

BUFFALO-RED RIVER WATERSHED DISTRICT

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BUFFALO-RED RIVER WATERSHED DISTRICT MINUTES FOR SPECIAL MEETING

March 7, 2011

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a special meeting regarding Project No. 65, County Line Outlet, on Monday, March 7, 2011, at 1:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson and Curtis M. Nelson. Others attending included: Bruce E. Albright, BRRWD Administrator, and Erik Jones, Engineer, Houston Engineering, Inc. (H.E.); Scott Kahan, Chad Ratz, Chuck Melvin, and Doug Wells, United States Fish and Wildlife Service (USFWS); Josh Kavanaugh, Ducks Unlimited (DU), and landowners: Adrian Haugrud, Jay Hochhalter, and Debbie Stepp.

Bruce Albright called the meeting to order at 1:10 PM. He discussed the current high water emergencies in the BRRWD. He gave a brief history of the high water issues in Section 34, Humboldt Township, Clay County, and Section 4, Prairie View Township, Wilkin County. In the summer of 2009, residents from this area contacted the BRRWD regarding their high water concerns. In June 2009, the BRRWD authorized H.E. to conduct a review of the outlet options, which they filed with the BRRWD in July 2009. The wetlands have been slowly rising for many years, and landowners are concerned that the water levels will permanently damage their properties. The township road along the county line is under water, and Prairie View Township has raised their road on the west side of the wetland several times to combat overtopping. The wetland north of the township road (Clay County) is under a USFWS easement. The southern wetland in Wilkin County is a USFWS Waterfowl Protection Area (WPA). On 8/27/09, the BRRWD declared an emergency for this area based on public health and safety issues. Adrian Haugrud's barn has had water in it for a number of years, and two other residences are also threatened. High water/groundwater seepage creates an island around the Hochhalter and Stepp residences during spring runoff. Both Townships would like to have the wetland elevations lowered to open up their roads to public travel. In addition, area farmers are losing cropland every year to the expanding wetlands. In the spring of 2010, the water reached the natural runout elevation and started flowing west to Wilkin County Ditch No. 41 via the Interstate-94 (I-94) road ditch. In the fall of 2009, the Townships installed a culvert at the original road elevation (310th AVE) to equalize the two water bodies and dewater the road in that location.

Albright noted that during the Mediation Project Team (PT) meetings, Kevin Brennan, USFWS, indicated that there could be Shallow Lakes Initiative funding for a USFWS project to lower the WPA/wetland. This funding is made available through the Lessard-Sams Outdoor Heritage Council (LSOHC). However, the USFWS project timeline extends into 2012/2013, which doesn't address the landowners' immediate concerns. Albright asked if the USFWS and the BRRWD could work together on a mutually beneficial project that we could complete in 2011. Albright discussed the issue of a gated outlet. The BRRWD has installed control structures for all our recent outlet projects so that we can stop the project operation during spring flood events. The USFWS objects to a gated structure that would "bounce" their WPA or use it as a "retention" site. Albright explained that the operation of a control structure would be clearly documented in an Operation and Maintenance (O&M) Plan and a Memorandum of Understanding (MOU), and the gate operation would be similar to natural elevation variations during high water events.

Ellefson noted that the project would drain to Wilkin County Ditch No. 41, which is designed for a 5-10-year event. There might be downstream concerns on County Ditch No. 41 regarding more water in the

ditch system. Ellefson also discussed his concerns that the current wet cycle has nearly eliminated our historic natural wetland retention resource.

Jones explained that the entire wetland basin covers approximately 90 acres with about a 0.45-mile drainage area. Ellefson observed that this area must also be experiencing groundwater seepage. The landowners discussed their water problems, which include property damage, poor road conditions, and reduced access to emergency services.

Doug Wells pointed out that the USFWS is not opposed to lowering the wetland basins. They would like to manage vegetation and fish populations on their property/easement and would benefit from a project to lower the water.

Albright noted that the BRRWD will need to work with Bruce Poppel, Wilkin County Environmental Officer, regarding Wetlands Conservation Act (WCA) issues for two wetlands along the proposed project route that are not under USFWS easement, and Wilkin County Farm Service Agency/Soil and Water Conservation District (SWCD) regarding possible Swampbuster regulations. Albright added that when designing the project alignment, we tried to avoid downstream wetland areas, and most of the landowners are in favor of the proposed project. Jones explained that the channel will be a combination of drain tile and excavated channel. Albright noted that we plan to install a control structure to manage the wetland. This structure could allow both the BRRWD and the USFWS attain their target wetland elevation.

Wells discussed the USFWS' vision of how they would like to manage the wetland. He added that they are very interested in making a project in this area work for everyone involved with an O&M plan. The group agreed that a project that drains naturally by gravity flow would be the most feasible, but there might be a need to use supplemental pumps to get the low water off the site. The USFWS has submitted a request to DU for an engineering/feasibility study of a project for this area. Wells observed that it is too early in the planning process to commit USFWS funding to a possible project at this time. Wells said that the USFWS would need to obtain flowage easements/permits to make it possible to manage the project over time.

Kavanaugh pointed out that the USFWS could only drain the wetland below the Ordinary High Water (OHW) on a temporary water management basis for up to a 2-year period. Albright commented that a gravity flow project is much more feasible than using pumps to lower the wetlands. The other agency representatives agreed about the efficacy/feasibility of a gravity flow project. Wells noted that the USFWS could start a feasibility study for a project this summer with possible construction in 2012.

Manager Nelson pointed out the BRRWD would like to get a project started this year to address the landowners' problems. Wells noted that if they qualified for project funding from the LSOHC Conservation Partners Legacy Grants (CPLG) Program, they would probably not receive the funding until 2012. Ellefson suggested that if the USFWS requested the LSOHC funding, the BRRWD could fund construction this year and wait for reimbursement until USFWS receives their money. Wells thought that it could be some time before they might receive the actual LSHOC funding. Albright explained that our project cost estimate is to lower the wetlands to the OHW (about 4.5') and is for \$162,800. This estimate was for a project that would only lower the USFWS wetlands/WPA, not the DNR protected wetlands to the east in Clay County. Ellefson pointed out that if the east wetlands suffer a high enough bounce this spring, they could start flowing west, too. If the soils erode, the entire wetland could drain out. The BRRWD has asked the DNR for an OHW on these wetlands, since one of them is a DNR protected waters. That survey has not been completed.

The group discussed getting a cross section survey in an east/west direction of the wetlands at three locations to help the USFWS determine the current water depth. Albright commented that Jones could design the project to drain as much water off the wetland as possible to accommodate the USFWS. We

could also get the survey work done on the ice to expedite USFWS planning. He said that the BRRWD would like to get the project construction started in July 2011. It is possible that we would be able to get some funding from the DNR, and the BRRWD could also contribute funding to the project. In addition, the BRRWD would appoint Appraisers to determine project benefits.

Wells noted that the USFWS would need to obtain permission from the landowners to lower the wetland elevation, and they would probably need a second agreement for long-term management. Jones suggested that we could develop the project in phases. The first phase would be to lower the wetlands to the OHW, and the second phase could lower the basin below the OHW according to USFWS criteria. Wells noted that the DNR might have concerns about a structure built below the OHW. Jones thought that the O&M plan could address future maintenance below the OHW. Albright noted that the BRRWD has installed outlet structures for several of our recent outlet projects lower than the OHW, and as long as the O&M plan covers outlet operation, the DNR didn't have any problems with this issue.

The group discussed operating a project on the north basin. Haugrud commented that there is no culvert in the east/west road (100th ST). Hochhalter pointed out that his neighbor, Chris Stepp, has offered to apply for a BRRWD permit to dig a channel to drain the water yet this spring. Melvin also commented on phasing in the project: Phase A-lowering the wetlands to the OHW to protect residential property and expose the road, and Phase B-long range plans to drain the basin. Albright and Ellefson felt that it was probably too late to get anything done for the landowners before the 2011 spring flood. Albright thought it would be better if the BRRWD developed a fully designed project in conjunction with the USFWS. He added that the BRRWD would like to get the project completed this year. Kahan also felt that the agencies should work together to develop the project details and an O&M plan. The USFWS is very concerned that a project for this area has limited effect on wetland elevations and fluctuations.

Deb Stepp asked if there was any possibility that the BRRWD could do something to help them before the 2011 melt/flood. Ellefson didn't think it would be a good idea for the landowners to do any work on a private ditch project before runoff.

Hochhalter asked if Chris and Deb Stepp could install a tile line to discharge water from their property to the south. Albright commented that Stepp would need a BRRWD permit and permission from the downstream landowners to drain water on their property.

Kavanaugh discussed various processes to lower the wetlands below the OHW.

Albright suggested that the Board could authorize H.E. to conduct a survey to obtain the water depths of the wetlands. They could also authorize Jones to design an outlet structure that we could use to drain as much water from the wetlands as possible and provide the capability for the USFWS to manage the wetland levels. Once that information is gathered, we could share it with the USFWS so that we can work together to design a project that will 1). Protect the landowners/property and relieve the flooding on the county line road; and 2). Allow the USFWS to manage the wetland elevation at their discretion. Kavanaugh indicated that the USFWS/DU would like to explore the idea of draining the wetland completely to reset the ecology, which would only happen once every 5-10 years.

Ellefson asked if the USFWS/DU would be willing to cost share the additional expense to lower the wetlands below the OHW. He pointed out that our goal is to lower the water body to the OHW to protect the landowners. We don't need to lower it any further. Wells questioned if the USFWS could pay the costs to lower the wetland below the OHW, as the work wouldn't benefit the BRRWD. Kahan didn't feel that the USFWS would have funding available this year.

Deb Stepp reiterated her concerns about problems they will encounter if there is serious flooding this spring. Albright pointed out that the Township has obligations regarding their road and public access. He added that there just wasn't time before runoff to get a project completed.

Ellefson asked if there was any benefit if the BRRWD declared this area an emergency. Albright pointed out that the Board has already declared an emergency back in 2009. Wells felt that the USFWS would be able to expedite their permitting process for the BRRWD to lower the wetlands down to the OHW this summer. Albright felt that we should work together with the USFWS/DU to design a multifaceted project that will address various management goals. Chad Ratz, USFWS, discussed the issue of bounce and optional outlet structures. Jones pointed out that this basin doesn't have an outlet currently and is holding water. When it rains, the wetlands bounce now. Kahan pointed out that if the BRRWD installed a structure to lower the WPA, it would create a much larger contributing drainage area, and increase the probability of potential wetland elevation bounce. Albright pointed out that this issue could be addressed in the O&M plan. Jones noted that in the project design, the size of drainage tile could be altered to achieve various wetland management goals.

Ellefson asked how long it would take H.E. to get the survey completed and the data ready for review. Jones thought it would take about 2-3 weeks, depending on the survey crew schedule. Another meeting will be scheduled with USFWS when the survey report is done.

Wells noted that the outlet structure on the WPA would have to be under USFWS operation. Kavanaugh added that USFWS/DU was not in favor of a "screw" type gate. Jones pointed out that a screw gate on the outlet structure makes it easier to operate these boards. Melvin distributed a handout with guidelines for routing water through USFWS easement/projects.

Albright noted that the BRRWD and the USFWS/DU have mutual interests regarding the area, and we should be able to work together to address both their natural resource enhancement (nre) issues and the BRRWD's public health and safety issues. H.E. will get the survey information assembled as soon as possible, and when their work is completed, the BRRWD will schedule another meeting with the USFWS regarding this issue.

Adjournment. Albright adjourned the meeting at 3:15 PM.

Respectfully submitted,

John E. Hanson, Secretary