

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

SPECIAL MEETING

March 5, 2020

A special meeting of the Stutsman County Water Resource Board was called to order by Vice-Chairman Arlyn Schmidt on March 5, 2020, at approximately 9:10 a.m. in the Lower Level Conference Room of the Law Enforcement Center. Members present were Arlyn Schmidt, Anthony Roorda, John Schock, Dennis Clark, and Joel Lees appeared by phone. Also present was Abby Geroux, Secretary of the Board. Members of the public present were Mike May of Interstate Engineering, Darin Peterka of Interstate Engineering, Gary Anderson, Keith Norman of the Jamestown Sun, and Dave Schwartz, a Stutsman County Commissioner. Matt Lindsay of the State Water Commission also appeared by phone.

The purpose of this meeting was to conduct a hearing for an Emergency Application for Surface Drainage by Stutsman County for Deer Lake Township within Section 24, Township 141N, Range 67W, and Sections 19 and 28-30, Township 141N, Range 66 W, Stutsman County, North Dakota.

Matt Lindsay of the State Water Commission made initial remarks explaining the purpose of the Emergency Drain with applicable procedures, rules, and regulations. He requested that the applicant respond to some initial questioning and then he would open up the questioning to members of the public present.

Darin Peterka of Interstate Engineering explained that the goal of the Emergency Drain was to provide relief of water inundation on a County Road. He explained that County Road 67 in the fall experienced some inundation and the County attempted to raise the road to fix the issue. However, with the increased water this spring additional areas went underwater. There are three locations under water of varying degrees of inundation. He indicated a couple of grain bins were unable to be used. He also noted that there was also a basin that is not too far away but is currently separated by hills/topography of the area and so he does not anticipate any issues with this neighboring basin.

He did explain that the area where they were looking to do some drainage was in the same area that there was a recent accidental death due to the height of the ice along the sloughs in that area. Mr. Peterka explained that in many areas along County Road 67 the only access in and out of those areas is the

County Road. He also explained there are a lot of other township roads in the area that are under water and the townships with this county are seeking funding to raise these roads with FEMA grant money.

Mr. Peterka indicated that the plan for draining this area is to do two proposed cuts that will allow the water to move through an existing channel. These cuts would allow the water on the County Road to be lowered with the goal of lowering the water along the County Road by three feet. Mr. Peterka anticipated that they intend to lower the amount by three feet because of potential inclement weather, for example, high winds. Mr. Peterka acknowledged that the volume of water to be moved would be approximately 1800 acre feet but they anticipate that approximately 2000 acre feet because of snow melt and water moving through the system downstream. He noted that all landowners immediately effected by the potential drainage did sign Easements and that he did not speak to any individuals outside of the one mile radius.

He did note that there were a couple agencies involved with this approval process. One is U.S. Fish and Wildlife. He spoke with Paul Halko who indicated that they believe they have an Easement on the body of water located between Sections 19 and 30. However, the Easement has not been located yet so they are not exactly sure what the parameters of that Easement are.

Mr. Peterka explained he was also in contact with Jessica Batterman of the Army Corp. Of Engineers along with Matt Lindsay regarding the Application. Mr. Peterka also discussed with the City of Jamestown the impact of this drainage would have on Pipestem. It was noted that the water flowing through Pipestem has caught up so there were no current concerns with pushing additional water through the system. Matt Lindsay noted in his discussions with the Army Corps. Of Engineers that they have a favorable view of the project.

Mr. Peterka explained that they have not made contact with the Army Corps. Regulatory Office nor did they have contact with the NRCS. Mr. Peterka noted that they anticipate beginning construction as soon as the permit allows. He anticipated that they would release approximately 30cfs. He stated that there is a natural drainage system after these two channels are cut that go for approximately ten miles into the Pipestem River. He did review the culvert sizing along this route and he indicated that 30cfs should be okay but he does anticipate monitoring in the event of significant water flow issues.

At this time, Mr. Peterka responded to various questions from the Board members and members of the public. Mr. Peterka indicated that the County anticipates cutting a channel that would be up to 8-12 feet and slope it at a rate of 2 to 1. He

indicated that in the area that they would be doing the cutting they expect to encounter clay which will make it easier to create the type of channel that they are looking for.

John Schock inquired on what the County planned on doing for a permanent solution for this problem. Mr. Peterka indicated that they had concerns with the U.S. Fish and Wildlife Easement and that they would also be looking at raising the road if that process would work or also placing a pipe along this area but noted that any road raising or the placement of the pipe would cost significant amount of money and would require funding which may be available through the DOT and said that they would need to go through that process first before determining which avenue they would take.

Anthony Roorda inquired about whether the body of water was going to be drained empty. Mr. Peterka explained that the body of water located between Section 19 & 30 would be drained empty and this is also the area that U.S. Fish and Wildlife believes that they have an Easement. It was also noted that this body of water would need to be completely drained because of the height of the road and Mr. Peterka explained that the main body of water he anticipated to lower by 10 & 12 feet. He noted it will take approximately 34 days to move the amount of water out at 30cfs.

Arlyn Schmidt indicated that he was familiar with County Road 67. This is an emergency route for a vast area of people and that the other roads in the area may not be capable of handling the amount of traffic that County Road 67 has.

John Schock inquired whether the project would alleviate any issues with township roads. Dave Schwartz, County Commissioner indicated that currently townships are trying to use alternative routes but those township roads are not capable of the traffic so there would be a benefit to these township roads as well.

Anthony Roorda inquired that if it may take six months for this drainage area to be completed would the County be able to apply for an extension if necessary? Matt Lindsay from the State Water Commission indicated that they could apply for an additional six month extension. That would need to be done thirty days before the expiration of the emergency permit.

Anthony Roorda moved and John Schock seconded a motion to approve the emergency drain. Motion passed. Matt Lindsay then explained that he would write up a memo and recommendation to be approved. He explained that the State Water Commission is moving towards a more expedited emergency process in anticipation of an increase in emergency applications.

Next there was an inquiry regarding the process that would be involved if the County decided they would like to do a permanent drain. Mr. Lindsay explained that this project would likely be of a statewide significance and that the process for approval would likely take several months. He did note, however, that the State Water Commission is trying to create a middle ground of application approval for items that are considered of statewide significance but may not need the level of process as other applications. He is anticipating that this new policy will be approved in March which would shorten the length of application processing with the State Water Commission to a couple of months.

At this time Matt Lindsay closed the hearing, seeing no further business before the Board Anthony Roorda moved and Dennis Clark seconded a motion to adjourn the special meeting. Motion passed.

RESPECTFULLY SUBMITTED:

ABBAGAIL GEROUX
Secretary

BOARD APPROVAL OF MINUTES

The board approved the minutes this ____ day of _____, 2020.

JOEL LEES, Chairman, or
ARLYN SCHMIDT, Vice-Chairman