



**Division of Ecological & Water Resources**  
**21371 Highway 15 South**  
**New Ulm, MN 56073**

September 8, 2017

Jan Voit  
District Administrator  
Heron Lake Watershed District  
1008 3rd Avenue, P.O. Box 345  
Heron Lake, MN 56137

Subject: Final Engineer's Report (FER)  
Judicial Ditch 19 Improvements (JD 19)  
Jackson County, MN

Dear Ms. Voit:

On behalf of the Director of the Division of Ecological and Water Resources of the Department of Natural Resources (MNDNR), I offer the following comments on the Final Engineer's Report (FER) for the project referenced above, in accordance with Minnesota Statutes Section 103D.711.

Page 15 of the FER indicates three crossings within the City of Lakefield show flooding potential due to restrictive culvert size according to the HEC-RAS model. The MNDNR supports additional water storage in the upper watershed or prior to the ditch system entering the City of Lakefield. Our agency supports water storage within the ditch system since it will reduce peak flows that could contribute to downstream flooding and increased erosion. Numerous farmed wetlands are located within the watershed that potentially could be restored to retain water and reduce outlet flows. In addition, if a significant amount of water storage is not included then the three crossings associated with the City of Lakefield should be reviewed to develop alternatives, including upsizing the culverts, to alleviate known flooding issues exacerbated by JD 19 outflows.

The MNDNR commented on the Preliminary Engineer's Report that past records indicate the state-listed endangered Henslow's sparrow has occurred within the Toe Wildlife Management Area. In order to protect grassland nesting birds, including Henslow's sparrows, the MNDNR requests that construction within the WMA not occur from April 15 through July 15. The FER should have indicated this restriction on page 19 under #7 concerning the effects of the proposed drainage project on fish and wildlife resources. The final construction plans should be clearly labeled to ensure construction does not occur during this time period.

The MNDNR supports Option 3 and the use of existing wetlands on the Toe WMA (WMA) to store water and reduce outlet flows. Please continue to coordinate with Randy Markl (507-831-2900), Area Wildlife Manager, concerning the control structure, berms, and tile work on the WMA. Our support for the project is contingent on reducing the current outflows to help alleviate flooding in the City of Lakefield by incorporating a significant amount of water storage into the project.

Ms. Jan Voit  
September 8, 2017  
Page 2

DNR finds the FER to be complete except the plans do not include a written statement that prohibits work on the Toe WMA between April 15<sup>th</sup> and July 15<sup>th</sup> to protect nesting birds. We would ask that the Project General Notes of the final construction plans include the following statement:

**No work is authorized on the Toe WMA between April 15<sup>th</sup> and July 15<sup>th</sup> to protect nesting birds. The storage of vehicles, equipment, pipe, or other project components shall not be placed or stored on the Toe WMA between April 15<sup>th</sup> and July 15<sup>th</sup>.**

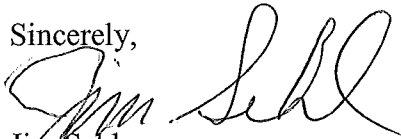
We would ask that the project engineer go over this requirement with the contractor at the preconstruction meeting.

DNR has determined the FER plans are practical, however we do want to emphasize the project sponsor must work with the City of Lakefield to ensure that additional flooding within the community does not occur as a result of the improvement.

DNR has reviewed the plan and has determined a soil survey of the project alignment is not required.

Please contact Kevin Mixon, Regional Environmental Assessment Ecologist, at (507-359-6073; email: kevin.mixon@state.mn.us) if you have any general questions about this letter.

Sincerely,



Jim Sehl  
EWR Assistant Regional Manager

Ec: Chuck Brandel, I & S Group, Inc.  
Kevin Mixon, EWR  
Brian Nyborg, EWR  
Randy Markl, Wildlife  
Ryan Doorenbos, Fisheries  
Todd Kolander, EWR  
ERDB#20160446