

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

114 FRONT STREET SOUTH

PO BOX 341

PHONE 218-354-7710

MEDIATION PROJECT TEAM MINUTES

January 19, 2012

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, January 19, 2012, at 1:30 PM at the Minnesota State University Moorhead (MSUM) Science Center, Glyndon, MN.

Attending were: Curtis M. Nelson, Gerald L. VanAmburg, Roger G. Ellefson, John E. Hanson, and Breanna Paradeis Kobiela, BRRWD Managers; Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, Houston Engineering, Inc. (H.E.), Shawn May, Detroit Lakes Wetland Management District (WMD) and United States Fish and Wildlife Service (USFWS); Doug Wells, USFWS and Fergus Falls WMD; Brian Winter, Program Director, The Nature Conservancy (TNC); Julie Aadland, Area Hydrologist, Minnesota Department of Natural Resources (DNR); Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Jack Frederick, Minnesota Pollution Control Agency (MPCA), Keith Weston, Basin Coordinator, Natural Resources Conservation Service (NRCS); Ross Aigner, Landowner/Wilkin Soil and Water Conservation District (SWCD); Lynn Foss, Clay SWCD; Don Schultz, Area Wildlife Manager, DNR; and Dave Barsness, Fisheries Specialist, DNR.

Members absent were: Robert A. Zimmerman, Engineer, City of Moorhead; Henry VanOffelen, Natural Resource Scientist, Minnesota Center for Environmental Advocacy (MCEA); Ryan Frohling, Detroit Lakes WMD and USFWS; Audubon Dakota; Paul Wannarka, Red River Basin Coordinator, DNR; Brian Dwight, Board Conservationist, BWSR; Craig O. Evans, PM-D, Army Corps of Engineers (COE); Leo Grabowski, Project Manager, COE; Wally Sparby, Staff Assistant, Congressman Collin Peterson's Office; and Brad Grant, Becker SWCD.

Albright called the meeting to order at 1:35 PM. He thanked the group for their attendance. He introduced Ross Aigner, who is a new PT member from Wilkin County. Ross is a local farmer and also serves on the Wilkin SWCD Board of Supervisors. The group introduced themselves. Albright discussed the Mediation process and gave a brief history of the projects the BRRWD has developed in conjunction with their Mediation PT.

Business brought before the group included:

Meeting Minutes. The 11/17/11 meeting minutes were distributed via e-mail prior to today's meeting.

Motion by Frederick to approve the minutes. **Seconded** by Barsness. **Approved.**

Project No. 54, Whiskey Creek Tributaries. Albright gave a brief history of the project development and current status. He noted that the project is operating as intended. Waller reported that BWSR representatives will be visiting the Whiskey Creek and Lawndale Trout Stream project sites next week. The NRCS lowered the Nichol Wetlands Reserve Program (WRP) site along Trunk Highway (T.H.) No. 34 last fall to avoid the downstream icing problems experienced last winter from water leaving the site. So far, we've had no problems this winter.

Project No. 56, Manston Slough Restoration. Albright gave a brief history of the project development and current status. The BRRWD office is working with the project landowners to complete the easement acquisitions. Because of the number of owners associated with the Kent Rod and Gun Club property, the BRRWD has opted to go to "friendly" condemnation to obtain this easement. Our Attorney, Tami Norgard, Vogel Law Firm, will start that proceeding after we know if there are any other properties that will also have to be condemned in order to acquire the easement. We will also have to obtain a Wilkin County Conditional Use Permit (CUP). The Appraisers have completed their work, including local assessments for the project. Once the easement acquisition process is complete, the Board would like to hold the final hearing in April, then go to bids and make the easement payments after the 30-day appeal period expires. We would like to start construction this summer. The Memorandum of Understanding (MOU) and the Operation and Maintenance (O&M) have been signed by the participating agencies. The Wilkin SWCD has been billed for the Reinvest In Minnesota (RIM) seeding expenses associated with the Holubok tract.

The group discussed the BRRWD's efforts to obtain up to 75% funding from the DNR for the project, which is heavily weighted towards natural resource enhancement (nre). Using the results from H.E.'s work on Technical Paper 14, the project appears to score high enough on nre benefits to justify the 75% funding level. We have already received 50% project funding from a DNR FDR grant and \$350,000 from the Lessard-Sams Outdoor Heritage Council (LOHC) Conservation Partners Legacy Grants (CPLG) Program. We still need approximately \$650,000, which could be generated through the WRP and/or RIM funding. The group discussed issues involved with the project funding request.

Don Schultz, DNR, briefly discussed the possible use of moist soil management practices on a couple of tracts of land involved with the WRP on the project. Schultz was thinking about the Schritz tract. Albright discussed the neighboring landowner concerns about seepage, etc., which could be caused by such a project. This is something we will have to take a closer look at.

Albright noted that H.E. is still working on a study for the 26 square mile area (sq. mi.) in the upper reaches of the Manston Slough Restoration project to implement best management practices (BMPs) to improve water quality. Jones added that the Stream Power Index work for this area will be completed with the new BWSR grant.

Watershed District Enlargement. The group discussed the proposed enlargement of the BRRWD as petitioned by Otter Tail and Wilkin Counties. BWSR will be holding a hearing regarding the petition to enlarge the BRRWD on 2/23/12 at 6:30 PM in Barnesville. Winter asked if the area landowners support the petition. Albright explained that there had been talk about organizing a separate watershed district for this area, but the affected landowners were more interested in joining the BRRWD. Winter agreed that the area would probably benefit from participating in a watershed district. Ross Aigner explained that landowners are uncertain about how a watershed district will impact their farming activities. He said that since Wilkin County lost a recent lawsuit regarding landowner drainage activities, there has been very little regulation. BWSR will be distributing hearing notices and publish a notice in area newspapers. If the BRRWD is expanded, our Comprehensive Plan, which was completed in 2010, will have to be updated. Albright noted the Board plans to seek an increase of our Administrative Levy (\$250,000) from the State Legislature, and we are also working on plans for a new BRRWD office building.

Project No. 58, Riverton Township Retention. Winter reported that the site seeding has been completed. Albright reported that the project has been in operation for three years and is working well.

Project No. 49, Oakport Flood Mitigation. Albright gave a brief history of the project. Because of the dry weather last fall, three of the four project phases have been completed, except for final cleanup/seeding. We still need approximately \$5 million to complete the final phase, which we hope to finish in 2012. The

Board will be meeting with the City of Moorhead later this spring, to implement the turnover of some of the project features (stormwater ponds) to the City.

Highwater Outlets. Albright briefly discussed the status of the highwater outlet project for area small lakes/wetlands brought on by the recent wet cycle. The dry weather last fall helped us to complete most of the construction work.

Project No. 46, Turtle Lake. Turtle Lake's elevation remained fairly constant this fall/winter, but Long Lake has risen approximately 2'. He noted that this shows there must be groundwater seepage to this lake.

Project No. 50, Cromwell Township Highwater Investigation. The project is operational. The BRRWD and the USFWS need to finalize the O&M and the MOU. We expect to get the cleanup and seeding done this spring.

Project No. 67, HRBP Lakes Outlet. Albright explained that the project is working well. There is an issue with blockage in the T.H. No. 34 culvert. Minnesota Department of Transportation (MNDOT) will address this in the spring. The BRRWD plans to hold the Final Hearing this spring.

Project No. 69, Lake Alfred Outlet. H.E. has completed their preliminary area survey, and the DNR has completed their Ordinary High Water (OHW) survey. Because of the dry fall conditions, the lake elevation has begun to lower naturally. As a result, the landowners have decided to delay further project development. If a project is developed, Albright noted that there are some downstream Waterfowl Protection Area (WPA)/wetland impacts that will need to be addressed.

Project No. 64, LaBelle/Boyer Lakes Outlet. Albright provided a brief history of the project development. Both lake outlets are in operation and working well. Some landowners are concerned about LaBelle Lake's elevation. The target elevation for Boyer Lake is about 4'-5' of drawdown from its maximum elevation. The Board will hold a meeting with landowners and agencies to discuss shoreline restoration and a final lake elevation this spring.

Project No. 66, Ranum/Tansem Lakes Outlet. The BRRWD completed a buyout of the Hersch farmstead east of Barnesville along T.H. No. 34 with funding from the DNR, BRRWD, and the Department of Employment and Economic Development (DEED). Because of the dry fall/winter, lake elevations have stabilized, so at this time no other work is needed. MNDOT has also raised T.H. No. 34.

Project No. 65, County Line Outlet. Albright reported that the project is completed, and wetland elevations are down to the OHW. The BRRWD will hold a final hearing this winter. The construction bids came in low enough so that we were able to build the USFWS preferred outlet elevation. The USFWS wants to lower their WPA to provide better management capabilities. Jones is working with the USFWS on a draft O&M and MOU.

Project No. 68, Lake Jacobs/Lake Annie Outlet. The project is completed and operating. The current target elevation for the project is 1308. Because of the dry weather, Albright observed that our highwater problems might be over for now.

Wolverton Creek/Comstock Coulee. The Red River elevations at the outlet were finally low enough last fall to allow us to complete the repairs associated with the 2007 Clean Water Fund (CWF) grant. With the help of Kevin Kassenborg, Clay SWCD, we were able to close out the 2007 grant. The CWF grant work included the installation of inlet pipes in several locations. H.E. also worked on a channel restoration plan with the DNR. Albright noted that 2011 CWF Grant funding is now available.

Jones presented a report regarding the recently completed the flood plain mapping investigation for the upstream channel through the use of LiDAR data to identify target areas for bufferstrips. He explained that H.E. has created a hydraulic model of Wolverton Creek to analyze the 2, 5, and 10-year floodplains to determine the most beneficial locations to install bufferstrips. The group had an extended discussion regarding strategies of how to use Jones' findings to target areas for bufferstrips. Aigner discussed erosion problems on the upstream tributaries. The next steps will be to schedule a meeting with Steering Committee, comprised of BWSR, NRCS, and the County SWCDs representatives, to devise a strategy for marketing the bufferstrips. Clay and Wilkin SWCDs have set Wolverton Creek as a priority area to market RIM buffers. The group discussed concerns about the BRRWD's need to enforce our legal rights to the ditch system right-of-way (r-o-w) easements/bufferstrips. Ellefson pointed out that bufferstrip maintenance/weed control is a concern for landowners on Wilkin County Ditch No. 22. Farmers don't want weeds going to seed next to their fields. As a last resort, they will dig up the bufferstrip. Albright explained the BRRWD's enforcement options when landowners destroy bufferstrips. He also referenced Minnesota Drainage Law, and their provisions for enforcement.

Jones and Albright participated in a conference call this morning with the COE regarding their Fargo-Moorhead Diversion project. Jones has prepared a retention/restoration plan for Wolverton Creek that the COE could possible use for their project wetland impact mitigation.

Lawndale Trout Stream Restoration. The channel was constructed in the winter of 2010/2011 on frost conditions, and the actual diversion structure was in operation last summer. The structure reroutes all of the flows from Wilkin County Ditch No. 40 into the newly dug channel. Wilkin County Ditch No. 40 downstream of the new channel will now only act as an overflow outlet for high water.

Albright noted that a landowner recently contacted the BRRWD to propose extending the stream restoration further north on the natural waterway, which provides an outlet for Wilkin County Ditch Nos. 40 and 43. The project would restore the 1.5 miles reach north of County Road (C.R.) No. 30. The BRRWD would like to meet with the affected landowners and the DNR to discuss this proposal further.

Project No. 39, Georgetown Levee. Albright reported that we have about 50% of the property acquisitions completed. The easements will be distributed next week, and the Appraisers are working on the assessment of benefits. There are a few properties that still need to be appraised. Albright thought that all remaining appraisal work should be done at the same time. We hope to bid the project in May. We have the \$3.5 million DNR grant in place and ready to be disbursed when construction begins.

Hay Creek/Stinking Lake CWF Project. The Becker SWCD has received more CWF funding this year to complete the 2010/2011 bufferstrip and sediment control basin contracts. Brad Grant, Becker SWCD, has commented that Clay County will need to move forward with similar projects to address all the erosion concerns and water quality issues in this area.

The DNR and USFWS in conjunction with the DNR Shallow Lakes Initiative have expressed interest in taking a more active role in the management of Stinking Lake to address water quality issues for this lake. The BRRWD will schedule another meeting this spring with the Clay and Becker SWCDs, NRCS, DNR, and MPCA to discuss the water quality issues on Stinking Lake.

South Branch of the Buffalo River CWF Project. Albright discussed project development to date. He noted that the BRRWD would like to focus on this project in 2012. Funding from BWSR made it possible for H.E. to complete a stream power index survey. The Wilkin and Otter Tail County SWCDs are ready to start the landowner marketing process. The group discussed using the TNC property in this area for a retention site/natural channel restoration. Winter felt that a project could cause more damages to their

property than benefits. Albright discussed problems along the South Branch of the Buffalo River downstream of T.H. No. 9 to the Clay County line. An off-channel levee project, similar to the Deerhorn Creek Levee project in Wilkin County, has been suggested to address the breakout problems along this stretch of the river. The group reviewed a map of the potential project area completed by Jones and Zach Herrmann, H.E., and had an extended discussion about the location of potential retention sites and easement payment rates. Herrmann completed an analysis for the Technical Assistance portion for the Upper South Branch Best Management Practices (BMP) project and the Strategic Plan Report and mapping data. He has also identified approximately six potential off-channel retention areas and several wetland restoration sites. Albright added that Legislators are interested in providing funding for projects that are "ready to build." The group discussed existing programs that could be used to provide project funding. Ellefson discussed the need to clean the river channel. Albright pointed out that the DNR needs assurances that provisions are being taken to keep the sedimentation from the adjacent fields out of the river. Albright suggested that the affected agencies need to work with the area landowners to develop this project. He felt that Jones should come back to the next PT meeting with a concept plan that includes channel cleaning, setback levees, and retention sites.

BRRWD Total Maximum Daily Load (TMDL)-Phase II. The MPCA and the BRRWD hosted an Open House/Workshop on 1/17/12 to present our stressor identification process data for public comment. Fredericks discussed the next steps in the process. Jones explained that with all the new data, H.E. will be working on a new HSPF model to identify waste load allocations. Waller noted that a meeting could be held to discuss location/repair of severe erosion sites within the BRRWD. All current data and reports are posted on the BRRWD website.

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. The BRRWD will have the time to devote to this project area once some of our larger projects are completed.

Hawley Buffalo River Stabilization. Albright explained that the COE is very interested in this project to use as mitigation for the proposed FM Diversion. Significant COE funding could be available for retention projects that could be used for the Diversion project mitigation. This project did not receive funding again this year from BWSR or DNR.

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. H.E. completed an impoundment investigation for the BRRWD that identified 50,000-60,000 acre-feet of off-channel retention with control structures that would meet the BRRWD's target of 20% flow reduction at Georgetown. Albright noted that Lance Yohe, RRBC, and Rick St. Germain, H.E., will present their study results to the PT and the BRRWD at the 3/22/12 PT meeting. The group discussed Congressman Collin Peterson's retention initiative and possible federal funding for local retention projects.

Activities Update. Albright distributed the 12/27/11 BRRWD meeting press release.

Next Meeting. Albright said the next PT meeting is tentatively scheduled for Thursday, March 22, 2012, at 1:30 PM in the MSUM Science Center, Glyndon. The March Conference is scheduled for March 13-14, 2012, at the Marriott Conference Center, Moorhead, MN.

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Adjournment. There being no further business to come before the group, Albright adjourned the meeting at 4:20 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator