



Red River Watershed Management Board

Board of Managers

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RED RIVER WATERSHED MANAGEMENT BOARD MEETING

November 20, 2012

Wild Rice Watershed District, Ada, Minnesota

The RRWMB met on Tuesday, November 20, 2012, at the Wild Rice Watershed District, Ada, Minnesota.

President John Finney called the meeting to order.

Members present were:

Todd Miller	Dan Money
Ron Osowski	Orville Knott
Daniel Wilkens	Greg Holmvik
Jerome Deal	

Others present were:

- Naomi Erickson, Administrator
- Ron Harnack, Project Coordinator
- Dan Thul, Red River Coordinator
- Nick Drees, Administrator, Middle Snake Tamarac Rivers WD
- Kevin Ruud, Administrator, Wild Rice WD
- Myron Jesme, Administrator, Red Lake WD
- Jerry Bents, Engineer, Houston Engineering, Inc.
- Nate Dalager, Engineer, HDR Engineering, Inc.
- Chuck Fritz, Director, International Water Institute
- Jim Ziegler, Unit Supervisor-MPCA
- Keith Weston, Red River Basin Coordinator, USDA-NRCS
- Pat Downs, Executive Director, RRRRA
- Julie Goehring, South Basin Mgr/Communications Coordinator, RRBC
- Henry VanOffelen, MCEA
- Louis Smith, Attorney, Smith Partners, PLLP (via conference call)
- Diane Ista

Motion by Manager Deal to dispense with the reading of the minutes and approve as written with minor corrections, **Seconded** by Manager Knott, **Carried**.

The Treasurer's report was presented and it was approved as read. **Motion** by Manager Knott to approve the Treasurer's Report, **Seconded** by Manager Osowski, **Carried**. A one-page handout of monthly bills to be approved was distributed. **Motion** to approve and pay bills by Manager Deal, **Seconded** by Manager Money, **Carried**. M. Jesme, RLWD Administrator, inquired about the disbursement to K. Versdahl and Associates and noted his dissatisfaction regarding the timeliness of her updating the board's website. N. Erickson responded that she would request Ms. Versdahl to post the board's minutes on the website on a monthly basis. For further reference, copies of the bills approved are attached hereto in the Treasurer's Report.

Public Information Committee

Manager Deal, Chair of the Public Information Committee (PIC), reported that he directed N. Erickson to contact M. Meister to inquire about the possibility of retaining his services as the board's Public Information Officer. N. Erickson stated that she contacted M. Meister and after receiving approval from North Dakota State University (NDSU) he agreed to provide exclusive consulting services to the RRWMB. She noted that a conference call was conducted on November 14, 2012 with the PIC who agreed to forward a recommendation to the Board of Managers at today's meeting to offer the position to M. Meister.

Motion by Manager Deal to authorize N. Erickson to extend an offer to M. Meister of CR*CS to provide public information consulting services to the board and to request L. Smith to prepare an agreement between the board and M. Meister, **Seconded** by Manager Osowski, **Carried**.

Project Planning Acceleration Project Update/Status

C. Fritz explained that at the regular monthly meeting conducted in May 2012, the board agreed to provide 50% of the cost (estimated project cost ~ \$50,000) of the above-mentioned project to meet with each member watershed district to review the 20% flow reduction plan developed by the Red River Basin Commission (RRBC). The goal of the project is to accelerate the development and deployment of data and tools needed to propose at least one FDR project in each Minnesota watershed district by the end of 2012.

Initial meetings have been conducted with all member watershed districts in July and August, except for the Bois de Sioux watershed district (scheduled for December 20th). Watershed districts requested that the project planning tool (PPT) be expanded for the following subwatershed areas:

Watershed	Selected subwatershed
Wild Rice	South Branch Wild Rice
Sand Hill River	Entire watershed
Bois de Sioux River	Twelve-mile Creek, Mustinka River
Middle Snake Tamarac Rivers	Tamarac River
Roseau River	South Fork and Headwaters
Red Lake River	Thief River
Two Rivers	To be designated.

The suite of data products are under development for each watershed area. When completed, the data products that will be incorporated in the PPT and available for posting to web applications include:

Conditioned DEM	Subbasins
Flow Direction	Catchments
Flow Accumulation	Permit Complexity
Travel Time	Existing Depressions
Curve Number	Road Depressions
Drainage Lines	Raised Road Depressions

C. Fritz reported that a meeting was conducted on September 27, 2012 in Bemidji, MN with regional regulatory staff from the MDNR and the USACE to provide an overview of the mediation process (Brian Dwight), the methods used to develop the 20% flow reduction strategy (Charlie Anderson), and the PPT/data layers (C. Fritz and H. VanOffelen). The outcome of the meeting was a deeper understanding among regional regulatory staff of the mediation process, the 20% flow reduction strategy, and the PPT/data layers. Recommendations were developed to refine some of the components of the PPT to better address the points of concurrence (POC).

C. Fritz stated that following the meeting conducted in Bemidji, MN, an all-day meeting was held with the USACE regulatory, planning and operations staffs in St. Paul, MN on October 22, 2012. The discussion focused on the use of the 20% flow reduction strategy and the PPT to progress through the POC process. The following questions were posed to the USACE:

- a. Are we asking the right questions within the PPT to adequately address the issues/information needs relative to the POC (Nos. 1, 2, and 3)?
- b. Will the USACE acknowledge the output forms (reports/information) from the PPT to fulfill the information requirements for the POC?
- c. Does the USACE accept the technical rationale for the 20% Red River of the North mainstem flow reduction goals (LTFS)?
- d. Is the 20% flow reduction and storage allocation an acceptable "purpose and need" foundation for proposed projects?

C. Fritz added that with regard to whether the output developed by the PPT is sufficient to address the requirements of the POC, the USACE responded that they would acknowledge the information from the PPT as long as the applicant responds to questions concerning the data.

C. Fritz noted that the 20% mainstem goal was discussed. The USACE indicated that the applicant should first identify and address local problems prior to implementing the 20% mainstem flow reduction goal.

C. Fritz reported that significant discussion occurred regarding acceptable "purpose and need" statements. The USACE noted the importance of continued communication throughout the permitting process in order to ensure the applicant has provided adequate information to issue a permit.

Manager Finney inquired whether the information generated by the PPT could be used in conjunction with submitting a Step I application. R. Harnack stated that this issue is going to be addressed at the TAC meeting scheduled for December 6, 2012.

H. VanOffelen added that ongoing discussion is occurring with the USACE and the MDNR relative to whether they would accept the information provided by the PPT. R. Harnack stated that information similar to that developed for the 20% mainstem flow reduction strategy for the Bois de Sioux WD relative to the LTFS plan should also be developed for each member watershed district.

D. Ista, former Wild Rice WD board member, inquired about the funds that the Diversion Authority recently allocated (\$500,000) to the RRBC to assess and prioritize potential retention projects in the region. She suggested that the RRRRA should be involved with that initiative as well.

D. Ista noted her concern about the lack of progress by the Wild Rice WD Board of Managers relative to the development of future retention projects. She questioned how a watershed district can proceed with identifying potential future retention sites when the current board is focused primarily on permitting issues. C. Fritz responded that if a watershed district is not interested in pursuing the construction of retention projects, the funding allocated for that watershed district towards the development of the PPT should be utilized elsewhere.

Manager Holmvik inquired whether the USACE supports the PPT. C. Fritz responded that the USACE is supportive of the tool and although they have limited participation on project teams, the USACE recently agreed to participate on the Work Group's TSAC.

Manager Holmvik asked J. Bents whether, in his opinion, the tool would be helpful to develop for the Wild Rice WD. J. Bents responded that although the tool has many benefits, it would be insufficient to replace the information provided in a Step I submittal.

R. Harnack recommended that the board request an estimate to develop information similar to that prepared for the Bois de Sioux WD regarding the 20% mainstem flow reduction strategy for each member watershed district. Manager Finney directed the TAC to discuss this issue further at their December 6, 2012 meeting and present a recommendation to the board at the December board meeting.

Water Quality Project Monitoring

C. Fritz distributed a handout regarding flood damage reduction, condition, watershed, Surface Water Assessment Grant (SWAG) projects and the River Watch program. He reported that Wayne Goeken, Monitoring & Education Specialist, received the University of Minnesota - Crookston Torch and Shield Award in part for work being done on behalf of the RRWMB and IWI as it relates to the River Watch program and also for conducting the annual River Watch Forum on the UMC campus. The annual training and certification program held at UMC was also recognized as being the only certification program of its type in Minnesota through the partnership between IWI, RRWMB, MPCA, and UMC.

Red River Retention Authority (RRRA)

Manager Finney introduced L. Smith, participating via conference call, and requested that he review the memorandum regarding the Proposed Amended Joint Powers Agreement (JPA) of the RRRA.

L. Smith stated that he compared the proposed Amended and Reconstituted JPA for the RRRA dated 09/12/12 with the original JPA adopted in May 2010. He reviewed the memo highlighting the main policy or governance issues presented by the Amended JPA. The following items are included in the Amended JPA:

1. **New Entity**: The primary issue addressed by the Amended JPA is to create the RRRA as a separate legal entity for the purpose of receiving potential federal and state cost-share funds.

L. Smith stated that the Amended JPA is intended to facilitate the enrollment of the executive director or other employees in the North Dakota public employees retirement system, and to facilitate the RRRA's contracting with NRCS, USACE or other entities in the event of federal funds for flood retention projects.

L. Smith further explained that this language is not intended to presume that all federal funds MUST flow to the RRRA, rather the Amended JPA simply provides that they MAY.

Manager Knott inquired about whether it would be more efficient for federal funding to go directly to the RRRA rather than NRCS. Manager Finney responded that to date the funds have been going directly to NRCS and they have contracted directly with water resource districts or watershed districts. N. Erickson stated that this issue was addressed on a previous conference call with L. Smith and R. Harnack and following discussion it was agreed that it would be more efficient and, therefore, less costly to continue with forwarding the funds directly to NRCS in order for that organization to administer the funds rather than the RRRA.

2. **Comprehensive Planning and Prioritization**: The Original JPA provides that the RRRA's Executive Committee is to develop a ranked list of priority projects, based on information submitted by the RRJWRD and RRWMB.

L. Smith stated that S. Fredricks, Attorney representing RRJWRD, explained that he assumes this issue will be addressed in the Bylaws (it is currently mentioned in the Bylaws at Article VII). L. Smith further added that the JPA may only be amended by the votes of the full boards, both RRJWRD and RRWMB, whereas the Bylaws may be amended simply by the vote of the board of the RRRA. For this reason, it may be preferable that "foundational" policy issues like the comprehensive planning process for priority projects, or the commitment to a 20% reduction in peak flows, be addressed in the JPA.

3. **Project Management**: The Original JPA acknowledges that the RRJWRD and its member water resource districts, and the RRWMB and its member watershed districts, have the full legal authority to implement flood storage projects. The Original JPA further includes a commitment by the RRWMB and RRJWRD to assure that ordered and funded priority water storage projects within their respective jurisdictions will be completed. (This language was understood to be important to the Congressional delegations of Minnesota and North Dakota in 2010.) There is no language addressing this issue in the Amended JPA.

L. Smith stated that the current Bylaws are also silent on this issue. There appears to be differing points of view about this issue and it should be discussed further in order to determine whether it should be kept in the JPA.

4. **Federal Role:** The Original JPA expresses an intention to invite federal representatives, including members of the Congressional delegations and their staffs, and federal agencies, to cooperate with the Retention Authority for the purpose of maximizing federal funding for flood storage projects, minimizing federal regulatory obstacles, and promote general cooperation. The Amended JPA does not address this issue.

L. Smith noted that the current Bylaws are also silent on this issue – this may be a “foundational” issue that should be kept in the JPA.

5. **Permitting Coordination:** The Original JPA includes a commitment by the RRJWRD and RRWMB to coordinate and assist local districts in the process of seeking federal permits and approvals for priority flood storage projects. The Amended JPA does not address this issue.

L. Smith stated that there is very brief mention of this issue in the Purposes and Objectives section of Article II of the Bylaws, but again, this may be a “foundational” issue that should be kept in the JPA.

6. **Co-Chairs:** The Original JPA provides that the Chair of the RRJWRD and the President of the RRWMB will act as Co-Chairs of the Retention Authority’s Executive Committee, alternating as meeting chairs. The Amended JPA instead provides that the Retention Authority board will annually elect a Chair and a Vice-Chair, alternating annually between the RRJWRD and the RRWMB.

L. Smith indicated that S. Fredricks was not aware of the RRWMB position on this issue, and based the language in the Amended JPA re: Chair and Vice-Chair on the discussion at a meeting of the Retention Authority. Manager Finney stated that the board's position is that they would prefer the Chair of the RRJWRD and the President of the RRWMB continue to act as Co-Chairs of the RRRA.

7. **Voting Requirement:** The Original JPA requires that the vote of at least two voting members from both the RRJWRD and RRWMB is necessary for the adoption of any matter or motion. There is no such provision in the Amended JPA.

L. Smith stated that S. Fredricks explained that this issue is addressed in the current Bylaws.

8. **Alternate Directors:** The Amended JPA provides that the Retention Authority Board of Directors may “also permit appointment of alternate Directors who may exercise the authority of absent Directors.” There is no such provision in the Original JPA.

L. Smith reported that S. Fredricks stated that this issue is addressed in the current Bylaws.

Motion by Manager Deal to approve the recommendations regarding the Proposed Amended Joint Powers Agreement (JPA) as outlined in the memo by L. Smith dated October 30, 2012 and updated November 12, 2012, **Seconded** by Manager Knott, **Carried**.

P. Downs added that he met with J. Lyons and J. Finney - RRRA Co-Chairs and also representatives from the Diversion Authority to discuss an agreement to distribute a portion of the funds allocated to the RRBC to the RRRA to assist in the development of a process for project prioritization.

Project Coordinator Report

R. Harnack reviewed the Project Coordinator Report. He reported that the Drainage Work Group (DWG) continues review of the final amendments related to 103E.101 of the drainage law. He stated that when the final review has been completed, recommendations will be forwarded to the Minnesota Legislature.

N. Erickson referred to the consulting agreement between R. Harnack and the RRWMB and reported that the contract is scheduled to expire on December 31, 2012. She requested that the Human Resource Committee (J. Finney, O. Knott, J. Deal and D. Wilkens) conduct a conference call to discuss renewing the contract for another two-year term. Manager Finney directed N. Erickson to schedule a conference call prior to the December board meeting.

Red River Basin Commission

Julie Goehring, South Basin Mgr/Communications Coordinator – RRBC, distributed information on a 3 Phase Retention Site Modeling for Mainstem and Regional Impacts and Prioritization project along with a handout on an H & H Model Overview and Site Identification, the Natural Resources Framework Plan (NRFP) Report, and an itinerary for the 30th Annual Red River Basin Land & Water International Summit Conference.

Red River Coordinator/TAC Report

D. Thul reported that he attended a meeting of the RRBC's LTFS Technical Subcommittee. Discussion occurred regarding the funding allocation from the Diversion Authority to the RRBC. He reported that these funds will be used towards updating the LTFS plan, developing a process for prioritizing funding, and implementing a public relations effort.

D. Thul added that since the City of Fargo is interested in developing a basin-wide solution toward flooding, an opportunity may exist for the RRRA to collaborate with this endeavor. D. Istia inquired whether the USACE would recognize the information resulting from this initiative as credible.

H. VanOffelen stated that significant funding has been spent to develop an HMS model which indicates that controlling 3-5 inches of runoff would have a substantial impact to the City of Fargo. He inquired why additional modeling would be necessary. D. Thul responded that the City of Fargo is requesting the RRBC to consider specific items of concern as some constituents believe the flooding problem can be solved by constructing upstream storage. D. Thul further added that there is some concern that the MIKE 11 model developed by the RRBC in conjunction with the LTFS plan excluded potential storage sites in North Dakota. C. Fritz concurred that additional modeling is necessary.

J. Bents stated that North Dakota is proceeding with a site identification process similar to the effort conducted in the Bois de Sioux WD as part of the LTFS plan. Manager Finney inquired whether the information developed by the PPT could be used in conjunction with the modeling efforts of the RRBC. J. Bents responded that both organizations are developing useful data and benefits could be realized if these efforts worked in concert with each other.

Minnesota Department of Agriculture

N. Erickson distributed a letter received from the Minnesota Department of Agriculture (MDA). The letter was in response to their review of a draft proposal developed by the board's TAC relative to developing tile drain criteria/guidelines. Following discussion, the Board of Managers agreed to invite a representative from MDA to a future board meeting in order to clarify the issue.

Administrator Report

A) Red River Basin Flood Damage Reduction Work Group

N. Erickson reported that the Work Group met on Wednesday, October 17, 2012 at the Red Lake Watershed District office, Thief River Falls, MN. Discussion occurred regarding the reallocation of unexpended FY12 funds in the amount of \$74,549.85. The Work Group agreed to transfer the remaining FY12 funds to FY13 as follows:

Project Planning Acceleration (50% match)	\$25,000	
Project Development Grant - RRWD	\$10,000	
Comp. Overall Plan Update - BRRWD (Only the addition of Otter Tail WD)	<u>\$41,250</u>	\$76,250

The Work Group agreed that the resulting shortfall following the fund transfer will be addressed at the end of FY13.

B) Public Information Committee

N. Erickson stated that the Public Information Committee (PIC) met last month following the regular monthly board meeting to discuss filling the vacant Public Information Specialist position. A recommendation from the committee will be presented at today's board meeting.

C) Upcoming Meetings/Conferences

1. **MAWD Annual Meeting & Trade Show**, November 29 - December 1, 2012, Arrowwood Conference Center, Alexandria, MN.
2. **Red River Retention Authority (RRRA)**, December 11, 2012.
3. **Red River Basin Flood Damage Reduction Work Group**, December 19, 2012, MnDOT, Detroit Lakes, MN.
4. **Red River Basin Commission's 30th Annual Red River Basin Land & Water International Summit Conference**, *Uniting the Red River Basin for 30 Years*, January 22-24, 2013, Alerus Center & Canad Inns, Grand Forks, ND.

Red River Coordinator/TAC Report

D. Thul reported that a meeting of the TAC was conducted on October 8, 2012 at Houston Engineering, Inc., Fargo, ND. Recommendations regarding tile drainage systems were discussed. At the meeting, J. Bents referred to the RRRRA meeting during which Manager Wilkens presented a draft of the TAC recommendations regarding tile drainage. J. Bents explained that although the managers from North Dakota did not express an interest in regulating tile drainage, the RRRRA did agree to consider requesting the BTSAC to further review the technical recommendations.

D. Thul added that during the TAC meeting, C .Fritz presented a scoping outline to develop applications to disseminate the following: 1) Hydrologic Conditioning Process Products, 2) USACE WFS HEC-HMS and HEC-RAS models, and 3) HEC-HMS and HEC-RAS model input data and results. The TAC discussed the need to store information within the basin on sites such as www.rrbdin.org rather than suggesting one or both states to provide this service.

The TAC reviewed draft work items to be included in the USACE WFS. J. Bents developed a one-page description of the *Red River Basin-Wide Standardized Event Analysis*. This work item includes adjusting timing within the HMS models and updating the mainstem RAS model to utilize the output, including incorporation of snowmelt lag from south to north. **Motion** by Manager Holmvik to authorize the WFS joint Minnesota/North Dakota Advisory Committee to forward this item to the USACE to be included in the PMP, **Seconded** by Manager Miller, **Carried**. D. Thul noted that he also requested TAC members to review the most recent draft PMP and forward comments by month-end.

D. Thul stated that the TAC also discussed the RRRRA Project Prioritization Process currently under development. Items to be considered for large impoundment projects were addressed.

District Reports

- The Roseau River WD reported that final construction on Hay Creek/Norland is complete. The Board of Managers are working with the county on the property taxes and exemption status for land in the project. A response from the U.S. Army Corps of Engineers (USACE) on the proposed adaptive management plan for wetland mitigation requirements on the project has not yet been received. Due to the delay in receiving the plan, a one-year extension for the state grant agreement has been requested. A hearing is scheduled for December 12th to discuss the possibility of using State Ditch No. 51 funds for the project.
- The Two Rivers WD reported that the District has been awarded a \$30,000 grant to plan and install conservation practices and strategies that have been developed to reduce the potential water quantity and quality impacts of sub-surface drainage. These practices deal not with installation of tile systems, but rather concentrate on managing the outflows from the tile and how to reduce downstream impacts.

Al Brazier of Greenbush, MN has been appointed to the Board of Managers. Brazier is from rural Greenbush, MN and he is one of two managers on the board from Roseau County. He will represent an area located within the District north of MN Highway 11 from the City of Badger to Greenbush to the Roseau and Kittson County line. This area consists of the upstream drainage area of the North and Middle branches of the Two Rivers and the State

Ditch Nos. 72 and 95 systems. Brazier replaces Dick Novacek on the Board of Managers, who had served on the Board for the past nine years.

- The Middle Snake Tamarac Rivers WD reported on the Brandt/Angus Impoundment project. Construction on the entire embankment and ditches/coulee have been completed. Seeding is also complete, but not enough of the project has vegetative cover in order to operate it next spring. The District anticipates that the MDNR will fund the entire project this year.
- The Red Lake WD reported on the Grand Marais Creek Cut Channel Stabilization Project. The contractor has completed the original phase of the project in accordance with the plan. Due to the fact that construction and engineering costs are considerably lower than anticipated, the District decided to expand the project to better address erosion areas that were omitted from the original design. A new USACE permit was submitted for approval on November 1, 2012 and has been received. Construction is expected to continue this year with a completion date scheduled for next summer.
- The Wild Rice WD reported that the District is discussing potential future projects including gating options for the proposed Upper Becker Dam site and also the Goose Prairie Marsh area.

District's Funding Requests

No requests for funds were submitted this month.

Other Issues

N. Drees, MSTRWD Administrator, reported that their watershed district has experienced difficulty in obtaining a MDNR Protected Waters permit. M. Jesme and D. Money both agreed that their districts have also experienced similar problems. Following discussion, the Board of Managers agreed to request the Work Group add *Protected Waters Permit Issues* to their next agenda.

The next meeting will be on December 18, 2012, at 9:30 a.m. at the Sand Hill River Watershed District, Fertile, Minnesota.

There being no further business, the meeting adjourned at 1:15 p.m.

Respectfully submitted,

Jerome Deal
Secretary

Naomi L. Erickson
Administrator