

BUFFALO-RED RIVER WATERSHED DISTRICT

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**BUFFALO-RED RIVER WATERSHED DISTRICT
CLAY COUNTY DITCH NOS. 2, 3, AND 35
BUFFER STRIP IMPLEMENTATION HEARING
April 8, 2021**

Pursuant to Minnesota Statutes Annotated (M.S.A.) 103E.021 Subd. 6, and any other applicable statutes, the Board of Managers, Buffalo-Red River Watershed District (BRRWD), held hearings for the incremental implementation of vegetated ditch buffers in accordance with the 2015 Minnesota Buffer Law (M.S.A. 103F.48), for Clay County Ditch (C.D.) Nos. 2, 3, and 35, on Thursday, April 8, 2021, at 6:00 PM in the BRRWD Office, 1303 4th AVE NE, Barnesville, MN. BRRWD Managers present were Peter V. Fjestad, Catherine L. Affield, Mark L. Hanson, John E. Hanson, Paul G. Krabbenhoft, and Gerald L. Van Amburg. BRRWD Staff attending included Kristine M. Altrichter, Administrator; and Wade Opsahl, Technician, Houston Engineering, Inc. (HEI). Landowners attending included: Lois Jensen, Loris Jensen, Gerald Zimmerman, Roger Fischer, Ryan Rosenfeldt, and online: Erik Skolness, John Williams, Pamela Misialek, Tamera Schellack, and others.

At 6:00 PM, President Fjestad called the hearing to order and informed the audience that the hearing was being recorded to aid in the preparation of minutes. A signup sheet was available for the audience to record their attendance.

Administrator Altrichter introduced the BRRWD Managers and Staff and explained that the hearing was being held to discuss right-of-way (R/W) acquisition for the Clay C.D. Nos. 2, 3, and 35 legal ditch systems for the implementation of buffers on the ditches in accordance with the 2015 Minnesota Buffer Law (M.S.A. 103F.48) and M.S.A. 103E.315, Subd. 8.

Wade Opsahl displayed a map showing the location of the ditch systems and gave a brief explanation of the 2015 Minnesota Buffer Law, which requires that all legal ditch systems have a permanent 16.5' (one-rod) wide grassed buffer strip. The BRRWD plans to clean up any existing ditch system R/W inaccuracies so that the easement can be recorded with the County Recorder. Opsahl displayed a typical ditch section drawing and explained that the 16.5' buffer strip is measured from the top of the ditch slope into the field. Where new easement acreage is outside of the top of the ditch, in order to establish the minimum 16.5' ditch buffer, the BRRWD will pay the current county estimated market value (EMV) per acre. Where additional ditch easement is required within the ditch, landowners will receive payment at 10% of the EMV per acre. No payment will be made for areas that are within the existing ditch easement. All existing easements and new easement areas will be seeded as a ditch system expense.

Roger Fischer, who owns property on C.D. No. 35, had concerns about potential impacts to his farmstead ringdike. Opsahl explained that since the dike is currently vegetated, there should not be any changes to it, except that we might acquire more ditch system R/W. Seeding will only take place on areas that are not vegetated. Opsahl noted that in the past, the R/W was staked with steel posts, but in response to landowner feedback, the BRRWD stopped that practice and will only put in markers if there is a problem with landowners infringing on the R/W.

Opsahl explained that the costs for the buffer installations will be paid for as a ditch system expense by the benefitted properties. The State of Minnesota has allocated funding to cover some of the costs to establish the buffers.

John Williams asked who is responsible for ditch maintenance, such as mowing and weed control. Opsahl explained that the BRRWD/ditch system handles ditch maintenance, including mowing and spraying the buffers. If landowners have maintenance concerns on their ditch, they should contact the BRRWD. He also asked about the timeline for the buffer work. Opsahl explained the legal process for the buffer acquisition. He expected the actual installation should take place this summer with R/W staking to take place in the next few weeks.

Gerald Zimmerman noted an objection to the R/W valuation in comparison to the valuations for the proposed Glyndon East Tributary project.

Pamela Misialek owns land in Section 14, Moland Township, on C.D. No. 3. She asked if her farmstead on the west side of the ditch would be affected by buffer work. Opsahl noted that her property is assessed into both C.D. Nos. 2 and 3, but there will be no work directly along her property.

Gerry Zimmerman asked about the boundaries of C.D. Nos. 2, 3, and 35. Altrichter displayed the ditch benefit maps for the ditch systems. More discussion followed about unassessed upstream drainage entering the legal ditches.

Opsahl explained that following this hearing, the Board will consider an Order to move forward with R/W acquisition. Once the Board approves the Order, there is a 30-day appeal period. After the appeal period, R/W payments will be made to the landowners for easement acquisition, and the buffers will be installed this summer/fall.

Fjestad asked if there were any online attendees who wished to add testimony. No one commented.

There being no further comments or questions, Fjestad adjourned the meeting at 6:33 PM.

Respectfully submitted,

John E. Hanson, Secretary