

BUFFALO-RED RIVER WATERSHED DISTRICT

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MEDIATION PROJECT TEAM MINUTES

June 26, 2014

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, June 26, 2014, at 7:00 PM at the BRRWD office, Barnesville, MN.

Attending were: Curtis M. Nelson, John E. Hanson, Cathy L. Affield, and Peter V. Fjestad, 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); Doug Wells, Fergus Falls WMD and USFWS; Don Schultz, Area Wildlife Manager, Minnesota Department of Natural Resources (DNR); Julie Aadland, Area Hydrologist, DNR; Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); and Brian Winter, Program Director, The Nature Conservancy (TNC). Landowners present included: Rachel Green, Rick Maier, and Jim Haick.

Members absent were: Troy E. Larson, Breanna L. Paradeis Kobiela, and Gerald L. Van Amburg, BRRWD Managers; Robert A. Zimmerman, Engineer, City of Moorhead; 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; Lynn Foss, Clay Soil and Water Conservation District (SWCD); Kevin Kassenborg, District Manager, Clay SWCD; Keith Mykleseth, Assistant Regional Manager, Division of Ecological and Water Resources, DNR; Edward J. Musielewicz, District Conservationist, Becker NRCS; Larry Puchalski, Project Manager, COE; Mandy Erickson, Fisheries, DNR; Emily Siira, Area Hydrologist, DNR; Anthony Nelson, Farm Bill Biologist, Pheasants Forever (PF); Alice Klink, State Wetland Restoration Biologist, Natural Resources Conservation Service (NRCS), Tara Mercil, Minnesota Pollution Control Agency (MPCA), and Don Bajumpaa, District Manager, Wilkin County SWCD.

Albright called the meeting to order at 7:00 PM. Introductions were made, and Albright discussed the history and function of the Mediation PT process.

South Branch of the Buffalo River. Albright noted that tonight, several landowners were in attendance to discuss their concerns regarding the flooding/breakouts in the upstream reaches of the South Branch of the Buffalo River in Wilkin County. Albright recently met with Carolyn Swenson, a landowner on the South Branch to discuss erosion problems on her property in the NE¹/₄, Section 6, Manston Township, caused by a breakout site on the river. The BRRWD held an informational meeting with a group of landowners affected by the South Branch flooding problems in 2009 to discuss a comprehensive project for the area. One goal of a project for this area is to reduce flows at the Clay/Wilkin County line by approximately 10%-20%. The BRRWD has received two BWSR grants for work on the South Branch, which was partially used to conduct a channel survey. The survey results show that the old channel is aggrading, or filling up with sediment, to depths of 4'-5' in some areas. Landowners have compensated for the decreased channel capacity by building up dikes along the river bank to attempt to keep the water in the river, especially near County Road (C.R.) No. 30. With the continuing wet cycle, the channel has continued to aggrade and break out, creating new channel alignments on cropland. Albright discussed possible project design options: setback levees similar to the Deerhorn Creek project, which would increase flows at the County

line, a series of upstream retention/detention sites in combination with a channel levee design, or channel restoration. Area landowners have been frustrated that it has taken so long (since 2009) for the BRRWD to develop a comprehensive project, and it has been suggested that the problems could be addressed with smaller projects that could be developed faster to give the landowners some relief from their flooding/erosion problems. Albright noted that these same kinds of problems exist on a number of river channels within the BRRWD because no channel improvements have been completed on any of these waterways for several decades.

Aadland noted that area waterways are also well documented for poor water quality and are listed as impaired waters for turbidity, which indicates suspended solids. This issue could also be addressed by a comprehensive plan that would include grassed bufferstrips along channels. Albright referenced a large upstream washout east of T.H. No. 9 along the South Branch that was 50'-75' wide, 3'-4' deep, and 1.5 miles long. The landowners repaired the erosion site after the 2009 flood without any attempt to develop a plan to prevent the same erosion from taking place again. He observed that all that material went into the waterway, and without preventative measures, it will happen again.

Jim Haick stated that the South Branch channel is full of sediment and it has been for several years. He said that a lot of the silt comes from upstream erosion. He discussed the channel cleanout conducted on the South Branch on his property in Manston Township along Trunk Highway (T.H.) No. 9. Jones explained that the work was done in conjunction with Minnesota Drainage Law that limits channel cleaning to within one mile of a legal ditch system outlet to ensure the adequacy of the outlet. Haick said that the project was just a limited cleanout, but even so, it improved drainage on their property. He talked about the benefits of possible upstream retention sites and installing bufferstrips and grassed waterway in some of the upstream areas to prevent further soil erosion and sedimentation.

Albright discussed erosion problems on land Terry Czichotzki operates in Section 11, Manston Township. NRCS developed a Wetlands Reserve Program (WRP) in the SE¼. NRCS placed some structures in the waterway on a tributary of the South Branch, but they washed out with the first high water event. Another option was discussed with NRCS that could address the larger sedimentation/flooding problems by working on a few smaller area projects to stop the breakouts.

Rick Maier commented that he has about 120 acres already enrolled in either bufferstrips or Reinvest In Minnesota (RIM) because of the channel problems along his property in Deerhorn Township. Now erosion has affected these areas and the channel has cut a new path in a number of locations. He feels that the problems have increased since the Deerhorn Creek project was built. He described his observations of runoff in Deerhorn Creek upstream watershed as the water flowed downstream, eventually flooding his downstream property along the South Branch. Maier noted that within 24 hours, the water was off the fields in the upstream reaches of the watershed and flooding his fields. He feels that too much water comes too fast, and that it needs to be slowed down somewhere upstream. He mentioned that retention, the third "leg" of the Deerhorn project, was never completed. Maier suggested that instead of starting a new project, perhaps the BRRWD should consider finishing the existing Deerhorn project.

Haick agreed that small retention sites and more bufferstrips might be a good way to work on the South Branch problems.

Albright noted that the Deerhorn project, as built, does provide some water storage between the setback levees. He discussed problems with locating and acquiring retention sites. He also discussed possible funding for retention from the new Farm Bill through NRCS. NRCS are still working out the program details. Albright also noted that WRP payment rates are not comparable with current land values and significantly less than 2013.

Rachel Green owns the first farmstead north of the Clay County line on the South Branch of the Buffalo River. Green has concerns about how the BRRWD plans to manage tiling projects during flooding events. She was also concerned about the rapid rise in the waterways near her home occurring approximately 24 hours after upstream rainfall events.

Albright discussed the features of Project No. 54, Whisky Creek Tributaries. He commented that this is the only "comprehensive" project the BRRWD has completed to date, which included channel restoration, levees, farmstead ring diking, two stage channel, and retention.

Green asked Don Schultz, DNR, if it was necessary to outlet County ditches into the South Branch of the Buffalo River. Schultz commented that it wasn't necessary, but it was probably preferable to letting the water flow uncontrolled across country. Schultz said DNR lands could be used for natural retention. Additional review would be required if dikes were made to impound water on DNR property. Albright discussed the status of the Wolverton Creek/Comstock Coulee channel restoration project. Currently, an archeological review is being conducted. Funding for the estimated \$8.5 million project is the biggest obstacle to development. Landowners are very interested in moving the project forward.

Brian Winter, TNC, discussed his concerns about the abundance of agricultural tiling in the Red River Valley. He questioned the practice of approving every tiling permit that landowners submit. Albright commented that "conservation drainage" practices might provide landowners in the flatter areas of the BRRWD with a means to retain water. However, tiling companies are not interested in encouraging landowners to try something new. The Board plans to review their Rules this winter, including more stringent rules regarding tiling practices. Winter felt that tiling has released a whole new water supply to our ditches, creeks, and waterways.

Doug Wells noted that he supported the promotion of retention efforts, but landowners need to be encouraged to include erosion control practices in their drainage designs. Albright mentioned that recently a farm operation in Meadows Township, Wilkin County, was recognized by the Minnesota Department of Agriculture (MDA) through the Agricultural Water Quality Certification Program (MAWQCP) as the first certified farm in the nation. He observed that this operation had been including water quality/conservation methods as regular farming practices for many years already because it is a profitable way to manage their business.

Haick hopes that the BRRWD continues to move the South Branch of the Buffalo River project forward. Maier noted that farmers could try to use conservation drainage practices and perhaps put restrictor plates on their tiling to slow down runoff during high water events. He commented that if the downstream receiving area had at least 24-36 hours of upstream retention after an event, the South Branch of the Buffalo River could handle most of the water in its current state. But flooding occurs in the first 24 hours because water moves downstream so rapidly. Haick also felt that upstream retention in combination with a channel cleanout would be the best approach. Maier noted that crops can handle up to 3 days of standing water before crop damage occurs in lower temperatures. He speculated that if upstream landowners could retain runoff for just a limited period of time, it would provide significant relief in the downstream areas. Jones noted that the installation of sediment control basins do a good job of retaining runoff on a limited basis. Fjestad discussed state regulations regarding protected waters right-of-way (r-o-w), bufferstrips, and grassed waterways. The group discussed maintenance of the state regulated waterways. Maier explained that because of the nature of soils in the Red River Valley, conservation "no till" practices would prevent spring planting most years because of the soil saturation/wet spring conditions. Waller discussed possible conservation practices that could be implemented east and west of Trunk Highway (T.H.) No. 9, which would vary according to topography. Albright discussed how 20% runoff reduction in the upstream area would affect downstream flooding, and the operation of potential upstream sites. Jones briefly reviewed a map showing potential retention sites in Wilkin County. Albright commented that it will be difficult to find

willing landowners, and we will need to be able to give them fair compensation for easements. Albright also noted that the BRRWD has submitted a grant application to MPCA to help landowners deal with extreme climate challenges.

Albright noted that the Board understands the landowners' concerns regarding the implementation of a project for the South Branch of the Buffalo River channel restoration and are interested in responding to their issues. Fjestad pointed out that the newer Board members are committed to learning about the historic South Brand flooding issues and addressing landowners' concerns.

Other Business brought before the group included:

Meeting Minutes. The 04/24/14 meeting minutes were distributed with the meeting notice. Two corrections were noted. **Motion** by Wells to approve the minutes, subject to correction. **Seconded** by Fjestad. **Approved.**

Barnesville Township Area Drainage Study. Albright discussed the project located southwest of the City of Barnesville west 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 authorized a survey of the project area as the first step in the project development. Jones estimated that the channel survey would cost approximately \$25,000. The BRRWD has received \$10,000 grant from the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) Acceleration Grant. Because of the wet conditions, no survey work has been completed to date, but we hope to have the work completed this summer. Existing concerns that prompted landowners to ask for the BRRWD to consider a comprehensive project for this area include channel sedimentation, breakouts causing localized flooding, and the need for retention.

WRP. Albright met with NRCS agency personnel today to discuss the discrepancy with the payment rates between the different agencies/programs. He noted that the BRRWD has a number of willing landowners/sites that could be developed if the funding is competitive.

Secretary of Agriculture Visit. United States Agriculture Secretary Vilsack will visit Moorhead on 07/02/14 for a press conference regarding the new Farm Bill. Albright and other Managers will be attending to discuss BRRWD projects with the Secretary and other officials.

RRRA. The City of Fargo has allocated \$25 million for retention projects in conjunction with the COE Fargo-Moorhead Diversion projects. The BRRWD is exploring ways to use that funding source.

Stony Creek Off-Channel Retention Site. The BRRWD has contacted the affected landowners regarding a potential retention site, located in Sections 3, 4, and 5, Barnesville Township, Clay County. Jones displayed a map showing the potential project site, located northwest of Barnesville downstream of Interstate-94 (I-94), which includes Clay County Ditch (C.D.) No. 31. Jones noted that the project alignment was different than previously discussed to take advantage of some additional lower areas. Albright explained that Stony Creek was channelized in the early 1900s to create C.D. No. 31. A project would address breakouts along the channel, and prevent erosion from water flowing into a borrow pit near I-94. He noted that this project should also be developed as a "comprehensive" project, including channel restoration (7-8 miles of channel), redetermination of ditch system benefits, possible setback levees, impoundments, etc. The BRRWD can conduct a redetermination of benefits for the project to include the approximate 40 square miles of drainage area not included currently. Albright noted that a comprehensive project of this size and magnitude could be expensive and would take time to develop.

Project No. 56, Manston Slough Restoration. Albright reported on the status of the construction work for the project. The contractor restarted work this year at the end of May, but the wet weather has caused poor working conditions. Gladen Construction, Inc. would like to finish the work by Labor Day, pending the weather. A "partner" meeting was held last week to discuss project progress with another meeting scheduled in July.

Project No. 49, Oakport Flood Mitigation. The BRRWD needs approximately \$5.26 million from the State to complete Phase 4. There won't be any funding from the 2014 bonding bill, and typically, 2015 isn't a traditional bonding year for the State. Nelson asked who will do the lobbying for the project funding when the City of Moorhead annexes Oakport Township in 2015. Albright thought that both the BRRWD and the City would be involved with the funding requests. He noted that the BRRWD does operate a number of projects within the City of Moorhead, so it is not certain which entity would be responsible for the project after annexation. As part of the project, the BRRWD did some wetland mitigation work in conjunction with BWSR and the COE. Steve Hofstad, Wetland Specialist, BWSR, recently reviewed the site, and everything looked fine. Some noxious weed mowing was recommended.

Wolverton Creek/Comstock Coulee. The archeological investigation should be completed before Labor Day. H.E. is also investigating the creation of a water management district (wmd) to provide a local funding mechanism for grant matches. The fee could be in the range of \$0.50 to \$1.00/acre/per year.

Project No. 39, Georgetown Levees. The contractor will be back later this summer to finish the project when conditions permit, once the Greywind house and garage moves are completed. Once the project is completed, the City wants to hold a ribbon cutting ceremony. The DNR has been asked to provide an additional \$190,000 in grant funding to help complete the project, but at this time, it doesn't appear that there is any extra funding available. The Board agreed to continue work without waiting for the State money with the understanding that the DNR will be liable for the costs incurred at a later date when funding is available. .

COE F-M Diversion. The group discussed current work on the Oxbow/Hickson/Bakke (OHB) ringdike. Albright noted that the COE needs access to lands on the Minnesota side of the river to conduct surveys for the upstream staging area, and they plan to ask the BRRWD to distribute a letter to the landowners requesting right-of-entry for the survey crews. The City of Moorhead is reviewing the idea of authoring the letter/request, but because it was outside of their jurisdiction, they suggested that the BRRWD send the letter.

Buffalo River Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Plan (WRPP) and Upper Red River TMDL/WRPP Studies. Tara Mercil, Project Manager, MPCA, was not able to attend tonight's meeting. A new MPCA contract is in place to finish work in the Upper Red River Study. Jones will provide the recently completed stream power index to MPCA. The contract deadline is now 12/31/15.

The Buffalo River TMDL study is on hold until the MPCA can complete responses to the Environmental Protection Agency (EPA) comments that were received. The completion date was 06/30/14, which will probably have to be extended until 12/31/14 to allow for the comments review/response.

Project No. 09, Buffalo River Detention-Site 1. The Donnelly Detention was reviewed in the 1980s, but never built. 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 natural river channel. These issues were investigated in the 1990s. Recently, Bill Zurn, who is an area landowner, contacted Manager Hanson 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 that incorporates both natural resource enhancement (nre) and flood damage reduction (fdr) features. Albright noted that the Board could hold a meeting with the area landowners this winter.

Activities Update. Albright provided the 06/09/14 BRRWD meeting press release for the group's review. He noted that the BRRWD is hoping to finish the Manston Slough and Georgetown projects this year, and hopes to be able to work on new retention projects in the upcoming year.

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. BWSR has set the revised completion deadline for 05/31/15.

Pete Waller reported that today, BWSR announced the five Watershed Districts selected for the pilot One Watershed-One Plan program. The BRRWD did not submit an application.

Retirements. BRRWD Manager Curtis M. Nelson announced that this will be his last PT meeting, as he will be retiring from the Board of Managers on 8/31/14 after 43 years of service. He was an original member of the Project Team that was formed in 1998. The PT thanked Manager Nelson for his participation in the Mediation process. Doug Wells also announced that this will be his last PT meeting, as he is also retiring at the end of August from the USFWS. The group acknowledged both Nelson and Well's service with a round of applause.

Next Meeting. The next PT meeting is tentatively scheduled for Thursday, September 25, 2014, 7:00 PM, in the Barnesville office. The Fall Tour is tentatively scheduled for October 9, 2014.

Adjournment. There being no further business to come before the group, Albright adjourned the meeting at 9:05 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator