

DETAILED FINDINGS AND ORDER BY THE DRAINAGE AUTHORITY OF THE RED LAKE WATERSHED DISTRICT FOR THE IMPROVEMENT OF POLK COUNTY DITCH 39, A LEGAL DRAINAGE DITCH, DESIGNATED AS RED LAKE WATERSHED DISTRICT DITCH NO. 17.

The drainage authority, having completed its deliberations, its examination of all files and records herein, its hearing of all interested persons, and its consideration of all reports makes the following:

FINDINGS

1. The matter is properly before the Board of Managers of the Red Lake Watershed District in its role as drainage authority pursuant to a petition filed in accordance with statutes section 103D.625, subd. 4, for the improvement of an existing public drainage system within the watershed.
2. Pursuant to statute, proceedings have been held, reports prepared, and notices given pursuant to statutes chapter 103E.
3. The final engineer's detailed survey report and the viewer's report have been made, a final hearing was held at 9:00 A.M. on July 24, 2020, at the Garage of the Red Lake Watershed District, 1000 Pennington Avenue South, Thief River Falls, Minnesota, required notices were given, public comment was received, and all other proceedings have been completed as required by law.
4. The Minnesota Department of Natural Resources Commissioner's Final Advisory Report has been received, read into the record and considered.
5. The final engineer's detailed survey report filed herein, or as amended, is complete and correct.
6. The damages and benefits of the proposed project have been properly determined and the viewer's report filed herein or as amended has been made and completed.
7. The estimated benefits are greater than the total estimated costs, including damages.
8. The proposed drainage project will be of public utility and benefit and will promote the public health. Public utility and benefit is achieved by providing more efficient drainage to agricultural properties and public roads within the drainage area. The improvement will protect property values and improve the economy of agricultural production. Public health and welfare is achieved by reducing the frequency of wet and overflowed land which will

improve the general sanitary condition of the community, relieve low wet or stagnant and unhealthful conditions, and protect the overflowed property – just as was sought to be achieved in the original proceedings to establish CD 39.

9. The proposed drainage project is practicable.

10. The Red Lake Watershed District has considered the private and public benefits and costs of the proposed drainage project.

11. The Red Lake Watershed District has considered the present and anticipated agricultural land acreage, together with residential and urban land acreage, availability and use in the drainage project or system.

12. The Red Lake Watershed District has considered the present and anticipated land use within the drainage project or system.

13. The Red Lake Watershed District has considered the flooding characteristics of property in the drainage project or system and downstream for 5, 10, 25, and 50 year flood events.

14. The Red Lake Watershed District has considered the waters to be drained and alternative measures to conserve, allocate, and use the waters including storage and retention of drainage waters.

15. The Red Lake Watershed District has considered the effect on water quality of constructing the proposed drainage project.

16. The Red Lake Watershed District has considered the fish and wildlife resources affected by the proposed drainage project.

17. The Red Lake Watershed District has considered the shallow ground water availability, distribution, and use in the drainage project or system and the overall environmental impact of the above considerations.

18. The improvement is being done to provide agricultural drainage and proper residential drainage. The establishment will provide for adequate field drainage and for proper drainage within residential areas. The existing drainage system is not adequate and does not have the capacity to convey run-off for frequent return interval events and is insufficient for providing agricultural drainage and proper drainage for residential areas within the benefitted area.

19. An adequate outlet for this ditch system exists or will be constructed as a part of this project. Providing and maintaining adequate drainage will likely result in increased agricultural productivity on the farmland in the project area and will provide residential drainage

and protection from drainageway overflows. Establishment of the ditch improvement as a legal system will allow for future maintenance and orderly assessment of costs to the benefitted area.

20. Project benefits are believed to be better agricultural drainage, improved growth for crops, improved earlier access to land, earlier warmup for soil. For residential areas the project benefits will be better drainage and protection from flooding due to overflows of the existing ditch system and drainageway incapacity.

21. This project for maintaining and improving drainage is consistent with the Red Lake Watershed District Overall Plan and the local plans for the affected County.

22. Any impacted wetland areas will be properly mitigated.

23. The present and anticipated land use within the drainage project system will remain rural agricultural and residential.

24. Water quality concerns related to the construction of the proposed project and soil erosion will be addressed by using erosion control measures during construction and permanent erosion controls such as grass buffer strips on the sides of the ditches to minimize erosion from agricultural fields. The ditch banks will be stabilized by providing suitable side slopes and vegetative cover.

25. The project does not directly or indirectly adversely affect areas of public land associated with fish and wildlife habitat.

26. The project is not expected to affect local groundwater. No material overall environmental impact or adverse effects are expected as a result of the project and the usability of affected lands will be maintained or improved as a result of the project.

27. The Board of Managers of the Red Lake Watershed District met and fully discussed the Improvement Project, its benefits, its costs and all other aspects and concerns regarding this Project.

28. As part of the proceedings herein, the viewers have determined an outlet benefit to Polk County Ditch (CD) 66. The basis of this benefit is the outlet and flood damage reduction benefits provided by proposed project 17 to CD 66.

IT IS, THEREFORE, ORDERED:

1. That the viewer's report on file herein, or as amended by the Board, and the assessment of benefits and damages therein stated and recommended is hereby adopted.

2. That the detailed survey report on file, or as amended, is hereby adopted.

3. That the drainage improvement project as described in the engineer's detailed survey report on file, or as amended, is hereby approved and adopted.
4. That the Red Lake Watershed District shall obtain all necessary permits needed to construct said project.
5. That the project engineer is ordered to proceed with making the necessary surveys and preparation of the plans and specifications that are needed to award a contract for the construction of the project and to report the results of the same to the Board of Managers.
6. That the Improvement of Polk County Ditch 39, a legal drainage ditch, designated as Red Lake Watershed District Ditch 17, as set forth in the adopted reports is hereby established.
7. That legal counsel for the Red Lake Watershed District is directed to prepare Findings of Fact and Order for Board review and action.
8. That the President and Secretary of the Red Lake Watershed District shall have the authority to sign the Order Establishing the Improvement of Polk County Ditch 39, a legal drainage ditch, designated as Red Lake Watershed District Ditch 17.

On July 24, 2020, Motion by Manager Tiedemann, Seconded by Manager Dwight, and passed unanimously to establish the Improvement of Polk County Ditch 39, a legal drainage ditch, designated as Red Lake Watershed District Ditch 17.

On August 13, 2020, Motion by Manager Tiedemann, Seconded by Manager Page, and passed by the Board of Managers to unanimously to approve the above Findings of Fact and Order.

Dated: August 18, 2020.



Dale M. Nelson
President, Red Lake Watershed District



LeRoy Ose
Secretary, Red Lake Watershed District

Authorized by resolution of the Red Lake Watershed District on the 24th day of July, 2020, directing the preparation of the above Findings and Formal Order which was adopted by the RLWD Board of Managers on August 13, 2020.