

BUFFALO-RED RIVER WATERSHED DISTRICT

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BUFFALO-RED RIVER WATERSHED DISTRICT WOLVERTON CREEK/COMSTOCK COULEE RESTORATION PROJECT Minutes for Landowner Informational Meeting February 17, 2015

The Board of Managers, Buffalo-Red River Watershed District (BRRWD), held a landowner informational meeting regarding the Wolverton Creek/Comstock Coulee Restoration project on Tuesday, February 17, 2015, at 2:00 PM in the BRRWD office, located at 1303 4th Avenue NE, Barnesville, MN. BRRWD Managers present were Gerald L. Van Amburg, Mark T. Anderson, and Peter V. Fjestad. Houston Engineering, Inc. (HEI) Staff attending included: Bruce E. Albright, BRRWD Administrator, and Erik S. Jones, Engineer. Others attending included: Pete Waller, Board Conservationist, Minnesota Board of Soil and Water Resources (BWSR); Bruce Poppel, Wilkin County Environmental Officer; and landowners: Jeff Nord, Jay Nord, Carl Nord, and Scott Shellito.

BRRWD Administrator Bruce E. Albright called the meeting to order at 2:00 PM. He introduced the BRRWD Board and Staff. He announced that the proceedings were being recorded to aid in the preparation of the minutes. He also passed around a sign-in roster to record attendance. Given today's attendance, there were some problems with today's meeting notice due to President's Day and the Post Office being closed.

Albright began by stating that on 07/15/14 the BRRWD received a Minnesota Department of Natural Resources (DNR) permit to restore 26 miles of the Wolverton Creek/Comstock Coulee channel. He distributed copies of the permit to audience members. He highlighted some of the items that were involved in obtaining this permit, which included going through the Environmental Assessment Worksheet (EAW) process, completing an archeological investigation, and holding meetings with different environmental agencies regarding wetland impacts, including the Army Corps of Engineers (COE).

Albright explained that last October, there was a new round of BWSR funding (Targeted Watershed Demonstration Program). The BRRWD submitted an application for the Wolverton Creek/Comstock Coulee Restoration Project, but did not get selected for an interview. He updated the audience on other possible sources for project funding, including the Regional Conservation Partnership Program (RCPP), which is a program to provide financial and technical assistance to producers and landowners through the Natural Resources Conservation Service (NRCS) for conservation projects. The BRRWD has been working with the NRCS to obtain partial funding for Phase 1 of this project. If the funding is obtained through the Environmental Quality Incentive Program (EQIP), the landowner must be the applicant, not the Watershed District. The BRRWD would like to start this funding effort by identifying the landowners in Phase 1, which begins in Section 26, Wolverton Township, at Wilkin County Road (C.R.) No. 30 and extends downstream approximately 4.5 miles to Section 9, Wolverton Township. The BRRWD plans to send a letter and an EQIP application to each landowner. The NRCS has stated that we might be able to see some work done yet this fall. Albright added that the EQIP program is probably our best chance for funding at this time. He noted that there should be an agreement between the landowners and the BRRWD, assigning their NRCS payment to the BRRWD for the project costs, with the understanding that the landowner will not be liable for any additional costs above the NRCS payment. Albright went on to say that we need every landowner within the Phase 1 area to participate in the EQIP application process. The BRRWD will furnish the information NRCS will need to calculate the landowner payments.

Albright explained that the BRRWD is also considering setting up a watershed management district (wmd) within the Western Planning Region, as identified in the 2010 Revised Watershed Management Plan (RWMP). Landowners within the wmd would be charged a fee (approximately \$0.50-\$1.00/acre) to help provide for the local share of the project costs. The BRRWD is still working on the actual implementation of this taxing mechanism. Through the use of the wmd taxing authority, the BRRWD could assess part of the costs back to landowners within the project area. The landowners would not be liable for any additional costs above the wmd fee.

Jay Nord asked how large the wmd would need to be to provide enough revenue for the project. Erik S. Jones, Engineer, HEI, explained that it will require a hearing with the landowners to set up the wmd. The total fee could be calculated on an equation based on the property's drainage area to the project. Jones commented that the boundary for the project has already been delineated. There was a brief discussion about options for handling fees for the downstream areas outside of the project boundary, but still within the Western Planning Region.

Albright noted that most of the flooding complaints have come from around C.R. No. 30, where Wilkin County Ditch (C.D.) No. 22 enters the Creek. Manager Anderson observed that the BRRWD needs to be committed to completing the entire project in a timely manner if we plan to work in phases. Problems will probably crop up in the areas that aren't in Phase 1 when that work is done. There was a brief discussion about problem areas along the waterway. Scott Shellito asked if the BRRWD could have a contractor clean out the beaver dams in the channel from the outlet of Clay/Wilkin Judicial Ditch No. 1 (J.D. 1) to C.R. No. 2 (Comstock Road). Albright said that we could hire someone to do this maintenance.

The DNR permit requires the installation of grassed bufferstrips along the channel, so the BRRWD will need to acquire easements. Jones has already calculated the acreage needed for buffers for each tract along the channel in Phase 1, which was based on the contour of the land (100'-150' from the centerline of the channel). There was a discussion regarding other programs that could be used to obtain funding for the bufferstrips. Albright noted that the Conservation Reserve Program (CRP) will only pay for cropland, while the Reinvest in Minnesota Program (RIM) will pay for cropland and non-cropland. Jones stated that according to the Mediation Agreement, we are trying to achieve a 10-year level of protection for intensively farmed land. The geometry of the channel will change as we gain more drainage area. The meandering channel bottom will be about 4' wide and about 2' deep. The top width will be approximately 18' and 3.5' deep. We have a flood plain channel that sits up above the top of the sinuous channel, but still below field level. Depending on the contour of the ground, the buffers could be up to 250' from the centerline on both sides of the channel. The proposed buffer widths are based on floodplain mapping, which looked at the 2, 5, and 10-year floodplains.

Jay Nord asked if there were really spots where we would need 500' of buffer. Jones answered that where the ground is lower, more protection is needed. The group agreed that those areas are naturally wet and usually can't be farmed anyway. Jones estimates that a total of 242 acres of farmland would be taken out of production across the entire project, or on average, around 10 acres per mile. Jeff Nord noted that most of the acreage that will be lost to buffers will be south of C.R. No. 30. He pointed out that landowners will gain more tillable land from the project than will be lost to bufferstrips.

Jay Nord commented that \$79,000 (assumed wmd fee) annually is not going to do much as far as the total project cost. Jones said we will have to get more outside funds to come into the project. Jeff Nord asked if we could ask organizations such as Pheasants Forever and Ducks Unlimited for additional funding because the proposed project will benefit wildlife. Albright noted that we could also pick up some funding from the various drainage systems that outlet to Wolverton Creek/Comstock Coulee, as they will benefit from the channel restoration. Jones said that was one of the conditions of the permit is that we add buffers to the

three legal drainage systems that don't have buffers, including the two branches of Wilkin C.D. No. 22 and Wilkin C.D. No. 5A.

Bruce Poppel noted that there is also a taxing authority through the County's Water Plan, which would require the Wilkin and Clay County Board of Commissioners' approval.

Jones' cost estimate for the Phase 1 cleanout is \$3.4 million. Albright said that we need to work with the NRCS to see how much can be funded through EQIP, so we can calculate what the local share will be.

Jeff Nord commented that even if only half of Phase 1 gets done, it will be a great improvement. He added that the project doesn't even have to get all the way to the design grade; if you take out the high spots, it will be beneficial.

Albright mentioned that years ago, when Roger Ellefson was still on the Board, there was a discussion about cleaning the channel the first mile downstream of C.R. No. 30 to alleviate some of the local flooding problems. When Jones looked at the area, he noted that the work would have to continue west of Donald Hoppe's to get an adequate gradeline. Because of that, there wasn't anything that could be done to that first mile that would give Robert Nord much relief. There was a brief discussion regarding area drainage patterns. Jones explained that there would be additional side inlets installed to improve drainage for the adjacent property, which would also be eligible for the EQIP funding.

Jeff Nord asked if there was any way to get the Arne Peterson Wetlands Reserve Program (WRP) site (E½, Section 28, Wolverton Township) to stop seeping into the Coulee. Albright said that the Wilkin County NRCS staff in Breckenridge claims they had never heard of problems with this before, and they told him they would investigate. Audience members were surprised to learn that the NRCS said they hadn't heard about this before. They noted that they have obviously been making complaints to the wrong people. Jay Nord added that there are approximately two miles of land adjacent to the WRP outlet channel that is periodically flooded. Albright said that he told the NRCS to refer to the aerial photographs of the area; to compare farming in that area before and after the WRP installation. The audience members noted that they have not been able to farm their property through the waterway since the WRP site was constructed. Albright reiterated that NRCS told him that they did not know about any problems with their site.

Albright noted that he wants all landowners in the area to know what is going on, even if they do not own a parcel of land that will be involved in Phase 1. Hopefully this summer, we can begin development of Phase 1, and then have another meeting next fall. If there is EQIP money available, we will take advantage of it.

Albright stated that the first step is for the Phase 1 landowners to get the EQIP applications submitted and start discussions with NRCS. Step two will be for the BRRWD to set up a funding entity that would handle some of the local share of the project costs. The BRRWD could create a wmd called the Wolverton Creek/Comstock Coulee Assessment Area under Watershed Law. This could be done without a petition. Jones mentioned that this would be an alternative option to setting up a traditional project area (benefits). He noted that a description of the wmd could be included in our new RWMP. Waller stated that we could still continue to apply for some Clean Water Fund (CWF) grants from BWSR. Albright noted that the RCPP funding (\$50 million) is ready to disburse, and NRCS has had no applications submitted yet. He thought it would be great if we could submit the first one. Albright named the following landowners who would need to sign up for Phase 1 EQIP: Kathleen Lucas, Andy Leedahl, Bob Klein, Neal Kippen LP, Greg Johnson, Bradley Nelson, Gary, Paul, Virgil, and Jean Israelson, Donald Hoppe, and Carol Nelson Trust, and Nord RE Holding, LLP. Albright noted that all of these individuals were notified about today's meeting, but due to the Post Office holiday closure, some landowners might not have received their meeting notification early enough to attend the meeting.

Albright summarized the meeting discussions by saying that it appears the landowners in attendance were in favor of continuing with Phase 1. The BRRWD will send letters to the affected landowners regarding the NRCS EQIP application with the information they will need to fill out and submit their requests. Waller added that a DNR permit like the one the BRRWD was granted for this project has never been issued before. There was a consensus in the room regarding the importance of getting work started because of the significance of the DNR permit. Waller also added that the BRRWD needs to be aware there are a lot of locations in the Red River Valley that could use channel work similar to this area, but if the DNR decides that this project was handled poorly, it could make it difficult for any of the other Watershed Districts/agencies to receive DNR permits in the future.

Albright noted that the DNR permit requires stable ditch outlets into the channel with buffers, etc. So, we may have to put side inlets on Wilkin C.D. No. 22 to stabilize the outlet. Jones recommended that we use the CWF funding we currently have available to add the grade stabilizations now, as well as install the buffers to the ditch systems that outlet to Wolverton Creek. Albright noted that we do have some grant funding still available that needs to be used by the end of 2015.

Jeff Nord discussed past inlet installations on Wilkin C.D. No. 5A where the culverts were put in sloping down, which greatly improved the culvert function. He suggested that it would be beneficial if the inlet culverts could be installed at an angle with the direction of the water flow. The group discussed various alternatives to inlet culvert installations. Jones felt it is better to spend more money and put the pipes all the way at the bottom of the channel, that way you don't have to install riprap. Albright noted that we will have to see what the NRCS requirements will be for the EQIP funding. When NRCS funds a project, they have stringent requirements regarding project design and specifications.

Albright noted that there is still a number of agency/county permits that we need to obtain. He reiterated that individual landowners have to apply for the EQIP funding. The question was brought up as to whether or not landowners receive a Form 1099 tax liability for EQIP payments. Albright will investigate that issue.

The Board will discuss this project at their upcoming meeting (02/23/15) to decide the next steps. Albright noted that the approved DNR permit will be the roadmap as to how to complete this project, which has been close to 60 years in the making. There was a brief discussion about areas along the ditch systems where bufferstrips will need to be established. The NRCS EQIP funding is an unexpected opportunity, and we need to get the landowners to submit their applications as soon as possible to access the funding that is available.

At 3:00 PM, the meeting was adjourned.

Respectfully submitted and prepared by

Bruce E. Albright, BRRWD Administrator