

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

123 FRONT STREET SOUTH – PO BOX 341

PHONE 218-354-7710

BUFFALO-RED RIVER WATERSHED DISTRICT LABELLE/BOYER LAKES OUTLET MINUTES FOR INFORMATIONAL MEETING August 31, 2009

Pursuant to Minnesota Statutes Annotated (M.S.A.) 103D.745, and any other applicable statutes, the Board of Managers, Buffalo-Red River Watershed District (BRRWD), held an informational meeting regarding the LaBelle/Boyer Lakes Outlet on Monday, August 31, 2009, at 7:30 PM in the Lake Park Community Center. BRRWD Managers present were Curtis M. Nelson, E. Robert Olson, John E. Hanson, and Gerald L. VanAmburg. Others attending included: Bruce E. Albright, BRRWD Administrator, and Erik Jones, Engineer, Houston Engineering Inc. (H.E.); Dave Barsness, Minnesota Department of Natural Resources (DNR); Paul Munsterteiger and Jane Butzer, Minnesota Department of Transportation (MNDOT); Scott Kahan, United States Fish and Wildlife Service (USFWS); Brad Wentz, Engineer, Becker County Highway Department; Barry Nelson, Commissioner, Becker County; Vicki Gerdes, Detroit Lakes Newspapers; Jerry Lunde and Sean Felker, Audubon Township Supervisors; Wesley Torgerson, Cuba Township Supervisor; Katie Lundmark, Sunnyside Care Center; Ed Rian, Lake Park Superintendent; and landowners: Judy Larson, Doug Larson, Ben Torgerson, Ellen Bergman, LeRoy Bergman, Jimmy Kaiser, Cameron Ullrich, Curt Ullrich, Gayle Kaatz, Gary Kaatz, Vicki Trimmer, Marvin Lake, Harold Trimmer, Tori Erickson, David Mittet, Susan Madson, Gary Madson, Steve Guttormson, Sheri R. Kaiser, Gayle Markert, Curtis Markert, Lonnie Crabtree, Dianne Ennen, Leo Ennen, Steve Johnson, Moses Baer, Amon Baer, Fay Silas, Jareb Baer, Bruce Hein, Richard and Kathy Gandrud, Ed Rian, and Brad Lindstrom.

BRRWD Administrator Bruce Albright called the meeting to order at 7:30 PM and introduced the BRRWD Board and Staff. He announced that a tape recorder was being used to aid in the preparation of the meeting minutes and distributed an attendance sign-up sheet and asked the audience to state their names when giving testimony so that the minutes can accurately reflect who was speaking.

Albright gave a brief history of the LaBelle/Boyer Lakes proposed outlet. He discussed the current wet cycle that has lasted over ten years, and the resulting high water problems throughout the District. He noted that MNDOT raised Trunk Highway (T.H.) No. 10 about 5 years ago, and this summer, T.H. No. 10 was close to overtopping again.

Erik Jones, Engineer, H.E., presented the results of H.E.'s area investigation this summer. He considered three alternative outlet routes: to the north, west to Hay Creek, and on the east end of the southeast bay of LaBelle Lake. The northern route is the current natural outlet for LaBelle Lake. This outlet poses a problem as there are downstream wetlands with no natural outlet, so that they would simply continue to grow larger or until spilling over. The next alternative is to drain the water west, eventually to Hay Creek and Stinking Lake. Excavation would be quite deep at the midpoint of this route. The third outlet option is to lower the lake via the southeast bay to the east. Water could drain naturally about 700'-800' across property owned by the Fahrlanders to an historic channel that would take the water north to Becker County Ditch No. 9, which eventually outlets to the Buffalo River. Based on the United States Geological Survey (USGS) quadrangle maps, the drainage area for Boyer Lake is 3.6 square miles (sq. mi.) and East (Duck) and West LaBelle Lakes have a drainage area of 3.1 sq. mi., comprising approximately 7 sq. mi. total drainage area for the project. The USGS maps from 1966 show the area

lake elevations were approximately 7' lower than their current levels. Boyer Lake was at elevation 1310 in 1966, and this spring Boyer was at elevation 1325. Felker Lake is at the same elevation as Boyer.

Using the overhead, Jones discussed the proposed project design. DNR Fisheries has some fish passage concerns regarding the use of Warling Lake as part of the outlet route, as they use it for a walleye rearing pond. Jones explained that we would have to be sure the outlet was designed with fish barriers to discourage fish migration from the Buffalo River. H.E. has investigated the County Ditch No. 9 structures. Jones proposed smaller project outlet pipes than the downstream culverts on the ditch system. He noted that the project would be operated according to an Operation and Maintenance (O&M) plan with control structures that could be used to shut down the project during downstream flooding events or for maintenance.

Jones described the proposed Boyer Lake outlet route. Drainage out of the lake would follow along the T.H. No. 10 road ditch. An 18" dia. dual wall tile would be equipped with an inline control structure similar to the one proposed for the LaBelle Lake outlet that could be closed when needed. He displayed a number of plan and profile sheets and discussed the details of the proposed plan for Boyer and LaBelle Lakes. The project will employ the use of channel cleaning, rock drop structures, erosion control, and culvert changes for an outlet from Warling Lake.

Jones explained that we can only lower LaBelle Lake approximately 2' to the Ordinary High Water (OHW) elevation without applying for a DNR permit to work below the OHW. Someone asked for a clarification of the OHW DNR rules. Jones explained. He noted that the goal is to lower the lakes about 1' per month, assuming normal precipitation/groundwater influence.

Someone asked if it is just the wet weather cycle that is affecting the elevations of the area lakes. Jones said in his opinion, the wet cycle we've been experiencing since 1993 has had a significant impact on the area waterbodies.

Jones explained how the outlet control structures would function. He discussed the plan and profile sheets and detailed drawings for the proposed Boyer Lake outlet. Someone observed that the proposed project could improve fishing.

Ben Torgerson asked about possible beaver control measures to keep the Little Boyer Lake structure open. Jones said that he has allowed for beaver control expenses in the project budget.

Jones described the fish barrier that is proposed for 230th ST on Warling Lake and the proposed lake outlet structure.

Someone asked if the route Jones presented is the one the Board has decided upon. Jones explained that this is his recommended route, as it has the least impacts. Someone else asked how much would Boyer Lake be lowered by using the culverts in T.H. No. 10. Jones said the potentially Boyer Lake could be lowered 6'-7'. He added that he would invite audience input on this topic. Amos Baer asked who ultimately decide what the target elevation will be. Jones said that the Board of Managers, BRRWD, would make that decision. Someone asked what the proposed elevation is from Boyer Lake to Little Boyer Lake. Jones said that the elevation would be 1319.1, or the OHW. The actual amount of drawdown is still under consideration. The maximum drawdown could be approximately 7' to the OHW. Someone asked what would keep fish from entering Warling Lake. Jones described the fish barrier structure that is proposed for 230th ST.

At 8:10 PM, Jones went through the proposed project cost estimate. The total construction cost will be approximately \$147,780. He allowed 20% of the construction costs for contingencies (\$29,560). Administration costs would be approximately \$20,000. He also allowed \$10,000 for beaver control and utilities. The permanent right-of-way (r-o-w) costs will be approximately \$17,550 and the temporary r-o-w would be about \$1,530. The total project costs would be approximately \$288,420. When we let bids, we will be looking for the lowest bid from the most qualified contractor.

If the project is developed, Appraisers would be appointed to determine benefits/damages for the project. This information would be made public at another hearing.

There was a discussion regarding how the project would drain naturally. Someone thought that Little Boyer and LaBelle Lakes were not connected. There were several questions about the project route. Jones said that he would be willing to look at other options. He noted that some of the other routes he investigated could potentially drain wetland areas, which he would like to avoid, as the wetland mitigation rate is 2:1 and replacing wetland acreage would add significant costs to the project. There were other questions about using open ditch channels versus culverts. Jones noted that his information would be posted to the BRRWD's website at www.brrwd.org.

Albright commented that the BRRWD is looking at a project for this area because landowners have asked us for help. At this point, the project design is still preliminary, and we shouldn't get bogged down with redesigning the preliminary plans, as we are only looking to build an outlet that will provide a manageable elevation for the lakes at a feasible cost. The Board is looking for landowner consensus regarding a possible project. We have at least three other projects that we are also investigating this fall. If this is not a project that the landowners want, we will move on to the other proposed projects. Project costs are high, but we will be actively pursuing outside funding for the project. He discussed possible state/federal/local funding, as well as local assessments. He added that probably doing nothing is not a good option, as the lakes could continue to rise and endanger private property and state/local roads. Albright explained what the emergency declaration means for project development and added that this project must be landowner driven. If they want a project, they have to let the BRRWD know.

Susan Madson asked how much it would cost to raise T.H. No. 10. She said that her township road has been underwater all summer. Paul Munsterteiger said that the last time MNDOT raised T.H. No. 10 in 2003, it cost approximately \$940,000. Albright noted that in 2003, the BRRWD and MNDOT discussed an outlet project, but it was decided to raise the road instead. If the water continues to rise, an outlet might be the most economical option. Albright noted that MNDOT would be a benefitted party for the proposed project. He discussed the Appraisers role in determining benefits/damages for the project. If a project were developed, a Final Hearing would be held where landowners would be informed about their individual costs and benefits/damages. There is also an appeal process if someone disagrees with the Appraisers' work.

Albright asked the group what the consensus was regarding the project development. Someone felt that the project should be ready for construction next spring. Albright said we could spend time this winter working on the project to have it ready by spring.

Someone asked if Jones had the current lake elevations. Jones said he did not.

Brad Wentz, Becker County Highway Department, suggested that the BRRWD could work on r-o-w acquisition, wetland investigations, and permitting this winter. Jones and Albright agreed.

Dave Barsness, DNR, asked if H.E. knows how lowering a lake 6'-7' affects its fishery. Barsness had concerns about winter fish kills if the lakes are too shallow. Albright briefly discussed Swede Grove Lake, which is a shallow lake that the BRRWD has been asked to develop a project on. VanAmburg thought it would just restore the lake to the condition it was in 10 years ago. Barsness thought it would help just to recover the lost shoreline vegetation. Albright asked if there were anything left of the Sunnyside Care Center shoreline reclamation project. Katie Lundmark, Sunnyside Care Center, said that about half of the shoreline is left.

Bruce Hein said that back when T.H. No. 10 was built, a landowner along the road felt that MNDOT needed to allow for Boyer Lake drainage. Back then, landowners warned that it would cost a lot of money to repair the road if the lake drainage wasn't addressed. Hein felt that MNDOT has some responsibility for the high water levels on Boyer Lake. He referenced 150-year old trees that are now under 2'-3' of water, which shows that at one time, Boyer Lake drained, and this isn't the first wet cycle we've experienced. He feels that MNDOT changed the lake outlet, and they should accept responsibility for some of the problems in this area. Jane Butzer, MNDOT, said there were several pipes under T.H. No. 10 to allow drainage for the lake, and the highway does not act as a dam. Butzer commented that MNDOT is an affected landowner, just like everyone else. MNDOT is not causing the excessive rainfall. More discussion followed regarding MNDOT culpability regarding the drainage concerns. Someone commented that when Burlington Northern/Sante Fe (BNSF) Railroad built their railroad tracks there many years ago before T.H. No. 10 was built, they allowed for area drainage with a 6' dia. culvert. Jones commented that BNSF used to install larger culverts than were hydraulically necessary, as a standard practice to allow for train traffic. Jones felt it would be hard to speculate as what criteria were used 120 years ago regarding pipe sizing.

VanAmburg noted that the wet cycle we are currently experiencing is wetter than any historically documented period. Albright commented that the two lakes were included in this process because LaBelle is the outlet for Boyer. It wouldn't have made sense not to develop the two projects together.

Someone commented that the project is a good idea with agencies all working together to provide a manageable system so that the project can be stopped/controlled in response to downstream flooding. He discussed lake water quality testing and project benefits/damages. Someone who lives on LaBelle Lake noted that the Lake is high, but they can manage it after the beaver dam broke last fall and flooded downstream property. Someone else also discussed his experiences with the high water on LaBelle Lake in relation to his dock.

Someone asked what the elevation on Boyer Lake would be if T.H. No. 10 wasn't there. He feels that MNDOT is blocking natural water with their highway. Jones felt the elevation would be the same.

Jones noted that the 40-year-old USGS maps shows that on the north end of Boyer Lakes the natural topography plays a role in restricting drainage from the Lake. Albright agreed that some would say that the lake elevation would be the same. He added that the County would have aerial photographs from the 1930s and 1940s that show the changes in this area.

Someone asked how the landowners on LaBelle Lake would benefit from draining water from Boyer Lake through LaBelle. Albright said that the Appraisers would determine benefits/damages for the project. He added that the high elevation on LaBelle Lake is still affecting shoreline property.

Jerry Lunde, Audubon Township Supervisor, commented that the Township is losing roads on the south side of Boyer Lake and something needs to be done to address the highwater problem. Someone asked the DNR and USFWS representatives how much flow could the downstream areas of LaBelle Lake

handle. Scott Kahan said that the water elevation of the Waterfowl Protection Area (WPA) had risen this spring. They added a siphon to move water off the WPA, and water levels have not risen since June.

Someone asked if it would possible to install a siphon from Boyer to LaBelle this fall to lower Boyer Lake elevations. Jones noted that it would be a long run of siphon pipe to get the water to Little Boyer, and it could be expensive. Albright briefly discussed the Turtle Lake siphon system. He noted that a siphon wouldn't be very affective in this application. Someone else asked why we don't just install a tile in the road to drain the lake naturally. Albright commented that this is the current proposal. There was more discussion about possible project designs. Jones noted that a project would have to be planned carefully so that downstream property/areas are considered.

The group felt that the project should be started as soon as possible.

Albright asked if there were any more questions or comments. He said that the office would prepare meeting minutes, and the Board will review the comments and make a decision about moving forward with a project for this area. The Staff and Board will be available following the meeting, if anyone would like to ask more questions. He commented that he thought there really wasn't any opposition to the idea of constructing an outlet for LaBelle/Boyer Lakes. In regards to how the Boyer Lake highwater problem was created, he felt that we needed to move forward with a solution, not look back for someone to blame. Appraisers will determine who will benefit from the project. The BRRWD will start to work with the State of Minnesota on possible funding, and we will also have to consider wetland impacts. Currently, the BRRWD is paying for the project investigation. The BRRWD will try to schedule another informational meeting sometime early next year. Project information will be posted on the BRRWD's website at www.brrwd.org.

Someone asked if MNDOT had figured out the size and elevation of the equalizer pipe through T.H. No. 10. Butzer said they would have to get the plans for the grade raise project when they get back to their office. They will forward the information to Jones, and it could be posted on the BRRWD's website.

Albright asked again if there was any more testimony. Being no further questions or testimony, he adjourned the meeting at 9:20 PM.

Respectively Prepared and Submitted by,

Bruce E. Albright, BRRWD Administrator