

MEDIATION PROJECT TEAM MINUTES
April 20, 2006

A meeting of the Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) was held on Thursday, April 20, 2006, at 7:00 PM at the Minnesota State University Moorhead (MSUM) Science Center near Glyndon.

Attending were: Bruce E. Albright, Houston Engineering, Inc. (H.E.) and BRRWD Office Administrator; Curtis M. Nelson, E. Robert Olson, Roger G. Ellefson, and John E. Hanson, BRRWD Managers; Erik S. Jones, Engineer, H.E.; Kevin Brennan, Fergus Falls Wetland Management District (WMD) and United States Fish and Wildlife Service (USFWS); Pete Waller, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Bob Honeman, Area Resource Conservationist, Natural Resource Conservation Service (NRCS); Don Buckhout, Red River Basin Coordinator, Minnesota Department of Natural Resources (DNR); Robert A. Zimmerman, Engineer, City of Moorhead; Robert G. Merritt, Area Hydrologist, DNR; Don Schultz, Area Wildlife Manager, DNR; Michael T. Murphy, Manager, Hamden Slough National Wildlife Refuge (NWR) and USFWS, and Brian Winter, Program Director, The Nature Conservancy (TNC).

Members absent were: Dave Barsness, Fisheries Specialist, DNR; Brian Dwight, Board Conservationist, BWSR; Craig O. Evans, PM-D, United States Army Corps of Engineers (COE); Audubon Dakota; Jack Frederick, Minnesota Pollution Control Agency (MPCA); Leo Grabowski, Project Manager, COE; Brad Grant, District Administrator, Becker Soil and Water Conservation District (SWCD); Gerald L. VanAmburg, Manager, BRRWD; Steve Hofstad, Clay County Water Planner and Wetland Conservation Act (WCA) Administrator; Kevin Kassenborg, District Manager, Clay SWCD; Shawn May, Detroit Lakes WMD and USFWS; Richard Pemble, BRRWD Citizen Advisory Committee; and Maynard Pick, Staff Assistant, Congressman Collin Peterson's Office.

Albright called the meeting to order at 7:05 PM. The group waived introductions.

Business brought before the group included:

Meeting Minutes. Draft minutes for the 2/23/06 PT meeting were distributed with today's agenda. Merritt commented that Rock Lake did not freeze out this winter. The BRRWD has had complaints from property owners around the lake about Becker County Ditch No. 19. Nelson noted that VanAmburg's name should be added to the list of attendees, as he came late. **Motion** by Murphy to approve the minutes with the noted change. **Seconded** by Honeman. **Approved.**

2006 Spring Flood. Albright said since our last meeting, we've once again experienced a major flood in the Red River Valley. Areas farther north near the Canadian border are still flooding. Much discussion has taken place regarding what caused what appears to be the No. 3 flood in terms of modern record keeping. The rain we had around Thanksgiving probably didn't help things, considering the fact that we froze up very wet. The snow did not blow around much this year, piling up in the trees as it normally does. When the snow started to melt, it all went at once. Most of the ditches and major

waterways were also open all winter and carrying water. Albright felt this emphasizes the need for more flood damage reduction (fdr) projects within the basin. Members of the group felt that this would be a continuing natural disaster, which could continue to get worse, if we stay in this wet weather pattern. Agricultural landowners are doing a much better job in terms of draining their fields by using lasers, etc. Albright said many of the BRRWD projects worked quite well. The Georgetown levee project worked as intended. The BRRWD has also installed about 30 farmstead ringdikes, which all worked fine. The Moorhead/Dilworth/Hawley Economic Development Administration (EDA) projects all worked as designed. Albright said unless you were near the river in Moorhead, by looking at the ditches, you couldn't tell there was even a flood going on.

Project No. 54, Whisky Creek Tributaries. This project worked well during the flood. The impoundment site was close to full for 8-10 days. The Vertin Wetland Reserve Program (WRP) project filled with water. Water from this site never outletted to "west tributary". There was considerable flooding along the main stem of Whisky Creek (Clay County Ditch No. 34). No breakouts along the tributary project occurred. No water entered the site from Stony Creek. Albright said the site did experience some damage due to siltation, minor erosion, etc., because "east tributary" was only seeded late last fall. It's expected that the counties will file a disaster claim with the Federal Emergency Management Agency (FEMA). The BRRWD will seek funding assistance from FEMA to make the repairs if allowable.

According to the project implementation process and procedures worksheet, this project is at Step 8, Monitoring. Wade Opsahl, Technician, H.E., is working on the monitoring report. Albright said the NRCS still needs to complete work on the Nichols WRP site east of Barnesville. This component will address many landowner concerns east of Interstate 94 (I-94) in the upstream portions of the project's watershed. Honeman said that they're rebidding the project, and weather permitting; hopefully the Nichol site can be constructed this summer.

Spring Prairie Township Erosion. The BRRWD still has not found time to meet with landowners of a potential detention site in Keene Township. Based on the preliminary engineering review, it appears that the site has limited potential because of gravel deposits, etc., in the area that are expected to be mined in the future. The site could also affect property within the Wild Rice Watershed District (WRWD). The BRRWD is working with the Spring Prairie Colony about a possible lateral to Clay County Ditch No. 39, which is also the outlet for the natural waterway in Spring Prairie Township. This area becomes full of silt and the water is eroding the natural banks. In 1997, the water did break out at this location and then flowed west to Clay County Ditch No. 65. The intent of the project would be to restore the natural channel for a one mile stretch and to protect and armor the banks to prevent the breakouts.

Project No. 56, Manston Slough Restoration. H.E. is working on the construction plans and easement drawings. The BRRWD has had negotiations with Steve Holubok pertaining to his father's property, located in the SE¹/₄, Section 30, Manston Township, Wilkin County. This is one of the "key" tracts needed for land acquisition. On 3/02/06, an appraisal of the building site and approximately 12 acres was conducted by Lysne Appraisal Services. The value for the building site is \$160,000. On 3/27/06, the BRRWD made an offer to Holubok for \$679,120. If Holubok is interested in keeping the property, the BRRWD/WRP easements are worth \$406,220. Holubok rejected that offer, and said that his father would like to get \$750,000. He also stated that they had other buyers interested in the property. Albright recently had a telephone conversation with Steve Holubok, who indicated that they are still interested in working with the BRRWD regarding a possible sale of the property.

The BRRWD is also working with Pete Waller, BWSR, regarding some possible funding left over from the Red River Valley set aside program that could be used to enhance Holubok's offer. The funding was to be used in counties identified in the 1999 Presidential Agricultural Disaster Declaration, to provide short-term economic assistance to landowners. At the present time, Wilkin County is not listed in the program guidelines. The BWSR Board would have to modify this guideline in order to use the remaining funding on this project. According to the program guidelines, at least 5% of the enrolled land must be planted to short rotation woody crops or windbreaks. Annual landowner payments for eligible land under contract are based on soil rental rates established under the Federal Conservation Reserve Program (CRP) rules. An additional annual payment of \$5/acre may be made for acreage maintenance. Albright felt the BRRWD's offer to Holubok was justifiable. The offer includes the building site appraisal, BRRWD easements, WRP easements, and sale of the property to the DNR.

Ellefson viewed the area on 4/02/06, and there was a lot of water being held up at the proposed site. At that time, the water was slowly draining off via the downstream outlet channel, which is Wilkin County Ditch No. 13-Lateral. Ellefson questioned the project's fdr benefits, especially if the water is being held at the site now, without a costly project. Opsahl surveyed some of the highwater marks following the recent spring flood. It appears that the water at the project site reached an elevation of 975. Jones commented that he wants to check Opsahl's benchmarks to make sure that his elevation survey is correct. Ellefson talked about where the water was being stored during his field visit. He said there was quite a bit a water south of County State Aid Highway (CSAH) No. 26. Brennan confirmed that the water south of CSAH No. 26 on the USFWS property actually will flow out to the south, out of the BRRWD, and into a Wilkin County ditch system. Merritt did an aerial inspection of the flooding in the Red River Valley on 4/04/06. He did take some digital photographs of Manston Slough on that date.

On 3/28/06, Brennan sent Albright a draft of the Memorandum of Understanding (MOU) and Operation and Maintenance Plan (O&M). The main purpose of the MOU is to provide a document that each of the agencies agree to regarding the installation of the project as it affects their land interests. This would be in lieu of any of the agencies granting easements, permits, or other real estate interest to the BRRWD or each other. The purpose of the O&M is to provide further details on how to manage and maintain the project. Albright apologized to the group, and fully intended to bring copies of those documents to tonight's PT meeting for further discussion. Schultz commented that the DNR has completed their appraisals of the Tom Arnhalt and C&H Farms properties. He has not seen the final numbers. Albright said there have been a number of questions regarding when the NRCS can start signing WRP contracts. Honeman said that Mark Norton, Ducks Unlimited (DU), has taken Bob Usgaard's place at the Fergus Falls NRCS office. Honeman felt it would be good if Albright could visit with him regarding the projects' WRP easements. He also thought it would be nice if Donald Holubok would sign his WRP form. State and Federal governments have limited funding for WRP, and it would be nice to be able to add his name to a funding list. Signing the form is non-committal for both parties. Albright felt that Holubok would not submit the form until a deal was made with the BRRWD regarding his property sale.

Albright said that Andy Beyer, former president of the Kent Rod and Gun Club, was recently in his office to drop off some paperwork regarding the status of their former corporation. The Kent Rod and Gun Club has dissolved and merged with the Abercrombie Rod and Gun Club. Their property is located in the middle of the project. They may be interested in trading the property with the DNR or USFWS for a piece of land that is closer to the project's edge. Schultz said it is very difficult for the DNR to do a land exchange. Honeman recently received an e-mail that said the WRP easements can

be taken on the property and the BRRWD's easement could be taken later. This would be about the same as a second lien.

Albright said the Senate version of the bonding bill contains \$1.5 million for this project. Waller said the Governor's Clean Water Cabinet met on 4/19/06, where a presentation of the project was made by Pete Raeker, BWSR. Brennan said that during the first week of August 2006, there might be a local tour by House and Senate Agricultural Committee members. He's not sure if they will get up into this area, but if they do, he would like to show them the Manston Slough project. He felt they would be interested from the WRP perspective.

More discussion took place regarding a possible land trade between the Kent Rod and Gun Club and the DNR. Schultz said this is long and expensive process. They need to determine if the land they are trading for has the same benefits as what they presently own. Honeman doubted if the Kent Rod and Gun Club property would qualify for WRP because the area is mostly wetlands and probably wouldn't score that well. Schultz said the DNR would be interested in purchasing this property. Since it is already located in the middle of the slough, the Club members have limited access to the property. They never post the land, so technically it's open for public hunting. Waller questioned if they might be interested in donating the land to the DNR to be used for the Manston WMA. BWSR could use Reinvest In Minnesota (RIM) dollars to match the dollar contribution represented by that donation. Ellefson felt most of the original 1947 landowners, who each owned a 1/29 interest in the property, are probably either dead or moved out of the area. Although some of their interests could have been traded or passed down to relatives. Ellefson felt given the recent upward trend in recreational land values, from a hunting standpoint, their property could be quite valuable. Winter felt the Kent Rod and Gun Club was probably a 501(c)(3) Non-Profit Organization. Since they've dissolved the corporation, which may have not been done on a formal basis, they may need to have some legal work done to check on the status of their organization. This type of corporation is usually membership based. The PT felt it would be good if the BRRWD could actually acquire the property and trade it to the DNR for the Manston WMA.

Albright said that at the last PT meeting, Jones prepare a long list of tasks that need to be completed before the project can be constructed for the PT's review. One of the items includes COE permitting. Buckhout said at the recent Red River Watershed Management Board (RRWMB) and Red River Basin Flood Damage Reduction WorkGroup (RRBFDRWG) Joint Conference held in Crookston on 3/30/06, Tamara Cameron, St. Paul District, COE, gave a presentation on the COE permit concurrence points. More information regarding this issue will be included in the PT handbook. The concurrence points are to provide guidance for obtaining COE regulatory concurrence at key points in fdr project development processes. The goal of the process is to merge the fdr project development process and the Clean Water Act (CWA) Section 404, Permit Evaluation Process to incorporate CWA Section 404 Regulatory Review requirements into the fdr project planning process, to achieve an orderly, concurrent review process. The fdr/404 merger process has four concurrence points: purpose and need, alternatives carried forward, selected alternative, and design phase impact minimization. To reach an agreement with COE regulator staff at key stages in the fdr project development process before proceeding to the next level should preclude the routine revisiting of project development decisions that are made prior to submittal of a CWA Section 404 permit application. It also encourages substantive participation by regulatory staff at the earliest practical stages of a project's development. Obtaining COE concurrence at a particular point in the process does not indicate agreement that a permit will be issued. It only indicates that the information developed to date is sufficient to agree that the project can be advanced to the next stage of project development. Concurrence does not in anyway preclude COE from exercising any provision of its authorities and

policies that are applicable to permit review. At the various concurrence points, the project proposer would prepare a document describing each concurrence point element and would ask COE to provide concurrence or non-concurrence in writing, in terms of whether the decision made would satisfy Section 404 requirements.

Buckhout said the first step is defining the project purpose, which is critical to the evaluation of any project in evaluating project compliance with the guidelines. The proposer would provide the COE with a written description of the problem for which a solution is sought. In evaluating the project purpose, the COE would determine if it is specific enough to define the proposer's needs, but not so restrictive as to preclude all discussion of alternatives. For example, a project purpose that allows for only one solution would likely need to be broadened, and a project purpose that allows solutions that don't solve the identified problems would likely need to be further refined. The purpose in each is to define why the proposal must be implemented, has the ability to be quantified by some means, and should be comprehensive, specific, and concise as possible. Items to include whenever possible, relate the project need back to a problem or objective identified in the watershed plan; distinguish between local and regional objectives if the proposal contains both; if the proposal is meant to work in concert with other flood measures that will be pursued separately, identifying the proposal's independent utility; describe the purpose for the complete project, rather than phases; both the need and purpose should be as quantitative as data allows; and purpose and need statements should be as concise in no more than a few paragraphs each. In providing concurrence on the project purpose and need, the COE is agreeing that the alternatives analysis will be limited to those alternatives that meet the project purpose. This project purpose will be used in evaluating the practical alternatives under the guidelines. If substantial new information regarding the purpose and need is brought forward later in the project development process, the adequacy of the purpose and need statement may be reconsidered.

Buckhout said it's not mandatory to use the concurrence points, but he felt there were advantages to the proposed system. The COE will still consult with the USFWS regarding the CWA 404 process. Buckhout felt that if the BRRWD was interested in using this process for the Manston Slough Restoration project, we could invite Leo Grabowski and Lori Fairchild to a future PT meeting to discuss this issue. Brennan said from a USFWS perspective, the area's primary purpose should not be as an impoundment site. Buckhout said the Technical and Scientific Advisory Committee (TSAC) did Technical Paper No. 11, Red River Basin Flood Damage Reduction Framework, in May of 2004, on this subject. The review of alternatives should also consider the RRWMB's work regarding early, middle, and late timing analysis.

From a USFWS perspective in their environmental review, Brennan felt that the project's focus cannot primarily be flood. A secondary benefit could be flood, but most importantly, the project should focus on the natural resource enhancement (NRE) values. This can include recreation and creation of waterfowl habitat.

Ellefson felt another important issue might be the fact that the site could be a recharge area for the Buffalo Aquifer. Buckhout said that the COE will look at the project in terms of its operating plan and how that might affect habitat. Murphy felt holding water on the site during the spring runoff event in late March or early April, really does not sacrifice habitat. This year, the Hamden Slough NWR filled three of their pools to aid in flood. Merritt also has photographs from his aerial flight over the BRRWD of the Hamden Slough NWR. Murphy felt events that would affect the growing season during the summer might be looked at differently. Listing the project goals on paper would be beneficial for everyone, as it forces everyone to agree early on as to the project's purpose. Ellefson questioned why the COE wouldn't look at the flood benefits for a project of this nature. Buckhout said their primary

concern deals with CWA Section 404 permitting, and the placement of fill in wetlands. Fill in this case meaning soil that would need to be used to construct the embankment, etc. Brennan felt how you present the package to the COE was key in getting their approval. He felt everyone on the BRRWD's PT was fairly comfortable with the proposed project.

Ellefson said the project is being built by the BRRWD and not the DNR or USFWS. The citizens within the BRRWD are demanding flood control. Jones felt those benefits could still be realized, but we may want to emphasize other project aspects for COE/USFWS permitting and review.

Olson questioned if any further work has been done with Eric Mohring, BWSR, regarding the possible placement of piezometers to monitor seepage on the west side of the impoundment pool. Buckhout questioned the status of contacting Dennis VanWechel and Delores Rehder about the BRRWD's proposal to route the dam embankment around those properties so that the wetland area on the north side of the proposed dam would not be impacted. Albright said they still need to be contacted. Honeman thought that Bob Usgaard, DU, did have discussions with both parties.

Buckhout felt we should probably start working on the purpose and needs statement so that we can review this with the COE. We may already have much of this information. That document would also look at problems identified in this area. Albright will get Jones a copy of the COE concurrence points. We can also use downstream damages that have occurred in the past years, even since Wilkin County Ditch No. 13-Lateral was constructed. Buckhout said Colonel Pfenning, St. Paul District Engineer and Commander, is supportive of the process. Colonel Pfenning would like to see the concurrence points adopted in the near future. Merritt felt that given the fact that the USFWS and the DNR are partners with the BRRWD on this project should make the COE permitting process easier. Brennan said the USFWS has a specific purpose for owning their property in the project area. We need to make sure that our proposed use of their property is compatible with those goals. The USFWS recognizes that if the flood impoundment water storage is not detrimental to their property then there shouldn't be any reason why the land can't be used.

The area is identified by the DNR as protected waters. This will also involve another permitting process. We should also be working with Bruce Poppel, Wilkin County Environmental Officer, regarding their planning and zoning regulations, and possible impacts regarding WCA. Buckhout said he would be happy to set up a meeting with the USFWS and COE to discuss concurrence points for this project. Since this project is somewhat further along in design that what the concurrence points were recommended for, we may be able to cover Steps 1 and 2 in one meeting. The group understood that the COE process can be frustrating. Buckhout felt it would take at least one month to set up the meeting.

Waller felt that if we wanted to continue to use Eric Mohring, BWSR, to assist us in the seepage analysis, we should contact him as soon as possible. Buckhout questioned if we have developed a possible timeline for the project development. Jones said we've already identified the fact that construction of this project will be somewhat difficult, as all clay borrow materials needed to construct the embankment will need to come from below the groundwater. Jones felt that the best time to construct the project would be in summer, where we would have sufficient drying time to condition the soils. The BRRWD has also authorized Midwest Testing Laboratory to finish some additional soil borings that were not taken in the spring of 2005 because of wet conditions. We may have to look at bringing in specialized equipment to gain access to the really wet areas. The group felt that it would make sense to install the piezometers when the soil borings are being done.

Ellefson felt addressing the seepage concerns, as primarily expressed by downstream landowners on Wilkin County Ditch No. 22, will need to be completed. The group felt that it would also be beneficial to see well logs for area homeowners that might give some indication of the groundwater depth.

Project No. 58, Riverton Township Retention. Jones hopes to have the draft Engineer's Report ready for presentation at the 4/24/06 BRRWD meeting. That document will have sections on project background, existing conditions, proposed project design, compatibility with existing plans, and recommendations. Appendixes will be added for the draft O & M and monitoring and evaluation. As soon as the report is filed with the BRRWD, a copy will be sent to Winter for his review and comments.

Albright said the Senate version of the bonding bill contains \$225,000 for this project. At some point, a meeting will also need to be scheduled with the Riverton Township Board of Supervisors, as their township road along the east side of the impoundment area will be used as the inlet for the waterway coming from TNC's land upstream.

On a sidebar, Winter noted that Clay County Ditch No. 57 worked very well this spring. The water didn't go over the township road to the west. He stated that most of the new culverts that were installed last fall were full of water. He felt the new larger culverts installed at the outlet made most of the difference. Winter is currently working with the USFWS in identifying possible wetland restoration sites on the Williams property they recently purchased upstream of Project No. 58. The site has been too wet to access. Once the wetland restoration sites are identified, they will work on plans to complete the restorations. Winter would like to see the Williams wetland restorations and Project No. 58 tied together in terms of the overall project.

Project No. 49, Oakport Flood Mitigation Project. Albright said this area once again experienced some flooding during the 2006 spring flood. For the most part, the homeowners were able to sandbag properties that were in the greatest jeopardy. The new culverts in County Road (C.R.) No. 93 on Oakport Coulee worked quite well. The BRRWD has started the buyout process for 8-12 properties. We've hired Guy Miller, Breckenridge, MN, to do the appraisals. The buyouts are being done on a voluntary basis at this time. The BRRWD intends to schedule an informational meeting for sometime in early May with all of the project landowners to discuss the project status. Albright said the office was recently contacted by owners of the Pierce property, which is located in the NE $\frac{1}{4}$ and the E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 17, Oakport Township. At this time, their property east of the coulee is not proposed to be included in the project design. Zimmerman felt that without diking, this property was limited in terms of future housing development. He said they took some survey shots of the coulee during the spring flood. The culverts in C.R. 93 were causing a 0.6' head loss.

Project No. 60, Swede Grove Lake Outlet. A 3/24/06 agency meeting was held in Detroit Lakes with the DNR and USFWS to discuss the status of this project. The BRRWD also met with Jerry Waller, Commissioner, and David Overbo, Engineer, Clay County Highway Department, on 3/06/06. The County is concerned that the project has expanded greatly since they initially petitioned for an outlet on 10/10/04. Scott Kahan has contacted Robert Usgaard, DU, about the project. Jones is going to send some information to Usgaard. Albright will distribute a copy of his notes from the 3/24/06 agency meeting to the PT members at the next meeting. Merritt did not know if the lake froze out this winter. The DNR will be doing test netting in the near future. Buckhout felt that DU might be interested in this project from a shallow lakes perspective. It appears that by lowering the lake, we could also do a number of wetland restorations.

Buffalo River Levees. To date, there's been no further correspondence with landowners in Sections 4, 5, 6, Riverton Township, about the possibility of installing off-channel levees along the main branch of the Buffalo River to control erosion and flooding. Albright did talk with Curtis Nelson, Lake Park, the renter of land in Section 5, Riverton Township, about setting up a meeting this spring. Nelson never recontacted the office.

Wolverton Creek/Comstock Coulee Restoration. A Sub-PT Committee meeting was held on 3/16/06 in Comstock. The primary discussion focused on the preliminary investigation report, completed by H.E., dated 2/27/06. That study identified existing survey information available on Wolverton Creek/Comstock Coulee that will provide information on the existing condition of the Coulee. This information is necessary to develop a more comprehensive approach to reducing flooding and erosion problems in the Wolverton Creek drainage area and correcting degradation of the Creek's outlet. Several data sources were reviewed during this investigation including LIDAR data obtained as part of the Flood Insurance Study on the Red River upstream of Fargo/Moorhead, BRRWD permit applications, and previous survey information obtained by H.E. After reviewing all of the available information, it is clear that further surveying of Wolverton Creek will be necessary in order to properly identify problem areas. Although many structure sizes were identified, most are missing invert information. H.E. recommends that the additional field survey work be performed in order to obtain an accurate understanding of the existing conditions. This survey would include a channel profile, channel cross sections, and a structure inventory.

Albright said the group is still very interested in trying to develop a project for this area. The biggest issue right now is to try to find a way to fund survey data collection, and maintenance fund establishment that could pay for minor work on the Coulee such as beaver dam removal, cattail spraying, etc. One possible option would be to develop a stormwater management district in accordance with Minnesota Statutes Annotated (M. S. A.) 103D.729. The BRRWD's Revised Watershed Management Plan (RWMP) would need to be amended in order to establish this district. Pete Waller, BWSR, is familiar with the process and will work with Albright on this issue for Wolverton Creek. Ellefson said he has been thinking about if off-channel levees would work along the Coulee. If the levees were set back far enough and designed properly, he felt they could incorporate a lot of flood water detention, especially during spring runoff, when the floods seem to be the worst. Since the area drains directly into the Red River, this 105 sq. mi. drainage area might have a major impact on reducing floods for the Cities of Fargo/Moorhead. At selected road crossings, some type of restrictor or metering device could be installed to hold back a certain volume of water between each levee section. Ellefson said the levees along Deerhorn Creek worked well this spring. Buckhout felt the timing analysis would need to be looked at in terms of the Red River, as this is a direct tributary, where we may either want to get the water directly into the Red River before the flood begins, or need to be able to hold it long enough for the flood waters to recede. Merritt said the DNR might also have concerns regarding fish passage, if road crossings were used as dams.

Lawndale Trout Stream Restoration. A 2/15/06 agency meeting was held with representatives from the DNR with the Wilkin County Ditch No. 40 ditch system landowners to discuss this project. Schultz said that the DNR conducted the topographic survey of the old channel yesterday on the Atherton WMA, which is located in Sections 34 and 35, Atherton Township. Albright said there were discussions about burning the Atherton WMA this spring to aid with the survey work. Schultz said they didn't have a burning plan for this unit. Also, they need neighboring landowners' permission to burn their property, and he doubted if Dave Yaggie would cooperate in that regard.

Arlin Schalekamp, DNR Fisheries, is also going through a process to redesignate portions of the trout stream. This designation would provide for another level of protection for the area that ordinary streams don't have. If new areas were designated as a trout stream, there would be rules and regulations regarding filling, dredging, water appropriation, etc. Once designated, landowners adjacent to the stream would also qualify for the DNR trout stream easement program. Albright said the DNR would like to complete the survey and design in 2006. A ditch system hearing would be held in the spring of 2007 in accordance with M.S.A. 103E.227. Assuming no objections and funding availability, the DNR could do the construction work across the WMA in 2007. Most likely, they wouldn't divert the flows onto the WMA for several years after the channel was constructed to allow it to vegetate.

Fargo/Moorhead Upstream Feasibility Study (FMUS). Albright visited with Craig Evens, COE, at the March conference in Crookston. Evens said the COE has no funding to continue with the Phase 2 work. He's been meaning to get a notice out to all of the participants in this regard, but hasn't had time.

South Branch of the Buffalo River Restoration. The BRRWD did hold an informational meeting with landowners on Wilkin County Ditch No. 44 and downstream landowners along the river channel in Wilkin County on 2/21/06. At the 3/13/06 BRRWD meeting, a motion was approved to go ahead with the one-mile cleanout project, assuming there is funding available to do the work. On 12/01/05, the BRRWD received a DNR permit for that portion of the channel located west (downstream) of Trunk Highway (T.H.) No. 9, which is protected waters. The proposed cleanout is expected to have negligible impacts on the downstream area. The downstream landowners are still interested in working with the BRRWD to establish an assessment area for a project that could do a study of the river and minor maintenance work, similar to Wolverton Creek. Once again, the BRRWD is looking at the possible establishment of a stormwater management district. The BRRWD is currently working with an operator who farms all of Section 5, Manston Township, who would like to petition 80 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$ to drain into Project No. 2, Wilkin County Ditch No. 13 and Project No. 21, Wilkin County Ditch No. 13-Lateral. A hearing will be required to add this land. The landowner said that he maintains dikes along the south and west sides of the South Branch of the Buffalo River so that river water cannot flow into the property that will be assessed to the drainage systems. This spring, water overtopped his levees and flooded the entire section. The landowner said unless he is able to install some drainage on this property, he would be interested in placing it into some type conservation program. Albright questioned if the site could be used as an off-channel storage area for fdr.

Comprehensive Planning. On 4/10/06, the BRRWD received the second payment installment from BWSR to continue with the planning effort. The planning is being funded 50% State and 50% BRRWD. The BRRWD has identified Citizen Advisory Committee (CAC) and Technical Advisory Committee (TAC) members to work with the overall planning effort. CAC and TAC committees have also been developed for the seven planning regions. The BRRWD will start with letters to the overall CAC and TAC members regarding if the identified people want to participate. Once the CAC and TAC committees are formed, a kickoff meeting will be held. The Comprehensive Plan is supposed to be completed by 6/30/07. Albright felt we might need to ask for a grant extension. Things have been very busy with the BRRWD office this spring due to the flooding, etc. Approximately 20 meetings will need to be held in order to complete this process. A timeline development chart was discussed at the 4/10/06 BRRWD meeting.

Conservation Reserve Enhancement Program (CREP) II. Discussions are taking place at the state level on ways to increase the state payment share of this program. The Senate has zero funding for the program in their 2006 budget. Many feel that increased payment rates would help make the program better and garner better landowner support. They are also looking at ways to extend the contract

beyond 2007, especially if we have a difficult time in getting signups between now and then. Buckhout said there were some questions regarding Conservation Practice (CP) 34. The Whisky Creek Tributaries project is being considered for possible use of this practice. The impoundment site in Section 14, Barnesville Township, should qualify according to the Clay Farm Service Agency (FSA).

Albright said the office has recently received telephone calls from landowners along Deerhorn Creek. They are saying that the Wilkin NRCS and FSA offices made a determination that lands located under the levees no longer qualify for CRP and will need to be deducted from future CRP payments. Honeman said we should find out if landowners are trying to re-enroll or extend their contracts. He understood that all lands that were enrolled in CRP or Continuous CRP would remain in those programs until the contracts ended. At that point, the lands would no longer qualify for government programs because of the changed land use. Honeman said he would check on this issue for the BRRWD. The extensions are being offered for a four-year period.

Activities Update. Albright distributed a copy of the 4/10/06 meeting press release. The Board had a lengthy discussion with a group of landowners in Kurtz Township, Clay County. Over the past several years, three new homes have been built in an area that has historic water problems. The homes are all built high enough so that they don't flood, but one landowner has two machine shops and another landowner has a garage that did flood this spring. They are blaming the upstream agricultural drainage for their problems. They would like to see the BRRWD remove a culvert that was replaced by Kurtz Township in 2005. The BRRWD has agreed to schedule a field meeting to review and discuss the landowners' concerns. The BRRWD is conducting a 3 mile repair of Clay County Ditch No. 41 in the Moorhead/Dilworth area for that portion of the ditch system that parallels the Burlington Northern Sante Fe (BNSF) Railroad tracks. A bid opening for Project No. 51, Clay County Ditch No. 68-Establishment, will be held at the 4/24/06 meeting in Barnesville. The project takes a DNR protected waterway on the west side of the City of Glyndon and turns it into a legal drainage system. There's an assessment area for the project. An informational meeting with landowners on Becker County Ditch No. 19 is scheduled for 4/27/06 at 7:00 PM in the Callaway Senior Citizen's Center.

Ellefson said there was major damage done primarily in Wilkin and Clay Counties during the 2006 spring flood. Many roads washed out. We also have several major ditch slides, which are very difficult to fix. In general, Ellefson discussed the high water problems throughout the area. Olaf Lake was removed from the BRRWD in approximately 1978 by petition. The water in Olaf Lake is almost getting high enough to drain into the BRRWD.

Ellefson noted that both the Judge Vaa and Judge Kirk Orders pertaining to the Minch lawsuits are under appeal. Ellefson felt that Watershed Districts needed more authority to deal with enforcement. He stated that if landowners violate the Food Security Act, all of their federal program payments are withheld by the NRCS/FSA. We don't have that type of leverage. If a landowner violates BRRWD Rules, we can seek restoration. If the violation is serious enough, we can file a criminal complaint with the County Attorney's office. It is still up to the County Attorney to prosecute that claim.

Next Meeting. Albright said the next meeting is tentatively scheduled for the traditional meeting night or fourth Thursday, which is May 25. The meeting will be held at 7:00 PM at the MSUM Science Center. For the summer months, the PT meetings will be held in the evening. Albright will need to check his calendar, but there might be a conflict with this date. If so, the meeting would be moved to one week earlier or May 18.

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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