

MEETING MINUTES
RED RIVER JOINT WATER RESOURCE DISTRICT
EXECUTIVE COMMITTEE MEETING
ORIGINATING AT THE OFFICE OF THE TRAILL COUNTY WRD
HILLSBORO, NORTH DAKOTA
MARCH 8, 2017 ~ 9:30AM

The Executive Committee meeting was called to order by Chairman Thompson on March 8, 2017 at 9:30am in Hillsboro, ND. Those present were: Chairman Gary Thompson; Managers Ben Varnson (by phone), Robert Rostad, Larry Tanke, Lance Yohe, Josh Ihry, and Scott Olerud. Also present were: Sean Fredricks, Attorney for the Board; Nettie Johnson, Secretary; Carol Harbeke Lewis, Treasurer; Keith Weston; Chuck Fritz, IWI; David Jones, NRCS; Ken Nesvig; Traill County Commissioner; and Chad Engels, Moore Engineering, Inc.

ORDER OF AGENDA

Robert Rostad moved to approve the order of the agenda as amended. Manager Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

MEETING MINUTES

Manager Varnson moved to approve the January 11, January 18, January 25, January 31 and February 17, 2017 Executive Committee meeting minutes as presented. Manager Rostad seconded the motion. Upon roll call vote, the motion carried unanimously.

COST-SHARE REQUESTS

Upper Maple River Dam Final Costs (Maple-Steele WRD)

This project was previously determined to meet the RRJWRD cost-share criteria as a temporary flood water storage project that could benefit more than one District. The RRJWRD had approved 65% cost share of the non-federal, non-state costs of eligible items on December 12, 2013. Based on a total estimated cost of \$8,497,691.31, the RRJWRD approved cost share up to \$3,375,000 if the SWC did not include right-of-way cost as an eligible item or \$2,320,000 if the SWC cost share determined that right-of-way was an eligible cost-share item. (The SWC did later include right-of-way costs for their eligible items). This request is for the RRJWRD to approve 65% of the local share of the final costs, not to exceed \$2,653,426.95. This increases the RRJWRD cost share by \$333,426.95.

The RRJWRD will still receive a refund of funds for the project because of the SWC reimbursement that also includes right-of-way costs.

It was moved by Lance Yohe and seconded by Ben Varson to recommend to the Full Board to approve the additional cost-share for the project, approving 65% of non-federal, non-state cost share of eligible items, not to exceed \$2,653,426.95. Upon roll call vote, the motion carried unanimously.

STATEWIDE INTERDISTRICT SIGNIFICANT PERMITS

Helendale Private Drain, LLLC

At our previous meeting, the Committee directed Chad Engels and Sean Fredricks to research land ownership of all landowners to the outlet of the Sheyenne Diversion. Chad's office would provide Sean with a landowner list and Sean's office would confirm ownership, and then prepare the requisite resolutions to set a hearing.

Attorney Fredricks stated that his office has implemented the necessary steps to perform deed searches for the purpose of notifying all downstream landowners who may be adversely impacted by this project.

A Resolution Setting the Hearing Regarding Helendale Private Drain Application to Drain No. 4390 was presented to the Committee. After discussion and review, Robert Rostad moved to approve the *Resolution* and to set the hearing date for Monday, May 22, 2017 at 10:00a.m., in Wahpeton, ND. Ben Varnson seconded the motion. Upon roll call vote, the motion carried unanimously. Mr. Fredricks will proceed with final notices, etc. for the hearing as required under the Administrative Code.

Bernard & Brian Vculek (Sargent County WRD)

Application for Surface Drainage # 4826 has been submitted by applicant Bernard & Brian Vculek of Crete, ND which contains statewide interdistrict significance.

The purpose of the permit application is to remove excess water from the SE ¼, NE ¼, and NW ¼ in Section 20, T131-R58 located in Sargent County, ND. Total drainage area: 150 acres.

Scott Olerud described Ransom County's involvement.

Chad Engels offered a few points regarding this application including the possibility of forming a JPA.

This application will be reviewed more closely at our next meeting.

INTERNATIONAL WATER INSTITUTE (IWI)

IWI Director, Chuck Fritz, met with the Executive Committee to present PTMApp (Prioritize, Target, and Measure Application) which is a web solution for estimating water quality benefits of non-point practices.

This Application builds on general strategy types in local water plans by identifying implementable on-the-ground management and conservation practices.

PTMApp can be used in real-time by Soil and Water Conservation Districts, Watershed Districts, county local water planning, agency staff and decision makers.

Mr. Fritz has requested funding for the implementation and development of the PTMApp which will aid in the effectiveness of practices and projects throughout North Dakota and Minnesota.

Lance Yohe moved to recommend to the RRJWRD Full Board to help fund the PTMApp up to a maximum of \$230,000.00 (\$115,000.00 per year for two years). Robert Rostad seconded the motion. Upon roll call vote, the motion carried unanimously.

RED RIVER RETENTION AUTHORITY (RRRA)

Keith Weston provided updates on the potential RRRA Executive Director position and the State Water Commission insurance requirements and endorsements that are involved within the agreement for the position. Gary Thompson has been asked to sign the temporary agreement for the position.

Dave Jones, NRCS, gave updates on the RCPP studies. Agreements have been signed for 20 studies; 8 in ND and 12 in MN. 6 of the ND studies had progressed to analysis of potential alternatives; 2 of these studies have temporarily ceased because the project team is concerned that historic flood damages in these areas may not be large enough to justify a large project.

TREASURER REPORT

Treasurer Carol Harbeke Lewis presented financial reports for the Committee to review. Lance Yohe moved to approve the report as presented. Robert Rostad seconded the motion. Upon roll call vote, the motion carried unanimously.

Larry Tanke moved to approve payment of checks #3530 through #3540, and the electronic funds transfers. Ben Varnson seconded the motion. Upon roll call vote, the motion carried unanimously.

LEGISLATION

Attorney Fredricks gave the Board updates on the status of several Senate and House bills that have been or are being presented through the North Dakota Legislation:

Quick-Take SB 2047: This is our preferred bill relative to HB 1244 which would effectively eliminate quick-take (would limit quick-take to situations where a project has a direct and specific appropriation from the Legislature or Congress, which virtually never happens). Mike Dwyer testified at the 2047 hearing, as did Monica Zentgraf from Richland County and the hearing went well. Our objective is to encourage the Senate to kill HB 1244.

Quick-Take SB 1244: The House passed SB 1244, also a quick-take bill. HB 1244 bill included an amended introduced after the Committee hearing that effectively eliminates WRD quick-take authority. More specifically, HB 1244 would limit WRD quick-take to situations where a WRD project has a specific and direct appropriation from Congress or the Legislature; we all know that's not how WRD funding and cost-share works. The Legislature provides a pot of general water management dollars to the Water Commission, and WRDs apply to the Water Commission on a project-by-project basis. HB 1244 would effectively eliminate WRD quick-take authority, and would make water projects exponentially more difficult and expensive to construct.

Drain Cost-Share HB 1374: The hearing on this bill last Friday seemed to go well. This is the bill that would eliminate SWC cost-share for drains. Mike, Gary, Monica, Lance Yohe, and LuAnn Kemp (Pembina County WRD) all provided very effective testimony in opposition to the cost-benefit analysis proposed under this bill as too similar to what the Corps requires. The argument that this would only prolong the cost-share process and would create excess bureaucracy seemed to resonate with the Committee. Lance provided testimony in opposition to the 100-year flood protection limit for cost-share proposed under the bill. Monica and LuAnn testified in opposition to elimination of cost-share for drain improvement projects. LuAnn provided examples of drains in Pembina County, including numbers on how the cost-share reduced local cost-share per acre. The testimony went well, but Rep. Schmidt (Chair of Water Topics Committee) is a strong advocate for this bill.

Tile HB 1390: Relating to a limitation on county authority and subsurface water management on land that qualifies for prevented planting insurance coverage; to amend and reenact sections 61-16-07, 61-16-08, and 61-16-09 and subsection 8 of section 61-16.1-09 of the North Dakota Century Code, relating to water resource district board members and subsurface water management projects; and to provide for a legislative management study. Hearing scheduled for March 10, 2017 at 9:00am.

Below is the email I have sent to members of the Senate Energy & Natural Resources Committee today to show our opposition to HB 1020. The hearing on HB 1020 is tomorrow (Thursday) at 8:30am. Gary Thompson will be in attendance on our behalf.

OTHER BUSINESS

Discussion was held on the compensation for time that Monica Zentgraf, Secretary-Treasurer of Richland County WRD, has invested regarding legislative issues. Robert Rostad stated that she has provided 106 hours in overtime on legislative matters including analytical work, testifying, and travel costs. After further discussion, Ben Varnson moved to approve cost-share up to \$5,000.00 for payment to the Richland County WRD for Ms. Zentgraf's compensation. Lance Yohe seconded the motion. Upon roll call vote Managers Yohe, Tanke, Varnson, and Thompson voted yes. Robert Rostad abstained. Motion carried. (see April 12, 2017 rescinded minutes).

Sean Fredricks commented that the ND Water Resource District Association has indicated that they would like to see a cost-share agreement signed on behalf of Mike Dwyer and the RRJWRD for his involvement in legislative issues. Robert Rostad moved to approve the agreement and provide compensation to Mike Dwyer. Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT

Having no further business to be considered by the Board, the meeting adjourned at 12:00p.m.without objection.

APPROVED:

ATTEST:

Gary Thompson, Chairman

Nettie Johnson, Secretary