

# Red River Watershed Management Board

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## Board of Managers

John Finnev-Humboldt Farrell Erickson-Badger Harley Younggren, Secretary-Hallock Ron Osowski, Chairmai-Oslo Venion Johnson-Clearbrook Daniel Wilkens, Treasurer-Fertile Sanford Moen-Garv Curtis Nelson-Barnesville Jerome Deal-Wheaton Don Ogaard, Executive Director-Ada

## RED RIVER WATERSHED MANAGEMENT BOARD MEETING

October 21, 1997

Red Lake Watershed District Office, Thief River Falls, Minnesota

The RRWMB met on Tuesday, October 21, 1997, at the Red Lake Watershed District Office, Thief River Falls, Minnesota.

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

Members present were:

Vernon Johnson Rudee	Jerome Deal
Anderson Farrell Erickson	Curtis Nelson
Daniel Wilkens	Sanford Moen

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  
Charlie Anderson, Engineer, JOR Engineering  
Lowell Enerson, Administrator, Red Lake WD  
Brent Johnson, Engineer, Houston Engineering  
Jeff Lewis, MPCA  
Bob Wright, Wild Rice WD

Minutes of the September 16, 1997, meeting were read and approved with minor corrections. **Motion** to approve the minutes by Manager Deal, **Seconded** by Manager Johnson, **Carried**.

The Treasurer's report was presented by Manager Wilkens and it was approved as read. Manager Nelson commented on the lack of receipt of tax levy funds from the Buffalo-Red River WD. He noted that the District is expecting FEMA and EDA funds shortly and once these are received, tax levy funds will be forwarded to the RRWMB. **Motion** by Manager Nelson, **Seconded** by Manager Erickson, **Carried**.

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

## **Oggard Report** - Don Ogaard

Don commented on the meeting with the DNR relative to the mediation firm selection process. He stated that interviews were conducted with the three finalists. The three representatives on the DNR mediation panel consisted of Don Buchout, Ron Nargang, and Paul Swenson. Don Ogaard, Daniel Wilkens, and Jerome Deal were the three representatives from the RRWMB. Collaborative Decision Resources (CDR), a Colorado based firm, did the best personal interview. The other two firms interviewed were the Hallmark Pacific Group from Oregon and the Howard S. Bellman firm from Wisconsin. Both sides agreed unanimously on the CDR firm. An attorney for the Center for Environmental Advocacy (CEA) was also present during the interview proceedings. CEA proposes that they be a member of the mediation process. Don suggested to the CEA attorney that in order for this group to be considered a participant on the mediation panel, that first approval would need to be obtained from several environmental groups indicating that CEA would be designated as the official representative. Manager Deal stated he felt that after meeting with the DNR, that they are really in favor of making the mediation process work. Manager Wilkens concurred with this statement and added that he felt the results of the mediation process thus far were very positive. Don noted that he has made an inquiry to the DNR that, as of yet, has not been answered and that being, how do they intend to implement the findings of the mediation process.

A handout was distributed outlining the list of participants to be interviewed during the assessment phase of the mediation process. In addition, a handout designating the Red River Basin flood control project tour area was also distributed. **Motion** to approve the list of participants to be interviewed by Manager Nelson, **Seconded** by Manager Erickson, **Carried**.

A report on the progress of the Red River Basin Board was given by Don. He stated that the previous monthly meeting was held in Devils Lake, ND, and included a tour of the area. Don added that the next meeting will be held on November 6, 1997 in Grand Forks and will include a presentation from the COE. He stated that due to the broad background of the members, a two year information gathering process would not be uncommon. Don noted that he would like to see this Board coordinate Minnesota and North Dakota water quality studies. Manager Wilkens, an alternate on this Board, suggested a flood control training seminar could be implemented a well.

Legal activities relative to the case of the Center for Environmental Advocacy vs. Minnesota Pollution Control Agency were discussed. Don had received a letter relative to this case and asked Jeff Lewis, MPCA, if he would comment on the issue. Lewis stated that with regard to reviewing permit applications, MPCA has one year to conduct a review and that if action is not made within that time period, the COE will conduct their own evaluation. Don stated that the Center for Environmental Advocacy does not have a large membership, all legal work performed thus far has been pro bono, and that, to date, not one case initiated by CEA has gone completely through the court system. This case has been moved up to federal court.

The mitigation issue for Wild Rice WD Project #11, Site #6 was discussed. Legal advisors for both sides are in the process of exchanging legal views. Don added that RRWMB legal counsel has indicated that this case could initiate nation-wide interest. The issue under dispute for this case involves the question of storing water on a wetland.

The need for an up-to-date timing analysis relative to the USGS report on gauging stations was discussed. Don stated that he has a report depicting all gauging stations in North Dakota and Minnesota. The Board discussed requesting the COE to make a decision regarding a timing analysis. **Motion** to request the COE to update a timing analysis by Rudee Anderson, **Seconded** by Manager Deal, **Carried**.

## **Red River Coordinator Report** - Dan Thul

Dan distributed copies of the minutes from the last Technical Advisory Committee (TAC) meeting. He stated that the committee discussed updating a HEC 1 model. The TAC also recommended coordinating a letter to the COE regarding the need for a Red River Basin timing analysis update. Manager Wilkens stated that the Board had discussed the idea of requesting an up-to-date timing analysis from the COE and that a decision had been made to make such a request. Dan stated that the TAC could acquire hydrograph data to incorporate into the model. The goal of such a task would be to produce graphs detailing the 1997 flood. The TAC would, in effect, be compiling data in a rough draft form of the information that the RRWMB would be requesting from the COE in detail. Manager Johnson added that perhaps the utilization of gauging stations could incorporate the concept of water quality as well as stream flow monitoring. Rick St. Germain noted that the proposed model could not only be used as a tool for water retention projects, but could also be used for evaluating different alternatives overall plans. Charlie Anderson added that such a model could facilitate discussion on the 1997 flood and possibly ideas to reduce such damages in the future. Don Ogaard inquired as to the cost estimate of preparing such a model. Charlie Anderson stated that the parameters of expense would not exceed the approved monthly budget of the TAC, and further noted that it would be beneficial to have a benchmark to critique the COE findings to assess their accuracy. **Motion** to authorize one month's effort of the TAC to provide the data needed to prepare the proposed model to analyze the 1997 flood by Manager Moen, **Seconded** by Manager Deal, **Carried**.

Lowell Enerson inquired as to whether a response had been received relative to the RRWMB's TAC comments on the DNR Comment Letter on Wetland Restoration Permit Guidelines. Charlie Anderson responded that the DNR has acknowledged that certain aspects of the letter need to be modified.

A handout was distributed that compared U.S.G.S. 1997 flood discharge readings with flows of historic floods. Dan noted his concern relative to some of the discharge measurements that were used. He stated that a model would lend credibility to data since it would depict the peaks along with timing measurements.

Dan stated that the TAC had reviewed and approved the letter prepared on behalf of the RRWMB to Morris Lanning, Chairman of the RRBB.

**TIC Report** - No report was available this month.

## **Solicitation of Proposals for 1997 Annual Audit**

Don Ogaard stated that under a previous motion, it was decided that if a firm does not complete the annual audit within a specific time period, a new firm should be retained. The 1996 audit was not performed to satisfactory standards as the report was not available to distribute until the August 1997 meeting. The Board discussed soliciting proposals for the different levels of audit that would be desired. **Motion** to authorize the advertising for proposals to provide auditing services for the next three fiscal years based on the level of audit desired to be completed by 45 days after receiving year end information by Manager Johnson, **Seconded** by Manager Moen,

## **District Reports**

- The Bois de Sioux WD reported that Wilkin County Ditch is currently being repaired. Finding an available contractor was a task. It will be close but they are planning to have the repair completed this fall will seeding as necessary to take place next spring. Three sites are prioritized for ring dike construction this fall. The biggest concern is locating a contractor to do the work.
- The Two Rivers WD reported that the District is working on the Nereson Project with progress being made on the outlet structure. Numerous permit applications have been received this fall as well.

The Buffalo-Red River WD reported that regarding the Economic Development Administration Grant for the Moorhead, Dilworth and Hawley Projects, the construction of Clay Co. Ditch No. 50 (the 2-mile, concrete lined channel in Dilworth and east Moorhead) is 95% complete. All the road crossings for this system have been installed. The District is continuing work on the farmstead ring dike program with construction to begin this week. Bob Kloubec began his duties as a new District manager. Bob is a retired Soil Conservation District employee who has served as a viewer on several District projects.

The Roseau River WD reported that Roseau County will receive up to \$100,000 from the State of Minnesota for ring dike construction. Preliminary surveys have been completed for eight sites and plans are drawn up for four of the properties. The Board has approved an agreement that will be used between the landowners and the District. Several contractors have been contacted about providing quotes for building the dikes.

The Wild Rice WD reported that they have completed the third update for the Minnesota Recovers Disaster Task Force Community Application with a request totaling over \$4.9 million. This dynamic application to assist communities and individuals in the District with flood protection will be updated as more information becomes available. The District is administering the ring dike program to construct levees around rural homesteads. To date, there have been 40 applicants in this program. Twenty-four of the projects have been prioritized for construction.

The Middle River-Snake River WD reported that the applications for the ring dike cost share program have increased to 122. The District has designed 14 ring dikes, has agreements with 12 landowners, has bids for 0 ring dikes and has contracts for the construction of 5 ring dikes with two different contractors. If the weather holds it appears that a total of ten ring dikes can be constructed yet this fall. The acquisition of the necessary land rights continues for Angus Oslo Site #4. Agreements have been reached with all but two landowners (about 4 acres). The final hearing is scheduled for the last half of November.

The Red Lake WD reported that construction continues to progress on ring dikes. Five dikes are now completed and four others are being worked on. Weather permitting, 14 dikes should be completed by freeze-up. The 1997-98 Beaver Damage Control Program contract was signed by the Joint Powers Board and the N Department of Agriculture, with 15 counties and the Red Lake Nation participating in the program.

The Sand Hill River WD reported that regarding Project No. 11 - Beltrami Flood Control and Diversion, the contractor is approximately 90% done with excavation. Strander Abstract is preparing an Owner's and cumbrance Report regarding acquiring land easements from two landowners within the Project. The office maintenance projects are progressing nicely with carpet installation to be completed shortly.

The Joe River WD reported that six ring dikes were surveyed and designed.

## **RRWMB Computer Data Base**

Discussion was held regarding the utilization of the GIS data base system. It was noted that perhaps this data could be beneficial to county water planners. The need to upgrade the computer was discussed previously with Mark Deutschman, Houston Engineering, and Paul Suomala, TIC. Manager Wilkens stated that the data that was accumulated is on file at LEMIC and that agencies can retrieve this data at a cost of \$90.00 a quad. Charlie Anderson added that administering this data base is a large task and that charging agencies to obtain this information is not unreasonable. Don Ogaard inquired as to what data is needed among watershed districts and consultants. Anderson responded that the data base is useful for newcomers, but also beneficial for experienced consultants. Don Ogaard asked Jeff Lewis, MPCA, that from a state agency standpoint, would this data be useful? Lewis stated that MPCA retrieves all the resource information needed from a web page on the Internet. **Motion** to establish a committee to discuss alternatives to be considered by Manager Deal, **Seconded** by Manager Erickson, **Carried**. The Board determined the committee will be comprised of Manager Wilkens-Chairman, Manager Moen, Rick St. Germain, and Ron Adrian.

## **Tour of the Red River Basin by Mediation Firm Representatives**

Don indicated that tentative dates of November 10th and 11th have been set to conduct the tour. Don stated that he will communicate with the DNR to determine if these dates are acceptable. The interview and touring process could involve a total of four days. The tour group will include two members from the RRWMB and two members from the DNR, in addition to the mediation firm representatives, to ensure impartiality.

## **Need for Update of McCombs/Knutson Report**

Board discussion was held regarding if the information obtained in this report is still authentic or if there is a need to revisit the report and update its contents. Dan Thul indicated that receiving an updated report from the COE would be the first step in this process. The question of whether the TAC could evaluate the report and comment on its legitimacy was discussed. Charlie Anderson stated that the McCombs/Knutson Report dealt primarily with impoundments and indicated the need to go beyond this approach to develop a basin-wide strategy.

## **District's Funding Requests:**

### **1. Red Lake WD - Step Three Submittal for Project #11, Beltrami Flood Control and Diversion Project:**

Billing for Parnell Impoundment Project No. 81. Total expenditures to September 30, 1997 are as follows:

Total expenditures to date:	\$951,152.27
Percentage of Cost Share for RRWMB	x 85%
RRWMB Share	\$808,479.43
Less Previous Payment	- 588,088.92
Less Previous Payment	-101,958.94
Request for Payment	<b><u>\$118,431.57</u></b>

**2. Buffalo-Red River WD - Economic Development Administration (EPA) Grant (Moorhead, Dilworth, and Hawley Projects):** 4th partial request. Allocation by breakdown as follows:

Project No. 32, Hawley Flood Control Diversion	\$ 3,676.53
Project No. 33, Clay County Ditch No. 50	29,160.11
Project No. 34, Clay County Ditch No. 41	4,516.68
Project No. 36, Clay County Ditch No. 41 - Lateral No. 2	3,083.81
Project No. 37, Clay County Ditch No. 41 - Lateral No. 1	<u>27,434.52</u>
<b>Total:</b>	<b><u>X 67,871.65</u></b>

**Motion** to approve the 4th partial request by Manager Nelson, **Seconded** by Manager Erickson, **Carried**.

**Video Presentation**

Lowell Enerson has been working with the MN Association of Counties and BWSR for a new video on drainag for the entire state. A video has been prepared by Susan Gilbert of Loyd Gilbert & Associates documenting drainage procedures required to be followed by law within counties and watershed districts. The video was viewed by the Board. The video will also be part of the program at the MAWD Annual meeting and is available to individual watershed districts.

**MPCA Update** - Jeff Lewis

Jeff stated that MPCA is in the process of interviewing for a Basin Planner position. He indicated that interview will be conducted for each candidate with a panel of seven interviewers. A new position is also in the process o being established and this would be in the Water Quality Monitoring division.

Jeff commented on the EPA article that was published indicating stream flows within the Red River Basin. He stated that MPCA had no knowledge of the article until it's publication and that it was found to contain a lot of misinformation. Don Ogaard inquired as to the relationship between the MPCA and the EPA. Lewis respondet that this article reinforced the belief of miscommunication between different levels of government. In response i the article, a two page fact sheet has been forwarded to the EPA from MPCA.

The next meeting will be held on November 18, 1997, at 9:30 a.m. at the Sand Hill River WD office in Fertile, Minnesota.

There being no further business, the meeting was adjourned at 2:00 p.m.

Respectfully submitted,

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E. Harley Younggren  
Secretary

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Naomi L. Jagol  
Administrative Assistant

