**MINUTES OF THE**

**UPPER SHEYENNE RIVER JOINT WATER RESOURCE BOARD**

February 15th, 2023

The Upper Sheyenne River Joint Water Resource Board met on February 15th, 2023, at the Garrison Diversion, Carrington, ND.

Managers Present:

Julie Beckstrand, Benson County WRD

Monty Schaefer, Eddy County WRD

Ben Varnson, Nelson County WRD

LeRoy Becker, Sheridan County WRD

Tor Bergstrom, Steele County WRD

Bill Deck, Pierce County WRD

Managers Absent:

Dennis Clark, Stutsman County WRD

Jerry Hieb, Barnes County WRD

Others Known To Be Present:

Alexis Faber, Barr Engineering

Mandar Nangare, Barr Engineering

Dani Quissell, ND Water

Duane DeKrey, Garrison Diversion Conservancy District

Charlene Varnson, Nelson County WRD

Tasha Krueger, Secretary, Upper Sheyenne River Joint WRB

**CALL TO ORDER**: Chairman Schaefer called the meeting to order @ 9:04 A.M.

**RCPP:** Mark Hayek presented. Mark explain the RCPP negation process with a pragmatic partnership agreement. The financial and technical assistance dollars are reviewed. The contribution method dollars are tracked. Confidential statements that have not been present. The exhibits will be pulled together and stepping through the negation process with Barr Engineering and the Joint Board. The PPA was submit on Monday, February 13th, 2023 for a national review. The review has come and does look good. There are a few changes that need to be addressed. Mark will work with Julie Elmore (National Office) on these changes.

There was discussion on the contributions that are being received from outside of the RCPP project that are going towards the project management.

One option: The technical assistance dollars (TA) that goes toward project management could be funded toward producer contracts and financial assistance if the funding is not needed. Mark discussed having plenty of contributions going towards the project management on the partnership side of the project.

If the RPA funding from the project management costs could be used toward producer contracts and financial assistance agreements it would be easier to manage the agreements. This would also give more funding toward producers’ contracts to get more conservation on the land. No discussion needs to be made at this point.

Mark will come up with a proposal, if the board agrees a nation waiver will need to be submitted and moved over to financial assistance.

The valuation methods on the contribution side are being reviewed.

PPA- (Partnership Programmatic Agreements) agreement should be accepted within a week. When the agreement is accepted, the individual supplemental agreements. This will depend on how the final PPA comes out as to how the supplemental agreements will be done.

Mandar spoke on the TA dollars to manage the contracts for the design phase of the project. Mandar agreed there was enough funds for project management.

Mark spoke. If the project management TA funding is giving up and move it over to financial assistance to the producer’s contracts. The funding split hasn’t been agreed upon at this point.

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

**AGENDA REVIEW**: The Agenda was reviewed. Motion to approve the agenda was made by Manager Bergstrom. Second by Manager Varnson. Motion carried.

**MINUTES OF DECEMBER 7th, 2022**: Minutes from the December 7th, 2022, meeting were emailed out. Motion to approve the Minutes of December 7th, 2022, was made by Manager Bergstrom. Second by Manager Veitz. Motion carried.

**TREASURER’S REPORT**: The checkbook balance as of December 7th, 2022, was $53,740.82. There has been income of $41,668.72 expenses of $31,957.59 and currently the checkbook balance is $63,451.95. The total funds on hand are $63,451.95. A Motion to approve the Treasurer’s Report was made by Manager Veitz. Second by Manager Bergstrom. Upon Roll Call vote, Motion carried.

**BILLS FOR APPROVAL:** The following bills were presented for approval: Ben Varnson; $1,211.95; NDWRD Legislative Support; $1,000.00; Garrison Diversion; $30.00; Tasha Krueger; $988.87 and Barr Engineering; $18,988.50. Total bills for approval total $22,219.32. A Motion to approve payment of bills was made by Manager Bergstrom. Second by Manager Veitz. Upon Roll Call vote, Motion carried.

**OFFICES ELECTION PROCESS:**

There was discussion on the Chairman election for the Upper Sheyenne. The transition shows Vice chairman will be Bill Deck from Pierce County. The chairman will be Ben Varnson or another Nelson County board member. Motion to approve by Manager Bergstrom. Seconded by Manager Veitz. Motion Carried.

**LEGISLATIVE UPDATE – DANI HANSON:**

Dani spoke about the current bills being reviewed by the legislative.

**SB 2020 SWC/DWR Funding:** the bill discusses 114.6 million dollars for flood control, including 5 million for rural flood control, 8 million for conveyance projects. A pilot project similar to the Upper Sheyenne River was included. The Red River Joint WRD would like to do a similar project with the focus of retention.

The Water Resource District bills:

There are two bills (**HB 1073 & HB 1076**) came from the WRD that dealing with dams/dikes. Those bills have been passed in the HOUSE and moved over to the Senate.

**HB 1239 Subsurface Drainage Notification:**  would following the current requirement for the small non preventive projects. A landowner installing drain tile under 80 acres are required to notify Water Boards that they are conducting the project.

**SB 2023 & SB 2037:** both bills came out of the interim drainage committee.

**SB 2036 Drainage Statute Clean up:**  identifies two current chapters of code that deal with assessment drainage into one chapter and makes some updates to the assessment process. The Senate passed the bill unanimously.

**SB 2037 Economic Analysis for Drainage Project:** it would require all water boards to set up any kind of assessment district whether its drainage, dams, etc.to conduct a parcel-by-parcel analysis. It was intended to base if off what the State Water Commission uses for economic analysis cost-share tool. The tool that is being used by the SWC doesn’t break down the cost parcel-by-parcel. There was concern about this bill. This is a DO NOT PASS recommendation bill.

**SB 2326 Drainage Statute Clean Up:** This bill was presented by Senator Dwyer. The SWC could only require one economic analysis on flood control and water conveyance projects above $1 million dollars. The current bill requires an economic analysis if it’s over $200,000. There has been a lot of issues with the lower dollar amount. This is a DO PASS recommendation.

**SB 2372 Watershed Districts:** This bill would requireestablished boundaries forwatershed district in addition to water resource districts and water resource joint boards. This would be determined by the Department of Water Resources; the managers would be appointed by the counties and have authority over the drainage code. The purpose of the bill is managing water on a watershed basis. There is some concern about counties not being willing to cooperate. The Joint Boards already exist at a watershed level.

**HB 1391 and HB 1462:** both bills come from landowners in Sargent County who has had heartache over Drain 11 (Lidgerwood).

**HB 1391 Assessment Authorities**: This bill would require minutes to be published within 72 hours of a meeting. It also has a drastic change to votes are made on maintenance levies. This bill was amended with the maintenance levy and requires draft minutes to be published within 10 days.

**HB 1462 Appeals from A local Governing Body**: This bill deals with notice of decision a water board makes. This bill was amended in committee but not favorability. The amended bill would require the water board to service notice on impacted parties on the decision that is made on

This would require the notice to be published three times in the county newspaper, and mail a copy of the decision to any “aggrieve person.” This is a major expense to the water board if it would to pass.

**RED RIVER WATER SUPPLY**

Duane DeKey reported. There were 3 areas that were being worked on last summer. The intake, tunnel, and screens were being worked on in the river, South of Carrington- 9 miles of pipe, and south of Cooperstown on the discharge structure. The discharge structure in Cooperstown is finished. The original contact for the 1.2 acres south of town is completed. The 9 miles of pipe, only 1.5 miles have been completed. The 9 miles needs to be completed by this fall. The crew ran into some problems with the high-water table, a dewatering plan was not in place as well as supply chain issues. They are hoping to be in Wells County within the next 4 years. There is no lift station, pump or treatment plant will be the last part of the project. They are hoping it will be a 10-year build.

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

Alexis reported. The cultural resource survey will be completed. After the survey, is completed the 404 permit and State Water Commission permits will be submitted on two of the sites. For the RCPP, submitting the sites as individual permit sites (sites 3 & 5) will be approved sooner than submitting the permit as a whole.

**ND DEPARTMENT OF ENVIRONMENTAL QUALITY:**

Emily Lachenmeier took over for Greg Sandness position. Aaron Larson has resigned.

There was discussion on the 319 funding for the pilot project. The 319 funds a portion of the water quality study. The application states there was interest in doing pre and post sampling on a few of these sites. The sites haven’t been determined yet. The project sponsors typically do the sampling, all the supplies are provided by the Department of Environmental Quality.

**US FISH AND WILDLIFE – STEVE KRENTZ/DAVE AZURE**

NOT PRESENT

**NORTH DAKOTA GAME AND FISH-SCOTT ELSTAD**

NOT PRESENT

**RED RIVER BASIN COMMISSION – TED PRIESTER –**

NOT PRESENT

**RED RIVER RETENTION**

NOT PRESENT

**DEVILS LAKE JOINT BOARD**

NOT PRESENT

**ND DEPARTMENT OF WATER RESOURCES**

NOT PRESENT

**MANAGERS REPORT – BEN VARNSON**

Barr Engineering had a presentation & donated a door prize for the Red River Basin Commission Conference in Winnipeg in January 2023.

**COUNTY REPORTS**

Barnes – No report

Benson – No report.

Eddy – No report.

Griggs – No report.

Nelson – Lake Easements. Working with Dave Ayre.

Pierce – No Report.

Sheridan – No Report.

Steele – No report.

Stutsman – No report.

**NEXT MEETING** – March 15th, 2023, at 9:00 am, Eagles Events Center, Valley City, ND

**ADJOURNMENT** – A Motion to Adjourn was made by Manager Bergstrom at 11:30 A.M. Chair Varnson adjourned the meeting.

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Ben Varnson, Chair

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Tasha Krueger, Secretary