



Red River Watershed Management Board

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RED RIVER WATERSHED MANAGEMENT BOARD MEETING

June 19, 2012

Red River Retention Authority, West Fargo, North Dakota

The RRWMB met on Tuesday, June 19, 2012, at the Red River Retention Authority, West Fargo, North Dakota.

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
Rob Sando, Administrator, Roseau River WD
Myron Jesme, Administrator, Red Lake WD
Nate Dalager, Engineer, HDR Engineering, Inc.
Chuck Fritz, Director, International Water Institute
Charlie Anderson, Engineer, WSN & Assoc., Inc.
Jerry Bents, Engineer, Houston Engineering, Inc.
Julie Goehring, South Basin Mgr/Communications Coordinator, RRBC
Jim Ziegler, Unit Supervisor-MPCA
Rodger Hemphill, Emmons & Olivier
Pat Downs, Executive Director, RRRRA
Ron Adrian, Engineer, Houston Engineering, Inc.
Jeff Nyquist, Public Information Officer
Jon Roeschlein, Administrator, Bois de Sioux WD
Tony Nordby, Engineer, Houston Engineering, Inc.
Diane Ista

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

Red River Retention Authority

Manager Finney reported that at the June 12, 2012 meeting presentations were given by Hans Kandel - NDSU Extension Service and Dr. Gary Sands - University of Minnesota Extension Service relative to the Basin Technical and Scientific Advisory Committee (BTSAC) Briefing Paper No. 2. He stated that he questioned why those individuals would not endorse the paper and they responded that although the paper included useful guidelines for *managing*, not controlling, surface and subsurface drainage, it was not vetted to the level of peer review required in order to offer their endorsement.

N. Erickson noted that the RRRRA established an Administrative Committee to address budgeting issues. The individuals appointed to the committee include P. Downs, C. Lewis, R. Harnack, G. Thompson, and S. Fredricks.

N. Erickson added that tentative dates to conduct an Open House for the new office were discussed. It was agreed to schedule it the afternoon following the July 10, 2012 RRRRA meeting from 2:00 p.m. to 4:00 p.m. Those invited to participate would include both Minnesota and North Dakota Governors as well as both congressional delegations.

Manager Wilkens referred to the joint meeting conducted with the District Administrators and the Technical Advisory Committee (TAC) to discuss developing a policy for tile drainage as it relates to BTSAC Briefing Paper No. 2. The committee agreed on the following options as a policy response to tile drainage management:

- No requirements for drainage coefficient (DC).
- No requirements for random tile, under 1/8" DC.
- All pattern/seepage tile must have a control for both pump and gravity systems.
- All pattern tile will have an operating plan similar to holding areas.
- Develop operating plans to address the Red River component and a local component for turning the pump on and off.

Manager Wilkens added that at the previous monthly meeting, the board requested a committee consisting of D. Wilkens, D. Money, K. Ruud, and C. Fritz meet to further discuss the recommendations and develop a final draft to be considered. He distributed a handout developed in cooperation with C. Fritz titled *Subsurface Drainage Management Recommendations*.

Manager Money inquired whether implementing a shut off control for pump and gravity systems would significantly increase the costs of installing tile drainage. C. Anderson responded that although each situation is unique, the costs of including a shut off control would be less when included in the initial design of the system.

Manager Finney inquired whether the TAC could develop guidelines for tile drainage on a watershed by watershed basis. C. Anderson responded that rather than developing guidelines on a watershed basis, it would be more appropriate to develop recommendations based on the early, middle or late timing zones.

J. Roeschlein added that there are benefits to agricultural production provided by tile drainage that includes shut off controls such as the ability for the producer to retain water in the field. He stated that tile drainage can provide both flood control and increased yields.

J. Roeschlein discussed a Board of Water & Soil Resources (BWSR) Drainage Water Management Pilot Block Grant to plan and implement drainage water management while protecting and improving water quality. He noted that BWSR has slated the Bois de Sioux Watershed District (BdSWD) and the Buffalo-Red River Watershed District (BRRWD) to receive funds to cost share with landowners on tile controls. The BdSWD is considering the \$170,000 allocated for their district but have not made a final commitment.

C. Anderson stated that tile drainage helps reduce local flooding especially with controls, however, an adverse impact is an increase in downstream volume.

Manager Money referred to the handout on page 2 under Tasks Remaining (third bullet) and noted the need to develop a uniform permitting policy for the Red River basin. Manager Wilkens noted that prior to developing a basin-wide policy, the RRWMB should consider retaining legal counsel to draft model rules that could be adopted by individual watershed districts.

Manager Deal suggested that developing a uniform permitting policy for the basin should be addressed by the RRRRA. C. Fritz concurred that with regard to the mainstem, a uniform permitting policy should be developed. D. Thul suggested that the board's TAC offer guidance regarding the development of the policy.

Motion by Manager Deal to forward the *Subsurface Drainage Management Recommendations* document developed by the District Administrators and TAC to the RRRRA, **Seconded** by Manager Miller, **Carried**.

Manager Wilkens referred to the discussion that occurred at the previous monthly meeting regarding the diverse rules and regulations of member watershed districts. Following the meeting, the individual watershed district rules and regulations were forwarded to the board's legal counsel for review and to provide an estimate to develop a standard set of guidelines that could be adopted by individual watershed districts.

A Scope of Services handout developed by Smith Partners was distributed. The objective of the proposal is to draft an updated model of rules and regulations for RRWMB member watershed districts. The estimate for the project to review the current member watershed district rules and outline key policy elements for the model is \$5,000 plus expenses.

Manager Money stated that each watershed district has certain circumstances which require customized rules and regulations. N. Drees noted the value in each watershed district utilizing uniform rules and regulations. Manager Holmvik concurred with N. Drees and added that this initiative has the potential for member watershed districts to recognize a cost savings.

A **motion** was made by Manager Wilkens and **seconded** by Manager Osowski to authorize Smith Partners to draft updated model rules for RRWMB member watershed districts for \$5,000 plus expenses. **Carried with Managers Money, Miller and Knott opposed.**

Public Information Initiative

J. Nyquist reviewed the public information monthly report. He reported that he attended the groundbreaking ceremony for the Middle Snake Tamarac Rivers Watershed District's (MSTRWD) Brandt-Angus Flood Control Project. A story on the ceremony that appeared in the Warren Sheaf will be used in the next *News & Views*.

J. Nyquist stated that The Forum of Fargo-Moorhead developed a story on the BTSAC Briefing Paper No. 2. He inquired whether he should contact The Forum to inform them of the *Subsurface Drainage Management Recommendations* document that will be forwarded from the RRWMB to the RRRRA for consideration. Manager Finney responded that after the RRRRA has reviewed and endorsed the document The Forum should be notified.

J. Nyquist reported that the final communications audit was completed. A summary of responses from the watershed districts was distributed.

Project Coordinator Report

R. Harnack reviewed the Project Coordinator Report. He reported that from the \$30,000,000 available for Flood Hazard Mitigation grants from the DNR, the following allocations were developed: \$850,000 City of Climax, \$650,000 City of Shelly, \$1,900,000 MSTRWD's Brandt/Angus Impoundment, \$200,000 Roseau River Watershed District's (RRWD) Hay Creek, and \$160,000 Two Rivers Watershed District's (TRWD) Springbrook Impoundment.

R. Harnack stated that at the request of the RRWD, he attended their June board meeting to discuss options regarding Payment in Lieu of Taxes (PILT). He explained that PILT is not eligible for bonding reimbursement and it is not a capital expense. The total amount that may be paid under PILT may be paid in one payment, or in equal installments over a period that does not exceed 20 years. PILT, under the statute, is a project cost that can be counted towards the local match for flood damage reduction (FDR). A one-time PILT payment is eligible for 100% local match, however, if the watershed district selects the 20-year option only 1/4 will be eligible as local match.

Administrator Report

A) RRB Flood Damage Reduction Work Group / Project Team Support

N. Erickson reported that for fiscal year 2012 (July 1, 2011 – June 30, 2012), the revised project team allocation is \$11,875 per project team. The following table depicts the project team reimbursement requests submitted to date:

Project Team	Total Funds Available this Fiscal Year	Expenditures	Amount Remaining to Allocate
Bois de Sioux WD	\$11,875.00	\$528.00	\$11,347.00
Buffalo-Red River WD	\$11,875.00	\$11,875.00	\$0
Middle Snake Tamarac WD	\$11,875.00	\$0	\$11,875.00
Red Lake WD	\$11,875.00	\$10,549.86	\$1,325.14
Roseau River WD	\$11,875.00	\$11,875.00	\$0
Sand Hill River WD	\$11,875.00	\$3,882.50	\$7,992.50
Two Rivers WD	\$11,875.00	\$2,422.90	\$9,452.10
Wild Rice WD	\$11,875.00	\$5,090.35	\$6,784.65

N. Erickson reported that the end of the fiscal year for these funds is June 30, 2012 and typically funds that have not be expended will be considered for reallocation. However, she noted that an amendment to the original Flood Hazard Mitigation Grant had been received from the State of Minnesota to extend the end date one year to June 30, 2013. **Motion** by Manager Wilkens to authorize the amendment to extend the contract, **Seconded** by Manager Knott, **Carried**.

N. Erickson stated that the Work Group Funding Committee met via conference call on May 10, 2012 and approved a Wetlands Vegetative Monitoring proposal. The proposal is to conduct monitoring assessments within individual watershed districts utilizing a total budget of \$24,320. A handout was distributed.

B) U.S. Army Corps of Engineers (USACE)

N. Erickson reported that on June 5, 2012, she met with Nan Bischoff, St. Paul District USACE / Project Manager for the Red River Basin Watershed Feasibility Study (WFS) at Houston Engineering, Inc., Fargo, ND along with Dan Thul and Randy Gjestvang. Work-in-Kind (WIK) funds submitted towards the budgeted categories included in the Project Management Plan (PMP) for the WFS were reviewed.

N. Erickson explained that following the May board meeting, she's forwarded an excess of thirty WIK requests to Ms. Bischoff for consideration. To date, of the \$8,756,254 approved budget, expenses of \$8,839,604 have been documented. Following review, notification is received whether the requests will be accepted as WIK. A handout was distributed.

C) Celebration to Honor Senator Keith Langseth

N. Erickson reported that a celebration for Senator Keith Langseth has been scheduled for Saturday, June 30, 2012, at Minnesota State University-Moorhead (MSUM), Moorhead, MN. The social hour begins at 5:30 p.m. with dinner at 6:30 p.m. and a program to follow. Tickets are \$30 per person.

R. Harnack suggested that the board consider co-sponsoring the event. Following discussion, the board took no action in support of co-sponsoring the event as legal counsel had previously advised against utilizing board funds for such activities. The board encouraged R. Harnack to attend and request being put on the event program.

D) Finance Committee

N. Erickson stated that at the May 15, 2012 board meeting, the board requested that the Finance Committee schedule a meeting in the near future to discuss various options for revising the board's levy. Following discussion with several committee members, N. Erickson noted that it was suggested that the committee meet following the July board meeting. The following individuals are members of the committee: J. Deal, D. Wilkens, J. Finney, R. Harnack, N. Erickson, D. Thul, and M. Jesme.

E) Upcoming Meetings/Conferences

1. **Red River Basin Flood Damage Reduction Work Group**, Wednesday, June 20, 2012, 9:30 a.m., Red Lake Watershed District, Thief River Falls, MN.
2. **Red River Retention Authority (RRRA)**, Tuesday, July 10, 2012, 1405 Prairie Parkway, Suite 311, West Fargo, ND.

Water Quality Project Monitoring Report

C. Fritz reported that options are being explored for River Watch teams to contribute to the study of tile drainage impacts. One team began preliminary study last year and another is interested as a local landowner installing tile inquired whether they would be interested in conducting monitoring. Information is being gathered to determine how to systematically proceed. The possibility of university involvement, including graduate student assistance, is being discussed.

C. Fritz stated that Wayne Goeken, Director-Center for Watershed Education, plans to step back from his role as Director effective July 1, 2012. He will continue working as a Water Monitoring Coordinator, assisting teams in the Sand Hill River watershed with local projects. He will also be working with river trips and coordinating excursions for River Watch teams onto the waters of the Red River Basin.

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 tentatively a bus may be available leaving from Grand Forks, ND.

Red River Coordinator/TAC Report

D. Thul reported that he attended the joint MN/ND Advisory Committee meeting on June 5, 2012 at Houston Engineering, Inc., Fargo, ND. Prior to the committee meeting, he met with Nan Bischoff, St. Paul District USACE / Project Manager for the Red River Basin Watershed Feasibility Study (WFS), R. Gjestvang - NDSWC, and N. Erickson to review the balance sheet for Work-in-Kind (WIK)

expenditures submitted to date. N. Erickson has submitted numerous WIK claims for both the Minnesota and North Dakota sponsors which are being reviewed by N. Bischoff for approval.

The joint MN/ND Advisory Committee reviewed a preliminary list of potential USACE work items which would be used to direct USACE activities in the future. The committee agreed that those items of basin-wide significance related to modeling efforts were of highest priority. A conference call to develop the scope of work has been scheduled for July 18, 2012.

A final draft Project Management Plan (PMP) review was discussed by the committee. D. Thul reported that N. Bischoff conducted a "re-scoping" effort to identify those action items recommended in the Long Term Flood Solutions Plan that could be incorporated into the PMP. Recommendations could include either work items for the USACE to pursue or WIK items that would be pursued locally. N. Bischoff agreed to add the recommended items to a new draft PMP for committee and respective board review and approval.

D. Thul stated that he attended the RRRRA meeting on June 12, 2012. He noted that he and R. Gjestvang are co-chairs of the Prioritization Committee which has been developing a process for prioritizing projects to be pursued by the RRRRA. The process will be utilized should the anticipated funding be received in the Farm Bill.

District Reports

- The Roseau River WD reported that an adaptive wetland mitigation plan for the Hay Creek/Norland project has been submitted to the USACE and the District awaits their decision.

The Board of Managers have agreed to a joint powers agreement with the MDNR and stop logs will be placed in Palmville Project structures this summer.

Administrator Rob Sando met with two representatives from the Natural Resources Conservation Service (NRCS) and discussed the proposed Wetlands Reserve Program (WRP) at the Arpin Impoundment site. Preliminary engineering will be conducted by NRCS and supplied to the Board of Managers for review.

- The Red Lake WD reported that Phase I of the Thief River Falls Flood Damage Reduction/Red Lake Watershed District Ditch #14 is moving along well. Completion percentages are as follows: 57% completion on RLWD Ditch #14 (Improvement to Pennington county Ditch #1) and 31% on the Thief River Falls Flood Damage Reduction Project.

Construction by R.J. Zavoral, Inc. began June 11 on the Grand Marais Creek Cut Channel Stabilization Project 60FF. The RLWD awaits the U.S. Army Corp of Engineers (USACE) permit approval for later stages of the project.

The RLWD has been awarded a \$150,500 fish passage grant from the U.S. Fish and Wildlife Service for the Grand Marais Creek Outlet Restoration Project 60F. Accordingly, the RLWD wishes to extend thanks to the Minnesota Department of Natural Resources (MDNR) - Fisheries for their assistance in the grant application.

- The Wild Rice WD reported that an option for installing a control structure on the Upper Becker Dam that will allow longer water storage will be discussed at the June 27 Project Team Meeting.

The City of Halstad has asked the District for assistance in reviewing improvements that will be needed to get their ring dike Federal Emergency Management Agency (FEMA) certified.

Zavoral Construction is nearing completion of the Project 30 repair. The Project 30 ditch commences at the Green meadow Dam and then flows generally in a westerly direction through Green Meadow, Pleasant View, and Anthony Township to its outlet at the Marsh River approximately 3/4 mile northwest of Anthony, MN.

- The Two Rivers WD reported that the NRCS has provided draft project plans to the District and authorized \$1.4 million for construction for the Springbrook PL566 Project No. 10. An additional \$425,000 was appropriated through the Reinvest in Minnesota (RIM) program to help secure the right of way. A local share is also needed along with \$160,000 provided through the MDNR flood damage reduction bonding bill.

Permit applications were submitted in February to various agencies. Approvals have been received from the Board of Water and Soil Resources (BWSR) for the Wetland Conservation Act (WCA), the MDNR, and Kittson County, however, no response has been received from the USACE and MNDOT. Viewers have been meeting and have completed a Viewer's Report.

Upon receiving the remaining permits and securing the right of way, bids will be let and plans are to begin construction as early as mid to late August.

- The Bois de Sioux WD reported that a Conservation Drainage Field Day and Workshop is scheduled for August 28–29, 2012 at the Dakota Magic Casino, Hankinson, ND.

District's Funding Requests

1. Middle Snake Tamarac Rivers WD / Step III Submittal / Brandt-Angus Flood Control Project

The information required for a Step III submittal was distributed. N. Drees explained that the project received Step I approval on August 21, 2007 and Step II approval on January 19, 2010. The current estimated cost of the project is \$5.9 million. The cost share breakdown is State of Minnesota \$3,835,000 (65%), RRWMB \$1,376,470 (23 1/3%) and MSTRWD \$688,353 (11 2/3%).

A resolution to approve the Step III submittal and funding advance for the project was distributed. N. Drees explained that due to favorable weather conditions, the District plans to complete construction of the project in 2012, but has not yet received its full share of state funding and therefore is requesting an advance of funding from the RRWMB in the amount of \$1,000,000.

**Resolution to Approve Step III Submittal and Funding Advance for the
Brandt-Angus Impoundment and Flood Damage Reduction Project of the
Middle-Snake-Tamarac Rivers Watershed District**

WHEREAS, on August 21, 2007, the Red River Watershed Management Board (RRWMB) approved a Step I submittal from the Middle-Snake-Tamarac Rivers Watershed District (District) for the Brandt-Angus Impoundment and Flood Damage Reduction Project (Project), which would divert waters from an unnamed tributary of Polk County Ditch No. 44 (and Judicial Ditch No. 75) into an off-channel storage site and hold it for release during periods of less damaging flows; the proposed project involves the construction of approximately 3 miles of embankment, an inlet channel about 1 mile in length, an outlet channel; and the associated outlet works; it is anticipated that the structure would be gated so that most of the storage would be controlled by the operation of gates;

WHEREAS, on January 19, 2010, the RRWMB approved a Step II submittal from the District for the Project with a total estimated project cost of \$4.5 million, and a local cost-share breakdown as follows: 50% RRWMB commitment of \$1.125M, and 50% District commitment of \$1.125M;

WHEREAS, on October 18, 2011, the RRWMB determined that following the 50/50 cost-share commitment from the RRWMB, the project qualified for funding for land acquisition under the U.S. Department of Agriculture's (USDA's) special wetlands initiative in the Red River basin utilizing the Wetlands Reserve Program (WRP); and a decrease in the local cost-share funding contribution will be realized due to the federal cost-share received from WRP; the District submitted a request to revise the local cost-share breakdown from 50/50 to 2/3 RRWMB and 1/3 District, and the RRWMB approved this request, setting the RRWMB's financial commitment at 2/3 of the local cost-share, up to a maximum amount of \$1,485,000;

WHEREAS, in June 2012, the District provided a Step III submittal, which includes plans, specifications, and other data for the complete project file, including all of the information contained in the Engineer's Report, and evidence of all permits by other agencies;

WHEREAS, the project has the same function, performance, and purpose as reported and approved by the RRWMB in Step II;

WHEREAS, due to favorable weather conditions, the District is in a position to complete construction of the Project in 2012, but has not yet received its full share of state funding from the DNR and therefore has requested an advance of the funding from the RRWMB in the amount of \$1,000,000;

THEREFORE BE IT RESOLVED, that the Red River Watershed Management Board hereby approves the Step III submittal for the Project and establishes the RRWMB's financial participation in the Project as 2/3 of the 35% local cost-share, up to a maximum amount of \$1,485,000;

BE IT FURTHER RESOLVED, that RRWMB payments for the Project are subject to the following conditions:

1. A copy of the contract awarded and/or verification of expenses incurred for the project shall be transmitted to the Board for authorization before any payments can be made;
2. A final cost accounting shall be required upon completion of the Project. This cost accounting shall include a certification of completed construction signed by the project engineer as well as a certification of expenses incurred signed by the District secretary;

3. Funding of projects shall be based on the percentage as set forth above. No additional fees or charges above actual project costs will be allowed. The RRWMB shall not be liable for cost overruns above the maximum dollar commitment under Step III approval. Resubmittal of the project for Step III approval will be necessary if additional funds are needed to cover cost overruns.

BE IT FURTHER RESOLVED, that the RRWMB approves a funding advance in the amount of \$1,000,000 to the District to facilitate the timely construction of the Project, subject to the following conditions:

1. The District will agree to repay this funding advance on or before December 31, 2013.
2. The District will execute an agreement to document these obligations with the RRWMB pursuant to the RRWMB's Application Procedures for Funding Flood Damage Reduction Projects and Related Programs.

The question was on the adoption of the resolution and there were 7 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>
DEAL	X		
FINNEY			X
HOLMVIK	X		
KNOTT	X		
MILLER	X		
MONEY	X		
OSOWSKI	X		
WILKENS	X		

Upon vote, the President declared the Resolution adopted.

The next meeting will be on July 17, 2012, at 9:30 a.m. at the Sand Hill River Watershed District, Fertile, Minnesota.

There being no further business, the meeting adjourned at 1:30 p.m.

Respectfully submitted,

Jerome Deal
Secretary

Naomi L. Erickson
Administrator