

BUFFALO-RED RIVER WATERSHED DISTRICT

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MEDIATION PROJECT TEAM MINUTES

August 18, 2016

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, August 18, 2016, at 7:00 PM at the BRRWD office, Barnesville, MN.

Attending were: Peter V. Fjestad and John E. Hanson, BRRWD Managers; Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, Ted Rud, Engineer, and Thomas Eskro, Engineer, Houston Engineering, Inc. (HEI); Nicholas Brown, Minnesota Department of Natural Resources (DNR) Wildlife; Rodger T. Hemphill, Area Hydrologist, DNR; Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Keith Weston, Red River Basin Coordinator/Natural Resource Conservation Services (NRCS); Robert A. Zimmerman, Engineer, City of Moorhead; and Chad Raitz, Fergus Falls Wetland Management District (WMD)/United States Fish and Wildlife Services (USFWS).

Absent were: Gerald L. Van Amburg, Troy E. Larson, Mark T. Anderson, Catherine L. Affield, and Breanna L. Kobiela, BRRWD Managers; Larry Martin, USFWS and Fergus Falls WMD; Edward J. Musielewicz, District Conservationist, NRCS; Don Schultz, Area Wildlife Manager, DNR; Shawn May, USFWS and Detroit Lakes WMD; Lynn Foss, Clay Soil and Water Conservation District (SWCD); Peter Mead, Becker SWCD; Henry Van Offelen, Red River Basin Coordinator/DNR; Ryan Frohling, Detroit Lakes USFWS and WMD; Audubon Dakota; Brian Dwight, Board Conservationist, BWSR; Ross Aigner, Landowner/Wilkin SWCD; Brian Winter, Program Director, The Nature Conservancy (TNC); Craig O. Evans, PM-D, Army Corps of Engineers (COE); Evan Ingebrigtsen, Project Manager, Bemidji Field Office, COE; Keith Mykleseth, Assistant Regional Manager, Division of Ecological and Water Resources, DNR; John Lindstrom, Biologist, Ducks Unlimited (DU); Don Bajumpaa, District Manager, Wilkin County SWCD; Mandy Erickson, Fisheries, DNR; Jim Ziegler, Minnesota Pollution Control Agency (MPCA); Julie Aadland, Area Hydrologist, DNR; 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. 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 06/16/16 Mediation PT meeting were distributed with the meeting notice. **Motion** by Waller to approve the minutes. **Seconded** by Zimmerman. **Approved.**

Barnesville Township Area Drainage Study. Thomas Eskro, HEI, reported there has been minimal new development with this project. He stated that currently Magellan Midstream LP is addressing the pipeline depths starting at County State Aid Highway (CSAH) No. 2 and extending south to a wetland in Section 28, Barnesville Township. Magellan's plan is to continue re-burying the pipeline going south to a wetland in Section 34, Barnesville Township, after harvest. Eskro noted that this does not take care of the exposed pipeline through Clay County Ditch (C.D.) No. 34. Pete Waller, BWSR, questioned if the two pipelines through the ditch were 6" and 8" diameter (dia.) pipes. Eskro confirmed this and explained that these pipelines should be buried at least three to four feet deep below the ditch bottom.

Eskro stated that HEI continues to work on the points of concurrence in preparation for the COE permit application. Jones explained that currently the COE is in the process of updating their concurrence points

process. He spoke to Craig Jarnot, COE, at the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) meeting held on 8/17/16. Jarnot informed Jones that the COE is re-visiting the planning process for the NRCS Regional Conservation Partnership Program (RCPP). He told Jones that they expect to have a draft copy of the new concurrence points by next month. Jones noted that he does not expect much to change.

Keith Weston, NRCS, announced that Jarnot has been assigned to the Red River Basin as the Branch Manager for northwestern Minnesota, and he is based in their Bemidji office.

Albright explained that he received an email from Jarnot requesting a time to meet to discuss the BRRWD's projects. Jarnot explained in his email that he would like to prevent any potential issues regarding permitting before project development has progressed too far. A meeting has been tentatively scheduled for Wednesday, August 24, 2016.

Upper South Branch of the Buffalo River. The Upper South Branch begins as a series of braided streams in Otter Tail County. The channel becomes more apparent as it flows west through Wilkin County. It then joins the main stem of the Buffalo River near Glyndon/Dilworth. The Buffalo River continues to Georgetown, where it outlets into the Red River of the North. Albright stated that the Watershed District has been aware of historical issues along the South Branch for some time. The BRRWD held a landowner meeting in 2009 to discuss the development of a potential project. 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 cannot 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 first phase potential project area to a stretch extending from County Road (C.R.) No. 30 to T.H. No. 9 to begin evaluating possible retention sites in this area. The project size was made even smaller, looking only at the area upstream of T.H. No. 9. Albright noted that a lot of land in this area is already enrolled in conservation programs which could be utilized for our project. Albright recalled a suggestion that was made by Ross Aigner, landowner/Wilkin SWCD, at the 12/10/15 PT meeting, proposing 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.

Albright informed the group that an agency meeting was held on Tuesday, August 16, 2016, regarding the South Branch of the Buffalo River. He felt that the proposed project received a good response from BWSR representatives in attendance.

Eskro explained that Wilkin C.D. No. 44, Lateral A, is located on the north side of the proposed project area and Wilkin C.D. No. 44, Lateral B, on the south side. He noted that Lateral B flows north along the west line of Section 11, Manston Township and outlets into Wilkin C.D. No. 44, which replaced a section of the Upper South Branch of the Buffalo River when it was originally constructed. HEI began by evaluating potential options for restoration along the Upper South Branch, upstream of T.H. No. 9. A potential comprehensive project would include restoring the historic channel upstream of T.H. No. 9 (Phase 1A), and then completing sediment removal and creating retention downstream of T.H. No. 9. Albright felt this is an important natural resource enhancement (nre) project, since we know that the current condition of this section of the river is obstructing the movement of fish.

There are several Wetland Reserve Program (WRP) embankments in the E1/2, Section 12, and W1/2, Section 7, Tanberg Township. Eskro 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 along C.R. No. 15 (between the WRP embankment sites). The design potentially includes a riser pipe installed on the upstream end of the culvert through C.R. No. 15, so high flows could still utilize Lateral A. The water could then flow across the TNC lands in the W½, Section 12, Manston Township, into the restored channel.

Brian Winters, TNC, had expressed concerns at a prior meeting with increased flows across the TNC lands, and he requested more specific information regarding the flow of water that would come through this area. Eskro reported that there is a 70% increase in flows across the TNC lands for a 2-year event. This increase is due to all the water being diverted out of Wilkin C.D. No. 44, Lateral A. He also reported that for a 25-year event there is a 30% increase, 50-year event was a 20% increase and the 100-year event was a 10% increase. Eskro explained that the higher events allow the water to spill over into the county ditch bypassing the TNC lands, and these higher events also breakout further upstream.

Eskro reported the estimated cost for construction of Phase 1A is approximately \$1.1 million. This estimate includes excavation, channel restoration, side inlets, right-of-way (R/W), and some culvert removals. He noted that the estimate does not include any values for permanent 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 Reinvest in Minnesota (RIM), Conservation Reserve Enhancement Program (CREP), etc. 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 approximately 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. He explained that they have created a few different alternatives for erosion control along with the cost estimate for each. One option might be to plant the area to native grasses through some type of easement program.

Stony Creek Comprehensive Project. Rud reported that HEI continues working with the DNR Dam Safety Office regarding the dam classification. He explained that the DNR Dam Safety requested a different type of modelling be completed for possible breeches, which resulted in a more complex model. Rud said that we need to show that major roadways and/or houses are not flooded during a breach event, in order to prevent the dam from being classified as a high hazard dam. Rud displayed a map on the overhead screen to show the downstream properties that would be affected during a breach.

The current proposal is to model a breach event, take the highest water elevation adjacent to the affected properties, and construct ring dikes around them, allowing for two feet of freeboard. Also, two gravel roads would be lowered to allow water to breakout, rather than inundating other structures such as the railroad and/or major roads. Jones noted that these areas are already having issues with the existing conditions. Rud explained that our proposed models have to be compared to the existing conditions as well as the potential future conditions. He stated that the updated information has been sent to the DNR Dam Safety for evaluation. He said he plans to follow up with them tomorrow.

Albright stated the BRRWD needs to establish easement values. He noted that Agricultural Land Easements (ALE) through the NRCS may potentially cover up to half of the easement expenses.

Wetland Reserve Program (WRP)/Wetland Reserve Enhancement (WRE). Albright announced that John Lindstrom is the new DU Biologist handling wetland restorations for the region. He has taken over for Josh Kavanagh.

Weston announced that enrollment for the 2017 WRP ends on October 1, 2016. Albright hoped that there would be some landowners from Wolverton Creek Phase 1A who would be submitting applications before that deadline. He noted that Phase 1A of the Wolverton project would affect approximately 18 landowners. The BRRWD plans to hold a landowner meeting for these individuals after Labor Day. We will be sending them a packet, which includes the NRCS application. Weston thought that if we could get at least two to four conscientious landowners to apply, then the remaining landowners could slowly submit applications as well, as this is a continuous sign-up program.

Albright asked if the CREP could still apply for this project. Waller explained that CREP is a program that combines RIM and the Conservation Reserve Program (CRP). He stated that the CRP portion requires a cropping history on the land in order to qualify for CREP. In the past, RIM alone, has allowed some non-crop land to be included based on the percentage of the total land area within the easement. However, Waller was not sure that would be the case for CREP. Waller said that information regarding the CREP payment rate is available on the BWSR website. He noted this payment would be a RIM value consisting of a CRP payment and an easement payment.

Manston Slough Restoration. Rud explained that Wilkin C.D. No. 13-Lateral runs along the north embankment and the principle spillway. When the lateral was installed in the mid-1980s, spoil banks were constructed starting at T.H. No. 9 and extending to the principle spillway. These spoil banks protected former farmland by keeping the water in the ditch. However, today these spoil banks are contributing to water issues, especially on Tom Arnhalt's land in the SE¼, Section 20, Manston Township.

Rud stated that HEI is currently investigating ways to direct water from an unnamed channel into the retention site. He mentioned one option is to remove sections of the spoil banks on the north side of the channel to allow high flows to break out overland through WRP easement lands owned by the DNR. A second option was for Arnhalt to construct a new ditch, however, the DNR did not approve of this option.

Albright explained that in the mid-1980s the main goal was to direct the water into the ditch and keep it there to protect the farmland. Currently, the surrounding land is no longer farmland, so we would be able to let the water go throughout this area naturally with the least amount of disturbance. Albright stated that currently there really is no need for the dikes downstream of Arnhalt's property.

Waller asked if removing the spoil banks in Section 20, Manston Township, would solve Arnhalt's water issues. Albright thought that it would.

Oakport Flood Mitigation. The contractor initially thought that Phase 4 would be completed by Labor Day. However, due to the wet conditions, progress has been slower than anticipated. Albright announced that he will be meeting with the contractor tomorrow. He also noted that the BRRWD will be working with the Audubon Society to restore approximately 25 to 30 acres of native grasses on the land outside of the dike.

Wolverton Creek/Comstock Coulee. The BRRWD was awarded a \$2.8 million BWSR Targeted Watershed Program grant this summer. Albright stated he will be testifying on Tuesday in front of the Lessard-Sams Outdoor Heritage Council (LSOHC) to try to obtain a \$3.015 million grant. He also mentioned that the BRRWD is working to create a watershed management district (wmd) to raise local funding. The projected completion of the wmd is sometime early next year. Albright hoped that project construction on Phase 1A could potentially begin next summer. Information regarding a landowner meeting/WRP applications was previously noted under the WRP section of these minutes.

Albright announced that the COE permit was recently approved after waiting approximately five years. He asked Weston how long it would take to get easements established with the NRCS and WRE. Weston thought the timeframe was approximately 15 to 18 months.

Georgetown Levee. Albright informed the group that the BRRWD is working with Clay County Commissioner Kevin Campbell on possible permanent road closures. Five road raises and two railroad track closures would be required to get the dike certified: Two are on T.H. No. 75, one on C.R. No. 34, one on C.R. No. 100, and a Texas crossing (Mason Street). Commissioner Campbell plans to propose to the Fargo-Moorhead (F-M) Diversion Authority (DA) for the roads to be raised permanently, and for this expense to be covered by the DA, since their project design for the F-M Diversion places their outlet near Georgetown.

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 explained that there is currently a DNR permit pending for the Diversion project, and this permit is in the 30-day comment period. Albright stated that the BRRWD will be submitting their comments/concerns to the DNR.

Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategy (WRAPS). The MPCA had an original completion deadline of June 30, 2016, for the Upper Red River TMDL, and they did not meet this deadline. Albright noted that HEI has finished everything the BRRWD needed to finish, but we are waiting on the MPCA to complete their review. The MPCA has estimated the completion date of September 1, 2016, for both the Upper Red River and Buffalo River TMDLs. Jones spoke with Jim Courneya, Watershed Manager, MPCA, at the RRBFDWRWG meeting, who thought that the Environmental Protection Agency (EPA) had already approved the Buffalo River TMDL. Courneya also expected the Upper Red River TMDL to be sent to the EPA within the next 30 to 90 days.

Lower Otter Tail River Restoration (LOTR). Jones stated that HEI has collected almost all the survey data needed, and that Eskro has been evaluating this information. Eskro explained that HEI has surveyed the channel starting at the Orwell Dam and extending to the Breckenridge Diversion channel, the Wilkin and Otter Tail ditches along this stretch, and as much data that could be collected on the oxbows that were abandoned during the COE project. He said once the last pieces of survey data are collected, he will then begin developing hydraulic models of the river, including how it was in the past, how it is now, and how it could be with some oxbows restored.

Whiskey Creek Enhancement. Albright explained that funding to begin this project was received through a BWSR grant attained through the Wilkin County Environmental office.

Eskro listed the areas where surveying has been completed. He noted that HEI has been able to contact the majority of landowners who have not returned their permission to survey forms. Several landowners asked for us to wait until after harvest before accessing the creek channel via their land.

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 that 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 stated that 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 this winter to assess their interest in a possible 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 draft RWMP.

Activities Update. A copy of the 08/08/16 BRRWD press release was distributed. Albright reviewed a few of the current activities taking place within the BRRWD. He noted that the new buffer strip law mandates that protected waterways have buffer strips installed by November 1, 2017, and all ditch systems by November 1, 2018. The BRRWD has approximately 90 drainage systems within the Watershed District that need buffer strips.

Red River Watershed Management Board (RRWMB). Albright announced that the BRRWD Board of Managers has elected to not become members of the RRWMB at this time.

Landowner Forums. Albright stated that the BRRWD Landowner Forum Meetings held in March were well attended. He felt that landowners appreciated the informational meetings formats and have a better understanding of the projects the BRRWD is working on. Albright thought the BRRWD would continue holding these forums in the future to help keep the landowners informed.

Next Meeting. The next BRRWD Meditation PT meeting is tentatively scheduled for Thursday, October 13, 2016, at 7:00 PM, in the Barnesville office. The BRRWD has tentatively scheduled the Fall Tour for September 13, 2016, at 1:30 PM.

Adjournment. There being no further business to come before the group, Albright adjourned the meeting at 9:20 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator