



Board of County Commissioners Agenda Request

3B
Agenda Item #

Requested Meeting Date: 5-28-24

Title of Item: State Ditch 86 Partial Abandonment

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input checked="" type="checkbox"/> Adopt Resolution (attach draft) <div style="text-align: right; font-size: small;"><i>*provide copy of hearing notice that was published</i></div> <div style="display: flex; justify-content: flex-end;"><input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*</div>
Submitted by: John Welle	Department: Highway
Presenter (Name and Title): John Welle, Aitkin County Engineer	Estimated Time Needed: 10 minutes
Summary of Issue: <p>U.S. Steel submitted a petition for partial ditch abandonment of portions of State Ditch 86 and Fire Relief Commission Ditch B on December 29, 2022. After a site visit with U.S. Steel on May 3, 2023, the attached Engineer's Report was completed. A public hearing was held at 10:00 am on Tuesday, July 11, 2023 to gain public input on the proposed partial abandonment.</p> <p>Based on the Engineer's Report and public input received at the public hearing, the attached resolution has been drafted to abandon Lateral 2 and Lateral 3 of State Ditch 86. Lateral 1 of State Ditch 86 and the segment of Fire Relief Commission B on the east line of the southwest quarter of Section 34 , Township 49 North, Range 24 West are not proposed for abandonment as those segment continue to provide public drainage benefits.</p>	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Approve State Ditch 86 partial abandonment resolution	
Financial Impact: <div style="display: flex; justify-content: space-between;"><div><p><i>Is there a cost associated with this request?</i></p><p><i>What is the total cost, with tax and shipping? \$</i></p><p><i>Is this budgeted?</i></p></div><div><div style="display: flex; align-items: center;"><input type="checkbox"/> Yes</div><div style="display: flex; align-items: center;"><input checked="" type="checkbox"/> No</div></div><div><p><i>Please Explain:</i></p></div></div>	

Revised Engineer's Report

U.S. Steel Petition for Partial Abandonment

Portions of State Ditch 86 and Fire Relief Commission Ditch B

(revisions shown in red)

A petition was received from U.S. Steel on December 29, 2022 requesting partial abandonment of four segments of public drainage ditch systems as follows:

1. Lateral 1 of State Ditch (SD) 86 located in Sections 3 and 4, Township 48 North, Range 24 West totaling approximately 1 mile in length
2. Lateral 2 of State Ditch (SD) 86 located in Sections 4 and 5, Township 48 North, Range 24 West totaling approximately 1 mile in length
3. Lateral 3 of State Ditch (SD) 86 located in Sections 5 and 6, Township 48 North, Range 24 West totaling approximately 1 mile in length
4. Designation unknown, County GIS map labeled as Fire Relief Commission (FRC) B located in Sections 33 and 34, Township 49 North, Range 24 West totaling approximately 0.5 mile in length

A site visit was conducted on May 3, 2023 with a representative of U.S. Steel to view the segments of ditch included in the petition for partial abandonment.

Segment 1: Lateral No. 1 State Ditch 86

Description: From the southwest corner of Section 3, Township 48 North, Range 24 West at it's intersection with the main ditch of SD 86, then north approximately 1 mile to the northwest corner of Section 3, Township 48 North, Range 24 West.

Direction of Flow: The original gradient of this lateral was 0.02% toward the main ditch (south). However, during the site visit on May 3, 2023, there was a very subtle flow of water north to FRC-B as described in Segment 4 and continuing on to the main ditch of County Ditch 4. **The flow of water in Lateral No. 1 likely changes from flowing both to the north and to the south, depending on local hydrologic conditions at the time.**

Watershed Property Ownership: Due to the proximity of the main ditches of both SD 86 and CD 4, the **original designed** watershed area of Lateral No. 1 of SD 86 is limited to portions of Section 3 and 4, Township 48 North, Range 24 West. With the exception of the southwest quarter of Section 4, which is publicly owned, these two sections of land are owned entirely by the petitioner. **However, when this lateral flows to the north as indicated above, the watershed is potentially expanded to include property located in Sections 7, 8, and 9. Abandonment of this lateral could therefore affect the drainage of lands in Sections 7, 8 and 9 at times when the ditch flows to the north.**

Segment 2: Lateral No. 2 State Ditch 86

Description: From the southwest corner of Section 4, Township 48 North, Range 24 West at it's intersection with the main ditch of SD 86, then north approximately 1 mile to the northwest corner of Section 4, Township 48 North, Range 24 West.

Direction of Flow: The original gradient of this lateral was 0.02% (south) toward the main ditch. The south half of this lateral has not been maintained as a ditch and is non-existent today. The north half of this lateral has been maintained and altered to flow to the north to a system of private ditches that connect to the main ditch of CD 4.

Watershed Property Ownership: Due to the proximity of the main ditches of both SD 86 and CD 4, the **original designed** watershed area of Lateral No. 2 of SD 86 is limited to portions of Section 4 and 5, Township 48 North, Range 24 West. The southwest quarter of Section 4 and the south half of Section 5 are publicly owned. All other land within Sections 4 and 5 are owned entirely by the petitioner. **With alterations to this lateral to cause it to flow to the north, the watershed area is still contained to portions of Section 4 and 5**

Segment 3: Lateral No. 3 State Ditch 86

Description: From the southwest corner of Section 5, Township 48 North, Range 24 West at it's intersection with the main ditch of SD 86, then north approximately 1 mile to the northwest corner of Section 5, Township 48 North, Range 24 West.

Direction of Flow: The original gradient of this lateral was 0.033% toward the main ditch (south). The south half of this lateral has not been maintained as a ditch and is non-existent today. The north half of this lateral has been maintained and altered to flow to the north to a system of private ditches that connect to the main ditch of CD 4.

Watershed Property Ownership: Due to the proximity of the main ditches of both SD 86 and CD 4, the **original designed** watershed area of Lateral No. 3 of SD 86 is limited to portions of Section 5 and 6, Township 48 North, Range 24 West. The south half of Section 5 and the south half of Section 6 are publicly owned. All other land within Sections 5 and 6 is owned entirely by the petitioner. **With alterations to this lateral to cause it to flow to the north, the watershed area is still contained to portions of Section 5 and 6.**

Segment 4. Designation unknown – Fire Relief Commission Ditch B

Description: From the west quarter corner of Section 34, Township 49 North, Range 24 West at it's intersection with the main ditch of County Ditch 4, then south 0.5 mile to the southwest quarter of Section 34, Township 49 North, Range 24 West.

Direction of Flow: The original gradient of this ditch is unknown since there are no records available for FRC-B. During a site visit on May 3, 2023, there was a very subtle flow of water north to the main ditch of CD 4.

Watershed Property Ownership: Due to the proximity of the main ditch of CD 4, the **original designed** watershed area of this ditch is limited to the south half of both Section 34 and 35, Township 49 North, Range 24 West, all of which is owned entirely by the petitioner. **However, this ditch also provides an outlet for the private ditch on the north side of Section 3 that likely, at times, provides a drainage outlet for the County Highway 62 road ditches. Abandoning this lateral would therefore potentially affect the ability of the private ditch on the north side of Section 3 to provide a drainage outlet for County Highway 62.**

John Welle
Digitally signed by John Welle
Date: 2023.07.05 10:51:54
-05'00'

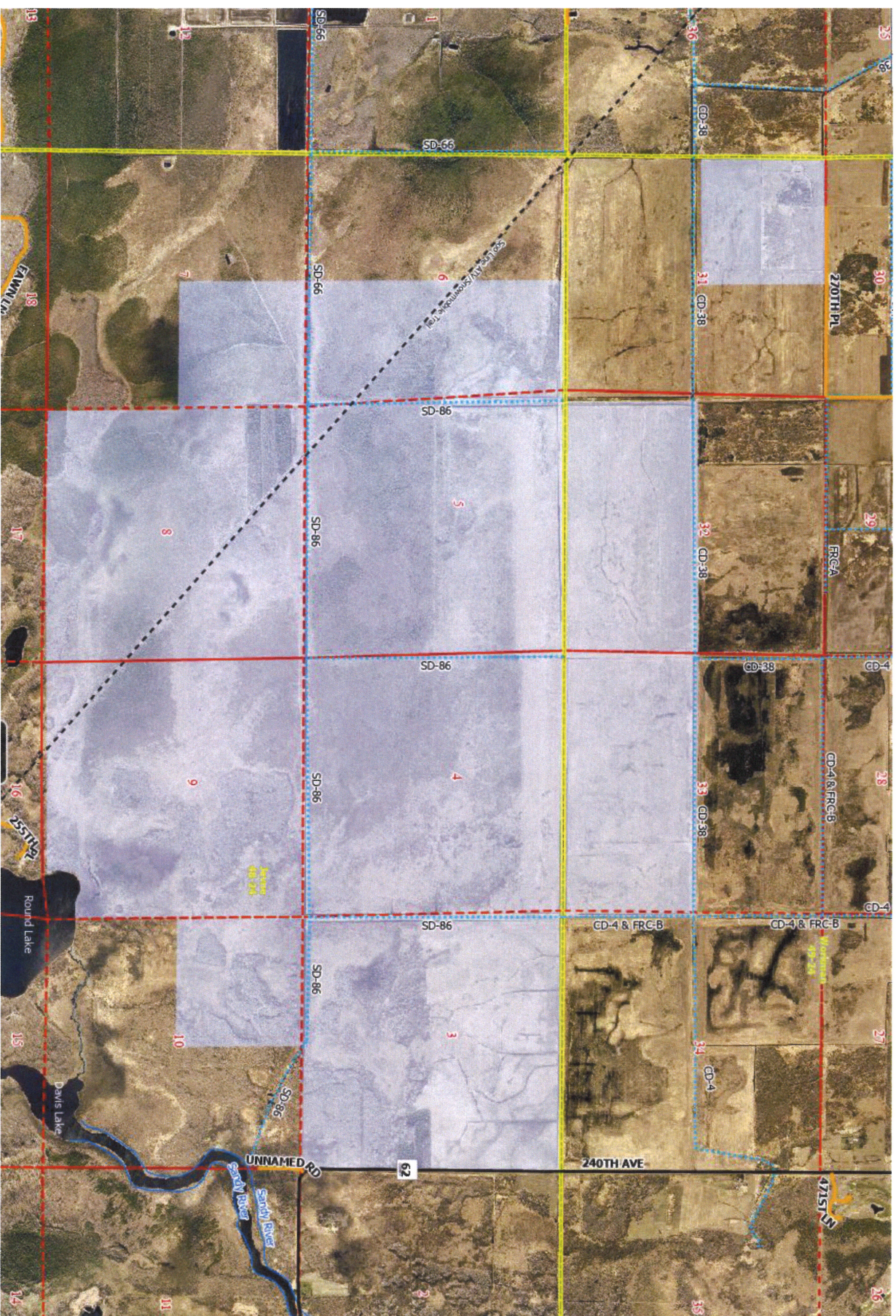
John Welle P.E.
Aitkin County Engineer

7-5-23
Date

Original Ditch Map

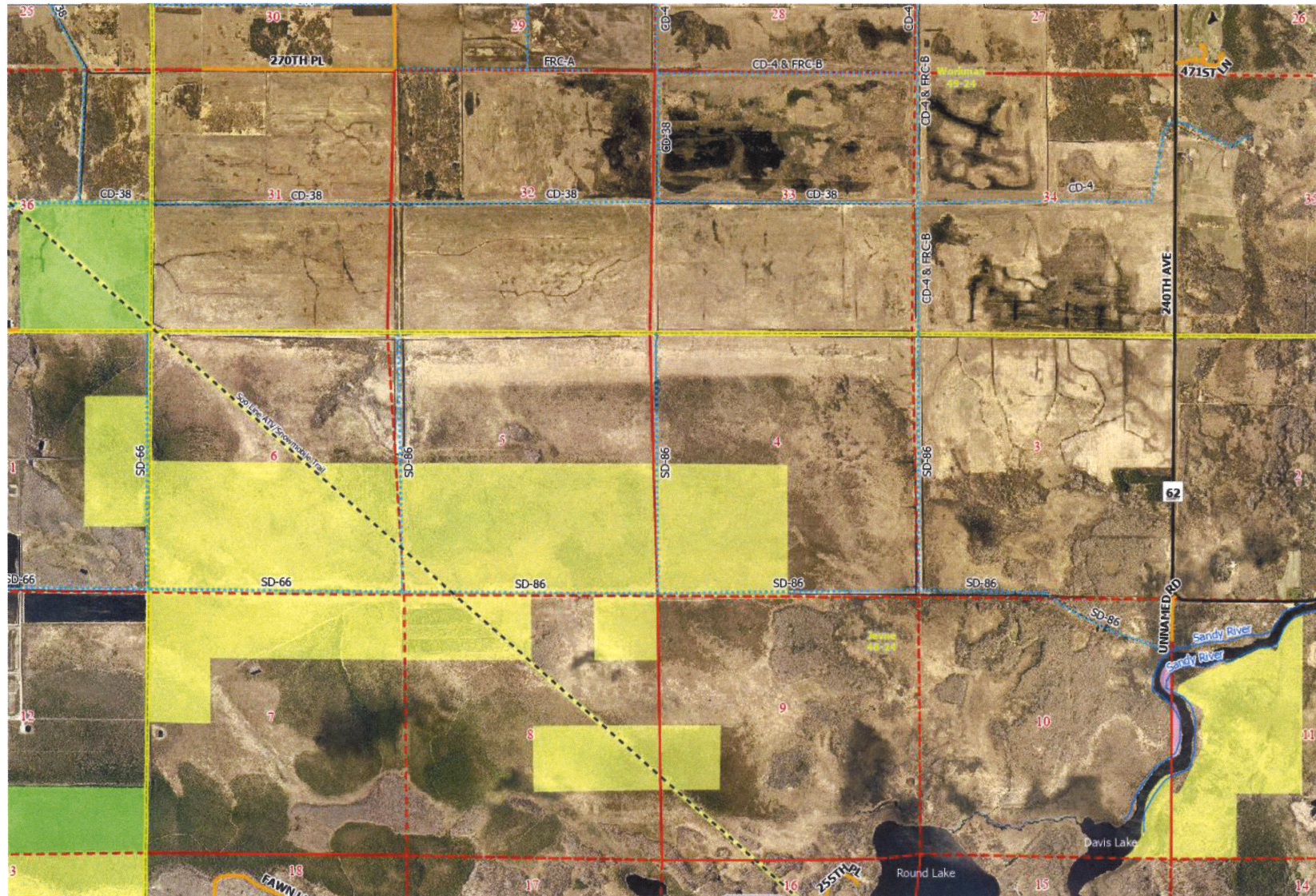


State Ditch 86 Assessment Area



Public/Private Property Ownership

(public shown in green and yellow)





U. S. Steel Corporation
Minnesota Ore Operations
P.O. Box 417
Mt. Iron, MN 55768

December 29, 2022
Mr. Kirk Peysar
Aitkin County Auditor
Mr. John Welle
Aitkin County Engineer
307 2nd St NW, Room 121
Aitkin, MN 56431

RE: Petition for Partial Ditch Abandonment of a Drainage System within Sections 3, 4, 5, and 33 of Workman Township (T.49N.-R.24W.) Aitkin County, Minnesota

Dear Mr. Peysar and Mr. Welle,

United States Steel Corporation – Minnesota Ore Operations (U. S. Steel) is submitting this petition for ditch abandonment at the locations referenced above pursuant to Minnesota Statute 103E.806, “Partial Abandonment of a Drainage System.” Per Minnesota Statutes 2010 103E.806, this petition is being filed with the Aitkin County Auditor.

This ditch abandonment request is a part of U. S. Steel’s Palisade 4 wetland mitigation project site (P4 Site), through which, many miles of private and public ditches flow (Figure 1). The P4 Site encompasses approximately 2,050 acres owned by U. S. Steel. Northern portions of the ditches on the P4 Site generally flow west and north into County Ditch 38 (CD-38), which conveys water to the west (Figure 1). County Ditch CD-38 lies between the P4 Site and the Palisade Site (an existing wetland bank site) to the north and flows through the middle of Sections 32 and 33. Southwestern portions of the P4 Site generally drain to the south into Public Ditch SD-86 on the southern edge of Sections 3 and 4 that flows west. The proposed public ditch abandonments described below include segments of public ditches that benefit only U. S. Steel property. The plan to abandon private ditches includes provisions to maintain drainage from all adjacent private property.

Please review the ditch map (Figure 1) showing what U. S. Steel believes to be the original Ditch Authority’s ditching system. The map also shows private ditches that have been altered, and re-piped resulting in the present-day conditions.

U. S. Steel is requesting permission to abandon the following ditch segments, which are further described in the attached supporting documents:

Section 33:

The segment of public ditch CD-4 and FRC-D along the east side of the SE quadrant

Section 3:

The segment of public ditch SD-86 along the west side of the section

Section 4:

The segment of public ditch SD-86 along the west side of the NW quadrant

Section 5:

The segment of public ditch SD-86 along the west side of the NW quadrant

Please note that County Ditch CD-38, which runs along the north edge of the south half of Sections 33 and 34, will remain open and functioning for neighboring properties to the north and east. Public ditch SD-86 adjacent to other private landowners along the south project boundary will also remain open and maintain drainage from their properties.

Should there be any questions about this submittal or if you require additional information, please contact me at (218) 778-8672 or via email at byjones@uss.com.

Sincerely,



Bethany Jones
Minnesota Ore Operations
United States Steel Corporation

CC: Bryan Yagle, U. S. Army Corps of Engineers
Colleen Sullivan, MN DNR
Chrissy Bartovich, U. S. Steel



CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED May 28, 2024

By Commissioner: xxx

20240528-xxx

Partial Abandonment of State Ditch 86

WHEREAS, a petition from U.S. Steel Corporation dated December 29, 2022 was received by County Auditor Kirk Peysar requesting a partial abandonment of several segments of State Ditch 86 located in Sections 33 and 34, Township 49 North, Range 24 West and Sections 3, 4, 5, and 6, Township 48 North, Range 24 West, and

WHEREAS, a public hearing was held on July 11, 2023 to consider information provided in the Engineers Report dated July 5, 2023 and to gain public input regarding the proposed partial abandonment.

NOW, THEREFORE, based on evidence provided at the public hearing, the Aitkin County Board of Commissioners, acting as the Drainage Authority for State Ditch 86, make the following findings of fact:

1. That Lateral 1 of State Ditch 86 located approximately from the southwest corner of Section 3, Township 48 North, Range 24 West to the northwest corner of said Section 3 serves a substantial useful purpose as part of the drainage system.
2. That the portion of Fire Relief Commission Ditch located approximately from the northwest corner of said Section 3 to the east quarter corner of Section 34, Township 49 North, Range 24 West serves a substantial useful purpose.
3. That Lateral 2 of State Ditch 86 located approximately from the southwest corner of Section 4, Township 48 North, Range 24 West to the northwest corner of said Section 4 does not serve a substantial useful purpose as part of the drainage system
4. That Lateral 3 of State Ditch 86 located approximately from the southwest corner of Section 5, Township 48 North, Range 24 West to the northwest corner of said Section 5 does not serve a substantial useful purpose as part of the drainage system

NOW THEREFORE BE IT RESOLVED, that Lateral 2 of State Ditch 86 located approximately from the southwest corner of Section 4, Township 48 North, Range 24 West to the northwest corner of said Section 4 and Lateral 3 of State Ditch 86 located approximately from the southwest corner of Section 5, Township 48 North, Range 24 West to the northwest corner of said Section 5 are hereby abandoned.

BE IT FURTHER RESOLVED, that Lateral 1 of State Ditch 86 located approximately from the southwest corner of Section 3, Township 48 North, Range 24 West to the northwest corner of said Section 3 and that portion of Fire Relief Commission Ditch located approximately from the northwest corner of said Section 3 to the east quarter corner of Section 34, Township 49 North, Range 24 are not abandoned.

Commissioner xxx seconded the adoption of the resolution and it was declared adopted upon the following vote

xxx MEMBERS PRESENT

All Members Voting xxx

**STATE OF MINNESOTA}
COUNTY OF AITKIN}**

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 28th day of May 2024, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 28th day of October 2024

Jessica Seibert
County Administrator