

Upper Buffalo River Restoration Hearing Meeting Minutes

Monday April 28, 2025

Managers Present: Peter Fjestad; Catherine Affield; William Davis; Curtis Stubstad; Gerald Van Amburg; Troy Larson.

Staff Present: Kristine Goeden, Administrator; Matthew Schlauderaff, Watershed Specialist.

Consultants Present: Bennett Uhler, Engineer, Houston Engineering, Inc. (HEI).

Others Attending: Wally Danielson; Lowell Jorgenson; Mary Ann Jorgenson; Jon Lowry; Jerry Matter; Nancy Matter; Dave Matthews; Scott McCaslin; Stew Metelak; Connie Motteberg; Chad Okeson; Orrin Okeson; Mark Potter; Kyle Schmidt; Dennis Schouviller; Daniel Steffl; Jonah Steffl; William Steffl; June Steffl; Noah Steffl; David Steffl; Cole Teiken; Charles Thompson; Barry Nelson, Becker County Commission; Bryan Malone, Becker Soil and Water Conservation District (SWCD); Ed Clem, Becker SWCD; Rodger Hemphill, Minnesota Department of Natural Resources (MNDNR).

President Fjestad called meeting to order at 5:00 PM.

Goeden stated meeting is the Final Hearing for the establishment of Project No. 86 Upper Buffalo River Restoration which proposes to restore 4 miles of channel in Section 7, Callaway Township, and Sections 11, 12, and 13 Riceville Township Becker County. Goeden stated following a presentation from Uhler, all are invited to provide public comment. Following the Hearing, Board of Managers will consider comments and determine if an Order should be made to establish Project No. 86, Upper Buffalo River Restoration at their regular Board Meeting on May 12, 2025 at 7:00 PM. Goeden noted, if an Order is signed, individuals wishing to appeal the Order may file a notice of appeal with the court administrator of the district court within 30 days of the date of the Final Order.

Uhler showed map of watershed for Upper Buffalo River Restoration, which has a drainage area of 108 square miles. Uhler presented a history of proposed project area. This included an image from 1953 which showed the Buffalo River flowing through the proposed project alignment. Local ditching began in 1970s and during a large rain event in the late 1970s or early 1980s water overtopped high ground on west side of channel and flow into one of those ditches. The ditch then back cut until it reached the Buffalo River. This ultimately, realigned channel to its current alignment.

Cutoff channel contributes a significant amount of sediment downstream, resulting in poor water quality. Currently, Upper Buffalo River is listed by Minnesota Pollution Control Agency (MPCA) as impaired. In addition, there are limited natural resources and habitat due to degraded stream. Project proposes to restore 4 miles of Upper Buffalo River to natural stable stream and includes replacing 4 channel crossings. Channel is proposed to be 29 feet wide and 3.7 feet deep. There are proposed to be pools on the outside bends which will be 5 feet deep. A setback levee is proposed to ensure water does not flow back into existing ditch. Rock arch rapids will also be installed to help reduce grade to reduce future erosion.

BRRWD Board of Managers approved temporary easement payments of \$250.00 per acre of cropland or a minimum payment of \$500.00 per parcel. BRRWD hired Natwick Appraisers to complete appraisal reports for properties. BRRWD will offer landowners appraised rates for permanent easements. BRRWD invited landowners to enroll land needed for proposed project in Reinvest in Minnesota (RIM) in Spring 2024. Landowners that enrolled in RIM will be paid RIM rates through the State and BRRWD will provide an additional 20% of the RIM rate to those landowners.

BRRWD is in the process of obtaining permits for Wetland Conservation Act (WCA) through Becker SWCD, MNDNR Public Waters Permit, United States Army Corps of Engineers (USACE) Section 404 Permit, Becker County Planning and Zoning Land Alteration Permit, and MPCA Construction Stormwater Permit.

Below is the funding BRRWD has obtained for proposed project:

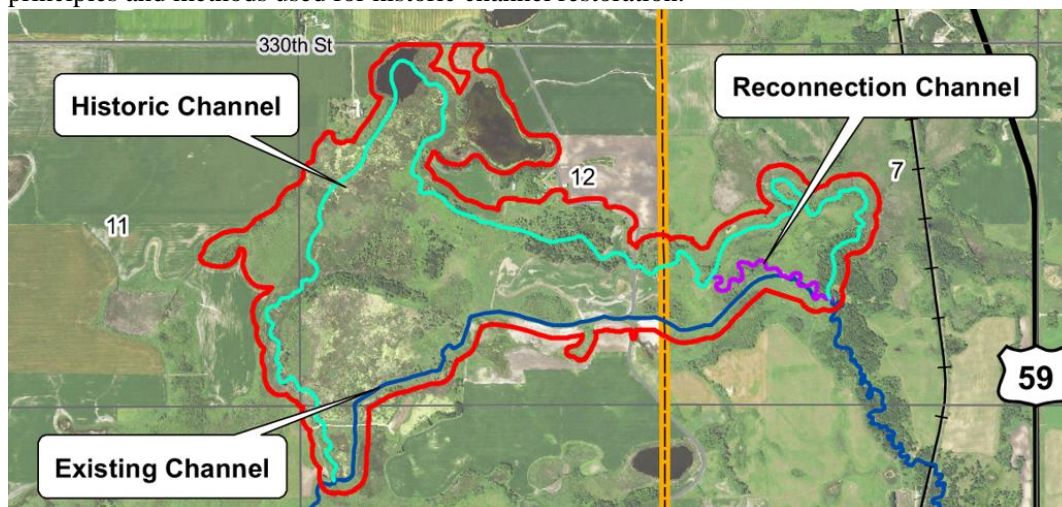
Funding Source	Amount	Percentage of Funding
Lessard-Sams Outdoor Heritage Fund (LSOHF)	\$2,415,000.00	51%
MNDNR Stream Habitat Program through LSOHF	\$1,700,000.00	36%
BRRWD District-wide Funding	\$390,000.00	8%
Water Management District (wmd) / Landowner Assessment	\$195,000.00	4%
Total	\$4,700,000.00	

Project proposes to restore 4 miles of the Buffalo River to a natural stable stream. Over 70 acres of enhanced or expanded buffers are proposed. Water quality will be improved by reducing sediment and nutrient loading to the river. There will also be improved natural waterway drainage.

Uhler presented background on statutory authority given to watershed districts to implement wmds through MN Statute 103D.729 with the establishment of a Comprehensive Water Management Plan (CWMP). This authority allows watershed districts to establish a wmd for the purpose of collecting revenues and paying costs of projects. Currently, BRRWD has 6 established wmds.

Development of wmd involves reviewing existing land use and determining runoff values based on current conditions compared to pre-settlement conditions. For example, developed lands and lands in agricultural production would have higher runoff values and thus higher assessments than grasslands. Analysis also involves review of lands that do not contribute to system or may only contribute under large rain events. Maximum assessment that could be raised annually through proposed wmd is \$27,950.00. Annual cost per acre ranges from \$0.00 to \$2.42. Based on project needs, BRRWD will annually determine whether to assess project and how much to assess. Funds collected through wmd will be used for easements, construction, and maintenance of proposed Upper Buffalo River Restoration. Currently, it is anticipated that BRRWD has enough funds from grants for construction of proposed project.

Uhler provided explanation as to why entire historic river (shown below in green) was not included in realignment. Where historic channel and proposed channel meet, channel has down cut 11 feet. It would have been challenging to bring river up 11 feet to reconnect in that area. In addition, area to the north is heavily wooded and landowners preferred project did not include that area. Proposed alignment (shown in purple below) still accomplishes project goals and is designed using same principles and methods used for historic channel restoration.



Uhler provided explanation as to why a wmd is proposed versus having a district-wide assessment cover future maintenance of proposed project. BRRWD has 6 other projects with wmds which allow local landowners to pay for maintenance in their own areas. Using this assessment method, landowners are not responsible for maintenance assessments in areas where their water does not contribute.

Uhler provided explanation as to why field practices are not included in analysis for the proposed wmd. Uhler noted there is benefit and value in implementing these practices on the landscape. Practices such as no-till or cover crops can be temporary practices and assessments are perpetual, so these practices are not included in analysis. Water and sediment control basins (WASCOBs), grade stabilization structures, side inlets, etc. are often installed where there is significant sediment load coming off field. These practices reduce peak flow, but the amount of runoff is usually not reduced. These projects usually restore landscape back to what it would have been before a gully or other erosion problem occurred.

Landowners were then invited to provide comment to Board of Managers.

W. Steffl asked about the estimated cost for four culverts that will allow landowners to cross river. Uhler estimated cost to be around \$1 million. W. Steffl expressed concern that project is too elaborate. W. Steffl stated land adjacent to historic channel is private hunting land culverts are for private crossings on hunting land. W. Steffl stated he believed spending \$1 million on private crossings should be paid for by individual landowners. Fjestad noted state funds are contributing to project and therefore state requirements for culverts must be followed. W. Steffl stated all landowners along the channel who are proposed to have culverts replaced already have access to land on both sides of river and crossings are not necessary. W. Steffl then noted BRRWD plans to purchase 100-year flood easement. Uhler confirmed as water moves north, BRRWD identified potential impact and plans to purchase easements. Uhler clarified easement costs would be approximately \$425,000.00, RIM would contribute approximately \$175,000.00, so total project easement cost to BRRWD would be approximately \$250,000.00. Davis recommended Uhler confirm easement amounts at regularly scheduled Board Meeting on May 12, 2025. W. Steffl expressed concern with overflow that will divert water to south channel. W. Steffl asked if overflow would be included as part of project. W. Steffl clarified that Engineer's Report stated an overflow structure would be constructed to accommodate a proposed private wetland bank site south of proposed project. Uhler clarified a culvert would be reset on 220th Ave on existing channel and is not one of the proposed replacement culverts. There would be culvert replaced at a crossing north on 220th Ave on realignment of historic channel. Uhler clarified proposed wetland site is west of 220th Ave and there is not an official overflow structure. During high flows, water would flow around setback levee and flow into existing channel. Project is designed to keep water in restored historic channel. Setback levee is designed for 100-year event to keep water in restored historic channel. W. Steffl asked if existing channel will be part of project area. Uhler said, existing channel will be left on the landscape to handle local drainage but is not part of proposed project. A portion of the ditch will be filled in to ensure breakout flows from restored channel do not reconnect to existing channel as happened in the past. W. Steffl asked about annual maintenance and what would be included. W. Steffl expressed concern about including beaver management as part of maintenance. Uhler noted other wmds established by BRRWD do include beaver management as part of project maintenance for project area. Uhler clarified project area meant portions of channel where work is proposed to be completed. In this case, would include 4 miles of restored channel. W. Steffl asked if bottom of the historic channel would be widened west of 220th Ave. Uhler confirmed historic alignment would be widened for entire 4 miles. Uhler noted at previous landowner meetings, landowners expressed concern that there would not be enough capacity through historic reach if channel not widened. W. Steffl noted the CWMP states wmd funds will be used to "support stormwater runoff and water quality projects that help achieve the goals of the planning regions, which benefits residents within a wmd." He continued that he reviewed the Board of Water and Soil Resources (BWSR) website which says wmds develop "a fee structure based on who contributes to a specific pollution problem or to a water resource issue." W. Steffl asked if upstream landowners have contributed to water resource issue or if issue naturally happened on its own. Uhler noted local ditching initiated problem. Uhler noted wmds include lands that contribute water to an area, which contribute to a water resource issue. W. Steffl noted project may be necessary and important but did not believe he benefited from project. W. Steffl said water coming down steep elevation caused problem on channel. W. Steffl stated he did not believe wmd was fair.

Potter noted he agrees with W. Steffl. Potter lives on Buffalo Lake. Potter stated water on Buffalo River comes from Buffalo Lake. Potter stated BRRWD could have fixed crossing on Hwy 34 and dam in 2024. Potter stated BRRWD could have taken fish fingers off the dam, trap beavers, and clean trash out from behind dam. Potter requested BRRWD start work at headwaters of Buffalo River. Uhler noted fish fingers were removed from dam a few weeks ago. Potter mentioned there is a lot of beaver activity near the dam. Potter wants dam on Buffalo Lake removed and a natural rock spillway installed. In addition, he requested a new culvert be installed under the road.

Schmidt asked what infiltration rates were before fields were in agricultural production. Uhler noted infiltration rates would vary depending on soil type. Schmidt recommended using funds to pattern tile land to encourage infiltration.

Lowry, part owner of LL Ranch LLP, noted property owned by him and his brother-in-law, Greg Larson, who was unable to attend hearing, is directly impacted by proposed project. Lowry noted beavers will be an issue long-term within project area. Lowry noted existing channel is eroding and if nothing is done, long-term there could be impacts to railroad bridge and other infrastructure to the east could be compromised by erosion. Lowry stated they support proposed project and see benefit to the landscape. Lowry noted east half of property is in permanent easement, but west half of property has tillable acres and access to property needs to be maintained. Lowry noted beavers would be more of an issue with culverts.

C. Okeson stated he owns 400 acres upstream of proposed project. C. Okeson stated they installed 20 dams on 400 acres to reduce erosion and he does not like that installation of the dams are not considered in the calculation for assessments. Uhler stated BRRWD values these practices on the landscape and has partnered with Becker SWCD to help fund some of these efforts, but clarified the installation of these practices are not considered in calculations for the wmd. C. Okeson commented he did all this work to his land and he would not get compensated and would be assessed the same as a landowner that did nothing. Larson noted landowners all over BRRWD install these practices to help stabilize land. All landowners that install these practices see personal benefit to their own land. C. Okeson acknowledged that his land saw benefit, but it did not benefit him. C. Okeson stated practices on his land benefit whole watershed. C. Okeson stated proposed Upper Buffalo Restoration project has no benefit to him. C. Okeson stated he helped the problem by slowing down water. C. Okeson stated he did not want to pay for maintenance on proposed project. Larson noted the maximum annual assessment for the entire wmd is \$27,950.00. C. Okeson stated assessment could increase. Board of Managers stated \$27,950.00 is the proposed maximum for this project. Goeden confirmed the Order would limit the maximum annual assessment to \$27,950.00. W. Steffl said assessment could change at any time. Goeden clarified BRRWD would need to go through a hearing process to make any changes after an order is approved. W. Steffl said assessment could be changed at any time with a hearing. Stubstad noted BRRWD could also reduce or remove assessment at any time with a hearing.

Danielson stated he stopped by MPCA office and picked up graphs regarding sediment in Buffalo River. Danielson stated he has 800 acres of cropland on Buffalo River east of Highway 59. Danielson shared work he has done on his property to reduce sediment. Danielson stated on average he has approximately 200 acres of land planted in alfalfa, they have a zero-discharge feedlot permit, 6.5 acres of buffer strips, 22 WASCObS and grass waterways, and 132 acres of slough bank acres. Danielson asked what he could do if he thought his assessments were incorrect. Danielson stated his land in SE ¼ SE ¼, Section 34, Callaway Township he has a zero-discharge feedlot permit and is receiving an \$85.00 assessment. Van Amburg noted BRRWD would review and determine if changes needed to be made.

O. Okeson asked how assessment amount was determined. Uhler noted on passed wmds, BRRWD has tried to keep assessment of farmland around \$2.50 per acre or less.

J. Matter has land near Buffalo Lake and does not believe his property receives benefit from project. J. Matter believes downstream property owners should be assessed because they will have cleaner water after project is complete. Uhler clarified wmds are set up based on areas that contribute water to project area. J. Matter stated his water would go through project area regardless of if project is complete or not. J. Matter stated he is okay with project he just does not want to pay for maintenance. J. Matter expressed concern about increased cost of maintenance over time. J. Matter stated landowners that want project should be responsible for paying for maintenance. Stubstad stated landowners on public drainage systems also pay for maintenance that occurs upstream of their property, not from their property downstream. J. Matter believes that is different because there is a benefit. J. Matter asked where silt goes once channel is clean. Uhler stated natural rivers transport water and sediment downstream. Uhler stated after project, current erosion caused by down cutting of the channel will be stopped. Therefore, there will be a more stable amount of sediment moving through channel. J. Matter stated it will be same amount of sediment moving through channel. Uhler clarified, it will be less sediment because downcutting channel will be repaired. J. Matter stated the way the landscape flattens out in this area off the hill causes sediment to settle out as it moves west. J. Matter stated there would still be sediment coming off the hills and settling out in project area. J. Matter said BRRWD should install sediment pond in channel and clean it out every 5 to 10 years.

Lowry asked how wmd assessment is determined. Uhler stated Minnesota statute allows for wmds to be established. BWSR provides recommendations on methods on how to determine assessments for wmds. BWSR recommendations include a maximum assessment of 0.01 percent of estimated market value for a project watershed. This is also included in CWMP. Uhler clarified the methods BRRWD used were following recommendations and standards outlined by BWSR. Lowry stated wmds are established using a state standard established for a contributing water area to be included in wmd and the

ratio of assessments. Uhler confirmed. Lowry asked if it is typical of watersheds to have contributing area help manage runoff they produce and manage sediment they create. Uhler confirmed. Lowry asked why. Uhler stated in watershed law water that is contributing to a set point can be assessed within the wmd. Lowry clarified if BRRWD had 6 other established wmds and asked if those 6 wmds followed same methods. Uhler confirmed. Larson noted he owns land within one of the other wmds and his land is at upstream end of the watershed. Lowry noted proposed assessment of \$27,950.00 far exceeds cost of annual maintenance local landowners have spent to date. Lowry asked what maintenance on similar projects have been. Uhler noted maintenance has been limited. Uhler stated projects are designed so there is not much maintenance. Uhler stated he anticipates biggest maintenance concern within Upper Buffalo River restoration would be beaver management. Landowners could continue to remove beavers and beaver dams on their own to keep local maintenance costs low.

Thompson expressed concern about slowing water as it comes off hills encouraging beaver activity. He believes landowners should take care of their own beavers as they have done in the past and beaver management should not be considered maintenance. Thompson noted project is designed for 100-year flood event, but this area has seen multiple 100-year flood events in a lifetime. Thompson expressed concern that larger rain events could washout restoration work. He expressed concern that with an initial cost of \$4.7 million would be more expensive than the \$27,950.00 assessment could handle. Thompson asked who would pay for repair if there was a large washout in the future. Uhler stated wmd would pay for repair. Uhler stated project is designed to handle large rain event. Design includes a large floodplain, so as water builds up there is not one area where water concentrates and overtops levee. Uhler stated there could be an event where levee is under water, however, levee is wide so water would spread over the whole levee instead of just one spot. This is a way to reduce the chance of failure. As water widens out, velocities and flows are slowed which usually cause less damage. Thompson said if levee did fail it would be very expensive and does not think wmd should have to pay for repair. Van Amburg stated often if there is a catastrophic event, Federal Emergency Management Agency (FEMA) often becomes involved and can alleviate some expenses from the damage. Thompson stated weather is changing where events are more severe, so these questions should be considered. Van Amburg noted project was designed using river science which has been successful at stabilizing rivers.

Davis asked if 100-year flood plain is valid and why. Uhler stated the data is updated regularly to account for current conditions.

Nelson, attending as Becker County Commissioner, noted he does not own land in Upper Buffalo River watershed. Nelson expressed he does not believe wmds are being used as they were intended to be used. Nelson stated he believes there should be a benefit to landowners paying into assessment area. Nelson stated he believes there is a watershed benefit but not a local benefit. Nelson also expressed concerns about expense if sophisticated engineering fails and who would be responsible for paying for it. He stated he did not believe local landowners included in wmd should be responsible for repairs. Nelson stated it looks like a great project for landowners along the Buffalo River, he is concerned landowners are not receiving benefit but the watershed has benefits. Nelson stated BRRWD should have a watershed-wide tax that funds maintenance on all projects within BRRWD. Nelson stated landowners within wmds are penalized for being good stewards of the land. Nelson noted he is on an advisory board and when he supported using wmds, he believed discussion revolved around direct benefits to landowners. Nelson agreed everyone should take responsibility for their own water. Nelson referenced the capital improvement projects identified in CWMP. Nelson stated according to CWMP, BRRWD states they will be good stewards and partners. Nelson asked when BRRWD has attended a County or SWCD Board Meeting to discuss project. Nelson continued that CWMP states capital improvement project, such as the Upper Buffalo River Restoration, "will be operated and maintained by the project owner for the lifespan of the project." Nelson asked if this meant BRRWD would form a taxing district (wmd) to fund operation and maintenance. Nelson continued that BRRWD would need a permit from Becker County to complete proposed construction, which he noted was outlined in the presentation. Uhler stated BRRWD has initiated permit process with Becker County. Nelson stated he expected to see a presentation at the Becker County Board, Uhler noted BRRWD will attend meetings as required by the process or as requested.

Daniel Steffl stated he and his siblings have tiled approximately 1,100 acres of farmland, slowed water down in basins, and he believes they have done their share. Daniel Steffl stated he does not believe they should have to put money into project with assessments. Daniel Steffl stated he believed proposed project only benefits landowners along the Buffalo River and that land is only used for recreation. Daniel Steffl stated he does not receive benefit from proposed project and their tiling projects have done their part to address sediment. Daniel Steffl stated he believes water that comes out of their tile is clean.

Daniel Steffl continued to say landowners along Buffalo River are the only ones who should pay for proposed project. He also stated culvert that are proposed to be installed are private crossings and none of the other landowners use them.

David Steffl stated he agreed with Daniel Steffl. David Steffl expressed concern that maintenance in the future could either be high or there could be no assessment. David Steffl asked for clarification on how maintenance has been on other projects. Uhler clarified on other stream restoration projects BRRWD has completed, stable channel design has been successful at stabilizing channels and to date maintenance has been limited. David Steffl expressed concern that future generations would be paying for maintenance of proposed project. David Steffl asked why BRRWD is not responsible for all project costs for all projects in BRRWD. Uhler stated with wmd method, landowners are only responsible for maintenance on projects that their property contributes water to. In this case, if maintenance is not needed, assessment is able to be turned off and landowner can have years where there is no assessment. If there was a district-wide assessment, there would likely be an assessment every year. There would likely be an assessment every year because there are projects all over the District and there is always maintenance happening somewhere. In addition, it is likely that work would be completed in an area on the other side of the watershed district. Uhler stated with a wmd landowners are only paying for work completed within the project area that their water flows through and there is the possibility that the assessment could be turned off. Van Amburg clarified BRRWD has used district-wide funds to develop this project. David Steffl asked for clarification on what level of flood event the levee was built to withstand. Uhler clarified the levee is designed to the 100-year flood event. David Steffl stated he has experienced multiple 100-year flood events in his lifetime.

Davis stated he understands concerns with assessments. On properties he owns he pays drainage assessments and wmd assessments. Davis noted each year the Board determines assessment on each of those drainage systems and projects based on need. Davis continued that most Board of Managers own land and understand concern with assessments.

Stubstad stated Board of Managers appreciate everyone attending hearing and providing comment. Stubstad noted the purpose of the hearing is to listen to comments from the public.

Malone, representing Becker SWCD, stated project is different from typical drainage project. Malone stated with water quality goals of project, benefit to project is downstream. Malone acknowledged contributing water should participate in project. Malone questioned if a wmd should and could include properties downstream of proposed project.

President Fjestad adjourned meeting at 6:34 PM.

/s/ William Davis
Secretary