

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

**SPECIAL MEETING**

June 16, 2020

A special meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on June 16, 2020, at 9:00 a.m. via telephone conference. Members present by telephone were Joel Lees, Arlyn Schmidt, John Schock, Dennis Clark, and Anthony Roorda. Also present by phone was Abby Geroux, Secretary of the Board. Additionally, present were Matt Lindsay from the North Dakota State Water Commission and Alan Albrecht, applicant.

The purpose of this meeting was to conduct a hearing at the request of Alan Albrecht for an Emergency Application for surface drainage. The Application is for Section 2, Township 142 North, Range 64 West, Stutsman County, North Dakota.

**W-620 ALBRECHT, Alan- Emergency Application for Surface Drainage**

Joel Lees invited Matt Lindsay to conduct the hearing. Matt Lindsay made his opening statements and first requested that for purposes of the hearing that the individuals present for the hearing identify themselves. The individuals listed present for the meeting indicated that they were there for the hearing. Alan Albrecht indicated he anticipated Glen Albrecht to be on the phone but was not sure if he would be able to make it. After Mr. Lindsay's initial statements explaining the temporary permitting process requirements and regulations, he requested Mr. Albrecht to describe the emergency. Mr. Albrecht indicated that there are two bodies of water located on each side of 18½ Street Southeast going towards the homestead. Last summer the water was over the road. Currently the road is not under water, but the water is at the road's edge. This is potentially causing some erosion of the road. Mr. Albrecht explained that FEMA was looking at doing some work in the area but they indicated they will not do any work until the water level is lowered.

Joel Lees, Chairman of the Board, indicated that he was currently the Clerk Treasurer of the Jim River Township. He said that the Township was looking at assisting in this process, and

he would be able to provide additional information to Mr. Lindsay. He explained that currently the road is in terrible shape, and had an emergency drain years ago. The emergency drain was completed at the county level. Currently, there is a ditch from the previous drain and water is already running through that ditch. Mr. Albrecht explained that currently the ditch is filled with sediment and cattails, and they are looking to dredge the ditch in order to increase the water flow through those areas. There was some discussion regarding the FEMA requirements for FEMA to conduct some repair of the road in that area. Joel Lees explained that FEMA wanted to have one (1) to one and a half (1 ½) feet off of the bottom of the road. He also indicated from the Township perspective, it would be ideal to get the water down for the road so it would prevent further erosion and preserve the money and effort going into updating the roadway. Matt Lindsay inquired whether this road was an emergency route, and Mr. Albrecht explained that it is a particularly well-traveled road, likely used as an emergency route for Fire and Police. It is also the only access for certain homesteads. There was also discussion that there would be difficulty for local farmers to access fields without access to this road. Mr. Albrecht indicated that the water was encroaching on the farmstead, and is coming up into the farmyard on the East side, where some trees are under water and is also affecting fencing in the corral.

Mr. Albrecht then described the project and its location. The location is South and West of the homestead on that body of water and the project itself would be to remove sediment and cattails in order to let the water to flow. Mr. Lindsay then inquired whether it was necessary to make small cuts on the South end of the body of water. Mr. Albrecht said that the ditch is already there, however it is difficult to see from aerial photographs because the small slough contains cattails and the existing cut is also filled with cattails and sediment. It was discussed that they were looking at dropping the water level approximately two (2) feet. It was also noted that there are no adjacent landowners and that this water was threatening the road going North and South. This would alleviate that issue as well. Mr. Lindsay inquired with Mr. Albrecht which government entities he has visited with regarding approval. Mr. Lindsay also noted that there appeared to be a dam downstream with a control structure and inquired if they had confirmed with the entity running that dam if this water would have any effect. Joel Lees explained that the dam and control structure is ran by U.S Fish and Wildlife of the Arrowood Wildlife Refuge. Joel Lees explained that the water would be draining that way anyways. At

this point there was significant discussion regarding the purpose of Arrowood and the effect of the water on the area. Joel Lees explained that approximately ten (10) years ago a channel was put in along with control gates, so when there is a high-water year, the water would move through the channel rather than affecting the water level in the lake itself. It would maintain the swampy habitat for the birds. They anticipate the water would move through the floodplain as it would eventually go in that direction anyways. Then, Matt Lindsay asked if there was any communication with FSA or the Army Corp of Engineers. Mr. Albrecht indicated he had not made any contact with them. Next, was discussion on when they planned on beginning construction. Joel Lees explained that the Township would be paying for construction costs, and as soon as it is approved, they would be retaining a contractor to do the work as soon as possible. It was noted there was one downstream road crossing. Mr. Albrecht explained it was a minimum maintenance road. It is a small crossing and so far, is intact and they anticipate that it would not have an effect on the road crossing. The road crossing is located between the Northwest corner of Section 10 and 11.

Anthony Roorda then inquired with Matt Lindsay that if all they are doing is cleaning a drain, do they need to get a permit to clean. Joel Lees explained that to his knowledge, there is only an emergency drain that happened approximately eight (8) years ago, and they do not have a permanent drainage permit for the area. That is why they made the request, to be on the safe side. Matt Lindsay then indicated that he was not sure whether this area had been permitted before. He indicated the he could look to see if there was a prior permit, although he noted that sometimes these permits did not always contain sufficient details regarding their location or if they were properly in place. Mr. Lindsay also indicated that in these emergency application processes the State Water Commission was not looking to determine if there was any unauthorized drainage happening in other locations as part of the process.

Next, Matt Lindsay then opened up the hearing to discussion by the Water Resource Board Members. Anthony Roorda moved and Arlyn Schmidt seconded a motion to recommend approval of the emergency application to drain. Ms. Geroux then requested that the Board have discussion on the record regarding a potential conflict with Joel Lees and the application before the board. Arlyn Schmidt moved and Dennis Clark seconded a motion to allow Joel Lees to waive any conflict; motion was passed. Joel Lees then called for a Roll Call vote for the recommendation. A Roll

Call vote was taken and all voted in favor; motion was passed.

Matt Lindsay then thanked the Board for timely conducting a hearing on this matter. Mr. Lindsay then provided his closing statement and the hearing ended. Arlyn Schmidt then inquired with Mr. Lindsay whether they were getting a lot of applications. Matt Lindsay indicated that Stutsman County is the leader in Emergency Application Requests. Arlyn Schmidt commented that Stutsman County is an area with a lot of prairie potholes, and he was not surprised that Stutsman County was leading the pack in Emergency Applications. At this time there was no further business before the board, and the meeting adjourned.

RESPECTFULLY SUBMITTED:

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ABBAGAIL GEROUX  
Secretary

**BOARD APPROVAL OF MINUTES**

The board approved the minutes this \_\_\_\_ day of \_\_\_\_\_,  
2020.

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