

SPECIAL MEETING MINUTES OF THE
RED RIVER JOINT WATER RESOURCE DISTRICT
FULL BOARD MEETING
VIRTUAL/PHONE CONFERENCE
ORIGINATING AT THE OFFICE OF THE CASS COUNTY HWY DEPT.
WEST FARGO, ND
DECEMBER 9, 2020 ~ 2:30PM

Chairman Thompson called the meeting to order at 2:30pm.

ROLL CALL

Water Resource Districts present virtually or by phone were Traill, Pembina, Walsh, Sargent, Maple River, Grand Forks, Barnes, North Cass, Rush River, Southeast Cass, Nelson, and Steele. Member county absent was Ransom. 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

Bruce Anderson moved to approve the September 23, 2020 meeting minutes as presented. Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

TREASURER'S REPORT

The WRD Association has requested cost-share from the Red River Joint Water Resource District in the amount of \$10,000.00 for 2020, and \$23,000.00 for 2021 (a legislative year). The WRD Association will provide Legislative education, tracking, and monitoring for the Red River Joint WRD. Michael Wyum moved to approve cost-share for the ND Water Resource District Association and issue payment today in the amount of \$10,000.00 for 2020, and \$23,000.00 for 2021. Josh Ihry seconded the motion. Upon roll call vote, the motion carried unanimously.

Treasurer Carol Harbeke Lewis presented the RRJWRD financial report. Dan Jacobson moved to approve the treasurer's report as presented. Tom Perdue seconded the motion. Upon roll call vote, the motion carried unanimously.

COST-SHARE REQUESTS

Tom Perdue, Grand Forks WRD, described a cost-share request for a Watershed Plan/EA for the Upper Turtle River Dam No. 10 located in Grand Forks County. The NRCS has agreed to provide funding to the Grand Forks WRD under the Watershed Flood Prevention Operations Program (WFPO). The estimated cost for technical services is \$251,264.00. NRCS will pay 90% of the costs up to a maximum of \$201,011.00. The estimated share by the Grand Forks WRD is \$50,253.00. Upon the recommendation by the Executive Committee, Ben Varnson moved to approve 65% cost-share of the non-federal, non-state share up to and not to exceed \$32,664.45 with costs that have incurred for the project since September 23, 2020 when the discussion originated. Don Kemp seconded the motion. Upon roll call vote, the motion carried unanimously.

LEGISLATIVE UPDATES

Sean Fredricks stated that he, Monica Zentgraf, and Justin Johnson (Richland County WRD), have been working with Rep. Cindy Schreiber-Beck and Ellingson Drainage personnel over the last few months to develop some mutually acceptable modifications to the tile permitting process

in an effort of making the process more efficient. Ellingson Drainage understood that WRDs support tile, but also want to have some authority to protect downstream interests. He added that working with Ellingson Drainage has gone well and all agreed this draft bill will be a substantial improvement for everyone concerned, including WRDs, tile applicants, and downstream parties.

Mr. Fredricks provided a draft to show a few key points:

1. *All* projects will require a permit, regardless of acreage (no more 80-acre permitting threshold);
2. We created a more detailed list of what constitutes a “complete” tile application;
3. Several legislators have suggested that tile project plans should not be open records, so we included a provision that exempt the actual tile project plans from open records requirements;
4. We eliminated the 30-day Notice process and the “technical evidence” process (and replaced it with a repair/cleaning condition, described more below); these procedures were a burden for downstream parties, they were expensive, and rarely afforded downstream parties any protection anyway;
5. We no longer require deeds of the parcels they intend to tile or downstream properties; instead, we will use the tax rolls for ownership information (this will make the process much simpler and more efficient for tile applicants and for WRDs);
6. We expanded the list of conditions WRDs can attach to permits to include some legal drain items and to require a permittee to “remove silt and vegetation or to repair damages directly caused” by a tile system; this one is significant in that we remove the applicant vs. neighbor disputes in the permitting process, but still allow WRDs to mitigate impacts downstream by requiring tile permittees to clean silt, etc., that they cause;
7. We increased the permissible tile application fee from \$150 to \$500; and
8. We removed the certified mail requirements and, instead, allow WRDs to send out notice of permit decisions by regular mail.

Mr. Fredricks said that we will see more changes, but these are some of the more significant changes.

Mr. Fredricks said that he and others continue to work with the State Water Commission regarding the ability to use maintenance funds to construct legal drains. Several water managers mentioned that they have been reaching out to the State Water Commissioners with the hope of influencing them to reconsider their recent decision to table or deny cost-share requests for drainage projects.

USGS-ROCHELLE NUSTAD

Rochelle Nustad provided a presentation on the results of a recently completed study concerning Water Quality Trends in the Red River Watershed. District members have expressed interest in hearing more about the completed and proposed studies. There has been some concern mentioned about the proposed Phase 2 study. Ms. Nustad described the proposed phase 1 and phase 2 studies to determine factors contributing to the trends in sulfate, chloride, and total dissolved solids and why levels of these chemicals have been increasing.

RED RIVER WATERSHED MANAGEMENT BOARD UPDATES

Rob Sip, Executive Director, provided a pre-recorded presentation which included a discussion on the 2020 Bonding Bill, Construction Activities, and the 2021 Minnesota Legislative Session.

Mr. Sip also provided a link and handout describing the progress on a project in the Bois de Sioux watershed and also an update on the Black River impoundment construction project.

Projects such as these are anticipated to meet flood reduction goals with basin-wide flood mitigation efforts by reducing flood impacts to farmers and landowners.

RED RIVER RETENTION AUTHORITY

Keith Weston, Executive Director for the RRRRA, gave a brief update on meetings and activities he has been involved with since our last meeting.

Mr. Weston stated that the NRCS has approved the plans for the North Branch of the Park River with the design work commencing in 2021.

Crooked Creek located in Sargent County has applied for NRCS assistance for the watershed plan. They along with the Grand Forks County WRD will most likely coming to the RRJWRD for funding assistance for local costs in early next year.

PL566 activity continues forward with planning designs and construction efforts.

Last week the Red River Retention Authority (RRRA) Board of Managers held their December board meeting. At this meeting it was discussed about the desire to locate watershed plans, watershed inventory reports and monitoring studies that have been completed in the Red River Basin. Mr. Weston is requesting WRD's inquire about old watershed documents that may be in their possession.

INTERNATIONAL WATER INSTITUTE

Chuck Fritz, Executive Director, provided updates with the focus on watershed research, flood damage reduction, watershed pollutant load monitoring, and watershed education.

Mr. Fritz gave a presentation regarding ND Prioritize, Target and Measure Application (PTMapp), IWI Portal/Watershed Delineation/Hydrology Tools dealing with data collection and analysis through the PTMapp. Data can be found under the Research tab at iwinst.org.

RED RIVER BASIN COMMISSION

Ted Preister, Executive Director, provided updates on RRBC's activities to include outreach meetings and drainage integrated projects.

Strides with the Halstad downstream modeling continue to be made. RRBC is consulting with the Corps of Engineers on modeling efforts. Mr. Preister added that this endeavor could take up to 18 months to complete.

The RRBC Annual Conference will take place on January 21, 2021 via video/phone. The conference will include keynote success stories from around the Basin, Q & A opportunities, and virtual trade show and more.

FARGO-MOORHEAD DIVERSION PROJECT

Rodger Olson described a few of the current events transpiring with the FM Diversion Project.

Mr. Olson stated that the FM Area Diversion Authority received a permit from the Buffalo Red River Watershed District on October 26, 2020 and pursuant to the Binding Term Sheet (settlement agreement) the appeal of the previous permit denial was dismissed on November 24, 2020 in Becker County District Court.

Mr. Olson reported on the latest construction progress south of Horace. The Diversion Inlet and control structure are starting to take shape.

The first loads of concrete have been delivered and poured at the Wild Rice control structure south of Fargo.

Negotiations with landowners on land rights continue.

RANDY GJESTVANG REPORTS & UPDATES

Mr. Randy Gjestvang provided a report on meetings and inspections that he has been involved with from September 23 to December 8, 2020.

Lower Red River Regional Detention Analysis.

- The State Water Commission has approved cost-share for the anticipated cost overrun for the Lower Red River Detention Study, increasing the SWC share from \$45,000.00 to \$77,905.00. Ted Priester, RRBC, has obtained a signed agreement between the RRBC and the Corps of Engineers for this Section 22 study and the agreement has been signed. All local engineering costs, starting today, incurred for the project will be eligible for in-kind costs needed to match the federal cost for the project.

RRJWRD Water Management Strategy:

- The Report has been updated with a Proposed Project list and Summary of Needs to include detention sites, studies, final designs and/or construction, and dam (rehab) improvements.

State Water Commission Updates:

- Described a new Construction and Drainage Permit Policy and Risk Assessment Map service.

Randy provided a short summary of proposed detention projects that the sponsor may request cost share for during the 2021-23 biennium. The majority of the list is based on what sponsors submitted to the SWC for the 2021-23 Development Plan.

Mr. Gjestvang also provided updates on current levels of Devils Lake which is currently at 1448.5.

OTHER BUSINESS

Dan Jacobson moved to approve the 2021 RRJWRD meeting schedule as presented. Bruce Anderson seconded the motion. Motion carried.

ADJOURNMENT

Having no further business to discuss, the meeting adjourned at 4:40pm without objection.

APPROVED:

ATTEST:

Gary Thompson, Chair

Nettie Johnson, Secretary

Please Sign In

Name	County/Organization
Gary Thompson	Trail Co. WKD
Larry Tanke	Walsh Co. WKD
Bert Varson	Nelson Co. WKD
Josh Thru	Steele Co. WKD
Dan Jacobson	Southeast Cass WKD
Jim Haugen	Richland Co. WKD
Wes Ecker	North Cass WKD
Tom Padue	Grand Forks Co. WKD
Rich Axis	Grand Forks Co. WKD
Don Kemp	Bemina Co. WKD
Art Burlee	Richland Co. WKD
Michael Whum	Sargent Co. WRA
Wesley Kemp (LuAnn)	Bemina Co. WKD
Jack Gust	Kush River WKD
Bruce Anderson	Barnes Co. WKD
Jean Friedrichs	Thustad Twichell
Carol Harlock Lewis	Cass Co. WKD
Randy Gjostvang	SWC Engineer
Chad Engels	Moore Engineering
Kurt Lysne	Moore Engineering
Zack Hermann	Houston Engineering
Mike Pat	Houston Engineering
Jel Calloway	USGS
Christi Fisher	NRCS
Chuck Fritz	IWI
Cabe Bladon	Houston Engineering
Chris Lahey	USGS
Kelsey Huber	
Jack Dwyer	ND WED Assoc.
Beth Mangano	ND SWC
Matt Lindsey	ND SWC
Marric Lanning	Bar Engineering
Monica Zentgraf	Richland Co. WKD
Jennifer Lindenberg	Walsh Co. WKD
Michael Halvarson	ND SWC
Jacob Magnus	
Hunter Oberlich (Sp?)	
Mike Gansch	Houston Engineering
Rachelle Nuttad	USGS
Keith Weston	KRCA
Ted Preister	KRBC
Rodger Olson	Maple River WKD