

BUFFALO-RED RIVER WATERSHED DISTRICT

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MEDIATION PROJECT TEAM MINUTES

June 16, 2016

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, June 16, 2016, at 7:00 PM at the BRRWD office, Barnesville, MN.

Attending were: Gerald L. Van Amburg, Peter V. Fjestad, John E. Hanson, Mark T. Anderson, and Catherine L. Affield, BRRWD Managers; Bruce E. Albright, BRRWD Administrator, Erik Jones, Engineer, Ted Rud, Engineer, and Thomas Eskro, Engineer, Houston Engineering, Inc. (HEI); Don Schultz, Area Wildlife Manager, Minnesota Department of Natural Resources (DNR); Shawn May, United States Fish and Wildlife Services (USFWS) and Detroit Lakes Wetland Management District (WMD); Lynn Foss, Clay Soil and Water Conservation District (SWCD); Rodger T. Hemphill, Area Hydrologist, DNR; Ross Aigner, Landowner/Wilkin SWCD; Brian Winter, Program Director, The Nature Conservancy (TNC); and Landowner Jim Haick.

Absent were: Troy E. Larson, and Breanna L. Kobiela, BRRWD Managers; Larry Martin, USFWS and Fergus Falls WMD; Edward J. Musielewicz, District Conservationist, Natural Resources Conservation Service (NRCS); Peter Mead, Becker SWCD; Robert A. Zimmerman, Engineer, City of Moorhead; Henry Van Offelen, Red River Basin Coordinator, DNR; Ryan Frohling, Detroit Lakes USFWS and WMD; Audubon Dakota; Brian Dwight, Board Conservationist, Minnesota Board of Water and Soil Resources (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; Josh Kavanagh, Biologist, Ducks Unlimited (DU); Don Bajumpaa, District Manager, Wilkin County SWCD; Mandy Erickson, Fisheries, DNR; Jim Ziegler, Minnesota Pollution Control Agency (MPCA); Nicholas Brown, DNR Wildlife; Pete Waller, Board Conservationist, BWSR; Julie Aadland, Area Hydrologist, DNR; Keith Weston, Red River Basin Coordinator/NRCS; Mike Oehler, DNR Wildlife, Fergus Falls; Amanda Hillman, Restoration Coordinator, DNR; and Anthony Nelson, Pheasants Forever (PF) and Clay SWCD.

Bruce Albright, BRRWD Administrator, called the meeting to order at 7:00 PM. He mentioned that Manston Slough and Georgetown Projects are completed, and that Oakport's expected completion is September 2016. The BRRWD has been developing several new projects with the anticipation that these projects will be ready for construction in the next few years.

Group introductions were made, and Albright noted that the meeting was being recorded to aid in the preparation of minutes. He circulated a sign-up sheet to record attendance.

Business brought before the group included:

Meeting Minutes. Draft minutes for the 04/07/16 Mediation PT meeting were distributed with the meeting notice. **Motion** by Foss to approve the minutes. **Seconded** by Fjestad. **Approved.**

Barnesville Township Area Drainage Study. Thomas Eskro, HEI, briefly reviewed the project plan features which include approximately 7,000 acre-feet (ac.-ft.) of storage off of Clay County Ditch (C.D.) No. 34/Whisky Creek, setback levees along the Clay C.D. No. 34 portion of Whisky Creek, and channel restoration of the unnamed tributary to Whisky Creek, beginning at the outlet of the retention site and extending to the confluence of Whisky Creek. Eskro stated that they continue to perform modeling to prepare for the DNR Dam Safety permit application that would eventually be needed. The modeling results

indicate that the capacity of the impoundment site does not need to exceed 7,000 ac.-ft., even though there is a potential storage capacity up to 8,000 ac.-ft.

Eskro reported the Opinion of Probable Costs (OPC) as follows: approximately \$2.6 million for the restoration of the unnamed tributary; approximately \$2.6 million to construct the setback levees, which includes the relocation of the Magellan pipeline running through the ditch system; and approximately \$7.8 million for the retention site, which includes the estimated easements. Eskro stated the next step is to identify sources of funding that could apply to each of the project features.

Don Schultz, DNR, noted that a DNR permit would be needed for the restoration work to be completed on the unnamed tributary and Whisky Creek and a permit from DNR Dam Safety. Jones added that permits would also be required from the COE and from BWSR for the Water Conservation Act (WCA). The group continued to discuss the details with permitting and issues that might arise with obtaining a COE permit.

Jones explained that HEI has modeled different scenarios using various project features to determine the ideal project alternatives. He said they have not presented anything to the COE yet, but have started the documentation. Albright noted it would be nice to be able to meet with a COE contact person to obtain their guidance. The group continued to discuss the permitting that would potentially be required for the Barnesville Township Drainage Study. There was discussion about the Project Implementation Process, identified in the BRRWD's Revised Watershed Management Plan (RWMP). The COE has a Point of Concurrence process. The process has 4 steps: demonstration of need and project purpose; range of alternatives subject to detailed analysis; identify the preferred alternative; and permit application, impact mitigation during design and documentation of 404(b)(1) analysis.

Albright stated that the BRRWD Board needs to adopt easement values based on the quality of land, since land can vary significantly within a project area. Then, the BRRWD can begin meeting with landowners to inform them that portions of their land may be included in the project area.

Upper South Branch of the Buffalo River. Albright gave a brief history regarding the Upper South Branch project. He explained that several issues involving the South Branch were identified back in 2008 and 2009. The BRRWD held a landowner meeting at that time and discussed the development of a potential project. They informed the landowners this process takes time.

Albright stated that the initial study evaluated a section of the South Branch starting at the Clay-Wilkin County Line extending upstream to Trunk Highway (T.H.) No. 9. He explained that the effects of any project along this section should not increase flows downstream of the County line. After trying to deal with all the problems along this reach, it was determined the project size needed to be decreased. The BRRWD and HEI reduced the potential project area to a stretch extending from County Road (C.R.) No. 30 to T.H. No. 9 and began evaluating possible retention sites in this area. Ross Aigner, landowner/Wilkin SWCD, suggested at the 12/10/15 PT meeting, that the BRRWD exhaust our research/options east of T.H. No. 9 before approaching landowners west of T.H. No. 9 to install project features. A lot of land in this area is already enrolled in conservation programs which could be utilized for our projects. HEI's analysis of the area east of T.H. No. 9 did not reflect many flood damage reduction (fdr) benefits, but there were lots of natural resource enhancement (nre) benefits.

Eskro distributed a map displaying the potential project and features for Phase 1A (east of T.H. No. 9). He explained that approximately 2.5 miles of straightened ditch could be restored to approximately 4 miles of meandering natural stream. He noted that the restoration work would start on the west side of the TNC lands between Sections 11 and 12, Manston Township. East of the restoration site is a series of braided streams throughout the TNC and other lands.

Eskro noted there are several Wetland Reserve Program (WRP) embankments in the E1/2, Section 12 and W1/2, Section 7, Manston Township. He explained that the most recent project concept is take water out of Wilkin C.D. No. 44-Lateral A, which carries two-thirds of the drainage from the area, and redirect the low water flows south into two 48" dia. pipes in C.R. No. 15 (in between the WRP embankment sites). The design potentially includes a riser pipe installed on the upstream end of the culvert thru C.R. No. 15, so high flows could still utilize Lateral. A.

Eskro stated that the W½, Section 11, Manston Township is where Wilkin C.D. No. 44, Lateral B is routed straight north and flows back into Lateral A. A ditch block would be constructed on the north side to direct water into the restored river channel. He noted that there is already a high ridge on the east side of Section 10. HEI's potential design keeps the channel on the south side of the Township road (170th ST), and adds meanders to the channel on the south side of the road.

Eskro noted there is significant erosion at a culvert outlet located through 170th Street in the SW1/4, Section 3, Manston Township. There is also significant erosion across Sections 2 and 3, Manston Township, on land owned by David Yaggie. Following the 2009 flood, the area washed out for two miles. Since then, Yaggie has made an attempt to restore the erosion, but nothing has been done to eliminate the cause of the problem when we have another flood. He said measures would need to be taken to prevent further erosion, after the channel restoration is completed. Some options to prevent future erosion include a grass waterway or any other feature that would capture sediment and stop the erosion. Eskro presented an example in Section 1, Manston Township where there is approximately 500' of grass waterway placed in Reinvest in Minnesota (RIM). This location is a historic erosion site where water breaks out of Wilkin C.D. No. 40 and/or Wilkin C.D. No. 44, Lateral A. He noted one option would be to extend this grassed waterway through Sections 2 and 3, and place the land under a conservation easement. The group continued to have an extended discussion regarding historic drainage patterns and issues within this area.

Aigner presented a question that landowner Joe Wulfekuhle had regarding what is considered to be the normal downstream flow rate and how this rate is determined. Wulfekuhle feels that the South Branch hasn't had a normal flow rate for years. Jones explained that their modelling is based off the 2009 geometry. Aigner commented that the South Branch was already filled with sediment at that time. Aigner agreed that the source of sediment needs to be determined before completing the downstream channel restoration.

Eskro reported the estimated cost for construction of Phase 1A is approximately \$1.1 million. This estimate includes excavation, side inlets, and some culvert removals. He noted that it does not include any estimated values for easements. The easement estimates would likely vary depending on the design of the project and/or if some of these lands would be eligible for a variety of conservation programs, such as RIM, Conservation Reserve Enhancement Program (CREP), etc. Albright commented that the next step would be to hold an agency meeting to discuss easement possibilities and the proposed features.

The group continued to discuss in detail the drainage patterns across the TNC lands, and how the different project features might improve nre features in this area.

Stony Creek Comprehensive Project. Rud reported that HEI has been working with the DNR Dam Safety Office regarding the dam classification. He noted that we are trying to prevent it from being classified as a high hazard dam. Jones stated that during a video conference with Dam Safety, he was given more direction regarding what information should be included in the breach analysis to help meet the requirements for a lower hazard classification. He explained that a different modeling technique was needed in order to optimize the design. Rud stated their design is different from what the DNR Dam Safety typically analyzes. Usually the dam analysis and breach failures presented have the emergency and principal spillway within the same pool. He explained that HEI's design has the emergency spillway

upstream of two box culverts that would bring water back into the emergency spillway. During modeling, the maximum probable event that could get to the site resulted in a water level that never reached the top of the dam. Rud noted that the modeling is based on a probable maximum event of 26" of rain within a 36-hour timeframe.

Rud stated that some additional modeling needs to be completed for a 500-year flood event with and without a breach occurring. He said measures would need to be developed to protect any properties that could be affected by a breach. Albright stated that landowners are eager to get a project started.

Manager Anderson questioned if there was any downstream channel work planned. Albright stated not at this time, but future phases may include work further downstream on Stony Creek.

WRP. Albright reported there were no new updates. The possibility of Pierce Lake in Hamden National Wildlife Refuge being a WRP site seems to have stalled. The NRCS has allowed us to review landowner sites that could potentially maximize fdr benefits, but we have not found anything yet that works.

Manston Slough. Albright noted that with the current dry weather, there has not been enough rainfall/runoff to fill the pool. When we get some significant rainfall, we will be able to better evaluate how the project is going to function.

Oakport Flood Mitigation. Phase 4 construction is advancing well. The Wall Street bridge is tentatively set to re-open next Wednesday, 06/22/16. Albright reported that the contractor, R.J. Zavoral and Sons, Inc. expects to have Phase 4 completed by Labor Day. He discussed recent issues concerning a landowner who accused the contractor of trespassing on their private property, along with other allegations.

Wolverton Creek/Comstock Coulee. The BRRWD recently was awarded a \$2.8 million BWSR Targeted Watershed Program grant. Albright reported that we were not selected for funding from the Legislative-Citizen Commission on Minnesota Resources (LCCMR). Our application was for \$9 million. We are still waiting for notification from the Lessard-Sams Outdoor Heritage Council (LSOHC) Conservation Partners Legacy Grants (CPLG) Program application for \$3.015 million.

Albright also explained that we need to meet with the Phase 1 landowners to assist them in signing up for the NRCS Wetland Reserve Enhancement Program (WREP), which could provide funding for the project easements and the channel restoration work, plus possibly the Agricultural Land Enhancement (ALE) program, which could fund enhancements for land that will remain in agriculture use. NRCS has indicated that they could have a significant amount of funding available for this project. Plans are to develop the project over the winter and be ready to advertise for bids in the spring for Phase 1 construction.

Georgetown Levee. Albright reported that work to restore the ball diamond is near completion, along with some maintenance work, which will finalize this project. He noted that a meeting was recently held with the City of Georgetown, and they are pleased with the completed project.

COE FM Diversion. Albright stated that the BRRWD Board withdrew from the Joint Powers Agreement (JPA) based on a 6-1 vote on 05/23/16. He noted that when he spoke with Congressman Collin Peterson recently, Peterson stated that if the Fargo-Moorhead Diversion Authority (DA) breaks ground on the potential diversion project, the Minnesota Governor/DNR will file an injunction.

Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategy (WRAPS). Albright stated that currently there are TMDL/WRAPS studies being performed on the Buffalo River, Upper Red River, and the Otter Tail River. He noted that the MPCA is short staffed causing decreased

productivity. He explained that the Buffalo River was a pilot TMDL study beginning in 2008, and that currently, this study is still not completed. The Upper Red River Study was scheduled for completion on 06/30/16, however, the MPCA will most likely need to issue a contract amendment, since it will not be completed by the deadline. Albright stated that the BRRWD has missed out on funding opportunities due to the incomplete TMDL/WRAPS.

Lower Otter Tail River Restoration (LOTR). Albright announced that the LOTR is one of the new study areas, which HEI is in the process of surveying. Funds for the initial study have been secured through a BWSR grant the Wilkin SWCD obtained and a grant the Environmental Protection Agency (EPA) provided to the BRRWD.

Albright explained that the potential project would restore a section of the LOTR that was channelized by the COE in the 1950s. Jones displayed a map on the overhead screens, while he briefly discussed the survey data that was being obtained using sonar from a remote controlled boat.

Aigner stated that Don Bajumpaa, Wilkin SWCD, secured funding to restore one oxbow located at the Karlo Etten site. Albright noted that the Wilkin SWCD is also working on a similar project at a second location.

Landowner Jim Haick questioned if any big issues have been discovered while surveying the LOTR. Eskro said there have been none so far. He explained that the survey of the river itself has been completed, however, there is a second component to the survey that includes shots of all the county ditches emptying into the river, shots of the river banks, etc. Eskro stated that all the data needs to be collected before they can complete an in-depth analysis comparing the historic channel with the channel as it exists today.

Whiskey Creek Enhancement: Albright stated Whiskey Creek is also a new study area. He noted that the BRRWD has received some landowner survey permission forms back, and that HEI has started surveying the area. He explained that funding to begin the project was received through a BWSR grant attained through the Wilkin County Environmental office. Albright noted that Whiskey Creek is a DNR protected watercourse, therefore once the surveying is completed, there would be agency and landowner meetings held to discuss a potential project. Jones displayed a map on the overhead monitors to show where survey work has been completed. Eskro also noted that HEI is taking a proactive approach to contact the remaining landowners to obtain permission to access their land in order to complete the survey work this fall. Albright stated that a three-quarter mile restoration demonstration was completed in Section 14, Connelly Township last year and that landowners were pleased with these improvements.

Glyndon DNR Protected Waterway: Albright explained that there is a DNR protected watercourse, extending from T.H. No. 10, east of Glyndon, joining the Buffalo River on the east side of C.R. No. 19. He stated this waterway has never been cleaned and has had issues for at least fifteen years. In 2009, the Buffalo River broke out causing gully erosion that partially filled the waterway. The soil from this incident settled into the waterway and contributed to the channel problems. Albright noted some of the issues include continually standing water, beaver dams, etc. He also stated that the City of Glyndon releases water from their sewage treatment facility into this waterway, which contributes to the standing water.

Albright noted there is a significant amount of habitat along this waterway and channel restoration options should be evaluated. He thought the BRRWD would potentially start by holding a landowner meeting to assess their interest in a project. Albright also noted that a survey would likely need to be completed in order to know the exact issues with the existing channel.

Revised Watershed Management Plan (RWMP)/Watershed District Enlargement (WDE). Albright noted that staff continues to work on the RWMP.

Activities Update. A copy of the 05/23/16 BRRWD press release was distributed.

Landowner Forums: Albright stated that the BRRWD Landowner Forum Meetings held in March were well attended. He felt that landowners appreciated the informational meetings and have a better understanding on how re-joining the Red River Watershed Management Board (RRWMB) might affect their taxation. Albright noted that the BRRWD Board will need to make a decision sometime in July 2016, regarding whether or not to rejoin the RRWMB.

Next Meeting. The next BRRWD Meditation PT meeting is tentatively scheduled for Thursday, August 18, 2016, at 7:00 PM, in the Barnesville office.

Adjournment. There being no further business to come before the group, Albright adjourned the meeting at 9:30 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator