"Local Watershed Hears Complaints about Tile Pumps"

At their regular meeting held in Barnesville on Tuesday, May 26, 2015, the Board of Managers, Buffalo-Red River Watershed District (BRRWD), heard several complaints regarding tile pump operation during the recent heavy rainfall events that have occurred throughout the area. Complainants said their land was flooded and upstream landowners continue to pump more water onto their property. Bruce E. Albright, Administrator, said that last year the Red River Watershed Management Board developed guidelines for tiling systems. In order for the BRRWD to change their Rules, they would need to follow a legal process outlined in Minnesota Watershed Law. The proposed Rules would be reviewed by the Minnesota Board of Water and Soil Resources (BWSR) and a hearing for local landowners would be required. Several other Watershed Districts in the Red River Valley have already adopted the new Rule format. The BRRWD tiling permits do have a condition added to them that states if there is downstream flooding, the tile system is supposed to be stopped. Landowners questioned how the Board intended to enforce that ruling. Albright envisioned a time in the future when landowners would be able to check the BRRWD's website (www.brrwd.org) and given current rainfall events, flooding conditions, etc., a map depicted on the website would indicate where tile pumps would need to be stopped. Both complainants said that they were not opposed to tiling; they just wanted their upstream neighbors to use "common sense" when operating their systems. Landowners encouraged the Board to complete the Rules update so that this issue can be adequately addressed. The Board talked about the need to hold a special meeting to work specifically on their Rules.

Other business included:

- Continued discussion regarding drainage for the NE1/4, Section 22, Atherton Township, Wilkin County. The landowners and their renter attended the meeting to discuss long-term solutions for an existing ditch which was plugged by the downstream landowner last fall. For now, they will install a temporary hookup into the downstream landowner's tile system. Later this summer after the crops are removed, a more permanent plan will be sought.

- Discussed the status of the proposed Stony Creek Detention Site, which is located in Sections 3, 4, and 9 of Barnesville Township and Sections 32 and 33 of Elkton Township. Terracon was hired to do some preliminary soil investigation. We are still waiting for their analysis.

- Reviewed the BRRWD's current financial status. No income has come in since the 05/08/15 meeting. Current cash on hand is $1,307,550.50.

- Approval of permits to: Dennis Butenhoff for the installation of approaches with 18" diameter culverts in the NE1/4, Section 16 and SE1/4, Section 8, Barnesville Township, Clay County; Gary Forsberg to install Natural Resources Conservation Service (NRCS) designed sediment control basins in the NW1/4, Section 33, Parke Township, Clay County; Skree Township to install an 18" diameter culvert through 80th AVE S in the NW1/4, Section 16; Bruce Hein to install NRCS designed sediment control basins in Section 18, Audubon Township, Becker County; Robert Braton to install random tiling in the NW1/4, Section 8, Prairie View Township, Wilkin County; Bruce Nelson to install NRCS designed sediment control basins in Section 11, Lake Park Township, Becker County; and Gary Myers to install NRCS designed sediment control basins in N1/2, Section 33, Cuba Township, Becker County.

- Reviewed a survey conducted by Houston Engineering, Inc. (HEI) regarding drainage along 220th AVE, between Sections 23 and 24, Hamden Township, Becker County. Last summer, the downstream landowner plugged the tile system on his property. The survey indicates that the upstream landowner in NW1/4, Section 24, where an existing tile system was replaced in the fall
of 2013, cannot surface drain his tile water to the north. The BRRWD also reviewed information from their attorney, Tami L. Norgard, Vogel Law Firm. She was able to find a 1996 Court of Appeals case in Brown County, Minnesota, where the Court ruled that the downstream landowner had to unplug the tile and would be responsible to the upstream landowner for any crop damages that might occur while the tile remained plugged. The most recent information will be forwarded to the affected parties, as well as Hamden Township officials, who will be invited to the 06/08/15 meeting for further discussion regarding this issue.

- Noting that a meeting with the Viewers is tentatively scheduled for Friday, June 12, 2015, at 8:00 AM in the Barnesville office to begin their work on Project No. 77, Clay County Ditch (C.D.) No. 51-Proposed Lateral No. 3.

- Scheduling of a hearing (date to be determined) regarding Clay C.D. No. 11. The outlet structure on the north system has failed. There are also slumping issues in and around the Rustad area that need to be addressed.

- Recognizing the recent Awards given by the Minnesota Environmental Initiative regarding the Manston Slough Project, which won in the "Natural Resources" category, as well as the "Partnership of the Year". The Board acknowledged former BRRWD Manager Roger Ellefson's commitment and foresight regarding his involvement with this project.

- Discussed Manson Township wishes to remove a culvert in 170th ST, between Sections 3 and 10, on Wilkin C.D. No. 44. In accordance with Minnesota Drainage Law, a petition will need to be drafted which removes the culvert, abandons the ditch on the north side of the road, and recreates the ditch on the south side of the road. Albright will work with the Township in this regard.

- Noting that the next Mediation Project Team meeting is tentatively scheduled for Thursday, July 9, 2015, at 7:00 PM in the Barnesville office.

- Noting that an informational meeting will be held with the Barnesville Township Area Study landowners on Thursday, May 28, 2015. The purpose of the meeting is to discuss the recently completed survey of the unnamed tributary to Whisky Creek, as well as additional survey work that was completed on Whisky Creek. Future project concepts will also be discussed.

- Noting that the office continues to work with the NRCS regarding several potential Wetland Restoration Enhancement project sites. The Board is currently working with landowners near South Reep Lake in Audubon Township, Becker County. A potential storage area west of Trunk Highway No. 9 in Manston and Atherton Townships, Wilkin County. The Board agreed to schedule a meeting with landowners in Otter Tail County regarding a potential site in Section 33, Norwegian Grove Township.

- In accordance with the Minnesota Department of Natural Resources permit issued in 2014 for the restoration of Wolverton Creek/Comstock Coulee, that permit requires buffer strips and grade control stabilization on the outlets to the various C.D. systems that use the Coulee as an outlet. HEI filed grade control recommendations for the following ditch systems: Wilkin C.D. Nos. 5A, 22, and 26; Clay C.D. No. 53; and Clay-Wilkin Judicial Ditch No. 1. They also included right-of-way requirements for the one-rod grass buffer strips on Wilkin C.D. Nos. 5A, 26, and 22-Laterals No. 1 and 2. The Board approved a motion for the staff to set up the required ditch system hearings. The BRRWD currently has a BWSR grant that could assist in off-setting some of the costs. The Board hopes that several of the hearings can be combined and held on the same evening to cut down on the number of required meetings.

- Authorized HEI to conduct a repair investigation regarding Branch No. 3 of Wilkin C.D. No. 41 in Sections 7 and 8, Prairie View Township.
• Approved the Barnesville School District's 2015-2016 River Watch budget totaling $5,201.50.

• Approved the payment of bills, totaling $97,710.14.

• Discussed reservations for the upcoming Minnesota Association of Watershed District's Summer Tour which will be held in Duluth on June 24-26, 2015.

• Discussed short, intermediate, and long-term goals regarding the BRRWD's current workload. The top priority at this point in time is to finish the draft Revised Watershed Management Plan (RWMP). The plan will be submitted to BWSR for their review and eventually a hearing will need to be held to adopt the new RWMP.

• The Board approved a motion recognizing Albright and Jones for their work, and the recent Awards, regarding the Manston Slough Restoration Project.

The next meeting of the Board of Managers, BRRWD, is scheduled for Monday, June 8, 2015, at 7:00 PM in the Barnesville office, located at 1303 4th AVE NE, Barnesville, MN. All meetings are open to the public. For more information, please visit our website at www.brrwd.org.