

BUFFALO-RED RIVER WATERSHED DISTRICT

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BUFFALO-RED RIVER WATERSHED DISTRICT
MINUTES FOR INFORMATIONAL MEETING
Clayton and Craig Runck Drainage Issues
March 8, 2011

Pursuant to Minnesota Statutes Annotated (M.S.A.) 103E.721 and any other applicable statutes, the Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a meeting on Tuesday, March 8, 2011, at 1:30 PM in the BRRWD office in Barnesville, MN. BRRWD Managers present were Roger G. Ellefson, Curtis M. Nelson, Gerald L. Van Amburg, and John E. Hanson. Others attending included Bruce E. Albright, BRRWD Administrator; Julie M. Jerger, BRRWD Administrative Assistant; Steve Hofstad, Minnesota Board of Water and Soil Resources (BWSR); Kevin Kassenborg, Clay County Soil and Water Conservation District (SWCD); Lynn Foss, Clay County SWCD; Keith Weston, Cass County Natural Resources Conservation Service (NRCS); Phil Seefeldt, Minnesota Department of Natural Resources (DNR); and Traci Hanson, DNR; Howard Pender, Jr. and Randy Bjornson, Skree Township Supervisors; and landowners: Clayton Runck, Craig Runck, Brandon Runck, Tom Friederichs, Jim Friederichs, and Barb Ronsberg.

Chairman Gerry L. Van Amburg called the meeting to order at 1:30 PM. Group introductions were made, and Van Amburg noted that the meeting was being recorded to aid in the preparation of minutes. He also circulated a sign-up sheet to record attendance. He noted that any audience members giving testimony or asking questions should state their names for the record.

BRRWD Administrator Bruce E. Albright thanked the group for attending the meeting and explained the BRRWD permitting process, and other agency rules and regulations regarding the Minnesota Wetlands Conservation Act (WCA). He added that a solution for the issues to be discussed today would require compromise on all sides. Albright gave a brief history of the drainage issues in Section 27, Skree Township, Clay County.

Clayton Runck gave a brief description of the property in question, and the cropping history. He explained that his goal is to get the property back into production after having it enrolled in the Conservation Reserve Program (CRP) for several years. He had Farm Service Agency (FSA) aerial maps of Section 27, Skree Township, showing drainage/water patterns from the 1980s, and he discussed historic precipitation amounts from the 1980s at the Hawley stage recorder. His goal is to relocate culverts discharging onto Section 27, so that water is conveyed in the road ditches. He also wants to enlarge culverts outletting from Section 27 to match upstream inlet culverts. He discussed his drainage work that took place last summer (2010). He pointed out that there are culverts coming into Section 27 that were not permitted by the BRRWD.

Albright noted that the map displayed was generated at an agency meeting in November 2010. He explained the purpose of the map was to identify all the structures and their locations within Section 27, Skree Township. Albright also addressed Runck's request for any BRRWD records of culverts pertaining to Section 27. He stated there is one approved permit for an 18" dia. culvert located in the corner of the NE¹/₄, Section 27. However, the BRRWD does not have records of culverts that were installed/changed prior to June 1, 1979, since this was before the BRRWD had jurisdiction in accordance with Watershed Law.

Keith Weston, Cass County NRCS, explained they were notified of a potential Swampbuster violation in July 2010. Weston explained that Sharon Lean, District Conservationist (DC), NRCS, completed a preliminary wetland determination, that showed three wetland basins were partially or entirely converted, which is a violation of Swampbuster and any subsequent Farm Bill acts. The NRCS presented these findings to Clayton

Runck, along with his appeal rights, which Runck has exercised. This spring/summer, a wetland team will obtain information to determine if the basins have been converted, and if so, to what degree. They will also complete wetland delineations to determine the basin boundaries. Weston explained that they would use soil science to accurately determine the elevation of the ditch bottom, since it is unknown whether the culvert/ditch was installed at this elevation. Weston noted the technical details are completed at this point; however, Runck has the right to appeal this determination as well. Weston said that the FSA County Committee, the State Executive Director, and State Conservationist could decide whether or not to restore these wetlands. A restoration plan could be developed based on the elevation of the original culvert/ditch. Weston explained that any culverts flowing into the section would affect the hydrology of the area, but the NRCS is not involved in this aspect. Their concern lies with the three potentially violated wetland basins.

Weston asked if there were any questions.

Manager Curt Nelson asked what the acreage of the three potential wetland restoration sites were. Weston stated all three sites would be approximately 50 acres.

Manager Roger Ellefson questioned when the wetlands were originally determined. Weston explained that in the late 1980s, the NRCS allowed producers to self-certify wetland locations, if there were outlets from these wetlands, and if so, the outlet elevation. Weston stated the NRCS is now evaluating these locations by performing a final wetland determination based on three elements: hydrology, hydrophytic vegetation, and the hydric soil line. Once completed, the wetland boundary would be accurate within 3' to 6'.

A landowner asked which state would provide the wetland team. Weston thought the team would be from North Dakota. He explained that Sharon Lean, Clay County FSA, would not be involved with any future processes, since the landowner, Brandon Runck, is a North Dakota resident. He stated an impartial person(s) would complete the final wetland determinations.

Albright discussed a similar Swampbuster violation involving a Friederichs/Ronsberg culvert located across the road from the Runck property. He said there was an old, buried 12" dia. pipe that was rusted and completely filled in. They were able to obtain an elevation based on the rust line within the soil, and then re-install a 12" dia. culvert at that elevation. Once completed, the Swampbuster violation was withdrawn.

Randy Bjornson stated he has been on the Township Board for approximately 18 years. He discussed culvert changes that have been made within this timeframe. Bjornson explained that the culvert size was changed once during that time. Friederichs questioned how a 12" dia. culvert can handle flows/match a 24" dia. culvert. Bjornson also thought water problems to the east had been corrected, which has decreased the flow through this culvert/ditch.

Clayton Runck stated that all the culverts are plugged from Herb Nelson's place east. There is also a damaged equalizer pipe, where the pipe elevation on the north end is higher than the south end. There was an extended discussion regarding area drainage patterns, culvert elevations, and cleanouts.

Albright thought Runck would be satisfied if some inlet pipes in Section 27, Skree Township, were removed and/or re-routed. He explained the culvert installed on the east line of Section 27 had a BRRWD permit issued with a condition stating that this culvert would need to be reviewed if the adjacent land were removed from the CRP and cultivated.

Runck explained that Bjornson cleaned a section of the ditch, and Runck felt he should have continued further downstream in order to keep the water in the road ditch. He would be in favor of widening the ditch with a 4:1 side slope to make the ditch functional. Also, Runck did not understand how two 12" dia. culverts could handle the flow from a 30" dia. culvert. The group discussed in more depth the possibilities for culverts and the area drainage patterns.

Albright confirmed with Lynn Foss, Clay SWCD, that there is currently a cease and desist order in effect for this area, which means no work can be performed until the NRCS has completed their final wetland determination. Weston estimated that the wetland determination process would be completed by fall. Albright stated that he spoke with Chuck Melvin, United States Fish and Wildlife Services (USFWS), in regard to removing a berm created from the ditch clean out along the USFWS's property. Melvin stated he did not want the spoil removed in case the ditch needs to be filled in.

Albright noted that he received a letter from landowner Herb Nelson Jr., who owns property immediately to the west on both sides of the road. Nelson stated that he thought all downstream landowners should have been invited to the meeting today. He also felt the Township road should be the responsibility of the Township.

Albright questioned if Bjornson could remove the 18" dia. culvert when conditions permit in the spring or does this need to wait until the NRCS has finished their determination. Phil Seefeldt, DNR, questioned if water runs through this culvert to the wetland basin. The group continued to discuss the path of drainage from/through this culvert.

Steve Hofstad questioned if Albright knew the elevation of a particular culvert. Albright did not think he had the elevation of that culvert. Hofstad stated that he feels we need to obtain this elevation. Albright stated that he would make available any culvert elevations that the BRRWD has in Section 27, Skree Township.

Albright explained that the BRRWD Rules state that a landowner can clean an existing ditch without obtaining a permit but that the ditch cannot be widened or deepened. The group had a discussion regarding the length of time a permit is valid.

Albright summarized the meeting discussion for Chuck Melvin, USFWS, as he arrived late to the meeting. Albright asked Melvin if the USFWS's restoration work could also wait until the NRCS has completed the wetland determination. Melvin stated that he does not plan to do any work until the State has made a decision regarding the wetlands.

Friederichs asked if the damaged equalizer pipe could be fixed. Currently, the pipe is sitting at a 45 degree angle with the north end higher than the south end. Bjornson asked if the Township could restore this pipe to its pre-existing condition. Seefeldt asked if there was an elevation documented for the west culvert. Albright thought there was a survey completed at one point. Seefeldt stated the elevation is needed in order to restore the pipe. Albright noted that he would get the elevations to the Townships and agency personnel present at the meeting. The group continued to discuss options for the equalizer pipe.

Seefeldt asked if the two parties were in agreement with the culvert. Friederichs stated that the water needs to continue to be removed from the west. Seefeldt stated there may need to be some compromise, because it could be that not all the water will drain from Friederich's land as it has in the past. He explained there may be a partial wetland that would remain. Seefeldt stated there are several factors that could be possible, but all the involved agencies will make their decisions based on the completed NRCS wetland determination/elevations.

Melvin stated that everyone agrees that the culvert has been in place for a long time. He said the ditch is deeper than the culvert after it was cleaned out. Runck stated he had already agreed to fix the ditch. Melvin stated the ditch needs to be filled in and graded to a proper slope.

Someone asked if the north 18" culvert is going to be surveyed and removed. Van Amburg stated that the BRRWD will obtain the elevation of this culvert, but nothing can be done until the NRCS has completed their process.

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There being no further discussion to come before the Board, Chairman Van Amburg adjourned the meeting at 3:13 PM.

Respectfully submitted,

Bruce E. Albright, BRRWD Administrator