

BUFFALO-RED RIVER WATERSHED DISTRICT

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MEDIATION PROJECT TEAM MINUTES

January 28, 2010

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, January 28, 2010, at 1:30 PM at the Detroit Lakes Minnesota Pollution Control Agency (MPCA) office.

Attending were: Bruce E. Albright, Houston Engineering, Inc. (H.E.) and BRRWD Administrator, Erik S. Jones, Engineer, and Zachary Herrmann, Engineer, H.E.; Roger G. Ellefson, Curtis M. Nelson, Breanna Paradeis Kobiela, and John E. Hanson, BRRWD Managers; Paul Wannarka, Red River Basin Coordinator, Minnesota Department of Natural Resources (DNR); Dave Barsness, Fisheries Specialist, DNR; Kevin Brennan, United States Fish and Wildlife Service (USFWS) and Fergus Falls Wetlands Management District (WMD); Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Shawn May, Detroit Lakes WMD and USFWS; Robert G. Merritt, Area Hydrologist, DNR; Jack Fredrick, MPCA; Josh Kavanagh, Ducks Unlimited (DU); Brian Winter, Program Director, The Nature Conservancy (TNC); Brad Grant, Becker Soil and Water Conservation District (SWCD), Lynn Foss, Clay SWCD.

Invited Guests included: Les Bensch, Member, Lessard-Sams Outdoor Heritage Council (LSOHC).

Members absent were: Audubon Dakota; Brian Dwight, Board Conservationist, BWSR; Craig O. Evans, PM-D, Army Corps of Engineers (COE); Leo Grabowski, Project Manager, COE; Robert Honeman, Area Resource Conservationist, Natural Resource Conservation Service (NRCS); Scott Kahan, Detroit Lakes WMD and USFWS; Richard Pemble, Citizen Advisory Committee, BRRWD; Don Schultz, Area Wildlife Manager, DNR; Gerald VanAmburg, Manager, BRRWD; Robert A. Zimmerman, Engineer, City of Moorhead; and Wally Sparby, Staff Assistant, Congressman Collin Peterson's Office.

Albright called the meeting to order at 1:30 PM. He said the last PT meeting was held on 12/17/09 at the Minnesota State University Moorhead (MSUM) Science Center near Glyndon. The PT will continue to try to meet every two to three months, or as needed. The Watershed remains very busy this winter and we will discuss some of those activities with our agenda today. Albright thanked the group for their involvement. Introductions were made to benefit the invited guest and Mr. Kavanagh, DU, who was attending his first meeting.

Business brought before the group included:

Meeting Minutes. Albright said the office is still working on the 12/19/09 PT meeting minutes. At the present time, we are missing minutes from the following meetings: 10/25/07, 7/17/08, 10/23/08, 12/11/08, and 05/28/09. We'll try to get these minutes done in the near future. Albright apologized for getting behind on the information. As noted earlier, the BRRWD office in Barnesville remains very busy.

Lessard-Sams Outdoor Heritage Council. Albright met Les Bensch, Member, LSOHC, at the Red River Basin Commission (RRBC) Conference last week in Grand Forks. As discussed at previous PT meetings, some have felt that it would be educational to have Mr. Bensch attend one of our meetings to discuss the LSOHC. The BRRWD was the recipient of a \$350,000 Conservation Partners Legacy Grants (CPLG)

Program for the Manston Slough Restoration Project. For the benefit of Mr. Bensch, Albright took some time discussing the mediation PT process and how a consensus was reached back in 1998. Prior to that point, the system was not working between watershed districts and agencies regarding the building of flood damage reduction (fdr) and natural resource enhancement (nre) projects. The Legislature mandated the Mediation Process to resolve gridlock over state permitting of fdr projects in the Red River Basin. The agreement was intended as the framework for a new collaborative approach to implementing both fdr and nre protection and enhancement in the Red River Basin in ways that will benefit all of Minnesota's citizens. The keys to this approach are clearly identified goals, comprehensive watershed planning, early consultation and collaboration on fdr projects among stake holders, and a cooperative approach to permitting of those projects. Albright said the mediation process really starts when a problem is brought to a local watershed district. That problem then should be transferred to the PT, where solutions can be discussed. The thought process is that if agencies are involved with solving the problem, then it should be easier to obtain permits later to build that solution. Albright gave Bensch a copy of the Agreement, dated 12/09/98.

Bensch said there are twelve members on the LSOHC, four citizens who are appointed by the Governor, four by the Minnesota House of Representatives, and four by the Senate. Representatives Rick Hanson and Bob Gunther and Senators Ellen Anderson and Bill Ingebretson are part of the twelve member council. Bensch said that he had prepared a PowerPoint presentation for today's meeting, but thought that it would be better if he discussed the LSOHC. The primary goal of the LSOHC is to "Restore, Protect, and Enhance Minnesota's Wetlands, Prairies, Forests, and Habitat for Fish, Game, and Wildlife". The Council makes recommendations to the Legislature on appropriations of money from the Outdoor Heritage Fund that is consistent with the Constitution and State Law. The sales tax amendment was passed during the November elections in 2008. It will run for a 25-year period. It increases the sales and use tax by 3/8 of 1%. The proceeds are to be deposited in the Outdoor Heritage Fund and may be spent only in accordance with statute. Of the receipts, 33% is deposited in the Clean Water Fund. At least 5% of the Clean Water Fund must be spent only to protect drinking water sources. In addition, 14%- 25% of the receipts are deposited in the Parks and Trails Fund and may be spent to support parks and trails of regional and state wide significance. Finally, 19.75% is deposited in the Arts and Cultural Heritage Fund. The lands acquired by fee title with money in the Outdoor Heritage Fund must be open to the public taking of fish and game during the open seasons unless otherwise provided by law. The Amendment was named after Senator Bob Lessard, who represents counties in northern Minnesota and was the first to work on this idea. The constitutional amendment passed with an overwhelming majority of 58%. Cautioning that there are some legislators that would like to broaden the scope of the language in the Constitutional Amendment, Bensch said that he would work long and hard to see that that doesn't happen. He explained that the Council only makes proposals to the legislature, and they ultimately decide which programs will be funded. Four million dollars was given to the DNR through the program for the CPL Grants. This is where the funding came from for the Manston Slough Restoration Project. For fiscal year 2010 and fiscal year 2011, \$18 million was committed to acquire land or permanent forest easements on private forest in areas identified through the Minnesota Forest for the Future Program. Bensch said that the group would like to start looking at long term investment strategies. They held a number of resource professional meetings around the state to gather input in that regard. Looking at the State in terms of geological districts, Bensch would like to see the funding divided out on a regional basis.

Waller questioned if there are ways that local organizations can package projects to get a higher rating with the LSOHC. Bensch said his group is not interested in funding strictly water impoundments. However, if water impoundment is a secondary goal, he felt that type of project would be supported. Bensch would like to see more locals involved such as DU, Pheasants Forever (PF), the Deer Hunters Association, etc. For example, this year the LSOHC helped fund the Shallow Lakes Initiative. There has to be some balance regarding the amount of funds that are spent in outstate and metro Minnesota. Bensch talked about a seminar presented at the RRBC Conference last week by Ed Thomas on No Advertise Impact, "protecting

property rights for all” and “total water resources management”. Bensch said there is a Latin phrase that is still use today that basically says that you should “use your property to not harm others”. He felt we had to start looking at projects that cause no adverse impacts downstream. He referenced the on-going discussions regarding the Fargo-Moorhead flood control project. Bensch felt we need to start looking at a basin-wide solution that includes more retention areas. He said more information regarding the LSOHC can be found at www.lsohc.leg.mn.

Ellefson said one of the problems the BRWD is experiencing is the wet cycle that we’ve been in since about 1993. All of our wetlands, soil, etc., are completely full of water. Bensch felt that at some point in time, we’ll also experience a significant drought. He said that in southwestern Minnesota, people who tile land are currently experimenting with holding the tile water in a pond and then using it as irrigation when needed. The group then discussed the Manston Slough project, which was funded through the CPLG. Bensch said it would be fine if there are areas where several projects can be combined into one application. Bensch felt the LSOHC will be providing better instructions as to how to apply for the funding in the future. Winter commented that the smaller sportsman groups, such as Rod and Gun Clubs, etc., have a difficult time qualifying for the funding. Bensch also felt this is where the majority of the work gets done on the ground. The group thanked Bensch for his discussion. He stayed for the entire meeting, and said he would like to periodically attend future PT Meetings to stay abreast of what’s going on at the local level. This also helps him when projects come to the LSOHC for funding.

Revised Watershed Management Plan (RWMP). Jones said that the “Draft” RWMP went out for the 60-day public review and comment period earlier this week. The comment period will run through March 29, 2010. The BRRWD has been in the process of updating its comprehensive RWMP for several years. The plan lays out a framework for how the Watershed District will manage its resources and how the District will interact with other agencies. With a computer and overhead projector, Jones displayed a PowerPoint presentation, explaining the contents of the Plan. There is more information about the planning process on the BRRWD website at www.brrwd.org. A complete copy of the Plan can be downloaded from that site. The Plan talks about the District’s history, previous Plans done in 1978 and 1998, and included some data about county statistics, and identifies the purposes of the Plan. The planning purposes come with goals and objectives. The District was divided into seven planning regions. Watershed District Staff and Managers identified issues and problems within each planning region. A Technical Advisory Committee (TAC) and a Citizen Advisory Committee (CAC) were established to help guide the planning effort. Each of the seven planning regions also had a TAC and CAC. A kickoff meeting for the planning process was held on 2/27/07, regional meetings were held in 2007, and three additional TAC and CAC meetings were held in 2008. As a part of the planning process, a hydrologic model of the watershed district was completed. The Minnesota Center for Environmental Advocacy (MCEA) completed the natural resource assessment. After the public input meetings were held, the TAC and CAC held meetings to discuss potential solutions to address the identified problems and issues. The Natural Resource Assessment and Hydrology Modeling was used to establish goals within each planning region. Existing issues, including data collection and management, education, erosion and sediment control, flood damage reduction, long range work planning and financing, and water quality were discussed. The BRRWD’s mission statement reads as follows, “the mission of the BRRWD is to alleviate flooding and to manage the water resources of the District in a manner that best protects this valuable resource”. There were eleven identified goals and policies to support the mission statement, and a number of district programs designed to also help support the mission, such as wellhead protection, surface water quality enhancement, drainage system bufferstrips, and farmstead ringdikes. Development of the RWMP included 25 locations within the BRRWD identified as regional assessment locations (RALs) with at least one RAL per planning region. RALs will be used to determine the RWMP success over time. Monitoring will allow long term tracking of trends in regards to peak flows and other hydrology, water quality, stream health (fish and invertebrates), and geomorphology. The hydraulic modeling was completed to establish runoff reduction goals for each of the planning regions. The BRRWD Generalized Timing Zone Map is included in the plan. In general, the

fdr goals were to reduce peak discharge rates by 22% for the 100-year flood and 34% for the 10-year flood. To achieve this goal, the District will need to look at providing a 120,000–135,000 acre/feet of runoff reduction, which could be accomplished in a variety of ways. NRE goals were established for each planning region, including an additional 3,600 acres of grassland, 1,500 acres of wetlands, and 40 miles of additional ditch bufferstrips. Maps in the Plan show the nre priority resource areas. The Plan includes water quality goals and contains discussion regarding the development of possible Water Management Districts (WMDs). A WMD could provide additional/alternative funding sources for projects based on a variety of factors, including storm water contribution. Several methods for assessing WMDs are addressed in the Plan, including runoff sediment contribution, combination of sediment and runoff, and drainage areas. Additional hearings would be required to use this taxation method. Additional features in the new Plan include more specific fdr and nre goals. Each of the seven planning regions also has identified their own goals and objectives. The RWMP also includes refinement of project implementation processes and meets the requirements of the Red River Watershed Management Board (RRWMB). The Mediation Agreement and the COE Concurrence Points should help to ensure projects are developed that can be permitted by the COE. As noted, the Plan is currently out for the 60-day review period. Comments should be addressed to Brian Dwight, Board Conservationist, BWSR, or Erik S. Jones, Engineer, H. E. The BRRWD will hold two public hearings with dates to be scheduled in late March, and a presentation will be made to the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) on March 2, 2010. The Plan will be presented to the BWSR Board in April 2010 for adoption.

Jones distributed a handout for Chapter 4, the Guidance of Future Activities. This section deals with the principals, goals, and policies. Goals include flood plain management, flood damage reduction, legal drainage systems, water quality, wetlands, natural resources and recreation, groundwater, erosion and sediment control, education, long range work planning and financing, and data collection and management. Under each goal, there is a policy supporting that goal. There are several action items with some targeted completion dates. Jones' second handout was the project review and approval process (Figure 6-1). This part of the Plan was developed with guidance from Steve Clark, COE. The process includes five steps. Table 6-7 is the criteria established by the BRRWD for completing the 404(b)1 consistency analysis in evaluating consistency with the Points of Concurrence, established by the COE. The COE process has four individual points: 1.) the demonstration of need and project purpose; 2.) the range of alternatives subject to detailed analysis, 3.) the identification of the preferred alternative, and 4.) the Permit Application Impact Mitigation during design and documentation of 404(b)(1) analysis. The group felt the table was lengthy. Jones noted that some of the steps could be skipped, as they pertain only to RRWMB member districts.

BWSR is hoping that the BRRWD's RWMP will be a model for other plans across the state. Some of the details are new, including the project review and approval process flowchart.

South Branch of the Buffalo River. For about a year, the BRRWD and PT have been using the Mediation process to look at potential projects to address fdr and nre concerns along the South Branch of the Buffalo River in Wilkin County. In December 2008, the BRRWD held an informational meeting with landowners at the Eagle Café in Barnesville to hear their concerns and problems. In the early 1900s, a judicial ditch was installed in an area east of Trunk Highway (T.H.) No. 9 that changed the river configuration. The two straight ditches intersect the river at several locations. Since then, sedimentation from the upstream drainage area, including overflow from Wilkin County Ditch No. 40, has put tons of sediment into the South Branch of the Buffalo River. West of T.H. No. 9, a survey was completed approximately 8 years ago that shows there is as much as 5' of sediment on the channel bottom. This means that the channel stands full of water most of the time and larger runoff events overtop the natural ground topography and flood adjoining fields. Following the meeting last December, BWSR had a conservation easement program for watershed districts to acquire lands adjacent to project areas, and 90% of the landowners in the designated project area signed up for the program. Albright said the program had good dollars for crop land and included a lesser payment rate for non-crop areas. Landowners are anxious to see the BRRWD complete a

project in this area. Possible alternatives include channel restoration and setback levees downstream of T.H. No. 9 to the Clay County line. Potential projects could include river channel restoration, impoundment sites, wetland restorations, and bufferstrips. Another topic of discussion is why parts of Judicial Ditch No. 3, now called Wilkin County Ditch No. 44, extend into the Rosthay Wildlife Management Area (WMA). If those parts of the ditch could be closed, there is no reason for water to leave the WMA.

Using the overhead project, Zach Herrmann gave a presentation of several project features. The downstream channel survey west of T.H. No. 9 has been completed. That information will be used to help design the setback levees. He showed a slide where the levees would be approximately located. The project has been extended downstream to the Clay-Wilkin County line. One of the sites that they looked at as an impoundment turned out to be property enrolled in the Wetlands Reserve Program (WRP). Since the restoration work has already been done on that site, NRCS was hesitant about using it as an impoundment. In accordance with the Freedom of Information Act (FOIA), H.E. asked NRCS to obtain the WRP Geographic Information Systems (GIS) layer. H.E. was able to obtain it for the entire BRRWD. Using that GIS layer, we know where WRP lands are located within the District. DU and USFWS also developed another tool to locate potential wetland restoration sites. Mapping has been done in Otter Tail County, but the Wilkin County map has not been completed. Herrmann also showed a potential wetland restoration site in Otter Tail County. The drained wetland basin hasn't produced much crop in the last few wet years. The site would be capable of holding all of the runoff from its upstream drainage area, which is approximately 6 sq. miles. Bensch felt that these were the types of projects that LSOHC were looking to fund though wetland restoration projects that could be packaged as one application to the LSOHC. Kevin Brennan said there is another program called the Working Lands Initiative. The West Otter Tail SWCD is currently looking at a project in northwestern Otter Tail County. Herrmann said the next step will be to complete the hydrologic model for the South Branch of the Buffalo River. Once that's completed, various projects can be routed through the model to determine their effectiveness. Jones said that about a year ago, a landowner along Wilkin County Ditch No. 13, Terry Czichotzki, furnished the BRRWD with a map showing the breakout areas along the South Branch of the Buffalo River. Once the water breaks out of the river, it flows westerly into the county ditch system. Jones asked Albright to provide him with a copy of the map. Another tool that could be applied to the area is culvert sizing. Brennan said the USFWS has a number of land acquisitions/easement programs that they could work with the BRRWD to acquire properties needed for projects.

Otter Tail River Watershed District (OTRWD). Informational meetings will be held on February 1, 2010, in Breckenridge and February 3, 2010, in Fergus Falls to discuss the potential of developing a new watershed district on the lower Otter Tail River. The boundaries to the south would be the Bois de Sioux Watershed District, to the north the BRRWD, to the west the Red River of the North, and to the east the hydrologic boundary downstream of Orwell Dam. Albright said there has been some discussion about forming the entire Otter Tail River into one district. This area would be quite large, encompassing about 2,000 sq. miles, and some feel that the problems are different upstream of Orwell versus downstream of Orwell.

For example, downstream of Orwell Dam, most of the land is agriculture. Problems there are drainage systems and overland flooding. Upstream of Orwell Dam, the concerns would lie more with water quality. Waller said during the peak of the 1997 spring flood, there was 1,700 cu. ft. per second (cfs) coming out of Orwell Dam. By the time the water got to Breckenridge, the full measurement was 6,500 cfs. The proposed watershed district would be about 450 sq. miles. Since approximately 75% of the land is located in Wilkin County, the Wilkin County Board of Commissioners could be the sole petitioner to BWSR for the formation of the district. Albright plans to attend both meetings strictly for informational purposes and to answer any questions about watershed district functions.

Project No. 56, Manston Slough Restoration. The BRRWD office has plans this winter to work with landowners regarding easement options. We also need to complete the assessment of benefits. In accordance with Watershed Law, Appraisers will be appointed to do that job. The BRRWD is currently seeking \$1 million of additional funding through the 2010 bonding bill. With this funding, the State will have met the 75% match requirement referenced in the Mediation Agreement for projects with multiple benefits. As noted, the BRRWD was successful in getting a LSOHC CPLG grant in the amount of \$350,000. The local share of the project costs will be approximately \$1 million, and the BRRWD could pay approximately 75% of those costs through their Minnesota Statutes Annotated (M.S.A.) 103D.905, Subd. 3 account. The Environmental Assessment Worksheet (EAW) process was completed about a year ago, and the Memorandum of Understanding (MOU) and Operation and Maintenance Agreement (O&M) have been signed by all parties. Last fall, the BRRWD completed the Holubok building site demolition, located in the SE¼, Section 30, Manston Township, Wilkin County. This should clear the way for the BWSR Reinvest In Minnesota (RIM) payment and the DNR property acquisition. The BRRWD also wants to hold an informational meeting with landowners involved with Wilkin County Ditch No. 6A. This ditch system is not located within the boundaries of the BRRWD, but the south embankment and proposed diversion ditch in that area will route water to that system. Fortunately, all of the water that will be routed to County Ditch No. 6A is already assessed to that system. The overall project benefits should exceed any concerns on the ditch system, as presently, there is quite a bit of water that flows out of the south end of the slough to the County Ditch No. 6A that is not assessed. If everything goes well, the BRRWD could be holding a final hearing sometime in late May or early June 2010. After a 30-day appeal period, the BRRWD could be opening bids in July or August. Weather permitting, project construction could begin later this summer.

Hay Creek/Stinking Lake Clean Water Legacy (CWL) Project. Brad Grant reported that in 2009, we used the grant funding to complete 27 sediment control basins and seeded approximately 100 acres of buffer strip. In 2010, there will be about 27 additional sediment basins and more bufferstrips to install. Grant said this has been a very successful program. The BRRWD received about \$190,000 in CWL funding, which was matched with a \$25,000 allocation from the BRRWD to complete this work. The BWSR funding was also used to pay the landowners incentives to get the practices installed.

Highwater Lakes. The BRRWD is working on a number of different projects throughout the eastern part of the watershed to review highwater problems involving lakes. One of the projects is located between Lake Park and Audubon in Becker County on Labelle and Boyer Lakes. It appears that Boyer Lake could inundate T.H. No. 10 this spring. The outlet for Boyer Lake would be along the north side of T.H. No. 10 and would drain into Little Boyer Lake which has an outlet downstream to Labelle Lake. Labelle Lake is also experiencing a high water problem. The current proposal is to put an outlet into the east end of Labelle Lake, which would take the water eventually into Becker County Ditch No. 9. Appraisers are ready to start their work. The appraisal process will also include a redetermination of benefits for County Ditch No. 9. Once the Appraisers' Report is filed, the Board will hold the required hearing. We've also asked the State Legislature for bond funding to help construction this project, estimated to cost \$288,420. H.E. filed the Preliminary Report on 7/13/09. On 7/02/09, the BRRWD received a letter from MNDOT and Becker County, asking the BRRWD to investigate the outlet possibilities. An informational meeting with the effected landowners was held on 8/31/09. The project was discussed with the Detroit Lakes WMD/USFWS on 1/07/10. They have an easement area on the north side of T.H. No. 10/Burlington Northern Sante Fe (BNSF) railroad tracks. The water will basically just flow through their easement area, which should not be a problem.

Another project that the BRRWD has been involved with is Grove Lake in northwestern Otter Tail County. The outlet was constructed in January 2010. To date, Grove Lake is down approximately 3' from its all time high. The lake still could go down about another 1' this spring. An additional 20' length of inlet pipe will be added to the structure to resolve some sedimentation problems on the inlet. At the 1/07/10 meeting

held with the Detroit Lakes WMD/USFWS, we discussed working with them regarding their downstream Waterfowl Production Area (WPA). This is on the former Dave Lass property. Right now, the water is flowing through the WPA into Whiskey Creek. They have expressed concerns regarding fish migration into Whiskey Lake and their WPA. Discussion also took place regarding whether just Grove Lake will be drained through their WPA, as landowners have contacted BRRWD about draining a series of upstream lakes near T.H. No. 34. Helgeson, Businger, Randkler, and Seim Lakes are located on the north side of T.H. No. 34. These lakes have filled up to a point where they are now one large water body, and landowners are complaining that their driveways are inundated. If the water comes up about another 1', it will also affect T.H. No. 34. An outlet for this series of lakes would be to the southeast into Pete Lake. The outlet for Pete Lake is south into Grove Lake. H.E. has been asked to investigate the outlet possibilities for these lakes. We also have to be careful that we don't inundate Grove Lake with additional water and start to raise those levels. The report is expected at the 2/08/10 BRRWD meeting.

A third area that the BRRWD is working on involves a project called the "County Line Outlet", which is located in Section 34, Humboldt Township, Clay County, and Section 4, Prairie View Township, Wilkin County. Landowners approached the BRRWD last summer to look at establishing an outlet. Currently, the township road on the county line is under water and is closed. Water is also starting to affect a barn, located on the Adrian Haugrud property. H.E. filed an investigative report on 7/14/09. They looked at several outlet options for the area. The water would drain west, eventually down to Interstate-94 (I-94). Once it goes under I-94, it would eventually end up in Branch 5 of Wilkin County Ditch No. 41. Estimated costs are approximately \$120,000. Late last fall, there was discussion about doing some temporary pumping to lower the wetland water levels; however, that did not materialize because it became too cold. There are approximately 3 farmsteads that could be located on an island if the water goes to the west and inundates another township road. This happened in the spring of 2009, and the homeowners would like to see an outlet established for the wetland in question. MNDOT has taken the position that they do not want the water in their ditch along I-94. This matter will be further discussed with MNDOT at their annual meeting on 3/09/10. The BRRWD has sought legislative bonding to help construct this project, and we hope it can be installed in 2010.

An informational meeting with the effected landowners on the County Line Outlet was held on 8/27/09. The Fergus Falls WMD/USFWS owns a WPA on the south end of the wetland. The Detroit Lakes WMD/USFWS has easements on the north end of the wetland. Any outlet project will need to be coordinated with them. Brennon commented that it shouldn't be a problem to install an outlet to lower the water level. However, the USFWS would have concerns about manipulating water levels or closing the gate to artificially raise water levels in the wetland. It probably wouldn't work to think of this area as a flood control project. Brennon suggested that regulations would allow flow out of the wetland area by pipe sizing or with an inlet weir.

Another area the BRRWD is looking at is an outlet for Ranum and Tansem Lakes also along T.H. No. 34 east of Barnesville. The problem was brought to the BRRWD last spring, when a township road became inundated and the water started to affect the Brad Hersch residence. An outlet for the area would be constructed along the south side of T.H. No. 34 west of T.H. No. 32. Water would eventually drain via an unnamed tributary to Whiskey Creek. The water would flow south across a WPA. This issue was discussed with the Detroit Lakes WMD/USFWS at the 1/07/10 meeting, and they indicated that they didn't have any major concerns with water flowing through the WPA. They also have some easement interests for wetland areas along T.H. No. 34. The intent of the project is not to drain the wetlands but only to lower the water to a manageable level. To date, MNDOT hasn't really expressed a concern about T.H. No. 34. It appears that if the water rises another 12-18 inches, it could inundate T.H. No. 34, which happened about 7-8 years ago, and MNDOT raised the road. The primary concern is the Hersch residence. Other options to address that problem could be a buyout or relocating the house to higher ground. There were some downstream landowner concerns about water quality, construction on their property, etc. The estimated

project costs are \$277,900. H.E. filed the investigative report on 7/13/09. An informational meeting with the effected landowners was held on 9/03/09. Albright felt that unless MNDOT gets involved regarding T.H. No. 34, this project probably won't proceed because there are other options for dealing with the Hersch residence. He may be the only person directly affected by the flooding at this time.

The last high water problem involves Swede Grove Lake north of Hawley in Clay County. The BRRWD has been involved with this lake since the late 1990s, when the Clay County Highway Department constructed an outlet to lower water away from County Road (C.R.) No. 37. After several years of operation, by agreement, this outlet was closed. The lake probably reached an all time high elevation in 2009. The DNR has used Swede Grove Lake as a walleye rearing pond. The lake is now full of bullheads, minnows, and rough fish. A project discussed in 2005 would have lowered the lake approximately 8'. DU has expressed an interest in helping with this project, as they are interested in shallow lake projects. Albright discussed this issue with Jon Schneider, Manager, Minnesota Conservation Programs, DU, last fall. This project is one of the reasons why Kavanagh attended today's meeting. Kavanagh would like to meet with the BRRWD to discuss restoration options. Kavanagh feels there are opportunities for managing Swede Grove Lake, such as to designate Swede Grove Lake as a Game Lake. The intent of a project of this nature is to provide wildlife habitat improvement and a detailed management plan. There is another new 75% rule (M.S.A. 103G.408) that involves a hearing process, and if approved, would allow any local government unit (LGU) the right to draw down water temporarily below the OHW as long as it's justified as a public benefit. A project of this nature would need 75% of the right-of-way (r-o-w) landowners on board. A multipurpose project including flood reduction, habitat improvement, and water quality could be developed. Kavanagh and DU would like to continue to work with the BRRWD regarding Swede Grove Lake and other areas such as the Hamden Lake and Pierce Lake Restorations, both of which are located on the Hamden Slough National Wildlife Refuge (NWR). The BRRWD held an informational meeting with the Swede Grove Lake affected landowners on 7/13/06. The landowners didn't indicate if they supported a project of this nature. There were concerns about reducing the fisheries resource if the lake is lowered. Barsness commented that eventually Swede Grove Lake will freeze out, and then the fishery resource will be gone. It would be better to use it as a walleye rearing pond. Barsness commented that they may have lost their access to the lake. Estimated project costs are approximately \$200,000. The BRRWD intended to meet with the downstream landowner, Chuck Carlson, to discuss whether or not he's interested in seeing the BRRWD pursue this project. Right now, Swede Grove Lake can spill out on the south end and go across Carlson's property, which causes field erosion, flooding, etc. Construction of an outlet that would handle the flows and install grass bufferstrips may be beneficial to Carlson. He would be paid for the necessary r-o-w. Kavanagh thanked the PT for inviting him to today's meeting. He looks forward to working with the BRRWD and PT regarding the Shallow Lakes initiative. At the 2006 landowner informational meeting, Albright felt one of the reasons why the landowners really didn't say much was because they were concerned about who was going to pay for the project. Kavanagh felt there were several sources of funds that could be used to finance the majority of the costs. The next step will probably be for the BRRWD to meet with Carlson to see if he is interested in continuing with the project. Another meeting will be scheduled to discuss options with Kavanagh.

Water Pilot Program for the Buffalo River. The Total Maximum Daily Load (TMDL) study for the Buffalo River is underway. The project started about a year ago and is being done jointly with the MPCA. A work group meeting is scheduled for 2/02/10 at the Detroit Lakes MPCA office to discuss the status of the Phase 1 work. The BRRWD was chosen as one of two pilot areas in Minnesota to develop a watershed approach for managing Minnesota's surface waters. The goal of this project will be to develop a plan that will guide surface water quality management throughout the watershed. The plan will provide for protection where conditions are excellent and restoration where conditions are impaired. The project is being tied into the BRRWD's RWMP. The MPCA is interested in developing a watershed-based approach for surface water protections and restoration across the State. The watershed being studied is about 1,100 square miles (sq. mi.), and includes the Buffalo River, the South Branch of the Buffalo River, and several

tributaries such as Whiskey, Deerhorn, Stony, and Hay Creeks. The two ecoregions within this watershed are the Red River Valley and North Central Harwood Forest. The second contract for this study was signed on 3/23/09, and the expiration date for Phase 1 work is 10/31/10. The funding was basically spent on sampling by a variety of agencies including the Barnesville River Watch team. Impairments are currently being studied regarding the stressor identification. The cost of the Phase 1 work is \$87,910, which is being financed by the MPCA. The program looks at a two year sampling period, which will include more sample sites in 2010. The DNR completed an intensive invertebrate and fish sampling in 2009. The results of that study may not be available for some time. Molly McGregor, MPCA, plans to attend the 2/08/10 BRRWD meeting to discuss the civic engagement process with the TMDL. She plans to hold two meetings in the next month or so regarding Study Circles to find out people's perspectives regarding water quality within the BRRWD. The University of Minnesota (U of M) is also looking at doing a mail survey. Kavanagh said he would be interested in seeing the results of 2009 sampling season. MPCA has indicated they would like to see the work plan for Phase 2 developed by this summer. Dr. Karlyn Eckman, U of M Water Resource Center, is working on the public survey. It appears they might have a funding shortage at this time, which could delay the survey distribution. Public informational meetings will be held this spring/summer in Hawley and Barnesville to discuss the TMDL study. Information is also available on the BRRWD's website at www.brrwd.org.

Wolverton Creek/Comstock Coulee. In the fall of 2006, the Clay and Wilkin SWCD applied for a CWL Grant to work on Wolverton Creek/Comstock Coulee. The \$289,000 Grant was approved on 11/21/06. To date, the majority of that funding has been spent on obtaining a channel survey, structure sizing, and outlet work west of T.H. No. 75. There is one small project left to complete on the outlet. The BRRWD let bids for the work last fall, but the work was not done due to the high water conditions. A second CWL application was applied for last fall, totaling about \$200,000. The second phase application would look at small channel restoration projects in Clay County, buffer strip needs along the entire waterway in Clay and Wilkin Counties, and a possible channel restoration project design in Wilkin County. The general problems with this area are that the downstream end of the channel in Clay County is degrading and cutting deeper, and in Wilkin County, the channel is aggrading or filling in. Waller said the BWSR Board is meeting today to approve the 2010 CWL projects. The BRRWD remains hopeful that this CWL application will be one of those approved.

Fargo-Moorhead Metropolitan Feasibility Study. The COE has a meeting scheduled for 9:00 AM, Monday, February 1, 2010, to review the results of their most recent study regarding flood control for the Fargo-Moorhead (F-M) area. The Task Force is primarily looking at some type of a diversion. We should learn on Monday whether or not a North Dakota option might work. The BRRWD has had many Minnesota landowners express concerns about a Minnesota diversion option. The diversion will be quite extensive with a 500' bottom width and close to 2,300' wide at the top. Either option would be in excess of 30 miles long. The COE and Metro Area Task Force appear to be on a fast track schedule in order to get the project approved for funding in 2010. If the project goes on the Minnesota side of the Red River of the North, the BRRWD could be involved in land acquisition and assessment of benefits. The BRRWD may also play a roll regarding future maintenance and operation.

Project No. 54 Whiskey Creek Tributaries. Albright gave Bensch a handout regarding the features of this project, which was developed through the PT process. Project work was completed in 2005. Project features include setback levees, channel restorations, an impoundment site, and 800 acres of wetlands through WRP. For the area, the project has worked quite well. During the 2009 spring flood, water did escape from the project drainage area and flow northwesterly along County State Aid Highway (CSAH) No. 52.

Project No. 58 Riverton Township Retention. The contractor was able to complete the project late this fall. He'll have some seeding and cleanup to do this spring. The project will be operational this spring if needed for flood control.

Project No. 49 Oakport Flood Mitigation. The BRRWD continues to make progress on the development of this levee project, which is now estimated to cost \$24.5 million. The BRRWD is currently working with the legislature to secure an additional \$3.5 million in funding for construction in 2010. Three construction phases were started last fall; however progress was delayed because of the wet weather. To date the BRRWD has completed about 40 buyouts with an additional 10 buyouts to complete. The BRRWD is also working on easement acquisitions. Hopes are that one or two more phases can be let for construction bids this summer.

Lawndale Trout Stream Restoration. The DNR is looking at restoring the Lawndale Trout Stream across the Atherton WMA. Back in the 1960s, a trout stream was diverted into Wilkin County Ditch No. 40. A neighboring landowner was issued a permit to pump water out of County Ditch No. 40 for irrigation. The BRRWD signed a grant with the DNR in the fall of 2009 in the amount of \$45,000. This funding will be used to work with the landowner to connect the irrigation system to his existing well. The landowner will also apply for the NRCS Environmental Quality Incentive Program (EQIP) which will retrofit both irrigation systems to low flow. The EAW for the project was completed by the DNR this winter, and they would like to start construction of the project in the fall of 2010. Bensch said this was a very interesting project, and it might be something that a local sportsman's group could assist with in terms of maintenance, trails, garbage cleanup, etc. With the grant funding, the landowner's right to irrigate from the trout stream will be revoked. It appears that the landowner is now on board, in terms of the project.

Kragnes Ringdike. Cleanup was completed on the site last summer. The project was functional during the 2009 flood and was successful in keeping the community relatively dry. The DNR's flood damage reduction program funded 50% of the costs.

Buffalo River Stabilization. The Clay SWCD, BRRWD, and the City of Hawley initiated the coordination and cooperation late-summer 2009 regarding an erosion site on the south bank of the Buffalo River within Hawley's City limits. A long-term plan is currently being developed to restore the natural channel alignment in this reach of the Buffalo River; however, action was required to mitigate the rate at which the south bank was eroding.

The funding for this emergency project came from the MN Recovers Task Force, and it received additional erosion, sediment, and water quality control cost share applications after the initial application period. The Red River Valley Disaster Relief Bill of 2009, provided for the transfer of unused funds from a funded program to another underfunded program. BWSR authorized the allocation at the January 2010 meeting. This project was one of those applications.

Additional alternatives were considered. The "do nothing" alternative and wait until the permanent plan is complete was considered, but not chosen because the eroded condition of the bank posed a potential safety hazard to residents adjacent to the failing river bank. Rock-veins were determined to be too expensive for the project.

The preferred alternative suggested by Dave Friedl, DNR-Clean Water Specialist, was a "Toe Wood-Sod Mat with Woody Debris" proposal.

All local, state, and federal permits were submitted and obtained prior to construction beginning mid-December 2009. Ultimately, approximately 200 feet of the river bank was stabilized by the 12 foot

wide bench composed of timber and sod/woody material. The estimated sediment reduction is 200 tons/ year.

The Clay SWCD, Buffalo Red-River Watershed District, and the City of Hawley should be praised for getting this resource and safety issue resolved in a timely, economical and environmentally friendly manner. This project demonstrates the local government cooperation typical of west-central Minnesota.

Activities Update. A copy of the 1/11/10 meeting press release was distributed to the group. The annual meeting included election of officers. Roger Ellefson, Wilkin County, remains as Chair. Many of the projects referenced in the press release were already discussed during today's meeting.

Next Meeting. Albright said the next PT meeting was tentatively scheduled for Thursday, February 25, 2010, at 1:30 PM in the MSUM Science Center. However, there are a number of other meetings already scheduled for that date. If there is a conflict, the BRRWD may reschedule the next PT meeting for March 25, 2010. A notice regarding that decision will be sent electronically to the PT members.

Adjournment. There being no further business to come before the group, Albright adjourned the meeting at 5:00 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator