

**MINUTES OF THE ROSEAU RIVER WATERSHED DISTRICT BOARD OF
MANAGERS SPECIAL MEETING HELD JUNE 9, 2021**

ORDER: Chairman Carter Diesen called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

MANAGERS PRESENT: Carter Diesen, Jason Braaten, LaVerne Voll, and Cody Schmalz.

STAFF PRESENT: In person: Watershed Specialist McCormack and Administrator Halstensgard

CONSULTANTS PRESENT: In person: Michelle Moren, Attorney; Jake Huwe and Nate Dalager, HDR Engineering.

OTHERS PRESENT: For others present, please refer to attendance sheet. Daryle Dahl, Roseau County Highway Dept. was present via WebEx.

A **motion** was made by Manager Braaten seconded by Manager Voll to approve the agenda. Motion carried unanimously.

A **motion** was made by Manager Voll seconded by Manager Braaten to open the public hearing. Motion carried unanimously. Managers, staff and consultants introduced themselves.

Following introductions, Chairman Diesen stated that during the public hearing the board would be taking comments and questions and a written reply would be provided to the public and made a part of the permanent record of the hearing. Chairman Diesen asked attendees who wished to have the record of this hearing provided to them directly provide their contact information on the sign-in sheet.

Chairman Diesen read the following statement:

“This is a public hearing to consider the proposed Whitney Lake Retention Site A and Whitney Lake Retention Sites C. This Public Hearing is part of the legal procedure that the Roseau River Watershed District is required to follow regarding project implementation pursuant to Minnesota Statutes §103D.605 and any other applicable statute.

The final decision will ultimately be made by the Roseau River Watershed District Board of Managers, and will take into account what is said at this hearing.

The District Administrator will now read, for the record, the notice of this public hearing.”

Administrator Halstensgard read for the record the Notice of Hearing (Exhibit A). Attorney Moren asked Administrator Halstensgard about the publication of the Notice of Hearing. The Notice was published in the Roseau Times-Region May 22, May 29, and June 5, 2021. An Affidavit of Publication (Exhibit M) is on file. Attorney Moren then asked about the notification of affected municipalities. The affected municipalities were notified by US Postal Service and an Affidavit of Service by Mail (Exhibit K) is on file. Notices were mailed May 20th, 2021. Attorney Moren asked Administrator Halstensgard if notice was provided to the Board of Water and Soil Resources. Administrator Halstensgard replied “yes.” Attorney Moren asked Administrator Halstensgard if notice was provided to the Department of Natural Resources. Administrator Halstensgard replied “yes.” Attorney Moren stated that those notices would be part of the record.

Engineer Huwe stated that he would be presenting on the Whitney Lake Project area as a whole, then presenting on Retention Site A, taking comments and questions on Site A, then presenting on Site C and taking comments and questions on Site C. Engineer Huwe proceeded with his presentation on Retention Site A and presented a Power Point presentation as set forth in the Attached (Exhibit B). The Engineer's Report on Retention Site A was made part of the record (Exhibit C).

Administrator Halstensgard read for the record the BWSR Advisory Report letter from the Board of Water and Soil Resources dated May 29, 2020 (Exhibit D). Administrator Halstensgard also read for the record the Director's Advisory Report from the Minnesota Department of Natural Resources, Ecological and Water Resources dated June 16, 2020 (Exhibit E).

There were no other written comments specific to Retention Site A. Chairman Diesen stated that the hearing would now be open for comments specific to Retention Site A and requested that individuals wishing to address the Board come up to the microphone and state their full name for the record.

As stated by the Chairman at the commencement of the public hearing, the Engineer would respond to all questions in writing following the proceedings and said engineer's responses would be made part of the record (Exhibit L).

Mark Wierschke -- provided both verbal and written comments (Exhibit F) to the Board.

- Question: On the RRWD website project information the total estimated cost of the project is \$8 Million and on the handout it says \$6 Million. Which is the true cost and does that include the diversion ditch and retention area?
- Question: On page 24 of the Engineer's Report, there appears to have been a change in the inlet channel. What will the inlet channel from the south look like?
- Question: From page 29 of the Engineer's report; why were state ditch 69 and state ditch 20 not included as part of an improvement project now?
- Question: Page 44 of the Engineer's Report mentions borrow sites, what will the Board do if there are no willing landowners?
- Mr. Wierschke read his written statement for the record (Exhibit F).

Darrell Wicklund – Mr. Wicklund stated he is the chairman of the Roseau County Board.

- Comment: He said the conveyance of state ditch 69 is his main concern and talked about the County's issues with maintenance of that system.
- Question: how is the water to recede on the minimum maintenance road south of the retention areas identified as 300 Street?
- Question: will the culvert in CR 139 between 300th Street and CR 26 be removed?

Richard Foss

- Comment: Mr. Foss is in favor of the project and said something needs to be done with the overland flooding and stated "we need help".

John Johnson

- Comment: Mr. Johnson stated he farms in the area and is in support of the project. He called Mr. Wierschke a liar. Mr. Johnson said that contrary to Mr. Wierschke's assertions, Mr. Wierschke is not farming most of that property. He said Mr. Wierschke lives in Fargo and rented out some of the property and Mr. Wierschke is not aware of what floods and what doesn't flood.

Douglas Erickson

- Comment: Douglas stated he has had substantial crop loss as a result of flooding over the years. He believes the project would be beneficial and stated “we need help, not just for us but for the future generations.”

John Harder

- Comment: Mr. Harder stated he lives downstream of the Ross Impoundment and has seen what it’s done to help the situation. Mr. Harder stated he thinks the project will be a lot of help and said it is a “very good thing”.

Brad Blawat

- Question: Could the culverts under CR 139 be trapped to keep water on the west side of the road?
- Question: Mr. Blawat said he was concerned with outflow and wanted to know the timing of water being released from ditch 69. He also stated he felt the 26 system should be allowed to flow naturally as it does now.

There was discussion amongst attendees concerning the current issues in the area.

Chairman Diesen asked for comments from Board members and staff. Manager Schmalz asked about funding from the DNR and any natural resource benefits. Administrator Halstensgard spoke about the work the District is participating in including the River Restoration project and how the projects function together. Manager Voll commented about trying to work with the DNR on issues. Board members discussed comments on the maintenance issues with the SD 69 system and working with the DNR on access. Specialist McCormack discussed some of the issues with historical ditch system records. Engineer Dalager stated that the components of the Whitney Lake area projects have independent utility and can stand on their own merit. The District will continue work to facilitate all work that is beneficial to water management.

Gerald Knutson

- Question: Mr. Knutson wanted to know if the engineers had considered global warming, and he also wanted to know if the engineers had spoken with the Canadians about dumping water across the border.

Chairman Diesen asked Engineer Huwe to proceed with his presentation on Retention Site C.

Administrator Halstensgard read for the record the BWSR Advisory Report letter from the Board of Water and Soil Resources dated November 18, 2019 (Exhibit G). Administrator Halstensgard also read for the record the Director’s Advisory Report from the Minnesota Department of Natural Resources, Ecological and Water Resources dated November 14, 2019 (Exhibit H). Both documents were made part of the record. An email comment was received from Buddy Erickson in favor of the project and will be included as part of the public record (Exhibit I).

The public comment portion was then opened for Retention Site C. Members of the public had been advised that questions they had would be answered in written form by the engineers at a later date.

Matt Magnusson

- Question: Why can't the CD 16 Improvement be funded as part of this project since it will be used as the outlet for Site C.

Mitch Magnusson

- Question: Will there be a culvert under 330th Ave to allow water on the east side of the road to access the east inlet of the retention site?
- Comment: Mr. Magnusson stated he wanted to go on record that he was not opposed to the project totally, only portions. He objects to the Whitney 16 (CD 16 Improvement) and the Retention areas.
- Question: Why are you trying to protect land that floods and flood land that doesn't flood? Why not move this retention area a mile north to the swamp?
- Question: Is it fair to make landowners pay for the CD 16 Improvement while you look for funding for the rest of the project?
- Comment: Mr. Magnusson stated he felt the Watershed District's goal should be to solve water problems not create them and divide neighborhoods.

Douglas Erickson

- Comment: Mr. Erickson said he has farmland in Ross. He said he wants something to work that is fair to everyone as far as the cost-benefit. He doesn't want the project to break the bank. Mr. Erickson said that they need help out there and he has concerns about waiting on the project because of potential increased costs in the future. He is in support of the project. Water issues have been a problem for generations and we need to fix it for the future.

Gerald Knutson

- Comment: Mr. Knutson questioned why the watershed would put the impoundment where it is. He then talked about pending litigation and how nothing will get done.

Chairman Diesen asked for comments from Board members and staff. Manager Voll asked if the Johnson family had been contacted. Administrator Halstengard stated that there had been a meeting with Loren Kramer-Johnson and that Manager Wensloff had been in contact with the other Johnson family. Manager Voll asked about the inlet and commented on MN DOT benefit to drainage systems.

The Engineer's Report on Retention Site C was made part of the record (Exhibit J).

A **motion** was made by Manager Schmalz, seconded by Manager Braaten, to close the public hearing. Chairman Diesen asked if there were any further comments. Manager Braaten stated that he wished to make general comments about both projects. He stated that the projects aren't perfect for everyone, and the board is willing to make tweaks to make them better, but something has to be done to improve the situation. Manager Braaten stated that not just these two projects will accomplish that but working with all the projects the District has ongoing, they will help. Chairman Diesen attempted to call for the vote but Matt Magnusson had additional comments. Attorney Moren stated that if there was still going to be public comment, the motion to close the hearing should be withdrawn. Manager Schmalz withdrew the motion.

Matt Magnusson asked about the cost/benefit ratio and the need for an exemption for the Whitney Project. Administrator Halstensgard explained federal Regional Conservation Partnership Program (RCPP) administered by NRCS. The initial planning work for Whitney Lake project area was funded through RCPP with the goal of developing an approved plan. Part of that process is a cost / benefit analysis. In order to be eligible for federal funding the project would have to get a federal exemption. Benefit/cost analysis is not a requirement for the other funding sources being utilized for this project. Mr. Magnusson then asked if Manager Braaten was speaking as a board member or a landowner as he is directly impacted by this project. Manager Braaten was commenting on the project as a whole.

Manager Voll asked if the DNR would have any say on operation. There is no input from the DNR on operation of these two sites.

Mitch Magnusson

- Question: If the DNR is involved in the project, how can they be the regulatory agency and basically be checking their own work.

Gerald Knutson


- Question: Who will be responsible for operation of these retention sites?

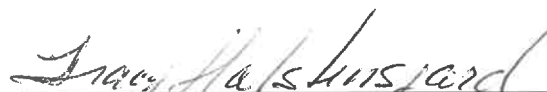
A **motion** was made by Manager Schmalz, seconded by Manager Voll to close the Public Hearing Motion carried unanimously.

The board did not make a decision on the evidence presented at the public hearing. Decision will likely be made at our July meeting and at that meeting we should have the written comments of the engineers for the board to consider for making their determinations. In the event the board wishes to reopen the public hearing we will need to re-publicize notice in the paper and also send notice again to affected municipalities.

A **motion** to adjourn was made at 9:55 a.m. by Manager Voll and seconded by Manager Schmalz. Motion carried unanimously.

Respectfully submitted,


Cody Schmalz, Secretary


Tracy Halstensgard, Administrator

**WHITNEY LAKE PUBLIC HEARING
RECORD OF WRITTEN RESPONSES TO QUESTIONS AND COMMENTS**

Public Hearing, June 9, 2021

Site A:

Mark Wierschke -- provided both verbal and written comments (Hearing Record Exhibit F) to the Board.

- **Question:** On the RRWD website project information the total estimated cost of the project is \$8 Million and on the handout it says \$6 Million. Which is the true cost and does that include the diversion ditch and retention area?
 - **Reply:** *The \$8 Million figure is for both Retention Site A (\$6 million) and Retention Site C (\$2 million). The estimated costs include all projects components described in the Engineer's Report.*
- **Question:** On page 24 of the Engineer's Report, there appears to have been a change in the inlet channel. What will the inlet channel from the south look like?
 - **Reply:** *The Retention Site A Project Layout on page 24 is the current proposed location for all features. In the final design of the Project, the inlet channels will be evaluated for their ability to efficiently convey inflows into the impoundment.*
- **Question:** From page 29 of the Engineer's report; why were state ditch 69 and state ditch 20 not included as part of an improvement project now?
 - **Reply:** *This Preliminary Engineer's Report evaluated the proposed project and outlet improvements are recommended. The outlet improvements will be evaluated in the final design of the project.*
- **Question:** Page 44 of the Engineer's Report mentions borrow sites, what will the Board do if there are no willing landowners?
 - **Reply:** *Borrow sites shown in the Preliminary Engineer's Report are for informational purposes only and do not represent any guarantee of availability of borrow material.*
- Mr. Wierschke read his written statement for the record.

Darrell Wicklund – Mr. Wicklund stated he is the chairman of the Roseau County Board.

- **Comment:** He said the conveyance of state ditch 69 is his main concern and talked about the County's issues with maintenance of that system.
- **Question:** how is the water to recede on the minimum maintenance road south of the retention areas identified as 300 Street?
 - **Reply:** *The proposed project may have potential impacts to 300th Street. The project will be designed to maintain access to private lands throughout the project site, and final designs will be coordinated with the landowners impacted.*
- **Question:** will the culvert in CR 139 between 300th Street and CR 26 be removed?
 - **Reply:** *This culvert was not evaluated as part of the Retention Site A project. Final design may include technical review of additional culverts in the vicinity of the impoundment.*

Richard Foss

- **Comment:** Mr. Foss is in favor of the project and said something needs to be done with the overland flooding and stated "we need help".

John Johnson

- **Comment:** Mr. Johnson stated he farms in the area and is in support of the project. He called Mr. Wierschke a liar. Mr. Johnson said that contrary to Mr. Wierschke's assertions, Mr. Wierschke is not farming most of that property. He said Mr. Wierschke lives in Fargo and rented out some of the property and Mr. Wierschke is not aware of what floods and what doesn't flood.

Douglas Erickson

- Comment: Douglas stated he has had substantial crop loss as a result of flooding over the years. He believes the project would be beneficial and stated “we need help, not just for us but for the future generations.”

John Harder

- Comment: Mr. Harder stated he lives downstream of the Ross Impoundment and has seen what it’s done to help the situation. Mr. Harder stated he thinks the project will be a lot of help and said it is a “very good thing”.

Brad Blawat

- Question: Could the culverts under CR 139 be trapped to keep water on the west side of the road?
 - Reply: *Water levels shown in the Preliminary Engineer’s Report are based on volume and elevation curves. The impact of traps in this location was not evaluated in the preliminary design of the project, however, adding traps to existing culverts has not been recommended at this time.*
- Question: Mr. Blawat said he was concerned with outflow and wanted to know the timing of water being released from ditch 69. He also stated he felt the 26 system should be allowed to flow naturally as it does now.
 - Reply: *The timing of releases will be based on an approved Operating Plan, which will be developed during final design. Downstream water levels will play a major role in when drawdowns will be permitted.*

Gerald Knutson

- Question: Mr. Knutson wanted to know if the engineers had considered global warming, and he also wanted to know if the engineers had spoken with the Canadians about dumping water across the border.
 - Reply: *The Preliminary Engineer’s Report included the most up-to-date hydrological data, as stated in Section 4.2 – Rainfall Depths. The hydrologic models used in the analysis include the entire drainage area to the Roseau River. Therefore, the volume of runoff from land in Canada has been included in the hydrologic evaluation. Other modifications as implied that are outside of the Retention Site A project were not included in the analysis, and are not recommended due to their limited value.*

Site C:

Matt Magnusson

- Question: Why can’t the CD 16 Improvement be funded as part of this project since it will be used as the outlet for Site C.
 - Reply: *The RRWD is bound by laws and regulations of authorities having jurisdiction. The two projects mentioned have independent utility and are being developed separately, therefore with different funding sources.*

Mitch Magnusson

- Question: Will there be a culvert under 330th Ave to allow water on the east side of the road to access the east inlet of the retention site?
 - Reply: *Yes, the inlet will be designed to capture flows from the east side of 330th Ave. Figure 11 in the Preliminary Engineer’s Report shows the current proposed inlet configuration.*

- Comment: Mr. Magnusson stated he wanted to go on record that he was not opposed to the project totally, only portions. He objects to the Whitney 16 (CD 16 Improvement) and the Retention areas.
- Question: Why are you trying to protect land that floods and flood land that doesn't flood? Why not move this retention area a mile north to the swamp?
 - Reply: *The location of Retention Site C has been evaluated based on several factors, including flooding.*
- Question: Is it fair to make landowners pay for the CD 16 Improvement while you look for funding for the rest of the project?
 - Reply: *The RRWD is bound by laws and regulations of authorities having jurisdiction. The two projects mentioned have independent utility and are being developed separately, therefore with different funding sources.*
- Comment: Mr. Magnusson stated he felt the Watershed District's goal should be to solve water problems not create them and divide neighborhoods.
 - Reply: *The RRWD is sponsoring several projects that have potential to meet the goals set forth in their 10-year plan. The RRWD recently won the award for Watershed District of the Year in the State of Minnesota because of their hard work and perseverance towards meeting their goals.*

Douglas Erickson

- Comment: Mr. Erickson said he has farmland in Ross. He said he wants something to work that is fair to everyone as far as the cost-benefit. He doesn't want the project to break the bank. Mr. Erickson said that they need help out there and he has concerns about waiting on the project because of potential increased costs in the future. He is in support of the project. Water issues have been a problem for generations and we need to fix it for the future.

Gerald Knutson

- Comment: Mr. Knutson questioned why the watershed would put the impoundment where it is. He then talked about pending litigation and how nothing will get done.

Mitch Magnusson

- Question: If the DNR is involved in the project, how can they be the regulatory agency and basically be checking their own work.
 - Reply: *The MN DNR is not, and has not, been involved in the development of the Whitney Lake project beyond the scope of the Project Team. They are not a project partner or proposer.*

Gerald Knutson

- Question: Who will be responsible for operation of these retention sites?
 - Reply: *The Roseau River Watershed District.*