

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

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## MEDIATION PROJECT TEAM MINUTES

December 13, 2007

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, December 13, 2007, at 1:30 PM at the Minnesota State University Moorhead (MSUM) Science Center near Glyndon.

Attending were: Bruce E. Albright, Houston Engineering, Inc. (H.E.) and BRRWD Administrator; Roger G. Ellefson, Curtis M. Nelson, Gerald L. VanAmburg, and E. Robert Olson, BRRWD Managers; Erik S. Jones, Engineer, H.E; Doug Wells for Kevin Brennan, Fergus Falls Wetland Management District (WMD) and United States Fish and Wildlife Service (USFWS); Don Schultz, Area Wildlife Manager, Minnesota Department of Natural Resources (DNR); Jack Frederick, Minnesota Pollution Control Agency (MPCA); Steve Hofstad, Clay County Water Planner and Wetland Conservation Act (WCA) Administrator; Dave Barsness, Fisheries Specialist, DNR; Robert A. Zimmerman, Engineer, City of Moorhead; Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Bob Honeman, Area Resource Conservationist, Natural Resource Conservation Service (NRCS); Shawn May, Detroit Lakes WMD and USFWS; Michael T. Murphy; Manager, Hamden Slough National Wildlife Refuge (NWR) and United States Fish and Wildlife Service (USFWS) (retired).

Members absent were: Brian Dwight, Board Conservationist, BWSR; John E. Hanson, Manager, BRRWD; Craig O. Evans, PM-D, Army Corps of Engineers (COE); Audubon Dakota; Leo Grabowski, Project Manager, COE; Brad Grant, District Administrator, Becker Soil and Water Conservation District (SWCD); Robert G. Merritt, Area Hydrologist, DNR; Richard Pemble, BRRWD Citizen Advisory Committee; Maynard Pick, Staff Assistant, Congressman Collin Peterson's Office; and Brian Winter, Program Director, The Nature Conservancy (TNC).

Albright called the meeting to order at 1:30 PM. He thanked everyone for their attendance. For the past year, the BRRWD's Mediation PT has been meeting about every two months. Many of the current projects on the meeting agenda are nearing the construction stage. Early in the new year, the BRRWD plans to complete their Revised Watershed Management Plan (RWMP). That process should identify new problems for the PT to work on. Our last PT meeting was held on 10/25/07.

### **Business brought before the group included:**

**Meeting Minutes.** Albright had hoped to complete the draft 10/25/07 PT meeting minutes for the group's review at today's meeting. However, the meeting minutes are not finished. When we meet in January, there should be two sets of meeting minutes to review.

**Project No. 54, Whisky Creek Tributaries.** In accordance with the Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) Project Implementation Process and Procedures Schedule, this project is at Step 8, Monitoring. Project construction was completed in the fall of 2005. Federal Emergency Management Agency (FEMA) funding from the 2006 spring flood disaster was used to

make repairs to the project in the spring of 2007. However, some of those repaired areas were damaged again on 5/22/07 when a heavy rainfall event occurred in the project area. Additional work will be required to remove sediment from the impoundment pool area, as well as to repair some of channel along County Road (C.R.) No. 55 on "east tributary". These repairs will be made next spring, weather permitting.

The BRRWD held a special meeting on 10/18/07 with landowners along C.R. 25 to address drainage/erosion problems in Sections 20 and 21, Humboldt Township, Clay County. "East tributary" is DNR protect waters. However, because of blocked drainage along the east side of C.R. 25, the majority of water draining west from Section 21 is now going through a 24" dia. culvert in C.R. 25 and across a field owned by Bill Thompson. The upstream end of "east tributary" is dry most of the time. The erosion from Thompson's field is plugging "east tributary" with sediment. Greg Settlemeyer, a landowner who owns property in this area, is concerned about the sedimentation. Historic photographs of the area will be obtained from the Clay County Farm Service Agency (FSA) office. Dave Overbo, Engineer, Clay County Highway Department, is also going to check his files for ditch grades along C.R. 25. Completion of the Kelly Nichols Wetland Reserve Program (WRP) project in Section 21 should help alleviate some of these downstream problems. The BRRWD commented that the Nichol WRP project looked good. Honeman said there was approximately \$48,000 worth of rock installed along the main levee embankment. The Nichols WRP project was completed around 11/01/07. The downstream landowners are anxious to see how it will work, and how it might correct some of their drainage/erosion issues.

Albright will check with Wade Opsahl, Technician, H.E., to see if he's done the monitoring reports regarding the project for 2007. One area to note will be the meandering pilot channel that was installed on "east tributary" downstream of the impoundment site. This was a two-stage channel design with a deeper pilot channel set to grade and a higher floodplain channel to carry additional water. There were some erosion problems with the channel immediately after it was excavated, especially in the lighter soils areas. Jones said he could also check with Opsahl to see if he has a report regarding this project component. For the most part, all of the other project features are working as designed. The BRRWD feels that this has been a very "positive" project for the area. Since completion of the project, there have been no flooding problems involving County State Aid Highway (CSAH) No. 52.

**Project No. 56, Manston Slough Restoration.** An agency meeting was held on 12/10/07 in Breckenridge to discuss the project status. As of 12/31/07, the Conservation Reserve Program (CRP) will officially end, unless extended by Congress. It is doubtful if they will have a new farm bill passed before the end of the year. There are several landowners who still need to be contacted regarding WRP, including Duane Stuehrenberg, Dennis VanWechel, and possibly the Kent Rod and Gun Club. Mr. Stuehrenberg has 32 acres in the NW $\frac{1}{4}$ , Section 5, Meadows Township, that will be affected by the floodpool. John Voz, Ducks Unlimited and WRP Specialist, will contact him. The Kent Rod and Gun Club could be eligible for WRP, at the non-cropland payment rate. Albright will be contacting Andy Beyer, past Chairman of the Kent Rod and Gun Club, to set up a meeting next week to discuss the status of their property in the NW $\frac{1}{4}$ , Section 30, Manston Township, Wilkin County. When this property was originally acquired in 1947, each member of the club was given a 1/29<sup>th</sup> share. The Rod and Gun Club supports the project, but it maybe a nightmare to sort out the legalities regarding the ownership of this tract. Voz will also contact Dennis VanWechel regarding a WRP easement on his property in the SW $\frac{1}{4}$ , Section 13, Mitchell Township, Wilkin County. This is the area where the road will be diverted around the wetland area to the north. The DNR is currently working with Delores Rehder, who owns the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 13, Mitchell Township, regarding purchase of that property.

At the 12/10/07 agency meeting, there was discussion regarding cropping of the Holubok farm acquired by the BRRWD in 2007. Holubok had cropping rights in 2007, and he may be interested in farming the property in 2008. The BRRWD has discussed a rental rate for the property of \$30/acre. Steve Holubok needs to be contacted regarding this issue. The PT members felt that if Holubok farms the tract in 2008, it would also benefit the BRRWD by controlling weeds. Preferably, the NRCS would like to see the tract seeded to Round-Up Ready soybeans, so that there would be two applications of Round-Up during the growing season, which would then prepare the land for WRP seeding in the spring of 2009. There was considerable discussion at the 12/10/07 meeting regarding which WRP tracts were seeded in 2007, and which tracts will be seeded in 2008 or 2009. The group felt that because of the project construction along WRP land, any disturbed areas that are already seeded should be reseeded with WRP grasses. NRCS talked about seeding those areas below elevation 972 with a different grass seed mixture, as they could be frequently flooded. Albright said there was considerable discussion regarding upland goals at the 12/10/07 agency meeting. In the Memorandum of Understanding (MOU), there's a statement that talks about the cooperators working together to increase water conservation practices in the contributing drainage area to the Manston Slough project, and sets goals for bufferstrips, wetland restoration, and stream channel restoration. Honeman has completed some mapping regarding this issue. Placing a 120' wide buffer on all perennial streams as identified by the DNR mapping layer, there would be about 690 acres of bufferstrips that could be installed. According to BWSR calculations, there are about 35 acres of existing buffer in the upstream drainage area. Honeman has also prepared maps showing the National Wetland Inventory (NWI) wetlands. He will also do another map showing the hydric soils. This will help identify potential wetland restoration areas. There's also a fair amount of grassland acres on the east end of the drainage area. The entire area is vulnerable for wind erosion. The group talked about a Working Lands Initiative (WLI) project for the area. Ray Norrgard, DNR, heads up the WLI program. Schultz will contact him regarding a possible project for the Manston Slough area. The WLI program would bring additional funds to the table that could be used for increased bufferstrip payments, etc. Some potential goals for the upland area that could be listed in the MOU include 200-250 acres of bufferstrips, wetland restorations, additional programs through NRCS's Environmental Quality Incentives Program (EQIP), and field windbreaks. The group also talked about identifying areas downstream of the project between the proposed dam and C.R. 30 where additional bufferstrips could be installed.

The NRCS has indicated that other BRRWD easement areas associated with the project could be eligible for WRP. These could include small blocks of property adjacent to larger, already acquired, WRP lands. Regarding the Kent Rod & Gun Club property, Murphy suggested that we work with either Don Glaven or Bob Halvorson (retired), who are land appraisers for the Fergus Falls WMD office. They might have a good idea as to a value for the property. Albright said that depending on how difficult it will be to get clear title to the property, one option for the BRRWD might be to consider a "friendly condemnation" process. At one time, the Kent Rod & Gun Club was a non-profit corporation. About five years ago, they no longer filed reports with the State of Minnesota, and merged with the Abercrombie Gun Club. Manager Nelson questioned if the DNR might be interested in trading some of their other lands for the Kent Rod & Gun Club property. Schultz commented that that this is a difficult process. Doug Wells said that when he worked with the DNR, they were interested in acquiring the Kent Rod & Gun Club property, but their research indicated that the property was still owned by the original 29 owners or their heirs. Beyer indicated to Albright that when we meet next week, he'd have all of the original papers with him, so that hopefully the BRRWD's attorney, Corey Elmer, Vogel Law Firm, can start research on this issue.

At the 10/25/07 PT meeting, Honeman and Schultz were given copies of a map prepared by H.E., showing the proposed work areas so that an archeological survey could be conducted. Initially, Mike

Magner, DNR, and Patrick McLoughlin, NRCS, were going to jointly do the archeological survey. Magner was concerned about the size and scope of the project, and the fact that a good share of the work areas were not on DNR property. Things were sorted out around 12/01/07, when it was agreed that McLoughlin would do the archeological review as soon as conditions permit next spring. Unfortunately, it snowed about that time, and the work will need to wait until 2008. Honeman has a copy of the Federal Environmental Assessment Worksheet (EAW) and archeological survey, which he obtained from Kevin Brennan. According to records obtained from the State Historical Preservation Office, there are no areas of "significant interest" in the project area. Also, most of the areas have a cropping history, making it doubtful that they will find anything of significance. H.E. is working on the EAW, which can be filed without the complete archeological survey.

The PT discussed the status of the Holubok property. In accordance with the purchase agreement, Holubok had a right to occupy the property until 12/01/07. According to Albright, he purchased a home in Rothsay earlier this summer and has moved his personal belongings to that location. Holubok also has until 8/01/08 to remove any buildings from the property that he wants. Albright has talked with Steve Holubok, who plans to move all of the buildings this winter. The property will not be eligible for WRP or Reinvest In Minnesota (RIM) until all buildings are removed, since they are figuring their easement payment rates based on 160 acres, and not deducting the buildings. Jack Frederick questioned if the property had a well and septic system. Albright said it did. Frederick said they will need to be vacated and closed in accordance with MPCA specifications. Honeman said it would be preferable if Holubok could plant the cropland to Round-Up Ready soybeans in 2008. Ellefson said soybeans might not be compatible with the sunflowers he grew in this area in 2007. If everything goes well, the tract could be seeded for WRP in 2009.

Regarding WLI, Schultz has talked with Ray Norrgard, and currently, Wilkin County is not eligible for the program at this time. There are no DNR protected waters in the upstream drainage area. It would be nice to find some additional cash that could be used to supplement payments for "best management practices" (bmps). Given the high land values and rental rates, it is going to be difficult for Conservation programs to be attractive to landowners. Albright said that Rick St. Germain, Engineer, H.E., should be producing a revised cost estimate in the near future. The initial cost of the project was based on a \$3 million estimate. Although given several changes to the project design, those costs may come down. If there is some extra money in the project account, perhaps the BRRWD might consider supplementing conservation program payments for the upstream drainage area.

Regarding the MOU and Joint Powers Agreement (JPA), back in October, Brennan had set a goal of circulating both documents for signature by the end of the year. Brennan is currently on assignment at another station, and Albright felt that both documents should be ready for signature in early January. Honeman noted that we still need to fill in the goals for the upstream drainage area.

Frederick questioned the status of the pre-project monitoring. Albright said the Barnesville River Watch Team has been collecting water samples at the proposed dam location for two years. The draft Engineer's Report also includes a section on monitoring. We need to install a water level gauge to start recording flows.

Wells had some comments from the USFWS Regional Engineering Office regarding the draft Engineer's Report. Copies of the comments were distributed to the PT. They would like to see the riser crest elevation lowered from elevation 973.75 to elevation 972.0. They would also recommend that the proposed design be modified to include six stop log bays in both the west and east risers, which would allow for more flexibility for pool level management below elevation 972.0. They would

also recommend that the C.R. 26 control structure have additional stop log bays added. Jones felt that some of these concerns were already addressed in the Engineer's Report, as well as earlier correspondence with the USFWS. However, he will make sure that St. Germain gets a copy of the letter so that he can reply.

Regarding the BRRWD legal process, Albright said that the next step will be for the BRRWD office to develop easement options and to contact the affected landowners for their signatures. The BRRWD also needs to hold a final hearing. We would like to see construction begin later in the fall of 2008. Fredericks said the project will require a MPCA Construction Stormwater Permit. Albright said that permit will be applied for after the BRRWD holds the project hearing. The Wilkin County Planning and Zoning Office also has Rules and Regulations regarding construction of levees and will require a separate permit.

**Project No. 58, Riverton Township Retention.** The office completed the Watershed legal process to develop this project back in September 2007. Because it was getting so late, a decision was made not to begin construction until 2008. The BRRWD still needs to sign the easement option with TNC. About a month ago, Brian Winter, Program Director, TNC, indicated that they were ready to sign the easement option. However, the NRCS raised some concerns regarding wetland issues. Sharon Lean, District Conservationist, NRCS, felt they had jurisdiction regarding the project wetlands because TNC is a FSA operator. She felt it would take some time for her office to complete review of the wetland issues. The BRRWD was prepared to complete the wetland review using WCA. Lean also felt her office would have jurisdiction regarding wetlands adjacent to the project, whose hydrology might be altered because of the levee construction.

Jones reported that H.E. is currently working with Jason Boyle, State Dam Safety Engineer, DNR, regarding the dam safety permit. A letter will be sent to Mr. Boyle tomorrow regarding answers for several of his questions. Jones didn't feel there would be any problem in getting a dam safety permit. Boyle had requested a snow melt analysis for the site, which will be included in the response.

Regarding the wetland issues, Honeman suggested that we might want to invite the landowners in Section 28, Riverton Township, to the NRCS office to meet with Lean. These landowners are Tim Pender, Helen Johnson, and TNC. Albright said Pender farms the Johnson property. In the long run, Hofstad commented that it might be good that the NRCS is involved with the wetland issues, since they have a number of exemptions that do not apply to WCA. Honeman felt in the future, it would be good if we could identify wetland issues earlier in the design process, so they could be dealt with by the appropriate agencies. Honeman said all wetland issues for the NRCS are landowner driven. The NRCS can accept new wetland credits (NWC) as mitigation, but they do not allow for public value credits (PVC). To resolve this issue, Honeman suggested we set up a meeting with Lean, the Fergus Falls NRCS office, Mark Aanenson, H.E., Brian Winter, TNC, and Albright. This meeting should also include Tim Pender. Honeman felt the wetland issues could be resolved in the near future. Winter said TNC is hesitant to sign the easement option unless the wetland issues are resolved. If they cannot be resolved, then he would like to see additional language added to the easement option that would protect TNC in this regard.

On 11/28/07, the BRRWD had an opportunity to support a TNC application for a North American Wetlands Conservation Act (NAWCA) small grants application. The BRRWD is seeding all pool areas to native grass within the project area. It is estimated that this work will cost \$95,000. The BRRWD committed \$66,500 to match the grant request for TNC's project, titled "Restoring Wet and Mesic Prairie in the Bluestem Prairie Complex." If successful, TNC will use the NAWCA funding to

seed the rest of the tract to native grass. TNC and the Detroit Lakes WMD were successful in getting a NAWCA grant earlier this year to help fund restorations on the Williams property, which TNC purchased. The Williams property consists of about 1,300 acres, located in Sections 25 and 36, Riverton Township, and Section 1, Elkton Township. Shawn May said that the Detroit Lakes WMD/USFWS has completed the field survey work for the wetland restoration sites. They should have the NAWCA funding later this month. At that time, they'll set a plan and schedule for completing the wetland restoration work. Once they have more design information, they will submit the required BRRWD permit application. Albright said one of the landowners in this area, Lee Alm, who lives in Section 25, Riverton Township, has expressed concerns regarding seepage in his basement. He is concerned that if more wetlands are restored in the area, this problem could become more serious. Albright felt we should set up a meeting with Alm once they complete their design to show him where the proposed wetland restorations will be located. Also, survey information pertaining to elevations of the wetland restorations will also be crucial to analyze if they can potentially affect his basement.

**Project No. 49, Oakport Flood Mitigation Project.** The last Technical Committee meeting was held on 11/27/07. The EAW was sent to the Environmental Quality Board (EQB) and distributed on 10/16/07. For some reason, the EQB seems to have either lost or misplaced the EAW, and it was never published in the EQB Monitor. Paul Stolen, DNR, has raised some questions about the EAW. Ulteig Engineers, Inc. (UEI) will work with Mr. Stolen to address his concerns before the EAW is resubmitted and published for comments. UEI has completed the HEC-RAS modeling and lost storage calculations. This information was reviewed with Mark Bittner, Engineer, City of Fargo, on 11/20/07. For the projected 100-year flood, the Red River of the North would have a flow rate of 26,000 cubic feet per second (cfs). Oakport Coulee would have a flow rate of 3,300 cfs. Because of the proposed project, the estimated lost storage is 857 acre-feet, which would lengthen the Red River crest by an estimated 21 minutes. UEI will look at possibly changing the structures under Wall Street, which might help lessen the impacts. The modeling will also have to be checked if smaller ringdikes are installed around the Jerry Skalicky and Jessie Swanson properties, located within the Oakport Coulee.

The Wetland Technical Evaluation Panel (TEP) conducted a field review of the project on 10/30/07. UEI has completed the wetland delineation report. Members on the TEP include Steve Hofstad, Bob Merritt, Leo Grabowski, and Pete Waller. The TEP wants to field review the site again next spring after more information is provided regarding the actual dike alignments. Marisol Velilla, UEI, did the wetland delineation report. The main area of concern is in the northwest corner of the Brentwood Addition. Kris Carlson, UEI, feels there may be a way to minimize the impacts in this area. The TEP will also need to review potential borrow areas.

The BRRWD still needs to complete the legal process required by Watershed Law to develop this project. The next step will be for the Appraisers to begin assessment of benefits and damages. UEI is working on the right-of-way (r-o-w) maps. The BRRWD would like to have all easement options signed before the hearing. If everything goes well, the final hearing could be held sometime in late April/early May 2008. The BRRWD is also planning a landowner informational meeting for early February 2008. The last landowner informational meeting that included everybody was held in May 2006.

At the 11/27/07 Technical Committee meeting, UEI furnished copies of the dike alignment maps for the entire project. They are currently working on the internal and external drainage. One of the more recent issues involves the area west of Broadway (C.R. 1) along the Red River. Earlier, the engineers felt that they could put a dike behind a number of homes in this area. Due to geotechnical concerns, it now appears that the dike will need to be located on North Broadway. Two informational meetings

have been held with landowners west of Broadway to discuss their options, which include buyouts, relocation, staying, or possible smaller ringdikes. A number of homeowners in this area have already contacted the BRRWD about conducting an appraisal of their property.

Fredericks would like a copy of the new EAW mailed directly to his office. The EQB requirements are that a copy be mailed to the St. Paul MPCA office, and he never gets to see it. He also questioned if we were sealing the wells that were on the buyout properties. Albright said last fall, the BRRWD solicited bids for the well sealing. Lako Drilling, Inc., Arthur, ND, was the low bidder. Their bid for sealing 13 wells was \$600 each, for a total of \$7,800. They have started the work, but have not finished. Well disclosure forms will be filed with the State of Minnesota once all work is done.

**Project No. 60, Swede Grove Lake Outlet.** The most recent estimated project cost is about \$350,000. The project was submitted to the Senate and House Bonding Committee tours this summer for funding consideration during the 2008 Legislative Session. Initially, Clay County petitioned the BRRWD to create an outlet for Swede Grove Lake because of a high water problem affecting one of their roads. The project scope has been expanded now to include lake drawdown to enhance the lake for waterfowl habitat. Ellefson questioned the natural resource enhancement (nre) tradeoffs because the lake now is considered a good fishery. Once drawn down, the lake will no longer support this resource. Schultz commented that the DNR would also need to address this issue. Barsness commented that the DNR really wouldn't consider Swede Grove Lake a fishery. It supports a fish resource at this time because of its high water condition, and the recent mild winters. Swede Grove Lake will eventually freeze out, leaving probably only bullheads in the lake. This is not conducive to using it as a walleye rearing pond. It is also a lake that the DNR would not stock. When Nelson toured the area this fall, the lake was down approximately 2.5' from its all-time high. The BRRWD held an informational meeting with the Swede Grove Lake landowners in 2006, but there was not much landowner interest in a project. Nelson has also talked with a downstream landowner who is not interested in having an outlet developed across his property. Some feel that the estimated cost is too high. If the BRRWD were successful in lobbying for flood damage reduction (fdr) funds for the project, they would only pay 50% of the estimated project cost. This would leave a balance of \$175,000 that would need to be funded by other sources. It is doubtful that the Clay County Highway Department would put that much money into a project that would protect their road. A meeting was held with the Clay County Highway Department in 2007, and they wanted the BRRWD to proceed with the project by trying to get state funding assistance. Schultz said that he might be able to find some DNR funding for the project if it was developed as planned. Fredericks questioned if the lake might see more development due to its "high water" condition. Albright said there are already several homes around the lake perimeter. Larry Jacobson, Supervisor, Highland Grove Township, still feels that something needs to be done to create an outlet for Swede Grove Lake. Depending on how much snow we get this winter, the lake could rise again in elevation, once again affecting the county road. The lake will drain out naturally to the Buffalo River if it gets high enough. From an fdr standpoint, a highwater period is probably not the time to drain water to the Buffalo River, as other areas within the BRRWD would also be flooding at that time.

**Wolverton Creek/Comstock Coulee Restoration.** On 11/10/07, the BRRWD opened bids for installing thirteen rock riffles and some channel improvements downstream of Trunk Highway (T.H.) No. 75. To date, the contractor has not started work on the project. Given the recent snow, he may try to haul in all of the rock this winter, and have his equipment onsite next spring so he can complete the project when conditions permit. The Clay/Wilkin SWCDs have obtained a Clean Water Legacy (CWL) grant in the amount of \$289,000 to work on this project. Albright questioned what the next step might be regarding the CWL funding. The CWL grant is good for a two-year period and one year

of the grant period has expired. The Clay SWCD will handle payments to the contractor for his work. Recently, Dave Barsness, DNR Fisheries, applied for a \$20,000 DNR grant to assist with the projects proposed for Wolverton Creek/Comstock Coulee. Barsness should know if the application was successful in January 2008. Other discussions about project components included side inlet controls, as well as bufferstrips for both the coulee as well as the legal drainage systems that use the coulee as an outlet.

Albright questioned the status of the Energy & Environmental Research Center (EERC) and their use of a Soil and Water Assessment Tool (SWAT) model for Upper Red watershed, which includes Wolverton Creek/Comstock Coulee. SWAT is a river basin scale model, developed to quantify the impact of land management practices in large, complex watersheds. SWAT is a public domain model, actively supported by the United States Department of Agriculture (USDA). The model will predict the effect of management decisions on water, sediment, nutrient and pesticide yields with reasonable accuracy on large, ungauged river basins. Frederick commented that one of the staff people at EERC, who was working on the SWAT modeling, recently left the organization. This has slowed down the work progress.

In 2006, the BRRWD applied for a Section 319 grant through the Environmental Protection Agency (EPA) and MPCA. On 12/11/06, the BRRWD was notified that the Federal Section 319 proposal was recommended to the EPA for funding. To date, the BRRWD has still not received the funding or the approved grant. The focus of the continuation grant will be to apply a computer model to develop sediment water quality goals and practical measures to achieve these goals for the BRRWD. The computer model will be used to establish sediment goals by modeling land use conditions prior to modern agriculture. The estimated sediment concentrations for pre-modern agriculture will in essence establish benchmark sediment conditions within the BRRWD. The computer model will then be used to evaluate 2-3 concepts to improve water quality. It was hoped that the modeling could be used regarding the BRRWD's RWMP update. Specific action items would have guided focused implementation actions to the landscape to achieve the sediment goals, and quantify benefits. The BRRWD will match amount of the grant award (\$30,940). Fredericks commented that we should see the contract next week.

**Lawndale Trout Stream Restoration.** In accordance with Minnesota Statutes Annotated (M. S. A.) 103E.227, Jones is currently investigating the effects of the proposed diversion. Once his report is filed, the BRRWD will be required to give notice and hold a public hearing with all of the Wilkin County Ditch No. 40 landowners. The Engineering Report was submitted through the DNR in September 2007. The report was completed by G-Cubed Engineering, Surveying and Planning, Chatfield, MN. The intent of the project is to divert flows from Wilkin County Ditch No. 40 into the historic natural waterway that used to drain across the Atherton State Wildlife Management Area (WMA) in Sections 34 and 35, Atherton Township, Wilkin County. The new channel will require approximately 20,300 cubic yards (c.y.) of excavation, 52.3 acres of seeding, and 144 c.y. of riprap. A riser structure will be added to the inlet end of the existing culvert between Sections 1 and 2, Manston Township, to divert the upstream waterflow through the new channel. Larger culverts will be installed through the road to allow the majority of the waterflows to cross the WMA. Albright said the BRRWD hopes to hold the project hearing sometime in the spring of 2008. If everything goes well, the DNR would like to begin project construction in the fall of 2008. The DNR is currently completing the EAW. This fall, Albright met with Dave Yaggie, a local landowner in this area. Yaggie has a permit to take water from the trout stream for his irrigation system. Yaggie would like to see the project install a new well for his water supply. Downstream portions of Wilkin County Ditch

No. 40 are in need of a repair/cleanout. It is hoped that this work can wait until the diversion channel is installed.

**Pete/Grove Lake Outlet.** The BRRWD is still trying to set up a meeting with Kern Kuhlmann, who owns the outlet to Maple Lake. It appears that an outlet for Grove Lake would need to drain through Maple Lake, which is also experiencing some high water problems. The BRRWD will be working with the 2008 Legislature to get funding assistance to develop this project in 2008. The outlet is estimated to cost \$100,000. The BRRWD held an informational meeting with the landowners last summer, and they are still interested in going ahead with the project. The lake is still extremely high and is expected to go higher next spring during the snow melt.

**Kragnes Ringdike.** Project development was delayed this fall because of negotiations with the Burlington Northern Sante Fe (BNSF) Railroad. Jones said that as of yesterday, he learned that our design for project features on their property is fine, and that we should go ahead with the license process. He said this will take approximately 45-60 days. The BRRWD also needs a permit from the Minnesota Department of Transportation (MNDOT) to install certain project features within their r-o-w on T.H. 75. Once the required permits/licenses are obtained, the BRRWD will need to hold a project hearing with the affected landowners. The BRRWD has secured 50% funding through a DNR Flood Damage Reduction grant. Hopes are that project construction can begin next spring. The homeowners in Kragnes are concerned that if we have another flood in the spring of 2008, they will not have protection.

**Comprehensive Planning.** Last spring/summer, the BRRWD completed seven regional meetings to discuss problems throughout the BRRWD. The Minneapolis H. E. office has a majority of the draft plan written. The next step will be to reconvene meetings of the Citizen Advisory and Technical Advisory Committees (CAC/TAC) so that the group can start to work on goals/solutions. Albright said a letter will be going out to the CAC/TAC members in the next several weeks with meeting dates and times. It is hoped that 2-3 CAC/TAC meetings will wrap up the planning. Once the draft plan is completed, it needs to be submitted for agency review and comment. Our goal is to have the plan completed by the end of 2008.

**Activities Update.** Albright distributed a copy of the 12/10/07 meeting press release. The Board ended the year talking about projects that they hope to start construction on in 2008. The Turtle Lake siphon will be stopped for the winter months. Meetings will be held on 12/17/07 with Representative Morrie Lanning and Senator Keith Langseth to talk about continuation of our increased funding through M.S.A. 103D.905, Subd. 3. During the 2006 Legislative Session, the BRRWD was successful in getting legislation approved that approximately doubled the amount currently listed in statutes that the BRRWD can raise. This funding supposedly was approved for a two-year period (2007/2008). On a regional basis, there are efforts for the BRRWD to rejoin the Red River Watershed Management Board (RRWMB). Ellefson said that if the BRRWD were to rejoin the RRWMB, it would double the current tax levy with the BRRWD sending approximately \$850,000 to the RRWMB on an annual basis. He said there was probably no way for us to recoup those funds once they're forwarded to the RRWMB. The BRRWD's increased funding has been used to develop projects such as Riverton Township Retention, Manston Slough Restoration, and water quality work within the BRRWD.

Representative Lanning has been working on House File No. 2536, which relates to the environment, authorizing the establishment of watershed basin management districts with taxing authority; appropriating money; amending Minnesota Statutes 2006, Sections 103B, Sub. 1. 275.066; proposing coding for new law in M.S.A. 103B. A Basin Board would be established in each of the State's nine

major river basins. The Board purpose would be to coordinate basin water management activities, implement projects and programs of common benefit to the basin, and monitor performance of local watershed management entities. The RRWMB would be the basin board for the Red River of the North. State funding would then be appropriated to the various basin boards to assist in the development of basin plan goals, objectives, priorities, and outcomes.

Albright said a number of Red River of the North basin watersheds have expressed concerns about routing all of the State funding to the RRWMB. For example, the Otter Tail River is not organized as a formal Watershed District. Other districts, like the BRRWD, Pelican River Watershed District, and the Cormorant Lakes Watershed District are not members of the RRWMB, and it is doubtful that the RRWMB would provide any funding to these non-member organizations.

The BRRWD and Becker SWCD submitted a 2008 combined CWL grant application on 11/15/07 for protection funding for the Hay Creek/Stinking Lake Sedimentation Reduction project. The approach to this project will be to: 1.) Utilize the results from the 319 modeling effort to prioritize areas in the Hay Creek drainage for best management practices (bmp) placement, and 2.) Use a rapid geomorphic assessment (RGA) to identify unstable stream reaches and focus in-stream restoration efforts. Four initiatives in the project include installation of grassed bufferstrips, installation of sediment control basins, the RGA and streambank stabilization effort, and report on the effectiveness of the initiatives. The total amount of the funding requested is \$230,000. If approved, the BRRWD has agreed to commit \$50,000 to this project. We should know in January 2008 if the application will be approved.

The 25<sup>th</sup> Annual Red River Basin International Land and Water Summit Conference, titled "The Power of a Dream", will be held on January 22-24, 2008, at the Ramada Plaza Suites, Fargo, ND. The Conference is sponsored by the Red River Basin Commission (RRBC). Albright distributed a conference agenda. The handout included a registration form.

Albright distributed two handouts pertaining to the Red River Basin Mapping Initiative (RRBMI). Chuck Fritz, Director, International Water Institute (IWI), attended the 11/26/07 BRRWD meeting to discuss the status of the project. The proposed initial approach will be for five data collection efforts over a period of 2½ years. A Request for Proposals (RFP) is currently being solicited for Phase 1 work, which could begin in the spring of 2008. The entire project is estimated to cost \$5 million. The Earth Resources Observation and Science (EROS) data center of the United States Geological Survey (USGS) has agreed to host and disseminate the information. Right now, the project is lacking federal funding. Initially, the IWI assumed that 50% of the financial commitment would be provided by the federal government and 50% by local and state government. The majority of the local and state funding has been secured. At a minimum, all digital elevation data delivered shall meet a 15-centimeter root mean square error (RSME). Some potential uses of the data include environmental planning, water resource investigations, soils classification, precision agriculture, urban planning, and preliminary engineering and design. The BRRWD has agreed to contribute \$50,000 to the cost of the project. The RRWMB has committed \$500,000. Other local partners include the Cities of Fargo, Moorhead, Grand Forks, East Grand Forks, Wahpeton, and Breckenridge. It is hoped that the State of Minnesota will provide \$600,000 to the project. Senator Langseth had legislation approved during the 2007 Session for this funding, but the legislation was part of a larger bill that was vetoed by Governor Pawlenty. The National Academies concludes that light detection and ranging (LIDAR) is the preferred technology for digital elevation data collection at the accuracy specified by the Map Modernization Program. Albright said the various phases being proposed by the IWI includes data collection on a north/south basis.

Earlier this fall, Albright was contacted by John M. McEvoy, Ph.D., Department of Veterinarian and Microbiology Sciences, North Dakota State University (NDSU), about water quality testing that McEvoy was doing on the Buffalo River. In their sampling, they found cryptosporidium. A meeting was held on 12/04/07 to discuss this problem. A feedlot owned by Paul Salberg on the Buffalo River in the NW<sup>1</sup>/<sub>4</sub>, Section 4, Eglon Township, Clay County, on the east side of T.H. 32, was identified as the source of the pollutant. McEvoy would like to continue his cryptosporidium research. The USDA has a grant that would provide funding for continuing the study. McEvoy would also like to look at the effects of tiling and the transportation of cryptosporidium. A meeting was held on 12/07/07 with Joe Wipf, Spring Prairie Colony. Wipf indicated that they would work with McEvoy if he is successful in getting the grant. The Colony has a large array of animals including dairy cows, beef cattle, swine, and poultry. They also have a large number of acres that have been tiled. The grant would be for a three-year period. The Clay SWCD is working with Salberg to address some of his feedlot problems.

**Next Meeting.** The next meeting of the BRRWD's Mediation PT is scheduled for Thursday, January 31, 2008, at 1:30 PM in the MSUM Science Center. Notices and a meeting agenda will be mailed. Albright said we'll probably try to hold one more meeting in either late February or early March, which will also be a daytime meeting. The majority of meeting over the next several months will be to complete the BRRWD's comprehensive planning.

**Adjournment.** There being no further business to come before the group, Albright adjourned the meeting at 4:00 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator