

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

BARNESVILLE, MINNESOTA 56514

123 FRONT STREET SOUTH – PO BOX 341

PHONE 218-354-7710

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## **MINUTES FOR MANAGERS' SPECIAL MEETING**

**August 21, 2007**

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a special meeting on Tuesday, August 21, 2007, at 8:00 PM in the Barnesville office. BRRWD Managers present were Roger G. Ellefson, John E. Hanson, Gerald L. VanAmburg, E. Robert Olson, and Curtis M. Nelson. Others attending included BRRWD Administrator Bruce E. Albright, Mark Deutschman, Mark Aanenson, Brennan Schaefer, Erik S. Jones, and Julie Jerger, Houston Engineering, Inc. (H.E.); and Brian Dwight, Minnesota Board of Water and Soil Resources (BWSR).

Chairman Ellefson called the meeting to order at 8:00 PM. He noted that the proceedings were being taped to aid in preparation of the minutes.

### **Business brought before the Board included:**

**Comprehensive Plan Update.** Albright gave a brief history of the ongoing Plan update efforts. We have received an extension for completion of the Plan until 12/31/08. Our goal is to have the Plan completed and ready for agency review by 4/01/08. Mark Deutschman and the Maple Grove H.E. staff are involved with the actual Plan writing. Albright noted that the Board has some policy issues to address before the planning team can complete the draft Plan. Deutschman and his staff requested this meeting to update the BRRWD about the status of the Plan and discuss various tasks still pending.

Deutschman estimated that they have about 80% of the draft Plan completed. He said the Board has some decisions to make regarding what items should ultimately be included in the Plan. The group reviewed the current Plan outline. He indicated that they have not yet started the Resource Management Issues Assessment, which will include the landowner comments we received during the regional meetings. Albright noted that he and Jones will assist in reviewing the planning meeting information, as they are more familiar with the regional issues than Deutschman. Albright explained that after they assemble this information, the BRRWD plans to meet with the Citizen Advisory and Technical Advisory Committees (CAC/TAC) to formulate solutions for the issues raised in the regional meetings. In order to save time and money, the BRRWD plans to hold two or three combined regional meetings to review the proposed CAC/TAC solutions.

Deutschman discussed the section on Guidance of Future Activities, which includes subsections regarding Programs and Emerging Issues, Principles, Goals, and Policies, District Programs, and Desired Future Conditions (goals). He noted that he has proposed some new programs for the Board's consideration. Deutschman added that he has not finished the goals portion. He suggested that the BRRWD might want to set some targets for quantitative goals, such as reductions in peak discharges in problem areas, wetland restoration acreage, bufferstrip establishment, etc. By setting targets, Deutschman feels the BRRWD will be able to measure their progress.

The Plan will also include a List of Appendices that will summarize the issues/problems identified for the individual planning regions, and the proposed solutions. The main body of the Plan is based on this information.

VanAmburg questioned if the Plan should include a revision of the Rules and permitting regulations. Deutschman explained that as we implement new policies in conjunction with the new Plan, Rules/regulation revisions will also be updated and included in the appendix.

Ellefson questioned if the new Plan could address the District's legal authority in light of recent legal lawsuits. Brian Dwight, BWSR, suggested that the Board should use well-crafted guiding principals written into the Plan as a basis for their decisions. An extended discussion followed regarding this issue. Deutschman said that in order to defend their decisions, the Board should start by implementing policies in their new Plan to address problem issues, which will translate into revised Rules/permitting regulations that can be used to evaluate a problem based on criteria spelled out in the Plan's guiding principals. It would be much easier for an attorney to defend a Board decision based on clearly defined Plan goals. Albright mentioned that more agencies are basing grant decisions on whether the proposed project addresses an identified Plan goal.

Deutschman explained the "thread of the Plan", or how the Plan components will work together. He started with the section regarding principles, goals, and policies. He recommended that the Board review and/or revise their "Mission Statement". He pointed out that the Board should review the statement regarding the consistency of their programs/projects with the goals/operations of the Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) and the Red River Watershed Management Board (RRWMB) to be sure it describes their intentions relative to these organizations. As part of this section, Jones will be setting up regional assessment locations within the BRRWD for establishing and evaluating quantifiable goals. In the revised Plan, the BRRWD goals/policies are organized into ten management areas/categories. Deutschman discussed two of these areas, including Floodplain Management Runoff Rate and Volume. Each category lists a goal and the policies/actions for achieving the goal. He noted that this section of the draft Plan is completed, and ready for the Board's review.

In the section on Long-Range Implementation and Annual Work Plan, the BRRWD's goals and policies will be identified, prioritized, and prepared for implementation. The Long-Range workplan will also define a probable implementation timeframe and budget. Each year, the District will prioritize/target work activities according to the long-range plan. In this way, the BRRWD will be able to focus on the most important projects for each year. Deutschman added that the work plan will allow for flexibility so that unexpected items can be added. The group reviewed a sample worksheet, illustrating how the Long-Range Implementation Work Plan will function relative to annual activity prioritization. The worksheet included Management Area/Action Item (from the Principles, Goals, and Policies Section), Plan Policy (relating to established policies), Implementation Tools, Priority ranking, Status, Probable Implementation Dates, Dependency (if the project is dependent on another agency), and the Estimated Budget. This Work Plan will set up a framework to target goals that will be addressed by annual projects. It can also be used as criteria for permit review/approval. The projects should address problem areas identified in the regional meetings. Ellefson noted that land-locked basins and lakes elevation/drainage issues should be added to the Management Areas. Deutschman suggested that the Board could set a policy regarding this particular issue within the Management Area regarding flood damage reduction/rate of runoff/volume of runoff. An extended discussion followed regarding this issue.

The group discussed the identification of regional assessment locations referenced above in more depth. The group reviewed a sample map depicting problem areas within the BRRWD. These areas were based on comments from the regional meetings. The map will be used to set goals, prioritize projects/permitting, and identify solutions, and then by using a correlating worksheet/table, we will be able to track our long-term progress. Ellefson commented that goals referring to peak flow reduction for the Red River of the North should not be over-emphasized, as the BRRWD's contribution to the Red River peak flows may not be that crucial. A brief discussion followed regarding the importance of considering the local benefits

when establishing project goals. Albright noted that we could identify a Plan goal of maintaining our current contribution to the Red River. Dwight noted that BWSR would prefer that the updated Plan is not so detailed and specific that it is limited in its ability to address larger watershed issues. Albright added that the Mediation Project Team will have input regarding the specific projects.

The group discussed the challenges of reconciling the new Plan goals to the statutory requirements for project development. Deutschman noted that the Rules should be updated to allow for enforcement. He noted that the BRRWD needed to have goals and implementation criteria in place to support Board decisions regarding projects/permits. Dwight noted that the Board's responsibility is to coordinate the interests of individual project developers with the interests of the entire BRRWD.

In the section on Watershed District Administration, Deutschman discussed the role of the Guidance Documents in regards to Plan implementation. Examples of Guidance Documents are Preliminary and Final Engineer's Reports, documents describing District programs (i.e., water quality monitoring), policy documents, an information and education plan, and reports and investigations. These guidance documents will be used to provide the BRRWD with long-term flexibility to address emerging issues and regulations while maintaining a clear vision of our management intentions and expectations. Deutschman has included criteria that could be used to determine if a particular document can be considered a guidance document. The group discussed the use of the amendment process to modify the Plan.

Deutschman briefly discussed the self-assessment feature in the Plan that will allow the Board to monitor their progress towards the overall Plan goals.

An extended discussion took place regarding a feature written into the Plan that would allow for the establishment of Watershed Management Districts within the BRRWD according to Minnesota Statutes Annotated (M. S. A.) 103D.729. This alternative funding mechanism would establish each of the Regional Planning Units as separate Watershed Management Districts, which would exist in perpetuity. The probable total revenue from a Watershed Management District is based on the proportion of the total annual runoff volume and downstream loads contributed per parcel. Deutschman explained the scientific calculations involved in this method. Funds raised by this formula would be used solely for projects within a particular Management District. The long-range work plan would provide a means for estimating funding needs for each Watershed Management District. Dwight had some reservations regarding this proposal. One way to interpret M.S.A. 103D.729 could be that a Plan amendment is required to establish a Management District. Deutschman said that Jim Haertl, BWSR, has indicated that if a detailed explanation of the funding process is included in the revised Plan, it could be acceptable. Including this funding mechanism in the revised Plan would help avoid the time and expense required to complete a Plan amendment every time the Board wanted to establish a watershed management district. Deutschman explained that the Plan would have to identify the area involved, method for determining charges, the amount of the charges, and the term duration. Dwight noted that it might be difficult for the BRRWD to get public approval for the Overall Plan if someone objects specifically to this one component. Ellefson felt we should link the assessment to land value, not runoff quantities. The group discussed assessment methods to raise funds for a Management District within a specific district. The Board was in favor of including a mechanism to establish Watershed Management Districts in accordance with M.S.A. 103D. 729 in our Comprehensive Plan. Dwight and Deutschman plan to meet with Jim Haertl to discuss this issue in further detail.

Deutschman explained how the revised Plan will satisfy project development requirements according to the Watershed Management Plan, Watershed Law, the Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) Agreement, the Red River Watershed Management Board (RRWMB), state environmental review, federal environmental review, federal laws, state laws, and local approval. He prepared a flow

chart to illustrate the approval process for proposed projects. Deutschman and Dwight would like to review the flowchart with the Army Corps of Engineers (COE) regarding their Points of Concurrence requirements. The group had an extended discussion regarding the COE requirements. They felt if the BRRWD is able to address the COE requirements in our Plan, it could be of benefit to other Watershed Districts in the State. The Board agreed to authorize Deutschman to participate in this meeting.

Deutschman has identified existing and potential new BRRWD programs in the draft Plan. The group reviewed and discussed a table Deutschman prepared showing the program/activity, funding sources, status (existing/new), description, and an example from current BRRWD activities.

The group discussed current emerging issues the BRRWD will have to address in their revised Plan. Deutschman prepared a Question and Answer sheet regarding Total Maximum Daily Load (TMDL) for the Board's review and discussion. He suggested that the BRRWD might consider conducting TMDL studies within the District and that there could be funding available from the Minnesota Pollution Control Agency (MPCA) for this work. In this way, the BRRWD could coordinate water quality work in our District and eliminate duplicate studies. The Board discussed the role of our River Watch Team. We could also save time and money when developing a project if we already have a guidance document in place to address the TMDL issue. Other issues the BRRWD should be aware of include National Pollution Discharge Elimination System (NPDES) permitting program, increased tile drainage throughout the District, and water supply and use issues related to irrigation and ethanol production. In regards to NPDES, the City of Moorhead has a regulatory requirement for storm water management. Deutschman suggested that the BRRWD could identify this issue in the Plan and assist Moorhead in their effort with Rules regarding runoff rates and sediment control.

Jones reported that H.E. has prepared a new calibrated hydrology model for the entire BRRWD. With this model, they are developing information that will be incorporated into the Plan and staff hydrographs of the BRRWD at key locations, such as Georgetown.

Deutschman noted that the planning process is currently about \$30,000 over budget. The regional meetings were more expensive than anticipated. Albright pointed out that we could reduce and combine some of the upcoming CAC/TAC meetings. Deutschman's goal is to have the draft Plan ready for agency/public/BWSR review by April 2008.

**Adjournment.** Chairman Ellefson adjourned the meeting at 11:10 PM.

Respectfully submitted,

John E. Hanson, Secretary