

**MINUTES OF SPECIAL MEETING
RED RIVER JOINT WATER RESOURCE DISTRICT
PHONE CONFERENCE
TRAILL COUNTY WATER RESOURCE DISTRICT
HILLSBORO, NORTH DAKOTA
JANUARY 25, 2017 ~ 3:30PM**

The Red River Joint Water Resource District Executive Committee held a phone conference on January 25, 2017 at 3:30pm originating at the office of Traill County Water Resource District and the Red River Joint Water Resource District in Hillsboro, ND.

Executive Committee members present were: Chairman Gary Thompson and Secretary Nettie Johnson; and by phone, Managers Lance Yohe, Robert Rostad, Josh Ihry, Larry Tanke, Ben Varnson, and Scott Olerud. Also present by phone were: Carol Harbeke Lewis, and those whose names appear on the attached roster.

The Executive Committee met today to discuss legislative issues pertaining to the following bill:

QUICK-TAKE

SB 2263: Chad Engels conveyed information of a phone conference held yesterday with the Pembina County WRD, Ellingson Drainage, Mike Dwyer, RRJWRD Chair Gary Thompson, and Mike Opat and Chris Gross of Moore Engineering, regarding concerns Ellingson Drainage has with the current drain tile permitting process, water resource districts procedures, and the reasons why they are pushing for changes in the state laws.

Mr. Engels is concerned that instead of consulting with water managers to draft water policy, some legislators are working with tile contractors who stand to benefit personally from SB 2263 to draft our state's water policy.

LuAnn Kemp and Attorney Fleming, Pembina County WRD, and Chad Engels have made draft modifications to current statutes. This language was recently forwarded to Ellingson Drainage's legal representatives.

Mr. Engels described the most significant problems are as follows:

1. The bill requires that the downstream landowner must prove, with "technical evidence" prepared by a licensed professional engineer that they are being adversely impacted. Further, the downstream party only has 30 days to submit this proof. The idea that the downstream party must incur the expense on an impossible timeline is reason enough to kill this bill.
2. The bill sets a maximum application fee of \$100. An attorney and engineer are often needed for permit administration and review. Requiring the taxpayer to cover this cost for a private land development project is not right.

3. It threatens water resource district rights to place conditions on permits. Often times additional project features or requirements are needed to address potential downstream impacts. Typical examples include erosion protection, gates, operating plans, and downstream channel maintenance. This bill removes current language that allows water resource districts to place conditions on permits. Without the ability to place conditions on permits, there is really no point to having permits.

There will be a Senate Agricultural Committee hearing tomorrow (Thursday) at 9:45am on SB 2263. There will be 3 managers and 2 staff of the Richland County Water Resource District that will be attending the hearing tomorrow: Monica Zentgraf, Justin Johnson, Gary Friskop, Arv Burvee, and Jim Haugen. Mr. Burvee will be speaking on behalf of the Red River Joint WRD.

Mr. Engels stated the importance of letting them know we support tile and want tile permitting to be reasonable for landowners, and as water resource district managers and professions, we just want it done responsibly. At the same time, water managers also have to consider impacts of tile projects (all water projects, for that matter) on our legal assessment drains, township roads, other public infrastructure, and downstream landowners. Instead of tile contractors dictating our state's water policy, legislators should be consulting water managers, landowners and farmers with true expertise in water management who want to encourage tile but also want to protect infrastructure and downstream landowners.

ADJOURNMENT

The meeting adjourned at 4:35pm without objection.

APPROVED:

ATTEST:

Gary Thompson, Chairman

Nettie Johnson, Secretary