

MINUTES OF VIRTUAL / CONFERENCE CALL MEETING
RED RIVER JOINT WATER RESOURCE DISTRICT EXECUTIVE COMMITTEE
ORIGINATING AT THE WEST FARGO PUBLIC WORKS BUILDING
WEST FARGO, NORTH DAKOTA
NOVEMBER 8, 2023

A virtual / conference call meeting of the Red River Joint Water Resource District (RRJWRD) Executive Committee was held on November 8, 2023, at 9:30 a.m.

Present were Josh Ihry, Steele County Water Resource District; Keith Weston, Southeast Cass Water Resource District; Ben Varnson, Nelson County Water Resource District; Don Kemp, Pembina County Water Resource District; Gary Thompson, Traill County Water Resource District; Arv Burvee, Richland County Water Resource District (alternate); Tom Perdue, Grand Forks County Water Resource District (alternate); Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Sean M. Fredricks, Ohnstad Twichell, P.C.; William A. Hejl, Rush River Water Resource District; Randy Gjestvang and Yaping Chi, North Dakota Department of Water Resources (NDDWR); Brian Fuder, Red River Retention Authority (RRRA) Executive Director; Jack Dwyer, North Dakota Water Users Association; Mike Opat and Paul LeClaire, Houston Engineering, Inc.; Nathan Trosen, Moore Engineering, Inc.; Morrie Lanning, Barr Engineering, Co.; Chuck Fritz, David Kramar, Grit May and Dave Kirkpatrick, International Water Institute; Ted Preister, Red River Basin Commission; and Daryl Ritchison, North Dakota Agricultural Weather Network (NDAWN).

Agenda

It was moved by Manager Varnson, seconded by Manager Thompson and unanimously carried to approve the agenda, as amended.

Minutes

It was moved by Manager Weston, seconded by Manager Kemp and unanimously carried to approve the minutes of the August 9 and October 4, 2023, meetings.

Treasurer's report

A motion was made by Manager Thompson and seconded by Manager Varnson to do the following:

- Approve the Financial Report, as presented;
- Approve the payment of the wire transfers, as presented;
- Authorize the Treasurer to make any minor year-end transfers to balance the RRJWRD 2023 budget;
- Authorize the Treasurer to make transfers to and from obligated funds, if necessary; and
- Authorize the Treasurer to amend the RRJWRD 2023 budget.

Upon roll call vote, the motion carried unanimously.

USGS Joint Funding Agreement for streamflow monitoring for the period of October 1, 2023, through September 30, 2024 (FY 2024)

Discussion was held on the USGS *Joint Funding Agreement* for cost-share on 17 stream gages in the Red River Basin for the period of October 1, 2023, through September 30, 2024 (FY 2024). Randy Gjestvang stated the RRJWRD has partnered with the USGS in the cost-share of stream gages in the Red River Basin for several years. The data gathered by the stream gages is valuable to determine real-time river levels during events and is useful in other applications as well. Mr. Gjestvang recommended approval of the \$145,800 cost-share requested.

It was moved by Manager Weston and seconded by Manager Thompson to recommend the RRJWRD Full Board approve the *Joint Funding Agreement* with the USGS for streamflow monitoring for the period of October 1, 2023, through September 30, 2024 (FY 2024) in the amount of \$145,800. Upon roll call vote, the motion carried unanimously.

NDAWN all-season gages update

Daryl Ritchison reported 14 of the 15 NDAWN all-season gages funded by RRJWRD have been installed, with the remaining site to be installed next year. Mr. Ritchison also noted the Metro Flood Diversion Authority has provided funding for 15 all-season gages upstream of Fargo-Moorhead. NDAWN has ordered the supplies for the 15 gages funded by the Metro Flood Diversion Authority. Currently, there are 23 all-season gages installed in the Red River Valley. The Minnesota legislature has also approved funding for additional NDAWN gages throughout Minnesota. Mr. Ritchison provided more information on the capabilities of the all-season gages and indicated the information from the gages can be found on www.ndawn.info. Mr. Ritchison said if the RRJWRD is interested in funding additional NDAWN all-season weather gages in the future, there are a handful of sites left where all-season gages could be installed in the Red River Valley.

Baldhill Dam – water control plan update

Mr. Gjestvang said the Corps of Engineers is currently updating the water control plan for Baldhill Dam and is soliciting input on the matter. Mr. Gjestvang discussed the importance of maintaining maximum floodwater storage capabilities and noted Baldhill Dam is also a water supply source for several communities.

It was moved by Manager Weston, seconded by Manager Varnson and unanimously carried to approve and authorize the Chairman to sign a letter to the Corps of Engineers providing input on the proposed update to the water control plan for Baldhill Dam.

North Dakota Department of Water Resources (NDDWR) permit reviews and approvals

The Board discussed construction delays of member water resource district projects related to long lead times of NDDWR permit reviews and approvals. Chairman Ihry noted it is very important to complete the projects in a timely manner, especially for dam safety projects. Delaying a project until the next year also increases construction costs substantially. The Board suggested an administrative policy that the NDDWR will have a conference call with the project sponsor to discuss and provide a status update on the permit if no action has been taken within 120 days of receipt of the application. The Board

discussed forming a Resolution on the matter to be discussed during the 60th Annual Joint North Dakota Water Convention in December, as well as discussing the topic at the next North Dakota Water Topics Overview Committee meeting.

IWI presentation

David Kramar gave a presentation on a proposed pilot project to improve crop type and irrigated crop identification and acreage estimation for use in economic analyses of the RCPP – Upper Turtle River Dam #10 Plan and the RCPP – North Branch Antelope Creek Plan. Mr. Kramar said the project would help correctly determine the benefits of the watershed plans. The project includes the use of more-detailed satellite data and development of a model. The project addresses an immediate need to improve crop acreage estimates by crop type for two watersheds so the economic analysis for two watershed plans currently in development can be completed. The project will also lay the groundwork to automate the process in the future, and eventually could be turned into a model that could be used in larger watersheds in North Dakota or statewide. Mr. Kramar said the cost of the project is \$18,750.

It was moved by Manager Weston and seconded by Manager Thompson to approve and authorize the Chairman to sign the *Letter Agreement* with IWI in the amount of \$18,750 for a pilot project to improve crop acreage estimation for the economic analyses of the RCPP – Upper Turtle River Dam #10 Plan and the RCPP – North Branch Antelope Creek Plan. Upon roll call vote, the motion carried unanimously.

Legislative updates

Discussion was held on legislative updates regarding water resource districts. Jack Dwyer indicated he and Mr. Fredricks will be presenting at the 60th Annual Joint North Dakota Water Convention in December on various topics including SB 2372 that was approved during the 2023 legislative session. The Board discussed implementation of SB 2372.

The Board also discussed preparing a Resolution for discussion at the 60th Annual Joint North Dakota Water Convention in December regarding State Water Commission cost-share funding for projects that have federal approval and cost-share participation. Mr. Dwyer and Mr. Fredricks will work with Manager Weston and member water resource district Engineers to prepare language for a Resolution regarding the matter.

Missouri River Joint WRD – Educate, Advocate, and Engage Program

Manager Weston reported on the Missouri River Joint Water Resource District public meeting regarding the Educate, Advocate, Engage Program related to the Missouri River. There were three speakers and two North Dakota legislators were in attendance. Manager Weston said it is evident the Missouri River is a tremendous resource for North Dakota.

Natural Resources Conservation Service (NRCS) - dam rehabilitation projects

Manager Weston updated the Board on seven dam rehabilitation plans ongoing in the Red River Basin with NRCS. One of the plans will be sent by NRCS to the National Watershed Management Center for review. Once comments are received on the

submitted plan, the remaining plans will be submitted. Manager Weston stated it is important for project sponsors to continue to move forward and finish the plans as there may be limited funding from NRCS for construction. ND NRCS has asked the RRJWRD to consider sending a letter of support for the 7 ongoing dam rehabilitation plans to continue with the environmental assessment process rather than the environmental impact statement process.

A motion was made by Manager Weston, seconded by Manager Varnson and unanimously carried to authorize Mr. Gjestvang to work with Manager Weston, ND NRCS and the Red River Retention Authority Executive Director to draft a letter of support for the 7 ongoing dam rehabilitation plans to continue with the environmental assessment process. Upon roll call vote, the motion carried unanimously.

Member WRDs project reports

Member Water Resource Districts reported on current activities in their districts.

Manager Weston reported Southeast Cass Water Resource District continues to maintain legal assessment drains in urban areas and is also working with the Metro Flood Diversion Authority on transitions between legal assessment drains and the Diversion Channel of the Metro Flood Diversion Project.

Nelson County Water Resource District continues to be involved in Regional Conservation Partnership Program project efforts with the Upper Sheyenne River Joint Water Resource District, a mitigation project and various maintenance projects on legal assessment drains.

Manager Thompson said Traill County Water Resource District is working on a legal assessment drain reconstruction project, tree removal efforts and maintenance of legal assessment drains. Manager Thompson also reported on Burlington Northern Santa Fe Railway Company appeals of *Subsurface Water Management System Permits* approved by Traill County Water Resource District.

Pembina County Water Resource District has completed most of their minor maintenance projects on legal assessment drains and have been drawing down water at dam sites for winter. Other projects include reconstruction of a legal assessment drain, finishing coordinating with FEMA on repair projects from 2022 and upcoming snagging and clearing efforts. Manager Kemp also reported on a Complaint Pembina County Water Resource District is currently processing.

Manager Perdue said Grand Forks County Water Resource District recently completed the Upper Turtle River Dam No. 5 repairs and thanked the Board for their cost-share participation so the project could be completed this year. Upper Turtle River Dam No. 2 repairs will be done next year. Grand Forks County Water Resource District is also working on updating assessment districts for a couple of their legal drains.

Chairman Ihry reported Steele County Water Resource District is in the process of reassessing some legal drains and continues to permit subsurface water management systems.

Education

Mr. Fredricks discussed the 33' statutory right of way from section lines in North Dakota for the public's right to travel. He noted the statutory right of way is limited to the public's right to travel and does not provide for water resource district facilities.

2024 meeting schedule

It was moved by Manager Thompson, seconded by Manager Kemp and unanimously carried to set the following as the regular meeting dates, times and places for the Red River Joint Water Resource District in 2024:

Red River Joint Water Resource District – Full Board **2024 Regular Meetings**

All meetings start at 9:30 a.m. at the Cass County Highway Department, 1201 West Main Avenue, West Fargo, North Dakota, unless otherwise noted. Virtual / in person meetings may be held.

Wednesday, January 10 (Executive Committee at 11:00 a.m.), West Fargo Public Works, 810 12th Ave NW, West Fargo, North Dakota

Wednesday, April 10

Wednesday, June 12

Wednesday, September 18

Thursday, December 5 at 12:00 p.m. at the Bismarck Hotel and Conference Center, 800 South Third Street, Bismarck, North Dakota

Red River Joint Water Resource District – Executive Committee **2024 Regular Meetings**

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Wednesday, January 10 at 11:00 a.m. (Full Board at 9:30 a.m.) West Fargo Public Works, 810 12th Ave NW, West Fargo, North Dakota

Wednesday, March 13

Wednesday, May 8

Wednesday, July 10

Wednesday, August 14

Wednesday, November 13

Adjournment

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

Josh Ihry
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer