

**Red Lake Watershed District  
Four Legged Lake/JD 5 Project Team  
Meeting Notes  
August 19, 2016**

The meeting was convened by Myron Jesme, Administrator, Red Lake Watershed District (RLWD) at 9:30 a.m. The following Project Team members (or their alternates) were present:

Myron Jesme (RLWD)	Dan Sauve (Clearwater Co. Hwy.Dept.)
Nate Dalager (HDR)	Nick Phillips (Clearwater SWCD)
Dillian Nelson (HDR)	Keith Weston (NRCS)
Les Torgerson (RLWD)	Denise Oakes (MPCA)
Terry Sorenson (RLWD)	Chad Severts (BWSR)
Tammy Baden (MnDNR)	Stephanie Klamm (MnDNR)
Dave Rave (MnDNR)	Craig Jarnot (Corps) via telephone
Cari Roepke (NRCS)	Patty Olson (Landowner)

Nate Dalager updated the Project Team on where the project is at within the NRCS process. Dalager recapped the informational meeting that was held July 12, 2016. Patty Olson stated that the informational meeting showed that each basin has its own issues with various landowners wanting different results for their basin. Les Torgerson stated that we need to remember that this project was originally drained dry and that's how the District got involved through a legal ditch system. Dalager summarized the meeting, covering comments received from the public. Dan Sauve stated that if we went back to what the levels were in 1998, he would be happy. Sauve requested that the letter he submitted July 22, 2015 to the District to be added to the District website. Olson stated that she felt a majority of the landowners that showed up at the informational meeting should have been at the project team meetings from the beginning. Olson discussed the feedback she heard from various landowners.

Olson asked about timing of drawdowns. Dave Rave stated that they would not want a drawdown structure on East Four Legged Lake but would want an open system. Dalager referred to the Open House and the concept where we had consensus that had a normal pool of 1425 for the two west basins and instead of a drawdown, you could bounce up the lake to 1427 which would be the flood control wedge. The high would be where it is today. The two basins on the west would be connected and work together. We want a minimum depth based on the survey of the basin bottoms of 1'. Dalager stated that we do not want to get too hung up on the east basin normal pool because we wouldn't have a culvert specifically other than what set the culverts at. Various landowners seem to want more water. Olson indicated those landowners have higher elevations and are not as affected by the water levels as her property is. Les Torgerson asked if we have looked at the bottom elevations to see if it is fairly flat or would we have mud flats. Jesme indicated that a survey needs to be completed. Sauve indicated that Clearwater County can live with these levels, they will still see damages to roads, keep in mind that Clearwater County is compromising with anything above elevation 1423.8. Sauve stated that

we need to identify that this basin had been at 1423.8 prior to it illegally being changed and anything above that elevation is a compromise. Olson asked what the elevation of the wood culvert at the old railroad grade was. Dalager stated that it would sit at an elevation of 1' to 2' depth. Dalager stated that we have not surveyed the basin bottom but feels it will be lower than what the beavers are keep it at now. Olson stated that water behind her house is at least a foot higher than last fall. Dalager agreed that the water needs to be lower.

Dalager stated that he was trying to demonstrate with the basins depth matrix table, FDR as long as we are able to the 2' wedge of gated storage it doesn't matter what the lake is at. The MnDNR would like it as low as possible, with landowners being at both ends of the spectrum. Jesme stated that what needs to be clear is that the local and state governmental agencies are compromising and the local landowners need to also. Rave stated that every time we raise the lake level we lose land on their island. The island is used for public recreation, with a shallow crossing. Dalager stated that on the east basin he came up with two considerations – 1' or 2'.

Dalager stated that this group is on the same page as it relates to water levels; the watershed and the overall plan has to address feedback that we have received. There already is compromise that we need to document as we move forward. Olson commented that she does not want her property sacrificed to make everyone else happy.

Discussion was held on the Purpose and Need Statement. We have not done Concurrence Point #1 for the Corps yet. Project Purpose-the purpose of this project is to allow adaptive water level management of Four Legged Lake throughout the year. Craig Jarnot thinks we are close, maybe need to add the goals or the actual statement itself. Dalager asked what would be the purpose and why it would be different from Pine Lake. Jarnot stated that we are looking at enhancing waterfowl which we are not doing on Pine Lake. Rave stated that Pine Lake is not being used as a storage/impoundment versus Four Legged Lake which we are using it for water storage. The 20% Flood Reduction reply's to this case. This is necessary to clearly identify things and drives the study which the problem statement will support our project purpose.

Jarnot asked if there is much for damages downstream or is it all localized. Dalager stated the damages are to some lake owner's properties and adjacent roads. Other than the watersheds 20% Flood Reduction goal, we are not aware of any flooding on Ruffy Brook. Sauve stated that you almost have to show downstream benefits. Torgerson stated that if we can control the flow it should be a benefit.

Dalager asked Jarnot what would be required for Corps permitting. Jarnot indicated that we have a few avenues; no discharge of filled dredged permit if we put in a culvert that's regulated under 404 may be a General Permit. There are exemptions for drainage systems, which can be legally maintained as a ditch system, referencing as-builts. There is some abandonment discussion in his regulations also. Jarnot indicated that some type of permit would be required, but we would need to look at the general permit first to look at impacts, with drainage being an impact.

Dalager asked Stephanie Klamm what would be required for a MnDNR permit. The ordinary high water levels are around 5' higher, so what is the perspective now? The ordinary high water

level was done in 2010, what it was before that we would have to figure out. Klamm stated that a permit would be required.

Discussion was held on original ditch records and how conversion from 1929 datum to 1988 datum had to take place for comparisons of where we are today. Jarnot stated that what we are looking at right now, if it was an illegal activity, because of statute of limitations, we can't go back. Jesme indicated that the last illegal activity occurred in 1999 and the District was notified in 2010 which is 11 years. As he understand the Statutes of Limitation law, it is 15 years and could be challenged in that the District has been working on a resolution for the past 6 years.

Dalager stated that we will stick with what we have for Purpose and Need and will continue with the planning process. The Project Team will not be meeting for several months. Dalager stated that we are hoping to complete the planning process in a years' time and in theory implement the plan thereafter.

Jarnot stated that for the Purpose and Need, when we start talking FDR and wildlife habitat enhancement, would it be important to explain these and describe the problem.