**GENERAL MEETING MINUTES OF THE**

**UPPER SHEYENNE RIVER JOINT WATER RESOURCE BOARD**

April 16th, 2025

The Upper Sheyenne River Joint Water Resource Board met on April 16th, 2025, at the Garrison Diversion, Carrington, ND.

Managers Present:

Jerry Hieb, Barnes County WRD

Julie Beckstrand, Benson County WRD

Monty Schaefer, Eddy County WRD

Tood Whitman & Ben Varnson, Nelson County WRD

Kevin Veitz, Sheridan County WRD

Julie Beckstrand, Sheridan County WRD

Tor Bergstrom, Steele County WRD

Bill Deck, Pierce County WRD

Dennis Clark, Stutsman County WRD

Others Known To Be Present:

Mandar Nangare, Barr Engineering

Tasha Krueger, Secretary, Upper Sheyenne River Joint WRB

**CALL TO ORDER**: Chairman Deck called the meeting to order @ 9:06 A.M.

**ROLL CALL**: Roll call was taken with eight counties present.

Jerry Hieb, Barnes County WRD

Julie Beckstrand, Benson County WRD

Monty Schaefer, Eddy County WRD

Todd Whitman & Ben Varnson, Nelson County WRD

Bill Deck, Pierce County WRD

Kevin Veitz, Sheridan County WRD

Tor Bergstrom, Steele County WRD

Dennis Clark, Stutsman County WRD

**AGENDA REVIEW**: The agenda was reviewed. Motion to approve the agenda was made by Manager Deck. Second by Manager Schaefer. Motion carried.

**MINUTES OF GENERAL MARCH 19th, 2025**: Minutes from the General March 19th, 2025, meeting was emailed out. Motion to approve the Minutes of General March 19th, 2025, was made by Manager Deck. Second by Manager Schaefer. Motion carried.

**TREASURER’S REPORT**: The checkbook balance as of April 16th, 2025, was $54,231.08. There has been income of $21,540.69; expenses of $23,194.55 and currently the checkbook balance is $52,505.22. The total funds on hand are $52,505.22. A Motion to approve the Treasurer’s Report was made by Manager Deck. Second by Manager Clark. Upon Roll Call vote, Jerry Heib- Barnes County, Monty Schaefer, Eddy County WRD

Todd Whitman-Nelson County, Bill Deck-Pierce County, Kevin Vietz-Sheridan County, Dennis Clark-Stutsman County, Motion carried.

Not Present: Julie Beckstrand-Benson County and Tor Bergstrom-Steele County

**BILLS FOR APPROVAL:** The following bills were presented for approval: Tasha Krueger (1824) $1,119.45; Garrison Diversion (1825) $30.00; U.S. Treasury-941 (1826) $504.90. Total Expenses of $1,654.35. A Motion to approve the bills was made by Manager Deck. Seconded by Manager Clark, Upon Roll Call vote, Jerry Heib- Barnes County, Monty Schaefer-Eddy County, Todd Whitman-Nelson County, Bill Deck-Pierce County, Kevin Vietz-Sheridan County, Dennis Clark-Stutsman County, Motion carried.

Not Present: Julie Beckstrand-Benson County and Tor Bergstrom-Steele County

**BY-LAWS**

Attorney Sean Fredricks presented.

At our last meeting, the Board discussed the possibility of reviewing our By-Laws and possibly updating them.  I reviewed the attached By-Laws and found that these are actually the By-Laws for the North Dakota Water Resource Districts Association (not the Upper Sheyenne Joint WRD).  With that in mind, either the Upper Sheyenne Joint WRD does not have (and has not approved By-Laws) or, if the Upper Sheyenne Joint WRD attempted to approve these attached By-Laws as the USJWRD’s By-Laws, these are not legally effective.  These By-Laws do not recognize the Upper Sheyenne Board’s statutory capabilities under North Dakota law (joint WRDs are separate political subdivisions and have the same statutory authorities as individual WRDs in North Dakota).  The WRD Association By-Laws identify the entity as a non-profit organization and identifies other statutory purposes, authorities, and objectives that are not permissible under ND law or are not otherwise applicable to the USJWRD.  At our meeting tomorrow, we can discuss how the Board wants to address that issue.

As a side note, the Board’s Joint Board Agreement (Section V) specifically affords the Upper Sheyenne Joint WRD Board of Directors the authority to adopt by-laws.

Motion was made by Manager Clark to hold off on the By-Laws, Seconded by Manager Deck, Motion carried.

**LEGISLATIVE UPDATE – DANI HANSON:**

**Water Funding HB 1020 DWR/SWC Funding Support**

HB 1020 is the appropriations bill for the Department of Water Resources (DWR) and State Water Commission (SWC). The Legislature adopted new revenue projections this week. Due to a number of factors, including aging oil wells, the Legislature anticipates a reduction in the Resources Trust Fund of approximately $90 M compared to the House version of HB 1020. Many water interests worked to develop a handout which provides information on the importance of water funding and information on how projects use state provided funding. Please feel free to use this in your conversations with legislators. The Senate Appropriations passed HB 1020 on April 10. It is likely this bill will be on the Senate floor early next week. The Senate version of HB 1020 authorizes $150 million line of credit (rather than $200 million in the House version) and includes no bonding (the House version included $100 million in bonding for the Southwest Pipeline Project. Of the $150 million line of credit, $50 million is earmarked for the Southwest Pipeline Project’s water treatment plant. The Senate version has also included language to expand the responsibilities of the Water Topics Overview Committee. This committee has traditionally only met during the interim. The proposal would direct them to review new projects that would request $10 M or more from the State Water Commission. If projects came up during the legislative session, the language would allow the committee to meet during the legislative session. There is likely to be some discussion in conference committee about whether $10 M is the appropriate threshold. Sen. Sorvaag indicated he wanted to catch all “big” projects but not all small projects. An overview of the proposed buckets is below:

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| |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Bucket |  |  | HB 1020 as passed by the House |  | HB 1020 as passed by the Senate |   Large Regional Projects |
| Red River Valley Water Supply -$260M -$150M |
| Western Area Water Supply -$46.5M -$35M |
| NAWS -$12.6M -$12.6M |
| SWPP -$131.7M -$101M |
| Flood Control |
| --Valley City -$16M -$13M |
| --Mouse River -$125M -$65M |
| --Devils Lake Outlet -$1.7M - $1M |
| --South Bismarck -$20M -$0 |
| --Other Flood Control -$7.5M -$7.5M |
| Water Supply |
| --Rural -$80M -$55M |
| --Municipal -$25M -$35M |
| General Water |
| --conveyance -$15M -$15M |
| --other -$8M -$4.75M |
| --Parks and Rec -$2.5M -$0 |
| Discretionary -$10M -$8M |

**Water Resource Districts HB 1218 Economic Analysis for Conveyance Projects**

HB 1218 would increase the statutory threshold for requiring a state economic analysis for cost share for conveyance projects to $5 million. It would also remove the ability of the State Water Commission to lower that threshold in policy. This bill was heard on January 30 with much supporting testimony from the water and agriculture communities. The committee amended the bill to establish a threshold at $750,000. The Senate Energy and Natural Resources Committee heard this bill on March 13. Water and ag groups were unified in asking for a return to the $5 million threshold. Negotiations took place this week and an amendment is being drafted for this bill that would implement a pause in the requirement to conduct economic analyses on all rural flood control projects for the 2025-2027 biennium while a study of the economic analysis tool is done. The bill was amended and then given a do pass.

**HB 1280 Voting Rights for Nonpaying Landowners**

HB 1280 would prohibit a landowner who has failed to pay an assessment from voting on a potential assessment project.

Passed the Senate, 42-4, April 11

**SB 2180 Public Comment at Public Meetings**

SB 2180 requires certain public entities, including water resource districts, include time for public comment on the agenda of all meetings. The public entity can set the time allowed for public comment, the time each speaker can speak, as well as limit comments to relevant topics. The public entity is required to develop a policy regarding public comment. If passed, all water resource districts would be required to comply with SB 2180. This bill was very recently amended to include water resource districts.

**SB 2210 Watershed Boundary Study**

SB 2210 would authorize a legislative management study to look at water management from a watershed perspective. The bill passed unanimously out of the Senate committee and passed the Senate 45-2.

Passed the House, 85-3, April 11

**SB 2276 Joint Boards**

SB 2276 is an update to the joint board bill that passed last session. This bill maintains the requirement to join a larger board but changes it from a joint board to watershed boards, mapped by the DWR. These boards would be required to assume the process for possibly establishing an assessment district in the case that counties cannot agree on moving forward with a project. The WRDA worked with the sponsor of the bill to amend this bill to repeal current and proposed mandates to join large basin or watershed boards. The bill instead mandates participation in a project board if there is an assessment project that spans multiple counties. The amendment also clarifies the process for levying assessments across county lines. The committee asked the WRDA to work with the Association of Counties to ensure this won’t have any unintended consequences.

Do pass as amended recommendation from the House Energy and Natural Resource, 11-0, April 11

**UPPER SHEYENNE PILOT PROJECT UPDATE – MANDAR NANGARE**:

Mandar reported.

Site #10-Nelson County-Construction hasn’t started yet. MNL had equipment breakdown due to deep frost depth. Construction is planned for late March. It should be completed in 2-2.5 week. All the easements and permits have been approved. The pumps won’t be turned on until the end of April/May. The construction should be completed by the time the pumps are turned on.

The completion date is scheduled to be completed by November, 2025.

The Joint Board can be will plan a site tour for Site #5 & Site #10 in June, 2025.

**NRCS-RCPP Program**

Not present.

Mandar updated.

Christy Fisher will be leaving NRCS in June, 2025.Christy has been assisting in the NRCS grant.

NRCS & Barr Engineering previously met to discuss the projects. NRCS is requiring Barr Engineering to present different engineering options to the landowners. Barr doesn’t agree with the slope study model. All the projects are the same so the design for this project is standard. It also is wasting funding out of the budget that could be used elsewhere

NRCS & Barr Engineering are planning a virtual meeting to discuss the transition and if a agreement can be discussed for the slope study model that NRCS is requesting for the projects.

There have been 2 landowners & 3 projects signed up for the project in Eddy County.

The landowners are: Allan Howard & Austin Langley.

Mandar will follow up with NRCS on this situation.

**US FISH & WILDLIFE**

Dave Azure presented.

White Horse Hill National Game Preserve boasts a unique and interesting history with records dating back to 1904. The following is a partial timeline of historical events related to the Refuge.

**1904**- Enacted April 27, 1904, Public Law No. 179 authorized President Theodore Roosevelt to reserve a tract of land embracing [White Horse Hill] as a public park. The final Proclamation, No. 32, was signed on June 2, 1904, by President Roosevelt officially establishing [White Horse] Hill Park within the National Park Service system.

**1906**- Charles M. Ziebach became the first manager of the park (1906-1913?)

**1914**- Ten years after the Park was established, appropriations were made for the creation of a big-game preserve within the Park to be jointly administered by the Department of Interior, National Park Service and the Department of Agriculture, Biological Survey.

**1916**- The big game fence was built to enclose a 700-acre tract of land designated for the introduction of bison, elk, and deer herds.

**1917**- Fifteen elk arrived from Yellowstone National Park, and four deer were received from the Fargo Agricultural Experiment Station.

**1918**- Six bison arrived from the Portland, Oregon, City Park.

**1921**- On December 22, 1921, President Warren Harding, by Executive Order 2596, ordered that all lands within the boundaries of the Park be reserved and set apart as a refuge and breeding grounds for birds.

**1930s**- Sweetwater Lake was developed by the Works Progress Administration. Historical records show that through 1943, the Refuge used the services of the Works Progress Administration personnel, a depression-era program that was used for many public projects.

**1931**- In the Act of March 3, 1931, President Herbert Hoover transferred the preserve from the National Park Service to the Biological Survey (which later became Fish and Wildlife Service) and renamed the park, Sullys Hill National Game Preserve to be administered as part of the National Wildlife Refuge System.

**1948-1951** - The level of Devils Lake rose 14 feet.

**1955**- Nesting colonies of pelicans and cormorants were seen on Rock Island. This was the second known nesting colony in North Dakota.

**1966**- The first Audubon Christmas Bird Count was conducted at the Refuge.

**1967**- A self-guided auto tour route opened. A newly developed vista turnout provided visitors with a spectacular view of Devils Lake.

**1969**- The game preserve and the Devils Lake Wetland Management office were combined.

**1970**- The rising level of Devils Lake necessitated raising Hwy 57 three feet. The Refuge lost 26 acres to flooding.

**1975**- Black-tailed prairie dogs, originally only found west of the Missouri River, were introduced to the Refuge.

**1978**- The auto tour route was paved.

**1981**- Dutch Elm Disease infested the elm trees on the Refuge. Most of them died or were removed to prevent further spreading of the disease.

**1985**- 1989 Wild turkeys were released on the Refuge however, turkeys released appeared to come and go from the Refuge.

**1998**- The Sullys Hill Wildlife Refuge Society was formed as the first official Friends of Refuges organization in North Dakota. The group later changed it name to Friends of Sullys Hill as a national effort to better identify refuge friends groups with the refuge they support. They again changed their organizational name to Friends of White Horse Hill in 2020 to align with the refuge name change.

**1999**- The refuge Friends group in coordination with the Refuge hosted the first ever North Dakota birding festival at the preserve and continued to host the event for 13 years.

**2005**- A new 6,000 square foot visitor center was built as a result of Devils Lake flooding blocking the historical entrance to the Refuge.

**2012**- Approximately 45 5th-grade students and their teachers from Devils Lake Central Middle School started morning classes at the Refuge. The program supports two units of 5th graders who complete a year-long program of integrated outdoor learning through the subjects of math, social studies, science, and language.

**2019**- The Refuge was renamed by the U.S. Congress in December at the request of Spirit Lake Tribe to White Horse Hill National Game Preserve (Dakota: Sunka Wakan Ska Paha).

**Today**- The Refuge supports approximately 18-20 bison, 12-15 elk, a local prairie dog colony, and numerous species of land animals native to North Dakota. In addition, the Refuge supports over 214 species of resident and migratory birds.

**RED RIVER BASIN COMMISSION**

Not Present.

**RED RIVER RETENTION**

Not Present.

**ND DEPARTMENT OF WATER RESOURCES**

Yaping Chi presented.

HB 1020 DWR &SWC Funding was discussed.

Low head dams are a high priority.

April 28th, 2025 is the deadline for cost share applications.

June 12th, 2025 the State Water Commission will meet.

May 7th, 2025 Devils Lake Outlet Committee meeting at 1:00 P.M. at Lake Region College.

Manager Varnson stated there has always been a representative from the Upper Sheyenne River Board has been present.

Motion was made by Manager Deck for Manager/Secretary Tasha Krueger to attend the meeting, Seconded by Manager Whitman, Motion carried.

**COUNTY REPORTS**

Barnes – Lots of drain tile projects. Low head dams, assessment districts.

Benson- Not Present.

Eddy – Nothing New.

Nelson – Snagging and Clearing Project near Mcville. Drain Tile Permits.

Pierce – Cleanout of cattails and beaver dams.

Sheridan – Nothing New.

Steele – Not Present.

Stutsman – waiting on the water Study on Crystal Springs.

**NEXT MEETING** –

Next Regular Meeting-June 18th, 2025, at 9:00 A.M, Garrison Diversion, Carrington, ND

**ADJOURNMENT** – A Motion to Adjourn was made by Manager Deck at 10:15 A.M. Chair Veitz adjourned the meeting.

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Kevin Vietz, Chair

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Tasha Krueger, Secretary