

Red River Watershed Management Board

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Board of Managers

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RED RIVER WATERSHED MANAGEMENT BOARD MEETING

August 19, 1997

Sand Hill River Watershed District Office, Fertile, Minnesota

The RRWMB met on Tuesday, August 19, 1997, at the Sand Hill River Watershed District Office, Fertile, Minnesota.

In the absence of the chairman and vice-chairman, secretary Younggren called the meeting to order.

Members present were:

Harley Younggren	Vernon Johnson
Curtis Nelson	Jerome Deal
Daniel Wilkens	Farrell Erickson
Sanford Moen	John Finney

Others present were:

Don Ogaard, Executive Director
Naomi Jagol, Administrative Assistant, Sand Hill River WD
Dan Thul, Red River Coordinator
Rick St. Germain, Engineer, Houston Engineering
Ron Adrian, Engineer, Middle River-Snake River WD
Paul Suomala, TIC
Charlie Anderson, Engineer, JOR Engineering
Lowell Enerson, Administrator, Red Lake WD
Bob Wright, Wild Rice WD
Maggie Leach, Water Quality Program Coordinator, Red Lake WD
Jerry Bennett, Administrator, Wild Rice WD

Minutes of the July 15, 1997, meeting were read and approved with minor corrections. **Motion** to approve the minutes by Manager Deal, **Seconded** by Manager Moen, **Carried**.

The Treasurer's report was presented by Manager Wilkens and it was approved as read. **Motion** by Manager Nelson, **Seconded** by Manager Finney, **Carried**

A Motion to approve and pay bills by Manager Nelson, **Seconded** by Manager Johnson, **Carried**. For further reference, a copy of the bills approved are attached hereto in the Treasurer's Report.

Vice chairman John Finney entered the meeting and assumed the chairmanship.

Ogaard Report - Don Ogaard

Don updated the Board on the numerous inquiries received nationwide from interested candidates for mediator. He informed the parties of the background leading up to the litigation proceeding and stated that the issues to be mediated had not yet been identified. The deadline to accept applications is August 29, 1997. The question of how to proceed with the mediator selection process was discussed. **Motion** to have the RRWMB mediation committee, comprised of Jerome Deal, Dan Wilkens, and Don Ogaard evaluate and select a mediator in concert with the DNR by Manager Moen, **Seconded** by Manager Younggren, **Carried**.

An Environmental Organization Tour was discussed. Mark Deutschman, Houston Engineering, Inc., had presented the idea of conducting a tour of the Marsh Creek Project #11, Site #6 to interested individuals at a meeting he attended. The tour is scheduled for Friday, August 22, 1997, and will include a driving tour guided by Don Ogaard throughout the entire Wild Rice WD and possibly some sites in the Sand Hill River WD. The previous day will involve an aerial tour of the same area.

A handout was distributed from Rob Sip, graduate student at NDSU, updating the Board on the status of the wetland "social value" delineation study that the RRWMB funded in October of 1996. The study involves 5 - 10 currently mitigated wetlands in the Red River Basin, and compares public values of before and after wetland mitigation. The results of this study will be available by December 1997. This report will be considered a valuable tool upon completion as it is hoped the results will aid in evaluating the total value of wetlands to society.

Comments on the meeting held August 5, 1997, of the RRWMB-DNR Communications Committee were given by Don. A presentation was given by Don at this meeting demonstrating that nearly all the streams in the Red River Basin cannot contain the flow that's generated above them. Don explained the ditch systems currently in place are generally inadequate for drainage of their individual watersheds and cannot and should not be utilized for river overflow. Don noted that with the activation of the Technical Advisory Committee, the technical analysis received will lend to credibility and also assist in establishing models that are essential in conveying the concerns of the RRWMB to state governments. Lowell Enerson added that he is pleased that Don Ogaard and John Finney are optimistic about the meetings that have taken place thus far. However, he urged them not to set their expectations too high, as he experienced this same feeling with the potential Maple Lake Project which did not materialize. Don emphasized the importance of being ready to present your local level case and being prepared to keep doing it over and over again. Don added that future meetings will involve more technical aspects and this will be Charlie Anderson's area of expertise.

Copies of the 1996 RRWMB Annual Report were presented to the Board and Don encouraged each watershed district to take with them the desired number of copies for their district.

Red River Coordinator Report - Dan Thul

Dan informed the Board of the progress made during the first meeting of the Technical Advisory Committee (TAC) meeting held earlier this morning. The main topic of discussion included the committee structure. The first recommendation to the Board involved establishing a five member committee to include the following participants: Brent Johnson, Dan Thul, Rick St. Germain, Charlie Anderson, and Ron Adrian. Secondly, the committee felt it would be necessary to meet at least one day per month and before every Board meeting. Finally, the committee recommended that the Board pay for expenses incurred by the committee (excluding Dan

Thul). This would include mileage, meeting time, and time needed to prepare for the meetings. The estimated monthly expenses would be approximately \$5,000.

The first item the committee would address involves reviewing a modeled impoundment upstream from Grand Forks which would be designed to reduce this years flood to a 100 year event. A DNR published report states that 1.3 million acre feet of flood storage would have had to be held back in an un-gated structure to accomplish this level of reduction. Charlie Anderson indicated he would prepare an analysis to determine whether a gated or non-gated structure would be more effective and have a report prepared for the next monthly meeting.

Charlie indicated that the activation of the TAC will facilitate a peer review of future projects and allow committee members to independently evaluate the projects for recommendations to the RRWMB. Lowell Enerson stated his concern that the committee members would not be aligned with individual watershed districts. Manager Erickson indicated that it was his understanding that the committee members would not be representing individual districts but rather be giving independent technical advice to the RRWMB.

Motion to activate a five member Technical Advisory Committee and pay all expenses and time incurred by Manager Erickson, **Seconded** by Manager Younggren, **Carried**

Beaver Control Proeram - Lowell Enerson

A handout was distributed outlining the number of problem beavers removed, the number of beaver dams removed, and the payment amount to participating counties in the 1996 State Beaver Program. The chart included expenditures incurred from July 1, 1996 through June 30, 1997.

Water Quality Presentation - Maggie Leach

A presentation was given by Maggie Leach, Water Quality Program Coordinator, regarding the previous two year's water quality testing programs that were conducted in the Red Lake WD. Maggie stated that the program initially began in 1984 and started with quarterly district sampling in 55 sites. As a direct result from the implementation of County Water Plans evolved the need for water quality programs due to the requests for data from citizens and agencies. Funding for these programs has come from the Red Lake WD, RRWMB, grants, and local sponsors. Maggie stated current water quality projects include Good Lake, Turtle/Cross Lakes, TSS (Total Suspended Solids), Beaver Pond Analysis, Hydrogen Sulfide, and Marshall County Water Quality. In addition to monitoring the current projects, Maggie noted that potential future projects include Pennington and Red Lake County Water Quality studies.

TIC Report - Paul Suomala

An update was given on the first official meeting of the Red River Basin Board held on July 24, 1997 in Pembina, North Dakota. Paul stated that the Board will not name or elect officers until the participants get better acquainted with each other. He noted that meetings will be held throughout the Red River Basin the third Thursday of each month. The next meeting is scheduled to be held in Grand Forks.

Paul noted the importance of looking at offensive funding rather than just defensive funding for flood damage reduction and visited with Senator Grams who agreed with the concept of preventative measures. Paul suggested trying to connect with the International Joint Commission (IJC) for funding possibilities. Don Ogaard inquired with regard to the IJC, what is the participation at the local level. Paul responded that the IJC is made up of a committee of six members, with three from the United States and three from Canada. The three representatives from the United States do not include any individuals from the midwest. Manager Wilkens stated the need to have the IJC's involvement in the RRBB in order to make this organization operate effectively.

District Reports:

- The Two Rivers WD reported repair to the outlet structure on the Nereson Project began on August 4, 1997. The structure was damaged during the spring flooding of 1996. After securing funding through FEMA and another flood of 1997, a contractor was hired and the work will be completed this fall. Also, the district has hired a full time employee to administer District programs and provide technical and administrative help. Specific duties will be to update the overall plan, write annual reports and annual plans, process permit applications, perform field duties relating to water quality and water quantity, and perform general day to day office duties. Dan Money will begin duties for the Two Rivers Watershed District in September.
- The Red Lake WD reported that construction was completed on three ditch improvement projects. Construction is also proceeding in fine form on the Parnell Impoundment Project due to the cooperative weather. The District is still awaiting an answer for the 1997 flood assistance from FEMA and NRCS.
- The Buffalo-Red River WD reported that regarding the Economic Development Administration Grant for the Moorhead, Dilworth and Hawley Projects, construction of the concrete lined channels has started in Dilworth and approximately 1/2 mile of liner has been constructed. A new secretary has started working for the District. Her name is Cathy Kava. Jennifer Borud has decided to return to college. She will be missed.
- The Bois de Sioux WD reported that work on Traverse County Ditch #27 is progressing slower than expected. MnDOT is still negotiating the right-of-way purchase and having some trouble with one of three landowners. Final acquisition is hoped to be complete by the end of September which means that construction will take place the next year (1998).
- The Sand Hill River WD reported that Northland Contracting will start construction the week of August 25, 1997 on Project No. 11, Beltrami Flood Control and Diversion. Construction started on July 28, 1997 on Project No. 12, Co. Ditches 98 & 148 and work is progressing nicely. The last phase on Project No. 13, Reis-Scandia Township Ditch was surveyed for construction on August 18, 1997 and the contractor should complete this phase within the next two weeks.
- The Roseau River WD reported that construction of the Lins farmstead ring dike will begin the week of August 18th. Graff Construction of Greenbush, Minnesota was awarded the contract. Engineer Anderson presented plans for a proposed project that would divert a portion of the high river flow at Roseau to the Roseau River downstream. The diversion is planned to follow property section lines eliminating the need to cut across actual sections. The capacity provided would be about 1,000 cfs. A control structure would be in place at the lake bottom. Water would be directed to the Big Swamp only when downstream conditions allow.

- The Wild Rice WD reported that a favorable permit determination has been issued by the U.S. Army Corps of Engineers on the Marsh Creek Site 6 impoundment project. A condition of the permit requires compensatory mitigation for adverse impacts of the project on wetlands, grasslands and woodlands. The mitigation package includes 1.7 acres of wetlands filled by the construction of the project and the restoration of 80 acres of upland in the Marsh Creek watershed that consists of previously drained wetlands to a wetland condition. The WRWD must also convert 11 acres of upland to establish 5 acres of native grassland and 6 acres of woodland. In order to validate the Corps permit and proceed with the project the WRWD will need to resolve the mitigation requirements set forth in the permit. Action to challenge the mitigation requirements with support of the RRWMB was approved by the WRWD Board of Managers at the August regular meeting.
- The Joe River WD reported that a number of district residents have shown an interest in farmstead ring dikes. Preliminary engineering has begun on 17 sites. Following the initial survey, the interested parties will determine if they wish to continue with the project.
- The Middle River-Snake River WD reported that the appraisers have completed their report for the Angus Oslo Site #4 Project. The final hearing will be scheduled as soon as the necessary documents are prepared concerning the properties remaining to be acquired. Of the approximately 1,008 acres required for the project, the District has the necessary land rights on 982 acres, agreements with 3 landowners on about 19 acres, and no agreement with two owners on slightly more than 7 acres. The acquisition of the necessary land rights is proceeding.

District's Funding Requests:

1. Buffalo-Red River WD - Economic Development Administration (EDA) Grant (Moorhead, Dilworth, and Hawley Projects): Step Three Submittal for 20% RRWMB share of project costs to date - **\$31,079.07.**

Motion for an additional \$15,000 strictly for the Hawley Flood Control Project requested in addition to the Step Three approval by Manager Nelson, **Seconded** by Manager Wilkens, **Carried.**

2. Red Lake WD:

A) Phase I of Year 3 funding - Water Quality Programs:	\$ 12,500.00
B) Parnell Impoundment Project - Project No. 81	<u>\$101,958.94</u>
Total Request	<u>\$114,458.94</u>

3. Sand Hill River WD - Step Two Submittal for Project #11, Beltrami Flood Control and Diversion Project: The Sand Hill River WD proposes the following project cost sharing formula:

Red River Watershed Management Board	\$136,735.00 or 66.7%
Sand Hill River WD	<u>\$ 68,265.00 or 33.3%</u>
Total Request	<u>\$205,000.00 or 100%</u>

Motion for Step Two approval by Manager Wilkens, **Seconded** by Manager Nelson, **Carried.**

Funding Proposal For Individual Farmstead Ring Dikes

The State of Minnesota at its August 19, 1997 special session, is anticipated to provide up to \$900,000 in grant money for the construction of individual farmstead ring dikes within the Minnesota portion of the Red River Valley. These state funds are contingent upon 50% cost sharing with local governmental units. The total estimated maximum cost of the ring dike program is therefore established at \$1,800,000. Currently, it is envisioned that the watershed districts within the Red River Valley will administer the program and develop the local cost share of \$900,000. The Minnesota Department of Natural Resources will administer and disperse the state portion.

The Red Lake Watershed District and the Wild Rice Watershed District proposed that the Red River Watershed Management Board participate in the funding of the ring dike program in an amount equivalent to 50% of local share costs. The maximum amount of local share costs are \$900,000. Therefore, this proposal represents a commitment of up to \$450,000.

Dan Thul inquired as to what portion of the costs would the landowner's be responsible for. Lowell Enerson indicated that it could be at each watershed district's discretion to make this determination. Don Ogaard added that in order to provide uniformity and avoid future conflict, a specific percentage should be designated for each responsible party. After discussion, it was determined the cost share percentage would be apportioned as follows: 50% State, 25% RRWMB, 12.5% landowner, and 12.5% local watershed district. Jerry Bennett added that if the state's cost share proposal is not utilized at this time, the funding would be lost. Jerry also stated that now is the time to make these public assistance programs available.

Motion to fund an amount up to half of the local share up to \$450,000 contingent on the passage of the special legislation on August 19, 1997 by Manager Johnson, **Seconded** by Manager Younggren, **Carried**

Request to Utilize the Bibliographic Database - Wild Rice Watershed District

The Wild Rice Watershed District, cooperating jointly with Norman, Clearwater, Becker and Clay Counties, is underway with a study called the Wild Rice/Marsh River Basin Assessment. The primary purpose of the study is to perform a watershed inventory to understand the factors affecting water quality within the Watershed District. A Technical Advisory Committee (TAC) has been formed to complete technical tasks. The TAC members have discussed using the Bibliographic Database (the "database") developed by the RRWMB, during the completion of the recent Environmental Impact Statement. The TAC would not only like to use the present database to identify information for the present effort, but potentially add information to the database. The WRWD is requesting the RRWMB to discuss and take action on the concept of financially supporting database access and support. The actual cost for supporting the database would then be developed and presented to the Board for consideration, if the Board agrees with the concept of supporting the database.

Don Ogaard added that supporting the database should be considered a pilot project for this group. Rick St. Germain stated that basically the database should be considered a library catalog on wheels. Dan Thul noted that counties are currently looking for data of this type. Jerry Bennett indicated that he would work with the TAC and make a recommendation for the next RRWMB meeting regarding a cost estimate.

Wild Rice WD Project #11. Site #6 - Status Report

Don Ogaard stated that this is a precedent setting permit and whichever course of action is decided with this permit, every other permit hereafter will need to follow the same route. RRWMB legal council has indicated that they cannot find a precedent anywhere that states water is a pollutant. A primary question to be answered during potential litigation is: Is water temporarily stored on a wetland actually considered to be "fill." Don Ogaard distributed a handout requesting that all member districts put the issue of passing a resolution authorizing the expenditure of funds by the RRWMB authorizing the funding of litigation, on their next monthly agenda. **Motion** to send out a letter to all watershed districts that are member in good standing of the "Joint Powers Agreement" known as the Red River Watershed Management Board to request a resolution authorizing the expenditure of funds for legal litigation by the RRWMB by Manager Wilkens, **Seconded** by Manager Erickson, **Carried**. After Board discussion, the Managers agreed to bring the letter distributed by Don back to their respective districts and discuss passing a resolution rather than having Don send out an additional letter.

Final Report on "Flood Damage Assessment" - Rod Headrick

Rod presented a draft of the 1993 Flood Damage Assessment prepared by HDR Engineering, Inc. to the Board of Managers. A handout highlighting the draft was also distributed and discussed. Don Ogaard stated that the COE is very interested in the results of this assessment and questioned if this report could be utilized by them. Rod indicated that it could be very beneficial to the COE and other interested parties since it was designed for easy access and retrieval of information. Rod stated that this could facilitate cooperation between watershed districts and the COE. Rod added that in the process of completing the assessment, he was made aware of the importance of documenting data as it occurs. Rod said that he felt the present system in place for data collection and documentation is very inefficient and is costing everyone a great deal of time and money. Standardized procedures among agencies are greatly needed.

The next meeting will be held on September 16, 1997, at 9:30 a.m. at the Red Lake WD office in Thief River Falls, Minnesota.

There being no further business, the meeting was adjourned at 3:20 p.m.

Respectfully submitted,

E. Harley Younggren
Secretary

Naomi L. Jagol
Administrative Assistant