



**East Dakota Water Development District
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**MINUTES
March 17, 2022**

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on March 17, 2022, at the District office in Brookings. Chairman Anderson called the meeting to order at 9:00 a.m. The following persons attended:

Directors Present

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

Others Present

Dave Bartel, James River Water Development District
Tanner Davis, SD Department of Game, Fish & Parks
Adam McClary, Moody Conservation District

Staff Present

Barry Berg
Jay Gilbertson
Jeremy Hinke
Alexa Kruse*
Deb Springman

Directors Absent

- none -

* - participated via video-conference

Administrative Items

Approval of Agenda -

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

Minutes - The Board reviewed the Minutes of the February 24th, 2022, Board meeting.

Motion by Barth, seconded by Dick to approve the Minutes of the February 24th, 2022, Board meeting as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the February 2022 financial reports.

Motion by Dick, seconded by Moes to accept the February 2022 financial report. Motion carried unanimously. Chairman Anderson then asked that the report be placed in the District files.

Report of Meetings and Conferences - Director Donovan reported on the Friends of the Big Sioux River Film Festival, held in Sioux Falls on February 24th.

Director Moes attended a Watertown City Council meeting on the future of the Upper Big Sioux River Watershed Project (UBSRWP) on March 14th, and a meeting of the UBSRWP Advisory Board on March 16th. Both meetings were in Watertown.

The Manager briefly summarized the following meetings he attended since the February 2019 Board meeting:

1. February 23rd - Brookings. Big Sioux River channel diversion discussion.
2. February 27th - Brookings. SD DENR 2019 Rotating Basin Pilot Project planning discussions.
3. March 12th - Pierre. 31st Annual Environmental & Ground Water Quality Conference.
4. March 19th - Moorhead, MN. 1st Annual Red River Basin Drainage Conference.
5. March 20th - Sioux Falls. Big Sioux River Watershed Project Steering Committee.

In addition, the Manager acted in his capacity as District lobbyist to the 2019 South Dakota Legislature in Pierre during this period.

Upcoming Meetings -

1. February 24th - Flandreau Santee Sioux Tribe Department of Natural Resources discussion of surface water sampling and non-point source pollution prevention activities.
2. March 3rd - Sisseton-Wahpeton Oyate Office of Environmental Protection discussion of surface water sampling, Agency Village.
3. March 7th - Codington Conservation District Board of Supervisors, Watertown.
4. March 7th - Crow Creek Sioux Tribe Office of Environmental Protection watershed assessment discussion, Fort Thompson.
5. March 8th - SD DANR watershed protection and non-point source project discussions, Pierre.
6. March 8th - West Dakota Water Development District Board of Directors, Rapid City.
7. March 10th - Big Sioux River Project (BSRP) specialist position interview, Renner.
8. March 10th - Stakeholder discussion on the future of the Upper Big Sioux River Watershed Project, Watertown.
9. March 14th - BSRP position interview, Renner.
10. March 14th - Minnehaha Conservation District Board of Supervisors, Renner.
11. March 14th - Watertown City Council informational meeting on the future of the Upper Big Sioux River Watershed Project, Watertown.
12. March 16th - Upper Big Sioux River Watershed Project Advisory Board, Watertown.

Upcoming Meetings -

1. **March 22nd - 9:00 a.m.** - Dell Rapids. Big Sioux River Project Steering Committee.
2. **March 22nd & 23rd** - Moorhead, MN. Red River Watershed Management Board, 23rd Annual Conference.

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3. **March 23rd - 9:00 a.m.** - Canby, MN. Lac qui Parle-Yellow Bank Watershed Partnership Steering Committee.
4. **March 23rd & 24th** - Pierre. 2022 DANR Environmental & Water Quality Conference.
5. **April 7th** - Pierre. South Dakota Association of Rural Water Systems (SDARWS) Board of Directors.
6. **April 7th & 8th** - Watertown. SD Game, Fish and Parks Commission.
7. **April 21st - 9:30 a.m.** - Big Sioux Community Water System Office, Egan. April EDWDD Board of Directors meeting.
8. **April 26th & 27th** - Rapid City. SDARWS Manager’s Group.
9. **April 27th** - Rapid City. Western South Dakota Hydrology Conference.

2022 Legislative Session Review

The Manager reviewed the status of numerous bills (listed below) he is tracking as the District lobbyist during the ongoing 97th Session of the South Dakota Legislature:

- Senate Bill (SB) 40**, An Act to establish safety standards regarding biogas gathering lines.
- SB 50**, An Act to make an appropriation for water, wastewater and storm water projects throughout state government, and to declare an emergency.
- SB 52**, An Act to make an appropriation for the replacement of the Richmond Lake spillway, for the general maintenance and repair of other state-owned dams, and to declare an emergency.
- SB 58**, An Act to make an appropriation for the construction of a new state public health laboratory and the renovation of the existing laboratory and to declare an emergency.
- SB 62**, An Act to make an appropriation for eligible water, wastewater, storm water and nonpoint source projects and to declare an emergency.
- SB 64**, An Act to make appropriations from the water and environment fund and its revolving fund subfunds for various water and environmental purposes and to declare an emergency.
- SB 67**, An Act to make an appropriation to the Department of Game, Fish and Parks to improve and repair infrastructure around Lake Alvin and Newell Lake and to declare an emergency.
- SB 85**, An Act to create the ARPA water and environment fund, create a subfund, to make an appropriation therefor, and to declare an emergency.
- SB 181**, An Act to require the Department of Agriculture and Natural Resources to assemble a task force to study the adoption of a watershed ecosystems management approach.
- SB 200**, An Act to make an appropriation to the Department of Game, Fish and Parks to purchase and construct boat cleaning stations, and to declare an emergency.
- Senate Concurrent Resolution 602**, An Act to encourage the executive branch of this state to examine mitigation efforts to curtail the spread of aquatic invasive species.
- House Bill (HB) 1013**, An Act to make an appropriation for certain costs related to Capitol Lake and to declare an emergency.
- HB 1034**, An Act to make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission and to declare an emergency.
- HB 1071**, An Act to make an appropriation for maintaining the drainage of Lake Andes and to declare an emergency.
- HB 1150**, An Act to prohibit the use of cyanide for the purpose of mining gold or silver.
- HB 1165**, An Act to make an appropriation for capital projects adjacent to the Big Sioux River and to declare an emergency.

HB 1172, An Act to assist students in objectively reviewing scientific information.

HB 1203, An Act to require taxing districts to hold a public hearing when increasing property tax revenues relative to the previous year.

HB 1255, An Act to clarify certain public meeting requirements.

HB 1277, An Act to make an appropriation to the State Conservation Commission, transfer moneys thereto, and to declare an emergency.

HB 1290, An Act to prohibit lobbying by state officials and employees.

HB 1316, An Act to revise provisions regarding soil health in resource conservation and forestry and conservation districts.

HB 1320, An Act to appropriate funds to reconstruct Custer West Dam and to declare an emergency.

HB 1323, An Act to increase the amount transferred into the coordinated natural resources conservation fund.

Efforts to address aquatic invasive species (AIS) in South Dakota

The Manager noted that the aquatic invasive species (AIS) and their impact on water resources in South Dakota had been a topic of conversation during the recent legislative session. Senate Concurrent Resolution 602 sought to create a task force to consider remedial and preventative measures to deal with AIS. Senate Bill 200 would provide funding to SD GF&P to acquire five (5) mobile cleaning stations to help limit water body to water body movement of AIS.

Tanner Davis, the South Dakota Department of Game, Fish and Parks (GF&P) AIS Coordinator provided an overview of the State's efforts. He explained that AIS are any non-native organisms found in South Dakota that have a negative to the ecosystem, or which negatively impact human use of the water. Negative impacts can include impairments to recreational water use, reduced efficiency of water intakes or excessive expenditures necessary to control AIS.

He reviewed the various types of AIS of concern in South Dakota. He noted that the 'jumping carp' (Bighead carp) often receive a lot of attention, but that there are several other fish species of concern. Plants such as purple loosestrife, brittle naiad and Eurasian water-milfoil are common in many area lakes. Zebra mussels are now found in a number of water bodies in eastern South Dakota, including the reservoirs of the Missouri River. Within the East Dakota area, they were first identified in 2020 in Lakes Cochrane and Kampeska.

He noted that in 2020 the SD Legislature provided GF&P with additional authorities intended to limit the spread of AIS. Boaters are required to clean, drain and dry their boats whenever they leave a water body, and they may be subject to mandatory inspection by GF&P staff. They are also developing protocols for cooperative efforts at AIS management with local lake associations, who are interested in taking a more active role in protecting their waters.

Discussion of District Funding and Activity Priorities

During the discussion last month over adjustments to the 2022 operational budget, I suggested that at some point down the line it might be appropriate for the Board to start a discussion on how District funds are allocated. While the District's tax levy is quite modest, the District Board, through careful stewardship, has accumulated a (relatively speaking) sizable budgetary reserve over the past several decades. The

unobligated reserve at the start of 2022 was roughly \$1,000,000, which is slightly over half of our annual operating budget. This is by no means an unreasonable amount to have in reserve, but as it has been increasing year-over-year, I thought perhaps it would be a good thing to at least discuss.

The resulting conversation touched on a variety of many issues, including questions about general policies and the overall philosophy behind efforts and actions supported by the District. Given recent turnover and the departure of several long-serving directors in the recent years, such a dialogue was not surprising.

The Board went through a similar situation about a decade ago. At that time, a moderator with a familiarity with the District, was brought in to facilitate a discussion of the role and function of the District. As summary of that meeting is attached. While it did not ultimately result in the Board establishing formal (i.e., written) set of policies, it seemed to have served a purpose, and might serve as a good starting point now.

District Funding Priorities Discussion - The Board continued it's discussions started during the February meeting, of the funding priorities and overall goals of the District. The Manager reviewed a summary document developed as part of a similar discussion following a significant transition of directors developed in 2013. It identified four general areas of interest (priorities) of the Board at that time, which provided a degree of guidance for new members.

Motion by Kappel, seconded by Hawley to have Chair create a subcommittee to work with the Manager to develop a formal protocol and procedures to guide the board in approving funding for water projects in accordance with district priorities, as articulated in the 2013 document. The subcommittee would submit protocols and procedures to full board for consideration at a later date. Motion passed, with Directors Donovan, Duffy, Hawley, Kappel, Moes and Poppe supporting, and Directors Barth and Dick opposed.

District Updates

Upcoming Director Vacancies - The Manager reviewed with the Board the schedule for filing nominating petitions for the pending (December 31st, 2022) vacancies for the five directors representing odd-numbered director areas. He noted that as of Friday, March 11th, no petitions had been filed with the Secretary of State's Office for any of the District positions.

Additional Staff for the Big Sioux River Project - The Manager noted that over the past six years, the District has provided staff for the Big Sioux River Watershed Project (Project). Barry Berg and Alexa Kruse are District employees who are currently assigned to this activity. The District is reimbursed for costs incurred as a result of this arrangement, under an agreement with the Project sponsor, the Minnehaha Conservation District (MCD). Under the agreement, we are reimbursed for any material, support and travel expenses incurred by staff for the Project, along with ninety percent (90%) of salary and benefits, from Section 319 grants funds awarded to the Project.

An increase in workload, driven by expanding interest in Project programs and services, along with other programs like the DANR Riparian Buffer Initiative, has necessitated bringing another person on board. The District will provide ten percent (10%) of the salary and benefits, with the balance coming from various grants through the MCD, the City of Sioux Falls and the City of Dell Rapids. The District advertized for the position earlier this year, and Barry Berg and the Manager have completed a review of the applicants and interviews of top candidates. The new employee is expected to be hired by mid-April.

Upper Big Sioux River Watershed Project Developments - The Manager and Director Moes noted that Roger Foote, the Project Manager for the Upper Big Sioux River Watershed Project (UBSRWP), will be retiring in the middle of April. His impending departure, and the looming end of the current project segment (#7), has prompted discussions over the past six months about the future of what is the senior watershed restoration effort in the state.

The City of Watertown has been the project sponsor since it's inception in the early 1990s, hiring and housing staff over nearly three decades. The City formally established an advisory group of local, state and federal stakeholders, which includes Director John Moes. At this point, although the City is still committed to seeing water quality improvements in the upper basin, there is a desire to re-examine just how the UBSRWP is managed, and by who.

The conversations to date have tended to look at the current project management model employed by the Big Sioux River Project. Which is to say that there is a 'local' sponsor, with strong community ties (Minnehaha Conservation District) that actually contracts with the state (DANR) for grant support, but staff for the effort is provided through a third party (East Dakota). However, the situation remains in flux, and no decisions have been made, beyond a consensus to keep the effort moving forward.

Director Area 4 Vacancy - Chairman Anderson reported the receipt of a letter of resignation, effective March 18th, 2022, from Director Steve Dick, who represents Director Area 4. Director Dick stated that he had been offered the position of USDA Farm Services Agency State Executive Director for South Dakota, which requires his relinquishing his District director position. Chairman Anderson and the Board thanked Director Dick for his service, and wished him well in his new endeavors.

The Manager noted that under South Dakota Codified Law (SDCL) 46A-3B-9, the remaining directors are empowered to make a vacancy appointment to cover the balance Director Dick's term of office, which runs through December 31st, 2024.

The Manager requested authorization to initiate the process of filling the Director Area 4 vacancy. He proposed advertizing the vacancy in the appropriate newspapers for the area in April, with a deadline of May 16th for nominating petitions to be filed at the District office. Board action to fill the vacancy could then take place at the May 19th meeting to be held in Brookings.

Motion by Moes, seconded by Duffy to accept Director Dicks letter of resignation and to authorize publication of the Notice of Vacancy; to require that all applicants for the vacancy submit their petitions to the EDWDD office no later than 5:00 p.m. on May 16th, 2022; and to set the May 19th, 2022, Board meeting as the time to consider all valid petitions and to appoint a new Director for Area 4. Motion carried unanimously.

Adjournment

There being no further District business, Chairman Anderson declared the meeting adjourned at 11:50 a.m.

Spencer Hawley, Secretary