

MINUTES OF VIRTUAL / CONFERENCE CALL SPECIAL MEETING  
RED RIVER JOINT WATER RESOURCE DISTRICT FULL BOARD  
ORIGINATING AT THE WEST FARGO PUBLIC WORKS BUILDING  
810 12TH AVENUE NW, WEST FARGO, NORTH DAKOTA  
JUNE 14, 2023

A special meeting of the Red River Joint Water Resource District (RRJWRD) Full Board was held on June 14, 2023, at 9:00 a.m.

Present were Josh Ihry, Steele County Water Resource District; Bruce Anderson, Barnes County Water Resource District; Tom Perdue, Grand Forks County Water Resource District; Rodger Olson, Maple River Water Resource District; Wes Ecker, North Cass Water Resource District; Don Kemp, Pembina County Water Resource District; Arv Burvee, Richland County Water Resource District; Michael Wyum, Sargent County Water Resource District; William A. Hejl and Richard Sundberg, Rush River Water Resource District; Keith Weston, Southeast Cass Water Resource District; 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); Jonathan Petersen, Natural Resources Conservation Service (NRCS); Dave Azure and Noah Hazard, U.S. Fish and Wildlife Service (USFWS); Ken Royse, Missouri River Joint Water Resource District; Sarah Johnston, Walsh County Water Resource District Administrative Assistant; Dani Quissell, North Dakota Water Users; Julie Goehring, Red River Basin Commission; Zach Herrmann and Mike Opat, Houston Engineering, Inc.; Kurt Lysne, Josh Hassell and Nathan Trosen, Moore Engineering, Inc.; Morrie Lanning, Barr Engineering, Co. Nelson County, Ransom County, Traill County and Walsh County Water Resource Districts were absent.

**Agenda**

It was moved by Manager Weston, seconded by Manager Kemp and unanimously carried to approve the agenda, as presented.

**Minutes**

It was moved by Manager Olson, seconded by Manager Perdue and unanimously carried to approve the minutes of the April 12, 2023, meeting.

**Treasurer's report and 2024 budget**

It was moved by Manager Burvee and seconded by Manager Sundberg to approve the Financial Report and 2024 Red River Joint Water Resource District budget, as presented. Upon roll call vote, the motion carried unanimously.

### **Cost-share requests**

Randy Gjestvang reported the RRJWRD Executive Committee approved a cost-share request from Barnes County Water Resource District for the 10 Mile Lake Water Management Feasibility Study for 65% of the non-federal, non-state costs, not to exceed \$16,250, at the May 10, 2023, meeting.

Mr. Gjestvang also updated the Board on the revised State Water Commission cost-share policy. Invoices one year or older must be submitted by June 30, 2023, and beginning July 1, 2023, invoices dated one year or more before the date they are received by the State Water Commission will be ineligible for cost-share reimbursement.

### **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. Mr. 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.

A motion was made by Manager Weston and seconded by Manager Perdue 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.

### **NRCS – RCPP Watershed Planning update**

Manager Weston stated North Dakota RCPP Plan sponsors are present to provide an update to the Board on various ongoing RCPP Plan efforts. Manager Weston also noted the Natural Resources Conservation Service (NRCS) is interested in potentially coordinating a tour in Manitoba, Canada, of biomass harvesting this fall with RCPP Plan sponsors. Biomass harvesting has been included in several North Dakota RCPP Plans.

Zach Herrmann presented on the RCPP – North Branch Park River Watershed Plan, sponsored by Park River Joint Water Resource District, which is comprised of Pembina County and Walsh County Water Resource Districts. Mr. Herrmann discussed the history and progress of the Plan to-date and noted the project would substantially reduce the flood risk for Crystal, North Dakota. Mr. Herrmann also discussed the design and cost estimate for the project, as well as water quality and environmental benefits included in the Plan.

Next Josh Hassell presented on the RCPP – Upper Maple River Watershed Plan, sponsored by the Cass County Joint Water Resource District, which is comprised of Southeast Cass, Maple River, Rush River and North Cass Water Resource Districts, and the RCPP – Shortfoot Creek Watershed Plan sponsored by Sargent County Water Resource District. Mr. Hassell discussed the history and progress of the Plans to-date including information on the various alternatives considered in the Plans and the preferred alternatives. Discussion was held on the cost estimates for the preferred alternatives in the Plans.

Jonathan Petersen discussed the process of biomass harvesting in detail, as it is included in several North Dakota RCPP Plans. Mr. Petersen also briefly updated the Board on the status of the RCPP – North Branch Antelope Creek Watershed Plan sponsored by Richland County Water Resource District and the RCPP – Tongue River Watershed Plan sponsored by Pembina County Water Resource District.

### **U.S. Fish and Wildlife Service’s proposed rules for drain tile setback in easement areas**

Discussion was held on USFWS proposed drain tile setback rules on property with USFWS wetland easements. Dave Azure said the proposed rules are aimed to prevent draining of wetlands by implementing a setback distance from tile drainage. The proposed regulations will be separate from 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. Mr. Azure noted the proposed rules also provide some future assurances for property owners. The Board discussed potential impacts of the proposed USFWS rules in regard to current and future Water Resource District facilities that may be adjacent to or located on property with USFWS wetland easements. Mr. Azure indicated the USFWS is willing to discuss options with property owners to find a solution that would be agreeable to both parties. The USFWS is accepting comments on the proposed regulations until June 27, 2023. Sean Fredricks said the Board has been asked to be a signatory on a comment letter from various local agricultural groups to the USFWS regarding the proposed drain tile setback rules. The Board discussed the possibility of being a signatory on the comment letter. Mr. Azure encouraged Water Resource Districts and property owners to contact the USFWS with any additional questions on the proposed drain tile setback rules on property with USFWS wetland easements.

### **Educate Advocate Engage Program – Missouri River Joint Water Resource District**

Ken Royse presented on the Missouri River Joint Water Resource District Educate Advocate Engage Program regarding the Missouri River. Mr. Royse asked the RRJWRD to be involved in facilitating a meeting this fall regarding the Program. The meeting aims to engage the public, various stakeholders, legislators, and others on matters related to the Missouri River. The Board supported the proposed idea and Manager Weston volunteered to coordinate with Mr. Royse in facilitating a meeting this fall regarding the Educate Advocate Engage Program related to the Missouri River.

**USGS Drought Risk Analysis / low flow investigations – virtual meeting update on June 15, 2023**

Mr. Gjestvang reported the USGS will be presenting an update on the ongoing Drought Risk Analysis / low flow investigations study on June 15, 2023, at 11:00 a.m. The RRJWRD is a cost-share participant in the study.

**Sheyenne River Bank Stability Study**

Mike Opat reported the data collected by Barnes County Water Resource District regarding the Sheyenne River Bank Stability Study downstream of Baldhill Dam to the confluence of the Red River has been compiled into a draft report. Houston Engineering, Inc. will be conducting field reviews of various sites soon and then will finalize a report on the study findings.

**Legislative updates**

Mr. Fredricks discussed SB 2372 approved during the 2023 legislative session. The Board discussed potential RRJWRD membership options for North Dakota counties partially in the Red River Basin regarding SB 2372. Mr. Fredricks indicated the topic will continue to be discussed at the staff level with the North Dakota Water Resource Districts Association. Concepts regarding RRJWRD membership options for North Dakota counties partially in the Red River Basin regarding SB 2372 will be brought to a future meeting for further discussion.

**Member WRDs project reports**

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

Manager Anderson reported Barnes County Water Resource District is working on various maintenance projects on legal assessment drains, permitting of subsurface water management systems, permitting for a project on a dam, and the Sheyenne River Bank Stability Study.

Manager Perdue said Grand Forks County Water Resource District is bidding a project involving Upper Turtle River Dam No. 2.

Maple River Water Resource District has ongoing legal assessment drain maintenance and reconstruction projects. Manager Olson also noted the Maple River Dam captured a tremendous amount of water this spring which provided significant benefits to downstream properties.

Manager Ecker said North Cass Water Resource District is addressing slides on various legal assessment drains.

Pembina County Water Resource District is working on construction of a new legal assessment drain, various maintenance projects and addressing security concerns at dams as well as discussing impacts of spring breakout flows.

Manager Burvee reported Richland County Water Resource District is conducting routine maintenance of various facilities.

Manager Sundberg said Rush River Water Resource District continues to be involved in the RCPP – Rush River Watershed Plan design and is also working on repairs from spring flooding. Construction of the Diversion Channel and Associated Infrastructure of the Metro Flood Diversion Project is also occurring within the Rush River Water Resource District boundaries.

Sargent County Water Resource District is also working on various maintenance, improvement and reconstruction projects on their facilities.

Southeast Cass Water Resource District continues to discuss the interface of their facilities with the Metro Flood Diversion Project, as well as work on maintenance of facilities and a snagging and clearing project on the Wild Rice River at State Highway 46.

Chairman Ihry reported Steele County Water Resource District is continuing to work with FEMA on site repairs from previous flood events and a reassessment of a legal assessment drain. Chairman Ihry also reported on the status of permitting for current projects at Elm River Dam Nos. 1, 2 and 3.

Sarah Johnston introduced herself as a new employee of Walsh County Water Resource District. Ms. Johnston reported Walsh County Water Resource District is providing assistance to local property owners wishing to construct ring dikes, as well as snagging and clearing efforts in the Park River and working with FEMA on damages from previous flood events.

### **Education**

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

### **Next meeting**

The next RRJWRD Full Board meeting is scheduled for September 13, 2023, at 9:30 a.m.

**Adjournment**

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

APPROVED:

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Josh Ihry  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer