



INSTITUTE FOR JUSTICE

February 22, 2022

Roseau River Watershed District Board and Minnesota Department of Natural Resources:

On behalf of the Roseau County Landowners Coalition, I write to provide an overview of our concerns with the Roseau Lake Project, and recommendations for addressing those concerns.

This letter is in response to comments made to one landowner during the February 2022 board meeting.

To be clear, the Coalition has attempted, through every means offered by the Roseau River Watershed District, the Minnesota Department of Natural Resources, and the Environmental Quality Board, to provide input and express its concerns about the project. Members of the Coalition have provided public comment at numerous board meetings and submitted official comments during the Environmental Assessment Worksheet process as well as in response to the RRWD Board's introduction of the draft Operating Plan. These comments and documents should already exist as part of the project's public record.

In the interest of clarity, we have included below a number of the Coalition's concerns, and provide recommended alternatives where appropriate:

- In its current form, the Coalition opposes the project, and believes it should be significantly altered or abandoned.
- Before this project became a wildlife resources effort, it was a modest drainage project aimed at reducing flood risk in the area around the Roseau Lake. This is the version of the project that the Roseau community, when surveyed early on, found acceptable and likely beneficial. That version of the project should be revisited.
- The dike height differences between private lands and the proposed DNR/RRWD managed dike system are unacceptable. No project should build higher dikes opposite existing private dikes. Doing so will inevitably move flood water storage from the basin onto productive farmland.
- Further changes to the Operating Plan are needed to ensure that seasonal flooding, particularly when the inlet gates are closed and water is moving higher and faster through the project area, does not overwhelm private dikes in the area.
- The RRWD and DNR should formally disavow the use of eminent domain for this project, including the use of any land previously taken by eminent domain for other projects.
- The RRWD should fully reopen their public meetings, including allowing virtual access for farmers and landowners unable to physically appear in person. Several other Watershed Districts in the state of Minnesota have wisely continued to provide virtual access to meetings, and the lack of transparency from the RRWD in limiting public participation is concerning.



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- The RRWD and DNR should seek a second opinion regarding the increased flood risk of the project on private land. The current contract engineering firm will always have a financial incentive to approve and move the project forward. The public deserves an independent analysis from a firm without a conflict of interest in the continuation of the project.
- The RRWD should clarify any conflicts of interest between Board members and the Roseau Lake project. Immediate family members of current Board members own property downstream from the project footprint, are expected to benefit from the project, and have publicly expressed support for the project. Financial benefit to Board family members may require recusal from project relevant votes.
- The RRWD should transparently provide funding information on the project, including identifying specific local, state, and federal sources of funding for the project and amounts from each source.

Coalition members, including farmers and landowners with multiple generations of experience and understanding about land in and around the project footprint, remain more than happy to explain these concerns to any members of the RRWD, DNR, or broader community.

That same offer has been made multiple times, including the invitation to visit specific locations within the project footprint that present the areas of greatest concern with a landowner who can visually demonstrate exactly what problems are likely to occur.

Additionally, it is not the responsibility of individual farmers and landowners to provide line-item edits to large engineering projects. The burden of designing and executing a project that adequately meets the needs of the watershed and its surrounding community falls on the RRWD and DNR as project proposers and managers.

Farmers and landowners can provide invaluable expertise and advice on how and why a given project or aspects thereof threaten their land, but it is unreasonable to expect them to do the work of the project engineer and managers. Even when the Coalition contracted the services of another engineer who pointed out multiple deficiencies with the proposed project plan, those views were largely disregarded.

Sincerely,

Chad Reese  
Institute for Justice, on behalf of The Roseau County Landowners Coalition