

Lake of the Woods Watershed
Joint Powers Board
PO Box 217
Baudette, MN 56623
(218) 634-1842 ext. 4
www.low1w1p.org

#### AGENDA Regular Board Meeting March 8th, 2021 at 9:00 a.m.

Location: Warroad Public Safety Building in Warroad.

Due to the COVID-19 Pandemic, the Lake of the Woods Watershed Joint Powers Board Meeting can also be attended remotely. Members of the public will be allowed to participate by requesting the dial-in number prior to 4:30 p.m. on January 8th.

Join Zoom Meeting: https://us02web.zoom.us/j/89162643362?pwd=YllsZVk4dmZOSmh2bURpNnQ5K1E4QT09

Or call in number: 1-312-626-6799 Meeting ID: 891 6264 3362

**Password: 069965** 

- 1) Call Meeting to Order.
- 2) Motion to Approve Agenda
- 3) Motion to Approve January 11, 2021 Minutes pp. 2-4
- 4) Review Treasurer Report pp. 5-7
- 5) Review of Milestones LINK: Milestone Reporting.

#### **Old Business**

- 6) Policy-Roseau SWCD cost share program for ag practices (JPB approval) pp. 8-12
- 7) Advisory Committee Meeting April 7, 2021
  - 1. Committee list (JPB approval) pp. 13
  - 2. Agenda

#### **NEW BUSINESS**

- 8) Watershed Based Implementation match discussion
- 9) Agreement FY20-05 Amendment: WRWD Streambank Projects pp. 14-15
- 10) Harbor restorations and dredging JPB involvement
- 11) Public outreach communications plan
  - 1. Public meeting

#### GENERAL INFORMATION AND DISCUSSION

- 12) Reimbursement grant and funding availability
- 13) Next Meeting June 14, 2021



#### Lake of the Woods Watershed Joint Powers Board

www.LOW1W1P.org

#### **MINUTES**

## Regular Meeting January 11, 2021

The meeting of the Lake of the Woods Watershed Joint Powers Board was held at the Lake of the Woods Courthouse and remotely by Zoom and teleconference.

The meeting was called to order by JPB Chair, Nancy Dunnell at 9:03 a.m.

**JOINT POWERS BOARD MEMBERS PRESENT:** Nancy Dunnell, Jan Miller, Bill Thompson (teleconference, left late meeting), Russell Walker, and Ed Arnesen

**OTHERS PRESENT:** Mike Hirst, Josh Stromlund, Janine Lovold (Zoom & teleconference), Scott Johnson (Zoom), Corryn Trask (Zoom), and Chad Severts (BWSR, Zoom)

#### **A**GENDA

**Amendment:** Add 2021 MCIT Invoice after Treasurer's Report and the 2020 Audit under the General Information and Discussion.

A motion was made by Miller with a second by Thompson to approve amended agenda.

Affirmative: Walker, Thompson, Arnesen, Miller, Dunnell Opposed: None Motion carried.

#### **ORGANIZATIONAL BUSINESS MEETING**

The 2020 Annual Business Items were reviewed for 2021. A motion to keep the 2020 organizational structure the same for year 2021 was made by Miller with a second by Walker.

Affirmative: Miller, Walker, Thompson, Arnesen, Dunnell Opposed: None Motion carried.

#### 2021

Office and leastings	IDD offices Obein News Down II Visa Obein Lee Miller Tressure Ed
Officer elections	JPB offices: Chair – Nancy Dunnell, Vice Chair, Jan Miller, Treasurer, Ed
	Arnesen, Secretary, Russell Walker
Quarterly Meeting Time	Regular Lake of the Woods Watershed Joint Powers Board Meetings will be held
	on the second Monday of January, March, June and September at 9 am at the
	Warroad Public Safety Building.
Fiscal Agent	Lake of the Woods SWCD
Coordinator(s	Roseau SWCD and Lake of the Woods SWCD
Official Depositories	Border State Bank of Baudette
Check Signing Authority	Nancy Dunnell, Chair; Ed Arnesen, Treasurer; Josh Stromlund, LOW SWCD
	District Manager; Mike Hirst, Resource Conservationist; Corryn Trask, Resource
	Conservationist; Becky Buegler, Office Assistant
Board Member	\$100.00 per meeting. This rate is per day, no matter how many meetings
Compensation Rate	attended.
Mileage Rate	Quarterly basis to reflect the most current IRS rate. Any changes to the IRS
	mileage reimbursement rate will apply to all mileage occurring on or after the first
	day of the new quarter and will remain as such until the following quarter.
Meal Allowances	None
Spending Authorizations	Fiscal Agent has the permission to make purchases necessary for the
_	administration of the JPB and pay invoices prior to board approval. Fiscal Agent
	has approval to make payments according to Cooperative Agreements upon
	receipt of eligible Payment Request Voucher. The JPB will ratify payments made
	at their next regular meeting.
Official Newspaper	Northern Lights Region
Official Newspaper	Northern Lights Region

Committee Assignments	At-Large Advisory Committee Members: Local people on a case-by-case basis			
	will be asked to serve as Citizen Advisory Committee members depending on the			
	project. The State Agency members that participated in plan development will			
	serve on the Technical Advisory Committee.			

#### SECRETARY'S REPORT: SEPTEMBER 14, 2020 MINUTES

Minutes were reviewed. A motion was made by Arnesen with a second by Walker to approve September 14, 2020 Minutes.

Affirmative: Miller, Walker, Thompson, Arnesen, Dunnell Opposed: None Motion carried.

#### TREASURER'S REPORT:

The financial reports were reviewed.

#### **2021 MCIT INVOICE:**

The invoice was reviewed. A motion to approve payment was made by Miller with a second by Walker.

Affirmative: Miller, Walker, Thompson, Arnesen, Dunnell Opposed: None Motion carried.

#### **OLD BUSINESS**

#### DIRECT PAYMENT TO CONTRACTORS AND LANDOWNERS FROM THE JPB

For compliance with BWSR Grants Administration Manual cost-share payment procedure compliance, the participating entity using watershed-based implementation funds for cost-share projects is required to get sign-off from the landowner/occupier or contract holder listed on the conservation practice contract if payment is to be directed to someone other than the person listed on the contract. The procedure was approved on a motion by Walker with a second by Miller.

Affirmative: Walker, Thompson, Arnesen, Miller, Dunnell Opposed: None Motion carried.

#### LOW COUNTY DITCH 1 AGREEMENT - CORRECTION TO ACTIVITY BUDGET

The County Ditch 1 Activity Budget will change from Project Development category to the Engineering and Technical Assistance category to accurately reflect the correct Activity Category in the Grant's Work Plan. The change was approved on a motion by Arnesen with a second by Miller.

Affirmative: Walker, Thompson, Arnesen, Miller, Dunnell Opposed: None Motion carried.

#### **NEW BUSINESS**

#### **2020 MILESTONES**

The milestones for tracking Plan progress along with the 2020 accomplishments were reviewed. The milestone document was developed from the Work Plan and will be used to track all future Plan progress. Other projects being completed in the watershed plan area by partner and non-partner entities utilizing other funding sources are also shown in this document.

#### FUNDING REQUEST: FOREST MANAGEMENT PLAN COST-SHARE AGREEMENT

The request was reviewed.

#### **COOPERATIVE AGREEMENT CONTRACT FOR FY 20 FUNDS**

CONTRACT	FUNDING	LOCAL MATCH	WORK PLAN MATCH
1. Agreement - Lake of the Woods SWCD	\$20,000	\$2000, Local or non-state funds	If needed

A motion by Walker, with a second by Arnesen for the JPB to enter in the agreement with Lake of the Woods SWCD for the Forest Management Plan Cost-Share Contract.

Affirmative: Arnesen, Miller, Walker, Dunnell, Thompson Opposed: None Motion carried.

#### **AG PRACTICES POLICY**

The draft policy for Ag Practices was reviewed and discussed. The desired contract length change from 3 years to 1 year is currently being reviewed by Kevin Bigalke (BWSR). The Implementation Committee will continue discussion on non-structural management practices on January 13.

#### **GENERAL INFORMATION AND DISCUSSION**

#### **GRANT MATCH**

Since the Ditch 10 funding cannot be used as match, additional match funds are needed to cover the Grant.

#### **DRAFT PAMPHLET / BROCHURE**

The pamphlet and insert were reviewed. This document will serve as a template for future targeted audience handouts for other promotional programs or projects. The pamphlet should be provided to the Tourism Bureau. A link to the LOWW JPB website will be provided to Roseau and Lake of the Woods Counties to put on their Links webpage.

#### **ADVISORY COMMITTEE MEETING**

The Citizen Advisory Committee meeting will be scheduled this winter and the Technical Advisory Committee meeting will be held during an Implementation Committee meeting.

#### **Next Meeting**

• March 8, 2021

#### **Adjournment**

The meeting adjourned	at 11:04 am on a motion b	v Arnesen with a second by	ov Walker.

	Affirmative: Walker, Thompson, Arnesen, Miller, D	Dunnell	Opposed: None	Motion carried
Sec	retary	Date		

8:51 AM 03/02/21 Accrual Basis

## Lake of the Woods Watershed Joint Powers Board Balance Sheet

As of February 28, 2021

	Feb 28, 21
ASSETS	
Current Assets	
Checking/Savings	
<b>Border Bank Checking Account</b>	5,764.52
<b>Border Bank Savings Account</b>	202,659.86
Total Checking/Savings	208,424.38
Total Current Assets	208,424.38
TOTAL ASSETS	208,424.38
LIABILITIES & EQUITY	
Liabilities	
Long Term Liabilities	
Deferred Revenue	
WBIF FY20	208,267.44
Total Deferred Revenue	208,267.44
Total Long Term Liabilities	208,267.44
Total Liabilities	208,267.44
Equity	
Operating Funds - Unassigned	139.07
Net Income	17.87
Total Equity	156.94
TOTAL LIABILITIES & EQUITY	208,424.38

## Lake of the Woods Watershed Joint Powers Board Transaction Detail by Vendor January through February 2021

Type Date Name Account Debit Credit Num Memo **LOTW Joint Powers Board** Bill 01/01/2021 18876R Invoice 18876R Liability insurance Insurance 1,411.00 Bill 01/01/2021 18876R Invoice 18876R Workers Compensation Insuran Insurance 314.00 Check 01/05/2021 1027 8.20 postage 01/21/2021 1032 Jan Miller Board Member Expense Report Board Member Expenses 153.76 01/21/2021 1033 Russell Walker Board Member Expense Report Board Member Expenses 140.32 Check 01/21/2021 1034 Edward Arnesen Board Member Expense Report Board Member Expenses 141.44 01/21/2021 1035 Nancy Dunnell Board Member Expenses 134.72 Check Board Member Expense Report Check 01/21/2021 1036 Bill Thompson Board Member Expense Report Board Member Expenses 100.00 01/31/2021 Border Bank Interest Deposit Border Bank Interest Interest Deposit 8.21 Total LOTW Joint Powers Board 2,403.44 17.87 **Warroad Watershed District** Project Alternative ID FY20-06 Bill 02/16/2021 0051713 Houston Engineering, Inc. Invoice 0051713 Project Development 259.50 12,079.50 Bill 02/16/2021 0051713 Houston Engineering, Inc. Invoice 0051713 Technical/Engineering 12,339.00 Total Project Alternative ID FY20-06 0.00 Streambank Projects FY20-05 Bill 02/16/2021 0051940 Houston Engineering, Inc. Invoice 0051940 Technical/Engineering 3,988.39 3.988.39 Total Streambank Projects FY20-05 0.00 Total Warroad Watershed District 16,327.39 0.00 TOTAL 18,730.83 17.87

# Lake of the Woods Watershed Joint Powers Board Transaction Detail by Bank Account

January through February 2021

	Туре	Date	Num	Name	Memo	Paid Amount
Border Bank Checking Account						
	Check	01/05/2021	1027	Postmaster	postage	-8.20
	Bill Pmt -Check	01/11/2021	1028	City of Warroad -v	Stormwater Retrofit	-612.00
	Bill Pmt -Check	01/11/2021	1029	LOW Soil & Water Conservation District	Invoices 83644, 83645	-6,711.92
	Bill Pmt -Check	01/11/2021	1030	Roseau SWCD -v	Invoice G20-318	-7,833.99
	Bill Pmt -Check	01/11/2021	1031	MCIT	Invoice 18876R	-1,725.00
	Transfer	01/11/2021			January Funds Transfer	15,000.00
	Check	01/21/2021	1032	Jan Miller	Board Member Expense Report	-153.76
	Check	01/21/2021	1033	Russell Walker	Board Member Expense Report	-140.32
	Check	01/21/2021	1034	Edward Arnesen	Board Member Expense Report	-141.44
	Check	01/21/2021	1035	Nancy Dunnell	Board Member Expense Report	-134.72
	Check	01/21/2021	1036	Bill Thompson	Board Member Expense Report	-100.00
	Bill Pmt -Check	02/17/2021	1037	Houston Engineering, Inc.	Invoices 0051940, 0051713	-16,327.39
	Transfer	02/17/2021			February Funds Transfer	20,000.00
Total Border Bank Checking Account						1,111.26
Border Bank Savings Account						
	Transfer	01/11/2021			January Funds Transfer	-15,000.00
	Deposit	01/31/2021			Border Bank Interest	9.66
	Transfer	02/17/2021			February Funds Transfer	-20,000.00
	Deposit	02/28/2021			Border Bank Interest	8.21
Total Border Bank Savings Account						-34,982.13
TOTAL						-33,870.87

# LOWW JPB Cover Crop Program Policy

#### **Table of Contents**

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#### 1.0 Purpose

The Lake of the Woods Watershed Joint Powers Board (LOWW JPB) Cover Crop Program was created to provide funds for land operators that are interested in using cover crops in their farming operation, and to promote the long-term adoption of cover crops in the farming operation. The purpose of this policy is to provide clear guidelines for the implementation of funds appropriated to the LOWW JPB from State sources.

Funds are allocated to LOWW JPB by BWSR. The LOWW JPB sets, through a work plan approved by the BWSR Board Conservationist, the amount that is used for the Cover Crop Program. The Roseau County SWCD is the lead agency administrating the program within the Lake of the Woods Watershed area.

#### 2.0 Eligible Activities

The primary purpose of activities funded with Cover Crop Program funds is to assist with implementation of cover crops and promote the long-term adoption of cover crops in the farming operation.

- **2.1 Practice Standards.** Cover Crop practice must be consistent with the NRCS Field Office Technical Guide (FOTG). Design standards for the practice must include specifications for operation and maintenance for the duration of the given practice, including an inspection schedule and procedure.
- **2.2 Practice Duration.** Cover Crop practice must be season long or fall seeded. No early termination either by spraying, cultivation, seeding or otherwise. The goal is to provide cover for the soil into winter. The cover crop may be grazed if it does not contribute to its destruction prior to winter.
- **2.3 Eligible Land.** Land eligible for this incentive program must be identified in the PTMApp results for source reduction. The acreage will be verified on site as currently cropped by the designated technical staff prior to contract approval.

#### 3.0 Flat Rates

Rates represent a payment that incentivize a land operator to begin implementing cover crops in their farming operation and other local variables (seed cost, availability of seed, contractor costs).

- **3.1 Maximum Rates.** The maximum rate a land operator may receive for installation of the cover crop practice is:
  - \$25 per acre for a single species Cover Crop
  - **\$50 per acre for a multiple species Cover Crop** (must include one grass and one broad leaf species)
- **3.2 Maximum Acres.** The maximum number of acres for a land operator is 80 acres per year (Maximum of 80 acres per contract). The 80 acres may be subdivided into different tracts, but these tracts may not be smaller than 5 acres insize.
- 3.2 Minimum Acres. The minimum number of acres for a land operator is 5 acres per year.

#### 4.0 Technical Expertise

The Board and staff have the responsibility to ensure that the designated technical staff have the appropriate technical expertise, skills and training for their assigned role(s).

**4.1 Staff Skills.** The staff will work towards achieving the proper Technical Approval Authority (TAA). If the staff do not have the proper TAA, the Roseau/LOW NRCS field office's Staff can serve as the technical representative for all contracts if they have the proper JAA.

#### 5.0 Expenditure of Funds on Practices and Contracts

The Board has the authority and responsibility to approve expenditure of funds:

- **5.1** Cover Crop Program Contract. A contract between the Roseau County SWCD and land operator receiving state funds will be used to provide a legal standing to ensure practices are installed and maintained according to approved standards and specifications (see attached contract template). Land operator means: a person, corporation, or legal entity that holds title to or is in possession of land as an owner, lessee, tenant, or otherwise. If the land operator is not the landowner, the application must also bear the landowner's signature.
  - a) Contract Length. The contract length is one (1) years.
  - b) Contract Amendments. Changes to an executed contract are considered an amendment to the contract and subject to review and approval by the Roseau County SWCD Board. Prior to approving an amendment, technical staff must attest that the amendment has merit. Amendments shall not be considered or approved after the end of the contract. Amendments are limited to changes in practice specifications, installation dates, land operator information, practice components, or incentive rates and amounts.
- **5.2 Contract Approval.** The Roseau County SWCD Board will approve or deny the contract. The action taken will be documented in the SWCD Board's meeting minutes. Approval of a contract is considered approval for expenditure of funds.
- **5.3** Combining Funding Sources. The land operator is ineligible for payment if they are currently receiving any other local, state or federal funds for the cover croppractice.
- **5.4 Number of Contracts.** A land operator is limited to one contract per year for this practice. The maximum number of contracts a land operator can enter is one (1).
- **5.5 Contract Timeframe.** The Board has the authority to adopt timely completion dates. Execution and completion of a contract with a land operator must be within the grant period. Contracts not completed within the period of the grant agreement will be cancelled unless the grant agreement with BWSR has been extended and the contract has been extended such that the contract timeframe is within the amended grant. Grant funds will be expended within the period of a valid grant agreement.
- **5.6 Canceled Projects.** Funds from canceled projects may be re-encumbered to a new contract as provided in the grant agreement. Funds that are unexpended will be returned as provided in the BWSR grant agreement.
- **5.7 Delegation.** The Roseau County SWCD Board delegates the District Manager to sign contracts and supporting program documents

#### 6.0 Practice Sign-off and Payment

Prior to payment, technical staff must attest that the practice was properly installed and completed according to the plans and specifications, including technically approved modifications, and that the voucher is accurate.

- **6.1 Payment.** The land operator must complete the project installation and provide seed tags for the year prior to requesting payment.
- **6.2 Project Review.** After receiving a request for payment, technical staff must review each project; the as-built plan, copies of seed tags, submitted by the land operator for completion and technical approval.
- **6.4 Final Plans.** One copy of the final approved plan will be given to the land operator and one copy retained with the project file located in the district office.

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#### 7.0 Post-Construction and Follow-Up Activities

Operation and maintenance activities specific to the installed practices is critical to ongoing performance of installed practices as well as planning and scheduling those activities. Scheduled site inspections by qualified staff are necessary to ensure operation and maintenance is taking place.

- **7.1 Operation and Maintenance Plan.** Qualified technical staff will prepare an operation and maintenance plan specific to the practice and the site(s) they are located.
- **7.2 Inspections.** Qualified technical staff will ensure that the operation and maintenance plan is being followed and the practices have not been altered or removed by conducting annual site inspections for the duration of the practice. Inspections are to:
  - a) Verify that all components of the practice are in place and are in good repair, and/or
  - b) Identify repairs necessary in accordance with the operation and maintenance plan; and/or
  - c) Identify further assessment or action necessary if repairs are beyond the scope of the operation and maintenance plan.
- 7.3 Failure to Maintain Practices. Should the land operator fail to maintain the practices during the practice duration according to the operation and maintenance plan, the land operator is liable to the district for one hundred fifty percent (150%) of the financial assistance received to install the practice as determined by the district board. Funds received by the district from a land operator who has failed to maintain a practice, will be used according to this policy, less the administrative cost. When a potential non-compliance issue is discovered, the district will follow the steps below:
  - a) After learning of potential non-compliance issue, qualified technical staff will review the contract language, project file contents, and operation and maintenance plan and discuss the non-compliance with the land operator where appropriate.
  - b) Complete an on-site investigation, take photographs, and complete a practice site inspection form.
  - c) Keep a log of dates, times, communications, and facts surrounding the investigation. Keep this log in the project file as documentation of the facts.
  - d) If the initial investigation identifies an obvious non-compliance situation and the land operator agrees to take immediate corrective action, document this decision and follow- up in a reasonable amount of time to see that corrective actions were taken.
  - e) If the land operator is not cooperative, will not allow access, or corrective actions are not implemented in a reasonable timeframe, a formal Corrective Action Plan will be provided to the land operator.
  - f) If the land operator fails to respond, refuses to sign and/or does not implement the Corrective Action Plan, the district will request assistance from the County Attorney.

## **Proposed Advisory Committee Members**

Name	1W1P Participation	Agency / Affiliation	Title
Ed Arnesen	Joint Powers Board	Lake of the Woods County	County Commissioner
Bill Thompson	Joint Powers Board	Warroad River Watershed District	Warroad River Watershed District Manager
Russell Walker	Joint Powers Board	Roseau County	County Commissioner
Jan Miller	Joint Powers Board	Roseau SWCD	Board Supervisor
Nancy Dunnell	Joint Powers Board	Lake of the Woods SWCD	Board Supervisor
Mike Hirst	Implementation Committee	Lake of the Woods SWCD	Resource Conservationist
Corryn Trask	Implementation Committee	Lake of the Woods SWCD	Resource Conservationist
Scott Johnson	Implementation Committee	Roseau SWCD	District Manager
Janine Lovold	Implementation Committee	Roseau SWCD	District Technician
Josh Stromlund	Implementation Committee	Lake of the Woods County	SWCD & Land and Water Planning Director
Daryle Dahl	Implementation Committee	Roseau County	Highway Department Head
Joe Olafson	Implementation Committee	WRWD	District Technician
Annette Drews	Advisory Committee	Dept of Natural Resources	Clean Water Legacy Specialist
Cary Hernandez	Advisory Committee	MN Pollution Control Agency	Watershed Project Manager
Chad Severts	Advisory Committee	Board of Water & Soil Resources	Board Conservationist
Jeff Hrubes	Advisory Committee	Board of Water & Soil Resources	Clean Water Specialist-North
Kathy Fillmore	Advisory Committee	Natural Resources Conservation Service	Team Lead Work Unit 1
Jody Peek	Advisory Committee	Natural Resources Conservation Service	Customer Service Team Lead

#### **Agreement Amendment Form (Category Fund Shift Request)**

Partner: Warroad River Watershed District

**Project Title: Streambank Projects** 

**Agreement Number: FY20-05** 

Date Requested: 03/03/2021

Amendment Requested (include attachments if necessary):

Activity	Original Budget	Proposed	Match amount / source	Revised Match amount / source
Streambank/Shoreland	125,000	98,000	13,650	9,800/ WRWD & Landowner
Technical/Engineering	35,000	62,000	0	6,200/WRWD

HEI is contracted by the WRWD for the streambank project survey and design. Originally, there were three streambank projects for design and construction. All three projects were developed, permitted, and final plans made. At the last moment, one landowner backed out of the largest of the three projects. Some time was spent in the fall trying to get that landowner back on board, but the watershed district didn't prevail. The board decided to then ask for quotes from contractors on the two remaining projects. But with all the work in the area last fall, the bids were extremely high, and it was determined to reject all bids and wait until late winter to ask for quotes again. In the meantime, since the watershed district wasn't spending all the money for construction and inspection, the district wanted to pursue survey/design on some of the other streambank projects identified in the 1W1P. Sites W1 and W2 were determined to move forward. The board decided to develop these sites and included them with the two previously designed project sites so HEI could quote all project sites at one time.

#### Update

The W1 site landowner has decided not to pursue this project; however, W2 site landowner is going ahead with the project. HEI has rerun the projected construction costs for the three interested landowners along with the technical engineering work done for these, as well as the two projects that were cancelled. Based on the engineer's opinion of probable cost, the WRWD is requesting a \$27,000 fund shift from the Streambank/Shoreland Activity to the Technical / Engineering Activity. No additional funds are being requested.

The Parties whose names are signed below hereby agree that the above-referenced agreement is amended as follows:

<sup>\*</sup>Attach this form to the Partner Agreement

The original agreement shall remain in full force and effect, except for those changes made necessary by the amendment.

This Amendment is to take effect on the date of the last signature hereto:

Warroad River Watershed District	
Authorized Signature	 Date
Title	
Lake of the Woods Watershed Joint Powers Board	
Authorized Signature	Date
Title	

<sup>\*</sup>Attach this form to the Partner Agreement