

Barnes County Water Resource District

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Valley City, ND 58072

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July 25, 2019

## **SPECIAL MEETING MINUTES**

### **Emergency Permit Sanborn Lake**

PRESENT: Chairman Jerry Hieb

VIA TELEPHONE: Manager Bret Fehr, Manager Scott Legge, Manager Dan Buttke, Mike Opat Moore Eng., Sean Fredricks Ohnstad Twichell, Dave Johnson BNSF, Rick St. Germaine Houston Eng., Kelsey Huber & Matt Lindsay SWC

Chairman Hieb called the Special Meeting to order to discuss the outlet for Sanborn Lake at 1:00 p.m. Kelsey Huber (SWC) began the meeting by reading the opening hearing statement. Mr. Opat gave a quick overview, he stated with the water levels going back up the board took action to direct the submittal of the emergency permit to begin operating the outlet structure that has been in place at Sanborn Lake since 2011. Upon submittal of the application the OSE responded with some questions, there was information gathered from BNSF and various road authorities with other local parties, that was submitted and upon review of that the OSE responded back to inform the board it would be appropriate to schedule today's meeting/hearing.

Kelsey Huber asked to generally describe the emergency? Mr. Opat explained what was submitted in the application. The water levels are rising due to an extreme run off event from this last spring which has compounded by continued significant rainfall from the late spring and summer months. The water levels are within ½ foot of going over the BNSF tracks, there are also related impacts to adjacent public road infrastructures, at this point the wave action associated with the higher water levels is causing impacts to the embankments. At the present time it doesn't sound like there are any residences that are completely cut off from emergency services, but if the water levels continue to rise that could be a possibility. With that the board is looking to alleviate those issues by the operation of the existing outlet that does not currently have a permanent permit.

Dave Johnson BNSF described the impacts to the RR, he stated the RR cannot operate through water. If the water continues to rise it will impact the signal system which allows the trains to operate safely and efficiently. He stated eventually if the lake levels get high enough, we would have to re-route which can cause many delays and it would disrupt our operation immensely, therefore we are requesting that the action be taken to lower the lake levels to a 1427.0 level.

Kelsey Huber then asked for a general description of the project and its location, what type of structure and how will the lake be drained? Mr. Opat again referenced everything submitted in the emergency application. He stated the project consists of a 36" pipe that travels through a portion of sec 12 and then outlets into the current natural overflow waterway, that carry's overflow water from the lake currently. It is the same natural route and makes its way a few miles through that natural waterway down to the Sheyenne River. The project has a control gate on the upstream end to allow for complete shut off of the system, and also allow for partial releases depending on certain criteria that might be in place downstream.

Kelsey Huber asked if there is a known volume of water to be drained or elevation to be drained down to? Mr. Opat explained that the target elevation would be to get the lake water down to at least 1427.0. Matt Lindsay (SWC) asked what the significance of that level was? Mr. Opat stated that elevation provided a reasonable amount of free board for the RR to operate, at the present time that is close to 3 feet of draw down.

Kelsey Huber asked if some of the easements have been obtained form landowners or USFWS? Mr. Opat again referenced all the material included in the submitted application. He stated the easements have all been obtained for all of the properties impacted by the pipe that is in place, and the agreements have been secured for approximately 1-2 miles downstream from the outlet of the pipe along the natural waterway. Discussions have been ongoing with the landowners extending from that point down to the Sheyenne River, the board has set up a meeting with those landowners for this coming Monday for further discussion. Kelsey Huber then asked if the COE or NRCS has been contacted about this drainage project? Mr. Opat stated there was coordination with these agencies back in 2011 when the project was originally operated. At the present time the construction is complete, and we don't not anticipate any further construction activities that would require any permits from those agencies. Matt Lindsay asked if the board has talked to the Dept. of Health about the project? Mr. Opat explained at the present time we have not had any recent correspondence with them. We are aware they have been copied on recent correspondence on this permit application, but that is the extent to any communication with them at this point.

Kelsey Huber then asked when do we anticipate draining? Mr. Opat stated the board is eager to begin moving water as soon as possible, that depends on the outcome of today's hearing. The board may consider operating it after the discussions on Monday's meeting with the landowners. Chairman Hieb explained the meeting on Monday is to keep the landowners in the loop, and we hope to get the permit and get more of the easements downstream signed. Kelsey Huber then asked if the road crossings in the drainage route are adequate to handle the drainage flow? Mr. Opat explained there are a few road crossings along the natural route and back in 2011 when the project operated there was no recollection of any significant issues, if the project were to operate at the present time the board does not anticipate any issues.

Kelsey Huber lastly asked if the WRD had any comments on the project? Chairman Hieb stated that we did not have any comment right now other than asking for permission to have the emergency outlet to relieve the problem with the RR, then at the same time the board will continue to work on getting the easements downstream. Matt Lindsay asked what the discharge would be? Rick St. Germaine (Houston

Eng.) stated right now if the outlet was completely open at the current level the peak would be 34 cfs, as the lake level comes down it will lower to 25 cfs at a 1427.0 elevation. He then reported some current flows of the Sheyenne River, he will send this information to Mr. Opat to pass along to the SWC. Kelsey Huber then asked if anyone had any other questions or comments? Chairman Hieb stated that the biggest concern the board has gotten from the landowners is that they do not want a wall of water to hit them at once. He stated the board would like to alleviate the problem for BNSF and also extend the time to drain.

Matt Lindsay stated as part of the admin code the SWC needs a recommendation from the board for approval. Manager Legge made the motion to recommend approval to the State Eng. Office. Seconded by Manager Fehr. Upon roll call vote, the motion carried unanimously.

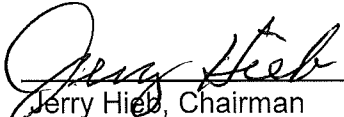
Matt Lindsay stated now that the State has the recommendation, they will draft a memo and send it up the chain for review. He did not see a reason not to approve it given the situation, he did mention to keep in mind the water quality on the Sheyenne River and the Dept. of Health will be looking at that. Mr. Opat asked what a best estimate is as to how long the review and decision might take? Matt Lindsay stated it all hinges on the supervisor's schedules.

Rick St. Germaine wanted to mention in case this comes up in discussion with the downstream landowners, that BNSF has looked at different alternatives with this. In this case a restriction for raising the tracks again is the hwy #1 crossing, the tracks cannot be raised anymore. Matt Lindsay asked if having the tracks go around the lake long term is an alternative? Rick St. Germaine stated no, it would be beyond their ROW and would be very expensive.

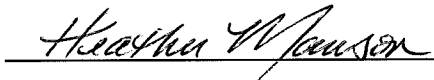
Kelsey Huber then read the hearing closing statement.

Chairman Hieb thanked everyone for participating, then adjourned the meeting at 1:29 p.m.

APPROVE:

  
Jerry Hieb, Chairman

ATTEST:



Heather Manson  
Secretary-Treasurer