

**Memorandum of Understanding  
Between  
Freeborn County SWCD and  
Turtle Creek Watershed District**

This Memorandum of Understanding (“MOU”) between Freeborn County Soil and Water Conservation District (“SWCD”) and Turtle Creek Watershed District (“TWCD”) is entered into in order to facilitate the parties’ responsibilities under Minn. Stat. § 103F.48.

**RECITALS**

1. TCWD is a watershed district established under Minn. Chapter 103D.
2. SWCD is a soil and water conservation district established under Minn. Chapter 103C.
3. TCWD is an established drainage authority under Minn. Chapter 103E for certain public drainage systems located in Freeborn County, Minnesota.
4. Minn. Stat. § 103E.021, subdivision 1 requires that, in accordance with the statute, the drainage authority shall order permanent strips of perennial vegetation of 16.5 feet on each side of a public ditch when appropriate. Furthermore, drainage system rights-of-way for the permanent strips must be acquired by the drainage authority when ordered.
5. Minn. Stat. § 103F.48 also requires a 16.5 feet minimum width continuous buffer as provided in section 103E.021, subdivision 1 for public drainage systems established under chapter 103E.
6. TCWD approved a resolution dated June 20, 2017 affirming and electing jurisdiction to enforce the compliance provisions of Minn. Stat. § 103F.48 on those Minn. Chapter 103E drainage systems for which TCWD is the drainage authority (“103E Drainage Systems”).
7. TCWD adopted a rule on August 21, 2018 outlining adequate procedures to enforce the compliance provisions of § 103F.48 (“TCWD Rule”).
8. Watershed districts electing jurisdiction to enforce the compliance provisions of Minn. Stat. § 103F.48 may work collaboratively with soil and water conservation districts.
9. Under Minn. Stat. § 103F.48, Subd. 7, if a soil and water conservation district determines that a landowner is not in compliance with § 103F.48, it must notify the authority with jurisdiction over the noncompliant site. If a noncompliance is determined, the authority with enforcement jurisdiction must provide the landowner with a list of corrective actions needed to come into compliance and a practical timeline to meet the requirements of § 103F.48.
10. The purpose of this MOU is to clarify the procedures the SWCD and TCWD will follow in implementing § 103F.48 with regard to 103E Drainage Systems under the jurisdiction of the TCWD.

11. Clarification is needed to ensure both the SWCD and TCWD are fulfilling their statutory obligations as well as provide cost efficiencies to landowners and the public.

Therefore, the SWCD and TCWD will work together as follows:

A. The TCWD will:

1. Provide a map to the SWCD identifying all 103E Drainage Systems administered by TCWD located within Freeborn County having a permanent strip of perennial vegetation established under Minn. Stat. § 103E.021. The TCWD will update the map in the event any new 103E Drainage Systems are acquired by the TCWD.
2. Fulfill its obligations in accordance with Chapter 103E and the TCWD Rule. Send inspection records to SWCD annually to confirm compliance for SWCD compliance tracking (BuffCAT reporting). SWCD will assume 100% compliance in BuffCAT unless a Corrective action notice is sent by the WD and the SWCD is notified.

B. The SWCD will:

1. Assist landowners and TCWD, as requested by TCWD, with the implementation of water resource riparian protection requirements under § 103F.48. Such assistance includes planning, technical assistance.
2. Notify the TCWD of any potential noncompliance issues on 103E Drainage Systems under the jurisdiction of the TCWD as identified on the map discussed in Section A. As noticed during other field work or aerial photo review being conducted by the SWCD. SWCD will not be doing any on-site monitoring on ditches within the TCWD.

This MOU may be amended by mutual agreement of SWCD and TCWD in writing and by resolutions of their respective boards.

This MOU shall become effective upon signature of all duly authorized signatures and shall remain in effect until terminated by the parties or thirty days after written notice of termination by either party to the other.

The undersigned have authority to enter into this MOU on behalf of their respective boards.

**FREEBORN COUNTY SOIL AND  
WATER CONSERVATION DISTRICT**

**TURTLE CREEK WATERSHED DISTRICT**

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