



East Dakota Water Development District
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MINUTES
September 21, 2023

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on September 21st, 2023, at the District Office in Brookings. Chairman Anderson called the meeting to order at 9:02 a.m. The following persons attended:

Directors Present

Mark Anderson
Ryan Donovan
Gary Duffy
Spencer Hawley
Bob Kappel
John Moes

Directors Absent

Jeff Barth
Joedy Poppe

Others Present

Martin Jarrett, Lake Madison Development Association

Staff Present

Barry Berg
Jay Gilbertson
Jeremy Hinke
Amber Lively
Deb Springman

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Administrative Items

Approval of Agenda - The Manager requested three changes to the Agenda: addition of a recommendation of a candidate to the State Conservation Commission under the Administrative Items; addition of a request from the United States Geological Survey under the Project Assistance Request(s); and to move District Updates (Section V) up to follow Administrative Items, and move Project Assistance Request(s) back to follow consideration of the 2024 Budget.

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

Minutes - The Board reviewed the Minutes of the August 17th, 2023, meeting.

Motion by Hawley, seconded by Duffy to approve the Minutes of the August 17th, 2023, meeting as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the August 2023 Financial Reports.

Motion by Moes, seconded by Hawley, to accept the August 2023 financial reports. Motion carried unanimously. Chairman Anderson asked that the report be placed in the District files.

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Report of Meetings and Conferences -

The Manager briefly commented on the following meetings he had attended:

1. August 22nd - Property Rights and CO2 Pipeline Debate, Brookings;
2. August 23rd - Big Sioux River Project SRAM Field Day, rural Colton;
3. August 23rd - SD Governors Office of Economic Development water resources discussion, video-conference;
4. September 7th - South Dakota Association of Rural Water Systems (SDARWS) Board of Directors Meeting, Mitchell;
5. September 7th - SDARWS Rural Water Center Board of Directors Meeting, Mitchell;
6. September 14th James River Water Development District Board of Directors, Aberdeen; and
7. September 7th - Dakota Mainstem Regional Water System BOD, video-conference.

Upcoming Meetings

1. **September 25th - 9:00 a.m.** - MCWC Office, 47381 248th Street, Dell Rapids. Big Sioux River Project Steering Committee meeting.
2. **September 28th - 10:00 a.m.** - Pierre. South Dakota Board of Water and Natural Resources.
3. **September 28th - 5:00 p.m.** - Watertown. First District Association of Local Governments Annual Picnic.
4. **October 4th - 10:00 a.m.** - Pierre. South Dakota Water Management Board.
5. **October 10th - 3:00 p.m. (MST)** - Rapid City. West Dakota Water Development District Board of Directors.
6. **October 11th** - McCrory Gardens Education Center, SDSU, Brookings. 2023 Eastern South Dakota Water Conference.
7. **October 12th** - TBD. SD DANR Riparian Buffer Initiative Advisory Committee.
8. **October 18th - 7:00 p.m.** - Centerville. Vermillion Basin Water Development District Board of Directors.
9. **October 19th - 9:30 a.m.** - Grant-Roberts RWS Office, 1209 S Dakota Street/SD Hwy 15, Milbank. October EDWDD Board of Directors.
10. **October 24th - 26th** - Gillette, Wyoming. Upper Missouri Water Association Annual Meeting.
11. **October 25th & 26th** - Deadwood. South Dakota Association of Rural Water Systems (SDARWS) Manager's Group.
12. **November 1st - 3rd** - Raleigh, North Carolina. National Rural Water Association State Leadership & Management Board Training.

Payment Requests - The Manager presented two payment requests from District-sponsored activities that required Board action. He noted that the requests were in order and consistent with provisions set by the Board at the time of awards. He requested Board authorization to make the following payments:

<u>Grant Recipient/Activity</u>	<u>Requested Amount</u>
US Geological Survey - FFY 2022 Bruce gaging station support	\$ 9,140.00
SDSU - E. Coli Stormwater Treatment Pilot Project (Hua)	\$ 25,194.57
Total	\$ 34,334.57

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Motion by Duffy, seconded by Hawley to authorize payments totaling \$34,334.57 to the U.S. Geological Survey and South Dakota State University as requested. Motion carried unanimously.

State Conservation Commission Nomination - The Manager presented a request from the South Dakota Department of Agriculture and Natural Resources (DANR) for a nomination to represent water development districts on the State Conservation Commission. Under South Dakota Codified Law 38-7-4 (Composition of commission - Appointment and terms of members - Vacancies), the Governor appoints a commission member from a list of three names recommended by the water development districts.

He stated that Tom Glover of Burke (and a South-Central Water Development District director) currently holds this position. Mr. Glover is interested in continuing to serve, and South-Central WDD will be submitting his name for consideration. While the Governor is likely to re-appoint Mr. Glover, the water development districts should still provide a list of potential candidates.

It was the consensus of the Board to submit the name of Director Mark Anderson for consideration for appointment to the State Conservation Commission representing water development districts.

Big Sioux River Project - SRAM Field Day

Amber Lively and Barry Berg presented an overview of the Seasonal Riparian Area Management (SRAM) best management practice developed and sponsored by the Big Sioux River Project (BSRP). SRAM was established in 2013 as an incentive to enroll grazing land along high-priority areas in the Big Sioux River watershed. In the first year, two pastures were enrolled at a rate of \$30/acre for 15-year contracts. In subsequent years, nearly 90 miles of riparian land have been enrolled SRAM through the BSRP. Contracts are either 10 or 15 years in duration, and the current rate of payment on high-priority riparian areas north of the confluence of Skunk Creek and the Big Sioux River ranges from \$100-\$140 per acre, per year.

At the 10-year implementation anniversary for SRAM, they noted that some of the 10-year contracts will expire on riparian land in 2025. To gain perspectives from producers currently in the program, and whether they will continue with SRAM and other land management programs after the conclusion of their initial contract, a field day event was held on the flagship SRAM site near Dell Rapids, SD, on August 23rd. Current participants were invited to hear presentations on grazing management programs and strategies. Additionally, landowners along Skunk Creek who had not yet enrolled in a grazing management program were invited to attend the event so the BSRP could address concerns that may be deterrents to participation in riparian area programs. A total of 71 producers were invited. Partners of the Big Sioux River Project were also invited to attend to lend their knowledge and provide answers to questions relating to programs, funding, and support. A total of 20 producers and 20 partners attended the event.

Ms. Lively stated that at the end of the field day an open forum was held to allow producers to discuss the material presented, highlight personal experiences, and share their perspectives with other producers and partner representatives. Participants completed a survey and the results indicated that of the 11 producers in attendance with current riparian area management programs in place, 10 of those responses indicated a willingness to continue with grazing their land in a similar management

fashion; with or without a contract. Concerns were raised as to whether those producers would continue to adhere to grazing and haying season date guidance. Of the 3 individuals who responded that they did not currently have land enrolled in a riparian management program, all 3 indicated that rate of payment on the land was a prohibiting factor. Five individuals responded that they wished for a member of the BSRP to contact them about their pastureland in consideration for future management plans. One individual in attendance at the event has verbally committed to SRAM for 2024 in excess of 40 acres of riparian protections. This increased interest in key pastureland along Skunk Creek is a strong indication of the success of this year's event. Mr. Berg stated that BSRP staff plan to repeat the event in additional locations throughout the watershed in future years.

Hearing on the 2024 EDWDD Budget

Chairman Anderson opened the public hearing on the 2024 EDWDD Budget at 10:15 a.m. The Manager stated that the District had published a copy of the proposed budget and notices of the hearing in all of the official District newspapers, as required by South Dakota Codified Law 46A-3E-10. The Manager stated that no written or verbal comments on the proposed budget were received prior to the meeting/hearing.

FY 2024 BUDGET

MEANS OF FINANCE

100	Tax Revenue	\$	983,700
200	Grant Revenue	\$	325,000
300	Capitol Reserves	\$	470,000
400	Miscellaneous Revenue	\$	<u>90,000</u>
TOTAL FY 2024 MEANS OF FINANCE			\$ 1,868,700

APPROPRIATIONS

<u>APPROPRIATIONS</u>		<u>GENERAL FUND</u>	
01	Board of Directors	\$	41,677
02	Administration	\$	216,858
03	Technical Assistance	\$	400,616
04	Operational Expenses	\$	152,750
05	Professional Services	\$	60,000
06	Capitol Outlay	\$	63,500
07	Grant Expenditures	\$	325,000
08	Project Assistance	\$	458,299
09	Contingency	\$	<u>150,000</u>
TOTAL FY 2024 APPROPRIATIONS			\$ 1,868,700

Chairman Anderson invited public comment on the budget as advertised and presented. No public comments were made. Chairman Anderson declared the public hearing closed at 10:25 a.m., and called for Board comment and/or action on the proposed budget.

The Manager requested Board authorization for the Chairman and Treasurer to sign District Resolution 23-1, Resolution providing that a tax be assessed and levied on all taxable property in the East Dakota Water Development District (copy attached). The resolution covers District property tax collections for fiscal year 2023, payable in 2024, as identified in the property tax income

portion of the budget under consideration. The resolution is part of the package of material sent to all county auditors and treasurers in the District, as well as the South Dakota Department of Revenue, on or before October 1st.

Motion by Kappel, seconded by Hawley to adopt the 2024 EDWDD Budget as presented, and to authorize the Chairman and Treasurer to sign Resolution 23-1. Motion carried unanimously.

Project Assistance Requests

Lake Madison Development Association - Martin Jarrett, a member of the Lake Madison Development Association (LMDA) presented a request for District cost-share assistance. LMDA is proposing to create a program that would provide landowners within the Lake Madison watershed with a one-time incentive payment when they enroll land in USDA Conservation Reserve Program, or related best management plan (BMP) programs. They are specifically targeting riparian areas along lakes, streams and other water bodies in the watershed. He noted that ongoing efforts by the Big Sioux River Project and other programs have demonstrated the critical importance of such areas in protecting and restoring the water quality. LMDA has identified up to \$20,000 of their own funds for this effort, and they are requesting a one-to-one (1:1) match from East Dakota.

Mr. Jarrett stated that in order for a landowner to be eligible for a payment through the program, the parcel in question would need to meet three criteria. First, it must comprise a minimum of 40 acres in total area. Second, it must be located within one-quarter mile of a lake, stream or wetland within the Lake Madison watershed. Finally, it would need to be determined by the LMDA, in consultation with District staff, that the proposed BMP has a reasonable chance of providing a water quality benefit.

The Manager noted that at the proposed LMDA payment rates, the funds would be sufficient to support the enrollment of 800 acres, a substantial number at a time when there are a wide range of comparable incentive programs available.

Motion by Hawley, seconded by Kappel to provide District cost-share assistance of up to \$20,000 to the Lake Madison Development Association in support of their proposed watershed protection and restoration efforts as requested. The Manager noted that he would work with Mr. Jarrett to develop a protocol for evaluating potential land parcels, along with an agreement with the recipients of program funds. Motion carried unanimously.

City of Sioux Falls - 2023 Big Sioux River & Sustainability Summit - The Manager presented a request from the City of Sioux Falls for District cost-share assistance in support (sponsorship) of the 2023 Big Sioux River & Sustainability Summit, to be held on December 7th at the Sioux Falls Convention Center. The District has sponsored this event at the \$500 level since its inception in 2013.

Motion by Hawley, seconded by Duffy to provide \$500 in sponsorship support of the 2023 Big Sioux River & Sustainability Summit, and to authorize expenditure of the funds. Motion carried unanimously.

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SDSU Water Resources Institute - 2023 Eastern South Dakota Water Conference - The Manager presented a request from the Water Resources Institute at South Dakota State University for District cost-share assistance in support (sponsorship) of the 2023 Eastern South Dakota water Conference, to be held October 11th at the McCrory Gardens Education & Visitor Center in Brookings.

Motion by Moes, seconded by Donovan to provide \$450 in sponsorship support of the 2023 Eastern South Dakota water Conference, and to authorize expenditure of the funds. Motion carried unanimously.

United States Geological Survey Gaging Station Agreement - The Manager presented a proposed joint funding agreement (JFA) between the District and the United States Geological Survey (USGS) for support of stream gaging activity for Federal Fiscal Year (FFY) 2024 (October 2023 - September 2024).

During FFY 2023, the District provided cost-share assistance through the USGS Dakota Water Science Center for one gage, on the Big Sioux River near Bruce, at a cost of \$9,140. The proposed FFY 2024 JFA would be for a continuation of support for this gage, at a cost of \$9,370. No new gage sites have been proposed. The Manager requested Board approval of the FFY 2024 JFA for the Bruce gaging station.

Motion by Donovan, seconded by Kappel to approve the FFY 2024 JFA with the USGS Dakota Water Science Center for \$9,370, in support of the Big Sioux River near Bruce gage, and to authorize the Manager to execute the JFA. Motion carried unanimously.

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Adjournment

There being no further District business, Chairman Anderson declared the meeting adjourned at 12:20 p.m.

Spencer Hawley, Secretary

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RESOLUTION 23-1

RESOLUTION PROVIDING THAT A TAX BE ASSESSED AND LEVIED ON ALL TAXABLE PROPERTY IN THE EAST DAKOTA WATER DEVELOPMENT DISTRICT

WHEREAS, Section 46A-3E-1 of the South Dakota Codified Laws provides, “A water development district board of directors may levy taxes, not to exceed thirty cents per thousand dollars of taxable valuation in the district, for accomplishment of the purposes of chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2. If an area is included in more than one water development district, that area's tax levy payable to each of the water development districts shall be determined by multiplying the greater of the overlapping water development districts' levies by each water development district's taxing fraction. Each water development district's taxing fraction is determined by dividing that water development district's proposed tax levy for the overlapped area by the sum of all water development districts' levies for the overlapped area. Any water development district for which boundaries are revised under §§ 46A-3A-2 to 46A-3A-7.1, inclusive, is not considered a new taxing district. If any water development district levied a tax pursuant to chapter 10-13 in a manner used by a new taxing district for taxes payable in 2010, such water development district shall revert to the amount of revenue payable to the district for taxes payable in 2009 including any excess levy approved pursuant to § 10-13-36 before July 1, 2002. The water development district may adjust the maximum amount of revenue payable for property taxes based on the growth and index factor for each year thereafter. Any excess levy approved by the water development district pursuant to § 10-13-36 before July 1, 2002, is null and void”; and

WHEREAS, Section 46A-3E-13 of the South Dakota Codified Laws provides, “Appropriate officials shall extend the levy or special assessments upon the tax list of the county, municipality, or other appropriate tax paying entity for the tax year against each description of taxable property or, in the case of special assessments, against each description of taxable property to be specially assessed within the water development district in the same manner and with the same effect as other taxes and assessments are extended, including the authority, requirements, and procedures contained in chapter 9-43”; and

WHEREAS, Section 46A-3E-14 of the South Dakota Codified Laws provides, “Appropriate tax collecting officials shall collect all water development district taxes and assessments, together with interest and penalty thereon, if any, in the same manner as the general taxes and assessments are collected and shall pay over monthly to the water development district treasurer all taxes so collected during the preceding month, with interest and penalties, and shall immediately notify the secretary of the water development district of such payment. The water development district treasurer shall immediately enter these receipts to the credit of the depository accounts designated by the water development district board of directors pursuant to § 46A-3E-10”; and

WHEREAS, the East Dakota Water Development District boundary includes all of the lands within Brookings, Codington, Deuel, Grant, Hamlin, Kingsbury, Lake, Lincoln (Sioux Falls only), Miner (eastern one-half), Minnehaha, and Moody; and

WHEREAS, the East Dakota Water Development District Board of Directors, at a meeting in Brookings, South Dakota, on September 21st, 2023, adopted a budget of \$1,868,700 for the calendar year 2024 and which is hereby attached and incorporated by reference; and

WHEREAS, an estimated \$948,700 of said budget is to be raised by a tax on taxable valuation in the East Dakota Water Development District;

NOW, THEREFORE BE IT RESOLVED, that pursuant to Chapter 46A-3A to 46A-3E, inclusive, of the South Dakota Codified Laws, the county auditor in each of the following counties of Brookings, Codington, Deuel, Grant, Hamlin, Kingsbury, Lake, Lincoln (Sioux Falls only), Miner, Minnehaha, and Moody within East Dakota Water Development District, be instructed to extend the following tax levy in dollars, not to exceed the limits established in Chapter 46A-3E of the South Dakota Codified Laws for collection in 2024 to wit:

COUNTIES	REAL PROPERTY TAX LEVY
Brookings	\$78,634
Codington	\$75,202
Deuel	\$21,627
Grant	\$27,470
Hamlin	\$28,906
Kingsbury	\$32,118
Lake	\$44,503
Lincoln (Sioux Falls only)	\$122,796
Miner	\$9,507
Minnehaha	\$484,209
Moody	\$23,728

Said tax levy is to be extended against all taxable property in the county including municipalities, within:

1. Minnehaha, Moody, Lake, Kingsbury, Brookings, Hamlin, Deuel, Codington, and Grant Counties;

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- 2. Grafton, Belleview, Adams, Henden, Howard, Clearwater, Canova, and Vermillion townships in Miner County; and
- 3. all municipalities that are wholly or partially within the included area or that are contiguous to the included area; in the same manner and with the same effect as other taxes are extended; and

BE IT FURTHER RESOLVED, pursuant to Section 46A-3E-14 of the South Dakota Codified Laws, the county treasurer in each of the counties within the said East Dakota Water Development District be instructed to collect said real property taxes and pay over such collection of money to the East Dakota Water Development District each month for deposit in the First National Bank of Brookings, the local depository for the District; and

BE IT FURTHER RESOLVED, pursuant to Section 46A-3E-12 of the South Dakota Codified Laws, the secretary of the East Dakota Water Development District is hereby instructed to send a certified copy of this resolution adopting this annual tax levy to be made against 2023 taxable property valuation, and a certified copy of the budget for 2024 as approved by the Board of Directors, to each county auditor and each county treasurer within the East Dakota Water Development District and to the State Secretary of Revenue.

Dated this 21st day of September, 2023, with the approval of the East Dakota Water Development District Board of Directors.

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Mark Anderson, Chairman
East Dakota Water Development District

Jay P. Gilbertson, Treasurer
East Dakota Water Development District