

**MEETING MINUTES  
RED RIVER JOINT WATER RESOURCE DISTRICT  
EXECUTIVE COMMITTEE MEETING  
ORIGINATING AT THE OFFICE OF THE TRAILL COUNTY WRD  
HILLSBORO, NORTH DAKOTA  
JULY 12, 2017 ~ 9:30AM**

The Executive Committee meeting was called to order by Chairman Thompson on July 12, 2017 at 9:30am in Hillsboro, ND. Those present were: Chairman Gary Thompson; Managers: Ben Varnson, Robert Rostad, Lance Yohe, Josh Ihry, and Larry Tanke. Also present were: Sean Fredricks, Attorney for the Board; Nettie Johnson, Secretary; Carol Harbeke Lewis, Treasurer; Randy Gjestvang, SWC; Keith Weston, RRRA; Morrie Lanning, Lanning Consulting; Chad Engels, Moore Engineering, Inc.; and Dan Jacobson, SE Cass WRD.

**ORDER OF AGENDA**

Ben Varnson moved to approve the order of the agenda as amended. Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

**MEETING MINUTES**

Lance Yohe moved to approve the May 10<sup>th</sup>, 2017 and June 14<sup>th</sup>, 2017 Executive Committee meeting minutes as presented. Robert Rostad seconded the motion. Upon roll call vote, the motion carried unanimously.

**COST-SHARE REQUESTS**

The Maple River Water Resource District presented a request for an increase for the Swan Buffalo Detention Dam #2 (Absaraka Dam) project. This project was completed in December of 2016. The RRJWRD previously approved cost-share in the amount of \$41,539.00 (65% of the estimated local share). The Maple River WRD is requesting 65% cost-share of the local share of the final costs, not to exceed \$42,599.79 (an increase of \$1,060.48). Ben Varnson moved to approve the request for additional funding of \$1,060.48. Robert Rostad seconded the motion. Upon roll call vote, the motion carried unanimously.

**TREASURER'S REPORT**

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

Lance Yohe moved to approve payment of check numbers 3553 – 3564 along with the electronic funds transfers. Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

Larry Tanke moved to approve the 2016 Audit Report as presented. Ben Varnson seconded the motion. Upon roll call vote, the motion carried unanimously.

Larry Tanke moved to approve the *Pledges of Assets* as presented below:

Alerus	As per agreement executed April 20, 2012
Federal Home Loan Bank of Des Moines (Bremer)	Letter of Credit executed May 17, 2017.
Dakota Heritage Bank – Hillsboro	\$95,584.00
The Goose River Bank (Bank of North Dakota)	\$1,020,000.00
First National Bank – Lisbon	\$65,000.00

Lance Yohe seconded the motion. Upon roll call vote, the motion carried unanimously.

### **STATEWIDE INTERDISTRICT SIGNIFICANT PERMITS**

#### ***Helendale Private Drain, LLC***

Moore Engineering Engineer Chad Engels relayed current information on the status of the permit, gate closures, design, and road topping issues.

Sean Fredricks will be sending a letter to the State Engineer's Office stating that there will be a continued delay in the processing of the permit until all necessary data is collected.

Mr. Engels said that he has been communicating with Cam Leedahl who has indicated that she has a new report for Chad to review. Their engineers are recommending that instead of installing an additional culvert that will allow a continuous flow of 48 cfs, that the gate contraction on the planned system be permanently altered so that when we close the gate there remains an opening that allows a continuous flow of 48 cfs. She added that they are corresponding with a Richland County engineer regarding road concerns.

Culvert size and flow analysis are being looked at.

#### ***Bernard & Brian Vculek (Sargent County WRD)***

An 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.

Additional information has been requested from the engineers of the Project. Once received, the investigation of the permit will move forward.

### **LEGISLATION**

Sean Fredricks reminded the Committee of the tile workshop that he is presenting this Friday in Minot and encouraged everyone to attend.

Discussion was held on how the WRD's can be more involved and proactive on tile issues for the next legislative session.

### **RANDY GJESTVANG REPORTS & UPDATES**

Mr. Gjestvang provided information on the meetings and inspections he has been involved with from June 14 to July 11, 2017.

Updates were given on detention studies. All studies are now deemed complete. Final costs have been submitted to the SWC to request reimbursement of approved cost-share. Costs were provided to the Corps to include as in-kind to match federal costs for the RR Watershed Feasibility Study.

Discussion was revisited concerning the Pembina River border dike lawsuit. An appeal concerning the lawsuit on whether the federal court had jurisdiction was denied on May 3, 2017. An appeal to the Supreme Court of Canada must be filed by August 1, 2017. Lawsuit costs were discussed: On August 10, 2016, the full Board moved to approve 25 percent cost-share on the additional \$800,000.00 costs regarding the Manitoba Border Dike lawsuit, not to exceed \$200,000.00 contingent on local funding of 25 percent, provided it does not bind the RRJWRD for any future cost-share. Today, there was a consensus of the Executive Committee that the remaining obligation of \$58,223.00 can be used towards the Supreme Court Appeal.

Lance Yohe offered information on the Pembina River Task Team and the RRBC's involvement. The RRBC has submitted a letter to the Premier and Governor asking them if they are interested in continuing with the task team.

WOTUS (Waters of the United States) rule has been withdrawn by the EPA due to the concerns of rural America. EPA now begins a replacement rulemaking process re-evaluating the definition of WOTUS in the Clean Water Act and gathering information input from stakeholders.

Discussion was held on legislation issues and the recent development of funding water projects. The State Water Commission staff has removed WRD cost-share funding requests from the General Water Management bucket to the flood control bucket which means that WRD's will now have to compete for cost-share in the flood control pot of funds, dollars already accounted for. Mr. Gjestvang and Attorney Fredricks will keep the WRD's informed of any new developments.

#### **RED RIVER RETENTION AUTHORITY (RRRA)**

Keith Weston, Executive Director for the RRRA, reported on several meetings and activities he has been involved with since June 14<sup>th</sup> to include the following:

An RRRA/NRCS RCPP fact sheet for the Red River Basin Initiative was worked on. An electronic copy is available through Mr. Weston by request.

Will be participating in or providing RRRA information at the 6<sup>th</sup> Annual RRV Agricultural Water Issues Forum Meetings in Badger, MN, Ada, MN, and Dumont MN. this month.

Working on setting up Red River Water Management Board and Red River Joint WRD meeting and tour scheduled for July 19, 2017.

Participated in the ND Water Education Foundation Fargo-Moorhead Flood Facilities Tour on June 28<sup>th</sup>. Mr. Weston stated that he was impressed with the advancement since 1997.

Announced the “Notice of Availability of Proposed Revisions to Section 1 of the Iowa, Minnesota, North Dakota and South Dakota Technical Guides for Public Review and Comment”. This can be used in completing preliminary wetland determinations for Food Security Act Purposes. They are proposed to provide clarity and consistency. These revisions have been posted to the federal register for notice and comment.

**RED RIVER BASIN COMMISSION**

Lance Yohe, Interim Coordinator, provided the Committee with RRBC updates.

Discussion was held on the Water Quality Basin-Wide report. They are currently regrouping on drainage, soil health, etc. issues and will continue to work on them throughout the year. There will be a workshop including these topics at the Annual Convention in Winnipeg in January 2018.

A September 6, 2017 drainage tour is being planned for the Fargo/Moorhead area. Information regarding this tour will be sent out in the near future.

RRBC is working on the Water Quality Strategic Plan and setting standards at the border with Manitoba and Minnesota.

The RRBC and IRB are working together on gathering information regarding cold climate, buffer stripping, etc.

RRBC is working together with the IWI on Long Term Flood Strategies and Distributed Storage matters.

**ADJOURNMENT**

Having no further business to be considered by the Board, the meeting adjourned at 12:30p.m.without objection.

APPROVED:

ATTEST:

---

Gary Thompson, Chairman

---

Nettie Johnson, Secretary