

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
APRIL 14, 2021 ~ 9:30AM

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

ROLL CALL

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

ORDER OF AGENDA

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

MEETING MINUTES

Dan Jacobson moved to approve the January 13, 2021 amended special meeting minutes as presented. Arv Burvee seconded the motion. Upon roll call vote, the motion carried unanimously.

TREASURER'S REPORT

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

2022 BUDGET

Sean Fredricks presented a Resolution for 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 Joint Board's member districts may annually levy (via their respective county commissioners) up to two 2 mills as payment of their membership fees to the Joint Board, separate from and in addition to the four maximum mills members districts may levy for purposes of operating their own water resource districts. Upon a recommendation by the RRJWRD Executive Committee on March 10, 2021, Wes Ecker moved to have the Joint Board adopt a 2022 budget equivalent to 1.5 mills (or the pro rata equivalent of 1.5 mills for those member districts where the contributing watershed into the Red River Basin is less than 100 percent) from each member district, and that the Joint Board sets 2022 membership fees at the rate of 1.5 mills or equivalent pro rata share. Rodger Olson seconded the motion. Upon roll call vote, the motion carried unanimously.

LEGISLATIVE UPDATES

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

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 will be voting members on the committee. The conference committee met and agreed to recommend an amendment to SB 2208 to expand the study to include water permits and irrigation.

HB 1437 Subsurface Water Management

House Bill 1437, the subsurface water management (tiling) bill, which also includes a fix to allow for State Water Commission to cost share widening or deepening activities for drains, was amended by the Senate Agriculture committee to remove the notification requirement on projects less than 80 acres unless the project drains into an assessment drain or a “tributary” of an assessment drain. The conference committee continued to work this week with several amendments to exempt drain projects that are not on agricultural land or are all contained on one owner’s property from the notification requirement. Mr. Fredricks added that parties are working well together and making positive progress but the bill continues to be heavily debated.

RED RIVER WATER MANAGEMENT BOARD

Rob Sip, Executive Director, provided updates on recent community outreach activities his office has been involved in.

Mr. Sip presented a History of Legislative Accomplishments from 1976 – 2020. RRWMB has been holding individual meetings with legislators targeting legislative efforts to include:

- Funding River Watch Program
- Red River Basin Flood Damage Reduction Work Group (FDRWG) Funding
- Bonding for FDR Projects
- LiDAR
- Policy Issues

Discussion was held on water storage and water retention issues and funding commitments.

Mr. Sip informed the Board that the March conference has been cancelled and will possibly be rescheduled for 2022. A possible tour will be held this summer pending the status of COVID.

FARGO-MOORHEAD DIVERSION PROJECT

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

Mr. Olson stated that the contract for the raising of I-29 over the Diversion Channel for 4 miles has been awarded to Industrial Builders, Inc.

The State Legislature has designated 435 million from the State to help fund the Diversion Project. The Corps has obligated 115 million from federal government funds for the Project.

Construction has commenced at the Wild Rice site and inlet south of Horace.

Land right acquisitions continue to be negotiated.

INTERNATIONAL WATER INSTITUTE

Chuck Fritz, Executive Director, provided updates on water quality projects. He stated that the Watershed Pollutant Load Monitoring Network in Minnesota began monitoring in March. Stream levels are low and sample frequency is reduced. The 2020 WPLMN Interim Report has been completed, reviewed, and approved by the MPCA project manager.

Funding for the River of Dreams and River Watch in 2022 and 2023 is currently included in the MN House and Senate Legacy Bills. Funding is at \$150K per year which is the same funding level received in 2020-2021.

The virtual River Watch forum wrapped up March 26, 2021. Staff will be reviewing challenge submissions and deciding on the winners in the coming weeks. A virtual forum wrap-up with announcement of winners will be held April 23, 2021.

River Dreams program virtual instruction sessions with students is going well with 50 classroom sessions completed to date. Canoe launch days have also begun and staff will be busy during the remainder of April and into May to fit in all launches prior to the end of the school year.

RED RIVER BASIN COMMISSION

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

Several grant applications are in the works with the goal of conducting tiling in 2021 and conducting as much as 8 years of research on the changes to practices and water quantity and quality. As regulations have changed in Manitoba, the RRBC, its partners, including the Province of Manitoba and our local watersheds, will soon be coming forward with a new tile drainage by-law template.

The Red River Basin/Cold Climate Agricultural Nutrients BMP Workshop will be held on April 16-17, 2019 at the University of Minnesota-Crookston Crookston, MN.

The contract has been completed with the International Funding Agency on water quality efforts and wastewater issues.

A tour is being considered for late July 2021 and will mostly be conducted in Minnesota.

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.

Participated in the Red River Watershed Management Board's March 16th Board of managers meetings and provided an RRRRA report to meeting participants.

Red River Retention Authority (RRRA) met on March 17th with highlights that included:

- a) Board working on a new MOU with NRCS. A draft is being routed around for NRCS input. Plans are to have a MOU signed at June Board meeting.
- b) Board approved an outreach effort using Midwest Radio out of Fargo. RRRRA commercials are currently being broadcast on KFGO radio. New commercials will be made and aired through December with one or two Joel Heitkamp radio shows to be scheduled. Tentative show during “Big Iron”.
- c) Board approved development of a “Family f Maps” for the whole Red River Basin (Basin). Rob Sip gave a presentation on the maps being developed for the RRWMB. Met with Mike Opat, Houston Engineering about the type of maps the RRRRA would like (HUA, HUC, retention projects, agency easements, etc.). The plan is to show the entire US side of the basin including SD.
- d) Board approved final draft of their Strategic Plan and Services Fact Sheet. These documents will be posted to the RRRRA’s webpage.
- e) Board heard an update of doing a new Basin USGS poster and “Story Map”

On March 22nd RRRRA Co-Chairman met with NRCS State Conservationists from MN and ND. Primary focus of discussion was on continued development of a draft MOU and identifying potential watershed projects for P.L. 566 assistance in FY 21 and 22.

On April 6th participated in a USGS virtual meeting to continue the dialog and discussion on developing a new Red River Basin poster to replace the ones from 2007. Rob Sip and Randy Gjestvang, and Keith met with Karen Ryberg and Ben York from USGS to discuss timeline, cost and design of a new Basin poster and opportunities to develop a “Story Map” for the Basin.

The USGS is likely not able to start on this type of project until October 1, 2021 (new Fiscal Year).

On April 7th participated in the review of the draft watershed plan-EA for the Tongue River RCPP watershed. This project will restore approximately a mile of the Tongue River and build to small retention areas in the Tongue River floodplain. In addition, the plan will address water quality and downstream sedimentation to the Renwick Dam at Icelandic State Park. The RRRRA is in the process of drafting a letter of support of this project to ND NRCS and the project sponsors.

Discussion was held on the importance of being more involved with federal legislative issues.

RANDY GJESTVANG REPORTS & UPDATES

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

Mr. Gjestvang gave a Power Point presentation on the following:

- Updated list of projects/completed by RRJWRD
- Map locating projects RRJWRD provided cost share that increases amount of floodwater storage

- Map locating projects RRJWRD provide cost share for repairs and specific area studies
- List of proposed projects that had been submitted for the SWC 2021-23 Development Plan
- List of proposed rehab projects that had been submitted for the SWC 2021-23 Development Plan
- An update to RRJWRD Comprehensive Watershed Plan includes an update to the proposed project list, updated list of completed projects/studies, general location map of completed projects that general location map of completed project repairs and specific area studies. This update be included on RRJWRD website.

RRJWRD Cost Share Policy: The cost share policy and agreements state that the project should be completed within a 2-year period. The cost share policy states that the RRJWRD executive board will determine if the project is progressing sufficiently if it is not completed in two years. The cost share agreements state that the sponsor must request a time extension if the project will not be completed within 2 years. Randy had previously determined whether the study was still adequately progressing, either by my involvement with the ongoing efforts or by discussing it with the sponsor. In order to ensure that terms of the agreement remain in compliance, the sponsors will be requested to submit a request for extension prior to the 2-year period expiring. Randy will be reminding the sponsor of this requirement about 3 months before the end of the 2-year period. The request would require a short description of the status of the project, anticipated completion date, and a time extension for the cost share agreement that would extend beyond the date of the anticipated completion date.

Proposed Cost Share Policy Changes:

- a. Commissioners have discussed that current cost share percentages are not sustainable based on current need for projects and expected funding
- b. May request sponsor to provide an update every 2 or 3 years (instead of 4 years)
- c. SWC subcommittee delayed discussion of proposed changes for a few months

Mr. Gjestvang also provided updates on current levels of Devils Lake which is currently at 1448.5. An Outlets Management Advisory Committee is expected in early May.

ADJOURNMENT

Having no further business to discuss, the meeting adjourned at 11:40am without objection.

APPROVED:

ATTEST:

Gary Thompson, Chair

Nettie Johnson, Secretary

