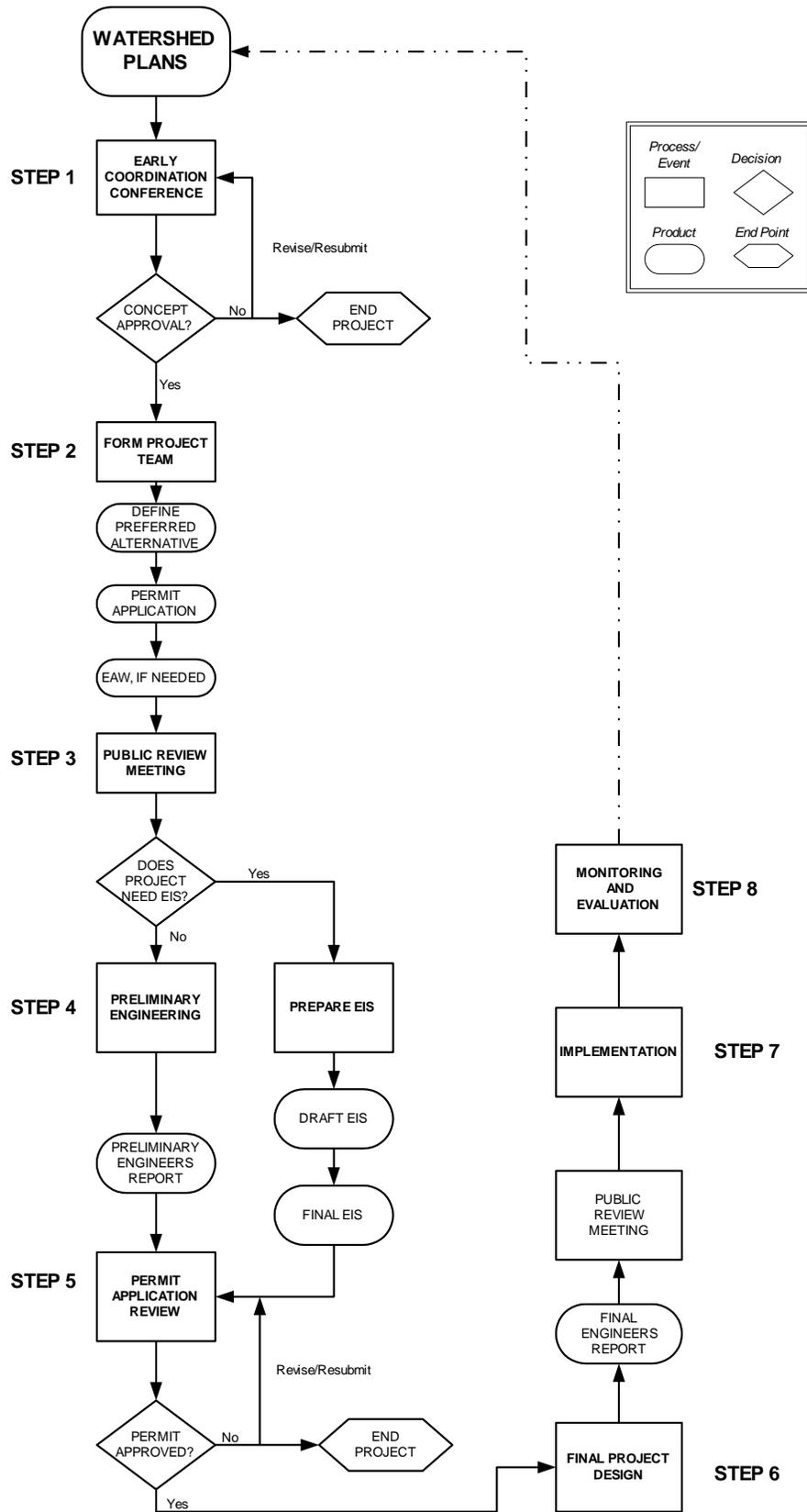
STEP 7: IMPLEMENTATION

- A. Project proponents construct project.

STEP 8: MONITORING AND EVALUATION

- A. The project team should conduct construction monitoring and post-construction monitoring for the purpose of ensuring compliance with design parameters and measuring the effectiveness of the project in meeting the hydraulic and environmental goals initially identified. It includes responsibilities for maintaining and communicating the data developed during the monitoring process. All these activities will be defined during the permit process and incorporated in project permits.
- B. Project team recommends adjustments in any operating plans as necessary.

PROJECT REVIEW AND PERMITTING PROCESS



PART VI. IMPLEMENTATION AND CONFLICT RESOLUTION

Implementation

The Work Group recognizes the importance of establishing a mechanism to ensure implementation of this agreement. With this goal in mind, the Work Group agrees to continue the current stakeholder group beyond the scheduled end of the mediation.

The continuing Work Group will be composed of current mediation Work Group members in order to promote continuity, build on the relationships established during the mediation, and benefit from the shared knowledge base of stakeholders. Leadership of the Work Group will be vested in co-chairs from the Minnesota Department of Natural Resources and the Red River Watershed Management Board, who will rotate responsibilities on a schedule to be determined

Meetings will be held, at a minimum, quarterly for the first year, beginning after the scheduled March 1999 Red River Watershed Management Board conference, and at the discretion of the Work Group thereafter.

The Work Group should arrange for independent technical and scientific consultation similar to that provided by the Technical and Scientific Advisory Committee to the mediation Work Group. While consultants may come from within state and/or federal agencies, such consultation should be independent of agency review and permitting processes and of agency policy constraints.

Funding for the Work Group must be addressed promptly. Reimbursement mechanisms for stakeholders may depend on formalization of the Work Group. Funding for support services and meeting space will be needed, as well as for technical and scientific support.

Conflict Resolution

One aspect of the agreed purpose for the mediation is to develop fair and effective procedures to resolve future conflicts related to flood damage reduction. The mediation Work Group believes the collaborative nature of negotiations leading to this agreement indicates that the continuing Work Group is an appropriate forum for fairly and effectively addressing conflicts over implementation of the agreement. The Work Group commits to using the following general approach for resolution of future conflicts associated with implementation of this agreement.

- Use the new planning and permitting process to prevent and resolve disputes.
- When existing or new procedures are not successful, bring issues to the Work Group for resolution.

**PART VII.
PROPOSED FUNDING STRATEGIES**

Accomplishing the flood damage reduction and natural resource management goals listed above will require an integrated, long-term funding program. The Work Group's preliminary estimate to achieve significant progress toward accomplishment of the flood damage reduction and natural resource goals within a fifteen-year period is \$250,000,000.

Based on this preliminary estimate, the Work Group believes that an initial biennial appropriation to begin the implementation should be \$9,000,000 for planning, flood damage reduction, natural resource management, and research and assessment. This proposed appropriation is intended to reflect a realistic schedule for project implementation in a two-year period. It is understood that state funds would be used in combination with standard local funding sources to achieve short-term objectives. The Work Group anticipates that future biennial requests will increase to achieve the fifteen-year goal.

The Work Group agrees to pursue a joint strategy in the Legislature in the coming Legislative session. In addition, the Work Group will continue to develop its fifteen-year strategy for implementation.

In light of federal legal requirements and policy considerations, federal agency representatives on the Work Group did not participate in making this recommendation for state funding and will not participate in pursuing state funds for accomplishing the flood damage reduction and natural resources goals.

**PART VIII.
SIGNATURES***

By their signatures, representatives of federal and state agencies and entities participating in the Work Group commit their respective agencies and entities to active support for this agreement and its implementation. Representatives of non-governmental organizations make the same commitment, and agree to support the agreement to their members and the broader NGO constituency. Stakeholders signing in an individual capacity also commit to active support for the agreement and its implementation.

Minnesota Department of Natural Resources

Red River Watershed Management Board [4]

National Audubon Society

Minnesota Center for Environmental Advocacy

U.S. Army Corps of Engineers

Board of Water and Soil Resources

U.S. Fish & Wildlife Service

Minnesota Pollution Control Agency

Paul Borgen

Gerald Van Amburg

* Three of the original Work Group members were unable to participate through the end of the mediation process.



Red River Watershed Management Board

JOINT POWERS AGREEMENT

RED RIVER
RETENTION AUTHORITY

JOINT POWERS AGREEMENT

THIS AGREEMENT is made this 26th day of May, 2010, by and between the Red River Joint Water Resource District, a North Dakota political subdivision and Joint Water Resource District (the "RRJWRD"), and the Red River Watershed Management Board, a Minnesota political subdivision and Joint Watershed Management Board (the "RRWMB").

RECITALS

A. The Red River Valley is rich in tillable soil, and the Valley supports an agricultural economy and thriving communities.

B. Regular flooding of Red River of the North tributaries and the main stem of the Red River of the North presents serious problems and risks, including widespread consequences in human health, economy, water quality, and ecology throughout the Valley.

C. The Red River of the North watershed has been the subject of extensive technical studies by local, state, and federal agencies, and despite a long history of flood mitigation investments through basin and local watershed management, much greater investment is still required.

D. The Red River of the North watershed has strong state and local capacity for watershed planning and flood mitigation project design and implementation; a history of effective flood damage reduction and conservation; strong local watershed education, civic engagement, and credibility; and interstate and international cooperation provided by the Red River Basin Commission.

E. Notwithstanding this state and local capacity, there is a current lack of interstate coordination to plan, prioritize, and implement necessary storage and retention, and related water projects to enhance the flood resilience of the Red River Valley.

F. Despite the efforts of the RRJWRD and the RRWMB locally to achieve flood control in the Valley, there is a critical lack of federal funding to share in the cost of these important and necessary storage and retention projects.

G. The lack of effective attention by federal agencies to the permitting process has also encumbered the efforts of the RRJWRD, the RRWMB, and their member districts to construct storage and retention projects, and thereby contributed to substantial flood damages in the Valley.

H. The RRWMB is authorized by the Minnesota Legislature to "cooperate with water management and flood control authorities in Minnesota, North Dakota, South Dakota, and the province of Manitoba, and may enter into contracts, compacts, and agreements which may be necessary to insure integration of its projects, to control the effects of flooding or to insure the beneficial use of water in the Red River basin," Laws 1976, Ch. 162, Sec. 3; as amended by Laws 1991, Ch. 167, Sec. 3; and further, Article VII, subdivision 5 of the RRWMB's joint powers agreement provides that the RRWMB "may cooperate or contract with any state or subdivision thereof, the Province of Manitoba, Canada, the Dominion of Canada, federal agencies of the United States or Canada, private or public corporations or cooperative associations."

I. The RRJWRD has authority under N.D. Cent. Code SSSS 54-40.3-01 and 61-16.1-12 "to enter into contracts or other arrangements for water conservation, water supply, flood control, or other authorized projects with the United States government or any department thereof, with the Canadian government or any department thereof or any of its provinces or municipalities, with persons, railroads, other corporations, or limited liability companies, with public corporations, and state governments of this or other states, with drainage, water resource, conservation, conservancy, or improvement districts, or other such districts in this or other states," including the authority to enter into this Agreement with the RRWMB.

J. The RRJWRD and the RRWMB enter into this Agreement for purposes of prioritizing and coordinating flood retention efforts in the Valley.

In consideration of the mutual covenants contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

AGREEMENT

1. Purpose. The primary purpose of this Agreement is to ensure cooperation and joint coordination of retention projects in the Valley. To achieve that purpose and to ensure cooperation, the RRJWRD and the RRWMB will convene three joint board meetings annually during 2010 and 2011, and at least two meetings annually thereafter for purposes of prioritizing and coordinating the establishment of flood storage goals for each of the major watersheds, and coordinating the implementation of flood storage projects in the Red River of the North Watershed. The joint boards may also agree to coordinate on other water-related issues of mutual interest to the two boards.

2. Executive Committee Organization. The RRJWRD and the RRWMB will appoint an Executive Committee comprised of three Board members from each joint board. In addition, the Executive Committee will include one non-voting advisory member appointed by the Red River Basin Commission, one non-voting advisory member appointed by the Governor of North Dakota, and one non-voting advisory member appointed by the Governor of Minnesota, if those respective parties choose to appoint advisory members. The Executive Committee will not be a separate legal entity, and will not have any separate legal powers or authorities apart from those of the RRJWRD or the RRWMB in their individual capacities. The Chair of the RRJWRD and the President of the RR WMB will act as co-Chairs of the Executive Committee, alternating as meeting chairs, each with full voting authority. The Executive Committee will elect a secretary who will keep accurate minutes of the Executive Committee's meetings to clearly reflect the Executive

Committee's operation, management, and business. This Agreement does not diminish or in any way impede the authorities of the RRJWRD or the RRWMB to individually exercise their own powers under their respective state law.

3. Executive Committee Meetings. The Executive Committee will convene at least four meetings annually, at times and places as agreed upon by the Executive Committee's co-Chairs. The Executive Committee will comply with the most recent edition of ROBERT'S RULES OF ORDER regarding Procedure in Small Boards, except as otherwise provided under this Agreement and as otherwise amended by the Executive Committee. A majority of the members will constitute a quorum for the transaction of the Executive Committee's business. The intent of the Executive Committee is to establish a consensus on issues, however, in the event of a failure to achieve a consensus, the vote of at least two voting members from both the RRJWRD and the RRWMB is necessary for the adoption of a matter or motion before the Executive Committee. The individual Joint Boards are responsible for ensuring their own compliance with applicable open meetings and open records laws, including all requisite meeting notices.

4. Comprehensive Planning and Prioritization. Upon the parties' execution of this Agreement, the RRJWRD and the RRWMB will exchange their current plans for flood storage projects in the Red River of the North watershed, and the parties will subsequently submit annual updates regarding plans for any additional flood storage projects to the Executive Committee prior to September 1 each year. At the Executive Committee's first meeting, the Executive Committee will develop a ranked list of priority projects for the next five years in the watershed (the "Priority Report"), and the Executive Committee will update the Priority Report annually during the term of this Agreement, but no later than October 1. When preparing the Priority Report, the Executive Committee will include those projects that, based upon the Executive Committee's coordination and technical review of the projects submitted by the joint boards, will contribute to the parties'

joint objective of achieving at least a 20% reduction in peak flows on the Red River of the North. Prior to October 1 of each year during the term of this Agreement, the Executive Committee will prepare an annual report on the status of implementation of water storage projects, the acre feet of storage provided by each project, the related reduction to peak flow on the Red River of the North, and a summary of the shared costs of each project by each contributing organization or agency (the "Project Report"). Within a reasonable time following the Executive Committee's approval of the Priority Report and the Project Report, the Executive Committee will distribute the Priority Report and the p to the RRJWRD and the RRWMB the Governors of North Dakota and Minnesota, the Congressional Delegations from North Dakota and Minnesota, the Red River Basin Commission, and all other parties who request copies of the Reports.

5. Project Funding. The RRJWRD and the RRWMB both have legal authority to accept funds, property, or other assistance directly from federal, state, and other sources for purposes of constructing, operating, and maintaining retention projects, and other water management projects. The parties will work with their respective Members of Congress to solicit federal funding for the parties' priority flood storage projects contained in the Priority Report, and to seek an annual base federal funding commitment and allocation to assist in the implementation of the priority flood storage projects in the Valley. In addition, the parties will work with their respective state legislatures and state agencies, including the Governors of North Dakota and Minnesota, to solicit state funding for the parties' priority flood storage projects contained in the Priority Report, and to seek an annual base federal funding commitment and allocation to assist in the implementation of the priority flood storage projects in the Valley. Finally, the RRJWRD and the RRWMB will commit funding obtained through their respective property tax levies, as well as state appropriations, to contribute to the priority flood storage projects contained in the Priority Report. Because the objective of the priority flood storage projects contained in the Priority Report

will be reduction in peak flows on the Red River of the North, a goal that will benefit the entire basin, the RRJWRD and the RRWMB may, when their respective budgets permit and they deem appropriate, contribute funding for flood storage projects in the other joint board's jurisdiction.

6. Federal Role. The Executive Committee will invite federal representatives, including members of the Congressional delegations from each state and their staffs, as well as federal agencies, to cooperate with the two boards regarding project funding, permitting, and related issues; to maximize federal funding for flood storage projects in the Red River of the North watershed; to minimize federal regulatory obstacles, including unreasonable permitting delays and other difficulties; and to generally seek federal cooperation to ensure successful construction and completion of priority flood storage projects for the benefit of the entire basin.

7. Project Management. The RRJWRD and its member water resource districts have full legal authority to design, construct, operate, maintain, and own flood storage projects under North Dakota law; similarly, the RRWMB and its member watershed districts have full legal authority to design, construct, operate, maintain, and own flood storage projects under Minnesota law. Therefore, responsibility for project design, right of way acquisition, permitting, construction, operation, ownership, and maintenance regarding any projects contained in the Priority Report will generally be with the respective local watershed district or water resource district, or with some other local county entity. The RRJWRD will commit to assuring that ordered and funded priority water storage projects within the North Dakota portion of the watershed included on the Priority Report will be completed in accordance with North Dakota law, and the RRWMB will commit to assuring that ordered and funded priority water storage projects within the Minnesota portion of the watershed included on the Priority Report will be completed in accordance with Minnesota law.

8. Permitting Coordination. Although local water resource districts or watershed districts will generally be responsible for project administration, construction, and ownership, including permit acquisition, the RRJWRD and the RRWMB recognize that federal permitting delays may be difficult for local districts to overcome, and that coordination and cooperation from the Executive Committee, and the joint boards, may be helpful for local districts as they seek the requisite federal or approvals for purposes of constructing priority flood storage projects. Therefore, the Executive Committee will support and assist local districts as they seek federal permits and approvals regarding any priority flood storage projects identified in the Priority Report, including coordination of efforts from the RRJWRD and the RRWMB; application preparation and review; outreach and administrative assistance; and other reasonable measures necessary to ensure diligent issuance of the requisite permits or approvals.

9. Agents and Employees. Each individual joint board will appoint employees, engineers, attorneys, or any other appointees to act on its behalf for the benefit of the Executive Committee.

10. Costs and Expenses. Each individual joint board is responsible for all per diem, compensation, travel, supplies, salaries, administrative and overhead costs, and any other expenses of its own members or its own employees, engineers, attorneys, or other appointees. The RRJWRD and the RRWMB will be jointly and equally responsible for any joint administrative costs or expenses incurred in operating the Executive Committee, unless otherwise agreed by the joint boards. Each individual joint board is responsible for its own insurance and liability.

11. Term. Withdrawal from this Agreement or from the Executive Committee by one or both of the joint boards must be in writing.

12. Severability. If any Court of competent jurisdiction declares any provision or part of this Agreement invalid or unenforceable, all remaining terms and provisions of this Agreement will remain binding and enforceable.

13. Successors. The covenants, terms, conditions, provisions, and undertakings in this Agreement, or in any amendment, will be binding upon the parties' successors and assigns.

14. Assignment. Neither party may transfer or assign this Agreement or any rights or obligations under this Agreement without the express written consent of the other party.

15. Amendments. Any modifications or amendments of this Agreement must be in writing and signed by both parties to this Agreement.

16. Interpretation. This Agreement will be construed as if both parties prepared it.

17. Headings. Headings in this Agreement are for convenience only and will not be used to interpret or construe its provisions.

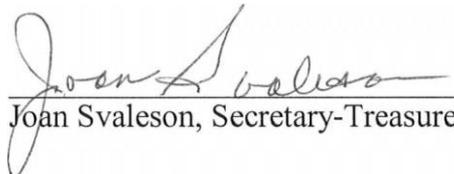
18. Cooperation. The parties agree to cooperate fully, to execute any and all additional documents, and to take any and all additional actions that may be necessary or appropriate to give full force and effect to the basic terms and intent of this Agreement and to accomplish the purposes of this Agreement.

IN WITNESS WHEREOF, the parties executed this Agreement on the date written above.

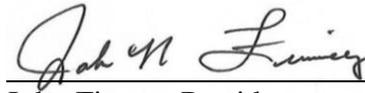
RED RIVER JOINT WATER
RESOURCE DISTRICT

By: 
Jim Lyons, Chair

ATTEST:

By: 
Joan Svaleson, Secretary-Treasurer

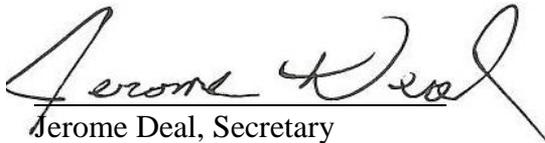
RED RIVER WATERSHED
MANAGEMENT BOARD



John Finney, President

By:

ATTEST:



Jerome Deal, Secretary

By: