

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
RED RIVER JOINT WATER RESOURCE DISTRICT EXECUTIVE COMMITTEE
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 10, 2023

A virtual / conference call meeting of the Red River Joint Water Resource District (RRJWRD) Executive Committee was held on May 10, 2023, at 9:30 a.m.

Present were Josh Ihry, Steele County Water Resource District; Gary Thompson, Traill County Water Resource District; Ben Varnson, Nelson County Water Resource District; Keith Weston, Southeast Cass Water Resource District; Don Kemp, Pembina County Water Resource District; Arv Burvee, Richland County Water Resource District (alternate); Tom Perdue, Grand Forks County Water Resource District (alternate); Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; Randy Gjestvang, North Dakota Department of Water Resources (NDDWR); Mike Opat, Houston Engineering, Inc.; Kurt Lysne, Moore Engineering, Inc.; Morrie Lanning, Barr Engineering, Co.; Dani Quissell, North Dakota Water Users Association; Bruce Anderson, Barnes County Water Resource District; William A. Hejl, Rush River Water Resource District; Sarah Johnston, Walsh County Water Resource District Secretary; Duane Breitling, Cass County Commissioner; and Daryl Ritchison, North Dakota Agricultural Weather Network (NDAWN).

Agenda

It was moved by Manager Thompson, seconded by Manager Varnson and unanimously carried to approve the order of the agenda, as amended.

Minutes

It was moved by Manager Weston, seconded by Manager Kemp and unanimously carried to approve the minutes of the March 8, 2023, meeting.

Treasurer's Report

Manager Thompson moved to approve the following, as presented:

- Financial Report
- Payment of the wire transfers, as presented
- 2024 Red River Joint Water Resource District budget

Manager Varnson seconded the motion. Upon roll call vote, the motion carried unanimously.

U.S. Fish and Wildlife Service (USFWS) – proposed drain tile setback rules

Discussion was held on USFWS proposed drain tile setback rules on property with USFWS wetland easements. The proposed regulations will be separate from Natural Resources Conservation Service (NRCS) drain tile setbacks and setbacks will be

determined on an individual basis using best-available science. The proposed regulations indicate no effects to property with a USFWS wetland easement are allowed from drain tile. The USFWS is accepting comments on the proposed regulations until June 27, 2023. The Board discussed concerns and questions related to the proposed rules. The Board directed Mr. Gjestvang to gather feedback from member Water Resource Districts regarding the matter for discussion at the June 14, 2023, Full Board meeting. The Board also asked Mr. Gjestvang to invite a representative from the USFWS to the June 14, 2023, Full Board meeting to discuss the proposed rules in more detail and answer questions on the matter.

Manager Varnson left the meeting at this time.

Cost-share Request – Barnes County Water Resource District – 10 Mile Lake Water Management Feasibility Study

Mike Opat discussed the 10 Mile Lake Water Management Feasibility Study in Barnes County Water Resource District. The study will analyze an outlet to 10 Mile Lake which will allow the Water Resource District to manage the water elevation. The project is needed as there is a history of flooding issues when the lake has experienced periods of high water levels. Mr. Opat said the project has been considered before but has not proceeded due to high local project costs. Recently, potential funding for the project through the NRCS has been discussed. NRCS funding would significantly reduce the local cost of the project. Significant work has already been completed on the project, remaining work includes items needed for the NRCS Preliminary Investigation Feasibility Report (PIFR) such as wetland impact analyzation and preparation of a report. Mr. Opat said if NRCS approves funding for the project, Barnes County Water Resource District will pursue the project through the NRCS planning process and optimistically construction thereafter. Mr. Opat noted the NRCS has agreed to provide funding for NRCS tasks in the PIFR and the NDDWR has approved cost-share funding for the Barnes County Water Resource District portion of the study. Barnes County Water Resource District is requesting 65% cost-share of the non-federal, non-state share of the 10 Mile Lake Water Management Feasibility Study, not to exceed \$16,250.

A motion was made by Manager Thompson and seconded by Manager Weston to approve and authorize the Chairman to sign the *Cost-Share Agreement* with Barnes County Water Resource District for up to 65% cost-share on the non-federal, non-state share regarding the 10 Mile Lake Water Management Feasibility Study, not to exceed \$16,250. Upon roll call vote, the motion carried unanimously.

NDAWN all-season weather gages

Discussion was held on the proposed locations of approximately fifteen NDAWN all-season weather gages in the Red River Basin in North Dakota that are being funded by the RRJWRD. Randy Gjestvang discussed proposed locations for thirteen all-season weather gages, one in each member Water Resource District of the RRJWRD, with the exception of Southeast Cass Water Resource District. The site located in Southeast Cass Water Resource District already has an all-season weather gage. The Board discussed options for locations of the remaining two all-season weather gages. Daryl Ritchison noted the Diversion Authority remains interested in purchasing gages that would be

beneficial to the Metro Flood Diversion Project, and the State of Minnesota is also considering funding of all-season weather gages in the Red River Basin in Minnesota through the Minnesota legislature. Mr. Ritchison said he will begin the process of ordering supplies for fifteen all-season weather gages and the locations the gages will be placed at can be finalized prior to the supplies arriving.

A motion was made by Manager Thompson and seconded by Manager Weston to approve and authorize the Chairman to sign the *Cost-Share Agreement* with NDAWN / North Dakota State University regarding allocation of \$250,000 from the RRJWRD to fund the installation of approximately 15 NDAWN all-season weather gages in the Red River Basin in North Dakota in 2023, with the location of the gages to be finalized by NDAWN and Randy Gjestvang, with input from the National Oceanic and Atmospheric Administration. Upon roll call vote, the motion carried unanimously.

Snagging and clearing projects – State Water Commission cost-share

Manager Weston updated the Board on a recent discussion held with the State Water Commission regarding snagging and clearing. Snagging and clearing projects remain eligible for State Water Commission cost-share funding and discussions will continue with the State Water Commission regarding snagging and clearing.

Pilot project

Discussion was held on the Pilot Project for North Dakota RCPP projects in the Red River Basin through the RRJWRD. Dani Quissell reported the North Dakota legislature had earmarked \$1 million in SB 2020 for the project; however, after more recent revenue projections were received, the funding for the pilot project was removed from SB 2020. The original funding request was for \$12 million. The Board discussed the matter and indicated funding below \$7,800,000 will not be adequate for the Pilot Project as the Pilot Project is intended to help complete more than one project. Ms. Quissell noted there was support for the project in the legislature; however, revenue projections were approximately \$10 million less than originally thought for this biennium, so funding was not available for the Pilot Project this biennium. Ms. Quissell noted there may be some discretionary funding available through SB 2020 if the need is not there for the projects for which those funds were intended.

Legislative updates

Sean Fredricks and Ms. Quissell provided a comprehensive overview of the 2023 North Dakota legislative session regarding water resource districts. The Board discussed SB 2372 regarding watershed districts in more detail. Chairman Ihry thanked Mr. Fredricks, Ms. Quissell and Jack Dwyer for their efforts on behalf of water resource districts during the 2023 legislative session.

RRJWRD Steamboat Award

Discussion was held on renaming the RRJWRD Steamboat Award after Ben Varnson and Robert Thompson, who were instrumental forming the RRJWRD and are both continuing to serve on various Water Resource Districts. The Board indicated they wish to honor Manager Varnson and Mr. Thompson for their dedication to North Dakota Water Resource Districts.

A motion was made by Manager Thompson and seconded by Manager Weston to rename the RRJWRD Steamboat Award to the Robert Thompson and Ben Varnson Award. Upon roll call vote, the motion carried unanimously.

NDDWR Red River Office cost-share agreement

Randy Gjestvang discussed the *Red River Valley Office Agreement* for the Red River office of the NDDWR, as well as the duties performed as part of the agreement. The Red River Joint Water Resource District's 50% cost-share is \$170,000 for two years.

A motion was made by Manager Weston and seconded by Manager Thompson to approve and authorize the Chairman to sign the *Red River Valley Office Agreement* with the NDDWR regarding the Red River office in the amount of \$170,000 for July 1, 2023, through June 30, 2025. Upon roll call vote, the motion carried unanimously.

Manager Varnson rejoined the meeting at this time.

Member WRDs project reports

Member Water Resource Districts reported on current activities in their districts.

Manager Burvee discussed upcoming Richland County Water Resource District drain maintenance projects and repair of damages from the spring melt. Manager Burvee also noted Richland County Water Resource District is making modifications to their snagging and clearing projects for increased efficiency.

Manager Weston reported Southeast Cass Water Resource District is currently working on a drain reconstruction project and debris removal from the spring melt.

Manager Thompson stated Traill County Water Resource District is continuing various legal assessment drain reconstruction projects as well as repairing damage from the spring melt.

Manager Kemp said Pembina County Water Resource District is cleaning up from the spring melt and is also working on various legal assessment drain and dam projects within their district.

Manager Varnson stated Nelson County Water Resource District is working on repairing gages at the Michigan spillway and recently completed a project north of Petersburg, North Dakota.

Manager Ihry reported Steele County Water Resource District continues to work with FEMA on damaged sites from the 2022 spring melt as well as ongoing work on the Elm River Dam projects. Mr. Ihry said there were many roads in Steele County that were overtopped with water this spring.

Manager Perdue discussed various Grand Forks County Water Resource District drain maintenance projects. Grand Forks County Water Resource District recently purchased an excavator that is being used to clean out facilities.

Education

Mr. Fredricks discussed indemnity and insurance language in NDDWR cost-share agreements.

Next meeting

The next meeting of the RRJWRD Executive Committee will be held at 9:30 a.m. on July 12, 2023, originating at the West Fargo Public Works building in West Fargo, North Dakota.

Adjournment

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

Josh Ihry
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer