

## 505. Standards and Procedures for Bog Removal by the CRWD

*Old policy #2014-2*

### **Purpose**

The following policy has been adopted by the Clearwater River Watershed District (CRWD) Board of Managers to provide standards and procedures the CRWD will use for control of problematic bogs in any of the CRWD's surface waters.

### **Standards**

**Standard 1:** The CRWD will only control floating bogs that have lodged (or threaten to lodge) in such a manner that they can impede flow, such that flooding could occur along the shorelines above the blockage. Bogs that are stationary or rooted (i.e. established) will not be controlled. The following criteria will be used to determine whether floating bogs fall under this standard:

- Does the bog(s) now or could it in the near future significantly obstruct flow in downstream channels or lake outlets?
- Does the bog(s) pose a significant threat to the health, safety, and welfare of the public using the lake? As a general guide, a bog must be at least 600 square feet in area and be floating to be considered as a threat, unless the bog is threatening to enter the channel between Lakes Augusta and Clearwater.

**Standard 2:** The CRWD will not be involved in the pushing/pulling of floating bogs to shore. The CRWD will not remove a bog(s) that has floated onto private property unless said removal action meets all other standards as noted in this policy.

**Standard 3:** The established bog removal locations where the CRWD will institute bog removal activity (if all other policy standards are met) are as follows:

- On Augusta Lake, the established bog removal locations are the Bayview Rd/Nevens Ave NW Bridge (Augusta / Clearwater Channel), and the shoreline of Timberwoods Resort (via agreement between the Lake Augusta Association and the resort).
- For removal on Clearwater Lake, the established bog removal location is Wright County 128/Stearns County 144 Bridge (Clearwater/Grass Channel).
- For removal on Grass Lake, the established bog removal location is the Grass Lake Dam.

For any other lake, removal locations are to be determined on a case-by-case basis. On Augusta, Clearwater, and Grass lakes, the CRWD will not institute a removal action from any other point other than the locations noted above unless warranted by unique and/or emergency circumstances as determined by the CRWD Administrator.

**Standard 4:** The CRWD will acquire and maintain MN DNR permits for the control of floating bogs that meet all standards of this policy, for the removal locations noted in standard #3. All other locations where the CRWD may undertake bog removal actions will require site-specific permits from the MN DNR. All work undertaken that is covered by MN DNR permits will comply with permit requirements. The CRWD will ensure contractors performing bog removal work are made aware of and comply with MN DNR permit requirements.

**Standard 5:** All removal activities to be paid by the CRWD (including through an established bog control project) are subject to review by CRWD staff before removal activities occur. Failure to allow for this review before removal occurs may result in forfeiture of funding by the CRWD for said removal.

**Standard 6:** The CRWD Board of Managers must approve any CRWD bog removal activity before such activity is paid for by CRWD funds (including through established bog control projects).

**Standard 7:** For waterbodies that have established bog control projects, any bog control expenses incurred by the CRWD (or submitted by an outside entity and approved by the CRWD Board of Managers as eligible expenses) for that waterbody (as determined by the CRWD Board of Managers) will be paid for from the applicable bog control project's operation & maintenance fund, assuming all other standards of this policy have been met. This will be the case regardless of the procedure used below.

**Standard 8:** For any other waterbody within the CRWD, any bog control work performed by the CRWD can fall under the CRWD's Emergency Powers (MN Statutes 103D.615), or be financed by the general fund as a one-time special project. If bog control on one of these lakes becomes a recurring problem, the CRWD may establish a formal project following the procedures listed in state statute.

**Standard 9:** Bogs that become lodged at the Grass Lake Dam are the responsibility of the dam owner (i.e. the MN DNR). The CRWD will contact the MN DNR when it determines that a bog(s) lodged at the dam meet the standards of this policy. If after this notification the MN DNR informs the CRWD it is not willing to remove said bog(s), the CRWD may institute a removal action following the applicable procedure listed below.

### Procedures

**Procedure 1:** Notification of CRWD to initiate bog removal action

Should a lake resident or group of lake residents feel a bog(s) is threatening to impede flow, they should report their concern to their lake / homeowners' association. The association then has three options:

- The association could elect to move the bog(s) to the shore of a willing landowner, where the bog(s) are either staked to the shore, or removed and properly disposed. The CRWD is not involved in this option. (Note: The association and/or individual will need to have a permit from the MN Department of Natural Resources (DNR) to remove the bog).
- The association could request the CRWD remove the bog(s).
- The association could elect to do nothing.

If the association elects to request the CRWD to remove the bog(s), it should notify the CRWD by calling its office at (320) 274-3935, and by e-mailing the CRWD Administrator at [cole.loewen@crwd.org](mailto:cole.loewen@crwd.org). Upon receipt of a request to institute a removal action, the CRWD will do the following:

1. CRWD staff will contact the association to set up an on-site review to determine if removal of a bog(s) meets the standards of this policy.
2. If CRWD staff review determines the bog(s) qualifies for removal by the CRWD, the CRWD will work with the association to set up a removal action. A contractor may be brought in, or the association may be reimbursed expenses to remove the bog(s).
  - a. Copies of invoices, receipts, and/or other appropriate documentation of incurred expenses must be submitted to the CRWD for review before payment by the CRWD will occur.
  - b. Proof of sufficient levels of liability insurance coverage for the bog removal action must be submitted to the CRWD before the removal action occurs.
  - c. The CRWD will not reimburse any costs for pushing bogs to removal locations.
  - d. Pictures of the removal should be submitted to the CRWD by the association.
3. The CRWD Board of Managers will be notified of this removal action at their next regular meeting in order to solicit approval of the action.

**Procedure 2:** Notification of CRWD to initiate bog removal action by property owners if lake association elects to do nothing

If the association elects to do nothing, the resident(s) requesting assistance can then request the CRWD review the situation. The resident(s) should notify the CRWD by calling its office at (320) 274-3935, and by e-mailing the CRWD Administrator at [cole.loewen@crwd.org](mailto:cole.loewen@crwd.org). Upon receipt of a request to institute a removal action, CRWD staff will do the following:

1. Contact the resident(s) to set up an onsite review to determine if removal of a bog(s) meets the standards of this policy.
2. The CRWD will work with the resident(s) to determine the most economical and feasible way to remove the bog(s). A contractor may be brought in, or the property owner may be reimbursed expenses to remove the bog(s).
  - a. Copies of invoices, receipts, and/or other appropriate documentation of incurred expenses must be submitted to the CRWD for review before payment by the CRWD will occur.
  - b. Proof of sufficient levels of liability insurance coverage for the bog removal action must be submitted to the CRWD before the removal action occurs.
  - c. The CRWD will not reimburse any costs for pushing bogs to removal locations.
  - d. Pictures of the removal should be submitted to the CRWD by the association.
3. The CRWD Board of Managers will be notified of this removal action at their next regular meeting in order to solicit approval of the action.

**Procedure 3:** Notification of the CRWD to initiate a bog removal action where the CRWD cannot be reached timely

In the case of removal request where the CRWD cannot be reached in a timely manner (ex. weekends or holidays) and the association or resident(s) feels an immediate removal action is warranted to prevent flooding, the association or resident(s) may, at its own risk, undertake a removal action on its own and later request reimbursement from the CRWD (note: the association or residents may need a permit from the MN DNR to perform this removal action).

If this course of action is taken, the association or resident(s) should still notify the CRWD by calling its office at (320) 274-3935, and by e-mailing the CRWD Administrator at [cole.loewen@crwd.org](mailto:cole.loewen@crwd.org). The association or resident(s) should also contact the local DNR conservation officer about this action, especially if a MN DNR permit for this removal action is not held by the association or resident. Visit [www.dnr.state.mn.us](http://www.dnr.state.mn.us) to acquire the contact information for the local conservation officer.

Upon receipt of this request, the CRWD will do the following:

1. CRWD staff will contact the association or resident(s) to acquire and review information about the undertaken removal action in order to determine if the action met the standards of this policy.
2. If CRWD staff review determines the bog(s) qualifies for removal by the CRWD, the CRWD will work with the association to acquire the following information:
  - a. Copies of invoices, receipts, and/or other appropriate documentation of incurred expenses.
  - b. Proof of sufficient levels of liability insurance coverage for the bog removal action must be submitted to the CRWD before the removal action occurs.
  - c. The CRWD will not reimburse any costs for pushing bogs to removal locations.
  - d. Pictures of the removal should be submitted to the CRWD by the association.

**Procedure 4:** Election by the CRWD to institute a removal action

If the CRWD, on its own, makes a determination that a lodged bog(s) meets the standards of this policy, independent of any requesting party, it can take action to remove the bog(s), following all other applicable policies, rules, regulations, and statutes.

If the CRWD elects to undertake such an action, it will do the following:

1. Bring in a contractor to perform the removal action.
2. Notify the affected lake association(s) that such an action is being undertaken.
3. Notify the CRWD Board of Managers at their next regular meeting in order to solicit approval of the action.

**Noteworthy Items**

It is generally illegal to cut established bogs loose. If the CRWD notices such activity, it will report such activity to the local MN DNR Conservation Officer. Established bogs can be removed from a property, but only under strict rules from the MN DNR via a permit.

Any bog removal action undertaken by an individual, group, or association should have a permit from the MN DNR before removal occurs.