

Red Lake Watershed District Project Work Team

Four Legged Lake Site Tour - Notes

9:30 a.m. Friday, November 21, 2014

9:30 Call to Order / Introductions

- See attached list

9:35 Project Team – Introduction to the Process

- Nate introduced the project team concept and outlined the objective for the meeting.

9:40 Four Legged Lake History

- ~ Statute 103E (ditch law)
- ~ Flood Damage Reduction - FDR (impoundments)
- ~ Project Goals and Objectives

- Nate provided a brief presentation of the project history. See attached powerpoint slides. Several people provided comments regarding anecdotal project history and lake levels. A photo was provided showing a railroad bridge passing between East and West Four Legged Lakes.

10:00 Tour – The group boarded a bus and viewed the lake/project from several perspectives. The tour stopped at the culvert between East and West Four Legged Lake. The tour group also stopped at the outlet.

11:00 Permitting and Natural Resource Enhancement (NRE) Discussion

- ~ Problem Statement
- ~ Concurrence Point #1 – Purpose and Need
- ~ NRE sub committee? TEP?

11:30 Discussion of next step(s) / Info Needed to Address Alternatives / How to Proceed

- ~ FDR &/or NRE (update goals?)
- ~ Funding
- ~ Drainage Law
- ~ Wetland Delineation
- ~ Easements
- ~ EAW?

A working lunch was held.

- Discussion covered next steps and how to proceed. Consensus was as follows:
 - RLWD could consider a concept study in order to present alternatives to the group for consideration. It was felt that the permitting authorities need a proposal in order to initiate early coordination and initial permitting discussions.
 - Alternatives included do nothing, restore the ditch to its legal grade, abandon the ditch, F&W habitat enhancement, and/or FDR. A multi-purpose project is also an alternative.
 - RLWD will meet with Engineer and Legal Counsel to determine course of action as it relates to the legal ditch status. There are questions about

which entity would petition or initiate proceedings related to the ditch, such as abandonment.

- Discussion was also held regarding initiation of an EAW. The likely LGU/RGU would be the RLWD.
- Once a concept is presented, the group felt that a TEP could likely be initiated next Spring. Permitting agencies could also provide some guidance on permit requirements once a firm concept and array of alternatives is presented.

12:45 The meeting was adjourned.

The following notes were submitted by Karen Gebhardt:

RLWD Meeting Notes
JD #5 (Four Legged Lakes & Ruffy Brook)
Water Retention Plan project

The four Phases of this project, as outlined in our last meetings on November 21st, which included a tour of all four lakes and their culverts which make up Judicial Ditch #5) are as follows:

CONCEPT PHASE:

This is where all the stakeholders (RLWD, Landowners, State & Federal Agencies such as: Army Corps of Engineers, MN DNR, Farm Service Agency/NRCS, MPCA, County Engineering, WACA, MNDOT, etc.) seek common ground to proceed with a Judicial Ditch #5 project that could include a Flood Reduction Plan, such that:

- The project will be in compliance with RLWD established standards and Flood Retention Plan goals
- The state and federal goals of this plan are to put in place an area that will be able to temporarily retain a specified amount of water to prevent the normal flow downstream toward Crookston, MN which has resulted in previous flooding.
- The goals of the landowners are varied, but would essentially support a project that allows the lakes to maintain a maximum lake level due to natural rain or run-off, or be lowered between a reasonable low water mark and high water mark, yet to be established. (There are at present, no landowners who have expressed a desire to return the Four Legged Lakes chain to established JD #5 levels.)
- The goals of the DNR would be to have the flexibility to raise or lower the lake levels periodically to control noxious or invasive species of water plants, and/or encourage water bird habitat.
- The goals of Clearwater County Engineering are to protect existing roadways that can be impacted by high lake levels.
- The goals of most other federal agencies are in line with one or more of the above goals.

PROCESS PHASE:

Establishing precise project goals, such as:

- How will it be paid for?
- Consideration of all legal aspects of the project
- Will it be more beneficial to use a single culvert, or multiple culverts of variable heights;
- Establishment of ideal minimum and maximum water levels.
- Post-construction maintenance and regular operation of Water Retention system to achieve/maintain Flood Retention Goals

OPERATIONAL PHASE:

RLWD establishes the timetable and details of design, construction and operation for the project.