

**MEETING MINUTES  
RED RIVER JOINT WATER RESOURCE DISTRICT  
FULL BOARD MEETING  
ORIGINATING AT THE OFFICE OF THE TRAILL COUNTY WRD  
HILLSBORO, ND  
APRIL 12, 2017 ~ 9:30AM**

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

**Roll Call**

Water Resource Districts present were: Richland, Grand Forks, Traill, Barnes, Maple River (by phone), North Cass, Southeast Cass, Rush River, Nelson, Walsh, and Steele. Member counties absent were: Ransom, Sargent, and Pembina. 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.

**Meeting Minutes**

Lance Yohe moved to approve the Full Board's January 11, 2017 minutes as presented. Bruce Anderson 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.

On a recommendation by the Executive Committee Lance Yohe moved 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. Ben Varnson seconded the motion. Upon roll call vote, the motion carried unanimously.

**Legislative Updates**

Attorney Sean Fredricks provided updates on Quick-take, drain cost-share and tile. He stated that we have faced some serious challenges this session, and have rallied to defeat many of those challenges (efforts to eliminate the ability of WRDs to reconstruct or improve drains, effective elimination of WRDs' abilities to construct new assessment drains, attacks on WRD quick-take once again). We have successfully defended the powers of WRDs to operate in a meaningful way. However, HB 1374 and HB 1390 have both passed in the House and Senate. Our only hope remaining on these bills is veto by Governor Burgum. With that in mind, a letter has been drafted to Governor Burgum asking him to veto HB 1374 and HB 1390. Mr. Fredricks added that the Governor's exercise of veto authority is an extraordinary step and we have no idea how he will react to our requests, but that this is our last hope. Lance Yohe moved to direct Chairman

Thompson to sign the letter to Governor Burgum to veto HB 1374 and 1390. Josh Ihry seconded the motion. Upon roll call vote, the motion carried unanimously.

With amendment language Mike Dwyer negotiated with Rep. Robin Weisz, our primary opponent on quick-take issues over the last couple of sessions. The House Energy & Natural Resources Committee gave a unanimous 'do pass' recommendation on this version. The Senate E&NR Committee has indicated their agreement with the language in this version.

The tile legislation has been a challenge, with Ellingson Companies influencing several legislators, despite their obvious financial benefit from a stripped-down permitting process.

Mr. Fredricks will keep us informed of any legislative actions being taken in the future.

### **Treasurer's Report**

Treasurer Carol Harbeke Lewis presented the RRJWRD financial report for the full Board to review. Robert Rostad moved to approve the financial report as presented. Wes Ecker seconded the motion. Upon roll call vote, the motion carried unanimously.

### **By-Laws**

At the RRJWRD full board meeting on January 11 discussion was held on potential amendments to our By-Laws. Mr. Fredricks circulated a redline version of the By-Laws with the changes we discussed. In addition, he made some grammatical modifications (eliminated the legalese, e.g., deleted "heretofore" and "shall"), and eliminated some of the antiquated items (order of business at meetings). He said that this will look like a great deal of modifications, but the actual substantive changes are limited.

### **US Army Corps of Engineers**

Discussion was held on a US Corps of Engineers Special Public Notice regarding a Nationwide Permit Reissuance. Mr. Chad Engels explained that the Nationwide Permits are a type of general permit issued nationally by the U.S. Army Corps of Engineers. The NWP's are intended to regulate with little, if any, delay or paperwork with certain activities having no more than minimal adverse environmental impacts under the USACE Regulatory Program authorities. There are currently 50 NWP's with 31 general conditions. The NWP's are valid for 5 years from the date of the issuance. Mr. Engels stated that this procedure is a positive process for WRD's.

### **Thompson, ND Mitigation Site**

Randy Gjestvang circulated a copy of a Mitigation Site Plan located approximately 8 miles southwest of Grand Forks. Credits established will be used to offset wetland impacts in the Red River Basin Regional Service Area. Ducks Unlimited, Inc. is the sponsor and estimates the 152 acre site will yield 35.3 credits. Details of the proposed Thompson Mitigation Site can be viewed and downloaded at the Corps web site.

### **F-M Diversion**

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

The FM Area Diversion Project will be breaking ground on April 17<sup>th</sup> at the inlet and control structure south of Horace, ND. Construction on the inlet will begin with site preparation and piling soil. Ames Construction Inc. out of Burnsville, MN was awarded the construction contract by the USACE in December of last year.

A special meeting was held on March 30<sup>th</sup> with the Cass County WRDs to discuss a *Memorandum of Understanding* summarizing individual roles and accountabilities for Water Resource facilities in concurrence with the Metro Flood Diversion Project.

The Diversion Authority continues to work with several property owners in the land acquisition process.

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

Mr. Randy Gjestvang provided a report on meetings and inspections that he has been involved with from January 11 through April 11, 2017.

Randy informed the Board that the RRJWRD cost-share request to help fund the Executive Director for the Red River Retention Authority has been denied by the ND State Water Commission for reasons that the position appears to be largely administrative in nature. They stated that it may create redundancy with the engineer position in their Red River office, which is already being cooperatively funded by the RRJWRD and their agency via cost-share.

Mr. Gjestvang provided updates on the Red River Basin-wide Feasibility Study to include Corps Project Management, Permitting Coordination efforts, and Comprehensive Watershed Management planning.

A USGS map of the Devils Lake current elevations was provided. Currently the levels are at 1451.0 msl. An Outlet Management Advisory Committee will be meeting on May 4, 2017.

### **Red River Retention Authority**

Keith Weston began serving as the consulting Executive Director for the RRRRA on March 21, 2017.

Mr. Weston provided a report of the duties and meetings he has been involved with recently.

As a follow-up to a meeting with the RRRRA, NRCS, and others, to discuss the status of the Regional Conservation Partnership Program (RCPP) watershed planning efforts in the Red River Basin, he wrote an email to encourage watershed project teams and work groups to work on finishing their “purpose and need” statement. This statement should be finalized near May 1, 2017.

Work continues on the NRCS cooperative agreement (RCPP watershed outreach), and the NRCS contribution agreement relating to flood damage reduction projects.

Keith accompanied Randy Gjestvang on a tour of the flooding impacts along the Park, Pembina and Tongue Rivers on April 5<sup>th</sup>. The Pembina River has considerable flooding in retrospect of no flooding on the Red River.

Mr. Weston will continue to track projects and activities in order to complete a more thorough analysis of the RRRRA workload.

**International Water Institute**

IWI Director, Chuck Fritz, met with the full Board 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. Upon a recommendation by the Executive Committee, Josh Ihry moved to approve the request to help fund the PTMApp up to a maximum of \$230,000.00 (\$115,000.00 per year for two years). Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

**Red River Basin Commission**

Leah Tvidt, Outreach Coordinator of the RRBC provided updates on the Natural Resources Framework Plan (NRFP) to include:

- Focusing on various projects in ND to include the Upper Maple River Dam, Antelope Creek, etc.
- Tile drainage webinars
- Cattail and nutrient capture projects
- Comprehensive Watershed Management Plans

A tour of the Upper Maple River Dam will be held May 31-June 1<sup>st</sup>.

**Voucher Policy**

Discussion was held on an action that was taken by the Executive Committee regarding a recommendation of payment for services provided concerning legislative issues. After further discussion, Lance Yohe moved to rescind the motion made at the Executive Committee meeting on March 8<sup>th</sup> and change the reimbursement amount from \$5,000.00 to \$3,600.00 for legislative undertakings provided by the Richland County WRD. The full Board was in agreement that all future cost-share and reimbursement requests be discussed and pre-approved prior to payment. Larry Tanke seconded the motion. Upon roll call vote, all members replied aye. Richland County abstained. Motion carried.

**Adjournment**

Having no further business to discuss, the meeting adjourned at 12:15pm without objection.

APPROVED:

ATTEST:

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Gary Thompson, Chair

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Nettie Johnson, Secretary