

# ***BUFFALO-RED RIVER WATERSHED DISTRICT***

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## MEDIATION PROJECT TEAM MINUTES

December 6, 2012

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, December 6, 2012, at 1:30 PM at the BRRWD office, Barnesville, MN.

Attending were: Gerald L. Van Amburg, Breanna L. Paradeis Kobiela, Curtis M. Nelson, and John E. Hanson, BRRWD Managers; Bruce E. Albright, BRRWD Administrator and Houston Engineering, Inc. (H.E.); Erik S. Jones, Engineer, H.E.; Julie Jerger, Resident Secretary, 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; Larry Martin, USFWS, Fergus Falls WMD; Brian Winter, Program Director, The Nature Conservancy (TNC); Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Julie Aadland, Area Hydrologist, Minnesota Department of Natural Resources (DNR); Dave Barsness, Fisheries Specialist, DNR; Emily Siira, Area Hydrologist, DNR; Robert A. Zimmerman, Engineer, City of Moorhead; Kevin Kassenborg, District Manager, Clay Soil and Water Conservation District (SWCD); Tony Nelson, Farm Bill Biologist, Pheasants Forever (PF); and Don Schultz, Area Wildlife Manager, DNR.

Members absent were: Jack Frederick, Minnesota Pollution Control Agency (MPCA); Ross Aigner, Landowner/Wilkin SWCD; Keith Weston, Basin Coordinator, Natural Resources Conservation Service (NRCS); Lynn Foss, Clay SWCD; Ryan Frohling, Detroit Lakes WMD and USFWS; Audubon Dakota; Brian Dwight, Board Conservationist, BWSR; Craig O. Evans, PM-D, Army Corps of Engineers (COE); Leo Grabowski, Project Manager, COE; Brad Grant, Becker SWCD; and Edward J. Musielewicz, District Conservationist (DC), NRCS.

Albright called the meeting to order at 1:35 PM and welcomed the PT members to the BRRWD's new office building. The group made introductions, and Albright gave a brief history of the Mediation Project Team process for the benefit of new members.

### **Business brought before the group included:**

**Meeting Minutes.** The 07/26/12 meeting minutes were distributed with the meeting notice. **Motion** by Winter to approve the minutes. **Seconded** by Barsness. **Approved.**

**Project No. 54, Whiskey Creek Tributaries.** Albright noted that the project is in operation, and the impoundment site was holding water following 4"-5" rainfall event last spring around Memorial Day. Overall, the project has worked nicely, and there were a few maintenance items that were completed this fall. The bridges on Trunk Highway (T.H.) No. 52 were replaced, and the channel gradelines were cleaned for a short distance downstream to provide positive drainage. Water levels were up in the Wetlands Reserve Program (WRP) retention ponds earlier in the year, but have now returned to their target elevations. NRCS did a lowering at the Nichol site.

The group discussed a drainage violation in Section 14, Barnesville Township, Clay County, where the landowner worked up some Reinvest In Minnesota (RIM) acreage and installed tiling. A meeting will be scheduled to address this issue with BWSR, NRCS and Clay SWCD personnel. Kassenborg discussed possible alternatives to work with the landowner to address the violation. A wetland delineation might

need to be conducted. Hanson felt that it would be unwise to allow this type of violation, as it could set a poor precedent.

**Project No. 56, Manston Slough Restoration.** The 75% funding package is now in place for BWSR to provide RIM money to cover the remaining \$682,000. The Lessard-Sams Outdoor Heritage Council (LOHC) Conservation Partners Legacy Grants (CPLG) Program funding for project construction (\$350,000) was extended to 6/15/13. The DNR flood damage reduction (fdr) grant was extended to 6/30/14. The balance of the local project costs (25%) will be split 50/50 between the area landowners and the BRRWD (approximately \$500,000 each).

The BRRWD held the Final Hearing on 5/07/12, which was recessed. Albright discussed the hearing testimony. The Appraisers met this summer to address landowner concerns raised at the hearing. A revised Appraisers' Report was completed this fall. The Final Hearing will be continued in February 2013. There are still a few easements options to acquire. Some easement options will need to be renewed. Wilkin County has approved the BRRWD Conditional Use Permit (CUP). Winter suggested that the BRRWD purchase the Kent Rod & Gun Club property and work with the DNR for them to take over the property. Once the final hearing has been held, the BRRWD will make the Order and would like to let bids in March. Albright explained that we hope to contact the affected landowners regarding their easements and a project timeline in the next few weeks.

Winter asked about how a flowage easement is handled regarding the Kent Rod & Gun Club property. He had concerns that the flowage easement might not be sufficient to operate the project.

Martin discussed an offer they received to acquire the Woolson property. He said that USFWS doesn't typically purchase property already encumbered by an easement.

**Project No. 58, Riverton Township Retention.** Winter noted that TNC allowed cattle grazing on the site this summer. Based on his observations, the cattle did not damage the site. Albright noted that a neighboring landowner commented to him that the project has reduced their flooding problems.

**Project No. 49, Oakport Flood Mitigation.** All work on the project is done, except for Phase 4. The BRRWD has scheduled a meeting with our local legislators to provide information regarding the project and our funding needs, which will be approximately \$5.62 million. UEI has Phase 4 ready for construction bids. Albright noted that the Oakport project is "shovel ready", and that we need to give the local legislators the message that the BRRWD and Oakport residents want to finish their fdr goals for this area.

**Highwater Outlets.** Albright gave a summary regarding the status of the highwater outlet projects, which have been completed and are operational, including Cromwell Township Outlet, Grove Lake, Helgeson, Randkler, Pete, Businger (HRPB) Lakes, Lake Jacobs, LaBelle/Boyer Lakes, Ranum/Tansem Lakes, County Line Outlet, and Turtle Lake Outlet. With the drier conditions last winter and this year, there doesn't appear to be any more pending projects. Albright commented that these outlet projects took a large amount of the BRRWD's time. The group discussed various issues regarding each of these projects. Jones is working with the Minnesota Department of Transportation (MNDOT) to study several of their roads in potential problem areas, so if water levels rise again, they are ready to address the problems. The water is down at the Lake Alfred site, so no BRRWD involvement is needed at this time. The Swede Grove Lake project has "multiple" benefits, and might be something worth further investigation, time permitting.

**Wolverton Creek/Comstock Coulee.** The group reviewed a map showing the project alignment and possible channel inlets for a comprehensive plan to address this waterway. He gave a brief history of the project development and work/features that have already been completed. The BRRWD is interested in a comprehensive channel restoration project, including bufferstrips, retention, sediment control basins, etc.

The estimated overall costs are approximately \$5 million. He explained that the BRRWD is hoping for future BWSR funding once the current grant expires, but the BRRWD is also considering the establishment of a watershed management district (wmd) (M.S.A. 103D.729) to fund this project locally. The BRRWD has had discussions to improve the Vertin Wetlands Reserve Program (WRP) site to provide more storage. The BRRWD will be working on an Environmental Assessment Worksheet (EAW) this winter, which is required to obtain the DNR permit for channel restoration. The BRRWD will work with the DNR on the permitting process. A meeting with the affected landowners could be scheduled this winter. The group discussed how we could incorporate retention into the project. Albright noted that storage possibilities are contingent on the COE Fargo-Moorhead Diversion project. The group discussed potential funding from the City of Fargo's flood reduction funds. Albright said the BRRWD has discussed "off-channel or the waffle" for this area.

**Lawndale Trout Stream Restoration.** Schultz reported that the project is operating well. The group discussed a landowner's proposal to restore the channel on the north side of County State Aid Highway (CSAH) No. 30. The four area landowners would have to agree to a more comprehensive project to install bufferstrips before the DNR would consider approving a channel cleanout project. An informational meeting with the affected landowners was held on 7/02/12. It appears that there is potential to improve the channel in this area, so that fisheries resources could benefit.

**Project No. 39, Georgetown Levee.** Albright reported that Phase 1 on the east side of T.H. No. 75 was completed this fall. The Appraisers found \$5.1 million in benefits for the \$3.5 million project. There are a few property/easement acquisitions that still need to be acquired. The contractor will start Phase 2 next spring when weather permits. The DNR grant has been extended to 12/31/13.

**Hay Creek/Stinking Lake.** Albright gave a brief history of the project development. Jessica VanDuyn, Minnesota DNR Shallow Lakes Specialist, Detroit Lakes, has taken an interest in the Stinking Lake management. One of the goals is to drawdown water levels to provide for fish kill and improved aquatic and waterfowl numbers. Becker SWCD has made use of BWSR funds to install a large number of sediment control structures and bufferstrips in the upper reaches of this watershed. Brad Grant, Becker SWCD, is interested in applying for another Clean Water Fund (CWF) grant to continue their erosion control work. To date, Clay County landowners within the project's watershed have not been interested in participating in this program.

**South Branch of the Buffalo River.** Albright reported that to date, the project is on hold. H.E. has worked on potential retention areas. Upstream landowners are very interested in seeing the project started. Downstream retention areas have been identified and need to be developed to meet the upstream 20% flood reduction target. Possible setback levees could potentially increase flood stages at the Clay/Wilkin county line. At this time, in light of high land/commodity values, the BRRWD is not actively working on a long-range comprehensive project for this area. Also, the BRRWD has been very busy, with plans to finish Oakport, Georgetown, and Manston in 2013 (dependent on funding).

The BRRWD used a BWSR grant to fund the identification/implementation of best management practices (bmps) in this area, including control basins to keep sediment out of the channel. Another application has been submitted for similar work in 2013. We should know later this month, if our application (\$336,860) is approved.

**BRRWD Total Maximum Daily Load (TMDL)-Phase II/Upper Red River Watershed Restoration and Protection Project (WRPP).** Albright discussed the history of the BRRWD's watershed based TMDL project in association with MPCA. Phase 1 work was to gather water quality data. Phase 2 looked at causes of the impairments, and Phase 3 will be to write the TMDL plan and propose solutions, which will need to be submitted to the Environmental Protection Agency (EPA) for approval.

Albright explained a new TMDL project for the upper reaches of the Red River watershed, which is located near Rothsay, MN and extending to the Red River of the North to include parts of North Dakota and the Cities of Moorhead and Fargo. The project phase work will be similar to our BRRWD TMDL project. MPCA is funding the costs of both studies. Albright noted that Stephanie Johnson, H.E., is heading up the TMDL study work.

**Barnesville Township.** Albright discussed the history of this ongoing drainage issue in a 26 square mile watershed area west of the City of Barnesville on an unnamed tributary to Whisky Creek. The BRRWD would like to schedule a landowner informational meeting this winter to discuss a comprehensive approach for this area.

**COE Fargo-Moorhead Metropolitan Feasibility Study.** Van Amburg and Zimmerman discussed issues reviewed at the recent Flood Diversion Authority Board meeting. Public meetings will be held in January or February to discuss project alignment changes. The COE remains very interested in the Hawley Buffalo River Restoration project as a possible mitigation site for the Diversion project. Easement negotiations have broken down between the City and the local landowner. Albright plans to meet with the landowner next week to discuss the easement acquisition. Van Amburg and Zimmerman discussed the proposed dike/buyouts in Oxbow.

**Whisky Creek/Whisky Lake.** Albright discussed Dave Friedl's (DNR) investigation regarding Whisky Creek impairments upstream of Blue Eagle Lake in Barnesville through the use of the BRRWD's stream power index study. There is still funding left in a Clay SWCD 2009 BWSR grant, and they were able to extend the grant to use the remaining funds (approximately \$180,000) for this project. The group reviewed a map showing the identified erosion sites. The BRRWD should conduct a right-of-way (r-o-w) analysis of Clay County Ditch No. 34 to see if we have the required bufferstrips. The ditch alignment is not DNR protected waters. The Clay SWCD will be responsible for marketing bmps in this watershed, which could be funded by cost share incentives.

The City of Barnesville has an agreement with the BRRWD to apply for Lessard-Sams Outdoor Heritage Council (LOHC) Conservation Partners Legacy Grants (CPLG) Program funding to retrofit a dam on Whisky Creek near Blue Eagle Lake.

**Activities Update.** Albright distributed copies of the latest BRRWD press release for the PT's review.

**Emerging Issues.** The Managers are interested in developing new BRRWD rules/regulations regarding drainage tile installation to provide uniform tile permitting guidelines in the Red River Basin.

The BRRWD recently received a \$70,000 BWSR Conservation Water Management grant to market drainage control, bioreactors, and other conservation bmps in the BRRWD. The Bois de Sioux Watershed District turned down their grant award, which was given to Traverse and Wilkin Counties. The BRRWD will coordinate landowner incentives values with Wilkin County.

**Red River Basin Commission (RRBC) Conference.** The RRBC is hosting their 30<sup>th</sup> Annual Red River Basin Land & Water International Summit Conference in the Grand Forks Alerus Center on January 22-24, 2013. The main focus of the conference will be addressing water issues using a basin perspective.

**Minnesota Environmental Congress (MEC).** Van Amburg mentioned that the MEC is hosting three Citizen Forums throughout the state in December, including St. Cloud on 12/12/12 and Moorhead on 12/14/12.

**Watershed District Enlargement.** Albright noted that the new BRRWD boundary has been identified, which adds approximately 460 square miles to the District from the lower Otter Tail River watershed starting at the Orwell Dam west to the Red River of the North, including part of the City of Breckenridge. Jones has prepared a map showing the new district boundary. A hearing/landowner informational meeting will be held this winter to define the eastern legal boundary.

The BRRWD has increased the number of Managers from 5 to 7 with the appointment of Troy Larson, Wilkin County, and Peter Fjestad, Otter Tail County. The BRRWD has two years to update our Revised Watershed Management Plan (RWMP) to include the new area. The Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) will be approached for funding to prepare the update for this new area. We also plan to update our current RWMP so the entire watershed district will be covered under the same plan. Wilkin County will coordinate their 5-year Local Water Management Plan (LWMP) update with the BRRWD's RWMP process. Wilkin Counties plans to transfer their ditch systems to the BRRWD this winter.

**Wetlands Reserve Program.** Albright briefly discussed the Federal Farm Bill status and funding for retention in association with Congressman Collin Peterson's initiative. WRP funding for the Red River Basin will most likely be included in a new Farm Bill. The BRRWD is working with a number of landowners in Clay and Becker Counties on WRP projects. Reep Lake is one area where we have willing landowners. Pierce Lake is also a possible retention site. We also have one landowner in Wilkin County who has already filed an application to participate in the program, but there are concerns about endangered plant species on his property.

Albright briefly discussed a meeting of the Red River Retention Authority (RRRA). Because the BRRWD is not a member of the Red River Watershed Management Board (RRWMB), who funds the RRRA, we are not affiliated with this organization.

**Buffalo River Repair.** The BRRWD is working with the DNR on permitting for a clean out of the Buffalo River downstream of Becker County Ditch No. 21. The BRRWD would also like to develop a comprehensive repair plan for this area.

**Upcoming Agenda Items.** Albright noted that upcoming topics will include discussion about a comprehensive plan for the South Branch of the Buffalo River, Wolverton Creek/Comstock Coulee, the upper reaches of the Buffalo River in Becker County, and potential WRP/retention sites. The BRRWD's Comprehensive Plan includes a 20% flood reduction goal. Waller suggested the meeting agenda be modified to reflect the retention/detention discussions.

**Next Meeting.** The next PT meeting is tentatively scheduled for Thursday, January 17, 2012, at 1:30 PM in the Barnesville office.

Albright noted that Henry VanOffelen, DNR Fisheries, has recently accepted the Red River Basin Coordinator position with the DNR.

**Adjournment.** There being no further business to come before the group, Albright adjourned the meeting at 4:06 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator