

## **506. CRWD Aquatic Invasive Species (AIS) Projects**

*Old policy #2015-1*

### **Purpose**

The following policy has been adopted by the Clearwater River Watershed District (CRWD) Board of Managers to clearly define the criteria, guidelines, procedures, and requirements for any and all activities undertaken under a CRWD Aquatic Invasive Species (AIS) Project. These projects were established to provide stable funding and management of AIS treatment activities in these lakes. Funding is not to be used for any other purpose.

### **Section 2: Roles**

Currently, the CRWD partners with lake associations on each lake to administer, operate, and maintain a AIS prevention and/or control program for AIS on these lakes. The lake associations' role is to organize, administer, operate, and maintain the program for each lake. As such, the lake association is legally responsible for paying its contractors, managing its volunteers, indemnifying the CRWD for its acts, carrying insurance, getting volunteer releases, and other such matters. Each lake association is required to sign a formal agreement (see last page for an agreement template) with the CRWD in order to be eligible to receive funds from CRWD's AIS Projects.

The CRWD's role is to act as fiscal agent for these projects. These projects are funded by a special assessment against those benefitted by these projects. This requires the CRWD to ensure each program (and its corresponding activities) falls under the purpose and scope of these projects and all costs to administer, operate, and maintain the program for each lake are true and accurate. It also requires the CRWD ensure that such activities follow the permitting requirements of the MN Dept. of Natural Resources (DNR). For this reason, the CRWD requires specific documentation from each lake association to verify these activities and provide proof of accuracy regarding payment requests. The CRWD will not release funds from any of its AIS Projects without ensuring its criteria for fund release has been met (see section 4 below). This is the extent of the CRWD's involvement in these programs.

If any lake association wishes to no longer administer a program, the CRWD may take over administration, operation, and maintenance of the program after proper notification by the lake association and approval by the CRWD Board of Managers. Any additional costs the CRWD incurs for this action will be borne by the specific AIS project for that lake.

### **Section 3: Requirements**

1. Lake associations are responsible to obtain MN DNR permits for all AIS activities for which permits are required, and to conform to said permit requirements.
2. Lake associations must sign a formal agreement with the CRWD, as noted in section 2 above, in order to eligible to submit funding requests from CRWD AIS projects.
3. All equipment purchased using funds from CRWD's AIS Projects is the property of the CRWD. It is the responsibility of the lake association to properly operate, maintain, handle, and store this equipment, as well as keep accurate records related to this equipment (see section 3.10.c. below).
4. The CRWD will not release funds from an AIS Project unless the proper procedure is followed. That procedure can be found in section 5 below.
5. Aquatic vegetation surveys and delineations must be completed at least once every three years for each AIS targeted for treatment on lakes receiving funds for treatment activities from a CRWD AIS Project. No funds will be released by the CRWD without documentation substantiating such surveys has occurred in this period.

- a. These surveys and/or delineations should, at a minimum, follow the point-intercept method (unless not applicable). Other survey methods, such as BioBase, are a useful augmentation to the point-intercept data, but are not an acceptable substitute.
  - b. The District recommends these surveys be completed annually.
6. Any 1) service provider of inspection, decontamination, treatment or aquatic vegetation surveys / delineations services, or 2) lake association conducting activities using volunteer labor (i.e. not contracting with a service provider), must carry the following insurance coverage:
  - a. General liability: \$1.5 million each occurrence and aggregate, covering provider's or association's work and including contractual liability on an occurrence basis.
7. Lake associations that use volunteer labor to perform any activity may not seek funding from CRWD AIS projects for any time, gifts, food or beverages given to those volunteers for said activities.
8. Quotes:
  - a. Lake associations must seek at least two quotes annually from vendors for services that exceed \$25,000, or products that exceed \$10,000.
  - b. Services less than \$25,000 and products less than \$10,000 do not require quotes.
  - c. Lake associations should use the lowest cost vendor, unless they provide a written explanation to the CRWD on why a higher-cost vendor should be used, and the difference in cost between the two vendors' quotes is not greater than 10%.
9. All other sources used to fund any AIS activity on lakes where a District AIS Project exists must be noted by the lake association when submitted payment requests. Funding from CRWD AIS projects will be adjusted accordingly per these other sources.
  - a. Example: total treatment cost is \$30,000. The lake association requests \$30,000 from CRWD AIS project funds, but has also received \$5,000 grant from MN DNR and \$2,000 from lake association funds. The District would only release \$23,000 from the project funds, as the remainder is covered by other sources.
10. Lake associations are required to submit the following documentation:
  - a. Before activities begin:
    - i. MN DNR documentation
      1. DNR permits for activities
      2. Signs placed along lakeshore and/or notices mailed or placed in local newspapers (if applicable)
    - ii. Aquatic vegetation surveys / delineations
      1. Reports, maps, and other documents related to these surveys / delineations
    - iii. Verification of Insurance Coverage
      1. Certificate of Insurance (Accord Certificate) from either the service providers or lake association (see section 3.6 above)
        - a. The CRWD recommends the lake association have the vendor list the association as an additional insured on its liability insurance policy.
    - iv. Quotes from vendors (if applicable, see section 3.8 above)
      1. All quotes received from service or supply vendors
    - v. For watercraft inspections and decontamination services
      1. Copies of the delegation agreement covering said services
      2. All quotes received from service vendors
      3. Copies of contract between service vendors and either delegated authority or association
  - b. With or before payment requests
    - i. Contracts, invoices, and/or receipts from vendors providing services or goods

1. Vendors includes (but is not limited to): Treatment chemical sellers, applicators, delineators, inspection service, decontamination service, marinas, storage providers, boat repairers, hardware stores
- ii. Other funding sources
  1. All other funding sources used to fund any AIS activity on lakes where a CRWD AIS Project exists
  2. Funding sources may include: MN DNR, Counties, Lake Association Funds, Non-Governmental Units (ex. Initiative Foundation)
- c. By December 31<sup>st</sup> of the treatment year
  - i. Lists detailing program equipment purchased with CRWD's AIS project funds. These lists include:
    1. Location of equipment (where equipment is stored throughout the year)
    2. Equipment type (boats, GPS units, floats, hooks, ropes, poles, goggles, gloves, buckets, stakes, etc.)
    3. Original purchase price for each piece of equipment
    4. Amount of time the equipment was used in the current year
    5. Current condition of the equipment

#### **Section 4: Criteria**

The CRWD looks at these criteria to ensure each program's activities falls under the purpose and scope of a CRWD AIS Project. Funds from these projects will not be release for payment of treatment activities without these criteria being met. They are:

1. Each activity does not violate the requirements listed in this policy
2. Each activity does not violate MN DNR Permit
3. Each activity is necessary and proper for an AIS program
4. All required documentation has been submitted to support program activities
5. All required documentation is in corroboration with one another
6. Each activity's itemized cost can be substantiated via documentation (when necessary)
7. Total costs to be paid for with funds from CRWD AIS projects do not exceed the amount available in the respective fund.

Once all criteria have been met, the District's role is complete, and payment requests will be forwarded to the CRWD Board of Managers for approval.

#### **Section 5: Procedures**

##### Procedure for documentation submission

1. The lake association may submit documentation in either electronic or paper form. Electronic form is preferred.
  - a. Paper documents may be dropped off at the District office or sent via US mail
  - b. Electronic documents may be submitted via e-mail or portable media.
2. Documentation that is required before activities must be submitted at least 10 days in advance. If the lake association is waiting on documentation from another party and the 10 day threshold is missing, said documentation must be submitted as soon as it becomes available.
3. All other required or supplemental document must be submitted by December 31<sup>st</sup> of the treatment year.

##### Procedure for release of funds from a CRWD AIS Project

1. The lake association must submit a payment request to the District in order for funds from District AIS Projects to be released to pay for activities. Payment requests must be itemized and must

- have supporting documentation (ex. payment request for applicator must have copy of invoice from applicator, as well as copies of quotes if not already submitted, if applicable).
2. The CRWD Board of Managers meets on the second Wednesday of the month. The Board authorizes payments from CRWD funds at this meeting. In order to be considered, payment requests from the lake association must be submitted by the Friday before the second Wednesday of the month at noon. The CRWD reserves the right to hold payments for any reason, and will notify the lake association if a payment is being held.
  3. The CRWD will only release funds for payment after proper documentation has been provided to the CRWD with the payment request. Documentation requirements are listed in section 3.10 above. Payment requests should be clearly itemized and have copies of receipts, third-party invoices, or any other documentation needed to verify individual amounts.
    - a. To ensure timely payment, documentation should be submitted at least 30 days prior to when payment is due to a vendor.
  4. Any other funding used to finance activities on lakes where a District AIS project exists will be used in conjunction with District funding. The CRWD reserves the right to adjust payment depending on these funding sources.
  5. The CRWD's responsibility is limited to reimbursing the association in accordance with the terms of this policy. The association is responsible for ensuring payment of its vendors in accordance with its vendor agreements.

**Suggestions to improve treatment programs (these are not required)**

1. These documents are helpful for the District to have, but are not required:
  - a. Other DNR permit requirements: permit applications, signature waivers, etc.
  - b. Any other information the lake association feels would be beneficial for the District to have on file
2. The entity performing the aquatic vegetation survey / delineation (i.e. the person who determines the location and amount of AIS in the waterbody) should be different than an applicator of a control effort. This helps to avoid potential conflicts of interest.
3. Lake associations should keep detailed records detailing what work each volunteer performed, when said work was performed, and amount of hours spent performing work. This information is very useful for both the CRWD and the lake association should an accident occur.
  - a. Examples of work: permit application; line up service or supply orders, record management, sign placement, boat pilot, application volunteer, etc.)