

BUFFALO-RED RIVER WATERSHED DISTRICT

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BUFFALO-RED RIVER WATERSHED DISTRICT Minutes for Landowner Informational Meeting Gruenberg Waterway Drainage Investigation August 29, 2019

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a landowner informational meeting regarding the Gruenberg Waterway Drainage Investigation on Thursday, August 29, 2019, at 7:00 PM in the BRRWD office, 1303 4th AVE NE, Barnesville, MN. BRRWD Managers present were Jay A. Leitch, Catherine L. Affield, Mark T. Anderson, and Peter V. Fjestad. BRRWD Staff attending included Bruce E. Albright, Administrator and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI). Others attending included landowners: Jay Nord, Jan Kleinschmidt, Barb Sorenson, Craig Sorenson, Patty Floden, Shane Floden, Steve Anderson, Mark Sundstrom, Paul Israelson, Lynn Brakke, Matthew Johnson, Jeff Nord, and Mark Johnson.

BRRWD President Jay A. Leitch called the meeting to order at 7:00 PM. He introduced the BRRWD Board and Staff.

BRRWD Administrator Bruce E. Albright announced that the proceedings were being recorded to aid in the preparation of the minutes. An attendance signup sheet was circulated.

Albright began the meeting explaining that earlier this year, members of the Gruenberg family attended the May 28, 2019, BRRWD Board meeting with concerns in regard to a natural waterway located in Sections 15, 22, 27 and 34, Wolverton Township, Wilkin County, that drains into Wolverton Creek. Drainage issues were brought to the BRRWD's attention by landowners in Section 34 south of Wilkin County State Aid Highway (CSAH) No. 30 that runs along the north side of Section 34. Albright suggested that the Board authorize a survey, of the waterway and then meet with the affected landowners to decide what the next steps could be to address the problem. The landowners' options could be to clean the waterway at their expense, or they could petition for a lateral to the Wolverton Creek Restoration project. The BRRWD Board of Managers approved to have HEI conduct the requested survey. Once the survey was completed, and the drainage problems were identified, the Board scheduled tonight's meeting with landowners to determine how the Gruenbergs' drainage could be restored/enhanced.

Jones referred to a drainage area map on the white board. He explained the drainage patterns and culvert sizings starting at CSAH No. 30 in Section 34 and proceeding north to Wolverton Creek. Jones pointed out on the overhead monitors that the east ditch runs northerly through Section 27, joining the main tributary channel in the north half of the section. The survey consisted of a channel profile and cross-sections. Sediment test pits were also taken along the waterway to determine how much sediment has accumulated in the channel. It appeared that there is 0.5' to 1.0' of sediment that could be removed from the tributary and its east branch. While drainage would be improved, the removal of sediment would not eliminate all standing water on the south side of CSAH No. 30. The sediment test pits indicate that the cleaned channels would be quite flat (<0.02%). A review of the National Wetland Inventory (NWI) shows a number of wetlands along the downstream channels. The potential ditch maintenance has been discussed with the Wilkin County Soil and Water Conservation District (SWCD). Excavation in excess of the sediment in the channel would likely require wetland mitigation which could significantly increase the cost of a project. Since portions of the channel cleanouts would be across existing Conservation Reserve Program (CRP) land, the Farm Service Agency (FSA) would need to approve a permissive use to clean the channel, and vegetation would need to be re-established in conformity with the CRP contract.

Albright commented that there is a source of water that flows into the waterway from three miles south of Wolverton. He noted that Wolverton Creek is a Minnesota Department of Natural Resources (DNR) protected waterway, and a permit was needed for the project, but this tributary waterway is not protected, so a DNR permit is not required.

Anderson asked if a rotary ditch cleaner could be used to clean the waterway. Jones responded that due to the limited amount of material that needs to be excavated, a rotary ditch cleaner could be used instead of a backhoe. Albright mentioned that part of the waterway is farmed and could require more maintenance.

Landowner Jan Kleinschmidt asked how many designated wetland acres are on her property. Jones explained that it depends on who is looking at jurisdiction on the map. The NWI and the FSA each use their own set of maps to determine wetlands, and the two maps don't always correspond.

Albright explained that there are several agencies that have jurisdiction on these wetlands. The Wilkin County FSA still uses the Swampbuster provision of the Food Security Act of 1985 (P.L. 99-198) that discourages the conversion of wetlands to cropland use. Producers converting a wetland area to cropland lose eligibility for several federal farm program benefits. The Wetlands Conservation Act (WCA) could have agriculture exemptions, and the Army Corps of Engineers (COE) could have jurisdiction, especially for depositing fill onto the wetlands. Jones noted that the excavated sediment has to be spread out on the field after crop harvest. Kleinschmidt asked if excavated sediment could be used to build up the wetland. Jones replied that the sediment would have to be deposited onto a non-wetland area. He pointed out on the NWI map on the overhead monitors the areas in green that identified the smaller wetland basins along the Gruenberg waterway.

Anderson asked if removing sediment from the waterway to bring it back to its original grade could be considered draining a wetland. Jones explained that if there is documented sediment buildup, removing the sediment would not be considered draining the wetland unless the intent is to deepen the waterway.

Landowner Jeff Nord commented that certain classified wetlands can be drained through, as long as no additional fill is added. The wetland area could be extended up to 15.5' wide and lengthened to add area to the bottom of the channel. Jones replied that the mitigation process would be initiated if the wetland is impacted. Nord commented that if no fill is added, the wetland can be drained through. Jones added that this would be true as long as the outlet is not lowered.

Albright explained that there are professionals certified to delineate wetlands. A wetland delineation study involves a thorough investigation of any critical areas on-site. Identification of wetlands using the delineation method primarily involves the determination of three factors: the predominance of wetland vegetation, hydric (wetland) soils, and signs of hydrology. He explained that private and public projects often cause adverse impacts to aquatic and biological resources even after implementing the best avoidance and minimization practices available. These unavoidable impacts typically require compensatory mitigation to ensure that the ecological losses are offset and do not result in a net loss of natural resources. A wetland mitigation credit is a unit of trade used to offset ecological losses that occur in wetlands. Wetland credits allow a client to satisfy their environmental mitigation permit needs prior to impacting wetlands.

Leitch informed the group that he attended wetland delineation school and explained that it is very complicated in Minnesota. He agreed with Albright that the parameters of a wetland area are specific combinations of hydrology, vegetation, and soils. He also noted that if there is subsurface water, it is still considered a wetland.

Using an area map, Jones discussed the East Channel area drainage patterns and culvert sizing. Landowner Mark Sundstrom commented that part of the problem in the West Channel was a blocked culvert under CSAH No. 30 that backed water up 3.75 miles. He also commented that the Wilkin County Highway Department cleaned out the culvert sometime in May. Albright asked if the culvert sizing was adequate due to the size

of the watershed that drains through the waterway. Jones identified the culvert sizes downstream from CSAH No. 30 to the Wolverton Creek outlet. Kleinschmidt asked if the culverts were the correct size to handle the drainage through the waterway. Albright explained that the culverts could be undersized, but the engineer would determine the adequate dimensions.

Landowner Craig Sorenson asked if there are historical records showing elevations from the 1970s. Jones commented that the test pits were completed because there are no historic elevation records for this area.

Anderson commented that a rotary ditch cleaner could be a less expensive option for the cleanout since there is not a lot of material to remove. Nord agreed. Albright explained that the FSA will investigate and determine if maintenance work is actually being done to the wetlands before they approve the cleanout.

Leitch commented that he looked up the *de minimis* wetland for this area, and if the absolute *de minimis* is 400 sq. ft. or less, we might be able to go ahead and move forward. Jones noted that approval should still be obtained from the FSA. Albright recommended contacting Don Bajumpaa, Wilkin SWCD, for his input regarding the project.

Nord asked what the results were for the northern part of the survey. Jones referred to a survey map and began at the 36" dia. culvert under 140th ST, north of Sections 27 and 22. He explained that downstream in the bottom of a swale, about 15" to 18" of top soil could be cleaned out, and further downstream there is a stretch with 12" of sediment that could also be removed.

A landowner asked if the work would have to be done all at once. Albright explained that when dealing with flat channels, the whole waterway should be cleaned out.

Kleinschmidt asked what the next steps were to move forward with the cleanout. Jones explained the process begins with contacting the landowner that has the CRP contract along the waterway. The landowner then contacts the FSA to request permissive use to gain access to the cleanout area. Albright identified potential landowners along the waterway who would need to be contacted.

Anderson explained to the group that it would be cost effective to work with the assistance of the BRRWD. Jones noted that it would be possible to put proposed grades in the plan. Albright recommended contacting Bajumpaa to approve elevations for the cleanout, then inform the landowners of what would be allowed. The BRRWD could assist the landowners either with GPS coordinates, or set stakes up with the elevations to assist with the rotary cleanout. The other option is to have the BRRWD complete the entire project, then billing the affected landowners.

A brief discussion was held regarding who would benefit from the project. The group agreed that rotary ditching the channel, when conditions allow, would be the most cost-effective solution. Albright commented that it will be next year before any major progress will be made south of CSAH No. 30.

Leitch proposed to move forward with the plan. Albright agreed, and informed the group that the first step is to have Jones add the grades to the plan and forward it to Bajumpaa for his approval. The BRRWD will continue to communicate with the affected landowners.

There being no further comments or questions, Leitch adjourned the meeting at 8:05 PM.

Respectfully submitted,

John E. Hanson, Secretary