

Red River Watershed Management Board

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Board of Managers

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RED RIVER WATERSHED MANAGEMENT BOARD MEETING

August 18,1998

Sand Hill River Watershed District Office, Fertile, Minnesota

The RRWMB met on Tuesday, August 18, 1998, at the Red Lake Watershed District Office, Thief River Falls, Minnesota.

Chairman Ron Osowski called the meeting to order.

Members present were: Jerome Deal Daniel Wilkens
Farrell Erickson Curtis Nelson
Vernon Johnson Robert Wright

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
Rick St. Germain, Engineer, Houston Engineering
Brent Johnson, Engineer, Houston Engineering
Nolan Baratono, MPCA-Basin Coordinator
Lowell Enerson, Administrator, Red Lake WD
Doug Emerson, USGS
Wayne Berkas, USGS

Additional items were added to the agenda. Manager Erickson requested to update the Board on a ring dike proposal. Don Ogaard noted that two additional items should be included in the Executive Director Report. Manager Osowski stated that Item No. 8 - USGS Water Quality Initiative, will be moved to follow Item No. 4 - Treasurer's Report.

Minutes of the July 14, 1998, meeting were read and approved with minor corrections. **Motion** to approve the minutes by Manager Erickson, **Seconded** by Manager Deal, **Carried**.

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

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

TJSGS "Water Quality Initiative" - Co-op Funding Request - Doug Emerson and Wayne Berkas

Doug Emerson, USGS Studies Chief- Bismarck, North Dakota, updated the Board on a water quality initiative conducted as a cooperative effort with the North Dakota Department of Health. He explained that the U.S. Geological Survey is made up of four divisions. They include Geology, Water Resources, National Mapping, and Biological Resource. The mission of the USGS is to provide credible, unbiased scientific information primarily to state offices. The two divisions of offices include data programs and studies programs. Data programs involve water quality and water monitoring activities. Studies programs are generally of a shorter duration focused on specific issues that result in an end product. For example, surface water, ground water, or water quality issues.

The primary sources of funding for the USGS include the federal government, other federal agencies, or state/federal cooperative programs. The National Water-Quality Assessment (NAWQA) study is an example of a federally funded study. Other federal agencies have funded studies as well. The COE has retained the service of USGS to assist in addressing the Devils Lake issue. The state/federal cooperative programs include studies where Congress allocates funds among several states, but specifies that matching funds must be secured in order to conduct the study.

Emerson introduced Wayne Berkas, Water Resource Division, who is conducting the water quality initiative study to evaluate loadings to the upper Red River. Berkas explained that the objectives of the study are to determine loading contributions from different subbasins of the Red River Basin and to evaluate effects of constituent concentrations and loads on the aquatic community composition of the Red River. The study area is the upper Red River Basin from a point downstream from the confluence of the Buffalo and Red Rivers.

Physical, chemical, and sediment data will be collected from 11 sample sites on the Red River and major tributaries for at least 3 years starting in May 1997. Pesticide data will be collected from two of the sites and samples will be analyzed for the commonly used agricultural and residential pesticides.

Annual, seasonal, and daily constituent loads will be determined from daily discharge values and chemical and suspended-sediment data. Daily loads will be used to compare load contributions from various subbasins in the upper Red River Basin. Differences between the loads will indicate which subbasins contribute the largest loads and which contribute the smallest loads. The percentage total annual load from each subbasin will indicate the magnitude of load contributed to the total annual load in the river.

St. Germain inquired whether monitoring is being conducted relative to the discharges of the cities of Moorhead and Fargo lagoons. Berkas responded that the City of Moorhead's discharge occurs on a continuous basis. The City of Fargo does not currently discharge continuously, but plans to do so shortly. Berkas further stated that the cities of Moorhead and Fargo were invited to participate in the study, however, no response was received.

Johnson inquired whether limitations existed for municipalities regarding discharges. Berkas indicated that limitations do exist. Baratono added that the Clean Water Act requires that states identify water bodies and develop a total maximum daily load (TMDL). A TMDL process involves allocating loads for point and nonpoint sources in a watershed. Baratono further stated that currently Minnesota is collaborating with North Dakota in order to avoid overloading the nutrient carrying capacity of the Red River.

Ogaard questioned whether the current water quality initiative includes the same sampling sites that were utilized in the NAWQA study. Berkas responded that only one site used in the NAWQA study was incorporated into the current initiative. The reason being that the NAWQA study included primarily sites with gaging stations. In

contrast, the current initiative includes several sites without gages that were selected based on their usefulness for analyzing tributary loading contribution.

Berkas explained that a proposal was sent to 15 agencies and interested parties for review and input on the study plan. The study by the USGS began in May 1997 with funding from the North Dakota Department of Health. However, the Department of Health does not have sufficient funds to support all of the work outlined for 1998 and 1999. Therefore, if the study is to continue at the proposed level of work, additional financial support is needed. Emerson added that funding is being sought from the RRWMB, the MPCA, and the Red River Joint Water Resources Board. Ogaard inquired whether a request for funds is sought at this time. Emerson responded the USGS will contact the Department of Health in order to determine how much of the effort is left to fund. Once a determination can be made, the USGS will contact the above-mentioned agencies to seek funding assistance. Ogaard inquired whether a letter of support from the RRWMB would be beneficial in continuing the study efforts. Emerson encouraged the development of such a letter.

Ogaard inquired of the TAC whether the data obtained through the study would be useful for determining water quality relative to water retention sites. Thul indicated that the data could be beneficial in substantiating water quality issues since no data has been available up to this point.

Several handouts were distributed including an overview of the Stream-Gaging program; the Water Data program; Stream Gaging and Flood Forecasting; the New U.S. Geological Survey; the 1997 Floods in the Red River of the North and Missouri River Basins in North Dakota and Western Minnesota; and an Evaluation of Nutrient, Sediment, and Pesticide Contributions to the Upper Red River of the North Basin.

District Reports:

- The Middle River-Snake River WD reported that the Board of Managers and the City Council met to discuss issues concerning the Public Law 566 Project on the Snake River. As a result of this meeting, it is expected that the Board will establish a sub-committee to continue to work out the details of the project and to discuss the issues concerning the project. The work to develop the project is continuing. The project includes an off channel impoundment which will partially control approximately 57 square miles (33%) of the area above Warren and a diversion around the City of Warren. The total estimated cost of the project is 10 million dollars, with the non-federal cost estimated at approximately 3 million dollars. The preliminary report concerning the project is expected to be completed about September 1st.
- The Bois de Sioux WD reported that FEMA repair work on public ditch systems began on August 12, 1998. It is anticipated that it will take six weeks to repair all disaster sites.

The District has agreed to participate in a RIM Restoration Project which provides 180-acre feet additional flood storage. Cost per acre-foot will be less than \$85 per acre-foot. The final dollar amount has not yet been determined.

- The Sand Hill River WD reported that the proposed MnDOT mitigation site located in the Winger area was discussed at the regular board meeting. Approximately 2,000 acres are proposed to be purchased for highway construction mitigation with an estimated 700 acres returned to wetlands at a cost of \$2,000,000. A public informational meeting was held on August 12, 1998 in Winger to address citizens' concerns relative to a decreased tax base and access to drainage systems in the area.

The District conducted a bus tour on July 28, 1998. The tour was hosted by the Sand Hill Advisory Committee and featured the eastern half of the District. Over 30 people which included watershed district managers, consultants, city, county, and township officials, along with several citizens that reside within the District attended the tour. The tour concluded with a roast pork supper at the nature center in the Fertile Sand Hills.

- The Wild Rice WD reported that dry weather in July helped in progressing the Rural Ring Dike Program, which is being sponsored and administered by the District. The program to build ring dikes as a protective measure against flooding is a continuation of the project begun in 1997, when approximately 12 of the projects were completed with \$300,000 from the Minnesota DNR (50%), RRWMB (25%), and the District (12.5%). The Minnesota Legislature approved an additional \$240,000 for project work in 1998, with the RRWMB, local District and landowners also providing the same percentage of cost share funding for a potential funding total of \$480,000. To date, there have been approximately 50 applications for the program which have been prioritized for construction. Thus far in 1998, six projects have been completed and it is hoped to complete 12 to 14 additional ring dike projects this fall. This has been a welcome and desirable project for rural patrons of the District that were damaged by flooding in 1997.
- The Roseau River WD reported that the Board approved the proposed budget for 1999. A public hearing is scheduled for September 8, 1998.

Work continues on the concept paper for the proposed Hay Creek Project as well as the feasibility study on the expanded version of the Norland Project.

- The Buffalo-Red River WD reported that the District has been busy processing numerous permit application as well as receiving a number of ditch repair petitions which will be constructed later this fall.

Construction has progressed quite rapidly this past month on the Moorhead, Dilworth, and Hawley EDA Grant Projects due to the good working conditions. Highway #75 in Moorhead has been closed temporarily for the installation of a large box culvert.

- The Red Lake WD reported that due to the dry weather, construction has been progressing well on impoundment projects, riprap projects, FEMA construction and ditch repairs.

The Louisville/Parnell Project has been completed. The District invited the RRWMB to meet in Crookston in September and tour the Louisville/Parnell Impoundment Project, the Parnell Impoundment and also the Black River Dam.

USDA/FSA Letter of Support

Ogaard distributed a letter to the Board for review to evidence support for expanding the Conservation Reserve Program (CRP) eligibility requirements. In addition, a map of Minnesota's proposed revised national and state conservation priority areas for the CRP program was distributed.

Johnson inquired why the map designating the priority areas for consideration excludes a significant portion of Clearwater County. He suggested including in the letter of support, a recommendation to incorporate Clearwater County in its entirety as a priority area.

Oowski recommended including the re-establishment of the original buffer strip program in the letter of support as well. The current program is designed to implement conservation practices for land use practices within a 100-foot zone of a stream. Oowski explained that although the current program aids in reducing nonpoint source pollution, the original program designated a 300-foot zone along streams which encouraged more landowners to participate.

Motion by Manager Wilkens to include the following suggestions in the letter of support: 1) To incorporate Clearwater County in its entirety as a priority area, and 2) To reinstate the original buffer strip program which designates a 300-foot zone along streams. **Seconded** by Manager Johnson, **Carried**.

"Mediation" Committee Report

Ogaard stated that the mediation panel met on August 12-13, 1998 at the Northland Inn, Crookston, MN. He explained that an issue developing through the mediation process relates to the Department of Natural Resource (DNR) permitting process. At the most recent meetings, the watershed district representatives were asked to prepare a position paper identifying concerns with the current permitting process and suggestions to improve the process in the future.

A handout was distributed for Board review in response to evaluating the DNR's permitting process. The highlights of the evaluation include:

- Early coordination at the local level between the DNR and watershed districts.
- Assign a contact person in the DNR who is given progress information.
- Public meetings at the preliminary permitting stages.
- Encourage early participation and local involvement for environmental groups.
- An assigned regional DNR "team" to review documents and process information.
- A second public meeting to solicit pertinent information from the public and a panel of participants from the DNR and watershed district.
- Limitation factors placed on routing the permit through the system.
- Allow regional decision-making on permitting.

Enerson responded that relative to 1. (A) of the evaluation, the DNR has been invited numerous times to attend preliminary meetings regarding permitting but have not responded. He recommended establishing a timeframe for the DNR to respond to permitting requests. Ogaard inquired on an acceptable time limitation to require the DNR to assign a contact person to the permit. After discussion, the Board determined 10 days would be an acceptable timeframe.

Wilkens noted that regarding 3. (A) e. of the evaluation, one of the areas of concern is with understanding the terminology. He supported conducting joint seminars sponsored by the DNR and watershed districts for educational purposes. In addition, he recommended scheduling a meeting each year to discuss activities each agency is involved with.

Ogaard stated that it would be considered a great accomplishment for the DNR and watershed districts to form a consensus on the permitting process. Wilkens recommended scheduling a meeting with DNR representatives to discuss the position paper prior to the next mediation meeting. Ogaard concurred with Wilkens and added that the paper would be presented to the facilitators as well prior to the next meeting in order to keep them informed

The TAC was presented with the position paper to review. St. Germain noted his hesitation to create another layer of procedures for the permitting process. Ogaard responded that the current permitting process is perceived as having optional procedures, whereas the proposed permitting process (if agreed on) would include required procedures.

Thul stated his support of assigning a contact person in the DNR as well as establishing a team for reviewing documents and processing information. He added that a similar structure has been proposed internally in the DNR. He encouraged the watershed district representatives to meet with the DNR to discuss the position paper prior to the next mediation meeting.

Ogaard inquired whether further review of the position paper was necessary prior to scheduling a meeting with the DNR. Thul responded that the TAC has scheduled a meeting on August 25, 1998 at Houston Engineering in Fargo and requested Ogaard to keep the comment period open until after the TAC has had sufficient time to review the paper. The Board agreed to keep the comment period open until August 26, 1998 and to schedule a meeting with the DNR thereafter.

Ogaard stated that the next meeting of the mediation panel is scheduled for September 9-10, 1998 at the Northland Inn, Crookston, MN.

Water Quality "Cost/Benefit" Workine Group Report - Jerry Bennett

Jerry Bennett updated the Board on the progress of the task force directed by the Minnesota Pollution Control Agency (MPCA) to conduct a cost-benefit analysis of water quality standards in Minnesota. He presented background information on the task force as follows:

- The MPCA is interested in taking a closer look at the cost of implementing environmental regulation and the associated benefits of those regulations.
- The Cost-benefit model envisioned could be used as a tool for decision making to analyze the cost of *implementing* water-quality standards and their associated *benefits*.
- A working group was developed composed of permittees, environmental groups and stakeholders to draft legislation supporting the development of a cost-benefit methodology that could be used to evaluate water quality standards.
- The Governor recommended \$50,000 from the General Fund to conduct a scoping study for a cost-benefit model to analyze water quality standards.
- The cost-benefit proposal drafted by the work group uses a watershed-based approach that considers both "point" and "nonpoint" sources of water pollution.

Bennett explained that the task force membership was finalized in April of 1997 and includes representatives from industry, municipalities, watershed management groups, labor, agriculture, and environmental groups. He stated that currently the task force is in the process of reviewing a summary report and defining scoping issues for the study.

He noted that currently, the cost-benefit analysis tool is proposed for state level decision making. The task force is addressing whether it could be implemented at the local level as well. The application of water quality standards on a watershed basis would first involve shifting to a watershed-based assessment. This would include stakeholders prioritizing goals within a watershed before analyzing the economics of a cost-benefit tool. The

task force recommended utilizing existing data for a GIS based approach. He stated that a concern in using the cost/benefit analysis for watershed districts involves the limited data and resources available.

Ogaard inquired on the expected outcome once the task force develops a process. Bennett responded that once a cost/benefit analysis tool is developed relative to decision-making, a report will be presented to several committees within the House and Senate. He added that the overall goal is to develop a tool to allow for improved water management decision making, and the task force is charged with determining whether the cost/benefit analysis is the most effective method for achieving this goal.

Baratono added that the legislature and MPCA must realize that the development of this tool will not answer all the issues to be considered. However, it is an effort to develop an analytical tool to evaluate alternatives based on the same criteria.

Bennett stated that many different approaches have been discussed regarding the mechanics of how to apply the tool. He noted that once a determination has been made on the mechanics of the tool by the task force, he will present that information to the Board.

Red River Coordinator Report - Dan Thul

Thul stated that Charlie Anderson had asked him to convey his apologies to the Board for his absence. Weather conditions did not allow him to fly in for the meeting. Minutes of the TAC meeting conducted on June 16, 1998 were distributed.

The TAC discussed the report on the 1997 flood developed by Brent Johnson. Thul explained that Johnson incorporated proposed storage into the model to demonstrate the significant impact utilizing the proposed Huot Dam and expanded storage in the Lake Traverse watershed could have had towards averting or preventing damages associated with the 1997 flood. Thul noted that a slide depicting this portion of the model was used by Charlie Anderson during a presentation made to the mediation panel. He added that a final version of the model is anticipated to be completed within the next two months.

Ogaard stated that the Technical and Scientific Advisory Committee (TSAC) of the mediation panel, of which Rick St. Germain and Charlie Anderson are members, is scheduled to meet on September 8, 1998 at Houston Engineering in Fargo to discuss the methodology of the Wild Rice model. The TSAC is interested in utilizing this model in making recommendations to the mediation panel.

At the previous monthly meeting, Charlie Anderson updated the TAC on the development of the wetland restoration guidelines. The TAC requested Anderson to develop a set of guidelines that would present the STAR value method in a more understandable form. Thul explained that Brent Johnson applied these guidelines when designing a wetland and experienced difficulties in constructing a wetland that adhered to the guidelines. He stated that further discussion will continue for improving the guidelines.

Executive Director Report - Don Ogaard

Ogaard stated that he has been asked to chair the Flood Damage Reduction Task Force for the Red River Basin Board. He stated that due to time constraints relative to the mediation proceedings, he has not initiated the task force. He added that a proposal has been developed to resolve the conflict concerning the relationship between TIC and the RRBB. The proposal would involve dividing the existing office space at TIC, on an approximate 70/30 split between the RRBB and TIC respectively.

The 1998 Local Water Planners Conference was conducted on July 21-23, 1998, at the University of Minnesota Crookston, MN. Ogaard gave a presentation including slides emphasizing the RRWMB and highlighting various issues outlined in the McCombs/Knutson Report. Dan Thul and Dan Money participated in a panel discussion following the slide presentation to answer questions from the audience. A bus tour, sponsored by the RRWMB was also conducted. The tour began in Crookston and traveled through East Grand Forks, Alvarado, Oslo, Warren, and Thief River Falls viewing various flooded areas and several water control structures. The conference concluded with a forum consisting of Don Ogaard, Gerald Van Amburg, and Dexter Perkins debating the issue of, "To Drain or Not To Drain, Is that really the Question. The conference was well attended and included several informative workshop sessions.

Ogaard distributed an evaluation from Kurt Deter relative to the proposed drainage law changes. He stated that meetings have been conducted in St. Cloud with the committee established to address the proposed changes to the drainage law. The proposed changes would make it virtually impossible to continue operations as a water management authority. He added that Ron Harnack, Executive Director of the Board of Water and Soil Resources, is proposing a round table discussion in order to bring all affected parties together to discuss their concerns.

The additional printing of 1,000 copies of "A River Runs North" including the 15 page addendum has been completed. Ogaard encouraged each District to pick up the desired number of copies and bring back to their offices.

Ogaard stated a response was received from Dorsey & Whitney regarding the legal challenge on Marsh Creek Site #6. He noted that the Court of Appeals ruled that the Center for Environmental Advocacy had no essential argument and that any action should be taken against the COE in federal court. To date, over \$30,000 in legal fees have been expended by the RRWMB. Ogaard added that the next step involves whether to contest the COE's jurisdiction to require mitigation for the pool area. He stated that should the RRWMB decide to take legal action against whether the COE has secondary jurisdiction over proposed wetlands, the issue would be of national significance. Wilkens inquired whether Dorsey & Whitney prepared a recommendation for proceeding. Ogaard responded that they suggested allowing the COE sufficient time to evaluate the decision before scheduling a meeting with the RRWMB to discuss alternatives. Ogaard stated that the RRWMB needs to determine whether to proceed with funding the litigation for the Wild Rice WD. Wright stated that the Wild Rice WD has decided to move forward with the proceedings and will forward an official response to the RRWMB.

The establishment of a working group committee to update manuals of the RRWMB was discussed. Ogaard stated that at the previous monthly meeting, the Board determined a committee should be established to revisit the Project Evaluation Manual and Policy Manual. Motion by Manager Nelson to appoint Manager Wilkens to chair the working group, Seconded by Manager Erickson, Carried.

District's Funding Requests:

No requests for funds were submitted this month.

Roseau Ring Dikes

Farrell Erickson reported that two potential ring dike construction sites are under investigation in the Roseau River Watershed District. He explained that in both cases, it would be more practical to raise the houses rather than construct a ring dike around them. He inquired whether the ring dike funding would apply to these situations.

Enerson stated he did not believe that ring dike funding could be used for this purpose since the legislature limited funding to specifically farmstead ring dikes. Thul added that from a flood damage reduction standpoint, the proposal to raise the houses is a wise use of resources. He stated that he believed other funding sources would be available for such a request. He recommended contacting Dave Johnson, Flood Recovery Task Force Coordinator for the DNR, for more information.

Due to the conflict with the 1998 Election Day, alternative meeting dates were discussed. **Motion** by Manager Nelson to reschedule the regular monthly meeting of the RRWMB for September 21, 1998, at 9:30 a.m. at the Northland Inn, Crookston, Minnesota, **Seconded** by Manager Deal, **Carried**. Following the meeting, a tour will be conducted of recently completed projects in the Red Lake Watershed District.

There being no further business, the meeting was adjourned at 2:55 p.m.

Respectfully submitted,

E. Harley Younggren
Secretary

Naomi L. Jagol
Administrative Assistant