

BUFFALO-RED RIVER WATERSHED DISTRICT

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Revised Watershed Management Plan Hearing Minutes Hildebrand Hall, Barnesville, MN March 18, 2010

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a hearing regarding their Revised Watershed Management Plan (RWMP) on Tuesday, March 18, 2010, at 7:00 PM in Hildebrand Hall, Assumption Catholic Church, Barnesville, MN. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, Gerald L. VanAmburg, and Curtis M. Nelson. Others attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, and Julie Jerger, BRRWD Administrative Assistant, Houston Engineering, Inc. (H.E.); Pete Waller and Brian Dwight, Minnesota Board of Water and Soil Resources (BWSR); Tom Langseth, Chairman, Pelican Township, Otter Tail County; Mark Carr, Chairman, Elkton Township, Clay County; Frank Schindler, Chairman, Barnesville Township, Clay County; Fred Hansen, Jr., Chairman, Meadows Township, Wilkin County; and landowners: Dale Dinger, Ken Schellack, Alvin Hansen, Merle Nelson, Laura & Al Johnson, Joseph Kieselbach, Doris Dibley, Larry Rogers, Brian K. Halverson, Robert O. Faulkner, Kurt Krueger, and Jim Haick.

Chairman Ellefson called the hearing to order at 7:00 PM and explained that the purpose of tonight's hearing was to take testimony regarding the BRRWD's proposed RWMP. He introduced the BRRWD Board and staff. He announced that the proceedings were being recorded to aid in preparation of the minutes, and asked that the audience state their names when giving testimony or comments.

Albright gave an overview of the meeting agenda and urged the attendees to state their name when making comments or giving testimony. Albright introduced the agency representatives. He gave a brief history of the BRRWD and the RWMP process. He noted that the predecessor of the BRRWD, which was the South Buffalo Watershed District, was started in 1960. The BRRWD is actually celebrating their 50th Anniversary this year. In 1976, following the 1975 summer flood, the BRRWD was enlarged and changed to the BRRWD. The first Comprehensive Plan and the BRRWD Rules were adopted in 1979, after the BRRWD's existing boundaries were established. The current Plan was adopted in 1998. According to Statutes, Watershed Management Plans should be revised every ten years. Albright explained that the new Plan is much more detailed than the earlier versions and has been designed to be used on a regular basis. He stressed the idea that the citizens within the BRRWD are the driving force behind the BRRWD's mission. During the planning process, we organized Citizen Advisory Committees (CAC) and Technical Advisory Committees (TAC) for each planning region to help the Board determine the BRRWD's goals/objectives. Albright discussed the state guidelines/statutes (Minnesota Statutes Annotated (M.S.A.) 103D.405) regarding the Plan and its provisions and adoption. He noted that a copy of the draft Plan is available for public review in our office, and the Plan can also be viewed online on our website (www.brrwd.org). He discussed the State mandate regarding the Mediation Agreement and the inclusion of a requirement for a comprehensive Watershed planning process within that Agreement. BWSR also has guidelines regarding the planning process, and they will be holding a hearing on the BRRWD's RWMP in the near future. The next BWSR presentation is before the Northern Planning Committee, who are BWSR representatives. The final hearing is before BWSR in St. Paul. Albright asked that the audience sign the attendance sheet and fill out the one-page questionnaire before they leave the meeting. He noted that the official comment period for the RWMP ends on 3/27/10.

Albright gave a PowerPoint presentation of the draft RWMP, summarizing the contents of the Plan. A copy of his presentation and the draft plan are on file in the BRRWD office in Barnesville. He discussed

the seven planning regions the BRRWD established based on drainage boundaries to be able to clarify issues and problems on a regional basis. A TAC and a CAC was established for each region. Public input meetings were held within each planning region. Jones developed a hydrologic model of the BRRWD, and we worked with the Minnesota Center for Environmental Advocacy (MCEA) to complete a Natural Resource Assessment. This information was used to establish natural resource enhancement (nre) goals for each region. Issues the Plan will address on a region-wide basis include data collection and management (LiDAR aerial data collection), education, erosion and sediment control, flood damage reduction, long range work planning and financing, and water quality. Issues that are taking the forefront for future action includes: impaired waters, National Pollutant Discharge Elimination System (NPDES) permitting, wetland regulations, groundwater planning, tile drainage, drought planning, irrigation, ethanol production, increased water use, possible changes to Drainage Law regarding bufferstrips, land use changes, floodplain management, and shoreland management. The BRRWD has developed a District mission statement: "To alleviate flooding, and to manage water resources of the District in a manner that best protects this valuable resource." Jones pointed out that the BRRWD recognizes that their main job is to alleviate flooding within the district, but there are other emerging issues that also require their attention. He discussed the goals, policies, and programs that have been designed to support the statement. The BRRWD has a website that they can use to disseminate information, and they provide financial support to several environmental/educational organizations, such as River Keepers in Moorhead. Other programs that the BRRWD supports financially are farmstead ringdikes, well-head protection, bufferstrip installation, and surface water quality enhancement/best management practices in conjunction with their current Total Maximum Daily Load (TMDL) Study.

Jones discussed the Regional Assessment Locations (RALs) feature of the RWMP. There are 25 RALs within the BRRWD, which can be assessed for single or multiple parameters, can be broken into seven primary sites and the remaining secondary areas with at least one RAL per planning region. RALs can be used to measure/sample various water features within the region so that the results will be useful to a variety of agencies for managing water quality/quantity throughout the BRRWD. RALs will be used to determine the success of the RWMP over time, and the monitoring plan will allow long-term tracking of trends regarding hydrology, water quality, stream health, and geomorphology. Jones also discussed the modeling that has been completed to establish runoff reduction goals (120,000 to 135,00 acre-feet of additional water storage capacity), flood damage reduction (fdr) goals by reducing peak discharge rates, (ex. 20% for the 100-year), determining peak contribution timing zones to the Red River, which include early (3 days), middle (3-7 days) and late (7-10 days), and 10-year nre goals by adding grassland, storage, wetlands, and bufferstrips based on planning regions. Jones explained that in this Plan, goals are established, problem areas are targeted within the RAL, and implementation strategies are identified.

Jim Haick asked about the location of Rothsay on the Natural Resource Assessment map that was developed with data provided by the MCEA Study, the United States Fish and Wildlife Service (USFWS), and the Minnesota Department of Natural Resources (DNR) Wildlife.

Jones discussed the BRRWD's water quality and biological integrity goals, which will be followed to meet the State standards with "good" or better scores. Currently, the BRRWD is conducting a watershed-based TMDL Study, as a pilot project with the Minnesota Pollution Control Agency (MPCA). He noted that fisheries samples last summer indicated that fish populations are quite healthy within the BRRWD.

Albright explained the watershed management district (WMD) feature of the new Plan, which is basically a storm water utility fee that would provide supplemental/alternative funding for stormwater/runoff related projects based on stormwater contribution. There are four funding criteria for a WMD: runoff, sediment contribution, a combination of runoff and sediment contribution, or drainage area. At this time, it has been proposed that WMDs would be set up based on planning regions and could provide a source of matching funds for grant opportunities. To implement a WMD, several steps including public hearings are required

before BWSR would approve the action. There are a few areas in the BRRWD that are looking for limited local funding for specific projects, which could be provided by establishing a WMD. To add the option of establishing a WMD in the future, the BRRWD would have to amend their RWMP. If this option is included in the current plan, the time and expense needed to amend the plan could be avoided.

Jones pointed out that the seven appendices to the Plan are detailed "mini-plans" for each of the Planning Regions. He noted that the plan includes the development and refinement of the project implementation process to meet the requirements of the Red River Watershed Management Board (RRWMB), the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) Mediation Agreement, and the Army Corps of Engineers (COE) Concurrence Points. He also discussed the plan approval process.

Mark Carr noted that the retention projects the BRRWD has constructed seem to be working well. He asked if more sites are planned. Jones discussed the Manston Slough Restoration project in Wilkin County. Ellefson talked about past on-channel dam projects, and noted that because of environmental concerns, extensive on-channel dam projects are nearly impossible to implement. In the future, smaller retention sites will be developed, like the Whisky Creek retention site, the Henry Dam, and the Riverton Township Retention project. Jones noted that the environmental agencies are reluctant to issue permits for the large on-channel projects.

Alvin Hansen commented that the Whisky Creek Tributaries project has proved to be very beneficial. Manager VanAmburg commented on the Bois de Sioux Watershed District's large off-channel retention project.

Albright talked about an area near Sabin/Moorhead that might be a good site for a possible retention area. If a retention project in this area could hold back water for 7-10 days, it could help reduce peak flooding elevations in the Fargo-Moorhead area on the Red River of the North. Albright discussed the landlocked lakes/wetlands east of Barnesville that are creating significant problems for landowners, homeowners, and road authorities. The BRRWD is considering outlet projects to lower these water bodies in a controlled manner, which also creates a certain amount of retention by closing the outlet according to an Operation and Maintenance (O&M) plan when there is downstream flooding.

Albright explained the WMD process, according to M.S.A. 103D.729. He discussed ways that Drainage Law allows Watershed Districts to raise money for projects. Albright explained that the WMDs would be a tool the BRRWD could use to raise money for specific projects/programs from the people who benefit from them. Projects developed under Sections 103B.231, 103D.601, 103D.605, 103D.611, and 103D.730, can be funded by the creation of WMDs. The first two steps to establish a WMD can only be done by amendment to the Comprehensive Plan. Since the BRRWD is already in the process of updating their plan, the Board felt it would make sense to include the provision in their new plan so that we wouldn't have to go back through this process in the future if they wanted to make use of this statute. BWSR provides guidelines for Watershed Districts who wish to set up WMDs, which includes a Plan amendment to create the WMDs and BWSR approval of the plan amendment. The next six steps would only come after the District identified what the funding would be used for, the means to collect the revenue, a public hearing, establishment of a separate fund for the proceeds from the stormwater utility charges, and finally, any disputes regarding this process would be referred to BWSR for review.

Albright noted that another RWMP hearing will be held in the Community Center in Hawley on Tuesday, March 30, 2010, at 7:00 PM. He explained that we publicized the hearings by advertisements in the local newspapers and by notices mailed to over 300 landowners and agency/township representatives.

Brian Halverson asked about the number of retention sites the plan calls for. Albright said that the plan doesn't go into the detail of how many retention sites should be installed in a given region. The Plan

recommends a certain amount of storage to meet the designated goals. Retention could be achieved by projects, culvert sizing, or converting marginal lands to grass. Jones said that according to the Plan goals, the Hay/Stony Creek area should have 14,000-15,000 acre-feet of storage. He added that this goal might be hard to attain, but at least we have some sort of "game plan". Albright discussed the Riverton Township Retention and Manston Slough Restoration projects. He noted that the Oakport Flood Mitigation project is a large undertaking that has taken up a lot of the BRRWD's time. We hope to have it finished in the next year or two. Ellefson added that the BRRWD has also been involved with the Fargo-Moorhead Flood Diversion Study. This afternoon, Albright noted that the Metro Area Task Force voted to support the North Dakota Diversion as the Locally Preferred Project (LPP). He commented that no matter what side of the Red River the Diversion is located, there are going to be downstream impacts that will affect cities within the BRRWD. Halverson pointed out that downstream impacts could be alleviated with more upstream retention in both North Dakota and Minnesota. Albright agreed with Halverson. Ellefson pointed out that the BRRWD can only develop retention projects if landowners are willing cooperate. It's not easy to convince some landowners to participate in projects that take land out of production. The Board would rather not use condemnation to acquire land for retention projects. Albright hoped that with the new Plan, we will be installing more retention/detention in the future.

Jim Haick asked about the timeline for the RWMP adoption. Albright explained that we will receive written comments until 3/27/10. The BRRWD will hold another public hearing in Hawley on 3/30/10. BWSR has a hearing process they need to complete regarding Plan approval, which will take place in the next month or two. He listed several current projects that the BRRWD is working on at the same time as the RWMP process. The Plan also contains a self evaluation process that the Board should review every year to see if they are meeting the goals set forth in the Plan. Jones noted that the Plan will be used as a guide for potential projects. He hoped we would be able to complete at least one project per year that will satisfy Plan recommendations. Haick asked where the water comes from that will be held in the Manston Slough Restoration project. Albright explained that water drains from the eastern part of the BRRWD near Rothsay west to Trunk Highway (T.H.) No. 9, and water from this area goes to the South Branch of the Buffalo River via Wilkin County Ditch No. 13. Albright explained how flood damage reduction projects are funded through the State bonding bill.

Albright thanked the audience for attending the hearing. He reiterated how important landowner input is for the success of the RWMP and the BRRWD. He asked again if the attendees would sign the attendance sheet and fill out the questionnaire.

Ellefson asked if there were any other questions to come before the Board. Tom Langseth questioned how the BRRWD would determine when they would establish a WMD. Ellefson discussed the need for a project in the Wolverton Creek/Comstock Coulee area, as an example. There is no benefit area and a WMD would be the way to finance a project without assessing the whole District. The process includes public hearings and an appeal period. Albright stressed that the funding mechanism would be used on a local/planning region basis only if the landowners agreed to use this taxation method. A WMD could also be used to raise funds to match a grant for a particular area project. Ellefson explained that after he understood that this funding mechanism must originate through a project in accordance with Statute and used for a localized area, he felt it was a good idea and should be included in the RWMP as an option for landowners to get projects they need. Jones explained that the reason for including the WMDs in the RWMP was so that the first two steps could already be completed, and the tool would be available if ever needed. The BRRWD would have to go through the time and expense of a plan amendment process if the WMDs were not included in the revised plan.

Tom Langseth commented that he is from Otter Tail County and said that his County is not even represented on the BRRWD Board. Ellefson explained that back in the 1970s when landowners around Olaf Lake decided to petition out of the BRRWD, BWSR decided to eliminate the Otter Tail County

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BRRWD Manager appointment. Ellefson pointed out that there are a number of Otter Tail County representatives on the BRRWD Advisory Board, which meets on an annual basis. Anyone interested in serving on the Advisory Board should contact Albright or one of the Managers.

Chairman Ellefson asked again if there were any more testimony or comments to come before the Board. There being none, Ellefson adjourned the hearing at 8:30 PM.

Respectfully, prepared and submitted by

Bruce E. Albright, BRRWD Administrator