

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
FEBRUARY 2, 2023

A virtual / conference call meeting of the Maple River Water Resource District was held on February 2, 2023, at 9:00 a.m.

Present were Rodger Olson, Chairman; Gerald Melvin, Manager; Chad Miller, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Luke Andrud and Chris McShane, Ohnstad Twichell, P.C.; Alexa Ducioame, Jim Guler and Brady Woodard, Moore Engineering, Inc.; Mike Opat, Houston Engineering, Inc.; Duane Breitling, Cass County Commissioner; and Scott Saewert, Maple River Township Chair.

Agenda

It was moved by Manager Melvin, seconded by Manager Miller and unanimously carried to approve the order of the agenda, as presented.

Minutes

It was moved by Manager Melvin and seconded by Manager Miller to approve the minutes of the January 5, 2023, meeting. Upon roll call vote, the motion carried unanimously.

Wheatland Channel - Grand Farm crossings in the NE 1/4 of Section 8 in Everest Township

Alexa Ducioame discussed the completed hydraulic study relating to the crossings on the Wheatland Channel requested by Grand Farm in the NE 1/4 of Section 8 in Everest Township. Moore Engineering, Inc. has provided the information and recommendations set out in the report to Grand Farm.

Drain #34 Channel Improvements

The Board directed the Secretary-Treasurer to respond to the North Dakota Department of Water Resources (NDDWR) on the solicitation of views regarding *Application for Surface Drain No. 6188* regarding the Drain #34 Channel Improvements Project in Sections 18, 19, 30 and 31 of Normanna Township, with input from the Water Resource District Engineer. Upon receipt of the approved permit, an application for cost-share will be submitted to the NDDWR.

Drain #37 Improvement Project

Ms. Ducioame updated the Board on the Drain #37 Improvement Project. The NDDWR economic analysis for the project was lower than anticipated due to changes in the NDDWR economic analysis processes. Moore Engineering, Inc. will meet with the NDDWR economist to further discuss the project's economic analysis. The request for cost-share was removed from the February 9, 2023, State Water Commission meeting and it is hoped it will be considered at the April meeting.

2022 facility inspections – Drain #39 slide in Section 24 of Maple River Township

Ms. Ducioame and Brady Woodard discussed the preliminary plans to repair the slide on Drain #39 in Section 24 of Maple River Township. Scott Saewert indicated Maple River Township is agreeable to the project if the adjacent township road is not disturbed. Mr. Woodard noted the project will improve the safety of the adjacent road as the side slopes of Drain #39 will be laid back. The road and shoulder widths will remain the same. Moore Engineering, Inc. will prepare a visual showing the existing road and the proposed project for Maple River Township to review. Mr. Saewert inquired if crossings are included in the project. Mr. Woodard stated the existing Drain #39 crossings in Section 24 of Maple River Township are in good condition and on grade so they will remain in place. There will be transitions to tie the new project into the existing crossings.

Drain #62 – North Dakota Soybean Processors, LLC

Ms. Ducioame stated final plans were received from the North Dakota Soybean Processors, LLC for the Drain #62 relocation project in Section 33 of Casselton Township. An *Application for Surface Drain* will be needed for the project.

A motion was made by Manager Melvin and seconded by Manager Miller to authorize Moore Engineering, Inc. to work with the Secretary-Treasurer to submit an *Application for Surface Drain* to the NDDWR regarding the Drain #62 relocation for the soybean processing facility in Section 33 of Casselton Township. Upon roll call vote, the motion carried unanimously.

Lynchburg-Buffalo Project No. 2016-01

Jim Guler discussed various options to proceed with Lynchburg-Buffalo Project No. 2016-01. The Board discussed the estimated costs of the various options. Mr. Guler noted preliminary engineering would provide a more accurate estimate of the costs for Phases IV and V of the project.

A motion was made by Manager Miller and seconded by Manager Melvin to authorize Moore Engineering, Inc. to submit an *Application for Cost-Share* to the NDDWR regarding preliminary engineering for Phases IV and V of Lynchburg-Buffalo Project No. 2016-01. Upon roll call vote, the motion carried unanimously.

Cornell Township Drainage Improvement District No. 80

Ms. Ducioame reported on Cornell Township Drainage Improvement District No. 80. Manager Miller and Moore Engineering, Inc. met with petitioners recently to discuss various project alignment options. Moore Engineering, Inc. is currently determining whether there would be wetland impacts related to the project, which will help the petitioners determine a preferred project alternative. Once the project alternative is chosen, a Section 404 Permit will be submitted to the Corps of Engineers regarding the project.

Davenport Flood Risk Reduction Project

Ms. Ducioame updated the Board on the Davenport Flood Risk Reduction Project. Moore Engineering, Inc. plans to submit a Conditional Letter of Map Revision to FEMA and a Section 404 Permit application to the Corps of Engineers soon. Ms. Ducioame said the project will need to mitigate approximately 1 acre of wetlands. Quotes to do so were reviewed. A non-binding letter of credit availability is required for Section 404 Permit submittal.

It was moved by Manager Miller and seconded by Manager Melvin to authorize the Secretary-Treasurer to sign the Section 404 Permit application for submittal to the Corps of Engineers regarding the Davenport Flood Risk Reduction Project. Discussion: The Board discussed options and costs for wetland mitigation and requested Moore Engineering, Inc. bring more information regarding the matter to a future meeting for further discussion. Upon roll call vote, the motion carried unanimously.

Luke Andrud briefly discussed updated appraisals regarding right of way for the Davenport Flood Risk Reduction Project. It was moved by Manager Miller and seconded by Manager Melvin to approve the updated *Consultation Report* from Farmers National Company and offer property owners \$9,000 per acre for permanent right of way on tillable agricultural land and \$500 per acre for temporary construction easements regarding the Davenport Flood Risk Reduction Project. Upon roll call vote, the motion carried unanimously.

Upper Maple River Dam – Lease Agreement with Kyle Zerface

Discussion was held on a *Lease Agreement* with Kyle Zerface for 2023 regarding Water Resource District owned property for the Upper Maple River Dam. It was moved by Manager Miller and seconded by Manager Melvin to approve and authorize the Chairman to sign the *Lease Agreement* with Kyle Zerface, at a rental rate of \$85 per acre for the 2023 farm season regarding Water Resource District owned property for the Upper Maple River Dam. Upon roll call vote, the motion carried unanimously.

Upper Maple River Dam – maintenance

Mr. Woodard said he is communicating with the Steele County Soil Conservation District regarding a quote to replant the shelterbelt on Water Resource District owned property in Section 35 of Carpenter Township. Mr. Woodard will bring more information on the matter to a future meeting for further discussion.

Application to Install a Subsurface Water Management System No. 20231 for Jim Wieland in the E 1/2 of Section 36 in Hill Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 20231*, filed January 26, 2023, by Applicant Jim Wieland. Under the Application, Applicant seeks to install an 85-acre drain tile system in the E 1/2 of Section 36 in Hill Township, Cass County, North Dakota. The project will include a single pump outlet along the east boundary of the SE 1/4 of Section 36 that will discharge directly into a natural drain that runs east, under Cass County Highway 38.

According to County tax roll information supplied by Applicant, James Wieland owns the E 1/2 of Section 36 in Hill Township.

Manager Melvin moved, and Manager Miller seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20231*, filed January 26, 2023, for Jim Wieland regarding a proposed tile system in the E 1/2 of Section 36 in Hill Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 20231*, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the natural drain in the SE 1/4 of Section 36 in Hill Township.
2. Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Maple River Water Resource District.
3. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
4. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Cass Rural Water Users District has in the E 1/2 of Section 36 in Hill Township under any blanket easements, or otherwise beyond the Water Users District's existing easement(s).
5. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 20231* in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the Cass County Highway Department to discharge into the natural drain that flows through the County's Highway 38 right of way.
2. The Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

The Board will provide copies of the Board's *Notice of Decision, Subsurface Water Management Permit No. 20231*, and Applicant's downstream flow map to the North Dakota Department of Water Resources, the Cass County Engineer, and Cass Rural Water Users District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Application to Install a Subsurface Water Management System No. 20232 for George Richman in the S 1/2 and NW 1/4 of Section 17 in Tower Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 20232*, filed January 26, 2023, by Applicant George Richman. Under the Application, Applicant seeks to install a 200-acre drain tile system in the S 1/2 and NW 1/4 of Section 17 in Tower Township, Cass County, North Dakota. The project will include a single pump outlet located along the south boundary of the SE 1/4 of Section 17; the pump will discharge directly into an existing tile line owned by Applicant in the north road ditch along 33rd Street SE; the tile line runs to the east in the north road ditch.

According to County tax roll information supplied by Applicant, Jerry Richman owns the S 1/2 and the NW 1/4 of Section 17 of Tower Township.

Manager Melvin moved, and Manager Miller seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 20232*, filed January 26, 2023, for George Richman regarding a proposed tile system in the S 1/2 and NW 1/4 of Section 17 in Tower Township; and to authorize the Secretary-Treasurer to sign *Subsurface Water Management Permit No. 20232*, subject to the following conditions:

1. Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Maple River Water Resource District.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Cass Rural Water Users District has in the S 1/2 or in the NW 1/4 of Section 17 in Tower Township under any blanket easements, or otherwise beyond the Water Users District's existing easement(s).

4. Applicant must apply for an amendment to *Subsurface Water Management Permit No. 20232* in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the Tower Township Board of Township Supervisors to maintain a tile line within its road right of way.
2. The Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

The Board will provide copies of the Board's *Notice of Decision, Subsurface Water Management Permit No. 20232*, and Applicant's downstream flow map to the North Dakota Department of Water Resources, Tower Township, Jerry Richman, and Cass Rural Water Users District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Cass County Planning

A motion was made by Manager Miller and seconded by Manager Melvin to authorize the Secretary-Treasurer to submit comment on the following subdivision applications to Cass County Planning, with input from the Water Resource District Engineer:

- Giermann Subdivision
- Brandon Hovland Subdivision
- Killoran Partnership Subdivision

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Melvin and seconded by Manager Miller to approve payment of the wire transfers and electronic funds transfers, as amended. Upon roll call vote, the following Managers voted in favor: Olson, Melvin and Miller. The Chairman declared the motion passed.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Melvin, seconded by Manager Miller and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer