

**Red Lake Watershed District
Four Legged Lake/JD 5 Project Team
Meeting Notes
April 15, 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)	Dave Rave (MnDNR)
Nate Dalager (HDR)	Brian Dwight, (BWSR)
Dillon Nelson (HDR)	Dan Sauve (Clearwater County)
Les Torgerson (RLWD)	Patty Olson (Landowner)
Terry Sorenson (RLWD)	Amy Westmark (MnDNR)
Lee Coe (RLWD)	Denice Oakes (MPCA)
Dan Weber (NRCS)	Mike Stenseng
Dave Jones (NRCS)	Tammy Badin (MnDNR)
Cari Ropeke (NRCS)	Bill Baer (Corps)

Nate Dalager presented a project update, discussing what had taken place in the last 8 months since the last project team meeting on August 21, 2015. Dalager discussed the funding process through the NRCS.

Bill Baer stated that he will represent the Corps in place of Larry Puchalski. Baer indicated that he had reviewed the project file and toured the project area.

Dalager discussed the history of the Four Legged Lake area, stated that it is a judicial ditch that was established in 1921. The intent of the system was to drain four basins for agricultural purposes. Over the course of years, culverts were raised at the outlet and various roads, therefore changing the system. The District was made aware of this condition when landowners began having water problems and local roads were having issues. Dalager noted that the local goals are to modify the existing structures to allow for current or original lake levels but we can't overlook the District's obligation in following drainage law as this is a legal ditch system. The goal of the project is to provide storage to reduce peak flows in the spring and some management to maintain base flow.

Dalager stated that we have not developed a specific purpose and need; we are focused on the four basins and control of them at this time. Dalager reviewed the alternates: Do nothing; Restore original ditch grade; Manage for fish and wildlife; FDR Project; Other (ditch abandonment). Dalager stated that he recommends considering a multi-purpose project that would incorporate flood storage.

The group discussed the responsibility of the District with a legal drainage system and changes that have taken place over the last 90 years. It was noted that a majority of the property around the lake is privately owned. The MnDNR manages state owned land on an island located within

the boundaries of what is now Four Legged Lake. Landowner Patty Olson asked who owned the other island that currently exists as no landowner clearly knows where their land boundaries lie under water.

Baer asked about the Purpose of Need statement. Dalager stated that the Purpose and Need is part of the 11 step process through the NRCS RCPP funding process. The entire process will need to be formalized in order to notify individuals, and to have a scoping meeting for a EA/EIS. Ultimately, a purpose and need will be drafted through the PL-566 process.

Discussion was held on what happened in 1940 where the landowners were charged a large fee but yet no one knows what they actually did with the system.

Dalager reviewed the NRCS six review points of the process that the project will follow. By following this process we will end up with a draft plan that will be supported by the EA. At that point we should be able to implement a project if appropriate. First step is to identify what we are going to do with a public participation plan. All stakeholders will be involved and this will be documented. The plan of work example was reviewed which will follow a scripted plan/process. Dalager reviewed prior Project Work Team meetings. Step 2 is the Purpose and Need which will need to begin in the next month or two. Dalager will draft a list of resources impacted by the project, followed by a public meeting. A Scoping Document will then get reviewed by the NRCS.

Dalager reviewed August 21, 2015 Project Work Team meeting notes.

Olson discussed minimum and max pools, stating that the MnDNR asked for more time for research of pool levels. Olson stated that she does not believe our minimum and maximum pool levels are far off.

It was noted that the District removed a beaver dam downstream of County Road 23 that was not active and one dam upstream of the old railroad grade culvert early last fall. Dan Sauve will follow up with Clearwater County staff to determine if their Land Department removed the beaver dam they were responsible for.

Dalager reiterated that he has no new information today, as he is prepared to recap where we were at in August 2015.

Dalager reviewed the present list of goals for the project, asking the group if there are any broad goals absent from the list:

- Flood Damage Reduction
- Reduce peak volume & flows
- Reduce risk of road damage
- Reduce private & public land damage
- Improve hydrologic conditions
- Habitat Restoration
- Protect and/or enhance existing habitats
- Maintain & enhance waterfowl habitat

- Improve water quality
- Other?

Myron Jesme stated that landowners are paying for drainage that they no longer have and further stated that the landowners have NOT been compensated for changes to their land since the legal drainage system has been manipulated or changed. The landowners do have a ditch abandonment petition in place. The landowners would rather see a lake, but not at the elevation it was in 2012 and 2010. The District would like to assist the landowners in accomplishing this but must address all aspects which could lead to damages being paid to the landowners which would compensate them for land use changes. Sauve stated that we can't just abandon the ditch because there needs to be a mechanism to address potential damage to the roads. The group discussed the landowners relinquishing their rights to the system and that we would have to prove there is damages if we abandon the system. It was stated the Clearwater County HD already has damages, and so do the landowners. Sauve commented that he is here representing the county to help find a good middle ground for everyone, which would give the landowners what they want as well as the Districts goal for some FDR. Olson reiterated that as a landowner she's paying property taxes based on her acreage, for which she is not sure what acreage is under water. Jesme stated that the land has been manipulated and until survey information and appraisers are involved we will not be able to give the landowners information as to how much they have been impacted. Dalager displayed a map of elevations that showed drawdown of spring and normal pool. Dalager felt we could determine from a map what the acreage is so we could give Olson an estimate on what flooded from drawdown to normal pool. Olson stated that it is hard for a landowner to make a decision until they know how their land is affected.

The group discussed where the Project Team left off after the August 2015 Project Team meeting. Rave questioned what the abandonment is the ditch system means. Can we go in and remove culverts? Jesme stated that the District Board will not remove culverts/structures until this process plays out to see what things will look like and if the landowners can live with it. Jesme further stated that we have to have proof at the hearing that there is damages. We need to satisfy the needs of those that will be damaged. Discussion was held on culvert elevation if the system is not abandoned. Sauve stated that from the county perspective we need to pick an elevation to protect the roads. Discussion was held on the original culvert elevations. Dave Jones stated that to determine benefits and damages you have to have a starting point. Jesme stated that if we could agree to a high point the District and landowners could agree to a starting point. Is the starting point the 1921 or 1999 elevation?

Dalager stated that we came to a conclusion of an operable structure, what was unclear was how many structures. Dalager displayed a photo of concrete structure with an outlet which included gate and stoplog bays for water level management. The gate would be a flood control component, high flows would go over automatically and drop thru the culvert. Sauve asked if the county could use the gate to complete road maintenance. Dalager replied that this could be including in the operating plan.

Discussion was had whether an east basin structure and west basin structure was needed. Rave stated that they would want one structure placed at the west outlet with a culvert installed at the

proper elevation to assure gravity flow between the two basins. Sauve discussed the advantage of two structures. Rave stated that they wouldn't want to draw it down and end up with mud flats and cattails. Once cattails start it is hard to get rid of them. It was stated that two structures were discussed at the last meeting for management purposes. Rave asked Tammy Baldwin who is a shallow lakes expert if there would be a need/purpose for a drawdown. Baldwin indicated she wouldn't be comfortable saying at this point, until further review. Jesme stated that we have an outlet structure at the outlet, why can't we decide on a gravity flow system and at any given time if there is a need for drawdown capacity at a later date, then MnDNR would supply the funds for structure and we would have to then adjust the operating plan. Dalager stated that from a FDR/landowner/county perspective one structure should do the job. Sauve stated that he felt it would not help the pool on the east lake. Jesme inquired if we can fix the elevations of the culverts for a gravity flow system. Dalager stated that at a minimum we will need a culvert at all basins. Jones stated in the process, we are still in the planning and then we look at alternatives. He further stated that we would not recommend taking anything off the table. Olson suggested to put in an operable system now so we shouldn't have to change it. Rave stated that as long as we have an operating plan that it states where the elevations would be.

Baer stated that his agency has a very specific alternatives analysis to authorize permits for only a project that is least environmentally damaging. It starts with purpose and need which he feels is the most complicated with an FDR project. We need to select elevations, flood level and in the alternatives and there might be minimization steps, we will need preferred alternatives and hopefully we can issue a permit. Brian Dwight stated that when we talk purpose and need that purpose can either be FDR purpose or a habitat enhancement purpose. Dwight questioned Baer if that statement was correct in which Baer answered, yes. Olson stated that habitat we see today wouldn't exist if illegal activity had not occurred on the legal drainage system.

Jones stated that from the NRCS standpoint this is a planning not implementation. Putting this all together the planning process is pretty clear. Jones stated that he felt by the time we get to the end we'll have some alternatives and we'll know what we are trying to address. The implementation part from the NRCS we are not even addressing that in the agreement that the NRCS has with the District. Dalager stated that we are trying to merge this all together, the process doesn't always fit with what we have.

Dalager stated that the concept here is east end going west, the FDR component of this project is to take the wedges of flood storage with gated control and keep it out of the downstream flood hydrograph. With the culverts in place, this lake already bounces with a big rain event. Our purpose is to give the ability to manage the water to a certain pool elevation, then we have a gate if we have a flood event where we could retain the water for a period of time. We can determine how we release water, dependent on downstream conditions. That is the FDR component of the project. A normal pool level is fine for FDR interest, landowners and water fowl, but the question is what is the operating plan that we can live with for FDR potential. The affects the lake will see will be occasional higher water levels. Dalager stated that he does not see any consequences for holding water for several weeks. Discussion was held on elevations. Sauve stated that 1429.6 is not acceptable, referring to the notes of August 2015. Sauve is concerned

with 1432 and water at 1435 with a ½ foot freeboard is not acceptable on the road. Sauve asked if we are showing existing conditions and that we need to review the elevations carefully. Dalager asked who is ready to say they are comfortable with the best pool elevations for landowners, waterfowl, and drawdown piece to fit the FDR component. Dalager stated that we need to have an idea from the DNR what is going to work for them.

Comment was made by Jesme to the group, if we are talking two pools, let assume it is all working in one manor assuming no beavers, is 1425 a number we can live with. Rave stated they would prefer 1424 as a normal pool. They would like the water down. West basin 1425 is good, 1424 would be better. It is deep since they raised the culvert, the raising of the water did not help their cause. Rave stated that they are willing to compromise so they can bring down the water. Dalager stated that it becomes a slough at 1424. Rave - normal pool if 1425 and now it's 1427. Landowners like to see 1427. Olson stated that the landowners were referring to ponds that were being used for irrigation. Jesme stated that we still need to get to step one of this process. Dalager stated that his hope today was to have this difficult conversation to understand where all parties are at and it's very hard when numbers keep changing. Olson stated that we don't know what the elevation is today.

Dwight stated that he would suggest we figure out to some level what our goals are so we take the position of all that is acceptable. Are there downstream benefits? Distributed retention goals that are set? These are key things to come to terms with. Then discuss what elevation will work, and we work backwards to justify the goal. Sauve stated that we've been struggling and he is tired of coming here and nothing changes, he further stated that maybe we need to talk about the alternatives. Baer stated that picking elevations is the purpose not alternatives. Olson stated that the county and landowners have been close on numbers.

Rave stated that at one of the first Four Legged Lake meetings, the outlet invert at the structure is 1426.1 if that's the case, how can we have drawdown that's less. Sauve stated that it was 1423.8 in 1998 when it was changed illegally, at the current culvert level, we can just put it back to 1423.8 and use that as the base elevation. Legally going back to the 1423.8 elevation should not be a problem. We should put it back to 1423.8 immediately and go from there.. Sauve noted that the current culvert level is not acceptable.

Dan Weber commented that the Purpose and Need is part of the process required for the funding. We should have written documentation on that and that may help alleviate the different concerns around the table. Jones stated that this scenario will sort the process through and give validation why we got where we are.

Sauve stated that the high-water elevations need to be reviewed again. He's not comfortable with them. He further stated that we need to survey the township road on the NW basin and get good elevations of the roads. Sauve commented on the wave action and what it does to the road

Dalager stated that highway freeboard is good to know and we will work on that, but this project goal is for FDR with a 100 year protection.

Discussion was held on tasks to be done. We need to collect more datum to help with getting our needs resolved. Would it be helpful to have a gage installed to see what the elevation of the lake is?

Goals for the next meeting. Dalager discussed communication for individuals to review documents. Dalager will provide a link to the District's website for information. We will survey. We will have a scoping process. Do we need a technical meeting, yes? Dwight asked if the county could provide a needs statement. DNR provide a needs statement. What are the FDR needs for the project?

Dalager commented that at least two landowners have indicated where they would like to see water at higher levels. Is there a way we can get the landowners here to participate?

Olson and Sauve discussed the township road elevation. Sauve stated that there is one landowner that gets a wet basement when the pool was high. Irrigation was discussed.

Dalager did not anticipate a full Project Team meeting in May. Some communication will be done by email. Earmark this day (3rd Friday of each month for both Four Legged Lake and Pine Lake). Dalager-we will do more internal documentation. We will be moving forward with the planning process.