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Upper South Branch Buffalo River Restoration Hearing Meeting Minutes

Monday April 14, 2025

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

Managers Absent: Troy Larson.

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

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

Others Attending: Karmen M Merrick; Krik Merrick; James C. Johnson; Kelly Peppel; Bruce Nelson; Pete Thompson; Steve Thompson; Clyde Dallmann; Jim Haick; Phil Schritz; Dave Umlauf; Linda Umlauf; Greg Anderson; Kaylene Motschenbacher; Doug Danielson; Rick Maier; Ivan Nelson; June Steffl; William Steffl; Bob Cook; Kristy Benrud; Mark Carr; Bryton Haugrud; Ben Haugrud; Lance Johnson; Andy Maier; Jon Braton Sr., Wilkin County Commission.

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

Goeden stated meeting is the Final Hearing for the establishment of Project No. 85 Upper South Branch Buffalo River Restoration which proposes to restore 9.6 miles of channel in Sections 4, 5, and 6 Manston Township; Sections 18, 19, 20, 29, 30, 31 Atherton Township; and Sections 1, 2, 11, 12 and 13 Deerhorn Township in Wilkin 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. 85, Upper South Branch Buffalo River Restoration at their regular Board Meeting on April 14, 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 noted that Upper South Branch Buffalo River has poor drainage due to excess sediment in the channel. Upper South Branch Buffalo River also has issues with beavers and poor water quality. Project proposes to restore channel with a two-stage channel from Section 4, Manston Township west of Highway 9 to Section 20, Atherton Township, the confluence with Deerhorn Creek. Project also proposes localized channel restoration from Section 20, Atherton Township, the confluence with Deerhorn Creek to Section 2, Deerhorn Township, the Clay-Wilkin County line. Meandering channel proposes to vary from 13 to 14 feet, with a sinuous channel depth of 2.5 feet. Valley width is estimated to be 95 to 100 feet wide. Project proposes to install side inlet pipes. Locations were determined using modeling and have been field verified. Uhler noted BRRWD would work with landowners on the channel to determine where side inlets are needed.

Uhler noted Hearing is for restoration of Upper South Branch Buffalo River. At previous landowner meetings, landowners expressed desire for project to include storage site. BRRWD continues to work on design and meet with landowners for a storage site. However, funding is not currently available. BRRWD will continue to pursue funding, once funding is obtained and if there are landowners willing to use their land for a storage site, BRRWD will hold another hearing.

Previously, Wilkin Soil and Water Conservation District (SWCD) obtained permanent easements along Upper South Branch Buffalo River Restoration using Reinvest in Minnesota (RIM) Program and Conservation Reserve Enhancement Program (CREP). BRRWD will work with landowners to obtain permanent easements along the channel. BRRWD will also acquire temporary easements for construction. Landowners will be paid \$250.00 per acre of cropland or a minimum payment of \$500.00 per parcel for temporary easements. Permanent Easements will be paid at the following rates:

Township	Existing Stream/Buffer	Existing RIM	Existing Non-cropland Outside of RIM	Existing Cropland	Existing CREP
Atherton	varies by parcel	\$1,377.43	\$3,166.51	\$6,127.19	\$650.00
Manston	varies by parcel	\$1,205.36	\$2,770.94	\$5,361.78	\$575.00

Existing stream/buffer is based on 10 percent of county estimated market values (EVM) rates for each parcel. Existing RIM is based on difference between CREP crop rate and RIM crop rate. Existing non-crop land, outside of existing RIM is based on the RIM and CREP non-crop rate. Existing cropland is based on CREP crop rate. Existing CREP is based on 20% of RIM non-crop rate, rounded up to the nearest \$25.00.

BRRWD has obtained permits for Wetland Conservation Act (WCA) through Wilkin SWCD. BRRWD is working on obtaining the following permits: Minnesota Department of Natural Resources (MNDNR) Public Waters Permit, United States Army Corps of Engineers (USACE) Section 404 Permit, Wilkin County Environmental Office Conditional Use Permit, and Minnesota Pollution Control Agency (MPCA) Construction Stormwater Permit.

Project proposes to restore over 9 miles of Upper South Branch Buffalo River to a stable natural stream, enhance or expand over 250 acres buffers, install over 100 sediment best management practices (BMPs), improve natural drainage, and improve water quality by reducing sediment and nutrient loading to river.

Below is the funding BRRWD has obtained for proposed project:

Funding Source	Amount
Natural Resources Conservation Service (NRCS) National Water Quality Initiative (NWQI)	\$4,900,000.00
MNDNR Stream Habitat Program through Lessard-Sams Outdoor Heritage Fund (LSOHF)	\$1,300,000.00
Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF)	\$300,000.00
Water Management District (wmd) / Landowner Assessment	\$650,000.00
BRRWD District-wide Funding	\$650,000.00
Total	\$7,800,000.00

Haick asked if funding is guaranteed. Uhler noted all funding is guaranteed except NWQI through NRCS. Uhler noted NWQI funds are determined on an annual basis. Funds allocated for 2025 are secured. Uhler noted BRRWD has other grant funds for stream restoration projects in watershed that can be shifted to Upper South Branch Buffalo River Restoration if needed.

Uhler presented information on proposed wmd. 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 the proposed wmd is \$125,000.00. Annual cost per acre ranges from \$0.00 to \$2.23. 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 construction and maintenance of proposed Upper South Branch Buffalo River Restoration and the Deerhorn Creek project completed in the early 2000s.

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

J. Johnson noted he was representing son who is a landowner within wmd. J. Johnson asked if project will speed up water flowing to river. Uhler stated HEI completed hydraulic modeling downstream of project and design cannot cause negative impacts downstream. Uhler noted water will be held in floodplain until a 10-year flood event and in larger events water would breakout where it does today. J. Johnson asked how assessments are applied to land enrolled in Conservation Reserve Program (CRP). Uhler stated CRP is not a perpetual program and landowner have the option to take their land out of the program and therefore can be farmed in the future. Since assessments proposed in the wmd are perpetual, land enrolled in CRP is considered farmland. Goeden noted wmd can be modified before an Order is signed if there is a

permanent conservation easement on a property. J. Johnson asked how boundary for wmd was determined. Uhler stated modeling determines contributing water to a location at the downstream end of the project. All land that contributes water is included in the boundary. J. Johnson asked what natural resources would be improved by project. Uhler stated habitat would be improved with removal of excess sediment in channel. Removal of sediment would also improve the function of the river. There would also be habitat improvement with the expanded and enhanced buffers.

Doug Danielson noted he owns land on east side of watershed. He asked what assessment would be on his land if assessments could range from \$0.00 to \$2.23 per acre. Danielson also asked if all land types are treated the same and the duration of assessments. Uhler stated wmd would be in place in perpetuity, and landowners would be assessed as needed for project construction and maintenance. Board of Managers would determine how much to assess annually at their budget hearing. Uhler noted BRRWD currently has enough funding for construction. Once project is constructed, if there are adequate funds in the account, there would be no need for an assessment for any given year.

Board of Managers asked for general consensus in room. In general, those present were in favor of proposed project.

Braton asked when BRRWD would have clarity on availability of NRCS NWQI funding. Uhler stated BRRWD would know on a year-by-year basis. To date, BRRWD has funding available for 2025 and NRCS is working on request for 2026. Uhler noted BRRWD has other grants that can be shifted to cover project if NRCS funds become unavailable.

Haick asked what would happen if BRRWD is short funding. Uhler stated BRRWD has funds for proposed 2025 construction. Haick asked how many years BRRWD expected project to be under construction. Uhler stated it is expected to take two years. Haick asked about how landowners along the channel would be compensated for land currently enrolled in RIM. Uhler explained funding shown on Page 2. Haick asked when sediment depth was determined. It was his understanding survey information was completed over 10 years ago. Uhler confirmed survey information is old. Haick asked when Phase 1 of project would be complete. Uhler stated contractors plan to be on site when conditions allow and work must be completed by June 1, 2025.

Landowner asked for clarification on the phase of the project included in hearing. Uhler clarified Phase 1 of Upper South Branch Buffalo River Restoration was completed under Minnesota Drainage Law and a hearing was held in 2022 to reroute Wilkin County Ditch No. 44. This hearing is for Phase 2 of Upper South Branch Buffalo River Restoration which begins on the west side of Highway 9 and extends to Clay-Wilkin County Line. Uhler also noted wmd presented covers Phase 1 and 2 of Upper South Branch Buffalo River Restoration and Deerhorn Creek.

Maier noted he lives near outlet of Upper South Branch Buffalo River Restoration. He stated he believes restoration is a good project and expressed need for storage site on upstream end of project. Maier noted rain events upstream of his property often result in large flows within Upper South Branch Buffalo River. Maier stated desire to slow water. Maier noted culverts were upsized when Deerhorn Creek project was completed. He would like to see storage be a larger priority than it was in the 1990s. Van Amburg noted BRRWD would continue to look for opportunities to store water on the landscape. Haick noted when Phase 1 is complete, water should be slowed by meanders in that portion of project. Uhler noted there will be no changes to centerline culverts for Phase 2 of Upper South Branch Buffalo River Restoration and noted this will help prevent increases in flow. Landowner noted it would also help Clay County if water was stored in upstream end of project area. Davis noted BRRWD needs landowners willing to allow storage on their property. Fjestad noted BRRWD needs willing landowners and funding because storage projects are expensive. Maier noted flooding is also expensive.

Haick asked if sediment would be spread in fields. Uhler stated project intends to tie spoil into landscape and spread over temporary easement area. However, BRRWD cannot fill wetlands, so there are some limits to where spoil can be spread. Haick asked if washouts will be repaired. Uhler confirmed.

Carr asked if project will be similar to Stony Creek. Uhler noted project will be similar, however, there will not be setback levees. Uhler stated project will use natural floodplain, however, levees could be added in the future if a storage site is constructed.

President Fjestad adjourned meeting at 5:58 PM.

/s/ William Davis
Secretary