

Section 7. Appendices





RAINY-RAPID WATERSHED

Comprehensive Watershed Management Plan



Photo credit: DNR

What is One Watershed, One Plan?

- Voluntary program and plan to guide watershed managers as they work to protect and restore the watershed's resources
- Aligns water planning along watershed boundaries, including all the counties and soil & water conservation districts within the watershed
- Local priorities, locally driven
- Uses existing authorities and funding mechanisms (county and SWCD boards)
- After adopted, implementation funding from the state is obtained through a non-competitive process instead of competitive
- Program website: <https://bwsr.state.mn.us/one-watershed-one-plan>



Watershed and Plan Highlights

- The watershed consists of the Rapid River Watershed and the lower portion of the Lower Rainy River Watershed. It drains to Lake of the Woods.
- Covers most of Lake of the Woods County and small portions of Beltrami and Koochiching counties.
- Primary town is Baudette, MN.
- Covers 1,251 square miles (800,640 acres).
- Contains world class fisheries in the Rainy River and downstream Lake of the Woods. Sturgeon are recovering due to habitat improvement and fisheries management.

- 81% of the watershed is publicly owned. Much of the public land is vast peatlands, which were ditched in the early 1900s for agriculture. The ditches did not drain the peatlands adequately for crop production, therefore the state assumed ownership of the land to pay the tax debts from the failed ditches.
- Implementation of the Rainy-Rapid Comprehensive Watershed Management Plan is voluntary, and outreach and incentives will be used to assist with voluntary implementation on private lands. (see map below).
- The five Plan Goals are summarized below.

Goal: Protect, Manage, and Improve Habitat

- How:**
- Forest stewardship plans
 - Land protection
 - Invasive species prevention and management
 - Stream connectivity enhancements

Goal: Protect Drinking Water and Groundwater from Contaminants

- How:**
- Seal unused wells
 - Landfill best management practices

Goal: Protect Surface Water from Contaminants

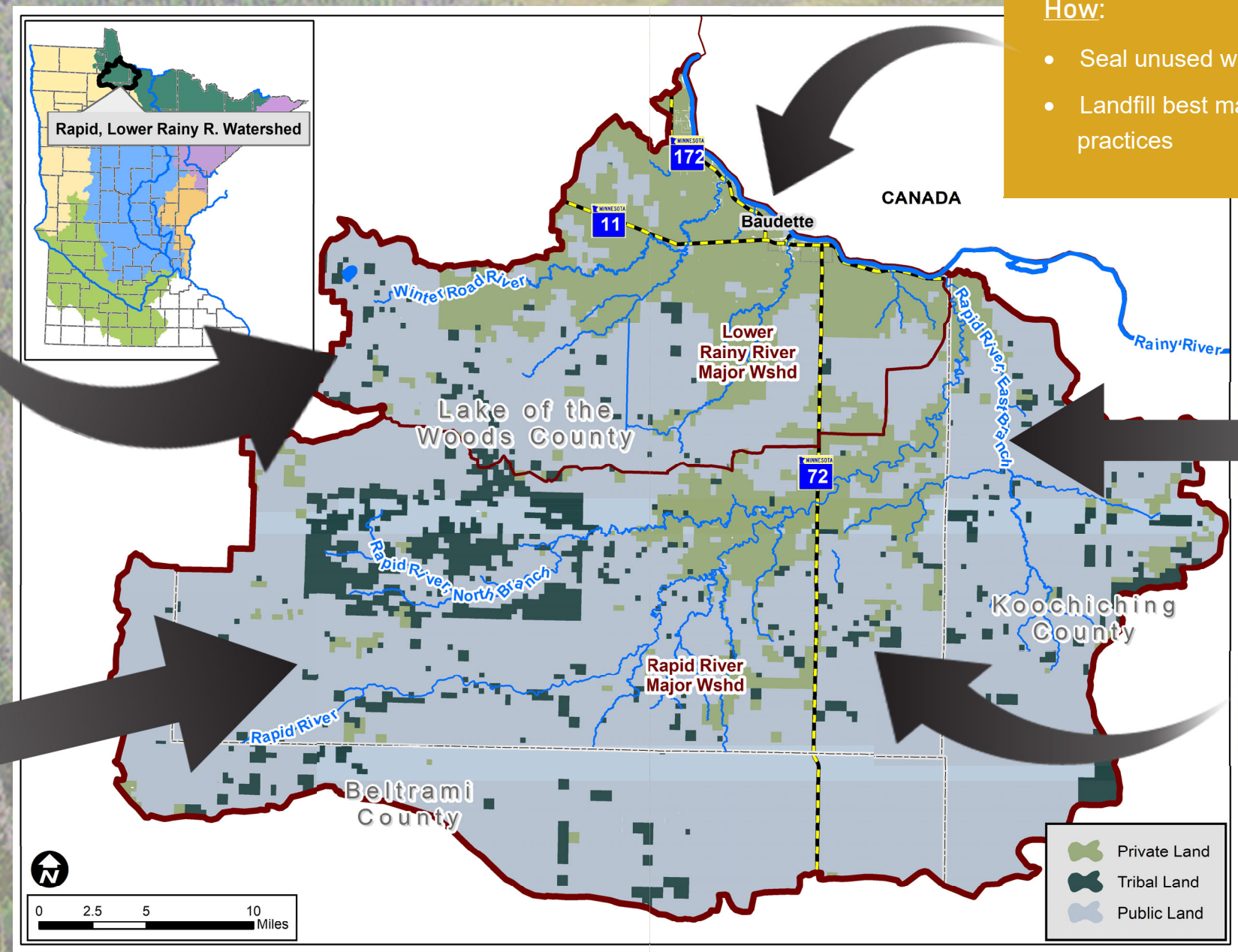
- How:**
- Agricultural practices
 - Stormwater management
 - Chloride best management practices

Goal: Restore Hydrology

- How:**
- Explore the feasibility of peatland restoration
 - Conduct a pilot project to restore peatlands based on the feasibility study.

Goal: Stabilize Streambank, Ditch, and Riparian Lands

- How:**
- In-channel projects to stabilize streams and drainages
 - Stabilization of outlets and gullies



WHO WE ARE

We are an international watershed, sharing a border with Canada.

We support a world class fishery in the Rainy River and downstream Lake of the Woods.

We treasure vast peatlands that host an array of flora and fauna.

Past scars from ditching and pollution are showing signs of healing through lake sturgeon and Rainy River water quality recovery.

OUR VISION

We envision a watershed where past scars have healed; where protection of peatlands, forests, and streams are balanced with sustainably managed agricultural land, timber, fisheries, economy and tourism, providing opportunities for all.

For a full copy of the plan, visit: <https://lakeofthewoodsswcd.org/rainy-rapid-watershed>

Or contact the Lake of the Woods SWCD, 218-634-1842 ext 4, staff@lakeofthewoodsswcd.org

The Rainy-Rapid Partnership

The Rainy-Rapid Comprehensive Watershed Management Plan will be implemented by the Rainy-Rapid Partnership. Partners and roles are shown below.

Memorandum of Agreement



Local Collaborators outside the formal agreement:

Koochiching
SWCD and County

Beltrami
SWCD and County

Red Lake Nation

City of Baudette



APPENDIX B. PUBLIC INPUT SUMMARY

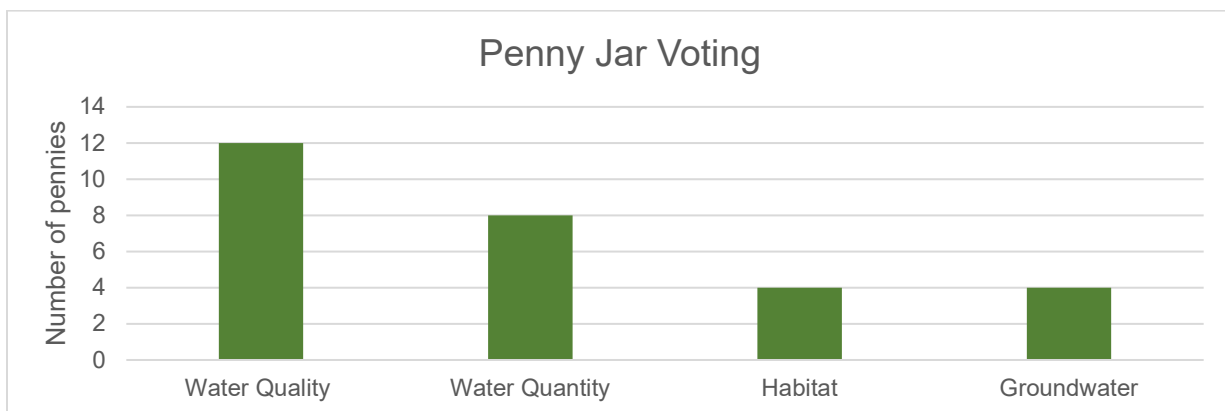
Public Open House

On April 5, 2021, the Rainy-Rapid One Watershed One Plan (1W1P) partnership held a Public Open House in Baudette, MN. The purpose of these open houses was to inform watershed residents about the watershed and the 1W1P process and gather their priorities to incorporate into the 1W1P. Total attendance included 20 local citizens and seven local SWCD and county staff.

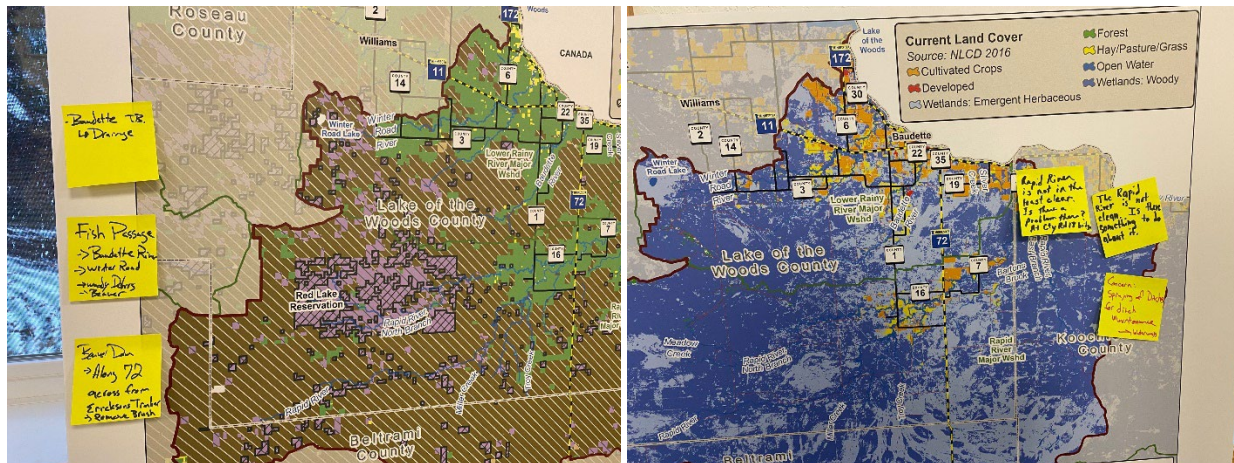
Participants were given a checklist of three different stations to visit in the room.

1. Visit the four resource map stations and talk with local natural resource staff regarding any concerns or opportunities in the watershed. Note any concern areas with post-it notes on the maps. Four stations topics are: water quality, water quantity, ground water, habitat/forestry.
2. Using three pennies, vote for the resource category(s) you would prioritize spending money on in plan implementation:
 - Water Quality
 - Water Quantity
 - Groundwater
 - Habitat & Forestry
3. Fill out the online survey.

The results from the penny voting show water quality and water quantity as priorities for spending funding for projects.



Some comments were recorded on post-it notes and added to the resource maps. These comments were regarding specific areas or resources in the watershed.



Comments from the Public Open House:

- Concern of county spraying county ditches for ditch maintenance. This likely puts chemicals directly into the water bodies. Also, the spray also has human health impacts because of foragers in road/ditch right-of-way. If it has to be done, could the county post and notify the public that these areas are sprayed with chemicals?
- No longer any fish that run up to 32-160-31 in the Baudette River. Concerns with neighbors downstream logging practices that left slash in the river and are preventing fish passage.
- No longer any fish that run up to 3-160-32 in the Winter Road River.
- No longer any fish that run up to 23-161-33 in Canfield Creek. (*WRONG watershed*)
- Beaver issues by the sawmill on highway 72. Causing issues. Solution – remove all the brush so there is no longer any forage available.
- The Rapid River is not clean. Is there something to do about it?
- Rapid River is not in the least clear. Is there a problem there? At Cty Rd 18 Bridge.
- Wabanica – “no wake zone”
- Drainage issues in the Baudette watershed.
- Highway 172 and JD 28 (the curve going north) section 12 Wabanica TWP. Holds H2O year-round – back flows into the field.

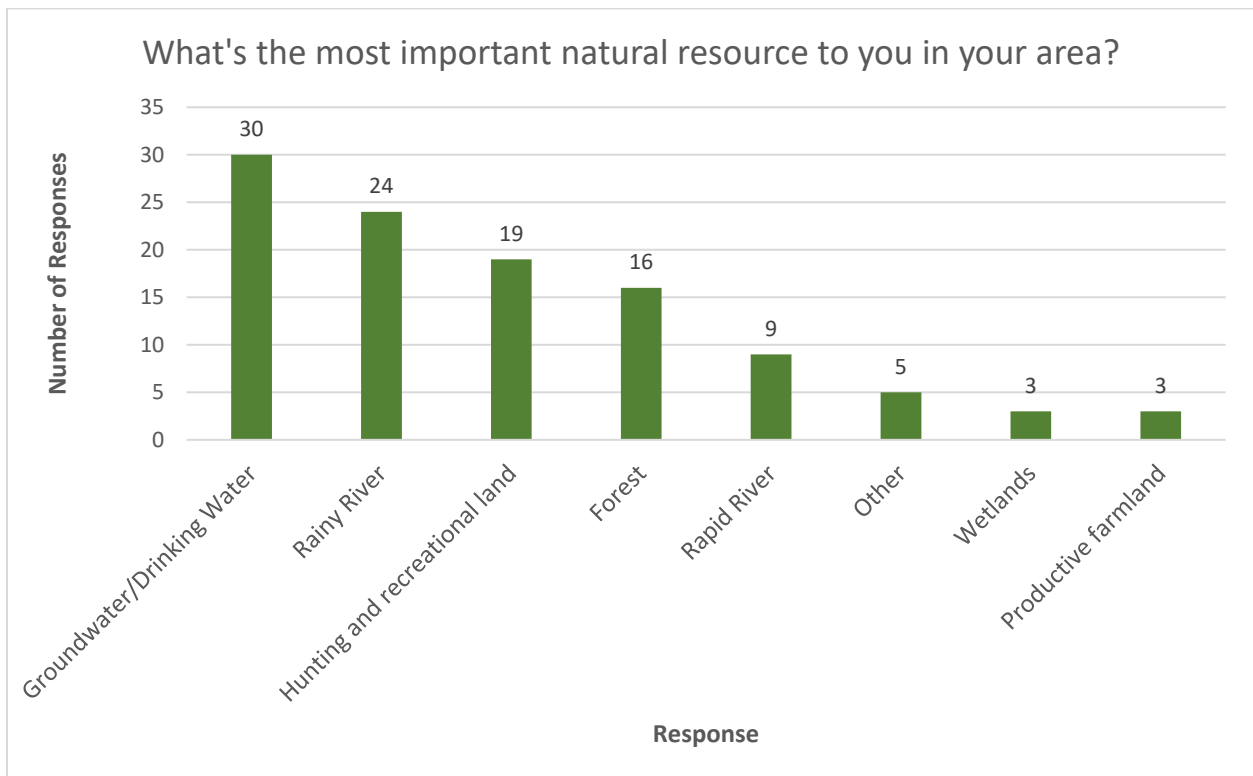
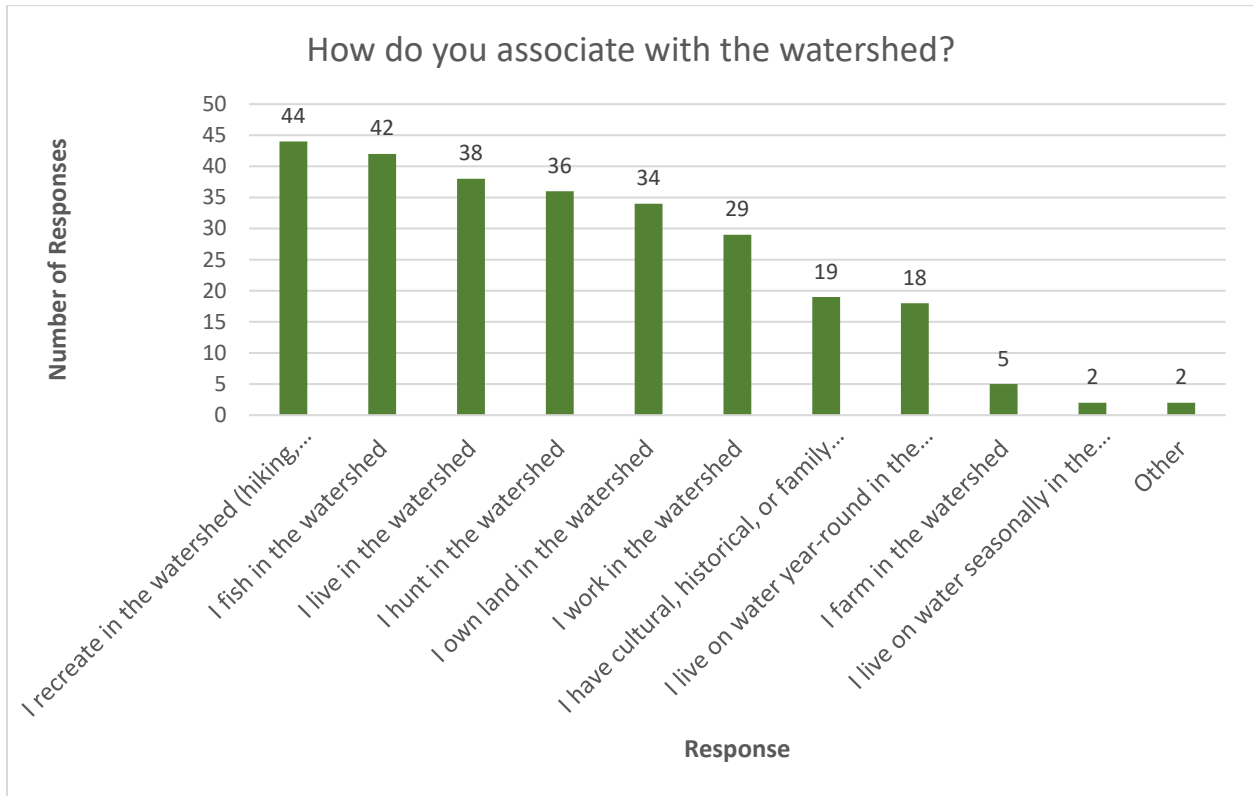




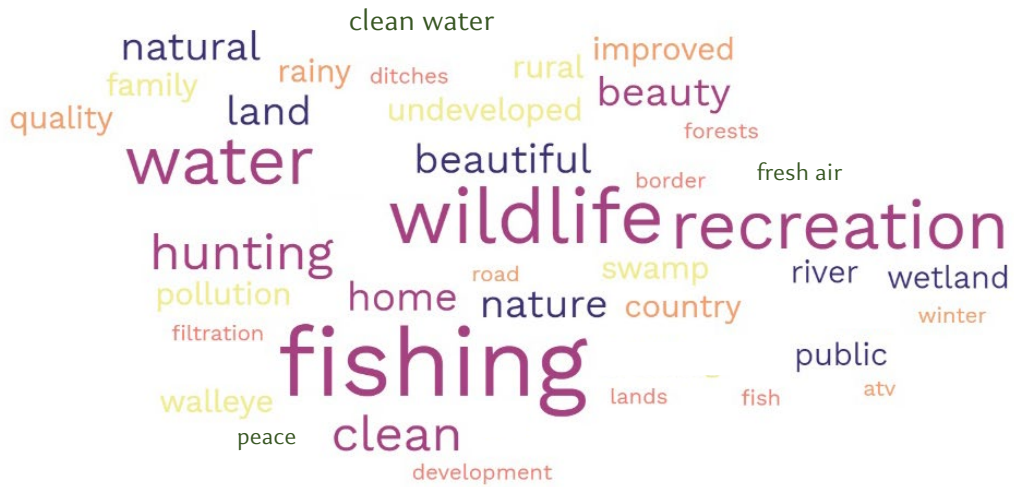
After a presentation about the 1W1P process and the Rainy-Rapid Watershed, participants were given a survey. In addition, this survey was available online from April 5th to April 30th for anyone not able to attend the meetings. There were 53 survey responses in all. The responses are summarized on the next page.



Public Survey Responses



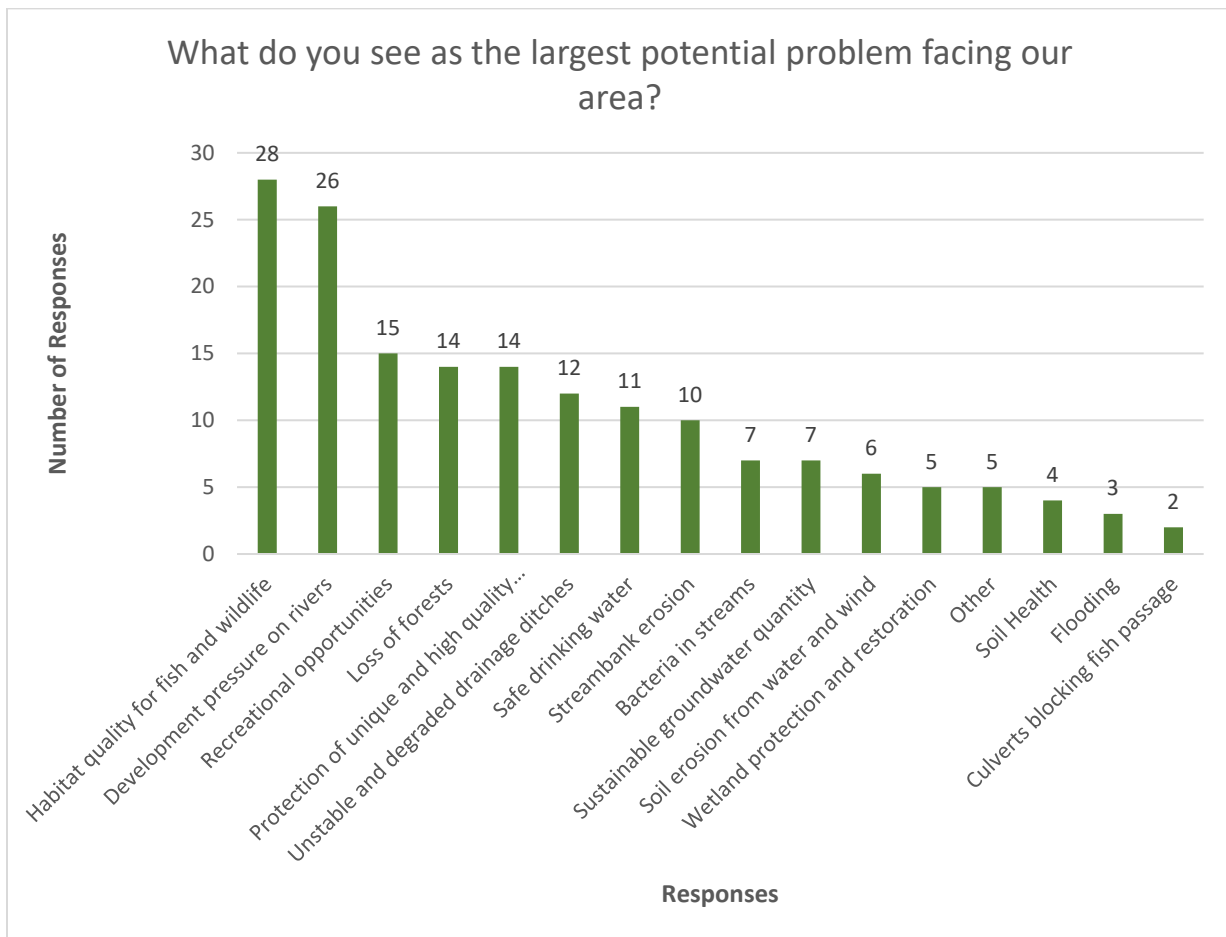
What are 4-5 words that come to mind when you think about the Rainy-Rapid Watershed Area?



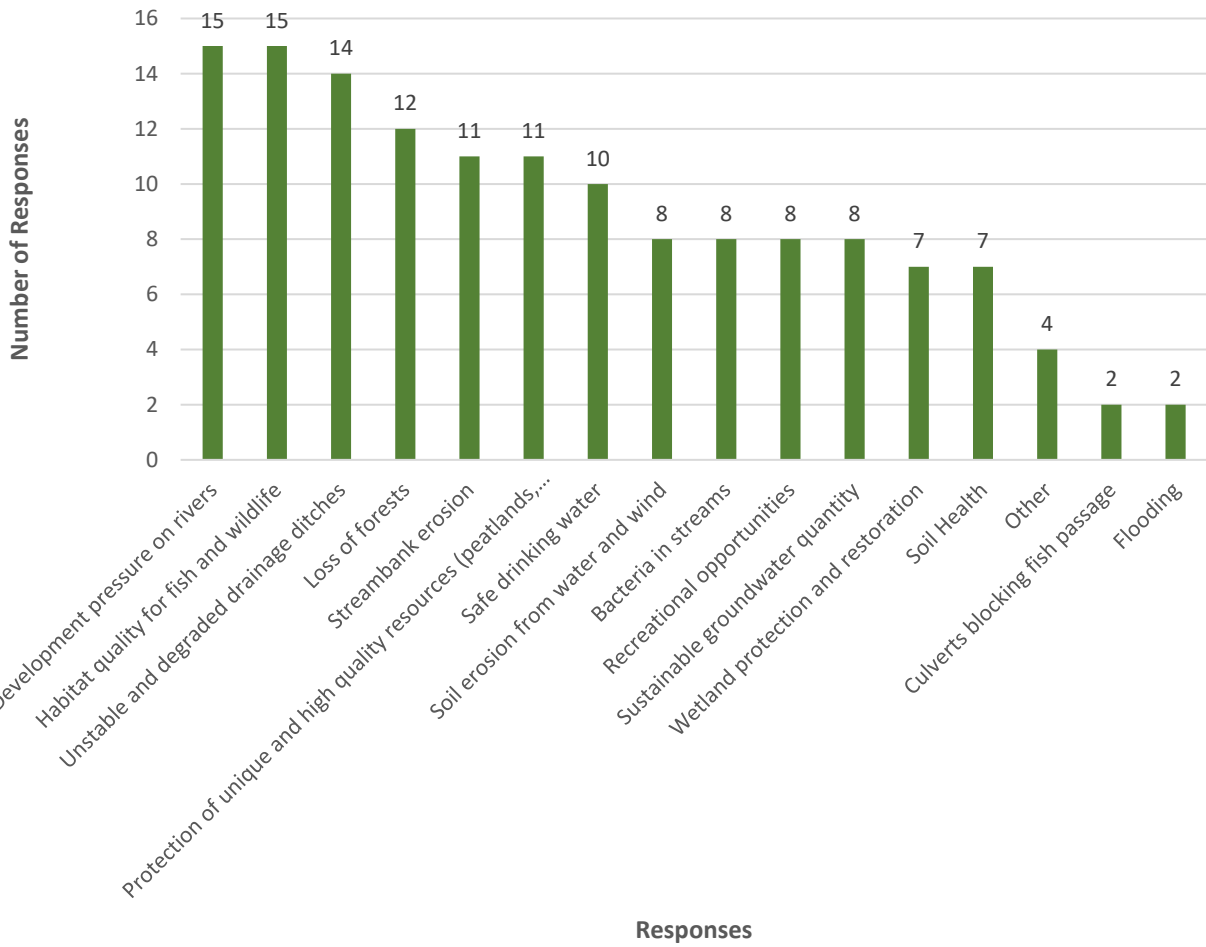
What do you think this area will look like in 50 years?



What would you like this area to look like in 50 years?



What do you see as the largest potential opportunity that could be fixed in your area?



If you could magically improve one water resource in the watershed today (river, stream, ditch, wetland, groundwater, etc), which problem would you fix? Responses are grouped by similar themes.

- Lake of the Woods
- Rapid River
- Rainy River
- Ditches
- Rivers

- Stream bank erosion
- Erosion from farm lands
- Erosion

- Development on Rainy River
- River Development
- Development along the River

- Drainage and good BMPs
- Tiling/Ditching
- Restore natural hydrology
- Zippel Bay reclaimed to deep navigable water
- River flowage
- Plug ditches with low impacts on forest resources or private landowners

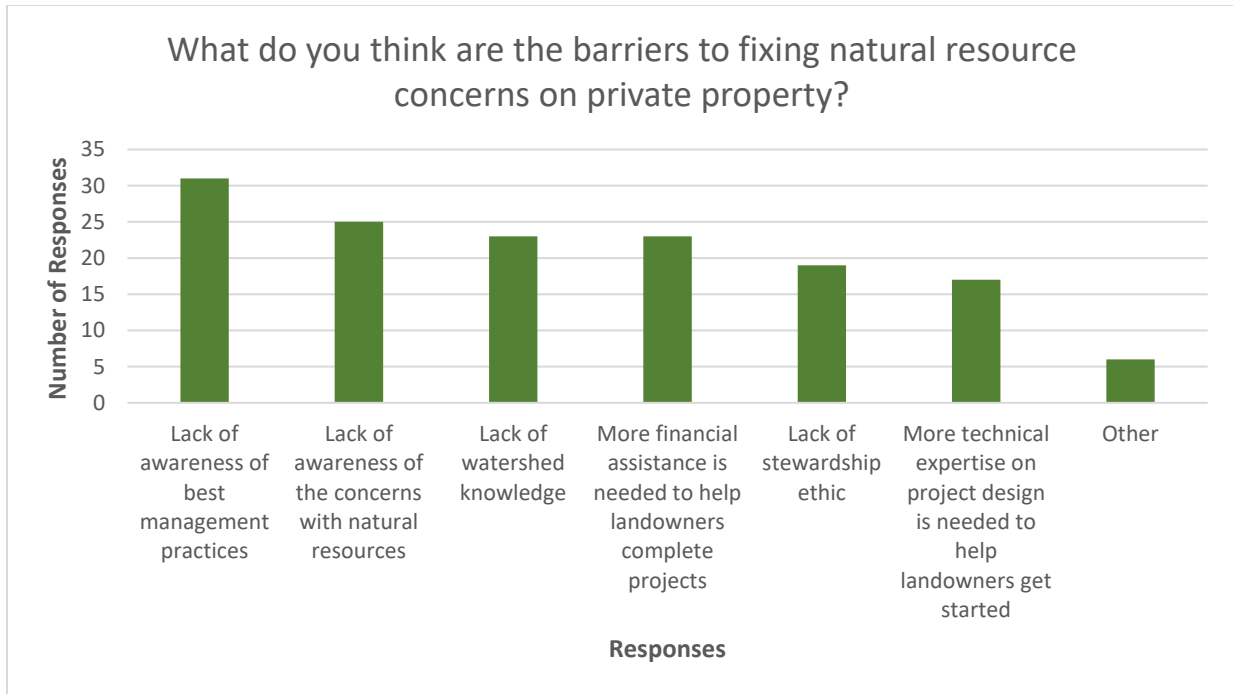
- Groundwater

- The overgrowth of aquatic plants due to excessive nitrogen levels
- Wetlands
- Get rid of the weeds in Baudette Bay

- Baudette River/Bay sedimentation

- Litter caused by the opening of canoeing on Rapid River
- Limiting number of fishing people and amount of fish caught to prevent waste and improve water quality
- Prevent road salt discharge to waterways





Are there any topics, resources, problems or opportunities that we didn't cover during this survey?

- Drainage of water
- Fertilizer runoff into the watershed
- How do you educate the public
- Impacts from industry (pharmaceutical, resort, timber)
- Landowner attitudes related to government interference
- Landowner rights
- Polluted storm sewer runoff
- Posting information for public view
- Rocky shorelines without a handicap access to the lake
- Stop with restrictions for landowners to improve land quality, work with instead of against landowners
- Sustainable timber harvest
- The mill release of hydrochloric acid
- Trends/changes in land ownership
- Wolves need to have a season



Are you representing an organization or the citizens/general public? If you are representing an organization, please provide the name of the organization.

- MPCA
- Red Lake Nation
- SWCD of Baudette
- City of Baudette, MN
- Lake of the Woods County
- Lake of the Woods Tourism
- Citizens
- General public
- Lake of the Woods resident



Appendix C. Technical Memorandum

To: Mike Hirst, Lake of the Woods SWCD
From: Tim Erickson, Houston Engineering, Inc.
Subject: Rainy-Rapid Goal modeling scenarios
Date: December 6, 2022
Project: R007180-0012

INTRODUCTION

The Hydrologic Simulation Program FORTRAN (HSPF) Scenario Application Manager (SAM) was used to quantify the benefits of two goals in the Rainy-Rapid Comprehensive Watershed Management Plan (R-RCWMP):

Goal 1: Restore Hydrology – simulate hydrologic benefits of restoring ditched peatlands.

- a. Scenario 1: Stacked Hydrograph Analysis
- b. Scenario 2: Potential Storage Benefits

Goal 2: Protect Surface Water from Contaminants – simulate phosphorus benefits of agricultural and stormwater best management practices.

- c. Scenario 3: Agricultural and Urban BMP Benefits

The scenarios and results are detailed in this technical memorandum.

SCENARIO 1: STACKED HDYROGRAPH ANALYSIS

To investigate potential locations and impacts of disconnecting wetlands from the current drainage network and provide storage in the watershed, a stacked hydrography analysis was conducted using the HSPF model. A stacked hydrograph analysis provides information on the sources and timing of flow at the outlet of a watershed. To conduct a stacked hydrograph analysis, flow from major tributaries are systematically disconnected, starting at the upper most tributary and working downstream. By systematically disconnecting the major tributary, flow from each tributary can be isolated in the hydrograph for the outlet of the river. This analysis can provide information on the sources of peak flows, flow timing, and flow volumes in the river system and provide information on the best areas within the watershed to provide storage.

The Rapid River watershed was divided into 11 subwatersheds, based on major tributaries and tributary junctions. Figure 1 shows the subwatersheds used in the stack hydrograph analysis.

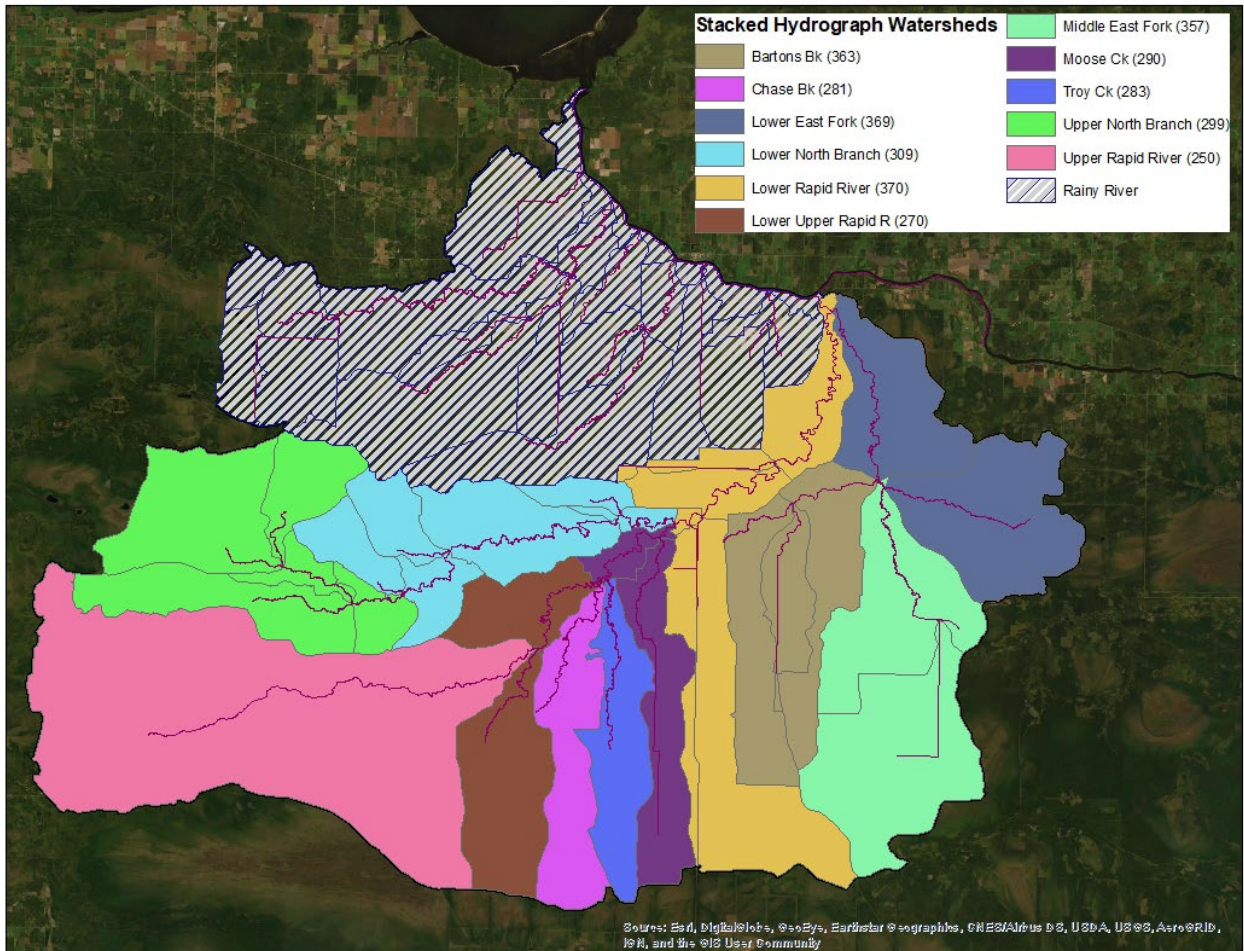


Figure 1. Major tributaries/subwatersheds in the Rapid River watershed for the stack hydrograph analysis.

Select runoff events were chosen from the modeled flow at the outlet of the Rapid River to represent both spring runoff and rainfall events. Figure 2 shows the modeled flow at the outlet of the Rapid River. Four years had good runoff hydrographs for the stack hydrograph analysis: 2002, 2005, 2013, and 2014. The years 2002 and 2005 are good representation of rainfall driven runoff events and 2013 and 2014 provide good representation of the spring snowmelt events. The figures below show the flow record at the Rapid River Outlet.

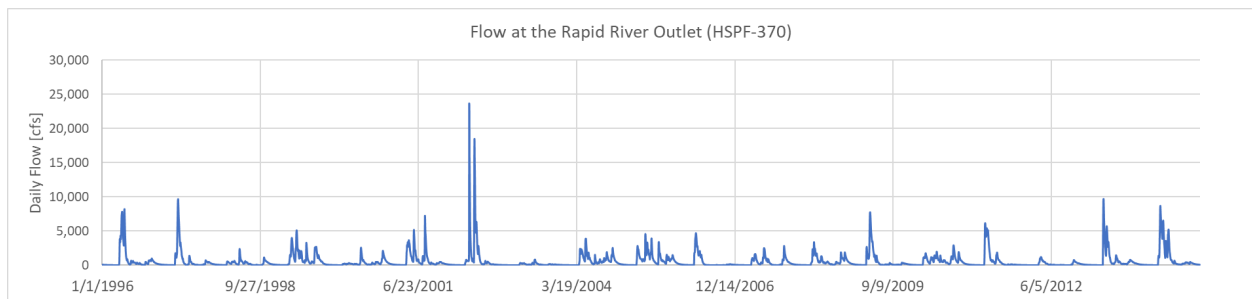


Figure 2. Daily flow at the Rapid River outlet from HSPF (1996-2014).

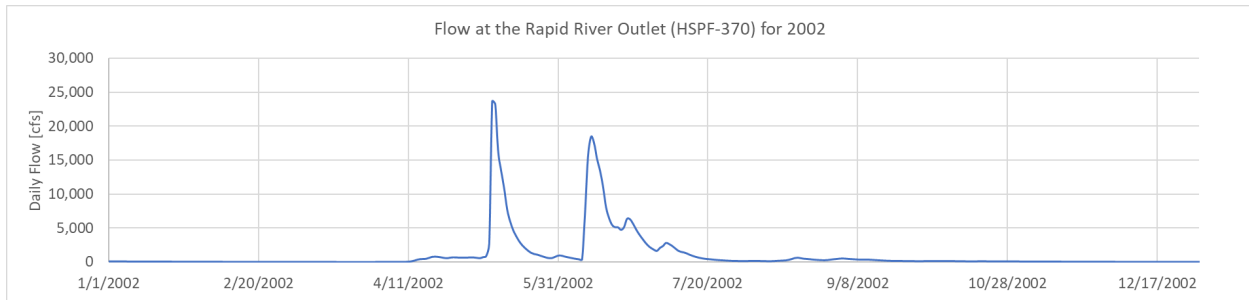


Figure 3. Daily flow in 2002 at the Rapid River outlet from HSPF.

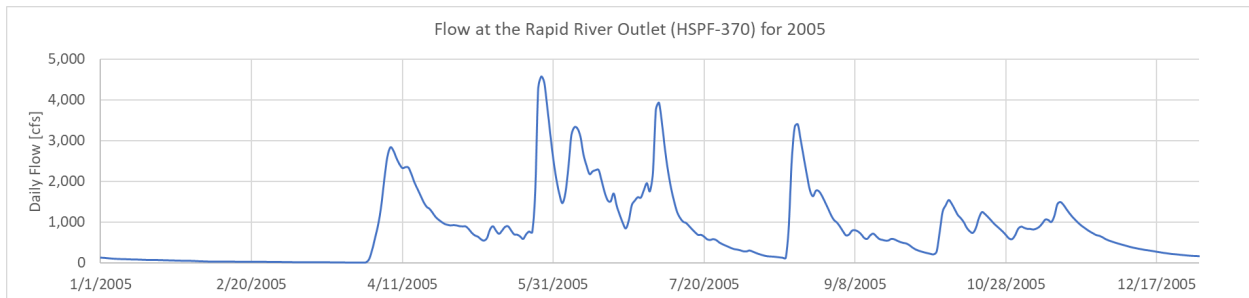


Figure 4. Daily flow in 2005 at the Rapid River outlet from HSPF.

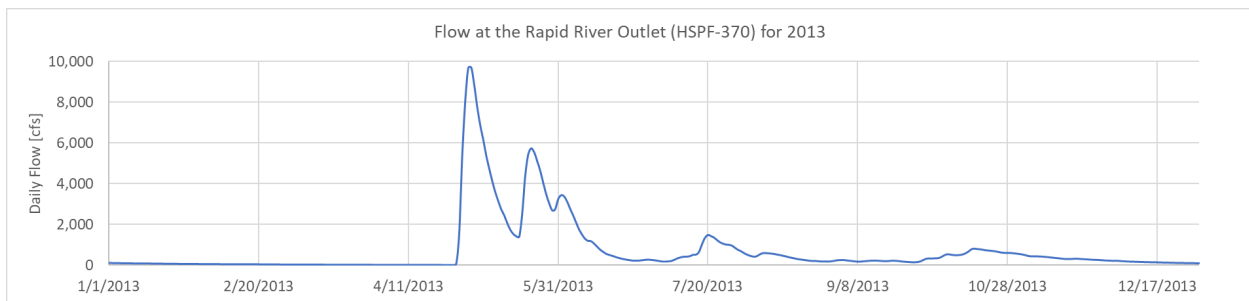


Figure 5. Daily flow in 2013 at the Rapid River outlet from HSPF.

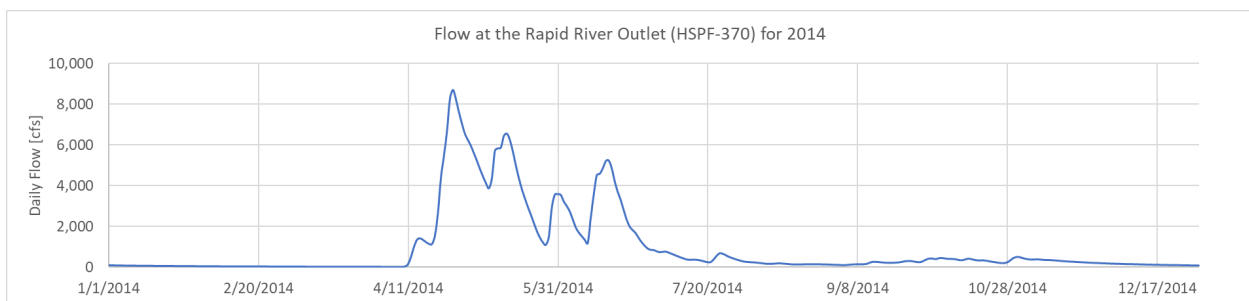


Figure 6. Daily flow in 2014 at the Rapid River outlet from HSPF.

The resulting stack hydrograph analysis on select runoff events is shown in Figures 7 through 11 and the distributions are provided in Figure 12. The average distribution is shown in Figure 13 and shows, on average, where the flows originate during a peak flow event.

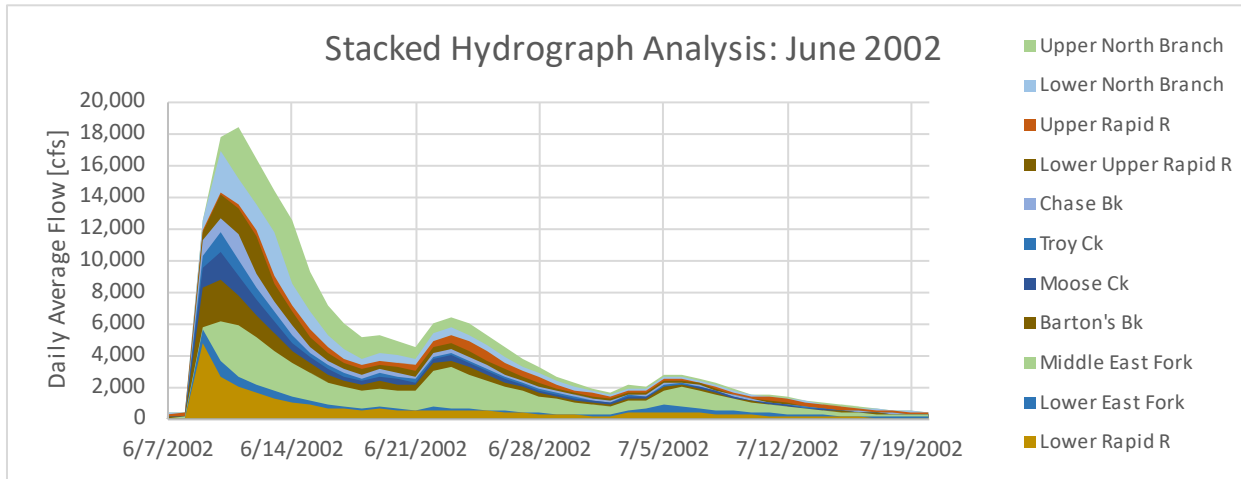


Figure 7. Stacked hydrograph analysis for June 2002 at the Rapid River outlet (HSPF-370).

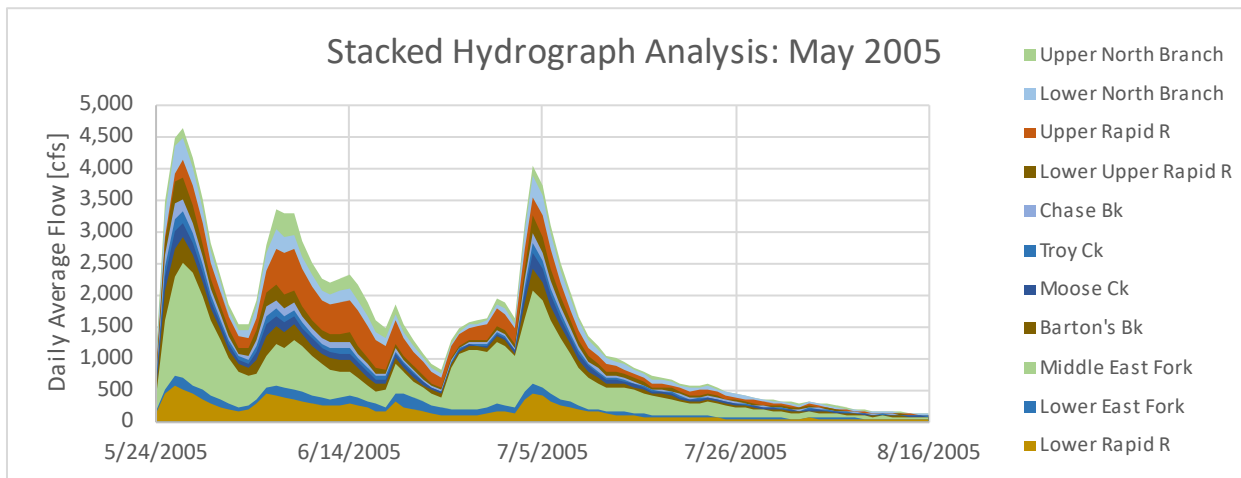


Figure 8. Stacked hydrograph analysis for May 2005 at the Rapid River outlet (HSPF-370).

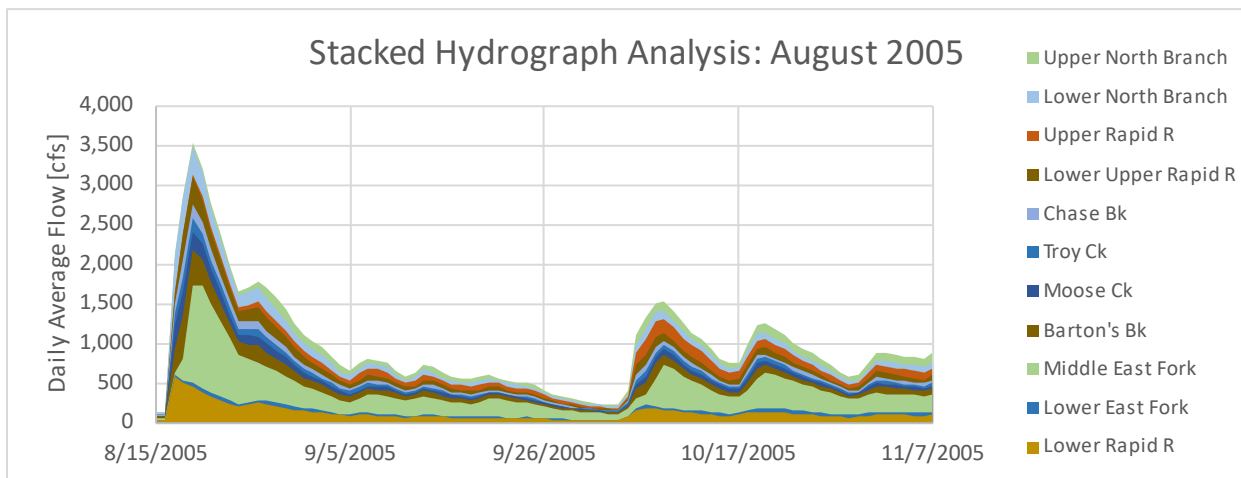


Figure 9. Stacked hydrograph analysis for August 2005 at the Rapid River outlet (HSPF-370).

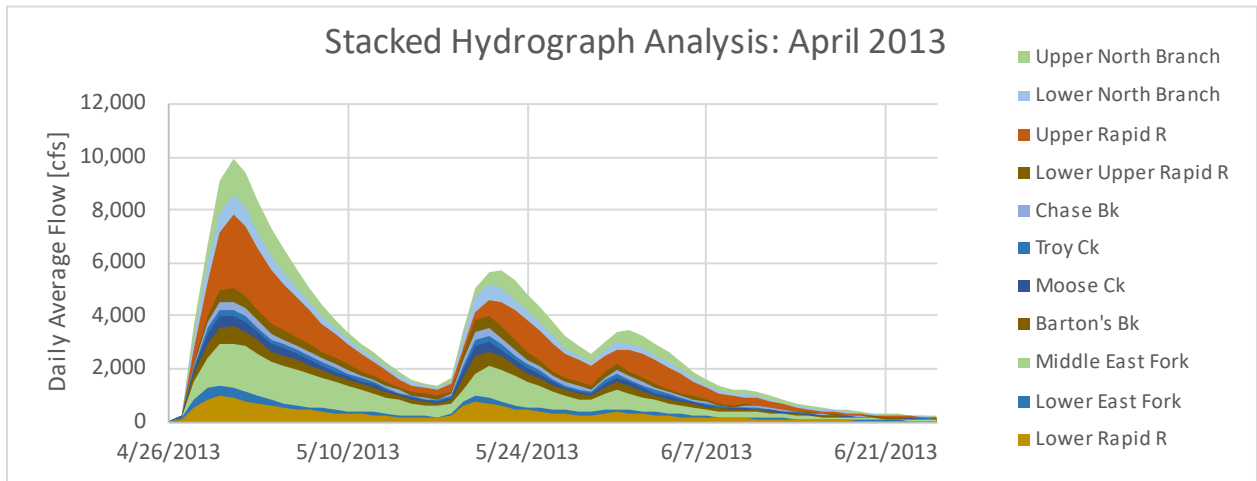


Figure 10. Stacked hydrograph analysis for April 2013 at the Rapid River outlet (HSPF-370).

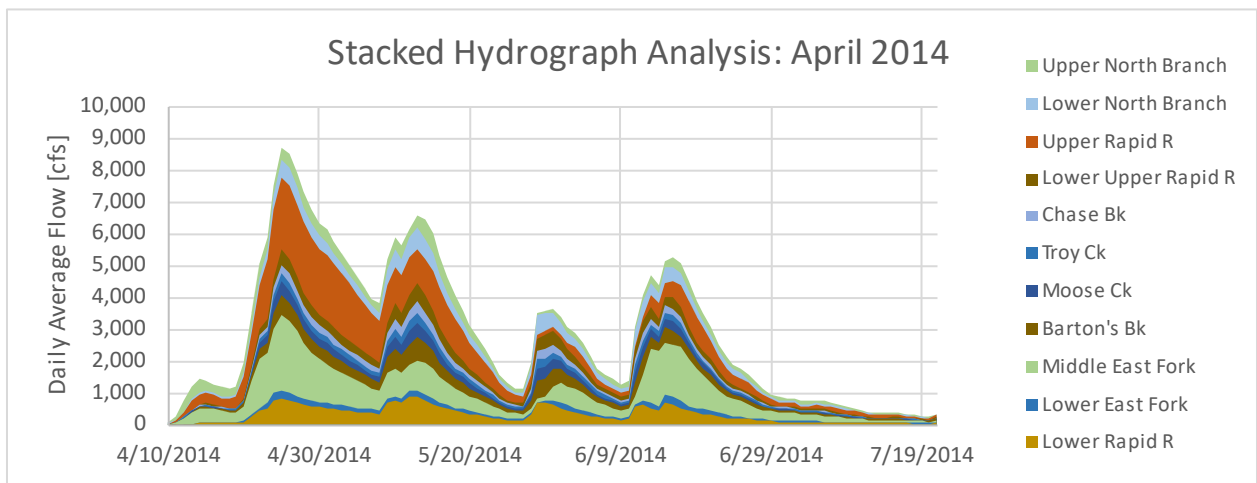


Figure 11. Stacked hydrograph analysis for April 2014 at the Rapid River outlet (HSPF-370).

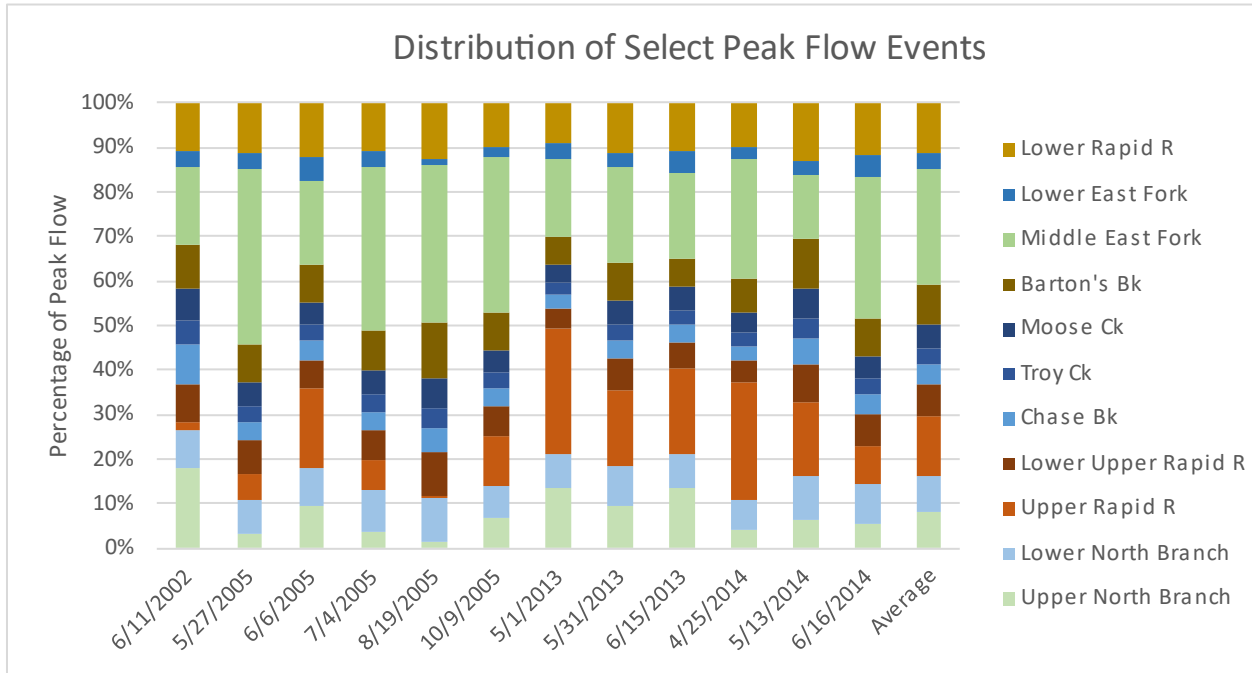


Figure 12. Distribution of select peak flow events at the Rapid River outlet (HSPF-370).

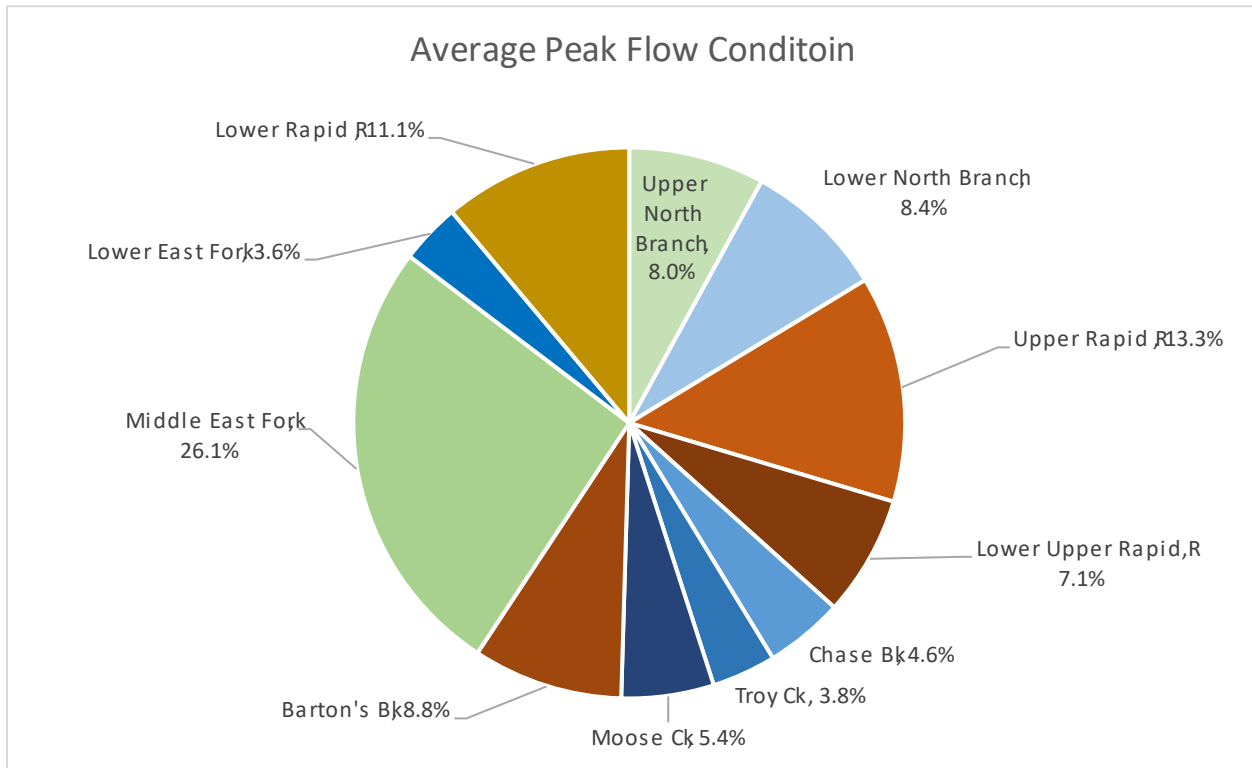


Figure 13. Average distribution of peak flow events by originating subwatershed.

Figure 13 shows the distribution of sources of peak flow for the select events (as shown in Figures 7-12) and the average distribution of those events. On average, the largest contribution of peak flow is Middle East Fork Rapid River (26.1%), followed by The Upper Rapid River (13.3%) and Lower Rapid River (11.1%). The Upper North Branch and Lower North Branch Rapid Rivers, the Lower Upper Rapid River, and Barton’s Brook each contribution 7% to 9%. Chase Brook, Troy Creek, Moose Creek, and Lower east Branch contribute between 3% and 5% each.

SCENARIO 2: POTENTIAL STORAGE BENEFITS

Using results from the stacked hydrograph analysis, the impact of disconnecting wetlands from the drainage network was exported. The stack hydrograph and GIS analysis identified six subwatershed areas where potential storage practices/disconnection would be ideal: Middle East Fork, Upper Rapid, Lower Rapid, Upper North Branch, Lower North Branch, and Barton’s Brook.

Three storage scenarios were modeled to see what impacts various levels of storage would have on the peak flows at the outlet of the Rapid River. The three scenarios were disconnecting 5%, 10%, and 20% of wetland area that drained by the ditch system in the identified subwatersheds. In the model, this was accomplished by removing 5%, 10%, and 20% of the wetlands in the targeted subwatersheds. The impacted areas for the 3 scenarios for each of the subwatersheds is provide in Table 1.

Table 1. Area of wetlands disconnected by scenario.

Subwatershed	Wetland Area	Area Disconnected at 5% (acres)	Area Disconnected at 10% (acres)	Area Disconnected at 20% (acres)
Upper Rapid River	119,144	5,957	11,914	23,829
Upper North Branch	51,025	2,551	5,102	10,205
Lower Rapid River	48,826	2,441	4,883	9,765
Middle East Fork	54,996	2,750	5,500	10,999
Barton's Brook	39,417	1,971	3,942	7,883
Lower Rapid River	48,826	2,441	4,883	9,765

A sample of the changes in flow are provided in Figure 14. A summary of the changes in flow for select runoff events at the outlet of the Rapid River for each of the three scenarios in provide in Table 2 below.

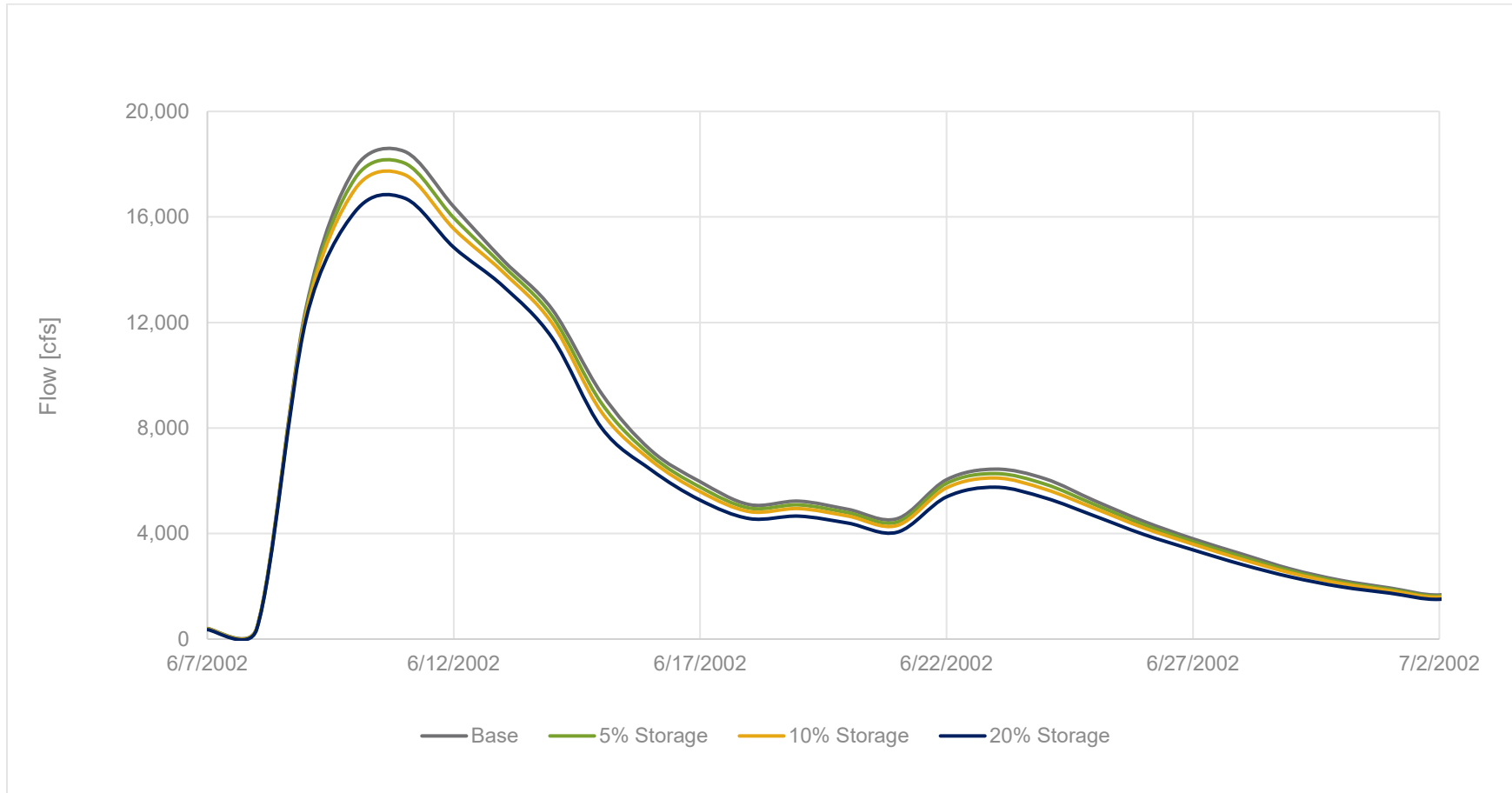
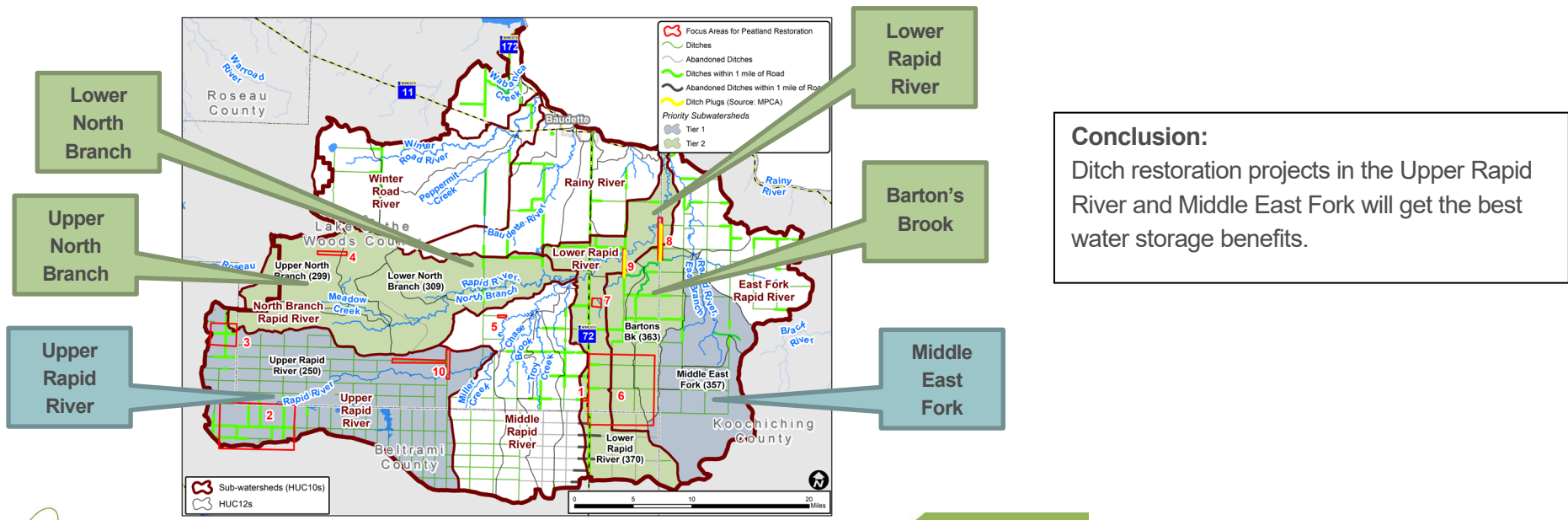


Figure 14. Changes in flow at Rapid River outlet for the June 11, 2002 peak flow event based on three storage scenarios.

Table 2. Summary of storage scenarios.. HSPF simulates complete cut off, but for this plan we have interpreted it to be temporary storage to reduce peak flows since implementation work will occur in peatlands.

Scenario	Parameter	Base	Upper Rapid River	Upper North Branch	Lower North Branch	Middle East Fork	Barton's Brook	Lower Rapid River	Total
5% Storage	Peak Flow (cfs)	7,697	45.7	26.8	18.8	46.9	27.4	31.1	196.6 cfs
	Peak Reduction	-	0.59%	0.35%	0.24%	0.61%	0.36%	0.40%	2.55%
	Volume (ac-ft)	172,286	1,281	675	402	1,062	562	682	4,665 ac-ft
	Volume Reduction	-	0.74%	0.39%	0.23%	0.62%	0.33%	0.40%	2.71%
10% Storage	Peak Flow (cfs)	7,697	92.7	53.3	37.4	93.3	55.0	62.3	394.0
	Peak Reduction	-	1.20%	0.69%	0.49%	1.21%	0.71%	0.81%	5.12%
	Volume (ac-ft)	172,286	2,562	1,351	805	2,124	1,125	1,365	9,332 ac-ft
	Volume Reduction	-	1.49%	0.78%	0.47%	1.23%	0.65%	0.79%	5.42%
20% Storage	Peak Flow (cfs)	7,697	188.3	106.8	74.7	187.1	108.9	123.8	789.7
	Peak Reduction	-	2.45%	1.39%	0.97%	2.43%	1.42%	1.61%	10.26%
	Volume (ac-ft)	172,286	5,126	2,701	1,611	4,248	2,251	2,729	18,665 ac-ft
	Volume Reduction	-	2.97%	1.57%	0.94%	2.47%	1.31%	1.58%	10.83%



Conclusion:
Ditch restoration projects in the Upper Rapid River and Middle East Fork will get the best water storage benefits.

On average, disconnecting 5% of the wetlands in the select subwatersheds results in a 2.5% reduction in peak flow rates and 2.7% reduction in total flow volumes for the runoff event. For 10% disconnected wetlands, the peak flow rate is reduced by 5.0% and total flow volume by 5.3%. For 20% disconnected wetlands, the peak flow rate is reduced by 10% and flow volumes are reduced by 10.7%.

SCENARIO 3: AGRICULTURAL AND URBAN BMP SCENARIOS

Four BMP scenarios were simulated using HSPF-SAM, two cropland BMP scenarios and two urban BMP scenarios. The four BMP scenarios include a treatment of 5% of total cropland in the watersheds, treatment of 10% total cropland, treatment of 5% of urban areas around Baudette, MN, and treatment of 10% urban areas around Baudette, MN. For the cropland scenarios, the following is a list of preferred cropland BMPs that could be implemented in the Rainy and Rapid River watersheds:

- Nutrient Management (590)
- Riparian Buffers 16 ft wide – 322/390
- Conservation Crop Rotation 328
- Conservation Cover Perennials 327
- Reduced Tillage (30%+residue) 329, 345, 346
- Reduced Tillage (no-till) 329, 345, 346

For the HSPF-SAM scenarios, a scenario of 5% and 10% of total cropland area treated by one of the above BMPs was simulated. To account for the variety of BMPs, representative reduction coefficients were estimated as the average of the above BMPs and are provided in Table 3.

Table 3. Reduction coefficients for cropland BMPs

Parameter	Surface	Interflow	Baseflow
Flow	0	0	0
TN	0.5	0.32	0.14
TP	0.45	0.28	0.13
TSS	0.58	0.58	0.58

Two urban BMP scenarios were simulated to investigate the impact of stormwater ponds in Baudette, MN. The scenarios simulated a 5% and 10% treatment of urban land near Baudette. The reduction coefficients used in the model are provided in Table 4.

Table 4 Reduction coefficients for stormwater ponds applied to urban areas

Parameter	Surface	Interflow	Baseflow
Flow	0	0	0
TN	0.24	0.18	0.08
TP	0.4	0.3	0.13
TSS	0.67	0.67	0.67

Table 3 provides the results of the four BMP scenarios (5% cropland treated, 10% cropland treated, 5% urban areas treated, and 10% urban areas treated). Table 5 included the area treated by the BMPs, the total sediment removed in tons per year, and the total phosphorus removed in pounds per year. Load reductions reported for the outlet of the Rapid River and outlet of the Rainy River at Lake of the Woods.

Table 5. Load Reduction from BMP scenarios at the outlet of the Rapid River and Rainy River. The 10% Cropland treated scenario (bolded) was used in the plan goal.

Scenario	River	Treated Acres (acres)	Sediment Removed (tons/year)	Phosphorus Removed (lbs/year)
5% Cropland Treated	Rapid	163	46	24
	Rainy	801	123	92
10% Cropland Treated	Rapid	326	92	47
	Rainy	1,603	246	180
5% Urban Treated	Rapid	0.0	0.0	0.0
	Rainy	57	6	5
10% Urban Treated	Rapid	0.0	0.0	0.0
	Rainy	115	11	9

In addition to reductions at the outlets of the Rapid and Rainy Rivers, reduction in reaches with TMDLs were extracted for the 10% cropland scenario to see how much progress towards the TMDL's reduction goal could be achieved. Those reductions are:

- Rapid River HUC8 Goal = 0% reduction to LOW
 - 47 lbs P is protective
- Baudette River Goal: reduce load to LOW by 20.1% (324.5 kg/yr, 715.4 lbs/yr)
 - 10.8 lbs/yr (1.5% progress towards TMDL)
- Miller Creek Goal = reduce load to LOW by 48.8 % (205 kg/yr, 451.9 lbs/yr)
 - 7.5 lbs/yr (1.7% progress towards TMDL)
- Winter Road River Goal = reduce load to LOW by 4.3% (140.9 kg/yr, 310.6 lbs/yr)
 - 23.9 lbs/yr (7.7% progress towards TMDL)
- Silver Creek Goal = reduce load to LOW by 45.3% (504 kg/yr, 1,112 lbs/yr)
 - 18.9 lbs/yr (1.7% progress towards TMDL)
- Unnamed (391) Goal = reduce load to LOW by 23.7% (108 kg/yr, 239 lbs/yr)
 - 3.8 lbs/yr (1.6% progress towards TMDL)
- Wabanica Creek Goal = reduce load to LOW by 50.4% (688 kg/yr, 1,517 lbs/yr)
 - 27.8 lbs/yr (1.8% progress towards TMDL)



APPENDIX D. DNR CONNECTIVITY DATA

Bank stability and connectivity, identified as priority issues in Section 3 and addressed in Section 4 of this plan, also have been assessed at local levels by the DNR. This Appendix summarizes both of these issues at the subwatershed scale as reported in these DNR reports.

It is important to note that these reports are not necessarily comprehensive: some crossings may be omitted due to limited resources or abilities on the ground.

Rapid River

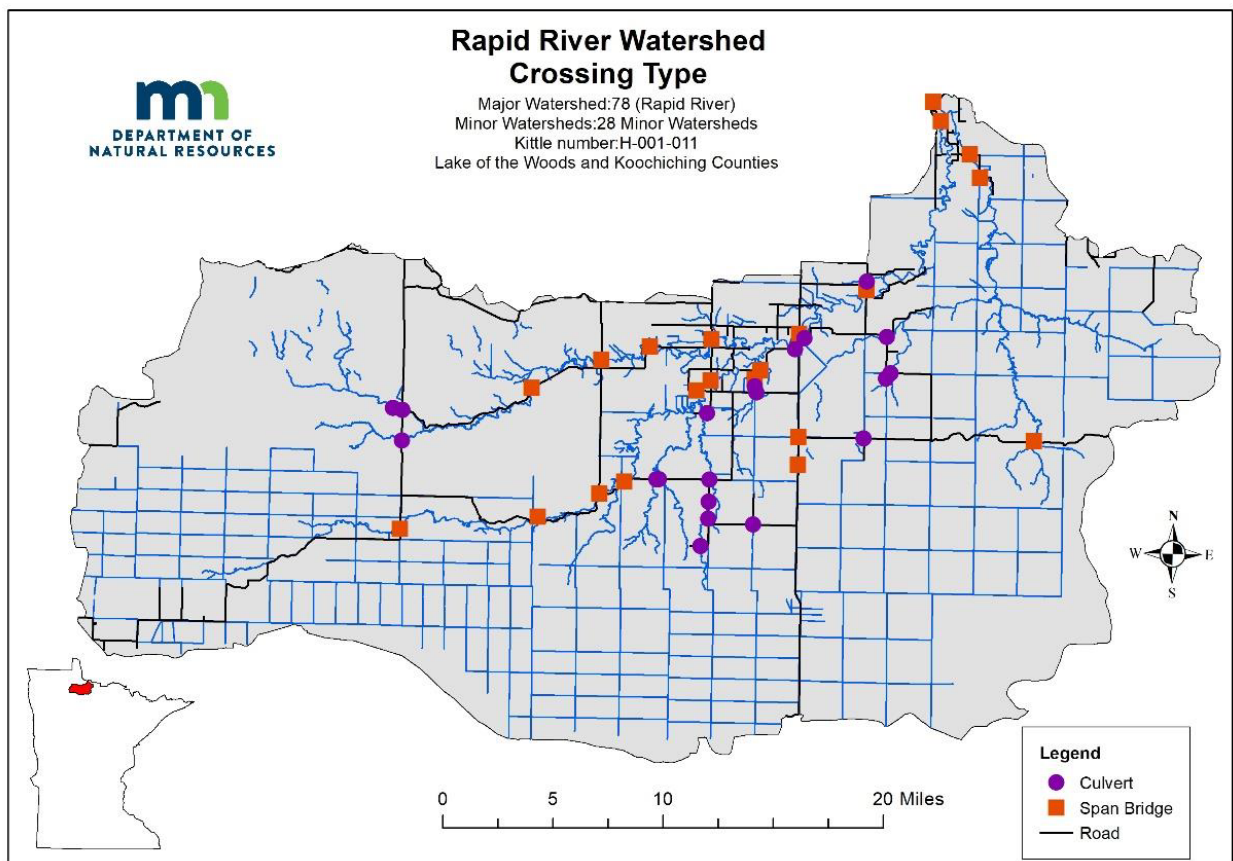


Figure D.1. Locations of culverts and bridges in the Rapid River Watershed.

In the 2020 Rapid River Watershed survey, 41 crossings were assessed. Of those 41 crossings, 20 were culverts and 21 were bridge crossings (Figure D.1). Assessments identified many of these crossings as barriers for passage: of the 20 culverts, 3 were passable, 3 were partial barriers, 13 were significant barriers, and 1 was not passable. Of the 21 bridges assessed, 18 were passable, 1 was a partial barrier, and 2 were significant barriers. A map of the watershed



with these rankings can be seen in Figure D.2.

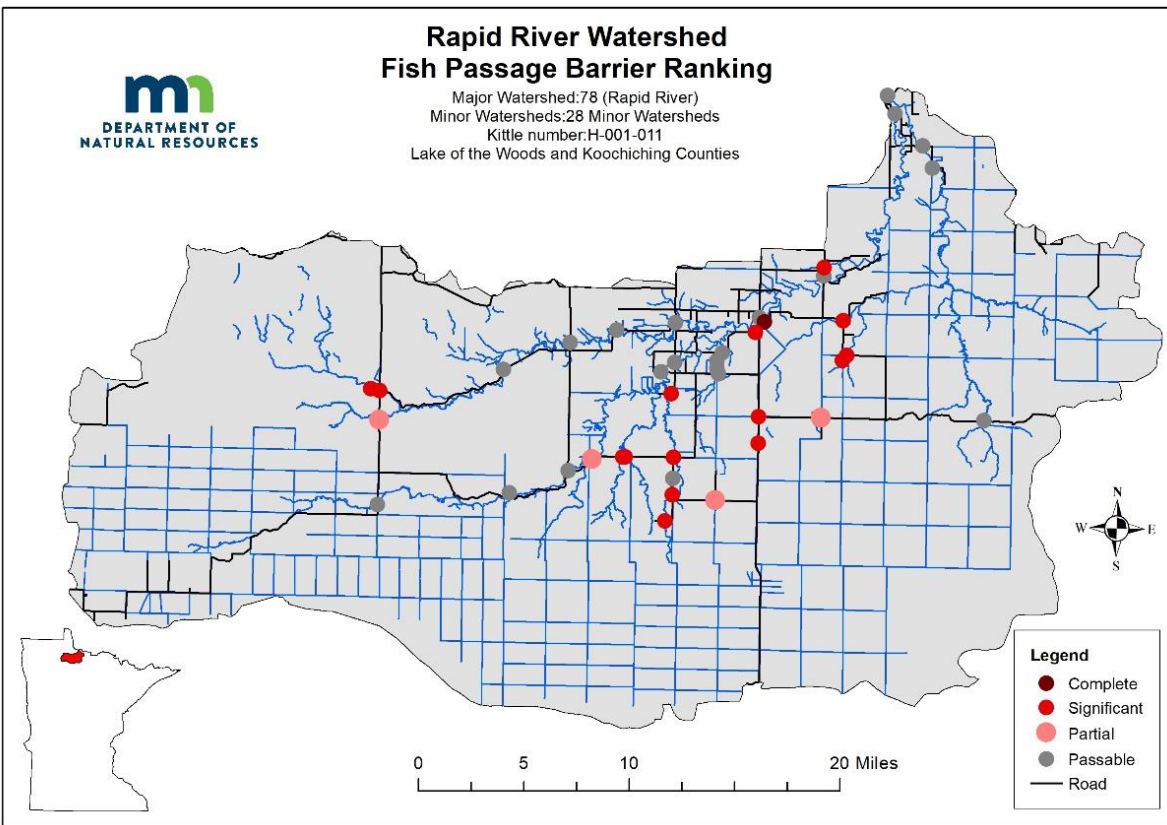


Figure D.2. Barrier rankings in the Rapid River Watershed.

The DNR assessment also identified non-anthropogenic barriers: water falls near the mouth of the Rapid River at Clementson Rapids and Iden Rapids south of Clementson. Beaver dams were also identified as natural barriers.

In the DNR's survey, they also identified sites with potentially significant bank erosion potential. Sites within their assessment with high-extreme bank erosion potential include Clementson, Carp, Pepin, Bankton, and Lafky. At all sites, bank erosion potential, channel stability score, and channel stability condition were assessed in 2020/2021.

A more complete discussion can be found in in the 2022 Rapid River Survey.

Baudette River

In the 2013 Baudette River Survey, 19 crossings were identified. Of these crossings, 16 were culverts and 3 were bridge crossings (Figure D.3). The connectivity of the Baudette River from the DNR's Watershed Assessment Tool was scored as moderate. No concerns were identified during the report time.



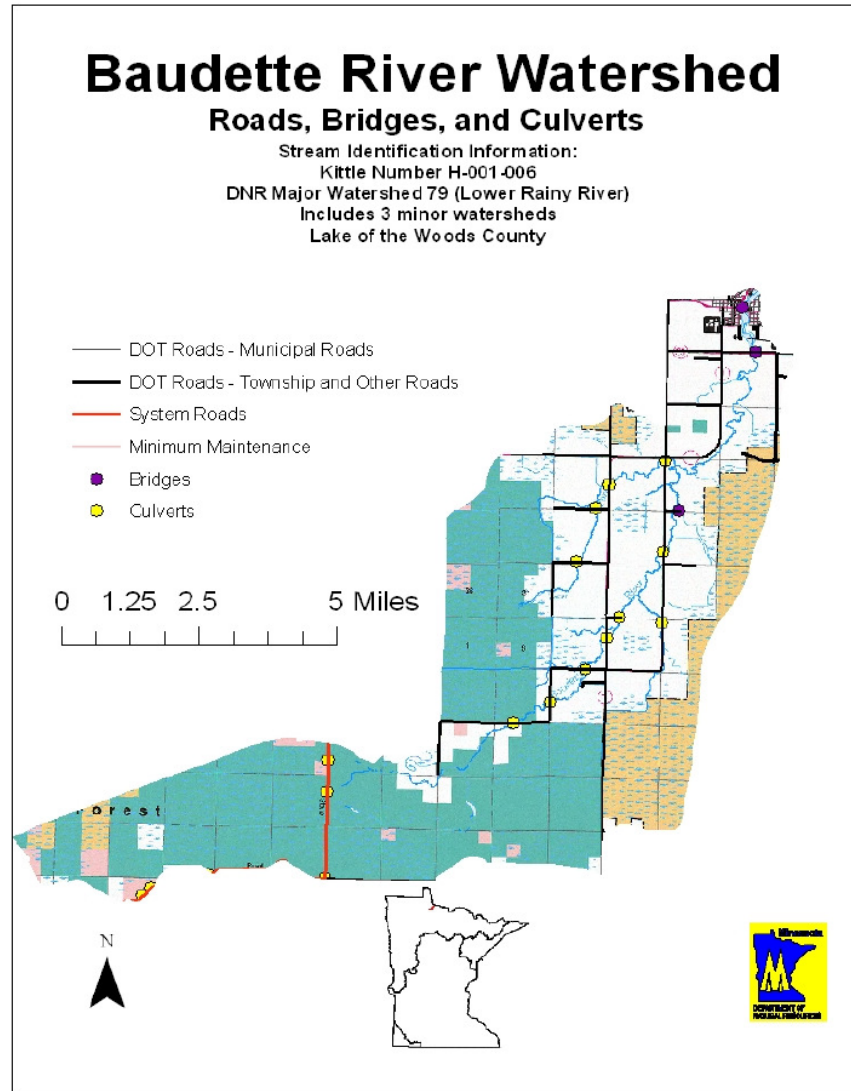


Figure D.3. Locations of culverts and bridges in the Baudette River Watershed.

Channel stability was evaluated at a number of sampling locations throughout the watershed. Reach conditions were classified as “good” at two stations and “fair” at two others. Bank Erosion Hazard Index score was considered “moderate at two stations and “high to extreme” at two others.

A more complete discussion can be found in in the 2013 Baudette River Survey.



Wabanica

The 2016 Wabanica Creek Survey identified 27 crossings in the watershed. Of those 27 crossings, there were 26 culverts and 1 was a bridge (Figure D.4). There are additionally non-anthropogenic connectivity concerns from beaver activity and the deposit of woody debris.

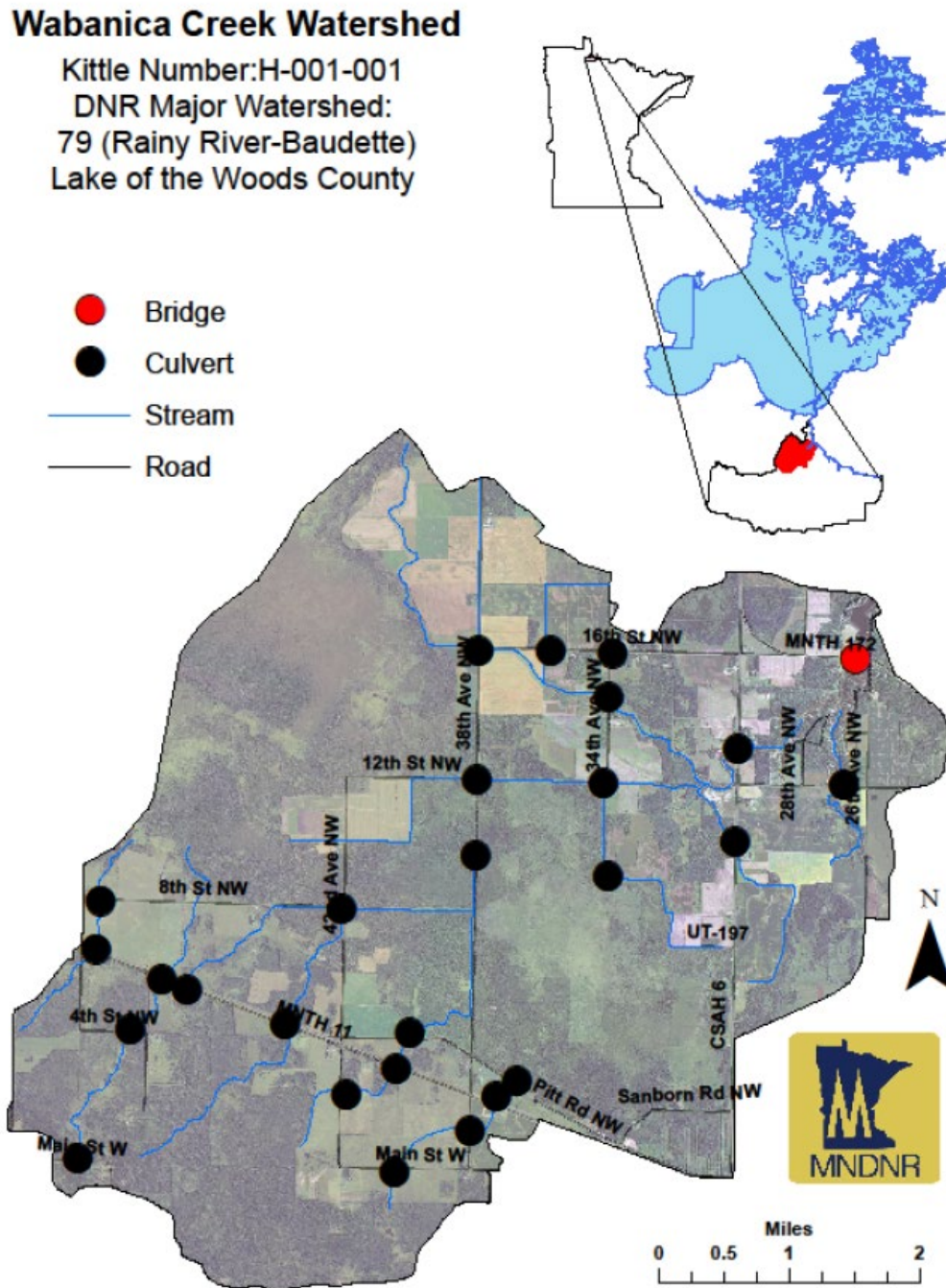


Figure D.4. Locations of culverts and bridges in the Wabanica River Watershed.



A more complete discussion can be found in in the 2016 Wabanica Creek Survey including channel stability and Bank Erosion Hazard Index for select stations in the watershed.

Winter Road

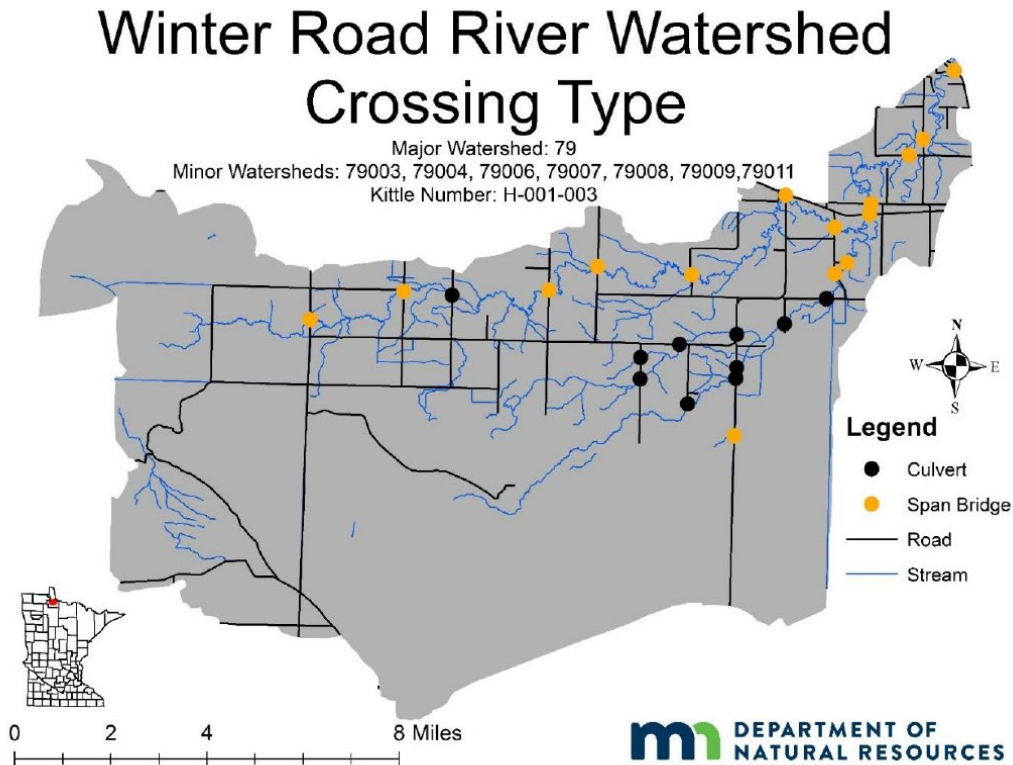


Figure D.5. Locations of culverts and bridges in the Winter Road River Watershed.

The 2021 Winter Road River Survey identified 25 crossings. Of these crossings, 10 were culverts and 15 were bridge crossings (Figure D.5). None of these crossings were assessed as being complete barriers to fish, 6 were rated as significant barriers, and 2 were rated as likely not a significant barrier. Full rankings of all crossings can be seen in Figure D.6.

Of the 25 crossings, 16 had some local geomorphology. Of the crossings, 14 had observable bank erosion caused by the crossings, scour pools were observed at 7 crossings, back-watering was seen at 9 crossings, and some stream stability impact was observed at 5 crossings.

Beaver dams are also considered a present non-anthropogenic barrier to fish crossings.



Winter Road River Watershed Fish Passage Barrier Ranking

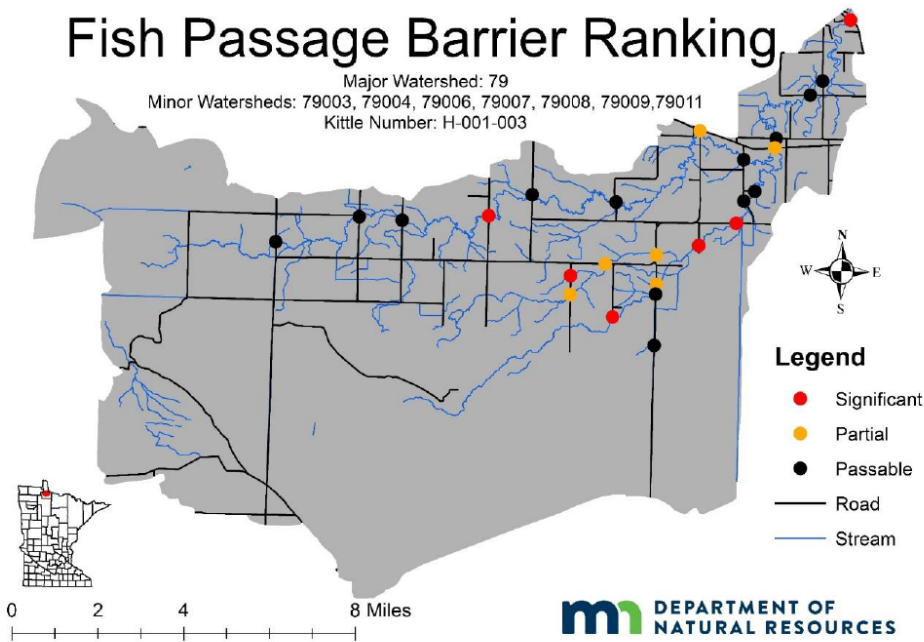


Figure D.6. Barrier rankings in the Winter Road River Watershed.

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PLANNING MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT

This agreement (Agreement) is made and entered into by and between:

The Lake of the Woods County through their respective County Board of Commissioners, and
The Lake of the Woods Soil and Water Conservation District, by and through their respective Soil and
Water Conservation District Board of Supervisors,
Collectively referred to as the "Parties."

WHEREAS, the Counties of this Agreement are political subdivisions of the State of Minnesota, with authority to carry out environmental programs and land use controls, pursuant to Minnesota Statutes Chapter 375 and as otherwise provided by law; and

WHEREAS, the Soil and Water Conservation Districts (SWCDs) of this Agreement are political subdivisions of the State of Minnesota, with statutory authority to carry out erosion control and other soil and water conservation programs, pursuant to Minnesota Statutes Chapter 103C and as otherwise provided by law; and

WHEREAS, the parties to this Agreement have a common interest and statutory authority to prepare, adopt, and assure implementation of a comprehensive watershed management plan in the *Rainy-Rapid* Watershed to conserve soil and water resources through the implementation of practices, programs, and regulatory controls that effectively control or prevent erosion, sedimentation, siltation and related pollution in order to preserve natural resources, ensure continued soil productivity, protect water quality, reduce damages caused by floods, preserve wildlife, protect the tax base, and protect public and private lands and waters; and

WHEREAS, with matters that relate to coordination of water management authorities pursuant to Minnesota Statutes Chapters 103B, 103C, and 103D with public drainage systems pursuant to Minnesota Statutes Chapter 103E, this Agreement does not change the rights or obligations of the public drainage system authorities.

WHEREAS, the Parties have formed this Agreement for the specific goal of developing a plan pursuant to Minnesota Statutes § 103B.801, Comprehensive Watershed Management Planning, also known as *One Watershed, One Plan*.

NOW, THEREFORE, the Parties hereto agree as follows:

1. **Purpose:** The Parties to this Agreement recognize the importance of partnerships to plan and implement protection and restoration efforts for the Rainy-Rapid Watershed One Watershed One Plan. The purpose of this Agreement is to collectively develop and adopt, as local government units, a coordinated watershed management plan for implementation per the provisions of the Plan. Parties signing this agreement will be collectively referred to as Rainy-Rapid Planning Group.
2. **Term:** This Agreement is effective upon signature of all Parties in consideration of the Board of Water and Soil Resources (BWSR) Operating Procedures for One Watershed, One Plan; and will remain in effect until adoption of the plan by all parties *OR, the end date of the BWSR Grant Agreement*, unless canceled according to the provisions of this Agreement or earlier terminated by law.

3. **Adding Additional Parties:** A qualifying party desiring to become a member of this Agreement shall indicate its intent by adoption of an official resolution to be considered and *adopted by the policy committee*. The party agrees to abide by the terms and conditions of the Agreement; including but not limited to the bylaws, policies and procedures adopted by the Policy Committee.
4. **Withdrawal of Parties:** A party desiring to leave the membership of this Agreement shall indicate its intent in writing to the Policy Committee in the form of an official resolution by that party. Notice must be made at least 30 days in advance of leaving the Agreement.
5. **General Provisions:**
 - a. **Compliance with Laws/Standards:** The Parties agree to abide by all federal, state, and local laws; statutes, ordinances, rules and regulations now in effect or hereafter adopted pertaining to this Agreement or to the facilities, programs, and staff for which the Agreement is responsible.
 - b. **Indemnification:** Each party to this Agreement shall be liable for the acts of its officers, employees or agents and the results thereof to the extent authorized or limited by law and shall not be responsible for the acts of any other party, its officers, employees or agents. The provisions of the Municipal Tort Claims Act, Minnesota Statute Chapter 466 and other applicable laws govern liability of the Parties. To the full extent permitted by law, actions by the Parties, their respective officers, employees, and agents pursuant to this Agreement are intended to be and shall be construed as a “cooperative activity.” It is the intent of the Parties that they shall be deemed a “single governmental unit” for the purpose of liability, as set forth in Minnesota Statutes § 471.59, subd. 1a(a). For purposes of Minnesota Statutes § 471.59, subd. 1a(a) it is the intent of each party that this Agreement does not create any liability or exposure of one party for the acts or omissions of any other party.
 - c. **Records Retention and Data Practices:** The Parties agree that records created pursuant to the terms of this Agreement will be retained in a manner that meets their respective entity’s records retention schedules that have been reviewed and approved by the State in accordance with Minnesota Statutes § 138.17. The Parties further agree that records prepared or maintained in furtherance of the agreement shall be subject to the Minnesota Government Data Practices Act. At the time this agreement expires, all copies of all pertinent documents will be held by the fiscal agent for continued retention.
 - d. **Timeliness:** The Parties agree to perform obligations under this Agreement in a timely manner and keep each other informed about any delays that may occur.
 - e. **Extension:** The Parties may extend the termination date of this Agreement upon agreement by all Parties.
6. **Administration:**
 - a. **Establishment of Committees for Development of the Plan.** The Parties agree to designate two representatives, who must be an elected or appointed member of the governing board, to a

Policy Committee for development of the watershed-based plan. Parties may also appoint technical representatives to an Advisory Committee for development of the plan in consideration of the BWSR Operating Procedures for One Watershed, One Plan.

- i. The Policy Committee will meet as needed to decide on the content of the plan, serve as a liaison to their respective boards, and act on behalf of their Board. Each representative shall have one vote.
 - ii. Each governing board may choose alternate(s) to serve on the Policy Committee as needed in the absence of the designated member.
 - iii. The Policy Committee will establish bylaws by December 31, 2021 to describe the functions and operations of the committee(s).
 - iv. The Advisory Committee will meet monthly or as needed to assist and provide technical support and make recommendations to the Policy Committee on the development and content of the plan.
 - b. **Submittal of the Plan.** The Policy Committee will recommend the plan to the Parties of this agreement. The Policy Committee will be responsible for initiating a formal review process for the watershed-based plan conforming to Minnesota Statutes Chapters 103B and 103D, including public hearings. Upon completion of local review and comment, and approval of the plan for submittal by each party, the Policy Committee will submit the watershed-based plan jointly to BWSR for review and approval.
 - c. **Adoption of the Plan.** The Parties agree to adopt the plan within 120 days of receiving notice of state approval, and provide notice of plan adoption pursuant to Minnesota Statutes Chapters 103B and 103D.
7. **Fiscal Agent:** *Lake of the Woods Soil and Water Conservation District* will act as the fiscal agent for the purposes of this Agreement and agrees to:
 - a. Accept all responsibilities associated with the implementation of the BWSR grant agreement for developing a watershed-based plan.
 - b. Perform financial transactions as part of grant agreement and contract implementation.
 - c. Annually provide a full and complete audit report.
 - d. Provide the Policy Committee with the records necessary to describe the financial condition of the BWSR grant agreement.
 - e. *Lake of the Woods Soil and Water Conservation District* will retain fiscal records consistent with their records retention schedule.
8. **Grant Administration:** *Lake of the Woods Soil and Water Conservation District* will act as the grant administrator for the purposes of this Agreement and agrees to provide the following services:

- a. Accept all day-to-day responsibilities associated with the implementation of the BWSR grant agreement for developing a watershed-based plan, including being the primary BWSR contact for the *One Watershed, One Plan* Grant Agreement and being responsible for BWSR reporting requirements associated with the grant agreement.
 - b. Provide the Policy Committee with the records necessary to describe the planning condition of the BWSR grant agreement.
9. **Authorized Representatives:** The following persons will be the primary contacts for all matters concerning this Agreement:


Lake of the Woods County
Josh Stromlund or successor
County Land & Water Planning Office Director
206 8th Ave SE Ste. 290
Baudette, MN 56623
Telephone: 218-634-1945

Lake of the Woods SWCD
Mike Hirst or successor
Resource Conservationist
PO Box 217
Baudette, MN 56623
Telephone: 218-634-1842 ext# 4

IN TESTIMONY WHEREOF the Parties have duly executed this agreement by their duly authorized officers.

PARTNER: Lake of the Woods County

APPROVED:

BY:  _____ Date Sept 14 / 21

BY:  _____ Date 9/14/21

IN TESTIMONY WHEREOF the Parties have duly executed this agreement by their duly authorized officers.

PARTNER: Lake of the Woods Soil and Water Conservation District

APPROVED:

BY:  _____ 9-9-21
Board Chair Date

BY:  _____ 9-9-21
District Manager/Administrator Date

Attachment A

One Watershed One Plan - Proposed Boundaries
Rainy Rapid Watershed



Boundary change from BWSR Suggested Boundary Map:

The eastern portion of the Lower Rainy Watershed was excluded from the planning area. This change has been discussed with the affected planing partners and has been agreed upon.

The request to change the boundaries is based on land use considerations. It will also help streamline the implementation of the plan for an area which has a high amount of public lands and is sparsely populated.

Attachment B

Scope of Services Provided by the

Lake of the Woods Soil and Water Conservation District

The *Lake of the Woods Soil and Water Conservation District* will have the following duties:

1. Assist with data compilation, meeting facilitation, and plan writing.
2. Coordination of Policy Committee meetings, including:
 - a. Provide advance notice of meetings;
 - b. Prepare and distribute the Agenda and related materials;
 - c. Prepare and distribute Policy Committee Minutes;
 - d. Maintain all records and documentation of the Policy Committee;
 - e. Provide public notices to the counties and watershed district for publication; and
 - f. Gather public comments from public hearing and prepare for submittal.
3. Coordination of Advisory Committee meetings including:
 - a. Provide advance notice of meetings;
 - b. Prepare and Distribute the Agenda and related materials;
 - c. Prepare and Distribute Minutes; and
 - d. Maintain all records and documentation of the committees.
4. Administration of the grant with BWSR for the purposes of developing a watershed-based plan, including:
 - a. Submit this Agreement, work plan, and other documents as required;
 - b. Execute the grant agreement;
 - c. Account for grant funds and prompt payment of bills incurred;
 - d. Complete annual eLINK reporting;
 - e. Present an annual audit of grant funds and their usage; and
 - f. Maintain all financial records and accounting.
5. Contracting for Services with the chosen consultant for plan preparation and writing of the watershed-based plan, including:
 - a. Execute the Contract for Services agreement;
 - b. Oversee expenditures incurred by the consultant;
 - c. Provide prompt payment for services rendered; and
 - d. Serve as primary contact person with the consultant.



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