

BUFFALO-RED RIVER WATERSHED DISTRICT

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BUFFALO-RED RIVER WATERSHED DISTRICT One Watershed, One Plan Policy Committee Meeting July 24, 2019

The One Watershed, One Plan (1W1P) Policy Committee held a meeting on Wednesday, July 24, 2019, at 10:30 AM in the Buffalo-Red River Watershed District (BRRWD) office, located at 1303 4th Avenue NE, Barnesville, MN.

The Policy Committee members present were Jerome Flottesch, Becker Soil and Water Conservation District (SWCD) Supervisor; Jenny Mongeau, Clay County Commissioner; Wayne Johnson, Ottertail County Commissioner; John Okeson, Becker County Commissioner (Alternate); Jay Leitch, BRRWD President; Randy Schellack, Clay SWCD Supervisor; Rick Drevlow, West Otter Tail SWCD Supervisor; and Jared Nordick, Wilkin SWCD Supervisor.

Planning Team members present were Moriya Rufer, Scientist/Water Planner, and Kathy Fenger, BRRWD Assistant Administrator, Houston Engineering, Inc. (HEI); Brett Arne, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); and Rachel Olm, Scientist, HEI (via conference phone).

Policy Committee Vice Chair Jerome Flottesch called the meeting to order at 10:31 AM and asked the group to introduce themselves.

Meeting Minutes. The Committee reviewed the 5/29/19 Policy Committee meeting minutes. **Motion** by Leitch to approve the minutes. **Seconded** by Johnson. **Approved.**

Financial Report. Action to approve financials postponed until next meeting.

Review of the Plan Timeline. Moriya Rufer, HEI, gave a status report of the Plan Timeline. The Advisory Committee is working on action items. The Policy Committee is at the Plan Administration section and the goal is to have a draft by the end of the year. A 60-day public comment period will be held in January or February 2020. Wayne Johnson asked when funding would be available. Brett Arne, BWSR, explained that when the plan is completed, the watershed-based funding will be available around June or July 2020, depending on where the other watersheds are at in their plan.

Plan Administration. Arne explained that there are two basic options for Operational Arrangements. Minnesota Counties Intergovernmental Trust (MCIT) recommends using one of these two options:

- **Joint Powers Collaboration (JPC):** A Board is not necessary, but if a Board is established, it is strictly advisory in nature. Individual governmental units retain all decision-making authority; however, they must still reach an agreement on certain 1W1P implementation actions. Members may assign their employees to JPC projects. However, an employee remains an employee of his or her original governmental unit. The Joint Powers agreement should establish how liability will be allocated and how participants fund projects and activities. Participants may apply for funding in their name and each participant retains all responsibility and liability.

- **Joint Power Entity (JPE):** A Board is required and must be representative of its members and operate autonomously from the Boards of the individual members. The JPE typically operates and applies for funding under its own name. Individual members delegate control to the JPE board and then the JPE board members represent their interests. This is necessary to issue bonds or obligations (Minn. Stat. § 471.59). The JPE can be sued and can be found liable to a third party for damages caused by the JPE's activities. The JPE will be obligated to provide workers compensation benefits if it has employees.

Johnson asked if a Joint Powers Board were formed, would MCIT insure all activities. Arne explained MCIT would implement coverage even if there were new members.

The Committee discussed the differences between a Memorandum of Understanding (MOU) and a Joint Powers Agreement (JPA). The JPA is an agreement to jointly deliver a service or product or manage own property without creating a new entity and is legally binding. Whereas the MOU does not create a new entity (a new layer of government) with a formal and outward commitment to work together as a partnership but is not legally enforceable. The MOU can be used to develop a 1W1P using the same provisions as a JPA.

Rufer noted that the Committee does not need to decide today which agreement type to use, and they should go back and discuss it with their respective boards. A decision can be made regarding which type of agreement to use at the next Policy Committee meeting.

Plan Section 2: Issue Statements. Rufer explained that Plan Section 2: Issue Statements were approved at the last meeting, but there wasn't a quorum, so the action needs formal approval. **Motion** by Mongeau to approve Plan Section 2: Issue Statements. **Seconded** by Johnson. **Approved.**

Plan Section 3: Measurable Goals. Rufer explained that the Advisory Committee and Planning Team have been working on drafting measurable goals for this Plan. The summery handout, given to the committee, includes a brief overview of goals that are developed and how they will be measured. Additional details will be added in a fact sheet for each goal. The Measurable Goals are driven by the Issue Statements, and once the priority issues are done, then Measurable Goals can be written to track progress.

Priority A Goals: Rufer explained that these goals receive the highest priority for plan implementation and since there are other factors that determine where projects are implemented (such as landowner willingness), this prioritization is just a guide and does not limit working in the higher priority planning regions.

1. Runoff Volume Reduction to address Altered Hydrology and Reduce Flood Damage.
 - This is measured by acre-feet runoff volume reduction.
2. Reduce Sediment Delivery and Load Rivers and Streams.
 - This is measured by percentage load reduction as modeled in PTMApp.
3. Improve Agricultural Soil Health
 - This is measured by number of acres with management practices.

Johnson asked how this measurement is going to be tracked. Rufer responded that it could be tracked by the number of land-owners looking for technical or financial assistance.

4. Stabilize Stream Banks and Channels.
 - This is measured by miles of streams restored.
5. Reduce Total Phosphorus and Load to Lakes, Rivers and Streams.
 - This is measured by percentage load reduction as modeled in PTMApp.

Priority B Goals: These goals will still be addressed in the Plan but at a slightly lower priority than the Priority A Goals.

6. Restore and Protect Wetlands and Upland Areas
 - Measured in number of acres.
7. Stabilize Ditch Banks and Outlets (Legal Drainage Systems)
 - Measured in miles of ditches repaired; number of ditches repaired.
8. Increase Dissolved Oxygen (DO) Concentrations
 - Measured by percentage samples above daily minimum of 5 mg/L; late summer baseflow.
9. Reduce Bacteria Delivery and Load
 - Measured by number of impairments.
10. Stabilize Lake Shoreland
 - Measured by number of projects installed, percentage compliance with Buffer Law.
11. Protect Groundwater Quality
 - Measure by number of projects installed, number of wells sealed.

Johnson asked for an explanation regarding the time frames of the short term and long-term goals. Rufer describe the long-term goal as the desired future conditions and the short-term goal as the 10-year plan.

Motion by Drevlow to approve Priority A & B Goals 1-11. **Seconded** by Okeson. **Approved.**

Action Items and Next Steps: Rufer informed the Committee that the Joint Advisory Committee will be putting together the implementation plan with costs included and will have it ready for the August 28, 2019, meeting. The Joint Advisory Committee will determine at the September 25, 2019, meeting if another meeting is needed. The Policy Committee will be coming back October 23, 2019, to approve the implementation and to recommend plan administration, with the draft Plan to be finalized in November or December.

The Policy Committee set their tentative November meeting dates as November 22 or 25, 2019.

There being no further business to come before the Policy Committee, Drevlow adjourned the meeting at 11:31 AM.