

Roseau Lake Rehabilitation Project – RRWD SPECIAL BOARD MEETING

Project Team Meeting

Thursday, July 18, 2019 – 9:30 a.m.

Roseau River Watershed District Office

In attendance:

Nate Dalager, HDR; Randy Prachar, MNDNR; Henry Van Offelen, BWSR; Clinton Castle, Landowner; Nick Brown, MNDNR; LeRoy Carriere, RRWD; Tony Wensloff, RRWD; Jason Braaten, RRWD; Carter Diesen, RRWD; Tracy Halstensgard, RRWD; Mitch Magnusson, Landowner; Iden Magnusson, Landowner; James Johnson, Landowner; Hunter O’Leary, Carter Novacek, Roger Falk, Roseau County Commissioner; Ed Castle, Landowner; Aaron Magnusson, Landowner; Brian Ketring, Roseau County Highway Department; Jamie Thibedeaux, MNDNR; Phil Talmage, MNDNR; on phone: Debbie Stone, Landowner; Terry Kveen, Landowner; Cary Hernandez, MPCA; Clinton Castle, Landowner; Nick Brown, MNDNR; Kirk Schnitker, Schnitker Law Office

Chairman Braaten called the special meeting to order at 9:30. The meeting was turned over to Henry Van Offelen for facilitation. Mr. Van Offelen gave an overview of the agenda and the process for the meeting. Engineer Dalager provided a recap of the project bringing everyone in attendance up to date on progress. Engineer Dalager suggested that landowners who have specific questions relating to specific parcels ask them in individual landowner meetings instead of project team meetings due to the limited time available for agenda items that need to be discussed by the group. Landowner Debbie Stone asked if the meeting was being recorded. The meeting was recorded because it was advertised as a special meeting of the RRWD, and all board meetings are recorded. She also expressed multiple concerns regarding the lack of formal project team minutes, accessibility to project experts, and lack of overall communication. Formal project team meeting minutes are not required, however Project Team participants are encouraged to comment on the meeting notes that are sent out for each member to review. Landowners are encouraged to contact the watershed district and HDR with questions and concerns. Landowner meetings have been taking place for those property owners who have land under the proposed alignment. Mr. Prachar indicated that landowner outreach has been taking place via personal meetings and telephone. Administrator Halstensgard indicated that Mr. Terry Kveen informed the RRWD that Mr. Mitch Magnusson would be their contact for landowner meetings that took place last fall and winter. Engineer Dalager did reach out to schedule a meeting, however Mr. Magnusson chose not to meet in person. Ms. Stone continued that their family feels sidelined, not listened to, and that there has been no outreach.

Mr. Van Offelen spoke about the Environmental Assessment Worksheet (EAW) and the process involved. The EAW is required to determine if an Environmental Impact Statement (EIS) is necessary, and before permits can be applied for. Engineer Dalager presented a PowerPoint discussing the project to date. The project began in 2009 with the Citizens Advisory Committee. The goals of the project are:

to reduce peak flows of the Roseau River, improve hydrologic conditions to the west, and to reduce damage to crops and infrastructure. The project provides management capabilities for natural resource enhancements as its primary benefit. Landowner Matt Magnusson asked for clarification on what lands are considered adjacent. Landowner Mitch Magnusson indicated that he does not see how there's a benefit to those private lands south of the river. Engineer Dalager mentioned that in the State of Minnesota, benefit/cost ratio does not determine whether a project is viable. Availability of funding and public support are driving factors. Mr. Van Offelen reiterated that none of the state funding sources or the permitting agencies require a benefit/cost analysis. Deb Stone requested a copy of the Roseau Lake One Pager listing the funding sources. Engineer Dalager discussed the operating plan and how the project changes the timing of water flowing downstream and the duration of floodwaters during frequent events on a watershed basis. He showed the group aerial photos of the Roseau Lake area that corresponded to past events.

Landowner Mitch Magnusson asked why the watershed is asking for flowage easements or sale of private lands if nothing is being made worse in the lake bottom. Any time a project is put on the landscape, Minnesota Law requires landowners be paid a flowage easement. The south alignment serves as a project boundary where any land inside of the boundary requires a flowage easement. There was discussion on flowage easements and the rights and responsibilities of both the landowners and the watershed district. Questions remain as to how a flowage easement would work. Hunter O'Leary asked what would happen if a landowner refused to sign an easement. Chairman Braaten commented that eminent domain was the very last resort. Mr. O'Leary is interested in changing the alignment for a piece of property owned by a family member. The current alignment proposes a dike and exterior ditch splitting the property in half. Engineer Dalager suggested a landowner meeting to further discuss this issue. It is anticipated that the width of the ditch and dike would be about 100-150 feet in certain locations.

Randy Prachar addressed two alignment artifacts on the current June 2019 Alternative Alignment Adjustment map (dashed yellow) that followed property lines. Further landowner discussion is required regarding possible RRWD acquisition of the property. Landowner Clinton Castle asked for clarification regarding presented alignment. Further discussion regarding the area around the inlet channel will take place with affected landowners. Matt Magnusson brought up landowner management options for utilizing the south embankment ditch. There was discussion regarding the City of Roseau gage being inaccurate due to the operation of the East Diversion.

There was discussion regarding past alignment and cells that were dismissed by the Alternatives Committee and Project Team. Manager Wensloff commented regarding the board's decision to carry forward the alignment that was presented to them by the project team.

Debbie Stone commented that their family has fear and concern for what is being proposed and that the RRWD has not been open to discuss possible solutions. Ms. Stone requested that the alignment be interpreted to the Kveen family. Engineer Dalager stated that another meeting with the Kveen family can be scheduled. Mr. Van Offelen expressed concern regarding going backward with project information and that Concurrence Points have been reached.

Administrator Halstensgard explained that project ideas come from years of study and guidance documents for the watershed district. There was question as to whether Norland was holding water this spring. Norland held water during the spring.

The alignment and associated impacts as stated are a reasonable estimate for the first draft of the EAW. Jamie Thibedeaux commented the EAW will be available for public comment once published. Ms. Stone again commented that the Kveen family does not feel that they are up to date on information regarding the project and that they don't have access to all project information. The Kveen family would like information on what is being proposed and what it means at the farming level.

A dike project on the island and immediately south of the cut-off ditch would need to be brought to the board as its own project by the landowners involved.

Ms. Stone again stated that project team meeting notes are inadequate. She was invited to add her comments to the notes.

There are sampling and survey sites that need to be completed this field season. Administrator Halstensgard informed the group that under MN Statute, the RRWD has right of entry to access private land for survey purposes. The RRWD will contact the landowners affected and notify them of the impending work.

A mitigation update was provided in written format. There was a brief discussion on procedures for unutilized funds and the length of time funds are available. A brief explanation regarding funding reimbursement and cost share was also given.

Chairman Braaten called for a motion to adjourn the special meeting. Manager Diesen made a **motion** to adjourn the meeting at 12:33 p.m. The motion was seconded by Manager Wensloff and carried unanimously.

Attached to these Thursday, July 18, 2018 Special Board meeting minutes:

Roseau Lake Rehabilitation Project Team Meeting agenda: Thursday, July 18, 2019

Letter received via email from Mr. Terry Kveen dated July 8, 2019

Alternative 2A' Alignment Adjustments dated June 2019

Pine Creek Modification - Roseau Lake Project handout

Roseau Lake Project Team Meeting / RRWD Special Meeting sign-in sheet

Respectfully submitted,


Cody Schmalz, Secretary


Tracy Halstensgard, Administrator

Roseau Lake Rehabilitation Project
Project Team Meeting
Thursday, July 18, 2019 ~ 9:30 a.m.
Roseau River Watershed District Office

9:30 a.m.

- ❖ Alignment finalization
- ❖ EAW draft submittal
- ❖ Wetland Mitigation – Update
- ❖ Cultural and Wetland Field Work
- ❖ Project Management
 - Funding needs and timeline
 - Design
 - Right of Way
 - Permitting
- ❖ Next Steps

12:00 a.m. ~ Adjourn

Conversation Guidelines

- 1. Everyone participates; no one dominates.**
- 2. Seek to understand, not to be understood.**
- 3. Try hard to understand the views of those with whom you disagree.**
- 4. Ask questions if you are uncertain of the meaning of someone else's comments.**
- 5. Help to keep the discussions on track and/or bring closure to a discussion by practicing "I can live with it."**

July 8 , 2019

Mr. Terry Kveen
N69 W20473 Orchard Ct
Menomonee Falls, WI 53022

Roseau Lake Project Committee Members
US Army Corps of Engineers
MN Department of Natural Resources
HDR Engineering
C/O Ms. Tracy Halstensgard
Roseau River Watershed District
108 3rd Ave SW
Roseau, MN 56751

Re: Response to upcoming Meeting Agenda and Landowner Requests

Dear Administrator Halstensgard:

I am writing to you to follow-up on our requests during the meeting held on July 18, 2018 and subsequent meetings since. We have reached out to you on behalf of landowners and affected individuals associated with the proposed Roseau Lake project several times over the past several years. Collectively our family represents ***thousands of acres of farm lands that would be inundated by the proposed project.***

Our families have farmed these lands for more than 5 generations. Our immigrant forefathers took great risks to homestead these lands and we ask that these investments in the economy, history and tradition be considered in making this game changing decision. While we are thankful to have some additional information we still lack specific information on the project alternatives being considered and the impacts they will have for our family lands. We are extremely concerned to see that a final alignment is an agenda item for the upcoming July 18th meeting as there has been no detailed analysis shared with us as affected landowners on our lands and crops. Over the last many months we have asked:

- 1) Meeting minutes not summary notes with little to no detail be produced and shared with us to understand the project planning process and details of design as opposed to meeting notes which the committee has been preparing that are much too general to update parties who are potentially affected

- 2) A package including project alternatives, hearing timelines and budget and costing and benefit analysis with criteria of the various alternatives under consideration.
- 3) A hydrological study and impact analysis by hydraulic and agricultural experts to understand what crops would be affected and how. Mischaracterization of our lands crops and yields continue to be an ongoing concern.

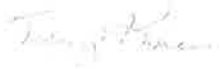
As we have shared, while the watershed has maintained that the proposed alternatives would benefit the region, it seems there are more questions than answers at this stage. Agriculture is a major source of economic activity in this region of Minnesota and is for our family. We were pleased that some meeting participants did visit our lands and we were able to show photos of the more than 1500 acres currently being farmed. These lands continually produce a variety of crops including soybeans, wheat, and bluegrass. Earlier characterizations of our farming operations were not accurate and the site visit enabled us to tell our story more accurately.

- 4) Of ongoing concern, the FSA has been characterizing land for the last several decades. Recently we were told FSA would write a letter to affirm that land categorizations were not the target of the recent FSA appeal communication but that it was simply an effort to identify subcontracted leased lands. We never received that letter.

In closing, we recognize that call in access participation has now been arranged for all future meetings. This is imperative for us and others who are not able to attend the 3+ hour monthly meetings that have been occurring.

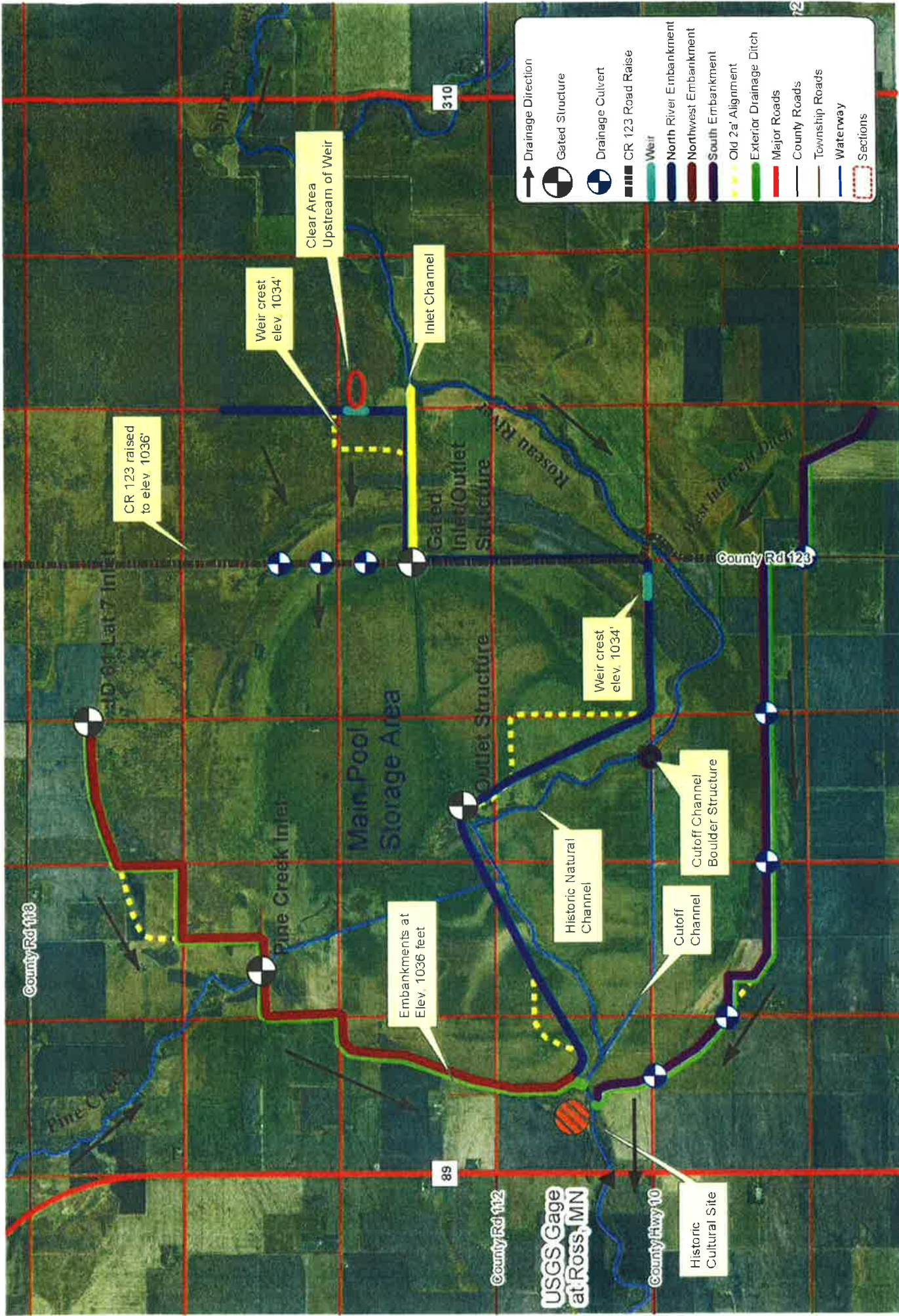
For all of the above considerations we ask that RRW, MNDNR, US Army Corps, to use your authority to ensure that we have access to information, that we are provided with professional assessment of impacts to our lands in this matter and are kept much more fully informed. I can be reached at 414-861-3599 or Debby Stone 202.251.5577 continues to work on these issues.

Sincerely,



Terry G. Kveen
On Behalf of the Landowners

CC: Minnesota Department of Natural Resources
US Army Corps of Engineers
HDR Engineering



**ALTERNATIVE 2A'
ALIGNMENT ADJUSTMENTS
JUNE 2019**

ROSEAU LAKE PROJECT

ROSEAU LAKE REHABILITATION PROJECT FINAL ENGINEER'S REPORT

Pine Creek Modification – Roseau Lake Project

Background

Construction of the Roseau Lake Rehabilitation project will require modification of Pine Creek (SD 87) as it outlets into the Roseau River (SD 51) in the drained lake basin. SD 87 is both a public water, defined as an altered watercourse and a legal drainage system administered under ditch law. The dual designation results in added complexity to permitting any modification to the channel as a result of the Roseau Lake Rehabilitation Project.

Conceptually there is an option to restore flow to pre-ditched channel within the lake basin and its dynamic with the shallow open water habitat in the north lake basin. This option would include filling the open ditch (no longer utilized) with spoil to prevent fish entrapment following inundation and enhance communities within the former corridor of disturbance. The utility benefit to the operation of Roseau Lake is; no need for a structure at the current confluence of SD 87 and SD 51 and more consistent management of “drawing down” shallow water systems for management purposes.

The Restoration of Pine Creek to its former channel would entail the following:

- Reconnect approximately 7,650 ft of stream corridor
- Plug approximately 8,200 ft of former open ditch
- Relocate terminus of SD 87 approximately 3,880 ft north of current location.
 - New outlet = -95.8809, 48.9303
 - Current outlet = -95.8797, 48.9197

Public Water Permit

The activity would require a public water permit in accordance with 103G.245. The work would change the course and cross section of a public waters which would require a public water permit and may not qualify for and exemption under Subdivision 2. The proposed alignment and outlet location is based from aerial imagery review from 1940-2017. Pine Creek, prior to drainage efforts in the early 1900's, outlet into the shallow Roseau Lake. There is no evidence of a former channel beyond the proposed outlet location, based on elevation, aerial and vegetation data reviewed.

Drainage Petition

The proposed modification would require diversion of a drainage system which must be completed through a petition under 103E.227. This procedure would require plans and specifications detailing the need and effect of proposed activity. The drainage authority would appoint an engineer to review the petition and file a report of findings. At which point a public hearing would be scheduled, any affected lands would need to be provided flowage easements, if approved the applicant is tasked with future maintenance costs of any features within the scope of the petition.



Roseau Lake Project Team Meeting / RRWD Special Meeting
July 18, 2019
9:30 a.m.

NAME	EMAIL	PHONE
Henry Van Offelen	BWSR	
Jaimie Thiodeaux	DNR	
Jason Braaten		
Jason Magnusson		
Tony Wenzel		
Carter Nowacek	mism@mcable.net	
BRIAN KETRING	RCHD	
Ed Castor		
Logan Dahl		
Hunter Okany		
Carter Diesen		
John Magnusson	218-684.5287	
James Johnson	218 242 1677	
Phil Prachter		
Phil Prachter		
Phil Prachter		