

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. Dan Jacobson moved to approve the report as presented. Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

Ben Varnson moved to approve the wire transfers for bills and electronic transfers. 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 2020. Ben Varnson seconded the motion. Upon roll call vote, the motion carried unanimously.

COST SHARE REQUESTS

The Committee revisited discussion regarding 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. Larry Tanke moved to approve and Dan Jacobson seconded the following requests for contract extensions:

- Senator Young Dam Rehab Study – The RRJWRD approved \$83,987.00 in cost-share for the rehabilitation plan for Senator Young Dam on May 8, 2019. An interagency meeting

was held on April 7, 2021 where a status update was provided. A technical committee meeting is scheduled for May 12, 2021. The study is on schedule to be completed by June 2022.

- Bylin Dam Rehab Study – The RRJWRD approve \$85,391.00 in cost-share for the rehabilitation plan for Bylin Dam on May 8, 2019. An interagency meeting was held on January 26, 2021 where a status update was provided. A technical committee meeting was held on April 12, 2021. The study is on schedule to be completed by June 2022.
- Fordville Dam Rehab Study - The RRJWRD approve \$79,687.00 in cost-share for the rehabilitation plan for Fordville Dam on May 8, 2019. An interagency meeting was held on January 26, 2021 where a status update was provided. A technical committee meeting was held on April 12, 2021. The study is on schedule to be completed by June 2022.
- Larimore Dam (Upper Turtle River Dam No. 9) - The RRJWRD approve \$59,670.00 in cost-share for the rehabilitation plan for Larimore Dam on June 12, 2019. The planning study is currently analyzing the geotechnical, environmental, and engineering conditions. The study is on schedule to be completed by the end of 2022.

Upon roll call vote, the motion carried unanimously.

Randy Gjestvang provided updates regarding the Upper Maple River RCPP. Cost share was originally approved for the study in April 2015. Kurt Lysne informed Randy that the NRCS has requested some additional information for the report that was presented to them. Providing responses to the questions will probably cause the cost of the study to exceed the original cost estimate that was used to determine the amount of RRJWRD cost share. The updated cost estimate is not yet complete. Randy felt it was important to inform the Executive Committee so that they are aware of the expected cost overrun prior to it happening. The cost share policy states that the RRJWRD will not provide cost share after the fact.

After further discussion, Ben Varnson moved to recommend to the full Board to approve the expected cost overrun and acknowledge that project cost overruns incurred to complete the study would be eligible (starting today) if/when the RRJWRD approves the additional cost share at a later meeting. Arv Burvee seconded the motion. Upon roll call vote, the motion carried unanimously.

USGS 1997 RED RIVER FLOOD POSTER AND STORY MAP

Benjamin York, USGS Hydrologist, gave a description of the 1996-97 floods from a U.S. Geological Survey Scientific Investigations Report.

The harsh winter of 1996-97, combined with the 1997 spring floods, caused the worst natural disaster in recent history for North Dakota, eastern South Dakota, and western Minnesota. Above-normal snowfall in central and eastern North Dakota during the winter of 1996-97 and a blizzard on April 5-6, 1997, caused the worst flooding in the Red River of the North and Missouri River Basins in more than 100 years.

Mr. York, Rob Sip (RRWMB), Keith Weston (RRRA), Randy Gjestvang (SWC) have all met to continue the dialog and discussion on developing a new Red River Basin poster to replace the ones from 2007. Discussion was held on timeline, cost and design of a new Basin poster and opportunities to develop a “Story Map” for the Basin. Mr. Weston said that there may be a request in the future to support funding for this from both North Dakota and Minnesota for

approximately \$30-40K. Ben Varnson moved to support outreach for this venture. Dan Jacobson seconded the motion. Upon roll call vote, the motion carried unanimously.

USGS DROUGHT RISK ANALYSIS

Rochelle Nustad, USGS Hydrologist, gave a presentation on a Drought Risk Analysis for the Red River Basin. Impacts of hydrologic and meteorologic drought can result in water supply issues, ecological harm in stream flows along with crop loss.

Ms. Nustad described the benefits of this study and provided information that will help water managers make more informed decisions on basin management. The proposed study would also provide updated information on the potential of low flow conditions on the Red River. A water balance model would be developed as well as a model that accounts for a variety of meteorological trends as well as random variability.

The total cost of the study is \$278,000.00. Funding has already been committed by the IJC and agencies in Manitoba. A request of \$25,000.00 has been presented to the ND SWC and the MN RRWMB. The ND SWC has approved the \$25,000.00 request contingent on similar approval by other entities. Ben Varnson moved to recommend to the RRJWRD full Board to approve \$25,000.00 to go towards this study. Dan Jacobson seconded the motion. Upon roll call vote, the motion carried unanimously.

LEGISLATION UPDATES

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

HB 1437

The 2021 Legislature passed updates to the law governing subsurface water management (drain tiling), which are now effective. House Bill No. 1437 amended the existing subsurface water management permitting process in ND and outlines a new process for North Dakota water resource districts to follow when reviewing subsurface water management permit applications. House Bill No. 1437 also created a new section of law which includes a new notification process and requirement for subsurface water management systems less than 80 acres.

SB 2208 Interim Water Study

SB 2208 establishes an interim study to examine many important water management policy issues making assessment procedures uniform; establishing an appeals and mediation process; managing water by watershed; reviewing responsibility of culvert sizing; cost-benefit analyses on projects; water permits and irrigation permit process; and the relationship between the SWC and water resource districts. The study committee will include both legislators and non-legislators.

The Committee discussed sending a letter to Chairman Holmberg and members of the Legislative Management showing the RRJWRD's support to study the many important aspects of water policy including drainage, water resource practices, and irrigation permits. This study would result in a greater understanding of these issues among legislators and could eliminate a piecemeal approach to legislating water resource district authorities in future sessions. After further discussion, Dan Jacobson moved to prepare a letter on behalf of the RRJWRD and remit

the letter to Senator Holmberg and the Legislative Management Committee showing support for the SB 2208 Interim Study. Larry Tanke seconded the motion. Upon roll call vote, the motion carried unanimously.

INTERNATIONAL WATER INSTITUTE

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

Mr. Halvorson said they continue to work on funding issues and ongoing activities with students relating to watershed issues. He added that canoes are set to be released soon.

A scholarship program through the Institute is available for River Watch students in both ND and MN.

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 the Lower Red River study continues to move forward. It will be going to the Corps by the end of the month.

Digital symmetry should be complete by next year for water capacity of the main stem and tributaries.

There will be water quality workshops starting in June (virtually) for ND, MN, and Manitoba.

RED RIVER RETENTION AUTHORITY

Keith Weston circulated updates of the meetings and activities he has been involved with since April 14 to include:

- 1) April 14th I participated in the "Nutrient Reduction Best Management Practices in Cold Climates: A review of the 2019 Red River Basin Cold Climate Workshop". This workshop is a result of the RRRA's earlier efforts in 2019.
- 2) Participated in the Upper Sheyenne JWRD meeting on April 21st. The USRJWRD is still working on applying for the NDSWC Pilot Watershed Project funds for work along the Sheyenne River.
- 3) April 27th, I met with MN NRCS Northwest Area Team Leads (District Conservationists) to update them on Red River Retention Authority (RRRA) activities, watershed project planning and to discuss their involvement on watershed Project Teams (PT).
- 4) April 28th, I met with Pat Downs, Moore Engineering to discuss next steps in completing the watershed plan for the Upper Maple River Watershed. There remains a need to collect cost data for the implementation of the future operations plan. The O&M plan will require the sponsors and watershed partners to manage forages and pastureland in the flood pool in

order to attain water quality benefits. These water quality benefits are important in the overall plan approval by NRCS; as there will need to be an exception granted in order to select a locally preferred plan alternative rather than the NED alternative for this project.

- 5) Participated in a NRCS webinar on carbon credits. NRCS is working on showing what practices or combination of conservation practices will store more carbon.
- 6) May 5th, I listened in to the ND WRD Associations meeting with ND Representative Schmidt and Senator Sorvag. They gave a recap of this legislature's water bills and discussed water topics for the interim period before the 2023 legislative session.
- 7) On May 5th I met with Congresswoman Fischbach's staff member Calvin Benson to inform him of the RRRA and discuss our priority projects in the Basin. He indicated he would let the Congresswoman know of our retention projects and our efforts for flood control.
- 8) Met with the RRWMB Water Quality and Advisory Committee on May 7th to review proposed water quality project from the Bois de Sioux WD. Also reviewed the RRWMB application review checklist for water quality program – competitive funds. Also provide input on a standardized template for Red River Watershed Management Board (RRWMB) member watershed districts to report progress and outcomes on water quality projects that have been funded through the RRWMB Water Quality Program, which was adopted on March 10, 2020.

RANDY GJESTVANG REPORTS AND UPDATES

Randy Gjestvang provided a report on meetings and inspections that he has been involved with from April 14 through May 11, 2021.

Mr. Gjestvang gave updates on the Lower Red River Detention Study and suggested that the RRJWRD request partial payment from the SWC prior to the start of the 2021-23 biennium. This would include costs incurred going back several years when some of the work was done as part of the Red River Feasibility Study. The SWC did not allow partial payments for that initial agreement, although the addendum does. He feels that the request will provide evidence that the study is progressing. The Commissioners have raised a lot of concern about the amount of carryover funds and questioning why projects are not progressing more quickly. There will also be questions about extending the contract into the next biennium and possibly an update required to the Commissioners. Ben Varnson moved to submit a letter to the SWC requesting partial payment for this Study. Dan Jacobson seconded the motion. Upon roll call vote, the motion carried unanimously.

The Cost-share agreement for the Red River Office between SWC and RRJWRD for the 2021-23 biennium was discussed. This is a 50-50 share. The RRJWRD share is \$152,000.00 for 2 years. Ben Varnson moved to recommend to the RRJWRD full Board to approve this contract and submit to the SWC for their signature. Dan Jacobson seconded the motion. Upon roll call vote, the motion carried unanimously.

Mr. Gjestvang provided updates on the Long-Term Flood Study, SWC Cost Share Policy, and additional current tasks he is involved in.

Devils Lake level is currently at 1448.3.

OTHER BUSINESS

The Board next discussed Jason Lovas' application for the North Dakota State Water Commission, and the need for Commission support for drainage. Manager Jacobson moved to send a letter to the Governor in support of Jason Lovas' application for the North Dakota State Water Commission. Upon roll call vote, Chairman Thompson, and Managers Varnson, Jacobson and Burvee voted in favor of the motion. Manager Tanke voted in opposition to the motion. The motion carried."

ADJOURNMENT

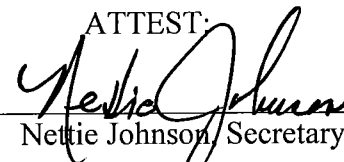
Having no further business to be considered by the Committee, the meeting adjourned at 11:55am without objection.

APPROVED:



Gary Thompson, Chairman

ATTEST:



Nettie Johnson, Secretary