

**MEETING MINUTES  
RED RIVER JOINT WATER RESOURCE DISTRICT  
FULL BOARD MEETING  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, ND  
JANUARY 11, 2017 ~ 9:30AM**

Chairman Thompson called the meeting to order at 9:30am.

**Roll Call**

Water Resource Districts present were: Ransom, Richland, Grand Forks, Traill, Barnes, Maple River, North Cass, Southeast Cass, Rush River, Nelson, and Steele. Member counties absent were: Sargent, Pembina, and Walsh. Also present were: Attorney Sean Fredricks; Treasurer Carol Harbeke Lewis; Secretary Nettie Johnson; Randy Gjestvang, State Water Commission; and those whose name appears on the attached roster.

**Agenda**

Richard Sundberg moved to approve the order of the agenda. Lance Yohe seconded the motion. Upon roll call vote, the motion carried unanimously.

**Meeting Minutes**

Josh Ihry moved to approve the Full Board's December 8, 2016 minutes as presented. Darrell Nottestad seconded the motion. Upon roll call vote, the motion carried unanimously.

**2017 Executive Committee Elections**

The following is a list of the elections the Red River Joint Water Resource District conducted for 2017 at our meeting on January 11<sup>th</sup>:

**I. Executive Committee Elections**

In accordance with Article XIII, Section 1, of the By-Laws, at its meeting on January 11th, the full Joint Board elected the following Managers to serve on the Executive Committee for 2017:

1. Ben Varnson
2. Larry Tanke
3. Lance Yohe
4. Scott Olerud (Alternate)

Josh Ihry will act as senior alternate in 2017.

Mark Brodshaug moved to approve the Executive Committee Elections for 2017. Arv Burvee seconded the motion. Upon roll call vote, the motion carried unanimously.

**Treasurer's Report**

Treasurer Carol Harbeke Lewis presented the RRJWRD financial report for the full Board to review. Ben Varnson moved to approve the financial report as presented. Lance Yohe seconded the motion. Upon roll call vote, the motion carried unanimously.

### **2018 Budget**

Sean Fredricks presented a proposed budget for 2018 which include funds necessary for the Joint Board's operations and cost-share to member districts and other projects, equivalent to 2 mills from each member district (or the pro rata equivalent of 2 mills for those districts where the contributing watershed into the Red River Basin is less than 100 percent). Ben Varnson moved to adopt the 2018 budget. Lance Yohe seconded the motion. Upon roll call vote, the motion carried unanimously.

Discussion was held on Gary Thompson's position on the Executive Committee and the circumstance of Traill County only contributing one mill to the RRJWRD for 2017. Arv Burvee moved to direct Mr. Fredricks to prepare amendments to the By-Laws of the Resolution to suspend the penalties for a member district's inability to make full payment on membership fees. Darrell Nottestad seconded the motion. Upon roll call vote, the motion carried unanimously.

### **Quick-Take**

Sean Fredricks reported on SB 2047, a bill regarding water resource district "quick-take" eminent domain authority. WRD quick-take was the subject of an interim study by the Water Topics Overview Committee. Mr. Fredricks said that he and Mike Dwyer had the opportunity to negotiate with Legislative Council staff to address concerns by some members of the Water Topics Committee. Water Topics ultimately approved the language we negotiated and SB 2047 tracks that language, with some very minor additions.

SB 2047 adds some new negotiation and notice requirements regarding WRD interactions with landowners prior to commencing a quick-take action, as well as a more concrete negotiation timeline.

Mr. Fredricks also relayed information on HB 1244. This would require County Commissions to approve WRD's use of quick-take. This is a bill that WRD's and County Commissions should consider opposing.

Mr. Fredricks stated that he will keep an eye on these and other bills in upcoming sessions and will keep the Board posted regarding hearings, proposed amendments, and any other developments.

### **F-M Diversion**

Rodger Olson reported on the status of the Fargo-Moorhead Diversion Project.

Mitigation for the Project continues and is intended to be a living document that will be reviewed and amended periodically as additional information and operations prompt updates.

There are four organic farms totaling approximately 2900 acres which risk losing their organic certification if flood waters sit on the land too long. Some organic farmland was purchased and closed on last fall. Diversion representatives continue to work on plans to reestablish land for them.

Flowage easement issues were talked about. The value of each flowage easement is determined through an appraisal that considers the depth, duration, and frequency of

additional flooding, and the highest and best use of the property to determine the market value of each property. Focus is on land expected to get a least a foot of water during a 100-year flood, the minimum required by federal government. That totals around 50 square miles. The Diversion Authority's plan calls for easement on land with at least half a foot of water expanding coverage another 33 miles. Land that gets less than half a foot would get the option of payment for damages.

The Diversion Authority has discussed a crop insurance program similar to federal crop insurance that would cover 65 percent of crop values. Upstream opponents said that it wasn't enough and may seek higher percentage coverage. This continues to be mitigated.

The Diversion Authority has been working with several property owners after they requested to have their property entered in the early acquisition process. The early acquisition process is open to impacted property owners and includes an evaluation to determine if the property owner is eligible for relocation benefits like relocation assistance or finding replacement housing.

Construction will commence this spring at the inlet south of Horace.

The Minnesota Department of Natural Resources (DNR) has requested to join the lawsuit against the construction of the FM Diversion. Minnesota will be asking the court to prohibit construction because it hasn't issued the necessary permits.

#### **Randy Gjestvang Reports & Updates**

Mr. Randy Gjestvang gave a report on meetings and inspections that he has been involved with from December 8, 2016 to January 10, 2017.

Mr. Gjestvang provided updates on the Red River Basin-wide Feasibility Study in regards to budget and funding; Corps projects management, permitting, the Comprehensive Watershed Management Plan, and HEC-RAS modeling between Grand Forks and Roseau, MN. Mr. Gjestvang mentioned that they are working with the Red River Basin Commission (RRBC) on detention studies. Halstad and upstream studies will be pursued in late January 2017. The Park River and Pembina River are the only detention studies that remain.

The Pembina River Task Team has reported that the Phase 5 modeling has been completed. A report was provided in July, 2016. Additional information regarding culvert capacity will be necessary. The ND DOT had said that they might be interested in pursuing this matter, but is no longer scheduled to be done in the near future. An overall report for the flood issue that is being developed has been tabled due to the border dike lawsuit which is expecting a decision on the appeal in the near future.

Devils Lake current elevations were provided. Currently the levels are at 1450.2 msl. Mr. Gjestvang indicated that there have been problems with stand pipes and construction on them is underway.

Updates were given on the current status of the Red River Retention Executive Director Position. The RRRA is preparing a job description involving work items described in the Contribution Agreement. The position was advertised and the last day to respond was on

January 9, 2017. At this time, four applications have been received. Top candidates will likely be interviewed this month and/or in February.

The RRRRA-NRCS Cooperative Agreement for funding in the amount of \$70,000.00 for a watershed outreach plan has been signed. A key component of watershed planning is providing outreach and education to landowners. It is anticipated that approximately 4 workshops will be held with landowners within the watershed.

The RRRRA-NRCS Contribution Agreement for funding over a 2-year period for a total of \$60,686.00 (non-federal) has been signed. This 2 year agreement describes coordination desired for the planning and implementation of flood damage reduction projects and conservation systems. This agreement also includes outreach, office costs, transportation, and assisting with watershed protection plans.

Mr. Gjestvang introduced Dave Jones, NRCS Area Engineer, who is an Interim for Keith Weston until they fill his position

**Red River Basin Commission**

Jeff Lewis, Executive Director for the RRBC, presented water quality information to include nutrient concentration from 2010 to 2016.

Mr. Lewis encouraged attendance for the 34<sup>th</sup> Annual Red River Basin Land & Water International Summit Conference being held January 17 – 19, 2017 in Fargo. He described the topics of interest and workshops that will be held relating to storage and nutrient reduction issues which target structure sites and reveal the benefits they provide.

**International Water Institute**

Mr. Chuck Fritz, IWI Director, updated the Board on matters that the IWI has been working on recently including reduction issues, water quality projects, and water quality monitoring training resources.

The River Watch Forum will be held March 15, 2017 in Crookston, MN. Each year the River Watch teams from across the Basin gather at the University of Minnesota campus to share research results, compete in team challenges and participate in watershed education sessions.

**2017 RRJWRD Meeting Schedule**

Ben Varnson moved to approve the 2017 Red River Joint WRD meeting schedule as presented. Rodger Olson seconded the motion. Upon roll call vote, the motion carried unanimously.

**Adjournment**

Having no further business to discuss, the meeting adjourned at 11:25am without objection.

APPROVED:

ATTEST:

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Gary Thompson, Chair

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Nettie Johnson, Secretary