

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

SPECIAL MEETING

April 21, 2020

A special meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on April 21, 2020, at 10:30 a.m. via telephone conference. Members present by telephone were Joel Lees, Arlyn Schmidt, Anthony Roorda, John Schock, and Dennis Clark. Also present by phone was Abby Geroux, Secretary of the Board. Additionally present were Al Merris of Ashland Township, Mike Schlecht, Evan Reimers of Fried Township, BJ Kratz of North Dakota Game and Fish, Jim Collins of the North Dakota Department of Environmental Quality, Jim Greshik, Kirk Grimm-Mayor of City of Spiritwood Lake, Shirly Krapp-Auditor of City of Spiritwood Lake, Kelsey Huber of the State Water Commission, and John Skroch-Gray Township Supervisor.

The purpose of this meeting was to conduct a hearing at the request of Evan Reimers and Jim Greshik for two (2) Emergency Drain Applications. For purposes of the meeting Site 2 is identified as an Emergency Application for Surface Drain by Gray Township on the Southwest Quarter of Section 19, Township 142, Range 62, Stutsman County, North Dakota. Site 1 is identified as an Emergency Application for Surface Drain by Gray Township on the Southwest Quarter of Section 23, Township 142, Range 62, Stutsman County, North Dakota, and the Southeast Quarter of Section 22, Township 142, Range 62, Stutsman County, North Dakota.

After Joel Lees opened the meeting, Kelsey Huber made an opening statement. Joel Lees requested that any person who will be speaking to first state their name for the purpose of the minutes.

At this point, Evan Reimers and Jim Greshik responded to various questions provided by Kelsey Huber. Jim Greshik indicated that for Site 1 there is water coming over top of the road on 22nd Street. He explained that this road is a township emergency route, bus route, and main road of travel for area residents in the township. Evan Reimers addressed Site 2. He indicated that there is a culvert washout on 22nd Street further West and the road going North is also underwater in two (2)

different spots. Both roads are impassable which means that Neil Johnson must drive through water in order to access his house.

Mr. Reimers indicated that the road going North, the water on it is currently one (1) foot high and eight (8) feet wide. He further noted that the culvert washout is deeper than the amount of water running through it.

Jim Greshik then explained the drainage way for Site 1. He indicated that the water naturally drains towards 66 and then goes out to the Northwest. He noted that there is currently a restriction on the amount of water flowing through this area and that is why they need to do additional ditching to get the water to flow. He anticipated doing six (6) to twelve (12) inches at the most. They plan on cleaning out/ditching a 100 foot area. He explained that they plan on doing between a six (6) inch to twelve (12) inch cut. John Skroch confirmed that they anticipate only cutting one (1) foot at the maximum and anticipate the water would go down about a foot which would alleviate the water on the road.

It was noted that at the previous Water Resource Board Special Meeting the applicants desired to lower the water level to the level of the fabric within the ditch. John Skroch indicated that this level would be ideal but acknowledged that because of downstream concerns their main goal is to just get the water level below the level of the road.

Evan Reimers then discussed the anticipated work for Site 2. He indicated that West on 22nd Street South of Neil Johnson's place they planned on fixing the culvert and doing some ditching to take off an additional foot or two (2). They would ideally like to cut a ditch to the riprap.

At this point there was some discussion about an installation of a gate on the washed out culvert. Mr. Reimers indicated that they would install a gate if it is deemed necessary. He also explained that the new culvert would be installed near where the existing culvert washed out. He planned on using the same size culvert and potentially the same culvert if it was still in good enough shape.

John Skroch then noted that the location of where the culvert, it would not be possible to place a control structure because it would wash out based on the topography of the land. Mr. Reimer indicated that they planned on draining off one (1) or two (2) feet of the slough and he was not sure of the size. Kelsey Huber indicated that at the last Water Resource Board meeting regarding this matter it was indicated that the slough was approximately 300 acres. Mr. Reimers acknowledged that the likely maximum of amount of water to be moved would be 600 acre feet. Mr. Reimers explained by draining off one (1) to two (2) feet this would relieve the pressure on the road located North

of Neil's property. It was also acknowledged that 90th Avenue, the road North of Neil's property, was under water at both ends.

Jim Greshik then discussed the amount of water that would be drained off of Site 1. The amount of water drained would be approximately 49-50 acres.

Kelsey Huber then asked both the applicants if they had obtained permission from the landowners. Both Mr. Reimers and Mr. Greshik indicated that they had not revisited with the landowners who had previously provided permission but agreed to do so at the conclusion of the meeting. There was also discussion if there was a need to obtain permission from NRCS and US Fish and Wildlife. Jim Greshik noted that these entities were fine with the proposed plan so long as the pool of water was obtained above the wetland levels. Mr. Greshik indicated that he was not provided with the pool level that was required and that he would need to visit with NRCS to get the exact number for both sites. However, he did note that because the pools of water are currently overtopping it was likely that the water that they planned on removing would not impact any wetland easements.

Kelsey Huber then asked if the township had obtained consent from the authority managing Highway 61. It was noted that this was a County Road. Mr. Greshik indicated that the culvert in that County Road is already there but that it is currently underwater. Therefore, there would be no work needed on Highway 61 but with drainage it would potentially lower the water in that area. It was noted that the drain would be constructed West of that Highway. Kelsey Huber then asked if any of the entities had contacted the Army Corps. Of Engineers. Both parties indicated that they had not. She mentioned that it might be necessary to obtain a 404 permit from the Army Corps. Of Engineers. Both Mr. Greshik and Mr. Reimers indicated that that construction would occur on these projects as soon as approval was obtained from the State Water Commission.

Next, there was so discussion on the impact of the water on some downstream roads and culverts. John Skroch noted that the water flow would move under 22nd and then onto Paul Cysewski's land. It was noted Mr. Cysewski's land has approximately two (2) to three (3) culverts. Mr. Skroch was hopeful that they would last, considering the amount of water. Kirk Grimm, Mayor of City of Spiritwood Lake, indicated that he checked on these culverts the morning of the meeting. He noted that there are three (3) culverts running less than half full. He indicated that if they do not increase the water coming through the culverts then the integrity of the culverts should be intact. He further explained the culverts appeared to be about 1/3 full and that the culvert could take water in the amount of 3/4 of its culvert level but

would prefer not have them completely full as it would compromise downstream culverts which go under 93rd Avenue and South of 22nd. Both John Skroch and Kirk Grimm acknowledged that these culverts appeared to be sufficient to move the water.

Next, there was discussion regarding the lake level of Spiritwood Lake. Kelsey Huber indicated that last time the discussion was that the maximum water level was 1,445 feet. She indicated that in some of her initial discussions with the City, there was some conflicting elevations coming from one of the gauges at Spiritwood Lake. Kirk Grimm noted that in reviewing data from this last year's high water, he noted that on November 4th the water level gauge indicated 1,446.7 feet. At this point the water was on the edge of the road and part of another road was underwater. On November 19th the water gauge indicated 1,446.52 feet. At that point in time all of the water was off the roads. It was also noted that the morning of the meeting the gauge reading was currently at 1,446.44 feet.

BJ Kratz from the ND Game and Fish noted that the Spiritwood Lake appears to have crested and that he measured approximately 30 cfs coming off the main culvert on Cysewski's land. He noted there might be some potential back pressure on the gauge. Shock Lake is at the highest level it has ever been in the past five (5) years.

Kirk Grimm indicated that he had no issues with either projects at Site 1 or 2 so long as there was no more major precipitation. The City of Spiritwood Lake would be okay with the drainage. Kelsey Huber then inquired if there was a significant rain event, what would Mr. Grimm would like to see? Mr. Grimm indicated that only if there were three (3) to four (4) inches of precipitation which would be outside of the normal amounts of anticipated precipitation of the City of Spiritwood Lake. He also noted that if the City of Spiritwood Lake was able to obtain its permit for its water quality drawdown project this could likely helpful for water quality.

Kelsey Huber then inquired whether the amount of water could have any impact on any homes in the area. Kirk Grimm indicated he had visited with the landowner for the home closest to the water. The landowner indicated that their sump pumps are running but they are adequately protected. He did note that there was another landowner who might have water in their basement but was not aware at this time.

John Schock then inquired regarding the control structure that was proposed. He asked whether the location of the culvert would be low enough in order to drain the slough. John Skroch responded that yes, the culvert is low enough. However, the land in that area would be too high to let the water in. Thus, any control structure would wash out.

John Schock then asked Mr. Collins what effects that these projects might have on water quality. Mr. Collins indicated that it would depend on if the water was flowing through farmer fields. He explained that he has not pulled samples from the slough so therefore, the quality of the water is unknown.

John Skroch then indicated that in previous conversations with BJ Kratz he noted that there are fish surviving in this slough which may be an indicator of the quality of the water. Kirk Grimm indicated that although it would be nice to not have nitrates from water flowing into Spiritwood Lake, these areas have been flowing through all winter and did not foresee that the quality of water would be worse than what was flowing through this winter.

Mr. Grimm requested the construction of the sites and the flow of water occur in a staggered manner as this would be the best outcome for Spiritwood Lake. Mr. Reimers consented and indicated that they were planning on only doing one at a time anyways and recommendations on a gate would be appreciated.

Mr. Collins inquired if the township placed the gate, if the gate would be considered of statewide significance and if it would require a permit. Kelsey Huber explained that the gate would be considered part of the emergency drain so it would not need to go through the statewide significance process because it is on an emergency temporary basis. However, if there was any desire to have this to become a permanent structure then it would need to go through the statewide significance process.

John Schock addressed some of the concerns regarding the level of Spiritwood Lake and Alkali Lake. He indicated that discussion regarding a gate might be better after any project on Spiritwood Lake has been completed. He noted that the Stutsman County Water Resource Board had commissioned a Feasibility Study conducted by the State Water Commission. Any work should wait until the outcome of that Feasibility Study.

Jim Greshik then inquired about whether they would have the ability to do any additional projects to move water from the outlet under 42. Kirk Grimm responded that the project to draining on the outlet of 42 was not possible but that they were looking at pulling out water by the fish weir so long as the water remains above 1,442 feet.

Jim Collins further explained the projects. He indicated that the fish weir project for water quality was a hypolimnetic drawdown which does not affect the level of the water. Mr. Collins indicated that they would not have the permit until next year and that the Feasibility Study conducted by the Stutsman County Water Resource Board is considered a separate project that is just in its initial phases.

There was some discussion about the culvert size under 42.

John Skroch indicated he believed that the culvert was only 46 inches and the pipe seems small since it was draining water for approximately 15 acres worth of farmland flowing through that culvert.

There was some additional discussion regarding other options for lowering the level of Spiritwood Lake. Ms. Geroux acknowledged that the Board has a monthly meeting scheduled for April 29, 2020. She anticipates having an update on the progress of the Feasibility Study in which further discussion regarding any solutions would be better at the regular Board meeting scheduled for April 29th.

Seeing that there were no further comments from the public, John Schock moved and Arlyn Schmidt seconded to approve both emergency drainage applications before the Board subject to State Water Commission approval. A roll call vote was taken and the motion was passed unanimously.

Seeing no further business before the Board Anthony Roorda moved and Dennis Clark seconded a motion to adjourn. Motion passed.

NOTE: The meeting was originally scheduled for 10:00 a.m. However, the quality of the telephone conferencing system that was used was poor. Shirly Kropp who is the Auditor of the City of Spiritwood Lake provided an alternative telephone conference number. This number was recited multiple times during the telephone conference of the meeting and also sent out to the email addresses that the Stutsman County Water Resource Board had on file to various members and other interested parties. It did appear that all persons who were on the first telephone conference meeting were able to attend on the subsequent telephone conferencing system.

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