

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

701-845-8508

July 8th, 2019

MEETING MINUTES

MEMBERS PRESENT: Chairman Jerry Hieb, Managers – Scott Legge, Bret Fehr, Bruce Anderson, Daniel Buttke, Mike Opat - Moore Engineering, Commissioners Shawn Olauson & John Froelich

ABSENT: Sean Fredricks-Ohnstad Twichell

Also Present: See attached List

Chairman Hieb called the meeting to order at 9:00 a.m.

Manager Anderson made the motion to approve the June 10th, 2019 minutes as printed. Seconded by Manager Legge. Motion carried, minutes approved.

Chairman Hieb stated that he is going to move Sanborn Lake farther up on the agenda, the board agreed with this.

OLD BUSINESS

Hobart Lake: Manager Anderson presented a printout of samples that have been taken, he stated between all the rain events the flow of the river has doubled. He has been talking with Peter Wax from State Health Dept. he said things look good and have acceptable discharge to keep the outlet wide open. Samples will continue to be taken and monitored. Mr. Opat presented updated financials on the project, he stated the project has been completed for a while currently we are dealing with FEMA & DES to get all the financial stuff wrapped up. He reported we came in under budget with the total estimated project cost, but the local share came in higher than estimated. This is higher due to FEMA not considering most of the legal fees to be eligible for the 85% reimbursement, particularly with the Colville matter. Mr. Opat stated the last piece with this is that FEMA & DES would like the board to request another extension through Sept. 2019, he explained that Mr. Hassell has been working closely with them and this extension will allow them time to get all the financial information processed to make sure they don't have any audit issues. Manager Legge made the motion to request another extension from FEMA through Sept. 2019. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously.

Mr. Opat also stated that it doesn't sound like the RR is going to come take a look at Thom's issue and that is unfortunate.

Sanborn Lake: Chairman Hieb gave a report of what has been discussed in past meetings regarding this and explained the mitigation acres situation. He also reported the WRD received a letter from BNSF asking the board to ask the state for an emergency permit, BNSF would like this done within thirty days with the level brought down to 1427-currently the level is around two feet over that. Dennis Haugen was present he stated he received a call from Senator Cramer's office and it sounds like someone from the Dept. of Interior is going to come out here to look at things. Chairman Hieb explained that the SWC has been contacted that an emergency permit may be requested again.

Mr. Opat explained some concerns he has with the emergency permit request, one being the SWC is more hesitant on issuing the emergency permits than they have been in the past-some entities have abused it. He stated the SWC may also look at this as we have had eight years to get the easements in place and that hasn't been done yet, why do we need an emergency permit. Another concern is water quality, they may require water testing to be done. He stated he wants the board to be aware if we go through the process we may not get a permit the next day that says open it. He also discussed the potential legal action from landowners along with wetland compliances the board dealt with last time and asked if the board is ready to deal with whatever aftermath there might be again. He explained that this is similar to Hobart, we are sending water down the natural outlet and because we are improving and lowering it below what was natural, the state requires a permit. As part of the permitting we need to address any potential adverse impacts.

Mr. Opat handed out an updated map of ROW acquisition, Chairman Hieb relayed there is money set aside \$300/acre for the flowage easements. There was discussion on the parcels with USFWS easements particularly the Offner property. Kurt Tompkins (USFWS) was present and stated the parcels that require no excavation we will need nothing from him, he also stated that he would issue a temporary permit like he had done the last time. Manager Anderson asked about spraying cattails Mr. Tompkins said no problem and no permit needed, if we maintain the channel as an open channel with cattail spraying that would be fine.

Dennis Haugen stated that both Senator Cramer's office and Senator Hoeven's office have discussed these water issues, they have asked him to come and get as much information as possible. He then asked the board how high is the current level right now above the base of the drain on Hobart Lake? Manager Anderson explained the intention is to have the elevation at 1414, the water is currently 4-5ft above that. The estimated time to get the water down to 1414 is three years. Mr. Haugen then asked on the Sanborn Lake Project what is the current level right now above the base of the drain? Manager Anderson relayed 1429.65ft that is on the east side of Hwy #1 the highest spot at the BNSF tracks, he explained the WRD is suppose to maintain the elevation at 1427 or lower. Mr. Haugen then asked if we have done the math on how many acre feet are involved with the water coming off these projects, and with all the water problems across the U.S. right now it is getting a lot of attention from the legislators, we've got an opportunity her to get something done.

Commissioner Froelich expressed he feels the board needs to get a number of what it's going to cost to mitigate the wildlife acres. Manager Legge stated for now all we know for certain is USFWS has seven acres and they will allow us to pass water through there, that gives us some time to mitigate. Mr. Haugen asked who determines the value of mitigation acres? Manager Anderson explained mitigation banks and how the exchange process works within the watershed. There was some discussion on the wetland map from Houston Eng., Mr. Opat stated it is more than likely based off the national wetland inventory which is probably real close to the acreage. After more discussion Manager Legge made the motion to apply for the emergency permit. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously. Mr. Opat stated we need to get Mr. Fredricks involved, we will need to have a public hearing and there are notice requirements. Manager Anderson and Manager Fehr asked Moore Eng. to talk with the landowner's and NRCS to see if we can get 1026's to work on the easements, Mr. Opat stated realistically we can't get the 1026 information in the twenty days left from the BNSF letter-the benefit with the emergency permit is you get the process going and we find out what the state is going to require.

It was suggested to have an informational meeting with the landowners and NRCS.

Kathryn Dam: Mr. Opat reported that a series of permits has been submitted to the state one being a construction permit they have reviewed it and have sent it out for comment. Manager Anderson made the motion to authorize Secretary Manson to sign and send the comment letter onto the OSE. Second by Manager Legge. Upon roll call vote, the motion carried unanimously. Mr. Opat went onto explain another permit ties into archeology, there is some native American type sites along with the old mill. The rock bar downstream of the dam is believed to be part of the old mill and that it has historical significance. This is delaying the permit, but Moore Eng. is working with the agencies on this to get it taken care of. He also reported they have been working on coordinating with the COE and with the State on the Devils Lake outlet, he also discussed some risks and what would possibly drive the cost up with the construction. He explained a month ago a packet was submitted to the Devils Lake Operating Committee to request the operation to shut down, they reported back that they could not make that decision now they need to get more water off Devils Lake. This puts more of a risk going into this fall and the high flows are not looking good also the COE is not doing a complete shut off to do their project, we may not be looking at construction necessarily this fall. If we want more certainty in the contract with the bidding documents we may delay the bidding until we can get a firm decision from the Devils Lake Operating Committee to know that they will and when they will shut it down, so when someone bids on it they will know. It may not be in the best interest to push this forward and bid this fall, rather than running this through and taking on more costs consider going through the steps to try to minimize the risks for the contractor and try to get the best price we can.

Mr. Opat also stated that discussion with the landowners is going very well, Mr. Fredricks has put together a draft purchase agreement and we are going to do meets & bounds. There was discussion on compensation for the landowner letting us use his field for a staging area, more discussion on that later. Mr. Opat pointed out that there were mussels found near the projected worksite, Moore Eng. is working with agencies involved to temporarily relocate the mussels then bring them back, a survey is being done.

Griggs-Barnes-Stutsman Joint Board: Manager Fehr stated there is a meeting scheduled today.

10 Mile: Manager Anderson read the email from Paul A....

These are the latest elevations for 10 Mile. **07/07/2019** from direct observation of the Moore Engineering Elevation Marker was **1433.8** msl. and represents **12737.59**-acre feet.

The new reading represents **3.0 ft INCREASE** from **11/9/2018 of 1430.8** msl, (5607 acre feet)

A change in Acre Feet of **7,130.79** from 5607 on 11/9/2018 or a **127.2 % INCREASE** in acre feet.

The NDSWC Observation Well 142-060-10CCC-2, **6/11/2019** is **1434.35**

Manager Fehr stated that area has gotten around 8 inches of rain in the last two weeks, and water is starting to run everywhere. Mr. Opat stated that Mr. Hassell is reaching out to Jenny Heglund (NRCS) to see if she can give the board some idea of an elevation, hopefully she can give the board a range of numbers to work with. So, moving forward the board will wait to see if we get that information.

Justin Sherlock (Mayor City of Dazey) was present he discussed the water issues currently happening around that are affecting the City of Dazey, their lagoon is being threatened they also have waterlogged streets and basements. They currently have Interstate Eng. looking at their situation. He would like to have an informational meeting with landowners, NRCS and USFWS. He talked about the drain in that area and stated that it needs to be opened again, he wants to find a long-term solution with this drain. He wants an emergency permit and asked if the city applies for that or go through the water board. Mr. Opat explained that all surface drainage permits get sent to the state first for their review, then they get sent to the local WRD for their approval. He suggested to fill out the application and send it to the state, he also suggested to the board when we have the Special Meeting to put this on the agenda.

VC Little Dam: Chairman Hieb had nothing new to report from the last meeting.

Dams owned by BCWRD: Nothing new to report from the last meeting.

Eckelson Lake: Manager Legge reported that it is running, it is moving through culverts as hard as it can naturally.

Thordenskjold Drain-repairs: Mr. Opat started discussion with a review of what was discussed at the last meeting. Jim Storhoff was present he is concerned; the box culverts are 96 yrs old and the wing walls are deteriorating worse on the North end of the drain. He stated there is a lot of excess water that comes into the drain on sect 11, there should be bigger culverts on the South end of that sec. There was discussion on whether to just repair the wing walls or add the bigger pipe along with the repairs. Mr. Opat will contact Industrial Builders to stop work and come back with updated costs to replace the two remaining crossings and new culverts.

Complaint – Neil Sad: Mr. Sad had called Chairman Hieb and the WRD office, he was unable to attend the meeting and gave Chairman Heib permission to withdraw his complaint.

NEW BUSINESS:

Cattail Spraying-Legal Drains: Discussion was held, the board is happy with the work Mike Larson has done in the past they want to hire him for this fall spray. Manager Anderson stated that with Legal Drain II they do not want the bottom of the drain sprayed, just the side border of the drain. They want the Eckelson Lake Snag/Clear District sprayed the same as last year, also the Thordenskjold Drain can be sprayed like last year it was mentioned to really get the further south end of the drain. Secretary Manson relayed to the board that Mr. Larson will do some private spraying as he did last year to his discretion, those who are interested should get a map and contact information to the WRD office.

Erosion along 21S: Mr. Opat and Jim Jackson did a site visit with Kerry Johnson. In discussion it was asked if there is any chance to get help from the SWC? Mr. Opat stated potentially then went onto explain their streambank policy requires to protect public infrastructure, in this case the highway. Discussion was held on jurisdiction and if Devils Lake water plays a part in this Mr. Opat pointed out that Devils Lake water isn't moving the same as the river water, then discussed the possible permitting process and explained this could potentially trigger an individual permit and that is more involved with specific requirements. He will have some rough concepts with some ranges of costs to present at the next meeting.

Ditch Cleaning Agreement - A. Dolliver: This was tabled until next meeting.

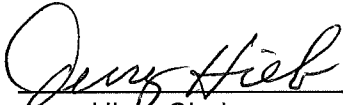
Engineer Report: Mr. Opat had nothing to new to report.

Legal Report: Nothing for legal report.

Bills: Manager Legge made the motion to pay bills. Seconded by Manager Buttke. Upon roll call vote, the motion carried unanimously.

There being no further business to discuss, the meeting was adjourned at 11:54 a.m.

APPROVE:


Jerry Hieb, Chairman

ATTEST:


Heather Manson
Secretary-Treasurer

Barnes County Water Resource District
PO Box 306
Valley City, ND 58072

July 8th, 2019
Meeting Attendance

PLEASE SIGN IN BELOW

Shawn Okerson
Jim Storhoff

BCC

DENNIS HOUGEN
Arvid Winkler

~~DA A. A. A.~~

KURT TOMPKINS

Ray Johnson
Gerald Wendle
Joan Froelich