

Red River Watershed Management Board

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Board of Managers

John Finney-Humboldt Farrell Erickson-Badger Harley Younggren. Secretary-Hallock Ron Osowski, Chairman-Oslo Vernon 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

January 14, 1998

Westward-Ho Motel in Grand Forks, ND

held jointly with the

Red River Joint Water Resource Board.

The RRWMB met on Wednesday, January 14, 1998, at the Westward-Ho Motel in Grand Forks, ND.

Chairman Ron Osowski called the meeting to order.

Members present were: Vernon Johnson John Finney
Curt Nelson Jerome Deal
Harley Younggren Kelman Kvien
Sanford Moen Daniel Wilkens

Others present were:

Don Ogaard, Executive Director
Naomi Jagol, Administrative Assistant, Sand Hill River WD
Dan Thul, Red River Coordinator
Ron Adrian, Engineer, Middle River-Snake River WD
Charlie Anderson, Engineer, JOR Engineering
Lowell Enerson, Administrator, Red Lake WD
Brent Johnson, Engineer, Houston Engineering
Steve Mikkelsen, MPCA
Jon Roeschlein, Administrator, Bois de Sioux WD
Paul Suomala, TIC
Julie Goehring, TIC
Jim Johnson, Middle River-Snake River WD
Tom Yutrzenka, Middle River-Snake River WD
George Dailey, Red Lake WD
Dale M. Nelson, Red Lake WD
Dennis Nikolayson, Red Lake WD
Richard Dougherty, Red Lake WD
Bob Kloubec, Buffalo-Red River WD

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

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

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

Annual Organization

Annual Organization of the Board was held. President Osowski turned the meeting over to Vice President Finney who asked for nominations for President of the Board. Manager Wilkens nominated Manager Osowski for President. Nominations were called for three times by Manager Finney. No further nominations were made. **Motion** to cease nominations and have the Secretary cast a unanimous ballot for Ron Osowski for President t Manager Moen, **Seconded** by Manager Younggren, **Carried**. Manager Finney returned the chair to Presiden Osowski.

Manager Osowski asked for nominations for Vice President of the Board. Manager Nelson nominated Manager Finney for Vice President. Nominations were called for three times by Manager Osowski. No further nominations were made. **Motion** to cease nominations and have the Secretary cast a unanimous ballot for Jon Finney for Vice President by Manager Younggren, **Seconded** by Manager Moen, **Carried**.

Manager Osowski asked for nominations for Treasurer of the Board. Manager Deal nominated Manager Wilkens for Treasurer. Nominations were called for three times by Manager Osowski. No further nomination were made. **Motion** to cease nominations and have the Secretary cast a unanimous ballot for Daniel Wilkens Treasurer by Manager Nelson, **Seconded** by Manager Younggren, **Carried**.

Manager Osowski asked for nominations for Secretary of the Board. Manager Finney nominated Manager Younggren for Secretary. Nominations were called for three times by Manager Osowski. No further nominations were made. **Motion** to cease nominations and have the Secretary cast a unanimous ballot for Harley Younggren for Secretary by Manager Wilkens, **Seconded** by Manager Deal, **Carried**.

Resolution Authorizing Deposit/Investment of Funds

The Red River Watershed Management Board considered the authorization of deposit/investment of funds at the regular board meeting held in Grand Forks, ND, on Wednesday, January 14, 1998.

On a **motion** by Manager Deal, **seconded** by Manager Younggren, and on a vote of 9 for and 0 against, the motion passed to authorize the Red River Watershed Management Board to reaffirm the adoption of the Treasurer's Manual originally adopted on 4/19/91 and amended on 8/08/95.

Resolution Authorizing Legal Counsel

The Red River Watershed Management Board considered the authorization of legal counsel at the regular board meeting held in Grand Forks, ND, on Wednesday, January 14, 1998.

On a **motion** by Manager Wilkens, **seconded** by Manager Finney, and on a vote of 9 for and 0 again the motion passed to designate Dorsey & Whitney as the official legal counsel of the Red River Watershed Management Board.

Resolution Authorizing the Payment of Per Diem/Mileage to Managers

The Red River Watershed Management Board considered the authorization of payment of per diem/mileage to Managers at the regular board meeting held in Grand Forks, ND, on Wednesday, January 14, 1998.

On a **motion** by Manager Johnson, **seconded** by Manager Nelson, and on a vote of 9 for and 0 against the motion passed to allow the maximum per diem by state law which is currently \$55.00 per day are the maximum IRS limit for mileage which is currently .315 per mile unless a change occurs.

The Board discussed the continuance of the "News & Views" newsletter distributed by Loyd Gilbert & Associates. Jon Roeschlein, Administrator, Bois de Sioux WD, stated that he has heard many favorable comments from the Big Stone County Commissioners relative to the newsletter. Roeschlein added that he feels the exposure given by the newsletter in an effort to increase public awareness of watershed districts will have significant impact on the outcome of the current legislation for the BdSWD. A **Motion** to solicit proposals from other firms in the Red River Valley, as well as Loyd Gilbert, to prepare the newsletter monthly for a twelve month period by Manager Nelson, **Seconded** by Manager Johnson, **Carried**. Kelman Kvien, Roseau River V stated the need to convey more basic information to the public. Don Ogaard suggested Kvien submit a guest editorial for the newsletter. Lowell Enerson reiterated offering the workshop presented at the MAWD annual meeting entitled, "The Red River Basin Flood of 1997: Can We Prevent It From Happening Again?" A committee was formed last month consisting of Jerry Bennett, Lowell Enerson, and Jon Roeschlein to work with Don Ogaard and Susan Gilbert to finalize details for repeating this workshop in different locations in the Red River Basin. Enerson noted he would contact the other committee members to discuss this presentation.

District Reports:

- The Red Lake WD reported that ditch improvement project construction has ended as of December 31st with no more anticipated until the 1998 season begins. At the present time, the district is cleaning and snagging debris on State Ditch 83.

Lowell Enerson introduced three new managers for the RLWD. They were Dale Nelson from Pennington County, George Dailey from Red Lake County, and Dennis Nikolayson representing East Polk County.

- The Joe River WD reported that the Board authorized the review and updating of the District's Overall PI at the January 12th meeting. The Board hopes to have this completed and published within the coming year.
- The Buffalo-Red River WD reported that the District will be opening bids for the removal of twenty-four jams on the Buffalo River on January 26, 1998. A helicopter and a hand-held GPS unit were used to identify the sites. The GPS points were transferred to digital (computer generated) quadrangular maps. This turned out to be an accurate and cost effective method for developing the bid documents.

Curtis Nelson introduced a new manager for the BRRWD, Bob Kloubec. Bob is a retired Soil Conservation District employee who has served as a viewer on several District projects.

- The Bois de Sioux WD reported that no word has been received regarding funding approval for the 12 Mi Creek study from Grant, Stevens, and Big Stone Counties. Traverse county has committed their share of \$20,000 study to identify potential flood reduction measures and estimate the cost to put them in place.

The BdSWD has sent invitations to numerous legislators regarding the meeting on February 6, 1998 to discuss the issues outlined by the RRWMB legislative committee. The District is requesting respective watershed districts to follow-up with their representatives in order to obtain support for legislation authorizing the inclusion of four additional counties within the jurisdictional area of the RRWMB.

Jon Roeschlein discussed the possibility of obtaining funding from the RRWMB to construct a holding structure in Grant and Stevens counties. A 50% cost share would be approximately \$5,000 - \$10,000. Roeschlein stated that even though the RRWMB does not currently collect taxes from this area, funding assistance for this project would be an excellent way to improve public awareness in this area. Manager I stated his support of offering assistance from the BdSWD and the RRWMB in order to fund this project. Charlie Anderson noted that the current project design provides for only local flood control benefits but that it could be modified to provide more mainstem benefits.

- The Two Rivers WD reported that a meeting was held between the District and the DNR-Division of Wildlife to discuss a possible water control and wildlife project northeast of Karlstad in an area known as the Twistal Swamp. Area landowners are experiencing seepage problems in the fringe areas of the swamp, which is owned by the DNR. The swamp is currently unsuitable for waterfowl because of a floating mat of vegetation which covers the surface of the water. A water control structure has been proposed which will allow for draw down of the pool and create an outlet to the west, which will allow the DNR to remove the floating mat. The control structure would also allow for flood control and, in part, alleviate seepage problems. The project is currently under investigation.
- The Roseau River WD reported that the Board met with its Citizens Advisory committee at the January meeting. Charlie Anderson reviewed the district's activities in 1997 and plans for 1998. The following members were elected officer for 1998: Steve Erickson-Chair, Farrell Erickson-Vice Chairman, Robert Severson-Secretary/Treasurer. Farrell Erickson was also appointed delegate to the Red River Watershed Management Board.
- The Wild Rice WD reported that a process to evaluate water quality in the Wild Rice and Marsh River basins is becoming a reality as a result of a lot of hard work by a number of different state and county agencies together existing and developing new water quality data. The move to develop a water quality study came from meetings initiated by the Wild Rice WD over the last several years to discuss water quality of streams, lake and ground water in the district. The data related to water quality is being gathered and the next step will be the development of a formal method to evaluate the water quality in the basin. The study is expected to be completed in 1998.
- The Sand Hill River WD reported that meetings have been held with Polk county commissioners regarding development of the Maple Lake Regional Park & Trail. Commissioner Bakken is proposing soliciting funds from the legislature for the improvement of recreational facilities within Polk county. The District drafted a letter of support to the county regarding this issue.
- The Middle River-Snake River WD reported that the Board has issued an order establishing Angus-Oslo Project #4 and directed that the final plans and specifications be prepared. All the landrights have been acquired except from two landowners. The Board has directed the district attorney to proceed with eminent domain to acquire the remaining property which is approximately 7.0 acres.

Executive Director Report - Don Ogaard

A handout was distributed from Dorsey & Whitney regarding the conclusion they had reached regarding the Army Corps' jurisdiction under the Clean Water Act (CWA). The attorneys noted that the floodwater impounded by the Marsh Creek No. 6 dam is not a pollutant and therefore is not a discharge of fill material subject to Army Corps jurisdiction. The CWA does not extend the Army Corps' jurisdiction to mitigation of indirect impacts that do not constitute the discharge of dredge or fill material. Don stated that a letter was sent on January 13, 1998 to the COE contesting their right to require 81 acres of restored wetlands. The issue at hand is the concept of storing water on a wetland and should the COE decide to deny the permit or be challenged in a court of law by the Wild Rice WD, the decision would be of national significance. Don added that the RRWMB does have resolutions on file from each district within the RRWMB showing their support in this litigation. After Board discussion, it was noted that a presentation from Dorsey & Whitney to the Wild Rice Board explaining the status of the litigation and the options available would be very beneficial not only to the WRWD but to member watershed districts as well.

Don distributed a meeting notice regarding a joint meeting with Minnesota Department of Natural Resource personnel and Red River Watershed Management Board members. The purpose of this meeting will be to hear and receive the report from CDR Associates regarding their recommendations relative to the potential for the success of formal mediation. The meeting will take place in the "Penthouse Meeting Room" in the Veterans Service Building in St. Paul at 1 PM on the 29th of January. Don stated that after this meeting, he will attend each district meeting to explain the issues involved to individual board members. Board members were urged attend and hear the report firsthand.

The "Meet and Discuss Day", scheduled for February 6, 1998 was discussed. Don stated that a letter will be formulated and sent to the legislative representatives within each member watershed district. A sample of sue letter was distributed. Manager Deal noted the importance of obtaining support for the resolutions passed at MAWD annual convention. The resolutions passed contain the following issues:

1. Flood Prevention Resolutions - \$3,000,000 appropriated for ring dike construction, approximately 200 dikes.
2. \$2,000,000 for levies and dikes / \$10,000,000 for Flood Damage Reduction
3. \$200,000 for beaver damage control.
4. Challenge grant funding for watershed districts.
5. Bois de Sioux Watershed District legislation.
6. Water Management - Improved training for drainage authority.
7. Uniformity in state contracts.
8. \$200,000 to support completion of legal ditch inventories.
9. Streamlining of Federal Emergency Management.

Manager Deal stressed the need to send letters in advance to legislators to demonstrate the importance of these issues and to encourage them to attend the meetings.

The March Conference was discussed. Don requested that committee members meet after the board meeting to discuss final preparations.

The funding of publishing new copies of "A River Runs North" was discussed. Approximately 15 pages of updated material would be added. The estimated cost of publishing 3,000 copies at \$2 per copy is \$6,000. The next 1,000 copies would cost approximately .60 per copy. Motion to proceed with purchasing the 1,000 copies: at .60 per copy by Manager Nelson, Seconded by Manager Johnson, Carried.

Don commented on a proposal received from the Energy and Environment Research Center. Don stated that scientists from the UND-Energy & Environmental Research Center (EERC), and engineers from Kadrmas, Lee & Jackson (KL & J) have teamed together to develop a low-cost plan to lower the level of future flood crests throughout the Red River Valley. The basis of the plan involves the concept of raising roads and changing culvert sizes to store excess water on farm land contiguous to the Red River main channel. This concept would attempt to store water on farm land already flooded by upstream flows. Don stated that this concept would be inconsistent with the characteristics of the Red River Basin.

Don stated that copies of the International Joint Commission's preliminary report on the flood of 1997 are being circulated. Meetings will be scheduled by the IJC to discuss the results of the study and it was noted that each district should be in attendance, make a presentation on the conditions that exist within their watershed and recommend appropriate flood damage reduction methodology for the area.

A resolution of necessity presented to the RRWMB, submitted by the Marshall County Board of Commission was discussed. The resolution requested funds to allow for the completion of the UNET computer analysis of the lower valley from the greater Grand Forks area to the Kittson County line. Dan Thul, chairman of the Technical Advisory Committee, addressed the relevance of the RRWMB or the TAC in the involvement with agricultural dike system. Charlie Anderson added that he is curious to see if the model will work but recommended reviewing the results of the effort this past year before authorizing any funding. Don Ogaard stated that he will draft a response to this resolution and forward it to Ron Osowski for his review. Osowski added that this problem is not one that a single watershed district could handle alone. Lowell Enerson, Administrator of the Red Lake Watershed District (RLWD), suggested that the Middle River-Snake River WD and the RLWD conduct a joint meeting with the Marshall County Board to address this issue and then a recommendation could be presented to the RRWMB at the next monthly meeting.

Red River Coordinator Report - Dan Thul

A draft of the minutes from the December 16, 1997 TAC was distributed by Dan.

Dan stated that Brent Johnson, Houston Engineering, had updated the Technical Advisory Committee (TAC) the HEC 1 model he's been preparing. Johnson noted that he had discussed his model with the COE and gotten positive feedback. Dan suggested scheduling discussion groups with appropriate agencies in an effort to include them in the process. These agencies could include DNR-Division of Waters, COE, and the North Dakota State Water Commission.

Ring dike criteria for Flood Damage Reduction funding was discussed. The current criteria states that dikes must be built to one foot over the 100 year elevation or 2 feet over the flood of record, whichever is higher. The technical committee felt the minimum standard was somewhat excessive and suggested preparing a recommendation to DNR to increase their flexibility regarding the interpretation of the criteria. The TAC discussed the March Conference. Dan stated they are interested in participating in the conference and suggested a presentation on the flood of 1997 to follow up with small discussion groups.

Dan presented information to Manager Wilkens regarding cost share payments due for USGS stream gages, cost share time period is for operation of gages from October 1, 1997 through September 30, 1998. Manager Wilkens added that he will be forwarding bills to each individual watershed district for their respective share.

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1. Buffalo-Red River WD - Economic Development Administration (EDA) Grant (Moorhead, Dilworth, and Hawley Projects): 7th partial request. Allocation by breakdown as follows:

Project No. 34, Clay County Ditch No. 41	\$ 153.06
Project No. 36, Clay County Ditch No. 41 - Lateral No. 2	402.31
Project No. 37, Clay County Ditch No. 41 - Lateral No. 1	<u>3,339.19</u>
	<u>\$ 3,894.56</u>

Total:

Motion to approve the 7th partial request by Manager Nelson, **Seconded** by Manager Finney, **Carried.**

2. Red Lake WD - Project No. 129, partial billing, ring dikes constructed in 1997.

Motion to approve the partial billing of ring dike construction for 1997 for \$50,888.90 by Manager Johnsi **Seconded** by Manager Deal, **Carried.**

3. Red Lake WD - Parnell Impoundment, Project No. 81, request for payment \$111,654.17.

Total expenditures to December 31, 1997	\$ 1,644,208.89
Percentage of cost share for RRWMB	_____ x 85%
RRWMB's share	1,397,577.56
Less Payment (Advance) #1	- 588,088.92
Less Payment #2	- 101,958.94
Less Payment #3	- 118,431.57
Less Payment #4	- <u>477,443.96</u>
Request for payment	<u>= 111,654.17</u>

Motion to approve the pay request of \$111,654.17 by Manager Johnson, **Seconded** by Manager Nelson, **Carried.**

Steve Mikkelson, MPCA, distributed a handout on Nonpoint Source Implementation Grants. He stated these grants are available in accordance with Section 319 of the Clean Water Act.

Manager Johnson commented on his attendance at the Board of Water and Soil Resources (BWSR) meeting, stated he had received many favorable responses regarding the MAWD annual meeting. Johnson noted that items addressed at the meeting included the RIM program, local county water plans, and also state wetland maps.

The next meeting will be held on February 17, 1998, 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 11:50 a.m.

Respectfully submitted,

E. Harley Younggren
Secretary

Naomi L. Jagol
Administrative Assistant