

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

BARNESVILLE, MINNESOTA 56514

1303 4<sup>th</sup> AVE NE  
E-mail: general@brrwd.org

PO BOX 341

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

---

## **MEDIATION PROJECT TEAM MINUTES**

September 10, 2015

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, September 10, 2015, at 7:00 PM at the BRRWD office, Barnesville, MN.

Attending were: Gerald L. Van Amburg, John E. Hanson, Peter V. Fjestad, and Mark T. Anderson, BRRWD Managers; Bruce E. Albright, BRRWD Administrator; Erik Jones, Engineer, Houston Engineering, Inc. (HEI); Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Don Schultz, Area Wildlife Manager, Minnesota Department of Natural Resources (DNR); Shawn May, United States Fish and Wildlife Service (USFWS) and Detroit Lakes Wetland Management District (WMD); Larry Martin, USFWS and Fergus Falls WMD; Robert A. Zimmerman, Engineer, City of Moorhead; Lynn Foss, Clay Soil and Water Conservation District (SWCD); Julie Aadland, Area Hydrologist, DNR; Keith Weston, Red River Retention Authority (RRRA)/Natural Resource Conservation Service (NRCS); Rodger T. Hemphill, Area Hydrologist, DNR; Brian Winter, Program Director, The Nature Conservancy (TNC); and Nicholas Brown, DNR Wildlife.

Absent were: Troy E. Larson, Breanna L. Kobiela, and Cathy L. Affield, BRRWD Managers; Mandy Erickson, Fisheries, DNR; Edward J. Musielewicz, District Conservationist, Becker NRCS; Anthony Nelson, Pheasants Forever (PF) and Clay SWCD; Ross Aigner, Landowner/Wilkin SWCD; Mike Oehler, DNR Wildlife, Fergus Falls; Henry Van Offelen, Red River Basin Coordinator, DNR; Ryan Frohling, Detroit Lakes USFWS and WMD; Audubon Dakota; Brian Dwight, Board Conservationist, BWSR; Craig O. Evans, PM-D, Army Corps of Engineers (COE); Keith Mykleseth, Assistant Regional Manager, Division of Ecological and Water Resources, DNR; Larry Puchalski, Project Manager, COE; Emily Siira, Area Hydrologist, DNR; Josh Kavanagh, Biologist, Ducks Unlimited (DU); Don Bajumpaa, District Manager, Wilkin County SWCD; and Tara Mercil, Minnesota Pollution Control Agency (MPCA).

**New DNR Staff Member.** Nicholas Brown, DNR Wildlife, was introduced as a recent addition to the DNR. He has been with them for three to four weeks and is filling Tom Carlson's position, as Tom has retired. The position's responsibilities have changed slightly and will include approximately fifty percent of his time being spent working with the PTs in the Red River Basin.

Bruce Albright, BRRWD Administrator, called the meeting to order at 7:00 PM. A signup sheet was passed to record attendance.

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

**Meeting Minutes.** Draft minutes for the 07/09/15 Mediation PT meeting were distributed with today's meeting materials. **Motion** by Anderson to approve the minutes. **Seconded** by Foss. **Approved.**

Albright reported that since several of our large projects have been or are near completion, we are now ready to focus on identifying our next big project(s).

**Barnesville Township Area Drainage Study.** Albright stated since the survey was completed, we have considered the channel restoration work. He noted the study area has been expanded to include another unnamed tributary in Wilkin County that drains into the DNR protected waters and Whiskey Creek. These waterways all join to drain into the South Branch of the Buffalo River south of Sabin.

Using the overhead monitors, Erik Jones, HEI, presented a map he distributed to the group showing the survey areas. The map reflects the channel profiles and cross sections, which are comprised mainly of natural channels, except for Whiskey Creek in Sections 18 and 19, Barnesville Township, which is channelized and called Clay County Ditch (C.D.) No. 34. The survey included sediment test pits.

Jones noted some complications within the proposed study areas. It appears that two or three of the prospective retention sites would temporarily store water on top of buried pipe lines. Magellan Midstream Partners LP and NuStar Energy LP own these pipelines, which run from Moorhead to Alexandria. The issue with the pipe lines is the buried depth, which ranges from being exposed at the surface in Clay C.D. No. 34 to other areas being four feet deep or more. The Board authorized BRRWD Attorney, Tami Norgard, Vogel Law Firm, to investigate State and Federal regulations regarding pipeline safety and depth, as we believe the depth of the lines within our study areas are inadequate. Jones is working with the pipeline companies to resolve this issue. Options we are considering include working with the companies to bury the lines deeper or to re-align our study areas. We would prefer to work with Magellan Midstream and NuStar Energy rather than report them, because we may need to work with them in the future to store water over their pipelines.

Albright recounted a landowners' meeting held on 05/28/15. When this meeting was held, we were aware the pipelines ran through the sites but did not know about the depth issues. Albright went on to state the landowners seemed supportive of the retention proposals. He felt they understood the concept and need for retention/storage in order to meet planning goals.

The next step would have been to hold a meeting with the landowners where the retention sites would be located if the pipeline issues had not arisen. Although a meeting would be informative, Albright felt the next information we need to present to the landowners would be easement compensation values. He went on to mention that F-M Diversion Authority and State of North Dakota commissioned North Dakota State University (NDSU) to perform a study evaluating the value of floodwater storage easements and the associated economic impacts. The study is expected to be completed in September, and we anticipate it will provide some guidelines on easement values.

**Wetlands Reserve Program (WRP)/Wetlands Reserve Enhancement (WRE).** Keith Weston, RRRRA/NRCS, mentioned three projects in progress pertaining to the WRE: the Hubbard site, Reep Lake by Audubon, and a larger project in the Two Rivers Watershed District. Statewide signup for WRE was minimal and only 3-4 projects within the basin were funded during the 2015 fiscal year. Land appraisals are performed in place of geographical rates. Ideally, this will better reflect current land values; however, the process takes time because of the appraisal process. Recent appraisals have shown acceptable land/easement values. Since the NRCS hires the appraiser, the landowner does not receive a copy of the appraisal.

Weston is hopeful there will be an increase in WRE participation as the demand is currently down from previous years. A producer can sign up anytime via open enrollment. Once signed up, NRCS will rank the sites and present offers. Albright explained the WRE will operate similar to the WRP. After an offer is made, the NRCS will design the structures and ensure the National Environmental Policy Act (NEPA) requirements are met. Weston stated that a waiver was approved for the Red River Basin to increase from 30% in wetland type community changes to 50%, given no other significant environmental impacts. The waiver has been used very little as only one easement has requested it. Ideally, the NRCS would like to keep the “bounce” down and protect the wetland type communities; however, there are still some opportunities to store water. Alternatively, if sites are holding deep water from unpredictable rainfall events, we may be at a point where a new environmental evaluation needs to be performed, because the boundaries of this program would be pushed beyond its design. Water quality and flood damage reduction are definitely benefits, but they are not the primary goal of this program, which is wetland restoration for migratory waterfowl habitat. Each site is different and needs to be evaluated and planned accordingly. In some situations, there might be a hydrologic solution for some relief. Don Schultz, DNR, asked about potential planning for a basin filled with solid cattails. Weston explained if you plan from a hydrologic aspect, adding more water may be ideal in this situation in an effort to control the cattails. The solution for any given site comes from good planning, the future desired conditions, and what is realistic. Jones inquired whether or not the BRRWD could place an easement on top of the NRCS easement, in an effort to gain more flood control. Weston stated this could be done after their easement is finalized.

**Haick/Peppel WRP.** Albright gave a brief summary on the Haick/Peppel project. Weston stated the NRCS spent all of the allocations received from the Environmental Quality Incentives Program (EQIP) this year. Minnesota still had approximately 26 medium ranked applications which could have been funded had there been an additional \$800,000-\$1 million. There were approximately 16 low ranked applications which were not funded, even if moneys were available. Landowners interested in the WRP can sign up anytime, and the applications will be evaluated in batches starting in November 2015. This will allow for the planning and design work to be started. The program must be implemented within one year of contractual signing. The design process will begin once the state receives allocation from Washington, but this stage is often delayed as the money is not usually received until January.

**Regional Conservation Partnership Program (RCPP).** Weston stated the application was submitted last year, and the program was just recently funded for 2015-2016. The RRRRA and the NRCS signed the agreement on 05/21/15. The RRRRA requested \$20 million and received \$12 million which was one of the higher funded proposals in the nation, but still not close to what was needed. They have allocated \$10 million of this fund for technical assistance in watershed planning only. There are 19 out of 20 watershed districts eligible for this funding. Weston mentioned 6 districts are in North Dakota and 14 in Minnesota. Cooperative agreements have been mailed to 5 districts in North Dakota, and he expects signatures back within the week. Cooperative agreements are currently being drafted for the watershed districts in Minnesota. He is hoping they will be funded within the next 30-60 days.

Albright noted the BRRWD submitted a support letter on behalf of the RRRRA with the intention we would be included for this funding. The two joint boards comprising the RRRRA, the Red River Watershed Management Board (RRWMB) in Minnesota and the Red River Joint Water Resource

District (RRJWRD) of North Dakota, stated we are ineligible because we are not part of the RRWMB. A question was asked about how the money is used for planning and what does this planning lead to. Weston stated the planning follows the PL566 process described in the National Watershed Planning Manual for small watershed programs. Basically, it is small watersheds containing no more than 250,000 acres of drainage area. The total combined area cannot exceed 25,000 acre-feet (ac.-ft.) of storage in the project, and no single structure larger than 12,500 ac.-ft. of storage. The largest watershed that can be included can be no more than 400 square miles (sq. mi.). The results of the planning process include a guided plan in accordance with due diligence, a natural Environmental Impact Statement (EIS), and compliance with the required NEPA regulations. Landowners would need an approved NRCS watershed plan, and they will have to apply for the various agency permits and then the final design would be drafted. Finally, Weston would need to find the funding to begin the construction process.

Weston noted the RRRRA will need to consider where to allocate the remaining funds at the end of their five year agreement. The money could be used for either design or construction work. The RRRRA deadline for 2016 funding proposals was in June/July 2015. At this time, there has been one pre-proposal submitted from the Pelican River Watershed District (PRWD) for the Rice Lake Project north of Detroit Lakes. Application opportunities will continue each year through fiscal year 2017-2018. Watershed Districts can apply for the RCPP money by submitting a pre-proposal to see if they qualify for funding through this program.

**Agricultural Conservation Easement Program (ACEP).** Albright stated he attended a recent ACEP training seminar in Thief River Falls. Weston stated that this program combined the Farm and Ranch Lands Protection Program (FRPP) and the Grasslands Reserve Program (GRP). The ACEP requires that local units of government/organizations have the opportunity to purchase an agricultural easement. The NRCS will pay 50% of the easement costs, but the local government/organization will be the proprietor of it. There is an opportunity for a higher cost share percentage if it is a unique grassland.

Someone asked if the land could continue to be grazed. Weston stated it could. The 2014 Farm Bill opened the program to rural areas, and it has been most commonly used in Dakota County, Minnesota. Julie Aadland, Area Hydrologist, DNR, inquired as to whether or not this program could serve as a ground water recharge area and be kept from development. Weston agreed this could be a strategy. Organizations which are very successful at implementing the ACEP will be the most likely to receive future ACEP funding.

**New Minnesota NRCS State Conservationist.** Albright noted Catherine Pullman is Minnesota's new NRCS State Conservationist as of 05/17/15. Pullman is a career employee, who is very knowledgeable about the NRCS and its programs. She started her career in Oklahoma and from there has worked in a number of different states as well as at NRCS National Headquarters. Her most recent move was from Maine. Albright noted we will send an invitation to her for the BRRWD's Fall Tour in October.

**South Branch of the Buffalo River.** Jones presented a map and results chart for the potential Wetland Resource Management Project (WRMP) on the Upper South Branch of the Buffalo River. At the 07/19/15

meeting, he had discussed channel restoration and setback levees in Sections 32 and 33, Atherton Township, Wilkin County, and Sections 5 and 6, Manston Township, Wilkin County, beginning at Trunk Highway (T.H.) No. 9 and continuing downstream to Wilkin County Road (C.R.) No. 30. Jones investigated the potential benefits of continuing downstream to the Wilkin-Clay County line. His model results show a flow reduction from 10% to 12% with the set-back levees, a positive hydrologic impact, and control of major breakouts that normally occur in Sections 5 & 6, Manston Township. This shows a positive benefit to extending the project to the Wilkin-Clay County line. Jones did not have the setback levee elevations for tonight's meeting, but stated the levees will be designed so there would be no areas of breakouts/flooding.

Albright gave a brief history regarding the development of the proposed project over the last four years, including all the various versions of the plan, and then discussed the next steps to define a project and meet with landowners for support. Jones discussed in detail the modeling for the project, including how the Haick/Peppel WRP could be incorporated into this project.

Albright summarized the proposed project by stating there would be channel restoration from the Wilkin-Clay County line upstream to T.H. No. 9, setback levees placed on the west side of the channel from T.H. No. 9 downstream to the county line, and there could be a larger regional retention site containing 4,574 ac.-ft in Sections 32 and 33, Manston Township, and Sections 4 and 5, Atherton Township. Jones mentioned we will probably have to acquire some property along the project alignment. Albright mentioned a cost estimate needs to be completed before we meet with the landowners. We have been waiting for the completion of the NDSU easement value study to help us determine appropriate compensation for water storage easements. Also, it may be helpful to create a fact sheet highlighting the options available to the landowners, to help them decide which agency program(s) might apply regarding easements. The group had an extended discussion on the proposed project and easements.

**Stony Creek Comprehensive Project.** Albright gave a brief history on the Stony Creek Comprehensive Project (Clay C.D. No. 31). Albright talked about the proposed plan which would include redetermining benefits to account for drainage coming from the east side of T.H. No. 9, re-channelize the part of Clay C.D. 31 that was straightened in the early 1900s, and create retention somewhere within the project. Albright has met with most of the landowners, and they support the project and are ready to move forward. Soil borings were obtained this spring, which show the soil is conducive to holding water except for a few areas of 'fat clays'. We would have to overbuild the levees by a couple feet to compensate for the compression/settlement in these areas.

Jones has been working with the Minnesota DNR Dam Safety office to determine the dam design classification. HEI plans to submit the preliminary dam breach analysis to the Dam Safety office next week. He displayed a map on the overhead screens of the proposed detention site. The plan is to bring the diversion channel along the south side of Sections 2 and 3, Barnesville Township, into the site. There would be setback levees on the sides of Stony creek. This would create a corridor approximately 200'-250' wide where the river can begin to meander. The set-back levees would be placed outside of this corridor. There would be two lines of 12' x 7' box culverts placed through Interstate 94 (I-94). We are still working with the Minnesota Department of Transportation (MNDOT) on how this process would be done. This could create approximately 7,000 ac.-ft of gated storage. The group had a lengthy discussion on the

proposed project. Albright noted the project has been submitted to the F-M Diversion authority for review for potential funding. They have tabled it at this time.

Jones mentioned we may be able to receive funding through the Multipurpose Drainage Management Grant through BWSR. The deadline to apply for those funds is 10/30/15.

**Manston Slough Restoration.** Albright reported the native grass seeding was completed on the USFWS & DNR lands. Our contractor will clip the native grass this fall for weed control. He will also complete some maintenance on the dam site and the BRRWD will put the stop logs in before freeze up. Don Schultz, DNR reported that the DNR's contractor is working on their moist soil unit site in the NE¼, Section 30, Manston Township. This site is currently planted with temporary crop and will be planted with dormant seed in October. Albright stated the NRCS has finalized their WRP contract with Duane Stuenrenberg and he is meeting with Stuehrensbergs on 09/11/15 to sign their BRRWD easement. Our funding from the DNR grant will expire on 9/30/15.

**Oakport Flood Mitigation.** The BRRWD received a \$5.53 million grant on 9/10/15. Ulteig Engineers, Inc (UEI) is working on the plans and specs and we are currently taking bids for Phase 4. The proposed completion date is 11/01/16.

**Wolverton Creek/Comstock Coulee.** Van Amburg and Albright presented the Wolverton Creek Habitat Restoration Project to the Lessard-Sams Outdoor Heritage Council (LSOHC) on 09/02/15 in St. Paul. LSOHC will hold their next meeting on 10/16/15 and will hopefully have an answer at this time as to whether this project will be recommended to Legislature for funding. If approved, the LSOHC grant could provide up to \$4.963 million, which would cover approximately half the project costs, and we could expect allocation around 07/01/16. Jones has completed NRCS paperwork for potential funding through EQIP also.

**Georgetown Levee.** The condemnation hearing for the Greywind house was held on 7/23/15. Clay County District Court Judge Vaa awarded the property to the BRRWD. The contractor was able to resume work and the project will be completed sometime during the week of 09/14/15. This should officially complete the Georgetown Project.

**COE F-M Diversion Authority.** The DNR's Draft Environmental Impact Statement (DEIS) has been prepared, and sent to EQB for publishing. A public informational meeting to review the DEIS will be held Wednesday, October 14, 2015, from 5:00-10:00 PM at the Courtyard by Marriott, Moorhead, MN. The DNR will make a formal presentation of the DEIS at 7:00 PM that evening.

**Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategy (WRAPS).** For the Buffalo River, MPCA is still completing the report reviews and then will forward it to the Environmental Protection Agency (EPA) for final approval.

The Upper Red River TMDL/WRAPS has been drafted and submitted for review. A public outreach meeting will likely be held in early November. The projected completion date for this project is 6/30/16.

**Otter Tail River Restoration.** The BRRWD application for an EPA 319 grant in the amount of \$242,000 was approved. We also applied for a Clean Water Fund Grant through the BWSR, which could be paired with the federal money. Albright spoke with the COE on possible funding through their 1135 program for habitat preservation. Through this program, the COE has allotted up to \$100,000 in federal money to determine if a project is applicable and deserves further study. There will be another planning meeting in December, which the COE will plan to attend. Part of their interest in the Otter Tail River Study, as well as the Wolverton Creek Project and Hawley-Buffalo River Restoration, is the need for mitigation for the F-M Diversion Channel.

**Hawley-Buffalo River Restoration.** Albright stated the project is essentially complete and will be included on the fall tour. Amanda Hillman, DNR is working on Phase 2 funding which would comprise the area south of T.H. No. 10. This is on the DNR's list of potential projects for 2016.

**Revised Watershed Management Plan (RWMP)/Watershed District Enlargement (WDE).** The Bois de Sioux Watershed District (BDSWD), BRRWD, and BWSR will be publishing the watershed boundary changes in area newspapers for review and comment from the public. Albright mentioned there are some contested parcels which we have thoroughly worked with landowners on and a hearing should not be required.

Jones and Albright are working on proofing the draft RMWP in an effort to complete the document. Once it's completed, we will schedule one more meeting with the Technical and Citizen Advisory Committees for their final review.

**Activities Update.** Albright distributed a copy of the 07/09/15 BRRWD press release.

**Bufferstrip Initiative.** Albright briefly discussed the new bufferstrip legislation, which requires all protected waters to have a grassed 50' bufferstrip installed by the end of November 2017, and all of the County ditches buffered by the end of November 2018. The group discussed concerns about the legislation's language that authorizes the DNR and SWCD to identify "other areas" requiring buffers.

**RRWMB Membership.** One of the BRRWD's goals is to find a source of long term funding for retention projects. A good source could be from the RRWMB, if we became a member. Albright distributed a sheet with information on the cost of the RRWMB levy to the taxpayers and the pros/cons of becoming a member. This information was also presented to our county commissioners. At this time, the Board is divided regarding a vote to rejoin the RRWMB. The BRRWD's plan is to hold additional public informational meetings this winter to further discuss this issue.

**Drainage Demonstration Site.** The BRRWD, Minnesota Department of Agriculture (MDA), and NRCS have partnered with the Nordick family to develop a Drainage Water Management demonstration site on their farm in Meadows Township, Wilkin County. The BRRWD contributed approximately \$26,000 towards this project. An on-site demonstration will be held on 09/18/15.

**Minnesota Agricultural Water Quality Certification Program (MAWQCP).** This program will expire on 12/31/15. The RCPP received money from the MDA and the Farm Bill to expand this program statewide based on SWCD Technical Service Areas (TSA). A Technician would be hired to work with landowners in each TSA throughout the State to promote the program.

**Next Meeting.** The next BRRWD Meditation PT meeting will change to the winter daytime schedule and is tentatively scheduled for Thursday, December 10, 2015, 1:30 PM, in the Barnesville office. The BRRWD has scheduled the Fall Tour for October 15, 2015, at 1:30 PM, followed by a catered meal in the Watershed District's office.

**Adjournment.** There being no further business to come before the group, Albright adjourned the meeting at 9:25 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator