

MINUTES

North Dakota State Water Commission
Bismarck, North Dakota

September 10, 1984

The North Dakota State Water Commission held a meeting on September 10, 1984, in the State Office Building, Bismarck, North Dakota. Acting Chairman, Vernon Fahy, called the meeting to order at 2:30 p.m. and presented the agenda.

MEMBERS PRESENT:

Florenz Bjornson, Member from West Fargo
Alvin Kramer, Member from Minot
Guy Larson, Member from Bismarck
Ray Hutton, Member from Oslo, Minnesota
Henry Schank, Member from Dickinson
Bernard Vculek, Member from Crete
Vernon Fahy, State Engineer and Secretary, North Dakota
State Water Commission, Bismarck

MEMBERS ABSENT:

Allen I. Olson, Governor-Chairman
Kent Jones, Commissioner, Department of Agriculture, Bismarck
Garvin Jacobson, Member from Alexander

OTHERS PRESENT:

State Water Commission Staff Members
Approximately 10 persons interested in agenda items

The attendance register is on file in the State Water Commission offices (filed with official copy of minutes).

The meeting was recorded to assist in compilation of the minutes.

CONSIDERATION OF MINUTES
OF JULY 23, 1984 MEETING -
APPROVED

The minutes of the July 23, 1984 meeting were approved by the following motion:

It was moved by Commissioner Kramer, seconded by Commissioner Schank, and unanimously carried, that the minutes of July 23, 1984 be approved as presented.

PROGRESS REPORT ON
SOUTHWEST PIPELINE
PROJECT
(SWC Project No. 1736)

At the Commission's July 23, 1984 meeting, an interest was expressed to view slides taken during the construction of the WEB Project in South Dakota which has similar aspects to the Southwest Pipeline Project. Mr. Bruce McCollom distributed handouts on the South Dakota project and gave a slide presentation.

Secretary Fahy reported on the recent action taken by the Supreme Court in dealing with the question of the constitutionality of the method of financing that has been proposed for the Southwest Pipeline Project. The Supreme Court ruled that tax funds from any source cannot be used for financing of these projects which would increase the indebtedness over \$2 million.

Secretary Fahy indicated that the staff is looking at alternative methods of financing the project and an analysis of the options available will be presented to the Commission members for their consideration at the September 28, 1984 meeting.

Mr. Robert Dorothy, Project Manager for the Southwest Pipeline Project, reported that the Great Plains Land Service Company of Bismarck has been selected as the firm to obtain the easements for the pipeline.

CONSIDERATION OF PROPOSED
RESOLUTION RELATIVE TO
UNITED STATES/CANADIAN
DRAINAGE RECIPROCITY

At the Commission's July 23, 1984 meeting, Mr. William Guy presented to the Commission members for their consideration a resolution that would request the North Dakota Congressional Delegation to prepare legislation to take whatever action is necessary to bring about a condition and atmosphere of upstream and downstream reciprocity in the United States/Canadian drainage so that the water resource development in northern and east-central North Dakota can again go forward and the United States can again consider the possible benefits to this country of the use of Canadian hydroelectric power. Governor Olson responded to the resolution by appointing a subcommittee consisting of Commissioner Kramer, Chairman, and Commissioners Bjornson and Hutton to review the resolution.

Secretary Fahy stated the draft resolution expresses North Dakota's concerns over the pending agreement between Canada and the Western Area Power Administration (WAPA) to bring low cost power into North Dakota which would undercut North Dakota's energy production and employment. He also noted that the resolution makes reference to Manitoba's position on Garrison.

Secretary Fahy stated that in his discussions with the United States Consulate General to Canada, Lillian Mullin, he was advised that submitting a resolution such as has been drafted could have some adverse effects on the new Canadian Government, and it was her suggestion that if North Dakota has a concern over the pending

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agreement with Canada and WAPA to put low cost power into North Dakota thus undercutting North Dakota's energy production and employment that concern should be addressed directly to the Department of Energy. No action was taken by the Commission on this portion of the resolution.

Commissioner Kramer indicated that his subcommittee felt the resolution should make reference only to Manitoba rather than the Canadian Government. He also stated that presently there is an agreement between a private North Dakota utility and the Canadian Government for power and that a resolution such as drafted could have an effect on the agreement. He noted the Commission's resolution should make reference to the Canadian drainage rather than hydroelectricity.

Commissioner Larson stated that he doesn't think the State Water Commission may be the agency to act as the consumer advocate for the public on lower power rates, and if the Commission is going to adopt a resolution it should accomplish and point out the sacrifices made in our efforts to be friendly with Canada.

It was moved by Commissioner Kramer, seconded by Commissioner Bjornson, and unanimously carried, that the State Engineer and staff be directed to prepare an alternate resolution making specific reference to drainage in Canada rather than to Canadian hydropower for the Commission's consideration at the September 28, 1984 meeting.

CONSIDERATION OF PROPOSED
RESOLUTION RELATIVE TO
DOWNSTREAM STATES

At the Commission's July 23, 1984 meeting, Mr. William Guy presented to the Commission for their consideration a draft resolution that would request the North Dakota Congressional Delegation to prepare legislation which would levy federal downstream navigation fees and flood protection taxes to raise the federal funds to complete upstream Pick-Sloan irrigation such as the Garrison Diversion Irrigation Project in North Dakota. Governor Olson had appointed a subcommittee consisting of Commissioner Larson, Chairman, and Commissioners Vculek, Schank and Jacobson to review the resolution and make recommendations to the Commission.

Commissioner Larson indicated we should not antagonize the people who have supported us downstream and that the resolution should be directed specifically at those who have not offered their support, such as the Missouri Conservation Commission, and others. He also suggested that a resolution should be sent directly to the Missouri Conservation Commission, rather than to the North Dakota Congressional Delegation, expressing our displeasure with the action they have taken. It was the consensus of the Commission members that no action be taken at this meeting and the State Engineer and staff be directed to rewrite the draft resolution incorporating Commissioner Larson's suggestions for the September 28, 1984 meeting.

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It was moved by Commissioner Larson, seconded by Commissioner Schank, and unanimously carried, that the State Engineer and staff be directed to prepare an alternate resolution for the Commission's consideration at the September 28, 1984 meeting which would make specific reference to the Missouri Conservation Commission and others, and that such a resolution would be forwarded directly to that Commission.

CONSIDERATION OF REQUESTS
FOR COST SHARING IN FLOODPLAIN
MANAGEMENT STUDIES FOR CITIES
OF CASSELTON AND HAMILTON
(SWC Project No. 1751)

Secretary Fahy presented a request to be considered by the Commission for cost sharing which would provide the community of Casselton with additional detailed topographic maps which delineates the

100-year floodplain. This would be the second phase of the mapping project. The maps will enable the city to implement its floodplain management ordinances. The total cost of this phase of the project is \$4,100, to be split 75 percent state funds and 25 percent local funds. The state's share would be \$3,075.

It was the recommendation of the State Engineer that the Commission approve cost sharing in an amount not to exceed \$3,075, contingent upon the availability of funds.

It was moved by Commissioner Schank, seconded by Commissioner Bjornson, and unanimously carried, that the State Water Commission approve cost sharing in an amount not to exceed \$3,075 for a second phase of a floodplain management project for the city of Casselton. This motion shall be contingent upon the availability of funds.

Secretary Fahy presented a request for the Commission's consideration to cost participate in a floodplain management project for the city of Hamilton to determine the extent and magnitude of the city's flood problem. The cost of the project is \$16,000. The Soil Conservation Service will pay 80 percent, or \$12,800, and the local share is 20 percent, or \$3,200. The State Water Commission is requested to cost participate in 40 percent, or \$1,280, of the local cost. The remainder is to be shared by the Pembina County Water Resource Board and the city of Hamilton.

It was the recommendation of the State Engineer that the Commission cost participate in 40 percent of the local share of the project not to exceed \$1,280, contingent upon the availability of funds.

It was moved by Commissioner Schank, seconded by Commissioner Bjornson, and unanimously carried, that the State Water Commission approve cost participation for a floodplain management project

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for the city of Hamilton in 40 percent of the local costs not to exceed \$1,280. This motion shall be contingent upon the availability of funds.

CONTINUED DISCUSSION OF
SHEYENNE RIVER FLOOD
CONTROL PROJECT
(SWC Project No. 1344)

Baldhill Dam aspect again during the continued planning and engineering studies to evaluate the concerns expressed by the citizens of the upper Sheyenne community.

Secretary Fahy indicated that correspondence has been received from the Department of the Army in which the Corps of Engineers has expressed their intent to examine the

CONSIDERATION OF AGENCY
FINANCIAL STATEMENT

of the current fiscal position, the agency is within the limitations imposed by the Legislature.

Matt Emerson distributed and discussed the agency's financial statement and indicated that in terms

September 6, 1984, a hearing was held on the agency's proposed 1985-1987 budget before the Office of Management and Budget.

Mr. Emerson indicated that on

It was moved by Commissioner Schank, seconded by Commissioner Bjornson, and unanimously carried, that the financial statement be accepted as presented.

NATIONAL WATER RESOURCES
ASSOCIATION ANNUAL CONFERENCE

ence in Phoenix, Arizona, on November 11-14 and said that agency travel funds would permit at least three of the Commission members to attend. The other four Commission members could then attend the summer NWRA Board meeting if they so desired.

Secretary Fahy stated that the National Water Resources Association will hold its annual confer-

DISCUSSION RELATIVE TO
DRAINAGE PROBLEMS IN
GRAND FORKS AND WALSH
COUNTIES
(SWC Project Nos. 1105 and 1252)

have adverse effects on the flood flows in the Valley. Commissioner Hutton indicated that this problem does require immediate attention and requested assistance from the Commission.

Commissioner Hutton discussed with the Commission members problems involving the Soo Line Railroad noting that the railroad is in the process of raising the grade in the Red River Valley which will in turn

Secretary Fahy stated he did not feel the State Water Commission could take a position at this time, however, the Grand Forks County Water Resource Board would be a damaged entity and there is a possibility that the Water Resource Board could

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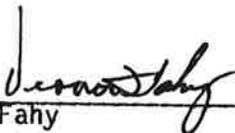
initiate injunctive proceedings which would allow the State Water Commission to then become involved in support of such proceedings, if the State Water Commission has no objections.

After discussion, it was agreed by the Commission members that the legal staff for the State Water Commission prepare a letter to the Grand Forks County and Walsh County Water Resource Boards, with a copy to the Minnesota Department of Natural Resources, relative to an injunction against further building by the Soo Line Railroad from Fordville to Oslo, Minnesota, and from Oslo east.

There being no further business to come before the Commission at this time, it was moved by Commissioner Kramer, seconded by Commissioner Bjornson, and unanimously carried, to adjourn the meeting at 4:50 p.m.


Allen I. Olson
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

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