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April 28, 2017

North Dakota Industrial Commission
 ATTN: Outdoor Heritage Fund Program
 State Capitol – Fourteenth Floor
 600 East Boulevard Ave. Dept. 405
 Bismarck, ND 58505

RE: OUTDOOR HERITAGE FUND GRANT APPLICATION – RED RIVER RIPARIAN PROGRAM PHASE 6

Dear Advisory Board Members:

The Red River Regional Council (RRRC) is pleased to submit the enclosed Outdoor Heritage Fund (OHF) grant application. **We are requesting \$584,200.00 for the implementation of best management practices to restore, protect, and employ effective management of riparian areas as well as livestock and farmland along the riparian corridor as part of the Red River Riparian Program (RRRP).** OHF funds will be matched with \$255,933.33 local funds as well as \$279,700.00 from other project sponsors. The RRRC is requesting cost share assistance for 60% of total project costs, with the exception of one project, which we are requesting 21% of the total project cost. All match funding will be in the form of cash, in-kind, or funds from other project sponsors, none of which are state general fund dollars.

Established in 1997, the RRRP has been successfully addressing riparian needs throughout the Red River Valley for twenty years, striving to achieve long term improvements in water quality and riparian health. OHF funds were granted to the RRRP in 2014 in support of Phase 5. These funds have been fully committed to projects that achieve common goals of OHF and RRRP.

The RRRP Phase 6 priority area includes the following watershed areas within counties listed below and illustrated in Attachment A.

Priority Watersheds:	Priority Counties:
Lower Pembina River*	Pembina
Park River	Cavalier
Forest River	Walsh
Turtle River	Grand Forks
Middle Sheyenne River*	Nelson
Goose River*	

* Partial Inclusion

Phase 6 projects will meet OHF objectives through Directives B and C. For example:

- Farming and ranching practices will be improved through livestock management projects that mitigate nonpoint sources pollution as well as the use of cover crop to enhance soil condition.
- Native prairie restoration will result in a low-maintenance filtration system that captures pollutants, holds soil in place, and provides diverse habitat for wildlife and pollinators.
- Bank stabilization and selective debris removal projects will minimize erosion, improve riverbank stability, maintain unrestricted flow, maximize riparian function, and improve water quality.

There is an overwhelming demand for the implementation of conservation practices within the Phase 6 project area. Stakeholders require assistance in order to meet restoration and water quality improvement goals. Each practice will be fully implemented according to Natural Resource Conservation Service (NRCS) standards and specifications or alternative standards approved by the North Dakota Department of Health (NDDoH) Section 319 Nonpoint Source Program.

We appreciate the opportunity of funding consideration for our project and continued partnership. OHF project support is crucial to the continued success of the RRRP. Should you have any questions, please contact me at (701) 352-3550 or email danielle@redriverrc.com.

Thank you for your time and consideration of our request.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Gorder".

Danielle Gorder
Environmental Program Manager

NORTH DAKOTA
OUTDOOR HERITAGE FUND GRANT APPLICATION

Submitted By:
Red River Regional Council
516 Cooper Avenue, Suite 101
Grafton, ND 58237

April 28, 2017

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Outdoor Heritage Fund Grant Application



The purpose of the North Dakota Outdoor Heritage Fund is to provide funding to state agencies, tribal governments, political subdivisions, and nonprofit organizations, with higher priority given to projects that enhance conservation practices in this state by:

Directive A. Providing access to private and public lands for sportsmen, including projects that create fish and wildlife habitat and provide access for sportsmen;

Directive B. Improving, maintaining and restoring water quality, soil conditions, plant diversity, animal systems and by supporting other practices of stewardship to enhance farming and ranching;

Directive C. Developing, enhancing, conserving and restoring wildlife and fish habitat on private and public lands; and

Directive D. Conserving natural areas and creating other areas for recreation through the establishment and development of parks and other recreation areas.

Exemptions

Outdoor Heritage Fund grants may not be used to finance the following:

- A. Litigation;
- B. Lobbying activities;
- C. Any activity that would interfere, disrupt, or prevent activities associated with surface coal mining operations; sand, gravel, or scoria extraction activities; oil and gas operations; or other energy facility or infrastructure development;
- D. The acquisition of land or to encumber any land for a term longer than twenty years; or
- E. Projects outside this state or projects that are beyond the scope of defined activities that fulfill the purposes of Chapter 54-17.8 of the North Dakota Century Code.

NO CONSIDERATION:

In addition to those specific items in law that are ineligible for funding, in the absence of a finding of exceptional circumstances by the Industrial Commission, the following projects will NOT receive consideration for funding:

- A completed project or project commenced before the grant application is submitted;
- A feasibility or research study;
- Maintenance costs;
- A paving project for a road or parking lot;
- A swimming pool or aquatic park;
- Personal property that is not affixed to the land;
- Playground equipment, except that grant funds may be provided for up to 25% of the cost of the equipment not exceeding \$10,000 per project and all playground equipment grants may not exceed 5% of the total grants per year (see Budget Form for how this will be calculated);
- Staffing or outside consultants except for costs for staffing or an outside consultant to design and implement an approved project based on the documented need of the applicant and the expenditures may not exceed 5% of the grant to a grantee if the grant exceeds \$250,000 and expenditures may not exceed 10% of the grant to a grantee if the grant is \$250,000 or less (see Budget Form for how this will be calculated);

- A building except for a building that is included as part of a comprehensive conservation plan for a new or expanded recreational project (see Budget Form for definition of comprehensive conservation plan and new or expanded recreational project); or
- A project in which the applicant is not directly involved in the execution and completion of the project.

Application Deadline

Applications for this grant round cycle are due on **May 1, 2017 at 5:00 p.m. CT.** All information, including attachments, must be submitted by that date. See instructions below for submission information.

Instructions

Please download this Word document (available on the Industrial Commission/Outdoor Heritage Fund Program website at <http://www.nd.gov/ndic/outdoor-infopage.htm>) to your computer and provide the information as requested. You are not limited to the spacing provided except in those instances where there is a limit on the number of words. After completing the application, save it and attach it to an e-mail and send it to outdoorheritage@nd.gov or print it and mail it to the address noted in the next paragraph.

Attachments in support of your application may be sent by mail to North Dakota Industrial Commission, ATTN: Outdoor Heritage Fund Program, State Capitol – Fourteenth Floor, 600 East Boulevard Ave. Dept. 405, Bismarck, ND 58505 or by e-mail to outdoorheritage@nd.gov. The application and all attachments must be received or postmarked by the application deadline. You will be sent a confirmation by e-mail of receipt of your application.

You may submit your application at any time prior to the application deadline. Early submission is appreciated and encouraged to allow adequate time to review your application and ensure that all required information has been included. Incomplete applications may not be considered for funding. Any item noted with an * is required.

Oral Presentation. Please note that you will be given an opportunity to make a ten-minute Oral Presentation at a meeting of the Outdoor Heritage Fund Advisory Board. These presentations are strongly encouraged.

Open Record. Please note that your application and any attachments will be open records as defined by law and will be posted on the Industrial Commission/Outdoor Heritage Fund website.

SECTION 1. ORGANIZATION AND PROGRAM INFORMATION SUMMARY

1.1 Organization Information

Name of Organization: Red River Regional Council

Federal Tax ID#: 45-0318558

Contact Person/Title: Danielle Gorder, Environmental Program Manager

Address: 516 Cooper Avenue, Suite 101

City: Grafton

State: North Dakota

Zip Code: 58237

E-mail Address: danielle@redriverrc.com

Web Site Address: www.redriverrc.com

Phone: (701) 352-3550

Fax #: N/A

List names of co-applicants if this is a joint proposal

1.2 MAJOR Directive: (select the Directive that best describes your grant request)*

Choose only one response

Directive A. Providing access to private and public lands for sportsmen, including projects that create fish and wildlife habitat and provide access for sportsmen;

Directive B. Improving, maintaining and restoring water quality, soil conditions, plant diversity, animal systems and by supporting other practices of stewardship to enhance farming and ranching;

Directive C. Developing, enhancing, conserving and restoring wildlife and fish habitat on private and public lands; and

Directive D. Conserving natural areas and creating other areas for recreation through the establishment and development of parks and other recreation areas.

1.3 Additional Directive: (select the directives that also apply to the grant application purpose)*

Choose all that apply

Directive A. Providing access to private and public lands for sportsmen, including projects that create fish and wildlife habitat and provide access for sportsmen;

Directive B. Improving, maintaining and restoring water quality, soil conditions, plant diversity, animal systems and by supporting other practices of stewardship to enhance farming and ranching;

Directive C. Developing, enhancing, conserving and restoring wildlife and fish habitat on private and public lands; and

Directive D. Conserving natural areas and creating other areas for recreation through the establishment and development of parks and other recreation areas.

1.4 Type of organization: (select the category that describes your organization)*

State Agency

Political Subdivision

Tribal Entity

Tax-exempt, nonprofit corporation.

1.5 Project Name: Red River Riparian Program – Phase 6

1.6 Abstract/Executive Summary. (no more than 500 words)

The Red River Regional Council (RRRC) is requesting assistance from the North Dakota Outdoor Heritage Fund (OHF) for the implementation of best management practices to restore, protect, and employ effective management of riparian areas as well as livestock and farmland along the riparian corridor as part of the Red River Riparian Program (RRRP). Established in 1997, the RRRP has been successfully addressing riparian needs throughout the Red River Valley for twenty years, striving to achieve long term improvements in water quality and riparian health.

OHF funds were granted to the RRRP in 2014 in support of Phase 5. These funds have been fully committed to projects that achieve common goals of OHF and RRRP. RRRP Phase 6 goals include continued effort to directly assist landowners and local entities with responsible management of riparian ecosystems throughout the counties of Grand Forks, Nelson, Walsh, Pembina, and Cavalier, which includes all or part of the Goose River, Middle Sheyenne River, Turtle River, Forest River, Park River, and Lower Pembina River Watersheds.

Goals will be achieved by educating landowners, local entities, and general public on riparian areas, water quality, and the importance of conservation efforts. Additionally, the RRRP will provide financial and technical assistance for the responsible management of riparian areas as well as livestock and farmland along the riparian corridor. Phase 6 projects will meet OHF objectives through Directives B and C. Farming and ranching practices will be improved through livestock management projects that mitigate nonpoint sources pollution as well as the use of cover crop to enhance soil condition. Native prairie restoration will result in a low-maintenance filtration system that captures pollutants, holds soil in place, and provides diverse habitat for wildlife and pollinators. Bank stabilization and selective debris removal projects will minimize erosion, improve riverbank stability, maintain unrestricted flow, maximize riparian function, and improve water quality.

The RRRP is requesting cost share assistance for 60% of total project costs, with the exception of the native prairie restoration project, in which we are requesting 21% of the total project cost. All match funding will be in the form of cash, in-kind, or funds from other project sponsors, none of which are state general fund dollars.

Each best management practice to be carried out in Phase 6 of the RRRP will address major drivers of impaired water quality, soil condition, riparian health, and habitat. Practices will be fully implemented according to Natural Resource Conservation Service (NRCS) standards and specifications or alternative standards approved by the North Dakota Department of Health (NDDoH) Section 319 Nonpoint Source (NPS) Program.

Stakeholder demand has driven the success of the RRRP. Provided the financial incentive and technical assistance offered by the RRRP, many landowners, producers, and local entities throughout northeastern North Dakota are eager to implement conservation practices. Continued OHF project support will allow the RRRP to assist individuals and local entities seeking to restore and conserve riparian health and habitat as well as water quality. Continued support will allow for long-term improvements of riparian ecosystems.

1.7 Project Duration: July 2017 – July 2021 (4 year period)

1.8 Request

Amount of Grant request (52% of Total): \$584,200.00

Total Project Costs: \$1,119,833.33

Amount of Matching Funds (48% of Total): \$535,633.33

Summary of Project Costs	
OHF Request	\$584,200.00
Local Match – Landowner (cash & in-kind)	\$255,933.33
Other Project Sponsors (i.e. private, federal funds)	\$279,700.00
Total Project Cost	\$1,119,833.33

Source(s) of Matching Funds:

- Walsh County Water Resource District via special assessments levied from landowners
- Nelson County Water Resource District via special assessments levied from landowners
- North Dakota State Water Commission via Resources Trust Fund and Water Development Trust Fund
- Eden Township, Walsh County
- Livestock producers
- Agricultural producers
- EPA Section 319 Program
- Enbridge Ecofootprint Grant Program

See attachments D, E, F, and G for verification.

1.9 Certifications *

- I certify that this application has been made with the support of the governing body and chief executive of my organization.
- I certify that if awarded grant funding none of the funding will be used for any of the exemptions noted on Page 1 of this application.

SECTION 2. NARRATIVE

2.1 Organization Information

The RRRC is one of eight regional planning councils in North Dakota established in 1973 to enhance the ability of local governments to jointly plan, address issues, and seize opportunities that transcend individual boundaries. We are an independent quasi-governmental consulting group assisting local governments, business owners, homeowners, landowners, healthcare providers, and educational institutions in planning, solving problems, and creating holistic solutions.

The mission of the RRRC is to “move ideas to actions.” Serving northeastern North Dakota, Walsh, Nelson, Grand Forks, and Pembina Counties (Figure 1), we’ve established three primary categories for our work. These include:

1. Developing our communities by improving public infrastructure, rehabilitating homes for low income households, preserving our history, mitigating disasters, and implementing community improvement projects.
2. Helping business thrive by assisting entrepreneurs to enhance and establish businesses. We assist in developing and implementing business plans, financial projections, and financing plans.
3. Preserving our environment through reduction of natural and human-made pollution by providing private landowners and local entities with a means to restore and protect riparian areas and water quality in northeastern North Dakota. We develop grazing management plans, stabilize riverbanks, and advocate responsible management of riparian areas. We assist people in having high quality water for drinking and recreation.

In 2016, the RRRC assisted with development, funding, and implementation of 112 applications, which led to investment of nearly \$8 million towards these categories. The RRRC had a 95% success rate on funding applications submitted.

The RRRC is governed by a Board of Directors made up of elected officials, community leaders, and soil conservation district staff or board members from each of the four counties served. The riparian committee, a standing committee of the RRRC, meets approximately four times a year to provide program oversight and funding recommendations to the Board of Directors on proposed riparian projects.



Fig. 1. Counties served in northeastern North Dakota. Note: Due to watershed boundaries, the RRRP also serves Cavalier County.

2.2 Purpose of Grant

2.2-1 History of Red River Riparian Program and Relationship with ND Outdoor Heritage Fund

The RRRP, established in 1997, is currently celebrating twenty years of success in addressing riparian needs throughout the Red River Valley. Originally, the project area included much of the Red River Basin in North Dakota. Over time, it was decided to scale down the project area in order to see improvements in water quality and riparian areas by allowing for additional focus on areas of localized riparian need and water quality impairments.

In July 2014, OHF awarded the RRRP \$230,000 to facilitate the following scope of work:

- Provide technical support to develop a minimum of fifteen riparian management plans for targeted 303(d) listed streams
- Provide financial support to facilitate the installation of ten river miles of riparian restoration in targeted reaches of the Park River, Forest River, and Middle Sheyenne River
- Promote stewardship of riparian areas through outreach to local school and volunteer groups
- Educate stakeholders, landowners, and local natural resource professionals on riparian practices

2.2-2 Previous Success with OHF Funds

OHF funds granted to the RRRP in 2014 have been fully committed to projects that achieve riparian restoration goals as stated in the contract. The total grant award was able to carry us through seven high-quality riparian management projects including:

- NRCS best management practice, clearing and snagging (Code 326), was utilized by the RRRP in coordination with the Walsh County Water Resource District (WCWRD) to improve river bank stability, minimize in-stream erosion, restore flow capacity, maintain unrestricted and efficient flow, maximize riparian function, and enhance water quality. Following NRCS standards, 15.2 miles of the Park River have been cleared of unfavorable debris (Fig. 2).



Fig. 2. Snagging and clearing improved riparian function on the Park River.

- The NRCS practice, clearing and snagging, is also being utilized by the City of Grafton in conjunction with the RRRP to achieve selective debris removal goals discussed above. Adjacent to the WCWRD snagging and clearing project, the City of Grafton will continue debris removal 3.8 additional miles upstream, resulting in improved riparian function on a total of 19 miles of the Park River by spring 2018.

- Four livestock management plans were developed and implemented, resulting in mitigation of nonpoint source pollution in the Sheyenne River Watershed and Forest River Watershed (Fig. 3). Livestock management projects utilized Section 319/NRCS BMPs including fencing (Code 382) for prescribed grazing, pipelines (Code 516) and troughs (Code 614) for off-channel watering, fencing (Code 382) and portable windbreaks (319 Code 066) for responsible manure management as well as well decommissioning (Code 351) to seal a free flowing artesian well that was creating a toxic environment for livestock and aquatic habitat due to high salinity and sulfate levels.



Fig. 3. Exclusionary fencing and off-channel watering project within the Forest River Watershed.

- Additionally, restoration of native prairie within a riparian zone at a historic site on the Park River will be completed summer of 2017.

Education on healthy riparian areas and the importance of environmental stewardship has been spread throughout the project area. Through the Walsh County Land and Water Workshop, EcoEd Day, and the Geographically FIT (Forestry Institute for Teachers) Tour, the RRRP provided education to youth, teachers, farmers, cattle producers, and the general public on riparian ecosystems, riparian functionality and sustainability, water quality and reducing pollution, riparian restoration and conservation efforts as well as available BMPs.

The RRRC has demonstrated the ability to create and execute partnerships necessary to achieve OHF objectives.

2.2-3 Statement of Need

Demand for riparian restoration and need for water quality improvement practices is driven by multiple factors in northeastern North Dakota.

Northeastern North Dakota Landscape

The Phase 6 project area lies in the heart of the Red River Valley. Former glacial Lake Agassiz left behind lacustrine soils and little topography, with the exception of the Edinburg Moraine and the Pembina Escarpment. These features extend south from the Manitoba border, along the Cavalier/Pembina County line, then intersect central Walsh County as well as Grand Forks County. The end moraine, then smooths out in Trail County, south of Grand Forks. Thus, the distinct topographic features of the moraine and escarpment create a landscape unlike anywhere else in North Dakota. This unique landscape induces challenging geologic and hydrologic conditions in the RRRP project area. The steep elevation gradient in the central portion of the project area suddenly becomes gradual in the east, resulting in adverse impacts on water quality and the riparian corridor. Enhanced by heavy rainfall in recent years, the eastern half of the Phase 6 project area endures

frequent flooding, excessive erosion, and degraded riparian areas, which directly impacts nonpoint source pollution by increasing sediment loads and reducing filtration of agricultural nutrients.

Land Management

Northeastern North Dakota watersheds have been impacted for over a century by land management decisions in agricultural production, grazing operations, and urbanization. The invasion of invasive plant species into riparian areas is detrimental to the composition of riparian plant communities, due to the substitution of low-functioning, shallow rooted species. More recently, the increased use of drain tile in agricultural operations is intensifying water quality concern. Drain tiling increases erosion within the riparian corridor as well as nutrient and sediment pollution.

Impaired Water Quality

Attachment B illustrates waterways within the Phase 6 project area that are on the Clean Water Act 303(d) list of impaired waters. Impaired waters are not meeting water quality standards and require a total maximum daily load (TMDL) or alternative restoration plan to reduce pollutant loadings and restore the water body. Attachment B further illustrates the need for the implementation of conservation practices within the project area.

High Demand

There is an overwhelming demand for the implementation of conservation practices within the Phase 6 project area. In order to meet restoration and water quality improvement goals, stakeholders require assistance, especially during this period of low agricultural commodity prices.

2.2-4 RRRP Phase 6 Goals

RRRP Phase 6 goals include continued effort to directly assist landowners and local entities with the restoration, protection, and effective management of riparian ecosystems in the counties of Nelson, Grand Forks, Walsh, Pembina, and Cavalier in northeastern North Dakota (Table 1 and Attachment A). The riparian program strives to achieve long term improvements in water quality and riparian health.

Table 1. RRRP Phase 6 Priority Areas

Red River Riparian Program Phase 6 Priority Areas			
8-Digit Hydrologic Unit Code	Watershed Name	Counties	Area in Acres
09020316	Lower Pembina*	Pembina, Cavalier	942,042
09020310	Park	Walsh, Pembina, Cavalier	610,880
09020308	Forest	Walsh, Grand Forks, Nelson	599,245
09020307	Turtle	Walsh, Grand Forks, Nelson	437,305
09020203	Middle Sheyenne*	Nelson	209,889
09020109	Goose*	Grand Forks, Nelson	299,363

* Indicates partial inclusion of watershed.

2.2-5 Strategies

Goals will be achieved by:

- Educating landowners, local entities, and the general public on riparian ecosystems, riparian functionality and sustainability, water quality and reducing pollution, riparian restoration and conservation efforts as well as available best management practices.
- Providing financial and technical assistance for responsible management of riparian areas as well as livestock and farmland along the riparian corridor.

2.2-5 Program Objectives and Benefits

Each best management practice to be carried out in Phase 6 of the RRRP will address major drivers of impaired water quality, soil condition, riparian health, and habitat (Table 2). Practices will be fully implemented according to NRCS standards and specifications or alternative standards approved by the North Dakota Department of Health (NDDoH) Section 319 Nonpoint Source (NPS) Program.

Table 2. NDDoH 319 NPS best management practices to be implemented throughout Phase 6.

NRCS Code	Best Management Practice	Objectives
326	Clearing and Snagging	Improve riverbank stability, reduce in-stream erosion, and maintain unrestricted flow in order to maximize riparian function and improve water quality through snagging and clearing projects carried out in conjunction with the Walsh County and Nelson County Water Resource Districts.
580	Streambank & Shoreline Protection	Reduce downstream effects of sediment resulting from bank erosion as well as improve riparian corridor for fish and wildlife habitat, aesthetics, and recreation through a streambank stabilization project.
393	Filter Strip	Utilize native species to establish a low-maintenance filtration system that captures pollutants, holds soil in place, and provides diverse habitat for wildlife and pollinators.
340	Cover crop	Improve soil health to yield multiple benefits for farmers and ranchers including, forage for livestock grazing, enhanced biologic diversity of soil and improved physical properties such as reduced soil compaction, leading to increased water infiltration and reduced runoff. Reduced runoff will also minimize erosion and sediment pollution within streams as well as reduce frequency of flooding.
382	Fencing (barbed)	Improve and maintain vegetation for grazing, control access to riparian areas, and improve wildlife habitat through prescribed grazing and manure management plans.
516	Pipelines	Mitigate nonpoint source pollution by utilizing off-channel watering systems.
614	Trough/Tank	Mitigate nonpoint source pollution by utilizing off-channel watering systems.

2.2-6 Notable Features of Phase 6

Bringing Conservation to a New Level

RRRP projects exhibit quality, innovative features that have the potential to bring conservation practices to the next level in North Dakota. For example, provided OHF support, the RRRC is ready to implement a native prairie restoration project within 2.9 miles of a two-stage channel. This project would employ an improved drainage system that has proved to reduce bank erosion and need for maintenance, increase drainage capacity and reduce frequency of flooding onto adjacent land, enhance ecological function within the channel, and minimize nutrient and sediment pollution, thus improving water quality. Managed by the RRRC, native prairie restoration within a two-stage channel is a small portion of a \$15 million drainage improvement project, which will be carried out by the WCWRD. The partnership between the RRRC and the WCWRD will result in the incorporation of conservation practices with a legal drainage project. This will achieve RRRP goals to improve water quality and riparian health as well as educate local entities and the public on the importance of responsible riparian management.

Water Quality Concerns in the Midwest

Many Midwestern regions suffer due to inadequate drainage and poor water quality. More than 60 Iowa cities are battling high nitrate levels in their drinking water, including De Moines, Cedar Rapids, Cedar Falls, and Waterloo. In 2015, the Iowa Department of Natural Resources reported nitrate levels of 5 milligrams per liter or higher, a warning sign that nitrates are approaching harmful levels. The federal government requires that nitrates not exceed 10 mg/l of water, a level that without treatment would be deadly to infants 6 months and younger. However, in April of 2015, nitrate levels in Raccoon and Des Moines rivers spiked over 15 mg/l. Water treatment costs continue to rise posing an even greater threat on Iowa communities.

The RRRP project area is located in the heart of the Red River Valley where drainage concerns are endless. Former glacial Lake Agassiz left behind lacustrine soils and little topography, with the exception of distinct topographic features including the Pembina Escarpment and Edinburg Moraine. This unique landscape induces challenging geologic and hydrologic conditions in northeastern North Dakota. The steep elevation gradient in the central portion of the Phase 6 project area suddenly becomes gradual in the east, resulting in adverse impacts on water quality and the riparian corridor. Enhanced by heavy rainfall in recent years, the eastern half of the Phase 6 project area endures frequent flooding, excessive erosion, and degraded riparian areas, which directly impacts nonpoint source pollution by increasing sediment loads and reducing filtration of agricultural nutrients.

To relieve impacts of overland flooding, farmers are continually installing drain tile systems. While providing agricultural benefits, drain tile systems adversely impact surface water quality and the riparian corridor by increasing nutrient content and exceeding drainage capacity of conventional ditches.

It is crucial that concerns are addressed and action is taken to adopt self-sustainable drainage that improves water quality, drainage efficiency, sediment and nutrient pollution, and ecological function within the watershed.

Two-Stage Channels Have High Impact

Luckily, there is a solution for Midwestern communities suffering from impaired water quality and poor drainage. More than 40 miles of two-stage channels have been constructed in the Great Lakes region. Conservative estimates indicate that these 40 miles permanently remove 44,600 lbs. of nitrogen per year from water supply. Because cost to remediate nitrogen can be up to \$60/lb, this design provides the opportunity to save over \$2.6 million in water treatment costs. Additionally, cost to construct a two-stage channel is generally offset by reduced maintenance cost compared to a conventional channel. These proven results of improved water quality drive the goal of the RRRP with the first such project to be developed in Walsh County.

The RRRP aims to adopt the improved drainage system in North Dakota and incorporate the establishment of native prairie within the channel (Attachment H). Native species will increase plant diversity providing habitat for wildlife and pollinators as well as act as a natural filtration system, filtering out nutrients and sediment that, in excess, are harmful to riparian and aquatic habitat as well as drinking water sources. Additionally, the deep, wide-spreading roots of native species will further increase bank stability, reducing erosion and sedimentation within our valuable water resource.

2.2-7 Phase 6 Timeline

The RRRP aims to secure funding to provide continued financial and technical support for the 6th phase of the program to be carried out over a 4 year period from July 2017-July 2021.

2.3 Management of Project

Direct project planning and management will be carried out by RRRC Environmental Program Manager, Danielle Gorder. Danielle joined the RRRC in June 2016. With her background in farming and ranching, bachelor degrees in Geology and Environmental Geoscience, and professional experience in environmental regulation and compliance attained as an Environmental Representative for Hibbing Taconite Company, Danielle exhibits the knowledge, project management, organization, and communication skills necessary for successful implementation of riparian projects.

Technical assistance in project planning and funding recommendations are provided by the RRRC Riparian Committee, which is comprised of staff or board members from each Soil Conservation District (SCD) in the RRRP project area (Table 3).

Table 3. RRRC Riparian Committee

RRRC Riparian Committee	
Member	Representation
Kristina Halvorson	Pembina County SCD Manager
Jay Skorheim	Walsh County SCD Board Member
Korrey Tweed	Nelson County SCD Manager
Greg Amundson	Grand Forks County SCD Board Member
Phil Gerla, Advisory Member	University of North Dakota Professor of Geology

Program oversight will be provided by Dawn Keeley, RRRC Executive Director, and the RRRC Board of Directors. Dawn joined the RRRC as Executive Director in 2013. She was previously employed by the RRRC for 15 years (1993 to 2008) as the Business Development Director focused primarily on economic and community development activities. From 2009-2012, Dawn was a Funding Strategist

with Advanced Engineering and Environmental Services where she focused on infrastructure funding development, securing in excess of \$200 million for vital water and wastewater projects throughout a three state region. She has 26 years of experience in linking projects with private and public (local, State, and Federal) funding sources, grant writing, grant administration as well as financial and project management. In 2016, Dawn received the Governor's Economic Developer of the Year Award for small communities.

After projects are reviewed by the RRRRC Executive Director and Riparian Committee, final approval is determined by the RRRRC Board of Directors, which is comprised of SCD representatives, mayors, county commissioners, and other local leaders (Table 4).

Table 4. RRRRC Board of Directors

RRRC Board of Directors	
Member	Representation
Dan Stenvold	Walsh County Mayor
Chris Lipsh	Local Development Corp
Jay Skorheim	Three Rivers SCD
Greg Amundson	Grand Forks SCD
Ken Briese	Pembina County Mayor
Ray Fegter	Grand Forks County Mayor
Kristina Halverson	Pembina County SCD
Mary Houdek	Job Service North Dakota
Maynard Loibl	Nelson County Commission
Keith Lund	City of Grand Forks
Cynthia Pic	Grand Forks County Commission
Nick Rutherford	Pembina County Commission
Korrey Tweed	Nelson County SCD
Todd Whitman	Nelson County Mayor
Lauren Wild	Walsh County Commission

Excellent project management and communication skills of individuals and parties previously discussed will allow for effective and efficient implementation of RRRP projects. We will quickly adapt and respond to unique conditions of each project. By setting clear objectives and deadlines for project-specific tasks, we will achieve successful project delivery and fulfillment of program goals.

2.4 Evaluation

The RRRRC Environmental Program Manager will conduct frequent site visits before, during, and after project construction. Photo point monitoring will be used to monitor and document improvements over time. Additionally, photo point monitoring will be an effective communication tool for public education.

By June 2017, the RRRRC Environmental Program Manager will be certified to collect water samples for testing. In coordination with the NDDoH, we will monitor improvements in water quality as a result of establishment of native prairie within a two-stage drainage channel.

Financial reports will be provided to the OHF Program as funds are requested. Financial reports will include a detailed update on expended funds within the reporting period, documentation of matching

funds, total expenditures to date, the balance of grant funds remaining, and a description of work completed during the reporting period.

Annual reports will be submitted each year providing up-to-date documentation of all OHF expenditures, matching funds, and the balance of grant funds remaining under the contract. At the conclusion of the contract, a final report will be submitted including the project description, work accomplished, results, goals achieved, and the value that the project brought to the area.

SECTION 3. FINANCIAL INFORMATION

3.1 Project Budget (Attachment C)

I certify that a project budget will be sent to the Commission*

3.2 Sustainability

Completed projects will be sustained through ongoing management from landowners/producers and continued monitoring by the RRRRC Environmental Program Manager. Through education from the RRRRC and contractual agreement, landowners/producers maintain best management practices throughout their lifespan.

The RRRP has been successful in providing landowners, producers, and local entities with financial and technical assistance to restore and conserve riparian health and habitat, as well as water quality since 1997. This is a result of our tenacious effort to provide long-term support for riparian restoration and water quality improvement in northeastern North Dakota. Thus, we will continue this effort by maintaining our partnership with OHF and the NDDoH Section 319 NPS Program, and/or seeking other partnerships with other local, State, and Federal agencies as well as private entities and individuals.

3.3 Partial Funding

Due to financial stress on many landowners and producers, particularly due to low commodity prices and extremely low profit margins, maximum cost share is crucial for the success of riparian projects. Without OHF, the RRRP is at risk. Provided the financial incentive and technical assistance offered by the RRRP, many landowners, producers, and entities within the project area are eager to implement conservation practices. Thus, all funds granted will be carefully managed to achieve common goals of OHF and RRRP.

If partial funding is granted by OHF, the RRRRC will reevaluate Phase 6, which may include:

- Limit funds available to any one project and/or applicant
- Shorten Phase 6 project period
- Set smaller conservation goals
- Reduce priority area
- Reduce fundable best management practices

Each of these options would reduce overall effectiveness of Phase 6. Under Gorder's leadership, the RRRP has been building momentum and the RRRRC is eager to continue executing projects that achieve OHF's objectives to enhance conservation practices within North Dakota.

3.4 Partnership Recognition

The RRRRC will give public credit to OHF support through onsite signage, local newspapers, social media, and verbally at workshops, tours, and/or seminars.

SECTION 4. SCORING OF GRANTS

All applications will be scored by the Outdoor Heritage Fund Advisory Board after your ten-minute oral presentation. The ranking sheet(s) that will be used by the Board is available on the website at <http://www.nd.gov/ndic/outdoor-infopage.htm> .

SECTION 5. AWARDING OF GRANTS*

All decisions on requests will be reported to applicants no later than 30 days after Industrial Commission consideration. The Commission can set a limit on duration of an offer on each application or if there isn't a specific date indicated in the application for implementation of the project, then the applicant has until the next Outdoor Heritage Fund Advisory Board regular meeting to sign the contract and get the project underway or the commitment for funding will be terminated and the applicant may resubmit for funding. Applicants whose proposals have been approved will receive a contract outlining the terms and conditions of the grant. Please note the appropriate sample contract for your organization on the website at <http://www.nd.gov/ndic/outdoor-infopage.htm> that set forth the general provisions that will be included in any contract issued by the North Dakota Industrial Commission. Please indicate if you can meet all the provisions of the sample contract. If there are provisions in that contract that your organization is unable to meet, please indicate below what those provisions would be. *

The RRRRC can meet all provisions of the sample contract.

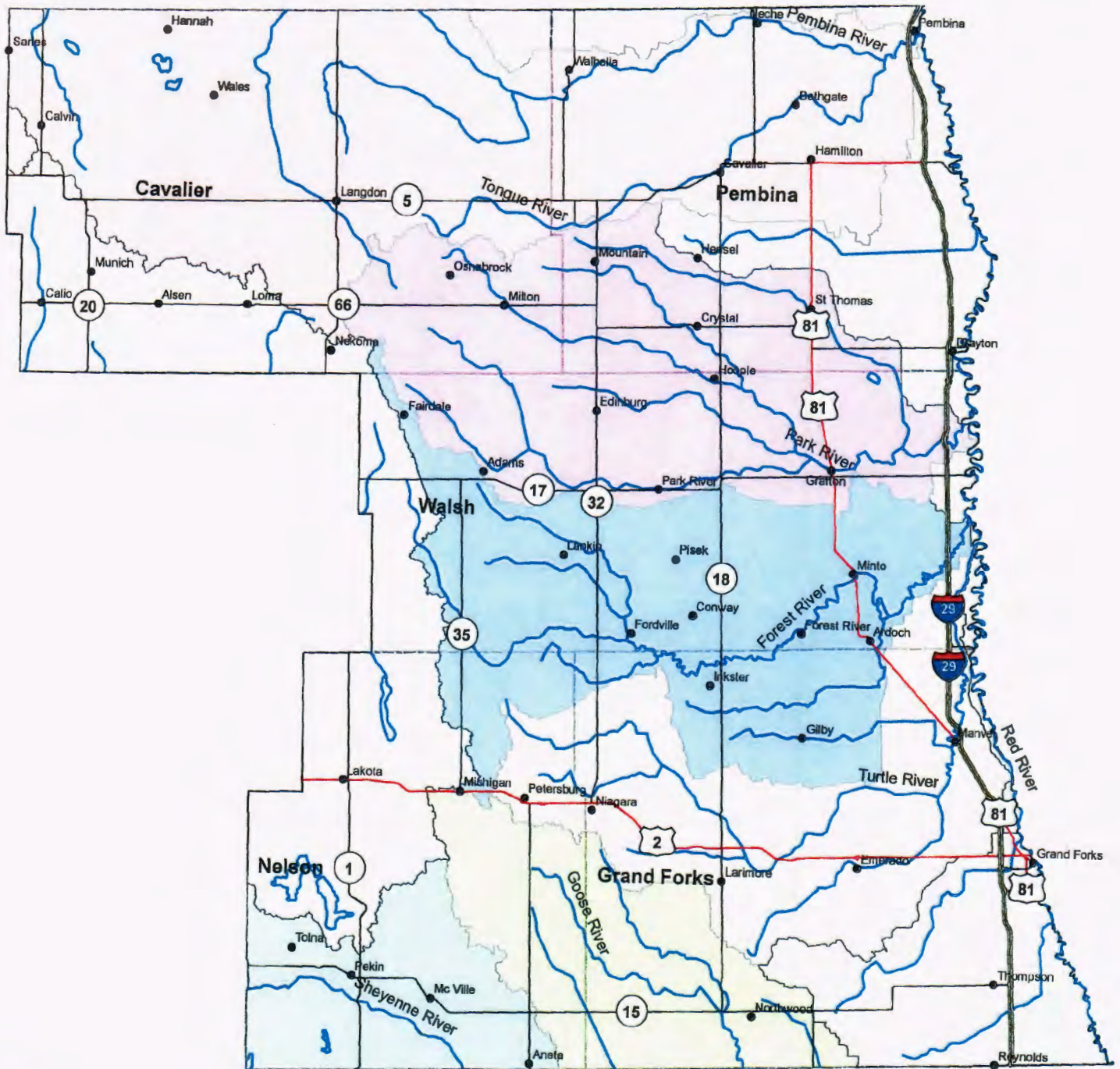
SECTION 6. RESPONSIBILITY OF RECIPIENT

The recipient of any grant from the Industrial Commission must use the funds awarded for the specific purpose described in the grant application and in accordance with the contract. The recipient cannot use any of the funds for the purposes stated under Exemptions on the first page of this application.

If you have any questions about the application or have trouble submitting the application, please contact Karlene Fine at 701-328-3722 or kfine@nd.gov

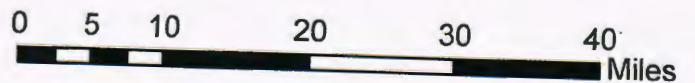
Revised: January 18, 2017

Red River Riparian Program Phase 6 Priority Areas

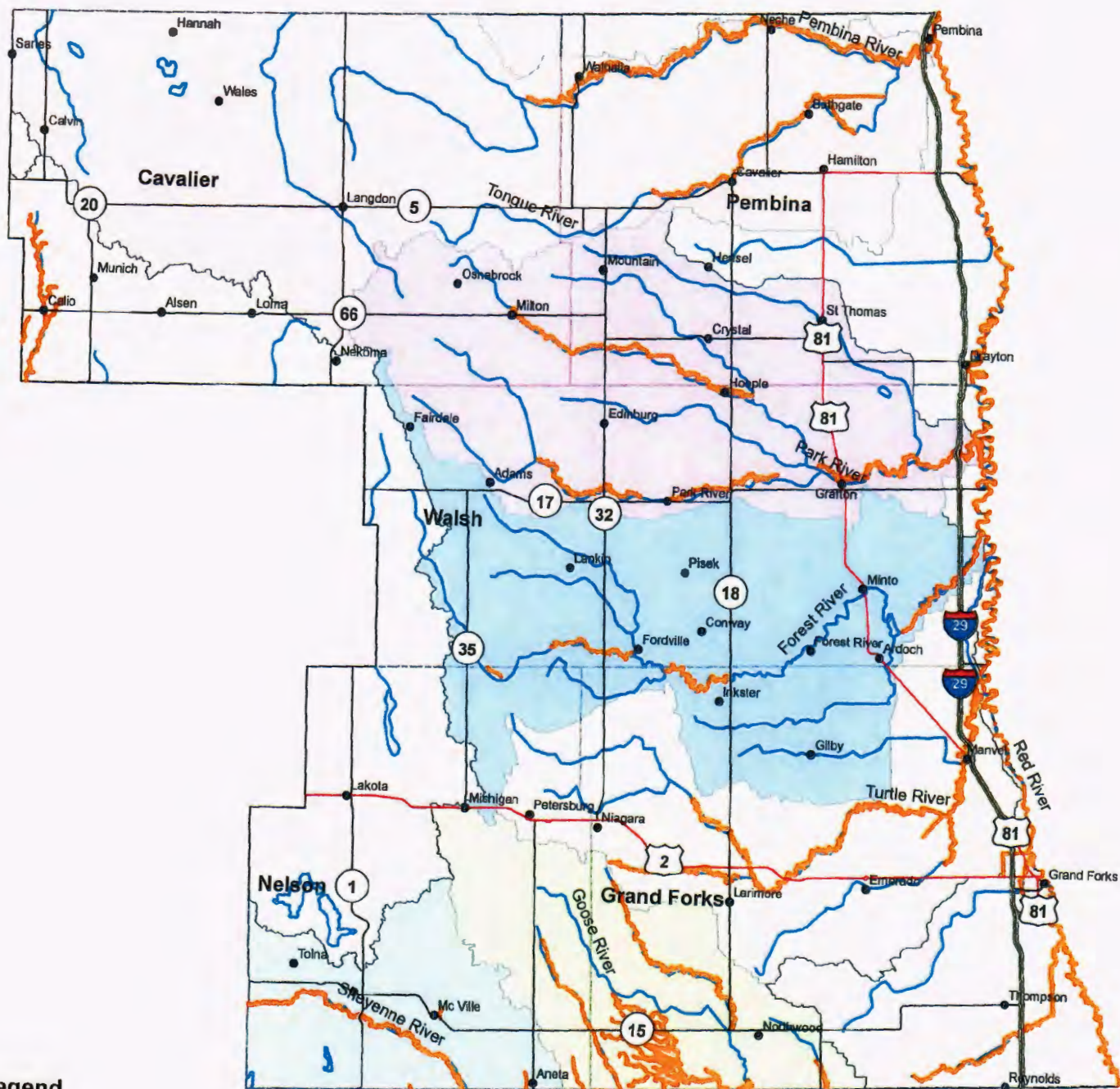


Legend

- City
- River
- ND Highway
- US Highways
- 2
- I-29
- 81
- Priority Watersheds
- Forest River
- Goose River
- Lower Pembina River
- Middle Shyenne River
- Park River
- Turtle River
- Priority Counties

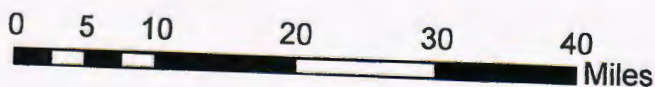


303(d) Listed Impaired Waters within Phase 6 Project Area



Legend

- City
- ND Highway**
- ND Highway
- US Highways**
- HWY 2
- I-29
- HWY 81
- 303(d) Impaired Waters
- River
- Priority Watersheds**
- Forest River
- Goose River
- Lower Pembina River
- Middle Sheyenne River
- Park River
- Turtle River
- Priority Counties



Attachment C

North Dakota Outdoor Heritage Fund

Red River Riparian Program – Phase 6

Proposed Project Budget

Total Request

Project Expense	OHF Request (52%)	Applicant's Match Share (Cash)	Applicant's Match Share (In-Kind)	Applicant's Match Share (Indirect)	Other Project Sponsor's Share	Total Match (48%)	Total Project Cost
WCWRD Snagging and Clearing Phase III	\$255,000.00	\$ 85,000.00			\$ 85,000.00	\$ 170,000.00	\$ 425,000.00
NCWRD Snagging and Clearing	\$ 59,100.00	\$ 19,700.00			\$ 19,700.00	\$ 39,400.00	\$ 98,500.00
Riverbank Stabilization	\$ 23,100.00	\$ 15,400.00				\$ 15,400.00	\$ 38,500.00
Native Prairie Restoration in Two-Stage Channel	\$ 47,000.00	\$ 2,500.00			\$ 175,000.00	\$ 177,500.00	\$ 224,500.00
Additional Best Management Practices	\$200,000.00	\$133,333.33				\$ 133,333.33	\$ 333,333.33
Total Costs	\$584,200.00	\$255,933.33			\$ 279,700.00	\$ 535,633.33	\$ 1,119,833.33

Project Summary:

Red River Riparian Program Phase 6 will focus on implementation of best management practices to restore, protect, and employ effective management of riparian areas as well as livestock and farmland along the riparian corridor. The Red River Regional Council is requesting cost share assistance for 60% of total project costs, with the exception of the native prairie restoration project, in which we are requesting 21% of the total project cost. 66% of the OHF application will fund projects that have already been identified and are near shovel ready.

Each practice will be fully implemented according to Natural Resource Conservation Service standards and specifications or alternative standards approved by the North Dakota Department of Health Section 319 Nonpoint Source Program.

Project 1. Park River Snagging and Clearing Phase III – Walsh County Water Resource District

Project Expense	OHF Request (60%)	Applicant's Match Share (Cash)	Applicant's Match Share (In-Kind)	Applicant's Match Share (Indirect)	Other Project Sponsor's Share	Total Match (40%)	Total Each Project Expense
Contracted Labor	\$255,000.00	\$ 85,000.00			\$ 85,000.00	\$ 170,000.00	\$ 425,000.00
Total Costs	\$255,000.00	\$ 85,000.00			\$ 85,000.00		\$ 425,000.00

Project Description:

Phase III of the Park River Snagging and Clearing project is proposed to begin December 2017. Match (40%) will be provided by special assessments levied from landowners within the assessment district determined to be benefitted by the project and the North Dakota State Water Commission (NDSWC), who has previously committed \$55,385 to phase III match (Attachment F). Following NRCS specifications, the project will clear 13.1 river miles of unfavorable debris on the Park River. This will achieve goals to minimize instream erosion, improve river bank stability, and maintain unrestricted and efficient flow, thus improving riparian function and water quality. With the third phase complete, the Park River will be benefitting from improved riparian function on a total of 32 river miles.

Status: Project Development

Outlook: Construction is proposed to begin December 2017.



Figure 1. This proposal is requesting cost share assistance for Phase III of the Snagging and Clearing Project on the Park River, which is shown in yellow (13.1 miles). The figure illustrates the opportunity to successfully improve riparian function on a total of 32 river miles, provided funding for the completion of Phase III.

Project 2. Sheyenne River Snagging and Clearing Phase III – Nelson County Water Resource District

Project Expense	OHF Request (60%)	Applicant's Match Share (Cash)	Applicant's Match Share (In-Kind)	Applicant's Match Share (Indirect)	Other Project Sponsor's Share	Total Match (40%)	Total Each Project Expense
Contracted Labor	\$ 59,100.00	\$ 19,700.00			\$ 19,700.00	\$ 39,400.00	\$ 98,500.00
Total Costs	\$ 59,100.00	\$ 19,700.00			\$ 19,700.00		\$ 98,500.00

Project Description:

Proposed to begin December 2017, the Nelson County Water Resource District will carry out a snagging and clearing project on the Sheyenne River. Match (40%) will be provided by special assessments levied from landowners within the assessment district determined to be benefitted by the project and the North Dakota State Water Commission. Following NRCS specifications, the project will clear 8.6 river miles of unfavorable debris on the Sheyenne River. This will achieve goals to minimize instream erosion, improve river bank stability, and maintain unrestricted and efficient flow, thus improving riparian function and water quality.

Status: Project Development

Outlook: Construction is proposed to begin December 2017.



Figure 2.



Figure 3.

Figures 2 & 3. The photos on the left illustrate the need for the implementation of clearing and snagging practices on the Sheyenne River. Restricted flow increases erosion and sedimentation, reduces riverbank stability, and leads to frequent flooding.

Project 3. Riverbank Stabilization

Project Expense	OHF Request (60%)	Applicant's Match Share (Cash)	Applicant's Match Share (In-Kind)	Applicant's Match Share (Indirect)	Other Project Sponsor's Share	Total Match (40%)	Total Each Project Expense
Contracted Labor	\$ 23,100.00	\$ 15,400.00				\$ 15,400.00	\$ 38,500.00
Other Labor							
Total Costs	\$ 23,100.00	\$ 15,400.00				\$ 15,400.00	\$ 38,500.00

Project Description:

The Eden Township Board is in need of a streambank stabilization project at a site located in Walsh County along the Forest River. Serious erosion is occurring at the site, contributing to sediment load in the river. The 15 foot cut bank is also jeopardizing the use of a well-traveled township road. K2S Engineering of Ypsilanti, North Dakota provided the engineer's estimate for streambank restoration at the site. Local match (40%) will be provided by the Eden Township Board. This project would reduce downstream effects of sediment resulting from bank erosion as well as improve the riparian corridor for fish and wildlife habitat, aesthetics, and recreation.

Status: Project Development

Outlook: Construction is proposed to begin spring 2018.



Figure 4. Looking south



Figure 5. Looking north

Figures 4 & 5. The photos on the left illustrate serious erosion occurring at the Eden Township site in Walsh County. Streambank restoration is necessary to reduce erosion and downstream sedimentation as well as improve riparian habitat.

Project 4. Native Prairie Restoration within a Two-Stage Drainage Channel

Project Expense	OHF Request (21%)	Applicant's Match Share (Cash)	Applicant's Match Share (In-Kind)	Applicant's Match Share (Indirect)	Other Project Sponsor's Share	Total Match (79%)	Total Each Project Expense
Contracted Labor & Supplies	\$ 47,000.00	\$ 2,500.00			\$ 175,000.00	\$ 177,500.00	\$ 224,500.00
Total Costs	\$ 47,000.00	\$ 2,500.00			\$ 175,000.00		\$ 224,500.00

Project Description:

Managed by the Red River Regional Council, native prairie restoration with a two-stage channel is a small portion of a \$15 million drainage improvement project, which will be carried out by the Walsh County Water Resource District near Grafton, ND. In the heart of the Red River Valley, major issues are derived from inadequate drainage, which results in frequent flooding. It is crucial that drainage issues and water quality concerns in northeastern North Dakota are addressed and action is taken to adopt a more reliable, self-sustainable drainage system in order to protect our valuable water resource. This project can achieve these goals by adopting an improved drainage system that will reduce bank erosion and need for maintenance, increase drainage capacity and reduce frequency of flooding onto adjacent land, enhance ecological function within the channel, and minimize nutrient and sediment pollution, thus improving water quality. Native prairie restoration will result in a low-maintenance filtration system that captures pollutants, holds soil in place, and provides diverse habitat for wildlife and pollinators.

OHF funds will support the establishment of approximately 82 acres of native prairie (Attachment H). We are requesting support for 21% of the total project cost. Match (79%), which is already committed to the project, will be provided by other project sponsors including the North Dakota Department of Health Section 319 Nonpoint Source Program and Enbridge Ecofootprint Grant Program as well as cash match from special assessments levied from landowners within drainage area boundaries. The OHF project budget does not include channel construction costs. With the addition of construction costs, it is a \$15.5 million project, with \$8.5 million levied from landowners within the 33,000-acre drainage area. Thus, additional financial support is essential.

Status: Project Development

Outlook: Construction will begin fall 2017. Native prairie planting is proposed to begin fall 2017 or spring 2018.

Additional Best Management Practices

Project Expense	OHF Request (60%)	Applicant's Match Share (Cash)	Applicant's Match Share (In-Kind)	Applicant's Match Share (Indirect)	Other Project Sponsor's Share	Total Match (40%)	Total Each Project Expense
Labor and Supplies	\$200,000.00	\$133,333.33				\$ 133,333.33	\$ 333,333.33
Total Costs	\$200,000.00	\$133,333.33				\$ 133,333.33	\$ 333,333.33

Project Description:

Additional projects will further address landowner demand and major drivers of impaired water quality, soil condition, riparian health, and habitat within the project area. For example, there is high demand for livestock management plans such as, prescribed grazing plans, manure management plans, and off-channel watering, which will result in mitigation of nonpoint source pollution in our valuable water resource. There is high demand for cover crop from landowners aiming to reduce soil compaction, increase water infiltration, reduce runoff, and enhance biologic diversity of soil. Reduced runoff will also minimize overland flooding, thus reducing erosion and sediment pollution within streams. Additional projects to be implemented throughout phase 6 include, riverbank stabilization, implementation of bioengineering practices, and/or restoration of riparian vegetation in order to improve riparian health and habitat.

Status: Project Planning

Outlook: Projects will be developed throughout the project period and implemented with 40% local match.



Chase Building
516 Cooper Avenue, Suite 101
Grafton, ND 58237
T: 701.352.3550
www.redriverrc.com

April 21, 2017

North Dakota Industrial Commission
ATTN: Outdoor Heritage Fund Program
State Capitol – Fourteenth Floor
600 East Boulevard Ave. Dept. 405
Bismarck, ND 58505

RE: MATCHING CONTRIBUTIONS

To whom it may concern:

Best management practices included in the Red River Regional Council (RRRC) Outdoor Heritage Fund (OHF) grant application include a combination of previously committed matching funds as well as match funds to be committed as project development continues. Pending match funds are explained below.

Snagging and clearing projects include the following match sources:

1. Special assessments levied from landowners within assessment district determined to be benefitted by the project.
2. North Dakota State Water Commission via Resources Trust Fund and Water Development Trust Fund

Eden Township bank stabilization includes the following match sources:

1. Eden Township Board

Additional best management practices developed throughout the project period will be implemented with 40% local match.

OHF funds granted will be carefully managed to achieve common goals of the Red River Riparian Program and OHF. **The RRRC will ensure no OHF funds are spent without prior commitment of matching funds.** We effectively managed matching contributions in our previous OHF award of \$230,000, which leveraged \$153,333.33 matching contributions and resulted in a total project cost of \$383,333.33.

The RRRC is committed to the success of this project. We appreciate your full consideration of our application.

Kindly,

Dawn Keeley
Executive Director



GEORGE SWENTIK. PRESIDENT
MN ASSOCIATION OF RC&D COUNCILS, INC.
218-634-2427
gswentik@hotmail.com
1709 COUNTY ROAD 3
BAUDETTE, MN 56623

March 22, 2017

Ms. Danielle Gorder
Walsh County Water Resource District
600 Cooper Ave
Grafton, ND 58237

Dear Ms. Gorder,

Thank you for submitting your proposal to the 2017 funding cycle of the Enbridge Ecofootprint Grant program.

We are very pleased to inform you that your project, Native Prairie Restoration within a Two-Stage Drainage Channel has been selected to receive funding through the Enbridge Ecofootprint Grant Program in the amount of \$100,000. I have assigned John Beckwith as our Minnesota Association of Resource Conservation and Development Councils (MARC&D) project manager. You will be contacted with additional details in the very near future. Contact information for John Beckwith is: john@minnesotarcd.org email, (218) 464-6737 ext.: 700 phone.

We had 36 organizations that requested more than \$2,984,055 in funding. There were many quality projects submitted that met our criteria and addressed high priority community issues. The competition was extremely high for this year's available funding.

Again, MARC&D Board of Directors, our Enbridge partners, and I are very pleased to offer this assistance and partner with you on your project.

Sincerely,

/s/

George Swentik
President, MARC&D

SWC Project No. 662
Development Division
February 2017

**Agreement for Cost-Share Reimbursement
Walsh County Water Resource District's
Park River Snagging and Clearing**

1. **PARTIES.** This agreement is between the State of North Dakota (State), by and through the State Water Commission (Commission), and the Walsh County Water Resource District (District).

2. **COMMISSION'S RESPONSIBILITY AND INTENT.** Commission will provide District with cost-share, not to exceed \$55,385, as approved by the Chief Engineer, to reimburse 50 percent of the actual eligible costs incurred in District's Park River Snagging and Clearing Project (Project), contingent on availability of funds and conditions of this agreement. Commission's intent in providing this funding to District is merely to help District financially afford Project. District retains sole and absolute discretion in the manner and means of carrying out Project, except to the extent specified in this agreement.

3. **DISTRICT'S RESPONSIBILITIES.** District must:

- a. Complete Project.
- b. Provide continued maintenance for Project.
- c. Ensure all applicable permits (federal, state, and local) are obtained.
- d. Acquire all title to land and easements for Project.
- e. Comply with all North Dakota laws governing the requirements for competitive bids, advertising, and awarding of contracts for construction of Project.
- f. Maintain a Project file containing relevant documents and correspondence generated during the course of Project. State is not responsible for maintaining a Project file.
- g. Prior to signature, inform Commission and any other relevant party regarding Project of any errors, misinterpretations, changes, modifications, miscalculations, incorrect Project descriptions, or any other information stated herein that is inaccurate.

4. **PROJECT DESCRIPTION AND LOCATION.** Project will remove debris from 13.1 miles of the Park River east of Grafton. Types of work anticipated for Project are removing and disposing of fallen trees and debris, accumulated sediment in the vicinity of the fallen trees and debris, and trees in imminent danger of falling in the Park River.

5. **ELIGIBLE COSTS.** Commission has sole discretion to determine eligible costs and availability of Commission funds. Additional information is outlined in Commission's cost-share policy.

6. **PAYMENT.** Commission will make partial payments upon receipt and approval of District's written request. District must provide Commission verification of actual costs and a Project status report with each payment request. A Commission representative may inspect Project to determine whether the work satisfies Commission's cost share requirements before Commission makes payment(s) to District. Request for final payment must include documents or record drawings of features constructed.

7. **INDEMNIFICATION.** District must require all subcontractors, other than state employed subcontractors, before commencement of an agreement between District and the subcontractor, to defend, indemnify, and hold harmless State, from and against claims based on the vicarious liability of State or its agents, but not against claims based on State's negligence or intentional misconduct. The legal defense provided by subcontractor to State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for State is necessary. Subcontractor also agrees to defend, indemnify, and hold State harmless for all costs, expenses, and attorneys' fees incurred if State prevails in an action against subcontractor in establishing and litigating the indemnification coverage required herein. This obligation continues after the termination of this agreement.

8. **INSURANCE.** State and District each must secure and keep in force during the term of this agreement, from an insurance company, government self-insurance pool, or government self-retention fund authorized to do business in North Dakota, commercial general liability with minimum limits of liability of \$250,000 per person and \$500,000 per occurrence.

In addition, District must require all subcontractors, other than state employed subcontractors, before commencement of an agreement between District and the subcontractor, to secure and keep in force during the term of this agreement, from insurance companies authorized to do business in North Dakota, the following insurance coverages:

- a. Commercial general liability, including premises or operations, contractual, and products or completed operations coverages (if applicable), with minimum liability limits of \$250,000 per person and \$1,000,000 per occurrence.
- b. Automobile liability, including Owned (if any), Hired, and Non-owned automobiles, with minimum liability limits of \$250,000 per person and \$1,000,000 per occurrence.
- c. Workers compensation coverage meeting all statutory requirements. The policy must provide coverage for all states of operation that apply to the performance of this contract.
- d. If subcontractor is domiciled outside State, employer's liability or "stop gap" insurance of not less than \$1,000,000 as an endorsement on the workers compensation or commercial general liability insurance.

The insurance coverages listed above must meet the following additional requirements:

- e. Any deductible or other similar obligation under the policies is the sole responsibility of the subcontractor. The amount of any deductible is subject to approval by State.
- f. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form, and must be placed with insurers rated "A-" or better by A.M. Best Company, Inc., provided any excess policy follows form for coverage. Less than an "A-" rating must be approved by State. The policies must be in form and terms approved by State.
- g. The duty to defend, indemnify, and hold harmless State under this agreement is not limited by the insurance required in this agreement.
- h. State must be endorsed on the commercial general liability policy, including any excess policies, as additional insured. State must have all the benefits, rights, and coverages of an additional insured under these policies that are not limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of District.
- i. The insurance required in this agreement, through a policy or endorsement, must include:
 - (1) A "Waiver of Subrogation" waiving any right to recovery the insurance company may have against State;
 - (2) A provision that subcontractor's insurance coverage is primary (i.e., pay first) as respects any insurance, self-insurance, or self-retention maintained by State and that any insurance, self-insurance, or self-retention maintained by State must be in excess of the subcontractor's insurance and must not contribute with it;
 - (3) Cross liability/severability of interest for all policies and endorsements;
 - (4) The legal defense provided to State under the policy and any endorsements must be free of any conflicts of interest, even if retention of separate legal counsel for State is necessary;
 - (5) The insolvency or bankruptcy of the insured subcontractor must not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured subcontractor from meeting the retention limit under the policy.
- j. The subcontractor must furnish a certificate of insurance to Commission before commencement of this agreement. All endorsements must be provided as soon as practicable.
- k. Failure to provide insurance as required in this agreement is a material breach of contract entitling State to terminate this agreement immediately.
- l. The subcontractor must provide at least 30 days' notice of any cancellation or material change to the policies or endorsements.

9. **BREACH.** Violation of any provision of this agreement by District constitutes breach of this agreement. A breach obligates District to reimburse Commission for all funds paid to District and relieves Commission of all obligations under this agreement.

10. AGREEMENT BECOMES VOID. This agreement is void if not signed and returned by District within 60 days of Commission's signature.

11. TERMINATION.

- a. Commission may terminate this agreement effective upon delivery of written notice to District, or a later date as may be stated in the notice, under any of the following conditions:
 - (1) If Commission determines an emergency exists.
 - (2) If funding from federal, state, or other sources is not obtained and continued at levels sufficient to provide the funds necessary to comply with this agreement. The parties may modify this agreement to accommodate a reduction in funds.
 - (3) If federal or state laws or rules are modified or interpreted in a way that the services are no longer allowable or appropriate for purchase under this agreement or are no longer eligible for the funding proposed for payments authorized by this agreement.
 - (4) If any license, permit, or certificate required by law, rule, or this agreement is denied, revoked, suspended, or not renewed.
 - (5) If Commission determines that continuing the agreement is no longer necessary or would not produce beneficial results commensurate with the further expenditure of public funds.
- b. Any termination of this agreement is without prejudice to any obligations or liabilities of either party already accrued prior to termination.
- c. The rights and remedies of any party provided in this agreement are not exclusive.

12. APPLICABLE LAW AND VENUE. This agreement is governed by and construed under the laws of State. Any action to enforce this agreement must be adjudicated exclusively in the District Court of Burleigh County, North Dakota.

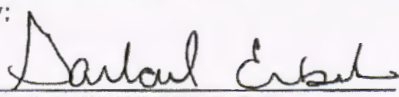
13. SEVERABILITY. If any term of this agreement is declared by a court having jurisdiction to be illegal or unenforceable, the validity of the remaining terms is unaffected, and if possible, the rights and obligations of the parties are to be construed and enforced as if the agreement did not contain that term.

14. SPOILIATION – PRESERVATION OF EVIDENCE. District agrees to promptly notify Commission of all potential claims that arise or result from this agreement. District must also take all reasonable steps to preserve all physical evidence and information that may be relevant to the circumstances surrounding a potential claim, while maintaining public safety, and grants to Commission the opportunity to review and inspect the evidence, including the scene of an accident.

15. MERGER AND MODIFICATION. This agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written,

not specified within this agreement. This agreement may not be modified, supplemented, or amended in any manner, except by written agreement signed by both parties.

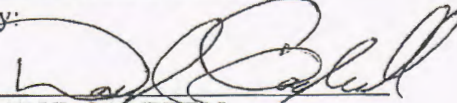
**NORTH DAKOTA STATE WATER
COMMISSION**

By: 

GARLAND ERBELE, P.E.
Chief Engineer - Secretary

Date: 2.17.2017

**WALSH COUNTY WATER
RESOURCE DISTRICT**

By: 

DARYL CAMPBELL
Chairman

Date: 2/21/17



ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



April 25, 2017

Danielle Gorder
Red River Regional Council
516 Cooper Avenue, Suite 101
Grafton ND, 58237

Dear Danielle:

Thank you for the opportunity to review the Phase VI Red River Riparian Program (Program) proposal for Outdoor Heritage Funding (OHF). The Program's focus on improved riparian management in northeastern North Dakota is certainly consistent with the goals of the North Dakota Department of Health's Nonpoint Source Pollution Management Program (NPS Program). Nutrient assimilation, runoff filtration, aquatic habitat, and bank stabilization are some of the primary water quality benefits provided by a riparian corridor with a healthy and diverse plant community. These riparian corridors, not only help to improve and protect water quality in the immediate area and downstream, but they also provide habitat for a variety of wildlife species and offer numerous recreational opportunities for outdoor enthusiasts.

Because of the multitude of benefits provided by a properly functioning riparian corridor, the NPS Program has always supported projects focused on the protection and/or restoration of riparian areas. The proposed Red River Riparian Program is certainly a project that will provide the means to improve riparian management in a part of the state where a significant percentage of the riparian areas are in a degraded condition. As such, the Department of Health fully supports your efforts to secure Outdoor Heritage Funding to implement practices that will address riparian management issues along the Forest, Park, Turtle, Sheyenne, Pembina and Goose Rivers.

Once again, thank you for the opportunity to review the Phase VI Red River Riparian Program OHF proposal and we look forward to working with you to successfully implement the Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl H. Rockeman".

Karl H. Rockeman, P.E.
Director
Division of Water Quality

KHR/ GS:dlp

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210



Chase Building
516 Cooper Avenue, Suite 101
Grafton, ND 58237
T: 701.352.3550
www.redriverrc.com

April 21, 2017

North Dakota Industrial Commission
ATTN: Outdoor Heritage Fund Program
State Capitol – Fourteenth Floor
600 East Boulevard Ave. Dept. 405
Bismarck, ND 58505

RE: ADHERENCE TO USDA-NRCS GRASS PLANTING SPECIFICATIONS

To whom it may concern:

The Red River Regional Council (RRRC) native prairie restoration project to be implemented within Phase 6 of the riparian program involves 82 acres of native prairie establishment along a stream corridor in Walsh County, southeast of Grafton, North Dakota. Under management of the Walsh County Water Resource District, preliminary investigation has been conducted by Braun Intertec and Barr Engineering to assess soil stability and geology at the site. Prairie Restorations, Inc. studied results of stability and geologic analyses as well as preliminary restoration plans produced by the RRRC to aid in future development of a planting and maintenance plan for successful native prairie establishment at the site.

Utilizing additional resources such as Walsh County NRCS and North Dakota State University Extension Service, the RRRC will ensure adherence to USDA-NRCS grass planting specifications throughout implementation of all Phase 6 projects.

Kindly,

A handwritten signature in cursive script, appearing to read "Dawn Keeley".

Dawn Keeley
Executive Director