

**Barnes County Water Resource District
PO Box 306
Valley City, ND 58072
#845-8508**

Meeting Minutes

October 9, 2023 – 9:00 a.m.

MEMBERS PRESENT: Managers Bruce Anderson, Bret Fehr, Scott Legge, Mike Opat Houston Engineering, Sean Fredricks (via WebEx)

ABSENT: Chairman Jerry Hieb & Manager Dan Buttke

Vice-Chair Anderson called the meeting to order at 9:00 a.m.

Manager Legge moved to approve the minutes from the September 11, 2023 meeting with the correction discussed. Manager Fehr seconded the motion. Motion carried; minutes approved with the correction.

OLD BUSINESS

Stewart – Anderson Drain

STEWART-ANDERSON DRAIN NO. 2 IMPROVEMENT PROJECT NO. 2023-01

The Board next reviewed information from the Department of Water Resources regarding APPLICATION FOR SURFACE DRAIN NO. 6254, previously submitted by the Barnes County Water Resource District regarding STEWART-ANDERSON DRAIN NO. 2 IMPROVEMENT PROJECT NO. 2023-01. The Board previously opted to proceed with a project to line the channel with riprap, a project option that will require a surface drain permit from DWR. Mike engaged Stewart Township and the Township Board ultimately submitted a letter to DWR in support of the project. Before proceeding, Sean explained the Board must officially authorize the project. Sean prepared and circulated a draft RESOLUTION AUTHORIZING STEWART-ANDERSON DRAIN NO. 2 IMPROVEMENT PROJECT NO. 2023-01 for the Board's consideration. Under the RESOLUTION, the Board would authorize the project, described as:

The Project will consist of repair and reconstruction of Drain No. 2 along the south boundaries of Sections 26 and 27 in Stewart Township. The Project will include channel deepening, widening, and stabilization, along with improvements and extension of the road crossing at 112th Avenue SE, in accordance with the North Dakota Stream Crossing Standards. The Project will include surveys, hydrologic and hydraulic analyses, culvert crossing and channel design, installation of riprap erosion control, roadway crossing

improvements, any requisite utility relocations, and other miscellaneous items as necessary.

Manager Legge moved to approve the RESOLUTION AUTHORIZING STEWART-ANDERSON DRAIN NO. 2 IMPROVEMENT PROJECT NO. 2023-01. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously and the RESOLUTION was duly adopted. Sean's office will arrange for publication of the RESOLUTION in the *Times-Record*.

The Board next discussed the permit application. In light of the Township's letter of support, the Department of Water Resources agreed to waive the 30-day SOV process and ultimately concluded the project is not "of statewide or interdistrict significance." The Board reviewed Mike's proposed responses to the eight elements under 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary for the permit under Section 89-02-01-09.1(2) of the North Dakota Administrative Code; the Board has all of the requisite right of way along the project, the Township supports the project, and the project will not result in additional drainage to downstream landowners.

Manager Fehr moved to adopt Mike Opat's proposed responses to the eight elements under 89-02-01-09.2 of the North Dakota Administrative Code; to conclude no hearing is necessary under Section 89-02-01-09.1(2); to approve APPLICATION FOR SURFACE DRAIN NO. 6254 regarding STEWART-ANDERSON DRAIN NO. 2 IMPROVEMENT PROJECT NO. 2023-01, subject to any conditions attached by the State Engineer; and to authorize the Secretary-Treasurer to sign PERMIT FOR SURFACE DRAIN NO. 6254. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously.

Sean Fredricks will prepare the requisite NOTICE OF DECISION and will serve the NOD as required by law, including service to the State and parties of record.

Mike then passed out copies of the bid submitted by Scott Cummings for the Board to review, Mike has been working with Scott going through the plans and riprap specifications. Discussion was held on bid items, current drain funds, the potential bond issue, and the maximum borrowing capacity along with the Board's general fund. Scott C. discussed his concerns with scheduling, the integrity of work that is done late in the season, he stated you have shorter days with tougher working conditions. The Board agreed and Manager Legge stated conditions around the project site are currently not ideal. Discussion was held on temporary repairs that can be done this fall to get this through the winter, focusing on the drop structures and the scour hole that is upstream of the lower structure, along with the erosion issue downstream of the drop structure. More discussion was held on the budget, timeframe, and potential cost share. The Board asked Mike to call the state to talk through the project to see if there is any chance of cost share, then report back at the next meeting. After more discussion, Manager Legge moved to approve a construction agreement with Scott Cummings for temporary repairs this fall for interim stabilization of the drop structures, not to exceed \$18,000. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

VC Little Dam

Mike reported that the state issued the conditional water permit; we are still waiting for the sovereign lands and construction permits to be issued. Mike reached out to those departments at DWR, they both

indicated the review process is finished and applications have been routed up for signatures, hopefully we get those issued by Oct. 24th for the cost-share request to be submitted for the December SWC meeting. After discussion, Manager Fehr moved to authorize Mike and Heather to submit the SWC cost-share application for construction as soon as permits are in-hand. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously. Mike mentioned that Metcalf completed the archaeology field work, they were able to get quality images from the drone photography, they have a year to complete the required documentation.

NRCS-RCPP: Ten Mile Lake

Mike reported we are still waiting on paperwork from the NRCS national office. He has been working with some landowners around Ten Mile Lake, he's had conversations with NRCS staff on wetland impacts and potential mitigation sites. He has a number in mind for mitigation requirements with the elevation at 1430, he stated at 1428 that will be more of a challenge. Mike will have an update at the next meeting. So far, landowners in the area seem to support the project.

Thordenskjold Drain

The Board plans to schedule the formal reassessment hearing sometime this winter.

Sheyenne River Bank Stabilization Study

Mike mentioned that he presented the final report at the RRJWRD September meeting, there was discussion on what the next steps of this study might be, there was some interest from attending members. At the last meeting there was discussion on having public outreach meetings possibly this winter, inviting stakeholders, and presenting the final report to gage interest to see who is interested in working with us to move this forward.

Clausen Springs Dam

Mike reported that Game & Fish did the brush removal last month, he has not been down there to see what it looks like. Mike will follow up with Tom M. for an update on the schedule for the void repair. Mike reached out to Torrey M. with Trademark Tooling about designing the trash rack modular so it can be hauled in pieces rather than one big unit, if this can be done it would make future repair/maintenance easier as well. He has not heard back from him; Mike will follow up. Still no formal inspection report from the state yet, not sure what the holdup is.

Hansen/Hurley Complaint

Sean explained that the Board has been holding the complaint in abeyance while DWR and the Board process the Hurley surface drain application permit. The process requires the Board to evaluate potential downstream impacts as a result of the project once the Board receives DWR's "Record of Decision" following DWR's statewide/interdistrict significance review. If DWR concludes the application is not a statewide/interdistrict significance application, then the Board must process the application in accordance with N.D. Admin. Code § 89-02-01-09.2(2). Sean previously recommended scheduling a public hearing on the application, in accordance with Section 89-02-01-09.2(2)(a).

Mike reported during the meeting that Kelsey Huber (DWR) left him a message; DWR has concluded the application is not statewide/interdistrict significance and they plan to forward the ROD to the Board for purposes of processing the application. DWR may delay the ROD for an additional week; DWR determined

the Chairman from Rosebud Twp. has changed and DWR did not originally mail the SOV to the proper party. DWR wants to afford the Township an additional week to consider the statewide/interdistrict significance SOV.

Surface Drain Appl. No. 6221 – Pat Hurley Drain

DWR previously circulated a statewide/interdistrict significance SOV to various parties and agencies. If DWR concludes the application is not a statewide/interdistrict significance application, then the Board must process the application in accordance with N.D. Admin. Code § 89-02-01-09.2(2). Sean previously recommended scheduling a public hearing on the application, in accordance with Section 89-02-01-09.2(2)(a).

Mike reported during the meeting that Kelsey Huber (DWR) left him a message; DWR has concluded the application is not statewide/interdistrict significance and they plan to forward the ROD to the Board for purposes of processing the application. DWR may delay the ROD for an additional week; DWR determined the Chairman from Rosebud Twp. has changed and DWR did not originally mail the SOV to the proper party. DWR wants to afford the Township an additional week to consider the statewide/interdistrict significance SOV.

Sean previously circulated a draft “Notice of Hearing” for the Board’s review. If the Board elects to proceed with a public hearing, Sean will arrange for publication of the Notice of Hearing in the Times Record, and will mail the Notice of Hearing and Record of Decision materials to the agencies and parties of record, along with Les Hansen and Keith & Kory Leistikow. After more discussion, Manager Fehr moved to set a Public Hearing regarding Surface Drain Application No. 6221 for 9:30 a.m. on November 13th, 2023. Manager Legge seconded the motion. Upon roll call vote, the motion carried unanimously.

Mike gave the Board the large map they requested for the Public Hearing. He also mentioned that at the last meeting there was discussion regarding whether or not the drainage included a “blue line” watercourse; he explained that the surface drainage permitting requirements do not hinge on whether or not the project discharges into a “blue line”; the “blue line” determination is relevant for tile permitting but not surface drain permitting. At any rate, Mike explained he was referencing the work that has been done downstream of Pat Hurley’s dike; that area is a “blue line” natural.

Tomahawk Dam-update

Mike reported that their last concrete pour is scheduled for next week.

Snagging/Clearing 2023-24

Mike reported we received the DWR cost-share agreement; Sean reviewed the indemnity and insurance language in the agreement and indicated the language is consistent with DWR’s recent cost-share language. After discussion, Manager Legge moved to approve the cost-share agreement with the SWC and to authorize Vice-Chair Anderson to sign the agreement. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously. Mike will reach out to Industrial Builders to make sure we are on their schedule for this winter.

Hobart Lake

Vice-Chair Anderson reported that the drain is still closed, elevation is 1416.1. The Board reviewed the paperwork for registering Hobart Lake with ND One Call, Heather will submit the paperwork and Mike will provide the map of the project.

Darrell Brudevold contacted Bruce on Friday about a clean out of sediment and cattails on his property, Mr. Brudevold mentioned that he has gotten permission from NRCS & COE, Mike reminded the Board that both of those entities have their own rules. Mike mentioned that if he is doing anything more than just cleaning the sediment and it is over 80 acres, he should apply for a surface drainage permit.

Engineer Report

Mike updated the Board on the Cornell Twp. Project, the landowners are looking at some potential revisions, they are still working on what the project is going to be. He reported Sanborn Lake elevation is 1425.92.

Legal Report

Sean had nothing new to report.

Bills

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

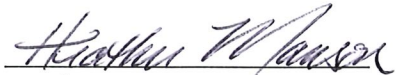
With nothing further to discuss the meeting adjourned at 10:38 a.m.

APPROVED:



Bruce Anderson, Vice-Chair

ATTEST:



Heather Manson, Secretary-Treasurer

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

October 9th, 2023

PLEASE SIGN IN BELOW

Donald Jorissen
Les Ann