

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

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## MEDIATION PROJECT TEAM MINUTES

April 24, 2008

The Buffalo-Red River Watershed District (BRRWD) Mediation Project Team (PT) held a meeting on Thursday, April 24, 2008, at 7:30 PM at the Glyndon Community Center.

Attending were: Bruce E. Albright, Houston Engineering, Inc. (H.E.) and BRRWD Administrator; Erik S. Jones, Engineer, H.E.; Michelle Puchalski, Area Hydrologist, Minnesota Department of Natural Resources (DNR); Paul Wannarka, Red River Basin Coordinator, DNR; Lynn Foss, Clay Soil and Water Conservation District (SWCD) and Wetlands Conservation Act (WCA) Administrator; Kevin Kassenborg, District Manager, Clay SWCD; Robert A. Zimmerman, Engineer, City of Moorhead; Don Schultz, Area Wildlife Manager, DNR; Brian Winter, Western Preserves Manager, The Nature Conservancy (TNC); Jack Frederick, Minnesota Pollution Control Agency (MPCA); Shawn May, Detroit Lakes Wetland Management District (WMD) and United States Fish and Wildlife Service (USFWS); Dave Barsness, Fisheries Specialist, DNR; and Roger G. Ellefson, Curtis M. Nelson, Gerald L. VanAmburg, John E. Hanson, and E. Robert Olson, BRRWD Managers.

Members absent were: Audubon Dakota; Kevin Brennan, Fergus Falls WMD and USFWS; Brian Dwight, Board Conservationist, Minnesota Board of Water and Soil Resources (BWSR); Craig O. Evans, PM-D, Army Corps of Engineers (COE); Leo Grabowski, Project Manager, COE; Brad Grant, District Administrator, Becker SWCD; Bob Honeman, Area Resource Conservationist, Natural Resource Conservation Service (NRCS); Scott Kahan, Detroit Lakes WMD and USFWS; Michael T. Murphy; Manager, Hamden Slough National Wildlife Refuge (NWR) and USFWS (retired); Richard Pemble, Citizen Advisory Committee, BRRWD; Maynard Pick, Staff Assistant, Congressman Collin Peterson's Office; and Pete Waller, Board Conservationist, BWSR.

Ellefson called the meeting to order at 7:36 PM. Introductions were made for the benefit of several new members, including Lynn Foss, Paul Wannarka, and Michelle Puchalski. Albright said the last meeting was held on 1/31/08. We've gone to meeting about every two-three months, as the BRRWD is currently very busy with their overall plan update and a number of projects that the PT are working on have reached a stage where they're ready for final design and land acquisition.

### **Business brought before the group included:**

**Meeting Minutes.** Draft minutes for the 1/31/08 PT meeting were distributed with today's meeting agenda. Albright said the office is still working on the 10/25/07 PT meeting minutes. **Motion** by Frederick to approve the 1/31/08 minutes. **Seconded** by Winter. **Approved.**

**Red River Basin Coordinator.** Paul Wannarka discussed some of his goals in filling the Red River Basin Coordinator position, recently vacated by Don Buckhout, who went to work for BWSR. He has hopes that the PT handbook will be completed and published yet in 2008. Ellefson said the various Project Teams function differently throughout the Red River Basin. The entire BRRWD Board attends all PT meetings. However, the Board does not vote on any actions taken by the PT. Some PTs invite landowners to sit in when they're discussing specific projects. Wannarka said the BRRWD should

submit a pay request for their administrative and alternative analysis expenses. The new pay cycle started on 7/01/07, and will end on 6/30/08.

**Project No. 54, Whisky Creek Tributaries.** Albright said the project did an excellent job again in controlling flooding and handling the runoff this spring. We still have some repair to complete from the 2006 spring flood disaster, where the Federal Emergency Management Agency (FEMA) allocated funding to make those repairs. Dennis Drewes, Inc., the original project contractor, did some of the repair work in the spring of 2007, but the night that he finished and seeded the area, we had a torrential rainfall event, and some of his work washed out again. The Clay SWCD is working with landowners on the Section 14, Barnesville Township, impoundment site to enroll some of their land on the west side of the project into Conservation Practice (CP) 34 through the Conservation Reserve Enhancement Program (CREP). Kassenborg said they are currently at the recording stage for the easements. There was a little snag involving an easement for a telephone line on Tim Thompson's property. They would like to have all easements signed by 5/15/08 and are planning for a June 2008 seeding. CP34 uses a combination of Reinvest In Minnesota (RIM) and Conservation Reserve Program (CRP) easements for the final perpetual easement. The Farm Service Agency (FSA) raised some questions about the practice. Kassenborg commented that if we see Ron Harnack, we should really thank him because he's the one who straightened out some of these issues. Albright said the Kelly Nichols Wetlands Reserve Program (WRP) site in Section 21, Humboldt Township, Clay County, which was constructed by the NRCS as part of the overall project in the fall of 2007, looks good and is holding water this spring. It should prove to be a valuable asset for the larger project.

**Project No. 56, Manston Slough Restoration.** The meeting with the USFWS and DNR was held on February 15, 2008, in Fergus Falls to discuss some minor design details. Rick St. Germain, H.E., is supposed to be furnishing some additional information to answer their questions and address their concerns. The NRCS has agreed to conduct the required archeological survey this spring when conditions permit. Schultz commented that Lee Markel, who was a former appraiser for the DNR, has now retired and has taken a new job with Ducks Unlimited (DU). According to the DNR's guidelines, once an appraisal is over one-year old, they are required to do a new one. They will be doing new appraisals for C& H Farms, Tom Arnhalt, and Delores Rehder.

Albright said the BRRWD cannot close on their WRP and RIM easements on the Holubok property in the SE<sup>1</sup>/<sub>4</sub>, Section 30, Manston Township, until the buildings are removed. Holubok has until 8/01/08 to complete removal of buildings he wants. This spring/summer would be a good time to market best management practices (bmps) within the upper watershed of the Manston Slough Restoration project. The International Water Institute (IWI) is working on a digital elevation model (DEM) for the entire Red River Basin. This data should prove to be very valuable when we start to work on marketing natural resource enhancement (nre) programs.

One of the USFWS/DNR concerns was the installation of a fish barrier someplace in either Wilkin County Ditch No. 13 or County Ditch No. 13-Lateral to prevent the migration of fish from the South Branch of the Buffalo River into the project pool area. Albright said approximately 15 years ago, the BRRWD installed a sheet pile structure on the lateral. This might be one area that could be looked at for the installation of fish control.

**Project No. 58, Riverton Township Retention.** The BRRWD has scheduled a 4/28/08 bid opening. Jones commented that there is a lot of contractor interest. The BRRWD is still working on getting the required DNR Dam Safety and WCA permits. Winter commented that TNC would like to review the construction plans and specifications. Albright said the office still needs to prepare the Riverton

Township agreement regarding the BRRWD's use of their road on the east side of the project for the inlet spillway.

There was some discussion regarding the wetland restoration projects planned for the "Williams property", purchased by TNC several years ago. The Detroit Lakes WMD obtained a North American Wetlands Conservation Act (NAWCA) grant to assist with the restoration work. TNC has hired an engineer to develop plans for the restorations. Winter thought the plans would be prepared in the next several weeks. They would like to do the work in 2009 and plan to seed the upland areas in 2008. Shawn May still needs some information from the BRRWD regarding our matching contribution to the NAWCA grant. He would like this information as quickly as possible because as soon as the Detroit Lakes WMD has proven that we have met all the grant requirements, the grant funding will become available.

Winter said that with the onset of spring just around the corner, TNC may consider grazing part of the E½, Section 28, Riverton Township, this year. Their plans are to spray Roundup on the vegetation. Once the plant material dies, they will burn the site. H.E. will then be asked to stake the construction areas. TNC will seed all of the non-construction areas. Winter felt that the seeding could take place sometime in June or July. They will have Prairie Restorations, Inc., do the work.

Ellefson said the BRRWD hoped that we would get a successful bid from a good contractor. The project specifications include a fuel adjustment clause. The office also needs to apply for a Stormwater permit from the MPCA.

**Project No. 49, Oakport Flood Mitigation Project.** Albright said a three-year plan has been proposed for the project construction. Hopes are that construction can begin on Phase 1A yet in 2008. We still have a number of issues that need to be resolved before the BRRWD can schedule the final hearing, which is required by Watershed Law. Albright said the 30-day comment period for the Environmental Assessment Worksheet (EAW) ended today. Comments were received from the DNR, the Minnesota Department of Transportation (MNDOT), and MPCA. The Board will look at the Findings of Fact and Conclusion of Law and Order at their upcoming 4/28/08 meeting in Barnesville. An informational meeting with all the project landowners was held on 4/03/08 in the Dilworth Community Center. The purpose of the meeting was to give everyone an update regarding the project status.

**Project No. 60, Swede Grove Lake Outlet.** A meeting was held with the Clay County Highway Committee on April 2, 2008, to discuss the project status. On 7/13/06, the BRRWD held an informational meeting with the affected landowners. No one at the meeting spoke in favor of the project. Albright thought that most of the landowners were concerned about what the project was going to cost. At the 4/02/08 Highway Committee meeting, they decided that work on this project will be tabled during the upcoming summer months, given the BRRWD's workload with a number of other projects, such as Manston Slough Restoration, Oakport Flood Mitigation, etc. Later this fall, a meeting will be held with the downstream landowners to discuss their concerns/issues about developing an outlet that crosses their property. It appears that the BRRWD will get Legislative project funding through the DNR's Flood Damage Reduction (FDR) program.

**Wolverton Creek/Comstock Coulee Restoration.** A meeting to discuss the Clean Water Legacy (CWL) Grant for Wolverton Creek/Comstock Coulee will be held on 4/29/08 at the BRRWD office in Barnesville. Last fall, bids were let to do some work west of Trunk Highway (T.H.) No. 75. The contractor expects to begin this work as soon as conditions permit. He has already hauled riprap into the site. At the upcoming meeting, the group hopes to decide what additional work items should be

completed this summer. The grant is scheduled to expire on 6/30/09. Some of the remaining work could include finishing the survey of the channel in Clay and Wilkin Counties. Several years ago, H.E. assembled all of the existing data on file regarding the waterway, but there are major gaps in the information. That work is estimated to cost \$30,000-\$40,000. The landowner, who lives right on the outlet of the coulee near the Red River of the North, has also expressed concerns about having additional work done on his property. The work could include stream barbs and some channel excavation. That work is estimated to cost approximately \$30,000. Don Bajumpaa, District Manager, Wilkin SWCD, would like to work with landowners on the upstream end of Clay/Wilkin Judicial Ditch No. 1 (J.D. 1) regarding the installation of field inlets that are needed in that area to control erosion. Albright said the area landowners would also like to hold an informational meeting to get an update regarding the project status. Dave Barsness had applied for some funding assistance to help with work on the coulee, but was not successful in getting his grant.

**Lawndale Trout Stream Restoration.** The hearing regarding Wilkin County Ditch No. 40 to divert drainage system water in accordance with Minnesota Statutes Annotated (M.S.A.) 103E.227 is scheduled for Tuesday, April 29, 2008, at 8:00 PM, in the Barnesville City Hall. Ellefson commented that the DNR has sent out easements to the landowners along the trout stream. Schultz commented that the DNR is currently doing the EAW for the project, which should be out in the near future. It is questionable if they will have funding available to start project construction in 2008. They should know more about the funding status in mid-May. Ellefson said the BRRWD has several issues they need to address, including Dave Yaggie's concern regarding loss of his irrigation water, once the trout stream is rerouted across the Atherton Wildlife Management Area (WMA).

**Pete/Grove Lake Outlet.** The office has not had time to work with landowners on this project. An informational meeting was held in the summer of 2007, where the majority of landowners asked the BRRWD to continue to look at a project that would lower the water in Grove Lake. Most of them would like to see the water go down 1'-2', so it would protect area roads, and allow access to the peninsula, where currently their access road is underwater. One of the project delays has come from a landowner downstream on Maple Lake, who has not returned our telephone calls to set up a field meeting with him to discuss his concerns. The current plan calls for installation of a ditch/pipe that would take the water out of Grove Lake and run it into Maple Lake, where there is a natural outlet that eventually drains into Whisky Creek. The DNR would like to see some type of fish-barrier installed on the outlet. Jones said the current plans call for some type of drop pipe.

**Kragnes Ringdike.** H.E. is working with MNDOT to secure the required permits. The project has been delayed since 2007, as we've been waiting for a license agreement from Burlington Northern/Sante Fe (BNSF) Railroad. Jones recently contacted BNSF, who said they have prepared the easement exhibits. The BRRWD will schedule the project hearing for some time in June.

**Hay Creek/Stinking Lake CWL Project.** Albright has met with Bruce Paakh, MPCA, who has agreed to do some monitoring work on Hay Creek. The BRRWD received a CWL grant for \$185,000 from BWSR to work on this project. The grant period runs from 2/01/08-6/30/10. The goal of the project is to install bufferstrips and sediment control basins within the upstream watershed of Stinking Lake. The BRRWD is working with the Becker SWCD on the project.

**Revised Watershed Management Plan (RWMP).** Citizen Advisory Committee (CAC) and Technical Advisory Committee (TAC) meetings were held in Barnesville on 2/25/08 and 3/14/08 to work on the goals and solution sections of the RWMP. H.E. is currently working on putting the final touches to the plan. The BWSR grant providing planning assistance is scheduled to expire on 12/31/08. Once the draft plan is completed, the BRRWD intends to meet to go through the plan. It

will then be sent out to the various agencies for review and comment. The BRRWD plans to hold at least two informational meetings throughout the District to go over the plan with concerned citizens.

**Activities Update.** Albright distributed a copy of the 4/14/08 meeting press release. The main agenda item was a petition to abandon Becker County Ditch No. 19. The hearing for the abandonment was held on 4/08/08 in Callaway. Holmesville Township and the Becker County Highway Department went on record in opposition to the petition. Landowners petitioned the BRRWD after 2007 assessments were placed on their property. They felt the assessments were unfair. The BRRWD denied the abandonment petition and made an order to conduct a redetermination of benefits for Becker County Ditch Nos. 10 and 19.

**Next Meeting.** The BRRWD has not scheduled the next PT meeting. We have hopes to hold a special public meeting sometime in May/June that would only discuss water quality issues/concerns. At the special meeting, the Barnesville River Watch Team could also give an update regarding their 2007/2008 monitoring activities. We could also talk about the Citizen Stream Monitoring Program (CSMP). The BRRWD will plan on holding a fall tour again. Most likely the tour will be scheduled sometime near the end of September. The office will send out notices to the PT members when the next meeting is scheduled.

**Adjournment.** There being no further business to come before the group, Ellefson adjourned the meeting at 9:14 PM.

Respectfully Prepared and Submitted by

Bruce E. Albright, BRRWD Administrator