

Pursuant to notice and due call, a regular meeting of the Upper Minnesota River Watershed District Board of Managers was held Tuesday February 14, 2023 at the district office located at 211 2nd Street SE in Ortonville, MN. Board members present were Holker, Haugen and Meyer. Staff member present was Administrator, Amber Doschadis. Jeff Klages attended, representing Big Stone County and James Guler from Moore Engineering. There were no members of the public in attendance for this meeting.

Holker called the meeting to order at 9:00 am. A motion was made by Haugen, seconded by Meyer to approve December 2023 Disbursements as submitted. Motion Carried: 3-0. A motion was made by Holker, seconded by Haugen to approve Minutes from the January Meeting as submitted. Motion Carried: 3-0.

A motion was made by Meyer, seconded by Haugen to authorize payment of submitted invoices, as presented by Doschadis. Motion Carried: 3-0.

Ortonville Independent	\$35.00
Discover Card	\$467.10
Houston Engineering- 1W1P	\$8,615.50
Houston Engineering- Dam Rehab	\$8,996.75
Big Stone Highway Department	\$37.76
Minger Construction- Dam Rehab	\$236,274.50
Houston Engineering- Browns Valley	\$6,159.75

9:15 am Dennis McAlpine and Lisa Odens of Houston Engineering joined the meeting virtually.

OLD BUSINESS

1. Whetstone River Restoration.

EA- EAW Findings of Fact were presented by HEI. A motion was made by Holker, seconded by Meyer to adopt the Findings of Fact as submitted. Motion Carried: 3-0.

**UPPER MINNESOTA RIVER WATERSHED DISTRICT
NEGATIVE EIS DECLARATION**

WHEREAS, the Upper Minnesota River Watershed District, acting as the local sponsor and RGU, adopted the following Negative Environmental Impact State Declaration, Findings of Fact, Conclusions of Law and Order in the matter of the decision of the need for an Environmental Impact Statement for the Whetstone River Restoration Project including 1) restoring the hydrologic connection from the Whetstone River into the historic Whetstone River channel and 2) reestablishing floodplain and floodplain wetlands along the historic Whetstone River channel.

FINDINGS OF FACT

A. The proposed project includes restoring the hydrologic connection from the Whetstone River into the historic Whetstone River channel upstream of its original confluence with the Minnesota River. Approximately 9,000 feet of historic Whetstone River channel will be restored with this project. The project will include floodplain development adjacent the restored channel with the construction of a levee system. Other components include improvements to the local transportation network by re-routing traffic from MN CSAH 15 to a new bridge on County Road 39 that crosses the Whetstone River Channel in South Dakota. The current route along MN CSAH 15 will be demised as a component of the project.

B. The Watershed Planning effort that resulted in the Proposed Alternative Project was initiated in December 2013 with the Upper Minnesota River Watershed District (UMRWD) authorizing Houston Engineering, Inc. (HEI) to proceed with the

development of the Whetstone River Diversion Feasibility Study and Engineer's Report. A draft version of the Whetstone River Diversion Feasibility Study and Engineer's Report was provided to UMRWD on June 5, 2014. This report detailed three (3) project alternatives as follows:

1. Alternative 1: Low Flow/DNR Bankfull Channel (550 cfs)
2. Alternative 2: 2-Year Compound Channel (1,100 cfs)
3. Alternative 3: 5-Year Channel, Riparian Maintenance (3,200 cfs)

Representatives from HEI presented the Report to the UMRWD Board of Manager at their July 8, 2014 regular meeting. To convey the project to the public and solicit comments the UMRWD convened a Technical Advisory Committee on October 21,

**In the Matter of the Decision of the Need
for an Environmental Impact Statement
for the Whetstone River Restoration
Project, in Big Stone County, Minnesota
and Grant County, South Dakota.**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

2014. A series of meetings were held with affected landowners and representatives from the Minnesota Department of Natural Resources (MnDNR). As result of these discussions, the UMRWD Board of Managers requested that HEI consider the input received from the public and regulators and further evaluate initial recommendations identified in the June 5, 2014 draft Whetstone River Diversion Feasibility Study and Engineer's Report. As a result, HEI generated an addendum to the Whetstone River Diversion Feasibility Study and Engineer's Report. The revised report Whetstone River Restoration Project Addendum dated January 15, 2015 provided a recommended project alternative (Alternative 2B: 2-Year Compound Channel with Setback Levees) based on landowner and public discussions. This revised report was utilized for further engagement with the MnDNR to refine the concept design.

Pursuant to Minnesota Statues Section 13D.605 and its Watershed Plan the UMRWD Board of Managers Ordered the Project known as the Whetstone River Restoration Project on March 10, 2015. The order along with coordination with the MnDNR culminated with the development of the Technical Memorandum, Modified Alternative 2B Hydrologic and Hydraulic Final Functional Design and Updated Analysis dated August 25, 2015. This memorandum documented the results of relocating setback levees closer to the historic channel to reduce the amount of cultivated land subject to purchase. To continue work on the project and proceed with engineering design the UMRWD board made application for assistance from the MnDNR Flood Damage Reduction (FDR) Grant Assistance Program on August 28, 2017. The FDR Grant was authorized via a State of Minnesota General Obligation Bond Grant Contract between the City of Ortonville, MN for the Whetstone River Flood Risk Reduction Project with the State of Minnesota on July 16, 2019 Agreement (No. 162542/3000156560).

C. Three (3) different alternatives were screened during the planning process. Alternatives screened included variations on the volume of flows directed thru the restored channel and the associated extent of acceptable local flooding. Each alternative was screened to meet/partially meet the purpose and need of the project to: 1) establish longitudinal connectivity within the historic stream channel by creating a connection with the Minnesota River, 2) establish lateral connectivity between the riparian area, floodplain and stream channel, 3) improve the existing riparian corridor for the movement of animal species and, 4) establish a geomorphologically stable open channel.

Ultimately a modified version of Alternative 2B was produced as the recommended alternative. This alternative provided the optimum combination of project features to meet the project goals.

D. A public hearing for the project was held on July 29, 2020 at the Big Stone City Community Building in Big Stone City, South Dakota. This meeting was facilitated by representatives from the HEI and the UMRWD Administrator. The meeting was conducted to explain the project features and related schedule for engineering design of Modified Alternative 2B to landowners located adjacent the project. The meeting served as an opportunity for adjacent landowners to provide comment on project features relative to impacts to their property to be utilized for support in the development of 30% engineering design documentation and related environmental review.

E. As local sponsor, the UMRWD initiated environmental review, in accordance with Minnesota Rules 4410.4300 subp. 26 and 27(A), by the preparation of a mandatory Environmental Assessment Worksheet (EAW) to determine if the project had the potential for significant environmental effects.

F. Houston Engineering Inc., on behalf of the UMRWD, prepared the EAW for the project in accordance with Minnesota Rules Chapter 4410.

G. The EAW and supporting technical materials used in preparation of the EAW are incorporated by reference into this Record of Decision on the Determination of Need for an Environmental Impact Statement (EIS).

H. The EAW was filed with the Environmental Quality Board (EQB) and a notice of its availability was published in the EQB *Monitor* on December 6, 2022. A copy of the EAW was sent to all persons on the EQB Distribution List and to those persons requesting a copy. Press releases announcing the availability of the EAW were sent to the local newspaper and the UMRWD web site.

I. The 30-day EAW public review and comment began December 6, 2022 and ended January 5, 2023 pursuant to Minnesota Rules part 4410.1600.

J. During the 30-day public review and comment period, the UMRWD received one (1) letter and two (2) email response containing written comments. Comments were received from the following parties:

a. Christopher (Chris) Domeier, Ortonville Area Supervisor, Section of Fisheries, Minnesota Department of Natural Resources (DNR)

b. Raelene Hegge, Project Manager, Regulatory Branch, U.S. Army Corps of Engineers (USACE)

c. Neil Haugerud, River Ecologist, Ecological and Water Resources River Ecology Unit, Minnesota Department of Natural Resources (DNR)

K. Written comments received and Houston Engineering's responses, on behalf of UMRWD are compiled in **Appendix A** and incorporated by reference into this Record of Decision on the Determination of Need for an EIS.

L. Responses provided by the DNR and USACE will be incorporated into the final Engineer's Report, the permitting process, and final design for the Proposed Project as applicable.

M. The Rules of the Minnesota Environmental Quality Board set forth the following standards and criteria (Minnesota Rules part 4410.1700, subps. 6 and 7) to which the effects of a project are to be compared to determine whether it has the potential for significant environmental effects:

a. Type, extent and reversibility of the environmental effects;

b. Cumulative potential effects of related or anticipated future projects;

c. Extent to which the environmental effects are subject to mitigation by ongoing regulatory authority; and

d. The extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs.

N. Based on the information contained within the EAW and provided in written comments

received and in the responses to those comments, UMRWD has identified no unmitigated environmental effects for the Whetstone River Restoration Project.

CONCLUSIONS OF LAW

1. Upper Minnesota River Watershed District, which is the RGU for the project, has fulfilled the procedural requirements of law and rule applicable for the need of a Mandatory EAW.
2. There are adequate and appropriate state and local regulations governing the activities of this project that will limit and control environmental effects, specifically the impacts to wetlands, public waters, and rare/natural resources.
3. It has been determined that the proposed project does not present a potential for environmental impacts of such significance that an Environmental Impact Statement would be required.

ORDER

Based on the above Findings of Fact and Conclusions and the entire record of this matter: The Upper Minnesota River Watershed District Board of Managers hereby makes a Negative Declaration on the need for an Environmental Impact Statement. An EIS is not required for the Whetstone River Restoration Project in Big Stone County, Minnesota and Grant County, South Dakota.

Any Findings that might properly be termed Conclusions and any Conclusions that might properly be termed Findings are hereby adopted as such.

Dated this 14th day of February 2023

1. Whetstone River Restoration (continued)

Application for Fish Passage support through the BIL passed the regional review, Doschadis reports that we should have an answer in April. Doschadis will discuss remaining expenses with SD GFP. DNR LSHC Funds- 2.3million. Board will wait on submitting a letter until we hear back on BIL Fish Passage application.

2. Big Stone Lake/ Dam Operations.

Doschadis and McAlpine gave an update on the successful reinstallation of the 8 slide gates to the Big Stone Lake/ Whetstone Structure. Some paint was damaged in transport, contractor will touch up those areas when the weather warms up.

3. Browns Valley.

Fish Passage. HEI Task Order # 2022-3. Oden explains that HEI will begin work on this in late February, after meeting with agency partners to gather input on the design.

GFP applied for a fish passage grant, we will wait to hear on that in April before we begin to anticipate construction on the current MN DNR grant for design phase.

Toelle Coulee. Phase II. Doschadis will follow up with Representative Backer during their meeting later this month.

4. One Watershed, One Plan. Next advisory meeting is schedule for February 21st, the Policy Committee will have a short meeting afterwards.

5. Beardsley Dry Lake. Doschadis and Board Managers attending the MAWD Legislative Event will discuss the project with Representative Anderson on the 16th

6. Kleindl Wetland Bank. Doschadis reported on remaining credits and current conditions.

NEW BUSINESS

1. Administrator's Report was presented by Doschadis. A motion to approve the report as submitted was made by Meyer, seconded by Haugen. Motion Carried: 3-0.
2. MAWD Legislative Event. Delegates for the meeting will be Wanda Holker and Gary Haugen. Doschadis presented a double sided informational page on the UMRWD and current projects, to be used when meeting with legislatures later this week.

MANAGER UPDATES. Discussion on the progress of our 1W1P planning grant and the potential for additional staff among the planning area partners, when we begin implementation, was discussed. Doschadis reports that things are going well now and will keep the board informed on any changes.

UPCOMING EVENTS

MAWD Legislative Meetings - February 15-16, 2023

UMRWD Regular Meeting – March 14, 2023 – 9:00 a.m.

UMRWD Regular Meeting – April 11, 2023 – 9:00 a.m.

Holker adjourned the meeting at 10:54 am.

Amber Doschadis, Administrator

Gene Meyer, Secretary