

BUFFALO-RED RIVER WATERSHED DISTRICT

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MEDIATION PROJECT TEAM MINUTES February 16, 2017

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, February 16, 2017, at 1:30 PM at the BRRWD office, Barnesville, MN.

Attending were: Jay A. Leitch and Peter V. Fjestad, BRRWD Managers; Bruce E. Albright, BRRWD Administrator, Erik S. Jones, Engineer, Ted Rud, Engineer, and Thomas Eskro, Engineer, Houston Engineering, Inc. (HEI); Rodger T. Hemphill, Area Hydrologist, Minnesota Department of Natural Resources (DNR); Lynn Foss, Clay Soil and Water Conservation District (SWCD); Edward J. Musielewicz, District Conservationist, Natural Resource Conservation Services (NRCS); Dave Jones, Red River Basin Coordinator/NRCS; Nicholas Brown, DNR Wildlife; Anthony Nelson, Pheasants Forever (PF) and Clay SWCD; Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); and Ross Aigner, Landowner/Wilkin SWCD.

Absent were: Gerald L. Van Amburg, Mark T. Anderson, Troy E. Larson, Catherine L. Affield, and John E. Hanson, BRRWD Managers; Brian Winter, Program Director, The Nature Conservancy (TNC); Larry Martin, United States Fish and Wildlife Services (USFWS) and Fergus Falls Wetland Management District (WMD); 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; Craig O. Evans, PM-D, Army Corp of Engineers (COE); Evan Ingebrigtsen, Project Manager, Bemidji Field Office, COE; John Lindstrom, Biologist, Ducks Unlimited (DU); Don Bajumpaa, District Manager, Wilkin County SWCD; Jim Ziegler, Minnesota Pollution Control Agency (MPCA); Julie Aadland, Area Hydrologist, DNR; Amanda Hillman, Restoration Coordinator, DNR; Chad Raitz, Fergus Falls WMD/USFWS; Gabe Foltz, Clay SWCD; Craig Jarnot, Biologist, COE; Mike Oehler, DNR Wildlife, Fergus Falls; Don Schultz, Area Wildlife Manager, DNR; Shawn May, USFWS and Detroit Lakes WMD; Mandy Erickson, Fisheries, DNR; and Robert A. Zimmerman, Engineer, City of Moorhead.

Bruce Albright, BRRWD Administrator, called the meeting to order at 1:30 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 12/15/16 Mediation PT meeting were distributed with the meeting notice. **Motion** by Fjestad to approve the minutes. **Seconded** by Foss. **Approved.**

Barnesville Township Area Study. Albright explained that the project area includes a DNR protected waterway that needs to be cleaned and buffer strips installed. Whiskey Creek is located just to the north and runs west through the City of Barnesville, eventually turning into Clay County Ditch (C.D.) No. 34. It then joins with the South Tributary, approximately 0.5 miles upstream of the juncture of Whiskey Creek and the South Branch of the Buffalo River.

Albright stated the next step in developing the project is to determine how the BRRWD will acquire the needed land for several of the project components. He explained that there are two ways this can be done: the BRRWD can obtain ownership of the land or the land could be acquired through easements.

He distributed a chart reflecting different easement options, such as using the crop equivalency rating (CER)/productivity index (PI), that are available for acquiring easements for the different natural resource enhancement (nre)/flood damage reduction (fdr) projects being developed. He noted that the easement values are calculated into the total project costs, and in the end, the benefits of a project must be greater than the actual costs. Albright commented that project sites are strategically located based on several factors, including topography and soil types. The BRRWD needs to find the best land acquisition options for the affected landowners.

Manager Jay Leitch has been working with the NRCS on the Regional Conservation Partnership Program (RCPP) project analysis to determine how the benefits relate to the actual cost. In the past, the Red River Basin Commission's Long Term Flooding Solutions (LTFS), has been used as a goal to reduce peak flows by 20% with a particular watershed. However, a lot has changed across the basin since that study was completed, and it may not be reasonable to still be using this as a goal. Albright noted that the BRRWD Board passed a motion to invite the RRBC to their next meeting on February 27, 2017 to discuss this further.

Albright also noted that it may be possible to find project benefits other than fdr benefits. An example he gave was the Manston Slough Restoration project. This project also has nre benefits such as groundwater recharge of the Buffalo Aquifer, restored habitat that can be used for public recreation, and the potential for improved water quality.

Eskro stated that COE Concurrence Point No. 1 was officially approved on 2/13/17. The first point focused on identifying problems within the region and determining objectives to fix these issues. He listed off the following fdr and nre issues identified within the Barnesville Township Drainage Study: water quality impairment(s), sedimentation in the South Tributary, and damages to homes and crops. From this information, a concise purpose and needs statement was drafted and any project considerations need to address this statement from this point forward.

Eskro commented that he has drafted Concurrence Point No. 2 and will submit it to Craig Jarnot, COE, for a preliminary review before sending in a final document. The second point looks at all the measures from Technical Paper No. 11 which has approximately sixteen different fdr related measures ranging from set back of existing levees, improving agricultural drainage, on/off channel incumbencies, agricultural best management practices (bmps), etc. He said each point is examined to see if it addresses the Purpose and Need and from there, any points that meet the criteria can be combined into alternatives.

Eskro displayed a map on the overhead screens while stating the three project concepts are as follows: restoration of Clay C.D. No. 34, the legal ditch portion of Whiskey Creek; pulling back set back levees and reconnecting some meanders on Whiskey Creek; restoring the South Tributary to a two-stage channel with vegetated buffers and side inlet pipes; and approximately a 7,200 acre-feet (ac.-ft) retention site that could handle a 4" rainfall event. He explained that the outlet spillway design would consist of a 60" pipe with a riser and the emergency spillway would be a weir that is approximately 150' long. The group continued to discuss possible options for the project including potentially increasing the area of the retention site creating a shallower retention pond.

Eskro informed the group that he has submitted a fdr grant application to the DNR as well as an application for their Stream Habitat Restoration Program. He reported the revised cost estimate as follows: the Clay C.D. No. 34 restoration would be approximately \$3.9 million, which includes moving the Magellan and NuStar pipelines; the South Tributary restoration is approximately \$2.5 million, and the retention site is estimated at \$9 million. The group had an extended discussion regarding the potential project concepts and the effects they may have on the overall project area.

Upper South Branch of the Buffalo River. 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 Lateral A, which replaced a section of the Upper South Branch of the Buffalo River when it was originally constructed (late 1800's). The proposed project would include installing a new ditch on the west side of the TNC lands and to restore the Upper South Branch to a two-stage natural channel with side inlet pipes to help control concentrated flows. Eskro explained that there are two drainage areas located in this region: Wilkin C.D. No. 40 and Wilkin C.D. No. 44. Another possible project feature may be installing/improving existing berms along Wilkin C.D. No. 40 to help contain flows.

Eskro noted that the Deutsch property in Section 11, has been enrolled into Reinvest in Minnesota (RIM). He noted that the BRRWD still needs to meet with Rogelstads regarding the proposed project. Albright said that he discussed the status of the project with Dave Yaggie when he was in the office recently. He explained that Yaggie is affected by breakout flows further east. Past flooding caused a large gully erosion through Yaggie's field, that he has repaired to the best of his ability following the 2009 spring flood.

Eskro stated that an application for \$2.8 million, which includes estimated easement values for land on the north side of the road, has been submitted to the DNR's Stream Habitat Restoration Program. The next step would be to meet with BWSR to discuss whether they could find the work in Section 11, Manston Township since all this land is enrolled in RIM.

The group continued discussing the possibility of re-addressing the TNC concerns and to try to direct water flow back to the historic channels, but the TNC does not want increased water flow across their land.

Stony Creek Comprehensive Project. Rud briefly summarized that the Stony Creek Project is another multi-component project located just north of the Barnesville Township Project. Stony Creek is impaired for e-coli, turbidity and dissolved oxygen (DO). Rud reported that HEI continues working with DNR Dam Safety regarding the dam classification, and that they have submitted additional breach analysis models as requested.

Rud explained some potential project components include pulling back the set back levees along the existing channel to provide a larger floodplain and/or constructing an embankment to create an impoundment site. The potential plan is to direct water from Stony Creek via a diversion channel into the retention area. There would be new box culverts installed through Interstate 94 (I-94), that would direct water into a channel flowing into the impoundment site. Dam Safety's concern is what would happen if a breach event occurred. Rud stated that HEI has evaluated four scenarios from different directions to determine where flooding might occur.

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. Another potential protection measure could be to lower some sections of road to guide water back to the channel. DNR Dam Safety would consider a significant hazard dam classification with these protective measures in place.

Rud informed the group that he has submitted Concurrence Point No. 1 to Jarnot for his review and feedback. He also reported that the updated cost estimate for the channel restoration work is approximately \$2 million and the total project costs, which are about \$11-12 million.

Albright noted one of the next steps would be to hold a landowner meeting, once the BRRWD has determined easement values. He felt that most landowners are in favor of the project. He noted that Chuck Anderson

operates approximately three-fourths of the land where the impoundment site would be located. Anderson is very interested in a new program called Working Lands Watershed Restoration Program.

Wetland Reserve Program (WRP)/Wetland Reserve Enhancement (WRE). Albright questioned if the NRCS construction on South Reep Lake had been completed. Musielewicz explained that they have the plans completed, however, the heirs to the Sletmoen property have not proceeded with the state settlement at this time. He said they have discussed a Government contract, but there is an issue with the RIM/WRP payments needing to be made to the person named on the deed. Musielewicz continues to work with the family heirs to move forward.

Albright commented that he would like to re-evaluate Pierce Lake. Musielewicz noted there was a land ownership change approximately three years ago. Charlie Brown sold the southeast parcel to a livestock producer, Todd Anderson. Musielewicz also thought that landowner, Scott McCasslin, located north of the potential project site, would likely be more in favor of a project now. Albright noted that the USFWS is considering holding a meeting to discuss this entire region as there are other issues that need to be addressed within the Hamden Slough National Wildlife Refuge.

Albright commented that the BRRWD should consider submitting an application for Agricultural Land Easements (ALE). Musielewicz questioned when the next RCPP applications are due. Dave Jones thought that the deadline was April 21, 2017.

Manston Slough Restoration. Albright explained that Caroline Clarin, NRCS, requested to have the stop logs removed to lower the pool elevation last fall, so their contractor could complete some wetland restorations and tree removals around the perimeter on their WRP lands. Their work includes tree removal and wetland restorations on about 1,000 acres. In the spring when conditions permit, the BRRWD will clean the outlet of the downstream project, Wilkin C.D. No. 13-Lateral. Albright also noted that there are soft spots in the main dam road that will be fixed this spring as well.

Dave Jones advised that a statement be added to the Federal contract, if Clarin has not already included one, to allow the stop logs to be replaced if necessary, during a major flooding event. Jones felt that the contractor could have a reason to file a claim if there was not a statement in the contract.

Oakport Flood Mitigation. Albright stated the contractor, R.J. Zavoral and Sons, will complete some final clean up in the spring. The next step is to start the levee certification process through the Federal Emergency Management Agency (FEMA). The landowners will not be required to carry flood insurance once the levee is certified. Albright noted that the contractor believes his work was delayed last summer, and has filed a \$145,000 claim. The BRRWD is in the process of trying to reach an agreement regarding this claim.

Albright announced that the BRRWD is tentatively planning to hold a dedication ceremony in the spring to recognize the Agencies/Legislators that have partnered with the BRRWD on this project over the last 20 years.

Wolverton Creek/Comstock Coulee. Erik Jones, HEI, stated that they recently completed the framework for the water management district. Albright commented that State statute allows the BRRWD to create a water management district to collect funding for projects. This is going to be the basis for collecting local funds for this project.

Jones stated that they compared the most recent national land use data to recent aerial photography to obtain the types of land uses across the project area. The rates are then calculated based on the different types of land uses which are categorized as follows: natural/gravel pits, developed farmsteads, and cultivated land. He stated they calculated an average fee of \$1.50/acre for the area, with a range from \$0.80/acre to \$1.60/acre

based on land use. These calculations are based on the amount of runoff and sediment caused from the different types of land use. Jones noted that all the identical land use types would be charged the same rate regardless of their location in the water management district. A map reflecting the different charges was displayed on the overhead screens while Jones discussed the rates. Albright commented that these fees could raise approximately \$100,000 annually. These funds could be used to offset the local share of the construction costs as the project is being built and once completed, could cover future maintenance expenses.

Aigner questioned how the BRRWD plans to convince landowners west of the Coulee that this project is beneficial to them. Albright commented that even though these landowners are west of the Coulee, their land still uses the Coulee as an outlet. He also commented that a hearing would be held to discuss the project with all the affected landowners.

The Lessard-Sams Outdoor Heritage Council (LSOHC) has recommended an award to the BRRWD for a \$1.877 million grant. The BRRWD was also awarded a \$2.8 million BWSR Targeted Watershed Program grant and an Enbridge grant in the amount of \$100,000. Albright commented that the BRRWD continues to work with the NRCS to find ways that the WRE program could apply to this project. He noted that three landowners have already submitted applications. Albright explained that the WRE program is a habitat program, and the current proposed project may not include enough grassed land to qualify as habitat. A possible option would be widening the buffers in order to create more habitat. Jones commented that the WRE program is a better option for the landowners. The amount of funding available through the WRE program is approximately \$2.8 million versus the RIM program at about \$1.1 million. Jones also noted that there may be some additional costs with RIM, such as seeding. Dave Jones commented that the NRCS will be going back to appraisals to calculate the WRE rates. Rud questioned if it was a certain percentage of the value. Musielewicz stated that last year it was 90%.

Aigner questioned if there would be any problem with land that is already in the Conservation Reserve Program (CRP). Musielewicz stated the land would still be eligible for WRE, because it is considered agricultural land. If it is under continuous CRP, the landowner may have to pay back the incentive payment that they received.

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 Fargo-Moorhead 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. Albright noted we are still waiting for 2011 FEMA flood funds to be closed out.

F-M Diversion. Albright stated that the COE is moving forward with the Diversion project. They have opened bids and have a contractor hired to start on the staging area inlet. The FM-DA still needs to find mitigation for their project, and some potential BRRWD projects that might work for mitigation include the Otter Tail River and/or Wolverton Creek.

Total Maximum Daily Load (TMDL)/Watershed Restoration and Protection Strategies (WRAPS). Albright stated there are three studies currently active within the BRRWD. He thought the Buffalo River TMDL was still not approved by the Environmental Protection Agency (EPA), however, we can apply for the EPA funding. There was a meeting held last week with the Becker NRCS and SWCD to look at applying for an EPA 319 grant in the amount of \$250,000 that could be used to continue work on sediment control basins and buffers within the Watershed District. The application is due March 6, 2017. Albright said the Buffalo and Lower Red WRAPS are completed. During a meeting with the MPCA, they stated they plan to perform monitoring every 10 years.

In June, the BRRWD received funding from BWSR for the Prioritize, Target, and Measure Application (PTMApp), which will work together with the WRAPS. The PTMApp will be used throughout the entire Watershed District to locate bmps, and will allow us to see how much our streams are contributing to TMDL issues.

Albright announced that the Upper Red TMDL has not been approved. The monitoring was completed on June 30, 2016. The BRRWD informed the MPCA that they should complete all their current studies before starting the next round of monitoring.

Albright explained that approximately 10 years ago (2006), the MPCA evaluated sediment in the Lower Otter Tail River starting at the Orwell Dam and extending downstream. Now, they plan to monitor the entire Otter Tail watershed. Waller stated they are just starting the monitoring this year.

Lower Otter Tail River Restoration (LOTR). In the 1950s, the COE wanted to provide 10-year flood protection to the farmland. Their project channelized 18 miles of the river channel and enlarged the channel bottom, decreasing the river's length to approximately 11 miles in this stretch. Since this project's completion, there has been approximately 4'-5' of downcutting on the upstream end of the survey area, and approximately 8' of additional sediment deposited in Lake Breckenridge. The COE is considering this for a Section 1135 project. Albright explained that the BRRWD is in the process of generating a project management plan with the COE. He thought the COE might have something back to the Watershed District by mid-March.

Eskro displayed a short video collected by a drone, of work being completed at the Etten Site last fall.

Revised Watershed Management Plan (RWMP)/Watershed District Enlargement (WDE).

Albright commented that there will be a meeting for the BWSR Northern Committee held in April, and that the BRRWD needs to have their resolution prepared by that time. Waller thought the resolution will mainly focus on the Wilkin County region where the Watershed District was enlarged. He encouraged the BRRWD to hold a meeting(s) with the other Counties. He also noted that Julie Westerlund, BWSR One Watershed, One Plan Coordinator (1W1P), is willing to meet with the Board in this regard. Albright said the next step would be to hold a meeting with the Counties to discuss the 1W1P process.

Activities Update. Albright distributed the 02/13/17 meeting press release. He explained that the BRRWD has been selected to participate in a BWSR Performance Review and Assistance Program (PRAP). He noted that the Izaak Walton Watershed Summit will be held March 11, 2017 at Normandale Community College, and the March Conference will be held March 22-23, 2017 at the Marriot in Moorhead. Albright will forward more conference information as he gets it. He noted that the BRRWD is considering options for a data retention software to begin digitally archiving their historic files.

Landowner Forums/Red River Watershed Management Board (RRWMB). Albright informed the group that the BRRWD does not plan to hold any landowner forums this year.

Albright is unsure of the status of the RRWMB membership. The RRWMB is experiencing some employment changes such as their long-term employee, Ron Harnack retiring. The RRWMB will need to make some decisions in this regard, and they are currently undergoing some organization issues.

Buffer Strip Initiative: Albright dispersed a chart reflecting the total buffer requirements in the BRRWD. He stated that the Wilkin County SWCD recently held landowner meetings titled, "Burgers and Buffers" and that the meetings were well attended. Albright commented that the different entities involved with the buffer initiative need to decide who will be enforcing the law by the end of March. Waller commented that a letter from John Jaschke, Executive Director, stated that this is a "soft" deadline.

Next Meeting. The next BRRWD Meditation PT meeting is tentatively scheduled for Thursday, April 13, 2017, at 1:30 PM, in the Barnesville office.

Adjournment. There being no further business to come before the group, Albright adjourned the meeting at 4:30 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator