

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

BARNESVILLE, MINNESOTA 56514

1303 4<sup>th</sup> AVENUE NE

PO BOX 341

PHONE 218-354-7710

---

---

## MEDIATION PROJECT TEAM MINUTES

April 4, 2013

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, April 4, 2013, at 1:30 PM at the BRRWD office, Barnesville, MN.

Attending were: Gerald L. Van Amburg, Roger G. Ellefson, Curtis M. Nelson, and Peter V. Fjestad, BRRWD Managers; Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, Julie Jerger, BRRWD Resident Secretary, Houston Engineering, Inc. (H.E.); Shawn May, Detroit Lakes Wetland Management District (WMD) and United States Fish and Wildlife Service (USFWS); Doug Wells, Fergus Falls WMD and USFWS; Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Julie Aadland, Area Hydrologist, Minnesota Department of Natural Resources (DNR); Emily Siira, Area Hydrologist, DNR; Lynn Foss, Clay Soil and Water Conservation District (SWCD); Edward J. Musielewicz, District Conservationist, Becker Natural Resources Conservation Service (NRCS); Keith Weston, Red River Basin Coordinator, NRCS; Jack Frederick, Minnesota Pollution Control Agency (MPCA); Mandy Erickson, DNR Fisheries; Brad Grant, District Manager, Becker SWCD; Don Schultz, Area Wildlife Manager, DNR; and Henry Van Offelen, Red River Basin Coordinator, DNR.

Members absent were: John E. Hanson, Breanna L. Paradeis Kobiela, and Troy E. Larson, BRRWD Managers; Robert A. Zimmerman, Engineer, City of Moorhead; Tony Nelson, Farm Bill Biologist, Pheasants Forever (PF); Ross Aigner, Landowner/Wilkin 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; Larry Martin, USFWS and Fergus Falls WMD; Kevin Kassenborg, District Manager, Clay SWCD; and Brian Winter, Program Director, The Nature Conservancy (TNC).

Albright called the meeting to order at 1:35 PM. The PT members introduced themselves. Albright gave an overview of the various agency and Watershed District reports presented at the recent Red River Watershed Management Board (RRWMB)/Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) Annual Conference last week in Moorhead. Conference discussion topics included Revised Watershed Management Plans (RWMP), the Technical and Scientific Advisory Committee (TSAC) working papers, project development process, the RRBC's 20% Long Term Flood Study (LTFS), expanded distributive detention planning (modeling), RRBC's tiling study, and a discussion about water management from the producer's viewpoint. Another topic at the conference was the implementation of the RRBC's Project Planning Tool (PPT).

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

**Meeting Minutes.** The 01/17/13 meeting minutes were distributed with the meeting notice. **Motion** by Foss to approve the minutes. **Seconded** by Frederick. **Approved.**

**Flood Damage Reduction Goals/Opportunities.** Albright distributed handouts from the BRRWD's RWMP showing the flood damage reduction (fdr) goals the BRRWD has set for the next 10 years for the planning regions, and a sheet with runoff volume reduction goals on a per planning region basis with an overall goal of 120,000 to 135,000 acre-feet of storage (volume reduction) throughout the BRRWD. Jones noted that the goal doesn't differentiate between storage sources. Gated structures would provide more

storage, requiring less acreage. Albright explained that the BRRWD is looking at larger retention projects that would include 10,000 acre-feet or more, but these projects would be expensive to build. Albright noted that the BRRWD has been in a reactionary mode for the last 10 years, but we hope to move forward now to be proactive regarding water management by identifying and building significant storage/fdr projects. He discussed the current projects the BRRWD would like to get finished in 2013: Project No. 49, Oakport Flood Mitigation, Project No. 39, Georgetown Levee Improvements; and Project 56, Manston Slough Restoration. Using the overhead monitors, Jones described the features of the four new sites in the BRRWD expansion area in conjunction with the new modeling effort. Albright commented that this type of project is possible if we understand that development will take time. He feels landowners will become more interested in working with the BRRWD on retention, but it will take time. Other watershed districts are getting sites built in the Red River Valley. Jones discussed H.E.'s modeling work for the BRRWD in conjunction with the RRBC.

Keith Weston reported on the status of the Fargo-Moorhead Diversion Authority funding for fdr projects upstream of Halstad that is being made available in part because of the COE Fargo-Moorhead Diversion project. The group discussed the scope and features of the Bois de Sioux Watershed District's North Ottawa project. Weston discussed the status of Wetlands Reserve Program (WRP) funding in the future Farm Bill. Currently, no funding is available, but there is a possibility that approximately \$10 million will be available in the fall of 2013 for WRP. He advised that there will be a very short sign up period. The group discussed a number of potential WRP retention sites within the BRRWD, including a site on South Reep Lake in Becker County. Two of the three landowners are interested in participating in both WRP and Reinvest In Minnesota (RIM). The other landowner is more interested in a BRRWD easement. There is also the Hovland WRP site currently being reviewed in Prairie View Township, south of Barnesville.

The PT also reviewed some preliminary design ideas and offered input on a potential 7,300 acre-foot spring runoff fdr site along the Sabin Coulee. Jones displayed a map of the area, and Albright gave a brief history of flooding/drainage patterns of the site. Landowners would like to have a gradeline established in the coulee and a hydraulic investigation of some of the structures. The area outlets via Clay County Ditch Nos. 11 and 40 to the Red River. In the spring, the area drains out at about the same time as the flood crests in Fargo-Moorhead. Albright noted that the landowners have concerns about delayed planting issues and crop insurance eligibility related to retention sites. Ellefson commented that with an improved grade line and larger culverts, it might be possible to drain the area before the crest (early timing zone).

**Project No. 56, Manston Slough Restoration.** Rick St. Germain, H.E., will have the plans and specifications ready in early May. The Board plans to continue the Final Hearing on 4/16/13. Albright has made progress with the easement option acquisitions, with only a few landowners left to sign. The Outdoor Heritage Council (LOHC) Conservation Partners Legacy Grants (CPLG) Program deadline for construction funding is 6/30/13 with no option for an extension. Initially, we understood that the funding could only be used for construction costs, and because of weather/project development issues, we were concerned about being able to spend the \$350,000 by the deadline. We recently learned that we might be able to use the money to acquire easements, so we have been negotiating with DNR in this regard. If this change is approved, Albright thought we could get the funding spent by 6/30/13. The group briefly discussed the additional state and local funding. An agreement has been finalized between the BWSR, DNR, and BRRWD regarding the \$682,365 in RIM project funding. Ellefson questioned if the project costs have exceeded the benefits. Albright and Jones thought that the Engineer's cost estimate (\$4,054,900) has not changed significantly since it was prepared in 2011, but Albright will ask St. Germain to provide a current estimate. At the 3/25/13 BRRWD meeting, the Board increased the rate for permanent easements from \$4,000 to \$5,000/acre to reflect current land prices.

Doug Wells, USFWS, asked if the Board expected more landowner support at the continuation hearing. Albright noted that the Appraisers have revised their Report, but now that nearly a year has passed since the

first hearing, project opponents may be back with their same concerns. The group discussed which landowners are left to sign their options and possible condemnation proceedings.

Albright said that when we get the construction plans and specifications from St. Germain, he would like to make them available to the DNR/USFWS for review. Julie Aaland, DNR, noted that we still need to contact Jason Boyle, DNR, regarding our DNR dam safety permit for the project. Pete Waller will forward seed mix information to Jones so that St. Germain can incorporate those costs into the specifications. If the Board decides to move forward with the project following the 4/16/13 hearing, there will be a 30-day appeal period.

**Project No. 49, Oakport Flood Mitigation.** The BRRWD needs \$5.62 million from the 2013 State bonding bill to complete Phase 4 this year. Albright wasn't hopeful that we would get the entire amount this year. Harlan Hendrickson, CRO's Custom Seeding, will complete the wetland seeding, which saved about \$80,000. The levee is ready to provide flood protection this spring for Oakport Township up to about a 40' crest. We are waiting for Federal Emergency Management Agency (FEMA), DNR, and COE to revise the floodplain maps and certify a portion of the levee (Brentwood/Rolyn Acres), which will reduce flood insurance costs for these residents.

**Wolverton Creek/Comstock Coulee.** Jones gave an update on his work with the DNR on the channel geometry. An Environmental Assessment Worksheet (EAW) will need to be conducted. The next step would be to apply for a DNR permit for the project. The group discussed funding sources for the estimated \$5 million project. The BRRWD is considering setting up a watershed management district (wmd) to provide a local assessment area to help pay for the project. The group briefly discussed possible impacts to the waterway associated with the potential COE F-M Diversion project.

**Project No. 39, Georgetown Levee Improvements.** Albright reported that the COE has been working with the City of Georgetown to prepare for the potential spring flood. The COE will add to the levee if necessary. The contractor should start work on the west side of the highway when conditions permit, and the entire project should be completed by the 9/20/13 deadline.

**South Branch of the Buffalo River FDR/NRE.** The BRRWD hosted a conservation workshop for landowners on 4/02/13 in our new office in conjunction with the West Otter Tail, Clay, and Wilkin SWCDs and Pheasants Forever. Information was presented on various conservation programs and practices. Albright noted that we have received a BWSR Clean Water Fund (CWF) grant for \$366,860 to continue conservation projects in Wilkin and Otter Tail Counties. The group discussed the use of the stream power index information to help landowners with project planning.

**COE Fargo-Moorhead Metro Feasibility Study.** VanOffelen reported that the DNR is still in the scoping phase of the Environmental Impact Statement (EIS). He said it has been difficult for the DNR to identify the actual scope of the project because it has changed so many times. A public meeting will be scheduled once DNR finishes its work. The group discussed how the project construction might be implemented.

**Buffalo River/Upper Red River Total Maximum Daily Load (TMDL) Studies.** The BRRWD would like to schedule a meeting with our water quality monitoring partners to coordinate this summer's sampling effort. The Buffalo River TMDL draft report should be ready for review by 12/31/13. Albright noted that we are running both a Soil and Water Assessment Tool (SWAT) and a Hydrologic Simulation Program FORTRAN (HSPF) modeling studies. Albright explained that we plan to move forward with the SWAT modeling. Once the study is complete, Albright noted that we should expect comments from various groups. Frederick thought it might take the Environmental Protection Agency (EPA) some time to review

the study. The Upper Red River TMDL study is progressing. A bacteria study for the Fargo-Moorhead area will be incorporated in the final report.

**Activities Update.** Albright distributed copies of the latest BRRWD press release for the PT's review. Albright noted that we have received a petition from the new expansion area to divert overflow water from Whisky Creek to Wilkin County Ditch No. 3. Jones has been authorized to prepare the Preliminary Engineer's Report. Julie Aadland, DNR, has been working with the landowners in this regard.

**Advisory Committee.** The BRRWD Advisory Committee will hold their annual meeting on 4/05/13.

**2013 Spring Flood.** Albright reported that the snow cover is still intact, and the weather service doesn't expect any warm up in the next few weeks. It appears that there is a significant amount of soil infiltration occurring. The lake outlets have all been closed. The BRRWD is opening specific ditches to allow for orderly runoff in problem areas. Our retention sites will be operated as needed during the flood.

**Watershed District Enlargement.** The BRRWD held a boundary hearing for affected landowners on 1/31/13 in Rothsay to review/define the new eastern boundary. Albright discussed boundary issues the landowners brought up. A final hearing will be held in the near future to finalize the boundary process. The BRRWD had 2 years from 4/25/12 to complete the RWMP for the new area. Manager Fjestad and Albright plan to tour the eastern boundary when conditions permit.

**Next Meeting.** The next PT meeting is tentatively scheduled for Thursday, May 23, 2013, at 7:00 PM in the Barnesville office.

**Adjournment.** There being no further business to come before the group, Albright adjourned the meeting at 4:15 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator