

**MEDIATION PROJECT TEAM MINUTES**  
**February 23, 2006**

A meeting of the Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) was held on Thursday, February 23, 2006, 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 Office Administrator; Curtis M. Nelson, E. Robert Olson, Roger G. Ellefson, Gerald L. VanAmburg, and John E. Hanson, BRRWD Managers; Erik S. Jones, Engineer, H.E.; Shawn May, United States Fish and Wildlife Service (USFWS) and Detroit Lakes Wetland Management District (WMD); Jack Frederick, Minnesota Pollution Control Agency (MPCA); Dave Barsness, Fisheries Specialist, Minnesota Department of Natural Resources (DNR); Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Kevin Kassenborg, District Manager, Clay Soil and Water Conservation District (SWCD); J. Eddy Edwards, for Kevin Brennan, Fergus Falls WMD and USFWS; Don Schultz, Area Wildlife Manager, DNR; Scott Bilben, Audubon Dakota; Brian Winter, Program Director, The Nature Conservancy (TNC); and Michael T. Murphy, Manager, Hamden Slough National Wildlife Refuge (NWR) and USFWS..

Members absent were: Kevin Brennan, Fergus Falls WMD and USFWS; Don Buckhout, Red River Basin Coordinator, DNR; Brian Dwight, Board Conservationist, BWSR; Craig O. Evans, PM-D, United States Army Corps of Engineers (COE); Leo Grabowski, Project Manager, COE; Brad Grant, District Administrator, Becker SWCD; Steve Hofstad, Clay County Water Planner and Wetland Conservation Act (WCA) Administrator; Bob Honeman, Area Resource Conservationist, Natural Resource Conservation Service (NRCS); Robert G. Merritt, Area Hydrologist, DNR; Richard Pemble, BRRWD Citizen Advisory Committee; Maynard Pick, Staff Assistant, Congressman Collin Peterson's Office; and Robert A. Zimmerman, Engineer, City of Moorhead.

Albright called the meeting to order at 1:35 PM. Introductions were made for the benefit of Eddy Edwards, who is sitting in today for Kevin Brennan, who could not attend. Albright briefly discussed the process that was being used to develop a number of projects within the BRRWD. The Mediation Agreement was put in place in 1998.

**Business brought before the group included:**

**Meeting Minutes.** Draft minutes for the 1/26/06 PT meeting were distributed with today's agenda. May noted a correction for Page 5, pertaining to the discussion regarding Project No. 60, Swede Grove Lake Outlet. The minutes should be reworded regarding the 9/23/05 agency meeting, where Scott Kahan, USFWS, "felt that their wetlands could be improved on the south end of Swede Grove Lake if the lake is lowered so that they can manage for emergent vegetation, rather than open water. **Motion** by Murphy to approve the minutes with the noted change. **Seconded** by Waller. **Approved.**

**Project No. 54, Whisky Creek Tributaries.** This project is at Step 8, in accordance with Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) project implementation process and procedures schedule. Jones distributed a draft report that Wade Opsahl, Technician, H.E., is preparing regarding the "construction" monitoring. Albright noted that the BRRWD has taken all of the project easements to the Clay County Recorder's Office for filing. The BRRWD has had to make several changes to the easement legal descriptions. A meeting was held with landowners on 1/26/06 in the Barnesville office to discuss the Section 14, Barnesville Township, impoundment site and their possible involvement with the Conservation Reserve Enhancement Program (CREP) II. In particular, landowners are looking at Conservation Practice (CP) 34, for which the Red River Basin CREP has 2,125 acres, which are eligible for a 15-year Conservation Reserve Program (CRP) contract and a perpetual Reinvest In Minnesota (RIM) contract. The Farm Service Agency (FSA) had some questions as to if the land involved with the impoundment site still qualifies as cropland. Albright sent some information to the Clay FSA office. Waller said that they have accepted the BRRWD's determinations, and that the property is eligible for CP 34. Waller said there are two new Clay County FSA committee members, including Mike Schenck and Mark Anderson. Dennis Arneson no longer serves on the Clay FSA Committee. Murphy questioned if the soils associated with the impoundment site are identified as "hydric". Waller said this was not one of the requirements for CP 34. He said CP 34 was created for areas like the Whisky Creek Tributaries impoundment site. The BRRWD's project easement did not acquire the cropping rights. Kassenborg said because this is a relatively new program, there are going to be a number of questions regarding its use.

Ellefson questioned if the landowners could put their property in the regular CRP. Waller said that landowner Arvid Thompson has already placed some land along County Road (C.R.) No. 56 in that program. It would logically make sense that this land would also qualify for CP 34, as this gives it permanent protection, rather than just 15 years. Waller said the next meeting of the Clay FSA Committee is scheduled for 3/15/06. It may be necessary for Albright to attend. Another possibility might be to invite Jay Nord, a Wilkin County landowner who is also on the State FSA Committee, to discuss this issue.

**Spring Prairie Township Erosion.** Jones reviewed a H.E. 1/30/06 report. In 2003, H.E. conducted a survey in Sections 28 and 29, Keene Township, to determine the storage potential for a flood water impoundment. The intentions of this impoundment would be to reduce discharges on the waterway flowing through County State Aid Highway (CSAH) No. 26. Rock riffle grade control structures were placed in the waterway downstream of CSAH No. 26 a few years ago to control the channel downcutting. This waterway eventually empties into Clay County Ditch No. 39. The contributing drainage area to the floodwater impoundment site is approximately 4.7 square miles (sq. mi.), based on aerial photographs and the United States Geological Survey (USGS) quadrangle maps. Some potential limitations to this project site include potential conflicts with landowner use of land involved, such as on the Northern Improvement Company (NIC) property where gravel mining will likely occur in the future. A flood water impoundment in this area could also back up water to the township road along the north side of Section 28. This is the common legal boundary between the BRRWD and the Wild Rice Watershed District (WRWD). The road along the north side of Section 28 has a low point of approximately elevation 1115.4. An emergency spillway for the impoundment would likely need to be set at an elevation lower than 1115 to prevent overtopping of the road to the north. Other limitations may include soils, as well as buildings. A geotechnical analysis will be required prior to construction to determine required embankment geometry and seepage potential. Provisions may also need to be made for the land in Section 21, which may partially drain into the site. A raised pool in the impoundment area may limit or restrict the drainage from the north into the impoundment area. There

is potential for this site to provide flood damage reduction (fdr) and natural resource enhancement (nre) features by erosion reductions on the tributary to Ditch No. 39.

Jones reviewed the data summary, which include precipitation for a number of runoff events. At elevation 1115, the site would affect 224 acres with 473 acre-feet (a-f) of storage. At that elevation, the site would be capable of holding 1.87" of runoff, which equates approximately to the 25-year-24-hour event, or the 5-year 10-day event.

Jones reviewed the project map, which shows a large gravel ridge in the W $\frac{1}{2}$ E $\frac{1}{2}$ , Section 29, which is owned by NIC. Depending on how deep they excavate the gravel pit, the site storage capabilities could be limited. The site currently has a 36" dia. outlet in 100<sup>th</sup> Avenue North. The inlet pipe in 110<sup>th</sup> Avenue north is also a 36" dia. pipe. Albright felt the next step would be to meet with the detention site landowners to review the survey/data.

Albright said there have also been recent discussions about Project No. 44, which was a lateral petitioned for in 1998 to extend Clay County Ditch No. 39 south of CSAH No. 26. The project would be located approximately on the line between Sections 3 and 4, Spring Prairie Township. The petition was filed in response to a breakout that occurred in this area during the 1997 spring flood, which allowed water to flow west into Clay County Ditch No. 65. The BRRWD held a preliminary hearing in accordance with Minnesota Statutes Annotated (M. S. A.) 103E.261 on 4/22/99. At that time, upstream landowners expressed opposition to the project because of the potential assessments. Albright said if the BRRWD revives this project, the next step would be to hold a meeting with the Ditch No. 65 landowners, as they would receive protection benefits if this area was improved and no longer allowed to overtop and run into their ditch system. Albright has met with Steve Wear, the main 1999 petitioner, as well as Joe Wipf, Spring Prairie Colony, about getting the project going. A landowner would need to refile a \$20,000 bond to get things started. This area catches a lot of the silt coming from the DNR protected watercourse upstream. Albright felt it would make sense to remove the sediment when it's trapped in the downstream area rather than letting it flow all the way down Ditch No. 39 into the Buffalo River. Frederick cautioned that the BRRWD might need a storm water permit to construct the project.

**Project No. 56, Manston Slough Restoration.** On 1/31/06, Albright sent Brennan copies of the Operation and Maintenance (OM) Plan for Project No. 16, Stinking Lake Flood Detention/Wildlife Structure, dated 4/30/90. This information is going to be used to draft a sample OM Plan for this project. H. E. will also start working on a monitoring and evaluation document for this project, which will include preconstruction, construction, and post construction monitoring to ensure compliance with design parameters and to measure the project's effectiveness in meeting the hydraulic and environmental goals initially identified. This document will include responsibilities for maintaining and communicating the data developed during the monitoring process. All activities will be defined during the permit process and will be incorporated into project permits. A similar plan was developed for the Whisky Creek Tributaries project. Albright noted that the Barnesville High School River Watch Team has been collecting water samples at the site for several years. Frederick commented that it would be nice if they would also sample several of the major inlets to the project.

At the 2/13/06 BRRWD meeting, the Board hired an appraiser, David Lysne, Pelican Rapids, to look at the Donald Holubok building site located in the SE $\frac{1}{4}$ , Section 30, Manston Township. To date, we have not received the appraisal. A meeting was held on 2/10/06 with representatives from the BRRWD, USFWS, DNR, and NRCS to discuss possible easement/acquisition of this property with Steve Holubok, Donald's son. At that time, one of the biggest unknowns was the value of the farmstead. Hopefully, the appraisal will answer this question.

The BRRWD has requested \$1.5 million in state bonding money to help with the construction of the project. The project is on the DNR's and Senator Langseth's list. The Senate version of the bonding bill has not been published.

Jones distributed a task list, which included 41 items. The schedule contemplates opening construction bids in April 2007. Albright noted that COE permitting should be added to the list. Edwards also commented that the USFWS process regarding the federal environmental assessment would take longer than 60 days, typically taking 6-9 months to complete. Frederick questioned the amount of acres that will be disturbed with the project construction. If the area is over 50 acres, then there is a 30-day permitting process in accordance with the MPCA Stormwater Guidelines.

Albright and Ellefson met with landowners Tom Arnhalt and Joe Wulfekuhle yesterday to discuss a possible realignment of the proposed dike. Wulfekuhle has seepage concerns regarding his property located in the SE<sup>1</sup>/<sub>4</sub>, Section 17, Manston Township. The property is located north of the proposed dam embankment. Albright felt that with the dam in place, Wulfekuhle would experience less seepage than he currently has. The landowners talked about turning the dam in the NE corner of Section 19, to run south and join into the main waterway area that feeds the Manson Slough area. This would also eliminate the W<sup>1</sup>/<sub>2</sub>, Section 20, which is owned by Tom Arnhalt from the project. Ellefson said the Arnhalt property would be saved as cropland, and there would be no need to acquire an easement from him. Ellefson said we might lose some storage if the dam alignment is modified.

Don Schultz said that typically the BRRWD projects acquire easements to the natural ground elevation. He questioned if we start diking certain landowners out, so they're no longer involved with the project, others may want the same treatment. From a project standpoint, Schultz said that the water that will be held on the Arnhalt property will be considered "shallow basins", which also have benefits from project standpoint. Schultz also felt the Arnhalt property may have difficulties in draining unto the project site, and questioned the BRRWD's liability for modifying the project. Arnhalt wanted the BRRWD to fund tiling for his property, as a project expense. Ellefson said the BRRWD informed him "that won't happen". Ellefson said there probably will be high water in the area again this spring, given the amount of snow we have. He felt H.E. should collect water elevations during the runoff, so we can verify the water height. He also said that by modifying the dam alignment to exclude the Arnhalt property, the property would be kept on the tax roles. Schultz commented that if the DNR acquired this land, they do pay in lieu of taxes. Winter said that as long as the land doesn't receive a "homestead credit", the difference between if the property is privately owned or acquired by the DNR is not that significant. Ellefson felt it was just a matter that should be looked at by the engineers. It may end up saving the project some money. Schultz noted that by changing the dam alignment, it would mean that the road between Sections 19 and 20 would need to be raised. There are a number of roads that run throughout the project area that may need to be raised for public safety even if the project is built as planned.

The BRRWD has discussed installing piezometers along the west side of the project to monitor and evaluate potential seepage towards Wilkin County Ditch No. 22. That matter is being discussed with Eric Mohring, BWSR. Murphy said a lot can be learned by installing the piezometers. He discussed the Bisson Lake Restoration project that was done on the Hamden Slough NWR. For the most part, groundwater tends to gravity flow downhill. The piezometers answered a number of questions regarding the Bisson Lake Restoration project. Murphy felt that possibly doing the same on the west side of Manston Slough might answer some questions. Dr. Jimmie Richardson, NDSU, did the study for Bisson Lake. Dr. Richardson is no longer with NDSU, and has moved out of the area. Murphy said that Cheryl Feigum, formerly with H.E., who is now with Barr Engineering, also understands

groundwater movement patterns. Waller felt some information might also be obtained by contacting Harvey Thorliedson, Minnesota Geological Survey, who has done a 3-D model of geology/groundwater mapping for the area. People who have seen his work feel it is very exciting.

The group talked about what could be done with the Holubok property, if the BRRWD is able to make a deal with him. Ellefson said the BRRWD intends to resell the property to the DNR. Albright noted that a Governor's Clean Water Initiative Quarterly Project Status Report is due on 3/31/06.

**Project No. 58, Riverton Township Retention.** In accordance with M.S.A. 103D.605, the BRRWD held the Preliminary Resolution Hearing on 2/16/06 at the Glyndon Community Center. For the most part, Winter felt the hearing went pretty well. Winter was still concerned that neighboring landowners distrust the TNC. He felt frustrated by this and felt the BRRWD should provide more support when landowners raise meritless questions. In general, he felt the audience in attendance at that meeting needed to be educated about the project. Winter was particularly concerned about comments made by Dan Johnson. Albright anticipates that the BRRWD would make the Preliminary Resolution Order to continue with the project at their upcoming 2/27/06 meeting. The BRRWD has asked for 50% of the project funding, or \$225,000 from the 2006 bonding bill. Some of the comments made at the hearing related to Clay County Ditch No. 57. Winter would be happy to review the ditch system at any time with the BRRWD.

Winter will be meeting with the USFWS to look at wetland restorations on the Williams property. Winter felt TNC would not be ready to sign the BRRWD's easement option until they can see the preliminary engineer's report. An operation and maintenance agreement also needs to be developed. The BRRWD should also work on the monitoring and evaluation procedures.

Winter felt the TNC attorneys will want to review the project plans and design before making a decision as to whether or not to sign the easement option. At this time, everything looks favorable in that regard. Jones said some work is still required to figure out a design for the inlet structure, which will be located in the township road. The BRRWD will need to work with Riverton Township Supervisors on this issue. Jones said one option would be to install a Texas type crossing. Winter said comments were made at the hearing about a wetland area in the southwest corner of the property. This area is already wet, and there's no need to provide additional drainage for this area to take water north. Ellefson felt optimistic that if everything fell in place, the BRRWD could start construction late this fall. Jones is working on the preliminary engineer's report.

**Project No. 49, Oakport Flood Mitigation Project.** A Steering Committee meeting was held on 1/31/06. One of the next steps will be to work on the voluntary home buyouts in the floodplain or cannot be protected by the proposed dike. Some homes are too close to the river, and due to soil stability problems, cannot be protected. The new estimated project costs are \$16.9 million. The BRRWD has attended a number of meetings at the Capitol to lobby for bond money. The Governor and the House of Representatives both have \$2 million in their bonding bill for this project. Representative Lanning is trying to get more money. Senator Langseth is looking at \$4 million in the Senate version of the bonding bill. The BRRWD will hold an open house sometime in late April/early May to discuss this project status with landowners.

**Project No. 60, Swede Grove Lake Outlet.** Jones distributed a handout with a number of alternatives regarding impacts/benefits for the PT's review. Jones has looked at a number of different scenarios, including drawdown of the lake to the Ordinary High Water (OHW) elevation of 1238.50. Drawdown by DNR permit of 1.5' of water below the OHW to elevation 1237.0; piped and channel alternatives for

lake drawdown to elevation 1235.2; Alternative B1 is a piped outlet; Alternative B2 is the channel outlet; and lake drawdown to elevation 1231.0, with a piped alternative (A1) and a channel alternative (A2). For each of these alternatives, a number of issues were considered, including walleye rearing benefits, wildlife benefits, wetland impacts, road benefits, landowner implications, flowage easements, runoff storage values, outflow control, and estimated construction and right-of-way (r-o-w) costs.

In 1998, the Clay County Highway Department constructed a temporary outlet across the SW $\frac{1}{4}$ , Section 14, Highland Grove Township, to lower the water that was threatening C.R. 37. By agreement, the County closed this outlet in 2003. In August 2004, the Clay County Board of Commissioners filed a petition with the BRRWD requesting that a permanent outlet be established for the lake. The proposed outlet would slowly lower and maintain the water elevation as well as provide the ability to raise the lake level in order to provide storm water runoff storage when necessary. Based on discussions that took place at a 9/23/05 agency meeting, which included representatives from the DNR and USFWS, there appears to be benefits that can be realized for wildlife and walleye rearing by lowering the lake to elevation 1231.0. Alternatives A1 and A2, which lower the lake to 1231.0 will need to extend into the main portion of the lake for an outlet. Alternatives B1 and B2, which lower the lake to elevation 1235.0, could come out of the south end of the lake on property owned by the USFWS. The piped alternative A1 is estimated to cost \$208,695. Jones felt this was the preferred alternative, as with an open channel, the cuts would be quite deep, and would require continued maintenance. The piped alternative would also not impact wetlands, and would only have minimal impact on the lands where it would cross. For the piped alternative to bring the lake down to elevation 1231.0, the 24" dia. outlet pipe would need to be about 5,000' long. Jones noted the cost estimates do not include things such as engineering, wetland mitigation, etc. He discussed the proposed benefits for each alternative. As stated, the engineers would plan to use a 24" dia. gasketed pipe. Flowage easements may need to be acquired around the lake if we draw it down to elevation 1231.0. Storage would be realized on the lake by placing stoplogs in the inlet structure. A stoplog weir could be used to control the level and release rate of the lake. Water would pass from the outlet pipe into an open channel that would convey the water through Section 23, until it outlets into the Buffalo River. This alternative would provide walleye rearing, wildlife, road, and runoff storage benefits. Once installed, the piped alternative would require very little maintenance and would be self-operating. Someone would need to install the stoplogs to realize various lake elevations set in accordance with the wildlife management plan. Jones said based on the average annual storage that could be used over a 50-year period, the 100-year, 10-day runoff event is 4" of runoff, requiring approximately 500 a-f of storage per year. This runoff was valued at \$435/a-f from a 1991 DNR report, adjusted for inflation. Since we only would use approximately 500 a-f of storage, all of the values of wetland storage listed on the analysis remain the same for any of the projects that lower the lake below elevation 1235.2.

Winter said that by looking at the aerial photograph, if we lower the lake to elevation 1231.0, many of the wetlands located along the west side of the project will be lost. Jones said that plans are to do a more comprehensive project that would restore/protect these wetland areas. Landowners have also said that a number of wetlands along the west side of the lake are currently inundated because of the high water. Those wetlands will also be recreated by lowering the lake. If the lake is lowered to elevation 1231.0, the USFWS wetland on the south end of the project will not drain north into Swede Grove Lake, as there is a high spot where an old road used to be located at elevation 1236.0. Ellefson questioned the maximum depth of the lake. Schultz had the DNR conduct a wildlife lake habitat survey on 10/27/05. The maximum depth found on the lake is approximately 16.0'. The maximum depth noted in the USFWS wetland on the south end of the lake is 6.5'. Even when Swede Grove Lake was drained completely dry during the 1930s, and they raised potatoes in the bottom of the lake, the

USFWS wetland on the south end had water. Some feel that this area might be spring fed. Winter felt it would be good if we could tie the survey data into the DNR benchmark used to set the OHW.

Albright said there's a meeting scheduled for 3/06/06 with Clay County Commissioner Jerry Waller and Clay County Engineer Dave Overbo. The BRRWD has concerns that the County only wanted to lower the lake to protect their road with their petition. Now that the project has taken on a more comprehensive approach, the additional costs for walleye rearing, wildlife habitat, etc., may not be borne by the County. At some point, Albright thought the BRRWD should release the County from their obligations associated with their petition and bond, if the PT is interested doing a project for this area.

Ellefson questioned the storage benefits Jones noted in his report, especially if the lake is currently landlocked. Albright said that during periods of extreme high flow and elevation, the lake will naturally run out to the south and enter the Buffalo River.

On 1/30/06, Barsness forwarded information to Albright regarding the benefits that could be realized by lowering the lake for walleye rearing. The lake used to be good for fingerling walleye production prior to bullheads getting into the lake, which was in the late 1990s. In recent years, there has been virtually no production of walleye fingerlings. The production of any of DNR's rearing ponds is extremely unpredictable from year to year based on many variables. Even before the rough fish were in Swede Grove Lake, there were years of production from as high as 21,000 fingerlings to almost nothing. Using an average production and cost for 10 years prior to bullheads in the lake, and assuming post reclamation would provide similar production, the average number of fingerlings produced for the period was approximately 8,000 per year. The average production costs for the same period was approximately \$2,400, or \$0.30 per fingerling. The price of an average fingerling on the open market is about \$0.95 each, for a difference of \$0.65. Strictly from a monetary standpoint, it could be argued that there is \$5,200 in annual benefit for many years to come as a result of a project that would lower the lake to elevation 1231.0.

Ellefson questioned if there are benefits that will be realized by the DNR for their walleye rearing pond, is the DNR willing to contribute money to help with the cost of project construction. Schultz commented that there is a lot of competition for DNR's funding. Shallow lakes are becoming more important in the State of Minnesota. He felt from a wildlife perspective, they would be willing to help with the project costs. If the lake were lowered to elevation 1231.0, the DNR would plan to do a fish kill of all of the surrounding wetlands and Swede Grove Lake, so they could restart growing fingerlings again. Just by looking at the aerial photographs, the high water has caused a lot of turbidity in the lake, and there would be benefits realized with improved water quality. All of the underwater plants are currently submerged, and are not growing in the lake. These plants would also help tie up the sediment. Schultz noted a shallow lakes forum will be held in Willmar in early April to discuss the importance of lakes like Swede Grove. Frederick questioned the amount of time it would take to draw down the lake with a 24" dia. outlet. Jones estimated that it would take approximately 6 months.

Albright felt one of the next steps would be to hold another meeting with the USFWS and the DNR to discuss the alternatives. Fredericks would like to see some land treatment placed in the project's watershed to improve water quality. Jones said the watershed to Swede Grove Lake is approximately 2.3 sq. mi. Ellefson questioned the current landuse around the lake. Jones said some of the property is farmed, while other tracts have been placed in CRP.

**Buffalo River Levees.** The BRRWD has discussed a possible project that could be located in Sections 5 and 6, Riverton Township, Clay County, to control erosion and flooding along the mainstem of the Buffalo River. The BRRWD held two meetings last fall with the project landowners. Due to limited attendance, there was not much valuable discussion. One of the primary problems exists in the W<sup>1</sup>/<sub>2</sub>, Section 5, which is owned by an out-of-state landowner, and farmed by Curtis Nelson, Lake Park. Albright has recently talked with Nelson, who plans to come to the BRRWD office to discuss what can be done on this property to prevent area flooding.

**Wolverton Creek/Comstock Coulee Restoration.** H.E. has been asked to complete a preliminary project investigation based on existing information for this area. Their study is expected at the 2/27/06 BRRWD meeting. The information is needed to develop a more comprehensive approach to reducing flooding and erosion problems in the Wolverton Creek drainage area, and to correct degradation of the Creek itself. Area landowners have requested that the BRRWD consider investigating the problems and recommending potential solutions to correct these problems. The Creek is approximately 25.5 miles in length, and drains directly into the Red River. Several data sources will be used for the investigation, including the LIDAR survey data obtained from the Flood Insurance Study (FIS) on the Red River upstream of Fargo-Moorhead in Clay County, BRRWD permit applications, and previous H.E. survey information. The LIDAR data does not provide any information on the existing structures along the channel, nor does it provide channel elevations for any shots that were taken on standing water. It appears that there will still be a number of information gaps after the study is completed. LIDAR information present for the Clay County portion of Comstock Coulee should be able to provide cross section information for those portions of the channel above the water level. Soil borings could also be taken to determine the amount of sediment in the creek channel. The BRRWD has scheduled a meeting with the Wolverton Creek/Comstock Coulee PT subcommittee for 3/16/06 at 7:00 PM in the Comstock Community Center.

**Lawndale Trout Stream Restoration.** Albright said an article appeared in the 2/05/06 Sunday edition of *The Forum*. The BRRWD and DNR held an informational meeting in Barnesville on 2/15/06 to discuss the project. All landowners in attendance supported the DNR's efforts to restore the historic Lawndale Creek across the Atherton Wildlife Management Area (WMA) in Sections 34 and 35, Atherton Township, Wilkin County. The DNR is looking at placing a trout stream redesignation on portions of the channel located near the outlet of Wilkin County Ditch No. 40. By redesignating this area as trout stream, it should qualify for the DNR to use trout stamp funds for the restoration work. Over the years, the DNR has had a number of areas that have been designated as a trout stream. The DNR has a trout stream easement program that might be quite beneficial to the landowners, if they want to sign up on a voluntary basis. The DNR is going to move forward with this redesignation process. They would like to burn the Atherton WMA this spring so that they can survey the area to locate the old channel. Assuming that the survey and data acquisition can be completed this summer, channel construction could begin in 2007. Another issue is finding a source of water for Dave Yaggie's irrigation system. The most logical solution appears to be furnishing him with a well.

**Fargo/Moorhead Upstream Feasibility Study (FMUS).** Craig Evans, COE, was supposed to schedule a second meeting to discuss Phase 2 scoping and work. The COE does not have funding to continue with the project at this time. Albright will contact Evans.

**South Branch of the Buffalo River Restoration.** The BRRWD held an informational meeting on 2/21/06 with landowners at the outlet of Wilkin County Ditch No. 44 to discuss the DNR permit the BRRWD received on 12/01/05 to clean one mile of the channel beginning at the Ditch No. 44 outlet and proceeding downstream. West of Trunk Highway (T.H.) No. 9, the area is DNR protected waters.

Last summer, when landowners downstream of the proposed project heard about the potential work, they requested an informational meeting to look at other problems in this area. Because the cleanout is limited to only installing a minimal grade, from an engineering perspective, Jones felt that the work would not cause additional downstream problems. The downstream landowners did express an interest in creating a project area that could address issues/problems along the South Branch of the Buffalo River beginning at the Ditch No. 44 outlet extending downstream for approximately 6 miles to where the South Branch is joined by Deerhorn Creek. Fredericks said the South Branch of the Buffalo River might be identified as impaired waters. Any cleanout done in this area could be questioned by MPCA. Ellefson said the intent of the initial project is not to remove all of the sediment from the channel, but to establish a gradeline from the Ditch No. 44 outlet so that water does not pond and stand east of T.H. 9. Frederick felt the landowners in the study area should consider reestablishment of the riparian channel, including bufferstrips to protect the area from further degradation. Albright said other potential work in the area could include restoration of the South Branch channel, which was diverted with the installation of Judicial Ditch No. 3/Ditch No. 44 in the early 1900s. The BRRWD also has two area landowners who are feuding, which complicates the issue.

**Comprehensive Planning.** The BRRWD is currently waiting for funding from BWSR to continue with Phase II work. The Citizen and Technical Advisory Committees (CAC and TAC) have been discussed to start work on the planning. Sub-CACs and TACs have also been proposed for the seven subregions. The BRRWD is expecting a new grant agreement contract from BWSR, which will authorize Phase II funding and will include a time extension for project completion until 6/31/07. H.E. is working on a meeting schedule. Letters will go out to all people identified on the CAC and TAC to confirm their commitment with the process.

**CREP II.** The Governor and Legislature is considering some changes for the program that might provide more easement dollars. Right now, it doesn't appear that the program is competitive enough to interest landowners in enrolling lands.

**Activities Update.** Albright distributed copies of the 2/13/06 BRRWD meeting press release. Most of the items discussed at the meeting have already been discussed at today's PT meeting. The BRRWD has the final hearing for the City of Glyndon proposed legal drainage system scheduled for 3/02/06. The BRRWD Managers intend to attend the Minnesota Association of Watershed Districts (MAWD) Legislative Breakfast scheduled in St. Paul for 3/22-23/06. The annual meeting with the Advisory Committee is scheduled for 3/31/06. A contractor removed two logjams from the Buffalo River in the Kragnes/Georgetown area. More logjams are expected, especially if we have a spring flood.

Ellefson noted that the BRRWD is working with Representative Lanning and Senator Langseth to increase our taxing authority per M.S.A. 103D.905, Subd. 3. The BRRWD will be seeking resolutions from Clay County and the City of Moorhead as requested by Representative Lanning, in support of that increase. Some feel that the BRRWD should just rejoin the Red River Watershed Management Board (RRWMB) and then we could get our taxing authority back. The BRRWD did an analysis of what each member district would pay into the RRWMB for 2006. The BRRWD currently has the highest tax market value of any of the nine watershed districts in the Red River Valley. If we were members in 2006, the BRRWD would collect approximately \$1.4 million, half of which would be sent to the RRWMB. It's that portion that is sent away with a small percentage of return that causes the most concern.

Ellefson spent some time discussing two lawsuits in which the BRRWD is currently involved. One lawsuit is now 21 years old on Hay Creek east of Downer. That issue is currently before the

Minnesota Supreme Court, and the BRRWD is waiting for a decision. We also have several cases from the same landowner in the Kragnes area. To date, the BRRWD has been successful in either winning or getting those suits dismissed. However, it has cost the BRRWD considerable money to defend against these frivolous claims.

**Other Issues.** A Shallow Lakes Forum will be held on April 5-6, 2006 at the Holiday Inn and Willmar Conference Center. The Forum will explain relationships that shallow basins have with watersheds, how land use practices and hydrology alterations impact shallow basin functions, and review shallow lake management as part of a watershed and landscape approach. The Forum will evaluate and discuss the forces that shape, and far too often degrade, shallow lake resources in Minnesota, and how everyone by working together can make a difference. The registration deadline is 3/22/06. Albright distributed copies of the meeting notice.

The 11<sup>th</sup> Annual River Watch Forum at the University of Minnesota-Crookston will be held on 3/13/06. This will be the first basin-wide River Watch Forum to be held with schools representing Minnesota, North Dakota, and Manitoba portions of the basin. New tools and techniques to assist with ongoing and expanding monitoring and education efforts will be featured. Currently, there are over 35 schools monitoring water quality of rivers, creeks, and ditches to identify what water conditions are for their local waterways, and how they compare to waters being monitored by other schools upstream or downstream or in other watersheds throughout the Red River Basin. There's no registration fee, but registration is requested by 3/03/06 for meal planning. Wayne Goeken, RRWMB Monitoring Coordinator has more information.

Albright distributed a handout regarding "The Power of Being Positive". He felt there were some pertinent issues listed in the report. However, he wanted to note that the BRRWD's PT has been very good to work with, and that information may not be applicable to this group.

Albright said that the Minnesota Center for Environmental Advocacy (MCEA) recently released their first annual Minnesota Wetlands Protection Report. They feel that federal and state laws intended to protect wetlands in Minnesota often don't work properly, resulting in the continued loss of these ecologically valuable swamps and marshes. The reason why this is happening is because a bewildering set of protections rife with loopholes and exemptions, inadequate enforcement and outdated and mismatched regulations. The report was done as a follow up to last April's Ducks, Wetlands, and Clean Water Rally at the Capitol. More information regarding this subject can be found at MCEA's website at [www.mncenter.org](http://www.mncenter.org).

The BRRWD is currently working with the WRWD and River Keepers regarding a DNR grant that River Keepers obtained to install new portages and boat accesses along the Red River. Three canoe portages have been identified for the BRRWD, including the Christine, Hickson, and North Moorhead dams. Two boat ramps for the WRWD have been identified, including Hendrum and Halstad. The BRRWD recently signed a Joint Powers Agreement with the WRWD to work on this project. One of the next steps will be to contact the affected landowners and schedule a tour of the project sites this spring, weather permitting.

**March Conference.** The Eighth Annual Joint Conference between the RRWMB and RRBFDWRWG is scheduled for 3/31/06 at the Northland Inn, Crookston, MN. The conference will begin at 9:30 AM, and is scheduled to adjourn at 3:30 PM. Once a conference agenda is sent out, Albright will forward it to all of the BRRWD PT members.

**Next Meeting.** According to the agenda, the next meeting is tentatively scheduled for Thursday, April 6, 2006. No meeting will be held at the end of March, because of the MAWD Legislative Breakfast (3/23/06), and on 3/30/06, we have the March Conference in Crookston. Some of the PT members said they planned to attend the Shallow Lakes Forum in Willmar on April 5-6. Albright said he will be gone the week of April 10. The group scheduled the next PT meeting for Thursday, April 20, 2006, at 7:00 PM at the MSUM Science Center. For the summer months, the PT meetings will be held in the evening.

**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