

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
January 25, 2024

CALL TO ORDER	The meeting was called to order by President Vavra at 9:00 a.m. Present in the District Office: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.
AGENDA	
CONSENT AGENDA	Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was approved. Upon motion by Wold, seconded by Deal and carried unanimously, the Consent Agenda was approved.
PUBLIC COMMENT	No public comment was received.
GCD #21 HEARINGS	Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Final Hearing on the Improvement Petition, Amended Detailed Survey Report, DNR's Final Advisory Report, and Amended Viewers' Report for the Improvement of Grant County Ditch #21 (GCD #21) was reconvened. Attorney Lukas Croaker stated that the hearing would continue with a presentation of changes to the Viewers' Report, reception of public comment, and a description of changes to the Engineers' Detailed Survey Report since the hearing was continued at the December 21, 2023 meeting. Viewer Dwight Veldhouse confirmed that the updated proposed Viewers' Report includes Section 18 parcels that previously acquired an approved petition processed by Grant County (prior to the transfer of authority from Grant County to the Bois de Sioux Watershed District). Viewer Dwight Veldhouse described a method that could be used to assign benefits to land currently managed under wetland resource programs. Board Manager Gillespie had requested at the December 21, 2023 meeting that the WRP lands be considered because of their use and potential incoming generating/increased market value because of improved drainage. Board Manager Dahlen stated that wetlands that he owns store land and enhanced drainage systems. Landowner attorney Mr. Dean Zimmerli stated that the Viewers' Report reflects a fundamental problem, that benefits should be presented based on the proposed improvement construction project. Mr. Zimmerli stated that Branch #3 will have no change to hydraulic capacity under the proposed improvement (except for a culvert replacement), so no change in benefits would result. Mr. Zimmerli stated that the planned design, with a 1/4" drainage coefficient restriction, will cause water to drain slowly and drown ag land needlessly. District Engineer Chad Engels stated that, as part of the Mediation Agreement implemented in the Red River Valley, the District is regionally restricted to a 1/4" drainage co-efficient. Landowner attorney Mr. Ken Williams stated that the District has failed to provide a calculation of benefits based on the proposed improvement compared to a repair. Engineer James Guler stated that it is possible to provide the cost of a repair project compared to the cost of the improvement project. District Engineer Chad Engels confirmed that the additional information could be added to the Engineers' Amended Detailed Survey Report and Amended Viewers' Report. Landowner Dana Blume stated that, historically, benefits were not consistently applied to parcels, and that land sales sometimes included a negotiated ditch benefit clause. Landowner Nicholas Olsen stated that he believes that maintenance is needed, but an improvement is not, and that if a change to public tile perforation is requested, that the requestor funds the perforation change. Mr. Olsen stated that lands under RIM easements should be exempt from ditch taxes. Kapphahn motioned, seconded by Gillespie to recess the hearing and reconvene at the next regular board meeting to allow the viewers to meet with the District's engineer and attorney to reexamine the Amended Detailed Survey Report and Amended Viewers' Report to address concerns presented by landowners and their representatives. Producer Keith Gerber stated that he does not wish to pay for the improvement project. District Engineer Chad Engels stated that the assessment district that is eventually approved by the Bois de Sioux Watershed District board may be in effect for many years, so considering the data provided is important. Vavra called for a vote. The motion was passed unanimously. Administrator Beyer stated that District staff received notification that the grant application submitted on behalf of the project was not awarded Clean Water Funds; staff may work with the comments provided and resubmit at a later date.
AREA I INSPECTIONS	Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, Area I Drainage Systems were authorized for 2024.

MUSTINKA & REDPATH	Engineering staff did not have a completed pay application to present for payment on the Mustinka River Rehabilitation and Redpath Flood Impoundment project. Bid opening will take place on February 1 st for Phase 2B construction. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the water storage grant agreement with the Board of Water and Soil Resources for \$1,000,000 was approved.																
NORTH OTTAWA LEASES	Board managers and staff presented recommendations from the North Ottawa Project Team for 2024 – 2026 operations. Board Manager Kapphahn stated that Project Team members are developing a positive working relationship, and recommend: 2024 activities in preparation for a 2025 & 2026 wild rice production pilot program which will narrow cell options for the current ag producer, result in decreased ag lease revenue for the District but increase natural resource enhancements in the North Ottawa Impoundment and reduce weed and pest suppression methods and District costs. Upon motion by Wold, seconded by Dahlen and carried unanimously, the following were approved: Amendment No. 1 to the current ag lease in-effect; Wild Rice Production Pilot Program Lease, and letter of intent to serve as documentation for a request for crop insurance.																
VEGETATION CONTROL & SEDIMENT REMOVAL PERMIT PILOT PROGRAM	Landowners with property along Fivemile Creek were invited to a meeting with engineering staff to review information gathered on the condition of the creek. Engineering staff found that there are some areas of sedimentation, but that excessive vegetation growth is more prevalent and could be controlled by individual landowners. Two options were presented – Option 1: District support offered to landowners seeking private vegetation control/removal permits; Option 2: District creates a project-based watershed assessment District to generate funds for permitting and construction. Engineering staff cautioned that it is not clear whether a creek-scaled vegetation permit or assessment district would be successful with the corresponding stakeholders. District staff requested that the board consider approval of a pilot project to identify a limited number of prioritized landowners, and support individual landowner efforts to achieve a vegetation control permit and employ treatment. There is currently approximately \$45,000 left budgeted in 2024 for Fivemile Creek. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, \$5,000 was authorized to draft legal documents needed to enact the pilot program. Landowner Dana Blume offered to participate. Board Manager Schmidt referred landowners and staff to a previous project coordinated privately by landowners on Traverse County Ditch #36.																
SCHMIDT & BRUTLAG LEAVE	Board Managers Brutlag and Schmidt left the meeting.																
DORAN CREEK EAW	Engineering staff finalized the documents required to publish a notice and receive comment on the Doran Creek Environmental Assessment Worksheet (EAW). Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the draft EAW was approved and authorized for publication.																
MOONSHINE IMPOUNDMENT	Staff reported that they had met informally with Big Stone County Highway Engineer to discuss support levels for a proposed Moonshine Impoundment. The Big Stone County Highway Engineer voiced support for the project, but did not have information on the level of overall support from Big Stone County Commissioners; project design could trigger a transfer in authority for downstream ditch system Big Stone County Ditch #8 from Big Stone County to the Bois de Sioux Watershed District. Big Stone County Commissioner Chad Zimmel also stated support for the project concept. The project will be presented to the Big Stone County Board of Commissioners within 2 weeks; depending on the outcome, a wider landowner meeting may be organized.																
LEASE WORKBACK	Administrator Beyer has received a report that former lessor did not fulfill agricultural lease workback terms. Staff will work to rectify the situation.																
AG LEASE BIDS	Bids received on the District's ag leased land were reviewed. Upon motion by Wold, seconded by Kapphahn and carried unanimously, the following were approved for the 2024 crop year submitted by Raguse Family Partnership, with the lease option to renew for the 2025 and 2026 crop years:																
	<table border="0"> <tbody> <tr> <td>Lease #24-01:</td> <td>\$52,274.82</td> <td>Lease #24-05:</td> <td>\$243,268.00</td> </tr> <tr> <td>Lease #24-02:</td> <td>\$56,123.99</td> <td>Lease #24-06:</td> <td>\$115,173.50</td> </tr> <tr> <td>Lease #24-03:</td> <td>\$29,025.23</td> <td>Lease #24-07:</td> <td>\$145,522.00</td> </tr> <tr> <td>Lease #24-04:</td> <td>\$193,620.00</td> <td>Lease #24-08:</td> <td>\$52,440.00</td> </tr> </tbody> </table>	Lease #24-01:	\$52,274.82	Lease #24-05:	\$243,268.00	Lease #24-02:	\$56,123.99	Lease #24-06:	\$115,173.50	Lease #24-03:	\$29,025.23	Lease #24-07:	\$145,522.00	Lease #24-04:	\$193,620.00	Lease #24-08:	\$52,440.00
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YUKON BID	Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, a bid of \$2,100 was approved, as submitted by Mr. Mike Toelle for the District's 2001 Yukon.																

PROPERTY TAX EXEMPTIONS Upon motion by Gillespie, seconded by Kappahn and carried unanimously, the property tax exemptions for taxes payable in 2025 were approved as presented.

GRANT EXPENSES Administrator Beyer stated that Joint Comprehensive Watershed Management Plan grant reimbursement expenses were included in the meeting's claims.

END OF YEAR JOURNAL ENTRIES Upon motion by Gillespie, seconded by Wold and carried unanimously, the end of year journal entries presented were approved.

2024 DITCH BUDGET Upon motion by Gillespie, seconded by Kappahn and carried unanimously, the 2024 Ditch Budget was approved, based on the assessments approved at the hearing on December 21, 2023.

LEGAL RATES Upon motion by Schmidt, seconded by Kappahn and carried unanimously, the engineering and legal rates presented for 2024 were approved.

MILEAGE & RATES Board managers reviewed the mileage reimbursement distances for 2024 and the IRS reimbursement rate; no changes were requested.

Board managers discussed work group and committee updates.

The meeting was adjourned at 1:37 pm.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
February 15, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 9:00 a.m. Present in the District Office: Linda Vavra, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, Jason Beyer, and Allen Wold. Absent: Ben Brutlag. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.

AGENDA

Upon motion by Kapphahn, seconded by Wold and carried unanimously, the agenda was approved with the following additions: Amended December Treasurer's Report, Redpath Testing Contract, and People's Bank Depository Designation.

**CONSENT
AGENDA**

Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Consent Agenda was approved.

PUBLIC COMMENT No public comment was received.

**GCD #21
HEARINGS &
ORDERS**

Attorney Lukas Croaker presented four orders for consideration with respect to GCD #21: Order Suspending Final Hearing to Correct Procedural Errors; Amended Administrator's Order Designating Viewers' Meeting; Findings and Order Initiating the Redetermination of Benefits and Appointing Viewers; and Amended Findings and Order for Detailed Survey Report. These documents were drafted in response to landowner requests, and the requests of their legal representation. One purpose of these documents is to direct the viewing and engineering teams to provide additional information, including costs for separable maintenance, and a redetermination of benefits and damages of the GCD #21 drainage system before factoring the proposed improvement and/or separable maintenance. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Order Suspending Final Hearing to Correct Procedural Errors, Amended Administrator's Order Designating Viewers' Meeting, Findings and Order Initiating the Redetermination of Benefits and Appointing Viewers, and Amended Findings and Order for Detailed Survey Report were all approved.

**GCD #3
HEARING ORDER**

Engineer James Guler stated that the GCD #3 repair report will be filed with the District presently. Upon motion by Wold, seconded by Kapphahn and carried unanimously, the Order for Public Hearing on the Repair Report was approved; the public hearing will be held March 21, 2024 at 10:00 AM.

**AREA 2 DITCH
INSPECTIONS**

Administrator Jamie Beyer stated that last month's ditch inspection authorization was for the wrong zone. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Area 2 drainage ditch inspections were approved.

RRWMB UPDATE

Rob Sip, Executive Director of the Red River Watershed Management Board, presented recent and historical benefits of membership, including recent project funding for development of the Doran Creek Stream Rehabilitation, Lake Traverse Water Quality Improvement, Mustinka River Rehabilitation, and Redpath Flood Impoundment.

**REDPATH
PHASE 2 B BIDS**

Engineer James Guler discussed the bid opening held February 1, 2024, for construction of Redpath Phase 2B construction. Two bid alternatives were available to contractors – the difference between the two alternates was a 1-year completion or a 2-year completion deadline. Northern Lines Contracting, Inc. was the apparent low bidder for the 2-year completion deadline; the apparent low bidder for the 1-year completion deadline was John Riley Construction, Inc. at a cost of approximately \$70,000 more than the 2-year completion deadline. Engineering staff recognize that the two-year option to complete the project will add significant expenses for engineering services and site inspections; a conservative estimate is that the District would spend at least \$300,000 in additional expenses (for eg, engineering, inspection, and testing fees) by finishing the project with the 2-year option, and that a more accurate figure could be determined by engineering staff by comparing the statements of cost. A letter was received on February 14, 2024 by legal representation for Northern Lines Contracting, Inc., disputing the completeness of the bid submitted on behalf of John Riley Construction, Inc. – the representing attorney argues that a submission of \$0.00 for the 2-year project deadline is not a responsive bid. Attorney Lukas Croaker discussed concerns related to the clarity of the bid instructions. Dahlen motioned to advertise the project. The motion died for a lack of a second. Attorney Lukas Croaker recommended that the board consider rejection of all bids and to readvertise

the bid proposal with clarification to the bid instructions. Clarification to the bid instructions includes a statement that bidders are not required to bid on both timelines and that the 2-year option will include the addition of a specific, standard monetary amount to each bid for anticipated costs for additional engineering, site inspections, testing, and administration. Upon motion by Wold, seconded by Gillespie and carried unanimously, all bids were rejected, and Attorney Croaker's recommendation to rebid with clarifying bid instructions was approved.

**FIVEMILE PILOT
PROGRAM**

Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, a contract by Braun Intertec for geotechnical testing services was approved.

Board managers reviewed the draft Public Waters Obstruction Removal Cost-Share Program - Fivemile Creek. Administrator Jamie Beyer recommended that Grant County and Grant SWCD be referenced in Section II, and that a budget of \$45,000 be included in Section VI. Board Manager Kapphahn requested that Grant County Office of Land Management be added to Section II. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously the Cost-Share Program was approved with the changes discussed, and staff are authorized to utilize a landowner agreement based on this document.

**BUFFER
PREFERRED
ALTERNATIVE
PRACTICE**

Attorney Lukas Croaker presented a letter received from the Board of Water and Soil Resources dated February 7, 2024 in response to the District's recent approval of a preferred alternative practice. Board managers discussed possible next steps. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, staff are authorized to coordinate joint meetings with Grant, Traverse, and Wilkin SWCD's, participating board managers, and legal staff.

**PEOPLE'S BANK
DEPOSITORY**

Administrator Beyer stated that People's Bank at 1900 11th Street North in Wahpeton, North Dakota is offering favorable CD rates above those collected from current approved District depositories. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, People's Bank was approved as a District depository.

Board managers gave an update of the legislative session so far, and the activities of the Drainage Work Group.

The meeting was adjourned at 11:12 am upon motion by Dahlen, seconded by Kapphahn and carried unanimously.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
March 21, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 9:00 a.m. Present in the District Office: Linda Vavra, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt and Allen Wold. Absent: Jason Beyer. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.

AGENDA

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was approved with the following changes: Approval of February 15, 2024 minutes and March 21, 2024 claims; addition of WCD #Sub-1 Railroad Update and addition of Redpath utility quote.

**CONFLICT OF
INTEREST**

Board Manager Kapphahn declared a conflict of interest with Lake Samantha.

**CONSENT
AGENDA**

Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.

PUBLIC COMMENT No public comment was received.

**TCD #51
HEARINGS &
ORDERS**

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, to open the hearing to consider the petition from Dan Findlay to use Traverse County Ditch #51 as an outlet for Parcel # 02-0168001, E1/2SE1/4 of Section 36, Range 45, Clifton Township (127), Traverse County. Engineer James Guler provided a map of the drainage assessment area and watershed indicating that the parcel's surface water already utilizes the Traverse County Ditch #51 drainage system. The landowner was not present to answer questions about the project, but his brother, Gary Findlay, was present. Neighbor Michael Bartell stated that neither himself nor his father, Terry Bartell, are opposed to the project, but requested that the board consider whether the same parcel should be required to petition into TCD #7 and TCD #2. Attorney Lukas Croaker read the order, which includes: an outlet fee of \$2,055.86; hearing costs of \$390.75 and benefits of \$100.00. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the order was approved. Upon motion by Wold, seconded by Dahlen and carried unanimously, the hearing was closed.

**P.A. #24-005
M. TOELLE**

Engineering staff presented the nature and location of the proposed tile drainage project, tracing the outlet of the project downstream, eventually utilizing Phase 1 of the Lake Traverse Water Quality Project/TCD #52. The property is currently included in the Lake Traverse Water Quality Water Management District, but is not included in the TCD #52 assessment district. No motion for a TCD #52 outlet petition requirement was made.

**WCD #39
OUTLET REPAIR**

Engineering staff provided a description of the degradation of the outlet for WCD #39. Recommended repairs include: grade stabilization, flattening of side slopes, and seeding. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, engineering staff are authorized to provide a project schematic and estimate of repair cost.

BCD #8

Board managers and engineering staff provided an update on the Big Stone County Ditch #8 landowner meeting held earlier in the month. Board Manager Gillespie reported overwhelming landowner support for a project that will add seasonal storage, deepen the channel upstream, stabilize slopes downstream, and provide a safer storage operation to add a level of flood protection for the cities of Graceville and Dumont. The project will also reduce sediment delivery to Lannon and Toqua Lakes, which are both impaired for nutrients, and have phosphorous reduction goals of 1,460 and 2,531 pounds per year, respectively. Board Manager Gillespie offered to carry a petition for landowner signatures. Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, legal staff are authorized to prepare a draft improvement petition that petitioners may use, if desired. Once project details are developed further, staff will begin pursuit of outside grants.

**GCD #3 LAT. B4
PARTIAL
ABANDONMENT**

A petition was presented for partial abandonment of GCD #3, Lateral B4 on behalf of Sharon D. Anderson, Marshall Stenslie, and Douglas and Barb Olsen for the N1/2NE1/4 of Section 9 in Roseville Township, Grant County. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, a hearing on the petition will be held on April 18, 2024 at 8:00 AM.

REDPATH PH. 2B BIDS Engineering staff presented the bid results of Redpath Phase 2B, identifying John Riley Construction, Inc. as the apparent low bidder with a submission of \$9,469,652.50 for both the one-year and two-year project options. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the one-year bid from John Riley Construction was approved, and President Vavra is authorized to sign the Notice of Award and Contract documents contingent upon a legal review.

GCD #3 REPAIR REPORT Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the GCD #3 public hearing was opened pursuant to Minn. Stat. § 103E.715, subd. 4. Attorney Lukas Croaker introduced the purpose of the hearing, to present the Engineer's repair report and receive public comment. Engineering staff described the project, which includes correction of sizes and grades of GCD #3 mainline culverts. Information was presented on affected culvert crossings. Engineer James Guler requested that landowners consider the current quantity and locations of private culverts, and whether there are opportunities to eliminate or consolidate crossings. Roseville Township officials were in attendance, and requested consideration to reuse culverts that will be replaced (if possible on this project or future projects). Roseville Township officials requested that their portion of the cost of the project be included in the total amount that is bonded for. Administrator Beyer will continue to work with Grant County officials on a bond issuance.

Attorney Lukas Croaker read the Findings and Order, describing that the Bois de Sioux Watershed District serving as the drainage authority, has determined from the repair report and evidence presented that the repairs recommended are necessary for the best interests of the property owners. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Findings and Order were approved, directing staff to prepare bid plans and specifications, contingent upon Grant County bond funding. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the hearing was closed.

WCD #SUB-1 RR CULVERT Legal and engineering staff continue to finalize the license agreement and insurance terms of boring and culvert replacement under a BNSF railroad track for the WCD #Sub-1 improvement project.

SPRAY QUOTES Engineer Technician Troy Fridgen received two spray quotes for drainage ditch vegetation control. The quotes differ in charging methods – a quote from LM Road Services was provided by the hour, and would utilize ground application; a quote from Nick Persing was provided by the mile and would utilize drone application. The District has utilized services from LM Road Services in the past, and has been satisfied with the results of vegetation treatment. A test application of drone service was conducted last year, but the results can't be evaluated until spring/summer. Engineer Technician Troy Fridgen recommended a larger test of the drone application, and has identified TCD #52 as a location because a portion of the system is located diagonally, cutting through agricultural fields. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff recommendation to utilize LM Road Services for the bulk of treatment and Nick Persing services for treatment of TCD #52, was approved.

REDPATH PH. 2B UTILITY RELOCATION Staff received Traverse Electric price quotes (\$47,550 and \$119,245) for relocation of existing three phase power that is currently in the proposed footprint of the Redpath Impoundment. The price quotes are not itemized and lack substantive information about quantities and types of materials and labor. Staff have found on past projects that the pre-project price quotes tend to underestimate the amount that is ultimately billed to the District. Traverse Electric has requested pre-project payment. Board Manager Ben Brutlag offered to speak with Traverse Electric staff to get more information on the price quotes. Upon motion by Dahlen, seconded by Brutlag and carried unanimously, the quotes were approved and Brutlag is authorized to negotiate downward terms of the price quotes.

RRWMB BASE GRANT: DORAN CREEK Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, staff are authorized to submit an RRWMB Base Grant application on behalf of the Doran Creek Restoration Project development.

DORAN CREEK EAW FINDINGS Project Manager Garrett Monson described the response to Bois de Sioux Watershed District's Environmental Assessment Worksheet for the Doran Creek Restoration Project with comment letters received from Minnesota Pollution Control Agency, Minnesota Department of Administration State Historic Preservation Office, and Minnesota Department of Natural Resources. A separate meeting was held with the Army Corps of Engineers to gather their comments. Overall, comments from the organizations did not identify a significant environmental impact, and no extensions were requested. Some comments were applicable to and will be addressed by final design considerations and permitting.

In consideration of whether the Bois de Sioux Watershed District, acting as the Regulating Government Unit, engineering staff recommend a finding of No Significant Environmental Impact.

Attorney Lukas Croaker read the proposed Findings of Fact and Record of Decision on the determination of Need for an Environmental Impact Statement. Upon motion by Kappahn, seconded by Dahlen and carried unanimously, the Doran Creek Restoration Project Findings of Fact and Record of Decision on the determination of Need for an Environmental Impact Statement was approved.

**SAMANTHA &
ELBOW LAKE
EAW**

Grant County Highway staff requested additional information for inclusion in their Environmental Assessment Worksheet for Samantha and Elbow Lake flood control. The District has provided environmental impact data for two scenarios: 1) Lowering the outlet of Samantha Lake by 18", and 2) Lowering the outlet of Samantha Lake by 18" and replacing a current culvert between the lakes. Grant County Highway staff request hydraulic data for two more scenarios: 3) Lowering the culvert between Samantha and Elbow Lakes, and 4) Lowering the culvert between Samantha and Elbow Lakes and keeping outlet gates closed on Samantha Lake.

**BUFFER
ALTERNATIVE
PRACTICE**

Attorney Lukas Croaker provided an update on efforts to discuss the District's Preferred Alternative Practice, for use by landowners, with SWCDs at the request of BWSR. Traverse SWCD staff requested an April date to meet with SWCD supervisors, and one staff person and one supervisor attended a meeting with Attorney Lukas Croaker to discuss alternative practice promotion and their feasibility to support the District's Preferred Alternative Practice. Quantitative comparisons were not offered for the District's 16.5' no-till+cover crop recommendation. Upcoming meetings are scheduled with boards and staff for Grant SWCD and Wilkin SWCD.

**CAMPBELL
SLOUGH**

Engineer Technician Troy Fridgen has been gathering information on behalf of Almond Township officials in regard to flooding of Campbell Slough in Big Stone County. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to provide a letter detailing site findings and support for a review of the Campbell Slough Ordinary High Water Level designation.

**DISTRICT COST
SHARE POLICY
REVISIONS**

Staff presented changes to the District's Clean Water Cost-Share and Culvert Sizing Policies to recognize sediment reductions resulting from system-wide repairs and improvements to public drainage systems that include subsurface drainage features. Upon motion by Gillespie, seconded by Kappahn and carried unanimously, the revised policies were approved.

**AGRICULTURAL
LEASES**

Rent payment on the District's agricultural lands was received on March 15, 2024, instead of on or before March 1st as required by the District's lease terms. Administrator Beyer stated that the lessee did provide periodic updates to the District on the timeframe by which payment would be provided, and that the lessee has been receptive to adapt farming plans as a result of changes proposed by the North Ottawa Project Team to facilitate a wild rice production pilot study. Upon motion by Gillespie, seconded by Kappahn and carried unanimously, partial interest fees are waived in recognition of the consent of changes to the North Ottawa agricultural lease.

**JCWMP WBIF
SUPPLEMENTAL
FUNDS**

Administrator Beyer stated that the Bois de Sioux River & Mustinka River Watersheds Joint Comprehensive Management Plan has been allocated an additional \$424,163 through BWSR's Watershed Implementation Fund, and that the Policy Committee recommended a minimum amount of \$95,468 of that grant to be used to support development of the Doran Creek project; the balance of the funds are estimated to be applied to projects by the Soil and Water Conservation Districts. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the workplan was approved for submission to BWSR.

Board managers provided updates of their service on committees and organizations.

The meeting was adjourned.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
April 18, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Ben Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt and Allen Wold. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, and Administrator Jamie Beyer.

AGENDA

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was approved with the following additions: JD #11 Culvert Cost Share, June Board Meeting Date Discussion.

**CONFLICT OF
INTEREST**

Board Manager Kapphahn declared a conflict of interest with Lake Samantha and Board Manager Beyer declared a conflict of interest with WCD #39 Outlet.

**CONSENT
AGENDA**

Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the Consent Agenda was approved.

PUBLIC COMMENT No public comment was stated.

**GCD #3 – B4
ABANDON
PORTION OF
LEGAL DRAINAGE
SYSTEM**

Motion by Kapphahn, seconded by Dahlen and carried unanimously, to open the public hearing to consider the petition requesting partial abandonment of Grant County Ditch #3, Lateral B4 in Parcel # 14-0043-000, N1/2NE1/4 of Section 9, Range 42, Roseville Township (127), Grant County. Attorney Lukas Croaker described the partial abandonment process. Mr. Douglas Olson described future drainage plans for the parcel; a private subsurface drainage project has been approved by the District (but may be built in phases) to replace the public open channel and a drainage easement for the upstream landowner has already been signed. Parcel #14-0043-000 will continue to utilize the legal drainage system. Engineering staff stated that the partial abandonment of the drainage system channel lateral will not affect the parcel's benefits or the legal drainage system assessment district as the parcel will still outlet into GCD #3 with the installation of private subsurface drainage tile. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the abandonment was approved. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the hearing was closed.

**103D.605 PUBLIC
HEARING
DORAN CREEK
RESTORATION**

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Minn. Stat. § 103D.605 public hearing to establish a project as part of the District's comprehensive plan was reconvened: Doran Creek Stream Rehabilitation Project. President Vavra stated that the Red River Watershed Management Board recently approved a \$90,000 grant award for project development. Landowners requested information on general and specific channel extents and widths. Landowners asked if trees and habitat will be lost. District Engineer Chad Engels stated that this project will be a rehabilitation of a natural stream, and grant funds will be used to enhance and increase natural resources and wildlife habitat; these benefits make the project eligible for several outside grant programs. Various additional questions included difference in assessment values based on land use, location of accessory structures to the channel, whether water will continuously flow in the channel, the start and terminus of the project, sediment disposal after excavation, whether the extents of the channel will be vegetated after construction, timeframe for project construction, easement acquisition, and whether preventative measures are included in the project to prevent sediment loading. Project Manager Garrett Monson and Assistant Engineer Guler responded to the various questions and provided maps of the proposed project locations and water management district. The proposed water management district could be implemented and used to provide landowner cost-share for the project (proceedings for establishment of a project assessment district will be developed at a later time). Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the project was approved for establishment. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the hearing was closed.

**PERMIT #24-021
D. OACHIS**

Engineering staff requested that the permit be placed on the agenda to provide an opportunity for public comment. The proposed project would drain to Grant County Ditch No. 8. According to desktop LiDAR modeling used by the District, the project appears to cross a subwatershed boundary; however, a culvert exists that is not reflected in the LiDAR modeling. As a result, the current flow path of the area to be drained is to Grant County Ditch No. 8 and there is no subwatershed conflict. Staff approved the permit with the condition of approval by the ditch authority - Grant County.

WCD #39 OUTLET REPAIR	Engineering staff presented findings at the outlet of WCD #39. Two culverts at the location may be undersized, but further data is needed of the size, elevation, and contributing areas of upstream culverts prior to sizing. It is unknown if Campbell Township officials are interested in replacing the culvert through the road. Board Manager Beyer stated that the township road overtops at the site. Staff have identified an area of erosion between the outfall culvert to the Bois de Sioux River and the township road culvert that could be stabilized to reduce sediment transport to the river. Engineering staff recommend that stabilization of the channel be initiated. This project would be eligible for Clean Water grant funds. Engineer Technician Troy Fridgen stated that a similar issue exists within the TCD #46 legal drainage system. Administrator Jamie Beyer is working on the next Watershed Based Implementation Fund grant workplan, and will include these projects. If awarded, construction could begin this fall.
CLA AUDIT 2023	Ms. Miranda Wendlandt of CliftonLarsonAllen provided a presentation of the District's audit conducted in accordance with generally accepted accounting principles. Upon motion by Schmidt, seconded by Dahlen and carried unanimously, the 2023 audit and financial statements were approved.
IMPROVEMENT OF BCD #8	Legal and engineering staff drafted a petition for the Improvement of BCD #8. As discussed in previous board meetings, successful construction of the Moonshine Flood Impoundment will necessitate stabilization of BCD #8, which serves as the Impoundment's outlet. BCD #8 construction will be completed under Minn. Stat. Ch. 103E improvement proceedings; by definition, the addition of storage to the legal drainage system requires that improvement proceedings be followed. Bonds are used to cover the costs associated with improvement reports and plans if the project is not established or a contract for construction of the project is not awarded; because the District is a landowner within the BCD #8 assessment district, the District can fulfill bond requirements. District Engineer Chad Engels stated that – due to the sediment and phosphorus reductions that will be realized for impaired Lannon and Toqua Lakes, and the addition of flood impoundment storage – this project will be a competitive candidate for outside grant funding. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the District is authorized to fulfill bond requirements as a landowner and in recognition of the wider impacts that the stabilization and impoundment designs will provide beyond BCD #8 landowners.
GCD #3	Engineering staff continue to work on plans and specifications for bid for the repair project.
GCD #21	Presently, GCD #21 viewers are finalizing their amended viewer reports, and engineering staff are finalizing their repair and improvement cost estimates and amended engineer report. Landowners requested design changes: original main channel has been requested for repair/improvement; one surface channel has been changed to two parallel subsurface tiles; Branch 3 has been requested for repair/improvement. The amended viewers' reports will propose repair costs distributed throughout the assessment district, and will restrict proposed improvement costs to their associated lateral drainage areas. Board Managers supported the use of a special meeting to reconvene GCD #21 public hearings, possibly in June.
640TH AVE ROAD RAISE	Easement has not been granted from landowner Ms. Marilyn Mathias. District and township engineering staff have met several times with Mr. Jonathan Mathias and Ms. Marily Mathias, and have changed project design features in response to their requests. Attorney Lukas Croaker stated that, although not a desired option, eminent domain may be used to secure project easement right-of-way. Board Manager Gillespie will try to meet with the Mathias family to finalize project terms and attempt to secure the required easement.
JD #11 LAT. 4	Engineer Technician Troy Fridgen received a request to correctly size a culvert on JD #11, Lateral 4. Upon motion by Schmidt, seconded by Beyer and carried unanimously, cost share was approved, in the amount of the difference between the cost of a 42' culvert less a 24' culvert.
WCD #SUB-1	Board Manager Beyer relayed concerns that there are two culverts on WCD #Sub-1 that were left without flappgates; District Engineer Chad Engels stated that the contractor has been notified to complete the work.
BDSWD #5 PUBLIC HEARING	The Preliminary Engineer's Report was submitted to the DNR. Upon motion by Dahlen, seconded by Kappahn, and carried unanimously, the Minn. Stat. § 103E.261, subd. 2 hearing will be held May 18 th contingent upon confirmation that the MnDNR's Advisory Letter can be submitted for inclusion with the hearing.

**REDPATH FLOOD
IMPOUNDMENT
TILE PUMPS**

Engineering consultants presented the locations of two active private tile drainage pumps that are located on lands acquired by the Bois de Sioux Watershed District for the Redpath Flood Impoundment that need to be relocated to private lands in advance of impoundment construction. Subcontractor Ellingson has stated that it will be difficult, if not impossible, to locate parts for the aged pumps in order to relocate them. Board Managers Gillespie and Brutlag discussed the additional horsepower that will be needed for the relocated pumps to provide adequate coverage in the new locations. Upon motion by Dahlen, seconded by Beyer and carried unanimously, legal and engineering staff are authorized to work with landowners to remove pumps on District land and replace capacity with new pumps on private lands. Attorney Lukas Croaker stated that a license agreement and/or temporary construction easement may be needed.

**103F.48 BUFFER
ENFORCEMENT**

Attorney Lukas Croaker stated that District staff and board managers met with Traverse SWCD buffer staff, Traverse SWCD Board, Wilkin SWCD Board, and Grant SWCD Buffer Committee to discuss the District's Preferred Alternative Buffer Practice, NRCS Field Office Technical Guide Practices, and current SWCD procedures and alternative buffer plans related to buffer enforcement. Grant SWCD and Traverse SWCD staff invited and included buffer enforcement representatives from the Board of Water and Soil Resources to attend the meetings. District staff confirmed that each SWCD implements preferred subsets of alternative practices referenced under the NRCS Field Office Technical Guide: Traverse SWCD limits eligible practices to three promoted by BWSR; Grant SWCD prohibits alternative practices (including those promoted by BWSR) in areas with positive slopes and recently enacted a prohibition for the installation of alternative practices without prior installation of the 16.5' buffer; Wilkin SWCD has utilized side inlet culverts and whole field no-till. SWCD staff in all three districts have a history of working closely with landowners on alternative practices that include NRCS Field Office Technical Guide Practices of (at a minimum): 410 Grade Stabilization Structure; 468 Lined Waterway or Outlet; 329 Residue and Tillage Management, No-Till; 340 Cover Crop; 590 Nutrient Management. SWCD staff stated that alternative plans utilizing cover crops or no-till must be applied to the landowner's whole field (regardless of acreage), because SWCD/BWSR computer programs model a larger erosion prevention benefit for 16.5' buffers as compared to the field practices used for alternative practices. Despite asking at all four meetings, District staff received no information on how stacking cover crops with no-till practices would be modeled for soil loss.

Attorney Lukas Croaker reminded attendees that the District chose to enforce the Minn. Stat. § 103F.48 Riparian Buffer Law in order to work with landowners on Buffer Law implementation. Ultimately, non-compliance with the District's corrective action notice will be determined by a judge and could result in a misdemeanor under criminal law or a civil court order under Minn. Stat. § 103D.545.

SWCD staff notified the District and BWSR of parcels that are in potential non-compliance. The District next needs to provide landowners with a list of corrective actions needed to come into compliance and a practical timeline to meet the requirements of the District's Buffer Rule. The District expects that some landowners will pursue alternative practices to fulfill corrective actions. In an effort to support landowners' statutory right to adopt an alternative riparian water quality practice, or combination of structural, vegetative, and management practices, based on the NRCS Field Office Technical Guide, per Minn. Stat. § 103F.48, subd. 3(b) and Section 3.5 of the District's Riparian Protection and Water Quality Practices Rule "Buffer Rule," District staff are pursuing options to subcontract with a professional agricultural technician. The technician will work with landowners and District staff to help bring non-compliant parcels into compliance. A draft professional services contract may be available for review at the May 2024 board meeting.

**2023 ANNUAL
REPORT**

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the 2023 Annual Report was approved.

**JUNE BOARD
MEETING**

Board managers supported moving the June 20, 2024 board meeting to June 21, 2024.

The meeting was adjourned.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
May 16, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Doug Dahlen, Scott Gillespie, John Kapphahn, Steven Schmidt, Allen Wold, and Ben Brutlag (arrived later). Absent: Jerome Deal. Also present: Engineer Chad Engels, Engineer James Guler, Engineer Technician Troy Fridgen, Administrator Jamie Beyer, Attorney Lukas Croaker (remotely), Project Manager Garrett Monson (remotely), and Attorney Sarah Wear (arrived later – remotely).

AGENDA

Upon motion by Wold, seconded by Gillespie and carried unanimously, the agenda was approved with the following additions: Order for GCD #21 Final Hearings; Order for Lake Traverse Water Quality Project No. 1, Phase 3 Final Hearing; Order for Redpath Phase 2A Final Hearing; Order for Lightning Lake Final Hearing; Order for WCD #Sub-1 Final Hearing.

**CONFLICT OF
INTEREST**

Board Manager Kapphahn declared a conflict of interest with Lake Samantha and Board Manager Beyer declared a conflict of interest with WCD #39 Outlet.

**CONSENT
AGENDA**

Upon motion by Wold, seconded by Kapphahn and carried unanimously, the Consent Agenda was approved.

Manager Brutlag arrived at the meeting.

PUBLIC COMMENT No public comment was stated.

**103E.261 PRELIM
SURVEY HEARING
BDSWD #5** Upon motion by Beyer, seconded by Dahlen and carried unanimously, the Minn. Stat. Sec. 103E.261 Hearing on the Preliminary Survey Report for BdSWD Ditch #5 was opened. Attorney Lukas Croaker provided the hearing order of events. Engineer James Guler described the location, history, and current condition of the proposed project area, and the need to improve the drainage system to meet modern standards and flood protection; in this case, a 10-year flood protection design standard was used, in accordance with the 1998 Mediation Agreement. A TCD #37 landowner meeting was held earlier in the week to provide project notification and proposed design information due to the proposed use of TCD #37 as an outlet.

Members of the public were given an opportunity to provide comments on the need for the project and certain design aspects related to the proposed project. Hydrologic modeling confirmed that the retrofitted design of TCD #37, Lateral 1 can handle the flow proposed for 10-year flood events.

Current condition: Excess precipitation flows over bare and cropped ground. During 5-year flood events (and larger), 630th Avenue overtops, sending uncontrolled flows in excess of the current culvert capacity. The project area is used to grow crops that in most areas, can only be accessed by low-elevation dirt roads. Roads become impassable and crops are damaged regularly from small, frequent in-season precipitation events. Landowners also reported that one farmstead is regularly threatened by spring flooding, along with at least one downstream farmstead.

Proposed condition: The project would direct excess precipitation flows to a centralized, grassed, edge-of-field channel connected to TCD #37, Lateral 1. The proposed condition would reduce the overtopping of 630th Avenue, controlling flow and reducing peak flows on 10-year flood events (and larger). The project area would benefit significantly from a ten-year level of flood protection to prevent road damage and overtopping, and crop yield loss – both of which are happening regularly from small, frequent precipitation events. The proposed channel bottom would include an 8' bottom width, to match the width of downstream TCD #37, Lateral No. 1. There would be two easements utilized to provide the District limited land rights:

Permanent Ditch Channel Easement: Applies to the area encompassed by the road, ditch channel and berm, and buffer area. Landowners will be compensated for the amount of this land that is currently being cultivated at a sales-price rate determined by independent viewers. This land shall not be cultivated in the future.

Because 140th Street is not true and parallel to the section line, some additional right of way will be obtained to create a ditch buffer that is parallel to the section line, so that it is easy to legally describe and maintain.

Permanent Backslope Easement: Landowners will be compensated at a rental-price rate determined by independent viewers, payable for two growing seasons to compensate landowners for the use of the area for two years of construction. Following construction of the project, the District will have the right to periodically use the land for future maintenance, repairs, and spoils, but District activities cannot damage crops without compensation.

Flows ultimately outlet into Twelvemile Creek. Twelvemile Creek, prone to substantial spring flooding, would benefit in a variety of ways: the project would include side inlet culverts to transport surface runoff off the field in a controlled manner, and direct flows through grassed channels behind grassed berms – reducing sediment and nutrient transport. Spring flooding along Twelvemile Creek tends to be slow moving and volume-driven; hydrologic modeling of the proposed project indicates a small change in the timing of peak flows and a reduction in peak flows from larger events.

Construction estimates were not provided on a per-acre basis, as this project does not have an existing assessment district. A preliminary cost estimate of \$1,675,000 was presented. This amount does not include any deductions for possible Clean Water and Culvert Sizing cost share programs. This preliminary cost estimate does include an assumed \$250,000 outlet/connection fee (this amount will ultimately be determined by independent viewers). Because the project uses TCD #37, Lateral No. 1, which was retrofitted in 2017, the new system will be assessed a catch-up fee to compensate TCD #37 for historical ditch expenses (including the 2017 project costs). The new assessment district will also be assigned a benefit value, and be included in annual TCD #37 maintenance assessments. It is not known at this time how parcels will be treated that have been separately added to the TCD #37 tax district through independent Minn. Stat. Sec. 103E.401 petitions.

Copies of the May 10, 2024 Advisory Letter from the Department of Natural Resources were provided, and content was read by Engineer James Guler. DNR Representatives have determined that the Preliminary Survey Report is inadequate, and a number of issues and recommendations were provided. The primary issue raised by DNR representatives is a concern that the proposed project would redirect the majority of existing flow away from a public water mapped in Dollymount Section 24.

Attorney Lukas Croaker stated his need to leave the meeting, and recommended that, following public comment, the Board consider a motion to recess the hearing and authorize staff to work with DNR Representatives to address project concerns. Attorney Lukas Croaker left the meeting and Attorney Sarah Wear arrived at the meeting (remotely).

District Engineer Technician Troy Fridgen and Landowner David Horning stated that a primary purpose of the project, to prevent frequent impassability and overtopping of 140th Street and 630th Avenue, should be more urgently emphasized. District Engineer Chad Engels stated that the focus of the project is to protect private and public property from 10-year flood events, and that having enough materials to build-up 140th Street is a concern.

Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, staff are authorized to meet with DNR representatives to discuss project details and design to remedy DNR concerns. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the hearing was recessed.

COVER CROP PROGRAM UPDATE

Wilkin SWCD Resource Specialist Kimberly Melton provided an update of the Cover Crop Program Suite offered in their district and regionally. Across Wilkin SWCD programs, enrollment has grown from 700 acres to 10,000 acres within five years. The District's annual \$5,000 cost-share is used to provide a lower-risk option for producers, requiring a one-year commitment. Wilkin SWCD representatives work with producers to plan cover crop types, seeding rates, and seeding timelines; Wilkin SWCD have sought and been awarded variances from the State of Minnesota to NRCS policies. Board Manager Gillespie stated support for the ability to change broadly set parameters that don't work in the field – such as hard deadlines, given precipitation and weather conditions.

DORAN CREEK EAW & SURVEY

Project Manager Garrett Monson stated that following the closure of the Doran Creek Environment Assessment Worksheet comment period, the District received a comment letter from the Minnesota

Indian Affairs Council. The District's EAW Comment Exhibit has been updated to reflect this receipt; the comments further support the District's recognized need for a proposed cultural survey.

Attorney Lukas Croaker returned to the meeting (remotely).

Project Manager Garrett Monson described possible next preparatory steps, to include: visual inspection for best management practice siting (dependent on current land use) conducted by Moore Engineering staff; topographical survey follow-up where needed by Moore Engineering staff; and cultural survey with shovel testing and optional participation from tribal representatives conducted by In Situ subcontractor staff. The shovel testing will be conducted every 200', with a 40 centimeter hole, walking across the entire project. Project Manager Garrett Monson estimated that Moore Engineer's portion of the project will cost \$50,000 and the price quote by In Situ is for \$48,941.

Upon motion by Kappahn, seconded by Dahlen and carried unanimously, the following was approved: Amended EAW comments, authorization for legal counsel to draft right of entry agreements, and In Situ professional services subcontract.

GCD #3 REPAIR

Engineer James Guler has been in contact with Grant County Highway staff regarding the repair of GCD #3. Grant County Highway staff have requested that their two project culverts be separated into a project that can be designed to qualify for state aid. Upon motion by Beyer, seconded by Gillespie and carried unanimously, staff are authorized to separate the county culvert replacement into a separate bid project.

**FINAL HEARINGS:
LTWQIP NO. 1
PHASE #3**

Upon motion by Beyer, seconded by Gillespie and carried unanimously, the Board will reconvene the GCD #21 final hearing on June 17, 2024 at 10:30 AM at the Herman Community Center, Herman, Minnesota.

LIGHTNING LAKE

Repairs have been made to private tile that was damaged by heavy rocks and hauling enroute to the Lake Traverse Water Quality Improvement Project No. 1, Phase 3 construction site. Traverse SWCD will finish seeding the project. District Engineer Jim Guler recommended that the final hearing to close out the project be held in June, and recommended that Lightning Lake and Redpath Phase 2 also be held at the same meeting. Upon motion by Gillespie, seconded by Kappahn and carried unanimously, final hearings were ordered for Lake Traverse Water Quality Improvement Project No. 1, Phase 3, Lightning Lake Outlet Project No. 1, and Phase 2A of the Mustinka River Rehabilitation and Redpath Flood Impoundment. A final hearing for the improvement of WCD #Sub-1 will likely be ordered in June to be held as part of the July board meeting.

**BUFFER & ALT.
PRACTICES
IMPLEMENTATION**

District Administrator Jamie Beyer reported that she has not received a professional services contract from the individual contacted in April to assist landowners and District staff with state-required 16.5' riparian buffer and alternative practice implementation. She will collect additional references with the goal of presenting a professional services contract to the board at the June board meeting. District Attorney Lukas Croaker will also draft corrective action notices.

The meeting was adjourned at 11:47 am.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 17, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 10:30 a.m. at the Herman Community Center. In attendance: Linda Vavra, Benjamin Brutlag, Doug Dahlen, Steven Schmidt, and Allen Wold. Also present: District Engineers Chad Engels and James Guler; Attorney Lukas Croaker; Administrator Jamie Beyer; Engineer Technician Troy Fridgen; Viewers Dwight Veldhouse, Loretta Gerhardson, and Donald Metz.

**GCD #21
FINAL
HEARINGS**

Upon motion by Dahlen, seconded by Brutlag and carried unanimously, the Final Hearing on the Improvement Petition, Amended Detailed Survey Report, DNR's Final Advisory Report, Viewers' Report on the Redetermination of Benefits and Damages, and Amended Viewers' Report on the Improvement and Separable Repair of Grant County Ditch #21 (GCD #21) was opened. Attorney Lukas Croaker recounted some of the preceding events, including the District's receipt of a Petition for Improvement, initial final hearings held and continued November 17 and December 21, 2023; January 25, 2024. On February 15, 2024, the District passed the Order Suspending Final Hearing to Correct Procedural Errors, Amended Administrator's Order Designating Viewers' Meeting, Findings and Order Initiating the Redetermination of Benefits and Appointing Viewers, and Amended Findings and Order for Detailed Survey Report. This final hearing is subsequent to actions by the Viewers and Engineering staff in response to these orders, and will provide an opportunity for landowners to respond to the amended reports.

Engineer James Guler introduced project costs for the Repair of GCD #21, Improvement of Branch #1, Improvement of Branch #2, and Improvement of Branch #4. Applicable District cost-share was also calculated and subtracted to provide separate local costs (paid by benefit areas).

Repair Costs		Summary of Project Costs		Summary of Funding Source	
Entire GCD 21 Watershed		Construction \$ 1,966,435.00 Soft Costs Lines 2 - 15 \$ 1,103,565.00		BdSWD Clean Water Cost Share \$ 363,993.75 BdSWD Inline Culvert Cost Share \$ 389,960.00	
		Total \$ 3,070,000.00		GCD 21 Benefit Area \$ 2,316,046.25	
<hr/>		<hr/>		<hr/>	
Additional Improvement Costs		Summary of Project Costs		Summary of Funding Source	
Branch 1 Sub Watershed	15.3% of Soft Costs (Lines 2 - 15)	Construction \$ 103,625.00 \$ 48,617.10		BdSWD Clean Water Cost Share \$ 25,906.25 Branch 1 Benefit Area \$ 126,335.85	
		Total \$ 152,242.10			
Branch 2 Sub Watershed	61.55% of Soft Costs (Lines 2 - 15)	Construction \$ 416,831.00 \$ 195,562.02		BdSWD Clean Water Cost Share \$ 104,207.75 Branch 2 Benefit Area \$ 508,185.27	
		Total \$ 612,393.02			
Branch 4 Sub Watershed	23.15% of Soft Costs (Lines 2 - 15)	Construction \$ 156,800.00 \$ 73,564.88		BdSWD Clean Water Cost Share \$ 39,200.00 Branch 4 Benefit Area \$ 191,164.88	
		Total \$ 230,364.88			

Viewer Dwight Veldhouse presented some of the aspects of the Amended Viewers' Report, including the use of a Hydraulic Efficiency rating that broadly categorizes a parcel's drainage as a "1" if it accesses an open ditch; < "1" if the open drainage is restricted (i.e. by a culvert); > "1" if the parcel has access to subsurface drainage. Viewer Dwight Veldhouse discussed the decrease in proximity that was applied to some of the lands northeast of Branch #4, as it was found their drainage ultimately flows to Branch #1.

Engineer James Guler strongly encouraged landowners to verify with Grant County's Greg Lillemoen any plans for private subsurface drainage systems in the future.

Landowner comments:

Mr. Ken Derby presented a letter to District Board Managers requesting a review of the elevations of a parcel purported to not benefit from Branch #2 Improvements.

Attorney Dean Zimmerli, representing Mr. Jim and Mrs. Charlene Nelson, suggested consideration for cost savings if existing tile is abandoned and left-in place; consideration of whether concrete water control structures constitute a repair or an improvement; consideration of whether flap gates are appropriate; consideration for an increase of cost if tile is installed to a deeper depth; consideration if Branches #2 and #4 are being designed at a 1/4" drainage co-efficient; verification that the Future Consolidated Benefit column on the Amended Viewers' Report is correct, as the repair benefits + improvement benefits do not equal the Future Consolidated Benefit, specifically citing that land owned by Mr. Lowell Ricks and Mr. Jim and Mrs. Charlene Nelson have higher Future Consolidated Benefits listed than the repair + improvement benefits and that the road authorities, such as Delaware Township, have Future Consolidated Benefits far less than the repair benefits + improvement benefits; questioned the ability of engineers to assist viewers in determining benefits and damages; and has concerns that the public meeting was not timely noticed in the newspaper.

Engineer James Guler relayed that Mr. Paul Raths, Mr. Mark Ellison, and Mr. Daniel Ellison have requested that Branch #2 be increased to a 1/2" drainage co-efficient.

Mr. Scott Biss stated that a corner of his land in Branch #2 does not flow to Branch #2, and that it should be considered for removal from the subwatershed.

Attorney Lukas Croaker read a letter from Mr. Lowell Ricks that stated his belief that the project in Section 17 of Delaware Township is not entirely on his NE quarter, and that the estimated project costs for Branch #4 are too high.

Mr. Paul Raths confirmed with engineering staff that the new tile will be televised after installation.

Mr. Michael Ricks, son of Mr. Lowell Ricks, asked about the assessment timeline and process.

Engineering staff thanked landowners for their time and effort to meet and discuss this project. President Linda Vavra encouraged landowners to continue to work together to address the problems with this public system.

Upon motion by Dahlen, seconded by Wold and carried unanimously, the hearings were recessed and will reconvene at 8:00 am on July 18, 2024 at the Bois de Sioux Watershed District Office at 704 Highway 75 in Wheaton.

Upon motion by Dahlen, seconded by Brutlag and carried unanimously, the meeting was adjourned.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
June 21, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 8:03 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Benjamin Brutlag, Doug Dahlen, Jerome Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Engineer James Guler, Engineer Technician Troy Fridgen, Attorney Lukas Croaker, Administrator Jamie Beyer.

AGENDA

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was approved with the following additions: Everglade Township Permits, Wilkin County Culvert Sizing, District Lobbyist.

**CONFLICT OF
INTEREST**

Board Manager Kapphahn declared a conflict of interest with Lake Samantha.

**CONSENT
AGENDA**

Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.

PUBLIC COMMENT No public comment was stated.

**EVERGLADE
TOWNSHIP
FLOODING**

Engineer Technician Troy Fridgen is receiving landowner complaints regarding flood conditions upstream of Stevens County Ditch #1, which outlets into Twelvemile Creek. The Twelvemile Creek has accumulated sediment. This is an upstream area of the watershed, and has very low slope. Gillespie stated that Twelvemile Creek is in dire need of a restoration project.

**FINAL HEARING:
LIGHTNING LAKE
OUTLET NO. 1**

Upon motion by Dahlen, seconded by Wold and carried unanimously, the Final Hearing on the Engineer's Report for Lightning Lake Outlet Project No. 1 was opened. Engineer James Guler reviewed project construction details, highlighting the additional culvert that was installed to prevent Stoneybrook Township Road 118 from overtopping, and fish connectivity that has been provided with the replacement of the concrete weir structure with a series of boulders, rocks, and chinking material. Engineering staff met with DNR officials on-site to verify their requests for final punchlist items, but the DNR more recently sent additional requests for changes prior to project closeout. As the new DNR requests were submitted after the contractor's final punchlist was accepted, Engineer James Guler recommended that the contractor be compensated for the additional work by time and materials. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, the additional construction is ordered on a time and material basis and the hearing was recessed, and will be continued July 18, 2024.

**FINAL HEARING:
LAKE TRAVERSE
WATER QUALITY
IMPROVEMENT
PROJECT NO. 1
PHASE #3**

Upon motion by Dahlen, seconded by Schmidt and carried unanimously the Final Hearing on the Engineer's Report for Phase 3 of the Lake Traverse Water Quality Improvement Project No. 1 was opened. Engineer James Guler presented a Final Balancing Change Order in the amount of \$32,768.90, and described the project built in conformance with the project's plans and specifications. Traverse SWCD has made multiple attempts to establish vegetation in different portions of the project, and has begun tree planting. These efforts will continue outside a potential closeout of the contract with the project contractor. Landowners presented a number of comments of unfinished work, including: erosion concerns in specific areas, fence replacement, fence debris, unleveled dirt work, tree debris left on-site, and need for a second cow crossing to prevent destruction of side slopes. Mr. Kevin Pederson, representing landowner Jonathan Pederson, stated that he had to work directly with contractors to restore severed/buried/damaged utilities, including phone, subsurface tile, and tile outlets. Mr. Pederson stated concerns about the amount of erosion that took place following fall construction, and has identified areas where rocks must be removed. Board Manager Scott Gillespie thanked the landowners and representative for their comments. Engineering staff will work with landowners to resolve the outstanding issues. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing was recessed and will be continued July 18, 2024.

**FINAL HEARING:
MUSTINKA RIVER
REHABILITATION
& REDPATH FLOOD
IMPOUNDMENT**

Upon motion by Kapphahn, seconded by Brutlag and carried unanimously, the Final Hearing on the Engineer's Report for Phase 2A of the Mustinka River Rehabilitation and Redpath Flood Impoundment Project was opened. Engineer James Guler stated that the contractor has not completed the final punchlist items. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing was recessed and will be continued July 18, 2024.

WCD-SUB #1	Attorney Lukas Croaker has edited a new legal instrument provided by BNSF to facilitate a culvert replacement through land owned by BNSF. Motion by Gillespie, seconded by Dahlen and carried unanimously to approve the construction and maintenance agreement and work with BNSF to get the additional culvert installed.
103F.48 RIPARIAN BUFFERS	Ms. Angelica Hopp joined the meeting by telephone. The District desires to support landowner initiatives to adopt lawful alternative practices that are described in the NRCS Field Office Technical Guide, but not recognized or supported by local government officials, by hiring a third party consultant to work with the District and landowners. Administrator Jamie Beyer stated that Ms. Hopp can provide these professional services. Administrator Jamie Beyer presented broad contractual terms proposed by Ms. Angelica Hopp from Agriboost. Ms. Angelica Hopp formerly worked for Kandiyohi County as a buffer compliance technician. Today she has her own consulting company, working with landowners on agricultural practices. Ms. Angelica Hopp stated her willingness to work directly with landowners, to understand their needs and their land's specific conditions.
BDSWD DITCH NO. 5	Engineer James Guler relayed results of two meetings with DNR representatives regarding the proposed Bois de Sioux Watershed District Ditch No. 5. At the first meeting, DNR and BdSWD staff discussed potential options to eliminate DNR's concerns with the project. DNR representatives stated they needed to have internal communication to evaluate the options presented. The second meeting featured different DNR representatives who stated that the land identified as a public water in Section 24 must retain at least 90% of the mean average daily flow following a proposed surface or subsurface project. Staff aren't sure how to interpret this requirement against the fact that the land identified as "public water," does not meet the definition of watercourse under Minn. Stat. § 103G.005. The "Report to the Minnesota State Legislature: Definitions and Thresholds for Negative Impacts to Surface Waters" was referenced by DNR Representatives as the basis for the 90% standard, but its intent is in evaluating the average daily flow for streams and rivers with continuous flow, not field channels. Providing a computer hydrologic model that reflects reality would be difficult and would have to include a long list of assumptions. Acceptance of this model would need to include agreement from the DNR on the evaluation and assumptions used. Staff will work with the Section 24 landowner to explore whether a petition for removal from the PWI is feasible and appropriate. Engineer James Guler will request the DNR's new condition be confirmed in writing, and will schedule a follow-up meeting with DNR to discuss the problematic application of a stream standard to an ephemeral situation. Information about the petition and DNR response will be brought to the Drainage Workgroup, Red River Watershed Management Board, and the Flood Damage Reduction Workgroup. Administrator Jamie Beyer stated that in the DNR's Advisory Letter, they allege that current conditions and proposed future conditions produce water quality impairments downstream – because these allegations are a significant factor in the DNR's opposition to the proposed project, and are outside the scope and intent of drainage law, the Construction Fund can be utilized to address these comments.
GCD #21 HEARINGS	GCD #21 hearings were held earlier this week; the meeting was recessed and will reconvene July 18, 2024.
GCD #3 REPAIR	Engineer James Guler responded to several requests for additional information from DNR representatives regarding the proposed repair of GCD #3. An assumption made on the vertical datum utilized on the historic 1980 plan set resulted in DNR representatives stating an improvement had been constructed at some point. With additional information provided to the DNR, it was apparent that an improvement has not been constructed, and the objections have been addressed. Engineer Guler will continue working with DNR to get advisory support for the repair that may affect public waters.
MDM GRANT OPEN	A solicitation for Multipurpose Drainage Management grant applications is expected before August. Board Managers supported the submission of any of the qualifying projects currently being developed: WCD #39, GCD #21, GCD #8, BCD #8, BdSWD No. 5.
REDPATH PH. 2B	Engineer James Guler provided an update of Phase 2B construction of the Mustinka River Rehabilitation and Redpath Flood Impoundment. Earthwork continues on the shaping of the meandering channel and embankment walls. The bypass floodway is completed up to Station 116+00 and the meandering channel is completed up to Station 114+00. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Request No. 1 in the amount of \$1,863,983.36 was approved. Dahlen motioned, seconded by Gillespie, to approve temporary electric service to two relocated tile pumps in the Redpath Flood Impoundment construction footprint. Upon motion by Dahlen, seconded by Gillespie and carried

unanimously, staff are authorized to use tile pump easement forms prepared by Ohnstad Twichell as a replacement for easement forms provided by Traverse Electric.

**103F.48
RIPARIAN
BUFFERS**

Administrator Jamie Beyer presented the information as a proposal for the District to consider: Ms. Angelica Hopp will work closely with landowners designated as non-compliant by Traverse, Grant, and Wilkin Counties, with the support of District staff to adopt alternative practices in compliance with the Buffer Law and Buffer Rule. Ms. Angelica Hopp has knowledge and experience with a broad set of conservation practices, and can provide landowners more clear guidance on considerations for 16.5' buffer or alternative practice installation. In Ms. Hopp's proposed work with landowners, District staff will gain understanding of lawful practice alternatives while also bringing parcels into compliance with the Buffer Law. Board Managers supported Attorney Lukas Croaker's offer to put together an independent contractor agreement for signature by the District and Ms. Angelica Hopp. Board Managers reviewed the revised Corrective Action Notice template. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, Board Managers authorized: revisions to the Corrective Action Notice, consultant service contract, and notice to the list of non-compliant parcel landowners. Board Manager Scott Gillespie stated that these actions combined will provide common sense solutions and flexibility. District Administrator Jamie Beyer also presented BWSR Alternative Practice 4B, which includes conditions to employ a 16.5' no-till/strip till or 16.5' cover crops adjacent to vegetated channel and banks. This option appears very similar to the District's Preferred Alternative Practice of 16.5' no-till and cover crop installation which was rejected by local SWCDs and BWSR.

**NORTH OTTAWA
IMPOUNDMENT**

Board Managers discussed complaints received from 4 – 5 landowners during recent in-season flood impoundment operations. Board Manager Benjamin Brutlag requested that staff assemble an operations manual and checklist that can be followed by anyone put into the position of operating the impoundment. Engineer Technician Troy Fridgen stated that the Impoundment's capacity to receive water is greater than the capacity of downstream outlets and channels to release and convey water. Additionally, public drainage systems downstream of the North Ottawa Flood Impoundment outlets are undersized, and are currently being utilized by large public water systems. These conditions will flood downstream farmland when the North Ottawa Flood Impoundment gates are completely closed. Also, at least one combination of open outlet gates results in floodwater backflowing from Cell C into A/B Cells. Board Managers and staff identified a need for repairs and increased functionality, including installation of culverts with strong traps for neighboring farm fields, and the ability to more quickly drawdown Cell C. Board Managers requested that a meeting be held with the operations committee and landowners to discuss: 1) in season impoundment operations and triggers; 2) current repairs needed; and 3) future improvements needed.

**WATERSHED
POLICIES**

Administrator Jamie Beyer relayed a need for more support working with proposed watershed policies. Board Managers supported a search for professional services.

**CROAKER
LEAVES**

Attorney Lukas Croaker left the meeting.

**REDPATH
FARMLAND
LEASES**

Administrator Jamie Beyer stated that Attorney Lukas Croaker has clarified how District leases address returning rented farmland. The lease states that lands must be returned in the condition they were originally leased (tilled/not tilled). If at the end of the lease, the renter is unable to complete fall tillage, the renter is charged a flat rate. These funds are used to contract with tillage services in the spring, and bid for rent in the spring. Several Redpath fields were not tilled Fall 2023.

BEYER TERM

The District received notification that Wilkin County representative Jason Beyer has been reappointed.

**JCWMP GRANT
DISBURSEMENT**

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the \$16,945.13 Joint Comprehensive Watershed Management Grant Watershed Based Implementation Fund Grant #2 reimbursement to the District was approved. Upon motion by Beyer, seconded by Gillespie and carried unanimously, staff are authorized to submit a grant application for Watershed Based Implementation Funds #3.

ELECTIONS

Wold called for nominations for the position of President. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, Linda Vavra was nominated for the position of President. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, nominations were ceased and a unanimous ballot was cast for Linda Vavra.

Vavra called for nominations for the position of Vice President. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, Jason Beyer was nominated for the position of Vice President. Upon motion by Wold, seconded by Gillespie and carried unanimously, nominations were ceased and a unanimous ballot was cast for Jason Beyer.

Vavra called for nominations for the position of Secretary. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, Allen Wold was nominated for the position of Secretary. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, nominations were ceased and a unanimous ballot was cast for Allen Wold.

Vavra called for nominations for the position of Treasurer. Upon motion by Gillespie, seconded by Schmidt and carried unanimously, John Kapphahn was nominated for the position of Treasurer. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, nominations were ceased and a unanimous ballot was cast for John Kapphahn.

**RRWMB
DELEGATES**

Delegates to the Red River Watershed Management Board will be designated later 2024.

**OFFICIAL
NEWSPAPERS**

Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the following publications are designated as official newspapers for the respective counties: Traverse County - Wheaton Gazette; Big Stone County - The Northern Star; Grant County - Grant County Herald; Wilkin County - The Daily News; Otter Tail County - The Daily Journal; Stevens County - The Chokio Review.

RATES

Upon motion by Dahlen, seconded by Gillespie and carried unanimously the rates described in the 2024-2025 Annual Organization Resolution were approved for District, legal, and engineering staff.

**ANNUAL ORG.
RESOLUTION**

Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the 2024 – 2025 Annual Organization Resolution was approved.

Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the meeting was adjourned.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
July 18, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 8:04 a.m. Present in the District Office: Linda Vavra, Doug Dahlen, Ben Brutlag, John Kapphahn (arrived later), Steven Schmidt, and Allen Wold. Engineer Chad Engels, Engineer James Guler, and Attorney Lukas Croaker were also present. Absent: Jason Beyer, Jerome Deal, Scott Gillespie, Administrator Jamie Beyer, and Engineer Technician Troy Fridgen.

AGENDA

Upon motion by Wold, seconded by Dahlen and carried unanimously, the agenda was approved.

**CONFLICT OF
INTEREST**

No conflicts of interest were declared.

**CONSENT
AGENDA**

Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved, including claims of:

Braun Intertec	\$ 9,439.50	Ohnstad Twichell	\$ 21,299.95
Digital Guru	\$ 9.90	Purchase Power Pitney Bowes	\$ 603.75
Frontier	\$ 78.85	Raguse Family Partnership	\$ 30,850.00
Grant SWCD	\$ 3,300.27	Riverwatch/C-T Schools	\$ 2,949.72
Jamie Beyer	\$ 4,441.00	Tri County Coop	\$ 311.08
John Riley Construction	\$ 506,269.25	True North	\$ 10,589.46
Midwest Contracting	\$ 17,195.35	Wagner Company	\$ 945.00
Moore Engineering	\$ 191,317.95	West Otter Tail SWCD	\$ 3,616.66
			\$ 803,217.69

PUBLIC COMMENT No public comment was stated.

**FINAL HEARING:
GCD #21
IMPROVEMENT**

Upon motion by Dahlen, seconded by Wold and carried unanimously, the Final Hearing on the Improvement Petition, Amended Detailed Survey Report, DNR's Final Advisory Report, Viewers' Report on the Redetermination of Benefits and Damages, and Amended Viewers' Report on the Improvement and Separable Repair of Grant County Ditch #21 (GCD #21) was reconvened. Attorney Lukas Croaker recounted some of the preceding events, including the District's receipt of a Petition for Improvement, initial final hearings held and continued November 17 and December 21, 2023; January 25, 2024; February 15, 2024; and June 17, 2024.

**KAPPHAHN
ARRIVES**

Board Manager John Kapphahn arrived at the meeting (8:12 am).

Engineer James Guler provided information on project design. A landowner requested that the existing tile be abandoned, instead of removed. District Engineer Chad Engels stated that leaving the tile could make an argument in the future that it was not abandoned through the project proceedings and must be repaired. Since the recess of the June 17, 2024 hearing, Viewers met/discussed parcel drainage conditions with landowners and farm operators, and made adjustments to the Amended Viewers' Report. Attorney Dean Zimmerli asked if adjustments to the drainage coefficient had been made on Branch 2; engineering staff confirmed that changes were made. No further comments or questions were presented by the public. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Improvement Petition, Amended Detailed Survey Report, DNR's Final Advisory Report, Viewers' Report on the Redetermination of Benefits and Damages, and Amended Viewers' Report on the Improvement and Separable Repair of Grant County Ditch #21 (GCD #21) were approved and the project was established. Attorney Croaker stated he would finalize the Findings of Fact and Order Establishing the Improvement of GCD #21 by including the public comment from the hearing. Upon motion by Wold, seconded by Kapphahn and carried unanimously, the hearing was closed.

**FINAL HEARING:
LIGHTNING LAKE
OUTLET NO. 1**

Upon motion by Wold, seconded by Dahlen and carried unanimously, the Final Hearing on the Engineer's Close-out Report for Lightning Lake Outlet Project No. 1 was reconvened. Attorney Lukas Croaker provided a summary of past procedural events. Engineer James Guler relayed DNR staff satisfaction with the project as built. Updated costs and project financing sources were presented. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the final Pay Application No.

2 in the amount of \$17,195.35 was approved. Ownership of the rock weirs is transferred to the Department of Natural Resources and ownership of the concrete box culverts is transferred to Stonybrook Township. The District will have no further responsibility in the project.

**FINAL HEARING:
LAKE TRAVERSE
WATER QUALITY
IMPROVEMENT
PROJECT NO. 1
PHASE #3** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously the Final Hearing on the Engineer's Close-out Report for Phase 3 of the Lake Traverse Water Quality Improvement Project No. 1 was reconvened. Attorney Lukas Croaker provided a summary of past procedural events. Engineer James Guler presented progress on final punchlist items. At the June 21, 2024 board meeting, Landowner Representative Mr. Kevin Pederson stated concerns about how site conditions were left both between seasons and at the completion of the project, and was not satisfied with responses from engineering staff and the contractor. The contractor was asked by engineering staff to address Mr. Pederson's invoice for the work he completed on the site on the Pedersons' property. The contractor agreed to pay a portion of the invoice; however, Mr. Kevin Pederson withdrew his invoice, stating that his intent was to bring awareness of the level and value of time he spent addressing loose ends, and strongly emphasized that the board and engineering staff more closely monitor construction site activities. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, a final payment to the contractor, in the amount of \$29,392.56, was approved. There is still seeding and vegetation maintenance being completed on the project by Traverse County SWCD. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the hearing was closed.

**FINAL HEARING:
MUSTINKA RIVER
& REDPATH FLOOD
IMPOUNDMENT
PHASE 2A** Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Final Hearing on the Engineer's Close-out Report for Phase 2A of the Mustinka River Rehabilitation and Redpath Flood Impoundment Project was reconvened. Engineer James Guler stated that the contractor has not completed the final punchlist items; the contractual final completion date was July 1, 2024. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the hearing was recessed and will be continued August 15, 2024.

**WCD #SUB-1
IMPROVEMENT** Attorney Lukas Croaker presented an update on the Construction and Maintenance Agreement provided by BNSF. The agreement was previously approved by the District subject to the District's attorney continuing to negotiate terms with BNSF. The drainage authority's maintenance of the crossing is limited to the contractor's warranty and routine sediment removal in the new culvert. Complete replacement of the culvert in the future, and maintenance of the crossing in perpetuity, is not the responsibility of the District, but statutorily the responsibility of the railroad utility. Engineer James Guler recommended that closeout procedures for the Improvement of WCD #Sub-1 be initiated. Upon motion by Kapphahn, seconded by Brutlag and carried unanimously, a closeout hearing was scheduled for August 15, 2024.

BDSWD NO. 5 Staff have discussed options for the construction of BdSWD Ditch No. 5, to address road access and flooding at the Stevens/Traverse County line. In consideration of the DNR's written response to the project's preliminary design, Attorney Lukas Croaker has identified five options for project development; the recommended option is that the property owner petition the DNR requesting to have the public waters in Section 24 removed from the public waters inventory and public waters map, as the field depression does not meet the statutory definition of a public waters, specifically, the definition of a natural watercourse or altered natural watercourse.

GCD #3 REPAIR Engineer James Guler responded to DNR staff project design changes, and is awaiting a written response from the DNR regarding the District's responses. Attorney Croaker stated that DNR approval is not needed to proceed with the District's portion of the repair of GCD #3 but the County will need approval for its culvert work. Grant County Highway staff have asked for time to pursue state aid to fund replacement of culverts, required in their position as a road authority.

**MUSTINKA RIVER
& REDPATH FLOOD
IMPOUNDMENT
PHASE 2B** Engineer James Guler provided an update on construction of Phase 2B of the Mustinka River Rehabilitation and Redpath Flood Impoundment Project. Substantial completion for the project is dated November 27, 2024. Upon motion by Kapphahn, seconded by Brutlag and carried unanimously, payment of Pay Application No. 2, in the amount of \$506,269.25, was approved.

DORAN CREEK Right of Entry Agreements have been drafted for Doran Creek Restoration Project landowners. An informal landowner meeting will be held in Campbell, MN in an effort to provide information about the upcoming surveys, and gather landowner signatures.

BUFFER CONTRACT Attorney Lukas Croaker drafted a Professional Services Contract for Ms. Angelica Hopp, to facilitate buffer implementation support services. Upon motion by Kapphahn, seconded by Wold and carried unanimously, the agreement was approved. Ms. Angelica Hopp is having the agreement reviewed by her legal representation.

NORTH OTTAWA Mr. Truman Raguse has requested that rent for North Ottawa Cell B(3) be returned. The cell could not be farmed due to late spring impoundment operations. Upon motion by Wold, seconded by Kapphahn, and carried unanimously, the refund was approved. Engineer James Guler discussed the operations and maintenance manual that was originally drafted by WSN. Engineering staff met to discuss needed operational changes based on recent summer rainfall events and operation of the impoundment. There are also a number of repairs to the impoundment and outlet channels that are needed. Moore Engineering will identify the range of short- and long-term repairs and improvements that need to be made. Moore Engineering will also prepare a scope to complete a feasibility study of an additional outlet ditch along the north side of the impoundment. A meeting with North Ottawa landowners is scheduled for August 30, 2024, in Wendell, MN to discuss operations, repairs, and potential improvements to the impoundment and its operation.

TWELVEMILE CREEK District staff will bring a Twelvemile Creek Project Team strategy recommendation to the next board meeting.

RRRA CONF. Brian Fuder, Executive Director of the Red River Retention Authority, provided an update of the organization and upcoming joint conference.

2024 LEGISLATIVE CHANGES Information included in board packets described policies instituted during the 2024 legislative session. BWSR staff added language to the Minnesota Watersheds bill that implemented a large number of changes to the Wetland Conservation Act. The DNR expanded the definition and application of a Public Waters designation to new areas of currently private lands. BWSR gained new government authority over private lands through a new regulatory policy on perennial and intermittent streams. BWSR staff will soon release their draft of how they intend to regulate intermittent and perennial "watercourses" (these may or may not contain standing or flowing water). These private land areas are new – they do not meet the definition of Public Waters. The relevant EPA definitions are:

Year-round streams (perennial) typically have water flowing in them year-round. Most of the water comes from smaller upstream waters or groundwater while runoff from rainfall or other precipitation is supplemental.

Seasonal streams (intermittent) flow during certain times of the year when smaller upstream waters are flowing and when groundwater provides enough water for stream flow. Runoff from rainfall or other precipitation supplements the flow of seasonal stream. During dry periods, seasonal streams may not have flowing surface water.

These initiatives have interrelated consequences; their initiation triggers an avalanche of subsequent cascading government activities. For example, the designation of "public waters" results in requirements for double-sided 50' buffers, MPCA chemistry and biological water quality monitoring and standards, impairment designations that oftentimes hinder the very projects that can improve water quality, DNR minimum water level designations, etc. It is important to note that county shoreland ordinances will then apply to new wetlands and public waters – so the expansion of these designations also amplifies the application of county zoning rules and restrictions. BWSR staff are designing a new "stream mitigation" system, under which LGU's and private landowners will be required to replace and create new streams, similar to the wetland banking system, a system that ensure they will continue to add more private land to their own regulating authority.

These three major campaigns – to change wetland rules, to expand the definition of public waters, and to authorize government rule over new areas of private land – were not vetted through the Drainage Workgroup. What is certain, is that each of these three areas will have a direct and dramatic impact to both Minnesota watershed and drainage authority project feasibility, permitting, design, and cost – and will have impacts both for LGU's and private landowners.

A final grave outcome: in their efforts to regulate "watercourses," BWSR and DNR are asserting authority to make rules and decisions that apply to land outside the physical banks of the watercourses; BWSR and DNR are asserting authorities to control what landowners do in the entire

subwatershed/dry land upstream and adjacent to their proposed watercourses. This is a dramatic shift. They are also asserting an authority to not only regulate surface activities - but also subsurface activities.

Upon motion by Wold, seconded by Dahlen and carried unanimously, District staff are authorized to work further on the implications of these policies to the District.

Kappahn motioned to not waive the monetary limits on tort liability established by Minn. Stat. § 466.04. Dahlen seconded. Motion passed unanimously.

Board managers discussed possible Minnesota Watersheds resolution ideas. The discussion focused on the importance of proposing legislation that would protect information contained in watershed district permit applications and permits as nonpublic data or private data under the Minnesota Government Data Practices Act.

COMMENT LETTERS

Upon motion by Wold, seconded by Dahlen and carried unanimously, staff are authorized to submit comment letters on BWSR's Nonpoint Funding Priority Plan and the Clean Water Council Fund Recommendations for the next Biennium.

ANNUAL POLICY REVIEWS

Upon motion by Wold, seconded by Dahlen and carried unanimously, Data Access Policies, Records Retention Schedule, and Conflict of Interest Disclosure Policies were subjected to annual review and readopted without change.

DISTRICT ENGINEER

Discussion occurred on appointing Engineer Guler as the District's lead engineer as he is the engineer of record and overseeing the completion of most of the District's projects. Engineer Engles will continue providing engineering services to the District. Wold motioned, seconded by Kappahn, to designate James Guler as District Engineer. Motion carried.

The meeting was adjourned.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
August 15, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Doug Dahlen, Jason Beyer, Ben Brutlag, Scott Gillespie (arrived later), John Kapphahn, Steven Schmidt, and Allen Wold. Also present Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Administrator Jamie Beyer, and Engineer Technician Troy Fridgen. Absent: Jerome Deal.

AGENDA

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was approved with additions of Permit Application #24-095, Grant County Ditches, TCD #27 Landowner Meeting, and TCD #52 Landowner Meeting, WBIF #3 Grant Agreement, Rabbit River Flow Conditions, CD Purchase.

**CONFLICT OF
INTEREST**

Board Manager John Kapphahn declared a conflict of interest with Lake Samantha.

**CONSENT
AGENDA**

Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.

**PUBLIC COMMENT
JD #11/TCD #27**

Public comment: Mr. Chester Raguse requested information on the design of Lateral 4 of JD #11 along the north half of Section 22. Mr. Raguse had previously received board permission to install an 18" culvert to divert high water from TCD #27 to JD #11, Lateral 4, as TCD #27 is no longer providing the designed drainage function. Mr. Raguse requested permission to increase the culvert size to match the drainage area. Engineer Chad Engels stated that the northernmost stretch of TCD #27 in Section 22 had a design gradeline to the south, but it could be graded to the north to connect with JD #11. Attorney Lukas Croaker stated to the District could consolidate and divide drainage systems, if desired. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to prepare for and hold an informal landowner meeting for JD #11, including non-ditch landowners in Sections 14, 21, 22, and 23.

**PETITION:
TCD #51 &
TCD #7**

Upon motion by Wold, seconded by Dahlen and carried unanimously, the joint hearing was opened to consider the petition requesting authority to use Traverse County Ditch #51 and Traverse County Ditch #7 as an outlet for Jonathan Mathias: Parcel #16-0021-000, N1/2 of Section 6, Range 44, Eldorado Township (126), Stevens County. Engineering staff presented the location of the proposed project. Similar petitions have recently been reviewed and approved previously by the board. Engineering staff estimate that 1/3 of the project's flow will utilize TCD #51 and TCD #7. The other 2/3 of the flow bypass TCD #51 and TCD #7 and outlets directly into Fivemile Creek. Attorney Lukas Croaker read the proposed order Authorizing the Use of TCD #51 and TCD #7, to include TCD #51 benefits of \$127.04 and outlet fee of \$2,601.77; TCD #7 benefits of \$203.26 and outlet fee of \$2,244.24. The order also specified that the petitioner is responsible for administrative and hearing costs. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the order was approved. Upon motion by Beyer, seconded by Kapphahn and carried unanimously, the hearing was closed.

**PETITION:
TCD #18**

Upon motion by Wold, seconded by Dahlen and carried unanimously, the hearing was opened to consider the petition requesting authority to use Traverse County Ditch #18 as an outlet for Steven Lundquist: Parcel #06-0084000, NE1/4 of Section 17, Range 46, Lake Valley Township (127), Traverse County. Engineer Technician Fridgen discussed the project area. The flow from the proposed project will be controlled by a 24" culvert, and then pass through a recently reinstalled 18" culvert, near property owned by Ms. Betty Beal. Ms. Beal stated that flood conditions have been alleviated by cleaning out the drainage ditch. Engineering staff stated their support to have the 18" culvert changed to 24". Attorney Lukas Croaker read the proposed order Authorizing the Use of TCD#18, to include benefits of \$320.00 and outlet fee of \$11,881.73. The order also specified that the petitioner is be responsible for administrative and hearing costs. Upon motion by Beyer, seconded by Schmidt and carried unanimously, the order was approved. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the hearing was closed.

**PETITION:
TCD #11**

Upon motion by Dahlen, seconded by Beyer and carried unanimously, the hearing was opened to consider the petition requesting authority to use Traverse County Ditch #11 as an outlet for Miller LLLP: Parcel #13-0082000, SE1/4 of Section 20, Range 45, Tintah Township (129), Traverse County. The project is split by a subwatershed boundary. A portion of the project area drains northwest across an open field to JD #3. The remainder of the property drains south, then west through one mile of

TCD #11, and then ultimately north to the same JD #3 location that the remainder of the parcel drains. Board Manager Wold expressed concern about the capacity of TCD #11. Engineer Chad Engels stated that based on a 2015 review of TCD #11, it is undersized. Engineer Technician Troy Fridgen stated that beaver dams and Texas-style crossings are impeding flow downstream on the Rabbit River, impacting flooding upstream. Board Manager Dahlen stated that the project is controlled with a 1/4" drainage coefficient and pump. No public comment was received. Attorney Lukas Croaker read the proposed order Authorizing the Use of TCD #11, to include benefits of \$100.80 and outlet fee of \$3,622.15. The order also specified that the petitioner is responsible for administrative and hearing costs. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the order was approved. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the hearing was closed.

**PERMIT APP.
#24-087**

The tile contractor for Mr. Cole Amunderson's project requested that the Board review Permit Application #24-087. A proposed surface inlet/intake was denied until the GCD #21 project moves forward. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the restriction was removed.

**PERMIT APP.
#24-095**

Engineer Technician Troy Fridgen summarized flooding problems in Bradford Township, Sections 28, 29, 30, and 33, which have been highlighted by Permit Application #24-095, submitted by Mr. Doug Etten. Upon motion by Beyer, seconded by Schmidt and carried unanimously, staff are authorized to prepare for and coordinate an informal landowner meeting.

REDPATH PH. 2A

Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the final hearing for Redpath Phase 2A was reconvened. The contractor has not been able to complete punchlist items due to rainy weather. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the hearing will be reconvened September 19, 2024.

WCD #SUB-1

Upon motion by Beyer, seconded by Dahlen and carried unanimously, the final hearing for the Improvement of WCD #Sub-1 was opened. Engineering staff presented the final balance change order and recommended final payment. No public comment was presented. Attorney Lukas Croaker read the final order and findings. Upon motion by Beyer, seconded by Dahlen and carried unanimously, the pay application and order and findings of fact were approved. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the hearing was closed.

TCD #27

Engineering staff discussed the condition of TCD #27. Public waters are overwhelming public drainage systems, and the Mustinka River is backed-up from the mouth into Lake Traverse to TCD #27. Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, staff are authorized to prepare for and facilitate an informal landowner meeting.

GCD #21

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the Findings of Fact and Order for the Improvement of GCD #21 was approved.

**GILLESPIE
ARRIVES**

Board Manager Gillespie arrived at the meeting (10:14 am).

TCD #52

Engineer Technician Troy Fridgen stated that water flow is being obstructed upstream of the Lake Traverse Water Quality Improvement Project in TCD #52. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to prepare for and facilitate an informal landowner meeting. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, engineering staff were ordered to present at the September board meeting culvert elevations, weir elevation, and legal gradeline prior to a landowner meeting.

**GENERAL &
CONSTRUCTION &
PROJECT BUDGETS**

Upon motion by Dahlen, seconded by Beyer and carried unanimously, the hearing on the 2024 General Budget, Construction Fund, and the levies for projects under their jurisdiction was opened. Administrator Beyer presented draft General Fund and Construction Fund Budgets. Drainage assessments proposed for 2025 will be reviewed in December. Red River Watershed Management Board Executive Director Rob Sip presented their decision on the Construction Fund assessment rate for 2025 and provided general updates about the organization's recent activities. Beyer motioned, seconded by Schmidt to approve the 2025 Ad Valorem Levies Resolution, to include a \$250,000 General Levy; \$2,178,657.39 Construction Levy; \$75,000 Lake Traverse Water. Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Beyer – aye; Dahlen – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried. Gillespie motioned, seconded by Kapphahn, to approve the 2025 Resolution Budgeting

Annual Redpath Impoundment Project Funds. Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Beyer – aye; Dahlen – aye; Schmidt – aye; Kapphahn – aye; Vavra – aye. Motion carried.

GRANT COUNTY DITCHES & CONSOLIDATED JD #2 Engineer Technician Troy Fridgen stated that newly acquired Grant County legal drainage systems are being treated for vegetation growth. He has also found clay tile in Consolidated Judicial Ditch #2 that requires immediate repair. The system is also affected by a US Fish and Wildlife control structure that floods downstream with no notice. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, staff are authorized to review historical documents, survey the system, and coordinate an informal landowner meeting.

GCD #3 REPAIR The District received a notice from DNR Representative Emily Siira that the GCD #3 project can proceed as a repair, as proposed. Engineering staff will continue to work with Grant County staff to coordinate outstanding WCA permit items. Upon motion by Beyer, seconded by Dahlen and carried unanimously, engineering staff are authorized to prepare bid documents and advertise the project, once final permits have been approved.

HWY 27 DOT PROJECT Board managers discussed DOT plans for Highway 27, and potential effects for GCD #8. Grant County Highway Representative Aaron Beyer stated that construction is scheduled for 2027 – 2028, and that the project will include a full depth claim, mill, and overlay. Some work may include culverts going under the highway, but in general, it was Mr. Beyer's opinion that there will be no effect on GCD #8. Engineering and District staff will hold a virtual meeting with DOT staff to verify impacts on GCD #8 and coordinate other potential projects, i.e. the DOT's plans for an upcoming Highway 75 project.

PIPELINE & WCD #35 Administrator Beyer relayed that the District has received notice that the Summit Solutions Carbon Pipeline footprint will likely overlap with WCD #35. Upon motion by Gillespie, seconded by Beyer and carried unanimously, staff are authorized to submit a comment letter notifying project proposers of the District's drainage system land rights, permitting, and recommendations for future utility placements.

WIND/SOLAR SETBACKS Board Manager Wold requested that the District submit to the Traverse County solar/wind energy subcommittee any setback recommendations and temporary permit application requirements.

BWSR UPDATE Board of Water and Soil Resources representative Pete Waller relayed feedback from their recent visit to Redpath, Lake Traverse Improvement Project, and North Ottawa. He also presented information on recent legislative changes. Board Managers discussed the challenges the new legislation provides to District and private landowner efforts to managing excess water and reduce flood damages.

WBIF GRANT AGREEMENT Upon motion by Wold, seconded by Beyer and carried unanimously, BWSR Grant Agreement #C25-0156, in the amount of \$1,594,226 was approved.

REDPATH PH. 2B District Engineer James Guler provided an update of Redpath Phase 2B construction. Box culverts have been installed. Engineering staff have been called to manage road conditions and closures affecting neighboring landowners. Engineering staff also discussed the need to place material excavated under Phase 2A, too wet for placement last year, is now being utilized and placed under Phase 2B for embankment. A change order was presented for the extra handling, which was earlier reviewed by the District's Construction Committee. Upon motion by Brutlag, seconded by Schmidt and carried unanimously, Change Order #1 and Pay Application #3 were approved, authorizing payment to the contractor in the amount of \$974,768.83.

DORAN CREEK A meeting was held with landowners whose permission is needed for Doran Creek Restoration surveys. Right of entry agreements are being sent to landowners who did not attend.

SOIL LOSS Administrator Beyer continues to wait for the Soil Loss Independent Contractor to review and return the contract provided to her by the District related to alternative practices and buffer enforcement under the Buffer Law and the District's Buffer Rule.

NORTH OTTAWA Engineering staff discussed a landowner meeting held to discuss North Ottawa post-planting flood impoundment release and operations. A map of recommended outlet changes was reviewed. Proposed locations of downstream and impoundment monitoring systems were discussed. Engineer Technician Troy Fridgen recently discovered the location of several beaver dams and obstructions in JD #2 and the Rabbit River, including large rocks dropped into JD #2 by a private landowner. Upon

motion by Kapphahn, seconded by Brutlag and carried unanimously, engineering staff are authorized to provide a proposal for determining the feasibility of constructing a new outlet ditch.

TWELVEMILE CREEK Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the Twelvemile Creek Project Team was established. A series of three meetings will be coordinated by staff.

RING DIKE PROGRAM Staff have met with four landowners who are interested in ring dike flood protection. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, staff are authorized to discuss project details with landowners and collect preliminary survey elevations to estimate project costs prior to application to the Red River Watershed Management Board's Ring Dike Cost Share Program. Red River Watershed Management Board Executive Director Rob Sip stated that there are 658 ring dikes currently in the Red River Valley in Minnesota.

CD PURCHASE Upon motion by Dahlen, seconded by Gillespie and carried unanimously, staff are authorized to purchase a 60-day \$2,000,000 CD.

DWG Board managers discussed recent meetings, including the Drainage Inspectors workshop and the Drainage Workgroup.

The meeting was adjourned at 1:30 pm.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
September 19, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 8:04 a.m. Present in the District Office: Linda Vavra, Doug Dahlen, Ben Brutlag, Scott Gillespie, John Kapphahn, and Allen Wold. Also present Engineer Chad Engels, Engineer James Guler, Attorney Lukas Croaker, Administrator Jamie Beyer. Absent: Jason Beyer, Jerome Deal, Steven Schmidt.

AGENDA

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the agenda was approved with the removal of Permit Applications #24-095, #24-100, #24-111, #24-106, #24-111; removal of Bradford Sections 28, 29, 30, 33 system; addition of Contract for Services.

**CONFLICT OF
INTEREST**

Board Manager John Kapphahn declared a conflict of interest with Lake Samantha.

**CONSENT
AGENDA**

Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.

PUBLIC COMMENT No public comment was received.

**P.A. #24-104
B. PIEKARSKI**

Engineering staff presented a project map for Permit Application #24-104. The applicant, Mr. Brad Piekarski, was present and stated that he had changed a planned 10" subsurface drainline to 8" to meet the District's 1/4" drainage coefficient. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, a variance was granted for the project to cross the subwatershed boundary.

**P.A. #24-114
J & R MURPHY**

Engineering staff presented a project map for Permit Application #24-114. A portion of the project is located in the Upper Minnesota River Watershed District. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the portion of the project described in the Bois de Sioux Watershed District was approved upon the condition that the Upper Minnesota River Watershed District provide approval for the portion of the project located within their jurisdictional boundary.

**PERMIT
SUBCOMMITTEE**

Staff requested that a subcommittee be appointed to review District permit application requirements. Upon motion by Dahlen, seconded by Wold and carried unanimously, the following board managers were appointed for participation: Brutlag, Wold, Kapphahn, Schmidt, and Vavra.

**REDPATH PH. 2A
FINAL HEARING**

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the final hearing for Redpath Phase 2A was reconvened. The contractor has minor punchlist work to complete. A final call for public comment was made; no comments were provided. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the contract may be closed and final payment in the amount of \$542,249.88 may be made contingent upon certification by engineering staff that the final punchlist items are satisfactorily completed. Upon motion by Wold, seconded by Kapphahn and carried unanimously, the hearing was closed.

**JD #11 & TCD #27
FLOOD ISSUES**

Engineering and legal staff discussed recent landowner meetings held for JD #11 and TCD #27 landowners; one topic of discussion for both meetings was flooding at the confluence of JD #11, Lateral 4 and the upstream portion of TCD #27. The extreme low-slope of TCD #27 causes high flows to feed into JD #11. Engineering staff identified maintenance needed on TCD #27, and will need to resize culverts on JD #11, Lateral 4 to direct flows while controlling the volume delivered to the JD #11 mainstem. District Attorney Lukas Croaker recommended that staff consider the order of events that would need to occur to construct the proposed project: a transfer of a portion of TCD #27 drainage system infrastructure to JD #11; petition for improvement of JD #11, Lateral 4; and a redetermination of benefits and damages of JD #11. Staff will continue to work with landowners to describe and develop the extent of this project.

TCD #52

Engineering staff relayed that Engineer Technician Troy Fridgen continues to work with landowners on areas of TCD #52 upstream of Lake Traverse Water Quality Improvement Project No. 1. Engineer Guler will work with Engineer Technician Fridgen on culvert elevations.

**GRANT COUNTY
JD #2**

No update was provided on Grant County Judicial Ditch #2. Historical records are being reviewed.

BDSWD NO. 5	DNR staff have stated that they will respond to the landowner petition to have land inSection 24 of Dollymount removed from the Public Waters Inventory. Engineering staff have also met with DNR staff regarding general drainage system design principles for new systems that direct flow away from public waters. Bois de Sioux Watershed District projects meet the 10-Year Flood Design Standard established through the Red River Watershed Management Board Mediation Agreement, authored and agreed to by the DNR and Red River Watershed Management Board. Local DNR staff stated that in order to avoid needing a public waters permit, a project design cannot direct more than 10% of flow away from public waters. This diversion requirement is equal on all flood events, despite the size of the flood event – which is not practical. Additionally, the DNR has indicated that projects that store water and reduce flows are also not preferred, because they feel increased duration of flow from releases from impounded waters can be detrimental. The District is caught in an impossible situation for low slope topography: frequent flooding causes significant erosion, delivers vast volumes of sediment and debris to overwhelmed downstream waters, degrades water quality, and damages public and private property, but remedies to prevent or reduce flooding are disparaged for their conversion of large-scale flood events to controlled releases of in-channel flow.
GCD #3 REPAIR	Engineering staff are preparing documents to submit a WCA permit to Grant County SWCD showing that the planned repair of GCD #3 does not impose hydrologic changes that will create new impacts to wetlands. The project design describes removal of accumulated sediment from the legal channel and includes routine culvert replacements. This documentation is provided at a cost to the ditch landowners due to new requirements from recent changes to WCA permitting. Engineering staff hope that the documentation provided to Grant County SWCD for this project can serve as a template to reduce the cost on future repair projects.
GCD #21	No update was provided on GCD #21.
GCD #8 FISH BARRIER REMOVAL	Administrator Beyer received confirmation from three separate DNR staff that there is no opposition to removal of a historic fish barrier on GCD #8, adjacent to State Highway #27. One of the two affected landowners could not be contacted prior to the application deadline for the Conservation Partners Legacy Grant. Administrator Beyer will continue to pursue confirmation of landowner authorization prior to the next open grant round.
WCD #SUB-1 COST SHARES & BOND PREPAYMENT	Final engineering and legal bills were received on behalf of the Improvement of Wilkin County Ditch #Sub-1. Engineering staff calculated the portion of the project that could qualify for District cost-share. Kappahn motioned, seconded by Dahlen, to approve the Resolution Authorizing Transfer of Funds, Clean Water Retrofit Cost Share Policy, transferring \$110,000 from the Construction Fund to the WCD #Sub-1 ditch fund in recognition of features of the Improvement Project that qualify for Clean Water funds. Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Dahlen – aye; Kappahn – aye; Vavra – aye. Motion carried. Kappahn motioned, seconded by Dahlen, to approve the Resolution Authorizing Transfer of Funds, Culvert Cost Share Policy, transferring \$414,460.42 from the Construction Fund to the WCD #Sub-1 ditch fund. Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Dahlen – aye; Kappahn – aye; Vavra – aye. Motion carried. Administrator Beyer stated that, once the project's rail road culvert crossing is complete, the District will have a second resolution to apply additional District Culvert Cost Share funds. Following today's transfer of District cost-share funds, the WCD #Sub-1 balance is approximately \$336,064.62. Beyer recommends remitting \$184,000 to Wilkin County for prepayment on the project's bond, which will reduce landowner assessments. Upon motion by Gillespie, seconded by Kappahn and carried unanimously, payment in the amount of \$184,000 on the bond was approved.
DAHLEN LEAVES	Dahlen left the meeting.
REDPATH PH. 2B PAY APP. NO. 4 & POSSIBLE CHANGE ORDER	District Engineer James Guler presented Pay Application No. 4 in the amount of \$890,202.25 for work on the Mustinka River Rehabilitation and Redpath Flood Impoundment Phase 2B. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, payment to John Riley Construction, Inc. was approved. Engineering staff stated that due to project design and soil conditions, excavation of the channel is generating more material than expected – the excavated material is more suitable for embankment construction and more embankment can be constructed than anticipated. The contractor offered to use the extra material to build additional embankment length on a per-unit price basis, and waive hauling charges. Board managers stated support for the engineering staff to pursue a more formal change order, and are willing to schedule a special board meeting, if necessary. The use of the additional excavated material would relieve the District from having to excavate a portion of material

from interior burrow pits and could increase the amount of tillable acres available for lease upon project completion. District Engineer James Guler stated that formation of the additional embankment length may require extension of the current one-year substantial completion date; board managers stated support for a change to the substantial completion date.

**DORAN CREEK
RIGHT-OF-WAY** Engineering and legal staff continue to collect right-of-entry agreements for preliminary project surveys.

BUFFER LAW Administrator Jamie Beyer stated that Engineer Technician Troy Fridgen is contacting landowners regarding potential non-compliance with the Buffer Law.

**NORTH OTTAWA
OUTLETS &
VEGETATION** A feasibility study price proposal was presented by engineering staff for an improved or new outlet channel from North Ottawa. Administrator Beyer asked that the study be tabled until December, for consideration in the 2025 budget, as Engineer Technician Troy Fridgen is making a number of repairs within and outside of the impoundment in response to late season Spring 2024 operations. Board managers and staff discussed the increased flow capacity downstream of North Ottawa, achieved by addressing several beaver nuisance dams. Board Manager John Kapphahn requested that an annual inspection be conducted each spring by the District. Administrator Beyer relayed a Cell B3 recommendation from on-site DNR staff who met with District Engineer Technician Troy Fridgen. The DNR staff discussed the use of a specific grassland vegetation mix that they believe could withstand the flood inundation conditions within the impoundment. They recommended that Cell B3 be planted to soybeans, and that the revenue from the rental agreement be used to offset the expense of the grassland vegetation mix. Board Manager Ben Brutlag stated concerns that the vegetation mix could result in a more permanent cover that could prohibit future flexibility; the current North Ottawa operations agreement stated that up to 6 cells can be leased for various agricultural operations, if funds are needed for operation and maintenance. The information will be relayed to the North Ottawa Project Team for their consideration, and then they will provide recommendations to the District Board.

**LTWQIP NO. 1
COST SHARE,
AG BMP LOAN,
CONSOLIDATION** Final engineering and legal bills have been received for Lake Traverse Water Quality Improvement Project No. 1 – Phase #3. Kapphahn motioned, seconded by Gillespie, to approve the Resolution Authorizing Transfer of Funds, Clean Water Retrofit Cost Share Policy. The Resolution includes a transfer in the amount of \$150,000 from the Construction Fund to the Lake Traverse Water Quality Improvement Project fund, utilization of the Water Management District to repay the Traverse County AgBMP loan used to finance the landowner portion of the project, and authorization to combine Phase 1, Phase 2, and Phase 3 fund balances into one consolidated project fund. Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Kapphahn – aye; Vavra – aye. Motion carried.

**RING DIKE
PROGRAM** Engineering staff have begun to make preliminary maps of the four properties identified for possible participation in the District's Ring Dike cost share program.

**LIGHTNING LAKE
OUTLET NO. 1
CLOSEOUT** Final engineering and legal bills have been received for Lightning Lake Outlet Project No. 1. The project had only two sources of funding: a DNR Legacy Amendment Conservation Legacy Partners Grant and District cost-share. The DNR grant has been received in-full. Upon motion by Kapphahn, seconded by Gillespie and carried unanimously, staff are authorized to apply Construction Funds to fill the District's cost-share, and to close the project fund.

**SERVICE
CONTRACT** Administrator Beyer received a contract proposal for services related to state advocacy on legislative water policy issues. Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, the contract was approved for a one-year term, at a cost of \$12,000 with Bennett Governing Consulting. Board Manager John Kapphahn requested regular updates during the legislative session.

STAFFING Board Manager John Kapphahn requested that ditch inspector staffing needs be evaluated and contingency plans for succession and transitions be initiated.

MOONSHINE Board Manager Scott Gillespie continues to meet with landowners affected by the proposed Moonshine Impoundment project.

**OTTER TAIL
CLOSED BASIN** Board Manager Ben Brutlag is working with Otter Tail County Highway staff regarding regular damages to a county road due to closed-basin flooding.

Upon motion by Wold, seconded by Gillespie and carried unanimously, the meeting adjourned at 11:05 am.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
October 11, 2024

**CALL TO ORDER
& PLEDGE OF
ALLEGIANCE**

The meeting was called to order by President Vavra at 8:16 a.m. Present in the District Office: Linda Vavra, Scott Gillespie, John Kappahn, Steven Schmidt, and Allen Wold. Also present: Engineer Technician Troy Fridgen, Administrator Jamie Beyer. Present remotely: District Engineer James Guler, Engineer Chad Engels, and Attorney Lukas Croaker. Absent: Jason Beyer, Ben Brutlag, Doug Dahlen, and Jerome Deal.

**MUSTINKA
RIVER &
REDPATH
IMPOUNDMENT
CHANGE ORDER
NO. 2**

District Engineer James Guler described construction conditions. Excavation and embankment quantities are being verified on-site with surveys. Prior to excavation, the topsoil is stripped. There is less topsoil than was estimated using soil borings. The contractor then excavates material below the proposed finish grade, this allows room for the topsoil to be placed at the bottom of the newly excavated channel. Because there is additional embankment, the material is covering more ground than anticipated, as a result, the contractor has to move the newly excavated material further away. Representatives on behalf of the contractor and Moore Engineering staff have negotiated the terms of Change Order No. 2, which increases the contract price in order for the contractor to be compensated for permanently placing the additional excavated material and building additional embankment. As construction of the additional embankment is formed, however, there are some additional costs incurred for road gravel, interior impoundment drainage work, culverts, riprap, and seeding. The change order also allows a \$5 increase for the price of road aggregate. Upon motion by Gillespie, seconded by Kappahn and carried unanimously, Change Order No. 2 in the amount of \$2,195,084.80 was approved.

**PAY
APPLICATION
NO. 5**

District Engineer James Guler presented the Mustinka River Rehabilitation and Redpath Flood Impoundment Pay Application No. 5. Upon motion by Gillespie, seconded by Wold and carried unanimously, Pay Application No. 5 in the amount of \$724,232.50 was approved.

Gillespie motioned, seconded by Schmidt, to close the meeting at 8:46 am pursuant to Minn. Stat. § 13D.05, subd. 3(b) – attorney-client privilege, to discuss the Notice of Appeal dated September 25, 2024 on behalf of James K. and Charlene R. Nelson regarding Grant County Ditch No. 21 Redetermination, Improvement, and Separable Maintenance.

Gillespie and Schmidt left the meeting. With loss of a quorum, the meeting was adjourned.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
October 17, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 8:00 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Doug Dahlen, Steven Schmidt, and Allen Wold. Also present: Engineer Technician Troy Fridgen, Administrator Jamie Beyer. Also present online: Engineer James Guler, Attorney Lukas Croaker. Absent: Ben Brutlag, Jerome Deal, Scott Gillespie, John Kappahn.

AGENDA

Upon motion by Wold, seconded by Dahlen and carried unanimously, the agenda was approved with the additions of: payment of claims to Schultz Welding and Hormann Works added to the Consent Agenda, and TCD #27 maintenance.

**CONSENT
AGENDA &
CONFLICT OF
INTEREST**

Upon motion by Wold, seconded by Dahlen and carried unanimously, the Consent Agenda was approved.

No conflicts of interest were declared.

**PUBLIC COMMENT
640TH AVE ROAD
RAISE**

Mr. Jonathon Mathias stated that the 640th Avenue Road Raise project has been stalled due to the terms of the easements (a temporary construction easement and a permanent maintenance easement) with Dollywood Township, administered by Interstate Engineering staff. Attorney Lukas Croaker has sent revision suggestions requested by Mr. Mathias to Interstate Engineering staff. Mr. Mathias has submitted a partially complete permit application, with applicant proposed changes to the permit conditions, for the levee associated with the 640th Avenue Road Raise project and private tile in section 7, Dollywood Township. Attorney Lukas Croaker will work with Engineer Technician Troy Fridgen to amend the Dollywood Township permit conditions for the 640th Ave Road Raise permit. Attorney Lukas Croaker confirmed that the terms of the agreement include a damages payment. The contractor desires to begin construction on Monday, October 21, 2024. Attorney Lukas Croaker stated that it is possible that the landowner's recommended easement changes could be made prior to Monday.

**P.A. #24-095
D. ETTE**

Mr. Ben Loll stated concerns regarding the project described on Permit Application #24-095. Mr. Loll stated that 80% of the flow to the described culvert (proposed for downsizing/blocking) comes from his land. Engineer Technician Troy Fridgen stated that the goal of a future coordinated project should be to direct flow to grassed waterways along roads. Because a landowner meeting will be scheduled after the completion of harvest, a decision on Permit Application #24-095 needs to be made prior to expiration of the 2nd 60-day deadline expiration. Upon motion by Dahlen, seconded by Beyer and carried unanimously, Permit Application #24-095 is denied due to the need for a larger project design to facilitate a more regional flow of water. District staff are ordered to coordinate a landowner meeting to discuss the region's drainage issues.

**BDSWD NO. 5
PWI REMOVAL
PETITION**

DNR staff denied the petition to remove land in the SE1/4 of Section 24 of Dollywood Township from the Public Waters Inventory. The DNR's Findings of Fact stated that an appeal process was already held in 1980 and no comments were received at that time. They further state, "The fact that Unnamed Stream (78015a) is intermittent, or that the watercourse has been farmed-through, has no bearing on whether the watercourse is a public water. The fact that the buffer law requirements have not been met to date for Unnamed Stream (78015a) has no bearing on whether the watercourse is a public water." DNR staff have offered no substantive guidance on how flooding of land and roads upstream of their designated public watercourse can be addressed. DNR staff have provided shifting restrictions on projected impacts to the intermittent "public watercourse," that is dry nearly the whole calendar year. Administrator Beyer stated that the legal issue defining "public watercourse" in our cold-climate/spring run-off, extreme low-slope terrain now needs to be separated from the details of a flood mitigation project in the BdSWD No. 5 area. Board Manager Schmidt asked, "Who owns the culvert [upstream of the land designated as a public water]. Is the culvert the property of the DNR, the road authority, the landowner, the watershed?" Upon motion by Wold, seconded Schmidt and carried unanimously, staff are authorized to meet with landowners to discuss project design and options.

**640TH AVE ROAD
RAISE**

Joe Riley Construction has been hired by Dollywood Township to build the 640th Avenue Road Raise. Materials have been purchased and stored in preparation for commencement of the project. Upon motion by Wold, seconded by Schmidt and carried unanimously, payment of \$61,872.12 is approved to reimburse Dollywood Township.

MUSTINKA RIVER & REDPATH FLOOD IMPOUNDMENT District Engineer James Guler presented an update of Mustinka River & Redpath Flood Impoundment construction. Upon motion by Beyer, seconded by Dahlen and carried unanimously, Pay Application No. 6 was approved in the amount of \$1,790,693.14.

PAY APP. NO. 6 Engineer Technician Troy Fridgen is coordinating TCD #27 maintenance. A Traverse County culvert has been found to be sitting at a higher elevation than the drainage system's design and needs to be reinstalled to conform to the system's approved design. Upon motion by Dahlen, seconded by Schmidt and carried unanimously, the District will cost-share reinstallation of the culverts at a 50-50 rate. Traverse County Commissioner Dwight Nelson was present at the meeting and will relay the offer to Traverse County staff and officials.

CLOSED MEETING GCD #21 Upon motion by Dahlen, seconded by Schmidt and carried unanimously, to close the meeting pursuant to Minn. Stat. § 13D.05, subd. 3(b) – attorney-client privilege, to discuss the Notice of Appeal dated September 25, 2024 on behalf of James K. and Charlene R. Nelson regarding Grant County Ditch No. 21 Redetermination, Improvement, and Separable Maintenance. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the meeting was opened.

Schmidt and Dahlen left the meeting. With a lack of quorum, the meeting was adjourned.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
November 26, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 9:03 a.m. Present in the District Office: Linda Vavra, Jason Beyer, Ben Brutlag, Doug Dahlen, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Also present: District Engineer James Guler, Engineer Chad Engels, District Attorney Lukas Croaker, Engineer Technician Troy Fridgen, and Administrator Jamie Beyer.

AGENDA

Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the following items were added to the agenda: Permit Application #24-142 Cutting Edge Drainage, Grant County Judicial Ditch #2, Bradford Township Drainage, and a \$300 nuisance removal claim from Mr. Mike Berlinger to be included with the Claims of November 26, 2024.

**CONSENT
AGENDA &**

Upon motion by Wold, seconded by Schmidt and carried unanimously, the Consent Agenda was approved.

**CONFLICT OF
INTEREST**

Board Manager Kapphahn stated a conflict of interest with the Lake Samantha/Elbow Lake Project.

PUBLIC COMMENT

No public comment was received.

**P.A. #24-142
M. LAMPERT
CUTTING EDGE
DRAINAGE**

Mr. Justin Tritz provided changes to the proposed project described in Permit Application #24-142 on behalf of Cutting Edge Drainage and Excavating for work proposed in the North half of Section 20 in Eldorado Township, Stevens County. A pump has been added, and the drainage coefficient has been reduced to 0.175". The project does cross a subwatershed boundary. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the project was approved.

**640TH AVE ROAD
RAISE**

District Attorney Lukas Croaker stated that an amendment to the Dollywood Cost Share Agreement will be presented at a later date. Mr. Jonathan Mathias spoke on behalf of landowner Marilyn Mathias. Mr. Mathias requested changes/corrections to the legal description used in the proposed right-of-way easement. District Attorney Lukas Croaker stated that he has been notified that the Mathias family is being represented by Vogel Law Firm, and that it is expected that a compilation of changes will be requested and provided by Vogel Law Firm as part of the effort to finalize easement language. The easement is between Dollywood Township and Ms. Marilyn Mathias.

**BRADFORD
TOWNSHIP
FLOODING**

Engineering staff met with landowners from Bradford Township to discuss flooding issues on land and roads in the area between WCD #8 and WCD #9. Landowners intend to work with Bradford Township officials to implement a project in the road right-of-way to right-size four miles of culvert sizing and elevations. Upon motion by Beyer, seconded by Gillespie and carried unanimously, Moore Engineering are authorized to provide the necessary hydraulic analysis, including surveys, elevations, and gradelines, at an estimated cost of \$10,000 - \$15,000.

**LAKE TRAVERSE
WMD: PUBLIC
HEARING**

Upon motion by Kapphahn, seconded by Beyer, and carried unanimously, the Public Hearing to Consider Assessments for the Lake Traverse Water Quality Improvement Project No. 1 was opened. Administrator Beyer stated that the Lake Traverse Water Management District was formally established in 2020 to support construction of the Lake Traverse Water Quality Improvement Project. Board managers requested that engineering staff pursue, to the greatest extent possible, outside funding to supplement landowner assessments. Administrator Beyer stated that now that construction is completed for Phases 1, 2, and 3, and the project is closed, the amount that will be assessed to the Water Management District for the project is \$343,193. This amount is being financed through Traverse County and Traverse SWCD by a State of Minnesota AgBMP loan, amortized over 10 years at 1% interest. Landowners received a summary, by mail, of two proposed assessments:

- 1) On a per parcel basis: the proposed amount to be assessed for the project cost (as a lump sum payment or assessed at 1% over 10 years). In total: \$343,193.
- 2) On a per parcel basis: the proposed amount to be assessed for 2025 maintenance and repair. In total for 2025: \$7,500.

Per the rules of the Lake Traverse Water Management District, assessments are capped at \$75,000 annually, and the District remains in place in perpetuity. Engineer Chad Engels stated that calculation of

**LAKE TRAVERSE
WMD: PUBLIC
COMMENT &
CERTIFYING
RESOLUTION**

parcel contributions were calculated in part with consideration to soil types and land use, utilizing a runoff formula. In general, lands in the western side of the district are relatively homogenous in their contributions (because they utilize Phases 1 & 2 of the project for drainage) and lands in the eastern side of the District are relatively homogenous in their contributions (because they utilize Phases 1 & 3 of the project for drainage). In general, lands in the eastern side of the district were weighted for a larger assessment to equitably distribute the costs of Phases 1, 2, & 3 as Phase 3 was the most expensive.

President Vavra requested public comment. Landowner Michael Schmitz requested that his land in Section 13 be reviewed, as it has a split flow. District Engineer James Guler confirmed that the assessment district recognized that split flow, and included a portion of the acres that flow south to the project. Mr. Kevin Pederson confirmed that project assessments will be used for repair and maintenance of the Lake Traverse Water Quality Improvement Project No. 1, and that Engineer Technician Troy Fridgen will conduct periodic inspections and order repairs/maintenance as needed. Engineer Technician Troy Fridgen described repairs needed in 2025 following construction, including rock picking. Mr. Ben Anderson asked how repairs will be addressed on TCD #52, upstream of the Lake Traverse WQIP; engineering staff stated that a landowner meeting will be held this winter. District Attorney Lukas Croaker read a letter submitted by Landowner Francis Schmitz, who asked that his parcel in Section 24 be removed from the District based on lost rent for the easement area purchased for construction of the project, and the pristine nature of the ravine prior to the construction of TCD #52. Engineering staff confirmed that a small portion of Mr. Schmitz's Section 13 parcel was correctly included in the district, south of an intersecting highway. Board Manager Scott Gillespie thanked landowners for their support and participation in the project. Beyer motioned, seconded by Dahlen, to approve the 275.065 (a)(a) Special District Resolution certifying the proposed project cost assessment and 2025 repair and maintenance assessment. Roll call vote: Brutlag – aye; Gillespie – aye; Wold – aye; Beyer – aye; Vavra – aye; Dahlen – aye; Schmidt – aye; Kappahn – aye. Motion carried. Upon motion by Wold, seconded by Schmidt and carried unanimously, the public hearing was closed.

**MUSTINAK RIVER
& REDPATH FLOOD
IMPOUNDMENT
PH 2B
PAY APP NO 7**

Engineering staff provided an update on Redpath Mustinka River Rehabilitation and Redpath Flood Impoundment Phase 2B construction. The Mustinka River Rehabilitation is complete; the north levy is complete; the east embankment is complete; the north half of the west embankment is complete; the south half of the west embankment is 80% complete (the remaining portion will be constructed spring 2025). Upon motion by Wold, seconded by Beyer and carried unanimously, Pay Application No. 7 in the amount of \$1,813,685.76 was approved.

**REDPATH FLOOD
IMPOUNDMENT
PH 3 /
2025
CONSTRUCTION**

Board managers discussed Phase 3 budget considerations for 2025 construction. The project needs \$25 million total, of which \$13.7 million is allocated from the DNR Flood Hazard Mitigation ("FHM") funds for completion (this program covers 50% of impoundment expenses). Funding is dependent upon the outcomes of the 2025 legislative session and project allocation prioritization by the DNR. The District did spend ahead of the FHM allocation on Phase 2B, extending construction by \$2,195,000 – these local expenses will have to be submitted at a later date to be recognized/matched by the DNR. Administrator Beyer presented a proposed Construction Fund budget, (to be considered for approval at the December 19, 2024 board meeting).

**REDPATH LAND
SALE**

At the proposed 2025 budget levels, it is anticipated that the unallocated balance of the Construction Fund will be reduced from \$5.03 million to \$2.2 million in 2025, and the balance of the Redpath Fund will be reduced from \$2.8 million to \$447,000 in 2025. Prior to the next FHM allocation, the Redpath Fund's \$447,000 balance could be leveraged with \$895,208 from RRWMB for a total phase of \$1,342,812. Board managers discussed an option to sell land acquired in-part of the project that is not needed. These funds could be leveraged with District and RRWMB Redpath funds, and contribute to a larger 2025 construction phase. The project phase would also need to be combined with the current spend-ahead amount of \$2,195,000 to serve as match for the next FHM allocation – likely limiting a future construction phase to FHM-only funding. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to draft land sale bid documents for consideration at the December board meeting, to include the right to reject any and all bids, to require that the land be continued for use in agricultural production, and provide for a 60-day closing.

**LAKE TRAVERSE /
MUD LAKE
OPERATIONS**

Engineering staff and board managers discussed Lake Traverse-Mud Lake operation manual changes proposed by the Army Corps of Engineers. Some of the proposed changes include how flows out of the White Rock Dam to the Bois de Sioux River will be managed.

- **Spring Releases:**

Current Condition: Drawdown may not begin before March 1, and are restricted to a maximum of 1100 CFS (without authorization).

Proposed Condition: Drawdown may not begin before February 1, and is restricted to a maximum of 1500 CFS before May 15 and is restricted to a maximum of 900 CFS after May 15.

- **Non-Spring Releases:**

Current Condition: Drawdown may not begin until 976.8' Lake Traverse Elevation is met; restricted to a maximum of 1100 CFS and there is no minimum flow established.

Proposed Condition: Drawdown may not begin until 976.8' Lake Traverse Elevation is met; restricted to a maximum of 900 CFS before November 15/a maximum of 1100 CFS after November 15 and a passive flow over bulkhead for a minimum flow. A Mud Lake drawdown will be coordinated in September, to the silt.

Army Corps staff stated that their modeling demonstrates that minimal lands adjacent to the Bois de Sioux River channel are flooded at 900 CFS. Beyond 900 CFS, agricultural lands will be flooded to varying degrees; they also recognized that sediment has accumulated in the Bois de Sioux River channel. Board Manager Jason Beyer stated that a lack of monitoring data may be a contributor to an on-off management of flows from the White Rock Dam, and that with additional channel data, staff may be able to consider a gradient management approach with varying amounts of continuous flow. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, staff are authorized to draft and submit comments from the District that include: a request for dredging of the Bois de Sioux River Channel to restore the project to its original design; and a request for a stream gage on the Bois de Sioux River at Highway 55.

**DORAN CREEK
FINDINGS OF
FACT & ORDER**

Administrator Jamie Beyer stated that a review of the Doran Creek project file revealed that a motion to approve the Findings and Fact of the Doran Creek project was either missed in meetings minutes, or was action missed in a past meeting. The Minn. Stat. § 103D.605 public hearing was held April 18, 2024. Upon motion by Dahlen, seconded by Gillespie and carried unanimously, the Findings of Fact and Order for the Doran Creek Project were approved.

FIVEMILE CREEK

Administrator Jamie Beyer stated that Grant County officials continue to work with Fivemile Creek landowners, but no cost-share agreement request has been submitted yet.

**WCD #SUB-1
UTILITY**

Upon motion by Gillespie, seconded by Beyer and carried unanimously, a reimbursement agreement to relocate a Sprint utility for WCD #Sub-1 construction was approved, in the amount of \$6,477.22. District staff are still waiting on a response from the railroad regarding the culvert installation.

GCD #3 REPAIR

District Engineer James Guler stated that GCD #3 has received a no-loss wetland determination from Grant County. Upon motion by Beyer, seconded by Kappahn and carried unanimously, staff are authorized to draft and advertise the project for bid.

BDSWD NO. 5

District staff met with petitioners to discuss project options for public roads and lands flooded in the area of the proposed BdSWD Ditch No. 5. It is not clear at this time what type of project DNR representatives will support to provide agricultural lands 10-year flood design protection, as agreed to in the Red River Mediation Agreement. Establishing road access for vehicles/equipment is an urgent landowner and safety need. Township officials intend to move forward with a road project without development of a Minn. Stat. Ch. 103E public drainage system at this time. Input from the petitioners at the meeting indicated to pause development of the Minn. Stat. Ch. 103E public drainage system while discussions with DNR occur. A future decision will be made to decide if the public drainage system will proceed with development or be abandoned. District staff will ask that the Red River Watershed Management Board and the Flood Damage Reduction Workgroup aggressively address the apparent moratorium on Minn. Stat. Ch. 103E drainage projects in the Red River Valley.

JD #11 LAT. 4

Upon motion by Kappahn, seconded by Dahlen and carried unanimously, the petition and bond for the Improvement of JD #11 Lateral 4 was accepted, and Lead Engineer James Guler, Moore Engineering, was ordered to prepare a preliminary survey and preliminary survey report.

**GRANT COUNTY
CONS. JD #2**

Engineering staff discussed the condition of Grant County Consolidated JD #2 – whose original design included subsurface tile and drainage ditches – and the results of a recent landowner meeting.

Landowners requested more information on the cost of a potential improvement compared to a repair of the system. Upon motion by Kapphahn, seconded by Beyer and carried unanimously, Moore Engineering staff are authorized to survey existing conditions, prepare a hydraulic analysis, and feasibility report for a repair and improvement.

TERM EXPIRATIONS	Administrator Beyer discussed board term expirations in 2025: Stevens County (Vavra); Traverse County (seat formerly held by Mr. Jerome Deal); Grant County (Dahlen).
2025 BUDGETS, LEVIES & ASSESSMENTS	Upon motion by Beyer, seconded by Schmidt and carried unanimously, public hearings were ordered on December 19, 2024 for the 2025 General Fund and Construction Fund Levies, and Assessments for the Ditch System Funds and Projects.
CLA AUDIT	Administrator Beyer received notification that CliftonLarsonAllen's Miranda Weindlandt will be replaced with a new staff person for the 2024 District audit. Two employees who work more directly on the District's account will remain the same.
MW DELEGATES	Upon motion by Gillespie, seconded by Kapphahn and carried unanimously, Board Manager Allen Wold and President Linda Vavra will serve as delegates for the Minnesota Watersheds Annual Conference.
RRWMB DELEGATE	Upon motion by Beyer, seconded by Kapphahn and carried unanimously, President Linda Vavra is appointed to a three year term to the Red River Watershed Management Board.
GILLESPIE LEFT	Board Manager Scott Gillespie left the meeting.
CLOSED SESSION NELSON APPEAL	Upon motion by Wold, seconded by Dahlen and carried unanimously, the meeting was closed pursuant to Minn. Stat. § 13D.05, subd. 3(b) – attorney-client privilege, to discuss the Notice of Appeal dated September 25, 2024 on behalf of James K. and Charlene R. Nelson regarding Grant County Ditch No. 21 Redetermination, Improvement, and Separable Maintenance.
OPEN MEETING	Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the meeting was opened.
ADJOURNED	The meeting was adjourned at 12:23 pm.

BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
December 19, 2024

CALL TO ORDER

The meeting was called to order by President Vavra at 9:00 a.m. Present in the District Office: Linda Vavra, Ben Brutlag, Doug Dahlen, Steven Deal, Scott Gillespie, John Kapphahn, Steven Schmidt, and Allen Wold. Absent: Jason Beyer. Also present: Engineer Technician Troy Fridgen and Administrator Jamie Beyer. Present online: District Engineer James Guler, Engineer Chad Engels, District Attorney Lukas Croaker.

AGENDA

Upon motion by Dahlen, seconded by Kapphahn and carried unanimously, the following items were added to the agenda: Permit Application #24-148 Gorton Township, Authorization for Legal Services for unpermitted work, Administrator's Update, and Claims of \$8,437.50 and \$5,5595.00 to Olsen Tile and Excavating.

**CONFLICT OF
INTEREST**

Board Manager Kapphahn stated a conflict of interest with the Lake Samantha/Elbow Lake Project.

**CONSENT
AGENDA**

Upon motion by Brutlag, seconded by Kapphahn and carried unanimously, the Consent Agenda was approved.

PUBLIC COMMENT

No public comment.

**P.A. #24-148
GORTON
TOWNSHIP**

Engineer Technician Troy Fridgen described a gradeline that was provided to contractor Jesse Olsen for removal of sediment in JD #12 Lateral 6. The gradeline was based off an existing East-West field approach culvert that was installed in 2016 to match the JD 12# Lateral 6 gradeline elevation based off a 1999 repair plan set. Landowner Dwight Veldhouse stated that he believes the channel was over-excavated and provided pictures of clay removed from the channel. Contractor Jesse Olsen was available for questions and provided pictures of the work completed. Engineering staff visited the site and are gathering information to understand the current conditions. Potential remedies to be considered include culvert replacements, and rock checks to reestablish the original grade. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, engineering staff are authorized to put together a practical design solution.

**UNPERMITTED
TILE**

Unpermitted tile was recently installed on two parcels in Section 28 of Donnelly Township. An after-the-fact permit was submitted by one landowner. Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, legal and engineering staff are authorized to work together to send a preliminary administrative compliance order for the unpermitted work. Engineer Technician Troy Fridgen stated that he received a complaint that a landowner has blocked flow downstream of a culvert, causing crop damage upstream. Attorney Lukas Croaker recommended that the matter be considered a civil dispute between landowners.

**LEGISLATIVE
UPDATE**

Cory Bennett of Bennett Government Consulting provided an update on the results of the 2024 election, and provided information on how the 2025 legislative session could be organized.

**2024 & 2025
BUDGETS**

Upon motion by Wold, seconded by Dahlen and carried unanimously, the public hearing on the 2024 Amended Budgets and 2025 Budgets and Levies for the General Fund, Construction Fund, and Budget and Assessments for the Ditch Systems was opened. Budgets and fund balances for 2024 were reviewed, along with the corresponding proposed 2025 assessments and levies. Board managers and staff reviewed the proposed 2025 ditch assessments. Upon motion by Wold, seconded by Dahlen and carried unanimously, the 2024 Amended Budgets and 2025 Budgets and Levies for the General Fund, Construction Fund, and Budget and Assessments for the Ditch Systems were approved. Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the Resolution of Ad Valorem Tax Levy (with a \$180,000 General Fund ad valorem levy tax and a \$2,178,657.40 Construction Fund ad valorem levy tax) and the Resolution for Ditch Assessment Levies in the total amount of \$424,900 were approved (which does not include assessments for county bond repayment schedules assessed by bond holding counties). Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, the public hearing was closed.

**640TH AVE
ROAD RAISE**

Attorney Lukas Croaker reported that there was no update for the 640th Avenue Road Raise.

REDPATH UPDATE District Engineer James Guler stated that engineering staff continue to work with DNR permitting staff over the additional work required from the change order. No pay application was presented, and Administrator Jamie Beyer stated that a journal entry for the District's cost share will be included for approval with the 2024 end of year journal entries next month. Attorney Lukas Croaker introduced draft offer documents for unutilized acres in the SW1/4 of Section 15 in Redpath Township. Board managers can consider approval of the documents at the January board meeting, with an offer deadline of February 19, 2025. Board Manager Kapphahn recommended that District staff consider advertising the sale on regional radio stations.

2024 AUDIT Upon motion by Gillespie, seconded by Dahlen and carried unanimously, the 2024 Audit Services Statement of Work was approved in the amount of \$17,220.00.

CD PURCHASE Upon motion by Kapphahn, seconded by Dahlen and carried unanimously, staff are authorized to transfer excess deposits into short-term CD's ahead of the 2025 construction season.

EMPLOYEE COMPENSATION Upon motion by Wold, seconded by Schmidt and carried unanimously, the \$1,800 increase to employee health insurance will be covered by the District and a \$2,500 increase in wages will be implemented for 2025.

2024 INTEREST RATE Administrator Jamie Beyer recapped that in 2019, board managers requested that a set index be used for the District's internal interest rate for future years and Accountant Renee Kannegeisser recommended that the District use the Long-Term Federal Interest Rate for December, which was 4.53% in December 2024. Gillespie motioned, seconded by Brutlag and carried unanimously, to update the internal interest rate to 4.53%.

GRANT COUNTY SHORELAND ORDINANCE Board Manager Kapphahn attended a public meeting regarding the draft Grant County Shoreland Ordinance.

CLOSED MEETING Upon motion by Gillespie, seconded by Brutlag and carried unanimously, the meeting was closed pursuant to Minn. Stat. § 13D.05, subd. 3(b) – attorney-client privilege, to discuss the Notice of Appeal dated September 25, 2024 on behalf of James K. and Charlene R. Nelson regarding Grant County Ditch No. 21 Redetermination, Improvement, and Separable Maintenance.

Upon motion by Kapphahn, seconded by Schmidt and carried unanimously, the meeting was opened.

The meeting was adjourned.