

Red River Watershed Management Board

705 Fifth Street West Ada, MN 56510 Phone: (218)784-4156, Fax: (218)784-2015

Board of Managers

John Finney, Vice Pres.-Humboldt Farrell Erickson, Secretary-Badger Harlan Solberg-Greenbush Ron Osowski, President-Oslo Vernon Johnson-Clearbrook Daniel Wilkens, Treasurer-Fertile Robert Wright-Felton Curtis Nelson-Barnesville Jerome Deal-Wheaton Don Ogaard, Executive Director-Ada

RED RIVER WATERSHED MANAGEMENT BOARD MEETING

October 17, 2000

Warren City Hall, Warren, Minnesota

The RRWMB met on Tuesday, October 17, 2000, at the Warren City Hall, Warren, Minnesota.

Chairman Ron Osowski called the meeting to order.

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

Others present were: Don Ogaard, Executive Director
Naomi Jagol, Administrative Assistant, Sand Hill River WD
Dick Nelson, Financial Coordinator
Rick St. Germain, Engineer, Houston Engineering
Ron Adrian, Administrator, Middle River-Snake River WD
Charlie Anderson, Engineer, JOR Engineering
Brent Johnson, Engineer, Houston Engineering
Rob Sando, Administrator, Roseau River WD
Nate Dalager, Engineer, HDR Engineering
Dave Lanning, Administrator, Red Lake WD
Jim Moench, Executive Director, Red River Basin Board
Roger Love, Red Lake WD
Don Buckhout, MnDNR
Paul Swenson, Regional Director, MnDNR
Molly MacGregor, MPCA
Wayne Goeken, River Watch Coordinator

Manager Erickson requested that an issue regarding the Roseau River WD be added to the agenda.

The minutes of the September 26, 2000 meeting were read and approved with minor corrections. **Motion** to approve the minutes as written by Manager Deal, **Seconded** by Manager Johnson, **Carried**.

The Treasurer's report was presented and it was approved as read. **Motion** by Manager Nelson, **Seconded** by Manager Deal, **Carried**. A one-page handout of monthly bills to be approved was distributed. **Motion** to approve and pay bills by Manager Finney, **Seconded** by Manager Solberg, **Carried**. For further reference, copies of the bills approved are attached hereto in the Treasurer's Report.

State Funding Eligibility Requirements/Process

Buckhout stated that he has assumed the role of facilitator of the Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) since the completion of the mediation agreement in December of 1998. He explained that not quite \$2,000,000 was appropriated from the legislature to assist with the implementation of the mediation agreement. He noted that these funds were divided primarily among three projects including Angus Oslo, Dalen Coulee, and Deerhorn Creek. He added that the legislature plans to continue the appropriation in the amount of \$1,000,000 each year.

Buckhout referred to the minutes of the previous RRWMB monthly meeting. He stated that clarification is needed with regard to the funds allocated to each project team. He noted that a total of \$20,000 is available to each project team as reimbursable costs for administration and alternatives analysis. He added that should a project team not expend all of the funds allocated, another project team could submit a request to the RRBFDRWG for consideration in order to obtain additional funding. He further stated that the \$20,000 allocated to each project team, is based on the assumption of the five projects progressing every year.

Manager Wilkens stated that the RRBFDRWG determined that \$20,000 should be allocated to each project team based on an estimate of \$10,000 for administrative costs, and \$10,000 for alternatives analysis. Buckhout noted that although \$20,000 has been allocated to each project team, these costs would need to be expended prior to obtaining reimbursement. Buckhout further added that the costs estimated for administration and alternatives analysis were only an estimate and would not necessarily be divided equally.

Ogaard explained that the confusion with regard to how the project team funds would be allocated and expended relates to the process of consensus. He noted that this process does not clarify the intent of the participants in a concise motion.

Manager Erickson noted his concern relative to developing an itemized list of project team expenses. Buckhout explained that each project team could apply for supplemental funding.

Buckhout stated that \$100,000 is available in each of two separate accounts. He noted that the RRBFDRWG anticipates that eight project teams will be in operation in the future, as opposed to WD's operating more than one project team as has happened previously.

Buckhout noted his concern relative to how the bonding money that was passed last spring would be allocated. He explained that the legislation includes rider language that designates a formal role for the RRBFDRWG in approving projects to be eligible for 75/25 cost-share. He noted that the funds available for the 75/25 cost-share are included in the bonding money. The annual appropriation (\$1,000,000) is general fund money which is where the budgeted funds are located. The bonding funds include \$5.6 million for Red River basin projects.

Buckhout explained that the bonding funds could fluctuate each year. He stated that a challenge could be to incorporate the RRBFDRWG into the cycle of bonding funds. He noted that typically bonding funds are allocated by the individual project proposers submitting applications to the DNR. He added that Kent Lokkesmoe, acting on behalf of the commissioner, would make the final decision.

Buckhout stated that the legislature also agreed that the state would be responsible for up to 75% of the non-federal share of the North Ottawa, Helgeland, Thief River Sub-watershed, and Hay Creek projects, should the RRBFDRWG approve the projects as being consistent with the mediation agreement. He added that he has discussed with Lokkesmoe how the funds would be allocated among the four projects, and was informed that the DNR would allocate the funds based on the recommendation of the RRBFDRWG.

Manager Johnson inquired about input from the RRWMB. Buckhout responded that the RRWMB could possibly be involved with the funding allocation since they would be associated with the project proposer.

Ogaard stated that the RRWMB designated December 19, 2000 as the deadline for submitting Step II applications since obtaining authorization at this level from the RRWMB provides for official project status. He noted that only a portion of the funds are available to complete the four projects designated in the legislation, and added that an additional amount would be sought through bonding in the next legislative session.

Buckhout noted that this issue would be addressed at the next RRBFDROWG meeting scheduled for October 31, 2000. D. Nelson stated his concern relative to the RRBFDROWG making the final decision with regard to funding since this group is not a legal entity.

D. Nelson inquired whether three of the designated projects are approved by the RRWMB but the fourth receives support from the RRBFDROWG, could the fourth project get funded by not the others. Buckhout responded that should such a situation develop, Lokkesmoe would need to review the project and discuss it with the RRBFDROWG.

Manager Erickson noted his concern that the four projects referred to in the legislation should receive funding as mentioned in the original legislation. Manager Osowski added that the RRWMB must ensure that the legislative funds that were designated for the projects are expended in a timely manner to be eligible for additional funds for project completion.

D. Nelson explained that when the legislation was lobbied for, an estimate was included for each of the four projects. He noted that only 75% of the funding that was initially lobbied for was obtained and that no specific language was included regarding how much would be designated to each project.

Ogaard stated that the RRWMB has four members on the RRBFDROWG and added that that group makes decisions on a consensus basis. D. Nelson noted the importance of the four RRWMB members presenting a united front at the RRBFDROWG meetings.

Manager Johnson stated that not earmarking the legislative funds is an advantage since if one project would not be ready to move forward, the funds could be allocated to another project.

Ogaard stated that the reason the RRWMB is requiring Step II applications by December 19th, is so that an estimate of needed funds would be available for the next legislative session.

Manager Erickson noted his concern that the four projects named in the legislation obtain the designated funding. Manager Deal referred to the four projects named in the legislation and added that the funds need to be expended regardless of how the funds are allocated among the projects.

Buckhout explained that the legislation does not provide that these four named projects would be funded, but rather that they would be eligible for the 75/25 cost-share based on a recommendation from the RRBFDROWG. D. Nelson reiterated that the RRBFDROWG is not a legal entity that can fund projects and noted that the RRWMB must present a strong recommendation to the RRBFDROWG regarding the allocation of funds.

Manager Johnson noted his concern regarding the recommendation of the RRBFDROWG. Manager Osowski concurred with Johnson and added that the RRWMB should be making the determination of allocating funds. Buckhout disagreed with Johnson and Osowski and added that the legislation does not provide for the RRWMB to allocate the funds.

Manager Finney inquired about the 75/25 cost-share designated for the four projects. D. Nelson responded that the 75/25 cost-share is limited to the four projects named in the legislation and noted that other projects in the Red River basin are eligible for state funding, however, they would only be eligible for the traditional 50/50 cost-share amount.

Buckhout stated that Lokkesmoe has always made the determination regarding the allocation of flood damage reduction funds. He inquired whether the RRWMB has ever provided a recommendation to the DNR regarding how these funds should be allocated. Ogaard responded that the RRWMB has provided recommendations to the DNR in the past.

Buckhout noted that although the RRWMB has designated a deadline of December 19th the legislative funds are available to be spent until June of 2002, however, the funds need to be obligated. Ogaard stated that should any of the four named projects not be moving forward by December 19th, the remaining funds must be allocated to the remaining three projects.

Buckhout stated that a draft application has been developed that should be completed by the project proposers and submitted to the RRBFRWG for consideration. Ogaard added that he has a copy of the draft should anyone want to review the document.

Financial Coordinator Report – Dick Nelson

D. Nelson reported on the status of the PL 566 project of the MRSRWD. The project is in the conference report under Agricultural Appropriations and has cleared the House. The project will be voted on in the Senate on October 18, 2000 and President Clinton has stated that he will sign the bill.

D. Nelson stated that the Hay Creek project has \$500,000 in the Energy and Water Appropriations bill. This bill has been approved by the House, and has been piggy-backed with the VA/HUD Appropriations bill in the Senate and was passed last week. There appears to be no red flags on this bill at this time because the controversial Missouri River management language was deleted in the Senate before passage.

D. Nelson noted that the CARA bill was passed in a watered-down version about ten days ago. It is about one-third to one-half of the original bill and is for six years. Another aspect of the bill is that the reduced funding came out of the State's share with the Federal program getting fully funded, which is not good for the RRWMB.

Minnesota Pollution Control Agency River Watch Program

Molly MacGregor, Principal Planner, Minnesota Pollution Control Agency (MPCA), discussed a proposal to establish a Red River Water Quality Consortium. She explained that the proposal is lead by the Red Lake WD and is seeking funding from the Federal Clean Water Partnership/319 Program administered by MPCA. The consortium would coordinate various government agencies in a comprehensive water quality monitoring strategy.

MacGregor requested that the RRWMB consider supporting the project, and also to continue their role as a financial supporter of the River Watch program at \$50,000 per year. She explained that MPCA recognizes that their agency is limited as far as participating in programs such as this. She added that MPCA would like to encourage the local units of government to assume more responsibility with such programs.

MacGregor stated that the U.S. Geological Survey (USGS) has been involved with water quality monitoring, however, they are losing funding for both water quality monitoring and flow work. She noted that the intent of the consortium is to bring the four lead organizations involved with water quality monitoring together including USGS, MPCA, RRWMB, and the River Watch program. She added that USGS and MPCA would be the technical advisors who would establish protocols and procedures for the individual WD's participating in the River Watch program.

Ogaard stated that the RRWMB has a process for evaluating funding requests and inquired how this proposal would relate to flood damage reduction. MacGregor responded that this proposal would provide for obtaining baseline information in order to compare whether natural resource and flood damage reduction goals are being met.

Wilkins inquired whether a standardized system would be developed that would be meet state requirements. MacGregor responded that the proposal would outline various parameters in an attempt to make water quality monitoring as efficient as possible.

MacGregor explained that state and federal funding is declining for these types of programs and noted that often when cutbacks have occurred, the RRWMB has assumed financial responsibility for the gages that would have been eliminated. She added that at a meeting conducted in August with USGS, the RRWMB was identified as contributing more funds to the flow stations than both the states of Minnesota and North Dakota combined.

Manager Wilkins inquired about how the RRBFDWRWG could be involved. MacGregor responded that as a member of the TSAC, she anticipated that they could be involved with defining the roles of the various organizations as well as providing input for the monitoring plan. Buckhout added that the TSAC would be making a recommendation to the RRBFDWRWG.

Manager Finney referred to the gaging stations and noted that the RRWMB has committed funds to sites that they have an interest in being funded. Manager Wilkins stated that the stream gaging program is a separate program from the proposal that MacGregor is presenting. MacGregor added that this proposal relates to water quality monitoring.

Manager Wilkins stated that a complete presentation should be conducted at the next RRWMB meeting. MacGregor noted that she would make the presentation and would also invite individuals from USGS and DNR-Division of Waters to participate.

Red River Coordinator/TAC Report

Thul stated that the Technical Advisory Committee (TAC) had met earlier and compared STAR value calculations of past projects with proposed projects. He added that they also addressed a problem in a curve in the STAR value calculation process that determines detention time for a project. He noted that the TAC debated how the curves and equations could be extended.

Thul noted that the TAC addressed long-term storage on impoundment projects. St. Germain stated that he and Brent Johnson developed an overall goal for a basin storage effort for the Red River basin. St. Germain added that the goal included providing five-year protection for agricultural land.

St. Germain stated that when developing an overall goal for storage in the basin, it was difficult to determine the target. He noted that the TAC discussed preparing economic calculations to assist in this effort.

Ogaard inquired whether ten-year protection for all agricultural land could be accomplished and, if so, could this be projected onto the main stem. St. Germain responded that this could be done.

Thul inquired about how much protection should be achieved through the impoundment goal. Ogaard questioned whether a determination could be made regarding the land acreage affected by sheet flooding and the damages incurred as it reaches a waterway.

Johnson referred to the model that was developed relative to the Flood of 1997. He noted that this information could be used to determine the storage needed for each tributary.

Thul noted that although individual WD's are trying to solve these problems, tributary problems also need to be addressed. He added that funding from this board would be needed in order to address main stem flooding.

Thul explained that a STAR value calculation had been prepared for the Hay Creek project. He stated that the preliminary STAR value is 277,663, with a RRWMB cost of \$500,000 which results in a cost per STAR value of \$1.80. He added that based on this ranking, the STAR value ranking gets a 20 on the project prioritization worksheet. He noted that other issues discussed in this process included downstream peak flow timing analysis, design storage volume, off-channel gated drawdown, and average detention time.

Ogaard inquired whether the Roseau River WD had conducted a board evaluation of the project. Manager Erickson responded that a project valuation must be conducted prior to a board evaluation.

Red River Basin Board Report – Dan Wilkens

Manager Wilkens stated that the Red River Basin Board (RRBB) is discussing a study currently being conducted by the U.S. Army Corps of Engineers (USACE). The study involves the preparation of an EIS on a coulee and the RRBB is considering expanding the study to include the effects on Lake Winnipeg.

Manager Wilkens explained that several plan management meetings have been conducted lately due to the reports received from the various inventory teams. The reports will be available on the Internet once they have been approved by the plan management committee. Public meetings will be conducted throughout the basin to discuss the various components of the plan management reports.

Manager Wilkens discussed the financial status of the RRBB and noted that the RRWMB had voted to support the RRBB for the next three years. Moench added that the annual meeting of the counties in North Dakota had been conducted during which funding the RRBB had been discussed. Moench noted that although North Dakota was positive in supporting the RRBB, the issue remains of how to provide the funding.

Executive Director Report – Don Ogaard

A) RRBB – Flood Damage Reduction Inventory Report

Ogaard stated that the RRBB intends to designate the various inventory teams into ongoing technical advisory committees. He added that proposed projects would be forwarded to the technical committees to conduct an evaluation based on technical merits. He noted that the question of at what point is it

appropriate to receive RRBB consideration and support has been discussed. He stated that a chronological sequence of events must be developed in order to make this determination.

Moench stated that a document has been drafted which outlines the procedures to progress a project from the consideration stage through the guiding principles of the RRBB. He added that he envisions the RRBB staff participating in the project development stage which would involve the project being reviewed on an international basis.

Ogaard inquired whether the Step I submittal that is prepared for the RRWMB should be forwarded to the RRBB at the same time for review. He noted that coordination of the processes of the RRWMB and the RRBB must occur.

B) Policy on RRBFDROWG Allocation of \$1 Million Annual State Appropriation

Ogaard distributed a policy paper regarding the RRBFDROWG's allocation of the \$1 million annual state appropriation. He stated that a wording change is needed in the fifth paragraph where it refers to the resolution process. He noted that the word *with* should be deleted, and the words *and associated* inserted.

Buckhout referred to the issue statement and inquired whether the word *or* should be inserted between the RRWMB and member WD's, rather than the word *and*. Ogaard responded that the word should be *and* since the RRWMB and member WD's would be acting as one unit, not separate entities. Ogaard further noted that the wording could be changed to *and/or* since this would allow for either a separate or combined effort.

Buckhout stated that previously the RRWMB has been a pass through entity for funds to the WD's, and noted that the current language could imply that the RRWMB would be able to use these funds for potential projects. Ogaard responded that the RRWMB funds only those projects as proposed by the individual member districts, however, funding could be utilized for the implementation of programs.

Buckhout discussed the Union Lake/Sarah situation that was addressed by the Sand Hill River WD project team. He stated that although the Union/Lake Sarah drawdown was not a WD project, the District hosted several of the meetings and issued a permit. He noted that should the project proposer, which in this case was the Lake Improvement District (LID), have presented the problem to the RRBFDROWG, this project would not have been eligible for the state funds. He added that the policy should maintain flexibility in order to ensure that the RRBFDROWG could fund projects such as this one at their discretion. Manager Wilkens noted that the LID is currently trying to convert the project to the WD for maintenance and operation.

Buckhout stated that the RRBFDROWG would not approve expenditures of funds that would not go through the individual project teams or the Technical and Scientific Advisory Committee (TSAC). He noted that with the current language, potential exists for a project to go through the project team process that would not be a WD sponsored project.

Ogaard explained that ideally a situation such as Union Lake/Sarah would not happen again, however, since there were some projects in process during the drafting of the mediation agreement, some unique situations have occurred.

Motion by Manager Johnson to adopt the document with the revised language, **Seconded** by Manager Erickson, **Carried**.

C) Review Paper on RRBFDROWG/Project Team Process

Ogaard explained that a draft was distributed for review to the RRWMB and the RRBFDWRG that incorporates the original guidelines and the intent of the mediation agreement.

Thul inquired about who would make the determination whether an alternative would proceed. Buckhout responded that this issue has been discussed by the RRBFDWRG and it was agreed that the project team would select various acceptable alternatives which would be forwarded to the WD's for consideration. Buckhout further stated that should the project team be unable to reach consensus, the RRBFDWRG could assist in clarifying the mediation agreement.

Manager Wright inquired about the action needed should a delegate be absent. Ogaard responded that should a delegate that has been accepted by the WD as a participant on the project team be absent for two consecutive meetings, they would be eliminated from the project team and replaced by the designated alternate.

Motion by Manager Erickson to adopt the guidelines as amended, **Seconded** by Manager Wilkens, **Carried**.

District Reports

- The Roseau River WD reported that two ring dikes have been proposed in the District with one nearing completion. The remaining ring dike has been delayed until the wetland criteria outlined in the Wetland Conservation Act (WCA) and Farm Service Agency (FSA) program is met.
- The Two Rivers WD reported that board member Glen Lundberg would be leaving the Board after 3 years. Lundberg served the southwestern portion of the District including the cities of Kennedy and Donaldson, Minnesota. Roger Anderson has been appointed by the Kittson County Board of Commissioners to replace Lundberg. Anderson farms in Teien Township of Kittson County. The District wished Lundberg well in his future endeavors, and welcomes Roger Anderson.
- The Middle River-Snake River WD reported that plans and specifications for the Public Law 566 project continues by the Natural Resources Conservation Service. At the present, it appears that federal funding for the project has been approved and that the final hearing will be held early this winter.
- The Red Lake WD reported that the Step I application for the Thief River Flood Reduction Project would be submitted to the RRWMB at today's meeting. The project includes a new 15,000 acre-feet dry impoundment and alternate drainage ditches to the State Ditch #83 cleaning.
- The Sand Hill River WD reported on the status of Union Lake/Sarah. The electric pump is pumping with the lake elevation at approximately .9 of a foot above the OHW as of October 11, 2000. The lake should be very close to OHW by the scheduled November 1, 2000 shut off. Most of the cleanup work on the project has been completed. At the regular monthly meeting, the board approved adding the Lake Improvement District (LID) to the beaver bounty program.
- The Buffalo-Red River WD reported that on November 7, 2000, the Clay County Board of Commissioners will conduct a hearing to transfer the remaining 16 ditch systems to the District.
- The Bois de Sioux WD reported that the project team has completed the final draft of the North Ottawa Impoundment Operating Plan and has submitted it to the Board for review. The draft, with any final

changes, is expected to be approved at the next regular meeting in October. The next project team meeting will be held to discuss the Phasing Plan, the Environmental Assessment Worksheet (EAW), and feedback from the Board of Managers on the operating plan.

District's Funding Requests:

1. Red Lake WD / Thief River Flood Reduction Project, Step I Submittal:

Lanning distributed copies of the Step I submittal to the board for review. He explained that the project consists of two components including a dry impoundment and diversion ditches parallel to the Thief River.

Brent Johnson explained that the project includes a reservoir site on CD 20 with a dry dam with gated storage. The drainage area is 120 square miles. The District is requesting the RRWMB share in the local cost on a 2/3 to 1/3 basis. The STAR value was calculated and determined to be \$2.00 cost per STAR value for the RRWMB.

Charlie Anderson stated that the District reviewed various alternatives for increasing the discharge capacity. He noted that water is being released from upstream reservoirs including Moose River which is essentially completely gated. He added that in order to increase the drawdown capability, water from Agassiz needs to go down past the improved portion of the Thief River.

Ogaard inquired whether legal council had been obtained regarding what course of action to follow under the law to get the project constructed. He noted that this project possibly could not be ordered in by resolution of the board. Anderson disagreed and noted that it could be constructed by board resolution since it's a flood control project.

Ogaard stated that he was aware that this project is a very contentious issue and that affected individuals are possibly organizing to legally oppose the project. Manager Johnson responded that the RLWD has Kurt Deter of Rinke-Noonan on retainer and he has been made aware of the project.

Manager Erickson suggested that the RRWMB tour the project area. Manager Johnson stated that the next RRWMB meeting could be in Thief River with a tour conducted of the project.

Lanning stated the project team agreed that although the project consists of two components, it should be presented as one project. Thul inquired about the RLWD requesting only a portion of funding for the cost of the impoundment. Anderson responded that only this portion of the project is ready for construction at this time.

2. Roseau River WD / Hay Creek Project, Step I Submittal:

A tour of the Hay Creek Project was conducted at the previous monthly meeting and copies of the Step I submittal were distributed to the board for review.

Motion by Manager Erickson to accept the Step I submittal for the Hay Creek Project, **Seconded** by Manager Nelson, **Carried**.

3. Middle River-Snake River WD / Agassiz Valley Water Resource Management Project (Helgeland) Project), Step I Submittal:

A tour of the project was conducted following lunch. Adrian distributed copies of the Step I submittal to the board for review.

President Osowski turned the meeting over to John Finney-Vice President who asked for a motion. **Motion** by Manager Osowski to approve the Step I submittal for the Agassiz Valley Water Resource Management Project, **Seconded** by Manager Erickson, **Carried**. Manager Finney returned the chair to President Osowski.

4. Two Rivers WD / Ross 32 Impoundment Project, Step I Submittal:

Manager Solberg distributed copies of the Step I submittal to the board for review. He stated that the Two Rivers WD Board of Managers agreed to fund the project, but would be submitting a request to the RRWMB at the next monthly meeting for funding assistance.

The next meeting will be on November 21, 2000, at 9:30 a.m. at the Red Lake Watershed District office, Thief River Falls, Minnesota.

There being no further business, the meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Farrell Erickson
Secretary

Naomi L. Jagol
Administrative Assistant