

MEMORANDUM OF AGREEMENT

August 1, 2019

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

The Counties of Cass and Hubbard (Counties), by and through their respective County Board of Commissioners, and Cass and Hubbard Soil and Water Conservation Districts (SWCDs), by and through their respective Soil and Water Conservation District Board of Supervisors.

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 assure implementation of a comprehensive watershed management plan in the Leech Lake River Watershed to conserve soil and water resources through the 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 lands and waters; and

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

WHEREAS, pursuant to Minn. Stat. Section 103B.101, Subd. 14, the Board of Water and Soil Resources (BWSR) "may adopt resolutions, policies, or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan," also known as the "One Watershed, One Plan". The parties have formed this Agreement for the specific goal of implementing the Leech Lake River Comprehensive Watershed Management Plan.

NOW, THEREFORE, the parties hereto agree as follows:

1. Purpose: The parties to this Agreement recognize the importance of partnerships to implement protection and restoration efforts for the Leech Lake River Comprehensive Watershed Management Plan (*See Attachment A with a map of the implementation area*). Parties signing this Agreement will be collectively referred to as the "Leech Lake River Comprehensive Watershed Management Implementation Plan and are partnering together in a joint power – Memorandum of Agreement (MOA) under Minn. Stat. Section 471.59.

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. Termination: The parties anticipate that this Agreement will remain in full force and effect through the term of the grant agreement with BWSR, unless otherwise terminated in accordance with law or other provisions of this Agreement. The parties acknowledge their respective and applicable obligations, if any, under Minn. Stat. Section 471.59, Subd. 5 after the purpose of the Agreement has been completed.

f. Extension: The parties may extend the termination date of this Agreement for the purposes of implementation of the plan beyond the BWSR grant planning phase identified in Section 2 as agreed upon unanimously by the group.

6. Administration:

a. Establishment of a Policy Committee and Advisory Committee for Implementation of the Leech Lake River Comprehensive Water Management Plan. The parties agree to designate one representative, who must be an elected or appointed member of the governing board, to a Policy Committee for implementation of the Leech Lake River Comprehensive Water Management Plan. The Policy Committee will meet as needed to implement and decide on the content of the work plan.

i. Authority of Policy Committee member: Each representative shall have one vote and shall have the authority to act on behalf of their Board in all matters, such as grant agreement(s) and amendment(s), interim report review and approval, payments under the grant, professional contracts, and voting on the recommended work plan.

ii. The Policy Committee member will serve as a liaison to their respective boards. The governing boards may choose alternates to serve from their boards as needed.

iii. An Advisory Committee as required by rule and statute will be established to provide technical support on the plan content and Implementation to the Policy Committee, including identification of priorities. The Advisory Committee will consist of the Implementation Workgroup, stakeholders, the state's main water agencies, and/or plan review agencies. The Advisory Committee will meet annually or as needed.

iv. An Implementation Workgroup as recommended under MN State rule will be established consisting of local staff, local water planners, local watershed staff, and local SWCD staff for the purposes of logistical and day-to-day decision-making in the Implementation process. The Implementation Workgroup will meet as needed.

7. Fiscal Agent: Cass County Soil and Water Conservation District will act as the fiscal agent for the purposes of this Agreement and agrees to:

a. Accept all fiscal responsibilities associated with the implementation of the BWSR grant

9. Authorized Representatives: The following persons will be the primary contacts for all matters concerning this Agreement:

Cass County
County Administrator
PO Box 3000
Walker, MN 56484
Telephone: 218-547-7204

Cass SWCD
District Manager
PO Box 3000
Walker, MN 56484
Telephone: 218-547-7241

Hubbard County
County Coordinator
301 Court Ave
Park Rapids, MN 56470
Telephone: 218-732-2362

Hubbard SWCD District Manager
603 Central Ave. N
Park Rapids, MN 56470
Telephone: 218-732-0121

IN TESTIMONY WHEREOF the parties have duly executed this Agreement by their authorized officers.(Repeat this page for each participant)

Partner: Hubbard County

Approved:

By: Paul J. Stey 8/6/19
Board Chair Date

By: E. J. [Signature] 08-06-2019
District Manager/Coordinator Date

Approved As To Form and Execution:

By: _____
County Attorney Date

IN TESTIMONY WHEREOF the parties have duly executed this Agreement by their authorized officers. (Repeat this page for each participant)

Partner: Hubbard County

Approved:

By: _____
Board Chair Date

By: _____
District Manager/Coordinator Date

Approved As To Form and Execution:

By: Janet Juhl 8/6/19
County Attorney Date

IN TESTIMONY WHEREOF the parties have duly executed this Agreement by their authorized officers. (Repeat this page for each participant)

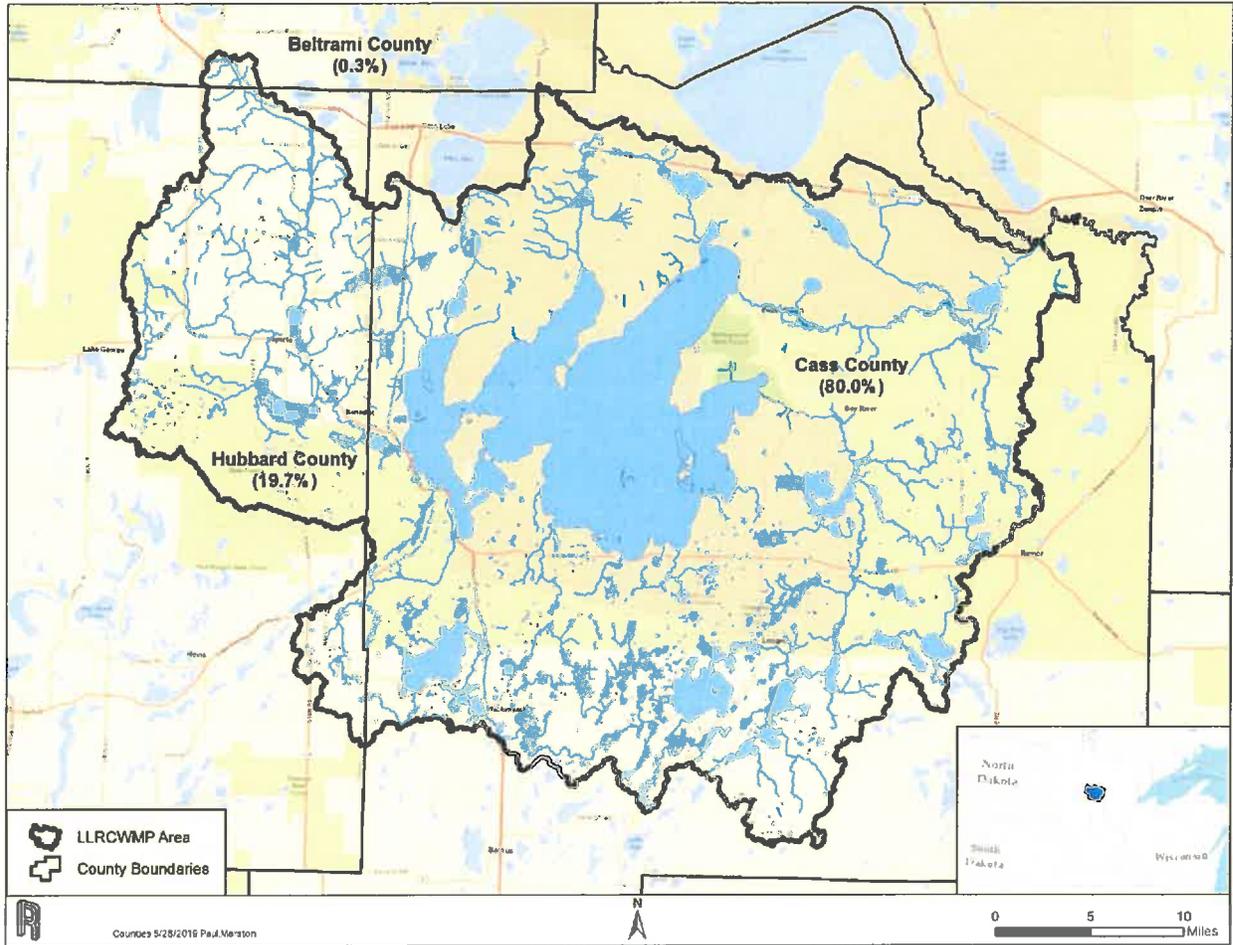
Partner: Hubbard County SWCD

Approved:

By:  8/14/19
Board Chair Date

By:  8/14/19
District Manager/Coordinator Date

Attachment A



 LLRCWMP Area
 County Boundaries

 Counties 5/25/2016 Paul Marston

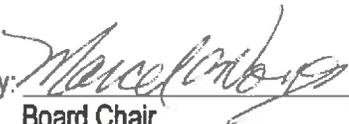
North Dakota
South Dakota
Wyoming

0 5 10 Miles

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(Repeat this page for each participant)

Partner: Hubbard County SWCD

Approved:

By:  8/14/19
Board Chair Date

By:  8/14/19
District Manager/Coordinator Date