



East Dakota Water Development District
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MINUTES
December 16, 2021

The Board of Directors of the East Dakota Water Development District (District) held a regular meeting on December 16th, 2021, at the District Office in Brookings, SD. Chairman Anderson called the meeting to order at 1:00 p.m. The following persons attended:

Directors Present

Mark Anderson
Jeff Barth
Steve Dick
Ryan Donovan
Gary Duffy
Spencer Hawley
John Moes
Joedy Poppe

Directors Absent

Bob Kappel

Others Present

Dave Bartel, James River Water Development District
Tanner Clausen, SD Dept Agriculture & Natural Resources
Guanghai Hua, SDSU Dept Civil & Environmental
Engineering
Cody Rolfes, Pheasants Forever

Staff Present

Barry Berg
Jay Gilbertson
Jeremy Hinke
Deb Springman

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Administrative Items

Approval of Agenda -

Motion by Duffy, seconded by Dick to approve the agenda as presented. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the November 18th, 2021, meeting.

Motion by Barth, seconded by Moes to approve the November 18th, 2021, Board Meeting Minutes as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the November 2021 Financial Reports.

Motion by Hawley, seconded by Donovan to accept the November 2021 Financial Reports. Motion carried unanimously. Chairman Anderson then asked that the report be placed in the District files.

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Report of Meetings and Conferences - Director Barth reported on the December 8th South Dakota Association of Conservation Districts (SDACD) Vermillion/Big Sioux Area meeting on erosion control management & regulation held in Hartford.

Director Donovan reported on the December 6th meeting of the Northern Prairies Land Trust and the Big Sioux River Summit on December 7th. Both meetings were held in Sioux Falls.

Director Moes reported on the November 18th meeting of the Upper Big Sioux River Watershed Project Advisory Board held in Watertown.

Chairman Anderson reported on the Big Sioux River Project Steering Committee meeting and the Big Sioux River Summit, both held on December 7th in Sioux Falls.

The Manager commented briefly on the following meetings he attended:

1. December 1st - Western Dakota Regional Water System information meeting, teleconference;
2. December 3rd - SD Association of Rural Water Systems Board of Directors, Sioux Falls;
3. December 8th - SDACD Vermillion/Big Sioux Area meeting on erosion control management & regulation, Hartford;
4. December 9th - Moody County Conservation District Board of Supervisors, Flandreau;
5. December 13th - Deuel County Planning & Zoning Board, Clear Lake;
6. December 14th - Upper Big Sioux Watershed Project planning meeting, Watertown; and
7. December 15th - Vermillion Basin Water Development District, video-conference.

Upcoming Meetings -

1. **January 6th, 2022, - 1:00 p.m.** - Pierre and various Dakota Digital Network (DDN) sites. South Dakota Board of Water & Natural Resources.
2. **January 11th - 13th** - Ramkota Hotel & Convention Center, Pierre. South Dakota Association of Rural Water Systems Annual Technical Conference.
3. **January 12th - 7:30 a.m.** - President’s Lobby & Speaker’s Lobby, State Capitol, Pierre. Breakfast with the Water Development Districts legislative event.
4. **January 12th - 10:00 a.m.** - American Legion Cabin, 520 South Pierre Street, Pierre. January 2022 James River Water Development District Board of Directors meeting.
5. **January 12th - 1:00 p.m.** - American Legion Cabin, 520 South Pierre Street, Pierre. January 2022 East Dakota Water Development District Board of Directors meeting.

Motion by Duffy, seconded by Donovan to hold the January 2022 Board of Directors meeting at the American Legion Cabin in Pierre on January 12 at 1:00 p.m. Motion carried unanimously.

Payment Requests - The Manager presented the Board with two payment requests from District-sponsored activities that required Board action. He noted that the requests were in order and consistent with the conditions established by the Board at the time of the awards.

<u>Grant Recipient/Activity</u>	<u>Requested Amount</u>
City of Colman/Wastewater Inflow & Infiltration Study	\$ 7,200.00
Minnehaha CD/Support for grass drill purchase	\$ 1,250.00
	\$ 8,450.00

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Motion by Hawley, seconded by Barth to authorize payments totaling \$ 8,450.00 as requested. Motion carried unanimously.

Project Assistance Review - The Manager reviewed the status of several projects that had previously received District cost-share assistance. Each project has been completed and will not be requesting further funds, or it has been determined that the project will not proceed. The Manager asked that the Board rescind the balance of District funds (\$ 937 in total) previously committed to the following projects:

<u>Award Date</u>	<u>Project</u>	<u>Award Amount</u>	<u>Unused Balance</u>
Dec 2019	Arlington Waste Water Facility Plan	\$ 10,000	\$ 33
May 2020	Brandon Drinking Water Facility Plan	\$ 20,000	\$ 170
Oct 2020	SDLSA Stream Discharge Equipment	\$ 15,500	\$ 294
Oct 2020	2020 Big Sioux River Summit	\$ 500	<u>\$ 440</u>
			<u>\$ 937</u>

Motion by Moes, seconded by Duffy to rescind the unused balances of the District cost-share assistance grants, totaling \$ 937, as requested. Motion carried unanimously.

The Manager also noted that the funds allocated at the start of the year for the 2021 Big Sioux Water Festival and the 2021 Sioux Empire Water Festival, \$9,000 and \$10,000 respectively, had gone unclaimed. They had been able to cover the expenses related to the 2021 events, both held remotely, using existing funds. However, as both festivals were currently in the planning process for events to be held next year, he recommended that the funds be carried over and made available for the 2022 events as needed.

Motion by Hawley, seconded by Duffy to carry the support for the 2021 Big Sioux and Sioux Empire Water Festivals over to 2022 as requested, and to authorize expenditure as necessary. Motion carried with Directors Dick, Donovan, Duffy, Hawley, Moes, Poppe and Chairman Anderson supporting, and Director Barth opposed.

2022 Director Elections - The Manager stated that the current terms of office for the East Dakota directors representing odd-numbered director areas (Moes - 1, Hawley - 3, Anderson - 5, Donovan - 7, and Barth - 9) will expire on December 31st, 2022. Persons, including the incumbent directors, interested in serving in any of these positions can start circulating nominating petitions on January 1st, 2022, with petitions due at the South Dakota Secretary of State’s Office on March 29th, 2022. He reviewed the petition process and election time lines, and noted that he would prepare petition packets in early January 2022 for any interested individuals.

Reallocation of a Portion of Future Use Water Rights Permit 3574-3

The Manager stated that he had been approached by Troy Larson, Executive Director of the Lewis and Clark Regional Water System (LCRWS), with a request to transfer a portion of our reserves of Missouri River water, held under future use permit 3574-3. The District first acquired the future use permit in 1977, with the intent to hold the water on behalf of, and for the benefit of, District residents. In that the District is not a public water supplier (PWS), before any of the ‘reserved’ water could be put to use, it would first need to be transferred to an actual PWS, such as LCRWS.

He noted that the District had previously transferred a portion of its reserve to another entity, the Clay Rural Water System. The Water Management Board, along with the SD DANR Water Rights program, agreed at the time that such a move was entirely consistent with the District's original intent. In conversations with Water Rights staff about the request, they indicated that a transfer to LCRWS would be viewed in the same manner, provided the District was willing to make the change.

The Manager stated that from a practical stand point, the transfer would lower the fee that the District pays to retain the future use permit 3574-3. At present, the District holds 144,000 acre-feet/year of water in reserve, and the fee is \$12,055, which is paid every seven years. Any reduction in the amount of reserves we hold would lower the fee proportionally.

The Manager proposed to transfer 52,500 acre-feet/year to LCRWS. He explained that roughly seventy-eight percent (78%) of the water produced by LCRWS goes to PWSs that are either within the District now (Cities of Sioux Falls and Madison, along with the Minnehaha Community Water Corporation), or would have been within the East Dakota Conservancy Sub-District at the time the permit was obtained (communities of Beresford, Harrisburg, Lennox & Tea, along with Lincoln County and South Lincoln Rural Water Systems). The current LCRWS pipeline could transport a maximum of 60 million gallons per day (mgd). 78% of 60 mgd translates into roughly 52,500 acre-feet/year. The transfer would still leave the District with a reserve of 91,500 acre-feet/year.

The Board discussed the proposed transfer at length. Concern was raised about the long-term implications of such a move, in that water currently held in reserve for District residents would no longer be available. Retention of the full permit amount would be a safeguard against some unspecified future attempt to draw water from the Missouri River for use elsewhere. The Manager noted that in his opinion, there is a considerable volume of water available for withdrawal from the river, with the District's reserve representing just a small fraction of what is otherwise readily available. Any proposed other use of the water would still need to meet the requirements of existing South Dakota water rights law.

Motion by Donovan, seconded by Duffy to approve the transfer of 52,500 acre-feet/year of the District's reserves held under Future Use Permit 3574-3 to the Lewis and Clark Regional Water System. Motion carried with Directors Dick, Donovan, Duffy, Hawley and Moes, long with Chairman Anderson supporting, and Directors Barth and Poppe opposed.

Water Resource Conservation Activities

SD DANR Riparian Buffer Initiative - Tanner Clausen, with the South Dakota Department of Agriculture and Natural resources (DANR) provided an overview of the Riparian Buffer Initiative (RBI). Under the RBI, landowners can receive payment for the voluntary retirement of agricultural lands adjacent to water bodies with assigned beneficial uses across the state. Livestock exclusion is required during the recreational season each year, although limited utilization of the land is possible. Lands along most such water bodies would be eligible for payments at the rate of fifty percent (50%) of the applicable federal Conservation Reserve Program (CRP) rate. DANR has identified priority water bodies (river and stream segments) in the Big Sioux River, James River, Cheyenne River and Belle Fourche River basins, within which payments rates would be equivalent to the applicable federal CRP rental rate.

He noted that at present, funding for RBI was limited to internal DANR funding, along with the \$3,000,000 set aside by the 2021 Legislature for work in the Big Sioux River basin. As these funds have a geographic

limitation, initial deployment of RBI will be in the Big Sioux River basin. Pheasants Forever has agreed to provide some assistance through their Farm Bill Biologists program to sell the RBI.

Pheasants Forever - Cody Rolfes, Pheasants Forever, is the Farm Bill Biologist serving Brookings, Moody and Minnehaha Counties in eastern South Dakota. He presented an overview of their activities, including comments on their role in the implementation of the RBI.

In order to promote and protect wildlife habitat, the private conservation group, Pheasants Forever, has employed a group of technical specialists called Farm Bill Biologists. They are specialized consultants in conservation programs and habitat planning. The purpose of Farm Bill Biologists is to assist landowners in designing, developing, and funding habitat improvements on private lands. Pheasants Forever Farm Bill Biologists possess the knowledge of federal, state, and local programs to assist landowners in finding the right program to meet their personal habitat and land use goals. Through a formal partnership, Farm Bill Biologists are located in local USDA service centers in priority habitat areas throughout the pheasant and quail range.

Removal of E. Coli from Stormwater Runoff Using Filtration with Recycled Steel Byproduct Media

Dr. Guanghui Hua, with the SDSU Department of Civil and Environmental Engineering, provided an overview of the research he has been conducting on the, "Removal of E. Coli from Stormwater Runoff Using Filtration with Recycled Steel Byproduct Media." The objective of this study is to evaluate the bacteria removal performance of selected materials, to be applied as an end-of-pipe treatment for municipal storm water systems. His work has in part built off of the use of wood chips and other agricultural residues within denitrifying bioreactors as edge-of-field treatments for agricultural drainage. The result have been very encouraging, with substantial removal of bacterial loads during bench tests (laboratory-based) and in a small-scale, pilot project near a Brookings elementary school. District funds have been provided during all phases of this investigation.

Dr Hua noted that plans are underway to conduct a full-scale demonstration and evaluation of this technology in the Sioux Falls area in the coming year, in cooperation with both the City and the Big Sioux River Project. There was no formal request developed at this point seeking additional funding from East Dakota at present, but both he and the Manager indicated that such a request was likely in the near future.

Adjournment

There being no further District business, Chairman Anderson declared the meeting adjourned at 4:10 p.m.

Spencer Hawley, Secretary