

BUFFALO-RED RIVER WATERSHED DISTRICT

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MEDIATION PROJECT TEAM MINUTES

March 22, 2012

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, March 22, 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; Zachary Herrmann, Engineer, Houston Engineering, Inc. (H.E.); Brian Winter, Program Director, The Nature Conservancy (TNC); 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); Lynn Foss, Clay Soil and Water Conservation District (SWCD); Don Schultz, Area Wildlife Manager, Minnesota Department of Natural Resources (DNR); Dave Barsness, Fisheries Specialist, DNR; and Tony Nelson, Farm Bill Biologist, Pheasants Forever (PF).

Members absent were: Julie Aadland, Area Hydrologist, DNR; Erik S. Jones, Engineer, H.E.; Shawn May, Detroit Lakes Wetland Management District (WMD) and United States Fish and Wildlife Service (USFWS); Ross Aigner, Landowner/Wilkin SWCD; Doug Wells, USFWS and Fergus Falls WMD; 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 Tony Nelson, PF, who is newly associated with the Clay SWCD. The group introduced themselves. Albright discussed the Mediation process and project development. Albright noted that Lance Yohe, Red River Basin Commission, and Rick St. Germain, Engineer, H.E., will present results of their individual flood damage reduction/retention studies at the 5/24/12 PT meeting. Yohe will discuss the RRBC's Long Term Flood Study (LTFS) and RRBC's goal for each region in the Red River Valley to reduce their flows by 20%. St. Germain will discuss the results of H.E.'s retention/storage investigation for the BRRWD, which targets potential retention sites within the BRRWD to meet the LTFS goals.

Business brought before the group included:

Meeting Minutes. The 1/19/12 meeting minutes were distributed with the meeting notice. Schultz noted one minor correction. **Motion** by Foss to approve the minutes, subject to correction. **Seconded** by Barsness. **Approved.**

South Branch of the Buffalo River Clean Water Fund (CWF) Project. Herrmann distributed maps illustrating potential retention sites within the Deerhorn Creek drainage area. He discussed two specific sites in Sections 11, 12, and 13, Atherton Township, Wilkin County. The maximum gated storage potential of Pool 2A in Sections 12 and 13 would provide approximately 4" of runoff storage in the local contributing area with another potential for 0.5" of runoff if we could modify the levee project to divert

breakout flows from the project via an inlet spillway just west of Trunk Highway (T.H.) No. 52 along County Road (C.R.) No. 188. The total potential gated and ungated storage for Site 2 is approximately 5,000 acre-feet. Herrmann noted that because both sites are in close proximity to the Clay/Wilkin County line and are in the Deerhorn Creek drainage area, they have more potential to provide flow reduction to the South Branch of the Buffalo River at the County line than other potential upstream sites in Sections 10, 11, 14, and 15, Manston Township, Wilkin County. The group discussed possible on-channel storage sites with setback levees along the upper South Branch, which could reduce downstream storage requirements at the county line. However, we will still need significant storage at the county line to meet the 20% retention goals set by the RRBC.

Herrmann discussed three modeling scenarios for potential water retention at the county line including no upstream setback levees on the South Branch of the Buffalo River with storage sites, narrow setback levees, and wide setback levees. The group discussed alternative combinations of storage sites at the county line and setback levees along the South Branch. Herrmann observed that river channel restoration, which has been discussed at previous meetings, could be a component of the project, but before we could get a permit from the DNR for that work, retention/storage features would have to be installed to prevent future runoff/sedimentation from entering the river. The group discussed possible impacts to agricultural land within the potential storage sites, land acquisition, and potential benefit area for a project of this nature.

Herrmann proposed the development of a 25-year flood event design for the noted storage areas with an additional 2' of storage to incorporate breakout water from Deerhorn Creek Levee project along T.H. No. 52. Albright noted that landowners feel that the Deerhorn levee project increased the velocity and elevation of downstream flows. Herrmann thought that by diverting more water from Deerhorn Creek at T.H. No. 52, it could reduce downstream impacts. The group discussed the large amount of Conservation Reserve Program (CRP) acreage coming out of the program this year. With new tiling practices and high cash rent rates, land that was previously too wet to farm at a profit can now be drained and put into production.

Herrmann's estimated the cost to develop the sites at approximately \$1,100/acre-feet. Ellefson felt that before we move forward with this proposal, the BRRWD should schedule another landowner informational meeting. The group discussed potential funding for the Wetlands Reserve Program (WRP) easements. Keith Weston discussed NRCS preferences for potential wetland management practices on the sites and the WRP application process. Albright referenced potential WRP sites in Becker County that the BRRWD is currently investigating.

Next Meeting. The next PT meeting is tentatively scheduled for Thursday, May 24, 2012, at 7:00 PM in the MSUM Science Center, Glyndon. Albright briefly discussed the upcoming meeting agenda items, including presentations by Lance Yohe and Rick St. Germain regarding the proposed 20% long term flow reduction goal from the White Rock Dam in South Dakota to the Canadian border. Albright also noted that Edward J. Musielewicz, District Conservationist, NRCS, will be joining the PT as the new NRCS representative.

WRP Projects. Phil Doll, Minnesota Waterfowl Association (MWA) has identified potential WRP site on South Reep Lake in the Becker County Ditch No. 5 area. The Board plans to meet with the three landowners involved with this site to discuss payment rates. Another potential site is located on Becker County Ditch No. 9 north of Lake Park on USFWS property. A third site is in Otter Tail County along T.H. No. 108. While other sites have also been identified, the BRRWD plans to develop one site at a time, based on landowner interest/BRRWD time.

Watershed District Enlargement. The group discussed the petition Otter Tail and Wilkin Counties submitted to add approximately 446 square miles to the BRRWD. BWSR held a hearing regarding the petition to enlarge the BRRWD on 2/23/12 in Barnesville. The petition also asked to increase the number of BRRWD Managers from 5 to 7. The group discussed the Red River Watershed Management Board (RRWMB) position that the new area should be organized into a separate watershed district and Clay County's concern about the Manager appointments. Written testimony was accepted until 3/09/12. The Northern BWSR Committee is meeting on 4/11/12, and their recommendation will be forward to the full BWSR Board, who will meet on 4/25/12 to make the final determination.

Activities Update. The BRRWD awarded the new office building contract to Bob Bristlin and Son, Detroit Lakes. Construction is estimated to be completed by Labor Day. The Board also hired a new administrative assistant, Mona Barker, who started work on 2/27/12. Albright noted that she was working out well. The Board briefly discussed the large number of tiling permit applications the BRRWD has already received this year. Winter asked if the BRRWD has developed any specific criteria for tiling permit approval. At this time, Albright explained that we are basically concerned about the adequacy of the outlet and if the project outlets to a ditch system, we check to make sure the property is in the benefiting area. The group briefly discussed the International Water Institute (IWI) study on the effects of tiling, and the practice of installing control structures on tile outlets. Albright noted that the Association of Administrators (ADA) has discussed permitting rules/regulations. The group discussed the benefits and deficits of tiling, including improved water retention with the addition of control structures and runoff reduction. The BRRWD has discussed revising their Rules, which could be a lengthy process.

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 projects that could be used for the Diversion mitigation. The COE has scheduled a site visit/meeting on 5/03/12. This project did not receive funding this year from BWSR or the DNR.

COE Fargo-Moorhead Metropolitan Feasibility Study. VanAmburg reported on the progress of the project. Landowner meetings have been held to discuss concerns about the proposed retention areas. The project is in the Federal budget for \$5 million. The group discussed the upstream retention issue and alternative designs. Ellefson voiced his concerns about constructing a dam upstream of Fargo-Moorhead, which could be subject to failure. Albright felt that the project should have regional, as well as Cities of Fargo and Moorhead benefits. The State of Minnesota needs to complete an Environmental Impact Study (EIS) in 2012. The DNR also plans to review the project data.

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. Work will begin on Phase I of the Upper Red TMDL in the next month or so. The BRRWD will schedule a meeting with the MPCA and the River Watch advisor, Nathan Strand, Barnesville High School Biology Teacher, to determine water quality sampling/monitoring needs for 2012. Fredericks thought that a time should be scheduled for Bruce Paakh, MPCA, and Dave Friedl, DNR, to present the current sampling data and Stream Power Index (SPI) reports to the PT. He noted that impairments are more significant than expected. Albright noted that this information is also posted on the BRRWD Website. Emily Siira, the new DNR Area Hydrologist in the Detroit Lakes office, will start work on 5/01/12.

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. The BRRWD has scheduled another meeting on 4/09/12 with the Clay and Becker SWCDs, NRCS, DNR, and MPCA to discuss the water quality issues on Stinking Lake. 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.

Project No. 39, Georgetown Levee. Albright reported on the progress of acquisitions and easements. The Appraisers found \$5.1 million in benefits for the \$3.5 million project. There are a number of properties that still need to be appraised. The Final Hearing will be held in April. 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. Albright noted that the 2012 State bonding bill may be significantly reduced for flood damage reduction projects.

Lawndale Trout Stream Restoration. Don Schultz, DNR, reported that there were only a few minor repairs needed this spring. Albright discussed a proposal from downstream landowners to extend 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.

Wolverton Creek/Comstock Coulee. Albright reported that we are now in Phase II of the grant funding. 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. The next steps will be to schedule a landowner meeting with Steering Committee, comprised of BWSR, NRCS, and the County SWCDs representatives. Clay and Wilkin SWCDs have set Wolverton Creek as a priority area to market RIM buffers. Albright noted that the COE is also interested in this area as a mitigation site for the F-M Diversion project. Erik Jones, Engineer, H.E., is working on the design for the Vertin WRP site, located in S½, Section 11, Mitchell Township, Wilkin County.

Highwater Outlets. Albright briefly discussed the status of the highwater outlet projects the BRRWD is working on for area lakes/wetlands brought on by the recent wet cycle. The dry weather last fall and winter helped us to complete most of the construction work. Due to the emergency nature of these projects, the projects were completed last fall before the Board could hold the final hearings. A number of hearings are scheduled for this spring in the hopes of finishing up these projects this year.

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. 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 need approximately \$1 million to complete the work under contract this year and another \$5 million to complete the final phase. It doesn't appear there will be State funding for the final phase this year.

Project No. 58, Riverton Township Retention. Winter reported that very little runoff entered the site this spring because of the dry weather last fall and 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. 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 No. 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. Waller asked if the BRRWD could provide a letter describing what work will be

completed with the 75% funding. Albright distributed a consent form for the Manston project for the PT members to sign. The form would acknowledge the PT's support of RIM funding for this project. He noted that he will e-mail the form to the absent members to obtain their consent.

Adjournment. There being no further business to come before the group, Albright adjourned the meeting at 3:45 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator