

BUFFALO-RED RIVER WATERSHED DISTRICT

BARNESVILLE, MINNESOTA 56514

1303 4th AVE NE
E-mail: brrwd@bvillemn.net

PO BOX 341

PHONE 218-354-7710
Website: www.brrwd.org

MEDIATION PROJECT TEAM MINUTES

April 24, 2014

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, April 24, 2014, at 7:00 PM at the BRRWD office, Barnesville, MN.

Attending were: Curtis M. Nelson, 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.); Robert A. Zimmerman, Engineer, City of Moorhead; Shawn May, Detroit Lakes Wetland Management District (WMD) and United States Fish and Wildlife Service (USFWS); Doug Wells, Fergus Falls WMD and USFWS; Lynn Foss, Clay Soil and Water Conservation District (SWCD); Don Schultz, Area Wildlife Manager, Minnesota Department of Natural Resources (DNR); Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Anthony Nelson, Farm Bill Biologist, Pheasants Forever (PF); and Tara Mercil, Minnesota Pollution Control Agency (MPCA).;

Members absent were: Troy E. Larson, Peter V. Fjestad, Breanna L. Paradeis Kobiela, and Cathy L. Affield, BRRWD Managers; Keith Weston, Red River Retention Authority (RRRA)/Natural Resources Conservation Service (NRCS); 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; Keith Mykleseth, Assistant Regional Manager, Division of Ecological and Water Resources, DNR; Jim Ziegler, MPCA; Edward J. Musielewicz, District Conservationist, Becker NRCS; Larry Puchalski, Project Manager, COE; Mandy Erickson, Fisheries, DNR; Julie Aadland, Area Hydrologist, DNR; Emily Siira, 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 7:05 PM. The group introduced themselves.

Business brought before the group included:

Meeting Minutes. The 02/13/14 meeting minutes were distributed with the meeting notice. **Motion** by Wells to approve the minutes. **Seconded** by Foss. **Approved.**

Albright discussed DNR Red River Basin Coordinator Henry Van Offelen's presentation at the recent Red River Basin Conference in Detroit Lakes regarding flood damage reduction (fdr) projects that have been completed on State, Federal, and private lands. Albright noted that Van Offelen's report showed that there have been a large number of projects done on State and Federal lands. He noted that he will acquire a copy of that information to forward to the PT.

Barnesville Township Area Drainage Study. The group discussed the project, located southwest of the City of Barnesville east of the beach ridge on an 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. The BRRWD met with approximately 35 landowners on 02/03/14 to discuss a potential project in this area. The landowner consensus was for the BRRWD to move forward. The BRRWD felt that a survey of the

project area would be the first step in project development. Jones estimated that there could be approximately 10,000 acre-feet (ac/ft) of storage created by the project. It might be possible to route some Whisky Creek flows into the site, as well, depending on the site's final location. Jones has been working with Van Offelen to submit a Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) Acceleration Grant application to fund the channel survey (\$25,000 estimate). Another source of funding might be from the City of Fargo in conjunction with the COE F-M Diversion because the storage project potentially could be beneficial to the F-M area. Jones noted that the contributing area would be approximately 35 square miles (sq. mi.) that would drain directly to the site. Currently, this funding is handled by the F-M Diversion Authority. Funding allotments for the first phase work would be at 5% of the costs, based on the reduction of the peak flows of the hydrograph at Halstad. The total project cost estimate is approximately \$1.4 million, so the most funding we could get would be approximately \$70,000 for Phase I.

Albright noted that at the 2/14/14 meeting, the group discussed potential natural resource enhancement (nre) and fdr benefits that could be created by this project. The proposed retention site would yield potential storage in Sections 28, 29, 32, and 33, Barnesville Township. They group also had discussed issues that would need to be addressed if a project for this area were implemented, which were documented in the 02/13/14 meeting minutes. Albright commented that once the survey is completed, the PT will be able to start reviewing project options.

Flood Damage Reduction Goals/Opportunities.

RWMP. Albright noted that the BRRWD's Revised Watershed Management Plan (RWMP) identifies the importance of fdr goals. We have identified specific goals for each of the seven planning regions, plus we will create two new planning regions in the new watershed area.

LTFS. The Red River Basin Commission's (RRBC) Long Term Flood Study (LTFS) set a goal of 20% flow reduction for the BRRWD. Jones has completed this study, including the new Watershed District area in 2012, identifying a number of potential retention sites. The Board will decide the development strategy for those sites, dependent on funding availability.

WRP. Waller noted that currently there is nothing new regarding the Farm Bill. Albright expected that funding opportunities will open up if Secretary of Agriculture Vilsack announces that the Red River Basin as one of his eight Critical Conservation Areas. The RRA and RRBC are working on a funding application in advance of the announcement to address Red River of the North Basin water quality/quantity issues. The BRRWD held a meeting on 2/19/14 with our NRCS partners to discuss the status of several of the WRP sites within the BRRWD.

- **Pierce Lake** is a drained meandered wetland basin in the Becker County Ditch (C.D.) No. 15 system. The BRRWD studied the site in the 1980s. We had landowner permission to conduct a survey investigation. The BRRWD met with the WMD/USFWS in Detroit Lakes on March 11, 2014, to discuss a renewed interest in developing this site. Another meeting will be scheduled in the near future to continue the discussions. Jones is also planning to investigate property boundary issues within the basin. Representatives from Ducks Unlimited (DU) have met with landowners to discuss a potential project. On the south end of the project, water control structures are already in place on the Hamden Slough National Wildlife Refuge (NWR).
- **Haick/Peppel** site was endorsed by the PT last year. The BRRWD met with the affected landowners on April 16, 2014, who agreed that the Board should continue to investigate the potential project. Using the overhead monitors, Jones discussed the site specifics and possible WRP features that could be installed. He speculated that when developed at

elevation 976.0, the fairly flat site could store about 4" of runoff without bounce concerns from the upstream drainage area. Albright commented that landowners were concerned about using the South Branch of the Buffalo River as a project outlet, given the high amount of sediment in the river channel. Jones noted that H.E. has some profile information and sediment test pits from the limited channel restoration project for the South Branch of the Buffalo River the BRRWD conducted a few years ago to restore the outlet capacity for Wilkin C.D. No. 44. Albright noted that during high water events, water breaks out of the South Branch and flows north across a number of fields before reentering the channel north of County State Aid Highway (CSAH) No. 30. If the site were constructed to elevation 977.0, it could provide storage for the 100-year runoff event. Albright noted that the Peppels were interested in enrolling all of their property in this area into WRP. There would need to be an inlet channel installed to include the Haick property. The other landowners were interested in having the BRRWD continue site investigations. While it is a relatively small drainage area (approximately 1 square mile), Jones feels it would be very beneficial as a WRP site. At this point, the WRP funding is limited, so there are questions about which agency is going to take the lead.

- **The Robert Hovland** site is property that was previously in the Conservation Reserve Program (CRP). Hovland doesn't think the land should be farmed and was interested in enrolling it in WRP. He has signed an application, and the project is currently in the design stage. The site could provide approximately 250 acres of storage, or about 100-year runoff event. Jones said that there would need to be some geotechnical investigation to determine if the site can be developed as planned. The site is located next to TNC property.
- **The Shulstad** site is 101 acres east of Barnesville, adjacent to Whisky Creek on the beach ridge. The NRCS has asked the BRRWD and H.E. to investigate a potential WRP project for this area from a nre and fdr perspective.
- **Reep Lake** has been in the development stage for several years. Jones discussed possible design features. The site, located northeast of Audubon in Becker County, could yield approximately 800 ac/ft of storage. The outlet could be a stop log type structure that would be operated according to an Operation and Maintenance (O&M) plan. Albright noted that the two primary landowners have already signed up for WRP.
- **Donely Detention** was reviewed in the 1980s. Presently, the site consists of 600-700 acres of WRP. The landowners are experiencing difficulties accessing the north side of the property due to the fact that in the 1970s, the landowners channelized the Buffalo River. Heavy rains at that time caused water to break out of the river and cut off about 3-4 miles of the river channel. These issues were investigated in the 1990s. Just recently Bill Zurn, who is an area landowner, contacted Albright regarding the possibility of a project in this area. There is also some USFWS land adjacent to this site. A potential project could include channel restoration. The group discussed a number of retention options for this site. Waller commented that funding could potentially come from the Lessard-Sams Outdoor Heritage Council (LOHC) Conservation Partners Legacy Grants (CPLG) Program. Albright noted that the Board could hold a meeting with the area landowners this summer.

Albright mentioned that in anticipation of the new WRP funding, the NRCS has added two staff members (Alice Klink, Detroit Lakes, and Carolyn Clarin, Fergus Falls). He pointed out that the BRRWD would like to have at least one or more of these sites ready when the new Farm Bill funding become available.

RRRA. The group discussed a potential retention site in the Sabin Coulee area, which might qualify for some of the \$25 million from the City of Fargo in conjunction with the COE F-M Diversion project. The Board met with the area landowners, who did not reject the proposal. A number of them contacted the office after they lost a significant amount of crops due to a heavy rainfall event last summer. They would also like the BRRWD to look into improving drainage in this area for the smaller runoff events.

Development of the site is questionable, as the proposed F-M Diversion staging area goes right through the middle of the site.

South Branch of the Buffalo River. Albright noted that there might be some landowner resistance for another project in Manston Township 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. The group discussed other potential retention sites. Albright has contacted the DNR and NRCS regarding requests from two landowners who are waiting for permission to repair breakout areas along the South Branch. They feel that a comprehensive project for the South Branch is taking too long to develop. The Board will be meeting with the landowners in the near future regarding their issues.

Accelerated Project Planning Tool. Chuck Fritz, International Water Institute (IWI), has been working with Van Offelen on the development of this planning tool that is now available to Watershed Districts to assist in the development of retention/detention projects based on LiDAR data. Jones noted that H.E. has been using the tool to develop projects. It is useful in providing information to meet the COE Concurrence Process documentation and alternatives.

Stony Creek Off-Channel Retention Site. Albright met with the affected landowners last week. They appeared to be interested in a project. Jones described the potential project, located northwest of Barnesville downstream of Interstate-94 (I-94), which includes Clay C.D. No. 31. A project would address breakouts along the channel. Albright commented that when the natural channel was straightened to create C.D. No. 31 in the early 1900s, the design was inadequate to handle current drainage needs, causing flooding and crop loss. The group discussed options for land acquisition/easements and alternative project designs. Tony Nelson would like to be kept informed regarding a potential project for this area. He is currently working with several of the project landowners regarding possible easements. Schultz noted that there might be wetland impacts that would require mitigation. Albright noted that a comprehensive project of this size and magnitude, could probably take time to develop.

Stinking Lake. Jessica VanDuyn, DNR, has developed a revised Management Plan for Stinking Lake, located northwest of Lake Park in Sections 19, 20, 29, and 30, Cuba Township, Becker County, with the goal to improve waterfowl habitat and water quality. Albright explained that we have had success by managing the project according to the O&M. Better vegetation has been established, the rough fish eliminated, and water quality has improved. Shawn May discussed a proposal from DU to possibly restore the large wetland on the Waterfowl Production Area (WPA) downstream of the lake.

Stony Creek/Bjornson Detention. Albright noted that he will work with the DNR and Wade Opsahl, H.E., to address water elevation management for this site in 2014.

Project No. 56, Manston Slough Restoration. Albright reported on the status of the construction work for the project. The contractor expects to be on site in the next few weeks. Albright discussed the easement acquisitions. Two landowners are waiting for NRCS to complete their WRP easement process, which needs to be in place before the BRRWD can take our easement. The DNR is negotiating with C&H Farms on their land acquisition. A new appraisal is being conducted, and Schultz observed that it will probably come in higher than the previous value.

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. The BRRWD will proceed with the condemnation by filing the finding with the Court and identified landowners. The office will also send letters to the landowners who have been identified, relating the appraisal determination. In approximately 3 months weeks, we hope to have a Court decision regarding the easement condemnation.

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. The project has a 9/30/14 construction completion deadline.

Doug Wells asked if there will be crossings on the north and south ends of Section 19, Manston Township, to allow access to the USFWS WPA unit. Albright said we would work with USFWS to identify the best locations for those crossings.

Project No. 49, Oakport Flood Mitigation. Albright discussed the status of the project and noted that as soon as Phase 4 funding is 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, it doesn't appear there will be funding for Oakport. In 2015, Oakport Township will be annexed into the City of Moorhead. The City and the BRRWD will work together to address property owners' concerns about paying both City and BRRWD taxes/project assessments.

Wolverton Creek/Comstock Coulee. Jones reported that Julie Aadland, DNR, is working on the permit. The BRRWD met with the landowners last winter, who support a project in this area. We will be working with the Clay and Wilkin SWCDs in regards to bufferstrip installation. The Board authorized H.E. to investigate the cost of side inlets and bufferstrips, which could be funded through a Conservation Drainage Grant. The BRRWD submitted an application for the BWSR Targeted Watershed Demonstration Program, but our application was not selected. Albright noted that this potential project was submitted to the State in our Biennial Budget Request (BBR), which was coordinated with the SWCDs. H.E. is also investigating the creation of a water management district (wmd) to provide a local funding mechanism for grant matches.

Project No. 39, Georgetown Levees. The project is basically completed. The contractor will be back later this spring to finish up when conditions permit.

COE F-M Diversion. The group discussed correspondence from Mike Carroll regarding the Oxbow/Hickson/Bakke ringdike connection to the larger Diversion project. Albright noted that the Board is looking at the Diversion project from a watershed district perspective regarding the potential impacts of the ringdike on the upstream staging area as a free standing project without the Diversion. Jones' review showed that the ringdike would not have an impact on the area for the 100-year event.

Buffalo River Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Plan (WRPP). The draft studies have been completed and distributed for review. Jones discussed the Environmental Protection Agency (EPA) comments. The MPCA contract will have to be extended to allow for the comment period, which has a completion date of 06/30/14. The study focused on total suspended solids (TSS).

Upper Red River TMDL/WRPP Studies. Then new deadline for study completion is 6/30/16. The Upper Red River TMDL study is now under the supervision of Tara Mercil, Project Manager, MPCA.

Activities Update. Albright distributed the most recent BRRWD press release for the PT's review.

AIS. Albright explained that the IWI has acquired funding to address the Aquatic Invasive Species (AIS) issues from a riverine standpoint. One targeted watershed is in the BRRWD.

DU Project Map. Albright distributed a map showing the locations of the DU projects in Minnesota.

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. We will add two more planning regions to our current plan from the new watershed area. A revised completion deadline of 05/31/15 has been set.

Albright observed that the BRRWD is nearing completion of the three large projects we have been working on for the past several years, and we are now in a position to start planning for future projects.

Next Meeting. The next PT meeting is tentatively scheduled for Thursday, June 26, 2014, 7:00 PM, in the Barnesville office.

Adjournment. There being no further business to come before the group, Albright adjourned the meeting at 9:23 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator