Pursuant to Minnesota Statutes Annotated (M.S.A.) 103D.745, and any other applicable statutes, the Board of Managers, Buffalo-Red River Watershed District (BRRWD), held the Final Hearing for Project No. 63, Grove Lake Outlet on Monday, October 20, 2008, at 7:30 PM in the Hildebrand Hall, Assumption Catholic Church, Barnesville, MN. BRRWD Managers present were Curtis M. Nelson, Roger G. Ellefson, E. Robert Olson, and Gerald L. VanAmburg. Others attending included: Bruce E. Albright, Erik Jones, and Julie Jerger, Houston Engineering Inc. (H.E.); Arvid Thompson and Lauren Peterson, Appraisers; Wayne Johnson, Dennis Carlbloom, and Stuart Restad, Supervisors, Scambler Township; Frank Kimm and Arnie Ness, Supervisors, Tansem Township; Ernest Hovland, Jim Marty, and Carol Treinen, Supervisors, Norwegian Grove Township; Kevin Brennan, United States Fish and Wildlife Service (USFWS); and landowners: Tom Langseth, Steve and Jenny Peppel, Cory Kara, Gary Smith, Brad Lapos, Scot Delp, Jean Clauson, Linda Augustus, Curt and Staci Markgraf, Paul Quinild, Steven Thompson, Jeff Anderson,Leo Schindler, Anita Schindler, Mark Rustad, Richard Thompson, Julie Sachs, Scott Sachs, David Haugrud, Mike Haugrud, Dan Haugrud, Jim Lund, Sue Lund, Jayson Lass, Harold Korvick, and Jeff Johnson.

BRRWD Chairman, Roger Ellefson, called the hearing to order at 7:30 PM and introduced the BRRWD Board, H.E. Staff, and the Appraisers. Ellefson announced that a tape recorder was being used to aid in the preparation of the hearing minutes.

Albright gave a brief history of the Grove Lake Outlet project. Since 1993, Albright noted that the area has been in a wet cycle. The chain of lakes in eastern Otter Tail County within the BRRWD, including Grove and Pete Lakes, has experienced rising elevations. On 10/30/06, the BRRWD held an informational meeting with the affected landowners to discuss the flooding problems on a number of lakes, including Grove. There were concerns that Pete Lake could overtop at some point and flood overland to Grove Lake. On 6/19/07, the BRRWD held another informational meeting specifically to discuss the highwater problems on Grove Lake. Albright noted that earlier this summer, Grove Lake did recede slightly, but with the abnormally wet fall conditions, the lake elevation is back up. He commented that the wet fall conditions combined with heavy snowfall this winter could produce overall flooding conditions next spring. This summer, Albright toured the Grove Lake area with Pat Lynch and Ed Fick (retired), FDR Hydrologists, Minnesota Department of Natural Resources (DNR). They felt one of the primary problems was that there is one landowner who must access his property through standing water (Mike Haugrud). Lynch and Fick thought this was a very dangerous situation, and felt the BRRWD should act as soon as possible. At their 8/11/08 meeting, the BRRWD made an emergency declaration for Grove Lake, in accordance with M.S.A. 103D.615. The statute states, "If the managers find conditions exist that present a clear and imminent danger to the health and welfare of the people of the Watershed District, and that to delay action would prejudice the interests of the people of the Watershed District or would be likely to cause irreparable harm, the managers may declare the existence of an emergency and designate the location, nature, and extent of the emergency." By declaring an emergency, the project was placed on a "fast track" development schedule.
Albright passed a sign-up sheet to provide a record of who attended the meeting, and he briefly discussed the meeting agenda. He noted that the hearing notice was published in the Barnesville Record-Review and notices were mailed to all the affected landowners around and downstream of Grove/Maple Lake, and to Clay County Ditch No. 34 landowners, as County Ditch No. 34 is the eventual outlet for this proposed project. He added that the purpose of tonight's meeting is to update the landowners regarding the outlet project and to take comments and questions regarding the project development.

At 7:45 PM, Erik Jones, Project Engineer, H.E., presented the Engineer's Report. Jones used an overhead projector to display his report. The first slide showed a map of the project area. Grove Lake covers about 465 acres. Downstream from Grove Lake is Maple Lake. The map showed the proposed outlet route for water from Grove Lake to Maple Lake. Water will drain west via a natural channel to Whisky Creek/Clay County Ditch No. 34 west of Barnesville, where it joins the South Branch of the Buffalo River and, eventually, enters the Red River of the North.

Jones noted that Grove Lake is a closed basin with no natural outlet. The plan calls for a number of culvert changes to provide access near Maple Lake. The proposed flow rate for the project is approximately 7-8 cubic feet per second (cfs). At the downstream end of the project on Whisky Creek, there is an 18" dia. culvert with less than 2 square feet (sq. ft.) of waterway area in Jayson Lass' driveway, which is inadequate even for existing conditions. Jones is proposing to replace this structure with a 49" x 33" x 40' corrugated metal arch pipe (CMPA) at elevation 1280.0 with a waterway area of 9 sq. ft. Further upstream, near the outlet of Maple Lake on Kern Kuhlmann's property, there are two undersized crossings that block drainage. Jones proposes to replace each existing crossing with 35" x 24" x 30' CMPA at elevation 1319.0.

The main project feature is the 900' outlet route from Grove Lake to Maple Lake. Grove Lake will have an inlet water control structure, and from that structure, there will be a closed 24" dia. dual wall tile pipe conduit. On the east side of 155th AVE on the lake inlet, there will be a control structure, which can be used to operate minimum and maximum drawdown levels for Grove Lake. From the control structure, the pipe will go through the road to the west road ditch and run north for about 800'. When the water reaches the wetland area on the west side of the road, there will be an open channel that will have a 6' bottom with 3:1 sideslopes on the wooded side and 4:1 sideslopes on the township road side. There will be a 2' drop from the tile pipe to the open channel to prevent upstream fish migration, which was an initial concern of the environmental agencies. Right-of-way (r-o-w) will be acquired along the route, including r-o-w for clearing and grubbing trees for the open channel along the west side of 155th AVE.

Jones described the configuration of the outlet structure. He explained that there will be a 20' length of tile pipe in Grove Lake with a metal grate at the end to prevent larger debris from entering the system. At the end of the pipe, a control structure will be installed with stop log bays to control the lake elevation and outflows. After passing through the control structure, the water would flow about 800' inside the tile pipe. At the outlet end of this pipe, there is a plunge pool made with riprap and rocks where the water would flow eventually to Maple Lake. Where water turns west along the road, Jones has planned for a riprap curve to control erosion. Currently, the Grove Lake elevation is 1328. In January 2007, it was 1328.4. The DNR Ordinary High Water (OHW) elevation for Grove Lake is 1323.27. The maximum drawdown elevation for the outlet structure is 1325. Jones noted that from previous landowner meetings, he thought the consensus was to lower Grove Lake no more than 2' to 3'. Jones presented an itemized list of estimated project costs. Construction costs will total $58,030, contingencies $11,610, engineering $35,000, legal costs $1,000, administrative $2,500, beaver control $10,000, utilities $2,000, permanent r-o-w $2,000, and temporary r-o-w $200. Jones estimated the total cost of the project at $122,340.
Jones discussed the Operation and Maintenance (O&M) plan. Since beaver activity is a significant issue for the project, the O&M defined an area where beaver activity will be controlled in the open channel portion between Grove and Maple Lake and downstream from Maple Lake. The Board has already authorized some beaver control work in these areas. The beaver control area cutoff point is just west of the Lass driveway. The first issue to be addressed before the project can be operated is that there are no obstructions in the downstream channel. There are a few trigger points when the project will have to be stopped: when water is within 6" of the top of the Lass driveway in 180th AVE S/460th ST; when the United States Geological Survey (USGS) gauging station north of Trunk Highway (T.H.) No. 34 east of Barnesville exceeds the 2-year flood event, or if Maple Lake reaches its OHW elevation. To reduce/stop project operation, more stop logs would be added to the control structure. Jones noted that the ideal time to operate the project is during the winter (November through March) when the downstream effects of the project would be minimal to build in some storage for a spring runoff/summer rainfall bounce.

Someone asked who would operate the control structure. Jones said the BRRWD would control the project operation.

The plan also calls for preconstruction water quality monitoring and monitoring during operation. Jones noted that he is still working on the wetland issues. There may be some small changes to the channel alignment downstream of 155th AVE to Maple Lake to avoid the necessity of mitigation. He might shift the channel slightly to the south.

David Haugrud asked if the conduit pipe will be in the existing road ditch. Jones said that the pipe will be in the road r-o-w. We may need about 12' of additional r-o-w where the pipe goes through the road to allow for the road slopes. Along the open ditch portion of the channel, the project will need about 27' of permanent r-o-w. There will also be a 40' corridor of r-o-w along the natural channel where the water goes west between Maple Lake and 155th AVE. Haugrud asked about the expected volume of water that would be draining into the ditch. Jones expects less than one foot of water in the outlet ditch. Haugrud was concerned about creating a public access off the township road in this area for people to launch boats, etc., into Maple Lake.

Dennis Carlbloom, Supervisor, Scambler Township, asked if the pipe would be located in the township road r-o-w. Jones said that some of the pipe will be in the road r-o-w. He also expects to acquire additional project r-o-w to the outside of where the open ditch will be located to install a 4:1 road slope. Carlbloom asked how deep the pipe would be buried. Jones said generally, the pipe would be at a 3'-4' depth. We need to have at least 18" of fill over the top of the pipe to hold it in place. Carlbloom questioned the Township's ability to maintain and repair their road without disturbing the buried pipe. Jones thought that the road ditch will be better after the project because it will have a 4:1 slope. He felt that any problems with road/ditch maintenance could be addressed. The pipe emerges into the open ditch about 40' from the centerline of the road off the road r-o-w.

Ellefson asked if the Township has plans to regrade their road. Carlbloom said that there are some low areas that might need to be built up south of 470th ST. Ellefson questioned where the Township planned to get fill for the road raises. Carlbloom discussed where the fill could be found. Ellefson thought the Board should find time to address this issue with the Township and perhaps add an item to the O&M. Jones noted that the pipe is located so that we can minimize impacts to the wooded area on the west side of the road and still allow acceptable road slopes. Carlbloom also asked about the location of the proposed riprap at the end of the open pipe in the township road ditch. Jones explained that the riprap will be placed at the entrance to the wooded area on the west side of the road where water would leave the tile pipe via a riprapped plunge pool to Maple Lake. There will also be riprap placed in the channel where it turns 90° to the west to prevent erosion. Carlbloom questioned what preventative measures were
planned to prevent erosion in the township ditch. Jones felt that erosion wouldn't be a significant problem because the ditch grade is quite flat (0.05%) with 4:1 sideslopes. He added that the riprapped channel curve will slow down and set a minimum channel elevation to prevent upstream erosion. He also expected that the ditch configuration would encourage grass regrowth. Vegetation will also be a valuable erosion control component.

Stuart Restad, Scambler Township, asked Jones to describe the inlet control structure and where it will be located in proximity to the township road. Jones explained that the structure will be located off the township r-o-w. Restad was concerned that the control structure area might become a public access point on Grove Lake. Jones pointed out that the open channel portion of the inlet structure would be beyond the road r-o-w. Jones noted that Grove Lake already has many sites where the public could access the lake. Albright noted that the BRRWD would provide a written agreement for the Township's review that will address maintenance issues and responsibilities involved with using the township road for our project.

Appraiser Arvid Thompson presented the Appraisers' Report.

In accordance with M.S.A. 103D.725, and any other applicable statutes, we herewith submit the following Appraisers' Report:

Benefits Statement

This report covers the determination of benefits for the Project No. 63, Grove Lake Outlet, which is being developed by the BRRWD in accordance with Minnesota Watershed Law. We did not determine any damages for the project for project r-o-w, as we were informed that the BRRWD will acquire any r-o-w needed to construct the project through negotiation with the affected landowners. The basis for determining our benefits is a comparison of the conditions expected with the proposed project with those that exist today.

Over the past several years, with the abnormal rainfall events, this area has a flooding problem. The BRRWD held informational meetings on 10/30/06 and 6/19/07 to discuss these problems. On 8/11/08, the Board made an "emergency declaration" in accordance with M.S.A. 103D.615 for Grove Lake. The appointed engineer, H.E., filed their initial study of the project on May 14, 2007, which has subsequently been revised (10/11/08) to reflect the final design concepts.

We (Lauren Peterson, Eddie Bernhardson, and I, Arvid Thompson) were appointed by the BRRWD to determine the benefits for the proposed project. We took our Oath of Office and held our first meeting on August 25, 2008. On that same date, we toured the project area. We conducted a second review of the project and our work on 10/01/08 and filed our report on 10/14/08. The proposed project has been described earlier by Erik S. Jones, Engineer, H.E., and this is the project for which we have determined benefits.

We understand that Grove Lake is at, or has been at elevation 1328.40. The proposed project could lower the lake over time to elevation 1325.00, or about 3.4 feet. The United States Geological Survey (USGS) maps show Grove Lake at elevation 1319.00. The DNR lists the OHW level at elevation 1323.07.

We toured the lake and observed numerous properties affected by the flooding. The area within our benefit area is at or below elevation 1320.00. We used this contour elevation as a starting place for our benefits because this is an elevation that can be realized if an outlet is not
constructed and the lake elevation keeps rising. At this elevation, it appears that Grove Lake could start flowing naturally (over roads) to Maple Lake. All of our benefits were placed directly around Grove Lake, and we did not look at any benefits for Maple Lake or downstream areas due to new culvert crossings, etc.

The basis for our benefits started with the County's assessed property values, which were adjusted to reflect the value for areas with our benefit boundaries. For lands around the lake, we then took these adjusted values times 25% of that value to establish the benefits. For lands on the "peninsula", we used 50% of the adjusted market value. The higher rate reflects the access problem this area has had over the past several years.

Supporting documentation for our analysis and conclusions of the Report are contained in our files and are available for inspection.

The figures stated within our Report are based on a full and fair consideration of all pertinent facts and information that we were aware of at the time of our work. The following aids were used during our review process:

1. Otter Tail County soil survey manuals and maps
2. FSA aerial photographs
3. USGS topographical maps
4. Sales data from the Otter Tail County Assessor's Office
5. Visual inspections of the project properties
6. Market values as determined by the Otter Tail County Assessor's Office

We understand that costs for the project will be assessed against benefited properties (25%), the BRRWD and their M.S.A. 103D.905, Subd. 3, account (25%), and the DNR Flood Damage Reduction Program (50%). Historically, local assessments have been financed either by the BRRWD or through a bond sale that could run over a 7-10 year period. We were told that the total estimated project costs are $124,120.00. In our report, we found total benefits of $441,436.26. This is for the area around Grove Lake and will be directly affected by the proposed outlet. The estimated local share of the project costs are $31,284.59.

The benefit values are based upon an increase in the property's value as a result of constructing the outlet project and reconciled with sales value increases. All present land use was evaluated under estimated best land management practices. Special consideration was given to areas that were considered to be in a native/non-converted condition or identified as wetlands under wetlands inventory and restricted from drainage by state or federal regulations.

Road benefits were determined with consideration of the reduced construction and maintenance costs that will be realized after construction of the proposed outlet project. We set "lump sum" benefits for Norwegian Grove Township (150th AVE) and Scambler Township (155th AVE), with estimated actual costs of $354.35 each. Clearly, without the proposed project, both Townships will need to continue to work on their roads adjacent to Grove Lake, either by raising them, or armoring the slopes with riprap to protect against wave action.

We would be happy to answer any questions you may have regarding our work or findings, and we are pleased to be of service to the Board in this regard.
Thompson noted that if there are any questions from the landowners that the Appraisers can't answer tonight, the questions will be recorded and the Appraisers will investigate these questions and get back to the person.

Ellefson discussed the benefit ratio and how that affects the fate of the project. If total project costs exceed total project benefits, the Board would not be able to construct the project. In the case of Grove Lake, the project costs are about 2/3 of the total benefits. Albright offered to make the Appraisers' Report available to the audience during the upcoming break. He explained that the Grove Lake project was not specifically funded by the 2008 Legislature, but the BRRWD had funding left over from our Riverton Township Retention project (approximately $50,000) because the bid came in lower than expected. The DNR agreed to revise our grant amendment for the Riverton project and roll over the excess funding to Grove Lake, with an additional contribution of $12,500 to fund 50% of the estimated project costs. The BRRWD will contribute 25% of the project costs from our M.S.A. 103D.905 district wide taxing authority. The local share of the project costs could be paid by proceeds from a bond sale with a term of 7-10 years, which the landowners could start paying either in conjunction with their 2010 property taxes or in one-time payment. Albright noted that current bond rates are about 4%-5%. He stressed that at this point, the projects costs are only estimated. We will have a better idea of what the project will cost once we receive construction bids. This year, construction bids have been very reasonable. Albright noted that if individual landowners have concerns about their assessments, the Appraisers can take a second look at their issues.

Scott Delp asked about Scambler Township's share of the project costs. Albright explained that the Appraisers assessed the two township roads (Norwegian Grove/Scambler) $5,000 each. This would equal about $354 in actual costs. He stressed that benefits don't equal actual costs. The cost/benefit ratio is found by dividing the total local project costs ($31,284.59) by the total project benefits ($441,436.26), which is this case equals 0.0708, or 7.08%. The landowners can determine their actual costs by multiplying their total benefits by the cost/benefit ratio (7.08%).

David Haugrud asked Jones about the configuration of the inlet control structure for Grove Lake. Jones explained that there would be some fill around the control structure and some fill over about 20' of the outlet pipe up to natural ground level to protect the structure from ice, etc. He added that the control structure will be placed off the road r-o-w.

At 8:45 PM, Ellefson called for a 15 minute break to allow landowners to examine the Appraisers' Report and check their estimated project benefits. Ellefson noted that if the construction bid is lower than the Engineer's estimate, costs could be lower.

At 9:00 PM, Ellefson called the meeting back into session. He discussed the bidding process and project timeline. He called for any audience questions or comments.

Sue Lund commented that their property is on the peninsula, which, because of the high water, has become an "island". She felt that the project was very important. She has attended all the meetings the BRRWD has held for this project. The landowners on the island need to be able to access their property safely. Her family is actually frightened to drive to their property, as it requires driving through water with only flags to show where the road is located. Lund commented that her family is willing to pay the assessment because the security of a safe access is worth the cost.

Curt Markgraf commented that he also owns property on the island. He is the one who first put up the flags to mark the road. He feels the project is necessary to provide access to the island for emergency services, such as ambulance or fire department vehicles. In recent years, his family hasn't been able to
spend as much time at their lake property because of the access problems. He hopes to be able to make more use of the cabin when the project is completed.

Rick Thompson asked how long people have been living on the island. Markgraf said that Mike Haugrud, who is the only permanent resident, has lived on his farmstead his entire life.

Gary Smith stated that he lives 6 miles west of Barnesville on the proposed outlet for this project (Clay County Ditch No. 34). He wanted to state for the record that County Ditch No. 34 already has a serious overload problem. A 2001 Hydraulic Report for a crossing on the west line of Section 18, Barnesville Township, showed that the outlet was undersized and inadequate. Since then, nothing has been done to correct this problem, but more water has been channeled into County Ditch No. 34 from the north, south, and east. Smith feels that the ditch can't handle any more water. He suggested that a retention site be developed near Maple Lake to hold water in the upstream areas. Ellefson mentioned a dam project that was proposed several years ago on Whisky Creek east of Barnesville that was not built when the environmental agencies decided it was a safety hazard because the soils were too erosive. Ellefson noted that we plan to run the Grove Lake project during the winter and shut it off in the spring to avoid downstream impacts. Smith commented that it is a good thing to build the Grove Lake project if it is going to help a lot of people, but the project shouldn't damage the downstream areas. Ellefson said that the BRRWD expects that by implementing the Operation Plan with the control structure, the downstream impacts should be minimal. He added that once the lake elevation is lowered, the project may not be used again. He noted that the Grove Lake landowners have been paying taxes to the BRRWD for many years and have never drained any water to Whisky Creek or the Red River. Smith feels that the BRRWD should consider more retention sites throughout the District. He added that this particular project should have a retention site incorporated into the project design. Ellefson discussed the three retention sites that were built in conjunction with Project No. 54, Whisky Creek Tributaries, which store water that used to go west to Whisky Creek. He pointed out that despite heavy rainfall events this summer, water did not overtop County State Aid Highway (CSAH) No. 52, as it did prior to the construction of the Whisky Creek project. Smith pointed out that instead of overtopping CSAH No. 52, the water ended up on his land along County Ditch No. 34 because the ditch outlet is inadequate. He added that he is not opposed to the Grove Lake project, but he wants to emphasize the importance of investigating/installing more upstream retention areas to relieve the already overloaded Clay County Ditch No. 34 system. Ellefson agreed that it would benefit the entire district to incorporate more upstream retention sites, but they are difficult to develop.

Julie Sachs encouraged the Board to move forward with the project. Every year, the road to the peninsula has to be raised, and the landowners continue to lose more shoreline property. She felt that the landowners need the project now to save what property they have left.

Tom Langseth commented that lowering the lake 2'-3' is not enough. He has lost most of his pasture/fence, and the proposed project won't help. There will still be water washing on the roads. Pete Lake is also very high, and seepage is a problem. Even if we lowered the lake down to the OHW, Langseth felt that it wouldn't really solve all his problems. Ellefson noted that the target elevation for the project is a controversial issue. We can't lower the lake beyond the OHW without a DNR permit because of their regulations. There is also a concern regarding the lake elevation and the potential for a fish kill. Ellefson pointed out that at least now with the project, we will have a benchmark elevation for Grove Lake.

Wayne Johnson, Scambler Township, asked how long it will take for water to flow downstream to County Ditch No. 34. Jones estimated that it would take a few days. He also asked if Jones has estimated the amount of monthly drawdown until the lake stabilizes. Jones estimated that monthly drawdown would be
about 6"-12" per month. Johnson commented that while he was in favor of the proposed project, he did not like the idea of dumping water on downstream areas that are already overloaded.

Curt Markgraf commented that Jones' estimate could translate to several feet of shoreline recovery. Jones agreed and noted that his estimate was in terms of vertical drawdown.

Ellefson told Langseth that he should be sure to check the benefit map to see what his benefit rate is for the proposed project. If necessary, he should point out to the Appraisers that they need consider that his pasture/fences are inundated. They might need to take a second look at his property if he's not going to receive the benefits they have assigned. Once the Report is adopted, it is difficult to change. Langseth felt his benefit rate wasn't reasonable. He thought that if the lake were lowered further than proposed elevation, it would provide better protection for the township roads. Ellefson explained that changing the project design to take the lake lower would change the project cost estimate because we would need to purchase more project r-o-w and require more excavation. It could also create concerns about a fish kill on Grove Lake.

Sue Lund commented that revising the project to lower the lake further than the current proposal will take more time and money. The Grove Lake residents need help now.

David Haugrud commented that the project should be developed while the DNR funding is available. Who knows if funding will be available in the future if we wait to revise the project?

Scott Delp already has one shed underwater, and another rain will impact his basement. He felt that lowering Grove Lake 2'-3' would be a significant benefit to him.

David Haugrud questioned how the BRRWD planned to address beaver control for the project area. Ellefson explained that beavers will be controlled as a project expense down to Jayson Lass' driveway. Further downstream on Whisky Creek, it will be the landowner's responsibility with DNR permission.

Mark Rustad owns property at the end of Whisky Creek where it joins the South Branch of the Buffalo River in Section 10, Alliance Township. He questioned when the BRRWD was established (1976), how many projects we have undertaken since 1979 (63), how many of the 63 projects were for retention (approximately 15), the average number of approved permits per year (120-150), and what percent of approved permits are for ditching (approximately 33%). He distributed a sheet with data from the USGS flow monitoring station at Sabin. He used the data to show that flows in the Buffalo River near Sabin have nearly doubled from 1945 to 2008. Rustad said that Whisky Creek is full to capacity and will flood after even a 1" rainfall event. He questioned if anyone had considered the how overloading the downstream area impacts property values when Whisky Creek floods. He added that while the Grove Lake project seems like a "drop in the bucket" considering the large scheme of things, but when you add up all the "drops", it ends up flooding his yard. He understands how the Grove Lake residents feel, because several times a year he also experiences flooding. He had to participate in the BRRWD Ringdike program a few years ago to build a ringdike to protect his homestead from flooding when Whisky Creek leaves its banks.

Julie Sachs asked if there was a difference in downstream impacts between operating the proposed project in the winter or the summer. Ellefson felt that winter operation would not have the same impact as spring/summer operation. He said that flooding is not very common in the winter.

Mark Rustad commented that we usually don't expect a fall flood either, but it happened this year. Ellefson pointed out that this was the wettest fall on record since 1903. He noted that there isn't anyone
here that has seen it as wet as it was this September/October. Rustad claims that the normal volume of water in the channel has doubled in the last 60 years, and questioned where the water is supposed to go when the channel is at capacity. Ellefson agreed that when the channel is full, the water will spread out. He explained that by implementing the Operation Plan, which calls for lowering the lake primarily during the winter, the downstream impacts will be minimized.

Rick Thompson questioned if the BRRWD only planned to operate the project in the winter. Ellefson said no.

Tom Langseth said Grove Lake has been on the rise for several years, and if nothing is done, it will eventually drain naturally downstream without the controls offered by the project. Ellefson agreed that if the lake gets high enough, it could break out and flow downstream faster.

Sue Lund commented that if the BRRWD plans to operate the project during the winter the majority of the time, and shut it off if there is spring flooding or a heavy summer rainfall event, doesn't that address the downstream concerns. She asked who would be responsible for the actual operation of the control structure. Ellefson said that Wade Opsahl, Technician, H.E., who also operates the Turtle Lake siphon, may operate the Grove Lake project. Albright explained that the Operation Plan addresses that issue. The BRRWD has the responsibility for the project operation, but we could train a local resident to operate the control structure, so that the project could be stopped when necessary.

Scott Delp commented that he has paid taxes to the BRRWD since 1976, without ever asking for anything from the District. Right now, Grove Lake is flooding his property, and there needs to be a way to get rid of the water. He doesn't want to flood the downstream areas, but he needs to have some help with the water problem. His property is worth just as much as the downstream property.

Mark Rustad thought that the best plan would be to include retention sites between Grove Lake and Clay County Ditch No. 34 to manage the water flow to alleviate downstream flooding.

Scott Delp asked if the USFWS planned to install retention on the David Lass property they recently acquired downstream of Whisky Lake in Section 36, Tansem Township. Jones commented that there are wetland impacts in this area, and there are other places in the District that would provide more retention benefits for the same amount of money.

Curt Markgraf noted that no one is opposed to future retention projects, but the funding is available right now to help address the Grove Lake problems, and the project should be constructed now.

Gary Smith agreed with the need to take advantage of the DNR funding and build the project. But he would like the BRRWD to make a commitment to investigating and building more upstream retention sites.

Jones noted that the retention issue requires that there be willing landowners who want to store water on their land, and proper sites to build retention. He added that the BRRWD is always looking for potential retention sites. Ellefson asked any landowners along Whisky Creek who have a potential retention site to contact the BRRWD. Albright noted that of the 63 projects under the BRRWD's jurisdiction, 25 have been some type of flood control/retention project, not 15, as he reported earlier. The BRRWD was formed after the 1975 flood for the purpose of flood mitigation. Albright referenced the new goals the BRRWD has set in conjunction with their Revised Watershed Management Plan (RWMP) to reduce flood stages (5-year, 10-year) on the South Branch of the Buffalo River by 34%. The new RWMP allows for
annual assessment of our stated goals. He added that the BRRWD has tried to design a project for Grove Lake that shouldn't make conditions worse downstream.

Rick Thompson asked how long it will take the water from Gove Lake to reach Clay County Ditch No. 34. Jones estimated that it could take about three days.

Steve Peppel owns property on the island. He volunteered to help operate the control structure.

Linda Augustus asked how long it would take before water would come back up again when the control structure is closed. Will there be a big fluctuation on the shoreline every time the project is shut down. Jones didn't think it would be very noticeable. She added that Pete Lake is seeping underground to Grove Lake. Ellefson said that at this time, there are no plans to drain Pete Lake to Grove Lake. At one time, the BRRWD did discuss Pete Lake with the Minnesota Department of Transportation (MNDOT), but since they raised T. H. 34, they weren't interested in participating with a project for Pete Lake.

David Haugrud noted that there is an outlet pipe on the south end of Pete Lake.

Mark Rustad asked if the project operation could be limited to non-growing season months (November-March). Ellefson felt that as long as the downstream waterway is not flooding, there isn't any reason that the project could not operate. There will be 7 cfs coming from the Grove Lake outlet, which would probably be about 0.5" rise in elevation in Barnesville. Jones thought the effect would be nearly imperceptible during normal weather conditions when Whisky Creek is low or dry. Rustad questioned when Whisky Creek has ever been dry. More discussion followed regarding Whisky Creek flows during dry periods. Ellefson said that the BRRWD's goal is provide flood relief for our citizens without putting undue burdens on downstream areas. He added that the project flow could be reduced in the summer, if necessary. For example, there are times when the Barnesville Golf Course, which irrigates from Whisky Creek, could use the water.

Ellefson asked if anyone had more comments. Nelson noted that the Board will probably make a decision about making the Findings of Fact and Final Order for the Grove Lake Project at our 10/27/08 meeting.

Steve Peppel noted that while hunting over the years, he has seen Whisky Creek dry near Barnesville many times.

Ellefson noted that bid sheets have been sent out to several contractors, and if the Board decides to go ahead with the project, bids will be opened at the 10/27/08 meeting. He briefly discussed the bidding process.

Albright explained the next steps in the project development. The first thing that needs to be done will be for the Board to decide if they want to order in the project. The Board's decision has a 30-day appeal period. Since the project has been declared an "emergency", the Board will be able to open bids on 10/27/08. An agreement needs to be prepared for Scambler Township's review regarding the use of their road for the project. We also need to resolve the wetland issues and if necessary, buy wetland mitigation credits to offset the project's wetland impacts. Otter Tail County has to decide if we will need to apply for a Conditional Use Permit (CUP) for the project. If a CUP is needed, the Planning & Zoning Committee doesn't meet until 11/19/08, which could delay project development. The BRRWD also has to finalize the DNR funding agreement, and obtain an easement from David Haugrud. We also need to obtain a permit from the DNR for work in their protected waters. Albright explained that these issues all need to be addressed before construction can begin, but our goal is to get it all done as soon as possible.
Linda Augustus asked if the DNR would have more jurisdiction over the lake if we accept funding from them. For example, could they install a public access area to the lake? Albright said that the funding would not give them any additional control over Grove Lake. Ellefson questioned if the emergency declaration could expedite the time it takes to get the DNR protected waters permit. Albright explained that the agencies will still take as much time as they need to process our permits.

Ellefson asked again if there was any more testimony. Being no further questions or testimony, Chairman Ellefson adjourned the hearing at 10:10 PM.

Respectively Submitted

John E. Hanson, Secretary