

BUFFALO-RED RIVER WATERSHED DISTRICT

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MEDIATION PROJECT TEAM MINUTES

August 19, 2010

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, August 19, 2010, at 7:00 PM at the Minnesota State University Moorhead (MSUM) Science Center, Glyndon, MN.

Attending were: Bruce E. Albright, BRRWD Administrator, and Houston Engineering, Inc. (H.E.), Erik S. Jones and Zachary Herrmann, Engineers, H.E.; Breanna Paradeis Kobiela, Curtis M. Nelson, John E. Hanson, and Gerald L. VanAmburg, BRRWD Managers; Paul Wannarka, Red River Basin Coordinator, Minnesota Department of Natural Resources (DNR), Henry VanOffelen, Natural Resource Scientist, Minnesota Center for Environmental Advocacy (MCEA); Lynn Foss, Clay Soil and Water Conservation District (SWCD), Dave Barsness, Fisheries Specialist, DNR; Shawn May, Detroit Lakes Wetlands Management District (WMD) and United States Fish and Wildlife Service (USFWS); Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Don Schultz, Area Wildlife Manager, DNR; and Robert A. Zimmerman, Engineer, City of Moorhead.

Members absent were: Kevin Brennan, USFWS, and Fergus Falls WMD; Robert Honeman, Area Resource Conservationist, Natural Resources Conservation Service (NRCS); 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; Scott Kahan, Detroit Lakes WMD and USFWS; Richard Pemble, Citizen Advisory Committee, BRRWD; 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 6/17/10 at the MSUM Science Center. He thanked the group for their attendance.

Business brought before the group included:

Meeting Minutes. The 6/17/10 meeting minutes were distributed via e-mail with today's meeting notice.

Motion by Barsness to approve the minutes. **Seconded** by Zimmerman. **Approved.** Albright noted that we have received funding from the Red River Watershed Management Board (RRWMB) on behalf of the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) for Fiscal Year 2010 (7/01/09-6/30/10) alternative analysis and administrative PT expenses.

Project No. 54 Whiskey Creek Tributaries. Albright noted that a road culvert failure was repaired on “east tributary” in conjunction with Barnesville Township.

Project No. 56, Manston Slough Restoration. All the easement options have been mailed to the project landowners, and approximately 5 signed options were signed and returned to the office. Albright said that the BRRWD would like to be ready to start on project construction next spring/summer. The group briefly discussed BWSR funding for grass seeding on the Holubok tract.

Project No. 58 Riverton Township Retention. TNC has completed some seeding and plans to finish the work in the near future. There are still a few minor repairs to make.

Project No. 49, Oakport Flood Mitigation. Albright reported that we have approximately \$500,000 left in the current DNR grant contract, and we have another \$4 million DNR allocation secured to finish work on the project for this year. We have five phases under construction at this time. Phase 1B is nearing completion. R. J. Zavoral and Sons Construction is working on Phase 1B. Riley Brothers, Inc. is nearly finished with Phase 2 with expectations of getting County Road (C.R.) No. 93 paved yet this fall. Excavating, Inc. is working on Phase 3A and Master Construction has the contract for Phase 3B. We started the COE wetland permitting process in February. The wetland permit application was submitted in March, and the public comment period ended July 16. The COE requested an archeological survey, and after two surveys were completed, we thought Phase 3B (wetland issues) was ready to start construction. The COE then notified us at the end of July that we still needed a 404 Certification from MPCA for placing fill in wetlands. Receipt of the MPCA permit has been delayed for close to a month. With the help of Senator Langseth's office, Albright reported that the MPCA permit is expected to be issued next Monday. Because of all the paperwork delays, construction has not started on Phase B.

Project No. 60, Swede Grove Lake. Josh Kavanagh, DU, is interested in working with the BRRWD and the PT to develop this project. Kavanagh is investigating possible programs/funding that might be available through DU and the DNR and their 2012 Shallow Lakes Project proposal for the Lessard-Sams Outdoor Heritage Council (LOHC) Conservation Partners Legacy Grants (CPLG). Funding would be available after July 2011.

Wolverton Creek/Comstock Coulee. Albright noted that weather permitting, there is still work to complete on Phase 1 of this Clean Water Legacy (CWL) grant. Jones said the project area has been underwater most of the past several construction seasons. Barsness commented that funding would also be available for the project through a DNR grant. Albright suggested that we should resubmit our application for Phase II funding to BWSR this fall. The additional funding could be used to work on sediment control basins and general channel restoration upstream of Phase I.

Lawndale Trout Stream Restoration. Arlin Schalekamp, DNR, reported that surveying is currently taking place, and bids will be opened next week with construction to start this fall and completed in 2011. Dave Yaggie's new irrigation system has been installed.

Project No. 63, Grove Lake Outlet. The lake is at the designed drawdown elevation. The inlet structure has been extended 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. The Minnesota Department of Transportation (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 scheduled an informational meeting on 8/26/10 in Barnesville with the upstream lake landowners and Grove Lake landowners to discuss a possible outlet project.

Project No. 39, Georgetown Levee. Jones reported that Rick St. Germain, H.E., has completed the draft Engineer's Report with two alternative designs with different levels of protection. There will be a number of buyouts required because the levee footprint will be expanded. In some cases, the existing levee has to be moved because of geotechnical concerns. The first alternative will provide 1' of freeboard over the 100-year event, which will cost approximately \$3.4 million. The second option would raise the levee to 3' over the 100-year event. This alternative is estimated to cost approximately \$3.5 million, mainly due to the additional embankment material. The cost estimate includes nearly \$1.7 million in buyouts, based on the

County assessed market values. Albright noted that these costs are similar to the downstream cities, but because the Buffalo River cuts through Georgetown, the set back from the river for levee construction is substantial and we have 8-10 properties that will need to be acquired. Jones displayed a map showing the dike alignment and the location of potential buyout properties. Albright explained that because the City qualifies for the 2% median household income language, Georgetown's share of the total project costs could be about \$30,000. However, Albright noted that the State is only willing to use the 2% cost share up to the Base Flood Elevation (BFE), after which the cost sharing would increase to 50%. The Georgetown City officials have indicated that they would prefer the second alternative, which would provide the most protection. St. Germain will send the Engineer's Report to Kent Lokkesmoe, DNR, for his review. If the DNR approves the plan, the BRRWD would like to continue project development for construction next year. Albright indicated that we plan to apply for another grant in 2010 to fund appraisals, buyouts, and the development of plans and specifications.

Hay Creek/Stinking Lake CWL Project. Albright reported that the Becker SWCD continues to make progress with the bufferstrip/sediment basin installations. We have received an extension of the 2009 CWL grant that was to expire 6/30/10. This site will be included on the Fall Tour next month. The Becker SWCD took advantage of funding available from the Agricultural Watershed Enhancement Program (AWEP) through the NRCS and funded several other sediment control basins projects for area landowners. The Red River Basin Commission helped secure \$1.2 million for the AWEP program throughout the Red River Basin.

South Branch of the Buffalo River. The BRRWD and PT have been using the Mediation process to look at potential project 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 updated of their alternative detention site investigations.

In Section 8, Manston Township, a stand-alone retention site could be installed. Water could enter this storage location first and only when an upstream site is filled, and then water would run south into the proposed site west of T.H. No. 9. This scenario has a 30-square mile (sq. mi.) drainage area, yielding approximately 7,400 acre-feet of storage, or about 4" of runoff across the entire watershed contributing to both sites, as well as an additional 1,100 acre-feet of storage to address breakout water from Wilkin County Ditch No. 40, upstream of the Lawndale Trout Stream Restoration site.

Another option would be an nre project in Sections 9 and 16, Manston Township, with a 3' pool depth with about a 2,300 acre drainage area. If this area were enrolled in Wetlands Reserve Program (WRP), an easement could be established for a permanent pool location. One deterrent to the development of this site is that under high flows in the South Branch of the Buffalo River, the river could back up into this restoration site. A more adequate outlet for this site could be the Wilkin County Ditch No. 13 system. But this would also add more water for the ditch system to handle. Other local retention projects could be attempted to solve some of the local flooding issues in this area. Jones noted that this site has not yet been incorporated into H.E.'s hydraulic model to see what type of impacts and benefits it could yield.

Pete Waller, BWSR, said that the most of the landowners within the proposed project area have been working with the Wilkin SWCD to enroll in the bufferstrip/Reinvest in Minnesota (RIM) program.

Herrmann explained there is an opportunity through the CWL program to apply for funding for the South Branch project. Given all the data gleaned from the Light Detection and Ranging (LiDAR) product, Herrmann thought that it would be possible to develop a Best Management Practices (BMP) implementation plan and categorize high priority areas using LiDAR to determine where more severe sedimentation is located along a channel. He suggested that after a BMP plan is developed, we could set up

an informational meeting with the project landowners to discuss our findings and work with the landowners to field verify the data. He asked the PT for their recommendations regarding this issue.

Waller suggested that there is some funding for Technical Assistance. He encouraged Herrmann to include the LiDAR Digital Enhanced Modeling (DEM) sedimentation data in the CWL application. Herrmann questioned if the PT thought H.E. should expand the study to include the Whisky Creek watershed with the South Branch of the Buffalo River in their application because we have the hydrologically corrected DEM data for both areas.

Waller suggested that the SWCDs in Clay and Wilkin should provide input regarding this proposal. He also noted that the SWCDs would be involved with bufferstrip acquisition, side inlet installations, etc. If they develop a Working Lands Initiative (WLI) target area, it may provide a better agency message if we work together with the SWCDs on these items. Don Schultz, DNR, commented that at this time they are not getting much encouragement to develop additional WLI projects, as it appears that the most common application for this project is waterfowl habitat management/wetland development. He said he would continue to encourage the DNR to consider the idea of using WLI funding for other types of projects. Funding for the WLI program comes from the LOHC program and other DNR sources. Schultz discussed problems with funding allocations for this type of project because of unpredictable landowner participation. He thought we could discuss WLI funding for this project at a later date.

Albright said that one goal for this proposed overall project is to set up an informational meeting with the landowners this winter. Herrmann noted that one aspect of the planning that needs to be determined is the width of the setback levees to minimize the need for off-channel retention, which could have downstream impacts. Herrmann explained that most of the studied retention sites are currently cropland, Conservation Reserve Program (CRP), or wetland acreage. All potential storage sites would provide off-channel storage. Herrmann explained that at the landowner informational meeting, he would propose two possible projects: one with wider setback levees and less off-channel storage, and one with narrow setbacks and more storage sites. Albright asked if the PT would support H.E. working with the Clay and Wilkin SWCDs to prepare a CWL funding application to continue studying the South Branch of the Buffalo River project regarding water quality issues. The group consensus was that H.E. should submit a CWL funding application just to keep the proposal moving forward. Albright noted that the deadline for the funding application is 9/15/10.

BRRWD Total Maximum Daily Load (TMDL). The Phase 2 workplan application is being worked on, with some minor editing left. The Phase 1 funding has been extended until Phase 2 is in place. Water quality testing will continue until freeze-up. Monitoring results from last year are just starting to come in. Phase 2 includes lake water quality monitoring. MPCA would like to develop a method to categorize the lakes to be able to group them according to drainage areas, water quality, etc., to be able to apply targeted bmps.

Albright reported on the Social Indicators Survey progress. We mailed 1,150 surveys earlier this summer. To date, we've received about 200 responses, and the reminder post cards were mailed today to about 800 recipients. Survey results should be available by the end of the year.

Waller asked when the TMDL project would be completed. Jones said that we expect to have the pilot project finished by 2013. Phase 2 was scaled back with the intention that there would be Phase 3 work.

Albright noted that the USFWS is preparing a comprehensive conservation plan for the Hamden Slough Natural Wildlife Refuge. Josh Kadrmaz, H.E., attended a USFWS meeting in Detroit Lakes to discuss Refuge water quality issues.

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 briefly discussed a 5,600 acre-feet retention site in this area that H.E. has identified as part of the BRRWD retention study they are preparing for the Red River Basin Commission. The group discussed water retention on agricultural land.

Fargo-Moorhead Metropolitan Feasibility Study. The COE is currently reviewing comments received from their March meeting in Hendrum regarding downstream impacts of the F-M Diversion project. The COE has indicated that the concerns about downstream impacts will require more analysis. VanAmburg noted that the COE received approximately 300 comments regarding this issue. Zimmerman noted that Clay County has funding set aside for design costs. Federal Emergency Management Agency (FEMA) rules have been interpreted to require possible downstream mitigation. VanAmburg felt that the cost/benefit analysis that the COE is using is more accurate than the FEMA projections because it has been calculated using the new 100-year flood data. The City of Moorhead plans to move forward to improve the City's level of protection despite how long it takes for the COE Diversion to be implemented. Zimmerman reported that Moorhead has approximately 70 structures to buyout with another 50 houses that could be acquired if they receive more funding. With the current buyouts, they will still be a need to sandbag above the 42' flood elevation. The COE has raised their estimates for the 100-year flood in the F-M area to elevation 42.4'. Moorhead's goal is to provide protection to the 44' flood elevation.

Minnesota Congressmen Collin Peterson and Jim Oberstar plan to meet with North Dakota Congressman Earl Pomeroy on 8/26/10 regarding flood mitigation funding for the Red River Basin. The group discussed how these funds could be used and the need for upstream water retention. VanAmburg noted that a Joint Powers Board including the Red River Watershed Management Board (RRWMB) and the North Dakota Water Resource District recently established a Red River Retention Authority that will have 3 members from Minnesota, 3 from North Dakota and 2 Governor appointees. The group discussed a suggestion from North Dakota Senator Byron Dorgan that a Federal Authority could be established to regulate flood damage reduction in our area. Some officials are not comfortable with the idea of losing local control. VanAmburg said we have the tools to make changes, but we may not have the will to make the hard decisions.

Project No. 64, LaBelle/Boyer Lakes Outlet. Jones reported that the LaBelle Lake has reached the Ordinary High Water (OHW) and Boyer Lake is down about 1'. MNDOT has started to remove their sandbags away from T.H. No. 10.

Buffalo River Stabilization. The BRRWD met with the City of Hawley regarding a long term plan to restore the natural channel alignment for a reach of the Buffalo River. The DNR, who is the project manager, is ready to move forward with the proposal and has submitted a LSOHC CPLG application for the river restoration. Another funding opportunity could be a grant from the CWL Program. The project cost estimate is approximately \$1.5 million. Herrmann displayed a map of the project area, and Jones described the basic project design.

Project No. 50, Cromwell Township Highwater Investigation. A hearing has been scheduled for 8/30/10 to discuss an area north of the City of Hawley where four or five wetland basins are flowing together and rising 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 the repairs. The BRRWD has recently declared this project an emergency. The BRRWD will meet with the USFWS regarding this proposed project. Our goal is to lower the water on the township road by 2'. USFWS could give the BRRWD a 30-day permit to pump the water. Albright noted that the project cost estimate is

approximately \$200,000. The project will qualify for DNR Flood Damage Reduction 50% funding, so the local project costs will be about \$100,000.

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% long term flow reduction goal from the White Rock Dam in South Dakota to the Canadian border. The report is due to the Legislature next summer. VanOffelen reported on RRBC efforts to develop the LTFS and some of the concepts using the International Water Institute (IWI) LiDAR Viewer to guide project development. Using the MIKE 11 flood routing model, Charlie Anderson, JOR Engineering, found 26 sites within the Bois de Sioux Watershed District that met their 20% reduction goal. The Board agreed to participate with the RRBC in their LTFS, and expand H.E.'s initial BRRWD retention study. The RRBC will contribute \$10,000 to our effort.

Project No. 66, Tansem/Ranum Lakes Outlet. The BRRWD has been working with Brad and Lanessa Hersch regarding high water problems on their farmstead along T.H. No. 34 east of Barnesville in the NW¼, Section 26, Tansem Township, Clay County. MNDOT is considering a road raise to protect T.H. No. 34. A number of agencies are working together to provide possible funding for a home buyout for the Hersches.

Blue Eagle Sediment Pond. The City of Barnesville plans to ask the BRRWD to apply for CWL funding for their sediment pond dredging project. Last year, the City applied for LSOHC funding, but they were not successful. The BRRWD will discuss this issue with the City at our next meeting.

RWMP. BWSR ordered in the BRRWD's RWMP on 6/26/10. The City of Hawley has filed an appeal of BWSR's decision. The group discussed statements the City of Hawley's Attorney made. Albright reported that the appeal was recently dismissed because it was improperly filed.

Activities Update. Albright distributed a copy of the 8/09/10 meeting press release to the group. Many of the projects referenced in the press release were already discussed during tonight's meeting.

Annual Fall Tour. Albright noted that the BRRWD's Annual Fall Tour has been scheduled for Thursday, September 23, 2010, 1:00 PM, at the Galaxie Supper Club, Barnesville. Notices will be sent.

Next Meeting. Albright said the next PT meeting is tentatively scheduled for Thursday, November 18, 2010, at 1:30 PM in the MSUM Science Center. It could be subject to change, depending on the weather, work load, etc.

Project Team Handbooks. Wannarka distributed handbooks that RRBFDROWG provided for the PT members. Wannarka discussed how the BRRWD and PT can use the information contained in the handbook to address questions/issues regarding permitting, grant applications, etc.

Adjournment. There being no further business to come before the group, Albright adjourned the meeting at 8:55 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator