

BUFFALO-RED RIVER WATERSHED DISTRICT

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WATERSHED DISTRICT ENLARGEMENT MINUTES FOR BOUNDARY HEARING January 31, 2013

In accordance with Minnesota Statutes Annotated (M.S.A.) 103D.261 and 103E.305, and any other applicable statutes, the Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a hearing on Thursday, January 31, 2013, in the Rothsay Public Schools Gymnasium, 123 2nd ST NE, Rothsay, Minnesota, regarding establishment of the eastern legal boundary for the recently added area in Otter Tail County to the BRRWD. Managers present were: Gerald L. VanAmburg, Roger G. Ellefson, Curtis M. Nelson, Peter V. Fjestad, Breanna L. Paradeis Kobiela, and Troy E. Larson. Others attending included: Bruce E. Albright, BRRWD Administrator, and Houston Engineering, Inc. (H.E.); Erik S. Jones, Engineer, H.E.; Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); John Lindquist, Lee Rogness, and Wayne Johnson, Otter Tail County Commissioners; Lyle Hovland and Stephanie Miranowski, Wilkin County Commissioners; Brad Mergens and Aaron Larsen, West Otter Tail Soil and Water Conservation District (SWCD); Wayne Stein, Otter Tail County Auditor; Rick West, Engineer, Otter Tail County Highway Department; Chad Curtis, Supervisor, Oscar Township, Otter Tail County; Charles Piekarski, Daniel Jennen, Daniel Beske, Supervisors, Carlisle Township, Otter Tail County; Orland Ohe, Supervisor, Trondhjem Township, Otter Tail County; and landowners: Mark Grefsrud, Merrill Miranowski, Wayne Moen, Justin Stock, Doug Danielson, Darwin Danielson, DeAnn Stock, Matt Jennen, Cynthia A. Johnson, Todd Johnson, Donald Stock, Roger Froemming, Daryl Velo, Larry Margin, Larry Ohe, Dwight Anderson, Amy Beske, Marvin Christenson, Marlin Christenson, Roger Grunewald, Scott Thiel, Paul Haarstad, Blaine Rasmussen, Justin Phillips, Anne Martens, Paul Dubbels, and Donald Bradow.

BRRWD Chairman Van Amburg called the hearing to order at 7:00 PM and introduced the BRRWD Board of Managers and staff. He explained that on April 25, 2012, the BWSR entered an order expanding the BRRWD by approximately 430 square miles (sq. mi.) to include additional lands in parts of Wilkin and Otter Tail Counties. Historically, the BRRWD included portions of Clay, Becker, Wilkin, and Otter Tail Counties. The Order also included the addition of two new Managers, one each from Wilkin and Otter Tail Counties. Van Amburg noted that the BRRWD Managers don't necessarily represent only the interests of their home county, but are representatives of all the citizens within the BRRWD. He explained that tonight's hearing is being held to review the proposed eastern boundary of the new expansion area. The hearing notice mailings included maps for each affected landowner. For ease of distribution, the maps showing the proposed eastern boundary have been broken down into Sheet Nos. 1-10.

BRRWD Administrator Bruce Albright notified the audience that the meeting was being recorded. He passed an attendance sheet for the audience to sign. He asked that while giving testimony/comments, the audience should state their names and property location. Albright noted that there are boundary maps on display for the landowners to review and provide feedback about the accuracy of the new boundary demarcation. He discussed the history of the BRRWD and the development of the enlargement petition proceeding. Albright explained that the Board intends to use this hearing to inform the landowners about how the BRRWD functions, as well as get input regarding the eastern boundary. He noted that the Board intends to add members from Otter Tail and Wilkin Counties to our Advisory Committee. Albright discussed the BRRWD's Revised Watershed Management Plan (RWMP), which

was recently completed in 2010. The BRRWD will be required to complete a similar Plan for the new area by 4/25/14. Our goal is to update the current RWMP in conjunction with the new area's plan. Albright reviewed the BRRWD Rules/Regulations and noted that the BRRWD recently built a new office building in Barnesville where our regular meetings are held.

Using the wall maps, he showed the audience that the southern boundary of the new area is the Bois de Sioux Watershed District, the northern boundary is the old BRRWD, and the western boundary is the Red River of the North. The eastern boundary was delineated using hydrologic data, and we need to use government boundary lines for Auditor purposes.

Albright discussed taxing procedures for projects/ditch systems using general watershed-wide taxes and individual project benefit assessment areas. He noted that the Board will take testimony tonight and probably continue the hearing to finalize the eastern boundary line. Albright commented that there have been some questions about the accuracy of the new southern boundary adjacent to the Bois de Sioux Watershed District, which will not be addressed at tonight's meeting. Possible changes to the mutual boundary would be handled in accordance to M.S.A. 103D.251, under a separate proceeding.

Erik Jones, Engineers, H. E., referred to the wall maps and explained that he used the Minnesota Department of Natural Resources (DNR) information and current LiDAR data to refine the boundary delineation by 10 acre parcels. Using a computer Power Point presentation, Jones went through the eastern boundary maps and described each parcel along the proposed boundary starting on the northern end. He asked the landowners to provide feedback if they thought there was an error.

Stephanie Miranowski, Wilkin County Commissioner, asked if the boundary followed property parcel lines. Albright said that we did not use property lines as a criterion. The boundary is based on the parcel's watershed contribution, or hydrologic data. If water flows off a parcel to the west and eventually north, it was included in the BRRWD. If water flows east, that tract was not included. Miranowski asked how the County assigns watershed taxes. Albright said that the landowner would need to work with the County Assessor regarding land values. He noted that if there are areas that are landlocked within the boundary, they would still be included in the watershed district. Jones added that there are approximately 100 sq. mi. of landlocked basins currently within the BRRWD.

Chad Curtis stated that he lives in the NW¼, Section 10, Oscar Township, Otter Tail County. His neighbor, Richard Drevlow, lives on a hilltop 0.5 miles north of Curtis' farmstead on the line between Sections 9/10 on 330th ST. Curtis' property is in the lowest spot in the area at the bottom of four hills and is landlocked. If there is enough water in the area, water will flow east. He thinks there is an underground tile. Curtis said that water on the Grunewald property in Section 12 flows east to County Ditch No. 63. Albright noted that it has been said that water from Lake Altner will flow east across United States Fish and Wildlife Service (USFWS) land to Lake Halderson, which is landlocked. Curtis talked about a possible tile line and backhoe work in this area. Jones commented that if the water is flowing east in this area, it probably wouldn't be part of the District. To date, there has been considerable discussion about which way Halderson Lake would drain if it ever got high enough.

Lyle Hovland stated that there was a pump station installed on Nelson Lake in Section 28, Trondhjem Township.

Albright pointed out that the BRRWD will try to get the boundary as accurate as possible, but if there are mistakes, Watershed Law has a process to correct boundary errors.

Manager Fjestad commented that landowner John Dubbels told him that the proposed boundary line in Section 23, Carlisle Township, should be moved further west.

Someone commented that more of the airport property should be included within the boundary line in Section 36, Carlisle Township.

Someone commented that the boundary line in Section 2, Orwell Township, by Rush Lake, is landlocked, and water in Sections 10/11 along C.R. No. 15 won't flow west. Sections 14/15 and 22/23, Orwell Township, along C.R. No. 15, are also landlocked in sloughs.

There were also questions about whether land in Section 10, Western Township, was in the BRRWD or Bois de Sioux Watershed District.

When Jones completed the boundary overview, he asked for any additional comments from the audience about the boundary. Albright noted that the landowners have individual maps showing the boundary lines on their property. If they have changes, he asked them to mark up their map and submit it to the BRRWD for our review. He noted that the new watershed district area will not be taxed for 2013 since the final boundary line has not yet been established. Van Amburg noted that the landowners could mark up the wall maps with their changes. Albright discussed the LiDAR map accuracy and encouraged the landowners to access the International Water Institute (IWI) website (Red River Basin Decision Information Network) to view the LiDAR tool online at www.rrbdin.org. He encouraged the landowners to contact the BRRWD with any changes because our goal is to get the eastern boundary line as accurate as possible.

At 8:10 PM, Chairman Van Amburg recessed the hearing. He thanked the landowners for their input and stated that another hearing will be held in the near future to review the updated boundary line based on tonight's information. The BRRWD will probably wait until spring when the water starts to flow to field review the area again. Albright anticipated that we would try to finish the hearing process sometime in May 2013.

Respectfully submitted,

John E. Hanson, Secretary