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**Project No. 79 Wolverton Creek
Water Management District Amendment
Hearing Minutes
Monday September 11, 2023**

Managers Present: Catherine Affield, John Hanson, William Davis, Curtis Stubstad.

Managers Absent: Peter Fjestad, Troy Larson, Gerald Van Amburg (attending remote as Citizen).

Staff Present: Kristine Altrichter, Administrator; Matthew Schlauderaff, Watershed Specialist.

Consultants Present: Bennett Uhler, Engineer, Houston Engineering, Inc. (HEI).

Others Attending: Jay Nord; Jeff Nord; Mike Nelson; William Bye; Steve Thompson; Pete Thompson, Paul Krabbenhoft, Clay County Commissioner (remote); Eric (remote).

Affield called meeting to order at 5:00 PM.

Altrichter noted that Hearing is for the amendment to Project No. 79 – Wolverton Creek Restoration Water Management District (wmd). Wolverton Creek wmd was established by Order in September 2017. This Order established an annual assessment up to \$99,407.35 for a period of 10-years. Due to favorable construction costs and success in obtaining outside funding, construction costs were lower than anticipated. Therefore, there is currently a reduced need for an assessment, however, the project may have future maintenance needs. Board of Managers are proposing to amend the wmd to be perpetual to allow for future maintenance. Assessment area and rate per acre will remain the same. Goal of the amendment is to reduce the annual assessment for 2024 and likely future years. Board of Managers will consider an Order to amend the wmd for Wolverton Creek at their next regular Board Meeting scheduled for September 11, 2023 at 7:00 PM. If an Order is signed, individuals wishing to appeal the Order may file a notice of appeal with the court administrator of the district court within 30 days of the date of the Final Order. If no appeal is made, amendment will be approved and filed with the Auditors of Clay and Wilkin Counties.

Uhler presented project overview and proposed modification to the wmd. Project construction began in 2018 and was completed in 2021. Approximately 23 miles of Wolverton Creek was restored. 150 side inlet structures and 9 rock riffles were installed to stabilize the channel. In addition, over 740 acres of buffer were permanently protected. This project reduced the occurrence and magnitude of flood damage to agricultural fields and provided an increase in wildlife habitat and improved water quality.

Jeff Nord commended Board of Managers on projects and appreciated Board of Managers' on being fiscally responsible. Jeff Nord noted that many public drainage systems outlet into Wolverton Creek. He requested Board of Managers consider adding language to require ditches contributing more sediment to the project area pay for repair and maintenance of Wolverton Creek caused by sediment. Jeff Nord added that the area contributing the sediment should be identified and landowner should be required to correct the problem. Jeff Nord requested BRRWD work with legislators to allow these requirements to be enacted. Uhler noted that currently, BRRWD is limited by statute. Jeff Nord also requested BRRWD require the Metro Flood Diversion Authority (MFDA) to document the affect the diversion will have on the land in Minnesota and ensure that Fargo pays accordingly.

Jay Nord asked if there have been any issues with the project. Uhler noted that BRRWD is not aware of any issues. BRRWD completes routine inspections, however, relies on landowners to notify staff of deficiencies. Uhler noted that vegetation establishing well and there have not been any large washouts in the project area. Project has been functioning well and has served as a model for other stream restoration projects in BRRWD.

Jeff Nord noted that there are some areas where brush has started to grow. Altrichter asked him to notify staff of specific locations so we can coordinate removal. Wilkin Soil and Water Conservation District (SWCD) has partnered with BRRWD to complete much of the maintenance work. Wilkin SWCD has started mowing Wolverton Creek and has been asked to remove trees and brush. Jeff Nord requested Board of Managers consider reimbursing landowners for completing mowing maintenance on their properties in project area. Uhler noted that Board of Managers have discussed this in the past and have decided that work must be pre-approved by Board of Managers before they will reimburse landowners for maintenance.

S. Thompson asked if landowners or BRRWD should work with legislators to require landowners to address sediment loading into ditches. Altrichter noted that both can work on these efforts.

Bye owns land south of Comstock asked if BRRWD has approved the replacement of culverts along Wolverton Creek proposed as part of MFDA. Bye expressed concerns about MFDA plans to shift drainage. Uhler noted that MFDA has a watershed permit to complete work and BRRWD engineers review plans and provide comment. Bye asked if landowners are required to mow ditch. Uhler noted there could be requirements associated with easement requirements and stated MFDA may have mowing requirements as part of their project.

Jeff Nord asked if any work was completed around railroad. Uhler noted that nothing has changed around the railroad and BRRWD was able to complete work that needed to be completed for project.

Affield adjourned meeting at 5:27 PM.

/s/ John E. Hanson
Secretary