

Barnes County Water Resource District

PO Box 306

Valley City, ND 58072

845-8508

Meeting Minutes

August 14, 2023 – 9 a.m.

MEMBERS PRESENT: Chairman Jerry Hieb, Managers Bret Fehr, Scott Legge, Dan Buttke, Bruce Anderson (via WebEx), Mike Opat Houston Engineering, Sean Fredricks (via WebEx), Shawn Olauson Barnes County Commissioner

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

Manager Legge moved to approve the minutes from the July 10, 2023. Manager Fehr seconded the motion. Motion carried; minutes approved as printed.

OLD BUSINESS

VC Little Dam

Mike reached out to the DWR for an update on the permit, it is being reviewed by the DWR hydrologist, they are aware of the high priority of this but could not provide a timeframe when the review would be complete. If DWR issues the permit in July, cost share request could be considered at the October State Water Commission meeting, then the Board could bid the project and could potentially proceed with construction in November. After more discussion Manager Legge moved to authorize Mike and Heather to submit the cost share request once the Conditional Water Permit is approved. Manager Buttke seconded the motion. Upon roll call vote, the motion carried unanimously. Mike reported that under the MOA the Board signed with the Corps, the Board is required to hire a certified archaeologist to document the dam. HEI reached out to three qualified consultants; Mike presented an estimate from Metcalf Archaeological Consultants. After more discussion Manager Legge moved to approve the estimate from Metcalf Archaeological Consultants. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

Mike received a call from Bob Koeplin on moving one of the Water Trail's portage points, Mike will check if that is a possibility. Mike mentioned the Water Trail's interpretative kiosk and bike rack projects will not be included in the WRD's contract, however, assisting with the coordinating for them to do their work is possible.

NRCS-RCPP: Ten Mile Lake

Mike reported we are still waiting for the official paperwork to come from the NRCS national office, he mentioned at the last meeting the Board agreed to stay with the original plan to start field work in the fall 2023. The field work should be complete before frost.

Thordenskjold Drain

Mike and Chairman Hieb attended the Ransom Co. WRD's July meeting, Mike reported that discussion went well, they talked about past meetings then reviewed the updated map. Sean drafted and circulated a Joint Powers Agreement to both Boards; the Ransom Co. Board approved and signed the JPA and the consent letter regarding Sean's representation. Sean discussed the new notification requirements for the formal reassessment hearing process, including publication and mailing requirements. He also explained to the Board that with the approved JPA, the process requires both Boards to approve Resolutions and the final reassessment list. Discussion was held on timing for the hearing, the Board agreed to not interrupt harvest and to move forward with the formal hearing during the winter. No action was taken by the Board.

Sheyenne River Bank Stabilization Study:

Mike presented the final report, and reiterated that the Board is the lead sponsor of this study, with cost share from the DWR & RRJWRD to fund this. He summarized the area of interest, including a breakdown of the prioritization and categorization of the sites. He reminded the Board that this study is intended to be a first step to get an idea of the magnitude of the issues along the river. Discussion was held on the options for moving this study forward. The Board could potentially go on their own, focus and reprioritize sites in Barnes County, and apply for cost share from the State Water Commission. Other potential avenues were discussed, along with the Devils Lake Mitigation Fund. Jim Stevens was present and he discussed his situation along the Sheyenne River, during discussion options with the NRCS office about their programs or the Dept. of Environmental Quality 319 programs were mentioned. No action was taken by the Board.

Clausen Springs Dam

Mike reported we are still trying to figure out an access for the trash rack repair, he has not heard back from Bayshore with the barge yet. He mentioned that he could reach out to a wider area for the barge, but that could be more costly. Discussion was held on the potential road grade by the spillway, Mike mentioned this is a project that needs consent by involved agencies, that will not be able to be used during a high-water event. Mike also mentioned that Trademark Tooling had talked about patching the existing trash rack, the Board agreed that a new trash rack is what they want.

Discussion was held on possibly doing the work during over the winter season and Mike talked about a couple different options that involved coordinating with Game & Fish along with snow removal. Mike will have more conversations with the parties involved and report back at the next meeting. He stated that we are still trying to find someone to do the brush removal, then Strata can do the void repair. Mike has reached out to John Borg, he has not heard anything back. Manager Fehr knows someone who might be able to do this, he will talk to them. Discussion was held on the estimate from Pro Ag Solutions to do the weed and tree spraying. Manager Legge moved to hire Pro Ag Solutions. Manager Buttke seconded the motion. Upon roll call vote, the motion carried unanimously.

Stewart – Anderson Drain

Mike gave an overview of discussion held at last month's meeting. Mike discussed option one which is putting the drain back to the original plan specs. He mentioned from the existing drop structure down to the culverts installing a concrete weir, that would allow the culverts in the twp. road to stay where they are, extend the culverts on the downstream side and build the concrete weir on the upstream side. Discussion was held on the rip rap option, this is the more expensive of the two, Manager Anderson could potentially have a local contractor that could get the riprap at a cheaper rate. Mike stressed the importance of properly sourced riprap, along with the importance of properly installed rip rap. He then touched base on cost share, the DWR does not fund maintenance or repairs, they could potentially help fund improvements to the drain. Mike has had conversations with Matt L. (DWR) he indicated that if the drain is put back to its original plan no permit is required, but if the Board were to choose the rip rap option a permit is needed. There was discussion on timing, there is concern of potentially more undermining below the existing drop structure. The Board discussed a temporary fix to get the structure through the winter season. After more discussion Manager Buttke moved to authorize Mike and Heather to submit a Surface Drain Application on behalf of the Board to proceed with the riprap option. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously. Discussion was held on estimates, Sean explained the requirements for the formal bidding process. The Board directed Sean to prepare a draft construction contract for this project that the Board can discuss next month.

Hansen/Hurley Complaint

Mike reported that we have not received correspondence from the DWR regarding Mr. Hurley's surface drain application. At the last meeting the Board agreed to wait for the notification from the state, review the situation through the 8-point process required for the permit, then address the complaint. No action was taken by the Board today.

Tomahawk Dam – update

Mike reported that the contractor for this project has had a lot of challenges with de-watering the site.

Cornell Twp. Improvement District No. 80

Sean reported that the BC Board signed the JPA with the Maple River Water Resource District at the last meeting. At some point, when this project develops further, the Maple River Board will be back to update us on the progress.

Snagging/Clearing 2023-24

Per the Board at the last meeting, Mike and Heather submitted the cost share application to the DWR. Beth Nangare (DWR) requested more details regarding the project for listing in the memo and recommendation. Mike stated this is good news, hopefully we can get to do this project again.

Fall Cattail Spraying

Heather reminded those in attendance if they want private spraying done to submit their maps with their contact information to the WRD office. Mr. Larson plans to be in the area mid-September.

NEW BUSINESS

Application to Install a Subsurface Water Management System No. 2023-13 for Joe Plagens in Section 7 in Laketown Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-13*, filed by Applicant Joe Plagens on July 25, 2023. Under the Application, Applicant seeks to install a 232-acre drain tile system in Section 7 in Laketown Township, Barnes County, North Dakota. The project will include a single pump outlet located in the northeast corner of the Northeast Quarter of Section 7; the pump will discharge into a diagonal culvert through the intersection of 13th Street SE and 103rd Avenue SE; the discharge will daylight in the southwest corner of Section 5 in Laketown Township and will flow east in the north road ditch along 13th Street until flowing into a USGS blue line natural waterway in the Southwest Quarter of Section 5.

According to County tax roll information, Kim Burns owns the Southeast Quarter of Section 7; Evangeline Egan owns the Southwest Quarter and the Northeast Quarter of Section 7; and Richard Albrecht and Gary Albrecht own the Northwest Quarter of Section 7, less 12.49 acres. With regard to downstream properties, Myron and Beverly Petersen and Kevin and Tina Petersen own the Southwest Quarter of Section 5 in Laketown Township. Once the project discharges into the USGS blue line waterway in the Southwest Quarter of Section 5, the Barnes County Water Resource District no longer has jurisdiction over the tile discharge.

Manager Anderson moved, and Manager Fehr seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-13*, filed July 25, 2023, for Joe Plagens in Section 7 in Laketown Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-13, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
2. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Barnes County Water Resource District.
3. Applicant will install and maintain erosion protection at any and all project outlets into Laketown Township's road right of way.
4. Applicant must remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to the USGS blue line waterway in the Southwest Quarter of Section 5.
5. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Barnes Rural Water District has in Section 7 in Laketown Township under any blanket easements, or otherwise beyond Barnes Rural Water District's existing easement.

6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-13 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

With regard to condition #4, Applicant's obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from Laketown Township to discharge into or utilize any of the Township's road right of way.
2. The Board recommends that Applicant obtain easements or written consent from the owners of property where Applicant intends to install the tile system.
3. The Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT No. 2023-13, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, Laketown Township, owners of property where Applicant intends to install the tile system, downstream landowners in the Southwest Quarter of Section 5 in Laketown Township, and Jessica Jenrich. Under North Dakota law, Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Application to Install a Subsurface Water Management System No. 2023-14 for Kent Sortland in the Southwest Quarter of Section 23 in Svea Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2023-14*, filed by Applicant Kent Sortland on August 1, 2023. Under the Application, Applicant seeks to install a 114-acre drain tile system in the Southwest Quarter of Section 23 in Svea Township, Barnes County, North Dakota. The project will include a single pump outlet located along the west boundary of the Southwest Quarter of Section 23; the pump will discharge directly into a USGS blue line waterway that flows to the north.

According to County tax roll information, Donald and Tracy Sortland own the Southwest Quarter of Section 23 in Svea Township.

Manager Legge moved, and Manager Fehr seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-14*, filed August 1, 2023, for Kent Sortland in the

Southwest Quarter of Section 23 in Svea Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-14, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
2. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Barnes County Water Resource District.
3. Applicant will install and maintain erosion protection at any and all project outlets into Svea Township's road right of way.
4. Applicant will install and maintain erosion protection at any and all project outlets into the natural waterway in the Southwest Quarter of Section 23 in Svea Township.
5. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Barnes Rural Water District has in the Southwest Quarter of Section 23 in Svea Township under any blanket easements, or otherwise beyond Barnes Rural Water District's existing easement.
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-14 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from Svea Township to discharge into or utilize any of the Township's road right of way.
2. The Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT No. 2023-14, Applicant's downstream flow map, and the Barnes County Permit Form to the Department of Water Resources, Barnes Rural Water District, Svea Township, Donald and Tracy Sortland, and Jessica Jenrich. Under North Dakota law, Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Engineer Report

Mike reported that the PRESENS gage at Hobart Lake has been repaired, today's elevation for Hobart Lake is 1417.6 and the elevation for Sanborn Lake is 1426.23. He mentioned that Ashtabula Twp. contacted the office about cleaning a potential natural in sect 29, Manager Anderson asked Mike to investigate this area in question. Mike stated in this case there does not appear to be a natural there, it's not a blue line waterway, there is no defined channel that shows up on maps. He explained that any modifications such as deepening/widening would need a permit.

Legal Report

Sean reported that all legislation that passed last session went into effect August 1, 2023 (with the exception of fiscal bills that went into effect July 1). He mentioned that draft minutes must be posted on the County's website within ten days of the regular meeting.

Commissioner Olauson discussed the email that was sent from the County office last week pertaining to the budget, he stated evidently there was a misunderstanding at the meeting, he suggested the three projects listed in the email to come from the county general fund. He stated he will discuss this tomorrow. Mike mentioned that it's obviously concerning if there are potential cuts with the budget, he reminded the Board of their obligations with Ten Mile Lake, and stated we need to make sure we have enough funds to cover our portion before signing NRCS paperwork. He also discussed the local costs if that project were to move forward. Mike then reiterated the importance of Clausen Springs Dam and the District's obligations required by the state with this facility.

Bills

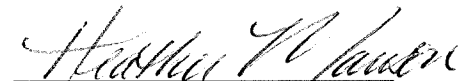
Manager Legge moved to pay bills as presented. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

With nothing further to discuss the meeting adjourned at 10:47 a.m.

APPROVED:


Jerry Hieb, Chairman

ATTEST:


Heather Manson, Secretary-Treasurer

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

August 14th, 2023

PLEASE SIGN IN BELOW

Shawn O Hansen

BCC

Kes Hansen

LeRoy Trubel

CC