



Red River Watershed Management Board

Board of Managers

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RED RIVER WATERSHED MANAGEMENT BOARD MEETING September 18, 2012 Red Lake Watershed District, Thief River Falls, Minnesota

The RRWMB met on Tuesday, September 18, 2012, at the Red Lake Watershed District, Thief River Falls, 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
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
Mike Carroll, MDNR Asst. Commissioner
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
Ron Adrian, Engineer, Houston Engineering, Inc.
Jeff Nyquist, Public Information Officer
Wally Sparby, Congressman Peterson's office
Lance Yohe, Executive Director, RRBC
Don Buckhout, BWSR
Lori Dowling, Regional Director, MDNR
John Linc Stine, Commissioner, MPCA
Greg Buzicky, Minnesota Department of Agriculture
Rebecca Flood, Asst. Commissioner, MPCA
Tom Landwehr, Commissioner, MDNR
Dave Torgerson, Minnesota Association of Wheat Growers
Glen Kajewski, USDA- NRCS

Judy DesHarnais, Deputy for Programs and Project Mgmt, USACE
Col. Michael Price, USACE
Tamara Cameron, Chief - Regulatory Branch, USACE
Don Baloun, Minnesota State Conservationist, USDA-NRCS
Pat Lynch, Floodplain Hydrologist, MDNR
Brian Dwight, BWSR
Dave Jones, USDA- NRCS
Rob Sip, Minnesota Department of Agriculture
Ryan Frohling, District Manager, USFWS
Pete Buesseler, Regional Manager, MDNR
John Jaschke, Executive Director, BWSR
Jim Kukowski, TRWD
John Hopka

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

The Treasurer's report was presented and it was approved as read. **Motion** by Manager Holmvik 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 Osowski, **Seconded** by Manager Deal, **Carried**. For further reference, copies of the bills approved are attached hereto in the Treasurer's Report.

State and Federal Agency Officials Discuss Plans to Move Forward to Improve the Current Process for Flood Damage Reduction Projects

Presentations:

1. **Red River Basin Commission** - Lance Yohe, Executive Director
L. Yohe discussed the Long Term Flood Solutions (LTFS) Plan developed by the RRBC. He stated that during the last two years under the LTFS project, critical information was gathered, developed and compiled into recommendations which will provide basin managers with key tools to mitigate the effects of flooding and make the basin's communities more resilient.

The two most critical areas of the basin that must be addressed as soon as possible include the cities of Fargo-Moorhead, and Devils Lake, ND. Fargo-Moorhead is the most populous metropolitan city in the United States' portion of the basin and is at severe risk of significant damage which requires immediate permanent protection measures. Devils Lake, ND requires immediate measures as well to mitigate potential natural overflow of its rising waters to head off major water quality and quantity adverse impacts throughout a large portion of the basin.

L. Yohe stated that one approach to floodplain management considered and reviewed by the LTFS study is that of reducing flood flows by means of temporary flood water retention.

The goal of the flow reduction strategy of retention is to increase steadily the amount of overall basin-wide floodwater retention by first providing local flood damage reduction benefits. As these local projects are built to address local flood damage reduction, overall basin-wide benefits will accumulate, providing flow reductions that will begin to impact Red River main stem flows measured at key locations. Cumulatively, the retention sites will begin to provide enough storage to make a difference, both in local tributary areas immediately downstream of where the floodwater is retained and in damage centers along the main stem, where peak stages and volume flood flow discharges will be reduced.

2. Memorandum of Understanding - Pat Downs, Red River Retention Authority / Keith Weston, Natural Resources Conservation Service

P. Downs explained that the Red River Retention Authority (RRRA) was created through a joint powers agreement between Minnesota's Red River Watershed Management Board (RRWMB) and North Dakota's Red River Joint Water Resource District (RRJWRD). One of the priorities of the group has been to significantly streamline the permitting process for water impoundment projects.

K. Weston stated in the interest of mutual cooperation for facilitating flood water retention, the NRCS, RRRA and the USACE developed a Memorandum of Understanding (MOU) to coordinate the respective regulatory processes associated with the authorizations required to construct and operate flood water retention structures and projects. The purpose of the MOU is to establish a framework for early coordination and participation among the signatories to facilitate the timely review of and action on proposed non-federal and federal flood water retention structures and projects. All parties to the MOU have mutually agreed and intend to support and provide staff to carry out the MOU; develop a position description for a cooperative USACE regulatory position; merge flood damage reduction planning, NEPA and 404 permitting; under a separate agreement evaluate a "pilot" watershed for doing a Special Area Management Plan (SAMP); and have the USACE and NRCS provide guidance to the RRRA in the development of purpose and needs statements.

Jerome Deal and Mike Carroll, Co-chairs of the Red River Basin Flood Damage Reduction Work Group, addressed the group. J. Deal stated that the two-day meeting provided an excellent opportunity for discussion regarding the implementation of the Mediation Agreement signed in 1998. M. Carroll noted that the tour was of historic significance bringing together various federal and Minnesota state agencies to renew the commitment to the Mediation Agreement in order to continue the coordinated effort to address flood damage reduction and implement natural resource enhancements in the Red River basin.

Col. Michael Price, U.S. Army Corps of Engineers (USACE), stated that the United States Army Air Corps which was a forerunner of the United States Air Force, had over 3,000 volunteers from the USACE. The Air Corps remained as a branch of the Army until 1947. He noted the similarity of the relationship between the Air Corps and the USACE, and the project teams and the Work Group. At the basin level, project teams must follow the guidelines established as part of the Mediation Agreement. He stated the importance of reinstating regulatory participation on both the Work Group and the individual project teams.

Manager Finney referred to the USACE Red River Basin Watershed Feasibility Study (WFS) and inquired whether the results of the study would impact the USACE perception of retention efforts. Col. Price responded that an outcome of the WFS is to provide tools to identify specific sites for retention projects. J. DesHarnais added that during the permitting review process, the USACE applies a cost-benefit analysis to determine the feasibility of a project. For example, typically a national economic development benefit must occur.

Don Baloun, Minnesota State Conservationist - NRCS, thanked both D. Buckhout and D. Wilkens for their facilitation efforts during the two-day meeting and tour. He stated that NRCS is closely monitoring the status of the farm bill as the provisions of the 2008 farm bill will expire on September 30.

The Brandt/Angus Coulee Flood Control Project of the Middle Snake Tamarac Rivers Watershed District (MSTRWD) was discussed. D. Baloun noted that this project is supported by more federal funding than most since it's a pilot project utilizing the Wetlands Reserve Program (WRP) of the NRCS. The WRP is an NRCS program designed to restore and enhance wetlands. The RRRRA identified a critical need for targeted technical and financial assistance for eligible landowners in the Red River Valley watershed and in April of 2011 USDA announced that up to \$10 million would be available through the WRP to help eligible landowners in three states reduce flooding, restore wetlands and enhance wildlife habitat.

D. Baloun noted that in response to the MOU discussed previously the NRCS temporarily assigned two staff in the Red River basin to assist with RRRRA initiatives. Unfortunately, due to the uncertainty of obtaining federal funds through the farm bill, the NRCS was unable to sustain permanent positions. Manager Money inquired whether NRCS would be able to reinstate the positions. D. Baloun responded that once the farm bill has been finalized and federal funding can be assured, the goal would be to establish two permanent staff positions in the Red River basin.

Tom Landwehr, Commissioner - MDNR, thanked the board and the Work Group for the opportunity to attend the meeting and tour. He noted that he is committed to the success of the Mediation Agreement and to the continued coordination between local, state and federal agencies. He commended the MSTRWD on the development of the Agassiz Valley Water Resource Management Project and noted that flood damage reduction efforts can be realized while incorporating natural resource enhancements.

Ryan Frohling, District Manager - USFWS, concurred with Commissioner Landwehr. He noted the importance of agency participation on project teams in order to provide input and guidance during the early coordination process.

John Linc Stine, Commissioner - MPCA, discussed the importance of establishing goals at the watershed level to assist agencies as they develop measurable goals for the entire Red River basin. He added that MPCA is committed to working with project teams to assist in the development of feasible projects. Discussion has occurred regarding accelerating project planning in order to get projects in the queue. He added that MPCA has a 158-day permit goal and the majority of permits received are issued within that timeframe.

M. Jesme noted that from past experience, MPCA has often considered drainage projects as a benefit to water quality. He inquired about the specifics of the five-acre threshold established by

MPCA. Commissioner Stine agreed that drainage projects can provide water quality benefits, and noted that he would have to research the specifics of the five-acre criteria.

Manager Miller questioned Commissioner Landwehr about the MDNR's approach to mitigation in the Red River basin. Commissioner Landwehr responded that with regard to the Wetlands Conservation Act (WCA), restoring wetlands in northeast Minnesota can be challenging. He explained that when selecting the location of where to create wetlands, the location that provides the greatest benefit is given priority. Tamara Cameron, Chief - Regulatory Branch, USACE, added that the USACE follows a national mitigation rule that reiterates utilizing a watershed approach. She noted that often mitigation occurs outside the area requiring mitigation.

Greg Buzicky, MDA, extended greetings from Commissioner Frederickson. He stated that the two-day meeting provided for meaningful group discussions and good information exchanges. He added that MDA is committed to supporting the project team process of the Mediation Agreement and looks forward to continued involvement in the Red River basin.

John Jaschke, BWSR, acknowledged D. Buckhout's role as an original participant of the mediation process as facilitator of the Work Group. He thanked him for providing the historical context for the meeting and for leading the participants in discussions regarding how to proceed with renewing the commitment to the Mediation Agreement.

Wally Sparby, Congressman Peterson's office, extended a sincere thank you to the individuals who participated in the two-day meeting and tour. He noted that throughout the discussions it was apparent that the participants share common goals and a willingness to work together.

Don Buckhout, BWSR, added that the benefits of the effort extended to develop the Mediation Agreement are being realized and the document has proved it can stand the test of time. He noted the importance of conducting the meeting and tour in order to encourage participants to recommit to the process since they are the key to its future success.

Manager Wilkens discussed a brief history of events that resulted in the mediation process. He stated that during the 1990s, disagreements occurred between watershed districts and natural resource agencies regarding the most effective and least environmentally damaging methods to reduce flood damages. As a result, the MDNR and the USACE completed a joint environmental impact statement (EIS) on the cumulative effects of flood control projects in the Red River basin. In response to the EIS, in 1997 the Minnesota Legislature authorized funding for a "Mediation" process to attempt resolution of the disputed issues that were addressed in the EIS, which led to the court challenge, and resulted in gridlock on permitting issues. Following the Legislature's mandate, the MDNR and the RRWMB jointly retained CDR Associates of Boulder, Colorado to mediate the negotiations, and worked with the mediators to convene a stakeholder group that represented all key interests associated with flood damage reduction and natural resource protection and enhancement in the basin. This group still functions today as the Red River Basin Flood Damage Reduction Work Group.

Public Information Initiative

J. Nyquist reported that he attended the bus tour and meeting. He requested the member watershed districts to forward photos for publication in next year's calendar.

Project Coordinator Report

R. Harnack reviewed the Project Coordinator Report. He reported on the progress of the Flood Damage Reduction Project Planning Acceleration Project. He stated that he attended a Red Lake WD board meeting this month along with C. Fritz, H. VanOffelen and C. Anderson to review the 20% flow reduction plan. Previously, the board agreed to provide 50% of the cost of the proposed project (\$25,000) and requested the Work Group to provide a 50/50 match not to exceed a total project cost of \$50,000. He added that C. Fritz has contacted the Buffalo-Red River WD to determine whether they would be interested in receiving the presentation, however, the costs to conduct the meeting would be billed to their district rather than shared by the RRWMB and Work Group.

R. Harnack discussed the 2013 legislative session and stated that the board needs to consider funding needs for projects to be constructed within the next two years. He noted that currently there are projects in the queue that will require additional funding including: North Ottawa - BdSWD; Redpath - BdSWD; Brandt/Angus - MSTRWD; Roseau River Wildlife Management Area (RRWMA) Project - RRWD; and community projects in the SHRWD and WRWD. He requested that member watershed districts develop one-page reports that identify current funding needs.

R. Harnack stated that the RRRRA authorized an Administrative Committee in June to address budgeting issues. The individuals appointed to the committee include P. Downs, C. Lewis, R. Harnack, G. Thompson, and S. Fredricks. The committee has met via conference call and discussed suggestions for reducing costs. The committee plans to meet in the near future to finalize the 2013 budget.

R. Harnack added that at the previous monthly meeting, the board requested C. Fritz to develop a scope and cost estimate for another study to be conducted by BTSAC involving surface drainage. He stated that should the Red River Joint Water Resource District (RRJWRD) not be supportive of the study, the RRWMB should consider conducting the study independently. Manager Wilkens stated that he attended the August RRJWRD board meeting and they were in favor of conducting the study.

Administrator Report

A) Red River Basin Flood Damage Reduction Work Group

N. Erickson reported that she finalized the invitation and agenda for the *Tour to Promote Efficiency and Responsiveness for Flood Damage Reduction Projects in the Red River Basin* scheduled for September 17-18, 2012 in Thief River Falls, MN.

The Work Group Funding Committee met via conference call on September 5, 2012. The committee discussed the reallocation of unexpended FY12 funds and the development of a draft FY13 budget for review at the October Work Group meeting.

B) Former Red River Basin Coordinator-MDNR injured in plane crash

N. Erickson stated that on Tuesday, August 28, 2012, ultralight plane pilot Jay Russell Davis crashed at Moberg Seaplane Air Base, west of Bemidji, MN. Mr. Davis was pronounced dead at

the scene. Paul Wannarka, former MDNR Red River Basin Coordinator, was a passenger and was transported by ambulance to Sanford Bemidji Medical Center for his injuries. He was then airlifted to a Fargo, ND hospital.

C) Stream Gaging Cost-Share Program

N. Erickson stated that the joint funding agreement between the U.S. Geological Survey (USGS) and the RRWMB for the period October 1, 2011 to September 30, 2012 has been received. The amount of \$115,864 shall be contributed to cover all of the cost of the necessary field and analytical work directly related to the program. **Motion** by Manager Wilkens to authorize the above-mentioned joint funding agreement, **Seconded** by Manager Osowski, **Carried**.

D) Upcoming Meetings/Conferences

1. **Red River Retention Authority (RRRA)**, October 9, 2012, 1405 Prairie Parkway, Suite 311, West Fargo, ND.
2. **Red River Basin Flood Damage Reduction Work Group**, Wednesday, October 17, 2012, 9:30 a.m., Red Lake WD office, Thief River Falls, MN.
3. **MAWD Annual Meeting & Trade Show**, November 29 - December 1, 2012, Arrowwood Conference Center, Alexandria, 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.

Water Quality Project Monitoring Report

C. Fritz distributed a handout regarding flood damage reduction, condition, watershed, and Surface Water Assessment Grant (SWAG) projects. He reported that monitoring staff have been receiving individual training in the use of geo-referencing cameras and Google map creation to create interactive maps showing project sites, water quality information, and sample routes. This information will be used for upcoming project reports.

C. Fritz discussed the Project Planning Tool which is a newly developed web-based computer technology to more effectively and efficiently plan flood damage reduction projects. The tool will be used to assist in achieving the 20% goal of reducing the flood peaks on the Red River of the North. At the July RRWMB meeting, the board authorized the development of a sub-watershed scale for the Sand Hill River WD, not to exceed \$20,000. Plans are to meet with the district to further discuss development of the scale.

Red River Retention Authority (RRRA)

P. Downs reported that for the October board meeting, an invitation has been extended to a representative from the City of Fargo to discuss the Flood Control Sales Tax. The citizens of Fargo previously voted to authorize collection of a one-half percent municipal sales, gross receipt and use tax. This tax is utilized by the City of Fargo for flood risk protection, mitigation and reduction. A representative from the North Dakota Water Coalition has also been invited to attend the meeting to discuss legislative issues.

N. Erickson distributed a draft of the amended Joint Powers Agreement (JPA) discussed at the RRRA meeting last week. P. Downs explained that proposed revisions to the JPA include establishing the Authority as an independent North Dakota entity and revising the Authority organization to provide for the Board of Directors to annually elect both a Chair and a Vice-Chair from amongst the six voting Directors.

Manager Osowski inquired whether establishing the organization as an independent entity requires legislative action. P. Downs responded that in order to do so, only the JPA requires modification.

P. Downs discussed the status of the 2012 budget and proposed 2013 budget. For 2012, he suggested adjusting some BTSAC expenses by allocating them directly to the RRWMB and the RRJWRD for payment as separate transactions. This action would provide for a breakeven situation and no further contributions from the individual boards would be necessary for 2012.

P. Downs stated that the proposed 2013 budget includes a shortfall of an undetermined amount. The original budget included funding estimates of \$80,000 from each partner, along with additional funding received through the farm bill. Since the farm bill has not yet been approved, the funds received from NRCS for rental space are insufficient to cover the remaining expenses. The budget shortfall has been discussed with the RRJWRD and they have authorized approval to commit the additional funding needed to address the shortfall.

P. Downs added that following a meeting of the Administrative Committee, a recommendation will be forwarded to both boards for consideration. Manager Miller requested that following the committee meeting, the information be distributed to the board for consideration prior to the next monthly meeting.

Following discussion, the Board of Managers agreed to direct L. Smith to coordinate with S. Fredricks regarding the JPA proposed revisions. **Motion** by Manager Deal to authorize L. Smith to coordinate with S. Fredricks regarding the JPA proposed revisions, **Seconded** by Manager Osowski, **Carried**.

District Reports

- The Roseau River WD reported that individual assessments were conducted on each of the six dam sites in the Beltrami Island State Forest. Houston Engineering will compile the results from the sub-watershed committee. A project team meeting is anticipated for October in order to discuss the results of the assessment.
- The Two Rivers WD reported that the District has been working with the MDNR to develop a streamlined process to assist individual landowners in obtaining permits to restore coulee systems by removing accumulated sediment. Within areas of the District, most of these watercourses have been silting in, resulting in reduced channel capacities. This in turn causes water to back up and break out from the channel, often times running across ag land causing excessive erosion. If buy-in is obtained from the MDNR, the Districts hopes to conduct the necessary survey work and data collection for the landowner to be able to apply for the permits. Currently, the MDNR has been meeting internally regarding a process and procedure. Future meetings are planned between the MDNR and the District to further discuss the issue.

- The Red Lake WD reported on the Thief River Falls Flood Damage Reduction/Red Lake WD Ditch No. 14 project. The contractor returned to the project the last week of August and has substantially completed the improvement of the legal drainage system. Construction on the outlet portion of the Thief River Falls Flood Damage Reduction portion has been completed with some minor touch up still needed. The project must be completed by November 15, 2012.
- The Wild Rice WD reported on the Upper Becker Dam Enhancement Project. The Board of Managers reviewed the footprint and impacts that would affect four landowners by installing a gated structure on the current dam. Administrator Ruud has discussed the proposal with the landowners and there is interest in pursuing this option.

District's Funding Requests

No requests for funds were submitted this month.

Other Issues

J. Ziegler referred to the earlier discussion between M. Jesme and Commissioner Stine regarding the specifics of MPCA's five-acre threshold for drainage projects. He explained that projects greater in size than five acres require a permit while those less than one acre do not.

The next meeting will be on October 16, 2012, at 9:30 a.m. at the Sand Hill River Watershed District, Fertile, Minnesota.

There being no further business, the meeting was adjourned by acclamation at 12:00 p.m. following lunch.

Respectfully submitted,

Jerome Deal
Secretary

Naomi L. Erickson
Administrator