



Red River Watershed Management Board

Board of Managers

John Finney, President-Humboldt LeRoy Carriere-Roseau Dan Money-Hallock Ben Kleinwachter-Strandquist
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

May 20, 2014

Wild Rice Watershed District, Ada, Minnesota

The RRWMB met on Tuesday, May 20, 2014 at the Wild Rice Watershed District, Ada, Minnesota.

President John Finney called the meeting to order.

Members present were:

LeRoy Carriere	Dan Money
Ben Kleinwachter	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, Project Coordinator, Middle Snake Tamarac Rivers WD
- Pat Downs, Executive Director, RRRA
- Jim Zeigler, Unit Supervisor-MPCA
- Jeff Lewis, Executive Director, RRBC
- Blake Carlson, Engineer, WSN Engineering, Inc.
- Kevin Ruud, Administrator, Wild Rice WD
- Morrie Lanning, Barr Engineering, Inc.
- Ron Adrian, Engineer, Houston Engineering, Inc.
- Tracy Halstensgard, Administrator, Roseau River WD
- Nate Dalager, Engineer, HDR Engineering, Inc.
- Chuck Fritz, Director, International Water Institute
- Ryan Galbreath, NRCS State Resource Conservationist
- Brian Dwight, Clean Water Specialist, BWSR

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

Administrator's Group Report

Manager Wilkens, Committee Chair of the Administrator's Group, reported on the meeting to further address the Model Watershed District Rules and Regulations conducted on May 2, 2014 at the Courtyard by Marriott in Moorhead, MN. A final version of the model rules will be forwarded from L. Smith to individual watershed district offices.

C. Fritz distributed draft minutes of the meeting. Discussion occurred on the impediments to developing flood damage reduction / natural resource enhancement projects and the current strategies in place to address the problems. C. Fritz explained that some of the issues to be addressed when developing projects include money, permitting and land acquisition. Participants discussed whether a coordinated and strategic effort is needed to engage and educate the public throughout the Red River basin on flood damage reduction / natural resource enhancement projects and goals with no resolution.

Manager Finney reported that R. Harnack had discussed the possibility of a cost-shared position with the USACE to review permits under Section 404 of the Clean Water Act. R. Harnack stated that the USACE indicated they are unable, within the current staff resource constraints, to provide an expedited evaluation of permits. R. Harnack further noted that the USACE suggested that it would be mutually beneficial and serve to increase efficiencies within each organization for the RRWMB to supplement Corps staffing above existing levels. Manager Finney stated that due to minimal future permit applications to be reviewed by the Corps, it would be unlikely the RRWMB would consider funding the salary and benefits of one full-time Corps employee for permit review.

At this point in the meeting, Manager Carriere had a seizure and was taken by ambulance to the hospital. Once it was clear that Manager Carriere was in good hands, the Board of Managers resumed the meeting.

Interpretive Rule Clean Water Act "Normal Farming" Exemptions

R. Galbreath, NRCS State Resource Conservationist, discussed the Interpretive Rule (IR) published by the U.S. Environmental Protection Agency (EPA) and the USACE that recognizes that agricultural conservation activities that are implemented consistent with NRCS conservation practice standards provide many benefits for water quality. The IR interprets the provisions of the Clean Water Act (CWA) designed to exempt from the section 404 permit requirements certain agricultural practices that enhance or protect water quality.

The IR addresses section 404 of the CWA which outlines exemptions from section 404 permitting requirements for discharges of dredged or fill material into waters of the U.S., including wetlands. These exemptions are often referred to as the "agricultural" or "normal farming" exemptions. The IR became effective in the Federal Register on April 3, 2014 and public comments are due on June 5, 2014.

B. Carlson inquired whether the "recapture" clause still applies. R. Galbreath responded that for all exemptions, if the activity would change the use, and either impair the flow or circulation, or reduce the reach of waters of the U.S., it would *not* be exempt and would, therefore, require a section 404 permit prior to construction or any work in waters. R. Harnack added that the "normal farming" exemptions apply to both producers involved in NRCS planning / programs and those *not* involved in NRCS planning / programs.

Following discussion, the Board of Managers directed R. Harnack, D. Money and B. Carlson to coordinate with NRCS representatives to draft comments to submit to the EPA and USACE regarding their proposed rule. **Motion** by Manager Deal to authorize R. Harnack, D. Money and B. Carlson to coordinate with NRCS to draft comments to submit to the EPA and USACE regarding their proposed rule, **Seconded** by Manager Knott, **Carried**.

K. Ruud distributed a letter forwarded from Rinke Noonan, attorneys at law, to the Wild Rice WD Board of Managers regarding comments to the EPA Proposed Rule on Waters of the United States. The letter stated that their firm represents many drainage authorities across Minnesota and they suggested that each of the counties and watershed districts receiving the letter consider contributing \$500 toward a joint submission of comments. Manager Holmvik noted that their board authorized a \$500 contribution towards this effort.

Manager Finney inquired whether the RRWMB should consider participating in this effort. Following discussion, the Board of Managers directed R. Harnack to contact John Kolb of Rinke Noonan to further discuss.

Red River Retention Authority (RRRA)

P. Downs distributed a monthly report of activities. Congressional staff communication continues with local staff members from Representatives Peterson and Cramer, and Senators Hoeven, Heitkamp, Franken, and Klobuchar regarding Farm Bill 2014.

The passage of the 2014 Farm Bill authorized the USDA to create a new conservation program called the Regional Conservation Partnership Program (RCPP) to promote coordination between NRCS and its partners to deliver conservation assistance to producers and landowners. The RCPP has the following three funding pools: 35 percent of total program funding directed to critical conservation areas, chosen by the agriculture secretary; 40 percent directed to regional or multi-state projects through a national competitive process; and 25 percent directed to state-level projects through a competitive process established by NRCS state leaders.

S. Josephson reported that Congressman Peterson met with NRCS Chief Jason Weller relative to the announcement of the designation of eight Critical Conservation Areas (CCA) by the Secretary of Agriculture. The Chief indicated that the announcement should be made by month end.

Water Quality Project Monitoring

C. Fritz distributed the IWI Monitoring and Education Activity Report. Staff continues to work with BWSR to coordinate the One Watershed One Plan pilot watershed initiative. Plans are to select a pilot watershed in June.

Project Coordinator Report

R. Harnack reviewed the Project Coordinator Report. Legislative updates include:

1. **Bonding**: The bonding bill passed, however, the conference committee did not formally meet. The Senate bill included \$18M for FDR, the House bill included \$9.9M and the Governor included \$0. The bonding bill finally passed with \$12M in the FDR program.

2. Sales Tax Exemption: Beginning January 1, 2016 watershed districts and related joint powers boards are exempt from sales tax.
3. LSOHC Funding: The \$2.44M request for the Mustinka River Restoration in the Bois de Sioux WD was approved.

R. Harnack reported that following the April board meeting, a Finance Committee meeting was conducted. Local property tax assessments for 2014 were discussed in addition to the need for the Board of Managers to consider an option for member watershed districts to request a reduction in their local portion of the RRWMB levy. The Finance Committee requested R. Harnack to develop draft criteria for authorizing the RRWMB and individual watershed districts to levy less than the maximum. A handout was distributed for review. Following discussion, the Board of Managers agreed to distribute the handout to their respective watershed districts for review and comment.

R. Harnack added that the proposed draft criteria that must be met supports the RRBC's Flood Flow Reduction Strategy. This strategy reduces flows on the mainstem by altering the hydrology of the contributing watersheds as a basin wide effort. The benefits of reduced flooding would be distributed along the entire length of the Red River and would extend far upstream into the tributary watersheds. Implementing this strategy requires allocating the necessary flow reductions to each contributing watershed. To assist in the flow reduction allocation process, the RRBC adopted a flow reduction goal of 20% along the entire length of the Red River mainstem.

Manager Money noted his concern about including the 20% flow reduction goal in the draft criteria. R. Harnack stated that although the tributary flood flow reduction goals must be determined locally, individual watersheds are obligated to participate in this effort.

R. Harnack also distributed a letter received from Smith Partners regarding contracting for agricultural use of flood mitigation project lands. An opinion from RRWMB legal counsel was requested on whether a watershed district, owning land on which it maintains a flood management facility, may either lease its land for agricultural use or contract for farm management services, if the terms of the arrangement ensure that the flood management function will not be impaired. L. Smith of Smith Partners determined that a watershed district may enter into a lease or a contract for farm management services, but recommended that a record of the transaction establish the respects in which the contract is beneficial to the district and to the construction, maintenance or operation of the project.

Administrator Report

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

N. Erickson reported that for fiscal year 2014 (July 1, 2013 – June 30, 2014), the Work Group allocated each project team \$10,000 for project team expenses with eligible expenses reimbursed at 50%. The following project team reimbursement requests have been submitted to date:

Project Team	Total Funds Available this Fiscal Year	Expenditures	Balance Remaining
Bois de Sioux WD	\$10,000.00	\$7,904.98	\$2,095.02
Buffalo-Red River WD	\$10,000.00	\$10,000.00	\$0

Middle Snake Tamarac WD	\$10,000.00	\$4,163.53	\$5,836.47
Red Lake WD	\$10,000.00	\$0	\$10,000.00
Roseau River WD	\$10,000.00	\$10,000.00	\$0
Sand Hill River WD	\$10,000.00	\$8,637.58	\$1,362.42
Two Rivers WD	\$10,000.00	\$7,343.97	\$2,656.03
Wild Rice WD	\$10,000.00	\$ 10,000.00	\$0

N. Erickson explained that these funds must be expended prior to **June 30, 2014** or will be considered for reallocation and requested that reimbursement requests be submitted as soon as possible.

B) Watershed Revenues: A Primer

N. Erickson distributed a draft article developed by H. Hughes and herself for use in the News & Views newsletter as well as an informational handout. Several comments were received to be incorporated into the final version.

C) Roseau River WD / Step II Submittal / Roseau River Wildlife Management Area Project

N. Erickson reported that at the January 21, 2014 board meeting, the board approved a one-year extension for submitting the Step II application for the Roseau River Wildlife Management Area (RRWMA) Project. The previously authorized resolution required the Step II application to be submitted by May 21, 2013 or repayment of the funding advance would be required by May 21, 2014. T. Halstengard requested that the Step II Submittal be presented at the June 17, 2014 board meeting.

D) Upcoming Meetings/Conferences

1. **Red River Basin Flood Damage Reduction Work Group**, May 21, 2014, MnDOT, Detroit Lakes, MN.
2. **Red River Basin Commission (RRBC) / Tour & Meeting**, June 4-5, 2014, Roseau, MN.
3. **Red River Retention Authority (RRRA)**, June 10, 2014, Cass County Water Resource Office (1201 W Main Ave, West Fargo, ND).
4. **2014 MAWD Summer Tour**, Wednesday, June 18 to Friday, June 20, 2014, Stillwater, MN. The St. Croix River Basin: A model for working together to accomplish water quality and natural resource protection goals.
5. **Agricultural Drainage and the Future of Water Quality**, Thursday, June 26, 2014, Verizon Wireless Center, Mankato, MN.

Red River Basin Commission

J. Lewis, Executive Director, RRBC distributed an itinerary for the 2014 June Board Tour and Board Meeting scheduled for June 4-5, 2014. This year's summer tour will include projects in the northern Red River basin. Project sites within the Two Rivers and Roseau River Watershed Districts will be visited as the tour focuses on flood damage reduction and drainage water management sites. The tour will depart and conclude at Canad Inns, Grand Forks, North Dakota.

Red River Coordinator/TAC Report

D. Thul discussed Phase 2 of the U.S. Army Corps of Engineers (USACE) Red River Basin Watershed Feasibility Study (WFS). The Distributed Detention Strategies (DDS) of individual subwatersheds are included as Work-in-Kind (WIK) for the study. The DDS effort was intended to identify conceptual detention storage projects within each member watershed district and determine whether the 20% flow reduction strategy of the RRBC's Long Term Flood Solutions (LTFS) Plan could be achieved.

The Fargo-Moorhead Diversion Authority (FMDA) provided \$500,000 to the RRBC for a Halstad Upstream Retention (HUR) modeling project to determine the impacts/benefits of retention sites identified upstream of Halstad (southern 1/3 of basin). These results will be prioritized by the RRRRA and added to the LTFS Plan when completed. The TAC forwarded a recommendation to the USACE to utilize federal funding to extend the modeling effort to the Canadian border to encompass the entire Red River basin. N. Dalager added that HDR Engineering, Inc. is in the process of getting reaffirmed to be eligible to contract with the USACE for this effort.

D. Thul reported that he attended the Administrator's Group meeting on May 2, 2014 and presented the RRWMB's "Recommended Guidelines for Drain Tile Systems that were developed by the TAC and adopted by the board on 11/19/2013.

District Reports

- The Two Rivers WD reported that previously watershed districts in the northern part of the Red River basin reported difficulty in obtaining MDNR Protected Waters' permits. Following discussion by the RRWMB and the Work Group, a meeting of MDNR staff and watershed district representatives was conducted in 2013 to discuss permit requirements for ditch maintenance and cleaning. D. Money explained that currently the Two Rivers WD has several projects progressing that may require an EAW in order to receive a permit. D. Money suggested scheduling another similar meeting to continue discussion on this issue.
- The Middle Snake Tamarac Rivers WD reported that project designers of the birding trail toured various watershed district projects in the basin including Norland, Ross No. 7, Springbrook, Agassiz Valley, Angus-Oslo No. 4, Euclid East and Parnell. The birding trail landscape architect contractor toured Agassiz Valley to select a location for a pollinator garden (a collaboration with Agassiz Audubon) and prepare a proposal for a pollinator garden at the Parnell Impoundment.
- The Red Lake WD reported on a 20% Mainstem Reduction Committee meeting. On May 8th, the Board of Managers conducted the regularly scheduled board meeting in Clearbrook. As part of the meeting, two separate landowner meetings were held including the Pine Lake Watershed and the Four Legged Watershed which is part of a legal drain. The meetings were scheduled to discuss the District's 20% flood damage reduction strategy and options for how these goals could be implemented within the two watersheds. The support from the attendees was incredible and it was determined that some local issues can also be addressed while storing in excess of 13,000 acre-feet of storage during flood events. The Board plans to continue to further discuss the potential for these two sites at their regularly scheduled meetings.

- The Wild Rice WD reported that the Green Meadow Project Team is scheduled to meet on June 26, 2014. Plans are to finalize the alternatives and strategies for the project. The Points of Concurrence No. 2 must be approved by the Board of Managers prior to submittal to the USACE. The District is beginning landowner contact for the project.

District's Funding Requests

No requests for funds were submitted this month.

The next meeting will be on June 17, 2014, at 9:30 a.m. at the Red Lake Watershed District, Thief River Falls, Minnesota.

There being no further business, the meeting adjourned at 2:15 p.m.

Respectfully submitted,

Jerome Deal
Secretary

Naomi L. Erickson
Administrator