

BUFFALO-RED RIVER WATERSHED DISTRICT

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MEDIATION PROJECT TEAM MINUTES

June 17, 2010

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, June 17, 2010, at 7:00 PM at the Minnesota State University Moorhead Science Center, Glyndon, MN.

Attending were: Bruce E. Albright, Houston Engineering, Inc. (H.E.) and BRRWD Administrator, Erik S. Jones, and Zachary Herrmann, Engineers, H.E.; Roger G. Ellefson, Curtis M. Nelson, John E. Hanson, Gerald L. VanAmburg, and Breanna Paradeis Kobiela, BRRWD Managers; Lynn Foss, Clay Soil and Water Conservation District (SWCD); Dave Barsness, Fisheries Specialist, Minnesota Department of Natural Resources (DNR); Kevin Brennan, United States Fish and Wildlife Service (USFWS) and Fergus Falls Wetlands Management District (WMD); Shawn May, Detroit Lakes WMD and USFWS; Robert Honeman, Area Resource Conservationist, Natural Resource Conservation Service (NRCS); and Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR).

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 G. Merritt, Area Hydrologist, DNR; Don Schultz, Area Wildlife Manager, DNR; Scott Kahan, Detroit Lakes WMD and USFWS; Richard Pemble, Citizen Advisory Committee, BRRWD; Robert A. Zimmerman, Engineer, City of Moorhead; Brian Winter, Program Director, The Nature Conservancy (TNC); Wally Sparby, Staff Assistant, Congressman Collin Peterson's Office; Jack Fredrick, Minnesota Pollution Control Agency (MPCA); Josh Kavanagh, Ducks Unlimited (DU); and Brad Grant, Becker SWCD.

Albright called the meeting to order at 7:00 PM. He said the last PT meeting was held on 3/25/10 at the MSUM Science Center. Albright thanked the group for their attendance.

Business brought before the group included:

Meeting Minutes. The 3/25/10 meeting minutes were distributed via e-mail with today's meeting notice. **Motion** by Waller to approve the referenced minutes. **Seconded** by Barsness. **Approved.**

Project No. 54 Whiskey Creek Tributaries. Albright noted that the project is working as intended. There is some tree growth that we will need to address before it becomes a problem. A conference regarding project monitoring will be held in the near future. Albright commented that we will probably have to do a better job of following up on our projects once they are completed.

Project No. 56, Manston Slough Restoration. The DNR Holubok acquisition may be completed by the end of the month. The BRRWD rented approximately 50 acres of the Holubok property to Glenn Halbakken for \$1,600. Cropping the acreage should help keep the weeds down. This fall, BWSR and the BRRWD will work together to seed the acreage. A brief discussion followed regarding the cropping issue and seeding a cover crop this fall or dormant seeding. In regards to wetland permitting, the COE has agreed that the project area is a "no net loss". The BRRWD office has plans to get the landowner

easements prepared for signing in the near future. Albright expects that the landowners will return the signed options quite quickly, as they are almost all ready to move forward with the project. Once the Appraisers start their work, it should proceed quickly, and we should be ready for the Final Hearing and bids possibly this fall. The Lessard-Sams Outdoor Heritage Council (LOHC) Conservation Partners Legacy Grants (CPLG) Program funding has been approved for 350,000. The LOHC participated in a tour of the area a few weeks ago. The BRRWD is hosting the BWSR Summer Tour in August, and this site will be on the itinerary. The DNR has given the BRRWD a grant extension until 6/30/11 for use of the Flood Damage Reduction (FDR) funding.

Project No. 58 Riverton Township Retention. TNC has completed some seeding and plans to finish the work in the near future. They will also do some mowing to control weeds. While TNC expects some additional expenses as they attempt to establish the native grasses, Albright noted that we are still well within budget.

Project No. 49, Oakport Flood Mitigation. The BRRWD let bids for Phases 1A and 3B on 6/14/10. The DNR committed another \$4 million for the project this year. Buyouts are slowly coming to an end. To date, we have acquired 50 houses with about five houses left. Albright and Greg Anderson plan to meet with some of the project landowners next Tuesday night.

The COE wetland permitting has been delayed due to the identification of potential cultural resource sites along the Oakport Coulee. The BRRWD is waiting for the COE to send a letter regarding the survey specifications. We will have to hire Mike Michlovic, MSUM, to do the archeological survey.

Project No. 60, Swede Grove Lake. Josh Kavanagh, DU, attended the 1/28/10 PT meeting in Detroit Lakes. He is interested in working with the BRRWD and the PT to develop this project. Kavanagh is investigating possible programs/funding that might be available, and he asked if the BRRWD is interested in submitting this project for consideration. Particularly, DU and the DNR are preparing a 2012 Shallow Lakes Project proposal for the LSOHC. Funding will be available after July 2011. Albright noted that the BRRWD will need to discuss this issue. Ellefson felt that the primary landowner isn't interested in an outlet on his property. He also questioned Clay County's position on the project. Barsness noted that some landowners have been involved with trying to sell lake lots, so they probably wouldn't be interested in lowering the lake. Albright noted that the lake contributes to the flows on the Buffalo River during peak flooding conditions, and it would be beneficial to have a control structure on this waterbody.

Project No. 65, County Line Outlet. Brennan noted that the USFWS has submitted a request for design funding. The group talked about the project development. Ellefson noted that Minnesota Department of Transportation (MNDOT) has refused to allow project water to drain along the ditch on Interstate-94 (I-94). Albright noted that the wetland is already flowing west naturally towards I-94. MNDOT acknowledges that the current highwater outlet uses their I-94 ditch, but they prefer not to have project water in their ditch. Ellefson asked if USFWS would be willing to allow a gated outlet on their wetland. Brennan said if they are allowed to operate it, they would not oppose a gate. The gate may not even be needed once the initial drawdown is accomplished. H.E.'s cost estimate is approximately \$150,000. Benefits may be hard to find for this limited area. Brennan noted that the USFWS would like to be able to draw the wetland low enough to eliminate the rough fish. Brennan thought that their possible project could be ready to construct by the fall of 2011 or early 2012.

Albright noted that we will need DNR funding assistance for several of our highwater projects because there are not many landowners to assess. When the BRRWD has completed Project No. 64, LaBelle/Boyer Lake Outlets and Project No. 50, Cromwell Township Highwater Investigation, we will continue discussions regarding several other highwater areas.

Wolverton Creek/Comstock Coulee. Albright noted that weather permitting, there is still work to complete on the project. Waller said that the Clean Water Legacy (CWL) grant has been extended due to the recent spring floods. Albright noted that funds could be switched to side inlet work so that we don't lose the money if the river stays high and the wet cycle continues. He added that we had planned to use the CWL funding that wasn't approved for 2010 to do a buffer analysis, side inlet work, spot cleaning, and upstream channel restoration in Wilkin County. Barsness commented that there could be funding for this work through a DNR grant he applied for. Albright suggested that we should resubmit our application for funding to BWSR this fall.

Lawndale Trout Stream Restoration. Arlin Schalekamp, DNR, is ready to get the project out for bids. Dave Yaggie's new irrigation system has been installed. The BRRWD will make the Order for the project at their 6/23/10 meeting. The DNR has bonding money in place to build the project and would like to start the excavation this fall and finish in 2011. The BRRWD will submit a request for reimbursement for Yaggie's project from the Environmental Quality Incentives Program (EQIP) and DNR grants. This DNR money, together with BRRWD assistance (\$10,000) totals \$45,000, together with the EQIP funding should cover most of the costs for Yaggie's irrigation retrofit. Albright feels that the Yaggies are now in agreement with the project and will cooperate.

Project No. 63, Grove Lake Outlet. The lake is at the designed drawdown elevation. We extended the inlet structure to address sedimentation problems. The BRRWD has received some calls from residents complaining that the lake might be too low. Landowners on the upstream lakes (Pete, Helgeson, Businger, Seim, and Randkler) on the north side of Trunk Highway (T.H.) No. 34, have contacted the BRRWD regarding a possible outlet for their lakes through Grove Lake. MNDOT is also concerned about T.H. No. 34. A permanent outlet project would be a cost effective solution to MNDOT's road concerns. The BRRWD plans to schedule an informational meeting with the upstream landowners and Grove Lake landowners to discuss their request. Jones felt it wouldn't be hard to design an outlet for these waterbodies through Gove Lake, as it is downhill most of the way, and we have an established outlet on Grove Lake.

Project No. 39, Georgetown Levee. Albright noted that the BRRWD attended a meeting on 6/16/10 in Hendrum regarding downstream concerns about possible impacts from the Fargo-Moorhead Diversion Project. The State is working on design standards with the Cities of Perley and Hendrum on flood mitigation projects to protect the cities from possible diversion impacts. Rick St. Germain, H.E., is working on the project design for Georgetown. The preliminary plans should be ready by 8/01/10. The Georgetown project is slated for funding in 2011. The Cities of Pearly and Hendrum have indicated that they have the funding and may go ahead with the construction of certified levees yet this year. Because of Georgetown's location in relation to the Buffalo River, the set back from the river for levee construction is substantial. The problem with protecting the downstream communities is that there is a limited population, so buyouts significantly impact the city's tax base/project assessment. The Buffalo River runs through the middle of the City of Georgetown, so the setback levee requirements will impact about 12 homes out of 44 within the City.

Hay Creek/Stinking Lake CWL Project. Albright submitted the paperwork requesting an extension of the 2009 CWL grant that was to expire 6/30/10. Becker SWCD took advantage of funding available from the Agricultural Watershed Enhancement Program (AWEP) through the NRCS and funded several sediment control basins projects for area landowners. The Red River Basin Commission has \$1.2 million for the program.

South Branch of the Buffalo River. The BRRWD and PT have been using the Mediation process to look at potential projects to address flood damage reduction (fdr) and natural resource enhancement (nre) concerns along the South Branch of the Buffalo River in Wilkin County. Erik Jones and Zach Herrmann, H.E., presented an update of their alternative site investigations. They distributed maps showing the

location of five potential storage sites, set-back levees, and wetland restorations. Herrmann said that they have been working on analysis of sites located on the east side of T.H. No. 9, associated with the erosion damage on the Yaggie property in Sections 2 and 3, Manston Township, Wilkin County. On the west side of T.H. No. 9, there is a potential storage site in Sections 31 and 32, Atherton Township, which could hold up to 2,400 acre-feet for a 100-year flood event at elevation 971, according to their current modeling information. This site would work in conjunction with the proposed setback levees along the South Branch channel. The levees would also function as the embankment for the storage site. There are two drawbacks associated with this site. First, there is a township road that cuts through the middle of the site, so there would be an expense associated with raising it to keep it functional during site operation. The second concern is that there are two farmsteads that would probably need ringdikes for protection. Herrmann explained that storage sites would be necessary to mitigate higher water surface profiles within the levee to keep water from breaking out to Wilkin County Ditch No. 13. Part of the project's goals is to keep downstream stage impacts in Clay County to zero or less. With setback levees and no retention, H.E.'s model shows a 0.4' increase. Herrmann said that at the confluence of the Deerhorn and South Branch of the Buffalo River, the water volume increases significantly, so storage upstream of this point is necessary to keep downstream impacts to a minimum. Albright noted that the landowner in Section 5, Manston Township, has indicated that he might be willing to have a storage site on his property because of the historical flooding problems on this piece of land. The group discussed drainage patterns in this area and impacts on cropland. Herrmann noted that the retention areas could be designed to allow for tillage when the site is not in operation. Ellefson asked if landowners could use the site for grazing land after it has become part of an off-channel diversion. Someone thought it might be possible.

In Section 11, 12, 13, and 14, Deerhorn Township, Wilkin County, Herrmann discussed another potential storage site that would be larger than the previously discussed site in Manston Township. The maximum storage capacity could be approximately 7,300 acre-feet with a 102 square miles (sq. mi.) drainage area. The land is currently owned by the Spring Prairie Hutterite Colony. There is one farmstead near this site that could be affected, but Herrmann thought a ringdike could be constructed to protect the residence. The hydraulic modeling shows that this site could fill quite easily. Ellefson questioned if County Ditch No. 13, Lateral No. 1, would be affected. Jones thought that the road along the west side of County Ditch No. 13 would have to be raised. Albright noted that water overtopped the road this spring.

Another potential storage site was identified in Sections 10, 11, 14, and 15, Manston Township, south of the Yaggie site. This site was designed to hold 100% of the flows less than the 25-year flood event. Flows greater than the 25-year event would continue downstream. Herrmann explained they designed a low spot in the setback levee that would allow water to flow out of the levee into the storage site. Taken in total, all the storage sites would provide a 1.9' reduction of flows at the County line for the 100-year flood event. He noted that the site in Deerhorn Township makes a great deal of difference because it reduces the impact of the increased flows from Deerhorn Creek. Albright noted that the need for significant flow reduction will take large retention projects. Herrmann noted that the Hutterite site accounts for most of the flow reduction at the County line, and is a very important component in this potential fdr project. Albright commented that the landowners will want to know how often their land will be put to use as a retention site. Herrmann said that the inlet could be designed so that the site would be operated only for the larger events. A brief discussion followed regarding using the Hutterite property for a retention site. Herrmann discussed the Working Lands Initiative (WLI) program for this upstream area to increase easement values for potential retention projects. Albright suggested that an informational meeting should be held this winter with the landowners to discuss this investigation. The group discussed tiling projects that have been installed without permits in the South Branch of the Buffalo River/Deerhorn Creek drainage areas east of I-94 in Otter Tail County.

Jones felt that H.E. has taken the investigation as far as they can without more direction from the BRRWD. Albright suggested that Jones and Herrmann could investigate a waterway coming in from the south in

Manston Township where upstream drainage projects have caused water concerns for landowners along C.R. No. 182. Herrmann noted that there was interest in their initial WLI investigation in northern Otter Tail County. Waller asked if H.E. has done any detailed work on the proposed setback levees for the South Branch of the Buffalo River. Herrmann said that the modeling is very preliminary at this point. He thought that once the storage sites have been determined, they will have more data to work with regarding the setback levee design. Albright suggested that perhaps the setback levee footprint could be established at a minimum width of 500' throughout the channel and let the project storage area be within the levee, similar to how the Deerhorn Creek Levee project was designed. Waller suggested that if H.E. needs additional assistance regarding the proposed project, they should contact Don Bajumpaa, Wilkin SWCD, who is very interested in seeing this project developed. Albright felt that in order to accomplish large scale retention, we will need to work with landowners on larger projects.

BRRWD Total Maximum Daily Load (TMDL). The project started about a year ago and is being done jointly with the MPCA. The watershed under study is about 1,100 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. They are currently working on identifying stressors in the system. Jones noted that the monitoring data from the 33 sampling sites throughout the District shows that e coli, phosphorus, and turbidity are high all over the study area. This will be the second year (2010) of water quality sampling. The Phase 2 Workplan is in development, which will be the submission of the full TMDL report. The Social Indicators Survey, which will be targeted at the agricultural property owners within the BRRWD, will be conducted this summer.

Jones is using the DNR's Low Altitude High Resolution aerial photography to prepare a hydrologically corrected watershed digital enhanced model (DEM) to provide flow/timing data to estimate sediment loading rates. Stream Power Index scores need to have a basis on which to evaluate their significance. Values show slope/flow accumulation relationships. Herrmann explained that they will be able to identify restorable wetlands within the South Branch of the Buffalo River watershed. By using the Stream Power Index, they have been able to compare Whiskey Creek and the South Branch of the Buffalo River for stressors. Jones noted that the International Water Institute (IWI) has grants for projects to develop hydrologically corrected DEMs.

Barnesville Township FDR Study. The BRRWD has been working with landowners in the area southwest of Barnesville in Sections 32, 33, 34, 35, and 36, Barnesville Township, Clay County, which has a drainage area of approximately 21 sq. mi., and has had significant water problems along a DNR protected watercourse. Albright noted that this project will be addressed when the BRRWD has more time. Jones noted that this is an area that they are looking at to include in the South Branch of the Buffalo River retention study.

Fargo-Moorhead Metropolitan Feasibility Study. The COE held a meeting in Hendrum last night regarding downstream impacts of the F-M Diversion project. People talked about their downstream impact concerns. The COE has raised their estimates for the 100-year flood in the F-M area to elevation 42.4'. Discussion took place about flood benchmarks. At this time, the Locally Preferred Plan (LPP) is the North Dakota 35,000 diversion. VanAmburg commented on the current wet cycle and climate change. By looking at only the past wet cycles since 1942, the current 100-year event is really more like a 25-year event. Federal Emergency Management Agency (FEMA) is not expected to change their benchmark values in the near future. COE estimates that it will take approximately 10 years to complete the Diversion project.

Project No. 64, LaBelle/Boyer Lakes Outlet. Albright noted that when the LaBelle Lake outlet was started, it became apparent that Becker County Ditch No. 9 needed repair, so that work has been completed. The contractor elected to bore along T.H. No. 10, due to safety concerns, and that work is progressing.

MNDOT was asked to approve the change to a bored outlet, as they have about 85% of the project benefits. They agreed to the added expense.

Opsahl has walked the entire outlet and has noted that there are places where one wetland overflows into the next. Albright noted that once the project is done, we will have to work with the USFWS to monitor the area to see how it is going to function. We may need to add pipes/crossings at wetland outlets to prevent erosion.

Buffalo River Stabilization. Albright reported that the “Toe Wood-Sod Mat with Woody Debris” bank stabilization alternative design has worked very well to slow down erosion on the banks 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, immediate action was required to mitigate the rate at which the south bank was eroding. The Clay County Highway Department has received funding to replace a wooden bridge on an all-purpose road. The road to the west of this bridge will be abandoned, which diverted part of the Buffalo River. The grass seeding has been completed on the erosion site done last winter.

Project No. 50, Cromwell Township Highwater Investigation. There is an area north of the City of Hawley where four or five wetland basins are flowing together because of the current wet cycle. Three houses and a township road are impacted by the high water. The road has been underwater for about two years, and FEMA will assist with repairs. These issues have revived the BRRWD's outlet project, and the Board recently declared this project an emergency. Jones has been working with the USFWS regarding this proposed project. Shawn May has provided Jones with the USFWS easement maps with elevations. May noted that once the elevation survey has been completed, we will be able to determine the route of the outlet. The group discussed pumping/gravity flow to dewater the homes/township road. Our goal is to lower the water on the township road by 2'. USFWS could give the BRRWD a 30-day permit to pump water. Herrmann noted that one of the area landowners voiced opposition to the project when he was asked for permission to access his property to conduct the survey.

Red River Basin Commission (RRBC) Impoundment Study/Long Term Flood Study (LTFS). The RRBC is working on a modeling project for the Red River of the North to determine if it would be possible to meet a 20% flow reduction goal from the White Rock Dam in South Dakota to the Canadian border. Using the model, Charlie Anderson, JOR Engineering, found 26 sites within the Bois de Sioux Watershed District that met the 20% reduction goal. Lance Yohe, RRBC, came to the BRRWD to request that the Board authorize a similar study for the BRRWD. We had already authorized H.E. to investigate 5-6 large retention sites in response to statements made by US Representative Collin Peterson, regarding retention goals for the Red River Valley. The Board agreed to participate with the RRBC in their LTFS, and expand H.E.'s initial study. The RRBC will contribute \$10,000 to our effort.

Waller asked if the Lower Ottertail River will be included in the study. Albright noted that at this time, this area is not within an organized Watershed District boundary. However, Wilkin County has petitioned to establish a watershed district in the middle part of the County, including parts of Otter Tail County. There is some support on the Otter Tail County Commission for the proposal. Waller explained the process by which a Watershed District is formed.

RWMP. Albright summarized the BRRWD's efforts to complete the RWMP process. We have forwarded our response to the comments we received on the draft plan. Albright and Manager Hanson attended the Northern Region BWSR meeting where they reviewed the plan and recommended plan approval. Albright

noted that Zenas Baer, Attorney, City of Hawley, made a statement regarding their concerns about the watershed management district (wmd) component of the Plan. The group briefly discussed Baer's comments.

Activities Update. Albright distributed a copy of the 6/14/10 meeting press release to the group. Many of the projects referenced in the press release were already discussed during tonight's meeting.

RRWMB/RRBFDRWG Conference. The Red River Watershed Management Board (RRWMB) and the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) Conference is scheduled for Wednesday, June 23, 2010, at 9:00 AM-5:00 PM at the Holiday Inn, Detroit Lakes. The group reviewed the conference agenda.

Hay Creek/Williams Tract Restoration. Shawn May noted that landowners Tim Schlauderhoff and Ryan Anderson, who are directly affected by the creek restoration project, have given their approval. Albright noted that the proposed channel restoration will help slow down flows on Hay Creek.

Next Meeting. Albright said the next PT meeting is tentatively scheduled for Thursday, August 19, 2010, at 7:00 PM in the MSUM Science Center. The Fall Tour is tentatively scheduled for 9/23/10.

Adjournment. There being no further business to come before the group, Albright adjourned the meeting at 9:30 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator