

MEETING MINUTES
RED RIVER JOINT WATER RESOURCE DISTRICT
EXECUTIVE COMMITTEE MEETING
PHONE CONFERENCE
ORIGINATING AT THE TRAILL COUNTY WATER RESOURCE DISTRICT
HILLSBORO, NORTH DAKOTA
MAY 13, 2020 ~ 9:30AM

The Executive Committee meeting was called to order by Chairman Thompson on May 13, 2020 at 9:30am in Hillsboro, ND. Those present were: Chairman Gary Thompson; Managers: Ben Varnson, Dan Jacobson, Larry Tanke, Josh Ihry, and Jim Haugen. Also present were: Bill Hejl, Rush River WRD; Sean Fredricks, Attorney for the Board; Nettie Johnson, Secretary; Carol Harbeke Lewis, Treasurer; Randy Gjestvang, SWC; Kurt Lysne, Moore Engineering, Inc.; Zach Herrmann and Mike Opat, Houston Engineering, Inc.; Mike Bassingthwaite, Interstate Engineering, Inc.; Attorney Jack Dwyer; Lance Gaebe, ND Water Users; Chris Laveau, USGS; Chuck Fritz and Asher Kingery, IWI; Blake Carlson, Widseth, Smith and Nolting.

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

Josh Ihry moved to approve the March 11, 2020 Executive Committee meeting minutes as presented. Larry Tanke 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 Committee to review. Dan Jacobson moved to approve the report as presented. Ben Varnson seconded the motion. Upon roll call vote, the motion carried unanimously.

Ben Varnson motioned to approve the wire transfers for bills and electronic transfers, as presented. Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

Dan Jacobson moved to direct Carol Harbeke Lewis to forward the Letter of Engagement to the Office of the State Auditor for year 2019. Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

2021 BUDGET

Carol Harbeke Lewis updated the Committee on the status of the 2021 budget. After further discussion, Ben Varnson moved to approve the detailed 2021 budget. Dan Jacobson seconded the motion. Upon roll call vote, the motion carried unanimously.

COST SHARE REQUESTS

Walsh County WRD has requested cost-share by the RRJWRD for a USGS gauge on the City of Grafton Diversion Channel in Grafton Township, Walsh County. The gauge would monitor

river flows going through the City of Grafton's diversion channel that reduces flooding to the citizens of Grafton. The Walsh County WRD is requesting the RRJWRD to approve 65% of the \$4,500 annual cost, up to \$2,925 of operation and maintenance of the seasonal stream gage. The City of Grafton has agreed to provide 35% of the annual cost, up to \$1,575. It is also recommended that the RRJWRD request that the gauge site be included in the joint funding agreement with the USGS for continued stream gauge monitoring for future years. Chris Laveau, USGS, concurs with everything proposed. If the RRJWRD approves the Walsh County WRD request the USGS will submit new FY20 Joint Funding Agreements to the RRJWRD (\$2925) and City of Grafton (\$1575) following the 65/35 split proposed. He added that a five-year commitment is not required. Upon the recommendation by Randy Gjestvang to approve the funding request, Ben Varnson moved to recommend to the full Board to approve up to \$2,925.00 which is 65% of the \$4,500.00 annual cost of the stream gauge. Josh Ihry seconded the motion. Upon roll call vote, the motion carried unanimously.

Kurt Lysne, Moore Engineering, Inc., presented a cost-share request on behalf of the Elm River Joint Water Resource District. The WRD currently owns and operates three dams in Traill, Cass, and Steele Counties. Two of the dams have been determined to be in disrepair or insufficiently sized for the watershed draining into them. The purpose of the Project is to evaluate alternatives to address the deficiencies of the existing dams. The alternatives to be evaluated will include breaching of one or both dams, improving one or both dams to meet current ND dam design standards, and potential relocation of the upstream dam (Steele County Dam No. 1) to increase its storage potential. The Project will include the development of an HEC-RAS model to evaluate the downstream impacts of various alternatives. The total estimated cost of the Study is \$120,000.00. The WRD has submitted a request for cost-share to the SWC to approve 60% cost-share, up to \$72,000.00. Upon a recommendation by Randy Gjestvang, Dan Jacobson moved to recommend to the full Board to approve 65% cost-share of the non-federal, non-state share, up to \$31,200.00. Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

Discussion was held on cost-share requests that are submitted to the RRJWRD by non-member entities. After further discussion, Josh Ihry moved to submit all future cost-share requests made by non-member entities to the full Board for approval following a recommendation by the Executive Committee, regardless of the amount of the request. Ben Varnson seconded the motion. Upon roll call vote, the motion carried unanimously.

LEGISLATION UPDATES

The Red River Joint Water Resource District previously sent a letter to the North Dakota State Water Commission to voice the RRJWRD's concerns regarding the SWC's "Economic Analysis" requirements. The RRJWRD noted the policy concerns previously raised in a 2019 letter from the North Dakota Water Resource Districts Association; the RRJWRD's recent letter focused more on the SWC's internal EA policies and procedures. The RRJWRD and its members are concerned about the lack of consistency in terms of EA results and requested more detailed explanations regarding the EA model and process. Pat Fridgen and Duane Pool from the State Water Commission originally planned to participate in today's meeting, but both had personal issues that precluded their participation. Both Pat and Duane plan to present at the full RRJWRD meeting in June.

Sean Fredricks indicated there is a Minnesota viewers company planning to meet with members of the State Water Commission and key legislators to discuss the possibility of utilizing the Minnesota viewer process in North Dakota for assessment projects. In Minnesota, watershed districts must hire viewers to conduct benefit and assessment analysis for each proposed legal drain project. In North Dakota, water resource districts utilize their engineering consultants as well as the expertise of their water managers to make benefit and assessment decisions for new assessment projects and reassessments of existing legal drains.

The Sargent County Water Resource District has been attempting to construct an improvement project to Sargent County Drain No. 11 for a number of years but a small number of landowners in the Drain 11 assessment district have attempted to prevent the project. The landowners sued previously to attempt to stop the project, but the Sargent County Water Resource District prevailed at the North Dakota Supreme Court. Most recently, one of the landowners submitted a petition to force a reassessment of Drain 11. The Sargent County Board planned to conduct a reassessment so the petition has not inhibited the Board or their project. However, the plaintiffs from the lawsuit are insisting that the Sargent County WRD utilize the Minnesota viewers process as opposed to utilizing the Board's own engineering consultant. In light of the pressure from the landowners, the Sargent County WRD invited a Minnesota viewer company to offer a presentation and an estimate regarding their services. The estimate was approximately \$300K to conduct a benefit/assessment analysis for Drain 11 just for a reassessment. The Board's engineering consultant's estimate was closer to \$30K to conduct virtually the same analysis.

Jack Dwyer and Lance Gaebe plan to attend the meeting with the Minnesota viewer company, the SWC members, and legislators. Chad Engels has volunteered to attend on behalf of the Red River Joint Water Resource District; Chad has experience working with ND WRDs and MN watershed districts. Luke Siemieniewski plans to attend on behalf of the Sargent County WRD.

On a related matter, Sean Fredricks indicated the plaintiffs from the Sargent County case are also pushing for legislation to prevent drain reconstructions and improvements without a vote of the assessment district. The Executive Committee agreed a situation where a WRD would have to submit any "improvement" to a vote of the drain's assessment district would create substantial financial obstacles to WRDs' obligations to maintain drains for the landowners in each assessment district. For example, if a WRD determines re-sizing drain culverts is necessary to accommodate the drain and the contributing watershed, the WRD utilizes its annual 'maintenance levy' funds to construct and install the new culverts. Conversely, the legislation evidently supported by these Sargent County landowners would require the WRD to submit the culvert improvements to a vote of the assessment district before proceeding. That type of situation would be a financial strain on every assessment drain in the state. The RRJWRD will oppose any legislative efforts of that nature.

Lance Gaebe gave a presentation regarding the challenges regarding the Natural Resources Trust Fund and oil excise tax projections. The SWC has put a freeze on cost-share and may actually withdraw cost-share approvals if the funds in the Natural Resources Trust Fund continue to decrease.

RED RIVER RETENTION AUTHORITY

Keith Weston circulated updates of the activities he has been involved with since the last RRWJRD meeting on April 8th. Some of those activities included:

Participation in a NRCS Watershed Operation Funding Proposal Q&A session. NRCS laid out the process for requesting new watershed planning starts. It was apparent the NRCS was not looking for a lot of new applications this year based on the timeliness of the Q&A session. In order to get a watershed planning start a watershed sponsor must request a meeting with the state conservationist and state watershed program manager to discuss the viability of a sponsor's proposed watershed project.

Participation in a NRCS webinar for RCPP Alternative Funding Agreement (AFA). The FY 2018 Farm Bill expanded the authority of the NRCS to use grant like AFA.

Observation of area flooding on rivers north of Fargo and in Minnesota. Mr. Weston stated that there was significant flooding in the north end of the basin this spring, especially on the Minnesota side.

Working with Rob Sip, RRWMB, and Randy Gjestvang, NDSWC & RRJWRD Engineer, to explore the need to have the BTSAC evaluate basin benefits from flood retention projects. This evaluation would be a continued effort to better understand "benefit cost analysis" in watershed planning and project development.

Mr. Weston has been invited to speak at the ND Water Users summer water convention in Grand Forks on July 8th to speak about the RRRA's past, current, and future events.

INTERNATIONAL WATER INSTITUTE

Chuck Fritz, Executive Director, provided an activity report from April - May 2020 focusing on watershed research, flood damage reduction, watershed pollutant load monitoring, and watershed education.

Mr. Fritz described an LCCMR Proposal which would establish a transferable water storage project implementation framework that includes metrics to quantitatively assess multiple benefits, both public and private, to achieve flood damage reduction, water quality, and habitat goals.

Several activities have been cancelled or postponed due to COVID-19 but will resume when face-to-face interactions can take place again.

RANDY GJESTVANG REPORTS AND UPDATES

Randy Gjestvang provided a report on meetings and inspections that he has been involved with from April 8, 2020 through May 13, 2020.

Randy provided updates for the Lower Red River Detention Analysis. The RRJWRD is the sponsor for this study. The study extends the HUR study to include the lower portion of the watershed. Local consultants, representing RRJWRD districts, will provide information on proposed detention sites to the Corps of Engineers. The Corps will then determine the reduction on flood hydrographs on the Red River mainstem, due to the proposed detention. A portion of the study was completed through the Red River Feasibility Study, until federal funds were depleted. The remaining tasks are proposed to be added to the contract between the RRBC and

the Corps for Planning Assistance to the States. Analysis of the 200-year and 500-year events are being added to the study. Local costs are estimated to exceed the amount originally estimated.

State Water Commission policy issues were revisited to include the status of cost-overruns, the 2021 Water Development Plan, budget issues, economic analysis of flood control and water conveyance projects, and permitting policies. Randy suggests updating the RRJWRD Water Management Strategy Report in 2020 with a list of detention projects submitted for the SWC 2021 Development Plan.

Mr. Gjestvang described a letter he drafted concerning the close-out report for the Forest River RCPP Watershed Plan. The Forest River Joint WRD had requested comments on the report in an email obtained last week. They approved a motion to cease work on the plan, and to provide a report that included all the information obtained in the effort. After review and discussion, Ben Varnson moved to approve his letter and send on behalf of the RRJWRD to the Forest River Joint WRD. Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT

Having no further business to be considered by the Committee, the meeting adjourned at 11:20a.m. without objection.

APPROVED:

ATTEST:

Gary Thompson, Chairman

Nettie Johnson, Secretary