



**East Dakota Water Development District**  
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**MINUTES**  
**February 16, 2023**

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on February 16<sup>th</sup>, 2023, at the EDWDD office in Brookings. Chairman Anderson called the meeting to order at 9:02 a.m. The following persons attended:

**Directors Present**

Mark Anderson\*  
Jeff Barth  
Ryan Donovan  
Gary Duffy \*  
Spencer Hawley  
Bob Kappel  
Troy Larson\*  
John Moes  
Joedy Poppe\*

**Directors Absent**

- none -

**Others Present**

Dave Charron, SD Lakes & Streams Association\*  
Dan Loveland, SD Lakes & Streams Association\*  
John McMaine, South Dakota State University  
Brad Preheim, Vermilion Basin Water Development District\*  
Deb Soholt, SD Lakes & Streams Association\*

**Staff Present**

Barry Berg\*  
Jay Gilbertson  
Jeremy Hinke  
Deb Springman

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\* - participated by way of video-conferencing.

**Administrative Items**

Approval of Agenda - Director Donovan asked that an update on the compensation review be added to the agenda.

**Motion** by Duffy, seconded by Barth to approve the agenda as so amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the January 19<sup>th</sup>, 2023, meeting.

**Motion** by Larson, seconded by Hawley to approve the January 19<sup>th</sup>, 2023, Minutes as presented. Motion carried unanimously.

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Selection of Area 1 Director - The Manager reviewed the process undertaken to appoint a person to fill the vacancy and represent Director Area 1. At the September 2022 meeting, the Board recognized that a vacancy would exist on January 1, 2023, as no valid nominating petitions had been filed in advance of the 2022 general election. SDCL 46A-3B-9 allows for the remaining Board members to appoint a replacement from qualified candidates proposed by nominating petitions signed by at least 25 eligible voters from the area. Public notices of the vacancy were sent to the official newspaper for the area in November and December, with a filing deadline of January 5<sup>th</sup>, 2023, as well as an indication that the vacancy would be addressed at Board's January or subsequent meetings. Director Moes could continue to serve until a replacement was appointed.

The Manager reported that a valid of nominating petitions was submitted by John Moes, the current/incumbent director from Area 1, on February 8<sup>th</sup>, 2023. No other petitions have been received.

**Motion** by Kappel, seconded by Duffy to appoint John Moes to serve as the Director Area 1 representative through the end of December 2026. Motion carried unanimously.

Financial Reports - The Board reviewed the January 2023 financial reports.

**Motion** by Moes, seconded by Barth to accept the January 2023 financial reports. Motion carried unanimously. Chairman Anderson then asked that the reports be placed in the District files.

Report of Meetings and Conferences - Director Donovan reported on a meeting of the Northern Prairies Land Trust (February 13<sup>th</sup>), and noted that the Friends of the Big Sioux River would be holding a film festival that evening at the State Theater in Sioux Falls.

Director Moes reported on the Lake Pelican Water Project District meeting in Watertown on February 15<sup>th</sup>.

The Manager briefly summarized the following meetings he attended since the January 2023 Board meeting:

1. January 31<sup>st</sup> & February 1<sup>st</sup> - Lobbying for Senate Bill 83, Pierre.
2. February 2<sup>nd</sup> & 3<sup>rd</sup> - Lobbying against SB 131, Pierre.
3. February 6<sup>th</sup> - 8<sup>th</sup> - Lobbying for SB 83, 143 & 195, Pierre.
4. February 9<sup>th</sup> - South Dakota Lakes & Streams Association research sub-committee meeting, via video-conference.
5. February 14<sup>th</sup> - Discussion with City of Brookings Parks & Recreation Department, Brookings.

Upcoming Meetings -

1. **February 17<sup>th</sup> - 9:30 a.m.** - video-conference. Water 2040 Steering Committee.
2. **February 21<sup>st</sup>** - Moorhead, MN. Red River Watershed Management Board.
3. **March 7<sup>th</sup> & 8<sup>th</sup>** - Pierre. South Dakota Water Management Board.
4. **March 9<sup>th</sup>** - Pierre. Last regular day of the 2023 Legislative Session.
5. **March 14<sup>th</sup> - 3:00 p.m. (MST)** - Rapid City. West Dakota Water Development District Board of Directors meeting.

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6. **March 15<sup>th</sup> - 9:00 a.m.** - EDWDD Office, Brookings. March EDWDD Board of Directors meeting.
7. **March 15<sup>th</sup> - 3:00 p.m.** - Centerville/video-conference. Vermillion Basin Water Development District Board of Directors meeting.
8. **March 16<sup>th</sup> - 9:00 a.m.** - JRWDD Office, Huron. James River Water Development District Board of Directors meeting.
9. **March 16<sup>th</sup> - 12 noon** - Day County Courthouse, Webster. Lake Region District Spring County Commissioners and Officials Meeting.
10. **March 27<sup>th</sup>** - Final day of the 2023 Legislative Session (Veto Day).

The Manager requested adjustments to the Board meeting schedule in March and April. He has been asked to speak on regional water issues at meetings on the same dates. He suggested moving the meetings up by one day.

**Motion** by Larson, seconded by Moes to change the dates of the March and April 2023 Board of Directors meetings to the 15<sup>th</sup> and 19<sup>th</sup>, respectively. The start time and location would remain unchanged. Motion carried unanimously.

Payment Request(s) - The Manager presented the Board with a reimbursement request from the sponsor of a District-supported project. He noted that the request was in order, and consistent with provisions set by the Board at the time of award. He requested authorization to pay the following:

<u>Grant Recipient/Activity</u>	<u>Requested Amount</u>
Big Sioux River Water Festival Booklet*	\$ 2,350.00
Total	\$ 2,350.00

\* - This payments will complete the current District obligations to the effort.

**Motion** by Duffy, seconded by Hawley to authorize payment of \$2,350.00 as requested. Motion carried unanimously.

Consideration of Revisions to the 2023 District Budget - The Manager presented a year-end summary of fiscal year 2022 expenditures and expenses, and reviewed proposed changes to the FY 2023 District budget. He noted that the changes primarily reflect the actual year-end 2022 expenditures and account balances, along with carry-over of funds that had been obligated but not expended.

**Motion** by Hawley, seconded by Kappel to table consideration of changes to the 2023 District budget pending resolution of questions about the public notice requirements of such changes. Motion carried unanimously.

*Director Larson left the meeting at 10:00 a.m.*

### South Dakota Lakes & Streams Association Assistance Request

Representatives of the South Dakota Lakes & Streams Association (SDLSA) presented the Board with a request for cost-share assistance to conduct an assessment of the potential economic impact(s) of

aquatic invasive species (AIS) within South Dakota. Specifically, the study will look at the impacts of dreissenid mussels (zebra mussels and quagga mussels), which have been identified in a number of water bodies in eastern and central South Dakota. The effort is to be modeled after a similar study conducted in Montana a few years ago, in cooperation it's author. The work will be conducted by faculty from the University of South Dakota (USD) and South Dakota State University (SDSU).

Dan Loveland, SDLSA Chair, Deb Soholt and Dave Charron (SDLSA Board members), along with John McMaine, SDSU, explained the reasons and goals of the request. The Montana study identified significant potential impacts over a broad range of areas, including irrigation, hydropower generation, domestic water supply, tourism and recreational fishing. The intent was to explore potential impacts as a basis for more aggressive preventative and mitigation efforts within the state, at a time when dreissenid mussels are not yet widely established. They noted that the projected cost of the two-year study was \$72,000. \$12,000 would come from in-kind match from USD, and so they were looking to raise the remaining \$60,000.

The Manager stated that funding would also be sought from other water development districts, and that requests were currently schedule to be considered by the Vermillion Basin WDD on March 15<sup>th</sup> and the James River WDD on March 16<sup>th</sup>. Ms. Soholt stated that SDLSA would be contributing a minimum of \$5,000 to the effort.

**Motion** by Kappel, seconded by Donovan to award \$10,000 in District cost-share assistance funds toward the effort.

**Motion to Amend** by Hawley, seconded by Duffy to award District cost-share assistance to cover fifty-percent (50%) of the necessary funds, up to a maximum of \$30,000. Motion carried with Directors Barth, Duffy, Hawley, Moes and Poppe, and Chair Anderson supporting, and Directors Donovan and Kappel opposed.

**Amended Motion** carried with Directors Barth, Duffy, Hawley, Moes and Poppe, and Chair Anderson supporting, and Directors Donovan and Kappel opposed.

### **Review of the 2023 Legislative Session**

The Manager reviewed the status of the various bills (listed below) that he had been tracking during the first portion of the 98<sup>th</sup> Session of the South Dakota Legislature.

**Senate Bill (SB) 17, An Act to make appropriations for water and environmental purposes and to declare an emergency.**

**SB 20, An Act to authorize the awarding of de-obligated grants in accordance with policies of the Board of Water and Natural Resources.**

**SB 44, An Act to repeal provisions regarding the creation of river basin natural resource districts.**

**SB 83, An Act to revising provisions regarding water development districts.**

**SB 84, An Act authorize compensation for water project district directors.**

**SB 131, An Act to remove certain limitations on property tax levy increases.**

**SB 143, An Act to raise the revenue threshold for a required audit of a water development district.**

**SB 152, An Act to provide increased funding for the water and environment fund.**

**SB 156**, An Act to make an appropriation of American Rescue Plan Act monies for eligible water projects and to declare an emergency.

**SB 184**, An Act to make an appropriation of American Rescue Plan Act monies for preconstruction activities of regional water system projects and to declare an emergency.

**SB 195**, An Act to authorize the redistricting of water development district director areas by the district's board of directors.

**SB 200**, An Act to authorize participation in contracts by certain board members and employees of water districts.

**House Bill (HB) 1021**, An Act to make an appropriation to the State Conservation Commission and to declare an emergency.

**HB 1029**, An Act to revise certain provisions regarding the county zoning and appeals process.

**HB 1058**, An Act to revise the water resources projects list.

**HB 1072**, An Act to subject lithium to severance tax.

**HB 1134**, An Act require property owner consent before construction resulting in lake water level alteration.

*Director Poppe and Chair Anderson left the meeting at 11:00 a.m.*

### **District Updates**

Summary of 2022 Water Quality Sampling Efforts (Rivers & Streams) - Jeremy Hinke presented a summary of the results of District river and stream water quality sampling conducted by District staff during 2022.

Compensation Review - The Manager reported that he would meeting with the consultant hired by the District to conduct a compensation review of District staff in the coming weeks, with plans to have the effort completed by early summer.

### **Adjournment**

There being no further District business or other matters, Vice-Chairman Duffy declared the meeting adjourned at 11:30 a.m.

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Spencer Hawley, Secretary