

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

October 26, 2022

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman, Joel Lees on October 26, 2022, at approximately 10:00 a.m. in the Commissioner's Room of the Stutsman County Courthouse. Members present were Joel Lees, John Schock, Dennis Clark, Anthony Roorda, and Arlyn Schmidt. Abbagail Geroux, Secretary of the Board, was also present. Additionally present were Chuck Fritz of the International Water Institute, Ben Varnson of the Upper Sheyenne Joint Water Resource Board/Nelson Co. Water Resource Board, and Kirk Grimm, Mayor of the City of Spiritwood Lake. Additionally present by phone were: Chris Korkowski from the North Dakota Department of Water Resources, Laura Ackermen from the Department of Water Resources, Shirly Krapp, Auditor for the City of Spiritwood Lake, and Bob Martin from US Fish and Wildlife.

MINUTES

The first order of business was to review and approve the minutes of the September 28, 2022, regular meeting. Upon review, a motion was made by Arlyn Schmidt and seconded by Dennis Clark to approve the minutes as read. Motion passed.

Update from Chris Korkowski on the feasibility study

Mr. Korkowski presented to the Board explaining last Summer he provided a overview of the project results of the feasibility study and explained he determined that there were no feasible alternatives to reduce flooding for the City of Spiritwood Lake. He indicated that he completed the report and it was reviewed this Summer by his Director who provided comments to include a more detailed cost share section in the feasibility study. This is the process that they are currently working through and anticipate having a completed report done by the end of the year. Mr. Korkowski then discussed various alternatives he looked at for potentially draining 7-mile culee, but determined that doing this project was not feasible in light of the little impact it would have on reducing flooding. Board members discussed with Mr. Korkowski some of the results of this study. Board member Schock asked how many cabins he identified that could be affected by the flooding. Mr. Korkowski indicated that there would be between 8-10 cabins affected by the flooding and one alternative would prevent five cabins from flooding but

October 26, 2022

would not prevent one cabin from flooding. Mr. Korkowski also noted for the feasibility project all of the crossings along 7-mile culee are significantly under sized and even if there was a desire to create more defined channels for the water to flow faster through the area, the undersized crossings could have a considerable impact on the ability to do that project. Mr. Grimm indicated that a couple of years ago, during a high water event, he drove around the area of Alkali Lake and the road crossing at the end of Alkali Lake and he felt that the roads and culverts in that area were appropriately sized and he did not notice any significant water over-topping. Mr. Grimm indicated, however, he did not look at the additional downstream crossings within 7-mile culee. Mr. Korkowski did indicate specifically, if there was ever any proposal made to raise County Road 42 that he would provide an opinion that it would be detrimental to raise County Road 42 because this would cause significant flooding of the homes on Spiritwood Lake. During high flooding events, County Road 42 does go underwater. If that road was built up higher that would end up holding water back and causing additional risks of flooding on some of those lower cabins. Joel Lees requested Mr. Korkowski to provide an opinion about if there would be any benefits to lowering the level of Alkali Lake in order to alleviate flooding through the system. Mr. Korkowski explained that in moderate flooding events, the lowering of Alkali Lake would have no impact on the flooding which would occur in Spiritwood Lake. In particular, Mr. Korkowski explained that the roadways end up acting as conveyances on 91st, 42nd and the East County Road. The Culvert at Alkali Lake is higher than those culverts and therefore there would not be much impact if Alkali Lake was ultimately lowered.

Address the City of Spiritwood Lake draw-down project application request to modify condition No. 1

Ms. Geroux provided background to the Water Resource Board regarding the history of the approval process for the draw-down project for the City of Spiritwood Lake. It was noted that the City of Spiritwood Lake presented a draft operating plan at its meeting back in December regarding their application. At the meeting, there was some confusion on the elevation of Spiritwood Lake. It was officially determined that the elevation of Spiritwood Lake was going to be deemed 1,444.5 feet. The Board indicated that they would be willing to allow the City of Spiritwood Lake to draw down for

October 26, 2022

water quality purposes only to an elevation of 1442 feet but that the City of Spiritwood Lake would be required to come before the Board to obtain specific approval for that draw-down. However, they would not require the City of Spiritwood Lake to submit a completely new and separate application. It was noted also at the meeting that while the Board would be allowing them to draw down the lake to a lower elevation, the amount of water flowing through this particular draw-down mechanism would be very low and would likely not have a significant impact on lowering the elevation of the lake for the period of time contemplated in order to improve water quality on the lake. Ms. Geroux explained to the Water Resource Board members that there was some apparent confusion about the Boards desire to allow the City of Spiritwood Lake to draw down below the elevation of 1444.5 and there was a request from the Department of Water Resources to modify condition No. 1 so that the operating plan could be properly updated and would require approval of the Department of Water Resources and the Stutsman County Resource Board prior to the implementation of the project. John Schock moved and Dennis Clark seconded a motion to authorizing Ms. Geroux to prepare correspondence to the Department of Water Resources revising the condition as requested by the Department of Water Resources. Motion passed.

Presentation of Ben Varnson and Chuck Fritz on lidar features for the James River Valley

Ben Varnson first addressed the Board. Ben Vanson is part of the Upper Sheyenne Joint Water Resource Board. He indicated that the upper Sheyenne worked with the International Water Institute to generate significant amount of data for the Upper Sheyenne to allow them to make better informed decisions on various projects happening in the upper Sheyenne water basin. Mr. Varnson indicated they also were able to do some work for the James River which most of Stutsman County is located in. However, the amount of data in the James River is not as robust as the amount of data in Upper Sheyenne. Despite this, the mapping systems that are provided by the International Water Institute may be helpful for the Stutsman County Water Resource Board in assessing various issues in the future. Mr. Varnson also discussed some of the projects that were ongoing with the Upper Sheyenne Board and discussed the potential for perhaps the districts located in the James River Valley water shed may have interests in having a similar joint board to conduct a larger project within the region. Anthony Roorda indicated that previously there was a joint board and Senator Dorgen secured funding on behalf of the

October 26, 2022

Board to conduct a feasibility study. However, after the completion of the feasibility study, the Counties had no further interest in continuing with the joint board, so there may not be significant interest in having a joint board in the future. Chuck Fritz then presented some of the features of the lidar that is provided by the International Water Institute. Mr. Fritz went through all of the features that are available through his website. There was also some discussion regarding the costs involved in having additional data available on this website and some of the costs involved. Mr. Fritz explained that at one time he had generated a proposal to shoot the additional lidar for the entire James River Valley water shed area. This would have been a cost of approximately \$90,000. It was noted that there could be some potential cost share with the Department of Environmental Equality. So, it is possible perhaps some of the other counties in this water shed may have some interest in obtaining some of this data.

BILLS, FINANCIALS, AND OTHER BUSINESS

Next, the Board reviewed the regular business before the Board. First it was noted that at the September 28, 2022 meeting, Lisa Davis presented some concerns she had against Homer Township. At the meeting it was indicated that if she wanted to file a formal complaint, she would need to do so on a complaint form and then present that to the Secretary for the Water Resource Board. A complaint was eventually mailed to Ms. Davis, however, was not done in time prior to this meeting, but if Ms. Davis so desires to file a complaint then it could be potentially be addressed at the November meeting. Ms. Geroux indicated Ms. Davis made contact with her office indicating she was unable to attend the meeting on the 26th. Joel Lees also indicated Ms. Davis contacted him as well.

Ms. Geroux also presented to the Board an Attorney General's opinion discussing the jurisdiction of various entities for diffused surface water. Diffused surface water is water that moves through a system, particularly rain water and she indicated that this Attorney General's opinion indicates that the Water Resource Board does not have jurisdiction over diffused surface water and Ms. Geroux presented this because the Board was seeing a number of complaints dealing with these types of requests and wanted to provide them with additional documentation should a new additional request come before the Board.

October 26, 2022

Ms. Geroux also then discussed with the Board some issues that were raised at the last meeting regarding the Boards requirement to be audited each year. Ms. Geroux noted that the authority of the Water Resource Board is broader than the authority of the weed board, for example, and its for this purpose that the Water Resource Board has a separate audit conducted by the state rather than being simply included in the States audit every year.

Next the Board addressed the bills and financials. Upon review, Arlyn Schmidt moved and Dennis Clark seconded a motion to approve the bills and financials as presented. Motion passed.

CHECK NUMBERS

1. Dalsted & Ryan - \$652.50 #2876

There being no further business before the Board, Anthony Roorda moved and Arlyn Schmidt seconded a motion to adjourn. The meeting was adjourned at 12:00 p.m.

RESPECTFULLY SUBMITTED:



ABBAGAIL GEROUX
Secretary

BOARD APPROVAL OF MINUTES

The board approved the minutes this 30th day of November, 2022.



JOEL LEES, Chairman, or
ANTHONY ROORDA, Vice-Chairman