

**BOIS DE SIOUX WATERSHED DISTRICT
BOARD MEETING MINUTES
OCTOBER 16, 2025**

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, and Allen Wold. Absent: Ben Brutlag, Steven Deal, John Kapphahn, Steven Schmidt. Also present: Administrator Jamie Beyer, District Engineer James Guler (arrived later), District Engineer Technician Troy Fridgen, and District Attorney Lukas Croaker. Remotely: Engineer Chad Engels.

AGENDA Upon motion by Dahlen, seconded by Beyer and carried unanimously, the Regular Agenda was approved with the addition of the following amendment to the Minutes of August 21, 2025:

Upon motion by Gillespie, seconded by Brutlag and carried unanimously, the following changes were approved: the Regular Agenda was approved with the addition of TCD #27

- Consent agenda addition: MOU BdSWD for RRB Riparian Habitat Program (Doran Creek)
- Regular agenda additions: TCD #27 & WCD #Sub-1 Form 704 Easement for CM Agreement and License Agreement

**CONSENT
AGENDA**

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

PUBLIC COMMENT

No public comment was received.

**PETITION HEARING
VAN ZOMEREN
TCD #37**

Dahlen motioned, seconded by Gillespie, to open the public hearing on the petition requesting authority to use Traverse County Ditch #37 as an outlet for the following parcel in Eldorado Township, Stevens County: Bernard Van Zomeran Irrevocable Trust, Parcel #06-0074-000, W1/2SW1/4 of Section 21, 80 acres. Because District Engineer James Guler was not yet present at the meeting, a vote on the motion was delayed.

**REDPATH PHASE 3
FUNDING**

Administrator Jamie Beyer notified the board that DNR staff declined to fund Redpath Flood Impoundment with the \$9,000,000 that was allocated in 2025 to the Flood Hazard Mitigation Program. DNR staff stated that there were not enough funds in the program. Following the announcement, DNR staff indicated FHM funding policy changes: there is a new funding ranking system (scoring to rank competing project phases) that is separate from project ranking (scoring to rank competing projects); DNR staff recommend engineering of much smaller phases, so that full phases can be funded – e.g., seven \$2,000,000 phases rather than one \$14,000,000 phase (the change to increased phases will require separated phased engineering, permitting, bid packaging, project management, construction, and closeout; smaller phases bid separately increases the possibility of multiple contractors on-site at the same time, etc., significantly increasing construction costs because of restricted quantities and repeated mobilization); local matching funds are only recognized if they are spent after the date of the grant agreement; project funds spent outside of an FHM grant agreement will not be recognized as “leveraged” funds. Beyer recounted that, in response to an inquiry last fall ahead of a decision for Redpath Flood Impoundment Phase 2B Change Order No. 2 in the amount of \$2,195,084.80, DNR staff wrote in a September 24, 2024 email that any eligible expenditures spent prior to the effective date of a new FHM grant appropriation would count as local match. DNR staff stated by telephone on Wednesday, October 15th that they would honor this arrangement, though it is contingent upon: 1) the District not drawing down the full current grant agreement reimbursement amount, and 2) approval of an extension to the term of the current grant agreement, as it is set to expire December 31, 2025. The policy change to exclude recognition of expenditures between project phases will result in a requirement that phase development be covered locally, instead of project cost’s split 50/50 as has been the historical practice up until sometime after September 24, 2024. Beyer relayed that DNR staff stated that they 100% support the Redpath Flood Impoundment and are committed to its completion, and that it will be constructed. Board managers discussed the need to advocate for funds to continue construction of the facility. Engineer Chad Engels suggested that the Board could consider a request to the Red River Watershed Management Board for some level of gap financing, to keep construction going. Red River Watershed Management Board Executive Director Rob Sip stated that the DNR Commissioner was scheduled to attend next week’s Red Board meeting, but has since elected to

participate virtually. Sip stated that RRWMB had set aside \$2,000,000 as backup for a Roseau River project that was funded; so it may be possible that the RRWMB Board would consider a request. Their current remaining construction is estimated to cost \$24 million. Staff were directed to put together possible funding scenarios in light of the lack of FHM funding for consideration by the BdSWD Board. Beyer stated that DNR staff intend to request \$40 - \$45 Million for the FHM Program during the 2026 legislative session.

**GCD #21
EASEMENTS**

Mrs. Victoria Touhey requested information on the current and prior GCD #21 drainage system easements.

**PETITION HEARING
B. VAN ZOMEREN
TCD #37**

Gillespie called for a vote on his motion to open the public hearing. All aye. District Engineer James Guler presented the location of the project in relation to the legal drainage system. Parcels on either side of the project have successfully petitioned into the Traverse County Ditch #37 assessment district. Board managers considered two calculations for an entrance fee – one based solely on historic costs and cost per acre (outlet fee of \$10,341.06), and one that includes consideration for the relatively small proposed benefit (outlet fee of \$5,423.28). Attorney Lukas Croaker read the order, which included the following: benefits of \$25,920, an outlet fee of \$5,423.28, and costs for publication of the hearing notice – to be paid prior to any work being done under the permit. Upon motion by Dahlen, seconded by Beyer and carried unanimously, the Order was approved. Upon motion by Beyer, seconded by Gillespie and carried unanimously, the hearing was closed.

**GCD #21
IMPROVEMENT**

Engineering staff James Guler and Troy Fridgen provided an update on GCD #21 Improvement construction. An excess of clay materials was produced as the contractor created a bench to allow the excavator to reach the ditch bottom for cleaning; Fridgen determined this bench would be beneficial for future access along the open channel and is in the process of transporting some of the excess clay material to stabilize a low water crossing frequently washed-out on JD #14. This expense is separate from the GCD #21 improvement project. The GCD #21 project is nearing substantial completion and Traverse SWCD staff will seed the areas disturbed. Upon motion by Beyer, seconded by Gillespie and carried unanimously, Pay Application No. 3 in the amount of \$956,249.37 was approved.

**WCD #25
IMPROVEMENT
PRELIM. HEARING**

The Preliminary Survey and Engineer's Report was filed and transmitted to the required DNR contacts. Upon motion by Wold, seconded by Beyer and carried unanimously, the MN Stat. § 103E.261 Preliminary Hearing is ordered for November 20, 2025, contingent on receiving the DNR Advisory Report.

**640TH AVE
ROAD RAISE**

Engineer Technician Troy Fridgen stated that the contractor will return to the site next week, with the goal of completing the channel and culvert work; depending on weather conditions, roadwork may be delayed to 2026.

GCD #3 REPAIR

District Engineer James Guler stated that construction of GCD #3 may reach substantial completion by the November board meeting.

DORAN CREEK

Administrator Jamie Beyer stated that DNR staff have acknowledged that the additional public waters permit information they requested was received September 25, 2025, but that DNR staff have not reviewed the information yet. Easements and permit applications for the installation of five culverts has been received from two Phase 1 landowners, but the projects are being considered by DNR staff for possible Public Waters permitting.

ASH LAKE

DNR staff have requested comments for an updated Ash Lake management plan. Upon motion by Beyer, seconded by Dahlen and carried unanimously, staff are authorized to provide comments.

**SOIL LOSS /
BUFFER UPDATE**

Engineer Technician Troy Fridgen has confirmed buffer compliance for Grant County parcels on JD #12 earlier reported non-compliant by Grant SWCD staff. Administrator Beyer stated that there are two parcels reported by Traverse SWCD that will need inspection this fall. She stated that the BWSR Buffer Committee and Board are considering a series of procedures that they will require compliance by local government units in order to maintain a local government unit's enforcement authority. It is anticipated that, if approved, the text will be part of a future formal rulemaking effort. Administrator Beyer stated that BWSR's proposed procedures provide another layer of confusion, and further obscure the statutory requirements of Minn. Stat. § 103F.48 and local government's rules and ordinances. In her experience, Administrator Beyer finds that landowners and local government unit staff are unaware of the content of Minn. Stat. § 103F.48 and the District's local rules and ordinances, including their options and rights granted under the statute, rules, and ordinances; in this current effort, BWSR is substituting a filtered

version of Minn. Stat. § 103F.48, absent many of the statutory options and rights, and is attempting to replace statute with their redacted version of the statute in order to apply a subjective measure of a local government unit's own level of enforcement. One outcome of the proposed procedures reinforces the false perception that SWCD staff are the only source of compliance determinations, and that SWCD internal policies can restrict the rights and options granted to landowners under Minn. Stat. § 103F.48 and local rules and ordinances. For example, there is significant confusion between the differences of 50' public water buffers and 16.5' buffers adjacent to public drainage systems. Administrator Jamie Beyer stated as some examples, District landowners have reported determinations by SWCD staff for the District's 16.5' buffers that: parcels are "non-compliant" if the landowner installs an alternative practice before installing a 16.5' buffer; landowners are able to use BWSR approved alternative practices restricted to use for 50' buffers for compliance on 16.5' buffers; there are no alternative practices for 16.5' buffers; that the only alternative practices available to landowners are those approved by SWCD staff/boards; that alternative practices must be installed on an entire field (regardless of field acreage and regardless of the length of drainage system/required buffer). In general, Minn. Stat. § 103F.48 and local government rules and ordinances provide flexibility and options for landowners, but these statutory rights are being restricted and/or misconstrued during compliance determinations – and the current version of BWSR's Buffer Procedures promote a formal process that proliferates this misinformation and compliance determination overreach. Additionally, compliance rates are exceedingly high – so high, the categories for compliance reporting have been split by BWSR staff into: 94 – 98%, 99 – 99.9% and 100%; BWSR states on its website, "As of the end 2024, approximately 99% of parcels adjacent to Minnesota waters are compliant with the Buffer Law."

MW CONFERENCE Board managers were notified of the Minnesota Watersheds conference to be held in Nisswa from December 3 – 5, 2025.

SIGNATORIES Upon motion by Gillespie, seconded by Dahlen and carried unanimously, officers of the board can serve as signatories on the District's financial instruments in coordination with the Administrator.

**MPCA / MCEA
PETITION** Red River Watershed Management Board Executive Director Rob Sip stated that his organization will be submitting a letter in opposition to MCEA's request to require a new level of permitting for improved and new drainage systems. Administrator Jamie Beyer stated that permits aren't for the one-time event for construction – permits are for construction and future operation, and usually have an expiration date at which a permit must be renewed and the applicant must, at that time, agree to meet updated permit conditions. Attorney Lukas Croaker encouraged other members of the Drainage Work Group to provide their comments now, rather than waiting to see if a rulemaking process is initiated.

The meeting was adjourned.