Managers Present: Dan DeBoer, Al Bakken, Bruce Haugsdal, Joe Pacovsky, Mike Hanson and Mick Delger, Gary Pestorious

Chairman DeBoer called the Special Meeting to order October 6, 2016 at 8:30 a.m., at the Freeborn County Board Room, 411 Broadway S., Albert Lea, Minnesota 56007.

Manager Bakken offered the following motion:
  Move to approve the agenda with additions. Additions include item 4a- Motion to Approve Minutes of the September 27, 2016 Board Workshop and item 5 – Motion to Approve Response Letters to Minnesota Department of Natural Resources (MN DNR) and Minnesota Pollution Control Agency (MPCA) Regarding Comments on the Fountain Lake Restoration Project and the Environmental Assessment Worksheet (EAW).
Manager Pestorious seconded the motion.
After discussion, a vote was taken and the motion was unanimously approved.

Manager Haugsdal offered the following motion:
  Move to approve the September 27, 2016 Board Workshop minutes.
Manager Pacovsky seconded the motion.
After discussion, a vote was taken and the motion was unanimously approved.

Manager Hanson offered the following motion:
  Move to approve the response letters to MN DNR and MPCA regarding comments on the Fountain Lake Restoration Project and the Environmental Assessment Worksheet (EAW).
Manager Haugsdal seconded the motion.
After discussion, a vote was taken and the motion was unanimously approved.

Manager Delger offered the following resolution:
  Move to approve Resolution 2016-19 as follows:

Resolution No. 2016-19

SHELL ROCK RIVER WATERSHED DISTRICT
FOUNTAIN LAKE RESTORATION PROJECT CONFINED DISPOSAL FACILITY
PROJECT NO. 2013-02

WHEREAS, the Shell Rock River Watershed District (“District”) is the Responsible Governmental Unit (“RGU”) in the processing of the Environmental Assessment Worksheet (“EAW”) for the proposed Fountain Lake Restoration Project, consisting of construction of a Confined Disposal Facility (“CDF”) and dredging of Fountain Lake (the “Project”);

WHEREAS, the District has submitted a copy of all public agencies on the EAW distribution list, provided a press release to the local paper, published the press release on the District website, and
published a notice of the EAW in the EQB Monitor, all of which were done in accordance with Minnesota Rules Ch. 4410.

WHEREAS, the thirty (30) day comment period ended September 7, 2016, with two public agencies commenting;

WHEREAS, the District acknowledges the responses from the Minnesota Department of Natural Resources and Minnesota Pollution Control Agency;

WHEREAS, the District conducted a Board Workshop on September 27, 2016, to consider the comments to the EAW, the responses, and Project;

WHEREAS, the District has responded to all substantive and timely comments on the EAW;

WHEREAS, the information gathered during the EAW process and the comments received on the EAW do not support a need for an EIS on the proposed Project;

WHEREAS, the District has considered the comments that were received responses to the commenting public agencies, and the evidence in the Record;

WHEREAS, the District has been presented and reviewed draft Findings of Fact, Conclusions of Law, and Decision in the form as attached to this Resolution;

WHEREAS, the District has complied and will maintain a full Record of Decision, available for review upon request;

NOW THEREFORE BE IT RESOLVED, by the District, as RGU, that a negative declaration is made on the need for an EIS for the proposed Project; and

BE IT FURTHER RESOLVED, by the District as RGU, that a Record of Decision has been prepared on behalf of the District to address the specific comments and concerns of the responding agencies and supporting the declaration of negative need and the Findings of Fact, Conclusions of Law, and Decision is approved and is attached to this Resolution.

ADOPTED by this Board on this 6th of October, 2016.

Andy Henschel, Director of Field Operations, gave a detailed history of the Environmental Assessment Worksheet (EAW) process as it pertains to the Fountain Lake Restoration Project.

Matt Benda, Attorney for the SRRWD, reviewed each exhibit and appendix for the Table of Attachments of Record and Decision.

Manager Pacovsky seconded the resolution.
After discussion, a roll call vote was taken.

Manager Delger-Yes
Manager Pacovsky-Yes  
Manager Haugsdal-Yes  
Manager Bakken-Yes  
Manager Hanson-Yes  
Manager Pestorious-Yes  
Manager DeBoer-Yes

The resolution was unanimously approved.

Manager’s Items: Manager Pestorious presented a draft letter for the board to review. This is a personal letter to the editor that does not need board approval. Administrator Behnke encouraged all managers to take an active role in promoting the District.

Manager Pestorious offered the following motion:

Move to approve Administrator Behnke’s out of state travel to attend Western Dredging Association (WEDA) Pacific Chapter Meeting.

Manager Haugsdal seconded the motion.

After discussion, a vote was taken and the motion was unanimously approved.

Manager Pestorious offered the following motion:

Move to adjourn the meeting.

Manager Delger seconded the motion.

After discussion, a vote was taken and the motion was unanimously approved.