

BUFFALO-RED RIVER WATERSHED DISTRICT

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MINUTES FOR MANAGERS' MEETING February 26, 2018

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held their regular meeting on Monday, February 26, 2018, at 7:00 PM in the Barnesville office. BRRWD Managers present were Jay A. Leitch, Mark T. Anderson, John E. Hanson, Catherine L. Affield, and Peter V. Fjestad. Others attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer, Houston Engineering, Inc. (HEI).

Chair Leitch called the meeting to order at 7:01 PM and noted that the proceedings were being video recorded to aid in the preparation of the minutes.

Secretary's Report. The Board reviewed draft minutes for the 2/12/18 regular Board meeting and the 2/08/18 special meeting. Leitch noted some minor corrections to both sets of minutes. **Motion** by Fjestad to approve the 2/08/18 minutes, subject to correction. **Seconded** by Affield. **Approved.** **Motion** by Hanson to approve the 2/12/18 minutes, subject to correction. **Seconded** by Anderson. **Approved.**

Treasurer's Report. The Board reviewed the BRRWD's financial status. Cash on hand is \$1,906,200.73. Income since the 2/12/18 meeting was \$97,344.52: Minnesota Board of Water and Soil Resources (BWSR) FY 2018 Drainage Records Grant (\$25,000), Minnesota Pollution Control Agency (MPCA) Otter Tail River Planning 319 Grant (\$5,861.08), Becker County for reimbursement for their share of the 2017 Buffer Initiative Aid (\$15,050), Wilkin Soil and Water Conservation District (SWCD) reimbursement for Whiskey Creek Enhancement (\$51,108.44), and the balance coming from HEI office rent and Agassiz Valley Grain LLC for office rental. Total 2018 income to date is \$192,022.16.

Other business brought before the Board included:

Permit No. 18-002, Fergus Falls Fish & Game Club. Action on this permit was postponed at the 2/12/18 meeting pending a field review. On 2/22/18, Albright and Fjestad conducted the field review of the proposed project to install a Natural Resources Conservation Service (NRCS) designed wetland restoration site on a Reinvest In Minnesota (RIM)/Wetlands Reserve Program (WRP) easement area in Sections 4 and 5, Orwell Township, Otter Tail County. Fjestad reported the neighboring landowners were concerned about the installation of an articulated cement spillway that is designed to control water levels on the WRP site. The spillway elevation (1073.5) is about 1' higher than the current pipe inlet and could cause upstream flooding and loss of cropland should water backup from the site. The Club has purchased another 24 acres involved with this project as part of their larger tract that is affected by the project. Albright noted that given the current field conditions, the proposed project should probably be field reviewed more in the spring. **Motion** by Anderson to postpone action on this application until field conditions permit a more extensive review. **Seconded** by Fjestad. **Action Postponed.** Albright noted that the office will notify the applicants regarding their application status. The Minnesota Department of Natural Resources (DNR) has requested comments on the Fish and Game Club's DNR permit application to work in protected waters by 3/25/18. Albright noted that we have some time before we need to respond.

18-003, Shawn Norman. On 2/12/18, the Board postponed action on this application to install 320 acres of pattern tiling in the E½, Section 21, Manston Township, Wilkin County, outletting via a lift station in the southwest corner of the section, across Tom Arnhalt's property and eventually to Manston Slough and Wilkin County Ditch (C.D.) No. 13-Lateral. Arnhalt has approved the project crossing his property. Surface

drainage for the land involved with this project north of Section 21 will continue to flow north to Wilkin C.D. No. 44, as assessed, but some of the subsurface drainage will need to be added to C.D. No. 13-Lateral, so ditch system hearings will be required. Norman is aware of the assessment issues, and he will file petitions in this regard. **Action postponed**, pending ditch system hearings.

Permit No. 18-005, Breckenridge Public Utilities. On 2/12/18, the Board postponed action on this application pending receipt and further discussion of the project plans. Albright and Jones met with Neil Crocker, Director of Public Services, City of Breckenridge, to discuss the City's proposal to grade the ditch along the east side of Trunk Highway (T.H.) No. 75 north of Breckenridge in the E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 4, Breckenridge Township, Wilkin County, and to construct a drainage ditch from T.H. No. 75 to a storm water collection pond. Using the overhead monitors, Jones explained the details of the proposal. The City's goal is to drain a 35-acre watershed along the west side of T.H. No. 75 that became infested with cattails after the City diversion project was constructed. Jones recommended permit approval, subject to retaining a plate on an existing 36" dia. centerline culvert in T.H. No. 75 that reduces the culvert capacity to an 18" dia. opening to limit flow to the west. **Motion** by Anderson to approve Permit No. 18-005, subject to Jones's recommendations. **Seconded** by Fjestad. **Approved.**

Permit No. 18-006, David Osten. Applicant proposes to install random tile to drain low spots in the SW $\frac{1}{4}$, Section 28, and the NW $\frac{1}{4}$, Section 33, Norwegian Grove Township, Otter Tail County, outletting to a private ditch and existing slough. He also plans to install a non-perforated 15" dia. double wall tile pipe to consolidate two low areas and drain both north to one of the new tile outlets. The two downstream landowners, who will be affected by this project, have given verbal approval for the project, and the office provided Osten with downstream notification forms for their signatures to verify their approval. **Action postponed**, pending receipt of the forms.

Permit No. 17-055, Curt Nelson. Action on this application was postponed on 7/10/17, pending project approval from the landowner, Janice Getz, and downstream landowner notification. Nelson proposes to install pattern tile in the E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28, Deerhorn Township, Wilkin County, outletting in the northeast corner to the 190th AVE road ditch then west for nearly 3.5 miles to Wilkin C.D. No. 5A to which the property is assessed. Since last summer, Nelson no longer rents this property, and the owner informed Albright that the project has been dropped. **Administratively Withdrawn.**

Project No. 79, Wolverton Creek Restoration. Jones has contacted Bill Penning, Conservation Easement Section Manager, BWSR, asking for a letter of support for the latest Memorandum of Understanding (MOU), which would give the BRRWD access to the RIM lands within the project boundaries. The MOU spells out each party's responsibilities. Albright is working on the easement forms. Drawings for 44 parcels have been completed and are ready to include in the landowners' easement packets for Phase I and Phase II.

Project No. 78, Clay/Wilkin Judicial Ditch (J.D.) No. 1 Improvement. Albright reported that the petitioners are currently circulating the revised petition for signatures.

Project No. 49, Oakport Flood Mitigation. Albright reported that the status of the Larson-Kopperud lawsuit has not changed. Regarding the excess fill removal, Jones noted that we have had a request for another 21,000 cubic yards (c.y.) of material from a contractor if he is the successful bidder for a construction project tomorrow. Jones thought Gladen Construction, Inc. should be able to relocate most to the material this year. The Open House will be scheduled sometime this spring when retired Senator Langseth returns from Arizona.

Wilkin C.D. No. 13-Lateral/C.D. No. 22 Repairs. William Nichol Excavating, Inc., will complete these ditch system repairs this spring when weather conditions allow. The Bradley Nelson crossing will also be installed this spring.

Stony Creek Comprehensive Project. The Board authorized HEI to prepare an estimate of the project benefits at their 2/08/18 special meeting. Jones expects to have the information ready by the 3/12/18 meeting.

Upper South Branch of the Buffalo River. Albright noted that the staff met with members of the Rogelstad family regarding their interest in a project on their property in Section 11, Manston Township, Wilkin County, east of T.H. No. 9. Due to some family issues, their decision regarding a possible easement for their property might need to be delayed. The project funding from the Lessard-Sams Outdoor Heritage Council (LSOHC) has been included in this year's Legislative bonding bill for \$1.95 million.

Wilkin C.D. Nos. 40, 41, 42, 43, and 44. There were some right-of-way (R/W) payments that need to be corrected, and the office is waiting for the new amounts to get these issues resolved.

One Watershed, One Plan (1W1P). The watershed district map that BWSR prepared for the BRRWD doesn't match our official boundary map, so those discrepancies need to be corrected before we can move forward with the plan. HEI is working on a revision for BWSR. Wilkin County will sign the Memorandum of Agreement (MOA) for the 1W1P effort at a special meeting this week. We still need signatures from Becker County, and they will be meeting on 3/6/18 when they should sign the MOA. Once all signatures have been acquired, the MOA will be submitted to BWSR, who will then release funds to start the planning process. A workplan and budget will need to be prepared for the Board's review, and then the Policy Committee will need to decide on an engineering firm to assist with preparing the plan.

Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategies (WRAPS). The MPCA has scheduled a kickoff meeting with the BRRWD on Monday, March 5, 2018, from 1:00-3:00 PM in our Barnesville to start the next TMDL/WRAPS study for the Buffalo River and Upper Red River watersheds in 2019-2020. A meeting is also scheduled later that same day (3:00 PM) with the International Water Institute (IWI), River Watch, and DNR to discuss coordinating our 2018 monitoring efforts. Notices for this meeting have been sent.

On 2/12/18, Albright met with Ben Underhill, Water Planner, Otter Tail County, who is handling the Otter Tail River TMDL/WRAPS, to discuss the BRRWD's activities on the Lower Otter Tail River, so that he can document our work on their Website. Albright noted that the BRRWD's jurisdiction is limited to the stretch of the Otter Tail River from the Orwell Dam downstream to the Red River. He added that the TMDL/WRAPS study for the entire Otter Tail River watershed will continue for another two years before it's finished.

2015 Buffer Law. Albright noted that he has received phone calls from landowners regarding the process as it relates to their specific ditch system. Tom Giles, BWSR, emailed the office to report that he will try to complete his review of the BRRWD's draft drainage system Buffer Rules this week.

Jones filed the damages reports for Clay C.D. Nos. 2, 12, 21, and 69. **Motion** by Hanson to accept the damage statements for the referenced ditches and authorize the staff to schedule the ditch system hearings. **Seconded** by Fjestad. **Approved.** Jones explained that there are several ditches where the BRRWD will need to reclaim ditch R/W that is currently being farmed. This action doesn't require a ditch system hearing, but the BRRWD will send letters to the landowners to notify them that we will be staking and reseeding the R/W area. Anderson commented that the BRRWD might consider contacting the renters or at least recommending that the landowners alert their renters to the fact that the R/W will be reclaimed.

Elkton Wetland Restoration. Albright noted Janice Getz's wetland mitigation paperwork has been forwarded to the Wilkin County NRCS and SWCD for review and signature, after which it will be sent to BWSR for approval.

Advisory Committee. The annual Advisory Committee meeting has been scheduled for Friday, March 23, 2018, at 1:30 PM in the BRRWD office. The Board reviewed the current Committee membership list and offered no changes.

Assistant Administrator. Leitch reported that he has had conversations with a few local Watershed Districts and organizations regarding Human Resources overhead costs. The committee hopes to have a report and recommendations ready for the 3/12/18 Board meeting.

Red River Comprehensive Subwatershed Pilot. Last year, the Board authorized Albright to participate in a regional delegation, who traveled to Washington, D.C. to meet with Congressmen Kevin Cramer and Collin Peterson regarding the delegation's proposal for a large-scale comprehensive water management demonstration pilot project for approximately 100 square miles (sq. mi.) in Wilkin County. The Red River Comprehensive Subwatershed Pilot project will incorporate tile drainage water management (DWM), agricultural best management practices (bmps), conserving/protecting natural areas and addressing channel erosion, and regional retention. The pilot project will demonstrate the benefits of comprehensive water planning and the concept of timing (early, middle, late) contribution to the peak flows on the Red River during runoff. Proposed project benefits include reduced downstream flooding, improved water quality, increased crop production, improved soil health, lower federal crop insurance claims, and lower future federal emergency management claims. The Mediation Project Team (PT) discussed the proposal at their 2/22/18 meeting. The Energy & Environmental Research Center (EERC) and NRCS are trying to develop a similar pilot project for the North Dakota side of the Red River.

The following bills were presented for approval:

Accounts Payable	Description	Account	Amount
FRS Works, Inc.	#D11800689, Notary Stamp	Admin.	\$ 27.25
Joel Carlson, Inc.	March Lobbyist Fees	Admin.	\$ 850.00
MAWD	2018 Membership Dues	Admin.	\$ 7,500.00
Minnesota Viewers Assoc.	Associates Dues-2018 Membership	Admin.	\$ 200.00
Moorhead Public Service	1/3/2018-2/2/2018 Service (4)	Pj. 49, Oakport	\$ 143.17
NetWork Center Comm.	#0000050002, Computer Login Issues	Admin.	\$ 42.50
RRBC	2018 Contribution	M.S.A. 103D. 905, Subd. 3	\$ 25,000.00
			\$ 33,762.92

Motion by Fjestad to approve payment of the bills. **Seconded** by Affield. **Approved.**

2018 Clean Water Act (CWA) Section 319 Grant Application. For the past several years, the BRRWD has partnered with the Becker SWCD to fund sediment reduction projects in the upper Buffalo River watershed. The projects were mainly grade stabilization structures, grassed waterways, and water and sediment control basins. Last year, Jones and Peter Mead, District Administrator, Becker SWCD, prepared a 2017 319 grant application, but we were notified that the BRRWD was not eligible for this program because MPCA had not completed the approval process for our TMDL study. Since MPCA has finally finished the study, Jones and Mead have prepared a new 319 grant application for 2018, totaling \$840,000, including matching funds. The cost share split is 60/40, with the local 40% share coming from the Becker SWCD (\$295,500), Becker County (\$14,500), and the BRRWD (\$32,000). If authorized, Jones plans to submit the grant application this week. **Motion** by Fjestad to authorize Jones to submit the 319 Grant application. **Seconded** by Anderson. **Approved.** The SWCD would seek their funding through BWSR grants.

DNR General Permit. The DNR sent notification of a review and comment period for a 5-year extension to a State-wide General Permit, referred to as the Wildlife GP. The new expiration date is May 31, 2018. The permit authorizes DNR Wildlife Management to conduct certain wildlife management related activities in public waters on designated wildlife management lakes, or in waters controlled by Wildlife Management Areas (WMA) sites through ownership or easement. Numerous activities are authorized under this permit. The Board offered no comments.

Red River Watershed Management Board (RRWMB). The new RRWMB Executive Director, Rob Sip, sent Albright some project maps and the 5-year Capital Improvement Funding request. Albright noted that

there were some errors and missing BRRWD information and projects on the maps. He will contact Sip with corrections.

BWSR Biennial Budget Request (BBR). The submission period for the BBR for upcoming projects (2020-2021) is 3/15/18-4/12/18. Jones explained that our projected budgets are usually based on our previous BBR, depending on priorities. Fjestad suggested that the BRRWD's short/intermediate/long term goals could be considered when preparing the BBR. Leitch suggested that a review of the Strategic Planning/Goals, By-Laws, and Rules should be added to the top of the agenda for an upcoming meeting. Once the Board has completed their revision of the Rules, BWSR must review the draft document, and then the BRRWD must hold a public hearing. Leitch asked for a copy of the Strategic Planning/Goals.

Drainage and Water Conference. Albright and Manager Leitch attended the Rinke Noonan Drainage and Water Conference at the St. Cloud River's Edge Convention Center on 2/15/18. Albright provided copies of the conference meeting materials for the Board's review. Leitch noted that most of the presentations regarded legal issues. Other presentations were about altered hydrology and the efficacy of wetlands for phosphorus trapping and control.

PTMApp. Albright attended a BWSR sponsored workshop in Detroit Lakes on 2/23/18 for training on the Prioritize, Target, and Measure Application (PTMApp), which is a web application that can be used by SWCDs, watershed districts, local water planners, and other decision makers to interactively prioritize resources and the issues impacting them, target specific fields to place BMPs and conservation practices (CPs), and then measure water quality improvements and sediment load reduction as identified in local watershed plans. The BRRWD received a grant last year from BWSR in the amount of \$168,000, titled "Prioritizing and Targeting Conservation in the Buffalo-Red: PTMApp and Geomorphic Assessment" to be used as a tool to implement the BRRWD's 1W1P. Albright noted that the workshop materials were available for the Managers' review.

FM Diversion. Manager Anderson briefly reported on the Diversion Authority's (DA) work on easement acquisition. He noted that the DA considered the use of the Taff Easement Study and decided that it wouldn't be useful on a project the size of the Diversion. The Board had an extended discussion regarding the Diversion plan.

Albright noted that if the Board decides to go forward with the Stony Creek project after they review HEI's benefit analysis, the Taff Study might be useful to determine a starting point in the landowner easement negotiations process.

Next Meeting. The next regular meeting will be held on Monday, March 12, 2018, at 7:00 PM in our Barnesville office.

Adjournment. Motion by Fjestad to adjourn the meeting. **Seconded** by Affield. **Approved.** Chair Leitch adjourned the meeting at 8:20 PM.

Respectfully submitted,

John E. Hanson, Secretary