

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

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## **BUFFALO-RED RIVER WATERSHED DISTRICT CLAY COUNTY DITCH NOS. 12, 21, 55, 58, AND 69 BUFFER STRIP IMPLEMENTATION HEARING May 13, 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. 12, 21, 55, 58, and 69 on Thursday, May 13, 2021, at 7:00 PM in the BRRWD Office, 1303 4th AVE NE, Barnesville, MN. BRRWD Managers present were Catherine L. Affield, John E. Hanson, Paul G. Krabbenhoft, Mark L. Hanson, and Gerald L. Van Amburg. BRRWD Staff attending included Kristine M. Altrichter, Administrator; and Wade Opsahl, Technician, Houston Engineering, Inc. (HEI). Landowners attending included: Carey Anderson, Al Johnson, Tom Cook, Tom Callahan, Kevin Martin, and online: Andrew Aberle, Andrea Aberle, Bill Davis, Mark Pender, Tim Halverson, and Kevin Halverson.

At 7:00 PM, Vice President Affield called the hearing to order and informed the audience that the hearing was being recorded to aid in the preparation of minutes. She asked the landowners to use the podium microphone and state their names for the record prior to speaking. A signup sheet was available for the audience to record their attendance.

Wade Opsahl, HEI, 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. When establishing the right-of-way (R/W) the BRRWD intended to address any inaccuracies with existing ditch R/W and create boundaries that would allow the easements to be recorded with the County. Opsahl displayed a drawing of a typical ditch section and explained that the 16.5' buffer strip is measured from the top of the ditch slope into the field. The BRRWD will pay the current county estimated market value (EMV) per acre in cases where the new R/W easement is outside of the top of the ditch, in order to establish the minimum 16.5' ditch buffer. 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 within the existing R/W easement. All existing easements and new easement areas will be seeded to meet the 16.5' buffer requirement at ditch system expense. All R/W within 16.5' of the top of the ditch must be removed from agricultural production. Areas within the R/W easement that extend beyond 16.5' from the top of ditch, may continue to be used for agricultural production.

Carey Anderson asked if there will be any impacts to his existing farmstead acreage along the ditch. Opsahl explained that there will be no physical changes to areas where there is already existing grass, such as farmsteads/shelterbelts along the ditches. Where necessary, the BRRWD might purchase additional ditch R/W, but the existing vegetation won't be disturbed. Anderson also asked about the existing R/W location on his property and an issue with ditch bank slumping. Opsahl suggested they could review his easement drawings and discuss his other issues after the hearing.

Opsahl explained that the Board will consider an Order to move forward with the R/W acquisition/buffer installation at their 5/24/21 meeting. Once the Board approves the Order, there is a 30-day appeal period. If a landowner decides to appeal the Board's Order, the appeal must be filed with the County. After the appeal period, the BRRWD will issue the R/W payments to the landowners, and the buffers will be installed

either this fall or early next spring, subject to field/crop conditions. The BRRWD is responsible for ditch maintenance, including mowing and spraying the buffers. Opsahl explained that the costs for the buffer installations and maintenance are ditch system expenses, which are paid by assessments on the benefitted ditch system properties. The State of Minnesota has allocated funding to cover some of the costs to establish the buffers.

Anderson asked when the landowners would know what the ditch assessments will be. Opsahl explained that the Board holds their annual budget hearing in August. At that time, the Board sets the next year's tax assessments for the ditch systems, based on the current ditch account balance and any planned future expenses. Budget hearing notices and ditch assessment decisions are published in the local newspapers. Landowners would see their ditch assessment on their property tax statements.

Al Johnson asked if the easements are permanent. Opsahl confirmed that the ditch easements are permanent, and they are recorded with the County. The BRRWD's easement is strictly for ditch system use/maintenance. The landowner retains ownership, and no public access is allowed.

Manager Krabbenhoft asked Opsahl to explain the R/W seeding process. HEI will stake the R/W perimeter with lathe. A contractor is hired to do the seeding with a drill, using a regular road ditch seed mix. The whole process could take up to a year to establish a healthy buffer.

Tom Callahan was concerned that the cottonwood trees on his property along the ditch might have to be removed. Opsahl assured him that his trees would not be disturbed.

Vice President Affield read a mail-in comment from Bryan Hoffarth, Minnkota Power Cooperative, who asked that the BRRWD provide a certified legal description of the R/W location in relation to their electrical infrastructure on Clay C.D. No. 9. Opsahl will respond to Hoffarth's request.

Affield asked if there were any other attendees who wished to ask a question or add testimony.

There being no further comments or questions, Affield adjourned the meeting at 7:35 PM.

Respectfully submitted,

John E. Hanson, Secretary