

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

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## **MEDIATION PROJECT TEAM MINUTES**

February 13, 2014

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, February 13, 2014, at 1:30 PM at the BRRWD office, Barnesville, MN.

Attending were: Peter V. Fjestad, John E. Hanson, and Gerald L. Van Amburg, BRRWD Managers; Bruce E. Albright, BRRWD Administrator, and 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); Lynn Foss, Clay Soil and Water Conservation District (SWCD); Keith Weston, Red River Retention Authority (RRRA)/Natural Resources Conservation Service (NRCS); Don Schultz, Area Wildlife Manager, Minnesota Department of Natural Resources (DNR); Doug Wells, Fergus Falls WMD and USFWS; Emily Siira, Area Hydrologist, DNR; Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); and Edward J. Musielewicz, District Conservationist, Becker NRCS.

Members absent were: Troy E. Larson, Curtis M. Nelson, Breanna L. Paradeis Kobiela, and Cathy L. Affield, BRRWD Managers; Henry Van Offelen, Red River Basin Coordinator, DNR; 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); Larry Martin, USFWS and Fergus Falls WMD; Kevin Kassenborg, District Manager, Clay SWCD; Robert A. Zimmerman, Engineer, City of Moorhead; Keith Mykleseth, Assistant Regional Manager, Division of Ecological and Water Resources, DNR; Jim Ziegler, Minnesota Pollution Control Agency (MPCA); Anthony Nelson, Farm Bill Biologist, Pheasants Forever (PF); Mandy Erickson, Fisheries, DNR; Julie Aadland, Area Hydrologist, DNR; Brian Winter, Program Director, The Nature Conservancy (TNC); Alice Klink, State Wetland Restoration Biologist, NRCS, and Don Bajumpaa, District Manager, Wilkin County SWCD.

Albright called the meeting to order at 1:42 PM.

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

**Meeting Minutes.** The 12/19/13 meeting minutes were distributed with the meeting notice. Jones noted a few minor corrections. **Motion** by Fjestad to approve the minutes with corrections. **Seconded** by Foss. **Approved.**

**Barnesville Area Drainage Study.** The BRRWD held an informational meeting for this project area southwest of the City of Barnesville along the beach ridge on 02/03/14 with approximately 35 landowners. The landowner consensus was for the BRRWD to move forward with a project. Albright displayed an area map on the overhead monitors and distributed it to the group. He discussed the historic drainage issues/problems on this unnamed tributary to Whisky Creek in Barnesville and Alliance Townships, Clay County. The waterway beginning at the line between Sections 32/33, Barnesville Township, is DNR protected waters, so any potential project would require a DNR permit. Contributing waters to the area south of Sabin include the South Branch of the Buffalo River with approximately 360 sq. mi. drainage area, the unnamed tributary with a drainage area of approximately 26 square miles (sq. mi.), and finally Whisky Creek with approximately 60 sq. mi. drainage area. Albright explained that a project on the unnamed tributary watershed shouldn't increase flows when it enters Whisky Creek.

At the 02/03/14 meeting, the landowners were given area maps to mark where they have drainage concerns. Albright noted that these maps are on file. Using a large area map, Albright discussed some of the issues that the landowners brought out at the meeting, including breakouts/washouts along County Road (C.R.) No. 15; breakout flows near the confluence with the South Branch of the Buffalo River; the need for bufferstrips; debris in the channel along the Comstock Road west of Barnesville; possible ring dikes for several building sites; numerous road crossings; inadequate culverts; creating a holding area on cropland; township road washouts; beach ridge drainage projects have created areas of severe erosion; and Clay County Ditch (C.D.) No. 54 was never extended to provide correct drainage.

Albright referenced Project No. 54, Whisky Creek Restoration, where the BRRWD used a number of tools that could be implemented for this area, including: channel restorations, two 400-acre Wetlands Reserve Program (WRP) sites, an impoundment site, off-channel levees, farmstead ringdikes, etc., all of which might be useful to consider when developing a project for Barnesville Township Drainage study area. Albright noted that the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) might have Acceleration Grant funds available for a project of this nature. Cost estimates for a survey to get a channel profile, some cross sections, and test pits could be approximately \$20,000. The BRRWD were interested in applying for an Acceleration Grant for this work. The survey could be done after the 2014 spring runoff.

In accordance with the Mediation PT process where the Watershed District hears citizen concerns, and then we go to the PT for solutions, Albright asked the PT members to comment on the proposal from the natural resource enhancement (nre) and flood damage reduction (fdr) perspectives.

The group offered suggestions regarding nre issues:

- Bufferstrips
- Wetland restorations
- Grade stabilization in the beach ridge area (sediment control basins/grazing management)
- Investigate the use of native/rare plant species
- Grassland restoration/easements
- Side water inlets
- Channel restoration
- Floodplain easements
- Flow augmentation
- Drainage Water Management (DWM) program regarding water quality (impaired waters)/cropland tiling.

The group also discussed fdr features for a potential project, including:

- Possible retention site in Sections 28, 29, 32, 33, Barnesville Township (including overflow from Whisky Creek). Jones discussed the H.E. 2010 Project Approach Concept Report for the Barnesville Township drainage area in Alliance and Barnesville Townships, Clay County, and Atherton Township, Wilkin County. He investigated both a regional approach that would address the larger Whisky Creek drainage area, and a smaller local site that would only address the unnamed tributary issues. He estimated that a potential runoff reduction from a regional project in this area could be approximately 8,500 acre-feet, and could cost approximately \$1,000-\$2,000 per acre foot. The local drainage area would be approximately 2,250 to 2,500 acre-feet.
- Potential funding sources for the local site as opposed to the regional approach. The project could be eligible for WRP funding, especially if permanent pools were installed. Jones noted that there might some COE F-M Diversion funds available for upstream retention. There was also discussion regarding types of easements that could be taken on property within the project area.
- Channel restoration

- Review hydraulic capacities of the culverts on the Schindler/Butenhoff properties. Albright briefly discussed a local landowner's request for a larger culvert that was rejected by the downstream landowners.
- Farmstead ringdikes
- Setback levees
- Land conversion
- Control/install breakouts with overflow channel installations

Albright noted that landowners along the Upper South Branch of the Buffalo River have been waiting for a project for their area for several years. He pointed out that setback levees are not the final solution to flooding problems because this type of project without retention features will increase flows at the County line.

The group discussed issues that would need to be addressed if a project for this area were implemented.

- The project would require a DNR permit to work in protected waters, which would probably trigger the need for a possible Environmental Assessment Worksheet (EAW).
- There would be concerns about the removal of woody debris in the channel if the trees are supporting the banks. Currently, the landowners feel the debris is causing breakouts along the channel.
- Spoil placement might be an issue for the COE with channel restoration, especially in wetland areas.
- Native prairie/rare species impacts.
- Wilkin County zoning regulations concerning embankments
- Channel restoration issues, depending on how the work is implemented, the project could have good or bad impacts. Meanders/benches.
- Wetland conversion
- Fisheries issues with habitat/passage impacts

The group discussed how landowner attitudes will impact the success of project development. Albright thought that most of the area landowners would be willing to work with the BRRWD to develop a project. Someone asked if the Operating Plan would be implemented only for spring events or if it would include summer high water events. Jones thought an operation plan could be developed to meet the needs of all the project partners. The group also discussed who the project landowners are and the status of their property. Albright suggested that there could be a mix of permanent nre and temporary fdr features to satisfy the landowners and our agency partners.

Albright explained that the BRRWD prepared an Acceleration Grant application to fund a channel survey of the DNR protected waters starting where the unnamed waterway empties into Whisky Creek, south into Sections 31, 32, and 33, Barnesville Township area, as the first step in the project development process. He asked the PT members to initial the Project Team consent form if they agree to the proposed survey work. Jones described how the survey would be completed.

**WRP.** A meeting has been scheduled for Wednesday, February 19, 2014, in our Barnesville office to discuss the status of several WRP BRRWD sites with our NRCS partners. He noted that we have several ongoing WRP sites in Becker and Wilkin Counties. Keith Weston, RRRRA/NRCS, discussed the new Farm Bill and potential opportunities for existing and new projects for wetland restorations and water quality sites. The new Farm Bill contains a new program, Regional Conservation Partnership Program (RCPP). Congressman Peterson was the primary supporter/author of this initiative. This program will provide a larger pool of funding under the general RCPP Agricultural Conservation Easement Program (ACEP), Environmental Quality Incentives Program (EQIP), the Conservation Stewardship Program (CStP) and the

Healthy Forests Reserve Program (HFRP). The Permanent Wetland Program, under which the WRP program could change to the Wetland Reserve Easement Program, which will have a term of 30 years or perpetual easements. Ownership requirements for WRP will change from 7 years to 2 years. Weston discussed other changes in the WRP program. Two types of enrollment options will be available under the Regional ACEP. The normal enrollment option will still exist, but there will also be an option for a partnership agreement where an entity, such as the RRRRA, or a Watershed District, etc., could serve as a partner to help acquire funding for individual farmers enrolling land in the program. The RCPP will have \$100 million annually, and 7% of funds from the four covered programs. The Secretary of Agriculture can designate up to eight Critical Conservation Areas that will be eligible for specially set aside funding, which will hopefully be utilized by the RRRRA and RRBC to address Red River of the North Basin water quality/quantity issues. Five criteria will be used to determine eligibility: water quality, water quantity, multi-state coverage, existing agreement/work plan, to assist producers in meeting natural resource regulatory requirements. The Critical Conservation Areas initiative will also have funding to develop project under the PL 566 program. More information regarding this new program will be available in the near future.

Albright noted that the RCPP has changed to a more competitive funding mechanism. Previously, Congressman Peterson indicated that the Red River Valley would definitely be a recipient of the funding. Now we will need to apply and compete for funding nation-wide. First, we will have to be named by the Secretary of Agriculture, and then we will need to submit an application. The RCPP will receive 7% of its funding from several other existing conservation programs. Weston thought there might be chance to acquire funding for the Barnesville Township Drainage area through the partnership agreement option in the RCPP. Applications can be filed for the new programs, but Weston didn't know when funding for the programs will be available. Albright noted that if the Red River Valley is selected as a Critical Conservation Area, we do have a number of projects identified for development. Weston briefly discussed funding and development of PL 566 projects.

**RRRA.** The Board has agreed to meet with the Sabin Coulee landowners to discuss a possible retention site in their area. A date for the meeting has not been set. Hopes are that a project in this area could qualify for some of the \$25 million setup by the City of Fargo

**South Branch of the Buffalo River.** Albright noted that there might be some landowner resistance for a project in this area at this time. One of the identified sites is east of Trunk Highway (T.H.) No. 9 in Sections 10, 11, 14, and 15, Manston Township, Wilkin County. One Township Supervisor feels the BRRWD has enough retention in Manston Township with the Manston Slough Restoration project.

**Project No. 56, Manston Slough Restoration.** Albright reported on the status of the construction work for the project. The contractor got started on the project late this fall and will return this spring as soon as conditions permit. The project has a 9/30/14 completion deadline. The office is still working on easement acquisitions. ARC Appraisals has completed the appraisal process the Kent Rod & Gun Club "friendly" condemnation. According to the appraisal, the project will not change land values. When we receive the actual appraisal documentation, it will be filed with the Court. The signed recorded C&H Farms easement was forwarded to the DNR.

There are two WRP applications pending for project landowners (Stuehrenberg/VanWechel) that will need to be finalized before the BRRWD can complete our easement process. The BRRWD approved a Moist Soil Unit permit for the DNR to install the project in the NE $\frac{1}{4}$ , Section 30, Manston Township.

We are waiting for the DNR to approve the Dam Safety permit for the project. The DNR wants copies of our landowner easements before the permit can be processed. The BRRWD is working with the Minnesota Department of Transportation (MNDOT) to obtain permission to use their right-of-way (r-o-w) along T.H. No. 9 for a number of project features. Their concerns are that when we get a flood of record, there will be

standing water along T.H. No. 9. They would like the installation of a safety valve along Tower Road to allow water to drain out of the area if water should get at or above elevation 974. This feature could cause DNR dam safety issues.

**Project No. 49, Oakport Flood Mitigation.** Albright discussed the status of the project and noted that as soon as Phase 4 funding has been secured, the BRRWD will be able to move this project forward to completion. The BRRWD needs approximately \$5.26 million from the 2014 State bonding bill to complete Phase 4. Currently, no FDR money was included in the Governor's bonding bill.

**Wolverton Creek/Comstock Coulee.** The Environmental Assessment Worksheet (EAW) comment period expired on 12/11/13. Albright discussed the comments we received from the State Historical Society, DNR, and MPCA. Jones is working on the BRRWD's response. As the Local Government Unit (LGU), the BRRWD granted themselves an extension until 2/24/14 to complete the response. None of the comments should make it necessary for the BRRWD to do an Environmental Impact Statement (EIS).

The BRRWD submitted an application for the BWSR Targeted Watershed Demonstration Program. Our application was not selected. A Steering Committee PT meeting will be held in the near future to discuss funding and the project status. The Board is considering the creation of a watershed management district to provide a funding mechanism for the project. There is still some funding left in the current BWSR grant (\$130,000).

**COE F-M Diversion.** Albright noted that the COE held a meeting in Comstock with the Upstream Coalition a few weeks ago. The Coalition feels that the need for the upstream staging area and ring diking around Hickson, Oxbow, and Bakke could be eliminated if implementation of the proposed 20% upstream flood reduction were completed and the COE would move the south line of protection further north beyond the confluence of the Wild Rice River.

**Buffalo River Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Plan (WRPP).** The draft studies have been completed and distributed for review today. The MPCA contract has been extended to allow for the comment period, with a completion date of 06/30/14. The study focused on turbidity and now that has changed to total suspended solids (TSS).

**Upper Red River TMDL/WRPP Studies.** The MPCA had planned to use the Hydrologic Simulation Program FORTTRAN (HSPF) model, but currently, data is not available to populate the model. Albright explained that this project will be continued this year with a revised workplan using the Surface Water Assessment Tool (SWAT). The Upper Red River TMDL study is now under the supervision of Tera Mercil, Project Manager, MPCA. The Upper Red River TMDL study was also looking at bacteria in the Red River in the Fargo-Moorhead reaches. It appears that this stretch will be delisted as impaired as a result of this study, so the scope and focus of the study will be revised.

**Activities Update.** Albright distributed the most recent BRRWD press release for the PT's review. He noted that the BRRWD has implemented a new permit data management online suite, which is supposed to allow for a paperless permit system. The Board has scheduled a number of informational meetings and hearings. The Advisory Committee annual meeting is scheduled for 3/28/14. The group briefly discussed the current COE F-M Diversion issues.

**Watershed District Enlargement.** Albright noted that plans are to assemble the Citizen Advisory Committee (CAC) and Technical Advisory Committee (TAC) to start the Revised Watershed Management Plan (RWMP) effort for the new area. BWSR's One Watershed, One Plan (1W1P) Pilot will affect how the BRRWD moves forward with our RWMP for the new area, as well as the existing District. Wilkin County

would like to participate in 1W1P, so the Board will need to discuss this program with the other Counties to see if they would also be interested. If they do, it will alter our timeline for RWMP completion.

Bois de Sioux Watershed District has proposed changes to our mutual boundaries in Wilkin and Otter Tail Counties. Once we work out these issues, Otter Tail County and the two watershed districts will petition BWSR for the boundary changes, and BWSR will have to hold a hearing to review our petition.

**Whisky Creek.** The Clay SWCD has some funding to address an erosion area in Barnesville near Whisky Creek. Jones has prepared repair plans. The BRRWD will be meeting with the landowners regarding this issue in the near future.

**Clean Water Fund (CWF) Project Proposals.** Two potential projects were submitted for BWSR CWF funding, but neither were funded. One was for erosion repairs on the Otter Tail River in Wilkin County, and the other was a Glyndon Township erosion problem resulting from the 2009 flood.

**Minnesota Agricultural Water Quality Certification Program (MAWQCP).** Albright reported on the progress of the MAWQCP. A local steering committee meeting will be held in the next few weeks. The BRRWD will also appoint an advisory committee, consisting of landowners, crop consultants, and ag industry representatives. Dr. Karlyn Eckman, the University of Minnesota, will conduct a Knowledge, Attitudes and Practices (KAP) survey. A State Steering Committee meeting will be held on March 24, 2014. The BRRWD will also be holding an Open House in the next few weeks to present the program to local landowners in Wilkin and Otter Tail Counties. BWSR has provided an \$80,000 grant for this program. More funding will also be available through Environmental Quality Incentives Program (EQIP) and NRCS.

**Joint Annual Conference.** The Red River Watershed Management Board (RRWMB) and the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) are holding their Joint Conference on March 25-26, 2014, at the Detroit Lakes Holiday Inn. Albright will give a report on 2013 BRRWD activities.

**Next Meeting.** The next PT meeting is tentatively scheduled for Thursday, April 24, 2014, 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