

**Red Lake Watershed District
Four Legged Lake/JD 5 Project Team
Meeting Notes
October 24, 2014**

The meeting was convened by Myron Jesme, Administrator, Red Lake Watershed District (RLWD) at 9:00 a.m. The following Project Team members (or their alternates) were present:

Myron Jesme (RLWD)	Dan Thul (MnDNR)
Nate Dalager (HDR Engineering, Inc.)	Matt Fischer (BWSR)
Les Torgerson (RLWD)	Denise Oakes (MPCA)
Gene Tiedemann (RLWD)	Cari Roepke (NRCS)
Lee Coe (RLWD)	Dan Sauve (Clearwater County Engineer)
Shelley Gorham (MnDNR)	Patty Olson (Landowner)
Tammy Baden (MnDNR)	Karen Gebhardt (Landowner)

Myron Jesme welcomed the Project Team members and introductions were made.

Nate Dalager discussed the Project Team Handbook that was compiled for the Red River Basin Flood Damage Reduction (FDR) Work Group to provide support for the Project Team process.

Dalager discussed the goal of 20% Flood Damage Reduction (FDR) through-out the Red River of the North and the scope and purpose of the basin wide peak flow reduction goal of 20% and the RLWD goals. Dalager reviewed the existing conditions in the RLWD pre and post the 1997 flood. Dalager stated that site selection was based by using Lidar, looking for areas where water could be stored to reach the 20% reduction goal for the District. Dalager discussed the results and recommendations. Dalager discussed what has been successful since the mediation agreement process has been implemented to get through obstacles for moving forward with projects.

Dalager gave a brief history of the Four Legged Lake (JD 5) area.

Dalager and Jesme met with staff from the MnDNR in August, to discuss the project and to come to consensus prior to bringing the project forward to the broader group. Dan Thul stated that it was a consensus that they are willing to work on the project, but the group did not come to a conclusion as to what the project would consist of.

Judicial Ditch 5 was established in 1921, when they dug a ditch and drained the chain of lakes which made up the lake referred to as Four Legged Lake. Over a period of time culverts were replaced/raised on the west end of the lake at the outlet without going through due process or consulting the District. Patty Olson stated that she understood that the culvert under the old railroad grade was also raised. Dan Sauve stated that the culvert Olson is referring to was removed in the dark of the night and the county put it back and restored it back to the elevation as close as could be determined. During that process, the county found an old buried culvert. It is possible that the old culvert was the original grade and not the elevation of the more recent concrete culvert. Sauve stated that the actual outlet to the lakes was actually raised two to three

times. Shelly Gorham stated that you can see from aerial photos that water is significantly higher than what it was in the 1960's. Jesme stated that in the 1920's this was a chain of lakes that was drained and that there are different pools and different lakes. Karen Gebhardt asked for a clarification on Judicial Ditch 5 with Jesme showing the Project Team where the legal system ends at a location near East Four Legged Lake.

Dalager asked if everyone could agree that there are four points (culverts) that need to be addressed. Four points of elevation to maintain. Les Torgerson asked about downstream of the fourth lake. Jesme stated that the water would be more controlled and that one of the goals of this project would be to help protect the infrastructure of the roads, downstream landowners, etc.

Matt Fisher asked about the outer area of Site 2. Olson stated that this is the area where she lives and is now flooded due to high water levels. Fisher and Gorham discussed high water levels in that area.

Sauve discussed the original ditch elevation. Back in the 1930's the lake was hayed. With the change of culvert elevations it has changed the landscape of the area.

Jesme discussed the legal drainage system and jurisdiction of the District. Gebhardt discussed a property tax lien in 1940 for the property she currently owns that shows something was done to the legal drain. Sauve stated that he would go through the county notes and see what he could find from back then to see what they did in 1940.

Gorham stated that the original ditch was built to an elevation of ~1420. The outlet is now at 1427, seven feet higher.

Jesme stated that one thing we need to get by is the legal issues that are in place because of it being a judicial ditch established under Minnesota Ditch Law. Thul stated that we also have to consider the Public Waters Rules and Regulations for the lake, as any changes in elevation could change the system. Jesme stated that it is ultimately up to the landowners if they wish to abandon the legal ditch system thus assuring landowners would no longer pay a drainage lien. This project could or would likely become a capital project of the District and could have components that would be managed by the State of MN (DNR). If it would become part of a state project, there could be a whole different set of criteria and possible restrictions. Thul discussed that although most of this land is on private lands, he alluded to that fact that management of State land and how it's was acquired dictates the management of the project it and how it was built, and would be difficult to deviate from its intended purpose.

Olson asked about the abandonment process of a legal drainage system. Jesme indicated that the District would have to adhere to certain statutory requirements which could result in an abandonment proceedings of the legal drainage system as well as a hearing for the Capital Project. Jesme stated that if a landowner can show they'd be damaged by the abandonment, it could stop the entire process of abandoning the legal drainage system.

Torgerson asked for an approximate timeline for this project to happen and at what point is it determined what the desirable elevation of the water to be. Torgerson also discussed the different viewpoints of landowners and agencies and at what point do we decide what this will

be. Jesme stated that he would hope that by summer we are well on our way as to what this project would look like.

Gorham asked about other potential Flood Damage Reduction funding. Jesme stated that there is additional pools of money we could access. Jesme discussed the federal funding that is forthcoming via farm programs within the new farm bill. Jesme stated that from a landowner perspective, they have never been compensated for the loss of land due to flooding since the legal drainage system was established.

Dalager discussed some of the baseline goals for this group. Is it safe to say that everyone would accept a ditch abandonment? Gebhardt does not feel that anyone on the lake feels they've gotten anything from this ditch. Olson stated that a majority of the people would agree. Sauve expressed concern with a ditch abandonment as it would affect the county roads if no one was to manage beavers and the ditch to keep the high water from flooding the roads. Any abandonment would have to be contingent on some agency taking that responsibility on.

Jesme discussed the landowner meeting held four years ago in Leonard. One concern from that meeting was beaver dams. If this was a FDR project, the project would be responsible for removal of any beaver dams.

Gebhardt asked if the District has been paying for removal of the beaver dams? Sauve stated that since the County got the District involved they have not been removing dams as they once did. Sauve stated that it is a hardship to the county roads, due to the result of high water.

Torgerson talked about view points and that we have not determined what the water level height would be. Torgerson assumes there would be a change to what we see and if it becomes an impoundment would it be drained and filled and drained again. Jesme discussed the public transportation issue on County Road 2 and that we will have to set an elevation that will not negatively impact that county road. This project would take care of the flashiness on the road. We could open gates and bring down the water level. We would have water level control with a few structures throughout the project. Jesme stated that he felt the governing elevation will be the county road and will be determined at the hearing process.

Jesme stated that from a FDR perspective it would be best to drain the project lower for storage next spring. The State would like to see a low flow level for habitat. Torgerson stated that some folks will most likely want to see water held in the pool permanently.

Olson discussed landowners not being impacted and how consideration needs to be given on how everyone is impacted. Currently there is no control.

Jesme discussed flowage easement. Gebhardt stated that they are at the maximum now and would need to know what the minimum would be.

Dalager agreed with Jesme that by summer 2016 this project could be attainable. Dalager discussed the need for doing an Environmental Impact Worksheet (EIW) which will assist in developing the project.

Dalager discussed the parameters and the elevations of what the DNR would like to see. Gorham stated yes they have parameters and elevations but they are not set in stone. All numbers are preliminary.

Dalager asked Gebhardt if the water is as high as it's ever been? Gebhardt stated that it is within range as high as it's been in a couple of years. Gebhardt stated that they own approximately 11% of the area which includes all three of the lakes. Gebhardt discussed how they were considering irrigating their property, asking if the DNR can set a policy within this basin to assist them without charge for irrigation. Thul didn't think they could with the existing laws, it's a state wide law and would be difficult to accomplish it, but Thul will look into it. Gebhardt felt this would support the goals of this project. Thul stated the only way it would be acceptable if it was a benefit to the project. Torgerson stated that in the overall picture of the project what a better way to take the nutrients out of the system and use it.

The group discussed the project team goals and objectives. Dalager stated that we need everyone's goals on the table and out in the open.

Goals and Objectives

RLWD: FDR (local and Red River) - all seasons; aesthetics; water quality; beaver control.

Clearwater County Highway Department: Freeboard; 1423' – 1426....."maybe 1427'" @ CSAH #2 (1988 datum); beaver control.

Landowners: Manage water levels in an acceptable and equitable manner for all 4 basins; reduce high water levels; compensate landowners for flooding impacts due to potential FDR project operation; aesthetics.

BWSR: Maintain or improve water quality.

DNR: Enhance and restore lower water levels, maintain and enhance waterfowl habitat diversity; maintain or improve water quality; capacity to manage and manipulate water levels in all 4 basins on a temporary basis.

PCA: Maintain or improve water quality

USACE: Follow Concurrence Points Process

NRCS: Possible Federal funding through WRE and ALE

Gebhardt asked if we have to have all state agencies sign off on this concept. Jesme discussed the mediation process stating that permits become easier with everyone at the table.

Sauve stated that if the landowners would like to see the water lowered, we need to look at the culvert at County Road #23. Olson asked if we would look at all scenarios and will know what to expect. Jesme stated that we would have to look at all elevations of the lake.

Gorham stated that each of the basins because of all the culverts, are at different elevations and that the beaver dam situation will need to be addressed.

Thul asked what is meant by freeboard 1423-1426. Sauve stated 1427 puts the culvert completely under water. For maintenance they would need to see 1423. Jesme stated if it's

going to be a permanent pool there has to be a mechanism to lower the pool for maintenance issues. Sauve stated that the top of the road is 1431.28. If the beaver dams are maintained it is allowable to have extra freeboard.

Tiedemann stated that he felt it's very important for the locals to have control.

Torgerson stated that controlling the lake levels will benefit Ruffy Brook, as Ruffy Brook has a tendency to flood.

Sauve asked if the DNR knows what elevation they would like for each lake. Gorham discussed some points they would possibly like to see and the diversity and how things can change with fluctuation of water levels. Gorham discussed water management and what would be out there. Gorham stated that nature does not keep water levels at certain levels. It can be on a seasonal basis, because flood control can be a component of this.

Baden discussed habitat triggers and what factors they use to determine levels. Thul stated that the DNR would help establish a maximum summer pool level and that provides for flood storage above that level, and below that level, DNR can control vegetation.

Discussion was held on allowing draw down for habitat. Climate controls some of these items. Gorham stated that they are getting out a lot of details, but be assured they want to work together.

Thul stated that the levels could vary between each lake and they could have separate management plans.

Discussion was held on NRCS farm programs and the additional role of the NRCS will have with the \$50 million farm bill the Red River Basin will receive for different practices. Thul discussed a committee he sits on that is putting together a prioritization process to give extra credit for projects that have landowners enroll in farm practices like erosion control or crop rotation. There would be priority funding put into a watershed for these types of projects. There could also be higher priority for land use practices within watersheds because it is being prioritized. Roepke stated that some of these projects would still need to meet the basic eligibility. Thul added that they are adding additional priority points. Roepke stated that since this project has already been flooded this land may not qualify. Thul suggested that the NRCS may want to help this watershed by going into the area and promoting these programs.

Dalager stated that the management of all four basins could be potentially different. From an FDR standpoint Dalager would like all the basins connected.

Dalager asked if we need a committee for Natural Resource Enhancement (NRE)?

Dalager discussed the DNR having more of a stake because waters of the state or public waters. Jesme stated that it is a legal drainage system and the levels we see today are there because of action by someone not having legal authority to change the legal drainage system from that of the 1920's. Therefore in his opinion, water levels we see today should have little value or jurisdiction by the State until something other than a legal drainage system is established.

Thul stated that his concern is the next item on the agenda-Concurrence Point #1 Purpose and Need.

Dalager stated that at the next meeting the project team has to get through the concurrence points and the Corps needs to be involved.

Thul asked if getting the Corps involved in the Project Team process or maybe get a subcommittee meeting with the Corps would be better?

It was the consensus of the Project Team to hold a subcommittee meeting in November with the next Project Team meeting held in December.

It was the consensus of the group that meetings will be held the third Friday of each month at 9:30, with the next meeting being held on December 19 at 9:30 a.m. at the RLWD office.