

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: Thursday, March 2, 2023 @ 8:00 a.m.**

The Board of Managers of the Two Rivers Watershed District held their regular meeting beginning at 8:00 a.m. on Thursday, March 2, 2023. The meeting was held in the District office in the Kittson County Courthouse, 410 S. 5th Street, Hallock, MN.

Managers present included President Rick Sikorski, Vice President Roger Anderson, Secretary Daryl Klegstad, Treasurer Gerald Olsonawski, Bruce Anderson, and Scott Klein. Manager Mark Langehaug was absent.

Others present included District Administrator Dan Money, District Technician Tyler Coffield, Attorney Jeff Hane (Brink Lawyers), Engineer Jake Huwe (HDR Engineering), Engineer Blake Carlson (Widseth), Engineer Tony Nordby (HEI Engineering), wetland specialist Mark Aanenson (HEI Engineering), and Rachael Miller (MNDOT).

The meeting was called to order by President Sikorski. Sikorski then called for any additions or corrections to the proposed meeting agenda, which was then approved upon a **motion** by Klein, **second** by Olsonawski and **unanimous vote** of the Managers. The regular meeting minutes from February 2, 2023, were reviewed and approved upon a **motion** by R. Anderson, **second** by Klegstad and **unanimous vote**.

Treasurer's Report:

Money presented the treasurer's report including the fund balances, accounts listing, and deposit detail. It was noted that checks written for the month include check numbers 9827 through 9844 and electronic funds transfers to PERA, MN Dept. of Revenue, Electronic Federal Tax Payment System, and MN State Retirement System as reported and contained within the report.

The treasurer's report was then approved upon a **motion** by B. Anderson, a **second** by Klegstad, and a **unanimous vote** by the Board.

Administrator's Report:

District Administrator Money gave a report on the following and distributed a handout:

Program Report:

FEMA: The TRWD submitted funding requests to FEMA from the 2022 disaster for 1) Kittson CD 21, 2) JD 10 branch B, 3) Horseshoe Lake, 4) emergency data collection and reporting. To date, only the KCD 21 project has been approved for funding. However the others are in various stages of review with FEMA. Upon a **motion** by Olsonawski, **second** by Klein, and **unanimous vote** of the Board, the Administrator was authorized to sign and execute all FEMA grant documents relative to the 2022 disaster declaration on behalf of the TRWD.

Engineering Consultant: As previously discussed, the TRWD is in need of engineering services as current engineer Blake Carlson will be retiring. Information has been reviewed from 3 separate firms. The Board held discussion regarding the matter and indicated all 3 are qualified. Criteria in the selection process include expertise/knowledge/skills/ability, rate comparison, office location, and other factors. Upon a **motion** by Klegstad, **second** by Olsonawski and **unanimous vote** of the Managers, Tony Nordby of Houston Engineering was designated as the District's

primary consulting engineer for permit review, consultation on legal ditches, and consultation on TRWD existing projects and programs. It was noted that engineering for new projects will be selected on a case by case basis as has been done in the past. The scope of services and rates for 2023 that were submitted by HEI will be followed for the remainder of this year and services for 2024 will be discussed at the District's Annual Meeting each year.

July Board Meeting: It was noted that the July regular meeting is on Thursday, July 6th, 2023. This is two days after the July 4th holiday. In order to avoid potential conflicts with vacations during that week, the Board decided to change the meeting date to one week prior, on June 29th, 2023.

Revised Water Management Plan: The Board discussed the update of its water management plan. Administrator Money suggested sending out a questionnaire to all townships within the District prior to their annual meetings in March. The TRWD is seeking information from the Townships regarding flooding along roads, bridges and culverts, and also information on drainage adequacy and the need for drainage and erosion control projects. This info will be compiled and incorporated into the plan update.

Juneberry Flood Resiliency Meetings: As reported at prior meetings, there is interest from Roseau County, Roseau River Watershed District and Kittson County to participate with the TRWD in development of a plan and related projects to address Roseau River overflow flooding and issues along the SD 69 and SD 72 ditch systems. A scope of work has been drafted and it is recommended to form a joint Project Work Team to seek funding through the Flood Damage Reduction Work Group. Upon a **motion** by Klegstad, **second** by Olsonawski, and **unanimous vote** of the Board, it was decided to form a project team, seek cost share funding from the FDRWG, and contribute up to \$18,000 matching money.

Legal Ditch Report:

North Branch Project #2: District Technician Tyler Coffield presented survey information from his 2022 survey of the project. AutoCad drafting software was recently purchased by the District and he has been learning the program. Information was provided in areas that have undergone erosion, and he presented the ditch grades and cross sections compared to the legal grades and cross sections. The matter was tabled and more information will be provided at the April meeting.

Kittson Co. Ditch #7 Improvement: The Engineer's Preliminary Survey Report was presented to the Board at last month's meeting. Money noted that he sent the report to both the DNR and BWSR for their review and comment. The amount of the original bond has been used and therefore the project cannot move forward until the District receives an additional bond from the petitioners. Once the DNR and BWSR comments and the new bond is received, the District will schedule and hold a hearing on the report and comments.

Roseau CD #4 Redetermination of Benefits: The Viewers have not met in quite some time. Money has contacted them and they indicated they will be meeting in the near term and proceeding with their report. Once that is received a public hearing will need to be held and the Board will need to make a findings of fact and order regarding the project.

Project Report:

Klondike Clean Water Retention Prj. #11:

- Permitting
 - EAW – D. Money reported that the comment period for the EAW expired on February 23, 2023 and one set of comments were received from the MN DNR. Next steps are for the TRWD acting as the Responsible Governmental Unit to act upon the need for an Environmental Impact statement. After consideration of the record, review of MN Rule 4410, and discussion regarding the EAW, a **motion** was made by R. Anderson, **seconded** by B. Anderson and **unanimously approved** to approve the attached resolution, numbered 2023-01, approve the attached findings of facts & decision, to determine there is no need for an EIS, and direct the District Administrator to prepare and file the necessary documents as required by Rule.
 - Wetlands – Wetland Specialist Mark Aanenson presented updates to the MN Wetland Conservation Act (WCA) and the US Army Corps of Engineers section 404 of the Clean Water Act permit applications and the section 401 water quality certification. The 404 application has been put on public notice by the USACE and is waiting for any comments to be submitted. Under the WCA, there have been changes to the proposed mitigation site. The state recommends withdrawing the permit application and re-submitting with the updated information. Upon a **motion** by R. Anderson, **second** by Klein, and **unanimous vote**, Aanenson and Money were directed to withdraw the former application and submit the new application under the MN WCA. If all goes well, these permits may be nearly completed by the end of 2023.
 - Aanenson presented a new scope of services and proposed contract with HEI to continue work on the wetland permits. The cost estimate is \$79,183 to attend meetings, prepare and submit both the WCA and the USACE wetland permit applications. It is anticipated that once these tasks are completed, future tasks will be needed to submit the DNR waters permit application and to shepherd the applications through the process. Upon a **motion** by Klegstad, **second** by Olsonawski and **unanimous** vote of the Board, the quote was approved.
 - Ditches/Roads: Petitions were submitted to SD 50, SD 72, and SD 95 for alterations to and impounding waters on these ditches. Erik Jones of HEI Engineering was appointed by the various ditch authorities to review and provide a report regarding the proposals. Once that is received public hearings can be held for each of the ditches. A road petition was submitted to Roseau County and that is also pending review and a public hearing.
 - Other Permits – the next permits to be addressed will be a protected waters permit from the DNR, and later on a DNR dam safety permit and a ‘National Pollution Discharge Emission System’ permit from the MPCA.
- Engineering –
 - Structures - J. Huwe of HDR Engineering reported on the proposal to add improved side inlets in section 35 Juneberry Township along the diked inlet. The plan will be to install gated side water inlets along the diked inlet to be able to bring in more floodwaters from the Roseau River crossover flooding. This plan would include installation of nine 48” pipes at an added cost to the project of \$360,000. Upon a **motion** by B. Anderson, **second** by Olsonawski, and **unanimous vote** of the Board, this component was added to the project.
 - Operating Plan – a draft operation plan was previously written and went through 2 revisions. This plan, which is still in draft form, was collaboratively written by Huwe, Money, MPCA, the DNR area hydrologist, and DNR fisheries. Recently DNR fisheries has delivered comments to the TRWD on changes they would like to see to the plan. The Board directed Money to re-convene the original group, discuss further revisions and possibly get to a final draft of the plan.

- Right of Way – Huwe and Money have met with two landowners along the diked inlet to discuss the project and make offers for the purchase of right of way.
 - J. Frislie has made a counter offer to the TRWD’s original offer. He is seeking a total of \$36,160 for right of way and also payment for costs to move fencing, as the parcel is currently used for pasture. After discussion a **motion** was made by Klein, **seconded** by Klegstad **and unanimously approved** to direct the Administrator to negotiate the purchase of right of way for up to twice the county assessed land value plus the current NRCS approved fencing rate.
- Land Exchange – Now that the EAW is nearly completed, work will begin again in earnest on the land exchange proposal with the DNR. The DNR will be contacting the US Fish & Wildlife Service to get details ironed out. Other items needed will be a land appraisal and necessary paperwork to do the exchange.
- Funding
 - Updates on Legislative bills was given. A bonding bill is being proposed, however it only has \$5 million in it for Red River Watershed Management Board projects. In addition, the RRWMB is working on a bill to provide an extra \$73 million to fund 50% of several projects.

Permit Application 2022-39 - MNDOT: Rachel Miller from the MNDOT was in attendance to discuss issues they have with a recent permit that the TRWD issued to them along MN Highway 32. In applying the District’s culvert sizing policy, conditions were placed upon 5 separate culverts within the project that different sized culverts be installed. MNDOT would like simply install a liner inside the existing culverts to reduce costs and extend the life of the culverts. They are appealing the District’s decision regarding the 5 culverts.

Miller explained some of the MNDOT design standards including flatter road slopes, culvert sizing criteria they apply to roads, and other details. Using different criteria could affect the funding that is provided on a state and federal level. TRWD engineer Blake Carlson explained more the TRWD culvert sizing policy and the standards and criteria that are used. While there may be ways to come to agreement on some of the criteria it will take research and technical discussion. In order to facilitate bid letting and construction of this project, MNDOT would like install liner to these culverts as originally planned.

The Board of Managers discussed the permit application, potential impacts to both upstream and downstream areas, and whether to re-consider the conditions that were put on the permit. Carlson mentioned an alternative of installing restrictor plates in the existing culverts to limit their capacity. Miller noted that she would need to discuss that internally within MNDOT. Upon a **motion** by Olsonawski, **second** by B. Anderson and a **5-1 vote**, the Board withdrew the conditions that were originally placed upon the 5 culverts. Although these 5 culverts no longer have conditions placed upon them and it is approved to install culvert liners, the TRWD asked MNDOT to consider the installation of restrictor plates as an alternative. Miller, Carlson, and Tony Nordby of HEI Engineering will discuss this further.

Miller indicated MNDOT is interested in further discussions with watershed districts in the Red River Valley. Money noted that maybe this is a discussion that the RRWMB could take up and possibly refer it to their Technical Advisory Committee. He will bring it up at the next RRWMB meeting.

Permits:

The Board acted on the following permits. The review and comments of the Permit Review Group (PRG) were carefully considered and taken into consideration. Any comments provided by members of the PRG, road authorities, or affected landowners have been recorded and filed with the permit documentation in the District office. Conditions, if any, are listed on the permit sent to the individual.

App. #	Applicant	Location	Purpose	Action
2022-39	MNDOT Motion Olsonawski, Second B. Anderson - 5-1 vote approved - <u>see above discussion</u> Original Permit conditions removed	Hwy 32 B. Anderson	overlay; culverts	Approved
2023-04	Brad Hemmes Pending plans and specs	Hill 32	ring dike	Tabled
2023-05	Matt Denault Pending KSWCD Plans and Specs	Tegner 30	Side Inlet - field erosion	Tabled
2023-06	Scott Nelson Pending meeting/discussion/further info from applicant	McKinley 2	ditching & culvert	Tabled
2023-07	Verizon Wireless Motion B. Anderson, Second Olsonawski - unanimous	Hwy 11 - Badger	crossing & access road	Approved
2023-08	CHS Inc. Motion Klegstad, Second R. Anderson - unanimous	Skane 1	rail spur	Approved
2023-09	Partners of Peatland Pending review of information submitted	Peatland 8	SWI - 24"	Tabled

With no other matters to come before the Board of Managers, the meeting was adjourned.

Attest:



 Daryl Klegstad, Secretary



 Rick Sikorski, President

**RESOLUTION OF THE BOARD OF MANAGERS OF THE
TWO RIVERS WATERSHED DISTRICT
Negative EIS Need Decision**

March 2, 2023

Motioned by Manager Roger Anderson, seconded by Manager Bruce Anderson, the following resolution, numbered 2023-01, passed upon a 6-0 vote of the Board of Managers of the Two Rivers Watershed District. Manager Langehaug was absent.

WHEREAS, the Two Rivers Watershed District is the Responsible Government Unit (RGU) for the review of the Environmental Assessment Worksheet (EAW) for the Klondike Clean Water Retention Project, and therefore is charged with determining whether an Environmental Impact Statement (EIS) is necessary; and

WHEREAS, the TRWD, in following Minnesota Rules 4410, has written the EAW and provided it to the Environmental Quality Board. The EAW was published for 30 days as required for public review and comment; and

WHEREAS, the 30 day comment period expired on February 23, 2023. One set of comments was received from the DNR. No other comments were received; and

WHEREAS, the TRWD considered the comments at their March 2, 2023 regular board meeting and has prepared responses to the comments. None of the comments were of the nature that would trigger an EIS; and

WHEREAS, The Board of Managers of the TRWD has considered all information contained within the EAW, the comments that were received, and criteria contained within

NOW THEREFORE, be it resolved by the Two Rivers Watershed District Board of Managers as follows:

1. The Board of Managers approves the attached 'Findings of Fact, Conclusion and Order' regarding the need for an Environmental Impact Statement.
2. The Board Managers of the Two Rivers Watershed District hereby concludes that an Environmental Impact Statement is not needed
3. The facts set forth in the Project's 52 page EAW (plus Appendices A-D), together with the plans (including the Fen Plan), engineering, and modeling as set forth in the EAW, support the negative EIS need decision.
4. District staff are hereby directed to proceed preparing the appropriate documentation by replying to comments received and submitting the notice of the EIS decision.

Board of Managers, Two Rivers Watershed District

TWO RIVERS WATERSHED DISTRICT
IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT WORKSHEET FOR THE
KLONDIKE CLEAN WATER RETENTION PROJECT

FINDINGS OF FACT, CONCLUSIONS, & ORDER

The above-entitled matter came on for decision before the Board of Managers of the Two Rivers Watershed District at their regular monthly meeting on the 2nd day of March, 2023 in the District Office in the Kittson County Courthouse, Hallock, Minnesota.

The following members of the Board of Managers were present at the meeting: President Rick Sikorski, Vice President Roger Anderson, Secretary Daryl Klegstad, Treasurer Jerry Olsonawski, Manager Bruce Anderson, and Manager Scott Klein. Manager Mark Langehaug was absent.

The Board of Managers were represented by Jeff Hane of Brink, Sobolik, Severson, Malm & Albrecht, P.A. of Hallock, Minnesota, Attorney for the Two Rivers Watershed District, Project Engineer Jake Huwe from HDR Engineering of Thief River Falls, Minnesota, Tyler Coffield Technician for the Two Rivers Watershed District and Dan Money, Administrator for the Two Rivers Watershed District.

The Two Rivers Watershed District (TRWD) has been designated the Responsible Governmental Unit (RGU) for the Environmental Assessment Worksheet (EAW) for the Klondike Clean Water Retention Project. Minnesota Rules Chapter 4410 govern the environmental review process. The RGU has prepared and distributed the EAW as required. The public comment period expired on February 23, 2023. One set of comments from the MN DNR was received. There were no other comments.

After receiving all evidence and hearing all testimony of people in attendance, including the written comments of the DNR, the board deliberated this matter. Upon review of all the records, exhibits, files, and proceedings herein and otherwise being fully advised in the premises, the Board of Managers of the Two Rivers Watershed District upon a **motion** by Manager R. Anderson, **second** by Manager B. Anderson, and **unanimous vote**, hereby makes its Findings of Fact, Conclusions, and Order;

FINDINGS OF FACT

- I. An Environmental Assessment Worksheet is necessary under MN Rule 4410.4300 subpart 27 (B) because a portion of the project lies within a FEMA delineated floodplain.
- II. The project will impact wetlands, rivers, streams, ditches, water quality, and the extent and duration of flooding. Potential beneficial impacts will outweigh potential negative impacts resulting in a net improvement of environmental conditions.

- III. There are no known future projects that would cause or contribute to any cumulative impacts of the project.
- IV. Mitigation of specific impacts is regulated mainly through state and federal wetland permits, state and local laws regarding ditches and roads, and state and federal clean water laws.
- Approximately 350 acres of wetland will need to be mitigated for wetland impacts caused by construction activities. A wetland restoration site has been identified where these acres will be mitigated.
 - Alterations of existing legal ditches will be reviewed through required hearings under Minnesota ditch law.
 - Construction impacts to water quality will be reviewed and permits required to be approved.
 - Various laws with regard to erosion control, noxious weeds, and invasive species are required to be followed.
- V. Several studies and plans have been completed on the federal, state, and local levels to document existing conditions, anticipate future changes, and promote management activities that will improve conditions. These include effects to prairies, fens, fisheries, flooding, and water quality. These plans will help to anticipate environmental effects and generally improve conditions over time. The facts set forth in the Project's 53 page EAW (plus Appendices A-D), together with the plans (including the Beaches Lake Area Fen Plan), engineering, and modeling as set forth in the EAW, support the facts listed above.

CONCLUSIONS

1. Based upon the above findings of fact, all pertinent information contained within the EAW documentation, and criteria contained within MN Rules 4410.1700 Subpart 7, the Board Managers of the Two Rivers Watershed District hereby concludes that an Environmental Impact Statement is not needed.

ORDER

1. Notification of this decision shall be posted to the TRWD's website. The notice of decision and response to comments received shall be provided to all federal, state, and local agencies and others who are listed on the EAW distribution list.
2. The record of decision shall be prepared and filed as required.

Board of Managers, Two Rivers Watershed District