



Red River Watershed Management Board

Board of Managers

John Finney, President-Humboldt Todd Miller-Warroad Dan Money-Hallock Ron Osowski-Oslo
Orville Knott, Vice President-Red Lake Falls Daniel Wilkens, Treasurer-Fertile Greg Holmvik-Ada Jerome Deal, Secretary-Wheaton
Naomi Erickson, Administrator-Detroit Lakes

RED RIVER WATERSHED MANAGEMENT BOARD MEETING

July 17, 2012

Sand Hill River Watershed District, Fertile, Minnesota

The RRWMB met on Tuesday, July 17, 2012, at the Sand Hill River Watershed District, Fertile, Minnesota.

President John Finney called the meeting to order.

Members present were:

Todd Miller	Roger Anderson
Ron Osowski	Orville Knott
Daniel Wilkens	Greg Holmvik
Jerome Deal	

Others present were:

- Naomi Erickson, Administrator
- Ron Harnack, Project Coordinator
- Nick Drees, Administrator, Middle Snake Tamarac Rivers WD
- Kevin Ruud, Administrator, Wild Rice WD
- Rob Sando, Administrator, Roseau River WD
- Myron Jesme, Administrator, Red Lake WD
- Nate Dalager, Engineer, HDR Engineering, Inc.
- Chuck Fritz, Director, International Water Institute
- Jerry Bents, Engineer, Houston Engineering, Inc.
- Julie Goehring, South Basin Mgr/Communications Coordinator, RRBC
- Jim Ziegler, Unit Supervisor-MPCA
- Keith Weston, Red River Basin Coordinator, NRCS
- Pat Downs, Executive Director, RRRRA
- Ron Adrian, Engineer, Houston Engineering, Inc.
- Jeff Nyquist, Public Information Officer
- Mark Deutschman, Vice President, Houston Engineering, Inc.
- Wallace Sparby, Congressman Peterson's office
- Sharon Josephson, Congressman Peterson's office

Manager Miller requested adding Lori Dowling, Regional Director - Minnesota Department of Natural Resources (MDNR), Bemidji, MN to the agenda under *Other issues*.

Motion by Manager Deal to dispense with the reading of the minutes and approve as written with minor corrections, **Seconded** by Manager Holmvik, **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 Deal, **Carried**. A one-page handout of monthly bills to be approved was distributed. **Motion** to approve and pay bills by Manager Holmviik, **Seconded** by Manager Deal, **Carried**. For further reference, copies of the bills approved are attached hereto in the Treasurer's Report.

Tax Levy Rate Determination

The Board discussed the tax levy rate determination. **Motion** by Manager Deal to maintain the levy at 100% for FY 2013, **Seconded** by Manager Knott, **Carried**.

Red River Retention Authority

N. Erickson reported that she attended the RRRRA meeting conducted on July 10, 2012. At the meeting, S. Josephson of Congressman Peterson's office reported that the House will soon begin mark-ups on the Farm Bill and that the Senate version of the bill has already passed.

K. Weston reported that the interim support staff from NRCS that has been providing assistance for the WRP program in the Red River basin will be returning to their regular duties. The RRRRA agreed to forward a letter of request to the NRCS State Conservationists requesting the establishment of a full-time position to continue in this capacity.

N. Erickson added that an Open House was conducted for the new office following the regular monthly meeting. Several individuals from the Minnesota and North Dakota respective boards as well as congressional delegation staff were in attendance.

Public Information Initiative

J. Nyquist reviewed the public information monthly report. He referred to an article he received from Manager Miller titled *Clean Water Act Guidance could change your life*. A copy of the article was distributed for review. The article was written by M. Reed Hopper, Principal Attorney in Pacific Legal Foundation's Environmental Law, Sacramento, California.

Manager Miller explained that the article questions how ordinary citizens can determine their obligations under the Clean Water Act when the expert agency (U.S. Army Corps of Engineers) enforcing the Act cannot apply the law in a consistent manner. The article states that this fosters an environment of uncertainty and stymies economic growth by, among other things, delaying or deterring public and private projects, and increasing the costs paid by taxpayer dollars. The article further notes that new guidance is being proposed to expand the scope of the Clean Water Act to virtually all waters in the nation. Manager Miller suggested that the board direct J. Nyquist to develop an article with a local spin to circulate to newspapers throughout the region.

Manager Holmviik inquired whether R. Harnack had any additional information regarding the proposed guidance to expand the agency authority. R. Harnack responded that he was not aware of an initiative to expand the scope of the Clean Water Act but offered to coordinate with J. Nyquist

regarding the possible development of a future article. **Motion** by Manager Miller to direct J. Nyquist and R. Harnack to further research the accuracy of the information provided in the article distributed to determine whether a future article could be developed and circulated on the board's behalf, **Seconded** by Manager Wilkens, **Carried**.

J. Nyquist reported that the final communications audit was completed. A draft Communications Plan was distributed for review.

Project Coordinator Report

R. Harnack reviewed the Project Coordinator Report. He discussed the USACE's proposal to issue a Regional General Permit (RGP) for certain activities on agricultural lands involving a discharge of dredged or fill material into waters of the U.S. regulated under Section 404 of the Clean Water Act. Two categories of activities would be authorized by the proposed GP: (1) linear tile and culvert installation projects and (2) farmed wetland drainage projects. The linear tile and culvert installation projects category is intended for use where a landowner proposes to replace a surface drainage feature with drainage tile. The farmed wetland drainage projects category is for installation or replacement of drainage tile in farmed wetlands. The comment period for the proposal originally expired on June 18, 2012 but has been proposed to be extended 30-60 days which could then extend it to August 18, 2012.

R. Harnack added that the RRRA has discussed the development of a USACE GP for the Red River basin. K. Weston noted that the RRRA discussed developing a Special Area Management Plan (SAMP) for the Red River basin. A SAMP should include two products: (1) Appropriate local/state approvals and a USACE GP or abbreviated processing procedure for activities in specifically defined situations; and (2) A local/state restriction for undesirable activities. An individual permit review may be conducted for activities that do not fall into either permit category above. However, it should represent a small number of the total cases addressed by the SAMP.

K. Weston further stated that since the development of a SAMP can require a considerable investment of time, resources, and money, the SAMP process should be entered only if it is likely to result in a definitive regulatory product. R. Harnack added that several watershed districts have recognized that its more efficient to proceed without the USACE during the stages of project development, and address regulatory compliance when the final project design has been completed.

R. Harnack added that the RRRA is considering pursuing the establishment of a GP, and that similar permitting requirements have been established for MnDOT for state highway projects. N. Dalager noted that he is familiar with the GP for highway projects and although it implies a more efficient process, the GP for MnDOT has been quite cumbersome. W. Sparby concurred with N. Dalager and noted that the timeliness of USACE regulatory approval needs improvement.

R. Harnack stated that Minnesota Farm Bureau (MFB) is scheduling a meeting with the USACE, NRCS and BWSR to discuss the proposed RGP and its intended purpose and relation to Swampbuster and the Wetland Conservation Act (WCA). He further noted that he would be in contact with Chris Radatz, MFB Public Policy Team Director, regarding the specifics of the meeting and suggested authorizing representation from the RRWMB to attend. Managers Deal and Wilkens who represent the board on the Drainage Work Group (DWG) volunteered to attend the meeting.

Manager Deal requested R. Harnack to coordinate with the Technical Advisory Committee (TAC) to develop a response letter to the USACE on behalf of the board prior to the next board meeting. R. Harnack suggested inviting USACE representatives to the next board meeting to provide clarification on the proposed GP depending on whether the extended comment period would follow the August board meeting.

P. Downs stated that the document developed by the District Administrators and TAC titled *Subsurface Drainage Management Recommendations* was distributed to the RRRA and also the Red River Joint Water Resource Board (RRJWRB) for consideration.

Administrator Report

A) Finance Committee

N. Erickson reported that the Finance Committee will meet today following the board meeting. Committee members include: J. Deal, D. Wilkens, J. Finney, R. Harnack, N. Erickson, D. Thul, and M. Jesme.

B) 2011 Annual Audit

N. Erickson stated that the 2011 annual audit is nearing completion. After the financial information has been finalized, the audit will be published and distributed.

C) Upcoming Meetings/Conferences

1. **Red River Basin Commission (RRBC) / Tour & Meeting**, August 2, 2012, Devils Lake, ND. To reserve seating on the bus, please RSVP by Friday, July 27, 2012 (218.291.0422).
2. **Red River Retention Authority (RRRA)**, August 14, 2012, 1405 Prairie Parkway, Suite 311, West Fargo, ND.
3. **Red River Basin Flood Damage Reduction Work Group**, Wednesday, August 22, 2012, 9:30 a.m., MnDOT, Detroit Lakes, MN.

The Project Planning Tool

C. Fritz, Director, International Water Institute, stated that the Project Planning Tool is a newly developed web-based computer technology to more effectively and efficiently plan flood damage reduction projects. The tool will be one of many decision support tools available on the Red River Basin Decision Information Network (www.rrbdin.org).

C. Fritz introduced M. Deutschman, Houston Engineering, Inc., who assisted in programming the tool. M. Deutschman stated that the information provided by the tool was developed for use at the local watershed level to aid in decision-making. Local managers in the Moccasin Creek sub-watershed in Minnesota and the North Branch Park River watershed in North Dakota have provided input to ensure the tool meets the needs of local managers and addresses the necessary steps for project development.

C. Fritz stated that as part of an outreach effort, a presentation was conducted for the Sand Hill River WD Board of Managers to emphasize how the tool could be utilized to assist in achieving the 20% goal of reducing the flood peaks on the Red River of the North. He further added that plans are to

expand the tool for use in the entire Red River basin, however, the cost estimates are currently unknown.

C. Fritz requested consideration to utilize the preliminary data developed for the Sand Hill River WD to develop a sub-watershed scale for the entire District at a cost estimate of ~ \$20,000. **Motion** by Manager Holmvik to authorize the development of a sub-watershed scale for the Sand Hill River WD not to exceed \$20,000, **Seconded** by Manager Miller, **Carried**.

Water Quality Project Monitoring Report

N. Erickson referred to the original agreement between the IWI and the RRWMB to establish terms and conditions to subcontract the River Watch Program and other water quality monitoring activities from the RRWMB to IWI. The contract provided for the agreement to be extended or renewed by written consent of both parties.

N. Erickson stated that at the October 18, 2011 board meeting, the IWI distributed a letter requesting the RRWMB to extend the two-year agreement (\$100K/year) for another two years and received board authorization at that time. She distributed an amendment to the agreement between the IWI and RRWMB to extend the contract for another two-year term through May 24, 2014. **Motion** by Manager Wilkens to authorize the amendment to extend the two-year agreement between the IWI and the RRWMB for \$100K/year for another two-year term, **Seconded** by Manager Knott, **Carried**.

Red River Basin Commission

J. Goehring, South Basin Mgr/Communications Coordinator – RRBC, stated that the next board meeting and tour is scheduled for August 2nd in Devils Lake, ND. She stated that sites on the tour will include the East End Devils Lake outlet, Tolna Coulee, Minnewaukan School Levee, and Railroad raises in Devils Lake.

J. Goehring added that the 30th Annual Summit Conference is scheduled for January 22-24, 2013, at the Alerus Center, Grand Forks, ND.

District Reports

- The Roseau River WD reported that the Natural Resources Conservation Service (NRCS) has supplied a preliminary engineering design and concept of the proposed Wetland Reserve Program (WRP) project for the Arpin Impoundment that includes two phases. Landowner meetings will be held to discuss Phase I of the project.

Administrator Rob Sando has completed the annual review of the ditch inspections and supplied a map for spraying to the county.

HDR Engineering continues to work on the preliminary engineering plans for the Roseau River Wildlife Management Area (RRWMA) Project. The USACE has completed the geo-technical assessment for the project and their report is forthcoming. A project team meeting

held recently focused on the natural resource enhancement (NRE) concerns related to the project.

- The Red Lake WD reported that Erosion Control Project CD#20/SD#83 is a joint project between the Marshall County Ditch Authority, Marshall County Soil and Water Conservation District and the Red Lake Watershed District (RLWD). Project funding comes from a grant approved by the Minnesota Board of Water and Soil Resources (BWSR) Clean Water Fund. The project will reduce sediment being delivered into the Thief River Tributary via stream bank and field erosion. Construction on this project is nearly complete.

A public hearing for the Grand Marais Creek Outlet Restoration Project 60F has been set for August 23, 2012 at the RLWD office.

Construction continues on the Grand Marais Creek Cut Channel Stabilization Project 60 FF. On July 9 the RLWD office was informed that the trench on the south side of Grand Marais Creek yielded abundant bison bone at a depth of 2.8 meters in the palaeosol (buried soil strata). Some of the bone is burnt or partially burnt, and bone fragments indicate that the animals were being cooked at the location. Given this information, a Phase III mitigation or avoidance recommendation will be forwarded to the USACE.

The RLWD in partnership with the U. S. Geological Survey (USGS) was awarded a \$400,000 Legislative-Citizen Commission on Minnesota Resources (LCCMR) grant which will be used to continue the post hydrological water quality study of Glacial Ridge National Wildlife Refuge.

- The Wild Rice WD reported that the board approved assisting the City of Halstad in reviewing FEMA certification for their community ring dike.

An engineer's report on the ring dike for the City of Shelly is nearing completion which will be followed up with a Public Hearing in late summer or early fall.

Hydrologist Chris Ellison of the Minnesota Water Science Center provided a summary to the WRWD board of data collection from a four-year study on the impacts of sedimentation on the Wild Rice and South Branch of the Wild Rice River.

District's Funding Requests

No requests for funds were submitted this month.

Other Issues

- L. Dowling, Regional Director of the Bemidji office of the Minnesota Department of Natural Resources (DNR) discussed her conservation background and role and responsibility working for the agency. She will focus on community outreach and water management issues in the Red River basin.

L. Dowling added that the DNR has posted the position of Flood Damage Reduction Work Group coordinator. This position will continue to be funded by the DNR. A job description will be forwarded to N. Erickson.

- Manager Finney reported that he was contacted by someone with concerns about new drainage west of Argusville, ND and whether it would affect flooding in the area. The issue was addressed at the RRRA meeting conducted last week and Manager Finney reported that Chad Engels, Moore Engineering, Inc. explained that Drain No. 13 is an old SCS drain located by Argusville that has been reconstructed in phases over many years. Recently a project upstream of Drain No. 13, west of I29 was voted in by property owners. The drain has been reconstructed to a 10-year standard which should not have much of an effect on Red River levels.
- M. Jesme inquired about the legal authority of the RRRA. R. Harnack responded that the RRRA is a joint powers organization with certain legal authorities under North Dakota and Minnesota law. The RRRA has the same legal authority as the Red River Joint Water Resource District (RRJWRD) and RRWMB which both comprise the organization. Manager Deal added that the RRRA was developed as a result of Minnesota Rep. Collin Peterson's initiative to avoid the establishment of a Federal Authority in the Red River basin.

The next meeting will be on August 21, 2012, at 9:30 a.m. at the Wild Rice Watershed District, Ada, Minnesota.

There being no further business, the meeting adjourned at 2:30 p.m.

Respectfully submitted,

Jerome Deal
Secretary

Naomi L. Erickson
Administrator