

MEETING MINUTES  
RED RIVER JOINT WATER RESOURCE DISTRICT  
EXECUTIVE COMMITTEE MEETING  
**VIRTUAL/PHONE CONFERENCE**  
ORIGINATING AT THE TRAILL COUNTY WATER RESOURCE DISTRICT  
HILLSBORO, NORTH DAKOTA  
MAY 12, 2021 ~ 9:30AM

The Executive Committee meeting was called to order by Chairman Thompson on May 12, 2021 at 9:30am in Hillsboro, ND. Those present were Chairman Gary Thompson and Managers Ben Varnson, Larry Tanke, Dan Jacobson, Arv Burvee, and Tom Perdue. Also present were Sean Fredricks, Attorney for the Board; Nettie Johnson, Secretary; Carol Harbeke Lewis, Treasurer; Randy Gjestvang, SWC; Josh Hassell, Kurt Lysne, and Pat Downs of Moore Engineering, Inc.; Zach Herrmann, and Mike Opat, Houston Engineering, Inc.; Keith Weston, Red River Retention Authority; Morrie Lanning, Barr Engineering; Bill Hejl, Rush River WRD; Nina Stone, Cass County WRD; Danielle Hanson, ND Water Users; Danni Halvorson, IWI; and Ted Preister, RRBC.

**ORDER OF AGENDA**

Ben Varnson moved to approve the agenda as amended. Arv Burvee seconded the motion. Upon roll call vote, the motion carried unanimously.

**MEETING MINUTES**

Dan Jacobson moved to approve the March 10, 2021 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 along with the wire transfers for bills and electronic transfers. Dan Jacobson moved to approve the report, bills and electronic transfers as presented. Josh Ihry seconded the motion. Upon roll call vote, the motion carried unanimously.

**2022 BUDGET**

Sean Fredricks described the proposed budget for 2022 which include funds necessary for the Joint Board's operations and cost-share to member districts and other projects. The Executive Committee must adopt a recommended budget for 2022 for consideration by the full Joint Board. After further discussion, Ben Varnson moved to submit a draft Resolution to the full Joint Board recommending 1.5 mill levies from member districts for year 2022. Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

**COST SHARE REQUESTS**

The Committee discussed projects that are over the two-year deadline and whose sponsors who have not requested extensions for cost-share. The cost-share agreement states that projects are to be completed within two years of RRJWRD approval. Ben Varnson moved to have Randy Gjestvang submit a letter to sponsors indicating the approaching two-year deadline so that they may submit an extension request if necessary. Dan Jacobson seconded the motion. Upon roll call vote, the motion carried unanimously.

## **LEGISLATION UPDATES**

Sean Fredricks and Jack Dwyer reported on current bills that are underway in the senate and house during this legislative session.

Jack noted that several key water-related bills that have already passed the House of Representatives including a major bonding bill that includes funding for critical water projects; the budget for State Water Commission (SWC) with substantial funding for cost-share grants; and several proposals for infrastructure loan programs. These bills will now be considered by the Senate. It is anticipated that the funding bills will not be up for a hearing until after the Legislature receives updated revenue projections on March 16, 2021.

### **SB 2208 Interim Water Study**

Initially SB 2208 would have substantially modified assessment drain processes and maintenance authority, but the Senate Agriculture Committee completely rewrote the bill to instead establish an interim study to examine combining NDCC chapters 61-16.1 and 61-21; make assessment procedures uniform; establish an appeals and mediation process; manage water by watershed; review responsibility of culvert sizing; cost-benefit analyses on projects; and the relationship between the SWC and water resource districts. The study committee will include both legislators and non-legislators. Two members of water resource district boards are currently slated to be voting members on the committee.

### **HB 1437**

House Bill 1437 streamlines the permit process for subsurface water management (tiling) by simplifying ownership documentation processes; requires tile projects under 80 acres to report and larger projects to apply for a permit from local water board; defines conditions that could be attached to a permit; allows for permit fee for actual cost up to \$500; eliminates restriction of the size of the drainage coefficient with surface inlets since the outflow capacity and drainage coefficient are requirements on the application; and tile plans cannot be disclosed by officials without cause. A recent opinion from the Attorney General had created a question whether drain improvements and extraordinary maintenance were eligible for state cost share. The House added an amendment to clarify the SWC can cost-share drain widening or deepening activities. The bill includes an emergency clause which will allow its immediate effective date if the bill receives sufficient legislative support.

### **HB 1353 Reorganization of the Office of State Engineer**

HB 1353 would reorganize the Office of the State Engineer and the SWC into the Department of Water Resources and set powers and duties of the director of the Department of Water Resources. The 129-page bill would place the engineer and associated regulatory roles into a division within the reorganized department and make the head of the Department a member of the Governor's cabinet. The cost-share grant role and the selection of the board of the SWC would not change from current practice of appointment to represent specific watersheds.

## **AG COALITION MEMBERSHIP**

Discussion was revisited on ND Ag Coalition matters and the possibility of the Red River Joint WRD becoming a member of the Coalition. Several RRJWRD committee members have been attempting to convince Ag Coalition members that WRD's are an asset, not a liability. After further discussion, it was decided to table this matter for now.

## **INTERNATIONAL WATER INSTITUTE**

Danni Halvorson, Monitoring and Education Director, provided updates on 2021 River Watch and River of Dreams activities currently underway.

The River Watch Forum has a new theme “Just around the river bend” that allow students to connect to rivers and watersheds. Twenty schools are registered for this event. With all schools having different protocols in place, they have decided to hold off on their traditional “forum assignment” and instead create virtual activities that the students can be involved in both individually and collectively as a team.

The River of Dreams program materials and canoes have been delivered to elementary classrooms and virtual instruction sessions with students began on March 2<sup>nd</sup> with ten schools completed to date and seven schools scheduled through the end of March 2021.

## **RED RIVER BASIN COMMISSION**

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

Mr. Preister stated that they continue to work with contractors on long term flooding solutions and will be wrapping up with them by year end.

The EPA is facilitating with Manitobans on wastewater matters. An Optimization workshop is anticipated to commence in May 2021.

The Corps and Manitoba are working together on the symmetry of the Red River and will be collecting full scale channel measurements including survey data, etc. for the entire main stem and some major tributaries.

Ted said they are moving forward with attempting to have tours this summer but a lot will depend on the status of COVID.

## **RED RIVER RETENTION AUTHORITY**

Keith Weston circulated updates of the meetings and activities he has been involved with since January 13 to include:

- 1) Reached out to the ND WRD’s to get copies of watershed studies from the individual WRD Boards. Has heard back from WRD staff and consultants for 6 out of the 14 WRD’s. He continues to work with Rob Sip and Randy Gjestvang on discovery of economic and ecosystem-based studies and reports in the Red River Basin.
- 2) A meeting between MN and ND NRCS state conservationists and the RRRRA co-chairman was held in January. NRCS and Randy Gjestvang participated in the meeting dialog. Mr. Weston included a copy of the meeting notes. NRCS suggested that the RRRRA may want to apply for Cooperative Conservation Grants and Agreements (CCGA) to help in funding some of the watershed project and staffing needs to complete watershed plans.
- 3) Met with Chris Laveau, USGS, Grand Forks, regarding the updating of the “History of Flooding in the Red River Basin” poster assembled by the USGS after the 1997 flood. Mr. Weston has

been holding follow-up meetings with Karen Ryberg, USGS, Bismarck, regarding this venture. She also suggested looking at developing a “story map” for the flooding in the Red River Basin. She is working on a cost estimate for a story map and for updating the posters.

- 4) Participated in the Minnesota Flood Damage Reduction Work Group meeting. They along with the RRWMB are anticipating limited Flood Hazard Mitigation funding this year. Several retention projects are hoping to split approximately \$1.5 million.
- 5) The RRRA Board approved interim communication plan with commercials and announcements on KFGO radio started in February and ending in March. A new contract for the spring of 2021 through the fall has been drafted and will be considered for approval at the March 17<sup>th</sup> RRRA Board meeting.

### **RANDY GJESTVANG REPORTS AND UPDATES**

Randy Gjestvang provided a report on meetings and inspections that he has been involved with from January 13 through March 9, 2021.

Randy described certain bills of interest being discussed during this legislative session which include SWC budget bills and various water related bills. He mentioned that he has been involved in conversations with SWC Commissioner Michael Anderson concerning a project in Oslo, MN.

Mr. Gjestvang presented a Power Point on major detention construction projects that the RRJWRD has provided cost-share funding for.

Updates were given on the Lower Regional Detention Study. A kickoff meeting is scheduled for February 5, 2021 involving tasks to be completed by June 2021 by consultants for storage curves for 200-year and 500-year events, and also a virtual thaw process including HEC-RAS comments by the Corps. A second batch of documents will soon be available for review for the Long-Term Flood Study.

Current issues concerning eligible SWC cost share for rural flood control were reiterated. SWC Commissioners have commented that current cost-share percentages are not sustainable based on current need for projects and expected funding.

Devils Lake level is currently at 1448.5.

### **ADJOURNMENT**

Having no further business to be considered by the Committee, the meeting adjourned at 11:45am without objection.

APPROVED:

ATTEST:

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Gary Thompson, Chairman

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Nettie Johnson, Secretary