

**Erick Kaardal**

**Legislative Requests: Suspension of OHF Funding for RRWD and Opposition to the Members of the MN House Legacy Committee at the Informational Meeting on the Roseau Lake Phase 3 Funding Request**

Introduction: Mr. Chair and Members of the Committee, my name is Erick Kaardal, and I represent a coalition of Roseau County landowners directly impacted by Roseau River Watershed District projects. I am here today to formally request that this body coordinate with the Lessard-Sams Council to suspend all further Outdoor Heritage Fund appropriations to the RRWD.

The Core Conflict is Over Statutory Violations. The reason for this request is simple: statutory compliance. Under Minnesota Statutes § 97A.056, OHF money is strictly prohibited from being used to acquire property via eminent domain without owner consent. However, the RRWD is currently bypassing these protections through what are known as 'physical takings'—essentially seizing private land and resources without commencing the required Chapter 117 eminent domain proceedings or offering compensation.

There is Evidence of RRWD Overreach. There are currently two federal lawsuits documenting these practices:

- **Unauthorized Seizure:** The RRWD trespassed on private land to seize over 120 truckloads of privately owned soil for project use without consent.
- **Illegal Construction:** They have built permanent dam structures where roughly 20 percent of the footprint sits on unpurchased private land.

- Uncompensated Flooding: These structures are causing active flooding on private acreage without any legal right-of-way or compensation."

The RRWD is Circumventing the Law. Furthermore, the RRWD is treating private land as its own by asserting 'right-of-way easements' in drainage records that have never been paid for or recorded with the county. This is a clear attempt to circumvent the law and use state funds to facilitate projects on land they do not legally control.

In conclusion, we are asking for a pause in funding as any activity on the Roseau Lake Rehabilitation project Phase 3 or any other construction or activity is a violation. Funding should be suspended to allow for a comprehensive state and federal investigation into these procedures and to let the federal courts determine the legality of these practices. We must ensure that taxpayer-approved Legacy funds are not being used to violate the constitutional and civil rights of Minnesota citizens. Thank you.

## **Regarding Opposition to Roseau Lake and River Projects for the House Legacy Informational Meeting**

**Wednesday, April 8, 2026 10:15 a.m.**

**To: Members of the House Legacy Committee**

**From: Roseau County Landowner Coalition and Plaintiffs / Represented by Maxwell Becker**

### **Widespread Community Opposition**

There is significant and growing opposition among the people who actually live and farm in the project areas. Currently, a coalition of over 40 landowners is formally challenging these projects. However, the scope of the opposition is much broader, as approximately 100 landowners in the Roseau Lake and Roseau River areas are currently affected or will be affected by the phases being planned and carried out.

### **Evidence of Physical and Financial Harm**

The opposition is rooted in documented physical takings and financial damage that the District has failed to address through proper legal channels:

- **Unauthorized Construction:** Landowners have identified instances where the District constructed a weir/dam structure with 20 percent of the footprint sitting on unpurchased private land.
- **Seizure of Private Property:** The District trespassed onto private property to destroy historical, privately maintained embankments and seized over 120 truckloads of compacted clay soil for project use without compensation.
- **Crop and Economic Loss:** Construction activities, such as the complete blockage of drainage ditches and the overtopping of new weirs, have caused "drowned out" crops—specifically soybeans and flax—directly impacting the primary source of income for these multi-generational family farms.

### **Procedural Due Process Concerns**

Landowners are opposed to the District's use of "phony" right-of-way easements that do not exist in the state or county property recording systems. By using these undocumented claims, the District avoids the Chapter 117 eminent domain process, which would otherwise guarantee landowners the right to:

- Proper notice and specific project specifications.
- Court-appointed, disinterested appraisers to determine fair market value.
- Reimbursement of attorney fees and legal costs.

## **Conclusion of the Landowner Coalition**

The consensus among the opposed landowners is that the District's right-of-way customs and practices are part of a deliberate effort to saturate thousands of acres of private land without providing just compensation. They are requesting that all further Outdoor Heritage Fund disbursements be halted until the judicial branch can rule, and the District complies with constitutional eminent domain procedures and respects the recorded property rights of Roseau County citizens.

## **Opposition to House Legacy Committee Funding for the Roseau Lake Rehabilitation Project**

My name is Kurt Kveen. I am a proud Roseau landowner and fifth-generation farmer. My family established our homestead on this land in the 1890s, and I am extremely opposed to the Roseau Lake Rehabilitation Project. This project was imposed upon us without our consent. The Roseau River Watershed District (RRWD) and the Minnesota Department of Natural Resources (MNDNR) cannot move forward without forcibly acquiring our property. They do not have any recorded easements, which I confirmed with the Register of Deeds/Recorder's Office in August 2023. There have been no easements for the 110 years this land has been privately owned and farmed.

### **Personal and Financial Impacts**

Over the past fourteen years, we have gained significant experience in dealing with this situation. We are not attorneys, engineers, or government officials tasked with spending millions of dollars—we are private citizens who have invested our entire lives in working our land, our family farms. Despite our efforts to call for transparency and be heard to resolve these issues, we have been forced to hire attorneys and engineering professionals at our own expense, while the RRWD and MN DNR use public funds and retain a stable of lawyers and engineers. The financial burden has been heavy, but the time lost fighting this battle is an even greater hardship. My father, who is 84, and my uncle, who is 83, rely on the income from our farm as their retirement, something they have worked toward all their lives. My father recently expressed his concern that he never thought he would be fighting this for the rest of his life, and now he worries that I will have to continue the fight.

### **Lack of Transparency and Misrepresentation**

We find ourselves fighting against a system that does not seem transparent. Recently, I read an article published by the Red River Farm Network in which Jason Braaten, a member of the watershed district board, referred to this project as flood reduction. If that is the case, why is the watershed district seeking funding intended for habitat restoration? On March 21 of this year, Jason Braaten again referred to the project as flood reduction. The two watershed Board members with land in the project areas have dikes that have been built up to 4 ft and have culverts. Other farmers have only 1 ft dikes. This raises serious questions about the true purpose of the project and the justification for the requested funds. We ask that you pause funding while the multiyear legal case against the watershed wraps up.

April 7, 2026

RE: Roseau County Watershed, Engineering Concerns

To Whom It May Concern,

I am representing the Minnesota (MN) Landowners Coalition, a collection of farmers being impacted by projects purported to be for flood control or habitat restoration, whatever is convenient for the watershed representatives and State of MN representatives to say depending on the funding source. MN DNR and the Roseau River Watershed District want to complete the project. They claim the project provides flood control and ecological conservation. As a professional engineer, I have reviewed multiple documents and information over the past 6-1/2 years and have found the following flaws with the projects being pursued in Roseau County.

- Several thousand acres of farmland are being impacted, at the significant expense of the farmers in the Roseau Lake area, most notably loss of homes and livelihood.
- The project is not technically justifiable, as the flood control benefit is minimal. Only 300 acres of upstream mapped flood zone area reduction would occur (or 5% of the pre-project flooded area).
- The only supporters of this project are the Braatens and the Johnsons, who ironically are also the only landowners who will realize a benefit.
- The project produces insignificant flood reduction for large storms/river flow events, such as those that will occur every 5 years and less frequently, which will have greater intensity and potential for greater damage.
- The most significantly impacted area is also the most fertile farmland in the state of Minnesota. To see a graphic illustration of the fertility of this farmland, I urge you to look at the latest Google Earth aerial to see its lush-green color.
- Most states, such as in Ohio, will ethically obtain farmland for public works projects by working cooperatively with the farmer/owners and paying them fair market value for affected farmland. Why is Minnesota not properly compensating farmers for the farmland that the state (or watershed group funded by the state) is taking or causing to flood?

I request that you carefully review the facts, and take seriously the ethics of these projects and their impact to farmer landowners. We engineers are sworn to be ethical. I challenge Minnesota's politicians to do the same.

Sincerely,  
CTL Engineering Inc.



Patrick E. Nortz, C.P.G., P.E.  
Principal of Environmental Services  
MN Professional Engineer #57519

Chair, Vice Chair, and Members of the Committee, thank you for the opportunity to speak.

My name is Mitch Magnusson. I live just south of the proposed Roseau Lake project, and for nearly 60 years I have farmed or worked the land on three sides of the Roseau Lake Bottom. I know this area's water behavior firsthand.

The first point I want to make is that the current operating system already works. It keeps flooding to a minimum, and it does so with zero operating cost. This is not a broken system in need of replacement.

When the Watershed District first proposed this project, it depended on purchasing flood easements on private land. But landowners were never told what compensation would be, and many did not want their land intentionally flooded. When we raised concerns, the District changed the project alternative and removed some private land from the footprint — but the core design stayed the same, especially on the north side where the dikes, weirs, and control structures remain.

The new design creates serious risk for those of us around the project. The DNR's new dike is built to 1036, with 1034-foot weirs, while private dikes only protect to 1031.5. That means water can be held back three feet higher than our protection allows. Instead of using the 25,000 acre-feet of storage available on DNR land, the plan can end up forcing water into a narrow river channel. I've seen 2,200 CFS coming down the river with only a fraction leaving — that is not safe for the surrounding landowners. Their plan for a similar project to the west plans to block channels also which will be devastating to those people in the Roseau River Restoration and Roseau Lake Rehabilitation projects.

I served on the Project Work Team, the Alternative Committee, and the Operating Plan Committee. But in reality, the Alternative Committee met once, and the Operating Plan Committee never met at all. The operating plan was written without landowner involvement, and we didn't even see it until the public hearing where it was presented for approval. It felt like our presence was used to claim "landowner involvement," not to actually include our input.

There are also unresolved legal issues around easements and land rights. Moving forward with funding before those issues are settled puts landowners at risk and undermines trust.

For these reasons, I respectfully ask the committee to pause funding for this project until the legal questions are resolved and until the DNR and the Watershed District demonstrate a willingness to work with landowners in a transparent and collaborative way.

Thank you for your time.

# Opposition to House Legacy Committee Funding for the Roseau Lake Rehabilitation Project

Dear Mr. Chairman and Distinguished Members of the Committee,

My name is Debby Stone, and I represent the **Minnesota Landowners Coalition, a group of more than 75 landowners in Roseau County** who oppose projects in the Roseau River Watershed District. (RRWD). In addition to supporting the landowner coalition, I am the great granddaughter of a landowner impacted by this project. My family are multigenerational landowners since the 1890s whose land lies directly within the proposed Roseau Lake Rehabilitation Project the Lessard-Sams Outdoor Heritage Council is considering additional funding for.

On behalf of our farmers and our families, I am here to strongly oppose funding for this project. Many of our landowners are older and the 6.5 hr. drive is just too much for them. The idea of losing their land is a very heavy burden. So, on behalf of them, I urge you in your roles as legislators to halt funding. Landowners, our engineer, and our legal counsel will also speak to you today to brief you on the journey to oppose this project and how this affects them.

## Recent Developments and Legal Concerns

Just this week, a formal complaint was filed against the unauthorized use of Outdoor Heritage Funds. The project is advancing without properly identifying private land, resulting in eminent domain abuses, underestimated costs and concealed catastrophic impacts on farmers, their homes and their land. This issue is now central to a major federal legal challenge our legal counsel will outline for you today. On March 17<sup>th</sup> the Senate Committee voted unanimously to halt funding, and we ask you to also pause this funding.

## Impact on Landowners and the Region

The flooding the Roseau Lake Rehabilitation project and Roseau River Restoration project will impact the whole region and will disrupt the farming community in Roseau County. As I shared with the Senate Committee, if you have been to Roseau, you know that farming, Polaris, and Marvin Windows are main sources of jobs in the area. And while the District and the DNR use words like conservation, restoration, and rehabilitation, they are putting their heavily publicly- funded projects and programs in front of the farmers and landowners -- **literally choosing and prioritizing ducks over people. From our vantage point, it doesn't feel very American.**

Although the MN DNR and RRWD like to only reference a project or phase, the cumulative impacts are far reaching. **Confirmed by three expert hydrologists, over 100 landowners and more than 12,600 acres of private land, homes and farms are affected overall.** Eight counts of constitutional violations are alleged in Federal Court, and that case is making its way through the court and will not conclude until the end of 2026 with more landowners joining as they understand what is going on and how it impacts them.

Proceeding with funding while litigation is ongoing would further harm our families with the burden of funding litigation, disrupt farming operations, and further threaten landowner rights. The District disregards over a century of landowner investment and improvements, undervaluing property and misrepresenting the project's true impact. Construction has already begun using hidden easements without notice, process, or compensation, eroding public trust and violating landowner rights. In addition, **several landowners in the Roseau Lake and Roseau River project areas voice concerns of retaliation and the special interests of a few have eroded the process.** This is something that will take time to address.

For these reasons, I urge the Council to listen to the landowners and their experts and **withhold funding until the legal and procedural issues are fully resolved. We ask you in your positions in the legislature to support us in literally the most important fight of our lives.** Thank you for your time and for your commitment to responsible stewardship of public funds.

## **Testimony Opposing Funding for the Roseau Lake Rehabilitation Project**

Dear Chairman and Members of the Committee,

I am Vangie Byfuglien, resident of Roseau. I am retired and my family all live and farm in Roseau, and I am requesting that funding for the Roseau River Watershed District be halted. The community is very concerned with projects that are not maintained. In fact, there are many projects the District has undertaken where the community has registered concerns with the lack of maintenance that affects farming and crop production.

With regard to the Roseau Lake Rehabilitation project and the Roseau River restoration projects, a federal lawsuit involving about 100 landowners and over 12,600 acres of private farmland, peoples homes, barns, quonsets, and other buildings are at risk. The lawsuit alleges multiple constitutional violations, including eminent domain abuse of local landowners and my family are affected by this.

Expert hydrologists have found the project will not reduce flooding as promised, which could displace farming families and harm local economies. The District has not properly identified private lands within the project area, leading to underestimated costs and concealing true impacts—an issue central to the federal case. Historical land improvements and investments have also been ignored, misrepresenting property values and project effects.

Meaningful public participation has been lacking; promised documents were withheld and meetings proceeded without proper engagement. The District has provided incomplete information and has already begun construction despite ongoing objections and legal counsel involvement.

For these reasons, I urge the Committee to pause funding until legal and procedural matters are resolved. Our landowner group, coalition, and legal team are available for further discussion.

Thank you.

Vangie Byfuglien

Roseau MN

## **SF4304 Outdoor Heritage Fund: Appropriation and Prior Appropriations Extension and Modification**

### **Testimony Opposing Funding for the Roseau Lake Rehabilitation Project**

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Thank you.

Vangie Byfuglien

Roseau MN

Chair and Members of the Committee,

My name is Monica Dohmen. Thank you for this opportunity to speak. I want to raise an urgent concern regarding the Roseau River Watershed District's request for Lessard-Sams Outdoor Heritage Council funding.

The Watershed District is currently in an active court case with dozens of rural residents in Roseau County. This litigation directly involves the same project for which they are seeking state funds. Approving funding now would create a serious risk for taxpayers and for the citizens involved in the lawsuit.

If the Watershed District receives funding before the case is resolved, the project could be built and completed long before the court reaches a decision. That means:

- **Taxpayer dollars could be spent on a project that may ultimately be found unlawful or improperly approved.**
- **Local landowners would face irreversible impacts, including the possibility of their land being intentionally flooded by dams that are higher than any other flood-control structures in the floodplain.**
- **Residents could be forced into a situation duplicating eminent domain, not through a formal process, but through the consequences of the project itself.**

This is not simply a disagreement over design. It is a situation where the project's physical impacts — including the intentional flooding of private land — cannot be undone once construction completes. Even if the citizens win in court, the watershed district would still have achieved its objective, while the affected landowners would be left with only partial compensation and no meaningful remedy.

For these reasons, I respectfully urge the committee to **delay any allocation funding until the ongoing litigation is fully resolved**. This is the only way to ensure that taxpayer money is not spent prematurely and that the legal rights of local citizens are not rendered meaningless by the timing of construction.

Thank you for your consideration.