

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

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

BARNESVILLE, MINNESOTA 56514  
PO BOX 341

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

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## MEDIATION PROJECT TEAM MINUTES October 13, 2016

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, October 13, 2016, at 7:00 PM at the BRRWD office, Barnesville, MN.

Attending were: 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; Lynn Foss, Clay Soil and Water Conservation District (SWCD); Shawn May, United States Fish and Wildlife Services (USFWS) and Detroit Lakes Wetland Management District (WMD); and Robert A. Zimmerman, Engineer, City of Moorhead.

Absent were: Gerald L. Van Amburg, Troy E. Larson, Mark T. Anderson, Catherine L. Affield, Peter V. Fjestad and John E. Hanson, BRRWD Managers; Larry Martin, USFWS/Fergus Falls WMD; Edward J. Musielewicz, District Conservationist, Natural Resource Conservation Services (NRCS); Don Schultz, Area Wildlife Manager, DNR; 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, Minnesota Board of Water and Soil Resources (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; Anthony Nelson, Pheasants Forever (PF) and Clay SWCD; Pete Waller, Board Conservationist, BWSR; Keith Weston, Red River Basin Coordinator/NRCS; and Chad Raitz, Fergus Falls WMD/USFWS.

Bruce Albright, BRRWD Administrator, called the meeting to order at 7:00 PM. Albright noted that the BRRWD's Fall Tour took place on September 22, 2016, and that the majority of the tour was focused on projects in Becker County. Albright commended the Becker SWCD for their good work and for their partnership in completing these projects. 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 08/18/16 Mediation PT meeting were distributed with the meeting notice. **Motion** by Zimmerman to approve the minutes. **Seconded** by Foss. **Approved.**

**COE.** Albright informed the group that a meeting was held on October 11, 2016, with Craig Jarnot, COE Branch Manager, to discuss three of the BRRWD's Flood Damage Reduction projects. At this meeting, Jarnot provided Albright with a draft copy of the new Concurrence Points, which Albright distributed to the group. Albright stated that after each concurrence point has been finalized, a report can be submitted to the COE for approval. The successive concurrence point cannot be submitted until the preceding point has been approved. However, Jones noted that it is acceptable to start working on the following point before the first is approved. The anticipated turnaround time for COE approval is approximately 30 days.

Eskro said that he has Points 1 and 2 drafted for the Barnesville Township Area Drainage Study. He will continue working with Jarnot on the drafts before an official submission is made to the COE. Hemphill noted that the Federal Aviation Administration (FAA) is currently working on the Concurrence Points for the airport in Detroit Lakes, and that they are also working in a team setting similar to Mediation PT.

At the October 11<sup>th</sup> meeting, Jarnot stated that he plans to attend as many future project team meetings as he can. He noted that evening meetings are difficult, and that the winter daytime schedule would work better for him.

Jones explained there are four main Concurrence Points: Project Purpose and Need, Alternatives, Identification of Selected Alternative(s) with the COE determining the Least Environmentally Damaging Practicable Alternative (LEDPA), and Design Phase Impact Minimization. He explained that the Power Point presentation talks mainly about the Project Purpose and Need. It is important to find a purpose that is not too specific, but also not too vague, so you do not eliminate too many alternatives. Albright said the key is to work with the COE during the early stages of the project development and to follow the Concurrence Points, so any potential problems can be identified before the project development is too advanced.

Albright stated that Jarnot heard about the BRRWD's larger projects; Barnesville Township Area Drainage, Stony Creek, and the Upper South Branch of the Buffalo River, and there are currently no red flags concerning these projects.

**Barnesville Township Area Drainage Study.** Eskro's points for the Barnesville Township Area Drainage Study were covered under the COE section.

Albright noted that funds have been reserved by the Fargo-Moorhead (F-M) Diversion Authority (DA) to be used for this study. He anticipated that landowner meetings could be held this winter to discuss the overall project concept and to discuss possible locations for impoundment sites with the affected landowners. Eskro noted that we will keep working with the COE to get the Concurrence Points process completed.

**Upper South Branch of the Buffalo River.** Eskro explained that the current project is located throughout Sections 11 and 12, Manston Township. Jones noted that the Deutsch property in Section 11, is potentially going to be enrolled into Reinvest in Minnesota (RIM), if they can secure the mineral rights. Albright commented that BWSR will not take an easement unless they have the mineral rights.

Eskro reported that there have been subsequent meetings held with TNC representatives since the 8/16/16 initial agency meeting. He explained that the BRRWD submitted data to TNC science consultants, who have evaluated this data and determined that it is not in their best interest to increase flows over the TNC lands in the W $\frac{1}{2}$ , Section 12, Manston Township. TNC representatives are concerned that increased flows could increase the amount of sediment laden water and/or possibly carry invasive weed seed across this area. Eskro explained that an alternative would be to revise the alignment and follow a different meander to the north, then bring flows back into the original channel further downstream on Wilkin County Ditch (C.D.) No. 44. Jones thought this alternative may provide better connectivity and habitat for fish that have been discovered further upstream in Wilkin C.D. No. 44, Lateral A.

Albright noted that there are also funds available through the DA that can be used for studying this project. There is approximately \$150,000 in funding available through the Clean Water Fund (CWF) for this project that would carry over to 2017. He also noted that an application was submitted for an additional \$390,000 of funding through the CWF. BSWR should be making a decision regarding these funds by the end of December 2016.

Albright explained that one of the next steps would be to speak to a landowner (Muriel Rogelstad) who would be affected by the restoration of a meander running across their property. This location is also where a breakout occurred during the 2009 flood.

**Stony Creek Comprehensive Project.** Rud reported that HEI continues working with DNR Dam Safety regarding the dam classification. They have submitted additional breach models as requested by Dam Safety. Jones explained that the additional models were created to analyze the water's velocity alongside downstream building sites.

Rud presented the breach models on the overhead screens as he discussed the results. He explained that they are evaluating the depth times velocity (DV) value. A DV value greater than or equal to 15 has the ability to wash buildings off their foundations, and a DV value greater than 7 is classified as high hazard or dangerous to an adult. Any areas that would have less than two feet of water or a DV value less than 7 would require no extra structural protection. Rud stated that HEI continues to compile additional data and will be submitting this information for Dam Safety's review in the near future.

Rud explained the results of the recent models that show two downstream farmsteads would require some extra protection. Ring dikes could be constructed, which would provide protection plus two feet of free board above the worst case breach event for these locations. He also noted there is a warehouse and a house in Section 8, Barnesville Township, that would require some additional protection. There are a couple of properties in Section 32, that would be completely inundated, even in today's 100-year flood event without the project. Jones explained that DNR Dam Safety is currently considering a medium hazard dam classification based off the last models submitted to them.

Rud explained that some of the next few steps to complete would include developing a map indicating which locations would need protection, providing Dam Safety with HEI's models for review, and then for the BRRWD to begin holding landowner meetings to receive feedback on this project. Albright reviewed three main components of this project; restoring Stony Creek/Clay C.D. No. 31, re-determining benefits for Clay C.D. No. 31, and adding additional culverts through Interstate-94 (I-94).

Albright stated that at least one of the three upcoming projects, either Barnesville Township Drainage, Upper South Branch of the Buffalo River, and/or Stony Creek, should be submitted by the beginning of December for funds through future bonding bills.

**Wetland Reserve Program (WRP)/Wetland Reserve Enhancement (WRE).** Albright noted that the BRRWD was not awarded funding through the Regional Conservation Partnership Program (RCPP). He noted that Congressman Kramer and Congressman Peterson both feel there is still a lot of flood damage reduction (fdr) that can be completed in the area, and they would like projects to continue. Congressman Peterson also plans to beginning work on the new farm bill after the election.

**Manston Slough Restoration.** The Manston Slough Restoration was completed in 2015, but we did not get to see any water retention due to dry weather conditions. The rain from July 2016 filled the wetland pool to the operating elevation of 972'. Albright explained that Caroline Clarin, NRCS, requested to have the stop logs removed to lower the pool elevation, so their contractor could complete some wetland restorations and tree removals around the perimeter on their WRP lands. He stated that there was a landowner complaint shortly after the stop logs were removed. The BRRWD evaluated the complaint and discovered that the Manston Slough outlet, Wilkin C.D. No. 13-Lateral, was blocked by a beaver dam. He also explained that approximately six miles of this ditch channel, which was built in the mid-1980s, was partially cleaned in 2000. He explained that this stretch will likely need another significant clean out in 2016. Albright said the water elevations in the ditch are currently too high to complete the survey work, and that HEI is anticipating the survey to be completed yet this fall.

Albright stated a second issue needs to be addressed regarding the water drainage from Trunk Highway (T.H.) No. 9 to Manston Slough. There was a landowner complaint that his field was flooded due to inadequate drainage in this region. Albright explained that between T.H. No. 9 and Manston Slough there is more than 13 square miles (sq. mi.) of drainage, and that the current waterway cannot handle the flows. He explained that in the past, spoil banks had been created to keep water contained and flows directed into the slough, in order to protect the former agricultural land. He noted to correct the current issue, there will be a couple small spoil banks lowered to allow the water to spill over into the DNR and NRCS land.

**Oakport Flood Mitigation.** Albright performed a field review last week, and noted that the project is in the final stages of clean up, with some final clean up to be performed in the spring. Once there is substantial completion, a 1-year warranty period would begin. It is estimated that the final certification process will start this winter.

Albright commented that there are some stock piles of excess material that will need to be removed, and that there is a contractor possibly interested in using the material. He also informed the group that a landowner filed a law suit regarding easement/trespassing concerns.

Albright mentioned that he met with the Audubon Society Monday this morning to discuss the native grass seeding that will occur along the entire west side of the dike up to County Road (C.R.) No. 93.

**Wolverton Creek/Comstock Coulee.** The Lessard-Sams Outdoor Heritage Council (LSOHC) has recommended that the BRRWD receive a \$1.877 million grant. Jones noted this amount would cover all of the Phase 1 construction expenses, land acquisition, and engineering. The BRRWD was also awarded a \$2.8 million BWSR Targeted Watershed Program grant and an Enbridge grant in the amount of \$100,000. He noted that roughly \$5 million has been raised which is approximately half the total project costs. It is projected that construction could begin next summer.

The BRRWD and NRCS held a landowner meeting to discuss opportunities to sign up for the Wetlands Reserve Enhancement (WRE) program through the NRCS. Albright noted that at least two or three landowners signed up within the first week.

**Georgetown Levee.** Albright informed the group that the BRRWD is working with Clay County Commissioner Kevin Campbell on possible permanent road closures. Six 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 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.

**F-M Diversion.** Albright stated that the COE is moving forward with the Diversion project, and that he thought the COE was going to open contracts soon.

**Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategy (WRAPS).** Hemphill informed the group that the MPCA has hired Danielle Kvasager, as a project manager replacement for Tera Mercil. He noted that the WRAPS for the Buffalo River have been approved, and that the TMDL is still in the process of being approved by the Environmental Pollution Agency (EPA) in Chicago. The contract for the Upper Red River TMDL expired on June 30, 2016. Albright stated that he does not know the current status of this TMDL at this time.

The group discussed the Otter Tail River TMDL kickoff and civic engagement through the University of Minnesota's COHORT training. Hemphill mentioned that Julie Aadland and Nathan Olson, DNR, have been active in the COHORT program. Hemphill received a call today stating that the initial WRAPS planning is

moving forward. He said that the East Otter Tail SWCD has been meeting with the contractor, but no contracts are currently in place.

**Lower Otter Tail River Restoration (LOTR).** Eskro reviewed the study area while displaying a map on the overhead screens. He described areas where there has been down cutting and channel straightening. He explained that he has been reviewing the old COE models/data, starting at C.R. No. 19 and extending to C.R. No. 16, which is the bridge upstream of where the Breckenridge Diversion begins. He has compared and contrasted the differences between the conditions at the time of the COE project and the current conditions for this stretch. He mentioned that all the survey data has been collected and they have built a HEC/RAS model. Eskro said the next steps will include modelling several different conditions; existing conditions, conditions during the COE's project, and a few different hydrology methods. They can then begin evaluating what could be done with some of the old oxbows. Jones stated that there will be future meetings held to show potential project features and to obtain feedback. Jones pointed out that the displayed map includes Breckenridge Lake, which has 8' of sediment resulting from the upstream channel down cutting.

Albright commented that the BRRWD submitted a Section 1135 Grant application with the COE approximately one year ago. He said that he received a call in January from the COE stating that our application had been approved, but that there were currently no funds available in the Section 1135 program. Albright stated that he received a call today from Benjamin Cox, who said the grant agreement has been sent for the Board's signature. He noted that the first \$100,000 of restoration study costs will be the COE's responsibility. Albright said the next step would be to hold a meeting with the COE to update them on the project status. He estimated a meeting could be held in November/December.

Eskro explained that a chart has been developed reflecting some of the differences of the past conditions versus the present ones. He stated there is an average of approximately 3' to 4' of difference in elevation between the oxbows and the current channel bottom. Albright questioned how many oxbows are still visible on the landscape today. Jones stated there is approximately 75% of the oxbows still present today. Jones explained that the COE project piled the excavated materials off to the side which in turn would cut off the meanders. He thought that there were only a few meanders that had been completely filled in during the COE's project.

Albright noted that he received a call from the COE questioning whether or not it would be possible for some of this work to be tied to mitigation for the F-M Diversion.

**Whiskey Creek Enhancement.** Albright explained that funding to begin this project was received through a BWSR CWF grant attained through the Wilkin County Environmental Office. He stated the first phase would be obtaining survey data along approximately 20 miles of channel. Jones thought the survey would likely be done by the end of October. HEI is waiting for the corn to be harvested since this interferes with the geographical positioning system (GPS). Albright noted the overall project plan is to complete twenty miles of channel restoration.

**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 more 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 could 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. He explained that the purpose for the revised plan is to include the recently added 400 sq. mi., which includes parts of Wilkin and Otter Tail counties. The BRRWD's goal is to get a draft copy to BWSR by January 2017.

**Activities Update.** A copy of the 09/26/16 BRRWD press release was distributed. Albright stated that the current rules the BRRWD operates under were developed in 1979. We are in the process of updating these rules and expect to complete them sometime this winter.

He also noted that the BRRWD is currently working with the City of Moorhead and MPCA on the Municipal Separate Storm Sewer Systems (MS4) program.

Albright announced that Breanna Kobiela, BRRWD Manager, Clay County, resigned from her position because she has moved to Fargo. Kobiela had been a Manager with the BRRWD since 2009.

**Red River Watershed Management Board (RRWMB).** Albright commented that the BRRWD Board of Managers has decided not to become members of the RRWMB at this time; however, they agreed to keep an open mind regarding this issue. We have some larger projects that will require funding in the future, and the RRWMB could be a potential source for these funds.

**Next Meeting.** The next BRRWD Meditation PT meeting is tentatively scheduled for Thursday, December 15, 2016, at 1:30 PM, in the Barnesville office.

**Adjournment.** There being no further business to come before the group, Albright adjourned the meeting at 8:52 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator