BUFFALO-RED RIVER WATERSHED DISTRICT

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BARNESVILLE, MINNESOTA 56514

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1303 4th AVE NE
PO BOX 341
PHONE 218-354-7710
E-mail: General@brrwd.org
Website: www.brrwd.org

Buffalo-Red River Watershed District
Project No. 75, Wilkin C.D. 31-Lateral
Informational Meeting Minutes
March 3, 2014

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a public informational meeting regarding the establishment of Wilkin County Ditch (C.D.) No. 31-Lateral on Monday, March 3, 2014, at 7:00 PM, in the Court Room, Wilkin County Court House, Breckenridge, MN.

BRRWD Managers present were Gerald L. Van Amburg, Curtis M. Nelson, Cathy L. Affield, and Peter V. Fjestad. Houston Engineering, Inc. (HEI) Staff attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer. Others attending included: Bruce Poppel, Wilkin County Environmental Sciences; Wayne Bezenek, Wilkin County Auditor; Steve Neppl, Wilkin County Highway Department Engineer; Dan Swedlund, Wilkin County Soil and Water Conservation District (SWCD) and Highway Department; and landowners: Ron Conzemius, Mark Conzemius, Lyle Van Tassel, John Ellingson, Joe Wulfekuhle, Brian Conzemius, Jason Ehlert, Rick Rogers, and Sharon Josephson.

BRRWD Chair, Gerry Van Amburg, called the meeting to order at 7:00 P.M. He introduced the BRRWD Managers and announced that this informational meeting is being held in response to a petition to establish a lateral to Wilkin C.D. No. 31 (Connelly Ditch). Van Amburg then introduced BRRWD Administrator Bruce Albright and BRRWD Engineer, Erik S. Jones, HEI. Albright noted the meeting is being recorded to assist in preparing minutes. He also mentioned that a sign-up sheet was being passed to record attendance.

Albright gave a brief history regarding the most recently added region to the BRRWD. He noted that the northern third of Wilkin County was initially included in the BRRWD in 1976, after the District was enlarged, the southern third of Wilkin County is in the Bois de Sioux Watershed District (BdSWD), and the middle third of Wilkin County was not included in any Watershed District. The initial petition by Wilkin County was to the Minnesota Board of Water and Soil Resources (BWSR) to form the Lower Otter Tail River Watershed District, which would have included approximately 425 square miles (sq. mi.) from the Orwell Damn downstream to the Otter Tail River outlet in Breckenridge, Minnesota. He commented that this petition was discontinued and a request made to the BRRWD to add this same area to the BRRWD. The BRRWD was expanded to include this middle region of Wilkin County on 04/25/12.

Albright explained that about one year ago, our office received a petition to establish a lateral to Wilkin C.D. 31. The proposed project would be located on the east side of Trunk Highway (T.H.) No. 9 in Section 14, Connelly Township. Albright stated that once a petition is started, the BRRWD is required to follow Minnesota Drainage Law through the series of development steps. First, a petition is filed, and then an Engineer is appointed to complete a preliminary survey report on the proposed work. Whiskey Creek, which is a Minnesota Department of Natural Resources (DNR) protected watercourse is in the same vicinity of the proposed lateral. The DNR's jurisdiction begins a mile east of T.H. No. 9 and continues downstream to the outlet at the Red River of the North by Kent, MN. Erik Jones, HEI, spoke with Julie Aadland, Area Hydrologist, DNR, before completing his preliminary survey report since Whiskey Creek is public waters. Aadland expressed concerns with rerouting water from Whiskey Creek in the upstream portions of that system's watershed. In an attempt to come up with solutions to address the area landowner’s/petitioner’s concerns, the DNR indicated that they would issue a permit to clean Whiskey Creek across Section 14, which needs to include the required 50’ grassed bufferstrips, etc. Since Wilkin
C.D. No. 1-C uses Whiskey Creek as an outlet, and Minnesota Statutes Annotated (M.S.A.) 103E.215, Subd. 3, (Drainage Law) allows for an extension of a drainage system up to 1 mile downstream to a more adequate outlet, it appears that this work could be completed as a ditch system expense. The repair of the DNR protected watercourse could be split between C.D. No. 1-C and C.D. No. 34 (e.g., 2/3 and 1/3) because both systems use Whiskey Creek as an outlet.

Jones described the location/details of the petition using a map projected on the overhead screen. He stated the initial petition was to establish a lateral to C.D. No. 31. It would involve the development of a ditch commencing on the east side of T.H. No. 9 from the intersection of Wilkin C.D. No. 1-C, Lateral No. 1, and Whiskey Creek heading southwest for approximately 0.5 miles to C.D. No. 31. C.D. No. 1-C and C.D. No. 34 provide approximately 11-12 sq. mi. of drainage area to Whiskey creek.

Jones stated the issue in C.D. No. 1-C is that the low spots won't drain. This led to the petition, which proposed to drain the water to the southwest. Initially, the BRRWD thought this would work, but further design investigation showed that the DNR would probably not permit the project as planned. The BRRWD requested the Wilkin County Highway Department to survey the channel downstream from T.H. No. 9 to identify any obvious high spots. Starting at T.H. No. 9, there are three lines 136” x 88” diameter (dia.) reinforced concrete arch pipes (RCP-A) with their invert slightly above elevation 960. The survey results did reflect a few higher points downstream. The BRRWD would establish the gradeline by making the necessary gradeline improvements. The proposed channel slope is 0.05% (2.5’ fall per mile) starting at the culvert in T.H. No. 9. The last stretch will have a steeper slope at 0.087% (approximately 4’ fall per mile). The elevation on the west end of the proposed project would be 957. Jones stated that the pipes through 200th AVE are at elevation 956. This produces about a 4’ fall within Section 14, Connelly Township. Jones also said that with the channel improvements, there would be approximately 6’ of separation from the bottom of Whiskey Creek to field level. Sharon Josephson asked if all the trees located in their adjacent farmstead would have to be removed. Jones said that only some trees will need to be removed in order to re-establish the channel.

Jones contacted the DNR regarding their permitting requirements. The DNR stated they would issue a permit to clean Whiskey Creek from T.H. No. 9 downstream one mile, but the BRRWD would have to follow Minnesota Drainage Law (M.S.A 103E.215, Subd. 3 procedures), and they would require 50’ bufferstrips along the restored channel. The DNR also stated if the BRRWD is cleaning to a depth of more than 3’ from the existing channel, there needs to be a floodplain section before the adjoining field level. There were additional geometry requirements such as a natural channel design with pools on the outer channel bends. These pools do not affect the drainage ability of the channel but will provide additional habitat for fish within the restored Whiskey Creek channel.

Rick Rogers stated he has also lived along T.H. No. 9 right on Whiskey Creek for the past three years. He owns approximately two acres and is willing to answer any questions pertaining to channel conditions along his property.

Jones noted that approximately two acres of easement/project right-of-way (R/W) will be acquired for the setbacks along the one-mile stretch. Albright added that landowners should be able to work with State Agencies to enroll this property in applicable programs to decrease the landowners’ project costs.

Jones recommended side inlets/culverted inlets be installed along the restored channel to reduce the amount of sediment entering the channel. He then gave an overview of the estimated project costs. The total estimated costs for channel restoration in Section 14, Connelly Township, is $110,000. Of this amount, $50,000 is for engineering, legal expenses, contingencies, and other miscellaneous and administrative costs. Jones went through an itemized construction cost estimate. Construction costs, estimated at $60,000, include excavation, tree and brush removal, 18” dia. inlets and two acres of seeding and mulching. Jones
stated an Environmental Assessment Worksheet (EAW) is required since the project would affect more than 500' of a public waterway. A notice would be sent to landowners once the EAW is complete. The BRRWD would address any questions or comments regarding the EAW process.

Albright stated that an EAW process was recently completed for the Wolverton Creek/Comstock Coulee Project, which includes 26 miles of public water channel restoration. Three state agencies most likely to comment on an EAW include the DNR, Minnesota Pollution Control Agency (MPCA), and the State Historical Preservation Officer (SHPPO). The MPCA would make general comments regarding water quality. SHPPO would evaluate whether or not any historical artifacts would be covered/disturbed during the restoration. A landowner asked if the Wolverton Creek/Comstock Coulee restoration has been started. Albright gave a brief summary on the status of the restoration.

Landowner Sharon Josephson asked if there would be issues with water flow due to a difference in gradeline at the end of the one-mile channel restoration. Jones stated that the gradeline drops more rapidly through the last culvert at 200th AVE. The proposed project should allow water to flow through this point based on the county survey shots. Josephson also asked if the channel gradeline was lowered during the 1975 restoration project since water originally stood on the east side of T.H. No. 9, now it stands on the west side of the road. Jones did not have information regarding the restoration completed in 1975. Albright informed Josephson that the gradeline beginning at the culverts through T.H. No. 9 will continue to 200th AVE. There will be a continuous slope throughout this stretch to prevent water from standing with the exception of the required pools on the outside channel bends.

Landowner Joe Wulfekuhle stated that he began working with Dan Swedlund, Wilkin County Highway Department, after the 1997 spring flood, to repair three major ditch systems east of T.H. No. 9. These ditches included Wilkin C.D. Nos. 1B, 15, and 31. He stated outlet improvements are now needed on the west side of T.H. No. 9, but that it is a gradual process. Albright noted when working with water issues there is never one solution that will resolve all concerns. The ditch systems are all related and impacted with changes. Van Amburg asked Wulfekuhle what he thought of the proposed project. Wulfekuhle felt there are many landowners in favor. Albright stated the BRRWD would need to obtain permission from four landowners in order to proceed with the project. They include the Harley Whitfield Trust, Thomas Vertin, Rick Rogers, and Sharon Josephson.

Albright explained that this project will not fix all the problems along Whiskey Creek, but it is a small step in the right direction. Jones asked Swedlund if the Wilkin County Highway Department has any improvement plans for any upstream ditches. Swedlund stated there will be no work on C.D. Nos. 1-C or 34 until after this proposed project is completed. There needs to be an adequate outlet for C.D. No. 1-C to justify any work on the upstream ditches. Whiskey Creek is not an adequate outlet in its current condition, and the proposed lateral cannot be drained to the south. Albright asked if the culverts on Whiskey Creek on T.H. No. 9 and 200th AVE currently run full. Wulfekuhle stated they do to the point the water can almost cross over T.H. No. 9.

Rogers stated that the channel on his property is always dry but downstream from his property near 200th AVE there is always a couple feet of standing water. He felt that there are more problems further downstream as well. Albright mentioned there could be water almost everywhere in the event of a big flood regardless of the proposed project. Wulfekuhle commented that the problem arises because C.D. No. 1-C never completely drains. Rogers asked if there would be any benefit in using Whiskey Creek to drain the high waters and then use the proposed lateral to C.D. No. 31 for low waters. Wulfekuhle was in favor of that proposal, however the DNR will not allow it. Albright stated there is more concern with low waters versus high. Wulfekuhle asked Jones' opinion as to whether or not there would still be increased flow three miles downstream from the end of the proposed project site. Jones stated from a big flood perspective there would be no difference in flow that far downstream.
Albright outlined the steps that would be taken to clean Whiskey Creek where it flows between the two farmsteads (Josephson/Rogers). The BRRWD would meet with the individual landowners to create a plan and delineate the work zone. Trees will be marked for removal. The only trees to be removed are those where the channel needs to be re-established. The final step will be to reseed any areas disturbed during the restoration project. Wulfekuhle mentioned there would be a number of outlets requiring sediment control. Jones noted the dimensions of the channel bed would be 7' wide with the top opening between 13' and 14'.

Josephson asked if the proposed plan needed to be a comprehensive plan for all of Whiskey Creek in order for it to work. Albright stated the proposed channel restoration is only a small portion of a larger comprehensive plan and will be completed first, ahead of the whole comprehensive plan. Jones stated the proposed project area has been identified as a problem by both the BRRWD and the SWCD. BWSR has requested that the BRRWD submit a bi-annual budget request for the next few years for possible funding to restore all of Whiskey Creek.

Albright discussed the steps to be taken if the BRRWD Managers approve the project. The BRRWD would need to contact Aadland to inform her that the BRRWD has approved the project. Then the BRRWD would start the EAW, which could take 3-4 months to complete. There are no anticipated problems, but this is presented to several State Agencies and something could come up during the review. While waiting for the EAW, the BRRWD could hold an informational meeting with the landowners in Section 14, Connelly Township, to discuss the required buffer strips, the possible agency programs that the buffer strips may qualify for, such as the Conservation Reserve Program (CRP), etc. Finally, the BRRWD would also meet individually with the landowners in Section 14, to obtain permission to complete the proposed project on their property and hopefully sign easements for the necessary R/W. The DNR would issue their permit once the BRRWD has landowner permission and the EAW has been finalized. The BRRWD would then hold a final landowner’s meeting to inform everyone once the project preparation has been finalized. Albright asked Swedlund if the Wilkin County Highway Department would consider constructing the project. Swedlund stated it would depend on when the project would begin. He said they would not be able to do the work if the project start date was this year.

Rogers stated he knows there are issues within Whiskey Creek west of his property due to downed deadwood, etc. The previous landowner told Rogers to leave it alone. Rogers asked if he could remove it or if he should leave it. Albright stated that a DNR permit is not required to remove log jams. Rogers commented that he is willing to work on his property to remove the deadwood as long as it will help the ditch work better.

Josephson asked why Section 14, Connelly Township, is not assessed to C.D. No. 1-C. Wulfekuhle stated that the Viewers make this decision. He also mentioned that Section 14 may be assessed to another ditch system.

Chairman Van Amburg adjourned the meeting at 8:20 PM.

Respectfully submitted and prepared by,

John E. Hanson, BRRWD Secretary